

**Appendix B**  
**Proposed Town Code Amendments**

**\* CONTINUED \***

- 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 Planning 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.

**§ 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.

**14. 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 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.

§ 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.

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

§ 138-117. **Stormwater Management**

The requirements, standards and provisions of Chapter 91 (entitled “Stormwater Management”) of the Town Code shall apply and be adhered to for all development. No waivers or variances from the requirements, standards and provisions of said Chapter 91 shall be allowed.

**15. 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. 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 be as follows: [insert existing table here].

**16. Chapter 91 of the Town Code having been repealed as aforesaid, is hereby replaced with a new Chapter 91 entitled "Stormwater Management" to read as follows:**

**ARTICLE 1. General Provisions for Stormwater Management and Erosion & Sediment Control**

**SECTION 1. Findings of Fact.** It is hereby determined that:

- 1.1. Land development activities and associated increases in site impervious cover often alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, or sediment transport and deposition;
- 1.2. This stormwater runoff contributes to increased quantities of water-borne pollutants, including siltation of aquatic habitat for fish and other desirable species;
- 1.3. Clearing and grading during construction tends to increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitat;
- 1.4. Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff thereby increasing stream bank erosion and sedimentation;
- 1.5. Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream base flow;
- 1.6. Substantial economic losses can result from these adverse impacts on the waters of the municipality;
- 1.7. Stormwater runoff, soil erosion and non-point source pollution can be controlled and minimized through the regulation of stormwater runoff from land development activities;
- 1.8. The regulation of stormwater runoff discharges from land development activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and non-point source pollution associated with stormwater runoff is in the public interest and will minimize threats to public health and safety.
- 1.9. Regulation of land development activities by means of performance standards governing stormwater management and site design will produce development compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of erosion and sedimentation from development.

**SECTION 2. Purpose.** The purpose of this Town law is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety,

and welfare of the public residing with in this jurisdiction and to address the findings of fact in Section 1 hereof. This Town law seeks to meet those purposes by achieving the following objectives;

- 2.1. Meet the requirements of minimum measures 4 and 5 of the SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit no. GP-02-02 or as amended or revised;
- 2.2. Require land development activities to conform to the substantive requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities GP-02-01 or as amended or revised;
- 2.3. Minimize increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and stream-bank erosion and maintain the integrity of stream channels;
- 2.4. Minimize increases in pollution caused by storm water runoff from land development activities which would otherwise degrade local water quality;
- 2.5. Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable; and
- 2.6. Reduce stormwater runoff rates and volumes, soil erosion and non-point source pollution, wherever possible, through stormwater management practices and to ensure that these management practices are properly maintained and eliminate threats to public safety.

**SECTION 3. Statutory Authority.** In accordance with Article 10 of the Municipal Home Rule Law of the State of New York, the Town Board has the authority to enact local laws and amend local laws and for the purpose of promoting the health, safety or general welfare of the Town of Ballston and for the protection and enhancement of its physical environment. The Town Board may include in any such provisions for the appointment of any municipal officer, employees, or independent contractor to effectuate, administer and enforce Town laws.

#### **SECTION 4. Applicability**

- 4.1. This law and the provisions therein shall be applicable to all land development activities as defined in Chapter 91, Article 2, Section 1.
- 4.2. The municipality shall designate a Stormwater Management Officer who shall accept and review all stormwater pollution prevention plans and forward such plans to the

applicable municipal board. The Stormwater Management Officer may (1) review the plans, (2) upon approval by the Town Board of the Town of Ballston, engage the services of a registered professional engineer to review the plans, specifications and related documents at a cost not to exceed a fee schedule established by said governing board, or (3) accept the certification of a licensed professional that the plans conform to the requirements of this law.

- 4.3. All land development activities subject to review and approval by the Town of Ballston Planning Board shall be reviewed subject to the standards contained in Chapter 91
- 4.4. All land development activities not subject to review as stated in section 4.3 shall be required to submit a Stormwater Pollution Prevention Plan (SWPPP) to the Stormwater Management Officer who shall approve the SWPPP if it complies with the requirements of this law.

**SECTION 5. Exemptions.** The following activities may be exempt from review under this law.

- 5.1. Agricultural activity as defined in this Chapter.
- 5.2. Silvicultural activity except that landing areas and log haul roads are subject to this law.
- 5.3. Routine maintenance activities that disturb less than five acres and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.
- 5.4. Repairs to any stormwater management practice or facility deemed necessary by the Stormwater Management Officer.
- 5.5. Any part of a subdivision if a plat for the subdivision has been approved by the Town of Ballston on or before the effective date of this law.
- 5.6. Land development activities for which a building permit has been approved on or before the effective date of this law.
- 5.7. Cemetery graves.
- 5.8. Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.
- 5.9. Emergency activity immediately necessary to protect life, property or natural resources.
- 5.10. Activities of an individual engaging in home gardening by growing flowers, vegetable and other plants primarily for use by that person and his or her family.
- 5.11. Landscaping and horticultural activities in connection with an existing structure.

## ARTICLE 2. Stormwater Control

### SECTION 1. Definitions.

The terms used in this Chapter or in documents prepared or reviewed under this Chapter shall have the meaning as set forth in this section.

**Agricultural Activity** - the activity of an active farm including grazing and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products, and cutting timber for sale, but shall not include the operation of a dude ranch or similar operation, or the construction of new structures associated with agricultural activities.

**Applicant** - a property owner or agent of a property owner who has filed an application for a land development activity.

**Building** - any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

**Channel** - a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

**Clearing** - any activity that removes the vegetative surface cover.

**Dedication** - the deliberate appropriation of property by its owner for general public use.

**Department** - the New York State Department of Environmental Conservation

**Design Manual** - the *New York State Stormwater Management Design Manual*, most recent version including applicable updates, that serves as the official state guide for stormwater management principles, methods and practices.

**Developer** - a person who undertakes land development activities.

**Erosion Control Manual** - the most recent version of the "New York Standards and Specifications for Erosion and Sediment Control" manual, commonly known as the "Blue Book".

**Grading** - excavation or fill of material, including the resulting conditions thereof.

**Impervious Cover** - those surfaces, improvements and structures that cannot effectively infiltrate rainfall, snow melt and water (e.g., building rooftops, pavement, sidewalks, driveways, etc).

**Industrial Stormwater Permit** - a State Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

**Infiltration** - the process of percolating stormwater into the subsoil.

**Jurisdictional Wetland** - an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

**Land Development Activity** - construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than one acre (*see Note*), or activities disturbing less than one acre of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

**Landowner** - the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

**Maintenance Agreement** - a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

**Nonpoint Source Pollution** - pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

**Phasing** - clearing a parcel of land in distinct pieces or parts, with the stabilization of each piece completed before the clearing of the next.

**Pollutant of Concern** - sediment or a water quality measurement that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the land development activity.

**Project** - land development activity

**Recharge** - the replenishment of underground water reserves.

**Sediment Control** - measures that prevent eroded sediment from leaving the site.

**Sensitive Areas** - cold-water fisheries, shellfish beds, swimming beaches, groundwater recharge areas, water supply reservoirs, and habitats for threatened, endangered or special concern species.

**SPDES General Permit for Construction Activities GP-02-01** - A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

**SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems GP-02-02** - A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA established water quality standards and/or to specify stormwater control standards

**Stabilization** - the use of practices that prevent exposed soil from eroding.

**Stop Work Order** - an order issued which requires that all construction activity on a site be stopped.

**Stormwater** - rainwater, surface runoff, snowmelt and drainage

**Stormwater Hotspot** - a land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical stormwater runoff, based on monitoring studies.

**Stormwater Management** - the use of structural or non-structural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

**Stormwater Management Facility** - one or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling and treating stormwater runoff.

**Stormwater Management Officer** - an employee or officer designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices.

**Stormwater Management Practices (SMPs)** - measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing point source or non-point source pollution inputs to stormwater runoff and water bodies.

**Stormwater Pollution Prevention Plan (SWPPP)** - a plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

**Stormwater Runoff** - flow on the surface of the ground, resulting from precipitation

**Surface Waters of the State of New York** - lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within

the territorial seas of the state of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction. Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition are not waters of the state. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

**Watercourse** - a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

**Waterway** - a channel that directs surface runoff to a watercourse or to the public storm drain.

## **SECTION 2. Stormwater Pollution Prevention Plans**

- 2.1. **Stormwater Pollution Prevention Plan Requirement.** No application for approval of a land development activity shall be reviewed until the appropriate board has received a Stormwater Pollution Prevention Plan (SWPPP) prepared in accordance with the specifications in this Chapter.
- 2.2. **Contents of Stormwater Pollution Prevention Plans.** All SWPPPs shall provide the following background information and erosion and sediment controls:
  - 2.2.1. Background information about the scope of the project, including location, type and size of project.
  - 2.2.2. Site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharges(s); Site map should be at a scale no smaller than 1"=100' (e.g. 1"=500" is smaller than 1"=100")
  - 2.2.3. Description of the soil(s) present at the site;
  - 2.2.4. Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil

disturbance. Consistent with the New York Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than five (5) acres shall be disturbed at any one time unless pursuant to an approved SWPPP. Approval of a SWPPP for land disturbances greater than five (5) acres is conducted by the New York State Department of Environmental Conservation.

- 2.2.5. Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff;
- 2.2.6. Description of construction and waste materials expected to be stored on-site with updates as appropriate, and a description of controls to reduce pollutants from these materials including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;
- 2.2.7. Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project close-out;
- 2.2.8. A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice;
- 2.2.9. Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;
- 2.2.10. Temporary practices that will be converted to permanent control measures;
- 2.2.11. Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place;
- 2.2.12. Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;
- 2.2.13. Name(s) of the receiving water(s);
- 2.2.14. Delineation of SWPPP implementation responsibilities for each part of the site;
- 2.2.15. Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable; and
- 2.2.16. Any existing data that describes the stormwater runoff at the site.

- 2.3. Land development activities as defined in Section 1 of this Article and meeting Condition "A", "B" or "C" below shall also include water quantity and water quality controls (post-construction stormwater runoff controls) as set forth in Section 2.2.3 below as applicable:
  - 2.3.1. **Condition A** - Stormwater runoff from land development activities discharging a pollutant of concern to either an impaired water identified on the Department's 303(d) list of impaired waters or a Total Maximum Daily Load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.
  - 2.3.2. **Condition B** - Stormwater runoff from land development activities disturbing five (5) or more acres.
  - 2.3.3. **Condition C** - Stormwater runoff from land development activity disturbing between one (1) and five (5) acres of land during the course of the project, exclusive of the construction of single-family residences and construction activities at agricultural properties.
  
- 2.4. SWPPP Requirements for Condition A, B and C:
  - 2.4.1. All information in Section 2.2 .1 – 2.2.16 of this Chapter;
  - 2.4.2. Description of each post-construction stormwater management practice;
  - 2.4.3. Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice;
  - 2.4.4. Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms;
  - 2.4.5. Comparison of post-development stormwater runoff conditions with pre-development conditions;
  - 2.4.6. Dimensions, material specifications and installation details for each post-construction stormwater management practice;
  - 2.4.7. Inspection and maintenance schedule to ensure continuous and effective operation of each post-construction stormwater management practice;
  - 2.4.8. Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property;

- 2.4.9. Inspection and maintenance agreement binding on all subsequent landowners served by the onsite stormwater management measures in accordance with Article 2, Section 4 of this local law.
- 2.5. **Plan Certification.** The SWPPP shall be prepared by a registered landscape architect, certified professional or professional engineer and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meet the requirements in this local law.
- 2.6. **Other Environmental Permits.** The applicant shall assure that all other applicable environmental permits have been or will be acquired for the land development activity prior to approval of the final stormwater design plan.
- 2.7. **Contractor Certification.**
- 2.7.1. Each contractor and subcontractor identified in the SWPPP shall sign and date a copy of the following certification statement before undertaking any land development activity: "I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Stormwater Pollution Prevention Plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards."
- 2.7.2. The certification must include the name and title of the person providing the signature in accordance with Part V.H. of GP-02-01, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.
- 2.7.3. The certification statement(s) shall become part of the SWPPP for the land development activity.
- 2.7.4. A copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization.

**SECTION 3. Performance and Design Criteria for Stormwater Management and Erosion and Sediment Control.** All land development activities shall be subject to the following performance and design criteria:

- 3.1. **Technical Standards.** For the purpose of this local law, the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this law:
- 3.1.1. The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the Design Manual)
- 3.1.2. New York Standards and Specifications for Erosion and Sediment Control, (Empire State Chapter of the Soil and Water Conservation Society, 2004, most

current version or its successor, hereafter referred to as the Erosion Control Manual).

- 3.2. **Water Quality Standards.** Any land development activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the state of New York.

## **SECTION 4. Maintenance and Repair of Stormwater Facilities**

### **4.1. Maintenance During Construction**

- 4.1.1. The applicant or developer of the land development activity shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this Chapter. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by fifty (50) percent.
- 4.1.2. The applicant or developer or their representative who has received training and certification in the principles and practices of erosion and sediment control and is familiar with the SWPPP shall be on site at all times when construction or grading activity takes place and shall inspect and document the effectiveness of all erosion and sediment control practices. Inspection reports shall be completed every 7 days and within 24 hours of any storm event producing 0.5 inches of precipitation or more. The reports shall be delivered to the Stormwater Management Officer and also copied to the construction site log book.

- 4.2. **Maintenance Easement(s).** Prior to the issuance of any approval that has a stormwater management facility as one of the requirements, the applicant or developer must execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the Town of Ballston to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this Chapter. The easement shall be recorded by the grantor in the office of the County Clerk after approval by the counsel for the Town of Ballston.

- 4.3. **Maintenance after Construction.** The owner or operator of permanent stormwater management practices installed in accordance with this law shall be operated and maintained to achieve the goals of this law. Proper operation and maintenance also includes as a minimum, the following:

- 4.3.1. A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this law.

4.3.2. Written procedures for operation and maintenance and training new maintenance personnel.

4.3.3. Discharges from the SM Ps shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with Article 2, section 3.2.

4.4. **Maintenance Agreements.** The Town of Ballston shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the County Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be consistent with the terms and conditions of Schedule B of this Chapter entitled Sample Stormwater Control Facility Maintenance Agreement. The Town of Ballston, in lieu of a maintenance agreement, at its sole discretion may accept dedication of any existing or future stormwater management facility, provided such facility meets all the requirements of this Chapter and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

#### **SECTION 5. Severability and Effective Date**

5.1. **Severability.** If the provisions of any article, section, subsection, paragraph, subdivision or clause of this Chapter shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this Chapter.

5.2. **Effective Date.** This Chapter shall be effective upon filing with the office of the Secretary of State.

## ARTICLE 6. Administration and Enforcement

*With Pays For Inspections*

### SECTION 1. Construction Inspection

1.1. **Erosion and Sediment Control Inspection.** The Town of Ballston Stormwater Management Officer may require such inspections as necessary to determine compliance with this law and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this law and the stormwater pollution prevention plan (SWPPP) as approved. To obtain inspections, the applicant shall notify the Town of Ballston enforcement official at least 48 hours before any of the following as required by the Stormwater Management Officer:

- 1.1.1. Start of construction
- 1.1.2. Installation of sediment and erosion control measures
- 1.1.3. Completion of site clearing
- 1.1.4. Completion of rough grading
- 1.1.5. Completion of final grading
- 1.1.6. Close of the construction season
- 1.1.7. Completion of final landscaping
- 1.1.8. Successful establishment of landscaping in public areas.

If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and the required corrective actions. No further work shall be conducted except for site stabilization until any violations are corrected and all work previously completed has received approval by the Stormwater Management Officer.

1.2. **Stormwater Management Practice Inspections.** The Town of Ballston Stormwater Management Officer, is responsible for conducting inspections of stormwater management practices (SMPs). All applicants are required to submit "as built" plans for any stormwater management practices located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer.

1.3. **Inspection of Stormwater Facilities After Project Completion.** Inspection programs shall be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water

, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater management practices.

- 1.4. **Submission of Reports.** The Town of Ballston Stormwater Management Officer may require monitoring and reporting from entities subject to this law as are necessary to determine compliance with this law.
- 1.5. **Right-of-Entry for Inspection.** When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public storm water system, the landowner shall grant to the Town of Ballston the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in paragraph 1.3, herein.

## **SECTION 2. Performance Guarantee**

- 2.1. **Construction Completion Guarantee.** In order to ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the Town of Ballston in its approval of the Stormwater Pollution Prevention Plan, the Town of Ballston may require the applicant or developer to provide, prior to construction, a performance bond, cash escrow, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the Town of Ballston as the beneficiary. The security shall be in an amount to be determined by the Town of Ballston based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in force until the surety is released from liability by the Town of Ballston, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facility(ies) have been constructed in accordance with the approved plans and specifications and that a one year inspection has been conducted and the facilities have been found to be acceptable to the Town of Ballston. Per annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability.

- 2.2. **Maintenance Guarantee.** Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by a corporation that owns or manages a commercial or industrial facility, the developer, prior to construction, may be required to provide the Town of Ballston with an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction, and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the Town of Ballston may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.
- 2.3. Record keeping. The Town of Ballston may require entities subject to this law to maintain records demonstrating compliance with this law.

### **SECTION 3. Enforcement and Penalties**

- 3.1. **Notice of Violation.** When the Town of Ballston determines that a land development activity is not being carried out in accordance with the requirements of this Chapter, it may issue a written notice of violation to the landowner. The notice of violation shall contain:
- 3.1.1. The name and address of the landowner, developer or applicant;
  - 3.1.2. The address when available or a description of the building, structure or land upon which the violation is occurring;
  - 3.1.3. A statement specifying the nature of the violation;
  - 3.1.4. A description of the remedial measures necessary to bring the land development activity into compliance with this Chapter and a time schedule for the completion of such remedial action;
  - 3.1.5. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
  - 3.1.6. A statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within fifteen (15) days of service of notice of violation;
  - 3.1.7. A statement that criminal, civil and administrative penalties, including stop work orders may be levied by the New York State Department of Environmental Conservation.
- 3.2. **Stop Work Orders.** The Town of Ballston may issue a stop work order for violations of this law. Persons receiving a stop work order shall be required to halt all land development activities, except those activities that address the violations leading to the stop work order. The stop work order shall be in effect until the Town of Ballston confirms that the land development activity is in compliance and the violation has been

satisfactorily addressed. Failure to address a stop work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this Chapter.

- 3.3. **Violations.** Any land development activity that is commenced or is conducted contrary to this Chapter, may be restrained by injunction or otherwise abated in a manner provided by law.
- 3.4. **Penalties.** In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this Chapter shall be guilty of a violation punishable by a fine not exceeding three hundred fifty dollars (\$350) or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty dollars nor more than seven hundred dollars (\$700) or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars nor more than one thousand dollars (\$1000) or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this Chapter shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.
- 3.5. **Withholding of Certificate of Occupancy.** If any building or land development activity is installed or conducted in violation of this Chapter the Stormwater Management Officer may prevent the occupancy of said building or land.
- 3.6. **Restoration of lands.** Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Town of Ballston may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

**SECTION 4. Fees for Services.** The Town of Ballston may require any person undertaking land development activities regulated by this law to pay reasonable costs at prevailing rates for review of SWPPPs, inspections, or SMP maintenance performed by the Town of Ballston or performed by a third party for the Town of Ballston.

**Schedule B**  
**SAMPLE STORMWATER CONTROL FACILITY MAINTENANCE AGREEMENT**

Whereas, the Municipality of POB ("Municipality") and the \_\_\_\_\_ ("facility owner") want to enter into an agreement to provide for the long term maintenance and continuation of stormwater control measures approved by the Municipality for the below named project, and Whereas, the Municipality and the facility owner desire that the stormwater control measures be built in accordance with the approved project plans and thereafter be maintained, cleaned, repaired, replaced and continued in perpetuity in order to ensure optimum performance of the components. Therefore, the Municipality and the facility owner agree as follows:

1. This agreement binds the Municipality and the facility owner, its successors and assigns, to the maintenance provisions depicted in the approved project plans which are attached as Schedule A of this agreement.
2. The facility owner shall maintain, clean, repair, replace and continue the stormwater control measures depicted in Schedule A as necessary to ensure optimum performance of the measures to design specifications. The stormwater control measures shall include, but shall not be limited to, the following: drainage ditches, swales, dry wells, infiltrators, drop inlets, pipes, culverts, soil absorption devices and retention ponds.
3. The facility owner shall be responsible for all expenses related to the maintenance of the stormwater control measures and shall establish a means for the collection and distribution of expenses among parties for any commonly owned facilities.
4. The facility owner shall provide for the periodic inspection of the stormwater control measures, not less than once in every five year period, to determine the condition and integrity of the measures. Such inspection shall be performed by a Professional Engineer licensed by the State of New York. The inspecting engineer shall prepare and submit to the Municipality within 30 days of the inspection, a written report of the findings including recommendations for those actions necessary for the continuation of the stormwater control measures.
5. The facility owner shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation of the stormwater control measures except in accordance with written approval of the Municipality.
6. The facility owner shall undertake necessary repairs and replacement of the stormwater control measures at the direction of the Municipality or in accordance with the recommendations of the inspecting engineer.

7. The facility owner shall provide to the Municipality within 30 days of the date of this agreement, a security for the maintenance and continuation of the stormwater control measures in the form of (a bond, letter of credit or escrow account).

8. This agreement shall be recorded in the Office of the County Clerk, County of Saratoga together with the deed for the common property and shall be included in the offering plan and/or prospectus approved pursuant to \_\_\_\_\_.

9. If ever the Municipality determines that the facility owner has failed to construct or maintain the stormwater control measures in accordance with the project plan or has failed to undertake corrective action specified by the Municipality or by the inspecting engineer, the Municipality is authorized to undertake such steps as reasonably necessary for the preservation, continuation or maintenance of the stormwater control measures and to affix the expenses thereof as a lien against the property.

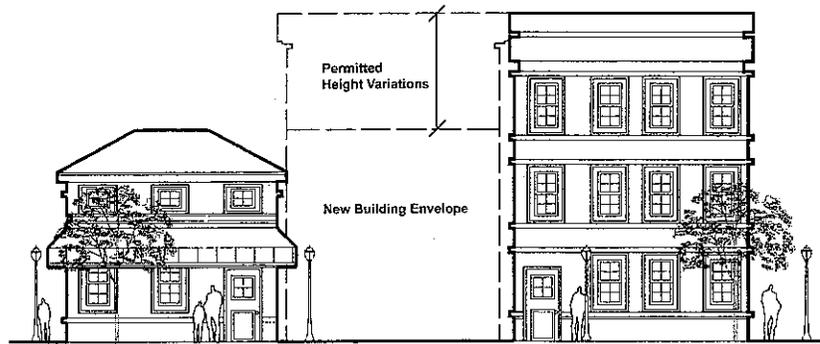
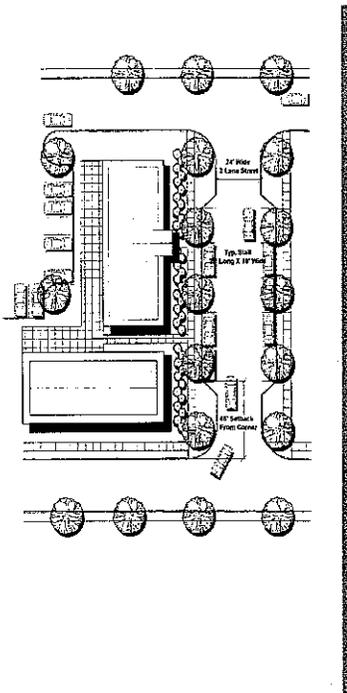
10. This agreement is effective \_\_\_\_\_.

# PROPOSED MIXED USE AND BUSINESS HIGHWAY DISTRICT DESIGN STANDARDS

Appendix 1 of Zoning Code

Town of Ballston, NY

Revised April 3, 2006



---

## **Town of Ballston Zoning Design Standards**

Table of Contents

SECTION 1: Design Standards Principals

SECTION 2: Proposed Design Standards

SECTION 3: Proposed Buffers, Landscaping, and Barriers Site Plan Standards.

---

## **Section 1: Design Standards Principals**

## Section 1: Design Standards Principals

### 1.1 WHY DESIGN STANDARDS

Typical development, working within existing zoning regulations, often does not result in an attractive, safe, and functional built environment. Zoning regulations address building uses, area, and density of development. Businesses requiring significant on-site parking or outdoor display space compete for visibility by using dominant signage, site lighting, and other means of attracting attention. Uncontrolled vehicle access to parking lots creates conflicts with pedestrians visiting local retail and commercial establishments. Increasingly, communities are recognizing that the general sameness in appearance of corporate chain commercial and retail buildings is destroying local distinctive character.

Design standards are intended to enhance the community's zoning regulations. They are not a substitute for the zoning regulations, but rather complement the zoning regulations to address development character. Design standards establish a level of quality that sets a precedent for future development, serve to enhance the value of property, and protect the investment of landowners and developers.

### 1.2 WHAT DESIGN STANDARDS ADDRESS

Design standards are introduced into the community as a measure to achieve a degree of consistency in development that results in a pedestrian-friendly, safe, and usually visually cohesive district. Often, the net result is a more vibrant commercial and retail district, especially in older commercial centers and hamlets. At the same time, sensitive and original concepts are purposely sought by the standards. Design standards are often implemented by communities to ensure more attention is given to the design than is typical in current development. Various aspects address the character and quality of the built environment, such as where the building and parking lots are located on the property, the means of providing pedestrian access on-site that contributes to the community system, and the character of building design.

### 1.3 HOW DESIGN STANDARDS WORK

Design standards can be used by developers when preparing their development plans and applications, and subsequently submitting them to the Planning Board for plan review and approval. Design standards also provide development principles which help both the local community and developers: the community benefits from a consistent, coherent, and functional commercial district; the developer benefits from a predictable and standard approval process.

The design standards introduced here provide basic information, but do not attempt to address all the design issues relevant to proposed development. The standards do, however, provide a statement of principle or intent for site organization and layout, site design, and architectural design. The interpretation of the design standards should remain the responsibility of the Planning Board. It is important to recognize that every parcel and site is unique, each proposed development is different

and is intended to meet the needs of the landowner or developer, and therefore, the Planning Board must exercise discretion and implement the design standards with the main goal of achieving sound and appropriate designs and community character integration.

1.4 LEVELS OF DESIGN REVIEW

1.4.1 SITE ORGANIZATIONAL REVIEW

The site organization review process uses site design principles outlined in the design standards manual to address issues relating to both building and parking location. Others issues addressed in this process include vehicle access and pedestrian circulation to and from the proposed building.

1.4.2 SITE DESIGN REVIEW

The site design review process addresses issues generally relating to the aesthetics of the site and proposed development impacts on nearby properties, such as the impacts of commercial development abutting residential parcels. Generally, landscaping principles define this review process, but building signage is also addressed here.

Appropriate landscaping plays an important role in the visual character of site development. For instance, parking lots can be a visual blight if not appropriately shielded. However, landscaping with trees and shrubbery can help to reduce the visual impacts as buffers as well as enhance vehicle and pedestrian circulation. As a component of the site design review process, landscaping will be addressed to ensure that the appropriate standards are being achieved.

1.4.3 PUBLIC PLACES REVIEW

The streetscape zone includes those areas that are publicly owned but have a direct relation to the building. For instance, public sidewalks can be used for the display of retail goods as a way to entice shoppers into the store or a restaurant may provide sidewalk-dining opportunities. Both of these circumstances require special considerations for safe and efficient pedestrian circulation.

1.4.4 ARCHITECTURAL DESIGN REVIEW

With gas stations, supermarkets, and fast food franchises becoming more and more a part of our daily lives, we have managed to ignore their aesthetic liabilities. The architectural design review process uses the architectural details outlined in herein to ensure that new building construction or modifications are compatible with the surrounding buildings' patterns, styles, and textures.

## **Section 2: Proposed Design Standards**

## Section 2: Proposed Design Standards

### 2.1 OVERALL INTENT AND PURPOSE

The Town Council declares its intent to adopt design standards that apply to the Mixed Use Centers North and South and the Business Highway Districts. The Council's purpose is to encourage a mix of uses within the designated districts with an emphasis on improved site design, greater economic activity, and more dynamic social interaction. Within the designated districts, regulation will be largely based on form and impact of development as well as use.

The standards provide design criteria and suggest development approaches, which will help both the Town, and applicants consider issues of site organization, site design, public spaces and architecture. The purposes are to:

- > Continue to attract appropriate development in order to expand the economic and fiscal base of the community in a manner that maintains the unique character of the Town with a high quality of life;
- > Encourage the highest quality of architectural and site design that is compatible with their surroundings;
- > Encourage buildings that provide an appropriate transition between the commercial areas of the Town and the surrounding neighborhoods;
- > Encourage buildings that are protective of important natural and public spaces resources and that avoid or minimize adverse impacts;
- > Establish a clear and consistent method for reviewing plans for new buildings and renovation or alteration of existing buildings and sites;
- > Reduce delays and confusion that developers, property owners, or business operators may encounter during the design phase of the proposed projects; and
- > Minimize land use conflicts.

### 2.2 INSTRUCTIONS FOR THE ADMINISTERING BOARD AND APPLICANTS REGARDING COMPLIANCE WITH THE FOLLOWING DESIGN STANDARDS:

- > Unless otherwise stated, the following design standards are mandatory. Each applicant for new land use and development shall comply with the required standards to the maximum extent practicable. Compliance with the following standards not mandatory is strongly encouraged.

- > The administering board shall enforce the following design standards to the maximum extent practicable for the purposes of achieving the goals and specific recommendations for the Mixed Use Centers and Business Highway Districts as set forth in the Comprehensive Plan, and in accordance with the Purpose and Intent of the regulations as set forth herein.
- > The term “shall” is interpreted as mandatory.
- > The term “should” or “may” is interpreted as optional.

2.3 GENERAL DESIGN STANDARDS FOR THE MIXED-USE AND BUSINESS HIGHWAY DISTRICTS

- > Encourage compatibility between residential and commercial uses where existing residential zones abut commercial zones.
- > The variety of active uses should be complemented with facades that are “animated” along the pedestrian ways.
- > Create a network and continuity of active spaces and avoid disconnected spaces.
- > Design rooftops for visual interest and avoid a lack of design attention.
- > Achieve compatible building styles and designs and avoid incompatible elements.
- > Provide upgraded streetscapes including appropriate unified site furniture to encourage pedestrian activity, avoiding dull/bleak streetscapes that discourage walking.
- > Incorporate street trees and pedestrian scale lighting (in addition to vehicles area lighting) to enhance the area.
- > Provide pedestrian crosswalks to enhance connections across streets.
- > The design treatments for the area should be rich with detail and high-quality materials to promote interest for users and visitors.

2.4 SPECIFIC DESIGN STANDARDS

2.4.1 MIXED USE DISTRICTS

When more than one principal building is proposed on any one site, the proposed development shall be guided by one of the three following development scenarios graphically depicted on the following page:

1. *Main Street*

This scenario consists of small footprint buildings lining NYS Route 50 or 67, with larger and additional smaller footprint buildings lining the internal access roads, parking lots positioned behind the buildings, and one or more parallel access road linking to existing or providing for potential connections to future adjacent developments in a grid-like street pattern.

2. *Town Center*

The Town Center scenario is laid out with an internal access road anchored by larger footprint buildings and lined with smaller footprint buildings located at the interior of the site, thereby creating a center focal point. Parking lots are located behind and to the side of buildings, and are screened from main roads by the anchor buildings. Interconnections with adjoining parking lots and connections to existing or future parallel access roads are also required.

3. *Town Green*

This scenario provides a park-like area as a focal points with a similar building layout as the above two scenarios.

It is not the intent of these regulations to force future developments to build out identical to the three scenarios. Rather, the objective of each scenario is to provide guidance for development to occur in a predictable pattern with an orderly arrangement of buildings, efficient networks of interior roads and sidewalks, and ultimately, walkable streetscapes and pedestrian friendly environments.

The following standards apply to proposed mixed-use commercial, retail, residential, and office development sites. For infill development, new buildings should contribute to the character of the existing street.

- > Encourage the full mix of uses as may be allowed within each of the districts.
- > Create a mixed-use area that is both pedestrian friendly and amenable to being served by public transportation where it is provided.

- > Provide opportunities for both horizontal and vertical mixed-use developments by permitting existing residential and commercial uses to be combined on unified development sites.
- > Encourage residential uses in conjunction with commercial activities in order to create an active street life, enhance the viability of businesses and reduce traffic.
- > Street level facades should include active uses such as shops, restaurants, cafes, fitness centers, exhibition spaces, galleries, meeting space, commercial lobbies, residential entrances, services, etc. Office/R&D uses are generally discouraged from occupying extensive ground floor frontage in mixed-use areas.

## Site Organization

These standards address issues related to both building and parking location. Other issues include vehicle access (curb cuts), cross-easements, connections to adjacent developments and pedestrian circulation to and from the proposed buildings.

Illustrations of the following standards are also provided in this Section.

Design Element	Mixed Use Districts
<p><b>Building Placement</b> <b>Front Yard Setback</b></p>	<p><i>Orientation:</i></p> <ul style="list-style-type: none"> <li>&gt; Buildings must present their main façade and entrance toward the street. Buildings should be oriented parallel or perpendicular to public sidewalks and allow for parking in the rear or side of the proposed structure.</li> <li>&gt; On NYS Route 67 and 50, new buildings shall not exceed a setback of greater than <u>twenty (20) feet</u> from the highway right-of-way, except where a public plaza/entry plaza or outdoor use, outdoor restaurant or other activities are proposed, in which case the setback may be increased to provide room for these amenities.               <ul style="list-style-type: none"> <li>&gt; An additional twelve (12) foot setback should be considered at major road intersections and in areas identified on the Official Map for the Town of Ballston to provide adequate room for necessary intersection improvements.</li> </ul> </li> <li>&gt; On secondary or internal roads (new ones are strongly encouraged), buildings shall not exceed a setback of <u>fifteen (15) feet</u> from the edge of pavement.</li> <li>&gt; On Route 146A, setbacks of new buildings shall match adjoining structures.</li> </ul>
<p><b>Building Placement</b> <b>Side Yard Setback</b></p>	<ul style="list-style-type: none"> <li>&gt; Zero side yard setbacks to allow buildings to be constructed next to one another</li> </ul>

Design Element	Mixed Use Districts
<p><b>Building Placement</b>  <b>Minimum Frontage Build Out</b></p>	<ul style="list-style-type: none"> <li>&gt; When practical, a minimum frontage build out of 70% is strongly recommended for the purposes of creating a near continuous facade along the sidewalk and for screening rear parking areas.</li> </ul>
<p><b>Street Organization, On-Street Parking and Restrictions</b></p>	<p><i>New Roads:</i></p> <ul style="list-style-type: none"> <li>&gt; New internal access roads shall be required for development involving more than one principal building on one parcel.</li> <li>&gt; New internal access roads are strongly encouraged where appropriate and practical for new development involving only one principal building on one parcel.</li> <li>&gt; Internal access roads shall create or continue an interconnected network of streets laid out in walkable blocks.</li> <li>&gt; Cul-de-sacs and dead end streets are prohibited, except where topography or natural features make them necessary.</li> <li>&gt; Well-defined ADA compliant crosswalks, small turning radii at intersections and other traffic calming elements should be incorporated.</li> </ul> <p><i>On-Street Parking:</i></p> <ul style="list-style-type: none"> <li>&gt; On-street parking is strongly encouraged on internal roads, secondary streets.</li> <li>&gt; Not permitted on NYS Route 67 and 50.</li> </ul>
<p><b>Off-Street Parking</b></p>	<p><i>Location:</i></p> <ul style="list-style-type: none"> <li>&gt; Rear of building, if on-site parking is provided.</li> <li>&gt; Side of building, if additional parking is necessary.</li> <li>&gt; If at side of building: Minimum five (5) foot landscape buffer between parking area and edge of the sidewalk.</li> <li>&gt; Landscape materials: trees, hedges, shrubs or low walls of brick, wood, wrought iron, or an acceptable substitute.</li> <li>&gt; Shared access points are required to reduce curb cuts, where appropriate.                             <ul style="list-style-type: none"> <li>&gt; Easements should be used to formalize shared access</li> </ul> </li> </ul>

Design Element	Mixed Use Districts
<p><b>Off-Street Parking</b></p>	<p>arrangements between business sites.</p> <ul style="list-style-type: none"> <li>&gt; New parking in front yards is prohibited.</li> <li>&gt; Peak period (spillover) parking areas with alternate pervious paving materials are strongly encouraged and could include grass pavers and gravel surfaces.</li> <li>&gt; Structured parking with active uses at street level is encouraged. The sidewalk level facades of garages shall be designed to obscure the view of parked cars.</li> </ul> <p><i>Parking Area Landscaping:</i></p> <ul style="list-style-type: none"> <li>&gt; For parking areas greater than 20 stalls, a minimum of 5% of the interior area shall be planted.</li> <li>&gt; No parking space shall be more than 75 feet from a large deciduous tree.</li> </ul> <p><i>Landscape requirements:</i></p> <ul style="list-style-type: none"> <li>&gt; Canopy/Deciduous trees: 4" caliper</li> <li>&gt; Small flowering trees: 2" caliper</li> <li>&gt; Large shrubs: 30" height</li> <li>&gt; Trees shall be planted so that trunk is a minimum of 2.5 feet from curb edge.</li> </ul>
<p><b>Green Space</b></p>	<ul style="list-style-type: none"> <li>&gt; Within this district, the green space percentage is a minimum of 35%. Green space should be organized in a meaningful and useful manner as one or more parks, squares or community greens.</li> </ul>

## Site Design

Addresses issues generally relating to the aesthetics of the site and proposed development impacts on nearby properties such as impacts of commercial development abutting residential parcels. Generally, landscape principles define this review component but also includes building signage.

