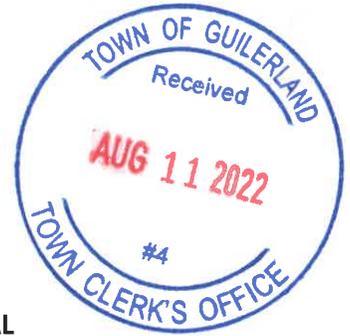


PLANNING BOARD
TOWN OF GUILDERLAND
ALBANY COUNTY, NY



SITE PLAN AMENDMENT APPLICATION APPROVAL
UG FAMILY, LLC
APEX @ CROSSGATES 222-UNIT MULTIPLE-FAMILY RESIDENCE

PROJECT DESCRIPTION: The Applicant proposes an amendment to a previously approved site plan (Rapp Road Residential Project approved October 28, 2020) to allow construction of a 222-unit multiple-family residential project on 19.68 +/- acres located in the Transit Oriented Development (TOD) District. Two 5-story buildings and five 2-story buildings are proposed. The site is located on the west side of Rapp Road, southwest of the intersection of Gipp Road and Rapp Road. A total of 333 parking spaces are required and the applicant is proposing to install 355 parking spaces (183 surface parking spaces and 172 indoor parking spaces).

DATE OF APPEARANCE: July 13, 2022 & August 10, 2022

WAIVED

NOT RECOMMENDED for the following reasons:

RECOMMENDED WITH THE FOLLOWING: suggestions conditions

APPROVED with the following conditions:

(X) Town Designated Engineer approval

(X) Town Highway Superintendent approval (for any proposed work in the town highway right-of-way.)

(X) Town Water & Wastewater Superintendent approval. Sewer mitigation fee to be determined by the Water & Wastewater Department (with sewer hook-up application).

(X) NYS Department of Transportation approval (for any work in NYS R-O-W)

(X) \$500 per dwelling unit – park & recreation fund (with building permit application)

(X) Other:

- A. *Prior to signing of the amended site plan:*
1. The Applicant shall contact the Town Assessor to obtain addresses for the 222 multiple-residence units for 911 purposes. The new address shall be included on the amended site plan submitted for signing by the Planning Board Chairman.
- B. *Prior to the issuance of a Building Permit:*
1. The Applicant shall obtain a highway work permit from the Town Highway Department for any work proposed within the Town right-of-way.
 2. The Applicant shall obtain a highway work permit from New York State DOT Region 1 for any work proposed within the DOT right-of-way.
 3. The Applicant shall provide the Town with a completed NYSDEC MS4 SWPPP Acceptance Form and a copy of the executed Notice of Intent (NOI) that will be submitted to NYSDEC for SPDES coverage under GP-0-15-002.
 4. The Applicant has agreed to make a financial contribution to the Town Department of Water/Wastewater for upgrades to be made to the Dillenbeck Pump Station to allow flows from the Rapp Road project site to go to the Dillenbeck Pump Station.
- C. *Prior to any Land Disturbance Occurring on the Site:*
1. Orange construction fencing is required to be installed to delineate the limits of disturbance as identified on the Erosion and Sediment Control Plan. Necessary land disturbance is permitted that would provide access to accomplish the installation of the construction fencing. Upon completing the construction fence installation, the Applicant shall provide to the Town a letter from a Professional Engineer or Surveyor certifying the orange construction fencing was installed in accordance with the area shown on the Erosion and Sediment Control Plan.
 2. The Applicant shall obtain any necessary permit coverage required by NYS Department of Environmental Conservation under GP-0-15-002 and other relevant department required permits. A copy of the acknowledgement of NOI for SPDES coverage shall also be provided to the Town prior to commencement of site work.
 3. Appropriate insurance coverage as deemed necessary by the Town of Guilderland or the State of New York shall be obtained prior to the start of any work contemplated by this Approval and proof of such coverage in the form of a "Certificate of Insurance" shall be filed with the Office of the Building Inspector and/or appropriate office of the State of New York. The Town of Guilderland shall be named an additional insured.
- D. *Prior to any construction taking place on Site 1:*
1. The Applicant shall install a new cul-de-sac at the end of Westmere Terrace to be offered for dedication to the Town.

2. The Applicant shall install the 20-foot-high berm including all landscaping/tree plantings on the south side of the site, and as depicted on the Site Plan, adjacent to the Westmere Terrace neighborhood.
3. The Applicant shall install 12' to 15' tall tree plantings as shown on the Site Plan on the existing berm on the west side of the site, adjacent to the Paden Circle neighborhood.
4. The 6-foot high solid panel vinyl fence depicted on the site plans shall be constructed in all locations to further mitigate to the maximum extent practicable visual and noise impacts to surrounding existing residential uses.

