

REGULAR MEETING OF THE TOWN BOARD
TOWN OF GLENVILLE
FEBRUARY 20, 2013
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 Alan Boulant, John C. Pytlovany and Councilwoman Gina M. Wierzbowski

Absent: Councilman Sid Ramotar

Also present were Attorney Michael Cuevas and Director of Operations James MacFarland, Planner Kevin Corcoran and Comptroller Jason Cuthbert.

Town Council Reports:

Councilman Boulant – “April 25th, we are going to be having the 2nd Annual Developers Showcase at the Water’s Edge Lighthouse Banquet House from 5:30 pm to 8:00 pm. It was a very well attended function last year and I think we got a lot of mileage out of it. We are looking forward to this event again this year.”

Supervisor Koetzle – “Item No. 5 is a public hearing to hear all persons interested in the proposed amendment to the “New York State Department of Transportation Local Roads Listing of the Town of Glenville, Schenectady County” to include South Van Buren Lane.”

Supervisor Koetzle opened the public hearing at 7:34; no one wished to speak; Supervisor closed the public hearing at 7:35 pm.

No one wished to exercise the privilege of the floor.

Supervisor’s Comments:

I would like to give you an update on the Town Center Sidewalk and Lighting Plan. We are progressing with that. Our Energy Consultant, John Hamor, has arranged for a meeting with the Town Staff and a lighting consultant is preparing plans for lights throughout the Town Center. The Plan will bring together appropriate lighting for both the street and the sidewalks, that will come eventually, and will balance the somewhat different look, right now, we see with the lighting poles within the Town Center and will adjust or bring into compliance the brightness issue we have in that corridor. The lighting plan will then be incorporated into a map with details of both sidewalk and lighting improvements as well as the street view rendering for displays and funding purposes.

So essentially what we are hearing back from potential funding sources is they need to see more in the Plan, they need to see the rendering, they need to see the map. We never really went to that step before because we didn’t want to invest in it if it wasn’t something that wasn’t feasible as far as being funded. Apparently with the right documentation there is an opportunity for us to move forward. We should have something in the next couple of weeks or so.

The Schenectady County IDA held its required public hearing on a PILOT Agreement and various exemptions for the Socha Management Development project. It is expected that the project will receive a standard PILOT, from what we are hearing, which calls for a 50% initial assessed value that increases 5% every year for the next ten years. We are also hearing that there will be a sales mortgage and real-estate transfer tax exemption provided for the project.

One of the things we have been talking to Metroplex about is this is a

transformational project for Glenville and the Route 50 corridor and we look forward to the construction, I believe will begin sometime this spring. It is a great project and looking forward to it getting underway.

The Town of Glenville and the Village of Scotia held an initial meeting with MacDonald Engineering regarding a joint sewer study that is now set to begin. We expect a report by the end of April and we will be updating the Board as the Draft Report nears completion. We are looking forward to working with the Village; we think it is an important project for both of us that will hopefully yield some good news for us.

Please review the Wellfield Protection Committee draft report by comments and corrections to me or Jamie and Attorney Cuevas is reviewing the report as well. We plan to formally accept it on March 6 at the Board meeting. I think it was well done and it was very comprehensive. I think it opened our eyes to a lot of threats that we have been living with for years and years and years but we never really took the time to address any of them. We will adopt that on March 6, with amendments if there are any.

We will be taking part on a due diligence call this week and the rating call next week relative to the Town's refunding of 6.4 million dollars in serialized debt resulting in present value savings of \$462,000 for almost \$40,000 annually from 2013 to 2026. That's not the present, that's not the future in that value as I understand it, Attorney Cuevas, what number is that?"

Attorney Cuevas – "That's not the total value; you take the total and assign a present value to it. The total value is..."

Supervisor Koetzle – "Total value is over \$500,000, as I am confident to say, so we are looking forward to a favorable outcome on the refinancing and we will be taking that up tonight.

I attended a ceremony last Friday and had the pleasure of presenting a \$50,000 check to Mohawk Ambulance. Councilman Boulant was with me. This was on behalf of the National Grid/Main Street Revitalization Program. The Town did the grant work and Mohawk Ambulance received the \$50,000 just like Mohawk Honda did. The ceremony was very nice. They were very pleased for the work we did on their behalf. It helped them revamp the building in one of our main business corridors. This is the second Main Street grant that we have received and we wish to thank National Grid for investing about \$100,000 in our community in the past few years.

I want to thank Kevin and Mike on that as well.

Lastly one of our staff has asked us to take part in a fund raiser for the Cystic Fibrosis Foundation, we agreed. It is called Jeans for Genes; so on Wednesday, March 6th people can donate to win the right to wear jeans to work for the day."

Supervisor Koetzle moved ahead with the agenda items.

Jason Cuthbert, Comptroller – "This resolution is refinancing 2005 bonds, largely water, about 86% of it was from water funds; 7% sewer; 7% highway and 1% general fund. The savings were about \$530,000 over the next fourteen (14) years from a budget perspective and about \$460,000 from national net present value. This is in addition to the savings from the refunding 2002 bond last year, which had a net present value savings of \$513,000. So, that is \$975,000 in today's money that this Board has saved over the last two (2) years by refunding bonds. This is because of the good credit rating from Moody's; this is because of the positive economic trends that are going on in Glenville. This is the last of the large bonds that's available to refinance unfortunately. There might be one smaller one, about \$300,000 that we could take a look at but this is the last of the big ones. Congratulations to Glenville and to the Board for getting this done the last two (2) years. It is quite an accomplishment."

Supervisor Koetzle – "If I recall correctly part of the bond increase, was because of the reduction in our allocation of fund balance. Do you foresee any change in

our bond rating again?”

Mr. Cuthbert – “The likelihood is greater for a positive impact than a negative impact so I think that the greatest likelihood is to stay right where we are. Maybe we can get a positive outlook, maybe not a natural upgrade but a positive outlook which would be a feather in our cap. A reduction in fund balance, as you mentioned, two years ago the budgeted fund balance appropriation was 1.17 million, that was in 2011 across the three (3) main funds and in 2013 it was down to \$670,000. In 2010, when this Board took over there was 23.1 million dollars in long term debt outstanding and right now there is 19 million.”

RESOLUTION NO. 59-2013

Moved by: Councilman Boulant

Seconded by: Councilman Pytlovany

REFUNDING BOND RESOLUTION DATED FEBRUARY 20, 2013

A RESOLUTION AUTHORIZING THE ISSUANCE PURSUANT TO SECTION 90.00 OF THE LOCAL FINANCE LAW OF REFUNDING BONDS OF THE TOWN OF GLENVILLE, SCHENECTADY COUNTY, NEW YORK, TO BE DESIGNATED SUBSTANTIALLY "TOWN OF GLENVILLE REFUNDING (SERIAL) BONDS", AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO AND THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY.

