

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 AUGUST 14, 2019

Members:

Matt Mastin, Chairman
Nancy Kupiec
Kurt Bergmann
Jim Moore
Ralph Viola

Also Present:

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

CALL TO ORDER / DETERMINATION OF QUORUM

Chairman Mastin called the meeting to order and determined that a quorum of four (4) members were present. Chris Horne was absent.

PUBLIC HEARINGS:

NONE

OLD BUSINESS:

NONE

NEW BUSINESS:

REGENERON-TEMPEL LANE-BLDG. 17-SITE PLAN MODIFICATION: (15-20G)

Scott Porreca, Project Manager from Jacob's Engineering presented the project to the Board. The proposal is for a UPS room on the first floor, just a one story addition consisting of an unoccupied mechanical room consisting of 2,600 square feet at Bldg. 17 (Manufacturing Bldg.) on Tempel Lane. It would be for backup power for the manufacturing equipment. The bio-retention area will need to be moved over to the east side of the building by the parking lot. Scott Porreca stated that there would be no traffic, water or waste impact. They are currently waiting on technical comments from GPI. A generator will be located outside within an exterior enclosure around it.

- Kurt Bergmann asked if it will be run by gas or diesel & where the storage tank would be located. Scott Porreca stated it would be a belly tank located under the generator double contained.

- Jim Moore asked if it would trigger any air quality permits from NYSDEC. Scott Porreca stated that the emissions for this would be counted within the emissions for the entire building.

- Chairman Mastin stated they mentioned there was no reduction in parking, they are just moving eight parking spaces. Scott Porreca stated that there are now parking spaces up against the building and he believes it's equal to what they had.

Adam asked Scott Porreca to talk about stormwater. Scott Porreca stated that the bio retention area has been moved to the large parking lot in the rear of the building. The runoff reduction actually improves with the change. A little different of configuration but no change, just a reconfiguration of the stormwater. Adam stated with no increase to pervious. Scott Porreca stated that is correct.

Chairman Mastin asked if the Board had any other questions and if they were ok with approving it tonight. No one had any objection.

MOTION: A motion was made by Chairman Mastin as follows: On February 27, 2019, the Planning Board, as SEQRA involved agency, approved the amended Statement of Findings for Regeneron's Temple Lane Campus. The Town Planning Board has carefully considered the environmental record with respect to the proposed Building 17 UPS Room and has determined that the plan 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 amended SEQRA Statement of Findings, pursuant to the State Environmental Quality Review Act.

The Town of East Greenbush Planning Board hereby grants conditional approval of the Minor Site Plan as depicted on the site plan entitled "Site Layout and Grading Sheet 1" prepared by Jacobs Engineering, dated July 22, 2019, subject to the following:

- **Satisfying outstanding technical details as determined by the Town Designated Engineers and Town Planning and Zoning Department;**
- **Regeneron has indicated that the specifications for the Proposed Emergency Generator have not been determined. Prior to issuance of a building permit for the Proposed Emergency Generator, Regeneron must submit documentation that the proposed generators are in conformance with the amended SEQRA Statement of Findings, subject to approval by the Town Designated Engineer**
- **Prior to issuance of a building permit, Regeneron shall obtain all necessary approvals and/or permits required for the project.**
- **All remaining fees are paid to the Town.**

Seconded by Kurt Bergmann & roll called as follows:

M. Mastin-YES; N. Kupiec-YES; K. Bergmann-YES; J. Moore-YES; R. Viola-YES.

MOTION CARRIED BY A 5-0 VOTE

UPDATES:

PHEASANT HOLLOW-2670 PHILLIPS ROAD-7 LOT CLUSTER SUBDIVISION: (19-18)

Chairman Mastin stated this was an update only. Steve Hart from Hart Engineering stated that an Engineers report and plans have been dropped off to Adam. The site is located on Phillips Road @ Hays Road and consists of 44 acres in East Greenbush and 62 acres in Schodack, it's the site of the Pheasant Hollow golf course. The proposal is for a 7 lot cluster subdivision on 10 acres with water and sewer, typically you would need ½ acre lots with 100' of frontage. There was a question as to how to meet the requirement for open/green space area with a cluster subdivision. Steve Hart stated that this project requires 5 acres of open space, with 20% of that being buildable area. Steve Hart stated that as an amenity or benefit they could donate to the Town 60' on each side of the road where the applicants owns on both sides of the road. The extension of the sewer to this development will also be connected to 5 residents on Hays Road and 6 residents on Phillips Road. Water exists on Phillips Road in front of the property, putting in a grinder system with a mix of 2" & 3" low pressure sewer lines that people will tie there grinder pumps into. Steve stated that the frontages are at about 90" and the lots are average about .47 acres.

•Nancy Kupiec asked if he has realty signs up advertising the parcels yet. Steve Hart stated no he doesn't.

Adam asked about open water course area, if that was a wetland. Steve Hart said the watercourse crosses the road and actually travels down to the Hudson River, if they need to they can cut trails through there & use that, it's an open space and buffer that they wouldn't be touching.

Chairman Mastin asked if they had talked at the last meeting about proposing a trade off with the benefit of the sewer for residents in lieu of the open space. Adam stated that he missed that meeting. Joe Slater stated that ultimately it's up to the Board, if they feel that residents of the subdivision don't have much to gain from that open space area in the back, then the applicant can essentially trade off other amenities acceptable to the Board.

- Jim Moore stated that the flag pole doesn't make a lot of sense to him. Steve Hart stated that area was to meet the 10 acres of open space and 20% buildable area.

- Nancy Kupiec asked then that beyond the pond area is the golf course. Steve Hart stated that is correct. Joe Slater stated that the designated open space area needs to be marked on the map and not part of the larger parcel.

- Nancy Kupiec stated that she feels it makes sense to incorporate the pond area.

Adam Yagelski asked if they did a wetland delineation. Steve Hart stated that he did.

Adam Yagelski stated that he could enhance or buffer the wetland.

Chairman Mastin asked if the Board was in favor of giving relief on buildable land. Steve Hart wanted to know if they could schedule the public hearing. Joe Slater stated that the Board should get a more final plan before scheduling a public hearing.

Chairman Mastin stated that this is just an update only.

**DENTAL OFFICES/FORMER SPORTS GRILL-4 MIDDLE MANNIX ROAD-SITE PLAN
MODIFICATION & SPECIAL USE PERMIT:** (19-21)

Steve Hart stated that the property is located at 4 Middle Mannix Road and is owned by JMA Properties and BBL is the property manager. Steve Hart stated that the proposal is for two dental offices. They are installing a front canopy and getting rid of their dumpster and sharing one with the hotel, but going to keep the concrete pad. The side entrance with the double doors is being removed. Steve Hart stated that they are considering a lot line adjustment on the parcel but want to know what the best path would be to take. He showed the Board plans that showed a lot line adjustment and one that doesn't which is the existing site plan.

- Kurt Bergmann asked if dumpsters for medical facilities require more security on them locks, etc. Steve Hart stated that he believes most of the critical dental stuff will not be leaving via a dumpster.

- Ralph Viola asked why the lot line adjustment doesn't include parking along Route 4. Steve Hart stated that this parcel shares cross easements for parking with the Hotel.

- Kurt Bergmann stated that the waste from dental offices just can't go down into the public sewer, will this probably be part of the building permit. Steve Hart stated the he believes so.

Joe Slater stated that he feels a lot line adjustment is the better way to go, but it would create a nonconforming lot even though it's already non-conforming, the purpose of the Zoning Code is to try to get these lots conforming and if it's not then it triggers the need for a variance. Joe Slater feels a lot line adjustment would be easier route to go with easements, and would be best for the site. Steve Hart stated that the code requires 5 acres, this parcel is only 3.3 acres, so either way you have two buildings on a small parcel.

- Ralph Viola stated a consolidation seems the best way to go and then the easements would go away.

- Ralph Viola also asked what the setback from the existing hotel to the lot line. Steve Hart stated 12 ft. Chairman Mastin stated this was an update only.

REFERRALS-REPORTS & RECOMMENDATIONS:

ZBA Appeal#2019-11-Stewart's-95 Troy Road- 2 Area Variances-Addition & Freezer-report by Nancy Kupiec

Nancy Kupiec stated that the applicant is asking for two area variances for the construction of an addition and freezer at the rear of their property located at 95 Troy Road. Nancy Kupiec stated that in the B-1 Zoning regulations of the Town's Comprehensive Zoning Law Section 2.7.2 – E Area and Bulk Schedule provides relief from the 12' rear yard setback if the exterior elevation is

constructed as an approved firewall per NYS Fire Codes and upon the Building Inspectors approval. The East Greenbush Building Inspector has determined that NYS Codes do not require a firewall on a structure located more than 3' from a neighboring lot line and therefore he cannot consider the wall as such. Consequently the applicant's only relief in building the needed additions in line with the existing structure is to seek two area variances.

After some discussion, the following motion was made:

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board is of the opinion that an area variance for setbacks is not required if an applicant is willing to construct an approved party wall/fire wall in accordance with NYS Fire Codes in accordance with the bulk and area schedule in section 2.72E of the Town's Comprehensive Zoning Law. If the Zoning Board of Appeals is of the opinion that an area variance is required by the applicant under the current circumstance, the Planning Board approves the report by Nancy Kupiec & recommends approval of the area variances from a Planning perspective.**

Seconded by Ralph Viola & roll called as follows:

M. Mastin-YES; N. Kupiec-YES; K. Bergmann-YES; J. Moore-YES; R. Viola-YES.

MOTION CARRIED BY A 5-0 VOTE

NEW ZBA REFERRALS:

NONE

REVIEW AND APPROVAL OF MEETING MINUTES:

Motion by Chairman Mastin to approve the July 10, 2019 meeting minutes as is.

Seconded by Ralph Viola. Motion carried by a 4-0-1 vote. Nancy Kupiec abstained.

Motion to approve the July 24, 2019 meeting minutes was tabled due to a quorum issue.

ADJOURMENT:

There being no further business before the Board, the meeting was adjourned by Chairman Mastin.

Seconded by Jim Moore. Motion carried by a 5-0 vote.

Respectfully Submitted



Alison Lovely, Planning Secretary

Planning Board Review & Recommendations

Location: 95 Troy Road
Applicant: Stewart's Shops Corp.
ZBA Appeal: #2019-11
Proposed Use: Convenience Store

Prepared By: Nancy Kupiec
Date: 8/14/19
Site Visit: 8/13/19
Current Zoning: B-1

This is a fully operational convenience store located on the Northwest portion of the Couse Corners traffic circle. The applicant is seeking **two area variances** to allow construction of a North elevation addition that will include new restrooms & storage as well as a second structure attached to the North wall of the new building addition. This secondary structure will contain an exterior walk-in freezer. Both of these new bump-outs will follow the rear foundation line of the existing store which is not parallel to the rear lot line. Due to this tapered angle, if built as planned the **new additions will be closer than 12' to the rear lot line (8.8' and 9.8' respectively).** **The B-1 required setback is 12 feet.**

B-1 Zoning regulations (Section 2.7.2 - E Area and Bulk Schedule) provide relief from the 12' rear yard setback if the exterior elevation is constructed as an approved firewall per NYS Fire Codes **and** upon the Building Inspector's approval. The East Greenbush Building Inspector has determined that NYS Codes do not require a firewall on a structure located more than 3' from a neighboring lot line and therefore he cannot consider the wall as such. Consequently the applicant's only relief in building the needed additions in line with the existing structure is to seek two area variances. Due to existing interior plumbing and parking the North elevation is the only location suitable for these additions.

Stewart's provides a well maintained and very busy convenience store with gas pumps at this Troy Road location. The landscaping is simple but nicely groomed with a grassy rear slope that backs onto the W.F. Bruen Rescue Squad building. The rear portion of the property effected has a picnic table on a small red brick patio and a dumpster surrounded by a three-sided masonry wall. This rough faced patio brick enclosure will be removed and a new vinyl dumpster enclosure will be situated further North of the new additions. To accommodate the new dumpster pad, an overgrown slightly wooded section will be cut back, leaving the more mature deciduous trees and an extended grassy area buffer between Stewarts and Dunkin' Donuts.

Store management indicates that they have reviewed all plans with the East Greenbush Fire & Rescue Squad, and they do not oppose the setback. They are currently negotiating a shared parking arrangement with the Squad for Stewart's employee vehicles. From a planning perspective, approval of the requested area variances will allow this successful business to continue operations with a more efficient back-house work flow area as well as provide timely up-grades to customer & staff restrooms. There is no indication that the proposed changes will adversely effecting neighboring property owners, parking or traffic patterns.

Photographs of the effected elevations are attached to this report.





