

**Notice from Nassau's Town Counsel**  
**Dated: August 13, 2012**  
**Regarding: Troy Sand & Gravel, Co., Inc. Special Use Permit/Site Plan Application**

At the Town Board's regular monthly meeting, held on August 9, 2012, the Town Board by [Resolution](#), determined that the [application materials](#) submitted by the Applicant, Troy Sand & Gravel, to be complete for purposes of referring the special use permit application to the Town Planning Board for its review and recommendation. The Town Board's decision on the completeness of the special use permit application was aided by the Town's consultant's reports (dated [June 22, 2012](#), and [July 25, 2012](#)). With the Town Board's referral to the Town Planning Board, the next phase of the application process will proceed.

Pursuant to a [Stipulation and Order, dated May 18, 2010](#), arising out of the litigation commenced by the Applicant, the Town will be reviewing this Application under the Town's [1986 Land Use and Development Regulations](#) (as amended through 2007). The Town will also be reviewing this matter under a [Preliminary Injunction](#) issued in January, 2012 (and currently pending on appeal). In accordance with such Regulations, the Town Planning Board has the jurisdiction and responsibility to review the special use permit application materials and to make a recommendation to the Town Board on whether the Town Board should grant or deny such special use permit. The Planning Board must hold a public hearing on the special use permit application before it provides its recommendation to the Town Board. That public hearing must be held within 45 days of the Planning Board's first meeting on the special use permit application that will be at its [regular monthly meeting scheduled for August 16, 2012](#) (7:00 pm).

The Planning Board also has site plan review jurisdiction and authority under the 1986 Regulations. As such, it has to review the application materials and make its own determination on whether the materials submitted thus far are complete for purposes of commencing the site plan review process. A public hearing is also required under the 1986 Regulations on the site plan aspect of this application process. Depending on the Applicant's preferences and cooperation, the Planning Board may decide to run its review process for both the site plan and special use permit concurrently and hold one public hearing on both aspects of this application process. It is expected that at its meeting on August 16, 2012, the Planning Board will discuss such procedural issues as well as the application documents.

Now that the special use permit application has been determined complete for purposes of referral to the Planning Board (and the Rensselaer County Department of Economic Development and Planning), the Town has provided additional materials and reorganized the webpage concerning this application as follows:

- [Application](#) – this link contains all of the documents and materials that the Town Board determined to be part of the Application and to be complete for purposes of referring the special use permit application to the Planning Board for its review and recommendation process.

- [Supporting Materials](#) – this link contains all of the other materials which were submitted by the Applicant that are part of the record of this matter but not necessarily part of the application itself. This link also contains the reports submitted to the Town Board from the Town’s planning and legal consultants.

- [Law](#) – this link contains the 1986 Land Use and Development Regulations upon which this matter will be reviewed and processed along with the Stipulation and Order of May, 2010, the Preliminary Injunction of January, 2012, all other Court decisions rendered in the litigation on this matter, and the Mined Land Reclamation Law which also applies.

- [Correspondence and Miscellaneous Materials](#) – this link contains pertinent correspondence (from the Applicant, agencies, Town counsel or officials, etc.) relating to the application or the application process as well as any other materials that may have been submitted.

- [Public Comments](#) – this link contains and will continue to be the depository for written comments submitted by the public.

- [Notices](#) – this link will contain all notices of public hearings, comment periods and updates from me, the Town Counsel.

The Town will be providing updates on this matter on this website through each phase of the process. The Town will provide ample notice of any and all hearings or public comment periods that are to be scheduled in this matter.

Sincerely,

Joseph M. Catalano  
Attorney for the Town of Nassau