

Exhibit A  
[Amended at time of adoption of Code  
(see Ch. 1, General Provisions, Art. I)]<sup>1</sup>

Town Supervisor  
Town Justice  
Town Board members  
Town Clerk  
Town Highway Superintendent  
Tax Collector  
Highway Secretary  
Deputy Town Clerk  
Library Director  
Bookkeeper/Supervisor's Secretary  
Bookkeeping Assistant  
Assessor  
Assessor's Clerk  
Building Inspector  
Assistant Building Inspector  
Building Inspector's Clerk  
Town Attorney  
Assistant Town Attorney for Zoning and Planning  
Health Officer  
Zoning Enforcement Officer  
Voting Machine Custodian  
Animal Control Officer  
Deputy Tax Collector  
Town Historian  
Court Clerk  
Crossing Guard  
Zoning Board of Appeals members  
Planning Board members  
Library Board of Trustees  
Board of Ethics members  
Parks and Recreation Commission  
Jenkins Park Advisory Board  
Board of Assessment Review  
Water District Advisory Board

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1. Editor's Note: See § 14-2, definition of OFFICIAL or EMPLOYEE, regarding the right of the Town Board to add new classes of officials or employees by resolution.

## PERSONNEL POLICIES

### **Appendix A Administrative Hearings**

#### Town of Ballston Personnel Policies

- A. The trier of fact shall be the Town Supervisor in the case of an action under § 28-39, Disciplinary action. The trier of fact shall be the Town Board in the case of an action under § 28-39, Disciplinary action.
- B. The following rules shall apply to such administrative hearings:
  - (1) The hearing shall be before a trier of fact, which shall be either the Town Supervisor or the Town Board, as appropriate.
  - (2) The Town Attorney or another attorney designated by the Town Supervisor may participate and advise the trier of fact on issues of law.
  - (3) The trier of fact shall not be bound by the strict rules of evidence.
  - (4) The department head or his/her designee shall act as the administrative prosecutor.
  - (5) The employee shall have the right to be represented at the hearing by an attorney at the employee's own expense.
  - (6) If the employee is charged with multiple violations, all such violations shall be heard by the trier of fact.
  - (7) The administrative prosecutor shall detail the allegations against the employee and submit to the trier of fact all evidence in support thereof.
  - (8) At the discretion of the trier of fact, a secretary may be present to take notes of the proceedings. The record will not be verbatim unless a stenographer or other qualified person is available to record the proceedings. A copy of the notes or recording will be provided to the employee.
  - (9) The trier of fact shall render a decision on any alleged violations of this personnel manual based on the standard of proof of a preponderance of the evidence.
  - (10) Adjunction of alleged activity:

## BALLSTON CODE

- (a) At the conclusion of the administrative hearing, the trier of fact will resolve all allegations as follows:
  - [1] Founded: burden of proof satisfied.
  - [2] Not founded: burden of proof not satisfied.
- (b) Completed investigations classified as "not founded" will be maintained in an internal affairs file by the trier of fact and will not be placed in the employee's personnel file. Founded determinations will be filed in the employee's department personnel file.
- (c) At the conclusion of the hearing, the trier of fact will decide whether the employee has committed misconduct and/or violations of this personnel manual. If the trier of fact wishes to take the matter under advisement before rendering such decision, in order to research specific points brought up during the hearing or to consult with legal counsel, he/she will advise the employee of such action. If the hearing is public, the trier of fact will afford the employee the opportunity to reconvene the hearing before the public prior to the announcement of the decision by delivering a copy of the decision to the employee, in hand, or by mailing the decision to the employee by certified mail. The trier of fact shall decide each and every allegation as founded or not founded.
- (d) If the trier of fact determines that the employee committed any of the allegations, only these founded allegations will be considered when imposing the appropriate discipline. Prior to the imposition of disciplinary action by the trier of fact, § 28-39, Disciplinary action, of this manual shall be consulted.
- (e) The trier of fact will prepare, in writing, a synopsis of the administrative hearing. The synopsis will include the conclusions reached on each specific violation(s) and the disciplinary action imposed, if any. A copy will be furnished to the department head, if appropriate, and to the employee by the trier of fact. If a founded decision is rendered, the trier of fact will ensure that a copy is placed in the employee's personnel file.

PERSONNEL POLICIES

**Appendix B**  
**Personnel Manual Receipt**

Town of Ballston  
Personnel Policies

(Original copy remains in manual and duplicate copy is inserted in department member's file)

I, \_\_\_\_\_, do hereby acknowledge receipt of the Ballston, New York, Personnel Manual. I understand that I am responsible for the contents of this manual and may be subjected to disciplinary action for violating the provisions set forth in this manual. I also understand that I will be obligated to update this manual with appropriate adoptions, revisions, amendments, deletions and other changes as so instructed by the Town Supervisor. I further understand that my manual is the property of the Town of Ballston. I agree to return this manual to the Town of Ballston upon termination of my employment.

\_\_\_\_\_  
Printed Name of Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Issued By

\_\_\_\_\_  
Returned To (Print)

\_\_\_\_\_  
Date Returned

## **SUBDIVISION OF LAND**

### **Town of Ballston LAND SUBDIVISION STANDARDS [Amended 9-30-2003 by L.L. No. 4-2003]**

#### **ROADWAY CONSTRUCTION**

##### **1. GENERAL:**

Materials which meet the State of New York Department of Transportation's Specifications shall be generally acceptable for use in constructing Town roads. Some materials which do not meet these specifications however may be acceptable if approved by the Engineer.

##### **2. CONSTRUCTION CONTROL:**

All roadway construction shall be controlled by stakes for alignment and grade placed at an interval to assure line and grade.

##### **3. SUBGRADE PREPARATION:**

All trees, brush, topsoil, stumps, roots and rubbish shall be removed from the area of the roadway. Boulders shall be removed to a minimum depth of one inch below the proposed subbase surface.

Muck, peat, spongy or other unsuitable material shall be removed from the roadway area and replaced with suitable material.

The subgrade shall be compacted to ninety-five-percent Standard Proctor (ASTM D698). The final compacted surface shall not be more than ½ inch higher than design subgrade in any location and shall be the same cross-sectional shape as the final design grade. It shall also be proof-rolled, with witnessing by the Town Engineer, to determine if stabilization fabric may be required.

##### **4. EMBANKMENT:**

No organic material, frozen material or other unsuitable material shall be used in embankments. The compacted embankment shall have a minimum dry density of ninety-five-percent Standard Proctor (ASTM D698).

The slopes of all embankments shall be stabilized by spreading and rolling topsoil and seeding to obtain a satisfactory stand of grass.

## **BALLSTON CODE**

Embankments shall be placed and rolled in layers of maximum eight-inch depth, measured before compaction. The embankment subgrade shall be prepared as required under “Subgrade Preparation”.

### **5. SUBBASE CONSTRUCTION:**

The materials and subbase shall be installed in accordance with the provisions of Section 304 of the New York State Department of Transportation Specifications, latest edition.

### **6. SURFACE CONSTRUCTION:**

Materials and construction methods for binder and wearing course shall conform to Section 403 of the New York State Department of Transportation Standards, latest edition.

### **7. UNDERDRAINS:**

Materials and construction methods for underdrain filters shall conform to the requirements of Section 605 – Underdrain, New York State Department of Transportation Specifications, latest edition. Pipe used shall be perforated polyethylene tubing.

## **GRADING**

Lots shall be graded so that runoff from roofs, drives and other impervious surfaces flows toward a street, except that such runoff may flow to the rear where a watercourse abuts the rear of a lot. If it is not practicable to direct runoff to the street, a grading plan for the area may be required by the Board. Such grading plan shall show that grading is designed to prevent ponding and to direct water away from all buildings.

Lots having driveways sloping away from streets shall have driveways paved so as to provide a “high point” at or near the R.O.W. It is intended that this high point prevent street runoff from entering the lot.

## **WATER SYSTEM**

All components of the water system shall meet the specifications of the Town of Ballston Water District #2.

## SUBDIVISION OF LAND

### STORM DRAINAGE

#### DESIGN CRITERIA:

The drainage system shall be designed to carry the runoff from the entire contributing watershed taking future development into consideration. The system shall also be considered as a part of a potentially larger system and shall therefore drain to the outside limits of the subdivision so that future development may pick up and continue drainage at the property lines.

#### A. Accepted Hydraulic Methods.

The following hydrologic methods are acceptable for use in the design of storm drainage systems and stormwater management facilities:

- Rational method for small watersheds and pipe sizing.
- Soil Conservation Service Technical Release No. 55 Urban Hydrology for Small Watersheds (most recent edition).

These methods shall be applied within the recommended parameters for either method.

In addition to the above methods, other recognized methods may be utilized as approved by the Planning Board as recommended by the Town Engineer.

#### B. Criteria For Stormwater Design. The following design criteria shall apply to the design of storm drainage facilities and stormwater management facilities:

##### 1. General:

- a. All storm drainage facilities shall be designed based on a ten-year storm frequency.
- b. Peak runoff rates from the project site after development shall not exceed pre-development peak runoff rates of a ten-year storm frequency.
- c. Adequate storage facilities shall be provided for the site to store the additional runoff volume due to development of the project site for a twenty-five-year storm frequency.
- d. Provisions, such as overflow studies shall be made for protection against property damage and loss of life for more severe storms (100-year storm frequency).

## BALLSTON CODE

- e. Provisions shall be made for the conveyance of off-site drainage from upland watershed areas.
  - f. All storm drainage systems shall be designed to allow for positive drainage from the project site to existing drainage courses or storm sewer systems. The adequacy of the existing systems to convey this runoff should be evaluated.
  - g. Surface flow on streets shall be limited to a maximum of 350 feet.
  - h. Gutter profiles may be required at intersections which involve steep grades.
- C. Pipe. Required pipe sizes shall be determined by the use of the Manning Formula. Full pipe velocities shall not be less than three feet per second. The minimum size of pipe shall be twelve-inch diameter. All pipe shall be installed with a minimum of two feet of cover. Pipe shall be designed for the overburden and any live loads it will be subjected to. Type, class, and bedding conditions shall be specified. All pipe shall be installed straight in both line and grade from junction to junction. All pipe junctions shall be either manholes or catch basins. Acceptable pipe includes: RCP, CAP (16-gauge minimum), HDPE, PVC (SDR-26 or -35).

### CATCH BASINS & MANHOLES:

Catch basins, manholes, frames, covers and grates shall conform to Town standards.

Storm inlets shall be located to intercept runoff before it enters an intersection and wherever possible catch basins will be located opposite lot corners. Catch basins on storm mains shall be provided with sumps.

### SUMP PUMP LATERALS:

Sump pump discharges must be directed via a piping system to the closed roadway drainage system. Catch basins and/or distribution boxes shall be installed in such a manner to allow for direct connections from all subdivision building lots. Laterals shall consist of two-inch PVC (SDR-35), shall be provided from a catch basin and/or distribution boxes to all property lines and shall be capped until utilized. Individual sump pump connections to these laterals may be required on a case-by-case basis by the Town Building Inspector upon inspection of the individual building lot foundation excavation.



## SUBDIVISION OF LAND

### DEBRIS CONTROL STRUCTURES:

Trash racks may be required at some inlet structures where there is a danger of clogging by branches or other debris. Each shall be designed to suit the individual case involved.

A. Submissions. A Stormwater Management Report is required for major subdivision. The following materials shall be submitted to the Town Engineer for review:

1. A topographic map at a scale of 1" = 2,000' or larger showing the existing watershed area and indicating the location of the project site.
2. Topographic maps at a scale of 1" = 200' or larger indicating existing and proposed conditions on separate maps, including watershed areas and subarea boundaries, acreage, inlet omitted points, surface characteristics and cover, flow directions and existing and proposed storm sewers, drainage courses and stormwater management facilities within at least 200 feet of the project site.
3. Stormwater Management Report incorporating the following information:
  - a. Project location, watershed description, soil types, groundwater elevations, topography, surface characteristics and proposed development.
  - b. For existing and proposed conditions; description of design, storm frequency, intensity, duration, time of concentration, runoff coefficients, peak runoff rates for each subarea, and documentation of all sources used for the above computations.
  - c. Hydraulic computations for pipe capacities, pipe velocities, and channel capacities and velocities.
  - d. Anticipated impacts and proposed mitigation measures including; increase in rate and nature of runoff, calculation of detention storage requirement and detention provided, calculations for release rate from stormwater management facilities and design of controlled outlet and existing and future ponding limits for design storm and one-hundred-year storm.
  - e. A statement that the drainage system as designed will function adequately and will not adversely affect downstream or adjacent properties.

## BALLSTON CODE

- f. Stamp and signature of a license Professional Engineer.
- 4. Stormwater Pollution Control Plan (SWPPP). For site disturbance of greater than one acre, a SWPPP prepared in acceptance with NYSDEC requirements will need to be submitted for review of completeness. The Town of Ballston will require that a Notice Of Intent (NOI) for construction activities be submitted to NYSDEC and a copy of the acknowledgement of permit coverage from the NYSDEC be submitted to the Town prior to the start of any construction activities for its files. All proposed erosion controls and water quality measures are to be shown on the subdivision plans.

### SANITARY SEWERAGE:

- A. General. All components of sewage collection and disposal systems shall be designed in accordance with the following standards whichever is applicable and the requirements of the Saratoga County Sewer District.
  - 1. Recommended Standards for Sewage Works adopted by Great Lakes – Upper Mississippi River Board of State Sanitary Engineering (“Ten States Standards”).
  - 2. Standards for Waste Treatment Works – Municipal Sewage Facilities and Standards for Waste Treatment Works – Institutional and Commercial Sewerage Facilities published by the New York State Department of Environmental Conservation.
  - 3. Waste Treatment Handbook for Individual Household Systems published by the New York State Department of Health.
- B. Collection System
  - 1. Where municipal sanitary sewers are available, a collection system consisting of house services and mains designed shall be provided. For any construction within the boundaries of the Saratoga County Sewer District No. 1, or any construction within a subdivision which includes the construction of Town roads, where municipal services are not presently available, a collection system shall also be installed for future connection to a municipal sanitary system when available (dry sewers). When a municipal system becomes available, a connection to such system shall be made. The design and installation of the sewer system are to be in accordance with the requirements of Saratoga County Sewer District No. 1. The installation of the sewer system is to be observed by a representative of the Saratoga County Sewer District No. 1. **[Amended 5-3-2005 by L.L. No. 6-2005]**



## BALLSTON CODE

2. The Town of Ballston does not own or operate any sanitary sewerage facilities. Any sanitary sewer collection system must be hooked-up to the county sewer system. The County Sewer District must give written approval before the sewer system will be approved by the Town of Ballston, as part of the development project.

The sewer mains and appurtenances, including service connections shall be installed in accordance with the County Sewer District requirements and adhering to the Great Lake Upper Mississippi River Board Ten State Standard for sewer design and construction.

## SUBDIVISION OF LAND

The owner of a community sewer system may operate the system for a maximum period of 10 years after its formation, unless sooner terminated by voluntary dedication of the sewer system to the County Sewer District. This could occur at any time the owner elects to make such dedication, provided the County Sewer District is prepared to accept such dedication.

After the expiration date of five years from the formation of the community sewer system, either the Town of Ballston or the County Sewer District may, upon 180 days' written notice, require the owner of the community sewer system to dedicate the entire sewer system to the County Sewer District, for no consideration.

It is the intent of all interested parties, including The Town of Ballston, The County Sewer District and the Owner(s) to ensure that the sewer system is ultimately dedicated to the County Sewer District, and that the dedication occurs with no obligation on the part of The Town of Ballston or the County Sewer District to pay any consideration for such dedication. The parties also seek to provide for an orderly and well thought out dedication procedure, which will govern the dedication process, whenever it may occur. The owner(s) understands and agrees that at the time of the dedication whenever it may occur, the sewer system will be visually inspected by the County Sewer District, to ensure that it is still in satisfactory condition, and capable of being accepted. The sewer system shall conform, at the time of dedication, to the standards then in place and used by the County Sewer District, subject to any exceptions made for grandfathers systems, which complied with the County Sewer District standards at the time it was installed. The owner(s) agree to make such reasonable repairs and improvements as is necessary to bring such sewer system into satisfactory condition to permit its dedication to and acceptance by the County Sewer District.

The owner(s) will provide to the Town of Ballston a legal instrument, guaranteeing for a period of 10 years from date of formation all obligations and expenses of the sewer system. Presumably the ownership of the sewer system will terminate before the expiration of this ten-year period, through the dedication of the system to the County Sewer District.

All fee and fee increases (except county fees) will be subject to approval by the Town Board. It will be the responsibility of the owner(s) to provide all necessary information to justify the fee and fee increases.

### C. Individual Household Systems.

Where an existing sanitary collection system is unavailable and where the Board deems it appropriate, individual on-site sanitary disposal may be utilized. Test pits and percolation tests shall be performed for each proposed system and the results of the tests shall be included on the plans unless otherwise waived by the Board. At a

## **BALLSTON CODE**

minimum one test will be required per three lots to determine site conditions, or as required by the Planning Board based on recommendations by the Town Engineer.

All individual sanitary disposal designs shall be subject to review and approval by the Planning Board, Town Engineer and Building Department. Alternative designs are to be approved by the NYSDOH.

## **STREET SIGNS**

Street signs shall be installed at all street intersections in the subdivision unless specifically eliminated by the Planning Board and/or the Town Highway Superintendent.

## **SIDEWALKS**

**[Amended 6-1-2004 by L.L. No. 3-2004]**

Sidewalks shall be a minimum of four feet wide and consist of concrete, slate, brick, bluestone or similar material at the discretion of the Planning Board. Driveways made of hot mixed blacktop shall not cover over the sidewalks with the hot mixed blacktop.

Such sidewalks and all repairs, debris and snow removal shall be made by the owner(s) of the premises adjoining such walks (except sidewalks owned by a municipality). After receiving notice from the Highway Superintendent and within a time prescribed by the Town Board and, in case such owner neglects to make the necessary repairs, the Highway Superintendent shall construct or repair such sidewalks. The Town against such owner(s) may collect the expense for the repairs or construction by adding the costs to the next succeeding Town tax bill.

All sidewalks must have the snow removed within 48 hours after a storm. Upon a complaint (to include complaintants name and address), the Highway Superintendent shall remove the snow, and the Town against such owner(s) may collect the expense for the snow removal by adding the costs to the next succeeding Town tax bill.

If the sidewalks are to be cement concrete, they shall be placed on a minimum of six inches of processed gravel or crusher run stone properly drained with longitudinal sides formed and of a minimum depth of four inches with steel fabric reinforcement of No. 6 gauge wire six-foot c-c transversely and longitudinally placed midway between top and bottom of sidewalk.

The concrete shall be worked and floated so as to produce a smooth and uniform surface. The concrete shall be laid in one course and shall have transverse construction joints to the full depth of the slab spaced 20 to 25 feet apart. The edges shall be finished

## **SUBDIVISION OF LAND**

both transversely and longitudinally with an edger and the surface scored every four to five feet, so the finished walk shall be marked in squares. Premoulded bituminous joint filler shall be placed at all full depth joints and around anything embedded in the sidewalk such as valves and manhole frames, etc.

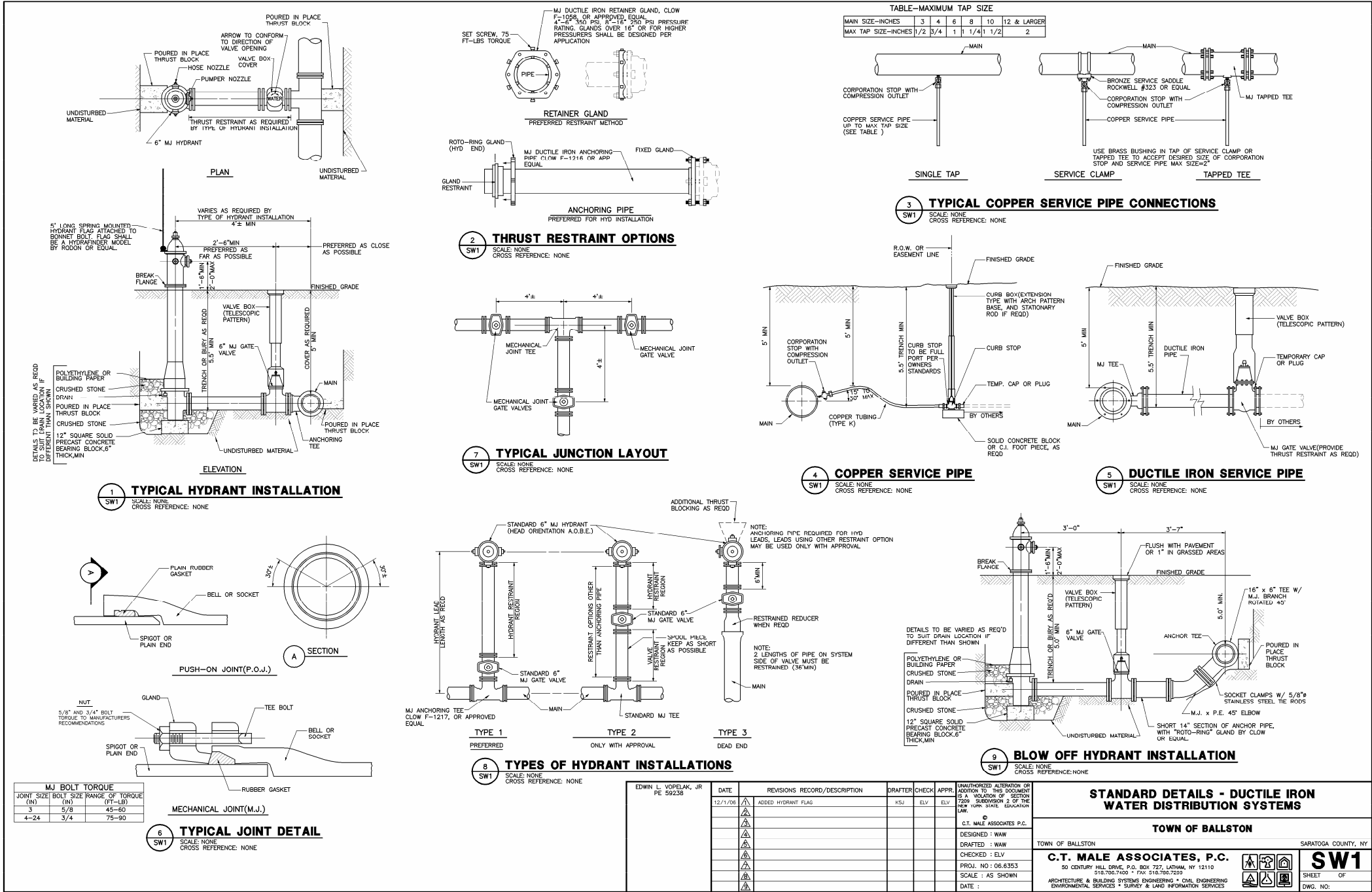
The concrete shall be cured with either waterproof paper blankets, quilted covers, polyethylene coated burlap blankets or polyethylene curing covers. The concrete shall be cured for a minimum of four days when placed in warm weather when nights do not go below 40° F. Concrete sidewalks shall not be placed when nights go below freezing (32° F).

## **TREE PLANTING**

The Planning Board in certain cases may require that trees be planted in subdivisions. The trees will be of a species approved by the Planning Board.

SUBDIVISION OF LAND

Town of Ballston  
Standard Detail 1  
[Amended 5-1-2007 by L.L. No. 4-2007]

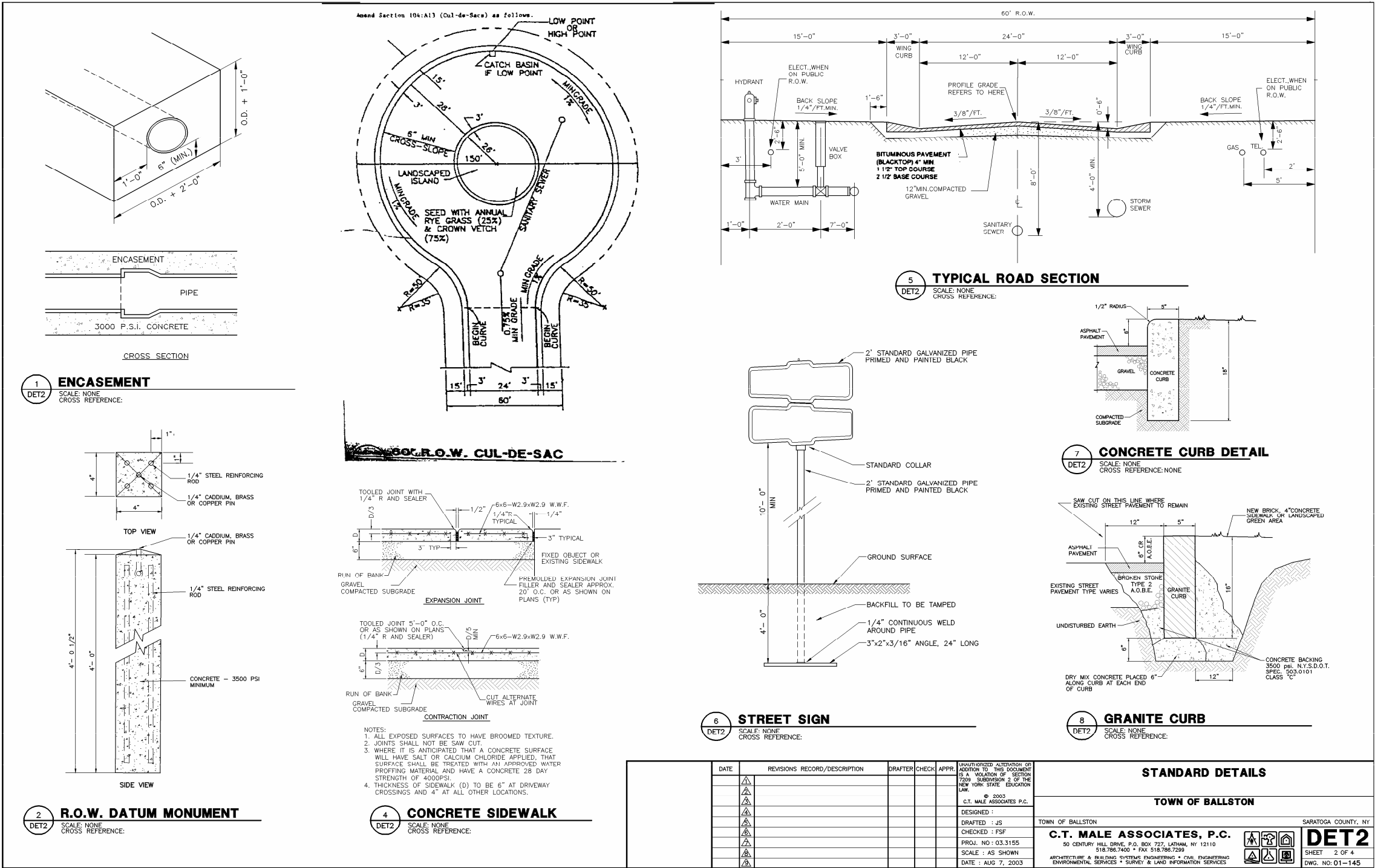




SUBDIVISION OF LAND

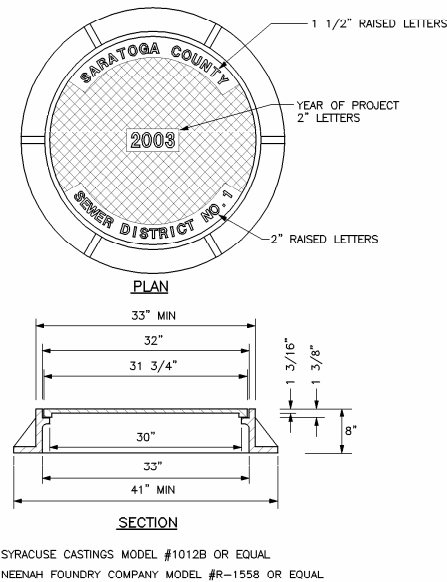
Town of Ballston  
Standard Detail 2

[Amended 4-6-2004 by L.L. No. 2-2004; 1-4-2005 by L.L. No. 1-2005; 5-3-2005 by L.L. No. 4-2005]



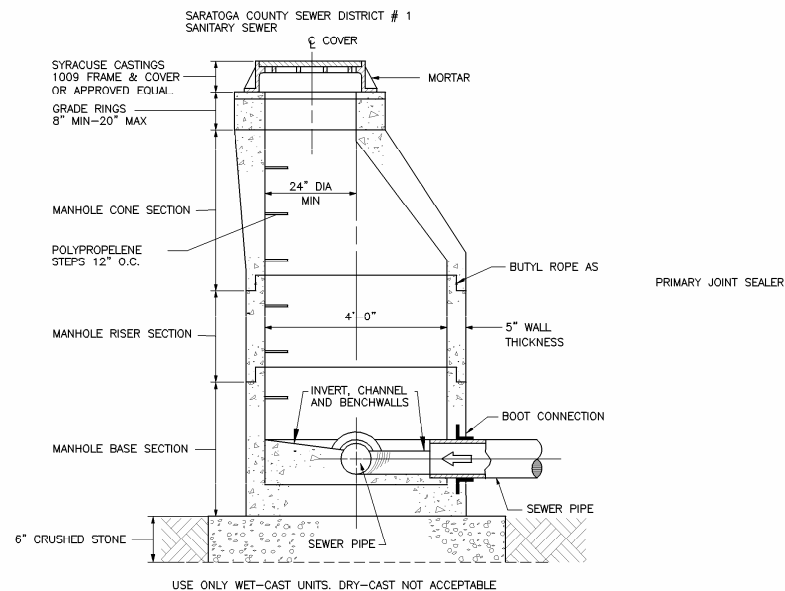


## SUBDIVISION OF LAND



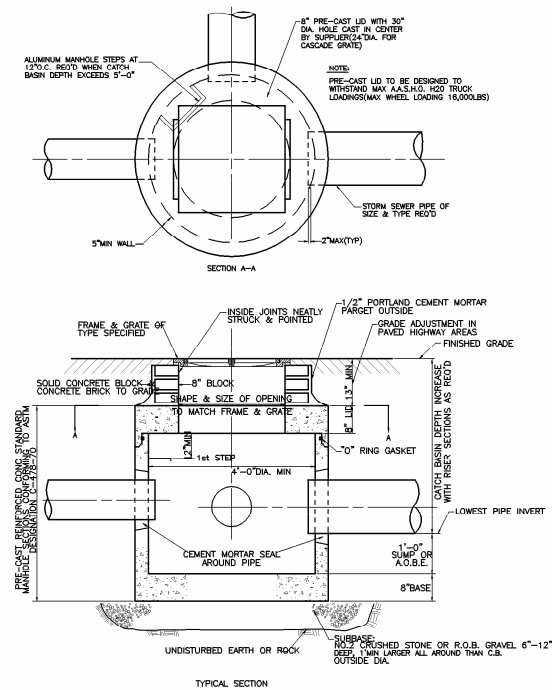
**SANITARY SEWER  
CAST IRON MH COVER**

SCALE: NONE  
CROSS REFERENCE: 1/SS1



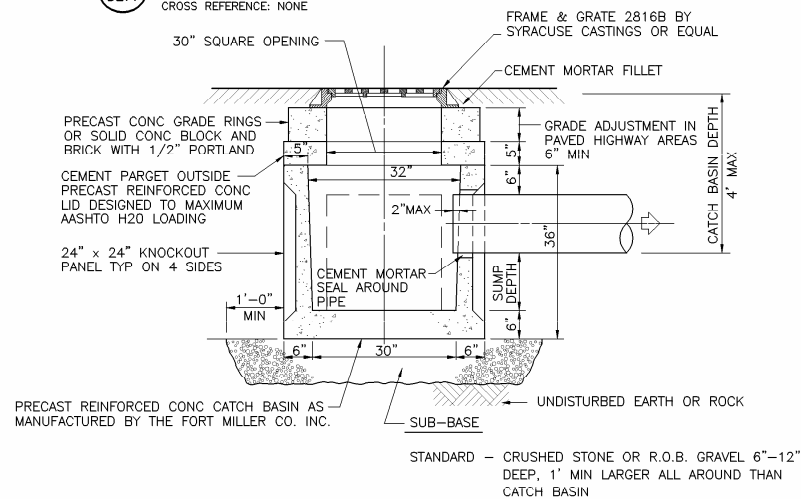
## PRECAST CONCRETE MANHOLE

SCALE: NONE  
CROSS REFERENCE: NONE



## PRECAST CONCRETE SQUARE CATCH BASIN

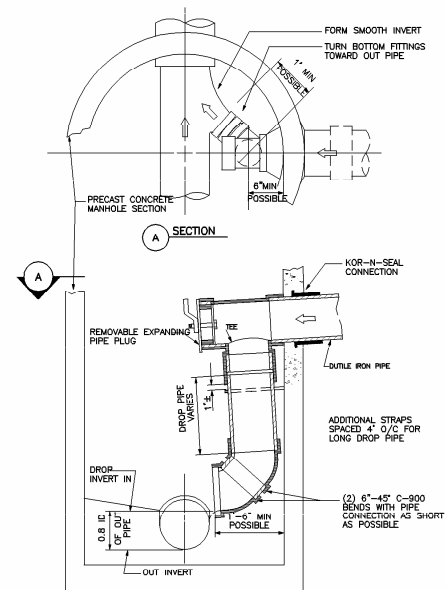
SCALE: NONE  
CROSS REFERENCE: NONE



## STANDARD ROUND PRE-CAST CONCRETE CATCH BASIN

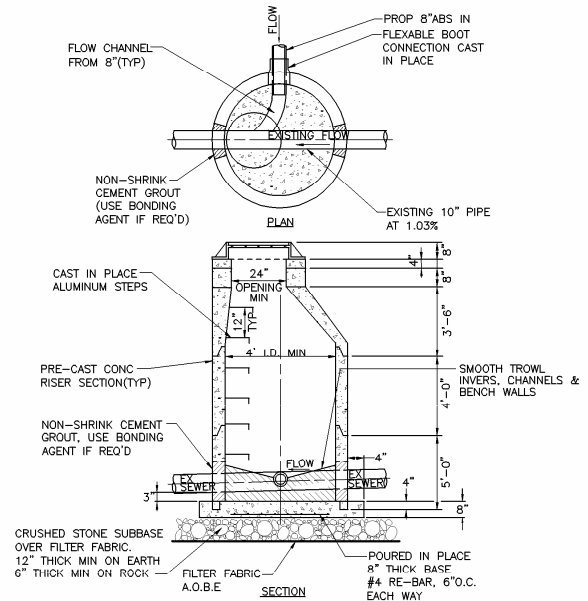
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DATE	REVISIONS RECORD/DESCRIPTION	DRAFTER	CHECK	APPR.	UNAUTHORIZED ALTERATION OF ADDITION TO THIS DOCUMENT IS A VIOLATION OF SECTION 1256 OF THE EDUCATION LAW OF THE NEW YORK STATE EDUCATION LAW.
	△				© 2003 C.T. MALE ASSOCIATES P.C.
	△				DESIGNED :
	△				DRAFTED : JS
	△				CHECKED : FSF
	△				PROJ. NO: 03.31.55
	△				SCALE : AS SHOWN
	△				DATE : AUG 2, 2003



**6' INSIDE DROP MANHOLE**

SCALE: NONE  
CROSS REFERENCE: NONE



### INSERTION MANHOLE DETAIL

SCALE: NONE  
CROSS REFERENCE: NONE

<div style="writing-mode: vertical-rl; transform: rotate(180deg);"> <b>SECTION</b> </div>	<h2 style="margin: 0;">STANDARD DETAILS</h2>
<h3 style="margin: 0;">TOWN OF BALLSTON</h3>	
<b>C.T. MALE ASSOCIATES, P.C.</b> 50 CENTURY HILL DRIVE, P.O. BOX 727, LATHAM, NY 12110 518.786.7400 • FAX 518.786.7339 ARCHITECTURE • BUILDING SYSTEMS ENGINEERING • CARPENTRY ENVIRONMENTAL SERVICES • SURVEY & INFORMATION SERVICES	
TOWN OF BALLSTON	SARATOGA COUNTY, NY

## VENDORS

### *127 Attachment 1*

#### **Town of Ballston**

License No. \_\_\_\_\_ Date: \_\_\_\_\_

Application for  
Vendor, Hawker and Peddler License

1. Name \_\_\_\_\_ Age \_\_\_\_\_

Social Security No. \_\_\_\_\_ Telephone No. \_\_\_\_\_

Address \_\_\_\_\_

2. (If a firm or corporation)

Name of firm or corporation \_\_\_\_\_

Address \_\_\_\_\_

3. Kind of goods, wares, merchandise to be sold or service to be performed

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Method of distribution \_\_\_\_\_

5. Number (registration) and make of vehicle to be used by applicant

\_\_\_\_\_

6. Length of time applicant desires license \_\_\_\_\_

7. Will payment or deposit of money be demanded, accepted or received prior to final delivery?

\_\_\_\_\_

8. Other pertinent information \_\_\_\_\_

\_\_\_\_\_

9. I understand that this application will be accepted for all purposes as the equivalent of an affidavit.

\_\_\_\_\_  
Signature of Applicant

VENDORS

127 Attachment 2

No. \_\_\_\_\_

**Town of Ballston**

**Vendor, Hawker and Peddler License**

This is to certify that \_\_\_\_\_

Social Security Number \_\_\_\_\_ Telephone No. \_\_\_\_\_

Residing at \_\_\_\_\_

Whose place of business is located at \_\_\_\_\_

Whose vehicle make and license no. are \_\_\_\_\_

And the kind of goods, wares, merchandise to be sold or service to be performed \_\_\_\_\_

is hereby licensed pursuant to an ordinance of the Town Board, Town of Ballston, adopted February 1, 2005 to vend, hawk and peddle goods, wares, and merchandise and solicit orders therefor, said license to expire on \_\_\_\_\_.

IN WITNESS WHEREOF, I have set my hand and official seal this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Town Clerk, Town of Ballston

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

DATE OF ISSUE \_\_\_\_\_

AMOUNT OF FEE \_\_\_\_\_

No. \_\_\_\_\_

(Stub)

NAME \_\_\_\_\_

LICENSE # \_\_\_\_\_

AMOUNT \_\_\_\_\_

(Posting copy)

## Rules and Regulations for Metered Service for All Water Districts

### 1. TERRITORY TO WHICH SCHEDULE APPLIES

All water districts, Town of Ballston, Saratoga County.

### 2. APPLICATION FOR WATER SERVICE

#### 2.1 Written Application Required

All applications for the use of water must be made in writing to the District. If the premises to be supplied has no service pipe connection to the water main, application must be made to the District for the tapping of the main and installation of the service pipe from the main to property line. No person shall use water without first signing and filing with the District an application for service.

#### 2.2 Examination of Premises

The acceptance of applications for service is subject to an examination of the premises to be supplied.

#### 2.3 Applications Not Accepted From Applicants or Premises In Arrears

No agreement will be entered into by the District with any applicant for water service until all arrears and charges due from the applicant for water service at any premises now or heretofore owned or occupied by him in the territory supplied by the District shall have been paid. The same provisions shall apply with respect to any premises against which any charges are in arrears.

#### 2.4 Definition

The word "District" as used in these Rules and Regulations refers to the Water Commissioners of the District or their duly authorized representatives.

### 3. SERVICE PIPE AND MAINS

#### 3.1 Separate Application for Each Premises

A separate application must be made and a separate service installed for each premises. The word "premises" as used herein shall be restricted to the following:

(a) A building under one roof and occupied as one residence or one place of business, or

(b) A combination of buildings in one common enclosure occupied by one family as a residence or one corporation or one firm as a place of business, or

(c) Each unit of a multiple house or building separated by a solid vertical partition wall occupied by one family as a residence or one corporation or one firm as a place of business, or occupied by more than one family, or

(d) A building having a number of apartments, offices, or lofts which are rented to tenants using in common one hall and one or more means of entrance, or

(e) A building two or more stories high under one roof and having an individual entrance for the ground floor occupants and one for the occupants of the upper floors, or

(f) A combination of buildings, such as a garden-type apartment, in one common enclosure, none of the individual buildings of which is adapted to separate ownership, or

(g) A public building, or

(h) A single plot, such as a park or playground, or

(i) A farm, including the residence of the family operating the farm, but excluding other residences, if any, on said farm.

### 3.2 Service Pipe Materials

For sizes up to 2 inches, the entire service pipe shall be coppertubing Type "K" copper manufactured in accordance with A.S.T.M. Specification B-88.

Service from the curb cock to the meter less than two inches in diameter shall be of pure, seamless, soft-tempered copper tubing with flared bronze fittings. Tubing shall be of the following thickness.

Normal Pipe Size (inches)	Outside Diameter of Tubing (inches)	Type
3/4	7/8	K
1	1-1/8	K
1-1/4	1-3/8	K
1-1/2	1-5/8	K

No soldered joints shall be permitted in copper tubing underground and no red or white lead or joint compound shall be used on joints between the meter and the main.

The minimum diameter of the service pipe shall be 3/4 inch. For services two inches or larger in diameter, cast iron, or other pipe of strength and quality approved by the District shall be used.

### 3.3 Minimum Depth of Service Pipes

Minimum depth of service pipes from main to premises shall be five feet below the surface of the ground. Where covering over mains is less than five feet, the connection shall be made on the side of the main and the service pipe shall in no case have less covering than the main, and in no case shall a service pipe be

permitted to be laid in the same trench with a gas, steam, electrical or other conduit.

### 3.4 Installation of Services

The District, upon proper application, will tap the main and provide the corporation cock and in addition install the service pipe from the main to the property line at the applicant's expense. Fee to be established by the Water Commissioners of the District.

No such application shall be granted unless a bond shall be delivered to the municipality approved as to amount, sureties and form by a majority of the members of the Board, indemnifying and saving harmless the municipality from damages to property or damages resulting from death of any person or injuries suffered by any person by reason of the construction work done for which water is used.

The bond, under this section, shall not be required where the water is being furnished to the municipality or its highway department for work being done by its employees.

That portion of the service line without the territorial limits of any street, avenue, road or way that is used for highway purposes which is installed by the applicant at his expense must be approved by the District before the trench is backfilled.

No attachment to such pipe or any branch thereof shall be made between the meter and the main.

### 3.5 Leakage from Property Owner's Facilities

Whenever leakage occurs on pipes and facilities owned by the property owner, the property owner shall make the necessary repairs without delay. If the property owner fails to make said repairs, the District reserves the right to discontinue the supply until such time as the leak is repaired and all costs incurred by the District are paid.

### 3.6 Construction or Blasting Near Gas Mains

No construction or excavation shall be done within 100 feet of any existing street, highway, or public place in which there is a gas main unless 72 hour advance notice of such work shall have been given in writing to the person, corporation, or municipality engaged in the distribution of gas in such territory. The law further provides that no blasting shall be done within 200 feet of such street, highway or public place in which there are gas distribution mains unless the aforementioned, written, 72 hour advance notice is given. The applicant for water service shall, therefore, ascertain for himself if there are any gas mains in any street or highway within 100 feet of his excavation or within 200 feet of any proposed blasting and shall provide written, 72 hour, advance notice in accordance with the preceding.

## 4. METERED SERVICE



An individual meter, pressure reducing valve and check valve shall be required for each premises and for each separate service connection.

The District will furnish the meter, the meter couplings and the pressure reducing valve. The cost of the meter, meter couplings and pressure reducing valve, shall be paid by the applicant. The District will maintain meters as stated insofar as ordinary wear and tear is concerned. In case of damage by freezing, hot water or external damage, the property owner shall be liable for the cost of repairs.

The water pressure reducing valve shall be installed between the inlet stop valve and the meter.

Back flow of water, which may cause contamination of the water supply must be prevented by the installation of a check valve on the outlet side of the meter.

**NOTE: SAFETY WARNING – HOT WATER SYSTEM RELIEF.**

**ALL HOT WATER TANKS AND HOT WATER HEATING SYSTEMS SHALL BE PROVIDED WITH PRESSURE RELIEF VALVES. EXISTING RELIEF VALVES SHALL BE IN WORKING ORDER**

4.1 The property owner shall provide a place acceptable to the District for the location of the meter.

Meters should be installed inside building, unless otherwise required or agreed by the District.

They are usually located in basements and should be placed in a clean, dry, safe place at or near the front wall, as close as possible to the point of entrance of the connecting pipe.

Meters should be supported firmly, not less than 12 inches nor more than 36 inches above the floor level and should be readily accessible at all reasonable times for inspection, reading or changing by employees of the District.

Where it is necessary to set the meter outside the building, it shall be installed at the expense of the property owner, in a pit which is watertight and frost-proof. The cover of the pit shall be fastened with a convenient locking device.

#### 4.2 Reading of Meters

Meters will be read and inspected periodically by the District. If property owners find that the meter registers an unusual increase over the average amount of water used, which cannot be accounted for, they should inform the District immediately.

#### 4.3 Right to Remove and Test Meters

The District reserves the right to remove and test any meter at any time and to substitute another meter in its place.

The property owner shall be given the opportunity to obtain a reading and the substitute meter will be read and recorded.

#### 4.4 Testing of Meters

The District will test its meters periodically in accordance with the current rules. In case of a disputed account involving the accuracy of a meter, the District will test the meter upon the request of the property owner. A fee payable in advance of test required is as given in the attached schedule.

In the event that the meter is found to over register in excess of 4 per cent at any flow within the normal test flow limits, the fee will be returned to the property owner, otherwise it will be retained. Adjustments in bills for over-registration of the meter will be made in accordance with the current rules of the District (See 5.4).

#### 4.5 Replacement of Defective Meters

In all cases where a meter is found to be defective, it will be replaced as soon as practicable by a meter that has been tested and properly adjusted.

#### 4.6 Seals

All meters must be sealed. No seal placed by the District for the protection of any meter, valve or other water connection shall be tampered with or defaced. If the seal is broken, the District reserves the right to remove and test the meter at the customer's expense.

### 5. PAYMENT FOR METERED WATER SERVICE

#### 5.1 Bills Based on Meter Reading

The reading of a duly intalled meter showing the amount of water consumed shall be used for all metered billing purposes except where an inaccuracy has been established, as provided in this schedule.

#### 5.2 Rendering of Bills

Bills for metered service will be rendered at least twice in each calendar year. Bills will show the dates on which the meter readings were taken and will show the reading at the beginning and end of the period for which they are rendered. Except in cases where an inaccuracy has been established, as provided in this schedule, a bill based on the reading of the meter is deemed conclusive and must be paid.

#### 5.3 Property Owner's Responsibility for Payment

A property owner's responsibility to pay for water service continues from the time service is commenced., pursuant to his application, until ten days' written notice is received by the District of a change of ownership or occupancy of the premises or ten days' written notice is received by the District to discontinue the applicable service. Upon receipt of such notice, the District will arrange for a final meter reading and billing. The property owner will be given an opportunity to be present at the final meter reading. No allowance will be made in cases of no-occupancy, unless the District is notified in writing, as stated above. Should the premises change ownership, all open charges shall be a charge against the

premises, payable on billing, by the new owner in the extent that the prior owner fails to pay for the same.

#### 5.4 Estimated Bills

Where access to a meter cannot be had, the District may bill the amount charged for the corresponding period of the preceding year, and in such cases the amount paid will be treated as a credit, the amount due being determined by the next meter reading.

In cases where it is found that a meter has ceased to register or has registered inaccurately and the percentage of inaccuracy cannot be determined by reasonable test, an estimated bill for the billing period immediately preceding the date when such meter was found defective and for the period from said date to the date of replacement of the meter, may be rendered the property owner.

The estimated bill will be based on the amount of water consumed in the corresponding period of prior years, except where it appears that there has been a change in the occupancy of the premises or in the use of water, in which case an equitable adjustment will be made.

#### 5.5 Discontinuance of Service for No-Payment

All bills are due and payable net cash when rendered. In case any water bill or charges provided for in and by these rules shall not be paid within thirty days following the rendering of the bill, the District or its agents may, after complying with the requirements of Law, discontinue water service to the property owner and service will not be re-established until the water charges are fully paid, together with the charge for restoration of service as elsewhere provided herein.

#### 5.6 Water for Building Purposes

Water for building or construction purposes will be furnished on an application for metered service through a service pipe connection to the main and the applicant will be liable for the amount of water used.

The applicant shall have metered service. He shall deposit with the District the cost of the meter and shall keep the said meter accessible during its use.

#### 5.7 Private Fire Service

Property owners desiring service connections of reasonable size to the mains of the District, for private fire protection on their premises, shall make separate application for such service in writing. Such installations shall be in accordance with this schedule, particularly the rules regarding the installation of service pipes, connecting pipes and facilities. Such service lines shall be used exclusively for fire protection purposes.

All private fire service lines shall be equipped with meters. A flat rate shall be charged for this service, based upon the size of the meter used. No charge, however, is made for water used solely for fire extinguishing purposes.

Except as to the liability, if any, imposed by law in case of loss or damage resulting from gross negligence or willful misconduct on the part of the District, its agents or employees, the District shall not in any way or under any circumstances be held liable or responsible to any party for any losses or damage resulting from fire or water or other causes which may occur, due to the installation or presence of a private fire service connection or any pipe or fixture connected therewith; or for any losses or damage resulting from any excess or deficiency in pressure or supply of water due to any cause whatsoever.

## 6. PUBLIC FIRE PROTECTION

### 6.1 Installation of Fire Hydrants

Fire hydrants are installed by the District on its system for purposes of public fire protection only.

They are owned by the District and subject to regular inspection and maintenance by the District.

Hydrants may not be used for street sprinkling, flushing or streets and sewers, catch basins, stormwater drains, demonstrations, tests, fire drills or similar purposes, or for filling swimming or wading pools or areas set aside for ice skating, without the written permission of the District.

### 6.2 Use of Hydrants in Emergency

Where it is necessary to use hydrants for any purpose other than for public fire protection in an emergency or where no other source of water supply is available, a special permit is required, issued by the District, under restrictions imposed in the interest of public. The applicant for such permit shall notify the local Fire Department of the intended use of a hydrant before using it and keep the permit card with him when the hydrant is in use.

Fire departments should inform the District promptly of any hydrant which has been used, or which is leaking, or in need of attention, so that such hydrants may be placed in readiness for instant operation. This is particularly important during the winter months.

## 7. GENERAL RULES

### 7.1 Supply and Pressure

The District undertakes to use reasonable care and diligence to provide a constant supply of water at a reasonable pressure but reserves the right, at any time, after due notice (unless an emergency occurs) to shut off the water in its mains for the purpose of making repairs and extensions.

### 7.2 Sprinkling, Irrigation or Swimming Pool

There may be times when, in the opinion of the District, it may be necessary to restrict the use of this service to certain definite periods or to prohibit

it entirely. In this event, every endeavor will be made to notify property owners in advance by public notice.

### 7.3 Special Quality of Water

The District does not undertake to supply any special quality of water for purposes, such as swimming pools, bleaching or dyeing plants, or laundries. Property owners requiring water of special quality, or water free from discoloration at all times, are required to provide their own means of filtering the water, or provide such other protection as may be deemed necessary for the purposes required.

### 7.4 Liability of District

The District will not be liable for any injury, casualty or damage resulting in any way from the supply or use of water service or from the presence or operation of the District's structures, equipment, pipes, appliances or devices on the property owner's premises or from the use of any equipment or materials installed in conformity with the District's requirements or recommendations, except injuries or damages resulting from the negligence of the District.

### 7.5 Adequacy of Property Owner's Facilities

Neither by inspection nor acceptance, nor in any other way, does the District give any warranty, expressed or implied, as to the adequacy, safety or characteristics of any structures, equipment, pipes, appliances or devices owned, installed or maintained by the property owner, or leased by the property owner from third parties.

### 7.6 Cross Connection to Other Sources Prohibited

No pipe or fixtures connected with the mains of the District shall be connected with pipes or fixtures supplied with water from any other source whatsoever, nor any apparatus which may endanger the quality of the District's water supply.

### 7.7 Interference with District Property Prohibited

No person is permitted to turn the water on or off at any street valve, corporation stop and curb stop, or other street connection, or disconnect or remove any meter, pressure reducing valve or check valve without the consent of the District.

### 7.8 Discontinuance of Service for Violation of Rules

Service may be discontinued after complying with the requirements of law for any one of the following reasons:

(a) Use of water other than represented in application or through branch connections on the street side of the meter or place reserved therefor.

(b) Willful waste to the detriment of the Water District, or use of water through improper and imperfect pipes, or by any other means, including violation of sprinkling or irrigation restrictions imposed by the District.

(c) Tampering with any service pipe, seal, meter or any other appliance owned by the District.

(d) Non-payment of bills for water or services rendered by the District in accordance with this schedule.

(e) Cross-connecting pipes carrying water supplies by the District with any other source of supply whatsoever or with any apparatus which may endanger the quality of the District's water supply.

(f) Refusal of reasonable access to the property for the purposes of inspecting fixtures or piping or for reading, repairing, testing or removing meters.

(g) Sub-metering or reselling water.

(h) Failure to maintain, in good order, connecting pipes, connections or fixtures owned by the property owner.

(i) Failure to properly construct and maintain meter pits or vaults.

(j) In case of vacancy of premises.

#### 7.10 Restoration of Service Charge

When water service has been discontinued on written order of the property owner or for no-payment or for violation of these rules and service is again desired by the same property owner, including seasonal customers, a charge of \$15.00 will be made.

If, however, by the willful act of the property owner it becomes necessary to shut off or disconnect the service pipe at the main, the charge to the property owner for restoration of service will be the actual cost incurred by the District incident to the disconnection of the service pipe.

#### 7.11 Authority of Agents or Employees

No agent or employee of the District shall have authority to bind it by any promise, agreement or representation not provided in this schedule or the Rules and Regulations of the District, or in any way inconsistent therewith.

#### 7.12 Change in Schedule for Water Service

The District reserves the right to change, take from or add to this Schedule or its Rules and Regulations to the extent permitted by law, or permitted by the applicable regulations of the state regulatory body having jurisdiction.

Bills for all meter reading periods affected by a change in rates will be prorated and computed on the basis of average daily use.

### 7.13 Subdividers or Developers to Provide Mains<sup>1</sup>

For all installations of water lines and/or services and appurtenances in areas not included within existing highways or streets, such as for developments where roads are being prepared and offered for acceptance as public road, the following provisions shall apply:

(a) Connection shall be made to the water system at a point designated by the duly authorized agent of the municipality.

(b) Pipe, valves, and hydrants shall be installed in accordance with a plan approved by the District.

(c) Service connections shall be made with copper tubing, Type K, 3/4 inch minimum size, with corporation cock, curb stop, and curb box to be of make, type, and size as approved by the duly authorized agent of the municipality.

(d) Furnishing of materials and installation of all water lines, valves, hydrants, and services shall be in a manner satisfactory to the duly authorized agent of the municipality.

(e) All costs of materials and installations of water mains, valves, hydrants and services shall be borne by the developer.

(f) As a condition of obtaining services, all water mains, valves, and hydrants, plus water services to the limits of existing public highways or to the outer limits of a 50-foot area proposed for ultimate dedication as public highways, shall be deeded to the municipality.

## 8. RIGHT TO CHANGE AND AMEND

The right is reserved to change and amend these rules, regulations and ordinances, to make special rates, variations and contracts in all proper cases, or to turn off the water supply without notice in case of extensions, repairs or other necessity, without liability for damages for lack of water, or for any damage which may result from the turning off of the water supply.

## 9. WATER SUPPLY CONTRACT

Reference is hereby made to a certain contract entered into between the Town of Ballston and Town of Glenville and any subsequent contracts which may be entered into which shall be binding upon the District and all property owners for the supply of water to the Town of Ballston.

Insert diagram

## Supplemental Rules and Regulations

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1. Editor's Note: For additional regulations pertaining to this section, see the Supplemental Rules and Regulations which follow.

to Section 7.13 of Rules and Regulations for  
Metered Service for All Water Districts

**SUBDIVIDER OR DEVELOPER TO PROVIDE MAINS**

The following procedure shall be followed:

1. The Developer shall submit to the Town a preliminary conceptional plan of proposed construction, including proposed pipe line location and size, general ground elevations, hydrant and valve locations, along with estimated water quantity required and fire flow requirements. Upon approval by the Town of the conceptional plan, the Developer shall proceed with Step 2.
2. The Developer shall prepare final plans and specifications for proposed construction. Upon completion, these shall be submitted for approval to the New York State Department of Health, Town of Ballston Town Board and Planning Board, and all other governmental agencies required.
3. The Developer shall obtain approval, and where applicable, construction permits from any required agency, including, but not limited to, those listed above and the New York State Department of Transportation, Saratoga County Superintendent of Highways, and Town of Ballston Highway Department. All costs, insurance, bonds, and fees for same shall be the responsibility of the Developer.
4. The Developer shall reimburse the Town for all Town expenses, including, but not limited to, review and approval of plans and specifications, and inspection of construction by the Town during the construction phase.
5. Ductile iron pipe, in accordance with the attached specifications, shall be used unless otherwise specifically required by governing agencies or as approved by the Town. All mains shall be at least 6-inch nominal inside diameter.
6. All materials shall conform with the attached specifications. No used pipe, hydrants, valves, or service connection material shall be allowed.
7. Developer shall install, for each lot shown on the subdivision plan, a service connection consisting of a corporation cock connected to the main using tapped collars, the required length of copper tubing to the road right-of-way limit, and a curb stop and box located at road right-of-way limit.
8. Where Developer constructs a "premises," as described in Section 3 of Rules and Regulations for Metered Service for All Districts, he shall also install the continuation of the service connection, described in 7 above, to the premises, including installation of a water meter, pressure reducing valve, and check valve in accordance with Section 4 and 4.1 of cited Rules and Regulations.
9. A representative of the Town, acting as construction inspector, has the tight to stop work by the Developer if materials or procedures are not in accordance with Rules and Regulations of the Town.
10. Upon completion of installation, the pipeline shall be tested and disinfected in accordance with the attached specifications and in the presence of the Town Superintendent of Water or his designated representative. Any other tests



required by other agencies shall be accomplished by the Developer, such as bacteriological analyses required by New York State.

11. The Developer shall keep all necessary records during the course of construction and place on file with the Town six complete sets of "as built" drawings, including location measurements to all fittings, valves, corporation stops, and curb stops (minimum of three measurements for each item).

12. Before final acceptance by the Town, the Developer shall provide proof of payment for all labor and materials used on the project.

13. The Developer shall be responsible for any necessary repairs or remedy any defect at any time during a one-year warranty period following acceptance by the Town. In this regard, the Developer shall provide a municipal, state, or federal bond in the amount established by the Water Commissioners of the District. This bond shall be retained by the Town for the one-year warranty period, at which time it shall be returned to the Developer. However, if the Town has had to make any necessary repairs, or remedy any defects, at any time during the warranty period, the Town shall have the power to expend all or such part of the amount of the bond as they see fit, and apply same to making the necessary repairs and remedying any defects. If the amount of the bond is not sufficient to make the required repairs, the Developer shall at once make good the deficiency.

14. The Developer shall furnish the Town satisfactory proof of insurance covering the Town for any and all losses, claims, and damages caused by work done by the Developer or any subcontractor for the Developer.

## TRENCH EXCAVATION AND BACKFILL

### Trench Excavation

Trench in which pipe is to be laid shall be excavated by open cut except where the Town gives permission in writing to tunnel. Trench shall be excavated to a width as will give sufficient room for laying the pipe it is to contain and for any necessary bracing and supporting and pumping and draining. In no case shall width of excavation be less than 24 inches for pipe 8 inches or less in size, nor less than 18 inches plus the inside diameter of the pipe for pipe over 8 inches in diameter, equally divided on each side of the pipe.

Trench excavation shall be to a depth 4 inches below the outside of the pipe to provide a bedding under the pipe as herein specified.

Suitable bell holes shall be excavated by hand at pipe bells or couplings to provide a continuous and even bearing along the entire length of pipe, and shall be wide and deep enough to give room for making of good joints.

There shall be provided and used such bracing and sheeting as may be necessary to prevent caving in of trench walls. All excavated material shall be banked on one side of the trench only and kept trimmed to leave a clear footway between the bank and the edge of the trench. Space for free passage of surface water shall be maintained. No pipe laying will be permitted in a wet trench and trench shall be kept free from water.

Section 3.6 of Rules and Regulations for Metered Service for All Water Districts applies. (This relates to construction or blasting near gas mains.)

## BACKFILLING

Select granular material no larger than 1/2 inch in size shall be placed in the over-excavated trench to provide for the final invert grade. This material shall be thoroughly tamped with pneumatic tamping equipment before placing pipe. After pipe is placed, select fine granular material shall be hand placed to a point one foot above the top of the pipe. During this phase of the backfill operation, backfill shall be brought up evenly on both sides of the pipe to assure maintenance of grade and alignment.

Such backfill shall be carefully tamped under the haunch of the pipe by means of special tamping equipment. After the one foot of material has been placed and tamped, the remainder of the trench shall be tilled with run-of-trench material, if suitable.

Where pipes are within paved areas, other than where sleeves are required by the regulatory agency (town, county, state), run-of-trench material may be used for backfill from one foot above the pipe to a point one foot below the bottom of the existing pavement. Backfill shall be placed and tamped in 8-inch layers to provide a dry density of 95 percent. The remaining one foot plus the pavement thickness shall be backfilled with select granular fill and thoroughly tamped. This select granular fill shall be of a quality and grade to form a stable, firm bed, and shall satisfactorily meet New York State Department of Transportation Standard Specification Item 203-2.02C – Select Granular Fill.

In rock cuts where fine loose dirt or granular material is unavailable, such material shall be obtained and tamped under and to the springing line of the pipe and up to a depth of two feet over the top of the pipe. The remainder of the trench may be filled with run-of-trench materials, except that no stones or rock one cubic foot in size, or larger, shall be used in backfilling. In no case shall the trench be backfilled with more than one-third rock, and then only if it is well blended with fine material. My deficiency in backfill shall be made up with spoil, if suitable, or with borrow material approved by the Town.

## WATER AND SEWER LINE SEPARATION

The following shall be required:

1. Minimum horizontal separation distance shall be 10 feet.
2. When crossings are necessary, the water service connection shall cross a minimum of 18 inches clear distance above the sanitary sewer main, storm sewer main, or septic tank lines; and the sewer service connection shall cross a minimum of 18 inches below the water main.
3. If the minimum horizontal separation distance cannot be obtained, lesser distances may be used only if the bottom of the water service connection is a minimum of 18 inches above the top of the sewer service connection, or if the sewer

service connection is constructed of materials equivalent to water main standards, and pressure tested.

4. If the minimum vertical separation distance cannot be obtained, lesser distances may be used, provided water service pipe joints are a minimum of 10 feet from the sanitary sewer main or storm sewer main, or provided the sewer service connection at the point of crossing consists of one length of pipe, 16 feet or more, made of materials equivalent to water main standards and centered so that joints are equidistant and as far as possible from the water main. Pipe shall also be pressure-tested and properly bedded to prevent settling.

5. If the water service connection must cross below the sanitary sewer main or the storm sewer, or the sewer service connection must cross above the water main, a minimum clear vertical separation distance of 18 inches must be provided in addition to the requirements specified in Item 4.

### DUCTILE IRON PIPE, CEMENT-LINED

Ductile iron pipe shall be centrifugally cast in metal or sand-lined molds in accordance with ANSI Specification A21.51, latest revision, for Ductile Iron Pipe, Centrifugally Cast in Metal Molds or Sand-Lined Molds, for Water or Other Liquids.

Ductile iron shall be thickness Class 51 with a rated working pressure of at least 250 pounds per square inch. Pipe shall be push-on or mechanical joint type.

All pipe shall have distinctly cast upon each length the initial of the maker's name and the year in which it is cast. Weight and grade designation shall be conspicuously printed in white on the inside of each pipe after the coating has hardened. Tolerances in diameter and sockets and in thickness and variation in weight shall conform to the cited ANSI specification.

#### Push-on Joint

Push-on joint shall be bell and spigot, sometimes known as "Tyton Joint," and shall conform to ANSI Specification A21.11 for Rubber Gasket Joints for Cast Iron and Ductile Iron Pressure Pipe and Fittings, latest revision.

Joint shall be of a type which employs a single elongated, grooved rubber gasket placed in the seat of the socket bell. After insertion of the gasket in the socket, a thin film of lubricant shall be applied to the inside surface of the gasket. Lubricant shall be supplied by the pipe manufacturer and making of the joint shall be in accordance with its recommendations.

Where a length of "Tyton Joint" pipe is cut, the cut end may not be placed in a bell where a "Tyton Joint" is to be used. Cut ends of "Tyton Joint" may be used in mechanical-joint fittings.

#### Mechanical Joint

Mechanical joint shall be as designed by the Cast Iron Pipe Research Association (CIPRA) and shall conform to ANSI Specification 21.11, latest revision, for Cast Iron and Ductile Iron Pressure Pipe and Fittings.

Joint shall be bolted joint of the stuffing-box type. Each joint shall consist of a bell cast integrally with the pipe and provided with an exterior flange having cored or drilled bolt holes and interior annular recesses for a sealing gasket and the spigot end of the pipe, a sealing gasket, a separate cast iron follower gland with cored or drilled bolt holes, and cast iron tee-head bolts and hexagonal nuts.

### Cement Mortar Lining

Ductile iron pipe and fittings shall be cement-lined, conforming in all respects to ANSI Specification A21.4, latest revision, for Cement Mortar Lining for Cast Iron and Ductile Iron Pipe and Fittings for Water.

### Inspection

All pipe and specials shall be thoroughly inspected before being incorporated in the work. No cracked or otherwise defective pipe or specials shall be placed but shall be immediately removed from the work.

### Pipe Laying

Pipe shall be laid true to line and grade. Joints shall be close and even so a true and even surface will be made over the joints and throughout the entire length of the line.

At each joint, when pipe is laid on the ground or in a trench, a bell hole shall be dug sufficiently deep and wide to provide ample room for properly making up the joint.

Each pipe, special, valve, or other appurtenance shall be introduced into the line at the location shown on the drawings approved by the Town and shall be adjusted to line and grade, and firmly supported in its proper position.

Pipe and other castings shall be carefully cleaned of any earth and rubbish which may be found inside, and then, open ends of the pipe and specials shall be securely closed before leaving the work for the night or during a storm.

If necessary to cut pipe or specials, such cutting shall be done under the direction of the Town using sharp and proper tools, and in such manner as will prevent cracking or breaking of the pipe longitudinally. In every case of uneven fracture, inequalities shall be trimmed to provide a smooth and even surface at right angles to the pipe, and satisfactory to the Town.

### Thrust Blocks

At each change in direction, and at tees and dead ends, concrete thrust blocks shall be provided of a size sufficient to withstand all thrusts created by maximum internal water pressures. Details of sizing shall be submitted to the Town for approval.

### Protecting Pipe

During progress of the work, necessary precautions shall be taken to protect pipe from injury. All damaged pipe shall be removed and replaced.

## TESTING AND DISINFECTING

Water for testing and disinfecting shall be furnished by the Town. Quantities of water used shall be calculated and paid for by the Developer.

### Testing

After pipe has been laid and backfilled, and suitable reaction blocking has been installed, all newly laid pipe or any valved section thereof shall be tested by both hydrostatic pressure and leakage tests. Pipe shall be tested at 200 pounds per square inch. All visible leaks shall be made tight and all defective pipe, valves, and appurtenances, if any, shall be removed and replaced. The test shall be repeated after repairs are made until no leaks develop when the line is subjected to the required pressure for a period of 30 minutes. This test shall be considered a preliminary test, after which a 2-hour combined hydrostatic and leakage test shall be made in such manner as the Town may direct and in the presence of the Water Superintendent or his designated representative.

Each valved section of pipe shall be slowly filled with water and the specified test pressure applied based upon the elevation of the lowest point of the line or lowest point of the section under test, and corrected to the elevation of the test gauge. Pressure shall be applied by means of an approved test pump connected to the pipe in a manner satisfactory to the Town. Arrangements shall be made for measuring the amount of water used during the test.

Any cracked or defective pipe, fittings, valves, or hydrants discovered in consequence of this pressure test shall be removed and replaced with sound materials and the test repeated until satisfactory to the Town.

Before applying the specified test pressure, all air shall be expelled from the pipe. If hydrants or blowoffs are not available at high places, taps shall be made at points of highest elevation before the test is made and brass plugs of the appropriate size and thread inserted after completion of testing.

In conjunction with hydrostatic pressure tests, a leakage test shall be conducted based on the following allowable leakage evaluated at a pressure of 150 pounds per square inch:

Ductile Iron Pipe – 23.3 gallons per day per mile of pipe per inch of nominal diameter for pipe 18-foot lengths

Allowable leakage shall be determined by the formula:

$$L = \frac{ND[P]}{3,700} \text{ for Cast Iron Pipe}$$

Where

L = Allowable leakage in gallons per hour

D = Nominal diameter of pipe in inches

N = Number of joints in length of pipeline tested

[P] = Test pressure in pounds per square inch (200 pounds)

From the above requirements and formula, the following table of leakage allowance has been prepared:

### Pipe

Size (inches)	Pipe Length (feet)		20
	13	18	
1	0.27196	0.21232	0.19110
4	1.09	0.85	0.76
6	1.63	1.27	1.15
8	2.18	1.70	1.53
10	2.72	2.12	1.91
12	3.26	2.55	2.29
14	3.81	2.97	2.68
16	4.35	3.40	3.06
18	4.90	3.82	3.44
20	5.44	4.25	3.82
24	6.53	5.10	4.59

If there are a considerably number of short lengths of pipe or special fittings, the above-cited formula should be used.

### Disinfecting of Pipelines

New or existing water mains which will form a part of the domestic water supply system when laid shall be cleaned by flushing and disinfected before being placed in service. Flushing shall be continued until foreign material has been flushed out of the pipeline, as indicated by cleanness of the flushing water. Disinfecting shall, in general, be in accordance with AWWA Specification C-601, "Disinfecting of Water Mains," latest revision; latest requirements of the New York State Department of Health; and as specified herein.

At the point of introducing water into the new water main, the Developer shall tap the pipe with a 3/4-inch corporation stop. Through this stop, the Developer shall feed a hypochlorite solution for disinfecting the mains by use of an electrically-driven hypochlorinator.

The hydrant at the end of the section of main to be disinfected shall be opened to permit a flow of 50 gallons per minute. When the 50 gallon per minute flow is established, the hypochlorinator shall be started. When a chlorine solution of 50 mg/l is detected at the hydrant, flow shall be shut off for 24 hours. At the end of 24 hours, residual shall be 25 mg/l. Line shall then be flushed so residual is less than 1 mg/l.

Developer shall submit to the Town specific details of method to be utilized for disinfecting, including equipment, material, and calculations. Detail shall be sufficient to substantiate that proper disinfecting is proposed.

Bacteriological test verifying effectiveness of disinfecting procedure and bacteriological quality of the water shall be made before placing the waterline in service. Unsatisfactory test results shall cause the pipe to be re-disinfected. Samples shall be taken at a time and place directed by the regulatory agency.

### CAST IRON SPECIALS

Fittings for mechanical-joint pipe shall be with mechanical-joint ends. Fittings for push-on joint type pipe shall be mechanical joint or push-on joint.

Fittings shall be short body or reduced cast iron in conformance with ANSI/AWWA specifications for Gray Iron and Ductile Iron Fittings, C110, latest revision, and ANSI specifications for Rubber Gasket Joints for Cast Iron and Ductile Iron Pressure Pipe and Fittings, A21.11, latest revision.

Placing of fittings and making of joints shall conform to the specifications for the type of pipe specified.

All fittings shall be cement-lined in conformance with ANSI Specification A21.4, latest revision, for Cement Mortar Lining for Cast Iron and Ductile Iron Pipe and Fitting for Water.

## GATE VALVES

Gate valves shall be Mueller Company A-2380-20 for ductile iron pipe. Tapping valves shall be Mueller Company H-667 for ductile iron pipe.

All valves shall open left and be installed complete with Mueller Company H-10364 valve box with "W" and open left arrow cast on cover.

Valves shall be placed at locations shown on drawings approved by the Town and shall be set and joined to pipe in a manner so pipe will not be required to support weight of valve.

Valve boxes shall be set plumb and so as not to transmit shock or stress to the valve, and shall be centered over the operating nut of the valve. Valve box shall be flush with the surface of the finished area.

Spacing of valves shall be in accordance with good design practice and as approved by the Town.

## HYDRANTS

Hydrants shall be Mueller Company A-423 for 6-inch inlet connection and 5 1/4-inch valve opening and shall have two 2-1/2 inch and one 4-1/2 inch hose nozzles with National Standard thread. Operating nut shall be National Standard and an open left arrow shall be cast on the bonnet.

Hydrants shall be placed at locations shown on drawings approved by the Town, and set plumb with nozzles parallel with theoretical curb line and pumper nozzle facing curb line. Hydrants shall be set to the established grade, with centerline of the lowest nozzle at least 18 inches above the ground. They shall be placed at a depth in the trench to provide a minimum 5 feet of cover on the branch.

Each hydrant shall be connected to the main with a 6-inch ductile iron branch controlled by an independent 6-inch valve. When set in pervious soil, drainage shall be provided at the base of the hydrant by placing coarse gravel or crushed stone mixed with coarse sand from the bottom of the trench to at least 6 inches above drain ports in shoe, and to a distance of one foot around shoe.

When set in impervious soil, a drainage pit, 2 feet by 2 feet by 2 feet, shall be excavated below each hydrant and filled with coarse gravel or crushed stone mixed

with coarse sand under and around the shoe of the hydrant and to a level 6 inches above drain ports.

In areas where groundwater level is higher than drain ports of hydrant, drain ports shall be plugged.

All hydrants shall be restrained with suitable size concrete thrust blocks or rodded to the main with a Town-approved restraint system.

Hydrants shall receive two finish coats of red weather-resistant paint above ground line after installation. All hydrants shall be furnished completely shop primed painted so as to be compatible with type of finish paint specified above.

Hydrants shall be spaced so as to provide optimum fire protection for the area. They shall be located generally adjacent to the road right-of-way limits and at property lines between parcels.

### CONCRETE – THIRD CLASS

Concrete to be used in the trench for thrust blocks and other supports shall be composed of one part cement, three parts sand, and six parts broken stone or gravel. Concrete shall be thoroughly mixed. Mixing and placing shall be in accordance with best standard practice. Concrete shall be placed in the trench in such a manner that it fills the trench from the pipe to be supported to the side wall of the trench.

Portland cement must successfully pass ASTM standard specifications, latest revision.

Fine aggregate shall consist of sand which shall conform to New York State Department of Transportation requirements. Not more than two percent, by weight, of loam or silt shall be allowed.

Coarse aggregate shall consist of well-graded, uniformly-mixed broken stone or gravel conforming to the above-cited specifications. Broken stone or gravel shall consist of clean, durable, sharp-angled fragments of stone of uniform quality throughout. No. 1 and 2 size particles.

Except as specifically provided for above, all material and work under this item shall conform to New York State Department of Transportation specifications for Class 3 Concrete.

### CRUSHED STONE FOUNDATION

If, in the opinion of the Town, the subgrade will not properly support the pipe, crushed stone foundation may be required below and/or around the pipe.

Crushed stone foundation material shall consist of approximately two-thirds of No. 2 and one-third of No. 3 size stone mixed with stone of such other size as may be required and approved by the Town for the specific condition encountered.

Foundation material shall be compacted and leveled so it will properly support the pipe.



## RUN-OF-BANK GRAVEL FILL

It is the intent of this item to cover fill necessary where muck or unstable soil is found in the trench and run-of-bank gravel fill is necessary in order to stabilize the ground sufficiently for placing pipe.

It is also the intent of this item to cover fill necessary where undesirable material is encountered.

Run-of-bank gravel fill shall be run-of-bank gravel having no stones larger than 2 inches in size. Gravel shall be placed where specifically ordered by the Town.

## BITUMINOUS PAVEMENT REPLACEMENT

Where trench excavation is in paved areas of streets, construction of a hot-mix bituminous macadam, laid to conform to the original grade and cross section, shall be required. The grade shall be excavated to the required depth, graded, and rolled to produce a firm foundation. Upon this prepared base, a 12-inch foundation course of acceptable gravel shall be deposited in a uniform layer, and rolled.

Upon this gravel base, a 3-inch layer of crushed aggregate, thoroughly mixed with hot bituminous material, shall be placed, raked, and thoroughly compacted. After compacting, a 2-inch top course of crushed aggregate, thoroughly mixed with hot bituminous material, shall be placed, raked, and rolled so it will conform exactly to the adjoining pavement on both sides of the trench. This top course shall be rolled with a tandem roller weighing from 7 to 10 tons. When compacted, the pavement shall be at the exact surface elevation of the adjoining pavement.

Before replacing pavement, the existing pavement along the sides of the backfilled trench shall be saw cut at least one foot back from each side of the excavation to straight lines generally parallel to the centerline of the trench, or if necessary, at right angles thereto, to avoid ragged or irregular and unsightly replacement.

The asphaltic concrete mixture shall be in conformance with Item 403 Asphaltic Concrete – Type 1A (Top and Binder Courses) of the New York State Department of Transportation specifications, latest revision.

On all pavement where cutting is across the line of, or longitudinally in the path of, traffic, temporary pavement consisting of a 3-inch depth of cold-mix or asphaltic concrete shall be placed as soon as backfill is made. Such repairs shall be maintained by the Developer even with the pavement surface until the backfill has settled sufficiently to permit permanent restoration of the pavement surface. Minimum settling time shall be 30 days.

## HIGHWAY CROSSING – SLEEVED (Open-Cut Method)

There shall be placed, by the open-cut method, ductile iron mechanical-joint pipe in a 24-inch metal sleeve under existing and proposed paved roads when allowed by the regulatory agency (town, county, state).

The existing pavement shall be cut to the width specified by the regulatory agency (town, county, state) and necessary excavation and backfill performed to place the encasing sleeve. All necessary shoring, bracing, and sheeting shall also be provided as specified by the regulatory agency.

The specifications "Trench Excavation and Backfill" shall apply except for backfilling which shall consist of select granular fill placed manually to a point one foot above the top of sleeves and thoroughly tamped by use of shovels or similar implements, and brought up evenly on both sides of the sleeve. This same select granular material shall be used to a point 15 inches below finished grade and shall be placed and tamped in 6-inch maximum layers. A 12-inch depth of gravel (New York State Department of Transportation Standard Specification Item 203-2.02C) shall then be placed in layers and tamped to a depth of 3-inches below finished grade. All trench backfill shall be compacted to a minimum dry density of 100 percent dry weight density in pounds per cubic foot as determined by AASHTO Designated T-99. Method C.

As soon as backfilled, temporary pavement consisting of a 3-inch depth cold-mix asphaltic concrete shall be placed and compacted to grade. Such repairs shall be maintained even with pavement surface until backfill has settled sufficiently to permit restoration of pavement surface. Minimum set time shall be 30 days.

After metal sleeve has been placed to the proper line and grade, the ductile iron pipe shall be placed therein. Sand shall then be washed in to provide sandbedding around the ductile iron pipe, and both ends of sleeve shall be bricked in to retain the sand.

The 24-inch encasing sleeve shall be corrugated metal pipe, No. 14 gauge, and shall meet requirements of AASHTO Designated M-36.

#### HIGHWAY CROSSING (Boring Method)

Developer shall install under highways ductile iron pipe in metal sleeves of a diameter as indicated on drawings approved by the Town. Sleeve shall be placed by boring under the roadbed to line and grade shown on drawings. Boring shall be by the auger method only rather than by the revolving casing method. Auger shall not extend more than 1 inch beyond end of casing.

Developer shall make the necessary excavation on each side of the pavement and provide necessary shoring and bracing to accommodate the boring machine. After the metal encasing sleeve has been placed by boring to the proper lines and grades, the ductile iron pipe shall be placed therein to the proper line and grade. Sand shall then be washed in the encasing sleeve to provide sandbedding around the pipe. Both ends of sleeve shall be bricked in to retain the sand.

The steel encasing sleeve shall be manufactured in accordance with ASTM Specification A-252, Grade 2. Pipe shall have an interior and exterior factory-applied coat of red primer. Wall thickness shall be as follows:

24 inches – 0.25 inch  
30 inches – 0.375 inch  
36 inches – 0.437 inch

42 inches – 0.50 inch

Ductile iron pipe shall be in accordance with specifications for ductile iron pipe herein given.

### CONNECTING TO EXISTING SYSTEM

Connection to the existing Town of Ballston Water Districts system shall be made at a time and location determined by the Town. Method of connecting shall be approved by the Town, each connection being considered individually.

Three methods of connecting shall be considered depending upon specific conditions and requirements at determined point of connection. These methods are as follows:

1. Tapping Sleeve and Valve. Tapping sleeve shall be Mueller Company H-619 and of the proper size for the main to be tapped, outlet side corresponding to the proposed line size. Method of installation shall be in conformance with standard practice for such work.

2. Cut-In-Tee. An appropriate size tee, meeting specifications for "Cast Iron Specials," shall be installed utilizing two Dresser Industries Style 53 couplings with "Dresserloy" bolts and pipe nipples. A maximum length of 6 feet of water main (unless otherwise approved by the Town) shall be cut and removed for the cut in.

A gate valve of the size of the proposed line shall be placed as close as practical to the point of connection, along with any necessary short nipples. A Town-approved rodding system shall be installed from the cut-in tee to the valve. This shall precede the installation of any further pipe.

3. Connection to End of Existing Line or Fitting. Existing concrete thrust blocks or tie rods, plug or cap, shall be removed only after the Town has shut down the main line. Plug or cap shall be salvaged and turned over to the Town.

A gate valve of the size of the proposed line shall be placed as close as practical to the point of connection along with any necessary short nipples and reducers. A Town-approved restraint system shall be installed from the existing line or fitting to the valve.

Upon completion of excavation at the point of connection and when all necessary materials to make connection are at the site, the Town will operate the necessary valves to isolate that area from service (except where Method 1 – Tapping Sleeve and Valve – is utilized). Scheduling by the Developer shall be such that "down time" of the existing line shall not exceed four hours.

Before placing the existing line in service, the Town will operate the existing valves to flush and remove air from the existing line through the new connection made by the Developer.

Before backfilling any of the above methods of connection, the Town will inspect the connections under line pressure. Any leakage found shall be corrected by the Developer with the Town's approval of method.

The Developer shall be responsible for removing any water in the excavation, including that from the existing line. Planned method of water removal shall be submitted to the Town for its approval before starting any excavation. All necessary precautions shall be taken by the Developer to prohibit possible contamination of the existing line.

Concrete thrust blocks, as described under “Concrete – Third Class,” shall be installed at each point of connection. This will be in addition to the rodding system called for above.

## WATER SERVICE CONNECTIONS

Sections 3.1, 3.2 and 3.3, as included in “Rules and Regulations for Metered Service for All Water Districts,” as follows, shall apply.

### Section 3.1 Separate Application for Each Premises

A separate application must be made and a separate service installed for each premises. The word “premises” as used herein shall be restricted to the following:

- (a) A building under one roof and occupied as one residence or one place of business, or
- (b) A combination of buildings in one common enclosure occupied by one family as a residence or one corporation or one firm as a place of business, or
- (c) Each unit of a multiple house or building separated by a solid vertical partition wall occupied by one family as a residence or one corporation or one firm as a place of business, or occupied by more than one family, or
- (d) A building having a number of apartments, offices, or lofts which are rented to tenants using in common one hall and one or more means of entrance, or
- (e) A building two or more stories high under one roof and having an individual entrance for the ground floor occupants and one for the occupants of the upper floors, or
- (f) A combination of buildings, such as a garden-type apartment, in one common enclosure, none of the individual buildings of which is adapted to separate ownership, or
- (g) A public building, or
- (h) A single plot, such as a park or playground, or
- (i) A farm, including the residence of the family operating the farm, but excluding other residences, if any, on said farm.

### Section 3.2 Service Pipe Materials

For sizes up to 2 inches, the entire service pipe shall be copper tubing Type "K" copper manufactured in accordance with ASTM Specification B-88.

Service from the curb cock to the meter less than two inches in diameter shall be of pure, seamless, soft-tempered copper tubing with flared bronze fittings. Tubing shall be of the following thicknesses.

Normal Pipe Size (nches)	Outside Diameter of Tubing (inches)	Type
3/4	7/8	K
1	1-1/8	K
1-1/4	1-3/8	K
1-1/2	1-5/8	K

No soldered joints shall be permitted in copper tubing underground and no red or white lead or joint compound shall be used on joints between the meter and the main.

The minimum diameter of the service pipe shall be 3/4 inch. For services two inches or larger in diameter, cast iron, or other pipe of strength and quality approved by the District, shall be used.

### Section 3.3 Minimum Depth of Service Pipes

Minimum depth of service pipes from main to the premises shall be five feet below the surface of the ground. Where covering over mains is less than five feet, the connection shall be made on the side of the main and the service pipe shall in no case have less covering than the main, and in no case shall a service pipe be permitted to be laid in the same trench with a gas, steam, electrical or other conduit.

## GENERAL DESCRIPTION OF WORK

### Furnishing and Installation of Corporation Cock, Curb Stops and Curb Box

A Mueller Company bronze corporation cock (H-1 5000) shall be installed in the main at an approximately 45-degree angle to the vertical in the top half of the pipe. The inlet shall be with Mueller thread, with flanged union couplings, or Mueller 110 Compression connection for connection to copper tubing.

A Mueller Company curb stop (H-15200), with ends for coupling connection to the copper tubing, shall be placed with depth of cover to be not less than 5 feet. This top is to be connected to the copper tubing herein after mentioned. Both ends shall have union couplings for copper service tubing flared joint compression connection. Installed with this item shall be a Mueller Company extension type curb box (H-10314) of cast iron, with a stationary rod inside this service box attached to the service stop and extending to be flush with the finished grade surface.

### Excavation and Backfill by Open-Cut Method and Furnishing and Installation of Copper Tubing

Prior to road construction, excavation for placing copper tubing shall be by the open-cut method by use of trenching machinery or by hand. Backfill shall be

carefully placed and compacted under the direction, and to the satisfaction, of the Town. No backfilling shall be done until the work has been inspected and approved by the Town.

There shall be installed copper tubing, Type K, manufactured in accordance with ASTM Specification B-88, between the aforementioned corporation cock and curb box so as to make a complete service connection.

This copper tubing must be laid to provide a depth of cover not less than 5 feet. A loop or gooseneck shall be provided in this copper tubing at the point of connection with the corporation cock. This loop shall be sufficient to provide for settlement in the service line or water main without causing damage to any of the connections and without causing leakage. Special care shall be taken to make this loop so as not to bring the copper tubing above the waterline and less than the depth of cover specified. Loops shall be made downward in a vertical plane wherever practical.

# ZONING

**Town of Ballston**  
**Table of Uses, Area, Frontage and Setback Requirements**  
**Ballston Lake Neighborhood Commercial District**  
 [Added 9-30-2003 by L.L. No. 4-2003; amended 1-4-2005 by L.L. No. 1-2005]

Permitted Use	Special Use Permit	Review Board	Minimum Lot Area (square feet)	Minimum Width Build Line [BL] Street [S]	Maximum Building Coverage	Maximum Building Height (feet)	Front Setback (feet)	Side Setback (feet)	Rear Setback (feet)
One-family dwelling w/o water and sewer			40,000	175 [BL] 30 [S]	30%	40	60	12 or ½ height	15 or height
One-family dwelling with water or sewer			30,000	130BL] 30 [S]	30%	40	60	12 or ½ height	15 or height
One-family dwelling with sewer			30,000	130BL] 30 [S]	30%	40	60	12 or ½ height	15 or height
Retail store		PB	40,000	150 [S]	30%	40	60	30	30
Office uses		PB	40,000	150 [S]	30%	40	60	30	30
Convenience stores		PB	40,000	150 [S]	30%	40	60	30	30
Food markets		PB	40,000	150 [S]	30%	40	60	30	30
Personal services outlets		PB	40,000	150 [S]	30%	40	60	30	30
Municipal buildings		PB	40,000	150 [S]	30%	40	60	30	30
	Alteration and/or enlargement of existing structure or use	PB							
	Two-family dwelling	ZBA	40,000	150 [S]	30%	40	60	30	30
	Restaurants	PB	40,000	150 [S]	30%	40	60	30	30
	Automobile service	PB	40,000	150 [S]	30%	40	60	30	30
	Drive-in establishments	PB	40,000	150 [S]	30%	40	60	30	30
	Private clubs	PB	40,000	150 [S]	30%	40	60	30	30

NOTE: Any uses not listed are not permitted

Key:

PB – Planning Board

ZBA – Zoning Board of Appeals

# ZONING

## Town of Ballston Table of Uses, Area, Frontage and Setback Requirements Ballston Lake Residential District

[Added 9-30-2003 by L.L. No. 4-2003; amended 6-12-2006 by L.L. No. 5-2006; 9-5-2006 by L.L. No. 6-2006; 2-3-2009 by L.L. No. 3-2009]

Permitted Use	Special Use Permit	Review Board	Minimum Lot Area (square feet)	Minimum Lot Width (feet)	Maximum Building Coverage	Maximum Building Height (feet)	Front Setback (feet)	Side Setback (feet)	Rear Setback (feet) <sup>3</sup>
One-family dwelling and accessory structures without water and sewer			40,000	175	30%	40	60	12 or 1/2 height	15 or height
One-family dwelling and accessory structures with water and/or sewer <sup>1</sup>			30,000	150	30%	40	60	12 or 1/2 height	15 or height
One-family dwelling and accessory structures with sewer and water			20,000	120	30%	40	60	12 or 1/2 height	15 or height
Agricultural operations without custody of animals									
Traditional neighborhood development		≤ 100 PB > 100 TB	See § 104-14.						
Municipal buildings			Not required to conform to space regulations						
	Agricultural operations with custody of animals	ZBA							
	Two-family dwelling without water and sewer	PB	40,000	175	30%	40	60	12 or 1/2 height	15 or height
	Two-family dwelling with water and/or sewer	PB	40,000	175	30%	40	60	12 or 1/2 height	15 or height
	Community service and place of worship	PB	40,000	175	30%	40	60	12 or 1/2 height	15 or height
	Public park	PB							
	Home occupation without water and sewer	ZBA	40,000	175	30%	40	60	12 or 1/2 height	15 or height
	Home occupation with water and/or sewer <sup>2</sup>	ZBA	30,000	150	30%	40	60	12 or 1/2 height	15 or height
	Home occupation with water and sewer	ZBA	20,000	120	30%	40	60	12 or 1/2 height	15 or height
	Education facilities	PB	40,000	175	30%	40	60	12 or 1/2 height	15 or height



## BALLSTON CODE

Permitted Use	Special Use Permit	Review Board	Minimum Lot Area (square feet)	Minimum Lot Width (feet)	Maximum Building Coverage	Maximum Building Height (feet)	Front Setback (feet)	Side Setback (feet)	Rear Setback (feet) <sup>3</sup>
	Libraries	PB	40,000	175	30%	40	60	12 or 1/2 height	15 or height
	Museums	PB	40,000	175	30%	40	60	12 or 1/2 height	15 or height
	Neighborhood commercial (within a TND)	PB	See § 104-14.						

**NOTES:**

Any uses not listed are not permitted.

New flag lots permitted in the Rural District only.

<sup>1</sup> In the Watershed Protection Overlay District, one-family dwelling and accessory structures with water or sewer shall have a minimum lot area of 40,000 square feet.

<sup>2</sup> In the Watershed Protection Overlay District, home occupation with water or sewer shall have a minimum lot area of 40,000 square feet.

<sup>3</sup> Rear setback for residential accessory structures  $\leq$  120 square feet is six feet.

**KEY:**

PB: Planning Board

ZBA: Zoning Board of Appeals

TB: Town Board

## ZONING

**Town of Ballston**  
**Table of Uses, Area, Frontage and Setback Requirements**  
**Ballston Lake Waterfront District**  
**[Added 6-12-2006 by L.L. No. 5-2006; amended 9-5-2006 by L.L. No. 6-2006; 2-3-2009 by L.L. No. 3-2009]**

Permitted Use	Special Use Permit	Review Board	Minimum Lot Area (square feet)	Minimum Lot Width (feet)	Maximum Building Coverage	Maximum Building Height (feet)	Front Setback (feet)	Side Setback (feet)	Rear Setback (feet) <sup>1</sup>
One-family dwelling and accessory structures without water and sewer		**	80,000	175	30%	40	60	12 or 1/2 height	15 or height
One-family dwelling and accessory structures with water and sewer		**	40,000	150	30%	40	60	12 or 1/2 height	15 or height
Agricultural operations without custody of animals									
Municipal buildings			Not required to conform to space regulations						
	Agricultural operations with custody of animals	ZBA							
	Community service and place of worship	PB**	40,000		30%	40	60	12 or 1/2 height	15 or height
	Public park	PB**							
	Home occupation without water and sewer	ZBA**	80,000	175	30%	40	60	12 or 1/2 height	15 or height
	Home occupation with water and sewer	ZBA**	40,000	150	30%	40	60	12 or 1/2 height	15 or height
	Education facilities	PB**	40,000	175	30%	40	60	12 or 1/2 height	15 or height
	Libraries	PB**	40,000	175	30%	40	60	12 or 1/2 height	15 or height
	Museums	PB**	40,000	175	30%	40	60	12 or 1/2 height	15 or height

**NOTES:**

Any uses not listed are not permitted.

New flag lots permitted in the Rural District only.

\*\* Site plan review required for any nonagricultural activities disturbing more than 1,000 square feet.

<sup>1</sup> Rear setback for residential accessory structures ≤ 120 square feet is six feet.

**KEY:**

PB: Planning Board

ZBA: Zoning Board of Appeals

TB: Town Board

## ZONING

### **BEACON HILL PLANNED UNIT DEVELOPMENT DISTRICT [Adopted 12-3-2002 by L.L. No. 4-2002]**

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.<sup>1</sup> 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.

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<sup>1</sup> Editor's Note: Appendix A and Appendix B are on file in the Town offices.

#### 41BALLSTON CODE

3. Area B so created shall consist of 4 commercial lots with the maximum combined allowable building area not to exceed 137,000 square feet of enclosed building space.
- 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.

- 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) Senior living communities. "Senior" shall mean an individual who is at least 55 years of age as of the date of closing of the sale of the unit being purchased. In the case of multiple owners, "senior" shall mean at least one of the joint owners shall be at least 55 years of age as of the date of the closing of the sale. **[Amended 12-6-2005 by L.L. No. 7-2005]**
  - (5) Day-care facilities.
  - (6) Church.
  - (7) Restaurant.

## ZONING

- (8) Retail sales.
- (9) Existing billboard signs only.



## ZONING

- 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

#### 41BALLSTON CODE

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 18" 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 twenty-four (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 (3) model single-family homes and one (1) 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



## ZONING

engineering plans and specifications, including grading, as approved by the Town of Ballston Planning Board.

- C. A Parks and Recreation fee of \$200.00 shall be paid for each single-family unit built prior to the issuance of any Certificates of Occupancy. A Parks and Recreation fee of \$200.00 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 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.<sup>2</sup> 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

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<sup>2</sup> Editor's Note: Appendix C follows Section 14.

#### 41BALLSTON CODE

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.
  - (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.

## ZONING

### **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.

## BALLSTON CODE

### A. Property Line Setbacks - Area A.

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

	<b>Single-Family Lots</b>	<b>Townhouse Lots</b>	<b>Accessory Structures</b>
Front Yard	30'	75'	N/A
Side Yard	10'	10'	10'
Rear Yard	30'	35'	6'
Party Wall	N/A	0'	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 (0) lot line at the common party wall.

### B. Property Line Setbacks - Area B.

1. No principal buildings or accessory structures shall be permitted within the following setbacks: **[Amended 12-6-2005 by L.L. No. 7-2005]**

Front yard: 50'

Side yard: 20'

Rear yard: 20'

2. (Reserved)<sup>3</sup>
3. No buildings or parking areas shall be permitted within 100 feet of the NYS Route 50 R.O.W.

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<sup>3</sup> Editor's Note: Former Subsection B2, which provided setbacks for parking areas, private roadways, access aisles and maneuvering areas, was repealed 12-6-2005 by L.L. No. 7-2005.

## ZONING

### 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.

### 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.

## BALLSTON CODE

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 (5) 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.
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 XIII 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.

## ZONING

- 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 XI 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 Board in general accordance with the Town of Ballston Zoning Ordinance, Article XI 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 ten (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.

## BALLSTON CODE

1. All fencing shall be prohibited within thirty (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 (9) 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.

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.



## ZONING

### 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' (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. [**Amended 12-6-2005 by L.L. No. 7-2005**]

##### 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. [**Amended 12-6-2005 by L.L. No. 7-2005**]

##### C. Roofs.

1. Roof slopes of 3 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 Planning Board.

## BALLSTON CODE

3. Where roof slopes are less than 3 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.
    - 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.

## ZONING

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 is 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

## BALLSTON CODE

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

## ZONING

### Town of Ballston

#### STONEBRIDGE PLANNED UNIT DEVELOPMENT DISTRICT [Adopted 12-4-2007 by L.L. No. 1-2008]

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 A<sup>4</sup> (legal description) and Appendix B<sup>5</sup> (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

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<sup>4</sup> Editor's Note: Appendix A follows Section 15.

<sup>5</sup> Editor's Note: Appendix B is on file in the office of the Town Clerk.

## BALLSTON CODE

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.

### (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

## ZONING

B.<sup>6</sup> 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,<sup>7</sup> 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.
  - (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 2 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.<sup>8</sup> 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.
- B. Allowable uses within Area B of Stonebridge shall include the following:

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<sup>6</sup> Editor's Note: Exhibit B is on file in the office of the Town Clerk.

<sup>7</sup> Editor's Note: Exhibit B is on file in the office of the Town Clerk.

<sup>8</sup> Editor's Note: Exhibit B is on file in the office of the Town Clerk.

## BALLSTON CODE

- (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:
  - (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.



## ZONING

- (q) Antique shop.
  - (r) Movie rental.
  - (s) Internet café.
  - (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 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.
- 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.

## BALLSTON CODE

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.

### 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" 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.

## ZONING

- 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.

### 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<sup>9</sup>; 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 B<sup>10</sup> 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 B<sup>11</sup> 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.

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<sup>9</sup> Editor's Note: Appendix D is on file in the office of the Town Clerk.

<sup>10</sup> Editor's Note: Appendix B is on file in the office of the Town Clerk.

<sup>11</sup> Editor's Note: Appendix B is on file in the office of the Town Clerk.

## BALLSTON CODE

- 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 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,"<sup>12</sup> 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

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<sup>12</sup> Editor's Note: Appendix C follows Appendix A, which follows Section 15.

## ZONING

Appendix B,<sup>13</sup> 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.<sup>14</sup> 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.

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

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<sup>13</sup> Editor's Note: Appendix B is on file in the office of the Town Clerk.

<sup>14</sup> Editor's Note: Appendix B is on file in the office of the Town Clerk.

## BALLSTON CODE

### **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

## ZONING

said division line, 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.

## BALLSTON CODE

### 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:



## ZONING

	<b>Single-Family Lots</b>	<b>Townhouse Lots</b>	<b>Condominiums</b>	<b>Neighborhood Business</b>	<b>Accessory Structures</b>
Minimum width	50'	80	N/A	N/A	N/A
Front yard minimum	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.

## BALLSTON CODE

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

## ZONING

### 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 3 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.
- 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.

## BALLSTON CODE

- 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 5 feet wide along the public street or sidewalk.
    - ii. Screening at least 3 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.
    - a. Site lighting shall be architecturally coordinated for the three levels of lighting:

## ZONING

- 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 XI, 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 XI, 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.

## BALLSTON CODE

- 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.
- 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

## ZONING

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.

3. 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. There shall not be any two identical 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, there shall not be any two homes with the same front elevation located immediately adjacent to each other.
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.
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.

## BALLSTON CODE

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:
    - 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.



## ZONING

- 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.
  - 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.

## BALLSTON CODE

- 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 is 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.
  - 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.

## ZONING

- A. Within the Condominium HOA Open Space (CHOS) and the Land Preservation Area (LPA) as approximately shown on Appendix B,<sup>15</sup> 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.

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<sup>15</sup> Editor's Note: Appendix B is on file in the office of the Town Clerk.

## ZONING

### Town of Ballston Table of Uses, Area, Frontage and Setback Requirements Business Highway 1 District

[Added 6-12-2006 by L.L. No. 5-2006; amended 9-5-2006 by L.L. No. 6-2006; 2-3-2009 by L.L. No. 3-2009]

Permitted Use	Special Use Permit	Structure Size (square feet)	Minimum Lot Area (square feet)	Minimum Lot Width (feet)	Maximum Building Coverage	Maximum Building Height (feet)	Front Setback (feet)	Side Setback (feet)	Rear Setback (feet) <sup>3</sup>
One-family dwelling and accessory structures without water and sewer			40,000	175	30%	40	60	12 or 1/2 height	15 or height
One-family dwelling and accessory structures with water or sewer <sup>1</sup>			30,000	150	30%	40	60	12 or 1/2 height	15 or height
One-family dwelling and accessory structures with sewer and water			20,000	120	30%	40	60	12 or 1/2 height	15 or height
	Home occupation without water and sewer [ZBA]		40,000	175	30%	40	60	12 or 1/2 height	15 or height
	Home occupation with water or sewer [ZBA] <sup>2</sup>		30,000	150	30%	40	60	12 or 1/2 height	15 or height
	Home occupation with water and sewer [ZBA]		20,000	120	30%	40	60	12 or 1/2 height	15 or height
Municipal buildings	Not required to conform to space regulations								
Agriculture without animals									
	Agriculture, with animals [ZBA]								
Two-family dwellings		Site plan review–PB: 2 to 8 units; < 1 acre							
Multiple dwellings (three dwelling units or more)		Special permit and site plan–PB: 8 to 64 units; 1 to 8 acres							
		PUDD–TB: > 64 units; > 8 acres							
		Refer to Article X.							
Art gallery		Site plan review–PB: 0 to 20,000 square feet; < 1 acre  Site plan review and special use permit–PB: 20,000 to 90,000 square feet; 1 to 8 acres; ≤ 300 linear feet (bld.) PUDD–TB: > 90,000 square feet; > 300 linear feet (bld.); > 8 acres Refer to Article X.	See Chapter 138 and Design Standards.						
Clubs, lodges									
Bakery									
Drug store									
Offices									
Printing, publishing, photography, software									
Retail sales									
Millwork, cabinet making									
Personal service: barber, beauty salon									
Training and instructional classrooms									

## BALLSTON CODE

Permitted Use	Special Use Permit	Structure Size (square feet)	Minimum Lot Area (square feet)	Minimum Lot Width (feet)	Maximum Building Coverage	Maximum Building Height (feet)	Front Setback (feet)	Side Setback (feet)	Rear Setback (feet) <sup>3</sup>
	Nursing home	<p>Site plan review and special use permit–PB: 0 to 90,000 square feet; &lt; 8 acres; ≤ 300 linear feet (bld.)</p> <p>PUDD–TB: &gt; 90,000 square feet; &lt; 300 linear feet (bld.); &gt; 8 acres Refer to Article X.</p>							
	Senior living communities								
	Physical health establishment								
	Restaurant								
	School, private								
	Motel								
	Light manufacturing								
	Commercial greenhouse								
	Automobile sales, service								
	Recreation, indoor/outdoor								
	Mixed-used structures								
	Drive-in/drive-through								
	Convenience stores with gas sales								
	Convert existing residential use to permitted use								
	Hospital								
	Self storage								
	Banks								
	Bed-and-breakfast								
	Beverage/recycling center								
	Community residence								
	Day-care facilities								
	Funeral home								
	Health-care facilities								
	Veterinary clinic without boarding								
	Museum								
	Research and development (flex-tech)								
	Community service and place of worship								

See Chapter 138 and Design Standards.

### NOTES:

Any uses not listed are not permitted.

New flag lots permitted in the Rural District only.

<sup>1</sup> In the Watershed Protection Overlay District, one-family dwelling and accessory structures with water or sewer shall have a minimum lot area of 40,000 square feet.

<sup>2</sup> In the Watershed Protection Overlay District, home occupation with water or sewer shall have a minimum lot area of 40,000 square feet.

<sup>3</sup> Rear setback for residential accessory structures ≤ 120 square feet is six feet.

### KEY:

PB: Planning Board

ZBA: Zoning Board of Appeals

TB: Town Board

## ZONING

### Town of Ballston Table of Uses, Area, Frontage and Setback Requirements Business Highway 2 District

[Added 6-12-2006 by L.L. No. 5-2006; amended 9-5-2006 by L.L. No. 6-2006; 2-3-2009 by L.L. No. 3-2009]

Permitted Use	Special Use Permit	Structure Size (square feet)	Minimum Lot Area (square feet)	Minimum Lot Width (feet)	Maximum Building Coverage	Maximum Building Height (feet)	Front Setback (feet)	Side Setback (feet)	Rear Setback (feet) <sup>3</sup>
One-family dwelling and accessory structures without water and sewer			40,000	175	30%	40	60	12 or 1/2 height	15 or height
One-family dwelling and accessory structures with water or sewer <sup>1</sup>			30,000	150	30%	40	60	12 or 1/2 height	15 or height
One-family dwelling and accessory structures with sewer and water			20,000	120	30%	40	60	12 or 1/2 height	15 or height
	Home occupation without water and sewer [ZBA]		40,000	175	30%	40	60	12 or 1/2 height	15 or height
	Home occupation with water or sewer [ZBA] <sup>2</sup>		30,000	150	30%	40	60	12 or 1/2 height	15 or height
	Home occupation with water and sewer [ZBA]		20,000	120	30%	40	60	12 or 1/2 height	15 or height
Municipal buildings	Not required to conform to space regulations								
Agriculture without animals									
	Agriculture, with animals [ZBA]								
Two-family dwellings		Site plan review–PB: 2 to 6 units; < 1 acre Special permit and site plan–PB: 6 to 45 units; 1 to 8 acres PUDD–TB: > 45 units; > 8 acres Refer to Article X.							
Multiple dwellings (three dwelling units or more)									
Art gallery		Site plan review–PB: 0 to 14,000 square feet; < 1 acre	See Chapter 138 and Design Standards.						
Clubs, lodges		Site plan review and special use permit–PB: 14,000 to 60,000 square feet; 1 to 8 acres; ≤ 300 linear feet (bld.) PUDD–TB: > 60,000 square feet; > 300 linear feet (bld.); > 8 acres Refer to Article X.							
Bakery									
Drug store									
Offices									
Printing, publishing, photography, software									
Retail sales									
Millwork, cabinet making									
Personal service: barber, beauty salon									
Training and instructional classrooms									

## BALLSTON CODE

Permitted Use	Special Use Permit	Structure Size (square feet)	Minimum Lot Area (square feet)	Minimum Lot Width (feet)	Maximum Building Coverage	Maximum Building Height (feet)	Front Setback (feet)	Side Setback (feet)	Rear Setback (feet) <sup>3</sup>
	Nursing home	<p>Site plan review and special use permit–PB: 0 to 60,000 square feet; &lt; 8 acres; ≤ 300 linear feet (bld.)</p> <p>PUDD–TB: &gt; 60,000 square feet; &gt; 300 linear feet (bld.); &gt; 8 acres Refer to Article X.</p>							
	Senior living communities								
	Physical health establishment								
	Restaurant								
	School, private								
	Motel								
	Light manufacturing								
	Commercial greenhouse								
	Recreation, indoor/outdoor								
	Mixed-used structures								
	Drive-in/drive-through								
	Convenience stores with gas sales								
	Convert existing residential use to permitted use								
	Hospital								
	Self storage								
	Banks								
	Bed-and-breakfast								
	Beverage/recycling center								
	Community residence								
	Day-care facilities								
	Funeral home								
	Health-care facilities								
	Veterinary clinic without boarding								
	Museum								
	Research and development (flex-tech)								
	Community service and place of worship								

See Chapter 138 and Design Standards.

**NOTES:**

Any uses not listed are not permitted.

New flag lots permitted in the Rural District only.

<sup>1</sup> In the Watershed Protection Overlay District, one-family dwelling and accessory structures with water or sewer shall have a minimum lot area of 40,000 square feet.

<sup>2</sup> In the Watershed Protection Overlay District, home occupation with water or sewer shall have a minimum lot area of 40,000 square feet.

<sup>3</sup> Rear setback for residential accessory structures ≤ 120 square feet is six feet.

**KEY:**

PB: Planning Board

ZBA: Zoning Board of Appeals

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## ZONING

### 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;



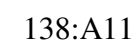
## BALLSTON CODE

- a. North  $00^{\circ}-25'-49''$  East, a distance of 703.54 feet to a point;
- b. North  $15^{\circ}-01'-49''$  East, a distance of 19.23 feet to a point;
- c. North  $00^{\circ}-08'-11''$  West, a distance of 102.00 feet to a point;
- d. North  $11^{\circ}-16'-49''$  East, a distance of 302.10 feet to the Point of Beginning

containing 84.94 acres, more or less.

## Appendix B

### Sketch Plan for Corporate Technology Park



## ZONING

### 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.

## BALLSTON CODE

### 3. Site Restrictions

#### A. Property Line Setbacks.

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

Front yard: 50'

Side yard: 30'

Rear yard: 50'

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

Front yard: 30'

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

Rear yard: 30'

3. No buildings or parking areas or grading and clearing shall be permitted within 100 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.

## ZONING

- 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.
  4. One Norway Maple, minimum 3" caliper, shall be planted for every 100' of frontage and planted equally spaced along the front property line.
  5. Minimum caliper for remaining trees shall be 2" caliper measured 12" 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:

## BALLSTON CODE

- 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.
  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.

## ZONING

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.<sup>1</sup>

### 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.
3. Each property owner shall be responsible for drainage maintenance on its own land.

## 4. Architectural Restrictions.

### A. Building Height. [Amended 1-3-2002 by L.L. No. 3-2001]

1. Maximum building height will be 40 ft. (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.

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<sup>1</sup> Editor's Note: See Ch. 138, Zoning.

## BALLSTON CODE

### 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. [Amended 1-3-2002 by L.L. No. 4-2001]

#### 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.

- 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.



## ZONING

- 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,

## BALLSTON CODE

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.

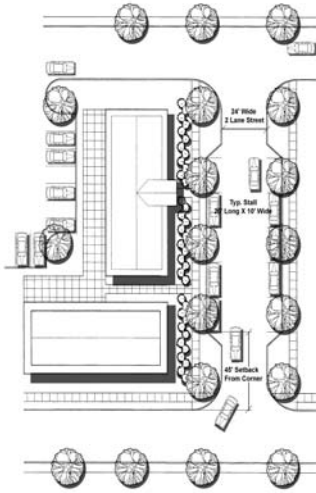
- B. During construction, it shall be the responsibility of each property owner to ensure that construction sites are kept free of unsightly accumulations of waste materials and that construction materials, equipment, temporary structures, etc. are kept in a neat, orderly manner.
- C. The property owner 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" (ANSI Z60. 1-1986) of the American Association of Nurserymen and in accordance with accepted industry practice.

# MIXED USE AND BUSINESS HIGHWAY DISTRICT DESIGN STANDARDS

Appendix 1 of Zoning Code

Town of Ballston, NY

June 2006



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## **Town of Ballston Zoning Design Standards**

### Table of Contents

SECTION 1: Design Standards Principals

SECTION 2: Proposed Design Standards

SECTION 3: Proposed Buffers, Landscaping, and Barriers Site Plan Standards.

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## **Section 1: Design Standards Principals**

## Section 1: Design Standards Principals

### 1.1 WHY DESIGN STANDARDS

Typical development, working within existing zoning regulations, often does not result in an attractive, safe, and functional built environment. Zoning regulations address building uses, area, and density of development. Businesses requiring significant on-site parking or outdoor display space compete for visibility by using dominant signage, site lighting, and other means of attracting attention. Uncontrolled vehicle access to parking lots creates conflicts with pedestrians visiting local retail and commercial establishments. Increasingly, communities are recognizing that the general sameness in appearance of corporate chain commercial and retail buildings is destroying local distinctive character.

Design standards are intended to enhance the community's zoning regulations. They are not a substitute for the zoning regulations, but rather complement the zoning regulations to address development character. Design standards establish a level of quality that sets a precedent for future development, serve to enhance the value of property, and protect the investment of landowners and developers.

### 1.2 WHAT DESIGN STANDARDS ADDRESS

Design standards are introduced into the community as a measure to achieve a degree of consistency in development that results in a pedestrian-friendly, safe, and usually visually cohesive district. Often, the net result is a more vibrant commercial and retail district, especially in older commercial centers and hamlets. At the same time, sensitive and original concepts are purposely sought by the standards. Design standards are often implemented by communities to ensure more attention is given to the design than is typical in current development. Various aspects address the character and quality of the built environment, such as where the building and parking lots are located on the property, the means of providing pedestrian access on-site that contributes to the community system, and the character of building design.

### 1.3 HOW DESIGN STANDARDS WORK

Design standards can be used by developers when preparing their development plans and applications, and subsequently submitting them to the Planning Board for plan review and approval. Design standards also provide development principles which help both the local community and developers: the community benefits from a consistent, coherent, and functional commercial district; the developer benefits from a predictable and standard approval process.

The design standards introduced here provide basic information, but do not attempt to address all the design issues relevant to proposed development. The standards do, however, provide a statement of principle or intent for site organization and layout, site design, and architectural design. The interpretation of the design standards should remain the responsibility of the Planning Board. It is important to recognize that every parcel and site is unique, each proposed development is different

and is intended to meet the needs of the landowner or developer, and therefore, the Planning Board must exercise discretion and implement the design standards with the main goal of achieving sound and appropriate designs and community character integration.

#### 1.4 LEVELS OF DESIGN REVIEW

##### 1.4.1 SITE ORGANIZATIONAL REVIEW

The site organization review process uses site design principles outlined in the design standards manual to address issues relating to both building and parking location. Others issues addressed in this process include vehicle access and pedestrian circulation to and from the proposed building.

##### 1.4.2 SITE DESIGN REVIEW

The site design review process addresses issues generally relating to the aesthetics of the site and proposed development impacts on nearby properties, such as the impacts of commercial development abutting residential parcels. Generally, landscaping principles define this review process, but building signage is also addressed here.

Appropriate landscaping plays an important role in the visual character of site development. For instance, parking lots can be a visual blight if not appropriately shielded. However, landscaping with trees and shrubbery can help to reduce the visual impacts as buffers as well as enhance vehicle and pedestrian circulation. As a component of the site design review process, landscaping will be addressed to ensure that the appropriate standards are being achieved.

##### 1.4.3 PUBLIC PLACES REVIEW

The streetscape zone includes those areas that are publicly owned but have a direct relation to the building. For instance, public sidewalks can be used for the display of retail goods as a way to entice shoppers into the store or a restaurant may provide sidewalk-dining opportunities. Both of these circumstances require special considerations for safe and efficient pedestrian circulation.

##### 1.4.4 ARCHITECTURAL DESIGN REVIEW

With gas stations, supermarkets, and fast food franchises becoming more and more a part of our daily lives, we have managed to ignore their aesthetic liabilities. The architectural design review process uses the architectural details outlined in herein to ensure that new building construction or modifications are compatible with the surrounding buildings' patterns, styles, and textures.

## **Section 2: Proposed Design Standards**



## Section 2: Proposed Design Standards

### 2.1 OVERALL INTENT AND PURPOSE

The Town Council declares its intent to adopt design standards that apply to the Mixed Use Centers North and South and the Business Highway Districts. The Council's purpose is to encourage a mix of uses within the designated districts with an emphasis on improved site design, greater economic activity, and more dynamic social interaction. Within the designated districts, regulation will be largely based on form and impact of development as well as use. The following standards shall apply to all projects proposed within the designated districts that require Site Plan, Special Use Permit or Planned Unit Development Approvals.

The standards provide design criteria and suggest development approaches, which will help both the Town, and applicants consider issues of site organization, site design, public spaces and architecture. The purposes are to:

- > Continue to attract appropriate development in order to expand the economic and fiscal base of the community in a manner that maintains the unique character of the Town with a high quality of life;
- > Encourage the highest quality of architectural and site design that is compatible with their surroundings;
- > Encourage buildings that provide an appropriate transition between the commercial areas of the Town and the surrounding neighborhoods;
- > Encourage buildings that are protective of important natural and public spaces resources and that avoid or minimize adverse impacts;
- > Establish a clear and consistent method for reviewing plans for new buildings and renovation or alteration of existing buildings and sites;
- > Reduce delays and confusion that developers, property owners, or business operators may encounter during the design phase of the proposed projects; and
- > Minimize land use conflicts.

### 2.2 INSTRUCTIONS FOR THE ADMINISTERING BOARD AND APPLICANTS REGARDING COMPLIANCE WITH THE FOLLOWING DESIGN STANDARDS:

- > Unless otherwise stated, the following design standards are mandatory. Each applicant for new land use and development shall comply with the required standards to the maximum extent

practicable. Compliance with the following standards not mandatory is strongly encouraged.

- > The administering board shall enforce the following design standards to the maximum extent practicable for the purposes of achieving the goals and specific recommendations for the Mixed Use Centers and Business Highway Districts as set forth in the Comprehensive Plan, and in accordance with the Purpose and Intent of the regulations as set forth herein.
- > The term “shall” is interpreted as mandatory.
- > The term “should” or “may” is interpreted as optional.

### 2.3 GENERAL DESIGN STANDARDS FOR THE MIXED–USE AND BUSINESS HIGHWAY DISTRICTS

- > Encourage compatibility between residential and commercial uses where existing residential zones abut commercial zones.
- > The variety of active uses should be complemented with facades that are “animated” along the pedestrian ways.
- > Create a network and continuity of active spaces and avoid disconnected spaces.
- > Design rooftops for visual interest and avoid a lack of design attention.
- > Achieve compatible building styles and designs and avoid incompatible elements.
- > Provide upgraded streetscapes including appropriate unified site furniture to encourage pedestrian activity, avoiding dull/bleak streetscapes that discourage walking.
- > Incorporate street trees and pedestrian scale lighting (in addition to vehicles area lighting) to enhance the area.
- > Provide pedestrian crosswalks to enhance connections across streets.
- > The design treatments for the area should be rich with detail and high-quality materials to promote interest for users and visitors.

## 2.4 SPECIFIC DESIGN STANDARDS

### 2.4.1 MIXED USE DISTRICTS

When more than one principal building is proposed on any one site, the proposed development shall be guided by one of the three following development scenarios graphically depicted on the following page:

#### *1. Main Street*

This scenario consists of small footprint buildings lining NYS Route 50 or 67, with larger and additional smaller footprint buildings lining the internal access roads, parking lots positioned behind the buildings, and one or more parallel access road linking to existing or providing for potential connections to future adjacent developments in a grid-like street pattern.

#### *2. Town Center*

The Town Center scenario is laid out with an internal access road anchored by larger footprint buildings and lined with smaller footprint buildings located at the interior of the site, thereby creating a center focal point. Parking lots are located behind and to the side of buildings, and are screened from main roads by the anchor buildings. Interconnections with adjoining parking lots and connections to existing or future parallel access roads are also required.

#### *3. Town Green*

This scenario provides a park-like area as a focal points with a similar building layout as the above two scenarios.

It is not the intent of these regulations to force future developments to build out identical to the three scenarios. Rather, the objective of each scenario is to provide guidance for development to occur in a predictable pattern with an orderly arrangement of buildings, efficient networks of interior roads and sidewalks, and ultimately, walkable streetscapes and pedestrian friendly environments.

The following standards apply to proposed mixed-use commercial, retail, residential, and office development sites. For infill development, new buildings shall contribute to the character of the existing street.

- > Encourage the full mix of uses as may be allowed within each of the districts.
- > Create a mixed-use area that is both pedestrian friendly and amenable to being served by public transportation where it is provided.

- > Provide opportunities for both horizontal and vertical mixed-use developments by permitting existing residential and commercial uses to be combined on unified development sites.
- > Encourage residential uses in conjunction with commercial activities in order to create an active street life, enhance the viability of businesses and reduce traffic.
- > Street level facades should include active uses such as shops, restaurants, cafes, fitness centers, exhibition spaces, galleries, meeting space, commercial lobbies, residential entrances, services, etc. Office/R&D uses are generally discouraged from occupying extensive ground floor frontage in mixed-use areas.

## Site Organization [Amended 4-7-09 by L.L. No. 7-2009]

These standards address issues related to both building and parking location. Other issues include vehicle access (curb cuts), cross-easements, connections to adjacent developments and pedestrian circulation to and from the proposed buildings.

Illustrations of the following standards are also provided in this Section.

Design Element	Mixed Use Districts
<b>Building Placement Front Yard Setback</b>	<p><i>Orientation:</i></p> <ul style="list-style-type: none"> <li>&gt; Buildings must present their main façade and entrance toward the street. Buildings should be oriented parallel or perpendicular to public sidewalks and allow for parking in the rear or side of the proposed structure.</li> <li>&gt; On NYS Route 67 and 50, new buildings shall not exceed a setback of greater than <u>twenty (20) feet</u> from the highway right-of-way, except where a public plaza/entry plaza or outdoor use, outdoor restaurant or other activities are proposed, in which case the setback may be increased to provide room for these amenities. <ul style="list-style-type: none"> <li>&gt; An additional twelve (12) foot setback should be considered at major road intersections and in areas identified on the Official Map for the Town of Ballston to provide adequate room for necessary intersection improvements.</li> </ul> </li> <li>&gt; On secondary or internal roads (new ones are strongly encouraged), buildings shall not exceed a setback of <u>fifteen (15)</u> feet from the right-of-way.</li> <li>&gt; On Route 146A, setbacks of new buildings shall match adjoining structures.</li> </ul>
<b>Building Placement Side Yard Setback</b>	<ul style="list-style-type: none"> <li>&gt; Zero side yard setbacks to allow buildings to be constructed next to one another</li> </ul>

Design Element	Mixed Use Districts
<b>Building Placement Minimum Frontage Build Out</b>	<ul style="list-style-type: none"> <li>&gt; When practical, a minimum frontage build out of 70% is strongly recommended for the purposes of creating a near continuous facade along the sidewalk and for screening rear parking areas.</li> </ul>
<b>Street Organization, On-Street Parking and Restrictions</b>	<p><i>New Roads:</i></p> <ul style="list-style-type: none"> <li>&gt; New internal access roads shall be required for development involving more than one principal building on one parcel.</li> <li>&gt; New internal access roads are strongly encouraged where appropriate and practical for new development involving only one principal building on one parcel.</li> <li>&gt; Internal access roads shall create or continue an interconnected network of streets laid out in walkable blocks.</li> <li>&gt; Cul-de-sacs and dead end streets are prohibited, except where topography or natural features make them necessary.</li> <li>&gt; Well-defined ADA compliant crosswalks, small turning radii at intersections and other traffic calming elements shall be incorporated.</li> </ul> <p><i>On-Street Parking:</i></p> <ul style="list-style-type: none"> <li>&gt; On-street parking is strongly encouraged on internal roads, secondary streets.</li> <li>&gt; Not permitted on NYS Route 67 and 50.</li> </ul>
<b>Off-Street Parking</b>	<p><i>Location:</i></p> <ul style="list-style-type: none"> <li>&gt; Rear of building, if on-site parking is provided.</li> <li>&gt; Side of building, if additional parking is necessary.</li> <li>&gt; If at side of building: Minimum five (5) foot landscape buffer between parking area and edge of the sidewalk.</li> <li>&gt; Landscape materials: trees, hedges, shrubs or low walls of brick, wood, wrought iron, or an acceptable substitute.</li> <li>&gt; Shared access points are required to reduce curb cuts, where appropriate.               <ul style="list-style-type: none"> <li>&gt; Easements should be used to formalize shared access</li> </ul> </li> </ul>

Design Element	Mixed Use Districts
<b>Off-Street Parking</b>	<p>arrangements between business sites.</p> <ul style="list-style-type: none"> <li>&gt; New parking in front yards is prohibited.</li> <li>&gt; Peak period (spillover) parking areas with alternate pervious paving materials are strongly encouraged and could include grass pavers and gravel surfaces.</li> <li>&gt; Structured parking with active uses at street level is encouraged. The sidewalk level facades of garages shall be designed to obscure the view of parked cars.</li> </ul> <p><i>Parking Area Landscaping:</i></p> <ul style="list-style-type: none"> <li>&gt; For parking areas greater than 20 stalls, a minimum of 5% of the interior area shall be planted.</li> <li>&gt; No parking space shall be more than 75 feet from a large deciduous tree.</li> </ul> <p><i>Landscape requirements:</i></p> <ul style="list-style-type: none"> <li>&gt; Canopy/Deciduous trees: 4" caliper</li> <li>&gt; Small flowering trees: 2" caliper</li> <li>&gt; Large shrubs: 30" height</li> <li>&gt; Trees shall be planted so that trunk is a minimum of 2.5 feet from curb edge.</li> </ul>
<b>Green Space</b>	<ul style="list-style-type: none"> <li>&gt; Within this district, the green space percentage is a minimum of 35%. Green space shall be organized in a meaningful and useful manner as one or more parks, squares or community greens.</li> </ul>

## Site Design

Addresses issues generally relating to the aesthetics of the site and proposed development impacts on nearby properties such as impacts of commercial development abutting residential parcels.

Generally, landscape principles define this review component but also includes building signage.

Design Element	Mixed Use Districts
<b>Screening and Buffers</b>	<ul style="list-style-type: none"> <li>&gt; Refer to Section 3.0 for screening and buffering requirements.</li> <li>&gt; Landscape screening and buffers shall be designed to separate business/commercial and residential land uses.</li> <li>&gt; Adequacy, type, size, and arrangements of trees, shrubs, and other landscaping shall constitute a visual screen and/or buffer between the project site and adjoining land use properties, and shall include the maximum retention of desirable or specimen existing vegetation. Parking, services, and loading/maneuvering areas shall be reasonably landscaped and screened from view of adjacent properties and from within the project site.</li> </ul>
<b>Site Lighting</b>	<p><i>Height</i></p> <ul style="list-style-type: none"> <li>&gt; Pedestrian scale and area lighting required.</li> <li>&gt; Pedestrian Lighting = 10-12' (maximum).</li> <li>&gt; Area Lighting = 18' or 2' lower than building height whichever is less.</li> </ul> <p><i>Lighting Type</i></p> <ul style="list-style-type: none"> <li>&gt; Preferred in following order: high-pressure sodium, metal halide, low-pressure sodium. Mixtures should be avoided.</li> </ul> <p><i>Footcandles</i></p> <ul style="list-style-type: none"> <li>&gt; Light source (i.e., bulb) shall not be visible from any angle.</li> <li>&gt; Fixtures designed to shield glare from adjacent streets, properties and sky.</li> <li>&gt; No lights shall produce glare so as to cause illumination beyond the boundaries of the property.</li> <li>&gt; Flashing or intrinsically bright sources of illumination shall be prohibited.</li> </ul>



Design Element	Mixed Use Districts
<b>Public Spaces</b>	<p><i>Sidewalk Material</i></p> <ul style="list-style-type: none"> <li>&gt; Constructed of concrete; brick, concrete or stone pavers; or stone slabs.</li> </ul> <p><i>Sidewalk Width and Location</i></p> <ul style="list-style-type: none"> <li>&gt; Minimum 8' wide</li> <li>&gt; Connecting to residential districts – minimum 5' wide with minimum 4' planting strip between the curb and the sidewalk.</li> </ul> <p><i>Sidewalk Connections</i></p> <ul style="list-style-type: none"> <li>&gt; Where sidewalk crosses a parking lot access drive, the pedestrian paving pattern shall continue uninterrupted as a means of alerting pedestrians and drivers where their paths cross. Where enhanced paver is used, the pattern generally abuts asphalt. In these cases, a band of natural concrete should be added as a protective edging between the asphalt and the decorative paving.</li> <li>&gt; New sidewalks must connect to adjacent properties.</li> <li>&gt; Breakaway steel posts may be introduced at sidewalk road crossings.</li> </ul> <p><i>Sidewalk Landscaping</i></p> <ul style="list-style-type: none"> <li>&gt; When no planting strip is present, street trees shall be planted between the curb and the building line. All street tree planting in paved areas should be covered with a porous hard surfaced grate. Trees should not be planted closer than 7' to the building line.</li> <li>&gt; When a planting strip is present between the sidewalk and the curb, street trees should be planted in the planting strip.</li> <li>&gt; One large deciduous tree for each 35' of linear road frontage (minimum). The street trees should generally be evenly spaced to create or maintain a rhythm/pattern.</li> <li>&gt; Tree species may include ash, elm, maple, oak, or as approved by the Town.</li> </ul>
<b>Sidewalk Retail</b>	<ul style="list-style-type: none"> <li>&gt; Sidewalk retail strongly encouraged.</li> <li>&gt; Merchandise shall be removed at the close of business.</li> <li>&gt; No retail activity shall obstruct the safe passage of pedestrians on sidewalks and a minimum five (5) foot wide unobstructed path shall be maintained at all times on sidewalks.</li> </ul>

Design Element	Mixed Use Districts
<b>Public Plazas and Outdoor Dining</b>	<p><i>Plazas</i></p> <p>Definition: An open space that is continuously accessible to the public that may be landscaped or paved and is typically surrounded by buildings or streets and open to the sky. Plaza usually provides amenities such as seating, ornamental fountains, lighting, and landscaping for use by pedestrians.</p> <ul style="list-style-type: none"> <li>&gt; Strongly encouraged.</li> <li>&gt; Incorporation of works of art into the public spaces, exterior façade or entrance lobbies is encouraged.</li> <li>&gt; Area should be landscaped with trees, perennials, annuals, herbaceous shrubbery, ornamental lighting, and benches.</li> <li>&gt; Area should be constructed on side of building that receives the most sunlight when possible.</li> <li>&gt; Enhanced paving should be used to accent important “places” outdoors: at entrances as a “welcome mat” and in spaces where people congregate, pause or wait.</li> </ul> <p><i>Outdoor Dining</i></p> <p>Definition: A dining area of a designated size with seating and/or tables located outdoors of a restaurant, coffee shop, or other food service establishment, which is a) located entirely outside the walls of the subject building; b) enclosed on two sides or fewer by the walls of the building with or without a solid roof cover; or c) enclosed on three sides by the walls of the building without a solid roof cover. The seating may be in addition to the indoor seating or it may be the only seating available for the restaurant. The outdoor dining area must be visually and architecturally integrated pursuant to the design standards.</p> <p>Strongly encouraged.</p> <ul style="list-style-type: none"> <li>&gt; Building should be permitted to be set back a maximum of 10 feet from the required build-to line (when appropriate).</li> <li>&gt; Sidewalk cafes should be temporary structures and dismantled during winter months.</li> <li>&gt; Structures should be consistent with existing state regulation for safety.</li> <li>&gt; No cafe shall obstruct the safe passage of pedestrians on sidewalks and a minimum five (5) foot wide unobstructed path shall be maintained at all times on sidewalks.</li> </ul>

Design Element	Mixed Use Districts
	<ul style="list-style-type: none"> <li>&gt; If at side of building, an edge matching the line of the building facade should be created; the edge should be made of transparent fence made of wood or wrought iron at a maximum height of 4'.</li> <li>&gt; In no case should the fence/railing combination prohibit views from the sidewalk into the café area.</li> </ul>
<b>Signage</b>	<p>Signs Permitted with Site Plan Review:</p> <ul style="list-style-type: none"> <li>&gt; Wall Signs</li> <li>&gt; Freestanding Signs</li> <li>&gt; Window Signs</li> <li>&gt; Permanent Changeable Message Signs</li> <li>&gt; Special Sales Signs</li> <li>&gt; Refer to Article XI for additional sign regulations.</li> <li>&gt; Two principal site business identification signs (i.e., one freestanding sign with a maximum of two display faces, and one wall sign) may be displayed on the same lot as the business with which they are associated.</li> <li>&gt; The total square footage of all signage (except Special Sales Signs) associated with any one business or on any one site shall not exceed 150 square feet.</li> </ul> <p>Size - Freestanding</p> <ul style="list-style-type: none"> <li>&gt; Height = Eight feet (8')</li> <li>&gt; Width = Four feet (4')</li> </ul> <p>Size – Wall Sign</p> <ul style="list-style-type: none"> <li>&gt; The total display area shall not exceed an area equal to one and five-tenths (1.5) square feet of sign area for each linear foot of building frontage, or ten percent (10%) of the total area of the one building façade upon which the sign is located, or one hundred (100) square feet, whichever is the lesser. In no instance shall any one sign exceed 50 square feet.</li> </ul> <p>Window Sign</p> <ul style="list-style-type: none"> <li>&gt; A total number of 4 window signs are permitted.</li> <li>&gt; Maximum display area shall not exceed thirty percent (30%) of the contiguous window area for each window sign.</li> <li>&gt; The aggregate total display area of all window signs does not exceed an area equal to five-tenths (0.5) square foot per linear foot of building frontage.</li> </ul>


Design Element	Mixed Use Districts
Utilities	All utilities shall be placed underground.

## Architectural Design

Addresses issues of new building construction or modification of existing buildings to increase potential for compatibility with neighborhoods, surrounding buildings or traditional patterns, styles and textures – Architectural guidelines address general building features such as portion (mass and height), roof styles, fenestration (window and door openings), awnings and canopies, specialty equipment, materials and broad categories of color.

Design Element	Mixed Use District
<b>Proportion</b>	<ul style="list-style-type: none"> <li>&gt; Multiple story buildings are strongly encouraged.</li> <li>&gt; Maximum 3 functional stories (coordination with local fire departments shall be required to ensure suitable fire protection can be provided for multi-story buildings).</li> <li>&gt; Maximum height = 40 feet.</li> </ul>
	<ul style="list-style-type: none"> <li>&gt; Maximum Building Footprint Permitted:               <ul style="list-style-type: none"> <li>&gt; Mixed Use North: 90,000 square feet</li> <li>&gt; Mixed Use South: 60,000 square feet</li> </ul> </li> <li>&gt; For every 300 linear feet of building, one of the following shall be provided:               <ul style="list-style-type: none"> <li>&gt; A pedestrian pathway of no less than 30 feet in width for unobstructed pedestrian access. This pathway shall also provide for unobstructed views at grade level between each building and shall not be covered.</li> <li>&gt; A private or public road of no less than 60 feet in width.</li> </ul> </li> <li>&gt; First story height should be a minimum of 12 feet measured floor to floor.</li> <li>&gt; Multiple buildings are strongly encouraged and can be constructed on the same lot with a zero side-yard setback (i.e., shared wall) with common access occurring on the second floor.</li> </ul>
<b>Roof</b>	<ul style="list-style-type: none"> <li>&gt; Prohibited:               <ul style="list-style-type: none"> <li>&gt; Gambrel or mansard roofs.</li> </ul> </li> <li>&gt; Allowed:               <ul style="list-style-type: none"> <li>&gt; Pitched, hip (gable), Flat roofs</li> </ul> </li> <li>&gt; All permitted roofs shall incorporate a parapet with cornice details along facades facing public streets.</li> <li>&gt; Plain parapets discouraged.</li> </ul>

	<p><i>Pitched Roofs</i></p> <ul style="list-style-type: none"><li>&gt; Should complement the overall style of the building.</li><li>&gt; Materials should not be reflective.</li><li>&gt; Colors should complement the overall character of the building.</li><li>&gt; Should incorporate measures to prevent falling snow and ice onto the sidewalk.</li></ul>
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Design Element	Mixed Use Districts
<b>Facade Treatment and Fenestration</b>	<ul style="list-style-type: none"> <li>&gt; Overall facade composition shall break the building down into smaller distinct portions to provide a small-scale impression related to the pedestrian.</li> <li>&gt; An entrance and wall recess (a minimum of five (5) in depth to allow the door to swing out without obstructing the sidewalk) shall be provide every seventy five (75) feet on each side of a building facing NYS Routes 67, 50, or internal access roads.</li> <li>&gt; Between each building entrance, one or more architectural elements shall be provided to further breakup the building façade.</li> <li>&gt; Building transparency and interior lighting is important at the street level; consequently, ground floor levels facing NYS Routes 67, 50, or internal access roads shall have a minimum of 50%-75% of transparent glass surface that is oriented vertically.</li> <li>&gt; Floor to ceiling windows are strongly discouraged.</li> <li>&gt; Upper floor windows should related to the first in shape, form, and pattern.</li> <li>&gt; Upper floor windows should make up at least 30% of the façade.</li> <li>&gt; Windows should not be mounted flush to the exterior of the facade.</li> <li>&gt; The architectural treatment of the front building facade shall be continued in its major features, around all visible sides from the primary street.</li> <li>&gt; Blank, windowless walls facing sidewalks, streets and other public places are prohibited.</li> </ul>
<b>Awnings and Canopies</b>	<ul style="list-style-type: none"> <li>&gt; Strongly encouraged on building facades that face public streets.</li> <li>&gt; One awning sign shall be permitted for each window or door of the façade covered by the awning. Any sign (logo and/or lettering) on an awning shall not exceed 25% of the exterior surface of the awning, or 100 square feet per building façade, whichever is less.</li> <li>&gt; Awnings to which signs may be attached must be fastened to the façade of the building and not supported from the ground; shall not extend more than seven feet (7') from the facade; and no portion of the awning shall be nearer than seven feet (7') from the ground.</li> <li>&gt; All awning signs shall only identify the business establishment occupied by the facade on which the awning is located.</li> </ul> <p><u>Awning Materials</u></p> <ul style="list-style-type: none"> <li>&gt; Shall be constructed of canvas</li> <li>&gt; Plastic and metal awnings are not permitted.</li> <li>&gt; Internal lighting or backlighting is not permitted.</li> <li>&gt; Color schemes shall be consistent with the colors outlined under</li> </ul>
	<p>Town of Ballston Zoning Design Standards #2005-022.21M</p> <ul style="list-style-type: none"> <li>&gt; Retractable awnings are permitted</li> </ul>

Design Element	Mixed Use Districts
<b>Specialty Equipment</b>	<p><i>Rooftop Mechanical Equipment, Satellite Dishes, Antennas, etc.</i></p> <ul style="list-style-type: none"> <li>&gt; Shall be screened so as to not be visible from public view with the use of architecturally compatible materials, parapets, sloped roof form or walls that are at least as high as the equipment being screened.</li> </ul> <p><i>Ground level equipment such as dumpsters and loading docks:</i></p> <ul style="list-style-type: none"> <li>&gt; Shall be screened so as to not be visible from public view through the use of landscaping techniques, natural material walls and fencing, or other design treatments compatible with the finishes of the principal building.</li> </ul>
<b>Materials and Color</b>	<p><i>Permitted Facade Materials</i></p> <ul style="list-style-type: none"> <li>&gt; Common red brick.</li> <li>&gt; Architectural masonry units (colored, textured, painted).</li> <li>&gt; Natural stone, stone veneer, or cast stone.</li> <li>&gt; Wood.</li> <li>&gt; Siding of high quality recycled product simulating a natural material.</li> </ul> <p><i>Prohibited Materials:</i></p> <ul style="list-style-type: none"> <li>&gt; Plain (bare) masonry units.</li> <li>&gt; Plain vinyl or metal siding.</li> <li>&gt; Imitation stone, plastic, composite, or resin products.</li> </ul> <p><i>Trim Materials:</i></p> <ul style="list-style-type: none"> <li>&gt; Finish-grade painted or stained wood.</li> <li>&gt; Bare, lumber grade wood strongly discouraged.</li> <li>&gt; Windows should have anodized aluminum or wood frame. Bare aluminum frames are prohibited.</li> </ul> <p><i>Building Colors:</i></p> <ul style="list-style-type: none"> <li>&gt; Colors should be chosen from a commercial paint distributor's historic color pallet shall be submitted for review. Fluorescent colors are prohibited.</li> </ul>



## Site Organization [Amended 4-7-09 by L.L. No. 7-2009]

Addresses issues related to both building and parking location. Other issues include vehicle access (curb cuts), cross-easements, connections to adjacent developments and pedestrian circulation to and from the proposed buildings.

Design Element	Business Highway Districts 1 and 2
<b>Building Placement Front Yard Setback</b>	<p><i>Orientation:</i></p> <ul style="list-style-type: none"> <li>&gt; Buildings must present their main facade and entrance toward the street. Buildings should be oriented parallel or perpendicular to public sidewalks and allow for parking in the rear or side of the proposed structure.</li> <li>&gt; On NYS Route 50 the setbacks of new buildings shall not be setback more than fifty (50) feet from the highway right-of-way to allow for a maximum of one bay of parking in the front of the building.</li> <li>&gt; On secondary or internal roads (new ones are strongly encouraged to link adjacent buildings and parking areas), buildings shall not exceed a setback of twenty (20) feet from the right-of-way.</li> </ul>
<b>Building Placement Side Yard Setback</b>	<ul style="list-style-type: none"> <li>&gt; Allow for zero side yard setbacks to allow buildings to be constructed next to one another. Buffering requirements for different uses as outlined in Section 3.0 must also be adhered to.</li> </ul>
<b>Building Placement Minimum Frontage Build Out</b>	<ul style="list-style-type: none"> <li>&gt; For buildings fronting interior access roads, a minimum frontage build out of 60% is recommended to create a near continuous facade along the sidewalk and screen rear parking areas.</li> </ul>
<b>Street Organization, On-Street Parking and Restrictions</b>	<p><i>New Roads:</i></p> <ul style="list-style-type: none"> <li>&gt; New secondary or internal access roads and are strongly encouraged where appropriate to link adjacent buildings and parking areas. When practical, they shall create or continue an interconnected network of streets laid out in walkable blocks. Cul-de-sacs and dead end streets are prohibited, except where topography or natural features make these necessary.</li> <li>&gt; Well-defined ADA compliant crosswalks, small turning radii at</li> </ul>

Design Element	Business Highway Districts 1 and 2
	<p>intersections and other traffic calming elements shall be incorporated.</p> <p><i>On-Street Parking:</i></p> <ul style="list-style-type: none"> <li>&gt; On-street parking is strongly encouraged on internal and secondary roads where appropriate with bulb-outs of the sidewalk at the end of each block to allow for easy pedestrian crossings.</li> <li>&gt; Not permitted on NYS Route 50.</li> </ul>
<b>Off-Street Parking</b>	<p><i>Location:</i></p> <ul style="list-style-type: none"> <li>&gt; Rear of building is recommended if site conditions allow.</li> <li>&gt; Side of building, if additional parking is necessary.</li> <li>&gt; If at side of building: Minimum five (5) foot landscape buffer between parking area and edge of the sidewalk.</li> <li>&gt; If additional parking is required or if site conditions prevent rear and side parking, a maximum of one (1) bay of parking shall be permitted in the front of a building.</li> <li>&gt; Landscape materials: trees, hedges, shrubs or low walls of brick, wood, wrought iron, or an acceptable substitute.</li> <li>&gt; Shared access points are required to reduce curb cuts, where appropriate.</li> <li>&gt; Cross-easements should be used to formalize shared access arrangements between business sites.</li> <li>&gt; Peak period (spillover) parking areas with alternate pervious paving materials are strongly encouraged and could include grass pavers and gravel surfaces.</li> <li>&gt; Structured parking with active uses at street level is encouraged. The sidewalk level facades of garages shall be designed to obscure the view of parked cars.</li> </ul> <p><i>Parking Area Landscaping:</i></p> <ul style="list-style-type: none"> <li>&gt; For parking areas greater than 20 stalls, a minimum of 5% of the interior area shall be planted.</li> <li>&gt; No parking space shall be more than 75 feet from a large deciduous tree.</li> </ul>

Design Element	Business Highway Districts 1 and 2
	<p><i>Landscape requirements:</i></p> <ul style="list-style-type: none"> <li>&gt; Canopy/Deciduous trees: 4" caliper</li> <li>&gt; Small flowering trees: 2" caliper</li> <li>&gt; Large shrubs: 30" height</li> <li>&gt; Trees shall be planted so that trunk is a minimum of 2.5 feet from curb edge.</li> </ul>
<b>Green Space</b>	<ul style="list-style-type: none"> <li>&gt; Within this district, the green space percentage is a minimum of 35%. Green space shall be organized in a meaningful and useful manner as one or more parks, squares or community greens.</li> </ul>

## Site Design

Addresses issues generally relating to the aesthetics of the site and proposed development impacts on nearby properties such as impacts of commercial development abutting residential parcels.

Generally, landscape principles define this review component but also includes building signage.

Design Element	Business Highway Districts 1 and 2
<b>Screening and Buffers</b>	<ul style="list-style-type: none"> <li>&gt; Refer to Section 3.0 for screening and buffering requirements.</li> <li>&gt; Landscape screening and buffers shall be designed to separate business/commercial and residential land uses.</li> <li>&gt; Adequacy, type, size, and arrangements of trees, shrubs, and other landscaping shall constitute a visual screen and/or buffer between the project site and adjoining land use properties, and shall include the maximum retention of desirable or specimen existing vegetation. Parking, services, and loading/maneuvering areas shall be reasonably landscaped and screened from view of adjacent properties and from within the project site.</li> </ul>
<b>Site Lighting</b>	<p><i>Height</i></p> <ul style="list-style-type: none"> <li>&gt; Pedestrian scale and area lighting required.</li> <li>&gt; Pedestrian Lighting = 10-12' (maximum).</li> <li>&gt; Area Lighting = 18' or 2' lower than building height whichever is less.</li> </ul> <p><i>Lighting Type</i></p> <ul style="list-style-type: none"> <li>&gt; Preferred in following order: high-pressure sodium, metal halide, low-pressure sodium. Mixtures should be avoided.</li> </ul> <p><i>Footcandles</i></p> <ul style="list-style-type: none"> <li>&gt; Light source (i.e., bulb) shall not be visible from any angle.</li> <li>&gt; Fixtures designed to shield glare from adjacent streets, properties and sky.</li> <li>&gt; No lights shall produce glare so as to cause illumination beyond the boundaries of the property.</li> <li>&gt; Flashing or intrinsically bright sources of illumination shall be prohibited.</li> </ul>

Design Element	Business Highway Districts 1 and 2
<b>Public Spaces</b>	<p><i>Sidewalk Material</i></p> <ul style="list-style-type: none"> <li>&gt; Constructed of concrete; brick, concrete or stone pavers; or stone slabs.</li> </ul> <p><i>Sidewalk Width and Location</i></p> <ul style="list-style-type: none"> <li>&gt; Minimum 8' wide</li> <li>&gt; Connecting to residential districts – minimum 5' wide with minimum 4' planting strip between the curb and the sidewalk.</li> </ul> <p><i>Sidewalk Connections</i></p> <ul style="list-style-type: none"> <li>&gt; Where sidewalk crosses a parking lot access drive, the pedestrian paving pattern shall continue uninterrupted as a means of alerting pedestrians and drivers where their paths cross. Where enhanced paver is used, the pattern generally abuts asphalt. In these cases, a band of natural concrete should be added as a protective edging between the asphalt and the decorative paving.</li> <li>&gt; New sidewalks must connect to adjacent properties.</li> <li>&gt; Bollards may be introduced at sidewalk road crossings.</li> </ul> <p><i>Sidewalk Landscaping</i></p> <ul style="list-style-type: none"> <li>&gt; When no planting strip is present, street trees shall be planted between the curb and the building line. All street tree planting in paved areas should be covered with a porous hard surfaced grate. Trees should not be planted closer than 7' to the building line.</li> <li>&gt; When a planting strip is present between the sidewalk and the curb, street trees should be planted in the planting strip.</li> <li>&gt; One large deciduous tree for each 35' of linear road frontage (minimum). The street trees should generally be evenly spaced to create or maintain a rhythm/pattern.</li> <li>&gt; Tree species may include ash, elm, maple, oak, or as approved by the Town.</li> </ul>
<b>Sidewalk Retail</b>	<ul style="list-style-type: none"> <li>&gt; Sidewalk retail strongly encouraged.</li> <li>&gt; Merchandise shall be removed at the close of business.</li> <li>&gt; No retail activity shall obstruct the safe passage of pedestrians on sidewalks and a minimum five (5) foot wide unobstructed path shall be maintained at all times on sidewalks.</li> </ul>

Design Element	Business Highway Districts 1 and 2
	>
<b>Public Plazas and Outdoor Dining</b>	<p><i>Plazas</i>  Definition: An open space that is continuously accessible to the public that may be landscaped or paved and is typically surrounded by buildings or streets and open to the sky. Plaza usually provides amenities such as seating, ornamental fountains, lighting, and landscaping for use by pedestrians.</p> <ul style="list-style-type: none"> <li>&gt; Strongly encouraged.</li> <li>&gt; Incorporation of works of art into the public spaces, exterior façade or entrance lobbies is encouraged.</li> <li>&gt; Area should be landscaped with trees, perennials, annuals, herbaceous shrubbery, ornamental lighting, and benches.</li> <li>&gt; Area should be constructed on side of building that receives the most sunlight when possible.</li> <li>&gt; Enhanced paving should be used to accent important “places” outdoors: at entrances as a “welcome mat” and in spaces where people congregate, pause or wait.</li> </ul> <p><i>Outdoor Dining</i>  Definition: A dining area of a designated size with seating and/or tables located outdoors of a restaurant, coffee shop, or other food service establishment, which is a) located entirely outside the walls of the subject building; b) enclosed on two sides or fewer by the walls of the building with or without a solid roof cover; or c) enclosed on three sides by the walls of the building without a solid roof cover. The seating may be in addition to the indoor seating or it may be the only seating available for the restaurant. The outdoor dining area must be visually and architecturally integrated pursuant to the design standards.  Strongly encouraged.</p> <ul style="list-style-type: none"> <li>&gt; Building should be permitted to be set back a maximum of 10 feet from the required build-to line (when appropriate).</li> <li>&gt; Sidewalk cafes should be temporary structures and dismantled during winter months.</li> <li>&gt; Structures should be consistent with existing state regulation for safety.</li> <li>&gt; No cafe shall obstruct the safe passage of pedestrians on sidewalks and a minimum five (5) foot wide unobstructed path</li> </ul>

Design Element	Business Highway Districts 1 and 2
	<p>shall be maintained at all times on sidewalks.</p> <ul style="list-style-type: none"> <li>&gt; If at side of building, an edge matching the line of the building facade should be created; the edge should be made of transparent fence made of wood or wrought iron at a maximum height of 4'.</li> <li>&gt; In no case should the fence/railing combination prohibit views from the sidewalk into the café area.</li> </ul>
<b>Signage</b>	<p>Signs Permitted with Site Plan Review:</p> <ul style="list-style-type: none"> <li>▪ Wall Signs</li> <li>▪ Freestanding Signs</li> <li>▪ Window Signs</li> <li>▪ Permanent Changeable Message Signs</li> <li>▪ Temporary Portable Roadside Changeable Message Sign (2-weeks maximum)</li> <li>▪ Special Sales Signs</li> <li>▪ Refer to Article XI for additional sign regulations.</li> <li>▪ Two principal site business identification signs (i.e., one freestanding sign with a maximum of two display faces, and one wall sign) may be displayed on the same lot as the business with which they are associated.</li> <li>▪ The total square footage of all signage (except Special Sales Signs) associated with any one business or on any one site shall not exceed an area equal to sixty-five one hundredths (0.65) square foot per linear foot of building frontage or 400 square feet, whichever is less.</li> <li>▪ Two permanent freestanding signs are allowed if the parcel has two curb cuts on separate streets and they are separated by a minimum of 100' on each street.</li> </ul> <p>Size – Freestanding</p> <ul style="list-style-type: none"> <li>▪ Height = 12'</li> <li>▪ Width = 10'</li> </ul> <p>Size – Wall Sign</p> <ul style="list-style-type: none"> <li>▪ The total wall signage shall not exceed an area equal to one (1) square foot of sign area for each linear foot of building frontage, or three hundred (300) square feet, whichever is the lesser. In no instance shall any one sign exceed one hundred fifty five (150) square feet.</li> </ul> <p>Window Signs</p> <ul style="list-style-type: none"> <li>▪ Same as Mixed Use Districts</li> </ul>
<b>Utilities</b>	All utilities should be placed underground.

## Architectural Design

Addresses issues of new building construction or modification of existing buildings to increase potential for compatibility with neighborhoods, surrounding buildings or traditional patterns, styles and textures – Architectural guidelines address general building features such as portion (mass and height), roof styles, fenestration (window and door openings), awnings and canopies, specialty equipment, materials and broad categories of color.

Design Element	Business Highway Districts 1 and 2
<b>Proportion</b>	<ul style="list-style-type: none"> <li>&gt; Multiple story buildings are strongly encouraged.</li> <li>&gt; Maximum 3 functional stories. Coordination with local fire departments will required to ensure proper fire protection services are available for multi-story buildings.</li> <li>&gt; Maximum height = 40 feet.</li> <li>&gt; BH-1: Building maximum 90,000 square foot building footprint.</li> <li>&gt; BH-2: Building maximum 60,000 square foot building footprint.</li> <li>&gt; First story height should be a minimum of 12 feet measured floor to floor.</li> <li>&gt; Multiple buildings are strongly encouraged and can be constructed on the same lot with a zero side-yard setback (i.e., shared wall) with common access occurring on the second floor.</li> </ul>
<b>Roof</b>	<ul style="list-style-type: none"> <li>&gt; Prohibited:               <ul style="list-style-type: none"> <li>&gt; Gambrel or mansard roofs.</li> </ul> </li> <li>&gt; Allowed:               <ul style="list-style-type: none"> <li>&gt; Pitched, hip (gable), Flat roofs</li> </ul> </li> <li>&gt; All permitted roofs shall incorporate a parapet with cornice details along facades facing public streets.</li> <li>&gt; Plain parapets discouraged.</li> </ul> <p><i>Pitched Roofs</i></p> <ul style="list-style-type: none"> <li>&gt; Should complement the overall style of the building.</li> <li>&gt; Materials should not be reflective.</li> <li>&gt; Colors should complement the overall character of the building.</li> <li>&gt; Should incorporate measures to prevent falling snow and ice onto the sidewalk.</li> </ul>



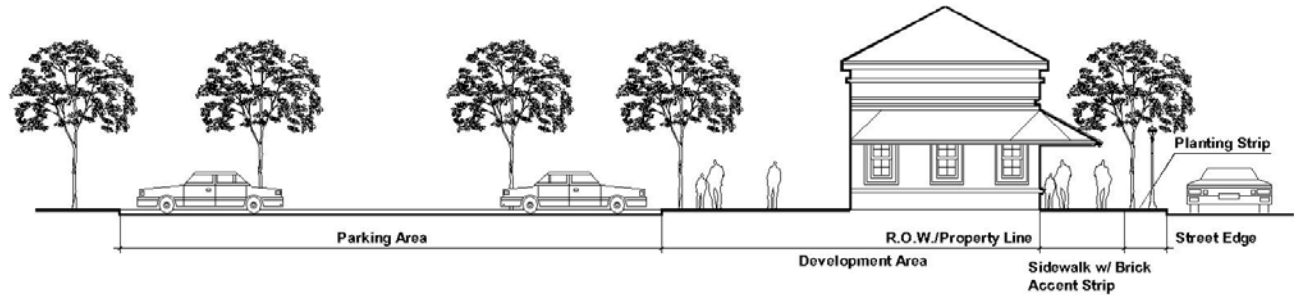
Design Element	Business Highway Districts 1 and 2
<b>Facade Treatment and Fenestration</b>	<ul style="list-style-type: none"> <li>&gt; Overall facade composition should break the building down into smaller distinct portions to provide a small-scale impression related to the pedestrian.</li> <li>&gt; Building transparency and interior lighting is important at the street level; consequently, ground floor level should have a minimum 50%-75% glass surface that is oriented vertically.</li> <li>&gt; Floor to ceiling windows are strongly discouraged.</li> <li>&gt; Upper floor windows should related to the first in shape, form, and pattern.</li> </ul>
	<ul style="list-style-type: none"> <li>&gt; Upper floor windows should make up at least 30% of the façade.</li> <li>&gt; Storefront construction should be recessed enough at the point of entry to allow the door to swing out without obstructing the sidewalk.</li> <li>&gt; Windows should not be mounted flush to the exterior of the facade.</li> <li>&gt; The architectural treatment of the front building facade shall be continued in its major features, around all visible sides from the primary street.</li> </ul> <p>Blank, windowless walls facing sidewalks, streets and other public places are prohibited.</p>
<b>Specialty Equipment</b>	<p><i>Rooftop Mechanical Equipment, Satellite Dishes, Antennas, etc.</i></p> <ul style="list-style-type: none"> <li>&gt; Should be screened from public view with the use of architecturally compatible materials, parapets, sloped roof form or walls that are at least as high as the equipment being screened.</li> </ul> <p><i>Ground level equipment such as dumpsters and loading docks:</i></p> <ul style="list-style-type: none"> <li>&gt; Shall be screened from public view with landscaping materials, natural material walls and opaque fencing, or other design treatments compatible with the finishes of the principal structure.</li> </ul>

Design Element	Business Highway Districts 1 and 2
<b>Materials and Color</b>	<p><i>Permitted Facade Materials</i></p> <ul style="list-style-type: none"> <li>&gt; Common red brick.</li> <li>&gt; Architectural masonry units (colored, textured, painted).</li> <li>&gt; Natural stone, stone veneer, or cast stone.</li> <li>&gt; Wood.</li> <li>&gt; Siding of high quality recycled product simulating a natural material.</li> </ul> <p><i>Prohibited Materials:</i></p> <ul style="list-style-type: none"> <li>&gt; Plain (bare) masonry units.</li> <li>&gt; Plain vinyl or metal siding.</li> <li>&gt; Imitation stone, plastic, composite, or resin products.</li> </ul> <p><i>Trim Materials:</i></p> <ul style="list-style-type: none"> <li>&gt; Finish-grade painted or stained wood.</li> <li>&gt; Bare, lumber grade wood strongly discouraged.</li> <li>&gt; Windows should have anodized aluminum or wood frame. Bare aluminum frames are prohibited.</li> </ul> <p><i>Building Colors:</i></p> <ul style="list-style-type: none"> <li>&gt; Colors should be chosen from a commercial paint distributor's historic color pallet as approved by the Town. Fluorescent colors are prohibited.</li> </ul>

Design Element	Business Highway Districts 1 and 2
<b>Awnings and Canopies</b>	<ul style="list-style-type: none"> <li>&gt; Strongly encouraged on building facades that face public streets.</li> <li>&gt; One awning sign shall be permitted for each window or door of the façade covered by the awning. Any sign (logo and/or lettering) on an awning shall not exceed 25% of the exterior surface of the awning, or 100 square feet per building façade, whichever is less.</li> <li>&gt; Awnings to which signs may be attached must be fastened to the façade of the building and not supported from the ground; shall not extend more than seven feet (7') from the facade; and no portion of the awning shall be nearer than seven feet (7') from the ground.</li> <li>&gt; All awning signs shall only identify the business establishment occupied by the facade on which the awning is located.</li> </ul> <p><u>Awning Materials</u></p> <ul style="list-style-type: none"> <li>&gt; Shall be constructed of canvas</li> <li>&gt; Plastic and metal awnings are not permitted.</li> <li>&gt; Internal lighting or backlighting is not permitted.</li> <li>&gt; Color schemes shall be consistent with the colors outlined under materials and colors below.</li> <li>&gt; Retractable awnings are permitted</li> </ul>

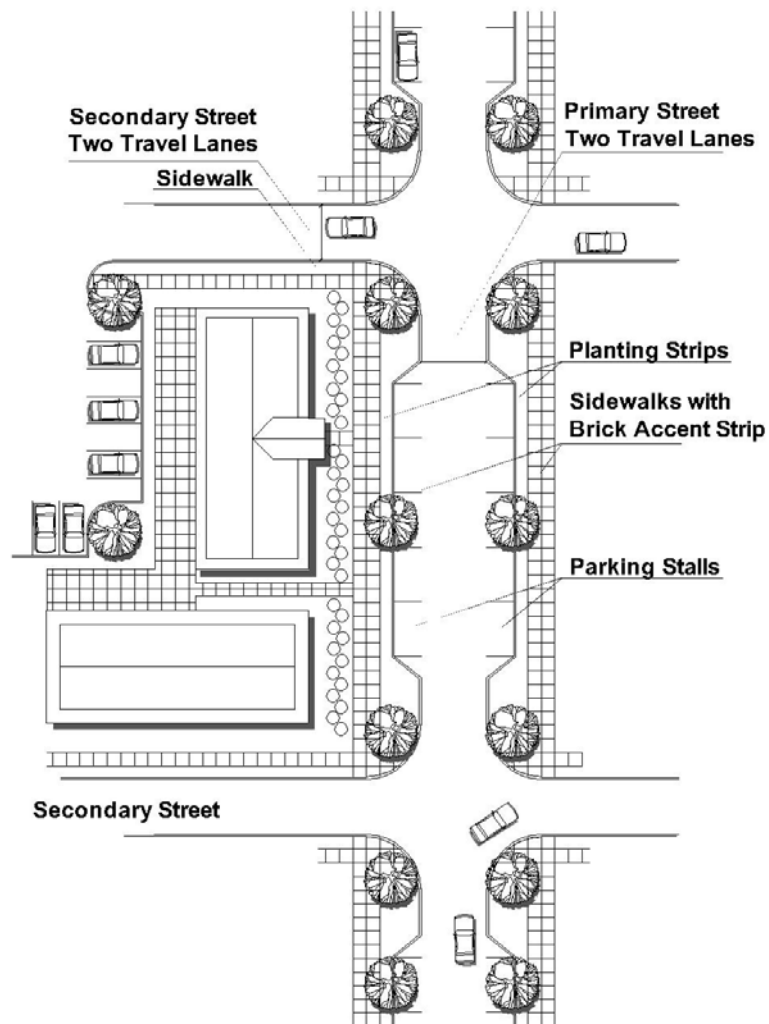
## **Building Placement**

Mixed Use Districts



## **On Street Parking and Bulb-Out of Sidewalks**

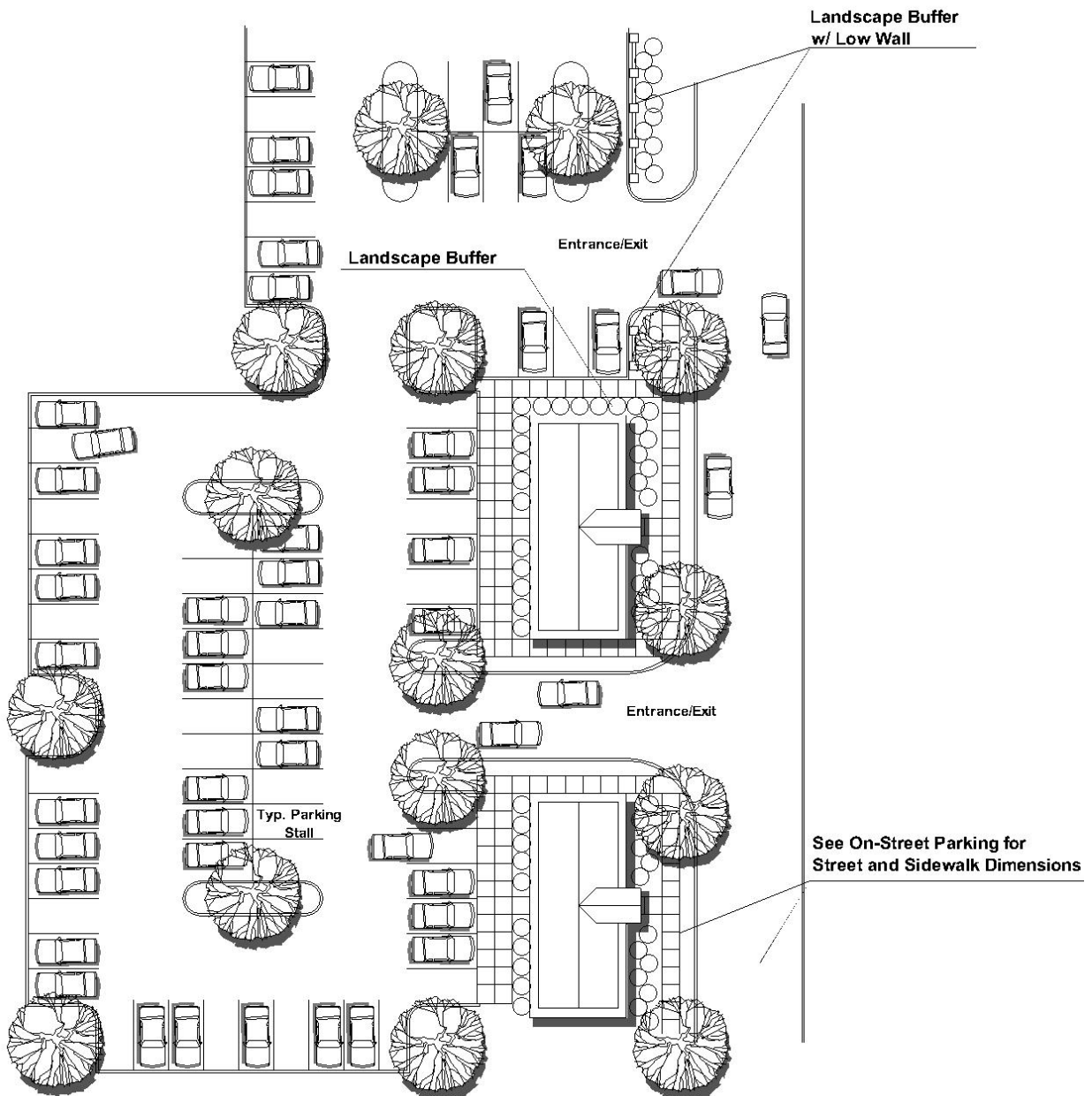
Mixed Use Districts



## **Off Street Parking**

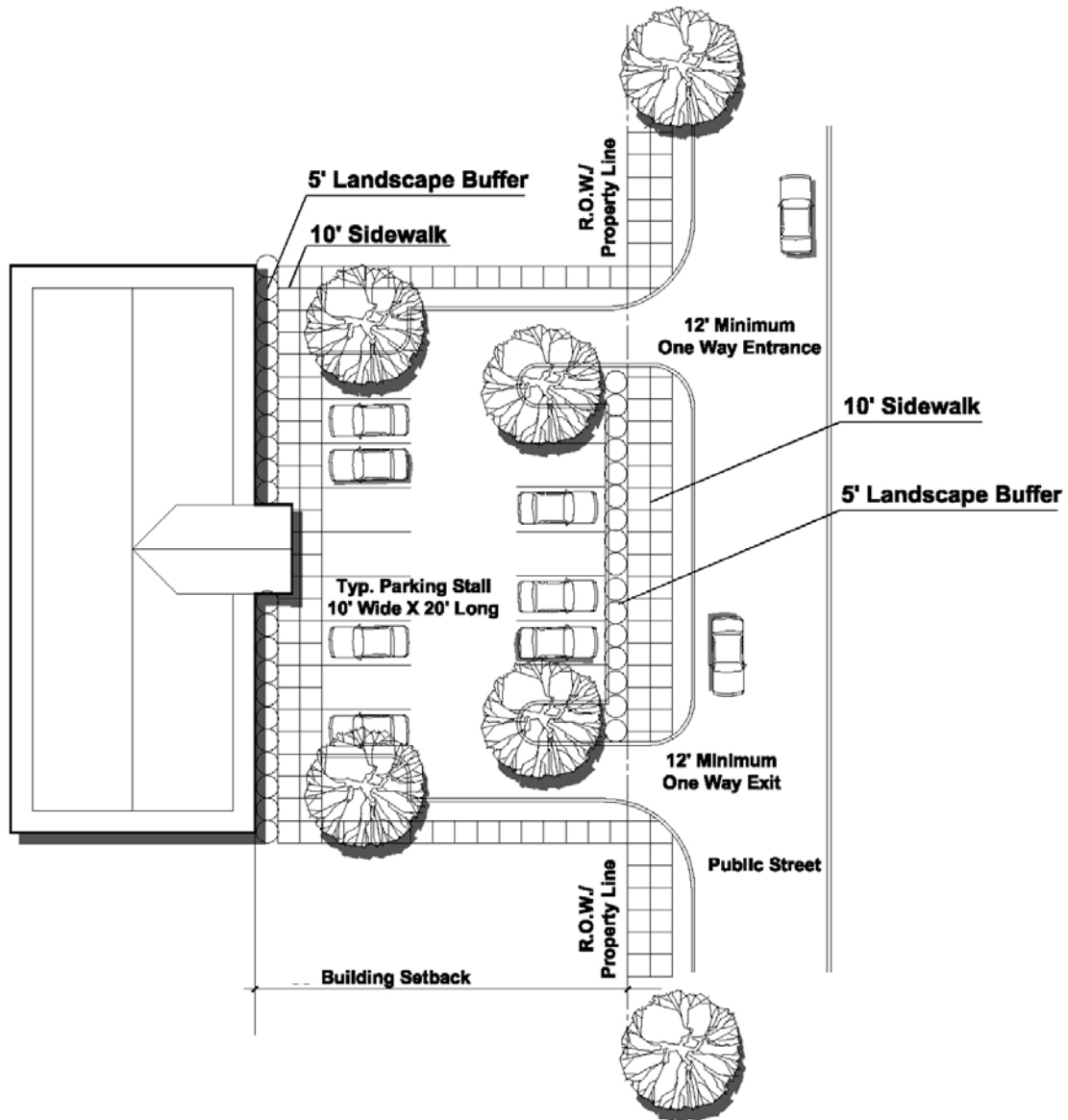
Mixed Use Districts

Business Highway Districts 1 and 2



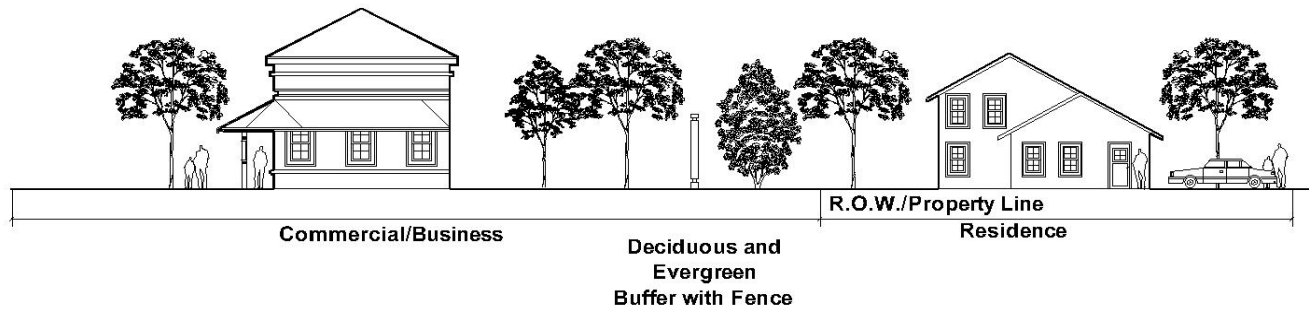
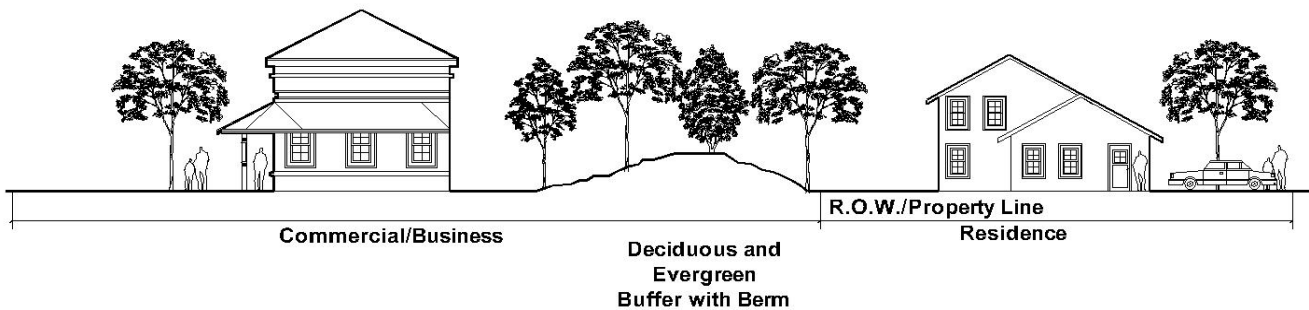
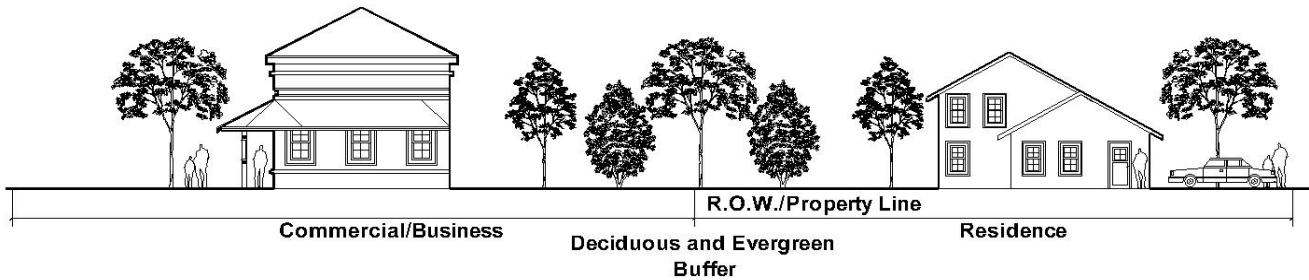
## **Off Street Parking**

Business Highway Districts 1 and 2 (when rear and side parking cannot be provided)

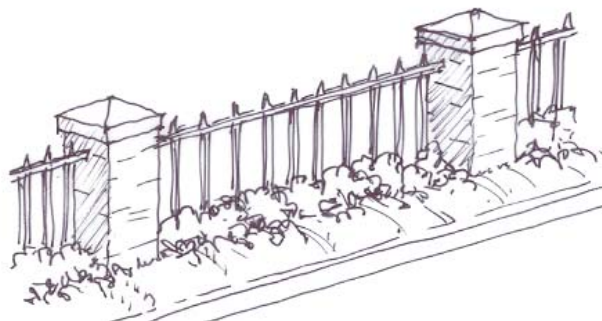
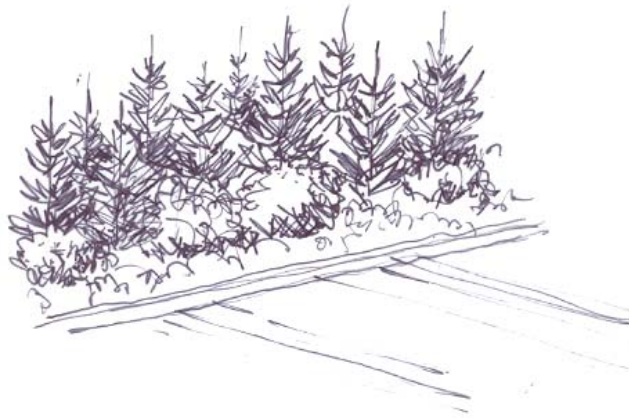
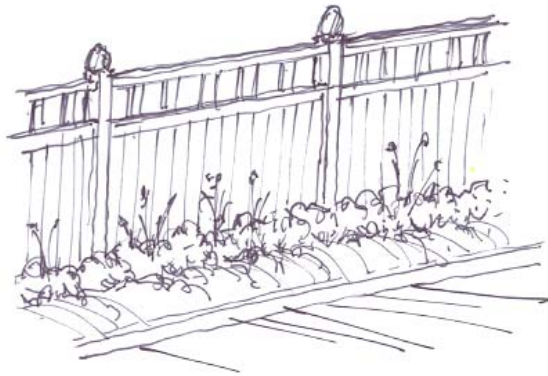
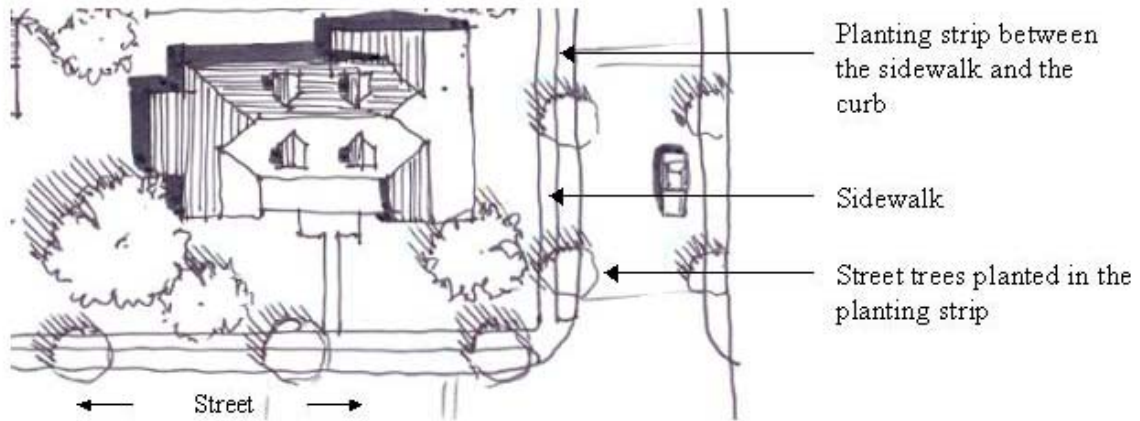


**Examples of Screening and Buffer Techniques** – Mixed Use and Business Highway Districts

Examples of screening and buffers designed to separate business/commercial sites and parking areas from adjoining residential properties

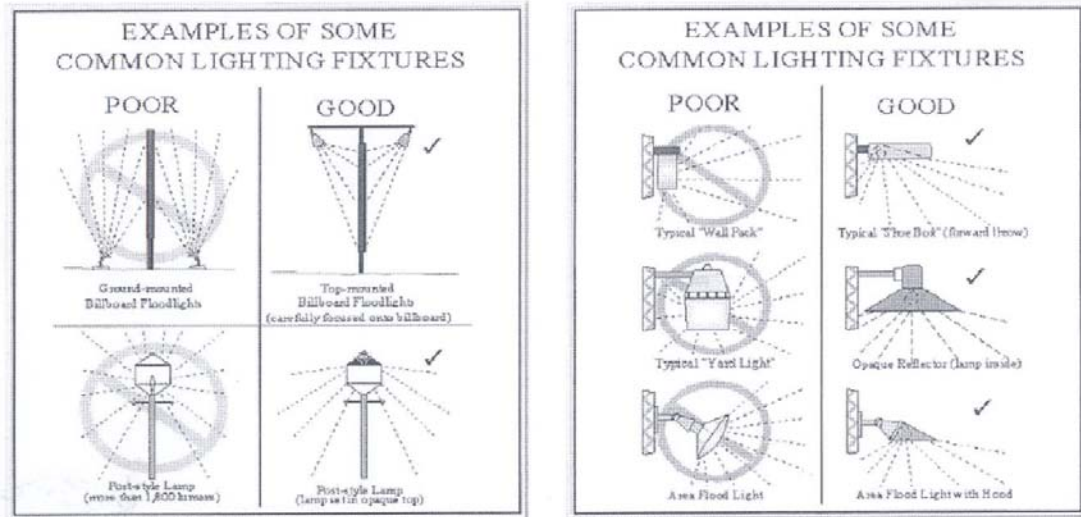






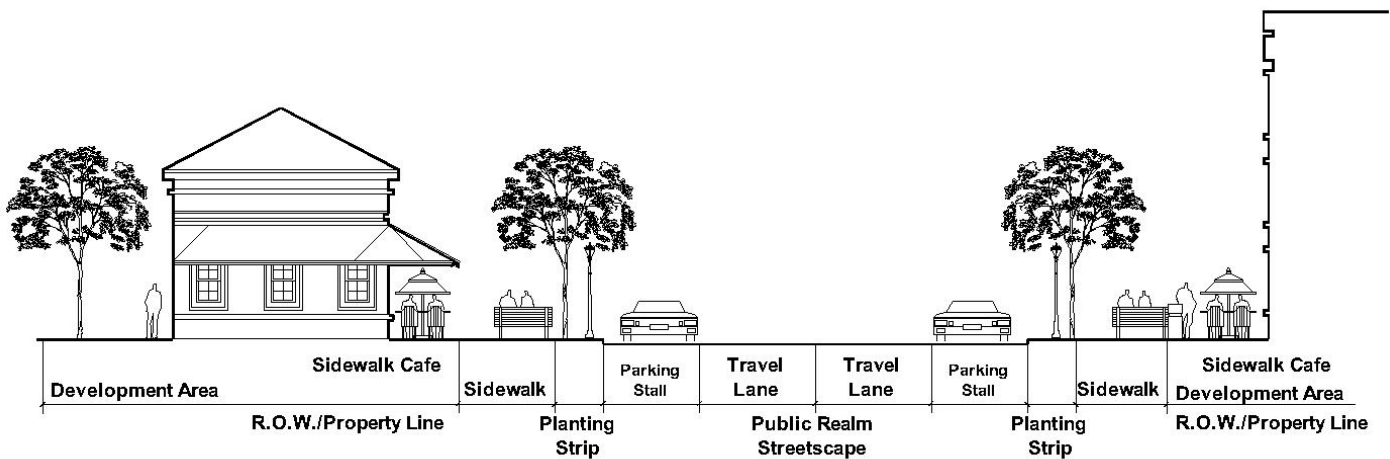


**Lighting** – Mixed Use and Business Highway Districts



**Example of café in front of building**

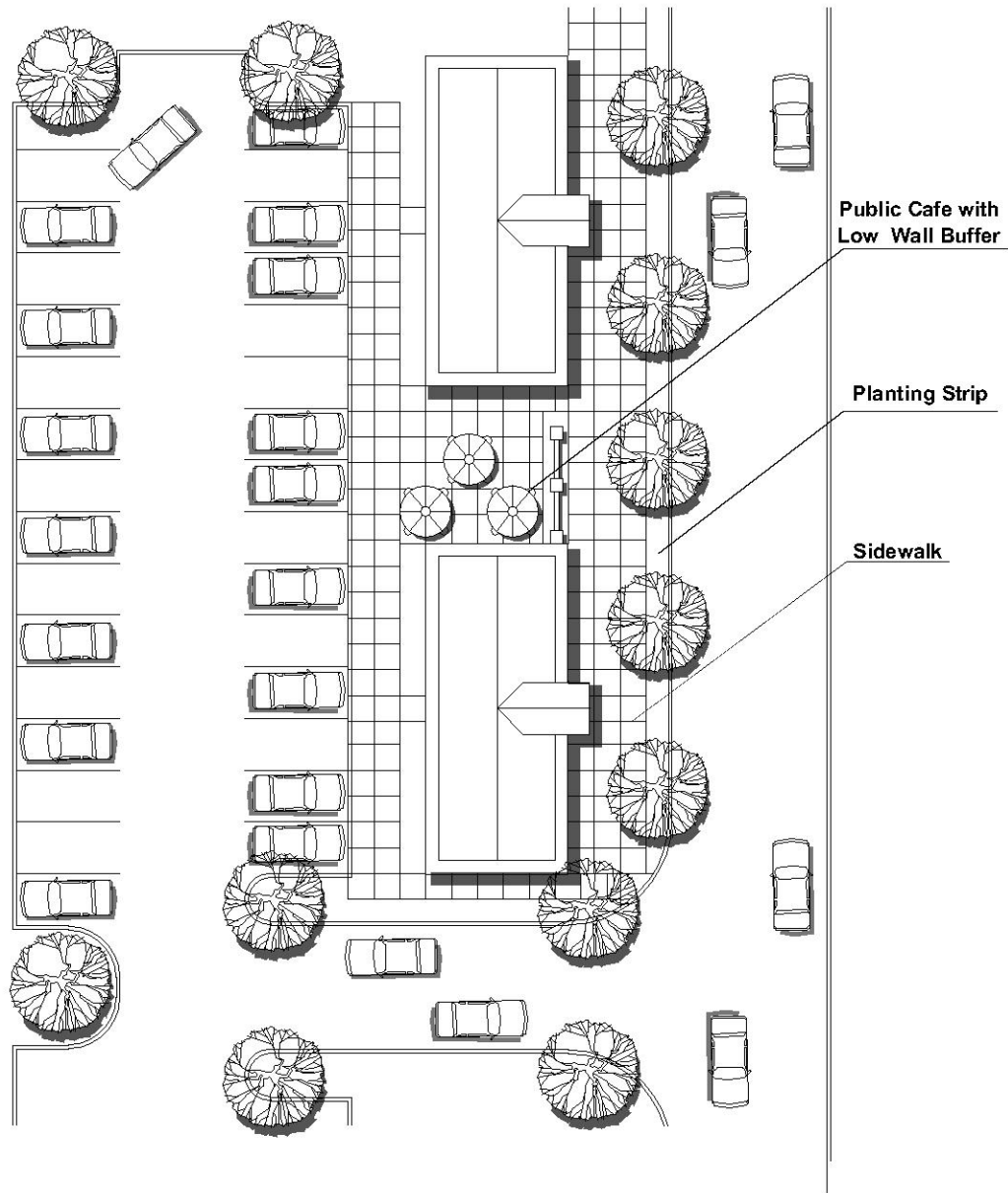
Mixed Use Districts



**Example of café at side of building**

Mixed Use Districts

Business Highway Districts 1 and 2



**Sign Graphics**  
Mixed Use Districts

Business Highway Districts 1 and 2



Freestanding / Monument



Wall Signage

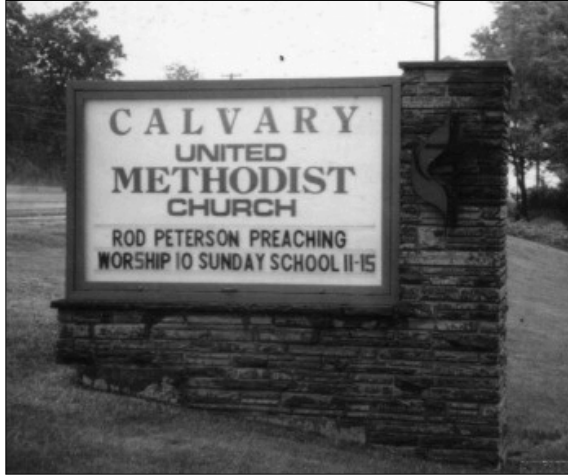


Projecting Signs



Portable A-Frames

**Sign Graphics (continued)**



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**Permanent Changeable Message/Marquee**



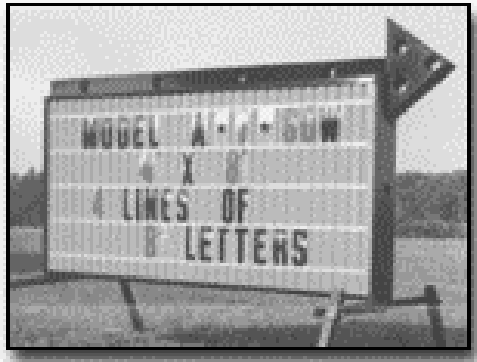
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***Awning/Canopy Signs***

**Sign Graphics (continued)**

Example of Portable Roadside Changeable Message Sign:

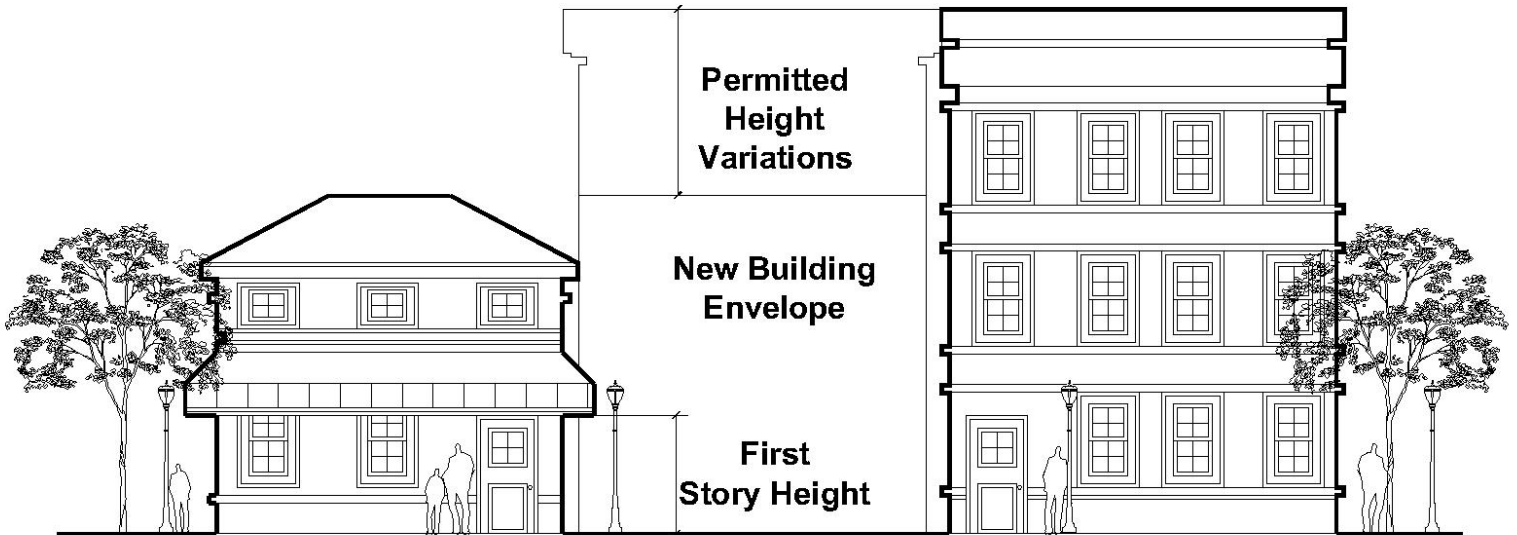
- > Prohibited in the Mixed Use Center Districts
- > Allowed as a two-week temporary sign in the Business Highway Districts



**Building Proportion**

Mixed Use Districts  
Business Highway Districts 1 and 2

**Roof Types**



Mixed Use Districts  
Business Highway Districts 1 and 2







**Pitched Roof with awning at street level**

## **Fenestration**

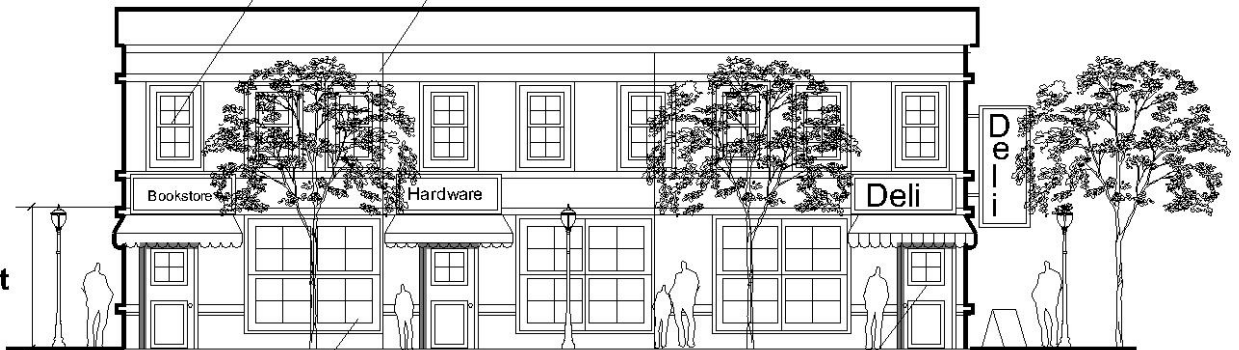
Mixed Use Districts

Business Highway Districts 1 and 2

**Character of 2nd Floor Windows  
Shall Relate to the 1st**

**Small Distinct Building Portions**

**First  
Story Height**

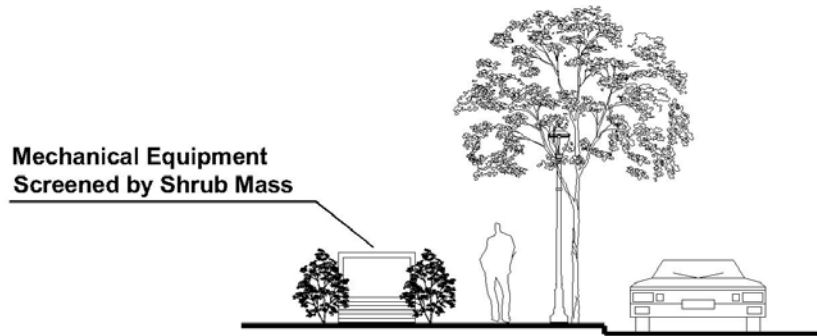
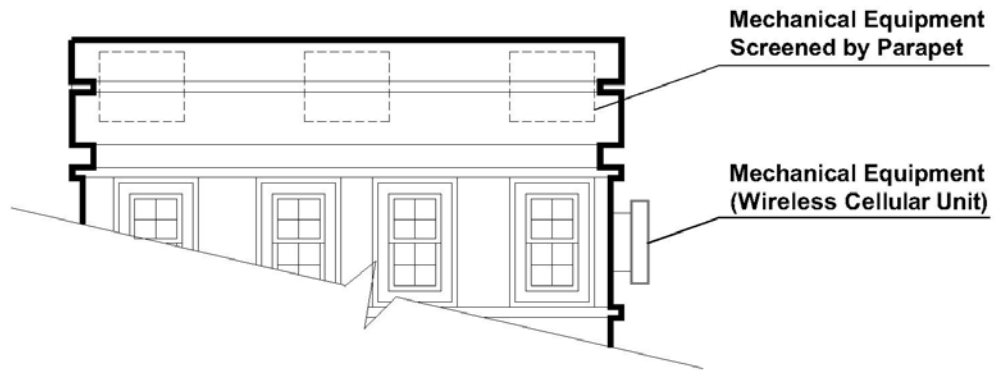


**Building Transparency at Street Level**

**Recessed Door & Window Entries**

## **Specialty Equipment Screening**

Mixed Use Districts  
Business Highway Districts 1 and 2



Specialty Equipment Screening



### **Section 3 Proposed Buffers, Landscaping, and Barriers Site Plan Standards**

### **Section 3: Proposed Buffers, Landscaping, and Barriers Site Plan Standards.**

#### **Proposed Buffers, Landscaping, and Barriers Site Plan Standards.**

A. General Requirements:

1. All buffers, landscaping, and barriers shall comply with the Clear Vision Zone requirements as defined below:
  - a) Where the driveway meets the road, no barrier or hedge shall exceed two-and-one-half (2 ½) feet in height.
  - b) On any corner lot, no obstructions higher than two-and-one-half (2 ½) feet above the center line of the street elevation shall be permitted to be planted, placed, erected, or maintained within the triangular area formed by the intersecting pavement lines, or their projections, where corners are rounded, and a straight line joining the pavement lines at points fifty (50) feet distant from their point of intersection.
  - c) The minimum clear vision zone distance shall be twenty-five (25) feet from the edge of the pavement at an intersection.
2. All buffers, landscaping, and barriers shall be required by the Planning Board in accordance with the purpose, visual nature, noise impacts, and security needs of the proposal.
3. Buffers, landscaping, or barriers shall be maintained in perpetuity by the applicant. If the applicant fails to maintain such property in reasonable order, the Town Council may cause such property to be maintained.

B. Location:

1. Buffers, landscaping, and barriers shall be constructed entirely within the boundaries of a lot.
2. All “fences” and “walls” shall be required to face the finished side toward adjoining lots and/or the street.
3. See Design Standards for graphic depictions of buffer styles and types in the Mixed Use and Business Highway Districts.

## Proposed Buffers, Landscaping, and Barriers Site Plan Standards.

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### C. Standards:

Where a lot is proposed to contain a use listed in the use categories set forth below and abuts a lot containing an existing or approved use, minimum BUFFERS (B), LANDSCAPING, and BARRIERS (**LB**) **shall** be provided for the proposed use as follows:

Use Category	Existing or Approved Residential Use	Existing or Approved General Use	Existing or Approved Business Use	Commercial Parking Lots	Existing or Approved Industrial Use
Proposed Residential Use	1B <b>1LB</b>	2B <b>2LB</b>	3B <b>3LB</b>	3B <b>3LB</b>	3B <b>3LB</b>
Proposed Business Use	3B <b>3LB</b>	2B <b>2LB</b>	1B <b>4LB</b>	1B <b>2LB</b>	2B <b>2LB</b>
Commercial Parking Lots	3B <b>3LB</b>	3B <b>4LB</b>	2B <b>2LB</b>	1B <b>1LB</b>	1B <b>1LB</b>
Proposed Industrial Use	3B <b>3LB</b>	3B <b>3LB</b>	2B <b>2LB</b>	1B <b>1LB</b>	1B <b>4LB</b>

Landscaping materials shall satisfy the following minimum requirements:

- Large deciduous trees: 2” caliper
- Conifers: 6’ high
- Small flowering trees: 1” caliper
- Large shrubs: 30” height
- Small shrubs: 18” height

Intensity # 1- Designed to separate compatible land uses (minimum standards).

1. **BUFFERS (B)**- Minimum side and rear setbacks prescribed in the density control schedule.
1. **LANDSCAPING & BARRIERS (LB)** – No required landscaping or barriers. Except in a Clear Vision Zone, fences, walls, trees, hedges, or shrubs of choice are permitted. Fences or walls shall not exceed a maximum height of six (6) feet above finished grade.

Intensity # 2 – Designed to separate semi-compatible land uses (medium standards).

2. **BUFFERS (B)** -Minimum side and rear setbacks plus fifteen (15) feet.
2. **LANDSCAPING & BARRIERS (LB)**- Except in a Clear Vision Zone, fences and walls, hedges, shrubs and/or under story trees, that at maturity shall be a minimum of six (6) feet in height and one (1) foot wide. Fences and walls shall not exceed a maximum height of eight (8) feet above finished grade.

Intensity # 3 – Designed to separate incompatible land uses (maximum standards).

3. **BUFFERS (B)** Minimum side and rear setbacks plus twenty-five (25) feet.
3. **LANDSCAPING & BARRIERS (LB)** -Except in a Clear Vision Zone, fences and walls, hedges, shrubs, and/or under story trees that at maturity shall be a minimum of eight (8) feet in height and two (2) feet wide. Fences and walls shall not exceed a maximum height of ten (10) feet above finished grade.

Intensity #4 – Designed to give the Planning Board flexibility in unique situations.

4. **LANDSCAPING & BARRIERS (LB)** – Landscaping and barriers shall be decided by the Planning Board in accordance with the purpose, visual nature, and security needs. This can include limiting landscaping and barrier heights to limit visual obstruction.

## ZONING

### APPENDIX

#### Existing Planned Unit Developments

##### EASTLINE COMMONS

##### PLANNING UNIT DEVELOPMENT DISTRICT

[Adopted 9-5-1989 by L.L. No. 4-1989; amended 3-6-2007 by L.L. No. 2-2007<sup>1</sup>]

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 ± acres in the Town of Ballston and is bounded and described as set forth in Appendix A (legal description)<sup>2</sup> and Appendix B (sketch plan)<sup>3</sup>, 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 ± acre parcel into five use areas, with approximately sizes of 4.46 ± acres for Area A, 3.45 ± acres for Area B,

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<sup>1</sup> Editor's Note: This local law also renamed this PUD, which was formerly known as H.R. Schultz Planned Unit Development District.

<sup>2</sup> Editor's Note: : Appendix A is included at the end of this Appendix.

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

## BALLSTON CODE

9.14 ± acres for Area C, 8.06 ± acres for Area D, and 10.06 ± for Area E. The remaining land area is open space of approximately 5.7 ± acres. Development within Area E has been built or has received site plan approval.

- (2) Area A so created shall consist of up to 21 townhouses 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 ± 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 ± 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 21 lots and be limited to the following:
- (1) Two-unit townhouses or condominiums.
  - (2) Senior living communities.
- B. Allowable uses within Area B of Eastline Commons shall include the following:

## ZONING

- (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) Daycare facilities.
  - (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) Daycare facilities.



## BALLSTON CODE

- (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.
- 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

## ZONING

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.<sup>4</sup> 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.
- 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

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

## BALLSTON CODE

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 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 local law 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 \$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 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 Code<sup>5</sup> and Subdivision Regulations<sup>6</sup> 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 Ordinance<sup>7</sup> and the Subdivision Regulations<sup>8</sup> 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.

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<sup>5</sup> Editor's Note: See Ch. 62, Fire Prevention and Building Construction.

<sup>6</sup> Editor's Note: See Ch. 104, Subdivision of Land.

<sup>7</sup> Editor's Note: See Ch. 138, Zoning, Art. XXVI.

<sup>8</sup> Editor's Note: : See Ch. 104, Subdivision of Land.

## ZONING

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 and two-unit townhouses. No further subdivision of either the single-family lots, townhouse 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 without Planning Board approval.
- 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 21 single-family residences, 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 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.



## ZONING

### 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.

## BALLSTON CODE

- 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:

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

	<b>Single-Family Lots (feet)</b>	<b>Townhouse Lots (feet)</b>	<b>Accessory Structures (feet)</b>
Front yard	0	0	N/A
Side yard	10	10	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 the single-family residences will be no less than 60 feet, and the minimum lot width at the building line for the townhouse residences will be no less than 50 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: 15 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.

## ZONING

### 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.
- (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 Ordinance<sup>9</sup> 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

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<sup>9</sup> Editor's Note: See Ch. 138, Zoning.



## BALLSTON CODE

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.
  - (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 XIII 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.

## ZONING

- (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 XI relating to signs.
- (2) Areas C, and D:
  - (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 XI 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.

## BALLSTON CODE

- (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 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

## ZONING

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.
    - [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.

## BALLSTON CODE

- [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.
  - Loading docks, dumpsters and utility service areas, trash receptacles, and storage yards.
- S. Maintenance standards, all areas (A, B, C, and D):

## ZONING

- (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 is strictly prohibited.

## BALLSTON CODE

- (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.

## ZONING

### 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 Ft. 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 Ft. to a point in the westerly line of East Line Road; thence along said westerly line and in a southerly direction about 500 Ft. 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 Ft. 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 Ft. to a point; thence westerly about 85 Ft. to a point; thence northerly about 375 Ft. to a point in the northerly line of said Ferrante; thence along said northerly line N73°-31'-00"W about 135 Ft. 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.





## ZONING

### **CORPORATE TECHNOLOGY PARK PLANNED UNIT DEVELOPMENT DISTRICT [Adopted 3-2-1999 by L.L. No. 2-1999]**

Section 1. Title of the Proposed P.U.D. District. This local Law shall be know 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 A<sup>10</sup> (legal description) and Appendix B<sup>11</sup> (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. [Added 3-6-2007 by L.L. No. 3-2007]
- Public assembly. [Added 3-6-2007 by L.L. No. 3-2007]

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

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<sup>10</sup> Editor's Note: Appendix A follows Section 12.

<sup>11</sup> Editor's Note: Appendix B follows Section 12.

## BALLSTON CODE

- 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.
  - Facilities for the filling of 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 within 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

## ZONING

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.

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 Code<sup>12</sup> and Subdivision Regulations<sup>13</sup> 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

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<sup>12</sup> Editor's Note: See Ch. 62, Fire Prevention and Building Construction.

<sup>13</sup> Editor's Note: See Ch. 104, Subdivision of Land.

## BALLSTON CODE

the procedures of the Town, including but not limited to the Site Plan Review Ordinance<sup>14</sup> and the Subdivision Regulations.<sup>15</sup> 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,"<sup>16</sup> attached hereto, and made a part hereof.

Section 11. The developer shall, in accordance with the Site Plan Review Ordinance<sup>17</sup> and Subdivision Regulations,<sup>18</sup> 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.

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<sup>14</sup> Editor's Note: See Ch. 91, Site Plan Review.

<sup>15</sup> Editor's Note: See Ch. 104, Subdivision of Land.

<sup>16</sup> Editor's Note: Appendix C follows Section 12.

<sup>17</sup> Editor's Note: See Ch. 91, Site Plan Review.

<sup>18</sup> Editor's Note: See Ch. 104, Subdivision of Land.

## ZONING

### Town of Ballston Table of Uses, Area, Frontage and Setback Requirements Hamlet Residential District

[Added 9-30-2003 by L.L. No. 4-2003; amended 1-4-2005 by L.L. No. 1-2005; 6-12-2006 by L.L. No. 5-2006; 9-5-2006 by L.L. No. 6-2006; 2-3-2009 by L.L. No. 3-2009]

Permitted Use	Special Use Permit	Review Board	Minimum Lot Area (square feet)	Minimum Lot Width (feet)	Maximum Building Coverage	Maximum Building Height (feet)	Front Setback (feet)	Side Setback (feet)	Rear Setback <sup>3</sup> (feet)
One-family dwelling and accessory structures without water and sewer			40,000	175	30%	40	60	12 or 1/2 height	15 or height
One-family dwelling and accessory structures with water or sewer <sup>1</sup>			30,000	150	30%	40	60	12 or 1/2 height	15 or height
One-family dwelling and accessory structures with sewer and water			20,000	120	30%	40	60	12 or 1/2 height	15 or height
	Home occupation without water and sewer	ZBA	40,000	175	30%	40	60	12 or 1/2 height	15 or height
	Home occupation with water or sewer <sup>2</sup>	ZBA	30,000	150	30%	40	60	12 or 1/2 height	15 or height
	Home occupation without water and sewer	ZBA	20,000	120	30%	40	60	12 or 1/2 height	15 or height
Agricultural operations without custody of animals									
	Agricultural operations with custody of animals	ZBA							
Traditional neighborhood development		≤ 100 PB > 100 TB	See § 104-14.						
Municipal buildings		Not required to conform to space regulations							
	Two-family dwelling without water and sewer	PB	40,000	175	30%	40	60	12 or 1/2 height	15 or height
	Two-family dwelling with water and/or sewer	PB	40,000	175	30%	40	60	12 or 1/2 height	15 or height
	Community service and place of worship	PB	40,000	175	30%	40	60	12 or 1/2 height	15 or height
	Public park	PB							
	Libraries	PB	40,000	175	30%	40	60	12 or 1/2 height	15 or height
	Museums	PB	40,000	175	30%	40	60	12 or 1/2 height	15 or height
	Education facilities	PB	40,000	175	30%	40	60	12 or 1/2 height	15 or height

**NOTES:**

Any uses not listed are not permitted.

New flag lots permitted in the Rural District only.

<sup>1</sup> In the Watershed Protection Overlay District, one-family dwelling and accessory structures with water or sewer shall have a minimum lot area of 40,000 square feet.

<sup>2</sup> In the Watershed Protection Overlay District, home occupation with water or sewer shall have a minimum lot area of 40,000 square feet.

<sup>3</sup> Rear setback for residential accessory structures ≤ 120 square feet is six feet.

**KEY:**

PB – Planning Board

ZBA – Zoning Board of Appeals

TB – Town Board

## ZONING

### Town of Ballston Table of Uses, Area, Frontage and Setback Requirements Industrial District

[Added 9-30-2003 by L.L. No. 4-2003; amended 6-12-2006 by L.L. No. 5-2006; 9-5-2006 by L.L. No. 6-2006]

Permitted Use	Special Use Permit	Review Board	Minimum Lot Area (square feet)	Minimum Frontage Street (feet)	Maximum Building Coverage	Maximum Building Height (feet)	Front Setback (feet)	Side Setback (feet)	Rear Setback (feet)
Agricultural without animals									
Metal fabrication		PB	40,000	100	40%	40	50	30	30
Laundry and dry cleaning plants		PB	40,000	100	40%	40	50	30	30
Research and development		PB	40,000	100	40%	40	50	30	30
Manufacture		PB	40,000	100	40%	40	50	30	30
Automobile parts		PB	40,000	100	40%	40	50	30	30
Aerospace systems		PB	40,000	100	40%	40	50	30	30
Electrical components and appliances		PB	40,000	100	40%	40	50	30	30
Electronics		PB	40,000	100	40%	40	50	30	30
Microelectronics		PB	40,000	100	40%	40	50	30	30
Water treatment and distribution systems		PB	40,000	100	40%	40	50	30	30
Automation systems (robotics)		PB	40,000	100	40%	40	50	30	30
Data automation and communications		PB	40,000	100	40%	40	50	30	30
Information processing		PB	40,000	100	40%	40	50	30	30
Medical systems and equipment		PB	40,000	100	40%	40	50	30	30
Video systems		PB	40,000	100	40%	40	50	30	30
Environmental control		PB	40,000	100	40%	40	50	30	30
Warehousing and distribution centers less than 20,000 square feet		PB	40,000	100	40%	40	50	30	30
Wood products processing		PB	40,000	100	40%	40	50	30	30
Office buildings and support services for above industries		PB	40,000	100	40%	40	50	30	30
Printing, lithographing or publishing plant		PB	40,000	100	40%	40	50	30	30
Packaging industry		PB	40,000	100	40%	40	50	30	30
Broadcasting studio		PB	40,000	100	40%	40	50	30	30
Public utility substation		PB	40,000	100	40%	40	50	30	30
Textile industry		PB	40,000	100	40%	40	50	30	30
Food products preparation		PB	40,000	100	40%	40	50	30	30
Machine tools and machinery parts manufacturing		PB	40,000	100	40%	40	50	30	30
Bottling works		PB	40,000	100	40%	40	50	30	30
Stone or monument works		PB	40,000	100	40%	40	50	30	30
Cold storage plant									
Telephone exchange		PB	40,000	100	40%	40	50	30	30

## BALLSTON CODE

Permitted Use	Special Use Permit	Review Board	Minimum Lot Area (square feet)	Minimum Frontage Street (feet)	Maximum Building Coverage	Maximum Building Height (feet)	Front Setback (feet)	Side Setback (feet)	Rear Setback (feet)
	Agricultural with animals	ZBA							
	Warehousing and distribution centers more than 20,000 square feet	PB	40,000	100	40%	40	50	30	30
	Fuel, gasoline, oil storage tanks	PB	40,000	100	40%	40	50	30	30
	Energy systems	PB	40,000	100	40%	40	50	30	30
	Truck terminals	PB	40,000	100	40%	40	50	30	30
	Storage and repair of heavy equipment	PB	40,000	100	40%	40	50	30	30
	Junkyards	PB	40,000	100	40%	40	50	30	30
	Retail	PB	40,000	100	40%	40	50	30	30
	Adult-oriented businesses	PB	40,000	100	40%	40	50	30	30

**NOTES:**

All new uses and structures (new and additions) require site plan review by the Planning Board.

Any uses not listed are not permitted.

New flag lots permitted in the Rural District only.

**KEY:**

PB: Planning Board.

ZBA: Zoning Board of Appeals.

TB: Town Board.



## ZONING

### **KATZ CORPORATE PARK PLANNED UNIT DEVELOPMENT DISTRICT [Adopted 3-2-1999 by L.L. No. 3-1999]**

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),<sup>1</sup> 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 of 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.

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<sup>1</sup> Editor's Note: Appendix A and Appendix B are on file in the town offices.

## BALLSTON CODE

- 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.
- 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 within 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

## ZONING

Building Code<sup>2</sup> and Subdivision Regulations<sup>3</sup> 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 Ordinance<sup>4</sup> and the Subdivision Regulations.<sup>5</sup> No use shall be permitted except as approved by the Planning Board as being in conformity with this ordinance.

Section 11. The developer shall, in accordance with the Site Plan Review Ordinance<sup>6</sup> and Subdivision Regulations,<sup>7</sup> 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:

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<sup>2</sup> Editor's Note: See Ch. 62, Fire Prevention and Building Construction.

<sup>3</sup> Editor's Note: See Ch. 104, Subdivision of Land.

<sup>4</sup> Editor's Note: See Ch. 91, Site Plan Review.

<sup>5</sup> Editor's Note: See Ch. 104, Subdivision of Land.

<sup>6</sup> Editor's Note: See Ch. 91, Site Plan Review.

<sup>7</sup> Editor's Note: See Ch. 104, Subdivision of Land.

## BALLSTON CODE

- 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.
  - 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.

## ZONING

- 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' of front yard and 30' of side and yard line. Property line setbacks for each lot will be:

Front yard: 50'

Side yard: 30'

Rear yard: 30'

#### 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.

#### 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:

## BALLSTON CODE

- 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 3' 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' of frontage planted within lot property line.
- ii) Minimum caliper for major trees shall be 2" to 2 1/2" caliper (determined at breast height).
- iii) Minimum height for evergreen trees shall be 5' to 6'.
- 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.

## ZONING

- 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 2" diamond mesh opening).

## BALLSTON CODE

- 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.
- 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.<sup>8</sup>

### 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.

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<sup>8</sup> Editor's Note: See Ch. 138, Zoning.



## ZONING

- 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' (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.
- 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 3 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 3 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:

## BALLSTON CODE

- 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 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

## ZONING

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 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 twelve 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.

# ZONING

**Town of Ballston**  
**Table of Uses, Area, Frontage and Setback Requirements**  
**Mixed Use Center Ballston Lake District**  
 [Added 6-12-2006 by L.L. No. 5-2006; amended 9-5-2006 by L.L. No. 6-2006; 2-3-2009 by L.L. No. 3-2009]

Permitted Use	Special Use Permit	Structure Size (square feet)	Minimum Lot Area (square feet)	Minimum Lot Width (feet)	Maximum Building Coverage	Maximum Building Height (feet)	Front Setback (feet)	Side Setback (feet)	Rear Setback (feet) <sup>3</sup>
One-family dwelling and accessory structures without water and sewer			40,000	175	30%	40	60	12 or ½ height	15 or height
One-family dwelling and accessory structures with water or sewer <sup>1</sup>			30,000	150	30%	40	60	12 or ½ height	15 or height
One-family dwelling and accessory structures with sewer and water			20,000	120	30%	40	60	12 or ½ height	15 or height
	Home occupation without water and sewer [ZBA]		40,000	175	30%	40	60	12 or ½ height	15 or height
	Home occupation with water and sewer [ZBA] <sup>2</sup>		30,000	150	30%	40	60	12 or ½ height	15 or height
	Home occupation with water and sewer [ZBA]		20,000	120	30%	40	60	12 or ½ height	15 or height
Municipal buildings	Not required to conform to space regulations								
Agriculture without animals									
	Agriculture, with animals [ZBA]								
Two-family dwellings		Site plan review–PB: 2 to 6 units; < 1 acre							
Multiple dwellings (three dwelling units or more)		Special permit and site plan–PB: 6 to 45 units; 1 to 8 acres PUDD–TB: > 45 units; > 8 acres Refer to Article X.							

## BALLSTON CODE

Permitted Use	Special Use Permit	Structure Size	Minimum Lot Area (square feet)	Minimum Lot Width (feet)	Maximum Building Coverage	Maximum Building Height (feet)	Front Setback (feet)	Side Setback (feet)	Rear Setback (feet) <sup>3</sup>
Art gallery		Site plan review–PB: 0 to 10,000 square feet; < 1 acre  Site plan review and special use permit–PB: 10,000 to 20,000 square feet; 1 to 4 acres; up to 150 linear feet PUDD–TB: > 20,000 square feet; > 150 linear feet; > 4 acres Refer to Article X.	See Chapter 138 and Design Standards.						
Offices									
Retail sales									
Banks									
Personal service: barber, beauty salon									
	Community service and place of worship	Site plan review and special use permit–PB: 0 to 20,000 square feet; 1 to 4 acres; up to 150 linear feet PUDD–TB: > 20,000 square feet; > 150 linear feet; > 4 acres Refer to Article X.	See Chapter 138 and Design Standards.						
	Restaurant								
	Motel								
	Light manufacturing								
	Automobile service								
	Mixed use structures								
	Drive-in/drive-through								
	Convenience stores with gas sales								
	Convert existing residential use to permitted use								
	Bed-and-breakfast								
	Funeral home								

**NOTES:**

Any uses not listed are not permitted.

New flag lots permitted in the Rural District only.

<sup>1</sup> In the Watershed Protection Overlay District, one-family dwelling and accessory structures with water or sewer shall have a minimum lot area of 40,000 square feet.

<sup>2</sup> In the Watershed Protection Overlay District, home occupation with water or sewer shall have a minimum lot area of 40,000 square feet.

<sup>3</sup> Rear setback for residential accessory structures ≤ 120 square feet is six feet.

**KEY:**

PB: Planning Board

ZBA: Zoning Board of Appeals

TB: Town Board

## ZONING

**Town of Ballston**  
**Table of Uses, Area, Frontage and Setback Requirements**  
**Mixed Use Center North District**  
**[Added 6-12-2006 by L.L. No. 5-2006; amended 9-5-2006 by L.L. No. 6-2006]**

Permitted Use	Special Use Permit	Structure Size	Minimum Lot Area (square feet)	Minimum Lot Width (feet)	Maximum Building Coverage	Maximum Building Height (feet)	Front Setback (feet)	Side Setback (feet)	Rear Setback (feet)
	Home occupation without water and sewer [ZBA]	New one-family not permitted	40,000	175	30%	40	60	12 or ½ height	15 or height
	Home occupation with water and sewer [ZBA]	New one-family not permitted	30,000	150	30%	40	60	12 or ½ height	15 or height
	Home occupation with water and sewer [ZBA]	New one-family not permitted	20,000	120	30%	40	60	12 or ½ height	15 or height
Municipal buildings	Not required to conform to space regulations								
Agriculture without animals									
	Agriculture, with animals [ZBA]								
2-family dwellings		Site plan review–PB: 2 to 8 units; less than 1 acre	See Chapter 138 and Design Standards.						
Multiple dwellings (three dwellings units or more)		Special permit and site plan–PB: 8 to 64 units; 1 to 8 acres							
		PUDD–TB more than 64 units; more than 8 acres							
		Refer to Article X							
Art gallery		Site plan review–PB:							
Clubs, lodges		0 to 20,000 square feet; less than 1 acre							
Bakery									
Drugstore		Site plan review and special use permit–PB:							
Offices		20,000 to 90,000 square feet; 1 to 8 acres; less than or equal to 300 linear feet (bld.)							
Printing, publishing, photography, software		PUDD–TB:							
Retail sales		more than 90,000 square feet; more than 300 linear feet (bld.);							
Millwork, cabinet making		more than 8 acres							
Personal service: barber, beauty salon		Refer to Article X.							
Banks									
Training and instructional classrooms									

## BALLSTON CODE

Permitted Use	Special Use Permit	Structure Size	Minimum Lot Area (square feet)	Minimum Lot Width (feet)	Maximum Building Coverage	Maximum Building Height (feet)	Front Setback (feet)	Side Setback (feet)	Rear Setback (feet)
	Nursing home	Site plan review and special use permit–PB: 0 to 90,000 square feet; less than 8 acres; less than or equal to 300 linear feet (bld.);  PUDD–TB: More than 90,000 square feet; more than 300 linear feet (bld.); more than 8 acres  Refer to Article X.	See Chapter 138 and Design Standards.						
	Senior living communities								
	Physical health establishment								
	Restaurant								
	School, private								
	Motel								
	Light manufacturing								
	Commercial greenhouse								
	Automobile sales, service								
	Recreation, indoor/outdoor								
	Mixed-used structures								
	Drive-in services								
	Convenience stores with gas sales								
	Convert existing residential use to permitted use								
	Hospital								
	Self storage								
	Bed-and-breakfast								
	Beverage/recycling center								
	Community residence								
	Day-care facilities								
	Funeral home								
	Health-care facilities								
	Veterinary clinic without boarding								
	Research and development (flex-tech)								
	Museum								
	Community service and place of worship								

**NOTES:**

Any uses not listed are not permitted.

New flag lots permitted in the Rural District only.

**KEY:**

PB: Planning Board.

ZBA: Zoning Board of Appeals.

TB: Town Board.

## ZONING

**Town of Ballston**  
**Table of Uses, Area, Frontage and Setback Requirements**  
**Mixed Use Center South District**  
**[Added 6-12-2006 by L.L. No. 5-2006; amended 9-5-2006 by L.L. No. 6-2006; 2-3-2009 by L.L. No. 3-2009]**

Permitted Use	Special Use Permit	Structure Size (square feet)	Minimum Lot Area (square feet)	Minimum Lot Width (feet)	Maximum Building Coverage	Maximum Building Height (feet)	Front Setback (feet)	Side Setback (feet)	Rear Setback (feet)
	Home occupation without water and sewer [ZBA]	New one-family not permitted	40,000	175	30%	40	60	12 or ½ height	15 or height
	Home occupation with water or sewer [ZBA] <sup>1</sup>	New one-family not permitted	30,000	150	30%	40	60	12 or ½ height	15 or height
	Home occupation with water and sewer [ZBA]	New one-family not permitted	20,000	120	30%	40	60	12 or ½ height	15 or height
Municipal buildings	Not required to conform to space regulations								
Agriculture without animals									
	Agriculture, with animals [ZBA]								
Two-family dwellings		Site plan review–PB: 2 to 6 units; < than 1 acre Special permit and site plan–PB: 6 to 48 units; 1 to 8 acres PUDD–TB: > 48 units; > 8 acres Refer to Article X.	See Chapter 138 and Design Standards.						
Multiple dwellings (three dwelling units or more)									
Art gallery									
Clubs, lodges									
Bakery									
Drug store									
Offices									
Printing, publishing, photography, software									
Retail sales									
Millwork, cabinet making									
Personal service: barber, beauty salon									
Banks									
Training and instructional classrooms									



## ZONING

Permitted Use	Special Use Permit	Structure Size (square feet)	Minimum Lot Area (square feet)	Minimum Lot Width (feet)	Maximum Building Coverage	Maximum Building Height (feet)	Front Setback (feet)	Side Setback (feet)	Rear Setback (feet)
	Nursing home	<p>Site plan review and special use permit–PB: 0 to 60,000 square feet; &lt; 8 acres; ≤ 300 linear feet (bld.);</p> <p>PUDD–TB: &gt; 60,000 square feet; &gt; 300 linear feet (bld.); &gt; 8 acres Refer to Article X.</p>	See Chapter 138 and Design Standards.						
	Senior living communities								
	Physical health establishment								
	Restaurant								
	School, private								
	Motel								
	Light manufacturing								
	Commercial greenhouse								
	Automobile sales, service								
	Recreation, indoor/outdoor								
	Mixed-use structures								
	Drive-in services								
	Convenience stores with gas sales								
	Convert existing residential use to permitted use								
	Hospital								
	Self storage								
	Banks								
	Bed-and-breakfast								
	Beverage/recycling center								
	Community residence								
	Day-care facilities								
	Funeral home								
	Health-care facilities								
	Veterinary clinic without boarding								
	Research and development (flex-tech)								
	Museum								
	Community service and place of worship								

**NOTES:**

Any uses not listed are not permitted.

New flag lots permitted in the Rural District only.

<sup>1</sup> In the Watershed Protection Overlay District, home occupation with water or sewer shall have a minimum lot area of 40,000 square feet.

**KEY:**

PB: Planning Board

ZBA: Zoning Board of Appeals

TB: Town Board

## ZONING

### Town of Ballston Table of Uses, Area, Frontage and Setback Requirements Rural District

[Added 9-30-2003 by L.L. No. 4-2003; amended 6-1-2004 by L.L. No. 3-2004;  
1-4-2005 by L.L. No. 1-2005; 6-12-2006 by L.L. No. 5-2006; 9-5-2006 by L.L. No. 6-2006; 2-3-2009 by L.L. No. 3-2009]

Permitted Use	Special Use Permit	Review Board	Minimum Lot Area (square feet)	Minimum Lot Width Build Line	Maximum Building Coverage	Maximum Building Height (feet)	Front Setback (feet)	Side Setback (feet)	Rear Setback (feet) <sup>3</sup>
One-family dwelling without water or sewer			80,000	175	30%	40	60	15 or height	15 or height
One-family dwelling with water or sewer <sup>1</sup>			40,000	175	30%	40	60	15 or height	15 or height
Municipal buildings		Not required to conform to space regulations							
Agricultural uses ( with or without animals)									
Conservation subdivisions		PB	See § 138-10.3 and Chapter 104.						
	Home occupations without water and sewer	ZBA	80,000	175	30%	40	60	15 or height	15 or height
	Home occupations with water or sewer	ZBA	40,000	175	30%	40	60	15 or height	15 or height
	Education facilities	PB	80,000	175	30%	40	60	15 or height	15 or height
	Libraries	PB	80,000	175	30%	40	60	15 or height	15 or height
	Community service and place of worship	PB	80,000	175	30%	40	60	15 or height	15 or height
	Mobile home park	PB	Article XVIII						
	Outdoor recreation	PB							
	Airfields	PB							
	Sawmills	PB	80,000		30%	40	60	15 or height	15 or height
	Sales and service of farm equipment	PB	80,000		30%	40	60	15 or height	15 or height
	Cemeteries	PB							
	Campgrounds and parks	PB							
	Veterinary hospital with boarding kennel	PB	80,000	175	30%	40	60	15 or height	15 or height
	Boarding kennel	PB	80,000	175	30%	40	60	15 or height	15 or height

#### NOTES:

Any uses not listed are not permitted.

New flag lots permitted in the Rural District only per § 104-12E.

<sup>1</sup> In the Watershed Protection Overlay District, the minimum lot size of 40,000 square feet for a one-family dwelling with water or sewer is not permitted. A lot size of 40,000 square feet is permitted with water and sewer.

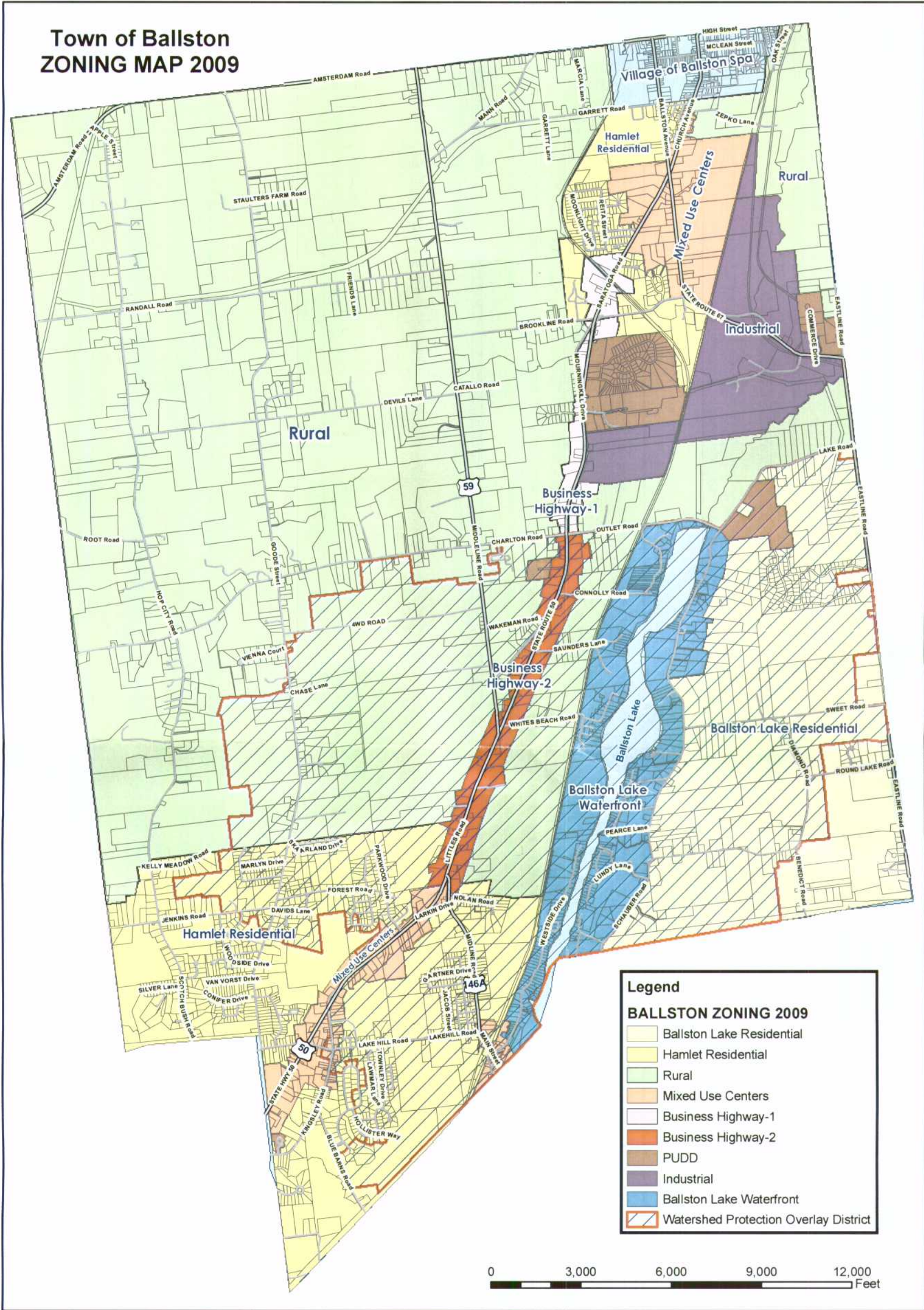
<sup>2</sup> In the Watershed Protection Overlay District, the minimum lot size of 40,000 square feet for home occupations with water or sewer is not permitted. A lot size of 40,000 square feet is permitted with water and sewer.

<sup>3</sup> Rear setback for residential accessory structure ≤ 120 square feet is six feet.

KEY: PB: Planning Board      ZBA: Zoning Board of Appeals      TB: Town Board



# Town of Ballston ZONING MAP 2009



March 26, 2009, CH  
Zoning\_2009.mxd

Town of Ballston

**C.T. Male Associates, P.C.**  
50 Century Hill Drive, Latham, NY 12110  
Phone: 518-786-7400 Fax: 518-786-7299



## Zoning Map 2009

Saratoga County, NY

Scale: 1 inch = 3,000 feet  
Project Number: 09.9060  
Data Source: CUGIR, Saratoga County RPS, Census,  
C.T. Male 2003 Zoning Map; Town of Ballston  
Projection: State Plane NAD83 New York East Ft.