E. Prior to the Issuance of a Certificate of Occupancy (including temporary or partial):

1. The Applicant shall construct all roadway, sidewalk and multi-use path improvements as shown on the Overall Site Plan not associated with construction on site 2.
2. The relocated cul-de-sac on Westmere Terrace shall be accepted by the Town Highway Superintendent and right-of-way for the cul-de-sac conveyed to the Town once constructed.
3. Street trees and other planting materials shall be installed by the Applicant in accordance with the approved Landscape Plan. All street trees and landscaping within the Town right-of-way shall be maintained by the Applicant. No Certificate of Occupancy (C.O.) shall be issued for any building where the required surrounding plant materials have not been installed, unless said C.O. is applied for during the non-planting season. The Building Inspector may at his/her discretion withhold the issuance of additional Building Permits within the development unless all required plant materials are installed by the next available planting season for all buildings having a Certificate of Occupancy.
4. The Applicant shall provide a performance bond (or other acceptable security) to the Town of Guilderland, in a form acceptable to the Town and in an amount acceptable to the Town Designated Engineer, to guarantee the installation of street trees and other landscaping materials as shown on the approved Landscape Plan, and their replacement in the event of non-survival for a period of one (2) years from the date of issuance of a Certificate of Occupancy for the lot on which they are located.
5. The Applicant shall construct all public water, sanitary sewer, and storm water basin facilities, and convey all such facilities and grant all easements for any of these facilities proposed to be conveyed to the Town, as shown on the site plan.
6. The Applicant shall provide the Town a maintenance bond to ensure that the storm water management areas have been properly maintained and prepared by the Applicant prior to the transfer of their maintenance responsibility to the Town. The amount of said bond shall be determined by the Town Designated Engineer.
7. The Applicant shall provide the Town with easements for any portion of the multi-use trail and/or sidewalk located outside the Town right-of-way and for such other

activities for which the Town may need easements and at such other locations as may be required by the Town.

8. The Applicant shall convey the 8.4 acres of lands proposed to be dedicated to the Albany Pine Bush Preserve.

- F. Construction of stormwater management areas that will be conveyed to the Town shall be monitored by the Town Designated Engineer. Prior to Town acceptance and use of the storm water facilities, the Applicant shall provide certification from an engineer, and reviewed by the Town Designated Engineer, that the storm water management facilities have been constructed in accordance with the approved plans.

- G. The Applicant shall avoid removal of on-site mature trees near the southern property boundary unless necessary for building development and site improvements so that these existing mature trees will act as a natural buffer to existing residential uses on Westmere Terrace.

- H. Construction trailer(s) shall be located to maintain a minimum distance of 250 feet from any residential dwellings throughout the construction process.

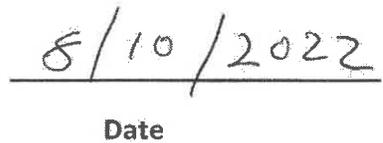
- I. All construction traffic shall enter/exit the site from Rapp Road, with the following exceptions: (1) removal of the existing residential structure at 28 Westmere Terrace (tax id # 52.09-4-43.2); (2) removal of the existing cul-de-sac on Westmere Terrace and installing the new cul-de-sac location; and (3) installation of the berm on the south side of the site.

- J. Construction hours for building construction and site work on the site near Westmere Terrace shall be between 7:00 AM and 5:00 PM, Monday through Friday and 9:00 AM to 4:00 PM on Saturday with no construction activities on Sundays or holidays (New Year's Day, Memorial Day, July 4, Labor Day, Thanksgiving and Christmas).

- K. In rendering its decision to approve this site plan application, the Planning Board has considered the standards of §280-53(H) of the Town Zoning Law, the applicable design standards of §280-39(C) of the Town Zoning Law and the decision criteria contained in Section §280-53(I) of said law, and hereby adopts the annexed Site Plan Approval Findings Statement.



Planning Board Chairman



Date

NOTE: Expiration of Approval

A final site plan containing the conditions imposed by the Planning Board in the site plan approval shall be submitted, within 30 days of the filing of the Planning Board decision, to the Zoning Inspector for review of compliance with the site plan approval. Unless provided otherwise in the site plan decision, any imposed condition shall be satisfied before issuance of a building permit.

A site plan approval or amendment to site plan approval shall become null and void unless a certificate of occupancy is obtained within two years of the filing of the decision granting site plan approval or, by conditions in the site plan approval, a greater or lesser time is specified as a condition of approval, or unless the approval, upon good cause shown, is extended for a period of no more than one year.