

ZONING

149 Attachment 15

Town of Moreau

The Nest Senior Community PUD
[Added 6-28-2011 by L.L. No. 3-2011]

Section I. This local law shall be known as Local Law No. 3 of 2011 of the Town of Moreau amending Chapter 149 "Zoning" of the Code of the Town of Moreau to provide for the creation of a Planned Unit Development District known as "The Nest Senior Community PUD" (hereinafter "The Nest PUD").

Section II. Chapter 149 "Zoning" of the Code of the Town of Moreau and the official Zoning Map of the Town of Moreau are hereby amended to change the existing zoning of the lands where The Nest PUD is located and hereinafter described, from the R-2 Zoning District to a Planned Unit Development District.

Section III. The area of The Nest PUD consists of approximately 26.45± acres and is more particularly bounded and described as set forth in Appendix A (legal description) and Appendix B (concept plan), annexed hereto and incorporated herein.¹ The Nest PUD is bordered on the north by Bluebird Road and several residential parcels, bordered on the east by Sisson Road and on the west by a Delaware and Hudson railroad line.

Section IV.

A. Description of allowed uses by type and lot location:

Allowed Uses	Lot Number
* Two two-story approximately 40,000 sf. each assisted/enhanced senior living residence buildings each having 64 units. One building located on Lot 1 and the other building located on Lot 2.	1 2
One three-story 94-unit subsidized senior apartment building.	3
Two three-story 50-unit market rate senior apartment buildings.	4

* Assisted Enhanced Senior Living is defined in the same manner as identified by the NYS Department of Health

Each unit within each senior apartment building to be located on Lots 3 and 4 must be leased to and occupied by at least one senior citizen who is 55 years of age or older and who resides therein ("Senior Tenant/Occupier"). In the event the Senior Tenant/Occupier is not physically capable of residing in the unit as evidenced by a statement from a licensed physician, any other person(s) who has been lawfully residing in the unit with the Senior Tenant/Occupier at the time of the death or disability of the Senior Tenant/Occupier may continue to reside in the unit with the permission of the Senior Tenant/Occupier or his/her legal representative for so long as the Senior Tenant/Occupier is the named tenant on the lease for the unit and the unit shall not otherwise be occupied by any other person. The residency restrictions set forth above must

¹ Editor's Note: Appendices A and B are on file in the Town offices.

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appear on the subdivision plat for The Nest PUD and in deed restrictions to run with the land on Lots 3 and 4, and in the written lease for each unit. The subletting of any units on Lots 3 and 4 to any person who is under 55 years of age is strictly prohibited and this restriction shall appear on the subdivision plat and in deed restrictions to run with the land on Lots 3 and 4 and shall be included in all lease agreements. A copy of the lease agreement for each unit with proof that the Senior Tenant/Occupier meets the minimum age requirements herein shall be furnished to the office of the Building Inspector of the Town of Moreau within 30 days of execution. All restrictions herein shall be enforceable by the owner, developer or landlord of Lots 3 and 4 and the Town of Moreau.

B. The undeveloped dedicated open space of The Nest PUD shall comprise approximately 4.0± acres. Maintenance and upkeep of the common areas/open space as identified on the concept plan will be provided by the Developer either through an Association or a Corporation.

C. Bulk, area and parking requirements.

1. The minimum lot size is 2.75 acres.
2. The minimum building setbacks for all buildings within The Nest PUD are as follows:

Front setback:	60 feet
Side setback:	25 feet
Rear setback:	40 feet
Parking setback:	25 feet
Structure setback to the boundary lines of all adjacent residential uses:	100 feet (except 225 feet from the property now or formally owned by Jeffrey and Terri Jo Nicholson and 117 feet from the property now or formally owned by James and Sheila McDonald)

Building height restriction for all buildings: 38 feet - height measured from elevation of finished floor of first floor of structure.

3. The minimum parking calculations for the one three-story ninety-four-unit subsidized senior apartment building to be located on Lot 3 and two three-story fifty-unit market rate senior apartment buildings on Lot 4 are as follows:
 - a. One parking space per unit.
 - b. One visitor parking space per five units.
 - c. Five staff parking spaces per 100 units.
4. Vehicle parking requirements for two-story assisted/enhanced living residence buildings on Lots 1 and 2 are as follows:

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Minimum 50 parking spaces for each building.

5. There shall be no vehicle parking allowed in the National Grid right-of-way without the written permission of National Grid or its successors.
6. The minimum apartment unit size for the three-story ninety-four-unit subsidized senior apartment building to be located on Lot 3 and two three-story fifty-unit market rate senior apartment buildings to be located on Lot 4 are as follows:
 - a. One bedroom: 600 square feet
 - b. Two bedroom: 750 square feet
 - c. With the minimum ratio of one bedrooms/two bedrooms: 70/30 for all apartment buildings.

Section V. Public water and public sewer.

The Nest PUD is located within the boundaries of Town of Moreau Water District No. 4. The developer will be required to connect the buildings within The Nest PUD to Water District No. 4. The developer must obtain the necessary approvals to extend the sewer district to The Nest PUD, and if approvals are given, install the necessary sewer infrastructure and connect all the buildings of The Nest PUD to the sewer infrastructure within the sewer district.

Section VI. All construction standards for buildings and public improvements must be approved by a licensed architect and/or engineer. All construction shall comply with the New York State Uniform Fire Prevention and Building Code. All buildings will be equipped and furnished with elevators. All construction shall be subject to inspection by the Town Building Inspector, Town Engineer and/or Town Highway Superintendent as appropriate. All utilities shall be underground.

Section VII. The developer shall, in accordance with Article VI, Site Plan Review, of Chapter 149 and Chapter 124, Subdivision of Land, of the Code of the Town of Moreau, submit plans for approval for each phase of construction prior to issuance of a building permit.

Section VIII. Severability.

In the event any term or provision of this Agreement is deemed void or unenforceable, the remainder of this Agreement and the application of such provision, other than to the extent it is held invalid, will not be invalid or affected thereby.

Section IX. Effective date.

This local law shall take effect immediately upon filing in the office of the Secretary of State.