

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.

**Town of Colonie
Local Law No. 2 of the year 2020**

A local law rezoning 8.39 +/- acres of land located at 606 and 608 Loudon Road from a Neighborhood Commercial Office Residential (NCOR) district to a Planned Development District (PDD).

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

SECTION 1. REZONING

The following described area consisting of 8.39 +/- acres of land located at 606 and 608 Loudon Road is hereby rezoned from a Neighborhood Commercial Office Residential (NCOR) district to a Planned Development District (PDD):

Lot 1:

All that piece or parcel of land situate, lying and being located in the Town of Colonie, County of Albany and State of New York, reference is made to a map titled "Concept Site Plan Galleria at Loudonville, Street No.'s 606 & 608 Loudon Road", Town of Colonie, County of Albany, State of New York," dated December 10, 2018, last revised October 31, 2019, prepared by Advance Engineering & Surveying PLLC and being more particularly bounded and described as follows:

Beginning at a point in the westerly highway boundary of Loudon Road (U.S. Route 9) at its intersection with the division line between lands now or formerly of 608 Loudon Road, LLC as described in Liber 3063 of deeds at page 845 on the south and lands now or formerly of New Loudon Road Associates, LLC on the north; thence from said point of beginning along said westerly highway boundary of Loudon Road the following four (4) courses and distances:

- 1) South 27°-34'-07" East, 92.72 feet to a point; thence
- 2) South 28°-20'-03" East, 100.04 feet to a point; thence
- 3) South 11°-18'-04" East, 325.50 feet to a point; thence
- 4) South 03°-28'-48" East, 68.43 feet to a point at its intersection with the division line between the aforementioned lands of 608 Loudon Road, LLC on the north and lands now or formerly of Newton Plaza Associates, LLC as described in Liber 2890 of deeds at page 600 on the south; thence along said division line the following two (2) courses and distances:
 - 1) North 80°-45'-00" West, 209.48 feet to a point; thence

2) South 07°-30'-00" West, 96.00 feet to a point in the division line between the aforementioned lands of 608 Loudon Road, LLC on the north and other lands now or formerly of Newton Plaza Associates, LLC as described in Liber 2650 of deeds at page 495 on the south; thence along said division line the following three (3) courses and distances:

- 1) North 80°-45'-00" West, 582.13 feet to a point; thence
- 2) North 00°-00'-00" West, 3.00 feet to a point; thence
- 3) South 78°-10'-00" West, 146.46 feet to a point; thence through the aforementioned lands of 608 Loudon Road, LLC the following sixteen (16) courses and distances:

- 1) North 08°-30'-51" East, 153.85 feet to a point; thence
- 2) North 75°-12'-31" East, 136.29 feet to a point; thence
- 3) Along an arc of a curve to the left having a radius of 136.00 feet, an arc length of 216.78 feet and a chord bearing South 30°-28'-30" East, 194.55 feet to a point; thence
- 4) South 80°-45'-14" East, 300.37 feet to a point; thence
- 5) Along an arc of a curve to the left having a radius of 78.00 feet, an arc length of 71.30 feet and a chord bearing North 77°-33'-00" East, 68.84 feet to a point; thence
- 6) North 24°-38'-56" West, 45.50 feet to a point; thence
- 7) North 39°-55'-42" East, 41.50 feet to a point; thence
- 8) North 13°-20'-55" West, 23.20 feet to a point; thence
- 9) North 50°-04'-18" West, 71.30 feet to a point; thence
- 10) North 30°-04'-18" West, 33.94 feet to a point; thence
- 11) North 10°-04'-18" West, 81.49 feet to a point; thence
- 12) North 09°-55'-42" East, 33.94 feet to a point; thence
- 13) North 29°-55'-42" East, 71.30 feet to a point; thence
- 14) North 06°-47'-41" West, 23.20 feet to a point; thence
- 15) North 60°-04'-12" West, 46.80 feet to a point; thence
- 16) North 29°-25'-30" West, 68.33 feet to a point in the aforementioned division line between lands of 608 Loudon Road, LLC on the south and lands of New Loudon Road Associates, LLC on the north; thence along said division line the following four (4) courses and distances:

- 1) North 60°-34'-30" East, 4.08 feet to a point; thence
- 2) North 32°-09'-26" East, 28.60 feet to a point; thence
- 3) North 62°-24'-08" East, 120.53 feet to a point; thence
- 4) North 78°-10'-00" East, 158.81 feet to a point in the aforementioned westerly highway boundary of Loudon Road, the point and place of beginning and containing 4.72 acres of land more or less.

Subject to all rights, easements, covenants and restrictions of record.

Subject to any state of facts an up to date Abstract of Title would disclose.

And Lot 2:

All that piece or parcel of land situate, lying and being located in the Town of Colonie, County of Albany and State of New York, reference is made to a map titled "Concept Site Plan Galleria at Loudonville, Street No.'s 606 & 608 Loudon Road", Town of Colonie, County of Albany, State of New York," dated December 10, 2018, last revised October 31, 2019, prepared by Advance Engineering & Surveying PLLC and being more particularly bounded and described as follows:

Beginning at a point in the division line between lands now or formerly of 608 Loudon Road, LLC as described in Liber 3063 of deeds at page 845 on the south, lands now or formerly of Village at Shaker Creek Homeowners Association on the north and lands now or formerly of Saleem Ahmed & Musarrat J. Khan as described in Liber 2752 of deeds at page 1045 on the west; thence from said point of beginning along the 608 Loudon Road, LLC and Village at Shaker Creek Homeowners Association division line and the division line between lands of the aforementioned 608 Loudon Road, LLC on the south and lands now or formerly of New Loudon Road Associates, LLC on the north North 60°-34'-30" East, 709.87 feet to a point therein; thence through the aforementioned lands of 608 Loudon Road, LLC the following sixteen (16) courses and distances:

- 1) South 29°-25'-30" East, 68.33 feet to a point; thence
- 2) South 60°-04'-12" East, 46.80 feet to a point; thence
- 3) South 06°-47'-41" East, 23.20 feet to a point; thence
- 4) South 29°-55'-42" West, 71.30 feet to a point; thence
- 5) South 09°-55'-42" West, 33.94 feet to a point; thence
- 6) South 10°-04'-18" East, 81.49 feet to a point; thence
- 7) South 30°-04'-18" East, 33.94 feet to a point; thence
- 8) South 50°-04'-18" East, 71.30 feet to a point; thence
- 9) South 13°-20'-55" East, 23.20 feet to a point; thence
- 10) South 39°-55'-42" West, 41.50 feet to a point; thence
- 11) South 24°-38'-56" East, 45.50 feet to a point; thence
- 12) Along an arc of a curve to the left having a radius of 78.00 feet, an arc length of 71.30 feet and a chord bearing South 77°-33'-00" West, 68.84 feet to a point; thence
- 13) North 80°-45'-14" West, 300.37 feet to a point; thence
- 14) Along an arc of a curve to the left having a radius of 136.00 feet, an arc length of 216.78 feet and a chord bearing North 30°-28'-30" West, 194.55 feet to a point; thence
- 15) South 75°-12'-31" West, 136.29 feet to a point; thence
- 16) South 08°-30'-51" West, 153.85 feet to a point in the division line between the aforementioned lands of 608 Loudon Road, LLC on the east and the aforementioned lands of Saleem Ahmed & Musarrat J. Khan on the west; thence along said division line North 53°-26'-00" West, 150.00 feet to the point and place of beginning and containing 3.67 acres of land more or less.

Subject to all rights, easements, covenants and restrictions of record.

Subject to any state of facts an up to date Abstract of Title would disclose.

SECTION 2. ZONING MAP

Section 190-17 (A) of the Code of the Town of Colonie is amended by modifying the Town of Colonie Zoning Map described therein to reclassify those lands described in Section 1 above from a Neighborhood Commercial Office Residential (NCOR) district to a PDD. Said map shall be modified and a copy of the revised map shall be filed with the Town Clerk of the Town of Colonie.

SECTION 3. CONDITIONS

The subject 8.39 +/- acres of parcel described in Section 1 above is rezoned to a PDD upon the conditions that the property shall be developed with a 26,000 +/- square foot commercial building (retail/restaurant), 85 independent senior apartments, and a 92 bed assisted living facility on a parcel of land to be subdivided into two lots, as more fully detailed in the narrative description, plans, and additional materials provided with the request for rezoning and filed in the office of the Town Clerk. This rezoning is also subject to any express conditions of the Planning Board and the Town Board filed with the office of the Town Clerk.

SECTION 4. SEVERABILITY

If any clause, sentence or provision of this local law or the application thereof to any person or circumstance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity thereof shall not affect, impair or invalidate the remainder of the provisions of this local law or the application thereof to other persons and circumstances.

SECTION 5. SEQRA

The Town of Colonie Town Board, acting as Lead Agency, has determined that this proposal is an Unlisted action which will not have a significant impact on the environment.

SECTION 6. EFFECTIVE DATE

This local law shall take effect upon its proper filing in the Office of the Secretary of State.

(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. 2 of 2020 of the **Town of Colonie** was duly passed by the Town Board on July 23, 2020 in accordance with the applicable provisions of law.

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 (Town) _____ of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not disapproved)(repassed (Name of Legislative Body) after disapproval) by the _____ and was deemed duly adopted 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 (_____) (Town) (_____ of _____) was duly passed by the _____ on _____ 20____, and was (approved)(not disapproved)(repassed after (Name of Legislative Body) disapproval) by _____ on _____ 20____. 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 I 9 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 _____ (Town) (_____ of _____) was duly passed by the (Name of Legislative Body) on _____ 20____ and was (approved)(not disapproved)(repassed after (disapproval) by the _____ on _____ 20____. Such local 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 chairman 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 of 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.)

Clerk of the Town or officer designated by local legislative body
Date:

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF ALBANY

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature Town of Colonie Town Attorney
Date: