

ZONING

138 Attachment 1

APPENDIX

Existing Planned Unit Developments

EASTLINE COMMONS PLANNING UNIT DEVELOPMENT DISTRICT

Section 1. Title of the proposed amended Planned Unit Development District (PUDD). This local law shall be known as No. 2 of 2007 of the Town of Ballston amending the Zoning Ordinance of the Town of Ballston as adopted July 1985, providing for the modification of a Planned Unit Development District #3 (formerly PUDD #1) to be known as "Eastline Commons."

Section 2. The Zoning Ordinance of the Town of Ballston as adopted July 1985 and the Zoning Map of the Town of Ballston set forth therein and made a part thereof are amended by changing from the existing PUDD #3 as hereinafter described and creating within the boundaries of said newly described area a Planned Unit Development District to be known and described as "Eastline Commons."

Section 3. The area of Eastline Commons shall consist of approximately $40.87 \pm$ acres in the Town of Ballston and is bounded and described as set forth in Appendix A (legal description)¹ and Appendix B (sketch plan)², attached hereto, and made a part hereof. The area is located on the northwesterly corner of the intersection of N.Y.S. Route 67 and Eastline Road. An area has been set aside by an easement for a Town of Ballston Gateway sign at the northwest corner of the intersection.

Section 4.

- A. The development of the Eastline Commons Planned Unit Development District concept plan has been presented to the Town Board and is described according to a diagram attached hereto as Appendix B. The exact location of the improvements shown on the sketch plan may be modified, altered or amended during the site plan review by the Planning Board.
- B. Lands set forth in Appendix B, attached hereto, and made a part hereof shall be developed in the following manner:
 - (1) Division of the $40.87 \pm$ acre parcel into five use areas, with approximately sizes of $4.46 \pm$ acres for Area A, $3.45 \pm$ acres for Area B, $9.14 \pm$ acres for Area C, $8.06 \pm$ acres for Area D, and $10.06 \pm$ for Area E. The remaining land area is open space of approximately $5.7 \pm$ acres. Development within Area E has been built or has received site plan approval.

¹ Editor's Note: Appendix A is included at the end of this Appendix.

² Editor's Note: Appendix B is on file in the office of the Town Clerk.

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- (2) Area A so created shall consist of up to 22 lots and no more than 21 living units consisting of townhouses, duplexes, condominiums and single-family homes, with or without in-law apartments, with minimum lot sizes of 1,500 square feet.
 - (3) Areas B and C so created shall consist of two mixed-use areas with the maximum combined allowable building area not to exceed 160,000 square feet of enclosed building space. Area B so created shall consist of up to 80 multiple-family dwellings and/or office space. Area C so created shall consist of multiple-family dwellings, office space and/or retail business of which no more than 55,000 square feet of enclosed building space can be utilized for retail business in Area C only. The allowance for land uses in areas B and C and D may increase or decrease by 20% but total enclosed building space shall not exceed 210,000 square feet.
 - (4) Area D so created shall consist of two lots of $8.06 \pm$ acres and up to 50,000 square feet of additional, enclosed building space for office or light industrial land uses.
 - (5) Area E previously created shall consist of four lots of $10.06 \pm$ acres with existing or approved buildings for offices or light industrial land uses.
- C. Five paved entrance drives shall service the PUDD as follows: one existing access drive along New York State Route 67; two access drives along Eastline Road, one existing and a second at a location to be determined during site plan review with the Planning Board. The remaining access drives along Commerce Drive exist, have been approved or will be reviewed by the Town of Ballston Planning Board.

Section 5.

- A. Allowable uses within Area A of Eastline Commons shall occur on no more than 22 lots (21 lots for dwelling units and one common area lot) and be limited to the following:
- (1) Townhouses, duplexes, or condominiums.
 - (2) Senior living communities.
- B. Allowable uses within Area B of Eastline Commons shall include the following:
- (1) Up to 80 multiple-family dwellings, apartments or condominiums.
 - (2) Offices/services: Business, professional, medical, governmental, and/or financial.
 - (3) Business signs for businesses that are located within Eastline Commons.
 - (4) Public utility structures.
 - (5) Senior living communities.
 - (6) Day-care facilities.

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- (7) Entertainment center/movie theatre.
- (8) Health spa/fitness center.
- (9) Churches.
- (10) Schools.

C. Allowable uses within Area C of Eastline Commons shall include the following:

- (1) Senior living communities.
- (2) Multiple-family dwellings, apartments or condominiums.
- (3) Retail businesses with or without a drive-through window.
- (4) Offices/services: business, professional, medical, governmental, and/or financial.
- (5) Entertainment center/movie theatre.
- (6) Health spa/fitness center.
- (7) Business signs for businesses that are located within Eastline Commons.
- (8) Public utility structures.
- (9) Day-care facilities.
- (10) Restaurants with or without a drive-through window and/or outside dining.
- (11) Pharmacies with or without a drive-through window.
- (12) Financial institutions with or without a drive-through window.
- (13) Churches.
- (14) Schools.

D. Allowable uses within Area D of Eastline Commons shall include the following:

- (1) Light-industrial businesses.
- (2) Offices: business, professional, medical, governmental, and/or financial.
- (3) Business signs for businesses that are located within Eastline Commons.
- (4) Public utility structures.

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- E. Any uses that are not identified above that exhibit undue noise, lights and odors in excess of those typically associated with the uses identified in Section 5A through D above shall not be permitted.

Section 6.

- A. All establishments within Eastline Commons shall be interconnected to the Town of Ballston municipal water supply facilities. All water facilities will be designed and constructed in accordance with the standards of the Town of Ballston municipal water system. The cost of constructing the additional infrastructure needed to supply water to the Eastline Commons Commercial/Residential PUDD will be the sole responsibility of the developer.
- B. All establishments within Eastline Commons shall be connected to municipal sanitary sewer facilities. All sewer facilities within Eastline Commons will be designed and constructed in accordance with the standards of the Saratoga County Sewer District No. 1. The developer agrees to offer for dedication to the Saratoga County Sewer District No. 1 all completed sewer facilities at no cost to the Saratoga County Sewer District No. 1. The cost of constructing the additional infrastructure needed to connect the properties within the Eastline Commons PUDD to the municipal sewer system will be the sole responsibility of the developer.
- C. The developer/builder shall certify to the Town of Ballston that all required connections fees and associated fees for connection to the sanitary sewer services have been paid in full. No certificates of occupancy shall be granted without such certification.

Section 7.

- A. All construction shall comply with the N.Y.S. Fire Protection and Building Code.³ All plans for building construction or site development shall be prepared by a licensed architect, professional engineer, landscape architect or exempt land surveyor in accordance with the requirements of the N.Y.S. Education Law. All construction shall be subject to inspection by the Town Building Inspector, Town Engineer and Town Highway Superintendent, as may be applicable.
- B. Prior to issuance of a building permit, a plot plan prepared by a licensed land surveyor is to be submitted indicating the following:
 - (1) Proposed building location, with front, rear and side yard setbacks.
 - (2) Proposed garage floor elevation for residential properties. Garage floor elevation should be a minimum of 18 inches above the road center-line elevation. Should the proposed garage and first floor elevation deviate from what is indicated on the approved subdivision plans, a proposed grading plan for that particular lot may be required for review, as determined by the Building Inspector. Grading of the parcel is to be consistent with the intent of the grading shown on the approved subdivision plan so that stormwater runoff from the parcel does not impact adjoining parcels.

³ Editor's Note: See Ch. 62, Fire Prevention and Building Construction.

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- C. Upon placement of foundation, and prior to framing of the structure, a foundation location survey prepared by a licensed land surveyor showing an actual field foundation location with dimensions to property lines and street right-of-way, along with the garage floor elevation and center-line of road elevation opposite the driveway, must be submitted to Building Department.

Section 8.

- A. Construction in Area A shall begin within 36 months of final site plan approval and issuance of all required permits and may occur in phases as shown on the sketch plan or as otherwise approved by the Town Planning Board. Included in the above-mentioned thirty-six-month period are the original twenty-four-month period and one additional twelve-month extension. Once construction in any area of the PUDD begins, the PUDD classification shall be considered permanent.
- B. The developer will be permitted building permits for up to three model homes, one single-family dwelling, one townhouse and one duplex but no certificate of occupancy will be issued for the said model homes until all the requirements regarding Area A of this ordinance have been met; all model home units to be built in accordance with subdivision engineering plans and specifications, including grading, as approved by the Town of Ballston Planning Board.
- C. A parks and recreation fee of \$1,000 shall be paid for each single-family unit built prior to the issuance of any certificates of occupancy. A parks and recreation fee of \$1,000 shall be paid for each commercial lot prior to the issuance of any certificates of occupancy.

Section 9. All main roads to be dedicated to the Town, drainage easements and rights-of-way shall be constructed by the developer and shall be in accordance with the Town Building Code⁴ and Subdivision Regulations⁵ and shall be offered without cost to the Town of Ballston for public use. Any required improvements shall be completed as a condition of site plan approval.

Section 10. Eastline Commons does not, at the time of adoption, include any dedication of open space/recreation areas to the Town or nonprofit entity (homeowner's associations) or future dedication of lands for future public use; i.e., schools, fire station, etc., other than the future Town road right-of-way for Area A only.

Section 11. Uses permitted in the Eastline Commons are set forth in Section 5, above. The applicant(s) for any development proposals within the PUDD shall follow the procedures of the Town, including but not limited to the Site Plan Review Ordinance⁶ and the Subdivision Regulations⁷ at the time of enactment of this PUDD. No use shall be permitted except as approved by the Town Planning Board as being in conformity with this local law. All development and use of the property within the Eastline Commons PUDD shall be in accordance with Supplementary Regulations for the Eastline Commons PUDD contained herein as Appendix C.

⁴ Editor's Note: See Ch. 62, Fire Prevention and Building Construction.

⁵ Editor's Note: See Ch. 104, Subdivision of Land.

⁶ Editor's Note: See Ch. 138, Zoning, Art. XXXII.

⁷ Editor's Note: See Ch. 104, Subdivision of Land.

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Section 12. The developer shall, in accordance with the Site Plan Review Ordinance and Subdivision Regulations, submit plans for approval of each area (A, B, C, and D) of construction prior to the issuance of a building permit.

Section 13.

- A. Except as herein permitted, the uses permitted in Area A of Eastline Commons shall be limited to single-family dwellings with or without in-law apartments, townhouses, condominiums and duplexes with a maximum of 21 living units. No further subdivision beyond the 22 lots shall occur, and lot maps shall be filed in the Saratoga County Clerk's office defining the lot lines including the common party wall in the case of the townhouse lots.
- B. Except as herein permitted, deed restriction, restricting the cutting of vegetation on portions of lots in Area A of Eastline Commons, as shown on Appendix A, and as established during the site review process by the Planning Board, shall be included in the approving resolution from the Planning Board. Additional requirements placed on Area A would be as follows:
 - (1) There shall be no clear-cutting of trees, use of fertilizers, grazing of domestic animals, or disturbance or change in the natural habitat in any manner. The cutting and removal of dead, damaged or fallen trees shall be permitted.
 - (2) There shall be no storage or dumping of ashes, trash, garbage, or other unsightly or offensive material, hazardous substance, or toxic waste, nor any placement of underground storage tanks.
 - (3) In all matters regarding zoning of residential property, the existing Town of Ballston Zoning Ordinance will take precedence and prevail.

Section 14. Phase I, as defined by the application for modification, is approved for up to 95,890 square feet of building space, and 22 lots (21 residential building lots and one common area lot) for single-family dwellings, with or without in-law apartments, duplexes, townhouses, or condominiums, with no more than 55,000 square feet of retail use, or an equivalent amount of generated vehicle trips as indicated in the traffic analysis (dated December 8, 2006) submitted with application for modification without additional mitigation. Phase II traffic impacts will be evaluated during site plan review by the Town Planning Board.

Section 15. This local law shall take effect upon filing with the Secretary of State.

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Appendix C
Supplementary Regulations for the Eastline Commons PUDD

1. General Purpose of conditions. These supplementary regulations are intended to ensure the continuing appreciation of property values through the creation of an aesthetically pleasing and harmonious environment for each area (A, B, C, and D) of Eastline Commons. They address a full spectrum of site planning and design.
2. Site and Building. All site development plans within Eastline Commons shall be submitted for approval to the Town of Ballston Planning Board for site plan review prior to construction. Minimum submittals for approval shall be as follows:
 - A. Site plan, including proposed parking lots, ADA compliance, curbing, landscape materials, easements, building footprint, setbacks, buffers, surface drainage, sewer, water, gas, other utilities, stormwater system, accessory buildings, lighting, signage and other site amenities.
 - B. Plans and details including:
 - Plant materials.
 - Handicapped access.
 - Special pavers.
 - Concrete walks and asphalt pavements.
 - Curbs and walls.
 - Utilities, site lighting.
 - Dumpster enclosures, trash receptacles.
 - Steps and railings.
 - Signs, flags and seating.
 - Screens, fences and gates.
 - C. Exterior building elevations (including accessory structures) showing all building facades, colors, materials for facades, roof and parapets, and mechanical equipment locations and screens.
 - D. Floor plans showing main entrance, loading areas and handicapped accessibility.
 - E. All proposed structures and site developments shall be designed to meet these regulations as well as the specific requirements contained herein.
3. Site restrictions.
 - A. Property line setbacks, Area A:

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- (1) No principal buildings or accessory structures shall be permitted within the following setbacks:

	Single-Family/ Duplex Lots (feet)	Townhouse/ Condominium Lots (feet)	Accessory Structures (feet)
Front yard	0	0	N/A
Side yard	10	0	10
Rear yard	10	10	6
Party wall	N/A	0	N/A
Building height	40	40	15

- (2) The minimum lot width at the building line for single-family and duplex residences will be no less than 60 feet, and the minimum lot width at the building line for the townhouse and condominium residences will be no less than 20 feet.
- (3) With respect to townhouse structures, there shall be a zero lot line at the common party wall.
- B. Property line setbacks, Areas B, C, and D: No principal buildings or accessory structures shall be permitted within the following setbacks:
- (1) Front yard: 15 feet to 32 feet.
- (2) Side yard: zero feet.
- (3) Rear yard: 15 feet.
- C. Building height, Area A:
- (1) Principal buildings shall be no more than 40 feet in height.
- (2) Accessory structures shall be no more than 25 feet in height.
- D. Building height, Areas B, C and D:
- (1) Principal buildings and accessory structures with flat roofs shall be no more than 50 feet in height as measured from the highest point of the roof.
- (2) Principal buildings and accessory with sloped roofs shall be no more than 50 feet in height as measured from the average distance between the ridge and the eave.

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- (3) Appurtenant building components such as chimneys, clock towers, parapet walls, steeples, etc., shall be no more than 60 feet in height.
- E. Roadways and sidewalks, all Areas (A, B, C, and D):
- (1) All pavement, roadways, driveways, linking areas and parking lots shall be constructed with asphalt, concrete, or brick pavers.
 - (2) Concrete, granite, or integral asphalt wing curbing shall be used at all entrance roadways (not driveways) at least to the front yard setback line.
 - (3) All sidewalks shall be concrete or brick pavers.
- F. Landscape requirements.
- (1) Area A: Landscape requirements, if any, shall be the same as referenced in the Town of Ballston Zoning Ordinance⁸ for residentially zoned areas.
 - (2) Areas B, C, and D: All portions of land not utilized for buildings, loading and parking area, or accessways shall be landscaped pursuant to the following standards or maintained in a natural state.
- G. Landscape plans and plantings.
- (1) Area A: Landscape plans and plantings, if required, shall be the same as referenced in the Town of Ballston Zoning Ordinance for residentially zoned areas.
 - (2) Areas B, C, and D: The landscape plan for any parcel to be developed shall provide the following:
 - (a) Natural features such as existing trees, shrubs, wood lots, wetlands, and other outstanding vegetation shall be preserved and incorporated into the open space area to as great an extent as practical. The landscape plans should identify natural vegetation to be retained after development.
 - (b) Parking areas, loading areas, storage tanks, accessory structures, garages, transformers, gas meters, refuse containers, and other similar pieces of outdoor equipment shall be screened from public roads with existing or planted trees and shrubs.
 - (c) Landscaping around buildings and facilities shall be given special attention in the landscape plan. The applicant shall have flexibility in selecting a landscape plan, provided that it complements the site and the facilities upon it and achieves a harmonious and aesthetically pleasing fit with the natural environment.

⁸ Editor's Note: See Ch. 138, Zoning.

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- (d) Minimum height for evergreen trees shall be five feet.
 - (e) Plantings should be a balance of evergreen and deciduous trees and shrubs and all plants shall be hardy under the microclimatic conditions of the site.
 - (f) Space for a Town entry sign shall be provided in the area of the corner at the intersection of Eastline Road and NYS Route 67.
- H. Seeding and topsoil, all areas (A, B, C, and D): The owner occupant of any lot with disturbed areas shall be required to topsoil and seed all areas not occupied by buildings, pavement or otherwise landscaped.
- I. Site lighting.
 - (1) Area A: Lighting shall be as referenced in the Town of Ballston Zoning Ordinance, Article XVIII relating to lighting.
 - (2) Areas B, C, and D:
 - (a) Site lighting shall be architecturally coordinated for the three levels of lighting:
 - [1] Driveway lighting.
 - [2] Parking lot lighting.
 - [3] Building-mounted or bollard accent lighting.
 - (b) Parking lot lighting shall be cut-off type to illuminate only the property on which the lights are installed.
 - (c) All wall-packs shall have glare-reducing shields.
 - (d) Maximum light height shall be 35 feet above grade level.
 - (e) Nighttime lighting levels shall be reduced to the minimum practicable and shall be restricted at the discretion of the Town Planning Board.
- J. Signage.
 - (1) Areas A and B: Signage shall be as referenced in the Town of Ballston Zoning Ordinance, Article XVI relating to signs.
 - (2) Areas C and D:

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- (a) Signage shall be architecturally coordinated (including size, color, shape, texture, materials, and lettering style) and subject to approval by the Planning Board in general accordance with the Town of Ballston Zoning Ordinance, Article XVI relating to signs.
- (b) Building-mounted signage shall be permitted by approval of the Planning Board.
- (c) Signage shall be mounted so that no portion of sign projects above any portion of building facade or awning on which it is mounted, or above any cornice line where roof slopes beyond.
- (d) All signs shall be set back a minimum of 10 feet from a property line.
- (e) No neon signs shall be permitted.
- (f) The lighting of the signs shall be in a manner approved by the Planning Board.

K. Fencing/screening.

- (1) Areas A and B: All fencing shall be prohibited within 30 feet of the front property line of each lot except for minor decorative fencing.
- (2) Areas C and D: Screening shall be by fencing, lawn berms, shrubs, decorative walls, trees, or other approved landscape materials.

L. Parking requirements.

- (1) Areas A and B: The minimum number of parking spaces shall be as referenced in the Town of Ballston Zoning Ordinance for single-family dwellings.
- (2) Areas C and D:
 - (a) Residential. Required parking shall be 1.5 spaces per residential unit.
 - (b) Nonresidential. Determine the net leasable square footage, multiply that figure by 0.1; subtract that number from the net leasable square footage; divide that number by 300 square feet to determine the number of parking spaces required.

M. Refuse and outside materials storage.

- (1) Area A: When necessary to store articles, goods, or materials in the open upon any lot in Eastline Commons, the storage area shall not be permitted within the front portion of the lot, defined as the area between the front

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property line and a line drawn from the nearest corner of the building (to the front property line) and extending perpendicularly to the side lot lines.

- (2) Areas B, C, and D: Screening of refuse or storage areas shall be by fencing or walls together with berms, trees or shrubs.
- N. Open space/permeable area, all areas (A, B, C, and D): A minimum of 20% of the area shall be left as pervious including lawns and landscaped areas.
- O. Drainage, all areas (A, B, C, and D):
 - (1) During construction, all property owners must protect adjacent lands from runoff and silt.
 - (2) Any surface water collected by roofs, parking lots, or other man-made structures or surface water flowing from underdeveloped areas shall be handled on site. The site drainage plan shall set as its priority the attenuation of developed runoff such that the flood and erosion potential on and off the site is not greater than that which existed before site development.
 - (3) Each property owner will be responsible for drainage maintenance on its own land.
- P. Architectural restrictions:
 - (1) Areas A and B: Architectural restrictions, if any, shall be the same as referenced in the Town of Ballston Zoning Ordinance for residentially zoned areas.
 - (2) Areas C and D:
 - (a) Building height.
 - [1] Principal buildings and accessory structures with flat roofs shall be no more than 50 feet in height as measured from the highest point of the roof.
 - [2] Principal buildings and accessory with sloped roofs shall be no more than 50 feet in height as measured from the average distance between the ridge and the eave.
 - [3] Appurtenant building components such as chimneys, clock towers, parapet walls, steeples, etc., shall be no more than 60 feet in height.
 - (b) Building facades.

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- [1] In the case of building walls which are exposed to streets, they should be finished in an aesthetically appropriate fashion.
- [2] Principal building facades should be constructed with or veneered with cementitious masonry materials, including brick, stucco, E.I.F.S., stone or cedar siding or comparable wood siding such ornamental, decorative manufactured siding or vinyl siding and shall be subject to approval by the Town Planning Board.

(c) Roofs.

- [1] Roof slopes of three inches in 12 inches or greater are permitted to be exposed to view and shall be limited to the following materials:
 - Asphalt composition.
 - Galvanized metal.
 - Pre-painted metal.
 - Field painted metal.
 - Copper or other metals appropriate for roofing.
- [2] The pattern, color, texture, jointing design or fastening method of roofing material shall be subject to approval by the Town Building Department.
- [3] Where roof slopes are less than three inches in 12 inches, roofing materials are unrestricted, but building facade shall form a parapet so as to eliminate view of roofing materials.

Q. Miscellaneous requirements, Areas A and B. Accessory structures: Specific construction not permitted within front yard shall be the same as referenced in the current Town of Ballston Zoning Ordinance for residentially zoned areas.

R. Maintenance standards, Areas A and B. The following are not permitted within front yards:

- Accessories structures.
- Transformers, gas meters, or mechanical equipment.
- Gasoline re-fueling areas.
- Storage tanks.

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- Loading docks, dumpsters and utility service areas, trash receptacles, and storage yards.
- S. Maintenance standards, all areas (A, B, C, and D):
- (1) Environmental standards. All uses established within Eastline Commons shall be constructed, operated and maintained as to comply with all standards as established by the local, state, or federal agencies.
 - (2) Fire and explosion hazards. All uses, activities, and equipment involving handling, use, and storage of inflammable or explosive materials shall comply with all applicable local, state, and federal rules and regulations.
 - (3) Fissionable, radioactive or electrical disturbances.
 - (a) The use, handling, storage, discharge, and disposal of radioactive material or waste products are strictly prohibited in Eastline Commons.
 - (b) No activities shall be permitted which produce electrical and/or electromagnetic disturbances affecting the operation of any equipment other than that of the creator of such disturbance.
 - (4) Air emissions.
 - (a) Emissions to outdoor atmosphere shall be subject to the specific air quality standards and emissions limits set forth in the Federal Air Quality Act and the New York Air Pollution Control Rules and Regulations.
 - (b) No wood-burning stoves or wood-burning inserts shall be permitted.
 - (5) Refuse storage. Permanent or temporary below-ground disposal of refuse and other solid waste is prohibited. Temporary storage of refuse and other solid waste is permitted in typically used waste bins or receptacles, where such waste is regularly removed and disposed of in an approved landfill, resource recovery facility, or other repository approved by the New York State Department of Environmental Conservation.
 - (6) Disposal of sewage and waste. No waste material or refuse shall be dumped upon or permitted to remain upon any part of said property outside the building constructed thereon.
 - (7) Toxic and hazardous substances. Use, handling, storage, disposal, and transport of toxic and hazardous substances and industrial waste are strictly prohibited.

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- (8) The owner or lessee of any parcel within Eastline Commons shall at all times keep its premises, buildings, accessory structures, parking lots, access drives, storage yards, and all other improvement in a safe, clean, neat and sanitary condition and shall comply with all laws, ordinances, regulations, and codes pertaining to health, safety, and property maintenance. Each property owner or lessee shall provide for the removal of solid waste from its premises.
- (9) During construction, it shall be the responsibility of each property owner to ensure that construction sites are kept free of unsightly accumulations of waste materials and that construction materials, equipment, temporary structures, etc., are kept in a neat, orderly manner.
- (10) The property owner or lessee shall maintain all undeveloped land within the occupied parcel in a manner compatible with these maintenance standards.
- (11) All landscaping shall be maintained in a neat and healthy condition and in accordance with the standards set forth in "American Standards for Nursery Stock" (ANSI Z60.1-1986) of the American Association of Nurserymen and in accordance with accepted industry practice.

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Appendix A **H.R. Schultz Planned Unit Development District No. 1.**

NOTE: A 34± acre site, proposed to be rezoned planned unit development.

All that tract, piece of parcel of land situate in the Town of Ballston, Saratoga County N.Y., lying along the northerly side of N.Y.S. Route #67, along and westerly of East Line Road and being further bounded and described as follows:

Beg at a point in the northerly line of N.Y.S. Route 67 at the division line of lands N/F of Brookside Farms Inc. to the west and lands of Harold R. Schultz to the east and runs thence along said division line N 4°-57'-10"E 713.01' to a point in the northerly line of lands of Brookside Farms Inc.; thence along said northerly line N 74°-41'-40"W 318.56' to a point in the easterly line of lands N/F of Robert and Mary Duell; thence along said easterly line the following two courses N3°-07'-20"E 331.09' to a point and N4°-11'-00"E 935.45' to a point in the southerly line of lands N/F of Mararate Clemens; thence along said southerly line and the southerly line of lands N/F of William and Jean Herold S83°-48'-10"E 825.92' to a point in the westerly line of lands N/F of Grace and June Stewart; thence along said westerly line and the westerly line of lands N/F of Elmer F. Weed the following three courses S6°-11'-30"W 400.97' to a point; thence S5°-26'-10"W 1065.12' to a point; thence continuing southerly along a stone wall about 270 feet to a point in the southerly line of lands of said Elmer Weed; thence along said southerly line and in a easterly direction about 490 feet to a point in the westerly line of East Line Road; thence along said westerly line and in a southerly direction about 500 feet to a point in the northerly line of N.Y.S. Route #67; thence along said northerly line and in a westerly direction about 720 feet to a point in the easterly line of lands N/F Ernest J. Ferrante; thence along said easterly line the following three courses, northerly about 270 feet to a point; thence westerly about 85 feet to a point; thence northerly about 375 feet to a point in the northerly line of said Ferrante; thence along said northerly line N73°-31'-00"W about 135 feet to a point in the westerly line of said Ferrante; thence along said westerly line S4°-57'-10"W 647.14' to a point in the northerly line of N.Y.S. Route #67; thence along said northerly line N74°-41'-40"W 81.32' to the point or place of beginning. Containing about 34 acres of land. Excepting from the above described parcel, that parcel identified as a former schoolhouse lot fronting along East Line Road.

The above described is generally outlined on Tax map section 228.00, block 2; parcels 10, 11, 13.1, 13.4, 13.5 and 39.

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**CORPORATE TECHNOLOGY PARK
PLANNED UNIT DEVELOPMENT DISTRICT**

Section 1. Title of the Proposed P.U.D. District. This local Law shall be known as #2 of 1999 of the Town of Ballston amending the Zoning Ordinance of the Town of Ballston as adopted July 1985, providing for the creation of a planned Unit Development District # _____ to be known as "Corporate Technology Park."

Section 2. The Zoning Ordinance of the Town of Ballston as adopted July 1985 and the Zoning Map of the Town of Ballston set forth therein and made a part thereof are amended by changing from the existing zoning district "Industrial" as hereinafter described and creating within the boundaries of said newly described area, a Planned Unit Development District to be known and described as "Corporate Technology Park."

Section 3. The area of Corporate Technology Park consists of approximately 85 acres in the Town of Ballston and is bounded and described as set forth in Appendix A⁹ (legal description) and Appendix B¹⁰ (Sketch plan), attached hereto, and made a part hereof. The area is located on the east side of N.Y.S. Route 50 approximately 3,000 linear feet south of Brookline Road.

Section 4.

A. Allowable uses within Corporate Technology Park shall include the following:

- Offices: business, professional, governmental, financial, banks.
- Public utility structures, except as prohibited in Item B below.
- Business signs.
- Storage or warehousing of materials or products.
- Assembly/fabrication or products whose components have been predominately manufactured off-site.
- Laboratories for industrial or scientific research.
- Mechanical, electrical, optical, photographic, scientific or electronic manufacturing.
- Truck terminal.
- Self-service storage facilities.
- Retail.
- Public assembly.

B. Prohibited uses within Corporate Technology Park shall include but not be limited to the following:

- Petroleum and fuel oil storage plants or petroleum and fuel oil wholesale facilities.
- Asphalt mixing, or concrete mixing plants.
- Crematoriums.
- Motor vehicle repair shops and gasoline service stations.
- Poultry killing and dressing.
- Meat packing plants.
- Leather tanning and finishing.
- Landfill operations.
- Junk, swamp, metal, rag storage or any other salvage yard or facility.

⁹ Editor's Note: Appendixes A, B, and C, respectively, follow Section 12.

¹⁰ Editor's Note: Appendixes A, B, and C, respectively, follow Section 12.

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- Facilities for the filling or tanks with liquid propane gas.
- Adult bookstores and adult entertainment establishments.
- Transfer stations, refuse storage or compaction facilities.

Any uses that are not identified above that exhibit undue noise, lights and odors in excess of those typically associated with the uses identified in Section 4A above shall not be permitted.

- C. The maximum permitted development within Corporate Technology Park shall be 750,000 square feet of enclosed building space.
- D. The sketch plan is set forth in Appendix B and is in the office of the Town Clerk. The sketch plan may be amended after a public hearing by the Town Board.

Section 5.

- A. All establishments within Corporate Technology Park shall be connected to municipal water supply facilities. On-site water supply facilities may be developed for irrigation or fire protection. All establishments shall be connected to municipal sanitary sewer facilities if such facilities exist within Corporate Technology Park and are in operation. If no such facilities exist at the time of individual lot development, on-site wastewater disposal systems may be used on a temporary basis until such time when municipal sanitary sewer facilities become available. Connection to such facilities and abandonment of any on-site wastewater disposal systems must be completed with 12 months of availability of operational municipal sanitary sewer facilities.
- B. A written agreement/easement shall be executed between the owner(s) of Corporate Technology Park and the owner(s) of Curtis Industrial Park to allow the possible future extension of sanitary sewer and water mains through their respective properties. The agreement/easement shall be executed to the same by both parties within 12 months of the date of adoption of this ordinance. The written agreement/easement shall be subject to review and approval by the Ballston Town Board. The final location of the easement(s) shall be refined, revised or amended as necessary at the time of approval of the proposed utility installations.

Section 6. All construction shall comply with the N.Y.S. Fire Protection and Building Code. All plans for building construction or site development shall be prepared by a Licensed Architect, Professional Engineer, Landscape Architect or exempt Land Surveyor in accordance with the requirements of the N.Y.S. Education Law. All construction shall be subject to inspection by the Town Building Inspector, Town Engineer and Town Highway Superintendent, as may be applicable.

Section 7. Construction shall begin within 24 months of final approvals and issuance of all required permits and may occur in phases as shown on the sketch plan or as otherwise approved by the Town Planning Board.

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Section 8. All roads to be dedicated to the Town, drainage easements and rights-of-way shall be constructed by the developer and shall be in accordance with the Town Building Code¹¹ and Subdivision Regulations¹² and shall be offered without cost to the Town of Ballston for public use.

