

# TOWN OF EAST GREENBUSH PLANNING BOARD

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

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## MEMORANDUM

### EAST GREENBUSH PLANNING BOARD MEETING MINUTES September 12, 2018

#### Members:

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

#### Also Present:

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

#### CALL TO ORDER / DETERMINATION OF QUORUM

Vice Chairman Bottillo called the meeting to order and determined that a quorum of five (5) members were present. Matt Mastin & Matt Polsinello were both absent as well as attorney Joseph Slater who was available via phone if necessary.

#### PUBLIC HEARINGS:

##### TOWN CENTER-COL.TRPK.-PDD

(17-19)

Vice Chairman Bottillo stated that the public hearing is left opened and the agenda item is being postponed until at least September 26<sup>th</sup>, depending on how many Board members are present.

#### OLD BUSINESS:

##### GLAZ/AMEDORE- NEWKIRK ROAD-MAJOR SITE PLAN-SENIOR APTS.

(18-02)

John Bossolini & Brett Steenburgh were both present for the project which has been named "Heritage Hills". Brett Steenburgh stated that there are currently two issues with the project before the sketch plan can be accepted. One is the termination of a portion of Newkirk Road where it intersects to Luther Road due to poor site distance which was requested by the DPW/Town & Planning staff. Brett Steenburgh stated that they have met with both Fire and EMS and have made the requested changes to the site plan, which were adding more fire hydrants to rear of the building and both departments like the circulation on the site and also that there are three separate buildings as opposed to one large building. Brett Steenburgh stated that he is 85-90% through the comments by the Town's TDE MJ Engineering's review. They are currently waiting on information regarding the water and sewer. Brett Steenburgh stated that they are required to maintain a 25' vegetative buffer from any Army Corp wetlands as well as any improvements. They would be seeking a waiver for that. Brett Steenburgh stated that they have aligned the driveway to Michael Road to stay away from the wetland boundary. They are not disturbing any wetlands and do not need any permits. They have been trying different scenarios to avoid asking for waivers but they aren't working out, such as grading, etc. but they have to hit a certain elevation on Newkirk Road. Vice Chairman Bottillo asked if there were any questions.

- Nancy Kupiec asked how many points there are that don't meet the 25' buffer and if they were proposing fencing. Brett stated there are 3 points and no they aren't proposing any fencing.
- Ralph Viola asked if they constructed a retaining wall on the far end, and straighten out the third building, if would they meet the requirement, asked what the red line on the map was and if we've given relief for a buffer in the past and if the buildings were made smaller would they still affect the wetlands. Brett stated that they would meet the requirement with a retaining wall, the red line is the property line for Evergreen Commons, and Adam stated they have never given a relief for a buffer before. Brett stated that making the buildings smaller wouldn't make a difference.

●Kurt Bergmann asked if they had a topo map and grading. Kurt asked for elevation amounts in different locations on the map. Brett stated that even if additional changes were done, they would still need to ask for relief.

●Jim Moore asked if on the rendered site plan if it was a reasonable depiction of what they believe the clearing limits to be based upon their grading plans and what is the building in rear of the site. Brett stated that's a very accurate depiction and that it's was a pavilion for residents to have cookouts/gatherings, etc. at the rear of the site.

Vice Chairman Bottillo asked if there was anything else. This was just an update only.

**NEW BUSINESS:**

**CRISTO- TEMPEL LANE- SITE PLAN MODIFICATION-FILL SITE** (18-13)

Travis Rosencranse of Creighton Manning presented the proposal on behalf of Mike Cristo who was also present. Travis Rosencranse stated that he was required to submit several updated plans. They have received comments back from the Town's TDE, Hank Labarba and are here to present the proposal for a site plan modification. Travis stated that the initial permit granted for this site was back in 1990.

Applicant is now working with Regeneron to bring in fill. Travis stated that they have provided a grading plan, sediment and erosion control plan. There are three phases for this project. Vice Chairman Bottillo asked if there were any questions.

●Jim Moore asked about the slope of the bank. Travis stated it was 3 on 1, the map shows a 50' buffer along the end for a future building pad. This site was subject to a SWPPP that Hank has reviewed.

●Kurt Bergmann asked to see the Phases that were mentioned. Travis pointed to them on a plan. Phase 1 is almost closed.

●Nancy Kupiec asked how old this project was and if the site is being prepped for future development & if it has met all the concerns that Hank had.

Travis stated that this is the first time the project has been before the Board and that yes the site is being prepped for future development and it has met all of Hank's concerns.

Vice Chairman Bottillo asked if the Board had anything else.

