

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

SEPTEMBER 9, 2020

Members:

Matt Mastin, Chairman
Ralph Viola
Don Pantan
Kurt Bergmann
Jim Moore
Chris Horne

Also Present:

Adam Yagelski, Director, Planning/Zoning
Dalia Szarowicz, Planner
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 six (6) members were present. Nancy Kupiec was absent.

PUBLIC HEARINGS:

7:00 PM TOWN CENTER-580 COLUMBIA TURNPIKE-PROPOSED MINOR PDD AMENDMENT

Chairman Mastin read the legal notice:

PLEASE TAKE NOTICE that the Planning Board of the Town of East Greenbush will hold a public hearing on September 9, 2020, at 7:00 p.m. at the East Greenbush Red Barn, Town Park Road, on the application of 580 Columbia Turnpike, LLC for a proposed minor Planned Development District (“PDD”) Amendment for the Town Center Planned Development District at 580 Columbia Turnpike. At the above time and place, all interested parties will be given an opportunity to be heard. By order of the Planning Board Matt Mastin, Chairman

Tyler Culberson & Steve Hart were both present. Steve Hart stated that Building F was previously approved as an all commercial building with about 9,000 sq. ft. with a maximum of 25,000 sq. ft. and the intent is now to make it match the other front building with first floor commercial and a maximum of 24 apartments up above. Steve Hart stated that they will be taking away 24 units from the total numbers of apartments in the rear of the parcel.

Chairman Mastin asked the Board if anyone had any questions.

- Jim Moore asked if a building would be eliminated from the rear of the parcel. Steve Hart stated that no, now the sizing of the units will change.

- Chris Horne asked what ever came from the talks on the drainage pond at the last meeting. Steve Hart stated that they will rework the drainage & grading and the pond had been moved.

Chairman Mastin told the Board to keep in mind that they will be back in for site plan, this is just regarding the minor PDD amendment.

Chairman Mastin asked if anyone on the Board had questions. No one had anything else.

Chairman Mastin asked if there was anyone in the public who wanted to speak.

•Dave Terpening stated that the Planning Board meetings were on Zoom for a long time and now they've stopped and it's difficult for the public to hear & see what's being presented and for people to be involved. Also, the Zoom meeting were good for the people who don't like to come out at night, especially elderly people. He encourages the Board to go back to Zoom meetings. He also stated that the audio for the last two meetings at the Town Hall in the Court Room were very garbled and that you couldn't hear them on YouTube. Chairman Mastin stated that sometimes meetings overlap, and technology is limited, so that's why we're at the Red Barn and we're doing the best we can but will try to get that improved. Chairman Mastin asked if he had any comments relative to the project.

•Dave Terpening stated he had given comments to the Town Board on the PDD back in December and had questions that were never answered. (These comments are attached to these meeting minutes). He would like to submit the written comments to the Planning Board for the record. He stated that the supervisor had given Adam permission to answer his questions, which he did.

Chairman Mastin stated that the Planning Board doesn't have the ability to make large changes to the PDD in regards to your comments, as ultimately it is the power of the Town Board to approve PDD's. Dave Terpening stated that a W-market survey was given to him by Adam Yagelski and he believes if the public were given that survey that they may not have had a positive response to the Town Board in approving the PDD. He would also like that report sent to the Planning Board.

Chairman Mastin asked three times if there was anyone present in favor of or opposition to the Minor PDD Amendment. There was no one else in favor of or opposition to.

Chairman Mastin asked if there were any other comments. There were none.

MOTION: A motion was made by Chairman Mastin as follows: The Town of East Greenbush Planning Board closes the public hearing.

Seconded by Don Panton & roll called as follows:

M. Mastin-YES; J. Moore-YES; R. Viola-YES; N, Kupiec-YES; K. Bergmann-YES; C. Horne-YES; D. Panton-YES.

MOTION CARRIED BY A 7-0 VOTE

OLD BUSINESS:

COLLINS HOMELAND, LLC. - 44 TROY ROAD – SITE PLAN MOD.

(20-16)

The applicant/owner Mike Collins and project engineer Brian Sipperly from Verity Engineering presented the project. Brian Sipperly stated that they received a positive resolution on the sketch plan and they were waiting for comments from the 239 referral that was sent to Rensselaer County and have since received them and they are pretty benign, they have been working with the Planning Board and Staff comments on the revised landscaping.

Chairman Mastin asked if there were any changes to the plan. Brian Sipperly stated that they have included some details to the plan, a partial wing wall and guiderail have been added to the plan.

Brian Sipperly also stated that the Zoning Board granted them the area variance for parking in the front yard.

•Chris Horne asked if they addressed the landscaping in this plan version. Brian Sipperly stated that they have some deciduous trees, some shrubs, and some arborvitaes along the southern edge. They have Type 2 for the interior property line and Type 4 for the frontage but are looking for a deviation on number of species.

•Ralph Viola asked what they proposing along the side for species and heights. Brian Sipperly stated that they are proposing 6' arborvitaes, green giant, deer resistant.

•Chris Horne stated that she feels that's a nice screening plan for that, but she still has a concern regarding the front of the building. There is a juniper on each side of the door and the rest of the building is pretty barren.

•Chris Horne recalls seeing really sparse landscaping along the front and thinks that they need more around the building. Brian Sipperly stated that the owner recently had some landscaping done around the foundation of the building so he feels with that and what their proposing along the sidewalk up against the building that it should be pretty sufficient but they are open to comments.

Chairman Mastin stated it's certainly an improvement over a couple of weeks ago but asked Chris Horne if there is something she'd like to see adjusted. Chris Horne stated that maybe she's not remembering correctly but the last time she saw it, she thought it was sparse. She likes what they did around the perimeter but would like to see things done around the front of the building. Brian Sipperly asked that if they propose changes will it be ok to present to the Planning staff and not have to come back for another meeting. Chris Horne stated that was fine. Brian Sipperly stated that he will submit something to Adam and Dalia.

Chairman Mastin stated that they can add a condition to the resolution regarding the landscaping as technical comments.

•Chris Horne asked if they didn't want anything around the building along the sidewalk because that is where they will be pushing snow. Brian Sipperly stated that snow wasn't an issue.

•Ralph Viola asked if the landscape chart stated the height of arborvitaes. Brian Sipperly stated that it is on the chart. Ralph stated he asks because sometimes they get told there will be a certain height for the shrubs and then in actuality it doesn't happen, he'd like to see a note on the plan as well.

•Jim Moore stated that it looks like the end of the pavement on Route 4 is 10' to 15', he's asking to understand the line of site coming out of the property. Brian Sipperly stated that it's about 20'.

Chairman Mastin asked if there were any other questions. There were none.

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby classifies this action as a Type II action, which involves construction of a nonresidential facility less than 4,000 sf of floor area and consistent with zoning and local land use, under SEQRA and Chapter 6 Part 617.5(C) (9) of the Codes, Rules, and Regulations of the State of New York, and approves the Site Plan Modification subject to the following conditions:**

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

Seconded by Chris Horne & roll called as follows:

M. Mastin-YES; J. Moore-YES; R. Viola-YES; N. Kupiec-YES; K. Bergmann-YES; C. Horne-YES; D. Panton-YES.

MOTION CARRIED BY A 7-0 VOTE

NEW BUSINESS:

COLLINS-137 COLUMBIA TURNPIKE-MINOR SITE PLAN MOD.

(20-17)

Brian Collins, the tenant and Ed Smathers the engineer were both present as well as Richard Carpinello the property owner. Brian Collins stated that they would like to open up an environmental laboratory that tests water samples. Brian Collins passed around a sketch to the Board that showed parking, he stated that they are looking to have 2-3 parking spaces in the rear of the building and also there is an area by a guardrail over by the old Burger King that has three parking spaces and there is also a 30' x 20' paved area in the rear of the building which would be the location of deliveries.

•Kurt Bergmann asked which building it was and that "EMP" is employee parking and deliveries will be made on the right hand side. Brian Collins stated that it's the middle building and yes EMP is employee and the deliveries will be made on the left side of the building.

Chairman Mastin asked what kind of deliveries they get, are they large box trucks and if their building is the flat roof or the peaked one. Brian Collins stated that he doesn't think its larger trucks. Brian Collins stated it's the one with the flat roof, the landlord owns all three of the buildings and the gasses are stored inside the building.

Adam Yagelski stated that the intent is just to accept the sketch plan, so a more detailed plan would be submitted at the next meeting.

Chairman Mastin asked what the building is to the right of their building. Brian Collins stated it's a residence.

Chairman Mastin asked if this was an acceptable use. Adam Yagelski stated that it is, professional office.

- Ralph Viola asked if they will be doing mold and asbestos testing and is there a lot of traffic. Brian Collins stated that they specialize mostly in drinking water samples, and there are about 5-10 drop offs per hour.

- Ralph Viola stated that his only comment is that they probably have to leave a couple of spaces for the residences.

- Ed Smathers stated that the tenants park right in front of their residence.

- Kurt Bergmann asked if there is any outside revetment and if show should be shown on the plan. Brian Collins stated that it's all inside.

Adam Yagelski asked how many employees there would be. Brian Collins stated 4-6 in the summer.

- Chris Horne asked that there are only 4 employee spaces now and wondered if they can get out of there. Brian Collins stated that's correct there are and yes they can.

- Ralph Viola stated that the site is large enough but the layout isn't the best and that they should show the resident parking spaces. Ed Smathers stated that it is to scale.

- Chris Horne asked if they had parking along the curb, would there still be room for residents. Ed Smathers stated that there would be.

Chairman Mastin asked if they owned the garage. Brian Collins stated that no, that's for the residence.

Chairman Mastin asked if their plan was to pursue an engineer. Brian Collins stated that they can.

Joe Slater stated that they need a more detailed and enforceable site plan for code enforcement.

Chairman Mastin asked what triggered the need for a site plan. Adam Yagelski stated that it was due to the change in use.

REPORTS & RECOMMENDATIONS:

ZBA APPEAL #2020-08 REGENERON- 81 COLUMBIA TURNPIKE (BLDG. 85 ADDITION)-3 AREA VARIANCES-SIGNS-REPORT BY RALPH VIOLA

After some discussion from the Board, the following motion was made.

A motion was made by Chairman Mastin as follows: **The Planning Board votes to accept Ralph Viola's report & makes a positive recommendation, upon sound planning and zoning principals. * See attached report for further details.**

Seconded by Chris Horne & roll called as follows:

M. Mastin-YES; J. Moore-YES; R. Viola-YES; K. Bergmann; C. Horne-YES; D. Panton-YES.

MOTION CARRIED BY A 6-0 VOTE

**ZBA APPEAL #2020-09-MONTROSS-(NIC'S TRATTORIA) 1 SPRINGHURST DRIVE-2
AREA VARIANCES-SIGNS-REPORT BY KURT BERGMANN**

After some discussion from the Board, the following motion was made.

A motion was made by Chairman Mastin as follows: **The Planning Board votes to accept Kurt Bergmann's report & provides a negative recommendation, based upon planning and zoning principals. * See attached report for further details.**

Seconded by Don Panton & roll called as follows:

**M. Mastin-YES; J. Moore-YES; R. Viola-YES; K. Bergmann; C. Horne-YES;
D. Panton-YES.**

MOTION CARRIED BY A 6-0 VOTE

NEW ZBA REFFERALS:

ZBA Appeal #2020-10 Big Red Doghouse- 700 Columbia Turnpike- 2 Area Variances-Signs-report due at the September 23, 2020 meeting-assigned to Don Panton

ZBA Appeal #2020-11-TCJ Troy Road LLC. - 597 Columbia Turnpike -2 Area Variances-Signs-report due at the September 23, 2020 meeting-assigned to Jim Moore

REVIEW AND APPROVAL OF MEETING MINUTES:

Motion by Chairman Mastin to approve the August 26, 2020 meeting minutes as is.

Seconded by Ralph Viola. Motion carried by a 6-0 vote.

CLOSING:

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

Seconded by Jim Moore. Motion carried by a 7-0 vote.

Respectfully Submitted



Alison Lovely, Planning Secretary

September 9, 2020

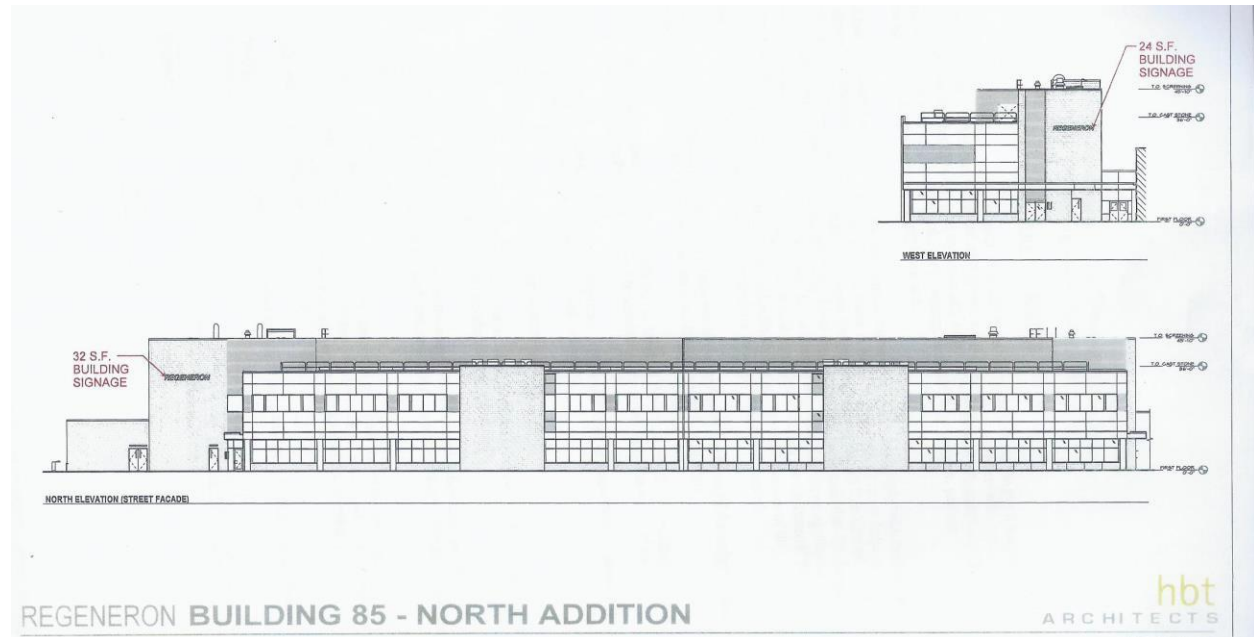
East Greenbush Planning Board
225 Columbia Turnpike
East Greenbush, NY 12061

Attn: Chairman Matt Mastin

RE: Area Variance Review 2020-08

Regeneron Pharmaceuticals Inc.
81 Columbia Turnpike
Rensselaer, NY 12144

The applicant is requesting two area variances to construct building mounted signs on Building 85 addition located off Discovery Drive.



This parcel is located in the Corporate Office/ Light Industrial District (OI Zone).

In accordance with Section 3.3.2 Façade mounted signs must meet the following criteria.

- 1) Each commercial use is permitted one (1) wall sign for each street frontage on a Town Road
- 2) Within the OI district the maximum sign size shall be no greater than 24 square feet.

Area Variance #1

The first non-conforming sign proposed is on the West Elevation. Each commercial use is permitted one wall sign for each street frontage on a Town Road. The west elevation does not face a Town or public road. Regeneron visitors and guests will most likely travel from Rt 9 & 20 onto Discovery Drive, the west elevation is the first sight of the building. An additional sign on this elevation will provide the adequate notification and visibility to passing motorists, potential customers, vendors and guests.

Area Variance # 2

The second non-conforming sign proposed is on the North Elevation. This Elevation fronts Discovery Drive. Regeneron is proposing a 32 square foot sign, exceeding the 24 sqft maximum. The building is 338 ft. long x 35 ft. high = 11,830 sqft of building face.

The 24 sqft maximum allowed for signage is appropriate for a "typical" commercial building. However, a building of this magnitude (12,830 sqft.) needs a larger sign to be proportional and visible to the passing motorists.

A 32 sqft sign is only 3% of building face.

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 world renown pharmaceutical company with their campuses located in East Greenbush. Allowing these non-conforming signs along Discovery Drive should help potential customers, vendors and guests locate them.

This requested area variance 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 requests, based upon sound planning and zoning considerations and visual aesthetics I recommend a positive recommendation to the Zoning Board of Appeals.

Respectfully,

Ralph J. Viola

Ralph J. Viola / E.G. Planning Board Member

Property:
1 Springhurst Av.
East Greenbush, NY 12210

ZBA Appeal 2020-11-TCJ
September 9, 2020

Applicant is requesting two sign variances one, on the rear wall of the building (80.65 sq ft) the second a blade sign that protrudes out on the front of the building facing 9&20 (18 sqft).

1. Backlit Wall sign allowance 24 sqft the request is for a 80.65 sf (17.7'x4.7'); 3.4x above allowance
2. Backlit Front blade sign allowance 5 sqft, the request is for an 18 sf (4.5'x4'); 3.6x above allowance

The blade sign will be in the sight and in the area of the backlit monument sign already in place on the front of the property on 9x20 and will have one space on the monument sign.

Concern;

- This will set precedence and other tenants here will request blade signs in addition to the monument. There will be the blade and monument signs in the same vicinity (~ 30 feet).
- The blade sign with the potential of the addition of other blade signs does not meet the Town's intent to raise the ascetic quality along 9&20 corridor.
- The rear sign is very large and faces the rear parking, not a town or state road as required.

The applicant states;

- The blade sign is easier for pass-byers to see for the first time.
- The applicant claims the rear sign is visually smaller because the background of the sign will match the color of the building and is therefore only 72 sq ft in size based on letter to letter measurement. This is less than if there were 3 smaller ones.

In summary, the recommendation is for a denial of both variances.

Kurt O. Bergmann

Questions for Town of East Greenbush PDD meeting 12/11/2019

1. Who is the developer/owner of this apartment, business complex?
2. Who will be the after construction owner of this apartment, business complex?
3. How many projects has this developer/owner/authorized representatives been involved with and have gone before the East Greenbush Zoning and Planning Board:
 - a. In the past 10 years?
 - b. Active currently and for future projects?
4. Will the developers be getting any tax breaks, subsidies for this development, state, county, local taxes?
5. The PDD zoning change indicates multiple parcels. Are they still multiple parcels and remain so or will they be consolidated into one, and if they are consolidated into one, who will own the property?
6. What will be the assessed value of this development (Apartment Complex, Businesses)?
7. How many East Greenbush residents will be employed during construction of all buildings in this particular PDD district?
8. How many Town of East Greenbush residents will be employed in the Businesses and Apartment complex?
9. If this were to be rezoned to an R-2 Zone, how many homes could be built on this property and what would be the estimated cost of these homes? What would be the differences in assessed value homes vs. apartments?
10. What are the direct or indirect benefits to the existing Town of East Greenbush residents in general as well as the homeowners within a mile radius of this Apartment /Business PDD)?
11. Will there be any negative impact on the existing Town of East Greenbush residents in general as well as the homeowners within a mile radius of this Apartment /Business PDD)?
 - a. Increase in taxes?

Questions for Town of East Greenbush PDD meeting 12/11/2019

- b. Increased traffic?
 - c. Increase increased noise?
 - d. Decrease in property value?
 - e. Increased East Greenbush Ambulance / Emergency services?
 - f. Increased incidents requiring an increase in officers and other profession services by the Town of East Greenbush Police?
12. Have the developers researched how quickly these apartments will be occupied?
13. What is the general apartment occupancy rates for apartment complexes currently existing in Town of East Greenbush?
14. Will the owners be required to or will comply to Section 8 regulations and accept Section 8 applicants?
15. Have the developers researched or anticipate any tenant turnover issues?
16. What portion of the apartment complex tenants will work in businesses in the Town of East Greenbush.
17. What are the ranges of cost for leases/rents for the apartment units?
18. What is the maximum occupancy per unit?
19. What kind of background checks (financial, legal, e.g. Sex Offenders) will the developers perform?
20. What are the ranges of cost for leases/rents for the apartment units?
21. Will the developer divulge what portion of rent or lease payments paid by their apartment dwellers is apportioned to:
- a. New York Mandates-County
 - b. Chargebacks-County
 - c. Town Of East Greenbush
 - d. Highway-East Greenbush

Questions for Town of East Greenbush PDD meeting 12/11/2019

- e. Bruen Rescue Squad
 - f. Clinton Heights Fire
 - g. East Greenbush Public Library
 - h. East Greenbush Sewer-General
22. Will the developer divulge what portion of rent or lease payments paid by their apartment dwellers is apportioned to:
- a. East Greenbush Central School District?
23. East Greenbush Consolidated General Water District What will be charged for Sewer/Water? Will it be billed to the apartment complex as a whole or billed per unit?
- a. The charges per individual apartment?
 - b. The charges for the apartment complex as a whole?
24. Are there any plans for expanding the PDD to the property that borders Section E. on the other side of the sewer easement? Is this property owned by any of the developers, or any other individuals, trusts, corporations, LLC's?