

TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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MEMORANDUM

EAST GREENBUSH ZONING BOARD OF APPEALS MEETING MINUTES

July 24, 2018

Members

Jeff Pangburn, Chairman
John Conway, Jr.
Bob Seward
Dan Smith
Matt Ostiguy

Also Present:

William Hessney, Attorney
Kateri Rhatigan, Stenographer
Alison Lovely, ZBA Secretary

CALL TO ORDER / DETERMINATION OF QUORUM

Chairman Pangburn called the meeting to order and determined a quorum of five (5) members were present. Scot Strevell was absent. Introductions were made.

OLD BUSINESS:

PUBLIC HEARINGS:

ZBA Appeal #2018-10–Regeneron Bldg. 85- Discovery Drive-Area Variance-Proposal to construct a 40,000 square foot two story addition in the front yard

The following was read and/or referenced as being in the file.

- Legal Notice
- Rensselaer County Recommendation
- ZBA Application, Authorization Form, Short EAF, Denial, Area Variance Criteria
- Bldg. Permit Application
- Planning Board Recommendation
- Supplement report by Ralph Viola

Steve Hart represented the applicant, Regeneron Pharmaceuticals. Also present was Kyle Cherry from Regeneron and Dave Gilles the Project Engineer. Steve presented & addressed the Area Variance Criteria which Chairman Pangburn labeled as Exhibit 2018-10A, a site plan of the addition which was marked as Exhibit 2018-10B and an elevation plan of the addition which was marked as Exhibit 2018-10C. Chairman Pangburn asked in looking at the site plan if that was a concrete sidewalk on it. Steve Hart stated that is correct. Chairman Pangburn asked the Board if there were any questions.

• John Conway asked how close the modular offices are off the road now & if Steve Hart could point out the Regeneron property on the site plan and who owns on the west side of Discovery Drive. Steve Hart stated that the modular offices are 43' from Discovery Drive, and that the west side of Discovery Drive is mostly owned by others.

Chairman Pangburn asked if there were any other questions.

- An individual asked if the addition will be production space. Kyle Cherry stated that the second floor will be labs and the first floor will be offices.
- An individual asked if they will be doing any pipe work underneath the building and will they be installing new sanitary sewers. Kyle Cherry stated that there have been significant upgrades done in that area.

●An individual asked if this would affect traffic on Sherwood Avenue. Chairman Pangburn stated that the only access is off of Red Mill Road & Columbia Turnpike.

Chairman Pangburn asked if any additional parking will be needed. Steve Hart stated that they are doing an expansion of the existing parking garage and that they will only be able to access it through the pedestrian bridge.

Chairman Pangburn asked if there was anything else from the public or the Board. There was nothing.

Motion by Bob Seward to close the public hearing. Seconded by Dan Smith. Motion carried by a 5-0 vote.

Chairman Pangburn stated that the Town Board or Planning Board will be the lead agent for this project so they will defer to them and the project will be on a pause.

SEQR DETERMINATIONS & RECOMMENDATIONS:

ZBA Appeal #2018-08–Rich- 3396 River Road-Use Variance-Proposal to operate vehicle repair & conduct vehicle inspections

MOTION by Chairman Pangburn for **Zoning Board of Appeals to Declare SEQR Lead Agency**; in regards to Appeal #2018-08–Rich- 3396 River Road- Application for a Use Variance, the Zoning Board of Appeals has determined that this is an Unlisted is progressing an uncoordinated review under SEQRA, and declares itself the Lead Agency.

Second By: Matt Ostiguy any discussion?

Voice vote as follows:

In favor:	<u>5</u>
Oppose:	<u>0</u>
Abstain:	<u>0</u>

Motion Carries 5-0

MOTION by Chairman Pangburn: In regards to Appeal #2017 -21 Nigro Companies – 501 Columbia Turnpike, the Town of East Greenbush Zoning Board of Appeals hereby determines, based on the information and analysis submitted for Part 1 of the Short Environmental Assessment Form and other materials submitted by the project sponsor, or otherwise available to the reviewers, and after careful review of Part 2 – Impact Assessment, that the proposed action will not result in any significant adverse environmental impacts.

Second By: Matt Ostiguy; any discussion?

Voice vote as follows:

In favor:	<u>5</u>
Oppose:	<u>0</u>
Abstain:	<u>0</u>

Motion Carries 5-0

WORKSHOP(S):

The ZBA Members deliberated on the information both submitted and presented.

ZBA Appeal #2018-08–Rich- 3396 River Road-Use Variance-Proposal to operate vehicle repair & conduct vehicle inspections

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

1. The applicant failed to provide any financial evidence to substantiate that they **cannot realize a reasonable rate of return.**
2. The property does not suffer a **unique** hardship as surrounding properties have the same constraints and land use characteristics.
3. The Use Variance **will not alter the essential character of the neighborhood** as surrounding properties are commercial; however the area is zoned for agricultural and rural land uses.
4. The alleged hardship **has been self-created.**

Resolved, that the application for a Use Variance for an Automotive Service Facility for repairs and inspections of vehicles be DENIED.

This resolution was moved by Jeff Pangburn and seconded by Dan Smith at a meeting duly held on July 24, 2018.

(Discussion)

A vote was taken as follows:

John Conway	<u>Yes</u>
Matt Ostiguy	<u>Yes</u>
Jeff Pangburn	<u>Yes</u>
Bob Seward III	<u>Yes</u>
Dan Smith	<u>Yes</u>
Scot Strevell	<u>Absent</u>

Motion carried 5-0

ZBA Appeal #2018-10–Regeneron Bldg. 85- Discovery Drive-Area Variance-Proposal to construct a 40,000 sq. ft. two story addition in the front yard.

The workshop for this appeal has been tabled until the Town Board & Planning Board have acted.

NEXT MEETING: The next meeting is September 11, 2018. The August 14th & August 28th meetings have been cancelled.


APPROVAL OF MINUTES:

Motion by John Conway to approve the meeting minutes from the July 10, 2018 meeting.
Seconded by Matt Ostiguy. Motion carried by a 5-0 vote.

MOTION TO ADJOURN

There being no further business before the Board, the meeting was adjourned upon a motion by Chairman Pangburn. Seconded by Bob Seward. Motion Carried by a 5-0 vote.

Respectfully Submitted


Alison Lovely, ZBA Secretary