

NEW YORK STATE DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NEW YORK 12231

LOCAL LAW FILING

TOWN OF STILLWATER
LOCAL LAW NO. __ OF 2023

1. Purpose: The purpose of this Local Law is to Amend Local Law Number 4 of 2022 known as “Scenic View Estates Planned Development District.”
2. The amendments are indicated below in underlined text.

§211-302 DISTRICT.

This local law shall be known as “Scenic View Estates Planned Development District” and amends Code of the Town of Stillwater, enacted September 30, 1974, as amended, and the Zoning Map of the Town of Stillwater.

§211-303 ESTABLISHMENT OF DISTRICT.

The Zoning Ordinance and Zoning Map of the Town of Stillwater are hereby amended by changing the “Subject Premises” hereinafter described from its existing zone district of Low Density Residential (LDR) to a Planned Development District-Residential to be known as “Scenic View Estates Planned Development District”.

§211-304 DESCRIPTION AND LOCATION.

The area of Scenic View Estates PDD consists of approximately 73.5+/- acres in the Town of Stillwater located in the Low-Density Residential Zoning District and is bounded and described as set forth in Appendix A (legal description) and Appendix B (sketch on Town Zoning Map), attached hereto and made a part hereof. The area is located on the westerly side of Lake Road (a/k/a County Route 76), Town of Stillwater, County of Saratoga, State of New York and is presently identified as Tax Map Parcel 243.00-1-72.21. It is located on the westerly side of Lake Road (County Route 76) and is bounded easterly by Lake Road. The northern boundary consists of single-family residences, the westerly boundary is the Saratoga Hills Mobile Home Park, a Village of Stillwater water tower, and a portion of the Schuyler Creek. Finally, the project is bounded southerly by undeveloped lands.

§211-305 PURPOSE.

The purpose of this ordinance is to establish the parameters and limits of the residential growth on the Subject Premises. It is the further purpose of this ordinance to promote flexibility in the

development and design of the Subject Premises by creating a single-family residential area and multifamily apartment development to satisfy the demand for a variety of lifestyles.

§211-306 LAND USE.

A. Multi-Family: There shall be constructed within the boundaries of Scenic View Estates Planned Development District a maximum of forty-eight (48) apartment units, divided into twelve (12) buildings of four (4) units per building totaling on 30.2+/- acres. The apartment development will be a mix of two-bedroom and three-bedroom units.

B. Single-family: There shall be constructed sixteen (16) single-family dwelling units on lots ranging from 1-acre to 6-acres.

§211-307 AREA AND USE REQUIREMENTS (Single-Family Home Lots).

A. The sixteen single-family lots are proposed to be subdivided in accordance with the Code of the Town of Stillwater Chapter 176. The single-family lots shall meet the following setbacks: 40-foot front yard setback, 20-foot side yard setback, 30-foot rear yard setback, maximum 40% lot coverage, and maximum 35-foot height.

B. Sheds: Sheds will be allowed in the rear yards of the single family lots with a maximum size of 200SF and setback from the rear and side property lines a minimum of ten (10) feet.

C. Ownership: Single-family home lots are to be owned and maintained under private ownership.

D. Addressing: Each single-family home shall have address numbers installed so as to be visible from the road on which it fronts. All road names and addresses shall be reviewed and approved as part of the Site Plan and Subdivision approval process and approved by the Town Planning Board.

E. Items not specifically included in the use and area regulations shall be subject to the underlying zoning regulations in Chapter 210 of the Code of the Town of Stillwater.

§211-308 AREA AND USE REQUIREMENTS (Multifamily Apartment Development Area).

A. Apartments: The remaining approximate 30.2-acre parcel, will contain the 48-unit apartment complex constructed with two access points on County Route 76. The bulk area density for this parcel will be 1.6 units per acre. This lot will have approximately 15-acres of disturbed area with 15-acres of open space.

B. Open Space: All remaining open space within the apartment complex will be owned and maintained by the developer or property owner.

C. Balconies: Balconies shall be required for second floor multi-family units to provide outdoor space and to incorporate a relief in the building façade so as to better meet the design standards as outlined in the underlying zoning.

D. Outdoor Patios: Outdoor patios will be required for all ground floor multi-family units

E. ADA Compliance: All ground floor units shall be designed to be ADA adaptable with ADA compliant parking available. Final requirements shall be determined during Site Plan Review and Approval by the Planning Board of the Town of Stillwater

F. Parking: Parking within the Apartment section of the Scenic View Estates Planned Development District will be a mix of garage and driveway parking areas. A minimum of 2 parking spaces shall be provided per unit. Final parking design will allow for the flexibility to meet the quantities noted above and to meet the final building design and will be reviewed during the site plan approval process.

G. Lighting: Lighting will consist of low street level lighting, 15-20 ft. in height. Lighting shall not exceed 1.0-foot candles at property boundaries and will be planned for the adequate levels to promote safe vehicle and pedestrian use of the property. Street lighting shall be placed along the roadways and sidewalks. The street lighting intervals shall be coordinated with the Town of Stillwater Planning Board during the site plan review phase.

H. Street Landscaping: Street landscaping shall be designed and placed at proper intervals so as to not affect the mobility of the pedestrians and motorists and to not affect the aesthetics of the roadway layout. Additional trees and landscaping shall be placed throughout the apartment complex project in proper locations to enhance the project area. Trees and landscaping shall conform to Town of Stillwater standards and shall be approved by the Town of Stillwater Planning Board. Landscaping will consist of native plant species and lawn areas in the area of the apartment development and as reflected on final Landscape Plan.

I. Trail: A trail will be provided throughout the multi-family development plan within any approval limitations set by the USACOE and or the NYSDEC based upon proximity to Jurisdictional wetlands.

J. Sidewalks: In lieu of sidewalks within the single-family phase of the development, sidewalks shall be placed adjacent to, but not within, the public right-of-way along the frontage of County Route 76. The sidewalks shall be constructed in accordance with the design requirements as established in Chapter 176, of the Town Code for the Town of Stillwater. The sidewalks shall be maintained solely by the property owners or by a homeowner's association and the Town shall bear no responsibility for maintenance of the sidewalks constructed as part of the development herein.

K. Maintenance and other Buildings: One accessory structure for the use of site maintenance equipment may be permitted and will be subject to Site Plan approval from the Town of Stillwater Planning Board. Required Postal buildings, such as centralized mailbox areas, will be allowed. If required for water and/or sanitary services, enclosures and utility buildings will be allowed. All mailboxes and utility structures shall be located per approved site plan by the Town of Stillwater Planning Board.

L. Unlicensed Vehicles: Unlicensed Vehicles will be prohibited on all lots and within the apartment complex.

M. Trash Containers: Trash Containers will be incorporated in community areas and will be fenced and screened as depicted on the final plans approved by the Planning Board of the Town of Stillwater.

N. Outdoor Recreation: Additional outdoor recreation opportunities shall be required as requested during the Site Plan Review by the Town Planning Board.

O. Fences: Fences within the apartment complex will be reviewed during site plan approval by the Planning Board.

P. Antennas: Antennas will not be allowed within the apartment complex.

Q. Addressing: Each apartment building shall have address numbers installed so as to be visible from the road on which it fronts. All road names and addresses shall be reviewed and approved as part of the Site Plan and Subdivision approval process and approved by the Town Planning Board.

R. Items not specifically included in the use and area regulations shall be subject to the underlying zoning regulations in Chapter 210 of the Code of the Town of Stillwater.

§211-309 ROADS.

A. All utilities, roads or streets within the Scenic View Estates Planned Development District shall be constructed by the developer in accordance with the regulations and specifications of the current standards for the Town of Stillwater and approved during the site plan review. All utilities' infrastructure within the Scenic View Estates Planned Development District shall be owned and maintained by the developer or property owner.

B. Public Road: The first is proposed as a public road to be dedicated to the Town accessing from County Route 76 and culminating in a cul-de sac. The proposed Town Road would service the 16 single-family homes. The proposed road shall have a slope no greater than 9.5% for a distance no longer than 700 ft of the proposed 2200ft of length.

C. Private Road: The second new road will be private and extend from the new proposed Town Road south and in a loop extending back out to County Route 76. The private road would service the 48 multi-family units. All utilities' infrastructure within the Scenic View Estates Planned Development District private roads shall be owned and maintained by the developer or property owner.

D. No certificates of occupancy shall be issued for construction within the planned development district until the roadways within the development have been approved for use by all reviewing authorities and until the bond or letter of credit required by the development agreement has been posted with the Town of Stillwater.

E. The project shall otherwise meet all of the requirements of Article IV in Chapter 210 titled "Planned Development Districts" of the Stillwater Town Code, including, but not limited

to, open space, recreational facilities, ownership, drainage, common property, bulk density requirements, setbacks, development agreements and financial security.

F. Street and Traffic signs shall meet general highway standards for safe use by vehicles in accordance with MUTCD standards.

§ 211-310 LETTER OF CREDIT

A. Prior to the issuance of certificates of occupancy for any buildings within this district, the developer shall file letters of credit in the amounts and for the time periods required by the Town Planning Board and acceptable as to amount and form by the Town's Engineer and the Town's Attorney to guarantee such performance and/or completion of the requirements of this Planned Development District Ordinance, including, but not limited to, the following:

1. The satisfactory completion of the roads and other infrastructure for the project; and
2. The satisfactory completion and maintenance for the year after completion of landscaping in the commercial area and common areas of the project site.

§211-311 SIGNS

Monument and neighborhood identification signs within the Scenic View Estates Planned Development District shall comply with the requirements established in the Town Code and by the Town of Stillwater Planning Board site plan review. Two monument signs shall be permitted.

§211-312 DRAINAGE AND STORMWATER MANAGEMENT.

A drainage and Stormwater Pollution Prevention Plan (SWPPP) will be developed during the site plan review process and is required to be approved by the Town of Stillwater before final site plan approval. The developer or property owner shall be responsible for ownership of all stormwater management infrastructure and for the periodic maintenance and/or repair of the system at no cost to the Town of Stillwater. A Stormwater Maintenance Agreement will be required as a condition of Site Plan Approval by the Town of Stillwater Planning Board.

§211-313 SANITARY SEWER SERVICE.

Sanitary sewer is to be provided by a gravity sewer collection system with connection(s) to the existing gravity system at the intersection of County Route 76 and the Village of Stillwater/Town of Stillwater boundary that is owned and operated by the Saratoga County Sewer District #1. All sewer mains and appurtenances will be installed and improved/upgraded by the applicant to the Saratoga County Sewer District #1 standards at no cost to the Saratoga County Sewer District #1 or the Town of Stillwater.

§211-314 WATER SERVICE.

An 8-inch water main is proposed as an extension of the existing municipal infrastructure, together with hydrants and related appurtenances to be installed within a combined water and sewer utility easement, in accordance with Town of Stillwater standards. The costs of the extension of utility infrastructure system, including upgrades to existing infrastructure, would be

the responsibility of the Developer and conveyed to the Town of Stillwater upon completion. Water service within the proposed Town Road shall be located within the proposed Town Right of Way. Water connections within the multi-family development shall be private with a meter placed at the connection to the proposed public right of way. The final location of the water lines will be determined during the final site plan review process. Water shall be supplied to Scenic View Estates PDD through an existing Village Water Line on County Route 76. As is customary, all extensions to the water service shall conform to state regulatory agency requirements and Town standards and will be constructed at the sole expense of the developer. A Map, Plan and Report will be required. All water infrastructure will comply with the facilities requirements of the New York State Department of Health.

§211-315 WATER AND SEWER SYSTEM APPROVALS.

Approval by the New York State Department of Health, New York State Department of Environmental Conservation, Saratoga County Sewer District #1, the Saratoga County Water Authority, The Village of Stillwater, and Town of Stillwater will be obtained for the potable water system and the sanitary sewer system, as appropriate.

§211-316 CONSTRUCTION REGULATIONS.

All buildings and improvements shall be designed and constructed pursuant to plans and specifications approved by a duly licensed architect or engineer and in strict compliance with established construction standards, regulations and codes (including current ICC 2020 Residential Code of New York State or most recent revision and the Uniform Fire Prevention and Building and Construction Code). All construction, during the performance thereof and upon completion, shall be subject to inspection and approval of the Town of Stillwater Code Enforcement Officers, Town Engineer, Superintendent of Highways and Fire Marshal.

§211-317 APPROVALS NEEDED.

The Town of Stillwater Planning Board shall not give final site plan approval unless and until all necessary approvals required by each and every other government agency or governmental entity have been obtained. However, the Planning Board may, in its discretion, give approval conditioned upon the developer obtaining such approvals within a specified time period.

§211-318 REVOCATIONS; APPLICABILITY OF PREVIOUS REGULATIONS.

Pursuant to Section 210-24 of the Town Code, if no evidence of progressive activity has occurred within one year of the date of the adoption of this local law or upon the expiration of any extension of time for starting the development granted by the Town Board, the approved site plan and this local law shall become null and void, and the zoning will revert to its designation prior to the approval of this local law. The projected time for completion is projected at five (5) years, beginning within one (1) year of final approvals and issuance of all permits. The developer intends on phasing Scenic View Estates PDD with infrastructure and single-family homes in phase one and the apartment buildings in phase two.

§211-319 PUBLIC BENEFIT.

A public benefit fee of \$1500 shall be paid for each dwelling unit within an apartment building at the time of first building permit, totaling \$96,000.

§211-320 LEAD AGENCY.

The Stillwater Town Board shall serve as Lead Agency, pursuant to the State Environmental Quality Review Act pursuant to SEQRA, and has adopted a Negative Declaration, a copy of which is attached and incorporated herein.

§211-321 PENALTIES AND OFFENSES.

Any violation of the provisions of this legislation shall be deemed a violation of the Town of Stillwater Zoning Ordinance, and the provisions hereof shall be enforceable pursuant to the enforcement provisions of the Zoning Code.

§211-322 FEES.

All applicable Site Plan, Subdivision, and GEIS fees shall apply.

§211-323 SEVERABILITY.

If any provision of the ordinance shall be invalid in an appropriate court proceeding, the remainder of this ordinance shall not be affected.

§211-324 EFFECTIVE DATE.

This Local Law shall take effect upon filing pursuant to §265 of the Town Law.

CERTIFICATION

I hereby certify that the local law designated as Local Law No. ____ of 2023 of the Town of Stillwater was duly adopted by the Town Board of the Town of Stillwater on _____ 2023, in accordance with the applicable provisions of law.

I further certify that I have compared the preceding Local Law No. ____ of 2023 with the original local law on the file in this office, and that the same is a correct transcript therefrom and of the whole of such original local law, and that such local law was finally adopted by the Town Board of the Town of Stillwater on _____2023.

Danielle Cowin, Town Clerk

(Seal)

STATE OF NEW YORK

COUNTY OF SARATOGA

I, the undersigned, hereby certify that the foregoing Local Law No. ____ of 2023 contains the correct text and that all proper proceedings have been had or taken for the enactment of the Local Law annexed hereto.

James P. Trainor

Attorney for the Town of Stillwater

_____, 2023