

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 4 of the year 2021**

A local law amending Local Law No. 11 for 2015 providing for the development of 5.57+/- acres of land within the boundaries of the said 12.37 +/- acres of land comprising the Elks Lane Planned Development District located at 11 Elks Lane to allow for the demolition of an existing building and sheds on the said 5.57+/- acre parcel of land and approve construction of a new 127,500 square foot three story building containing 99 senior apartments, with 162 beds, a senior center, a wellness center and common areas.

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

SECTION 1. AMENDMENT

The following described area consisting of 12.37 +/- acres of land located at 11 Elks Lane was previously rezoned from a Single Family Residential (SFR) district to a Planned Development District (PDD) on or about September 17, 2015:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Colonie, County of Albany, and State of New York more particularly described as follows and as depicted upon the map attached hereto:

BEGINNING at a point of bend in the east line of the lands of the Colonie Elks Lodge;

THENCE South 16°20'55" West along the division line between the lands Colonie Elks Lodge to the West and the lands now or formerly of Schuyler Meadows Golf Club to the East a distance of 475.21 feet to a point;

THENCE through the lands now or formerly of Colonie Elks Lodge the following two (2) courses and distances;

1. North 73 ° 40'36" West a distance of 550.67 feet to a point;
2. North 49 ° 27'54" West a distance of 140.08 feet to a point in the west

line of the lands of Colonie Elks Lodge;

THENCE along the west line of the lands now or formerly of Colonie Elks Lodge the following two (2) courses and distances;

1. North 40 ° 31'57" East a distance of 753.19 feet to a point;
2. North 28 ° 13'21" East a distance of 392.18 feet to a point;

THENCE through the lands now or formerly of Colonie Elks Lodge South 67 ° 45'34" East 359.66 feet to a point;

THENCE South 22 ° 42'00" West along the division line between the lands of Colonie Elks Lodge to the West and the lands now or formerly of Schuyler Meadows Golf Club to the East a distance of 619.70 feet to the POINT AND PLACE OF BEGINNING.

The proposed subject of this amendment to Local Law No. 11 for 2015 consists of 5.57+/- acres of land located wholly within the above described parcel of land, and more particularly described in Exhibit "A" annexed hereto and made a part hereof.

SECTION 2. ZONING MAP

Section 190-17 (A) of the Code of the Town of Colonie is amended to provide for the demolition of an existing building and sheds within the said 5.57+/- acre parcel of land and approve construction of a new 127,500 square foot three story building containing 99 senior apartments, with 162 beds, a senior center, a wellness center, common areas, sidewalks and utilities. 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 parcel described in Section 1 above is amended upon the condition that it shall be developed as approved, to wit: construction of a new 127,500 square foot three story building containing 99 senior apartments, with 162 beds, a senior center, a wellness center and common areas, all as more fully detailed in the narrative description, plans, and additional materials provided with the request for the amendment and filed in the office of the Town Clerk. This rezoning is also subject to the terms and conditions of the Planning Board as set forth in the Written Findings of said Planning Board dated September 21, 2021, together with 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. 4 of 2021 of the **Town of Colonie** was duly passed by the Town Board on October 14, 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 2015 of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 2015, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed adopted on _____ 2015, 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 2015 of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 2015, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed adopted on _____ 2015. 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 _____ 2015, 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 2015 of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 2015, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed adopted on _____ 2015. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 2015, 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 2015 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 _____ 2015, 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 2015 of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 2015, 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:

(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: