

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 of NEW SCOTLAND
- Town
- Village

Local Law No. 4 of the year 20 08

A local law AMENDING ARTICLE II OF THE TOWN OF NEW SCOTLAND ZONING LAW TO
(Insert Title)
ESTABLISH AND DESIGNATE CERTAIN LANDS AS MEDD - MIXED ECONOMIC
DEVELOPMENT DISTRICT

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

- County
- City of NEW SCOTLAND as follows:
- Town
- Village

Section 1: Article II § 190-6 of the Town of New Scotland Zoning Law is amended by the addition of the following district:

MEDD - Mixed Economic Development District

Section 2: § 190-19a. MEDD Economic Development District

A. Statement of Purpose.

The Mixed Economic Development District abuts comparably zoned lands in the Town of Bethlehem. The District generally contains suitable soils and slopes for commercial Development and has been designated an Empire Development Zone by the County of Albany. The purpose of this District is to allow for coordinated inter-municipal development of planned office, industry, service, retail business, and technology based businesses.

To further this purpose the Town Board hereby declares the MEDD to be an Open Development area as defined by NYS Town Law Article 16, § 280-a(4). To facilitate the development of lots and buildings within the District, the Planning Board is granted the authority to waive the Bulk Regulations set forth in Section B below to allow for a smaller minimum lot size, width, depth and setbacks upon a showing by the Applicant that such waiver is necessary for the proposed use in the District and will not adversely affect any other existing use in the District.

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

B. Bulk Regulations.

| Minimum Lot Size* (Sq. Ft.) | Minimum Lot Width Depth (Feet) | | Maximum Building (Sq. Ft.) | Minimum Setbacks | | | Maximum Building Height (Feet) |
|--------------------------------|-----------------------------------|-----|-------------------------------|------------------|----------------|------|-----------------------------------|
| | | | | Front | Side (Feet) | Rear | |
| 10,000 | 100 | 150 | 300,000 | 10 | 10 | 10 | 60 |

* In calculating the minimum acreage required of Building Lots, lands within the Boundary of federal or state-designated wetlands, Stormwater Management Areas and lands with a slope greater than 17% shall not be included.

C. Permitted Uses:

- (1) Essential Service and Related Structures¹
- (2) Light Industrial**¹
- (3) Office Building¹
- (4) Technology-Based Businesses***¹
- (5) Accessory Use²
- (6) Business, Retail²
- (7) Commercial or Retail Business primarily servicing the MEDD District²
- (8) Conference Center****²
- (9) Day Care Center or Nursery School²
- (10) Hotel, Inn or Motel²
- (11) Industrial Park²

** Light Industrial includes limited manufacturing, wholesaling, warehousing, research and development, and related commercial/service activities, such as beverage bottling, distribution and warehousing; contractors' offices and storage buildings, including general contractors, plumbers, electricians, heating, ventilating and air-conditioning contractors, masons, painters, refrigeration contractors, roofing contractors, and other such construction occupations; distribution centers; ice production, storage, sales and distribution; laboratories for research, testing and experimental purposes; machine shops; manufacture of computers, computer peripherals, electrical appliances, electronic equipment, medical instruments, and other similar products from previously manufactured components; manufacture of precision instruments and equipment such as watches, electronics equipment, photographic equipment, optical goods and similar products; manufacturing of articles or merchandise from previously prepared or natural materials such as cardboard, cement, cloth, cork, fiber, glass, leather, paper, plastics, wood, metals, stones and other such prepared materials; and printing and publishing.

*** Technology-based businesses are defined as those companies primarily engaged in the activities of research, development or manufacture of advanced products or materials used in factory automation, biotechnology, chemicals, computer hardware/software, defense, energy, environmental, manufacturing equipment, medical, pharmaceuticals, photonics, subassemblies

¹ Use deemed to be a "Primary Use."

² Use deemed to be a "Secondary Use."

and components, test/measurement, telecommunications and transportation; or a knowledge-based business that utilizes advanced technology production processes, systems, or equipment.

**** Conference Center is defined as a facility used for conferences and seminars with sleeping accommodations, food preparation and eating, recreation, entertainment, resource facilities, meeting rooms, fitness and health centers, and retail stores and services.

D. Special Uses:*****

- (1) Bank²
- (2) Convenience Store or Mini-Mart²
- (3) Dry Cleaner²
- (4) Educational Use²
- (5) Hospital or Clinic²
- (6) Personal Service Outlet²
- (7) Restaurant or Tavern²

***** Special Use Permit requirements are set forth in Article IV of the Town of New Scotland Zoning Law.

E. Additional Standards and Procedures for Mixed Economic Development Applications:

1. Primary Use Ratio: Primary Uses may comprise up to one hundred (100) percent of the gross floor area of the Structure(s) on a Development Site.

2. Secondary Use Ratio: Secondary Uses shall not comprise more than thirty (30) percent of the developable acreage of a Development Site and the total gross floor area devoted to Secondary Uses shall not exceed fifty (50) percent of the gross floor area of all buildings located within the Development Site.

Section 3: Zoning Map Amendment

The Town of New Scotland Zoning Map is hereby amended to change the zoning classification of +/- 43 acres of land constituting the Development Site, part of the Vista Technology Campus and described as follows:

Beginning at a point located 2068.57 feet northeast of the southwestern corner of the lands of Dr. William S. Jones on a bearing of North 62°46'50 East, said point being coincident with the boundary line between the Town of New Scotland to the west and the Town of Bethlehem to the east as shown on a map entitled "Map Showing Monument Location along Town of Bethlehem-Town of New Scotland Town line located at Vista Technology Campus" made by L. Sipperly & Associates – Engineers, Surveyors, Land Planners, dated June 1, 2007; thence from said point of beginning, North 75°52'25" West a distance of 1112.58 feet to a point; thence North 14°07'35" East a distance of 848.16 feet to a point; thence North 49°58'24" East a distance of 1312.96 feet to a point; thence South 75°52'25" East a distance of 465.32 feet to a point on the boundary line between the Town of New Scotland to the west and the Town of Bethlehem to the east; thence

along said Town line the following five (5) courses and distances: South 17°38'19" West a distance of 545.87 feet to a point; South 14°24'10" West a distance of 482.99 feet to a point; South 17°28'20" West a distance of 155.13 feet to a point; South 19°47'59" West a distance of 646.42 feet to a point; South 22°37'08" West a distance of 87.43 feet to the point and place of beginning.

Section 4: Zoning Map

The zoning map appended hereto and made a part hereof, reflecting the changes hereinabove set forth, is hereby adopted as the official Zoning Map of the Town of New Scotland.

Section 5: Validity and Severability

If any section of this local law is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section of this local law.

Section 6: Effectiveness

This local law shall be effective in accordance with the applicable law after filing with the Secretary of State and publication thereof in the official newspaper of the Town of New Scotland.

(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 2008 of the Town of New Scotland was duly passed by the New Scotland Town Board on August 13, 2008, 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 New Scotland was duly passed by the New Scotland Town Board _____ 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 Town of New Scotland was duly passed by the New Scotland Town Board _____ 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 Town of New Scotland 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**

lected 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 cities of said county as a unit and 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.


New Scotland Town Clerk

Date: August 13, 2008

(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 *L. Michael Mackey*
New Scotland Town Attorney

Date: August 13, 2008

Law Offices
FEENEY, CENTI & MACKEY
116 Great Oaks Boulevard
Albany, New York 12203

(518) 452-3710
Fax (518) 452-3925

Daniel J. Centi
L. Michael Mackey
Dennis A. Feeney

Anthony J. Feeney, Jr.
(1948-1992)
Simon Rosenstock
(1935-1998)

August 19, 2008

Ms. Diane Deschenes
Town Clerk
Town of New Scotland
2029 New Scotland Road
Slingerlands, New York 12159

RECEIVED
AUG 21 2008
TOWN CLERK

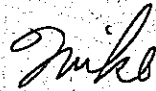
Re: Local Law 4 of 2008

Dear Diane:

Enclosed is a map, which should be appended to Local Law 4 of 2008 as the last page.

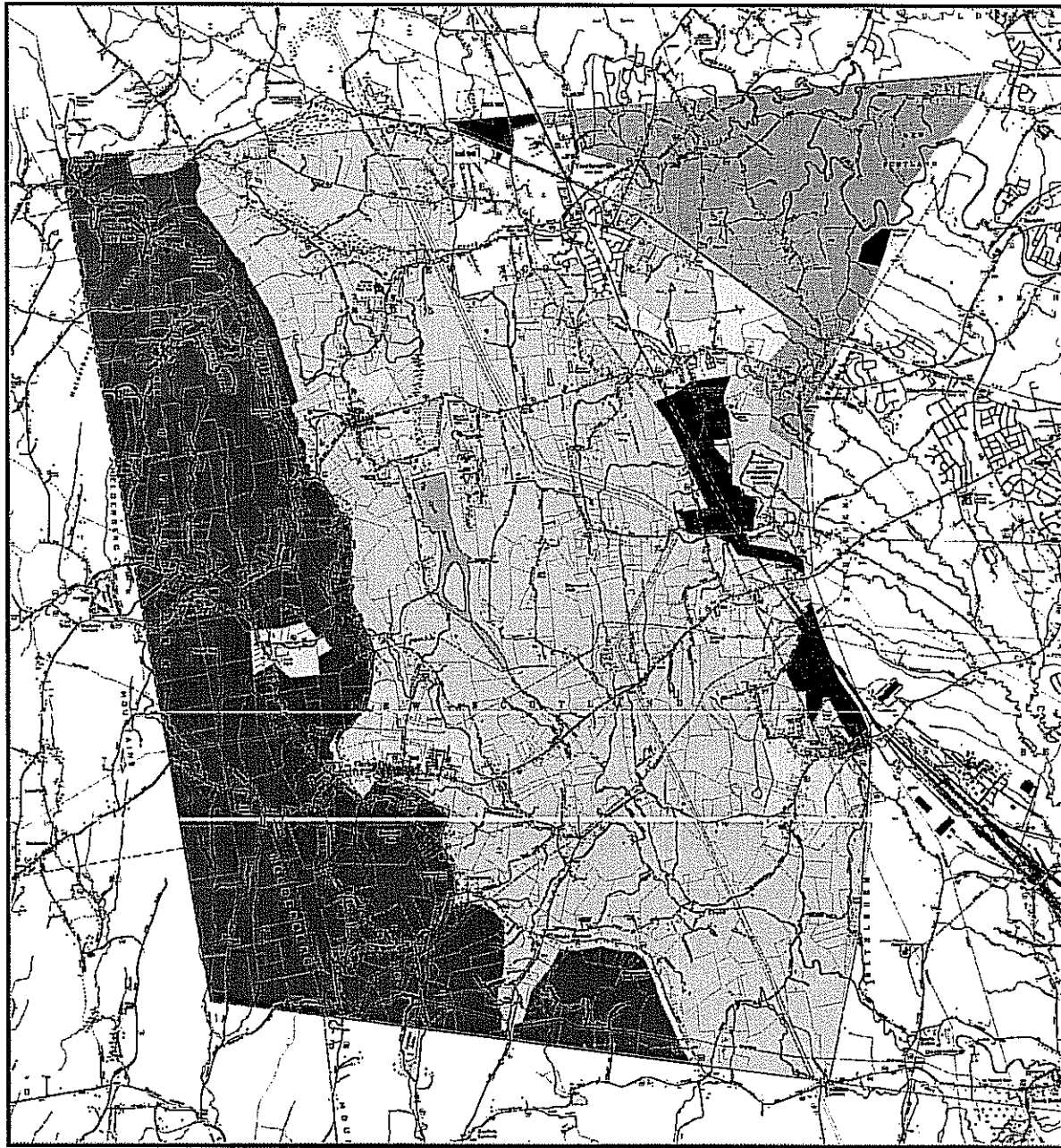
Best regards.

Very truly yours,












L. MICHAEL MACKEY

LMM/smg
Encl.



Legend

-  [CH] Commercial Hamlet
-  [COM] Commercial
-  [IND] Industrial
-  [MDR] Medium Density Residential
-  [MEDD] Mixed Economic Development District
-  [R2] Residential - 2 Acre
-  [RA] Residential Agricultural
-  [RF] Residential Forestry
-  [RH] Residential Hamlet

DATA SOURCE:
 Base Map: New York State Department of Transportation
 Tax Parcel: Albany County Tax Parcel, 2006

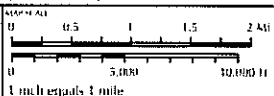


Adopted: August 2008
Official Land Use Zoning Map

Town of New Scotland - County of Albany - State of New York



PREPARED BY
 Stantec Consulting Services, Inc.
 1 Columbia Circle
 Albany, New York 12201
 www.stantec.com
 Cartographer: KJM, Reviewer: _____



ZONING

DISCLAIMER:
 The intended use of this map is for land use zoning purposes only. Property lines and other delineated features should be field verified by a qualified professional. Due to the printed resolution of this map, parcel zone designation should always be confirmed with the Town Assessor's office.

**STATE ENVIRONMENTAL QUALITY REVIEW ACT
FINDINGS STATEMENT**

Pursuant to the State Environmental Quality Review Act ("SEQRA"), Article 8 of the Environmental Conservation Law and 6 NYCRR Part 617, the Town of New Scotland Town Board (the "Town Board") as a SEQRA Involved Agency makes the following findings.

Name of Action: Local Law 4 of 2008 Amending the Town of New Scotland Zoning Code and Designating Vista Technology Park lands in the Town of New Scotland as Mixed Economic Development District

Description of Action: The Action is a part of the Vista Technology Park ("Vista" or "Project") proposed for the Towns of New Scotland and Bethlehem, Albany County, New York. The Town Board of the Town of Bethlehem, as SEQRA Lead Agency, previously prepared a draft and final environmental impact statement. The present action consists of a local law amending the Town of New Scotland Zoning Code to create a Mixed Economic Development District ("MEDD") and designate portions of the Vista property to be developed within the Town of New Scotland as MEDD.

Project Location: In its entirety, the Vista project includes 458-acres in the Towns of New Scotland and Bethlehem. The Project site consists of approximately 128 acres in the Town of New Scotland and 330 acres in the Town of Bethlehem.

Lands to be Rezoned: Project lands to be rezoned to MEDD consist solely of areas to be developed comprising approximately 43 of the total 128 acres in the Town of New Scotland. A legal description is included in the proposed Local Law.

Date Final Environmental Impact Statement Filed: May 15, 2007

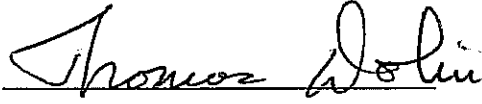
Certification to Approve/Fund/Undertake:

Having considered the Draft and Final Environmental Impact Statement and having considered and relied upon the written facts and conclusions set forth below, and carefully weighed and balanced relevant environmental factors with social, economic and other essential considerations to meet the requirements of 6 NYCRR Part 617.11, this Statement of Findings certifies that:

The requirements of 6 NYCRR Part 617 have been met; and

Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is the one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

Town of New Scotland Town Board
Name of Agency



Signature of Responsible Official

Thomas Dolin

Name of Responsible Official

Town Supervisor

Title of Responsible Official

Date: August 13, 2008

Thomas Dolin, Town Supervisor
Town of New Scotland
2029 New Scotland Road
Slingerlands, New York 12159

Address of Agency

Thomas Dolin, Town Supervisor

Contact

cc: Other Involved Agencies
Applicants