

ZONING

270 Attachment 7

Town of Glenville

66 Freemans Bridge Road Commercial Planned Development District [Added 5-19-2019 by L.L. No. 11-2021; amended 2-2-2022 by L.L. No. 6-2022]

§ A270-21. Establishment of District.

Local Law No. 11 of 2021, entitled "A Local Law Amending the Town of Glenville Zoning Law to Establish 66 Freemans Bridge Road Commercial Planned Development District," amends the Town of Glenville Zoning Law by creating a PDD within a portion of the FBRC Zoning District. The PDD area is more specifically described as a certain parcel of land constituting approximately 42.14 ± acres (entirety of Tax Parcel 30.-1-3) on the northeasterly side of Freemans Bridge Road ("site"), as depicted in Exhibit A¹, attached hereto and made a part hereof, designating and creating the boundaries of such newly described "66 Freemans Bridge Road Commercial Planned Development District."

§ A270-22. Boundaries.

The area of said 66 Freemans Bridge Road Commercial Planned Development District consists of approximately 42.14 ± acres (entirety of Tax Parcel 30.-1-3), bounded to the northeast by wooded rural residential land of Schmidt, to the north-northwest by railroad tracks owned by Pam Am Southern LLC, to the west-southwest by an automotive salvage yard and auto repair shop known as "Auto Solutions," to the southwest by three residential parcels and Freemans Bridge Road, to the east-southeast by a railroad right-of-way owned by Pan Am Southern LLC and electrical transmission lines owned by National Grid, the boundaries of which are set forth in the attached Exhibit A.²

§ A270-23. Development.

A. The PDD created herein, 66 Freemans Bridge Road Commercial Planned Development District, has been presented and is described according to a change of zoning application submitted by U.S. Light Energy o/b/o NY USLE Glenville Freemans Bridge LLC ("applicant") and Broad & Thomas Partners LLC ("landowner"), as well as a narrative, a PDD concept plan (Sheet 1 PLN01), a site vicinity map (Sheet 1 PLN02), and preliminary site plans (Sheets 1 through 7) prepared by C.T. Male Associates Engineering, Surveying, Architecture, Landscape Architecture & Geology DPC ("C.T. Male"), dated May 17, 2021, (collectively, these materials constitute the "PDD application"), filed with the Town of Glenville Economic Development and Planning Department.

B. The PDD created herein may be changed, altered, or amended upon application to and

¹ Editor's Note: Exhibit A is on file in the Town offices.

² Note: Exhibit A, a copy of Existing Conditions - Overall Plan (Sheet 2 of 7 C101), is on file in the Town Clerk's office.

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approval by the Glenville Town Board, except that minor revisions that have inconsequential changes in location, siting, and height of buildings and structures may be authorized by the Planning and Zoning Commission in accordance with § 270-34 of the Town Zoning Code.

- C. The 66 Freemans Bridge Road Commercial Planned Development District will consist of the following, all as generally shown on Exhibit B:³
- (1) Solar development areas: 24.03± acres of solar development areas. The solar development areas will be surrounded by a seven-foot-high chain-link perimeter fence, as required by the National Electric Code. The acreages referenced herein include the areas within the perimeter fence, inclusive of panel row spacing and setbacks between the fence and the solar panels. The solar arrays will consist of ground-mounted solar panels in a fixed position. Concrete pads will be located within the solar arrays that will support solar-related electrical equipment, including inverters and transformers. The electrical lines within the solar arrays will be underground or suspended behind the racking support system. The point of electrical interconnection will be an existing utility pole located southeast of the site, at which the PV solar arrays will be connected to the electrical grid by an overhead line. The solar development areas shall be substantially screened from view from Freemans Bridge Road and Maple Avenue using native plantings and existing vegetative screening. The proposed planted vegetative screening is depicted on the preliminary and final site plans subject to Planning Zoning Commission (PZC) site plan approval (Sheet 5 of 7). The setback, height, lot coverage, and other dimensions of the solar development areas and other pertinent solar development features shall be as shown on the preliminary and final site plans that must be reviewed and approved by the Town of Glenville Planning and Zoning Commission.
 - (2) Solar development access. Access to the solar array for construction and ongoing operational purposes will be from a gravel access road that will be constructed starting 300± feet beyond the edge of pavement at Freemans Bridge Road, inclusive of the existing asphalt apron fronting Freemans Bridge Road at the southeast corner of the parcel (SBL No. 30.-1-3) as depicted on the attached site plan. The remaining 260± feet between the existing asphalt apron and the proposed gravel road will be paved. The access road shall be a minimum of 12 feet wide and constructed to support emergency vehicles up to 75,000 lbs. The gravel portion of the access road will be permeable. A vehicle turnaround is provided at each concrete equipment pad. Access into the solar development areas will be restricted by a locking swing gate where the gravel access road intersects the perimeter fencing.
 - (3) Future development area: 4.43± acres are designated as a future development area. The future development area includes the portion of the site that contains frontage on Freemans Bridge Road. This area is generally divided into a shovel-ready development pad site along Freemans Bridge Road, which encompasses 3.22± acres, and undeveloped common property to the rear of the development pad site, which encompasses 1.21± acres. In an effort to prepare the future development area for redevelopment, the area shall be cleared of all brush and vegetation and the existing

³ Editor's Note: Exhibit B is on file in the Town offices.

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buildings and the smokestack shall be demolished and removed from the future development area, following approval of the 66 Freemans Bridge Road Planned Development District by the Glenville Town Board, and after the appropriate demolition permits and approvals from the Town of Glenville Building Department and the New York State Office of Parks, Recreation, and Historic Preservation are acquired. Disturbed areas shall be cleared and backfilled to grade, seeded, and allowed to revegetate in the interim period between building demolition and the redevelopment of the future development area. The future development area (4.43± acres), including the roadway frontage, shall be developed in accordance with the existing underlying FBRC Zoning District and in accordance with other relevant provisions of the Town of Glenville Zoning Law. Access to the future development area will be along its existing frontage on Freemans Bridge Road.

- (a) The following is a list of potential uses that may be developed in the future development area, all of which are permitted by site plan review and/or conditional use permit in the existing FBRC Zoning District:

- [1] Office and professional office.
- [2] Bed-and-breakfast establishment.
- [3] Hotel or motel.
- [4] Microbrewery, microwinery, and microdistillery.
- [5] Roadside produce stand.
- [6] Restaurant, food service, tavern, and nightclub.
- [7] Restaurant, fast-food.
- [8] Retail business.
- [9] Medical office.
- [10] Personal wireless service facility.
- [11] Personal and general service.
- [12] Indoor, outdoor, and not-for-profit recreation facility.
- [13] Shopping center.
- [14] Attached dwellings.
- [15] Veterinary clinic, animal training facility, and animal hospital with completely enclosed pen or kennel.

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[16] Research and development facility.

[17] Craft production.

- (b) The bulk, area, and dimensional standards of any development proposed in the future development area will meet the regulations for the FBRC Zoning District, as stated in Attachment 1⁴ and other relevant provisions of the Town of Glenville Zoning Law. The 1.21± acres of common property identified within the future development area to the rear of the development pad site along Freemans Bridge Road shall count toward the minimum green space requirement applied to any development within the future development area.
 - (4) Common property: 12.65± acres are designated as planned development district common property and shall serve as green space. 11.44± acres of the common property are associated with the solar development areas, and will provide vegetated separation between the northern and southern solar arrays. 1.21± acres of the common property are associated with the future development area, and will provide a vegetated buffer between the development pad site along Freemans Bridge Road and the southern solar array. The common property associated with the future development area (1.21± acres) shall count toward the minimum green space requirement applied to any development within the future development area. The common property areas will be left in their natural vegetative state, unmaintained, and are intended to provide natural green space that separates the uses proposed on the site and interpose the development areas on the site. Common property accounts for approximately 30% of the site.
- D. Public benefit fee. In accordance with Local Law No. 4 of 2021 and the Glenville Town Code Zoning Law, the applicant commits to paying a parkland public benefit fee of \$166,740 for the construction of the solar arrays and appurtenant features as a contingency of the issuance of the building permit. It is understood that the amount of the parkland public benefit fee has been determined by the Glenville Town Board and agreed to by the applicant.
- E. Performance guaranty.
- (1) The landowner shall post with the Town Board a performance bond, a letter of credit, or cash (collectively "security") specific to the redevelopment of the future development area. The amount of the security to be posted with the Town shall be in the amount of \$7,200 as determined by the Town and agreed to by the landowner.
 - (2) Improvements guaranteed by the security shall be completed within three years after the approval of the PDD.
 - (3) In conjunction with the posting of security, the landowner shall enter into a security agreement with the Town. The security agreement shall address the following matters:

⁴ Editor's Note: Attachment 1 is on file in the Town offices.

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- (a) The partial release of security upon proof by the landowner of a corresponding partial completion of improvements.
- (b) The mechanism by which the landowner may seek to renew or extend the security and proof to the Town of such renewal will be mutually agreed upon by both parties prior to the expiration of the time in which the improvements are completed.
- (4) In the event that any improvements have not been installed as required within the term of such security, the Town may declare the landowner to be in default on completion of required improvements and seek to collect the security.
- (5) The Town shall release the security upon its determination that the required improvements have been satisfactorily completed.

§ A270-24. Construction regulations.

All future development and improvements shall be designed and constructed pursuant to plans and specifications approved by a duly licensed New York State architect and/or engineer and in compliance with the New York State Uniform Fire Prevention and Building Code. When completed, these improvements shall be certified as having been constructed in compliance with the New York State Uniform Fire Prevention and Building Code. The engineer and/or architect performing the work shall be employed by at the sole expense of the applicant or landowner. All construction shall be subject to inspection and approval by the Town of Glenville Building Department.

§ A270-25. Submission of plans.

Prior to submitting construction drawings and building permit application, the final site plans shall be submitted to the Glenville Planning and Zoning Commission Chairperson for signing and stamping in accordance with this local law and the applicable provisions of the Glenville Town Code that are not superseded by this local law.

§ A270-26. Zoning Map.

The Town of Glenville Zoning Law and Zoning Map, adopted April 4, 2001, as has been subsequently amended from time to time, is now hereby amended to include "66 Freemans Bridge Road Commercial Planned Development District" on the Town Zoning Map.

§ A270-27. Revocation.

Except as otherwise provided in this section, this local law establishing 66 Freemans Bridge Road Commercial Planned Development District shall be automatically revoked and void, and the previous statutory regulations shall apply, under the following circumstances:

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- A. The construction of the solar development areas has not commenced within 12 months after the date that all approvals and issuance of all required permits, including all regulatory permits and approvals, have been obtained and are no longer subject to challenge or appeal. Notwithstanding the foregoing, the applicant may request an extension for additional time to commence construction, subject to the Planning and Zoning Commission's approval of such extension.
- B. In the event that revocation of this local law is triggered, the PDD shall remain in full force and effect for lands upon which a portion of the project has been constructed or is under construction and any such construction shall be deemed to comply with the applicable requirements of the Town of Glenville Zoning Law.