

THIS DOCUMENT CONTAINS A LIST OF ORDINANCES THAT WERE APPROVED BY THE TOWN BOARD DURING JUNE 2006 AND SEPTEMBER 2006. THIS DOCUMENT IS NOT INTENDED TO PROVIDE A COMPLETE LISTING OF CODE REQUIREMENTS. THIS DOCUMENT IS INTENDED TO LIST REVISED ORDINANCES ONLY.

THIS DOCUMENT MUST BE SUPPLEMENTED BY THE COMPLETE TOWN ORDINANCES LAST REVISED IN 2003.
TOWN CODE

1. Article II, § 104-6 (“Definitions”) of Chapter 104 (“Subdivision of Land”) of the Town of Ballston Code is hereby amended as follows:

A. The definition of the term “Minor Subdivision” is hereby amended to read as follows:

Minor Subdivision: Any division of a parcel of land into not more than four (4) lots that also meets the following prerequisites: (1) said parcel must not have been previously subdivided, or have been part of a subdivision, for a minimum of a five-year period prior to the submission of the application for a minor subdivision; (2) each of the proposed lots must have at least the minimum lot size as required by the Zoning Law; (3) each lot must front on an existing public street; and (4) the proposed subdivision must not involve any new street or road or the extension of municipal facilities. The remaining portion of the original or parent parcel shall be considered as a lot and included as one (1) of the four (4) lots comprising the subdivision.

B. The reference to “three-year period” in the second sentence of the definition of the term “Major Subdivision” is hereby changed to “five-year period”.


C. The definition of the term “Parcel” is hereby replaced to read as follows: Any tract or piece of land that is described in a deed of conveyance recorded in the Saratoga County Clerk’s office and for which a tax map parcel identification number has been assigned.

D. The following terms and their respective definitions are added as follows:

Comprehensive Plan. The Town of Ballston Comprehensive Plan, dated December 2005, and adopted by the Town Board on June 12, 2006.

Traditional Neighborhood Design (or “TND”). A set of design standards applied to subdivisions and developments in the Hamlet and Ballston Lake Residential Districts for the purpose of promoting pedestrian friendly and compact residential neighborhoods.

Conservation Subdivision. A subdivision that varies the dimensional zoning requirements in order to promote flexibility of lot design and layout for the purposes of conserving open



space and enhancing rural character. This type of subdivision is also referred to as a 'cluster development or subdivision' and is authorized pursuant to Town Law § 278.

Flag Lot. A lot so shaped and designed that the main portion of the lot is set back from the street or road on which it fronts and is situated behind one or more lots and is connected to such frontage road or street only by means of a narrow strip of land.

Frontage (also 'road frontage' or 'street frontage'). The distance along which a lot adjoins a road or street at the right of way line. A road or street which provides frontage may be a State, County or Town road or a private road or street that has been approved by the Planning Board as part of a subdivision plat.

Open Space. Any land or area, the preservation of which in its present state or use would: (1) conserve and enhance natural or scenic resources; or (2) protect streams or water supply; or (3) promote conservation of soils, farmland, wetlands; or (4) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations, or sanctuaries; or (5) enhance recreation opportunities.

2. Article IV (“General Design Requirements”) of Chapter 104 (“Subdivision of Land”) of the Town of Ballston Code is hereby amended in its entirety to read as follows:

Article IV
Subdivision Design Requirements

§ 104-11. Introduction; Compliance.

This Article sets forth general design requirements for all subdivisions no matter where they are located as well as specific design requirements for certain subdivisions depending on their type or Zoning District location. The subdivision applicant shall observe and design the proposed subdivision, and the Planning Board shall review and make decisions on the proposed subdivision, in accordance with the following requirements as applicable.

§ 104-12. General Design Requirements.

The requirements set forth in this section shall apply to all subdivisions located in any area of the Town.

A. Character of Land

Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace.

B. Conformity to Zoning Law

Subdivisions shall conform to the Zoning Law. In case of a conflict between this local law and the Zoning Law, the Zoning Law shall control.

C. Preservation of Existing Features

The Planning Board shall, wherever practical, require preservation of all existing features which are important to the natural, scenic, rural and historic character of the Town or which add value to residential development, such as large trees or groves, watercourses, waterfalls, beaches, scenic views, historic places, and similar irreplaceable assets. The Planning Board may impose restrictions designed to preserve such features, including the limitation of structures to designated building envelopes or the delineation of areas where building or site alteration is prohibited, as a condition of subdivision approval. Development shall be designed to minimize disturbance to the existing landscape.

D. Lots [insert existing § 104-15 here]

E. Flag Lots. The Planning Board in its discretion may approve the inclusion of one or more flag lots within any proposed Minor Subdivision. Flag lots shall not be permitted in Major

Subdivisions. In making its determination of allowing the inclusion of flag lots, the Planning Board will review the general design and configuration of the subdivision, the site topography and impact on adjoining properties along with those proposed in the subdivision in order to ensure that the flag lot is properly designed. Flag lots shall only be allowed in the Rural District and shall have a minimum lot size of 2 acres with a minimum frontage access of 60 feet, taken at the highway line. Where shared driveway access is proposed, the minimum frontage shall allow an aggregate minimum of 60' with no individual parcel having less than 20. For any subdivision that proposes to include a flag lot, all housing envelopes must be shown on the plat and the flag lot housing envelope must be at a minimum of 150 feet from any other proposed housing envelope or existing house and a minimum front yard setback of 100 feet, taken at the closest rear yard property line of the abutting parcel(s). Flag lots may be approved with or without shared driveways.

- F. Easements [insert existing § 104-13 here]
- G. Streets [insert existing § 104-12 here]
- H. Public Sites and open spaces [insert existing § 104-17 here]
- I. Street trees [insert existing § 104-16 here]
- J. Specifications for Required Improvements

All required infrastructure improvements shall be constructed or installed to conform to applicable Town specifications established by the Town Board or obtained from the Town Engineer.

- K. Completion of Improvements. No lot shall be conveyed and no building permit shall be issued for any lot within a subdivision in which a new road or street, or other infrastructure, is proposed until such road, street or infrastructure is completed, inspected and approved by the Building Department.
- L. Character of the Development

In making any determination regarding streets, parks, and other required improvements, the Planning Board shall take into consideration the character and intensity of the development as well as the lands surrounding the proposed subdivision.

- M. Reserve Strips
Reserve strips of land that may prevent access from any portion of a subdivided property to streets or adjoining property shall not be permitted, unless the Planning Board finds such strips to be necessary for the protection of public health or safety. Reserve strips of

land or easements for the purpose of future connections with other tracts of land or for future accommodation for blocks, roads, pedestrian or bike paths, may be required where appropriate.

N. Open Space System

Existing natural features and open space resources shall be identified and connected in a coherent open space system that maintains to the maximum extent practical the integrity of ecosystems, watersheds, wildlife corridors, and other environmental resources.

O. Emergency Service Compliance. Compliance with 911 emergency requirements for posting lot or building 911 numbers shall be required for all driveways and lots. All shared driveways or private roads shall provide a minimum road width every 500 feet that is 20 foot wide by 40 foot long after review by the Town Engineer, for emergency vehicles.

P. Stormwater Management. A stormwater pollution prevention plan (SWPPP) consistent with the requirements of Articles 1 and 2 of Chapter 91 (entitled “Stormwater Management”) of the Town Code shall be required prior to, or as a condition of, Final Plat approval. The SWPPP shall meet the performance and design criteria and standards in Article 2 of Chapter 91. The layout and features of the Plat must also be consistent with the provisions of Chapter 91.

§ 104-13. Rural Development Guidelines

The following design guidelines apply to all subdivisions in the Rural Zoning Districts of the Town and should be implemented by the Applicant and recommended by the Planning Board wherever feasible. The purpose of these design guidelines is to maintain and enhance the rural features existent in the aforesaid Districts.

- a. Existing stone walls, hedgerows and mature tree lines should be preserved and utilized, for establishment of lot lines and considered in the lot layout.
- b. The placement of buildings should be located in such a manner as to avoid placement in the middle of open fields to the extent feasible. Building locations should be encouraged at the edges of fields or in cleared areas next to fields wherever practical.
- c. Buildings should be located where existing vegetation and/or topography provides a natural buffer and screening from roads and neighboring properties.
- d. Clearing of vegetation and trees along roads should be minimized as much as possible so long as adequate site distances for driveways are maintained. The use of curves in driveways should be encouraged to screen buildings so long as right-angle

intersections with roads are maintained.

- e. Buildings *should* be sited so that existing vegetation and topography can be used as a background or integrated into the building design to reduce the prominence of the structure.

§ 104-14. Traditional Neighborhood Design (“TND”) Standards

The following design standards apply to all subdivisions in the Hamlet Residential and Ballston Lake Residential Zoning Districts of the Town. This development must utilize municipal sewer and water services. Extension of municipal sewer and water services are permitted. This section is divided into: (A) design standards that will be required of any subdivision in the aforesaid Districts and shall be implemented by the Applicant and/or required by the Planning Board wherever feasible; and (B) design standards, density bonuses and other requirements for major subdivisions of 15 lots or more (or planned unit developments of 15 units or more) where the applicant wishes to create a traditional neighborhood and/or the Planning Board determines that a traditional neighborhood is warranted. A Planned Unit Development shall be required for any proposal of more than 100 residential units. An applicant has the option to apply for a Planned Unit Development for any proposal less than 100 residential units.

Purpose. The purpose of these standards is to allow the optional development and redevelopment of land in the Hamlet Residential and Ballston Lake Residential Zoning Districts consistent with the design principles of traditional neighborhoods. A traditional neighborhood:

1. Is relatively compact;
2. Is designed for the human scale;
3. Provides a mix of uses, including residential, commercial, civic, and open space uses in close proximity to one another within the neighborhood;
4. Provides a mix of housing styles, types, and sizes to accommodate households of all ages, sizes, and incomes;
5. Incorporates a system of relatively narrow, interconnected streets with sidewalks or pedestrian paths, bikeways, and transit that offer multiple routes for motorists, pedestrians, and bicyclists and provides for the connections of those streets to existing and future developments;
6. Retains existing buildings with historical features or architectural features that enhance the visual character of the community;
7. Incorporates significant environmental features into the design;
8. Is consistent with the Town’s Comprehensive Plan.

- A. General TND Standards for all Subdivisions. These minimum standards shall apply to all subdivisions, regardless of the number of lots proposed, in the Hamlet

Residential and Ballston Lake Residential District so as to accommodate future development in such districts consistent with the TND design concept.

- a. Easements with a minimum width of ten (10) feet shall be required along front of lots for provision of off-street sidewalks or paths, lighting and utilities.
- b. Reserve strips of land or easements for provision of future streets and creation of blocks shall be required in locations that are consistent with traditional neighborhood design.
- c. The layout of lots shall accommodate future development consistent with traditional neighborhood design.
- d. In determining the layout of lots, the accommodation for future sidewalks, blocks and streets, the standards set forth in paragraph B below, should be utilized as guidance.

B. TND Standards For Specific TND Subdivisions. The traditional neighborhood development ordinance is an alternative set of standards for development within the Hamlet Residential and Ballston Lake Residential District for new development of 15 lots or more unless the development can be considered a continuation of an adjacent TND Development.

1. Incentive Bonus: For those subdivisions which utilize the TND requirements set forth below, the allowable density as calculated pursuant to a conventional subdivision may be increased at the discretion of the Planning Board depending on the extent of design standards utilized in the subdivision. For purposes of increasing density, the Planning Board is hereby expressly authorized to increase density in such cases where furtherance of the traditional neighborhood design is accomplished.

1. In areas devoted to mixed residential uses:

- a. The number of single-family detached dwellings permitted shall be up to 6 dwellings per net acre;
- b. The number of multi-family units shall be up to 12 dwelling units per net acre.
- c. Secondary dwelling units shall not be permissible under this section.
- d. For each affordable housing unit (pursuant to the definition promulgated by the Department of Housing and Urban Development) provided under this section, one additional dwelling unit shall be permitted, up to a maximum 15 percent increase in dwelling units.
- e. For each senior housing unit (a unit for persons fifty-five years and older) provided under this section, one additional dwelling unit shall be permitted, up to a maximum 15 percent increase in dwelling units
- f. Affordable and senior housing units shall be equally distributed throughout the TND.

2. In mixed use areas:

- a. The number of single-family and multi-family dwelling units permitted shall be calculated the same as above.
- b. All dwelling units constructed above commercial uses shall be permissible in addition to the number of dwelling units authorized under this section. However, the total number of dwelling units shall not be increased by more than 10 dwelling units or 10

percent, whichever is greater.

c. The total ground floor area of nonresidential development uses, including off-street parking areas, shall not exceed 25 per cent of the traditional neighborhood development.

2. Design Requirements

a. Lot and Block Standards.

Introduction. Providing diversity in block and lot size can help to create an environment that is pedestrian friendly. Short blocks in traditional grids create multiple routes and more direct ones for pedestrians, bicyclists, and motorists.

Lot and block design should promote development that is compatible with natural features, minimizes pedestrian and vehicular conflict, promotes street life and activity, reinforces public spaces, promotes public safety, and visually enhances development.

1. **Block and lot size diversity.** Street layouts should provide for perimeter blocks that are generally in the range of 200-600 feet deep by 400-1200 feet long. A variety of block and lot sizes should be provided to facilitate housing diversity and choice and meet the projected requirements of people with different housing needs.

2. **Lot Widths.** Lot widths should create a relatively symmetrical street cross section that reinforces the public space of the street as a simple, unified public space.

3. **Building Setback, Front - Areas of Mixed Residential Uses.** Single-family detached residences shall have a building setback in the front between 15 and 30 feet. Single-family attached residences and multifamily residences shall have a building setback in the front of 15 feet.

4. **Building Setback, Rear - Areas of Mixed Residential Uses.** The principal building on lots devoted to single-family detached residences shall be setback no less than 30 feet from the rear lot line.

5. **Side Setbacks.** Provision for zero lot-line single-family dwellings should be made, provided that: a reciprocal access easement is recorded for both lots and townhouses or other attached dwellings; all dwellings have pedestrian access to the rear yard through means other than the principal structure; and building code requirements are complied with regarding firewalls between residential dwellings.

6. **Circulation Standards.** The circulation system shall allow for different modes of transportation. The circulation system shall provide functional and visual links within the residential areas, mixed use area, and open space of the traditional neighborhood development and shall be connected to existing and proposed external development. The circulation system shall provide adequate traffic capacity, provide connected pedestrian and bicycle routes (especially off street bicycle or multi-use paths or bicycle lanes on the streets), control through traffic, limit lot access to streets of lower traffic volumes, and promote safe and efficient mobility through the traditional neighborhood development. Dead-end streets or cul de sacs should be discouraged.

a. **Pedestrian Circulation.** Convenient pedestrian circulation systems that minimize

pedestrian-motor vehicle conflicts shall be provided continuously throughout the subdivision with the alignment with existing or future pedestrian circulation systems. Where feasible, any existing pedestrian routes through the site shall be preserved and enhanced. All streets, except for alleys, shall be bordered by sidewalks or paths on both sides of the street.

1. The following provisions also apply:

a. Sidewalks in residential areas. Clear sidewalks or walkways, 3-5 feet in width, depending on projected pedestrian traffic, shall connect all dwelling entrances to the adjacent public sidewalk.

b. Sidewalks in mixed use areas. Clear and well-lighted walkways shall connect building entrances to the adjacent public sidewalk and to associated parking areas. Such walkways shall be a minimum of 5 feet in width.

c. Disabled Accessibility. Sidewalks shall comply with the applicable requirements of the Americans with Disabilities Act.

d. Crosswalks. Intersections of sidewalks with streets shall be designed with clearly defined edges. Crosswalks shall be clearly marked with contrasting paving materials at the edges or with striping.

2. **Bicycle Circulation.** Bicycle circulation shall be accommodated on streets and/or on dedicated bicycle paths. Where feasible, any existing bicycle routes through the site shall be preserved and enhanced. Facilities for bicycle travel may include off-street bicycle paths (generally shared with pedestrians and other non motorized users) and separate, striped, 4 foot bicycle lanes on streets. If a bicycle lane is combined with a lane for parking, the combined width should be 14 feet.

3. **Public Transit Access.** Where public transit service is available or planned or where senior housing is planned, convenient access to transit stops shall be provided. Where transit shelters are provided, they shall be placed in highly visible locations that promote security and shall be well-lighted. School bus stops may also be planned and accommodated for.

4. **Motor Vehicle Circulation.** Motor vehicle circulation shall be designed to minimize conflicts with pedestrians and bicycles. Traffic calming features such as “queuing streets,” curb extensions, Roundabouts, and medians may be used to encourage slow traffic speeds.

1. Street Hierarchy. Each street within a traditional neighborhood development shall be classified according to the following (Major Collector (arterial) Streets should not bisect a traditional neighborhood development):

i. Local Streets. This street provides primary access to individual residential properties and connects streets of lower and higher function. Design speed is 25 mph.

ii. Marginal Access. This street provides primary access to individual residential properties but are protected from through traffic. Usually they are parallel to and adjacent to arterial streets or County or State highways. Traffic volumes are relatively low, with a design speed of 20 mph.

iii. Minor Collector Street. This street carries traffic from local streets to a Major Collector Street, including the principal entrance streets of a residential development and streets for

circulation within such development. Traffic volumes are higher with a design speed that varies by location and use (30-45 mph).

iv. Alley. These streets provide secondary access to residential properties where street frontages are narrow, where the street is designed with a narrow width to provide limited on-street parking, or where alley access development is desired to increase residential densities. Alleys may also provide delivery access or alternate parking access to commercial properties.

2. Street Layout. The traditional neighborhood development should maintain the existing street grid, where present, and restore any disrupted street grid where feasible. In addition:

i. 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 which significantly reduces accidents without the use of traffic controls.

ii. 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.

iii. Curb cuts for driveways to individual residential lots shall be prohibited along arterial streets. Curb cuts shall be limited to intersections with other streets or access drives to parking areas for commercial, civic or multifamily residential uses. Clear sight triangles shall be maintained at all intersections.

iv. 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.

c. Parking requirements. Parking areas for shared or community use should be encouraged. In addition:

i. In an area of mixed residential and commercial use, any parking lot shall be located at the rear or side of a building. If located at the side, screening shall be provided.

ii. A parking lot or garage may not be adjacent to or opposite a street intersection.

iii. In the mixed use area, a commercial use must provide one parking space for every 500 square feet of gross building area.

iv. Commercial parking lots or garages must provide not less than one bicycle parking space for every 10 motor vehicle parking spaces.

v. Adjacent on-street parking may apply toward the minimum parking requirements.

vi. In the mixed residential/commercial areas, parking may be provided on-site. At least one off-street parking space with unrestricted ingress and egress shall be provided for each dwelling unit.

7. **Architectural Standards.** A variety of architectural features, building materials and designs should be implemented to avoid uniformity of building design and to give each building or group of buildings a distinct character.

8. **Guidelines for New Structures.**

a. Height. New structures within a Traditional Neighborhood Development shall be no more than 2 stories for single-family residential, or 3 stories for commercial, multifamily residential, or mixed use.

9. **Open Space Guidelines.** At least 10-20 percent of the gross acreage of the Traditional Neighborhood Development must be open space. At least 50 percent of the open space must be common open space dedicated to the public for parkland and be useable land for such parkland use. Seventy-five percent of the lots within the areas devoted to mixed residential uses shall be within a 1/3 mile or a 10 minute walk from common open space.

10. **Guidelines for lighting.**

a. Street lighting shall be provided along all streets. Generally more, smaller lights, as opposed to fewer, high-intensity lights, should be used and should be on a scale appropriate for a pedestrian environment. Street lights shall be installed on both sides of the street at intervals of no greater than 100 feet.

b. Exterior lighting shall be directed downward in order to reduce glare onto adjacent properties.

c. A street lighting and sidewalk district shall be created in order that the cost and maintenance be assessed against those properties in the district that are benefited by the lighting and sidewalks.

11. **Landscaping and Screening Guidelines.** Overall composition and location of landscaping shall complement the scale of the development and its surroundings. In general, larger, well-placed contiguous planting areas shall be preferred to smaller, disconnected areas. Where screening is required by this ordinance, it shall be at least 3 feet in height, unless otherwise specified. Required screening shall be at least 50 percent opaque throughout the year. Required screening shall be satisfied by one or some combination of: a decorative fence not less than 50 percent opaque behind a continuous landscaped area, a masonry wall, or a hedge.

1. Street trees. A minimum of one deciduous canopy tree per 50 feet of street frontage, or fraction thereof, shall be required. Trees can be clustered and do not need to be evenly spaced. Trees should preferably be located between the sidewalk and the curb, within the landscaped area of a boulevard, or in tree wells installed in pavement or concrete. If placement of street trees within the right-of-way will interfere with utility lines, trees may be planted within the front yard setback adjacent to the sidewalk.

2. Parking area landscaping and screening.

a. All parking and loading areas fronting 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 five (5) feet in height and not less than fifty (50) percent opaque.

- iii. One tree for each 25 linear feet of parking lot frontage.
- b. Parking area interior landscaping. 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.

12. Stormwater Management Standards. The design and development of the traditional neighborhood development should minimize off-site stormwater runoff, promote on-site filtration, and minimize the discharge of pollutants to ground and surface water. Natural topography and existing land cover should be maintained/protected to the maximum extent practicable. New development and redevelopment shall meet the following requirements in addition to applicable standards and requirements set forth in Chapter 91 (entitled “Stormwater Management”) of the Town Code:

1. Untreated, direct stormwater discharges to wetlands or surface waters are not allowed.
2. Post development peak discharge rates should not exceed pre-development peak rates.
3. Erosion and sediment controls must be implemented to meet or exceed NYSDEC requirements for removal of total suspended solids.
4. Areas for snow storage shall be provided for commercial areas unless the applicant provides an acceptable snow removal plan.
5. Redevelopment stormwater management systems should improve existing conditions and meet standards to the extent practicable.
6. All treatment systems or BMPs must have operation and maintenance plans to ensure that systems function as designed.

3. Article X (“Residential Cluster/Conservation Development”) of Chapter 104 (“Subdivision of Land”) of the Town of Ballston Code is hereby amended in its entirety to read as follows:

§ 104-28 Purpose and Intent. The purpose of this Article is to provide the ability for development of residential subdivisions to be flexible in design, lot size and layout, to preserve natural site features and provide for green space (with or without community recreational areas) in conjunction with residential development. It is intended that this type of development will result in less impact to natural features, reduce developed area, road construction and impacts to storm drainage. The overall intent is to maintain the prevalent rural character in the Rural District as identified in Section 3 of the Comprehensive Plan by incorporating a subdivision design that conserves certain portions of the land that is to be developed that will add to or maintain the rural character.

§ 104-29. Authority.

A. Pursuant to the powers granted under Section 278 of the Town Law and the Municipal Home Rule Law, the Town Board authorizes the Planning Board to vary the zoning requirements set forth in Chapter 138 of the Town Code simultaneously with the approval of any proposed residential subdivision in order to cluster or to create a conservation design development in furtherance of the purposes and objectives set forth herein subject to the standards and procedures

set forth in this Article.

B. An applicant for subdivision approval may propose or the Planning Board, in its discretion, shall require the submission of a conservation subdivision plat where the Planning Board finds that a clustered or conservation design subdivision is appropriate.

C. In addition to its authority to vary zoning requirements for purposes of clustering residential lots and conserving open space, natural features and rural character, the Planning Board is hereby authorized to provide additional density bonuses up to 20% of the number of lots or residential units that would normally be allowed in order to encourage the use of cluster/conservation subdivisions. Additional residential units shall be added if affordable housing units are provided pursuant to § 104-30 (B)(c) below.

§ 104-30. Applicability, Conditions, Bonuses and Requirements.

- A. This Article shall apply to Major Subdivisions in the Rural Zoning Districts. At the discretion of the Planning Board, conservation development shall be required only in areas within the Rural Zoning District currently serviced by municipal water and sanitary sewer service (areas where the municipal services are located at the property line of the parcel or parcels involved in the proposed subdivision). Conservation development shall not be required in areas not serviced by municipal water and sanitary sewer service if the soil conditions cannot support this form of development. The Planning Board shall have the authority to require conservation development if it is the Town Engineer's opinion that the site soil conditions would support this form of development. No privately owned or operated community water or sanitary sewer systems shall be allowed. Due to the condition of soils and concerns about the availability of potable water in much of the Rural District, the Planning Board may require third party review of water supply and suitability of soils for placement of septic systems.
- a. A subdivision of land for which existing municipal water and sanitary sewer service is available, the applicant should submit a subdivision plan that conforms to this section unless the applicant can demonstrate through a Conservation Analysis (described below) that compliance with this section would be inappropriate given site conditions and/or would not result in any additional land conservation that would be provided under a conventional subdivision.
 - b. A subdivision of land for which existing municipal water and sanitary sewer is not available in the Rural Zoning District, the applicant is encouraged but is not required to submit a subdivision plan that conforms to this section. .
 - c. Conservation analysis. As part of its Preliminary Plat submission for all Major Subdivisions in the Rural District requiring compliance with this section as outlined above (see Section 104-9.1(C) below for additional information), an applicant shall prepare a conservation analysis, consisting of inventory maps, description of the land, and an analysis of the conservation value of various site

features. The conservation analysis shall show lands with conservation value, including but not limited to the following:

- i. “constrained land” as defined in (B)(a)(1) below
 - ii. buffer areas necessary for screening from active agricultural parcels.
 - iii. land exhibiting present or potential recreational, historic, ecological, agricultural, water resource, scenic or other natural resource value.
- i. The conservation analysis shall describe the importance and the current and potential conservation value of all land on the site. In the course of its initial Preliminary Plat review, the Planning Board shall indicate to the applicant which of the lands identified as being of conservation value are most important to preserve.
 - ii. The outcome of the conservation analysis and the Planning Board’s determination shall be incorporated into the approved Preliminary Plat showing land to be permanently preserved by a conservation easement. The Preliminary Plat shall also show preferred locations for intensive development as well as acceptable locations for less dense development.
 - iii. The final determination as to which land has the most conservation value and should be protected from development by conservation easement shall be made by the Planning Board. Whenever the Planning Board approves a plan with protected open space, it shall make written findings identifying the specific conservation values protected and the reasons for protecting such land (the “conservation findings”). In determining conservation value, the Planning Board shall make such determination which is consistent with the purpose of the conservation subdivision technique as set forth in § 104-28 above and in the Comprehensive Plan.
 - iv. The Planning Board shall deny an application for subdivisions requiring compliance with this section that does not include a complete conservation analysis sufficient for the Board to make its conservation findings.
 - a. The Preliminary Plan for a conservation subdivision shall show the boundaries of the land to be preserved and shall identify whether such land is to be preserved by conservation easement, further development restrictions or some other method.
 - vi. If, based upon the conservation analysis, the Planning Board determines in its conservation findings that there is no reasonable basis for requiring a Conservation Subdivision, the Board may approve a conventional development of the site. In order for the Planning Board to make such a determination, the applicant must demonstrate at least one of the following:
 - a. The land contains no substantial resources with conservation value;
 - b. The set aside of open space will not significantly enhance or maintain rural character;
 - c. The acreage is too small to preserve a substantial amount of land with conservation value and that there is no opportunity to link other areas of land in future subdivisions of the same parent parcel or adjacent parcels; or
 - d. The lot configuration is unique and precludes preservation of a substantial

amount of land with conservation value.

In order to make the required conservation analysis under (b) or (c) above, the applicant must also demonstrate that the parcel does not adjoin other land that, when combined with open space on the parcel, would result in the preservation of a substantial amount of land with conservation value (including any portion of a designated trail corridor), regardless of whether or not the adjoining parcels have been protected as open space.

vii. An approval of a Conventional Subdivision shall refer to the conservation findings and may be conditioned upon the protection of portions of the site identified in the conservation analysis and findings as having conservation value by no build or no further development restrictions.

B. Density Calculation

- a. The maximum number of residential units allowed on a site (base density) is calculated by a formula based upon the acreage of “unconstrained land” on the property.
 1. To determine unconstrained acreage, subtract from the total (gross) acreage of the proposed development parcel the acreage of “constrained land.” Constrained land includes wetlands both state and federal, 100 year floodplain, lands covered by water, steep slopes greater than 25%, and stream corridors of NYSDEC classified streams (50 ft. setback from the center-line of the stream).
 2. To determine the “base” number of allowable residential units on the site, divide the unconstrained acreage by the allowable number of acres per unit required within the zoning district. Round down fractional units of 0.5 or less and round up fractional units greater than 0.5. The resulting number is the “base density” allowed on the site.
- b. As an alternative to the formula based approach described above, the maximum number of residential units allowed on a site (base density) may be calculated using a Yield Plan. The applicant may choose to utilize this alternative, rather than the formula based approach described above, at his/her sole discretion. Yield Plans shall meet the following requirements:
 1. A Yield Plan must be prepared as a sketch plan in accordance with the requirements of the Town zoning regulation containing proposed lots, streets, rights-of-way, and other pertinent features. Although it must be drawn to scale, it need not be based on a field survey. However, it must be a realistic layout reflecting a development pattern that could reasonably be expected to be implemented, taking into account the presence of NYSDEC and federally jurisdictional wetlands, NYSDEC classified and named

streams measured along the natural channel, and steep slopes greater than twenty five (25) percent, existing easements or encumbrances and, if not served by public sanitary sewer system, the suitability of soils for subsurface sewage disposal.

2. The Planning Board, at its sole discretion, must determine whether the layout shown on the Yield Plan is realistic, reflecting a development pattern that could reasonably be expected to be implemented under conventional subdivision review. The number of housing lots identified on the Yield Plan then becomes the total number of housing lots allowed.
- C. Lot size. There shall be no minimum or maximum lot size. The Planning Board shall determine appropriate lot sizes pursuant to its review taking into consideration the availability of public water and sanitary sewer service or, if not available, the suitability of soils for individual on-site septic systems and the capacity for on-site individual wells. Third party review may be required to confirm suitability at the discretion of the Planning Board or the Town Engineer.
- D. Other Area and Dimensional Requirements
There shall be no required area, bulk, or dimensional standards in a Conservation Subdivision, except building height and where such subdivision abuts an existing residence in a residentially zoned area, a suitable buffer area shall be required by the Planning Board. This buffer shall be at least the same distance as the minimum rear or side yard setback in the district in which the abutting land is located.
- E. NYS Building Codes must be adhered to.
- F. The applicant shall specify dimensional requirements for a proposed Conservation Subdivision by identifying setbacks and other lot dimensions to be incorporated into the Final Plat.
- G. Types of Residential Units. Only single-family residential dwellings shall be allowed.
- H. Fees – insert existing § 104-30H.

§ 104-31. Conservation Subdivision Design Guidelines and Additional Requirements.

1. Introduction: The layout of residential lots and the establishment of open space areas in conservation subdivisions shall conform to the following standards and requirements.
2. Lot layout. The intent of this section is to allow flexibility of design that allows for enhancement of rural character and conservation of open space. Lots need not be uniform in size or shape but should utilize existing land features in arrangement.
3. Amount of open space required: The size of the open space area shall be determined on a case by case basis with the final determination to be made by the Planning Board in its discretion upon review of the subdivision application. The portion of the subdivision tract to be set aside for open space conservation shall be of such minimum dimensions and size as

to be functional for its intended purpose taking into consideration environmental, density and other site specific factors. Areas unsuitable or of little or no value for open space preservation shall be excluded in the calculation of the size of the open space area.

4. Location: Open space areas shall be convenient to the dwelling units they are intended to serve and shall be sited with sensitivity to surrounding land features and development. Open space areas shall be integrated wherever possible into a connected open space system within the development as well as outside the development. Open space areas should form a contiguous system with other open space areas in the vicinity of the subdivision development to the maximum extent practicable.
5. Use of Open Space Areas: Open space areas may include features and improvements for active and/or passive recreation provided that such features do not materially detract from the purpose for preservation of the open space. As a general principal, open space areas should be left in its natural state. Accepted conservation management techniques may be employed to maintain its natural state and allow for passive recreational opportunities such as, but not limited to, hiking trails, cross-country skiing or snow shoeing trails, picnic areas, etc. Where appropriate, active recreational facilities may be included in the open space areas upon approval of the Planning Board taking into consideration the character of the open space land, the amount of area such recreational facilities would require; the nature of the recreational facilities and activities proposed; and the compatibility of such activities and facilities with the development and the intended purpose of the open space area. In addition, farming activities are allowed to continue on open space areas.
6. Deed Restrictions: Any lands set aside for open space purposes shall contain appropriate easements, deed covenants, conditions and restrictions approved by the Planning Board and/or the Town attorney ensuring that:
 - a. The open space area or areas will not be further subdivided or developed in the future;
 - b. The use of the open space will continue in perpetuity for the purposes specified;
 - c. Appropriate provisions are made for the continual maintenance, management and use of the open space with the purpose in preserving the open space;
 - d. The delegation of authority for management of the open space area is appropriately placed in an association of property owners or other established entity or governmental body that will exist in perpetuity;
 - e. The open space area will not be able to be converted or used for a for-profit commercial enterprise except for agricultural uses;
 - f. The covenants and restrictions are enforceable by the Town.
2. Open Space Ownership: The type of ownership of the land set aside for open space shall be selected by the Subdivider subject to the approval of the Town Board. An acceptable type of ownership may include, but is not necessarily limited to, the following:

- a. Land preservation or conservation organizations or trusts;
 - b. Public agencies or governmental bodies;
 - c. The Town, subject to acceptance by the Town Board;
 - d. The owner or owners of an individual lot;
 - e. Homeowner associations with the following requirements:
 - (i) The homeowners association must be established prior to the conveyance of any lot or parcel within the proposed subdivision;
 - (ii) Membership must be mandatory for each lot owner and each lot owner must have an equal voting right within the association;
 - (iii) The association organizational documents must be submitted to, and approved by the Planning Board and/or its attorney, as part of the subdivision approval process and must also be approved by the Office of the Attorney General of New York State if required by applicable laws, rules or regulations.
 - (iv) An estimate of the association annual budget must take into account insurance, property taxes, and maintenance of the open space areas as well as other shared common areas or facilities such as access roads, recreational areas.
 - (v) The association must be able to adjust the homeowners fees or assessments on an annual basis and be able to collect and enforce the payment of annual fees or assessments.
 - (vi) The association cannot be dissolved without a vote of the association membership and without the conveyance of the open space and common facilities to an entity acceptable by the Town Board.
 - (vii) The deed conveying title to each individual lot in the subdivision must include reference to the fact that conveyance is subject to and includes membership in a homeowners association pursuant to deed covenants either set forth in each deed or recorded against the entire subdivision. Both grantors and grantees should sign deeds of conveyance to ensure purchasers or grantees are aware of the homeowners association requirements, obligations and fees, if any.
7. Exception to or waiver of requirements or standards: The Planning Board may permit minor deviations to, or waive, certain open space requirements or standards when it determines that: (a) the objectives underlying the open space standards and requirements can still be met with such deviations or waivers; and/or (b) because of peculiarities in the tract of land proposed for subdivision or the development proposed, it would be unreasonable to require strict adherence to such requirements or standards.

8 Rural Design Standards. To the maximum extent practicable, the Rural Design Standards set forth in § 104-13 shall be adhered to in designing the layout of the subdivision.

4. Article II, § 138-3 (“Definitions; word usage”) of Chapter 138 of the Town of Ballston Code (“ZONING”) is hereby amended as follows:

- A. The following terms or definitions are amended as follows:
 - a. The term “Drive-In Service” is hereby changed to “Drive-Through Service”.
 - b. The reference to “18 inches” in the definition of the term “Swimming Pool” is hereby changed to “24 inches”.
- B. The following terms and definitions are added as follows:
 - a. Comprehensive Plan. The Town of Ballston Comprehensive Plan, dated _____, 2006, and adopted by the Town Board on _____, 2006.
 - b. Frontage (also ‘road frontage’ and/or ‘street frontage’). The distance along which a lot adjoins a road or street at the right of way line. A road or street which provides frontage may be a State, County or Town road or a private road or street that has been approved by the Planning Board as part of a subdivision plat.
 - c. Mean high water mark. The average annual high water level.
 - d. Mixed Use. Where more than one use occupies a structure, site or parcel, and may include a variety and mixture of nonresidential uses and/or residential uses.
 - e. Parcel. Any tract or piece of land that is described in a deed of conveyance recorded in the Saratoga County Clerk’s office and for which a tax map parcel identification number has been assigned.
 - f. Restaurant. Any establishment, however designated, at which food is sold for consumption on the premises to patrons seated within an enclosed building, elsewhere on the premises, or via a drive-through service.
 - g. Service (or Service Establishment). Any establishment whose primary activity is the provision of assistance, as opposed to products, to individuals, business, industry, government, and other enterprises.
 - h. Shoreline. That line at which land adjoins the water of lakes at the mean high water mark.
 - i. Site. The total area to be used for development of a project including but not limited to buildings, parking areas, stormwater detention or drainage areas and other project features. A site may encompass an entire parcel or a portion of a parcel.
 - j. Traditional Neighborhood Design (or “TND”). A set of design standards applied to subdivisions and developments in the Hamlet and Ballston Lake Residential Districts for the purpose of promoting pedestrian friendly and compact residential neighborhoods.

5. Article III, § 138-4 (“Establishment of Districts”) of Chapter 138 of the Town of Ballston Code (“ZONING”) is hereby amended as follows:

A. The following Districts are added to subsection A of § 138-4:

Hamlet Residential
Ballston Lake Residential District
Mixed Use Center Districts
Ballston Lake Waterfront District
Business Highway District
Ballston Lake Overlay District
Rural Business Overlay District.

B. The following Districts are hereby deleted from subsection A of § 138-4:

Residential District
Commercial District
Comercial/Industrial District.

6. Article V (“Residential District Regulations”) of Chapter 138 of the Town of Ballston Code (“ZONING”) is hereby amended to read as follows:

Article V

Hamlet Residential District Regulations.

§ 138-8. Uses Permitted.

All uses permitted and all uses requiring a special permit are listed on the Uses, Area, Frontage and Setback Requirements for Hamlet Residential District Table located at the end of this chapter.

§ 138-8.1. Area requirements.

All area requirements for each use are so indicated on the Uses, Area, Frontage and Setback Requirements Table located at the end of this chapter.

§ 138-8.2. Purpose and Intent of District.

