

TOWN OF EAST GREENBUSH PLANNING BOARD

TOWN HALL, 225 COLUMBIA TURNPIKE, RENSSELAER, NY 12144 (518) 694-4011 FAX (518) 477-2386

MEMORANDUM

EAST GREENBUSH PLANNING BOARD MEETING MINUTES MAY 22, 2019

Members:

Jim Moore, Acting Vice Chairman
Mike Bottillo
Ralph Viola
Nancy Kupiec
Kurt Bergmann
Chris Horne

Also Present:

Joseph Slater, Planning Board Attorney
Adam Yagelski, Director of Planning & Zoning
Alison Lovely, Planning & Zoning Secretary

CALL TO ORDER / DETERMINATION OF QUORUM

Acting Vice Chairman Moore called the meeting to order and determined that a quorum of six (6) members were present. Matt Mastin was absent.

PUBLIC HEARINGS:

NONE

OLD BUSINESS:

FUCCILLO FORD-634 COLUMBIA TURNPIKE- SITE PLAN MODIFICATION (16-12)

Steve Hart presented the modifications to the Board. The first modification was that after the plans were reviewed by NYSDOT the sidewalk is now a straight run, matching what existed in the right away. The second modification is the curb on Elliot Avenue has been flattened to a 33' turning radius. Acting Vice Chairman Moore asked if these changes were for safety. Steve Hart stated that is correct. Acting Vice Chairman asked the Board if there were any questions. There were none.

MOTION: A motion was made by Acting Vice Chairman Moore as follows: **Whereas on June 21, 2017, by Resolution # 114-2017 the Town Board adopted a negative declaration pursuant to the State Environmental Quality Review Act that encompassed the activities proposed on the site plan modification, the Town of East Greenbush Planning Board determines that the proposed site plan modification does not pose any significant adverse environmental impacts not addressed, or inadequately addressed, in the environmental record developed by the Town Board, as lead agency, and hereby grants conditional approval of the Site Plan Modification as depicted on the plans prepared by Hart Engineering entitled Fuccillo Ford Auto Dealership, dated December 2015, and last revised on March 26, 2019, subject to the following:**

- Satisfying outstanding technical details as determined by the Town Designated Engineers and Town Planning and Zoning Department; and
- The applicant must satisfy all site plan approval conditions set forth by the Town Board in Town Board Resolution # 115-2017; and
- All remaining fees are paid to the Town.

Seconded by Kurt Bergmann & roll called as follows:

J. Moore-YES; M. Bottillo-YES; R. Viola-YES; N. Kupiec-YES; K. Bergmann-YES; C. Horne-YES.

MOTION CARRIED BY A 6-0 VOTE

BROWE-SUN OIL ROAD-PDD-SITE PLAN MODIFICATION**(16-16a)**

Lorne Browe the applicant as well as Scott Collins the engineer were both present. Scott Collins stated that the site plan was approved in 2018 as well as a PDD and conditioned Negative Declaration for the site. The modification they are asking for is less than what was originally approved. The site will now produce 300 tons per hour as opposed to 325 tons per hour as originally proposed. There will be two silos instead of three. The equipment is all the same, either smaller or located in a different location. There will be 100 sq. ft. less of impervious surface and there is no change to stormwater. Scott Collins stated that the air permit that was issued will also need to be modified as well.

Acting Vice Chairman asked if there will be less environmental impact. Scott Collins stated that is correct. Joe Slater stated that the site plan was approved as part of the PDD in 2017. The code enforcement officer has determined that no amendment was needed to the PDD so this is a site plan modification only.

-Ralph Viola asked if the silos have reduced substantially. Lorne Browe stated their 10'-15' less.

Joe Slater stated that GPI has reviewed this and they had very minor comments.

-Chris Horne asked if there is a difference in the plant's production capacity essentially. Scott Collins stated that the air permit needed to be modified for this location. Everything else is the same.

-Ralph Viola asked if they were hoping to start the operation this year. Lorne Browe stated hopefully at the end of the year. Adam Yagelski asked them to talk about the DEC solid waste compliance. Scott Collins stated that there was a single recycling facility on this property and they had to go back to NYSDEC by May 3rd to re-notify them whether this operation was going to exist and they did that but they have not heard back from them. But they have submitted an application to re-register the single operation.

Scott Collins stated that there was a shingling recycling process on the property and that this will continue and a note will be added to the plan. Lorne Browe stated that the shingling operation is shut down for now. Adam asked about traffic and if it would exceed the threshold. Scott Collins stated that there is no impact on traffic. Adam stated that this modification is exempt from the PDD process per the recommendation of the code enforcement officer.

Vice Chairman Moore asked if the Board had any more questions. There were none.

MOTION: A motion was made by Acting Vice Chairman Moore as follows: Whereas on May 22, 2019, the Planning Board, as SEQRA involved agency, affirmed the Conditioned Negative Declaration pursuant to SEQRA for Sun Oil Road LLC's proposed asphalt plant and has determined that the proposed site plan modification does not pose any significant adverse environmental impacts not addressed or inadequately addressed in the environmental record developed by the Town Board as lead agency, including the SEQRA Conditioned Negative Declaration, pursuant to the State Environmental Quality Review Act.

Seconded by Ralph Viola & roll called as follows:

J. Moore-YES; M. Bottillo-YES; R. Viola-YES; N. Kupiec-YES; K. Bergmann-YES; C. Horne-YES.

MOTION CARRIED BY A 6-0 VOTE

MOTION: A motion was made by Acting Vice Chairman Moore as follows: The Town of East Greenbush Planning Board hereby grants conditional approval of the Minor Site Plan as depicted on the site plan entitled "SUN OIL ROAD ASPHALT PLANT" prepared by Creighton Manning Engineering, dated March 9, 2017, last revised May 15, 2019, subject to the following:

- Satisfying outstanding technical details as determined by the Town Designated Engineers and Town Planning and Zoning Department;

- All storm water pollution prevention permits will be obtained prior to commencement of any land development activity and/or site work and regularly scheduled required inspections will be performed and required reports submitted to the Town 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 building permit, the applicant must submit documentation that the project complies with revised NYSDEC 6 NYCRR Parts 360-366 and 369, Solid Waste Management and include a note on the final plans stating such conformance.
- Prior to issuance of building permit, the applicant must provide the Town with a copy of the amended Air License.
- Prior to issuance of a building permit, the applicant must obtain all necessary approvals and/or permits required for the project.
- Prior to issuance of a Notice of Termination under GP-0-15-002, the approved SWPPP, and the Town's Comprehensive Zoning Law, the applicant must submit to the Town evidence that the required Maintenance Agreement for stormwater management facilities has been filed with the County Clerk.
- The applicant must satisfy all conditions set forth in the November 15, 2017 SEQRA Conditioned Negative Declaration.
- All remaining fees are paid to the Town.

Seconded by Mike Bottillo & roll called as follows:

J. Moore-YES; M. Bottillo-YES; R. Viola-YES; N. Kupiec-YES; K. Bergmann-YES; C. Horne-YES.

MOTION CARRIED BY A 6-0 VOTE

UABDC-1 DISCOVERY DR.-SITE PLAN MODIFICATION-B WING PARKING LOT EXPANSION:

(18-06)

Ryan Trunko from GPI, stated that this project was before the Board last fall for a parking lot expansion for the B wing for the University of Albany Biotech Development Corp. Ryan Trunko stated that they had gone through the stormwater review process with MJ Engineering as the Town's designated engineer and identified some storm water concerns. Since then the client has identified some additional drainage issues on site. As of Monday a letter was issued by MJ Engineering stated that they had addressed all of MJ's comments. Acting Vice Chairman Moore asked Adam Yagelski if there was anything to add to that. Adam talked about the approach to the Northern Long Eared Bat, as stated in the SWPPP only two coniferous trees were to be taken down. Adam stated that a note should be added to the plan. Ryan Trunko stated that currently a chain link fence surrounds the site and that they're not proposing any disturbance outside of that except for an area around the building where they will be temporarily removing the fence to run an underground pipe. The two coniferous trees that will be removed will be an area for bio retention and extended detention pond but those trees aren't usually habitable for the long eared bat. Acting Vice Chairman Moore asked if there were any questions by the Board. Chris Horne asked if they had the letter from MJ Engineering stating that everything's been satisfied. Adam Yagelski stated that yes they have, as well as the Rensselaer County required 239 because of the project's proximity to Columbia Turnpike.

MOTION: A motion was made by Acting Vice Chairman Moore as follows: **The Town Planning Board hereby classifies this action as an unlisted action under SEQRA and has taken a "hard look" at the potential environmental impacts of this project by carefully considering and reviewing the Short Environmental Assessment Form, considering all the Applicant's proposed mitigation measures as they relate to environmental issues and more particularly to traffic, fire and rescue and MS-4 storm water management, adopts the attached SEQRA Environmental**

Short Environmental Assessment Form Part 2 and Part 3 dated May 22, 2019, and hereby issues a Negative Declaration under SEQRA.

Seconded by Nancy Kupiec & roll called as follows:

J. Moore-YES; M. Bottillo-YES; R. Viola-YES; N. Kupiec-YES; K. Bergmann-YES; C. Horne-YES.

MOTION CARRIED BY A 6-0 VOTE

MOTION: A motion was made by Acting Vice Chairman Moore as follows: **The Town of East Greenbush Planning Board hereby grants final site plan approval subject to the following conditions;**

- **Satisfying outstanding technical details as determined by the Town Planning and Zoning Department & Town's designated Engineer, MJ Engineering.**
- **The applicant must provide a one-year warranty period and a one-year post construction inspection report to the Town Planning and Zoning Department to ensure species within the bioretention facility are healthy.**
- **The application must provide a revised plan showing the two coniferous trees to be removed as part of the proposed work and include a note on the plans indicating, generally, that any additional tree clearing requires Planning Board approval.**
- **All storm water pollution prevention permits will be obtained prior to commencement of any land development activity and/or site work and regularly scheduled required inspections will be performed and required reports submitted to the Town 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 compliance, a draft Maintenance Agreement for stormwater management facilities must be submitted to the Planning and Zoning Department.**
- **Prior to issuance of a Notice of Termination under GP-0-15-002, the approved SWPPP, and the Town's Comprehensive Zoning Law, the applicant must submit to the Town evidence that the required Maintenance Agreement for stormwater management facilities has been filed with the County Clerk.**
- **All remaining fees are paid to the Town.**

Seconded by Kurt Bergmann & roll called as follows:

J. Moore-YES; M. Bottillo-YES; R. Viola-YES; N. Kupiec-YES; K. Bergmann-YES; C. Horne-YES.

MOTION CARRIED BY A 6-0 VOTE

Jim Moore stated that he forgot to introduce the Planning Board's newest member Christine Horne.

NEW BUSINESS:

STEWART'S-95 TROY ROAD-MINOR SITE PLAN-ADDITION

(19-12)

Chad Fowler was present from Stewarts to present the project. They are proposing a 15' x 42' addition and an 8' x 20' walk in freezer to the rear of the building on Couse Corners at 95 Troy Road. The walk in freezer would only be accessible from the inside. The dumpster would be moved over, they might need to build a retaining wall in the rear of the building. They want to upgrade all the lighting to LED and also want to upgrade the veneer and want to add siding and stone. The plan showed screening with trees from Route 151 and they also propose screening where the picnic tables are located.

-Chris Horne asked if they would be gaining any additional parking. Chad Fowler stated they would not be.

-Ralph Viola asked what the plans were for the dumpster. Chad Fowler stated that they would be enclosing it with white vinyl slats on a chain link fence on three sides and have white vinyl slates on the gates.

Chad Fowler stated that they would be removing the fire suppression system from the canopy as it's no longer required.

-Vice Chairman Moore asked if the greenspace complies with the Zoning District. Chad Fowler stated that they went from 25% to 23%. Chad Fowler stated that they will be installing a transfer switch if a generator becomes necessary. Joe Slater asked if the addition will have a fire wall. Chad Fowler stated that it would.

-Nancy Kupiec asked if it's B-1 zoning. Chad Fowler stated that it is.

Vice Chairman Moore stated in terms of landscaping requirements, they need Type 3 between the addition and Dunkin Donuts. Joe Slater asked Adam Yagelski if the Town is getting a TDE on board for review. Adam stated that they are. Acting Vice Chairman Moore asked if there were any other questions from the Board. There were none.

MOTION: A motion was made by Acting Vice Chairman Moore as follows: **The Town of East Greenbush Planning Board hereby classifies this action as a Type II SEQRA action pursuant to 6CRR-NY 617.5(c)(9) and accepts the proposed sketch plan dated March 27, 2019, prepared by Stewart's Shops for the proposed minor site plan.**

Seconded by Mike Bottillo & roll called as follows:

J. Moore-YES; M. Bottillo-YES; R. Viola-YES; N. Kupiec-YES; K. Bergmann-YES; C. Horne-YES.

MOTION CARRIED BY A 6-0 VOTE

GUENTHER-48 NEW ROAD-LOT LINE ADJUSTMENT (19-13)

Gary Guenther who owns the property at 48 New Road, he has purchased about an acre from his neighbor the Johnsons. His lot went from 1.71 acres to 2.71 acres. The Johnson's property went from 5.8 acres to 4.8 acres.

-Nancy Kupiec asked how the Johnson's access their property. Gary Guenther stated that they have a little access way. Gary Guenther stated that there is nothing on the Johnson's lot.

Acting Vice Chairman Moore asked if there were any questions. There were none.

MOTION: A motion was made by Acting Vice Chairman Moore as follows: **The Town of East Greenbush Planning Board hereby declares this action as a Type II SEQRA action in accordance with 6 CRR-NY 617.5 (16) and grants final approval of the proposed lot line adjustment prepared by CT Male Associates and dated May 9, 2019, subject to the following:**

- Satisfying outstanding technical details as determined by the Town Planning Department; and
- All remaining fees are paid to the Town.

Seconded by Ralph Viola & roll called as follows:

J. Moore-YES; M. Bottillo-YES; R. Viola-YES; N. Kupiec-YES; K. Bergmann-YES; C. Horne-YES.

MOTION CARRIED BY A 6-0 VOTE

LEMKA/EG ANIMAL HOSPITAL-700 COLUMBIA TURNPIKE-SITE PLAN MOD. DOGGIE DAYCARE (19-15)

Steve Hart and Chris Rocchio were both present. Chris Rocchio stated that he's looking to purchase the Lemka property which is where the doggie day care will be located. Steve Hart stated that in the rear of the Sweater Venture is an area consisting of approximately 4,000 sq. ft. which is where Chris Rocchio wants to locate the doggie day care. Steve Hart stated that Chris Rocchio had gone in front of the Zoning Board of Appeals for an Interpretation which was rendered in his favor. Steve Hart stated that there is a two lane access which narrows to a single lane and goes around the building and then back out on Columbia Turnpike which they will only be paving and striping. Steve Hart stated that there are 12 spaces on the site plan for the Sweater Venture and 8 parking spaces proposed for the doggie day care. There will be a walking connection between the East Greenbush Animal Hospital and the Doggie Day care.

-Ralph Viola asked if there will be a fenced in exercise area for the dogs. Chris Rocchio stated that they don't need an area outside. They will have an area inside for the dogs to relieve themselves.

-Nancy Kupiec was wondering how the application made out with the Zoning Board. She asked if they will be doing improvements inside the building. Chris Rocchio stated that they will be putting up dividers to separate the dogs into different groups.

-Chris Horne asked how many dogs he will have a capacity for and the hours of operation. Chris Rocchio stated 25 dogs; the hours will be Monday thru Friday from 7:30am to 6pm, with no overnight boarding or weekends.

-Kurt Bergmann asked if there will be a light for the walking path between buildings. Chris Rocchio stated that they will use what's existing.

-Ralph Viola stated that he would like to see the connection between buildings fenced in. Chris Rocchio stated that would be difficult to do.

-Nancy Kupiec asked if the traffic would go through the Animal Hospital lot. Steve Hart stated no, that there is a 30' greenspace buffer between the sites and they want to keep the operations separate.

-Chris Horne asked if there is enough room to handle people dropping off 25 dogs at the same time. Chris Rocchio stated that the dogs are usually dropped off between a 2-3 hour period.

-Ralph Viola asked if the dumpster will be enclosed. Chris Rocchio stated there won't be a dumpster.

-Chris Horne asked if the Lemka's are aware of what they're doing. Chris Rocchio stated yes.

Vice Chairman Moore asked if there were any other questions. There were none.

MOTION: A motion was made by Acting Vice Chairman Moore as follows: **The Town of East Greenbush Planning Board hereby classifies this action as a Type II action under SEQRA and accepts the proposed sketch plan dated May 14, 2019, prepared by Hart Engineering for the proposed site plan modification.**

Seconded by Nancy Kupiec & roll called as follows:

J. Moore-YES; M. Bottillo-YES; R. Viola-YES; N. Kupiec-YES; K. Bergmann-YES; C. Horne-YES.

MOTION CARRIED BY A 6-0 VOTE

REGENERON-81 COLUMBIA TURNPIKE-MAJOR SITE PLAN-BLDG. 81 ADDITION (19-14)

Steve Hart was present on behalf of the applicant. Brent Gadbois was also there on behalf of Regeneron.

- Any discussion of this project to be included in the minutes?

MOTION: A motion was made by Acting Vice Chairman Moore as follows: **The Town of East Greenbush Planning Board hereby accepts the proposed sketch plan dated April 5, 2018, prepared by Hart Engineering for the proposed site plan.**

Seconded by Kurt Bergmann & roll called as follows:

J. Moore-YES; M. Bottillo-YES; R. Viola-YES; N. Kupiec-YES; K. Bergmann-YES; C. Horne-YES.

MOTION CARRIED BY A 6-0 VOTE

MOTION: A motion was made by Acting Vice Chairman Moore as follows: **The Planning Board hereby recommends the Town of East Greenbush Town Board declare its intent to seek Lead Agency status in connection with a coordinated review under SEQRA.**

Seconded by Mike Bottillo & roll called as follows:

J. Moore-YES; M. Bottillo-YES; R. Viola-YES; N. Kupiec-YES; K. Bergmann-YES; C. Horne-YES.

MOTION CARRIED BY A 6-0 VOTE

WORKSHOPS:

TOWN CENTER-PDD-COLUMBIA TURNPIKE-SEQR FINDINGS & PDD RECOMMENDATION

(17-19)

The Board publicly discussed the project with the applicant and providing clarification, as needed.

REFERRALS-REPORTS & RECOMMENDATIONS:

ZBA Appeal #2019-06-Vanderover-54 Rose Lane-Area Variance-Frontage-report by Mike Bottillo

_After some discussion, the following motion was made:

MOTION: A motion was made by Acting Vice Chairman Moore as follows: **The Town of East Greenbush Planning Board hereby accepts Mike Bottillo's report, and recommends that the report be forwarded to the Zoning Board specifically from a planning perspective & gives a positive recommendation. *See attached report for further detail.**

Seconded by Mike Bottillo & roll called as follows:

J. Moore-YES; M. Bottillo-YES; R. Viola-YES; N. Kupiec-YES; K. Bergmann-YES; C. Horne-YES.

MOTION CARRIED BY A 6-0 VOTE

ZBA Appeal #2019-07-Regeneron-Tempel Lane-2 Area Variances Office/Lab-Bldg. 27 & Parking Garage/Bldg.47- assigned to Nancy Kupiec

After some discussion, the following motion was made:

MOTION: A motion was made by Acting Vice Chairman Moore as follows: **The Town of East Greenbush Planning Board hereby accepts Nancy Kupiec's report, and recommends that the report be forwarded to the Zoning Board specifically from a planning perspective & gives a positive recommendation. *See attached report for further detail.**

Seconded by Ralph Viola & roll called as follows:

J. Moore-YES; M. Bottillo-YES; R. Viola-YES; N. Kupiec-YES; K. Bergmann-YES; C. Horne-YES.

MOTION CARRIED BY A 6-0 VOTE

ZBA Appeal #2019-08-Saxton Signs-1139 Red Mill Road-2 Area Variances-Sign-assigned to Ralph Viola

After some discussion, the following motion was made:

MOTION: A motion was made by Acting Vice Chairman Moore as follows: **The Town of East Greenbush Planning Board hereby accepts Ralph Viola's report, and recommends that the report be forwarded to the Zoning Board specifically from a planning perspective & gives a positive recommendation. *See attached report for further detail.**

Seconded by Kurt Bergmann & roll called as follows:

J. Moore-YES; M. Bottillo-YES; R. Viola-YES; N. Kupiec-YES; K. Bergmann-YES; C. Horne-YES.

MOTION CARRIED BY A 6-0 VOTE

NEW ZBA REFERRALS:

NONE

REVIEW AND APPROVAL OF MEETING MINUTES:

Motion by Acting Vice Chairman Moore to approve the May 8, 2019 meeting minutes as is.

Seconded by Mike Bottillo. Motion carried by a 5-0-1 vote. Chris Horne abstained.

ADJOURMENT:

There being no further business before the Board, the meeting was adjourned by Acting Vice Chairman Moore. Seconded by Ralph Viola. Motion carried by a 6-0 vote.

Respectfully Submitted



Alison Lovely, Planning Secretary

05/19/2019

50 Rose Lane Area Variance

Jeremy Vanderver has purchase the property at 54 Rose Lane in a R-B zone which needs 100 frontages. The proper he has purchase is 85 feet off the road and the only frontage the proper has is a 50-foot frontage easement, 25 feet from the property to the left and 25 feet from the right. The 25 feet easement to the right is not useful since there is a fire hydrant in the middle of the easement. Mr. Vanderver is going to purchase the 25 by 85 feet of property to the left, so there no longer will be an easement on that side. With that purchase it leaves a 25-foot frontage for the property and home for Mr. Vanderver, which will basically be the driveway. With the purchase of that property, Mr. Vanderver has created a flag lot, which will meet the requirements for building on that property.

- 1) The Variance will not produce an undesirable in the character of the neighborhood nor be a detriment to nearby properties
- 2) The applicant has no other option to build on this property and has the right to use the 50 feet because of the easement to his property
- 3) The requested variance is substantial
- 4) The proposed variance will NOT have adverse effect or physical impact on neighborhood.
- 5) I would not define this difficulty as self-created, the easement was created prior and goes with the property purchased

I believe the Mr. Vanderver meet has meet the requirements and has and give it positive recommendation to the zoning board.

Thanks

Michael Bottillo









Planning Board Review & Recommendations

Location: #350 Tempel Lane**Prepared By:** Nancy Kupiec**Applicant:** Regeneron Pharmaceuticals, Inc.**Date:** 5/22/19**ZBA Appeal:** #2019-07**Site Visit:** 5/16/19**Proposed Use:** New Science Building #27 & Parking Garage Building #47**Current Zoning:** PDD/OC

These structures are the last scheduled to be built at the applicant's Tempel Lane planned development facility. The Science Building will support Regeneron's science laboratories and offices with the adjacent parking garage being built specifically for parking needs associated with this use. The applicant is seeking an area variance for both structures that as designed exceed the allowed 50 foot building height limit in a Corporate Office/Regional Commercial (OC) zoned district. (Request filed under separate ZBA applications.)

The applicant's overall development of this parcel has been consistent with the intent of the Town's OC regulations that are "designed to encourage large scale campus-type developments, and to discourage a strip form of development". To the maximum extent possible these last two buildings have been designed to be in keeping with the use of buildable land areas originally designated in the approved PPD as well as to satisfy the business operation's growing space needs. Proposed height of the Science Building is 68 feet (+/-) above average grade and the Parking Garage is approximated at 66 feet above average grade. There is no indication that the requested height variances requested will effect the public's health, safety or welfare. However, if granted these minor variances will directly benefit the financial health and long-term economic sustainability of a major employer in the Capital region. The anticipated economic spin-off effects in the Town of East Greenbush from Regeneron's investments are now beginning to emerge, with optimism for continued positive impact on future housing and commercial development.

From a planning perspective, there are no perceived detriment in allowing what will equate to single story height variances for buildings of this type. As has been proposed, all buildings on the campus are situated in the middle of a large forested land area with sloping topographies. These features provide ample natural buffers between neighboring properties and the subject buildings. When observed from the ground, increased building height will have no visual impact. In addition, when observed from numerous scenic highland views, height variances will provide a less obtrusive method of increasing the applicant's building space needs while preserving the Town's natural green landscapes. Similarly, when applied to this particular site, approved height variances are keeping with the Town's current efforts to strengthen protection of natural resources and encourage thoughtful development of environmentally sensitive land areas. The applicant's architects and engineers have been challenged by topography, designated wetlands and well developed plant and animal ecosystems. Increasing the two remaining building footprints would perhaps satisfy space needs, but would be inconsistent with the applicant's on-going efforts to conserve natural resources and provide long term environmental protections within their property boundaries. The preferable solution in this instance is building "up" rather than "out".

In reviewing information provided by the applicant, discussions with their engineers and input from the Town's Planning staff it is apparent that this height variance not being requested as a cost saving measure, but rather for practical reasons. As expressed by the Facilities Engineer, there is a shared concern for satisfying building and parking space needs while doing what's best for an environmentally fragile site.

"Our main goal for the science building is to achieve approximately 240,000sq-ft of lab and office

space combined. Associated with that is the need for approximately 1,050 parking spaces. As we reviewed the potential options for the site we realized that there was not enough land to achieve the 240,000sq-ft and 1,050 parking spaces without building taller structures. Our site development for this plot of land is bound on the east by our new substation, north and south by wetlands and the west by the main site road. Our only other option to achieve our design requirements on this site would be to build higher structures. With our current four story science building design we are working within the 25 foot wet-land buffer. With that said, if we were to reduce the building height to within current code allowable height we would not be able to meet our required building square footage and parking requirements. The floor to floor heights in our proposed science building and parking garage design are standard heights that cannot be adjusted significantly."

The applicant has provided aerial day and night time renderings, draft site plans, building elevations and colored drawings of what the new structures will look like when completed, which are attached. In completing Regeneron's Tempel Lane PPD, proposed height variances will have no increased impact on noise, traffic, storm water control, public safety or other known environmental concerns.

May 21, 2019

East Greenbush Planning Board
225 Columbia Turnpike
East Greenbush, NY 12061

Attn: Chairman Matt Mastin

RE: Area Variance Review 2019-08

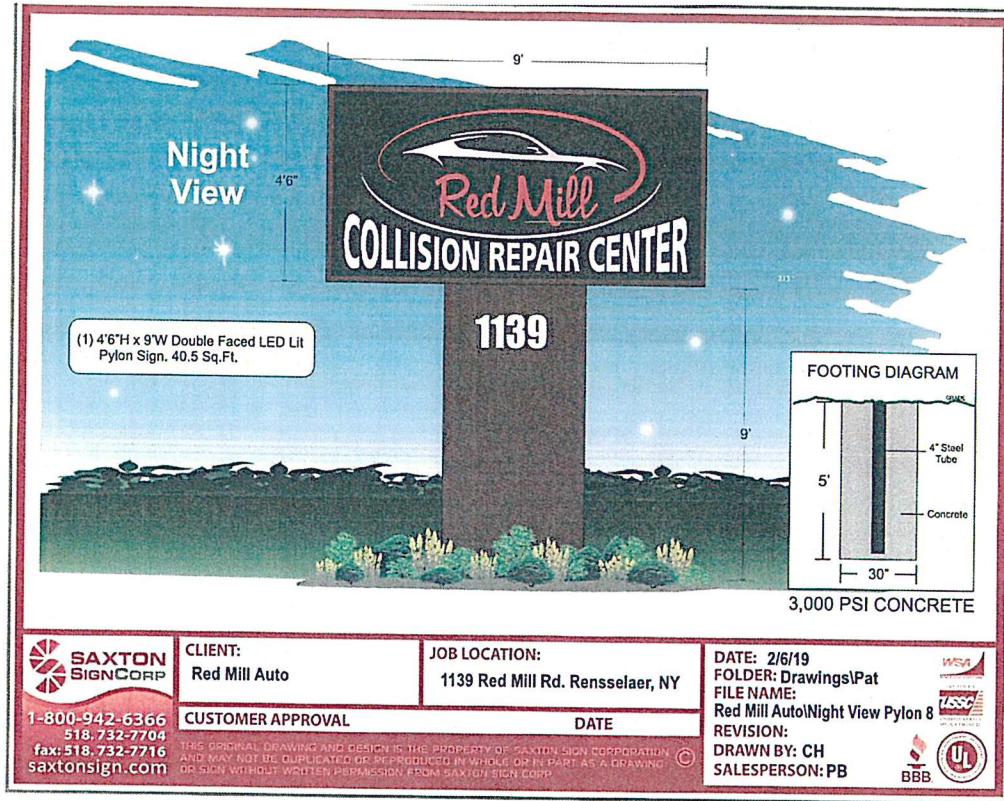
Eric Hart (Red Mill Auto)
1139 Red Mill Road
East Greenbush, NY 12061

The applicant is requesting an area variance to construct an internally illuminated monument sign. This parcel is located in the Residential Buffer District (**R-B**). In accordance with Section III 3.3.2 signs located in residential districts are prohibited. This parcel has been an auto repair shop for many years. The plot plan dated March 1987 provided in this request shows a free-standing sign located on this parcel. The current applicant purchased the business in 2016 and removed the sign because of the business name change. The applicant wants to erect new sign with proper business name.

- The existing sign was 56.5 sqft The proposed sign is 40.5 sqft.
- The sign will be 13'-6" above finished grade
- The sign will be located outside of the 15 foot setback required by NYS DOT
- The building sets back off Red Mill Road and is not identifiable without this signage

The applicant is also requesting a second area variance for the monument sign to be illuminated. In accordance with Section III 3.3.6 LED signs are prohibited.

- The prohibited LED signs referred to in this section were directed at pulsing, flashing or LED (light emitting diode) signs that had "moving" lights. LED in today's standards are the most cost effective, energy saving, green light source currently available.
- There are no streetlights along Red Mill Road. Without the sign being illuminated during the evening hours, his business will not be recognized or visible to passing motorists.
- This illuminated sign will not affect any adjacent neighbors.
- The sign graphics are such that only the lettering will be illuminated when lit. The background will be oblique.



No undesirable change would be produced in character of neighborhood or a detriment to nearby properties.

There is not any feasible alternative sought by applicant that can be achieved without this variance. The applicant is a dedicated business owner in East Greenbush and is trying to make his business more visible and noticeable from Red Mill Road. Installing a sign should help potential customers locate him.

This requested area variance is not substantial. The prior owner had a sign erected in the same place. The current owner took it down because of the business name change. Installation of this pre-existing non-conforming sign is not substantial.

Approval of this variance would have NO adverse impact on the physical or environmental conditions in the neighborhood

After careful review of these Area Variance request, based upon sound planning and zoning considerations, visual aesthetics and the overall good of the community, I give a positive recommendation to the Zoning Board of Appeals.

Respectfully,

Ralph J. Viola

Ralph J. Viola
E.G. Planning Board Member