Appendix C:
1. Division Street Planned Unit Development (formerly 241.1)

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A PLANNED UNIT DEVELOPMENT DISTRICT TO BE KNOWN AS "DIVISION STREET PLANNED UNIT DEVELOPMENT"

BE IT ORDAINED, by the City Council of the City of Saratoga Springs, New York, following a public hearing as follows:

SECTION I – NAME:

This ordinance shall be known as the "Division Street Planned Unit Development," and amends Chapter 135 of the Code of the City of Saratoga Springs, New York, entitled "Zoning."

SECTION II – HISTORY:

The Zoning Ordinance of the City of Saratoga Springs and the Zoning Map of the City of Saratoga Springs as set forth herein be and the same are hereby amended by changing from the existing zoning districts of R-2 Single Family, R-3 Two Family and R-4 Multi Family, as hereinafter described and creating within the boundaries of said newly described area, a Planned Unit Development District to be known as the Division Street Planned Unit Development.

SECTION III – BOUNDARIES:

The area of the Division Street Planned Unit Development consists of approximately 23 acres in the City of Saratoga Springs and is bounded and described as set forth in Appendix A – Legal Description, attached hereto and made a part hereof, and Appendix B – Sketch Plan, which is on file in the City Engineer's Office in the City of Saratoga Springs. The area is located on the west side of the City of Saratoga Springs and is known as Division Street.

SECTION IV – PURPOSE:

It is the purpose of this ordinance to provide a means to establish parameters and limits around which the desired commercial and industrial activities in the Division Street area of the West Side Neighborhood may expand and grow in a manner which will contribute to the redevelopment of the residential and neighborhood commercial uses as well. It is further the purpose of this ordinance to promote flexibility in the development and design of the Division Street Planned Unit Development that will result in the more
efficient use of land, promote good site design and visual quality, and result in a more pleasing environment than that otherwise possible.

SECTION V– PERMITTED USES, DENSITY AND OFF-STREET PARKING:

There shall be constructed within the boundaries of the Division Street Planned Unit Development, primarily industrial uses; said uses shall include any or all of the following: office, production, metal fabrication, retail sales facilities, garages, storage, service spaces, adequate parking and loading docks have been planned for with minimal impact to the neighborhood. New buffer plantings will be provided to further mitigate any impact on the neighborhood. The major uses proposed can be serviced and accessory uses are planned to support the main activity.

The attached preliminary plan, Exhibit B shall be used by the City and the applicant as a guide for the overall development of the Division Street Planned Unit Development.

The entire Division Street Planned Unit Development area is adequately serviced by existing water and sanitary service lines.

Prior to the issuance of a building permit to develop any or all of the area within the Division Street Planned Unit Development, the applicant shall receive final site plan approval from the Planning Board of the City of Saratoga Springs. Such site plan approval and final development plan shall be in conformance with Section 135-44-F of the Zoning Ordinance of the City of Saratoga Springs.

Within sixty days of receipt of the final site plan the Planning Board of the City of Saratoga Springs shall approve, approve with modification or disapprove the final site plan according to the procedure and time as specified in Section 135-44-G of the Zoning Ordinance of the City of Saratoga Springs.

Copies of the final approved site plan shall be filed with the City Planning Board, City Clerk and the City Building Inspector.

The Division Street Planned Unit Development shall be developed in strict compliance with the approved final site plan.

If any provision of this Ordinance shall be held invalid, the remainder of the Ordinance shall not be affected thereby.

This ordinance shall take effect the day after publication as provided by the provisions of the City Charter of the City of Saratoga Springs, New York.

ADOPTED: October 17, 1983
EXHIBIT "A"

DESCRIPTION OF LANDS FOR
"DIVISION STREET PLANNED UNIT DEVELOPMENT"

BEGINNING at a point at the intersection of Marvin Alley and Cherry Street; thence running along the centerline of Cherry Street northwesterly 289 feet to a point on the centerline of Cherry Street; thence running southerly along the eastern boundary of lands owned by Allerdice 225 feet to a point; thence running westerly along the southerly boundary of lands owned by Allerdice 180 feet to a point on the centerline of Walworth Street; thence running northerly along the centerline of Walworth Street 225 feet to a point at the intersection of Walworth Street and Cherry Street; thence running westerly along the centerline of Cherry Street 345 feet to a point at the intersection of Cherry Street and Beekman Street; thence running southerly 135 feet along the centerline of Beekman Street to a point; thence running northerly along the centerline of Beekman Street to a point; thence running westerly along the southern boundary of lands owned by the Saratoga Springs Enlarged City School District 209.5 feet to a point; thence southerly along the southern boundary of lands owned by the Saratoga Springs Enlarged City School District 55 ½ feet to a point; thence running westerly along the southern boundary of lands owned by the Saratoga Springs Enlarged City School District 184 feet to a point; thence southerly along the southern boundary of land owned by the Saratoga Springs Enlarged City School District 50 feet to a point; thence running westerly along the southern boundary of lands owned by the Saratoga Springs Enlarged City School District 400 feet to a point at the centerline of Walnut Street; thence running northerly along the centerline of Walnut Street 200 feet to a point at the centerline of Walnut Street; thence running westerly along the southern boundary of lands owned by the Saratoga Springs Enlarged City School District 564 feet to a point at the centerline of Bensonhurst Avenue; thence running northerly along the centerline of Bensonhurst Avenue 325 feet to a point at the intersection of Bensonhurst Avenue and Division Street; thence running easterly along the centerline of Division Street and Beekman Street; thence running northerly along the centerline of Beekman Street 230.5 feet to a point on the centerline of Beekman Street; thence running westerly along the southern boundary of lands owned by Dehn 104 feet to a point; thence running southerly along the eastern boundary of lands owned by Dehn 50.5 feet to a point; thence running westerly along the southern boundary of lands owned by Dehn 30 feet to a point; thence running northerly along the western boundary of lands owned by Dehn 126 feet to a point at the centerline of Andrew Street; thence running easterly along the centerline of Andrew Street 134 feet to a point at the centerline of Beekman Street 25 feet to a point on the centerline of Beekman Street; thence running easterly along the northern boundary of lands owned by Dehn 175 feet to a point; thence running northerly along the western boundary of lands owned by Dehn 50 feet to a point; thence running easterly along the northern boundary of lands owned by Dehn 100 feet to a point; thence running northerly along the western boundary of lands owned by
Dehn 50 feet to a point; thence running easterly along the northern boundary of lands owned by Dehn 85 feet to a point at the centerline of Walworth Street; thence running southerly along the centerline of Walworth Street 100 feet to a point on the centerline of Walworth Street; thence running easterly along the northern boundary of lands owned by Dehn 239 feet to a point at the centerline of Park Street; thence running southerly along the centerline of Park Street 50 feet to a point at the centerline of Park Street; thence running easterly along the centerline of Walworth Street 281.1 feet to a point at the intersection of Walworth Street and Division Street; thence running easterly along the centerline of Division Street 643 feet to a point at the intersection of Marvin Alley and Division Street; thence running southerly along the centerline of Marvin Alley 306 feet to the point and place of beginning.

EXHIBIT "B"

SKETCH PLAN ON FILE
IN THE OFFICE OF THE CITY ENGINEER
IN THE CITY OF SARATOGA SPRINGS

EXHIBIT "C"

AN ORDINANCE TO AMEND CHAPTER 135 OF THE CODE
OF THE CITY OF SARATOGA SPRINGS, NEW YORK,
ENTITLED "ZONING."

BE IT ORDAINED, by the City Council of the City of Saratoga Springs, New York, following a public hearing, as follows:

SECTION 1. Chapter 135 of the Code of the City of Saratoga Springs, New York, entitled "Zoning" is hereby amended to show and reflect the following change in district boundaries from its classification as R-2 Single Family, R-3 Two-Family and R-4 Multi-Family to a Planned Unit Development, which property is located in the Inside Tax District of the City of Saratoga Springs, and includes lands occupied by Ellsworth Ice Cream Company; Allerdice Building Supply; Dehn’s Flowers, Inc.; West Side Recreation Field; Division Street School and only those residential properties within the area which are logical or integral to the contiguousness of the proposed zone to be known as the "Division Street Planned Unit Development."

SECTION 2. This ordinance shall take effect the day after publication as provided by the provisions of the City Charter of the City of Saratoga Springs, New York.

ADOPTED: October 17, 1983.
Appendix C:
2. Interlaken Planned Unit Development (formerly 241.2)

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A PLANNED UNIT DEVELOPMENT DISTRICT TO BE KNOWN AS "INTERLAKEN PLANNED UNIT DEVELOPMENT"

BE IT ORDAINED, by the City Council of the City of Saratoga Springs, New York, following a public hearing as follows:

SECTION I – NAME:

This ordinance shall be known as the "Interlaken Planned Unit Development," and amends Chapter 240 of the Code of the City of Saratoga Springs, New York, entitled "Zoning."

SECTION II – HISTORY:

The City Council of the City of Saratoga Springs, following a public hearing on July 6, 1982, adopted an ordinance which created a Planned Unit Development which encompassed approximately 205 acres of land having frontage of 4,106.32 feet on the south side of Union Avenue (Route 9P), 1,295 feet on Crescent Avenue and 1,770 feet on the north side of Union Avenue (Route 9P). The City Council of the City of Saratoga Springs, following a public hearing on August 6, 1984, adopted an ordinance which created a Planned Unit Development which encompassed approximately 205 acres of real property having frontage of 4,106.32 feet on the south side of Union Avenue (Route 9P), 1,295 feet on Crescent Avenue and 1,770 feet on the north side of Union Avenue (Route 9P), which was intended to amend the ordinance which had been passed by the City Council of the City of Saratoga Springs on July 6, 1982. The City of Saratoga Springs of Saratoga Springs, following a public hearing on May 7, 1996 amended the Interlaken Planned Unit Development legislation as it pertains to Zone "BB" within the Planned Unit Development.

SECTION III – BOUNDARIES:

The area of the Interlaken Planned Unit Development consists of approximately 205 acres and is bounded and described as set forth in Appendix A, attached hereto and made a part hereof, and Appendix B, a certain sketch plan which is on file in the Office of the City Engineer in the City of Saratoga Springs.

The Planned Unit Development presently consists of the following parcels of real property as set out on the present Assessor’s Map for the City of Saratoga Springs Outside Tax District as of May 7, 1996.
SECTION IV - PURPOSE

It is the purpose of this Ordinance to provide a logical extension of the present zoning and land use as recommended in the 1970 Master Plan. It is the further purpose of this Ordinance to promote flexibility in the development and design of this area.

The Interlaken Planned Unit Development is conceptually sound. It meets all local and area wide needs and it conforms to the accepted principles of functional, highway and pedestrian circulation systems, land use configurations, open space systems and drainage systems. The scale and design of the elements are humane and related to each other and the area in general.

Zone “B”/Marina:

This zone shall be developed for the sole purpose of permitting a boathouse for not-for-profit rowing association with associated parking, marina and docking facilities.

Zone "BB":

This zone can be developed into a subdivision of single family residences with an attached or detached associated single bedroom units consistent with the residential designation set out for this area of the City in the 1987 Master Plan.

As an alternative, this zone, which had developed into a planned senior citizen housing community that will meet the needs of a special segment of the City’s population.

As another alternative, this zone, which has previously been the site of a restaurant and night club, could recapture this resort theme by the construction of a 110 room hotel/conference center along with or independent of an attached or detached restaurant offering seating for 150 diners.

These uses would compliment the already existing and projected residential areas within the Planned Unit Development or the more rustic restaurant and potential Inn use which
may be established upon the zone of the Planned Unit Development presently housing the Longfellow’s Restaurant.

**SECTION V – PERMITTED USES AND DENSITY:**

There may be constructed within the boundaries of the Interlaken Planned Unit Development the following types of activities and uses as set forth below:

Zone “B”/Marina:

This area may be developed with the following uses:

1. A boathouse facility, not to exceed 17,500 square feet, that may include facilities for storage of rowing vessels, equipment, restrooms, meeting rooms, training and associated activities. This facility may only be owned and operated by a not-for-profit rowing association.

2. On-site parking shall be provide for this facility and users in accord with the following standards:

   a) Marina and docks shall have 1 parking space per 3 slips.
   b) Boathouse shall have 75 parking spaces. This number may be reduced by the Planning Board, at their sole discretion, during the PUD site plan review process if evidence of shared parking with the marina use is presented and accepted by the Board.

3. A marina with up to 68 docking slips. All slips must be owned and maintained by the not-for-profit rowing association and shall be leased in the following manner:

   a) Residents of Zone B, D and E (Regatta View) shall be given first priority in leasing slips by January 31st of each calendar year.
   b) Remaining slips shall be made available to residents of Interlaken PUD Zones, A, BB and C until March 1st of each calendar year.
   c) The remaining slips (not to exceed 20) shall be made available to the general public after March 1st of each calendar year.
   d) This process will take place each year prior to the installation of docks and slips. Only slips that have been leased shall be installed each season.

4. There shall be no sale of petroleum products permitted on this site.
5. There shall be no boat ramp or launch facility permitted on this site.
6. There shall be no picnicking, special events or other outdoor recreational facilities on this site that are associated with the marina use.
7. There shall be no outdoor storage of boats permitted on this site except for boats owned by the not-for-profit rowing association. Outdoor storage of
docks shall permitted but the location of such storage shall be determined during the PUD site plan review process.

8. There shall be no sales or rental of boats or equipment on this site.

Zone "BB":

Either use 1, 2 or 3 as listed below, so long as the permission to construct that permitted use has not expired pursuant to Section XV herein, but not more than one shall be permitted:

1. A subdivision of detached single family residences with attached or detached garages with associated single bedroom units with frontage on a road dedicated to and accepted by the City of Saratoga Springs.

   a. A maximum of 31 lots, Each lot shall have a minimum of 10,000 square feet and may have a single-family residence as well as an associated single bedroom unit. The maximum height for any structure shall be 35 feet.

   b. The associate single bedroom units shall be no larger than 800 square feet and shall be constructed in the principal structure or in a detached accessory garage.

   c. A parcel with frontage on Lake Lonely may have a single private dock that may extend into the water up to 30 feet from the mean low water mark on the shoreline.

   d. The off-street parking demand for both the principal residential unit and an associated single bedroom unit shall be two parking spaces per unit. The location of the required off-street parking spaces do not have to meet any of the minimum setback requirements.

2. A planned Senior Citizen Housing Community offering attached or detached townhouse units and, apartments, interior and exterior recreational facilities, marina and docks, eating and drinking establishment and retail space all intended for the use of the residents of this zone and their guests. The living units shall be on lease basis only, wherein at least one of the tenants in any leased units must be 50 years of age at the commencement of the leasehold. None of the units shall be converted to cooperative apartments or to condominiums. In addition the lands within this PUD shall not be subdivided into more than two real property tax parcels. This project shall consist of the following:

   a. A maximum of 30 attached or detached residential units with a maximum building footprint of 2,000 square feet per unit for a maximum building square footage of 60,000 square footage. The maximum height for the residential units shall be 35 feet. Attached or detached car ports may be included
with these units but shall not be included as a portion of the building footprint for square footage calculation purposes.

b. A maximum of 120 residential apartments situated in a maximum of two buildings, which shall be no greater than 50 feet in height. The apartment buildings(s) shall have a maximum total building footprint of 105,000 square feet and a maximum total square footage of 350,000 square feet. The following ancillary uses shall be permitted for the exclusive use of the residents of Zone "BB" and their guests: interior eating and drinking facilities, interior recreational space, retail space, beauty/barber shop, physical therapy facilities, and meeting rooms. The ancillary uses within a structure shall comprise no more than fifteen (15%) percent of the square footage of that structure up to a maximum of 18,000 square feet. The ancillary uses shall be for the exclusive use of the residents of Zone "BB" and their guests.

c. Off-street parking shall be supplied within this zone to a ratio of 1.5 parking space for each residential unit unless lowered by the Planning Board. During the site plan review the Planning Board may lower the parking requirement if market studies show that the demand may be less. There shall be no parking requirement for any of the permitted ancillary uses.

d. Exterior recreational facilities shall be permitted which may include a marina and docks on Lake Lonely with slips for up to twelve boats. Accessory structures for recreational uses are permitted but their total size shall not exceed 17,500 square feet.

e. A hotel conference center and restaurant.

(a) A 110 room hotel conference center to include, as ancillary uses; eating and drinking facilities, retail space; interior recreational facilities, and meeting rooms. The center shall have a maximum interior square footage of 203,000 square feet and a maximum height of 65 feet. The ancillary uses within any structure shall comprise no more than fifteen (15%) percent of the square footage of that structure.

(b) A restaurant attached or detached to the hotel conference center to include seating for up to 150 persons. This structure shall not exceed 10,000 square feet. This use shall be permitted in addition to an eating and drinking facility contained within the hotel conference center.

(c) Exterior recreational facilities shall be permitted which may include a marina and docks on Lake Lonely with slips for up to twelve boats. Accessory structures for
recreational uses are permitted but their total size shall not exceed 17,500 square feet.

(d) The hotel conference center shall have a parking requirement of 1 parking space for each hotel room, and there shall be no parking requirement for any of the permitted ancillary uses. The restaurant shall have a parking demand of 0.3 spaces for every seat.

(e) The lands within this PUD shall not be subdivided into more than two real property tax parcels.

SECTION VI – HOMEOWNERS ASSOCIATIONS:

Zone “B”/Marina:

There shall be no homeowners association or equivalent organization established in Zone “B”/Marina, but if permitted, the owner of this site may obtain full or selected rights of membership in the Regatta View homeowners association.

Zone BB:

There shall be no homeowners association, or equivalent organization, established in Zone "BB".

SECTION VII – SKETCH PLAN:

Zone “B”/Marina:

The attached Sketch Plan, Appendix B, shall be used by the City and the developer as a guide for the overall development of this zone.

Zone "BB":

The attached Sketch Plans, Appendix B, shall be used by the City and the developer as a guide for overall development of Zone "BB" within the "Interlaken Planned Unit Development". The Sketch Plans may be amended and modified and so long as the use, density, height, parking, setbacks and impervious surface requirements set out within this ordinance are not violated, this Ordinance, as amended, shall not have to be submitted for further amendments. Nothing in this section is intended to negate the requirement for PUD site plan approval as established herein and in the Zoning Code of the City of Saratoga Springs.
Appendix B contains a sketch plan for the single family development plan, the planned senior housing community and the hotel conference center.

If in the development of the site plan, it becomes apparent that certain elements of the Sketch Plan are unfeasible and in need of significant modification above that which is permitted above, any significant modification thereof must be approved in accordance with Section 240-3 of the Zoning Ordinance of the City of Saratoga Springs.

SECTION VIII – SETBACKS:

Zone “B”/Marina:

The areas and bulk standards shall be as follows for principal buildings, on-site parking and accessory structures:

<table>
<thead>
<tr>
<th>Minimum Requirement:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot size:</td>
</tr>
<tr>
<td>4 acres</td>
</tr>
<tr>
<td>Mean width</td>
</tr>
<tr>
<td>200 feet</td>
</tr>
<tr>
<td>Front yard:</td>
</tr>
<tr>
<td>30 feet</td>
</tr>
<tr>
<td>Rear yard:</td>
</tr>
<tr>
<td>30 feet</td>
</tr>
<tr>
<td>One side:</td>
</tr>
<tr>
<td>10 feet</td>
</tr>
<tr>
<td>Total side:</td>
</tr>
<tr>
<td>20 feet</td>
</tr>
<tr>
<td>Building height</td>
</tr>
<tr>
<td>40 feet</td>
</tr>
<tr>
<td>% of lot to be permeable:</td>
</tr>
<tr>
<td>30%</td>
</tr>
</tbody>
</table>

Docks on this site shall not be subject to any of the above requirements.

Zone "BB":

With regard to the single family residential use of the zone, the setbacks shall be as follows:

<table>
<thead>
<tr>
<th>Principal Building and Lot</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Setback Requirements:</td>
</tr>
<tr>
<td>Lot Size</td>
</tr>
<tr>
<td>10,000 square feet</td>
</tr>
<tr>
<td>Mean Lot Width</td>
</tr>
<tr>
<td>80 feet</td>
</tr>
<tr>
<td>Front Yard: Principal Residence</td>
</tr>
<tr>
<td>10 feet</td>
</tr>
<tr>
<td>Front Yard: Attached Garage</td>
</tr>
<tr>
<td>22 feet</td>
</tr>
<tr>
<td>Rear Yard</td>
</tr>
<tr>
<td>30 feet</td>
</tr>
<tr>
<td>Side Yard: One Side</td>
</tr>
<tr>
<td>10 feet</td>
</tr>
<tr>
<td>Side Yard: Total Side</td>
</tr>
<tr>
<td>20 feet</td>
</tr>
<tr>
<td>Minimum % of Lot to be Permeable</td>
</tr>
<tr>
<td>30%</td>
</tr>
</tbody>
</table>
Accessory Structures (not attached to Principal Building other than by walkway, breezeway or porch)
Minimum Setback Requirements:

<table>
<thead>
<tr>
<th>Type</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Yard</td>
<td>22 feet</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>30 feet</td>
</tr>
<tr>
<td>Side Yard: One Side</td>
<td>5 feet</td>
</tr>
<tr>
<td>Side Yard: Total Side</td>
<td>20 feet</td>
</tr>
<tr>
<td>Minimum Distance to Principal Building</td>
<td>5 feet</td>
</tr>
</tbody>
</table>

B. With regard to the Hotel conference center use and the planned senior housing community use of this zone, the setbacks shall be as follows:

A. All setbacks shall be from the perimeter of the real property of Zone "BB" to the nearest building(s) with there not being a requirement setback between buildings, or internally on the site, other than as specified herein:

Minimum Setback Requirement:

<table>
<thead>
<tr>
<th>Type</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Yard</td>
<td>50 feet</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>50 feet</td>
</tr>
<tr>
<td>Side Yard</td>
<td>50 feet</td>
</tr>
<tr>
<td>Distance between detached buildings</td>
<td>15 feet</td>
</tr>
</tbody>
</table>

In addition, within Zone "BB" the minimum amount of required impervious surface shall be 60%.

SECTION IX - INFRASTRUCTURE SERVICE AND IMPROVEMENTS.

Zone "BB":

The entire zone will be serviced by City of Saratoga Springs water, unless there is a judicial order stating otherwise, and Saratoga County sewer lines. All services and improvements that are dedicated to a municipality or a municipal authority will be constructed to that municipality's or authorities building standard as that standard exists at the time of dedication. All other services and improvements shall be constructed in compliance with applicable codes, rules and regulations.

If the zone is developed as a single family residential project, the following shall take place: (1) Each residential unit shall be required to tap off of a City or public authority main for purposes of obtaining a potable water supply; (2) A public sidewalk shall be constructed along side of al roads to be dedicated to the City of Saratoga Springs; and, (3) All public roadways shall have curbs.

For uses if the zone is developed as a hotel conference center or a planned senior housing community, the water service to the structures which are more than 50 feet from
the boundary of a public right-of-way shall not be required to directly tap off of a city main for purposes of obtaining a water supply.

The community sanitary sewer collection system may be owned and operated by the Saratoga County Sewer District #1.

At the time of the development of any portion of any phase within Zone "BB", the Planning Board of the City of Saratoga Springs may require during the PUD site plan review process a traffic impact analysis to be preformed to determine specific on-site or off-site improvements that might be required to accommodate projected traffic volumes to or from this PUD. The determination as to whom shall pay for the required improvements shall be negotiated by the applicant and the City.

At the time of the development of any portion of any phase within Zone "BB", the Planning Board of the City of Saratoga Springs may require during the PUD site plan review process a Stage 1B archeological investigation of the soils. The applicant shall be expected to adequately mitigate any findings from such investigations.

SECTION X – SIGNS:

Zone “B”/Marina:

A single freestanding sign shall be permitted on this site. The sign shall not exceed 24 square foot in size and it shall be no higher than 12 feet.

Zone "BB”:

A. With regard to the single family development of this zone, the following signs shall be permitted:

1) A 40 square foot per side internally or externally illuminated sign shall be permitted at the entrance/exit of the subdivision near Crescent Avenue, provided such sign shall be not be placed within the public right-of-way and provisions for its permanent maintenance is made.

B. With regard to the hotel conference center use and the planned senior housing community use of this zone, the following signs shall be permitted:

1) A 40 square foot per side internally or externally illuminated sign shall be permitted at the entrance/exit roadway near Crescent Avenue.

2) On premise directional signs identifying private property, restrictions, public parking, recreational facilities, fire zones, entrances and exits signs may be
located on the real property and may not be internally illuminated. Each sign lettering panel shall not exceed 4 square feet.

3) Temporary, non-illuminated, “For Rent” signs may be permitted on the building(s) or placed as free-standing. The sign lettering panel shall not exceed 4 square feet.

4) Each detached or attached townhouse may have attached a number or letter identification sign measuring no more than 1.5 square feet. Such sign may be internally illuminated.

5) The apartment(s) structure, hotel and restaurant may each have its own free-standing sign, internally or externally illuminated, attached thereto measuring not more than 40 square feet per side. These signs shall be permitted in additions to the sign permitted pursuant to Section IX(1), but, the signs specified in this paragraph shall be located no closer than 600 feet from the Crescent Avenue public right-of-way.

SECTION XI – ROADWAY:

Zone "BB":

If any road or street within Zone "BB" are to be offered for dedication to the City of Saratoga Springs, then they shall be constructed and sized to comply with the applicable City of Saratoga Springs standards for said roads as that exists at the time of construction and/or dedication.

If a portion of the roadway to be constructed within Zone "BB" is to continue under the control of and be maintained by the real property owner, then they may be constructed to a City standard acceptable for private driveways.

SECTION XII – PHASING:

Zone "BB":

Zone BB may be developed in one or more phases.

SECTION XIII – CONSTRUCTION STANDARDS:

Zone "BB" and Zone “B”/Marina:

All construction standards for buildings, private and public improvements and for utilities shall be prepared and approved by licensed architects, landscape architects, or engineers. All costs associated with this shall be borne by the developer whether the
plans are provided by the City of Saratoga Springs or by the developer. Further, all completed construction shall be certified to the City of Saratoga Springs by licensed architects, landscape architects, or engineers as being completed in the manner called for in the plans and shall be certified in accordance therewith. The City may require any or all costs connected with this to be borne by the developer.

SECTION XIV – DEVELOPMENT PROCESS AND AMENDMENTS:

Zone “BB” and Zone “B”/Marina:

Prior to the issuance of a building permit to develop any of the area within Zone “BB” and Zone “B”/Marina, the developer shall receive preliminary and final site plan approval from the Planning Board of the City of Saratoga Springs. Such site plan approval shall be in conformance with Section 240-3.13 of the Zoning Ordinance of the City of Saratoga Springs. For the single family residences in Zone “BB” the Planning Board shall have the authority to review the specific lot layout plans, showing the configuration of all structures on the lot, as part of the PUD site plan approval process. The developer shall be permitted to present several proposed lot layout plans, at the time of PUD site plan approval, which proposed plans may be pre-approved by the Planning Board for development of the lots within this Zone.

Any standard concerning the construction of dwelling units to be constructed within Zone “BB” and Zone “B”/Marina shall be governed by and comply with the appropriate codes, laws, rules and regulations, including the New York State Building Codes in force and effect at the time of PUD site plan approval for the units to be so constructed.

SECTION XV – EXPIRATION:

Zone “B”/Marina:

For all development in Zone “B”/Marina, the developer must obtain final PUD site plan approval and start construction prior to January 1, 2010 or the zoning shall revert to Rural Residential-1 (RR-1) classifications and development standards that existed as of January 1, 2003.

Zone “BB”:

For the single family residential use, the developer must obtain final PUD site plan approval and start construction for all phases by December 31, 2010. If the developer fails to obtain all PUD site plan approvals and start construction on the final phase prior to December 31, 2010, the zoning for zone “BB” shall revert to Rural Residential-1 (RR-1) classifications and development standards that existed at the time of the enactment of this amendment.
For the senior citizen community the developer must obtain final PUD site plan approval and start construction for all phases prior to January 1, 2000.

For the hotel/conference center, the developer for Zone BB must obtain final PUD site plan and start construction for the first phase (either a restaurant or a hotel) approval prior to January 1, 2000. The developer must obtain final PUD site plan and start construction for all phases of the hotel/conference center prior to January 1, 2005. If the developer fails to meet any of the above requirement, the uses allowed for the hotel/conference center shall no longer be permitted, but the uses associated with the senior citizen center shall be permitted.

SECTION XVI – CASH IN LIEU OF RECREATION LAND:

Zone “B”/Marina:

Cash in lieu of recreational lands shall not be required for any subdivision within this section. The not-for-profit and recreational aspects for this use are consistent with community recreational activities and shall not be held to the same standard as commercial and residential development.

Zone “BB”:

For the single family residential use, the developer shall pay a special fee for cash in lieu of recreation land to the City of Saratoga in the amount of $750 per lot because of the limited size and unique characteristics of the associated residential units.

SECTION XVII – VALIDITY:

If any provision of this Ordinance shall be held invalid, the remainder of the Ordinance shall not be affected thereby.

SECTION XVIII – EFFECTIVE DATE:

This Ordinance shall take effect the day after publication as provided by the Saratoga Springs City Council and posting and publishing in the official newspaper of the City as required by law.

ADOPTED: May 7, 1996
AMENDED: March 18, 1997
AMENDED: February 4, 2003
APPENDIX "A"

LEGAL DESCRIPTION

Description of lands in Zone "BB" of the "Interlaken Planned Unit Development" are on file in the City Engineer's Office in the City of Saratoga Springs.
APPENDIX "B"

SKETCH PLAN FOR ENTIRE PUD

SKETCH PLAN FOR ZONE "BB" SENIOR CITIZEN COMMUNITY

SKETCH PLAN FOR ZONE "BB" HOTEL CONFERENCE CENTER
AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF
A PLANNED UNIT DEVELOPMENT DISTRICT
TO BE KNOWN AS
“SARATOGA HOSPITAL MEDICAL/PROFESSIONAL PUD”

BE IT ORDAINED, by the City Council of the City of Saratoga Springs, New York, following a public hearing, as follows:

I. NAME

This Ordinance shall be known as SARATOGA HOSPITAL MEDICAL/PROFESSIONAL PUD and amends Chapter 241.3 of the Zoning Ordinance of the City of Saratoga Springs, New York.

II. AMENDMENT

The City Council of the City of Saratoga Springs, on September 8, 1987, adopted the ordinance creating The Saratoga Hospital Medical/Professional Planned Unit Development District. That Planned Unit Development legislation was amended by the Saratoga Springs City Council on April 19, 1993, on January 21, 1997 and on October 21, 2003. The purpose of this legislation is to further amend the boundaries and uses of the original Saratoga Hospital Medical/Professional Planned Unit Development District legislation, so as to meet the needs of the institution and the community it serves.

This Ordinance amends the City of Saratoga Springs Zoning Map by rezoning the properties described in Appendix “A” and shown on a map attached hereto and made a part hereof and entitled Sketch Plan for Saratoga Hospital Medical/Professional PUD, prepared by C.T. Male and dated May 23, 2003 and revised January 26, 2009 from their current zoning designation of “Office/Medical Business District” to “Saratoga Hospital Medical/Professional Planned Unit Development District.”

