



**Town Board
Town of North Greenbush
Agenda
April 13, 2023
7:00 p.m.**

**CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL**

Supervisor Bott _____
Councilwoman Hoffman _____
Councilman Rogers _____
Councilwoman Merola _____
Councilman Gordon _____

Announcements:

Comments from Residents:

New Business:

- 1.) **Resolution 2023-4-26:** In the matter of appointing the Assessor's Clerk , Teresa McGuire
- 2.) **Resolution 2023-4-27:** In the matter of an application for a variance
- 3.) **Resolution 2023-4-28:** In the matter of the review and approval of a contract change order for the Route #43 Water Improvement Project
- 4.) **Resolution 2023-4-29:** In the matter of authorizing the submission of an application for a Hudson River Valley Greenway Planning Grant program to support the Town of North Greenbush Comprehensive Plan update



**Town Board
Town of North Greenbush
Agenda
April 13, 2023
7:00 p.m.**

Discussion:

Department Reports Review:

Approval of Minutes:

March 9, 2023, Meeting

Adjournment:

At a Meeting of the Town
Board of the Town of North
Greenbush, held at 7:00 PM
on April 13, 2023, at the
Town Offices

**IN THE MATTER OF APPOINTING TERESA MCGUIRE,
ASSESSOR' S CLERK, PER BUDGET**

BE IT RESOLVED, the Town Board of the Town of North Greenbush does hereby
appoint Teresa McGuire, to the position of Assessor's Clerk, payment per budget.

Councilperson _____ moved, Councilperson _____ seconded and the
Town Board voted as follows:

- Supervisor Bott _____
- Councilwoman Hoffman _____
- Councilman Rogers _____
- Councilwoman Merola _____
- Councilman Gordon _____

RESOLUTION 2023-04-26

At a Meeting of the Town
Board of the Town of North
Greenbush, held at 7:00 PM
on April 13, 2023, at the
Town Offices

IN THE MATTER OF AN APPLICATION FOR A VARIANCE

WHEREAS Mainstream LLC (Thomas & Cynthis Dingley) has filed an application for a variance from North Greenbush Local Law #2 of 2022 in connection with the proposed project at 128-130 Main Ave, Wynantskill. And

WHEREAS the application was referred to the Town Planning Board for recommendation pursuant to section 4 of Local Law #2 of 2022, and the Planning Board made a recommendation in support of granting the said variance as set forth in the attached Resolution,

NOW, THEREFORE BE IT RESOLVED that the North Greenbush Town Board shall conduct a public hearing on the above-described application on May 11, 2023, at 6:45 PM at the Town Offices, 2 Douglas Street, Wynantskill, New York, and the Town Clerk shall cause notice of said hearing to be properly posted and published.

Councilperson _____ moved, **Councilperson** _____ seconded and the Town Board voted as follows:

Supervisor Bott _____

Councilwoman Hoffman _____

Councilman Rogers _____

Councilwoman Merola _____

Councilman Gordon _____

RESOLUTION 2023-4-27

RESOLUTION OF THE NORTH GREENBUSH PLANNING BOARD

WHEREAS, the North Greenbush Town Board passed "Town Law 2022 Town of North Greenbush Multi-Family Dwelling Moratorium Law") hereinafter "Local Law # 2", amending Chapter 197 of the North Greenbush Town Code;

WHEREAS, Section 3 of the "Local Law # 2" entitled "Moratorium" states: "For a period of one year and after effective date of this local law, no application for building permits, site plan approval, special use permits, or any other municipal approval, including applications for re-zoning, shall be considered for multi-family dwelling projects, within the Town of North Greenbush.";

WHEREAS, Section 4 of the "Local Law # 2" entitled "Variance" states: "Any person may apply to the Town Board for a variance from this Local Law. Upon submission of an application for a variance to the Town Board and after a public hearing, the Town Board may, in its discretion, render a determination that this local law would impose extraordinary hardship upon a landowner or developer and that a variance from this law will not be a detriment to the public health, safety, and welfare or to the residents of the Town or present any significant adverse environmental impacts. All such applications will be referred to the Planning Board for its recommendations and shall thereafter be returned to the Town Board for a public hearing and final decision on the application.";

WHEREAS, "Local Law # 2" was filed with the Secretary of State of the State of New York and took effect on November 18, 2022;

WHEREAS Main Stream LLC filed an application for a variance from North Greenbush Local Law # 2 of 2022 in connection with a proposed project at 128-130 Main Avenue, Wynantskill, New York;

WHEREAS the Town Board passed a Resolution at its regular Town Board meeting held on March 9, 2023, referring to the Town Planning Board for recommendation pursuant to Section 4 of Local Law # 2 Of 2022;

WHEREAS, at its regular Planning Board meeting held on March 20, 2023, the North Greenbush Planning Board heard from Thomas Dingley of Main Stream LLC;

WHEREAS Mr. Dingley testified that the project would consist of a mixed commercial/residential use;

WHEREAS Mr. Dingley testified that the property at 128 Main Avenue would consist of two residential units, in addition to the commercial use and the property at 130 Main Avenue would consist of three residential units, in addition to the commercial use;

WHEREAS Mr. Dingley testified that the project would not be financially feasible without the third residential unit at 130 Main Avenue;

WHEREAS the North Greenbush Planning Board found that limited the property at 130 Main Avenue to two residential units constituted an "extraordinary hardship" for the applicant;

WHEREAS the North Greenbush Planning Board found that the applicant's project was consistent with the Main Avenue Hamlet Guidelines;

WHEREAS, the North Greenbush Planning Board found that the applicant's project would improve the appearance of the Wynantskill hamlet by removing a vacant lot; and

WHEREAS the North Greenbush Planning Board found that a variance from this law will not be a detriment to the public health, safety, and welfare or to the residents of the Town or present any significant adverse environmental impacts.

NOW THEREFORE, BE IT RESOLVED that the North Greenbush Planning Board recommends that the Town Board grant Main Stream LLC a variance from North Greenbush Local Law # 2 in connection with its project located at 128-130 Main Avenue, Wynantskill, New York.

NOW THEREFORE, BE IT FURTHER RESOLVED, that the North Greenbush Town Board should, pursuant to North Greenbush Local Law #2, schedule a public hearing on this matter prior to issuing its final determination.

Approved 3/20/23

Yes 5 No 0 Abstention 0



Mark Lacivita

Chairman North Greenbush Planning Board

Approved as to form

Ian H. Silverman

Attorney for the North Greenbush Planning Board

At a Regular Meeting of the Town Board of the Town of North Greenbush held at 7:00 p.m. on April 13, 2023, at the Town Offices

IN THE MATTER OF THE REVIEW AND APPROVAL OF A CONTRACT CHANGE ORDER FOR THE ROUTE 43 WATER IMPROVEMENT PROJECT

WHEREAS, The Town Board of the Town of North Greenbush reviewed Change Order No. 2 for the Rt. 43 Water Improvement project submitted by the Laberge Group. The change order includes an increase in the cost of 3,920 linear feet of pipe to be installed on Geiser Road, increasing the contract amount with Carver Construction Inc. by \$23,990.40. In addition, the change order includes an extension to the completion date for October 2, 2023.

BE IT RESOLVED, that after careful review of Change Order No. 2 the Town Board does hereby approve the change order, increasing the contract with Carver Construction Inc. by \$23,990.40 and the proposed date extension to complete the project for October 2, 2023. The Town Board authorizes the Town Comptroller to sign the change order after the approval of the Town Attorney.

Councilperson

Town Board voted as follows:

moved, **Councilperson**

seconded, and the

Councilman Rogers

Councilwoman Merola

Councilwoman Hoffman

Councilman Gordon

Supervisor Bott

RESOLUTION 2023-4-28

At a Meeting of the Town Board of the Town of North Greenbush, held at 7:00 PM on April 13, 2023, at the Town Offices

A Resolution Authorizing the Submission of an Application for a Hudson River Valley Greenway Planning Grant Program to support the Town of North Greenbush Comprehensive Plan Update

WHEREAS, the Town of North Greenbush has a Comprehensive Plan last updated in 2009, and

WHEREAS, it is recommended that Comprehensive Plans, in general, be updated at least every 10 years, and

WHEREAS, the Town of North Greenbush recognizes that we are a destination community in the Capital District with increasing development pressures that must be provided with an up-to-date framework to guide decision-making and enhance the quality of life in the Town of North Greenbush, and

WHEREAS, the Town of North Greenbush has identified the Hudson River Valley Greenway Planning Community Grant to assist with funding the development of an update to the Town's Comprehensive Plan, and

WHEREAS, the Town of North Greenbush is a Greenway Community and seeks to apply to the Hudson River Valley Greenway for a grant under the Community Grant Program for a project entitled "Town of North Greenbush Comprehensive Plan Update: Phase I Community Profile and Housing Assessment," and

WHEREAS, the Town of North Greenbush requires the professional services of a planning firm to provide development of the Hudson River Valley Greenway Community Grant application, and

WHEREAS, Laberge Group, 4 Computer Drive, Albany, NY 12205 possesses the necessary qualifications to undertake the development of the Hudson River Valley Greenway Community Grant application and has submitted the attached proposal dated April 10, 2023 to provide said services, and

NOW, THEREFORE, be it resolved by the Town Board of the Town of North Greenbush as follows:

1. The governing board of the Town of North Greenbush hereby endorses and approves submittal of the application for a grant under the Hudson River Valley Greenway Community Grant Program, for a project known as the "Town of North Greenbush Comprehensive Plan Update: Phase I Community Profile and Housing Assessment" and located with this community; and

2. The Supervisor is authorized to execute a professional services agreement with the firm Laberge Group for a lump sum fee of \$1,000 to complete the Hudson River Valley Greenway Community Grant application.

Councilperson _____ moved, **Councilperson** _____ seconded and the Town Board voted as follows:

Supervisor Bott	_____
Councilwoman Hoffman	_____
Councilman Rogers	_____
Councilwoman Merola	_____
Councilman Gordon	_____

RESOLUTION 2023-4-29

At a regular Meeting of
the Town Board of the
Town of North
Greenbush held at 7:00
pm On April 13, 2023, at
the Town Offices

IN THE MATTER OF ADJUSTING THE CONSTRUCTION CONTRACT
WITH CARVER CONSTRUCTION FOR ROUTE 43 WATER TRANSMISSION
LINE PROJECT DUE TO SUPPLY CHAIN ISSUES

WHEREAS, the Town Board of the Town of North Greenbush applied and was approved for a Water Infrastructure Grant from the NYS Environmental Facilities Corporation (EFC) to extend its municipal water transmission line from Geiser Road west on Route 43 to improve water quality, provide safe and affordable municipal water to residential and commercial properties and to alleviate inadequate water pressure in identified higher elevation areas on Route 43 Corridor; and,

WHEREAS, the Town of North Greenbush Town Board awarded the construction contract to Carver Construction, Inc., Altamont, NY and,

WHEREAS, the availability of water pipe varied tremendously, the schedule for deliveries was delayed, and the cost of said pipe rose dramatically, therefore,

BE IT RESOLVED that the Town Supervisor, Town Comptroller and Town Attorney are authorized to execute all documents necessary to complete the project including Carver Construction, Inc. Change Orders Nos. 2 & 4 making adjustments as negotiated in the aggregate amount of \$504,847.78 and Addendum No. 2016036-02R1 with Laberge Group making adjustments for engineering services during the extended construction schedule.

_____ moved, _____ seconded and the
Town Board voted as follows:

Councilwoman Hoffman	_____
Councilman Gordon	_____
Councilman Rogers	_____
Councilwoman Merola	_____
Supervisor Bott	_____

RESOLUTION 2023-4-30