

Proposed Local Law No. 3 of 2018

“Covered Bridge Apartments East Greenbush Planned Development District”

Section 1 - Local Law Designation

- A. This local law shall be known as the "Covered Bridge East Greenbush Planned Development District." This local law amends the Town of East Greenbush Comprehensive Zoning Law and the Town's Official Zoning Map to provide for the creation of a planned development district to be known and designated as provided in Section 2.A below.

Section 2 - Zoning Law Amendment

- A. The Town of East Greenbush, New York, Comprehensive Zoning Law, as amended, and the Zoning Map of the Town of East Greenbush as set forth therein are hereby amended by changing the area referred to in Section 3 below from R-B Residential Buffer District (the “R-B Zoning District”), as such area was zoned prior to the adoption of this local law, and creating within the boundaries of said area a planned development district to be known and described as "Covered Bridge Apartments East Greenbush Planned Development District" (the “PDD”).

Section 3 - PDD Area

- A. The PDD shall consist of approximately 48.7+/- 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.
- B. The zoning regulations applicable to the PDD shall be as provided in this local law. If the provisions of this local law are silent concerning items regulated by the Comprehensive Zoning Law of the Town of East Greenbush in the R-B Zoning District, then the provisions of the Zoning Law then applicable to the R-B Zoning District shall apply.

Section 4 - Purpose

- A. The purpose of this local law is to provide for the rezoning of the Project site to permit the construction and operation of a residential apartment project with significant amenities for residents, energy conscious attributes such as fuel cell integration into the Project and development in conformance with certain provisions and standards hereinafter set forth which insure the compatibility with the Town's comprehensive land use plan to foster innovation in site planning and development and which encourage sound design practices.
- B. This local law establishes the nature, parameters and limits of the described uses herein which are permissible within the PDD.

Section 5 - General Development Proposal.

The following uses are permitted in the PDD:

- A. The Project proposes a Planned Development District (PDD) for the construction of seven (7) apartment buildings. Six (6) units will contain 28 units per building and the seventh building will contain 118 units. The proposed development will generally contain 36 studio apartments, 94 one-bedroom apartments, 140 two-bedroom apartments and 16 three-bedroom apartments; a total of 286 units, with associated parking, related infrastructure, amenities such as trails, horse barn and preserved greenspace, all shown on the general development plan prepared by Arico Associates, dated June 2016 (last revised October 2018) and containing five (5) sheets, as such General Development Plan may be amended during site plan approval pursuant to the Town of East Greenbush Comprehensive Zoning Law ("General Development Plan"). Permitted uses include: residential apartments Parking lots or garages for private vehicles. Accessory uses include: horsebarn and trails and Parking garages for private vehicles accessory to permitted uses. All of the foregoing uses being referred to in the local law shall constitute the "Project."
- B. The final design of the Project shall be in substantial compliance with the General Development Plan. Final design shall be determined during site plan review for each lot.

Section 6 - General Development Requirements and Construction Specifications

- A. The Project shall be constructed in substantial conformance with the General Development Plan.
- The Project will have a connecting roadway along Michael Road, associated utilities, attached garages, surface parking lots, community clubhouse for meetings and social gatherings, on-site fitness center, pool, tennis courts, multi-use field, walking trails and enclosed parking. The plan calls for a three and four-story building types. All buildings will have an enclosed parking garage together with surface parking space for each unit and guest. (Gross site area is 48.7 acres).
 - There will be Parking for 543 +/- vehicles.
 - A private drive, tentatively named "Covered Bridge Way", will exit into the site from Michael Road, cross Mill Creek, and provide access to the seven (7) apartment buildings and other amenities. The paved portion of the private drive will extend 2,200 feet into the site, shall be 24 feet wide and will be constructed according to site plan approval. The private drive will include a "New England " style covered bridge as a development identity feature and additional amenity. The private drive will be maintained by the Project Owner in accordance with all approved standards for the Project. The Project will also require site plan approval by the Town of East Greenbush Town Board and related permits, approvals and compliance determinations from other involved agencies.
- A. A full landscaping plan for the Project Site shall be offered by the applicant during the Site Plan review process and remains subject to Town approval. This shall include the number, type, caliper and species of landscaping to be provided. Special screening will be provided at the entrance to the Project at Michael Road. This will consist of fences, walls and foliage. The siting of site amenities shall take visibility from Michael Rd into consideration, and minimize visual impacts. The Site Plans shall provide a minimum 50 foot buffer along Mill Creek, and the landscaping plan will be subject to Town approval..

- B. Water will be supplied by the Water District. If any new or additional connections are needed for the Project to connect to the water system, the developer, at its expense, will provide such connections.
- C. An 8 inch water main will be constructed as an extension of the existing municipal infrastructure, together with hydrants and related infrastructure, to be installed in easement areas to be dedicated to the Town. Any required upgrades to Town facilities to support this project would be the responsibility of the applicant and at no cost to the Town.
- D. Hydrants will be provided according to the spacing and location as shown on the General Development Plan.
- E. Sanitary sewer service for the site will be supplied by the Sewer District. Service will be provided by extending the existing low pressure force main system from the existing system at the intersection of Michael Road and Community Way. A Flow Analysis of the existing Town Infrastructure confirmed that sufficient capacity exists to handle the anticipated flows of about 31,460 gpd or a peak of 87.4 gpm, at each section of the sewer leading to the existing Town treatment plant, including each pump station located within the system. The on site pump station for the Projection will be designed with flow equalization system that will limit the flow and the Luther Road Pump Station at off peak times.
- F. Any connections to the sanitary sewer system and Sewer District shall be designed and constructed in accordance with the standards of the Sewer District in effect at the time of site plan being made by the developer.
- G. Detailed studies of water supply and sanitary sewer system capacity have been supplied by the developer and evaluated during the PDD review process.
- H. Lighting will be provided on each building. All extension lighting will conform with light level and glare standards to be established during final site plan approval. Lighting shall be in substantial conformance with the General Development Plan and the site plans for development within the project. The final lighting plan shall be determined during site plan review. A detailed plan for the location of the project lighting shall be offered by the applicant during the Site Plan review process and remains subject to Town approval. This shall include the final location and type for these facilities.
- I. The developer shall construct an emergency access driveway to intersect Michael Road at intersection with National Grid power lines to the southern portion of the site.

- J. After reviewing traffic flow information, and as outlined in the SEQRA Findings, it was determined that no traffic-related improvements were required to the existing geometry of Michael Road, or its intersection with Elliot Road except for an improvement to the Michael Rd/Luther Road intersection of minor signal timing adjustments and changing the northbound lane assignment from a shared left/through lane and exclusive right turn lane to an exclusive left turn lane and a shared through/right turn lane.

Section 7 - Stormwater Management

- All stormwater management plans 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 application being made by the developer.
- At the time of application for site plan review, a conforming Stormwater Pollution Prevention Plan ("SWPPP") shall be submitted to the Planning Board for review.
- Prior to the issuance of a Certificate of Occupancy, a Stormwater Management System Maintenance Agreement between the Facility Owner and the Town shall be executed.

Section 8 - Project Related Review Fees.

- A. The developer shall be responsible for reimbursing the Town for any and all expenses incurred for the review of this Project as stipulated within the Town's zoning regulations.

Section 9 – Amenity Package

- A. The developer shall be responsible for providing the Town with the following amenities:
- Approximately 3,000 lineal feet of nature walking trails along Michael Road, to be constructed in phases as shown on the General Development Plan;

- An easement for future connections for water/sewer in the public right of way for residents on Michael Road as shown on the General Development Plan; and
- A Monetary contribution of \$500,000.00.

Section 10 – 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 (“SEQRA”) has issued a Negative Declaration and issued SEQRA Findings concerning the Project..

Section 11 - Additional Town Approvals

- A. Following adoption of this local law, the developer shall make application to the Town of East Greenbush for the following "planning" related approvals, if not already completed:
1. Site Plan Approval subject to the Town Planning Board and Town Board review and approval.
 2. Subdivision Approval subject to the Planning Board review and approval. (for additional Mulheren parcel???)

Section 12 - Zoning Map to Incorporate the PDD

- A. The Town of East Greenbush Zoning Map is hereby amended by providing that said 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, all of which are hereby made a part of this local law.

Section 13 - Effective Date; Severability

- A. This local law shall take effect immediately upon filing with the Secretary of State of New York State. 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.

Section 14 - Sunset Provision

- A. In the event construction does not commence within three years of the date this local law becomes effective, this local law shall be deemed null and void, and the zoning of these lands shall revert to the R-B District.

Section 15 – GEIS Mitigation Fees

- A. The developer shall be required to pay the following fees provided for in Local Law No. 1 of 2010 of the Town of East Greenbush.
- B. The fees shall be paid in accordance with the schedule set forth in Local Law No. 1 of 2010 of the Town of East Greenbush.