

NOTICE OF HEARING

PLEASE TAKE NOTICE that the Town Board of the Town of East Greenbush will hold a public hearing on February 21, 2018, at 6:00 p.m. at the East Greenbush Town Hall, 225 Columbia Turnpike, East Greenbush, New York, on the application of 19 Sun Oil Road, LLC for establishment by local law of a Planned Development District (“PDD”) on Sun Oil Road in the Town in connection with the proposed development of an asphalt manufacturing facility within the PDD. The proposed local law provides as follows:

PROPOSED PLANNED DEVELOPMENT DISTRICT LOCAL LAW 2018-__
TOWN OF EAST GREENBUSH

Section 1 - Local Law Designation

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

Section 2 - Zoning Law Amendment

- A. The Town of East Greenbush, New York, Comprehensive Zoning Law, as amended, and the Zoning Map of the Town of East Greenbush as set forth therein are hereby amended by changing the area referred to in Section 3 below from the CI, Coastal Industrial District (the “CI Zoning District”), as such area was zoned prior to the adoption of this local law, and creating within the boundaries of said area a planned development district to be known and described as "Planned Development District No. 2018-__, Sun Oil Road Planned Development District, Town of East Greenbush" (the “Sun Oil Road PDD” or the “PDD”).

Section 3 - PDD Area

- A. The Sun Oil Road PDD shall consist of approximately 10.75 acres in the Town of East Greenbush and is bounded and described as set forth in Appendix A attached hereto and made a part hereof and generally includes the following:

Main parcel ID (4.01 acres) Lots 1A&1B 165.-1-3.11 at address 11
Sun Oil Company Rd, East Greenbush, 12061
Lots 2A&2B 165.-1-3.12 (3.42 acres) 19 Sun Oil Company Rd
Lot 3 165.-1-3.13 (3.33 acres) Riverside Ave Ext

- B. The zoning regulations applicable to the Sun Oil Road PDD shall be as provided in this local law. If the provisions of this local law are silent concerning items regulated by the Comprehensive Zoning Law of the Town of East Greenbush in the CI Zoning District, then the provisions of the Zoning Law then applicable to the CI Zoning District shall apply.

Section 4 - Purpose

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

Section 5 - General Development Proposal.

Legislation: The following uses are permitted in the PDD:

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

Section 6 - General Development Requirements and Constructions Specifications

- A. The Project shall be constructed in substantial conformance with the General Development Plan.
- B. Site lighting shall be limited to 25-foot light fixtures, including bases, with shoebox light fixtures or equivalent to reduce nighttime glare. Lighting shall be in substantial conformance with the General Development Plan (Sheet C-105). The final lighting plan shall be determined during site plan review.
- C. New fences shall be between 6- and 8-foot high chain link. Final fence design shall be determined during site plan review.
- D. Landscaping shall be in substantial conformance to the General Development Plan (Sheet C-105). The final landscaping plan shall be determined during site plan review.
- E. No structure shall exceed the height of 80 feet.

- F. Project identification signs are hereby authorized. The final design, size and location of such signs shall be determined at site plan review. The lighting of the signs shall be determined at site plan review. The maintenance of all signs in this PDD, excluding traffic regulatory signage along Town or State owned roads, shall be at no cost to the Town. All traffic regulatory signs shall conform with Town's standards.

- G. All traffic control devices, roadway signs, and all road markings associated with this Project shall be substantially completed prior to the issuance of any certificate of occupancy, and where applicable, shall be in conformance with the requirements of the Town of East Greenbush and State of New York.

- H. All structures will be constructed substantially in accordance with the current building codes as adopted by New York State, as amended. All blueprints and structure specifications shall be approved and stamped by a duly licensed engineer or architect. All construction shall be subject to the inspection and approval of the Town Code Enforcement Officer, Town Engineers or other duly designated agents of the Town.

- I. All new utilities shall be installed underground.

- J. Public water is provided to the PDD by the City of Rensselaer Water District (the "Water District").

- K. Sanitary waste shall be handled through on-site septic system permitted by the Rensselaer County Department of Health.

- L. The Developer will provide, during the site plan review, an acceptable site-specific grading plan, sediment and erosion control plan, stormwater management plan and stormwater pollution prevention plan.

- M. Normal hours of operation shall be limited to 6:30 am to 5:00 pm Monday through Saturday. Hours of operation may be expanded for special projects.
- N. No continuous noise measured at the Lot Line will exceed 75 db during the normal hours of operation (6:30 am to 5:00 pm Monday through Saturday). No continuous noise measured at the Lot Line will exceed 75 db outside the normal hours of operation. Operations shall be conducted in accordance with the conditions of the Town Board for noise mitigation set forth in the Conditioned Negative Declaration adopted by the Town Board.
- O. Processing, including processing of Recycled Asphalt Product (both RAP and RAS) shall be limited to the hours of 7:00 am to 5:00 pm Monday through Saturday.

Section 7 - Bulk Lot Requirements and Buffer Areas

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

Section 8 - Water Supply

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

Section 9 - Stormwater Management

- A. All stormwater management plans and associated utilities shall conform to the specifications of the Town of East Greenbush and the latest version of the NYSDEC - New York State Stormwater Management Design Manual in effect at the time of site plan application being made by the developer.

- B. At the time of application for site plan review, a conforming Stormwater Pollution Prevention Plan (“SWPPP”) shall be submitted to the Planning Board for review.

Section 10 – Air Quality

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

Section 11 - Project Related Review Fees.

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

Section 12 - State Environmental Quality Review Act

- A. The East Greenbush Town Board, as lead agency for this Project pursuant to the State Environmental Quality Review Act (SEQR), has found that this Project is in compliance with the Generic Environmental Impact Statement (“GEIS”) adopted by the Town Board and has adopted a Conditioned Negative Declaration and declaration of non-significance concerning this Project. The developer agrees to comply with all of the mitigating measures set forth as conditions in the Conditioned Negative Declarations, at no cost to the Town.

- B. No certificate of occupancy for any structure within the boundaries of the PDD will be issued until the conditions or mitigating measures set forth in the Conditioned Negative Declaration are substantially complete.

Section 13 - Additional Town Approvals

- A. Following adoption of this local law, the developer shall make application to the Town of East Greenbush for the following "planning" related approvals:

1. Site Plan Approval subject to the Town Planning Board and Town Board review and approval.

Section 14 - Zoning Map to Incorporate the Sun Oil Road PDD

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

Section 15 - Effective Date; Severability

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

Section 16 - Sunset Provision

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

APPENDIX A

165.-1-3.11

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

PARCEL 1A

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

PARCEL 1B

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

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

165.-1-3.12

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

165.-1-3.13

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