Design Element	Mixed Use Districts
<p><b>Screening and Buffers</b></p>	<ul style="list-style-type: none"> <li>&gt; Refer to Section 3.0 for screening and buffering requirements.</li> <li>&gt; Landscape screening and buffers should be designed to separate business/commercial and residential land uses.</li> <li>&gt; Adequacy, type, size, and arrangements of trees, shrubs, and other landscaping should constitute a visual screen and/or buffer between the project site and adjoining land use properties, and should include the maximum retention of desirable or specimen existing vegetation. Parking, services, and loading/maneuvering areas should be reasonably landscaped and screened from view of adjacent properties and from within the project site.</li> </ul>
<p><b>Site Lighting</b></p>	<p><i>Height</i></p> <ul style="list-style-type: none"> <li>&gt; Pedestrian scale and area lighting required.</li> <li>&gt; Pedestrian Lighting = 10-12' (maximum).</li> <li>&gt; Area Lighting = 18' or 2' lower than building height whichever is less.</li> </ul> <p><i>Lighting Type</i></p> <ul style="list-style-type: none"> <li>&gt; Preferred in following order: high-pressure sodium, metal halide, low-pressure sodium. Mixtures should be avoided.</li> </ul> <p><i>Footcandles</i></p> <ul style="list-style-type: none"> <li>&gt; Light source (i.e., bulb) shall not be visible from any angle.</li> <li>&gt; Fixtures designed to shield glare from adjacent streets, properties and sky.</li> <li>&gt; No lights shall produce glare so as to cause illumination beyond the boundaries of the property.</li> <li>&gt; Flashing or intrinsically bright sources of illumination shall be prohibited.</li> </ul>

Design Element	Mixed Use Districts
<p><b>Public Spaces</b></p>	<p><i>Sidewalk Material</i></p> <ul style="list-style-type: none"> <li>&gt; Constructed of concrete; brick, concrete or stone pavers; or stone slabs.</li> </ul> <p><i>Sidewalk Width and Location</i></p> <ul style="list-style-type: none"> <li>&gt; Minimum 8' wide</li> <li>&gt; Connecting to residential districts – minimum 5' wide with minimum 4' planting strip between the curb and the sidewalk.</li> </ul> <p><i>Sidewalk Connections</i></p> <ul style="list-style-type: none"> <li>&gt; Where sidewalk crosses a parking lot access drive, the pedestrian paving pattern shall continue uninterrupted as a means of alerting pedestrians and drivers where their paths cross. Where enhanced paver is used, the pattern generally abuts asphalt. In these cases, a band of natural concrete should be added as a protective edging between the asphalt and the decorative paving.</li> <li>&gt; New sidewalks must connect to adjacent properties.</li> <li>&gt; Breakaway steel posts may be introduced at sidewalk road crossings.</li> </ul> <p><i>Sidewalk Landscaping</i></p> <ul style="list-style-type: none"> <li>&gt; When no planting strip is present, street trees should be planted between the curb and the building line. All street tree planting in paved areas should be covered with a porous hard surfaced grate. Trees should not be planted closer than 7' to the building line.</li> <li>&gt; When a planting strip is present between the sidewalk and the curb, street trees should be planted in the planting strip.</li> <li>&gt; One large deciduous tree for each 35' of linear road frontage (minimum). The street trees should generally be evenly spaced to create or maintain a rhythm/pattern.</li> <li>&gt; Tree species may include ash, elm, maple, oak, or as approved by the Town.</li> </ul>
<p><b>Sidewalk Retail</b></p>	<ul style="list-style-type: none"> <li>&gt; Sidewalk retail strongly encouraged.</li> <li>&gt; Merchandise should be removed at the close of business.</li> <li>&gt; No retail activity shall obstruct the safe passage of pedestrians on sidewalks and a minimum five (5) foot wide unobstructed path shall be maintained at all times on sidewalks.</li> </ul>

Design Element	Mixed Use Districts
<p><b>Public Plazas and Outdoor Dining</b></p>	<p><i>Plazas</i></p> <p>Definition: An open space that is continuously accessible to the public that may be landscaped or paved and is typically surrounded by buildings or streets and open to the sky. Plaza usually provides amenities such as seating, ornamental fountains, lighting, and landscaping for use by pedestrians.</p> <ul style="list-style-type: none"> <li>&gt; Strongly encouraged.</li> <li>&gt; Incorporation of works of art into the public spaces, exterior façade or entrance lobbies is encouraged.</li> <li>&gt; Area should be landscaped with trees, perennials, annuals, herbaceous shrubbery, ornamental lighting, and benches.</li> <li>&gt; Area should be constructed on side of building that receives the most sunlight when possible.</li> <li>&gt; Enhanced paving should be used to accent important “places” outdoors: at entrances as a “welcome mat” and in spaces where people congregate, pause or wait.</li> </ul> <p><i>Outdoor Dining</i></p> <p>Definition: A dining area of a designated size with seating and/or tables located outdoors of a restaurant, coffee shop, or other food service establishment, which is a) located entirely outside the walls of the subject building; b) enclosed on two sides or fewer by the walls of the building with or without a solid roof cover; or c) enclosed on three sides by the walls of the building without a solid roof cover. The seating may be in addition to the indoor seating or it may be the only seating available for the restaurant. The outdoor dining area must be visually and architecturally integrated pursuant to the design standards.</p> <p>Strongly encouraged.</p> <ul style="list-style-type: none"> <li>&gt; Building should be permitted to be set back a maximum of 10 feet from the required build-to line (when appropriate).</li> <li>&gt; Sidewalk cafes should be temporary structures and dismantled during winter months.</li> <li>&gt; Structures should be consistent with existing state regulation for safety.</li> <li>&gt; No cafe shall obstruct the safe passage of pedestrians on sidewalks and a minimum five (5) foot wide unobstructed path shall be maintained at all times on sidewalks.</li> </ul>

Design Element	Mixed Use Districts
	<ul style="list-style-type: none"> <li>&gt; If at side of building, an edge matching the line of the building facade should be created; the edge should be made of transparent fence made of wood or wrought iron at a maximum height of 4'.</li> <li>&gt; In no case should the fence/railing combination prohibit views from the sidewalk into the café area.</li> </ul>
<p><b>Signage</b></p>	<p>Signs Permitted with Site Plan Review:</p> <ul style="list-style-type: none"> <li>&gt; Wall Signs</li> <li>&gt; Freestanding Signs</li> <li>&gt; Window Signs</li> <li>&gt; Permanent Changeable Message Signs</li> <li>&gt; Special Sales Signs</li> <li>&gt; Refer to Article XI for additional sign regulations.</li> <li>&gt; Two principal site business identification signs (i.e., one freestanding sign with a maximum of two display faces, and one wall sign) may be displayed on the same lot as the business with which they are associated.</li> <li>&gt; The total square footage of all signage (except Special Sales Signs) associated with any one business or on any one parcel shall not exceed 150 square feet.</li> </ul> <p>Size - Freestanding</p> <ul style="list-style-type: none"> <li>&gt; Height = Eight feet (8')</li> <li>&gt; Width = Four feet (4')</li> </ul> <p>Size – Wall Sign</p> <ul style="list-style-type: none"> <li>&gt; The total display area shall not exceed an area equal to one and five-tenths (1.5) square feet of sign area for each linear foot of building frontage, or ten percent (10%) of the total area of the one building façade upon which the sign is located, or one hundred (100) square feet, whichever is the lesser. In no instance shall any one sign exceed 50 square feet.</li> </ul> <p>Window Sign</p> <ul style="list-style-type: none"> <li>&gt; A total number of 4 window signs are permitted.</li> <li>&gt; Maximum display area shall not exceed thirty percent (30%) of the contiguous window area for each window sign.</li> <li>&gt; The aggregate total display area of all window signs does not exceed an area equal to five-tenths (0.5) square foot per linear foot of building frontage.</li> </ul>

<b>Design Element</b>	<b>Mixed Use Districts</b>
<b>Utilities</b>	All utilities shall be placed underground.

## Architectural Design

Addresses issues of new building construction or modification of existing buildings to increase potential for compatibility with neighborhoods, surrounding buildings or traditional patterns, styles and textures – Architectural guidelines address general building features such as portion (mass and height), roof styles, fenestration (window and door openings), awnings and canopies, specialty equipment, materials and broad categories of color.

Design Element	Mixed Use District
<b>Proportion</b>	<ul style="list-style-type: none"> <li>&gt; Multiple story buildings are strongly encouraged.</li> <li>&gt; Maximum 3 functional stories (coordination with local fire departments shall be required to ensure suitable fire protection can be provided for multi-story buildings).</li> <li>&gt; Maximum height = 40 feet.</li> </ul>
	<ul style="list-style-type: none"> <li>&gt; Maximum Building Footprint Permitted:                             <ul style="list-style-type: none"> <li>&gt; Mixed Use North: 90,000 square feet</li> <li>&gt; Mixed Use South: 60,000 square feet</li> </ul> </li> <li>&gt; For every 300 linear feet of building, one of the following shall be provided:                             <ul style="list-style-type: none"> <li>&gt; <del>A pedestrian pathway of no less than 30 feet in width for unobstructed pedestrian access.</del> This pathway shall also provide for unobstructed views at grade level between each building and <del>shall not be covered.</del></li> <li>&gt; A private or public road of no less than 60 feet in width.</li> </ul> </li> <li>&gt; First story height should be a minimum of 12 feet measured floor to floor.</li> <li>&gt; Multiple buildings are strongly encouraged and can be constructed on the same lot with a zero side-yard setback (i.e., shared wall) with common access occurring on the second floor.</li> </ul>
<b>Roof</b>	<ul style="list-style-type: none"> <li>&gt; Prohibited:                             <ul style="list-style-type: none"> <li>&gt; Gambrel or mansard roofs.</li> </ul> </li> <li>&gt; Allowed:                             <ul style="list-style-type: none"> <li>&gt; Pitched, hip (gable), Flat roofs</li> </ul> </li> <li>&gt; All permitted roofs shall incorporate a parapet with cornice details along facades facing public streets.</li> <li>&gt; Plain parapets discouraged.</li> </ul>

	<p><i>Pitched Roofs</i></p> <ul style="list-style-type: none"><li>&gt; Should complement the overall style of the building.</li><li>&gt; Materials should not be reflective.</li><li>&gt; Colors should complement the overall character of the building.</li><li>&gt; Should incorporate measures to prevent falling snow and ice onto the sidewalk.</li></ul>
--	---

	Proposed Design Standards
<b>Facade Treatment and Fenestration</b>	<ul style="list-style-type: none"> <li>&gt; Overall facade composition shall break the building down into smaller distinct portions to provide a small-scale impression related to the pedestrian.</li> <li>&gt; An entrance and wall recess (a minimum of five (5) in depth to allow the door to swing out without obstructing the sidewalk) shall be provide every seventy five (75) feet on each side of a building facing NYS Routes 67, 50, or internal access roads.</li> <li>&gt; Between each building entrance, one or more architectural elements shall be provided to further breakup the building façade.</li> <li>&gt; Building transparency and interior lighting is important at the street level; consequently, ground floor levels facing NYS Routes 67, 50, or internal access roads shall have a minimum of 50%-75% of transparent glass surface that is oriented vertically.</li> <li>&gt; Floor to ceiling windows are strongly discouraged.</li> <li>&gt; Upper floor windows should related to the first in shape, form, and pattern.</li> <li>&gt; Upper floor windows should make up at least 30% of the façade.</li> <li>&gt; Windows should not be mounted flush to the exterior of the facade.</li> <li>&gt; The architectural treatment of the front building facade should be continued in its major features, around all visible sides from the primary street.</li> <li>&gt; Blank, windowless walls facing sidewalks, streets and other public places are prohibited.</li> </ul>
<b>Awnings and Canopies</b>	<ul style="list-style-type: none"> <li>&gt; Strongly encouraged on building facades that face public streets.</li> <li>&gt; One awning sign shall be permitted for each window or door of the façade covered by the awning. Any sign (logo and/or lettering) on an awning shall not exceed 25% of the exterior surface of the awning, or 100 square feet per building façade, whichever is less.</li> <li>&gt; Awnings to which signs may be attached must be fastened to the façade of the building and not supported from the ground; shall not extend more than seven feet (7') from the facade; and no portion of the awning shall be nearer than seven feet (7') from the ground.</li> <li>&gt; All awning signs shall only identify the business establishment occupied by the facade on which the awning is located.</li> </ul> <p><u>Awning Materials</u></p> <ul style="list-style-type: none"> <li>&gt; Shall be constructed of canvas</li> <li>&gt; Plastic and metal awnings are not permitted.</li> <li>&gt; Internal lighting or backlighting is not permitted.</li> <li>&gt; Color schemes shall be consistent with the colors outlined under materials and colors below.</li> <li>&gt; Retractable awnings are permitted</li> </ul>

Design Element	Mixed Use Districts
<p><b>Specialty Equipment</b></p>	<p><i>Rooftop Mechanical Equipment, Satellite Dishes, Antennas, etc.</i></p> <ul style="list-style-type: none"> <li>&gt; Shall be screened so as to not be visible from public view with the use of architecturally compatible materials, parapets, sloped roof form or walls that are at least as high as the equipment being screened.</li> </ul> <p><i>Ground level equipment such as dumpsters and loading docks:</i></p> <ul style="list-style-type: none"> <li>&gt; Shall be screened so as to not be visible from public view through the use of landscaping techniques, natural material walls and fencing, or other design treatments compatible with the finishes of the principal building.</li> </ul>
<p><b>Materials and Color</b></p>	<p><i>Permitted Facade Materials</i></p> <ul style="list-style-type: none"> <li>&gt; Common red brick.</li> <li>&gt; Architectural masonry units (colored, textured, painted).</li> <li>&gt; Natural stone, stone veneer, or cast stone.</li> <li>&gt; Wood.</li> <li>&gt; Siding of high quality recycled product simulating a natural material.</li> </ul> <p><i>Prohibited Materials:</i></p> <ul style="list-style-type: none"> <li>&gt; Plain (bare) masonry units.</li> <li>&gt; Plain vinyl or metal siding.</li> <li>&gt; Imitation stone, plastic, composite, or resin products.</li> </ul> <p><i>Trim Materials:</i></p> <ul style="list-style-type: none"> <li>&gt; Finish-grade painted or stained wood.</li> <li>&gt; Bare, lumber grade wood strongly discouraged.</li> <li>&gt; Windows should have anodized aluminum or wood frame. Bare aluminum frames are prohibited.</li> </ul> <p><i>Building Colors:</i></p> <ul style="list-style-type: none"> <li>&gt; Colors should be chosen from a commercial paint distributor's historic color pallet shall be submitted for review. Fluorescent colors are prohibited.</li> </ul>

## Site Organization

Addresses issues related to both building and parking location. Other issues include vehicle access (curb cuts), cross-easements, connections to adjacent developments and pedestrian circulation to and from the proposed buildings.

<b>Design Element</b>	<b>Business Highway Districts 1 and 2</b>
<b>Building Placement Front Yard Setback</b>	<p><i>Orientation:</i></p> <ul style="list-style-type: none"> <li>&gt; Buildings must present their main facade and entrance toward the street. Buildings should be oriented parallel or perpendicular to public sidewalks and allow for parking in the rear or side of the proposed structure.</li> <li>&gt; On NYS Route 50 the setbacks of new buildings shall not be setback more than fifty (50) feet from the highway right-of-way to allow for a maximum of one bay of parking in the front of the building.</li> <li>&gt; On secondary or internal roads (new ones are strongly encouraged to link adjacent buildings and parking areas), buildings shall not exceed a setback of twenty (20) feet from the edge of pavement.</li> </ul>
<b>Building Placement Side Yard Setback</b>	<ul style="list-style-type: none"> <li>&gt; Allow for zero side yard setbacks to allow buildings to be constructed next to one another. Buffering requirements for different uses as outlined in Section 3.0 must also be adhered to.</li> </ul>
<b>Building Placement Minimum Frontage Build Out</b>	<ul style="list-style-type: none"> <li>&gt; For buildings fronting interior access roads, a minimum frontage build out of 60% is recommended to create a near continuous facade along the sidewalk and screen rear parking areas.</li> </ul>
<b>Street Organization, On-Street Parking and Restrictions</b>	<p><i>New Roads:</i></p> <ul style="list-style-type: none"> <li>&gt; New secondary or internal access roads are strongly encouraged where appropriate to link adjacent buildings and parking areas. When practical, they shall create or continue an interconnected network of streets laid out in walkable blocks. Cul-de-sacs and dead end streets are prohibited, except where topography or natural features make these necessary.</li> </ul>

Design Element	Business Highway Districts 1 and 2
	<ul style="list-style-type: none"> <li>&gt; Well-defined ADA compliant crosswalks, small turning radii at intersections and other traffic calming elements should be incorporated.</li> </ul> <p><i>On-Street Parking:</i></p> <ul style="list-style-type: none"> <li>&gt; On-street parking is strongly encouraged on internal and secondary roads where appropriate with bulb-outs of the sidewalk at the end of each block to allow for easy pedestrian crossings.</li> <li>&gt; Not permitted on NYS Route 50.</li> </ul>
<p><b>Off-Street Parking</b></p>	<p><i>Location:</i></p> <ul style="list-style-type: none"> <li>&gt; Rear of building is recommended if site conditions allow.</li> <li>&gt; Side of building, if additional parking is necessary.</li> <li>&gt; If at side of building: Minimum five (5) foot landscape buffer between parking area and edge of the sidewalk.</li> <li>&gt; If additional parking is required or if site conditions prevent rear and side parking, a maximum of one (1) bay of parking shall be permitted in the front of a building.</li> <li>&gt; Landscape materials: trees, hedges, shrubs or low walls of brick, wood, wrought iron, or an acceptable substitute.</li> <li>&gt; Shared access points are required to reduce curb cuts, where appropriate.</li> <li>&gt; Cross-easements should be used to formalize shared access arrangements between business sites.</li> <li>&gt; Peak period (spillover) parking areas with alternate pervious paving materials are strongly encouraged and could include grass pavers and gravel surfaces.</li> <li>&gt; Structured parking with active uses at street level is encouraged. The sidewalk level facades of garages shall be designed to obscure the view of parked cars.</li> </ul> <p><i>Parking Area Landscaping:</i></p> <ul style="list-style-type: none"> <li>&gt; For parking areas greater than 20 stalls, a minimum of 5% of the interior area shall be planted.</li> <li>&gt; No parking space shall be more than 75 feet from a large deciduous tree.</li> </ul>

<b>Design Element</b>	<b>Business Highway Districts 1 and 2</b>
	<p><i>Landscape requirements:</i></p> <ul style="list-style-type: none"> <li>&gt; Canopy/Deciduous trees: 4" caliper</li> <li>&gt; Small flowering trees: 2" caliper</li> <li>&gt; Large shrubs: 30" height</li> <li>&gt; Trees shall be planted so that trunk is a minimum of 2.5 feet from curb edge.</li> </ul>
<b>Green Space</b>	<ul style="list-style-type: none"> <li>&gt; Within this district, the green space percentage is a minimum of 35%. Green space should be organized in a meaningful and useful manner as one or more parks, squares or community greens.</li> </ul>

## Site Design

Addresses issues generally relating to the aesthetics of the site and proposed development impacts on nearby properties such as impacts of commercial development abutting residential parcels. Generally, landscape principles define this review component but also includes building signage.

Design Element	Business Highway Districts 1 and 2
<p><b>Screening and Buffers</b></p>	<ul style="list-style-type: none"> <li>&gt; Refer to Section 3.0 for screening and buffering requirements.</li> <li>&gt; Landscape screening and buffers should be designed to separate business/commercial and residential land uses.</li> <li>&gt; Adequacy, type, size, and arrangements of trees, shrubs, and other landscaping should constitute a visual screen and/or buffer between the project site and adjoining land use properties, and should include the maximum retention of desirable or specimen existing vegetation. Parking, services, and loading/maneuvering areas should be reasonably landscaped and screened from view of adjacent properties and from within the project site.</li> </ul>
<p><b>Site Lighting</b></p>	<p><i>Height</i></p> <ul style="list-style-type: none"> <li>&gt; Pedestrian scale and area lighting required.</li> <li>&gt; Pedestrian Lighting = 10-12' (maximum).</li> <li>&gt; Area Lighting = 18' or 2' lower than building height whichever is less.</li> </ul> <p><i>Lighting Type</i></p> <ul style="list-style-type: none"> <li>&gt; Preferred in following order: high-pressure sodium, metal halide, low-pressure sodium. Mixtures should be avoided.</li> </ul> <p><i>Footcandles</i></p> <ul style="list-style-type: none"> <li>&gt; Light source (i.e., bulb) shall not be visible from any angle.</li> <li>&gt; Fixtures designed to shield glare from adjacent streets, properties and sky.</li> <li>&gt; No lights shall produce glare so as to cause illumination beyond the boundaries of the property.</li> <li>&gt; Flashing or intrinsically bright sources of illumination shall be prohibited.</li> </ul>

Design Element	Business Highway Districts 1 and 2
<p><b>Public Spaces</b></p>	<p><i>Sidewalk Material</i></p> <ul style="list-style-type: none"> <li>&gt; Constructed of concrete; brick, concrete or stone pavers; or stone slabs.</li> </ul> <p><i>Sidewalk Width and Location</i></p> <ul style="list-style-type: none"> <li>&gt; Minimum 8' wide</li> <li>&gt; Connecting to residential districts – minimum 5' wide with minimum 4' planting strip between the curb and the sidewalk.</li> </ul> <p><i>Sidewalk Connections</i></p> <ul style="list-style-type: none"> <li>&gt; Where sidewalk crosses a parking lot access drive, the pedestrian paving pattern shall continue uninterrupted as a means of alerting pedestrians and drivers where their paths cross. Where enhanced paver is used, the pattern generally abuts asphalt. In these cases, a band of natural concrete should be added as a protective edging between the asphalt and the decorative paving.</li> <li>&gt; New sidewalks must connect to adjacent properties.</li> <li>&gt; Bollards may be introduced at sidewalk road crossings.</li> </ul> <p><i>Sidewalk Landscaping</i></p> <ul style="list-style-type: none"> <li>&gt; When no planting strip is present, street trees should be planted between the curb and the building line. All street tree planting in paved areas should be covered with a porous hard surfaced grate. Trees should not be planted closer than 7' to the building line.</li> <li>&gt; When a planting strip is present between the sidewalk and the curb, street trees should be planted in the planting strip.</li> <li>&gt; One large deciduous tree for each 35' of linear road frontage (minimum). The street trees should generally be evenly spaced to create or maintain a rhythm/pattern.</li> <li>&gt; Tree species may include ash, elm, maple, oak, or as approved by the Town.</li> </ul>
<p><b>Sidewalk Retail</b></p>	<ul style="list-style-type: none"> <li>&gt; Sidewalk retail strongly encouraged.</li> <li>&gt; Merchandise should be removed at the close of business.</li> <li>&gt; No retail activity shall obstruct the safe passage of pedestrians on sidewalks and a minimum five (5) foot wide unobstructed path shall be maintained at all times on sidewalks.</li> </ul>

Design Element	Business Highway Districts 1 and 2
	>
<p><b>Public Plazas and Outdoor Dining</b></p>	<p>&gt;</p> <p><i>Plazas</i>            Definition: An open space that is continuously accessible to the public that may be landscaped or paved and is typically surrounded by buildings or streets and open to the sky. Plaza usually provides amenities such as seating, ornamental fountains, lighting, and landscaping for use by pedestrians.</p> <ul style="list-style-type: none"> <li>&gt; Strongly encouraged.</li> <li>&gt; Incorporation of works of art into the public spaces, exterior façade or entrance lobbies is encouraged.</li> <li>&gt; Area should be landscaped with trees, perennials, annuals, herbaceous shrubbery, ornamental lighting, and benches.</li> <li>&gt; Area should be constructed on side of building that receives the most sunlight when possible.</li> <li>&gt; Enhanced paving should be used to accent important “places” outdoors: at entrances as a “welcome mat” and in spaces where people congregate, pause or wait.</li> </ul> <p><i>Outdoor Dining</i>            Definition: A dining area of a designated size with seating and/or tables located outdoors of a restaurant, coffee shop, or other food service establishment, which is a) located entirely outside the walls of the subject building; b) enclosed on two sides or fewer by the walls of the building with or without a solid roof cover; or c) enclosed on three sides by the walls of the building without a solid roof cover. The seating may be in addition to the indoor seating or it may be the only seating available for the restaurant. The outdoor dining area must be visually and architecturally integrated pursuant to the design standards.</p> <p>Strongly encouraged.</p> <ul style="list-style-type: none"> <li>&gt; Building should be permitted to be set back a maximum of 10 feet from the required build-to line (when appropriate).</li> <li>&gt; Sidewalk cafes should be temporary structures and dismantled during winter months.</li> <li>&gt; Structures should be consistent with existing state regulation for safety.</li> <li>&gt; No cafe shall obstruct the safe passage of pedestrians on sidewalks and a minimum five (5) foot wide unobstructed path</li> </ul>

Design Element	Business Highway Districts 1 and 2
	<p>shall be maintained at all times on sidewalks.</p> <ul style="list-style-type: none"> <li>&gt; If at side of building, an edge matching the line of the building facade should be created; the edge should be made of transparent fence made of wood or wrought iron at a maximum height of 4'.</li> <li>&gt; In no case should the fence/railing combination prohibit views from the sidewalk into the café area.</li> </ul>
<b>Signage</b>	<p>Signs Permitted with Site Plan Review:</p> <ul style="list-style-type: none"> <li>▪ Wall Signs</li> <li>▪ Freestanding Signs</li> <li>▪ Window Signs</li> <li>▪ Permanent Changeable Message Signs</li> <li>▪ Temporary Portable Roadside Changeable Message Sign (2-weeks maximum)</li> <li>▪ Special Sales Signs</li> <li>▪ Refer to Article XI for additional sign regulations.</li> </ul> <ul style="list-style-type: none"> <li>▪ Two principal site business identification signs (i.e., one freestanding sign with a maximum of two display faces, and one wall sign) may be displayed on the same lot as the business with which they are associated.</li> <li>▪ The aggregate total display area of all signage (except Special Sales Signs) shall not exceed an area equal to sixty-five one hundredths (0.65) square foot per linear foot of building frontage or 400 square feet, whichever is less.</li> <li>▪ Two permanent freestanding signs are allowed if the parcel has two curb cuts on separate streets and they are separated by a minimum of 100' on each street.</li> </ul> <p>Size – Freestanding</p> <ul style="list-style-type: none"> <li>▪ Height = 12'</li> <li>▪ Width = 10'</li> </ul> <p>Size – Wall Sign</p> <ul style="list-style-type: none"> <li>▪ The total wall signage shall not exceed an area equal to one (1) square foot of sign area for each linear foot of building frontage, or three hundred (300) square feet, whichever is the lesser. In no instance shall any one sign exceed one hundred fifty five (150) square feet.</li> </ul> <p>Window Signs</p> <ul style="list-style-type: none"> <li>▪ Same as Mixed Use Districts</li> </ul>
<b>Utilities</b>	All utilities should be placed underground.

## Architectural Design

Addresses issues of new building construction or modification of existing buildings to increase potential for compatibility with neighborhoods, surrounding buildings or traditional patterns, styles and textures – Architectural guidelines address general building features such as portion (mass and height), roof styles, fenestration (window and door openings), awnings and canopies, specialty equipment, materials and broad categories of color.

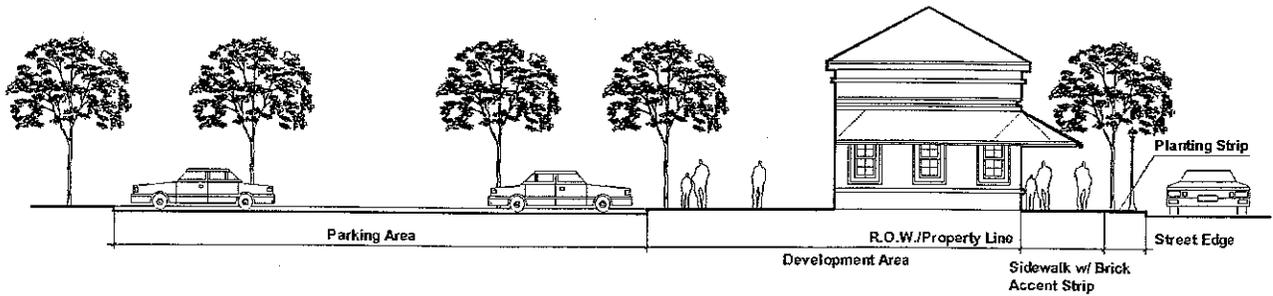
Design Element	Business Highway Districts 1 and 2
<b>Proportion</b>	<ul style="list-style-type: none"> <li>&gt; Multiple story buildings are strongly encouraged.</li> <li>&gt; Maximum 3 functional stories. Coordination with local fire departments will required to ensure proper fire protection services are available for multi-story buildings.</li> <li>&gt; Maximum height = 40 feet.</li> <li>&gt; BH-1: Building maximum 90,000 square foot building footprint.</li> <li>&gt; BH-2: Building maximum 60,000 square foot building footprint.</li> <li>&gt; First story height should be a minimum of 12 feet measured floor to floor.</li> <li>&gt; Multiple buildings are strongly encouraged and can be constructed on the same lot with a zero side-yard setback (i.e., shared wall) with common access occurring on the second floor.</li> </ul>
<b>Roof</b>	<ul style="list-style-type: none"> <li>&gt; Prohibited:               <ul style="list-style-type: none"> <li>&gt; Gambrel or mansard roofs.</li> </ul> </li> <li>&gt; Allowed:               <ul style="list-style-type: none"> <li>&gt; Pitched, hip (gable), Flat roofs</li> </ul> </li> <li>&gt; All permitted roofs shall incorporate a parapet with cornice details along facades facing public streets.</li> <li>&gt; Plain parapets discouraged.</li> </ul> <p><i>Pitched Roofs</i></p> <ul style="list-style-type: none"> <li>&gt; Should complement the overall style of the building.</li> <li>&gt; Materials should not be reflective.</li> <li>&gt; Colors should complement the overall character of the building.</li> <li>&gt; Should incorporate measures to prevent falling snow and ice onto the sidewalk.</li> </ul>

Design Element	Business Highway Districts 1 and 2
<p><b>Materials and Color</b></p>	<p><i>Permitted Facade Materials</i></p> <ul style="list-style-type: none"> <li>&gt; Common red brick.</li> <li>&gt; Architectural masonry units (colored, textured, painted).</li> <li>&gt; Natural stone, stone veneer, or cast stone.</li> <li>&gt; Wood.</li> <li>&gt; Siding of high quality recycled product simulating a natural material.</li> </ul> <p><i>Prohibited Materials:</i></p> <ul style="list-style-type: none"> <li>&gt; Plain (bare) masonry units.</li> <li>&gt; Plain vinyl or metal siding.</li> <li>&gt; Imitation stone, plastic, composite, or resin products.</li> </ul> <p><i>Trim Materials:</i></p> <ul style="list-style-type: none"> <li>&gt; Finish-grade painted or stained wood.</li> <li>&gt; Bare, lumber grade wood strongly discouraged.</li> <li>&gt; Windows should have anodized aluminum or wood frame. Bare aluminum frames are prohibited.</li> </ul> <p><i>Building Colors:</i></p> <ul style="list-style-type: none"> <li>&gt; Colors should be chosen from a commercial paint distributor's historic color pallet as approved by the Town. Fluorescent colors are prohibited.</li> </ul>

Design Element	Business Highway Districts 1 and 2
<p><b>Awnings and Canopies</b></p>	<ul style="list-style-type: none"> <li>&gt; Strongly encouraged on building facades that face public streets.</li> <li>&gt; One awning sign shall be permitted for each window or door of the façade covered by the awning. Any sign (logo and/or lettering) on an awning shall not exceed 25% of the exterior surface of the awning, or 100 square feet per building façade, whichever is less.</li> <li>&gt; Awnings to which signs may be attached must be fastened to the façade of the building and not supported from the ground; shall not extend more than seven feet (7') from the facade; and no portion of the awning shall be nearer than seven feet (7') from the ground.</li> <li>&gt; All awning signs shall only identify the business establishment occupied by the facade on which the awning is located.</li> </ul> <p><u>Awning Materials</u></p> <ul style="list-style-type: none"> <li>&gt; Shall be constructed of canvas</li> <li>&gt; Plastic and metal awnings are not permitted.</li> <li>&gt; Internal lighting or backlighting is not permitted.</li> <li>&gt; Color schemes shall be consistent with the colors outlined under materials and colors below.</li> <li>&gt; Retractable awnings are permitted</li> </ul>

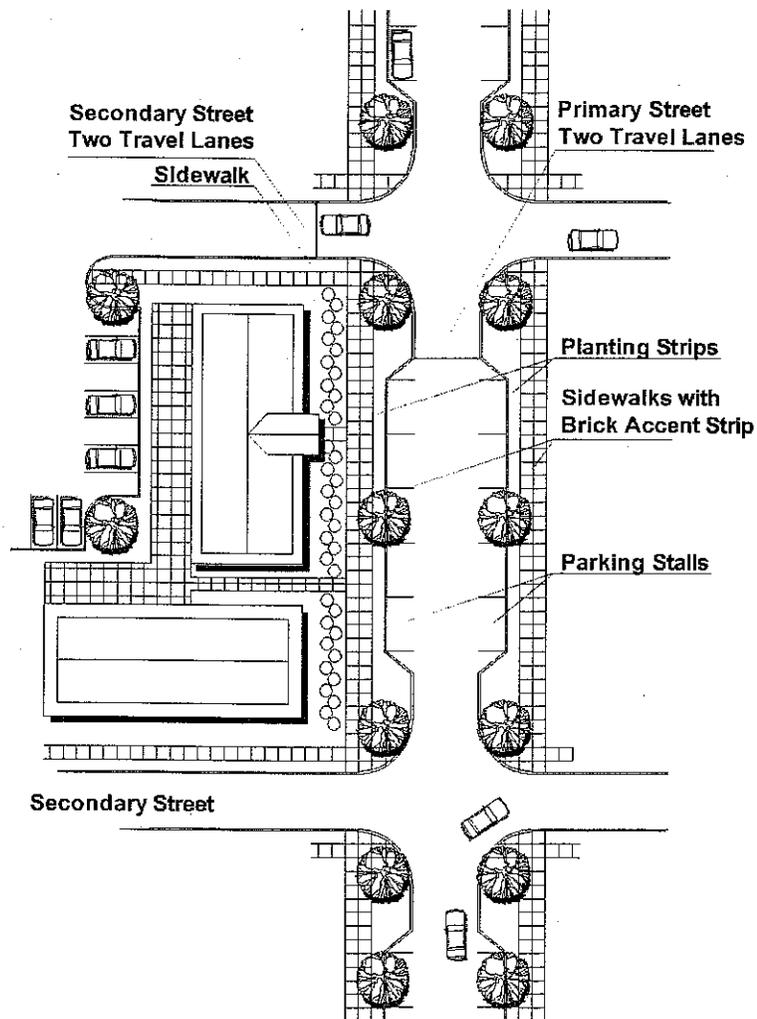
### **Building Placement**

Mixed Use Districts



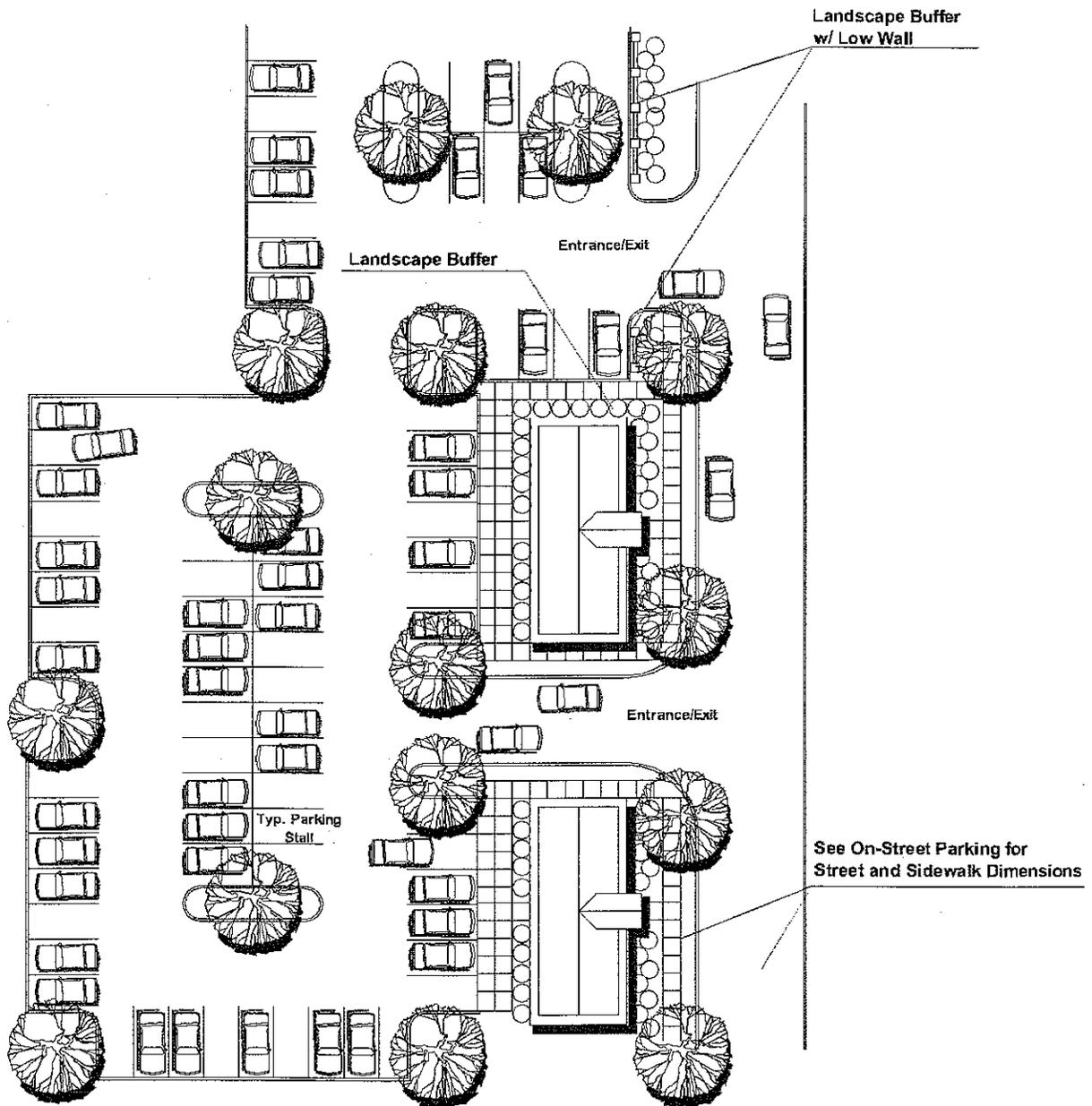
### **On Street Parking and Bulb-Out of Sidewalks**

Mixed Use Districts



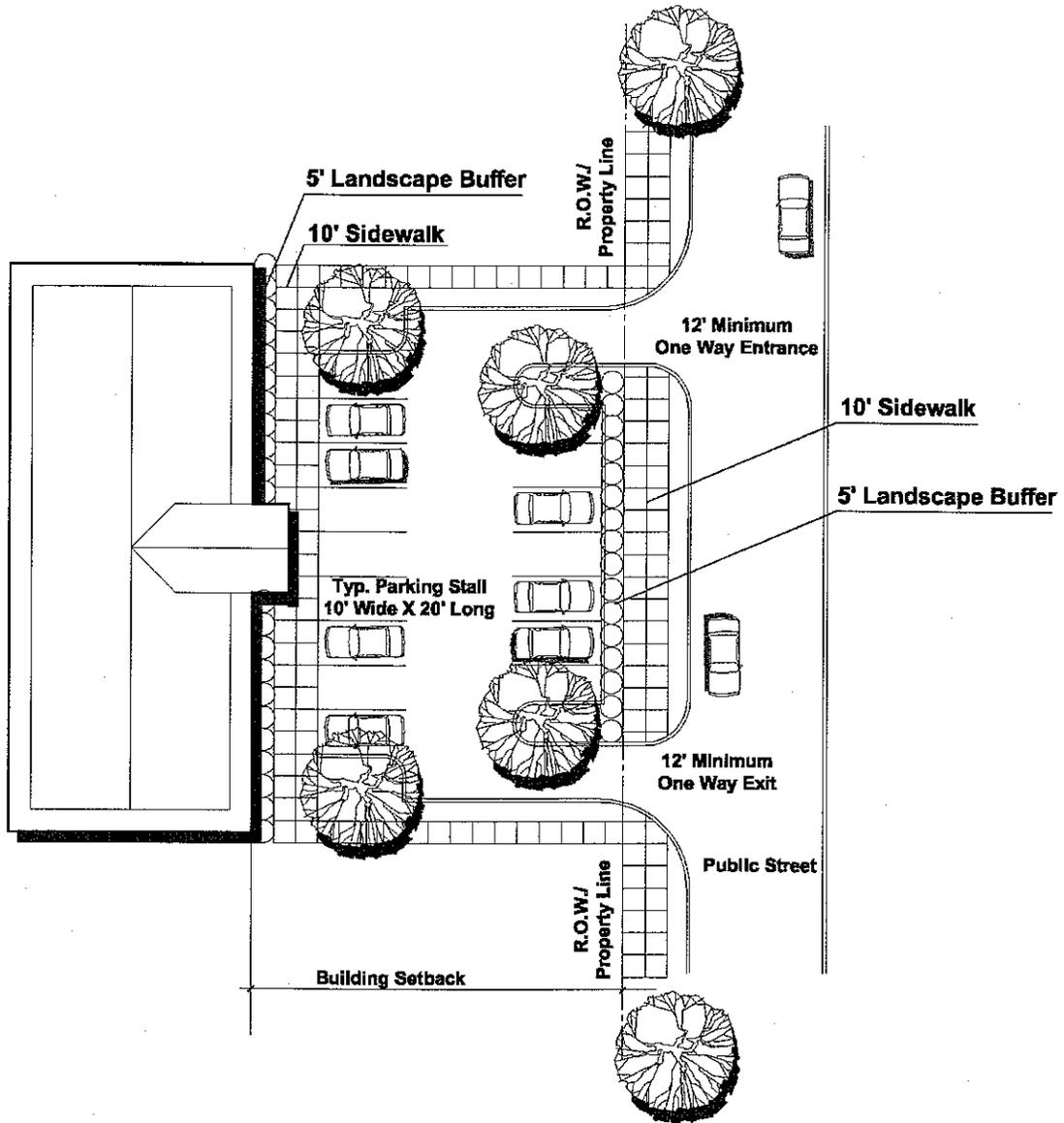
### Off Street Parking

Mixed Use Districts  
Business Highway Districts 1 and 2



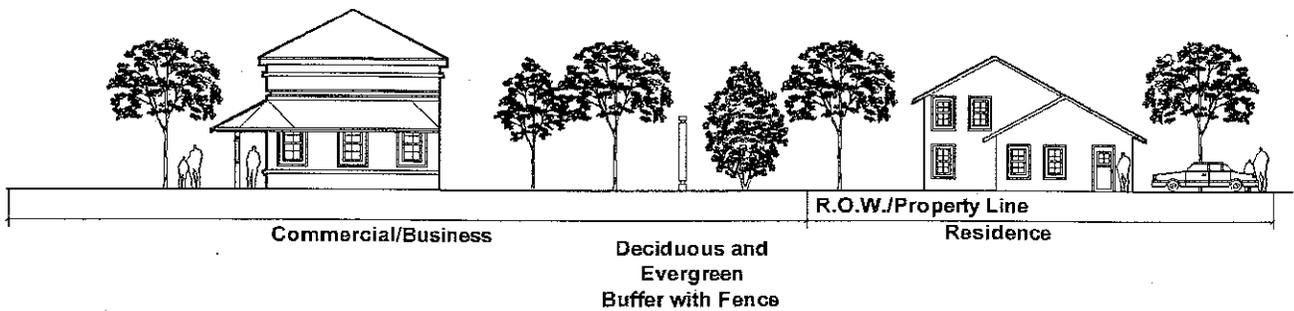
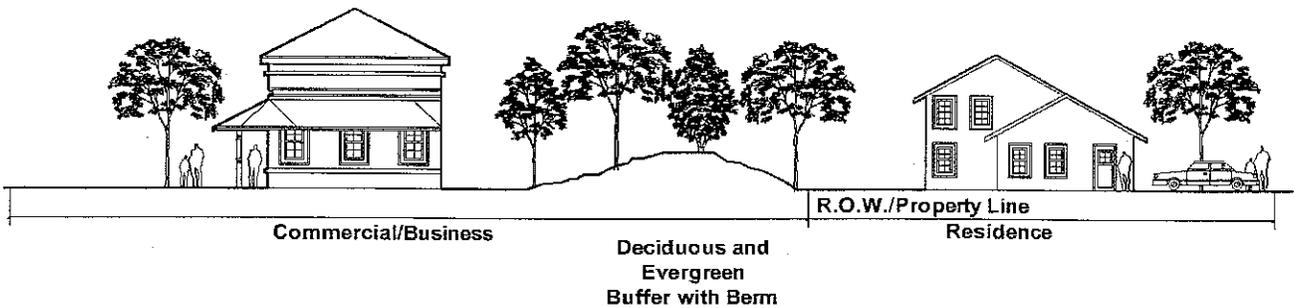
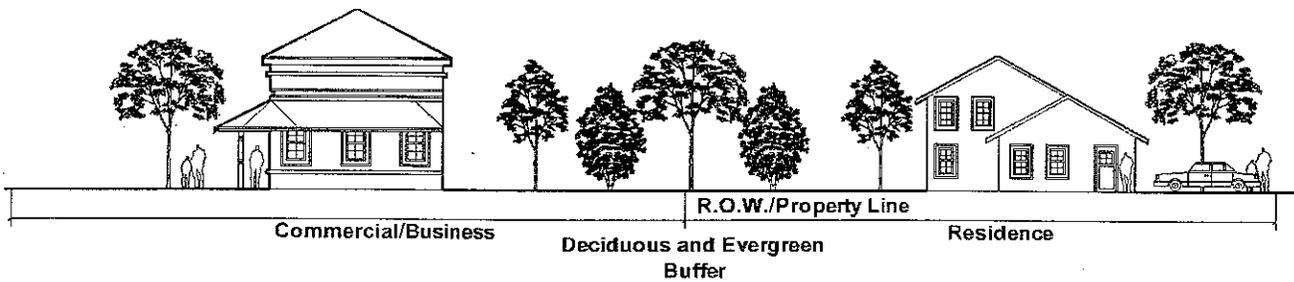
**Off Street Parking**

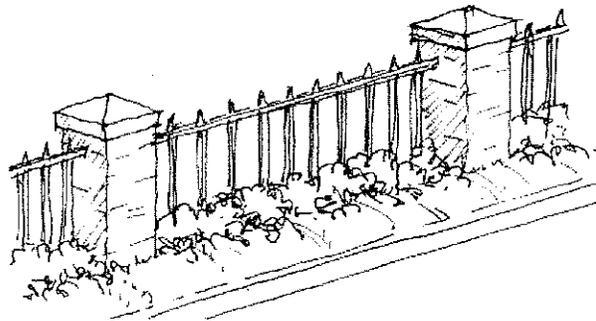
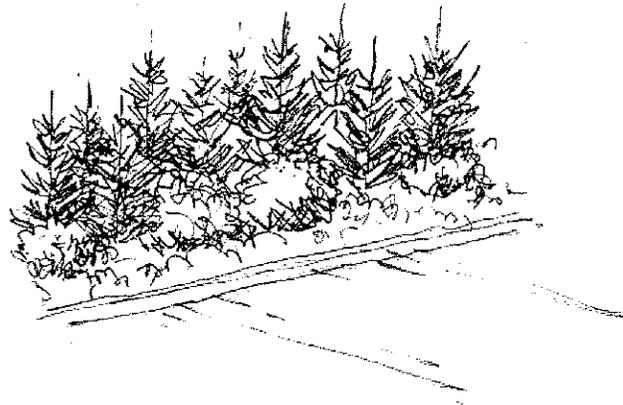
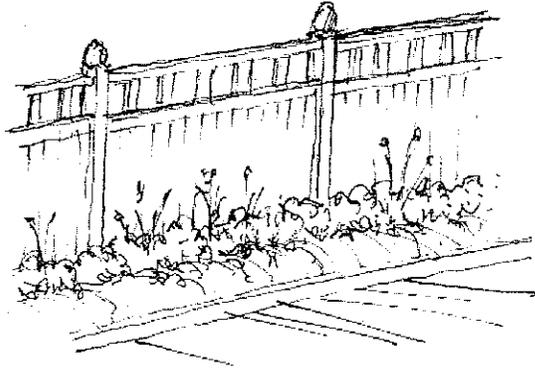
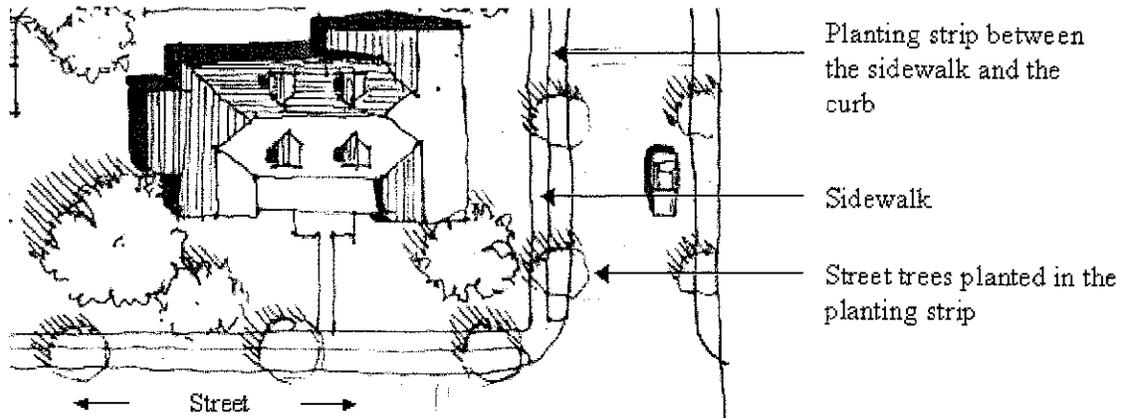
Business Highway Districts 1 and 2 (when rear and side parking cannot be provided)



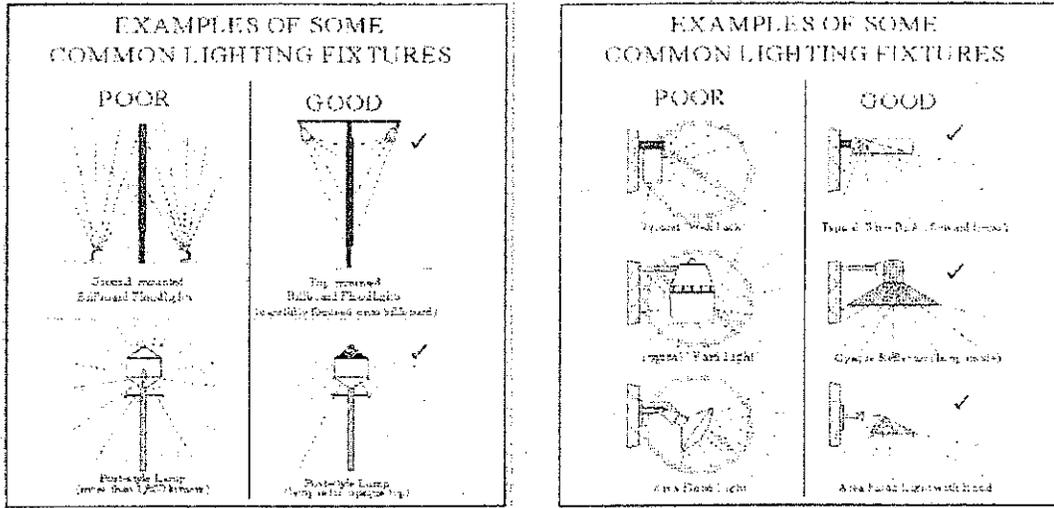
**Examples of Screening and Buffer Techniques – Mixed Use and Business Highway Districts**

Examples of screening and buffers designed to separate business/commercial sites and parking areas from adjoining residential properties



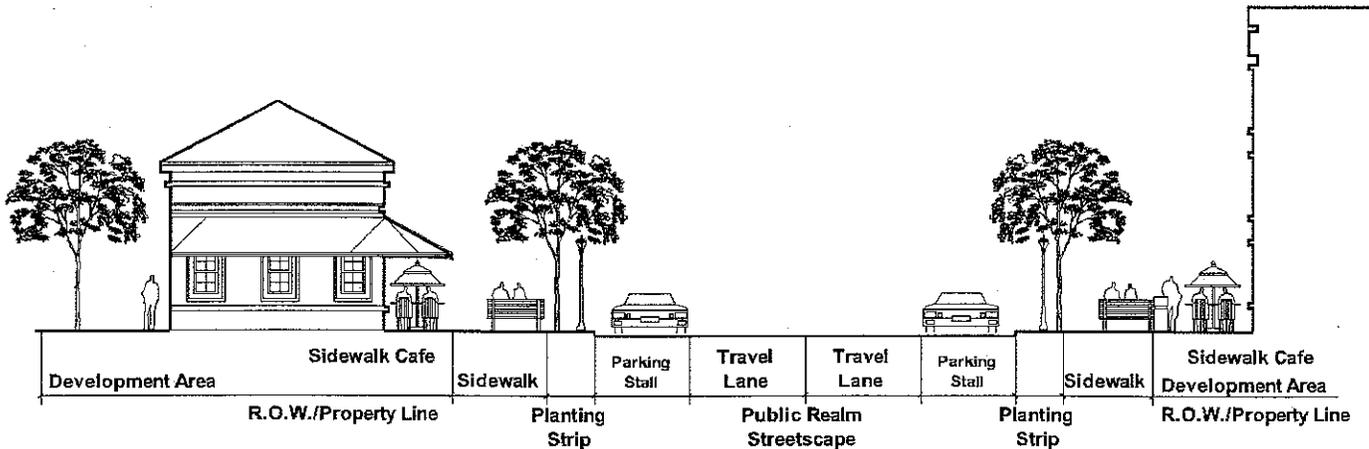


**Lighting – Mixed Use and Business Highway Districts**



**Example of café in front of building**

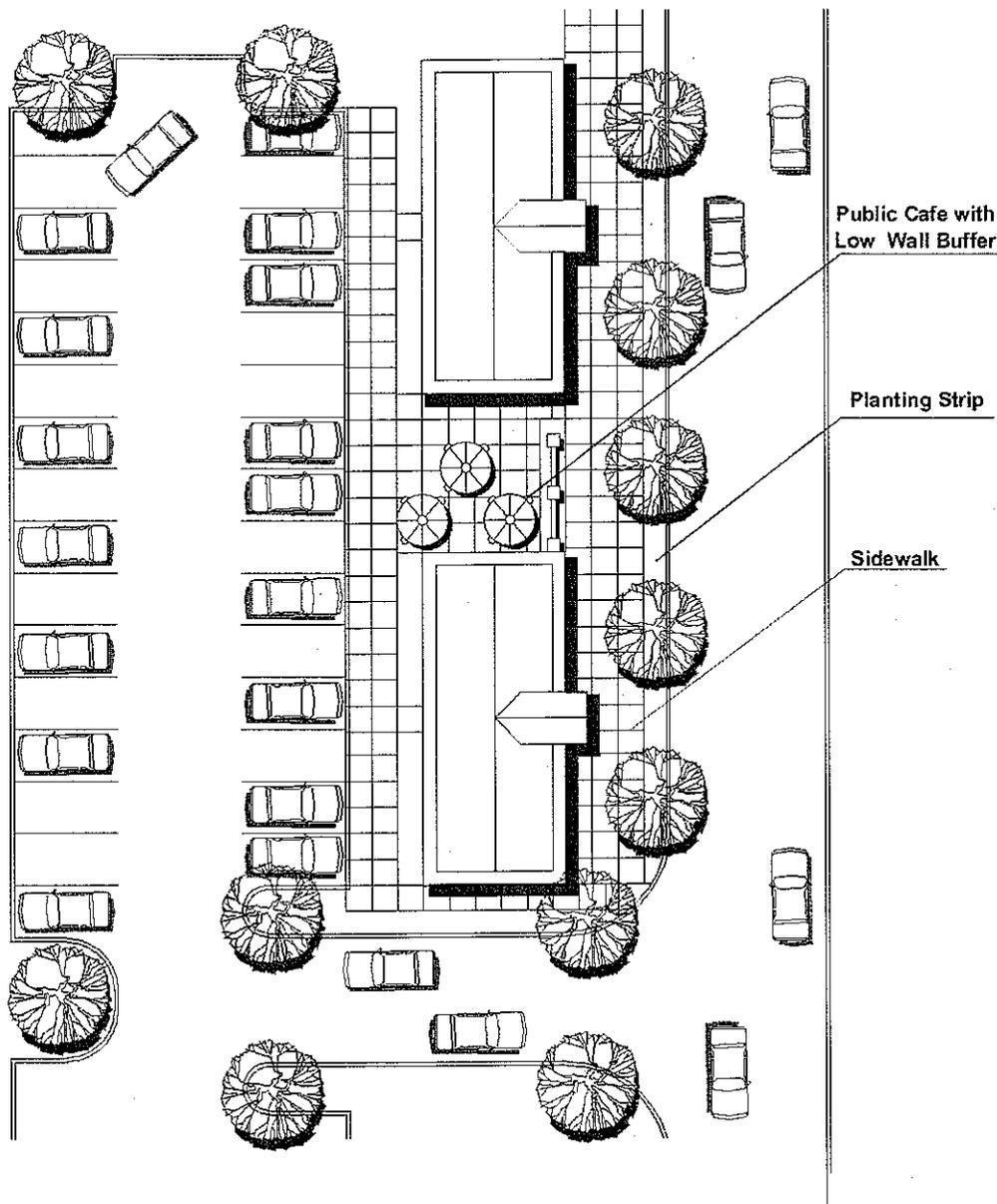
Mixed Use Districts



**Example of café at side of building**

Mixed Use Districts

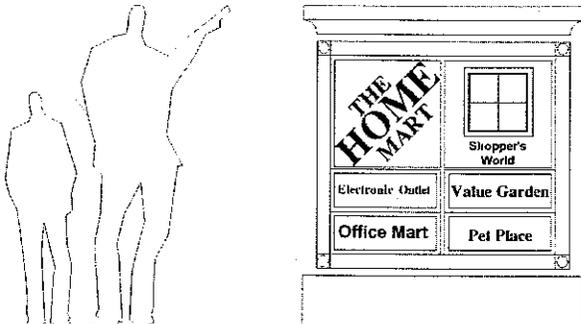
Business Highway Districts 1 and 2



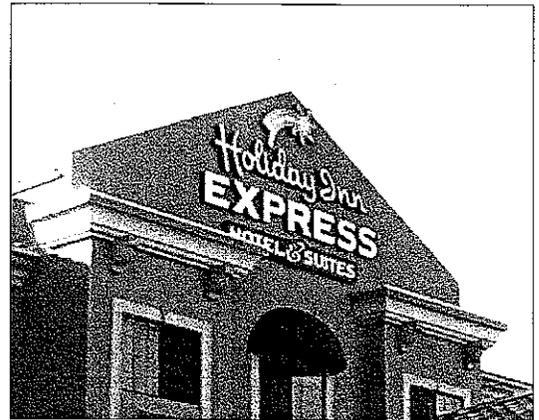
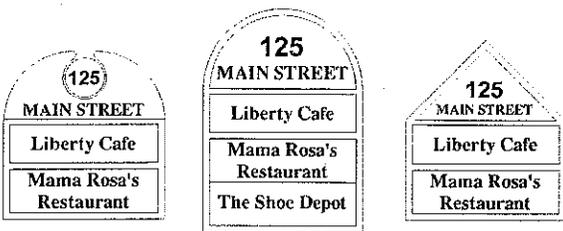
**Sign Graphics**

Mixed Use Districts

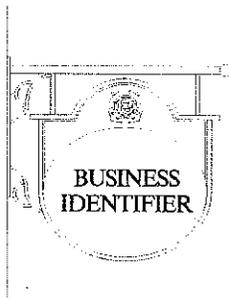
Business Highway Districts 1 and 2



**Freestanding / Monument**



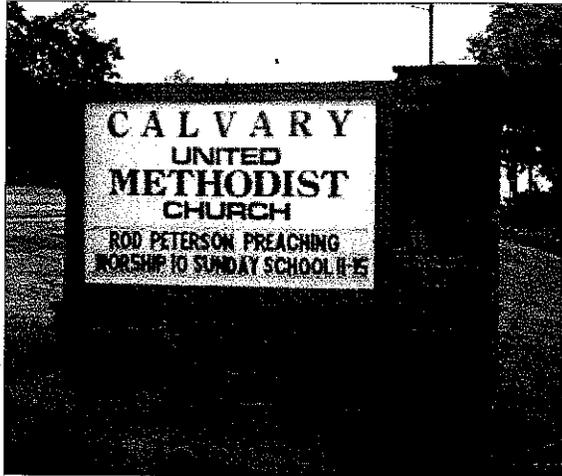
**Wall Signage**



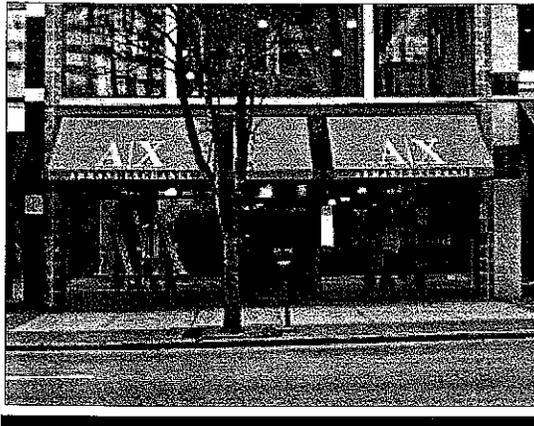
**Projecting Signs**

**Portable A-Frames**

Sign Graphics (continued)



**Permanent Changeable Message/Marquee**

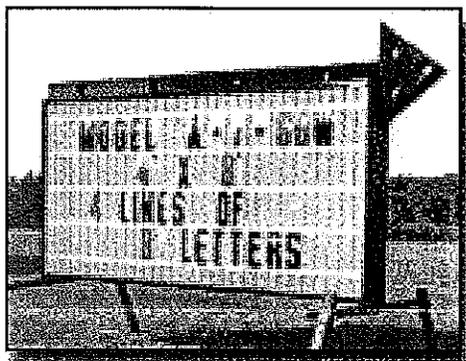


***Awning/Canopy Signs***

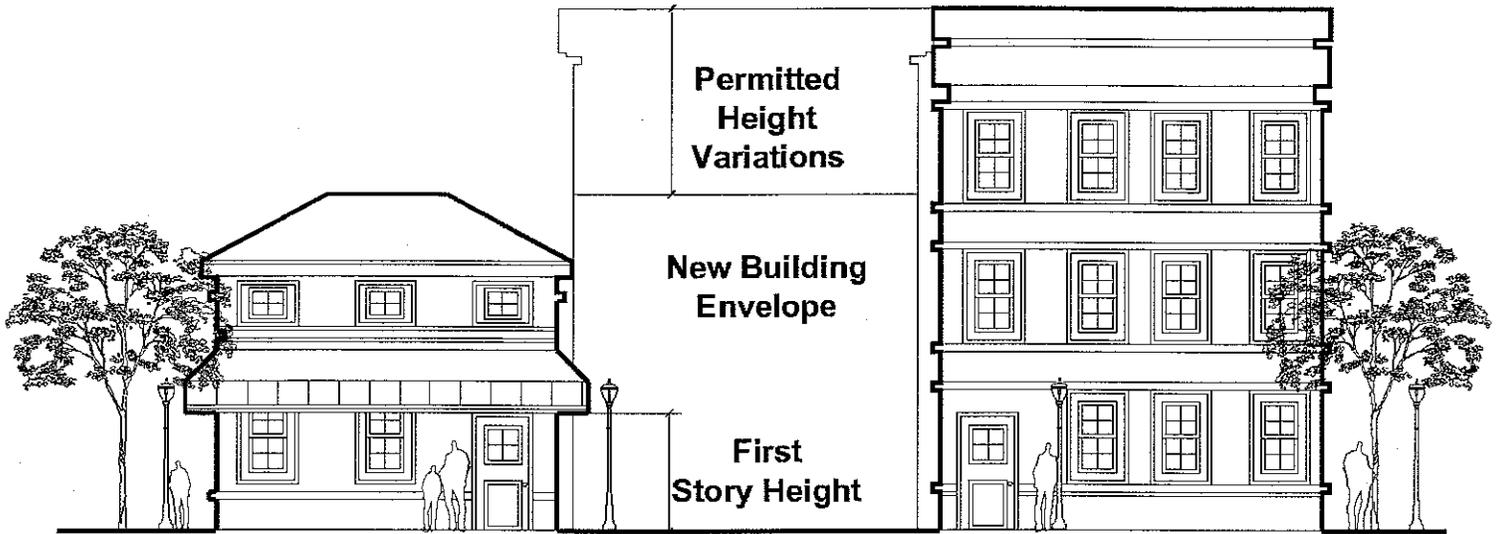
**Sign Graphics (continued)**

Example of Portable Roadside Changeable Message Sign:

- > Prohibited in the Mixed Use Center Districts
- > Allowed as a two-week temporary sign in the Business Highway Districts



**Building Proportion**



Mixed Use Districts  
Business Highway Districts 1 and 2

**Roof Types**

Mixed Use Districts  
Business Highway Districts 1 and 2



**Flat Roof with Parapet**



Pitched Roof with awning at street level

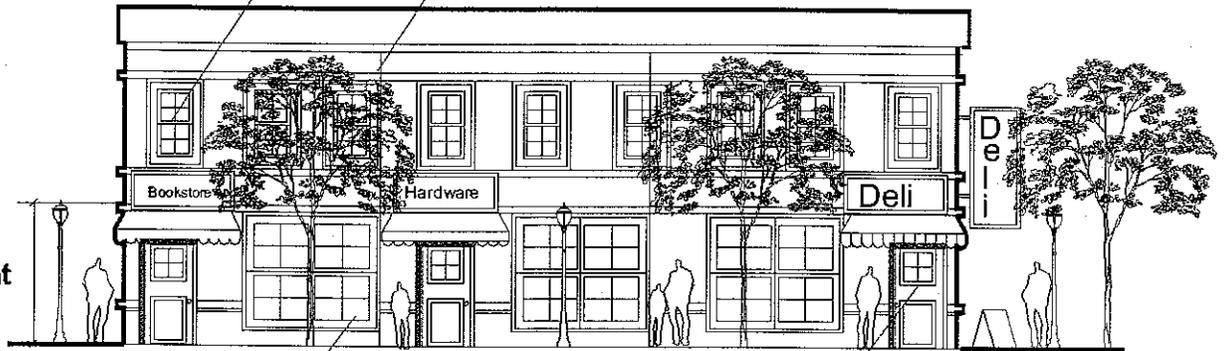
**Fenestration**

Mixed Use Districts  
Business Highway Districts 1 and 2

**Character of 2nd Floor Windows  
Shall Relate to the 1st**

**Small Distinct Building Portions**

**First  
Story Height**



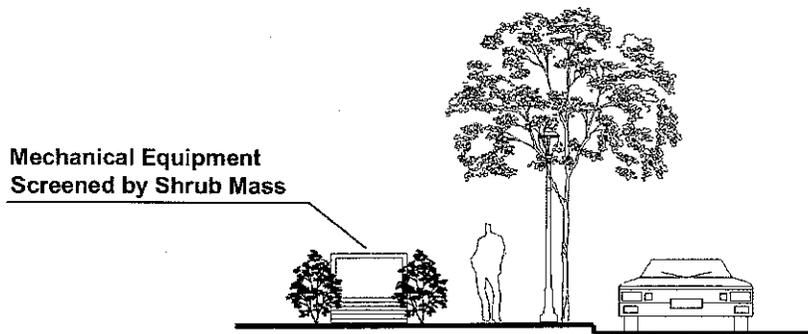
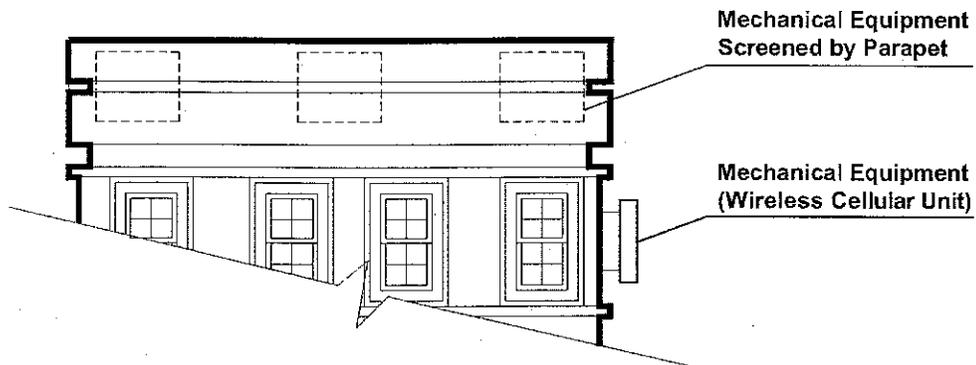
**Building Transparency at Street Level**

**Recessed Door & Window Entries**

**Specialty Equipment Screening**

Mixed Use Districts

Business Highway Districts 1 and 2



**Specialty Equipment Screening**

**Section 3 Proposed Buffers, Landscaping, and Barriers Site Plan  
Standards**

**Section 3: Proposed Buffers, Landscaping, and Barriers Site Plan Standards.**

**Proposed Buffers, Landscaping, and Barriers Site Plan Standards.**

A. General Requirements:

1. All buffers, landscaping, and barriers shall comply with the Clear Vision Zone requirements as defined below:
  - a) Where the driveway meets the road, no barrier or hedge shall exceed two-and-one-half (2 ½) feet in height.
  - b) On any corner lot, no obstructions higher than two-and-one-half (2 ½) feet above the center line of the street elevation shall be permitted to be planted, placed, erected, or maintained within the triangular area formed by the intersecting pavement lines, or their projections, where corners are rounded, and a straight line joining the pavement lines at points fifty (50) feet distant from their point of intersection.
  - c) The minimum clear vision zone distance shall be twenty-five (25) feet from the edge of the pavement at an intersection.
2. All buffers, landscaping, and barriers shall be required by the Planning Board in accordance with the purpose, visual nature, noise impacts, and security needs of the proposal.
3. Buffers, landscaping, or barriers shall be maintained in perpetuity by the applicant. If the applicant fails to maintain such property in reasonable order, the Town Council may cause such property to be maintained.

