

## ZONING

### *270 Attachment 3*

#### **Town of Glenville**

##### **270-213 Sacandaga Road Mixed Use Planned Development District**

[Added 6-14-2017 by L.L. No. 4-2017; amended 4-5-2023 by L.L. No. 1-2023; 5-15-2024 by L.L. No. 8-2024]

##### **§ A270-200. Establishment of district.**

Local Law No. 4 of 2017, entitled "207-213 Sacandaga Road Mixed Use Planned Development District," and further amending Resolution No. 83 of 2001 of the Town of Glenville, adopting the Zoning Ordinance for the Town of Glenville<sup>1</sup> and the Zoning Map of Glenville, as set forth therein and made a part thereof, be and the same is hereby amended by changing from General Business (GB) those parcels of real property, constituting approximately 7.23+/- acres, as hereinafter described in Exhibit A, attached hereto and made a part hereof,<sup>2</sup> designating and creating the boundaries of such newly described area as a planned unit development district to be known as "207-213 Sacandaga Road Mixed Use Planned Development District."

##### **§ A270-201. Boundaries.**

The area of said 207-213 Sacandaga Road Mixed Use Planned Development District consists of approximately 7.23+/- acres located to the north of lands of Scotia-Glenville Central School District, to the west of Sacandaga Road, to the south of Burch Parkway, and to the east of the lands of Norampac, and bounded and described specifically on Exhibit B, attached hereto and made a part hereof.<sup>3</sup> Reference herein to Burch Parkway is intended for general location purposes only and is not intended to imply that all lands along Burch Parkway are within the planned unit development district, the exact boundaries of which are set forth in the attached Exhibits A and B, incorporated herein by reference.

##### **§ A270-202. Development.**

- A. The development of the 207-213 Sacandaga Road Mixed Use Planned Development District has been presented and is described according to an application dated February 27, 2017, and a preliminary site plan filed with the Planning & Zoning Commission of the Town of Glenville. This preliminary site plan may be changed, altered or amended by approval of the Planning Board.
- B. The 207-213 Sacandaga Road Mixed Use Planned Development will consist of nine eight-unit apartment buildings of two stories with surface and aboveground garage parking (the "apartment complex") on Parcel No. 2; mixed residential and/or commercial development consistent with the uses permitted in the Community Business District on Parcel No. 1, not to exceed 4,800 square feet of building area of ground floor commercial space and additional commercial space or up to four apartments in the second floor space in one

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<sup>1</sup> Editor's Note: See Ch. 270, Zoning.

<sup>2</sup> Editor's Note: Exhibit A is on file in the Town Clerk's office.

<sup>3</sup> Editor's Note: Exhibit B is on file in the Town Clerk's office.

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building of two stories or less, with surface parking; and commercial development consistent with the uses permitted in the General Business District [except that no automobile dealerships, automobile repair shops, car washes, massage parlors, vapor ("vape") shops, tattoo parlors or liquor stores shall be permitted, nor shall any retail establishments selling tobacco, tobacco-related or tobacco substitute products be permitted unless the tobacco, tobacco-related or tobacco substitute products comprise less than 5% of total retail floor space or less than 5% of total retail shelf space, whichever is less] on Parcel No. 3, mixed residential and commercial uses in a two-story structure, not to exceed 10 residential units on the second floor, and on the first floor retail uses only as permitted in the General Business District, not to exceed 12,000 square feet of building area with associated drive-through. Any gasoline service station constructed on Parcel No. 3 must have its gasoline dispensing pumps and any overhead canopy constructed parallel to Burch Parkway. The prohibition on automobile repair shops shall not be construed to prohibit an automotive parts retail store that provides only ancillary services (e.g., installation of purchased tires, batteries, windshield wipers, etc.) and does not perform general automotive repair services.

- C. Parking setbacks and building setbacks will be as displayed on Exhibit A.<sup>4</sup>
- D. Green space on Parcel No. 1 will be 28.1%. Green space on Parcel No. 2 will be 51.5%. Green space on Parcel No. 3 will be 20.0% or an aggregate green space of 42.2% over all three parcels. All green space shall be owned and maintained by the developer, or the developer's successor in interest. The Town Commissioner of Public Works shall determine whether the developer or subsequent owner is in breach of its duty to maintain the space and may direct remedial measures if such breach continues for 30 days after written notice to the developer/owner.
- E. Thirty feet of existing right-of-way is reserved for future road right-of-way.
- F. Parking areas shall be provided at all times and shall be not less than required by the zoning regulations for each lot and use thereon when the construction on each lot of the development as planned is completed.
- G. On-site directional signage shall identify individual buildings as required. The size, height, lettering, style, illumination and placement of all signs shall be in accordance with the Town's signage and Zoning Code<sup>5</sup> requirements.
- H. Water shall be provided by the Town of Glenville Water District No. 11. The sewer system is to be serviced through the Village of Scotia Sewer District.
- I. Sidewalk improvements will be constructed along the property line of Parcel No. 1 and Parcel No. 3 adjacent to Sacandaga Road (NYS Route 147), concurrent with construction of the buildings on those parcels, and will be designed and developed to be connected to the PDD sidewalk system, subject to the necessary approvals of the New York State Department of Transportation.

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<sup>4</sup> Editor's Note: Exhibit A is on file in the Town Clerk's office.

<sup>5</sup> Editor's Note: See Ch. 270, Zoning.

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- J. For vehicular traffic purposes, there will be two points of ingress and egress for Lot 2 to Burch Parkway, and one point of ingress and egress on Sacandaga Road for Lots 1 and 3, as determined by the New York State Department of Transportation.

### **§ A270-202. Construction regulations.**

All improvements shall be designed and constructed pursuant to plans and specifications approved by a duly licensed architect and/or engineer and in full compliance with the New York State Uniform Fire Prevention and Building Code. When completed, these improvements shall be certified as having been constructed in full compliance with the New York State Uniform Fire Prevention and Building Code. The engineer and/or architect performing the work herein described shall be employed by and at the sole expense of the owner and/or developer. All construction shall be subject to inspection and approval by the appropriate officials of the Town of Glenville.

### **§ A270-203. Submission of plans.**

Prior to commencement of any phase of construction within the Planned Unit Development District, or prior to the issuance of any building permit, final site plans and specifications shall be submitted to the Planning and Zoning Commission for its review and approval in accordance with the Town Code of the Town of Glenville.

### **§ A270-204. Zoning Map.**

The Zoning Ordinance<sup>6</sup> and Zoning Map of the Town of Glenville are hereby amended by providing that said 207-213 Mixed Use Planned Unit Development District be set forth on the Town Zoning Map.

### **§ A270-205 Revocation.**

This amending local law shall be automatically revoked and void, and the previous statutory regulations shall apply, under the following circumstances:

- A. Commencement of the construction of the improvements described in this article have not begun within 18 months after this article is adopted; or
- B. Substantial progress is not being made without undue interruption after construction has commenced.

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<sup>6</sup> Editor's Note: See Ch. 270, Zoning.