WHEREAS, the Town of Glenville, Schenectady County, New York (hereinafter, the “Town”) heretofore issued an aggregate principal amount of \$6,385,000 Public Improvement (Serial) Bonds, 2005, pursuant to certain bond resolutions to pay the cost of acquisition of land, a water district extension and landfill closure, the periods of probable usefulness for which were forty (40) years and twenty (20) years, and a Certificate of Determination of the Supervisor of the Town (hereinafter referred to as the “2005 Refunded Bond Certificate”), such (Serial) Bonds, 2005, being dated December 1, 2005 and maturing or matured on December 1 annually, as more fully described in the 2005 Refunded Bond Certificate (the “Refunded Bonds”); and

WHEREAS, it would be in the public interest to refund all, or one or more, or a portion of one or more, of the outstanding principal balance of the Refunded Bonds by the issuance of refunding bonds pursuant to Section 90.00 of the Local Finance Law; and

WHEREAS, each of such refunding will individually result in present value savings in debt service if so required by Section 90.00 of the Local Finance Law;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Glenville, Schenectady County, New York, as follows:

Section 1. For the object or purpose of refunding the \$6,385,000 outstanding aggregate principal balance of the Refunded Bonds, including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (i) the principal amount of the Refunded Bonds, (ii) the aggregate amount of unmatured interest payable on the Refunded Bonds to and including the date on which the Refunded Bonds which are callable are to be called prior to their respective maturities in accordance with the refunding financial plan, as hereinafter defined, (iii) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including

the development of the refunding financial plan, as hereinafter defined, compensation to the underwriter or underwriters, as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the escrow contract or contracts, as hereinafter defined, and fees and charges of the escrow holder or holders, as hereinafter mentioned, and (iv) the premium or premiums for a policy or policies of municipal bond insurance or cost or costs of other credit enhancement facility or facilities, for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued not exceeding \$6,900,000 refunding serial bonds of the Town pursuant to the provisions of Section 90.00 of the Local Finance Law (the "Refunding Bonds" or the "Refunding Bonds"), it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$6,200,000, as provided in Section 4 hereof. The Refunding Bonds described herein are hereby authorized to be consolidated for purposes of sale in one or more refunding serial bond issues. The Town Refunding Bonds shall each be designated substantially "TOWN OF GLENVILLE REFUNDING (SERIAL) BOND" together with such series designation and year as is appropriate on the date of sale thereof, shall be of the denomination of \$5,000 or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity, shall be numbered with the prefix R-13 followed by a dash and then from 1 upward, shall be dated on such dates, and shall mature annually from 2013 through 2026, bearing interest semi-annually on such dates, at the rate or rates of interest per annum, as may be necessary to sell the same, all as shall be determined by the Town Supervisor pursuant to Section 4 hereof. It is hereby further determined that (a) such Refunding Bonds may be issued in series and (b) such Refunding Bonds may be issued as a single consolidated issue. It is hereby further determined that such Refunding Bonds may be issued to refund all, or any portion of, the Refunded Bonds.

Section 2. The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the Town Supervisor shall prescribe, which terms shall be in compliance with the requirements of Section 53.00 (b) of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular refunding bonds of such maturity to be redeemed shall be selected by the Town by lot in any customary manner of selection as determined by the Town Supervisor. Notice of such call for redemption shall be given by mailing such notice to the registered owners not less than thirty (30) days prior to such date and as otherwise provided in Securities and Exchange Commission Release No. 34-23856, as the same may be amended from time to time. Notice of redemption having been given as aforesaid, the bonds so called for redemption shall, on the date for redemption set forth in such call for redemption, become due and payable, together with interest to such redemption date, and interest shall cease to be paid thereon after such redemption date.

The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. In the event said Refunding Bonds are issued in non-certificated form, such bonds, when issued, shall be initially issued in registered form in denominations such that one bond shall be issued for each maturity of bonds and shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the bonds in accordance with the Book-Entry-Only system of DTC. In the event that either DTC shall discontinue the Book-Entry-Only system or the Town shall terminate its participation in such Book-Entry-Only system, such bonds shall thereafter be issued in certificated form of the denomination of \$5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non-certificated Refunding Bonds, principal of and interest on the bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to The Depository Trust Company, New York, New York, or to its nominee, Cede & Co., while the bonds are registered in the name of Cede & Co. in accordance with such Book-Entry-Only System. Principal shall only be payable upon surrender of the bonds at the principal corporate trust office of such Fiscal Agent (or at the office of the Town clerk as Fiscal Agent as hereinafter

provided).

In the event said Refunding Bonds are issued in certificated form, principal of and interest on the Refunding Bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to the registered owners of the Refunding Bonds as shown on the registration books of the Town maintained by the Fiscal Agent (as hereinafter defined), as of the close of business on the fifteenth day of the calendar month or first business day of the calendar month preceding each interest payment date as appropriate and as provided in a certificate of the Town Supervisor providing for the details of the Refunding Bonds. Principal shall only be payable upon surrender of bonds at the principal corporate trust office of a bank or trust company or banks or trust companies located or authorized to do business in the State of New York, as shall hereafter be designated by the Town Supervisor as fiscal agent of the Town for the Refunding Bonds (the "Fiscal Agent").

Refunding Bonds in certificated form may be transferred or exchanged at any time prior to maturity at the principal corporate trust office of the Fiscal Agent for bonds of the same maturity of any authorized denomination or denominations in the same aggregate principal amount.

Principal and interest on the Refunding Bonds will be payable in lawful money of the United States of America.

The Town Supervisor, as chief fiscal officer of the Town, is hereby authorized and directed to enter into an agreement or agreements containing such terms and conditions as he shall deem proper with the Fiscal Agent, for the purpose of having such bank or trust company or banks or trust companies act, in connection with the Refunding Bonds, as the Fiscal Agent for said Town, to perform the services described in Section 70.00 of the Local Finance Law, and to execute such agreement or agreements on behalf of the Town, regardless of whether the Refunding Bonds are initially issued in certificated or non-certificated form; provided, however, that the Town Supervisor is also hereby authorized to name the Town Clerk as the Fiscal Agent in connection with the Refunding Bonds if said Refunding Bonds are issued in non-certificated form.

The Town Supervisor is hereby further delegated all powers of this Town Board with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

The Refunding Bonds shall be executed in the name of the Town by the manual or facsimile signature of the Town Supervisor, and a facsimile of its corporate seal shall be imprinted thereon. In the event of facsimile signature, the Refunding Bonds shall be authenticated by the manual signature of an authorized officer or employee of the Fiscal Agent. The Refunding Bonds shall contain the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Town Supervisor shall determine. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of the Refunding Bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the Fiscal Agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the Fiscal Agent.

Section 3. It is hereby determined that:

(a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by

Section 90.00 of the Local Finance Law;

(b) the maximum period of probable usefulness permitted by law at the time of the issuance of the respective Refunded Bonds, for each of the objects or purposes for which such respective Refunded Bonds were issued is fifteen years;

(c) the last installment of the Refunding Bonds will mature not later than the expiration of the period of probable usefulness of each of the objects or purposes for which said respective Refunded Bonds were issued in accordance with the provisions of Section 90.00 of the Local Finance Law;

(d) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, if any, computed in accordance with the provisions of Section 90.00 of the Local Finance Law, with regard to each of the series of Refunded Bonds, is as shown in the Refunding Financial Plan described in Section 4 hereof.

Section 4. The financial plan for the refunding authorized by this resolution (collectively, the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refunding, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, is set forth in Exhibit A attached hereto and made a part of this resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in a single series to refund all of the Refunded Bonds in the principal amount of \$6,385,000, and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth on Exhibit A attached hereto and made a part of this resolution. This Town Board recognizes that the Refunding Bonds may be issued in series, and for only one or more of the Refunded Bonds, or portions thereof, that the amount of the Refunding Bonds, maturities, terms, and interest rate or rates borne by the Refunding Bonds to be issued by the Town will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit A. The Town Supervisor is hereby authorized and directed to determine which of the Refunded Bonds will be refunded and at what time, the amount of the Refunding Bonds to be issued, the date or dates of such bonds and the date or dates of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph e of Section 57.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, whether the Refunding Bonds shall be issued having substantially level or declining annual debt service and all matters related thereto, and to prepare, or cause to be provided, a final Refunding Financial Plan for the Refunding Bonds and all powers in connection therewith are hereby delegated to the Town Supervisor; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.00 of the Local Finance Law. The Town Supervisor shall file a copy of his certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the Town Clerk not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 5. The Town Supervisor is hereby authorized and directed to enter into an escrow contract or contracts (collectively the "Escrow Contract") with a bank or trust company, or with banks or trust companies, located and authorized to do business in this State as said Supervisor shall designate (collectively the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in Section 90.00 of the Local Finance Law.

Section 6. The faith and credit of the Town of Glenville, Schenectady County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of

and interest on such bonds becoming due and payable in such year. There shall be annually levied on all the taxable real property in said Town a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same become due and payable.

Section 7. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. Accrued interest on the Refunding Bonds shall be paid to the Town to be expended to pay interest on the Refunding Bonds. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds in accordance with Section 90.00 of the Local Finance Law, and the holders, from time to time, of the Refunded Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Town irrespective of whether such parties have notice thereof.

Section 8. Notwithstanding any other provision of this resolution, so long as any of the Refunding Bonds shall be outstanding, the Town shall not use, or permit the use of, any proceeds from the sale of the Refunding Bonds in any manner which would cause the Refunding Bonds to be an "arbitrage bond" as defined in Section 148 of the Internal Revenue Code of 1986, as amended, and, to the extent applicable, the Regulations promulgated by the United States Treasury Department thereunder.

Section 9. In accordance with the provisions of Section 53.00 and of Section 90.00 of the Local Finance Law, the Town hereby elects to call in and redeem each series of Refunded Bonds which the Town Supervisor shall determine to be refunded in accordance with the provisions of Section 4 hereof and with regard to which the right of early redemption exists. The sum to be paid therefor on such redemption date shall be the par value thereof plus the redemption premium, as provided in the Refunded Bond Certificate, and the accrued interest to such redemption date. The Escrow Agent for the Refunding Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the Town in the manner and within the times provided in the Refunded Bond Certificate. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Agent to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 10. The Refunding Bonds shall be sold at private sale to Roosevelt & Cross, Inc. (the "Underwriter") for purchase prices to be determined by the Town Supervisor, plus accrued interest from the date or dates of the Refunding Bonds to the date or dates of the delivery of and payment for the Refunding Bonds. The Town Supervisor is hereby authorized to execute and deliver a purchase contract or similar agreement for the Refunding Bonds in the name and on behalf of the Town providing the terms and conditions for the sale and delivery of the Refunding Bonds to the Underwriter. After the Refunding Bonds have been duly executed, they shall be delivered by the Town Supervisor to the Underwriter in accordance with said purchase contract in accordance with the terms of the agreement therewith upon the receipt by the Town of said purchase price, including accrued interest.

Section 11. The Town Supervisor and all other officers, employees and agents of the Town are hereby authorized and directed for and on behalf of the Town to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

Section 12. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the Town Supervisor and all powers in connection thereof are hereby delegated to the Town Supervisor.

Section 13. The validity of the Refunding Bonds may be contested only if:

1. Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
2. The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
3. Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. This resolution, which takes effect immediately, or a summary thereof, shall be published in the official newspapers of said Town, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

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

Motion Carried

RESOLUTION NO. 60-2013

Moved by: Councilman Boulant
Seconded by:

WHEREAS, the Town of Glenville is proposing various amendments to Chapter 270 (*Zoning*) of the Code of the Town of Glenville, regarding the regulation of signs; and

WHEREAS, these zoning amendments constitute 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 Glenville Environmental Conservation Commission recommended that the Town Board find no significant adverse environmental impacts associated with these proposed zoning text amendments, and that the Board issue a SEQRA “Negative Declaration;”

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Glenville hereby determines that the proposed amendments to Chapter 270 (*Zoning*) of Code of the Town of Glenville Zoning Ordinance, regarding the regulation of

signs, will not result in a significant adverse environmental impact; and

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

- These revisions will not trigger any new development or physical alterations to land in the Town of Glenville. Rather, these amendments address current shortcomings in the Town’s zoning regulations relative to signs. In particular, the amendments are meant to address the evolution of new sign materials and lighting methods; to add provisions for sign types that weren’t contemplated (i.e. LED signs and sandwich board signs) when the Zoning Ordinance was first adopted in 2001; and to correct conflicting provisions regarding the regulation of signs.
- This action will not impact air quality, groundwater quality, surface water quality, traffic levels, noise levels, solid waste production, etc.
- This action will not result in the removal of vegetation or fauna, nor will it impact significant wildlife habitat areas.
- This action will not create a conflict with the Town’s Comprehensive Plan or Zoning Ordinance, or any other land use policy document. This action, in fact, is consistent with the stated purpose of the Town’s Zoning Ordinance regarding signs, which states, in part, that the Town’s sign regulations were crafted to “create a more attractive business climate, protect property values, enhance and protect the physical appearance of the community, preserve the scenic beauty of designated areas and provide a more enjoyable and pleasing community.”

Ayes: Councilmen Boulant, Pytlovany, Councilwoman Wierzbowski and Supervisor Koetzle
Noes: None
Absents: Councilman Ramotar
Abstentions: None

Motion Carried

RESOLUTION NO. 61-2013

Moved by: Councilman Boulant
Seconded by: Councilman Pytlovany

WHEREAS, the Town of Glenville has been considering the enactment of a Local Law to amend the Code of the Town of Glenville to amend Chapter 270 “Zoning”; and

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Glenville calling for a public hearing to be held by the Glenville Town Board at the Glenville Municipal Center, 18 Glenridge Road, Glenville, New York at 7:30 PM to hear all interested parties on a proposed Local Law entitled, “A Local Law to Amend the Code of the Town of Glenville, Chapter 270, Entitled “Zoning”; and

WHEREAS, notice of said public hearing was duly advertised in the Daily Gazette, the official newspaper of the Town of Glenville, on January 19, 2013 and posted on the Town Clerk’s sign board on January 17, 2013; and

WHEREAS, this Town Board has held a public hearing with respect to the adoption of said Local Law on February 6, 2013 at 7:30 PM, at which time all parties in interest were afforded an opportunity to be heard and to publicly comment on said Local law, amending the Code of the Town of Glenville; 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 these zoning text amendments; and

WHEREAS, the Town of Glenville Planning and Zoning Commission has recommended that the Town Board approve these zoning amendments; 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 amendments and “defers to local consideration;” and

WHEREAS, the Town Board of the Town of Glenville, after due deliberation, finds it in the best interest of the Town to adopt said Local Law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Glenville does hereby establish a Local Law to amend the Code of the Town of Glenville to adopt Local Law # 2 of 2013, amending Chapter 270, entitled “Zoning” as set forth below:

GATEWAY

Major vehicular Town entranceway.

GENERAL AQUIFER RECHARGE ZONE

The land outside the primary recharge zone through which runoff and precipitation flow directly and rapidly into the ground, also to be known as “Zone III.” (See Schenectady Aquifer Protection Zones Map, Plate #1, dated February 1990.)

GENERAL SERVICE

A commercial establishment, the primary concern of which is the rendering of service and repair activities on equipment and appliances rather than the sale of goods. Such establishments include but are not limited to watch, clock, radio, television, computer, home appliances, and bicycle repair. **[Added 9-3-2008 by L.L. No. 4-2008]**

GLENVILLE BUSINESS AND TECHNOLOGY PARK

For the purpose of this ordinance, the Glenville Business and Technology Park is that geographic area comprised of mostly warehousing, distribution and industrial uses formerly referred to as Corporations Park, the Scotia-Glenville Industrial Park, and Navy Depot. The Park is that area zoned Research/Development/ Technology, generally bound by Amsterdam Road on the south/southwest, the rail line now or formerly owned by Pan Am Southern on the north, and Preddice Parkway and Access Boulevard on the east.

GRADING AND LAND DISTURBANCE PERMIT

Required Town approval for all land alterations including grading, cutting, filling, vegetation removal, and building construction in which one acre or more of land is to be altered.

GREENSPACE

That portion of land shown on a development plan, Master Plan or Official Map the purpose of which is intended for open space preservation, recreation (active or passive), landscaping or parkland. Unless otherwise required by the Planning or Town Board, said lands shall be undisturbed and seeded and planted with appropriate materials or left in their natural state.

GROSS FLOOR AREA

The sum of the area enclosed by the outside faces of exterior walls surrounding each floor used for dwelling purposes, excluding any areas used for a garage, cellars, attics, porches (either open or enclosed), patios and breezeways. However, "floor area" for the purposes of measurement for offstreet parking spaces shall not include: floor area devoted primarily to storage purposes (except as otherwise noted herein); floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space; or basement floor area other than area devoted to retailing activities, to the production of processing of goods, or to business or professional offices.

INTERMUNICIPAL WATERSHED RULES AND REGULATIONS BOARD

This Board is comprised of the chief elected official of each of the municipal jurisdictions in Schenectady County served by the Schenectady Aquifer and established to enforce and administer the Intermunicipal Watershed Rules and Regulations and to conduct the central review function of actions taking place within the designated protection zones. The Board was established by adoption of "An Agreement for Intermunicipal Cooperation for an Aquifer Protection Program," and was previously known as the "Watershed Committee."

INTERNAL BUFFERING

Landscaping or similar features intended to lessen the visual and environmental effect of large expanses of parking lots.

JUICE BAR

A public or private establishment which presents totally nude dancers, strippers, male or female impersonators or exotic dancers, or other similar entertainers, but does not serve alcoholic beverages of any kind, and which establishment customarily excludes any minor by reason of age.

JUNKYARD

The use of more than 20,000 square feet of any lot, or portion of a lot, outside of a building, for the storage, keeping, or abandonment of automobiles or other vehicles or machinery or parts thereof.

KENNEL

Any premises on which dogs or cats are maintained, boarded, bred or cared for, in return for remuneration, or are kept for the purpose of sale.

KEYHOLE/FLAG LOT

A lot or parcel with less frontage on a public street than is required by the restrictions of the zoning district in which it is located.

LANDFILL

A disposal facility or part of one at which solid waste, or its residue after treatment, is intentionally placed in or on land, and at which solid waste will remain after closure of the facility.

LARGE COMMERCIAL ESTABLISHMENT

A commercial building of 20,000 square feet or more of gross floor area.

LAUNDROMAT

A business premises equipped with individual clothes washing and/or drying machines for use by retail customers, exclusive of any laundry facilities provided as an accessory use in an apartment.

L.E.D. SIGN

An electronic variable message sign made up of thousands of tiny lights called L.E.D.s (light emitting diodes). L.E.D. signs can vary considerably in size, have full color, and allow for images that appear to move with video-like quality.

RV PARKS

Any lot of land upon which two or more designated sites are located for occupancy by recreational vehicles owned by the general public as temporary living quarters for recreation or vacation purposes. Recreational equipment, rest rooms, and other facilities commonly associated with RV parks are permitted, but they must be clearly incidental to the primary use.

SANDWICH BOARD/SIDEWALK SIGN

A pair of connected boards or sign faces, typically hinged or fastened at one end for A-frame-type display, placed next to a commercial establishment to advertise its products, sales or specials.

SALVAGE YARDS

A lot or portion of a lot where four or more unregistered, old or secondhand motor vehicles are being accumulated for disposal, resale of used parts or reclaiming certain materials such as metal, gas, fabric and the like.

SCHENECTADY AQUIFER

Also known as the "Great Flats Aquifer," the saturated and overlying unsaturated geologic formations generally existing in the Mohawk Valley lowland areas within the municipal boundaries of the City of Schenectady, Village of Scotia and the Towns of Glenville, Rotterdam, and Niskayuna.

SCHOOL

A facility that provides a curriculum of elementary and secondary academic instruction, is licensed by New York State, and contains structures in which to conduct instruction.

SEPTAGE

The contents of a septic tank, cesspool or other individual wastewater treatment work that receives domestic sewage wastes.

SETBACK

The minimum horizontal distance between the line of a building or structure and the front, side, or rear property line.

SEWAGE

Any liquid, semiliquid or solid human or animal waste matter from a domestic, commercial, private or industrial establishment or other place with such groundwater infiltration and surface water as may be present, including mixtures of sewage with industrial wastes or other wastes as defined in § 17-0105 of Article 17 of the New York State Environmental Conservation Law.

SHOPPING CENTER

A grouping of retail business and service uses on a single site with common parking facilities.

TARGET RATES

Pursuant to Article XII, prices for ownership and rental of affordable housing which are to be used to guide the Town Board in determining the extent of density bonuses to be granted.

TEMPORARY SIGN

A sign that is not permanently affixed to the ground or to a structure, and that by the nature of the event or product it is advertising, need not be on display year-round.

TOE OF FILL

The line where the taper of the fill meets the existing grade.

TOP OF THE RIVERBANK

A linear feature that defines the boundary between the sloping channel of a river or stream and the usually less sloping adjacent land that is only impacted by the river or stream during times of flooding. The top of the riverbank is usually in a state of flux as stream channels change due to erosion and siltation.

TOWN OF GLENVILLE FLOOD DAMAGE PREVENTION ORDINANCE *Editor's Note: See Ch. 151, Flood Damage Prevention.*

Town of Glenville local law intended to minimize public and private losses due to flood conditions in specific areas.

TOWN SEPTIC SYSTEM PERMIT

A permit issued by the Town Engineering Department to install or repair a septic system.

TOWNHOUSE (ROWHOUSE)

A building containing two or more dwelling units, each of which has primary ground floor access to the outside, and which are attached to each other by common walls without openings. A standalone townhouse is considered a two family dwelling, provided there are no more than two dwelling units within the structure. Two or more townhouse structures per lot, or any townhouse containing three or more dwelling units, is considered a multifamily use.

TOXIC SUBSTANCE

Any compound or material which is, or may be, harmful to human health, as defined by § 4801, Subdivision 2, of the New York State Public Health Law.

TRANSITIONAL USE

A permitted use or structure that by nature or level or scale of activity acts as a transition or buffer between two or more incompatible uses.

TRANSITIONAL YARD

See "yard, transitional."

Article IX. SIGN CONTROL

ARTICLE IX. Sign Control

§ 270-66. Purpose.

§ 270-67. Permits and exemptions.

§ 270-68. General provisions and prohibitions.

§ 270-69. Signs by zoning district/area.

§ 270-70. Additional specifications for certain sign types.

§ 270-71. Temporary signs.

§ 270-72. Nonconforming signs.

§ 270-66. Purpose.

A. The purpose of this article is to create a more attractive business climate, protect property values, enhance and protect the physical appearance of the community, preserve the scenic and natural beauty of designated areas and provide a more enjoyable and pleasing community. It is further intended to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way and to provide more open space.

B. Further, this article is intended to promote attractive signs which clearly present the visual message in a manner that is compatible with its surroundings. The appearance, character and quality of a community are partially affected by the location, size and appearance of its signs. Therefore, such signs should convey their messages clearly and simply to enhance their surroundings.

§ 270-67. Permits and exemptions.

Except as noted herein, no person will erect, alter or relocate any sign without first obtaining a permit from the Town Building Department. Signs not requiring a permit include the following:

A. Residential occupant and address signs, whether freestanding or affixed to the dwelling or mailbox.

B. Historical markers, tablets and statues, memorial signs and plaques, names of buildings, and dates of erection when cut into the building, statue, marker or sign.

C. All traffic signs and other signs erected by governmental bodies.

D. Signs required by law, such as motor vehicle repair registration numbers, vehicle dealership registration numbers, etc. Only the minimum number and size required by such law is exempt from a Town of Glenville sign permit.

E. Temporary signs (as defined and used herein)

§ 270-68. General provisions and prohibitions.

A. No more than two external signs displaying the business name shall be allowed, subject to maximum square footage limitations prescribed for the relevant sign type, location, or zoning district.

B. No exterior signs advertising products or businesses shall be permanently attached to the building or placed upon the premises, unless it is an allowed temporary sign.

C. No sign will be placed in the right-of-way of any public highway or street. No signs shall be placed on any other Town property, except for informational signs placed by the Town and such other signs as may be specifically authorized by the Town.

D. No new off-premises advertising signs, including billboards, will be permitted.

E. No sign will be illuminated by periphery, flashing, intermittent, rotating or moving lights except in association with LED signs, per regulations prescribed herein, or if associated with a holiday display.

