



The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

TOWN BOARD AGENDA PRE-BOARD MEETING September 8, 2021

Call to Order 6:00 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 B. Fritz

The resolutions below are provided to the Town Board in advance of the Official Town Board Meeting to allow time for review and research. The purpose of the Pre-Board Meeting is for the Town Board to publicly discuss resolutions and ask any questions, so they may receive information needed to make an informed decision at the Town Board Meeting.

Presentation:

Schedule of Meeting:

221-2021 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 August 18, 2021 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 August 18, 2021 are hereby approved as submitted.

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

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

222-2021 A Resolution Recognizing September as “CHILDHOOD CANCER AWARENESS MONTH” and September 24, 2021 as “East Greenbush Goes Gold Day”

WHEREAS, the American Cancer Society reports that cancer is the leading cause of death by disease among United States children between infancy and age 15, and estimates that more than 10,000 children will be diagnosed with cancer each year; and

WHEREAS, although progress has been made in combating pediatric cancer, approximately 1,250 children younger than 15 years old will lose their battle with cancer; and many infants, children and teens will suffer from long-term side effects of comprehensive treatment, including secondary cancers; and

WHEREAS, there is significant progress that still must be made with regard to childhood cancer treatment; progress towards an effective treatment is painfully slow with dramatically fewer new FDA approved treatments for childhood cancer approved each year than for cancer in adults; and

WHEREAS, the designation of September as “Childhood Cancer Awareness Month” could increase the rate of early detection, lead to newer and improved treatments, and an overall higher survival rate for children diagnosed with the condition; and

WHEREAS, the Town of East Greenbush wishes to support the fight against childhood cancer in any way possible so that we may give any child afflicted with cancer the best chance possible; and

WHEREAS, “East Greenbush Goes Gold” is an initiative intended to raise awareness of the issue of childhood cancers, and this Board would like to support such a campaign to help raise awareness in honor of young patients, their loved ones, and all those who support them; now, therefore, be it

RESOLVED, that September 2021 is designated "Childhood Cancer Awareness Month" in the Town of East Greenbush to promote awareness of pediatric cancer and to support the brave children who battle cancer every day;

and be it further

RESOLVED, that the Town Board encourages participation in Go Gold in September by designating Friday, September 24, 2021 as “East Greenbush Goes Gold” Day.

and be it further

RESOLVED, that the September 24, 2021 designation of “East Greenbush Goes Gold” Day will be in memory of Sean Jucha.

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 B. Fritz VOTED:

223-2021 A Resolution Recognizing October as “DOMESTIC VIOLENCE AWARENESS MONTH” and October 22, 2021 as “East Greenbush Goes Purple Day”

WHEREAS, domestic intimate partner violence is violence or aggression that occurs in a close relationship including current and former spouses and dating partners; and

WHEREAS, data from the CDC’s National Intimate Partner and Sexual Violence Survey indicate approximately 1 in 4 women and nearly 1 in 10 men have experienced contact sexual violence, physical violence, and/or stalking by an intimate partner during their lifetime; and

WHEREAS, many of the 11 million women and 5 million men who reported experiencing this violence also indicated that they first experienced these or other forms of violence by that partner before the age of 18; and

WHEREAS, domestic violence takes many forms, including physical violence, sexual assault, economic control, psychological/emotional abuse, or a combination of more than one of these and violence and can vary in frequency and severity and occurs on a continuum, ranging from one episode to chronic and severe episodes over a period of years; and

WHEREAS, the Town of East Greenbush wishes to support Domestic Violence Awareness Month by raising awareness of the prevalence and dangers of domestic violence between intimate partners;

now, therefore, be it

RESOLVED, to shine light on the subject of domestic violence and potentially reduce the number of acts each year the Town Board recognizes October to be Domestic Violence Awareness Month;

and be it further

RESOLVED, that the Town Board encourages participation in the Unity House Domestic Violence Program by designating October 22, 2021 as “East Greenbush Goes Purple” Day in memory of victims, and in honor of survivors throughout our community.

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

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

224-2021 A Resolution Recognizing October as “BREAST CANCER AWARENESS MONTH” and Friday October 15, 2021 as “East Greenbush Goes Pink Day”

WHEREAS, the American Cancer Society estimates that approximately 281,550 women will receive a diagnosis of breast cancer in 2021, making this disease the most frequently diagnosed cancer among women other than skin cancers; and

WHEREAS, the 3.1 million breast cancer survivors living in the United States today are a testament to courage, as well as to the importance of promoting awareness about breast cancer, providing information, funding research, following recommended screening guidelines, and offering treatment to those who are affected; and

WHEREAS, through research and advocacy, significant advances have been made in the fight against breast cancer; and

WHEREAS, the efforts of various organizations have made a major contribution to spreading breast cancer awareness to both women and men through outreach, education, and screening programs, and have empowered women with the lifesaving message of early detection and the importance of having annual mammograms; and

WHEREAS, throughout the month of October, organizations, health care practitioners, and municipalities throughout New York are encouraged to use this opportunity to promote awareness about breast cancer and proper breast health, and to observe the month with appropriate activities and programs that encourage annual mammograms; and

WHEREAS, the Town of East Greenbush recognizes the importance of working together and supporting events such as Breast Cancer Awareness Month;

now, therefore, be it

RESOLVED, that the Town of East Greenbush does hereby recognize October as Breast Cancer Awareness Month and has designated October 15, 2021 as “East Greenbush Goes Pink” Day.

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

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

225-2021 A Resolution Congratulating and Honoring East Greenbush Resident Sophia Hamilton on Being One of Sixty-Six Finalists in the Miss Teen USA New York Pageant

WHEREAS, it is long standing tradition that the Town of East Greenbush celebrates and honors those within the community who accomplish remarkable feats; and

WHEREAS, attendant to such concern and in full accord with its long standing traditions, the Town Board of the Town of East Greenbush is proud to congratulate Sophia Hamilton upon the occasion of being interviewed and selected as one of sixty-six finalists in the Miss USA teen contest on August 19, 2021; and

WHEREAS, Sophia Hamilton outlasted many other talented competitors from all 50 states, and proudly represented East Greenbush on a national stage at an event held on August 20, 2021 in Monticello New York; and

WHEREAS, Sophia Hamilton, the daughter of Mark and Margaret Hamilton, exemplifies the true potential in our young men and women within the Town; and

WHEREAS, a true pillar of her community, Sophia Hamilton serves as an outstanding role model for her peers and for the young people within the community, and stands poised to face the challenges of new experiences ahead;

now, therefore, be it

RESOLVED, that the Town Board of The Town of East Greenbush congratulates Sophia Hamilton for her success in representing East Greenbush at the Miss Teen USA New York pageant;

and be it further

RESOLVED, that a copy of this resolution, suitably engrossed, be transmitted to Sophia Hamilton.

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

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

226-2021 A Resolution to Approve and Endorse the Application for Grant Funding for the Justice Court Office

WHEREAS, in 2019, The Town of East Greenbush made renovations to the Court Room and Court Office by a previous grant awarded to the Justice Court Office; and

WHEREAS, the Court Room is primarily used for court functions, including, hearings and trials that would require two tables for the Defense Attorney and the District Attorney (these tables are also utilized during court nights as well); and

WHEREAS, the Court Office is a fast-paced environment in which the clerks work and perform daily tasks, all while providing help to the members of the community; and

WHEREAS, the East Greenbush Police Department and Court Attendants of the East Greenbush Town Court provide security on up to court nights eight times a month for traffic court, civil court and criminal court; and

WHEREAS, the purpose of this grant is to purchase tables for the court room for hearings, furniture such as new desks and chairs for the court office, and new security tools, such as new magnetic wands and a metal detector for security; and

WHEREAS, the new furniture for the court office, will provide a professional look to compliment recent upgrades of the Town Hall, while allowing the Court Clerks to continue to work efficiently and effectively; and

WHEREAS, the new metal detector as well as new magnetic wands, would improve the security on court nights, limiting the chance of threat to town staff, including Police Officers, Court Attendants, Court Clerks and the Town Justices, as well as members of the public in attendance; and

WHEREAS, it is anticipated, that the grant, if awarded, could provide the Justice Court up to \$30,000 to pay for the new furniture and security devices;

now, therefore, be it

RESOLVED, that the Board of the Town of East Greenbush authorizes the East Greenbush Town Court to apply for a Justice Court Assistance Program (JCAP) grant in the 2021-22 grant cycle for an amount not to exceed \$30,000.00.

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 B. Fritz	VOTED:

227-2021 A Resolution Authorizing a Refund to Regeneron for an Overpayment on the May 2021 Water Bill

WHEREAS, in June of 2021, our Water and Sewer Billing Department discovered an error in the May 2021 Water and the Sewer Bill for Regeneron due to a software or hardware malfunction as described in the attached email dated September 2, 2021, subject: Regeneron Refund Resolution; and

WHEREAS, the amount of said error resulted in an overpayment by Regeneron to the Town of East Greenbush in the amount of \$36,235.74 in water charges to the Consolidated General Water District, and \$26,527.66 in sewer charges to the Third Avenue Sewer District for a total of \$63,763.40; and

WHEREAS, in that the charges that Regeneron paid for water and sewer were not accurate, the Town of East Greenbush must refund the monies that were overpaid; and

WHEREAS, the Town Comptroller confirms that although this dollar amount is material, it is proper to refund as the Town did not pay for the water from our supplier, nor did it process the corresponding gallons of sewage at our Wastewater Treatment Plant. The refund would result in reductions of \$36,235.74 in the Consolidated General Water District Budget Line 2140.05, and \$26,527.66 in the Third Avenue Sewer District Budget Line 2120.07, for a total of \$63,763.40;

now therefore, be it

RESOLVED, that the Town Board authorizes the Town Supervisor to issue a refund to Regeneron in the amount of \$63,763.40 for the overpayment of their May 2021 Water and Sewer Bill.

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

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

228-2021 A Resolution Authorizing the Town Supervisor to Execute an Agreement (“School Resource Officer Agreement”) Between the Town of East Greenbush and the East Greenbush Central School District Regarding the School Resource Officer Program

WHEREAS, the 2019-2020 Enacted New York State Budget included amendments to Education Law 2801-a to require that beginning with the 2019-2020 school year, and every school year thereafter, school districts and charter schools adopt a written contract or agreement that is developed with stakeholder input, that defines the relationship between a school district or charter school, school personnel, students, visitors, law enforcement, and public or private security personnel. The written contract or agreement must clearly delegate the role of school discipline to school administration and be consistent with the code of conduct. Such contract or agreement is required to be incorporated and published as part of the school district safety plan. These amendments became effective on July 1, 2019; and

WHEREAS, the Town of East Greenbush and the East Greenbush Central School District have enjoyed a long-standing and successful agreement to jointly share the cost of providing a Town police officer to serve as a full-time School Resource Officer; and

WHEREAS, the School District and the Town have determined that it is in their mutual best interests to enter into this agreement to provide for the assignment of one or more police officer(s) employed by the Town to serve as School Resource Officers at the School District; and

WHEREAS, at a regular meeting of the Board of Education of the East Greenbush Central School District held on August 25, 2021, an inter-municipal agreement between the District and the Town for School Resource Officer services and authorized the Superintendent of Schools to execute the inter-municipal agreement in the form approved by legal counsel; and

WHEREAS, the Town Comptroller confirms that the 2021 Final Budget anticipated SRO Officer Agreement reimbursement to the Town to offset costs; and

WHEREAS, the Town Board has reviewed the School Resource Officer Agreement; now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush authorizes the Town Supervisor to enter into the School Resource Officer Agreement with the East Greenbush Central School District;

and be it further

RESOLVED, that this resolution shall take effect immediately.

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 B. Fritz	VOTED:

229-2021 A Resolution Authorizing the Purchase of Software for Water Backflow Prevention Monitoring for the Water Department

WHEREAS, in August of 2021, the Rensselaer County Health Department conducted a technical visit with the Town of East Greenbush Water Department, and pointed out the requirement for the Town to monitor the maintenance of the backflow preventors on the Commercial Water Accounts; and

WHEREAS, the Water and Sewer Billing Office researched the most cost effective way to implement this program, and found a software upgrade for our current system that would allow us to monitor the commercial accounts and ensure that they are performing their annual inspections and submitting the results to the County Health Department; and

WHEREAS, the quote for subject upgrade was obtained from TI Sales who is the sole source provider for our current water meter hardware and software; and

WHEREAS, the Town Comptroller has confirmed that the financial impact of this resolution is \$999.00 from the Consolidated General Water Fund charge code 8310.4.05; now, therefore, be it

RESOLVED, that the Town Board authorizes the Commissioner of Public Works to purchase the required software from the TI Sales in an amount not to exceed \$999.00.

