

**Local Law Filing**

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**(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 1 of the year 2021**

A local law amending Chapter 190 of the Code of the Town of Colonie §§ 190-6, 190-19 and 190-20.

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

**SECTION 1: AMENDMENT**

Chapter 190, section 190-6 shall include the following definition:

**FINISHED SPACE.** An area in a structure that has been finished for living, bathing, sleeping, eating and cooking, including, but not limited to, bedrooms, living rooms, dining rooms, kitchens, closets, bathrooms, toilet rooms, hallways, storage or utility areas, garages and other similar finished spaces.

**SECTION 2: AMENDMENT**

Chapter 190, section 190-19 Permitted Accessory Uses is hereby amended as follows:

- A. An accessory use shall be permitted if:
1. The use is customarily incident and accessory to the principal use and attached to the existing residence or building on the same lot.
  2. The use to which it is accessory is a lawful use pursuant to the provisions of this chapter.
  3. The use does not result in or exacerbate any violation of the provisions of this chapter.
- B. Any use listed as a permitted use in a district shall be permitted as an accessory use in that district, subject to the above provisions, and further provided that the combination of uses shall meet all other provisions of this Chapter.
- C. A private garage shall be permitted as an accessory use to a one- or two-family dwelling if used by the owners or occupants of the premises for nonbusiness uses only and so long as it is attached to the existing residence.
- D. In an OR, HCOR, NCOR or COR Zoning District, a parking lot shall be permitted on a separate parcel subject to a special use permit pursuant to § [190-57](#) as an accessory use to a primary business if used by the owners or employees of the business for employee parking only, where the parking lot parcel and the primary business parcel share a common owner and where the parking lot parcel is contiguous to the primary

business parcel but for a secondary Town road which separates the parcels. If either use is changed or sold, this accessory use shall be extinguished.

- E. In an HCOR, NCOR or COR Zoning District, a motor vehicle storage yard shall be permitted subject to a special use permit pursuant to § [190-57](#) as an accessory use to a primary business if used by the business as a motor vehicle storage yard, where the motor vehicle storage yard parcel and the primary business parcel share a common owner and where the motor vehicle storage yard parcel is contiguous to the primary business parcel but for a secondary Town road which separates the parcels. If either use is changed or sold, this accessory use shall be extinguished.

### SECTION 3: AMENDMENT

Chapter 190, section 190-22 is hereby amended as follows:

(B) Dwelling unit, accessory. In any district, an accessory dwelling unit, if accessory to a single-family or two-family dwelling, shall be subject to the following provisions:

(1) General requirements.

(a) Accessory dwelling units shall be temporary and occupancy shall be restricted to individuals related to at least one owner-occupant of the single-family dwelling in which the unit is placed. For the purposes of this section, the relationship between the owner-occupant and the occupant(s) of the accessory unit shall be lawful family relationship or the functional equivalent thereof.

(b) An accessory dwelling unit shall require a building and zoning permit issued by the Building Department of the Town of Colonie. The applicant for an accessory dwelling unit shall be the owner-occupant of the principal dwelling unit. A permit issued for an accessory dwelling unit is temporary and shall cease when the applicant no longer meets the conditions for such use.

(c) A building and zoning permit for an accessory dwelling unit shall comply with the specific requirements enumerated in §§ 190-19, 190-20 and 190-21 of this article.

(d) In the event that the application for a building and zoning permit for an accessory dwelling unit does not comply with the specific requirements enumerated in §§190-19, 190-20, 190-21 and the 190-Attachment 2 Dimension Table, then the applicant shall be required to apply for a variance.

(2) Standards.

(a) Number: There shall only be one accessory dwelling unit per building lot. An accessory dwelling unit shall be attached to the single-family dwelling.

(b) Compliance with dimensional requirements: An accessory dwelling unit shall comply with the dimensional requirements that apply to the single-family dwelling in the zoning district in which it is located and shall include all finished space as defined in §190-6.

(c) Parking: Each dwelling unit shall have two designated off-street parking spaces meeting the standards of this chapter and conveniently located for access to the dwelling unit.

(d) Adequacy of services: Water supply and sewage disposal facilities must be sufficient to accommodate the additional demands of the additional unit where conversion is proposed. Installation of a second water meter shall not be permitted.

(e) Limits on use: A permit for an accessory dwelling unit is temporary and shall cease when the requirement of this section are no longer met. To meet the requirement of discontinuance of use, the applicant shall submit a decommission and restoration plan as part of his application for the building and zoning permit. This plan shall detail the work and cost of the work for all reconstruction and removal of improvements associated with discontinuance of the accessory dwelling unit.

(f) Discontinuance of use: The owner shall notify the Building Inspector in writing within 90 days once the accessory unit is no longer needed, the property is sold or if for some other reason the applicant no longer meets the condition for such use. Upon notification, the building and zoning permit for the accessory dwelling unit shall be terminated. The applicant shall then comply with the terms of the restoration plan within 90 days of the date of termination.

#### 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. SEQR DETERMINATION.

The Town hereby determines that this amendment is a Type 1 action that will not have a significant effect on the environment, and, therefore, no other determination or procedure under the State Environmental Quality Review Act ("SEQRA") is required.

#### 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. 1 of 2021 of the **Town of Colonie** was duly passed by the Town Board on June 24, 2021 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.

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**\*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: