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AGENDA
TOWN BOARD MEETING
TOWN OF GLENVILLE
18 GLENRIDGE ROAD
April 17, 2024
7:00 P.M.
www.townofglenville.org

Supervisor:
Christopher A. Koetzle
Council Members
Robert J. Kirkham Jr.
Deputy Supervisor
Sid Ramotar
Brendan Gillooley
Michael Aragosa

1. Invocation
2. Pledge of Allegiance to the Flag.
3. Roll Call
4. Town Council Report
5. Public Hearing at 7:00 PM or as soon thereafter to hear all persons interested in the proposed Local Law No. 5-2024 titled "Amendment to Glenville Town Code Chapter 270 With Respect to Solar Energy to Modify Certain Definitions and to Conform Approval Standards to the Standards in Solar Energy Farm Overlay Districts" to the Code of the Town Glenville.
6. Public Hearing at 7:00 PM or as soon thereafter to hear all persons interested in the proposed Local Law No. 6-2024 titled "Amendment to Glenville Town Code 270, Article V, §270-24.1. D. Solar Energy Farm Overlay Districts" to the Code of the Town of Glenville.
7. Public Hearing to be held by the Town of Glenville on April 17, 2024 at 7:00 PM at the Glenville Municipal Center, 18 Glenridge, Glenville New York to hear all persons interested in the proposed Local Law No 7-2024 titled, "A Local Law to Terminate the Interim or Temporary Suspension on the Review, Approval, and/or Issuance of all Permits for or relating to Hotels or Motels," to the Code of the Town of Glenville.
8. Resolution adopting Local Law No. 5-2024 titled "Amendment to Glenville Town Code Chapter 270 With Respect to Solar Energy to Modify Certain Definitions and to Conform Approval Standards to the Standards in Solar Energy Farm Overlay Districts" to the Code of the Town Glenville.
9. Resolution adopting Local Law No. 6-2024 titled "Amendment to Glenville Town Code 270, Article V, §270-24.1. D. Solar Energy Farm Overlay Districts" to the Code of the Town of Glenville.
10. Resolution adopting Local Law No 7-2024 titled, "A Local Law to Terminate the Interim or Temporary Suspension on the Review, Approval, and/or Issuance of all Permits for or relating to Hotels or Motels," to the Code of the Town of Glenville.
11. Resolution authorizing the Supervisor to enter into an agreement with EDP and C2 to develop a detailed bid document for a new town hall to be located on the campus of 18 Glenridge Rd., Glenville, New York.
12. Resolution approving the hire of Henry Brown to fill a vacant Heavy Equipment Mechanic position in the Highway Department.

13. Resolution appointing members to the Events Committee.
14. Resolution approving the minutes of the Regular Town Board Meeting held on April 3, 2024.
15. Resolution approving the Monthly Reports for March 2024.
16. New Business

ADD ON

1. Resolution settling the law suit between the Town of Glenville and Mazzone Hospitality.
2. Resolution authorizing the Supervisor to sign the contract with respect to the proposed land donation by New York Development Group/Saratoga Road LLC for part of the Horstman Drive PDD.
3. Resolution authorizing the Supervisor to take necessary steps for the Town to acquire the Freemans Bridge Road Multi-Use Path Project right-of-way and easement acquisitions.

Sponsored by: Christopher A. Koetzle, Town Supervisor
Submitted by: Jeffrey A. Siegel, Attorney to the Town

RESOLUTION NO. 8

Moved by:
Seconded by:

WHEREAS, the Town regularly reviews Chapter 270 of the Town of Glenville Town Code ("Town Code") in order to confirm that the Town Code continues to address changing and evolving community needs, plans, and goals; and

WHEREAS, the Town has determined that it is in the best interests of the Town to amend various provisions of Chapter 270 with respect to solar energy to modify certain definitions and to conform approval standards to the standards in Solar Farm Overlay Districts; and

WHEREAS, proposed Local Law No. 5 of 2024 titled "Amendment to Glenville Town Code Chapter 270 With Respect to Solar Energy to Modify Certain Definitions and to Conform Approval Standards to the Standards in Solar Farm Overlay Districts" has been made available for public inspection; and

WHEREAS, the Town Board published notice of a public hearing in the Daily Gazette on April 7, 2024, and held a public hearing pursuant to the notice on April 17, 2024 at 7:00 p.m. at the Town of Glenville Municipal Center, 18 Glenridge Road, Glenville, New York 12302, and accepted comments and input from the public; and

NOW, THEREFORE BE IT RESOLVED that, after due deliberation, Local Law No. 5 of 2024 is hereby adopted.