B. Location:

1. Buffers, landscaping, and barriers shall be constructed entirely within the boundaries of a lot.
2. All “fences” and “walls” shall be required to face the finished side toward adjoining lots and/or the street.
3. See Design Standards for graphic depictions of buffer styles and types in the Mixed Use and Business Highway Districts.

Proposed Buffers, Landscaping, and Barriers Site Plan Standards.

---

C. Standards:

Where a lot is proposed to contain a use listed in the use categories set forth below and abuts a lot containing an existing or approved use, minimum BUFFERS (B), LANDSCAPING, and BARRIERS (LB) shall be provided for the proposed use as follows:

Use Category	Existing or Approved Residential Use	Existing or Approved General Use	Existing or Approved Business Use	Commercial Parking Lots	Existing or Approved Industrial Use
Proposed Residential Use	1B 1LB	2B 2LB	3B 3LB	3B 3LB	3B 3LB
Proposed Business Use	3B 3LB	2B 2LB	1B 4LB	1B 2LB	2B 2LB
Commercial Parking Lots	3B 3LB	3B 4LB	2B 2LB	1B 1LB	1B 1LB
Proposed Industrial Use	3B 3LB	3B 3LB	2B 2LB	1B 1LB	1B 4LB

## Proposed Buffers, Landscaping, and Barriers Site Plan Standards.

---

Landscaping materials shall satisfy the following minimum requirements:

- Large deciduous trees: 2" caliper
- Conifers: 6' high
- Small flowering trees: 1" caliper
- Large shrubs: 30" height
- Small shrubs: 18" height

Intensity # 1- Designed to separate compatible land uses (minimum standards).

1. **BUFFERS (B)**- Minimum side and rear setbacks prescribed in the density control schedule.
1. **LANDSCAPING & BARRIERS (LB)** – No required landscaping or barriers. Except in a Clear Vision Zone, fences, walls, trees, hedges, or shrubs of choice are permitted. Fences or walls shall not exceed a maximum height of six (6) feet above finished grade.

Intensity # 2 – Designed to separate semi-compatible land uses (medium standards).

2. **BUFFERS (B)** -Minimum side and rear setbacks plus fifteen (15) feet.
2. **LANDSCAPING & BARRIERS (LB)**- Except in a Clear Vision Zone, fences and walls, hedges, shrubs and/or under story trees, that at maturity shall be a minimum of six (6) feet in height and one (1) foot wide. Fences and walls shall not exceed a maximum height of eight (8) feet above finished grade.

Intensity # 3 – Designed to separate incompatible land uses (maximum standards).

3. **BUFFERS (B)** Minimum side and rear setbacks plus twenty-five (25) feet.
3. **LANDSCAPING & BARRIERS (LB)** -Except in a Clear Vision Zone, fences and walls, hedges, shrubs, and/or under story trees that at maturity shall be a minimum of eight (8) feet in height and two (2) feet wide. Fences and walls shall not exceed a maximum height of ten (10) feet above finished grade.

Intensity #4 – Designed to give the Planning Board flexibility in unique situations.

4. **LANDSCAPING & BARRIERS (LB)** – Landscaping and barriers shall be decided by the Planning Board in accordance with the purpose, visual nature, and security needs. This can include limiting landscaping and barrier heights to limit visual obstruction.

# ZONING

Town of Ballston  
 Table of Uses, Area, Frontage and Setback Requirements  
 Hamlet Residential District<sup>4</sup>  
 [Added 9-30-2003 by L.L. No. 4-2003]  
 April 1, 2006

Permitted Use	Special Use Permit	Review Board	Minimum Lot Area (square feet)	Minimum Width Build Line [BL] Street [S] (feet)	Maximum Building Coverage	Maximum Building Height (feet)	Front Setback (feet)	Side Setback (feet) <sup>3</sup>	Rear Setback (feet) <sup>3</sup>
One-family dwelling w/o water and sewer			40,000	175 [BL] 20 [S]	30%	40	60	12 feet or 1/2 height	15 feet or height
One-family dwelling with water and/or sewer			30,000	150 [BL] 20 [S]	30%	40	60	12 feet or 1/2 height	15 feet or height
One-family dwelling with sewer and water			20,000	120 [BL] 20 [S]	30%	40	60	12 feet or 1/2 height	15 feet or height
Agricultural operations w/o custody of animals	<i>TAS 2100 S.F. 100 D.O.</i> Neighborhood Commercial <sup>1,2</sup>		<i>Per Case</i>						
	Neighborhood Commercial <sup>1,2</sup>	PB	40,000	120 [BL] 20 [S]	30%	40	60	12 feet or 1/2 height	15 feet or height
Agricultural operations w/ custody of animals		ZBA							
Two-family dwelling w/o water and sewer		ZBA	40,000	175 [BL] 20 [S]	30%	40	60	12 feet or 1/2 height	15 feet or height
Two-family dwelling with water and/or sewer		ZBA	40,000	175 [BL] 20 [S]	30%	40	60	12 feet or 1/2 height	15 feet or height
Community service and place of worship		PB	40,000	175 [BL] 20 [S]	30%	40	60	12 feet or 1/2 height	15 feet or height
Public park		PB							
Home occupation w/o water and sewer		ZBA	40,000	175 [BL] 20 [S]	30%	40	60	12 feet or 1/2 height	15 feet or height
Home occupation w/ water and/or sewer		ZBA	30,000	120 [BL] 20 [S]	30%	40	60	12 feet or 1/2 height	15 feet or height
Home occupation w/ water and sewer		ZBA	20,000	120 [BL] 20 [S]	30%	40	60	12 feet or 1/2 height	15 feet or height
Education facilities		PB	40,000	175 [BL] 20 [S]	30%	40	60	12 feet or 1/2 height	15 feet or height
Libraries		PB	40,000	175 [BL] 20 [S]	30%	40	60	12 feet or 1/2 height	15 feet or height
Museums		PB	40,000	175 [BL] 20 [S]	30%	40	60	12 feet or 1/2 height	15 feet or height
Municipal buildings		PB	40,000	175 [BL] 20 [S]	30%	40	60	12 feet or 1/2 height	15 feet or height

NOTE: Any uses not listed are not permitted

<sup>1</sup> A business use or activity involving retail or wholesale marketing of goods and services occurring in a building in which no more than 5,000 SF of floor area is dedicated to the Neighborhood Commercial Use. Neighborhood Commercial Uses do not include gas stations, automobiles sales, or automobile repair facilities.

<sup>2</sup> Refer to Section 138-37(C) "Zoned District Regulations" for applicable sign regulations.

<sup>3</sup> Additional side and rear yard setbacks will be required when the proposed next to a residential use. Refer to Section XX Buffers, Landscaping, and Barriers Standards.

<sup>4</sup> Refer to Article V "Hamlet Residential District Regulations" for additional information and requirements.

Key:  
 PB - Planning Board  
 ZBA - Zoning Board of Appeals

*APR 11 2006*

**ZONING**  
 Town of Ballston  
 Table of Uses, Area, Frontage and Setback Requirements  
 Ballston Lake Residential District<sup>1</sup>  
 [Added 9-30-2003 by L.L. No. 4-2003]  
 April 1, 2006

Permitted Use	Special Use Permit	Review Board	Minimum Lot Area (square feet)	Minimum Width Build Line [BL] Street [S] (feet)	Maximum Building Coverage	Maximum Building Height (feet)	Front Setback (feet)	Side Setback (feet) <sup>3</sup>	Rear Setback (feet) <sup>3</sup>
One-family dwelling w/o water and sewer			40,000	175 [BL] 20 [S]	30%	40	60	12 feet or 1/2 height	15 feet or height
One-family dwelling with water and/or sewer			30,000	150 [BL] 20 [S]	30%	40	60	12 feet or 1/2 height	15 feet or height
One-family dwelling with sewer and water			20,000	120 [BL] 20 [S]	30%	40	60	12 feet or 1/2 height	15 feet or height
Agricultural operations w/o custody of animals	<i>7100-712</i> <i>TD 100 D U</i>	<b>PB</b>	<i>Per 400</i>						
	Neighborhood Commercial <sup>1,2</sup>	PB	40,000	120 [BL] 20 [S]	30%	40	60	12 feet or 1/2 height	15 feet or height
	Agricultural operations w/ custody of animals	ZBA							
	Two-family dwelling w/o water and sewer	ZBA	40,000	175 [BL] 20 [S]	30%	40	60	12 feet or 1/2 height	15 feet or height
	Two-family dwelling with water and/or sewer	ZBA	40,000	175 [BL] 20 [S]	30%	40	60	12 feet or 1/2 height	15 feet or height
	Community service and place of worship	PB	40,000	175 [BL] 20 [S]	30%	40	60	12 feet or 1/2 height	15 feet or height
	Public park	PB							
	Home occupation w/o water and sewer	ZBA	40,000	175 [BL] 20 [S]	30%	40	60	12 feet or 1/2 height	15 feet or height
	Home occupation w/ water and/or sewer	ZBA	30,000	120 [BL] 20 [S]	30%	40	60	12 feet or 1/2 height	15 feet or height
	Home occupation w/ water and sewer	ZBA	20,000	120 [BL] 20 [S]	30%	40	60	12 feet or 1/2 height	15 feet or height
	Education facilities	PB	40,000	175 [BL] 20 [S]	30%	40	60	12 feet or 1/2 height	15 feet or height
	Libraries	PB	40,000	175 [BL] 20 [S]	30%	40	60	12 feet or 1/2 height	15 feet or height
	Museums	PB	40,000	175 [BL] 20 [S]	30%	40	60	12 feet or 1/2 height	15 feet or height
	Municipal buildings	PB	40,000	175 [BL] 20 [S]	30%	40	60	12 feet or 1/2 height	15 feet or height

NOTE: Any uses not listed are not permitted

<sup>1</sup> A business use or activity involving retail or wholesale marketing of goods and services occurring in a building in which no more than 5,000 SF of floor area is dedicated to the Neighborhood Commercial Use. Neighborhood Commercial Uses do not include gas stations, automobiles sales, or automobile repair facilities.

<sup>2</sup> Refer to Section 138-37(C) "Zoned District Regulations" for applicable sign regulations.

<sup>3</sup> Additional side and rear yard setbacks will be required when the proposed next to a residential use. Refer to Section XX Buffers, Landscaping, and Barriers Standards.

<sup>4</sup> Refer to Article V "Hamlet Residential District Regulations" for additional information and requirements.

Key:

PB - Planning Board

ZBA - Zoning Board of Appeals

# ZONING

Town of Ballston  
 Table of Uses, Area, Frontage and Setback Requirements  
 Ballston Lake Waterfront Residential District  
 [Added 9-30-2003 by L.L. No. 4-2003]  
 April 1, 2006

Permitted Use	Special Use Permit	Review Board	Minimum Lot Area (square feet)	Minimum Width Build Line [BL] Street [S] (feet)	Maximum Building Coverage	Maximum Building Height (feet)	Front Setback (feet)	Side Setback (feet) <sup>3</sup>	Rear Setback (feet) <sup>3</sup>
One-family dwelling w/o water and sewer			40,000	175 [BL] 20 [S]	30%	40	60	12 feet or 1/2 height	15 feet or height
One-family dwelling with water and/or sewer			30,000	150 [BL] 20 [S]	30%	40	60	12 feet or 1/2 height	15 feet or height
One-family dwelling with sewer and water			20,000	120 [BL] 20 [S]	30%	40	60	12 feet or 1/2 height	15 feet or height
Agricultural operations w/o custody of animals									
Agricultural operations w/o custody of animals	Neighborhood Commercial <sup>1</sup>	PB	40,000	120 [BL] 20 [S]	30%	40	60	12 feet or 1/2 height	15 feet or height
Agricultural operations w/ custody of animals		ZBA							
Two-family dwelling w/o water and sewer		ZBA	40,000	175 [BL] 20 [S]	30%	40	60	12 feet or 1/2 height	15 feet or height
Two-family dwelling with water and/or sewer		ZBA	40,000	175 [BL] 20 [S]	30%	40	60	12 feet or 1/2 height	15 feet or height
Community service and place of worship		PB	40,000	175 [BL] 20 [S]	30%	40	60	12 feet or 1/2 height	15 feet or height
Public park		PB							
Home occupation w/o water and sewer		ZBA	40,000	175 [BL] 20 [S]	30%	40	60	12 feet or 1/2 height	15 feet or height
Home occupation w/ water and/or sewer		ZBA	30,000	120 [BL] 20 [S]	30%	40	60	12 feet or 1/2 height	15 feet or height
Home occupation w/ water and sewer		ZBA	20,000	120 [BL] 20 [S]	30%	40	60	12 feet or 1/2 height	15 feet or height
Education facilities		PB	40,000	175 [BL] 20 [S]	30%	40	60	12 feet or 1/2 height	15 feet or height
Libraries		PB	40,000	175 [BL] 20 [S]	30%	40	60	12 feet or 1/2 height	15 feet or height
Museums		PB	40,000	175 [BL] 20 [S]	30%	40	60	12 feet or 1/2 height	15 feet or height
Municipal buildings		PB	40,000	175 [BL] 20 [S]	30%	40	60	12 feet or 1/2 height	15 feet or height

NOTE: Any uses not listed are not permitted

<sup>1</sup> A business use or activity involving retail or wholesale marketing of goods and services occurring in a building in which no more than 5,000 SF of floor area is dedicated to the Neighborhood Commercial Use. Neighborhood Commercial Uses do not include gas stations, automobiles sales, or automobile repair facilities.  
<sup>2</sup> Refer to Section 138-37(C) "Zoned District Regulations" for applicable sign regulations.  
<sup>3</sup> Additional side and rear yard setbacks will be required when the proposed next to a residential use. Refer to Section XX Bulfers, Landscaping, and Barriers Standards.  
<sup>4</sup> Refer to Article V "Hamlet Residential District Regulations" for additional information and requirements.

Key:  
 PB - Planning Board  
 ZBA - Zoning Board of Appeals

ZONING

*ALLOWABLE USE TABLE*

Town of Ballston  
Table of Uses, Area, Frontage and Setback Requirements'  
Mixed Use Center North

*Per Code*

[Added 9-30-2003 by L.L. No. 4-2003]

Permitted Use	Special Use Permit	Review Board	Minimum Lot Area (square feet)	Minimum Frontage Street Building Line [BL] Street [S] (feet)	Maximum Building Coverage	Maximum Building Height (feet)	Front Setback (feet)	Side Setback (feet)	Rear Setback (feet)
Art gallery		PB	40,000	200	40 %	40	20	0	20
Bakery		PB	40,000	200	40 %	40	20	0	20
Church		PB	80,000	200	30 %	40	20	0	20
Drug store		PB	80,000	200	30 %	40	20	0	20
Offices		PB	40,000	200	40 %	40	20	0	20
Printing publishing software		PB	40,000	200	40 %	40	20	0	20
Retail sales		PB	40,000	200	40 %	40	20	0	20
Veterinary clinic w/o boarding		PB	80,000	200	30 %	40	20	0	20
Personal service: barber, beauty salon		PB	40,000	200	40 %	40	20	0	20
Millwork, cabinet making		PB	40,000	200	40 %	40	20	0	20
	Training and instructional classrooms	PB	40,000	200	40 %	40	20	0	20
Agricultural			N/A	N/A	N/A	N/A	N/A	N/A	N/A
	2-family dwellings	ZBA	40,000	200	40%	40	20	0	20
	Multiple dwellings	PB	Article XXI	Article XXI	Article XXI	Article XXI	Article XXI	Article XXI	Article XXI
	Banks	PB	40,000	200	40 %	40	20	0	20
	Bed-and-breakfast	PB	40,000	200	40 %	40	20	0	20
	Beverage/recycling center	PB	40,000	200	40 %	40	20	0	20
	Clubs, lodges	PB	80,000	200	30 %	40	20	0	20
	Community residence	PB	80,000	200	30 %	40	20	0	20
	Day-care facilities	PB	80,000	200	30 %	40	20	0	20
	Funeral home	PB	80,000	200	30 %	40	20	0	20
	Health-care facilities	PB	80,000	200	30 %	40	20	0	20
	Home occupation	ZBA	40,000	200	30 %	40	20	0	20
	Hospital	PB	80,000	200	30 %	40	20	0	20

# BALLSTON CODE

Town of Ballston  
 Table of Uses, Area, Frontage and Setback Requirements<sup>1</sup>  
 Mixed Use Center North  
 [Added 9-30-2003 by L.L. No. 4-2003]  
 (cont'd.)

*Per Case*

Permitted Use	Special Use Permit	Review Board	Minimum Lot Area (square feet)	Minimum Frontage Street Building Line [BL] Street [S] (feet)	Maximum Building Coverage	Maximum Building Height (feet)	Front Setback (feet)	Side Setback (feet)	Rear Setback (feet)
	Nursing home	PB	80,000	200	30 %	40	20	0	20
	Senior living communities	PB	80,000	200	30 %	40	20	0	20
	Physical health establishment	PB	40,000	200	40 %	40	20	0	20
	Restaurant	PB	40,000	200	40 %	40	20	0	20
	School, private	PB	80,000	200	40 %	40	20	0	20
	Motel	PB	80,000	200	30 %	40	20	0	20
	Automobile sales, service, Recreation, indoor/outdoor	PB	80,000	200	40 %	40	20	0	20
	Mixed-use structures	PB	40,000	200	40 %	40	20	0	20
	Drive-in services	PB	40,000	200	40 %	40	20	0	20
	Convenient stores w/ gas sales	PB	40,000	200	N/A	40	20	0	20
	Convert existing residential use to Allowed use	PB	Must conform to area requirements		30 %	40	20	0	20
	Research and Dev. (Flex-tech)	PB	40,000	200	40 %	40	20	0	20

<sup>1</sup> The approval required also depends on size of the sites and or aggregate single floor footprint pursuant to Section 138-9.3

NOTE: Any uses not listed are not permitted

Key:  
 PB - Planning Board  
 ZBA - Zoning Board of Appeals

# ZONING

Town of Ballston  
 Table of Uses, Area, Frontage and Setback Requirements<sup>1</sup>  
 Mixed Use South  
 [Added 9-30-2003 by L.L. No. 4-2003]

*Per Case*

Permitted Use	Special Use Permit	Review Board	Minimum Lot Area (square feet)	Minimum Frontage Street Building Line [BL] Street [S] (feet)	Maximum Building Coverage	Maximum Building Height (feet)	Front Setback (feet)	Side Setback (feet) <sup>1</sup>	Rear Setback (feet)
Art gallery									
	Bakery	PB	40,000	200	40 %	40	20	0	20
	Church	PB	40,000	200	40 %	40	20	0	20
	Drug store	PB	80,000	200	30 %	40	20	0	20
	Offices	PB	80,000	200	30 %	40	20	0	20
	Printing publishing software	PB	40,000	200	40 %	40	20	0	20
	Retail sales	PB	40,000	200	40 %	40	20	0	20
	Veterinary clinic w/o boarding	PB	80,000	200	30 %	40	20	0	20
	Personal service: barber, beauty salon	PB	40,000	200	40 %	40	20	0	20
	Millwork, cabinet making	PB	40,000	200	40 %	40	20	0	20
	Training and instructional classrooms	PB	40,000	200	40 %	40	20	0	20
Agricultural	2-family dwellings	ZBA	40,000	200	40%	40	20	0	20
	Multiple dwellings	PB	Article XXI	Article XXI	Article XXI	Article XXI	Article XXI	Article XXI	Article XXI
	Banks	PB	40,000	200	40 %	40	20	0	20
	Bed-and-breakfast	PB	40,000	200	40 %	40	20	0	20
	Beverage/recycling center	PB	40,000	200	40 %	40	20	0	20
	Clubs, lodges	PB	80,000	200	30 %	40	20	0	20
	Community residence	PB	80,000	200	30 %	40	20	0	20
	Day-care facilities	PB	80,000	200	30 %	40	20	0	20
	Funeral home	PB	80,000	200	30 %	40	20	0	20
	Health-care facilities	PB	80,000	200	30 %	40	20	0	20
	Home occupation	ZBA	40,000	200	30 %	40	20	0	20
	Hospital	PB	80,000	200	30 %	40	20	0	20

# BALLSTON CODE

Town of Ballston  
**Table of Uses, Area, Frontage and Setback Requirements<sup>1</sup>**  
 Mixed Use South  
 [Added 9-30-2003 by L.L. No. 4-2003]  
 (cont'd.)

*Please Come*

Permitted Use	Special Use Permit	Review Board	Minimum Lot Area (square feet)	Minimum Frontage Street Building Line [BL] Street [S] (feet)	Maximum Building Coverage	Maximum Building Height (feet)	Front Setback (feet)	Side Setback (feet)	Rear Setback (feet)
	Nursing home	PB	80,000	200	30 %	40	20	0	20
	Senior living communities	PB	80,000	200	30 %	40	20	0	20
	Physical health establishment	PB	40,000	200	40 %	40	20	0	20
	Restaurant	PB	40,000	200	40 %	40	20	0	20
	School, private	PB	80,000	200	40 %	40	20	0	20
	Motel	PB	80,000	200	30 %	40	20	0	20
		PB	40,000	200	40 %	40	20	0	20
		PB	80,000	200	40 %	40	20	0	20
		PB	80,000	200	30 %	40	20	0	20
	Recreation, indoor/outdoor	PB	40,000	200	40 %	40	20	0	20
	Mixed-use structures	PB	40,000	200	40 %	40	20	0	20
	Convenient stores w/ gas sales	PB	40,000	200	N/A				
	Convert existing residential use to Allowed use	PB	40,000	200	30 %	40	20	0	20
		PB	Must conform to area requirements						

<sup>1</sup>The approval required also depends on size of the sites and or aggregate single floor footprint pursuant to Section 138-9.3  
 NOTE: Any uses not listed are not permitted

Key:  
 PB - Planning Board  
 ZBA - Zoning Board of Appeals

# ZONING

Town of Ballston  
 Table of Uses, Area, Frontage and Setback Requirements'  
 Business Highway  
 [Added 9-30-2003 by L.L. No. 4-2003]

Permitted Use	Special Use Permit	Review Board	Minimum Lot Area (square feet)	Minimum Frontage Street Building Line [BL] Street [S] (feet)	Maximum Building Coverage	Maximum Building Height (feet)	Front Setback (feet)	Side Setback (feet)	Rear Setback (feet)
One-family dwelling w/o water and sewer			40,000	175 [BL] 20 [S]	30%	40	50	12 or 1/2 height	15 or height
One-family dwelling with water and/or sewer			30,000	150 [BL] 20 [S]	30%	40	50	12 or 1/2 height	15 or height
One-family dwelling with sewer and water			20,000	120 [BL] 20 [S]	30%	40	50	12 or 1/2 height	15 or height
Art gallery			40,000	200	40%	40	50	0	20
Church			40,000	200	40%	40	50	0	20
	Bakery	PB	80,000	200	30%	40	50	0	20
	Drug store	PB	80,000	200	30%	40	50	0	20
	Offices	PB	40,000	200	40%	40	50	0	20
	Printing publishing software	PB	40,000	200	40%	40	50	0	20
	Retail sales	PB	40,000	200	40%	40	50	0	20
	Veterinary clinic w/o boarding	PB	80,000	200	30%	40	50	0	20
	Personal service: barber, beauty salon	PB	40,000	200	40%	40	50	0	20
	Millwork, cabinet making	PB	40,000	200	40%	40	50	0	20
	Training and instructional classrooms	PB	40,000	200	40%	40	50	0	20
Agricultural				100	40%	40	50	0	20
	2-family dwellings	ZBA	40,000	200	40%	40	50	0	20
	Multiple dwellings	PB	Article XXI	Article XXI	Article XXI	Article XXI	Article XXI	Article XXI	Article XXI
	Banks	PB	40,000	200	40%	40	50	0	20
	Bed-and-breakfast	PB	40,000	200	40%	40	50	0	20
	Beverage/recycling center	PB	40,000	200	40%	40	50	0	20
	Clubs, lodges	PB	80,000	200	30%	40	50	0	20
	Community residence	PB	80,000	200	30%	40	50	0	20
	Day-care facilities	PB	80,000	200	30%	40	50	0	20
	Funeral home	PB	80,000	200	30%	40	50	0	20
	Health-care facilities	PB	80,000	200	30%	40	50	0	20
	Home occupation	ZBA	40,000	200	30%	40	50	0	20
	Hospital	PB	80,000	200	30%	40	50	0	20

*per line*

# BALLSTON CODE

Town of Ballston  
 Table of Uses, Area, Frontage and Setback Requirements<sup>1</sup>  
 Business Highway  
 [Added 9-30-2003 by L.L. No. 4-2003]  
 (cont'd.)

Permitted Use	Special Use Permit	Review Board	Minimum Lot Area (square feet)	Minimum Frontage Street Building Line [BL] Street [S] (feet)	Maximum Building Coverage	Maximum Building Height (feet)	Front Setback (feet)	Side Setback (feet)	Rear Setback (feet)
	Nursing home	PB	80,000	200	30 %	40	50	0	20
	Senior living communities	PB	80,000	200	30 %	40	50	0	20
	Physical health establishment	PB	40,000	200	40 %	40	50	0	20
	Restaurant	PB	40,000	200	40 %	40	50	0	20
	School, private	PB	80,000	200	40 %	40	50	0	20
	Motel	PB	80,000	200	30 %	40	50	0	20
	Commercial greenhouse	PB	80,000	200	40 %	40	50	0	20
	Self storage	PB	80,000	200	30 %	40	50	0	20
	Automobile sales, service, Recreation, indoor/outdoor	PB	80,000	200	40 %	40	50	0	20
	Mixed-use structures	PB	40,000	200	40 %	40	50	0	20
	Drive-in services	PB	40,000	200	40 %	40	50	0	20
	Convenient stores w/ gas sales	PB	40,000	200	N/A	40	50	0	20
	Convert existing residential use to allowed use	PB	Must conform to area requirements		30 %	40	50	0	20

<sup>1</sup> The approval required also depends on size of the sites and or aggregate single floor footprint pursuant to Section 138-9.3

NOTE: Any uses not listed are not permitted

Key:  
 PB – Planning Board  
 ZBA – Zoning Board of Appeals

# ZONING

## Town of Ballston Table of Uses, Area, Frontage and Setback Requirements Rural District

[Added 9-30-2003 by L.L. No. 4-2003]

Permitted Use	Special Use Permit	Review Board	Minimum Lot Area (square feet)	Minimum Width Build Line [BL] Street [S] (feet)	Maximum Building Coverage	Maximum Building Height (feet)	Front Setback (feet)	Side Setback (feet)	Rear Setback (feet)
One-family dwelling w/o sewer			80,000	175 [BL] 20 [S]	30%	40	60	15 or 1/2 height	15 or height
One-family dwelling with sewer and/or water			40,000	175 [BL] 20 [S]	30%	40	60	15 or 1/2 height	15 or height
Agricultural uses							60	15 or 1/2 height	15 or height
Private Recreation							60	15 or 1/2 height	15 or height
	<i>Construction Site</i>	<i>PA</i>	<i>per con</i>				60	15 or 1/2 height	15 or height
	Bed and Breakfast w/o water and sewer	PB	80,000	175 [BL] 20 [S]		40	60	15 or 1/2 height	15 or height
	Bed and Breakfast w/ water and/or sewer	PB	40,000	175 [BL] 20 [S]		40	60	15 or 1/2 height	15 or height
	Home occupations w/o water and sewer	ZBA	80,000	175 [BL] 20 [S]		40			
	Home occupations w/ water and/or sewer	ZBA	40,000	175 [BL] 20 [S]		40			
	Education facilities	PB							
	Libraries	PB	80,000			40			
	Community service and place of worship	PB	80,000	175 [BL] 20 [S]	30%	40	60	15 or 1/2 height	15 or height
	Mobile home park	PB	Article XVIII						
	Outdoor recreation	PB					60	15 or 1/2 height	15 or height
	Airfields	PB					60	15 or 1/2 height	15 or height
	Sawmills	PB					60	15 or 1/2 height	15 or height
	Sales and service of farm equipment	PB	80,000		30%	40	60	15 or 1/2 height	15 or height
	Cemeteries	PB	80,000		30%	40	60	15 or 1/2 height	15 or height
	Municipal buildings	PB	80,000			40			
	Campgrounds and parks	PB					60	15 or 1/2 height	15 or height
	Light Manufacturing	PB	80,000	200 [BL] 200 [S]	40%	40	60	30	30

NOTE: Any uses not listed are not permitted

Key:

PB - Planning Board

ZBA - Zoning Board of Appeals

138:A53

# ZONING

Town of Ballston

**Table of Uses, Area, Frontage and Setback Requirements  
Industrial District**

[Added 9-30-2003 by L.L. No. 4-2003]

Permitted Use	Special Use Permit	Review Board	Minimum Lot Area (square feet)	Minimum Frontage Street (feet)	Maximum Building Coverage	Maximum Building Height (feet)	Front Setback (feet)	Side Setback (feet)	Rear Setback (feet)
	Fuel, gasoline, oil storage tanks	PB	40,000	100	40%	40	50	30	30
	Laundry and dry-cleaning plants	PB	40,000	100	40%	40	50	30	30
	Research and development	PB	40,000	100	40%	40	50	30	30
	Manufacture	PB	40,000	100	40%	40	50	30	30
	Automobile parts	PB	40,000	100	40%	40	50	30	30
	Aerospace systems	PB	40,000	100	40%	40	50	30	30
	Electrical components and appliances	PB	40,000	100	40%	40	50	30	30
	Electronics	PB	40,000	100	40%	40	50	30	30
	Microelectronics	PB	40,000	100	40%	40	50	30	30
	Energy systems	PB	40,000	100	40%	40	50	30	30
	Automation systems (robotics)	PB	40,000	100	40%	40	50	30	30
	Data automation and communications	PB	40,000	100	40%	40	50	30	30
	Information processing	PB	40,000	100	40%	40	50	30	30
	Medical systems and equipment	PB	40,000	100	40%	40	50	30	30
	Video systems	PB	40,000	100	40%	40	50	30	30
	Environmental control	PB	40,000	100	40%	40	50	30	30
	Warehousing and distribution centers	PB	40,000	100	40%	40	50	30	30
	Wood products processing	PB	40,000	100	40%	40	50	30	30
	Truck terminals	PB	40,000	100	40%	40	50	30	30
	Printing, lithographing or publishing plant	PB	40,000	100	40%	40	50	30	30
	Packaging industry	PB	40,000	100	40%	40	50	30	30
	Broadcasting studio	PB	40,000	100	40%	40	50	30	30
	Public utility substation	PB	40,000	100	40%	40	50	30	30
	Textile industry	PB	40,000	100	40%	40	50	30	30
	Food products preparation parts manufacturing	PB	40,000	100	40%	40	50	30	30
	Machine tools and machinery parts manufacturing	PB	40,000	100	40%	40	50	30	30
	Bottling works	PB	40,000	100	40%	40	50	30	30
	Stone or monument works	PB	40,000	100	40%	40	50	30	30
	Cold storage plant	PB	40,000	100	40%	40	50	30	30
	Telephone exchange	PB	40,000	100	40%	40	50	30	30
Agricultural		PB	40,000	100	40%	40	50	30	30
	Metal fabrication	PB	40,000	100	40%	40	50	30	30
	Storage and repair of heavy equipment	PB	40,000	100	40%	40	50	30	30

# BALLSTON CODE

Town of Ballston  
 Table of Uses, Area, Frontage and Setback Requirements  
 Industrial District

[Added 9-30-2003 by L.L. No. 4-2003]  
 (cont'd.)

Permitted Use	Special Use Permit	Review Board	Minimum Lot Area (square feet)	Minimum Frontage Street (feet)	Maximum Building Coverage	Maximum Building Height (feet)	Front Setback (feet)	Side Setback (feet)	Rear Setback (feet)
	Water treatment and distribution systems	PB	40,000	100	40%	40	50	30	30
	Office buildings and support services for above industries	PB	40,000	100	40%	40	50	30	30
	Outlet stores relative to manufacturing/warehousing use	PB	40,000	100	40%	40	50	30	30
	Adult-oriented businesses	PB	40,000	100	40%	40	50	30	30
	Junkyards	PB	40,000	100	40%	40	50	30	30
	Mixed Use*	TB	5 acres						

NOTE: Any uses not listed are not permitted

\* Allowed only by Planned Unit Development

Key:

PB - Planning Board

ZBA - Zoning Board of Appeals

# ZONING

Town of Ballston  
 Table of Uses, Area, Frontage and Setback Requirements  
 Mixed Use Center – Ballston Lake  
 [Added 9-30-2003 by L.L. No. 4-2003]

Permitted Use	Special Use Permit	Review Board	Minimum Lot Area (square feet)	Minimum Width Build Line [BL] Street [S]	Maximum Building Coverage	Maximum Building Height (feet)	Front Setback (feet)	Side Setback (feet)	Rear Setback (feet)
One-family dwelling w/o water and sewer			40,000	175 [BL] 30 [S]	30%	40	60	12 or 1/2 height	15 or height
One-family dwelling with water and/or sewer			30,000	130BL] 30 [S]	30%	40	60	12 or 1/2 height	15 or height
One-family dwelling with sewer			30,000	130BL] 30 [S]	30%	40	60	12 or 1/2 height	15 or height
	Retail store	PB	40,000	150 [S]	30%	40	60	0	30
	Office uses	PB	40,000	150 [S]	30%	40	60	0	30
	Convenience stores	PB	40,000	150 [S]	30%	40	60	0	30
	Food markets	PB	40,000	150 [S]	30%	40	60	0	30
	Personal services outlets	PB	40,000	150 [S]	30%	40	60	0	30
	Municipal buildings	PB	40,000	150 [S]	30%	40	60	0	30
Agricultural		PB	40,000	150 [S]	30%	40	60	0	30
	Alteration and/or enlargement of existing structure or use	PB							
	Two-family dwelling	ZBA	40,000	150 [S]	30%	40	60	0	30
	Restaurants	PB	40,000	150 [S]	30%	40	60	0	30
	Automobile service	PB	40,000	150 [S]	30%	40	60	0	30
	Private clubs	PB	40,000	150 [S]	30%	40	60	0	30

NOTE: Any uses not listed are not permitted

Key:

PB – Planning Board

ZBA – Zoning Board of Appeals