

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

June 27, 2018

Members:

Matt Mastin, Chairman
Ralph Viola
Jim Moore
Matt Polsinello
Mike Bottillo

Also Present:

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

CALL TO ORDER / DETERMINATION OF QUORUM

Chairman Mastin called the meeting to order and determined that a quorum of five (5) members were present. Nancy Kupiec and Kurt Bergmann were absent.

PUBLIC HEARINGS:

NONE

OLD BUSINESS:

REGENERON-TEMPLE LANE-GRADING PLAN- SITE PLAN MODIFICATION (15-20)

Steve Hart from Hart Engineering presented the modification to the Board. Also present was Kyle Cherry, Gerry Underwood & Jason DiIulio from Regeneron & Ray Darling from SMRT & Mike Jacobs from Jacobs Engineering. Steve Hart presented the proposed changes for the proposed site plan modification, including, moving some security fencing, revised retaining walls, and curb layout. Steve Hart stated the biggest thing that was done was taking the access road for the fire department/emergency services and wrapping it around the building and a 200' segment on the easterly side that was supposed to be asphalt and have built it up with crusher run. Steve Hart stated that he has met with the Clinton Heights Fire Chief Steve Bestler and he is fine with the crusher run area. Steve Hart stated that the purpose of the grading is to have a pad ready site for the next building. Steve Hart stated that they would also like to post a bond for the roadwork that needs to be done on Tempel Lane.

Chairman Mastin asked if anyone had any questions.

- Jim Moore asked if the plan the Board had in front of them summarized the issues. Chairman Mastin stated that the one page is an update on future development and the other page is what they are asking for approval on regarding the grading. Steve Hart stated that is correct.
 - Ralph Viola asked where the electrical substation was at, as far as status of construction & asked if any grading for that site needed to be done. Steve Hart stated that is has been before the Board as a concept and that a Special Use Permit is needed for that and that it's fairly flat where that is being proposed.
- Chairman Mastin asked the Board if there were any other concerns or comments. There were none.

MOTION: A motion was made by Chairman Mastin as follows: **Whereas on June 14, 2017, the Town Board adopted a Findings Statement pursuant to the State Environmental Quality Review Act that encompassed the activities proposed in the site plan modification, the Town of East Greenbush Planning Board hereby grants conditional approval of the Minor Site Plan Modification as depicted on the plans prepared by SMRT Architects and dated February 15, 2017 & last revised on June 20, 2018, and Jacobs Engineering dated June 19, 2018, subject to the following:**

- Satisfying outstanding technical details as determined by the Town Designated Engineers and Town Planning Department;
- The future phase approval shall be limited to the proposed grading as depicted on the Jacobs Engineering plans (“Tempel Lane Campus, Building 17, Early Grading Permit Package”) dated 6-19-2018 and related activities required to implement the approved amended stormwater pollution prevention plan (SWPPP); and
- Providing a letter to the Town Planning and Zoning Department from the Clinton Heights Fire Department as to its approval of the proposed modifications to the perimeter road and emergency access way, including the proposed gravel surface; and
- Providing to the Town Board a Performance Bond in the amount of \$550,000.00 for the paving improvements to the existing Tempel Lane as depicted on the modified site plan and as further specified as Alternative #3 – Stantec Recommendation in a “Tempel Lane Paving Recommendations” memo from Stantec Consulting dated June 12, 2018, subject to the approval of the Commissioner of Public Works, and which shall be satisfactory to the Town Supervisor and Town Attorney as to form, sufficiency, manner of execution, and surety; and
- Submission to the Town of an approved amended SWPPP encompassing the additional land disturbance, including the proposed grading activities as depicted on the Jacobs Engineering plans (“Tempel Lane Campus, Building 17, Early Grading Permit Package”) dated 6-19-2018; and
- Subject to any additional requirements of the Town Board Resolution to Issue Site Plan Approval (52-2017) dated February 27, 2017.

Seconded by Ralph Viola & roll called as follows:

M. Mastin-YES; M. Polsinello-YES; R. Viola-YES; M. Bottillo-YES; J. Moore-YES.

MOTION CARRIED BY A 5-0 VOTE

REGENERON-81 COLUMBIA TRPK-BLDG.12 SITE PLAN MODIFICATION (18-16)

Steve Hart of Hart Engineering stated that the Building 12 (7,000 square foot) addition had been approved by the Planning Board and they have just been working through the technical details. Steve Hart stated that they want to enhance the landscaping for the neighbors at the Orciuoli Apartments. Per their landscape plan that was approved, there were 12 Arpervidi trees approved, in addition to that they are planting 13 Fat Albert trees (a wider and larger spruce tree) with some other species of bushes and shrubs through there with a 2'-3' block retaining wall.

• Jim Moore asked what the mature height of the Fat Albert is. Steve Hart stated that they can get between 15' to 20'.

• Chairman Mastin asked if that was a rendering on the landscape plan. Steve Hart stated that was correct.

Chairman Mastin asked the Board if anyone else had any questions. There were none.

MOTION: A motion was made by Chairman Mastin as follows: **Whereas, on December 13, 2017, the Planning Board issued a negative declaration under SEQRA that encompassed the activities proposed in the subject site plan modification;**

Whereas, the Town of East Greenbush Planning Board hereby grants conditional approval of the Site Plan Modification as prepared by Hart Engineering and dated 5/30/18, with revisions dates of 6/11/18 & 6/21/18 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 Ralph Viola & roll called as follows:

M. Mastin-YES; M. Polsinello-YES; R. Viola-YES; M. Bottillo-YES; J. Moore-YES.

MOTION CARRIED BY A 5-0 VOTE

BUONO-180-200 AMERICAN OIL ROAD-SITE PLAN MODIFICATION (18-16)

Steve Hart of Hart Engineering presented the modification to the Board. Steve Hart stated that basically some notes were added to the plan for winter stabilization for times of inactivity with the sand stock pile and a couple of items on the EAF such as the Sturgeon, Bald Eagle & BASF had a contaminated site within 2,000 feet of this site so Steve stated that he had updated the short EAF. Chairman Mastin stated that you go on this EAF mapper and it identifies what some issues are those popped up so that SEQR issue is just being cleaned up. Adam stated that was it. Chairman Mastin asked the Board if anyone had any concerns.

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby reopens SEQRA to address the revised application, including a revised Short Environmental Assessment Form, dated June 15, 2018; has taken a hard look at the potential environmental impacts, including those on the revised application form; and issues a Negative Declaration under SEQRA and grants final approval of the proposed minor site plan modification subject to the following conditions:**

- The proposed activities shall be in accordance with the following schedule: one (1) year from the issuance of a Building Permit, the applicant shall return to the Planning Board for review should the applicant desire to continue the operation.
- Satisfying outstanding technical details as determined by the Town Planning Department.
- That the Building Department will review the traffic after three (3) months post permit.

Seconded by Mike Bottillo & roll called as follows:

M. Mastin-YES; M. Polsinello-YES; R. Viola-YES; M. Bottillo-YES; J. Moore-YES.

MOTION CARRIED BY A 5-0 VOTE

WITBECK-PHILLIPS ROAD-54 LOT CLUSTER SUBDIVISION (11-10A)

Mark Johnson from DeGraff-Bloom was present and stated that he is looking to have the Board modify the previously approved Preliminary Plat & Preconstruction approval to allow for a letter a credit or other acceptable method to be accepted by the Town. Adam stated that last Wednesday the Town Board adopted a local law making changes to the performance guarantee that are required for any improvements, streets/infrastructure to be dedicated to the Town. Previously the Town required a cash escrow or cash bonds and now will accept sureties or letters of credit at the discretion of the Town DPW Commissioner and Planning Board. Chairman Mastin asked the Board if anyone had any questions.

●Jim Moore asked how it was determined what form of bond is provided. Adam stated that there is discretion, it's the Planning Board and DPW Commissioner, it's being worked through right now. Adam stated that he feels the preference right now is for a surety bond. Mark Johnson stated that as a developer he prefers a letter of credit and the Town is more than protected. Jim Moore asked if there were escalation clauses. Mark Johnson stated that there is 25% on the top coat. Adam stated that the lots aren't even platted yet. The applicant needs to come back for final approval. Jim Moore asked exactly when that can happen. Adam stated that the regulations state after a certain number of improvements are completed. Jim Moore asked when does the Town start collecting taxes on the individual lots, is it after final plat. Adam stated that the Town is collecting taxes now, but just on one large lot. Jim Moore asked if conveyance of the road is at final plat approval. Adam stated that the conveyance happens when the Town Board accepts the road, the Town's designated engineer who is doing the construction inspections and the DPW Commissioner. Jim Moore stated that in the past the school district has not been willing to drive on roads that aren't public roads and asked Adam if he's heard anything from them in that regard. Adam stated that he has not. Chairman Mastin asked the Board if anyone else had any questions. There were none. He asked who the Town's Designated Engineer that will be doing the construction inspection on this project. Adam stated that it's GPI. Adam stated that the next step is for Mark, Mark's bank, the Town Attorney, DPW & the Supervisor to sit down and walk through it so that everyone is on the same page.

MOTION: A motion was made by Acting Chairman Mastin as follows: The Town of East Greenbush Planning Board hereby approves the Modified Preliminary Plat & Preconstruction Approval for the Witbeck 54 lot Cluster Subdivision.

Seconded by Mike Bottillo & roll called as follows:

M. Mastin-YES; M. Polsinello-YES; R. Viola-YES; M. Bottillo-YES; J. Moore-YES.

MOTION CARRIED BY A 5-0 VOTE

NEW BUSINESS:

DELUCA-8 SIENA LANE-LOT LINE ADJUSTMENT

(18-18)

David DeLuca stated that their proposing a lot line adjustment in order to sell some land to a neighbor as they wanted more land to be able to put up a fence. Jim Moore asked how the frontage is measured on a cul de sac. Adam stated he thinks it's measured along the right away. Jim Moore asked if that's the minimum distance that needs to be maintained to get to the setback. Adam stated that the code isn't explicit on that. Joel Bianchi stated that the practical way to measure it is at the building line. Joel Bianchi stated that the Town code stated that it's measured at the right away line.

MOTION: A motion was made by Chairman Mastin as follows: Whereas the Town Planning Board declares itself lead agency under SEQRA and classifies the action as an "Unlisted Action"; Whereas the Town Planning Board declares it has taken a "hard look" at the potential environmental impacts of this project by carefully considering and reviewing the Short Environmental Assessment Form and has determined that the project will not have any adverse environmental impacts, and hereby issues a Negative Declaration under SEQRA.

Seconded by Jim Moore & roll called as follows:

M. Mastin-YES; M. Polsinello-YES; R. Viola-YES; M. Bottillo-YES; J. Moore-YES.

MOTION CARRIED BY A 5-0 VOTE

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby grants final approval of the proposed lot line adjustment prepared by Ravi Engineering and Land Surveying, P.C. and dated June 12, 2018 & last revised on June 22, 2018, 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 Jim Moore & roll called as follows:

M. Mastin-YES; M. Polsinello-YES; R. Viola-YES; M. Bottillo-YES; J. Moore-YES.

MOTION CARRIED BY A 5-0 VOTE

TOWN CENTER-COL.TRPK.-PDD/MAJOR SITE PLAN-UPDATE ONLY

(17-19)

Steve Hart from Hart Engineering was present as well as Tyler Culberson. Steve Hart stated that the plan is the same as what was presented 3 months ago. They have been working on the environmental issues, they received a letter from SHPO regarding the archeology and there are no sensitive areas on the site. They have been working with a wetland biologist that has been working with the Army Corp of Engineers regarding the wetlands, there are a few isolated pockets of wetlands and there is one area of legitimate wetlands. Steve Hart stated that they will have to leave that area undisturbed. Steve Hart stated that they have been working on the cross-sections/view sheds/elevations for the neighbors. Steve Hart stated that studies have been completed on all the infrastructure, stormwater/test pits, fire flow pressure and sanitary sewer for flows and capacities. Chairman Mastin stated that Phil Dixon is present regarding SEQR issues & MJ Engineering is here as he is reviewing the project on behalf of the Town. Steve Hart stated that the proposal is to phase the project. Phase 1 would consist of buildings A & B, the project would consist of 50 unit phases. Chairman Mastin asked if the applicant would be willing to do a phased approval process. Tyler Culberson stated that they are going for PDD approval for the full 300 apartments first and then site plan for the incremental phases. Chairman Mastin stated that as far as the view shed, was it possible to take a picture from the road adjacent to the parcel looking at the parcel and superimpose whatever the height of the buildings would be. Steve Hart stated that they are proposing an 85' setback from the property line with a 50' no clearing buffer from the apartment buildings situated in the R-B zoning district. Chairman Mastin asked what the proposed amenities are. Steve Hart stated that they are proposing a paved trail from Eckmann Place to Hannaford located on top of the sewer easement which would be conveyed to the Town. Chairman Mastin asked if anyone else had any questions.

• Jim Moore asked how the grades along the trail were and if any future development was done, and could that become a Town road and connect Eckmann Place with the development. Tyler Culberson stated that there are some wetlands and then higher grades but it could be done.

• Chairman Mastin asked what the proposed density was. Steve Hart stated 8.2 units per acre.

• Jim Moore asked where the commercial space was. Steve Hart stated that buildings A & B.

Chairman Mastin stated that the Planning Board would like to schedule a public hearing at some point. Tyler Culberson asked if it matters whether the public hearing is before the Town Board or the Planning Board first. Chairman Mastin stated that it doesn't matter. Joel Bianchi believes that the Town Board can't schedule a public hearing until it receives a recommendation from the Planning Board. Tyler Culberson stated that he would like a public hearing maybe the second meeting in July. Phil Dixon stated that the Town board could conduct a public hearing for SEQR depending on what their declaration is. Chairman Mastin asked what the SEQR process is from here. Phil Dixon discussed the SEQR process from here.

• Jim Moore asked about the connection to Jefferson Avenue, he feels that it should be a full street connection & conform to landscape buffering requirements.

REFERRALS-REPORTS & RECOMMENDATIONS:

ZBA Appeal #2018-09-VanKampen-41 Berkshire Drive-Area Variance- Proposal to construct a 560 sq. ft. addition in the rear yard-report by Mike Bottillo

Mike Bottillo stated that the applicant is proposing to construct a 560 sq. ft. addition to the back of their house for a study/office for now and to eventually use it as a bedroom so he won't have to climb stairs. Part of the current garage space will be removed; he will also have bathroom and laundry room for his convenience. The new addition will be 4.66 feet from the side property line, which is his current setback for that side of the house. The requirement in the R-1A zoning district is 8 feet. Neither neighbor was home during the time of Mike's visit. *See the attached report for further information.

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby accepts the attached report, specifically noting that the proposed area variance will not change the character of the neighborhood or have an adverse effect on the neighborhood.**

Seconded by Ralph Viola & roll called as follows:

M. Mastin-YES; M. Polsinello-YES; R. Viola-YES; M. Bottillo-YES; J. Moore-YES.

MOTION CARRIED BY A 5-0 VOTE

ZBA Appeal #2018-10-Regeneron-Discovery Drive- Bldg. 85 Addition-Area Variance- Proposal to construct a 40,000 sq. ft. addition in the front yard-report by Ralph Viola

Ralph Viola stated that the applicant is proposing to construct a 40,000 sq. ft. 2-story addition to the front of the existing building 85 with a 20' front setback. The required front setback is 35' in the OI zoning district. Ralph stated that the addition is replacing existing trailers where employees currently work. *See the attached report for further information.

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby accepts the attached report and feels that the applicant meets all the criteria of an Area Variance.**

Seconded by Matt Polsinello & roll called as follows:

M. Mastin-YES; M. Polsinello-YES; R. Viola-YES; M. Bottillo-YES; J. Moore-YES.

MOTION CARRIED BY A 5-0 VOTE

NEW ZBA REFERRALS:

NONE

REVIEW AND APPROVAL OF MEETING MINUTES:

Approval of the June 13, 2018 meeting minutes postponed due to quorum issue.

ADJOURMENT:

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

Respectfully Submitted



Alison Lovely, Planning Secretary

06/27/2018

Zoning Board Referral 41 Berkshire Drive

AREA VARIANCE – Construct 560 sq. ft. addition on back of house.

R-1A Zoned requires 8-foot side setback, proposed setback 4.66 feet

On Monday June 25th I visited the home of Edward Van Kampen, Mr. Van Kampen would like to construct 560 sq. ft. addition on back of house. Mr. Van Kampen is seeking a variance for the addition, because after construction, he would only have 4.66 feet of clearance from the side property line, the same as he currently has. Mr. Van Kampen lives in an R-1A zone which he requires an 8-foot side property setback.

Mr. Van Kampen wants to use the addition as a study/office, but he informed me that the long-range purpose of the addition will be a bedroom so he no longer has to climb stairs. The addition will require some of the current garage be removed, a new hallway that will lead to both the garage and new study. The addition will also have a bathroom and laundry room for convenience in the future. I did ask Mr. Van Kampen that this office was solely for private use and not business that would have traffic or parked cars on the street or driveway and he assured me it was for private use.

Mr. Van Kampen did approach his neighbors and informed them that not one had an issue with the addition. He also was going to see if those neighbors would attend the Zoning Board hearing for his variance. I did try to contact the neighbors on both sides, but neither answered the door.

The addition will not change the character or have any adverse effect on the neighborhood. The applicant has no other options where to construct the addition except where it is stated on the application.

I am going to make a positive recommendation to Zoning Board for the Area Variance for Mr. Van Kampen at 41 Berkshire Drive to Construct 560 sq. ft. addition on back of house, with side setback of 4.66 feet.

Thanks

Michael Bottillo

Side view of where additon will be constucted right down the side of the exsisting garage. Mr. Van Kampen has currently has 4.66 foot setback on the current stucture.



The addition will be constructed the same width as the current garage.



Roof pitch will be changed with addition and second story window most likely will be removed.



View from the opposite side of the house, set back is the same on that side.



June 26, 2018

East Greenbush Planning Board
225 Columbia Turnpike
East Greenbush, NY 12061

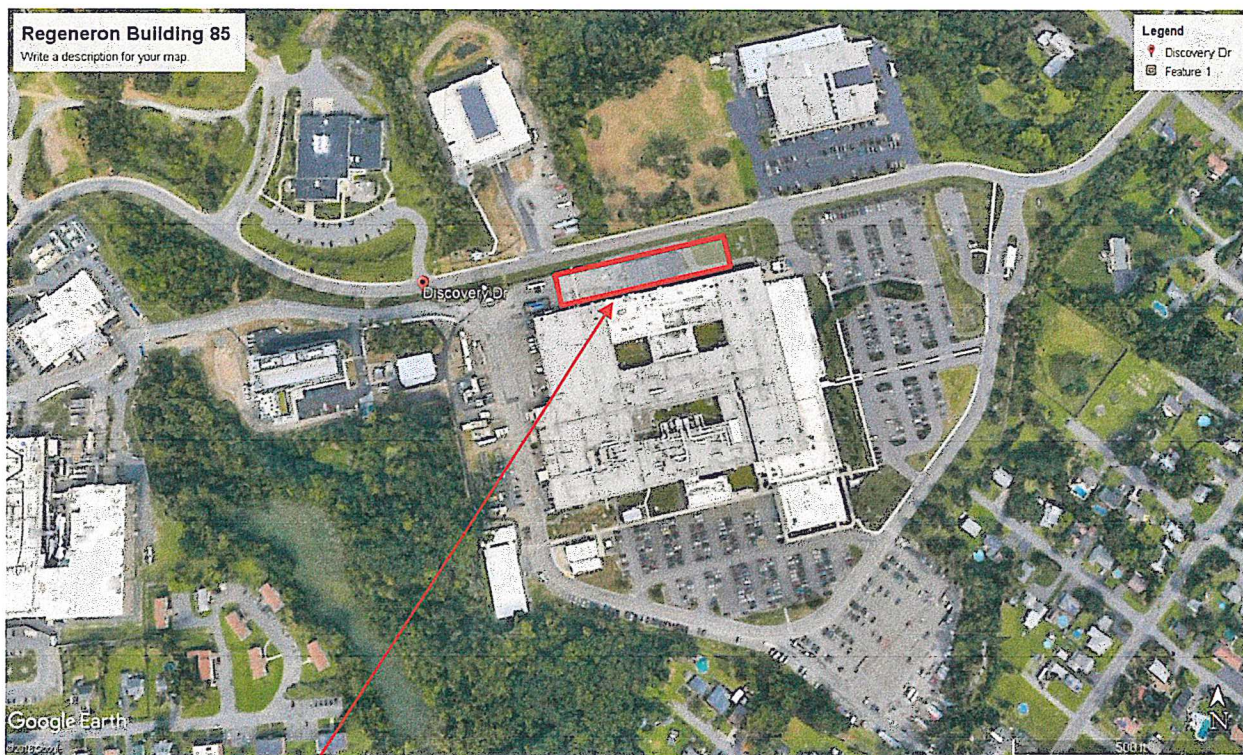
Attn: Chairman Matt Mastin

RE: Area Variance Review 2018-10

Regeneron Pharmaceuticals Inc.
Building 85 Addition
81 Columbia Turnpike
Rensselaer, NY 12144

I spoke with the applicant's representative Steve Hart from Hart Engineering on June 25th to discuss the area variance.

The applicant is requesting an area variance for the reduction of the front setback requirement for the construction of a two-story office building. This parcel is located in the Corporate Office/Light Industrial Zoning District (OI). In accordance with Section II 2.7.6 the required front yard setback is 35 feet. The applicant is requesting a 15 ft. reduction to **20 ft** front yard setback



Building Addition (Two-Story 40,000 sqft.)



No undesirable change would be produced in character of neighborhood or a detriment to nearby properties:

The Regeneron Campus encompasses a large portion of Discovery Drive. They have outgrown their existing building capacity and need more office space. Currently, Regeneron has temporary office trailers staged in the location of the proposed building addition. The new office building addition will be more attractive and enhance the view one has traveling down Discovery Drive. The entire road has light commercial/office buildings located on both sides. Regeneron's office building addition would **not** affect or change the character of the neighborhood.

There is not any feasible alternative sought by applicant that can be achieved without this variance that would allow for an additional office space:

This area variance would allow Regeneron to construct a vital office building addition. They simply have run out of buildable area; this variance would afford them more office square footage. Regeneron has been resident in the Town of East Greenbush for many years, growing exponentially within the last ten years. Their commitment to expand their operations in East Greenbush is a major capital expenditure and investment in our community. It would be a tremendous loss if they had to locate this office addition to another town. An office complex addition two stories in height and 40,000 square foot of office space will also mean an expanded job growth for our town.

Approval of this variance would have NO adverse impact on the physical or environmental conditions in the neighborhood:

Building 85 is located on a straight portion of Discovery Drive, therefore the building addition with only 20 feet of front setback would **not** impede the sight distance of vehicular traffic.

Visibility of this building addition from any direction will not result in any negative or detrimental view. As demonstrated in the existing Complex, Regeneron's buildings, grounds and landscape areas are designed with great detail, the proposed landscape buffer of deciduous trees and shrubs, along with ornamental fencing plan will improve the existing condition of the neighborhood.

Respectfully,

Ralph J. Viola

Ralph J. Viola
E.G. Planning Board Member
518-573-8907

