

MEETING OF THE TOWN BOARD
TOWN OF GLENVILLE
NOVEMBER 21, 2018
AT THE GLENVILLE MUNICIPAL CENTER
18 GLENRIDGE ROAD, GLENVILLE, NEW YORK

Supervisor Koetzle called the meeting to order at 7:00 PM;

Supervisor Koetzle asked the Town Clerk, Linda C. Neals, to call the roll.

Present: Supervisor Christopher A. Koetzle, Councilmen John C. Pytlovany, Michael Aragosa, Michael R. Godlewski and Councilwoman Gina M. Wierzbowski

Absent: None

Also present were Michael Cuevas, Attorney for the Town and Jason Cuthbert, Comptroller

Town Council Reports:

Councilman Godlewski – “I attended the 200th Anniversary for the Reformed Church of Scotia. It was a beautiful service. It was my first time in the church, first time in the Community Center and it’s really a magnificent structure. I attended that with Councilwoman Wierzbowski and Supervisor Koetzle. I also did my first tour of the Yates Mansion. It was a lot of fun to visualize what the mansion once was and what we hope it will be in time as we kind of work towards a rehab of this historic building.”

Councilwoman Wierzbowski – “I just want to remind everybody that Saturday is “Small Business Saturday” and one of our local small businesses, Riverside Maple Farms is having an event called the Mac Factor on Saturday from 10:00 AM to 6:00 PM. They will have the Mac’s Factor food truck there where they will be service some bacon maple mac n cheese, they will be giving tours. Pleases feel free to stop by.”

Councilman Aragosa – “The Highway Superintendent hopes to get back out to continue to work on the leaf pickup as soon as some of this snow melts.”

Supervisor Koetzle – “Item #5 on the agenda is a public hearing to hear comments on a proposed zoning map amendment at 4057 Amsterdam Road that would increase the amount of land zoned “Highway Commercial” and reduce the amount of land zoned “Riverfront Recreation/Commercial”. This site is the former Paws along the Mohawk. This has been requested by the applicant to establish a dog kennel and a dog rehabilitation facility on the property.”

Supervisor Koetzle opened the public hearing at 7:05 PM.

Paul Sciochetti, Attorney with Sciochetti and Abbott, PLLC – “I represent the applicant. The subject property is 11.3 acre parcel that is known as 4057 Amsterdam Road. My client is Markie Blackburn, she is educated and trained in K-9 behavioral modification and obedience. She proposes to own and operate a fulltime facility providing dog care, boarding, dog training, grooming and behavioral rehabilitation. In order to operate her facility she requires a rezone of a portion of the premises. The current premises is 1.6 acres is Highway Commercial zoned which is up in the front along Amsterdam Road, 9.7 acres is in the Riverfront Recreation/Commercial zone. The Highway Commercial, the intended use is a permitted use with a conditional use permit and the Riverfront Recreation it’s not permitted at all. In order for the applicant to be able to operate we are going to need a rezone of a portion of the property. Initially we submitted our plan to the Town for review and comment and I had a conversation with Kevin Corcoran and he suggested that we submitted an application to rezone the entire property and we submitted that application. We appeared before the Planning Board in October, the Planning Board reviewed it and we requested a recommendation. What they had recommended at that time was that we revise our application so that the entire portion of the property not be rezoned but just the portion that we needed. So the intended use of

this property, it has a higher area where the buildings are and then there is kind of a drop where they had some baseball fields, softball fields and so forth. The applicant intends to reuse the buildings that are currently there and they are all in various states of disrepair. They are going to retrofit all of the buildings and put them back into use. One of those buildings encroaches over onto the Riverfront Recreation and then there is a portion of it that goes up to where the ridge is. The rest of the area is going to be used in the business but it is going to be used for exercising the dogs in the open field. There aren't going to be any structures in that area. So at the time we were in front of the Planning and Zoning Board we did get an opinion from counsel that the rezoning wasn't necessary for the intended use of the lower fields for exercising the dogs just where we had the buildings. We went back with our engineer we reapplied, requesting that the rezone just be along the ridge and that is the area that is highlighted on the map. So we are just requesting that with a straight line across which really kind of runs (he referred to the map) here and the feedback we got from the town was to make a straight line. We took the furthest point and just went across with a straight line. We are requesting that the highlighted portion of the property (referring to the map) be rezoned Highway Commercial. We have an application that we submitted, we appeared before the planning board this past Monday. My understanding is they made a recommendation in favor of the rezone and that is why we are here tonight. We also have an application pending currently before the zoning board for our conditional use permit. We were going to be on their agenda for next week's meeting and I think we were kind of ahead of schedule trying to be proactive they moved it over to the next meeting because they want to see what this board rules. I don't want to cut you short on the information, I can let you know about the proposed site plan, the condition of the property, the applicant. I want to be respectful we are here the night before Thanksgiving and there is a full room of people and I think they are here for something other than this so I'll answer questions on anything else you need but I just want to be respectful."

Supervisor Koetzle – "Thank you Mr. Sciochetti, I just want to mention that the Board has looked at this so it's not as though the information is coming new to us."

Councilman Pytlovany – "On the map there where is the creek that runs alongside the property. (Washout Creek was pointed out on the map)."

Councilman Godlewski – "What is the estimate, assuming that everything goes through tonight, how long does the applicant think before it will be up and running?"

Attorney Sciochetti – "The weather is becoming a problem. We tried to get an early occupancy but there is always issues that the buyer and the seller have. If we could have gained access we would have started working just to secure the property because it is really kind of been not only in disrepair but I think there might have been people going through the property and the buildings that are on there. When we get all of this done we close immediately, we don't have any financing issues or anything like that. She wants to get in there and at least start heating the building as well as start working on things. The only thing that is going to hold her back is weather so I would say weather permitting as soon as possible."

Councilwoman Wierzbowski – "Is it an existing business or a new business?"

Attorney Sciochetti – "No, she is actually moving into the area. Her brother is a big developer in the area and he is helping her out and she is moving here and starting this business. I believe she is in the business where she is now."

Supervisor Koetzle – "She is keeping the front motel area? That's not coming down?"

Attorney Sciochetti – "I think they are going to use everything that is there."

Councilman Pytlovany – "There is an apartment upstairs, is she planning on living in the apartment?"

Attorney Sciochetti – “No, not as far as we know.”

Supervisor Koetzle – “It wouldn’t be allowed as far as zoning at this point.”

No one else wished to speak; Supervisor Koetzle closed the public hearing at 7:15.PM

Supervisor Koetzle – “Item #6 on the agenda is a public hearing regarding enforcement of Chapter 99, “Brush, Grass and Weeds” with respect to the following parcels, 10 Second Street (23.18-3-23) and 701 Engleman Avenue (38.11-1-13).

Supervisor Koetzle opened the public hearing at 7:16 PM

No one wished to speak, Supervisor Koetzle closed the public hearing at 7:17 PM

Supervisor Koetzle – “Item #7 on the agenda is a public hearing with respect to the proposed imposition of a lien on the parcel of real property commonly known as 9 Van Buren Road.”

Supervisor Koetzle opened the public hearing at 7:18 PM

No one wished to speak, Supervisor Koetzle closed the public hearing at 7:19 PM

Privilege of the Floor

No one wished to exercise the privilege of the floor

No Supervisor comments to the Board

Supervisor Koetzle – “We do have our second annual tree lighting in front of First National Bank corner of Route 50 and Glenridge Road at 7:00 PM Saturday night. We have a whole bunch of stuff planned, Scotia-Glenville Chorales will be singing, a Santa Claus is coming to Town and we have lots of things planned for the lighting so if you can at all make it that would be good. This will kick off our Shop Local Program in Glenville.”

Supervisor Koetzle – “Item #9 is the VFW Post 4660 announcing the “Annual Voice of Democracy” contest winners. I invite Kurt Semon to the podium.”

Kurt Semon – “The Mayfair-Glenville VFW Post 4660 is proud to announce that we participated in this year’s Patriot’s Pen and Voice of Democracy Audio Essay Contest and that tonight we take great pleasure honoring one Middle School Student and four High School students who demonstrated resolve and confidence in reflecting on this year’s themes; “Why I Honor the American Flag” and “Why My Vote Matters”.

The good will of the Veterans of Foreign Wars reaches far beyond the realm of veterans helping veterans. In fact, direct involvement with America’s youth has always been – and always will be – a VFW priority.

Each year, Middle School students enter the VFW’s Patriot’s Pen contest and High School student enter the VFW’s Voice of Democracy audio-essay competition to win a share of over \$2 million in educational scholarships and cash awards.

The VFW established the Patriot’s Pen and Voice of Democracy programs to provide students the opportunity to express themselves in regards to democratic ideas and principles. Our Post program jurisdiction allows us to accept entries from the Burnt Hills-Ballston Lake and Scotia-Glenville School Districts, parochial schools and home schooled children in our areas.

The national first-place Patriot’s Pen winner receives a \$5,000 cash prize and the national first-place Voice of Democracy winner receives a \$30,000 scholarship

paid directly to the recipient's American university, college or vocational/technical school. In addition, all State level winners receive prizes and an all-expense-paid trip to Washington, D.C.

All entries must be submitted to their local VFW post for initial review. The winners at the Post level are then forwarded up the chain for further consideration. We have made our local winner selections and each will be awarded here tonight.

VFW Post 4660 is active in our community and we welcome new membership. Larry Zelglen is our commander, we meet on the 2nd Tuesday of each month at the East Glenville Fire House and you can follow us on Facebook and find us on the internet at www.vfwpost4660.com

We now invite our 1st place winner, Patrick Molluso, to read his essay. Please visit the town's website at www.townofglenville.org to view the entire meeting.

Our Patriot's Pen 1st Place winner is Vincent Scavullo

Our Voice of Democracy Audio Essay Contest winners are:

4th Place: Andrew Poirier

3rd Place: Rebecca Landry

2nd Place: Kieran Thomas

1st Place: Patrick Molluso

Photos were taken with the Board members.

Supervisor Koetzle moved ahead with the agenda items.

RESOLUTION NO. 194-2018

Moved by: Councilman Godlewski

Seconded by: Councilman Aragosa

BE IT RESOLVED, that the minutes of the Regular meeting held on November 7, 2018 are hereby approved and accepted as entered.

Ayes: Councilmen Pytlovany, Aragosa, Godlewski, Councilwoman Wierzbowski and Supervisor Koetzle

Noes: None

Absent: None

Abstentions: None

Motion Carried

RESOLUTION NO. 195-2018

Moved by: Councilman Godlewski

Seconded by: Councilman Aragosa

BE IT RESOLVED that the Monthly Departmental Reports for October, 2018 as received from the following:

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

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

Ayes: Councilmen Pytlovany, Aragosa, Godlewski, Councilwoman Wierzbowski and Supervisor Koetzle
Noes: None
Absent: None
Abstentions: None

Motion Carried

RESOLUTION NO. 196-2018

Moved by: Councilwoman Wierzbowski
Seconded by: Councilman Pytlovany

WHEREAS, the Commissioner of Public Works of the Town of Glenville has filed a report in writing with the Town Board of the Town of Glenville containing his actions regarding properties cited by the Building Inspector and/or Code Enforcement Officer for violations of Chapter 99 “Brush, Grass and Weeds” of the Code of the Town of Glenville during calendar year 2018; and

WHEREAS, the Commissioner of Public Works of the Town of Glenville has reported that the brush, grass and weeds at each of the cited properties exceeded 10 inches in height at each of the cited locations in violation of Chapter 99 of the Code of the Town of Glenville; and

WHEREAS, the Commissioner caused each of the Property Owners, to be notified in accordance with Section 99-2 of the Code of the Town of Glenville of the requirement to bring their property into compliance with Section 99-1 of the Code of the Town of Glenville; and

WHEREAS, the Property Owners listed on the attached Schedule “A” having taken no steps to cut the brush, grass and/or weeds at the listed premises within the time period provided in the notice served, requiring the Commissioner to cause the brush, grass and weeds to be cut and removed at town expense; and

WHEREAS, the Commissioner caused each of the Property Owners listed to be sent a bill for the removal of the brush, grass and weeds from the listed properties, plus the administrative fees provided for by Chapter 99 of the Code of the Town of Glenville and such charges and fees for the properties listed below remain wholly unpaid; and

WHEREAS, the Town Board of the Town of Glenville adopted a resolution calling for a public hearing on November 21, 2018 at 7:00 PM at the Glenville Municipal Center, 18 Glenridge Road, Glenville, New York to hear all persons interested regarding the proposed imposition of a lien upon the listed properties for the charges and fees stated; and

WHEREAS, having heard all persons at the public hearing held on this matter and after due deliberation thereon;

NOW, THEREFORE, THE TOWN BOARD OF THE TOWN OF GLENVILLE HEREBY FINDS AND DETERMINES THAT:

1. Brush, grass and weeds of a height in excess of 10 inches were found on the listed properties on the dates cited by the Building Inspector and/or Code Enforcement Officer.
2. That the Commissioner of Public Works of the Town of Glenville notified each property owner, in the manner provided by Town Code section 99-2, of the nature of the violations thereon and demanded that the brush, grass and weeds be cut and removed as required by Chapter 99 of the Code.
3. That the brush, grass and weeds were not cut or removed from the listed properties prior to the dates required by the notices given.
4. The brush, grass and weeds on the listed properties were caused to be cut and removed by the Commissioner of Public Works at town expense.
5. That the Town Board adopted a resolution calling for a public hearing regarding the proposed imposition of liens for the unpaid charges and fees associated with the cutting and removal of brush grass and weeds from the listed properties.
6. That the Town Board held the aforementioned public hearing on November 21, 2018 and heard all persons interested in addressing the Board on this issue.

NOW THEREFORE, BE IT RESOLVED that inasmuch as the property owners listed on Schedule "A" attached hereto have failed to comply with the requirements of Chapter 99 of the Code of the Town of Glenville within the deadlines established therein, the Town was authorized and empowered (by virtue of the provisions of the Town Code, Town Law, the New York State Property Maintenance Code, and other applicable provisions of law), to enter upon the premises and to cause the brush, grass and weeds to be cut and removed. The total expense attributed to such work and removal conducted on each of the listed parcels of real property is hereby assessed by the Town Board on the parcels of real property listed on Schedule "A", and the expense so assessed shall constitute a lien and charge on the property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town charges.

Ayes: Councilmen Pytlovany, Aragosa, Godlewski, Councilwoman Wierzbowski and Supervisor Koetzle
Noes: None
Absent: None
Abstention: None

Motion Carried

RESOLUTION NO. 198-2018

Moved by: Councilwoman Wierzbowski
Seconded by: Councilman Pytlovany

WHEREAS, the Town of Glenville is proposing to change the zoning of a portion of a parcel of real property commonly known as 4057 Amsterdam Road (Tax Map # 20.-4-31) from "Riverfront Recreation" to "Highway Commercial", a total area of approximately 1.4 acres; and

WHEREAS, Markie Blackburn submitted an application, for such change of zoning through his attorney, Paul Sciochetti of Sciochetti and Abbott, PLLC; and

WHEREAS, at its October 15, 2018 meeting, the Town of Glenville Planning and Zoning Commission recommended that the Town Board approve a zoning map amendment similar to the one now proposed as opposed to changing the zoning on the entire 9.74 acres of HC acres on this parcel; and

WHEREAS, the purpose of this zoning map amendment is to allow the landowner/developer to pursue establishment of a canine rehabilitation center and kennel, a use nearly identical to that which previously occupied the premises as “Paws Along the Mohawk;” and

WHEREAS, this zoning map amendment constitutes an “Unlisted Action” in accordance with 6 NYCRR Part 617 (State Environmental Quality Review Act {SEQRA}); and

WHEREAS, the Glenville Town Board has assumed SEQRA Lead Agency in this instance; and

WHEREAS, the Town of Glenville Planning and Zoning Commission, at their October 15, 2018 meeting, recommended that the Town Board find no significant adverse environmental impacts associated with this proposed zoning map amendment, and further recommended that the Board issue a SEQRA “Negative Declaration;” and

WHEREAS, pursuant to New York State Town Law and the Code of the Town of Glenville, at the November 21, 2018, regular Town Board meeting, the Town Board held a public hearing, after due and proper public notice, on this proposed zoning map amendment, at which time all persons wishing to be heard were accorded the opportunity to address the Town Board;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Glenville hereby accepts the recommendation of the Planning and Zoning Commission and issues a Negative Declaration in accord with 6 NYCRR Part 617 (State Environmental Quality Review Act {SEQRA.

Ayes: Councilmen Pytlovany, Aragosa, Godlewski, Councilwoman Wierzbowski and Supervisor Koetzle
Noes: None
Absents: None
Abstentions: None

Motion Carried

RESOLUTION NO. 199-2018

Moved by: Councilwoman Wierzbowski
Seconded by: Councilman Aragosa

WHEREAS, the Town of Glenville is proposing to change the zoning of a portion of a parcel of real property commonly known as 4057 Amsterdam Road (Tax Map # 20.-4-31) from “Riverfront Recreation” to “Highway Commercial”, a total area of approximately 1.4 acres; and

WHEREAS, Markie Blackburn submitted an application, for such change of zoning through his attorney, Paul Sciochetti of Sciochetti and Abbott, PLLC; and

WHEREAS, at its October 15, 2018 meeting, the Town of Glenville Planning and Zoning Commission recommended that the Town Board approve a zoning map amendment similar to the one now proposed as opposed to changing the zoning on the entire 9.74 acres of HC acres on this parcel; and

WHEREAS, the purpose of this zoning map amendment is to allow the landowner/developer to pursue establishment of a canine rehabilitation center and kennel, a use nearly identical to that which previously occupied the premises as “Paws Along the Mohawk;” and

WHEREAS, this zoning map amendment constitutes an “Unlisted Action”

in accordance with 6 NYCRR Part 617 (State Environmental Quality Review Act {SEQRA}); and

WHEREAS, the Glenville Town Board has assumed SEQRA Lead Agency in this instance; and

WHEREAS, the Town of Glenville Planning and Zoning Commission, at their October 15, 2018 meeting, recommended that the Town Board find no significant adverse environmental impacts associated with this proposed zoning map amendment, and further recommended that the Board issue a SEQRA “Negative Declaration;” and

WHEREAS, pursuant to New York State Town Law and the Code of the Town of Glenville, at the November 21, 2018, regular Town Board meeting, the Town Board held a public hearing, after due and proper public notice, on this proposed zoning map amendment, at which time all persons wishing to be heard were accorded the opportunity to address the Town Board;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Glenville hereby approves proposed zoning map amendment for a 1.4 acre portion 4057 Amsterdam Road from “Riverfront Recreation” to “Highway Commercial”, as depicted on the attached map of said parcel; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Glenville in approving such zoning map amendment, makes the following findings:

- This proposed zoning map amendment is reasonably compatible with the Town of Glenville Comprehensive Plan which envisions commercial development along this portion of the Route 5 corridor. The portion of the parcel being rezoned has pre-existing structure which were not appropriate for the Riverfront Recreation zone, but will enhance the proposed canine rehabilitation and kennel use.
- The proposed rezoning does not dramatically conflict with the Town’s Comprehensive Plan. And while the commercial rezoning of a property that is currently zoned Riverfront Recreation does represent a departure from the proposed and existing Comprehensive Plan relative to commercial expansion into recreation-zoned areas, the recreation portion of the property to be rezoned is only 1.4 acres in size.
- The zoning map amendment will be compatible with neighboring land uses which is a mix of Highway Commercial zone permitted uses.
- The proposed zoning map amendment should preserve land values. No new construction is anticipated, with current structures merely being upgraded and improved. Current open space will remain open space.
- Neighborhood character will not be significantly compromised as a result of this action. While the Highway Commercial zone line for the parcel will be adjusted, it will not result in any changes to the character of the neighborhood.
- Adoption of the zoning map amendment will not conflict with the “Purpose” provisions of Article 1, Section 270-1 of the Zoning Chapter of the Code of the Town of Glenville as this action is in accord with the Town’s Plan for the Route 5 corridor and the decision to do so is in accord with the Comprehensive Plan. This zoning map amendment is also consistent with the principle objective of municipal zoning which is “to protect the health, safety and general welfare” of the Town and its residents.

Ayes: Councilmen Pytlovany, Aragosa, Godlewski, Councilwoman Wierzbowski and Supervisor Koetzle

Noes: None

Absents: None

Abstentions: None

Motion Carried

New Business

The Town Board wished everyone a “Happy Thanksgiving”

Supervisor Koetzle asked for a motion to adjourn; motion to adjourn;
Moved by Councilwoman Wierzbowski; Seconded by Councilman Pytlovany, everyone
being in favor the meeting was adjourned at 7:35 PM.

ATTEST:

Linda C. Neals
Town Clerk