Town Board
Town of East Greenbush, Rensselaer Co, New York

Local Law No. ___ of 2011

"Witbeck Planned Development District"

Section 1 – Local Law Designation

This local law shall be known as "No. __ of 2011" and amends the Town of East Greenbush Zoning Code to provide for the creation of a Planned Development District No. ___, Witbeck, Town of East Greenbush.

Section 2 – Zoning Law Amendment

The Town of East Greenbush, New York, Zoning Code and the Zoning Map of the Town of East Greenbush as set forth therein are hereby amended by changing the following described area as set forth below from the R-B Zoning District as such is now zoned, and creating within the boundaries of said newly described area a planned development district to be known and described as "Planned Development District No. ___, Witbeck Planned Development District, Town of East Greenbush."

Section 3 – PDD Area

A. The area of the planned development district consists of 40.99 plus/minus acres in the Town of East Greenbush and is bounded and described as set forth in Appendix A attached hereto and made a part hereof and generally includes a potion of Tax ID 166.00-7-6.111.
B. The zoning for this area shall be amended as provided herein. In any and all respects not otherwise provided for herein, if the provisions of the PDD are silent concerning items regulated by the Town Code of the Town of East Greenbush, as such is amended from time to time, that Code shall apply.

Section 4 – Purpose

A. The purpose of this local law is to provide for the rezoning of certain land to higher density residential development in conformance with certain provisions and standards hereinafter set forth which insures the compatibility with the Town's comprehensive land use plan, the compatibility among land uses adjacent to the PDD, to foster innovation in site planning and development and which encourages sound design practices.
B. It is the further purpose of this local law to promote flexibility and design of the PDD by creating a cohesive mixture of residential types in a compatible and unified plan of development. In accordance with conditions and standards designed to mitigate environmental impacts as needed, the plan shall be in the interest of the general welfare of the public and will result in a more efficient and compatible use of the land within the PDD area and with the surrounding land uses.
C. This local law establishes the nature, parameters and limits of the described used herein which are permissible within the PDD.

Section 5 – Development Proposal

A. The Witbeck Planned Development District final approved subdivision/site plan approval will consist of a maximum 100 residential units broken down in the following proportions.
   1. The project shall have a maximum of 60%, four (4) unit town homes and a minimum of 20%, four (4) unit town homes.
   2. The shall be a maximum of 60%, two (2) unit twin home buildings and a minimum of 20%, two (2) unit twin home buildings.
   3. There shall be a maximum of 60% single family residential units and a minimum of 20%, single family residential units.
   4. There shall be one 2,000 s.f (minimum) community center together with adjunct parking and facilities.
B. The Witbeck Planned Development District is not approved as an apartment complex.
C. Each of the four (4) unit town home units, each of the two (2) unit twin home units, and each single family residential unit shall be separately deeded to their respective owners.
D. No individual person/corporation (apart from the developer prior to initial sale) shall own more than a total of four (4) separate units any one time.
E. All common areas including open space and buffer areas not contained on individual residential lots shall be maintained by the homeowners association ("HOA").
F. The final design of the community center and common areas shall be in substantial compliance with the master plan, annexed hereto as Appendix B. Final design shall be determined during subdivision / site plan review, with items such as, but not limited to the following to be included in that and other common community areas: covered picnic area/pavilion, picnic tables, playground, park grill, community garden.

Section 6 –Development Requirements and Constructions Specifications

A. Phasing. The Witbeck Planned Development District shall be completed in a maximum of four (4) phases and may be, at the developers discretion completed in a single phase.
B. The developer shall construct the project so that it is in substantial compliance with the master plan, annexed hereto as Appendix B.
C. All proposed town homes and twin homes shall be built in substantial conformance, in the proportions set forth above.
D. Street lamps shall be located in a manner determined during site plan review.
E. There shall be only one residential use for each townhome, twin home or single family unit.
F. Each residential living unit shall have at least a one-car garage. No garage shall be converted into living space.
G. There shall be no construction of any pools or other structures with the exception of a public pool at the community center.
H. Decks shall be allowed up to a minimum of 10 feet from the rear or side lot line or 18-inches from any common lot line.
I. Overall project landscaping shall be completed so that it is equivalent to the landscaping shown on Appendix B and shall be determined in detail during subdivision / site plan review.
J. The driveways for all homes shall be no more than the width of a two car-garage. All driveway vertical grades shall not exceed what is otherwise permitted by Town Code.
K. Street trees shall be part of the development. The location and species shall be determined during subdivision / site plan review, and should be located between the sidewalk and buildings and outside of any planned, proposed or future right of way. A minimum of two (2) trees will be required for each residential lot.
L. The residential units shall be subject to restrictive covenants which shall be contained in the deeds from the developer and shall run with the land. These covenants shall include the following, but the

final set of covenants and restrictions shall be determined by the Town of East Greenbush Planning Board and Town Board during subdivision / site plan review:

1. The HOA shall be responsible for snow removal, maintenance, repair and replacement of the sidewalks, the median at the north entrance and nature trails along all public roads or at other locations proposed within the PDD as depicted on the master plan found in Appendix B.
2. There shall be no outside storage of any products or equipment after final construction or subsequent remodeling of the premises is completed. There shall be no storage of nonregistered vehicles or of any trailers, boats, snowmobiles, ATVs or personal watercraft. The East Greenbush Town Building Department shall be empowered to enforce these provisions. Violations shall be subject to fines as dictated in the most current adopted code violation schedule of the Town.
3. There shall be no parking on roads after final construction or subsequent remodeling of the premises is completed. Violations shall be subject to fines as dictated in the most current adopted code violation schedule of the Town.
4. No lot shall be further subdivided and no addition allowed to the residential structure, except for a deck.

M. It is understood and agreed that if a special district is formed in this area and any and/or all lands of the PDD are included, the property owners of lands located within a special district shall agree to participate and pay associated fees deemed appropriate. Such special districts may include but are not limited to the following:
   1. Sewer District
   2. Water District
   3. Drainage District

N. Signs.
   1. There may be project identification signs. The final design and location shall be determined at subdivision / site plan review. The lighting, if any, of a sign shall be determined at subdivision / site plan review. The maintenance of all signs in this development, excluding traffic regulatory signage along town owned roads shall be the responsibility of the HOA. All traffic regulatory signs shall conform to the Town's and MUTCD standards.
   2. All traffic control devices, roadway signs, and all road markings associated with this development shall be completed by the developer prior to the Town's acceptance of the roads as public roads under Town ownership and where applicable, shall be in conformance with the requirements of the Town of East Greenbush and State of New York.

O. There shall be located on the front of each house and clearly visible from the road, in contrasting color and in a uniform location, at least six inches in height, designated 911 emergency house numbers prior to the issuance of a certificate of occupancy. In addition, the developer shall provide the Town with an "as-built foundation location" survey with its application for a certificate of occupancy for each building lot.
P. All buildings will be constructed in accordance with the current building codes as adopted by the Town of East Greenbush, as amended. All blueprints and building specifications shall be approved and stamped by a duly licensed engineer or architect. All construction shall be subject to the inspection and approval of the Town Code Enforcement Officer, Town Engineers or other duly appointed agents of the Town.
Q. All new utilities shall be installed underground.
R. Public water shall be provided to the PDD from the Town of East Greenbush General Water District.
S. Sewerage Disposal shall be provided to the PDD from the Town of East Greenbush General Sewer District.
T. The project will connect to the Town of East Greenbush Water and Sewer utilities. The design, construction and maintenance of any buildings concerning the water and sewer districts, as well as

the associated landscaping associated with these utilities within the development district, will be done by the developer to assure a compatible, aesthetically pleasing development and approved during subdivision / site plan review.

U. The project may result in land grading on existing slopes that are greater than 25%. Section 6.2.4 of Town Zoning prohibits such activity. To support any proposed grading on lands in excess of 25%, the applicant will provide an acceptable site specific grading plan, sediment and erosion control plan, stormwater management plan and stormwater pollution prevention plan which identifies any mitigation measures supporting grading at these locations.

Section 7 – Bulk Lot Requirements

A. Town-Homes
   1. Lot Areas: 2,800 sq. feet, minimum
   2. Lot Width: 22 feet, minimum
   3. Lot Coverage: 60%, maximum
   4. Building Height: 35 feet, maximum
   5. Setbacks
      i. Front yard: 20 feet, minimum
      ii. Side yards: 10 feet each side, minimum (0 ft for common walls between units).
      iii. Rear yard: 30 feet, minimum

B. Twin-Homes
   1. Lot Areas: 6,500 sq. feet
   2. Lot Width: 45 feet, minimum
   3. Lot Coverage: 40%, maximum
   4. Building Height: 35 feet, maximum
   5. Setbacks
      i. Front yard: 20 feet, minimum
      ii. Side yards: 5 feet each side, minimum (0 ft for common walls between units).
      iii. Rear yard: 30 feet, minimum

C. Single Family
   1. Lot Areas: 8,000 sq. feet
   2. Lot Width: 65 feet, minimum
   3. Lot Coverage: 40%, maximum
   4. Building Height: 35 feet, maximum
   5. Setbacks
      i. Front yard: 20 feet, minimum
      ii. Side yards: 10 feet each side, minimum
      iii. Rear yard: 30 feet, minimum

D. Single Family shared drive
   1. Lot Areas: 8,000 sq. feet
   2. Lot Width: 60 feet, minimum
   3. Lot Coverage: 40%, maximum
   4. Building Height: 35 feet, maximum
   5. Setbacks
      i. Front yard: 8 feet, minimum 15 foot maximum
      ii. Side yards: 10 feet each side, minimum
      iii. Rear yard: 30 feet, minimum

E. Community Center
   1. Lot Area: 10,000 sq. feet, minimum
   2. Lot Width: 50 feet, minimum
   3. Lot Coverage: 35%, maximum
   4. Building Height: 35 feet, maximum
   5. Setbacks
      i. Front yard: 20 feet, minimum
      ii. Side yards: 10 feet each side, minimum
      iii. Rear yard: 30 feet minimum, minimum

Section 8 – Sanitary Sewers

A. Sewer will be supplied by the Town of East Greenbush General Sewer District.. The developer, at its expense, will provide the connection to the existing sewer system.
B. All sewer facilities shall be designed and constructed in accordance with the standards of the Town of East Greenbush, in effect at the time of site plan / subdivision application being made by the developer.
C. The developer shall evaluate the current capacity of the Town's existing sewer treatment and conveyance systems to determine if any improvements are necessary to support the full build out of the PDD. This study shall be provided to the Town and other appropriate regulatory agencies during the subdivision / site plan review. The developer agrees to provide for any and all required improvements to the existing sewer system that are necessary to accommodate this PDD and shall complete these improvements at no cost to the Town.
D. The developer agrees to offer for dedication to the Town of East Greenbush, all completed on-site and off-site sewer facilities at no cost to the Town of East Greenbush
E. The Town shall determine what portions of these facilities are appropriate for public ownership.
F. The developer shall provide easements a minimum of 30-feet in width for any sewer pipes crossing privately owned land or when along private roads, the entire width of a private right of way and shall offer these utility easements along with the installed infrastructure for dedication to the Town.
G. The developer shall provide an individual lot for required sewer pump stations and shall offer these lots along with the installed infrastructure for dedication to the Town.
H. No individual sewer grinder pumps will be permitted unless the Town agrees to accept them for dedication along with overlaying utility easements for maintenance and operation.
I. The developer shall comply with all state and federal requirements for the extension of the sewer service.
J. The developer of the planned development district site, for itself and its successors and assigns, hereby agrees that, if the Town of East Greenbush, New York, creates or extension of a municipal sewer district pursuant to Town Law Article 12 or Article 12A or otherwise, which district includes the site of the planned development district, in whole or in part, along with other areas of the Town of East Greenbush, then owner(s) agree that the owner(s) or the entity in ownership of the real property at the time said fee or charge is levied shall pay the same proportional fee, charges and capital cost as all other like, situated and/or improved real property owners within the municipally created sewer district, even though the real property with associated improvements, if any, which the individual or entity owns is connected to and paying the use charges and fees for the sewer system created by the developer. This responsibility shall run with the land. In purchasing any property within the planned development district, the purchaser acquires such property encumbered by the obligation to participate in, or contribute to, any special improvement district for the provision of sewer transportation which may be established for provision of such services to any area of the Town which includes that portion of the planned development district in which his or her land is located. A covenant and restriction consistent herewith, and in a form acceptable to the Town of East Greenbush, shall be included in the chain of title to all subsequent purchasers.

Section 9 – Water Supply

A. Water will be supplied by the Town of East Greenbush General Water District.,. The developer, at its expense, will provide the connection to the existing water distribution system.
B. All water facilities shall be designed and constructed in accordance with the standards of the Town of East Greenbush, in effect at the time of site plan / subdivision application being made by the developer.
C. The developer shall evaluate the current capacity of the Town's existing water supply, treatment, storage and distribution systems to determine if any improvements are necessary to support the full build out of the PDD. This study shall be provided to the Town and other appropriate regulatory agencies during the subdivision / site plan review. The developer agrees to provide for any and all required improvements to the existing water system that are necessary to accommodate this PDD and shall complete these improvements at no cost to the Town.
D. The developer agrees to offer for dedication to the Town of East Greenbush, all completed on-site and off-site water facilities at no cost to the Town of East Greenbush
E. The Town shall determine what portions of these facilities are appropriate for public ownership.
F. The developer shall provide easements a minimum of 30-feet in width for any water pipes crossing privately owned land or when along private roads, the entire width of a private right of way and shall offer these utility easements along with the installed infrastructure for dedication to the Town.
G. The developer shall comply with all state and federal requirements for the extension of the water service.
H. Fire hydrants shall be installed throughout the project by the developer pursuant to the building code of New York State Fire Code of New York State and Town of East Greenbush requirements.

Section 10 – Stormwater Management

A. All stormwater management plan and associated utilities shall conform to the specifications of the Town of East Greenbush and the latest version of the NYSDEC - New York State Stormwater Management Design Manual in effect at the time of site plan / subdivision application being made by the developer.
B. At the time of application for site plan and/or subdivision review, a fully conforming Stormwater Pollution Prevention Plan (SWPPP) shall be submitted for review.
C. The developer agrees to offer for dedication to the Town of East Greenbush, or other appropriate entity all completed on-site and off-site stormwater facilities at no cost to the Town of East Greenbush or other appropriate entity.
D. The Town shall determine what portions of these facilities are appropriate for public ownership.
E. The developer shall provide easements a minimum of 30-feet in width for any storm sewer pipes crossing privately owned land or when along private roads, the entire width of a private right of way and shall offer these utility easements along with the installed infrastructure for dedication to the Town.
F. For any stormwater infrastructure intended to remain under the ownership of the HOA, there shall be an executed Town of East Greenbush Stormwater Maintenance Agreement. Said agreement shall be executed by the developer and the Town and filed with the Rensselear County Clerks Office prior to any site disturbances subject to General Permit GP-01-10-001or latest addendum.
G. For any stormwater management area that is conveyed to the Town, the HOA will be granted an access and landscaping easement outside the operational area of the stormwater management areas for the placement and maintenance of landscaping for enhancement of these areas. The Town and developer shall execute a hold harmless agreement relieving the Town of any responsibility for damage that may occur to any landscaping in these areas that may result during the course of on-going maintenance operations undertaken by the Town.

H. The developer of the planned development district site, for itself and its successors and assigns, hereby agrees that, if the Town of East Greenbush, New York, creates or extension of a municipal drainage district pursuant to Town Law Article 12 or Article 12A or otherwise, which district includes the site of the planned development district, in whole or in part, along with other areas of the Town of East Greenbush, then owner(s) agree that the owner(s) or the entity in ownership of the real property at the time said fee or charge is levied shall pay the same proportional fee, charges and capital cost as all other like, situated and/or improved real property owners within the municipally created drainage district, even though the real property with associated improvements, if any, which the individual or entity owns is connected to and paying the use charges and fees for the storm sewer system created by the developer. This responsibility shall run with the land. In purchasing any property within the planned development district, the purchaser acquires such property encumbered by the obligation to participate in, or contribute to, any special improvement district for the provision of storm sewer transportation which may be established for provision of such services to any area of the Town which includes that portion of the planned development district in which his or her land is located. A covenant and restriction consistent herewith, and in a form acceptable to the Town of East Greenbush, shall be included in the chain of title to all subsequent purchasers.

Section 11 – Roadways and Pedestrian Facilities

A. Town Roads:

1. All roadways within in PDD that are intended to be conveyed to the Town and shall be constructed in conformance with the Town of East Greenbush specifications and design requirements in effect the time of application for site plan and/or subdivision review.
2. All Town roads shall be located within a dedicated right of way meeting the Town's standards in effect at the time of site plan / subdivision application with the road general centered within the right of way.
3. The HOA shall be granted an easement over the boulevard for the purpose of installing and maintaining landscaping, lighting or irrigation as well as the entire length of the Town right of way for the purpose installing and maintaining landscaping and lighting. The Town and developer shall execute a hold harmless agreement relieving the Town of any responsibility for damage that may occur to landscaping, lighting or irrigation systems within the boulevard that may result during the course of on-going maintenance operations undertaken by the Town within their right of way.
4. These roadways, upon construction, shall be offered for dedication to the Town of East Greenbush, New York.

B. Sidewalks

1. A five-foot-wide concrete sidewalk shall be constructed along one side of all public roads as depicted on the site plan included in Appendix B.
2. An eight-foot-wide concrete sidewalk shall be constructed along one side of the main boulevard public road as depicted on the site plan included in Appendix B.
3. The sidewalk shall be constructed in accordance with ADA standards when feasible. The HOA shall be responsible for all operation and maintenance of these sidewalks including but not limited, any needed repairs or snow removal. The Town reserves the right to periodically assess the condition of the sidewalks and direct the HOA to make the necessary repairs that are in the interest of the public health and safety. The HOA shall make the repairs deemed appropriate by the Town in a timely manner. If the HOA fails to make the necessary repairs, then the Town may on its own make the repairs and asses any incurred expenses back to the HOA.

C. Nature trails:

1. A five (5) foot wide mulched walk shall be constructed meandering throughout the site.
2. The nature trails shall be constructed in accordance with ADA standards, when feasible.
3. The HOA shall be responsible for all operation and maintenance of the nature trail including but not limited, any needed repairs or snow removal. The Town reserves the right to periodically assess the condition of the multi-use trail and direct the HOA to make the necessary repairs that are in the interest of the public health and safety. The HOA shall make the repairs deemed appropriate by the Town in a timely manner. If the HOA fails to make the necessary repairs, then the Town may on its own make the repairs and asses any incurred expenses back to the HOA.

Section 12 – Wetlands

A. All federal and state designated wetlands located within the PDD and/or adjacent to the PDD will be delineated and are shown pursuant to the plan attached hereto as Appendix B. The developer shall be required to comply with all wetland determinations and mitigation measures as prescribed by the state and/or federal authorities.
B. Notice of the possibility of wetlands and the limitations of use of said lands shall be provided in writing to prospective purchasers of residential property that contains regulated wetlands. The developer shall note and indicate all designated wetlands on any sales map or literature displayed or provided to potential purchasers.
C. If a residential unit in the PDD is built on speculation, a copy of the executed notification shall be provided to the Town of East Greenbush prior to the issuance of a certificate of occupancy.

Section 13 - Project Related Review Fees.

The developer shall be responsible for reimbursing the Town for any and all expenses incurred for this project as stipulated within the Town's subdivision and zoning regulations or otherwise indentified as necessary by the Town. This shall also include but is not limited to costs incurred for the technical review of the applications, construction observation of installed infrastructure or any other services deemed appropriate by the Town.

Section 14 - Performance Bonds, Letters of Credit

The developer shall file bonds or letters of credit with the Town Supervisor in the amounts and for the time periods required by the Town Planning Board and/or Town Board and acceptable as to amount and form to the Town Engineers and Town Attorney to guarantee such performance and/or completion of the requirements of this planned development district local law prior to issuance of a certificate of occupancy, including but not limited to the following:

1. The satisfactory completion and maintenance for one year after completion of landscaping on the project site on the common areas and residential units; and/or
2. Satisfactory completion of the utility system and required infrastructure items.

Section 15 – State Environmental Quality Review Act

A. The East Greenbush Town Board, as lead agency for this project pursuant to the State Environmental Quality Review Act, finds this project is in compliance with the Town-wide GEIS and has adopted a negative declaration and declaration of non-significance concerning this project, a copy of which is annexed hereto and made a part hereof and designated Appendix C. The developer agrees to comply

with all of the mitigating measures which are a part thereof, at the sole cost and expense of the developer and no cost to the Town.

B. No certificate of occupancy for any building within the boundaries of the PDD will be issued until the mitigating measures are complete.

Section 16 – GEIS Impact Fees

A. All GEIS fees shall be paid in accordance with the GEIS Statement of Findings including:

1. GEIS: $52.29 per PM peak trip
2. Land Use/ GIS Needs: $14.52 per PM peak trip
3. Water/Sewer: $5,100 per EDU
4. Recreation: $0.98 per non-residential square footage
5. Traffic: $1,310 per PM peak trip

Section 17 – Public Benefit

Section 2.9.5 (C) of Town Zoning mandates that when an increase in density is included as part of a PDD, an amenity package shall be provided that includes provisions for on-site and/or off-site amenities beyond measures required to service the needs of the subject project and/or beyond the measures needed t mitigate the impacts of the subject project. Where the Town Board determines that a suitable community benefit or amenity is not immediately feasible, or otherwise not practical, the Board may require, in lieu thereof, a payment to the Town of a sum to be determined by the Board. In order to satisfy the amenity package as defined in Section 2.9.5 (C) of Town zoning that supports the increased density of the PDD, the applicant has offered the following:

1. Dedication of a 7.8 +/- acres well field, as shown on Appendix D.
2. A floating sanitary easement across the remaining lands of Witbeck to allow a connection between the existing or newly developed sewer line and the existing neighborhood around Ternan Avenue.
3. A $20,000 cash payment for equipment improvement/upgrades for Corliss Ave pumping station.

Section 18 – Additional Town Approvals

Following adoption of this local law, the developer shall make application to the Town of East Greenbush for the following “planning “related approvals:

4. Preliminary /Final Major Subdivision Application subject to the Town Planning Board review and approval
5. Site Plan Application subject to the Town Planning Board and Town Board review and approval
6. Extension of the Town of East Greenbush General Sewer District subject to the Town Board review and approval
7. Potential creation of a site specific Drainage District subject to the Town Board review and approval.

Section 19 – Supporting Documents

Attached and made a part hereof as appendices are documentation, diagrams, and plans associated with the Planned Development District as follows:

1. Appendix A: PDD Metes and Bounds Legal Description
2. Appendix B: PDD Master Plan
3. Appendix C: SEQRA Negative Declaration Determination
4. Appendix D: Well Field Dedication Area

Section 20 – Zoning Map to Incorporate the Witbeck PDD

The Town of East Greenbush Zoning Map dated June 2008 with the last amendment dated _____ is hereby amended by providing that said Witbeck Planned Development District be set forth on the Zoning Map of the Town of East Greenbush and on any supplementary map later adopted by the Town Board, and of which are hereby made a part of this local law.

Section 21 – Severability

This local law shall take effect 10 days after approval of the Town Board and posting and publishing in the official newspaper of the Town of East Greenbush as required by law.

Section 22 – Sunset Provision

In the event construction does not commence on any lands in this development within three years of its approval of the PDD by the East Greenbush Town Board this legislation shall be deemed null and void, and the zoning of these lands shall revert to their current zoning.

Section 23 – Effective Date

If any part of this local law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this local law.

Appendix A

Witbeck Planned Development District

Legal Description

ALL THAT CERTAIN TRACT, PIECE OR PARCEL OF LAND with the improvements thereon, situate, lying and being in the Town of East Greenbush, County of Rensselaer and State of New York and more particularly bounded and described as follows:

BEGINNING at a point in the easterly right of way line of Phillips Road at its intersection with the common division line between lands now or formerly of McDonnough on the south and lands now or formerly of George H. Witbeck, Jr. and Robert A. Witbeck on the north; thence along said easterly right of way line the following three (3) courses and distances:

1. North 08°-57'-57" West, 616.15 feet to a point; thence
2. North 00°-41'-04" East, 248.49 feet to a point; thence
3. North 02°-54'-25" East, 98.86 feet to a point at its intersection with the common division line between lands now or formerly of Niagara Mohawk Power Corporation on the west and lands of the aforementioned Witbeck on the east; thence along said common division line North 24°-38'-13" East, 567.84 feet to a point in the common division line between lands now or formerly of Pratt Plumbing and Heating, Inc. (L. 1149, Pg. 165) on the north and west and lands of the aforementioned Witbeck on the south and east; thence along said common division line South 84°-51'-47" East, 440.37 feet and North 06°-06'-47" West, 247.33 feet to a point therein; thence through the lands of the aforementioned Witbeck North 83°-53'-13" East, 380.58 feet and South 57°-12'-19" East, 300.65 feet to a point in the common division line between lands of the aforementioned Witbeck on the west and lands known as Meguno Estates Subdivision-Phase 4-A on the east; thence along said common division line South 04°-51'-32" East, 524.01 feet and South 13°-30'-08" West, 361.17 feet to a point in the common division line between lands now or formerly of Edward N. and Judith D. Lawson (L. 1548, Pg. 39) on the east and lands of the aforementioned Witbeck on the west; thence along said common division line South 13°-40'-46" West, 584.00 feet to a point in the common division line between lands of the aforementioned McDonnough on the south and lands of the aforementioned Witbeck on the north; thence along said common division line South 83°-53'-13" West, 1,007.82 feet and South 55°-53'-13" West, 14.42 feet to a point in the aforementioned easterly right of way line of Phillips Road and the **Point or Place of Beginning**.

Said parcel containing 40.991 Acres more or less.

Appendix B

PDD Master Plan

Appendix C

SEQRA Negative Declaration Determination

State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Project Number: _____ Date: December 27, 2011

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The East Greenbush Town Board as lead agency has determined that the proposed action described below will not have a significant environmental impact and a Draft Impact Statement will not be prepared.

Name of Action:

Witbeck Planned Development District (PDD) (the Project)

SEQR Status: Type I
Unlisted

Conditioned Negative Declaration: Yes
No

Description of Action:

The Witbeck Planned Development District is proposed as a 100 unit residential development situated on 40.99 +/- acres. The Witbeck Planned Development District final approved subdivision/site plan approval will consist of a maximum 100 residential units broken down in the following proportions.

1. The project shall have a maximum of 60%, four (4) unit town homes and a minimum of 20%, four (4) unit town homes.
2. The shall be a maximum of 60%, two (2) unit twin home buildings and a minimum of 20%, two (2) unit twin home buildings.
3. There shall be a maximum of 60% single family residential units and a minimum of 20%, single family residential units.
4. There shall be one 2,000 s.f (minimum) community center together with adjunct parking and facilities.

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

The Project lies within the Town of East Greenbush, Rensselaer County on a portion of tax parcel 166.00-7-6.111 with access of Phillips Road.

Reasons Supporting This Determination:

After considering the criteria for the determining significance as set forth in 6 NYCRRR 617.7(e), the Town Board has determined, for the reasons discussed below, that the proposed Project will not have a significant adverse impact on the environment and the issuance of a negative declaration under SEQRA is warranted.

Construction Impacts

The construction of the Project is not expected to result in any significant adverse environmental impacts. Several short term and minor impacts are expected during construction. For example, the use of construction vehicles and equipment may increase air emissions and noise temporarily on site. These temporary emissions are not expected to adversely affect air quality in the area and the efficient use and proper maintenance of both vehicles and equipment will mitigate these impacts. Additionally, common construction practices (i.e. water suppressants, blanket screening, limiting activities to non-windy days, etc.) will be used as necessary to minimize additional impacts, if any.

Waste generated during construction will not result in any significant adverse environmental impacts. All construction waste will be collected and removed on a regular basis. Construction waste will be delivered off-site to a proper disposal facility. The efficient management of construction materials will be employed on-site to discourage waste and reduce construction costs.

A site specific stormwater pollution prevention plan will be developed and implemented to control construction phase water run off and control sediment and erosion from disturbed areas.

Groundwater

The Project will not have any significant adverse impact on the quality or quantity of groundwater resources in the area. There are no existing potable water supply wells on-site or in the immediate vicinity of the proposed development area of the Project. As discussed below, the Project will be supplied with all of its potable water from the Town's existing public water distribution system and all sanitary waste generated from the Project will be conveyed to the Town's existing sanitary sewer system. Groundwater reserves beneath the site will not be utilized for potable water or sanitary purposes by the Project and groundwater levels will remain on their current levels.

Additionally, as stated below, there will be an increase in the impervious area within the site, potentially resulting in a greater rate and volume of runoff from stormwater, however, these increases will be mitigated to the greatest extent practicable by the inclusion of the required stormwater quality and quantity controls as mandated by local and state laws.

Based on the foregoing discussion, the Project will not have any significant adverse impact on the quantity or quality of groundwater resources.

Surface Water

Based on the foregoing discussion, the Project will not have any significant adverse impact on the quantity or quality of surface water resources. The Project will result in an increase in stormwater runoff due to increased impervious areas and may be susceptible to sediment transport and erosion of surface soils during construction. As such, the applicant will be required to prepare and implement a fully conforming Stormwater Pollution Prevention Plan (SWPPP) that provides for the requisite stormwater quality and quantity controls both during construction and as part of the permanent stormwater facilities.

Based on the foregoing discussion, the Project will not have any significant adverse impact on the quantity or quality of surface water resources.

Traffic

The Project is located within the Town's Western East Greenbush Generic Environmental Impact Statement Study Area which evaluated the cumulative impacts of potential future development in the Town in order to plan for and mitigate impacts due to growth. To evaluate the impacts associated with the

Town's anticipated growth trends, a 20-year planning period was chosen. The traffic analysis completed for the Project estimates 71 trips during the am peak hours and 85 trips during the pm peak hours.

In order to mitigate anticipated impacts due to increased traffic, the applicant will be required to pay mitigation fees. The payment of these mitigation fees will reduce any adverse impacts as a result of this Project to traffic to the greatest extent practicable.

Noise

The Project is not expected to result in any adverse change to noise levels on or around the site. Construction activities associated with the Project may result in a temporary increase in noise emissions. These emissions are not expected to be significant. The construction activities will comply with all applicable local, state and federal regulations. Moreover, construction is not expected to occur at night, on Sundays or on holidays, further reducing noise impacts.

Solid Waste Disposal

The Project will not have any significant adverse impact on the disposal of solid waste in the area. No waste will be disposed on on-site. All recyclable materials will be separated in accordance with applicable local, state and federal laws. All waste generated from the Project will be collected by a local waste hauler and disposed of at a permitted facility.

Drainage

The Project will not have any significant adverse impact nor increase the potential for drainage problems on or adjacent to the site. The Project site is currently undeveloped and upon Project build-out it is estimated that approximately 20% of the site will become impervious. Additionally, with the re-grading of the land, other impervious surfaces will become more susceptible to increased rate and volume of stormwater runoff.

The applicant has provided preliminary designs indicating that drainage will be collected via open and closed drainage systems and conveyed to strategically placed stormwater management areas. These stormwater management areas will provide both water quality and quantity controls that will reduce anticipated pollutant loads to the surface and groundwater and maintain the existing quantity of stormwater runoff from the Project to adjoining down gradient areas. At the time of application for site plan and/or subdivision review, a fully conforming Stormwater Pollution Prevention Plan (SWPPP) shall be submitted for review. All stormwater management plan and associated utilities shall conform to the specifications of the Town of East Greenbush and the latest version of the NYSDEC - New York State Stormwater Management Design Manual in effect at the time of site plan / subdivision application being made by the developer. Moreover, both temporary construction activities that result in potential sediment transport and periodic erosion of soils and the permanent water quality and quantity controls to be implemented are permitted under the State SPDES Permit Program, which the applicant will be required to apply for and comply with.

Based on the foregoing discussion, the Project will not have any significant adverse impact nor increase the potential for drainage problems on or adjacent to the site.

Water Supply

The Project site lies within the Town's General Water District. All water facilities shall be designed and constructed in accordance with the standards of the Town of East Greenbush, or other appropriate entity as determined by the Town of East Greenbush in effect at the time of site plan / subdivision application being made by the developer.

The Project will not have any significant adverse impact on the Town's water supply, distribution or treatment systems. However to mitigate unforeseen impacts due to increased demands for potable water, the applicant will be required to pay mitigation fees for future water system improvements as outlined in the Western East Greenbush Generic Environmental Impact Statement.

Sanitary Sewer

The Project lies partially within the General Sewer District and the balance of the site will have to be included in a sewer district extension. The connection to the Town's sewer system would be accomplished by extending a connection to existing 20 foot sanitary sewer easement running through the remaining lands of Witbeck. The Project will also include internal sewer collection system appurtenances such as sewer mains, manholes, pump stations and individual sewer services, all to be installed at the developer's expense.

Notwithstanding the above, the developer shall evaluate the current capacity of the Town's existing sewer collection and treatment systems to determine if any improvements are necessary to support the full build out of the PDD. This study shall be provided to the Town and other appropriate regulatory agencies during the subdivision / site plan review process. All water facilities shall be designed and constructed in accordance with the standards of the Town of East Greenbush, or other appropriate entity as determined by the Town of East Greenbush in effect at the time of site plan / subdivision application being made by the developer.

Based on the foregoing discussion, the Project will not have any significant adverse impact on the Town's sanitary sewer conveyance and treatment systems. However to mitigate unforeseen impacts due to increased demands imposed on the sanitary facilities, the applicant will be required to pay mitigation fees for future water system improvements as outlined in the Western East Greenbush Generic Environmental Impact Statement.

Electric / Gas Service

The Project will not have any significant adverse impact on electric or gas services provided to the area. Both electric and gas will be supplied to the Project by Niagara Mohawk. There is sufficient capacity to meet the demands of the Project.

Community Character

The Project is being developed within the parameters of the Town's comprehensive zoning law of 2008 which permits planned development districts within the R-B District. The Town Board in its review finds that:

1. The Project as a whole and the uses proposed will add to the assets of the community and will advance the goals of the Town.
2. The Project density and scale of the Project are compatible as appropriate with the current and planned community character of the neighborhood.
3. The increase in density from the underlying zoning is commensurate with the overall benefit to the community.

Based on the foregoing discussion, the Project will not have any significant adverse impact on the community character of the site or adjoining neighborhoods.

Visual Appearance

Overall, the Project will not have any adverse visual impacts on the surrounding community. A majority of the development will be isolated from existing adjoining uses. The Project will include the appropriate landscape buffers to mitigate any potentially objectionable visual impacts to nearby residences.

Based on the foregoing discussion, the Project will not have any significant adverse impact on visual appearance.

Community Services

The Project is not expected to significantly increase the demand for police services. Police protection will be provided mainly by the Town of East Greenbush police department with assistance available from the New York State Police, County Sheriff and other nearby police departments on a mutual aid basis. The site currently has limited demands for these services. The Project is not expected to significantly increase the demand for these services beyond the Town police department's current staffing levels and equipment capabilities.

The Project is also not expected to significantly increase the demand for fire protection. Fire protection is provided by the East Greenbush Fire District No. 3. The fire department has adequate equipment and personnel to fight fires at the Project. Additionally, upon extension of the municipal water system to and throughout the Project, the water supply and pressure available to the Project will be adequate to fight fires. The Project will comply with all local and state fire prevention codes including installation of the appropriate fire suppression systems and fire resistant construction materials. These measures will provide additional protection to the public. The site currently has limited to no demands for these services; however, the Project is not expected to significantly increase the demand for these services beyond the Town fire department's current staffing level and equipment capabilities.

The Project is also not expected to significantly increase the demand for ambulatory/emergency services. Ambulatory service is provided by the Bruen Rescue Squad. The rescue squad has adequate equipment and personnel to provide ambulatory and emergency response to the Project. The site currently has limited to no demands for these services. The Project is not expected to significantly increase the demand for these services beyond the Town rescue squad's current staffing level and equipment capabilities.

Miscellaneous

In addition to the foregoing the Town Board has also determined that the Project will not result in:

1. The creation of a material conflict with the Town of East Greenbush's current community development plans or goals as officially approved and adopted. The Project is consistent with the Town's comprehensive Plan and the character of the area surrounding the site.
2. The impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to 6 NYCRR 617.14(g). No such area exists in or adjacent to the site.
3. A major change in use of either the quantity or type of energy. The Project will increase the existing energy demands of the community. However, with the extension of the appropriate service infrastructure, there will be adequate demand to serve the Project.
4. The creation of a hazard to human health. The Project will promote the public health, safety and welfare by providing appropriate mitigation measures satisfying the requirements of the Town's Generic Environmental Impact Statement and associated Statement of Findings.
5. The creation of a material demand for other actions that would result in one of the above consequences. The Project will not result in a demand for other actions.
6. Changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment. No such changes will result from the Project.
7. Two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in 6 NYCRR 617.7(c). No such cumulative impacts will occur.

For the reasons set forth above, the proposed Project will not have any significant adverse impact on the environment and the issuance of a negative declaration under SEQRA is warranted.

If Conditioned Negative Declaration (provide on attachment the specific mitigation measures imposed, and identify comment period (not less than 30 days from date of publication In the ENB)

For Further Information:

Contact Person: Rick McCabe, Supervisor, Town of East Greenbush

Address: 225 Columbia Turnpike, Rensselaer, New York 12144

Telephone Number: 518 694-4011

For Type 1 Actions and Conditioned Negative Declarations, a Copy of this Notice is sent to:

Chief Executive Officer, Town / City / Village of East Greenbush, Rick McCabe, Supervisor

Other involved agencies (If any)

East Greenbush Town Board
Attn: Rick McCabe, Supervisor

East Greenbush Planning Board
Attn Richard Benko, Chairman

New York State Dept of Environmental Conservation, Region 4
Attn: Nancy Adams

New York State Dept of Transportation, Region 1
Attn: Kevin Novak

Rensselaer County Health Dept
Attn: Roy Champagne

Applicant (If any)
George Witbeck
11 Troy Road
East Greenbush, NY 12061

Environmental Notice Bulletin, Room 538, 50 Wolf Road, Albany NY, 12233-1750 (Type One Actions only)

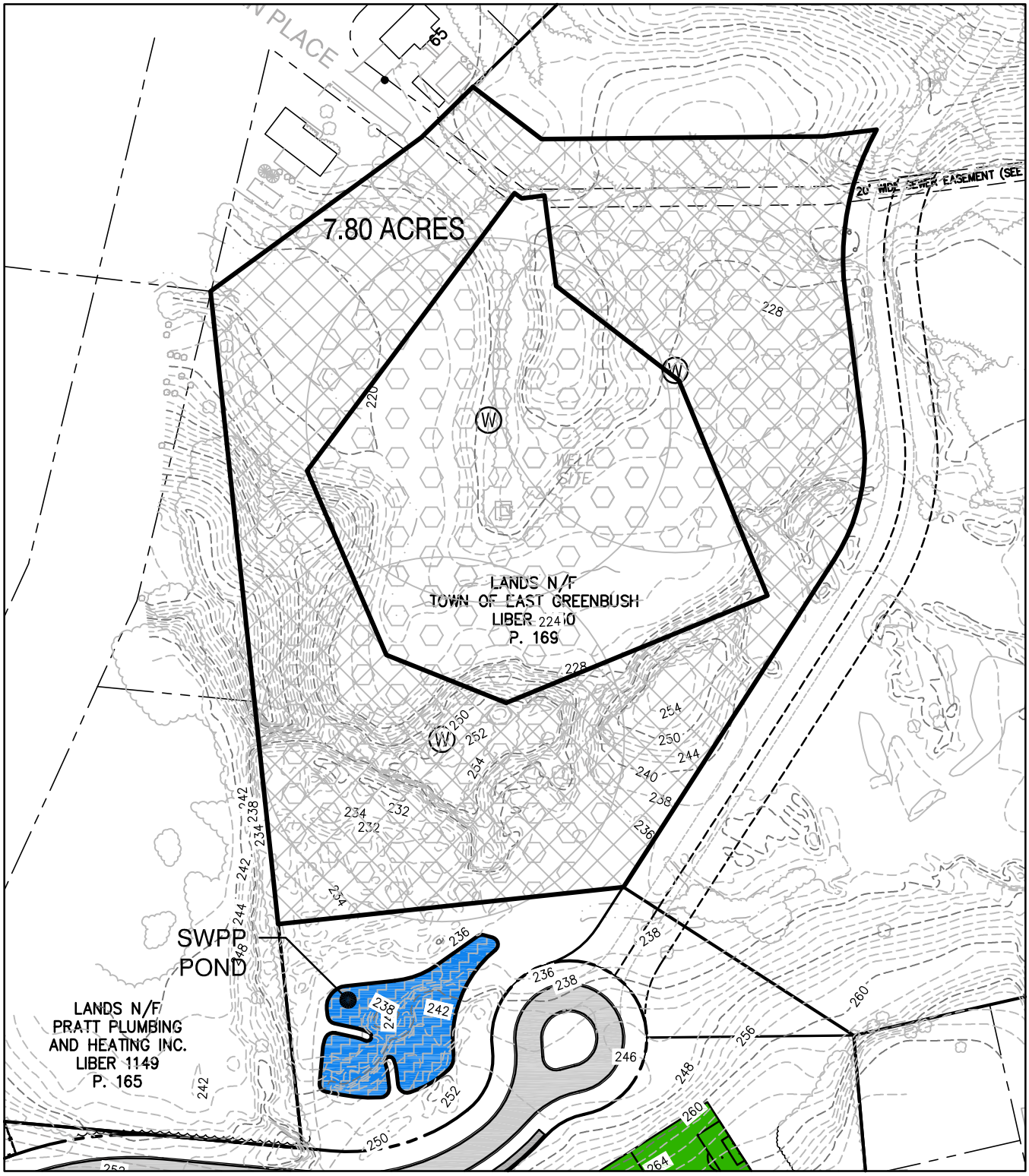
Appendix D

Well Field Dedication Area

Appendix D

HART ENGINEERING

CHRIS BERTRAM EI	STEVE HART PE	DEC 06, 2011	EX 1
Drawn By:	Checked By:	Date Issued:	Drawing Number:
WITBECK PDD SUBDIVISION	WELL FIELD PROPERTY	C25	1" = 120'
Project Name:	Drawing Title:	File Name:	Scale:



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