

REGULAR MEETING - ATHENS TOWN BOARD - December 16, 2019

The regular meeting of the Athens Town Board was called to order on December 16, 2019, at the Athens Volunteer Firehouse at 39 Third St., at 7:02 pm by Supervisor Robert F. Butler, Jr. with the Pledge of Allegiance to the Flag.

The following bills were audited by the Board and ordered paid,

General Abstract#23, vouchers #438 through #456 inclusive for \$13, 543.72.

General Abstract #24, vouchers #457 through #471 inclusive for \$40,703.53.

Highway Abstract #23, Vouchers #216 through #235 inclusive for \$6,257.32.

T & A Abstract #1 Voucher 1 &2 inclusive for \$7,000.00.

The following people were present: Supervisor Butler; Councilwoman Mary H. Brandow; Councilman Michael Ragaini; Councilman Anthony Paluch and Town Clerk Linda M. Stacey. (Councilman Richard M Surrano; Highway Superintendent John J. Farrell were absent.)

**These people were also present:** Attorney Virginia Benedict; Bookkeeper Donald Pierro; Shannon Spinner; Hyde Clarke of Young/ Sommer; Dom Multari; Edward Lenzo; Giuseppina Agovino; David Meier; Helen Meier; Barbara Trembacz; Robert Brunner; Douglas Koch; and Joseph Klene.

**Councilman Michael Ragaini** made a motion seconded by Councilwoman Mary H. Brandow to open the **Public Hearing on proposed Local Law No.2 of 2019** entitled "A Local Law to Amend the Town of Athens Zoning Map." The Notice was read as it appeared in the Official Newspaper, by Attorney, Virginia Benedict. Ayes-4(Butler; Brandow; Ragaini; Paluch) Noes-0 Absent-1(Surrano) Abstentions-0

Attorney Benedict also read a portion of an e-mail sent by Tami Bone, after the original public hearing; and the reply by Flint Mine Solar; also a letter from Greene County Economic, Tourism& Planning. This is a Town Decision.

The Town of Athens can't work with the Town of Cocksackie as they won't allow solar.

The Town has been working on this for 2 years.

If Flint Mine does not move forward, all parcels want to remain mixed-use commercial, County Planning and Town Planning state that 3parcels are left in RU.

From the sign in sheet for speakers, the following seven people spoke.

- 1) G. Dominick Multari thought that this was a good thing.
- 2) Giuseppina Agovino said it was good for property owners, as the soil is not good for farming.
- 3+4) Helen Meier and David Meier from Cocksackie and think it is good that people can do what they want with their land.
- 5) Eddie Lenzo spoke; 6) Mary Garvey, sell Real Estate, said that the land is not usable for agriculture, the land is not good.
- 7) Douglas Koch spoke; 8) Barbara Trembacz spoke on the visual impact in Greenville, and hoped that this would not be the case in Athens,

Supervisor Butler stated that the West side of 9W will have screening. Greenville's residents are not happy with Greenville's Project.

Several more questions and answers followed.

**Councilman Michael Ragaini** made a motion seconded by Councilwoman Mary H. Brandow to close the public hearing portion of the meeting and convene the regular meeting. Ayes; 4 (Butler; Brandow; Ragaini; Paluch) Noes-0 Absent-1 (Surrano) Abstentions-0

Public hearing closed at 7:55 P.M.

**On the motion of Councilman Michael Ragaini** seconded by Councilwoman Mary H. Brandow the following **RESOLUTION #2019-34**, was adopted as follows:  
RESOLUTION OF THE TOWN BOARD OF THE TOWN OF ATHENS TO ADOPT A LOCAL LAW:

**WHEREAS**, a proposed form of Local Law No. 3 of 2019 entitled “A Local Law to Amend the Town of Athens Zoning Map” along with the proposed amended zoning map entitled “Amended Zoning Map of the Town of Athens Adopted by Local Law No. 2 of the year 2019 on Sept. 3, 2019” was introduced to the Town Board of the Town of Athens on October 7, 2019; and

**WHEREAS**, the purpose of this local law is to amend the Zoning Map to rezone approximately 375± acres currently zoned Agricultural (“AG”) and Rural Residential (“RU”) to bring the majority of the proposed 100 megawatt Flint Mine Solar facility site, along with some adjacent properties, within the Mixed-Use Commercial (“MUC”) zone; and

**WHEREAS**, the area to rezoned is generally bound by the Town of Coxsackie line to the north; the Schoharie Turnpike and a mix of RU, MUC, Light Industrial 1 (“LI-1”) and Light Industrial 2 (“LI-2”) properties to the south; the CXS railroad corridor and AG properties to the east; RU and Open Space (“OS”) properties to the west; and it is bisected by Route 9W and the existing high-voltage transmission corridor with a mix of AG, RU, and MUC properties; and

**WHEREAS**, a 560 foot deep portion on the south of parcel 104.00-2-28.2 (Quaker Ridge) and additional area on the west of the parcel will remain zoned RU and will preserve a buffer of residentially zoned land along the Schoharie Turnpike to reasonably protect adjacent residential properties. Further, the Article 10 review of Flint Mine Solar’s proposed project will require identification and documentation of potential project impacts, as well as avoidance, minimization and mitigation measures designed to address those impacts to the environment and the community. This will include appropriate buffers to protect adjacent residential and agricultural properties; and

**WHEREAS**, the map amendment is consistent with the Town and Village of Athens Comprehensive Plan as it has the potential to increase economic development, expand the local tax base and create job opportunities. Additionally, setback requirements and effective buffers reasonably protect adjacent agricultural and residential properties. As large scale solar facilities are a permitted use within MUC, rezoning of these parcels, many of which are adjacent to high voltage transmission lines or the CSX Railroad line, or are hilly and rocky and a barrier to agricultural use or traditional development, such as residential housing, will allow use of these properties with limited impacts to surrounding properties or community character; and

**WHEREAS**, the Town Board of the Town of Athens declared itself lead agency on September 3, 2019, and directed the attorney for the Town to notify all potentially interested and involved agencies; and

**WHEREAS**, the Town Board of the Town of Athens determined the significance of the proposed action pursuant to SEQR, 6 NYCRR § 617.7, and set forth its determination and its reasoning therefor, in its written resolution in accordance with Article 8 of the New York State Environmental Conservation Law (SEQR) and made a negative declaration of environmental significance on September 3, 2019; and

**WHEREAS**, the Town Board of the Town of Athens, pursuant to Section 180-75(A) of the Zoning Law, forwarded one copy of the proposed local law, the proposed amended zoning map, and the full EAF to Town of Athens Planning Board for a report thereon, which responded and said response was taken into account; and

**WHEREAS**, the Town Board of the Town of Athens, pursuant to Section 239-m of the General Municipal Law, forwarded a complete 239-m referral application,, including one copy of the proposed local law, the proposed amended zoning map, the full EAF and any other requested documents to the Greene County Planning Board for a report and recommendation thereon, which responded on November 22, 2019 as a “local decision with comment”, which comments were taken into account; and

**WHEREAS**, a duly noticed public hearing was held on December 16, 2019 at 7:00 p.m. at the Athens Village Fire Department Hall, 39 Third Street, Athens, New York, to hear all interested parties on the subject of said proposed local law; and

**WHEREAS**, the Town Board of the Town of Athens, after due deliberation, finds it in the best interest of the Town to adopt said local law.

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of the Town of Athens as follows:

1. That the Town Board of the Town of Athens hereby adopts said Local Law No. 3 of 2019 entitled “A Local Law to Amend the Town of Athens Zoning Map”; and
2. That the Town Clerk be and she hereby is directed to enter said local law in the minutes of this meeting and in the Town Code of the Town of Athens, to give due notice of the adoption of said local law to the Secretary of State of the State of New York, and to take all other actions as may be required by law.

Roll Call Vote:	Robert F. Butler, Jr.	Yes
	Mary H. Brandow	Yes
	Michael Ragaini	Yes
	Anthony Paluch	No
	Richard Surrano, Jr.	Absent

## **A LOCAL LAW TO AMEND THE TOWN OF ATHENS ZONING MAP**

**BE IT ENACTED** by the Town Board of the Town of Athens as follows:

### **Section 1. Authorization.**

This Local Law is adopted pursuant to the Town Law of the State of New York, Chapter 62 of the Consolidated Laws, Article 16, and Articles 2 and 3 of the Municipal Home Rule Law, to protect and promote public health, safety, comfort, convenience, economy, aesthetics and general welfare of the residents of the Town.

### **Section 2. Purpose and Intent.**

The purpose of this local law is to amend the Zoning Map to rezone approximately 375± acres currently zoned Agricultural (“AG”) and Rural Residential (“RU”) to bring the majority of the proposed 100 megawatt Flint Mine Solar facility site, along with some adjacent properties, within the Mixed-Use Commercial (“MUC”) zone.

