



# *The Town of East Greenbush*

225 Columbia Turnpike, Rensselaer, New York 12144

## TOWN BOARD AGENDA November 20, 2019

**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 B. Fritz

### Communications/Announcements/Reports

The entire **Town Board** wished everyone a Happy Thanksgiving.

**Councilor Kennedy** announced that December 4<sup>th</sup> is our Tree Lighting and that December 7<sup>th</sup> is the Emergency Services Holiday Parade.

**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.

**No one chose to speak.**

### Resolutions and Proposals by Town Board Members:

**234-2019      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 October 16, 2019 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 October 16, 2019 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: YES
Councilor B. Fritz	VOTED: YES
Supervisor J. Conway	VOTED: ABSTAIN
Councilor T. Tierney	VOTED: YES
Councilor H. Kennedy	VOTED: YES

**235-2019 A Resolution Approving the Adoption of the Annual Budget for Fiscal Year 2020**

**WHEREAS**, pursuant to New York Town Law § 106, subd. 2, the East Greenbush Town Supervisor duly filed a Tentative Budget and budget message in the Office of the Town Clerk on September 30, 2019 (referred to hereinafter as the “Tentative Budget”); and

**WHEREAS**, the Tentative Budget provided for an increase of 1.64% in the Town’s Real Property Tax Levy for fiscal year 2020; and

**WHEREAS**, pursuant to New York Town Law § 106, subd. 4, the East Greenbush Town Board, at the regularly scheduled Town Board meeting held on October 16, 2019 duly approved a preliminary budget which was filed in the office of the Town Clerk on October 17, 2019 (referred to hereinafter as the “Preliminary Budget”); and

**WHEREAS**, pursuant to New York Town Law § 108, the East Greenbush Town Board duly conducted a public hearing on November 6, 2019 on the Preliminary Budget; and

**WHEREAS**, the Town Comptroller confirms that this resolution will not have a material impact on the Town’s finances because appropriations are matched to revenue & fund balance;

now, therefore, be it

**RESOLVED**, that, pursuant to New York Town Law § 109, subd. 1, the Preliminary Budget be, and the same hereby is, duly adopted as the Annual Budget for fiscal year 2020 (referred to hereinafter as the “Adopted Budget”);

and be it further

**RESOLVED**, that the Town Clerk shall cause a copy of the Adopted Budget to be duly filed in her office, forthwith, following receipt thereof from the Comptroller;

and be it further

**RESOLVED**, that, pursuant to New York Town Law § 109, subd. 3, the Supervisor, Director of Finance, Comptroller, Receiver of Taxes, and Assessor take all respective action required and/or appropriate relative to the implementation of the Adopted Budget.

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

**Councilor Matters** stated “As you all know, I’ve previously advised that I won’t be able to vote “yes” on the 2020 budget.

This is a very difficult board action for me for several reasons: first and foremost, because I support the overwhelming majority of the supervisor's budget; second, the supervisor's budget administration, over this and the three prior fiscal years, has been excellent; and third, if not for the supervisor's budgetary approach regarding fund-balance retention, I may have found myself having to vote "yes."

It is third reason that I need to explain further. There are several budgetary approaches, none of which can be fairly qualified as necessarily better than the other. Each can only be adjudged based upon its practicality of implementation and its fiscal outcome; no more and no less.

Back in 2007, I: (a) espoused zero-based budgeting ("ZBB") and (b) promised residents that I wouldn't vote for a tax increase. While I still believe ZBB is a laudable budgetary approach, I know now, from experience, that there are certain precursors that must be in place prior to its implementation; most notably, predictable, big-ticket expenditures such as public-works infrastructure and personal services. With respect to raising taxes, my promise was predicated on, what was at the time, virtually no cogent approach to the town's budget, coupled with runaway spending; unappropriated fund-balance carryovers were nonexistent. I realize, in retrospect, that I should have qualified my promise or, perhaps, that I simply shouldn't have made it at all; however, I, nonetheless, feel obligated to make as much of an effort as I'm able, in order to justify static tax rates based upon my approach to budgeting.

While the argument can be made that this year's tax increase, 1.64% or about \$151,000, can be easily absorbed by the town's accrued fund-balance equity of about \$5.2 million, thereby negating the increase, it can also be argued that had the current fund-balance not been accrued based on the supervisor's approach and the town were to have faced a fiscal condition that would have absolutely required a tax increase, I would have been forced to break my promise in order to deal with such a condition responsibly.

It is, therefore, ironic, that it is the supervisor's financial stewardship, notwithstanding our differences in approach, which allows me to keep my promise to residents. I'd like to thank our director of finance, Meaghan Hart, and our comptroller, George Phillips, for their time in answering my questions and compiling information that allowed me to arrive at my reasoning.

Thank you for your indulgence on this matter. That's all that I have this evening for the record."

Councilor Tierney thanked the Supervisor for his hard work on this Budget. She also thanked the Department Heads for their contributions to the process. She explained that the Town Board has a lot to be proud of.

Supervisor Conway thanked George and Meaghan and explained that it is not an easy process.

Supervisor J. Conway	VOTED: YES
Councilor T. Tierney	VOTED: YES
Councilor H. Kennedy	VOTED: YES
Councilor R. Matters	VOTED: NO
Councilor B. Fritz	VOTED: YES

**236-2019 A Resolution Recognizing November as “Men’s Health Awareness Month”**

**WHEREAS**, “Movember” is an annual campaign that runs throughout the month of November involving the growing of mustaches to "change the face" of men’s health and raise awareness of men’s health issues, such as prostate cancer, testicular cancer, mental health issues, and suicide prevention; and

**WHEREAS**, significant numbers of male-related health problems could be detected and treated if men’s awareness of these problems was more pervasive. By encouraging men to get involved, Movember aims to increase early cancer detection, diagnosis, effective treatments, and ultimately reduce the number of preventable deaths; and

**WHEREAS**, men who are educated about the value that preventive health can play in prolonging their lifespan and their role as productive family members will be more likely to participate in health screenings;

now therefore, be it

**RESOLVED**, that the Town of East Greenbush wishes to support Men’s Health Awareness Month by raising awareness of the dangers of men’s health issues; and be it further

**RESOLVED**, that the Town Board declares November to be Men’s Health Awareness Month in the Town of East Greenbush.

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

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

**237-2019 A Resolution to Approve the Appointment of A Part-time Police Dispatcher**

**WHEREAS**, the Town currently retains the services of Part-time Police Dispatchers in the Emergency Communications Center; and

**WHEREAS**, Cody M. Seeberger currently meets the presumptive, non-competitive qualifications for this title as established by the Rensselaer County Civil Service Commission; and

**WHEREAS**, the Town Comptroller confirms that the provisions of this resolution were planned for in the current Budget and will have no material impact on the Town Finances; now therefore be it

**RESOLVED**, that on the recommendation of the Chief of Police, Cody M. Seeberger, is hereby appointed to the position of Part-time Police Dispatcher, consistent with all terms and conditions as previously set forth by the Town Board, for a term to expire at the Town’s next organizational meeting, or otherwise at the pleasure of the Town Board;

and be it further

**RESOLVED**, that said part-time dispatchers be compensated as set forth in the appropriate Collective Bargaining Agreement.

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

**238-2019 A Resolution Authorizing Purchase of Two Pickup Trucks for the Water Department and Sewer Department from NYS OGS Mini Bid**

**WHEREAS**, Resolution 61-2019 authorized the Commissioner of Public Works to solicit bids for purchase of various Vehicles and Equipment in the Department of Public Works; and

**WHEREAS**, the Town of East Greenbush requested publication of a Mini-Bid through the New York State Office of General Services for two ¾ Ton Pickup Trucks; and

**WHEREAS**, the lowest responsible bid that met the bid specification was submitted by Cappellino Chevrolet Inc. for two 2020 Chevrolet Silverado 2500HD Double Cab Work Trucks in the amount of \$63,091.08; and

**WHEREAS**, the Town of East Greenbush Purchasing Policy requires that purchases of \$10,000 or more must be approved by the Town Board, and

**WHEREAS**, the Town Comptroller has confirmed that the financial impact of this resolution is \$63,091.08 from the Consolidated General Water Fund Balance and General Sewer Fund Balance for this expense allocated as follows;

Fund	Transfer in	Transfer out
SW-917 – Consolidated General Water Fund Balance		\$31,545.54
8340.4 – Transmission/ Distribution CE	\$31,545.54	
SS-917 – Sewer Fund Balance		\$31,545.54
8130.4 – General Sewer Treatment and Disposal CE	\$31,545.54	

now, therefore, be it

**RESOLVED**, that the Town Board authorizes the Commissioner of Public Works to purchase two 2020 Chevrolet Silverado 2500HD Double Cab Work Trucks from Cappellino Chevrolet Inc. per the results of Mini Bid #19100144 in an amount not to exceed \$63,091.08.

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

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

**239-2019 A Resolution to Authorize a Public Auction of Surplus DPW Vehicles**

**WHEREAS**, the Town Board of the Town of East Greenbush has received a request from the Commissioner of Public Works to declare the following DPW Vehicles as surplus; and

**WHEREAS**, said DPW Vehicles consist of the following:

One 2003 Ford F-150 Pickup Truck, VIN Number: 2FTRF17W23CA31821

One 2005 Ford Explorer, VIN Number: 1FMZU73K85UC03442; and

**WHEREAS**, said equipment is not suited for any other Town department; 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 said vehicles listed are hereby declared as surplus;

and be it further

**RESOLVED** that the Commissioner of Public Works be authorized to conduct a public auction, sale or lawfully dispose of said surplus vehicles now owned by and in the custody of the East Greenbush Public Works Department.

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: YES

Councilor B. Fritz VOTED: YES

Supervisor J. Conway VOTED: YES

Councilor T. Tierney VOTED: YES

Councilor R. Matters VOTED: YES

**240-2019 A Resolution to Authorize the Town Supervisor to Sign an Agreement for Maintenance of Post-Construction Stormwater Management Facilities (SWMFs) Installed in Connection with the University at Albany's Bioscience Development Corporation's B-Wing Parking Lot Expansion Project (PZD File #18-06)**

**WHEREAS**, the Town of East Greenbush is subject to Municipal Separate Storm Sewer System (MS4) Phase II requirements of State Pollutant Discharge Elimination System (SPDES) General Permit GP-0-15-003 stormwater management requirements of the National Pollutant Discharge Elimination System (NPDES); and

**WHEREAS**, the University at Albany's Bioscience Development Corporation (UABDC) undertook the B-Wing Parking Lot Expansion Project (the "Project") which is subject to the requirements of NYSDEC General Permit for Stormwater Discharges from Construction Activity (Permit Number GP-0-15-002) and the Town's Comprehensive Zoning Law (CZL), including Section 3.13 Erosion, Sediment Control and Stormwater Management, and installed Post-Construction Stormwater Management Facilities (SWMFs) which are to be privately owned and operated; and

**WHEREAS**, UABDC is the owner or operator of the Project and SWMFs (SPDES Permit Number NYR11D819) and has submitted to the Town a partially executed Stormwater Management Facilities Maintenance and Easement Agreement (the "Agreement"), which is attached hereto; and

**WHEREAS**, the attached Agreement contains modifications from the Town's approved Template Agreement; and

**WHEREAS**, the MS4 Coordinator and Town Attorney have reviewed the attached Agreement and approve of the Agreement, including the changes to the Town’s Template Agreement, as consistent with the project specifics and applicable requirements; 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 authorizes the Town Supervisor to execute the attached Agreement.

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

**241-2019 A Resolution to Set a Public Hearing on Changes to the Local Law Establishing the Town Center Planned Development District (PZD #17-19)**

**WHEREAS**, 580 Columbia Turnpike LLC., has submitted a Planned Development District (PDD) and major site plan review application for the development of commercial and multi-family residential units located on Columbia Turnpike identified on the Town’s Tax Roll as Tax Parcel No’s. 166.-7-5, 166.-7-3.5, portion of 166.-7-3.4, 166.-7-6.51 & portion of 166.-7-6.111; and

**WHEREAS**, on August 16, 2017 (Resolution 165-2017), the Town Board accepted for the Town Center PDD the complete application for a PDD and referred the application to the Town Planning Board for their recommendation; and

**WHEREAS**, pursuant to Section 2.9.8 of the Comprehensive Zoning Law of the Town of East Greenbush, any application for creation of a Planned Development District to accommodate commercial or light industrial uses shall be a Type 1 action under SEQR; and

**WHEREAS**, a Full Environmental Assessment Form (EAF) has been prepared for this type 1 SEQRA application and the Town Board declared its intent to be lead agency on November 15, 2017 (resolution 210-2017) and has coordinated the lead agency status and sought comments from other involved and interested agencies; and

**WHEREAS**, the Town Board held a public hearing on September 18, 2019 to accept public comment on the Town Center PDD application; and

**WHEREAS**, the Applicant has proposed certain changes to the proposed Town Center PDD as set forth in the attached proposed PDD local law; and

**WHEREAS**, the Town Comptroller confirms that this resolution will have no material impact on the Town’s finances;  
now, therefore, be it

**RESOLVED**, that the proposed PDD local law has been re-introduced with changes and that the Town Board directs that a public hearing be noticed by the Town Clerk as required by law on the proposed local law to establish the Town Center PDD with the public hearing to be held at Town Hall at 225 Columbia Turnpike, East Greenbush, New York on December 11, 2019 at 6:45 p.m.;

and be it further

**RESOLVED**, that the Town Staff be directed to provide the Full EAF Part 1 and the proposed local law establishing the PDD, as modified, to the involved and interested agencies and to Rensselaer County Planning, all of these documents having previously been referred to the Town Planning Board.

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

**242-2019 A Resolution to Accept the Proposed Sketch Plan and Schedule a Public Hearing in Connection with the Regeneron Discovery Drive Building 81 Addition Major Site Plan (PZD ID 19-14)**

**WHEREAS**, Hart Engineering on behalf of Regeneron Pharmaceuticals, located at 81 Columbia Turnpike, Rensselaer, NY, 12144, has submitted a site plan review application for a project to construct a 2-story, 14,000 square foot addition to the existing Building 81 for office/warehouse use located at 81 Columbia Turnpike and identified on the Town's Tax Roll as Tax Parcel No. 155.-1-4.131 (the "Project"); and

**WHEREAS**, on May 22, 2019 the Town of East Greenbush Town Planning Board voted to accept the proposed sketch plan dated April 5, 2019, prepared by Hart Engineering for the proposed major site plan; and

**WHEREAS**, on September 18, 2019 (resolution number 194-2019) the Town Board declared its intent to seek lead agency status in connection with coordinated SEQR review of the Project; and

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

**RESOLVED**, that the Town Board hereby accepts the proposed sketch plan dated January 2019, last revised September 4, 2019, prepared by Hart Engineering for the proposed major site plan;

and be it further

**RESOLVED**, that the Town Board of the Town of East Greenbush, County of Rensselaer, State of New York, will hold a Public Hearing at the Town Hall, 225 Columbia Turnpike, East Greenbush, New York on the 11th day of December 2019 at 6:30 pm to accept public comment on the proposed major site plan.

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



**243-2019      A Resolution Adopting a Complete Streets Policy for the Town of East Greenbush**

**WHEREAS**, “Complete Streets” are defined as streets that enable safe and convenient access for all roadway users, including bicyclists, pedestrians of all ages and abilities, motorists, movers of commercial goods, and public transportation; and

**WHEREAS**, streets that support and invite multiple uses and include safe, active, and ample space for pedestrians, bicycles, and public transportation, are more conducive to public life and efficient movement of people than streets designed primarily to move automobiles and trucks; and

**WHEREAS**, promoting pedestrian, bicycle, and public transportation travel as an alternative to the automobile reduces negative environmental impacts, promotes healthy living, and is less costly to the commuter; and

**WHEREAS**, the full integration of all modes of travel in the design of streets and highways will increase the capacity and efficiency of the road network, reduce traffic congestion by improving mobility options, increasing accessibility of the network, increasing safety, limiting greenhouse gas emissions, and improving the general quality of life; and

**WHEREAS**, many studies show that when roads are better designed for bicycling, walking, and transit use, more people choose these options; and

**WHEREAS**, section 331 of the Highway Law of the State of New York encourages municipalities to consider complete street design features in planning, design, construction, reconstruction, and rehabilitation of local transportation projects; and

**WHEREAS**, the Planning & Zoning Department has recommended that this Town Board establish a Complete Streets Policy to guide the actions of the relevant Boards and Departments during their faithful execution of duties; and

**WHEREAS**, goals and strategies which align with Complete Streets objectives are included in the Town-wide Principles Guiding Growth and Change in East Greenbush and Transportation and Circulation Vision advanced in the 2006 Land Use Plan Update and Zoning Study and, in addition, was a specific recommended element included in the Corridor Plan & Design Guidelines study for Columbia Turnpike and Troy Road commissioned by the Town in 2014; and

**WHEREAS**, the Town Board endorsed the Application for the Complete Streets Educational & Technical Assistance Workshop and authorized the submission of the application to the Capital District Transportation Committee via Resolution 49-2018; and

**WHEREAS**, the Town of East Greenbush Complete Streets Implementation Workshop was held on September 24, 2018 and was a collaborative development process that included Town Staff, CDTC Staff, and the Consultant Team. In all, over 16 attendees participated in the Workshop, held at the Town of East Greenbush Community Library and a descriptive report was prepared by the Consultant Team. Among the recommendations advanced as part of the Workshop was development of a Complete Streets Policy and resolution for the Town; and