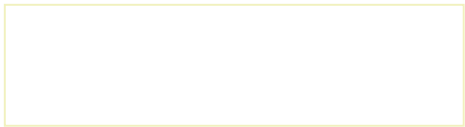
The Hamlet Residential Districts (as described in the Comprehensive Plan, section 3.3) serves as a transition between the Mixed Use Center Districts and/or the Highway Business District which they surround and the less densely developed Rural District. As such, open space preservation gives way to neighborhood parks or playgrounds, trails, and walkways in order to promote pedestrian friendliness and the traditional neighborhood feel. Higher density is allowed with the expectation that more amenities will be required in order to enhance or create traditional-type neighborhoods

§ 138-8.3. TND – Traditional Neighborhood Design

A. For all subdivisions proposed in the Hamlet Residential Districts, the standards set forth in § 104-14 of Chapter 104 (“Subdivision of Land”) of the Town Code.

B. For all other development that does not include residential subdivisions such as Planned Unit Developments, the design standards set forth in § 104-14 of Chapter 104 (“Subdivision of Land”) of the Town Code shall also apply.

C. Density bonuses may be applied by the Planning Board as set forth in § 104-14 of Chapter 104 (“Subdivision of Land”) of the Town Code, if in the Planning Board’s discretion, such density bonuses are (1) necessary to encourage, facilitate and/or offset additional development costs incurred by the impositions of the TND design standards; (2) will not adversely effect adjacent properties, the surrounding neighborhood and the objectives in creating traditional style



neighborhoods; and (3) adequate infrastructure is available or to be made available in order to support the increased densities.

8. Article VI (“Commercial District Regulations”) of Chapter 138 of the Town of Ballston Code (“ZONING”) is hereby amended to read as follows:

Article VI
Mixed Use Center District Regulations

§ 138-9. Uses Permitted.

All uses permitted and all uses requiring site plan approval, a special permit or planned unit development approval are listed on the Uses, Area, Frontage and Setback Requirements Table located at the end of this chapter. For purposes of this Article and the Mixed Use Center Districts, more than one principal use and/or structure is allowed on any one lot or parcel.

§ 138-9.1. Area requirements.

Area requirements for each use are indicated on the Uses, Area, Frontage and Setback Requirements for Mixed Use Center District Table located at the end of this chapter and are set forth in this Article.

§ 138-9.2. Purpose and Intent of District.

Section 3.2 of the Comprehensive Plan provides, in detail, the land-use policies and goals behind the establishment of the Mixed Use Center Zoning Districts. Generally, these Districts, identified as North and South, are established for the purpose of creating a commercial and social core for the Town emphasizing a ‘small-town’ feel. This requires a balancing of a variety of uses on a scale and design so that the various uses can not only co-exist but complement each other to create a vital and active community of shopping, service, social and residential opportunities. It is the intent of these Districts to encourage growth and development but on a scale and design that is pedestrian friendly, calms traffic, discourages large parking lots and promotes vertical development and integration of land uses rather than separation. The only difference between the North and South Districts is one of scale. Since much of the South District has already been developed, it is necessary to keep the scale and density consistent with existing development patterns. Thus, future development in the South District will be restricted to smaller scale buildings on a less dense basis than what is encouraged in the North District where is appropriate to have a higher density of development and taller buildings.

§ 138-9.3. Review Requirements for Uses with Building Size Thresholds.

In order to effectuate the purpose and intent of the Mixed Use Center Zoning Districts, the particular type of use together with its proposed building footprint size will dictate the required review and approval process. Since building scale is crucial to these Districts, one of three

different review processes will be triggered based on use and building footprint size. As scale increases, issues that directly affect the purposes of these Districts such as community character, compatibility with surrounding properties and harmony with present and future development become heightened thereby triggering a heightened level of the applicable review process. For purposes of this Article, the term “site” means the total area to be used for development of a project including but not limited to buildings, parking areas, stormwater detention or drainage areas and other project features. A site may encompass an entire parcel or a portion of a parcel. Generally, the review requirements can be summarized as follows:

A. Mixed Use Center - North

1. For all non-residential projects (includes any project involving non-residential uses regardless of whether residential dwelling units are also included):
 - a. Site Plan review shall be required for proposals that include buildings with a single-floor footprint of 20,000 square feet or less and/or sites of 1 acre or less;
 - b. A Special Permit shall be required for proposals that include buildings with a single-floor footprint greater than 20,000 square feet and less than or equal to 90,000 square feet and/or sites of 8 acres or less.
 - c. A Planned Unit Development District shall be required for proposals that include buildings with a single-floor footprint greater than 90,000 square feet, or if any one side is longer than 300 linear feet and/or sites of more than 8 acres.
 - i. Rationale: Based on the Comprehensive Plan Vision, Goals, and recommendations, there is a clear desire to address the size of commercial development in the Town based upon concerns for community character impacts. In order to protect the community character of the Town and therefore comply with the recommendation, vision and goals of the Comprehensive Plan, applicants proposing buildings that exceed the thresholds outlined above in subsection (A)(1)(c) of this section shall demonstrate to the Town Council that the project:
 1. Will not result in adverse impacts on the community character of the Town of Ballston; and
 2. Is consistent with the Purpose and Intent of the Mixed Use Center Districts as outlined in § 138-9.2.
2. For all residential projects (without any non-residential uses mixed in):
 - a. Site Plan review shall be required for proposals that include no more than 8 residential units and/or sites of 1 acre or less;
 - b. A Special Permit shall be required for proposals that include more than 8 residential dwelling units but no more than 64 dwelling units and/or sites of 8 acres or less.
 - c. A Planned Unit Development District shall be required for proposals that include more than 64 residential units and/or sites of more than 8 acres.

B. Mixed Use Center - South

1. For all non-residential projects (includes any project involving non-residential uses regardless of whether residential dwelling units are also included):

a. Site Plan review shall be required for proposals that include buildings with a single-floor footprint of 14,000 square feet or less and/or sites of 1 acre or less;

b. A Special Permit shall be required for proposals that include buildings with a single-floor footprint greater than 14,000 square feet and less than or equal to 60,000 square feet and/or sites of 8 acres or less.

c. A Planned Unit Development District shall be required for proposals that include buildings with a single-floor footprint greater than 60,000 square feet, or if any one side is longer than 300 linear feet and/or sites of more than 8 acres.

i. Rationale: Based on the Comprehensive Plan Vision, Goals, and recommendations, there is a clear desire to address the size of commercial development in the Town based upon concerns for community character impacts. In order to protect the community character of the Town and therefore comply with the recommendation, vision and goals of the Comprehensive Plan, applicants proposing buildings that exceed the thresholds outlined above in subsection (B)(1)(c) of this section shall demonstrate to the Town Council that the project:

1. Will not result in adverse impacts on the community character of the Town of Ballston; and

2. Is consistent with the Purpose and Intent of the Mixed Use Center Districts as outlined in § 138-9.2.

2. For all residential projects (without any non-residential uses mixed in):

a. Site Plan review shall be required for proposals that include no more than 6 residential units and/or sites of 1 acre or less;

b. A Special Permit shall be required for proposals that include more than 6 residential dwelling units but no more than 48 residential units and/or sites of 8 acres or less.

c. A Planned Unit Development District shall be required for proposals that include more than 48 residential units and/or sites of more than 8 acres.

C. Mixed Use Center – Ballston Lake

1. For all non-residential projects (includes any project involving non-residential uses regardless of whether residential dwelling units are also included):

a. Site Plan review shall be required for proposals that include buildings with a

single-floor footprint of 10,000 square feet or less and/or sites of 1 acre or less;
b. A Special Permit shall be required for proposals that include buildings with a single-floor footprint greater than 10,000 square feet and less than or equal to 20,000 square feet and/or sites of 4 acres or less.

ii. c. A Planned Unit commercial development in the Town based upon concerns for community character impacts. In order to protect the community character of the Town and therefore comply with the recommendation, vision and goals of the Comprehensive Plan, applicants proposing buildings that exceed the thresholds outlined above in subsection (B)(1)(c) of this section shall demonstrate to the Town Council that the project:

1. Will not result in adverse impacts on the community character of the Town of Ballston; and
2. Is consistent with the Purpose and Intent of the Mixed Use Center Districts as outlined in § 138-9.2.

2. For all residential projects (without any non-residential uses mixed in): Development District shall be required for proposals that include buildings with a single-floor footprint greater than 20,000 square feet, or if any one side is longer than 150 linear feet and/or sites of more than 4 acres.

Rationale: Based on the Comprehensive Plan Vision, Goals, and recommendations, there is a clear desire to address the size of

- a. Site Plan review shall be required for proposals that include no more than 3 residential units and/or sites of 1 acre or less;
- b. A Special Permit shall be required for proposals that include more than 3 residential dwelling units but no more than 10 residential units and/or sites of 4 acres or less.
- c. A Planned Unit Development District shall be required for proposals that include more than 10 residential units and/or sites of more than 4 acres.

D. Public Benefits

1. The Planning Board shall encourage all applicants proposing projects that exceed a single floor footprint of 20,000 square feet to provide one or more of the following public benefits.

- a. Acquisition and/or construction of a new Town park or recreational facility.
- b. Improvements or rehabilitations to existing Town parks or recreational facility.
- c. Implementation of one or more of the proposed improvements for the Route 67 Corridor outlined in the Route 67 Corridor Study – The Town of Ballston’s approved Intended Transportation Plan in addition to the required improvements identified during the review process.

§ 138-9.4. General Rules - Building Footprint Size

The various thresholds set forth in § 138-9.3 above shall direct what type of review will apply to a given project depending on the proposed building footprint or the size of the site. There is no prohibition on the size of the site, the total aggregate square footage of buildings, or the number of dwelling units allowed on any one site (for either single-floor or multi-story buildings) except that the site must be able to accommodate all of the features of the project including the parking areas, stormwater detention or drainage areas, landscaping, buffers, sidewalks and other site features that may be applicable.

§ 138-9.5. Design Standards for all uses in Mixed Use Center Districts.

The design standards that are applicable for all uses in the Mixed Use Center Districts are set forth in Appendix 1 of this Chapter.

8. Article VII of Chapter 138 (“Rural District Regulations”) of the Town of Ballston Code (“ZONING”) is hereby amended to read as follows:

§ 138-10. Uses Permitted.

All uses permitted and all uses requiring a special permit are listed on the Allowable Use Table

§ 138-10.1. Area requirements.

All area requirements for each use are so indicated on the Uses, Area, Frontage and Setback Requirements for Rural District Table located at the end of this chapter.

§ 138-10.2. Purpose and Intent of District. As set forth in Section 3.1 of the Comprehensive Plan, the area of the Town defined by this District is “highly valued for its rural character and contributions to the Town’s overall quality of life.” It is “characterized by working landscapes and open spaces, with single family residential development along the road frontage and an occasional small scale commercial parcel.” Although many working farms are present, the vitality of agriculture in this area has been reduced by recent economic trends. Much residential development pressure to replace existing farmland and open spaces is expected. Compounded by difficult soils for development and the lack of public sewer and water, such development pressure has the potential to alter the valued rural character and lifestyles which currently predominate. However, it is recognized that the land itself, like many agricultural areas, “remains the primary asset of many landowners in this area.” Thus, the purpose of the Rural District is to appropriately balance the future development of this District with preserving its open spaces and rural character.

§ 138-10.3. Design Guidelines - Conservation and Rural Design

In this District, the following principles shall be observed for the siting of residences, businesses, and accessory structures.

A. Wherever feasible, retain and reuse existing old farm roads and country lanes rather than constructing new roads or driveways. This minimizes clearing and disruption of the landscape and takes advantage of the attractive way that old lanes are often lined with trees and stone walls. (This is not appropriate where reuse of a road would require widening in a manner that destroys trees or stone walls.)

B. Wherever feasible, preserve stone walls and hedgerows. These traditional landscape features define outdoor areas in a natural way and create corridors useful for wildlife. Using these features as property lines is often appropriate, as long as setback requirements do not result in constructing buildings in the middle of fields.

C. Where feasible and practical avoid placing buildings in the middle of open fields. Place them either at the edges of fields or in wooded areas. Septic systems and leach fields may be located in fields, however.

D. Unless buildings are designed traditionally and located close to the road in the manner historically found in the Town, use existing vegetation and topography to buffer and screen them.

E. Minimize clearing of vegetation at the edge of the road, clearing only as much as is necessary to create a driveway entrance with adequate sight distance. Use curves in the driveway to increase the screening of buildings.

F. Site buildings so that they do not protrude above treetops and crestlines of hills as seen from public places and roads. Use vegetation as a backdrop to reduce the prominence of the structure. Wherever possible, open up views by selective cutting of small trees and pruning lower branches of large trees, rather than by clearing large areas or removing mature trees.