This Ordinance also amends Chapter 241.3 of the City of Saratoga Springs by identifying certain uses which may be established within the amended boundary of the Saratoga Hospital Medical/Professional PUD and describing the review processes necessary to establish said uses.
III. BOUNDARY

The total area of the Saratoga Hospital Medical/Professional PUD, as amended by this ordinance, will consist of 29.38 ± acres as bounded and described in Appendix “B” attached hereto and made a part hereof. The area is located on the westerly side of the City of Saratoga Springs, north and south of Church Street, generally east of West Avenue, west of Seward Street, and generally south of Morgan Street. The tax map references are as follows:

Initial PUD:
1. Existing PUD: Map 165.41, Block 1, Lots 12.2 and 12.3 (Inside District); Map 165.49, Block 2, Lots 2 and 3 (Inside District); Map 165, Block 1, Lot 39 (Outside District).

Parcels added in 2003:
2. Former Metzger parcels: Map 165.41, Block 1, Lot 11 (Inside District); and Map 165.50, Block 1, Lots 1, 71, 72, 73 (Inside District).
3. Patients' Accounts parcel: Map 165.41, Block 1, Lot 12.1 (Inside District).
4. North Van Rensselaer Street: (from the intersection of Church Street to the southerly boundary of the former Metzger Parcel) Map 165.49, Block 2, Lot 42 (Inside District).

Parcels added in 2009:
5. Myrtle Street Parcel: Map 165.49, Block 2, Lot 41 (Inside District)
6. 238 Church Street Parcel: Map 165.49, Block 2, Lot 10 (Inside District)

IV. SKETCH PLAN

The Saratoga Hospital Medical/Professional PUD shall be developed in general compliance with a sketch plan filed in the Offices of the Planning Board of the City of Saratoga Springs, New York, and attached hereto and made a part hereof as Appendix “C”. The plan shall be used by the City and the Hospital as a guide for overall development. The sketch plan may be changed, altered or amended, pursuant to Section 240-3.6 of the City of Saratoga Springs Zoning Ordinance.

V. PURPOSE

It is the purpose of this Ordinance to provide a means for the development of the Planned Unit Development, as amended by this ordinance, in which certain economics of scale or creative planning concepts may be utilized by the developer without departing from the spirit and intent of
the Zoning Ordinance of the City of Saratoga Springs. It is further the purpose of this Ordinance to promote flexibility in the development and design of Saratoga Hospital Medical/Professional PUD that will result in the more efficient use of land, promote good site design and visual quality, and result in a more pleasing environment than otherwise possible to the maximum extent practicable.

VI. USES AND CHARACTERISTICS

There may be contained within the boundaries of Saratoga Hospital Medical/Professional PUD, City of Saratoga Springs, buildings for medical, hospital, clinical, diagnostic and treatment uses, all of the aforesaid construed in their broadest terms, as well as professional uses and associated support services and customary accessory uses for all of the foregoing. The PUD shall be divided into zones A, B, C, D, E and F as depicted on the sketch plan attached hereto as Appendix "C." Within each zone, certain projects described in Article IX of this Ordinance may be constructed consistent with the requirements herein.

A. ZONE A

The area of Zone A, as amended by this ordinance, consists of 10.6+/− acres. The existing Hospital building in Zone A (including its adjoining structures) is commonly known as 211 Church Street, and it generally consists of thirteen (13) tax parcels (inclusive of North Van Rensselaer Street as one tax parcel). The existing Hospital building presently covers an area of 94,000± square feet. The principal building has five above grade levels, with a total square footage of 292,400. 238 Church Street presently covers 1,587 square feet on two levels. Future Hospital building coverage within Zone A may increase the lot coverage by 56,000 square feet to a maximum permitted lot coverage of 150,000 square feet.

In addition to the above, the Hospital building may be increased to a total of five above ground levels, not exceeding a height of seventy feet (70').

Within Zone A, principal uses shall be for acute medical/surgical services and related support (non-clinical) systems. These generally may include medicine, diagnostic and treatment, surgery, emergency medicine, pediatrics, obstetrics/gynecology, psychiatry, clinical ancillary, radiation therapy, long term & elder care, business, medical and professional office use, on call physicians’ respite area, along with administrative, material support systems and parking for these uses. Building setbacks in Zone A shall, at a minimum, comply with the setback requirements in Article XIV of this Ordinance.

Primary health services may consist generally of in-patient (admission more than twenty-four hours), out-patient (admission for less than twenty-four hours) and an internal support system (administrative services, etc.) necessary for the delivery of acute/medical surgical care.

The structures and coverages on properties in Zone A, identified in Article III (2) and (3) of this Ordinance at the time of its adoption are specifically permitted in their current configuration; i.e., (i) number of buildings, (ii) building coverage, (iii) building height (iv) gross
functional area, and (v) maximum density.

(a) Maximum number of buildings  
(b) Maximum building coverage  
(c) Maximum building levels  
(d) Maximum building height  
(e) Gross functional area

---

Hospital

2
150,000 sf
5
70
644,000 sf

B.

ZONE B

Zone B consists of 3.57 ± acres.

Within Zone B uses shall be for primary medical care and ancillary clinical functions, including laboratory, radiology, ultrasound and other like services necessary to support such care, as well as administrative support services for any or all of the foregoing, and parking.

The medical office building or buildings in Zone B shall not exceed 31,200 square feet of gross functional area. An existing medical office building in this zone is a single story structure of 10,200 square feet. The use may be achieved through the development of up to two, two-story structures with total building coverage not to exceed 20,700 square feet.

The B-2 area is currently being utilized as a temporary parking area containing 165 parking spaces.

All uses in Zone B shall be subject to final site plan approval in accordance with Article VIII of this Ordinance.

Maximum number of buildings 2
Maximum building coverage 20,700 sf
Maximum building height 2 stories or 40 feet

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¹ Gross functional area for purposes of this PUD shall mean the total usable square footage of all structures within a particular zone.
C. **ZONE C**

Zone C consists of 4.86± acres.

Within Zone C Medical and Professional Offices for primary medical care and ancillary clinical functions, including a chronic kidney dialysis center and kidney care center, including laboratory, radiology, ultrasound and other like services necessary to support such care, and parking may be permitted. Zone C shall be used, if necessary, for storm water management from Zone B, D and E.

The kidney dialysis center shall not exceed 10,000 square feet of gross space. Total building coverage is not to exceed 30,000 square feet.

All uses in Zone C shall be subject to final site plan approval in accordance with Article VIII of this Ordinance.

- Maximum number of buildings: 3
- Maximum building coverage: 30,000 sf
- Maximum building height: 3 stories or 45 feet
- Gross functional area: 40,000 sf

D. **ZONE D**

Zone D consists of 1.72± acres.

Hospital Accessory Support areas may be established in Zone D. It is anticipated that this zone will be used to complement and support the activities undertaken in Zone A; it may also be used for management of storm water received from Zone B, C, and E. This zone will remain as green space until a further amendment to this Ordinance. This area shall be reserved for further development.

All uses in Zone D shall be subject to final site plan approval in accordance with Article VIII of this Ordinance.
E. ZONE E

Zone E consists of 8.14± acres.

Zone E may support accessory parking for staff associated with activities in Zone A, B, C and D.

Supplemental parking is to contain spaces for a total of 538 cars. Currently, there are 531 parking spaces in Zone E.

Wholly contained landscaped islands will be provided at the ratio of one planting area per each fifteen vehicles. Planting areas shall be at least 162 square feet or 9 x 18 feet. Planting areas may be located together to increase parking and maintenance efficiencies.

All uses in Zone E shall be subject to final site plan approval in accordance with Article VIII of this Ordinance.

Zone E contains a heliport.

F. ZONE F

Zone F consists of .49 ± acres.

Zone F may support accessory parking for staff and patients associated with activities in Zone A, B, C and D.

Supplemental parking is to contain spaces for a total of 46 cars.

Wholly contained landscaped islands will be provided at a ratio of one planting area per each fifteen vehicles. Planting areas shall be at least 162 square feet or 9 x 18 feet. Planting areas may be located together to increase parking and maintenance efficiencies.

All uses in Zone F shall be subject to final site plan approval in accordance with Article VIII of this Ordinance.

To accommodate the planned expansion of the Hospital services in Zone F, the buildings and structures presently located on properties defined in Article III (5) will be demolished and removed in accord with the project description.

VII. DENSITY
The overall density of the Saratoga Hospital Medical/Professional PUD shall not exceed the thresholds defined below.

| % of PUD occupied | Total PUD Area - 29.38 acres 1,279,817 sf | Total Building Coverage 202,287 sf 15.81% | Total Gross Functional Area 717,675 sf 56.08% | Total pavement (parking area) 553,415 sf 43.24% | Total green space 524,115 sf 40.95% |

**VIII. REQUIREMENTS FOR ISSUANCE OF BUILDING PERMITS**

Prior to the issuance of a building permit to develop any or all of the area within Saratoga Hospital Medical/Professional PUD, the applicant shall receive final site plan approval from the City of Saratoga Springs Planning Board.

The final site plan shall show the area of the Saratoga Hospital Medical/Professional PUD proposed for development and its relationship to existing development and vacant areas within Saratoga Hospital Medical/Professional PUD. The final site plan shall also conform to the requirements as set forth in Article V of the City of Saratoga Springs Zoning Ordinance.

**IX. PROJECTS**

Following the effective date of this Ordinance, projects as described below may be developed within the Saratoga Hospital Medical/Professional PUD. Certain projects identified in this Article have been completed prior to the adoption of this amendment and are so identified. The projects listed below may progress in any order. In addition, projects may be undertaken or completed in more than one stage.

**A. Projects, Zone A**

**Project A-1: Hospital Complex:** Completed.

**Project A-2 - Parking Expansion:** Completed.

**Project A-3 - Ambulatory Care Facility Expansion:** Completed.

**Project A-4 - Future Expansions:** Project abandoned.

**Project A-5: Radiation Oncology Center, Cafeteria, Parking Relocations and Expansion and Driveway Alterations:** Completed, except 2nd floor addition on Radiation Oncology Center
and additional radiation vault. Radiation Oncology Center Expansion shall not exceed 9,000 sf of additional building coverage. The structure itself may have one or two levels, but it is currently contemplated that the Radiation Oncology Center will occupy only the lower portion of the new building. The upper level, if any, will be utilized for any authorized use in Zone A.

**Project A-6: Central Plant Expansion:** Completed.

**Project A-7: Patient Care Addition:** Phase I completed. Patient Care Addition shall consist of below grade logistical support services, on-grade Emergency Department and critical care beds, and patient care rooms. It will not exceed 30,000 sf of additional building coverage. The structure itself shall have a maximum of five above grade levels, which may be constructed in phases, and 150,000 sf additional gross functional area.

**Project A-8: Physician Respite Area:** The Physician Respite Area shall consist of the existing building at 238 Church Street, which will be internally upgraded to accommodate an area for on call physicians to rest when not caring for patients.

**B. Projects, Zone B**

**Project B-1: Existing Saratoga Care Medical Office Building:** Completed.

**Project B-2: Medical Professional Office Expansion:** This expansion will include one additional building with 10,500 sf building coverage and 21,000 sf of gross functional area.

**C. Projects, Zone C**

**Project C-1: Existing Hortense and Louis Rubin Dialysis Center:** Completed.

**Project C-2: Medical Professional Offices:** This project includes 1 or 2 additional buildings with a total of 20,000 sf building coverage and a total of 40,000 sf gross functional area.

**D. Projects, Zone D**

**Project D-1: Hospital Accessory Support Reserve Area:** Completed.

No projects are planned for Zone D at the time of this amendment.

**E. Projects, Zone E**

**Project E-1: Parking Expansion:** Completed.

**Project E-2: Parking Expansion:** Completed.

**Project E-3: Storage Building:** Abandoned.
Project E-4: Heliport: Completed.

Project E-5: Parking Expansion: Completed.

F. Projects, Zone F

Project F-1: Parking Expansion: This project shall consist of the creation of 46 additional parking spaces in the area encompassed by Zone F - 1.

G. PUD Site Plan Applications

PUD Site Plan Applications for any of the Projects identified in this Article may be made at any time to the Saratoga Springs Planning Board.

Planned Unit Development zoning approval for the project shall expire for all uncompleted projects if site plan approval is not obtained from the City of Saratoga Springs Planning Board by January 1, 2024.

X. PARKING

Parking demand for the entire PUD is to be met through the provision of a large group parking lot in Zone E, a new parking area on Myrtle Street and/or in the provision of smaller parking areas associated with each of the buildings in the respective zones. Zone E parking contains spaces for up to 538 cars on approximately 8.14± acres.

Zone F parking contains spaces for up to 46 cars on approximately .49± acres.

During construction of specific projects in Zones A, B and C, the parking area, Zones E and F, may be altered or improved upon.

The minimum number of parking spaces shall be provided as shown in the following schedule:

ZONE PARKING REQUIREMENTS (RATIO)

Zone A.  1 space/2 in-patient acute beds
    1 space/5 in-patient skilled nursing beds
    1 space/300 sf of out-patient service
    1 space/300 sf of internal support

Zone B.  1 space/300 sf of gross floor space for medical office buildings
**Zone C.** 16 spaces for the 10,000 sf kidney dialysis center

1 space/300 sf of gross floor space for medical office buildings

**Zone D.** Green space until a further amendment.

**Zone E.** No parking demand required for heliport.

**Zone F.** No parking demand required.

The interior open space is primarily designed for the required parking. All of the buildings will be designed to ensure that the front entrance will be oriented toward the center.

All new or revised parking created as a demand of this PUD shall contain landscaping areas at a ratio of one 9' x 18' space/15 spaces for vehicles.

**XI. AMENDMENTS TO THIS ORDINANCE**

Amendments may be made to this Ordinance by the City of Saratoga Springs City Council. It is anticipated that at a future date Zone D will be developed and such an amendment will be necessary.

**XII. INFRASTRUCTURE IMPROVEMENTS**

The entire project as set forth herein will be serviced by City water and sanitary sewer lines. These lines will be constructed to City standards, but will not be conveyed to the City of Saratoga Springs. The water and sewer lines will be maintained by the Hospital.

Storm water disposal areas shall be constructed and maintained by the Hospital.

The roadways and thoroughfares through the project will be private drives maintained by the Hospital.

Upon request, the City of Saratoga Springs shall be granted appropriately sized easements for the construction and maintenance of water, sanitary sewer or storm water sewer lines through Zone A of the PUD site.

The City, upon request, may take over ownership, control and responsibility for any infrastructure main, pipe, or line presently within or constructed within the PUD site and the City shall further be granted reasonable easements to interconnect with any infrastructure main, line or pipe for which they have taken responsibility.

The City is hereby granted the right to enter upon the PUD site for the purpose of making emergency repairs to any privately owned main, pipe or line. The City shall have the right to charge the Hospital or the individual project’s sponsor whose pipe or main is repaired for any
necessary services.

All private water lines connecting into any structure within the PUD site shall be individually metered.

The Saratoga Springs City Council shall establish a capital reserve fund to be used exclusively to fund traffic improvements on the Church Street corridor between Myrtle Street and Van Rensselaer Street. Any revenues received from the sale of North Van Rensselaer Street to the Hospital and/or revenues received by the City from any development application fees for site plan review, architectural review, etc. and building permit application fees for the construction of any Project within the Saratoga Hospital Medical/Professional PUD shall be deposited in such fund.

XIII. OFF SITE IMPROVEMENTS

Project A-1 - Hospital Complex: Completed. A-1 was identified in the 1997 Ordinance and is included for reference and consistency only.

Project A-2 - Parking Expansion: Completed. A-2 was identified in the 1997 Ordinance and is included for reference and consistency only.

Project A-3 - Ambulatory Care Facility Expansion: Completed. A-3 was identified in the 1997 Ordinance and is included for reference and consistency only.

Project A-4 - Future Expansion: Project abandoned. A-4 was identified in the 1997 Ordinance and is included for reference and consistency only.

Project A-5 - Radiation Oncology Center, Cafeteria, Parking Relocations and Expansion and Driveway Alterations: Completed. A-5 was identified in the 2003 Ordinance and is included for reference and consistency only.

Project A-6 - Central Plant Expansion: None required.

Project A-7 - Patient Care Addition: The City shall require the Hospital to undertake a traffic study relating to vehicle access to the PUD site with a focus on the capacity of the Church Street and Myrtle Street intersection as part of the Planned Unit Development site plan approval for Project A-7. After reviewing the results of this study, the City of Saratoga Springs Planning Board has the right to restrict further development of the project until appropriate and necessary off-site traffic improvements are made. The means of payment for any improvement identified as necessary by this study shall be negotiated between the Hospital and the City Council of the City of Saratoga Springs. The Hospital may be required to contribute an appropriate share toward said improvements.

The Hospital shall complete a study relating to storm water management, parking management and traffic generation as part of the PUD site plan approval for Project A-7. Provisions shall be included for off-site or on-site mitigation of increased storm water run-off,
required parking and traffic impacts, if required.

**Project A-8 - Physician Respite Area:** None required. This project encompasses minor interior renovations of an existing Hospital-owned property.

**Project B-1 - Existing Saratoga Care Medical Office Building:** Completed. B-1 was identified in the 1997 Ordinance and is included for reference and consistency only.

**Project B-2 - Future Medical Professional Office Expansion:** The Hospital shall undertake and/or update appropriate studies relating to (1) storm water management for the area of the PUD site west of Myrtle Street; (2) sanitary sewer condition and capacity for lines which serve the site; and (3) a traffic study relating to vehicle access to the PUD site with focus on the capacity of the Church Street/Myrtle Street intersection as part of the Planned Unit Development site plan approval for Project B-2. After reviewing the results of these studies, the City of Saratoga Springs Planning Board has the right to restrict further development of the Planned Unit Development until the necessary off-site improvements (if any) are made. The means of payment for any improvement identified as needed by any of these studies shall be negotiated between the Hospital and the City Council of the City of Saratoga Springs. The Hospital may be required to contribute an appropriate share toward said improvements.

**Project C-1 - Existing Hortense and Louis Rubin Dialysis Center:** Completed. C-1 was identified in the 1997 Ordinance and is included for reference and consistency only.

**Project C-2 - Future Medical Professional Offices:** The Hospital shall undertake and/or update appropriate studies relating to (1) storm water management for the area of the PUD site west of Myrtle Street; (2) sanitary sewer condition and capacity for lines which serve the site; and (3) a traffic study relating to vehicle access to the PUD site with focus on the capacity of the Church Street/Myrtle Street intersection as part of the Planned Unit Development site plan approval for Project C-2. After reviewing the results of these studies, the City of Saratoga Springs Planning Board has the right to restrict further development of the Planned Unit Development until the necessary off-site improvements (if any) are made. The means of payment for any improvement identified as needed by any of these studies shall be negotiated between the Hospital and the City Council of the City of Saratoga Springs. The Hospital may be required to contribute an appropriate share toward said improvements.

**Project D-1 - Hospital Accessory Support Reserved Area:** Completed. D-1 was identified in the 1997 Ordinance and is included for reference and consistency only.

**Project E-1 - Parking Expansion:** Completed. E-1 was identified in the 1997 Ordinance and is included for reference and consistency only.

**Project E-2 - Parking Expansion:** Completed. E-2 was identified in the 1997 Ordinance and is included for reference and consistency only.

**Project E-3 - Storage Building:** Project abandoned. E-3 was identified in the 1997 Ordinance and is included for reference and consistency only.
Project E-4 - Accessory Parking and Heliport: Completed. E-4 was identified in the 1997 Ordinance and is included for reference and consistency only.

Project E-5 - Parking Expansion: Completed. E-5 was identified in the 2003 ordinance and is included for reference and consistency only.

Project F - 1 - Parking Expansion: The Hospital shall complete a study relating to storm water management and parking management as part of the PUD site plan approval for project F - 1. Provisions shall be included for off-site or on-site mitigation of increased storm water run-off and required parking.

XIV. SETBACKS

ZONE A

Any buildings constructed in Zone A on or after the effective date of this Ordinance shall be no closer than fifty feet (50') from the exterior boundary of the PUD with the following exceptions: 1) the minimum setbacks along Myrtle Street shall be ten feet (10'); and 2) for Project A-7, the minimum setbacks shall be eighty feet (80') from the northern property line. There shall be no internal setbacks between parcel lines for building, parking, driveways or paved areas. There shall be no setbacks in Zone A for driveways, parking areas, or other paved areas, but during PUD site plan review, the City Planning Board may require special mitigating measures than otherwise possible to the maximum extent practicable (fencing, landscaping, etc.) to provide adequate buffers for neighboring properties.

The setbacks for the principal structure at 238 Church Street is three feet (3') for the front yard set back, one foot (1') from the side yard setback, and sixty-three feet (63') from the rear yard setback.

ZONES B, C, D, & E

For Zones B, C, D & E, a thirty foot (30') wide (minimum) planted buffer strip shall be maintained or installed along the PUD exterior boundary lines, except as follows: (1) a forty foot (40') and a fifty foot (50') wide (minimum) planted buffer strip as shown on the PUD Sketch Plan shall be maintained or installed along the northern boundary line on Zone C; (2) a ten foot (10') wide (minimum) planted buffer strip shall be maintained along the southern and western boundary lines of Zone E to within 140' of Myrtle Street as shown on the PUD Sketch Plan. No buffer will be required within the remaining 140' southern boundary of Zone E as shown on the PUD Sketch Plan.

In Zones B, C, D, & E, no structure or parking space will be constructed within the required buffer zone. At least 40% of the installed plant material in the planted buffer strips shall be evergreen.
No building in Zones B, C, D & E shall be constructed within forty feet (40’) of another building unless the two buildings are connected with an enclosed hallway meeting all local and state building codes.

No building in Zones B, C, D & E shall be constructed within thirty feet (30’) of the PUD property line or within fifty feet (50’) of the Myrtle Street property line.

ZONE F

No parking space shall be constructed within 5 feet of the boundary lines.

XV. SIGNAGE

All signs currently located on the Hospital campus are part of an approved signage plan implemented in 2003 and subsequently updated. The approved signage plan categorized the signs into the categories set forth below, and approved the below sign types with the dimensions and other restrictions included herein. The below types of signs currently exist on the hospital campus and have received approval by the Saratoga Springs Zoning Board of Appeals and the Design Review Commission.

The Hospital may add or replace signage within the PUD consistent with the guidelines contained in this section, providing the new signs do not exceed the existing specifications, including height and dimensions, for each sign type, as set forth more fully below, and subject to the regulations set forth in this provision. Signs shall be erected and constructed with the purpose of safe and efficient flow of traffic in and through the site. All signs shall be compatible within the context of its visual and physical environment.

<table>
<thead>
<tr>
<th>Sign type</th>
<th>Maximum size and height</th>
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| ED.1 Large two-sided campus entrance identification sign | 66.5 sf  
  12 feet height  
  No more than 2 signs |
| ED.2 Medium size vehicular directional sign | 42” X 49” or 14.29 sf  
  6 feet height  
  Signage type shall be limited to use for emergency entrances to the campus. |
| ED.3 Small vehicular directional sign | 42” X 30” or 8.75 sf  
  6 feet height |
| FID.1 Large facade-mounted identification sign | 11’ 4” X 240”  
  No more than 2 signs per establishment |
| FID.2 | Small facade-mounted identification sign | 108” X 52” or 39 sf  
4.25 feet height  
Only one sign per facade that has street frontage |
|-------|----------------------------------------|--------------------------------------------------|
| FID.3 | Large building entrance identification sign | 9’ x 20’ or 15 sf  
No more than one sign per public entrance for significant hospital functions (i.e. emergency department, maternity, main entrance, radiation oncology, etc) |
| FID.4 | Small building entrance identification sign | 24” x 24” or 4 sf |
| FID.5 | Ambulance/ emergency department entrance identification sign | 60” x 20” or 8.33 sf  
6 feet height  
Allowable as needed to identify Ambulance and Emergency entrances to the Emergency Department |
| ID.1 | Large two-sided outpatient facility identification sign | 3’ x 3’ or 9 sf  
6 feet height  
No more than one sign per outpatient facility |
| ID.4 | Ground-mounted identification sign | 54” x 36” |
| ID.5 | Tall, ground-mounted identification sign | 24” x 24” or 4 sf  
9’6” height |
| ------- | Ground mounted donor identification sign | 47.2 sf  
9’6” height |
| PKG. 1 | Parking lot identification signs | 30” X 36” or 6.25 sf  
6 feet height  
Limited to one per entrance to parking lot. |
| ------- | Non-smoking facility designation signs | 10” x 14”  
One sign per bench for all outdoor seating |

Only ED.1 (large two sided campus entrance identification) and ED.3 (small vehicular directional) signage shall be allowed to be located within 150 feet of the signalized intersection of Myrtle and Church Streets.

The following types of signs shall be permitted within .50 feet of a non-signalized intersection: ED.1 (large two sided campus entrance identification), ED.2 (medium sized vehicular directional), ED.3 (small vehicular directional), ID.1 (large two sided outpatient facility identification sign), and any signage located on the facade of the buildings.
Throughout the campus, signs shall be permitted to be located within 50 feet of another sign.

Within the limitations set forth above, facade signage may be permitted to occur in excess of one sign per facade. The dimensions shall not exceed the sizes noted above within each category. The location or relocation of wall signage shall be completed in a manner that prevents irreversible damage to the facade substrate. Sign anchors in masonry facades shall be limited to mortar joints. Any areas from which wall signage has been removed or relocated shall be repaired to match surrounding facades.

The Hospital signage should utilize Franklin Gothic font and the following colors shall be utilized throughout the signage on the PUD site: Purple (PMS 0519), Gold (PMS 4515), Blue (PMS 2748), Red (PMS 0186), Teal (PMS 3155) and White (White 00).

The FID.3 (large building entrance identification sign), ED.1 (large two sided campus entrance identification sign) and ED.2 (medium vehicle directional sign) signs are designed for internal illumination using florescent lamps which conform to UL and industry standards. Light is contained within the sign, except where the translucent white acrylic letters or symbols have been inserted into the aluminum face. Neon lighting for a back lit halo effect is used for the FID.1 (large facade mounted identification sign) sign near the hospital entrance. LED lights may replace the neon on future installations.

The Hospital shall submit documentation to the Saratoga Springs Office of Planning and Economic Development when additional signage in compliance with the above restrictions is necessary or required on the PUD campus. The documentation shall include information on the proposed location, style, dimensions and height of the proposed sign. The request may be treated as an administrative action. The Planning Board Chair will consider any applications which raise issues of the location of signage. The Design Review Commission Chair will consider any applications pertaining to percentage of blank space on the signs, lighting of the signs and design. The appropriate Chair will seek guidance and input from the Office of Planning and Economic Development in reviewing any applications submitted by the hospital. The Chair or the Hospital, at their option, shall determine if any individual submission shall be decided by the appropriate city board and shall refer such applications for full board consideration.

XVI. TIME EXTENSIONS

On good cause shown, the Hospital may apply for an extension of an approved PUD site plan. An application for such request shall be made to the Planning Board.

XVII. CONSTRUCTION STANDARDS

All construction standards for buildings, private and public improvements and for utilities shall be prepared and approved by licensed architects, landscape architects, or engineers. All costs
associated with this shall be borne by the developer whether the plans are provided by the City of Saratoga Springs or by the developer. Further, all completed construction shall be certified to the City of Saratoga Springs by licensed architects, landscape architects, or engineers as being completed in the manner called for in the plans and shall be certified in accordance therewith. The City may require any or all costs connected with this to be borne by the developer. Prior to the construction of any approved Project, a pre-construction conference with the City Engineer and the City Building Department shall be required. At such conference, the City may impose reasonable standards designed to lessen the impact of construction noise, dust and construction vehicle traffic on any adjacent residential area.

XVIII. ADDITIONAL FUTURE PROJECTS

Although the development of the proposed PUD has been set forth in its entirety and this Ordinance rezones the entire 29.38± acres as a Planned Unit Development, it grants only the actual development of Projects within the PUD area. The remaining undeveloped land will remain as green space until such time as the Hospital and Planning Board of the City of Saratoga Springs agree upon the impact, if any, upon the infrastructure of the City, the meeting of those needs, and the specific development uses.

XIX. OWNERSHIP

Saratoga Hospital intends to own and/or control, as well as maintain and operate, the roadways and land within its PUD. In the event that ownership of the area wholly encompassed by the Saratoga Hospital Medical/Professional PUD is transferred or conveyed to any third person, firm, corporation, partnership or other entity by the applicant herein, the City of Saratoga Springs reserves the right to require proof of financial responsibility of the transferee in accordance with the same procedures set forth in Section 240-3.7 of the Zoning Ordinance of the City of Saratoga Springs.

XX. MAP

A sepia mylar of the final approved sketch plan shall be filed with the City Planning Board and the City Clerk. A copy shall be filed with the City Building Inspector.

XXI. AMENDMENTS

Saratoga Hospital Medical/Professional PUD shall be developed in compliance with the final approved sketch plan. Any amendments thereto will be made pursuant to the City of Saratoga Springs Zoning Ordinance.

XXII. VALIDITY

If any provision of this Ordinance shall be held invalid, the remainder of the Ordinance shall not be affected thereby.

XXIII. EFFECTIVE DATE
This Ordinance shall take effect one day after approval by the Saratoga Springs City Council and posting and publishing in the official newspaper of the City as required by law.

ADOPTED: September 8, 1987

AMENDED: April 19, 1993

AMENDED: January 21, 1997

AMENDED: October 21, 2003

AMENDED: April 7, 2009
APPENDIX “A”

Amendments to Zone A, Saratoga Hospital Medical/Professional PUD

LEGAL DESCRIPTION AND MAP OF PARCELS TO BE ADDED TO
THE SARATOGA HOSPITAL
PLANNED UNIT DEVELOPMENT DISTRICT

PARCEL 1:
PATIENTS’ ACCOUNTS PARCEL

All that certain tract, piece or parcel of land situate in the City of Saratoga Springs, County of Saratoga, State of New York, lying East of Myrtle Street, and being more particularly bounded and described as follows:

BEGINNING at the point of intersection of the division line between the lands now or formerly of Saratoga Medical Realty Group as described in Book 1281 of Deeds at Page 535 on the North and lands now or formerly of Saratoga Hospital as described in Book 266 of Deeds at Page 457 on the South with the Easterly street boundary of Myrtle Street; thence from said point of beginning along said Easterly street boundary North 03 deg. 58 min. 54 sec. West 147.84 feet to its point of intersection with the common division line between the lands of said Saratoga Medical Realty Group on the South and lands now or formerly of Mary Grygiel as described in Book 1099 of Deeds at Page 3, lands now or formerly of Larry D. Fox and Linda C. Fox as described in Book 1336 of Deeds at Page 220 and lands now or formerly of Ronald G. Conlee and Diane M. Conlee as described in Book 1054 of Deeds at Page 537 on the North; thence along said common division line North 86 deg. 15 min. 14 sec. East 176.50 feet to its point of intersection with the division line between the lands of said Saratoga Medical Realty Group on the West and other lands now or formerly of Saratoga Medical Realty Group as described in Book 991 of Deeds at Page 152 on the East; thence along said division line South 03 deg. 58 min. 54 sec. East 147.82 feet to its point of intersection with the above first mentioned division line; thence along said above first mentioned division line South 86 deg. 15 min. 06 sec. West 176.50 feet to the point or place of beginning, containing 0.599± acres of land.

Subject to any easements, covenants or restrictions of record.

CONTAINING 0.599± ACRES OF LAND
PARCEL 2:

METZGER NORTH LOT

All that certain tract, piece or parcel of land situate in the City of Saratoga Springs, County of Saratoga, State of New York, lying North of North Van Rensselaer Street, and being more particularly bounded and described as follows:

BEGINNING at the point of intersection of the division line between the lands now or formerly of Irving L. Metzger and Marcia P. Metzger, d.b.a. Metzger and Sons as described in Book 1052 of Deeds at Page 872 Deed Parcel No. 4 on the East and lands now or formerly of Saratoga Hospital as described in Book 266 of Deeds at Page 457 on the West with the Northerly terminus of North Van Rensselaer Street; thence from said point of beginning along said division line North 03 deg. 45 min. 12 sec. West 56.40 feet to its point of intersection with the division line between the lands of said Metzger on the North and lands of said Saratoga Hospital on the South; thence along said division line South 86 deg. 15 min. 06 sec. West 125.00 feet to its point of intersection with the division line between the lands of said Metzger on the East and other lands now or formerly of Saratoga Hospital as described in Book 990 of Deeds at Page 792 on the West; thence along said division line North 03 deg. 58 min. 54 sec. West 147.81 feet to its point of intersection with the common division line between the lands of said Metzger on the South and lands now or formerly of Raymond C. Yager and Terry A. Yager as described in Book 866 of Deeds at Page 364, lands now or formerly of Laurence Aryeh Alpern and Anna Alpern as described in Book 1241 of Deeds at Page 750 and other lands now or formerly of Irving L. Metzger and Marcia P. Metzger, d.b.a. Metzger and Sons as described in Book 1052 of Deeds at Page 872 Deed Parcel No. 6 on the North; thence along said common division line North 86 deg. 15 min. 24 sec. East 175.31 feet to its point of intersection with the division line between the lands of said Metzger on the West and other lands now or formerly of Irving L. Metzger and Marcia P. Metzger, d.b.a. Metzger and Sons as described in Book 1052 of Deeds at Page 872 Deed Parcel Nos. 6 and 10 on the East; thence along said division line South 04 deg. 02 min. 45 sec. East 203.47 feet to its point of intersection with the above mentioned Northerly terminus of North Van Rensselaer Street; thence along said above Northerly terminus South 85 deg. 26 min. 15 sec. West 50.77 feet to the point or place of beginning, containing 0.660± acres of land.

Subject to any easements, covenants or restrictions of record.
PARCEL 3:

METZGER SOUTH LOT

All that certain tract, piece or parcel of land situate in the City of Saratoga Springs, County of Saratoga, State of New York, lying East of North Van Rensselaer Street, and being more particularly bounded and described as follows:

BEGINNING at a point on the Easterly street boundary of North Van Rensselaer Street at its point of intersection with the division line between the lands now or formerly of Irving L. Metzger and Marcia P. Metzger, d.b.a. Metzger and Sons as described in Book 1052 of Deeds at Page 872 Deed Parcel Nos. 11 and 7 on the South and other lands now or formerly of Irving L. Metzger and Marcia P. Metzger, d.b.a. Metzger and Sons as described in Book 1052 of Deeds at Page 872 Deed Parcel No. 10 on the North, said point also being the Northeasterly terminus of North Van Rensselaer Street; thence from said point of beginning along said division line North 85 deg. 26 min. 15 sec. East 166.00 feet to its point of intersection with the Westerly boundary of a 20-foot wide alley (a.k.a. Medical Arts Lane); thence along said Westerly boundary South 04 deg. 02 min. 45 sec. East 350.00 feet to its point of intersection with the Northerly boundary of a 15-foot wide alley (a.k.a. Corey Lane); thence along said Northerly boundary South 85 deg. 26 min. 15 sec. West 166.00 feet to its point of intersection with the above mentioned Easterly street boundary of North Van Rensselaer Street; thence along said above Easterly street boundary North 04 deg. 02 min. 45 sec. West 350.00 feet to the point or place of beginning, containing 1.334± acres of land.

Subject to any easements, covenants or restrictions of record.

CONTAINING 1.334± ACRES OF LAND

PARCEL 4:

NORTH VAN RENSSELAER STREET

All that certain tract, piece or parcel of land situate in the City of Saratoga Springs, County of Saratoga, State of New York, lying Northerly of Church Street, and being more particularly bounded and described as follows:

BEGINNING at the point of intersection of the Northerly street boundary of Church Street with the Westerly street boundary of North Van Rensselaer Street; thence from said point of beginning along said Northerly street boundary of Church Street and along the Southerly terminus of North Van Rensselaer Street, North 84 deg. 27 min. 34 sec. East 53.49 feet to its point of intersection with the
Easterly street boundary of North Van Rensselaer Street; thence along said Easterly street boundary North 04 deg. 02 min. 45 sec. West 164.28 feet to its point of intersection with the Westerly terminus of a 15-foot wide alley (a.k.a. Corey Lane); thence continuing along said Easterly street boundary of North Van Rensselaer Street and along the Westerly terminus of said alley North 04 deg. 02 min. 45 sec. West 15.00 feet to a point, said point being the Northwesterly terminus of said alley; thence continuing along said Easterly street boundary of North Van Rensselaer Street, North 04 deg. 02 min. 45 sec. West 350.00 feet to its point of intersection with the Northerly terminus of said North Van Rensselaer Street; thence along said Northerly terminus South 85 deg. 26 min. 15 sec. West 50.77 feet to its point of intersection with the above mentioned Westerly street boundary of said North Van Rensselaer Street; thence along said Westerly street boundary South 03 deg. 45 min. 12 sec. East 530.22 feet to the point or place of beginning, containing 0.634± acre of land.

Subject to any easements, restrictions or covenants of record.

CONTAINING .634± ACRES OF LAND

PARCEL 5:

35 MYRTLE STREET

All that certain piece or parcel of land situate, lying and being in the City of Saratoga Springs, County of Saratoga and State of New York, lying westerly of Myrtle Street and being more particularly bounded and described as follows:

BEGINNING on the west line of Myrtle Street at the northeast corner of lands of Ronald Loffredo as described in Book 1083 of Deeds at Page 520 and running thence westerly along said Loffredo’s north line North 83 degrees 22 minutes 34 seconds West, a distance of 99.32 feet; thence northerly along the east line of lands of Saratoga Golf and Polo Club and also along a page wire fence North 06 degrees 37 minutes 26 seconds East, a distance of 214.00 feet to a corner post of said page wire fence; thence easterly and continuing along the page wire fence South 82 degrees 51 minutes 44 seconds East, a distance of 101.51 feet to the aforementioned west line of Myrtle Street; thence southerly along the said west line of Myrtle Street South 07 degrees 12 minutes 43 seconds West, a distance of 213.10 feet to the point or place of beginning. Containing 0.492 acres.

All bearings are referred to magnetic north taken in June 1960.

The above premises were previously described as follows:

All that piece or parcel of land, together with the buildings and improvements thereon situate in
the City of Saratoga Springs, County of Saratoga, and State of New York, located on the westerly side of Myrtle Street, and more particularly described as follows:

Parcel I

Commencing at a point on the westerly side of Myrtle Street, said point being the southeast corner of premises heretofore conveyed to William F. Lee, Jr., by a certain deed dated October 26, 1962, and duly recorded in the Saratoga County Clerk’s Office on October 29, 1962, in Book 729 of Deeds at Page 128; running thence westerly along the southerly boundary of the premises heretofore conveyed to William F. Lee, Jr. and at right angles to Myrtle Street 100’ more or less to a point; being the southwest corner of the aforementioned premises heretofore conveyed; thence southerly parallel to Myrtle Street and along a page wire fence 70’ more or less to a pin; thence easterly and parallel to the first mentioned course a distance of 100’ more or less to a pin located along the westerly side of Myrtle Street; thence northerly along the westerly bounds of Myrtle Street 70’ more or less to the point or place of beginning.

Parcel II

Commencing at a post and page fence located on the westerly side of Myrtle Street, said post fence being approximately 48 feet southerly from the northerly boundary of lands of William F. Lee, Jr., and being the southerly boundary line of the service entrance to the restaurant known as the Dorian; running thence westerly along said page wire fence and at right angles to Myrtle Street 100’ more or less to a post being the westerly boundary of a page wire fence; thence southerly along said page wire fence and parallel to Myrtle Street a distance of 75 feet; thence easterly and parallel to the first mentioned course a distance of 100’ more or less to a pin located on the westerly side of Myrtle Street; thence northerly along the westerly bounds of Myrtle Street 75 feet to the point or place of beginning.

Being the same premises as conveyed in deed by Warren C. Litts, Jr., to Litts, Izzo and Cetner Medical Office Building Partnership, dated March 27, 1987 and recorded in the Saratoga County Clerk’s Office on April 1, 1987 in Book 1189 of Deeds at Page 302.

Parcel III

All that certain tract or parcel of land situate in the City of Saratoga Springs, County of Saratoga and State of New York, being bounded and described as follows;
Beginning at a point in the westerly line of Myrtle Street, said point being the southeast corner of premises conveyed by Peter A. Issaris to John A. Behrmann by deed dated November 22, 1967, and recorded December 17, 1967 in Book 822 at Page 8; running thence southerly along the westerly line of Myrtle Street 60 feet, more or less, to the northeast corner of premises conveyed by Peter A. Issaris to George D. Anderson and Nancy Lee Anderson, his wife, by deed dated February 4, 1966 and recorded April 6, 1966 in Book 787 at page 131; running thence westerly along the north boundary line of said Anderson parcel, 100 feet, more or less, to the lands now or formerly owned by the Saratoga Golf and Polo Club, Inc.; running thence northerly 60 feet, more or less, along said lands to the southwest corner of the above mentioned Behrmann parcel; running thence easterly along the southerly line of said parcel 100 feet, more or less, to the point of beginning.

PARCEL 6:
238 CHURCH STREET

BEGINNING at a point on the south bounds of Church Street (a/k/a New York State Route 9N) at the northwest corner of a parcel of land conveyed by Ralph M. Flinton, et. ux. to Transitional Housing Realty, Inc. by deed dated February 1, 1979 and recorded in the Saratoga County Clerk’s Office in Deed Book 1004 at Page 101, said point is about 100.00 feet westerly of the intersection of the south bounds of Church Street with the west bounds of Van Rensselaer Street and running thence South 07 degrees 05 minutes West along lands of Transitional Housing Realty, Inc. for 112.00 feet to the north bounds of North Alley; thence North 82 degrees 21 minutes West along said North Alley for 50.00 feet to the southeast corner of lands of Ronald W. Diel; thence North 07 degrees 05 minutes East along lands of said Diel for 115.50 feet to the south bounds of Church Street; thence South 78 degrees 21 minutes East along said Church Street for 50.16 feet to the place where this lot first began, and containing 5,687 square feet of land.
APPENDIX “B”

LEGAL DESCRIPTION OF ENTIRE AMENDED PUD AREA

ZONE A

All that certain tract, piece or parcel of land situate in the City of Saratoga Springs, County of Saratoga, State of New York, lying Northerly of Church Street and Easterly of Myrtle Street, and being more particularly bounded and described as follows:

BEGINNING at the point of intersection of the Northerly street boundary of Church Street with the Easterly street boundary of Myrtle Street; thence from said point of beginning along said Easterly street boundary of said Myrtle Street the following two (2) courses: 1) North 03 deg. 50 min. 09 sec. West 558.30 feet to a point; and 2) North 03 deg. 58 min. 54 sec. West 147.84 feet to its point of intersection with the common division line between Zone A, Saratoga Hospital Medical/Professional PUD on the South and the lands now or formerly of Mary Grygiel as described in Book 1099 of Deeds at Page 3, lands now or formerly of Larry D. Fox and Linda C. Fox as described in Book 1336 of Deeds at Page 220, lands now or formerly of Ronald G. Conlee and Diane M. Conlee as described in Book 1054 of Deeds at Page 537, lands now or formerly of Alice A. Smith as described in Book 1373 of Deeds at Page 745, lands now or formerly of Margaret A. MacFarland as described in Book 1097 of Deeds at Page 471, lands now or formerly of Raymond C. Yager and Terry A. Yager as described in Book 866 of Deeds at Page 364, lands now or formerly of Laurence Aryeh Alpern and Anna Alpern as described in Book 1241 of Deeds at Page 7.50 and lands now or formerly of Irving L. Metzger and Marcia P. Metzger, d.b.a. Metzger and Sons as described in Book 1052 of Deeds at Page 872 Deed Parcel No. 6 on the North; thence along said common division line North 86 deg. 15 min. 24 sec. East 550.31 feet to its point of intersection with the division line between said Zone A, Saratoga Hospital Medical/Professional PUD on the West and said lands of Metzger Deed Parcel No. 6 and No. 10 on the East; thence along said division line South 04 deg. 02 min. 45 sec. East 203.47 feet to its point of intersection with the division line between said Zone A, Saratoga Hospital Medical/Professional PUD on the South and said lands of Metzger Deed Parcel No. 10 on the North; thence along said division line North 85 deg. 26 min. 15 sec. East 166.00 feet to its point of intersection with the Northerly boundary of a 20-foot wide alley (a.k.a. Medical Arts Lane), said point also being the Northwesterly terminus of said alley; thence along said Westerly boundary South 04 deg. 02 min. 45 sec. East 350.00 feet to its point of intersection with the Northerly boundary of a 15-foot wide alley (a.k.a. Corey Lane), said point also being the Southwesterly terminus of said 20-foot wide alley (a.k.a. Medical Arts Lane); thence along the Northerly boundary of said 15-foot wide alley (a.k.a. Corey Lane) South 85 deg. 26 min. 15 sec. West 166.00 feet to the Northwesterly terminus of said 15-foot wide alley (a.k.a. Corey Lane); thence along the Westerly terminus of said 15-foot wide alley (a.k.a. Corey Lane) South 04 deg. 02 min. 45 sec. East 15.00 feet to its point of intersection with the above mentioned Northerly street boundary of Church Street; thence along said above Northerly street boundary the following two (2) courses: 1) South 84 deg. 27 min. 34 sec. West 53.49 feet to a point; and 2) South 89 deg. 29 min. 56 sec. West 500.00 feet to the point or place of beginning, containing
10.466± acres of land.

CONTAINING 10.466± ACRES OF LAND.

Also including non contiguous property at 238 Church Street which is bounded and described as follows:

BEGINNING at a point on the south bounds of Church Street (a/k/a New York State Route 9N) at the northwest corner of a parcel of land conveyed by Ralph M. Flinton, et. ux. to Transitional Housing Realty, Inc. by deed dated February 1, 1979 and recorded in the Saratoga County Clerk’s Office in Deed Book 1004 at Page 101, said point is about 100.00 feet westerly of the intersection of the south bounds of Church Street with the west bounds of Van Rensselaer Street and running thence South 07 degrees 05 minutes West along lands of Transitional Housing Realty, Inc. for 112.00 feet to the north bounds of North Alley; thence North 82 degrees 21 minutes West along said North Alley for 50.00 feet to the southeast corner of lands of Ronald W. Diel; thence North 07 degrees 05 minutes East along lands of said Diel for 115.50 feet to the south bounds of Church Street; thence South 78 degrees 21 minutes East along said Church Street for 50.16 feet to the place where this lot first began, and containing 5,687 square feet of land.

CONTAINING .13± ACRES OF LAND.

ZONES B, C, D & E

All that certain tract or parcel of land situate and being in the City of Saratoga Springs, County of Saratoga and State of New York, bounded and described as follows:

BEGINNING at a point at the westerly side of Myrtle Street, said point being the southeasterly corner of the herein described parcel and the northeasterly corner of lands of Saratoga Golf and Polo Club, described in Liber 506 of deeds at page 405, said point being located S 36E 23' 18" W 91.69 feet from the northwesterly corner of the above described Parcel 1, thence along lands of Saratoga Golf and Polo Club, S 85E 34' 45" W 151.73 feet, N 4E 56' 05" W 70.00 feet, S 85E 34' 45" W 529.19 feet, N 3E 50' 15" W 10.00 feet, S 85E 34' 45" W 215.95 feet, N 49E 39' 29" W 42.60 feet, N 4E 53' 43" W 589.54 feet, and N 32E 06' 27" E 462.57 feet to a point; thence along lands of Dicresce, described in Liber 1235 of deeds at page 68, S 70E 59' 24" E 720.70 feet to a point at the westerly side of Myrtle Street; thence along the same, S 4E 12' 45" E 223.95 feet, S 4E 08' 15" E 490.70 feet, S 3E 25' 45" E 50.01 feet and S 4E 20' 55" E 20.00 feet to the point or place of beginning.
CONTAINING 18.30 ACRES OF LAND

ZONE F

All that certain piece or parcel of land situate, lying and being in the City of Saratoga Springs, County of Saratoga and State of New York, lying westerly of Myrtle Street and being more particularly bounded and described as follows:

BEGINNING on the west line of Myrtle Street at the northeast corner of lands of Ronald Loffredo as described in Book 1083 of Deeds at Page 520 and running thence westerly along said Loffredo’s north line North 83 degrees 22 minutes 34 seconds West, a distance of 99.32 feet; thence northerly along the east line of lands of Saratoga Golf and Polo Club and also along a page wire fence North 06 degrees 37 minutes 26 seconds East, a distance of 214.00 feet to a corner post of said page wire fence; thence easterly and continuing along the page wire fence South 82 degrees 51 minutes 44 seconds East, a distance of 101.51 feet to the aforementioned west line of Myrtle Street; thence southerly along the said west line of Myrtle Street South 07 degrees 12 minutes 43 seconds West, a distance of 213.10 feet to the point or place of beginning.

CONTAINING .492 ACRES OF LAND
APPENDIX “C”
SKETCH PLAN

(On File in the City Planning Board Office)

ADOPTED: September 8, 1987

AMENDED: April 19, 1993

AMENDED: January 21, 1997

AMENDED: October 21, 2003

AMENDED: April 7, 2009
Appendix C:
4. Water's Edge/Woodlands on Saratoga Lake Planned Unit Development
(formerly 241.4)

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A PLANNED UNIT DEVELOPMENT DISTRICT TO BE KNOWN AS THE WATER'S EDGE/WOODLANDS PLANNED UNIT DEVELOPMENT DISTRICT

BE IT ORDAINED, by the City Council of the City of Saratoga Springs, New York, following a public hearing as follows:

SECTION 1 – TITLE:

This Ordinance shall be known as "The Water's Edge/Woodlands on Saratoga Lake Planned Unit Development," and amends Chapter 241.4 of the Code of the City of Saratoga Springs, New York entitled "Zoning" and supersedes the Ordinance adopted thereunder on January 21, 1992, known as "The Water's Edge on Saratoga Lake Planned Unit Development."

SECTION 2 – ZONING AND DEVELOPMENT HISTORY:

The Zoning Ordinance of the City of Saratoga Springs and the zoning map of the City of Saratoga Springs as set forth herein be and the same are hereby amended by changing from the existing Water's Edge on Saratoga Lake Planned Unit Development zoning district, and creating within the boundaries of said district a planned unit development district to be known and described as "The Water's Edge on Saratoga Lake Planned Unit Development."

The original Planned Unit Development for the land in the project now known as The Water's Edge/Woodlands on Saratoga Lake was first established on April 30, 1987, by the adoption of an ordinance by the City Council of the City of Saratoga Springs establishing a Planned Unit Development to be known as, "The Water's Edge on Saratoga Lake Planned Unit Development." On January 21, 1992, a third ordinance for the Planned Unit Development was adopted by the City Council of the City of Saratoga Springs, also naming the district, "The Water's Edge on Saratoga Lake Planned Unit Development." Collectively, these three previous ordinances will be referred to as the, "Past PUD Legislation."

Past PUD Legislation contemplated that the area of planned unit development would consist of approximately 143 acres and that the said land could be developed with a maximum of 349 units (consisting of a maximum of 244 townhouses and 105 single family homes) in five phases. To date, the Planning Board has granted PUD site plan approval pursuant to past PUD Legislation for 117 townhouses and 64 single family homes.
SECTION 3 – BOUNDARIES:

The area of "The Water's Edge/Woodlands on Saratoga Lake Planned Unit Development," consists of approximately 143 acres located in the City of Saratoga Springs and is bounded and described as set forth in Appendix "A" – Legal Description, attached hereto and made a part hereof, and Appendix "B" – Sketch Plan, which is on file in the Office of the Planning Board of the City of Saratoga Springs, New York. The property is designated on the Assessor's Map of the Outside Tax District as set forth on Appendix "C" – Tax Map Identification.

SECTION 4 – PURPOSE:

It is the purpose of this Ordinance to provide a means, to establish parameters and limits of residential growth in the Kaydeross Park Road and Arrowhead Road areas. It is the further purpose of this Ordinance to promote flexibility in the development and design of that area by creating a variety of residential types that will result in the more efficient use of land, promote good site design and visual quality and result in a more pleasing environment than otherwise possible and to meet the objectives otherwise set forth in Section 240-3.1 of the City's Zoning Ordinance.

SECTION 5 – PERMITTED USES, DENSITY AND OFF-STREET PARKING:

1. There shall be constructed within the boundaries of "The Water's Edge/Woodlands on Saratoga Lake Planned Unit Development," residential use types consisting of single family dwelling units and attached townhouses.

2. The sketch plan has three zones:

   Zone A has approximately 38 acres. This area will be developed with a maximum of 180 townhouses (of which approximately 109 have been built to date) and includes an existing boardwalk, four tennis courts, an outdoor swimming pool, a beach not to exceed 600' in length, a marina for the exclusive use of association members not to exceed 175 slips (of which 70 slips have already been provided), a stormwater detention pond, slope stabilization, if required pursuant to reasonably accepted engineering standards, a community and indoor recreation center and adjacent parking. Zone A shall also include the following additional amenities: a level "village green" passive park of approximately one contiguous acre with vehicular access to Arrowhead Road that may include an outdoor playground; approximately 655 linear feet of seawall and shoreline restoration; and approximately 350 linear feet of extended boardwalk along the shoreline of Saratoga Lake.
The gross density of Zone A is 4.7 units per acre.

Zone B has approximately 47 acres. This area will be developed with a maximum of 85 single family detached residential units (of which approximately 45 have been built to date).

The gross density of Zone B is 1.8 units per acre.

Zone C has approximately 58 acres. This area will be developed with a maximum of 38 new single family detached residential units. Zone C shall include a 26 acre Archaeological Park and a 2 acre parcel which contains a pre-existing, single family residence, such that Zone C may contain a maximum of 39 single family units upon completion of development. A recreation area not exceeding 3.5 acres, including any buffer, environmentally sensitive and storm water management areas, may be developed within the park area. Said recreation area and all associated uses and amenities shall be subject to PUD site plan approval by the City Planning Board. The sketch plan for this recreation area as shown in Appendix B shall serve as a general guide to preparation of the preliminary and final PUD site plan.

Said recreation area is principally intended to serve children residing in a unit within the Water's Edge/Woodlands on Saratoga Lake Homeowner's Association.

Said recreation area may include space for active general recreation activities, a play area for children, a picnic area and covered pavilion with restrooms. The size and location of said uses shall be determined by the City Planning Board during PUD site plan review. Said area may also include parking and an access drive, the locations of which shall be determined by the City Planning Board during PUD site plan review. The Planning Board, in its judgment, may limit the number of parking spaces and determine the location of parking and any access drive on the site; however, no more than 12 parking spaces, including any designated handicapped spaces, shall be permitted.

All adjacent residential properties shall be adequately buffered by appropriate plant materials and, if deemed necessary by the Planning Board, fencing and other noise absorbing barriers. No amplified sound or music shall be allowed. Buffer areas shall, at a minimum, be consistent with those shown on the referenced Sketch Plan.

Use of said recreation area shall be limited to from sunrise to sunset and no outdoor lighting designed and intended to allow night recreational activities shall be installed on the site. The HOA shall monitor site activities to ensure compliance with this section and shall be solely responsible for its good management and upkeep and shall install appropriate signage detailing hours of operation and the prohibition against on-site amplified music and sound.

A significant portion of Zone C contains sensitive archaeological resources and any
development within this zone is contingent upon appropriate archeological investigations and mitigation, if required.

The gross density of Zone C shall not exceed 0.8 units per acre.

3. The applicant shall have the right to increase the density in Zone A up to 5 percent and Zone B and Zone C up to 15 percent of the number of units set forth above, provided, however, the overall density of the planned unit development is not increased thereby and the use within each phase, i.e. attached townhouse or single-family, is not altered, amended or changed.

4. Accessory use: The HOA shall be permitted to construct an accessory maintenance building up to 700 square feet in size in one of the common areas located in the Recreation Area in Zone A. The facility shall be located on level buildable land sufficient to accommodate such a building.

   A. This facility shall be located on level buildable land sufficient to accommodate such a building.

5. Off-street parking requirements for facilities will be as follows: up to 5 permitted public parking spaces for trail system in the archaeological parking in Zone C; 100 parking spaces for the Recreation Area in Zone A; 2 parking spaces for each dwelling unit, and; for attached townhouses, 1 space shall be provided in the garage and one space outside of the unit. However, for attached townhouses which are constructed after the effective date of this ordinance, two outside parking spaces shall be provided in addition to the one required space in the garage.

6. A common parking area shall be permitted to be constructed on property to be conveyed by the developer or its successor to the HOA not later than 60 days after the effective date of this ordinance, which property is located across from "Beach Court," and known as Tax Map Identification Number 193.29-2-70. The HOA may apply for PUD site plan approval for a common parking area on this property at any time prior to June 1, 2002.

SECTION 6—HOMEOWNER’S ASSOCIATION AND COMMON AREAS:

1. There previously has been established a "Water's Edge," homeowners association which was established in accordance with law. Said homeowners association, now known as "Waters Edge/Woodlands on Saratoga Lake Homeowners Association, Inc." shall hold in common ownership all open spaces and other common amenities and shall maintain the same. The developer shall not transfer fee ownership of any land in Phases 6, 7 or 8 in Zone A, to the HOA, except for land associated with or required for the additional construction of the boardwalk, marina and dock storage.
2. The common areas shall encompass all lands associated with storm water retention and management.

3. The HOA shall be permitted to construct an accessory maintenance building, up to 700 square feet in size, on a common area parcel located in the Recreation Area in Zone A and consisting of buildable land sufficient to accommodate such building in compliance with all city codes. The HOA may apply for PUD site plan approval for this maintenance facility at any time prior to June 1, 2002.

**SECTION 7 – SKETCH PLAN:**

The attached Sketch Plan, Appendix "B", shall be used by the City and the developer as a guide for overall development of "The Waters Edge/Woodlands on Saratoga Lake Planned Unit Development".

The Sketch Plan is to be used as a guide by the Saratoga Springs Planning Board as it undertakes PUD site plan approvals for each phase or project. The permitted uses, overall PUD density and PUD boundaries may be amended and modified by the City Council under provisions hereinafter provided.

**Section VIII - Utilities**

1. The entire "The Waters Edge/Woodlands on Saratoga Lake Planned Unit Development" area, with the exception of the archaeological park and the adjacent two acre residential parcel, will be serviced by municipal water and sanitary sewer lines in the manner directed by the City of Saratoga Springs.

2. All water and storm drainage lines shall be constructed to City standards at the time of dedication and when completed shall be turned over to the City for ownership and maintenance. The City will be provided with any easements necessary for the maintenance of utility systems.

3. All sanitary sewer lines shall be constructed to Saratoga County Sewer District #1 (SCSD) standards and, when completed, shall be turned over to the SCSD #1 for ownership and maintenance.

**Section IX - Development Procedures**

1. Prior to the issuance of a building permit to develop any of the area within the Planned Unit Development the developer shall receive PUD site plan approval from the
Planning Board of the City of Saratoga Springs. Such PUD site plan approval shall be in conformance with Sections 240-3 and 240-5 of the Zoning Ordinance of the City of Saratoga Springs. If in the development of the PUD site plan it becomes apparent that certain elements of the Sketch Plan are infeasible and in need of significant modification, any significant modification thereof must be approved in accordance with the Zoning Ordinance of the City of Saratoga Springs. Any standard concerning the construction of residential units to be constructed within "The Waters Edge on Saratoga Lake Planned Unit Development" shall be governed by and comply with the appropriate codes, laws, rules and regulations, including the HOA Architectural Control requirements and New York State Building Codes in force and effect at the time of PUD site plan approval for the units to be so constructed.

2. Within sixty (60) days of receipt of the PUD site plan application, the Planning Board of the City of Saratoga Springs shall approve, approve with modification or disapprove the PUD site plan according to the procedure and time as specified in Section 240-3.13 of the Zoning Ordinance of the City of Saratoga Springs.

3. The official signature of the Planning Board must be placed on the PUD site plan no later than six months from the date of the Board's authorizing resolution or motion except for those approvals which do not require the action of any state or county agency, in which case the official signature of the Planning Board must be placed on the PUD site plan no later than three months from the date of the Board's authorizing resolution or motion. The original Board authorization shall expire if not stamped and/or signed within these periods.

4. The Planning Board shall require the developer to post financial securities to cover 100 percent of the cost estimate approved by the Board of all required improvements for any PUD site plan approval. These improvements include any and all on-site and off-site improvements, within the existing or proposed public right-of-way and on private property. All such securities shall have an expiration date of less than two years from the date of issuance.

5. The City Council shall have the discretion to consider any proposed amendment to the Ordinance in accord with the provisions set forth in Section 240-3.12 of the Zoning Ordinance. The Council shall weigh the need for the proposed change in the legislation with its consistency with the adopted Comprehensive Plan and existing character of the neighborhood. The City Council shall consider all necessary safeguards to minimize possible detrimental effects of the proposed change on the adjacent properties, on public services, on the natural elements making up the environment of the area, and on the historic and archaeological character of the area.
Section X - Phasing

1. The Planned Unit Development shall be developed in accordance with the following phasing plan:

<table>
<thead>
<tr>
<th>Phase</th>
<th>Maximum Number of Units</th>
<th>Site Plan Approval</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Townhouses</td>
<td>Single Family</td>
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<tr>
<td>1</td>
<td>69</td>
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</tr>
<tr>
<td>2</td>
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<td>0</td>
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</tr>
<tr>
<td>11</td>
<td>0</td>
<td>19</td>
</tr>
<tr>
<td>Total:</td>
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<td>180</td>
</tr>
</tbody>
</table>

2. The developer or its successor shall obtain building permits for seventy (70%) percent of the units proposed to be constructed in Phase 3 before applying for PUD site plan approval for Phase 4. The developer shall apply for PUD site plan approval for Phase 4, and shall obtain building permits for seventy (70%) percent of the units proposed to be constructed in Phase 4, before applying for PUD site plan approval for Phase 5. The developer shall apply for PUD site plan approval for Phase 5, and shall obtain building permits for seventy (70%) percent of the units proposed to be constructed in Phase 5, before applying for PUD site plan approval for Phases 6, 7 or 8. However, because of their geographic proximity and the City's development standards, the developer shall not be required to obtain building permits for seventy (70%) percent of the units proposed to be constructed in Phase 6 or 7 before applying for PUD site plan approval for Phases 7 and 8. Therefore, the developer may elect to apply for PUD site plan approval for Phases 6, 7 and 8 (collectively to be known as "Rafters Ridge") in any order on less than three separate occasions. A completed public access road for all lots in Phases 6, 7 and 8, which shall be accepted for ownership and maintenance by the City, shall be
required to be constructed as part of PUD site plan approval for the first of Phases 6, 7 and/or 8 for which PUD site plan approval is sought.

The developer shall apply for PUD site plan approval for Phase 3, and shall obtain building permits for seventy (70%) percent of the units proposed to be constructed in Phase 3, before applying for PUD site plan approval for Phase 9. The developer shall apply for PUD site plan approval for Phase 9, and shall obtain building permits for seventy (70%) percent of the units proposed to be constructed in Phase 9, before applying for PUD site plan approval for Phase 10. The developer shall apply for PUD site plan approval for Phase 10, and shall obtain building permits for seventy (70%) percent of the units proposed to be constructed in Phase 10, before applying for PUD site plan approval for Phase 11.

3. There will also be an existing single family dwelling near the archaeological park. An application for PUD site plan approval for the creation of a separate parcel for this residence or for any improvements associated with this dwelling can be made at any time.

4. The developer shall not subdivide the maximum number of units within a phase. Upon receipt of PUD site plan approval for a phase, the developer shall not reapply for additional PUD site plan approval for any lots within said phase. This provision shall not restrict the right of the developer to reapply for PUD site plan approval for a phase(s) pursuant to subsections 1 and 2 of this section, in the event of site plan approval expiration pursuant to subsection 5 of this section.

5. PUD site plan approval for a phase shall expire if the applicant has not obtained at least one building permit for a dwelling unit(s) to be constructed within that particular phase within one year of the date of PUD site plan approval for such phase. In the event PUD site plan approval for a phase(s) expires pursuant to this section, the developer may reapply for PUD site plan approval only if in compliance with the conditions and deadline dates set forth in Section X, "Phasing", subsections 1 and 2. On good cause shown an application may be made for an extension of an approved site plan, which request shall not be unreasonably denied. An application for such request may be made to the Planning Board of the City of Saratoga Springs.

6. Planned Unit Development zoning approval for the project may expire for a phase and all subsequent phases if PUD site plan approval is not obtained from the City of Saratoga Springs by the dates specified above, after notice and public hearing. In that event, the zoning for this site shall revert to the zoning district of C-
Conservancy, as established and in force at the time of enactment of the Ordinance adopted on April 30, 1987 known as An Ordinance For The Establishment of a Planned Unit Development District to be known as "The Vista on Saratoga Lake Planned Unit Development".

On good cause shown, an application for an amendment to the expiration date may be made to the City Council of the City of Saratoga Springs, the approval for which shall not be unreasonably withheld.

**Section XI: Development Standards**

1. All interior roads servicing the Planned Unit Development as per the Sketch Plan shall be constructed in accordance with City standards and specifications at the time of dedication. No cul-de-sacs or eyebrow street patterns are permitted in Phases 4, 5, 6, 7 or 8 in Zone A. The developer, or its successor, shall be required to post a performance bond, irrevocable letter of credit or similar instrument providing for the completion of all road improvements within "The Waters Edge/Woodlands on Saratoga Lake Planned Unit Development" as per the Sketch Plan and specifications established by the City of Saratoga Springs during PUD site plan review. Such bond, irrevocable letter of credit or similar instrument shall be in the form and for the amounts directed by the City of Saratoga Springs.

2. Any shoreline restoration in the area designated as Phase 6, 7 and 8 in Zone A required pursuant to reasonably accepted engineering standards shall be addressed not later than the PUD site plan approval process for Phase 5.

The developer, or its successor, shall apply for and obtain PUD site plan approval from the Planning Board for improvements associated with slope stabilization, if required by the City pursuant to reasonably accepted engineering standards and boardwalk construction for the area along the shoreline of Saratoga Lake in Zone A owned by the developer, not later than the PUD site plan approval process for the first of Phase 6 or 7 for which PUD site plan approval is sought.

3. All streets within the Planned Unit Development shall be dedicated to the City of Saratoga Springs, New York.

4. The developer, or its successor, shall install streetlights pursuant to City standards within the rights of way within the project site for PUD site plan approvals granted after the effective date of this ordinance.
5. The developer, or its successor, shall install street trees, street signs and parking control signs pursuant to City standards for PUD site plan approvals granted after the effective date of this ordinance.

6. The developer, or its successor, in cooperation with the City, shall provide and install street signs and street lights as required by the City and pursuant to City standards in the previously approved and developed Phases 1 and 2, no later than December 31, 1998. The City shall provide street trees to the developer for planting in the previously approved and developed Phases 1 and 2 which the developer shall install upon receipt of said trees from the City. One tree for each approved lot in Zone B which does not have a tree in the right-of-way at the date of this Ordinance shall be provided by the City and installed by the developer.

7. The developer, or its successor, shall install sidewalks and curbs within the project site within the City right-of-way.

8. Adequate lighting, to be owned and maintained by the individual homeowners, shall be installed and located outside of the rights-of-way within the project site.

9. During PUD site plan approval for any phase or at any other time, the developer, or its successor, may apply to construct dock improvements to add boat slips up to the allowed maximum of 175 total slips, in the area of the existing marina. Upon completion of the installation of additional boat slips, the developer, or its successor, shall convey to the HOA the land along and/or near the Saratoga Lake shoreline adjacent to said boat slips, including the adjacent boardwalk. The developer, or its successor, shall install approved boat slips of the same design and quality as those installed in earlier Phases, up to the 175 maximum allowed.

10. Except for any archaeological testing required by the City of Saratoga Springs, no lands in Zone A or in the Archaeological Park in Zone C greater than 1,200 square feet in area within the PUD may be disturbed (including but not limited to excavation, grading, filling, and soil disturbance) by any property owner without first having obtained PUD site plan approval or soil disturbing and sediment control plan approval from the Planning Board.

Section XII - Off-site Improvements

The developer, or its successor, shall be responsible for the following off-site improvements:

1. The developer shall design and construct any off-site improvements to the sanitary sewer lines as required by the Saratoga County Sewer District #1.
2. The developer shall agree to a traffic monitoring plan as part of the Planned Unit Development site plan approval for the first phase of Phase 6, 7 or 8 for which PUD site plan approval is sought. New traffic counts must be taken and traffic studies completed to verify the level of traffic service then existing on all segments and intersections identified in the traffic impact study prepared by Greiner Engineering Services. After reviewing such traffic study, the City of Saratoga Springs has the right to restrict further development of the Planned Unit Development until the necessary off-site highway improvements are made. In the event that the traffic monitoring plan indicates that the Planned Unit Development has caused or contributed to a level of traffic service which necessitates off-site highway improvements, the City of Saratoga Springs will require the developer to contribute to the cost of any such off-site highway improvements deemed necessary in proportion to the degree which the Planned Unit Development has caused or contributed.

3. The off-site improvements set forth in the previously adopted planned Unit Development Ordinance for the project, as recited at Section II of this Ordinance, which are not set forth in this section, have been constructed and completed prior to the effective date of this ordinance.

Section XIII - Archaeological Park

1. Approximately sixteen (16) acres will be preserved as an archaeological site as shown on the Sketch Plan. The Water's Edge/Woodlands on Saratoga Lake Homeowner's Association, Inc. shall be responsible for the maintenance and management of the facilities at the archaeological park. A public pedestrian access easement will be provided through the archaeological park in a manner to be determined at PUD site plan approval for Phase 10.

2. The design for the improvements in this area shall be part of PUD site plan approval for Phase 10.

3. The ownership of any portion of the archaeological park cannot be sold, transferred or conveyed without prior approval by the City of Saratoga Springs unless such transfer or conveyance of the archaeological park is to the Waters Edge/Woodlands on Saratoga Lake Homeowners Association, Inc. The HOA shall not be permitted to sell, transfer or convey any portion of the archaeological park, its management or its maintenance, to a not-for-profit or land conservancy organization, without the prior approval of the City Council to such sale, transfer or conveyance.

3. Nothing in this ordinance shall be construed as restricting the rights of the owners of this property from regulating the property relative to prohibiting camping,
boat launching (other than small non-motorized boats such as canoes and rowboats), picnicking, hunting, etc.

Section XIV - Area and Bulk Schedule

The area and bulk schedule for The Waters Edge/Woodlands on Saratoga Lake planned Unit Development is attached hereto as Appendix "D".

Section XV - Filing Requirements

Copies of the final approved site plan shall be filed with the City Planning Board and City Clerk.

Section XVI - Validity

If any provision of this Ordinance shall be held invalid, the remainder of the Ordinance shall not be affected thereby.

Section XVII - Construction Standards

All construction standards for buildings, private and public improvements and for utilities shall be prepared and approved by licensed architects, landscape architects, or engineers. All costs associated with this shall be borne by the developer whether the plans are provided by the City of Saratoga Springs or by the developer. Further, all completed construction shall be certified to the City of Saratoga Springs by licensed architects, landscape architects, or engineers as being completed in the manner called for in the plans and shall be certified in accordance therewith. The City may require any or all costs connected with this to be borne by the developer.

Section XVIII - Transfer of Ownership

In the event that ownership of the area wholly encompassed by The Waters Edge/Woodlands on Saratoga Lake Planned Unit Development is transferred or conveyed to any third person, film, corporation, partnership or other entity by the applicant herein, the City Council of Saratoga Springs reserves the right to require proof of financial responsibility of the transferee in accordance with the procedures set forth in Section 240-3 of the Zoning Ordinance of the City of Saratoga Springs.

Section XIX - Effective Date

This Ordinance shall take effect the day after publication as provided by the provisions of the City Charter of the City of Saratoga Springs, New York.
APPENDIX "A"

LEGAL DESCRIPTION OF LANDS TO BE IN
"THE WATER'S EDGE/WOODLANDS ON SARATOGA LAKE PUD"

ALL THOSE CERTAIN PARCELS OF LAND situated within the City of Saratoga Outside District, County of Saratoga, New York State being bounded and described as follows:

Parcel No. 1:

Beginning at the intersection of the east line of Arrowhead Road with the north line of lands now or formerly owned by Robert S. O'Fee and Helena B. O'Fee according to Book 692 of Deeds at page 413 and proceeding northerly along the east line of the said Arrowhead Road about 743 feet to the northwest corner of lands now or formerly owned by Kaydeross Park Corporation according to Book 922 of Deeds at page 129; thence in an easterly direction along the north line of the said Kaydeross Park Corporation lands having an interior angle of 89 deg. 30 min. for a distance of about 700 feet a point located in the west line of the Kaydeross Park Road (formerly Union Avenue), said point being the southeast corner of Lot 95 as shown on a map entitled "Hudson Valley Railroad Company - Map Showing Land And Subdivision of portion of The Land, Saratoga Lake, NY" dated January 22, 1923 and filed in the Saratoga County Clerk's Office February 16, 1926 in Drawer "CC" as Map No. 83; thence continuing along said north line extended across Kaydeross Park Road to the southeast corner of Lot No. 79 as shown on said map and further described as the southeast corner of lands now or formerly owned by Robert D'Andrea and Teresa D'Andrea according to Book 786 of Deeds at page 109; thence running around the said lands of D'Andrea the following three (3) courses: 1) northerly along the east line of the said Kaydeross Park Road about 325 feet to the northwest corner of Lot No. 82 as shown on said map; 2) easterly about 463 feet to the northwest corner of Lot No. 54 as shown on said map; 3) southerly about 325 feet to the southwest corner of Lot No. 51, said point being the southeast corner of the aforesaid lands of D'Andrea and located in the north line of a parcel of land owned by Kaydeross Park Corporation according to Book 451 of Deeds at page 396; thence easterly along said north line about 277 feet to the southeast corner of Lot No. 37 as shown on said map; thence northeasterly along the southeasterly end of Lot Numbers 37, 38, 39 and 40, about 379 feet to the northeasterly corner of Lot No. 40, which corner is also in the southwest corner of Walker street; thence southeasterly along the extension southeasterly of the northwesterly side of Walker Street about 485 feet to a corner in the northwesterly shore of Saratoga Lake; thence southwesteasterly along said shore of lake as it winds and turns about 2,070 feet to its intersection with the northeast corner of lands now or formerly owned by Malcolm E. Quinn according to Book 897 of Deeds at page 289; thence along the said lands of Quinn the following two courses: 1) northwesterly about 141 feet to Quinns most northerly corner and 2) southwesterly at right angles to the previously described line 55 feet to a point located in the northeast corner of lands now or formerly owned by Antonio
Ottani and Alberta Ottani as described in Book 445 of Deeds at page 358; thence along the said lands of Ottani the following two (2) courses: 1) northwesterly 40.5 feet to Ottani's most northerly corner and 2) southwesterly at right angles to the previously described line 65 feet to the most northerly corner of lands now or formerly owned by Floyd N. Christopher and Kathrine Christopher according to Book 650 of Deeds at page 272; thence southwesterly along the northwest line of said Christopher 109 feet to a point in the northeasterly line of a lot sold to Arthur E. Deyoe by Deed dated March 23, 1926; thence northwesterly along the said line 105 feet to the most northerly corner of the said lot conveyed to Deyoe; thence continuing northwesterly across a driveway and along the northeasterly side of Lot No. 25 as shown on said map 164 feet to the most northerly corner of said lot; thence northerly 82.78 feet along the east side of a 20 foot wide driveway as shown on said map to the most westerly corner of lands now or formerly owned by William P. Wrobel and Josephine C. Wrobel according to Book 728 of Deeds at page 264; thence along the said lands of Wrobel the following five (5) courses: 1) South 68 deg. East, 123.6 feet; 2) South 40 deg. 20 min. East 64.8 feet; 3) South 87 deg. 40 min. East, 60.55 feet; 4) North 02 deg. 20 min. East, 161.25 feet; 5) North 84 deg. 10 min. West, 164.15 feet to a point lying in the aforesaid east line of a 20 foot wide driveway; thence running westerly across the said driveway 20 feet to the northeast corner of Lot No. 36 as shown on said map; thence northerly about 115 feet along the east line of lands now or formerly owned by Florence Ciccarelli according to Book 940 of Deeds at page 252 to the northeast corner thereof; thence westerly about 373 feet along the south line of a street or roadway leading from the Arrowhead Inn Road to the park pavilion to the point of beginning.

EXCEPTING AND RESERVING, HOWEVER, ALL THAT CERTAIN PIECE OR PARCEL OF LAND being in the City of Saratoga Springs, Outside District, County of Saratoga, being bounded and described as follows:

Beginning at the northwesterly corner of Lot No. 54 as shown on the said map of "Hudson Valley Railroad Company... "described above, and running southwesterly along Lot Numbers 54, 53, 52 and 51 as laid out on said map, to the southwest corner of Lot 51; thence running northwesterly to the middle of Avenue B; thence running northeasterly along the center line of Avenue B to a point in the south side of Walker Street; thence running southeasterly to the place of beginning.

Also excepting and reserving the right-of-way over the roadway as laid out on said map, which roadway runs from Union Avenue as extended around the west of the premises herein conveyed to the Arrowhead Inn Road.

Also excepting any water rights heretofore granted over lands of the Kaydeross Park Corporation as described in Book 451 of Deeds at page 396, to adjacent landowners; also reserving to Elmer A. Walker and Edith F. Walker the right or privilege of taking and using
water from a certain spring located on the premises hereby conveyed, and shown on the aforesaid map on file in the Saratoga County Clerk's Office entitled "Hudson Valley Railway Company, Map Showing Land and Subdivisions of portion of land, Saratoga Lake, New York", together with the right to lay pipes or conduits for carrying said water across the premises hereby conveyed, together with the right to enter in and upon the premises to repair or replace any pipes carrying such water to the residence of the said Walkers.

Kaydeross Park Corporation is to maintain and supply a sufficient pressure of water in the present tank, or any other tank which may replace same to maintain a constant flow of water to the premises of the parties of the first part with the exception of the winter months from November 1 to May 1 of each year.

The Kaydeross Park Corporation does covenant and agree to extend Avenues B and C to the roadway leading from the restaurant, located on the within described parcel of land, to the bath houses also located on said land and to allow owners of lots to the northeast of the within described parcel of land to use for pedestrian purposes said extended Avenues B and C as a means of access to Saratoga Lake. The use of Avenue B and C over the above described parcel to be under the jurisdiction of the Kaydeross Park Corporation.
Original on file in the Office of the Planning Board of the City of Saratoga Springs
The following tax parcels are within the boundaries of the "Water's Edge/Woodlands on Saratoga Lake PUD" at the date of this Ordinance:

### Outside District

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<thead>
<tr>
<th>Section</th>
<th>Block</th>
<th>Lot</th>
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</thead>
<tbody>
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APPENDIX “D”
AREA AND BULK SCHEDULE

USE: **Townhouses (Zone A)**

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<th>Minimum Lot Size</th>
<th>Minimum Yard Dimensions</th>
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<td><em>(B)</em></td>
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**Principal Buildings**

<table>
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<th>Minimum Height</th>
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<td>1,500 sq. ft. including 1-car garage</td>
<td>25 ft.</td>
</tr>
</tbody>
</table>

Notes:

(A) Lot width for townhouses is measured at the public right-of-way.

(B) 36 feet for garages after effective date of ordinance, or 275 square feet of contiguous green space.

(C) Maximum four (4) units per structure for Phases 4 and 5 in Zone A. Maximum six (6) units per structure in Phases 6, 7 and 8 in Zone A.
### ACCESSORY HOA MAINTENANCE BUILDING

<table>
<thead>
<tr>
<th>Maximum Floor Area</th>
<th>Maximum Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>700 feet</td>
<td>20 feet</td>
</tr>
</tbody>
</table>

### Minimum Yard Dimensions

<table>
<thead>
<tr>
<th></th>
<th>Front</th>
<th>Rear</th>
<th>Side</th>
</tr>
</thead>
<tbody>
<tr>
<td>30 feet</td>
<td>25 feet</td>
<td>10 feet</td>
<td></td>
</tr>
</tbody>
</table>
**City of Saratoga Springs Zoning Ordinance**

USE: Single Family Residences (Zones B and C)

<table>
<thead>
<tr>
<th>Minimum Lot Size Area</th>
<th>Minimum Yard Dimensions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Width</td>
</tr>
<tr>
<td>15,000 sq. ft.</td>
<td>80 ft.</td>
</tr>
</tbody>
</table>

**Principal Buildings**

<table>
<thead>
<tr>
<th>Minimum Floor Area</th>
<th>Maximum Height</th>
<th>Principal Building</th>
<th>Side Lot Line</th>
<th>Rear Lot Line</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,600 sq. ft.</td>
<td>30 ft.</td>
<td>12 ft.</td>
<td>3 ft.</td>
<td>3 ft.</td>
</tr>
</tbody>
</table>

Note applicable to all units/lots:

1. Decks and stairs may extend within the 25 foot rear building setback a maximum of 15 feet.
Appendix C:
5. Weibel Plaza Commercial Planned Unit Development (formerly 241.5)

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A PLANNED UNIT DEVELOPMENT DISTRICT TO BE KNOWN AS "WEIBEL PLAZA COMMERCIAL PLANNED UNIT DEVELOPMENT"

BE IT ORDAINED by the City Council of the City of Saratoga Springs, following a public hearing, as follows:

Section I. NAME

This ordinance shall be known as "WEIBEL PLAZA COMMERCIAL PLANNED UNIT DEVELOPMENT" and creates a Chapter 241.5 of the Zoning Ordinance of the City of Saratoga Springs, New York.

Section II. AMENDMENT

The Zoning Ordinance of the City of Saratoga Springs and the Zoning Map of the City of Saratoga Springs as set forth therein be and the same are hereby amended by changing the existing zoning district of Rural Residential-2, RR-2, and creating within the boundaries of said newly described area attached hereto as Appendix "A" and made a part hereof, to a Commercial Planned Unit Development District and creating within the boundaries of said described area a commercial planned unit development to be known and described for purposes of this legislation as "Weibel Plaza Commercial Planned Unit Development."

Section III. BOUNDARY

The acreage involved in the Weibel Plaza Commercial Planned Unit Development is 39.12+ acres and it is bounded and described in Appendix "A" attached hereto. The area is located on the City of Saratoga Springs northerly boundary with the Town of Wilton, and is situated on the southwest corner of the intersection of Weibel Avenue and Louden Road in the City of Saratoga Springs, Saratoga County, New York. The three parcels involved in the site are listed on the City of Saratoga Springs Outside Tax District Map as Section 153, Block 1, Lot 4, Section 153, Block 1, Lot 5, and Section 153, Block 1, Lot 18.

Section IV. SKETCH PLAN

The "Sketch Plan" for the development is attached hereto, marked Appendix "B", and made a part hereof. Appendix "B" shall be used by the City and the developer as a general guideline for the overall development of the site. This plan may be changed, altered or amended pursuant to Section 240-3.13(f) of the Zoning Ordinance of the City of Saratoga Springs. A sepia mylar of the final approved sketch plan shall be filed with the City Planning Board and the City Clerk. A copy shall be filed with the City Building Inspector.
Section V. PURPOSE

It is the purpose of this ordinance to provide for the means of development of a mixed use commercial center in an area containing substantial established commercial development. To allow this commercial center to develop, flexibility in design concepts and criterion, building size, and location must be allowed to permit marketing and utilization of this project in an economically reasonable fashion while employing good design techniques which promote a project of an acceptable visual quality while incorporating concerns for the on-site and off-site environment.

Section VI. USES AND CHARACTERISTICS

There shall be constructed within the boundaries of the Weibel Avenue Plaza Commercial Planned Unit District structures and improvements for commercial utilization, all permitted principal uses, accessory uses and uses permitted upon issuance of a special use permit as set forth in the Commercial-2 District as of the date of the enactment of this legislation, provided in Appendix "C".

The project would be constructed as tenants are identified for use of individual buildings or a portion of a building. The project site shall have two geographic zones, A and B, as shown on the sketch plan. Each zone may be developed in more than one phase.

Zone A shall be developed with a maximum of nine buildings in the eastern portion of the site. It shall contain a maximum of 300,000 square feet of commercial space.

Zone B shall be developed with a maximum of three buildings in the western part of the site. It shall contain a maximum of 200,000 square feet of office space and hotel commercial space.

The applicant shall have the right to increase the density of use in either of the two zones by 15% provided the overall density of the planned unit development is not increased thereby.

Parking which shall be provided within the site shall meet the requirements as to the number of available parking spaces, as specified in Article 240 of the Zoning Ordinance of the City of Saratoga Springs, New York, as that Ordinance exists at the time of the enactment of this legislation, provided in Appendix "C", for those uses established or to be established within this commercial planned unit development.

Parking spaces located off site but within the Planned Unit Development may be utilized to satisfy the parking demand requirements for uses on another lot within the PUD._

The area and bulk standards for this planned unit development shall be as follows: minimum lot size - 15,000 square feet; mean width - 100 feet; maximum percent of lot to be occupied by a principal building - 30 percent; maximum percent of lot to be occupied by accessory building - 15 percent; minimum yard dimension for principal building - 30 feet for front yard along Louden Road, 40 for all other front yards, 40 feet for all side and rear yards along the exterior boundary of the PUD, 0 feet for all side and rear yards along the internal lot lines within the PUD; minimum yard dimension for parking, accessory structures and other features - 5 feet on front yards, 0 feet on side and rear yards along the internal lot lines within the PUD; maximum height of principal buildings - 60 feet; accessory building minimum distance to principal building - 10 feet; and, minimum percent of lot to be permeable - 15 percent. In addition to the above, there shall be a special 35 foot landscaped buffer along the western boundary with the "Adirondack Northway", 1-87, property. There shall not be a requirement for a 30 foot densely planted buffer along the boundary of any lands owned by the City of Saratoga Springs, the State
Department of Transportation or the Niagara Mohawk Power Company; even though such lands are in a residential zoning district.

There may be more than one principal building located on a parcel within the project site, and the placement of such buildings shall be negotiated and determined during the site plan approval process.

All signs shall comply with the regulations for commercial signs of that Ordinance that exists at the time of the enactment of this legislation, provided in Appendix "C". All other development standards, not expressly stated within this legislation, shall be those in existence at the time construction approval is sought.

Section VII: INFRASTRUCTURE

The completed project as developed shall be serviced by municipal water and sewer lines. Zone A of the project, as described above, shall be serviced by municipal water and an on-site sewage infiltration system. Upon the occupancy by a leasehold tenant in any component building in Zone B, the entire development shall be converted so as to be serviced solely by municipal water and sewer lines. These lines shall be installed at the cost and expense of the developer and shall be placed in rights-of-way or run through easements owned or controlled by the City of Saratoga Springs, up to the point where they enter upon the real property described in Appendix "A" attached hereto, except certain water lines within the planned unit development may have easements granted to the City. Any improvements placed in the City of Saratoga Springs right-of-way or easement shall be dedicated to and accepted by the City of Saratoga Springs or the appropriate agency. The City of Saratoga Springs shall accept the easements within the project site which contain the utility lines to be dedicated to the City of Saratoga Springs.

The developer shall construct a storm water infiltration system within the site, which shall be constructed and designed utilizing the appropriate state or local design standards that exist at the time of PUD site plan review. The cost for the construction and maintenance of the storm water infiltration system shall be the developer's. All infrastructure improvements to be dedicated to the City of Saratoga Springs shall be constructed to the then existing City of Saratoga Springs standards and codes.

Section VIII. OFF-SITE IMPROVEMENTS

The developer shall be responsible for the following off-site improvements:

A. Louden Road shall be extended so that it intersects with the westerly bounds of New York State Route 50. The construction criterion for the road shall meet all applicable state and local requirements. The roadway shall be wide enough for two travel lanes of 12 feet each in width for the western 600+ feet of the extension, and shall consist of the three travel lanes of 12 feet each in width for the eastern 560+ feet leading east from the existing McDonald’s Restaurant entrance/exit up to Louden Road’s intersection with the westerly boundary of Weibel Avenue. The roadway shall be completed within 18 months of the issuance of the initial building permit for the first structure, and shall be dedicated to the appropriate municipal government. The road shall be built to the specifications of the appropriate municipal government, with New York State Department of Transportation approval. The design for these improvements shall be approved as part of the site plan approval for the first phase in Zone A.

B. Appropriate striping and pavement markings shall be added to the intersection of Weibel
Avenue and Louden Road and the traffic light situated at that intersection shall be relocated or re-timed to control the additional flow of traffic as directed by the appropriate highway authorities. The design for these improvements shall be approved as part of the site plan approval for the first phase in Zone A.

C. Weibel Avenue, from the intersection of Louden Road going south to the main entrance of the site, shall be widened so that a right-hand turn lane may be added to the southbound lane of traffic on Weibel Avenue, which would permit the free flow of traffic in a northerly and southerly direction on said roadway. An appropriately designed public transit stop or turnout shall also be constructed. The design for these improvements shall be approved as part of the site plan approval for the first phase in Zone A.

D. An additional southbound lane shall be installed north of the intersection of Weibel Avenue and Louden Road. This will permit an exclusive southbound left turn lane onto Louden Road and a shared through/right turn lane. The design for these improvements shall be approved as part of the site plan approval for the first phase in Zone A.

E. At the intersection of Lake Avenue (Route 29) and Weibel Avenue, a westbound right turn lane shall be constructed in addition to the single westbound lane now provided. With this addition, each leg of the intersection will have two-lane approaches. The design for these improvements shall be approved as part of the site plan approval for the first phase in Zone A.

F. The existing lane markings on Weibel Avenue northbound at the intersection of Route 50 shall be changed to allow an exclusive left turn lane and a combined left/through/right turn lane. This change can be accomplished without additional physical construction. The design for these improvements shall be approved as part of the site plan approval for the first phase in Zone A.

G. The developer, or its successor, shall contribute an amount not to exceed $35,000 for the design and installation of a traffic signal system at the intersection of Henning Road and Lake Avenue (Route 29). The design for these improvements shall be approved as part of the site plan approval for the first phase in Zone A.

H. Municipal water services shall be supplied to the site via a 12 inch water line by utilizing an existing line, and where necessary, the construction of new sections of that line, that shall extend from the City's existing 12 inch water main on Excelsior Avenue, at a point ±700 feet east of Veteran's Way, approximately at the point of the intersection of the 16 inch force main easement with Excelsior Avenue, through lands, easements, or lines owned or controlled by the City of Saratoga Springs extending in a generally easterly direction from Excelsior Avenue underneath and through the real property and right-of-way owned by the State of New York and known and designated as the "Adirondack Northway." The water supply system that runs through the City of Saratoga Springs controlled property shall be constructed in accordance with all requisite state and local standards, and shall be dedicated to the City of Saratoga Springs. The design of these improvements shall be approved as part of the site plan approval for the first phase in Zone A.

I. Municipal water services shall be looped by the construction a new 12 inch line that shall extend from the planned unit development southerly along the western side of Weibel Avenue, and west of the travel lane, and westerly along Lake Avenue (Route 29) to a connection...
point with an existing 8 inch City water main west of the "Adirondack Northway", 1-87. This water line shall be constructed in the public right-of-ways in accordance with all requisite state and local standards, and shall be dedicated to the City of Saratoga Springs. The design of these improvements shall be approved as part of the site plan approval for the first building in Zone B. A financial security for the construction of this looped water line shall be given to the City of Saratoga Springs prior to the occupancy by a leasehold tenant in any component building in Zone A. This security shall be adjusted annually for construction costs and shall be payable to the City of Saratoga Springs on December 31, 2002, or at the time of site plan approval for the first building in Zone B, whichever is sooner, and shall be used only for the actual construction of the looped line or any portion not built at that time.

J. Upon completion of any component building in Zone B, as described in Section VII above, a sanitary sewer transmission system shall be incorporated within this design and shall bring all effluent to a pump station located on Weibel Avenue which has been designed to meet the Ten State Standards and New York State Department of Environmental Conservation standards. The station shall be a pre-cast submersible pump station with a separate wet well and valve pit. The pump station shall connect to a manhole located on Excelsior Avenue by means of a force main, which shall run through the City of Saratoga Springs easement extending in a westerly direction from the site beneath the Adirondack Northway, or along another route and termination point acceptable to the City, if the construction costs are equal or less. A connection to one or more points in the Town of Wilton shall be deemed acceptable to the City of Saratoga Springs.

The pump station, if required, shall be located on a parcel of land to owned by the City of Saratoga Springs which is no further than 500 feet from the project site. That pump station, if required and upon completion, shall be given to the City of Saratoga Springs or the appropriate agency.

The design of these improvements shall be approved as part of the site plan approval for the first building in Zone B.

K. The developer, or its successor, shall agree to a traffic monitoring plan if any PUD site approval for any building within the project site is granted on or after July 1, 2004. In this event, new traffic counts must be taken and traffic studies completed to verify the level of traffic service then existing on all segments and intersections identified in the Sketch Plan's traffic impact study report. After reviewing such new traffic study, the City of Saratoga Springs has the right to restrict further development of the Planned Unit Development until the necessary off-site highway improvements are made. In the event that the traffic monitoring plan indicates that "Weibel Plaza PUD" has caused or contributed to a level of traffic service which necessitates off-site highway improvements, the City of Saratoga Springs will require the developer to contribute to the cost of any such off-site highway improvements deemed necessary in proportion to the degree for which "Weibel Plaza PUD" has caused or contributed thereto.

Section IX. CONSTRUCTION STANDARDS

All construction standards for buildings and public improvements and for utilities shall be prepared and approved by licensed
Section X. OWNERSHIP

In the event that ownership of any of the parcels presently making up the Weibel Plaza Commercial Planned Unit Development is conveyed or transferred to any third party which is not at the time of the passage of this ordinance an owner of a portion of the real property located within the site, or a merger corporation or partnership made up in its majority by parties which are present owners of real property within this site, then the City of Saratoga Springs reserves the right to require proof of financial responsibility of the transferee in accordance with the same procedure set forth in Section 240-3.14(A) of the Zoning Ordinance of the City of Saratoga Springs.