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

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

230-2021 A Resolution Scheduling a Public Hearing to Hear Comments on Whether the Department of Environmental Conservation Should Deny an Enhanced Renewal Operating Permit for the Dunn Landfill

WHEREAS, the S. A. Dunn & Company, LLC located on Partition Street Extension in Rensselaer, NY possesses a Mined Land Reclamation Permit for operation of an existing 73-acre sand and gravel mine, and a Solid Waste Management Permit authorizing conversion of the mine to a construction and demolition disposal site; and

WHEREAS, the Dunn Landfill received a Department of Environmental Conservation (DEC) permit to operate in August 2014 and began accepting debris for disposal in January 2015; and

WHEREAS, in December 2018 DEC started to receive an increasing number of complaints and concerns associated with the landfill, including: odors and air quality impacts from landfill gas, such as the “rotten egg” smell associated with hydrogen sulfide gas; dust, debris, and particulate matter due to construction and general operations and from the truck traffic to and from the facility; and the facility’s proximity to the City of Rensselaer public school campus and neighboring homes; and

WHEREAS, within the Town of East Greenbush, residents living within close proximity of the Dunn Landfill have expressed concern about significant dust settling on their windowsills and outdoor furniture; have reported a pungent odor similar to rotten eggs that is so unbearable

that they cannot remain outside; and have stated that the noise from trucks has disrupted their quality of life; and

WHEREAS, the Town Board of the Town of East Greenbush passed Resolution 165-2021 urging DEC, responsible for protecting public health and safety and for the protection of air resources, to place the health and safety of residents above the business interest of a company that has summarily and consistently threatened the health and safety of residents, and to deny an Enhanced Renewal Operating Permit for the Dunn Landfill; and

WHEREAS, the Town Board would like to provide an opportunity for residents to learn about the Dunn Landfill and offer them the chance to comment about their experiences with the landfill while also expanding public awareness that DEC is in the process of reviewing the application for an Enhanced Renewal Operating Permit for the Dunn Landfill; and

WHEREAS, the Town Comptroller confirms that this resolution will not have a material impact on the Town's finances;
now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush hereby schedules a public hearing to hear comments on whether the Department of Environmental Conservation should deny the Dunn Landfill's application for an Enhanced Renewal Operating Permit for September 29, 2021 at 6:00 p.m. at Town Hall, 225 Columbia Turnpike in the Town of East Greenbush or by remote means.

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 B. Fritz	VOTED:

231-2021 A Resolution Approving the 2022 Policy Year Changes for Capital District Physicians Health Plan (CDPHP) and MVP Plan as Health Insurance Options for Town Employees

WHEREAS, in 2021, the Town of East Greenbush offered employees the CDPHP Platinum 130 EPO Copayment Plan and the MVP Liberty Exclusive Provider Organization (EPO) 1 Plan; and

WHEREAS, the Director of Finance, after reviewing renewal options for 2022, has recommended that we continue to offer employees the CDPHP Platinum 130 EPO Copayment Plan and the MVP Liberty Exclusive Provider Organization (EPO) 1 Plan again; and

WHEREAS, the MVP Platinum – EPO 1 Plan has a 1.1% increase over the 2021 rates, and the CDPHP Platinum 130 EPO Copayment Plan has a -0.2% decrease over the 2021 rates making these the lowest rates available to the Town and employees; and

WHEREAS, the Director of Finance and the Human Resources Manager will continue to review the changes that are made to plans for 2023 to see if these plans will remain beneficial to employees and the Town, or if other insurance options will need to be considered to provide a sustainable benefits program for the Town and employees; and

WHEREAS, the Director of Finance has used the rates provided to the Town for MVP and CDPHP to adequately account for Health Insurance projections in the 2022 Tentative Budget

and during meetings with the Town’s insurance broker, Amsure, it was advised that in 2022 we may see significant increases for 2023 due to the current pandemic and costs associated with it. We benefit from our December policy year renewal for CDPHP and MVP, or we would be seeing higher rates for 2022 with a January renewal. Currently, NYSHIP The Empire Plan, is projecting over 10% increase in rates for 2022 through New York State; and

WHEREAS, the Town Comptroller confirms that this resolution has a material impact on the Town’s finances budgeted to the 2021 Medical Insurance Account 90608 for operating funds;

now, therefore, be it

RESOLVED, that the Town of East Greenbush’s policy year for medical insurance will remain December 1, 2021 – November 30, 2022, and the Town will offer a choice of CDPHP Platinum 130 EPO Copayment Plan and the MVP Liberty Exclusive Provider Organization (EPO) 1 Plan to employees.

