

Town Board

Town of Amsterdam, Montgomery County, New York

Local Law No. _ of 2022

“Amended PUD District No. 3 – The Gables and the Lofts at Log City Village PUD”

Section 1 – Local Law Designation

This local law shall be known as “No. ___ of 2022” and amends the Town of Amsterdam Zoning Code to provide for the creation of a Planned Unit Development District No. 3, to be known as “Amended PUD District No. 3 – The Gables and the Lofts at Log City Road” (hereinafter, the “Log City Road PUD”).

Section 2 – Repeal of Local Law No. 3 of the Year 2021

Local law No. 3 of the Year 2021 known as “Local Law No. 3 of 2021, of the Town of Amsterdam amending the Zoning Ordinance of the Town of Amsterdam, Montgomery County, New York, and providing for the creation of Planned Unit Development District No. 3 to be known as the Gables at Log City Village PUD” is hereby repealed and is to be replaced with this local law.

Section 3 – Zoning Law Amendment

The Town of Amsterdam, New York, Zoning Law and the Zoning Map of the Town of Amsterdam are hereby amended by changing the area set forth in Section 4, below, from the R-2 and B-1 Zoning Districts, as such is now zoned, adding this area to adjacent lands now zoned PUD, and creating within the boundaries of said newly described area a planned unit development district to be known and described as “Amended Planned Unit Development District No. 3 to be known as the Gables and the Lofts at Log City Village PUD” (hereinafter referred to as the “PUD”), in which shall be permitted the uses set forth in Appendix “A.”

Section 4 – PUD Area

- A. The area of the PUD consists of approximately one hundred eight and seven tenths (108.7) acres in the Town of Amsterdam and is further described in Appendix “B,” which contains a map and metes and bounds description of the PUD area, attached hereto and made a part hereof.
- B. The area of the PUD will include the following tax parcels located on Log City Rd:
 - a. 24.-2-43.115 (20.2) acres, 24.-2-43.116 (63.7 acres), 24.-2-43.111 (2.6 acres), 24.-2-43.112 (2.1 acres), 24.-2-43.113 (1.8 acres), 24.-2-43.114 (1.8 acres), all of which are presently zoned PUD; and
 - b. 24.12-4-7.32 (7.5 acres), 24.12-4-7.31 (9 acres) which are now zoned R-2 and B-1.
- C. The zoning regulations applicable to the PUD shall be provided in this local law.

Section 4 – Purpose

- A. The Purpose of this local law is to provide for the rezoning of certain lands to a mixed-use planned development including a variety of residential and recreational uses in accordance with certain provisions and standards set forth herein, which insures a development pattern in

harmony with the existing community and the Town’s comprehensive plan; provision of a variety of housing opportunities and improved residential environments; more usable open space and recreation; preservation of natural resources; increased efficiency in the use of land, energy, transportation, and utility networks; and innovation in land use variety and design, in the layout and types of new structures and in their integration with existing structures.

- B. It is further the purpose of this local law to provide a flexible mechanism by which different land uses within the PUD are planned, reviewed, and developed as a unit, and by promoting more creative and innovative design of mid-to-large scale developments than is permissible under traditional zoning regulations. In accordance with conditions and standards designed to mitigate environmental impacts to the greatest extent practicable, the development 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 uses herein which are permissible within the PUD.

Section 5 –Development Proposal, Phasing, and Density

- A. Permitted Uses. Uses within the PUD include a variety of residential and recreational uses as set forth in Appendix A, which is attached hereto and made a part hereof. Detached garage units shall not be converted to storage units.
- B. Phasing. The PUD will be developed in multiple areas, subject to market conditions, as shown on the Preliminary Development Plan, annexed hereto as Appendix C, and as further described herein. The PUD may be, in the discretion of the developer, completed in a single phase of construction. Phasing shall be in accordance with Section 14.4(L) of the Town’s comprehensive zoning law, as may be amended.

	Description	Parcel(s)	Area (ac.)	Max. Density
Area A	A maximum of 82 dwelling units in a mixture of two- and four-unit Condominium and Townhouse buildings	24.-2-43.115	20.5+/-	4.0 units/acre
Area B	Dwelling units in a mixture of two- and four-unit Condominium and Townhouse buildings at a density not to exceed the max. density outlined herein	24.-2-43.116	63.4+/-	4.0 units/acre
AreaC	A maximum of 168 Multiple Family Dwelling units	24.12-4-7.32 & 24.12-4-7.31	16.5+/-	10.1 units/acre
Area D	A maximum of four (4) one-family dwelling units	24.-2-43.111, 24.-2-43.112, 24.-2-43.113, & 24.-2-43.114	8.3+/-	0.5 units/acre

- C. Site Plan Review. Within six (6) months of the Town Board approval of the Zoning Map Amendment and Preliminary Development Plan, the application shall file for Site Plan Review of

any area of the PUD in accordance with the procedures of the Town's Zoning Law. Development of one-family dwellings in Area D shall be exempt from site plan review.

- D. Density. The density of each area of the PUD is set in accordance with the chart outlined in section 5(B), above, and the Zoning Schedule, which is annexed hereto as Appendix D.
- E. Zoning Schedule. Development within the PUD shall conform to the requirements set forth in the Zoning Schedule, which is annexed hereto as Appendix D.

Section 6 – Open Space

- A. Common Open Space totaling not less than 30% of the total Planned Unit Development District shall be provided in perpetuity. Of this amount at least half shall be useable space for active or passive community recreation. The entire tract shall be considered in determining the required amount of open space.
- B. Community Recreation Areas. Areas for active and/or passive community recreation shall be as shown on the Preliminary Development Plan and are further described as follows:
 - a. In Area A, approximately 6.7 acres of Open Space will be provided as depicted on the Preliminary Development Plan. Final configuration and use of the openspce shall be determined at site plan review. Residents of Area D shall be permitted to access these community recreation areas.
 - b. In Area B, Approximately 21 acres of Open Space will be provided as depicted on the Preliminary Development plan. Final configuration and use of the Open Space area shall be determined during site plan review. Within the Open Space area, a multi-use area for active recreation area of approximately 1 acre shall be provided and maintained by the homeowners association or project owner. Residents of Area D shall be permitted to access these community recreation areas.
 - c. In Area C, approximately 5.5 acres of Open Space will be provided as depicted on the Preliminary Development Plan. Final configuration and use of the Open Space area shall be determined during site plan review. Within the open space areas the following uses shall be allowed: a community center and leasing office, passive/active recreation area, pathway connection to sidewalk system on NYS route 30.
 - d. No additional community recreation areas shall be required as part of Area D.
- C. Open Space Protection. The Town shall be granted third-party enforcement rights to enforce the terms of all restrictions, easements, or other legally binding instruments providing for open space. All easements, covenants, and related instruments shall be subject to Town Attorney review and approval and must be provided during site plan review. Open space protection shall be as follows:
 - a. Areas A and B: Conservation easements and/or deed covenants transferred to a homeowners association or the property owner;
 - b. Area C: Conservation easements and/or deed covenants retained by the property owner.
- D. The Town Board shall have the authority to require a bond or other security measure to ensure proper maintenance of open space and facilities located on the PUD parcel.
- E. Phasing of common open space and public and recreation facilities. The construction and provision of common open space and public and recreation facilities shall proceed at the rate consistent with the development pace of the PUD, and shall be in accordance with Section 14.4(L) of the Town's Zoning Law, as it may be amended.

Section 7 – Building Design Standards

- A. All buildings shall be an integral part of the layout and design of the entire development. Individual buildings shall generally be related to each other in design, massing, materials, placement, and connections so as to create a visually and physically integrated environment.
- B. Proposed architectural renderings attached as Appendix E represent proposed general standards for the buildings to be built in the PUD Area, C. Building Design Standards for Area A, B and D shall be determined at the time of site plan review. In its review of the proposed Building Design Standards for any site plan involving development of Area A or Area B, the Planning Board shall consider the standards set forth in Section 7(A) of this local law and, in its approval of said site plan(s), must explicitly find that the proposed Building Design Standards will “create a visually and physically integrated environment.”
- C. Building Design Standards for single family residential development in Area D shall be determined at the time of building permit application.

Section 8 – Landscaping and Buffering

- A. The development shall have a coordinated landscape design for the entire site. Existing trees to be conserved and integrated into the overall landscape design are shown on the Preliminary Development Plan. Landscaping shall include shrubs, ground cover, and street trees. Street trees shall be provided along all streets and pedestrian walkways. Parking lots shall be landscaped and screened.
- B. A 4-foot high berm planted with arborvitae or other deer-resistant species to achieve 90% opacity year-round shall be provided along the boundary with parcels 24.-2-43.2, 24.-2-38, 24.-2-37, 24.-2-36, and 24.-2-34. The plantings shall be at least 4-feet tall at the time of planting and shall be planted at a maximum of 6 feet on center. The developer shall warrant the plantings for a period of one (1) year after installation.
- C. The final design of the proposed landscaping for Areas A, B, and C shall be determined during site plan review.
- D. A minimum of one (1) native, non-invasive tree of minimum caliper of 2.5” DBH at the time of planting shall be provided for each development lot in Area D.
- E. An amount of land of at least 7,276 square feet shall be conveyed from parcel 24.-2-43.11 to parcel 24.-2-43.2 (309 Log City Rd) 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.
- F. Air handling units and other mechanical equipment, including utility meters, shall be screened from the view of internal roadways and sidewalks to the maximum extent practical.

Section 9 – Lighting

- A. The final lighting plan shall be determined at site plan review.
- B. Site lighting should encourage safety and security while conserving energy and avoiding excessive lighting, glare, and light pollution over property lines or into the night sky. Lighting in Areas A, B, and C shall generally conform to the following standards:
 - a. All lighting shall be full cut-off fixtures and shall be Dark Sky Compliant.
 - b. The light level at the property boundary shall not exceed 0.1 footcandle (fc)
 - c. The average maximum lighting level in parking areas shall not exceed 1 fc.
 - d. The average maximum lighting level in high security areas shall not exceed 5 fc.
 - e. The maximum height of lighting fixtures shall be 15 feet.

- f. The Planning Board may require a photometric plan.
- C. No lighting plan shall be required for development in Area D.

Section 10 – Signage

- A. The signage plan shall be submitted for the Planning Board’s review during site plan review.
- B. The location, height, size, design, and construction materials of all proposed signage shall conform to Art. VIII Section 31 (Signs) of the Town’s Zoning Law, or as may be amended or revised, from time to time.

Section 11 – Circulation Design Standards

- A. Roadways, pedestrian walkways, and/or sidewalks shall be designed as an integral part of the overall site design and shall be connected to the sidewalk network, if it exists.
- B. Adequate signage, markings, and other facilities shall be provided for the safety and security of roadway users, and efficient accessibility and mobility within the PUD. The location and design shall be provided at site plan approval.
- C. Roads.
 - a. The roadway layout, including access points onto Log City Rd, shall generally conform to the Preliminary Development Plan.
 - b. Ownership, operation, and maintenance of the roadway network in Area A and Area B will be private and be conveyed to the responsible homeowners association or property owner. Ownership, operation, and maintenance of the roadway and pedestrian network in Area C will be the responsibility of the property owner.
 - c. Development in Area D will require permits from Montgomery County Highway for access onto Log City Road.
 - d. All easements, covenants, and other mechanisms governing access between the Area of the PUD shall be provided to the Town and be subject to review by the Town Attorney during site plan review.
 - e. Buildout of Areas A and B, beyond 30 units, or as otherwise specified by the international fire code, will be required to have access through a private driveway/road within Area C to provide a secondary means of ingress/egress. The approximate location of the ingress egress easement is identified on the Preliminary Development Plan, which is annexed hereto as Appendix C. The final location of the easement shall be defined during site plan review of area A, B and or C.
- D. Sidewalks and Multi-Use Paths.
 - a. Sidewalks shall be constructed in Area C generally as depicted on the Preliminary Development Plan.
 - b. All sidewalks shall comply with the latest version of the Americans with Disabilities Standards for Accessible Design and the Town’s requirements at the time of site plan review.
 - c. Area A and B shall provide Multi-use paths shall be constructed in Area A and Area C generally as shown on the Preliminary Development Plan. The intent of the paths in Area A is to provide access to Open Space areas. The intent of the paths in Area C is to facilitate access to Route 30. Any paths required to access Open Space areas provided in Areas A and B will be determined at site plan approval .
- E. Traffic Impact Assessment and Off-Site Mitigation.

- a. The Developer has provided a supplemental traffic impact assessment (TIA), dated October 27, 2022, prepared by Creighton Manning Engineers. The TIA finds that, at full buildout of the PUD, including Areas A, B, C, and D, a total of 259 new PM peak hour trips and also concludes that no off-site mitigation is necessary or should be required.
- b. The TIA notes that full buildout could occur through 2028, and buildout will be according to market conditions. The TIA presents roadway network conditions and analysis as of October 2022, and conditions may change in the future. Therefore, the TIA may need updating as buildout occurs.

Section 12 – Water Supply

- A. Water for Areas A, B, and C will be supplied by the Town of Amsterdam Water District if the Town determines sufficient water is available for the PUD. The developer, at its expense, will provide connection to the existing water distribution system and any necessary mitigation. Water for Area D will be supplied by private on-site water supply facilities.
- B. All water facilities shall be designed and constructed in accordance with the standards of the Town of Amsterdam in effect at the time of site plan application being made by the developer and are subject to approval by applicable agencies.
- C. The developer agrees to provide for any and all required improvements to the existing water system that are necessary to accommodate this PUD and shall complete these improvements at no cost to the Town.
- D. The Developer shall obtain all necessary approvals and permits needed for the construction of water supply system, including but not limited to Town Board approval of any required water district extensions as well as applicable approvals from NYSDOH and NYSDEC.
- E. The developer agrees to offer for dedication to the Town of Amsterdam all completed on-site and off-site water facilities at no cost to the Town.
- F. The Town shall determine what portions of these facilities are appropriate for public ownership.
- G. The developer shall provide twenty feet (20') wide permanent easements 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.
- H. Fire hydrants shall be installed throughout the PUD by the developer pursuant to the NYS Uniform Fire Prevention and Building Code (Uniform Code) and Town of Amsterdam requirements.

Section 13 – Sanitary Sewers

- A. Sewer service will be supplied by the Town of Amsterdam Sewer District if sufficient capacity is determined by the Town to exist in the Town's Sewer Infrastructure and in accordance with the intermunicipal agreement between the Town and the City of Amsterdam. The developer, at its expense, will provide the connection to the existing sewer system. In addition, the developer, at its expense, will provide final design plans for necessary upgrades to a certain 300-foot portion of sanitary sewer pipe located within the Henrietta St right-of-way and situated in the City of Amsterdam that are acceptable to the Town and the City of Amsterdam.
- B. On-site sewer facilities will be constructed at the developer's expense and, upon completion, will be privately owned and operated, and will be completed as follows:

- a. Area A: On-site sewer shall be connected to the Town's Sewer District via a conveyance to be installed within Area C as generally shown on the Preliminary Development Plan. The final easement alignment shall be determined at site plan approval for Area C. The developer agrees to provide the Town with all necessary easements between landowners needed to construct the Area A sewer service, which are subject to Town approval.
- b. Area B: On-site sewer shall be connected to the Town's Sewer District via a conveyance to be installed within Area A and Area C, as generally shown on the Preliminary Development Plan. The final easement alignment shall be determined at site plan approval for Area C. The developer agrees to provide the Town with all necessary easements between landowners needed to construct the Area A sewer service, which are subject to Town approval.
- c. Area C: On-site sewer shall be connected to the Town's Sewer District via a conveyance to be installed completely within Area C as generally shown on the Preliminary Development Plan.
- d. Area D: The final design of on-site wastewater disposal facilities shall be provided to Town and Department of Health at the time of application for a building permit.

Section 14 – Stormwater Management

- A. All stormwater management plan and associated utilities shall conform to the specifications of the Town of Amsterdam, applicable State Pollutant Discharge Elimination System (SPDES) permits, and the latest version of the NYSDEC New York State Stormwater Management Design Manual in effect at the time of site plan review being made by the developer. All post-construction stormwater management facilities shall be privately owned and operated.
- B. Future development in Area B shall be considered part of a larger common plan of development, in accordance with NYSDEC requirements.

Section 15 –Alternative Energy

The development in Area C is proposed to employ alternative energy sources and building orientation and construction strategies to reduce grid energy consumption to a net zero increase. Small-scale solar energy systems shall be subject to the requirements of Section 35 of the Town's Zoning Law, including the requirement for a building permit. Nothing within this section shall preclude the developer in Areas A and B from pursuing approval of Alternative Energy sources.

Section 16 – Utility Easements

- A. Five (5) 15-foot-wide utility easements shall be provided for the following neighboring properties along the south side of Log City Road:
 - 24.-2-36 (Log City Road)
 - 24.-2-37 (273 Log City Road)
 - 24.-2-38 (281 Log City Road)
 - 24.-2-43.2 (309 Log City Road)
 - 24.-2-33 (251 Log City Road)
- B. The developer shall provide the Town proposed easement language, subject to Town Attorney review, during site plan review. Filing receipts shall be provided to the Town prior to issuance of a certificate of occupancy for any unit in Area A.

Section 17 – Application Review Fees

The developer shall be responsible for reimbursing the Town for any and all expenses incurred for this Project as required by the Town's zoning regulations including but 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 18 – PUD General Conditions

- A. Timely Completion of Project. If after two (2) years from the date of approval of the PUD, site work and construction has not begun, the PUD approval shall be revoked and the land returned to the classification which it held prior to any action consummated pursuant to the provisions of this article. However, the applicant may, for valid reasons, request an extension of time from the Town Board.
- B. Phased Construction of Planned Development. Any proposed phasing of the proposed development will be in accordance with the Town's zoning law.
- C. Zoning Map to Incorporate the PUD. The Town Clerk is hereby authorized and directed to change the official zoning map of the Town of Amsterdam by designating thereon the PUD district hereby established. This PUD shall also be set forth on any supplementary map later adopted by the Town Board. The Official Zoning Map is hereby made a part of this local law.
- D. Additional Town Approvals.
 - a. The Town's Water and Sewer Districts must be extended to include the PUD Areas A and B.
 - b. Site plan review shall be required for development Area A.
 - c. Site plan review shall be required for development in Area B.
 - d. Site plan review shall be required for development in Area C.

Section 19 – Effective Date

This local law shall take effect upon filing with the Secretary of State of New York State

Section 20 – Severability

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 – Permitted Uses

	Permitted Use*
Area A	Townhouse
	Condominium
	Community Park or Playground
	Maintenance Garage** Roof mounted solar Utility structure (pump station)
Area B	Townhouse
	Condominium
	Community Park or Playground
	Maintenance Garage** Roof mounted solar Utility structure (pump Station)
Area C	Multiple-Family Dwellings
	Residential recreation facility***
	Private Detached Garage or covered parking
	Community Park or Playground
	Utility structure (Pump station)
	Maintenance Garage** Roof mounted solar
Area D	One-Family Dwelling
	Customary Accessory Uses****

*Definitions are the same as those in the Town’s Zoning Law except as noted herein.

**Maintenance Garage – – This use shall be restricted not to exceed 2,500 square feet per PUD Area (exclusive of Area D), specifically related to grounds maintenance of the PUD area and shall be subject to site plan review.

***Residential recreation facility – This use shall be limited to the proposed Community Center, Leasing Center and Amenity Spaces, such as community gardens and dog parks.

****Accessory Buildings are permitted in accordance with Art. VIII Section 24 of the Town’s Zoning Law, as may be amended or revised.