

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 4 of the year 2020**

A local law rezoning 10 +/- acres of land located at 28 Everett Road Extension from a Neighborhood Commercial Office Residential district to a Planned Development District.

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

SECTION 1. REZONING

The following described area consisting of 10 +/- acres of land located at 28 Everett Road Extension is hereby rezoned from a Neighborhood Commercial Office Residential (NCOR) district to a Planned Development District (PDD):

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Colonie, County of Albany, and State of New York more particularly described as follows and as depicted upon the map attached hereto:

BEGINNING at the point of intersection of the southeast right of way line of Everett Road Extension (Interstate Route 541-1-1) with the northwest line of a parcel of land acquired by the People of the State of New York, Map No. 106, Parcel 113; THENCE S 31°57'38"E, and running along the northwest line of a parcel of land acquired by the People of the State of New York, Map No. 106, Parcel 113 a distance of 24.23 feet to a point in the westerly bounds of lands now or formerly of Joseph Leblanc; thence along the westerly bounds of lands now or formerly of Joseph Leblanc by the following seven (7) courses:

1. S 6°12'00"E, a distance of 58.85 feet a point;
2. S 41°27'00"E, a distance of 66.00 feet a point;
3. S 15°59'00"E, a distance of 155.53 feet to a point;
4. S 61°49'00"E, a distance of 136.55 feet to a point;
5. S 14°53'00"E, a distance of 197.00 feet to a point;
6. S 06°43'00"W, a distance of 119.37 feet to a point;
7. S 33°06'00"W, a distance of 119.00 feet to a point;

Thence along lands now or formerly of Joseph Leblanc and along lands now or formerly of Dawn Frankenbeck, S 35°23'00"W, a distance of 109.75 feet to a point; thence along lands now or formerly of Burke Community Service Corp., N 48°49'00" W, a distance of 301.05 feet to a point; thence along lands now or formerly of Burke Community Service Corp. and along lands now or formerly of St. Francis de Sale Church, S 41°11'00" W, a distance of 250.00 feet to a point in the terminus of Duffy Street; thence along the terminus of Duffy Street, N 48°49'00", a distance of 50.00 feet to a point; thence along lands now or formerly of Joanne Burkhart and along lands now or formerly of Scott P. Carey N 41°11'00" W, a distance of 219.75 feet to a point; thence along lands now or formerly of Scott P. Carey, N 48°49'00"W, a distance of 100.00 feet to a point; thence along lands now or formerly of Scott P. Carey and along lands now or formerly of Joanne Burkhart, S 41°11'00"W, a distance of 219.75 feet to a point; thence along lands now or formerly of Molly K. Sherwin (also known as Molly Sherwin) and along lands now or formerly of Noreen A. Wilkinson Family Trust, et.al., N 48°49'00"W, a distance of 201.00 feet to a point; thence along lands now or formerly of Joseph E. Zaloga Post 1520, American Legion D/NY Inc., N 27°08'00"E, a distance of 613.02 feet to a point in the southeast right of way line of Everett Road Extension (Interstate Route 541-1-1); thence along the southeast right of way line of Everett Road Extension (Interstate Route 641-1-1), N 69°21'00"W, a distance of 138.88 feet to a point; thence along the southeast right of way line of Everett Road Extension (Interstate Route 541-1-1), N 67°01'00" W, a distance of 162.80 feet to the POINT OF BEGINNING.

Containing 10.00 Acres of land, more or less.

SUBJECT to a Utility Easement granted to the Town of Colonie by instrument filed in the Albany County Clerk's Office in Book 2108 at Page 357.

SUBJECT to a Sanitary Sewer Easement granted to the Town of Colonie.

SUBJECT to an Ingress and Egress Easement granted to St. Francis de Sales Church by instrument filed in the Albany County Clerk's Office in Book 804 at Page 70.

TOGETHER with a proposed easement from Joseph E. Zaloga Post 1520, American Legion D/NY Inc. to accommodate a joint driveway from Everett Road Extension (Interstate Route 541-1-1).

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 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 10 +/- acres of parcel described in Section 1 above is rezoned to a PDD upon the condition that it shall be developed consisting of one three-story building with 113 independent senior apartments, 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. 4 of 2020 of the **Town of Colonie** was duly passed by the Town Board on September 24, 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 19 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: