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AGENDA
TOWN BOARD MEETING
TOWN OF GLENVILLE
18 GLENRIDGE ROAD
December 1, 2021
7:00 P.M.
www.townofglenville.org

Supervisor:

Christopher A. Koetzle

Council Members

Gina M. Wierzbowski,

Deputy Supervisor

Michael Aragosa

Michael R. Godlewski

James M. Martin

1. Invocation
2. Pledge of Allegiance to the Flag.
3. Roll Call
4. Town Council Reports
5. Public hearing at 7:00 PM or as soon thereafter as possible to hear all persons interested in the proposed zoning map amendment of the Town of Glenville.
6. Public hearing at 7:00 PM or as soon thereafter as possible to hear all persons interested in the proposed amendments of Chapter 139, "Fees" of the Code of the Town of Glenville.
7. Proclamation honoring the Burnt Hills-Ballston Lake Girls Volleyball Class "B" State Champions.
8. Privilege of the Floor
9. Supervisor's Comments
10. Resolution adopting the proposed Local Law 17 amendments of Chapter 139, "Fees" of the Code of the Town of Glenville.
11. Resolution making a negative declaration for SEQR purposes regarding the requested zoning map amendment and site plan review of a proposed solar project at 653 Swaggertown Road.
12. Resolution approving the zoning map amendment as allowed under the Solar Overlay District section of the Zoning Code for a project located at 653 Swaggertown Road.
13. Resolution of the Town Board as lead agency for the environmental review of the Freemans Bridge Road multi-use path, a 4800 LF Transportation Improvement Project (TIP) funded project. The Town Board proposes a negative declaration for SEQR purposes after review of the Full Environmental Assessment Form.
14. Resolution authorizing the hiring of up to two seasonal recreation attendants.

15. Resolution authorizing the promotion of certain Highway Department employees.
16. Resolution authorizing the Assessor for the Town to enter into a Consent Order and Judgement with Trustco Bank Corp NY for the settlement of the tax certiorari proceedings brought relative to the property known as 286 Saratoga Road, Glenville, NY (S/B/L # 22.7-6-5.11).
17. Resolution appointing the Community Development Director, Melissa Cherubino, as the ADA Coordinator.
18. Resolution approving the minutes of the Regular Town Board meeting held on November 17, 2021.
19. Resolution appointing Kristen Bode, to the position of Deputy Town Clerk and Deputy Receiver of Taxes.
20. New Business

Sponsored by: James Martin, Councilman

Submitted by: Melissa Cherubino, Community Development Director

RESOLUTION NO. 10-2021

Moved by:

Seconded by:

WHEREAS, the Town of Glenville is proposing a Local Law 17(a copy of which is attached) that amends Article I, Chapter 139, "Fees", for the Code of the Town of Glenville; and

WHEREAS, the intent of this section is to clarify fees for working without a building permit, and for obtaining a lot line adjustment within the Town of Glenville; and

WHEREAS, the Glenville Town Board has determined that this code amendment constitutes a "Type II Action" in accordance with 6 NYCRR Part 617.4(b)(2) of the State Environmental Quality Review Act in that it involves a clarification of an existing section of the zoning code; and

WHEREAS, New York State Town Law and the Code of the Town of Glenville, require that the Town Board hold a public hearing before a code amendment or a local law may be adopted; and

WHEREAS, the Town Board of the Town of Glenville held a public hearing with respect to the zoning code amendment and adoption of said Local Law on Wednesday, November 17, 2021 at 7:00 PM, at which time and place were heard all persons interested in the amendment of Chapter 139, "Fees", for the Code of the Town of Glenville,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Glenville met at the Glenville Municipal Center, 18 Glenridge Road, Glenville, New York on Wednesday, November 17, 2021 at 7:00 P.M., that the proposed Local Law amending Article I, Chapter 232, "Fees", of the Code of the Town of Glenville be and hereby is adopted; and

BE IT FURTHER RESOLVED, that Local Law 17 of 2021 shall take effect twenty (20) days after filing with the Secretary of State of the State of New York.

Ayes:

Noes:

Absents:

Abstentions:

Motion Carried/Defeated

Town Board Decision on December 1, 2021

Sponsored by: Jim Martin, Town Councilman
Submitted by: Melissa Cherubino, Community Development Director

RESOLUTION NO. 11-2021

Moved by:
Seconded by:

WHEREAS, an applicant requests a zoning change as permitted under the Town of Glenville zoning code section 270-24.1 sub-section D, "Solar Overlay District" for construction of a solar farm at 653 Swaggertown Road; and

WHEREAS, the proposed solar overlay district will include installation of two arrays, the west side rated at 3.35 MW DC / 2.58 MW AC with a project area of roughly 9 acres of which the ground disturbance is expected to be approximately 2.89 acres, and the east side rated at 5.79 MW DC / 4.45 MW AC with a project area of roughly 15.3 acres of which the ground disturbance is expected to be approximately 4.46 acres; and

WHEREAS, consideration of the solar overlay constituted a Type I Action under the State Environmental Quality Review Act (SEQRA) which required a coordinated review; and

WHEREAS, lead agency letters were sent to NYS Department of Environmental Conservation, Schenectady County Planning, and the various boards reviewing the proposal for the Town of Glenville; and

WHEREAS, the Glenville Environmental Conservation Commission (GECC) reviewed the submitted application materials which included site plans, a draft PDD, full environmental assessment form part 1, a glare analysis and the associated applications, based on which the GECC recommends a negative declaration for SEQRA purposes; and

WHEREAS, the Planning Zoning Commission (PZC) reviewed the submitted materials at its October 18th meeting and made a recommendation for the Town Board to approve the proposal; and

WHEREAS, the GECC and PZC considered whether the zoning map amendment could result in any significant environmental impacts under the State Environmental Quality Review Act (SEQRA) and both recommended a negative declaration for SEQRA purposes; and

WHEREAS, Economic Development and Planning provided the County of Schenectady Department of Economic Development and Planning with a referral pursuant to General Municipal Law §239-m; and

[a] The uses proposed will not be detrimental to surrounding uses, but will have a beneficial effect, which could not be more effectively achieved in another district.

[b] The proposal preserves vegetation on the parcel and the parcel is otherwise difficult to develop.

[c] Land surrounding the proposed development can be planned in coordination with the proposed development and that it be compatible in use.

[d] The proposed zoning change is in conformance with the general intent of this chapter and the Town of Glenville Comprehensive Plan.

[e] The proposed location does not create substantially adverse visual impacts to surrounding uses

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Glenville met at the Glenville Municipal Center, 18 Glenridge Road, Glenville, New York on Wednesday, December 1, 2021 at 7:00 P.M., at which time it made a negative declaration for SEQR purposes with regard to the 653 Swaggertown Road Solar Overlay proposal.

Noes:

Absent:

Abstentions:

Motion Carried/Defeated

Town Board Decision on December 1, 2021

Sponsored by: Jim Martin, Town Councilman
Submitted by: Melissa Cherubino, Community Development Director

RESOLUTION NO. 12-2021

Moved by:
Seconded by:

WHEREAS, a Member of the Town Board of the Town of Glenville is introducing a Zoning Map amendment to designate parcel 653 Swaggertown Rd SBL 15.00-1-16.1, as a Solar Overly Zoning District in accordance with section 270-24.1D of the Zoning Code of the Town of Glenville; and

WHEREAS, the proposal is to install two arrays, the west side rated at 3.35 MW DC / 2.58 MW AC with a project area of roughly 9 acres of which the ground disturbance is expected to be approximately 2.89 acres, and the east side rated at 5.79 MW DC / 4.45 MW AC with a project area of roughly 15.3 acres of which the ground disturbance is expected to be approximately 4.46 acres; and

WHEREAS, the parcel is currently zoned Rural Residential and Agricultural; and

WHEREAS, the proposal meets several of the Comprehensive Plan goals regarding commercial development and clean energy goals in the Town's commercial corridors; and

WHEREAS, the zoning map amendment is categorized as a Type I Action under section 617.4b(2) for a zoning change of 25 or more acres but will not result in any significant environmental impacts under the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the proposed zoning map amendment was referred to the Glenville Environmental Conservation Commission (GECC) which

WHEREAS, the proposed zoning map amendment was referred to the Planning & Zoning Commission (PZC) for review and the PZC made a recommendation to approve the zoning change at its Monday October 18th 2021 meeting; and

WHEREAS, the GECC and PZC considered whether the zoning map amendment could result in any significant environmental impacts under the State Environmental Quality Review Act (SEQRA) and both recommended a negative declaration for SEQR purposes; and

WHEREAS, Economic Development and Planning provided the County of Schenectady Department of Economic Development and Planning with a referral pursuant to General Municipal Law §239-m; and

WHEREAS, the Town Board of the Town of Glenville held a public hearing with respect to the zoning map amendment Wednesday, November 17, 2021 at 7:00 PM, at which time and place were heard all persons interested in the zoning map amendment of the Town of Glenville and made the following findings:

[a] The uses proposed will not be detrimental to surrounding uses, but will have a beneficial effect, which could not be more effectively achieved in another district.

[b] The proposal preserves vegetation on the parcel and the parcel is otherwise difficult to develop.

[c] Land surrounding the proposed development can be planned in coordination with the proposed development and that it be compatible in use.

[d] The proposed zoning change is in conformance with the general intent of this chapter and the Town of Glenville Comprehensive Plan.

[e] The proposed location does not create substantially adverse visual impacts to surrounding uses.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Glenville met at the Glenville Municipal Center, 18 Glenridge Road, Glenville, New York on Wednesday, December 1, 2021 at 7:00 P.M., that the proposed zoning map amendment for the Town of Glenville be and hereby is adopted.

Noes:

Absent:

Abstentions:

Motion Carried/Defeated

Town Board Decision on December 1, 2021

Sponsored by: Jim Martin, Councilman
Submitted by: Melissa Cherubino, Director of Community Development

RESOLUTION NO. 13-2021

**FREEMANS BRIDGE ROAD MULTI-USE PATH PROJECT – SEQRA
DETERMINATION OF
NON-SIGNIFICANCE**

Moved by:
Seconded by:

WHEREAS, the Town Board authorized and approved the Freemans Bridge Road Multi-Use Path Project (P.I.N. 1761.59), Town of Glenville, Schenectady County, New York; and

WHEREAS, the Town's consulting engineer, Creighton Manning Engineering, has advised the Town Board that the proposed Project is an Unlisted Action in accordance with the rules and regulations of the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town Board indicated its wish to be Lead Agency for SEQRA review of the proposed Project and authorized and directed the Town Supervisor to send a copy of the Short Environmental Assessment Form Part I, along with a certified copy of the Resolution stating the Town Board's intention to be declared Lead Agency, to any and all agencies to which it must give written notice in accordance with New York State Town Law, including the New York State Department of Environmental Conservation, New York State Department of Transportation and New York State Office of Parks, Recreation and Historic Preservation, and

WHEREAS, notice was provided to those agencies and over 30 days have passed and the Town has received zero objections with the Town's intent to become the Lead Agency for the action, and

WHEREAS, the Town Board is duly designated to act as SEQRA Lead Agency and, in that capacity, has reviewed the SEQRA Short EAF for this Projects now, therefore, be it

NOW THEREFORE, BE IT RESOLVED, that the Glenville Town Board designated itself as Lead Agency for SEQRA review of the proposed Freemans Bridge Road Multi-Use Path Project (P.I.N. 1761.59); and be it further

RESOLVED, that the Glenville Town Board determines that no significant adverse environmental impacts are likely to result from the proposed Freemans Bridge

Road Multi-Use Path Project (P.I.N. 1761.59); and such determination is reached after careful consideration and analysis of the proposed action and the EAF for the proposed action; and be it further

RESOLVED, that the Town Board hereby authorizes and directs the Town Supervisor to complete the Environmental Assessment Form by checking the box indicating that the proposed action will not result in any significant adverse impacts; and be it further

RESOLVED, that the Town Board approves a SEQRA Negative Declaration - Determination of Non-Significance and authorizes and directs the Town Clerk's Office to file any necessary documents in accordance with the provisions of the general regulations of the Department of Environmental Conservation; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Ayes:

Noes:

Absent:

Abstention:

Motion Carried/Defeated

Town Board decision on December 1, 2021

Project: 1761.59
 Date:

**Short Environmental Assessment Form
 Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Agency Use Only [If applicable]

Project: 1761.59

Date:

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
Town of Glenville	
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM

Sponsored by: Gina Wierzbowski, Deputy Supervisor
Submitted by: Vicki Hillis, Director of Human Services

RESOLUTION NO. 14-2021

Moved by:
Seconded by:

WHEREAS, in order to provide for maintenance and supervision of Indian Meadows Park and its skating rinks during the winter months, seasonal recreation attendants are annually employed by the Town of Glenville;

NOW, THEREFORE, BE IT RESOLVED that the Director of Human Services of the Town of Glenville is hereby authorized to employ up to two (2) seasonal Recreation Attendants for the time period of December 18, 2021 through March 27, 2022, with a workload between the two positions of not more than forty hours per week in total, at the budgeted rate of \$13.50 per hour with no benefits.

Ayes:
Noes:
Absent:
Abstention:

Motion Carried/Defeated

Town Board decision on December 1, 2021.

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

RESOLUTION NO. 15-2021

Moved by:
Seconded by:

WHEREAS, a resignation in the Glenville Highway Department in May 2021 resulted in multiple instances of employees working out-of-class to provide the normal services of the department; and

WHEREAS, the Highway Superintendent recommends that current employees be promoted to backfill the positions vacated through the resignation; and

WHEREAS, the title of Motor Equipment Operator (Heavy) requires that an applicant possess a current appropriate level Motor Vehicle's license issued by the New York State Department of Motor Vehicles at the time of appointment; and

WHEREAS, by Memorandum dated February 3, 2017, the Highway Superintendent wrote that employees appointed to the MEO-Heavy title must possess and maintain a Class A (formerly Class 1) driver's license; and

WHEREAS, employee Jonathan Sharer received his CDL Class A license on November 15, 2021 and meets all other requirements for the MEO-Heavy title; and

WHEREAS, employee Joseph Batzinger received his CDL Class A license on November 18, 2021 and meets all other requirements for the MEO-Heavy title; and

WHEREAS, the Town Comptroller advises that the recommended promotions can be absorbed within existing 2021 budgeted appropriations;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Glenville hereby makes the following provisional appointments in the Glenville Highway Department at the hourly pay and benefits for such titles as determined by the agreement between the Town and the CSEA Highway Employees Unit:

- Jonathan Sharer to the position of MEO-Heavy, effective November 15, 2021
- Joseph Batzinger to the position of MEO-Heavy, effective November 18, 2021

Ayes:
Noes:

Absent:
Abstention:

Motion Carried/Defeated

Town Board decision on December 1, 2021.

Sponsored by: Michael Godlewski, Town Councilman
Submitted by: William S. Purtell, Town Assessor

RESOLUTION NO. 16 -2021

Moved by:
Seconded by:

WHEREAS, a Petition and Notice to Review the Assessment for taxation for the tax roll years 2018, 2019, 2020 and 2021 of the real estate owned by Trustco Bank Corp NY, commonly known as 286 Saratoga Road, Glenville, New York (S/B/L # 22.7-6-5.11) was duly served upon the Assessor each of the 2018, 2019, 2020 and 2021 years respectively; and

WHEREAS, the Town, through its Assessor have thoroughly reviewed this matter and are prepared to enter into an agreement and stipulation of compromise and settlement of their differences as follows;

That the proceedings for tax roll years 2018, 2019, 2020 and 2021 in relation to the subject parcel of real property shall be discontinued and the proceedings for the tax roll years, 2018, 2019, 2020 and 2021 shall be settled on the following terms and conditions:

1. This settlement is made in resolution of all past and present claims or proceedings with respect to the subject property’s real property tax assessment;
2. Approval of this settlement and all required authorizations and enactments by the necessary parties shall be made in good faith and as expeditiously as possible;
3. Pursuant to Real Property Tax Law section 727, the proceedings for the subject tax roll years shall be settled by establishing the assessment of the 286 Saratoga Road property at the revised assessed values as follows:

Year	Tax Map Number	Original Assessment	Revised Assessment	Reduction
2021	22.7-6-5.11	\$758,500	\$721,310	\$37,190

4. That there is no refund for 2018, 2019, 2020 and 2021 Town, Highway and Special District taxes to be paid.
5. That refunds based on the sum equal to the difference between the real

property taxes paid based upon the 2020/21 school tax bill and the taxes that would have been paid if the assessment had been based upon the Revised Assessment for such year(s), including all interest and costs, shall be waived in consideration for the above reduction.

