



# The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

## TOWN BOARD AGENDA March 21, 2018

**Call to Order**                                **7:00 PM**  
**Pledge of Allegiance**  
**Town Board Meeting:**

### Members of Town Board

Present

Absent

Supervisor J. Conway  
Councilor T. Tierney  
Councilor H. Kennedy  
Councilor R. Matters  
Councilor G. Warner

### Communications/Announcements/Reports

**Presentation: Town Assessor Susan McCarthy and Consultant Andrew Farbstein**

**Open Public Privilege:** NOTE – Each speaker may choose to 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. All speakers must conduct themselves in a civil manner. Personal attacks will not be tolerated.

### Resolutions and Proposals by Town Board Members:

#### 52-2018        A Resolution to Approve Meeting Minutes

**WHEREAS**, the minutes of Town Board meetings, as provided in §106 of Article 7 of the New York Public Officers Law, shall be approved by the Board prior to them being finalized, deemed official and disseminated to the public by the Town Clerk; and

**WHEREAS**, that the minutes of the regular Town Board Meeting held on February 21, 2018 have been presented; and

**WHEREAS**, the Town Board has reviewed these minutes and any necessary corrections have been made;

now, therefore, be it

**RESOLVED**, that the minutes of the regular Town Board Meeting held on February 21, 2018 are hereby approved as submitted.

The foregoing resolution was duly moved by Councilor Matters and seconded by Councilor Kennedy and brought to a vote resulting as follows:

Councilor R. Matters	VOTED:
Councilor H. Kennedy	VOTED:
Supervisor J. Conway	VOTED:
Councilor T. Tierney	VOTED:
Councilor G. Warner	VOTED:

**53-2018 A Resolution Recognizing April 8 -14, 2018 as National Library Week in the Town of East Greenbush and Acknowledging the Contributions of the East Greenbush Community Library to the Cultural Life of the Town**

**WHEREAS**, National Library Week is a national observance sponsored by the American Library Association (ALA) as a time to celebrate the contributions of our nation’s libraries and librarians, and to promote library use and support for all types of libraries including school, public, academic and special libraries; and

**WHEREAS**, National Library Week was first sponsored in 1958 by the National Book Committee because research showed that Americans were spending less time with books and more time learning from radios and television; and

**WHEREAS**, a plan was established to encourage people to read in their increasing leisure time which was thought to improve incomes and health, and help develop a strong and happy family life; and

**WHEREAS**, the plan included the establishment of National Library Week and the idea that once people were motivated to read they would use and support libraries, which would, in turn, support the effort to encourage people to spend more time reading; and

**WHEREAS**, the East Greenbush Community Library is an important community institution that makes a significant contribution to the cultural life of the Town of East Greenbush and the Town Board wants to recognize these efforts;  
now, therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush recognizes April 8 - 14, 2018 as National Library Week in the Town of East Greenbush;  
and, be it further

**RESOLVED**, that the Town Board recognizes and thanks the East Greenbush Community Library for their contributions to the Town of East Greenbush.

This resolution was duly moved by Councilor Kennedy and seconded by Councilor Tierney and brought to a vote resulting as follows:

Councilor H. Kennedy	VOTED:
Councilor T. Tierney	VOTED:
Supervisor J. Conway	VOTED:
Councilor R. Matters	VOTED:
Councilor G. Warner	VOTED:

**54-2018 A Resolution to Approve the Appointment of Junior and Senior Summer Camp Directors to the Community & Recreation Services Department**

**WHEREAS**, the Town Board recognizes the importance of the key position, Camp Director to the Department of Community and Recreation; and

**WHEREAS**, the Town Camp is split into a Junior and Senior Camp for 2018 with different requirements for each section; and

**WHEREAS**, The Town Comptroller confirms that these positions were budgeted in 2018 in account code 73101.01.01;

now, therefore, be it

**RESOLVED**, that Zachary Kuhn and Tyler VanCour-Bryant, be hereby appointed to the position of Co-Camp Directors at a rate of \$15.00 per hour effective March 22, 2018 through Sept. 1<sup>st</sup>, 2018 and consistent with all the terms and conditions of this position as previously set forth by the Town Board.

and be it further

**RESOLVED**, that the Human Resource Manager will take all necessary steps to process the personnel transaction authorized by this resolution.

The foregoing resolution was duly moved by Councilor Kennedy and seconded by Councilor Matters and brought to a vote resulting as follows:

Councilor H. Kennedy	VOTED:
Councilor R. Matters	VOTED:
Supervisor J. Conway	VOTED:
Councilor T. Tierney	VOTED:
Councilor G. Warner	VOTED:

**55-2018 A Resolution Authorizing the Town of East Greenbush to Award BID # 18-04 to Capital Region Construction for General Contracting Service to Construct a New Building at the Town Park**

**WHEREAS**, the Town Board has approved the solicitation of Bids for a new park building at the Town Park (Resolution # 37-2017), and

**WHEREAS**, based upon the bid proposals received it was determined that Capital Region Construction submitted the best value proposal, and

**WHEREAS**, the Town Comptroller confirms that this resolution will have a material impact on the Town's finances;

now, therefore, be it

**RESOLVED**, that the Town Board authorizes the Town Supervisor to enter into contract with Capital Region Construction for general contracting services to construct a new building at the Town Park, for an amount not to exceed \$498,850.00.

The foregoing resolution was duly moved by Supervisor Conway and seconded by Councilor Warner and brought to a vote resulting as follows:

Supervisor J. Conway	VOTED:
Councilor G. Warner	VOTED:
Councilor T. Tierney	VOTED:
Councilor H. Kennedy	VOTED:
Councilor R. Matters	VOTED:

**56-2018      A Resolution to Adopt a Local Law Establishing the Sun Oil Road Planned Development District**

**WHEREAS**, 19 Sun Oil Road, LLC (the “Applicant”) has filed an application for the establishment of a Planned Development District in connection with the proposed development of an asphalt manufacturing facility (the “Project”) in the Town of East Greenbush; and

**WHEREAS**, the location where the Applicant proposes to develop the Project, at 19 Sun Oil Road in the Town, is currently zoned Coastal Industrial; and

**WHEREAS**, the Town Board of the Town of East Greenbush (the “Town Board”) duly appointed itself as lead agency under the State Environmental Quality Review Act (“SEQRA”) for the environmental review of the Project; and

**WHEREAS**, the Town Board, after thorough review, adopted a Conditioned Negative Declaration pursuant to SEQRA for the Project, establishing a number of conditions for the Project; and

**WHEREAS**, the Town Planning Board has reviewed the application materials and has recommended to the Town Board that the Town Board approve a local law, annexed hereto and made a part hereof, for the creation of the Sun Oil Road Planned Development District; and

**WHEREAS**, that the Town Board duly scheduled and conducted a public hearing on the proposed local law on February 21, 2018; and

**WHEREAS**, the Town Comptroller confirms that this resolution will have no material impact on Town finances.

now, therefore, be it

**RESOLVED**, that Local Law No. 2 of 2018 is hereby approved;

and be it further

**RESOLVED**, that Local Law No. 2 of 2018 be filed as required by applicable provisions of law.

The foregoing resolution was duly moved by Supervisor Conway and seconded by Councilor Tierney and brought to a vote resulting as follows:

Supervisor J. Conway	VOTED:
Councilor T. Tierney	VOTED:
Councilor H. Kennedy	VOTED:
Councilor R. Matters	VOTED:
Councilor G. Warner	VOTED:

**57-2018      A Resolution to Approve a Site Plan for Sun Oil Road Planned Development District**

**WHEREAS**, 19 Sun Oil Road, LLC (the “Applicant”) has filed an application for site plan approval and establishment of a Planned Development District in connection with the proposed development of an asphalt manufacturing facility known as the “Sun Oil Road Asphalt Plant” (the “Project”) located at 19 Sun Oil Road, identified on the Town's Tax Roll as Tax Parcel Nos. 165.-1-3.11, 165.-1-3.12 & 165.-1-3.13; and

**WHEREAS**, the Applicant proposes to develop the Project, at 19 Sun Oil Road in the Town, in accordance with the following plans: “Sun Oil Road Asphalt Plant” prepared by Creighton Manning, and dated November 2017; and

**WHEREAS**, the Town Board of the Town of East Greenbush (the “Town Board”) duly appointed itself as lead agency under the State Environmental Quality Review Act (“SEQRA”) for the environmental review of the Project; and

**WHEREAS**, the Town Board, after thorough review, has adopted a Conditioned Negative Declaration pursuant to SEQRA for the Project, establishing a number of conditions for the Project; and

**WHEREAS**, the Town Board duly noticed and conducted a public hearing on the proposed site plan on February 21, 2018; and

**WHEREAS**, on March 21, 2018, the Town Board approved the creation of the Sun Oil Road Planned Development District; and

**WHEREAS**, the Town Planning Board has reviewed the application materials and submitted the application materials to the Project Review Team for technical review, and the site plan has been revised in response to various concerns raised by the Town Planning Board and the Project Review Team; and

**WHEREAS**, the Town Planning Board has reviewed the application materials and has recommended to the Town Board that the Town Board approve the site plan with certain conditions; and

**WHEREAS**, the Town Board has reviewed the site plan application materials and the recommendation of the Town Planning Board; and

**WHEREAS**, the Town Comptroller confirms that this resolution will have no material impact on Town finances.

now, therefore, be it

**RESOLVED**, the Town Board hereby approves the site plan of the project subject to the following conditions:

- Satisfying outstanding technical details from the Town Planning and Building Departments;
- All remaining fees applicable to a Planned Development District and Major Site Plan are paid to the Town.

The foregoing resolution was duly moved by Councilor Tierney and seconded by Councilor Warner and brought to a vote resulting as follows:

Councilor T. Tierney	VOTED:
Councilor G. Warner	VOTED:
Supervisor J. Conway	VOTED:
Councilor H. Kennedy	VOTED:
Councilor R. Matters	VOTED:

### **58-2018      A Resolution Adopting the SEQRA Findings Statement for the East Greenbush Tech Park**

**WHEREAS**, Greenbush Associates LLC (the “Applicant”) has submitted applications for a zoning amendment (from Corporate Office to Planned Development District), subdivision and site plan approval and related information for the proposed Part 2 of the East Greenbush Tech Park on Mannix Road and Tech Valley Drive in the Town of East Greenbush (the “Project”); and

**WHEREAS**, the Town Board expressed to other potentially involved agencies its desire to serve as lead agency under the State Environmental Quality Review Act (“SEQRA”) for the

coordinated environmental review of the Project, and such potentially involved agencies either concurred with the Town Board serving as lead agency or failed to respond within the prescribed time period; and

**WHEREAS**, the Town Board designated itself as lead agency for the SEQRA review of the Project, determined that the Project may have a significant adverse impact on the environment, and adopted a positive declaration requiring that a draft environmental impact statement (“DEIS”) be prepared; and

**WHEREAS**, the Applicant submitted a DEIS, which the Town Board and its staff and consultants reviewed; and

**WHEREAS**, the Town Board determined that the DEIS was adequate for public review; and established a public written comment period on the DEIS, to conclude at 4:00 p.m. on March 27, 2017, with a public hearing to receive comments on the DEIS and the proposed zoning amendment, held on March 15, 2017, at the East Greenbush Town Hall; and

**WHEREAS**, one written comment was received and has been addressed, and no oral comments were received; and

**WHEREAS**, the Applicant submitted a draft Final Environmental Impact Statement (“FEIS”), which, after review by the Town Board and its staff and consultants, was adopted by the Town Board on February 21, 2018; and

**WHEREAS**, the Town Board has caused the preparation of a SEQRA Findings Statement, annexed hereto and made a part hereof; and

**WHEREAS**, the Town Comptroller confirms that this resolution will have no material impact on Town finances;

now, therefore, be it

**RESOLVED** as follows:

1. The Town Board hereby adopts the SEQRA Findings Statement, annexed hereto and made a part hereof.
2. The Town Board hereby directs that notice of such adoption and filing be circulated and posted in accordance with applicable provisions of law, including but not limited to the filing of such notice with the Applicant, all SEQRA involved agencies and any person who requested a copy.

The foregoing resolution was duly moved by Councilor Tierney and seconded by Councilor Matters and brought to a vote resulting as follows:

Councilor T. Tierney	VOTED:
Councilor R. Matters	VOTED:
Supervisor J. Conway	VOTED:
Councilor H. Kennedy	VOTED:
Councilor R. Matters	VOTED:

## **59-2018      A Resolution to Adopt a Local Law Establishing the East Greenbush Technology Park 2, Planned Development District**

**WHEREAS**, Greenbush Associates LLC (the “Applicant”) has submitted applications for a zoning amendment (from Corporate Office to Planned Development District), subdivision and site plan approval and related information for the proposed Part 2 of the East Greenbush Tech Park on Mannix Road and Tech Valley Drive in the Town of East Greenbush (the “Project”); and

**WHEREAS**, the Town Board expressed to other potentially involved agencies its desire to serve as lead agency under the State Environmental Quality Review Act (“SEQRA”) for the coordinated environmental review of the Project, and such potentially involved agencies either concurred with the Town Board serving as lead agency or failed to respond within the prescribed time period; and

**WHEREAS**, the Town Board designated itself as lead agency for the SEQRA review of the Project, determined that the Project may have a significant adverse impact on the environment, and adopted a positive declaration requiring that a draft environmental impact statement (“DEIS”) be prepared; and

**WHEREAS**, the Applicant submitted a DEIS, which the Town Board and its staff and consultants reviewed; and

**WHEREAS**, the Town Board determined that the DEIS was adequate for public review; and established a public written comment period on the DEIS, to conclude at 4:00 p.m. on March 27, 2017, with a public hearing to receive comments on the DEIS and the proposed zoning amendment, held on March 15, 2017, at the East Greenbush Town Hall; and

**WHEREAS**, one written comment was received and has been addressed, and no oral comments were received; and

**WHEREAS**, the Applicant submitted a draft Final Environmental Impact Statement (“FEIS”), which, after review by the Town Board and its staff and consultants, was adopted by the Town Board on February 21, 2018; and

**WHEREAS**, the Town Board has caused the preparation of a SEQRA Findings Statement, which the Town Board adopted on March 21, 2018; and

**WHEREAS**, the Town Comptroller confirms that this resolution will have no material impact on Town finances;

now, therefore, be it

**RESOLVED**, that Local Law No. 3 of 2018 is hereby approved;

and be it further

**RESOLVED**, that the Local Law be filed as required by applicable provisions of Law.

The foregoing resolution was duly moved by Councilor Tierney and seconded by Councilor Warner and brought to a vote resulting as follows:

Councilor T. Tierney	VOTED:
Councilor G. Warner	VOTED:
Supervisor J. Conway	VOTED:
Councilor H. Kennedy	VOTED:
Councilor R. Matters	VOTED:

**60-2018      A Resolution Consenting to the Transfer by Rensselaer County of Certain Property to Brian Hart**

**WHEREAS**, Brian Hart, is the owner of certain real property in the Town of East Greenbush, known as 83 Troy Road (tax map no.: 155.16-2-13); and

**WHEREAS**, the said Brian Hart has sought to terminate the jurisdiction of the New York State Department of Transportation over said real property, and then to have Rensselaer County transfer its interest in the property to him; and

**WHEREAS**, the Town has received a notice of this proposed transfer from Steven A. Pechenik, the Rensselaer County Attorney, with a map showing the property over which the maintenance jurisdiction would be ceded; and

**WHEREAS**, the Town of East Greenbush, upon consultation with the Commissioner of Public Works, has determined that the Town has no interest in receiving the county’s interest in this parcel; and

**WHEREAS**, the Town Comptroller confirms that this resolution will have no material impact on Town finances;

now, therefore, be it

**RESOLVED**, that the Town of East Greenbush has no desire to retain any maintenance or fee interest in the roadway;

and be it further

**RESOLVED**, that the Town of East Greenbush hereby abandons its maintenance and fee interest in said roadway to Rensselaer County.

The foregoing resolution was duly moved by Supervisor Conway and seconded by Councilor Kennedy and brought to a vote resulting as follows:

Supervisor J. Conway	VOTED:
Councilor H. Kennedy	VOTED:
Councilor T. Tierney	VOTED:
Councilor R. Matters	VOTED:
Councilor G. Warner	VOTED:

**61-2018 A Resolution to Paving of Town Highways**

**WHEREAS**, in accordance with Town policy and General Municipal Law, all public works expenses in excess of \$20,000 require Town Board approval; and

**WHEREAS**, Rensselaer County solicited Bids for Conventional Asphalt Paving on January 11<sup>th</sup>, 2017; and

**WHEREAS**, the Rensselaer County bid was awarded on February 14, 2017 and the results of the bid were made available to all municipalities and school districts in the State of New York; and

**WHEREAS**, the Rensselaer County bid was extended until December 31, 2018; and

**WHEREAS**, the Commissioner of Public Works has reviewed the needs of the Town and determined that as many of the following pavement preservation projects as possible will be completed this season subject to available funding; and

Dailey Place	\$9,425	Louis Drive	\$52,740
Patroon Lane	\$11,560	Michael Road	\$72,717
Delehunt Drive	\$19,500	Bridle Place	\$7,800
Gilligan Road	\$71,500	Robert Lane	\$37,950
Vermont Avenue	\$9,050	Lakeshore Drive	\$60,984
Spring Avenue	\$13,500		



**WHEREAS**, the Commissioner of Public Works states that the estimates for the work will not exceed \$366,726. These paving projects will be funded by the 2018-2019 Consolidated Local Street and Highway Improvement Program (CHIPS) funding (\$156,067), the PAVE-NY supplemental funding (\$29,933), and the Town paving budget for 2018 (\$181,236); and

**WHEREAS**, the Town Comptroller confirms this resolution is funded by the 2018 Town Budget, (\$186,000.00 in account code 51124.02; permanent improvements appropriation offset by revenue account code 3501.02 State Aid/Chips; and the \$181,236.00 balance in account 51101.02 General Repairs);

now, therefore, be it

**RESOLVED**, that the Commissioner of Public Works is hereby authorized to approve paving expenses not to exceed \$366,726 for paving of the aforementioned Town roads.

The foregoing resolution was duly moved by Supervisor Conway and seconded by Councilor Tierney and brought to a vote resulting as follows:

Supervisor J. Conway	VOTED:
Councilor T. Tierney	VOTED:
Councilor H. Kennedy	VOTED:
Councilor R. Matters	VOTED:
Councilor G. Warner	VOTED:

#### **62-2018      A Resolution Appointing Daniel Fiacco to the Position of Deputy Commissioner of Public Works**

**WHEREAS**, the position of Deputy Commissioner of Public Works has been vacant for more than two years and is now required to manage a number of critical functions in the Department of Public Works (DPW), including management of the Wastewater Treatment Plant, oversight of the Hampton Manor Water System improvements, and as support and to step in for the Commissioner of Public Works when necessary; and

**WHEREAS**, the Rensselaer County Civil Service Commission has approved and certified the position of Deputy Commissioner of Public Works with a job description that includes the following tasks:

- Assign and supervise daily duties of DPW employees;
- Document and forward employee discipline issues to the DPW Commissioner;
- Instruct operators and drivers on the proper operation and routine maintenance of all equipment;
- Inspection of storm water basins, connecting lines and outfalls;
- Ensure that department employees are properly trained and certified;
- Assist in the general planning and work scheduling for on-going and long-range work activities;
- Determine types and amounts of materials for work assignments;
- Coordinate outside contract maintenance and repair work as needed;
- Perform such other reasonable work that the Town requires; and

**WHEREAS**, many of these tasks need to be performed and the failure to do so would cost the taxpayers a significant amount of money in loss of productivity and failure to maintain important parts of the Town's public works delivery system; and

**WHEREAS**, Daniel Fiacco served as Deputy Commissioner of Public Works for two years (2014-2015) and was certified as qualified for the position by the Rensselaer County Civil Service Commission, and has the experience and knowledge needed to step into the position and be immediately successful in its performance; and

**WHEREAS**, the Town Comptroller confirms personal service savings accounts ending in .1 in the sewer funds are planned to make this a non-material impact on Town finances; now, therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush appoints Daniel Fiacco to the position of Deputy Commissioner of Public Works at an annual salary of \$67,500.00;

and be it further

**RESOLVED**, that this appointment is effective immediately.

The foregoing resolution was duly moved by Supervisor Conway and seconded by Councilor Tierney and brought to a vote resulting as follows:

Supervisor J. Conway	VOTED:
Councilor T. Tierney	VOTED:
Councilor H. Kennedy	VOTED:
Councilor R. Matters	VOTED:
Councilor G. Warner	VOTED:

### **63-2018 A Resolution to Authorize a Public Auction of Surplus Equipment**

**WHEREAS**, this resolution was not able to be submitted in time to be considered on the regularly scheduled pre-board meeting of March 14, 2018 and was subsequently presented to the Town Board on March 19, 2018; and

**WHEREAS**, the Town Board has received a request from the Chief of Police to declare the following Town property to be surplus equipment;

One model year 2000 Ford Econoline VIN# 1FBSS31L5YHA89756; and

**WHEREAS**, said equipment is not suited for any other Town department; and

**WHEREAS**, the Town Comptroller confirms that this resolution will have no material impact on Town finances;

now therefore be it

**RESOLVED**, that said property be and hereby is declared to be surplus; and be it further

**RESOLVED** that the Chief of Police be authorized to conduct a public auction or sale or otherwise to lawfully dispose of said surplus equipment now owned by and in the custody of the East Greenbush Police Department.

The foregoing resolution was duly moved by Councilor Warner, seconded by Councilor Matters and voted as follows:

Councilor G. Warner	VOTED:
Councilor R. Matters	VOTED:
Supervisor J. Conway	VOTED:
Councilor T. Tierney	VOTED:
Councilor H. Kennedy	VOTED:

**64-2018 A Resolution Appointing William P. Hessney to the Zoning Board of Appeals**

**WHEREAS**, this resolution was not able to be submitted in time to be considered on the regularly scheduled pre-board meeting of March 14, 2018 and was subsequently presented to the Town Board on March 19, 2018; and

**WHEREAS**, William P. Hessney submitted an application for appointment to the Zoning Board of Appeals which included a resume and letter of interest; and

**WHEREAS**, Mr. Hessney is an attorney who has handled many commercial and residential real estate cases and has significant experience with aspects of the law related to the work of the Zoning Board of Appeals; and

**WHEREAS**, the Town Board interviewed Mr. Hessney and found him to be an excellent candidate for a seat on the Town’s Zoning Board of Appeals; and

**WHEREAS**, the Town Comptroller confirms that this position was included in the 2018 Budget;

now, therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush appoints William P. Hessney to the Zoning Board of Appeals for a five-year term which ends on December 31, 2022.

This resolution was duly moved by Councilor Kennedy and seconded by Councilor Matters and brought to a vote resulting as follows:

Councilor H. Kennedy	VOTED:
Councilor R. Matters	VOTED:
Supervisor J. Conway	VOTED:
Councilor T. Tierney	VOTED:
Councilor G. Warner	VOTED:

**65-2018 A Resolution Commending the Principal’s Leadership Team at Columbia High School for the “WE RISE: Right to Safety” EVENT ON MARCH 14, 2018**

**WHEREAS**, this resolution was not able to be submitted in time to be considered on the regularly scheduled pre-board meeting of March 14, 2018 and was subsequently presented to the Town Board on March 19, 2018; and

**WHEREAS**, the students of Columbia High School in East Greenbush were deeply impacted by the horrific event in Parkland, Florida and were determined to actively participate in the national discussion regarding school safety; and

**WHEREAS**, the Principal’s Leadership Team organized the “WE RISE: Right to Safety” event on March 14, 2018 to promote school safety through speakers, presentations, and discussions designed to inform and educate their peers on the topic of school safety; and

**WHEREAS**, the expressed goal of the “WE RISE: Right to Safety” event was to bring the East Greenbush community together to discover the strength students possess to speak out within the political sphere, report any suspicious or worrisome activity they witness, and remain upstanding citizens with a robust understanding on how to be safe in the modern world; and

**WHEREAS**, the East Greenbush Town Board concurs that schools must be safe havens for teaching and learning, free from crime and violence and congratulates the students for

organizing a successful event that integrated meaningful discussion, civic engagement, and collaboration; now therefore be it

**RESOLVED**, that the Town Board commends the “WE RISE: Right to Safety” event organizers:

Lilly Hutton Heather Pangburn Morgan Jones

for their vision, leadership, and dedication toward promoting a positive and safe school climate for all Columbia High School students; and be it further

**RESOLVED**, that the Town Board commends the Principal’s Leadership Team:

Gabby Hochberg	Kyra Russo
Lilly Hutton	Bryan Serian
Lizzy Gambino	Rachel Smith
Lauryn Grugan	Renee Smith
Morgan Jones	Madison Washock
Lily Mahoney	Danny Watson
Rachel Morris	Bryel Weinlein
Heather Pangburn	Jess Winter
Nicole Presti	Emily Zeyak

for their exemplary conduct, their commitment to excellence, and their positive contributions in our community.

The foregoing resolution was duly moved by Councilor Tierney and seconded by Supervisor Conway and brought to a vote resulting as follows:

Councilor T. Tierney	VOTED:
Supervisor J. Conway	VOTED:
Councilor H. Kennedy	VOTED:
Councilor R. Matters	VOTED:
Councilor G. Warner	VOTED:

**66-2018 Resolution to Approve a Major Site Plan for the Proposed 33 Tech Valley Drive and Extension of Tech Valley Drive East Greenbush Technology Park, Part 2**

**WHEREAS**, this resolution was not able to be submitted in time to be considered on the regularly scheduled pre-board meeting of March 14, 2018 and was subsequently presented to the Town Board on March 19, 2018; and

**WHEREAS**, Greenbush Associates LLC (the “Applicant”) has submitted applications for a zoning amendment (from Corporate Office to Planned Development District), subdivision and site plan approval and related information for the proposed Part 2 of the East Greenbush Tech Park on Mannix Road and Tech Valley Drive in the Town of East Greenbush (the “Project”); and

**WHEREAS**, the Town Board, with the concurrence of other involved agencies designated itself as lead agency for the State Environmental Quality Review Act (“SEQRA”) review of the Project, determined that the Project may have a significant adverse impact on the environment, and adopted a positive declaration requiring that a draft environmental impact statement (“DEIS”) be prepared; and

**WHEREAS**, the Applicant submitted a DEIS, which the Town Board and its staff and consultants reviewed; and

**WHEREAS**, the Town Board determined that the DEIS was adequate for public review; and established a public written comment period and a public hearing to receive comments on the DEIS and the proposed zoning amendment; and

**WHEREAS**, one written comment was received and has been addressed, and no oral comments were received; and

**WHEREAS**, the Applicant submitted a draft Final Environmental Impact Statement (“FEIS”), which, after review by the Town Board and its staff and consultants, was adopted by the Town Board on February 21, 2018; and

**WHEREAS**, the Town Board has caused the preparation of a SEQRA Findings Statement, which the Town Board adopted on March 21, 2018; and

**WHEREAS**, the Town Board adopted Local Law No. 3, creating the East Greenbush Technology Park, Part 2, Planned Development District on March 21, 2018; and

**WHEREAS**, the Applicant submitted a proposed site plan entitled “Detailed Site Plan for Proposed 33 Tech Valley Drive” and the proposed extension of Tech Valley Drive as part of Phase 2 of the East Greenbush Tech Park Planned Development District, prepared by Hershberg & Hershberg Consulting Engineers & Land Surveyors, dated February 16, 2016, and last revised December 6, 2017; and a proposed site plan entitled “Public Roadway Plan & Profile for Proposed 33 Tech Valley Drive, prepared by Hershberg and Hershberg Consulting Engineers & Land Surveyors, dated February 16, 2016, and last revised December 6, 2017, and

**WHEREAS**, the Planning Board has reviewed the proposed site plan and has made a favorable recommendation to the Town Board; and

**WHEREAS**, the Town Comptroller confirms that this resolution will have no material impact on Town finances;

now, therefore, be it

**RESOLVED**, that the site plan set forth on December 6, 2017, by Hershberg and Hershberg Consulting Engineers & Land Surveyors, is hereby approved, subject to the following conditions:

- Approval of the Part 2 of the East Greenbush Technology Park Planned Development District in accordance with 2.9.8 of the Town’s Comprehensive Zoning Law and Establishes Part 2 of the Planned Development District through Zoning Map Amendment;
- That Site Plan approval be subject to satisfying outstanding technical comments and details and third party permits and approvals, as determined by the designated Town Engineers; and
- Applicant shall establish escrow to cover the costs of any necessary third party inspection services as determined by the Town Planning Department prior to issuance of building permits; and
- Any water and sewer main installed in contemplation of future use shall be installed in accordance with all applicable standards, including New York State Department of Environmental Conservation, Rensselaer County Health Department and Town Department of Public Works, prior to issuance of a certificate of occupancy; and
- Owner shall enter into Stormwater Facility Maintenance Agreement with the Town to ensure proper maintenance of all stormwater facilities in perpetuity prior to issuance of a certificate of occupancy; and

- That all remaining fees and escrow applicable to a Planned Development District Expansion and Major Site Plan, including GEIS fees, are paid to the Town prior to issuance of building permits.

The foregoing resolution was duly moved by Councilor Warner and seconded by Councilor Tierney and brought to a vote resulting as follows:

Councilor G. Warner	VOTED:
Councilor T. Tierney	VOTED:
Supervisor J. Conway	VOTED:
Councilor H. Kennedy	VOTED:
Councilor R. Matters	VOTED:

### **ADJOURNMENT**

Motion to adjourn by Supervisor Conway seconded by Councilor Warner and brought to a vote as follows:

Supervisor J. Conway	VOTED:
Councilor G. Warner	VOTED:
Councilor T. Tierney	VOTED:
Councilor H. Kennedy	VOTED:
Councilor R. Matters	VOTED:

**Town Board**  
**Town of East Greenbush, Rensselaer Co, New York**  
**Local Law No. 2 of 2018**

**“Sun Oil Road Planned Development District”**

**Section 1 - Local Law Designation**

- A. This local law shall be known as the "Sun Oil Road - Planned Development District Law." This local law amends the Town of East Greenbush Comprehensive Zoning Law and the Town's Official Zoning Map to provide for the creation of a planned development district to be known and designated as provided in Section 2.A below.

**Section 2 - Zoning Law Amendment**

- A. The Town of East Greenbush, New York, Comprehensive Zoning Law, as amended, and the Zoning Map of the Town of East Greenbush as set forth therein are hereby amended by changing the area referred to in Section 3 below from the CI, Coastal Industrial District (the “CI Zoning District”), as such area was zoned prior to the adoption of this local law, and creating within the boundaries of said area a planned development district to be known and described as "Sun Oil Road Planned Development District, Town of East Greenbush" (the “Sun Oil Road PDD” or the “PDD”).

**Section 3 - PDD Area**

- A. The Sun Oil Road PDD shall consist of approximately 10.75 acres in the Town of East Greenbush and is bounded and described as set forth in Appendix A, attached hereto and made a part hereof, and generally includes the following parcels:
- Main parcel ID (4.01 acres) Lots 1A&1B 165.-1-3.11 at address 11 Sun Oil Company Rd, East Greenbush, 12061
  - Lots 2A&2B 165.-1-3.12 (3.42 acres) 19 Sun Oil Company Rd
  - Lot 3 165.-1-3.13 (3.33 acres) Riverside Ave Ext
- B. The zoning regulations applicable to the Sun Oil Road PDD shall be as provided in this local law. If the provisions of this local law are silent concerning items regulated by the Comprehensive Zoning Law of the Town of East Greenbush in the CI Zoning District, then the provisions of the Zoning Law then applicable to the CI Zoning District shall apply.

**Section 4 - Purpose**

- A. The purpose of this local law is to provide for the rezoning of the Sun Oil Road PDD to permit the construction and operation of an asphalt manufacturing plant and associated development in conformance with certain provisions and standards hereinafter set forth which insure the compatibility with the Town’s comprehensive land use plan to foster innovation in site planning and development and which encourage sound design practices.
- B. It is the further purpose of this local law to promote flexibility and design of the PDD by creating a site to allow an asphalt manufacturing plant with cold feed aggregate hoppers, hoppers for recycled asphalt pavement (“RAP”) and recycled asphalt shingles (“RAS”), dryer/mixer drum, baghouse, asphalt storage silos, conveyors, control building, liquid asphalt cement storage tanks, and a stockpile area for storage of aggregates, RAP and RAS. The architectural style of the structures in the PDD shall be in accordance with conditions and standards designed to mitigate environmental impacts as needed.

- C. This local law establishes the nature, parameters and limits of the described uses herein which are permissible within the PDD.

**Section 5 - General Development Proposal.**

The following uses are permitted in the PDD:

- A. A drum mix asphalt plant with a maximum capacity of 325 tons per hour, equipped with three 200 ton hot asphalt storage and loadout silos and discharge area, one dryer/mixer drum, one baghouse, two 20,000-gallon double wall vertical liquid asphalt storage tanks, cold feed aggregate hoppers and RAP and RAS hoppers and conveyor systems. Also included is a control building, all as shown on the General Development Plan submitted by Creighton Manning dated March 9, 2017, last revised November 2017, entitled “Sun Oil Road Asphalt Plant” (“General Development Plan”).
- B. Aggregate and RAP/RAS will be delivered to the Site in trucks. The aggregate, and RAP/RAS will be stored in open piles in a stockpile area on the Site. The stockpile area will be bermed along its perimeter and graded to direct stormwater towards the site’s stormwater management area. The floor of the stockpile area will be paved.
- C. The final design of the Project shall be in substantial compliance with the General Development Plan. Final design shall be determined during site plan review.

**Section 6 - General Development Requirements and Constructions Specifications**

- A. The Project shall be constructed in substantial conformance with the General Development Plan.
- B. Site lighting shall be limited to 25-foot light fixtures, including bases, with shoebox light fixtures or equivalent to reduce nighttime glare. Lighting shall be in substantial conformance with the General Development Plan (Sheet C-105). The final lighting plan shall be determined during site plan review.
- C. New fences shall be between 6- and 8-foot high chain link. Final fence design shall be determined during site plan review.
- D. Landscaping shall be in substantial conformance to the General Development Plan (Sheet C-105). The final landscaping plan shall be determined during site plan review.
- E. No structure shall exceed the height of 80 feet.
- F. Project identification signs are hereby authorized. The final design, size and location of such signs shall be determined at site plan review. The lighting of the signs shall be determined at site plan review. The maintenance of all signs in this PDD, excluding traffic regulatory signage along Town or State owned roads, shall be at no cost to the Town. All traffic regulatory signs shall conform with Town's standards.
- G. All traffic control devices, roadway signs, and all road markings associated with this Project shall be substantially completed prior to the issuance of any certificate of occupancy, and where applicable, shall be in conformance with the requirements of the Town of East Greenbush and State of New York.
- H. All structures will be constructed substantially in accordance with the current building codes as adopted by New York State, as amended. All blueprints and structure specifications shall be approved and stamped by a duly licensed engineer or architect. All construction shall be subject to the inspection and approval of the Town Code Enforcement Officer, Town Engineers or other duly designated agents of the Town.
- I. All new utilities shall be installed underground.



- J. Public water is provided to the PDD by the City of Rensselaer Water Department (the "Water Department").
- K. Sanitary waste shall be handled through on-site septic system permitted by the Rensselaer County Department of Health.
- L. The Developer will provide, during the site plan review, an acceptable site-specific grading plan, sediment and erosion control plan, stormwater management plan and stormwater pollution prevention plan.
- M. Normal hours of operation shall be limited to 6:30 am to 5:00 pm Monday through Saturday. Hours of operation may be expanded for special projects.
- N. No continuous noise measured at the Lot Line will exceed 75 db during the normal hours of operation (6:30 am to 5:00 pm Monday through Saturday). No continuous noise measured at the Lot Line will exceed 75 db outside the normal hours of operation. Operations shall be conducted in accordance with the conditions of the Town Board for noise mitigation set forth in the Conditioned Negative Declaration adopted by the Town Board.
- O. Processing, including processing of Recycled Asphalt Product (both RAP and RAS) shall be limited to the hours of 8:00 am to 5:00 pm Monday through Saturday.

**Section 7 - Bulk Lot Requirements and Buffer Areas**

- A. The bulk lot requirements and the buffer areas are set forth on the tables appearing on the General Development Plan, including but not limited to Sheet C-103.

**Section 8 - Water Supply**

- A. Water will be supplied by the City of Rensselaer Water Department. If any new or additional connections are needed for the Project to connect to the water system, the Developer, at its expense, will provide such connections.
- B. Any such connections shall be designed and constructed in accordance with the standards of the Water Department in effect at the time of site plan application being made by the Developer.

**Section 9 - Stormwater Management**

- A. All stormwater management plans and associated utilities shall conform to the specifications of the Town of East Greenbush and the latest version of the NYSDEC - New York State Stormwater Management Design Manual in effect at the time of site plan application being made by the developer.
- B. At the time of application for site plan review, a conforming Stormwater Pollution Prevention Plan ("SWPPP") shall be submitted to the Planning Board for review.

**Section 10 – Air Quality**

- A. The developer shall at all times comply with the terms and conditions of the Air Permit issued for the Project by the New York State Department of Environmental Conservation. The developer shall be required to comply with all determinations and mitigation measures as prescribed by the state and/or federal authorities.

**Section 11 - Project Related Review Fees.**

- A. The developer shall be responsible for reimbursing the Town for any and all expenses incurred for the review of this Project as stipulated within the Town's zoning regulations.

**Section 12 – Amenity Package**

- A. The developer shall be responsible for providing the Town with the following amenities: A seventy-five thousand dollar (\$75,000) contribution to the Town’s park and recreation fund.

**Section 13 – State Environmental Quality Review Act**

- A. The East Greenbush Town Board, as lead agency for this Project pursuant to the State Environmental Quality Review ACT (“SEQRA”) has adopted a Conditioned Negative Declaration and declaration of non-significance concerning this Project. The developer agrees to comply with all of the mitigating measures set forth as conditions in the Conditioned Negative Declaration, at no cost to the Town.
- B. No certificate of occupancy for any structure within the boundaries of the PDD will be issued until the conditions or mitigating measures set forth in the Conditioned Negative Declaration are substantially complete.

**Section 14 - Additional Town Approvals**

- A. Following adoption of this local law, the developer shall make application to the Town of East Greenbush for the following "planning" related approvals:
  - 1. Site Plan Approval subject to the Town Planning Board and Town Board review and approval.

**Section 15 - Zoning Map to Incorporate the Sun Oil Road PDD**

- A. The Town of East Greenbush Zoning Map is hereby amended by providing that said Sun Oil Road Planned Development District be set forth on the Zoning Map of the Town of East Greenbush and on any supplementary map later adopted by the Town Board, all of which are hereby made a part of this local law.

**Section 16 - Effective Date; Severability**

- A. This local law shall take effect immediately upon filing with the Secretary of State of New York State. If any part of this local law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this local law.

**Section 17 - Sunset Provision**

- A. In the event construction (including, without limitation, demolition of the existing building in the PDD) does not commence within three years of the date this local law becomes effective, this local law shall be deemed null and void, and the zoning of these lands shall revert to the CI District.

**Appendix A Description**

**165.-1-3.11**

ALL THAT PIECE OR PARCEL OF LAND, situate in the Town of East Greenbush, County of Rensselaer, and State of New York, more particularly described as follows:

PARCEL 1A

BEGINNING at a point, said point being a railroad spike set in pavement on the northerly line of Township Road, said point being N 73° 14' 36" W, a distance of 404.98 feet from the intersection of the Northerly line of Township Road with the Easterly line of Riverside Avenue. Thence the following four courses: N 8° 23' 10" E a distance of 101.08 feet to a capped iron rod set on the Southerly line of Lands now or formerly of Tellers Crossing Inc. (Book 1711 of deeds at page 336). Thence S 3° 14' 37" E along the Southerly line of said Lands of Tellers Crossing Inc. a distance of 309.35 feet passing through an easement granted to Lands now or formerly of Albany Port District Commission (Book 572 of deeds at page 338) to a point on the westerly line of Lands now or formerly of Penn Central Railroad. Thence S 08° 23' 10" W along the Westerly line of said lands of Penn Central Railroad a distance of 101.08 feet to a capped iron rod set on the northerly line of Township Road. Thence N 73° 14' 36" W, a distance of 309.35 feet to a point of beginning. Containing 0.715 acres or 30.935 square feet of land, more or less.

PARCEL 1B

BEGINNING at a point, said point being the center line of a light pole on the Southerly line of Township Road, said point being S 73° 14' 36" E distance of 411.58 feet from the intersection of the Southerly line of Township Road with the Easterly line of Riverside Avenue, thence the following five courses. S 73° 14' 36" E along the Southerly line of Township Road a distance of 309.35 feet to a point on the Westerly line of lands now or formerly of Penn Central Railroad. Thence S 08° 23' 10" W along lands now or formerly of Penn Central Railroad a distance of 525.70 feet to a point at the northeasterly corner of lands now or formerly of Gertrude M. Abele, Margaret M. Abele & Francis E. Schmitt (book 1765 at page 3020). Thence N 74° 06' 41" W along lands now or formerly of Gertrude M. Abele, Margaret M. Abele & Francis E. Schmitt a distance of 190.00 feet to a point. Thence N 11° 28' 01" W a distance of 346.52 feet to a capped iron rod. Thence N 08° 23' 10" E a distance of 220.00 feet to a point of beginning. Containing 3.291 acres of 143,350 square feet of land, more or less.

RESERVING to the Grantor an easement for ingress and egress as follows: beginning at a point in the southeast corner lot 1B northerly 74° 06' 41" W 190 feet, thence northerly 11° 28' 01" W 22.52 feet, thence southerly 74° 06' 41" E 197.71, thence along the lands of Penn Central S 08° 23' 10" W to the point of beginning.

**165.-1-3.12**

ALL THAT PIECE OR PARCEL OF LAND, situate in the Town of East Greenbush, County of Rensselaer, and State of New York, more particularly described as Lots 2a and 2b on a map dated September 4, 1996, entitled, "Boundary Survey and Parcel Map, Alpha Venture One Minor Three Lot Subdivision, Town of East Greenbush, County of Rensselaer", made by Capital Engineers and Consultants, and filed in the Rensselaer County Clerk's Office on October 30, 1996 in Drawer 1996 as Map 122.

**165.-1-3.13**

ALL THAT PIECE OR PARCEL OF LAND, situate in the Town of East Greenbush, County of Rensselaer, and State of New York, more particularly described as Lot 3 on a map dated September 4, 1996, entitled, "Boundary Survey and Parcel Map, Alpha Venture One Minor Three Lot Subdivision, Town of East Greenbush, County of Rensselaer", made by Capital Engineers and Consultants, and filed in the Rensselaer County Clerk's Office on October 30, 1996 in Drawer 1996 as Map 122.

**SEQRA FINDINGS STATEMENT  
EAST GREENBUSH TECHNOLOGY PARK, PART 2**

Pursuant to the State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law, and 6 NYCRR Part 617 (collectively, “SEQRA”), the Town Board of the Town of East Greenbush, as SEQRA Lead Agency, makes the following findings with respect to Part 2 of the East Greenbush Technology Park (the “Project”).

**Name of Action:** East Greenbush Technology Park, Part 2

**Description of Action:**

The Project involves an application for the rezoning of property located on Mannix Road and Tech Valley Drive in the Town of East Greenbush from O (Corporate Office) to a Planned Development District (PDD). The existing Part 1 of the Technology Park includes seven approved lots that can accommodate up to 311,300 +/- square feet of buildings. Existing (already constructed) uses include a Marriott Residence Inn and four research/office/light industrial buildings based upon site plans previously approved. The Applicant proposes to extend the existing Technology Park Planned Development District, subdivide six additional future lots for the extension of Tech Valley Drive and develop the balance of the site to accommodate a mixed use of office/research/light industrial buildings with associated parking, loading areas, lighting, stormwater management and landscaping. The six additional future lots can accommodate 381,000 square feet of office/research/light industrial buildings. The six future lots may be reduced if a need arises for one larger user to occupy multiple lots. At full development the Technology Park (Parts 1 & 2) can accommodate a total 692,300 square feet (and up to 850,000 square feet of lower intensity uses which include large assembly area and storage) of office/research/light industrial buildings on a total of 13 separate parcels (gross site area of 86 +/- acres). Tech Valley Drive, which will be extended into Part 2, will comply with Town Standards as amended by the PDD. The Project will also require site plan approval of each lot as developed by the Town of East Greenbush Town Board and related permits, approvals and compliance determinations from other involved agencies. The applicant proposes to commence construction of a 37,000 +/- square feet building on proposed future Lot 8 without any designated tenants. This action includes the extension of the existing East Greenbush Technology Park Planned Development District and subdivision of one lot with the right of way for dedication to the Town.

**AGENCY JURISDICTION AND DESCRIPTION OF THE SEQRA PROCESS**

The Project requires the following approvals:

Town of East Greenbush Town Board – Establishment of Planned Development District and Site Plan Approval.

NYS Department of Environmental Conservation – SPDES general stormwater permit.

NYS Department of Transportation – Highway work permit

Town of East Greenbush Planning Board – Subdivision approval

Rensselaer County Department of Health – Water main extension

The following actions highlight the review of the Project in accordance with SEQRA:

September 20, 2016 – Meeting with Town Officials and Greenman-Pederson Inc.

(“GPI”), the Town-Designated Engineer

September 29, 2016 – Received review memorandum from GPI

October 12, 2016 – Preliminary Presentation to the Town Board

December 19, 2016 – Submittal of the following to GPI and the Town:

- Project Plans
- Draft Environmental Impact Statement (“DEIS”)
- SWPPP
- Sewer Report
- Water Report
- Itemized list of responses to the review memorandum

January 11, 2017 – Updated Presentation to GPI’s Town Board

January 6, 2017 - Received updated review memorandum from GPI

January 12, 2017 - Received updated review memorandum from GPI

March 15, 2017 – Public Hearing before Town Board.

March 29, 2017 – Submitted responses to GPI memoranda documenting changes made to previously submitted plans

February 21, 2018 – Town Board Accepted FEIS.

**Project Location:** Mannix Road and Tech Valley Drive, Town of East Greenbush, Rensselaer County

**SEQRA Classification:** Type I

**Final Environmental Impact**

**Statement Accepted:** February 21, 2018

**STATEMENT OF SEQRA FINDINGS**

The following findings and conclusions have been made upon review of the Draft EIS and Final EIS for the Project, together with accompanying plans and documentation prepared for the Project, pursuant to the Town of East Greenbush Town Board’s responsibility as Lead Agency under SEQRA.

**1.0 Description of the Action**

The Project involves an application for the rezoning of property located on Mannix Road and Tech Valley Drive in the Town of East Greenbush from O (Corporate Office) to a Planned Development District (PDD). The existing Part 1 of the Technology Park includes 7 approved lots that can accommodate up to 311,300 +/- square feet of buildings. Existing (already constructed) uses include a Residence Inn and four research/office/light industrial buildings based upon site plans previously approved. The Applicant proposes to extend the existing Technology Park Planned Development District, subdivide six additional future lots for the extension of Tech Valley Drive and develop the balance of the site to accommodate a mixed use of office/research/light industrial buildings with associated parking, loading areas, lighting, stormwater management and landscaping. The six additional future lots can accommodate 381,000 square feet of office/research/light industrial buildings. The six future lots may be reduced if a need arises for one larger user to occupy multiple lots. At full development the Technology Park (Parts 1 & 2) can accommodate a total 692,300 square feet (and up to 850,000 square feet of lower intensity uses which include large assembly area and storage) of office/research/light industrial buildings on a total of 13 separate parcels (gross site area of 86 +/- acres). Tech Valley Drive, which will be extended into Part 2, will comply with Town Standards as amended by the PDD. The Project will also require site plan approval of each lot as developed by the Town of East Greenbush Town Board and related permits, approvals and compliance determinations from other involved agencies. The applicant proposes to commence construction of a 37,000 +/- square feet building on proposed future Lot 8 without any designated tenants. This action includes the extension of the existing East Greenbush

Technology Park Planned Development District and subdivision of one lot with the right of way for dedication to the Town.

## **2.0 Environmental Setting, Anticipated Impacts and Mitigation Measures**

### **A. Topography, Geology and Soils**

The existing soils on the Project site are Bernadston-Nassau Complex (Rolling) and Scriba Silt Loam (3-6 percent). Most of site is gently rolling land, with grades between three percent and six percent. A portion of the site was formerly farmed but is not currently under cultivation.

### **B. Surface Water and Groundwater**

An unnamed tributary of Mill Creek crosses the site. The stream is classified as a class “C” water of the State. The project will leave the stream course undisturbed, with the exception of a culvert to permit Tech Valley Drive to cross the stream. The length of the culverting will be minimized.

Federal wetlands have been identified along the water course that bisects the site. These wetlands have an area of 3.93 acres and includes two ponds. In addition, two isolated wetlands that are not federal wetlands are located on the site and have been delineated. There are no New York State designated wetlands on the site.

The site is located within flood classification Zone C, which is defined as an area subject to minimal flooding. The seasonal high groundwater table is at the surface in the wetland areas but between five and ten feet below ground surface on most building sites.

Development of the site will require preparation and implementation of a stormwater pollution prevention plan (“SWPPP”) pursuant to DEC’s general permit GP015-02-01.

The federal wetlands will be protected primarily by avoidance. With the exception of less than one-tenth of an acre of disturbance required to cross wetlands with Tech Valley Drive, all federal wetlands will be preserved.

### **C. Flora and Fauna**

The site is a mixture of open fields and meadows, secondary growth hardwood forest, water bodies and wetlands. No endangered or threatened species of wildlife have been identified as being present on the site.

### **D. Cultural Resources**

A Phase I archeological investigation was conducted by Hartgen Archeological Associates in 2003. It included 408 shovel tests. No historic features were encountered.

### **E. Noise**

The major noise generator is truck and car traffic on nearby Interstate 90 and Route 4. The noise level interior to the site is approximately 63 dB(A) to 69dB(A). After completion of the Project, the noise level is not expected to increase beyond the existing range.

### **F. Transportation and Traffic**

After reviewing traffic flow information, it was determined that no traffic-related improvements were required to the existing geometry of the main entrance to the Tech Park if the additional area of buildings of similar uses to those already occupying the Tech Park were 100,000 square feet or less.

If that threshold were surpassed, the realignment of Mannix Road and the intersection with Tech Valley Drive would be necessary. The preferred option for doing this would be to give priority to Tech Valley Drive, with a stop sign controlling traffic entering the intersection from Mannix Road. This would require the acquisition of land from an adjoining property owner, however, and the property owner has expressed no interest in conveying such property.

The next-preferred option is the realignment of Mannix Road farther east along Mannix Road beyond the existing Marriott Residence Inn. This would allow priority to be given to Tech Valley Drive, with a stop sign controlling traffic entering the intersection from Mannix Road. It would require construction of an additional leg of Tech Valley Drive, with the intersection located between the existing Tech Valley Drive and the new leg of that road. The existing intersection of Mannix Road and Tech Valley Drive would be eliminated, and a cul-de-sac would be placed south of the existing intersection. This option is the preferred option if the first option cannot be constructed due to right-of-way constraints.

**G. Visual**

Some buildings in the Project will be readily visible from Mannix Road and adjoining residences. The applicant has located primarily one-story buildings in the areas most visible from Mannix Road and residences. In addition, existing trees will be retained wherever practical, and landscaping will be added to screen both buildings and parking areas from adjoining residences. Also, special screening will be provided along Mannix Road where the proposed extension of Tech Valley Drive runs parallel to Mannix. This will consist of fences, walls and foliage to prevent oncoming lights from being a distraction to drivers on either road.

**H. Employment**

It is projected that the Project will generate approximately 150 full-time or part-time construction jobs over the construction phase of the Project, and that, at full build-out, there may be as many as 1,200 full-time jobs.

**I. Construction**

Construction stage activities will include erosion and sedimentation control, security fencing, and watering of the site as needed to control dust, along with any additional controls established by the Town during the site plan review process.

**J. Developable Area**

Permitted uses, setbacks and area coverages shall be as set forth in the legislation establishing the PDD extension. The maximum development area in the entire expanded Technology Park is projected to be approximately 800,000 square feet.

**K. Lighting**

Lighting will be provided on each site. All extension lighting will conform with light level and glare standards to be established during final site plan approval.

**L. Police and Fire Protection**

Water pressure in the Tech Park is generally around 60 pounds per square inch (“psi”), with pressure around 45 psi possible at the highest elevation (top building floors). Booster pumps will be considered on a site-by-site basis if the Town determines that it is necessary. There is ample flow available, as the Town’s two 5-million-gallon water tanks are located nearby which are in turn fed by a 30-inch water main. Water use at full buildout of the Technology Park is estimated to be 38,100 gallons per day.

Police protection is provided by the Town of East Greenbush Police Department and is considered adequate to serve the Town, including the Project.

**M. Fiscal Factors**

The estimated total value of the full buildout of Part 2 of the Technology Park is \$31,204,000. It is contemplated that the development may be covered by a payment in lieu of taxes (“PILOT”) agreement under which the full assessment would be phased in over approximately ten years. After the expiration of any PILOT agreement, it is estimated that the

development of Part 2 of the Technology Park would generate \$1,163,11 annually in real property taxes.

**N. Alternatives**

Under the “no action” alternative, the Project site would remain undeveloped, with no new job growth or increased tax revenue. Under an alternative with fewer buildings on the site, real property taxes and employment would decrease. The applicant also reviewed other potential locations, but determined that they would not meet its needs for, among other reasons, this site’s close proximity to the I-90 interchange.

**Certification to Approve/Fund/Undertake:**

Having considered the DEIS and FEIS and having considered the preceding written facts and conclusions relied on to meet the requirements of 6 NYCRR Part 617,11, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met; and
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the project is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

Town of East Greenbush Town Board  
**Name of Agency**

John J. Conway  
**Name of Responsible Official**

\_\_\_\_\_  
**Signature of Responsible Official**

\_\_\_\_\_  
**Date**

Town Supervisor  
**Title of Responsible Official**

**Address of Agency:**

Town of East Greenbush Town Board  
Town Hall  
225 Columbia Turnpike  
Rensselaer, NY 12144



**Town Board  
Town of East Greenbush, Rensselaer Co, New York  
Local Law No. 3 of 2018**

**“East Greenbush Technology Park, Part 2 Planned Development District”**

**Section 1 - Local Law Designation**

- B. This local law shall be known as the "East Greenbush Technology Park, Part 2 Planned Development District." This local law amends the Town of East Greenbush Comprehensive Zoning Law and the Town's Official Zoning Map to provide for the creation of a planned development district to be known and designated as provided in Section 2.A below.

**Section 2 - Zoning Law Amendment**

- B. The Town of East Greenbush, New York, Comprehensive Zoning Law, as amended, and the Zoning Map of the Town of East Greenbush as set forth therein are hereby amended by changing the area referred to in Section 3 below from CO, Corporate Office Only, District (the “CO Zoning District”), as such area was zoned prior to the adoption of this local law, and creating within the boundaries of said area a planned development district to be known and described as "East Greenbush Technology Park, Part 2 Planned Development District" (the “PDD”).

**Section 3 - PDD Area**

- C. The PDD shall consist of approximately 53.99 acres in the Town of East Greenbush and is bounded and described as set forth in Appendix A, attached hereto and made a part hereof.
- D. The zoning regulations applicable to the PDD shall be as provided in this local law. If the provisions of this local law are silent concerning items regulated by the Comprehensive Zoning Law of the Town of East Greenbush in the CO Zoning District, then the provisions of the Zoning Law then applicable to the CO Zoning District shall apply.

**Section 4 - Purpose**

- D. The purpose of this local law is to provide for the rezoning of the Project site is to permit the construction and operation of a mixed use of office/research/light industrial buildings development in conformance with certain provisions and standards hereinafter set forth which insure the compatibility with the Town’s comprehensive land use plan to foster innovation in site planning and development and which encourage sound design practices.
- E. This local law establishes the nature, parameters and limits of the described uses herein which are permissible within the PDD.

**Section 5 - General Development Proposal.**

The following uses are permitted in the PDD:

- D. Office, research and light industrial uses, with associated parking and loading areas, all shown on the general development plan prepared by Hershberg and Hershberg Consulting Engineers and Surveyors, dated February 16, 2016 (last revised November 15, 2017) and containing thirteen (13) sheets, as such General Development Plan may be amended during site plan approval pursuant to the Town of East Greenbush Comprehensive Zoning Law (“General Development Plan”). Permitted uses include: Corporate offices, Research laboratories, Light Assembly and fabrication, Professional

offices, Government offices, Printing and publishing, Motels and hotels, Child Care/Day Care, Eating and drinking establishments, Parking lots or garages for private vehicles. Accessory uses include: Personal service establishments accessory to permitted uses, Parking lots for private vehicles accessory to permitted uses, and Parking garages for private vehicles accessory to permitted uses. All of the foregoing uses being referred to in the local law shall constitute the "Project."

- E. The final design of the Project shall be in substantial compliance with the General Development Plan. Final design shall be determined during site plan review for each lot.

### **Section 6 - General Development Requirements and Construction Specifications**

- P. The Project shall be constructed in substantial conformance with the General Development Plan.
  - 1. The Applicant proposes to extend the existing Technology Park Planned Development District, subdivide six additional future lots for the extension of Tech Valley Drive and develop the balance of the site to accommodate a mixed use of office/research/light industrial buildings with associated parking, loading areas, lighting, stormwater management and landscaping. The six additional future lots can accommodate 381,000 square feet of office/research/light industrial buildings. The six future lots may be reduced if a need arises for one larger user to occupy multiple lots. At full development the Technology Park (Parts 1 & 2) can accommodate a total 692,300 square feet (and up to 850,000 square feet of lower intensity uses which include large assembly area and storage) of office/research/light industrial buildings on a total of 13 separate parcels (gross site area of 86 +/- acres). There will be Parking for 1776 +/- vehicles.
  - 2. The General Development Plan includes the extension of the existing East Greenbush Technology Park Planned Development District and subdivision of one lot with the right of way for dedication to the Town. Site development is shown on plans submitted by Hershberg and Hershberg Consulting Engineers & Land Surveyors, dated February 2, 2016, last revised May 3, 2017, entitled "Expansion to PDD and Site Plan for Tech Valley Drive" ("General Development Plan").
  - 3. Tech Valley Drive, which will be extended into Part 2, will comply with Town Standards as amended by the PDD and according to site plan approval. The Project will also require site plan approval of each lot as developed by the Town of East Greenbush Town Board and related permits, approvals and compliance determinations from other involved agencies.
  - 4. A full landscaping plan for the Project Site shall be offered by the applicant during the Site Plan review process and remains subject to Town approval. This shall include the number, type, caliper and species of landscaping to be provided. Special screening will be provided along Mannix Road where the proposed extension of Tech Valley Drive runs parallel to Mannix. This will consist of fences, walls and foliage to prevent oncoming lights from being a distraction to drivers on either road. The siting of future buildings shall take visibility from Mannix Rd into consideration, and minimize visual impacts. Subsequent Site Plans shall provide a minimum 50 foot buffer, landscaping plan, and will be subject to Town approval. To the maximum extent practicable, this 50 foot buffer shall be provided by retaining existing vegetation. Building treatments also shall also be submitted for review and approval by the Planning Board during site plan approval process.

5. Water will be supplied by the Water District. If any new or additional connections are needed for the Project to connect to the water system, the developer, at its expense, will provide such connections.
6. As this project approaches full buildout, the developer will work with the Town to facilitate the construction of a looped system and provide any necessary easements to allow this loop to be installed. Any required upgrades to Town facilities to support this project would be the responsibility of the applicant and at no cost to the Town. Water supply booster pumps will be considered on a site-by-site basis if the Town determines that it is necessary.
7. Hydrants will be provided according to the spacing and location as shown on the General Development Plan.

Sanitary sewer service for the site will be supplied by the Sewer District. Service will be provided by extending the existing low pressure force main system from the existing system in East Greenbush Technology Park, Part 1. If any new or additional connections are needed for the Project to connect to the sanitary sewer system, the developer, at its expense, will provide such connections.
8. Any connections to the sanitary sewer system and Sewer District shall be designed and constructed in accordance with the standards of the Sewer District in effect at the time of site plan being made by the developer.
9. Detailed studies of water supply and sanitary sewer system capacity will be supplied by the developer and evaluated during the Site Plan review process for all subsequent development and remain subject to Town approval.
10. Lighting will be provided on each site. All extension lighting will conform with light level and glare standards to be established during final site plan approval. Lighting shall be in substantial conformance with the General Development Plan and subsequent site plans for future developments within the project. The final lighting plan shall be determined during site plan review. A detailed plan for the location of the project lighting shall be offered by the applicant during the Site Plan review process and remains subject to Town approval. This shall include the final location and type for these facilities.
11. The developer shall extend Tech Valley Drive as shown on the General Development Plan and including associated utilities to be owned by the Town and constructed according to Town standards. The applicant shall construct an emergency access driveway on Mannix Road opposite Rounds Road, 2,200 feet east of Tech Valley Drive.
12. After reviewing traffic flow information, and as outlined in the Final Environmental Impact Statement, it was determined that no traffic-related improvements were required to the existing geometry of the main entrance to the Tech Park if the additional area of buildings of similar uses to those already occupying the Tech Park were 100,000 square feet or less. The only recommended improvements at this time is to add an intersection warning sign on Mannix Road for the southbound approach to the Tech Valley Drive intersection and a new stop bar at the Tech Valley Drive/Mannix Road Intersection. In addition, the existing cul-de-sac at Tech Valley Drive will be removed as a result of the construction of a new cul-de-sac at the end of the proposed road extension.
13. If the 100,000 square foot threshold were surpassed, the realignment of Mannix Road and the intersection with Tech Valley Drive would be necessary. The preferred option for doing this would be "Option A" as shown on plan entitled "Option A – Conceptual Phase 2 Access Improvement," prepared by Creighton-Manning Engineering Associates, and

dated December 2017 and appended to the FEIS. Option A requires the developer to acquire land from an adjoining property owner. Such acquisition would be undertaken by the developer at its expense. The next-preferred option is “Option C” as shown on plan entitled “Option C – Conceptual Phase 2 Access Improvement,” prepared by Creighton-Manning Engineering Associates, and dated December 2017 and appended to the FEIS. Option A requires the developer to acquire land from an adjoining property owner, and Option C is the preferred option if the first Option A cannot be constructed due to right-of-way constraints.

14. As additional development takes place within the Tech Park a traffic study shall be conducted as part of each site plan approval to evaluate the need for the identified traffic mitigation measures and/or additional mitigation measures.

#### **Section 7 - Stormwater Management**

- C. All stormwater management plans and associated utilities shall conform to the specifications of the Town of East Greenbush and the latest version of the NYSDEC - New York State Stormwater Management Design Manual in effect at the time of site plan application being made by the developer.
- D. At the time of application for site plan review, a conforming Stormwater Pollution Prevention Plan (“SWPPP”) shall be submitted to the Planning Board for review.
- E. Prior to the issuance of a Certificate of Occupancy, a Stormwater Management System Maintenance Agreement between the Facility Owner and the Town shall be executed.

#### **Section 8 - Project Related Review Fees.**

- B. The developer shall be responsible for reimbursing the Town for any and all expenses incurred for the review of this Project as stipulated within the Town's zoning regulations.

#### **Section 9 – Amenity Package**

- B. The developer shall be responsible for providing the Town with the following amenities:
  - Approximately 7,500 lineal feet of nature walking trails, to be constructed in phases as shown on the General Development Plan;
  - An easement for future connections for water/sewer in the public right of way for residents on Mannix Road as shown on the General Development Plan; and
  - A connection to Columbia High School for emergency access. The approximate location is depicted on Sheet C1 of the General Development Plan. The final location and configuration shall be determined by the Town.

#### **Section 10 – State Environmental Quality Review Act**

- C. The East Greenbush Town Board, as lead agency for this Project pursuant to the State Environmental Quality Review Act (“SEQRA”) has accepted a Final Environmental Impact Statement (“FEIS”) and issued a SEQRA Findings Statement concerning the Project. The developer agrees to comply with all of the mitigating measures set forth as conditions in the FEIS and Findings Statement, at no cost to the Town.
- D. No certificate of occupancy for any structure within the boundaries of the PDD will be issued until such conditions or mitigating measures are substantially complete.

#### **Section 11 - Additional Town Approvals**

- B. Following adoption of this local law, the developer shall make application to the Town of East Greenbush for the following "planning" related approvals:
  2. Site Plan Approval subject to the Town Planning Board and Town Board review and approval.
  3. Subdivision Approval subject to the Planning Board review and approval.

**Section 12 - Zoning Map to Incorporate the PDD**

- B. The Town of East Greenbush Zoning Map is hereby amended by providing that said Planned Development District be set forth on the Zoning Map of the Town of East Greenbush and on any supplementary map later adopted by the Town Board, all of which are hereby made a part of this local law.

**Section 13 - Effective Date; Severability**

- B. This local law shall take effect immediately upon filing with the Secretary of State of New York State. If any part of this local law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this local law.

**Section 14 - Sunset Provision**

- B. In the event construction does not commence within three years of the date this local law becomes effective, this local law shall be deemed null and void, and the zoning of these lands shall revert to the CO District.

**Section 15 – GEIS Mitigation Fees**

- A. The developer shall be required to pay the following fees provided for in Local Law No. 1 of 2010 of the Town of East Greenbush.
- B. The fees shall be paid in accordance with the schedule set forth in Local Law No. 1 of 2010 of the Town of East Greenbush.

**APPENDIX A DESCRIPTION  
EAST GREENBUSH TECHNOLOGY PARK,  
PART 2 PLANNED DEVELOPMENT DISTRICT**

All that certain piece or parcel of land situate in the Town of East Greenbush, County of Rensselaer, State of New York bounded and described as follows:

**BEGINNING** at a point on the southerly bounds of Mannix Road, said point located the following two (2) courses and distances as measured along the southerly bounds of Mannix Road from its intersection with the division line between the lands now or formerly of Daniels as described in Book 1517 of Deeds at Page 213 to the east and the lands now or formerly of Greenbush Associates LLC to the west:

1. South 86°14'41" East for a distance of 940.32 feet to a bend point;
2. South 88°29'18" East for a distance of 59.99 feet to the **Point of Beginning**;

**THENCE** from said **Point of Beginning** along the southerly bounds of Mannix Road the following four (4) courses and distances:

1. South 88°29'18" East for a distance of 169.57 feet to a point;
2. North 88°07'03" East for a distance of 351.00 feet to a point;
3. South 89°17'50" East for a distance of 556.07 feet to a point;
4. South 89°53'34" East for a distance of 273.44 feet to a point;

**THENCE** South 00°06'26" West along the westerly bounds of the Lands now or formerly of Daniels as described in Book 1517 of Deeds at Page 213 for a distance of 217.80 feet to a point;

**THENCE** South 89°53'34" East along the southerly bounds of the Lands now or formerly of Daniels as described in Book 1517 of Deeds at Page 213 for a distance of 200.00 feet to a point;

**THENCE** South 00°06'26" West along the westerly bounds of the Lands now or formerly of Daniels as described in Book 1497 of Deeds at Page 147 for a distance of 82.20 feet to a point;

**THENCE** South 89°53'34" East the southerly bounds of the Lands now or formerly of Daniels as described in Book 1497 of Deeds at Page 147 for a distance of 300.00 feet to a point;

**THENCE** North 00°06'26" East along the easterly bounds of the Lands now or formerly of Daniels as described in Book 1497 of Deeds at Page 147 for a distance of 300.00 feet to a point;

**THENCE** South 89°53'34" East along the southerly bounds of Mannix Road for a distance of 45.23 feet to a point;

**THENCE** along the westerly bounds of the Lands now or formerly of LaGrave as described in Book 1297 at Page 898 the following two (2) courses and distances:

1. South 08°04'23" East for a distance of 259.75 feet to a point;
2. South 30°05'23" East for a distance of 49.97 feet to a point;

**THENCE** South 38°10'13" East along the westerly bounds of the lands now or formerly of Drake for a distance of 986.82;

**THENCE** North 88°27'33" West along the northerly bounds of the lands now or formerly of Glaz as described in Book 804 at Page 459 for a distance of 930.22 feet to a point;

**THENCE** along the northerly bounds of East Greenbush Central School Dist. the following four (4) courses and distances:

1. North 87°56'05" West for a distance of 126.39 feet to a point;
2. North 65°57'05" West for a distance of 1060.69 feet to a point;
3. South 04°09'05" West for a distance of 881.94 feet to a point;
4. South 71°05'15" West for a distance of 412.77 feet to a point;

**THENCE** along the easterly bounds of Proposed Lots 6, 5, 4 and 3 the following eight (8) courses and distances:

1. North 18°15'26" West for a distance of 312.06 feet to a point;
2. North 10°49'02" West for a distance of 70.21 feet to a point;
3. North 19°25'53" West for a distance of 443.71 feet to a point;
4. North 18°15'26" West for a distance of 209.31 feet to a point;
5. North 25°46'26" West for a distance of 255.00 feet to a point;
6. North 11°56'34" East for a distance of 68.26 feet to a point;
7. South 75°18'45" East for a distance of 254.23 feet to a point;
8. North 11°56'34" East for a distance of 423.82 feet to the **POINT OF BEGINNING.**

**CONTAINING** 53.94 Acres of land more or less.