

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 December 13, 2017

Members:

Matt Mastin, Chairman
Matt Polsinello
Jim Moore
Ralph Viola
Nancy Kupiec

Also Present:

Alison Lovely, Planning Board Secretary
Joseph Slater, Planning Board Attorney

CALL TO ORDER / DETERMINATION OF QUORUM

Chairman Mastin called the meeting to order and determined that a quorum of five (5) members were present. Mike Bottillo was absent.

REGENERON-81 COLUMBIA TRPK. – TEMP OFFICE TRAILERS-REQ. FOR EXTENSION-

Steve Hart presented the project on behalf of Regeneron Pharmaceuticals. Steve Hart stated that it has been difficult to get rid of the temporary trailers as Regeneron is always expanding and needs the extra space. They are asking for a two year extension on the trailers. Steve Hart figured it was a good idea to get all the trailers onto a site plan and get it approved. Chairman Mastin asked the Board if there were any questions. There weren't any questions by the Board.

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby issues a Negative Declaration under SEQRA and grants final approval of the proposed minor site plan modification prepared by Hart Engineering and dated December 2017 subject to the following condition/conditions:**

- **The office trailers as depicted in the site plan are granted an extension at their current location until December 31, 2019;**
- **This approval is limited to the subject trailers and subject to revocation for failure to comply with any applicable Federal, State, County, and Town Laws.**

Seconded by Matt Polsinello & roll called as follows:

M. Mastin-YES; M. Polsinello-YES; J. Moore-YES; M. Bottillo-YES; R. Viola –YES.

MOTION CARRIED BY A 5-0 VOTE

PUBLIC HEARINGS:

MULTETT-300 COLUMBIA TRPK.-MINOR 2-LOT SUBDIVISION

(17-23)

Chairman Mastin read the Legal Notice.

The Town of East Greenbush Planning Board shall conduct a Public Hearing pursuant to Section 276 of the Town Law and the Town's Land Subdivision Regulations on the application of Multett LLC. for a Minor 2- Lot Subdivision called the "Multett LLC. Minor 2-lot Subdivision". Lot 1 consists of 0.73 +/- acres. Lot 2 consists of 1.23 +/- acres & has an existing building on it, the Napa Auto Parts Store.

The property is located at 300 Columbia Turnpike in the B-2, General Business Zoning District, Tax Map # 155.17-16-4. Said Public Hearing will be held on Wednesday, December 13, 2017 at 7:05 PM at the East Greenbush Town Hall, 225 Columbia Turnpike, East Greenbush, NY. 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

Steve Hart of Hart Engineering presented the proposal to the Board on behalf of Jonas Ettliger, the owner. The total acreage is 1.95 +/- acres. The applicant is going to retain the 1.23 acres, which has the existing Napa store on it. The other lot consists of 0.73 acres. Steve Hart stated that both lots meet the required frontage and green space. The parcel as a whole has two separate access points on Route 9 & 20 that the applicant would like to keep. Chairman Mastin asked the Board if anyone had any questions.

- Nancy Kupiec asked if they are losing any parking spaces and if the lot is all paved. Steve Hart stated that the site still has plenty of parking and that the lot is paved.
- Ralph Viola asked if the 48 parking spaces listed included the parcel being subdivided. Steve Hart stated that it does not. Chairman Mastin asked the Board if anyone else had any questions. There were none. Chairman Mastin asked if there was anyone in the public that was in favor of or opposition to the proposed minor 2-lot Subdivision. There were none.

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

Seconded by Matt Polsinello & roll called as follows:

M. Mastin-YES; M. Polsinello-YES; J. Moore-YES; R. Viola –YES; N. Kupiec-YES.

MOTION CARRIED BY A 5-0 VOTE

MOTION: A motion was made by Chairman Mastin as follows: The Town Planning Board 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 and hereby issues a Negative Declaration under SEQRA.

Seconded by Matt Polsinello & roll called as follows:

M. Mastin-YES; M. Polsinello-YES; J. Moore-YES; R. Viola –YES; N. Kupiec-YES.

MOTION CARRIED BY A 5-0 VOTE

MOTION: A motion was made by Chairman Mastin as follows: The Town of East Greenbush Planning Board hereby grants conditional approval 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:

M. Mastin-YES; M. Polsinello-YES; J. Moore-YES; R. Viola –YES; N. Kupiec-YES.

MOTION CARRIED BY A 5-0 VOTE

OLD BUSINESS:

REGENERON-81 COLUMBIA TRPK.-BLDG.12 ADDITION-SITE PLAN MOD. (12-11o)

Steve Hart of Hart Engineering presented the update to the Board & also stated that Kyle Cherry from Regeneron was present as well. The proposal is for a 70' x 98' approximately 7,000 square foot addition to Building 12/Building 81. Steve Hart stated that he has followed up with MJ Engineering and they have addressed all their comments. The addition will be a process area. A fire lane will be constructed along the side of the addition. An extension of a retaining wall will be built. Chairman Mastin asked the Board if anyone had any questions. There were none.

MOTION: A motion was made by Chairman Mastin as follows: **The Town Planning Board has taken a “hard look” at the potential environmental impacts of this project by carefully considering and reviewing the 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 and hereby issues a Negative Declaration under SEQRA.**

Seconded by Matt Polsinello & roll called as follows:

M. Mastin-YES; M. Polsinello-YES; J. Moore-YES; R. Viola –YES; N. Kupiec-YES.

MOTION CARRIED BY A 5-0 VOTE

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby grants conditional approval of the Site Plan Modification as depicted on the plans prepared by Hart Engineering and dated 12/8/17, subject to the following:**

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

Seconded by Ralph Viola & roll called as follows:

M. Mastin-YES; M. Polsinello-YES; J. Moore-YES; R. Viola –YES; N. Kupiec-YES.

MOTION CARRIED BY A 5-0 VOTE

BROWE-ASPHALT PLANT-SUN OIL ROAD-PDD/MAJOR SITE PLAN

(16-16)

Scott Collins and Lorne Browe were both present. Joe Slater stated that there are a couple of actions tonight and asked the Board if anyone had any comments.

•Ralph Viola asked why the decibel level is so high after hours. Scott Collins stated that they just left it as the max.

Fred Mastroianni from GPI is all set with his review. Scott Collins had a question on the light fixtures in the draft resolution. He stated that their listed as 18' high in the PDD recommendation and they should be listed as 25' high for the base & pole as stated in the PDD language.

•Nancy Kupiec had a question on the hours of operation and if there were hours on Sunday. Lorne Browe stated that no there are no hours on Sunday. Lorne stated that most plants close down the beginning of December. The proposed amenity for this project is the paving a 1,200' section of American Oil Road.

Chairman Mastin asked if the Board had anything else. There was nothing else. Matt Polsinello stated that it's the right use in the right part of Town.

Motion (16-16)
Sun Oil Road Planned Development
District Recommendation to the Town
Board December 13, 2017

Motion: A motion was made by Chairman Mastin as follow: **The Town Planning Board and Project Review Team in its review of the Sun Oil Road PDD application, considered the following factors:**

1. The need for the proposed land use at the proposed project locations.
2. The existing character of the neighborhood in which the PDD will be located.
3. The location of the principal and accessory buildings on the site in relation to one another.
4. The pedestrian circulation and open space in relation to structures.
5. The traffic circulation features within the site, and the amount, location and access to automobile parking areas.

In the Planning Board's review, the following comments have been offered for the Town Board's consideration:

1. Project Improvements

The Project will include a drum mix asphalt plant with a maximum capacity of 325 tons per hour, equipped with three 200 ton hot asphalt storage and loadout silos and discharge area, one dryer/mixer drum, one baghouse, two 20,000-gallon double wall vertical liquid asphalt storage tanks, cold feed aggregate hoppers and RAP and RAS hoppers and conveyor systems. No structure shall exceed the height of 75 feet. Also included in the Project is a control building, all as shown on the General Development Plan submitted by Creighton Manning dated March 9, 2017, last revised October 20, 2017, entitled "Sun Oil Road Asphalt Plant" ("General Development Plan"), which the Planning Board has found acceptable.

It is the Planning Board's recommendation that final site elements shall be submitted by the applicant to the Town during the Site Plan review process and remains subject to Town approval.

2. Landscaping

The applicant is proposing a landscaping plan for the project and presented this to the Planning Board, which will include planting along the perimeter of the Project site as well as individual plantings. The Planning Board has found the proposed landscaping for the Project site to be generally acceptable.

It is the Planning Board's recommendation that a full landscaping plan for the Project Site shall be offered by the applicant during the Site Plan review process and remains subject to Town approval. This shall include the number, type, caliper and species of landscaping to be provided.

3. Utilities

The applicant is proposing water that would be provided by extension from City of Rensselaer facilities. All water infrastructure would be privately owned. Any required upgrades to City facilities to support this project would be the responsibility of the applicant and at no cost to the Town. Sanitary waste shall be handled through an on- site septic system permitted by the Rensselaer County Department of Health. All utilities shall be installed underground. The Planning Board has found this to be generally acceptable.

It is the Planning Board's recommendation that detailed studies of system capacity would be evaluated during Site Plan review process and remains subject to Town approval.

With respect to storm water management facilities, the applicant has confirmed that all storm water management plans and associated utilities shall conform to the specifications of the Town of East Greenbush and the latest version of the NYSDEC - New York State Storm water Management Design Manual in effect at the time of site plan application being made by the developer. At the time of application for site plan review, a conforming Storm water Pollution Prevention Plan ("SWPPP") shall be submitted to the Planning Board for review. The Planning Board has found this to be generally acceptable.

It is the Planning Board's recommendation that all storm water management facilities for the Project Site shall be offered by the applicant during the Site Plan review process and remains subject to Town approval.

4. Lighting

The applicant has offered that Site lighting shall be limited to 25-foot light fixtures, including bases, with shoebox light fixtures or equivalent to reduce nighttime glare. Lighting shall be in substantial conformance with the General Development Plan (Sheet C-105). The final lighting plan shall be determined during site plan review. That Planning Board has found this to be generally acceptable. In addition, light output shall not exceed 0.5 foot candles at the property boundaries and not exceed 20 foot candles within the project site.

It is the Planning Board's recommendation that a detailed plan for the location of the project lighting shall be offered by the applicant during the Site Plan review process and remains subject to Town approval. This shall include the final location and type for these facilities.

The Planning Board has found this to be generally acceptable.

5. Project Operations

Normal hours of operation shall be limited to 6:30 am to 5:00 pm Monday through Saturday. Hours of operation may be expanded for special projects, subject to approval from the Town building department. No continuous noise measured at the Lot Line will exceed 75 dB during the normal hours of operation (6:30 am to 5:00 pm Monday through Saturday). No continuous noise measured at the Lot Line will exceed 75 dB outside the normal hours of operation. Operations shall be conducted in accordance with the conditions of the Town Board for noise mitigation set forth in the Conditioned Negative Declaration adopted by the Town Board. Processing, including processing of Recycled Asphalt Product (both RAP and RAS) shall be limited to the hours of 9:00 am to 5:00 pm Monday through Saturday. The Planning Board has found this to be generally acceptable.

It is the Planning Board's recommendation that final project operations shall be submitted by the applicant to the Town during the Site Plan review process and remains subject to Town approval.

6. Air Emissions/Odors

The applicant shall not exceed the thresholds for emissions set forth in the NYSDEC air permit.

7. Project Amenities/Benefits

The applicant has proposed the following amenities/benefits:

- Additional source for asphalt for local projects.
- Mill and provide a 1.5-inch overlay of approximately 1,200 feet (23± feet wide) section of American Oil Road from boundary of City of Rensselaer and Town of East Greenbush heading south to intersection of Sun Oil Road. The work will be done using asphalt produced from the Sun Oil Asphalt Plant proposed herein.

The Planning Board defers to the Town Board as to whether these proposed amenities are acceptable, or whether further amenities or payment to the town is appropriate.

Based on the Planning Board's Review, the following findings are offered:

1. That the project as a whole and uses proposed will add to the assets of the community and will advance the goals of the Town.
2. That the use and scale of the project are compatible as appropriate with the current and planned community character of the neighborhood.
3. That the Project, in the context of the underlying zoning is commensurate with the overall benefit to the community.

Therefore, the Planning Board offers a favorable recommendation and recommends approval of the Sun Oil Road PDD by the Town Board of East Greenbush.

Seconded by Ralph Viola & roll called as follows:

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

MOTION CARRIED BY A 5-0 VOTE

**Motion (16-16)
Sun Oil Road Asphalt Plant
Major Site Plan
Recommendation to the Town Board
December 13, 2017**

Motion: A motion was made by Chairman Mastin as follows:

The Town of East Greenbush Planning Board hereby issues a positive recommendation to the East Greenbush Town Board for Site Plan Approval for the "Sun Oil Road Asphalt Plant" prepared by Creighton Manning, and dated November 2017 subject to the following conditions:

- **The Town Board approves the Sun Oil Road Planned Development District in accordance with 2.9.8 of the Town's Comprehensive Zoning Law and Establishes the Sun Oil Road Planned Development District through Zoning Map Amendment;**
- **That Site Plan approval be subject to satisfying outstanding technical comments and details, as determined by the designated Town Engineers, including the correspondence from GPI dated November 13, 2017;**

- That Site Plan approval be subject to satisfying outstanding technical details from the Town Planning and Building Departments;
- Site Plan approval from the Town Board shall not occur until the comment period on the conditioned negative declaration expires on December 22, 2017;
- That all remaining fees applicable to a Planned Development District and Major Site Plan are paid to the Town.

Seconded by Matt Polsinello & roll called as follows:

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

MOTION CARRIED BY A 5-0 VOTE

NEW BUSINESS:

CHIPOLTE- 279 TROY ROAD(WALMART PLAZA) SITE PLAN MODIFICATION (17-25)

Jamie Margelot of Nigro Companies presented the proposal to the Board. Jaime Margelot stated that a Chipolte is proposed in the Walmart Plaza at 279 Troy Road where the former Radio Shack space was located. They are also proposing an area of outdoor seating & installing a dumpster corral. The outdoor seating will consist of 7 tables and 22 seats. An aluminum fence is proposed for around the seating area as well as two lights poles. Chairman Mastin asked the Board if anyone had any questions.

- Nancy Kupiec asked if 4 or 6 yard containers side by side are proposed. Jamie Margelot stated that they are 8 yard containers.
- Nancy asked if there would be any grease containers. Jamie Margelot stated that there would not be containers, they use something called a baker box and then a truck comes and sucks the grease out.
- Matt Polsinello asked if they have considered moving the ADA parking spaces. Jamie Margelot stated that they have not; they would have to install a drop curb. Jamie also feels like it would be a safety issue.
- Ralph Viola likes the outdoor seating but doesn't see any protection for pedestrians. Jamie Margelot stated that he will place bollards in the seating area.

Chairman Mastin asked the Board if anyone would like to see the ADA spaces moved, or have some signage added. Matt Polsinello stated that he would like to see the stripping that exists at Pet Smart, mirrored over in front of Chipolte. Ralph Viola asked when they anticipated opening. Jamie Margelot stated they would like to open in March. Chairman Mastin asked if there was anything else.

MOTION: A motion was made by Chairman Mastin as follows: **The Town Planning Board has taken a “hard look” at the potential environmental impacts of this project by carefully considering and reviewing the 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 and hereby issues a Negative Declaration under SEQRA.**

Seconded by Matt Polsinello & roll called as follows:

M. Mastin-YES; M. Polsinello-YES; J. Moore-YES; R. Viola –YES; N. Kupiec-YES.

MOTION CARRIED BY A 5-0 VOTE

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby grants conditional approval of the Site Plan Modification as depicted on the plans prepared by RED Architecture and Planning and dated 11/21/17, subject to the following:**
Satisfying outstanding technical details as determined by the Town Designated Engineers and Town Planning Department; and
All remaining fees are paid to the Town.
Adding two bollards to the east side of the seating area.
Adding pedestrian stripping from the handicapped parking spaces to the sidewalk and the addition of pedestrian signage.
Pending the Planning Board Attorney's review of ADA compliance.

Seconded by Ralph Viola & roll called as follows:

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

MOTION CARRIED BY A 5-0 VOTE

MORRISSEY, MANWARE & CORNELL-220/228 MORNER ROAD-LOT LINE ADJ. (17-26)

Fred Metzger presented the proposal to the Board. The property owners from 220 and 228 Morner Road purchased lot #3, which is a flag lot in between & split it down the middle with each owner getting just under 2 acres. Joseph Slater stated he spoke to Fred Metzger prior to tonight's meeting and there are no issues at all.

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby declares itself Lead Agency and issues a Negative Declaration under SEQRA and grants final approval of the proposed lot line adjustment prepared by Fred J Metzger Land Surveyor, and dated November 15, 2017.**

Seconded by Nancy Kupiec & roll called as follows:

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

MOTION CARRIED BY A 5-0 VOTE

REFERRALS-REPORTS & RECOMMENDATIONS:

ZBA Appeal #2017-20-Ming-5 Sunset Lane-2 Area Variances-Proposal to construct a shed in front yard & not within required front setback-report by Mike Bottillo

ZBA Appeal #2017-21-Pet Supplies Plus-501 Columbia Turnpike- Area Variance-Proposal to install sign wall mounted sign larger than allowed-report by Matt Polsinello

NEW ZBA REFERRALS:

NONE

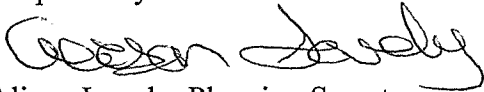
REVIEW AND APPROVAL OF MEETING MINUTES:

Motion by Chairman Mastin to approve the November 21, 2017 meeting minutes as is.
Seconded by Nancy Kupiec. Motion carried by a 5-0 vote.

ADJOURMENT:

There being no further business before the Board, the meeting was adjourned by Chairman Mastin. Seconded by Matt Polsinello. Carried by a 5-0 vote.

Respectfully Submitted

A handwritten signature in black ink, appearing to read "Alison Lovely", written in a cursive style.

Alison Lovely, Planning Secretary