

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 2016**

A local law amending Chapter 190 of the Code of the Town of Colonie.

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

SECTION 1. AMENDMENT.

Chapter 190-27 (D) is hereby amended as follows:

D. Incentive standards.

(1) The Planning Board may grant reductions in the minimum green space requirement in increments of 5%.

(2) Required green space shall not be reduced below 15%.

(3) Residential density shall not exceed eight dwelling units per acre.

(4) The Planning Board in its discretion may grant an increase in project density for commercial or mixed use projects up to 24,000 square feet of gross floor area (GFA) per acre.

(5) If the lot where the incentive is requested is in more than one district, the provisions for the more restrictive district shall apply.

(6) If a project seeks incentive zoning for both density increase and greenspace reduction, then both fee schedules shall apply.

(7) In mixed-use developments, 3,000 gross square feet of commercial space shall equal one dwelling unit.

(8) Owners of previously developed parcels of land containing less than the 35% minimum green space required by the zoning standards (190 Attachment 2), but at least meeting the 15% green space required by this section may be permitted by the Planning Board to redevelop the parcel without fine or penalty so long as the redeveloped parcel maintains or exceeds its current percentage of green space. A "previously developed parcel of land" is one that met the zoning and site plan requirements in effect at the time it was approved and has been lawfully developed and maintained thereafter.

(9) Previously developed parcels of land with a density greater than 18,000 square feet per acre but less than the 24,000 square feet of GFA per acre may be redeveloped without fine or penalty so long as the redeveloped parcel maintains or decreases its current density. A "previously developed parcel of land" is one that met the zoning and site plan requirements in effect at the time it was approved and has been lawfully developed and maintained thereafter.

SECTION 2. AMENDMENT.

Chapter 190-27 (E) is hereby amended as follows:

E. Amenities.

(1) The following amenities may be accepted in exchange for an incentive as provided above. These amenities may be located either on the same lot as the project or located on another

lot and may involve one or more parcels of land. Amenities other than cash may be located anywhere in the Town of Colonie; however, the Planning Board may reject amenities that are not of sufficient and equitable value to merit an incentive.

(a) Permanent conservation easements: agricultural conservation, open space, scenic, ecological, historic or other types of permanent conservation easements. Proof of recording of easement is required prior to issuance of any building permit in connection with an incentive zoning proposal.

(b) Permanent protection of land in fee simple for conservation and other community benefit purposes. Proof of transfer of ownership is required prior to issuance of any building permit in connection with an incentive zoning proposal.

(c) Cash in accordance with the incentive unit schedules adopted by the Town Board, paid into the Town of Colonie's dedicated amenity zoning fund account, for use by the Town exclusively for the permanent protection of open space and/or environmental remediation in Colonie. Proposed cash must be placed in an escrow account to be held by the Town prior to issuance of any building permit in connection with an incentive zoning proposal.

(d) Any other amenity, including donations of materials, services or both, and including other improvements deemed by the Town Board to be a benefit to the community and the people of the Town of Colonie, whether situate on public or private property, which is determined to be of sufficient value to merit an incentive.

(e) Any combination of the above.

(2) These amenities will be in addition to any other mandated requirements pursuant to other provisions of the Town of Colonie Code and any other applicable law or regulation.

(3) The Town of Colonie Town Board shall adopt incentive unit schedules for both greenspace reduction and density increase, which it shall update as needed, establishing the minimum monetary value for each incentive unit. Incentive units for greenspace shall be valued based on reduction in the amount of required site green space, in increments of 5% of the total area of the site. The minimum value for each 5% green space reduction shall be based on an escalating scale where each additional 5% shall be valued at least 30% more than the prior 5%. Reductions of less than 5% shall be valued proportionately within each increment. Incentive units for density shall be valued based on the additional land area necessary to result in a density of 18,000 square feet per acre. The incentive unit schedules should be updated annually, but if not updated the prior schedules shall remain in effect.

SECTION 3. SEQR DETERMINATION.

The Town hereby determines that this rezoning is an Unlisted 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 4. EFFECTIVE DATE.

This local law shall become effective upon its 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 2016 of the **Town of Colonie** was duly passed by the Town Board on March 24, 2016 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.

***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: