

# 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 AUGUST 11, 2021

#### **Members:**

Matt Mastin, Chairman  
Kurt Bergmann  
Don Pantan  
Chris Horne  
Ralph Viola  
Noreen Gill

#### **Also Present:**

Alison Lovely, Secretary, Planning/Zoning  
Joseph Slater, Planning Board Attorney  
Adam Yagelski, Director of Planning & Zoning  
Anna Feltham, Planner

#### **CALL TO ORDER / DETERMINATION OF QUORUM**

Chairman Mastin called the meeting to order and determined that a quorum of six (6) members were present. John Conway Jr. was absent.

#### **PUBLIC HEARINGS:**

NONE

#### **OLD BUSINESS:**

#### **TOWN CENTER PDD-580 COLUMBIA TRPK. -MAJOR SITE PLAN PHASE 1 (17-19a)**

Steve Hart from Hart Engineering & Tyler Culberson were both present. Steve Hart stated for the past month they have been working with all the involved agencies, the Planning Department, Ray Jurkowski from CPL, NYSDOT, NYSDEC, County Health Dept., addressing the technical comments. Steve Hart stated that the one question the Board had at the last meeting was the exit coming out on the easterly most side of Building A was two ways out or one way out. Steve Hart stated that they received a letter from NYSDOT stating they were ok with the left out/right out at that exit. They have been working on easements & cross lot easements with the attorneys.

- Kurt Bergmann stated there was some discussion on the drive-up window and that the Board has some concerns and if that was resolved. Steve Hart stated that at one point they had two lanes coming out to the exit and now it's only one lane exiting.
- Chris Horne stated she still feels uncomfortable about the left turn out, she knows DOT has looked at it but it still worries her.

Steve Hart stated that there are 4 curb cuts existing there now and they are reducing it down to 2.

- Ralph Viola asked if they as applicants are responsible for the "Do Not Enter" signs to keep people from turning into that. Steve Hart stated that is correct and that he believes it's also written into the resolution.
  - Noreen Gill stated she's concerned and asked if there could be a crosswalk there. Steve Hart stated he doubts NYSDOT would allow one straight across, the people should walk down to the crosswalk at the light then cross.
  - Ralph Viola asked if they are sure they won't get two cars side by side trying to exit. Steve Hart stated that they changed it from 24' to 16'.
  - Don Pantan asked when they were going to break ground. Tyler Culberson stated that they are not sure. Chairman Mastin asked Adam to highlight the resolution.
- Adam Yagelski stated that there are certain conditions to satisfy before the plans are signed.

•Chris Horne stated she thought the Board had discussions about whether it was necessary to allocate the entire \$25,000 to the Grant Park. Tyler Culberson stated that the Town Board and Planning Board had two different opinions about it. The Town Board felt that since that park was the closest to the development that they should renovate that park.

**A Resolution by the Town of East Greenbush Planning Board to Make a Recommendation to the Town Board that the Application for Major Site Plan Approval for the “Town Center” Planned Development District (PDD) Phase 1 by 580 Columbia Turnpike, LLC is Consistent with the SEQRA Determination the Town Board Issued on January 2, 2020**

**MOTION:** A motion was made by Chairman Mastin as follows:

**WHEREAS,** 580 Columbia Turnpike LLC., has submitted a major site plan review application for the development of Town Center PDD Phase 1 which consists of three buildings, with a total of 78 residential units and approximately 19,000 square footage of commercial space and associated sewer, water and stormwater utilities and parking and accessways located on Columbia Turnpike, identified on the Town’s Tax Roll as Tax Parcel No’s. 166.-7-5, 166.-7-3.5, and 166.-7-6.51 (the “Project”); and

**WHEREAS,** on January 2, 2020 (Resolution 2-2020), the Town Board, as SEQRA lead agency, issued a negative declaration under SEQRA finding that no EIS will be prepared and adopted local law 1 of 2020, establishing the Town Center PDD; and

**WHEREAS,** on September 23, 2020 the Town Planning Board carefully reviewed a proposed minor amendment to the Project which was originally approved by the Town Board, and affirmed that the negative declaration issued by the Town Board sufficiently covered the minor amendment; and

**WHEREAS,** on September 23, 2020 the Town Planning Board reviewed and approved a minor amendment to the PDD in accordance with Section 2.9.12 of the Town’s Comprehensive Zoning Law, which amendment allows first floor commercial space of approximately 9,500 square feet and up to 24 residential units in the upper floors, with the 24 residential units to be reallocated to the Future Development Pad area from other phases of the PDD, and, therefore, resulting in no change to the previously approved 275 total number of residential units, affirming that the negative declaration issued by the Town Board sufficiently covered the minor amendment; and

**WHEREAS,** on October, 14, 2020 the Town Planning Board accepted the proposed sketch plan prepared by Hart Engineering, dated August 15, 2020, with conditions, for a major site plan to be known as Town Center PDD Phase 1; and

**WHEREAS,** the application materials, a full EAF and the local law have been carefully reviewed by the Town Planning Board members, Town Planning Staff and the Town Designated Engineer of this project; and

now, therefore, be it

**RESOLVED,** that the Town Planning Board finds the application materials to be consistent with the Town Board’s negative declaration January 2, 2020 finding that no EIS will be prepared for the Project, and the Town Planning Board finds the PDD Phase 1 Major Site Plan approval of the Project would not result in any significant adverse environmental impact not previously addressed by the Town Board, as lead agency under SEQRA; and

be it further

**RESOLVED**, that the Town Planning Board recommends the Town Board, as SEQRA lead agency for the Project, adopt these findings and affirm that the Project is consistent with the Town Board's earlier SEQRA determination and issuance of a negative declaration under SEQRA.

The foregoing Resolution was duly moved by Chairman Mastin and seconded by Chris Horne and brought to a vote resulting as follows:

**M. Mastin-YES; R. Viola-YES; K. Bergmann-YES; C. Horne-YES; D. Panton-YES; J. Conway-ABSENT; N. Gill-YES.**

**MOTION CARRIED BY A 6-0 VOTE**

**A Resolution by the Town of East Greenbush Planning Board to Make a Recommendation to the Town Board on the Application of the "Town Center" Planned Development District (PDD) Phase 1 by 580 Columbia Turnpike, LLC and Major Site Plan for the PDD**

**MOTION:** A motion was made by Chairman Mastin as follows:

**WHEREAS**, 580 Columbia Turnpike LLC., has submitted a major site plan review application for the development of Town Center PDD Phase 1 which consists of three buildings, with a total of 78 residential units and approximately 19,000 square footage of commercial space and associated sewer, water and stormwater utilities and parking and accessways located on Columbia Turnpike, identified on the Town's Tax Roll as Tax Parcel No's. 166.-7-5, 166.-7-3.5, and 166.-7-6.51 (the "Project"); and

**WHEREAS**, on January 2, 2020 (Resolution 2-2020), the Town Board, after adopting a negative declaration pursuant to the State Environmental Quality Review Act (SEQRA) for this type 1 project, adopted local law 1 of 2020 establishing the Town Center PDD (the "PDD"); and

**WHEREAS**, on September 23, 2020 the Town Planning Board approved a minor amendment to the PDD in accordance with Section 2.9.12 of the Town's Comprehensive Zoning Law, which amendment allows first floor commercial space of approximately 9,500 square feet and up to 24 residential units in the upper floors, with the 24 residential units to be reallocated to the Future Development Pad area from other phases of the PDD, and, therefore, resulting in no change to the previously approved 275 total number of residential units; and

**WHEREAS**, on October, 14, 2020 the Town Planning Board accepted the proposed sketch plan prepared by Hart Engineering, dated August 15, 2020, with conditions, for a major site plan to be known as Town Center PDD Phase 1; and

**WHEREAS**, the application materials including a full environmental assessment form, have been carefully reviewed by the Town Planning Board members, Town Planning and Zoning Department Staff and the Town Designated Engineer for this project; and

**WHEREAS**, the Town Planning Board held a duly noticed public hearing on March 10, 2021 to give the public an opportunity to review and comment on the Project; and

**WHEREAS**, the Town Planning Board has also reviewed the negative declaration issued pursuant to the State Environmental Quality Review Act ("SEQRA") for the Town Center PDD, issued by the Town Board on November 19, 2018;

Now therefore be it

**RESOLVED**, that the Town Planning Board hereby recommends to the Town Board that the Town Board approve the major site plan as shown on plans entitled “Town Center Development Phase 1” prepared by Hart Engineering, dated December 2020, and last revised July 12, 2021, finding that the application meets the requirements of the Town’s Zoning Code and the PDD with respect to major site plan, subject to the following conditions:

1. Satisfying outstanding technical details as determined by the Town Designated Engineer and Town Planning and Zoning Department, including the Town Designated Engineer’s August 4, 2021 correspondence;
2. Prior to the Planning Board Chairperson signing the plans:
  - a. all cross access easements, utility easement and any other easements encumbering or to encumber the lands shown on the site plan must be submitted for review by the Town Planning Board Attorney;
  - b. Rensselaer County Department of Health for approval of the proposed Extension of the Water distribution and Wastewater collection systems;
  - c. A project schedule and engineers cost estimate for all site work exclusive of building construction must be submitted to the Town Planning and Zoning Department.
  - d. In accordance with Section 6(C) of local law 1 of 2020, the final design, lighting, if any, and location of signs must be shown on the plans.
  - e. In accordance with Section 7(A)(1)(iii) of local law 1 of 2020, the Town Board must approve the deed restriction provided by the Developer for the buffer and any open space.
  - f. All proposed utility easements and sanitary sewer and/or water supply infrastructure to be offered to the Town for dedication in accordance with Sections 8 and 9 of local law 1 of 2020 must be shown on the plans and easement language provided to the Town for review.
  - g. The Town must be reimbursed for any and all expenses incurred during site plan review.
3. Prior to issuance of a building permit for any work in connection with the Project:
  - a. A copy of the approved NYS Department of Transportation highway work permit for construction of a new commercial entrance onto US Route 9 & 20 (aka Columbia Turnpike) and connection to the NYS-owned drainage facilities located therein must be submitted to the Town Planning and Zoning Department;
  - b. Filing of the NOI to the NYS Department of Environmental Conservation regarding the Stormwater Pollution Prevention Plan (SWPPP);
  - c. Approval from the NYSDEC (NYS Part 750-2.10) regarding a sewer service extension for the connection of a residential project conveying more than 2,500 gallons per day to an existing sewage collection system;

- d. Prior to issuance of a building permit, the Commissioner of Public Works must sign the site plan;
  - e. A NYSDOT Highway Work Permit must be obtained for all construction activities with the state right-of-way;
  - f. Town DPW Utility Permit(s) must be obtained, as required, for the proposed utility connections and other work in the Town right-of-way;
  - g. The Applicant must establish an escrow account to cover the costs of any third party inspection services as determined by the Town Planning and Zoning Department;
  - h. In accordance with the GP-0-15-003, the approved SWPPP, and the Town's Comprehensive Zoning Law, all stormwater pollution prevention permits must be obtained, and regularly scheduled required inspections must be performed during the permit term by the design engineer or other qualified individual;
  - i. Easement language relating to sidewalks proposed to be installed in the Town right-of-way should be forwarded to the Town for review and approval. The easement should indicate that the sidewalk is for public access;
  - j. In accordance with Section 15(5) of local law 1 of 2020, \$25,000.00 must be deposited with the Town for improvements to the Grant Ave Park.
  - k. In accordance with Section 15(5) of local law 1 of 2020, \$50,000.00 must be deposited with the Town for stormwater improvements within the Sherwood/Woodland Park Neighborhoods.
4. Prior to the issuance of a building permit for the erection of any structures:
- a. The buffer along the southerly PDD boundary with 37 Jefferson Ave shall be completed, in accordance with Section 7(A)(1)(ii) of local law 1 of 2020.
  - b. An Open Development Area for the Project must be established in accordance with town law Section 280-a (4), except for structures to be located on a lot that has frontage of Columbia Turnpike.
5. Prior to receipt of a certificate of occupancy for any improvements installed in connection with the Project, the following must be installed:
- a. a new stop sign, subject to Commissioner of Public Works and NYSDOT approval, on the west side of Columbia Turnpike at the intersection to be created with the private drive serving the property;
  - b. a 'do not enter' sign at the one-way entrance to the bank drive-through, subject to Commissioner of Public Works and NYSDOT approval;
  - c. sidewalk must be installed along Columbia Turnpike as depicted on the above-referenced site plan and subject to NYSDOT and DPW approval;
  - d. A permanent access easement shall be granted to parcel 166.00-7-6.52 over the proposed access road this should be provided to the Town and filed with the County;

- e. The developer must execute a Stormwater Facility Maintenance Agreement in accordance with the approved SWPPP and Town and NYS requirements, and evidence of execution of such maintenance agreement must be submitted to the Town Planning and Zoning Department;
  - f. An ‘as-built’ drawing for any infrastructure that may be dedicated to the Town at a future point must be submitted to the Town and approved by the Town Designated Engineer and Department of Public Works.
  - g. In accordance with Sections 8 and 9 of local law 1 of 2020, the Developer must offer for dedication to the Town all completed on-site sanitary sewer and/or water supply facilities, if any.
6. Prior to commencement of construction, and, without limitation, in accordance with the Town’s Comprehensive Zoning Law and local law number 5 of 2018, all remaining fees are paid to the Town including application fees and land development mitigation fees required in connection with the Western East Greenbush Generic Environmental Impact Statement (GEIS), as detailed in the GEIS fee statement to be provided by the Town.
7. In accordance with NYSDEC recommendations for protection of the northern long-eared bat (NLEB), a federally listed threatened bat species, removal of any trees greater than 3-inches in diameter at breast height must take place between November 1 and March 31 each year in order to protect potential suitable NLEB habitat present on-site.
8. In accordance with Section 7(A)(3) of local law 1 of 2020, trash pick-up before 7:00 A.M. is prohibited.
9. All requirements of local law No. 1 of 2020, including any amendments to the PDD in accordance with Section 2.9 of the Town’s Comprehensive Zoning Law or any amendments thereto, must be satisfied.

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

**M. Mastin-YES; R. Viola-YES; K. Bergmann-YES; C. Horne-YES; D. Panton-YES; J. Conway-ABSENT; N. Gill-YES.**

**MOTION CARRIED BY A 6-0 VOTE**

**HLIOS GROUP LLC.-11 MICHIGAN AVENUE-SUP-ACCESSORY DWELLING UNIT (21-17)**

Sotiria Efthimiadis of HLIOS Group Inc. stated that she has spoken to Adam and needs to clarify what she wants to do to the Board. Sotiria Efthimiadis stated that the apartment is meant for her mom or if not, then her son will live there. There will be a separate entrance and the area is under 900 sq. ft.

Chairman Mastin asked who did the report with pics. Anna Feltham stated that she did the staff report.

•Ralph Viola stated he doesn’t know how all this could occur with all the pavement around the building & feels that some of the pavement would have to be removed. Sotiria Efthimiadis stated that she was going to break up some of the pavement & plant flowers.

Joe Slater stated that he wanted to caution the Board, that unless Kevin Hitchcock requires a site plan, then the Board needs to stick to the Special Use Permit info on pages 78 of the Comprehensive Zoning Law.

Chairman Mastin asked the applicant if she knows that per the Zoning Law she can’t rent it. Sotiria Efthimiadis stated that she knew that.

•Kurt Bergmann asked once her son moves out, who will live there. Sotiria stated that she doesn't know. Joe Slater also stated that the Special Use Permit expires upon change of ownership or if the person moves out who made it an accessory dwelling unit.

**MOTION:** A motion was made by Chairman Mastin as follows: **A Public Hearing is hereby scheduled for August 25, 2021 held in person at Town Hall @ 7:00 PM.**

**Seconded by Noreen Gill & roll called as follows:**

**M. Mastin-YES; R. Viola-YES; K. Bergmann-YES; C. Horne-YES; D. Panton-YES; J. Conway-ABSENT; N. Gill-YES.**

**MOTION CARRIED BY A 6-0 VOTE**

**THIRD AVENUE PUMP STATION/CEMETERY-THIRD AVE. EXT.MINOR SUBDIVISION-**  
**(21-20)**

Adam Yagelski stated that the Zoning Board approved the 2 Area Variances at last night's meeting with one condition that the site only be used for public utility structure. Adam Yagelski stated there is currently a concern by the title people where the gas main is located and that it is in the NYS right away. So the map needs to be updated & should have a description of the location of the edge of that facility relative to the proposed property line to satisfy the title company. Chairman Mastin asked if there were any questions.

**MOTION:** A motion was made by Chairman Mastin as follows:

**WHEREAS**, the East Greenbush Town Planning Board is in receipt of an application by the Town of East Greenbush, on behalf of Capital City Cemetery Corporation (Owner), for final conditional plat approval under Section 276 of the Town Law for a land subdivision entitled Third Ave Pump Station Upgrade Minor 2-Lot Subdivision for proposed lot 1 consisting of 0.28+/- acres and proposed lot 2 consisting of 77.55+/- acres, the remaining lands of the Capital City Cemetery, located in the OC, Corporate Office/Regional Commercial Zoning District at 330 Third Avenue Extension (Tax Map I.D. SBL: 144.-3-6.11) (the "Project"); and

**WHEREAS**, the Town Planning Board conducted a duly noticed a public hearing on July 28, 2021 on said subdivision, at which time members of the public were invited to speak either in favor of, or in opposition to the Project; and

**WHEREAS**, the Town Project Review Team and Planning and Zoning Department have reviewed the preliminary plat and the various supporting data; and

**WHEREAS**, on April 21, 2021, the Town Board initiated a coordinated review in accordance with SEQRA in connection with the proposed Third Avenue and Barracks Road Pump Station Upgrade Project (the "Pump Stations Upgrade"); and

**WHEREAS**, the Pump Stations Upgrade action includes the minor 2-lot subdivision, or the Project; and

**WHEREAS**, the Town Board, upon completion of the coordinated review as required by 6 NYCRR Part 617, declared itself lead agency under SEQRA and re-affirmed the classification of the action as an unlisted action in accordance with 6NYCRR Part 617; and

**WHEREAS**, the Town Board determined that the Project is consistent with the November 20, 2018 amended statement of findings the Town Board issued for the Regeneron Pharmaceuticals, Inc.

Tempel Lane Campus development, and that the project will not have any significant adverse effects on the environment and that a negative declaration, pursuant to Part 3 of the SEAF, was adopted June 16, 2021 (163-2021); and

**WHEREAS**, the Planning Board, has carefully reviewed the development proposal, including a land development application form, proposed minor subdivision plat, a Short Environmental Assessment Form (SEAF) Part 1, and related reports and studies for this project, including the Town Board's June 16, 2021 SEQRA determination, in accordance with Title 8 of the Environmental Conservation Law and 6NYCRR Part 617 for potential significant adverse environmental impacts as a result of the action; and

**WHEREAS**, the Planning Board has received and reviewed the proposed preliminary plat dated April 27, 2021 and last revised July 13, 2021, prepared by Colliers Engineering & Design; and

**WHEREAS**, on August 10, 2021, the Town of East Greenbush Zoning Board of Appeals approved two (2) area variances after having been referred the Project application by the Planning Board in accordance with Town Law Section 277 Sub-section 6; and

Now, therefore, be it

**RESOLVED**, that, based on the environmental assessment and review, the Planning Board affirms that the Project is a part of the Pump Station Upgrade action, for which the Town Board, as SEQRA lead agency issued a negative declaration on June 16, 2021, and hereby finds that the Project will not have any significant adverse effects on the environment, and that the Project is consistent with the Town Board's previously-issued negative declaration; and

be it further

**RESOLVED** that the Town of East Greenbush Planning Board hereby grants conditional approval of the Third Ave Pump Station Upgrade Minor 2-Lot Subdivision for the 2 lots in the Town of East Greenbush prepared by Colliers Engineering & Design dated April 27, 2021 and last revised July 13, 2021, and in strict compliance with the following condition which must be satisfied by the applicant within 180 calendar days of this resolution, unless extended upon written request of the applicant by mutual consent for two (2) periods not to exceed ninety (90) days each:

1. The final plat must be signed by the Commissioner of Public Works.

**Seconded by Don Panton & roll called as follows:**

**M. Mastin-YES; R. Viola-YES; K. Bergmann-YES; C. Horne-YES; D. Panton-YES; J. Conway-ABSENT; N. Gill-YES.**

**MOTION CARRIED BY A 6-0 VOTE**

**NEW BUSINESS:**

**REGENERON-81 COLUMBIA TRPK.-MINOR SITE PLAN-B40 CANOPY ADDITION (21-21)**

Steve Hart stated that Regeneron is looking to construct a 16' x 38' canopy addition consisting of just a roof, no walls to their maintenance/storage building located on Building 40 off of Discovery Drive. They have a lift or some type of machine that they use a lot & want to be able to store it underneath so it's covered. Steve Hart stated that there would be no water/sewer or side wall, they will be taking down about 10' of trees. Chairman Mastin asked what Building 40 is. Steve Hart stated it's a building/maintenance building.

**MOTION:** A motion was made by Chairman Mastin as follows: The Town of East Greenbush Planning Board hereby classifies the proposed action (i.e., "Building 40 Canopy Addition") as a type II action

under SEQRA, as it involves “construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls” (NYCCRR title 6 § 617.5(c)(9)).

The Town of East Greenbush Planning Board hereby grants conditional approval of the Site Plan Modification as depicted on the site plan entitled “Regeneron Pharmaceuticals Building 40 Canopy Addition” prepared by Hart Engineering, dated July 2021, subject to the following:

- **The on-going development of the Regeneron Discovery Drive campus, including the proposed “Regeneron Pharmaceuticals Building 40 Canopy Addition,” meets the criteria as a “larger common plan of development” under NYSDEC and MS4 requirements. Despite an area of disturbance of less than acre, i.e., 0.014 acres as proposed, any discrete disturbance, regardless of size, is subject to the General Permit. Therefore, a SWPPP, complying with the Town’s MS4 requirements, and coverage under the SPDES General Permit for Stormwater Discharges from Construction Activity (“General Permit”) are required.**
- **Prior to stamping of plans, Applicant must submit a SWPPP, subject to the approval of the Town and Town Designated Engineer;**
- **Prior to issuance of a building permit, SWPPP must be approved and evidence of coverage under the General Permit must be submitted to the Planning and Zoning Department.**
- **Satisfying outstanding technical details related to the content of the above-referenced site plan drawing, as determined by the Town Planning and Zoning Department.**
- **Prior to stamping of plans, all fees must be paid to the Town.**

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

**M. Mastin-YES; R. Viola-YES; K. Bergmann-YES; C. Horne-YES; D. Panton-YES;  
J. Conway-ABSENT; N. Gill-YES.**

**MOTION CARRIED BY A 6-0 VOTE**

**REFERRALS-REPORTS & RECOMMENDATIONS:**

NONE

**NEW ZBA REFERALLS:**

ZBA Appeal #2021-11-Ingerson-30 Hillview Avenue-Area Variance-Front Deck w/roof-Front Setback- assigned to Ralph Viola-report due at the August 25, 2021 meeting

**REVIEW AND APPROVAL OF MEETING MINUTES:**

Motion by Chairman Mastin to approve the July 28, 2021 meeting minutes as is.  
Seconded by Chris Horne. Motion carried by a 5-0-1 vote. Ralph Viola abstained.

**CLOSING:**

There being no further business before the Board, the meeting was closed by Chairman Mastin.  
Seconded by Don Panton. Motion carried by a 6-0 vote.

Respectfully Submitted

*Alison Lovely*  
Alison Lovely, Planning Secretary