At the time of application for site plan approval for future development within Corporate Technology Park, additional traffic analysis shall be completed and submitted to NYSDOT for review and approval to determine if traffic improvements are required. Any required improvements shall be completed as a condition of site plan approval.

Section 9. Corporate Technology Park does not, at the time of adoption, include any dedication of open space/recreation areas to the town or non-profit entity (homeowner's associations) or future dedication of lands for future public use; i.e., schools, fire station, etc., other than the future Town Road right-of-way. Development of Corporate Technology Park shall also allow possible future extension of a Town Road to the adjoining lands to the south. The developer shall reserve a strip of land approximately 50 feet wide along the eastern property line bordering the railroad R.O.W. which shall be available for future public recreation use at such time that it is requested by the Planning Board.

Section 10. Uses permitted in the Corporate Technology Park are set forth in Section 4, above. The applicant(s) for any development proposals within the P.U.D.D. shall follow the procedures of the Town, including but not limited to the Site Plan Review Ordinance¹³ and the Subdivision Regulations.¹⁴ No use shall be permitted except as approved by the Town Planning Board as being in conformity with this ordinance. All development and use of property within Corporate Technology Park shall be in accordance with the restrictive covenants for Corporate Technology Park identified in Appendix C "Restrictive Covenants for Corporate Technology Park,"¹⁵ attached hereto, and made a part hereof.

Section 11. The developer shall, in accordance with the Site Plan Review Ordinance¹⁶ and Subdivision Regulations,¹⁷ submit plans for approval of each phase of construction prior to the issuance of a building permit.

Section 12. This Local Law shall take effect upon filing with the Secretary of State.

¹¹ Editor's Note: See Ch. 62, Fire Prevention and Building Construction.

¹² Editor's Note: See Ch. 104, Subdivision of Land.

¹³ Editor's Note: See Ch. 138, Zoning, Art. XXXII.

¹⁴ Editor's Note: See Ch. 104, Subdivision of Land.

¹⁵ Editor's Note: Appendixes A, B, and C, respectively, follow Section 12.

¹⁶ Editor's Note: See Ch. 138, Zoning, Art. XXXII.

¹⁷ Editor's Note: See Ch. 104, Subdivision of Land.

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Appendix A Legal Description for Corporate Technology Park

That parcel of land situate in the Town of Ballston, County of Saratoga, and State of New York, being more particularly bounded and described as follows:

Beginning at a point located in the easterly boundary line of New York State Route 50 at its intersection with the division line between herein described lands on the south and lands now or formerly of Timothy P. & Joan L. Johnson (L. 1000 P. 575) on the north; thence South 89°-00'-00" East, along said division line and the division line between herein described parcel on the south and lands now or formerly of Ed Reahl, Jr. (L. 938 P. 329) and lands now or formerly owned by Lillian J. Tiffault (L. 1454 P. 90) on the north, generally along a stone wall, a distance of 3,354.40 feet to a point located at its intersection with the division line between the herein described parcel on the west and lands now or formerly of Niagara Mohawk Power Corporation (Book of Orders 210 P. 809) on the east; thence along the division line between the herein described parcel and said lands of Niagara Mohawk Power Corporation in a generally southerly direction the following four courses and distances:

1. South 03°-37'-33" West, a distance of 37.32 feet to a point;
2. North 86°-22'-32" West, a distance of 25.00 feet to a point;
3. South 03°-37'-33" West, a distance of 156.58 feet to a point;
4. South 70°-22'-52" East, a distance of 95.60 feet to a point located at its intersection with the division line between the herein described lands on the northwest and lands now or formerly of the Delaware & Hudson Railroad on the southeast;

Thence along said division line, generally along the remains of a boxwire fence, the following two courses and distances:

1. Around a curve to the right having a radius of 1,880.00 feet, an arc distance of 31.72 feet to a point (said curve containing a chord of South 19°-54'-51" West 31.72 feet);
2. South 21°-42'-49" West through lands of Charles Mothon (L. 1379 P. 247), generally along a stone wall, a distance of 3,124.08 feet to a point located at its intersection with the easterly road boundary of New York State Route 50; thence along said road boundary following four courses and distances:
 - a. North 00°-25'-49" East, a distance of 703.54 feet to a point;
 - b. North 15°-01'-49" East, a distance of 19.23 feet to a point;
 - c. North 00°-08'-11" West, a distance of 102.00 feet to a point;
 - d. North 11°-16'-49" East, a distance of 302.10 feet to the Point of Beginning containing 84.94 acres, more or less.

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Appendix C
Restrictive Covenants for Corporate Technology Park

1. General Purpose of Conditions. The Declarant, Specialty Silicone Products, Inc., created these Restrictive Covenants, which are intended to ensure the continuing appreciation of property values through the creation of an aesthetically pleasing and harmonious environment for Corporate Technology Park. They address a full spectrum of site and facility planning, design, landscaping, operation and maintenance.
2. Site and Building. All development plans within Corporate Technology Park shall be submitted for approval to the Town Planning Board prior to construction. Minimum submittals for approval shall be as follows:
 - A. Site plan, including proposed parking lots, curbing, landscape materials, easements, building footprint, setbacks, buffers, surface drainage, sewer, water, gas, other utilities, stormwater system, accessory buildings, lighting, signage and other site amenities.
 - B. Plans and details to control site work, including:
 - Plant materials.
 - Handicapped access.
 - Concrete walks and asphalt pavements.
 - Curbs and walls
 - Utilities, site lighting.
 - Dumpster enclosures, trash receptacles.
 - Steps and railings.
 - Signs, flags and seating.
 - Screens, fences and gates.
 - C. Exterior building elevations (including accessory structures) showing all building facades, colors, materials for facades, roof and parapets, and mechanical equipment locations and screens.
 - D. Floor plans showing main entrance, loading areas and handicapped accessibility.
 - E. All proposed structures and site developments shall be designed to meet the spirit of these covenants as well as the specific requirements contained herein.
3. Site Restrictions
 - A. Property Line Setbacks.
 1. No principal buildings or accessory structures shall be permitted within the following setbacks:

Front yard: 50 feet.

Side yard: 30 feet.

Rear yard: 50 feet.

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2. Parking areas, private roadways, access aisles and maneuvering areas shall be in accordance with the following setbacks:

Front yard: 30 feet.

Side yard: 10 feet (unless parking areas are shared with the adjoining lot).

Rear yard: 30 feet.

3. No buildings shall be permitted within 50 feet of the NYS Route 50 R.O.W.

B. Roadways and Sidewalks.

1. All pavement, roadways, driveways, parking areas and parking lots shall be constructed with asphalt or concrete.
2. Concrete, granite, or integral asphalt wing curbing shall be used at all entrance roadways at least to the front yard setback line.
3. All sidewalks shall be asphalt, concrete or brick pavers.

C. Landscape Requirements.

1. All portions of land not utilized for buildings, loading and parking area, or accessways shall be landscaped pursuant to the following standards or maintained in a natural state of woodland or wetland. The minimum amount of greenspace (lawn and landscaped areas) shall be 20% of each respective parcel.

D. Landscape Plans and Plantings. The landscape plan for any parcel to be developed shall provide the following:

1. Natural features such as existing trees, shrubs, wood lots, wetlands, and other outstanding vegetation shall be preserved and incorporated into the open space area to as great an extent as practical. The landscape plan should identify natural vegetation to be retained after development.
2. Parking areas, loading areas, storage tanks, accessory structures, garages, transformers, gas meters, refuse containers, and other similar pieces of outdoor equipment shall be screened from public roads with existing or planted trees and shrubs.
3. Landscaping around buildings and facilities shall be given special attention in the landscape plan. The applicant shall have flexibility in selecting a landscape plan, provided that it complements the site and the facilities upon it and achieves a harmonious and aesthetically pleasing fit with the natural environment.

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4. One Norway Maple, minimum three inches caliper, shall be planted for every 100 feet of frontage and planted equally spaced along the front property line.
5. Minimum caliper for remaining trees shall be two inches caliper measured 12 inches above root ball.
6. Minimum height for evergreen trees shall be six feet.
7. Plantings should be a balance of evergreen and deciduous trees and shrubs and all plants shall be hardy under the microclimatic conditions of the site.

E. Seeding and Topsoil.

1. The owner or occupant of any lot shall be required to topsoil, seed and mulch all areas not occupied by buildings, pavement or otherwise landscaped.

F. Site Lighting.

1. Site lighting shall be architecturally coordinated for the three levels of lighting:
 - a. Driveway lighting.
 - b. Parking lot lighting.
 - c. Building mounted or bollard accent lighting.
2. All exterior lighting shall be sharp cut-off, down light style high pressure sodium luminaires.
3. All wall-packs shall have glare reducing shields.
4. Maximum luminaire height shall be 35 feet above grade level.
5. Nighttime lighting levels shall be reduced to the minimum practicable and shall be restricted at the discretion of the Town Planning Board.

G. Signage.

1. Signage shall be architecturally coordinated (including size, color, shape, texture, materials and lettering style).
2. All signage shall be subjected to review and approval by the Town Planning Board.

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3. Signage shall be mounted so that no portion of sign projects above any portion of building facade on which it is mounted, or above any cornice line where roof slopes beyond.
4. All signs shall be set back a minimum of 10 feet from a property line.
5. No neon signs shall be permitted.

H. Fencing/Screening.

1. All fencing shall be prohibited within 30 feet of the front property line of each lot.

I. Parking Requirements.

1. Parking shall not be permitted upon any roads or accessways within the Corporate Technology Park.
2. Each off-street space shall consist of at least 180 square feet with a minimum width of nine feet. In addition, space necessary for aisles, maneuvering and drives shall be provided.
3. The minimum number of parking spaces shall be as referenced to in the Town of Ballston Zoning Ordinance.¹⁸

J. Refuse and Outside Materials Storage.

1. When necessary to store articles, goods, or materials in the open upon any lot in Corporate Technology Park, the storage area shall not be permitted within the front portion of the lot, defined as the area between the front property line and a line drawn from the nearest corner of the building (to the front property line) and extending perpendicularly to the side lot lines.
2. Screening of refuse or storage areas shall be by fencing or walls together with berms, trees or shrubs.

K. Drainage.

1. During construction, all property owners must protect adjacent lands from runoff and silt.
2. Any surface water collected by roofs, parking lots, or other man-made structures or surface water flowing from underdeveloped areas shall be handled on-site. The site drainage plan shall set as its priority the attenuation of developed runoff such that the flood and erosion potential on and off the site is not greater than that which existed before site development.

¹⁸ Editor's Note: See Ch. 138, Zoning.

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3. Each property owner shall be responsible for drainage maintenance on its own land.
4. Architectural Restrictions.
 - A. Building Height.
 1. Maximum building height will be 40 feet (or as otherwise limited by Local Fire District restrictions) to top of roof parapet or to average elevation of sloping roofs as measured from finished grade at building.
 - B. Building Facades.
 1. In the case of building walls which are exposed to streets, they should be finished in an aesthetically appropriate fashion.
 2. Principal building facades should be constructed with or veneered with cementitious masonry materials, including brick, stucco, E.I.F.S. or stone.
 - C. Roofs.
5. Specific Construction Not Permitted Within Front Yard.

The following are not permitted within front yards:

 - Accessories structures.
 - Transformers, gas meters, or mechanical equipment.
 - Gasoline re-fueling areas.
 - Storage tanks.
 - Loading docks and utility service areas.
6. Environmental Standards.

All uses established within the Corporate Technology Park shall be constructed, operated and maintained as to comply with all standards as established by the local, state or federal regulatory agencies.
7. Fire and Explosion Hazards.

All uses, activities, and equipment involving handling, use, and storage of inflammable or explosive materials shall comply with all applicable local, state, and federal rules and regulations.
8. Fissionable, Radioactive or Electrical Disturbances.

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- A. The use, handling, storage, discharge, and disposal of radioactive material or waste products shall be in conformance with the regulations of the Atomic Energy Commission, as set forth in Title 10, Chapter 1, Part 20, Code of Federal Regulations, Standards for Protection against Radiation, as amended, and enforced with any other applicable state and federal laws or regulations.
- B. No activities shall be permitted which produce electrical and/or electromagnetic disturbances affecting the operation of any equipment other than that of the creator of such disturbance.

9. Air Emissions.

Emissions to outdoor atmosphere shall be subject to the specific air quality standards and emissions limits set forth in the Federal Air Quality Act and the New York Air Pollution Control Rules and Regulations.

10. Refuse Storage.

Permanent or temporary below ground disposal of refuse and other solid waste is prohibited. Temporary storage of refuse and other solid waste is permitted in typically used waste bins or receptacles, where such waste is regularly removed and disposed of in an approved landfill, resource recovery facility, or other repository approved by the New York State Department of Environmental Conservation.

11. Disposal of Sewage and Waste.

No waste material or refuse shall be dumped upon or permitted to remain upon any part of said property outside the building constructed thereon.

12. Toxic and Hazardous Substances.

- A. Use, handling, storage, disposal, and transport of toxic and hazardous substances and industrial waste must be in compliance with all the applicable local, state and federal regulations. Industries using hazardous substances shall have a containment system for storage or transfer areas for these materials. Hazardous materials spilled, leaked, or discharged shall be contained and treated. Underground storage of toxic and hazardous chemicals is prohibited.
- B. A complete list of the types and quantities of toxic and hazardous substances must be regularly submitted to the NYSDEC, and the Town of Ballston.

13. Maintenance Standards.

- A. The owner or lessee of any parcel within the Corporate Technology Park shall at all times keep its premises, buildings, accessory structures, parking lots, access drives, storage yards, and all other improvement in a safe, clean, neat and sanitary

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condition and shall comply with all laws, ordinances, regulations, and codes pertaining to health, safety, and property maintenance. Each property owner or lessee shall provide for the removal of solid waste from its premises.

- B. During construction, it shall be the responsibility of each property owner to ensure that construction sites are kept free of unsightly accumulations of waste materials and that construction materials, equipment, temporary structures, etc., are kept in a neat, orderly manner.
- C. The property owner or lessee shall maintain all undeveloped land within the occupied parcel in a manner compatible with these maintenance standards.
- D. All landscaping shall be maintained in a neat and healthy condition and in accordance with the standards set forth in "American Standards for Nursery Stock" (ANSI Z60. 1-1986) of the American Association of Nurserymen and in accordance with accepted industry practice.

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KATZ CORPORATE PARK PLANNED DEVELOPMENT DISTRICT

Section 1. Title of the Proposed P.U.D. District. This Local Law shall be known as Local Law #3 of 1999 of the Town of Ballston amending the Zoning Ordinance of the Town of Ballston as adopted July 1985, providing for the creation of a Planned Unit Development District # _____ to be known as "Katz Corporate Park."

Section 2. The Zoning Ordinance of the Town of Ballston as adopted July 1985 and the Zoning Map of the Town of Ballston set forth therein and made a part thereof are amended by changing from the existing boundaries of said newly described area, a Planned Unit Development District to be known as "Katz Corporate Park."

Section 3. The area of Katz Corporate Park consists of approximately 11.17 acres in the Town of Ballston and is bounded and described as set forth in Appendix A (legal description) and Appendix B (sketch plan),¹⁹ attached hereto, and made part hereof. The area is located on the west side of Route 50 approximately 1/4 mile south of Outlet Road.

Section 4.

A. Allowable uses within the Katz Corporate Park shall include the following:

- Self-service storage facilities.
- Covered storage facilities.
- Offices: business, professional, governmental, financial, banks
- Public utility structures, except as prohibited in Item B below.
- Storage or warehousing of materials or products.
- Assembly/fabrication or products whose components have been predominately manufactured off-site.
- Laboratories for industrial or scientific research.
- Light manufacturing facility.

B. Prohibited uses within the Katz Corporate Park shall include but not be limited to the following:

- Petroleum and fuel oil storage plants or petroleum and fuel oil wholesale facilities.
- Asphalt mixing, or concrete mixing plants.
- Crematoriums.
- Motor vehicle repair shops and gasoline service stations.
- Poultry killing and dressing.
- Meat packing plants.
- Leather tanning and finishing.
- Landfill operations.
- Junk, swamp, metal, rag storage or any other salvage yard or facility.
- Commercial extraction of topsoil, sand gravel or stone.
- Facilities for the filling of tanks with liquid propane gas.
- Adult bookstores and adult entertainment establishments.

¹⁹ Editor's Note: Appendixes A and B are on file in the Town offices.

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- Cellular phone towers.
- C. The maximum permitted development with the Katz Corporate Park shall be 115,000 square feet of enclosed building space.
- D. The sketch plan is set forth in Appendix B and is in the office of the Town Clerk. The sketch plan may be amended after a public hearing by the Planning Board.

Section 5. All establishments within the Katz Corporate Park shall be connected to municipal water supply facilities. On-site water supply facilities may be developed for irrigation or fire protection. All establishments shall be connected to municipal sanitary sewer facilities if such facilities exist within the Katz Corporate Park and are in operation. If no such facilities exist at the time of individual lot development, on-site wastewater disposal systems may be used on a temporary basis until such time when municipal sanitary sewer facilities become available. Connection to such facilities and abandonment of any on-site wastewater disposal systems must be completed with 12 months of availability of operational municipal sanitary sewer facilities.

Section 6. All construction shall comply with the NYS Fire and Protection and Building Code. All plans for building construction or site development shall be prepared by a Licensed Architect, Professional Engineer, Landscape Architect or exempt Land Surveyor in accordance with the requirements of the NYS Education Law. All construction shall be subject to inspection by the Town Building Inspector, Town Engineer and Town Highway Superintendent, as may be applicable.

Section 7. Construction shall begin within 12 months of final approvals and issuance of all required permits and may occur in phases as shown on the sketch plan or as otherwise approved by the Town Board.

Section 8. All roads to be dedicated to the Town, drainage easements and rights-of-way shall be constructed by the developer and shall be in accordance with the Town Building Code²⁰ and Subdivision Regulations²¹ and shall be offered without cost to the Town of Ballston for public use.

Section 9. Katz Corporate Park will not include any dedication of open space/recreation areas to the town or non-profit entity or dedication of lands for future use; i.e., schools, fire stations, etc., other than the Town right-of-way.

Section 10. Uses permitted in the Katz Corporate Park are set forth in Section 4. The applicant(s) for any development proposals within the P.U.D.D. shall follow the procedures of the Town, including but not limited to the Site Plan Review Ordinance²² and the Subdivision Regulations.²³

No use shall be permitted except as approved by the Planning Board as being in conformity with this ordinance.

²⁰ Editor's Note: See Ch. 62, Fire Prevention and Building Construction.

²¹ Editor's Note: See Ch. 104, Subdivision of Land.

²² Editor's Note: See Ch. 138, Zoning, Art. XXXII.

²³ Editor's Note: See Ch. 104, Subdivision of Land.

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Section 11. The developer shall, in accordance with the Site Plan Review Ordinance²⁴ and Subdivision Regulations,²⁵ submit plans for approval of each phase of construction prior to the issuance of a building permit.

Section 12. This Local Law shall take effect upon filing with the Secretary of State.

Restrictive Covenants

Katz Corporate Park

Route 50 Ballston, New York

1. General Purpose of Conditions. The Declarant, Mr. Mark Katz, created these restrictive covenants, which are intended to ensure the continuing appreciation of property values through the creation of an aesthetically pleasing and harmonious environment for the Katz Corporate Park. They address a full spectrum of site and facility planning, design, landscaping, operation and maintenance.
2. Site and Building. All development of the sites within the Katz Corporate Park shall be submitted for final approval by the Town of Ballston prior to construction. Minimum submittals for approval shall be:
 - A. Site plan, including proposed parking lots, curbing, landscape materials, easements, building footprint, setbacks, buffers, surface drainage, sewer, water, gas, other utilities, stormwater system, accessory buildings, lighting, signage and other site amenities.
 - B. Prototypical sketches and outline specifications to control site work, including:
 - Plant material.
 - Handicapped access.
 - Special pavers.
 - Concrete walks and asphalt pavements.
 - Curbs and walks.
 - Utilities, site lighting.
 - Dumpster enclosures, trash receptacles.
 - Steps and railings.
 - Signs, flags and seating.
 - Screens, fences and gates.
 - C. Elevations (including accessory structures) showing all building facades, materials for facades, roof and parapets, and mechanical equipment locations and screens.
 - D. Floor plans showing main entrance, loading areas and handicapped accessibility.

²⁴ Editor's Note: See Ch. 138, Zoning, Art. XXXII.

²⁵ Editor's Note: See Ch. 104, Subdivision of Land.

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- E. All proposed structures and site developments shall be designed to meet the spirit of these covenants as well as the specific requirements contained herein.
3. Use Restrictions. The following uses, even though permitted by the Zoning Ordinance or special use permit, shall not be permitted on the sites within the Katz Corporate Park.
- Petroleum and fuel oil storage plants or petroleum and fuel oil wholesale facilities.
 - Asphalt mixing, or concrete mixing plants.
 - Crematoriums.
 - Motor vehicle repair shops and gasoline service stations.
 - Poultry killing and dressing.
 - Meat packing plants.
 - Leather tanning and finishing.
 - Landfill operations.
 - Junk, swamp, metal, rag storage or any other salvage yard or facility.
 - Commercial extraction of topsoil, sand gravel or stone.
 - Facilities for the filling of tanks with liquid propane gas.
 - Adult bookstores and adult entertainment establishments.
 - Cellular phone towers.
4. Site restrictions.
- A. Property Line Setbacks.
- i) Front yards shall be defined as the portion of property line bordering the new main public road only.
 - ii) No principal or accessory structure shall be permitted within the setbacks.
 - iii) Parking lot and roadway may be permitted within 50 feet of front yard and 30 feet of side and yard line. Property line setbacks for each lot will be:

Front yard: 50 feet.

Side yard: 30 feet.

Rear yard: 30 feet.
- B. Roadways and Sidewalks.
- i) All pavement, roadways, driveways, parking areas and parking lots shall be constructed with asphalt or concrete.
 - ii) Concrete, granite, or integral asphalt wing curbing shall be used at all entrance roadways, at least to the building line.
 - iii) All sidewalks shall be concrete or brick pavers.

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- C. Landscape requirements. All portions of land not utilized for buildings, loading and parking area, or accessways shall be landscaped pursuant to the following standards or maintained in a natural state of woodland or wetland.
- D. Landscape Plans and Plantings. The landscape plan for any parcel to be developed shall provide the following:
 - i) Natural features such as existing trees, shrubs, wood lots, wetlands, and other outstanding vegetation shall be preserved and incorporated into the open space areas to as great extent as practical. The landscape plan should identify natural vegetation to be retained after development.
 - ii) Parking areas, loading areas, storage tanks, out buildings and garages shall be screened at a minimum with existing or planted trees or shrubs from park roads.
 - iii) Transformers, gas meters, and other similar pieces of outdoor equipment shall be screened at a minimum with trees, berms and fences for refuse containers.
 - iv) Landscaping around buildings and facilities shall be given special attention in the landscape plan. The owner has considerable flexibility in selecting a landscape plan, provided that it complements the site and the facilities upon it and achieves a harmonious and aesthetically pleasing fit with the natural environment.
 - v) Landscape berms or 4:1 slope, minimum of three feet height, shall be incorporated in all instances where there is a roadway or a parking lot between the edge of pavement and right-of-way line.
- E. Foliage.
 - i) One deciduous tree planted for every 50 feet of frontage planted within lot property line.
 - ii) Minimum caliper for major trees shall be two inches to 2 1/2 inches caliper (determined at breast height).
 - iii) Minimum height for evergreen trees shall be five feet to six feet.
 - iv) Plantings should be a balance of evergreen and deciduous trees and shrubs.
 - v) Trees and shrubs should be hardy under the microclimatic conditions of the site.
- F. Seeding and topsoil.

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- i) The owner or occupant of any lot shall be required to provide topsoil where necessary to seed all areas. So designated on the landscape plan. Swales or other areas subject to erosion are to be converted into grass. Sodding or hydro seeding may be required.
- G. Site lighting. Site lighting shall be architecturally coordinated for the three levels of lighting:
 - i) Major driveway lighting;
 - ii) Parking lot lighting; and
 - iii) Building mounted or bollard accent lighting at building entrances.
 - iv) Parking lot lighting shall be cutoff type to illuminate only the property on which the lights are installed.

The use of mercury vapor lighting shall not be permitted. Substitute lighting, such as sodium vapor lighting, shall be an acceptable alternative.
- H. Signage. Signage shall be architecturally coordinated (including size, color, shape, texture, materials and lettering style) for the three levels of signage.
 - i) Building mounted signage shall be permitted by approval of the Planning Board and the declarant.
 - ii) Signage shall be mounted so that no portion of sign projects above any portion of building facade on which it is mounted, or above any cornice line where roof slopes extend beyond.
 - iii) The lighting of the signs shall be in a manner approved by the Planning Board and the declarant.
- I. Fencing/screening.
 - i) All fencing shall be prohibited in front yard.
 - ii) All fencing shall be iron, aluminum, wood (stockade type), chain link with PVC or wood slats or security chain link (tight weave) to block view (maximum two inches diamond mesh opening).
 - iii) Screening shall be by fencing, lawn berms, shrubs, decorative walls, dense trees, or other approved landscape materials.
- J. Parking requirements.
 - i) Parking shall not be permitted upon any roads or accessways within the Katz Corporate Park.

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- ii) All parking areas and drives shall be paved and shall be properly enclosed with a fence, wall or landscape screening. All fencing or wall structures should be designed in concert with landscape screening.
- iii) Each off-street space shall consist of at least 200 square feet with a minimum width of 10 feet. In addition, space necessary for aisles, maneuvering and drives shall be provided.
- iv) The minimum number of parking spaces shall be as referenced in the Town of Ballston Zoning Ordinance.²⁶

K. Outside Materials Storage.

- i) When necessary to store articles, goods, or materials in the open in the Katz Corporate Park, the storage area shall be limited to the rear portion of the lot and shall be completely enclosed with a fence, wall, or landscaping of harmonious design.

L. Drainage.

- i) During construction, all property owners must protect adjacent land owners from run-off and silt.
- ii) Any surface water collected by roofs, parking lots, or other man-made structures or surface water flowing from underdeveloped areas shall be handled on-site in a manner which is compatible with the park plan. The site drainage plan shall set as its priority the attenuation of developed and underdeveloped run-off such that the flood and erosion potential on and off the site is not greater than, or lower than, that which existed before site development.
- iii) Each property owner shall be responsible for drainage maintenance on its own lot. Every lot must drain into the park retention system.

5. Architectural Restrictions.

A. Building Height.

- i) Maximum building height will be 35 feet (or as otherwise limited by local Fire District restrictions) to top of roof parapet or to average elevation of sloping roofs as measured from finished grade at building.

B. Building Facades.

- i) In the case of building walls which are exposed to streets, they should be finished in an aesthetically appropriate fashion.

²⁶ Editor's Note: See Ch. 138, Zoning.

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- ii) Principal building facades should be constructed with or veneered with cementitious masonry materials such as brick, stucco, or stone.
- C. Roof Slopes. Roof slopes of three inches in 12 inches or greater are permitted to be exposed to view and shall be limited to the following materials:
 - i) Galvanized metal, pre-painted metal, field painted metal, copper or other metals appropriate for roofing. There are no restrictions on the pattern, color, texture, jointing design or fastening method of this roofing material.
 - ii) Asphalt composition shingles; there are no restrictions on the pattern, color, texture or thickness/grade of this roofing material.
 - iii) Where roof slopes are less than three inches in 12 inches, roofing materials are unrestricted, but building facade shall form a parapet so as to eliminate view of roofing materials.
 - iv) Mansard style canopies, mansard style roof overhangs, and mansard style fascias shall not be permitted.
- D. Construction. Construction not permitted within front yard. The following are not permitted within front yards:
 - i) Buildings or accessories;
 - ii) Transformers, gas meters, or mechanical equipment;
 - iii) Gasoline re-fueling areas;
 - iv) Storage tanks; and
 - v) Storage yards, loading docks, trash receptacles, dumpsters and utility service areas.
- 7. Environmental Standards. All uses established within the Katz Corporate Park shall be constructed, operated and maintained so as to comply with all standards as established by the local, state or federal regulatory agencies.
- 8. Fire and Explosion Hazards. All uses, activities, and equipment involving handling, use, and storage of inflammable or explosive materials shall comply with all applicable local, state and federal rules and regulations.
- 9. Fissionable, Radioactive or Electrical Disturbances.
 - A. The use, handling, storage, discharge, and disposal of radioactive material or waste products shall be in conformance with the regulations of the Atomic Energy Commission, as set forth in Title 10, Chapter 1, Part 20, Code of Federal

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Regulations, Standards for Protection against Radiation, as amended, and enforced with any other applicable state and federal laws or regulations.

- B. No activities shall be permitted which produce electrical and/or electromagnetic disturbances affecting the operation of any equipment other than that of the creator of such disturbance.
10. Air Emissions. Emissions to outdoor atmosphere shall be subject to the specific air quality standards and emissions limits set forth in the Federal Air Quality Act and the New York Air Pollution Control Rules and Regulations, and the Saratoga County Department of Health.
11. Refuse Storage. Permanent or temporary below ground disposal of refuse and other solid waste is prohibited. Temporary storage of refuse and other solid waste is permitted in typically used waste bins or receptacles, where such waste is regularly removed and disposed of in an approved landfill, resource recovery facility, or other repository approved by the New York State Department of Environmental Conservation and where applicable, the Saratoga County Department of Health.
12. Disposal of Sewage and Waste. No waste material or refuse shall be dumped upon or permitted to remain upon any part of said property outside the building constructed thereon.
13. Toxic and Hazardous Substances.
- A. Use, handling, storage, disposal, and transport of toxic and hazardous substances and industrial waste must be in compliance with all the applicable local, state and federal regulations. Industries using hazardous substances shall have a containment system for storage or transfer areas for these materials. Hazardous materials spilled, leaked, or discharged shall be contained and treated. Underground storage of toxic and hazardous chemicals is prohibited.
 - B. A complete list of the types and quantities of toxic and hazardous substances must be regularly submitted to the NYSDEC, the Saratoga County Health Department and the Town of Ballston.
14. Maintenance Standards.
- A. The owner or lessee of any parcel within the Katz Corporate Park shall at all times keep its premises, buildings, accessory structures, parking lots, access drives, storage yards, and all other improvement in a safe, clean, neat and sanitary condition and shall comply with all laws, ordinances, regulations, and codes pertaining to health, safety, and property maintenance. Each property owner or lessee shall provide for the removal of solid waste from its premises.
 - B. During construction, it shall be the responsibility of each property owner to ensure that construction sites are kept free of unsightly accumulations of waste materials

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and that construction materials, equipment, temporary structures, etc., are kept in a neat, orderly manner.

- C. The property owner or lessee shall maintain all underdeveloped land within the occupied parcel in a manner compatible with these maintenance standards.
15. Construction Timetable. Within 12 months following the date of the Town of Ballston approval of the final plans, the owner must commence construction of his or her proposed facility. The owner shall diligently pursue the construction of the facility and related site improvements.

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BEACON HILL PLANNED UNIT DEVELOPMENT DISTRICT

Section 1. Title of the proposed P.U.D. District. This local law shall be known as No. 4 of 2002 of the Town of Ballston amending the Zoning Ordinance of the Town of Ballston as adopted July 1985, providing for the creation of a Planned Unit Development District # _____ to be known as "Beacon Hill."

Section 2. The Zoning Ordinance of the Town of Ballston as adopted July 1985 and the Zoning Map of the Town of Ballston set forth therein and made a part thereof are amended by changing from the existing zoning district "Commercial/Rural" as hereinafter described and creating within the boundaries of said newly described area a Planned Unit Development District to be known and described as "Beacon Hill."

Section 3. The area of Beacon Hill consists of approximately 122 acres in the Town of Ballston and is bounded and described as set forth in Appendix A (legal description) and Appendix B (sketch plan), attached hereto, and made a part hereof.²⁷ The area is located on the east side of N.Y.S. Route 50 approximately 1,200 linear feet south of Brookline Road.

Section 4.

- A. The development of the Beacon Hill Planned Unit Development District has been presented and is described according to a sketch plan filed with the Town Planning Board of Ballston (hereinafter, the "Planning Board") and attached hereto as Appendix B. The exact location of the improvements shown on the sketch plan may be modified, altered or amended during the site plan review by the Planning Board.
- B. Lands set forth in Appendix B, attached hereto, and made a part hereof shall be developed in the following manner:
 - 1. Division of the 122+/- acre parcel into two uses, with approximate sizes of 100 acres for Area A and 22+/- acres for Area B.
 - 2. Area A so created shall consist of 86 single-family homes and 10 two-family townhouses with minimum lot sizes of 15,000 square feet.
 - 3. Area B as described herein is calculated to have a maximum combined allowable building area not to exceed 89,500 square feet of building footprint. Of this calculation, no more than 11,000 square feet of nonresidential enclosed building space, as provided for in Section 5B herein, shall be permitted.
- C. Two paved entrance roads from New York State Route 50, at locations that are to be determined by the Planning Board, subject to the requirements and review of New York State Department of Transportation, shall be constructed and serve to accommodate the traffic flow through and to Areas A and B. The driveway entrance will be constructed in accordance with New York State Department of Transportation Curb Cut Requirements.

Section 5.

²⁷ Editor's Note: Appendixes A and B are on file in the Town offices.

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- A. Allowable uses within Area A of Beacon Hill shall include and be limited to the following:
- (1) Single-family residences with no more than 86 lots.
 - (2) Two-unit townhouses with no more than 10 two-family townhome lots.
- B. Allowable uses within Area B of Beacon Hill shall include the following:
- (1) Offices: business, professional, medical, governmental, financial, banks.
 - (2) Business signs for businesses that are located within Beacon Hill.
 - (3) Public utility structures.
 - (4) Residential living communities excluding apartments but including any of the following:
 - (a) Condominiums.
 - [1] Deed restrictions shall be filed at the Saratoga County Clerk's Office which limits the ownership of units to no more than two by any one entity.
 - [2] A Homeowners' Association (HOA) with a board of directors shall be created which shall enforce the deed restrictions. The HOA Covenants, Conditions & Restrictions (CC&R) shall be duly filed with the Saratoga County Clerk's Office.
 - (b) Townhouses.
 - [1] Deed restrictions shall be filed at the Saratoga County Clerk's Office which limits the ownership of units to no more than two by any one entity.
 - [2] A Homeowners' Association (HOA) with a board of directors shall be created which shall enforce the deed restrictions. The HOA Covenants, Conditions & Restrictions (CC&R) shall be duly filed with the Saratoga County Clerk's Office
 - (c) Single-family homes.
 - (5) A 52-unit residential condominium which shall consist of 13 four-unit buildings, all such units containing attached garages and a parking space in front of each garage.
 - (6) Day-care facilities.

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- (7) Church.
 - (8) Restaurant.
 - (9) Retail sales.
 - (10) Existing billboard signs only.
- C. Any uses that are not identified above that exhibit undue noise, lights and odors in excess of those typically associated with the uses identified in Section 5B above shall not be permitted.

Section 6.

- A. All establishments within Beacon Hill shall be interconnected to the Town of Ballston municipal water supply facilities. All water facilities will be designed and constructed in accordance with the standards of the Town of Ballston municipal water system. The cost of constructing the additional infrastructure needed to supply water to the Beacon Hill Commercial/Residential PUD will be the sole responsibility of the developer.
- B. All establishments within Beacon Hill shall be connected to sanitary sewer facilities via the SSP Development Sewer Works Corporation. All sewer facilities within Beacon Hill will be designed and constructed in accordance with the standards of the Saratoga County Sewer District No. 1. The developer agrees to offer for dedication to the Saratoga County Sewer District No. 1 all completed sewer facilities at no cost to the Saratoga County Sewer District No. 1. The cost of constructing the additional infrastructure needed to connect the properties within the Beacon Hill Commercial/Residential PUD to the SSP Development Sewer Works Corporation will be the sole responsibility of the developer.
- C. Developer/Builder shall certify to the Town of Ballston that all required connection fees and associated fees for connection to the sanitary sewer services provided by the SSP Development Sewer Works Corporation, subject to the written agreement between New York Development Group, LLC and SSP Development Sewer Works Corporation, have been paid in full. No Certificates of Occupancy shall be granted without such certification.
- D. Developer/Builder shall certify to the Town of Ballston that the fees required by the Town of Glenville Resolution 139-2002 have been paid in full. No Certificates of Occupancy shall be granted without such certification.

Section 7.

- A. All construction shall comply with the N.Y.S. Fire Protection and Building Code. All plans for building construction or site development shall be prepared by a Licensed Architect, Professional Engineer, Landscape Architect or exempt Land Surveyor in accordance with the requirements of the N.Y.S. Education Law. All construction shall be

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subject to inspection by the Town Building Inspector, Town Engineer and Town Highway Superintendent, as may be applicable.

- B. Prior to issuance of a building permit, a plot plan prepared by a licensed land surveyor is to be submitted indicating the following:
 - (1) Proposed building location, with front, rear and side yard setbacks.
 - (2) Proposed garage floor elevation. Garage floor elevation should be a minimum of 18 inches above the road centerline elevation.
 - (3) Should the proposed garage and first floor elevation deviate from what is indicated on the approved subdivision plans, a proposed grading plan for that particular lot may be required for review, as determined by the Building Inspector. Grading of the parcel is to be consistent with the intent of the grading shown on the approved subdivision plan so that stormwater runoff from the parcel does not impact adjoining parcels.
- C. Upon placement of foundation, and prior to framing of the structure, a foundation location survey prepared by a licensed land surveyor showing an actual field foundation location with dimensions to property lines and street right-of-way, along with the garage floor elevation and centerline of road elevation opposite the driveway, must be submitted to Building Department.

Section 8.

- A. Construction shall begin within 24 months of final approvals and issuance of all required permits and may occur in phases as shown on the sketch plan or as otherwise approved by the Town Planning Board. Included in the abovementioned twenty-four-month period is the original twelve-month period and one additional twelve-month extension.
- B. The developer will be permitted building permits for up to three model single-family homes and one two-unit townhouse but no Certificate of Occupancy will be issued for the said model homes until all the requirements regarding Area A of this ordinance have been met. All model home units to be built in accordance with subdivision engineering plans and specifications, including grading, as approved by the Town of Ballston Planning Board.
- C. A Parks and Recreation fee of \$200 shall be paid for each single-family unit built prior to the issuance of any Certificates of Occupancy. A Parks and Recreation fee of \$200 shall be paid for each commercial lot prior to the issuance of any Certificates of Occupancy.

Section 9. All roads to be dedicated to the Town, drainage easements and rights-of-way shall be constructed by the developer and shall be in accordance with the Town Building Code and Subdivision Regulations and shall be offered without cost to the Town of Ballston for public use. At the time of application for site plan approval for future development within Area B of Beacon Hill, additional traffic analysis shall be completed and submitted to NYSDOT for review and

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approval to determine if traffic improvements are required. Any required improvements shall be completed as a condition of site plan approval.

Section 10. Beacon Hill does not, at the time of adoption, include any dedication of open space/recreation areas to the town or non-profit entity (homeowner's associations) or future dedication of lands for future public use; i.e., schools, fire station, etc., other than the future Town road right-of-way.

Section 11. Uses permitted in the Beacon Hill are set forth in Section 5, above. The applicant(s) for any development proposals within the P.U.D.D. shall follow the procedures of the Town, including but not limited to the Site Plan Review Ordinance and the Subdivision Regulations. No use shall be permitted except as approved by the Town Planning Board as being in conformity with this ordinance. All development and use of property within Beacon Hill shall be in accordance with the restrictive covenants for Beacon Hill identified in Appendix C, "Restrictive Covenants for Beacon Hill," attached hereto, and made a part hereof.²⁸ The deed restrictions contained herein, Section 13, Paragraph B, and the "Restrictive Covenants for Beacon Hill," Appendix C, shall be recorded with the Saratoga County Clerk.

Section 12. The developer shall, in accordance with the Site Plan Review Ordinance and Subdivision Regulations, submit plans for approval of each phase of construction prior to the issuance of a building permit.

Section 13.

- A. Except as herein permitted, the uses permitted in Area A of Beacon Hill shall be limited to single-family residences and two-unit townhouses. The uses permitted within Area A of Beacon Hill shall be those permitted by the Town of Ballston Zoning Ordinances within the Residential District regulations as presently existing and as amended from time to time. No further subdivision of either the single-family lots or the two-family townhome lots shall occur and lot maps shall be filed in the Saratoga County Clerk's office defining the lot line along the common party wall in the case of the townhouse lots.
- B. Except as herein permitted, deed restrictions restricting the cutting of vegetation on portions of lots in Area A of Beacon Hill, as shown on Appendix A, and as established during the site review process by the Planning Board, shall be included in the Declaration of Covenants, Easements and Restrictions. Additional deed restrictions placed on the Land Preservation Area (LPA) would be as follows:
 - (1) There shall be no clear-cutting of trees, use of fertilizers, grazing of domestic animals, or disturbance or change in the natural habitat of the LPA in any manner. The cutting and removal of dead, damaged or fallen trees shall be permitted.
 - (2) There shall be no constructing or placing of any building, tennis or other recreational court, landing strip, mobile home, swimming pool, fence or sign, asphalt or concrete pavement, billboard or other advertising display, antenna, utility pole, tower, conduit, lights or any other permanent structure or facility on or above the LPA.

²⁸ Editor's Note: Appendix C follows Section 14.

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- (3) There shall be no use of pesticides or biocides in the LPA, including but not limited to insecticides, fungicides, rodenticides, and herbicides.
- (4) There shall be no storage or dumping of ashes, trash, garbage, or other unsightly or offensive material, hazardous substance, or toxic waste, nor any placement of underground storage tanks in, on or under the LPA.
- (5) In all matters regarding zoning of residential property, the existing Town of Ballston Zoning Ordinance will take precedence and prevail.

Section 14. This local law shall take effect upon filing with the Secretary of State.

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Appendix C Restrictive Covenants for Beacon Hill

1. General Purpose of Conditions. The Declarant, New York Development Group, LLC., created these Restrictive Covenants, which are intended to ensure the continuing appreciation of property values through the creation of an aesthetically pleasing and harmonious environment for Beacon Hill. They address a full spectrum of site and facility planning, design, landscaping, operation and maintenance.
2. Site and Building. All development plans within Beacon Hill shall be submitted for approval to the Town of Ballston Planning Board prior to construction. Minimum submittals for approval shall be as follows:
 - A. Site plan, including proposed parking lots, curbing, landscape materials, easements, building footprint, setbacks, buffers, surface drainage, sewer, water, gas, other utilities, stormwater system, accessory buildings, lighting, signage and other site amenities.
 - B. Plans and details to control site work for Area B, including:
 - Plant materials.
 - Handicapped access.
 - Special Pavers.
 - Concrete walks and asphalt pavements.
 - Curbs and walls.
 - Utilities, site lighting.
 - Dumpster enclosures, trash receptacles.
 - Steps and railings.
 - Signs, flags and seating.
 - Screens, fences and gates.
 - C. Exterior building elevations for Area B (including accessory structures) showing all building facades, colors, materials for facades, roof and parapets, and mechanical equipment locations and screens.
 - D. Floor plans showing main entrance, loading areas and handicapped accessibility for Area B.
 - E. All proposed structures and site developments shall be designed to meet the spirit of these covenants as well as the specific requirements contained herein.
3. Site Restrictions.
 - A. Property Line Setbacks - Area A.
 1. No principal buildings or accessory structures shall be permitted within the following setbacks:

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	Single-Family Lots	Townhouse Lots	Accessory Structures
Front Yard	30 feet	75 feet	N/A
Side Yard	10 feet	10 feet	10 feet
Rear Yard	30 feet	35 feet	6 feet
Party Wall	N/A	0 feet	N/A

2. The minimum lot width at the building line for the single-family residences will be no less than 100 feet, and the minimum lot width at the building line for the townhouse residences will be no less than 125 feet.
3. With respect to Townhouse Structures, there shall be a zero lot line at the common party wall.
4. For the Townhouse Structures on Beacon Street only, the front yard setback shall be 10 feet and the rear yard setback shall be 10 feet.

B. Property Line Setbacks - Area B.

1. No principal buildings or accessory structures shall be permitted within the following setbacks:

	All Uses Other Than Residential	Single- Family Lots	Townhouse Lots	Condominiums	Accessory Structures
Front Yard	20 feet	20 feet	20 feet	20 feet	N/A
Side Yard	10 feet	5 feet	5 feet	5 feet	5 feet
Rear Yard	20 feet	10 feet	10 feet	10 feet	6 feet
Party Wall	0 feet	N/A	0 feet	0 feet	N/A

2. (Reserved)
3. No buildings or parking areas shall be permitted within 50 feet of the NYS Route 50 R.O.W.

C. Roadways and Sidewalks - Area A and Area B.

1. All pavement, roadways, driveways, inking areas and parking lots shall be constructed with asphalt, concrete, or brick pavers.
2. Concrete, granite, or integral asphalt wing curbing shall be used at all entrance roadways at least to the front yard setback line.
3. All sidewalks shall be concrete or brick pavers.

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D. Landscape Requirements:

Area A.

1. Landscape requirements, if any, shall be the same as referenced in the Town of Ballston Zoning Ordinance for residentially zoned areas.

Area B.

1. All portions of land not utilized for buildings, loading and parking area, or accessways shall be landscaped pursuant to the following standards or maintained in a natural state of woodland or wetland. The minimum amount of greenspace (lawn and landscaped areas) shall be 20% of each respective parcel.

E. Landscape Plans and Plantings:

Area A.

1. Landscape plans and plantings, if required, shall be the same as referenced in the Town of Ballston Zoning Ordinance for residentially zoned areas.

Area B.

The landscape plan for any parcel to be developed shall provide the following:

1. Natural features such as existing trees, shrubs, wood lots, wetlands, and other outstanding vegetation shall be preserved and incorporated into the open space area to as great an extent as practical. The landscape plan should identify natural vegetation to be retained after development.
2. Parking areas, loading areas, storage tanks, accessory structures, garages, transformers, gas meters, refuse containers, and other similar pieces of outdoor equipment shall be screened from public roads with existing or planted trees and shrubs.
3. Landscaping around buildings and facilities shall be given special attention in the landscape plan. The applicant shall have flexibility in selecting a landscape plan, provided that it complements the site and the facilities upon it and achieves a harmonious and aesthetically pleasing fit with the natural environment.
4. Minimum height for evergreen trees shall be five feet.
5. Plantings should be a balance of evergreen and deciduous trees and shrubs and all plants shall be hardy under the microclimatic conditions of the site.

F. Seeding and Topsoil - Area A and Area B.

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1. The owner or occupant of any lot with disturbed areas shall be required to topsoil and seed all areas not occupied by buildings, pavement or otherwise landscaped.

G. Site Lighting:

Area A.

1. There shall be a pole-mounted light located in the front yard for each Single-Family Residence and each Townhouse unit.
2. Lighting shall be as referenced in the Town of Ballston Zoning Ordinance, Article XVIII relating to lighting.

Area B.

1. Site lighting shall be architecturally coordinated for the three levels of lighting:
 - a. Driveway lighting.
 - b. Parking lot lighting.
 - c. Building-mounted or bollard accent lighting.
2. Parking lot lighting shall be cut-off type to illuminate only the property on which the lights are installed.
3. All wall-packs shall have glare reducing shields.
4. Maximum light height shall be 35 feet above grade level.
5. Nighttime lighting levels shall be reduced to the minimum practicable and shall be restricted at the discretion of the Town Planning Board.

H. Signage:

Area A.

1. Signage shall be as referenced in the Town of Ballston Zoning Ordinance, Article XVI relating to signs.

Area B.

1. Signage shall be architecturally coordinated (including size, color, shape, texture, materials and lettering style) and subject to approval by the Planning

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Board in general accordance with the Town of Ballston Zoning Ordinance, Article XVI relating to signs.

2. Building mounted signage shall be permitted by approval of the Planning Board.
3. Signage shall be mounted so that no portion of sign projects above any portion of building facade on which it is mounted, or above any cornice line where roof slopes beyond.
4. All signs shall be set back a minimum of 10 feet from a property line.
5. No neon signs shall be permitted.
6. The lighting of the signs shall be in a manner approved by the Planning Board.

I. Fencing/Screening - Area A and Area B.

1. All fencing shall be prohibited within 30 feet of the front property line of each lot except for minor decorative fencing.
2. Screening shall be by fencing, lawn berms, shrubs, decorative walls, trees, or other approved landscape materials.

J. Parking Requirements - Area A and Area B.

1. Each off-street space in Area B shall consist of at least 180 square feet with a minimum width of nine feet. In addition, space necessary for aisles, maneuvering and drives shall be provided.
2. The minimum number of parking spaces shall be as referenced in the Town of Ballston Zoning Ordinance.

K. Refuse and Outside Materials Storage - Area A and Area B.

1. When necessary to store articles, goods, or materials in the open upon any lot in Beacon Hill, the storage area shall not be permitted within the front portion of the lot, defined as the area between the front property line and a line drawn from the nearest corner of the building (to the front property line) and extending perpendicularly to the side lot lines.
2. Screening of refuse or storage areas shall be by fencing or walls together with berms, trees or shrubs.

L. Drainage - Area A and Area B.

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1. During construction, all property owners must protect adjacent lands from runoff and silt.
2. Any surface water collected by roofs, parking lots, or other man-made structures or surface water flowing from underdeveloped areas shall be handled on-site. The site drainage plan shall set as its priority the attenuation of developed runoff such that the flood and erosion potential on and off the site is not greater than that which existed before site development.
3. Each property owner will be responsible for drainage maintenance on its own land.

4. Architectural Restrictions.

Area A

1. Architectural Restrictions, if any, shall be the same as referenced in the Town of Ballston Zoning Ordinance for residentially zoned areas.

Area B.

A. Building Height.

1. Maximum building height will be 40 feet (or as otherwise limited by Local Fire District regulations) to top of roof parapet or to average elevation of sloping roofs as measured from finished grade at building. Irrespective of height, no building shall contain more than two stories of livable space. All garages shall be positioned such that the access is from either the front or side of the building, and no garage shall be designed in such a manner that it shall create a three-story building.

B. Building Facades.

1. In the case of building walls which are exposed to streets, they should be finished in an aesthetically appropriate fashion.
2. With the exception of any residential buildings, which shall not be required to use any particular facade material, all principal building facades should be constructed with, or veneered with, cementitious masonry materials, including, but not limited to, brick, stucco, E.I.F.S., stone or cedar siding or comparable wood siding and shall be subject to approval by the Town Planning Board.

C. Roofs.

1. Roof slopes of three inches in 12 inches or greater are permitted to be exposed to view and shall be limited to the following materials:

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- Asphalt composition.
 - Galvanized metal.
 - Pre-painted metal.
 - Field painted metal.
 - Copper or other metals appropriate for roofing.
2. The pattern, color, texture, jointing design or fastening method of roofing material shall be subject to approval by the Town Planning Board.
 3. Where roof slopes are less than three inches in 12 inches, roofing materials are unrestricted, but building facade shall form a parapet so as to eliminate view of roofing materials.
5. Specific Construction Not Permitted Within Front Yard.

Area A.

1. Accessory Structures.
 2. Specific construction not permitted within front yard shall be the same as referenced in the Town of Ballston Zoning Ordinance for residentially zoned areas.
- Area B.

The following are not permitted within front yards:

- Accessories structures.
 - Transformers, gas meters, or mechanical equipment.
 - Gasoline re-fueling areas.
 - Storage tanks.
 - Loading docks, dumpsters and utility service areas, trash receptacles and storage yards.
6. Environmental Standards - Area A and Area B. All uses established within Beacon Hill shall be constructed, operated and maintained as to comply with all standards as established by the local, state or federal regulatory agencies.
 7. Fire and Explosion Hazards - Area A and Area B. All uses, activities, and equipment involving handling, use, and storage of inflammable or explosive materials shall comply with all applicable local, state, and federal rules and regulations.
 8. Fissionable, Radioactive or Electrical Disturbances - Area A and Area B.
 - A. The use, handling, storage, discharge, and disposal of radioactive material or waste products are strictly prohibited in Beacon Hill.

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- B. No activities shall be permitted which produce electrical and/or electromagnetic disturbances affecting the operation of any equipment other than that of the creator of such disturbance.
9. Air Emissions - Area A and Area B.
- 1. Emissions to outdoor atmosphere shall be subject to the specific air quality standards and emissions limits set forth in the Federal Air Quality Act and the New York Air Pollution Control Rules and Regulations.
 - 2. No wood-burning stoves or wood-burning inserts shall be permitted.
10. Refuse Storage - Area A and Area B. Permanent or temporary below ground disposal of refuse and other solid waste is prohibited. Temporary storage of refuse and other solid waste is permitted in typically used waste bins or receptacles, where such waste is regularly removed and disposed of in an approved landfill, resource recovery facility, or other repository approved by the New York State Department of Environmental Conservation.
11. Disposal of Sewage and Waste - Area A and Area B. No waste material or refuse shall be dumped upon or permitted to remain upon any part of said property outside the building constructed thereon.
12. Toxic and Hazardous Substances - Area A and Area B.
- A. Use, handling, storage, disposal, and transport of toxic and hazardous substances and industrial waste are strictly prohibited.
13. Maintenance Standards - Area A and Area B.
- A. The owner or lessee of any parcel within Beacon Hill shall at all times keep its premises, buildings, accessory structures, parking lots, access drives, storage yards, and all other improvement in a safe, clean, neat and sanitary condition and shall comply with all laws, ordinances, regulations, and codes pertaining to health, safety, and property maintenance. Each property owner or lessee shall provide for the removal of solid waste from its premises.
 - B. During construction, it shall be the responsibility of each property owner to ensure that construction sites are kept free of unsightly accumulations of waste materials and that construction materials, equipment, temporary structures, etc., are kept in a neat, orderly manner.
 - C. The property owner or lessee shall maintain all undeveloped land within the occupied parcel in a manner compatible with these maintenance standards.
 - D. All landscaping shall be maintained in a neat and healthy condition and in accordance with the standards set forth in "American Standards for Nursery Stock"

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(ANSI Z60. 1-1986) of the American Association of Nurserymen and in accordance with accepted industry practice.

**ZONING
STONEBRIDGE
PLANNED UNIT DEVELOPMENT DISTRICT**

Section 1. Title of the Proposed P.U.D. District. This local law shall be known as No. 1 of 2008 of the Town of Ballston amending the Zoning Ordinance of the Town of Ballston as adopted June 12, 2006, providing for the creation of a Planned Unit Development District to be known as "Stonebridge."

Section 2. The Zoning Ordinance of the Town of Ballston as adopted June 12, 2006, and the Zoning Map of the Town of Ballston set forth therein and made a part thereof are amended by changing from the existing zoning district "Ballston Lake Residential" as hereinafter described and created within the boundaries of said newly described area a Planned Unit Development District to be known and described as "Stonebridge."

Section 3. The area of Stonebridge consists of approximately 74 acres in the Town of Ballston and is bounded and described as set forth in Appendix A²⁹ (legal description) and Appendix B³⁰ (design plan), attached hereto, and made a part hereof. The area is located on the south side of Lake Road approximately 3,500 linear feet west of Eastline Road.

Section 4. Traditional Neighborhood Development Principles.

- A. Smart growth law defines traditional neighborhood development to mean a compact, mixed use neighborhood where residential, commercial and civic uses are within close proximity of each other. It is a planning concept that is based on traditional small town and city neighborhood development principles. Traditional neighborhood development is, in part, a reaction to the often inefficient use of land and infrastructure and the lack of a sense of community in many newer developments.
- B. While there is no single model for a traditional neighborhood development, certain principles define this type of development. Things such as:
 - (1) Compact Development.
 - (a) Traditional neighborhood developments are compact. Compact development patterns (for both residential and commercial uses) can promote a more efficient use of land and lower costs of providing public infrastructure and services.
 - (b) Compact development also means the development is designed for the human scale. The human scale is defined as the relationship between the dimensions of the human body and the proportion of the spaces which people use. This includes paying attention to walking distances, the height of buildings, the design of streetlights and signs, sidewalks and other features.
 - (c) Compact development can also promote social interaction including civic spaces such as parks and public buildings. It also means that residential, commercial and civic spaces are within close proximity to each other to help encourage people to walk between various uses.

²⁹ Editor's Note: Appendix A follows Section 15.

³⁰ Editor's Note: Appendix B is on file in the office of the Town Clerk.

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(2) Mixed Uses.

- (a) Traditional neighborhood developments are designed to include a mixture of uses. This means that nonresidential land uses, such as commercial, civic and open space, are mixed with residential land uses. Mixing land uses also helps promote walking between the various uses. Different modes of transportation are promoted in the community such as walking, bicycles and automobiles.
- (b) Mixed use also provides a community center or focus. For example, the community center may be a public facility such as a park, recreational facility or a retail area. Mixed use also means promoting a mix of housing types and sizes to accommodate households of various ages, sizes and incomes. This means allowing for a variety of lot sizes and densities, and allowing other types of housing such as detached and attached single-family residences, townhomes, duplexes, fourplexes and specialty housing for seniors. Mixed use may also mean that housing is provided in the same building above commercial uses such as shops or offices.

(3) Multiple Modes of Transportation.

- (a) Traditional neighborhood developments provide for access generally by way of an interconnected network of circulation systems that facilitate walking, bicycling and driving. Streets are designed to promote the safe and efficient use of different transportation modes.
- (b) Traditional neighborhoods are also meant to be "pedestrian friendly." Given the compact design of the neighborhood, streets will be narrower than what is required in conventional subdivision ordinances. Narrow streets and other "traffic calming" techniques help slow traffic down to promote pedestrian safety. Front porches and other amenities like street trees and street lights can also promote walking throughout the development.

Section 5.

- A. The development of the Stonebridge Planned Unit Development District has been presented and is described according to a design plan filed with the Town Planning Board of Ballston (hereinafter, the "Planning Board") and attached hereto as Exhibit B.³¹ The exact location of the improvements shown on the design plan may be modified, altered or amended during the site plan and or subdivision review by the Planning Board.
- B. Lands set forth in Exhibit B,³² attached hereto and made a part hereof, shall be developed in the following manner:
 - (1) Division of the 74 +/- acre parcel into two uses, with approximate sizes of 41 +/- acres for Area A and 2.5 +/- acres for Area B.

³¹ Editor's Note: Exhibit B is on file in the office of the Town Clerk.

³² Editor's Note: Exhibit B is on file in the office of the Town Clerk.

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- (2) Area A so created shall consist of no more than 126 condominiums, 43 townhomes and 56 single-family homes with minimum lot sizes for the single-family homes of 5,000 square feet. The Planning Board may require and shall allow a decrease in density during site plan and or subdivision review to accommodate site conditions, utility conflicts, or modified design.
- (3) Area B so created shall consist of two neighborhood business/live-work flex space lots with the maximum combined allowable building area not to exceed 60,000 square feet of commercial/residential space.
- C. Stonebridge will have two points of ingress/egress initially. One being a connection to the Chapel Hill subdivision to the east through Lancaster Court and the other being to Lake Road on the west. Future additional connections have been incorporated in the design as shown on Appendix B.³³ These connections shall be part of the dedication to the town at the time the public streets are dedicated to the Town of Ballston.

Section 6.

- A. Allowable uses within Area A of Stonebridge shall include and be limited to the following:
 - (1) Single-family residences with no more than 56 dwelling units on 56 lots.
 - (2) Townhomes with no more than 43 townhome dwelling units.
 - (3) Condominiums with no more than 126 dwelling units.
 - (4) Signage for Stonebridge per Planning Board approval.
 - (5) Decorative accoutrements in public spaces as approved by the Planning Board, i.e., gazebo, fountain, etc.
 - (6) Garage and maintenance buildings of no more than 28 feet by 32 feet.
 - (7) Dumpster enclosures made of cedar boards and screened landscaped with arborvitae trees for screening.
- B. Allowable uses within Area B of Stonebridge shall include the following:
 - (1) Neighborhood Business Live-Work Flex Space which will allow the buildings to be designed such that the space can be used for allowable neighborhood business and or residential rental space. Business owners are encouraged to utilize the first floor of the building for an allowable business and then either live in or rent the above floors. The building can be owned by one entity and rented out or divided into condominium units allowing ownership of a portion of the property. Allowable neighborhood business uses include:

³³ Editor's Note: Exhibit B is on file in the office of the Town Clerk.

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- (a) Professional offices, i.e., attorney, medical, etc.
- (b) Day-care facilities.
- (c) Restaurant, sit-down: sit-down restaurants without drive-up or drive-through facilities.
- (d) Alcohol: Area B businesses may only serve beer and wine; liquor service is prohibited.
- (e) Live Entertainment: Area B live entertainment performances shall comply with the Ballston Zoning Ordinance in all respects, including sound levels produced.
- (f) Outdoor seating for allowed restaurants including convenience stores may extend up to the sidewalk.
- (g) Signs, business: signs for businesses that are located within Neighborhood Business Live-Work Flex Space.
- (h) Convenience store: neighborhood convenience store without automobile uses including gas stations.
- (i) Gym/health club.
- (j) Meeting facility for the local residents/HOA members only.
- (k) Community garden.
- (l) Public square/Christmas tree/holiday tree.
- (m) Dry cleaning: a satellite dry-cleaning facility; no cleaning on site; drop-off location only.
- (n) Barber/hair salon.
- (o) Real estate office.
- (p) Florist.
- (q) Antique shop.
- (r) Movie rental.
- (s) Internet cafe.
- (t) Transit/bus stop.

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- (u) Dwelling units.
- (2) Any uses that are not identified above that exhibit undue noise, lights and odors in excess of those typically associated with the uses identified in Section 6B above shall not be permitted.
- (3) The Planning Board shall have the authority, in its sole discretion, to determine if a proposed use not listed above, is a permitted use.

Section 7.

- A. All establishments within Stonebridge shall be interconnected to the Town of Ballston municipal water supply facilities. All water facilities will be designed and constructed in accordance with the standards of the Town of Ballston municipal water system. The cost of constructing the additional infrastructure needed to supply water to the Stonebridge PUDD shall be the sole responsibility of the developer/builder.
- B. The developer/builder shall certify to the Town of Ballston that the fees required by the Town of Glenville Resolution 139-2002 have been paid in full should this provision be necessary and in effect at the time of certificate of occupancy. No certificates of occupancy shall be granted without such certification if required.
- C. All establishments within Stonebridge shall be connected to sanitary sewer facilities via the Saratoga County Sewer District No. 1. All sewer facilities within Stonebridge shall be designed and constructed in accordance with the standards of the Saratoga County Sewer District No. 1. The developer/builder agrees to offer for dedication to the Saratoga County Sewer District No. 1 all completed sewer facilities at no cost to the Saratoga County Sewer District No. 1. The cost of constructing the additional infrastructure needed to connect the properties within the Stonebridge PUDD to the Saratoga County Sewer District No. 1 shall be the sole responsibility of the developer/building.
- D. Street lights shall be installed on both sides of the street at intervals of no greater than 100 feet for all streets within Stonebridge. The lights shall be active prior to the first certificate of occupancy being issued for each phase within the Stonebridge PUDD. The cost of constructing the lights within the Stonebridge Lighting District shall be the responsibility of the developer/builder, however, the developer/builder shall have the option of contracting with National Grid to install the lights and related infrastructure and then have the lighting district lease the lighting equipment back. The Stonebridge Lighting District shall be created in order that the cost and maintenance be assessed against those properties that are benefited from the lighting.
- E. The developer/builder shall donate to the Town of Ballston the sum of \$100,000 to be used in any manner and for any use that the town shall see fit. The money shall be paid in two installments. The first installment of \$50,000 shall be delivered to the Town of Ballston prior to commencement of road construction for the development. The second \$50,000 shall be delivered to the Town of Ballston prior to the first certificate of occupancy being granted.