Ayes:
Noes:
Absent:
Abstention:

Motion Carried/Denied

Town Board decision on April 17, 2024

TOWN OF GLENVILLE
LOCAL LAW NO. 5 OF 2024

AMENDMENT TO GLENVILLE TOWN CODE
CHAPTER 270 WITH RESPECT TO SOLAR ENERGY
TO MODIFY CERTAIN DEFINITIONS AND
TO CONFORM APPROVAL STANDARDS
TO THE STANDARDS IN
SOLAR ENERGY FARM OVERLAY DISTRICTS

Section 1. The Town Board of the Town of Glenville finds that it is beneficial to the health and safety of the public to regulate Solar Energy projects in the Town. On December 6, 2017, the Town adopted Local Law No. 12-2017 to add Article XXII to the Town of Glenville Town Code (“Town Code”). The Town Board periodically reviews provisions of the Town Code, and amends provisions of the Town Code as it deems necessary and beneficial to the residents of the Town. The Town Board has determined that certain technical amendments to Chapter 270 of the Town Code are necessary in order to clarify certain provisions and definitions, and to provide for consistency in wording. To accomplish these purposes, the Town Board hereby amends Chapter 270 of the Glenville Town Code.

Section 2. Chapter 270, Article XXII of the Town Code is hereby amended follows:

- A. **§270-163. Definitions.** is hereby amended to change the definition of Large-Scale Solar Energy System in its entirety to:

LARGE-SCALE SOLAR ENERGY SYSTEM

A solar energy system that is ground-mounted and produces energy for the purposes of off-site sale or consumption. As used in Chapter 270, including Article V, §270 – 24.1D. Solar Energy Farm Overlay District, the terms “solar energy farms” or “Solar farms” mean Large-Scale Solar Energy System.

- B. **§270-166. Approval standards for large-scale solar systems as conditional uses.** is hereby deleted in its entirety and replaced with the following:

§270-166. Approval standards for Large-Scale Solar Energy Systems.

- A. The approval standards for Large-Scale Solar Energy Systems are governed by and are set forth in, Chapter 270, Article V, §270 – 24.1D(3) through (12) of the Town Code, as may be amended. All Large-Scale Solar Energy Systems must comply with all requirements Chapter 270, Article V, §270 – 24.1D(3) through (12) of the Town Code whether the proposed or existing Large-Scale Solar Energy System will be, or is, located in a Solar Energy Farm Overlay District.
- C. **§270-167. Abandonment and decommissioning.** is hereby deleted because abandonment and decommissioning are governed by provisions set forth in Town Code Chapter 270, Article V, §270 – 24.1D.
- D. **§270-168. Penalties for offenses.** is hereby deleted because penalties for offenses are governed by provisions set forth in Town Code Chapter 270, Article V, §270 – 24.1D.
- E. **§270-169. Severability.** is hereby renumbered as **§270-167.**

Section 3. Chapter 270, Article V of the Town Code is hereby amended follows:

- A. **§270-19.1D.(6)** is hereby deleted.
- B. **§270-20C.(7)** is hereby deleted.
- C. **§270-23D.(2)** is hereby deleted.
- D. **§270-24D.** is hereby deleted, and **§270-24E.** is redesignated as **§270-24D.**

Section 4. The provisions of this local law are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, clauses or part of this local law.

Section 5. This Local Law shall take effect immediately upon filing with the New York Secretary of State.

Sponsored by: Christopher A. Koetzle, Town Supervisor

Submitted by: Jeffrey A. Siegel, Attorney to the Town

RESOLUTION NO. 9

Moved by:

Seconded by:

WHEREAS, the Town regularly reviews Chapter 270 of the Town of Glenville Town Code ("Town Code") in order to confirm that the Town Code continues to address changing and evolving community needs, plans, and goals; and

WHEREAS, the Town has determined that it is in the best interests of the Town to make technical amendments to various provisions of Chapter 270 with respect to solar farm overlay districts to clarify certain requirements and provide consistent language; and

WHEREAS, proposed Local Law No. 6 of 2024 titled "Amendment to Glenville Town Code Chapter 270, Article V, §270-24.1 D Solar Energy Farm Overlay Districts" has been made available for public inspection; and

WHEREAS, the Town has determined that adoption of Local Law No. 6 of 2024 is an action subject to the New York State Environmental Quality Review Act and the regulations promulgated thereunder (collectively, "SEQRA"), and accordingly has completed a Full Environmental Assessment Form Parts I and II and has made the Full Environmental Assessment Form Parts I and II available for public inspection; and

WHEREAS, the Town Board published notice of a public hearing in the Daily Gazette on April 7, 2024 with respect to SEQRA and with respect to adoption of Local Law No. 6 of 2024, and held a public hearing pursuant to the notice on April 17, 2024 at 7:00 p.m. at the Town of Glenville Municipal Center, 18 Glenridge Road, Glenville, New York 12302, and accepted comments and input from the public;

NOW, THEREFORE BE IT RESOLVED that, after due deliberation, the Town has completed Full Environmental Assessment Form Part III and hereby declares that the adoption of Local Law No. 6 of 2024 will have no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared; and

BE IT FURTHER RESOLVED that, the Town hereby issues a negative declaration with respect to the adoption of Local Law No. 6 of 2024;

BE IT FURTHER RESOLVED that, Local Law No. 6 of 2024 is hereby adopted.

