

TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

TOWN HALL, 225 COLUMBIA TURNPIKE, RENSSELAER, NY 12144 (518) 694-4011 FAX (518)477-2386

MEMORANDUM

EAST GREENBUSH ZONING BOARD OF APPEALS MEETING MINUTES JUNE 11, 2019

Members

Jeff Pangburn, Chairman
Matt Ostiguy
John Conway, Jr.
Scot Strevell
Bob Seward III
Dan Smith
Tom Hickey

Also Present:

William Hessney, Attorney
Alison Lovely, Zoning Board Secretary
Kateri Rhatigan, Stenographer

CALL TO ORDER / DETERMINATION OF QUORUM

Chairman Pangburn called the meeting to order and determined a quorum of seven (7) members were present. Introductions were made.

PUBLIC HEARINGS:

ZBA Appeal #2019-07– Regeneron-Tempel Lane–2 Area Variances: Proposal Office/Lab Buildings that exceed the height requirement.

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

- Legal Notice
- Rensselaer County Recommendation
- ZBA Application, Short EAF, Denial, Area Variance Criteria
- Bldg. Permit Application & Authorization Form
- Planning Board Recommendation with supplemental report by Nancy Kupiec

Sandy Carroll, the Architect and Project Manager from Jacobs Engineering presented the proposal to the Board. Also present was Kyle Cherry from Regeneron & Steve Hart from Hart Engineering. Sandy Carroll stated that an area variance for height is needed for both the science/lab building and the five tier parking garage at the Tempel Lane Campus. The proposed height on the parking garage building # 47 is 66' and the proposed height on the science/lab building #27 is 68'. Sandy Carroll showed detailed views and diagrams of both the proposed sites. Sandy Carroll stated that there will be a solar array of panels on top of the parking garage. The mechanical equipment will be located on the top of the science/lab building.

- Chairman Pangburn asked if the Board had any questions.
- John Conway asked Sandy to orient him to the site as some of it is being constructed right now as seen from I-90. Sandy Carroll explained the current construction that was happening and where these two structures will sit on the site.
- Scott Strevell asked what the height of the other buildings was. Sandy Carroll stated about 40'.
- Dan Smith asked if the structure that's being constructed now is that far from the proposed buildings. Steve Hart stated it's like 600' from the highway into that building.

- Tom Hickey asked if they could show where these two buildings will sit in relation to the entrance off of Tempel Lane by the guard shack.
- John Conway asked how far the parking garage is from I-90 & asked than that this won't be visible at all from Route 151 (Red Mill Road). Sandy Carroll stated he's not sure and that is correct, it will be more clearly visible from Route 4 and I-90. Steve Hart stated that he believes the manufacturing building is about 300' from I-90.
- Bob Seward asked if anyone knew how big the Fed Ex building. Jeff Panburn stated it's not taller than 50'. Sandy Carroll stated that he did not.
- Chairman Pangburn asked what the height of the new office building on Discovery Drive is. Kyle Cherry stated about 55'.
Chairman Pangburn stated that the only real neighbor left down there is Tempel Farms, did the applicant receive any feedback from them as part of the SEQR review process. Kyle Cherry stated no.

Chairman Pangburn asked if there was anyone in the public who wanted to speak. There was no one.

Chairman Pangburn asked the applicant if there was anything else from the applicant. There was nothing.

Motion by Scot Strevell to close the public hearing. Seconded by Bob Seward. Motion carried by a 7-0 vote.

ZBA Appeal #2019-08– Hart-1139 Red Mill Road–2 Area Variances: Proposal of a 40 sq. ft. free standing sign with LED internal lighting in a residential zone.

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

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

Terry Mieser from Saxton Signs presented the proposal to the Board on behalf of Eric Hart who is the owner. He stated it's a 40 sq. ft. double faced sign. The sign won't be really visible from any neighboring properties and will set back 15' from the road and internally lite with LED lighting.

•Matt Ostiguy stated when you look at the driveway there's a light post on the right side, is this where the sign is going to go. Terry Mieser stated that it will be located right behind the mailbox.

•Chairman Pangburn asked if this is the replacement of a sign that existed and if the sign on the building is currently lite. Tom Miser stated that is correct.

•Tom Hickey asked what the rational was for the height. Tim Mieser stated so that cars can see under it when their pulling out.

•John Conway asked if the existing mailbox is on the left or the right and if it would be visible for people traveling to Route 4. Tom Mieser stated that it's on the right when you're pulling in and that there are some trees in the way.

•Tom Hickey asked if the property next store was notified and asked if there was any comment from them. Tim Meiser stated that they were and he wasn't aware of any comments. Chairman Pangburn stated that there was nothing in the record.

Chairman Pangburn stated that on the bottom of the plan it states approved by DOT. Tim Mieser stated that a letter from NYSDOT was received and they approved the proposed 15' setback.

•Tom Hickey asked what the Cristo property across the street was zoned. Chairman Pangburn stated that it's zoned OC.

•Dan Smith asked if there was a variance issued for the current sign on the building. Chairman Pangburn stated not to his knowledge, at least not in the last 10 years.

Chairman Pangburn asked if there were any other questions. There were none.

Chairman Pangburn asked if there was anyone in the public who wanted to speak. There was no one.

Chairman Pangburn asked the applicant if there was anything else from the applicant. There was nothing.

Motion by Dan Smith to close the public hearing. Seconded by John Conway. Motion carried by a 7-0 vote.

SEQR DETERMINATIONS & RECOMMENDATIONS:

ZBA Appeal #2019-07-- Regeneron-Tempel Lane--2 Area Variances: Proposal Office/Lab Buildings that exceed the height requirement.

Jeff Pangburn stated that the Town Board was the lead agency & they issued an amended Findings Statement on 11/19/18 which included the office building and parking garage which are the subject of the appeal tonight.

Chairman Pangburn read the following motion:

The Town of East Greenbush Zoning Board of Appeals SEQR Resolution for Appeal #2019-07 a resolution of the Town's Zoning Board of Appeals as SEQR involved agency to approve the amended statement of findings for Regeneron's Tempel Lane campus including the proposed office building and parking garage.

WHEREAS, on November 19, 2018 the Town Board of the Town of East Greenbush adopted the attached amended SEQRA Statement of Findings in connection with Regeneron's Tempel Lane Campus.

WHEREAS, the Town's Zoning Board of Appeals as a SEQRA involved agency and as an agency that has made recommendations to the Town Board, fully participated in an environmental review of the Tempel Lane Campus including the development of the amended SEQR Statement of Findings.

WHEREAS, the Town's Zoning Board of Appeals as a SEQRA involved agency must adopt findings pursuant to SEQRA.

WHEREAS, the Town's Zoning Board of Appeals has carefully considered the environmental record with respect to the proposed office building and parking garage and has determined that the plan complies with all of the limitations and requirements as set forth in the amended SEQR Statement of Findings.

NOW THEREFORE BE IT RESOLVED, that the Town Zoning Board of Appeals as SEQRA involved agency hereby adopts the attached amended SEQR Findings Statement, dated 11/19/18 issued by the Town Board as lead agency and determines that the office building and parking garage do not pose any significant adverse environmental impacts

not addressed or inadequately addressed in the environmental record developed by the Town Board as lead agency including the amended SEQRA Statement of Findings;

BE IT FURTHER RESOLVED, that the Zoning Board of Appeals certifies that the requirements of SEQRA have been met and that consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum Extent practicable, and that the adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

Seconded by Matt Ostiguy. Motion carried 7-0

WORKSHOP: ZBA Members deliberated on the appeal.

ZBA Appeal #2019-07– Regeneron-Tempel Lane–2 Area Variances: Proposal Office/Lab Buildings that exceed the height requirement.

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

1. There will not be an undesirable change in the character of the neighborhood as the building design and height fits an office/campus feel as the property is zoned.
2. There is no other method available to the applicant as wetlands prohibit further expanding the footprint of the building itself.
3. The requested variance is substantial; however the height variance reduces overall environmental impacts and is therefore favorable.
4. The proposed variance will not have an adverse effect on the neighborhood as the neighborhood is undeveloped and is zoned for a campus/office feel; which this building will set; as well as the parking garage.
5. The alleged difficulty is self-created; however, that shall not necessarily preclude the granting of the area variances.

Resolved, that the application for 2 Area Variances for the construction of a 240,000 square foot Science Building (Bldg. 27) with a proposed height of 68 feet & for the construction of a 5 Tier Parking Garage (Bldg. 47) with a proposed height of 66 both be GRANTED with no conditions.

This resolution was moved by Jeff Pangburn and seconded by Dan Smith at a meeting duly held on June 11, 2019.

A vote was taken as follows:

John Conway	<u>Yes</u>
Matt Ostiguy	<u>Yes</u>
Tom Hickey	<u>Yes</u>
Jeff Pangburn	<u>Yes</u>

Bob Seward III	<u>Yes</u>
Dan Smith	<u>Yes</u>
Scot Strevell	<u>Yes</u>

Motion carried 7-0

SEQR DETERMINATIONS & RECOMMENDATIONS:

ZBA Appeal #2019-08– Hart-1139 Red Mill Road–2 Area Variances: Proposal of a 40 sq. ft. free standing sign with LED internal lighting in a residential zone.

MOTION by Chairman Pangburn for **Zoning Board of Appeals to Declare SEQR Lead Agency**; in regards to Appeal **ZBA Appeal #2019-08– Hart-1139 Red Mill Road** - Application for 2 Area Variances, the Zoning Board of Appeals has determined that this is an Unlisted Action is progressing an uncoordinated review under SEQRA, and declares itself the Lead Agency.

Second By: John Conway any discussion?

Voice vote as follows:

In favor:	<u>7</u>
Oppose:	<u>0</u>
Abstain:	<u>0</u>

Motion Carries 7-0

MOTION by Chairman Pangburn: In regards to **ZBA Appeal #2019-08– Hart-1139 Red Mill Road**, 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: Scott Strevell; any discussion?

Voice vote as follows:

In favor:	<u>7</u>
Oppose:	<u>0</u>
Abstain:	<u>0</u>

Motion Carries 7-0

ZBA Appeal #2019-08– Hart-1139 Red Mill Road–2 Area Variances: Proposal of a 40 sq. ft. free standing sign with LED internal lighting in a residential zone.

Resolved, That the Board of Appeals makes the following findings of fact regarding the LED Internal Lighting for the sign:

1. There will not be an undesirable change in the character of the neighborhood as the LED lighting is simply a technology to replace the other internal lighting mechanisms.

2. There is another method available to the applicant however, the LED signing is the most environmental friendly and is the current technology at hand.
3. The requested variance is not substantial as the appearance of this sign would be the same with the LED lighting or another technology, it's just using a lower energy source.
4. The proposed variance will not have an adverse effect on the neighborhood as again the sign would appear exactly as other internal lighting technologies.
5. The alleged difficulty is self-created; however, that shall not necessarily preclude the granting of the area variance.

Resolved, that the application for 1 Area Variance for the proposal to utilize LED internal lighting in the R-B Zoning District be GRANTED with no conditions.

This resolution was moved by Jeff Pangburn and seconded by Bob Seward III at a meeting duly held on June 11, 2019.

A vote was taken as follows:

John Conway	<u>No</u>
Matt Ostiguy	<u>Yes</u>
Tom Hickey	<u>No</u>
Jeff Pangburn	<u>Yes</u>
Bob Seward III	<u>Yes</u>
Dan Smith	<u>Yes</u>
Scot Strevell	<u>Yes</u>

Motion carried 5-2

Resolved, That the Board of Appeals makes the following findings of fact regarding the erection of a 40 square foot free standing sign in the R-B Zoning District:

1. There will be an undesirable change in the character of the neighborhood as free standing signs are prohibited in the R-B Zoning District and the neighboring parcels are still residential.
2. There is another method available to the applicant as there was already an existing sign on the face of the building.
3. The requested variance is substantial as pylon signs are not allowed in the R-B Zoning District.
4. The proposed variance will have an adverse effect on the neighborhood as R-B parcels do not have signs and this would be a change in the residential character.
5. The alleged difficulty is self-created; however, that shall not necessarily preclude the granting of the area variances.

Resolved, that the application for 1 Area Variance for the proposal to erect a 40 square foot free standing sign in the R-B Zoning District be DENIED.

This resolution was moved by Jeff Pangburn and seconded by Dan Smith at a meeting duly held on June 11, 2019.

A vote was taken as follows:

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

Motion carried 7-0

NEXT MEETING: The next meeting on June 11, 2019

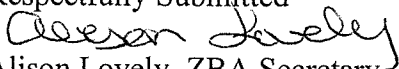
APPROVAL OF MINUTES:

Motion by John Conway to approve the meeting minutes from the May 28, 2019 meeting. Seconded by Scott Strevell. Motion carried by a 6-0-1 vote. Tom Hickey abstains.

MOTION TO ADJOURN

There being no further business before the Board, the meeting was adjourned upon a motion by Jeff Pangburn. Seconded by Matt Ostiguy. Motion Carried by a 7-0 vote.

Respectfully Submitted


Alison Lovely, ZBA Secretary