

## 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.

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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.

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



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- 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

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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

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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.

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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.



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### **Appendix C Restrictive Covenants for Beacon Hill**

1. General Purpose of Conditions. The Declarant, New York Development Group, LLC., created these Restrictive Covenants, which are intended to ensure the continuing appreciation of property values through the creation of an aesthetically pleasing and harmonious environment for Beacon Hill. They address a full spectrum of site and facility planning, design, landscaping, operation and maintenance.
2. Site and Building. All development plans within Beacon Hill shall be submitted for approval to the Town of Ballston Planning Board prior to construction. Minimum submittals for approval shall be as follows:
  - A. Site plan, including proposed parking lots, curbing, landscape materials, easements, building footprint, setbacks, buffers, surface drainage, sewer, water, gas, other utilities, stormwater system, accessory buildings, lighting, signage and other site amenities.
  - B. Plans and details to control site work for Area B, including:
    - Plant materials
    - Handicapped access
    - Special Pavers
    - Concrete walks and asphalt pavements
    - Curbs and walls
    - Utilities, site lighting
    - Dumpster enclosures, trash receptacles
    - Steps and railings
    - Signs, flags and seating
    - Screens, fences and gates
  - C. Exterior building elevations for Area B (including accessory structures) showing all building facades, colors, materials for facades, roof and parapets, and mechanical equipment locations and screens.
  - D. Floor plans showing main entrance, loading areas and handicapped accessibility for Area B.
  - E. All proposed structures and site developments shall be designed to meet the spirit of these covenants as well as the specific requirements contained herein.
3. Site Restrictions.

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### 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.

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### 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.

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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.

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- 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.

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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.

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### 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.

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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.



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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

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

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### 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.

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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

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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.

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

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- (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.

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- (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.

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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.



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- 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.

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- 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.

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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.

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### **Appendix A** **Legal Description for Stonebridge**

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

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

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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.

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### Appendix C

#### **Declaration of Covenants and Restrictions for Stonebridge**

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

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	<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.

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- c. All sidewalks shall be concrete or brick pavers and shall be maintained by the property owner whose property abuts the public sidewalk or by the community H.O.A. Should the property owner or H.O.A. not remove the snow within 72 hours of the end of a snow storm, the Ballston DPW will clear the snow and bill the property owner or H.O.A.
    - d. Crosswalks: Intersections of sidewalks with streets shall be clearly marked with contrasting paving materials at the edges or with striping.
  - 2. Area A.
    - a. Sidewalks and walkways in residential areas shall be a minimum width of 3-5 feet, depending on projected pedestrian traffic, and shall connect dwelling entrances to the adjacent public sidewalk or walkway.
  - 3. Area B.
    - a. Sidewalks and walkways in mixed use areas shall be clear and well-lighted and shall connect building entrances to the adjacent public sidewalk and to associated parking areas. Such sidewalks shall be a minimum of 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.



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### 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.

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- 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:

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- 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.

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- 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

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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.

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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.

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- 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.

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- 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.



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- 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.