The area to be rezoned is generally bounded by the Town of Coxsackie line to the north; the Schoharie Turnpike and a mix of RU, MUC, Light Industrial 1 (“LI-1”) and Light Industrial 2 (“LI-2”) properties to the south; the CSX railroad corridor and AG properties to the east; RU and Open Space (“OS”) properties to the west; and it is bisected by Route 9W and the existing high-voltage transmission corridor with a mix of AG, RU, and MUC properties.

A 560 foot deep portion on the south of parcel 104.00-2-28.2 (Quaker Ridge) and additional area on the west of the parcel will remain zoned RU and will preserve a buffer of residentially zoned land along the Schoharie Turnpike to reasonably protect adjacent residential properties. Further, the Article 10 review of Flint Mine Solar’s proposed project will require identification and documentation of potential project impacts, as well as avoidance, minimization and mitigation measures designed to address those impacts to the environment and the community. This will include appropriate buffers to protect adjacent residential and agricultural properties.

The Map amendment is consistent with the Town and Village of Athens Comprehensive Plan as it has the potential to increase economic development, expand the local tax base and create job opportunities. Additionally, setback requirements and effective buffers reasonably protect adjacent agricultural and residential properties. as large scale solar facilities are a

permitted use within MUC, rezoning of these parcels, many of which are adjacent to high voltage transmission lines or the CSX Railroad line, or are hilly and rocky and a barrier to agricultural use or traditional development, such as residential housing, will allow viable use of these properties with limited impacts to surrounding properties or community character .

**Section 3. Section 180-4A of the Zoning Law is Hereby Amended to read as follows:**

A. The Zoning Map entitled “Amended Zoning Map of the Town of Athens Adopted by Local Law No. 3 of the year 2019 on December 16, 2019” is hereby adopted as part of this chapter .

**Section 4. Zoning Map**

The Zoning Map entitled “Amended Zoning Map of the Town of Athens Adopted by Local Law No. 2 of the Year 2019 on September 3, 2019 is hereby adopted as same to be amended to read Local Law No. 3 and to add to date of December 16, 2019 and declared to be the Zoning Map of the Town of Athens, and an appurtenant part of the Town of Athens Zoning Law.

**Section 5. Severability.**

If any part or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances, and the Town Board of the Town of Athens hereby declares that it would have passed this local law or the remainder thereof had such invalid application or invalid provision been apparent.

**Section 6. Repeal**

All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed.

**Section 7. Effective Date**

This local law shall take effect immediately upon filing in the office of the New York Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

**Bookkeeper –Budget Officer Don Pierro** reported that he had met with staff, regarding vouchers, time sheets and other matters.

He also spoke about getting the new platform of QuickBooks up and running.

He then went over the Supervisor’s Report with the Board.

**Councilman Michael Ragaini** made a motion seconded by Councilman Anthony Paluch to approve the Supervisor’ Report as presented. Ayes- 4(Butler; Brandow; Ragaini; Paluch) Noes-0 Absent-1(Surrano) Abstentions-0

**Councilman Anthony Paluch** made a motion seconded by Councilman Michael Ragaini to approve the Town Clerk’s Report as presented. Ayes-4(Butler; Brandow; Ragaini; Paluch) Noes-0 Absent-1 (Surrano) Abstentions-0

**Councilman Anthony Paluch** made a motion seconded by Councilman Michael Ragaini to approve the minutes of November 18, 2019 as read. Ayes-4 (Butler; Brandow; Ragaini; Paluch) Noes-0 Absent-1(Surrano) Abstentions-0

**Councilman Michael Ragaini made a** motion seconded by Councilwoman Mary H. Brandow that after reviewing the report of the Code enforcement Officer, that the 2020 Junkyard Licenses be reissued to Scott Fischer for Flats Road Ext; For Robert O' Connell as B& B Garage- on Rte. 385;and to John O. Rexford, on 62 Mud Lane. They were all found to be in compliance.  
Ayes: 4(Butler; Brandow; Ragaini; Paluch) Noes-0 Absent-1(Surrano) Abstentions-0

As there was no further business to come before the meeting **a motion to adjourn was made by Councilman Michael Ragaini** seconded by Supervisor Robert F. Butler, Jr. Ayes-4(Butler; Brandow; Ragaini; Paluch) Noes-0 Absent-1(Surrano) Abstentions-0

meeting adjourned at 8:27 p.m.