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Section 8.

- A. All construction shall comply with the N.Y.S. Fire Protection and Building Code. All plans for building construction or site development shall be prepared by a licensed architect, professional engineer, landscape architect or exempt land surveyor in accordance with the requirements of the N.Y.S. Education Law. All construction shall be subject to inspection by the Town Building Inspector, Town Engineer and Town Highway Superintendent, as may be applicable.
- B. Prior to issuance of a building permit, a plot plan prepared by a licensed land surveyor is to be submitted indicating the following:
 - (1) Proposed building location with front, rear and side yard setbacks.
 - (2) Proposed garage floor elevation. Garage floor elevation should be a minimum of 12 inches above the road center-line elevation. Should the proposed garage and first floor elevation deviate from what is indicated on the approved subdivision plans, a proposed grading plan for that particular lot may be required for review, as determined by the building inspector. Grading of the parcel is to be consistent with the intent of the grading shown on the approved subdivision plan so that stormwater runoff from the parcel does not impact adjoining parcels.

Section 9.

- A. Construction shall begin within 36 months of final approvals and issuance of all required permits and may occur in phases as shown on the design plan or as otherwise approved by the Town Planning Board. Included in the abovementioned thirty-six-month period are the original twelve-month period and two additional twelve-month extensions.
- B. The developer/builder shall be permitted building permits for up to three model single-family homes, one three-unit townhouse and one condominium building of up to four dwelling units; however no certificate of occupancy shall be issued for said model homes until all the requirements regarding Area A of this ordinance have been met. All model home units shall be built in accordance with subdivision engineering plans and specifications, including grading, as approved by the Town of Ballston Planning Board.
- C. A parks and recreation fee of \$500 shall be paid for each single-family unit built prior to the issuance of any certificates of occupancy. A parks and recreation fee of \$500 shall be paid for each townhome unit built prior to the issuance of any certificates of occupancy. A parks and recreation fee of \$500 shall be paid for each dwelling unit within a condominium building prior to the issuance of any certificates of occupancy. A parks and recreation fee of \$500 shall be paid for each neighborhood business live-work flex space lot prior to the issuance of any certificates of occupancy.

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Section 10.

- A. All roads to be dedicated to the Town, drainage easements and rights-of-way shall be constructed by the developer/builder and shall be in accordance with the Town Building Code and Subdivision Regulations and shall be offered without cost to the Town of Ballston for public use. All roads constructed for use for the condominiums shall be built in accordance with the final engineering design plans and shall be owned and maintained by the HOA.
- B. Should the project be developed in phases, the first phase of construction shall be the single-family homes section along the main road. This will include constructing the new road from Lake Road through Stonebridge and connecting with Lancaster Court at Chapel Hill. Subsequent phases could happen either concurrently or consecutively because of the interconnected streets. A conceptual phasing plan is attached hereto as Appendix D;³⁴ however, a formal phasing plan will be developed at the site plan and/or subdivision review stage and the Planning Board shall have the authority, in its sole discretion, during site plan and or subdivision review, to determine the sequence of development within the Stonebridge PUDD within Area A; however, a site plan for Area B shall be submitted to the Planning Board for review at a time deemed appropriate by the property owner.

Section 11.

- A. Stonebridge PUDD, at the time of adoption, includes the provision for the optional dedication of approximately 4.6 acres of open space/recreation land to the Town as shown on Appendix B³⁵ and labeled "Town Park Land Dedication." The exact acreage shall be determined by the Planning Board during the site plan and/or subdivision review. Land shall be transferred to the Town of Ballston at the same time as the public roads are dedicated, or at a later date to be determined by the Town of Ballston.
- B. Stonebridge at the time of adoption will include the dedication of approximately 13.76 acres of open space/recreation land to the homeowner's association as shown on Appendix B³⁶ and labeled "Condominium HOA Open Space (CHOS)." The exact acreage shall be determined by the Planning Board during the site plan and/or subdivision review.
- C. The open space areas identified as "Village Green," "Open Space 1 (OS1)" and "Open Space 2 (OS2)" shall be owned and maintained by the HOA.

Section 12.

- A. Uses permitted in the Stonebridge PUDD shall be those set forth in the Section 6 above. The applicant(s) for any development proposals within the P.U.D.D. shall follow the procedures of the Town, including but not limited to the Site Plan Review Ordinance and the Subdivision Regulations. No use shall be permitted except as approved by the

³⁴ Editor's Note: Appendix D is on file in the office of the Town Clerk.

³⁵ Editor's Note: Appendix B is on file in the office of the Town Clerk.

³⁶ Editor's Note: Appendix B is on file in the office of the Town Clerk.

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Planning Board as being in conformity with this ordinance. All development and use of property within Stonebridge shall be in accordance with the restrictive covenants for Stonebridge identified in Appendix C, "Declaration of Covenants and Restrictions for Stonebridge,"³⁷ attached hereto, and made a part hereof. The deed restrictions contained herein, Section 13, Paragraph A, and the "Declaration of Covenants and Restrictions for Stonebridge," Appendix C, shall be recorded with the Saratoga County Clerk.

- B. There shall be no construction of any apartments within any single-family homes, townhomes or condominium units within this development. No garage shall be converted into a dwelling unit.
- C. There shall be located on the front of each building and clearly visible from the road, in contrasting color and in a uniform location, the designated 911 emergency number, at least six inches in height, prior to the issuance of a certificate of occupancy. In addition, the developer/builder shall provide the Town with an as-built foundation location survey with its application for a certificate of occupancy.

Section 13.

The developer/builder shall, in accordance with the Site Plan Review Ordinance and Subdivision Regulations, submit plans for approval of each phase of construction prior to the issuance of a building permit.

Section 14.

- A. No further subdivision of either the single-family lots or the townhome lots shall occur and lot maps shall be filed in the Saratoga County Clerk's office defining the lot line along the common party wall in the case of the townhome lots. No further subdivision of any property owned by an HOA shall occur with the exception of the open space land labeled "Condominium HOA Open Space (CHOS)," which may be subdivided out and dedicated to the Town of Ballston or its designee for open space.
- B. Except as herein permitted, deed restrictions restricting the cutting of vegetation on portions of Stonebridge, identified and labeled as "Land Preservation Area (LPA)" and the Condominium HOA Open Space (CHOS) as approximately shown on Appendix B,³⁸ and as established during the site plan and/or subdivision review process by the Planning Board, shall be included in the Declaration of Covenants and Restrictions for Stonebridge.
- C. Condominium HOA Open Space (CHOS) as approximately shown on Appendix B.³⁹ Should a trail system ever be designed and built within this area, the trail shall not have direct ingress or egress to Lake Road.

Section 15.

³⁷ Editor's Note: Appendix C follows Appendix A, which follows Section 15.

³⁸ Editor's Note: Appendix B is on file in the office of the Town Clerk.

³⁹ Editor's Note: Appendix B is on file in the office of the Town Clerk.

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This Local Law shall take effect upon filing with the Secretary of State.

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Appendix A Legal Description for Stonebridge

That certain piece or parcel of land, situate, lying and being in the Town of Ballston, County of Saratoga and State of New York, being further bounded and described as follows, to wit:

Beginning at a point in the Easterly line of Lake Road at the intersection of the common division line between lands now or formerly of Wigley as conveyed in Book 562 of Deeds at Page 399 on the south and lands now or formerly of Monaco Acres, Inc., as conveyed in Book 1576 of Deeds at Page 260 on the north, thence along a curve to the right having a radius of 933.19 feet, an arc length of 66.13 feet, and a chord of South 33°43' 12" East, 66.11 feet to a point, thence along said Easterly line, North 36°41' 30" East, 1011.75 feet to a point at the intersection of the common division line between lands now or formerly of Monaco Acres, Inc., as conveyed in Book 1576 of Deeds at Page 260 on the south and lands now or formerly of Schaff, as conveyed in Book 1508 of Deeds at Page 721 on the north to a point, thence along said division line, South 53°18' 30" East, 450 feet to a point at the intersection of the common division line between lands now or formerly of Monaco Acres, Inc., as conveyed in Book 1576 of Deeds at Page 260 on the south and lands now or formerly of Schaff, as conveyed in Book 1508 of Deeds at Page 721 on the north, thence along said division line, North 36°41' 30" East, 350 feet to a point at the intersection of the common division line between lands now or formerly of Monaco Acres, Inc., as conveyed in Book 1576 of Deeds at Page 260 on the east and lands now or formerly of Schaff, as conveyed in Book 1508 of Deeds at Page 721 on the west, thence along said division line, North 53°18' 30" West, 450 feet to a point in the Easterly line of Lake Road, thence along said Easterly line, North 63°41' 30" East, 282.16 feet to a point of curvature to the left having a radius of 3057.15 feet, an arc length of 233.74 feet, a chord of North 34°22' 41" East, 233.68 feet to a point of curvature to the right having a radius of 3732.02 feet, an arc length of 519.42 feet, a chord of North 36°15' 17" East, 519.00 feet to a point, thence North 40°26' 39" East, 30.46 feet to a point at the intersection of the common division line between lands now or formerly of Mahoutchian as conveyed in Book 1122 of Deeds at Page 185, the lands now or formerly of Dahoda as conveyed in Book 1686 of Deeds at Page 715, the lands now or formerly of Enzinna as conveyed in Book 1679 of Deeds at Page 1 and the lands now or formerly of Momrow as conveyed in Book 1575 of Deeds at Page 518 on the north and lands now or formerly of Monaco Acres, Inc., as conveyed in Book 1576 of Deeds at Page 260 on the south, thence along said division line North 84°50' 55" East, 726.37 feet to a point at the intersection of the common division line between lands now or formerly of Monaco as conveyed in Book 1036 of Deeds at Page 349 on the east and lands now or formerly of Monaco Acres, Inc., as conveyed in Book 1576 of Deeds at Page 260 on the west, thence along said division line, South 06°30' 51" East, 945.90 feet to a point at the intersection of the common division line between lands now or formerly of Monaco as conveyed in Book 1036 of Deeds at Page 349 on the north and lands now or formerly of Monaco Acres, Inc., as conveyed in Book 1576 of Deeds at Page 260 on the south, thence along said division line, North 82°07' 51" East, 94.45 feet to a point at the intersection of the common division line between lands now or formerly of Monaco as conveyed in Book 1036 of Deeds at Page 349 on the east and lands now or formerly of Monaco Acres, Inc., as conveyed in Book 1576 of Deeds at Page 260 on the west to a point, thence along said division line, South 06°30' 51" East, 872.69 feet to a point at the intersection of the common division line between lands now or formerly of Monaco as conveyed in Book 1036 of Deeds at Page 349 on the north and lands now or formerly of Monaco Acres, Inc., as conveyed in Book 1576 of Deeds at Page 260 on the south, thence along said division line,

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North 82°07' 51" East, 104.74 feet to a point at the intersection of the common division line between lands now or formerly of Monaco Acres, Inc., as conveyed in Book 1576 of Deeds at Page 260 on the west and lands now or formerly of Desrosiers as conveyed in Book 13846 of Deeds at Page 655 on the east, thence along said division line, South 09°38' 26" East, 507.92 feet to a point at the intersection of the common division line between lands now or formerly of Monaco Acres, Inc., as conveyed in Book 1576 of Deeds at Page 260 on the north and lands now or formerly of New York Development Group as conveyed in Book 1744 of Deeds at Page 41 on the south, thence along said division line, South 83°08' 14" East, 785.14 feet to a point at the intersection of the common division line between lands now or formerly of Monaco Acres, Inc., as conveyed in Book 1576 of Deeds at Page 260 on the east and lands now or formerly of Wigley as conveyed in Book 562 of Deeds at Page 399 on the west, thence along said division line, North 07°48' 49" West, 470.18 feet to a point at the intersection of the common division line between lands now or formerly of Monaco Acres, Inc., as conveyed in Book 1576 of Deeds at Page 260 on the north and lands now or formerly of Wigley as conveyed in Book 562 of Deeds at Page 399 on the south, thence along said division line, South 84°46' 24" West, 1855.16 feet to the point or place of beginning, containing 74.10 acres more or less.

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Appendix C

Declaration of Covenants and Restrictions for Stonebridge

1. General purpose of conditions. The Declarant, New York Development Group, LLC., created these restrictive covenants, which are intended to ensure the continuing appreciation of property values through the creation of an aesthetically pleasing and harmonious environment for Stonebridge including organizing the development into a traditional neighborhood pattern, integrated with surrounding neighborhoods and including a framework of mixed housing types, mixed uses, transit system, pedestrian system and green spaces. They address a full spectrum of site and facility planning, design, landscaping, operation and maintenance.
2. Site and building. All development plans within Stonebridge shall be submitted for approval to the Planning Board prior to construction. Minimum submittals for approval shall be as follows:
 - A. Site plan and/or subdivision plan, including proposed parking lots, curbing, landscape materials, easements, setbacks, buffers, surface drainage, sewer, water, stormwater system, accessory buildings, lighting, signage and other site amenities.
 - B. Plans and details to control site work for Area B, including:
 - Plant materials.
 - Concrete walks and asphalt pavements.
 - Dumpster enclosures, trash receptacles.
 - Signs, flags and seating.
 - Utilities, site lighting.
 - Screens, fences and gates.
 - Curbs and walls.
 - Special pavers.
 - C. Exterior building elevation for Area B (including accessory structures) showing building facade, colors, materials for facade, roof and parapets, and mechanical equipment locations and screens.
 - D. Building plan showing main entrance, loading areas and handicapped accessibility for Area B.
 - E. All proposed structures and site developments shall be designed to meet the spirit of these covenants as well as the specific requirements contained herein.
3. Site restrictions.
 - A. Property line setbacks, stories, height:
 1. No principal buildings or accessory structures shall be permitted within the following setbacks:

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	Single-Family Lots	Townhouse Lots	Condominiums	Neighborhood Business	Accessory Structures
Minimum width	50'	80	N/A	N/A	N/A
Front yard maximum	10'	20'	20'	0'	20'
Front yard maximum	20'	N/A	N/A	N/A	N/A
Side yard	0'	10'	10'	0'	10'5
Rear yard	20'	20'	20'	20'	6'
Party wall/ceiling	N/A	0'	0'	0'	N/A
Stories/height	2.0/40	3.0/40	3.0/40	3.0/40	1.5/30

2. As offered here, front yard setbacks would not apply to decorative fences, garden walls, porches, stoops, or bay windows.
 3. With respect to townhouse structures and condominium units, there shall be a zero lot line at the common party wall.
 4. Where zero lot lines are employed, there shall be a reciprocal access easement between adjacent buildings to allow the unit owners to get personal property that is too large to go through the buildings to and from the front and back yards. This easement shall be nonexclusive and shall extend from the front street line to the rear yard and to the sides of the adjacent buildings. Landscaped areas within the easement area are to be preserved in the process of moving such property, or restored to equal condition.
- B. Garages. All residential dwelling units within Stonebridge Area A shall have a minimum one-car garage and a maximum two-car garage per dwelling unit. Detached garages are allowable and shall be treated as an accessory structure with respect to property setbacks. Garage entrances on single-family homes should be set back behind the front facade of the home by a minimum of 10 feet.
- C. Roadways and sidewalks: Area A and Area B.
1. Area A and Area B.
 - a. All roadways, driveways, parking areas and parking lots shall be constructed with asphalt, concrete, or brick pavers. Stonebridge shall have Americans with Disabilities Act (ADA) compliant sidewalks on both sides of all public streets except where the Planning Board shall, in its sole discretion, deem them unnecessary.
 - b. Concrete, granite, or integral asphalt wing curbing shall be used at all entrance roadways at least to the front yard setback line.

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- c. All sidewalks shall be concrete or brick pavers and shall be maintained by the property owner whose property abuts the public sidewalk or by the community H.O.A. Should the property owner or H.O.A. not remove the snow within 72 hours of the end of a snow storm, the Ballston DPW will clear the snow and bill the property owner or H.O.A.
 - d. Crosswalks: Intersections of sidewalks with streets shall be clearly marked with contrasting paving materials at the edges or with striping.
 - 2. Area A.
 - a. Sidewalks and walkways in residential areas shall be a minimum width of 3-5 feet, depending on projected pedestrian traffic, and shall connect dwelling entrances to the adjacent public sidewalk or walkway.
 - 3. Area B.
 - a. Sidewalks and walkways in mixed use areas shall be clear and well-lighted and shall connect building entrances to the adjacent public sidewalk and to associated parking areas. Such sidewalks shall be a minimum of five feet in width.
- D. Street layout:
- 1. Area A and Area B.
 - a. Intersections shall be at right angles whenever possible, but in no case less than 75°. Low volume streets may form three-way intersections creating an inherent right-of-way assignment. The through street receives precedence.
 - b. Corner radii. The roadway edge at street intersections shall be rounded by a tangential arc with a maximum radius of 15 feet for local streets and 20 feet for intersections involving collector or arterial streets. The intersection of a local street and an access lane or alley shall be rounded by a tangential arc with a maximum radius of 10 feet. The Town Engineer shall approve the selected curve radius dimension and shall recommend revisions as required.
 - c. The orientation of streets should enhance the visual impact of common open spaces and prominent buildings, create lots that facilitate passive solar design, and minimize street gradients. All streets shall terminate at other streets or at public land, except local streets may terminate in stub streets when such streets act as connections to future phases of the development. Local streets may terminate other than at other streets or

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public land when there is a connection to the pedestrian and bicycle path network at the terminus.

E. Landscape and screening:

1. Area A and Area B.

- a. Street trees: A minimum of one deciduous canopy tree per 50 feet of street frontage, or fraction thereof, shall be required. Not more than 20% of the trees may be clustered while the balance should be as evenly spaced as possible while taking into consideration utilities, driveways, visibility, etc. Trees should be located between the sidewalk and the curb and within the landscaped area of a boulevard. If placement of trees within the right-of-way will interfere with the utilities, trees may be planted within the front yard setback adjacent to the sidewalk.
- b. Screening: In areas that require screening, it shall be at least three feet in height, unless otherwise specified. Screening should be at least 25% opaque throughout the year. Screening should be one or a combination of: a decorative fence not less than 50% opaque behind a continuous landscaped area, a masonry wall, a hedge, or any other method as approved by the Planning Board.

2. Area A.

- a. Landscape plans and plantings shall be the same as referenced to in the Town of Ballston Zoning Ordinance for residential properties located in the Ballston Lake Residential Zone.
- b. All condominium and townhome buildings shall utilize a variety of landscaping materials and designs. No two adjacent buildings shall have the identical landscaping design.

3. Area B.

- a. Natural features such as existing trees, shrubs, wood lots, wetlands, and other outstanding vegetation shall be preserved and incorporated into the open space area to as great an extent as practical. The landscape plan should identify natural vegetation to be retained after development.
- b. Landscaping around buildings and facilities shall be given special attention in the landscape plan. The applicant shall have flexibility in selecting a landscape plan, provided that it complements the site and the facilities upon it and achieves a harmonious and aesthetically pleasing fit with the natural environment.

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- c. Plantings should be a balance of evergreen and deciduous trees and shrubs and all plants shall be hardy under the microclimatic conditions of the site.
 - d. All parking and loading areas within Area B abutting public streets or sidewalks, and all parking and loading areas abutting residential districts or uses, shall provide:
 - i. A landscaped area at least five feet wide along the public street or sidewalk.
 - ii. Screening at least three feet high and not less than 25% opaque.
 - iii. One tree for each 25 linear feet of parking lot frontage.
 - iv. The corners of parking lots, islands and all other areas not used for parking or vehicular circulation shall be landscaped. Vegetation can include turf grass, native grasses or other perennial flowering plants, vines, shrubs or trees. Such spaces may include architectural features such as benches, kiosks or bicycle parking.
 - e. Other areas: Accessory structures, refuse containers and other similar pieces of outdoor equipment shall be screened from public roads with existing or planted trees and shrubs.
 - f. All portions of land not utilized for buildings, loading and parking areas, or accessways shall be landscaped pursuant to the following standards or maintained in a natural state of woodland or wetland.
 - g. All proposed landscaping and screening shall require approval of the Planning Board.
- F. Seeding and topsoil: Area A and Area B.
- 1. The owner or occupant of any lot with disturbed areas shall be required to topsoil and seed all areas not occupied by buildings, pavement or otherwise landscaped.
- G. Site lighting.
- 1. Area A.
 - a. Lighting shall be as referenced in the Town of Ballston Zoning Ordinance for residential properties located in the Ballston Lake Residential Zone.
 - 2. Area B.

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- a. Site lighting shall be architecturally coordinated for the three levels of lighting:
 - Driveway lighting.
 - Parking lot lighting.
 - Building-mounted or bollard accent lighting.
- b. Parking lot lighting shall be cut-off type to illuminate only the property on which the lights are installed.
- c. All wall-packs shall have glare-reducing shields.
- d. Maximum light height shall be 35 feet above grade level.
- e. Nighttime lighting levels shall be reduced to the minimum practicable and shall be restricted at the discretion of the Town Planning Board.
- f. Exterior lighting shall be directed downward in order to reduce glare onto adjacent properties.
- g. All proposed lighting shall require approval of the Planning Board.

H. Signage.

1. Area A.

- a. Signage shall be as referenced to in the Town of Ballston Zoning Ordinance, Article XVI, relating to signs.
- b. There shall be located on the front of each house and clearly visible from the road, in contrasting color and in a uniform location, the designated 911 emergency house number, at least six inches in height, prior to the issuance of a certificate of occupancy. Where individual mailboxes are used, the corresponding house number shall be placed on each mailbox according to the Town of Ballston regulations at the time the certificate of occupancy is issued.

2. Area B.

- a. Signage shall be architecturally coordinated (including size, color, shape, texture, materials and lettering style) and subject to approval by the Planning Board in general accordance with the Town of Ballston Zoning Ordinance, Article XVI, relating to signs.
- b. Building-mounted signage shall be permitted by approval of the Planning Board.

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- c. Signage shall be mounted so that no portion of a sign projects above any portion of the building facade on which it is mounted, or above any cornice line where roof slopes beyond.
- d. All signs shall be set back a minimum of five feet from a property line except where the Planning Board shall approve a shorter setback.
- e. No neon or other internally illuminated signs shall be permitted. For the purposes of these provisions, signs include any signage that is visible from the street.
- f. The lighting of the signs shall be in a manner approved by the Planning Board.
- g. There shall be located on the front of each building and clearly visible from the road, in contrasting color and in a uniform location, the designated 911 emergency number, at least six inches in height, prior to the issuance of a certificate of occupancy.

I. Fencing/screening: Area A and Area B.

- 1. All fencing shall be prohibited within the front property setback of each lot except for minor decorative fencing or screening not to exceed 36 inches in height or as otherwise required in this PUDD legislation.
- 2. Screening shall be by fencing, lawn berms, shrubs, decorative walls, trees, or other approved landscape materials.

J. Parking requirements: Area A and Area B.

- 1. Area A: The minimum number of parking spaces shall be as referenced to in the Town of Ballston Zoning Ordinance for residential properties located in the Ballston Lake Residential zone.
- 2. Area B: Parking shall be to the side or behind the primary building. Each off-street space in Area B shall consist of at least 180 square feet with a minimum width of nine feet. In addition, space necessary for aisles, maneuvering and drives shall be provided. There must be one parking spot per 500 feet of commercial use and 1.5 spaces for each residential dwelling unit. However, shared parking, or the use of the same parking space at different times of day or days of the week, is allowed and encouraged to lessen the amount of surface parking. Any shared parking shall be reviewed by the Planning Board based on data presented by the applicant. The most current edition of the Urban Land institute's publication "Shared Parking" is incorporated herein by reference for these purposes. There shall be not less than one bicycle parking space for every 10 commercial parking spaces.

K. Refuse and outside materials storage: Area A and Area B.

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1. When necessary to store articles, goods, or materials in the open upon any lot in Stonebridge, the storage area shall not be permitted within the front portion of the lot, defined as the area between the front property line and a line drawn from the nearest corner of the building (to the front property line) and extending perpendicularly to the side lot lines.
2. Screening of refuse or storage areas shall be by fencing or walls together with berms, trees or shrubs.

L. Drainage: Area A and Area B.

1. During construction, all property owners must protect adjacent lands from runoff and silt.
2. Any surface water collected by roofs, parking lots, or other man-made structures or surface water flowing from underdeveloped areas shall be handled on site. The site drainage plan shall set as its priority the attenuation of developed runoff such that the flood and erosion potential on and off the site is not greater than that which existed before site development.
3. Each property owner shall be responsible for drainage maintenance on its own land.
4. The Town of Ballston is drafting a stormwater local law. If such a law is enacted, the stormwater management within Stonebridge shall be designed in accordance provided the law is in effect at the time of design and approval.

4. Architectural restrictions:

A. Area A.

1. Every effort will be made to differentiate and distinguish residential buildings adjacent to each other. In the case of the townhome buildings, the adjacent individual units within each structure will utilize contrasting colors and/or architectural details to the greatest extent practicable while still maintaining an aesthetically pleasing facade. In the case of the single-family homes, the builder will endeavor to diversify the front elevation of homes located immediately adjacent to each other by utilizing various architectural features, including but not limited to garage styles; porch styles; facade material styles, colors and texture; windows and shutters; roof styles and colors; and distinguishing architectural details, etc., while still maintaining an aesthetically pleasing facade.
2. Building height shall be as referenced in paragraph 3A of the Declaration of Covenants and Restrictions for Stonebridge and in no case shall it exceed 40 feet (or as otherwise limited by Local Fire District restrictions) to average elevation of sloping roofs as measured from finished grade at building.

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3. Roofs shall have a slope equal to or greater than five inches in 12 inches for main structure and two inches in 12 inches for porches and attached exterior fireplace roofs. Accessory structure roofs shall have a slope equal to or greater than five inches in 12 inches.
4. Individual mailboxes shall be of similar style and color throughout each distinct residential area. Multi-unit mailboxes that serve several residential units in one location shall be allowed and shall be placed in a location that is acceptable to the USPS.
5. All single-family homes shall have a front porch with a minimum depth of six feet and a minimum area of 60 square feet.
6. A mix of architectural styles is encouraged as it allows for diversity among the housing types. Single-family homes should be designed based on any of the following architectural styles: Craftsman, Tudor, Victorian, Georgian, Southern Classical, Greek Revival, Four Square, Shingle, Classic, Ranch, Stick, and Gothic Revival as these are architectural styles that can be found in various upstate New York communities.

B. Area B.

1. Building height.
 - a. Maximum building height will be 40 feet (or as otherwise limited by Local Fire District restrictions) to top of roof parapet or to average elevation of sloping roofs as measured from finished grade at building.
2. Building facades.
 - a. In the case of building walls which are exposed to streets, they should be finished in an aesthetically appropriate fashion.
 - b. Principal building facades should be constructed with or veneered with cementitious masonry materials, including brick, stucco, E.I.F.S., stone or cedar siding or comparable wood or wood grain vinyl siding or any material not listed that the Planning Board deems appropriate and shall be subject to approval by the Planning Board.
3. Roofs.
 - a. Roof slopes of three inches in 12 inches or greater are permitted to be exposed to view and shall be limited to the following materials:
 - Fiberglass composition.
 - Asphalt composition.
 - Galvanized metal.

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- Prepainted metal.
 - Field painted metal.
 - Copper or other metals appropriate for roofing.
 - b. The pattern, color, texture, jointing design or fastening method of roofing material shall be subject to approval by the Town Planning Board.
 - c. Where roof slopes are less than three inches in 12 inches, roofing materials are unrestricted, but building facade shall form a parapet so as to eliminate view of roofing mechanical equipment.
4. Awnings/canopies over the pedestrian walk are encouraged.
5. Specific construction not permitted within front yard.
- A. Area A.
- Accessory structures.
 - Specific construction not permitted within front yard shall be the same as referenced to in the Town of Ballston Zoning Ordinance for residential properties located in the Ballston Lake Residential zone with the exception of any uses permitted in this ordinance.
- B. Area B.
- Accessory structures.
 - Transformers, gas meters, or mechanical equipment.
 - Gasoline refueling areas.
 - Storage tanks.
 - Loading docks, dumpsters and utility service areas, trash receptacles and storage yards.
6. Environmental standards: Area A and Area B.
- A. All uses established within the Stonebridge shall be constructed, operated and maintained as to comply with all standards as established by the local, state or federal regulatory agencies.
7. Fire and explosion hazards: Area A and Area B.
- A. All uses, activities, and equipment involving handling, use, and storage of flammable or explosive materials shall comply with all applicable local, state, and federal rules and regulations.
8. Fissionable, radioactive or electrical disturbances: Area A and Area B.

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- A. The use, handling, storage, discharge, and disposal of radioactive material or waste products are strictly prohibited in Stonebridge.
 - B. No activities shall be permitted which produce electrical and/or electromagnetic disturbances affecting the operation of any equipment other than that of the creator of such disturbance.
9. Air emissions: Area A and Area B.
- A. Emissions to outdoor atmosphere shall be subject to the specific air quality standards and emissions limits set forth in the Federal Air Quality Act and the New York Air Pollution Control Rules and Regulations.
 - B. No wood-burning stoves or wood-burning inserts shall be permitted.
10. Refuse storage: Area A and Area B.
- A. Permanent or temporary below ground disposal of refuse and other solid waste is prohibited. Temporary storage of refuse and other solid waste is permitted in typically used waste bins or receptacles, where such waste is regularly removed and disposed of in an approved landfill, resource recovery facility, or other repository approved by the New York State Department of Environmental Conservation.
11. Disposal of sewage and waste: Area A and Area B.
- A. No waste material or refuse shall be dumped upon or permitted to remain upon any part of said property outside the building constructed thereon.
12. Toxic and hazardous substances: Area A and Area B.
- A. Use, handling, storage, disposal, and transport of toxic and hazardous substances and industrial waste are strictly prohibited.
13. Maintenance standards: Area A and Area B.
- A. The owner or lessee of any parcel within Stonebridge shall at all times keep its premises, buildings, accessory structures, parking lots, access drives, storage yards, and all other improvements in a safe, clean, neat and sanitary condition and shall comply with all laws, ordinances, regulations, and codes pertaining to health, safety, and property maintenance. Each property owner or lessee shall provide for the removal of solid waste from its premises.
 - B. During construction, it shall be the responsibility of each property owner to ensure that construction sites are kept free of unsightly accumulations of waste materials and that construction materials, equipment, temporary structures, etc., are kept in a neat, orderly manner.

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- C. The property owner or lessee shall maintain all undeveloped land within the occupied parcel in a manner compatible with these maintenance standards.
- D. All landscaping shall be maintained in a neat and healthy condition and in accordance with the standards set forth in "American Standards for Nursery Stock" (ANSI Z60. 1-1986) of the American Association of Nurserymen and in accordance with accepted industry practice.

