

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
*(Select one.)*

of Ballston

Local Law No. 1 of the year 20<sup>19</sup>

A local law Amending Local Law 3 of 2018 - Katz Planned Unit Development District Mixed Use  
*(Insert Title)*

Be it enacted by the Town Board of the  
*(Name of Legislative Body)*

County  City  Town  Village  
*(Select one.)*

of Ballston as follows:

SEE ATTACHED

(If additional space is needed, attach pages the same size as this sheet, and number each.)

**(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)**

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2019 of the ~~(County)(City)~~(Town)(Village) of Ballston was duly passed by the Town Board on April 9 2019, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted *(Elective Chief Executive Officer\*)* on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. *(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

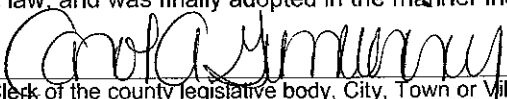
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: April 10, 2019

(Seal)

**KATZ PUDD MIXED USE**  
**Planned Unit Development District**  
**[Adopted 04-09-2019 by L.L. No. 1-2019]**

**Section 1. Title of the Proposed P.U.D. District.**

This local law shall be known as No.1 of the Town of Ballston amending the Zoning Ordinance of the Town of Ballston as adopted June 12, 2006, providing for the creation of a Planned Unit Development District to be known as "KATZ PUDD Mixed Use."

**Section 2. The Change in Zoning.**

The Zoning Ordinance of the Town of Ballston as adopted June 12, 2006, and the Zoning Map of the Town of Ballston as set forth therein and made a part thereof are amended by changing from the existing zoning districts "Rural" and "Business Highway-1" as hereinafter described and created within the boundaries of said newly described area, a Planned Unit Development District to be known and described as "Katz PUDD Mixed Use" (Katz).

**Section 3. Total Area Affected by the P.U.D. District.**

The area of Katz P.U.D. District (PUDD) consists of approximately 89.21 acres in the Town of Ballston and is bounded and described as set forth in Appendix A (legal description) and Appendix B (design plan), attached hereto, and made a part hereof. The area is located on the west side of Route 50, between Charlton Road and Meadowbrook Court.

**Section 4. Traditional Neighborhood Development Principles.**

A. Smart growth law defines traditional neighborhood development to mean a compact, mixed use neighborhood where residential, commercial and civic uses are within close proximity of each other. It is a planning concept that is based on traditional small town and city neighborhood development principles. Traditional neighborhood development is, in part, a reaction to the often inefficient use of land and infrastructure and the lack of a sense of community in many newer developments.

B. While there is no single model for a traditional neighborhood development, certain principles define this type of development. Things such as:

- (1) Compact Development.
  - (a) Traditional neighborhood developments are compact. Compact development patterns (for both residential and commercial uses) can promote a more efficient use of land and lower costs of providing public infrastructure and services.
  - (b) Compact development also means the development is designed for the human scale. The human scale is defined as the relationship between the dimensions of the human body and the proportion of the spaces which people use. This includes paying attention to walking distances, the height of the buildings, the design of streetlights and signs, sidewalks and other features.
  - (c) Compact development can also promote social interaction including civic spaces such as parks and public buildings. It also means that residential, commercial and civic

spaces are within close proximity to each other to help encourage people to walk between various uses.

(2) Mixed Uses.

- (a) Traditional neighborhood developments are designed to include a mixture of uses. This means that nonresidential land uses, such as commercial, civic and open space, are mixed with resident land uses. Mixing land uses also helps promote walking between the various uses. Different modes of transportation are promoted in the community such as walking, bicycles and automobiles.
- (b) Mixed use also provides a community center or focus. For example, the community center may be a public facility such as a park, recreational facility or a retail area. Mixed use also means promoting a mix of housing types and sizes to accommodate households of various ages, sizes and incomes. This means allowing for a variety of lot sizes and densities, and allowing other types of housing such as detached and attached single-family residences, townhomes, duplexes, condominiums and apartments. Mixed use may also mean that housing is provided in the same building above commercial uses such as shops or offices.

(3) Multiple Modes of Transportation.

- (a) Traditional neighborhood developments provide for access generally by way of an interconnected network of circulation systems that facilitate walking, bicycling and driving. Streets are designed to promote the safe and efficient use of different transportation modes.
- (b) Traditional neighborhoods are also meant to be "pedestrian friendly." Given the compact design of the neighborhood, streets will meet the Town Standards for conventional subdivision ordinances. Narrow streets and other "traffic calming" techniques help slow traffic down to promote pedestrian safety. Front porches and other amenities like street trees and street lights can also promote walking throughout the development.

**Section 5.**

A. The development of the Katz Planned Unit Development District has been presented and is described according to a design plan filed with the Town Planning Board of Ballston (hereinafter, the "Planning Board") and attached hereto as Appendix B. The exact location of improvements shown on the design plan may be modified, altered or amended during the site plan and or subdivision review by the Planning Board.

B. Lands set forth in Exhibit B, attached hereto and made a part hereof, shall be developed in the following manner:

- (1) Division of the 89.21 +/- acre parcel into three uses, with approximate sizes of 15.09 +/- acres for Area A, and 64.82 +/- acres for Area B. The remaining 9.30 +/- acres consists of the road right-of-way to be dedicated to the Town of Ballston.

- (2) Area A so created shall consist of 57 single-family homes (57 lots). The Planning Board may require and shall allow a decrease in density during site plan and or subdivision review to accommodate site conditions, utility conflicts, or modified design.
  - (3) Area B so created shall consist of no more than (10) 11-unit apartment buildings and (1) 14 unit apartment building or a total of 121 units And a 23,000 sf flexible ("flex") space 2-story building (one lot).
- C. Katz PUDD will have two points of ingress/egress. One being approximately 1,700' north of Charlton Road and one being approximately 3,200' north of Charlton Road. These connections shall be part of the dedication to the Town at the time the public streets are dedicated to the Town of Ballston. Both roads must be built and completed at the time that the public streets are offered for dedication to the Town of Ballston.

## Section 6.

- A. Allowable uses within Area A of Katz PUDD shall include and be limited to the following:
- (1) Single-family residences with no more than 57 dwelling units on 57 lots.
  - (2) Signage for Katz PUDD per Planning Board approval. Refer to Appendix C for approved sign types and corresponding dimensional requirements.
  - (3) Decorative accoutrements in public spaces as approved by the Planning Board (i.e., gazebo, benches, sidewalks, fountain, etc.).
  - (4) Sanitary sewer pump station consisting of a small structure, fenced gravel and/or paved area, and associated underground utilities.
- B. Allowable uses within Area B of Katz PUDD shall include and be limited to the following:
- (1) Apartments with no more than 121 total units. Apartments are to be defined, for the purposes of the Katz PUDD as: ***A suite of rooms forming one residence or dwelling, typically in a building containing a number of these***
  - (2) Signage for Katz PUDD per Planning Board approval. Refer to Appendix C for approved sign types and corresponding dimensional requirements.
  - (3) Decorative accoutrements in public spaces as approved by the Planning Board (i.e., gazebo, benches, sidewalks, fountain, etc.).
  - (4) Maintenance buildings and public refuse removal containers shall be allowed as approved by the Planning Board.
  - (5) No more than (11) detached garages.
  - (6) Neighborhood Business Live-Work Flex Space which will allow the building to be designed such that the space on the first floor can be used for allowable neighborhood business, and the balance of the building shall have up to 40 Units of residential rental space. The building can be owned by one entity and rented out or divided into

condominium units allowing ownership of a portion of the property. Allowable neighborhood business uses include:

- (a) Professional offices, i.e., attorney, medical, etc.
- (b) Day-care facilities.
- (c) Restaurant, sit-down and take out: sit-down restaurants without drive-up or drive-through facilities.
- (d) Alcohol: business may serve beer, wine, and liquor with proper permits and licensing.
- (e) Live Entertainment: live entertainment performances shall comply with the Ballston Zoning Ordinances in all respects, including sound levels produced. Outside live entertainment shall cease at 10:00 PM on weeknights (Monday through Thursday) and 10:30 PM on weekends (Friday through Sunday). No amplified live entertainment shall be permitted outside the building.
- (f) Outdoor seating for allowed restaurants including convenience stores may extend up to the sidewalk.
- (g) Signs, business: signs for businesses that are located within Neighborhood Business Live-Work Flex Space per Planning Board approval. Refer to Appendix C for approved sign types and corresponding dimensional requirements.
- (h) Convenience store: neighborhood convenience store with or without automobile uses including gas stations.
- (i) Gym/health club.
- (j) Public square.
- (k) Retail and service uses including but not limited to: Dry cleaning: a satellite dry-cleaning facility; no cleaning on site; drop-off location only; Barber/hair salon, Real estate office, Grocery Store, Pharmacy, Florist, Antique shop, Movie rental, Internet café, Transit/bus stop.
- (l) Dwelling units.

#### Section 7.

A All establishments within Katz PUDD shall be interconnected to the Town of Ballston municipal water supply facilities. All water facilities will be designed and constructed in accordance with the standards of the Town of Ballston municipal water system. The cost of constructing the additional infrastructure needed to supply water to the Katz PUDD shall be the sole responsibility of the developer/builder.

B All establishments within Katz PUDD shall be connected to sanitary sewer facilities via the Saratoga County Sewer District No. 1. All sewer facilities within Katz PUDD shall be designed and

constructed in accordance with the standards of the Saratoga County Sewer District No. 1. The developer/builder agrees to offer for dedication to the Saratoga County Sewer District No. 1, all completed sewer facilities constructed for the project at no cost to the Saratoga County Sewer District No. 1. Based on existing topography, it is anticipated that a pump station shall be constructed within Area A (single family area) to convey wastewater from the proposed development. The pump station shall consist of a small structure, gravel and/or paved area completely enclosed with fencing, and associated underground utilities. The pump station will be built to Saratoga County Sewer District No. 1 standards and will be dedicated to the District. The cost of constructing the additional infrastructure needed to connect the properties within the Katz PUDD to the Saratoga County Sewer District No. 1 shall be the sole responsibility of the developer/builder.

C. The developer/builder shall construct, as a public benefit, the necessary piping and appurtenances for a 6" sanitary sewer forcemain separate from the sanitary sewer infrastructure necessary for the development of the Katz PUDD and located within the NYS Route 50 Right of Way, beginning at the southern entrance to the Katz PUDD and extending north to connect to the existing gravity sewer located within McCrea Hill Road. The 6" forcemain and associated infrastructure shall be offered for dedication to the Saratoga County Sewer District No. 1 to serve future development within the Town of Ballston.

#### **Section 8.**

A. All construction shall comply with the N.Y.S. Fire Protection and Building Code. All plans for building construction or site development shall be prepared by a licensed architect, professional engineer, landscape architect or exempt land surveyor in accordance with the requirements of the N.Y.S. Education Law. All construction shall be subject to inspection by the Town Building Inspector, Town Engineer and Town Highway Superintendent, as may be applicable.

B. Prior to issuance of a building permit, a plot plan prepared by a licensed land surveyor is to be submitted indicating the following:

- (1) Proposed building location with front, rear and side yard setbacks.

C. Grading of all parcels is to be consistent with the intent of the grading shown on the approved subdivision plan.

#### **Section 9.**

A. Construction shall begin within 36 months of the final signed plat being filed with the Saratoga County Clerk's office, unless an extension is granted by the Town Planning Board. Construction may occur in phases as shown on the design plan or as otherwise approved by the Town Planning Board.

B. The developer/builder shall be permitted building permits for up to three model single-family homes, and one apartment building; however no certificate of occupancy shall be issued for said models until all the requirements regarding the applicable Area of the model have been met. All model home units and apartment buildings shall be built in accordance with subdivision engineering plans and specifications, including grading, as approved by the Town of Ballston Planning Board.

C. A parks and recreation fee of \$1,000 shall be paid for each single-family unit built prior to the issuance of any certificates of occupancy. A parks and recreation fee of \$1,000 shall be paid for each dwelling unit within a condominium or apartment building prior to the issuance of any certificates of occupancy.



## Section 10.

- A. All roads to be dedicated to the Town, drainage easements and right-of-way shall be constructed by the developer/builder and shall be in accordance with the Town Building Code or the approved Subdivision Regulations. The private road servicing the apartments and Live/Work center shall be built in accordance with the final engineering design plans and shall be owned and maintained by the builder/developer/property owner. All roads shall be offered without cost to the Town of Ballston for public use, with the exception of the private road between Area B and C which shall be owned and maintained by the builder/developer/property owner.
- B. Phasing of Katz PUDD shall be as approved by the Planning Board.
- C. Appropriate stormwater management shall be undertaken by the developer at the developer's sole expense in a manner consistent with Town specifications and approvals. A stormwater management report plan shall be submitted by the developer to the Town Planning Board during the Site Plan review process. The developer shall convey to the Town of Ballston a maintenance agreement and access easements around the entire circumference/area of all stormwater management infrastructure.
  - (1) Stormwater management infrastructure for the new roads and located within the public right of way, including but not limited to catch basins, manholes, conveyance piping, and drainage swales, shall be conveyed to the Town of Ballston. The Town shall be responsible for maintenance of the stormwater management infrastructure located within the public right of way.
  - (2) The remaining stormwater management infrastructure not in the public right of way, including but not limited to stormwater management basins, catch basins, manholes, conveyance piping, and drainage swales, shall be located in Area B, the multi-family apartment area. Maintenance of the stormwater management infrastructure located in Area B shall be the responsibility of the Owner or the Home Owner's Association and shall be performed in a manner consistent with the stormwater management plan and maintenance agreement approved by the Town.

