

TOWN OF BALLSTON

APPLICATION FOR PLANNED UNIT DEVELOPMENT DISTRICT

PLEASE SUBMIT WITH APPLICATION

- 1) [10] COPIES OF APPLICATION
- 2) [10] COPIES OF SKETCH PLAN AND NARRATIVE (Please refer to ~ 138-25, attached)
- 3) [10] COPIES OF COMPLETED ENVIRONMENTAL ASSESSMENT FORM, PART 1 (LONG FORM)
- 4) [2] COPIES OF DEED OR COLOR OF TITLE
- 5) APPLICATION FEE OF \$500.00
- 6) ENGINEERING REVIEW FEE OF \$1000.00

APPLICANT: _____ **PHONE:** _____

ADDRESS: _____

PROPERTY OWNER: _____ **PHONE:** _____

ADDRESS: _____

ENGINEER, ATTORNEY: _____ **PHONE:** _____

ADDRESS: _____

PROJECT LOCATION: _____

TAX MAP NUMBER: SECTION _____ **BLOCK** _____ **LOT** _____

(Applicant signature)

(Date)

(Owner signature)

(Date)

OFFICE USE

PROJECT NUMBER _____

| | | |
|---|------------|-------------------------|
| APPLICATION RECEIVED BY TOWN CLERK | DATE _____ | |
| APPLICATION FORWARDED TO BUILDING DEPT. | DATE _____ | |
| APPLICATION DETERMINED COMPLETE BY BUILDING DEPT. | DATE _____ | |
| APPLICATION TO BE HEARD BY TOWN BOARD | DATE _____ | |
| TOWN BOARD DECISION ON FURTHER ACTION | DATE _____ | CONTINUE ____ STOP ____ |
| APPLICATION FORWARDED TO PLANNING BOARD | DATE _____ | |
| APPLICATION TO BE HEARD BY PLANNING BOARD | DATE _____ | |

FINAL PLANNING BOARD ACTION _____ **DATE** _____ **RECOMMENDATION** _____

FINAL TOWN BOARD ACTION _____ **DATE** _____ **APPROVE** ____ **DISAPPROVE** ____

Planned Unit Development District ¹

§ 138-23. Purpose.

The purpose of the planned unit development classification is to provide for the rezoning of land to residential, commercial and industrial development zones, either jointly or separately, in conformance with provisions and standards which ensure compatibility among all the land uses, foster innovations in site planning and development and encourage sound design practices. Provision is included for planned unit developments to permit establishment of areas in which diverse uses may be brought together in a compatible and unified plan of development which shall be in the interest of the general welfare of the public. In planned unit developments, land and structures may be constructed and used for any lawful purpose in accordance with the provisions set forth herein.

§ 138-24. Procedure.

The procedure for obtaining a change in zoning district to a planned unit development shall be as follows:

- A. The owner of the land (or agent thereof, hereafter referred to as the "owner") shall apply in writing to the Town Board for a change in district to a Planned Unit Development District, said application to include seven copies of a sketch plan and narrative as described in § 138-25, Sketch plan, and seven copies of a completed environmental assessment form, Part 1. However, if the Town Board determines that the application does not merit review because it does not meet the objective of Chapter 138 and/or the Town Comprehensive (Master) Plan, it shall so notify the applicant, shall not refer the application to the Planning Board, and no further action on the application shall be taken. If the Town Board determines that the application does merit Planning Board review, the application, plus an additional 14 copies of the sketch plan and narrative and 14 copies of the completed environmental assessment form Part 1 shall be provide to the Planning Board. [Amended 1-4-2005 by L.L. No. 1-2005]
- B. The Town Board will review the application, and the Town Clerk shall forward two copies of the application, sketch plan, and environmental assessment form (EAF) to the Town Planning Board. However, if the Town Board determines that the application does not merit review because it does not meet the objectives of Chapter 138 and/or the Town Comprehensive (Master) Plan, it shall so notify the applicant, shall not refer the application to the Planning Board, and no further action on the application shall be taken. If the Town Board determines that the application does merit Planning Board review, the application shall be filed with the Town Clerk. [Amended 9-30-2003 by L.L. No. 4-2003; 8-3-2004 by L.L. No. 5-2004]
- C. After consideration by the Town Planning Board, the Secretary of the Planning Board shall forward a copy of the application, sketch plan and EAF (long form) to the County Planning Board in accordance with §§ 239-1 and 239-m of the General Municipal Law.
- D. The Planning Board shall review the application with the owner to determine if it meets the standards of this chapter as outlined in § 138-26, Planned Unit Development District standards. The Planning Board may require additional changes to the sketch plan as are deemed reasonably necessary to protect the established or permitted uses in the vicinity and to promote the orderly growth and sound development of the town.
- E. In reaching its decision on the proposed development and changes, if any, in the sketch plan, the Planning Board shall consider the following:
 - (1) The need for the proposed land use in the proposed location.
 - (2) The existing character of the neighborhood in which the uses will be located.

1. Editor's Note: See also the Existing Planned Unit Developments Appendix located at the end of this chapter.

- (3) The pedestrian circulation and open space in relation to structures.
 - (4) The traffic circulation features within the site and the amount, location and access to automobile parking areas; the impact of the proposal on existing transportation systems.
 - (5) The adequacy of the proposed public/private utilities, including water supply, sewage treatment and stormwater drainage facilities.
 - (6) The height and bulk of buildings and their relation to other structures in the vicinity.
 - (7) The proposed location, type and size of display signs, driveways and/or loading zones and landscaping.
 - (8) The safeguards provided to minimize possible detrimental effects of the proposed use on adjacent properties and the neighborhood in general.
 - (9) Such other matters as the Planning Board may consider pertinent.
- F. As part of the sketch plan review phase, the owner shall prepare a proposed local law for the creation of the Planned Unit Development District. The proposed law shall follow the format of a model law provided by the Planning Board, and any recommendations of the Planning Board shall be incorporated into the proposed law. The Planning Board shall approve, approve with modifications or disapprove such application and shall make recommendation to the Town Board within 60 days after receipt of all requested submittals to the Planning Board.
- G. The Town Board shall hold a public hearing on the proposal with public notice as provided by law as in the case of an amendment to a zoning law. The Town Board, in reaching its decision on the proposal, should consider the standards of this article.
- H. If the Town Planning Board's recommendation is to disapprove the proposal or for substantial modification thereof, the Town Board shall not act contrary to such recommendation, except by a vote of not less than 4/5 of all the members thereof and after the adoption of a resolution fully setting forth the reasons for such contrary action.
- I. Upon approval of the application, the Town Board may amend the Zoning Map² so as to define the boundaries of the Planned Unit Development District subject to the submission of a boundary and topographical survey of the property by a licensed engineer or land surveyor. The Town Board may attach to its zoning resolution any additional conditions or requirements it feels are necessary to fully protect the public health, safety and welfare of the community. Any conditions imposed by the Town Board shall run with the land and shall not lapse or be waived as a result of any subsequent change in the tenancy or ownership of any or all of said area.
- J. The law adopted by the Town Board will specify the owner's obligation to secure subdivision approval and/or site plan approval in accordance with the provisions of Chapter 104, Subdivision of Land, and Chapter 91, Site Plan Review, of the Code of the Town of Ballston. The law adopted by the Town Board will further specify that if after one year from date of approval of a Planned Unit Development District substantial site work has not begun, the approval given under the terms of this article is revoked and the land returned to the classification which is held prior to any action consummated pursuant to the provisions of this article. However, the applicant may, for valid reasons, request an extension of time from the Town Board.
- K. The applicant shall reimburse the Town for all engineering and other professional fees incurred in review of the development project. The Town Board shall require payment of the applicant of an amount equal to

2. Editor's Note: The official version of the Zoning Map is on file in the office of the Town Clerk. A copy of the map may be included in a pocket at the end of this volume.

the estimated cost of such professional fees to be held in escrow by the Town, which estimated cost shall be paid prior to the Town incurring any professional costs. [Added 8-3-2004 by L.L. No. 5-2004]

§ 138-26. District standards. [Amended 9-30-2003 by L.L. No. 4-2003]

The standards for Planned Unit Development Districts are to provide the Planning Board with a means of evaluating applications for the districts considering the provisions and general intent of this chapter. The Town Board may modify these standards based on review of written justification for such modifications provided by the applicant. Permitted uses: Uses within an area designated as a Planned Unit Development District are determined by the provisions of this section as well as the conditions of the approval of any actual planned unit development project.

- A. Residential and mixed-use planned unit development shall permit principally residential and mixed uses of a variety of types that may be deemed appropriate by the Town Board for the area of construction.
 - (1) Minimum acres: Five (5) acres for residential and mixed uses.
- B. Planned development business, commercial industrial planned unit development shall permit principally commercial, business and industrial uses of a variety of types such that may be deemed appropriate by the Town Board for the area under construction.
 - (1) Minimum area. The minimum area requirements for consideration of a Planned Unit Development District designation shall be Five (5) contiguous acres of land.
 - (2) Location. The planned unit development may be applicable to any area of the town where the applicant can demonstrate that the characteristics of his or her holdings will meet the objective of this article.
 - (3) Density. Because land is used more efficiently in a planned unit development, improved environmental quality can usually be produced with greater density than is usually permitted in traditional zoning districts. The Town Board shall determine in each case the appropriate land use intensity and/or dwelling unit density for individual projects. The determination of land use intensity or dwelling unit density shall be thoroughly documented, including all facts, opinions and judgments justifying the selection.
 - (4) Ownership. The tract of land under application for consideration for a planned unit development may be owned, leased or controlled either by a single person or corporation or by a group of individuals or corporations. An application must be filed by the owner or jointly by the owners or their agent(s) of all property included in the project. In the case of multiple ownership, the approved plan shall be binding upon all property owners, and such owners shall provide written certification of such binding agreements.

§ 138-27. Fees.

- A. A nonrefundable fee as determined by the Town Board shall be paid to the Town of Ballston upon each application.
- B. The applicant shall also be responsible for reasonable expenses (legal, engineering, etc.) incurred by the town in reviewing the application. The Town Planning Board will provide the applicant with a nonbinding, good faith estimate of these expenses within 30 days from the receipt of the application by the Town Board and referral to the Planning Board. The applicant shall have the right to appeal to the Town Board for a review of the estimate as determined by the Planning Board.

§ 138-25. Sketch plan. [Amended 9-30-2003 by L.L. No. 4-2003]

The sketch plan shall be to scale and shall delineate the parcel(s) to be developed. Definite boundary line information will be required. In addition, the sketch plan shall consist of the following elements:

| | APPLICANT | TOWN |
|---|-----------|-------|
| | CHECK | CHECK |
| A. Sketch plan based upon generalized topographical data (USGS five foot contour interval) and soil conditions; said plan to show land use areas, approximate building locations, easements, natural features to be preserved, data concerning the number and type of residential units proposed and the amount (in area) of any other uses to be built. | _____ | _____ |
| B. Sketch plan to show proposed traffic circulation, including existing public roads to be used, on site circulation and/or approximate parking and loading. | _____ | _____ |
| C. Schematic of proposed landscape and open space plan. | _____ | _____ |
| D. Sketches of typical structures proposed. | _____ | _____ |
| E. Proposed public utilities concept plan, including water supply, wastewater disposal and storm drainage facilities to be constructed. | _____ | _____ |
| F. Proposed construction sequence for buildings, recreation and open spaces, parking areas and public utilities and roads. | _____ | _____ |
| G. Traffic impact analysis. The applicant shall submit for review a traffic impact analysis to indicate the trip generations from the project and any potential impacts that may occur on the surrounding road network. The analysis should discuss any possible mitigation measures that may be required. Upon review of the impact analysis, the Planning Board may require that a traffic impact study be performed with the scope of the report to be determined by the Planning Board and its engineering consultant. | _____ | _____ |
| H. Stormwater management. The applicant shall submit for review a stormwater management analysis that describes the existing runoff and hydrology of the project site and the impacts of the proposed project. The analysis should contain a description of how the runoff will be collected, treated and controlled in accordance with Town and New York State requirements. Upon review of the impact analysis, the Planning Board may require a stormwater management report containing, as a minimum, hydraulic computations, analysis and mitigation measures; additional scope of the report to be determined by the Planning Board and its engineering consultant. | _____ | _____ |

Applicant
Check

Town
Check

I. Project narrative. A narrative description of the proposed project is required, addressing its scope of operation, purpose, justification and impact on the immediate area of influence and the town in general (school, traffic generation, population, utilities aesthetics and land use compatibility) and including the following:

(1) Address of site (street and number, Tax Map block and section).

(2) Name of applicant.

(3) Type of proposed tenant/business.

(4) Site zoning.

(5) Description of existing site and use.

(6) Description of intended site development and use.

(7) Proposed gross floor area.

(8) Building heights.

(9) Number of dwelling units, where applicable.

(10) Number of employees.

(11) Hours and days of operation.

(12) Proposed number of parking lots.

(13) Site coverage statistics (building coverage, paved areas, green area, by percentage of site and square footage).

(14) Impact on adjoining property: noise, visual, drainage, other.

(15) Anticipated impact on services (quantify and discuss impacts): traffic, sewer, water, solid waste.

(16) Storage and disposal method of chemicals used (solvents, soaps, etc.).

J. Any other information that the Planning Board may deem necessary for its review of the project.