

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 28, 2017

Members:

Matt Polsinello, Vice Chairman
Mike Bottillo
Jim Moore
Ralph Viola

Also Present:

Alison Lovely, Planning Board Secretary
Joseph Slater, Planning Board Attorney
Donna Moran, Court Stenographer

CALL TO ORDER / DETERMINATION OF QUORUM

Vice Chairman Polsinello called the meeting to order and determined that a quorum of four (4) members were present. Jim Giordano, Matt Mastin and Paul DiMascio were absent.

REVIEW AND APPROVAL OF MEETING MINUTES:

Motion by Vice Chairman Polsinello to approve the May 24, 2017 meeting minutes as is.
Seconded by Jim Moore. Motion carried by a 4-0 vote.

June 14, 2017 meeting minutes tabled.

NEW ZBA REFERRALS:

ZBA Appeal #2017-15-Tibbits-24 Linden Avenue-2 Area Variances-Proposal to construct on an undersized lot/setback-assigned to Ralph Viola

ZBA Appeal #2017-16-Richter-3 Werking Road-Special Use Permit-Proposes home occupation (business vehicles being stored at residence)-assigned to Mike Bottillo

OLD BUSINESS:

OSTRANDER-1629 BEST ROAD-MINOR 2-LOT SUBDIVISION

(17-08)

Vice Chairman Polsinello stated that some questions have come up about frontage and at this time, the applicant needs to figure that out as it doesn't quite conform. In order to eliminate the time clock, that the Board set on its self by accepting the sketch plat, the Board needs to rescind it. Otherwise the application would have approval by default.

MOTION: A motion was made by Vice Chairman Polsinello as follows: **The Town of East Greenbush Planning Board hereby rescinds its acceptance of the sketch plat dated, April 20, 2017, prepared by Advanced Engineering for the proposed 2-lot subdivision.**

Seconded by Ralph Viola & roll called as follows:

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

MOTION CARRIED BY A 4-0 VOTE

PUBLIC HEARINGS:

REGENERON-3rd AVE EXT.-MINOR 3-LOT SUBDIVISION

(15-20a)

Vice Chairman Polsinello read the legal notice.

The Town of East Greenbush Planning Board shall conduct a Public Hearing pursuant to Section 276 of the Town Law and the Town's Land Subdivision Regulations on the application of Regeneron Pharmaceuticals, Inc. for a Minor 3- Lot Subdivision called the "Regeneron Pharmaceuticals Minor 3-lot Subdivision". Lot 1 consists of 77.55 +/- acres, land to be retained by Capital City Cemetery.

Lot 2 consists of 11.01 +/- acres, to be sold to Regeneron Pharmaceuticals and will be merged with the lands of Regeneron on Temple Lane. Lot #3 consists of 9.97 +/- acres, land to be retained by Capital City Cemetery. The property is located on Third Avenue Extension in the OC, Corporate Office/Region Commercial Zoning District, Tax Map # 144.-3-6.1. Said Public Hearing will be held on Wednesday, June 28, 2017 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 Matt Mastin, Chairman

Steve Hart was present representing the applicant as well as Hal Betters representing Capital City Cemetery and Kyle Cherry from Regeneron. Steve Hart stated that this parcel consists of 98 acres off of Third Avenue Extension. Lot #1 consists of approximately 77 +/- acres and has 2,000 feet of frontage on Third Ave Ext and is to be retained by Capital City Cemetery. Lot #2 is proposed as the utility corridor for Regeneron's warehouse which is currently being built on Tempel Lane. There are issues with Lot#2 & Lot#3 regarding the width or frontage on a public street. Lot#2 will also have an easement on it for the cemetery access. The cemetery will retain ownership of Lot#3. Steve Hart stated that the applicant is looking for waivers regarding the two lots with frontage issues. Vice Chairman Polsinello asked if the Board had any questions.

- Jim Moore asked if Lot#2 will be conveyed to the land where the warehouse is being proposed. Steve Hart stated that is correct. Jim also wanted to know if the Department of State approval is necessary. Hal Betters stated that the Division of Cemeteries has to approve it first. Also Jim wanted to know what the width of the shaded area on the map was and what the typical width is, if it's wider than a road. Steve Hart stated yes it is.

Steve Hart explained the access points, and how ravines are the reason behind the splits (easements).

- Vice Chairman Polsinello asked if the access road will be dedicated as a Town Road in the future. Steve Hart stated maybe. Kyle Cherry stated that there is no guarantee that it will be a Town Road but they are trying to keep the option open.

- Jim Moore asked what the proposed right of way width is. Steve Hart stated its 50';

- Ralph Viola asked for clarification of the parcel between I-90 and proposed access road, is it the cemeteries or Regeneron's. Steve Hart stated that the dashed line on the plan is a right away for NYSDOT.

- Vice Chairman Polsinello asked if the access road is a traffic corridor vs. a road and if there are easements for Tempel Farms and asked where the easements connect to the warehouse property. Kyle Cherry stated no and that it matches up.

- Vice Chairman Polsinello asked if it's in the master design to have the road straight through and then connect with Tempel Lane. Kyle Cherry stated that it's an option, their leaving it open. They would prefer that the site remains private. It depends on the future growth. Joe Slater stated that anytime there is a lot that doesn't front on an existing street, it's classified as a major subdivision.

Vice Chairman Polsinello asked if there was anyone present to speak in favor or opposition of the proposed subdivision. No one spoke in favor or opposition.

Vice Chairman Polsinello asked if there were any general comments. There were none.

MOTION: A motion was made by Vice Chairman Polsinello as follows: **The Town of East Greenbush Planning Board hereby closes the public hearing.**

Seconded by Mike Bottillo & roll called as follows:

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

MOTION CARRIED BY A 4-0 VOTE

MOTION FOR WAIVER OF SPECIFIC IMPROVEMENTS AND MODIFICATION OF SPECIFIC REQUIREMENTS AND REFERRAL TO TOWN BOARD FOR CONCURRENCE

MOTION: A motion was made by Vice Chairman Polsinello as follows: **Whereas, the Applicant, Regeneron Pharmaceuticals has proposed the subdivision in coordination with their development of the Tempel Lane Campus.**

Whereas, Capital City Cemetery, D/B/A New Rural Cemetery (Hereinafter referred to as “The Cemetery”) owns 98 +/- acres of land on the south side of Third Avenue Extension which is the proposed land to be subdivided into 3 lots.

Whereas, Proposed Lot #1 is 77.5 +/- acres in size and has 2000+ feet of frontage on Third Avenue Extension.

Whereas, Lot #2 is 11.0 +/- acres in size and has approximately 100 feet of frontage on Third Avenue Extension It is proposed that this lot will be merged with the existing 95 acre Regeneron Tempel Lane Campus which fronts on Tempel Lane, and be used solely as a transportation and utility corridor.

Whereas, the Supplemental Draft Environmental Impact Statement being prepared for the Regeneron Campus on Tempel Lane includes the proposed Lot #2 Transportation and Utility corridor, and surrounding lands.

Whereas, Lot #3 is 9.9 +/- acres in size and does not have frontage on an existing street. As such, the Planning Board has reclassified this Subdivision as a Major Subdivision.

Whereas, it is the intention of the Cemetery to sell Lot #2 to Regeneron for the purpose of a utility and transportation corridor only, and a note to that affect has been added to the plans. It is proposed that the Cemetery will retain Lot #1 and Lot #3 to continue their current use as a Cemetery.

Whereas, it is the intention that Regeneron will grant full easement access to the Cemetery through Lot #2, such that the Cemetery can access any part of Lot #3.

Whereas, proposed Lots #2 and #3 would not meet the required parcel size required in the OC, Corporate Office/Region Commercial Zoning District, which has a minimum width of 400 feet.

Whereas, proposed Lot #2 contains numerous hills and ravines with regulated wetlands which limits the ability to develop the land in accordance with the OC zoning district. As such the

placement of the proposed utility and transportation corridor has been so located to minimize impacts to the wetlands and to cross the ravines at their shortest span distances.

Whereas, proposed Lot #3 would not front an existing street which would ordinarily trigger Required Improvements and Performance Guarantees associated with a Major Subdivision.

Whereas, proposed Lot #3 will be accessible from Lot #1 by incorporation of an access easement across the entirety of Lot #2 and that Lot #1 does have 2000+ feet of frontage on Third Avenue Extension.

Whereas, proposed Lot #3 contains existing gravesites and the maintenance of such does not suit the business of Regeneron Pharmaceuticals. Furthermore, given the limited size and the existence of gravesites on Lot #3, any development on this parcel not consistent with a cemetery would not be consistent with the OC zoning district and should be forbidden unless developable lands exist and can be combined with an adjacent conforming lot.

Whereas, a Waiver of Specific Improvements at this time is appropriate as the proposed subdivision is not in conflict with the interests of public health, safety and general welfare of the Town. Furthermore the specific improvements are not required at this time as connecting facilities are not necessary for proposed Lot #3.