G. Minimize crossing of steep slopes with roads and driveways. When building on slopes, take advantage of the topography by building multi-level structures with entrances on more than one level (e.g., walk-out basements, garages under buildings), rather than grading the entire site flat. Use the flattest portions of the site for subsurface sewage disposal systems and parking areas. Use best management practices for erosion and sedimentation control, as recommended by the Saratoga County Soil and Water Conservation District or other natural resource agencies.

H. For subdivisions in this District, the rural design guidelines set forth in Chapter 104 should be applied in addition to the above for all subdivisions and the provisions of Article X of Chapter 104 shall apply to all cluster/conservation subdivisions.



9. Chapter 138 of the Town of Ballston Code (“ZONING”) is hereby amended by adding a new Article as “Article VIIA” to read as follows:

Article VIIA

Ballston Lake Waterfront District Regulations.

§ 138-11. Uses Permitted.

All uses permitted and all uses requiring either site plan approval or a special permit are listed on the Uses, Area, Frontage and Setback Requirements Table located at the end of this chapter.

§ 138-11.1. Area requirements.

All area requirements for each use are so indicated on the Uses, Area, Frontage and Setback Requirements for Ballston Lake District Table located at the end of this chapter.

§ 138-11.2. Purpose and Intent of District. The Ballston Lake District is created to protect the visual environment of the Ballston Lake Shoreline and, along with the Watershed Protection Overlay District (Article XA of this chapter), protect the water quality of Ballston Lake.

§ 138-11.3. Site plan approval required. For all new construction, shoreline alteration, shared shoreline access and/or site clearing within this District, site plan approval by the Planning Board is required pursuant to the standards set forth below.

§ 138-11.4. The expansion or replacement of septic systems shall be designed by a licensed design professional.

§ 138-11.5. Design Standards.

A. General Standards:

- a. All structures, except docks and boathouses, shall be screened by vegetation, landscaped and/or placed in such a manner so that the view of the structures from the water and to the water is filtered or obscured and the visual impact is minimized to the maximum extent practicable.
- b. All parking, loading, access driveways, patios or service areas shall be constructed of permeable materials wherever practicable.
- c. All construction activities shall be carried out the shortest time possible and in such a manner so as to minimize the erosion that may be caused by such activities. Best practice erosion and storm water management shall be required. A plan for such management shall be approved by the Stormwater Management Coordinator and implemented prior to the commencement of any construction activities.

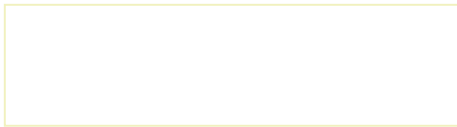
- d. Shoreline areas, excepting beaches, shall not be exposed without vegetation for longer than the time period designated by the Building Inspector, and when exposed for such allowable time period, shall adequately be protected from erosion using best management practices.
 - e. Lighting devices shall be oriented and limited so as to minimize disturbances on surrounding properties and so as not to unreasonably diminish or obstruct views from the water or to the water.
- B. Shoreline Alteration: No person shall construct, place, expand, or alter or replace any retaining wall or bulkhead without first applying for, and obtaining, site plan approval from the Planning Board. In addition, site plan approval is required for any filling, grading, lagooning, dredging, ditching and/or excavating within the District where such activities affect an area greater than 1,000 square feet. The following standards shall apply to the foregoing activities:
- a. General Standards.
 - i. The activity shall not alter the natural contours of the shoreline.
 - ii. The activity shall not disturb shoreline vegetation except in a minimal way. Where vegetation is destroyed, harmed or removed, it shall be restored or replaced with indigenous vegetation. Stabilization shall be in accordance with the U.S. Soil Conservation Service Engineering standards and specifications.
 - iii. The activity shall be carried out in a manner designed to minimize erosion, sedimentation, and impairment of fish and wildlife habitat.
 - iv. The activity shall be designed and carried out to preserve or enhance the aesthetic features of the shoreline area to be disturbed and the shoreline and not aesthetically detract from the shoreline areas in the immediate vicinity of the area to be disturbed.
 - v. All applicable federal, state and other governmental agency permits shall be obtained.
 - b. Specific Standards:
 - i. Filling. No fill shall be placed in this District except as associated with shoreline protective structures, beach replenishment, agricultural uses or other uses approved by the planning Board. Any fill placed in this District shall be protected against erosion.
 - ii. Dredging. There shall be no removal or rearrangement of materials in the water, except at those locations where such removal or rearrangement is found to be beneficial to existing shoreline conditions, uses, and water quality and clarity. Where dredging is permitted by the Planning Board, soil materials shall not be deposited in this District unless approved by the Planning Board.
 - iii. Retaining Walls/Bulkheads. The addition, expansion or replacement of any type of retaining wall or bulkhead shall be discouraged, except in the case where the alternative of shoreline restoration to a natural state is

impossible due to excessive slope or severe erosion problems, a condition to be determined by the Planning Board. Construction of retaining walls or bulkheads shall not be permitted for only aesthetic reasons. When permitted, retaining walls or bulkheads shall not exceed 16 feet in height, as measured from the stationary mean high water mark, and shall be constructed of native stone or wood. When treated lumber is used for the construction of a retaining wall or bulkhead, it shall be the sealed non-leaching type.

- c. Tree cutting and land clearing regulations. The purpose of the tree cutting and land clearing regulations is to protect scenic beauty, control erosion and reduce effluent and nutrient flow from the shoreline area. These provisions shall not apply to the removal of dead, diseased or dying trees or to other vegetation that present safety or health hazards. Within this District, the removal of vegetation, including trees, shall be permitted on shorefront lots provided a Development Permit is issued by the Planning Board and the following standards are met:
 - i. Within 35 feet extending inland from all points along the mean high-water mark no more than 25 percent of the trees in excess of six inches diameter at breast height existing at any time may be cut over any ten-year period.
 - ii. Within six feet inland of the mean high-water mark no more than 30 percent of the shorefront may be cleared of vegetation on any individual lot. This provision shall be adhered to in addition to Subsection (i) above.
 - iii. The general exception to the above standards shall be an allowance for lake access and beaches. The creation of a contiguous clear-cut opening in the buffer strip shall not exceed 20 percent of the shoreline frontage on any individual lot or a maximum of 75 linear feet, whichever is less. The clear-cut should be angled across the lot so as to allow for a view and access, but reduce runoff. The pathway created should be constructed or surfaced to be effective in controlling erosion.
 - iv. The above cutting standards shall not prevent the removal of diseased vegetation or of rotten or damaged trees or of other vegetation that present safety or health hazards.
 - v. As an alternative to the above standards, a cutting plan allowing greater or different cutting may be permitted by the Planning Board by review and approval of a cutting site plan. Such site plan shall include a sketch of the lot and provide information on the topography and existing vegetation of the area in question, a proposed cutting plan and proposed re-vegetation plan. The Planning Board may approve such plan only if it finds that the cutting plan:
 - 1. Will not cause undue erosion or destruction of scenic beauty;
 - 2. Will ensure that natural vegetation is preserved as far as

practicable and, where removed, is replaced with other vegetation that is equally effective in retarding runoff, preventing erosion and preserving natural beauty;

3. Will provide substantial visual screening from the water of dwellings, accessory structures and parking areas. Where the plan calls for replacement plantings, the Planning Board may require the submission of a bond, which will guarantee the performance of the replacement plantings by the lot owner.
 4. Will not violate the standards of the shoreline restrictions of the other governmental agencies, if applicable.
 5. Where a shoreline lot owner violates this section, the Planning Board may require total re-vegetation so as to create a buffer strip area, which is in compliance with this section.
- d. Provisions for Access. Within this District, the following minimum shoreline frontages shall be required for deeded, easement, right-of-way or other contractual access to the shoreline of Ballston Lake for three or more lots, parcels, or sites or multi-family dwelling units not having separate and distinct ownership of shore frontage:
- i. Site plan review and approval by the Planning Board pursuant to the standards below.
 - ii. A plan shall be submitted showing areas for swimming, recreation, docking, building placement, parking and landscaping.
 - iii. Compliance with the provisions of this section and this zoning law
 - iv. Such use shall not significantly impair the natural appearance of said parcel; does not overcrowd the parcel or the adjacent water surface; does not produce unreasonable noise or glare to the surrounding properties; and does not pose any substantial hazards.
 - v. The first three (3) lots, sites or dwelling units shall require a total of not less than 75 feet and each additional lot, site or dwelling unit shall require an additional five (5) feet of shoreline frontage.
 - vi. Waterfront Access Parcels may be developed for contractual access for five (5) or more lots or units only if those lots or units are part of an overall development plan for land that is located adjacent to the waterfront parcels.
 - vii. Each parcel used for contractual access shall measure at least the minimum lot area for the zoning district where the access is proposed and shall measure an average depth of 100 feet from the mean high water mark.
 - viii. No structures other than toilet, changing facilities, picnic shelters shall be constructed on the Waterfront Access Parcel. The total combined square footage of all structures shall not exceed 1000 square feet.
 - ix. Commercial activities of any kind are prohibited.

- 
- x. Parking areas shall be landscaped and shall be set back from the shoreline a minimum of 75 feet.

9. Chapter 138 of the Town of Ballston Code (“ZONING”) is hereby amended by adding a new Article as “Article VIIB” to read as follows:

Article VIIB

Business Highway District (1 & 2)

§ 138-12. Uses Permitted.

All uses permitted and all uses requiring a special permit are listed on the Uses, Area, Frontage and Setback Requirements for Highway Business District Table located at the end of this chapter.

§ 138-12.1. Area requirements.

Area requirements for each use are indicated on the Uses, Area, Frontage and Setback Requirements Table for Highway Business District located at the end of this chapter and are set forth in this Article.

§ 138-12.2. Purpose and Intent of District.

This District is created to provide for commercial uses that traditionally are located along highway corridors and which require a large flow of traffic and ease of access while at the same time requiring new development and re-development to conform to design standards that will effectively manage access points along Route 50 for safety and function and that will maintain community character. Given the lack of depth of this District from Route 50, building size and site features should remain relatively small in scale. Since the Business Highway Districts provide the main connection with the Mixed Use Centers (North and South), a similar review process based on the scale of development will also be incorporated.

§ 138-12.3. Design Standards

The design standards that are applicable for all uses in the Mixed Use Center Districts are set forth in Appendix 1 of this Chapter.

§ 138-12.4. Review Requirements Maximum for Uses with Building Size Thresholds.

For purposes of this Article, the term “site” means the total area to be used for development of a project including but not limited to buildings, parking areas, stormwater detention or drainage areas and other project features. A site may encompass an entire parcel or a portion of a parcel. Generally, the review requirements can be summarized as follows:

A. Business Highway 1

1. For all non-residential projects (includes any project involving non-residential uses

regardless of whether residential dwelling units are also included):

- a. Site Plan review shall be required for proposals that include buildings with an aggregate single-floor footprint of 20,000 square feet or less and/or sites of 1 acre or less;
- b. A Special Permit shall be required for proposals that include buildings with an aggregate single-floor footprint greater than 20,000 square feet and less than or equal to 90,000 square feet and/or sites of 8 acres or less;
- c. A Planned Unit Development District shall be required for proposals that include buildings with an aggregate single-floor footprint greater than 90,000 square feet, 300 linear feet and/or sites of more than 8 acres.
- i. Rationale: Based on the Comprehensive Plan Vision, Goals, and recommendations, there is a clear desire to address the size of commercial development in the Town based upon concerns for community character impacts. In order to protect the community character of the Town and therefore comply with the recommendation, vision and goals of the Comprehensive Plan, applicants proposing buildings that exceed the thresholds outlined above in subsection (A)(1)(c) of this section shall demonstrate to the Town Council that the project:
 1. Will not result in adverse impacts on the community character of the Town of Ballston; and
 2. Is consistent with the Purpose and Intent of the Mixed Use Center Districts as outlined in § 138-12.2.

2. For all residential projects (without any non-residential uses mixed in):
 - a. Site Plan review shall be required for proposals that include no more than 8 residential units;
 - b. A Special Permit shall be required for proposals that include more than 8 residential dwelling units but no more than 64 dwelling units;
 - c. A Planned Unit Development District shall be required for proposals that include more than 64 residential units.

B. Business Highway 2

1. For all non-residential projects (includes any project involving non-residential uses regardless of whether residential dwelling units are also included):
 - a. Site Plan review shall be required for proposals that include buildings with a single-floor footprint of 14,000 square feet or less and/or sites of 1 acre or less;
 - b. A Special Permit shall be required for proposals that include buildings with a single-floor footprint greater than 14,000 square feet and less than or equal to 60,000 square feet and/or sites of 8 acres or less.
 - c. A Planned Unit Development District shall be required for proposals that include

buildings with a single-floor footprint greater than 60,000 square feet, 300 linear feet and/or sites of more than 8 acres.

i. Rationale: Based on the Comprehensive Plan Vision, Goals, and recommendations, there is a clear desire to address the size of commercial development in the Town based upon concerns for community character impacts. In order to protect the community character of the Town and therefore comply with the recommendation, vision and goals of the Comprehensive Plan, applicants proposing buildings that exceed the thresholds outlined above in subsection (B)(1)(c) of this section shall demonstrate to the Town Council that the project:

1. Will not result in adverse impacts on the community character of the Town of Ballston; and
2. Is consistent with the Purpose and Intent of the Mixed Use Center Districts as outlined in § 138-12.2.

C. Public Benefits

1. The Planning Board shall encourage all applicants proposing projects that exceed a single floor footprint of 20,000 square feet to provide one or more of the following public benefits.

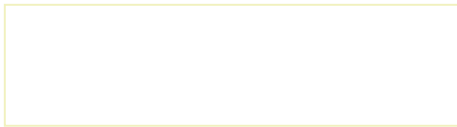
- a. Acquisition and/or construction of a new Town park or recreational facility.
- b. Improvements or rehabilitations to existing Town parks or recreational facility.
- c. Implementation of one or more of the proposed improvements for the Route 67 Corridor outlined in the Route 67 Corridor Study – The Town of Ballston’s approved Intended Transportation Plan, in addition to required transportation improvements as identified during the review process.

2. For all residential projects (without any non-residential uses mixed in):

- a. Site Plan review shall be required for proposals that include no more than 6 residential;
- b. A Special Permit shall be required for proposals that include more than 6 residential dwelling units but no more than 45 dwelling units;
- c. A Planned Unit Development District shall be required for proposals that include more than 45 residential units.

§ 138-12.5. General Rules - Building Footprint Size

The various thresholds set forth in § 138-12.5 above are not maximum limitations but merely direct what type of review will apply to a given project depending on the proposed aggregate building footprint or the size of the site. There is no prohibition on the size of the site, the total



aggregate square footage of buildings, or the number of dwelling units allowed on any one site (for either single-floor or multi-story buildings) except that the site must be able to accommodate all of the features of the project including the parking areas, stormwater detention or drainage areas, landscaping, buffers, sidewalks and other site features that may be applicable.

10. Article VIII (“Industrial District Regulations”) of Chapter 138 of the Town of Ballston Code (“ZONING”) is hereby amended by adding the following new sections to read as follows:

§ 138-13.1A. Purpose and Intent of District.

The Industrial District is that portion of the Town which has been utilized by, and set aside for, uses that involve production, manufacturing, distribution or fabrication activities and is an area where pedestrians are few and where uses are set back far from the frontage roads with natural buffering. This District is addressed in the Comprehensive Plan at section 3.5, where it is noted that the District should also allow for a mixture of uses compatible with industrial uses especially in the gateway areas of this District.

11. Article VIIIA of Chapter 138 of the Town of Ballston Code (“ZONING”) is hereby amended by deleting the provisions under that Article and replacing them with the following new sections so that said Article VIIIA reads as follows:

Article VIIIA

Ballston Lake Residential District.

§ 138-21.1. Uses Permitted.

All uses permitted and all uses requiring site plan approval or a special permit are listed on the Uses, Area, Frontage and Setback Requirements for Ballston Lake Residential District Table located at the end of this chapter.

§ 138-21.2. Area requirements.

All area requirements for each use are so indicated on the Uses, Area, Frontage and Setback Requirements for Ballston Lake Residential District Table located at the end of this chapter.

§ 138-21.3. Purpose and Intent of District.

The Ballston Lake Residential District (as described in the Comprehensive Plan, section 3.4) is an area that is conducive to greater density for residential dwelling purposes due to its location and proximity to infrastructure particularly water and sewer connections via extensions from existing systems. It also is nearby or adjacent to areas of higher density in neighboring Town of Malta. As such, this District is appropriate for future residential development and traditional neighborhood

design features should be implemented so as to further the provision of neighborhood amenities such as small parks and playgrounds, trails, walkways in order to promote pedestrian friendliness and the traditional neighborhood feel. Higher density is allowed with the expectation that more amenities will be required in order to enhance or create traditional-type neighborhoods.

§ 138-21.4. Design Standards.

A. For all subdivisions proposed in the Ballston Lake Residential District, the standards set forth in § 104-14 of Chapter 104 (“Subdivision of Land”) of the Town Code.

B. For all other development that does not include residential subdivisions including Planned Unit Development, the standards set forth in § 104-14 of Chapter 104 (“Subdivision of Land”) of the Town Code shall also apply.

§ 138-21.5. Design Bonuses for TND design

Density bonuses may be applied by the Planning Board set forth in § 104-14 of Chapter 104 (“Subdivision of Land”) of the Town Code, if in the Planning Board’s discretion, such density bonuses are (1) necessary to encourage, facilitate and/or offset additional development costs incurred by the impositions of the TND design standards; (2) will not adversely effect adjacent properties, the surrounding neighborhood and the objectives in creating traditional style neighborhoods; and (3) adequate infrastructure is available or to be made available in order to support the increased densities.

**Article XV – Off Street Parking and Loading
Chapter 138-56 & 138-57**

§ 138-56. Off-Street Parking.

A. Intent.

Off-street parking spaces shall be required for all structures and uses constructed, altered, or rebuilt after the effective date of this Chapter, except that parking spaces shall not be required for structures in existence on the effective date hereof that are rebuilt or repaired as a result of damage or destruction by causes beyond the control of the owner or lessee. This exception shall not permit the rebuilding or repair of a building having a greater number of stories or square feet of ground space than the building damaged or destroyed unless provision is made for off-street parking as provided in this Chapter. All parking spaces provided pursuant to this section shall be on the same lot with the building, except that the Zoning Board of Appeals may issue special permits for parking spaces to be on any lot within 500 feet of the building, if it determines that it is impractical to provide parking on the same lot with the building.

Off-street parking space shall be provided for all dwellings. No portion of the right-of-way of an existing or proposed street or highway shall be used for parking space(s) for a residential

use unless it is part of a proposed development in the Mixed Use or Business Highway 1 & 2 districts where on-street parking is encouraged on internal roads and secondary streets. A parking space may be fully enclosed (as a garage), covered (as a carport) or open. For any buildings having more than one use, parking space(s) shall be required for each use.

The number, size and dimensions of parking spaces suitable for use by the physically handicapped shall comply with the requirements set forth in the New York State Uniform Fire Prevention and Building Code. Each area reserved for handicapped off-street parking shall consist of at least 320 square feet, with a minimum width of 16 feet. Spaces in a lot shall have a minimum clear width of eight feet zero inches and an adjoining access aisle having a minimum clear width of eight feet zero inches. Two accessible parking spaces are permitted to share a common access aisle.

B. Parking Design Standards.

For all projects in the Mixed Use Districts and the Business Highway 1 & 2 Districts requiring Site Plan, Special Use Permit or Planned Unit Development approvals, the design standards, principals and procedures for on and off-street parking established in Appendix 1, Section 19 of the Town of Ballston Zoning Code entitled “*Mixed Use and Business Highway District Design Standards*” shall apply.

C. Schedule of Off-Street Parking:

| Use | Parking Space Required |
|--|---|
| Banks | 1 space per 200 square feet of gross floor area, plus 2 stacking spaces for each drive-through lane, plus 10 additional stacking spaces |
| Business offices or professional offices | 1 space per 300 square feet of floor area |
| Beauty parlors, barbershops and similar personal services | 3 spaces per employee |
| Boarding, rooming or lodging homes | 1 space per rental unit, plus 1 space per employee |
| Bowling establishments | 5 spaces per lane |
| Car washes | 1 space per employee, plus 5 stacking spaces per self-wash bay, plus 10 stacking spaces per automatic bay |
| Churches | 1 space per 3.5 seats |
| Commercial recreation | 1 space per 2 persons maximum capacity |
| Convenience stores | 1 space per 100 square feet of gross floor area; minimum of 5 spaces |
| Convention halls | 1 space per 2 persons maximum capacity |
| Convalescent, Nursing and other health homes and institutions | 1 space per 4 beds, plus 1 space per employee, plus 1 space per staff doctor |

| | |
|---|--|
| Day-care centers or nursery schools | 1 space per employee, plus 1 space per 20 children, plus 1 stacking space per 10 children for pickup and drop-off |
| Drive-through services | 2 stacking spaces per drive-through lane, plus 10 additional stacking spaces |
| Farm or nursery stands | 1 space per 100 square feet of gross floor area |
| Fast-food establishments | 1 space per every 2 seats, plus 1 per each employee in the maximum shift or 1 space per 100 square feet of gross floor area |
| Home Occupations | 1 space per 300 square feet of gross floor area. All off-street parking is to be located in the existing driveway of the home. |
| Hospitals, | 1 space per 2 beds, plus 1 space per 2 employees, plus 1 space per staff doctor |
| Hotels | 1 space per room, plus 1 space per employee in the maximum shift |
| Instructional facilities, seminars and/or training facilities alone or in conjunction with another use | 1 space per instructor and 1 space per every 2 students or participants |
| Laundromats | 1 space per washing machine |
| Libraries | 1 space per 250 square feet of gross floor area |
| Manufacturing/Industrial establishments | 1 space per each employee or 1 space per 400 square feet of gross floor area, which ever is greater |
| Medical offices | 1 space per 175 square feet of floor area |
| Mortuaries or funeral parlors | 6 spaces per chapel or parlor room, plus 1 space per funeral vehicle, plus 1 space per employee |
| Motels and tourist courts | 1 space per rental unit, plus 1 space per employee in the maximum shift |
| Multifamily residential structures | 2 1/2 spaces per dwelling unit |
| Multifamily senior citizen housing | 1 space per 2 dwelling units |
| Private clubs, lodge halls and union headquarters | 1 space per 2 persons maximum occupancy |
| Private or parochial schools | 2 spaces per classroom, plus bus spaces equal to number of buses |

Research and development laboratories

1 space per 225 square feet of gross floor area of office space, plus 1 space per employee in areas other than office space

Restaurant or other eating place (other than Fast food establishments)

1 space per each 5 seats, plus 1 per each employee in the maximum shift

Retail stores

1 space per 100 square feet of gross floor area

Single-Family Residential

2 spaces per dwelling unit

Service Stations (automobile)

2 spaces per bay and 1 space per employee

**Theaters, auditoriums and places of assembly with fixed seats
Universities, Colleges and equivalent parochial schools**

1 space per each 8 seats
5 spaces per classroom, plus 1 space per faculty member, plus bus spaces equal to number of school buses

Warehouse - distribution

1 space per 500 square feet of gross floor space or 1 space per each employee in the maximum shift

Wholesale businesses

1 space per 200 square feet of customer sales and office area, plus 1 space per employee in the maximum shift in storage and service areas

D. Reserved/Banked Parking.

If the Planning Board finds that compliance with the off-street parking requirements herein would have an adverse impact upon the physical environment or visual character of the area, and if the Board also finds that all of the parking required in the "Schedule Of Off-Street Parking" will not be necessary for the anticipated use of the site, the Planning Board may reduce the amount of parking required to be constructed, provided that sufficient usable land is set aside to satisfy the prescribed parking requirements in the future should the need for such additional parking arise. The Planning Board shall, as a condition of any approval granted, retain the right to require the owner of the property to construct such additional parking whenever it finds that such parking is needed. If a proposed use is not listed in "Schedule Of Off-Street Parking" the Planning Board shall use its discretion to determine the amount of parking to be required.

E. Shared Parking.

Nothing contained in this Chapter shall be interpreted to prevent the Planning Board from requesting, in any Mixed Use or Business Highway district, the provision of shared parking lots for one or more uses located on separate lots or on common lots. Parking spaces located in a joint parking lot may be used to satisfy the off-street parking requirements of this article, provided said spaces are located within 500 feet walking distance of the lot containing the land use they are intended to serve, as measured along the public right-of-way. In no instance shall parking spaces in a joint parking lot that are devoted to meeting the parking requirements of one land use be used to meet the parking requirements of another land use.

Application of Shared Parking

Applicants for new developments or redevelopment in the Mixed Use and Business Highway districts are encouraged to examine the feasibility of using shared parking arrangements. Factors to be evaluated to establish shared parking arrangements should include operating hours, seasonal/daily peaks in parking demand, the site's orientation, location of access driveways, availability of transit service, accessibility to other nearby parking areas, pedestrian connections, distance to parking area, availability of parking spaces, and cooperation of adjacent owners.

Calculation of Parking Spaces Required with Shared Parking

The minimum number of parking spaces for a mixed use development or where shared parking strategies are proposed shall be determined by a study prepared by the applicant following the procedures of the Urban Land Institute (ULI) Shared Parking Report, Institute of Transportation Engineer's (ITE) Shared Parking Guidelines, or other methodologies approved by the Planning Board. A formal parking study may be waived by the Planning Board for small developments where there is established experience with the land use mix and its impact is expected to be minimal. The actual number of parking spaces required shall be based on well-recognized sources of parking data such as the ULI or ITE reports. If standard rates are not available or limited, the applicant may collect data at similar sites to establish local parking demand rates. If the shared parking plan assumes use of an existing parking facility, then field surveys shall be conducted to determine actual parking accumulation. If possible, these surveys should consider the seasonal peak period for the combination of land uses involved.

