

TOWN OF AMSTERDAM TOWN BOARD

RESOLUTION SCHEDULING A PUBLIC HEARING ON A PROPOSED LOCAL LAW TO AMEND PLANNED UNIT DEVELOPMENT (PUD) #3 KNOWN AS THE GABLES AT LOG CITY VILLAGE PUD

Whereas, on February 17, 2021, the Town Board approved PUD District No. 3 by adopting of local law No. 3 of 2021 involving approximately 92.08 acres in connection with a project to allow for construction of 82 condominiums, 4 one-family dwelling units, and related site improvements, as set forth in Exhibits A and B of local law no. 3 of 2021; and

Whereas, Bruns Realty, LLC (David Bruns), with an address of 994 Burdeck Street, Rotterdam, NY 12306 (the "Applicant") submitted an application to the Town Board in accordance with Section 14 of the Town's Zoning Law to amend Planned Unit Development (PUD) District No. 3, known as the "Gables at Log City Village PUD" and for site plan approval; and

WHEREAS, at its regular meeting held on December 15, 2021, the Town Board reviewed the PUD application and forwarded the same to the Town Planning Board for review; and

WHEREAS, the Applicant proposes to amend PUD District No. 3 by adding approximately 16.50 acres of land, as shown on the Town's tax rolls as tax parcel no. 24.12-4-7.31 (approximately 9.0 acres) and 24.12-4-7.32 (approximately 7.5 acres) located adjacent and to the east of the PUD District No. 3 site, in order to allow construction of 168 apartment units, a community clubhouse, and related site improvements, as shown on the Concept PUD site plan, prepared by Environmental Design Partnership, LLP, entitled "Amendment to Planned Unit Development Log City Road PUD," dated August 24, 2022 and last revised October 4, 2022; and; and

Whereas, the Town of Amsterdam Planning Board held a public hearing on the project on May 4th, 2022 at which time the Planning Board heard those speaking for and against the proposed PUD District No. 3 Amendment; and

Whereas, at its regular meeting held on October 5, 2022, the Planning Board declared itself lead agency under SEQR and, as part of its review in accordance with SEQR and as part of making a determination of significance in accordance with SEQR, directed that the Applicant must provide Planning Board with a traffic impact analysis which addresses the entire area to be rezoned and developed in connection with the PUD; and

Whereas, at its regular meeting held on October 5, 2022, the Planning Board also recommended that the Town Board adopt Amended PUD District #3, with certain conditions; and

Whereas, the Town Board desires to conduct a public hearing, in accordance with Section 14 of the Town's zoning law, to receive public comment for and against the proposed PUD District No. 3 Amendment;

THEREFORE BE IT RESOLVED AS FOLLOWS:

The Town Board hereby schedules a public hearing for Wednesday, November 16, 2022 at 5:50 PM, to be held at the Town of Amsterdam Town Hall concerning a proposed local law to amend Planned Unit Development District No. 3 known as the Gables at Log City PUD.

Dated: October 19, 2022

Sponsored by:

Seconded by:

ADOPTED- -AYES- -NOES

DRAFT



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October 13, 2022

TO: Supervisor DiMezza and Town Board Members
FROM: Town of Amsterdam Planning Board
RE: Amended PUD Log City Road

At our monthly meeting on October 5, 2022 the board discussed the amended PUD & site plan review application for the Gables at NYS Route 30 & Log City Road for 13 apartment buildings consisting of 168 one and two bedrooms apartments.

After the review, the board decision was:

The Planning Board makes a positive recommendation to the Town Board for the amended PUD and site plan review with the following conditions: (see attached)

Motion by: Kelly Joyce
Second by: Frank Greco

Respectfully submitted,

Alex Kuchis
Planning Board Chairman

TOWN OF AMSTERDAM PLANNING BOARD

**A RESOLUTION TO ISSUE FINDINGS AND A
RECOMMENDATION FOR A PROPOSED AMENDMENT TO
PLANNED UNIT DEVELOPMENT DISTRICT NO. 3 KNOWN AS
THE GABLES AT LOG CITY VILLAGE PUD AND TO FORWARD
THE SAME TO THE TOWN BOARD**

October 5, 2022

WHEREAS, Concord Development Corporation, LLC, with an address of PO Box 9614, Niskayuna, NY 12309 submitted an application, dated May 7, 2020, for site plan, subdivision, and planned unit development approval to Town for a project to create a Planned Unit Development District on 92.08 acres of land in the R-1 Residential District and development of an apartment complex and commercial lots located in the R-2 Residential District and B1-Business District (tax parcels 24.-2-43.11 & 24.12-4-7.3) located along the south side of Log City Road on a combined 108.75 acres of applicant-controlled parcels (collectively, the “Concord Development Project”); and

WHEREAS, the proposed Concord Development Project involved the construction of 56 four-unit buildings, 26 two-unit buildings, and the subdivision of 4 single-family buildings lots; along with the subdivision of 5 commercial building lots, 74 apartment units in five buildings, 3 access drives, landscaping, stormwater management, interconnection to National Grid, new streets, water extensions, and sewer extensions; and

WHEREAS, on February 3, 2021, the Planning Board issued a negative declaration under SEQR and took the following action with regard to the proposed Concord Development Project: the Planning Board recommended that the Town Board approve the proposed 92.08 acre PUD and approved the site plan for the development of an apartment complex and five commercial lots on a portion of parcel 24.12-4-7.3; and

WHEREAS, on February 17, 2021, the Town Board approved PUD District No. 3 by adopting of local law No. 3 of 2021 involving approximately 92.08 acres in connection with the Concord Development Project to allow for construction of 82 condominiums, 4 one-family dwelling units, and related site improvements, as set forth in Exhibits A and B of local law no. 3 of 2021; and

WHEREAS, on November 3, 2021, the Planning Board approved a 3-lot subdivision involving 18 acres of the Concord Development Project (tax parcel 24.12-4-7.3) in order to create tax parcel no. 24.12-4-7.31 (approximately 9.0 acres) and 24.12-4-7.32 (approximately 7.5 acres); and

WHEREAS, Bruns Realty, LLC (David Bruns), with an address of 994 Burdeck Street, Rotterdam, NY 12306 (the “Applicant”) submitted an application to the Town

Board in accordance with Section 14 of the Town’s Zoning Law to amend Planned Unit Development (PUD) District No. 3, known as the “Gables at Log City Village PUD” and for site plan approval; and

WHEREAS, at its regular meeting held on December 15, 2021, the Town Board reviewed the PUD application and forwarded the same to the Town Planning Board for review; and

WHEREAS, the Applicant proposes to amend PUD District No. 3 by adding approximately 16.50 acres of land, as shown on the Town’s tax rolls as tax parcel no. 24.12-4-7.31 (approximately 9.0 acres) and 24.12-4-7.32 (approximately 7.5 acres) located adjacent and to the east of the PUD District No. 3 site, in order to allow construction of 168 apartment units, a community clubhouse, and related site improvements, as shown on the Concept PUD site plan, prepared by Environmental Design Partnership, LLP, entitled “Amendment to Planned Unit Development Log City Road PUD,” dated August 24, 2022 and last revised October 4, 2022; and

WHEREAS, the majority of tax parcel no. 24.12-4-7.31 is zoned R-2, with a small portion in the northeast corner zoned B-1; tax parcel no. 24.12-4-7.32 is zoned B-1, and these lands would be rezoned to PUD; and

WHEREAS, as amended, PUD District No. 3 would provide for the development of 82 condominiums, 4 one-family dwelling units, 168 apartment units, a community clubhouse, and construction of associated infrastructure and related site development on a site with a total area of 108.75 acres shown on the Town’s tax rolls as parcels 24.-2-43.111, 24.-2-43.112, 24.-2-43.113, 24.-2-43.114, 24.-2-43.115, 24.-2-43.116, 24.12-4-7.31, and 24.12-4-7.32 (the “PUD District No. 3 Amendment”); and

WHEREAS, the Montgomery County Planning Board reviewed the proposed Action in conformance with §239-m of General Municipal Law and issued a positive recommendation, and

WHEREAS, the Town of Amsterdam Planning Board held a public hearing on the project on May 4th, 2022 at which time the Planning Board heard those speaking for and against the proposed PUD District No. 3 Amendment; and

WHEREAS, the Town’s Designated Engineer, Delaware Engineering, DPC, has reviewed the proposed PUD District No. 3 Amendment and has concurred that the application and its supporting documents are now consistent with the Town’s zoning regulations, that application has been updated to address previous issues raised as part of their review, and that the PUPD District No. 3 Amendment is complete for the purpose of consideration by the Planning Board in accordance with Section 14.4 of the Town’s zoning law; and

WHEREAS, on April 22, 2022, the Planning Board circulated to potential involved and interested agencies a notice of intent to declare itself lead agency in connection with a coordinated review under SEQR of the proposed action, classified as

type 1 and received no responses to the contrary; and

WHEREAS, as amended, PUD District No. 3 would provide for the development of 82 condominiums, 256 additional single-family attached units, 4 one-family dwelling units, 168 apartment units, a community clubhouse, and construction of associated infrastructure and related site development on a site with a total area of 108.75 acres shown on the Town's tax rolls as (the "Amended PUD District No. 3"); and

now, therefore, be it

RESOLVED, that the Town of Amsterdam Planning Board, in accordance with Section 14.D of the Town's Zoning Law, hereby makes the following findings with respect to the proposed Amended PUD District No. 3:

- The uses proposed are compatible with surrounding uses, and will have a beneficial effect on the community, which could not be achieved under another zoning district, as the surrounding uses are residential with density of the proposed residential development increasing from west to east, and will benefit the community by providing a range of housing options as part of an integrated development plan;
- The proposed zoning change is in conformance with the purpose and objectives of a Planned Unit Development, and with the general intent of this Zoning Law and the Comprehensive Plan, as it makes possible a creative, mid-scale, compact development adjacent to existing utilities and roadways while providing open space and recreation and preserving on-site wetlands, and it will provide a diversity of housing options in areas served by public water and sewer, helps buffer existing single-family neighborhoods from commercial areas on NY-30, and provides an interconnected transportation system internal to the development;
- Existing and proposed streets are suitable and adequate to carry anticipated traffic within, and in the vicinity of the proposed development, as the proposed street network within the Amended PUD District No. 3 site will be interconnected, and with the exception of on-site mitigation for sight distance as noted below, the existing street network will adequately serve the proposed Amended PUD District No. 3;
- Existing and proposed utilities are adequate for the proposed development, as the Amended PUD District No. 3 site will be served by public water and sewer, the Town's water system has adequate capacity and pressure to serve the proposed development, there is a plan in place to mitigate an identified sanitary sewer capacity constraint in the City of Amsterdam, and the 168 apartment units will have electricity service provided by an on-site solar energy system; and
- Each phase of the proposed development, as it is intended to be built, contains the required utilities, parking, open space, recreational facilities, and landscaping necessary for creating and sustaining a desirable and stable environment, as the Amended PUD District No. 3 consists of at least two phases that include buffering as

recommended by the Planning Board previously; and

be it further

RESOLVED, that the Planning Board recommends that the Town Board make the following findings of fact in accordance with Section 14.3(F) of the zoning law: The density of the PUD generally decreases from the more intensely developed Route 30 corridor in the east to less intensely developed residential and rural areas to the west. The density of Phase C extends the 10 units per acre presently allowed in the R-2 zone to the adjacent areas within the PUD presently zoned B-1, and would have the effect of increasing the number of people living in walkable proximity to the Town's main commercial corridor. The density of Phase A and Phase B, at 4 units/acre, while approximately twice what would be permitted in the B-1 zone, allows more efficient use of lands adjacent to the Route 30 corridor along with protection of wetlands and provision of open space. The density of Phase D generally follows existing development patterns and dwelling unit density along this portion of Log City Rd; and

Be it further

RESOLVED, that the Planning Board hereby classifies the PUD District No. 3 Amendment project as a type 1 action under SEQRA and declares itself lead agency for purposes of conducting a coordinated review; and

Be it further

RESOLVED, that as part of its discharging its responsibilities under SEQR, including as part of making a determination of significance, the Applicant must provide Planning Board with a traffic impact analysis which addresses the entire area to be rezoned and developed in connection with the PUD; and

Be it further

RESOLVED, that the Planning Board hereby recommends that the Town Board adopt the Amended PUD District No. 3, and that the Town Board apply the following conditions:

- Prior to adoption of the proposed PUD local law, the Planning Board must issue a determination of significance in accordance with 6 NYCRR Part 617.
- The Applicant must demonstrate that all owners of the land involved in the PUD have signed the application in accordance with Section 14.3.D of the zoning law.
- Because development of Areas A and B is dependent upon transportation and utility access through Area C, the Planning Board recommends that, prior to PUD approval, the Applicant provide evidence of the filing of easements providing the aforementioned rights of access, which are necessary to construct the PUD. The

final easement configuration will be determined during final design of the utilities and site plan review.

- Any site traffic signing shall be placed a minimum of fifteen feet back from the travel way and that the landscaping plan consider sight lines in order to maintain visibility at the Site Access Road locations. The final plan for this on-site mitigation measure will be determined during site plan review.
- To maintain good sight lines at the sight access roadways and individual driveways, all vegetation should be cleared a minimum of 14-5 feet back from the travel way along the project frontage and any site signing be placed outside the 14.5-foot clear zone. The driveways serving each of the four one-family dwelling units should be provided with a turnaround to minimize vehicles backing out onto Log City Road. The final plan for this on-site mitigation measure will be determined during site plan review.
- The Planning Board recommends that proposed Open Space areas, including all required active and passive recreation areas and associated multi-use paths, be added to the Preliminary Development Plan prior approval of the PUD.
- The Applicant receives all necessary permits and approvals from local, state and federal agencies, including Montgomery County DPW, NYSDEC, NYSDOH, NYSDOT if needed, and USACOE.
- The Town Attorney reviews and approves all proposed easements, deed restrictions, restrictive covenants, access and maintenance agreements, and Home Owners Association documents, as applicable.
- The proposed water supply facilities shall be offered for dedication to the Town of Amsterdam upon their completion in accordance with Town requirements and certified by the Town Engineer. The Town Engineer must approve the design of all utilities proposed to be dedicated to the Town during site plan review. Escrow funding sufficient to reimburse the Town for all construction inspection activities must be provided in accordance with Town requirements.
- Five 15-foot-wide utility easements shall be provided for the neighboring properties along the south side of Log City Road for parcels 24.-2-43.2, 24.-2-38, 24.-2-37, 24.2-36, and 24.-2-34. The general location of the proposed easements should be added to the PUD Preliminary Development Plan, subject to final approval at site plan review.
- 7,276 square feet shall be conveyed from parcel 24.-2-43.11 to parcel 24.-2-43.2 for the purpose of creating a better buffer to the existing house for a total of 2.02 acres and leaving 83.85 acres for parcel 24.-2-43.11. The location of this proposed conveyance should be added to the PUD Preliminary Development Plan, subject

to final approval at site plan review.

- A 4-foot-high berm with 4-foot to 5-foot-high arborvitae at 6 feet off-center will be provided at the property boundaries with parcels 24.-2-43.2, 24.-2-38, 24.-2-37, 24.2-36, and 24.-2-34.
- The applicant shall adhere to all stormwater pollution prevention plan revisions received from the Town Engineer.
- The applicant shall address all outstanding technical comments as determined by the Town Engineer.

A MOTION TO ADOPT THIS RESOLUTION WAS:

Offered by Kelly Joyce Second Frank Greco

Alex Kuchis, Chairman	<u> Absent </u>
Mike Anostario, Vice Chair	<u> Yes </u>
Kelly Joyce, Member	<u> Yes </u>
Frank Greco, Member	<u> Yes </u>
Charles Archinal, Member	<u> Yes </u>
Salvatore D'Aniello, Member	<u> Absent </u>
Nancy Knudsen, Member	<u> Absent </u>

In Favor 4 , Opposed 0 , Absent 3 , Abstained 0 .

ADOPTED: October 5, 2022