6. All other provisions of the RPTL section 727, including RPTL 727 (2) shall apply to this settlement. That is, the assessment on the parcel shall remain at \$721,310 for tax years 2022/23, 2023/24 and 2024/25 subject to any applicable exceptions in the statute.
7. In consideration hereof, the tax certiorari proceedings brought by the taxpayer shall be discontinued on the merits with prejudice and without costs to either party or against the other.
8. The parties agree that the Consent Order is entered into for good and valuable consideration, that it is the entire agreement of the parties, that it is made to resolve this litigation and shall not be offered in any other proceeding by any party as competent evidence of any fact, that the Consent Order may be filed in the office of the Schenectady County Clerk and an Order may be entered, based upon the Stipulation by either party on notice to the other.

WHEREAS, it appears to be in the best interests of the Town to settle said matter as recommended by the Attorney for the Town and the Assessor without further attendant legal and appraisal costs; and

WHEREAS, the property is located in the Burnt Hills-Ballston Lake School District, and the District has not intervened in the proceedings;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Glenville hereby authorizes the Assessor for the Town to enter into a Consent Order and Judgment with Trustco Bank Corp NY for the settlement of the tax certiorari proceedings brought relative to the property known as 286 Saratoga Road, Glenville, NY (S/B/L # 22.7-6-5.11) under the terms outlined above.

Ayes:

Noes:

Absent:

Abstention:

Motion Carried / Defeated

Town Board decision on December 1, 2021

Sponsored by: Jim Martin, Councilman
Submitted by: Melissa Cherubino, Director of Community Development

RESOLUTION NO. 17-2021

Moved by:
Seconded by:

WHEREAS, the Town of Glenville updated its Americans with Disabilities Act (ADA) Transition Plan with the assistance of a Capital District Transportation Committee Technical Assistance grant; and

WHEREAS, the Town's Economic Development and Planning Department initiated the update in order to comply with the law and provide a clear mechanism for the public to submit complaints as well as a plan for maintaining ADA accessibility of all existing sidewalks; and

WHEREAS, for the ADA Transition Plan the Town must appoint an ADA Coordinator who will accept complaints from the public and address grievances by resolution; and

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Glenville hereby appoints the Community Development Director, Melissa Cherubino, as the ADA Coordinator.

Ayes:
Noes:
Absent:
Abstention:

Motion Carried/Defeated

Town Board decision on December 1, 2021

Sponsored by: Michael R. Godlewski, Town Councilman
Submitted by: Julie Davenport, Interim Town Clerk

RESOLUTION NO. 18-2021

Moved by:
Seconded by:

BE IT RESOLVED, that the minutes of the Regular Town Board meeting held on November 17, 2021 are hereby approved and accepted as entered.

Ayes:
Noes:
Absent:
Abstentions:

Motion Carrie/Defeated

Town Board decision on December 1, 2021

Sponsored by: Christopher Koetzle, Town Supervisor
Submitted by: Vicki Hillis, Director of Human Services

RESOLUTION NO. 19-2021

Moved by:
Seconded by:

WHEREAS, there currently exists a vacancy in the position of Deputy Town Clerk; and

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

WHEREAS, the Town Supervisor, Deputy Town Supervisor, and Director of Human Services comprised the Town committee which conducted interviews to fill the vacancy; and

WHEREAS, the interview team recommends that Kristen Bode be appointed to the position based upon her municipal and legal services experience; and

WHEREAS, during busy collection periods for the Receiver of Taxes, the Deputy Town Clerk is sometimes assigned to assist in collections as a Deputy Receiver of Taxes;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Glenville hereby appoints Kristen Bode, 14 Red Coach Drive, Scotia, New York to the positions of Deputy Town Clerk and Deputy Receiver of Taxes effective December 13, 2021, at an annual salary of \$45,913 and management benefits as determined by the Town of Glenville Employee Personnel Manual.

Ayes:
Noes:
Absent:
Abstention:

Motion Carried/Defeated

Town Board decision on December 1, 2021.