



Project, and H2M has developed a draft final Engineers Report and Detailed Design Plans for the Project, which are undergoing final review by NYSDEC, Rensselaer County Department of Health, and NYSDOT; and

**WHEREAS**, on June 16, 2021 the Town Board (resolution 163-2021), in its capacity as the lead agency under the State Environmental Quality Review Act (SEQRA), issued a negative declaration, finding that the Project is consistent with the November 20, 2021 amended statement of findings the Town Board issued for the Regeneron Pharmaceuticals, Inc. Tempel Lane Campus development, and that the Project will not have any significant adverse effects on the environment; and

**WHEREAS**, the Town has acquired approximately 0.28 acres of land needed to construct the upgrades to the Third Avenue Pump Station from the Capital City Cemetery Corporation; and

**WHEREAS**, time is of the essence, as the Project is a necessary mitigation measure required by the Town Board in order for Regeneron to construct their Tempel Lane Campus development; and

**WHEREAS**, as set forth in the Development Agreement, the construction contract for the Project is anticipated to be funded by Regeneron and Empire State Development; 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 authorizes the Commissioner of Public Works to solicit bids from qualified contractors to construct the Project.

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 B. Fritz	VOTED:
Councilor E. Nestler	VOTED:

**41-2022      A Resolution Amending Certain Conditions of the Approval of a Site Plan for the "Town Center" Planned Development District (PDD) Phase 1**

**WHEREAS**, on September 15, 2021 (Resolution 233-2021), the Town Board issued approval for 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 (the "Project"), subject to certain conditions; and

**WHEREAS**, firstly, among those conditions (i.e., identified in resolution 233-2021 as number 1) was "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"; and

**WHEREAS**, the Town Designated Engineer's August 4, 2021 comments have been addressed, but the Planning and Zoning Department has provided comments on the proposed lighting plan, and these lighting plan comments will require revisions to the proposed lighting plan; and

**WHEREAS**, the Developer, 580 Columbia Turnpike LLC, indicated to the Planning and Zoning Department that their designers are in the process of revising the lighting plan and that, given that there is sitework that can be accomplished while the lighting plan is being revised but before work on the proposed lighting will commence, they have requested that the approved lighting plan be a condition of application for a building permit for vertical construction; and

**WHEREAS**, secondly, among the site plan approval conditions for the Project (i.e., identified in resolution 233-2021 as number 3.c) was that, prior to issuance of a building permit for any work in connection with the Project, “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”; and

**WHEREAS**, the Developer’s engineer has submitted a revised Engineers Report and provided a written response to NYSDEC’s July 26, 2021 comments on the Project but has not received written approval from NYSDEC; and

**WHEREAS**, given that the Developer has indicated that they will seek an initial building permit to implement the approved demolition plan and initiate other site work, such as mass grading, which work, collectively, will not involve or result in a new discharge from the project to the Town’s sanitary sewer system, Planning and Zoning Department staff recommend that this condition be modified such that it must be satisfied prior to issuance of a building permit for any structure; and

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

now, therefore, be it

**RESOLVED**, that the Town Board hereby approves the amendment to resolution 233 - 2021 by the addition of a new condition that must be satisfied prior to issuance of a building permit for erection of any structures, number 4.b, to read as follows:

“A revised lighting plan must be submitted to and approved by the Town Planning and Zoning Department”;

and be it further

**RESOLVED**, that the Town Board hereby approves the amendment to resolution 233 of 2021 with respect to site plan approval condition 3.c, and said condition shall instead read as follows:

“The above-mentioned requirement for “any work in connection with this Project” notwithstanding, 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 prior to the issuance of a building permit for the erection of any structures.”

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 B. Fritz	VOTED:
Councilor E. Nestler	VOTED:

**42-2022 Resolution Clarifying Resolution 24-2022 Adopted on January 19, 2022  
(Authorizing the Finance Office to Join the Equitable Business  
Opportunities (EBO) System)**

**WHEREAS**, the New York State Department of Transportation (NYSDOT) will grant Town of East Greenbush access to the Equitable Business Opportunities (EBO) System maintained and operated by NYSDOT. The EBO System is for official business relating to our participation in construction, consultant engineering and professional services contracts/bids awarded by NYSDOT or other Federal Aid sub-recipients. The purpose of the system includes the administration of civil rights requirements associated with Federal Aid Projects; and

**WHEREAS**, NYSDOT requires us to comply with NYSDOT’s Information Security policies, procedures and directives to the full extent required by NYSDOT’s Information Security Officer, NYSDOT’s Office of Information Services (OIS) and NYSDOT’s EBO System Administrator; and

**WHEREAS**, the Town of East Greenbush would benefit by being enrolled in the Equitable Business Opportunities (EBO) System to participate in current and future federal aid projects.; 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 authorizes the Town Supervisor to enroll the Town of East Greenbush as an end user in the Equitable Business Opportunities (EBO) System;

and be it further

**RESOLVED**, that Mary Hendrick is appointed the account user and is authorized to act and communicate with DOT on behalf of the Town of East Greenbush in all matters relating to this resolution.

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 B. Fritz	VOTED:
Councilor E. Nestler	VOTED:

**ADJOURNMENT**

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

Supervisor J. Conway	VOTED:
Councilor B. Fritz	VOTED:
Councilor T. Tierney	VOTED:
Councilor H. Kennedy	VOTED:
Councilor E. Nestler	VOTED: