

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 7 of the year 2016**

A local law rezoning 12.64 +/- acres of land located at 820 Albany Shaker Road (25 Meeting House Road) from a Commercial Office district to a Planned Development District.

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

SECTION 1. REZONING

The following described area consisting of 12.64 +/- acres of land located at 820 Albany Shaker Road (25 Meeting House Road) is hereby rezoned from a Commercial Office (CO) district to a Planned Development District (PDD):

ALL THAT CERTAIN TRACT, PIECE OR PARCEL OF LAND situate in the Town of Colonie, County of Albany, State of New York, lying northerly of Meeting House Road, formerly known as Watervliet Shaker Road and being more particularly bounded and described as follows and as depicted upon the map attached hereto:

Beginning at the intersection of Albany Shaker Road also known as Peter J. Dalessandro Boulevard with the northerly line of Meeting House Road formerly known as Watervliet Shaker Road; thence in a westerly direction along the northerly line of Meeting House Road South 76°55'54" West 219.27'; thence continuing along the northerly line of Meeting House Road South 88°20'28" West 433.43' to a point; thence through the lands of the County of Albany as described in Liber 768 of deeds at page 394 and recorded in the Albany County Clerk's Office on September 28, 1925 the following 9 courses and distances:

1. North 01°46'22" West 777.44' to a point in the southerly edge of a concrete sidewalk;
2. North 86°47'40" East 131.17' along the southerly edge of a concrete sidewalk to a point;
3. North 02°18'22" West 40.35' along a line parallel to and 5' easterly of the east wall of the structure referred to as the "1928 Garage" to a point;
4. South 87°49'50" West 51.19' along a line parallel to and 5' north of the north wall of the structure referred to as the "1928 Garage" to a point;
5. North 01°55'18" West 75.46' along a line parallel to and 10' west of the west wall of a 1 story masonry garage to a point;
6. North 88°01'02" East 153.26' along a line parallel to and 10' north of a section of the north wall of a 1 story masonry garage to a point;

7. North 01°58'58" West 21.98' along a line parallel to and 10' west of a section of the west wall of a 1 story masonry garage to a point;
8. North 87°58'05" East 61.16' along a line parallel to and 10' north of a section of the north wall of a 1 story masonry garage to a point;
9. North 20°12'28" East 58.12' to a point in the westerly line of Albany Shaker Road;

Thence along the westerly line of Albany Shaker Road the following 5 courses and distances:

1. North 84°56'41" East 78.10' to a point;
2. South 44°20'43" East 114.16' to a point;
3. thence along a curve to the right with a radius of 680.00', a chord bearing South 26°39'06" 413.34' and an arc length of 419.98' to a point;
4. South 01°59'58" East 78.97' to a point;
5. South 02°17'19" 397.46' East to the point and place of beginning, containing 12.64 acres more or less.

SECTION 2. ZONING MAP

Section 190-17 (A) 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 CO district to a PDD. 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 12.64 +/- acres of parcel described in Section 1 above is rezoned to a PDD upon the condition that it shall redevelop the former Ann Lee Nursing Home into 100 residential dwelling units and construct two new three-story residential buildings with an additional 100 residential dwelling units for transitional and permanent housing and supportive services to veterans, 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. This rezoning is also subject to any express conditions of the Town Board 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. 7 of 2016 of the **Town of Colonie** was duly passed by the Town Board on May 26, 2106 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 2016 of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 2016, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed adopted on _____ 2013, 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 2016 of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 2016, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed adopted on _____ 2016. 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 _____ 2012, 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 2016 of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 2016, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed adopted on _____ 2016. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 2016, 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 2016 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 _____ 2016, 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 2016 of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 2016, 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.

(Seal) _____
Clerk of the Town or officer designated by local legislative body
Date:

(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: