

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.

County City Town Village

(select one:)

of Brunswick

Local Law No. 2 of the year 2016

**A LOCAL LAW AMENDING THE ZONING ORDINANCE OF THE TOWN OF
BRUNSWICK AND THE ZONING MAP OF THE TOWN OF BRUNSWICK TO
REZONE TAX MAP PARCEL NO. 91.2-4-12.12 FROM THE R-25 ZONING DISTRICT
TO THE B-15 ZONING DISTRICT**

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

See attached.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

TOWN OF BRUNSWICK

LOCAL LAW NO. 2 OF THE YEAR 2016

A LOCAL LAW AMENDING THE ZONING ORDINANCE OF THE TOWN OF BRUNSWICK AND THE ZONING MAP OF THE TOWN OF BRUNSWICK TO REZONE TAX MAP PARCEL NO. 91.2-4-12.12 FROM THE R-25 ZONING DISTRICT TO THE B-15 ZONING DISTRICT

Section 1. Title

This local law shall be referred to as the “A Local Law Amending The Zoning Ordinance Of The Town Of Brunswick And The Zoning Map Of The Town Of Brunswick To Rezone Tax Map Parcel No. 91.2-4-12.12 From The R-25 Zoning District To The B-15 Zoning District”.

Section 2. Purpose and Intent

The Town Board of the Town of Brunswick declares its intent to rezone the parcel identified as Rensselaer County Tax Map No. 91.2-4-12.12 from its current Zoning District Classification of R-25 to the Zoning District classification of B-15. The rezoning will encompass approximately 1.068 acres of land. Any proposed use of the parcel for the uses allowable in the B-15 Zoning District will continue to be subject to site plan review and approval by the Town of Brunswick Planning Board, as well as all other applicable requirements in the Town of Brunswick Town Code. In addition to compliance with the Town of Brunswick site plan regulations and all other applicable requirements pursuant to the Code of the Town of Brunswick, any application for use of the subject parcel within the B-15 Zoning District will be subject to full procedural and substantive compliance with the State Environmental Quality Review Act, pursuant to which a review will be conducted in which all potential significant adverse environmental impacts of any such application for a specific project are to be identified and fully analyzed.

Section 3. Amendment to Brunswick Zoning Ordinance and Zoning Map

The Zoning Map of the Town of Brunswick, adopted and made a part of the Zoning Ordinance of the Town of Brunswick pursuant to Article II, Section 3 thereof, is hereby amended to change the Zoning District from R-25 to B-15 for the property identified as Rensselaer County Tax Map No. 91.2-4-12.12, and as more particularly bounded and described in Exhibit “A” attached hereto, containing approximately 1.068 acres of land more or less.

Section 4. Authority

This Local Law is enacted pursuant to the authority of Section 10 of the New York State Municipal Home Rule Law.

Section 5. Severability

If any part or provision of this Local Law is judged invalid by any Court of competent jurisdiction, such judgment shall be confined in application to the part of provision directly on which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this law or the application thereof to other persons or circumstances. The Town hereby declares that it would have enacted the remainder of this law even without such part or provision or application.

Section 6. Effective Date

This Local Law shall become effective immediately upon filing in the Office of the New York Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law.

(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 Brunswick, was duly passed by the Town of Brunswick Town Board on July 14, 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 (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed 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 (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ 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 _____ 20____, 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 (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (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 chairperson 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 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 1, above.

Town Clerk

(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 RENSSELAER

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

Title

Town of Brunswick

Date: _____

Exhibit "A"



SANTO ASSOCIATES
LAND SURVEYING AND ENGINEERING, P.C.



PRINCIPALS

SALVATORE R. SANTONASTASO, L.S.
ANDREW C. SCHAUFFERT, L.S.*
ELLIOTT FISHMAN, P.E.*
ALTON P. MACDONALD, JR., L.S.

* ALSO LICENSED IN VERMONT

PROPOSED LEGAL DESCRIPTION
LANDS OF MARK M. McCARTY
(Prepared 07/14/15)

All that piece or parcel of land situate, lying and being in the Town of Brunswick, County of Rensselaer and State of New York, being bounded and described as follows:

Beginning at a point marked by an iron pin on the north bounds of Hoosick Road (New York State Route 7) approximately 33 feet north of the centerline of said Hoosick Road and 70 feet east of the intersection of said Hoosick Road with Sweetmilk Creek Road, said point being a corner of lands of the Town of Brunswick and a former town highway known as Abner Roberts Road and being the southwest corner of the parcel herein described; running thence along the east bounds of said lands of the Town of Brunswick the following two courses:

N 15° 43' 57" W 67.88' to a point; and

N 11° 36' 57" W 32.14' to a point marked by an iron pin on the east bounds of said Sweetmilk Creek Road; running thence along said east bounds of Sweetmilk Creek Road, being generally parallel to, and 24.75 feet east of, the centerline thereof, the following two courses:

N 23° 19' 18" E 74.63' to a point marked by an iron pin; and

N 28° 30' 35" E 39.36' to a point marked by an iron pin at the southwest corner

of lands now or formerly of John E. Howe and Wayne A. Howe; running thence along the bounds of said lands now or formerly of Howe the following five courses:

S 65° 38' 09" E 32.18' to a point marked by an iron pipe;

N 25° 27' 51" E 42.10' to a point marked by a capped iron pin;

S 68° 49' 09" E 81.85' to a point marked by a capped iron pin;

S 76° 38' 09" E 94.15' to a point marked by a capped iron pin; and

S 12° 03' 39" W 189.93' to a point marked by an iron pin on the aforementioned

north bounds of Hoosick Road (N.Y.S. Route 7); running thence along said north bounds of Hoosick Road, being generally parallel to, and 33.00 feet north of, the centerline thereof

N 86° 26' 13" W 199.49' to the point and place of beginning.

Containing 1.068 acres of land.

As shown on a survey map entitled "Topographic Survey Map of Lands of Mark M. McCarty at 1001 Hoosick Road, Troy, NY 12180", dated July 9, 2015 by Santo Associates Land Surveying and Engineering, P.C.

Bearings are with reference to Grid North, New York State East Zone.

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