Section XI. EXPIRATIONS

Planned unit development zoning approval for this site shall expire if final PUD site plan approval for the first phase in Zone A is not granted by the Saratoga Springs Planning Board on or before July 1, 1994. Planned unit development zoning approval shall expire if final PUD site plan approval for the first building in Zone B is not granted on or before July 1, 2012. The zoning for this site shall revert to the zoning districts in existence for this site at the time of the enactment of this legislation.

Section XII. VALIDITY

If any provision of this ordinance shall be held invalid, the remainder of the ordinance shall not be affected thereby.

Section XIII. TIME EXTENSION

On good cause shown, the developer may apply for an extension of its approved site plan review, which request shall not unreasonably be denied. An application for such request shall be made to the Planning Board of the City of Saratoga Springs.

Section XIV. MODIFICATION OF SITE PLAN

The developer may, upon notice to the Planning Board of the City of Saratoga Springs, alter, modify, or change the number, placement and type of structures to be constructed within the site, so long as the alteration, modification and change does not result in an increase in density, based on gross square footage of occupied floor space, as set forth in Section VI.

Section XV. EFFECTIVE DATE

This ordinance shall take effect the day after publication is provided by the provisions of the City
All that tract, piece, or parcel of land situate, lying, and being in the City of Saratoga Springs, Saratoga County, NY, and being more particularly described as follows:

Beginning at an existing 4" x 4" granite monument (Point A) located southwest of the intersection of Weibel Avenue and Louden Road

<table>
<thead>
<tr>
<th>LINE</th>
<th>BEARING</th>
<th>DISTANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>AB</td>
<td>S10°21'50&quot;E</td>
<td>762.54'</td>
</tr>
<tr>
<td>BC</td>
<td>S22°45'02&quot;E</td>
<td>209.85'</td>
</tr>
<tr>
<td>CD</td>
<td>S12°02'06&quot;E</td>
<td>93.58'</td>
</tr>
<tr>
<td>DE</td>
<td>S83°40'21&quot;W</td>
<td>221.28'</td>
</tr>
<tr>
<td>EF</td>
<td>S53°40'21&quot;W</td>
<td>48.40'</td>
</tr>
<tr>
<td>FG</td>
<td>S83°40'21&quot;W</td>
<td>612.00'</td>
</tr>
<tr>
<td>GH</td>
<td>S11°40'39&quot;E</td>
<td>295.20'</td>
</tr>
<tr>
<td>HI</td>
<td>S84°09'21&quot;W</td>
<td>872.41'</td>
</tr>
<tr>
<td>IJ</td>
<td>N06°51'40&quot;E</td>
<td>862.83'</td>
</tr>
<tr>
<td>JK</td>
<td>N59°07'27&quot;E</td>
<td>625.76'</td>
</tr>
<tr>
<td>KL</td>
<td>N11°19'49&quot;W</td>
<td>406.34'</td>
</tr>
<tr>
<td>LM</td>
<td>N87°36'00&quot;E</td>
<td>818.53'</td>
</tr>
<tr>
<td>MA</td>
<td>S37°38'56&quot;E</td>
<td>97.14'</td>
</tr>
</tbody>
</table>
Note: This property description is subject to minor modifications as required to permit right-of-way adjustments along Louden Road and Weibel Avenue.
### District Regulations: Use Schedule for Commercial Districts
*City of Saratoga Springs (Part 3)*

<table>
<thead>
<tr>
<th>District</th>
<th>Permitted Principal Uses upon Site Plan Review and Approval</th>
<th>Accessory Permitted Uses upon Site Plan Review and Approval</th>
<th>Uses Permissible upon Issuance of Special Use Permit and upon Site Plan Review and Approval</th>
</tr>
</thead>
</table>
| Commercial 2 C-2 | 1. Animal clinic  
2. Apparel cleaning/dry cleaning  
3. Automotive sales and services  
4. Bakery shop  
5. Barber/beauty shop  
6. Bathhouse/health center/spa  
7. Bowling alley  
8. Building material storage and sales  
9. Business office  
10. Churches and religious institutions  
11. Communication services  
12. Convenience sales and service  
13. Day-care center  
14. Drug store  
15. Equipment repair shop  
16. Eating and drinking establishments  
17. Financial institutions and banks | 1. Canopies for drive-in facilities  
2. Maintenance facilities  
3. Storage facilities  
4. Private garage and parking structure  
5. Solar/heating/ventilation equipment | 1. Animal hospital/kennel  
2. Car washes  
3. Drive-in facilities  
4. Gasoline service stations  
5. Open-air markets  
6. Outdoor display/storage  
7. Satellite receiving antennas  
8. Vehicle repair |
District Regulations: Use Schedule for Commercial Districts
City of Saratoga Springs (Part 4)

<table>
<thead>
<tr>
<th>Permitted Principal Uses upon Site Plan Review and Approval</th>
<th>Accessory Permitted Uses upon Site Plan Review and Approval</th>
<th>Uses Permissible upon Issuance of Special Use Permit and upon Site Plan Review and Approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>18. Florist</td>
<td></td>
<td></td>
</tr>
<tr>
<td>19. Fraternal lodges/clubs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>20. Funeral home</td>
<td></td>
<td></td>
</tr>
<tr>
<td>21. Furniture store</td>
<td></td>
<td></td>
</tr>
<tr>
<td>22. Greenhouses</td>
<td></td>
<td></td>
</tr>
<tr>
<td>23. General retail</td>
<td></td>
<td></td>
</tr>
<tr>
<td>24. Group entertainment (nightclubs, theater)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>25. Hotel/motel</td>
<td></td>
<td></td>
</tr>
<tr>
<td>26. Laundromat</td>
<td></td>
<td></td>
</tr>
<tr>
<td>27. Medical offices/clinics</td>
<td></td>
<td></td>
</tr>
<tr>
<td>28. Neighborhood center</td>
<td></td>
<td></td>
</tr>
<tr>
<td>29. Nursery (plant)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>30. Outdoor recreation (golf, etc.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>31. Printing, publishing or engraving</td>
<td></td>
<td></td>
</tr>
<tr>
<td>32. Public utility facilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>33. Professional offices</td>
<td></td>
<td></td>
</tr>
<tr>
<td>34. Real estate offices</td>
<td></td>
<td></td>
</tr>
<tr>
<td>35. Recreational facilities (indoor)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## District Regulations: Use Schedule for Commercial Districts
City of Saratoga Springs (Part 5)

<table>
<thead>
<tr>
<th>Permitted Principal Uses upon Site Plan Review and Approval</th>
<th>Accessory Permitted Uses upon Site Plan Review and Approval</th>
<th>Uses Permissible upon Issuance of Special Use Permit and upon Site Plan Review and Approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>36. Residential use on second floor or above</td>
<td>36. Residential use on second floor or above</td>
<td>1. Bus depot</td>
</tr>
<tr>
<td>37. Rooming house/tourist home</td>
<td>37. Rooming house/tourist home</td>
<td>2. Car washes</td>
</tr>
<tr>
<td>38. Training and educational services, classroom instruction, etc.</td>
<td>38. Training and educational services, classroom instruction, etc.</td>
<td>3. Drive-in facility</td>
</tr>
<tr>
<td>40. Vehicular fee parking</td>
<td>40. Vehicular fee parking</td>
<td>5. Motor vehicle repair establishment</td>
</tr>
<tr>
<td>41. Park-and-ride lot</td>
<td>41. Park-and-ride lot</td>
<td>6. Outdoor display/storage</td>
</tr>
<tr>
<td>Commercial 3 C-3</td>
<td>Commercial 3 C-3</td>
<td>7. Outdoor entertainment (miniature golf, etc.)</td>
</tr>
<tr>
<td>2. Apparel cleaning/dry cleaning</td>
<td>2. Storage facilities</td>
<td>9. Convenience sales and services</td>
</tr>
<tr>
<td>5. Car rental agency</td>
<td></td>
<td>12. Entertainment (miniature golf, etc.)</td>
</tr>
<tr>
<td>6. Convenience sales and services</td>
<td></td>
<td>13. Vegetable/food processing</td>
</tr>
</tbody>
</table>

10 - 25 - 90
Appendix C:
6. Woodlawn Oval Planned Unit Development (formerly 241.6)

AN ORDINANCE PROVIDING FOR THE AMENDMENT TO THE ESTABLISHED PLANNED UNIT DEVELOPMENT DISTRICT KNOWN AS "WOODLAWN OVAL PLANNED UNIT COMMERCIAL DEVELOPMENT"

BE IT ORDAINED, by the City Council of the City of Saratoga Springs, New York, following a public hearing, as follows:

Section I - Name

This ordinance shall be known as THE SECOND AMENDMENT TO THE WOODLAWN OVAL PLANNED UNIT COMMERCIAL DEVELOPMENT and modifies existing Chapter 241.6 of the Code of the City of Saratoga Springs, New York. THIS PROJECT IS ALSO REFERRED TO HEREIN AS "PUCD".

Section II - Amendment

The City Council of the City of Saratoga Springs, on January 4, 1993, passed the ordinance creating the Woodlawn Oval Planned Unit Commercial Development. That Planned Unit Development legislation was amended by the City Council of the City of Saratoga Springs on June 7, 1993. The purpose for this legislation is to further amend the original Woodlawn Oval Planned Unit Commercial Development legislation so that the present and planned development of this commercial site will correspond with the practical, economic and planned needs of the residents presently residing and to reside therein and the residents of the City of Saratoga Springs.

Section III - Boundary

The amended area of the Woodlawn Oval Planned Unit Commercial Development consists of 35 ± acres and is bounded and described in Exhibit "A" attached hereto and made a part hereof. The tax map references for the inside tax district of the City of Saratoga Springs are as follows:

165-3-22; 165-3-11; 165-3-9.1; 165-3-9.2; 165-3-8; 165-3-7; 165.34-1-11.1; 165.34-1-11.2; 165.34-1-2; 165.34-1-3; 165.34-1-3; 165.34-2-1; 165.42-2-5.11; 165.42-2-5.2; 165.42-2-5.32; 165.43-1-9; 165.43-1-15.1; 165.35-2-1; 165.42-3-14; 165.42-3-7; 165.42-3-15; 165.42-2-3

The boundary may be expanded without further municipal or legislative action to include any properties identified in Exhibit "B", if and only when, they come under the ownership or control of the PUCD sponsor. When such properties are proposed to be added to the PUCD, the sponsor must provide written notice to the Clerk of the Saratoga Springs City Council. The Council shall have 30 days from the date of notice to object to such action. If an objection is recorded by the Council, the boundary revision shall not be valid until further action of the City Council of the City of Saratoga Springs. If no objection is recorded within the required 30 day period, the amendment shall be valid and the City Clerk shall revise the City zoning maps accordingly.
The boundary may also be expanded upon petition for a zoning change or a PUCD amendment made to the City Council of the City of Saratoga Springs.

Section IV - Sketch Plan

The amended PUCD proposal is described according to a sketch plan filed in the City Engineer's Office of the City of Saratoga Springs, New York, a copy of which is attached hereto as Exhibit "C". The plan shall be used by the City and PUCD as a guide for all development. This plan may be changed, altered or amended pursuant to the terms of this legislation and Section 240-3.13(f) of the City of Saratoga Springs Zoning Code.

Section V - Purpose

It is the purpose of this amendment to the ordinance to provide for the means for development of a mixed use commercial development which would provide for housing, and medical, pharmaceutical, social services, pastoral and general care and services to the aging, injured, handicapped, terminally ill, mentally ill, socially deprived and their dependents and families with an emphasis toward providing a continuum of medical and non-medical geriatric care. The Commercial Planned Unit Development will incorporate the existing structures known as Embury Apartments and Wesley Health Care Center and will expand by means of additions to those structures and by construction of new structures of various sizes and for various purposes intended to assist in fulfilling the herein specified purpose while maintaining a campus-like setting.

Section VI - Uses and Characteristics

There shall be constructed within the boundaries of the Woodlawn Oval Planned Unit Commercial Development apartments, freestanding attached living units, nursing home facilities, medical offices, associated with uses within the PUCD, pharmacy space, physical, speech, and occupational therapy units, assistive living, professional offices, general office space, community meeting space/classrooms, day care facilities, food preparation and dispersal areas, beauty shop, gift shop, convenience shopping area, garage, storage and warehouse facilities, recreation building and facilities, trash compacting and recycling structure, related and non-related not-for-profit office, conference room space, and services associated with long term chronic care and rehabilitation. The existing 1,200 sq. ft. single family residence on tax parcel 165.42-3-7 shall be permitted to be used for that purpose but the structure located on said parcel shall not be expanded.

The development of this site is determined by projects and not phases to specify that there is no predetermined order in which improvements shall be made on this site.

There are nine telecommunication, radio, telephone cellular antennas transmitting or receiving devices on or above the existing East and West Embury Apartments' towers which extend no further than fifteen (15') feet above the building. These devices shall be considered pre-existing, non-conforming and are governed by the regulations as set forth in Section 240-9 of the Zoning Ordinance of the City of Saratoga Springs. Any additional telecommunication, radio, telephone cellular antennas, transmitting or receiving devices shall only be installed on or above the structures located within the PUCD upon compliance with the then existing codes, rules, statues or ordinance which are in effect at the time of the installation of the device.
The PUCD shall consist of the following:

**Project A:**

Embry Apartments consisting of 208 apartments, Wesley Health Care Center consisting of 356 beds, administrative office space, and a Refuse/Recycling building and a single family residence.

**Maximum:**
- **Number of structures:**
- **Footprint of Building:** 79,400 sq. ft
- **Gross Square Footage of Buildings:** 351,254 sq. ft

**Project B:**

The Hospice Facility on Clement Street

**Maximum:**
- **Number of Structures:** 1
- **Permitted Building Square Footage:** 7,500 + sq. ft.
- **Site Plan Approved Sq. Footage:** 5,180 +

**Project C:**

A utility maintenance garage with storage capacity to be used in conjunction with the operation of the structures located within the PUCD.

**Maximum:**
- **Number of Structures:** 1
- **Building Footprint Sq. Footage:** 5,000 ± sq. ft.
- **Height:** 25 ft.

**Project D:**

An Independent Living/Assisted Living Senescence Center. This shall consist of 60 independent living units, 40 assisted living units along with associated common areas, dining facilities and related offices and spaces for associated services, parking, recreation and the construction of an overflow parking lot to accommodate a maximum of sixty-five (65) motor vehicles that are not required by various parking demand requirements for the permitted uses.
Maximum:
Number of structures: 1
Building Footprint square footage: 55,575 ± sq. ft.
Building Gross Square Footage: 137,705 ± sq. ft.
Height: 50 ft.

Project E:
An Employee Lounge associated with Wesley Nursing Home.

Maximum:
Number of Structures: No additional structures
Building Footprint Square Footage: 3,000± sq. ft.
Building Gross Square Footage: 3,500± sq. ft.
Total Height: 25 ft.

Section VII - Density
Total PUCD land area 35 ± acres = 1,524,600 ± sq. ft.
Total building square footage = 148,655 ± sq. ft. 3.41 ± acres
Maximum building coverage of site: 10%

Pavement:
370,260 ± sq. ft., 8.5 ± acres
Maximum Pavement Area: 24.9% ±

Minimum percentage of site to remain "greenspace" shall be 62%+. This is to include all landscaped areas, ponds and other areas not covered by buildings or pavement.

Section VIII - Issuance of Building Permit
Prior to the issuance of a Building Permit to develop any or all of the structures within the PUCD, the applicant shall receive final PUD site plan approval for the structure(s) to be constructed from the City of Saratoga Springs Planning Board.

It is anticipated that there will be multiple applications for PUD site plan approval and each application shall show the relationship between the building to be developed and the vacant area within the PUCD. Each final PUD site plan shall respond to the requirement set forth in Section 240-5.4(c) of the Zoning Code of the City of Saratoga Springs.

Section IX - Parking/Traffic Flow
For the existing structures and the individual projects, parking will be provided according to the below specified schedule.
Project A:

Embry Apartments: 0.5 space per residential unit
Wesley Health Care Center: 0.2 space per bed.
1 space for each 2 employees per shift

Administrative Offices: 1 space for each 400 square feet of interior space
Refuse / Recycling, Maintenance Facilities: No parking demand

80 Bed Skilled Nursing Unit: 0.5 space per bed plus
1 space for each 2 employees per shift.

Project B:

Hospice: 1 space for each 300 sq. ft. of interior space

Project C:

Maintenance Storage Garage: 1 space for each 2,500 sq. ft. of interior space.

Project D:

Assisted Living / Independent Living: 0.25 per bed in the Assisted Living Unit
1 per apartment in the Independent Living Area
1 per employee per shift

Project E:

Employee Lounge: No additional parking required.
The parking spaces as constructed shall be 9 ft. x 18 ft. and there shall be 10% greenspace within any parking field which can accommodate more than 25 cars. City handicapped and parking layout standards that exist at the time of the project's PUD site plan review must be met. The roadway within the PUD shall remain within the control of the Sponsor.

Section X - Amendments to this Ordinance

This PUCD shall be developed in general compliance with the final approved sketch plan as specified in this ordinance. Any amendment hereto shall be amended pursuant to the applicable provisions of the Zoning Code of the City of Saratoga Springs or as provided herein.

Section XI - Infrastructure Improvements

The entire project, as set forth herein, will be serviced by city water and sanitary sewer lines. All services and improvements that are to be dedicated to the City of Saratoga Springs will be constructed to city standards as they exist at the time of dedication. All other services and improvements shall be constructed in compliance with applicable codes, rules and regulations.

With regard to water service to the projects, the individual structures and projects within the PUCD shall be required to tap directly off a City main for the purpose of obtaining a water supply.

Storm water disposal area shall be maintained and constructed by Woodlawn Oval Planned Unit Commercial Development.

The roadways and thoroughfares through the project will be private drives maintained by Woodlawn Oval Planned Unit Commercial Development.

Pedestrian Path: During Planned Unit Development site plan approval for Project "D", the Planning Board may only review the installation of a sidewalk/walkway system along Clement Avenue between Lawrence Street and Clinton Street.

Section XIII - Off-Site Improvements

Upon request, the City of Saratoga Springs shall be granted a thirty (30) foot wide easement for the construction and maintenance of a water line through the PUCD site along the private improved portion of Lawrence Street as it would be extended north to Clement Street. If this easement is requested by the City, the water line will be constructed at the City's cost and expense.

The City, upon request, may take over ownership, control and responsibility for any infrastructure main, pipe or line presently within or constructed within the PUCD site and the City shall further be granted reasonable easements to interconnect with any infrastructure main, line or pipe for which they have taken responsibility.

The City is hereby granted the right to enter upon the PUCD site for purpose of making emergency
repairs to any privately owned main, pipe or line. The City shall have the right to charge the individual project's sponsor whose pipe, line or main is repaired for said services.

All private water and sewer lines connecting into any structure in any project shall be individually metered.

All infrastructure improvements that are constructed in the City of Saratoga Springs roadway and right-of-way shall be dedicated to and accepted by the City of Saratoga Springs and shall be the City of Saratoga Springs' responsibility for all purposes including maintenance and reconstruction. The water lines existing with the PUCD site shall be owned, maintained and repaired by the PUCD sponsor unless transferred to the City of Saratoga Springs.

Potable Water Lines: An eight (8") inch potable water line will be extended from the PUCD to a connection with the existing four (4") inch potable water line owned by the City of Saratoga Springs within the VanDorn Street right-of-way. This extension shall be constructed at the expense of the PUCD sponsor and shall be constructed in conjunction with Project "D".

An eight (8") inch potable water line will be extended from the PUCD to a connection with the existing six (6") potable water line owned by the City of Saratoga Springs within the Clinton Street right-of-way. The extension shall be constructed at the expense of the PUCD sponsor and shall be constructed in conjunction with Project "D".

Storm Water Management: The runoff generated by all zones will be retained on site and released into the existing municipal system at its present point of discharge at the same rate as it is presently discharged.

Traffic Improvement: During Planned Unit Development site plan approval for Project "D", the Planning Board may only review the installation of:

1. Traffic control signs and/or pavement markings near the intersection of Clement Avenue and Lawrence Street to assist in sight distance issues.

2. Traffic control signs and/or pavement markings on Clinton Street between Clement Avenue and Waterbury Street to assist with pedestrian safety issues.

Section XIII - Setbacks

All properties covered by the Commercial Planned Unit Development shall be considered as one parcel without the requirement of setbacks between individual parcels. The property owners holding title to parcels of land to be included in this PUCD hereby agree that individual internal boundary lines shall not be considered with regard to establishing setbacks other than as specified in this section.

There shall be a minimum setback of fifty (50) feet between the exterior boundary lines of the Planned Unit Commercial Development and any structure on the north boundary line, on all other boundaries the setback shall be thirty-five (35') feet and a minimum setback of twenty (20') feet between all exterior boundary lines of the PUCD and a road or parking lot. As opposed to the thirty (30') feet densely planted buffer required by Section 240-3.5A(2)(e), the extent of planting material required between any project proposed under this legislation and adjacent residential zones, shall be determined on a project by project basis by the Planning Board of the City of Saratoga Springs as a part of the PUD site plan application but in no case shall be
construed to require a densely planted buffer larger than thirty (30') feet in depth. No building shall be constructed within forty (40') feet of another building unless the buildings are connected with an enclosed hallway, meeting all local and state building codes.

There shall be no requirement for setbacks around the detention pond established within the PUCD.

Section XIV - Time Extensions

On good cause shown, Woodlawn Oval may apply for an extension of an approved PUD site, which request shall not be unreasonably denied. An application for such request shall be made to the Planning Board of the City of Saratoga Springs.

Section XV - Construction Standards

Unless otherwise noted in this ordinance, all City construction standards current at the time of PUD site plan approval for any project shall be met, with regard to improvements that are to be made in a public right-of-way or with regard to improvements that are intended to be dedicated to the City of Saratoga Springs.

All construction standards for buildings and public improvements and for utilities shall be prepared and approved by licensed architects, landscape architects or engineers. All costs associated with this shall be borne by the developer whether the plans are provided by the City of Saratoga Springs or by the developer. Further, all completed construction shall be certified to the City of Saratoga Springs by licensed architects, landscape architects or engineers as being completed in the manner called for in the plans and shall be certified in accordance therewith.

Section XVI - Ownership

It is anticipated that the ownership of the parcels presently and in the future making up the PUCD will remain in the control of multiple owners. Project "D", with associated real property may be conveyed to the County of Saratoga Industrial Development Agency. If new properties are added or transfer of ownership of parcel(s) take place other than Project "D" as specified herein to persons or entities other than to owners of parcels at the time the ordinance is passed then the City of Saratoga Springs reserves the right to require proof of financial responsibility of the transferee or the owner of the property which is added in accordance with the procedure set forth in Section 2403.14(A) of the Zoning Ordinance of the City of Saratoga Springs.

All lands within the PUCD must be owned by a not-for-profit corporation or a Public Benefit Corporation.

Section XVII - Waiver Municipal Fees

All projects within this PUCD shall be exempt from payment of any subdivision cash-in-lieu of land requirement and shall be exempt from any water service connection fee.

Section XVIII - Expirations

Planned Unit Development zoning approval for the individual projects as shown on the amended sketch plan shall expire on December 31, 2007 if site plan approval for that or those individual project(s) is not obtained from the City of Saratoga Springs. If a project does not receive Planned Unit Development site plan approval prior to the expiration of this ordinance, then that project(s) will not be permitted without further action of
the City Council of the City of Saratoga Springs. On good cause shown, an application for an amendment to this expiration date may be made to the City Council of the City of Saratoga Springs.

Section XI.X - Validity

If any provision of this ordinance shall be held invalid, the remainder of the ordinance shall not be affected.

Section )0( - Modification

The developer may, upon approval of the Planning Board of the City of Saratoga Springs, alter, modify or change the number, placement and type of structures to be constructed within the site so long as the alteration, modification and change does not result in an increase in density based on the maximum square footage of ground coverage, as set forth in Section VI.

Section XXI - Effective Date

This ordinance shall take effect the day after publication as provided by the provisions of the City Charter of the City of Saratoga Springs, New York.

ADOPTED: January 4, 1993

AMENDED: June 7, 1993
June 16, 1998
EXHIBIT "A"

LEGAL DESCRIPTION

LANDS TO BE IN THE AMENDED WOODLAWN OVAL PLANNED UNIT DEVELOPMENT

(ON FILE IN THE OFFICE OF THE CITY CLERK AND THE OFFICE OF THE CITY PLANNING BOARD)
EXHIBIT "B"
LOCATION PLAN

<table>
<thead>
<tr>
<th>Tax Parcel</th>
<th>Owner</th>
</tr>
</thead>
<tbody>
<tr>
<td>165.43-1-17</td>
<td>Robert L. Gorham</td>
</tr>
<tr>
<td>165.43-1-11.1</td>
<td>John and Mary Ann Still</td>
</tr>
<tr>
<td>165.43-1-11.2</td>
<td>John and Mary Ann Still</td>
</tr>
<tr>
<td>165.42-2-5.31</td>
<td>Michael Mulholland</td>
</tr>
</tbody>
</table>
EXHIBIT "C"

SKETCH PLAN

(ON FILE IN THE OFFICE OF THE CITY CLERK AND THE OFFICE OF THE CITY PLANNING BOARD)
AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A PLANNED UNIT DEVELOPMENT DISTRICT TO BE KNOWN AS "CONGRESS PARK CENTRE PLANNED UNIT COMMERCIAL DEVELOPMENT"

BE IT ORDAINED by the City Council of the City of Saratoga Springs, following a public hearing, as follows:

Section I NAME:

This Ordinance shall be known as "CONGRESS PARK CENTRE PLANNED UNIT COMMERCIAL DEVELOPMENT" and Amends Chapter 240 of the Code of the City of Saratoga Springs, New York. This project is also referred to herein as "PUCD".

Section II AMENDMENT:

The Zoning Ordinance of the City of Saratoga Springs, New York and the Zoning Map of the City of Saratoga Springs as set forth therein shall be and the same hereby are amended by changing the land owned by Eton Centers Company, designated as Tax Parcel 165.67-1-23 on the Inside Tax District Tax Map for the City of Saratoga Springs which is presently situated in a Commercial-1 Downtown Business Zone (C-1) to a Planned Unit Commercial Development creating within the boundaries of said described area a Planned Unit Development District to be known and described as "CONGRESS PARK CENTRE PLANNED UNIT COMMERCIAL DEVELOPMENT".

Section III BOUNDARY:

The area of the CONGRESS PARK CENTRE PLANNED UNIT COMMERCIAL DEVELOPMENT consists of 6.02 + acres and is bounded on the north by Washington street, on the south by Congress Street, on the east by Broadway and on the west by Federal Street. The real property consists of an entire City block except for the real property owned by the Bethesda Episcopal Church. The Tax Map reference for the Inside District of the City of Saratoga Springs is 165.67-1-23. Said real property is described in Exhibit "A" attached hereto.

Section IV PURPOSE:

It is the purpose of this Ordinance to provide for the means and to encourage the development of a mixed use commercial center in the core of the central business district of the City of Saratoga Springs. To allow this commercial center to develop over such a significant portion of the Saratoga Springs downtown area, flexibility in design concepts and criterion, building size and parking requirements must be allowed so as to permit the economically viable development of this site while remaining cognizant of the historic significance of the area and the need to employ good design techniques while incorporating
concern for the on-site and off-site urban nature of the environment in which the site exists.

**Section V SKETCH PLAN:**

The "Sketch Plan", entitled Proposed Master Plan, for the development of this project at its anticipated build out, is attached hereto, marked Exhibit "B" and made a part hereof. It is anticipated that this project will go through multiple phases of construction over an extended period of years. As a result, the Sketch Plan may be changed, altered or amended pursuant to Section 240.3-13(f) of the Zoning Ordinance of the City of Saratoga Springs as it exists at the time of the passage of this Ordinance. A mylar of the final approved Sketch Plan shall be filed with the City Planning Board and the City Clerk.

**Section VI USES AND CHARACTERISTICS:**

There shall be constructed within the boundaries of the Congress Park Centre Planned Unit Commercial Development structures and improvements for commercial and residential utilization as permitted in the City of Saratoga Springs Commercial-1 Downtown Business (C-1) Zone, see Exhibit "C" attached hereto and made a part hereof, as that zone is defined at the time of the passage of this Ordinance and as the uses within the zone in which this project is located may increase, but not as they may decrease, as a result of future amendments to the Zoning Ordinance of the City of Saratoga Springs. The permitted principal use shall also include movie theaters, indoor performance facilities, drive-thru facilities as specifically enumerated in Phase 1 d and with the structures to be located on the southeast corner of Broadway and Congress Street, except a drive-thru facility cannot be associated with a restaurant. A Special Use Permit is required for an outdoor performance facility. Permitted uses also shall include all Accessory Permitted Uses and Special Permitted Uses as designated for the uses within the Commercial-1 Downtown Business (C-1) Zone in the City of Saratoga Springs at the time this Ordinance is enacted and as those uses may increase, but not as they may decrease, as a result of future amendments to the Zoning Ordinance of the City of Saratoga Springs.

In the construction and leasing of the structures involved within this project, flexibility in use is desired, as a result, all permitted uses may be interchanged, i.e., restaurant for retail. The parking criterion for each use as established in Section IX is intended to accommodate those shifts and changes within the maximum gross square feet permitted for each phase and subphase of the project.

The development of the site will be staged over four primary phases each of which may have one or more building projects. All phases may be undertaken as tenants are identified for use of an individual building or a significant portion of an individual building.

Because this site is already improved with occupied commercial space and ground level parking, as individual building construction is undertaken certain portions of the existing structures will be demolished and the parking field will be reconfigured. New structures will be completed and granted a Certificate of Occupancy before existing structures are demolished, so long as adequate parking is provided.
Phase 1: May consist of four structures intended to be primarily utilized for retail and general and professional office uses.
Phase 1a: May consist of the construction of retail space with associated loading docks and storage area and associated on-site parking. This shall be the first structure constructed in the PUCD.

Characteristics are as follows:

<table>
<thead>
<tr>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of structures:</td>
</tr>
<tr>
<td>Gross Leasable Square Feet:</td>
</tr>
<tr>
<td>Footprint Square Feet:</td>
</tr>
<tr>
<td>Height Structure:</td>
</tr>
<tr>
<td>Height Tower:</td>
</tr>
</tbody>
</table>

The building constructed in this phase shall be set back from the PUCD site's south property line on Congress Street by ten (10) feet from a point commencing on the PUCD Site at the intersection of Federal Street and Congress Street running in a generally easterly direction along the north line of Congress Street for a distance of 140 feet.

Demolition: During the construction of Phase 1a, the structure at the northwest corner of Washington Street and Federal Street shall be demolished. Prior to occupancy of the new structure in this initial phase, the garage on Federal Street will be demolished. Subsequent to the occupancy of the building in this subphase, the structure at 307 Broadway and 315 Broadway shall be demolished. Subsequent to the demolition, 31,310 gross square feet+ of the previously existing shopping center will remain.

Subsequent to the destruction of the structures at 307 Broadway and 315 Broadway, the existing parking area associated with this site shall be landscaped as specified in Exhibit "E" attached hereto and made a part hereof.

Phase 1b, 1c and 1d are interchangeable as to the construction sequence within the PUCD, subject to the limitations specified in Section XVII but shall be granted PUCD Site Plan Approval subsequent to Phase 1a.

Phase 1b: Shall consist of either of two structures, one would occupy the northeast corner of the site at the intersection of Washington Street and Broadway and the second would occupy the southeast corner of the site to be located at the intersection of Broadway and Congress Street. The choice as to which of these structures shall be constructed first shall be controlled by the real property owner subject to PUCD Site Plan approval as described in Section VIII. The anticipated primary use for these structures shall be retail and general and professional offices. The timing for submission for PUCD Site Plan approval of one of the structures shall be controlled by Section XVII. The structure to be located at the intersection of Congress Street and Broadway may have a drive-thru window exiting onto Congress Street. The exit shall be signed and constructed so as to permit only right-hand
The characteristics of these buildings are as follows:
Structure: Intersection of Washington Street and Broadway:

This structure may consist of retail on the first and possibly second floor and general and professional offices on the second and third floors.

Characteristics are as follows:

Maximum:
- Number of structures: 1
- Gross Square Feet: 37,224 sq. ft ±
- Gross Leasable Square Feet: 31,750 sq. ft ±
- Footprint Square Feet: 12,408 sq. ft ±
- Height: 75 ft

Structure: Intersection of Congress Street and Broadway:

This structure may consist of retail on the first and possibly second floor and general and professional offices on the second, third and fourth floors.

Characteristics are as follows:

Maximum:
- Number of Structures: 1
- Gross Square Feet: 42,905 sq. ft ±
- Gross Leasable Square Feet: 36,500 sq. ft ±
- Footprint Square Feet: 11,250 sq. ft ±
- Height Structure: 75 ft

Demolition: Depending on which structure is first constructed on Broadway, the remaining portion of the previously existing structures will be demolished either during construction or immediately after construction and the issuance of a Certificate of Occupancy by the City of Saratoga Springs for the first structure on Broadway.

Phase Ic: May consist of retail space, general and professional office space.

Characteristics are as follows:
Phase 1b: May consist of retail space and/or general and professional office space, with a drive-thru facility.

Characteristics are as follows:

<table>
<thead>
<tr>
<th>Maximum:</th>
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</thead>
<tbody>
<tr>
<td>Gross Square Feet:</td>
<td>15,876 sq. ft. ±</td>
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<td>Footprint Square Feet</td>
<td>9,514 sq. ft. ±</td>
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<td>Height Structure:</td>
<td>45 ft.</td>
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<tr>
<td>Height Tower:</td>
<td>60 ft.</td>
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</tr>
</tbody>
</table>

The building to be constructed at the intersection of Washington Street and Federal Street shall have a set back of 10 feet from the PUCD site's northerly boundary on Washington Street for a distance of 20 feet from the intersection of Washington Street and Federal Street running in a general easterly direction.

Phase 2: Shall consist of the second structure to be constructed as described in "Phase 1b" above.

Phase 3: May consist of the construction of a connecting building on Broadway between the two structures constructed in Phases 1b and 2. The structures shall be a mixed use retail/office building.

Characteristics are as follows:

<table>
<thead>
<tr>
<th>Maximum:</th>
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<th>1</th>
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</thead>
<tbody>
<tr>
<td>Gross Square Feet:</td>
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<tr>
<td>Gross Leasable Square Feet:</td>
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<td>Footprint Square Feet:</td>
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<tr>
<td>Height Structure:</td>
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</tbody>
</table>

Phase 4: May consist of a Cinema with several theaters housing a total of up to 1,000 seats to be constructed to the east of the easterly boundary of Bethesda Episcopal Church and west of the building designated in Phase 2, lb. If a theater is constructed, the films shown to the general public shall be consistent with all Ordinances of the City of Saratoga Springs.

Characteristics are as follows:
The maximum height of any building within the PUCD shall be 75 feet. So as to allow flexibility in design and architecture, the appurtenance to any structure may include, but not be limited to, clocks, clock towers, non-occupied mechanical rooms, tower and flag poles which may extend above the herein specified maximum height limitation but not to exceed 110 feet.

The real property owner is permitted to increase the Gross Leasable square footage within the entire PUCD by fifteen (15%) percent without the requirement of an amendment to this ordinance.

The Gross Leasable Area is as follows:

<table>
<thead>
<tr>
<th>Building</th>
<th>Gross Leasable Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>1a</td>
<td>23,500 sq. ft. ±</td>
</tr>
<tr>
<td>1b, 2</td>
<td>31,750 sq. ft. ±</td>
</tr>
<tr>
<td>1b, 2</td>
<td>36,500 sq. ft. ±</td>
</tr>
<tr>
<td>1c</td>
<td>13,500 sq. ft. ±</td>
</tr>
<tr>
<td>1d</td>
<td>13,200 sq. ft. ±</td>
</tr>
<tr>
<td>3</td>
<td>25,000 sq. ft. ±</td>
</tr>
<tr>
<td>4</td>
<td>35,250 sq. ft. ±</td>
</tr>
</tbody>
</table>

Gross Leasable Square Feet = 178,700 sq. ft. +

Total permitted gross leasable square feet = 205,505 sq. ft. + with addition of 15 percent.

Because traffic control ingress and egress from the PUCD is of significant importance and based on the assumption that the site when fully built out will generate 682 vehicle trips per peak hour, the real property owner agrees that at the time of any PUCD site plan approval, if the, trip generation figures for the peak hour exceed 807 vehicle trips per peak hour, the City has the right to ask that real property owner to conduct another traffic impact analysis and the applicant will negotiate with the City any additional improvements required as a result of that analysis.

Section VII DENSITY:

For the purpose of determining building, pavement and parking lot coverage maximums, the entire project shall be treated as if it is being constructed in the Commercial-1 Downtown Business (C-1) Zone as that zone is defined in the Zoning Ordinance of the City of Saratoga Springs and shall be controlled by the "District Regulations: Area and Bulk Schedule for
Section VIII ISSUANCE OF BUILDING PERMIT:

Prior to the issuance of a Building Permit to develop any or all of the structures within the PUCD, except as exempted in Article 204.5 of the Zoning Ordinance of the City of Saratoga Springs, the Applicant shall receive final PUD Site Plan approval for the structure(s) to be constructed from the City of Saratoga Springs Planning Board.

It is anticipated that there will be multiple applications for PUD Site Plan approval and each application shall show the relationship between the building to be developed and the vacant areas within the PUCD. Each final PUD Site Plan shall respond to the requirements set forth in Section 240-5.4 of the Zoning Code Ordinance of the City of Saratoga Springs.

Section IX PARKING/LOADING DOCKS:

The interactive nature of the uses proposed in the project allows for a parking scheme which incorporates the "shared parking concept" so as to best utilize existing parking and parking to be constructed as a portion of this project.

So as to accommodate the various order in which construction of new structures and the demolition of existing structures within the PUCD will take place, as portions of the PUCD are presented for PUD Site Plan Approval, parking shall be supplied in the below specified ratios. Parking may be supplied on-site, within a parking structure, or by means of a long term (5 year) lease of under utilized parking on properties within 500 feet of the project site.

Parking requirements shall be based on gross leasable square feet ("GLSF") to be occupied within the site as follows:

a. Retail: 4 parking spaces for each 1,000 GLSF.

b. Mixed Use as specified in Exhibit "C": Take the GLSF, multiply that figure by one-tenth (0.1), subtract that number from the Mixed Use Gross Leasable Square Feet and divide that number by Three Hundred square feet to determine the number of parking spaces required.

c. Residential: 1.2 parking spaces per residential unit.

d. Cinemas: If 100,000 or more GLSF exist within the PUCD, then a 450 seat credit shall be granted. Thereafter, three parking spaces for each 100 additional theater seats. If 100,000 GLSF do not exist within the PUCD, then three parking spaces shall be required for each 100 theater seats.

The surface parking areas subsequent to reconstruction shall have eight percent green space within or contiguous to the parking fields. There shall be no green space requirement associated with a parking structure.
Because of the urban setting of the project and the requirements needed to maximize parking and on-site traffic flow, loading docks, access from the public right-of-way shall be established as follows:

a. Federal Street to access the structure in Phase I a.

b. Federal Street to access the structure to be located at the intersection of Federal Street and Washington Street.

During the construction of a structure in the Phase 4 location in the PUCD, the introduction of a loading dock off of Washington Street shall be subject to review and approval of the Planning Board of the City of Saratoga Springs at the time of the PUD Site Plan review for that aspect of the project.

The site shall have entrance and exit location(s): two on Washington Street with one to be used in conjunction with the structure to be located at the intersection of Federal Street and Washington Street, two on Federal Street with one entering and exiting the garage structure and also permitting the one-way vehicular access to the drive-thru window associated with the structure located at the intersection of Federal Street and Washington Street and two on Congress Street as specified herein. No direct vehicular access point shall be permitted onto or off of Broadway.

As a portion of Phase I b or 2, a drive-thru exit onto Congress Street shall be permitted. This exit shall be designed and signed for right turn only so as to allow exiting traffic to flow only in a westerly direction on Congress Street. Also, a drive-thru window may be constructed in conjunction with the Phase I b or 2 structure to be located at the intersection of Broadway and Congress Street.

The total number of parking spaces required during any Phase of this project may be decreased but not increased by the Planning Board of the City of Saratoga Springs at the time of PUD Site Plan approval.

Section X AMENDMENTS TO THIS ORDINANCE:

This PUCD shall be developed in compliance with the final approved "Sketch Plan" as specified in this Ordinance. Any amendment thereto shall be pursuant to the applicable provisions of the Zoning Ordinance of the City of Saratoga Springs unless otherwise specified herein.

Section XI INFRASTRUCTURE IMPROVEMENTS:

The entire project, as set forth herein, will be serviced by City water and sanitary sewer lines. All services and improvements that are to be dedicated to the City of Saratoga Springs will be constructed to City standards as they exist at the time of construction. All other services and improvements shall be constructed in compliance with applicable codes, rules and regulations.

Storm water disposal shall be by means of direct access into the municipal storm water
drain and piping system.

With regard to water service to the structures within the PUCD, they shall not be required to directly tap off a City main for purposes of obtaining a water supply.

The City is hereby granted the right to enter upon the PUCD Site for purposes of making emergency repairs to any privately owned main, pipe or line. The City shall have the right to charge the real property owner whose pipe, line or main is repaired for said services.

All private water/sewer lines connecting into any structure in the PUCD shall be individually metered.

Section XII OFF-SITE IMPROVEMENTS:

The real property owner and the structures located within the PUCD shall be exempt from all water service connection fees.

The real property owner shall, upon certification in writing that a fully functional three way traffic light is to be constructed and installed at the intersection of Congress Street and Federal Street, pay to the City of Saratoga Springs Twenty-Five Thousand ($25,000.00) Dollars which sum shall be used exclusively to assist in the payment for the herein specified traffic light.

The City, prior to the issuance of a Certificate of Occupancy for the structure in Phase Ia, shall install "Stop" signs at the three corners of the intersection of Federal Street and Congress Street.

As a portion of the construction of the building in Phase Ia, a standard warning sign shall be placed on Federal Street indicating a stop sign at the intersection of Federal Street and Congress Street. The location of the warning sign shall be determined at PUCD Site Plan review for this Phase.

Improvements shall be made off of the project site on a phase by phase basis.

Phase Ia:

a) The existing water line on Federal Street between Washington Street and Congress Street shall be replaced with a ten inch line.

b) A ten inch water line incorporating a butterfly valve, at the Broadway main, shall be constructed and installed, which line shall be extended through the Congress Street right-of-way entering the site at a point to the west of the building to be constructed at the intersection of Broadway and Congress Street. The line will be constructed through the site and shall end at a tie-in with the 10 inch water line to be constructed in Federal Street.

c) The structures at the northwest and southwest corners of the PUCD site shall directly tap into the sanitary sewer lines existing within the municipal right-of-way adjacent to the structures. The remaining structures within the PUCD shall be serviced by means of access to a tap off of the trunkline within Congress Street which shall enter the site at a point west of the location of the
structure to be constructed at the corner of Broadway and Congress Street.

d) If directed by the Planning Board of the City of Saratoga Springs during PUD Site Plan approval, the existing curbs and sidewalks from a point 100 feet west of the intersection of Broadway and Congress Street on the north bounds of Congress Street running westerly to the intersection of Federal Street, thence along the easterly boundary of Federal Street to the intersection of Washington Street, thence easterly along the south bounds of Washington Street to the westerly property line of Bethesda Episcopal Church shall be replaced.

c) The existing traffic signal at the intersection of Congress Street and Hamilton Street shall be improved with the installation of two sets of three section signal head assemblies to assist traffic flow at the southern site entrance/exit. These will include new loop detectors at the site driveway approach. Also, new pavement markings will be applied at the intersection.

d) The existing traffic signal at the intersection of Congress Street and Hamilton Street shall be improved with the installation of two sets of three section signal head assemblies to assist traffic flow at the southern site entrance/exit. These will include new loop detectors at the site driveway approach. Also, new pavement markings will be applied at the intersection.

e) The real property owner, at the time the curbs and sidewalks along the north boundary of Congress Street are replaced, as specified herein, shall install within the public right-of-way, in proximity to the curbs that are to be installed, a two inch conduit needed to house the wires and mechanisms required to "hard wire" the traffic signal systems at Broadway and Congress Street with the traffic signal system at Hamilton Street and Congress Street. The installation of the wire and mechanisms within the conduit, other than as specified herein, shall be undertaken by the City at the City's cost and expense.

f) Pedestrian "Walk/Don't Walk" signal shall be installed on the corners of the intersection of Hamilton Street and Congress Street.

Phase I

a) The PUCD real property owner shall transfer to the City of Saratoga Springs a strip of land described as follows upon the demolition of the existing northern most structure on the PUCD site:

ALL THAT TRACT, PIECE OR PARCEL OF LAND situate lying and being in the City of Saratoga Springs, Saratoga County, New York beginning at the intersection of the south bounds of Washington Street and the west bounds of Broadway and running south five feet to a point; thence running in a general westerly direction parallel with the south bounds of Washington Street 200 feet to a point; thence in a general northerly direction five feet to the south bounds of Washington Street and thence in a general easterly direction along the south bounds of Washington Street to the west bounds of Broadway.

The PUCD real property owner, in conjunction with the construction of the structure at the northwest corner of the intersection of Broadway and Congress Street, shall purchase and deliver to the City one Type 179 controller, or its equivalent to be installed at the intersection of Broadway and Congress Street by the City. Also, the PUCD real property owner shall supply and install along the eastern frontage of the PUCD site, two-inch conduit from the traffic signal at Congress Street and Broadway to the traffic signal at Washington Street and Broadway. The responsibility and cost for placing wiring and mechanisms within
b) Because the PUCD site is presently occupied with extensive leasable space, which will be demolished during the various phases of this project, the construction of the Phases of this project in conjunction with the demolition of the existing structures will not have an adverse impact on the roadways and signalization of the City of Saratoga Springs until such time as more than 61,000 square feet of the new gross leasable space is built. During the phase of construction that reaches the above specified square footage, the real property owner shall construct a new signal installation at the Washington Street and Broadway intersection which shall include new signal poles, loop detectors, wiring and signal head equipment to install a fully functioning signal. Also, at the intersection of Spring Street and Broadway, a new signal installation shall be constructed to include new signal poles, loop detectors, wiring and signal head equipment to install a fully functional signal. This installation shall include a Type 179 controller, or its equivalent, which will operate both of these newly installed signals.

The real property owner shall also purchase and deliver to the City of Saratoga Springs one Type 179 controller, or its equivalent to be installed in the traffic signal at the intersection of Division Street and Broadway.

Pedestrian "Walk/Don't Walk" signals shall be installed at the corners of Washington Street and Broadway and Spring Street and Broadway.

The work described in this paragraph shall be undertaken either in coordination with the building to be constructed when 61,000 new gross leasable square feet of construction has been approved for this site and being constructed.

Phase IC and D: Other than as specified herein, no off-site infrastructure improvements shall be required for the structures in these Phases.

**Phase 2 or 1b, whichever building is second on Broadway:**

The streetscape along Broadway shall be replaced, if directed by the Planning Board of the City of Saratoga Springs during PUD Site Plan approval. If directed by the Planning Board, the curbs and sidewalks from the intersection of Broadway with Congress Street on the north bounds of Congress Street to their point of intersection with the sidewalk improvements made in Phase I shall be replaced. Also, if directed by the Planning Board, the curbs and sidewalks from Broadway along the south bounds of Washington Street to the easterly boundary of the Bethesda Episcopal Church property shall be replaced.

The real property owner shall supply the City with 500 feet of two inch conduit to be installed by the City, at the City's expense, from the traffic light signal at Division Street and Broadway through the intersection of Washington Street and Broadway. The responsibility and cost for placing wiring and mechanisms within this conduit, to "hard wire"
connect traffic signals at Division Street and Broadway, and Washington Street and Broadway shall be the City's, unless that responsibility is specifically accepted by the real property owner herein.

For the construction of the structures in Phase 3 and 4, the municipal systems are adequate for the structures and uses intended and no further infrastructure improvements shall be requested, other than as specified herein, during site plan review for any of the projects.

Section XIII SETBACKS:

Upon further subdivision of this property, the setback requirements shall be as exist at the time of the enactment of this legislation. Upon subdivision, parking by fee ownership or by covenants or cross-easements shall be adequate for each individually subdivided property.

Section XIV TIME EXTENSIONS:

On good cause shown, the PUCD may apply for an extension of an approved PUD Site Plan which request shall not be unreasonably denied. An application for such request shall be made to the Planning Board of the City of Saratoga Springs.

Section XV SIGNAGE:

A. All signs shall be part of a uniform program for the entire site and individual signage shall be compatible with respect to the architectural standards for Congress Park Centre.

B. The following types of signs may be erected with permits, but without permit fees, and maintained, providing such signs comply with the general requirements of this section:

1. (a) A single sign tower at the entrance to the site located at the intersection of Hamilton Street and Congress Street shall be permitted, provided it substantially conforms to the design presented in Appendix F. The total area of the tower signage shall not exceed 120 square feet per tower face. The sign tower may have sign panels on the south and north side of the sign tower. The sign panel shall be no higher than 41 feet from ground level and the maximum height of the tower shall be 60 feet. The sign panel will list the tenants within the site. The sign panels may be externally lighted or internally lighted. If the real property owner chooses to internally light the tower signs, then only the lettering of the sign and not the background of the sign shall be lit. In addition, incorporated as a structural feature of each of the sides of the sign tower and not exceeding 56 square feet per side, may be the name of the Centre and/or the logo representing the Centre.
(b) At the site entrance on Federal Street and Washington Street, a site identification tower sign shall be permitted. The sign shall not exceed 40 square feet per tower and may be illuminated as specified in Paragraph "B.1(a)" above.

2) Building sign panels on the structures on the corner of Broadway and Congress Street and Broadway and Washington Street: the four panels, one on Congress Street, one on Washington Street and two on Broadway, are allowed to be attached to the face of the buildings with each panel not exceed 190 square feet. The top of the panel may be located above the ground floor of the structure but shall be not higher than the window sill of the highest story of the structure or 45 feet above ground level, whichever height is lower. The sign panel will list the major stores and commercial units throughout the site with not more than ten entities to be listed on any panel.

3) Within the arcade connecting Broadway and the internal parking field for the site, a directory of tenants with site locate map may be attached to the arcade wall or placed on a free standing pedestal. The directory, with map, may be up to 120 square feet.

4) Horizontal sign bands may be permitted on the street facade and the internal facade of all structures. The signs shall be placed no higher than the lower sill of the second floor window or below the roof line on a single story structure. The band on which the signs are located shall be no higher than 30 inches and shall identify the tenant of the space below which it is affixed.

5) Below the roof line on each structure upon the site, on each facade facing a public street and on the internal facade of the structure facing the interior parking field, signage identifying the building may be constructed as an integral part of the facade or as a sign added to the facade of the structure but integral to the building design. This building identification sign may be one or two signs on each facade.

6) A sign marque shall be constructed in association with the cineplex. The marque shall be located on the internal side of the site and may extend over the private sidewalk. The sign shall have two faces each of which may be 120 square feet with the sign to be no higher than 40 feet above ground level. The sign may be allowed to be internally illuminated with an external grid to support individual letters not higher than 15 inches.

7) On premises directional signs identifying private property, restrictions, public parking, fire zones, entrances and exits signs shall be located on the external side of the site and shall not be illuminated. Each sign lettering panel shall not exceed four square feet per side. The signs may be free standing and two sided. The total square footage of the sign structure and lettering shall not exceed 6.5 square feet per side.

8) Temporary non-illuminated "For Rent" signs may be permitted within the windows of the site but shall be no larger than 30 percent of the window area.

9) An analogue clock which does not exceed 10 square feet in diameter per face
is allowed to occupy the four faces of a tower incorporated in a Broadway building design and shall not be higher than 96 feet above grade.

10) Awnings projecting over the property lines of the public street facade of the site and on the external side of the site which incorporates signage on front: Awning graphics shall only be allowed on the front flap and shall be no larger than 12 inches in height and may include logos. Signage must be of the same type, size, color as the sign band described in subparagraph (B)(4) herein and may be included only on the front of the awning. The awning on the street facade of the site may not be internally illuminated. The awning on the internal facades of the site may be internally illuminated.

11) Banners, flags or pennants may be flown from the towers upon the site and upon the internal sidewalks and parking field of the site. The flags located at ground level may be no higher than 20 feet in height. There shall be no advertising located on the banners, flags or pennants other than the site's commercial name and/or logo. The placement of these banners, flags and pennants shall be by the property owner and not the individual site tenants.

C. General:

1) Tower Signs:
   a) All of the letters, except tenant logos, will be of the same type, face and color, and the background will be a uniform color. The letters shall not be more than 8 and no less than 6 inches high. Such height limitation shall not apply to the lettering for the Centre name and logo on the tower.

2) Sign Panels:
   a) All of the letters, except tenant logos, will be of the same type, face and color, and the background will be of a uniform color. The letters shall not be more than 15 inches high.

3) Sign Band:
   a) The architectural design of the structures are allowed to include the sign band described in subparagraph (B)(4) which band would continue over all of the rental store fronts interrupted only by architectural pilasters or columns. The signage may be no longer than 50 percent of the length of the store frontage occupied by an individual tenant. In general, the lettering, except for tenant logos, shall be the same type, face and color, and the background will be the same color as the general scheme of the building.

   b) The signs shall be externally illuminated with the lettering and logo to be no more than 15 inches high.

   c) Any tenant with special logos or special color signage that wishes the logo to be part of the exterior signage must apply to the real property owner for approval.
4) Building Identifier Signs:
   a) The letter for this sign, which is incorporated within the facade or the design of the structure, shall be no more than two feet in height.
   
b) The signs may be located on any portion of the facade except that it shall not extend above the building line.
   
c) The total size of all building identifier signs for each facade shall be no larger than five percent of the facade of the building side upon which they are constructed."

Section XVI CONSTRUCTION STANDARDS:

Unless otherwise noted in this Ordinance, all City construction standards current at the time of PUD Site Plan approval for any project, shall be met, with regard to improvements which are to be made in a public right of way or with regard to improvements that are intended to be dedicated to the City of Saratoga Springs.

All construction standards for buildings and public improvements and for utilities shall be prepared and approved by licensed architects, landscape architects or engineers. All costs associated with this shall be borne by the real property owner whether the plans are provided by the City of Saratoga Springs or by the real property owner. Further, all completed construction shall be certified to the City of Saratoga Springs by licensed architects, landscape architects or engineers as being completed in the manner called for in the plans and shall be certified in accordance therewith.

Section XVII EXPIRATIONS:

The Planned Unit Development Zoning approval of this site shall expire if:

(a) final PUD Site Plan approval for the initial structure in Phase 1 is not granted by the City of Saratoga Springs Planning Board on or before July 1, 1995, or within six (6) months of submission of the initial PUD site plan application, whichever date occurs first; or

(b) The Planned Unit Development Zoning legislation shall expire if a PUD site plan application has not been submitted by the real property owner by the 31st day of December 1998 for a structure located in Phase lb; or

(c) The Planned Unit Development Zoning Legislation shall expire if PUD site plan approval has not been granted within 24 months of submission of the application for PUD site plan approval for a structure in Phase lb; or

(d) Planned Unit Development building approval for the individual structures within each phase as shown on the "Sketch Plan" shall expire on December 31, 2003 if PUCD site plan approval for those individual
structures is not applied for the real property owner to the City of Saratoga Springs.

The zoning for the real property upon which a PUCD Site Plan approval has not been granted shall revert to the Zoning District in existence at the time of the enactment of this Ordinance. On good cause shown, an application for an amendment to the expiration date may be made to the City Council of the City of Saratoga Springs, which approval shall not be unreasonably withheld.

Section XVIII VALIDITY:

If any provision of this Ordinance shall be held invalid, the remainder of the Ordinance shall not be affected.

Section XIX MODIFICATION:

The developer may, upon approval of the Planning Board of the City of Saratoga Springs, alter, modify or change the number, placement and type of structure to be constructed within the site so long as the alteration, modification and change does not result in an increase in density for which on-site parking cannot be provided, constructed or obtained.

Section XX EFFECTIVE DATE:

This Ordinance shall take effect the day after publication as provided by the provisions of the City Charter of the City of Saratoga Springs, New York.

ADOPTED: June 22, 1993

AMENDED: June 16, 1998
September 1, 1998
January 19, 1999
EXHIBIT "A"
LEGAL DESCRIPTION

ALL THAT TRACT, PIECE OR PARCEL OF LAND situate lying and being in the City of Saratoga Springs, Saratoga County, State of New York beginning at the intersection of the south side of Washington Street and the west side of Broadway and running thence south 04 degree 53 minutes 47 seconds west, a distance of 445.94 feet to a point at the intersection of the west line of Broadway and the north line of Congress Street and running thence south 84 degrees 38 minutes 49 seconds west, a distance of 480.72 feet to a point; thence north 64 degrees 39 minutes 11 seconds west, a distance of 132 feet to a point which is the intersection of the north line of Congress Street and the East line of Federal Street; thence north 04 degrees 05 minutes, 49 seconds east, a distance of 470.44 feet to a point which is the intersection of the east line of Federal Street and the south line of Washington Street and running thence south 86 degrees 29 minutes 11 seconds east, a distance of 193.75 feet to a point which is the southeast corner of the lands now or formerly of Bethesda Episcopal Church and running thence north 03 degrees 30 minutes 49 seconds east, a distance of 152.75 feet to a point which is the southwest corner of the lands now or formerly of Bethesda Episcopal Church and running thence south 86 degrees 29 minutes 11 seconds east, a distance of 256.10 feet to the point and place of beginning.
## EXHIBIT "C"

### PERMITTED USES WITHIN PUCD AND USES IDENTIFIED FOR PARKING DEMAND

#### C-1 DISTRICT

<table>
<thead>
<tr>
<th>PERMITTED PRINCIPAL USES UPON SITE PLAN REVIEW AND APPROVAL</th>
<th>ACCESSORY PERMITTED USES UPON SITE PLAN REVIEW AND APPROVAL</th>
<th>USES PERMISSIBLE UPON ISSUANCE OF SPECIAL USE PERMIT &amp; UPON SITE PLAN REVIEW &amp; APPROVAL</th>
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<td>*3. Fraternal lodges/clubs</td>
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<td>*5. Barber/beauty shop</td>
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<td>*5. Laundromat</td>
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<td>7. Boutique</td>
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<td>*8. Business office</td>
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<td>*9. Car rental agency</td>
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<td>*10. Churches &amp; religious institutions</td>
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<td>*11. Communication services</td>
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<td>12. Convenience sales and services</td>
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<td>*15. Eating &amp; drinking establishments</td>
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<td>*20. Hotel/motel</td>
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<td>*21. Library</td>
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<td>*22. Medical offices/clinics</td>
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<td>*23. Museum</td>
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EXHIBIT "C"

PERMITTED USES WITHIN PUCD AND USES IDENTIFIED FOR PARKING DEMAND

C-1 DISTRICT

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<th>PERMITTED PRINCIPAL USES UPON SITE PLAN REVIEW AND APPROVAL</th>
<th>USES PERMISSIBLE UPON ISSUANCE OF SPECIAL USE PERMIT &amp; UPON APPROVAL</th>
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<td>*25. Newspaper plant</td>
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<td>26. Open-air market (farmers' market)</td>
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<td>*27. Printing, publishing &amp; engraving</td>
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<td>*28. Professional offices</td>
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<td>*29. Real estate office</td>
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<td>*30. Recreational facilities (indoor)</td>
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<td>31. Residential use on 2nd floor or above</td>
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<td>*32. Training &amp; educational services, classroom instruction, etc.</td>
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<td>*33. Vehicular fee parking</td>
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<td>*34. Visitors center</td>
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* = Mixed use utilization for purposes of parking demand
"EXHIBIT D"

Exhibit "D" removed as per an amendment adopted on January 19, 1999.
Appendix C:

8. The Village At Saratoga Planned Unit Development (formerly 241.8)

Chapter 241.8

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A PLANNED UNIT DEVELOPMENT DISTRICT TO BE KNOWN AS "THE VILLAGE AT SARATOGA PLANNED UNIT DEVELOPMENT"

BE IT ORDAINED by the City Council of the City of Saratoga Springs, New York, following a public hearing as follows:

Section 1 - Name:

This Ordinance shall be known as "The Village at Saratoga Planned Unit Development" and amends Chapter 240 of the Code of the City of Saratoga Springs, New York entitled "Zoning".

Section II - Zoning Change:

The Zoning Ordinance of the City of Saratoga Springs and the zoning map of the City of Saratoga Springs as set forth herein be and the same are hereby amended by changing from the existing zoning district of UR-2, Urban Residential-2, as hereinafter described, and creating within the boundaries of said newly described area a residential planned unit development district to be known and described as "The Village at Saratoga Planned Unit Development".

Section III - Boundaries:

The area of "The Village at Saratoga Planned Unit Development" consists of approximately nineteen (19.78) acres located in the City of Saratoga Springs and is bounded and described as set forth in Appendix A - Legal Description, attached hereto and made a part hereto, and Appendix B - Sketch Plan, which is on file in the City Engineer’s Office of the City of Saratoga Springs, New York. The property is designated on the Assessor’s Map of the Outside Tax District as set forth on Appendix C - Tax Map Identification.

Section IV - Purpose:

It is the purpose of this Ordinance to provide a means, to establish parameters and limits of residential growth in the Crescent Street Area. It is the further purpose of this Ordinance to promote flexibility in the development and design of that area by creating a variety of residential types that will result in the more efficient use of land, promote good site design and visual quality and result in a more pleasing environment than otherwise possible.

Section V - Uses and Density:
There shall be constructed within the boundaries of "The Village at Saratoga Planned Unit Development" residential use types consisting of single family detached dwelling units and two family duplex dwelling units.

Within the PUD the following uses are allowed:

Single family detached - 50 ft. wide lots. Approximately 9.05 acres can be developed with a maximum of 59 single family detached dwellings. The gross density shall not exceed 6.6 units per acre.

Two family duplex - 50 ft. wide lots. Approximately 1.36 acres can be developed with a maximum of 11 two family duplex structures with a maximum of 22 dwellings units. The gross density shall not exceed 16.2 units per acre.

Single family detached - 40 ft. wide lots. Approximately 4.08 acres can be developed with a maximum of 37 single family detached dwellings. The gross density shall not exceed 9.1 units per acre.

Recreation - Clubhouse/Sales and Marketing Center and related recreational amenities (swimming pool, outdoor court games, etc.) can be developed. The center shall be at least 2,400 square feet, but shall not exceed 3,500 square feet.

The applicant shall have the right to increase the density of one product type above and beyond the total number of units for each housing type set forth above, provided, however, that the overall density of the planned unit development is not increased and in no event to exceed 118 total dwelling units. In no event may any one product type increase more than 25% of the maximum totals listed above.