## Section 11.

Katz PUDD at the time of adoption will include the dedication of approximately 1.06 +/- acres of passive recreation open space/recreation land, nature trails and parks to the Katz PUDD Home Owner's Association as shown on Appendix B.

## Section 12.

- A. Uses permitted in the Katz PUDD shall be those set forth in Section 6 above. The applicant(s) for any development proposals within the P.U.D.D. shall follow the procedures of the Town, including but not limited to the Site Plan Review Ordinance and the Subdivision Regulations. No use shall be permitted except as approved by the Planning Board as being in conformity with this ordinance. All development and use of property within Katz PUDD shall be in accordance with the restrictive covenants for Katz PUDD identified in Appendix C, "Declaration of Covenants and Restrictions for Katz PUDD" Appendix C, shall be recorded with the Saratoga County Clerk.

B. There shall be located on the front of each building and clearly visible from the road, in contrasting color and in a uniform location, the designated 911 emergency number, at least six inches in height, prior to the issuance of a certificate of occupancy. In addition, the developer/builder shall provide the Town with an as-built foundation location survey with its application for a certificate of occupancy.

### **Section 13.**

The developer/builder shall, in accordance with the Site Plan Review Ordinance and Subdivision Regulations, submit plans for approval of each phase of construction prior to the issuance of a building permit.

### **Section 14.**

A. No further subdivision of either the single-family or multi-family lots shall occur and lot maps shall be filed in the Saratoga County Clerk's office defining the lot lines.

B. No further subdivision of any property owned by any H.O.A. shall occur and maps shall be filed in the Saratoga County Clerk's office defining the lot boundaries of all H.O.A. owned property.

### **Section 15.**

A. It is recognized that the dedication of such recreational space set forth in Section 11 is a public benefit provided by the Katz PUDD. It is further recognized and acknowledged that the Katz PUDD is providing a significant public benefit via the construction of the extension of the sewer infrastructure, in the form of approximately 2,960 linear feet of a 6" diameter sanitary sewer forcemain "dry" line to be installed within the NYS Route 50 right of way, between the southern entrance to the Katz PUDD and the western end of the existing gravity sewer located within McCrea Hill Road.

B. The sanitary forcemain "dry" line shall be constructed in accordance with Saratoga County Sewer District No. 1 standards and shall be built in accordance with the engineering plans and specifications as approved by the Town of Ballston Planning Board.

C. The total estimated cost for the sanitary sewer forcemain public benefit is \$423,530.00, or \$1,943 per new residential dwelling unit provided by the Katz PUDD. The entire cost to construct the sanitary sewer forcemain "dry" line shall be the responsibility of the developer/builder.

### **Section 16.**

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

**LEGAL DESCRIPTION**

**Katz PUDD Planned Development District**

**Appendix C**  
**Declaration of Covenants and Restrictions for Katz PUDD**

A. **General purpose of conditions.** The Declarant, Katz PUDD Excavation and Construction LLC. created these restrictive covenants, which are intended to ensure the continuing appreciation of property values through the creation of an aesthetically pleasing and harmonious environment for the Katz PUDD (Katz) including organizing the development into a traditional neighborhood pattern, integrated with surrounding neighborhoods and including a framework of mixed housing types, mixed uses, transit system, pedestrian system and green spaces. They address a full spectrum of site and facility planning, design, landscaping, operation and maintenance.

B. **Site and building.** All development plans within Katz PUDD shall be submitted for approval to the Planning Board prior to construction. Minimum submittals for approval shall be as follows:

1. Site plan and/or subdivision plan, including proposed parking lots, curbing, landscape materials, easements, setbacks, buffers, surface, drainage, sewer, water, stormwater system, accessory buildings, signage and other site amenities.
2. Plans and details to control site work for Area B, including:
  - a. Plant materials.
  - b. Concrete walks and asphalt pavements.
  - c. Dumpster enclosures, trash receptacles.
  - d. Maintenance building(s).
  - e. Signs, flags and seating.
  - f. Utilities, site lighting.
  - g. Screens, fences and gates.
  - h. Curbs and walls.
  - i. Special pavers.
3. Exterior building elevation for Area B (including accessory structures) showing building facade, colors, materials for facade, roof and parapets, and mechanical equipment locations and screens.
4. Building plan showing main entrance, loading areas and handicapped accessibility for Area B.
5. All proposed structures and site developments shall be designed to meet the spirit of these covenants as well as the specific requirements contained herein.

C. **Site restrictions.**

1. Property line setbacks, stories, height:

a. Principle buildings and accessory structures shall be permitted and constructed per the following setbacks and building criteria:

	Single-Family Lots (Area A)	Apartments (Area B)	Accessory Structures (All Areas)
Minimum width	75'	N/A	N/A
Front yard minimum	20'	15'	N/A
Front yard maximum	N/A	N/A	N/A
Side yard	10'	5'	5'
Rear yard	15'	20'	5'
Party wall/ceiling	N/A	0'	N/A
Stories/height	2.0/40	2.0/40	1.5/30

b. As offered here, front yard setbacks would not apply to decorative fences, garden walls and decorative block, brick pavers or concrete steps and or walk-ways.

D. **Garages.** All residential dwelling units within Katz PUDD Area A shall have a minimum one-car garage and a maximum two-car garage per dwelling unit. Detached garages are allowable and shall be treated as an accessory structure with respect to property setbacks. Garage entrances on single-family homes should be set back behind the front facade of the home by a minimum of two feet.

E. **Roadways and sidewalks:**

1. Area A, and Area B.

- a. All roadways, driveways, parking areas and parking lots shall be constructed with asphalt, concrete, or brick pavers.
- b. Concrete or integral asphalt wing curbing shall be used at all public entrance roadways at least to the front yard setback line.
- c. All sidewalks within apartment and mixed-use areas (Area B) shall be concrete or brick pavers and shall be maintained by the property owner whose property abuts the public sidewalk or by the community H.O.A. Should the property owner or H.O.A. not remove the snow within 72 hours of the end of a snow storm, the Ballston DPW will clear the snow and bill the property owner or H.O.A.
- d. Crosswalks: intersections of sidewalks with streets shall be clearly marked with contrasting paving materials at the edges or with striping.

2. Area B.

- a. Sidewalks and walkways in mixed use areas shall be clear and well lighted and shall connect building entrances to the adjacent public sidewalk and to associated parking areas.
- b. Area B (public and private) sidewalks shall be in accordance with ADA requirements.

**F. Street Layout:**

1. Area A and Area B (public roads).
  - a. Intersections shall be right angles whenever possible, but in no case less than 75 degrees. Low volume streets may form three-way Intersections creating an inherent right-of-way assignment. The through street receives precedence.
  - b. Corner radii. The roadway edge at street intersections shall be rounded by a tangential arc with maximum radius of 35 feet. The Town Engineer shall approve the selected curve radius dimension and shall recommend revisions as required.
  - c. The orientation of streets should enhance the visual impact of common open spaces and prominent buildings, create lots that facilitate passive solar design, and minimize street gradients. All streets shall terminate at other streets or at public land, except local streets shall 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.
2. Area B (non-public roads).
  - a. Internal roads (non-public) and parking lots shall comply with the Town Code and be approved by the Town Planning Board.

**G. Landscape and screening:**

1. Area A, and Area B.
  - a. Street trees: a minimum of one deciduous canopy tree per 50 feet of street frontage, or fraction thereof, shall be required. Not more than 20% of the trees may be clustered while the balance should be as evenly spaced as possible while taking into consideration utilities, driveways, visibility, etc. trees shall be located between the right-of-way and the curb and within the landscaped area of a boulevard.
  - b. Screening: in areas that require screening, it shall be at least three feet in height, unless otherwise specified. Screening should be at least 25% opaque throughout the year. Screening should be one or a combination of: a decorative fence not less than 50% opaque behind a continuous landscaped area, a masonry wall, a hedge, or any other method as approved by the Planning Board.
  - c. Plantings should be a balance of evergreen and deciduous trees and shrubs and all plants shall be hardy under the microclimatic conditions of the site.
  - d. All parking and loading areas within Area B abutting public streets or sidewalks, and all parking and loading areas abutting residential districts or uses, shall provide:

- i. A landscaped area at least three feet wide along the public street or sidewalk.
- ii. Screening at least three feet high and not less than 25% opaque.
- iii. One tree for each 25 linear feet of parking lot frontage.
- iv. The corners of parking lots, islands and all other areas not used for parking or vehicular circulation shall be landscaped. Vegetation can include turf grass, native grasses or other perennial flowering plants, vines, shrubs or trees. Such spaces may include architectural features such as benches, kiosks or bicycle parking.

2. Other areas:

- a. Accessory structures, maintenance buildings, refuse containers and other similar pieces of outdoor equipment shall be screened from public roads with existing or planted trees and shrubs.
- b. All portions of land not utilized for buildings, loading and parking areas, or access ways shall be landscaped with seed and mulch, or maintained in a natural state of woodland or wetland.
- c. All proposed landscaping and screening shall be noted on the subdivision engineering plans and specifications and approved by the Planning Board.

**H. Seeding and Lawns.**

1. The owner or occupant of any lot with disturbed areas shall be required to seed all areas not occupied by buildings, pavement or otherwise landscaped and maintained in reasonable manner

**I. Site lighting.**

1. Area A.
  - a. Street lights are not included in the single-family residential area (Area A) in deference to the future residents.
2. Area B.
  - a. Site lighting shall be architecturally coordinated for the three levels of lighting:
    - i. Driveway lighting.
    - ii. Parking lot lighting.
    - iii. Building-mounted or bollard accent lighting.
  - b. Parking lot lighting shall be cut-off type to illuminate only the property on which the lights are installed.

- c. All wall-packs shall have glare-reducing shields.
- d. Maximum light height shall be 35 feet above grade level.
- e. Nighttime lighting levels shall be reduced to the minimum practicable and shall be restricted at the discretion of the Town Planning Board.
- f. Exterior lighting shall be directed downward in order to reduce glare onto adjacent properties.
- g. All proposed lighting shall require approval of the Planning Board.

**J. Signage.**

- 1. Signage shall be architecturally coordinated (including size, color, shape, texture, materials and lettering style) and subject to approval by the Planning Board in general accordance with the following:
  - a. Permitted Signs
    - i. Wall signs
    - ii. Freestanding signs
    - iii. Window signs
    - iv. Permanent changeable message signs
    - v. Temporary portable roadside changeable message sign (two weeks maximum)
    - vi. Special sales signs
    - vii. Signs on awning or canopy
  - b. Two principal site business identification signs (i.e. one freestanding sign with a maximum of two display faces, and one monument or wall sign) may be displayed on the same lot as the businesses which they are associated.
  - c. The total area of all signage (except special sale signs) associated with any one business or on any one site shall not exceed an area equal to 2 square feet per linear foot of building frontage.
  - d. Two permanent freestanding/monument signs are allowed if the parcel has two curb cuts on separate streets and they are separated by a minimum of 100 feet on each street.
    - i. The mixed use portion of the Katz PUDD (Area B) shall be permitted two additional freestanding/monument signs for the purpose of identifying the names and locations of businesses occupying the mixed use building.
    - ii. Total area of the additional freestanding monument signs for the mixed use area shall not exceed 150 square feet (or 75 square feet per sign).
    - iii. The additional freestanding/monument signs shall be located at entrances to the mixed use parking area, at the rear and sides of the mixed use building, as



approved by the Planning Board. The signs shall not be located within the frontage along NYS Route 50.

- e. Size: Freestanding
  - i. Height shall be a maximum of 12 feet.
  - ii. Total area of a freestanding sign (counting one sign face) shall be 75 square feet.
- f. Size: Wall Sign
  - i. The total area of the wall sign shall not exceed an area equal to 2 square feet of sign area for each linear foot of building frontage. In no instance shall any one sign exceed 150 square feet.
- g. Window Signs
  - i. A total number of four window signs are permitted.
  - ii. Maximum display area shall not exceed 30% of the contiguous window area for each window sign.
  - iii. The aggregate total display area of all window signs does not exceed an area equal to 0.5 square foot per linear foot of building frontage.
- h. Sign Lighting. Signs may be internally or externally illuminated. Illumination of signs shall not be of intermittent or varying intensity or produce direct glare beyond the limit of the side property line. Red, green, and amber lights of such shape and hue that may be confused with official traffic lights and signals shall be prohibited. All light sources shall be shielded and mounted to avoid glare. Top-mounted lighting fixtures are preferred. No signs with a reflecting surface that can cause glare shall be allowed. No illuminated sign shall be placed or directed to cause beams of light to be cast on any public highway, sidewalk, or adjacent premises or to cause glare or reflection that will be a traffic hazard or nuisance. The Planning Board may require an illuminated sign to be turned off two hours after the close of business.

**K. Fencing/screening: All Areas.**

- 1. All fencing shall be prohibited within the front property setback of each lot except for minor decorative fencing or screening not to exceed 36 inches in height or as otherwise required in this PUDD legislation. Approval from the H.O.A. shall be required before any fencing is installed.
- 2. Screening shall be by fencing, lawn berms, shrubs, decorative walls, trees, or other approved landscape materials.

**L. Parking requirements: Area A, and Area B.**

- 1. Area A: There must be 2.0 parking spaces for each residential dwelling unit.

2. **Area B:** Parking lot configuration shall be as approved by the Planning Board (all sides of the building(s) may be utilized for parking spaces). Each off-street space in Area B shall consist of at least 180 square feet with a minimum width of nine feet. In addition, space necessary for aisles, maneuvering and drives shall be provided. There must be one parking spot per 100 square feet of retail use, one parking spot per 300 square feet of office use and at least 2.5 spaces for each residential dwelling unit. However, shared parking, or the use of the same parking space at different times of day or days of the week, is allowed and encouraged to lessen the amount of the surface parking. Any shared parking shall be reviewed by the Planning Board based on data presented by the applicant. The most current edition of the Urban Land Institute's publication "Shared Parking" is incorporated herein by reference for these purposes.
3. **Area B:** Parking shown on Exhibit B meets the intent of this legislation provided that interior garages are constructed in the first level of the apartment buildings. Exterior parking, in addition to that shown on Exhibit B, shall be provided by the builder/developer/property owner if interior garages are not constructed in the apartment buildings or if the detached garages are underutilized by future residents and the need for additional parking develops.

**M. Refuse and outside materials storage: All Areas.**

1. When necessary to store articles, goods, or materials in the open upon any lot in Katz, the storage area shall not be permitted within the front portion of the lot, defined as the area between the front property line and a line drawn from the nearest corner of the building (to the front property line) and extending perpendicularly to the side lot lines.
2. Screening of refuse or storage areas shall be by fencing or walls together with berms, trees or shrubs.

**N. Drainage: All Areas.**

1. During construction, all property owners must protect adjacent lands from runoff and silt.
2. Any surface water collected by roofs, parking lots, or other man-made structures or surface water flowing from underdeveloped areas shall be handled on site. The site drainage plan shall set as its priority the attenuation of developed runoff such that the flood and erosion potential on and off the site is not greater than that which existed before site development.
3. Each property owner and the H.O.A. shall be responsible for drainage maintenance on its own land.
4. The storm water management within Katz PUDD shall be designed and detailed on the engineering subdivision plans and specifications. The design shall be in accordance with the laws in effect at the time of design and approval by the Planning Board.

**O. Architectural restrictions:**

1. Area A.

- a. Every effort will be made to differentiate and distinguish residential buildings adjacent to each other. In the case of the apartment building, the contiguous buildings will utilize the same colors while adjacent buildings will use complimentary colors and/or architectural details to the greatest extent practicable while still maintaining an aesthetically pleasing facade. In the case of the single-family homes, the builder will endeavor to diversify the front elevation of homes located immediately adjacent to each other by utilizing various architectural features, including but not limited to garage styles; porch styles; facade material styles, colors and texture; windows and shutters; roof styles and colors; and distinguishing architectural details, etc., while still maintaining an aesthetically pleasing facade.
- b. Building height shall be as referenced in paragraph 3A of the Declaration of Covenants and Restrictions for Katz PUDD and in no case shall it exceed 40 feet (or as otherwise limited by Local Fire District restrictions) to average elevation of sloping roofs as measured from finished grade at building.
- c. Roofs shall have a slope equal to or greater than four inches in 12 inches for main structure and two inches in 12 inches for porches and attached exterior fireplace roofs. Accessory structure roofs shall have a slope equal to or greater than four inches in 12 inches.
- d. Mailboxes shall be similar style and color throughout each distinct residential area. Multi-unit mailboxes that serve several residential units in one location shall be allowed. All mailboxes shall be placed in a location that is acceptable to the USPS.
- e. A mix of architectural styles is encouraged as it allows for diversity among the housing types. Single-family homes should be designed based on any of the following architectural styles: Craftsman, Tudor, Victorian, Georgian, Southern Classical, Greek Revival, Four Square, Shingle, Classic, Ranch, Stick, and Gothic Revival as these are architectural styles that can be found in various upstate New York communities.

2. Area B.

- a. Building height.
  - i. Maximum building height will be 40 feet (or otherwise limited by Local Fire District restrictions) to top of roof parapet or to average elevation of sloping roofs as measured from finished grade at building.
- b. Building facades.
  - ii. In the case of building walls which are exposed to streets, they should be finished in an aesthetically appropriate fashion.
  - ii. Principle building facades should be constructed with or veneered with cementitious masonry materials, including brick, stucco, E.I.F.S., stone or cedar

siding or comparable wood or wood grain vinyl siding or any material not listed that the Planning Board deems appropriate and shall be subject to approval by the Planning Board.

c. **Roofs.**

i. Roof slopes of two inches in 12 inches or greater are permitted to be exposed to view and shall be limited to the following materials:

1. Fiberglass composition.
2. Asphalt composition.
3. Galvanized metal.
4. Pre-painted metal.
5. Field painted metal.
6. Copper or other metals appropriate for roofing.

ii. The pattern, color, texture, jointing design or fastening method of roofing material shall be subject to approval by the Town Planning Board.

iii. Where roof slopes are less than two inches in 12 inches, roofing materials are unrestricted, but building facades shall form a parapet so as to eliminate view of roofing mechanical equipment.

iv. Awnings/canopies over the pedestrian walk are encouraged.

P. **Specific construction not permitted within front yards.**

1. **Area A.**

- a. Accessory structures.
- b. Specific construction not permitted within front yard shall be the same as referenced to in the Town of Ballston Zoning Ordinances for residential properties located in the Ballston Lake Residential zone with the exception of any uses permitted in this ordinance.

2. **Area B.**

- a. Accessory structures.
- b. gas meters, or mechanical equipment.
- c. Gasoline refueling areas.
- d. Storage tanks
- e. Loading docks, dumpsters and utility service areas, trash receptacles and storage yards.

Q. **Environmental standards: All Areas.**

1. All uses established within Katz PUDD shall be constructed, operated and maintained as to comply with all standards as established by the local, state or federal regulatory agencies.

R. **Fire and explosion hazards: All Areas.**

1. All uses, activities, and equipment involving handling, use, and storage of flammable or explosive materials shall comply with all applicable local, state, and federal rules and regulations.
- S. Fissionable, radioactive or electrical disturbances: All Areas.**
1. The use, handling, storage, discharge, and disposal of radioactive material or waste products are strictly prohibited in the Katz PUDD.
  2. No activities shall be permitted which produce electrical and/or electromagnetic disturbances affecting the operation of any equipment.
- T. Air emissions: All Areas.**
1. Emissions to outdoor atmosphere shall be subject to the specific air quality standards and emissions limits set forth in the Federal Air Quality Act and the New York Air Pollution Control Rules and Regulations.
  2. No exterior wood-burning stoves, or boilers shall be permitted.
- U. Refuse storage: All Areas.**
1. Permanent or temporary below ground disposal of refuse and other solid waste is prohibited.
  2. Temporary storage of refuse and other solid waste is permitted in typically used waste bins or receptacles, where such waste is regularly removed and disposed of in an approved landfill, resource recovery facility, or other repository approved by the New York State Department of Environmental Conservation.
- V. Disposal of sewage and waste: All Areas.**
1. No waste material or refuse shall be dumped upon or permitted to remain upon any part of said property outside the building constructed thereon.
- W. Toxic and hazardous substances: All Areas.**
1. Use, handling, storage, disposal, and transport of toxic and hazardous substances and industrial waste is strictly prohibited.
- X. Maintenance standards: All Areas.**
1. The owner or lessee of any parcel within Katz PUDD shall at all times keep its premises, buildings, accessory structures, parking lots, access drives, storage yards, and all other improvements in a safe, clean, neat and sanitary condition and shall comply with all laws, ordinances, regulations, and codes pertaining to health, safety, and property maintenance. Each property owner or lessee shall provide for the removal of solid waste from its premises.
  2. During construction, it shall be the responsibility of each property owner to ensure that construction sites are kept free of unsightly accumulations of waste materials.

and that construction materials, equipment, temporary structures, etc., are kept in a neat, orderly manner.

3. The property owner or lessee shall maintain all undeveloped land within the occupied parcel in a manner compatible with these maintenance standards.
4. All landscaping shall be maintained in a neat and healthy condition and in accordance with the standards set forth in "American Standards for Nursery Stock" (ANSI Z60.1- 1986) of American Association of Nurserymen and in accordance with accepted industry practice.

**Y. Open space restrictions: All Areas.**

1. There shall be no clear-cutting of trees, grazing of domestic animals, or disturbance or change in the natural habitat in any manner. The cutting and removal of dead, damaged or fallen trees or selected clearing of trees/brush for a nature trail system shall be permitted.
2. There shall be no constructing or placing of any building, tennis or other recreational court, landing strip, mobile home, swimming pool, asphalt or concrete pavement, billboard or other advertising display, antenna, utility pole, tower, conduit, lights or any other permanent structure or facility with the exception of foot bridges over wetland areas.
3. There shall be no storage or dumping of ashes, trash, garbage, or other unsightly or offensive material, hazardous substance, or toxic waste, nor any placement of underground storage tanks.