14. Open space restrictions: Area A and Area B.

- A. Within the Condominium HOA Open Space (CHOS) and the Land Preservation Area (LPA) as approximately shown on Appendix B,⁴⁰ the following deed restrictions apply:
 - 1. There shall be no clear-cutting of trees, use of fertilizers, grazing of domestic animals, or disturbance or change in the natural habitat of the LPA or CHOS in any manner. The cutting and removal of dead, damaged or fallen trees or selected clearing of trees/brush for a natural trail system shall be permitted.
 - 2. There shall be no constructing or placing of any building, tennis or other recreational court, landing strip, mobile home, swimming pool, asphalt or concrete pavement, billboard or other advertising display, antenna, utility pole, tower, conduit, lights or any other permanent structure or facility on or above the LPA or CHOS with the exception of foot bridges over wetland courses.
 - 3. There shall be no use of pesticides or biocides in the LPA or CHOS including but not limited to insecticides, fungicides, rodenticides, and herbicides.
 - 4. There shall be no storage or dumping of ashes, trash, garbage, or other unsightly or offensive material, hazardous substance, or toxic waste, nor any placement of underground storage tanks in, on or under the LPA or CHOS.

⁴⁰ Editor's Note: Appendix B is on file in the office of the Town Clerk.

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ROSSI COMMERCIAL BUSINESS PLANNED UNIT DEVELOPMENT DISTRICT

Section 1. Title of the Proposed P.U.D.D. District. This local law shall be known as Local Law No. 3 of 2011 of the Town of Ballston amending the Zoning Ordinance of the Town of Ballston as adopted June 2006, providing for the creation of a Planned Unit Development District No. 6 to be known as "Rossi Commercial Business P.U.D.D."

Section 2. The Zoning Ordinance of the Town of Ballston as adopted June 2006 and the Zoning Map of the Town of Ballston set forth therein and made a part thereof are amended by changing from the existing zoning districts: "Mixed Use Center", "Rural", "Industrial" as hereinafter described and creating within the boundaries of said newly described area, a Planned Unit Development District to be known and described as "Rossi Commercial Business P.U.D.D."

Section 3. The area of Rossi Commercial Business P.U.D.D. consists of approximately 74.654 acres in the Town of Ballston and is bounded and described as set forth in Appendix A⁴¹ (legal description) and Appendix B⁴² (sketch plan), attached hereto, and made a part hereof. The area is located on the east side of N.Y.S. Route 50/67 starting approximately 250 linear feet north of the intersection of Route 50 and 67 known as "V-corners" and extending northerly to Zepko Lane behind the properties fronting N.Y.S. Route 50/67.

Section 4. Allowable Uses.

A. Allowable uses within Rossi Commercial Business P.U.D.D. shall include the following:

- Art gallery.
- Bakery.
- Banks.
- Clubs or lodges.
- Offices: business, NYS licensed professionals, medical, financial.
- Printing and publication facilities.
- Retail sales businesses including grocery, department store, sporting goods, hardware, pharmacy, deli, etc.
- Millwork, cabinet making.
- Personal service establishments (barber, beauty salon, day spa).
- Convenience store with self-serve pumps.
- Day care facilities.
- Drive thru establishments including restaurant, pharmacy, bank, etc.
- Emergency and general health care service facilities.
- Motor vehicle repair shops.
- Physical health and sports facilities.
- Recreation indoor/outdoor facilities.
- Restaurant.
- Veterinary clinic without boarding.
- Business signs.

(Flex/Tech related):

⁴¹ Editor's Note: Appendix A follows Appendix C, which follows Section 15.

⁴² Editor's Note: Appendix B is on file in the Town offices.

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- Laboratories for industrial or scientific research & development.
- Assembly/fabrication of products whose components have been predominately manufactured off-site.
- Mechanical, electrical, optical, photographic, scientific or electronic manufacturing.
- Storage, showroom, warehousing and distribution of materials or products.
- Laundry/dry cleaners dropoff (no dry cleaning permitted on premises).
- Governmental facilities including Federal, State, County and Town.
- Institutions for charitable, educational, religious, cultural or community purposes.
- Wholesale businesses.
- Electronic, telecommunications, computer business/service offices.
- Training and instructional classrooms and facilities.
- General light manufacturing.

Any other similar uses not specified above shall be determined permissible by the Town Board after application and Public hearing.

- B. Prohibited uses within Rossi Commercial Business P.U.D.D. shall include but not be limited to the following:

- Crematoriums.
- Poultry killing and dressing.
- Meat packing plants.
- Leather tanning and finishing.
- Landfill operations.
- Asphalt mixing or concrete mixing plants.
- Adult bookstores and adult entertainment establishments.
- Uses that fall under the classification of Section 307 High Hazard Group H of the Building Code of New York State, 2010.

Any uses that are not identified above that exhibit undue noise, lights and odors in excess of those typically associated with the uses identified in Section 4A above shall not be permitted.

- C. The maximum permitted development within Rossi Commercial Business P.U.D.D. shall be 269,000 square feet of enclosed building space. Enclosed space may include one or more building levels. The 269,000 square feet is the total footprint for all buildings based on a single level. In areas of multiple floors, the total footprint will be decreased by the area of the additional floors. Of the total square footage, 132,000 square feet shall be for flex/office uses and 137,000 square feet shall be for retail or flex/office uses. The maximum individual building footprint shall not exceed 140,000 square feet.
- D. The sketch plan is set forth in Appendix B and is in the office of the Town Clerk. The sketch plan may be amended after a public hearing by the Town Board. The exact location, number and size of buildings, parking areas, green space, sidewalks, and other site components and improvements shown on the sketch plan may be modified, altered or amended during site plan review by the Planning Board to the extent that such modifications are not inconsistent with this local law.

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Section 5. Sanitary and Water Service.

- A. All establishments within Rossi Commercial Business P.U.D.D. shall be interconnected to the Town of Ballston municipal water supply facilities. All water facilities will be designed and constructed in accordance with the standards of the Town of Ballston municipal water system. The municipal water system will consist of an eight-inch main running the length of the Town R.O.W. The cost of constructing the additional infrastructure such as domestic service lines, sprinkler protection, and fire loops needed to supply water to future development and properties within the Rossi Commercial Business P.U.D.D. will be the responsibility of the individual lot owners or site developers.
- B. Prior to construction, the developer will, at developer's expense, and with proper notice and agreement with the respective homeowners, test home wells on properties known as tax map number 216.-2-33, 216.-2-29.2 and 216.-2-28; for flow rates to establish the actual current base flow rate for each, as well as test for coliform, VOCs, petroleum-based hazards and other standard hazards found in drinking water. If any failures in potability are discovered, they will not be deemed the responsibility of the developer, and no remediation will be required by the developer. Any future testing will be done at the expense of the respective property owners at tax map locations 216.-2-33, 216.-2-29.2 and 216.-2-28. Additionally, in the event there is a substantive change in flow or potability at any time during or after construction, the developer will not be responsible to remediate the wells or to provide water to these properties, since, as part of this P.U.D.D. legislation, the developer has agreed to and shall extend and construct a water line from the water line constructed within the project up to the south line of Zepko Lane, along with providing one hydrant, the location of which line and hydrant is to be established at the time of construction, subject to obtaining any and all necessary and required easements.
- C. All establishments within Rossi Commercial Business P.U.D.D. shall be connected to municipal sanitary sewer facilities. All sewer facilities within Rossi Commercial Business P.U.D.D. will be designed and constructed in accordance with the standards of the Saratoga County Sewer District No. 1. The municipal sewer system consists of an eight-inch gravity main running the length of the Town R.O.W. and exiting the P.U.D.D. through an easement midway through the site. The owner agrees to offer for dedication to the Saratoga County Sewer District No. 1 all completed sewer facilities at no cost to the Saratoga County Sewer District No. 1. The cost of constructing additional infrastructure such as sanitary service lines needed to connect future development and properties within the Rossi Commercial Business P.U.D.D. to the municipal sewer system will be the responsibility of the individual lot owners or site developers.
- D. The individual lot owners or site developers shall certify to the Town of Ballston that all required connection fees and associated fees for connection to the sanitary sewer and water services have been paid in full. No certificates of occupancy shall be granted without such certification.

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Section 6. All construction shall comply with the N.Y.S. Fire Protection and Building Code. All plans for building construction or site development shall be prepared by a Licensed Architect, Professional Engineer, Landscape Architect or exempt Land Surveyor in accordance with the requirements of the N.Y.S. Education Law. All construction shall be subject to inspection by the Town Building Inspector, Town Engineer and Town Highway Superintendent, as may be applicable.

Section 7. Construction on the Town road and associated infrastructure shall begin within 24 months of final approvals and issuance of all required permits and may occur in phases as shown on the sketch plan or as otherwise approved by the Planning Board. If no significant or substantial progress has been demonstrated within 24 months of P.U.D.D. approval, or if substantial progress is not being made without undue interruption after construction has commenced, this local law shall be deemed automatically revoked and void and the previous regulations shall obtain. As to the area within which any improvements have been constructed pursuant to this local law, there shall be no voiding of this local law and as to said area and the improvements constructed therein, this local law shall continue in full force and effect. For proper cause shown, the Town Board may, under such terms and conditions as it deems proper, waive the requirement that substantial progress continue without undue interruption after a public hearing.

Section 8.

- A. A Town road built to Town of Ballston standards and specifications shall service the P.U.D.D. as follows: One southern access along the east side of N.Y.S. Route 50/67 (Church Avenue) and one northern access along the east side of N.Y.S. Route 50/67 (Church Avenue). The two access points shall be built to N.Y.S.D.O.T. standards and specifications. A third access, in the future, may provide a connection to N.Y.S. Route 67 via a public road through the adjoining parcel to the south. A Right-of-Way to adjoining lands will be provided for this purpose if needed by the owner and if determined to be necessary by the Planning Board during site plan review.
- B. In the future, the developer/owner of the Rossi P.U.D.D. property shall construct, at the developer/owner's expense, one connector road of no more than 250 feet in length, from the P.U.D.D. loop road to the property line between the P.U.D.D. property and the adjacent property to the south (currently owned by Monaco). The road shall be constructed in accordance with the Town Highway specifications for public roads.
- C. The developer/owner shall only be obligated and required to do so in the event the property owned by Monaco, their successors or assigns, is developed and/or a roadway is constructed from N.Y.S. Route 67 (as it heads East from Rt. 50) through the Monaco or adjacent property up to the boundary between the Monaco and Rossi P.U.D.D. properties, and at no cost to the developer/owner of the Rossi P.U.D.D. property. The requirement of the developer/owner of the Rossi P.U.D.D. property to build such connector road from the P.U.D.D. loop road to the property line shall also include the obligation for construction and extension of water and sewer lines within the P.U.D.D. property to the property line along or next to the connector road, but only in the event the Monaco property owner/developer is also constructing water and sewer lines to connect to and join at the common property line between the P.U.D.D. property and the Monaco property.

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- D. The Town road may be constructed and dedicated to the Town in phases to service individual sites and/or lots as P.U.D.D. site development progresses. If only a partial section of Town road is completed initially, it shall include a means of turning around suitable for Town maintenance and emergency vehicles such as a cul-de-sac or hammerhead t-turnaround. The length, if partial construction is proposed by the applicant, and the location of the Town road, as well as any temporary turnarounds proposed to be constructed, shall be subject to review and approval by the Planning Board.
- E. The Town Road shall be designed and constructed in such a manner as to allow for future traffic improvements recommended by the P.U.D.D. traffic study (such as turn lanes) when it is determined such improvements are necessary by the Planning Board during site plan review, and to allow for the future addition of pedestrian and bicycle user amenities including sidewalks, pathways, sidewalk lighting and street trees. Pedestrian sidewalk connections shall be provided between the Route 50/67 north and south P.U.D.D. entrances and individual sites and lots within the P.U.D.D. at the time of their development. The Planning Board shall determine the length and location of sidewalk segments during site plan review so as to ensure that a continuous length of sidewalk is maintained from each occupied building to the P.U.D.D. entrance(s).
- F. All roads to be dedicated to the Town, drainage easements and rights-of-way shall be constructed by the Owner and shall be in accordance with the Town Building Code and Subdivision Regulations and shall be offered without cost to the Town of Ballston for public use by dedication/grant of title or easement.

Section 9. At the time of application for site plan and/or subdivision approval for future development within Rossi Commercial Business P.U.D.D., the recommendations of the P.U.D.D. traffic study shall be consulted to determine if a threshold requiring traffic improvements outlined in the study will be reached as a result of the application. If it is determined, by the Planning Board, that a trip threshold or delay level as determined by the New York State Department of Transportation and/or the Town traffic engineer will be reached requiring improvements, those improvements shall be required as a condition of site plan and/or subdivision approval.

Section 10. The P.U.D.D. site contains areas of jurisdictional wetlands subject to regulation. At the time of application for site plan and/or subdivision approval for future development, the Planning Board shall require a jurisdictional wetland determination of the area proposed for development as a condition of site plan and/or subdivision approval. If wetlands are impacted, securing the required permits for construction shall also be a condition of approval.

Refer to the sketch plan Appendix B⁴³ for an approximate indication of where wetlands are situated.

Section 11 Rossi Commercial Business P.U.D.D. does not, at the time of adoption, include any dedication of open space or recreation areas to the town or nonprofit entity (land trust, homeowners' associations) or future dedication of lands for future public use; i.e., schools, fire station, etc., other than the future Town road.

⁴³ Editor's Note: Appendix B is on file in the Town offices.

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It is hereby determined by the Town Board, after consideration of the nature of the land available for open space or recreational uses that might be so dedicated, that the property has limited potential for recreational uses. For each subdivided lot that will have a building footprint under the current 90,000 square foot limit on building size, the owner or developer will pay the then-current parks and recreation fee. For subdivided lots with building with footprints larger than 90,000 square feet, the fee shall be \$1,500, or \$500 more than the parks and recreation fee schedule current at the time provided for in accordance with Code of the Town of Ballston, Subdivision of Land § 104-12H, Public sites and open spaces. All other provisions of that section shall continue to apply.

Section 12. Uses permitted in the Rossi Commercial Business P.U.D.D. are set forth in Section 4, above. The applicant(s) for any development proposals within the P.U.D.D. shall follow the procedures of the Town, including but not limited to the Site Plan Review Ordinance (Chapter 138), the Subdivision Regulations (Chapter 104), and Stormwater Management (Chapter 91) of the Town Code of the Town of Ballston. No use shall be permitted except as approved by the Planning Board as being in conformity with this local law. This local law may be amended in the future after a public hearing by the Town Board.

All development and use of property within Rossi Commercial Business P.U.D.D. shall be in accordance with the restrictive covenants for Rossi Commercial Business P.U.D.D. identified in Appendix C⁴⁴ "Restrictive Covenants for Rossi Commercial Business P.U.D.D.," attached hereto, and made a part hereof.

Section 13. Before construction of any building in the Rossi Commercial Business P.U.D.D. is started, or any building permit is issued thereto, final plans, specifications and proposed uses for each such building shall be submitted to the Planning Board for its review and approval.

Section 14. Due to the proximity of the Rossi Commercial Business P.U.D.D. to existing residential areas, all construction activities associated with the Rossi Commercial Business P.U.D.D. shall be limited to the hours of 5:00 a.m. to 10:00 p.m. Construction activities such as painting, electrical, and other non-noise-generating work shall not be subject to this restriction.

Section 15. This local law shall take effect upon filing with the Secretary of State.

⁴⁴ Editor's Note: Appendix C follows Section 15.

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Appendix C **Restrictive Covenants for Rossi Commercial Business** **Planned Unit Development District**

1. General purpose of conditions. The Owner and Applicant, Frank Rossi Development, created these Restrictive Covenants, which are intended to ensure the continuing appreciation of property values through the creation of an aesthetically pleasing and harmonious environment for Rossi Commercial Business P.U.D.D. They address a full range of site and facility planning, design, landscaping, operation and maintenance. The desired goal is to achieve a unified and distinctive theme with respect to architectural character and site development elements within the District.
2. Site and buildings. All development plans within Rossi Commercial Business P.U.D.D. shall be submitted for approval to the Town Planning Board prior to construction. Minimum submittals for approval shall be as follows:
 - A. Site plan and/or subdivision plan, including proposed parking lots, driveways, sidewalks, curbing, landscape materials, easements, building footprint, setbacks, buffers, surface drainage, sewer, water, stormwater management system, accessory buildings, lighting, and signage.
 - B. Plans and details to control site work, including:
 - Planting plan and plant materials.
 - Handicapped access.
 - Concrete walks, pathways, curbs and asphalt pavements.
 - Walls (retaining, freestanding).
 - Utilities (sanitary, water, storm).
 - Erosion and sediment control.
 - Site lighting.
 - Dumpster enclosures, trash receptacles.
 - Steps and railings.
 - Signage.
 - Visual screens, fences and gates.
 - C. Exterior building elevations showing typical building facades, colors, textures, and materials for facades, roof and parapets, and mechanical equipment locations and visual screens.
 - D. Floor plans showing main entrance, loading areas and handicapped accessibility.
 - E. All proposed buildings, accessory structures, and site development components shall be designed to meet the intent of these covenants as well as the specific requirements contained herein.
3. Site restrictions and standards.
 - A. Lot area requirements and property line setbacks.

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1. In the event of a subdivision within the P.U.D.D., the minimum lot area shall be 40,000 S.F.
2. The following setbacks shall apply:
 - a. No principal buildings or accessory structures shall be permitted within the following setbacks:

Front yard: 15 feet.

Side yard: 10 feet.

Rear yard: 10 feet.

- b. Parking areas, private roadways, access aisles and maneuvering areas shall be in accordance with the following setbacks:

Front yard: 10 feet.

Side yard: five feet (no setback if parking areas are shared with an adjoining lot).

Rear yard: 10 feet.

Note: In areas adjacent to rural zoned properties, the above setbacks shall be superseded by the thirty-foot buffer zone regulations in Appendix C, Section 3(C)3.

B. Roadways, parking lots and sidewalks.

1. All pavement, roadways, driveways, parking areas and parking lots shall be constructed with asphalt or concrete.
2. Concrete, granite, or integral asphalt wing curbing shall be used at all entrance roadways at least to the front yard setback line.
3. All sidewalks shall be asphalt, concrete or brick pavers.

C. Greenspace requirements.

1. Lots within the P.U.D.D. shall contain a minimum of 35% greenspace, unless otherwise waived as noted below. All portions of land not utilized for buildings, roadways, parking, loading areas, or accessways shall be landscaped pursuant to the following standards or maintained in a natural state of woodland or wetland.
2. The P.U.D.D. contains extensive greenspace on the eastern portion of the site that will remain permanently protected and undisturbed after full build out.

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In the event of subdivision from the original 74.76± acre P.U.D.D., a newly created parcel(s) may be granted a waiver or reduction from the 35% minimum greenspace requirement at the discretion of the Planning Board.

3. A greenspace buffer to adjacent rural zoned properties shall be a minimum of 30 feet wide. In areas where the existing vegetation is deemed inadequate in providing screening, it may be augmented with coniferous plantings of pine, fir, cedar, and spruce species a minimum of six feet tall. This shall be subject to review and approval by the Planning Board. The thirty-foot buffer shall not apply to residential use on adjacent parcels which are not zoned rural.
- D. Landscape plans and plantings. The landscape plan for any parcel or area to be developed shall provide the following:
1. Natural features such as existing trees, shrubs, wood lots, wetlands, and other outstanding vegetation shall be preserved and incorporated into the open space area to as great an extent as practical. The landscape plan should identify natural vegetation to be retained after development.
 2. Loading areas, storage tanks, accessory structures, garages, transformers, gas meters, refuse containers, and other similar pieces of outdoor equipment shall be screened from public roads with existing or planted trees and shrubs.
 3. Landscaping around buildings and facilities shall be given special attention in the landscape plan. The applicant shall have flexibility in selecting a landscape plan, provided that it complements the site and the facilities upon it and achieves a harmonious and aesthetically pleasing fit with the natural environment. The landscaping shall be installed and maintained in accordance with the approved landscape site plan.
 4. Plantings should be a balance of evergreen and deciduous trees and shrubs and all plants shall be hardy under for the microclimatic conditions of the site.
 5. The owner or occupant of any lot or developed area shall be required to topsoil, seed and mulch all disturbed areas resulting from site development not occupied by buildings, pavement or otherwise landscaped.
- E. Site lighting.
1. Site lighting shall be architecturally coordinated for four levels of lighting:
 - a. Driveway lighting.
 - b. Parking lot lighting.
 - c. Building mounted lighting.

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d. Pedestrian scale or bollard lighting.

2. Exterior lighting for parking lot and driveway areas shall be cut-off downward facing high pressure sodium or metal halide luminaires with a maximum height of 30 feet.
3. All wall-packs shall have glare reducing shields. Wall-packs shall not be used on building walls that face residential zoned properties.
4. At its discretion, the Town Planning Board may require a photometric lighting plan to ensure that nighttime lighting levels shall be reduced to the minimum practicable so as not to compromise security and safety. No direct or sky-reflected glare shall be visible at the lot line or beyond.

F. Signage.

1. Signage shall be architecturally coordinated (including size, color, shape, texture, materials and lettering style). A uniform architectural theme throughout the P.U.D.D. shall be maintained. Entry signage with business directory should be considered as P.U.D.D. development progresses.
2. Signage shall be mounted so that no portion of sign projects above any portion of building facade on which it is mounted, or above any cornice line where roof slopes beyond.
3. All signs shall be set back a minimum of 10 feet from a property line.
4. The exact size, dimensions, architectural details, and lighting illumination system of all signage shall be subject to review and approval by the Town Planning Board.

G. Fencing/Screening.

1. Fencing around storm basins for aesthetic and safety reasons may be required at the discretion of the Town Planning Board.

H. Parking requirements.

1. Parking shall not be permitted upon any roads or accessways within the Rossi Commercial Business P.U.D.D.
2. Each off-street parking space shall consist of at least 162 square feet (nine feet by eighteen feet) with a minimum width of nine feet. In addition, space necessary for aisles, maneuvering and drives shall be provided.
3. The minimum number of parking spaces shall generally be:

For retail oriented areas: one space/300 S.F.

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For flex oriented areas: one space/750 S.F.

This requirement may be altered at the discretion of the Planning Board. For each site application, the exact number of parking spaces required shall be subject to review and approval by the Planning Board.

4. Future additional parking spaces may be made available through landbanking. Landbanking is the installation of turf or landscaping within an area that would otherwise be required for paved parking, but would rarely be used in the normal day-to-day operation of the site. Should the need arise, this area may be paved at a later date. The site plan application shall designate such areas if landbanking is proposed.

I. Outdoor materials storage.

1. When necessary to store articles, goods, or materials in the open upon any lot in Rossi Commercial Business P.U.D.D., the storage area shall not be permitted within the front portion of the lot, defined as the area between the front property line and a line drawn from the nearest corner of the building (to the front property line) and extending perpendicularly to the side lot lines.
2. Screening of refuse or storage areas shall be by fencing or walls together with berms, trees or shrubs. The screening shall be designed and constructed so as to prevent visibility of these areas from adjacent residential areas.

J. Stormwater and drainage.

1. During construction, all property owners must protect both adjacent lands and P.U.D.D. lands from runoff and silt as per New York State Erosion and Sediment Control Guidelines.
2. The stormwater management system shall be designed to comply with NYSDEC and Town of Ballston stormwater regulations. Any surface water collected by roofs, parking lots, or impervious man-made structures or surface water flowing from undeveloped areas shall be managed on site. The site drainage plan shall be designed such that the flood and erosion potential on and off the site is not greater than that which existed before site development.
3. Each property owner shall be responsible for drainage and stormwater management maintenance on its own parcel or developed land.
4. Stormwater management systems shall be constructed to work for each individual lot and/or site plan development. The Town road and R.O.W. stormwater management system shall be designed to operate independently as a stand-alone system. The individual site and public road systems may be

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linked, but shall not cause any one stormwater management area to exceed its intended design volume and function.

K. Noise.

1. The creation of loud and excessive noises associated with unloading or loading delivery vehicles, opening and destruction of boxes, crates, and other containers, and the operation of machinery shall be avoided to the greatest extent possible during the hours of 11:00 p.m. to 5:00 a.m.

4. Architectural restrictions.

A. Building height.

1. Maximum building height will be 40 feet (or as otherwise limited by Local Fire District restrictions) to top of roof as measured from finished grade at building face.

B. Building facades.

1. Front building walls which are exposed to streets and customer parking areas should be finished in an aesthetically appropriate fashion.
2. Principal building facades should be constructed with or veneered with cementitious masonry materials, including brick, stucco, E.I.F.S. (Exterior Insulation and Finish Systems) or stone. Wood or vinyl siding may also be used in an aesthetically appropriate fashion.

C. Roofs.

1. Roof slopes of three inches vertical to 12 inches horizontal or steeper are permitted to be exposed to view and should be limited to the following materials:
 - a. Galvanized metal, prepainted metal, field painted metal, copper or other metals appropriate for roofing. The pattern, color, texture, and jointing design should complement the overall style and character of the building.
 - b. Asphalt composition shingles. The pattern, color, and texture should complement the overall style and character of the building.
 - c. Where roof slopes are less than three inches vertical to 12 inches horizontal, roofing materials are unrestricted but building facade should form a parapet to reduce or eliminate view of roofing materials.

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5. Environmental standards. All uses established within the Rossi Commercial Business P.U.D.D. shall be constructed, operated and maintained as to comply with all standards as established by the local, state or federal regulatory agencies.
6. Fire and explosion hazards. All uses, activities, and equipment involving handling, use, and storage of inflammable or explosive materials shall comply with all applicable local, state, and federal rules and regulations.
7. Fissionable, radioactive or electrical disturbances.
 - A. The use, handling, storage, discharge, and disposal of radioactive material or waste products shall be in conformance with the regulations of the Atomic Energy Commission, as set forth in Title 10, Chapter 1, Part 20, Code of Federal Regulations, Standards for Protection against Radiation, as amended, and enforced with any other applicable state and federal laws or regulations.
 - B. No activities shall be permitted which produce electrical and/or electromagnetic disturbances affecting the operation of any equipment other than that of the creator of such disturbance.
8. Air emissions. Emissions to outdoor atmosphere shall be subject to the specific air quality standards and emissions limits set forth in the Federal Air Quality Act and the New York Air Pollution Control Rules and Regulations.
9. Refuse storage. Permanent or temporary below-ground disposal of refuse and other solid waste is prohibited. Temporary storage of refuse and other solid waste is permitted in typically used waste bins or receptacles, where such waste is regularly removed and disposed of in an approved landfill, resource recovery facility, or other repository approved by the New York State Department of Environmental Conservation.
10. Disposal of sewage and waste. No waste material or refuse shall be dumped upon or permitted to remain upon any part of said property outside the building constructed thereon.
11. Toxic and hazardous substances.
 - A. Use, handling, storage, disposal, and transport of toxic and hazardous substances and industrial waste must be in compliance with all the applicable local, state and federal regulations. Industries using hazardous substances shall have a containment system for storage or transfer areas for these materials. Hazardous materials spilled, leaked, or discharged shall be contained and treated. Underground storage of toxic and hazardous chemicals is prohibited.
 - B. A complete list of the types and quantities of toxic and hazardous substances must be regularly submitted to the NYSDEC and the Town of Ballston.
12. Maintenance standards.

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- A. The owner or lessee of any parcel within the Rossi Commercial Business P.U.D.D. shall at all times keep its premises, buildings, accessory structures, parking lots, access drives, storage yards, and all other improvement in a safe, clean, neat and sanitary condition and shall comply with all laws, ordinances, regulations, and codes pertaining to health, safety, and property maintenance. Each property owner or lessee shall provide for the removal of solid waste from its premises.
- B. During construction, it shall be the responsibility of each property owner to ensure that construction sites are kept free of unsightly accumulations of waste materials and that construction materials, equipment, temporary structures, etc., are kept in a neat, orderly manner. All construction activities shall be limited to the hours of 5:00 a.m. to 10:00 p.m.
- C. The property owner or lessee shall maintain all undeveloped land within the occupied parcel in a manner compatible with these maintenance standards.
- D. All landscaping shall be maintained in a neat and healthy condition and in accordance with the approved plan and standards set forth in "American Standards for Nursery Stock" (ANSI Z60. 1-1986) of the American Association of Nurserymen and in accordance with accepted industry practice.

