

PROPOSED AMENDMENT TO
TOWN OF GUILDERLAND
LOCAL LAW NO. 7 OF 2017

Be it enacted by the Board of the Town of Guilderland as follows:

The Parcels totaling 50.9 +/- acres lot at 20 New Karner Road (Tax Map No. 40.00-2-18) which are presently zoned ~~as Business Non-Retail Professional shall be rezoned with~~ as 11 +/- acres zoned as Planned Unit Development and the remaining 39.9 +/- acres zoned as Open Space as shown on the "Overall Site Plan for No. 20 New Karner Road" prepared by Hershberg & Hershberg last revised as of April 21, 2017 (hereinafter referred to as the "Site Plan") **and a Phase 1 as shown on a plan entitled "Overall Plan, 24 New Karner Road" prepared by Hershberg & Hershberg, last revised as of April 16, 2021,** subject to the following conditions:

1. The Planning Board's subdivision approval of a four lot subdivision consisting of 11 +/- acres to be zoned as Planned Unit Development and 39.9 +/- acres be zoned as Open Space. **This subdivision has been approved and filed in the Office of the Clerk of Albany County.**
2. The approved subdivided three lot totaling 11 +/- acres shall be zoned as Planned Unit Development for the construction in **Phase 1 known as 24 New Karner Road** consisting of an ~~56 dwelling units (72 beds) assisted living facility, 40 dwelling units (48 beds) memory care facility, 96~~ **86** dwelling unit independent living facility, ~~a senior educational and resource facility,~~ **a portion of the proposed** private roadways, ~~154 +/-~~ **100** parking spaces, outdoor courtyard areas, ~~walking paths,~~ landscaping, lighting, ~~and a stormwater management area.~~ **A Phase 2 known as 20 New Karner Road will include 106 dwelling units of senior housing facilities, the balance of the proposed private roadway, a senior educational and resource facility, additional parking, walking trails, stormwater management area** and an easement for ingress and access for the property to the south as shown on the Site Plan.
3. The approval subdivided lot totaling 39.9 +/- acres shall be zoned as Open Space as shown on the Site Plan and shall be dedicated to the Town of Guilderland for future management by the Albany Pine Bush Preserve Commission, with fee title insurance in favor of the Town and the payment of all filing fees and expenses imposed by the Albany County Clerk prior to the issuance of a building permit.
4. The payment of a one-time fee of ~~\$48,000~~ **\$21,500** at \$250 per dwelling unit to the Albany Pine Bush Preserve Commission **(previously amended to the "Friends of the Pine Bush Community for the Land Protection)** prior to the issuance of a building permit **on Phase 1. Additional fee will be due prior to the issuance of a building permit for Phase 2 at \$250 per dwelling unit.**
5. The installation of a five foot (5') wide and 850 +/- lineal feet concrete sidewalk and crosswalks to the existing sidewalk to the south on New Karner Road (Route 155) as shown on the Site Plan will be completed **prior to the issuance of a Certificate of Occupancy on Phase 2.**

6. The restoration of the Town's water distribution service subject to the approval of the Superintendent of Water and Wastewater Management **prior to the issuance of a Certificate of Occupancy on Phase 1.**
7. The payment of water and sewer connection fees imposed by the Department of Water and Wastewater Management.
8. Nothing contained herein shall be construed to direct, limit or restrict the statutory, regulatory or other legal authority of the Town of Guilderland Town Board, Planning Board, Building Inspector, Highway Department or Department of Water and Wastewater Management.
9. The Town Clerk shall cause the Official Map of the Town of Guilderland to be amended consistent with this Local Law and made available for public inspection.
10. The lots shall revert to their former zoning classification if a building permit is not issued for a structure for an independent living facility or assisted living facility within three (3) years of the effective date of this Local Law. The Town Board may by resolution extend this provision by one (1) additional year.
11. This Local Law shall take effect upon the filing with the New York State Department of State.