

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 12, 2018

Members:

Matt Polsinello, Vice Chairman
Mike Bottillo
Nancy Kupiec
Ralph Viola
Kurt Bergmann
Jim Moore

Also Present:

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

CALL TO ORDER / DETERMINATION OF QUORUM

Vice Chairman Polsinello 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:

REGENERON-DISCOVERY DRIVE-PARKING GARAGE EXPANSION (15-07C)

Steve Hart of Hart Engineering stated that the plans haven't changed and at this point they are just addressing technical details. Steve Hart stated that the site is located on the North side of Discovery Drive. The biggest hurdle is the wetland disturbance of approximately 0.12 acres, which they are working with the Army Corps of Engineers on, in order to get their permit issued. The Army Corps has suggested that they enhance the wetland area with 23 trees consisting of red maples and oaks. A 4 acre area in the rear of the site will be deed restricted for no future development. Steve Hart stated that the fire department has asked for access to the front of the site so grass pavers will be placed there.

•Nancy Kupiec asked how the Fire Department follows the grass pavers in the winter. Kyle Cherry stated that they don't usually plow those in the winter, it's a 30' area.

•Kurt Bergmann asked if the Army Corps visit something so small. Steve Hart stated that yes they do. Joe Slater stated that since this is a major site plan the Planning Board will make a recommendation to the Town Board on the site plan and SEQR. Joe Slater stated that the SEQR findings recommend a Negative Declaration.

MOTION: A motion was made by Vice Chairman Polsinello as follows:

WHEREAS, Regeneron Pharmaceuticals, Inc. has submitted to the Town an application for major site plan approval for the expansion of a parking garage at Regeneron's Discovery Drive Campus (SBL 155.00-1-4.22); and

WHEREAS, the Planning Board of the Town of East Greenbush has reviewed the application and related materials, including the site plan prepared by Hart Engineering and HCP Architects, LLP dated June 5, 2018 and last revised November 12, 2018; and

WHEREAS, the Planning Board has also reviewed the comments of the Town's Designated Engineer, MJ Engineering and Land Surveying, PC., as well as parts 1-3 of the Full Environmental Assessment Form and SEQRA Findings dated December 11, 2018.

now, therefore, be it

RESOLVED, that the Planning Board hereby recommends that the Town Board adopt a negative declaration under SEQRA and approve Regeneron's major site plan application, subject to the following:

1. Satisfying outstanding technical details as determined by the Town Planning and Zoning Department and Town's Designated Engineer.
2. Prior to issuance of a building permit, all remaining fees are paid to the Town.
3. Prior to issuance of building permit, Regeneron shall establish an escrow account to cover the costs of any necessary third party inspection services as determined by the Town Planning and Zoning Department.
4. Prior to issuance of a building permit, Regeneron shall submit to the Town an approved Stormwater Pollution Prevention Plan (SWPPP).
5. 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.
6. A waiver from the 25' foot vegetative protected federal wetlands buffer (Section 3.13.11(O) of the Town's Comprehensive Zoning Law) shall be granted for disturbances within the required buffer area as shown on the approved site plan.
7. Prior to issuance of a building permit, Regeneron shall apply for and obtain the appropriate wetland impact permits from the New York State Dept. of Environmental Conservation and Army Corps of Engineers, under a Joint Permit Application, and submit documentation to the Town that the appropriate permits have been obtained.
8. Regeneron shall provide to the Town Planning and Zoning Department a copy of the recorded deed restriction approved by the Army Corps of Engineers and/or NYSDEC.
9. The design professional will be required to inspect and certify that all work has been completed in accordance with the approved plans prior to issuance of a Certificate of Occupancy or Certificate of Compliance and all certifications are to be submitted to the Building Department prior to the issuance of the Certificate of Occupancy or Certificate of Compliance.
10. Prior to issuance of a building permit, Regeneron shall obtain all necessary approvals and/or permits required for the project.

Seconded by Nancy Kupiec & roll called as follows:

**M. Polsinello-YES; M. Bottillo-YES; J. Moore-YES; R. Viola-YES; N. Kupiec-YES;
K. Bergmann-YES.**

MOTION CARRIED BY A 6-0 VOTE

NEW BUSINESS:

NICOLAS-103 COLUMBIA TURNPIKE-SPECIAL USE PERMIT/SITE PLAN MOD. (18-30)

Aaron Vera of Verity Engineering presented the proposal to the Board. Also present was the applicant Guy Nicolas. Aaron Vera stated that the site is located at 103 Columbia Turnpike which was previously used as an auto body shop. Aaron stated this is mainly a change of tenant and a change of use to repair and sales. Some site work has been done such as the building has been painted.

- Kurt Bergman asked if the parking lot will be similar to what exists now. Aaron Vera stated that the applicant wants to expand the parking to the rear of the building with a gravel surface for future storage of vehicles for sales or customer's cars.

- Ralph Viola asked where they proposed to display their sales vehicles. Aaron Vera stated in the rear of the site.

- Kurt Bergman asked if there are other changes that will be made to the site. Aaron Vera stated that the applicant has done some painting, but that the parking area in the front needs to be seal coated and there is an existing pole for a sign exists, they would just need to rebrand it.

- Nancy Kupiec asked if there is one main curb cut. Aaron Vera stated that there are two very large curb cuts across the front of the site.

Joseph Slater stated that the site is both is the B-2 & PPB zones. Aaron Vera stated that the property has two deeds. Joseph Slater stated that the rear is PPB and the front is B-2, and the Board will need to look into the allowable uses in both zones.

- Ralph Viola stated that in the past with car sales, is that it gets pretty congested, they see a lot of cars right on the curb cut. Aaron Vera stated that he can draw up a better detailed plan showing where the cars for sale would be located.

- Nancy Kupiec stated that she is also concerned about where the cars for sale would be located.

- Ralph Viola asked if there is any landscaping on the site currently. Aaron Vera stated that there is not.

Vice Chairman Polsinello stated that 1) There is a challenge on the B-2/PPB conversation; And 2) That confined lots with display cars, Regeneron has been a great neighbor at keeping landscape buffers for the people on Catskill Avenue.

Adam stated that parking is allowed as an accessory use and also asked Aaron Vera to talk about drainage for the parking. Aaron Vera stated that currently it's lawn in the rear of the building and rises 2' from the building. They would have to collect the drainage in the middle of the lot and would pipe it out to Route 9 & 20 if possible and if not they would have to do treatment on the site.

- Nancy Kupiec asked if they just did the painting. The applicant Guy Nicolas spoke and said he did it earlier this year. Aaron Vera stated that all that the site needs is the sidewalk in the front to be repaired, stripping out in front of the site and the parking lot seal coated.

- Ralph Viola asked what the proposed hours of operation would be and if they need lighting on the site. Guy Nicolas stated that the hours would be 8am to 6pm. Aaron Vera stated he doesn't believe the site needs lighting.

- Nancy Kupiec asked if there would be any areas for tire storage etc. Aaron Vera stated that there is a lot of storage room inside.

Vice Chairman Polsinello asked if there was anything else. No one else had any comments. He stated that action will be tabled for tonight.

REGENERON-DISCOVERY DRIVE-SITE PLAN MODIFICATION (18-31)

Steve Hart of Hart Engineering presented the proposal on behalf of Regeneron. Kyle Cherry and Brittany Groat were also present. Steve Hart stated that with the approval of the building 85 addition and the removal of all the trailers they need to keep two and stack them on the parking lot behind building 95 which just obtained approval for a site plan modification. Steve Hart stated that they are looking for a two-year time frame. Nancy Kupiec stated that is a nice thing that the trailers are temporary and are eventually moved. Vice Chairman Polsinello asked is there is an existing sidewalk near the trailers, if the access road the proposed trailers is still used and if there are still trailers closest to Catskill Avenue.

Kyle Cherry stated that there is a sidewalk there, that the access road is used for emergency vehicles only and that the trailers near Catskill Avenue have been removed.

Kurt Bergman stated this has to do with just seating issues.

MOTION: A motion was made by Vice Chairman Polsinello as follows: **The Town of East Greenbush Planning Board hereby classifies this action as an Unlisted Action under SEQRA, declares itself Lead Agency, and issues a Negative Declaration and grants final approval of the proposed minor site plan modification subject to the following conditions:**

- **Satisfying outstanding technical details as determined by the Town’s Consulting Engineer and Town Planning and Zoning Department.**
- **The applicant shall obtain approval from the Clinton Height’s Fire Department.**
- **The applicant shall comply with all setbacks contained within the Town’s Comprehensive Zoning Law.**
- **This site plan approval for the temporary trailers shall expire on December 31, 2020. Should the applicant require additional time for the use of the approved trailers, the applicant shall return to the Planning Board for further approvals.**

Seconded by Kurt Bergmann & roll called as follows:

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

MOTION CARRIED BY A 6-0 VOTE

UPDATES:

NONE

REFERRALS-REPORTS & RECOMMENDATIONS:

Proposed Zoning text amendment (to repeal of the two story façade in B-1 Zone- Send Recommendation to Town Board. After the Board had some discussion the following motion was made.

MOTION: A motion was made by Vice Chairman Polsinello as follows: **The Town of East Greenbush Planning Board hereby issues a Non-favorable recommendation of the repeal of the two story façade in the B-1 Zoning District for the following reasons:**

1. **A one story minimum requirement would be not be consistent with the intent of the B-1 Zoning District as described in Section 2.7.2, as the two story repeal would not “promote development with high density, mixed use structures which help define a coherent village”.**
2. **The issue should and will be addressed during the ongoing Comprehensive plan update, which is to be completed in the near future.**
3. **The law is narrow in scope and does not address the underlying problems regarding the lack of development on Columbia Turnpike.**
4. **Passing this short term repeal prior to the passage of a new Comprehensive Zoning Law in the near future could lead to a slew of unwanted one story development on Columbia Turnpike which is not consistent with the current intended goals of the district**

Seconded by Ralph Viola & roll called as follows:

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

MOTION CARRIED BY A 6-0 VOTE

NEW ZBA REFERRALS:

NONE

REVIEW AND APPROVAL OF MEETING MINUTES:

Motion by Vice Chairman Polsinello to approve the November 8, 2018 meeting minutes as is.
Seconded by Nancy Kupiec. Motion carried by a 5-0-1 vote. Ralph Viola abstained.

Motion by Vice Chairman Polsinello to approve the November 14, 2018 meeting minutes as is.
Seconded by Jim Moore. Motion carried by a 4-0-2 vote. Mike Bottillo & Ralph Viola abstained.

Motion by Vice Chairman Polsinello to approve the November 28, 2018 meeting minutes as is.
Seconded by Kurt Bergmann. Motion carried by a 4-0-2 vote. Mike Bottillo & Jim Moore abstained.

The December 26, 2018 meeting has been cancelled. The next scheduled meeting is January 9, 2019.

ADJOURNMENT:

There being no further business before the Board, the meeting was adjourned by Vice Chairman Polsinello. Seconded by Mike Bottillo. Carried by a 6-0 vote.

Respectfully Submitted


Alison Lovely, Planning Secretary