

**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 2010**

A **local law** amending Local Law 19 of 2007 (known as Maxwell Road Senior Citizen PDD) by amending Section 3, entitled “Conditions,” thereof.

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

**SECTION 1.**

The following described area consisting of 12.27 +/- acres of land located at 605 Albany Shaker Road and 210 Maxwell Road is hereby rezoned from a Single Family Residential district (SFR) 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 30.4, Block 3, Lot 51 (605 Albany Shaker Rd) and Section 30.4, Block 3, Lot 4.1 (210 Maxwell Rd) and as depicted upon the map attached hereto.

**SECTION 2. ZONING MAP**

Section 190-4 (B) (1) 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 Single Family Residential zoning 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 12.27 +/- acre parcel described in Section 1 above is rezoned to a Planned Development District upon the condition that it shall be developed as a multi-family complex with no more than 51 twin townhouse units as more fully detailed in the narrative description, plans and additional materials provided with the request for an amendment to Local Law 19 of 2007 and filed in the office of the Town Clerk. The amendment to Local Law 19 of 2007 is also subject to the conditions, or “items to be addressed,” set forth in the memorandum of the Town of Colonie Planning Board dated January 26, 2010 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. 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 2010 of the **Town of Colonie** was duly passed by the Town Board on April 15, 2010, 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 2010 of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 2010, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed adopted on \_\_\_\_\_ 2010, 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 2010 of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 2010, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed adopted on \_\_\_\_\_ 2010. 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 \_\_\_\_\_ 2010, 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 2010 of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 2010, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed adopted on \_\_\_\_\_ 2010. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 2010, 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 2010 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 \_\_\_\_\_ 2010, 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 2010 of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 2010, 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 the Town or officer designated by local legislative body

(Seal)

Date: April 23, 2010

**(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: April 23, 2010