

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. 16 of the year 2009

A local law amending Local Law No. 1 of 2007 (aka “Land Use Law”) and Local Law No. 14 of 2007 by extending the time limits for the grandfathering provisions

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

The following portions of Local Law No. 1 of 2007 and Local Law No. 14 of 2007 are hereby amended to read as follows:

SECTION 1. GRANDFATHERING PROVISIONS

Section 4 of Local Law No. 1 of 2007, entitled “Grandfathering Provisions”, is rescinded and the following provisions shall be substituted for same:

Any provision of Local Law No. 1 of 2007 contrary to the Town of Colonie’s land use regulations which existed prior to the adoption of Local Law No. 1 of 2007 shall not apply to any subdivision plan or site development plan for which the Town of Colonie Planning Board has granted concept approval or acceptance as of the date of adoption of Local Law No. 1 of 2007, and for which final subdivision plans are filed in the office of the Albany County Clerk by January 1, 2011 or final site plan approval is issued by January 1, 2011. However, substantial construction pursuant to the approved plan must commence within three years from the date of issuance of a final subdivision approval, or two years from the date of issuance of a final site plan approval, or said approval shall become null and void.

Any development or use for which an area variance or use variance has been granted by the Zoning Board of Appeals as of the effective date of Local Law No. 1 of 2007, and which development or use has not yet been established, shall be subject to the above stated provisions if a subdivision approval or site plan approval is required.

SECTION 2. 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 3. EFFECTIVE DATE

This local law shall become effective upon its proper filing with 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. 16 of 2009** of the **Town of Colonie** was duly passed by the Town Board on November 19, 2009 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 _____ 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

(Seal)

Date: November 23, 2009

(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: November 23, 2009