

**REGULAR** MEETING OF THE TOWN BOARD  
TOWN OF GLENVILLE  
AUGUST 15, 2012  
AT THE GLENVILLE MUNICIPAL CENTER  
18 GLENRIDGE ROAD, GLENVILLE, NEW YORK

Supervisor Koetzle called the meeting to order at 7:30 PM;

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

**Present:** Supervisor Christopher A. Koetzle, Councilmen John Pytlovany, Sid Ramotar and Councilwoman Gina M. Wierzbowski

**Absent:** Councilman Alan Boulant

Also present were Attorney Michael Cuevas, Director of Operations James MacFarland and Highway Superintendent Tom Coppola.

Town Council Reports:

Councilman Ramotar – “Our Receiver of Taxes, Pat Aragosa is ready for the 2012 School Tax Collection. Tonight we will pass a resolution to utilize First National Bank of Scotia to assist in the collection. We previously introduced a credit card provider that will collect fees paid for by debit or credit card.

I want to thank Scott Emerly for his volunteer work with the BH/BL girls’ softball field which is completed for the most part. The parking lot area should be done at the end of August.

On August 25<sup>th</sup> we are having the 5K Muddy Sneaker Run, sponsored by Glenville Rotary, 9:00 am and the Fun Run starts at 8:30 am.

We will be saying to goodbye to Cindy Amell on Thursday, September 6<sup>th</sup> from 10:00 am to 12:00 noon opened to all to stop by and say thank you for her dedicated service. She is a longstanding Senior Center Coordinator.”

Councilwoman Wierzbowski – “Just to remind everyone that there is a state-wide ban on open burning through October 15<sup>th</sup>. Also there is a lot of road construction going on in the Town so just remember to be patient when driving in a work zone.”

Supervisor Koetzle presented proclamations to the members of the BH/BL Junior Baseball State Championship Team.

Supervisor Koetzle – “Item #6 is a public hearing regarding a local law regulating the use of The Return Park and Drainage District property.”

Supervisor Koetzle opened the public hearing at 7:45 pm; the following people spoke:

James Valachovic, 35 Joyous Lane – “I just wanted to make sure that you know our families are in support of this local law to take care of the park that we have. We have a lot of volunteers that make sure that the park looks nice and we want to keep it that way.”

Attorney Cuevas – “This is to limit the use of the park to the residents, property owners and their guests. It is fully funded by the residents that live in The Return.”

Cindy Vitale, 41 Joyous Lane – “What I thought it was saying is that other people are not welcomed into the Return. Can you tell me am I wrong in thinking that way?”

Attorney Cuevas – “It is common when you have park districts within a residential district where the park district is fully funded by the resident owners that you can restrict the limited recreational areas of that park district to the residents and tax payers in that district so that it’s not overwhelmed by the people outside. In the Return there is not much beyond the pond and green area, it’s not like there is a public park there.”

Supervisor Koetzle – “Some of the residents get together and stock the pond for fishing and then others would come and fish and then the people who paid for the fish didn’t benefit from the pond.”

No one wished to exercise privilege of the floor.

Supervisor’s Comments:

Supervisor Koetzle shared the following information:

The budget hearings begin tomorrow on August 16<sup>th</sup> at 7:00 pm, here at the Glenville Senior Center, 32 Worden Road.

The Local Development Corporation (LDC) met earlier this week and the next step will be adopting the LDC’s by laws, filling the two Board of Director positions that are still open, adopting a lending policy and waiting for federal funds out of the Small Cities Loan that will allow us the use of \$500,000 that is in the Town coffers for LDC purposes.

Target is hosting a hiring fair at Glen Worden School starting today through Saturday from 9 am to 6 pm each day.

Our building department has received R & D’s application for a building permit to construct a 32,000 sq. ft. retail space on the north side of the Target building and plans for a Panera on the same site are progressing through the regulatory boards and there are no more meetings planned and everything appears to be on track for their approval.

The Town and County have received phone calls and letters from residents from the Wolf Hollow/Hoffman Hill Road area recently as a result of the Counties decision to close Wolf Hollow Road. Their concerns are generally about signage, road conditions, winter maintenance and emergency services access to the Hoffman Hill homes is another concern of theirs. We will be working with Schenectady County to help address these residents concerns and obviously our Traffic Safety Committee will be engaged on that as well.

Supervisor Koetzle moved ahead with the agenda items.

### **RESOLUTION NO. 137-2012**

**Moved by:** Councilman Ramotar

**Seconded by:** Councilwoman Wierzbowski

**WHEREAS**, a zoning map amendment application has been submitted by the Animal Protective Foundation to change the zoning of their property at 53 Maple Avenue (tax map # 30.-1-4) from *Research/Development/Technology* to *General Business*; and

**WHEREAS**, the purpose of the zoning map amendment is to allow the Animal Protective Foundation to pursue construction of a 2,214 sq. ft. addition to establish an on-site spay and neuter clinic, which is a use not permitted within the *Research/Development/Technology* zoning district, but it is a permitted use within the *General Business* zoning district; and

**WHEREAS**, this zoning amendment constitutes an “Unlisted Action” in

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

**Whereas**, the Town Board of the Town of Glenville has assumed SEQRA Lead Agency in this instance; and

**WHEREAS**, the Glenville Environmental Conservation Commission recommended that the Town Board find no significant adverse environmental impacts associated with the zoning map amendment application by the Animal Protective Foundation;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Glenville hereby issues a SEQRA “Negative Declaration” (attached) for this zoning map amendment proposal, based on the following findings:

- This action involves a zoning map amendment, but authorizes no construction or physical alteration of land. Any subsequent development of the parcel, including the proposed 2,214 sq. ft. addition for a spay/neuter clinic, will necessitate site plan review/approval, in addition to an individual SEQRA determination.
- This zoning map amendment is viewed as a “down-zoning,” whereby the new zoning designation (General Business) is a less intensive zoning district than the existing zoning district (Research/Development/Technology). Accordingly, potential environmental impacts associated with any subsequent development of this parcel should be no greater than the potential impacts under the current zoning designation. Further, the Animal

Protective Foundation’s current plans for a 2,214 sq. ft. addition for a spay/neuter clinic complements the current use of the Animal Protective Foundation’s property.

- The proposed action will not result in a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels, or solid waste production. Rather, the action constitutes the down-zoning of a 2.4-acre parcel, setting the stage for a minor building addition for a long-standing use that will be rendered conforming by this zoning map amendment.
- This action will not result in a substantial change in use, or intensity of use, of the land. This action will ultimately result in the construction of a 2,214 sq. ft. addition that complements the existing Animal Protective Foundation’s operation on its 2.4-acre parcel.

**Ayes:** Councilmen Pytlovany, Ramotar, Councilwoman Wierzbowski and Supervisor Koetzle

**Noes:** None

**Absents:** Councilman Boulant

**Abstentions:** None

**Motion Carried**

**RESOLUTION NO. 138-2012**

**Moved by:** Councilman Ramotar

**Seconded by:** Councilwoman Wierzbowski

**WHEREAS**, a zoning map amendment application has been submitted by the Animal Protective Foundation to change the zoning of their property at 53 Maple Avenue (tax map # 30.-1-4) from *Research/Development/Technology* to *General Business*; and

**WHEREAS**, the purpose of the zoning map amendment is to allow the Animal Protective Foundation to pursue construction of a 2,214 sq. ft.

addition to establish an on-site spay and neuter clinic, which is a use not permitted within the *Research/Development/Technology* zoning district, but it is a permitted use within the *General Business* zoning district; and

**WHEREAS**, the Town Board of the Town of Glenville, pursuant to 6 NYCRR Part 617 (State Environmental Quality Review Act {SEQRA}), and as SEQRA Lead Agency, has issued a “Negative Declaration,” concluding that there will be no significant adverse environmental impacts associated with this zoning map amendment; and

**WHEREAS**, pursuant to New York State Town Law and the Code of the Town of Glenville, a public hearing regarding this zoning map amendment proposal was held by the Town Board on July 18, 2012; and

**WHEREAS**, the Town of Glenville Planning and Zoning Commission has recommended that the Town Board approve this zoning map amendment; and

**WHEREAS**, the Schenectady County Department of Economic Development & Planning, pursuant to Sections 239-l, 239-m, and 239-n of General Municipal Law, has reviewed the proposed zoning map amendment and “defers to local consideration;”

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Glenville approves the zoning map amendment application by the Animal Protective Foundation, to change the zoning of their 2.4-acre property at 53 Maple Avenue from *Research/Development/Technology* to *General Business*; and

**BE IT FURTHER RESOLVED**, that the Town Board of the Town of Glenville bases its approval on the following findings:

- The proposed zoning map amendment is reasonably consistent with the Town of Glenville Comprehensive Plan, and in particular, the General Development Plan of the Comprehensive Plan, which targets the property in question and surrounding area for “commercial/industrial”-type development.
- The proposed addition to the existing Animal Protective Foundation property will not negatively impact nearby land values, especially in consideration of the relatively unpopulated setting of the property, and the fact that the building addition is relatively small, at 2,214 sq. ft.
- The proposed zoning amendment, and building addition to follow, will not alter the character of the neighborhood. The zoning amendment represents a down-zoning, whereby the zoning district being sought for the property (*General Business*) is less intensive than the existing zoning district (*Research/Development/Technology*). Further, a small addition to a long-standing use of land will have a negligible, if even noticeable, impact on the character of the area.
- The proposed zoning map amendment is compatible with the purposes of the Town of Glenville Zoning Ordinance, as articulated in Section 270-1 of the Code of the Town of Glenville. In particular, this zoning amendment is consistent with Section 270-1C (Intent) of the Zoning Ordinance, in that the proposed expansion of the Animal Protective Foundation’s operation does provide for “certain types of development in areas where the land is well suited for such development, and/or where such development has already occurred.” The Animal Protective Foundation’s operation at 53 Maple Avenue is longstanding, and the pending small building addition complements the Foundation’s current activities on the property.

**Ayes:** Councilmen Pytlovany, Ramotar, Councilwoman Wierzbowski and Supervisor Koetzle

**Noes:** None

**Absents:** Councilman Boulant

**Abstentions:** None

**Motion Carried**

**RESOLUTION NO. 139-2012**

**Moved by:** Councilwoman Wierzbowski

**Seconded by:** Councilman Ramotar

**WHEREAS,** the Town Board of the Town of Glenville (herein called the "Town Board" and "Town," respectively), in the County of Schenectady, New York, has received a written petition, dated April 10, 2012, pursuant to section 191 of the Town Law, for the extension of Sewer District No.9 (herein called "District") whose petition was signed by the owners of at least one-half (1/2) of the assessed valuation of all taxable real property situate in the proposed District and including the signatures of resident owners of at least one-half (1/2) of the assessed valuation of such taxable real property situate in the proposed District owned by resident owners, all as shown upon the latest completed assessment roll of said Town, and a map, plan and report for the extension of Sewer District No.9 of the Town of Glenville and the construction of a sewer system therein, consisting of sewer laterals including land or rights in land, connections, fill, services, appurtenances and related site work for service to 13 residential apartment buildings (herein called the "Sewer Improvement") from existing sewer manhole near the terminus of Wilson Drive to the subject parcels, located east of Wilson Drive and Lincoln Drive and west of the Schenectady County airport, was prepared and is now on file in the office of the Town Clerk of the Town for public inspection; and

**WHEREAS,** pursuant to the Order duly adopted on June 20, 2012, the Town Board has determined to proceed with the establishment of the proposed extension to the District and adopted an Order reciting a description of the boundaries of the extension of the District in a manner sufficient to identify the lands included therein as in a deed of conveyance, the improvements proposed, the maximum amount proposed to be expended for the construction of the Sewer Improvement in the District, the proposed method of financing to be employed, the fact that a map, plan and report describing the same are on file in the Town Clerk's office for public inspection and specifying July 18, 2012, at 7:30 PM, as the time when, and the Glenville Municipal Center, 18 Glenridge Road, Glenville, New York, in the Town, as the place where, the Town Board would meet to consider the establishment of an extension of the District and to hear all persons interested on the subject thereof concerning the same, and for such other action on the part of the Town Board in relation thereto, as may be required by Law ; and

**WHEREAS,** certified copies of such Order were duly published and posted pursuant to the provisions of the Town Law; and

**WHEREAS,** the Town Board has given due consideration to the impact that the proposed extension to the District may have on the environment and on the basis of such consideration, the Town Board has found that no substantial adverse environmental impact will be caused by the extension of the District; and

**WHEREAS,** the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising article 8 of the Environmental Conservation Law and, in connection therewith, a duly processed Negative Declaration and/or other applicable documentation has been filed in the office of the Town Clerk; and

**WHEREAS,** a Public Hearing in the matter was duly held by the Town Board on said July 18, 2012, commencing at or about 7:30 PM, at the Glenville Municipal Center, 18 Glenridge Road, Glenville, New York, at which all interested persons desiring to be heard were heard, including those in favor of, and those opposed

to, the proposed extension to the District.

**NOW, THEREFORE**, upon the evidence adduced at such public hearing  
be it

**RESOLVED AND ORDERED** by the Town Board of the Town of Glenville,  
in the County of Schenectady, New York as follows:

Section 1. It is hereby determined that:

- (a) The Notice of Public Hearing was published and posted as required by Law, and is otherwise sufficient;
- (b) All the property and property owners benefited included within the proposed extension to the District hereinabove referred to in the recitals hereof are benefited thereby;
- (c) All the property and property owners benefited are included within the limits of the proposed extension to the District; and
- (d) It is in the public interest to establish the extension to the District.

Section 2. The establishment of the proposed extension to the District is hereby approved, as hereinafter described, and said District shall be designated and known as Extension No. 11 to Sewer District 9 in the Town and shall include the property commonly known as Patriot Square.

Section 3. The Sewer Improvement is hereby authorized to be constructed in the District and the amount proposed to be expended therefor, including the expenses incurred in connection with the establishment of the extension to the District, is to be fully borne by the developer; the plan of financing is to be fully and completely borne by the developer, at no cost to the Town or other users in the District.

Section 4. The permission of the State Comptroller is not required with respect to the extension of the District because the cost of the extension to the typical property is not above the Average Estimated Cost to the Typical Properties for the establishment of similar types of districts as computed by the State Comptroller.

Section 5. The Town Clerk of the Town is hereby authorized and directed within ten days after the adoption of this Resolution and Order, to file certified copies thereof, in duplicate, in the office of the State Department of Audit and Control in Albany, New York, record same in the office of the Clerk of the County in which the Town is located.

Section 6. This Resolution and Order shall take effect immediately.

**Ayes:** Councilmen Pytlovany, Ramotar, Councilwoman Wierzbowski and Supervisor Koetzle  
**Noes:** None  
**Absent:** Councilman Boulant  
**Abstention:** None

**Motion Carried**

**RESOLUTION NO. 140-2012**

**Moved by:** Councilman Ramotar  
**Seconded by:** Councilwoman Wierzbowski

**WHEREAS**, the Town of Glenville in its 2012 Strategic Plan identified hosting an Oktoberfest as an ongoing goal, and

**WHEREAS**, the town's Small Business and Economic Development

Committee along with a team of committed volunteers have successfully conducted two Oktoberfest-themed events in 2010 and 2011, and

**WHEREAS**, in order to utilize Schenectady County-owned property, a license agreement between the town and county is required,

**NOW, THEREFORE, BE IT RESOLVED** that the Supervisor of the Town of Glenville is hereby authorized to enter into a license agreement with the County of Schenectady to conduct an Oktoberfest on the grounds of the Schenectady County Airport on September 29<sup>th</sup>, 2012, and additionally utilize adjacent county-owned property, such authorization subject to final approval from the town's legal counsel and obtaining the required insurance for the event.

**Ayes:** Councilmen Pytlovany, Ramotar, Councilwoman Wierzbowski and Supervisor Koetzle

**Noes:** None

**Absent:** Councilman Boulant

**Abstentions:** None

**Motion Carried/Defeated**

**RESOLUTION NO. 141-2012**

**Moved by:** Councilwoman Wierzbowski

**Seconded by:** Councilman Ramotar

**WHEREAS**, the property and structures located at 360 Vley Road in the Town of Glenville have, due to neglect, become so filled with rubbish, garbage and debris as to attract and harbor rodents, vermin and other pest and to become a danger to the health, safety and general welfare of the community ; and

**WHEREAS**, after repeated attempts to remedy the situation through the normal enforcement procedures as required by the Code of the Town of Glenville have proved unsuccessful, including, but not limited to prosecution of code violations in the Town Court; and

**WHEREAS**, Town Law, Article 9, Section 130, authorizes the Town, after a hearing before the Town Board, and if the owner(s) fail or refuse to remedy the situation, to repair or remove the structure and assess all cost and expenses against the land on which said buildings or structures are located;

**NOW, THEREFORE, BE IT RESOLVED**, that a public hearing be held by the Town Board of the Town of Glenville at the Glenville Municipal Center, 18 Glenridge Road, Glenville, New York, on September 5, 2012 at 7:30 PM or as soon thereafter as possible, to hear all interested parties regarding the unsafe property at 360 Vley Road; and it is further

**RESOLVED** that the Town Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law.

**Ayes:** Councilmen Pytlovany, Ramotar, Councilwoman Wierzbowski and Supervisor Koetzle

**Noes:** None

**Absent:** Councilman Boulant

**Abstentions:** None

**Motion Carried**

**RESOLUTION NO. 142-2012**

**Moved by:** Councilman Ramotar

**Seconded by:** Councilwoman Wierzbowski

**WHEREAS**, the Town of Glenville is committed to providing the best possible services in the most cost effective manner to its residents, and

**WHEREAS**, collection of school tax payments is a service that the Town of Glenville traditionally provides through the Receiver of Taxes Office, and

**WHEREAS**, the Glenville Town Board believes that the town's school tax payment customers might benefit from additional payment conveniences and services that can be provided by a full service bank, such as Saturday collection, multiple locations, drive-through payment and more, and

**WHEREAS**, the Town of Glenville believes that First National Bank of Scotia is uniquely qualified to provide additional school tax payment services due to its having branches in both the Village of Scotia and the "Town Center" in Glenville,

**NOW, THEREFORE, BE IT RESOLVED**, that the Supervisor of the Town of Glenville is hereby authorized to enter into agreement with First National Bank of Scotia, 201 Mohawk Avenue, Scotia, NY, 12302, for services relating to the collection of school tax payments for the 2012 billing cycle, including, but not limited to acceptance of payments at their various branches, processing of mailed payments, electronic file feeds of payment records, etc., and,

Be it Further Resolved, that the Town of Glenville will compensate First National Bank of Scotia a sum of \$3,750 for these services.

**Ayes:** Councilmen Pytlovany, Ramotar, Councilwoman Wierzbowski and Supervisor Koetzle

**Noes:** None

**Absent:** Councilman Boulant

**Abstention:** None

**Motion Carried**

**RESOLUTION NO. 143-2012**

**Moved by:** Councilman Ramotar

**Seconded by:** Councilwoman Wierzbowski

**BE IT RESOLVED** that the **Monthly Departmental Reports** for July, 2012 as received from the following:

Assessor's Department  
Dog Control  
Economic Development & Planning Department  
Justice Department  
Receiver of Taxes  
Section 8  
Town Clerk's Office

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

**Ayes:** Councilmen Pytlovany, Ramotar, Councilwoman Wierzbowski and Supervisor Koetzle

**Noes:** None

**Absent:** Councilman Boulant

**Abstentions:** None

**Motion Carried**

**RESOLUTION NO. 144-2012**

**Moved by:** Councilman Ramotar

**Seconded by:** Councilwoman Wierzbowski

**BE IT RESOLVED**, that the minutes of the regular meeting held on July 18, 2012 are hereby approved and accepted as entered.

**Ayes:** Councilmen Pytlovany, Ramotar, Councilwoman Wierzbowski and Supervisor Koetzle

**Noes:** None

**Absent:** Councilman Boulant

**Abstentions:** None

**Motion Carried**

Supervisor Koetzle asked for a motion to adjourn; motion to adjourn was Moved by Councilman Pytlovany; Seconded by Councilwoman Wierzbowski, everyone being in favor, the meeting was adjourned at 8:00 PM.

ATTEST:

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Linda C. Neals  
Town Clerk