

# 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 MAY 8, 2019

#### Members:

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

#### Also Present:

Joseph Slater, Planning Board Attorney  
Adam Yagelski, Director of Planning & Zoning  
Alison Lovely, Planning & Zoning Secretary  
Donna Moran, Court Stenographer

#### CALL TO ORDER / DETERMINATION OF QUORUM

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

#### NRI PRESENTATION:

Victoria Manieri, the Chair of the Natural Resources Work Group spoke about what the Natural Resources Inventory ("NRI") is all about and how there is information of the Town's website as well as at the Town's Clerk's office and the East Greenbush Library. The key recommendation is for the Town to form a Conservation Advisory Council. Adam Yagelski spoke briefly about the NRI as well. The report that was passed out to the Board members at the meeting is available in a PDF format.

#### PUBLIC HEARINGS:

#### SHS HOLDING, LLC.-SPRINGHURST DRIVE-PDD/MAJOR SITE PLAN (18-29)

Chairman Mastin read the legal notice as follows:

The Town of East Greenbush Planning Board shall conduct a Public Hearing on the application of SHS Holding, LLC. for a Major Amendment to the Pinecrest Planned Development District, to be known as Pinecrest Plaza, consisting of a 9,070 square foot & a 15,000 square foot building with a 864.5 sq.ft. shed with parking lot. The property is located off of Springhurst Drive, and consists of approximately 2.53 +/- acres, is zoned PDD – Planned Development District, Tax Map # 177.8-4-11.121 . Said Public Hearing will be held on Wednesday, May 8, 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

Steve Hart as well as the owner George Shannon were both present as well as Mark Nadolny of Creighton Manning. Steve Hart stated that the parcel consist of approximately 2.53 acres and is part of an existing PDD, although it was discovered that the local law was never properly filed with the State. The proposal consists of a 15,000 sq. ft. building, a 9,000 sq. ft. building of which a dance studio has committed to 6,000 sq. ft. of that. Steve Hart stated that the landscaping meets the requirement. Proposing the trees along Columbia Turnpike as 50' on center as opposed to 30' on center due to a 50' wide water easement along the front of the site. Steve Hart showed renderings of the proposed buildings. Chairman Mastin stated that the renderings look great and thanked Steve for providing them. Steve Hart stated that they just got the traffic report and that the sewer issues have all been worked out. They have made a change of removing the outside seating area and clock tower, now there is just a flag pole and

retaining wall. Shown on the plan is an ADA compliant sidewalk and parking area. Chairman Mastin asked if there was anyone present to comment.

- Kurt Bergmann asked if the project would be phased. Steve Hart stated it would be done in a single phase.
- Ralph Viola asked what the structure by the dumpster was. Steve Hart stated that it's a shed for maintenance equipment. Ralph Viola stated the site looks great but he still takes issue with the dumpster location. George Shannon stated that his project in Schodack has only 2 dumpsters for 36,000 sq. ft. of tenants and he's never had a problem. Ralph Viola asked how many tenants he has. George Shannon stated he has 12. George Shannon stated if they moved it then it would be the first thing people would see when they pull in. Ralph Viola also commented on snow storage as the location they would put it has trees. Steve Hart stated that for smaller storms it would be ok, but for larger ones, the snow would then need to be removed from the site.
- Chairman Mastin asked if they were still proposing porous asphalt. Steve Hart stated that is correct.
- Nancy Kupiec stated that the last meeting they didn't have any renderings but she loves to see the brick and parapet. She wanted to know if they would change the lighting to goosenecks on the building, she feels that the lighting up the parapet would be very nice.

Chairman Mastin asked if there was anyone in the public that wanted to speak.

- A resident spoke and asked if there will be a walking path between the structures. Steve Hart stated that there would be.

Chairman Mastin asked if there was anything further from the public or from the Board. There was 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 Nancy Kupiec & roll called as follows:**

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

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

**OLD BUSINESS:**

**SHS HOLDING, LLC.-SPRINGHURST DRIVE-PDD/MAJOR SITE PLAN (18-29)**

**A Resolution by the Town of East Greenbush Planning Board to Make a Recommendation to the Town Board on the Application of the "Pinecrest Plaza" Planned Development District Amendment and Local Law Proposed by SHS Holdings, LLC and the major commercial site development plan for the PDD**

**(PZD #18-29)**

**Whereas** the Town of East Greenbush is in receipt of an application for a commercial development site plan and Planned Development District (hereinafter "PDD") amendment submitted by SHS Holdings, LLC—George Shannon;

**Whereas** the Pinecrest PDD is shown on the zoning map of the Town of East Greenbush, and the Pinecrest Commercial Park within the PDD is located at 1 Springhurst Drive, Tax Map Parcel No. 177.08-4-11.121, and will consist of the construction of two (2) commercial buildings totaling approximately 24,000 square feet and related site improvements;

**Whereas** the Pinecrest PDD was established by resolution of the Town of East Greenbush Town Board, after the adoption of an EIS and SEQRA findings, on August 2, 1990 and all but the commercial portion of the project was constructed many years ago;

**Whereas** on April 17, 2019, the Town Board accepted the complete applications for a major commercial development site plan and for a major PDD amendment to be known as “Pinecrest Plaza PDD” and referred the applications to the Town Planning Board for their recommendation;

**Whereas** a Full EAF has been prepared for this type 1 SEQRA application and the Town Board has declared its intent to be lead agency and has completed the coordination of the lead agency status review and received comments from other involved agencies;

**Whereas** a proposed local law has been prepared for the PDD amendment and is attached to this resolution;

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

**Whereas** the Town Planning Board held a duly noticed public hearing on May 8, 2019 to give the public an opportunity to review and comment on the application materials;

**Whereas** the Town Planning Board, having carefully reviewed the application and having considered the comments of the Planning and Zoning Department, Town staff, and the Town Designated Engineers, hereby resolves as follows:

- that the Town Planning Board recommends to the Town Board that the Town Board issue a negative declaration of environmental significance on the proposed type 1 action in accordance with the proposed draft EAF parts 2 and 3 attached hereto,
- that the Planning Board has reviewed the above-referenced site plan for conformance with Section 3.1.10 (Required Off-Street Loading) of the Comprehensive Zoning Law and finds the site plan acceptable.
- that the Town Planning Board recommends to the Town Board that the Town board approve the local law amending the PDD finding that the amendment is consistent with the 1990 PDD approval and that it now sets forth with a greater degree of clarity the commercial uses that will be allowed within the PDD and the standards and requirements of the PDD related to items such as open space, lot coverage, bulk standards and stormwater;
- that the Town Planning Board recommends to the Town Board that the Town Board approve the major commercial site plan development as shown on plans entitled “Pinecrest Plaza” prepared by Hart Engineering, dated December 2018, and last revised April 30, 2019, finding that the application meets the requirements of the Town’s Zoning Code with respect to major commercial site development plans subject to the following conditions:
  1. Satisfying outstanding technical details as determined by the Town Designated Engineers and Town Planning and Zoning Department;
  2. Satisfying comments from the Town Designated Engineers, if any, relating to the May 6, 2019 Traffic Study prepared by Creighton Manning Engineering LLP, and subject to the approval of the Town Designated Engineers and Town Planning and Zoning Department;

3. Evidence of NYSDOT approval of the traffic study and site plan, as appropriate, must be submitted to the Town Planning and Zoning Department.
4. Correspondence indicating Town DPW approval of the proposed water and sewer connections and Traffic Control plans for the maintenance and protection of traffic during construction, including the proposed sanitary sewer open cut utility connection, must be submitted to the Town Planning and Zoning Department;
5. Prior to issuance of a building permit, correspondence must be submitted to the Town Planning and Zoning Department indicating NYSDEC approval of the water and sewer design, as required.
6. Town DPW Utility Permit(s) must be obtained, as required, for the proposed utility connections and other work in the Town right-of-way;
7. A NYSDOT Highway Work Permit must be obtained for all construction activities with the state right-of-way;
8. Prior to issuance of a building permit, the Commissioner of Public works must sign the site plan;
9. Prior to receipt of a certificate of occupancy, the following must be installed:
  - o a new stop sign, subject to Commissioner of Public Works approval, on the north side of Springhurst Drive at the four-way intersection to be created with the private drive serving the property at 2 Springhurst Drive;
  - o a new stop sign, subject to Commissioner of Public Works approval, on the south side of Springhurst Drive at the aforementioned four-way intersection to be created; and
  - o sidewalks along Springhurst Drive and Columbia Turnpike as depicted on the above-referenced site plan and subject to NYSDOT and DPW approval.
10. Prior to issuance of building permit, the Applicant must establish an escrow account to cover the costs of any necessary third party inspection services as determined by the Town Planning and Zoning Department;
11. Prior to issuance of a building permit, an approved Stormwater Pollution Prevention Plan (SWPPP) must be submitted to the Town.
12. Prior to issuance of a building permit, and in accordance with the GP-0-15-002, the approved Storm Water Pollution Prevention Plan, and the Town's Comprehensive Zoning Law, all storm water 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.
13. Prior to obtaining a sign permit, the applicant must obtain approval from the Town Zoning Board of Appeals for the proposed signage as depicted on the above-referenced site plan.
14. Prior to issuance of a building permit, 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.

15. The developer must execute a stormwater management 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.
16. Prior to issuance of a building permit, all remaining fees 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 to be provided by the Town.

Seconded by Mike Bottillo & roll called as follows:

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

MOTION CARRIED BY A 6-0 VOTE

**NEW BUSINESS:**

**KEYSTONE FIREWORKS-580 COLUMBIA TRPK-SITE PLAN MODIFICATION** (19-03)

Ed McMahon from Keystone Fireworks told the Board that they want to do the same thing that they did last year at 580 Columbia Turnpike, the old Weathervane site. The Board asked if he had copies of the site plan to hand out, he did not. Joe Slater stated that at the Project Review Team meeting there were issues with the site. Adam Yagelski stated that he has spoken to the Building Dept. and all the issues have been resolved.

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

1. Tent setup will not occur before June 20, 2019 and shall be removed no later than July 7, 2019.
2. All external signs and advertising not be displayed prior to June 20, 2019 and shall be removed no later than July 5, 2019.
3. The business must be run in full compliance with New York State and Rensselaer County Laws.
4. That the above mentioned modification will be limited to a one-time use for the period of June 20, 2019 to July 5, 2019.
5. That the applicant must consult with the Building Department and complete all applicable permits, including but not limited to signage. All signage must be connected to the tent. Absolutely no signage shall be placed along Columbia Turnpike.
6. Hours of Operation limited to 9am to 9pm.
7. Adequate lighting shall be provided on site.
8. Shipment of products not to arrive prior to June 18, 2019.
9. The applicant store and display all product inside the tent.
10. All remaining fees are paid to the Town.
11. Satisfying outstanding technical details as determined by the Town Planning Department and Code Enforcement.

Seconded by Kurt Bergmann & roll called as follows:

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

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

**MCDONOUGH-68 MICHAEL ROAD-3 LOT LINE ADJUSTMENTS (19-09)**

Steve Hart was present on behalf of Paul McDonough and his wife Jacqueline in regards to his proposal for three lot line adjustments. Steve Hart stated that Paul McDonough owns three lots, two are vacant and one has his home on it. The lot with the house on it would go from 1.14 acres to 1.97 acres. The lot #2 would gain 0.517 acres from lot #4 and lot #4 would gain 0.516 acres from lot#2. Steve Hart stated that all the lots meet the zoning, lot coverage and frontage.

MOTION: A motion was made by Chairman Mastin 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 3 lot line adjustments prepared by John J. Dunn L.S. and dated March 18, 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 Ralph Viola & roll called as follows:

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

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

**REGENERON-26 TECH VALLEY DRIVE-SITE PLAN MOD.-CHILLER PADS (19-10)**

Steve Hart was present on behalf of the applicant. Kyle Cherry was also present. Steve Hart stated that Regeneron has purchased the building at 26 Tech Valley Drive and was to place two chillers, one 4'x10' & the other 6' x 12' both will be 44' off the property line. Chairman Mastin asked if they are standard air cooled chillers. Steve Hart stated that is correct. Jim Moore asked if they were pads and won't be placed on the roof. Steve Hart stated that is correct. Chairman Mastin asked if there was anything else. There was nothing.

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby determines this action to be a Type II action under SEQRA and grants conditional approval of the Site Plan Modification as depicted on the plans prepared by Hart Engineering and dated April 15, 2019 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 Kurt Bergmann & roll called as follows:

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

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

**REGENERON-DISCOVERY DRIVE-SITE PLAN MOD.-RELOCATION TEMP. TRAILER**

Steve Hart and Kyle Cherry were both present. Steve Hart stated that Regeneron wants to tuck a temporary trailer for employees along the back side of building 95. One trailer is being removed from Bldg. 81 and being placed behind Bldg. 95.

•Ralph Viola asked if there are two other trailers there. Steve Hart stated that is correct. Chairman Mastin asked what a more modern trailer is. Kyle Cherry stated that it's just newer. Adam Yagelski stated that he reached out to the Clinton Heights Fire Department and they are ok with it. Kyle Cherry asked if the Board really wanted bushes around it as the bushes would be out of place upon the trailer's removal. The Board commented that they did not have a preference. The bushes will be removed from the plan.

(19-10)

A motion was made by Chairman Mastin 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 modification subject to the following conditions:**

- **Satisfying outstanding technical details as determined by the Town's Consulting Engineer and Town Planning 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 May 8, 2021. Should the applicant require additional time for the use of the approved trailers, the applicant shall return to the Planning Board for further approvals.**
- **All fees are paid to the town.**

Seconded by Jim Moore & roll called as follows:

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

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

**REGENERON-350 TEMPEL LANE-MAJOR SITE PLAN-OFFICE/LAB BLDG.27 & PARKING GARAGE BLDG. 47** (15-20e)

Rob Bievenue and Kyle Cherry were present from Regeneron as well as Engineer Sandy Carrol with Jacobs Engineering.. Chairman Mastin showed the Board the proposed color samples from the roof of Bldg. 17. Sandy Carrol stated that this is Phase 3, the final phase at Tempel Lane. There is building 7 which is the warehouse, building 17 which is the manufacturing building, building 27 which will be the office/lab building consisting of 4 stories and 240,000 sq. ft, and building 47 which will be the parking garage and electrical substation. Sandy Carrol stated that the site is very much surrounded by wetlands. Sandy Carrol stated that there will be bio retention elements and retaining walls which are going to be within the 25' buffer requirement. Power will be supplied by the substation, and water/sewer and natural gas will be provided through the utility corridor. There will be a pedestrian bridge between building 17 and the office/lab building as well as to the parking

garage. The office/lab will have approximately 1,050 employees. The mechanicals will be put on top of the building. Sandy Carrol showed the Board a rendering of the building as well as aerials. One was the view from 50' from a drone above Thompson Hill Road and there was a view of the facility at night. There may also be the potential for generators.

•Ralph Viola asked how many spaces are required for employees. Sandy Carrol stated that the requirement is 1,050 spaces and they have provided 1,095 spaces as well as 75 surface spaces.

•Jim Moore asked if there was a sustainability standard for building 27. Sandy Carrol stated that there is a corporate standard to follow. Some measures are water and energy conservation & the mechanical systems are 10-15% better.

•Jim Moore asked how does Regeneron approach commissioning. Sandy Carrol stated that there is a lot of in house and are still negotiating enhanced commissioning.

Adam Yagelski asked them to talk about the guard house. Kyle Cherry stated that they are not looking for approval for that right now.

Chairman Mastin asked if the Town Board made some type of agreement regarding Tempel Lane.

Adam stated that the Town Board had a final version of an agreement to build the road and will be voting on it at their next meeting. The Third Avenue and Barracks Road pump stations will be built by Regeneron. The Town will design them and bid them out and then Regeneron will build them.

Kyle Cherry stated that traffic mitigation will need to be completed before they can get a Certificate of Occupancy for the Science Building. There is a contract with CHA to do the detail design for all traffic mitigation. These mitigation measures include a turn off lane for the Hampton Inn, upgrades to the Route 151 & Tempel Lane intersection as well as at the roundabout at Route 4 & 151, where Tempel Lane will meet Third Avenue and signal adjustments at Third Avenue, Route 4 and Grandview Drive.

Chairman Mastin asked if there was anything else and any comment on the roof color. Kurt Bergmann stated that darker is better

Ryan Trunko from GPI stated a completeness review has been completed and Regeneron has provided all the necessary information, and they have started their review.

Rob Bievenue from Regeneron spoke about the height variances needed for both Building 27 & 47, the building is proposed to be 68' and the parking garage is proposed to be 66'. The maximum building height for that zone is 50'.

Joe Slater stated that in terms of process, once GPI completes their review that the Planning Board will make a recommendation to the Town Board as this is a major site plan, and asked what Regeneron's timeline was. Kyle Cherry stated that it's moving along.

Jim Moore commented that the materials that they brought for the Board tonight were very helpful.

Kyle Cherry stated that for the roof material, he wants to suggest tan first and then gray 2<sup>nd</sup>.

**MOTION: A motion was made by Chairman Mastin as follows: The Town of East Greenbush Planning Board hereby makes a motion to approve the gray shade presented by Regeneron for the Building 17 roof.**

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

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

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

**MOTION: A motion was made by Chairman Mastin as follows: The Town of East Greenbush Planning Board hereby accepts the proposed sketch plan dated April 30, 2019, prepared by Jacobs for the proposed site plan.**



Seconded by Jim Moore & roll called as follows:

M. Mastin-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

**WORKSHOPS:**

NONE

**DISCUSSIONS:**

NONE

**REFERRALS-REPORTS & RECOMMENDATIONS:**

ZBA Appeal #2019-06-Vanderover-54 Rose Lane-Area Variance-Frontage-report by Mike Bottillo

After some discussion, this report was postponed until the next meeting.

**NEW ZBA REFERRALS:**

ZBA Appeal #2019-07-Regeneron-Tempel Lane-2 Area Variances Office/Lab-Bldg. 27 & Parking Garage/Bldg.47- assigned to Nancy Kupiec

ZBA Appeal #2019-08-Saxton Signs-1139 Red Mill Road-2 Area Variances-Sign-assigned to Ralph Viola

**REVIEW AND APPROVAL OF MEETING MINUTES:**

Motion by Chairman Mastin to approve the April 10, 2019 meeting minutes as is.

Seconded by Mike Bottillo. Motion carried by a 6-0 vote.

Motion by Chairman Mastin to approve the April 24, 2019 meeting minutes as is.

Seconded by Kurt Bergmann. Motion carried by a 5-0-1 vote. Matt Mastin abstained.

**ADJOURNMENT:**

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

Respectfully Submitted

  
Alison Lovely, Planning Secretary