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Appendix A
Suggested P.U.D. Description
Lands of Frank Rossi and Rose Marie Rossi
Town of Ballston, New York

ALL THOSE CERTAIN TRACTS, PIECES OR PARCELS OF LAND SITUATE in the Town of Ballston, County of Saratoga, State of New York lying along the easterly line of N.Y.S. Route 50 & 67, Schenectady - Ballston Turnpike, State Highway No. 5062 (also known as Church Avenue) and being further bounded and described as follows:

Tract 1: 70.412± acre parcel:

Beginning at the point of intersection of the easterly line of N.Y.S. Route 50 & 67 with the common division line of lands now or formerly of Hess Realty Corporation as conveyed in Book 1342 of Deeds at Page 703 to the north and the parcel of land herein being described to the south;

Thence from said Point of Beginning along the common division line of said lands of Hess Realty Corporation to the north and west and the parcel of land herein being described to the south and east the following two courses and distances:

- 1) South 80 deg. 20 min. 40 sec. East, 349.69 feet to a point;
- 2) North 09 deg. 39 min. 20 sec. East, 229.27 feet to a point in the south line of lands now or formerly of John E. Wallace and Victoria A. Wallace as conveyed in Book 1553 of Deeds at Page 405;

Thence along the common division line of said lands of Wallace to the north and west and the parcel of land herein being described to the south and east the following two courses and distances:

- 1) South 80 deg. 20 min. 40 sec. East, 303.00 feet to a point;
- 2) North 33 deg. 09 min. 20 sec. East, 400.00 feet to a point being the southeasterly corner of other lands of Frank Rossi and Rose Marie Rossi as conveyed in Book 1730 of Deeds at Page 482;

Thence along the common division line of said other lands of Rossi to the west and the parcel of land herein being described to the east, North 32 deg. 42 min. 40 sec. East, 150.47 feet to a point being the northeasterly corner of said other lands of Rossi;

Thence along the common division line of lands now or formerly of Jane McGinn and Donna Vrooman as conveyed in Book 1455 of Deeds at Page 603 to the south and the parcel of land herein being described to the north the following four courses and distances:

- 1) North 45 deg. 00 min. 55 sec. West, 111.50 feet to a point;
- 2) North 64 deg. 17 min. 35 sec. West, 253.26 feet to a point;

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- 3) North 61 deg. 58 min. 35 sec. West, 115.12 feet to a point;
- 4) North 71 deg. 20 min. 25 sec. West, 31.61 feet to a point in the easterly line of N.Y.S. Route 50 & 67;

Thence along said easterly line of N.Y.S. Route 50 & 67, North 33 deg. 09 min. 30 sec. East, 137.91 feet to the point of intersection of said easterly line with the common division line of lands now or formerly of McDonald's Corporation as conveyed in Book 1279 of Deeds at Page 783 to the north and the parcel of land herein being described to the south;

Thence along the common division line of said lands of McDonald's Corporation to the north, west and south and the parcel of land herein being described to the south, east and north the following four courses and distances:

- 1) South 56 deg. 39 min. 35 sec. East, 165.00 feet to a point;
- 2) South 79 deg. 14 min. 18 sec. East, 83.84 feet to a point;
- 3) North 35 deg. 32 min. 25 sec. East, 220.00 feet to a point;
- 4) North 52 deg. 52 min. 35 sec. West, 50.00 feet to a point being the southeasterly corner of lands now or formerly of Jim Legnante, Inc. as conveyed in Book 1046 of Deeds at Page 514;

Thence along the common division line of said lands of Jim Legnante, Inc. and lands now or formerly of 183-185 Church Ave Realty Corp. as conveyed in Book 1739 of Deeds at Page 190 (Parcel II) to the west and the parcel of land herein being described to the east, North 35 deg. 32 min. 25 sec. East, 226.79 feet to a point in the southerly line of said lands of 183-185 Church Ave Realty Corp. as conveyed in Book 1739 of Deeds at Page 190 (Parcel I);

Thence along the common division line of said lands of 183-185 Church Ave Realty Corp. (Parcel I) to the north and the parcel of land herein being described to the south, South 54 deg. 27 min. 35 sec. East, 40.00 feet to a point;

Thence along the common division line of said lands of 183-185 Church Ave Realty Corp. (Parcel I) and lands now or formerly of Morgan L. Bush and Dana M. Martin as conveyed in Deed Instrument No. 2008005971 to the west and the parcel of land herein being described to the east, North 35 deg. 32 min. 25 sec. East, 309.94 feet to a point in the south line of lands now or formerly of St. Mary's Church as conveyed in Book 112 of Deeds at Page 258 and Book 1308 of Deeds at Page 187;

Thence along the common division line of said lands of St. Mary's Church to the north and the parcel of land herein being described to the south, South 78 deg. 46 min. 35 sec. East, 642.57 feet to the point on intersection of said common division line with the westerly line of lands now or formerly of John W. Smith as conveyed in Book 1657 of Deeds at Page 222;

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Thence along the common division line of said land of Smith and lands now or formerly of Raymond P. Groski and Anne M. Groski as conveyed in Book 877 of Deeds at Page 127 to the east and the parcel of land herein being described to the west the following two courses and distances:

- 1) South 23 deg. 40 min. 25 sec. West, 266.00 feet to a point;
- 2) South 16 deg. 04 min. 16 sec. West, 318.00 feet to a point being the southwesterly corner of said lands of Groski;

Thence along the common division line of said lands of Groski and lands now or formerly of John W. Zepko and Sharon J. Zepko as conveyed in Book 976 of Deeds at Page 31 to the north and the parcel of land herein being described to the south the following two courses and distances:

- 1) South 67 deg. 21 min. 08 sec. East, 300.00 feet to a point;
- 2) South 79 deg. 35 min. 35 sec. East, 944.04 feet to a point in the westerly line of lands now or formerly of The Delaware and Hudson Railroad Corporation;

Thence along said westerly line the following three courses and distances:

- 1) South 29 deg. 49 min. 16 sec. West, 272.90 feet to a point;
- 2) South 80 deg. 04 min. 35 sec. East, 0.86 feet to a point;
- 3) South 30 deg. 02 min. 40 sec. West, 1,060.17 feet to the point of intersection of said westerly line with the common division of lands now or formerly of Vincent Monaco and Nancy Monaco as conveyed in Book 1652 of Deeds at Page 232 to the south and the parcel of land herein being described to the north, said point also being the Point of Commencement for Tract 2:4.242± acre parcel as hereinafter described;

Thence along the common division line of said lands of Monaco and lands now or formerly of the Ballston Spa National Bank as conveyed in Book 1543 of Deeds at Page 78 to the south and the parcel of land herein being described to the north, North 80 deg. 27 min. 50 sec. West, 2,051.12 feet to a point in the easterly line of lands now or formerly of Transitional Services Association, Inc. as conveyed in Book 1576 of Deeds at Page 238;

Thence along the easterly line of said lands of Transitional Services Association, Inc., North 12 deg. 46 min. 10 sec. East, 1.77 feet to a point being the northeasterly corner of said lands of Transitional Services Association, Inc.;

Thence along the common division line of said lands of Transitional Services Association, Inc. to the south and the parcel of land herein being described to the north, North 80 deg. 19 min. 40 sec. West, 57.48 feet to a point;

Thence through the parcel of land herein being described in a general northerly and westerly direction the following five courses and distances:

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- 1) North 10 deg. 11 min. 00 sec. East, 203.08 feet to a point;
- 2) North 87 deg. 30 min. 40 sec. West, 140.41 feet to a point of curvature;
- 3) Along a curve to the right an arc length of 36.65 feet to a point of tangency, said curve having a radius of 125.00 feet and a chord bearing of North 79 deg. 06 min. 50 sec. West, 36.52 feet;
- 4) North 70 deg. 42 min. 50 sec. West, 52.38 feet to a point of curvature;
- 5) Along a curve to the left an arc length of 38.36 feet to a point of cusp in the easterly line of N.Y.S. Route 50 & 67, said curve having a radius of 30 feet and a chord bearing of South 72 deg. 39 min. 30 sec. West, 35.80 feet;

Thence along said easterly line of N.Y.S. Route 50 & 67 the following two courses and distances:

- 1) North 36 deg. 01 min. 50 sec. East, 50.79 feet to a point;
- 2) North 33 deg. 09 min. 20 sec. East, 50 feet to the point or place of beginning containing 70.412± acres of land.

Said parcel made subject to the rights of others for Ingress/Egress and utilities over Zepko Lane as it runs along the northerly line of the above described parcel of land.

Tract 2: 4.242± acre parcel:

Commencing at the point of intersection of the westerly line of lands now or formerly of The Delaware & Hudson Railroad Corporation with the common division of lands now or formerly of Vincent Monaco and Nancy Monaco as conveyed in Book 1652 of Deeds at Page 232 to the south and the parcel of land herein being described to the north;

Thence from said Point of Commencement through said lands of The Delaware & Hudson Railroad Corporation, South 80 deg. 27 min. 50 sec. East, 58.72 feet to the Point of Beginning of the hereinafter described parcel of land, said point being the point of intersection of the easterly line of said lands of The Delaware & Hudson Railroad Corporation with the common division of lands now or formerly of Vincent Monaco and Nancy Monaco as conveyed in Book 1652 of Deeds at Page 232 to the south and the parcel of land herein being described to the north;

Thence from said Point of Beginning along said easterly line and southerly line of said lands of The Delaware & Hudson Railroad Corporation the following two courses and distances:

- 1) North 30 deg. 02 min. 40 sec. East, 1,059.74 feet to a point;
- 2) South 80 deg. 04 min. 35 sec. East, 97.96 feet to a point in the westerly line of lands now or formerly of The County of Saratoga as conveyed in Book 870 of Deeds at Page 157;

Thence along said westerly line of lands of The County of Saratoga the following two courses and distances:

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- 1) Along a curve to the left an arc length of 333.94 feet to a point of tangency, said curve having a radius of 3,852.83 feet and a chord length of South 21 deg. 40 min. 40 sec. West, 333.83 feet;
- 2) South 19 deg. 11 min. 40 sec. West, 675.12 feet to the point of intersection of said westerly line with the common division of lands now or formerly of Vincent Monaco and Nancy Monaco as conveyed in Book 1652 of Deeds at Page 232 to the south and the parcel of land herein being described to the north;

Thence along said common division line, North 80 deg. 27 min. 50 sec. West, 285.76 feet to the point or place of beginning containing 4.242± acres of land.

Said parcels made subject to any and all enforceable covenants, conditions, easements and restrictions of record.

ZONING
ABELE WOODS
PLANNED UNIT DEVELOPMENT DISTRICT

Section 1. Title of the Proposed P.U.D. District.

This local law shall be known as No. 4 of the Town of Ballston amending the Zoning Ordinance of the Town of Ballston as adopted June 12, 2006, providing for the creation of a Planned Unit Development District to be known as "Abele Woods."

Section 2. The Change in Zoning.

The Zoning Ordinance of the Town of Ballston as adopted June 12, 2006, and the Zoning Map of the Town of Ballston as set forth therein and made a part thereof are amended by changing from the existing zoning district "Ballston Lake Residential" as hereinafter described and created within the boundaries of said newly described area a Planned Unit Development District to be known and described as "Abele Woods" (AW).

Section 3. Total Area Affected by the P.U.D. District.

The area of AW P.U.D. District (PUDD) consists of approximately 96.26 acres in the Town of Ballston and is bounded and described as set forth in Appendix A (legal description) and Appendix B (design plan),⁴⁵ attached hereto, and made a part hereof. The area is located on the south side of Round Lake Road, west of Eastline Road and east of Benedict Road.

Section 4. Traditional Neighborhood Development Principles.

- A. Smart growth law defines traditional neighborhood development to mean a compact, mixed use neighborhood where residential, commercial and civic uses are within close proximity of each other. It is a planning concept that is based on traditional small town and city neighborhood development principles. Traditional neighborhood development is, in part, a reaction to the often inefficient use of land and infrastructure and the lack of a sense of community in many newer developments.
- B. While there is no single model for a traditional neighborhood development, certain principles define this type of development. Things such as:
 - (1) Compact Development.
 - (a) Traditional neighborhood developments are compact. Compact development patterns (for both residential and commercial uses) can promote a more efficient use of land and lower costs of providing public infrastructure and services.
 - (b) Compact development also means the development is designed for the human scale. The human scale is defined as the relationship between the dimensions of the human body and the proportion of the spaces which people use. This includes paying attention to walking distances, the height of the buildings, the design of streetlights and signs, sidewalks and other features.

⁴⁵ Editor's Note: Appendix A follows Section 15; Appendix B is on file in the office of the Town Clerk.

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- (c) Compact development can also promote social interaction including civic spaces such as parks and public buildings. It also means that residential, commercial and civic spaces are within close proximity to each other to help encourage people to walk between various uses.
- (2) Mixed Uses.
 - (a) Traditional neighborhood developments are designed to include a mixture of uses. This means that nonresidential land uses, such as commercial, civic and open space, are mixed with resident land uses. Mixing land uses also helps promote walking between the various uses. Different modes of transportation are promoted in the community such as walking, bicycles and automobiles.
 - (b) Mixed use also provides a community center or focus. For example, the community center may be a public facility such as a park, recreational facility or a retail area. Mixed use also means promoting a mix of housing types and sizes to accommodate households of various ages, sizes and incomes. This means allowing for a variety of lot sizes and densities, and allowing other types of housing such as detached and attached single-family residences, townhomes, duplexes, condominiums and apartments. Mixed use may also mean that housing is provided in the same building above commercial uses such as shops or offices.
- (3) Multiple Modes of Transportation.
 - (a) Traditional neighborhood developments provide for access generally by way of an interconnected network of circulation systems that facilitate walking, bicycling and driving. Streets are designed to promote the safe and efficient use of different transportation modes.
 - (b) Traditional neighborhoods are also meant to be "pedestrian friendly." Given the compact design of the neighborhood, streets will be narrower than what is required in conventional subdivision ordinances. Narrow streets and other "traffic calming" techniques help slow traffic down to promote pedestrian safety. Front porches and other amenities like street trees and street lights can also promote walking throughout the development.

Section 5.

- A. The development of the AW Planned Unit Development District has been presented and is described according to a design plan filed with the Town Planning Board of Ballston (hereinafter, the "Planning Board") and attached hereto as Appendix B.⁴⁶ The exact location of improvements shown on the design plan may be modified, altered or amended during the site plan and or subdivision review by the Planning Board.

⁴⁶ Editor's Note: Appendix B is on file in the office of the Town Clerk.

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- B. Lands set forth in Exhibit B, attached hereto and made a part hereof, shall be developed in the following manner:
- (1) Division of the 96.26 +/- acre parcel into three uses, with approximate sizes of 46.10 +/- acres for Area A, 7.27 +/- acres for Area B and 1.81 +/- acres for Area C.
 - (2) Area A so created shall consist of no more than 22 twin townhomes (22 lots) and 129 single-family homes (129 lots) with minimum lot sizes for the single-family homes of 5,000 square feet. The Planning Board may require and shall allow a decrease in density during site plan and or subdivision review to accommodate site conditions, utility conflicts, or modified design.
 - (3) Area B so created shall consist of no more than 60 condominiums or apartments (one lot).
 - (4) Area C so created shall consist of a community center (with or without a pool) or a neighborhood live-work flexible ("flex") space building (one lot).
- C. AW will have two points of ingress/egress initially. One being a connection to Benedict Road to the west and the other being to East Line Road on the east. Future additional connections have been incorporated in the design as shown on Appendix B. These connections shall be part of the dedication to the town at the time the public streets are dedicated to the Town of Ballston.

Section 6.

- A. Allowable uses within Area A of AW shall include and be limited to the following:
- (1) Single-family residences with no more than 129 dwelling units on 129 lots.
 - (2) Townhomes with no more than 22 twin townhome dwelling units on 22 lots.
 - (3) Signage for AW per Planning Board approval.
 - (4) Decorative accoutrements in public spaces as approved by the Planning Board (i.e., gazebo, benches, sidewalks, fountain, etc.).
- B. Allowable uses within Area B of AW shall include and be limited to the following:
- (1) Condominiums or apartments with no more than 60 dwelling units on one lot.
 - (2) Signage for AW per Planning Board approval.
 - (3) Decorative accoutrements in public spaces as approved by the Planning Board (i.e., gazebo, benches, sidewalks, fountain, etc.).
 - (4) Maintenance buildings and public refuse removal containers shall be allowed as approved by the Planning Board.

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C. Allowable uses within Area C of AW shall include the following:

- (1) Neighborhood Business Live-Work Flex Space which will allow the buildings to be designed such that the space can be used for allowable neighborhood business, community center and or residential rental space. Business owners are encouraged to utilize the first floor of the building for an allowable business and then either live in or rent the above floors. The building can be owned by one entity and rented out or divided into condominium units allowing ownership of a portion of the property. Allowable neighborhood business uses include:
 - (a) Professional offices, i.e., attorney, medical, etc.
 - (b) Day-care facilities.
 - (c) Restaurant, sit-down: sit-down restaurants without drive-up or drive-through facilities.
 - (d) Alcohol: Area C business may serve beer, wine, and liquor with proper permits and licensing.
 - (e) Live Entertainment: Area C live entertainment performances shall comply with the Ballston Zoning Ordinances in all respects, including sound levels produced.
 - (f) Outdoor seating for allowed restaurants including convenience stores may extend up to the sidewalk.
 - (g) Signs, business: signs for businesses that are located within Neighborhood Business Live-Work Flex Space.
 - (h) Convenience store: neighborhood convenience store without automobile uses including gas stations.
 - (i) Gym/health club.
 - (j) Meeting facility for the location residents and Home Owners Association (H.O.A.) members only.
 - (k) Community center with or without a community pool.
 - (l) Public square/Christmas tree/holiday tree.
 - (m) Dry cleaning: a satellite dry-cleaning facility; no cleaning on site; drop-off location only.
 - (n) Barber/hair salon.

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- (o) Real estate office.
 - (p) Florist.
 - (q) Antique shop.
 - (r) Movie rental.
 - (s) Internet cafe.
 - (t) Transit/bus stop.
 - (u) Dwelling units.
- (2) Any uses that are not identified above that exhibit undue noise, lights and odors in excess of those typically associated with the uses identified in Section 6C above shall not be permitted.
- (3) The Planning Board shall have the authority, in its sole discretion, to determine if a proposed use not listed above, is a permitted use.

Section 7.

- A. All establishments within AW shall be interconnected to the Town of Ballston municipal water supply facilities. All water facilities will be designed and constructed in accordance with the standards of the Town of Ballston municipal water system. The cost of constructing the additional infrastructure needed to supply water to the AW PUDD shall be the sole responsibility of the developer/builder.
- B. All establishments within AW shall be connected to sanitary sewer facilities via the Saratoga County Sewer District No. 1. All sewer facilities within AW shall be designed and constructed in accordance with the standards of the Saratoga County Sewer District No. 1. The developer/builder agrees to offer for dedication to the Saratoga County Sewer District No. 1 all completed sewer facilities at no cost to the Saratoga County Sewer District No. 1. The cost of constructing the additional infrastructure needed to connect the properties within the AW PUDD to the Saratoga County Sewer District No. 1 shall be the sole responsibility of the developer/builder.
- C. Street lights shall be installed on both sides of the street at intervals of no greater than 100 feet for all streets within AW. The lights shall be active prior to the first certificate of occupancy being issued for each phase within the AW PUDD. The cost of constructing the lights within AW shall be the responsibility of the developer/builder, however, the developer/builder shall have the option of contracting with National Grid to install the lights and related infrastructure and then have the lighting district lease the lighting equipment back. The AW street lighting shall be created, owned and operated by the AW H.O.A. in order that the cost and maintenance be assessed against those properties that are benefited from the lighting.

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- D. The developer/builder shall donate to the Town of Ballston the sum of \$100,000 to be used in any manner and for any use that the town shall see fit. The money shall be paid in installments. The donated amount shall be divided by all approved dwelling units to determine the amount to be paid per each unit. Payment shall be made at the time the building permit is issued for a dwelling unit.

Section 8.

- A. All construction shall comply with the N.Y.S. Fire Protection and Building Code. All plans for building construction or site development shall be prepared by a licensed architect, professional engineer, landscape architect or exempt land surveyor in accordance with the requirements of the N.Y.S. Education Law. All construction shall be subject to inspection by the Town Building Inspector, Town Engineer and Town Highway Superintendent, as may be applicable.
- B. Prior to issuance of a building permit, a plot plan prepared by a licensed land surveyor is to be submitted indicating the following:
 - (1) Proposed building location with front, rear and side yard setbacks.
- C. Grading of all parcels is to be consistent with the intent of the grading shown on the approved subdivision plan.

Section 9.

- A. Construction shall begin within 36 months of the final signed plat being filed with the Saratoga County Clerk's office. Construction may occur in phases as shown on the design plan or as otherwise approved by the Town Planning Board. Included with the above mentioned thirty-six-month period is the original period plus two additional twelve-month extensions.
- B. The developer/builder shall be permitted building permits for up to three model single-family homes, one twin unit townhouse, one condominium building and one apartment building; however no certificate of occupancy shall be issued for said models until all the requirements regarding the applicable Area of the model have been met. All model home units shall be built in accordance with subdivision engineering plans and specifications, including grading, as approved by the Town of Ballston Planning Board.
- C. A parks and recreation fee of \$1,000 shall be paid for each single-family unit built prior to the issuance of any certificates of occupancy. A parks and recreation fee of \$1,000 shall be paid for each townhome unit built prior to the issuance of any certificates of occupancy. A parks and recreation fee of \$1,000 shall be paid for each dwelling unit within a condominium or apartment building prior to the issuance of any certificates of occupancy. A parks and recreation fee of \$1,000 shall be paid for each neighborhood business live-work flex space lot prior to the issuance of any certificates of occupancy.

Section 10.

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- A. All roads to be dedicated to the Town, drainage easements and right-of-way shall be constructed by the developer/builder and shall be in accordance with the Town Building Code or the approved Subdivision Regulations and shall be offered without cost to the Town of Ballston for public use. All roads constructed within Area B and Area C (private roads for use for the Condominiums, Apartments, Live/Work or Community Center) shall be built in accordance with the final engineering design plans and shall be owned and maintained by the builder/developer/property owner.
- B. Phasing of AW shall be as approved by the Planning Board.

Section 11.

- A. AW PUDD at the time of adoption will include the dedication of approximately 40.98 +/- acres of open space/recreation land, nature trails and parks to the Timber Creek Home Owner's Association as shown on Appendix B.⁴⁷

Section 12.

- A. Uses permitted in the AW PUDD shall be those set forth in the Section 6 above. The applicant(s) for any development proposals within the P.U.D.D. shall follow the procedures of the Town, including but not limited to the Site Plan Review Ordinance and the Subdivision Regulations. No use shall be permitted except as approved by the Planning Board as being in conformity with this ordinance. All development and use of property within AW shall be in accordance with the restrictive covenants for AW identified in Appendix C, "Declaration of Covenants and Restrictions for the AW," Appendix C, shall be recorded with the Saratoga County Clerk.
- B. There shall be no construction of any apartments within any single-family homes or townhomes within this development. No garage shall be converted into a dwelling unit.
- C. There shall be no renting, leasing or subletting of any single family dwelling unit in Area A.
- D. There shall be located on the front of each building and clearly visible from the road, in contrasting color and in a uniform location, the designated 911 emergency number, at least six inches in height, prior to the issuance of a certificate of occupancy. In addition, the developer/builder shall provide the Town with an as-built foundation location survey with its application for a certificate of occupancy.

Section 13.

The developer/builder shall, in accordance with the Site Plan Review Ordinance and Subdivision Regulations, submit plans for approval of each phase of construction prior to the issuance of a building permit.

Section 14.

⁴⁷ Editor's Note: Appendix B is on file in the office of the Town Clerk.

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- A. No further subdivision of either the single-family lots or the townhome lots shall occur and lot maps shall be filed in the Saratoga County Clerk's office defining the lot line along the common party wall in the case of the townhome lots.
- B. No further subdivision of any property owned by any Timber Creek H.O.A. shall occur and maps shall be filed in the Saratoga County Clerk's office defining the lot boundaries of all H.O.A. owned property.

Section 15.

This Local Law shall take effect upon filing with the Secretary of State.

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Appendix A Legal Description for AW

That certain piece or parcel of land, situate, lying and being in the Town of Ballston, County of Saratoga and State of New York, being further bounded and described as follows, to wit:

All that certain tract, piece or parcel of land, situate in the Town of Ballston, County of Saratoga, State of New York, lying along the easterly line of Benedict Road and along the westerly line of East Line Road, being further bounded and described as follows:

Beginning at the point of intersection of the common division line of Round Lake Road Traditional Neighborhood Development (a.k.a. Timber Creek Preserve) Phase 3 to the North and the parcel herein described to the South, with the easterly line of Benedict Road, thence from said point of beginning, along said common division line the following two courses: 1.) South 82° 50' 00" East, 227.77 feet to a point, thence 2.) North 58° 00' 40" East, 1,108.86 feet to a point in the southerly line of lands now or formerly of Brooks Heritage, LLC as described in Book 1760 of Deeds at Page 198, thence along said southerly line and the southwesterly line of lands of Jarrabet as described in instrument Number 2008010435 the following three courses: 1.) South 82° 18' 20" East, 608.99 feet to a point, thence 2.) South 83° 25' 00" East, 1,145.90 feet to a point, thence 3.) South 72° 51' 00" East, 427.47 feet to the point of intersection of said southwesterly line, with the westerly line of lands of Lai as described in Book 1642 of Deeds at Page 571, thence along said westerly line and the westerly and southerly lines of lands of Keenan as described in Instrument Number 2007034786 the following two courses: 1.) South 05° 27' 20" West, 349.99 feet to a point, thence 2.) South 72° 50' 40" East, 219.41 feet to a point in the westerly line of East Line Road, thence along said westerly line, South 06° 32' 50" West, 180.52 feet to the point of intersection of said westerly line, with the northerly line of lands of Lawrence Myers, Jr as described in Instrument Number 2007039130, thence along said northerly line and the northerly, northwesterly and westerly lines of lands of Walsh as described in Instrument Number 2006020906, lands of Suburban Management, LLC as described in Book 1744 of Deeds at Page 753, lands of Fed-Rep Development as described in Book 1712 of Deeds at Page 71, lands of Fed-Rep Development as described in Book 1712 of Deeds at Page 68, lands of Gibson as described in Book 1125 of Deeds at Page 1, lands of Dickman as described in Book 1024 of Deeds at Page 1145 and lands of Gasser as described in Book 1217 of Deeds at Page 119 the following eight courses: 1.) North 81° 55' 50" West, 204.36 feet to a point, thence 2.) North 83° 33' 20" West, 322.00 feet to a point, thence 3.) South 35° 05' 20" West, 250 feet to a point, thence 4.) South 11° 25' 10" West, 199.90 feet to a point, thence 5.) North 83° 53' 50" West, 286.03 feet to a point, thence 6.) South 03° 05' 20" West, 440 feet to a point, thence 7.) South 03° 28' 10" West, 266 feet to a point, thence 8.) South 89° 37' 20" West, 960.38 feet to a point in the easterly line of lands of Hayes as described in Book 1004 of Deeds at Page 4, thence along said easterly line and the easterly and northerly lines of lands of Hayes as described in Book 1757 of Deeds at Page 367, lands of Hayes as described in Book 1754 of Deeds at Page 279 and lands of King as described in Book 1336 of Deeds at Page 233 the following two courses: 1.) North 05° 40' 10" East, 487.24 feet to a point, thence 2.) North 84° 35' 50" West, 1,625.59 feet to a point in the easterly line of Benedict Road, thence along said easterly line the following two courses: 1.) North 06° 50' 50" East, 657.72 feet to a point, thence 2.) North 05° 29' 30" East, 98.38 feet to the point of beginning and containing 96.26± acres of land.

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Appendix C

Declaration of Covenants and Restrictions for Abele Woods

1. General purpose of conditions. The Declarant, Heritage Development Holdings, LLC, created these restrictive covenants, which are intended to ensure the continuing appreciation of property values through the creation of an aesthetically pleasing and harmonious environment for Abele Woods (AW) including organizing the development into a traditional neighborhood pattern, integrated with surrounding neighborhoods and including a framework of mixed housing types, mixed uses, transit system, pedestrian system and green spaces. They address a full spectrum of site and facility planning, design, landscaping, operation and maintenance.
2. Site and building. All development plans within AW shall be submitted for approval to the Planning Board prior to construction. Minimum submittals for approval shall be as follows:
 - A. Site plan and/or subdivision plan, including proposed parking lots, curbing, landscape materials, easements, setbacks, buffers, surface, drainage, sewer, water, stormwater system, accessory buildings, lighting, signage and other site amenities.
 - B. Plans and details to control site work for Area B and Area C, including:
 - Plant materials.
 - Concrete walks and asphalt pavements.
 - Dumpster enclosures, trash receptacles.
 - Maintenance building(s).
 - Signs, flags and seating.
 - Utilities, site lighting.
 - Screens, fences and gates.
 - Curbs and walls.
 - Special pavers.
 - C. Exterior building elevation for Area B and Area C (including accessory structures) showing building facade, colors, materials for facade, roof and parapets, and mechanical equipment locations and screens.
 - D. Building plan showing main entrance, loading areas and handicapped accessibility for Area B.
 - E. All proposed structures and site developments shall be designed to meet the spirit of these covenants as well as the specific requirements contained herein.
3. Site restrictions.
 - A. Property line setbacks, stories, height:
 1. Principle buildings and accessory structures shall be permitted and constructed per the following setbacks and building criteria:

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	Single-Family Lots (Area A)	Twin-Townhouse Lots	Condominiums and Apartments (Area B)	Live/Work Community Center (Area C)	Accessory Structures (All Areas)
Minimum width	65'	100'	N/A	N/A	N/A
Front yard minimum	15'	15'	15'	0'	N/A
Front yard maximum	15'	15'	15'	N/A	N/A
Side yard	5'	5'	5'	0'	5'
Rear yard	20'	20'	20'	20'	5'
Party wall/ceiling	N/A	0'	0'	0'	N/A
Stories/height	2.0/40	3.0/40	3.0/40	3.0/40	1.5/30

2. As offered here, front yard setbacks would not apply to decorative fences, garden walls and decorative block, brick pavers or concrete steps and or walk-ways.
 3. With respect to townhouse structures and condominiums units, there shall be a zero lot line at the common party wall.
 4. Where zero lot lines are employed, there shall be a reciprocal access easement between adjacent buildings to allow the unit owners to get personal property that is too large to go through the buildings to and from the front and back yards. This easement shall be nonexclusive and shall extend from the front street line to the rear yard and to the sides of the adjacent buildings. Landscaped areas within the easement area are to be preserved in the process of moving such property, or restored to equal condition.
- B. Garages. All residential dwelling units within AW Area A shall have a minimum one-car garage and a maximum two-car garage per dwelling unit. Detached garages are allowable and shall be treated as an accessory structure with respect to property setbacks. Garage entrances on single-family homes should be set back behind the front facade of the home by a minimum of two feet.
- C. Roadways and sidewalks: Area A and Area B.
1. Area A, Area B and Area C.
 - a. All roadways, driveways, parking areas and parking lots shall be constructed with asphalt, concrete, or brick pavers. AW shall have sidewalks on both sides of all public streets except where the Planning Board shall, in its sole discretion, deem them unnecessary.

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- b. Concrete or integral asphalt wing curbing shall be used at all public entrance roadways at least to the front yard setback line.
 - c. All sidewalks shall be concrete or brick pavers and shall be maintained by the property owner whose property abuts the public sidewalk or by the community H.O.A. Should the property owner or H.O.A. not remove the snow within 72 hours of the end of a snow storm, the Ballston DPW will clear the snow and bill the property owner or H.O.A.
 - d. Crosswalks: intersections of sidewalks with streets shall be clearly marked with contrasting paving materials at the edges or with striping.
 - 2. Area A.
 - a. Sidewalks and walkways to residential dwellings units (private property) shall be a minimum width of three feet.
 - b. Connection of residential dwelling units to the public sidewalk is required. Connections may be made directly or may be accomplished by use of the residential dwelling's private driveway.
 - c. Area A public sidewalks shall be a minimum of five feet in width.
 - 3. Area B and Area C.
 - a. Sidewalks and walkways in mixed use areas shall be clear and well lighted and shall connect building entrances to the adjacent public sidewalk and to associated parking areas.
 - b. Area B and Area C (public and private) sidewalks shall be a minimum of five feet in width.
- D. Street Layout:
 - 1. Area A.
 - a. Intersections shall be right angles whenever possible, but in no case less than 75°. Low volume streets may form three-way Intersections creating an inherent right-of-way assignment. The through street receives precedence.
 - b. Corner radii. The roadway edge at street intersections shall be rounded by a tangential arc with maximum radius of 15 feet for local streets and 20 feet for intersections involving collector or arterial streets. The intersection of a local street and an access lane or alley shall be rounded by a tangential arc with a maximum radius of 10 feet. The

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Town Engineer shall approve the selected curve radius dimension and shall recommend revisions as required.

- c. The orientation of streets should enhance the visual impact of common open spaces and prominent buildings create lots that facilitate passive solar design, and minimize street gradients. All streets shall terminate at other streets or at public land, except local streets shall terminate in stub streets when such streets act as connections to future phases of the development. Local streets may terminate other than at other streets or public land when there is a connection to the pedestrian and bicycle path network at the terminus.

2. Area B and Area C.

- a. Internal roads (non-public) and parking lots shall comply with the Town Code and be approved by the Town Planning Board.

E. Landscape and screening:

1. Area A, Area B and Area C.

- a. Street trees: a minimum of one deciduous canopy tree per 50 feet of street frontage, or fraction thereof, shall be required. Not more than 20% of the trees may be clustered while the balance should be as evenly spaced as possible while taking into consideration utilities, driveways, visibility, etc. Trees shall be located between the sidewalk and the curb and within the landscaped area of a boulevard. If placement of trees within the front yard setback adjacent to the sidewalk.
- b. Screening: in areas that require screening, it shall be at least three feet in height, unless otherwise specified. Screening should be at least 25% opaque throughout the year. Screening should be one or a combination of: a decorative fence not less than 50% opaque behind a continuous landscaped area, a masonry wall, a hedge, or any other method as approved by the Planning Board.
- c. Plantings should be a balance of evergreen and deciduous trees and shrubs and all plants shall be hardy under the microclimatic conditions of the site.
- d. All parking and loading areas within Area B and Area C abutting public streets or sidewalks, and all parking and loading areas abutting residential districts or uses, shall provide:
 - i. A landscaped area at least three feet wide along the public street or sidewalk.

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- ii. Screening at least three feet high and not less than 25% opaque.
- iii. One tree for each 25 linear feet of parking lot frontage.
- iv. The corners of parking lots, islands and all other areas not used for parking or vehicular circulation shall be landscaped. Vegetation can include turf grass, native grasses or other perennial flowering plants, vines, shrubs or trees. Such spaces may include architectural features such as benches, kiosks or bicycle parking.
- e. Other areas: Accessory structures, maintenance buildings, refuse containers and other similar pieces of outdoor equipment shall be screened from public roads with existing or planted trees and shrubs.
- f. All portions of land not utilized for buildings, loading and parking areas, or access ways shall be landscaped pursuant to the following standards or maintained in a natural state of woodland or wetland.
- g. All proposed landscaping and screening shall be noted on the subdivision engineering plans and specifications and approved by the Planning Board.

F. Seeding and Lawns.

- 1. The owner or occupant of any lot with disturbed areas shall be required to seed all areas not occupied by buildings, pavement or otherwise landscaped.
- 2. For any lot with a dwelling on it that has a Certificate of Occupancy the owner or occupant of any lot shall be required to install a lawn irrigation system and use their irrigation system at least three times per week (or in the case when the Town of Ballston has watering restrictions the owner or occupant shall comply with the Town watering restriction). The owner or occupant must keep their lawn free from weeds and not allow for excessive grass overgrowth (more than four inches in height). The owner or occupant must maintain their lawn by keeping it as "green" as possible. Failure to maintain the lawn as stipulated herein, after 10 days' notice from the H.O.A., will give the H.O.A. authority to perform watering, weed removal and grass cutting and bill the property owner or occupant.

G. Site lighting.

- 1. Area A.
 - a. Lighting shall be as referenced in the Town of Ballston Zoning Ordinance for residential properties located in the Ballston Lake Residential Zone.

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2. Area B and Area C.

- a. Site lighting shall be architecturally coordinated for the three levels of lighting:
 - Driveway lighting.
 - Parking lot lighting.
 - Building-mounted or bollard accent lighting.
- b. Parking lot lighting shall be cut-off type to illuminate only the property on which the lights are installed.
- c. All wall-packs shall have glare-reducing shields.
- d. Maximum light height shall be 35 feet above grade level.
- e. Nighttime lighting levels shall be reduced to the minimum practicable and shall be restricted at the discretion of the Town Planning Board.
- f. Exterior lighting shall be directed downward in order to reduce glare onto adjacent properties.
- g. All proposed lighting shall require approval of the Planning Board.

H. Signage.

1. Area A.

- a. Signage shall be as referenced to in the Town of Ballston Zoning Ordinance, Article XVI, relating to signs.
- b. There shall be located on the front of each house and clearly visible from the road, in contrasting colors and in a uniform location, the designated 911 emergency house number, at least six inches in height, prior to the issuance of a certificate of occupancy. Where individual mailboxes are used, the corresponding house number shall be placed on each mailbox according to the Town of Ballston regulations at the time the certificate of occupancy is issued.
- c. Signage shall be located at the entrance of AW on East Line Road and Benedict Road. The signs shall be built in conformance with all applicable laws, be detailed on the engineering subdivision plans and specifications and be approved by the Planning Board.

2. Area B and Area C.

- a. Signage shall be architecturally coordinated (including size, color, shape, texture, materials and lettering style) and subject to approval by

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the Planning Board in general accordance with the Town of Ballston Zoning Ordinance, Article XVI, relating to signs.

- b. Building-mounted signage shall be permitted by approval of the Planning Board.
- c. Signage shall be mounted so that no portion of a sign projects above any portion of the building facade on which it is mounted, or above any cornice line where roof slopes beyond.
- d. All signs shall be set back a minimum of five feet from a property line except where the Planning Board shall approve a shorter setback
- e. No neon or other internally illuminate signs shall be permitted. For the purposes of these provisions, signs include any signage that is visible from the street.
- f. The lighting of the signs shall be in a manner approved by the Planning Board.
- g. There shall be located on the front of each building and clearly visible from the road, in contrasting color and in uniform location, the designated 911 emergency number, at least six inches in height, prior to the issuance of a certificate of occupancy.

I. Fencing/screening: All Areas.

- 1. All fencing shall be prohibited within the front property setback of each lot except for minor decorative fencing or screening not to exceed 36 inches in height or as otherwise required in this PUDD legislation. Approval from the H.O.A. shall be required before any fencing is installed.
- 2. Screening shall be by fencing, lawn berms, shrubs, decorative walls, trees, or other approved landscape materials.

J. Parking requirements: Area A, Area B and Area C.

- 1. Area A: There must be 2.0 parking spaces for each residential dwelling unit.
- 2. Area B and Area C: Parking lot configuration shall be as approved by the Planning Board (all sides of the building(s) may be utilized for parking spaces). Each off-street space in Area B and Area C shall consist of at least 162 square feet with a minimum width of nine feet. In addition, space necessary for aisles, maneuvering and drives shall be provided. There must be one parking spot per 750 square feet of commercial use and at least 2.0 spaces for each residential dwelling unit. However, shared parking, or the use of the same parking space at different times of day or days of the week, is allowed and encouraged to lessen the amount of the surface parking. Any

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shared parking shall be reviewed by the Planning Board based on data presented by the applicant. The most current edition of the Urban Land institute's publication "Shared Parking" is incorporated herein by reference for these purposes.

K. Refuse and outside materials storage: All Areas.

1. When necessary to store articles, goods, or materials in the open upon any lot in AW, the storage area shall not be permitted within the front portion of the lot, defined as the area between the front property line and a line drawn from the nearest corner of the building (to the front property line) and extending perpendicularly to the side lot lines.
2. Screening of refuse or storage areas shall be by fencing or walls together with berms, trees or shrubs.

L. Drainage: All Areas.

1. During construction, all property owners must protect adjacent lands from runoff and silt.
2. Any surface water collected by roofs, parking lots, or other man-made structures or surface water flowing from underdeveloped areas shall be handled on site. The site drainage plan shall set as its priority the attenuation of developed runoff such that the flood and erosion potential on and off the site is not greater than that which existed before site development.
3. Each property owner and the H.O.A. shall be responsible for drainage maintenance on its own land.
4. The storm water management within AW shall be designed and detailed on the engineering subdivision plans and specifications. The design shall be in accordance with the laws in effect at the time of design and approval by the Planning Board.

4. Architectural restrictions:

A. Area A.

1. Every effort will be made to differentiate and distinguish residential buildings adjacent to each other. In the case of the twin townhome buildings, the contiguous buildings will utilize the same colors while adjacent buildings will use contrasting colors and/or architectural details to the greatest extent practicable while still maintaining an aesthetically pleasing facade. In the case of the single-family homes, the builder will endeavor to diversify the front elevation of homes located immediately adjacent to each other by utilizing various architectural features, including but not limited to garage styles; porch styles; facade material styles, colors and texture; windows and

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shutters; roof styles and colors; and distinguishing architectural details, etc., while still maintaining an aesthetically pleasing facade.

2. Building height shall be as referenced in paragraph 3A of the Declaration of Covenants and Restrictions for AW and in no case shall it exceed 40 feet (or as otherwise limited by Local Fire District restrictions) to average elevation of sloping roofs as measured from finished grade at building.
3. Roofs shall have a slope equal to or greater than four inches in 12 inches for main structure and two inches in 12 inches for porches and attached exterior fireplace roofs. Accessory structure roofs shall have a slope equal to or greater than four inches in 12 inches.
4. Mailboxes shall be similar style and color throughout each distinct residential area. Multi-unit mailboxes that serve several residential units in one location shall be allowed. All mailboxes shall be placed in a location that is acceptable to the USPS.
5. A mix of architectural styles is encouraged as it allows for diversity among the housing types. Single-family homes should be designed based on any of the following architectural styles: Craftsman, Tudor, Victorian, Georgian, Southern Classical, Greek Revival, Four Square, Shingle, Classic, Ranch, Stick, and Gothic Revival as these are architectural styles that can be found in various upstate New York communities.

B. Area B and Area C.

1. Building height.
 - A. Maximum building height will be 40 feet (or otherwise limited by Local Fire District restrictions) to top of roof parapet or to average elevation of sloping roofs as measured from finished grade at building.
2. Building facades.
 - A. In the case of building walls which are exposed to streets, they should be finished in an aesthetically appropriate fashion.
 - B. Principle building facades should be constructed with or veneered with cementitious masonry materials, including brick, stucco, E.I.F.S., stone or cedar siding or comparable wood or wood grain vinyl siding or any material not listed that the Planning Board deems appropriate and shall be subject to approval by the Planning Board.
3. Roofs.
 - A. Roof slopes of two inches in 12 inches or greater are permitted to be exposed to view and shall be limited to the following materials:

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- Fiberglass composition.
 - Asphalt composition.
 - Galvanized metal.
 - Pre-painted metal.
 - Field painted metal.
 - Copper or other metals appropriate for roofing.
- B. The pattern, color, texture, jointing design or fastening method of roofing material shall be subject to approval by the Town Planning Board.
- C. Where roof slopes are less than two inches in 12 inches, roofing materials are unrestricted, but building facades shall form a parapet so as to eliminate view of roofing mechanical equipment.
4. Awnings/canopies over the pedestrian walk are encouraged.
5. Specific construction not permitted within front yards.
- A. Area A.
- Accessory structures.
 - Specific construction not permitted within front yard shall be the same as referenced to in the Town of Ballston Zoning Ordinances for residential properties located in the Ballston Lake Residential zone with the exception of any uses permitted in this ordinance.
- B. Area B and Area C.
- Accessory structures.
 - Transformers, gas meters, or mechanical equipment.
 - Gasoline refueling areas.
 - Storage tanks.
 - Loading docks, dumpsters and utility service areas, trash receptacles and storage yards.
6. Environmental standards: All Areas.
- A. All uses establish within the AW shall be constructed, operated and maintained as to comply with all standards as established by the local, state or federal regulatory agencies.
7. Fire and explosion hazards: All Areas.
- A. All uses, activities, and equipment involving handling, use, and storage of flammable or explosive materials shall comply with all applicable local, state, and federal rules and regulations.

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8. Fissionable, radioactive or electrical disturbances: All Areas.
 - A. The use, handling, storage, discharge, and disposal of radioactive material or waste products are strictly prohibited in AW.
 - B. No activities shall be permitted which produce electrical and/or electromagnetic disturbances affecting the operation of any equipment.
9. Air emissions: All Areas.
 - A. Emissions to outdoor atmosphere shall be subject to the specific air quality standards and emissions limits set forth in the Federal Air Quality Act and the New York Air Pollution Control Rules and Regulations.
 - B. No exterior wood-burning stoves, boilers or fire pits shall be permitted.
10. Refuse storage: All Areas.
 - A. Permanent or temporary below ground disposal of refuse and other solid waste is prohibited.
 - B. Temporary storage of refuse and other solid waste is permitted in typically used waste bins or receptacles, where such waste is regularly removed and disposed of in an approved landfill, resource recovery facility, or other repository approved by the New York State Department of Environmental Conservation.
11. Disposal of sewage and waste: All Areas.
 - A. No waste material or refuse shall be dumped upon or permitted to remain upon any part of said property outside the building constructed thereon.
12. Toxic and hazardous substances: All Areas.
 - A. Use, handling, storage, disposal, and transport of toxic and hazardous substances and industrial waste are strictly prohibited.
13. Maintenance standards: All Areas.
 - A. The owner or lessee of any parcel within AW shall at all times keep its premises, buildings, accessory structures, parking lots, access drives, storage yards, and all other improvements in a safe, clean, neat and sanitary condition and shall comply with all laws, ordinances, regulations, and codes pertaining to health, safety, and property maintenance. Each property owner or lessee shall provide for the removal of solid waste from its premises.
 - B. During construction, it shall be the responsibility of each property owner to ensure that construction sites are kept free of unsightly accumulations of waste materials.

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and that construction materials, equipment, temporary structures, etc., are kept in a neat, orderly manner.

- C. The property owner or lessee shall maintain all undeveloped land within the occupied parcel in a manner compatible with these maintenance standards.
- D. All landscaping shall be maintained in a neat and healthy condition and in accordance with the standards set forth in "American Standards for Nursery Stock" (ANSI Z60. 1-1986) of American Association of Nurserymen and in accordance with accepted industry practice.

14. Open space restrictions: All Areas.

- A. There shall be no clear-cutting of trees, grazing of domestic animals, or disturbance or change in the natural habitat in any manner. The cutting and removal of dead, damaged or fallen trees or selected clearing of trees/brush for a nature trail system shall be permitted.
- B. There shall be no constructing or placing of any building, tennis or other recreational court, landing strip, mobile home, swimming pool, asphalt or concrete pavement, billboard or other advertising display, antenna, utility pole, tower, conduit, lights or any other permanent structure or facility with the exception of foot bridges over wetland areas.
- C. There shall be no storage or dumping of ashes, trash, garbage, or other unsightly or offensive material, hazardous substance, or toxic waste, nor any placement of underground storage tanks.

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KATZ PUDD MIXED USE PLANNED UNIT DEVELOPMENT DISTRICT [Amended 9-8-2020 by L.L. No. 4-2020; 1-9-2024 by L.L. No. 1-2024]

Section 1. Title of the Proposed P.U.D. District.

This local law shall be known as “No. 1 of the Town of Ballston” amending the Zoning Ordinance of the Town of Ballston as adopted June 12, 2006, providing for the creation of a Planned Unit Development District to be known as “KATZ PUDD Mixed Use.”

Section 2. The Change in Zoning.

The Zoning Ordinance of the Town of Ballston as adopted June 12, 2006, and the Zoning Map of the Town of Ballston as set forth therein and made a part thereof are amended by changing from the existing zoning districts “Rural” and “Business Highway-I” as hereinafter described and created within the boundaries of said newly described area, a Planned Unit Development District to be known and described as “Katz PUDD Mixed Use” (Katz).

Section 3. Total Area Affected by the P.U.D. District.

The area of Katz P.U.D. District (PUDD) consists of approximately 89.21 acres in the Town of Ballston and is bounded and described as set forth in Appendix A (legal description) and Appendix B (design plan),⁴⁸ attached hereto, and made a part hereof. The area is located on the west side of Route 50, between Charlton Road and Meadowbrook Court.

Section 4. Traditional Neighborhood Development Principles.

- A. Smart growth law defines traditional neighborhood development to mean a compact, mixed-use neighborhood where residential, commercial and civic uses are within close proximity of each other. It is a planning concept that is based on traditional small town and city neighborhood development principles. Traditional neighborhood development is, in part, a reaction to the often inefficient use of land and infrastructure and the lack of a sense of community in many newer developments.
- B. While there is no single model for a traditional neighborhood development, certain principles define this type of development. Things such as:
 - (1) Compact development.
 - (a) Traditional neighborhood developments are compact. Compact development patterns (for both residential and commercial uses) can promote a more efficient use of land and lower costs of providing public infrastructure and services.
 - (b) Compact development also means the development is designed for the human scale. The human scale is defined as the relationship between the

⁴⁸ Editor’s Note: Appendix A is included after Section 16; Appendix B is on file in the office of the Town Clerk.

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dimensions of the human body and the proportion of the spaces which people use. This includes paying attention to walking distances, the height of the buildings, the design of streetlights and signs, sidewalks and other features.

- (c) Compact development can also promote social interaction including civic spaces such as parks and public buildings. It also means that residential, commercial and civic spaces are within close proximity to each other to help encourage people to walk between various uses.

(2) Mixed uses.

- (a) Traditional neighborhood developments are designed to include a mixture of uses. This means that nonresidential land uses, such as commercial, civic and open space, are mixed with resident land uses. Mixing land uses also helps promote walking between the various uses. Different modes of transportation are promoted in the community such as walking, bicycles and automobiles.
- (b) Mixed use also provides a community center or focus. For example, the community center may be a public facility such as a park, recreational facility or a retail area. Mixed use also means promoting a mix of housing types and sizes to accommodate households of various ages, sizes and incomes. This means allowing for a variety of lot sizes and densities and allowing other types of housing such as detached and attached single-family residences, townhomes, duplexes, condominiums and apartments. Mixed use may also mean that housing is provided in the same building above commercial uses such as shops or offices.

(3) Multiple modes of transportation.

- (a) Traditional neighborhood developments provide for access generally by way of an interconnected network of circulation systems that facilitate walking, bicycling, and driving. Streets are designed to promote the safe and efficient use of different transportation modes.
- (b) Traditional neighborhoods are also meant to be “pedestrian friendly.” Given the compact design of the neighborhood, streets will meet the Town standards for conventional subdivision ordinances. Narrow streets and other “traffic calming” techniques help slow traffic down to promote pedestrian safety. Front porches and other amenities like street trees and streetlights can also promote walking throughout the development.

Section 5.

A. The development of the Katz Planned Unit Development District has been presented and is described according to a design plan filed with the Town Planning Board of Ballston (hereinafter, the “Planning Board”) and attached hereto as Appendix B.⁴⁹ The exact location of improvements shown on the design plan may be modified, altered, or amended during the site plan and or subdivision review by the Planning Board.

B. Lands set forth in Exhibit B, attached hereto and made a part hereof, shall be developed

⁴⁹ Editor’s Note: Appendix B is on file in the office of the Town Clerk.

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in the following manner:

- (1) Division of the 89.21 +/- acre parcel into three uses, with approximate sizes of 15.09 +/- acres for Area A, and 64.82 +/- acres for Area B. The remaining 9.30 +/- acres consists of the road right-of-way to be dedicated to the Town of Ballston.
 - (2) Area A so created shall consist of 57 single-family homes (57 lots). The Planning Board may require and shall allow a decrease in density during site plan and or subdivision review to accommodate site conditions, utility conflicts, or modified design.
 - (3) Area B so created shall consist of no more than 15 ten-unit apartment buildings and one eleven-unit apartment building for a total of 161 units.
- C. Katz PUDD will have two points of ingress/egress. One being approximately 1,700 feet north of Charlton Road and one being approximately 3,200 feet north of Charlton Road. These connections shall be part of the dedication to the Town at the time the public streets are dedicated to the Town of Ballston. Both roads must be built and completed at the time that the public streets are offered for dedication to the Town of Ballston.

Section 6.

A. Allowable uses within Area A of Katz PUDD shall include and be limited to the following:

- (1) Single-family residences with no more than 57 dwelling units on 57 lots.
- (2) Signage for Katz PUDD per Planning Board approval. Refer to Appendix C⁵⁰ for approved sign types and corresponding dimensional requirements.
- (3) Decorative accoutrements in public spaces as approved by the Planning Board (i.e., gazebo, benches, sidewalks, fountain, etc.).
- (4) Sanitary sewer pump station consisting of a small structure, fenced gravel and/or paved area, and associated underground utilities.

B. Allowable uses within Area B of Katz PUDD shall include and be limited to the following:

- (1) Apartments with no more than 161 total units. Apartments are to be defined for the purposes of the Katz PUDD as: a suite of rooms forming one residence or dwelling, typically in a building containing a number of these.
- (2) Signage for Katz PUDD per Planning Board approval. Refer to Appendix C⁵¹ for approved sign types and corresponding dimensional requirements.
- (3) Decorative accoutrements in public spaces as approved by the Planning Board (i.e., gazebo, benches, sidewalks, fountain, pet park, playground, community garden, etc.).
- (4) Maintenance buildings and public refuse removal containers shall be allowed as

⁵⁰ Editor's Note: Appendix C is on file in the office of the Town Clerk.

⁵¹ Editor's Note: Appendix C is on file in the office of the Town Clerk.

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approved by the Planning Board.

- (5) Community clubhouse with outdoor swimming pool.

Section 7.

- A. All establishments within Katz PUDD shall be interconnected to the Town of Ballston municipal water supply facilities. All water facilities will be designed and constructed in accordance with the standards of the Town of Ballston municipal water system. The cost of constructing the additional infrastructure needed to supply water to the Katz PUDD shall be the sole responsibility of the developer/builder.
- B. All establishments within Katz PUDD shall be connected to sanitary sewer facilities via the Saratoga County Sewer District No. 1. All sewer facilities within Katz PUDD shall be designed and constructed in accordance with the standards of the Saratoga County Sewer District No. 1. The developer/builder agrees to offer for dedication to the Saratoga County Sewer District No. 1, all completed sewer facilities constructed for the project at no cost to the Saratoga County Sewer District No. 1. Based on existing topography, it is anticipated that a pump station shall be constructed within Area A (single-family area) to convey wastewater from the proposed development. The pump station shall consist of a small structure, gravel and/or paved area completely enclosed with fencing and associated underground utilities. The pump station will be built to Saratoga County Sewer District No. 1 standards and will be dedicated to the District. The cost of constructing the additional infrastructure needed to connect the properties within the Katz PUDD to the Saratoga County Sewer District No. 1 shall be the sole responsibility of the developer/builder.
- C. The developer/builder shall construct, as a public benefit, the necessary piping and appurtenances for a six-inch sanitary sewer forcemain separate from the sanitary sewer infrastructure necessary for the development of the Katz PUDD and located within the NYS Route 50 right-of-way, beginning at the southern entrance to the Katz PUDD and extending north to connect to the existing gravity sewer located within McCrea Hill Road. The six-inch forcemain and associated infrastructure shall be offered for dedication to the Saratoga County Sewer District No. 1 to serve future development within the Town of Ballston.

Section 8.

- A. All construction shall comply with the N.Y.S. Fire Protection and Building Code. All plans for building construction or site development shall be prepared by a licensed architect, professional engineer, landscape architect or exempt land surveyor in accordance with the requirements of the N.Y.S. Education Law. All construction shall be subject to inspection by the Town Building Inspector, Town Engineer, and Town Highway Superintendent, as may be applicable.
- B. Prior to issuance of a building permit, a plot plan prepared by a licensed land surveyor is to be submitted indicating the following:
 - (1) Proposed building location with front, rear and side yard setbacks.
- C. Grading of all parcels is to be consistent with the intent of the grading shown on the

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approved subdivision plan.

Section 9.

- A. Construction shall begin within 36 months of the final signed plat being filed with the Saratoga County Clerk's office unless an extension is granted by the Town Planning Board. Construction may occur in phases as shown on the design plan or as otherwise approved by the Town Planning Board.
- B. The developer/builder shall be permitted building permits for up to three model single-family homes, and one apartment building; however, no certificate of occupancy shall be issued for said models until all the requirements regarding the applicable area of the model have been met. All model home units and apartment buildings shall be built in accordance with subdivision engineering plans and specifications, including grading, as approved by the Town of Ballston Planning Board.
- C. A parks and recreation fee of \$1,000 shall be paid for each single-family unit built prior to the issuance of any certificates of occupancy. A parks and recreation fee of \$1,000 shall be paid for each dwelling unit within a condominium or apartment building prior to the issuance of any certificates of occupancy.

Section 10.

- A. All roads to be dedicated to the Town, drainage easements and right-of-way shall be constructed by the developer/builder and shall be in accordance with the Town Building Code or the approved Subdivision Regulations. The private road servicing the apartments and live/work center shall be built in accordance with the final engineering design plans and shall be owned and maintained by the builder/developer/property owner. All roads shall be offered without cost to the Town of Ballston for public use, with the exception of the private road between Area B and C which shall be owned and maintained by the builder/developer/property owner.
- B. Phasing of Katz PUDD shall be as approved by the Planning Board.
- C. Appropriate stormwater management shall be undertaken by the developer at the developer's sole expense in a manner consistent with Town specifications and approvals. A stormwater management report plan shall be submitted by the developer to the Town Planning Board during the site plan review process. The developer shall convey to the Town of Ballston a maintenance agreement and access easements around the entire circumference/area of all stormwater management infrastructure.
 - (1) Stormwater management infrastructure for the new roads and located within the public right-of-way, including but not limited to catch basins, manholes, conveyance piping, and drainage swales, shall be conveyed to the Town of Ballston. The Town shall be responsible for maintenance of the stormwater management infrastructure located within the public rights-of-way.
 - (2) The remaining stormwater management infrastructure not in the public right-of-way, including but not limited to stormwater management basins, catch basins, manholes, conveyance piping, and drainage swales, shall be located in Area B, the multifamily apartment area. Maintenance of the stormwater management

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infrastructure located in Area B shall be the responsibility of the owner or the homeowners' association and shall be performed in a manner consistent with the stormwater management plan and maintenance agreement approved by the Town.

Section 11.

Katz PUDD at the time of adoption will include the dedication of approximately 1.06 +/- acres of passive recreation open space/recreation land, nature trails and parks to the Katz PUDD homeowners' association as shown on Appendix B.⁵²

Section 12.

- A. Uses permitted in the Katz PUDD shall be those set forth in Section 6 above. The applicant(s) for any development proposals within the P.U.D.D. shall follow the procedures of the Town, including but not limited to the Site Plan Review Ordinance and the Subdivision Regulations. No use shall be permitted except as approved by the Planning Board as being in conformity with this ordinance. All development and use of property within Katz PUDD shall be in accordance with the restrictive covenants for Katz PUDD identified in Appendix C, "Declaration of Covenants and Restrictions for Katz PUDD" Appendix C,⁵³ shall be recorded with the Saratoga County Clerk.
- B. There shall be located on the front of each building and clearly visible from the road, in contrasting color and in a uniform location, the designated 911 emergency number, at least six inches in height, prior to the issuance of a certificate of occupancy. In addition, the developer/builder shall provide the Town with an as-built foundation location survey with its application for a certificate of occupancy.

Section 13.

The developer/builder shall, in accordance with the Site Plan Review Ordinance and Subdivision Regulations, submit plans for approval of each phase of construction prior to the issuance of a building permit.

Section 14.

- A. No further subdivision of either the single-family or multifamily lots shall be permitted except for financing purposes. No further development shall be allowed except as set forth within this local law. Lot maps shall be filed in the Saratoga County Clerk's Office defining the lot lines.
- B. No further subdivision of any property owned by any H.O.A. shall occur and maps shall be filed in the Saratoga County Clerk's office defining the lot boundaries of all H.O.A. owned property.

Section 15.

⁵² Editor's Note: Appendix B is on file in the office of the Town Clerk.

⁵³ Editor's Note: Appendix C is on file in the office of the Town Clerk.

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- A. It is recognized that the dedication of such recreational space set forth in Section 11 is a public benefit provided by the Katz PUDD. It is further recognized and acknowledged that the Katz PUDD is providing a significant public benefit via the construction of the extension of the sewer infrastructure, in the form of approximately 2,960 linear feet of a six-inch diameter sanitary sewer forcemain “dry” line to be installed within the NYS Route 50 right-of-way, between the southern entrance to the Katz PUDD and the western end of the existing gravity sewer located within McCrea Hill Road.
- B. The sanitary forcemain “dry” line shall be constructed in accordance with Saratoga County Sewer District No. 1 standards and shall be built in accordance with the engineering plans and specifications as approved by the Town of Ballston Planning Board.
- C. The total estimated cost for the sanitary sewer forcemain public benefit is \$423,530, or \$1,943 per new residential dwelling unit provided by the Katz PUDD. The entire cost to construct the sanitary sewer forcemain “dry” line shall be the responsibility of the developer/builder.

Section 16.

This Local Law shall take effect upon filing with the Secretary of State.

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Appendix A Suggested Description

Katz PUDD Planned Development District

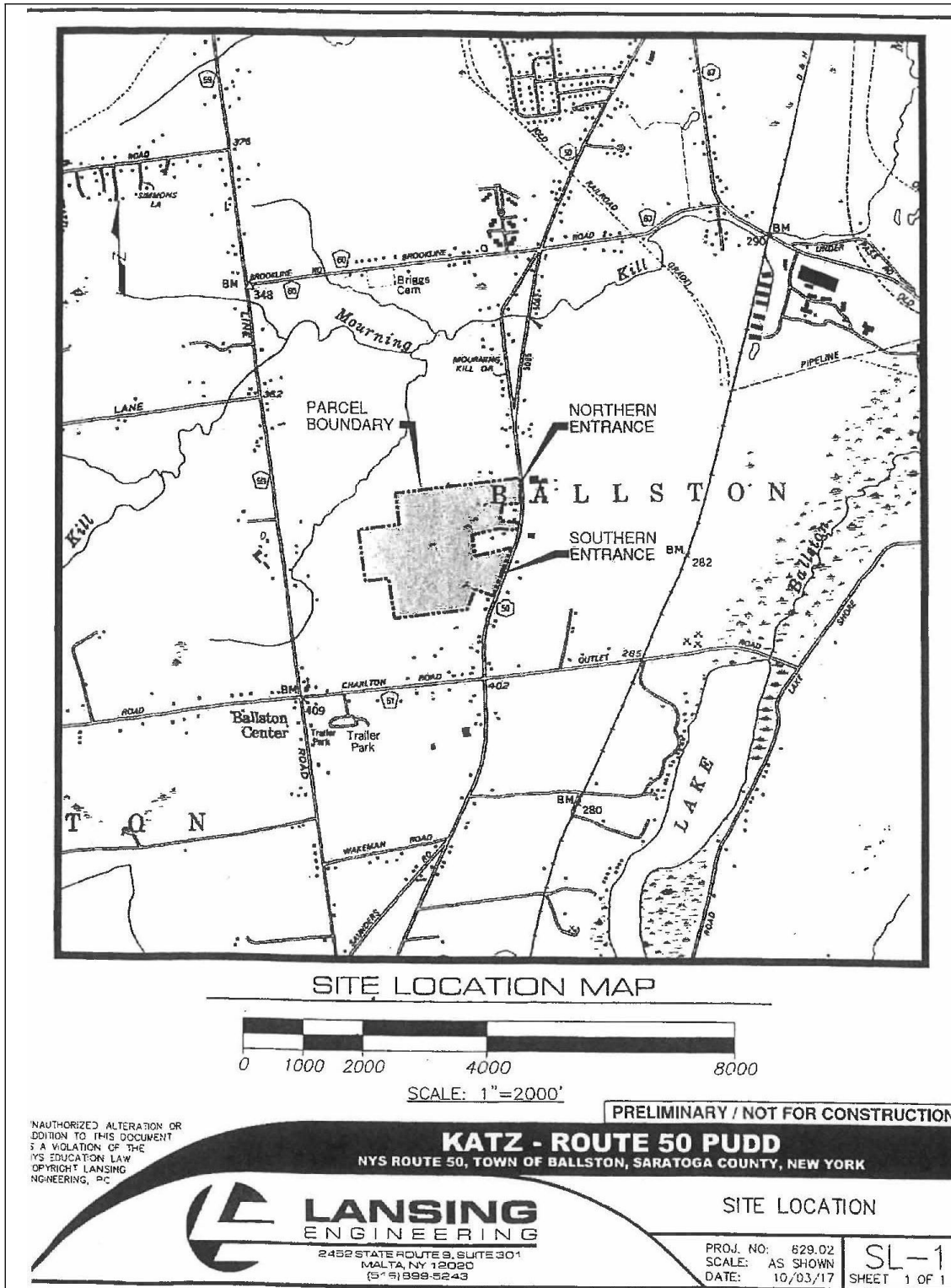
All that certain tract, piece or parcel of land situate in the Town of Ballston, County of Saratoga, State of New York, lying westerly of Route 50, being further bounded and described as follows:

Beginning at the point of intersection of the common division line between lands of Oliver and Komoroske as described in Book 986 of Deeds at Page 463 to the north and the parcel herein described to the south with the westerly line of Route 50, thence from said point of beginning along said westerly line, south 14° 02' 30" west, 423.74 feet to the point of intersection of said westerly line with the northerly line of lands of Haenel as described in Book 1627 of Deeds at Page 793, thence along the northerly, northwesterly and southwesterly lines of said lands of Haenel and lands of Stevens as described in Book 1657 of Deeds at Page 760 the following three courses: 1.) North 76° 38' 32" west, 296.93 feet to a point, thence 2.) South 23° 07' 02" west, 266.61 feet to a point, thence 3.) South 66° 46' 06" east, 297.70 feet to a point in the northwesterly line of Route 50, thence along said northwesterly line, south 31° 20' 21" west, 123.94 feet to the point of intersection of said northwesterly line with the northerly line of lands of Rafferty as described in Book 1722 of Deeds at Page 629, thence along the northerly, westerly and southerly lines of said lands of Rafferty the following four courses: 1.) North 70° 27' 28" west, 297.30 feet to a point, thence 2.) North 88° 12' 28" west, 415.00 feet to a point, thence 3.) south 08° 05' 32" west, 350.00 feet to a point, thence 4.) South 88° 24' 28" east, 580.10 feet to a point in the northwesterly line of Route 50, thence along said northwesterly line, south 36° 32' 50" west, 857.56 feet to the point of intersection of said northwesterly line with the northeasterly line of lands of Gershon as described in Book 1495 of Deeds at Page 537, thence along the northeastrly and northwesterly lines of said lands of Gershon the following two courses: 1.) North 53° 27' 54" west, 300.00 feet to a point, thence 2.) South 36° 32' 06" west, 355.61 feet to a point in the northerly line of lands of Lucas as described in Book 1542 of Deeds at Page 527, thence along said northerly line, north 80° 54' 47" west, 1,175.47 feet to a point in the easterly line of lands of Winters as described in Instrument Number 2009012664, thence along the easterly and northerly lines of said lands of Winters the following two courses: 1.) North 08° 43' 57" east, 669.97 feet to a point, thence 2.) North 80° 17' 18" west, 387.14 feet to a point in the easterly line of lands of Mills as described in Instrument Number 2013039742, thence along said easterly line, and the easterly line of lands of Forma and Deluca as described in Book 1732 of Deeds at Page 152 the following two courses: 1.) North 08° 29' 57" east, 371.44 feet to a point, thence 2.) north 09° 14' 12" east, 486.75 feet to a point in the southerly line of lands of Cusma, Larson and Wirth as described in Instrument Number 2009038066, thence along the southerly and easterly lines of said lands of Cusma, Larson and Wirth the following two courses: 1.) South 81° 07' 00" east, 686.78 feet to a point, thence 2.) North 09° 14' 30" east, 512.22 feet to a point in the southerly line of aforesaid lands of Oliver and Komoroske, thence along said southerly line, south 81° 12' 48" East, 1,985.11 feet to the point of beginning, containing 89.21± acres of land.

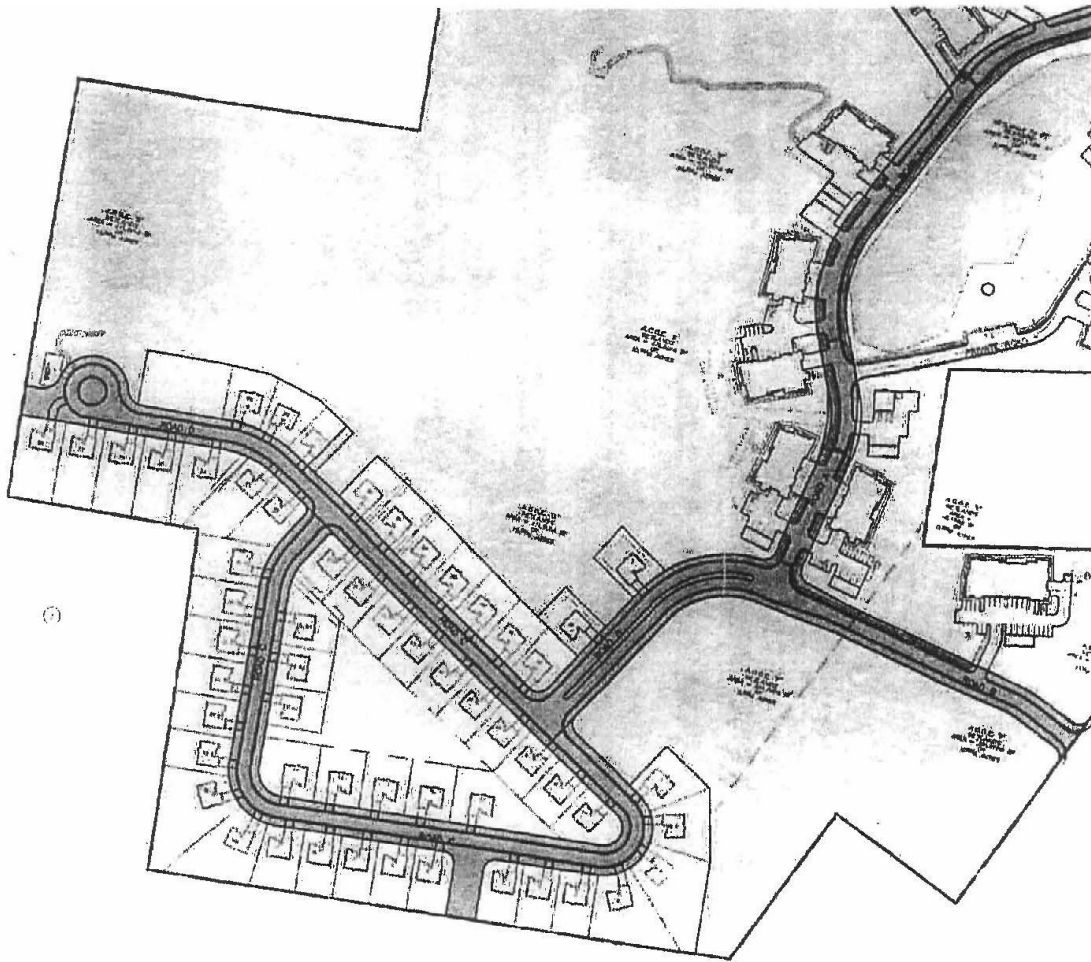
Todd Westerveld

P.L.S. 50,319

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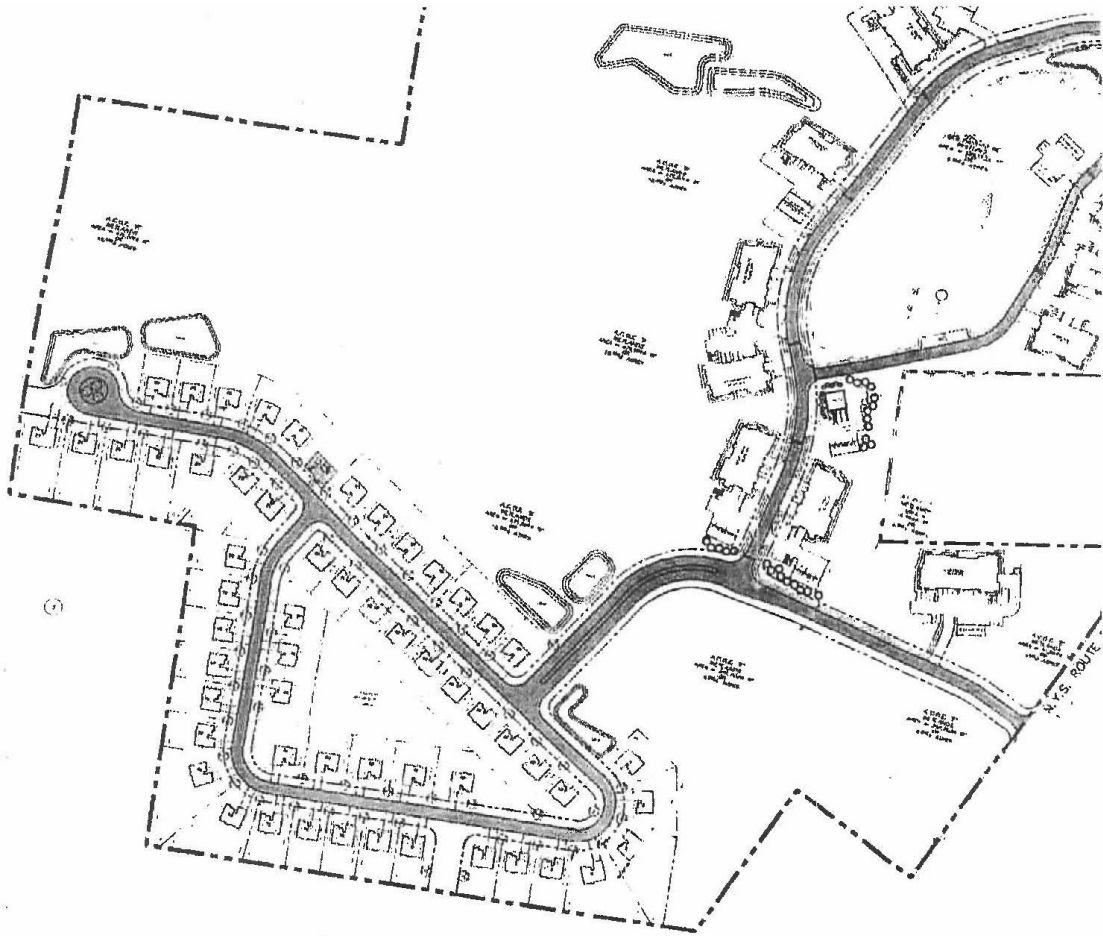


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PUDD DEVELOPMENT AREAS

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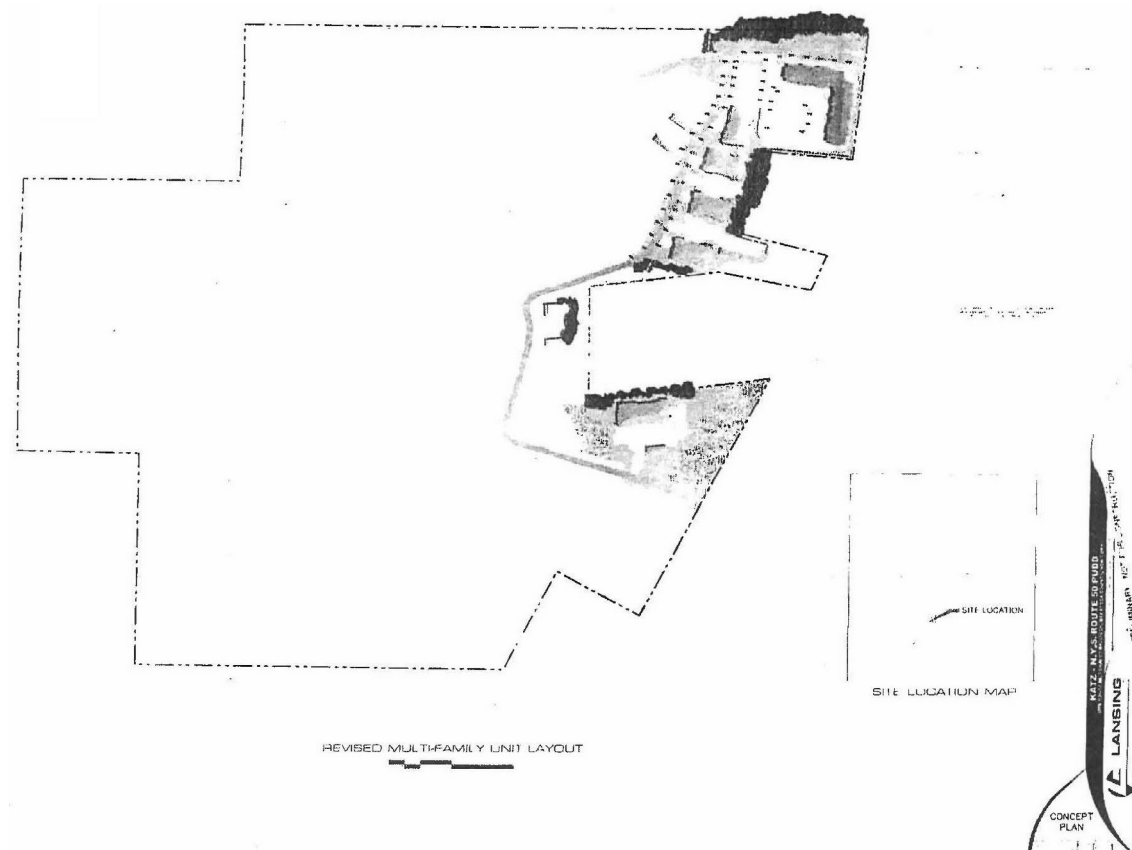
PUBLIC & PRIVATE ROAD MAP

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DRY FORCEMAIN MAP

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Appendix C

Declaration of Covenants and Restrictions for Katz PUDD

- A. General purpose of conditions. The Declarant, Katz PUDD Excavation and Construction LLC., created these restrictive covenants, which are intended to ensure the continuing appreciation of property values through the creation of an aesthetically pleasing and harmonious environment for the Katz PUDD (Katz) including organizing the development into a traditional neighborhood pattern, integrated with surrounding neighborhoods and including a framework of mixed housing types, mixed uses, transit system, pedestrian system and green spaces. They address a full spectrum of site and facility planning, design, landscaping, operation and maintenance.
- B. Site and building. All development plans within Katz PUDD shall be submitted for approval to the Planning Board prior to construction. Minimum submittals for approval shall be as follows:
 - 1. Site plan and/or subdivision plan, including proposed parking lots, curbing, landscape materials, easements, setbacks, buffers, surface, drainage, sewer, water, stormwater system, accessory buildings, signage and other site amenities.
 - 2. Plans and details to control site work for Area B, including:
 - a. Plant materials.
 - b. Concrete walks and asphalt pavements.
 - c. Dumpster enclosures, trash receptacles.
 - d. Maintenance building(s).
 - e. Signs, flags and seating.
 - f. Utilities, site lighting.
 - g. Screens, fences and gates.
 - h. Curbs and walls.
 - i. Special pavers.
 - 3. Exterior building elevation for Area B (including accessory structures) showing building facade, colors, materials for facade, roof and parapets, and mechanical equipment locations and screens.
 - 4. Building plan showing main entrance, loading areas and handicapped accessibility for Area B.
 - 5. All proposed structures and site developments shall be designed to meet the spirit of these covenants as well as the specific requirements contained herein.
- C. Site restrictions.
 - 1. Property line setbacks, stories, height:
 - a. Principle buildings and accessory structures shall be permitted and constructed per the following setbacks and building criteria:

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	Single-Family Lots (Area A)	Apartments (Area B)	Accessory Structures (All Areas)
Minimum width	75'	N/A	N/A
Front yard minimum	20'	5'	N/A
Front yard maximum	N/A	N/A	N/A
Side yard	10	5'	5'
Rear yard	15	20'	5'
Party wall/ceiling	N/A	0'	N/A
Stories/height	2.0/40	2.0/40	1.5/30

- b. As offered here, front yard setbacks would not apply to decorative fences, garden walls and decorative block, brick pavers or concrete steps and or walk-ways.
- D. Garages. All residential dwelling units within Katz PUDD Area A shall have a minimum one-car garage and a maximum two-car garage per dwelling unit. Detached garages are allowable and shall be treated as an accessory structure with respect to property setbacks. Garage entrances on single-family homes should be set back behind the front facade of the home by a minimum of two feet.
- E. Roadways and sidewalks:
 - 1. Area A, and Area B.
 - a. All roadways, driveways, parking areas and parking lots shall be constructed with asphalt, concrete, or brick pavers.
 - b. Concrete or integral asphalt wing curbing shall be used at all public entrance roadways at least to the front yard setback line.
 - c. All sidewalks within apartment and mixed-use areas (Area B) shall be concrete or brick pavers and shall be maintained by the property owner whose property abuts the public sidewalk or by the community H.O.A. Should the property owner or H.O.A. not remove the snow within 72 hours of the end of a snow storm, the Ballston DPW will clear the snow and bill the property owner or H.O.A.
 - d. Crosswalks: intersections of sidewalks with streets shall be clearly marked with contrasting paving materials at the edges or with striping.
 - 2. Area B.
 - a. Sidewalks and walkways in mixed-use areas shall be clear and well lighted and shall connect building entrances to the adjacent public sidewalk and to associated parking areas.
 - b. Area B (public and private) sidewalks shall be in accordance with ADA requirements.

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F. Street layout:

1. Area A and Area B (public roads).
 - a. Intersections shall be right angles whenever possible, but in no case less than 75°. Low-volume streets may form three-way intersections creating an inherent right-of-way assignment. The through street receives precedence.
 - b. Corner radii. The roadway edge at street intersections shall be rounded by a tangential arc with maximum radius of 35 feet. The Town Engineer shall approve the selected curve radius dimension and shall recommend revisions as required.
 - c. The orientation of streets should enhance the visual impact of common open spaces and prominent buildings, create lots that facilitate passive solar design, and minimize street gradients. All streets shall terminate at other streets or at public land, except local streets shall terminate in stub streets when such streets act as connections to future phases of the development. Local streets may terminate other than at other streets or public land when there is a connection to the pedestrian and bicycle path network at the terminus.
2. Area B (non-public roads).
 - a. Internal roads (non-public) and parking lots shall comply with the Town Code and be approved by the Town Planning Board.

G. Landscape and screening:

1. Area A and Area B.
 - a. Street trees: a minimum of one deciduous canopy tree per 50 feet of street frontage, or fraction thereof, shall be required. Not more than 20% of the trees may be clustered while the balance should be as evenly spaced as possible while taking into consideration utilities, driveways, visibility, etc., trees shall be located between the right-of-way and the curb and within the landscaped area of a boulevard.
 - b. Screening: in areas that require screening, it shall be at least three feet in height, unless otherwise specified. Screening should be at least 25% opaque throughout the year. Screening should be one or a combination of: a decorative fence not less than 50% opaque behind a continuous landscaped area, a masonry wall, a hedge, or any other method as approved by the Planning Board.
 - c. Plantings should be a balance of evergreen and deciduous trees and shrubs and all plants shall be hardy under the microclimatic conditions of the site.
 - d. All parking and loading areas within Area B abutting public streets or sidewalks, and all parking and loading areas abutting residential districts or uses, shall provide:
 - i. A landscaped area at least three feet wide along the public street or sidewalk.
 - ii. Screening at least three feet high and not less than 25% opaque.
 - iii. One tree for each 25 linear feet of parking lot frontage.
 - iv. The corners of parking lots, islands and all other areas not used for parking or vehicular circulation shall be landscaped. Vegetation can include turf grass, native grasses or other perennial flowering plants, vines, shrubs or trees. Such spaces may include architectural features such as benches, kiosks or bicycle

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parking.

2. Other areas:

- a. Accessory structures, maintenance buildings, refuse containers and other similar pieces of outdoor equipment shall be screened from public roads with existing or planted trees and shrubs.
- b. All portions of land not utilized for buildings, loading and parking areas, or access ways shall be landscaped with seed and mulch, or maintained in a natural state of woodland or wetland.
- c. All proposed landscaping and screening shall be noted on the subdivision engineering plans and specifications and approved by the Planning Board.

H. Seeding and lawns.

1. The owner or occupant of any lot with disturbed areas shall be required to seed all areas not occupied by buildings, pavement or otherwise landscaped and maintained in reasonable manner.

I. Site lighting.

1. Area A.

- a. Street lights are not included in the single-family residential area (Area A) in deference to the future residents.

2. Area B.

- a. Site lighting shall be architecturally coordinated for the three levels of lighting:
 - i. Driveway lighting.
 - ii. Parking lot lighting.
 - iii. Building-mounted or bollard accent lighting.
- b. Parking lot lighting shall be cut-off type to illuminate only the property on which the lights are installed.
- c. All wall-packs shall have glare-reducing shields.
- d. Maximum light height shall be 35 feet above grade level.
- e. Nighttime lighting levels shall be reduced to the minimum practicable and shall be restricted at the discretion of the Town Planning Board.
- f. Exterior lighting shall be directed downward in order to reduce glare onto adjacent properties.
- g. All proposed lighting shall require approval of the Planning Board.

J. Signage.

1. Signage shall be architecturally coordinated (including size, color, shape, texture, materials and lettering style) and subject to approval by the Planning Board in general accordance with the following:
 - a. Permitted signs.

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- i. Wall signs.
- ii. Freestanding signs.
- iii. Window signs.
- iv. Permanent changeable message signs.
- v. Temporary portable roadside changeable message sign (two weeks maximum).
- vi. Special sales signs.
- vii. Signs on awning or canopy.
- b. Two principal site business identification signs (i.e., one freestanding sign with a maximum of two display faces, and one monument or wall sign) may be displayed on the same lot as the businesses which they are associated.
- c. The total area of all signage (except special sale signs) associated with any one business or on any one site shall not exceed an area equal to two square feet per linear foot of building frontage.
- d. Two permanent freestanding/monument signs are allowed if the parcel has two curb cuts on separate streets and they are separated by a minimum of 100 feet on each street.
 - i. The mixed use portion of the Katz PUDD (Area B) shall be permitted two additional freestanding/monument signs for the purpose of identifying the names and locations of businesses occupying the mixed-use building.
 - ii. Total area of the additional freestanding monument signs for the mixed-use area shall not exceed 150 square feet (or 75 square feet per sign).
 - iii. The additional freestanding/monument signs shall be located at entrances to the mixed use parking area, at the rear and sides of the mixed use building, as approved by the Planning Board. The signs shall not be located within the frontage along NYS Route 50.
- e. Size: freestanding.
 - i. Height shall be a maximum of 12 feet.
 - ii. Total area of a freestanding sign (counting one sign face) shall be 75 square feet.
- f. Size: wall sign.
 - i. The total area of the wall sign shall not exceed an area equal to two square feet of sign area for each linear foot of building frontage. In no instance shall any one sign exceed 150 square feet.
- g. Window signs.
 - i. A total number of four window signs are permitted.
 - ii. Maximum display area shall not exceed 30% of the contiguous window area for each window sign.
 - iii. The aggregate total display area of all window signs does not exceed an area

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equal to 0.5 square foot per linear foot of building frontage.

- h. Sign lighting. Signs may be internally or externally illuminated. Illumination of signs shall not be of intermittent or varying intensity or produce direct glare beyond the limit of the side property line. Red, green, and amber lights of such shape and hue that may be confused with official traffic lights and signals shall be prohibited. All light sources shall be shielded and mounted to avoid glare. Top-mounted lighting fixtures are preferred. No signs with a reflecting surface that can cause glare shall be allowed. No illuminated sign shall be placed or directed to cause beams of light to be cast on any public highway, sidewalk, or adjacent premises or to cause glare or reflection that will be a traffic hazard or nuisance. The Planning Board may require an illuminated sign to be turned off two hours after the close of business.

K. Fencing/screening: all areas.

1. All fencing shall be prohibited within the front property setback of each lot except for minor decorative fencing or screening not to exceed 36 inches in height or as otherwise required in this PUDD legislation. Approval from the H.O.A. shall be required before any fencing is installed.
2. Screening shall be by fencing, lawn berms, shrubs, decorative walls, trees, or other approved landscape materials.

L. Parking requirements: Area A and Area B.

1. Area A: There must be 2.0 parking spaces for each residential dwelling unit.
2. Area B: Parking lot configuration shall be as approved by the Planning Board (all sides of the building(s) may be utilized for parking spaces). Each off-street space in Area B shall consist of at least 180 square feet with a minimum width of nine feet. In addition, space necessary for aisles, maneuvering and drives shall be provided. There must be one parking spot per 100 square feet of retail use, one parking spot per 300 square feet of office use and at least 2.5 spaces for each residential dwelling unit. However, shared parking, or the use of the same parking space at different times of day or days of the week, is allowed and encouraged to lessen the amount of the surface parking. Any shared parking shall be reviewed by the Planning Board based on data presented by the applicant. The most current edition of the Urban Land Institute's publication "Shared Parking" is incorporated herein by reference for these purposes.
3. Area B: Parking shown on Exhibit B meets the intent of this legislation provided that interior garages are constructed in the first level of the apartment buildings. Exterior parking, in addition to that shown on Exhibit B, shall be provided by the builder/developer/property owner if interior garages are not constructed in the apartment buildings or if the detached garages are underutilized by future residents and the need for additional parking develops.

M. Refuse and outside materials storage: all areas.

1. When necessary to store articles, goods, or materials in the open upon any lot in Katz, the storage area shall not be permitted within the front portion of the lot, defined as the area between the front property line and a line drawn from the nearest corner of the building (to the front property line) and extending perpendicularly to the side lot lines.
2. Screening of refuse or storage areas shall be by fencing or walls together with berms,

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trees or shrubs.

N. Drainage: all areas.

1. During construction, all property owners must protect adjacent lands from runoff and silt.
2. Any surface water collected by roofs, parking lots, or other man-made structures or surface water flowing from underdeveloped areas shall be handled on site. The site drainage plan shall set as its priority the attenuation of developed runoff such that the flood and erosion potential on and off the site is not greater than that which existed before site development.
3. Each property owner and the H.O.A. shall be responsible for drainage maintenance on its own land.
4. The stormwater management within Katz PUDD shall be designed and detailed on the engineering subdivision plans and specifications. The design shall be in accordance with the laws in effect at the time of design and approval by the Planning Board.

O. Architectural restrictions:

1. Area A.

- a. Every effort will be made to differentiate and distinguish residential buildings adjacent to each other. In the case of the apartment building, the contiguous buildings will utilize the same colors while adjacent buildings will use complimentary colors and/or architectural details to the greatest extent practicable while still maintaining an aesthetically pleasing facade. In the case of the single-family homes, the builder will endeavor to diversify the front elevation of homes located immediately adjacent to each other by utilizing various architectural features, including but not limited to garage styles; porch styles; facade material styles, colors and texture; windows and shutters; roof styles and colors; and distinguishing architectural details, etc., while still maintaining an aesthetically pleasing facade.
- b. Building height shall be as referenced in paragraph 3A of the Declaration of Covenants and Restrictions for Katz PUDD and in no case shall it exceed 40 feet (or as otherwise limited by Local Fire District restrictions) to average elevation of sloping roofs as measured from finished grade at building.
- c. Roofs shall have a slope equal to or greater than four inches in 12 inches for main structure and two inches in 12 inches for porches and attached exterior fireplace roofs. Accessory structure roofs shall have a slope equal to or greater than four inches in 12 inches.
- d. Mailboxes shall be similar style and color throughout each distinct residential area. Multi-unit mailboxes that serve several residential units in one location shall be allowed. All mailboxes shall be placed in a location that is acceptable to the USPS.
- e. A mix of architectural styles is encouraged as it allows for diversity among the housing types. Single-family homes should be designed based on any of the following architectural styles: Craftsman, Tudor, Victorian, Georgian, Southern Classical, Greek Revival, Four Square, Shingle, Classic, Ranch, Stick, and Gothic Revival as these are architectural styles that can be found in various upstate New York communities.

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2. Area B.

- a. Building height.
 - i. Maximum building height will be 40 feet (or otherwise limited by Local Fire District restrictions) to top of roof parapet or to average elevation of sloping roofs as measured from finished grade at building.
- b. Building facades.
 - ii. In the case of building walls which are exposed to streets, they should be finished in an aesthetically appropriate fashion.
 - ii. Principle building facades should be constructed with or veneered with cementitious masonry materials, including brick, stucco, E.I.F.S., stone or cedar siding or comparable wood or wood grain vinyl siding or any material not listed that the Planning Board deems appropriate and shall be subject to approval by the Planning Board.
- c. Roofs.
 - i. Roof slopes of two inches in 12 inches or greater are permitted to be exposed to view and shall be limited to the following materials:
 - 1. Fiberglass composition.
 - 2. Asphalt composition.
 - 3. Galvanized metal.
 - 4. Prepainted metal.
 - 5. Field painted metal.
 - 6. Copper or other metals appropriate for roofing.
 - ii. The pattern, color, texture, jointing design or fastening method of roofing material shall be subject to approval by the Town Planning Board.
 - iii. Where roof slopes are less than two inches in 12 inches, roofing materials are unrestricted, but building facades shall form a parapet so as to eliminate view of roofing mechanical equipment.
 - iv. Awnings/canopies over the pedestrian walk are encouraged.

P. Specific construction not permitted within front yards.

1. Area A.

- a. Accessory structures.
- b. Specific construction not permitted within front yard shall be the same as referenced to in the Town of Ballston Zoning Ordinances for residential properties located in the Ballston Lake Residential zone with the exception of any uses permitted in this ordinance.

2. Area B.

- a. Accessory structures.

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- b. Gas meters, or mechanical equipment.
 - c. Gasoline refueling areas.
 - d. Storage tanks
 - e. Loading docks, dumpsters and utility service areas, trash receptacles and storage yards.
- Q. Environmental standards: all areas.
- 1. All uses established within Katz PUDD shall be constructed, operated and maintained as to comply with all standards as established by the local, state or federal regulatory agencies.
- R. Fire and explosion hazards: all areas.
- 1. All uses, activities, and equipment involving handling, use, and storage of flammable or explosive materials shall comply with all applicable local, state, and federal rules and regulations.
- S. Fissionable, radioactive or electrical disturbances: all areas.
- 1. The use, handling, storage, discharge, and disposal of radioactive material or waste products are strictly prohibited in the Katz PUDD.
 - 2. No activities shall be permitted which produce electrical and/or electromagnetic disturbances affecting the operation of any equipment.
- T. Air emissions: all areas.
- 1. Emissions to outdoor atmosphere shall be subject to the specific air quality standards and emissions limits set forth in the Federal Air Quality Act and the New York Air Pollution Control Rules and Regulations.
 - 2. No exterior wood-burning stoves, or boilers shall be permitted.
- U. Refuse storage: all areas.
- 1. Permanent or temporary below ground disposal of refuse and other solid waste is prohibited.
 - 2. Temporary storage of refuse and other solid waste is permitted in typically used waste bins or receptacles, where such waste is regularly removed and disposed of in an approved landfill, resource recovery facility, or other repository approved by the New York State Department of Environmental Conservation.
- V. Disposal of sewage and waste: all areas.
- 1. No waste material or refuse shall be dumped upon or permitted to remain upon any part of said property outside the building constructed thereon.
- W. Toxic and hazardous substances: all areas.
- 1. Use, handling, storage, disposal, and transport of toxic and hazardous substances and industrial waste is strictly prohibited.
- X. Maintenance standards: all areas.
- 1. The owner or lessee of any parcel within Katz PUDD shall at all times keep its premises,

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buildings, accessory structures, parking lots, access drives, storage yards, and all other improvements in a safe, clean, neat and sanitary condition and shall comply with all laws, ordinances, regulations, and codes pertaining to health, safety, and property maintenance. Each property owner or lessee shall provide for the removal of solid waste from it premises.

2. During construction, it shall be the responsibility of each property owner to ensure that construction sites are kept free of unsightly accumulations of waste materials and that construction materials, equipment, temporary structures, etc., are kept in a neat, orderly manner.
3. The property owner or lessee shall maintain all undeveloped land within the occupied parcel in a manner compatible with these maintenance standards.
4. All landscaping shall be maintained in a neat and healthy condition and in accordance with the standards set forth in "American Standards for Nursery Stock" (ANSI Z60. 1-1986) of American Association of Nurserymen and in accordance with accepted industry practice.

Y. Open space restrictions: all areas.

1. There shall be no clear-cutting of trees, grazing of domestic animals, or disturbance or change in the natural habitat in any manner. The cutting and removal of dead, damaged or fallen trees or selected clearing of trees/brush for a nature trail system shall be permitted.
2. There shall be no constructing or placing of any building, tennis or other recreational court, landing strip, mobile home, swimming pool, asphalt or concrete pavement, billboard or other advertising display, antenna, utility pole, tower, conduit, lights or any other permanent structure or facility with the exception of foot bridges over wetland areas.
3. There shall be no storage or dumping of ashes, trash, garbage, or other unsightly or offensive material, hazardous substance, or toxic waste, nor any placement of underground storage tanks.