

Town of East Greenbush
Zoning Board of Appeals

AREA VARIANCE

An applicant for a variance will be afforded a public hearing, at which time the applicant will present his/her case to the Zoning Board of Appeals, a board of seven members who will determine the disposition of the appeal by a majority vote. The following information is offered as a guide to assist you in preparation for your hearing. For additional advice, you are encouraged to contact your personal legal counsel.

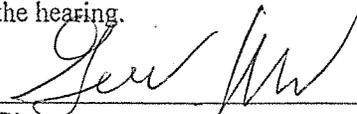
An Area Variance has been defined as one where: "the owner still must comply with the zoning ordinance's limitations on use of land, but is allowed to build or maintain physical improvements which deviate from the zoning ordinance's nonuse limitations." (Ratherkopf, The Law of Planning and Zoning, (4th ed) section 38.01(4). New York State statute dictates that the Zoning Board of Appeals take a "balancing approach" in making its determination on an application for an area variance. The board must weigh two basic things: the benefit to the applicant if the variance is granted versus the detriment to the health, safety and general welfare of the neighborhood or community that would occur if the variance were to be granted.

The statute provides that in balancing the interests of the applicant and those of the neighborhood or community, the board of appeals must consider the following five factors:

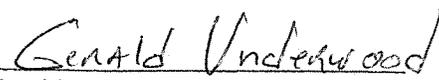
1. whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
2. whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
3. whether the requested area variance is substantial;
4. whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district: and
5. whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

Finally, carrying the "balancing" step further, the statute provides that when granting area variances, the board of appeals shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

The applicant should be prepared to answer questions from the board related to these factors at the hearing.



Signature



Print Name

3/24/15

Date

Zoning Board of Appeals
Town of East Greenbush
225 Columbia Turnpike
Rensselaer, New York 12144

All applications must be submitted with:

1. Filing Fee (determined at application review by Board of Appeals Chairman)
2. Determination by Zoning Enforcement Officer (given to applicant by Building Department) and
3. Survey Map or Plot Plan, Site Plan, Sketch, and/or Other Descriptive Detail.

The property owner must complete Sections A, B, and C.

A. Property Owner Data Please print or type neatly.

D. For Official Use

1. Name: REGENERON PHARMACEUTICALS, INC
2. Address: 81 COLUMBIA TURNPIKE
3. City: EG State: NY Zip: 12061
4. Telephone Number: 518 488 6000
5. Location of Property: 81 COLUMBIA TURNPIKE
6. Tax Map No. 155.00-1-4.122
(Can be obtained at Assessors Office)

Appeal Number:	<u>2015-01</u>
Tax Map Number:	<u>155-14122</u>
Zoning District:	<u>OF</u>
Appeal Type:	<u>Area Variance</u>
Fee(s):	
Received:	
Hearing Date:	

7. Representative:
Name: HART ENGINEERING Phone Number: 518 479 4014 x 11
(If other than property owner)

(Authorization form must be filled out and submitted)

B. Application for (Check as appropriate)

Area or Use ..
Variance(s) Special Permit Interpretation

Reason for Appeal (Please include brief but detailed description of the proposed action which requires a variance(s) or special permit. Attach additional pages as necessary).

BUILDING HEIGHT BEING PROPOSED IS 55' AND CODE ALLOWS FOR 50' MAXIMUM,

C. Signature of Property Owner: [Signature]
Date: 3/24/2013

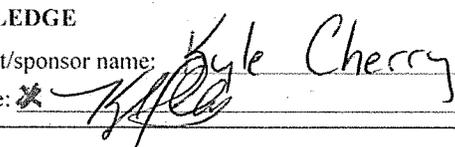
617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Regeneron Pharmaceuticals, Inc			
Name of Action or Project: Regeneron Pharmaceuticals - Area Variance for proposed office Building			
Project Location (describe, and attach a location map): 81 Columbia Turnpike - see Site Location Map			
Brief Description of Proposed Action: Applicant is proposing to construct a new 70,000 sf office building which requires a height variance. Proposed building height is 55' and code allows for 50' only. This application is for the Area Variance only, not for site planning.			
Name of Applicant or Sponsor: Regeneron Pharmaceuticals, Inc.		Telephone: 518 488 - 6000	
		E-Mail: gerald.underwood@regeneron.com	
Address: 81 Columbia turnpike			
City/PO: Rensselaer		State: New York	Zip Code: 12144
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: East Greenbush Zoning Board - Area Variance for Building Height		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		13 acres	
b. Total acreage to be physically disturbed?		na/ acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		58 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Kyle Cherry</u>		Date: <u>24 MAR 2015</u>
Signature: 		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>



The Town of East Greenbush

TOWN HALL - 225 Columbia Turnpike, Rensselaer, N.Y. 12144. 477-6225
ZONING, BUILDING & FIRE INSPECTOR

March 25, 2015

Regeneron Pharmaceuticals, Inc.
C/O Hart Engineering
1969 Ferndale Road
Castleton, New York 12033

RE: PERMIT APPLICATION

Tax Map #: 155.-1-4.122

81 Columbia Turnpike – Discovery Drive

Dear Mr. Hart:

On **March 25, 2015**, you submitted an application for work at the above property involving the construction of a 4- story office building. The height of the proposed building is 55 feet. The maximum height of a building allowed in the OI zoning district is 50 feet. Therefore, you are required to apply to the Zoning Board of Appeals for an Area Variance.

The property is located in an area which is zoned: **OI: Corporate Office/Light Industrial District.**

This application has been examined for compliance with the applicable provisions of the Comprehensive Zoning Laws and the Town Code of the Town of East Greenbush.

The review of the proposed work will **not comply** with the following provisions of the Comprehensive Zoning Law of the Town of East Greenbush: **Section II, Section 2.7.6, E Area and Bulk Schedule.**

Your application of **March 25, 2015** is hereby **DENIED.**

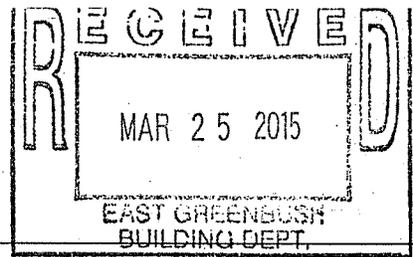
This objection may be addressed by filing revised plans reflecting conditions which comply with the requirements of the Town Code and Zoning Laws. In the alternative, this denial may be appealed to the Zoning Board of Appeals on forms available from the Building Department Office, 225 Columbia Turnpike. (518) 477-6225, 8:30 – 4:30.

Sincerely,

Joseph A. Cherubino
Building Inspector

JAC;jm

Cc: Zoning Board of Appeal



TOWN OF EAST GREENBUSH – RENSSELAER COUNTY
 225 Columbia Tpke, Rensselaer, NY 12144
 Office: (518)477-6225; Fax: (518)477-2386
www.eastgreenbush.org

BUILDING DEPT. APPLICATION FORM
24-HR. NOTICE FOR INSPECTIONS

Application No. _____
 Permit Issued _____ 20 _____
 Permit Expires _____ 20 _____
 Zoning District _____
 Value of Work \$ _____
 Approved by: _____
 Remarks : _____

All submittals with this application need to be in **DUPLICATE**. The undersigned hereby applies for a permit to do the following work which will be done in accordance with the description, plans, and specifications submitted, and such special conditions as may be indicated on the permit. Issuance of a building permit DOES NOT release the applicant from verifying whether or not said building lot is in a flood zone or a wetland's area.

ANSWER ALL OF THE FOLLOWING: (Please Print)

The owner of this property is: Regeneron Pharmaceuticals, Inc. Phone #/Cell# 518.488.6449 / 518.366.4845
 E-MAIL: robert.bievenue@regeneron.com
 Property Location: Regeneron Discovery Drive Campus SBL#: _____
 Name of Person/Business Responsible for work: Trevor Harrison / HBT Architects Phone # 585.586.0490
 E-MAIL: tharrison@hbtarchitects.com

Estimated Value of Work: \$ 15,250,000

NATURE OF PROPOSED WORK (please circle)

- Construction of new building (Describe in NOTE AREA*)**
- Alterations to a building (Describe in NOTE AREA*)
- Demolition of building
- Installation of plumbing (Describe in NOTE AREA*)
- Installation of oil /gas /ac / heating /cooling unit
- Fence – 4' high 6'high - Total _____ l.f.
- Swimming Pool – Above or In-ground
 Size: _____ x _____ Depth _____
- Driveways – New Resurface Expansion
- Shed – Size _____ x _____
- Roof – New Reroof Repair
- Solar Panels Roof Ground

REQUIREMENTS: All submittals in duplicate
A PERMIT MUST BE OBTAINED BEFORE BEGINNING WORK AND INSPECTIONS MUST BE CALLED IN BEFORE AND DURING CONSTRUCTION.

INDICATE ON THE PLOT PLAN STREET NAMES, LOCATION SIZE OF PROPERTY, LOCATION, SIZE & SETBACKS OF PROPOSED BUILDINGS AND LOCATION OF ALL EXISTING BUILDINGS. SHOW PROPOSED BUILDING(S) IN DOTTED LINE AND EXISTING BUILDING(S) IN SOLID LINE.

CALL BEFORE YOU DIG: digsafelynewyork.com
 1-800-962-7962

***NOTE AREA – ADDITIONAL INFORMATION:**

This project is the construction of a new 4 story office building on Regeneron's Discovery Drive Campus. The building footprint / first floor is 20,450 Sqft and each of the three floors above are 16,250 Sqft. A 2,500 mechanical penthouse is located on the roof. The entirety of the building will be used as office space with the exception of a cafe, kitchen, and loading area on the first floor. The building height is 55'-0" and does not include the mechanical penthouse and equipment. Please refer to plans provided for additional information.

The undersigned hereby applies for a permit to do the specified work which will be done in accordance with the description, plans and specifications submitted and such special conditions as may be indicated on the permit.

SIGNATURE [Signature] DATE 20 MAR 2015

SPECIAL CONDITIONS OF THE PERMIT: _____

BY: _____

Required upon completion: CERTIFICATE OF COMPLIANCE for alterations; CERTIFICATE OF OCCUPANCY for new construction/occupancy; THIRD PARTY ELECTRICAL APPROVAL for all electrical work.