Section VI - Homeowner’s Association:

There shall be established a "Village at Saratoga" homeowners association or, as an alternative a municipal park district or similar entity, created in accordance with law, which shall hold in common ownership of all open spaces, and other common amenities and shall maintain the same. The assets of this association or entity shall be maintained by the developer until 90% of the total approved units for the entire PUD have a certificate of occupancy.

Section VII - Sketch Plan:

The attached Sketch Plan, Appendix B, shall be used by the City and the developer as a guide for overall development of "The Village at Saratoga Planned Unit Development". It may be amended and modified by the Saratoga Springs Planning Board as so long as the use, density and development regulations as set forth in this Ordinance are met.

Section VIII - Utilities:

The entire "The Village At Saratoga Planned Unit Development" area will be serviced by municipal water and sanitary sewer lines in the manner directed by the Saratoga Springs Planning Board during the PUD site plan review process.

All water and storm drainage lines and sanitary sewer lines shall be constructed to City standards and when completed shall be turned over to the city for ownership and maintenance. All utilities will be dedicated to the City of Saratoga Springs and meet city standards at time of dedication.
Section IX - Development Process:

Prior to the issuance of a building permit to develop any of the area within "The Village at Saratoga Planned Unit Development" the developer shall receive preliminary and final PUD site plan approval from the Planning Board of the City of Saratoga Springs pursuant to Chapter 240-3.13. Such PUD site plan approval, road improvements and all other right-of-way improvements, on or off-site, shall be in conformance with Chapter 240-3.13 of the Zoning Ordinance of the City of Saratoga Springs. If in the development of the PUD site plan it becomes apparent that certain elements of the Sketch Plan are infeasible and in need of significant modification, any significant modification thereof must be approved in accordance with the Zoning Ordinance of the City of Saratoga Springs. Any standard concerning the construction of residential units to be constructed within "The Village at Saratoga Planned Unit Development" shall be governed by and comply with the appropriate codes, laws, rules and regulations, including the New York State Building Codes in force and effect at the time of site plan approval for the units to be so constructed.

Within sixty (60) days of receipt of the final PUD site plan, the Planning Board of the City of Saratoga Springs shall approve, approve with modification or disapprove the final site plan according to the procedure and time as specified in Chapter 240-3.13 of the Zoning Ordinance of the City of Saratoga Springs.

Section X - Streets Roads:

All interior roads servicing the "The Village at Saratoga Planned Unit Development" as per the Sketch Plan shall be constructed in accordance with standard road specifications developed by the City of Saratoga Springs. The developer, or its successor, shall be required to post a performance bond, irrevocable letter of credit or similar instrument providing for the completion of all road improvements within "The Village at Saratoga Planned Unit Development" as per the PUD site plan approval and specifications established by the City of Saratoga Springs. Such bond, irrevocable letter of credit or similar instrument shall be in the form and for the amounts directed by the City of Saratoga Springs.

All streets within "The Village at Saratoga Planned Unit Development" shall be built by the developer and offered for dedication to the City of Saratoga Springs. Once accepted for dedication by the City of Saratoga Springs, the streets will be public and maintained by the City of Saratoga Springs, New York. At the time of dedication to the city, all improvements shall meet the city’s standard standards applicable at that time.

The developer, or its successor, shall install sidewalks, curbing, street trees, street lights, etc. within the proposed public rights-of-way for all streets within the project site.

Section XI - Off-site Improvements:

The developer, or its successor, shall be responsible for the following off-site improvements:

a. The developer shall design and construct a 8 inch water line from the corner of Vanderbilt Avenue to: 1) the intersection of Joshua Road and Crescent Street via Crescent Street; and 2) a location on Route 9 via a route through the streets of the PUD. The design of the water lines shall be approved as part of the PUD site plan approval for Phase I; the improvements must be financially secured in the manner directed by the Saratoga Springs Planning Board and completed within 18 months from the date of issuance of the first
building permit in Phase I. The developer will secure all necessary easements and permits required for this construction. All improvements and easements will be dedicated to the City of Saratoga Springs for ownership and maintenance. At the time of dedication to the city, all improvements shall meet the city's standard standards applicable at that time.

b. The developer shall design and construct any off-site improvements to the sanitary sewer lines and storm sewer overflow connections as required by the City of Saratoga Springs. At the time of dedication to the city, all improvements shall meet the city's standard standards applicable at that time.

c. The developer shall not be responsible for any curbs, pavement improvements, street trees, street lighting within the existing public rights of ways of that portion of Crescent Street and Vanderbilt Avenues that have frontage on the PUD.

d. The developer shall design and construct a pedestrian path system along Crescent Street from the PUD site to Route 9. This pedestrian path shall be constructed as part of the PUD site plan approval for Phase I.

e. The developer shall construct an eight foot high, standard industrial-weight (9 gauge) galvanized chain link fence with vine plantings along the entire property line which border the lands of the Greenridge Cemetery Association. If this fence is located on the lands within the boundaries of the PUD, it shall be owned and maintained by the Greenridge Cemetery Association, with appropriated easements being granted by the developer. If this fence is to be located on the properties owned by the Greenridge Cemetery Association the height of the fence shall be governed by the applicable zoning regulations that pertain to that property, and said fence shall be owned and maintained by the Greenridge Cemetery Association. This fence shall be constructed as part of the PUD site plan approval for Phase I.

Section XII - Phasing:

"The Village at Saratoga Planned Unit Development" shall be developed in accordance with the following phasing plan:

<table>
<thead>
<tr>
<th>PHASE</th>
<th>MAX NUMBER OF LOTS</th>
<th>PUD SITE PLAN APPROVAL MUST BE OBTAINED BY</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Single family</td>
<td>Two family detached</td>
</tr>
<tr>
<td>1</td>
<td>30</td>
<td>11</td>
</tr>
<tr>
<td>2</td>
<td>29</td>
<td>--</td>
</tr>
<tr>
<td>Totals</td>
<td>59</td>
<td>11</td>
</tr>
</tbody>
</table>

The phasing plan is illustrated in Appendix D.

Planned Unit Development zoning approval for the project shall expire for a phase and all subsequent phases if PUD site plan approval is not obtained from the
Saratoga Springs Planning Board by the dates specified above. The zoning for this site shall revert to the zoning districts established and in force at the time of enactment of this Ordinance.

The developer may, upon notice to the Saratoga Springs Planning Board, and the Saratoga Springs Planning Board may, upon receipt of such notice, alter, modify or change the number and type of units to be constructed within any particular phase, provided, however, that such alteration, modification or change does not result in an increase in the maximum density for the Phase subject to such change as provided herein and that the altered, modified or changed phasing plan remains consistent.

The developer, or its successor, shall obtain building permits for seventy (70%) percent of the units proposed to be constructed in each phase prior to final site plan approval for subsequent phases.

Section XIII - Community Center:

Approximately 0.43 acres will be the site of the Community Center as per the Sketch Plan. The homeowners association or, as an alternative a municipal park district or similar entity, for "The Village at Saratoga" shall be responsible for the maintenance and management of the facilities.

The design for the improvements in this area shall be part of site plan approval for Phase I. The Community Center will be constructed during the initial phase of the development. The Community Center shall not have an on-site parking requirement except when it is used as a sales/marketing office. When used as a sales/marketing office this facility shall an off-street parking requirement of five (5) spaces.

The ownership of any portion of the Community Center cannot be sold, transferred or conveyed without prior approval by the City Council of the City of Saratoga Springs unless such transfer or conveyance of the Community Center is to the homeowners association or, as an alternative a municipal park district or similar entity, for the "The Village at Saratoga". The developer will own and maintain the Community Center/Sales and Marketing Center until at least 90% of all occupancy permits are issued.

Section XIV - Area and Bulk Regulations:

The area and bulk schedule for "The Village at Saratoga Planned Unit Development" is attached hereto as Appendix E.

Section XV - Buffers:

There shall be a special forty (40) foot setback requirement for the principal buildings along Crescent Street and Vanderbilt Avenue. Within this setback, the twenty (20) feet closest to Crescent Street and Vanderbilt Avenue shall be maintained as a vegetated no cut buffer. An exception to the above, the lot number one (1) shall have a ten (10) foot no cut vegetative buffer and a fifteen (15) foot front yard setback on the Crescent Street side.

There shall be a special thirty-five (35) foot setback requirement for principal buildings along all land adjoining the State Park and cemetery property. Within this setback, the fifteen (15) feet closest to the State Park and cemetery land shall be maintained as a vegetated no cut buffer. An exception to the above, lots number twenty (20) and twenty-nine (29) shall have a five (5) foot side yard setback and no vegetated no cut buffer. The attached garages for homes built on these two lots will
face the cemetery lands.

Within the no cut buffers only removal of healthy vegetation under five (5) inches diameter, measured at breast height shall be allowed to removed. Noxious, dead, and potentially harmful vegetation may be removed, regardless of size, with appropriate authorization from the Homeowner's Association, or similar entity. In addition, the developer shall grant the Greenridge Cemetery Association an easement to maintain the no cut buffers along the property lines of lands owned by the Greenridge Cemetery Association.

Section XVI - Severability:

If any provision of this Ordinance shall be held invalid, the remainder of the Ordinance shall not be affected thereby.

Section XVII - Construction Standards:

All construction standards for buildings, private and public improvements and for utilities shall be prepared and approved by licensed architects, landscape architects, or engineers. All costs associated with this shall be borne by the developer whether the plans are provided by the City of Saratoga Springs or by the developer. Further, all completed construction shall be certified to the City of Saratoga Springs by licensed architects, landscape architects, or engineers as being completed in the manner called for in the plans and shall be certified in accordance therewith. City may require any or all costs connected with this to be borne by the developer.

The residential units within this PUD shall have the following architectural features: 1) the roofs for all dwellings shall have a minimum slope of 8/12; all garage doors shall be situated at least 5 feet further back than the front line of the main house structure and/or the front porch; and, 3) a minimum of 70% of dwellings shall have front porches which are 50 square feet or larger.

The exterior design features of the homes and the community center, and the configuration of all structures on the lots shall be subject to the approval of the Saratoga Springs Planning Board during PUD site plan approval.

The following definitions apply to this ordinance:

ACCESSORY BUILDING shall be defined as per Section 240-1.5 of the Saratoga Springs Zoning Ordinance and shall further be defined for the PUD as a detached structure from the principal building that shall be a garage or storage building, constructed to conform to all Building Codes, PUD design and construction standards, area and bulk standards.

DECK shall be defined for this PUD as an attachment to the principal building or detached permeable wood structure that may be constructed to conform to all Building Codes and PUD design, area, bulk and construction standards.

PATIO shall be defined for this PUD as constructed on brick, concrete, stone, wood or patio block to conform to all Building Codes and PUD design, area, bulk and construction standards, subject to the same setback requirements as decks.

Section XVIII - Change In Ownership:
In the event that ownership of the area wholly encompassed by "The Village at Saratoga Planned Unit Development", is transferred or conveyed to any third person, firm, corporation, partnership or other entity by the applicant herein, the City of Saratoga Springs reserves the right to require proof of financial responsibility of the transferee in accordance with the same procedures set forth in Chapter 240-3.14 of the Zoning Ordinance of the City of Saratoga Springs.

Section XIX - Effective Date:

This Ordinance shall take effect the day after publication as provided by the provisions of the City Charter of the City of Saratoga Springs, New York.

ADOPTED: May 7, 1996
AMENDED: June 3, 1997
AMENDED: October 21, 1997
APPENDIX “A”

LEGAL DESCRIPTION OF PUD

ALL THAT PARCEL OR PIECE OF LAND situate, lying and being in the City of Saratoga Springs, County of Saratoga and State of New York, more particularly bounded and described as follows:

Beginning at a point on the north side of Crescent Street at its intersection with the west line of Parkview Terrace; thence in an easterly direction along the north side of said Crescent Street to a point that is the intersection with the west line of Vanderbilt Avenue extended southerly to the north line OE Crescent Street aforesaid; thence in a northerly direction along the west line of Vanderbilt Avenue to its point of intersection with the north side of Fremont Street and the lands now or formerly of the Green Ridge Cemetery; thence westerly along the north line of Fremont Street and the southerly line of the lands of the Green Ridge Cemetery to the point of intersection with the east line of Canton Street with the north line OE Fremont Street; thence in a northerly direction along the east side of Canton Street and the lands of the aforesaid cemetery on the east to a point on the north side of Clifton Street where it intersects the east line of Carlton Street; thence westerly along the north side of Clifton Street to a point at the southeast corner of tax parcel 178.3-2-4 reputedly owned by W. J. Grande & Sons, Inc.; thence northerly along the lands of the aforesaid cemetery on the east and the lands of W. J. Grande & Sons, Inc. aforesaid on the west 100 +/- feet to a point at the northeast corner of tax parcel 178.35-2-4; thence westerly along the north line of W. J. Grande & Sons, Inc. (18.35-2-4) and C. M. Kolowski (178.35-2-3) to a point at the northeast corner of lands conveyed to Carole Murtha aforesaid and the northerly prolongation of the west line of Parkview Terrace; thence southerly along the east line of Murtha aforesaid 100 feet and continuing southerly along the west line of Parkview Terrace to a point that is at the intersection of the west line of Parkview Terrace with the north line of Crescent Street and the point and place of beginning.

All streets referred to above are shown on map of Lincoln Park Estates made by S. J. Mott, C.E. dated 8/11/26 and filed in the Saratoga County Clerk’s Office on 8/21/26 and on tax map numbers 178.35 & 178.44.
APPENDIX "B"

SKETCH PLAN

On file in the office of the City Engineer of the City of Saratoga Springs.
APPENDIX "C"

CURRENT TAX PARCEL OF THE PUD

178. 35 -2-3
178. 35 -2-4
178. 35 -2-5
178. 35 -2-6.1
178. 35 -2-6.2
178. 35 -2-7
178. 35 -2-8
178. 43 -1-2
178. 43 -1-9
178. 43 -1-10
178. 43 -1-11
178. 43 -1-12
178. 43 -1-13
178. 43 -1-15
178. 43 -1-16
178. 43 -1-18
178. 43 -1-19
178. 44 -1-1
178. 44 -1-2
178. 44 -1-3
178. 44 -1-4
178. 44-1-5
178. 44-1-6
178. 44-1-7
178. 44-1-8
178. 44-1-10
178. 44-1-11
178. 44-1-12
178. 44-1-13
### Appendix C

#### Village at Saratoga Planned Unit Development

<table>
<thead>
<tr>
<th>Use</th>
<th>Lot Size</th>
<th>Minimum Yard Dimensions</th>
<th>Principal Building</th>
<th>Minimum Distance</th>
<th>Accessory Decks &amp; Patios</th>
<th>Minimum Distance</th>
<th>Accessory Building</th>
<th>Minimum Distance to Lot to be Part thereof</th>
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<tbody>
<tr>
<td></td>
<td>Minimum</td>
<td>Maximum</td>
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<td>50</td>
<td>25</td>
<td>20</td>
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<td>Single Family</td>
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<td>Detached Dwelling</td>
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<td>(ft foundation)</td>
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<td>Two Family</td>
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<td>25</td>
<td>20</td>
<td>5</td>
<td>10</td>
<td>1,100</td>
<td>40</td>
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<td>Duplex Dwelling</td>
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<tr>
<td>Single Family</td>
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<td>40</td>
<td>25</td>
<td>20</td>
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<td>(at eaves)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Note:**
- (A) 20 feet for lots #21 thru #27 and #31 thru #39.
- (B) 40 feet for lots #1 thru #10.
- (C) No accessory buildings permitted on lots which back up on Crescent Street, Vanderbilt Avenue, Greenridge Cemetery and the State Fish land.
Appendix C: 9. Green Acres Planned Unit Development (formerly 241.9)

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF PLANNED
UNIT DEVELOPMENT DISTRICT TO BE KNOWN AS
"GREEN ACRES PLANNED UNIT DEVELOPMENT"

BE IT ORDAINED by the City Council of the City of Saratoga Springs, New
York, following a public hearing as follows:

Section I - Name:

This Ordinance shall be known as "Green Acres Planned Unit Development" and
amends Chapter 240 of the Code of the City of Saratoga Springs, New York entitled
"Zoning".

Section II - Zoning Change:

The Zoning Ordinance of the City of Saratoga Springs and the zoning
map of the City of Saratoga Springs as set forth herein be and the same are
hereby amended by changing from the existing zoning district of UR-2 as
hereinafter described, and creating within the boundaries of said newly described
area a residential planned unit development district to be known and described as
"Green Acres Planned Unit Development", hereinafter referred to as "Green Acres".

Section III - Boundaries:

The area of "Green Acres Planned Unit Development" owned by Green Acres
of Saratoga Lake, Inc., hereinafter the "Corporation") consists of approximately thirteen
(13.2) acres located in the City of Saratoga Springs and is bounded and described
as set forth in Appendix A - Legal Description, and Appendix B - Sketch Plan,
attached hereto and made a part hereto.

The property is designated on the Assessor's Map of the Outside Tax District as set
forth on Appendix C - Tax Map Identification.

Section IV - Purpose:

Historically, the area included in Green Acres developed outside the now
applicable zoning ordinance. It is the purpose of this Ordinance to provide a
means to establish regulations and limits of residential growth in the already
developed area. It is the further purpose of this Ordinance to promote flexibility
in the development and design of Green Acres by incorporating this area which has
existed and been developed over the last 30 years into the City's zoning ordinance so
as to legislative ratify the residential nature of the area and facilitate the use
of land, promote good site design and visual quality and result in a more pleasing
environment than otherwise possible. The Comprehensive Plan for the City of
Saratoga Springs (as revised) proposes that this area be developed as a PUD.

Section V - Uses and Density:

There shall be constructed within the boundaries of "Green Acres Planned Unit
Development" residential use types consisting of single family detached dwelling
units. The maximum number of units that can be constructed shall be twenty (20). The maximum number of lots upon which said units can be constructed is nineteen (19). No more than one unit can be constructed upon a lot unless otherwise provided for in this ordinance.

Within the PUD the following uses are allowed:

**Single family detached:**

Each lot will be established by surveyed descriptions incorporated in this legislation by reference on the attached sketch plan. No further development will be permitted on said lots other than as expressly provided for in this act.

**Recreation:**

Recreational facilities may be established on the 4.092 acre lot described as remaining lands of Green Acres of Saratoga Lake, Inc., which facilities may include a Clubhouse Center and related recreational amenities (swimming pool, outdoor court games, etc.). PUD site plan approval shall be required for development of the open space and/or common land.

**Accessory:**

Accessory uses permitted are as follows: private garages, storage sheds, swimming pools, solar/heating/ventilation equipment, private docks (up to 110 feet in length), temporary accessory dwelling, antennas and satellite dishes, home occupation and greenhouses (non-commercial).

**Section VI: Ownership, Tenancies and Homeowner's Association:**

The PUD shall consist of 19 parcels (totaling approximately 7 acres) leased to corporation members and the remaining land (approximately 6 acres) shall be common space retained by the corporation. The leased lots are surveyed and the lot lines described in the PUD will be the same as the lot lines contained in the members' leases. Green Acres retains the right to convey the leased premises to its members or to other persons in fee simple. The common space shall be maintained by the corporation and expenses for the same shall be paid through revenues generated by the leases to the tenants. In the event that the lots are transferred to individuals, the corporation shall require said lot owners as a condition of the conveyance to agree through association or otherwise to contribute sufficient funds to maintain all common property retained by Green Acres.

**Section VII - Sketch Plan:**

The attached Sketch Plan, Appendix B, shall be used by the City and the developer as a guide for overall development of "Green Acres Planned Unit Development". It may be amended and modified by the Saratoga Springs Planning Board so long as the use, density and development regulations as set forth in this Ordinance are met.

**Section VIII - Utilities:**
The entire "Green Acres Planned Unit Development" area will be serviced by municipal water and sanitary sewer lines in the manner directed by the Saratoga Springs Planning Board during the PUD site plan review process.

The water lines shall service all units on Garside Road as well as Garside Road Extension. Access to the water lines on Garside Road and Garside Road Extension shall be insured by Green Acres giving to the City a thirty two (32) foot permanent easement to Garside Road and a twenty (20) foot permanent easement to Garside Road Extension for the maintenance of said water lines.

All water lines shall be constructed to City standards and when completed shall be offered for dedication to the City of Saratoga Springs.

All lots shall continue to be serviced by County Sewer District #1. Said sanitary sewer facilities will be owned and maintained by the Saratoga County Sewer District #1.

Development Process:

Prior to the issuance of a building permit to develop any of the residential lots within "Green Acres Planned Unit Development" (other than a building permit which would otherwise be permitted under the Code) the Corporation shall receive PUD site plan approval from the Planning Board of the City of Saratoga Springs pursuant to Chapter 240-3.5. Such PUD site plan approval shall be limited to road improvements and all other right-of-way improvements, on or off-site, utilities and drainage system and shall be in conformance with Chapter 240-3.5 of the Zoning Ordinance of the City of Saratoga Springs. If in the development of the PUD site plan it becomes apparent that certain elements of the Site Plan are infeasible and in need of significant modification, any significant modification thereof must be approved in accordance with the Zoning Ordinance of the City of Saratoga Springs. Any standard concerning the construction of residential units to be constructed within "Green Acres Planned Unit Development" shall be governed by and comply with the appropriate codes, laws, rules and regulations, including the New York State Building Codes in force and effect at the time of site plan approval for the units to be so constructed.

Once PUD site plan approval has been granted for Phase I, PUD site plan approval shall not be required for any residential lot in the PUD.

Section X - Streets Roads:

Garside Road, which services the "Green Acres Planned Unit Development" as indicated upon the Sketch Plan, shall remain owned by Green Acres. It shall be constructed in accordance with city specifications, excluding width, curve radius, turnaround and slope. Its paved width shall be fourteen (14) feet. There shall also be installed along Garside Road wing curbs, along with street lights. No sidewalks will be installed. A permanent easement shall be given to the City for maintenance of the City water lines running under said extension.
Garside Road Extension shall remain owned by Green Acres. It shall be improved by paving of the same to a width of ten (10) feet. A permanent easement shall be given to the City for maintenance of the City water lines running under said extension.

Should any emergency cause the City of Saratoga Springs to operate, maintain or repair Garside Road, Garside Road Extension, or the drainage system in order to protect the health, safety and welfare of the residents, the City Department of Public Works shall be empowered to bill the real property owners of the improved land in an amount to be determined by the Commissioner of Public Works so as to reimburse the Department of Public Works for all expense incurred for such purpose.

Section XI - Off-site Improvements:

The developer, or its successor, shall not be responsible for any curbs, pavement improvements, street trees, street lighting within the existing public rights of ways of that portion of Crescent Street or Kaydeross Park Road that has frontage on the PUD.

Section XII - Phasing:

"Green Acres Planned Unit Development" shall be developed in accordance with the following phasing plan:

**PHASE I - RESIDENTIAL AREA**

- Water System, Drainage, Road Improvements, and Residential Lot Designations

  PUD site plan approval must be obtained by December 31, 1999. If not obtained by said date, the zoning for the PUD shall expire and the property shall revert to RR-1 zoning.

**PHASE II: RECREATION AREA**

- Clubhouse and Recreation Amenities

  PUD site plan approval can be obtained at any time. There shall be no expiration date.

The approximate boundaries of these phases are shown on the sketch plan in Appendix B.

Section XIII - Drainage:

- Storm Sewer. A storm sewer system for the road improvement shall be constructed that shall be sufficient to convey a 25 year storm.

- Storm Management Facility. A storm management facility shall be constructed that shall be sufficient to treat the first flush and will utilize an overflow basin that will
protect sediments and potential pollutants from entering Saratoga Lake.

Section 4IV - Height, Setback, Area and Bulk Regulations (and Exceptions):

All lots shall comply with the requirements set forth in Schedule D attached hereto and made a part of this act, subject to the exceptions which appear in the schedule entitled "Green Acres Planned Unit Development, Area and Bulk Schedule Exceptions" attached hereto as Appendix E.

Height setback and area and bulk regulations for recreation facilities shall be determined by the Planning Board during PUD site plan approval for Phase II.

Section XV Reconstruction of Existing Structures:

The owner, its successors, assigns or its lessee of each lot shall have the right to replace, reconstruct or otherwise improve any existing structure including principal buildings and accessory buildings now situate (as shown on the site plan or as permitted pursuant to Appendix E herein) on a lot, whether or not within the area, bulk and/or setback requirements contained herein so long as said replacement, reconstruction, improvement does not require construction outside the existing footprint of said structure or said footprint as permitted in Appendix E.

Section XVI - Severability:

If any provision of this Ordinance shall be held invalid, the remainder of the Ordinance shall not be affected thereby.

Section XVII - Construction Standards:

All construction standards for buildings, private and public improvements and for utilities shall be prepared and approved by licensed architects, landscape architects, or engineers. All costs associated with this shall be borne by the owner whether the plans are provided by the City of Saratoga Springs or by the owner. Further, all completed construction shall be certified to the City of Saratoga Springs by licensed architects, landscape architects, or engineers as being completed in the manner called for in the plans and shall be certified in accordance therewith. City may require any or all costs connected with this to be borne by the owner.

Section XVIII - Change In Ownership:

In the event that ownership of the area wholly encompassed by "Green Acres Planned Unit Development", is transferred or conveyed to any third person, firm, corporation, partnership or other entity by the applicant herein, the City of Saratoga Springs reserves the right to require proof of financial responsibility of the transferee in accordance with the same procedures set forth in Chapter 240-3.5 of the Zoning Ordinance of the City of Saratoga Springs.

Section XIX - Effective Date:

This Ordinance shall take effect the day after publication as provided by the provisions of the City Charter of the City of Saratoga Springs, New York.
BOUNDARIES OF GREEN ACRES PLANNED UNIT DEVELOPMENT DISTRICT

GREEN ACRES OF SARATOGA LAKE, NY
SARATOGA SPRINGS, NY

ALL THAT CERTAIN TRACT, PIECE OR PARCEL OF LAND SITUATE in the City of Saratoga Springs, County of Saratoga, State of New York lying along the southeasterly line of Crescent Avenue, County Road No. 22 and the easterly line of Kaydeross Park Road and being further bounded and described as follows:

Beginning at a point marked with a capped iron rod found at the point of intersection of the southeasterly line of Crescent Avenue, County Road No. 22 with the common the division line of lands now or formerly of Saratoga Settlement, Inc. as conveyed in Book 1028 of Deeds at Page 1183 to the northeast and the parcel herein being described to the southwest; thence from said point of beginning along said common division line the following two (2) courses and distances:

1) South 55 deg. 53 min. 50 sec. East, 292.50 feet to a point;
2) South 64 deg. 52 min. 00 sec. East, 304.70 feet to a marked with a capped iron rod found near the west shore line of Saratoga Lake; thence along the west shore line of Saratoga Lake as it winds and turns in a general southerly direction approximately 1,050 feet to the point of intersection of said west shore line with the common division line lands now of formerly of Mary Jane

900 Route 146, Clifton Park, New York 12065
phone (518) 371-7621  fax (518) 371-9540
Hales and Timothy Ross as conveyed in Book 1191 of Deeds as Page 322 to the south and the parcel herein being described to the north, said shore line having the following twelve (12) tie line courses and distances:

1) South 50 deg. 22 min. 10 sec. West, 115.27 feet to a point;
2) South 49 deg. 11 min. 00 sec. West, 103.45 feet to a point;
3) South 35 deg. 10 min. 00 sec. West, 45.96 feet to a point;
4) South 28 deg. 29 min. 30 sec. West, 47.53 feet to a point;
5) South 18 deg. 52 min. 10 sec. West, 111.98 feet to a point;
6) South 07 deg. 07 min. 10 sec. West, 120.32 feet to a point;
7) South 04 deg. 32 min. 00 sec. West, 59.16 feet to a point;
8) South 10 deg. 07 min. 10 sec. East, 67.14 feet to a point;
9) South 14 deg. 56 min. 20 sec. East, 82.85 feet to a point;
10) South 07 deg. 29 min. 40 sec. East, 94.16 feet to a point;
11) South 12 deg. 06 min. 40 sec. East, 51.98 feet to a point;
12) South 43 deg. 01 min. 30 sec. East, 117.94 feet to a point;

thence along said common division line in part, and the common division line of lands now or formerly of Milton Ross Associates, Inc. as conveyed in Book 1092 of Deeds at Page 203 to the south and the parcel herein being described to the north the following three (3) courses and distances:

1) North 68 deg. 44 min. 40 sec. West, 569.88 feet to a point marked with a concrete monument found;
2) North 39 deg. 29 min. 30 sec. West, 9.70 feet to a point;
3) North 68 deg. 59 min. 30 sec. West, 328.92 feet to a point
marked with an iron rod found in the easterly line of Kaydeross
Park Road; thence along the easterly line of Kaydeross Park Road
and the southeasterly line of Crescent Avenue, County Road No. 22
the following four (4) courses and distances:
1) North 24 deg. 26 min. 20 sec. East, 524.76 feet to a point;
2) North 23 deg. 07 min. 40 sec. East, 113.48 feet to a point of
curvature;
3) Along a curve to the right an arc length of 113.29 feet to a
point of tangency, said curve having a radius of 375.00 feet and
a chord length of North 31 deg. 46 min. 50 sec. East, 112.86
feet;
4) North 40 deg. 26 min. 10 sec. East, 216.41 feet to a the point
or place of beginning containing 13.2± acres of land to be the
same more or less.

Said parcel made subject to any and all enforceable covenants,
conditions, easements and restrictions of record as they may
appear.

The purpose of this description is to describe a proposed P.U.D.
and not to be used for the conveyance of Real Property.

Prepared by: TJM
March 18, 1999

E. Daniel Fuller, P.L.S. No. 49,135

900 Route 146, Clifton Park, New York 12065    phone (518) 371-7621   fax (518) 371-9540
APPENDIX "C"
CURRENT TAX PARCEL OF THE PUD

180.17-1-12 (13.06 acres) Leased as follows:

180.17-1-12-21
180.17-1-12-22
180.17-1-12-23
180.17-1-12-24
180.17-1-12-25
180.17-1-12-26
180.17-1-12-27
180.17-1-12-28
180.17-1-12-29
180.17-1-12-30
180.17-1-12-31
180.17-1-12-32
180.17-1-12-33
180.17-1-12-34
180.17-1-12-35
180.17-1-12-36
180.17-1-12-37
180.17-1-12-38
180.17-1-12-39
180.17-1-12 (13.06 acres) Leased as follows:

180.17-1-12-21
180.17-1-12-22
180.17-1-12-23
180.17-1-12-24
180.17-1-12-25
180.17-1-12-26
180.17-1-12-27
180.17-1-12-28
180.17-1-12-29
180.17-1-12-30
180.17-1-12-31
180.17-1-12-32
180.17-1-12-33
180.17-1-12-34
180.17-1-12-35
180.17-1-12-36
180.17-1-12-37
180.17-1-12-38
180.17-1-12-39
APPENDIX "D"
"Green Acres Planned Unit Development
Area and Bulk Schedule Exceptions

General:

a. All lots bordering Saratoga Lake shall be permitted to construct a dock extending to the shoreline.

Specific:

a. The owner or lessee of lot No. 9 shall be permitted to construct a twenty (20) foot by twenty four (24) foot garage extending from and parallel to the northerly line of the principal building. No side setback or lot coverage variance shall be required for construction of the same.

b. The owner or lessee of Lot No. 17 shall be permitted to construct improvements and additions to the principal building (including an attached garage). No side setback or lot coverage variance shall be required so long as the lot coverage shall not exceed sixteen (16) percent for the principal building and eight (8) percent for the ancillary building. In addition, said building shall be permitted to encroach on the southerly side setback only.

c. The owner or lessee of Lot No. 21 shall be permitted to construct or otherwise retain two (2) principal buildings on said lot subject to the following conditions:

1. The existing building located nearest the westerly line of the property shall be limited in size to the footprint currently existing on said lot as shown on the site plan.

2. The second building shall be constructed upon the existing foundation located nearest the easterly line of the property. The owner or lessee shall of Lot No. 21 shall be permitted to construct a twenty eight (28) foot by forty four (44) foot residence, which building shall be confined to the existing northerly and southerly lines of said foundation (i.e. 28 feet) and shall extend the easterly and/or westerly lines of said foundation to a maximum of forty four (44) feet. No side setback or lot coverage variance shall be required for construction of the same.

d. The owner or lessee of Lot No. 27 shall be permitted to construct a twenty (20) foot by twenty four (24) foot garage and ten (10) foot enclosed walkway connecting said garage and principal building. No side setback or lot coverage variance shall be required for construction of the same so long as said garage and walkway shall be located on...
the westerly side of the premises and encroach upon the southerly side setback only.

e The owner or lessee of Lot No. 3 shall be permitted to construct a walkway/ramp from the northerly entrance of the principal building to a deck to be constructed on the easterly side of the principal building. No side setback or lot coverage variance shall be required for construction of the same so long as the walkway/ramp is of not in excess of five (5) feet in width and of the minimum length necessary to connect the northerly entrance to said deck.

f. The owner or lessee of lot No. 4 shall be permitted to construct a thirty five (35) foot by thirty five (35) foot garage attached to the principal residence within the required setbacks. In addition, said owner or lessee shall be permitted to construct a thirty (30) foot by thirty (30) foot boathouse over the permitted dock. No set back or lot coverage variance shall be required for construction of the same.
# Appendix D

"Green Acres Planned Unit Development
Heights, Setback, Area and Bulk Schedule
For Residential Lots in Phase I"

<table>
<thead>
<tr>
<th>Maximum Percent of Lot to be Occupied</th>
<th>Minimum Yard Dimensions</th>
<th>Principal Building</th>
<th>Accessory Building Minimum Distance To</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal Building</td>
<td>Accessory Building</td>
<td>Front (feet)</td>
<td>Rear (feet)</td>
</tr>
<tr>
<td>15</td>
<td>5</td>
<td>25</td>
<td>30</td>
</tr>
</tbody>
</table>
APPENDIX "E"
"Green Acres Planned Unit Development
Area and Bulk Schedule Exceptions

General:

a. All lots bordering Saratoga Lake shall be permitted to construct a dock extending to the shoreline which dock shall not exceed 110 feet in length.

Specific:

a. The owner or lessee of lot No. 9 shall be permitted to construct a twenty (20) foot by twenty four (24) foot garage extending from and parallel to the northerly line of the principal building. No side setback or lot coverage variance shall be required for construction of the same.

b. The owner or lessee of Lot No. 17 shall be permitted to construct improvements and additions to the principal building (including an attached garage). No side setback or lot coverage variance shall be required so long as the lot coverage shall not exceed sixteen (16) percent for the principal building and eight (8) percent for the ancillary building. In addition, said building shall be permitted to encroach on the southerly side setback only.

c. The owner or lessee of Lot No. 21 shall be permitted to construct or otherwise retain two (2) principal buildings on said lot subject to the following conditions:

1. The existing building located nearest the westerly line of the property shall be limited in size to the footprint currently existing on said lot as shown on the site plan.

2. The second building shall be constructed upon the existing foundation located nearest the easterly line of the property. The owner or lessee shall of Lot No. 21 shall be permitted to construct a twenty eight (28) foot by forty four (44) foot residence, which building shall be confined to the existing northerly and southerly lines of said foundation (i.e. 28 feet) and shall extend the easterly and/or westerly lines of said foundation to a maximum of forty four (44) feet. No side setback or lot coverage variance shall be required for construction of the same.

d. The owner or lessee of Lot No. 27 shall be permitted to construct a twenty (20) foot by twenty four (24) foot garage and ten (10) foot enclosed walkway connecting said garage and principal building. No side setback or lot coverage variance shall be required for construction of the same so long as said garage and walkway shall be located on the westerly side of the premises and encroach upon the southerly side setback only.
e. The owner or lessee of Lot No. 3 shall be permitted to construct a walkway/ramp from the northerly entrance of the principal building to a deck to be constructed on the easterly side of the principal building. No side setback or lot coverage variance shall be required for construction of the same so long as the walkway/ramp is of not in excess of five (5) feet in width and of the minimum length necessary to connect the northerly entrance to said deck.

f. The owner or lessee of lot No. 4 shall be permitted to construct a thirty five (35) foot by thirty five (35) foot garage attached to the principal residence within the required setbacks. In addition, said owner or lessee shall be permitted to construct a thirty (30) foot by thirty (30) foot boathouse over the permitted dock. No setback or lot coverage variance shall be required for construction of the same.
Appendix C:
10. YMCA Planned Unit Development (formerly 241.10)

AMENDMENT CHAPTER 240 ZONING ORDINANCE OF THE CITY OF SARATOGA SPRINGS

AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF SARATOGA SPRINGS TO ESTABLISH THE PLANNED UNIT DEVELOPMENT DISTRICT KNOWN AS "YMCA OF SARATOGA COMMUNITY CAMPUS"

BE IT ORDAINED by the City Council of the City of Saratoga Springs, following a public hearing as follows:

Section I: NAME: The ordinance shall be known as the "YMCA of Saratoga Community Campus Planned Unit Development" and amends Chapter 240 of the Zoning Ordinance of the City of Saratoga Springs, New York. This project is also referred to herein as "PUD".

Section II: AMENDMENTS: The Zoning Ordinance of the City of Saratoga Springs, New York, (the "Code") and the Zoning Map of the City of Saratoga Springs as set forth therein shall be and the same hereby are amended by changing the permitted uses for the land owned by Young Men's Christian Association of Saratoga Springs, Inc. ("Applicant" or "YMCA") designated as tax parcels 178-4-17; 178-4-18.1; 178-4-18.2; 178-4-19; 178-4-20.112; 178-4-21; 178.41-1-2; 178.41-1-3; 178.41-1-4; 178.41-1-5; 178.41-1-8; and 178.41-1-9 on the Inside Tax District Tax Map for the City of Saratoga Springs and real property designated as Tax Parcels 178-2-1; 178.48-1-35; 178.48-1-37 on the Outside Tax District Tax Map for the City of Saratoga Springs, which property is presently located in two zones for purpose of zoning classification under the Code, that being Transect Zone 4 – Urban Neighborhood for those parcels immediately adjacent to West Avenue and Transect Zone 5 General Urban Zone for those parcels located to the east of West Avenue, but not adjacent thereto, as specified herein.

Section III: BOUNDARY: The area of the YMCA of Saratoga Community Campus Planned Unit Development consists of 25+ acres made up of the following Tax Parcels: 178-4-17; 178-4-18.1; 178-4-18.2; 178-4-19; 178-4-20.112; 178-4-21; 178.41-1-2; 178.41-1-3; 178.41-1-4; 178.41-1-5; 178.41-1-8; and 178.41-1-9 on the Inside Tax District Tax Map for the City of Saratoga Springs and real property designated as Tax Parcels 178-2-1; 178.48-1-35; and 178.48-1-37 on the Outside Tax District Tax Map for the City of Saratoga Springs. Said property is described in Exhibit "A" attached hereto.
The boundary may be expanded without further municipal or legislative action to include any of the following properties immediately adjacent to the PUD site: Tax Parcel 178.41-1-1, 178.41-1-6, 178.41-1-7, 178.33-1-17, 178.33-1-18, 178.33-1-19, 178.33-1-20 and 178.33-1-24 on the Inside Tax District Map for the City of Saratoga Springs and Tax Parcel 178.48-1-16 and 178.41-1-14 on the Outside Tax District Map for the City of Saratoga Springs, if and only when, they come under the ownership or control of the applicant. When such properties are proposed to be added to the PUD, the applicant must provide written notice to the Clerk of the Saratoga Springs City Council. The Council shall have 30 days from the date of the notice to object to such action. If an objection is recorded by the Council, the boundary revision shall not be valid until further action of the City Council of the City of Saratoga Springs. If no objection is recorded with the required 30-day period, the amendment shall be valid and the City Clerk shall revise the City zoning maps accordingly.

The boundaries may also be expanded upon petition for a zoning change or a PUD amendment made to the City Council of the City of Saratoga Springs.

Section IV: OBJECTIVE:

It is the objective of the Ordinance to bring about a creative land use allowing the buildout of the site to be achieved in an integrated fashion. The mixed-use concept that is proposed will allow the development of a significant interactive indoor/outdoor recreational facility on the interior of the site with the construction and development of office, retail, commercial and/or residential uses along the West Avenue corridor. The PUD will be constructed in a way that takes into consideration the "West Avenue – Southern Area" Special Development Area recommendations as set out in the Saratoga Springs Comprehensive Plan to include the construction of multi-story buildings, diminished setbacks for structures along West Avenue, shared driveways and parking lots and pedestrian access to the PUD Site.

Section V: SKETCH PLAN:

A "Sketch Plan" of a build out scenario of this site showing the development of the entire site is attached hereto as Exhibit "B. It is anticipated that beyond the construction of the YMCA the site may evolve and over the decades re-evolve. As a result, the attached Sketch Plan may change, be altered, or amended pursuant to Section 240-3.6 of the Zoning Ordinance.

Section VI: USES AND CHARACTERISTICS:

The PUD shall be divided into two zones with Zone A being the first to be developed as a YMCA facility, to include the public bike and pedestrian path. A second area designated as Zone B shall be primarily located along the West Avenue corridor and shall offer the opportunity for structures to be constructed along the West Avenue frontage of a more commercial/office/retail related nature. These structures may be
constructed on property through a long term lease from the PUD real property owner, constructed by the PUD real property owner or may be located on a subdivided parcel.

In the long term in construction, leasing and possible subdivision of this site, flexibility in use is desired. As a result uses permitted in Zone A may shift to Zone B and uses in Zone B may shift into Zone A upon the granting of a special use permit by the Planning Board of the City of Saratoga Springs. A plan showing the areas of Zone A and Zone B is attached as "Exhibit C".

The structures to be constructed in Zone A may have a gross usable square footage of up to 130,000 square feet. Attached as Exhibit D and made a part hereof are the uses that are permitted within Zone A of the PUD site.

The structures to be constructed in Zone B may have a gross leasable square footage of up to 100,000 square feet. Attached as Exhibit E and made a part hereof is the uses that are permitted in Zone B.

Area and Bulk Standards for Buildings within Zone A shall be as follows:

1. Principal Structures:
   a) Gross leasable square footage - maximum 130,000 square feet.
   b) Building height excluding appurtenances – 60 ft. maximum.
   c) Building height - 18 feet minimum.
   d) Street frontage - no requirement for street frontage other than for driveway access to West Avenue and New Street/or Congress Avenue.
   e) Front/side/rear yard setbacks - minimum of 24 feet to property boundary or Zone boundary.
   f) Permeable area to include permeable area within the deeded pedestrian/bike path – minimum 40%.
   g) Parking - there will be no setback for parking spaces for principal uses where Zone A and Zone B abut, along the pedestrian/bike path or along a public road extended through the PUD site. Parking shall be setback a minimum 24 feet from all other PUD site boundaries.

2. Accessory Structures:
   a) Building height - 30 feet maximum.
   b) Front/side/rear yard setbacks - 10 feet minimum to property boundary or Zone A boundary.

Area and Bulk Standards for Buildings within Zone B shall be as follows:
1. Principal Structures:
   a) Gross leasable square footage – maximum 100,000 square feet.
   b) Building height - two story minimum, 40 feet maximum excluding appurtenances
   c) Build-to-line – minimum 5 feet and maximum 10 feet from West Avenue property line.
   d) Build-out - 50% minimum of the leased or subdivided real property that has frontage on West Avenue
   e) Side yard setback - 0 minimum for each side or for the side on an interior public roadway, or driveway; except where building lot abuts residential property where the setback shall be a minimum of 12 feet.
   f) Rear yard setback - minimum 12 feet from leasehold or subdivision line.
   g) Permeable Area within leasehold or subdivided property – minimum 10%.
   h) Parking - parking spaces must be located to the side opposite West Avenue or to the sides of the structure, even when the structures located on an interior public roadway or driveway.

2. Accessory Structures:
   a) Side yard setbacks – 0 feet.
   b) Rear yard setbacks – minimum 5 feet.
   c) Front yard setback – minimum 10 feet.

Section VII: ISSUANCE OF BUILDING PERMIT:

Prior to the issuance of a building permit to develop any or all structures within the PUD, except as exempted in Article 240.5 of the Zoning Ordinance of the City of Saratoga Springs, the applicant shall receive final PUD site plan approval for the structure(s) to be constructed from the City of Saratoga Springs Planning Board. All building permits or sign permits within this PUD shall require architectural review approval from the Design Review Commission of the City of Saratoga Springs pursuant to the provisions as set forth in Article 240.8 of the Zoning Ordinance.

It is anticipated that there will be multiple applications for PUD site plan approval and each application shall show the relationship between the building(s) to be developed, the vacant areas within the PUD and any improvements from a prior PUD site plan approval. Each final PUD site plan shall respond to the requirements set forth in Section 240-5.4 of the Zoning Code of the City of Saratoga Springs.
Section VIII: PARKING/LOADING DOCKS:

The interactive nature of the uses proposed in the PUD allows for a parking plan which incorporates the "shared parking concept" so as to best utilize the parking to be constructed within the zones of this site. As a result, upon reasonable proof being supplied at PUD site plan review the Planning Board may reduce the amount of required on-site parking up to thirty percent (30%) of the total parking demand.

Because of the intermittent demand for parking within the structures to be constructed in Zone A, thirty percent (30%) of the parking required or requested may be constructed on permeable grass surfaces.

The required on-site parking for any use in Zone A or Zone B does not have to be located on the same owned or leased parcel. The required on-site parking must, unless waived by the Planning Board during PUD site plan approval, be located on a parcel within the PUD with appropriate easements.

Parking requirements shall be the same as those set forth in Article 240-11 of the Zoning Ordinance except as noted below:

Parking Zone A: Health Club Establishment – 1 parking space for every 250 gross square feet of indoor facility and 1 parking space for every 5 participants that the outdoor facilities are designed to accommodate when used to the maximum capacity.

The parking area within Zone A shall have a minimum of ten percent (10%) green space within the parking area or adjacent to the parking fields, unless waived by the Planning Board during PUD site plan approval. The Zone B parking fields shall have a green space requirement of five percent (5%) green space within the parking area or adjacent to the parking field, unless waived by the Planning Board during PUD site plan approval.

The delivery area for all Zone B structures shall be situated to the side or rear of the structure fronting on West Avenue. The delivery parking/loading area for structures in Zone A shall be determined at the time of PUD site plan approval.

The PUD at build out shall at a minimum have two (2) entrance/exit locations on West Avenue and one (1) on either New Street or Congress Street. The vehicular ingress and egress for the structures constructed in Zone B will be at a minimum by the three (3) common entrance/exit locations specified above. The tenants and/or owners of the structures in Zone B shall be given cross lot easements through Zone A for the purpose of ingress and egress to their individual site from the public roadways. Zone B building, unless subdivided with proof of on-site parking in compliance with this legislation shall be given an easement for non-exclusive excess parking in Zone A. The development of
the Zone A uses shall at a minimum require two entrance/exit locations: one (1) on West Avenue and one (1) on either New Street or Congress Street.

Section IX: AMENDMENTS TO THIS ORDINANCE:

This PUD shall be developed in general compliance with the final approved "Sketch Plan" as specified in this Ordinance. Any amendments thereto shall be pursuant to the applicable provisions of the Zoning Ordinance of the City of Saratoga Springs, New York unless otherwise specified herein.

Section X: INFRASTRUCTURE IMPROVEMENTS:

The entire project, as set forth herein, will be serviced by municipal water and sanitary sewer lines. All services and improvements that are to be dedicated to the City of Saratoga Springs will be constructed to City standards as they exist at the time of construction. All other services and improvements shall be constructed in compliance with applicable codes, rules and regulations, with the exception that the public mains may be located within cross-lot easements.

Potable water will be supplied to the structures constructed in Zones A by means of an eight (8) inch main entering the PUD site from West Avenue. As a portion of PUD site plan approval for the first building in Zone A, the applicant shall replace approximately two hundred (200) linear feet of existing six (6) inch potable water main in West Avenue with a new twelve (12) inch main. This extension of the main in West Avenue will go from the intersection of the northwest corner of the PUD site in a generally southerly direction along West Avenue. At the time of PUD site plan review for the any structure within Zone B of the PUD site, the Planning Board may require the replacement of the existing six (6) inch water main in West Avenue along the remaining frontage of the Zone B properties with a new twelve (12) inch water main.

All private water/sewer lines connecting into any structure in the PUD shall be individually metered.

Storm water disposal shall be by means of a retention/detention and/or infiltration system located on the site with outfall into the municipally controlled storm water system.

The City is hereby granted the right to enter upon the PUD site for purposes of making emergency repairs to any privately owned main, pipe or line. The City shall have the right to charge the real property owners whose pipeline or main is repaired for said service.

Prior to the time of the first PUD site plan approval for the PUD, the Applicant shall grant to the public by means of offering and if accepted, conveying to the City of Saratoga Springs, New York a strip of land being approximately fifty (50’) feet in width west of the PUD site’s easterly boundary. The Applicant shall retain the right to cross
said strip of land, at a location or locations to be determined at any PUD site plan approval for the purpose of extending driveways/roadways, sidewalks, utility and storm water drainage easements through said pedestrian/bike path. These crossings shall be created so as to allow vehicle, pedestrian, utility and storm water easements to extend into and out of the PUD site to and from the real property and public roadway which exists to the east of the PUD site. If the strip of land, which is conveyed, primary use as a path open to the general public is discontinued, or if the land is transferred without restrictions that it be primarily used as a path and trail open to the general public, then title to the real property shall revert to the Applicant or its successors or assigns. The Applicant shall not be responsible for the construction, care, maintenance, improvements, reconstruction, security, or landscaping of the pedestrian/bike path and shall seek to be held harmless for all injuries, damages, judgments, fees and provided a legal defense from all claims and actions, arising from incidents on the pedestrian/bike path not caused by the direct action of the applicant or its successors. The Applicant and its successors shall be responsible for the reasonable restoration of the pedestrian/bike path arising from the introduction, construction, maintenance and reconstruction of driveways/roadways, sidewalks and utilities across said pedestrian/bike path.

During PUD site plan approval for the first building within the PUD provision will be made for the accommodation of a future public road extending from the easterly boundary of the PUD site south of the main parking area, to the easterly boundary of West Avenue. This portion of the roadway/driveways shall be built to City of Saratoga Springs specifications for a public street and shall be dedicated to the City of Saratoga Springs upon written demand from the City of Saratoga Springs upon the construction of a public road from New York State Route 50, through the lands presently owned by the Espey Manufacturing Co. to the easterly boundary of the PUD site. The City of Saratoga Springs will be responsible for the construction of the connection of the road from the easterly edge of the PUD site to the roadway/driveway constructed on the PUD site.

Section XI: OFF-SITE IMPROVEMENTS:

The Planning Board of the City of Saratoga Springs may require a traffic analysis and traffic mitigation improvements related to the structure to be constructed during PUD site plan approval for structures in Zone A or Zone B.

As a portion of the PUD approval for the first structure in Zone A a public sidewalk and curb if not already in existence or a requirement of an approved plan will be extended south on the east side of West Avenue to the northwest corner of the site. Also a sidewalk and curb shall be constructed along the New Street frontage. A pedestrian walking system shall be constructed within the PUD so as to gain access to the buildings therein constructed. As a portion of the PIJD site plan approval for structures in Zone B a public sidewalk shall be constructed along the east side of West Avenue, along the leased/purchased frontage of the structure that is to be constructed.
Section XII: TIME EXTENSIONS:

On good cause shown the PUD owner may apply for an extension of an approved PUD site plan which request shall not be unreasonably denied. An application for such request shall be made to the Planning Board of the City of Saratoga Springs.

Section XIII: SIGNAGE:

Signs within the PUD shall conform to all provisions of Article 240-10 with the exceptions set forth below:

ZONE A:

1. Freestanding signs:

   (a) A freestanding externally illuminated sign with a maximum signage size of 24 square feet per side constructed to a maximum height of 12 feet may be placed at the New Street or Congress Street entrance/exit and at one of the West Avenue entrances/exits to the site.

   (b) A freestanding sign with a maximum signage size of 12 square feet per side with a maximum height of 6 feet may be placed at the second West Avenue entrance/exit.

   (c) If more than one user is incorporated into Zone A, then two (2) directional/information signs may be constructed within Zone A on the entrance thereto. This sign shall be no greater than six square feet per side and no taller than five (5) feet and may contain the name of the user/business, but is subject to architectural review by the Design Review Commission.

2. In addition to the wall signs permitted pursuant to Article 240-10(c)(2), the YMCA may place a logo sign which may be internally illuminated on the general southerly and westerly walls of the YMCA structure. The logo shall be no greater than 24 square feet and is subject to architectural review by the Design Review Commission.

3. Non-illuminated directional signage may be placed within Zone A for the purpose of internal circulation and direction to user parking for Zone B. These signs shall be no larger than four square feet per side and five feet in height and may contain the name of the user/business, but shall be subject to architectural review by the Design Review Commission.

ZONE B:

1. For each leased or subdivided parcel a freestanding sign may be erected in the "Build-to" area along West Avenue. If the structure is to be occupied
by one tenant or user, then the sign shall be 12 square feet per side. If the structure is to be occupied by more than one tenant or user then the freestanding sign may be 24 square feet per side. The sign may be externally illuminated.

2. Each structure in Zone B may have a wall sign on its West Avenue facade and the façade opposite the West Avenue facade. The total area of the wall signage per façade shall not exceed two (2) square feet for each linear foot of building frontage attributable to the particular business or businesses which the sign will identify or fifteen percent (15%) of the total area of the building facade upon which the signage is to be placed or one hundred (100) square feet, whichever is less.

Section XIV: CONSTRUCTION STANDARDS:

Unless otherwise noted in this Ordinance, or not required by law, all City construction standards current at the time of PUD site plan approval for any project, shall be met with regard to improvements which are to be made in a public right-of-way or with regard to improvements which are to be made in a public right-of-way or with regard to improvements that are intended to be dedicated to the City of Saratoga Springs, N.Y.

All construction standards for buildings and public improvements and for utilities shall be prepared and approved by licensed architects, landscape architects or engineers. All costs associated with this shall be borne by the real property owner whether the plans are provided by the City of Saratoga Springs or by the real property owner. Further, all completed construction shall be certified to the City of Saratoga Springs by licensed architects, landscape architects or engineers as being completed in the manner called for in the plans and shall be certified in accordance therewith.

Section XV: EXPIRATIONS:

Planned unit development zoning approval for this site shall expire if final PUD site plan approval for the first building in Zone A is not granted by the Saratoga Springs Planning Board on or before December 31, 2008. Planned unit development zoning approval for this site shall expire if final PUD site plan approval for the first building in Zone B is not granted by the Saratoga Springs Planning Board on or before December 31, 2015. If the PUD legislation expires the zoning for this site shall revert to the zoning districts in existence for this site at the time of the enactment of this legislation.

Section XVI: VALIDITY:

If any provisions of this Ordinance shall be held invalid the remainder of the Ordinance shall not be affected.
Section XVII: MODIFICATIONS:

The Applicant may, upon approval of the Planning Board of the City of Saratoga Springs, alter, modify or change the number, placement and type of structures to be constructed within the site so long as the alterations, modifications and changes does not result in an increase in density for which on-site parking cannot be provided, constructed or obtained.

Section XVIII: EFFECTIVE DATE:

This Ordinance shall take effect the day after publication as provided by the provisions of the City Charter of the City of Saratoga Springs, New York.

Adopted: June 21, 2005
EXHIBIT A

PUD BOUNDARIES

All that piece or parcel of land situate, lying and being in the City of Saratoga Springs, County of Saratoga and State of New York being bounded and described as follows:

Beginning at a point on the southwest bounds of Congress Avenue approximately 1300 feet from the intersection of said southwest bounds of Congress Avenue with the east bounds of West Avenue, said point being the most easterly corner of lands mapped as the "Congressville" subdivision as shown on a map prepared by J. S. Mott and filed in the Saratoga County Clerk's Office on August 18, 1902 as Map number AA-121, said point also being the most easterly corner of lands of Saratoga County Economic Opportunity Council, Inc.; running thence along said south bounds of Congress Avenue the following three courses:

S 49° 15' 00" E 49.50'; S 52° 55' 55" E 50.12'; S 82° 40' 00" E 41.14' to a point at the northwest corner of lands of Espey Mfg. and Electronics Corp.; running thence along the northwest bounds of said lands of Espey Mfg & Electronics Corp., being generally along a chain-link fence, the following four courses:

Along a curve which bears to the left having a central angle of 09° 55' 23", a radius of 789.52', a length of 136.74' and a chord of S 45° 56' 14" W 136.57';
S 40° 59' 00" W 602.00'; N 49° 01' 00" W 10.00'; S 40° 59' 00" W 1200.54' to a corner of said chain-link fence at the approximate north corner of lands of Sol & Ruth Pinsley; running thence along the northwest bounds of said lands of Pinsley, being generally along a stockade fence.

S 40° 59' 00" W 190.36' to an iron pipe capped "N.Y.S." in the center of the former right-of-way of West Avenue and at the north corner of lands of the People of the State of New York and the Saratoga Springs State Park; running thence along said lands of the People of the State of New York the following two courses:

S 40° 59' 00" W 284.22"; N 83° 01' 00" W 156.81' to a point at the southeast corner of lands of Ralph A. & Brenda L. Henderer; running thence along the southeast bounds of said lands of Henderer and lands of First Aruriesville Corp., trustee
N 40° 59' 00" E 509.99' to a point on the west bounds of the former right-of-way of West Avenue and lands of the City of Saratoga Springs; running thence along said right-of-way and lands of the City of Saratoga Springs the following three courses:

S 06° 12' 00" W 26.29'; N 40° 59' 00" E 92.91';
N 06° 12' 00" E 232.60' to a point at the southwest corner of lands of Oscar W. & Angela M. Ovitt; running thence along said lands of Ovitt the following three courses:
S 83° 48' 00" E 123.50'; N 06° 12' 00" E 120.00';
N 83° 48' 00" W 123.50' to a point on the east bounds of West Avenue; running thence along said east bounds of West Avenue
N 06° 12' 00" E 13.10' to a point at the southwest corner of lands of Niagara Mohawk Power Corp.; running thence along said lands of Niagara Mohawk Power Corp. the following three courses:
S 83° 26' 25" E 123.50'; N 06° 12' 00" E 50.00"
N 83° 26' 25" W 123.50' to a point on the east bounds of West Avenue; running thence along said east bounds of West Avenue
N 06° 12' 00" E 568.90' to a point at the southwest bounds of lands of Steven A. & Sandra J. Swart; running thence along said lands of Swart the following three courses:
S 83° 48' 00" E 123.50'; N 06° 12' 00" E 173.00';
N 83° 48' 00" W 123.50' to a point on the east bounds of West Avenue;
running thence along said east bounds of West Avenue
N 06° 12' 00" E 498.72' to a point at the southwest corner of the aforementioned "Congressville" subdivision and lands of D.H. & M. J. Farenell; running thence along the south bounds of lands of Steven A. & Sandra J. Swart; running thence along said lands of Swart the following three courses:
S 83° 48' 00" E 123.50'; N 06° 12' 00" E 173.00';
N 83° 48' 00" W 123.50' to a point on the east bounds of West Avenue; running thence along said east bounds of West Avenue
N 06° 12' 00" E 498.72' to a point at the southwest corner of the aforementioned "Congressville" subdivision and lands of D.H. & M.J. Farenell; running thence along the south bounds of the "Congressville" subdivision and said lands of Farenell the following two courses:
S 49° 25' 00" E 156.43'; S 06° 16' 26" W 24.21'; running thence along said south bounds of the "Congressville" subdivision, being along said lands of Farenell, lands of David E. Frantz and Carol A. Frantz, lands of David F. Madden, Jr. and Debra L. Madden, lands of Harold A. Post and Shirley A. Post, lands of Shirley Post and Robert McDonough, and the aforementioned lands of Saratoga Economic Opportunity Council, Inc.
S 82° 58' 00" E 937.55' to a point; running thence along the east bounds of the "Congressville" subdivision and said lands of Saratoga County Economic Opportunity Council, Inc.
N 40° 59' 00" E 28.00' to the point and place of beginning. Containing 24.839 acres of land.
## EXHIBIT E
### PERMITTED USES WITHIN PUD

<table>
<thead>
<tr>
<th>PERMITTED PRINCIPAL USES UPON SITE PLAN REVIEW AND APPROVAL</th>
<th>ACCESSORY PERMITTED USES UPON SITE PLAN REVIEW AND APPROVAL</th>
<th>USES PERMISSIBLE UPON ISSUANCE OF SPECIAL USE PERMIT &amp; UPON SITE PLAN REVIEW &amp; APPROVAL</th>
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<tbody>
<tr>
<td>a) Health Club Establishment</td>
<td>a) Storage Facilities</td>
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<tr>
<td>b) Day Care Center</td>
<td>b) Maintenance Facilities</td>
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<td>c) Bath House/Health Center/Spa</td>
<td>c) Solar/heating/ventilation equipment</td>
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<td>d) Training &amp; Educational Services</td>
<td>d) Private garages and</td>
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<td>e) Eating &amp; Drinking Establishment</td>
<td>e) Parking Structures</td>
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<td>f) Retail</td>
<td>g) Outdoor Pool(s)</td>
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Definition: For the purposes of this PUD the use "Health Club Establishment" shall be defined as follow: "A membership based recreation establishment that is available to members and their guests that may provide indoor and outdoor recreational facilities. Such facilities may include swimming pools, spas, bath houses, gymnasiums, fitness centers, court games, recreation rooms, lockers rooms, changing rooms, classrooms, athletic field, etc. Such establishments may also include ancillary support facilities such as administrative office, eating and drinking establishment, retail, etc. for its members and guests."
## EXHIBIT E
### PERMITTED USES WITHIN PUD
#### ZONE B

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>a) Animal Clinic</td>
<td>a) Storage Facilities</td>
<td>a) Drive-In</td>
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<tr>
<td>b) Animal Hospital/Kennel</td>
<td>b) Maintenance Facilities</td>
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<td>c) Art Gallery</td>
<td>c) Solar/heating facility</td>
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<td>d) Artist Studio</td>
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<td>e) Barber/Beauty Shop</td>
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<td>f) Bath House/Health Center/Spa</td>
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<td>g) Eating and Drinking</td>
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<td>h) Business Office</td>
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<td>i) Convenience Sales and Service</td>
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<td>j) Business Office</td>
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<td>k) Convenience Sales and Service</td>
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<td>l) Drugstore</td>
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<td>m) Financial Institution/Bank</td>
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<td>n) Retail</td>
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<td>o) Medical Office/Clinic</td>
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<td>p) Neighborhood Convenience Store</td>
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<td>q) Professional Office</td>
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<td>r) Multi-family Residence</td>
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<td>s) Two Family Residence</td>
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