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

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

232-2021 A Resolution Setting Forth that the Application for Major Site Plan Approval for the “Town Center” Planned Development District (PDD) Phase 1 by 580 Columbia Turnpike, LLC is Consistent with the SEQRA Determination the Town Board Issued on January 2, 2020 for the PDD

WHEREAS, 580 Columbia Turnpike LLC., has submitted a major site plan review application for the development of Town Center PDD Phase 1 which consists of three buildings, with a total of 78 residential units and approximately 19,000 square footage of commercial space and associated sewer, water and stormwater utilities and parking and access ways located on Columbia Turnpike, identified on the Town’s Tax Roll as Tax Parcel No’s. 166.-7-5, 166.-7-3.5, and 166.-7-6.51 (the “Project”); and

WHEREAS, on January 2, 2020 (Resolution 2-2020), the Town Board, as SEQRA lead agency, issued a negative declaration under SEQRA finding that no EIS will be prepared and adopted local law 1 of 2020, establishing the Town Center PDD; and

WHEREAS, on September 23, 2020 the Town Planning Board reviewed and approved a minor amendment to the PDD in accordance with Section 2.9.12 of the Town’s Comprehensive Zoning Law, which amendment allows first floor commercial space of approximately 9,500 square feet and up to 24 residential units in the upper floors, with the 24 residential units to be reallocated to the Future Development Pad area from other phases of the PDD, and, therefore, resulting in no change to the previously approved 275 total number of residential units, affirming that the negative declaration issued by the Town Board sufficiently covered the minor amendment; and

WHEREAS, on October, 14, 2020 the Town Planning Board accepted the proposed sketch plan prepared by Hart Engineering, dated August 15, 2020, with conditions, for a major site plan to be known as Town Center PDD Phase 1; and

WHEREAS, the application materials, a full EAF and the local law have been carefully reviewed by the Town Planning Board members, Town Planning and Zoning Department Staff and the Town Designated Engineer of this project; and

WHEREAS, at its August 11, 2021 meeting, the Town of East Greenbush Planning Board 1) found the application materials submitted for the Project to be consistent with the Town Board's negative declaration January 2, 2020; 2) that the PDD Phase 1 Major Site Plan approval of the Project would not result in any significant adverse environmental impact not previously addressed by the Town Board, as lead agency under SEQRA and 3) recommended that the Town Board adopt these findings and affirm that the Project is consistent with the Town Board's earlier SEQRA determination and issuance of a negative declaration under SEQRA; and

WHEREAS, the Town Comptroller confirms that this resolution will not have a material impact on the Town's finances;
now, therefore, be it

RESOLVED, that the Town Board hereby adopts the Planning Board's findings that the application materials are consistent with the Town Board's negative declaration January 2, 2020, finding that no EIS will be prepared for the Project, and the PDD Phase 1 Major Site Plan approval of the Project would not result in any significant adverse environmental impact not previously addressed by the Town Board, as lead agency under SEQRA;

and be it further

RESOLVED, that the Town Board, as SEQRA lead agency for the Project, affirms that the Project is consistent with the Town Board's earlier SEQRA determination and issuance of a negative declaration under SEQRA.

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

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

233-2021 A Resolution to Approve the Application for Major Site Plan Approval for the "Town Center" Planned Development District (PDD) Phase 1 by 580 Columbia Turnpike, LLC

WHEREAS, 580 Columbia Turnpike LLC., has submitted a major site plan review application for the development of Town Center PDD Phase 1 which consists of three buildings, with a total of 78 residential units and approximately 19,000 square footage of commercial space and associated sewer, water and stormwater utilities and parking and accessways located on Columbia Turnpike, identified on the Town's Tax Roll as Tax Parcel No's. 166.-7-5, 166.-7-3.5, and 166.-7-6.51 (the "Project"); and

WHEREAS, on January 2, 2020 (Resolution 2-2020), the Town Board, after adopting a negative declaration pursuant to the State Environmental Quality Review Act (SEQRA) for this type 1 project, adopted local law 1 of 2020 establishing the Town Center PDD (the "PDD"); and

WHEREAS, on September 23, 2020 the Town Planning Board approved a minor amendment to the PDD in accordance with Section 2.9.12 of the Town's Comprehensive Zoning Law, which amendment allows first floor commercial space of approximately 9,500 square feet and up to 24 residential units in the upper floors, with the 24 residential units to be reallocated to

the Future Development Pad area from other phases of the PDD, and, therefore, resulting in no change to the previously approved 275 total number of residential units; and

WHEREAS, on October, 14, 2020 the Town Planning Board accepted the proposed sketch plan prepared by Hart Engineering, dated August 15, 2020, with conditions, for a major site plan to be known as Town Center PDD Phase 1; and

WHEREAS, the application materials including a full environmental assessment form, have been carefully reviewed by the Town Planning Board members, Town Planning and Zoning Department Staff and the Town Designated Engineer for this project; and

WHEREAS, the Town Planning Board held a duly noticed public hearing on March 10, 2021 to give the public an opportunity to review and comment on the Project; and

WHEREAS, the Town Planning Board has also reviewed the negative declaration issued pursuant to the State Environmental Quality Review Act (“SEQRA”) for the Town Center PDD, issued by the Town Board on January 2, 2020;

WHEREAS, on September 15, 2021 the Town Board adopted the Planning Board’s findings with respect to SEQRA and affirmed the Project is consistent with the Town Board’s earlier SEQRA determination and issuance of a negative declaration under SEQRA; and

WHEREAS, the Town Comptroller confirms that this resolution will not have a material impact on the Town’s finances;

now, therefore, be it

RESOLVED, that the Town Board hereby approves the major site plan as shown on plans entitled “Town Center Development Phase 1” prepared by Hart Engineering, dated December 2020, and last revised July 12, 2021, finding that the application meets the requirements of the Town’s Zoning Code and the PDD with respect to major site plan, subject to the following conditions:

1. Satisfying outstanding technical details as determined by the Town Designated Engineer and Town Planning and Zoning Department, including the Town Designated Engineer’s August 4, 2021 correspondence;
2. Prior to the Planning Board Chairperson signing the plans:
 - a. All cross access easements, utility easement and any other easements encumbering or to encumber the lands shown on the site plan must be submitted for review by the Town Planning Board Attorney;
 - b. Documentation demonstrating Rensselaer County Department of Health approval of the proposed Extension of the Water distribution and Wastewater collection systems must be submitted to the Planning and Zoning Department;
 - c. A project schedule and engineers cost estimate for all site work exclusive of building construction must be submitted to the Town Planning and Zoning Department;
 - d. In accordance with Section 6(C) of local law 1 of 2020, the final design, lighting (if any), and and location of signs must be shown on the plans, subject to review by the Town Designated Engineer and Town Planning and Zoning Department;
 - e. In accordance with Section 7(A)(1)(iii) of local law 1 of 2020, the Town Board must approve the deed restriction provided by the Developer for the buffer and any open space.

- f. All proposed utility easements and sanitary sewer and/or water supply infrastructure to be offered to the Town for dedication in accordance with Sections 8 and 9 of local law 1 of 2020 must be shown on the plans and easement language provided to the Town Attorney and Commissioner of Public Works for review.
 - g. The Commissioner of Public Works must sign the plans; and
 - h. The Town must be reimbursed for any and all expenses incurred during site plan review.
3. Prior to issuance of a building permit for any work in connection with the Project:
- a. A copy of the approved NYS Department of Transportation highway work permit for construction of a new commercial entrance onto US Route 9 & 20 (aka Columbia Turnpike) and connection to the NYS-owned drainage facilities located therein must be submitted to the Town Planning and Zoning Department;
 - b. Evidence of filing of the Notice of Intent (NOI) with the NYS Department of Environmental Conservation regarding the Stormwater Pollution Prevention Plan (SWPPP) and coverage under the SPDES permit for stormwater discharges from construction activity;
 - c. Documentation that NYSDEC (NYS Part 750-2.10) has approved the sewer service extension for the connection of a residential project conveying more than 2,500 gallons per day to an existing sewage collection system must be submitted to the Town Planning and Zoning Department;
 - d. A NYSDOT Highway Work Permit must be obtained for all construction activities with the state right-of-way;
 - e. Town Department of Public Works Utility Permit(s) must be obtained, as required, for the proposed utility connections and other work in the Town right-of-way;
 - f. The Applicant must establish an escrow account to cover the costs of any third-party inspection services as determined by the Town Planning and Zoning Department;
 - g. Easement language relating to sidewalks proposed to be installed in the Town right-of-way should be forwarded to the Town for review and approval. The easement should indicate that the sidewalk is for public access;
 - h. In accordance with Section 15(5) of local law 1 of 2020, \$25,000.00 must be deposited with the Town for improvements to the Grant Ave Park; and
 - i. In accordance with Section 15(5) of local law 1 of 2020, \$50,000.00 must be deposited with the Town for stormwater improvements within the Sherwood/Woodland Park Neighborhoods.
4. Prior to the issuance of a building permit for the erection of any structures:
- a. The buffer along the southerly PDD boundary with 37 Jefferson Ave shall be completed, in accordance with Section 7(A)(1)(ii) of local law 1 of 2020.
 - b. An Open Development Area for the Project must be established in accordance with town law Section 280-a (4), except for structures to be located on a lot that has frontage of Columbia Turnpike.

5. Prior to receipt of a certificate of occupancy or certificate of substantial completion for any improvements installed in connection with the Project:
 - a. The following must be installed:
 - i. A new stop sign, subject to Commissioner of Public Works and NYSDOT approval, on the west side of Columbia Turnpike at the intersection to be created with the private drive serving the property;
 - ii. A 'do not enter' sign at the one-way entrance to the bank drive-through, subject to Commissioner of Public Works and NYSDOT approval;
 - iii. Sidewalk along Columbia Turnpike as depicted on the above-referenced site plan and subject to NYSDOT and DPW approval;
 - b. A permanent access easement shall be granted to parcel 166.00-7-6.52 over the proposed access road and evidence that said easement has been filed with Rensselaer County must be provided to the Town Planning and Zoning Department;
 - c. The developer must execute a Stormwater Facility Maintenance Agreement in accordance with the approved SWPPP and Town and NYS requirements, and evidence that such maintenance agreement has been executed and the required deed restriction filed with Rensselaer County must be submitted to the Town Planning and Zoning Department;
 - d. An 'as-built' drawing for any infrastructure that may be dedicated to the Town at a future point must be submitted to the Town and approved by the Town Designated Engineer and Department of Public Works; and
 - e. In accordance with Sections 8 and 9 of local law 1 of 2020, the Developer must offer for dedication to the Town all completed on-site sanitary sewer and/or water supply facilities, if any.
6. Prior to commencement of construction, and, without limitation, in accordance with the Town's Comprehensive Zoning Law and local law number 5 of 2018, all remaining fees are paid to the Town including application fees and land development mitigation fees required in connection with the Western East Greenbush Generic Environmental Impact Statement (GEIS), as detailed in the GEIS fee statement to be provided by the Town.
7. In accordance with the GP-0-15-003, the approved SWPPP, and the Town's Comprehensive Zoning Law, all stormwater pollution prevention permits must be obtained prior to any land disturbing activity, and regularly scheduled required inspections must be performed during the permit term by the design engineer or other qualified individual;
8. In accordance with NYSDEC recommendations for protection of the northern long-eared bat (NLEB), a federally listed threatened bat species, removal of any trees greater than 3-inches in diameter at breast height must take place between November 1 and March 31 each year in order to protect potential suitable NLEB habitat present on-site;
9. In accordance with Section 7(A)(3) of local law 1 of 2020, trash pick-up before 7:00 A.M. is prohibited; and

10. All requirements of local law No. 1 of 2020, including any amendments to the PDD in accordance with Section 2.9 of the Town's Comprehensive Zoning Law or any amendments thereto, must be satisfied.

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 B. Fritz	VOTED:

ADJOURNMENT

Motion to adjourn 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 B. Fritz	VOTED: