

# TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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## MEMORANDUM

### EAST GREENBUSH ZONING BOARD OF APPEALS MEETING MINUTES February 9, 2016

#### **Members**

Matt Ostiguy, Vice Chairman  
Lou Polsinello III  
Joyce Lapham  
John Conway, Jr  
Domenico Pirrotta

#### **Also Present:**

George Hoffman, Attorney  
Donna Moran, Stenographer  
Alison Lovely, ZBA Secretary

#### **CALL TO ORDER / DETERMINATION OF QUORUM**

Vice Chairman Ostiguy called the meeting to order and determined a quorum of five (5) members were present. Jeff Pangburn & Bob Seward II were absent. Introductions were made.

#### **OLD BUSINESS:**

Vice Chairman Ostiguy stated that the ZBA Appeal #2014-20-Brian Hart-1 Cooper Avenue- Conversion of a garage with open storage on the second floor into a two story office building to operate a business for a Use Variance has been withdrawn by the applicant.

Vice Chairman Ostiguy explained the procedure for tonight's meeting regarding Regeneron. Matt stated that the Zoning Board of Appeals is currently working with the Town Board on a SEQR determination. The public hearing will be opened up tonight, but then adjourned to a further date in order for a SEQR determination to be made. There will be no workshop tonight and no voting specifically on this appeal at tonight's meeting. Matt stated that he wants to make the following motion regarding SEQR for this appeal.

**MOTION: A motion was made by Vice Chairman Ostiguy as follows:** In regards to Appeal #2015-14: Regeneron Pharmaceuticals, Inc. and their application for an Area Variance and Special Use Permit, the Zoning Board of Appeals agrees to the Town Board's request to be lead agency under SEQR as reflected in their January 26 correspondence, which is attached.

**Seconded by Domenico Pirrotta & roll called as follows:**

**J. Conway Jr. -YES; J. Lapham-YES; L. Polsinello III-YES; D. Pirrotta-YES; M. Ostiguy-YES.**

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

**NEW BUSINESS:**  
**PUBLIC HEARINGS:**

**ZBA Appeal #2015-14 – Regeneron Pharmaceuticals –Mill Creek/Tempel Lane -  
Area Variance for building height and Special Use Permit for construction of  
warehousing/manufacturing building**

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

- Legal Notice
- Rensselaer County Recommendation
- Supplemental draft report from Planning Board member Ralph Viola
- ZBA Application, Long EAF, Denial, Special Use Permit & Area Variance Criteria
- Bldg Permit Application

Steve Hart of Hart Engineering presented the application to the Board on behalf of Regeneron Pharmaceuticals. Steve stated that also present is Kyle Cherry, Steve Gibeault and Ray Darling from SMRT Architects. Steve showed the Board an aerial map showing the location of the property and properties/landmarks that surrounds it. Steve Hart stated that this is one of the last undeveloped commercial zoned areas in Town and that the property is part of a PDD that has expired. The proposed uses fall within the underlying zoning district of the OC zone. The parcel is split by Tempel Lane. The applicant is proposing 480,000 square feet of warehouse/manufacturing, office and lab space and a parking garage.

Warehousing/manufacturing falls under a Special Use Permit for the OC zone. The height of the proposed building is 60'; 50' is the allowable height in the OC zone. Steve Hart stated that the original intent of the applicant was to run the road (Tempel Lane) to Third Avenue. There is a 60' easement approximately 2,500' in length that may be the best option, this would be an emergency access only. Temple Lane would become a dead end road at the entrance to Regeneron. Steve Hart stated that they have met with neighbors regarding the possibility of the road going through near their homes. Steve Hart showed a visual of the building with the view from I-90 and from Tempel Lane. Steve Hart read the narrative he provided for the Area Variance. Vice Chairman Ostiguy asked the Board if they had any questions on the Area Variance. John Conway asked when the applicant obtained the property, who the nearest neighbor is, what else has been approved for the PDD, and how many employees and how many parking spaces in the garage. Steve Hart stated that Regeneron has an option on the property that the nearest neighbor is the yellow house on Tempel Lane; Tony Manfredi stated that the sunset approval on the PDD may have expired so he will have to look into it. Kyle Cherry stated that there will be approximately 300 employees as a conservative number. Steve Hart stated that they are approximately 1,500 spaces in the garage. Domenico Pirrotta asked which building is requiring the height variance and why such a tall parking garage. Steve Hart stated that the office that is attached to the parking garage and that the parking garage is approximately 45' high and 4 stories. Vice Chairman Ostiguy asked if they have talked to the Fire Department regarding the proposed building height and access road. Steve Hart stated that it is still an open issue and as soon as the Fire Department signs off on it, then they will provide the Board the letter and also that the Fire Department

Steve Hart read the narrative he provided for the Special Use Permit. Vice Chairman Ostiguy asked the Board if they had any questions on the Special Use Permit. Domenico Pirrotta asked what the potential is for smells. Kyle Cherry stated that it was the same processes that their doing on their current site. Lou Polsinello stated that he lives near their current location and never smells anything. Vice Chairman Ostiguy stated that the plan shows three phases. Steve Hart stated that there is an immediate need for warehousing, office and the parking garage. Vice Chairman Ostiguy asked if there was anyone in favor or against.

●Dan Terry from Third Avenue stated that his biggest concern is with the road access, the types of vehicles, the times for the vehicles, etc.

Lou Polsinello stated that traffic is more of a Planning issue. John Conway asked what the other road was going to be. Steve Hart stated that Tempel Lane will end at a cul de sac and the second access from Third Avenue would be for emergency access only. Tom Grant asked what would trigger an emergency access. Steve Hart stated that some event that would make Tempel Lane inaccessible. Vice Chairman Ostiguy asked if the Board had any other questions. The meeting was adjourned for a two month period until the first meeting in April.

The February 23, 2016 meeting has been cancelled.

**NEXT MEETING:** The next meeting will be held on March 8, 2016

**APPROVAL OF MINUTES:**

Motion by Domenico Pirrotta to approve the meeting minutes from the January 12, 2016 meeting. Second by Joyce Lapham. Motion carried by a 5-0 vote.

ZBA Appeal #2015-14 – Regeneron Pharmaceuticals –Mill Creek/Tempel Lane -Area Variance for building height and Special Use Permit for construction of warehousing/manufacturing building will be reconvened at the April 12, 2016 meeting.

**MOTION TO ADJOURN**

There being no further business before the Board, the meeting was adjourned upon a motion by Lou Polsinello. Second by Domenico Pirrotta. Motion Carried by a 5-0 vote.

Respectfully Submitted

  
Alison Lovely, ZBA Secretary