



The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, NY 12144

SPECIAL TOWN BOARD MEETING

Tuesday, December 27, 2011

Call to Order 5:00 PM

Pledge to the Flag

Town Board Meeting:

Members of Town Board

Present Absent

Supervisor McCabe

Councilperson Matters

Councilperson O'Brien

Councilperson Malone

Councilperson Mangold

Communications / Announcements / Reports

Open Public Privilege: NOTE: Each speaker shall state name and address prior to addressing the Board and shall be granted the floor for up to five minutes. The Board thanks everyone in attendance for their understanding and also for their desire to actively participate in the decision-making process locally.

185-2011 SEQR Determination for Witbeck Planned Development District

WHEREAS, the Town of East Greenbush received an application for the site plan review known as the Witbeck Planned Development District, tax map parcel #166.-7.6.111, prepared by Hart Engineering; and

WHEREAS, the application was submitted to the Town in a manner consistent with Section 2.9 Planned Development Districts (PDD) in the Comprehensive Zoning Law of the Town of East Greenbush, Part 1 of a Full Environmental Assessment Form ("EAF") and other supporting information; and

WHEREAS, the Town Board has determined that the action is a Type 1 Action under SEQR and conducted a coordinated SEQR review of the project; and

WHEREAS, the Town Board prepared and circulated a lead agency coordination letter requesting the consent of all the involved agencies to designation of the Town Board as Lead Agency for review of the Project under the State Environmental Quality Review Action ("SEQRA"); and

WHEREAS, all involved agencies consented to such designation and, therefore, pursuant to 6 New York Code of Rules and Regulations ("NYCRR") Section 617.6, the Town of East Greenbush Town Board is the lead agency for SEQRA review of the Project; and

WHEREAS, the Town Board, as lead agency, has reviewed and fully considered the proposed Project and Part I of the EAF, and has completed Part II of the EAF; and

WHEREAS, The Town Planning Board, town engineering and planning consultants, and Project Review Team have taken a "hard look" at the potential environmental impacts of this project by carefully considering and reviewing the application materials, considering all the Applicant's proposed mitigation measures as they relate to all environmental issues and more particularly to traffic, fire and rescue and MS-4 stormwater detention and recommends the Town Board issue a Negative Declaration under SEQRA; and

WHEREAS, the Town Board has taken a hard look at the potential environmental impacts of this Project by carefully considering them and thoroughly evaluating their potential significance; and

WHEREAS, the Town Board has determined that the proposed action will not result in any large or significant impacts and, any potential impacts can be mitigated;

NOW, THEREFORE, BE IT RESOLVED, that based on the “Reasons Supporting this Determination” discussed in the attached SEQRA Negative Declaration – Notice of Determination of Non-Significance (“Negative Declaration”) the Town Board hereby finds that the Project will not have a significant impact on the environment and authorizes the filing of a Negative Declaration for the Project.

The foregoing Resolution was duly moved by Councilperson Malone and seconded by Supervisor McCabe and brought to a vote resulting as follows:

Councilperson Malone	VOTED	YES
Supervisor McCabe	VOTED	YES
Councilperson Matters	VOTED	ABSTAIN
Councilperson O’Brien	VOTED	YES
Councilperson Mangold	VOTED	ABSENT

186-2011 Resolution Enacting Local Law No. 5 of 2011 Creating the Witbeck Planned Development District

WHEREAS, on or about August 17, 2011, the Town of East Greenbush Town Board received an application from George Witbeck and Robert Witbeck (the “Applicant”) seeking a zoning amendment from RB Residential Buffer to Planned Development District (“PDD”) for Witbeck PDD (the “Project”); and

WHEREAS, the Project will be situated on ± 39 acres located on tax map parcel #166.-7-6.111 (the “Site”); and

WHEREAS, pursuant to the Town of East Greenbush Zoning Law, the Town Board referred the application to the Planning Board for review and recommendation; and

WHEREAS, on October 26, 2011, the Planning Board reported its recommendation to the Town Board recommending approval of the PDD and finding, among other things, that:

1. That the project as a whole and uses proposed will add to the assets of the community and will advance the goals of the Town.
2. That the density and scale of the project are compatible as appropriate with the current and planned community character of the neighborhood.
3. That the increase in density from the underlying zoning is commensurate with the overall benefit to the community.
4. That the project resides within the Town’s GEIS study area and is in general conformance with the SEQRA statement of findings and would be subject to the fees associated with the GEIS Study Area. Notwithstanding, the project remains subject to site specific SEQRA evaluations and declarations of significance.

WHEREAS, the Town Board conducted a public meeting on December 14, 2011, to consider the PDD application; and

WHEREAS, pursuant to the New York State Environmental Conservation Law (Article 8) and its implementing regulations (6 NYCRR §617 et. seq.) (“SEQRA”), the Town Board, acting as SEQRA Lead Agency for the Project for the coordinated review of the Project, considered numerous expert environmental reports, documentation, advice from Town consultants, interested and involved agencies and the public; and

WHEREAS, after taking a thorough and “hard look” at the potential environmental impacts of this Project by carefully considering them and thoroughly evaluating their potential significance, the Town Board determined, among other things, that the action would not result in any significant adverse environmental impacts and issued a SEQRA negative declaration.

NOW, THEREFORE, BE IT RESOLVED, that the East Greenbush Town Board, after due deliberation pursuant to Section 2.9.8 (A) of the Comprehensive Zoning Law, finds and determines, based on the entire record before the Town Board, as follows:

- That the project as a whole and uses proposed will add to the assets of the community and will advance the goals of the Town.

- That the density and scale of the project and the overall site, architectural and landscape plans are compatible as appropriate with the current and planned community character of the neighborhood.
- That any increase in density from the underlying zoning is commensurate with the overall benefit to the community.
- That the state environmental quality review (SEQR) requirements have been met.

NOW, THEREFORE, BE IT ENACTED, that the Town of East Greenbush Comprehensive Zoning Law and map are hereby amended and the Site (Tax Map Nos. #166.-7-6.111) is hereby rezoned to Planned Development District as more fully set forth in Local Law No. 5 of 2011, as attached hereto as Attachment 1.

The foregoing Resolution was duly moved by Councilperson O'Brien and seconded by Supervisor McCabe and brought to a vote resulting as follows:

Councilperson O'Brien	VOTED	YES
Supervisor McCabe	VOTED	YES
Councilperson Matters	VOTED	ABSTAIN
Councilperson Malone	VOTED	YES
Councilperson Mangold	VOTED	ABSENT

Motion by Supervisor McCabe to close meeting to go into Executive Session, seconded by Councilperson Matters, brought to a vote resulting as follows:

Supervisor McCabe	VOTED	YES
Councilperson Matters	VOTED	YES
Councilperson O'Brien	VOTED	YES
Councilperson Malone	VOTED	YES
Councilperson Mangold	VOTED	ABSENT

ADJOURNMENT

Motion by Supervisor McCabe to adjourn.

Seconded by Councilperson Matters and brought to a vote as follows

Supervisor McCabe	VOTED	YES
Councilperson Matters	VOTED	YES
Councilperson O'Brien	VOTED	YES
Councilperson Malone	VOTED	YES
Councilperson Mangold	VOTED	ABSENT

Meeting Adjourned 5:45 PM