F. No sign will impair, confuse or unduly affect vehicular, bicycle or pedestrian traffic due to its design, color, placement or lighting. No ground sign will impair visibility at street corners by sign placement within 30 feet of the edge of the pavement of any intersection.

G. No sign will be erected on any roof.

H. Streamers, ribbons, spinners or similar revolving or fluttering elements are not allowed.

I. No sign will interfere with any public safety activity. Fire escapes, doorways, windows and other functional entrances or exits shall not in any way be obstructed.

J. Illumination of any sign shall not produce a direct glare beyond the limits of the property. Ground-mounted spotlights used to illuminate a sign shall be shielded.

K. No sign will be attached to any public utility pole.

L. No sign or part thereof will be displayed on a vehicle parked on a public right-of-way or public property or on private property so as to be intended to be viewed from a motorized vehicular public right-of-way, which has for its basic purpose the providing of advertisement of products or directing people to a business or activity located on the same or nearby property or any other premises. This provision is not intended to prohibit any form of vehicular signage, such as a sign attached to a bus or lettered on a motor vehicle or signs that are part of a vehicle such as a construction trailer, whose primary purpose is not advertising to the public right-of-way.

M. No sign shall contain animated or projected images, or intermittent or intense illumination of a traveling, tracing, scrolling, or sequential light type or contain or be illuminated by animated or flashing lights.

§ 270-69. Signs by zoning district/area.

A. Rural Residential and Agricultural and Suburban Residential districts.

(1) Residential occupant and address signs (excluding mailboxes):

(a) Will not exceed two square feet in total sign display area.

(b) No more than one sign will be allowed per street frontage.

(c) May be affixed, in a permanent fashion, to the face of the dwelling, or said sign may be erected on a post not over four feet in height.

(2) Home occupation and home-based day care signs.

(a) Will not exceed four square feet in total display area.

(b) No more than one sign will be permitted per property.

(c) May be affixed, in a permanent fashion, to the face of the dwelling or said sign may be erected on a post not over four feet in height, located at least 15 feet from the front property line.

(d) Will not be illuminated.

(e) Will be permitted only after a home occupation permit has been issued, and in the case of day care, only after necessary state agency permits have been issued.

(3) Residential development identification signs (for subdivisions, apartment complexes, townhouse developments, condominium developments and planned developments):

(a) Will not exceed 32 square feet in total sign display area.

(b) No more than one sign will be permitted for each entrance to the development.

(c) Will be a monument/ground sign and will be located at least 20 feet from the edge of the pavement.

(4) Places of worship and other nonprofit establishment signs.

(a) One monument/ground sign only will be permitted at the establishment's main entrance.

(b) Said monument/ground sign will not exceed 32 square feet in size.

(c) Said monument/ground sign will be located at least 20 feet from the edge of the pavement.

(d) If the establishment has frontage on an additional street, one additional monument/ground sign not to exceed 12 square feet will be allowed at that street's driveway.

B. Professional/Residential District.

For permitted uses other than residential, the following signs are allowed for approved uses:

(1) A maximum of 15 square feet of total sign display area is permitted. Said sign may be a wall sign, monument/ground sign or combination of both.

(2) One ground sign is permitted and must be located a minimum of 20 feet from all property lines.

C. Riverfront Recreation/Commercial, Community Business, General Business, Research, Development, and Technology Districts (except for the Glenville Business and Technology Park).

(1) Pole, monument/ground, and wall signs are permitted.(2) L.E.D. signs are permitted within the Community Business, General Business and Research, Development and Technology Districts (including the Glenville Business and Technology Park) only, subject to the provisions of Section 270-70D herein.(3) For every lineal foot of building facing the street frontage, two square feet of display area for wall signs will be allowed for interior lots, subject to the maximum sign allowances noted in Subsection C(5) below. [For buildings that do not allow a practical measurement of lineal footage due to an odd building configuration or orientation (see Figure 5 below), the method for measuring lineal building footage will be based on a straight-line distance, parallel to the street, measured between the two widest points of the building.]

(4) Where a building fronts onto a second street, one additional square foot of wall sign display area for each additional lineal foot of such building frontage will be allowed, subject to the maximum sign allowances noted in Subsection C(5) below.

(5) The total amount of square footage for all signs on any one lot is 150 square feet.

(6) Individual pole signs and individual monument/ground signs cannot exceed 65 square feet, except in shopping centers, where 75 square feet is allowed.

(7) Signs within the Town Center Overlay Zoning District also must comply with Section 270-133 of this Ordinance.

D. Glenville Business and Technology Park.

(1) Wall, monument/ground, pole/pylon, and L.E.D. signs are permitted. However, monument/ground signs and pole/pylon signs will not be used in combination. Further, L.E.D. signs, which can be erected as a wall sign or monument/ground sign only, are subject to the provisions of Section 270-70D herein.

(2) One pole/pylon sign not to exceed 75 square feet, will be permitted at the Park's main entrance.

(3) Signs directing traffic to individual businesses within the park will be allowed. For each business located within the park, two directional signs, each no greater than six square feet, will be allowed.

(4) Two "For Sale" or "For Rent" signs will be allowed for every business or building which is up for sale and/or occupancy, and will be installed as either a wall sign or ground sign in the immediate vicinity of the available business or building. Further, each sign will be no larger than 30 square feet.

E Shopping centers and multiple development sites.

(1) One monument/ground or pole/pylon sign, not to exceed 75 square feet, will be permitted at the shopping center's main entrance, subject to the following condition:

(a) If the site has a minimum of 500 feet of frontage on another street, one additional monument/ground or pole/pylon sign, not to exceed 75 square feet, will be allowed at the entrance/exit of that particular street.

(2) On multiple development sites, each individual establishment will be permitted to have two signs, of any type, on the parcel, but with the maximum square footage for all signs on the parcel being limited to 150 square feet.

(3) For individual stores/businesses within the shopping center, the following signs will be permitted:

(a) One wall sign not to exceed two square feet per lineal foot of store frontage.

(b) One hanging sign perpendicular to the face of the store/business to facilitate pedestrian identification of the store/business, subject to the following:

[1] The sign will have a clearance of at least eight feet.

[2] The sign will not exceed four feet in width or 18 inches in height.

(4) Signs within the Town Center Overlay Zoning District also must comply with Section 270-133 of this ordinance.

§ 270-70. Additional specifications for certain sign types.

A. Wall/Facade signs.

(1) The sign display area will not project more than 50% above any roof line, and no portion of the sign will project more than five feet above the roof line. (2) Wall signs projecting six or more inches laterally from the structure will have a clearance of at least eight feet.

(3) All portions of said sign must be not less than 10 feet from all property lines.

(4) If the property has at least 500 feet of frontage on a second street, a second sign will be allowed, subject to the above regulations.

B. Monument/Ground signs:

(1) Will not be more than 8 feet in height.

(2) Clearance will not be more than three feet.

(3) All portions of said signs will be no closer than 10 feet to any property line.

(4) One sign per property will be allowed and will not exceed 65 square feet in total sign display area.

C. Pole/Pylon signs.

(1) One such sign will be permitted per property. The maximum allowable sign area for pole/pylon signs varies depending on the zoning district or area, but not to exceed 75 square feet in any instance.

(2) If the property has at least 500 feet of frontage on a second street, a second pole/pylon sign will be allowed, subject to the regulations below.

(3) Will not be more than 25 feet in height.

(4) A clearance of not less than 10 feet will be maintained.

(5) All portions of said sign will be not less than 10 feet from all property lines. If property lines should change, said signs will be brought into conformance with setback regulations within 30 days.

D. L.E.D. Signs.

(1) Permitted only in the Community Business, General Business, and Research/Development/Technology Zoning Districts.

(2) Prohibited in the Town Center Overlay District, regardless of the underlying zoning district designation.

(3) One such sign will be permitted per property.

(4) The L.E.D. sign shall be erected as either a wall/façade sign or monument/ground sign. L.E.D. signs cannot be installed as a pole/pylon sign.

(5) Will not exceed 32 square feet in sign display area, on each side of the sign.

(6) Is subject to the same height, projection, clearance and setback provisions as wall/façade signs or monument/ground signs, depending on the L.E.D. sign's configuration.

(7) There shall be no scrolling or flashing of any message or portion thereof.

(8) The static display time of each changeable message or image shall be a minimum of 20 seconds.

(9) The maximum length of time between change of messages or images shall be two seconds.

(10) The change of message or image shall occur simultaneously for the entire sign face.

(11) During daylight hours, the maximum illumination shall be 5,000 nits (or candelas per square meter), with a maximum illumination of 500 nits between dusk and dawn, as measured from the sign's face at maximum brightness.

§ 270-71. Temporary signs.

A. General regulations.

(1) Temporary signs do not require a permit from the Town Building Department.

(2) In no case will a temporary sign exceed 20 square feet in size.

(3) Temporary signs will not be attached to fences, trees, utility poles, street signs, rocks or other parts of the natural landscape.

(4) Temporary signs (with the exception of holiday decorations) will not be illuminated.

(5) Temporary signs will not be placed in a position which obstructs or impairs traffic, or in any manner that creates a hazard or disturbance to the health, safety and welfare of the public.

(6) Temporary signs are subject to the provisions of Section 270-68 of this ordinance.

B. Regulations for specific uses.

(1) "Grand Opening"/"Coming Soon"/"Anticipated Occupancy" signs:

(a) Will not exceed 20 square feet in size.

(b) Will not be operative for more than 45 days prior to the opening, or five days after the opening or completion of construction.

(c) Will be located at least 10 feet from the edge of the pavement.

(2) Sandwich board/sidewalk signs.

(a) Will not exceed six (6) square feet.

(b) Must be portable and removed at the close of business each day.

(c) Must be located between the façade of the building/business to which it belongs and the street or parking lot. However, the sign shall be set back at least 10 feet from the edge of pavement of any public street or highway.

(d) Shall be placed so as to not impede, restrict, or otherwise interfere with pedestrian or vehicular traffic.

(3) Roadside agricultural/farm stand signs:

(a) Will not exceed 12 square feet in size.

(b) Will not be operative for more than five days prior to the opening seasonal date of the business or longer than five days after the closing seasonal date of the business.

(c) Will be located at least 10 feet from the edge of the pavement.

(4) "Contractor's" signs.

(a) Residential properties.

[1] Only one such sign will be permitted per property.

[2] Will be permitted only during the construction period. Upon completion of construction, the sign is to be immediately removed.

[3] Will not exceed 12 square feet in size.

[4] Will be located at least 10 feet from the edge of the pavement.

(b) Nonresidential properties.

[1] Only one such sign will be permitted per property.

[2] Will not exceed 20 square feet in size.

[3] Will be removed within five days of completion of the project.

[4] Will be located at least 10 feet from the edge of the pavement.

[5] Will not be in place on any one property for a period which exceeds two years; whether it is for a consecutive two-year period or intermittently for two years.

(5) Political/Campaign signs:

(a) Will not exceed 16 square feet in size.

(b) Will not be operative for more than 60 days prior to the election, or five days after the election.

(c) Will be located no closer than five feet to the edge of the pavement.

(6) "For Sale"/"For Rent" signs:

(a) Will not exceed 12 square feet in size (except in residential zoning districts, where said signs will be limited to six square feet in size).

(b) Will be removed within three days after the premises/structure has been sold or rented.

(c) Will be located at least 10 feet from the edge of the pavement.

(d) Will contain the name, address or phone number of the owner or agent.

(e) Must be located on the same property as the advertised building/space.

(7) Civic, religious, educational or non-profit organization signs:

(a) Will not exceed six (6) square feet in size.

(b) Will not be on display for more than 45 days.

(c) Will not be on display for more than 90 days in any 12-month period.

(d) Will be located no closer than five feet from the edge of the pavement of any public street or highway.

(e) Will only be located on properties with the consent of the owner. (8) Garage sale signs:

(a) Will not exceed six square feet in size.

(b) Will be removed within 24 hours of the close of the garage sale.

(9) Inflatable logos/inflatable characters/gimmicks/corporate symbols:

(a) Will not be located in such a manner as to impede traffic flow or reduce the number of allotted parking spaces.

(b) Will be allowed two times per year, for each business, up to a maximum of 14 days for each time used.

(c) Will be located at least 30 feet from the edge of the pavement.

(d) Will not exceed 35 feet in height.

§ 270-72. Nonconforming signs.

(1) Any sign legally in existence as of the date of the adoption of the Local Law amending this article which does not fully comply with the provisions of this article, as amended, shall be considered a nonconforming sign and may be continued and maintained.

(2) A nonconforming sign will not be enlarged or replaced by another nonconforming sign. Should the maintenance, repair or alteration of a nonconforming sign cost more than 50% of the original cost of the sign, the sign will be considered a new sign and shall be required to conform to all the provisions of this article, unless such nonconforming sign was damaged or destroyed through no act, failure to act or responsibility of the owner. In the case of damage or destruction of the nonconforming sign by a severe weather incident, motor vehicle accident or other incident beyond the control of the owner, it may be replaced by a substantially similar sign, even if the cost exceeds the cost of the original.

270-133. Town Center Overlay District.

I. Signs.

(1) Purpose. The purpose of these standards is to promote signs which are visually compatible with their surroundings and which avoid inappropriate materials and design.

(2) Applicability. At any time there is a modification or a replacement of an existing sign in the Town Center Overlay District, the following standards shall apply. These sign requirements shall be considered a supplement to those standards in Article IX. In cases where there is a conflict, these standards shall take precedence over the standards in Article IX.

(3) Permitted signs. The following signs shall be permitted in the Town Center Overlay District:

(a) Monument (ground) signs.

(b) Facade signs.

(c) Directional signs.

(d) Temporary signs.

(4) Prohibited signs. The following signs shall be prohibited in the Town Center Overlay District:

(a) Moving signs.

(b) L.E.D. signs.(c) Flashing signs.

(d) Animated signs.

(e) Pole/pylon signs.

(f) Neon signs.

(5) Minimum performance criteria. The following performance standards shall apply to signs in the Town Center Overlay District:

(a) Materials.

[1] Monument signs shall be made of rigid materials, preferably wood, simulated wood, stone, brick or composites.

[2] Façade signs shall be made of rigid materials, preferably wood, simulated wood, stone, brick, or composites.

[3] Uniform materials shall be used for signs on buildings that are connected by common walls, located in a common plaza or otherwise associated as a single group.

[4] Directional signs shall be of materials compatible with facade signs.

[5] Temporary signs may be of cloth or vinyl..

(b) Height. Monument signs as permitted in Subsection **I (3) (a)** of this section shall be no greater than eight feet in height above the finished grade.

(c) Size. Monument signs, as permitted in Subsection I of this section, shall have a maximum area of 50 square feet per sign face for the primary sign and 24 square feet per sign face for any secondary signs. Double-faced signs are permitted. For all other signs, the size standards specified in Article IX for the underlying zoning district shall apply.

(d) Illumination. Sign lighting should minimize glare and maintain the aesthetic character of the area.

(e) Logo. In the event that a logo is displayed on a sign, it shall be incorporated into the permitted sign area and comprise not more than 30% of the sign area. All colors associated with a logo, as defined in this chapter, may be permitted.

(f) Colors. Except as provided in Subsection **I (5) (e)** above, a maximum of three colors shall be utilized for a sign. Colors shall match or complement the predominant building color.

(g) Lettering. A maximum of two lettering styles shall be permitted on signs, except that all lettering associated with a logo, as defined in this chapter, may be permitted.

(h) Setbacks. Monument signs shall have a minimum setback of 10 feet from the right-of-way line and 10 feet from the side property line and shall be located in a manner that does not interfere with required minimum sight distance at driveways or intersections.

(i) Number of signs. A maximum of one facade sign per use is permitted, except that a use fronting on two streets may have one sign for each building front. A maximum of one monument sign as described in Subsection **I(3)(a)** of this section is permitted per driveway up to a maximum of three signs, except that for two or more signs to be permitted, driveways must be separated by a minimum of 200 feet as measured from center line to center line.

J. Application procedures.

(1) Transmittal of application to the Planning and Zoning Commission. In the Town Center Overlay District, Planning Department or Building Department staff shall refer two copies of an application for a zoning or building permit for construction, renovation and/or modification of a building exterior to the Planning and Zoning Commission.

(2) Material to be submitted. Upon receipt of an application, the Planning and Zoning Commission may require that the applicant submit such additional information as follows, which shall provide for understanding of the project's compliance with the minimum performance criteria of Subsection **D** above. Such materials shall be prepared by a licensed engineer, architect, or surveyor, and shall constitute the architectural plan.

(a) Architectural elevations of buildings, specifying dimensions and materials.

(b) Details of ornamentation which include, but are not limited to, windows, roofs, facades and other building features.

(c) A color rendering which depicts actual colors, textures and building scale.

(d) Samples of materials and colors of building components.

(3) Applications subject to site plan review shall supplement the requirements of Article XVI with the above materials.

(4) In those instances where the application is for a building permit for a sign alone, the applicant shall provide a sign detail only showing location, size, lighting, color, materials and design.

(5) Modifications and waivers. The Planning and Zoning Commission may waive one or more of the specific requirements of this article upon a showing by the applicant that the regulation imposes an undue hardship due to such factors as existing conditions, site topography or site configuration. The Planning and Zoning Commission shall approve the minimum waiver necessary to allow the application to be approved. The applicant for any such waiver shall have the burden of showing that the proposed project with such waiver will have a minimum negative effect on aesthetics and compatibility with neighborhood character.

§ 270-134. Design standards and guidelines for commercial establishments outside Town Center Overlay District.

(6) Signs.

(a) Guideline. Signs serve not only practical purposes, but also help define the character and attractiveness of the building facades and general site location. Signs can be either potentially detrimental to community aspirations and sense of place or provide aesthetically pleasing elements and enhance the overall shopping experience and attractiveness of the site. The purpose of these standards is to promote the latter; signs should be visually compatible with their surroundings and avoid inappropriate design.

(b) Standard. At any time that there is a new sign or modification or a replacement of an existing sign, the following standards shall apply. These sign requirements shall supplement those standards in Article IX of this chapter. In all cases where there is a conflict, these standards shall take precedence over the standards in Article IX.

[1] Permitted signs.

[a] Monument (ground) signs.

[b] Pole (pylon) signs.

[c] Logo flags.

[d] Facade (wall) signs.

[e] Directional signs.

[f] Temporary signs.

[g] Signs required by law (i.e., automotive sales license signs, price signs for gasoline sales, etc.).

[2] Prohibited signs. The following signs are not permitted:

[a] Moving signs.

[b] Flashing signs.

[c] Animated signs.

[d] Signs with exposed neon tubing.

[e] Backlit canopies.

[3] Minimum performance criteria. The following performance standards apply:

[a] Materials. Monument signs and facade signs shall be made of rigid materials, preferably wood, simulated wood, stone, brick, or composites.

[b] Directional signs shall be constructed of materials compatible with facade signs.

[c] Temporary signs may be constructed of cloth or vinyl.

[4] Height. Monument signs shall be no greater than eight feet in height above finished grade.

[5] Size. Monument signs shall have a maximum area of 65 square feet per sign face for the primary sign and 24 square feet per sign face for any secondary signs. For facade signs, one square foot of sign area shall be permitted for each linear foot of building frontage. Such facade signs shall only be attached to the building facade, shall not protrude more than one foot from the building facade and shall be single-faced. Where uses are joined by a common wall, the sign area for facade signs shall not be combined into a common sign area. Under no circumstances shall any one facade sign exceed 50 square feet. Double-faced signs are permitted for all signs other than facade signs. For all other signs, the size standards specified in Article IX shall apply.

[6] Illumination. Sign lighting should minimize glare and maintain the aesthetic character of the area.

[7] Logo. In the event that a picture logo is displayed on a sign, it shall be incorporated into the permitted sign area and comprise no more than 30% of the sign area. All colors associated with a logo, as defined in this chapter, may be permitted.

[8] Colors. A maximum of three colors shall be utilized for a sign. Color shall match or complement the predominant building color.

[9] Lettering. A maximum of two lettering styles shall be permitted on signs, except that all lettering associated with a logo, as defined in this chapter, may be permitted.

[10] Setbacks. Freestanding monument signs or pylon signs shall have a minimum setback of 10 feet from the right-of-way line and 10 feet from the side property line and shall be located in a manner that does not interfere with required minimum sight distance at driveways and intersections.

[11] Number of signs. A maximum of one facade sign per use is permitted, except that a use fronting on two streets or on-site roadways may have one sign for each building front. A maximum of one monument or pylon sign is permitted per driveway up to a maximum of three monument signs, pylon signs, or combination, except if two or more signs are to be permitted, driveways must be separated by a minimum of 200 feet as measured from center line to center line.

D. Site design and relationship to the surrounding community.

(1) Entrances.

(a) Guideline. Large retail buildings should feature multiple entrances. Multiple building entrances reduce walking distances from cars, facilitate pedestrian and bicycle access from public sidewalks, and provide convenience where certain entrances offer access to individual stores, or identified departments of a store. Multiple entrances also mitigate the effect of the unbroken walls and areas that often characterize building facades that face bordering land uses.

(b) Standard. Where a building consisting of 20,000 square feet or more of gross floor area faces two or more public streets or on-site roadways, at least two sides of the building shall have at least one customer entrance, with one of the sides being the side of the building facing the primary street or on-site roadway, and the other being the side of the building facing the second street or on-site roadway.

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

These revisions are compatible with the Town of Glenville Comprehensive Plan, and in particular, with the stated purpose of the Town of Glenville Zoning Ordinance, regarding signs, which states, in part, that the Town's sign regulations were adopted to *"create a more attractive business climate, protect property values, enhance and protect the physical appearance of the community, preserve the scenic beauty of designated areas and provide a more enjoyable and pleasing community."*

The addition of provisions to address new sign types, materials and lighting methods gives authority to the Town - primarily to the Town of Glenville Planning and Zoning Commission - to ensure neighborhood compatibility as new businesses and business signs emerge.

The adoption of modern sign regulations gives authority to the Town to ensure that new development and the associated installation of new signs will not negatively affect nearby land values.

The proposed zoning amendments are compatible with the stated objectives of the Town of Glenville Zoning Ordinance, as articulated in Section 270-1 of the Code of the Town of Glenville. Notably, the amendments address stated objectives for the Glenville Town Center, where the *"standardization of sign design and construction"* is desired.

BE IT FURTHER RESOLVED that this resolution shall take effect when filed with the Secretary of State of the State of New York.

Ayes: Councilmen Boulant, Pytlovany, Councilwoman Wierzbowski and Supervisor Koetzle

Noes: None

Absent: Councilman Ramotar

Abstentions: None

Motion Carried

RESOLUTION NO. 62-2013

Moved by: Councilman Boulant

Seconded by: Councilman Pytlovany

WHEREAS, Town of Glenville Police Sergeant Michael E. Petroski joined the Glenville Police Department several years ago; and

WHEREAS, within one year after joining the department, then Officer Petroski elected to participate in the retirement option available under Retirement and Social Security Law (RSSL) Section 384-d by submitting a fully executed application to the Town Comptroller's Office; and

WHEREAS, the Town Comptroller's Office recently learned from the N.Y.S. Police and Fire Retirement System that Sergeant Petroski is not enrolled in the RSSL 384-d retirement plan; and

WHEREAS, the failure to enroll Sergeant Petroski in the RSSL 384-d plan is through no fault of the Sergeant, but likely due to an inadvertent clerical error in not timely submitting his application to the Retirement System; and

WHEREAS, the Town Board of the Town of Glenville desires to correct the omission through special state legislation, having requested and received a fiscal note from the Retirement System of the cost to accomplishing same;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Glenville hereby requests that State Senator Hugh T. Farley and State Assemblyman James N. Tedisco introduce legislation to reopen membership in the RSSL 384-d plan to Sergeant Petroski.

Ayes: Councilmen Boulant, Pytlovany, Councilwoman Wierzbowski and Supervisor Koetzle

Noes: None

Absent: Councilman Ramotar

Abstention: None

Motion Carried

RESOLUTION NO. 63-2013

Moved by: Councilman Boulant

Seconded by: Councilman Pytlovany

WHEREAS, vacant, abandoned and foreclosed homes and structures have increased in number throughout New York State and in the Town of Glenville; and

WHEREAS, vacant, abandoned and foreclosed structures that are not maintained for months at a time degrade and depreciate the value of the vacant structures and also depreciate the value of surrounding properties by becoming a blight in our neighborhoods and business corridors; and

WHEREAS, lending and other financial institutions that hold mortgages on vacant structures do not always provide the contact information for the party responsible for maintaining such properties; and

WHEREAS, Assembly Bill A.88 and Assembly Bill A.824, currently pending, would make it mandatory for lending institutions to provide contact information of parties responsible for vacant structures and require good faith in proceeding to foreclosure on same; and

WHEREAS, the Town Board of the Town of Glenville supports passage of the aforementioned bills;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Glenville hereby supports passage of the aforementioned bills and respectfully requests that our state representatives support passage of said bills.

Ayes: Councilmen Boulant, Pytlovany, Councilwoman Wierzbowski and Supervisor Koetzle

Noes: None

Absent: Councilman Ramotar

Abstention: None

Motion Carried

RESOLUTION NO. 64-2013

Moved by: Councilman Pytlovany

Seconded by: Councilman Boulant

WHEREAS, in order to maintain a safe and efficient fleet of vehicles to meet the public safety needs of the Town, the Police Chief wishes to purchase one marked replacement police vehicle to replace a marked police vehicle that has reached its end of useful life; and

WHEREAS, the purchase of said vehicle is provided for within the current approved 2013 police budget, which contains thirty-two thousand dollars (\$32,000) for that purpose; and

WHEREAS, in the absence of a N.Y.S. contract for police vehicles, the County of Ontario solicited bids and accepted the lowest qualified bidders for several categories of police vehicles; and

WHEREAS, General Municipal Law §103 (3) permits a municipality to make a purchase through any county within the state pursuant to County Law §408 (2) provided that such purchases are determined to result in cost savings after considering all factors, including service and delivery charges and providing that the purchase can be made on the same terms, conditions and specifications as the county with the contract; and

WHEREAS, the Chief of Police has determined that the Town of Glenville will be able to obtain a Dodge Charger LDDE48 on the same terms, conditions and specifications as the County of Ontario, which will result in a savings to the Town after consideration of all applicable costs and factors,

NOW, THEREFORE, BE IT RESOLVED, that the Chief of Police is hereby authorized to purchase one marked police vehicle at a total cost not to exceed thirty two thousand dollars (\$32,000), including all necessary equipment, as per utilization of a Ontario County Board of Supervisors bid accepted on March 8, 2012, resolution # 134-2012, Item 6 – Dodge Charger LDDE48 as awarded to Main Motorcar, 224 W. Main Street, Johnstown, NY 12095; and that up to thirty two thousand dollars (\$32,000) for the vehicle be charged to account 02.00.3120.2000 (Equipment) as set forth in the approved 2013 budget.

Ayes: Councilmen Boulant, Pytlovany, Councilwoman Wierzbowski and Supervisor Koetzle

Noes: None

Absent: Councilman Ramotar

Abstentions: None

Motion Carried

RESOLUTION NO. 65-2013

Moved by: Councilwoman Wierzbowski

Seconded by: Councilman Boulant

WHEREAS, Thomas R. Coppola, Commissioner of Public Works has requested an RFP from three vendors for the Annual Bulk Item Program to be conducted curbside; and

WHEREAS, vendors Allied Waste and Waste Management declined the opportunity to submit a proposal therefore one proposal was received ~ County Waste in the sum of \$18,645; and

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Glenville hereby authorizes the Commissioner of Public Works to enter into an agreement not to exceed \$18,645 for services to be rendered by County Waste & Recycling Service, Inc. of Clifton Park, NY for the Annual Bulk Item Program in the Town of Glenville.

BE IT FURTHER RESOLVED that said program is a budgeted item and to be funded by the Recycling Line 02.00.8160.4192.

Ayes: Councilmen Boulant, Pytlovany, Councilwoman Wierzbowski and Supervisor Koetzle

Noes: None

Absent: Councilman Ramotar

Abstention: None

Motion Carried

RESOLUTION NO. 66-2013

Moved by: Councilman Pytlovany

Seconded by: Councilman Boulant

WHEREAS, the Town Board of the Town of Glenville has been considering a resolution to amend "New York State Department of Transportation Local Roads Listing of the Town of Glenville, Schenectady County" to include South Van Buren Lane; and

WHEREAS, this Town Board has held a public hearing on February 6, 2013 at 7:30 P.M., at which time all parties in interest were afforded an opportunity to be heard and to publicly comment on the amending of the Code of the Town of Glenville as set forth above;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Glenville does hereby amend "New York State Department of Transportation Local Roads Listing of the Town of Glenville, Schenectady County" to include South Van Buren Lane

BE IT FURTHER RESOLVED, that this resolution shall take effect when filed with the Secretary of State of the State of New York and the N.Y.S. Department of Transportation.

Ayes: Councilmen Boulant, Pytlovany, Councilwoman Wierzbowski and Supervisor Koetzle

Noes: None

Absent: Councilman Ramotar

Abstentions: None

Motion Carried

RESOLUTION NO. 67-2013

Moved by: Councilwoman Wierzbowski

Seconded by: Councilman Boulant

BE IT RESOLVED that the **Monthly Departmental Reports** for January, 2013 as received from the following:

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

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

Ayes: Councilmen Boulant, Pytlovany, Councilwoman Wierzbowski and Supervisor Koetzle

Noes: None

Absent: Councilman Ramotar

Abstentions: None

Motion Carried

RESOLUTION NO. 68-2013

Moved by: Councilwoman Wierzbowski

Seconded by: Councilman Boulant

BE IT RESOLVED, that the minutes of the regular meeting held on February 6, 2013 are hereby approved and accepted as entered.

Ayes: Councilmen Boulant, Pytlovany, Councilwoman Wierzbowski and Supervisor Koetzle

Noes: None

Absent: Councilman Ramotar

Abstentions: None

Motion Carried

RESOLUTION NO. 69-2013

Moved by: Councilman Boulant

Seconded by: Councilman Pytlovany

BE IT RESOLVED, that the Town Board of the Town of Glenville hereby adjourns into Executive Session to discuss contract negotiations.

Ayes: Councilmen Boulant, Pytlovany, Councilwoman Wierzbowski and Supervisor Koetzle

Noes: None

Absent: Councilman Ramotar

Abstention: None

Motion Carried

Supervisor Koetzle adjourned this portion of the meeting at 7:50 p.m. and entered into Executive Session.

Time being 8:30 p.m.; Supervisor Koetzle reconvened the meeting and announced that no action was taken during the Executive Session.

Supervisor Koetzle asked for a motion to adjourn; Moved by Councilman Boulant; Seconded by Councilwoman Wierzbowski, everyone being in favor the meeting was adjourned at 8:31 PM.

ATTEST:

Linda C. Neals
Town Clerk