Whereas, compliance with the Specific Requirement of a 400 foot minimum lot width would cause the applicant extraordinary difficulties given the exceptional and unique conditions contained within proposed Lots #2 and #3. Modification of such is consistent with the general spirit and intent of the Land Subdivision Regulations and the Comprehensive Zoning Code in general as it will encourage the development of the OC Zone in a manner consistent with its intentions.

Therefore, the Town of East Greenbush Planning Board hereby recommends that the Applicant be granted a Waiver of Specific Improvements and Modification of Specific Requirements in accordance with Article IX of the Town's Land Subdivision Regulations at this time and approving the proposed subdivision, and refers this matter to the East Greenbush Town Board for Concurrence, together with the following conditions:

- Proposed Lot #2 shall be restricted to the use of transportation and utilities. The transfer of land between the Cemetery and Applicant shall include a deed restriction to that effect. In addition, the Cemetery shall be granted an easement on proposed Lot #2 to access proposed Lot #3.
- Proposed Lot #3 shall be restricted to its current use as a Cemetery or limited to incorporation into a conforming adjacent lot.
- All remaining fees associated with a major subdivision are paid to the Town.
- No development of the proposed transportation and utility corridor shall occur until all reported environmental impacts contained within the Environmental Impact Statement of the Regeneron Tempel Lane Campus have been remedied.
- Should development of the proposed transportation and utility corridor occur, the Applicant shall install the required improvements as contained within Article V of the Town's Land Subdivision Regulations in accordance with the standards, specifications, and procedures acceptable to the appropriate Town Boards and Departments.

Seconded by Mike Bottillo & roll called as follows:

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

MOTION CARRIED BY A 4-0 VOTE

OLD BUSINESS:

DEER POND-ELLIOT ROAD-MAJOR 62-LOT SUBDIVISION

(14-08)

Rejean from Boswell Engineering presented the update to the Board. Rejean stated that the applicant would like to pursue the original subdivision proposal, he has talked to the applicant about the cluster subdivision approach and it's not something that the applicant wants to pursue for a number of reasons. Rejean did a cost effective analysis on the project and stated that if a cluster subdivision is pursued, then the applicant's investors won't back the project. Rejean stated that he's looked at the plan and the entrance way and a right in/right out is still proposed due to the line of site on Elliot Road. Rejean stated that the feasibility on making it a more walkable community with the proposed swales can't be done safely.

Vice Chairman Polsinello asked if there were any questions.

- Jim Moore asked then if the proposed road sections are two (12') travel lanes. Rejean stated yes with 3' swales on either side.

- Ralph Viola asked if every driveway will have a culvert and if any subdivision is currently using this type of swale that's proposed. Rejean stated yes and he will look into where there is one close by.

- Jim Moore asked how that worked. Rejean stated swale to culvert.

- Vice Chairman Polsinello asked if the swale construction would fall under SWPPP & inspections and also if there is a home owners association proposed and also stated that he thinks the Town would want to take over the storm water detention. Rejean stated yes to both questions.

- Jim Moore stated that public infrastructure needs to be maintained by the municipality.

Vice Chairman Polsinello asked if there was anything else. There were no more questions.

NEW BUSINESS:

NONE

REFERRALS-REPORTS & RECOMMENDATIONS:

ZBA Appeal #2017-08-Cleary-Start Avenue-Proposal to construct on an undersized lot (frontage)-assigned to Ralph Viola

Ralph Viola stated that the applicant is requesting an Area Variance for the construction of a home on an undersized lot. The proposed building lot only has 48.6 feet of road frontage on Start Avenue; the required frontage in the R-2 Zoning District is 75 feet. There is a sewer easement that cuts through the parcel along Start Avenue, so potentially his property could be dug up for sewer repairs or replacement. *See attached report for further details.

MOTION: A motion was made by Ralph Viola as follows: **The Town of East Greenbush Planning Board hereby offers a positive recommendation to the Zoning Board of Appeals to grant the Area Variance.**

Seconded by Vice Chairman Matt Polsinello & roll called as follows:

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

MOTION CARRIED BY A 4-0 VOTE

ZBA Appeal #2017-12-Price Chopper-501 Columbia Turnpike-Proposal to install (7) additional façade mounted signs totaling 56 square feet-assigned to Mike Bottillo

Mike Bottillo stated that Price Chopper is currently changing over their stores to Market 32 and they propose to install 8 additional façade mounted signs totaling 56 square feet. The current zoning allows for 1 wall sign for each street frontage. The current Price Chopper has four wall signs on street frontage. *See attached report for further details.

MOTION: A motion was made by Mike Bottillo as follows: **The Town of East Greenbush Planning Board hereby offers a positive recommendation to the Zoning Board of Appeals to grant the 7 Area Variances.**

Seconded by Ralph Viola & roll called as follows:

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

MOTION CARRIED BY A 4-0 VOTE

ZBA Appeal #2017-13-Price Chopper-501 Columbia Turnpike-Proposal to add (3) new tenant panels to existing free standing plaza sign -assigned to Mike Bottillo

Mike Bottillo stated that Nigro Companies is proposing 3 new tenant signs to the existing free standing plaza sign. An Area Variance is required as the proposed sign shall not obstruct views or contain panels between 4 and 8 feet above grade. Mike stated that he believes the signs will not have any effect on the views of traffic coming out of the plaza. *See attached report for further details.

MOTION: A motion was made by Mike Bottillo as follows: **The Town of East Greenbush Planning Board hereby offers a positive recommendation to the Zoning Board of Appeals to grant the Area Variance.**

Seconded by Jim Moore & roll called as follows:

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

MOTION CARRIED BY A 4-0 VOTE

ADJOURNMENT:

There being no further business before the Board, the meeting was adjourned by Vice Chairman - Polsinello. Seconded by Mike Bottillo. Carried by a 4-0 vote. Respectfully Submitted


Alison Lovely, Planning Secretary

June 28, 2017

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

Attn: Chairman Matt Mastin

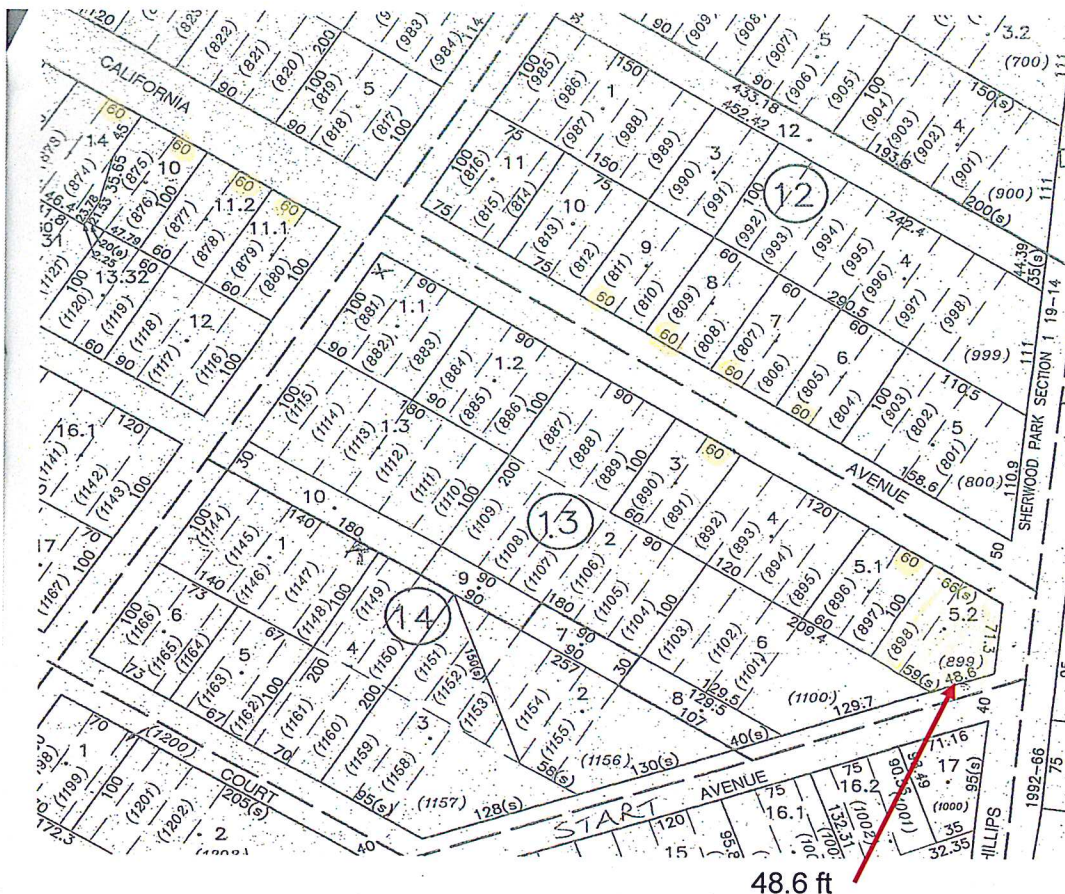
RE: Area Variance Review 2017-08

William Cleary
Start Avenue Tax Map# 166.14-13-5.2
Rensselaer, NY 12144

I visited the property with the applicant on June 20, 2017 to review the site.

The applicant is requesting an area variance for the construction of a home on and undersized lot. This parcel is in a Residential District (R-2). This Residential District is intended to provide higher density residential housing opportunities to match the older housing developments in the area.

In accordance with section 2.6.6E Area and Bulk Schedule, the minimum lot width dimension shall be 75 ft. The proposed building lot only has 48.6 feet of road frontage on Start Avenue.



Although the tax Map has the parcel on Start Avenue, the home and driveway

should face along California Avenue. This would fit the character of the neighborhood with all the other homes facing California. There is also a sewer easement that cuts through the parcel along Start Avenue that could potentially require his front yard and driveway to be dug up for sewer pipe repairs or replacement.

If the dwelling was to face California Avenue, the lot width would be 66 ft., only 9 ft. less than the required 75 ft. lot width

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

This parcel currently is located on a street with at least 10 other homes built on lots with only 60 ft. lot widths. (see highlighted lots above). One more home with 66 ft. of frontage would not create any undesirable changes.

There is not any feasible alternative sought by applicant that can be achieved without this variance that would allow him to construct a single family home.

This area variance would allow the applicant to sell this parcel as an approved building lot. If the variance is not granted, the owner would have to maintain the parcel, cut the grass, and pay property taxes and not be able to reap any return.

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

NO adverse impact on the physical or environmental conditions in the neighborhood.

Is the alleged difficulty self-created:

The alleged difficulty is self-created; however this parcel was left to him by his grandparents and there is not any other alternative for him to recoup the monetary value of the parcel.

Given the above findings I offer the above positive advisory opinion to the E.G. Zoning Board of Appeals

Respectfully,

Ralph J. Viola

Ralph J. Viola
E.G. Planning Board Member

AREA VARIANCE FOR 501 Columbia Turnpike

3 new tenant signs/ heights of 4-8 feet above grade

Nigro company want to put 3 new tenant signs to existing free standing plaza sign. A variance is required for such signs because not sign shall obstruct views or contain panels between 4 and 8 feet about grade. I believe that the signs will not have any effect on the views of traffic coming out of the plaza, main reason being the sign is set back off the intertsection and that there is a traffic light that controls all turns in and out of plaza, except for 'Right on Red'. Columbia Turnpike also has other plaza's and business that have free standing plaza sign which do not conform to the height requirements.

- 1) Whether the undesirable change will be produced in the character of the neighborhood detriment to nearby properties will be created by the granting of the area variance.
 - A) I do not believe the variance will change the character of the neighborhood, due to most of the properties around are business which have free standing signs.
- 1) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.
 - A) There is no other method for the applicant to pursue but to put to display tenant signage, unless they chose to install a new sign along the property along Columbia Turnpike.
- 2) Whether the requested area variance is substantial.
 - a) The variance is not substantial
- 3) Whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district.
 - a) The variance will not have an adverse effect or a physical impact on the district, since most of the property on Columbia Turnpike is commercial and have free standing signage.
- 4) Whether the alleged difficulty was self-created, which is consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.
 - a) The variance IS NOT self-created for the fact that they can only put the tenant signage on the one and only sign at the entrance.

AREA VARIANCE FOR Market 32/Price Chopper

7 Area Variance for 7 wall signs for street frontage

Market 32 Proposes to install 8 additional façade mounted signs totaling 56 sq ft, current zoning allows one 1 wall sign for each street frontage. The current Price Chopper has 4 wall signs on street frontage.

- 1) Whether the undesirable change will be produced in the character of the neighborhood detriment to nearby properties will be created by the granting of the area variance.
 - A) I do not believe the variance will change the character of the neighborhood, due to most of the properties around are business, in a mall type setting and the store sits well of Columbia Turnpike.
- 1) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.
 - A) There is no other method for the applicant to pursue but to put the signage on the Market 32 frontage.
- 2) Whether the requested area variance is substantial.
 - a) The variance is not substantial
- 3) Whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district.
 - a) The variance will not have an adverse effect or an physical impact on the district, since most of the property on Columbia Turnpike is commercial and have signage.
- 4) Whether the alleged difficulty was self-created, which is consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.
 - a) The variance IS NOT self-created for the fact that they can only put the frontage signs on their Market 32 building.

I am going to make a positive recommendation to the Zoning Board to Approve the 7 area variance for the wall signs for Market 32 on Columbia Turnpike.

Michael Bottillo