

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. 18 of the year 2011

A local law rezoning 36.60± acres of land located at 1 Alice Avenue from Single Family Residential (SFR) to Planned Development District (PDD) (known as the Hoffman Senior Planned Development District).

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

SECTION 1.

The following described area consisting of 36.60± acres of land located at 1 Alice Avenue is hereby rezoned from a Single Family Residential (SFR) 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 on the Albany County Tax Map as Section 32.01, Block 3, Lot 56.1 (1 Alice Avenue), as depicted upon the map attached hereto.

SECTION 2. ZONING MAP

Section 190-17 (A) of the Code of the Town of Colonie, adopted as Article IV, section B, subsection 1 of Local Law No. 1 for 2007, is amended by modifying the “Town of Colonie Zoning Map” described therein to reclassify those lands described in Section 1 above from a Single Family Residential district to a Planned Development District. 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 36.60± acres of parcel described in Section 1 above is rezoned to a Planned Development District upon the condition that it shall be developed as a mixed-use complex including 170 senior apartment units and 90 assisted living facility units, 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.

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. 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. 18 of 2011 of the **Town of Colonie** was duly passed by the Town Board on June 9, 2011, 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 2011 of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 2011, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed adopted on _____ 2011, in accordance with applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. ___ of 2011 of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 2011, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed adopted on _____ 2011. 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 _____ 2011, 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 2011 of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 2011, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed adopted on _____ 2011. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 2011, 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 2011 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 _____ 2011, 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 2011 of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 2011, 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.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.

Clerk of county legislative body, City, Town or Village
Clerk or officer designated by local legislative body

(Seal)

Date: June 15, 2011

(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.

Town of Colonie Town Attorney
Date: June 15, 2011