

## 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.

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### 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.

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- 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:

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- 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.

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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.

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### 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.

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- B. No activities shall be permitted which produce electrical and/or electromagnetic disturbances affecting the operation of any equipment other than that of the creator of such disturbance.

### 9. Air Emissions.

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,

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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.