The applicant shall determine the minimum number of parking spaces required for shared parking arrangements or mixed use developments by utilizing the following example procedures:

Step 1. Determine the number of parking spaces that should be provided for each land use separately in parking codes by multiplying the park code requirements by the Gross Square Feet (GSF) of each individual use and then sum the results. That is, parking required = parking rate x GSF of development.

Step 2. Based on the hourly variation in parking demand, determine the peak parking demand for the combined demand of all the uses in the development. Standardized data such as from the ULI Parking Report should be used to estimate hourly variations. Field studies can also be performed on similar land uses within the jurisdiction or adjacent municipalities to establish the hourly variation patterns. This analysis may be needed for both weekdays and weekends, depending on the type of uses involved, and may need to consider seasonal peak periods.

Step 3. Compare the calculations of the two steps above, and the lesser of the two peak parking demands shall be used as the minimum number of parking spaces that need to be provided.

Distance to Parking Spaces and Pedestrian Connection Requirements

Shared spaces for residential units must be located within 300 feet of dwelling unit entrances they serve. Shared spaces at other uses must be located within 500 feet of the principal building entrances of all sharing uses. Clear, safe pedestrian connections must be provided.

Agreement Between Sharing Property Owners

If a privately owned parking facility is to serve two or more separate properties, a legal agreement between property owners guaranteeing access to, use of, and management of designated spaces is required. Shared parking spaces shall be subject to appropriate deed restrictions (or other legal instrument), as approved by the Planning Board Attorney, binding the owner of the parking spaces and his/her heirs and assigns to provide and maintain the required number of spaces for the land use that they are intended to serve either throughout the existence of such land use, or until such spaces are provided elsewhere.

Shared Parking Plan

The Planning Board, at its discretion, may require that a shared parking plan be submitted. Shared parking may be shown on the site plan, landscaping plan or as a separate document. The shared parking plan shall include one or more of the following:

- A. Site plan of parking spaces intended for shared parking and their proximity to land uses that they will serve.
- B. A signage plan that directs drivers to the most convenient parking areas for each particular use or group of uses (if such distinctions can be made).
- C. A pedestrian circulation plan that shows connections and walkways between parking areas and land uses. These paths should be as direct and short as possible.

§ 138-57. Off-Street Loading.

- A. Off-street loading facilities shall be provided for each non-residential use and shall be so arranged as not to interfere with pedestrian or motor traffic on the public highway or any adjacent residential area. Such off-street loading facilities shall be confined to the side or rear yard and screening shall be provided to minimize the view of any off-street loading or commercial use from any point along a property line common to any residential use or from any street. The number and dimension of the off-street loading spaces shall be determined by the Planning Board.

Severability

Should any section or provision of this local law be declared, adjudged or ordered null, void, void able, or invalid by a court of competent jurisdiction, such finding of invalidity shall not affect the validity of the remaining portions of this local law.

Effective Date

This local law shall take effect upon filing with the Secretary of State of the State of New York.

12. Chapter 91 of the Town of Ballston Code (“SITE PLAN REVIEW”) is hereby repealed and Chapter 138 of the Town of Ballston Code (“ZONING”) is hereby amended by adding a new Article as “Article XXVI” entitled “Site Plan Review” to read as follows:

**ARTICLE XXVI
SITE PLAN REVIEW**

§ 138-102 Applicability: Site Plan review and approval is required for certain uses as indicated on the use tables set forth at the end of this Chapter or where Site Plan approval is required as part of the criteria for a Special Permit. In such cases the site plan approval must be obtained prior to the issuance of a building permit for construction.

§ 138-103 Sketch Plan. A sketch plan conference may be held between the Planning Board and the applicant prior to the preparation and submission of a formal site plan. No fee is required to schedule a sketch plan conference but a written request for such a conference must be made in writing to the Planning Board Chairman and delivered to the Building Department at least three weeks prior to the next regularly scheduled Planning Board meeting in order to get on the agenda for that meeting. The intent of such a conference is to enable the applicant to inform the Planning Board of the proposal prior to the preparation of a detailed site plan, and for the Planning Board to review the basic site design concept, advise the applicant as to potential problems and concerns and to generally determine the information to be required on the site plan. As such, an applicant is strongly encouraged to schedule and attend the sketch plan conference. In order to accomplish these objectives, the applicant should provide the Planning Board with as much information or detail as is practicable. In this regard, the following is suggested:

- A. A sketch or map of the area which shows the location of the site with respect to nearby streets, rights-of-way, properties, easements and other pertinent features; and
- B. A sketch plan showing proposed site improvements, including the locations and dimensions of proposed structures, parking areas, water service, wastewater disposal, conceptual stormwater management, anticipated changes in the existing topography and other natural features; and
- C. A topographic or contour map of adequate scale and detail to show site topography and significant site features such as wetlands, surface waters, existing structures or improvements on the site and any other information that may be pertinent to the design and layout of the site.

At the option of the applicant, more than one sketch plan conference may be scheduled in order to have sufficient opportunity to exchange ideas, provide recommendations, if any, and further develop the proposal.

§ 138-104 Conceptual Site Plan.

At the option of the applicant, a conceptual site plan may be submitted for preliminary review and analysis by the Planning Board. This conceptual review process is intended to afford the applicant another opportunity to fine-tune the proposal prior to submission of a formal site plan. It is an optional, voluntary process that may be appropriate with certain applications, particularly those that may involve a large-scale or complex development proposal. The purpose of the concept plan is to provide the Planning Board with more detailed information and a fuller understanding of the proposal so that a more detailed recommendation can be provided by the Planning Board. It is the goal of this review stage, that the applicant and the Planning Board can reach a consensus on exactly what will be required with the submission of a formal site plan application and what is acceptable regarding the conceptual features of the proposal thereby streamlining the process for the formal site plan review.

A. Submission for conceptual site plan review. An application for conceptual site plan shall be made in writing to the Planning Board Chairman and delivered to the Building Department at least 3 weeks prior to the next regularly scheduled Planning Board meeting in order to get on the agenda for that meeting. The Application shall include the following:

- (1) A narrative description of the proposed project, addressing its scope of operation, purpose, justification and impact on the immediate area of influence and the town in general (traffic generation, population, utilities aesthetics and land use compatibility) and including the following:
 - (a) Address of site (street and number).
 - (b) Name of applicant.
 - (c) Name of proposed tenant/business.
 - (d) Site zoning.
 - (e) Description of existing site and use.
 - (f) Description of intended site development and use.
 - (g) Proposed gross floor area.
 - (h) Building height and number of floors.
 - (i) Number of guest rooms or dwelling units where applicable.
 - (j) Number of employees.
 - (k) Hours and days of operation.
 - (l) Proposed number of parking spaces.
 - (m) Site coverage statistics (building coverage, paved areas, green area, by percentage of site and square footage).
 - (n) Impact on adjoining property: noise, visual, drainage, other.
 - (o) Anticipated impact on services (quantify and discuss impacts): traffic, sewer, water, solid waste.
 - (p) Storage and disposal method of chemicals used (solvents, soaps, etc.).
- (2) A conceptual site plan should contain the following:

- (a) Title block with names of projects, applicant, and map preparer; address of site; date of map; and work record with revision dates.
- (b) Proposed buildings, other improvements (with building and setback dimensions).
- (c) Proposed utilities, including lateral locations, sizes and connection points.
- (d) Proposed landscaping.
- (e) Proposed parking, circulation, storage, service, display areas, solid waste containment/recycling areas; label minimum parking setbacks from lot lines and buildings
- (f) Number of parking spaces, including handicapped spaces as required by NYS Uniform Fire Prevention and Building Code.
- (g) Analysis of parking requirement.
- (h) Access location.
- (i) Proposed drainage concept.
- (j) Approximate limits of clearing and grading.
- (k) Existing/proposed easements.
- (l) Site coverage statistics (building coverage, green area, and paved areas by percentage of site and square footage).
- (m) Building height and number of floors.

(3) Environmental assessment form (optional at this stage).

B. Review and conceptual determination. The applicant shall attend the Planning Board meeting at which the concept plan is to be discussed. With the consent of the applicant, more than one meeting may be held on the conceptual site plan and public input may be invited. The conceptual determination is not binding on the applicant nor does it commit the Planning Board to definite course of future action on the proposal. In other words, the applicant is still entitled to submit a formal site plan that may not be consistent with the accepted conceptual plan and the Planning Board's final decision on the formal site plan submission will be based on the content, record and review of the formal site plan. However, the intent is that after the conceptual plan stage of review, the proposal will be sufficiently reviewed and discussed to afford the applicant with insight as to how to proceed in the formal site plan review stage.

§ 138-105 Application for Site Plan Approval. An application for site plan approval shall be made in writing to the Chairman of the Planning Board and delivered to the Building Department in accordance with the following requirements. It shall be accompanied by information and documentation contained on the following checklist. Where the sketch plan conference was held or the conceptual site plan review process was initiated, the accompanying information shall be drawn from the following checklist as determined necessary by the Planning Board pursuant to such sketch plan conference or conceptual plan review.

A. Site Plan Submissions Checklist.

- (1) Title of drawing, including name and address of the applicant and person responsible for preparation of such drawing.
- (2) North arrow, scale and date and location map.
- (3) Boundaries of the property plotted to scale.
- (4) Existing watercourses.
- (5) Owners and use of adjacent lands.
- (6) Existing zoning and zoning district requirements.
- (7) Site area in acres and square feet.
- (8) Existing utilities (location and size).
- (9) Location of all easements.
- (10) Site coverage statistics.
- (11) Proposed finished floor elevations.
- (12) Limits of grading and clearing.
- (13) Grading and drainage plan, showing existing and proposed topography at minimum two-foot contour intervals, extending 50 feet from the site, and based on a NAVD 1929 benchmark (shown on plans).
- (14) Location, proposed use, dimensions and height of all buildings, including building setback dimensions to each lot line.
- (15) Location, design and construction materials of all parking and truck loading areas, number of parking spaces and showing ingress and egress.
- (16) Provision for pedestrian access/parking for handicapped.
- (17) Location of outdoor storage, if any.
- (18) Location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls, surface treatments and fences.
- (19) Description of the method of sewage disposal and location, design and construction materials of such facilities.
- (20) Description of the method of stormwater collection and location, design and construction materials of such facilities.
- (21) Description of the method of securing public or private water and location, design and construction materials of such facilities.
- (22) Location of fire and other emergency zones, including the location of fire hydrants.
- (23) Location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy.
- (24) Location, size and design and construction materials of all proposed signs.
- (25) Location and proposed development of all buffer areas, including existing vegetative cover.
- (26) Location and design of outdoor lighting facilities.
- (27) Location of service and equipment, HVAC, refuse, loading, recycling.
- (28) Designation of the amount of building area proposed for retail sales or similar commercial activity.

- (29) General landscaping plan and planting schedule.
- (30) Other elements integral to the proposed development as considered necessary by the Planning Board, including identification of any state or county permits required for the project's execution.
- (31) Completed and signed application form.
- (32) Required Application Fee.
- (33) Environmental Assessment Form, with Part 1 completed and signed by applicant.
- (34) Site photographs showing existing conditions

B. Additional Submission Requirements.

- (1) Stormwater. The submission requirements and standards set forth in Chapter 91 (entitled, "Stormwater Management") of the Town Code shall apply and be adhered to by the applicant.
- (2) The applicant shall submit an existing conditions diagram showing relevant features including but not limited to those identified in items 1-9 proposed of section 138-105A. This diagram should also be used to identify the location and direction of the site photographs.

C. **Waivers:** On its own initiative or at the request of the applicant, one or more of the above submission requirements may be waived. The intent is not to require information that is not relevant for the purpose of making an informed decision or to become unduly burdensome on those projects where the level of detail is not warranted. As such, the Planning Board has flexibility in its discretion to determine what shall be required as part of the application submissions. Thus, if the Planning Board finds that any of the information requirements as set forth above are not necessary to conduct an informed review, it may waive such information requirements as it deems appropriate. Any such waiver shall be made in writing, and shall contain statements of the reasons why the waived information requirements are not necessary for an informed review under the circumstances. The Planning Board may grant such waivers on its own initiative or at the written request (that sets forth the specific requirements that are requested to be waived and the reasons for the requested waiver) of an applicant.

§ 138-106 Review of site plan. The Planning Board's review of the site plan shall include, as appropriate, but is not limited to, the design standards set forth in this Chapter as applicable to the zoning district where the site is located and the specific use being proposed, as well as the following:

- A. General considerations:
 - (1) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
 - (2) Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
 - (3) Location, arrangement, appearance and sufficiency of off-street parking and loading.

- (4) Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.
- (5) Adequacy of stormwater and drainage facilities.
- (6) Adequacy of water supply and sewage disposal facilities.
- (7) Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
- (8) In the case of an apartment complex or other multiple dwelling, the adequacy of usable open space for plan areas and informal recreation.
- (9) Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features.
- (10) Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
- (11) Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
- (12) Where required by specific design standards or guidelines or where otherwise warranted, the appearance and design of buildings and structures, including but not limited to architectural features, building materials and colors.