**MOTION:** A motion was made by Vice Chairman Bottillo as follows: **The Town Planning Board, Project Review Team and Planning Board's Designated Engineer have 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 Ralph Viola & roll called as follows:**

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

**MOTION CARRIED BY A 5-0 VOTE**

**MOTION:** A motion was made by Vice Chairman Bottillo 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, Hank Labarba**
- **Compliance with all Town, County, State and Federal laws.**
- **All remaining fees are paid to the Town.**
- **The Operator shall make the site available for inspections by the Town.**
- **The Town reserves the right to hold the Applicant/Owner and Operator liable for damages sustained by the Town, including but not limited to Tempel Lane, which are reasonably attributable to the operation.**

- This operation will be strictly limited to clean fill from local projects. The Town shall be notified should the site propose to accept fill generated outside the local area.
- Execution and compliance with the applicable Storm Water Pollution Prevention Plan prepared by Creighton Manning dated September 12, 2017 and last revised September 5, 2018, subject to the technical comments by the Town Designated Engineer, Hank Labarba.
- Hours of operation are limited to daylight hours.
- In the event the operation is causing downstream storm water impacts, or unreasonable levels of noise or dust akin to an industrial operation, the Town Codes Enforcement Officer shall have the authority to administer violations and take legal actions consistent with the Enforcement provisions of the Town Zoning Law.
- Site plan approval expires on September 31, 2021, subject to yearly permit approval by the Building Department.
- Copies of SWPPP inspection reports required under the SPDES Construction General Permit shall be furnished to the Town.

Seconded by Nancy Kupiec & roll called as follows:

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

**MOTION CARRIED BY A 5-0 VOTE**

**MICHAEL ROAD TIMBER HARVEST- SITE PLAN MODIFICATION** (18-21)

Joel Constantine presented the project to the Board. The proposal is for a timber harvest, the site plan shows the existing trails that they will utilize. Joel stated that the stumps are staying in the ground.

● Nancy Kupiec asked how much of the stumps they leave and what kind of trees are they harvesting, how long does it take and how many trees are they taking out. Joel stated that they leave about 6-12” and he is not sure what kind of trees they are but are mature 20 year trees which have been marked and that they will be removing approximately 100-200 trees.

● Ralph Viola asked if the area has been harvested before, clarity that the existing ATV trails are what they are using. Joel stated that yes he believes years ago that the site was harvested; the existing trails are what they will be using for traffic on the property.

● Ralph Viola stated the Michael Road is a frequently traveled, especially by students going to school and he said the site needs signage for safety. Joel stated that this is a good point, the access road will be using a landing pad will be in a good area but agrees.

● Kurt Bergmann asked what the hours of operation would be, and start time. Joel stated they are hoping for 7-5 and want to start in the fall.

● Nancy Kupiec asked how long will it take. Joel stated a couple of months, hopefully by spring they will be finished. Someone commented that Michael Road was just paved today. Joel stated that they will do their best to protect it.

● Jim Moore stated that to help with the edge of pavement cracking, maybe put concrete curbing like 24” wide. Joel stated that he thinks the crushed stone will be enough.

● Ralph Viola asked if there is a drainage culvert at the entrance. Joel stated there is not.

Adam stated that he recommends having DPW take a look at this for access, site distance/signage and operations. He stated he could ask Joel from MJ to do a pre & post condition analysis. Joel stated that the access is pretty close to Elliot Road.

● Ralph Viola stated that he doesn’t have issues with the hours of operation but feels that hauling of trucks should cease at dusk.

● Vice Chairman Bottillo asked how many loads do they expect a day. Joel stated maybe 3 to 5 loads a day.

●Kurt Bergmann asked if they would expect a lot of mud onto Michael Road and if they will be traversing any streams. Joel stated that they are placing 15' to 100' of crusher run to the landing pad; there are no streams but a couple of depressions.

Adam stated for clarification they are using the skid/atv trails, they don't count as impervious surface. Joel stated that they are limited to an acre of disturbance.

●Kurt Bergmann what the hours of operation on weekends would be. Joel stated that they would be later.

●Nancy Kupiec asked how far away the nearest houses are. Joel stated that they are on Elliot and west of the site.

Adam stated that truck traffic and operational issues and hours of operation can be talked out with DPW.

●Kurt Bergmann asked if there would be any grinding. Joel stated yes and could limit that.

●Ralph Viola stated that the only problem he has is that the info gets lost if it's just said. He would like everything mentioned as conditions of approval.

●Kurt Bergmann stated that he would rather have the Town dictate to applicant, not the applicant dictating to the Town. Vice Chairman Bottillo asked if there was anything else. There was not.

**MOTION:** A motion was made by Vice Chairman Bottillo 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 subject to the following conditions:**

- **Satisfying outstanding technical details as determined by the Town Planning and Zoning Department.**
- **That the Commissioner of Public Works review and approve the plans specifically for operations, traffic & access.**
- **The applicant shall install advance warning signage along Michael Rd, subject to approval by the Commissioner of Public Works.**
- **Timber harvesting activities on site are limited to the hours of 7:00 AM to 5:00 PM on weekdays; 8:00 AM to 5:00 PM on Saturdays; and prohibited on Sundays.**
- **Hauling of harvested timber from the site is limited to daylight hours.**
- **Erosion and sediment control measures shall be installed and maintained as indicated in the plan and narrative dated June 15, 2018.**
- **Upon completion of the harvest activities, disturbed areas shall be restored.**
- **The applicant shall provide roadway condition assessments, prepared by a licensed professional engineer, for Town roads involved in the harvest operation, including Michael Rd, as follows: a) prior to commencement of the harvest and related site activities; and b) after completion of the harvest activities and site restoration.**
- **The Town reserves the right to hold the Applicant/Owner and Operator liable for damages sustained by the Town, including but not limited to Michael Road, which are reasonably attributable to the operation.**
- **Site plan approval expires on September 31, 2021, subject to yearly permit approval by the Building Department.**

**Seconded by Ralph Viola & roll called as follows:**

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

**MOTION CARRIED BY A 5-0 VOTE**

**REGENERON-DISCOVERY DRIVE- SITE PLAN MODIFICATION-CANOPIES** (18-21)

Steve Hart of Hart Engineering, Kyle Cherry & Dave Crenshaw of Regeneron and Brittany Groat were all present. Steve Hart presented plans to the Board showing the campus and the location of multiple canopies. These canopies will not have wind screenings as part of them and will be approximately 10' high by 10' wide. Ralph Viola asked if the canopies will be illuminated. Kyle Cherry stated yes and Steve Hart stated that yes they will be underneath.

**MOTION:** A motion was made by Vice Chairman Bottillo as follows: **The Town of East Greenbush Planning Board hereby classifies this action as an unlisted action under SEQRA, declares itself as Lead Agency, and accepts the proposed sketch plan dated August 28, 2018, prepared by Hart Engineering for the proposed site plan modification.**

**Seconded by Kurt Bergmann & roll called as follows:**

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

**MOTION CARRIED BY A 5-0 VOTE**

**REGENERON-DISCOVERY DRIVE- SITE PLAN MODIFICATION-BLDG. 95 PKG LOT**  
(18-21)

Steve Hart of Hart Engineering, Kyle Cherry & Dave Crenshaw of Regeneron and Brittany Groat were all present. Steve Hart presented plans to the Board and stated that building 95 is closer to Columbia Turnpike. They are adding 2-3 new parking spaces; there is poor drainage in the area so they are proposing the same underground infiltration chambers. Kyle stated that he is worried about the plantings that are proposed closest to the building as they keep a 3' area out from the buildings for pest control.

**MOTION:** A motion was made by Vice Chairman Bottillo as follows: **The Town of East Greenbush Planning Board hereby classifies this action as an unlisted action under SEQRA, declares itself as Lead Agency, and accepts the proposed sketch plan dated August 15, 2018, prepared by Hart Engineering for the proposed site plan modification.**

**Seconded by Nancy Kupiec & roll called as follows:**

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

**MOTION CARRIED BY A 5-0 VOTE**

**UPDATES:**

**REGENERON-DISCOVERY DRIVE-MAJOR SITE PLAN-BLDG. 85 ADDITION** (12-11P)

Steve Hart of Hart Engineering stated that he will soon be submitting plan and a SWPPP to MJ Engineering for review of the 40,000 sq. ft. addition. This addition will replace the temporary trailers and will consist of part office and part lab. Steve stated that they still have finished the Zoning process and are waiting for the Town Board to make a SEQR determination. Steve Hart stated that the fire dept. wants to see a hydrant on the building side.

- Nancy Kupiec asked if the location is where the temporary trailers were. Steve stated that is correct.
  - Ralph Viola asked if they will keep the landscaped area. Steve stated they may have some room for landscaping. There will be screening along the fence consisting of landscaping.
- Adam asked if any lighting was being added. Steve stated that there are bollards on the sidewalk and there are also building lights near the entrance of the addition.
- Jim Moore stated that the only issue he has is having them balance safety issues for pedestrians with aesthetics.

**REFERRALS-REPORTS & RECOMMENDATIONS:**

NONE

**NEW ZBA REFERRALS:**

ZBA Appeal #2018-13-Planet Fitness(Bank of America Kiosk) -603 Columbia Turnpike- Interpretation-  
Applicant wants to determine if the proposed standalone drive-up ATM kiosk can be defined as a principle bank use on the property and can be considered a permitted use within the B-1 Zoning District- assigned to Jim Moore

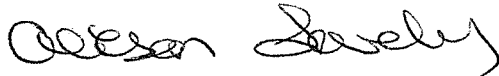
**REVIEW AND APPROVAL OF MEETING MINUTES:**

Motion by Vice Chairman Bottillo to approve the August 22, 2018 meeting minutes as is.  
Seconded by Nancy Kupiec. Motion carried by a 5-0 vote.

**ADJOURNMENT:**

There being no further business before the Board, the meeting was adjourned by Vice Chairman Bottillo. Seconded by Nancy Kupiec. Carried by a 5-0 vote.

Respectfully Submitted



Alison Lovely, Planning Secretary