RESOLUTION NO. 259-A FOR 2020

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 9th day of July, 2020 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution permanently promoting Wayne M. Spenziero to the position of Building Department Manager, Grade 21, in the Building Department.

WHEREAS, the Personnel Officer has certified Wayne M. Spenziero as eligible for permanent promotion from Eligible List #20-925, established March 10, 2020;

BE IT RESOLVED that Wayne M. Spenziero be, and hereby is, permanently promoted to the position of Building Department Manager, Grade 21, in the Building Department at an annual salary of $101,091, effective July 13, 2020.

RESOLUTION NO. 259-B FOR 2020

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 9th day of July, 2020 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution appointing Veronika Grochowalski as Attorney in the Town Attorney's Office.

BE IT RESOLVED that Veronika Grochowalski be, and hereby is, appointed to the position of Attorney in the Town Attorney's Office at an annual salary of $68,495, effective July 27, 2020.

RESOLUTION NO. 260 FOR 2020

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 9th day of July, 2020 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing expenditure of funds from the Insurance Reserve Fund for payment of legal fees, expenses and/or settlement in connection with litigation.

BE IT RESOLVED that expenditure from the Insurance Reserve Fund for payment of legal fees, expenses and/or settlement in connection with litigation be, and it hereby is, authorized as follows:

PAYEE	AMOUNT
Cooper, Erving & Savage, LLP (Fusco, Niedbalec, McMillan, Pisarski, Mayr)	$23,866.50
CHA (Fusco)	$5,905.00
Total	$29,771.50

RESOLUTION NO. 261 FOR 2020

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 9th day of July, 2020 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to enter into a Renewal Agreement with North Colonie Central School District in regards to 211 Old Niskayuna Road.

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to enter into a Renewal Agreement with the North Colonie Central School District to use the "Henkes site" located at 211 Old Niskayuna Road for parking and drainage for the Pruyn House; and

BE IT FURTHER RESOLVED that the above agreement is subject to the review and approval of the Town Attorney's Office.

RESOLUTION NO. 262 FOR 2020

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 9th day of July, 2020 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution requiring the Planning and Economic Development Director to review and consider the proposed amendment of the Canterbury Crossings PDD to install a deck at 9 Sutton Drive.

WHEREAS, the Town Board recommends that the Planning and Economic Development Director review the amendment of the Canterbury Crossings Planned Development District; and

WHEREAS, the applicant seeks to install a deck at 9 Sutton Drive;

BE IT RESOLVED that the Planning and Economic Development Director be, and hereby is, authorized to review and consider the proposed amendment of the Canterbury Crossings PDD.

RESOLUTION NO. 263 FOR 2020

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 9th day of July, 2020 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to execute Amendment No. 1 to the Conservation Easement in connection with the Albany Shaker Pump Station Project.

WHEREAS, the Amendment will release a portion of the Conservation Easement adjacent to the Albany-Shaker Road Pumping Station, a portion adjacent to Field Drive and a portion of 629 Albany Shaker Road which has been approved by the US Army Corps of Engineers;

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to execute Amendment No. 1 to the Conservation Easement in connection with the Albany Shaker Pump Station Project; and

BE IT FURTHER RESOLVED that such Amendment is subject to the review and approval of the Town Attorney's Office.

RESOLUTION NO. 264 FOR 2020

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 9th day of July, 2020 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to execute a Settlement of Claim for damages to a fire hydrant in the amount of $412.87.

WHEREAS, on July 15, 2019 an accident occurred at 515 Watervliet Shaker Road; and

WHEREAS, a Bonded Concrete, Inc. truck was involved in the accident and struck a Latham Water District hydrant;

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to execute a Settlement of Claim for damages to a fire hydrant in the amount of $412.87; and

BE IT FURTHER RESOLVED that such Settlement of Claim is subject to the review and approval of the Town Attorney's Office.

RESOLUTION NO. 265 FOR 2020

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 9th day of July, 2020 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to reimburse for overestimated water usage at various locations.

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to reimburse the following for overestimated water usage:

617 Maple Avenue, LLC	20 Atwood Avenue	$3,400.90
Scott Led Duke	7 Chestnut Hill Road No	$3,334.09
Mohammad Sajid	3 Oakmont Terrace	$3,864.81

RESOLUTION NO. 266 FOR 2020

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 9th day of July, 2020 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to declare an emergency in connection with repair of the sanitary sewer system at 147 Old Loudon Road by ANJO Construction, Ltd. and authorizing the Comptroller to expend Emergency Repair Reserve funds for the same.

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to declare an emergency in connection with repair of the sanitary sewer system at 147 Old Loudon Road by ANJO Construction, Ltd. for the DPW/Division of Pure Waters; and

BE IT FURTHER RESOLVED that the Comptroller be, and hereby is, authorized to expend $5,360.92 from the Emergency Repair Reserve funds for the same.

RESOLUTION NO. 267 FOR 2020

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 9th day of July, 2020 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to enter into an Agreement with HEALTHeNET for the Emergency Medical Services Department.

WHEREAS, HEALTHeNET allows the Emergency Medical Services Department to check health care administrative data, such as eligibility and claim status;

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to enter into an Agreement with HEALTHeNET for the Emergency Medical Services Department; and

BE IT FURTHER RESOLVED that such Agreement is subject to the review and approval of the Town Attorney's Office.

RESOLUTION NO. 268 FOR 2020

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 9th day of July, 2020 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution calling a public hearing in connection with a proposed local law of the Code of the Town of Colonie, thereof, amending Chapter 181 of the Town Code.

BE IT RESOLVED that a public hearing be, and it hereby is, scheduled for July 23, 2020 at 7:00 PM in Memorial Town Hall in connection with a proposed local law of the Code of the Town of Colonie, thereof, amending section 181-17A of the Code of the Town of Colonie, relating to weight limit restriction on the residentially zoned portion of Arrowhead Lane.

RESOLUTION NO. 269 FOR 2020

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 9th day of July, 2020 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution awarding the bid to Vanson Leathers in connection with the purchase of Police Motorcycle Jackets for the Police Department.

WHEREAS, pursuant to advertisement on June 10, 2020, the following bid was received:

Vendor	**Cost Per Jacket**	**Total for Two**
Vanson Leathers	$479.00	$958.00

WHEREAS, after review of the bids and upon the recommendation of the General Services Director and the Chief of Police;

BE IT RESOLVED that the sole bidder, Vanson Leathers, be, and hereby is, awarded the bid for the purchase of Police Motorcycle Jackets for the Police Department in a total amount of $958.00.

RESOLUTION NO. 270 FOR 2020

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 9th day of July, 2020 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to enter into an Agreement with Micro Focus Government Solutions, LLC in connection with a one-year extended warranty for the maintenance of a Data Prot Starter Pack for Linux E-LTU.

WHEREAS, Micro Focus Government Solutions, LLC will provide a one-year extended for the maintenance of a Data Prot Starter Pack for Linux E-LTU;

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to enter into an Agreement with Micro Focus Government Solutions, LLC in connection with a one-year extended warranty for the maintenance of a Data Prot Starter Pack for Linux E-LTU; and

BE IT FURTHER RESOLVED that such Agreement is subject to the review and approval of the Town Attorney's Office.

RESOLUTION NO. 271 FOR 2020

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 9th day of July, 2020 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to execute an Escrow Agreement with Marini Homes, LLC in connection with sewer work in the Schuyler Manor Subdivision.

WHEREAS, the Supervisor be, and hereby is, authorized to execute an Escrow Agreement with Marini Homes, LLC in connection with sewer work in the Schuyler Manor Subdivision; and

BE IT FURTHER RESOLVED that such Escrow Agreement is subject to the review and approval of the Town Attorney's Office.

RESOLUTION NO. 272 FOR 2020

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 9th day of July, 2020 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution calling a public hearing pursuant to Article 12A of State of New York Town Law in relation to the 855 – 861 Fifth Street Sewer Improvement Area– SIA #2019-005.

WHEREAS, the owner of certain property located at 855 – 861 Fifth Street in the Town of Colonie desires to construct the proposed sewer improvement project extending municipal sewer service to 855 – 861 Fifth Street (Tax Map Parcel No. 44.10-1-32.11) – SIA #2019-005, pursuant to the provisions of Article 12A of State of New York Town Law; and

WHEREAS, the Town Board of the Town of Colonie desires to extend municipal sanitary sewer service to 855 – 861 Fifth Street. The proposed sanitary sewer extension, known as SIA# 2019-005 will consist of installation of an 8" diameter service line from an existing manhole on the easterly side of Lincoln Avenue to the already existing Kromma Kill Trunk Sewer. The new 8" line will be extended to the east to service a proposed mixed-use development. The proposed four building mixed-use development will be served by a private sanitary sewer system that will be installed and connected to the development; the particulars of which are set forth in the engineer's report on file in the Town Clerk's Office; and

WHEREAS, a report, map, plan and estimate of cost has been prepared by Advanced Engineering and Surveying, PLLC, engineers duly licensed by the State of New York, the particulars of which are set forth in the engineer's report on file in the Town Clerk's Office; and

WHEREAS, the maximum amount proposed to be expended for said Project is One Hundred Sixty-Three Thousand, Three Hundred Eighty-Seven Dollars and 00/100 ($163,387.00) which will be paid entirely by the Developer for said Project; and

WHEREAS, it is now desired to call a public hearing pursuant to the provisions of Article 12A of State of New York Town Law to approve such construction and costs;

NOW, THEREFORE, IT IS ORDERED, RESOLVED AND DETERMINED, by the Town Board of the Town of Colonie, Albany County, New York, as follows:

Section 1. A meeting of the Town Board of the Town of Colonie, Albany County, New York shall be held at the Town Hall, Latham, New York on the 13th day of August, 2020 at 7:00 o'clock p.m., local time, for the purpose of conducting a public hearing on the aforesaid report, map, plan and estimate of cost, at which time and place said Town Board will hear all persons interested in the subject matter thereof.

Section 2. The Town Clerk is hereby authorized and directed to cause a notice of said public hearing to be given by publishing and posting a copy of this resolution in the manner provided by Article 12A of State of New York Town Law.

Section 3. This resolution shall take effect immediately.

RESOLUTION NO. 273 FOR 2020

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 9th day of July, 2020 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution Authorizing Supervisor to Execute an Escrow Agreement in relation to the 855 – 861 Fifth Street Sewer Improvement Area– SIA #2019-005.

WHEREAS, the owner of certain property located at 855 – 861 Fifth Street in the Town of Colonie desires to construct the proposed sewer improvement project extending municipal sewer service to 855 – 861 Fifth Street (Tax Map Parcel No. 44.10-1-32.11) – SIA #2019-005, pursuant to the provisions of Article 12A of State of New York Town Law; and

WHEREAS, the Town Board of the Town of Colonie desires to extend municipal sanitary sewer service to 855 – 861 Fifth Street. The proposed sanitary sewer extension, known as SIA# 2019-005 will consist of installation of an 8" diameter service line from an existing manhole on the easterly side of Lincoln Avenue to the already existing Kromma Kill Trunk Sewer. The new 8" line will be extended to the east to service a proposed mixed-use development. The proposed four building mixed-use development will be served by a private sanitary sewer system that will be installed and connected to the development; the particulars of which are set forth in the engineer's report on file in the Town Clerk's Office; and

WHEREAS, a report, map, plan and estimate of cost has been prepared by Advanced Engineering and Surveying, PLLC, engineers duly licensed by the State of New York, the particulars of which are set forth in the engineer's report on file in the Town Clerk's Office; and

WHEREAS, the maximum amount proposed to be expended for said Project is One Hundred Sixty-Three Thousand, Three Hundred Eighty-Seven Dollars and 00/100 ($163,387.00) which will be paid entirely by the Developer for said Project; and

NOW, THEREFORE, IT IS ORDERED, RESOLVED AND DETERMINED, that Paula A. Mahan, Supervisor of the Town of Colonie is authorized to execute an Escrow Agreement between Lincoln Avenue Development, LLC, the owner of the property located at 855 – 861 Fifth Street and the Town of Colonie in relation to project SIA# 2019-005 of the proposed Colonie Sewer District Improvement Area; and be it further

ORDERED RESOLVED AND DETERMINED, that this resolution shall take effect immediately.

RESOLUTION NO. 274 FOR 2020

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 9th day of July, 2020 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution requiring the Planning Board to review and consider the proposed rezoning of parcels of land located at 101, 103, 105 and 107 Consaul Road from Single Family Residential (SFR) to Neighborhood Commercial Office Residential (NCOR).

WHEREAS, the Town Board has received a request from the property owner to refer to the Planning Board a proposed rezoning of parcels of land located at 101, 103, 105 and 107 Consaul Road from Single Family Residential (SFR) to Neighborhood Commercial Office Residential (NCOR); and

BE IT RESOLVED that the Planning Board shall review and consider the proposed rezoning of parcels of land located at 101, 103, 105 and 107 Consaul Road from Single Family Residential (SFR) to Neighborhood Commercial Office Residential (NCOR).

RESOLUTION NO. 275 FOR 2020

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 9th day of July, 2020 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution requiring the Planning and Economic Development Director to review and consider the proposed amendment of the Maxwell Road Senior PDD.

WHEREAS, the requirement that the housing at the Maxwell Road Senior PDD be equipped with sprinkler systems was previously waived with the approval and consent of the Fire Services Department as unnecessary; and

WHEREAS, the final approved plans inadvertently left a number of lots with the requirement that the housing be equipped with sprinkler systems; and

WHEREAS, the Town desires to correct this mistake and have the final plans show that no sprinkler system is required on any of the said lots; and

WHEREAS, the Town Board recommends that the Planning and Economic Development Director review the Maxwell Road Senior Planned Development District to allow the removal of sprinkler requirements in the Maxwell Road Senior PDD as originally intended by all parties;

THEREFORE, BE IT RESOLVED that the Planning and Economic Development Director be, and hereby is, authorized to review and consider the proposed amendment of the Maxwell Road Senior PDD to correct the plans and show that sprinkler systems are not required on any of the lots on the said Maxwell Road Senior PDD.

RESOLUTION NO. 276 FOR 2020

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 9th day of July, 2020 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution calling a public hearing in regard to the proposed rezoning of land located at 606 & 608 Loudon Road from Neighborhood Commercial Office Residential (NCOR) to a Planned Development District (PDD) (known as Loudon Road Planned Development District) and approving the application to create an Open Development Area located at 606 & 608 Loudon Road.

WHEREAS, at its regular meeting on November 7, 2019, the Town Board of the Town of Colonie required the Planning Board to review and consider the proposed rezoning of land located at 606 & 608 Loudon Road from Neighborhood Commercial Office Residential (NCOR) to a Planned Development District (PDD) (known as Loudon Road Planned Development District); and

WHEREAS, at its regular meeting on February 25, 2020, the Planning Board of the Town of Colonie adopted findings, attached hereto as Exhibit "A", with regard to the concept plan and recommended that the Town Board approve the rezoning of 606 & 608 Loudon Road from Neighborhood Commercial Office Residential (NCOR) to a Planned Development District (PDD) (known as Loudon Road Planned Development District) described in the proposed Local Law attached hereto as Exhibit "B"; and

WHEREAS, it is now desired to call a public hearing pursuant to the proposed rezoning of land located at 606 & 608 Loudon Road from Neighborhood Commercial Office Residential

(NCOR) to a Planned Development District (PDD) (known as Loudon Road Planned Development District); and

WHEREAS, due to the Corona Virus the public hearing had been scheduled for March 26, 2020, rescheduled to April 9, 2020, adjourned to June 4, 2020 and now rescheduled to July 23, 2020 as the earliest possible date to allow the public to be present and able to participate in person at the said public hearing pursuant to Phase Four of the reopening; and

WHEREAS, at its regular meeting on November 7, 2019, the Town Board of the Town of Colonie also required the Planning Board to review and consider the Open Development Area of land located at 606 & 608 Loudon Road; and

WHEREAS, at its regular meeting on February 25, 2020, the Planning Board of the Town of Colonie adopted findings with regard to the Open Development Area located at 606 & 608 Loudon Road, which findings are annexed hereto as Exhibit "C";

THEREFORE, BE IT RESOLVED that a public hearing be, and hereby is, scheduled for July 23, 2020 at 7:00 PM in Memorial Town Hall, 534 New Loudon Road, Latham, NY in connection with the proposed rezoning of 606 & 608 Loudon Road and the establishment of a Planned Development District (PDD) (known as Loudon Road Planned Development District); and

BE IT FURTHER RESOLVED that the application to create an Open Development Area in accord with Town Law Section 280-a (4) be, and hereby is, authorized/not authorized.

PLANNED DEVELOPMENT DISTRICT
COLONIE LAND USE LAW - WRITTEN FINDINGS
OF THE COLONIE PLANNING BOARD

The Galleria at Loudonville (Loudon Road PDD)
606 & 608 Loudon Road

WHEREAS, New Loudon Road Realty Company LLC (hereinafter referred to as the applicant) made application to the Colonie Town Board for Planned Development District (PDD) approval for a project that consist of a 26,000 SF commercial building (retail/restaurant), 85 independent senior apartments and a 92 bed assisted living facility on a 8.39 acre parcel of land to be subdivided into two lots (hereinafter referred to as the application); and

WHEREAS; the Colonie Town Board (Town Board) referred the project to the Town of Colonie Planning Board (Planning Board) for review and recommendation; and

WHEREAS; pursuant to Chapter 190-13 of the Colonie Land Use Law, entitled Planned Development Districts, the Planning Board shall develop written findings that document the facts and information relied upon to reach its conclusions in rendering a decision on a PDD; and

WHEREAS the PDD is consistent with the purpose and intent of this Chapter including the Design Standards; and

WHEREAS the PDD is compatible with the surrounding neighborhood context and character and is in conformance with the Comprehensive Plan; and

WHEREAS the requirements of SEQRA will be completed by the Town Board prior to making a determination on the PDD, and the PDD has mitigated potential undue adverse environmental impacts as set forth during SEQRA review to the maximum extent practicable; and

WHEREAS the PDD will add to the long-term assets of the community and will not erode the livability or economic viability of the existing neighborhood areas; and

WHEREAS the proposal is conceptually sound in that it meets local and area-wide needs and it conforms to accepted design principals in the proposed functional roadway and pedestrian system, land use configuration, open space system, drainage system and scale of elements, both absolutely and to one another; and

WHEREAS there are adequate community facilities, services and utilities available or proposed to be made available in the construction of the development; and

WHEREAS the traffic will not have an adverse impact on the adjoining transportation system.

NOW THEREFORE, BE IT RESOLVED THAT, the Planning Board recommends approval of the Planned Development District for the subject property subject to the following minimum public benefits being proposed by the Applicant which will add to the long-term assets of the

community:

1. The applicant shall contribute $500,000 toward the completion of a traffic study of Homestead Drive and the design and installation of pedestrian improvements within the Town of Colonie.
2. The applicant shall fund the completion of a traffic study that evaluates traffic conditions along Homestead Drive and evaluates potential improvements with respect to vehicular sightlines, traffic calming, cut-through traffic, pedestrian safety and access considerations. This study is valued at approximately $20,000.
3. Following the funding of the traffic study, the design and installation of pedestrian improvements for the remaining funds will be prioritized as follows, with the completion of each segment prioritized for installation before the next until the $500,000 contribution is exhausted:
    a. Design and installation of approximately 600 linear feet of sidewalk along the east side of Loudon Road from Homestead Drive heading north and terminating at the existing traffic signal for Newton Plaza, together with crosswalk accommodations. This work is valued at approximately $200,000.
    b. Design and installation of approximately 1,100 linear feet of sidewalk along the west side of Loudon Road from Glennon Road heading north to the Fresh Market plaza. This work is valued at approximately $200,000.
    c. Design and installation of approximately $100,000 worth of sidewalk along Spring Street. Limits to be determined during final site plan review.
4. The value for the traffic study and each sidewalk segment will be verified through engineer's proposals, engineer's estimates and contractor's bids for the work. The design for any sidewalk segments funded as part of the $500,000 contribution shall be included in the final site plans for the project and constructed simultaneously with development of the project site.
5. Restaurants within the retail building shall be limited to no more than three full service restaurants, with a combined square footage of no greater than 8,000 square feet and 340 seats (240 inside year-round and 100 outdoor seasonal, with up to 10% variation between these indoor/outdoor seating counts). No single restaurant shall have a size greater than 4,500 square feet with 200 seats.
6. Any restaurant shall be restricted from having live music outdoors between the hours of 10:00 PM to 3:00 PM. No live music shall achieve a decibel level greater than 40 decibels (typical suburban nighttime conditions) at the limit of the project site at any time.

BE IT FURTHER RESOLVED THAT, pursuant to Chapter 190-13 of the Colonie Land Use Law, entitled Planned Development Districts, the Planning Board has developed these written findings that document the facts and information relied upon to reach its conclusions in rendering a decision to recommend approval of the proposed PDD.

This resolution shall take effect immediately and shall be transmitted to the Town Supervisor and Members of the Town Board.

Date: February 25, 2020

Peter Stuto, Chairman

NEW YORK STATE DEPARTMENT OF STATE
99 WASHINGTON AVENUE, ALBANY, NY 12231

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 ___of the year 2020

A local law rezoning 8.39 +/- acres of land located at 606 and 608 Loudon Road from a Neighborhood Commercial Office Residential (NCOR) district to a Planned Development District (PDD).

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

SECTION 1. REZONING

The following described area consisting of 8.39 +/- acres of land located at 606 and 608 Loudon Road is hereby rezoned from a Neighborhood Commercial Office Residential (NCOR) district to a Planned Development District (PDD):

Lot 1:

All that piece or parcel of land situate, lying and being located in the Town of Colonie, County of Albany and State of New York, reference is made to a map titled "Concept Site Plan Galleria at Loudonville, Street No.'s 606 & 608 Loudon Road", Town of Colonie, County of Albany, State of New York," dated December 10, 2018, last revised October 31, 2019, prepared by Advance Engineering & Surveying PLLC and being more particularly bounded and described as follows:

Beginning at a point in the westerly highway boundary of Loudon Road (U.S. Route 9) at its intersection with the division line between lands now or formerly of 608 Loudon Road, LLC as described in Liber 3063 of deeds at page 845 on the south and lands now or formerly of New Loudon Road Associates, LLC on the north; thence from said point of beginning along said westerly highway boundary of Loudon Road the following four (4) courses and distances:

1) South 27°-34'-07" East, 92.72 feet to a point; thence
2) South 28°-20'-03" East, 100.04 feet to a point; thence
3) South 11°-18'-04" East, 325.50 feet to a point; thence
4) South 03°-28'-48" East, 68.43 feet to a point at its intersection with the division line between the aforementioned lands of 608 Loudon Road, LLC on the north and lands now or formerly of Newton Plaza Associates, LLC as described in Liber 2890 of deeds at page 600 on the south; thence along said division line the following two (2) courses and distances:

1) North 80°-45'-00" West, 209.48 feet to a point; thence

2) South 07°-30'-00" West, 96.00 feet to a point in the division line between the aforementioned lands of 608 Loudon Road, LLC on the north and other lands now or formerly of Newton Plaza Associates, LLC as described in Liber 2650 of deeds at page 495 on the south; thence along said division line the following three (3) courses and distances:

1) North 80°-45'-00" West, 582.13 feet to a point; thence
2) North 00°-00'-00" West, 3.00 feet to a point; thence
3) South 78°-10'-00" West, 146.46 feet to a point; thence through the aforementioned lands of 608 Loudon Road, LLC the following sixteen (16) courses and distances:

1) North 08°-30'-51" East, 153.85 feet to a point; thence
2) North 75°-12'-31" East, 136.29 feet to a point; thence
3) Along an arc of a curve to the left having a radius of 136.00 feet, an arc length of 216.78 feet and a chord bearing South 30°-28'-30" East, 194.55 feet to a point; thence
4) South 80°-45'-14" East, 300.37 feet to a point; thence
5) Along an arc of a curve to the left having a radius of 78.00 feet, an arc length of 71.30 feet and a chord bearing North 77°-33'-00" East, 68.84 feet to a point; thence
6) North 24°-38'-56" West, 45.50 feet to a point; thence
7) North 39°-55'-42" East, 41.50 feet to a point; thence
8) North 13°-20'-55" West, 23.20 feet to a point; thence
9) North 50°-04'-18" West, 71.30 feet to a point; thence
10) North 30°-04'-18" West, 33.94 feet to a point; thence
11) North 10°-04'-18" West, 81.49 feet to a point; thence
12) North 09°-55'-42" East, 33.94 feet to a point; thence
13) North 29°-55'-42" East, 71.30 feet to a point; thence
14) North 06°-47'-41" West, 23.20 feet to a point; thence
15) North 60°-04'-12" West, 46.80 feet to a point; thence
16) North 29°-25'-30" West, 68.33 feet to a point in the aforementioned division line between lands of 608 Loudon Road, LLC on the south and lands of New Loudon Road Associates, LLC on the north; thence along said division line the following four (4) courses and distances:

1) North 60°-34'-30" East, 4.08 feet to a point; thence
2) North 32°-09'-26" East, 28.60 feet to a point; thence
3) North 62°-24'-08" East, 120.53 feet to a point; thence
4) North 78°-10'-00" East, 158.81 feet to a point in the aforementioned westerly highway boundary of Loudon Road, the point and place of beginning and containing 4.72 acres of land more or less.

Subject to all rights, easements, covenants and restrictions of record.

Subject to any state of facts an up to date Abstract of Title would disclose.

And Lot 2:

All that piece or parcel of land situate, lying and being located in the Town of Colonie, County of Albany and State of New York, reference is made to a map titled "Concept Site Plan Galleria at Loudonville, Street No.'s 606 & 608 Loudon Road", Town of Colonie, County of Albany, State of New York," dated December 10, 2018, last revised October 31, 2019, prepared by Advance Engineering & Surveying PLLC and being more particularly bounded and described as follows:

Beginning at a point in the division line between lands now or formerly of 608 Loudon Road, LLC as described in Liber 3063 of deeds at page 845 on the south, lands now or formerly of Village at Shaker Creek Homeowners Association on the north and lands now or formerly of Saleem Ahmed & Musarrat J. Khan as described in Liber 2752 of deeds at page 1045 on the west; thence from said point of beginning along the 608 Loudon Road, LLC and Village at Shaker Creek Homeowners Association division line and the division line between lands of the aforementioned 608 Loudon Road, LLC on the south and lands now or formerly of New Loudon Road Associates, LLC on the north North 60°-34'-30" East, 709.87 feet to a point therein; thence through the aforementioned lands of 608 Loudon Road, LLC the following sixteen (16) courses and distances:

1) South 29°-25'-30" East, 68.33 feet to a point; thence
2) South 60°-04'-12" East, 46.80 feet to a point; thence
3) South 06°-47'-41" East, 23.20 feet to a point; thence
4) South 29°-55'-42" West, 71.30 feet to a point; thence
5) South 09°-55'-42" West, 33.94 feet to a point; thence
6) South 10°-04'-18" East, 81.49 feet to a point; thence
7) South 30°-04'-18" East, 33.94 feet to a point; thence
8) South 50°-04'-18" East, 71.30 feet to a point; thence
9) South 13°-20'-55" East, 23.20 feet to a point; thence
10) South 39°-55'-42" West, 41.50 feet to a point; thence
11) South 24°-38'-56" East, 45.50 feet to a point; thence
12) Along an arc of a curve to the left having a radius of 78.00 feet, an arc length of 71.30 feet and a chord bearing South 77°-33'-00" West, 68.84 feet to a point; thence
13) North 80°-45'-14" West, 300.37 feet to a point; thence
14) Along an arc of a curve to the left having a radius of 136.00 feet, an arc length of 216.78 feet and a chord bearing North 30°-28'-30" West, 194.55 feet to a point; thence
15) South 75°-12'-31" West, 136.29 feet to a point; thence
16) South 08°-30'-51" West, 153.85 feet to a point in the division line between the aforementioned lands of 608 Loudon Road, LLC on the east and the aforementioned lands of Saleem Ahmed & Musarrat J. Khan on the west; thence along said division line North 53°-26'-00" West, 150.00 feet to the point and place of beginning and containing 3.67 acres of land more or less.

Subject to all rights, easements, covenants and restrictions of record.

Subject to any state of facts an up to date Abstract of Title would disclose.

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 Neighborhood Commercial Office Residential (NCOR) 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 8.39 +/- acres of parcel described in Section 1 above is rezoned to a PDD upon the conditions that the property shall be developed with a 26,000 +/- square foot commercial building (retail/restaurant), 85 independent senior apartments, and a 92 bed assisted living facility on an parcel of land to be subdivided into two lots, 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 Planning Board and 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. SEQRA

The Town of Colonie Town Board, acting as Lead Agency, has determined that this proposal is an Unlisted action which will not have a significant impact on the environment.

SECTION 6. EFFECTIVE DATE

This local law shall take effect upon its proper filing in the Office of the Secretary of State.

SPECIAL RULE OF THE PLANNING BOARD SETTING FORTH FINDINGS, CONCLUSIONS AND RECOMMENDATIONS FOR THE ESTABLISHMENT OF AN OPEN DEVELOPMENT AREA PURSUANT TO NEW YORK STATE TOWN LAW § 280-a(4)

The Galleria at Loudonville (Loudon Road PDD)
606 & 608 Loudon Road

WHEREAS, New Loudon Road Realty Company LLC (hereinafter referred to as the applicant) made application to the Colonie Town Board for creation of the Galleria at Loudonville Planned Development District, with said site plan containing two lots, one of which will contain a maximum of 26,000 square foot commercial retail building with frontage along Loudon Road, and the second lot containing a maximum of 85 senior apartments and 92 bed assisted living facility with no frontage along a public right-of-way; and

WHEREAS the Town of Colonie Planning and Economic Development Department and Building Department have determined that access to the subject property by means other than use of the property's public road frontage will require approval of an Open Development Area; and

WHEREAS, the applicant made a request for an Open Development Area to the Town of Colonie Town Board; and

WHEREAS, 280-a(4) of the New York State Town Law provides that the Town Board may establish an Open Development Area within the Town, wherein permits may be issued for the erection of structures to which access may be given by right of way or easement, upon such conditions and subject to such limitations as may be prescribed by special rule of the Planning Board; and

WHEREAS, on November 7, 2019 the Town Board referred the application for the Open Development Area to the Planning Board for review and recommendation via Town Board Resolution No. 474 for 2019; and

WHEREAS, the Open Development Area requested by the applicant is intended to allow primary access to the subject property by ingress and egress over private roads to which both lots will share equal rights of ingress and egress; and

WHEREAS, the subject property has approximately 587 feet of frontage along Loudon Road (New York State Route 9); and

WHEREAS, Loudon Road is a State-owned public road maintained by the NYSDOT.

NOW THEREFORE, BE IT RESOLVED THAT, the Planning Board has determined that it is in the best interest of the public's health safety and welfare to permit access to the rear lot over an ingress/egress easement; and

EXHIBIT "C"

BE IT FURTHER RESOLVED THAT, the Planning Board recommends approval of the Open Development Area for the Galleria at Loudonville Planned Development District.

This resolution shall take effect immediately and shall be transmitted to the Colonie Town Board for consideration.

Date: February 25, 2020

Peter Stuto, Chairman