Ayes:

Noes:

Absent

Abstention:

Motion Carried/Denied

Town Board decision on April 17, 2024

TOWN OF GLENVILLE
LOCAL LAW NO. 6 OF 2024

AMENDMENT TO GLENVILLE TOWN CODE
CHAPTER 270, ARTICLE V, §270-24.1. D.
SOLAR ENERGY FARM OVERLAY DISTRICTS

Section 1. The Town Board of the Town of Glenville finds that it is beneficial to the health and safety of the public to regulate Solar Energy projects in the Town. The Town of Glenville Town Code (“Town Code”) at §270-24.1.D. provides for Solar Energy Farm Overlay Districts. The Town Board periodically reviews provisions of the Town Code, and amends provisions of the Town Code as it deems necessary and beneficial to the residents of the Town. The Town Board has determined that certain technical amendments to Chapter 270, Article V of the Town Code are necessary in order to clarify certain provisions and to provide for consistency in wording. To accomplish these purposes, the Town Board hereby amends Chapter 270 of the Glenville Town Code.

Section 2. Chapter 270, Article V, §270-24.1.D. of the Town Code, is hereby amended follows:

A. **§270-24.1.D(6)(e)(1)(k)[viii]** is hereby amended in its entirety to read as follows:

[viii] Signage. No signage or graphic content shall be displayed on the site of the Large-Scale Solar Energy System except the manufacturer's name, equipment specification information, safety information, and twenty-four-hour emergency contact information. Said information shall be depicted within an area no more than eight square feet.

B. **§270-24.1.D(6)(e)(1)(k)[x]** is hereby amended in its entirety to read as follows:

[x] Glare. All solar panels shall have antireflective coatings.

C. **§270-24.1.D(6)(e)(1)(k)[xi]** is hereby amended in its entirety to read as follows:

[xi] Lighting. Lighting of the site of the Large-Scale Solar Energy System shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.

D. **§270-24.1.D(10)(b)** is hereby amended in its entirety to read as follows:

(b) Upon cessation of electricity generation of a Large-Scale Solar Energy System on a continuous basis for 12 months, the Town may notify and instruct the owner and/or operator of the system to implement the decommissioning plan. The decommissioning plan must be completed within 360 days of notification.

Section 3. The provisions of this local law are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, clauses or part of this local law.

Section 4. This Local Law shall take effect immediately upon filing with the New York Secretary of State.

Sponsored by: Chrstopher A. Koetzle, Town Supervisor

Submitted by: Jeffrey A. Siegel, Attorney to the Town

RESOLUTION NO. 10

Moved by:

Seconded by:

WHEREAS, by Town Law No. 5 of 2023, the Town enacted an interim or temporary suspension on the review, approval and/or issuance of all permits for or relating to hotels or motels, as more particularly set forth in Local Law No. 5 of 2023; and

WHEREAS, during the term of the suspension, the Town Board reviewed its legislation and intends to propose changes to various sections of the Town Code pertaining to hotels and motels; and

WHEREAS, the Town Board has determined that the need for this suspension no longer exists; and

WHEREAS, the Town has prepared a proposed Local Law No. 7 of 2024 titled "A Local Law to Terminate the Interim or Temporary Suspension on the Review, Approval, and/or Issuance of all Permits for or relating to Hotels or Motels," and has made that proposed local law available for inspection by the public; and

WHEREAS, the Town Board published notice of a public hearing in the Daily Gazette on April 7, 2024, and held a public hearing pursuant to the notice on April 17, 2024 at 7:00 p.m. at the Town of Glenville Municipal Center, 18 Glenridge Road, Glenville, New York 12302, and accepted comments and input from the public;

NOW, THEREFORE BE IT RESOLVED that, after due deliberation, Local Law No. 7 of 2024 is hereby adopted.

Ayes:

Noes:

Absent:

Abstention:

Motion Carried/Denied

Town Board decision April 17, 2024

TOWN OF GLENVILLE

Local Law No. 7 of the year 2024

A LOCAL LAW TO TERMINATE THE INTERIM OR TEMPORARY
SUSPENSION ON THE REVIEW, APPROVAL AND/OR ISSUANCE OF ALL
PERMITS FOR OR RELATING TO HOTELS OR MOTELS

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

SECTION 1. TITLE

This local law shall be known as and may be cited as the “Early Termination of the Interim Development Law for Hotels or Motels in the Town of Glenville”.

SECTION 2. AUTHORITY

This local law is enacted pursuant to the Town of Glenville’s authority to enact local laws under the New York State Constitution, Article IX, and the Laws of the State of New York including but not limited to Section 10 of the Statute of Local Governments, granting towns the power to adopt, amend and repeal zoning regulations in the exercise of its functions, powers and duties.

SECTION 3. PURPOSE AND INTENT

A. PURPOSE

This Local Law is hereby enacted to terminate the prohibitions on the consideration of land use applications and approvals, as more particularly set forth in Local Law No. 5 of 2023 known as the Interim Development Law for Hotels or Motels in the Town of Glenville.

B. INTENT

The Town Board has determined that it has had sufficient time to review development of hotels and motels in the Town. The Town intends to amend some of its existing legislation, and finds that it is no longer necessary to continue the prohibitions set forth in Local Law No. 5 of 2023.

SECTION 4. EXPIRATION OF LOCAL LAW NO. 5 of 2023

Local Law No. 5 of 2023 shall expire effective April 17, 2024, as if such date was the date set forth for the expiration of Local Law No. 5 of 2023 in Section 9 of Local Law No. 5 of 2023.

SECTION 5. SEVERABILITY

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudicated by any court of competent jurisdiction to be invalid, the judgment shall not effect the validity of this law as a whole or any part thereof other than the part so decided to be invalid.

SECTION 6. EFFECTIVE DATE

This local law shall be effective upon filing with the Department of State.

Sponsored by: Christopher A. Koetzle, Town Supervisor
Submitted by: Jeffrey A. Seigel, Attorney to the Town

RESOLUTION NO. 11

Moved by:
Seconded by:

WHEREAS, the Town of Glenville has explored various options for the development of a new Town Hall building, including relocating Town Hall to a new site, repurposing, retrofitting, and reconstructing the existing Town Hall, and constructing a new Town Hall building on the existing Town Hall campus; and

WHEREAS, the Town has conducted studies, workshops, public presentations and has engaged in other activities to explore various alternatives for a new Town Hall; and

WHEREAS, the Town Board has considered the costs, construction disruption, staff displacement, building functionality, location, and other factors, and has determined that the best alternative is to construct a new Town Hall building on the existing Town Hall campus; and

WHEREAS, the Town has reviewed conceptual designs prepared by Environmental Design Partnership LLP ("EDP") and C2 Design Group ("C2"); and

WHEREAS, the Town desires to enter into a contract with EDP and C2 to develop bid documents for the new Town Hall to be located on the existing Town Hall campus;

NOW, THEREFORE, BE IT RESOLVED, that the Town Supervisor is hereby authorized to execute and deliver to EDP and C2 a contract, in form and substance satisfactory to the attorney for the Town, for EDP and C2 to develop bid documents for the new Town Hall to be located on the existing Town Hall campus.

Ayes:
Noes:
Absent:
Abstentions:

Motion Carried/Denied

Town Board decision on April 17, 2024.

Sponsored by: Christopher A. Koetzle, Town Supervisor
Submitted by: Thomas Coppola, Highway Superintendent

RESOLUTION NO. 12

Moved by:
Seconded by:

WHEREAS, there is a vacant Heavy Equipment Mechanic position in the Glenville Highway Department; and

WHEREAS, the Town of Glenville advertisement for the position on the Town website resulted in several applicants for the position; and

WHEREAS, the Highway Superintendent conducted interviews to fill the vacancy; and

WHEREAS, the Highway Superintendent recommends that Henry F. Brown be appointed to the position;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Glenville hereby provisionally appoints Henry F. Brown, 205 1st Street, Scotia, New York to the position of Heavy Equipment Mechanic, effective April 22, 2024, at a starting rate for such title of \$31.27 per hour and benefits as determined by the agreement between the Town and the CSEA Highway Employees Unit.

Ayes:
Noes:
Absent:
Abstentions:

Motion Carried/Denied

Town Board Decision on April 17, 2024

Sponsored by: Christopher A. Koetzle, Town Supervisor
Submitted by: Julie Davenport, Town Clerk

RESOLUTION NO. 13

Moved by:
Seconded by:

WHEREAS, the Town of Glenville's History, Cultural and Events Committee's membership terms expired on December 31, 2023,

NOW, THEREFORE, BE IT RESOLVED that the following individuals are hereby appointed members of the Glenville Events Committee for a term of one (1) year, commencing January 1, 2024 and terminating December 31, 2024;

Julie Davenport	Glenville, New York
Ginger LaFreniere	Alplaus, New York
Susan McLeod	Alplaus, New York
Brittany Furman	Glenville, New York
Natasha Teixeira	Glenville, New York
Lynn Walkuski	Glenville, New York

and

BE IT FURTHER RESOLVED that Julie Davenport be appointed as Chair for one year beginning January 1, 2024 and terminating December 31, 2024.

Ayes:
Noes:
Absent:
Abstentions:

Motion Carried/Denied

Town Board decision April 17, 2024

Sponsored by: Christopher A. Koetzle, Town Supervisor
Submitted by: Julie Davenport, Town Clerk

RESOLUTION NO. 14

Moved by:

Seconded by:

BE IT RESOLVED, that the minutes of the Regular Town Board meeting held on April 17, 2024 are hereby approved and accepted as entered.

Ayes:

Noes:

Absent:

Abstention:

Motion Carried/Denied

Town Board decision on April 17, 2024

Sponsored by: Christopher A. Koetzle, Town Supervisor
Submitted by: Julie Davenport, Town Clerk

RESOLUTION NO. 15

Moved by:
Seconded by:

BE IT RESOLVED that the **Monthly Departmental Reports** for March, 2024 as received from the following:

Assessors Department
Justice Department
Receiver of Taxes
Town Clerk's Office
Police Department

be, and they hereby are accepted, approved for payment and ordered placed on file.

Ayes:
Noes:
Absent:
Abstention:

Motion Carried/Denied

Town Board decision on April 17, 2024

Sponsored by: Christopher A. Koetzle, Town Supervisor
Submitted by: William Purtell, Assessor

RESOLUTION ADD ON NO. 1

Moved by:
Seconded by:

WHEREAS, Mazzone Administrative Group and the Town of Glenville are desirous of having certain assessment issues resolved as to properties owned by Mazzone Administrative Group, in the Town of Glenville, and

WHEREAS, a settlement proposal resolving pending tax certiorari litigation was recommended by the Vincelette Law Firm, counsel to the Town of Glenville, and reviewed by the Glenville Town Board at its regular monthly meeting, and

WHEREAS, such a proposed settlement would present the parties with an expeditious and economic alternative to further litigation so as to resolve issues between the parties, and

WHEREAS, the Town Board has determined that the proposed settlement is in the best interests of the Town; now

THEREFORE, BE IT RESOLVED, that the Town Board does hereby accept a proposed settlement for both the 2022 and 2023 tax certiorari proceedings filed by Mazzone Administrative Group, in which the 2022 proceeding shall be discontinued, without revision or refund, and the 2023 assessed value of parcel #39.45-1-1.11 shall be revised as follows, consistent with the provisions of the Real Property Tax Law:

Year	Tax ID No.	Original Assessed Value	Revised Assessed Value
2023	39.45-1-1.11	\$4,168,350	\$3,400,000

and it is further

RESOLVED that Mazzone Administrative Group shall withdraw and execute a stipulation of discontinuance discontinuing the 2022 tax certiorari proceedings as they pertain to parcel #39.45-1-1.11, and the 2023 assessment roll shall be modified as referenced above on parcel #39.45-1-1.11; and it is further

RESOLVED that Mazzone Administrative Group waive any refunds of excess taxes from the Town and Village of Scotia, resulting from modification of the 2023 assessment roll, but shall be entitled to a refund of excess taxes from other relevant jurisdictions, waiving statutory interest, paid based upon the above revision; and it is further

RESOLVED that Real Property Tax Law §727 shall apply, and the assessment shall remain unchanged for the 2024, 2025 and 2026 assessment rolls; and it is further

RESOLVED, that the Town Board does hereby adopt this resolution to end the litigation between Mazzone Administrative Group, and the Town of Glenville as to the above referenced assessment.

Ayes:
Noes:
Absent:
Abstention:

Motion Carried/Denied

Town Board decision April 17, 2024

Sponsored by: Christopher A. Koetzle, Town Supervisor

Submitted by: Jeffrey A. Siegel, Attorney to the Town

RESOLUTION ADD ON NO. 2

Moved by:

Seconded by:

WHEREAS, New York Development Group/Saratoga Road LLC ("NYDG") is a contract vendee for certain property which is intended to be part of the Horstman Mixed Use Planned Development District; and

WHEREAS, NYDG desires to donate a portion of that property to the Town after NYDG acquires it and performs certain other obligations; and

WHEREAS, the Town desires to accept the donation, it being intended that such land can be used for public purposes, including but not limited development as a to a fire fighter's museum by the Town or by a tax-exempt entity; and

WHEREAS, the Town has received and reviewed a proposed Real Estate Donation Agreement ("Donation Agreement") setting forth the terms, conditions, and responsibilities for the land donation; and

WHEREAS, the Town believes it to be in the best interest of the public to accept the donation and to execute and deliver the Donation Agreement;

NOW, THEREFORE BE IT RESOLVED that the Town Supervisor is authorized execute and deliver the Donation Agreement; and

BE IT FURTHER RESOLVED if all terms and conditions set forth in the Donation Agreement are performed, the Town is authorized to accept the donation as set forth in the Donation Agreement.

Ayes:

Noes:

Absent:

Abstention:

Motion Carried/ Denied

Town Board decision on April 17, 2024

Sponsored by: Christopher A. Koetzle, Town Supervisor
Submitted by: Anthony Tozzi, Director of Planning

RESOLUTION ADD ON NO. 3

RESOLUTION TO AUTHORIZE THE ACQUISITION OF REAL PROPERTY INTERESTS BY MEANS OF PROCEEDINGS PURSUANT TO EMINENT DOMAIN PROCEDURE LAW, ARTICLE 4, IN CONNECTION WITH THE FREEMANS BRIDGE ROAD MULTI-USE PATH PROJECT (P.I.N. 1761.59) IN THE TOWN OF GLENVILLE COUNTY OF SCHENECTADY, STATE OF NEW YORK.

WHEREAS, Freemans Bridge Road (NYS Route 911F) is a principal urban arterial road situated in the Town of Glenville ("Town"), Schenectady County, New York; and

WHEREAS, Freemans Bridge Road is owned and maintained by the New York State Department of Transportation ("NYSDOT"); and

WHEREAS, the area along Freemans Bridge Road consists of several pedestrian generators, including the Max410 at the Waters Edge Restaurant, hotels, Dunkin Donuts, Lowes, Walmart and other commercial businesses and residences; and

WHEREAS, currently, pedestrians walk along the roadway shoulder and grass along Freemans Bridge Road in order to access the aforementioned commercial and residential establishments; and

WHEREAS, the area surrounding Freemans Bridge Road consists of several shared use paths, including the Empire State Trail and Mohawk-Hudson Bike-Hike Trail; and

WHEREAS, the Town has determined that it would be in the public interest to construct and maintain a multi-use trail along a portion of Freemans Bridge Road in the Town of Glenville; and

WHEREAS, the proposed multi-use trail would be an approximately 3,800 feet long, 8-foot wide, shared use, asphalt path, with a 0 – 7 feet wide maintenance strip along the west side of Freemans Bridge Road, beginning at the north side of Freemans Bridge and continuing to Dutch Meadows Lane in the Town of Glenville, New York ("Project"); and

WHEREAS, the proposed path will be an extension from the existing Mohawk-Hudson Bike-Hike Trail; and

WHEREAS, maintenance of the landscaping, lighting, shared use path, sidewalks and curb ramps along Freemans Bridge Road will be the responsibility of the property owners; and

WHEREAS, the purpose and objectives of the Project are to provide an ADA compliant off-road facility, which will enhance pedestrian and bicycle safety, appearance and economic vitality of the riverfront gateway area; and

WHEREAS, the acquisition of fee, permanent easement and temporary easement interests in adjoining parcels of real property are required for the Project to accomplish the construction of the multi-use path and maintenance strip along a portion of the west side of Freemans Bridge Road; and

WHEREAS, in order to accomplish the Project, it is necessary for the Town to acquire, among other things, the following real property interests in, to, on, over and through portions of the following parcels: a fee interest and a temporary easement interest in, to, on, over and through portions of Tax Map Parcel ID No. 30.19-1-19 ("Delugo Parcel"); a fee interest in and to a portion of Tax Map Parcel ID No. 30.14-2-11.1 ("Robinson I Parcel"), a fee interest in and to a portion of Tax Map Parcel ID No. 30.14-2-25 ("Robinson II Parcel"); a permanent easement interest on, over and through a portion of Tax Map Parcel ID No. 30.19-1-2 ("Prime Storage Parcel"); and a permanent easement interest on, over and through a portion of Tax Map Parcel ID No. 30.00-1-8.11 ("Pan Am Southern Parcel"); and

WHEREAS, the fee interest that the Town seeks to acquire in and to a portion of the Delugo Parcel is an approximately 157 square feet, triangular shaped parcel situated immediately adjacent to the western highway boundary of Freemans Bridge Road; and

WHEREAS, the purpose of acquiring the fee interest in and to a portion of the Delugo Parcel is to construct and maintain the multi-use path; and

WHEREAS, the area of the temporary easement interest sought on, over and through a portion of the Delugo Parcel is an approximately 627 square feet, narrow, strip parcel situated immediately adjacent to the western highway boundary of Freemans Bridge Road; and

WHEREAS, the purpose of acquiring the temporary easement interest on, over and through a portion of the Delugo Parcel is for grading; and

WHEREAS, the size of the Delugo Parcel is approximately 24,716 square feet in area; and

WHEREAS, the permanent easement interest that the Town seeks to acquire on, over and through a portion of the Prime Storage Parcel is an approximately 351 square foot strip parcel situated immediately adjacent to the western highway boundary of Freemans Bridge Road; and

WHEREAS, the purpose of acquiring the permanent easement interest on, over and through a portion of the Prime Storage Parcel is to construct and maintain the multi-use path; and

WHEREAS, the size of the Prime Storage Parcel is approximately 4.3 acres; and

WHEREAS, the permanent easement interest that the Town seeks to acquire on, over and through a portion of the Pan Am Southern Parcel is an approximately 104 square feet, narrow, strip parcel situated immediately adjacent to the western highway boundary of Freemans Bridge Road; and

WHEREAS, the purpose of acquiring the permanent easement interest on, over and through a portion of the Pan Am Southern Parcel is to construct and maintain the multi-use path; and

WHEREAS, the size of the Pan Am Southern Parcel is approximately 89 acres; and

WHEREAS, the fee interest that the Town seeks to acquire in and to a portion of the Robinson I Parcel is an approximately 2,213 square foot strip parcel situated immediately adjacent to the western highway boundary of Freemans Bridge Road; and