B. Consultant review.

The Planning Board may consult with the Town Staff, Fire Commissioners, Highway Superintendent, other local county officials and its designated private consultants and engineers, in addition to representatives of federal and state agencies, including but not limited to the Soil Conservation Service, the State Department of Transportation and the State Department of Environmental Conservation. If the Planning Board determines that the site plan application requires the use of its own consultants (such as professional engineer, planner or attorney), it shall require as part of the application fee a deposit in an amount sufficient to reimburse the Town for reasonably estimated costs of a consultant to be retained by the reviewing Board in order to assist the Board in reviewing the application. Said amount shall be based on the specific fee schedule of the particular consultant or consultants retained as well as the scope of services to be provided by such consultant(s). The Town shall hold such deposit in escrow for the sole purpose of paying the costs and fees of the consultant(s) retained for review of the application. The consultant retained shall provide the Town with detailed invoices showing the services rendered for the time-period billed and the Town shall provide the applicant with an opportunity to review said invoices prior to payment. Additional deposits may be required as the review process continues.

C. Required referral.

Prior to taking action on the site plan, the Planning Board shall refer the plan to the County Planning Department for advisory review and a report as applicable and in accordance with § 239-m of the General Municipal Law. Upon receipt of application materials it deems to be complete, the Planning Board shall refer to the Saratoga County Planning Department any application for a site plan affecting real property within 500 feet of the boundary of the Town of Ballston, the boundary of any existing or proposed County or State park or other recreational area, the boundary of any existing or proposed County or State roadway, the boundary of any

existing or proposed right-of-way for a stream or drainage channel owned by the County for which the County has established channel lines, the boundary of any existing or proposed County or State-owned land on which a public building or institution is situated, or the boundary of a farm operation within an agricultural district as defined in Article 25AA of the Agriculture and Markets Law, pursuant to General Municipal Law, Article 12-B, Sections 239-1 and 239-m, as amended.

1. No action shall be taken on applications referred to the County Planning Department until its recommendation has been received, or 30 days have elapsed after its receipt of the complete application, unless the County and Town agree to an extension beyond the 30-day requirement for the County Planning Department's review.
2. County Disapproval. A majority-plus-one vote of the Planning Board shall be required to grant any Special Permit which receives a recommendation of disapproval from the County Planning Department because of the referral process specified above, along with a resolution setting forth the reasons for such contrary action.
3. In the case of a project proposal which also requires a Special Permit, every effort shall be made by the Planning Board to avoid duplication of the County referral process. However, such determination shall be made by the Planning Board in cooperation with the Saratoga County Planning Department, since the Site Plan application may contain issues not addressed in the Special Permit process

D. Compliance with SEQRA.

The Planning Board shall comply with the provisions of the State Environmental Quality Review Act ("SEQRA") under Article 8 of the Environmental Conservation Law and its implementing regulations and shall not make a binding decision on the site plan until the SEQRA process has been completed. Upon receipt of application materials it deems complete, the Planning Board shall initiate the SEQRA process unless the process has been already commenced pursuant to another approval process for the same project. No time periods for decision making in this local law shall begin to run until either acceptance of a DEIS as satisfactory pursuant to New York State Department of Environmental Conservation Regulations or the issuance of a negative declaration.

E. Agriculture Data Statement.

An agriculture data statement is required where the proposed use is located in, or within 500 feet of, the boundaries of an agricultural district. If an agricultural data statement has been submitted, the Secretary of the Planning Board shall, upon receipt of the application, mail written notice of the Site Plan application to the owners of land as identified by the applicant in the agricultural data statement. Such notice shall include a description of the proposed project and its location. The cost of mailing the notice shall be borne by the applicant.

F. Application for Area Variance

Where a proposed site plan contains one or more features that do not comply with the dimensional zoning regulations of this Chapter, application may be made to the Zoning Board of Appeals for an Area Variance pursuant to Article XXIII without a decision or determination by the Zoning Enforcement Officer.

§ 138-107 Planning Board Action On Site Plan.

- A. Determination That Application Is Complete. The site plan application together with all of the required submissions outlined in the section 138-107 above, shall be submitted to the Building Department at least three weeks prior to the next regularly scheduled Planning Board meeting in order to get on the agenda for that meeting. At the first meeting upon which the application is on the agenda, the Planning Board shall review the application including the site plan and the supporting documents and information for purposes of determining whether the application is complete for purposes of commencing review. The Planning Board shall make this determination within 31 days from the first meeting date where the application is on the meeting agenda. If the application is not complete, the Planning Board shall specify to the applicant what omissions or deficiencies there are in the application submissions. The applicant will then have to submit the missing documentation or information until the Planning Board determines that the application is complete.
- B. Decision/Hearing: Within sixty-two (62) days of the acceptance of a complete application for site plan approval, the Planning Board shall either (a) render a decision on the site plan, or (b) schedule and hold a public hearing if in the Planning Board's discretion there are factors present (such as but not limited to potential public controversy, the desirability of input from adjoining property owners or the public at large) that warrant a public hearing. If the Planning Board determines to hold a hearing, it must be held within 62 days of the receipt of a complete application and the decision on the site plan must be made within 62-days from the close of the public hearing. The time within which a decision must be rendered may be extended by mutual consent of the applicant and Planning Board.
- C. Content of Decision. The Planning Board has the authority to approve the site plan, approve the site plan with modifications, or disapprove the site plan. The Planning Board also has authority to impose such reasonable conditions and restrictions on the site plan approval as are related to and incidental to the site plan. The Planning Board shall make its decision in writing and shall file said decision with the Town Clerk, and mail or hand-deliver such decision to the applicant within 7 days of the date that the decision is rendered with a copy to the Building Department. The Planning Board's decision may include specifications for the required modifications to be incorporated in the final site plan, and conformance with said modifications shall be considered a condition of approval. If the site plan is disapproved, the Planning Board's statement will contain the

reasons for such findings.

D. Procedures after Decision.

- a. If the site plan is approved without modifications, the approved site plan with any conditions will be the final site plan and will be endorsed accordingly. If conditions are attached to the approval, the site plan will be endorsed as conditionally approved. All conditions must be complied with before occupancy or commencement of the use is allowed.
- b. If the site plan is approved with modifications, the applicant must submit a final site plan that incorporates said modifications for the Planning Board review and approval. The Planning Board shall act on the final site plan within 62 days after the final site plan is presented to the Planning Board at its regularly scheduled meeting. If the Planning Board's decision was complied with and the modifications are incorporated in the final site plan, the site plan shall be approved as final and endorsed accordingly. Such modifications or conditions that may require the submission and review of a final site plan include, but are not limited to, the following:
 - i. Record of application for and approval status of all necessary permits from state and county officials.
 - ii. Detailed sizing and final material specification of all required improvements.
 - iii. An estimated project construction schedule.
- c. If the site plan was disapproved, the Planning Board may recommend further study of the site plan and resubmission to the Planning Board after it has been revised or redesigned. The full review process is to recommence.
- d. Upon approval of the site plan, the Building department has the authority to issue a building permit and/or certificate of occupancy or compliance upon completion of the development of the site in strict accordance with the approved site plan and any conditions attached thereto.

§ 138-108 Engineering data.

The applicant shall provide, at the applicant's expense, all data requested by the Planning Board. Such data may include but is not limited to surveys, detailed soil topography maps, soil composition testing, water percolation testing, drainage information, data regarding the impact of the construction on the surrounding environment and other issues of consideration as set forth in the Town of Ballston Site Plan Review Manual. The Planning Board may request that such engineering data be provided only by a licensed engineer. Failure to provide such data will result in termination of the site plan review process.

§ 138-109.. Performance guaranty.

No certificate of occupancy shall be issued until all improvements shown on the site plan are installed or a sufficient performance guaranty has been posted for improvements not yet completed. The sufficiency of such performance guaranty shall be determined by the Planning Board after consultation with the Zoning Enforcement Officer or other competent persons.

§ 138-110. Inspection of improvements.

The Building Department shall be responsible for the overall inspection of site improvements, including coordination with other officials and agencies, as appropriate. A professional engineer may be designated by the Town Board to assist the Building Department in performing inspections while construction is on-going. If the site is not being developed in strict compliance with the approved site plan and any conditions attached thereto, the Code Enforcement Officer shall issue a stop work order and demand compliance with the approved site plan and any conditions attached thereto. An approved site plan may not be modified except by the Planning Board upon application for such modification from the applicant. Cost of inspections and consultation shall be borne by the applicant. Funds will be deposited in escrow before issuance of a building permit.

§ 138-111. Integration of procedures.

Whenever the particular circumstances of a proposed development require compliance with either the special use procedure in Chapter 138, Zoning, of the Code of the Town of Ballston or the requirements of Chapter 104, Subdivision of Land, of the Code of the Town of Ballston, the Planning Board shall attempt to integrate, as appropriate, site plan review as required by this section with the procedural and submission requirements for such other compliance.


§ 138-112. Reimbursable costs. Costs incurred by the Planning Board for consultation fees or other extraordinary expenses in connection with the review of a proposed site plan shall be charged to the applicant.

13. Chapter 138 of the Town of Ballston Code (“ZONING”) is hereby amended by adding a new Article as “Article XXVII” entitled “General Requirements” to read as follows:

ARTICLE XXVII
GENERAL REQUIREMENTS

§ 138-113. One Use Per Lot. Except in the Mixed Use Center Districts, Business Highway Districts 1 and 2, TND, or in Planned Development Districts, only one principal use per lot shall be allowed. For residential lots, no more than one single-family detached dwelling shall be allowed on any one lot.

§ 138-114. Change of Occupancy. Generally, a zoning permit or approval runs with the land and not with the individual or entity to which such permit or approval was issued. A change of occupancy or tenancy does not require a new permit or approval as long as the use continues to meet the requirements of this Chapter and is not otherwise changed, enlarged or expanded. At the Code Officers discretion, application for change of occupancy may be referred to the Planning Board.



§ 138-115. Outdoor Storage Containers. The use of outdoor storage containers, other than a shed or out building or refuse receptacle, shall be prohibited for a period of greater than four weeks if such storage container can be seen from neighboring properties or frontage roads except where such containers are present during ongoing construction activities under a valid building permit.

§ 138-116 Minimum Dwelling Size. The livable space footprint of all dwelling units shall be a minimum of 720 SF.

14. Article XXI (“Multiple Dwellings”) of Chapter 138 of the Town of Ballston Code (“ZONING”) is hereby amended as follows:

- A.** § 138-82 is amended by adding a last sentence to said section to read as follows:
Depending on the size of the multiple dwelling or site and number of units, a site plan approval, special use permit or planned unit development may be required in the Mixed Use Center Districts and the Highway Business Districts. In the Hamlet Residential and Ballston Lake Residential Districts multiple dwellings may also be allowed as part of a Traditional Neighborhood Design subdivision or planned unit development.
- B.** § 138-86 is amended by replacing the first sentence in said section with the following:
There are no space regulations applicable to multiple dwellings in the Mixed Use Center Districts, Business Highway, Ballston Lake Residential, and Hamlet Residential Districts where public water and sewer are not available. In Mixed Use Center Districts, the number of dwelling units in a multiple dwelling building or on any site shall be determined by the design of the site and its ability to support the units and building size including required parking, walkways, stormwater detention and drainage areas and other site features as may be applicable. For Traditional Neighborhood Design subdivisions and/or planned unit developments, the density requirements set forth in § 104-14 of Chapter 104 of the Town Code (Subdivision of Land) § 138-8.3 shall apply. In Districts other than Mixed Use Center Districts and for projects other than Traditional Neighborhood Design, space regulations for multiple dwellings shall conform to the Uses, Area, Frontage and Setback Requirements Table located at the end of this chapter.

15. Article __ (“Planned Unit Development”) of Chapter 138 of the Town of Ballston Code (“ZONING”) shall be amended here as follows:

§ 138-26 District Standards (A)(1) Minimum acres: Five (5) acres for residential and mixed-uses.

§ 138-26 District Standards (B)(1) Minimum Area. The minimum area requirements for consideration of a business, commercial, or industrial Planned Unit Development District shall be three (3) contiguous acres of land.

(The following subsection shall be inserted as follows)

§ 138-26 District Standards (C) Public Benefits. Applicants proposing projects that require Planned Unit Development approval pursuant to the requirements of Articles VI and VIIB of this Chapter, are strongly encouraged to consider one or more the following public benefits towards justification of the proposed project and to offset any identified adverse impact(s).

- (1) Acquisition and/or construction of a new Town park or recreational facility.
- (2) Improvements or rehabilitations to existing Town parks or recreational facilities.
- (3) Implementation of one or more of the proposed improvements for the Route 67 Corridor outlined in the Route 67 Corridor Study – The Town of Ballston’s approved Intended Transportation Plan, in addition to required transportation improvements as identified during the review process.