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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~~

of Bethlehem, Albany County, New York

Local Law No. 3 of the year 2005

A local law Rezoning Certain Property from Residential A District to Planned Development District

Be it enacted by the Town Board of the

~~County~~  
~~City~~  
Town  
~~Village~~

of Bethlehem as follows:

SECTION 1. FINDINGS AND INTENT

Pursuant to Section 128-44 of the Code of the Town of Bethlehem, the Town Board has received a joint application from Beverwýck, Inc. and Beechwood, Inc. to amend the established zoning district boundary of the Planned Development District known as PRD No. 12, located within the Town and along Krumkill Road. Amendment of the zoning district boundary would change the existing zoning district designation on two parcels, one of 1.03 acres and one of 42.36 acres, from Residential A District to Planned Development District and would increase the land area of the Planned Development District, PRD No. 12, by 43.39 acres, resulting in approximately 76 total acres within the district.

Preliminary plans submitted with the application for rezoning indicate that it is the intent of the applicant to construct seven duplex cottages containing a total of 14 independent living units for seniors (Phase IV) and to construct a one-story addition to the existing assistive living facility, which would contain an additional 18 assistive living units and 20 skilled nursing beds, along with parking for approximately 30 additional vehicles (Phase V), within the amended Planned Development District also known as PRD No. 12.

The Town Board hereby finds, upon its own review of the application, and upon recommendation of the Town Planning Board, that the rezoning of the two parcels, as described in Section 2.B of this Local Law, from Residential A District to Planned Development District, would provide additional housing options for seniors by allowing the construction of 14 additional independent living dwelling units, 18 assistive living units designed for seniors with Alzheimer's disease, and 20 skilled nursing beds within PRD No. 12, and is therefore in the interest of the public health, safety, and welfare of the Town.

SECTION 2. CHANGE IN ZONING DISTRICT DESIGNATION: FROM PLANNED RESIDENTIAL DISTRICT TO PLANNED DEVELOPMENT DISTRICT

A. The Code of the Town of Bethlehem, Albany County, New York, Chapter 128, "Zoning", Article III, "Zoning Maps and Districts", Section 128-13, "Zoning Map", is hereby amended to change the zoning district designation of lands hereinafter described in subdivision B of this section from Residential A District to Planned Development District, and the official "Zoning Map, Town of Bethlehem", shall be amended in accordance with the provisions of this section.

B. 1) All that parcel of land situate in the Town of Bethlehem, County of Albany, State of New York being more particularly bounded and described as follows:

**BEGINNING** at a point located on the southerly bounds of Krumkill Road at its intersection with the division line between lands now or formerly of Beverwyck, Inc. (L.2389, P.721) on the east and the herein described parcel on the west; thence along said division line the following three courses and distances: 1.) South  $12^{\circ}-57'-45''$  West, a distance of 325.21 feet to a point; 2.) South  $81^{\circ}-31'-32''$  West, a distance of 110.46 feet to a point; 3.) North  $05^{\circ}-36'-14''$  West, a distance of 261.95 feet to a point located at its intersection with the southerly boundary of Krumkill Road; thence along said boundary the following two (2) courses and distances: 1.) North  $70^{\circ}-22'-05''$  East, a distance of 183.16 feet to a point; 2.) Along a curve to the right having a radius of 447.20 feet, an arc distance of 36.95 feet to the **POINT OF BEGINNING**, said curve containing a chord of North  $72^{\circ}-44'-08''$  East, 36.93 feet, containing  $1.03\pm$  acres more or less. Subject to a utility easement described in L. 2256, P. 965 and to any other easements, restrictions and/or covenants of record, if any.

2) All that parcel of land situate in the Town of Bethlehem, County of Albany, State of New York being more particularly bounded and described as follows:

**BEGINNING** at a point located at the intersection of the division line between lands now or formerly of Beverwyck, Inc. (L.2389, P.721) on the northwest and lands herein described on the southeast with the division line between lands now or formerly of Margaret & Peter Whitbeck (L.2587, P.191) on the north and the herein described parcel on the south; thence North  $79^{\circ}-53'-26''$  East along said division line and the division line between lands now or formerly of Jacques Dumoulin (L.2268, P.1035), lands now or formerly of Ida Tassarotti (L.2558, P.77), lands now or formerly of Athanasios & Dorothea Kontogiannas (L.2462, P.595), lands now or formerly of Jame Ermides (L.2541, P.375), lands now or formerly of Athanasios & Dorothea Kontogiannas (L.2462, P.595), lands now or formerly of Samuel & Florence Kantor (L.2107, P.243) and lands now or formerly of Linda Delong (L.2665, P.414) on the north and lands herein described on the south, a distance of 727.34 feet to a point located at its intersection with the division line between lands now or formerly of George & Theresa Ertel (L.2533, P.963) on the east and the herein described parcel on the west; thence along said division line the following two (2) courses and distances: 1.) South  $16^{\circ}-33'-34''$  East, a distance of 228.26 feet to a point; 2.) North  $73^{\circ}-26'-26''$  East, a distance of 100.00 feet to a point located at its intersection with the division line between lands now or formerly of Eleanor MacDowell (L.2569, P.626) on the east and the herein described parcel on the west; thence along said division line and the division line between lands of Eleanor MacDowell (L.1694, P.285), lands now or formerly of Christopher & Dorthey Duell (L.2646, P.886), lands now or formerly of David Lengyel (L.2642, P.1018), lands now or formerly Anthony Spadaro (L.2446, P.885), Beldale Road, lands now or formerly of Sophie Dennis (L.2342, P913), lands now or formerly of Russell Zindle (L.2205, P.1003), Overlook Street and land now or formerly of Russell Zindle (L.2495, P.1069) on the east and lands herein described on

the west the following five (5) courses and distances: 1.) South 16°-33'-34" East, a distance of 275.65 feet to a point; 2.) South 16°-56'-34" East, a distance of 412.59 feet to a point; 3.) South 84°-10'-34" East, a distance of 48.62 feet to a point; 4.) South 03°-31'-26" West, a distance of 128.95 feet to a point; 5.) South 12°-57'-34" East, a distance of 157.72 feet to a point located at its intersection with the northerly boundary of New York State Route 85 (Slingerlands By-Pass); thence along said boundary the following eight (8) courses and distances: 1.) South 71°-42'-35" West, a distance of 342.54 feet to a point; 2.) South 89°-38'-49" West, a distance of 389.30 feet to a point; 3.) South 71°-17'-30" West, a distance of 185.57 feet to a point; 4.) South 59°-20'-34" West, a distance of 385.49 feet to a point; 5.) North 58°-59'-01" West, a distance of 224.98 feet to a point; 6.) South 83°-10'-07" West, a distance of 111.80 feet to a point; 7.) South 13°-02'-40" West, a distance of 163.11 feet to a point; 8.) South 67°-34'-24" West, a distance of 57.82 feet to a point located at its intersection with the first mentioned division line; thence along said division line the following three (3) courses and distances: 1.) North 16°-15'-07" West, a distance of 514.66 feet to a point; 2.) North 04°-12'-01" West, a distance of 403.90 feet to a point; 3.) North 48°-54'-58" East, a distance of 846.47 feet to the **POINT OR PLACE OF BEGINNING**, containing 42.36 acres of land, more or less. Subject to a permanent drainage easement described in L.2463, P.65, a permanent easement for a stream channel as described in L.1822, P.493 and to any other easements, restrictions and/or covenants of record, if any.

### SECTION 3. NAME OF DISTRICT

The parcels described in Section 2 of this Local Law shall be considered an extension of the Beverwyck Planned Development District and shall henceforth be known as part of that Planned Development District, also known as PRD No. 12, and it shall be delineated as such on the official "Zoning Map, Town of Bethlehem".

### SECTION 4. DETERMINATION OF PERMITTED USE

This rezoning was initiated by a joint application from Beverwyck, Inc. and Beechwood, Inc. to rezone the property described in Section 2 of this Local Law in order to allow the construction of an assistive living/skilled nursing addition to the existing assistive living facility and additional independent living cottages within the district. In accordance with Section 128-44.B)3)a)(viii) of the Code of the Town of Bethlehem, and upon the positive recommendation of the Planning Board as contained in a resolution adopted September 20, 2005, the Town Board hereby deems the proposed skilled nursing bed use to be a suitable residential use for the district.

### SECTION 5. SEVERABILITY

Should any word, phrase, clause, sentence, paragraph, section part or provision of this Local Law be found by the courts to be unconstitutional or invalid, such decision shall not affect the validity of any other part of this Local Law which can be given effect without such invalid part or parts.

### SECTION 6. EFFECTIVE DATE

This Local Law shall take effect immediately upon its filing with the Secretary of State of the State of New York.