WHEREAS, the purpose of acquiring the fee interest in and to a portion of the Robinson I Parcel is to construct and maintain the multi-use path; and

WHEREAS, the size of the Robinson I Parcel is approximately 13.4 acres; and

WHEREAS, the fee interest that the Town seeks to acquire in and to a portion of the Robinson II Parcel is an approximately 1,269 square foot strip parcel situated immediately adjacent to the western highway boundary of Freemans Bridge Road; and

WHEREAS, the purpose of acquiring the fee interest in and to a portion of the Robinson II Parcel is to construct and maintain the multi-use path; and

WHEREAS, the size of the Robinson II Parcel is approximately 15,000 square feet; and

WHEREAS, in accordance with the provisions of Article 3 of the EDPL and the Uniform Act and its implementing regulations, the Town caused to be appraised the

aforementioned real property interests sought to be acquired in, to, on, over and through portions of the Delugo Parcel, Prime Storage Parcel, Pan Am Southern Parcel, Robinson I Parcel and Robinson II Parcel, and thereafter established respective amounts which the Town believes represents just compensation for such real property interests; and

WHEREAS, the Town has conveyed to the respective owners of the Delugo Parcel, Prime Storage Parcel, Pan Am Southern Parcel, Robinson I Parcel and Robinson II Parcel written offers to purchase the aforementioned real property interests for 100% of the Town's highest approved appraised values for such real property interests; however, the none of the owners of the Delugo Parcel, Prime Storage Parcel, Pan Am Southern Parcel, Robinson I Parcel and Robinson II Parcel have accepted the Town's offers, and the offers now are deemed rejected; and

WHEREAS, because the Town is not able to acquire by purchase the aforementioned real property interests in, to on, over and through portions of the Delugo Parcel, Prime Storage Parcel, Pan Am Southern Parcel, Robinson I Parcel and Robinson II Parcel, the Town must acquire such real property interests by means of its exercise of the right of eminent domain in order to accomplish the Project; and

WHEREAS, in order to acquire the aforementioned real property interests by means of eminent domain, the Town must comply with the provisions of the New York Eminent Domain Procedure Law ("EDPL"); and

WHEREAS, EDPL Article 2 requires, as a condition precedent to acquiring title by means of an EDPL Article 4 proceeding, that the Town conduct a public hearing to inform the public and to review the public use to be served by the proposed project and the impact on the environment and residents of the locality where the proposed project will be constructed unless such project is exempt from the EDPL Article 2 hearing requirements in accordance with EDPL Section 206; and

WHEREAS, EDPL §206 (A) provides that the Town is exempt from compliance with the provisions of the EDPL Article 2 hearing requirements when, pursuant to other state, federal, or local law or regulation, it considers and submits factors similar to those enumerated in Article 2, subdivision (B) of section 204, to a state, federal, or local government agency, board, or commission before proceeding with the acquisition and obtains a license, a permit, a certificate of public convenience or necessity, or other similar approval from such agency, board, or commission; and

WHEREAS, the factors enumerated in EDPL Section 204 (B) are as follows:

- 1) the public use, benefit or purpose to be served by the proposed public project;

- (2) the approximate location for the proposed public project and the reasons for the selection of that location;
- (3) the general effect of the proposed project on the environment and residents of the locality;
- (4) such other factors as it considers relevant; and

WHEREAS, the Project is being funded, in part, by the Federal government with funds administered by the Federal Highway Administration (“FHWA”); and

WHEREAS, because of the Federal funding involved, the Project is subject to compliance with the provisions of the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (“Uniform Act”); and

WHEREAS, the Project is being progressed by the Town, with oversight by NYSDOT and in close coordination with the FHWA, in accordance with the requirements of the NYSDOT “Procedures for Locally Administered Federal Aid Projects” manual, Project Development Manual and other applicable NYSDOT documents; and

WHEREAS, in order to progress the Project through the project design phase, it was necessary for the Town to obtain from NYSDOT and FHWA approval that the Town has satisfied the requirements of the NYSDOT “Procedures for Locally Administered Federal Aid Projects” manual and other applicable NYSDOT documents, as well as Federal laws and regulations; and

WHEREAS, the Town, in conjunction with its consultant, completed a Project Scoping Report/Final Design Report (“Design Report”) for the Project in February, 2022, and submitted the Design Report to FHWA and NYSDOT for approval; and

WHEREAS, the Design Report for the Project clearly sets forth the public use, benefit or purpose to be served by the Project, the approximate location for the Project, the reasons for the selection of that location and other information relative to the Project; and

WHEREAS, in the course of progressing the design of the Project, and as is more fully set forth in the Design Report, the Town examined and considered the social, economic and environmental consequences of the Project and activities associated with the Project, including its impacts on: local residents; other affected populations; school districts; recreation areas; places of worship; businesses; police, fire and ambulance services; highway, traffic and overall public safety and health; social groups; regional and local economies and business districts; surface waters; water source quality;

general ecology; wildlife; historic and cultural resources; farmlands; and visual resources; and

WHEREAS, the Town submitted the Design Report to NYSDOT and FHWA for their concurrence and approvals, following which both FHWA and NYSDOT completed a review of the Design Report and approved the Town's preferred alternative; and

WHEREAS, FHWA and NYSDOT completed a review of the Design Report, FHWA and NYSDOT have approved the Design Report, and FHWA has provided preliminary project approval to the Town and issued Design Approval and an Authorization to Proceed with ROW Acquisition, meaning that Federal funding for those activities has been authorized; and

WHEREAS, Federal and State requirements for projects such as the Project include a mandate that the Town undertake the action and satisfy the requirements of the National Environmental Policy Act ("NEPA") as a condition precedent to the issuance of Final Design Approval and Right-of-Way Authorization for the Project; and

WHEREAS, in satisfaction of its obligations under NEPA and FHWA regulations, the Project is being progressed in conjunction with NYSDOT and FHWA as a NEPA Class II Action (Categorical Exclusion) because the Project, individually and cumulatively, will not have a significant environmental impact, and it meets the conditions and criteria for a NEPA Class II Categorical Exclusion in accordance with 23 CFR 771.117(c)(3) as primarily involving the construction of bicycle and pedestrian lanes, paths and facilities and does not significantly impact the environment and

WHEREAS, NYSDOT, on behalf of FHWA, has determined that the Project meets the conditions and criteria for a NEPA Categorical Exclusion; and

WHEREAS, the Town has satisfied the requirements of 23 CFR 771.129 in regard to the evaluation of the Project under NEPA; and

WHEREAS, in accordance with 6 NYCRR Part 617, the Town has determined that the Project is an Unlisted SEQRA Action, as the project scope is not listed under 6 NYCRR Part 617.5(c), and also is not listed as a Type I action under Part 617.4; and

WHEREAS, in order to accomplish the Project, the Town will have to obtain from the New York State Department of Environmental Conservation ("NYSDEC") a State Pollutant Discharge Elimination System (SPDES) General Permit, a NYSDEC Article 12 Protection of Waters Permit, a NYSDEC Section 401 Water Quality Certification, and an Army Corps of Engineers Section 404 Permit, Nationwide Permit #3; and

WHEREAS, the Federal and State statutory and regulatory scheme relating to Federal Aid Transportation Projects require the examination and consideration of land-

air-water environmental, social, economic, historic and cultural factors as a condition of approving a project such as the Project to progress to Final Design and Right-of-Way acquisition phases; and

WHEREAS, in light of the several written approvals of FHWA and NYSDOT following the Town's consideration and submission to those agencies of factors similar to those set forth in EDPL §204 (B), as required by Federal statute, FHWA regulations and NYSDOT statutes, regulations and policies, the Town has satisfied the criteria set forth in EDPL §206 (A) and, therefore, is exempt from the requirement to hold an EDPL Article 2 hearing; and

WHEREAS, EDPL §206 (D) provides that the Town is exempt from compliance with the hearing and determination and findings requirements of EDPL Article 2 "when in the opinion of the [Town] the acquisition is de minimis in nature so that the public interest will not be prejudiced by the construction of the project or because of an emergency situation the public interest will be endangered by any delay caused by the public hearing requirement in this article"; and

WHEREAS, the portions of the Delugo Parcel, Prime Storage Parcel, Pan Am Southern Parcel, Robinson I Parcel and Robinson II Parcel in which the Town seeks to acquire real property interests are small in area; and

WHEREAS, the Project and the nature and extent of the Town's acquisition of the aforementioned real property interests in, to, on, over and through portions of the Delugo Parcel, Prime Storage Parcel, Pan Am Southern Parcel, Robinson I Parcel and Robinson II Parcel are di minimis in nature such that the public interest will not be prejudiced by the construction of the Project.

NOW, THEREFORE, it is hereby

RESOLVED, that the Town Board of the Town of Glenville has considered all relevant information pertaining to the proposed Freemans Bridge Multi-Use Path Project and has determined the project development process implemented by the Town, as well as the approvals necessarily obtained from FHWA and NYSDOT and the nature and extent of the proposed acquisitions of real property interests, qualify the Town and the Project for exemptions from the hearing requirements of EDPL Article 2, pursuant to EDPL Section 206 (A) and (D); and it is further

RESOLVED, the Town hereby authorizes and directs the Town Supervisor, or his designee, to take such steps and perform such acts as are necessary for the Town to acquire the real property right-of-way interests in, to, on, over and through portions of the Delugo Parcel, Prime Storage Parcel, Pan Am Southern Parcel, Robinson I Parcel and Robinson II Parcel, and such other tax map parcels as may be necessary to accomplish the Project, including acquisition by exercise of the right of eminent domain in accordance with the provisions of the EDPL.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

Ayes:

Noes:

Absent:

Abstention:

Motion Carried/Denied

Town Board decision on April 17, 2024