

WHEREAS, the Town wishes to conform to the provisions of Section 103(4) of the General Municipal Law relating to emergency contracts not entered into pursuant to the normal contracting process; 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 of the Town of East Greenbush hereby determines that the collapse of the ceiling in the Town Clerk's Office, and the threat of prospective collapses in the ceilings in the offices of the tax collector and the water and sewer billing office, all of these offices located within the Town Hall of the Town of East Greenbush, created a risk to the life, health and safety of workers in the Town Hall, and required immediate action, precluding the normal contracting process;
and it is further

RESOLVED, that the Supervisor's execution of contracts to address the issues relating to the collapse of the ceilings in the Town offices with Toolkit Carpentry & Property Services and Insul-Tech Energy Solutions, Inc. is hereby ratified and affirmed by the Town Board.

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

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

220-2021 A Resolution Authorizing the Endorsement of a Proposed Joint Consolidation Agreement Pursuant to Sections 751 2(a) and 752 of the General Municipal Law Consolidating Four Town of East Greenbush Sewer Districts, and Related Extensions, to wit: General Sewer District; Hampton Manor Sewer District; Couse Sewer District; and Third Avenue Sewer District into one Consolidated Sewer District Subject to the Completion of Proceedings Pursuant to Article 17-A of the General Municipal Law of the State of New York

WHEREAS, the Town of East Greenbush has heretofore established the following Town of East Greenbush Sewer Districts and related extensions, to wit: General Sewer District; Hampton Manor Sewer District; Couse Sewer District; and Third Avenue Sewer District and the said Town of East Greenbush on behalf of the four existing sewer districts and related extensions wishes to consolidate all of such areas into the Town of East Greenbush Consolidated General Sewer District a municipal corporation existing pursuant to the Laws of the State of New York and created pursuant to the provisions of Article 17-A of the General Municipal Law of the State of New York, and;

WHEREAS, the Town Board by and through its Supervisor is desirous of endorsing and subsequently entering into the annexed proposed Joint Consolidation Agreement consolidating the four sewer districts and related extensions into one consolidated sewer district serving the following sewer districts: General Sewer District; Hampton Manor Sewer District; Couse Sewer District; and Third Avenue Sewer District; and

WHEREAS, the new Consolidated General Sewer District will assume jurisdiction over all areas previously served by the four sewer districts and the related sewer district extensions, and;

WHEREAS, in order to consolidate the four sewer districts and the related extensions it is necessary that the Town of East Greenbush comply with all the provisions of Article 17-A of the General Municipal Law of the State of New York; 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 acting on behalf of the Town of East Greenbush, General Sewer District; Hampton Manor Sewer District; Couse Sewer District; and Third Avenue Sewer District, and all related extensions associated with the aforesaid four sewer districts hereby endorses the attached proposed Joint Consolidation Agreement;

and it is further,

RESOLVED, that Town personnel and officers shall undertake the steps required under the aforesaid Article 17-A of the General Municipal Law of the State of New York to comply with the provisions thereof to effect such consolidation.

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

ADJOURNMENT – 6:42 p.m.

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: YES
Councilor H. Kennedy	VOTED: YES
Councilor T. Tierney	VOTED: YES
Councilor R. Matters	VOTED: YES
Councilor B. Fritz	VOTED: YES

Executive Session - Ended at 8:46 p.m. Supervisor Conway moved it, Councilor Kennedy seconded, 5-0 votes. Adjourned at 8:46 p.m. Supervisor Conway moved it, Councilor Fritz seconded, 5-0 votes.

Respectfully submitted,

Ellen Pangburn
East Greenbush Town Clerk

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 No. 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; and

WHEREAS, on September 15, 2021 the Town Board adopted the Planning Board’s findings with respect to SEQRA and affirmed 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 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 No. 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 No. 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 No. 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: