

## Chapter 208. Zoning

### Article IV. B-1 and B-2 Districts Business Nonretail

#### § 208-33. B-1 regulations.

This section covers the rehabilitation of existing buildings or the construction of new buildings in the B-1 District. In the case of rehabilitated buildings, standards in this article shall be met where physically possible.

- A. The rehabilitation or remodeling of a preexisting building in the B-1 District into an allowable use shall be allowed by the Planning Board, provided that the original building is determined to be structurally safe and able to meet the Code requirements of the Town and New York State as determined by the Building Inspector.
- B. No preexisting building(s) shall be rehabilitated or remodeled or new building(s) constructed on a vacant lot to a size greater than 12% of the lot size, with no single building to have a maximum square footage exceeding 4,800 square feet. Multiple commercial buildings on a lot are allowed as long as the overall density limitations of this article are not exceeded.  
[Amended 3-2-2015 by L.L. No. 3-2015]
- C. Landscaping. Landscaping shall be in accordance with that similarly associated with residential dwellings, i.e., lawn area and trees and shrubs and other plantings to maintain a residential character.
- D. Architecture. The architectural design of a rehabilitated or newly constructed building shall be consistent with the designs compatible for residential dwellings. The design shall take into consideration the existing neighborhood, the exterior facade in regard to building materials and color and other appurtenances, such as rooflines, dormers, windows, chimneys and other items that create a residential appearance. All exposed mechanical equipment and service and storage areas shall be screened from public view. The architectural design should give the appearance of compatibility with the surrounding neighborhood and shall try, to the maximum extent possible, to avoid the creation of a monolithic mass by implementing architectural relief within the building design. Long, unbroken lengths of walls and the appearance of huge massive structures within an area of residentially sized buildings should be discouraged.
- E. Hours of operation. All businesses in the B-1 District shall be limited to hours of operation, for the public, between 7:00 a.m. and 10:00 p.m. In addition, if the proposed use abuts an existing residence, no outside commercial activities, e.g., garbage pickup, etc., shall take place between the hours of 10:00 p.m. and 6:30 a.m.

ARTICLE IV  
**B-1 and B-2 Districts Business Nonretail**

**§ 208-30. Purpose; delineation of zones.**

The purpose of the B-1 and B-2 Districts is to provide suitable locations for various types of general and professional offices as opposed to retail businesses. These districts are primarily for the location of medical, legal, financial, real estate and corporate offices and other general office uses which are not primarily engaged in the sale of merchandise but are oriented toward providing services to the general public. These districts are intended to be a buffer between the larger retail areas and the residential districts that exist in close proximity to major transportation systems, largely because the hours of operation of these types of office uses, the noise levels associated with these uses and the general overall aesthetics of office site plans are generally more acceptable as transition zones to residential areas. Further, the B-1 and B-2 Districts are intended to preserve the infrastructure of the transportation systems along the New York State Route 146 corridor by limiting density and thereby reducing the traffic impacts associated with high-density commercial uses.

A. The B-1 District, as delineated on the attached maps,<sup>1</sup> generally includes the New York State Route 146 corridor east of the intersection of Vischer Ferry Road and New York State Route 146A to the intersection of Plank Road and New York State Route 146 near Exit 9 of I-87, portions of New York State Route 146 west of New York State Route 146A and east of Tanner Road, parts of Maxwell Drive, Plank Road south from its intersection with Bent Pine Hollow, a portion of the north side of Ushers Road near I-87 and portions of New York State Route 146 in Rexford, a parcel along Crescent Road near Southbury Road, Tax Map No. 284.-1.-21. It serves to allow the conversion of existing residential dwellings and vacant lots into general office uses while maintaining the area's residential character. The areas immediately adjacent to but not fronting these major transportation systems continue to be approved for residential use according to the Town's Comprehensive Plan. It is the intent of the Town to preserve the property values and the character of these neighborhoods by requiring standards for the B-1 District that will maintain residential footprints for site plans located within this district. It is intended that buildings in this district be compatible in size and appearance with residential dwellings. **[Amended 3-15-1999 by L.L. No. 2-1999; 5-17-1999 by L.L. No. 4-1999]**

~~B. The B-2 District generally encompasses areas along New York State Route 146, south of the intersection of Blue Barns Road and Glenridge Road, the south side of Van Patten Drive and the north side of Ushers Road, east of Wood Dale Drive and parts of the New York State Route 146 east-west corridor, all identified on the supplemental zoning maps accompanying this article.<sup>2</sup> The purpose of this district is to provide a suitable location for more traditional office buildings and office parks containing general and/or professional uses while providing for and maintaining a transition between retail uses and residential neighborhoods. The buildings located in the B-2 District shall not be subjected to the residential footprint standards of the B-1 District but shall, however, meet all the requirements of the Planning Board and the Town Code in addition to the specific requirements of this article as they~~

1. Editor's Note: The Zoning Map is on file in the Town offices.

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pertain to the B-2 District.

### § 208-31. Maps.

The location and boundaries of the B-1 and B-2 Districts are declared and delineated on the Official Zoning Map as attached hereto.<sup>3</sup>

### § 208-32. Permitted uses.

A. The following uses are permitted in the B-1 and B-2 Districts:

- (1) General business offices in accordance with the purposes of this article, excluding offices devoted to the on-site sale, rental or distribution of merchandise, either retail or wholesale, unless clearly incidental to the approved use.
- (2) Medical and dental offices and clinics, excluding overnight occupancy by patients.
- (3) Attorneys' offices.
- (4) Offices for licensed professionals, for example, architects, accountants, engineers, psychologists, optometrists and chiropractors.
- (5) Insurance offices of independent or general agents, including regional or district offices of individual companies.
- (6) Mortuaries or funeral homes.
- (7) Center for the day care of children.
- (8) Real estate offices.
- (9) Banking institutions, which shall be allowed in the B-2 District only.
- (10) Financial services, e.g., investment counseling and tax services.
- (11) Private schools, excluding business, dancing, trade or any other commercially oriented school.
- (12) Nonprofit institutions for charitable, religious, cultural or community purposes.
- (13) Animal hospital/veterinary offices, with the exclusion of outdoor runs and commercial kennels.
- (14) One and two-family dwellings, which shall be allowed in the B-1 District only.
- (15) Combined residential dwellings/offices.
- (16) Community residences.
- (17) Emergency ambulance facilities if and only as long as these facilities are under contract to the Town of Clifton Park to provide general health services to the Town.

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3. Editor's Note: The Zoning Map is on file in the Town offices.

(18) Buildings accessory to the above which are an integral part of any of the above uses and are not in conflict with the purposes of this article as set forth above, which determination shall be made by the Planning Board.

(19) Tier 1 solar energy system. **[Added 10-18-2021 by L.L. No. 6-2021]**

B. Only the following special uses shall be considered pursuant to § 208-79 et seq.:

- (1) Excavation and removal of stone, sand and gravel.
- (2) Electrical substation, gas district governor station, telephone exchange or other public utility building, structure or use, except a business office, storage yard or repair shop.
- (3) Timbering. (See Chapter 184 of this Code.)
- (4) Storage of LP gas in excess of 1,100 gallons.
- (5) All other telecommunication towers as in § 208-95B. **[Added 12-9-1996 by L.L. No. 11-1996]**

### **§ 208-33. B-1 regulations.**

This section covers the rehabilitation of existing buildings or the construction of new buildings in the B-1 District. In the case of rehabilitated buildings, standards in this article shall be met where physically possible.

- A. The rehabilitation or remodeling of a preexisting building in the B-1 District into an allowable use shall be allowed by the Planning Board, provided that the original building is determined to be structurally safe and able to meet the Code requirements of the Town and New York State as determined by the Building Inspector.
- B. No preexisting building(s) shall be rehabilitated or remodeled or new building(s) constructed on a vacant lot to a size greater than 12% of the lot size, with no single building to have a maximum square footage exceeding 4,800 square feet. Multiple commercial buildings on a lot are allowed as long as the overall density limitations of this article are not exceeded. **[Amended 3-2-2015 by L.L. No. 3-2015]**
- C. Landscaping. Landscaping shall be in accordance with that similarly associated with residential dwellings, i.e., lawn area and trees and shrubs and other plantings to maintain a residential character.
- D. Architecture. The architectural design of a rehabilitated or newly constructed building shall be consistent with the designs compatible for residential dwellings. The design shall take into consideration the existing neighborhood, the exterior facade in regard to building materials and color and other appurtenances, such as rooflines, dormers, windows, chimneys and other items that create a residential appearance. All exposed mechanical equipment and service and storage areas shall be screened from public view. The architectural design should give the appearance of compatibility with the surrounding neighborhood and shall try, to the maximum extent possible, to avoid the creation of a monolithic mass by implementing architectural relief within the building design. Long, unbroken lengths of walls and the appearance of huge massive structures within an area of residentially sized buildings should

be discouraged.

- E. Hours of operation. All businesses in the B-1 District shall be limited to hours of operation, for the public, between 7:00 a.m. and 10:00 p.m. In addition, if the proposed use abuts an existing residence, no outside commercial activities, e.g., garbage pickup, etc., shall take place between the hours of 10:00 p.m. and 6:30 a.m.

**§ 208-34. B-2 regulations. [Amended 3-2-2015 by L.L. No. 3-2015]**

The following performance standards shall apply to B-2 District. In the case of rehabilitated buildings, standards shall be met where physically possible. Multiple commercial buildings shall be allowed on one lot, provided that the overall density limitations of this article are not exceeded.

- A. Landscaping. The overall intent of this standard is to achieve a well-balanced landscaped site. In order to accomplish this, the Planning Board shall take into consideration the existing vegetation on the site and the location of parking areas and buildings. The site shall include plantings for screening and buffering purposes as well as decorative and aesthetic purposes. Consideration shall be given to plantings along property lines. In addition, unplanted areas shall be seeded with grass or other types of ground cover. Mulch and other similar materials shall only be used around the base of plantings.
- B. Architecture. The architectural design and choice of exterior facades and building materials for buildings located in the B-2 District shall take into consideration the character of the area and the purposes of this article as they pertain to this district's use as a transition zone between commercial retail uses and residential properties. The architectural design shall try, to the maximum extent possible, to avoid the creation of a monolithic mass, devoid of environmental consideration, by implementing architectural relief within the building design. Long, unbroken lengths of walls and the appearance of huge massive structures that are out of character with the surrounding neighborhood and/or environment should be discouraged. Roof structures, exposed mechanical equipment and service and storage areas shall be screened from view.
- C. Hours of operation. There are no limitations in the B-2 District concerning hours of operation unless the property abuts a residence; then the same restrictions apply as in the B-1 District. In addition, no outside commercial activities shall be allowed, e.g., garbage pickup, between the hours of 10:00 p.m. and 6:30 a.m. if the use abuts a residential lot.

**§ 208-35. Space and bulk standards.**

The following shall be required in the B-1 and B-2 Districts. In the case of rehabilitated buildings, the dimensional standards shall be met where physically possible. In no case shall approvals be given that would increase the inherent, nonconforming nuisance.

- A. Ingress/egress. There shall not be more than one curb cut per lot unless the Planning Board finds that traffic safety will be improved with the addition of another curb cut. The curb cut shall be designed to accommodate, safely and in accordance with accepted traffic control standards approved by the Town's engineer, the traffic generated by the use and, further, shall meet all the firesafety requirements of the Town of Clifton Park. The distance between the proposed curb cut to one on adjoining parcels shall be a minimum of 100 feet measured from

the center line of the curb cut. Design should be encouraged to take into consideration future development in order to promote the construction of shared driveways where possible. In the case of a corner lot, no curb cut shall be located closer to an intersection than 100 feet.

- B. Utilities. Uses approved in these districts shall be serviced by sanitary sewers, adequate drainage control through an approved stormwater management plan and a community water system. If none is available at the time of approval, the Planning Board shall require the owner to hook up to public water and sewer systems as soon as they become available, as defined by the New York State Uniform Fire Prevention and Building Code.
- C. Lot area. The minimum lot area per establishment shall be 40,000 square feet, and the minimum width at the front building line shall be 150 feet, except along those streets listed in § 208-98 where the minimum width shall be 180 feet.
- D. Setbacks.
  - (1) Front yard. No building shall be located closer to the front property line than 70 feet, into which there shall be no encroachment of buildings or parking or anything other than a wall, berm or sign, unless the Planning Board finds, in the case of keyhole lots or other similar lot configurations, that the intent of this chapter is better met by allowing construction within the front yard setback. Building setbacks specifically established by § 208-98 shall take precedence over the above.
  - (2) Side/rear yards. No building or parking shall be placed closer to a side or rear property line than 25 feet.
  - (3) Lot coverage. Buildings, parking areas, including maneuvering areas, stormwater retention areas and other site amenities that are an integral and necessary part of the use shall not occupy more than 50% of the total lot area. The remaining 50% shall be calculated as the green space requirement for this district. The stormwater retention area may be included as green space upon proof that the stormwater retention area will be improved and maintained as an integral part of the landscaping scheme and would enhance the overall aesthetics and thus serve the purpose of the green space requirements of this article.
  - (4) Buffer. There shall be established a minimum ten-foot buffer area, within the minimum side and rear yard setback, along the property lines. The buffer shall be planted for purposes of screening from adjoining properties. The Planning Board shall take into consideration any natural vegetation which exists and serves the intent of this article.
  - (5) Height. No building or structure shall exceed two stories or 35 feet in height.