

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Glenville

Local Law No. 8 of the year 2024

A local law "Amendment to Local Law No. 4 of 2017 as amended by Local Law No. 1 of 2023
(Insert Title)
Known as the 207-213 Sacandaga Road Mixed Use Planned Development District

Be it enacted by the Glenville Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Glenville as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

TOWN OF GLENVILLE

LOCAL LAW NO. 8 OF 2024

AMENDMENT TO LOCAL LAW NO. 4 OF 2017
AS AMENDED BY LOCAL LAW NO. 1 OF 2023
KNOWN AS THE
207-213 SACANDAGA ROAD MIXED USE PLANNED DEVELOPMENT DISTRICT

Section 1. Purpose and Authority. This Local Law No. 8 of 2024 amends the 207-213 SACANDAGA ROAD MIXED USE PLANNED DEVELOPMENT DISTRICT as set forth in Section 270, Attachment 3 of the Town Code of the Town of Glenville (“Town Code”), enacted by Local Law No. 4 of 2017, as amended by Local Law No. 1 of 2023. The purpose of this amendment is to reduce the greenspace requirement applicable to Parcel No. 3 (tax map parcel number 29.15-4-4) and to make a technical amendment to eliminate superfluous language referencing a bond. The reduction in the greenspace requirement, although reflected on a recent Parcel No. 3 site plan, was not accounted for in Local Law No. 1 of 2023. This local law is enacted pursuant to the Town of Glenville’s authority to enact local laws under the New York State Constitution, Article IX, and the Laws of the State of New York including but not limited to Section 10 of the Statute of Local Governments, granting towns the power to adopt, amend and repeal zoning regulations in the exercise of its functions, powers and duties.

Section 2. Amendment. Section A270-202D of the Town Code is amended as follows:

- A. The Green space required on Parcel No. 3 is hereby reduced from 32.7% to 20.0%.
- B. The words “...up to and including the full amount of the bond...” are hereby deleted.

Section 3. Effect and Severability. This Local Law supersedes and modifies Town of Glenville Local Law No. 4 of 2017, as amended by Local Law No. 1 of 2023, to the extent inconsistent therewith. Local Law No. 4 of 2017 as amended by Local Law No. 1 of 2023 is hereby ratified with the changes set forth herein. If any clause, sentence, paragraph, section or part of this Local Law shall be adjudicated by any court of competent jurisdiction to be invalid, the judgment shall not effect the validity of this law as a whole or any part thereof other than the part so decided to be invalid.

Section 4. Effective Date. This Local Law shall take effect twenty (20) days after filing with the New York Secretary of State.

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

RESOLUTION NO. 117-2024

Moved by: Councilman Kirkham
Seconded by: Councilman Ramotar

WHEREAS, Local Law No. 4 of 2017 establishing the 207-213 SACANDAGA ROAD MIXED USE PLANNED DEVELOPMENT DISTRICT was adopted by the Town on June 14, 2017, and was amended by Local Law No. 1 of 2023 adopted by the Town on April 4, 2023; and

WHEREAS, the Town desires to amend Local Law No. 4 of 2017 as amended by Local Law No. 1 of 2023 to reduce the greenspace requirement applicable to Parcel 3, and to eliminate superfluous language referencing a bond; and

WHEREAS, proposed Local Law No. 8 of 2024 setting forth the Amendment to Local Law No. 4 of 2017 as amended by Local Law No. 1 of 2023 has been made available to the public for inspection; and

WHEREAS, proposed Local Law No. 8 of 2024 does not otherwise affect or change the project contemplated by Local Law No. 4 of 2017 as amended by Local Law No. 1 of 2023; and

WHEREAS, pursuant to Article 8 (the State Environmental Quality Review Act) of the Environmental Conservation Law ("SEQRA"), and 6 NYCRR Part 617, the application seeking the change is an "Unlisted Action" in that it is not identified as a Type I or Type II action per Sections 617.4 and 617.5 of the New York Codes, Rules and Regulation; and

WHEREAS, as an "Unlisted Action", the applicant is required to submit a Short Environmental Assessment form, and said form was submitted and duly reviewed by the Town Board; and

WHEREAS, the Town Board submitted a Zoning Coordination Referral to the Schenectady County Department of Planning, who deferred to local consideration; and

WHEREAS, the Town Board requested from the Town Planning and Zoning Commission Board input on the application, and the Town Planning and Zoning Commission supported the amendment; and

WHEREAS, the Town Board, published notice of a public hearing in the Daily Gazette on May 5, 2024, and held a public hearing pursuant to the notice on May 15,

2023 at 7:00 p.m. at the Town of Glenville Municipal Center, 18 Glenridge Road, Glenville, New York 12302, and accepted comments and input from the public; and

WHEREAS, pursuant to SEQRA, the Town Board may act as lead agency, and conduct an uncoordinated environmental review of the application, deferring to other agencies each to make independent determinations of environmental significance; and

NOW, THEREFORE, IT IS RESOLVED that, the Town Board: (1) opts to conduct an uncoordinated review of this unlisted action pursuant to SEQRA; and (2) declares itself lead agency in connection with the proposed adoption of Local Law No. 8 of 2024 and the changes to Local Law No. 4 of 2017 as amended by Local Law No. 1 of 2023 set forth therein; and

IT IS FURTHER RESOLVED that, after due deliberation, and review of the environmental assessment form and the representations and warranties of the applicant therein and to the Board, and the environmental factors including the nature, uses and character of the surrounding area, and adjacent property, the size and location of the property, the fact that even with the reduction of greenspace applicable to Parcel 3, the aggregate greenspace of the project over all three parcels will still exceed the 42.2% threshold set forth in the original local law, and other relevant factors, the Town Board determines reduction to greenspace on Parcel 3 will not have a significant impact on the environment and issues a negative declaration; and

IT IS FURTHER RESOLVED that, Local Law No. 8 of 2024 is hereby adopted.

Ayes: Councilmen Ramotar, Gillooley, Kirkham and Supervisor Koetzle.

Noes: None

Absent: None

Abstentions: None

Motion Carried

Town Board decision on May 15, 2024

This is a certified copy of the original document filed in the Office of the Town Clerk of the Town of Glenville, New York.

Julie Dawson 5-22-2024
Town Clerk Date

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 8 of 2024 of the ~~(County)(City)~~(Town)(Village) of Glenville was duly passed by the Glenville Town Board on May 15 2024, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1____ above.

Julie Dauenport

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 5-22-2024

(Seal)