

# 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 FEBRUARY 22, 2017

**Members:**

Matt Mastin, Chairman  
Jim Moore  
Jim Giordano  
Ralph Viola  
Paul DiMascio

**Also Present:**

Joseph Slater, Planning Board Attorney  
Tony Manfredi, Director of Planning

**CALL TO ORDER / DETERMINATION OF QUORUM**

Chairman Mastin called the meeting to order and determined that a quorum of five (5) members were present. Matt Polsinello and Mike Bottillo were absent.

**PUBLIC HEARING:**

NONE

**OLD BUSINESS:**

**MICHAELS AUTO PLAZA-601 COLUMBIA TURNPIKE--UPDATE** (12-02b)

This project was tabled.

**REGENERON-81 COLUMBIA TURNPIKE-BLDGS 12 & 85-CONCRETE PAD**

**EXPANSION-SITE PLAN MODIFICATION:**

(12-11N)

This project was tabled.

**REGENERON-MILL CREEK/TEMPEL LANE/3<sup>RD</sup> AVENUE-MAJOR SITE PLAN** (15-20)

Steve Hart of Hart Engineering was present on behalf of Regeneron, also present from Regeneron was Kyle Cherry, Eric Rose & Ray Darling from SMRT. Steve Hart stated that there were just a couple of updates. Steve Hart stated that they have been working on the environmental impact statement with the Town Board, as well as Chazen and SMRT, Rensselaer County Health Department, NYSDEC & Hank Labarba on water & sewer. Steve Hart stated that the extension of Tempel Lane out to Third Avenue extension is not on the table anymore. The proposed warehouse consisting of 167,000 square feet will be access off of Tempel Lane via Route 151/Red Mill Road and will have an emergency access only onto Third Avenue. All utilities will be run to Third Avenue Extension. Steve Hart asked if anyone had any questions.

●Ralph Viola asked if the utility right of way that's going to Third Avenue will become a possible exit or entrance at the time of any future expansions. Steve Hart said it was a possibility, but would have to be looked at again and that the environmental impact statement stated that a second means of ingress or egress would be necessary upon any expansion. Ralph Viola asked then if the utilities would be placed with a road base. Steve Hart stated that was correct.

Tony Manfredi stated that for clarification that it will be all private. The Town will not be responsible for any maintenance of any utilities.

●Jim Moore asked if the driveway cut at Third Avenue Extension will be gated. Kyle Cherry stated that it's not shown on any of the drawings but that they would like to secure it. Jim Moore asked if it would be just a gate across the road way or if it would be something more substantial. Kyle Cherry stated that they won't own the property on either side of the access way so a gate will be placed further in towards their property with something so that people can't get around the gate.

Jim Moore asked Steve if he had an overall site plan to show the landscaping. Tony Manfredi stated that a landscaping plan was submitted and Chazen reviewed it for compliance and that also a condition of approval will be that any outstanding technical details be reviewed by the Engineer.

●Ralph Viola asked if there was anything that mentioned additional lighting along Tempel Lane. Tony Manfredi stated that Creighton Manning looked at that deemed that due to the level of service of the road that it wouldn't be favorable, but certainly will any expansion that could change. There will traffic monitoring of the site for two years with the goal of if it changes more that 10% that a signal warrant analysis will need to be done at Tempel Lane and Route 151/Red Mill Road.

Chairman Mastin asked if there was anything else from the Board.

●Jim Moore asked if the storm water basin was fenced, or are the slopes shallow enough that it doesn't have to be fenced. Ray Darling stated that the slopes were shallow enough that it doesn't need to be fenced, but that the facility will be fenced. Tony Manfredi stated that all the storm water areas will be privately maintained by Regeneron. Jim Moore also asked what the extent of the fence around the site was. Ray Darling stated that the fence follows the limits of the wetlands.

Chairman Mastin read the following motion. The Town of East Greenbush Planning Board hereby makes the following recommendation for Town Board Issuance of Final Site Plan Approval:

WHEREAS, SMRT Architects, on behalf of Regeneron Pharmaceuticals, LLC (the "Applicant") submitted a site plan review application and related documentation for a project on Tempel Lane in the Town of East Greenbush, consisting of the construction of the Applicant's Mill Creek Campus; and

WHEREAS, after review of the application and related material and coordination with other potentially involved agencies, by resolution dated March 18, 2016, the Town Board designated itself as lead agency under the State Environmental Quality Review Act ("SEQRA") for the environmental review of the Project; and

WHEREAS, the Town Board, in its March 18, 2016, resolution, also determined that the Project may have a significant adverse impact on the environment and adopted a SEQRA positive declaration requiring that an environmental impact statement be prepared; and

WHEREAS, in its January 15, 2017 resolution, the Town Board also accepted the Final Environmental Impact Statement (EIS); and

WHEREAS, the Town Board, on February 27, 2017 will be issuing a Findings Statement with regard to said project that shall be incorporated with the Planning Board recommendation for approval detailed herein

now, therefore, be it

RESOLVED that the Planning Board hereby recommends that the Town Board approve the Final Site Plan of the Project subject to the following conditions:

1. Satisfying outstanding technical details and third party permits and approvals as determined by the Designated Engineer and Town Planning & Public Works Department prior to the issuance of a Building Permit; and
2. All remaining fees and escrow are paid to the town including GEIS fees as detailed in the attached GEIS fee statement prior to the issuance of a Building Permit; and
3. Applicant shall establish an escrow account to cover the costs of any necessary third party inspection services as determined by the Town Planning Department prior to the issuance of a Building Permit; and
4. Any and all comments received from the Clinton Heights Fire Department and marked as satisfied via email dated October 16, 2016 and accompanying letter dated October 18, 2016 shall be incorporated into all Project plans prior to the issuance of a building permit; and
5. Any water and sewer mains installed in contemplation of current and future use shall be installed in accordance with all applicable standards including NYS DEC, Rensselaer County Health Department, and Town of East Greenbush Department of Public Works prior to issuance of a Certificate of Occupancy, and shall be made available for future extension and use by the applicant upon consideration and approval of the Town; and
6. The main access road to the site, Tempel Lane, shall be paved in accordance with the approved plans and all drainage shall be inspected and replaced as necessary by the applicant subject to the satisfaction and approval of the Town Department of Public Works and Planning Department prior to the issuance of a Certificate of Occupancy; and
7. Owner shall enter into Storm water Facility Maintenance Agreement with the Town to ensure proper maintenance of all storm water facilities in perpetuity prior to the issuance of a Certificate of Occupancy; and
8. Consistent with the recommendations contained in the EIS, the applicant shall conduct a traffic monitoring program for the Town of East Greenbush upon Project completion that will monitor site traffic generation on the site access road (Tempel Lane) in order to verify actual project generated traffic volumes of the Project. If, for example, it is found that the site trip generation exceeds the projected traffic volumes estimated in the EIS, a traffic signal warrant evaluation shall be conducted at the NY Route 151/Tempel Lane intersection. It may be necessary to re-evaluate mitigation as it specifically relates to the actual traffic impacts of the project. If inadequacies in the present traffic mitigation plan are revealed in the traffic monitoring analysis, the Town shall reserve the right to demand that the applicant install reasonable traffic mitigation measures at sole cost to the applicant. Implementation of said monitoring shall be subject to the following:

- A. Check existing traffic volumes and distributions after the opening of the warehouse and concluding no sooner than one year after the granting of a Certificate of Occupancy.
- B. Install an ATR on Tempel Lane prior to the site driveways to count hourly traffic volumes over the course of an entire day associated with the proposed warehouse.
- C. Determine the existing trip generation of the site and compare with the EIS projected traffic volumes, recognizing that a 10% variation in site generated traffic at the site entrance shall be considered reasonable and not require additional study or mitigation.
- D. If the site trip generation exceeds the projected trip generation by 10%, then the applicant will install automatic traffic recorders (ATRs) to count hourly traffic volumes over the course of an entire day on each approach of the NY Route 155/Tempel Lane intersection and conduct a signal warrant evaluation at this location.
- E. Recommend alternative or additional mitigation measures if deemed necessary. In no event shall any mitigation required hereunder cause the applicant to construct off site traffic improvements greater than what is necessary to address the excess traffic actually generated by the project or to bring the project traffic distributions back to those levels projected in the EIS.
- F. The annual traffic monitoring plan will no longer be necessary if the site trip generation assessment conducted in two consecutive years after the site is completely occupied indicates that the proposed warehouse does not generate more traffic than projected in the EIS.
- G. Applicant to provide suitable escrow as determined by the Town Planning Department to allow for the Town to retain the services a traffic consultant for technical review.

**The foregoing resolution was duly moved by Matt Mastin and seconded by Ralph Viola & roll called as follows:**

**M. Mastin-YES; R. Viola-YES; P. DiMascio-YES; J. Giordano-YES; J. Moore-YES.**

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

**MOSCATELLO-550 THIRD AVE EXT. – MINOR SITE PLAN (16-14)**

This project was tabled.

NEW BUSINESS:

LANGLEY-70 RIDGE ROAD-FILL OPERATION:

(16-17)

Dave Ingalls from Ingalls and Associates presented the proposal to the Board. He is representing the applicant Don Quay from August Bohl who was also present. The proposal is a grading plan for approximately 4 acres of the total 28 acres of the property located at 70 Ridge Road. Dave Ingalls stated that there has been previous filling of the site and Don Quay is looking to spoil the 4 acres with clean fill material left over from projects in the Albany and Schenectady area. It would be graded off on a daily basis, there will be silt fencing and sediment control measures as part of the plan. A SWPPP plan has been put together and reviewed by Hank LaBarba. Paul DiMascio asked how many yards are they talking about. Dave Ingalls stated they are looking at about 38,000 yards. Paul DiMascio asked if they talked to any neighbors. Dave Ingalls stated that there really are no neighbors. Jim Giordano stated it appears there is a neighbor to the North of the site that would be in the line of sight for this. Chairman Mastin asked if there were a proposed number of trucks per day. Don Quay said it would vary but some days there would be none and other days there could be 3 or 4. Jim Giordano asked if they just dump it or is there other equipment involved. Don Quay stated that there is a bulldozer that will level it off and then eventually they will seed and mulch it. Ralph Viola stated that this has been ongoing and nothing new correct? Don Quay stated that to his knowledge, it's been ongoing. Ralph Viola asked if there would be an increase in trucks now. Don Quay stated that there won't be. Paul DiMascio asked if there were any tributaries going through. Dave Ingalls stated that there is a swale going around the perimeter, it may flow during rain events, but that's it. Dave Ingalls stated that Hank LaBarba only had four comments, one being was there is tributary close by, the source of the fill, estimation of the fill quantity and time line for the site activity (2-3 years). Jim Moore asked if there would be any additional clearing. Dave Ingalls stated that no there would not. Ralph Viola asked if they were going to sequencing the fill events (fill, grade, seed and then move closer towards the exit). Dave Ingalls stated that they would bring it up in lifts and do temporary seeding. Tony Manfredi asked what the hours of operation would be. Dave Ingalls stated that the normal work hours are from 7am to 4pm. Chairman Mastin asked if there is any way that the source of the fill is regulated. Dave Ingalls stated that not he's aware of. Tony Manfredi stated they could ask Hank to look into that. August Bohl will be the exclusive user of the site through an agreement with Langley. Chairman Mastin asked for clarity if they would put the lot lines on the map so they can visually see the area. Ralph Viola asked that with the number of trucks their estimating do they see any damage happening to Ridge Road and has there been any damage reported? Tony Manfredi stated that he will inquire with Scott Gallerie, the DPW Commissioner of the Town.

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby declares their intent to seek lead agency and accepts the sketch plan dated February 6, 2016 by Ingalls and Associates for the proposed minor site plan.**

**Seconded by Jim Giordano & roll called as follows:**

**M. Mastin-YES; R. Viola-YES; P. DiMascio-YES; J. Giordano-YES; J. Moore-YES.**

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

**REFERRALS-REPORTS & RECOMMENDATIONS:**

NONE

**NEW ZBA REFERRALS:**

ZBA Appeal #2017-02-Fucillo Ford-634 Columbia Turnpike-Special Use Permit & Area Variances-  
assigned to Jim Moore

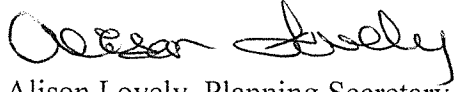
**REVIEW AND APPROVAL OF MEETING MINUTES:**

Approval of the January 25, 2017 meeting minutes are tabled due to a quorum issue.

**ADJOURNMENT:**

There being no further business before the Board, the meeting was adjourned by Chairman Mastin.  
Seconded by Ralph Viola. Carried by a 5-0 vote.

Respectfully Submitted



Alison Lovely, Planning Secretary