

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 JULY 24, 2019

Members:

Jim Moore, Acting Chairman
Nancy Kupiec
Kurt Bergmann
Chris Horne

Also Present:

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

CALL TO ORDER / DETERMINATION OF QUORUM

Acting Chairman Moore called the meeting to order and determined that a quorum of four (4) members were present. Matt Mastin & Ralph Viola was absent.

REVIEW AND APPROVAL OF MEETING MINUTES:

Motion to approve the July 10, 2019 meeting minutes was tabled due to a quorum issue.

PUBLIC HEARINGS:

7:05 PM: NOPPERS-325 COLUMBIA TURNPIKE-SPECIAL USE PERMIT

(19-17)

Acting Chairman Moore read the Legal Notice:

The Town of East Greenbush Planning Board shall conduct a Public Hearing pursuant to New York State Town Law Section 274-b(6) and Section 3.11.02 of the Town's Comprehensive Zoning Law, on an application for a Special Use Permit for the property located at 325 Columbia Turnpike, East Greenbush, NY, Tax Map # 155.-12-3, which is Zoned B-2. The applicant proposes the operation of an automotive service facility in the B-2 Zoning District. The review of the proposed work requires a Special Use Permit per The Town's Comprehensive Zoning Law Section 2.7.3 General Business District (B-2) Subsection C Special Use Permits: "Automotive; service, wash or storage". Said Public Hearing will be held on Wednesday, July 24, 2019 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 was present on behalf of the applicant Richard Nopper Sr. who was also present. Steve Hart stated that the site is located at 325 Columbia Turnpike and he met with Adam Yagelski, NYSDOT and Stephanie from Brad Rose Landscaping. There is one change, they had talked about removing one triangular island that they were going to plant a tree in as it was determined by the landscaper that there was no real chance of survival. They are proposing planting 2" high perennials along the front of the parking lot and 4" evergreens on the side of the parking lot. (15 plantings along the front of the parking lot and 3 crab apple trees and hydrangeas in front of the building.

•Chris Horne asked if there will be perennials in the front but nothing in the winter. Steve Hart stated that is correct. The salt in the winter would make anything in the front die.

•Nancy Kupiec stated that the plan she's looking at shows a parking spot missing and asked if there is lighting. Steve Hart stated that plan was updated and they are not proposing any exterior lighting.

•Jim Moore stated that he has an issue with the proposal and refers back to page 49 of the Land Use Plan concept which states that this area supports green development along Routes 9 & 20 and pages 88 & 89 are specific to automotive uses in the area. Jim Moore read A2 on page 88. Jim Moore stated he's reluctant to cut back on the landscaping.

Acting Chairman Moore asked if there was any other comments from the Board. Acting Chairman Moore asked if there was anyone who was present in favor of or opposition to the Special Use Permit. No one spoke. Acting Chairman Moore asked if there was anything else. There was not.

MOTION: A motion was made by Acting Chairman Moore as follows: **The Planning Board hereby closes the public hearing.**

Seconded by Nancy Kupiec & roll called as follows:

J. Moore-YES; N. Kupiec-YES; K. Bergmann-YES; C. Horne-YES.

MOTION CARRIED BY A 4-0 VOTE

OLD BUSINESS:

NOPPERS-325 COLUMBIA TURNPIKE-SPECIAL USE PERMIT

(19-17)

Acting Chairman Moore asked if anyone on the Board had any comment.

- Chris Horne and Nancy Kupiec both stated that they thought the perennials looked nice. However, Chris Horne stated that the perennials don't accomplish the screening of the cars.
- Nancy Kupiec asked Adam Yagelski if he was happy with the compromise. Adam stated he thinks it will look great in the summer but the winter months pose a challenge.
- Adam Yagelski asked Steve Hart if he did a parking analysis. Steve Hart stated that he didn't as they will only have approximately 3 employees and there are 7 spaces in the front and 10 spaces along the back. Adam asked Steve Hart to point out the parking on the plan, storage vs. employees.
- Kurt Bergmann asked if this was the old Matty Scheer building and how they access it and where will the dumpster be located. Steve Hart stated that it is and that there is a garage door in the front and in the rear and they don't need a dumpster.
- Chris Horne asked if the landscaper looked at anything that could be maintained all year long. Richard Nopper stated that it's hard with the salt from the main road.
- Nancy Kupiec asked if the bushes in the front are burning bushes. Steve Hart stated that no, they are crab apple/hydrangeas and then more crab apples. Nancy feels that the burning bushes would enhance the building in the fall with the bright leaves.

Acting Chairman Moore asked if there was anything else. There was not.

MOTION: A motion was made by Acting Chairman Moore 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(s), considering all the Applicant's proposed mitigation measures as they relate to environmental issues, finds that the proposal will not have a significant adverse environmental impact and hereby issues a Negative Declaration under SEQRA.**

Seconded by Kurt Bergmann & roll called as follows:

J. Moore-YES; N. Kupiec-YES; K. Bergmann-YES; C. Horne-YES.

MOTION CARRIED BY A 4-0 VOTE

MOTION: A motion was made by Acting Chairman Moore as follows: **The Planning Board hereby approves the Site Plan Modification subject to the following conditions:**

- **Satisfying outstanding technical details as determined by the Town Designated Engineers and Town Planning Department;**

- All remaining fees are paid to the Town.

Seconded by Nancy Kupiec & roll called as follows:

J. Moore-YES; N. Kupiec-YES; K. Bergmann-YES; C. Horne-YES.

MOTION CARRIED BY A 4-0 VOTE

NOPPERS-325 COLUMBIA TURNPIKE-SPECIAL USE PERMIT

(15-20E)

After some discussion Acting Chairman Moore made a motion to approve the Special Use Permit.

*See the attached resolution.

REGENERON-TEMPEL LANE-PHASE 3- MAJOR SITE PLAN:

(19-06)

Sandy Carroll from Jacobs Engineering and consultant for Regeneron Pharmaceuticals gave an update to the Board and stated that the project has gone in front of the Zoning Board of Appeals and the two height variances for buildings 27 & 47 were granted. Sandy Carroll stated this is the 3rd phase of the Regeneron Tempel Lane campus which consists of Building 27 which will be a lab/office and is under 4 stories and consists of under 240,000 sq.ft. and is proposed to have a height of 67'10", they were approved for 68' in height. Building 47 which is a 5 tier parking garage which proposed height of 64', they were approved for 66' in height. Sandy Carroll stated that proposed was underground storage of stormwater but it's now going to be an above ground retention area, they lost 53 parking spaces but still have approximately 1,000 parking spaces. Acting Chairman Moore asked Sandy to describe the natural character of the retention area. An updated landscaping plan was presented with the retention area having trees planted around it. Sandy Carroll stated that there will be two pedestrian bridges over wetlands, one from the visitor lot with a connection to the office/lab building and one between building 17 & building 27. There is a third bridge for utilities from one side of the campus to the other, crossing wetlands. Acting Chairman Moore asked if they had elevations of the buildings. Sandy Carroll stated that they do and showed renderings of the buildings with the mechanicals on the top of the building with screening for the equipment, the roof will be painted a medium gray color.

•Kurt Bergmann asked how the height compared to the one under construction, Sandy Carroll stated that this one will be 20' taller.

•Nancy Kupiec asked if that included the screening & that it looks busy up on the roof, what's up there. Sandy Carroll stated that it doesn't, the screening makes it 15'-18' higher, there are air handlers, cooling towers, and exhaust fans.

•Kurt Bergmann asked what the height is plus the screening. Sandy Carroll stated that the height is 67'10" and the screening is another 18' more.

•Chris Horne asked if it was visible from I-90. Sandy Carroll stated that the parking garage will screen most of the office/lab building from I-90.

•Chris Horne stated that then you'll mostly see the parking garage from I-90. Sandy Carroll stated that is correct.

Acting Chairman Moore asked if the roof membrane will be the same color as the other building.

Kyle Cherry stated that the Planning Board previously voted on the color, it will be medium gray.

•Nancy Kupiec asked if they are putting solar on the roof. Sandy Carroll stated that yes they are on top of the parking garage.

•Kurt Bergmann asked if the building code requires fire suppression under a canopy. Sandy Carroll stated no. Acting Chairman Moore asked if either Adam Yagelski or Ryan Trunko from GPI had anything to add.

•Ryan talked about getting confirmation regarding the potential glare from the solar panels on I-90, effecting drivers on I-90.

•Acting Chairman Moore asked how you measure the glare. Ryan Trunko stated that the solar company should know. Sandy Carroll stated that the solar panels will be tilted towards the south, away from I-90. Adam Yagelski stated that they are potentially asking for a number of waivers and asked them to explain what's required, landscaping wise and what the differences are.

Joe Ruggiero from Jacobs stated that they are buffer planting around the substation and between the wetlands and along the property line by I-90. Joe Ruggiero stated that they have met the requirement for parking plantings for the catch basin and that all plantings around the retention areas meet code.

Joe Slater stated that the maximum height for light poles is 18' in parking lots and they are asking for 25'. Joe Ruggiero stated they are now back to 18'. Building 17 lights are higher at 25'. Adam stated that he'd like it to stay at the 25' for consistency.

•Nancy Kupiec asked if they are asking for any waivers for crossing the wetlands. Nancy stated that she would rather not see any waivers. Joe Ruggiero stated that they will work with Adam to come up with the best landscaping.

Acting Chairman Moore asked if I-90 sits lower than the substation. Sandy Carroll stated that the parking garage is 228' and I-90 is 235' & the substation is at 230'.

Joseph Slater stated in terms of landscaping, he has drafted up a quick provision that Regeneron will provide an updated landscaping plan, applying the Town's landscaping standards or, in the alternative to come up with a plan satisfactory to the Town Board. Joe Slater also stated that a draft resolution was circulated to the Planning Board earlier today for review.

Adam Yagelski stated that the air quality generator and sources of emissions related to this next phase. Some kind of indication that what is in the amended statement of findings as part of the record, that those generator emissions will be kept within the perimeter and there won't be any additional emissions than what's stated within the amended statement of findings. Kyle Cherry stated that he doesn't feel like the boilers would qualify for emission points and they have no intention of going outside the perimeters of what was stated in SEQR.

•Kurt Bergmann stated that the height variance only pertains to the building and not what is put on it. Sandy Carroll stated that is correct.

Acting Chairman Moore asked if there was anything else. There was not.

MOTION: A motion was made by Acting Chairman Moore as follows:

WHEREAS, Regeneron Pharmaceuticals Inc., Inc. has submitted to the Town an application for major site plan approval for the remainder of phase 3 at Regeneron's Temple Lane Campus (SBL 144.3-5.1); and

WHEREAS, the remainder of phase 3 consists of the following structures as set forth in greater detail in the application materials referenced below: a new Science Building ("Building 27") and adjacent Parking Garage ("Building 47"), guardhouse site preparation, backup generator yard, surface parking, internal roads, water supply, sanitary sewers, stormwater management, gas, electric, communications, site lighting, and landscaping; and

WHEREAS, the Town Planning Board of the Town of East Greenbush has reviewed the application and related materials, including the site plan entitled "Tempel Lane Campus Building 27, Building 47, and Substation," prepared by Jacobs Engineering, dated December 21, 2018 and last revised July 15, 2019; and

WHEREAS, the Town Planning Board has also reviewed the Amended Statement of Findings prepared pursuant to the State Environmental Quality Review Act ("SEQRA") for Regeneron's Temple Lane Campus, adopted by the Town Board on November 19, 2018 and adopted by the Town Planning Board on February 27, 2019; and

WHEREAS, the Town Planning Board has carefully considered the comments and recommendation of its Town Designated engineers, GPI, as well as the responses to those comments and recommendations provided by the Applicant;

now, therefore, be it

RESOLVED, that the Town Planning Board hereby recommends that the Town Board find that the proposed application for major site plan application for the remainder of phase 3 of Regeneron's Temple Lane Campus is consistent with the above referenced amended SEQRA Statement of Findings and that no Supplemental Environmental Impact Statement is necessary because the Project remains within the impact thresholds and mitigation established in the amended SEQRA Statement of Findings as discussed by the Town Planning Board at its meeting on July 24, 2019 and as described within the memorandum dated July 17, 2019 prepared by GPI;

and be it further

RESOLVED, that the Town Planning Board hereby recommends that the Town Board approve Regeneron's major site plan application for the remainder of Phase 3 of the Temple Lane Campus, subject to the following conditions:

1. Regeneron address any remaining technical comments from the Town's designated engineer and Town Planning and Zoning Department.
2. Implementation of a traffic monitoring program, as outlined in the March 2018 Traffic Impact Study (TIS) prepared by CHA, Consulting and updated July 27, 2018. This would include bi-annual traffic counts at the site to confirm the trip generation after each phase of development as set forth in the previous resolutions of the Town Board for phases 1 and 2 and now with respect to phase 3;
3. The phased traffic mitigation improvements as outlined in Tables 8 and 13 in CHA's July 2018 Revised Phasing Plan letter must be completed per the Development Agreement and Regeneron shall supply a schedule for mitigation activities, including the Temple Lane repaving as set forth in previous resolutions approving phases 1 and 2 of the Temple Lane Campus.
4. All remaining fees and escrow are paid to the Town, including land development mitigation fees required in connection with the Western East Greenbush Generic Environmental Impact Statement (GEIS) as detailed in the GEIS fee statement provided by the Town prior to commencing construction.
5. Prior to issuance of a 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.
6. The property owner shall enter into a Stormwater Facility Maintenance Agreement with the Town for the entire Temple Lane Campus to ensure proper maintenance of all stormwater facilities in perpetuity prior to issuance of a Certificate of Occupancy for phase 3, or, in the alternative, submit documentation to the Town of coverage under the NYSDEC multi-sector general permit.
7. Prior to issuance of a building permit, provide a letter addressed to the town from the Clinton Heights Fire Department indicating the Fire Chief's approval of the proposed major site plan for the remainder of Phase 3 and the satisfaction of any comments that the Fire Department had provided on Phase 3; and
8. Submission to the Town of an approved Stormwater Pollution Prevention Plan (SWPPP) for the phase 3 project which must include documentation of any nonstandard features.
9. Construction activity at the Temple Lane Campus project site, including all phases of development, shall not disturb greater than five (5) acres of soil at any one time without prior written authorization from the Town.

10. All storm water pollution prevention permits will be obtained prior to site work and/or issuance of a building permit and regularly scheduled required inspections must be performed during the permit term by the design engineer or other qualified individual in accordance with the GP-0-15-002, the approved Storm Water Pollution Prevention Plan, and the Town's Comprehensive Zoning Law. Regeneron must include in each required report the acreage of total site disturbance for all active State Pollution Discharge Elimination System permits involving the project site.
11. That, prior to issuance of a building permit, Regeneron provide to the Town a site engineering report describing the design, installation, and operation of any onsite sanitary sewer conveyance facilities necessary in connection with this site plan approval.
12. Roofing material on any Buildings shall be of a dark gray, brown, or earth tone color, subject to the approval of the Town's Planning and Zoning Department prior to constructing the roof.
13. Prior to obtaining a Department of Public Works Utility Permit for connection to the Town's sanitary sewer system for the remainder of Phase 3, Regeneron shall comply with the Development Agreement, approved by the Town Board with respect to the improvements to the 3rd Avenue and Barracks Road pump stations;
14. Prior to obtaining a Certificate of Occupancy for the remainder of phase 3, Regeneron shall submit to the Town Department of Public Works an Industrial Wastewater Discharge Application for each structure to be connected to the public sewer and shall be responsible for any pretreatment standards for the manufacturing buildings wastewater as required by the Town's assessment of the Industrial Wastewater Discharge Application for the Project.
15. Prior to obtaining a certificate of occupancy for the Science Lab/Office Regeneron shall set forth the status of its actions under the Development Agreement to confirm that it has complied with its obligations under the Agreement.
16. The Planning Board recommends that a waiver shall be granted from the Town's Comprehensive Zoning Law requirement of a 25-foot buffer from wetlands, in as much as Regeneron has undertaken steps to ensure that there are no adverse impacts to wetlands, subject to the following: Regeneron shall take steps to ensure that snow storage shall not infringe on the areas of the site in which wetland buffer waivers have been granted, subject to Planning and Zoning Department approval.
17. Regeneron will provide an updated landscaping plan compliant with the Town's landscaping standards; or an alternative plan satisfactory to the Town Board.
18. Regeneron shall obtain a Department of Public Works Utility Permit, as determined by the Commissioner of Public Works, for any work involving connection to the Town's sanitary and/or water supply systems.
19. Regeneron shall obtain a NYSDOT highway work permit for any work in the NYS right-of-way.
20. Regeneron be subject to any applicable conditions set forth in the Amended Statement of Findings.
21. Regeneron has indicated that there are no anticipated emission points for the office/laboratory building and that the proposed emergency generators will be tested monthly with no load for 15 minutes and will not exceed the USEPA Tier 2 nonroad regulations.
22. Regeneron shall obtain approval from the Department of Public Works that the proposed 221,173 GPD of total water demand confirming that the anticipated increased demand of approximately 2,400 GPD is acceptable without additional improvements to the Town's infrastructure.
23. Regeneron shall submit to the Town and NYSDEC a Water/Sewer Engineers Report for review and approval. The Planning Board recognizes that Regeneron has agreed to install a metering vault on the waterline entering the Regeneron property from 3rd Avenue Extension. Regeneron must provide a schedule to complete the meter pit installation.
24. Regeneron must provide a glare analysis to confirm the proposed solar panels will not reflect light in a way that would negatively impact the Project's surroundings and must implement any mitigation measures such analysis specifies, subject to approval by the Town Planning and Zoning Department.
25. Prior to obtaining a building permit, Regeneron shall obtain all required approvals and/or permits for the project, except as provided for in the Development Agreement.

Seconded by Nancy Kupiec & roll called as follows:

J. Moore-YES; N. Kupiec-YES; K. Bergmann-YES; C. Horne-YES.

MOTION CARRIED BY A 4-0 VOTE

YANKEE TRAILS-THIRD AVENUE EXT.-MINOR SITE PLAN-ADDITION: (19-20)

Steve Hart of Hart Engineering presented the proposal to the Board on behalf of the applicant Steve Tobin from Yankee Trails. Adam Yagelski requested a metes & bounds survey. The proposal is for a 21' x 28' addition for four new employees. Steve Hart stated that it's well vegetated in the rear, but they are adding one additional tree, there will not be any new water, sewer or electric, as it will all be internal to the addition. Steve Hart stated that the parcel consists of 12.8 acres in total, there is 8.5 acres in East Greenbush and 4 acres in North Greenbush. Steve Hart stated as far as parking spaces go, for office, its 4 spaces per thousand sq. ft. area-average, 6 spaces per thousand sq. ft. They need 16 spaces in front and 15 spaces for the garage.

•Chris Horne asked if Steve had an elevation map. Steve Hart stated that just what's on the site plan, it will be the same roof line.

Acting Chairman Moore asked if there was anything else. There was not.

A motion was made by Acting Chairman Moore as follows: **The Town of East Greenbush Planning Board hereby classifies this action as a Type II action under SEQRA and grants final approval of the proposed minor site plan subject to the following conditions:**

- **Satisfying outstanding technical details as determined by the Town's Consulting Engineer and Town Planning Department.**
- **All remaining fees are paid to the town.**

Seconded by Kurt Bergmann & roll called as follows:

J. Moore-YES; N. Kupiec-YES; K. Bergmann-YES; C. Horne-YES.

MOTION CARRIED BY A 4-0 VOTE

NEW BUSINESS:

E.W. BIRCH BUILDERS-63 ½ PHILLIPS ROAD-LOT LINE ADJUSTMENT: (19-22)

Ed Browzowski stated that they are looking for a lot line adjustment for the parcel at 63 ½ Phillips Road. The neighbor built a doll house (6' x 10') on their property and the neighbor wants to acquire the piece so he doesn't have to move the doll house, there are also a couple of foot bridges that cross over a little creek that is also on their property. Ed Browzoski stated that no variances are necessary.

•Nancy Kupiec asked if the neighbor got a permit to build the dollhouse and bridges. Ed Browzowski stated that he doesn't know.

Acting Chairman Moore asked Adam if he had anything, he stated that it's not going to create any nonconformity and it meets and area and bulk standards. Ed Browzowski stated that the dollhouse doesn't have a concrete slab under it so it could be moved easily if necessary, although the homeowner and his wife are both elderly.

MOTION: A motion was made by Acting Chairman Moore as follows: **The Town of East Greenbush Planning Board hereby declares this action as a Type II SEQRA action in accordance with 6 CRR-NY 617.5 (16) and grants final approval of the proposed lot line adjustment prepared by**

Brian Holbriiter Land Surveying and Site Development and dated June 10, 2019, & last revised July 17, 2019 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 Nancy Kupiec & roll called as follows:

J. Moore-YES; N. Kupiec-YES; K. Bergmann-YES; C. Horne-YES.

MOTION CARRIED BY A 4-0 VOTE

UPDATES:

STEWART'S 95 TROY ROAD-MINOR SITE PLAN:

(19-12)

Chad Fowler from Stewart's stated that he received the Town Designated Engineer's comments and added landscaping, they do not need a retaining wall, so it's been removed. Chad Fowler stated that they need a variance for the rear setback for the freezer and addition. Chad Fowler stated that landscaping has been added for a buffer to the neighbors.

•Nancy Kupiec asked if there was any new lighting, if there was a section with some woods, and if they are redoing the facade. Chad Fowler stated that yes, all will be replaced with LED lighting and there is shrubbery and a grassy knoll and that they are redoing the façade.

DENTAL OFFICES/FORMER SPORTS GRILL-4 MIDDLE MANNIX ROAD-SITE PLAN MODIFICATION & SPECIAL USE PERMIT:

(19-21)

Steve Hart stated that the property is located at 4 Middle Mannix Road and is owned by JMA Properties and BBL is the property manager. Steve Hart stated that the proposal is for two dental offices. They are installing a front canopy and sharing a dumpster with the hotel. The side entrance is being removed. A lot line adjustment will be done as it's an existing non-conforming lot.

A motion was made by Acting Chairman Moore as follows: **The Town of East Greenbush Planning Board hereby declares itself as Lead Agency under SEQRA, classifies this action as an Unlisted Action, accepts the sketch plan & schedules a Public Hearing scheduled for August 28, 2019 @ the East Greenbush Town Hall @ 7:05 PM.**

Seconded by Chris Horne & roll called as follows:

J. Moore-YES; N. Kupiec-YES; K. Bergmann-YES; C. Horne-YES.

MOTION CARRIED BY A 4-0 VOTE

REFERRALS-REPORTS & RECOMMENDATIONS:

NONE

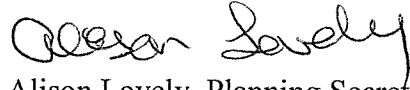
NEW ZBA REFERRALS:

ZBA Appeal#2019-11-Stewart's-95 Troy Road- 2 Area Variances-Addition & Freezer-assigned to Nancy Kupiec

ADJOURNMENT:

There being no further business before the Board, the meeting was adjourned by Acting Chairman Moore. Seconded by Nancy Kupiec. Motion carried by a 4-0 vote.

Respectfully Submitted

A handwritten signature in black ink that reads "Alison Lovely". The signature is written in a cursive, flowing style.

Alison Lovely, Planning Secretary

Copy To:

Richard Nopper Sr.
13 Rhode Island Avenue
Rensselaer, NY 12144

Cc: Rensselaer County Planning
Town Clerk
PB File No. 19-17

Via Email: Building Inspector
Assessor

Town of East Greenbush
PLANNING BOARD

In the matter by:
Richard Nopper Sr.
For a **Special Use Permit**

**Resolution and
Final Decision of
Planning Board**

File No. 19-17

Whereas, An application has been filed by Richard Nopper Sr., of 13 Rhode Island Avenue Rensselaer, NY 12144, proposing the operation of an automotive service facility. The property is located in the General Business Zoning District (B-2). The review of the proposed work requires a Special Use Permit per The Town's Comprehensive Zoning Law Section 2.7.3 General Business District (B-2) Subsection C Special Use Permits: "Automotive; service, wash or storage"; and

Whereas, The applicant has filed an application requesting a Special Use Permit at the property located on 325 Columbia Turnpike, East Greenbush, NY (Tax Map No. 155.-12-3); and

Whereas, The Planning Board has duly published a notice of public hearing regarding this appeal in The Record on July 12, 2019; and

Whereas, Notice of the Public Hearing was provided by Certified Mail to the owners of all property within 200 feet of the land involved in the application, to the Town Planning Board, and to the Rensselaer County Bureau of Economic Development and Planning; and

Whereas, A Public Hearing was held by the Planning Board on Wednesday, July 24, 2019 in the Town Hall of the Town of East Greenbush to consider this appeal; and

Whereas, At this hearing, the applicant as well as any and all persons interested in this appeal were heard, their statements recorded, and various written material including exhibits, if any, were entered into the record; and

Whereas, All statements, written material and exhibits submitted in connection with said appeal have been carefully considered; and

Whereas, This appeal has met all the requirements of the **SEQR**; now, therefore, be it

Resolved, That the Planning Board makes the following findings of fact:

1. The application has been reviewed and determined to be compliant with the 7 criteria as defined in Section 3.11.01 of the Town's Comprehensive Zoning Law; and the requirements of a Special Use Permit as defined in Section 3.11.01 A. of the Town's Comprehensive Zoning Law; therefore be it

Resolved, that the application for a Special Use Permit for the operation of an automotive service facility be Granted for an initial period of 3 months with the following condition:

1. Compliance with the approved site plan and its attached conditions.

This resolution was moved by Jim Moore and seconded by Chris Horne at a meeting duly held on July 24, 2019.

(Discussion)

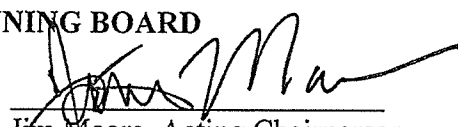
A vote was taken as follows:

Matt Mastin	<u>Absent</u>
Jim Moore	<u>Yes</u>
Ralph Viola	<u>Absent</u>
Nancy Kupiec	<u>Yes</u>
Kurt Bergmann	<u>Yes</u>
Chris Horne	<u>Yes</u>

Motion carried 4-0

**TOWN OF EAST GREENBUSH
PLANNING BOARD**

By:


Jim Moore, Acting Chairperson

Dated: Aug. 07, 2019

**Granting of this variance, does not preclude the applicant from obtaining a building permit.*