**WHEREAS**, the intent of the Town of East Greenbush Complete Streets Policy is to recognize bicyclists and pedestrians as equally important as motorists in the planning and design of all new street construction and street reconstruction undertaken by the Town; and

**WHEREAS**, it is also the intent of the Town of East Greenbush Complete Streets Policy to recognize that local Town streets with low vehicle volumes and slow travel speeds safely and efficiently accommodate bicyclists and pedestrians. However, principal Town roads that are characterized as having high vehicle volumes and high travel speeds and are important for bicycle and pedestrian travel to access and connect to destinations in and adjacent to the Town, shall be considered for Complete Streets treatment; and

**WHEREAS**, the Town Comptroller has confirmed that this resolution will not have a material impact on the Town's finances;

now therefore be it

**RESOLVED**, that the Town Board hereby resolves to establish a Complete Streets Policy as follows:

1. The appropriate Town Departments, including Planning and Zoning, and Public Works shall consider the safe and efficient accommodation of bicyclists, pedestrians, transit users, and those involved in goods movement in all new street construction and street reconstruction undertaken by the Town of East Greenbush.

In addition, where the need for bicyclist and pedestrian facilities has been established or is defined in Town planning documents, the Commissioner of Public Works shall consider the addition of safe bicyclist and pedestrian facilities in new street construction and street reconstruction undertaken by the Town of East Greenbush. The addition of the bicyclist and pedestrian facilities shall be consistent with the scope of the improvement project, context sensitive to the surrounding environment, and shall not be disproportionate with the cost of the larger project.

Bicyclist and pedestrian facilities are defined as improvements that are above and beyond the normal space, surfaces, pavement markings, and signing that would routinely be incorporated into street design and maintenance for the accommodation of bicyclists and pedestrians. These facilities shall include but not be limited to sidewalks, curb cuts and ramps, marked crosswalks, pedestrian actuated signals, paved shoulders, bicycle route signing, bicycle lanes, bicycle parking facilities, street and sidewalk lighting, and shared use paths.

Bicycle and pedestrian facilities may be planned, designed, developed and maintained in accordance with guidelines adopted by the United States Department of Transportation (USDOT), New York State Department of Transportation (NYSDOT), and the American Association of State Highway and Transportation Officials (AASHTO) or other guidelines approved by the Town of East Greenbush.

Additionally, the Town may consider the use of traffic calming applications as an alternative to bicycle and pedestrian facilities. Traffic calming applications help to physically or psychologically calm motor vehicle traffic behaviors thereby aiding in the development of a safe environment for bicycle and pedestrian travel.

2. If the Commissioner of Public Works determines that the inclusion of bicycle and/or pedestrian facilities are unable to be accommodated on a roadway or within Town right-of-way proposed for construction or reconstruction, he/she shall provide said determination in writing, with supporting documentation, to the Town Board for their information. Transit service within the Town, as well as direct access to and from downtown Albany, is provided by the Capital District Transportation Authority (CDTA). The Town should coordinate with CDTA while considering Complete Streets improvements. Providing residents and employees with safe access to and from transit stops shall be considered in relevant locations. The Town will also coordinate with CDTA to explore incremental transit improvements. These improvements may include, but are not limited to, consolidating stops, benches and shelters, traffic signal priority for busses, expanded coverage and/or services, and increased trip frequency during peak hours.
3. The Town encourages the NYSDOT and Rensselaer County to consider a Complete Streets approach when constructing or reconstructing their respective streets within the Town of East Greenbush.
4. The Town will provide a balanced enforcement of the New York State Vehicle and Traffic Law for motorists, pedestrians, and bicyclists. This will include enforcement of pedestrian's right of way in crosswalks, bicyclists riding with traffic and all modes sharing the road safely.
5. The Town supports and encourages the Planning and Zoning Department, the Planning Board, the Zoning Board of Appeals, and the Department of Public Works to share ideas with each other and implement Complete Streets solutions to private projects undergoing review and approval whenever possible.
6. To administer this Policy, the Director of Planning and Zoning will develop implementation strategies, which may include a Complete Streets Checklist, and the Director of Planning and Zoning and Commissioner of Public Works will use these strategies to evaluate all public transportation projects.
7. The Town supports the promotion of bicycling and walking for health, fitness, transportation, and recreation through events, programs, and other educational activities which benefit residents, students, businesses and visitors of all ages and abilities. These activities can be coordinated with Town Departments, local clubs, schools, organizations, and other partners.

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

**244-2019 A Resolution Authorizing the Director of Planning and Zoning to Solicit Bids to Prepare a Traffic Engineering Study for Transforming Lakeshore Drive into a One-Way Street**

**WHEREAS**, each June the Town Board puts forth a Resolution designating a portion of Lakeshore Drive from Onderdonk Park to Hampton Lake Park as one-way for the period from June through September, including the installation of necessary signage and traffic control devices to safely and appropriately accomplish the designation; and

**WHEREAS**, this action has generated positive feedback from the residents using the roadway as it facilitates walking, bicycling and fishing along that portion of the roadway; Lakeshore Drive was designated parkland (although it is now a Town road by use), and it connects two of the Town's parks and provides access to one of the Town's best known amenities, Hampton Manor Lake; and

**WHEREAS**, the Amenities Plan adopted in March 2012 and updated in December 2016 included a recommendation to create a multi-use trail loop around Hampton Lake. The Hampton Lake Loop Path would provide nearby residents with a safe and attractive walking and jogging path around the water, which would also serve to provide safe pedestrian access to the park. Incorporating this path would likely require that Lakeshore Drive be converted to one-way vehicle traffic; and

**WHEREAS**, this project is included on the Town's priority list of Complete Streets projects and will advance the implementation of Complete Streets elements in the Town; and

**WHEREAS**, a Traffic Engineering Study would focus on implications for multi-modal safety, vehicle capacity, snow and ice operations, and emergency response operations in addition to engaging other stakeholders, such as the EGCS and neighborhood groups; and

**WHEREAS**, the study would make technical traffic engineering recommendations to the Town to support this multi-phase initiative; and

**WHEREAS**, the Town Comptroller confirms that this resolution will not have a material impact on the Town's finances since it is for the solicitation of bids only; depending on the results of that solicitation this project could have a material impact on the Town's finances; now, therefore, be it

**RESOLVED**, that the Town Board authorizes the Director of Planning and Zoning to solicit bids for the purpose of procuring consultant support to prepare a traffic engineering study of transforming Lakeshore Drive into a one-way street to address pedestrian safety.

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

**245-2019 A Resolution to Approve and Endorse the Application for Grant Funding for a Community and Transportation Linkage Study for 2019 for the US Route 4 Corridor Between Mannix Road and NY Route 43**

**WHEREAS**, in 2006, the Town of East Greenbush, in conjunction with the Capital District Transportation Committee (CDTC), completed the Route 4 Corridor Study; and

**WHEREAS**, it is necessary to update this plan to ensure that the transportation network can meet the demand of continued job growth and mixed use development; and

**WHEREAS**, the purpose of this study is to examine the current US 4 corridor between Mannix Road and NY Route 43 as well as existing adjacent land use and likely future conditions in order to enhance the transportation system to support the continued growth the Town has experienced; and

**WHEREAS**, approved land use developments, such as the Village at Tempel Farms and those developments under construction, such as the Regeneron Tempel Lane Campus expansion and East Greenbush Technology Park, are expected to place additional stress on the already taxed transportation network as travel demand increases for all modes; and

**WHEREAS**, this study would provide a potential, but partial, draft of a NYSDOT style scoping report to be used for further project development as funds become available for implementation; and

**WHEREAS**, it is anticipated that the grant, if awarded, would provide \$67,500 of federal funds and a required contribution from the Town of East Greenbush in the amount of \$22,500 to establish the preferred recommendation for the US 4 corridor to be used by the Town and local stakeholders while reviewing upcoming projects and for researching future funding sources for improvements; and

**WHEREAS**, as with the existing 2006 study, recommendations will be used by our Planning and Zoning Department to guide future development in this congested corridor and incorporated into the ongoing update effort of the Town's Comprehensive Plan, zoning regulations, and Western East Greenbush Generic Environmental Impact Statement (GEIS); and

**WHEREAS**, the Town submitted an application for grant funding for a Community and Transportation Linkage Study in 2018 and was not selected to receive funding; and

**WHEREAS**, the GEIS Committee has voted to approve the use of land development mitigation fees connected from developers in connection with the GEIS to partially offset the impact of development in the Study Area to fund the required local match of \$22,500; and

**WHEREAS**, the Town Comptroller confirms this resolution will result in a negative material impact on Town's finances, if awarded and accepted;

now, therefore be it

**RESOLVED**, that the Town Board of the Town of East Greenbush hereby approves and endorses the application for grant submitted to the Capital District Transportation Committee for a project known as the Community and Transportation Linkage Study for 2019 for the US Route 4 Corridor Between Mannix Road and NY Route 43.

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

**246-2019 A Resolution to Issue a Negative Declaration of Environmental Significance and Major Site Plan Approval for the Amedore Senior Housing (aka “Heritage Hills”) Project (PB File #19-02)**

**WHEREAS**, Amedore Land Development LLC (aka Amedore Homes) (the “Applicant”) has submitted an application for major site plan development for its Project known as Amedore Senior Housing (aka “Heritage Hills”) (the “project”) located at 22 Newkirk Road, Town of East Greenbush, New York (tax parcel no. 155-7-10.0). The project consists of three 32-unit senior housing apartment buildings (for a total of 96 senior housing units)—all with associated sewer, water and stormwater utilities and parking, access ways, and pedestrian facilities; and

**WHEREAS**, on September 26, 2018 the Town Planning Board accepted the proposed sketch plan prepared by Brett Steenburgh, PE, PLLC for the proposed major site plan; and

**WHEREAS**, on April 18, 2019 the Town Board passed Resolution 81-2018 and classified the proposed major site plan as an type 1 action and declared its intent to seek lead agency in connection with a coordinated review under SEQRA; and

**WHEREAS**, the Town Board of the Town of East Greenbush has reviewed the application and related materials, including the site plan entitled “Heritage Hills,” 14 sheets in total as prepared by Brett L. Steenburgh, P.E. LLC and last revised October 25, 2019; and

**WHEREAS**, the Town Board has also reviewed the Full EAF and accompanying correspondence and reports addressing the potential environmental impacts of the project; and

**WHEREAS**, the Town Planning Board has carefully considered the comments and recommendations of its Town Designated engineers, MJ Engineering and Land Surveying and H.V. LaBarba and Associates, as well as the responses to those comments and recommended on November 13, 2019 that the Town Board issue a negative declaration under SEQRA and approve the major site plan; and

**WHEREAS**, the Town Board had a duly noticed public hearing on October 16, 2019 on the application and carefully considered all comments received; and

**WHEREAS**, the Project was referred to Rensselaer County as required by the General Municipal Law and the County determined that local consideration shall prevail;

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

now, therefore, be it

**RESOLVED**, that the Town Board hereby declares itself lead agency in connection with a coordinated review under SEQRA;

and be it further

**RESOLVED**, that the Town Board hereby issues a negative declaration finding that the proposed application for major site plan application for the Project, an unlisted action, will not result in any significant adverse environmental impacts;

and be it further

**RESOLVED**, that the Town Board hereby issues a waiver from the Town’s Comprehensive Zoning Law requirement of a 25-foot buffer from wetlands, in as much as the Applicant has undertaken steps to ensure that there are no adverse impacts to wetlands, subject to the following: the Applicant must take steps to ensure that snow storage shall not infringe on the areas of the site in which wetland buffer waivers have been granted, subject to Planning and Zoning Department approval;

and be it further

**RESOLVED**, that the Town Board hereby recommends approves the Amedore major site plan application as set forth in the Site Plans entitled “Heritage Hills,” 14 sheets in total as prepared by Brett L. Steenburgh, P.E. LLC and last revised October 25, 2019, subject to the following conditions:

- Prior to issuance of a building permit, the Applicant must address any remaining technical comments from the Town’s designated engineer and Town Planning and Zoning Department.
- Prior to issuance of a building permit, all remaining fees and escrow must be paid to the Town, including land development mitigation fees required in connection with the Western East Greenbush Generic Environmental Impact Statement (GEIS) as detailed in the GEIS fee statement provided by the Town prior to commencing construction.
- Prior to issuance of a building permit, the Applicant must establish an escrow account to cover the costs of any necessary third-party inspection services as determined by the Town Planning and Zoning Department.
- Prior to the issuance of a Certificate of Occupancy, the applicant shall submit a certification from the designated site inspector that the project has been completed in substantial accordance with the subject site plans.
- Prior to issuance of a building permit, the plans must be signed by the Planning Board Chairperson and the Commissioner of Public Works.
- Prior to issuance of a building permit, the Applicant must obtain approval of the Town Zoning Board of Appeals for four (4) area variances for relief from:
  - 1) Section 2.6.6 F01 stipulating that there be only one principle building per lot in the R-2 zone, as the proposed site plan indicating construction of (3) buildings; and
  - 2) Section 2.6.6 E (R-2 district Area and Bulk Schedule) stipulating a maximum building height in the R-2 zone of 35 feet, as the proposed building height for each of the (3) buildings is 47 feet 3 inches.
- Prior to issuance of a certificate of occupancy, the Applicant must provide an offer of cession, including a metes and bounds legal description, proposed deed, and survey map, for the proposed abandonment of a portion of Newkirk Rd.
- Prior to issuance of a building permit, the Applicant must submit correspondence from NYSDOT including any comments NYSDOT have concerning the proposed site plan.
- A NYSDOT highway work permit must be obtained for all work within the NYS right-of-way.
- Prior to issuance of a building permit, the Applicant must submit correspondence with property owner at 1022 Luther Rd (tax parcel no. 155.-6-18.2) demonstrating existence of an easement agreement or other legal arrangement with the Applicant allowing the construction of the proposed off-site sidewalk connection to Luther Rd (NY-151). Or in the alternative, the Applicant must propose an alternative design allowing for the construction of the proposed sidewalk connection.
- Prior to issuance of a certificate of occupancy, the Applicant, or any succeeding property owner, must execute an agreement with the Town providing that the owner of the Project will maintain all sidewalks to be installed as part of the Project. This agreement is subject to Commissioner of Public Works and Town Attorney approval.

- Prior to issuance of a building permit, the Applicant must submit correspondence from Rensselaer County Department of Health (RCHD) including any comments RCHD may have concerning the proposed site plan.
- Prior to issuance of a certificate of occupancy, the Applicant must submit evidence of RCHD approval of the water and sewer system extensions.
- Prior to issuance of a certificate of occupancy, improvements to the Commons pump station must be designed and constructed, and the improved station must be placed into service. The Applicant must design and construct improvements to the Commons pump station, subject to Town, RCHD, and NYSDEC approval. Where the Applicant has contributed in-kind services and/or materials, the Applicant, upon providing substantiating documentation, will be entitled to a corresponding reduction and/or refund, as appropriate, in required GEIS Water/Sewer mitigation fees.
- Prior to issuance of a certificate of occupancy, the Applicant must submit evidence of NYSDEC approval of the proposed sanitary sewer system extension.
- A Department of Public Works Utility Permit, as determined by the Commissioner of Public Works, must be obtained for any work involving connection to the Town's sanitary sewer system and/or water supply system, or any work in the Town right-of-way.
- Site development must be in accordance with USFWS and NYSDEC guidelines for the conservation and protection of the northern long eared bat, including time-of-year restrictions for the removal of trees between April 1 and October 31. Therefore, tree cutting must occur between November 1 and March 31.
- Prior to site work and/or issuance of a building permit, all storm water pollution prevention permits must be obtained. Required periodic Storm Water Pollution Prevention Plan (SWPPP) inspections must be performed during the permit term by the design engineer or other qualified individual in accordance with the GP-0-15-002, the approved SWPPP, and the Town's Comprehensive Zoning Law.
- Prior to issuance of a certificate of occupancy, the property owner must enter into a 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, the property owner must provide evidence of the filing of an easement for the approximately 4 acres of land within the project site to be set aside as open space natural buffers.
- Prior to obtaining a building permit, the Applicant shall obtain all required approvals and/or permits for the project.
- The Applicant shall be solely responsible for the costs associated with the abandonment of Newkirk Road, including but not limited to, the removal of the Newkirk Road curb cut.
- The dwellings to be constructed as part of the Project are eligible to house people in accordance with the definition of "Senior Housing" provided in Section 4.5 of the Town's Comprehensive Zoning Law adopted June 11, 2008, or as subsequently amended or new law passed. Should a new Comprehensive Zoning Law be passed which does not include a definition of Senior Housing, this project shall remain under the conditions of the definition of Senior Housing as contained in the Comprehensive Zoning Law adopted on June 11, 2008.
- The applicant shall be solely responsible for the costs associated with the installation of all sidewalks as depicted on the site plan.



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

### **Executive Session**

Motion to adjourn into Executive Session by Supervisor Conway at 7:15 to for a 207C Personnel discussion regarding the Police Department and two other personnel issues: seconded by Councilor Tierney and to brought to a vote 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

### **EXECUTIVE SESSION ADJOURNMENT**

Motion to adjourn out of Executive Session by Supervisor Conway at 8:15 seconded by Councilor Kennedy and to brought to a vote 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 ADJOURNMENT**

Motion to adjourn out of Executive Session by Supervisor Conway at 8:15 seconded by Councilor Kennedy and to brought to a vote 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