

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village

(Select one)

of North Greenbush

FILED
STATE RECORDS

FEB 26 2020

DEPARTMENT OF STATE

Local Law No. 1 of the year 2020

A local law

(insert title)

Second Modification to 50 North Greenbush Road and Vicinity Planned Development

District

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village

(Select one)

of North Greenbush

as follows:

See Attached

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2020 of the (County)(City)(Town)(Village) of North Greenbush was duly passed by the Town Board on February 13, 2020, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local *(Elective Chief Executive Officer*)* law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Janice C Kerwin

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: .. 02/13/2020

(Seal)

At the Regular Meeting of
The Town Board of the
Town of North Greenbush held
At 7:00 p.m. on February
13, 2020 at the Town Offices

IN THE MATTER OF ADOPTING LOCAL LAW No.1 OF 2020
FOR 50 NORTH GREENBUSH ROAD PLANNED DEVELOPMENT DISTRICT

WHEREAS, THE Town Board determines that the adoption of Local Law No. 1 of 2020, amending the Town of North Greenbush Zoning Code to provide the second modification of the "50 North Greenbush Road and Vicinity Planned Development District" will not have an adverse impact on the environment and hereby issues a Negative Declaration.

Councilwoman Hoffman moved, Supervisor Bott seconded and the Town Board voted
As follows:

Councilwoman Hoffman	<u>Aye</u>
Councilwoman Sabo	<u>Aye</u>
Councilman Rogers	<u>Aye</u>
Supervisor Bott	<u>Aye</u>

Resolution 2020-2-13

Town of North Greenbush, New York

Local Law No. 1 of Year 2020

A local law entitled:

"Second Modification to 50 North Greenbush Road and Vicinity Planned Development District"

Be it enacted by the Town Board of the Town of North Greenbush as follows:

Section 1 - Statutory Authority

In accordance with Article 10 of the Municipal Home Rule Law of the State of New York, the governing Town Board of the Town of North Greenbush has the authority to enact local laws and amend local laws for the purpose of promoting the health, safety or general welfare of the Town of North Greenbush and for the protection and enhancement of its physical environment through the use of land use controls of developments and zoning. The Town Board may include in any such local law provisions for the appointment of any municipal officer, employees, or independent contractor to effectuate, administer and enforce such local law. This local law modifies, amends, adds to and supersedes Chapter 197 - Zoning of the North Greenbush Town Code to the extent that said Local Law affects the property described in this Local Law.

Section 2 - Title

This Local Law shall be known as 'Town of North Greenbush Local Law No. 1 of 2020 and amends the Town of North Greenbush Zoning Code to provide for the second modification of the "50 North Greenbush Road and Vicinity Planned Development District".

Section 3 - Planned Development District Boundary and Site Plan Modifications

The following modifications shall be made to Local Law No. 2 of 2015 entitled "50 North Greenbush Road and Vicinity Planned Development District" and Local Law No. 6 of 2015 entitled " Second Modification to 50 North Greenbush Road and Vicinity Planned Development District":

- A. The boundary of the "50 North Greenbush Road and Vicinity Planned Development district" shall be modified to include Tax Map Parcel No. 123.00-1-1.11 as shown on the 2019 Tax Assessment Rolls of the Town of North Greenbush, consisting of approximately 9.8 acres.
- B. A new total of approximately 20,000 square feet of one-story commercial space with parking shall be added to the 50 N. Greenbush Rd & Vicinity Planned

Development District known as Tax Map Parcel No. 123.00-1-3.111 and Tax Map Parcel No. 123.00-1-1.11. This modification shall be generally located as shown on Exhibit 2019-1 but exact building location, parking and easements will be determined during site plan review by the Planning Board.

- C. A total of 47 units of condominium/townhomes shall be allowed in the rear of the property on Tax Map parcel No. 123.00-1-3.121 which was originally approved for 46 units; 44 of which were built. These additional 3 units shall be located and approved as shown on Exhibit 2019-1 but exact building location, parking and easements will be determined during site plan review by the Planning Board.
- D. A total of 64 additional units of condo/townhomes shall be added on the portion of Tax Map Parcel No. 123.00-1-1.11 located south of lands of Niagara Mohawk as shown on Exhibit 2019-1. Exact building location, parking and easements will be determined during site plan review.
- E. As approved and amended, this modification to the 50 North Greenbush Road and Vicinity Planned Development District is summarized as follows:
 - 1. The new total area of the PDD is now 35.66± acres
 - 2. 47 Townhouse units are allowed in the area of the originally approved 46 units
 - 3. 64 condominium/townhouse units with amenities may be located on the 9.8 acres added to the PDD
 - 4. A total of 51,822± square feet of commercial development with off street parking reciprocal easements is allowed
 - 5. 4 single family houses are allowed
- F. The Offering Plan for the new 64-unit condominium/townhouse portion of this amended PDD shall state that all units must be owner-occupied and that no rentals, including student rentals, are allowed.
- G. The site plan shall include a pedestrian walkway that connects the 64 condominium/townhouses to the commercial space within this modified PDD, as generally depicted on Exhibit 2019-1.
- H. All outstanding permit and/or enforcement issues now pending with the United States Army Corps of Engineers must be resolved prior to site plan approval by the Planning Board.
- I. The Town of North Greenbush Planning Board shall review the various site plan modifications now allowed for "50 North Greenbush Road and Vicinity Planned Development District".
- J. All other provisions of Local Law Number 2 of 2015 and Local Law Number 6 of 2015 shall remain in full force and effect except as modified in this section.

Section 4. Amendment of Official Zoning Map

The Town of North Greenbush hereby amends the Official Zoning Map of the Town of North Greenbush pursuant to Town Law Section 265 and the Town of North Greenbush Code: Chapter 197 -- Zoning, Article XVI -- Planned Development District to include the

total 35.66± acres as shown on Exhibit 2019-1 and the above described modifications to Local Law No. 2 of 2015 and Local Law Number 6 of 2015.

Section 5 – Enforcement

The Town of North Greenbush shall have the right to enforce this local law. Any violation of a provision of this local law shall be deemed a violation of the Town of North Greenbush Zoning Code and the provisions hereof shall be enforceable pursuant to the enforcement provisions of said Town of North Greenbush Zoning Code.

Section 6 – Separability

The provisions of this local law shall be deemed to be separable, if any such provisions shall be held unconstitutional or unlawful by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions of this local law.

Section 7 – Repeal

All prior local laws, ordinances and resolutions and parts thereof inconsistent with this local law are hereby repealed.

Section 8 – Effective Date

This Local Law shall be effective immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law and the entry of "Second Modification to 50 North Greenbush Road and Vicinity Planned Development District" on the Official Zoning Map in accordance with the Town of North Greenbush Code Chapter 197.