

**SEQR RESOLUTION  
REGENERON PHARMACEUTICALS, INC.  
2019 PARKING GARAGE ADDITION PROJECT**

A regular meeting of Rensselaer County Industrial Development Agency (the "Agency") was convened in public session in the 3rd Floor Conference Room of the Quackenbush Building located at 333 Broadway in the City of Troy, Rensselaer County, New York on August 8, 2019 at 4:00 o'clock p.m., local time.

The meeting was called to order by the (Vice) Chairman of the Agency and, upon roll being called, the following members of the Agency were:

**PRESENT:**

Michael Della Rocco	Vice Chairman
Cynthia A. Henninger	Secretary/Treasurer
Ronald Bounds	Assistant Secretary/Treasurer
Douglas Baldrey	Member

**ABSENT:**

John H. Clinton, Jr.	Chairman
James Church	Member
Renee Powell	Member

**AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:**

Robert L. Pasinella, Jr.	Executive Director
Robin LaBrake	Assistant
Peter R. Kehoe, Esq.	Special Agency Counsel
A. Joseph Scott, III, Esq.	Special Counsel

The following resolution was offered by Ronald Bounds, seconded by Cynthia A. Henninger, to wit:

Resolution No. 0819-09

RESOLUTION ACCEPTING THE DETERMINATION BY THE TOWN OF EAST GREENBUSH TOWN BOARD (THE "TOWN BOARD") TO ACT AS LEAD AGENCY FOR THE ENVIRONMENTAL REVIEW OF THE REGENERON PHARMACEUTICALS, INC. 2019 PARKING GARAGE ADDITION PROJECT AND ACKNOWLEDGING RECEIPT OF THE TOWN BOARD'S DETERMINATION ISSUED WITH RESPECT THERETO.

WHEREAS, Rensselaer County Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") and Chapter 128 of the 1974 Laws of New York, as amended, constituting Section 903-d of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of manufacturing, warehousing, research, commercial

and industrial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more “projects” (as defined in the Act), or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, on February 22, 2017 (the “Closing”), the Agency granted certain financial assistance to Regeneron Pharmaceuticals, Inc. (the “Company”) to assist in financing a project (the “Garage Project”) consisting of the following: (A) (1) the acquisition of an interest in an approximately 8.74 acre parcel of land located at 25 Discovery Drive in the Town of East Greenbush, Rensselaer County, New York (tax map no. 155.-1-4.22) (the “Land”), (2) the construction on the Land of an approximately 199,108 square foot, 618 parking space parking garage (the “Garage Facility”) and (3) the acquisition and installation therein and thereon of certain machinery and equipment (the “Garage Equipment”), all of the foregoing to constitute a parking garage for the existing pharmaceutical manufacturing facility (the Land, the Garage Facility and the Garage Equipment being collectively referred to as the “Garage Project Facility”); (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes and real property taxes, (collectively, the “Financial Assistance”); and (C) the lease of the Garage Project Facility to the Company pursuant to the terms of a lease agreement dated as of February 1, 2017 (the “Lease Agreement”) by and between the Company and the Agency; and

WHEREAS, simultaneously with the execution and delivery of the Lease Agreement, (A) the Company executed and delivered to the Agency (1) a certain lease to agency dated as of February 1, 2017 (the “Lease to Agency”) by and between the Company, as landlord, and the Agency, as tenant, pursuant to which the Company leased to the Agency a portion of the Land and all improvements now or hereafter located on said portion of the Land (collectively, the “Leased Premises”); and (2) a bill of sale dated as of February 1, 2017 (the “Bill of Sale to Agency”), which conveyed to the Agency all right, title and interest of the Company in the Garage Equipment, (B) the Company and the Agency executed and delivered (1) a payment in lieu of tax agreement dated as of February 1, 2017 (the “Payment in Lieu of Tax Agreement”) by and between the Agency and the Company, (2) a certain recapture agreement (the “Section 875 GML Recapture Agreement”) by and between the Company and the Agency, required by the Act, regarding the recovery or recapture of certain sales and use taxes, and (3) a certain uniform project benefits agreement dated as of February 1, 2017 (the “Uniform Project Benefits Agreement”) relating to the granting of the Financial Assistance by the Agency to the Company, (C) the Agency filed with the assessor and mailed to the chief executive officer of each “affected tax jurisdiction” (within the meaning of such quoted term in Section 854(16) of the Act) a copy of a New York State Board of Real Property Services Form 412-a (the form required to be filed by the Agency in order for the Agency to obtain a real property tax exemption with respect to the Project Facility under Section 412-a of the Real Property Tax Law) (the “Real Property Tax Exemption Form”) relating to the Garage Project Facility and the Payment in Lieu of Tax Agreement, (D) the Agency executed and delivered to the Company a sales tax exemption letter (the “Sales Tax Exemption Letter”) to ensure the granting of the sales tax exemption which forms a part of the Financial Assistance, (E) the Agency filed with the New York State Department of Taxation and Finance the form entitled “IDA Appointment of Project Operator or Agent for Sales Tax Purposes” (the form required to be filed pursuant to Section 874(9) of the Act) (the “Thirty-Day Sales Tax Report”) and any additional report to the Commissioner of the State Department of Taxation and Finance concerning the amount of sales tax exemption benefit for the Project (the “Additional Thirty-Day Project Report”), (F) the Agency and BBL Construction Services, LLC and BBL-Carlton, L.L.C. (collectively, the “Contractors”) each entered into

(1) a certain agency indemnification agreement dated as of February 1, 2017 (the "Contractor Agency and Indemnification Agreement") by and between the Agency and the Contractor and (2) a certain recapture agreement dated as of February 1, 2017 (the "Contractor Section 875 GML Recapture Agreement") by and between the Agency and the Contractor, (G) the Agency executed and delivered to the Contractor a sales tax exemption letter (the "Contractor Sales Tax Exemption Letter") and (H) the Agency filed a Thirty-Day Sales Tax Report (the "Contractor Thirty-Day Sales Tax Report") and any additional report to the Commissioner of the State Department of Taxation and Finance concerning the amount of sales tax exemption benefit for the Garage Project (the "Additional Thirty-Day Project Report"); and

WHEREAS, in July, 2019, the Company has submitted an application (the "Application") to the Agency, a copy of which Application is on file at the office of the Agency, which Application requested that the Agency consider undertaking a project (the "Garage Addition Project") for the benefit of the Company, said Garage Addition Project consisting of the following: (A) (1) the acquisition of a continued interest in the Land, together with the Garage Facility, (2) the construction on the Land and to the Garage Facility of an approximately 112,000 square foot, 5-story, 320 parking space parking garage (the "Addition", and collectively with the Garage Facility, the "Facility") and (3) the installation therein and thereon of certain machinery and equipment (the "Garage Addition Equipment", and collectively with the Garage Equipment, the "Equipment") all of the foregoing to constitute the expansion of an existing parking garage for the existing pharmaceutical manufacturing facility (the Land, the Facility and the Equipment being collectively referred to as the "Garage Addition Project Facility", and collectively with the Garage Project Facility, the "Project Facility"); (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (collectively, the "Financial Assistance"); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and

WHEREAS, by resolution adopted by the members of the Agency on August 8, 2019 (the "Public Hearing Resolution"), the Agency authorized a public hearing to be held pursuant to Section 859-a of the Act with respect to the Project; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQR Act") and the regulations (the "Regulations") adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (collectively with the SEQR Act, "SEQRA"), the Agency has been informed that (A) the Town of East Greenbush Town Board (the "Town Board") was designated to act as the "lead agency" with respect to the Garage Addition Project, (B) on February 20, 2019 the Town Board adopted a resolution with respect to SEQRA which resolution indicated the adoption of a negative declaration with respect to the Garage Addition Project and (C) pursuant to the NYSDEC environmental notice bulletins dated March 27, 2019, the Town Board determined that the Garage Addition Project would not have a "significant adverse environmental impact" (collectively, the "Town Board Determination") which Town Board Determination is attached hereto as Exhibit A; and

WHEREAS, at the time that the Town Board determined itself to be the "lead agency" with respect to the Garage Addition Project, it was not known that the Agency was an "involved agency" with respect to the Garage Addition Project, and, now that the Agency has become an "involved agency" with respect to the Garage Addition Project, the Agency desires to concur in the designation of the Town Board as "lead agency" with respect to the Garage Addition Project, to acknowledge receipt of copies of the Town Board Determination and to indicate that the Agency has no information to suggest that the Town Board was incorrect in determining that the Garage Addition Project will not have a "significant effect on the environment" pursuant to SEQRA;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF RENSSELAER COUNTY INDUSTRIAL DEVELOPMENT AGENCY, AS FOLLOWS:

Section 1. (A) The Agency has received copies of, and has reviewed, the Application, an environmental assessment form prepared by the Company and the Town Board Determination (collectively, the "Reviewed Documents") and, based upon said Reviewed Documents and the representations made by the Company to the Agency at this meeting, the Agency hereby ratifies and concurs in the designation of the Town Board as "lead agency" with respect to the Garage Addition Project (as such quoted term is defined in SEQRA).

(B) The Agency hereby determines that the Agency has no information to suggest that the Town Board was incorrect in determining that the Garage Addition Project will not have a "significant effect on the environment" pursuant to SEQRA (as such quoted phrase is used in SEQRA).

Section 2. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

John H. Clinton, Jr.	VOTING	ABSENT
Michael Della Rocco	VOTING	YES
Cynthia A. Henninger	VOTING	YES
Ronald Bounds	VOTING	YES
Douglas Baldrey	VOTING	YES
James Church	VOTING	ABSENT
Renee Powell	VOTING	ABSENT

The foregoing Resolution was thereupon declared duly adopted.

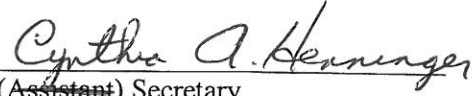
STATE OF NEW YORK                    )  
  ) SS.:  
COUNTY OF RENSSELAER            )

I, the undersigned (~~Assistant~~) Secretary of Rensselaer County Industrial Development Agency (the "Agency"), DO HEREBY CERTIFY that I have compared the foregoing annexed extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on August 8, 2019 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution contained therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 8<sup>th</sup> day of August, 2019.

  
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(~~Assistant~~) Secretary

(SEAL)

EXHIBIT A  
TOWN BOARD DETERMINATION

- SEE ATTACHED -

**TOWN OF EAST GREENBUSH  
RESOLUTION 40-2019**

**A Resolution to Adopt a Negative Declaration Under SEQRA and Approve a Site Plan for an Expansion of Regeneron's Parking Garage on the Discovery Drive Campus (PB File # 15-07c)**

**WHEREAS**, Regeneron Pharmaceuticals, Inc. has submitted to the Town an application for major site plan approval for the expansion of a parking garage at Regeneron's Discovery Drive Campus (SBL 155.00-1-4.22); and

**WHEREAS**, the Planning Board of the Town of East Greenbush has reviewed the application and related materials, including the site plan prepared by Hart Engineering and HCP Architects, LLP dated June 5, 2018 and last revised February 7, 2019; and

**WHEREAS**, the Planning Board has also reviewed the comments of the Town's Designated Engineer, MJ Engineering and Land Surveying, PC., as well as parts 1-3 of the Full Environmental Assessment Form and SEQRA Findings dated February 11, 2019; and

**WHEREAS**, the Planning Board recommended that the Town Board adopt a negative declaration under SEQRA and approve Regeneron's major site plan application on December 12, 2018; and

**WHEREAS**, the Town Comptroller confirms that this resolution has no immediate material impact on the Town's finances;  
now, therefore, be it

**RESOLVED**, that the Town Board hereby finds that the site plan and proposed mitigation measures will avoid or minimize adverse environmental impacts to the extent practicable, adopts a negative declaration under SEQRA, and approves Regeneron's major site plan application, subject to the following:

1. Satisfying outstanding technical details as determined by the Town Planning and Zoning Department and Town's Designated Engineer.
2. Prior to issuance of a building permit, all remaining fees are paid to the Town.
3. Prior to issuance of building permit, Regeneron shall establish an escrow account to cover the costs of any necessary third party inspection services as determined by the Town Planning and Zoning Department.
4. Prior to issuance of a building permit, Regeneron shall submit to the Town an approved Stormwater Pollution Prevention Plan (SWPPP).
5. All storm water pollution prevention permits will be obtained prior to commencement of any land development activity and/or site work and regularly scheduled required inspections will be performed and required reports submitted to the Town during the permit term by the design engineer or other qualified individual in accordance with the GP-0-15-002, the approved SWPPP, and the Town's Comprehensive Zoning Law.

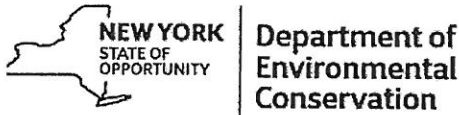
6. A waiver from the 25' foot vegetative protected federal wetlands buffer (Section 3.13.11(O) of the Town's Comprehensive Zoning Law) shall be granted for disturbances within the required buffer area as shown on the approved site plan.
7. Prior to issuance of a building permit, Regeneron shall apply for and obtain the appropriate wetland impact permits from the New York State Department of Environmental Conservation and Army Corps of Engineers, under a Joint Permit Application, and submit documentation to the Town that the appropriate permits have been obtained.
8. Prior to issuance of a Certificate of Occupancy or Certificate of Compliance, Regeneron shall provide to the Town Planning and Zoning Department a copy of the recorded deed restriction approved by the Army Corps of Engineers and/or NYSDEC.
9. The design professional will be required to inspect and certify that all work has been completed in accordance with the approved plans prior to issuance of a Certificate of Occupancy or Certificate of Compliance and all certifications are to be submitted to the Building Department prior to the issuance of the Certificate of Occupancy or Certificate of Compliance.
10. Prior to issuance of a building permit, Regeneron shall obtain all necessary approvals and/or permits required for the project.

The foregoing resolution was duly moved by Supervisor Conway and seconded by Councilor Tierney and brought to a vote resulting as follows:

Supervisor J. Conway	VOTED: YES
Councilor T. Tierney	VOTED: YES
Councilor H. Kennedy	VOTED: YES
Councilor R. Matters	VOTED: YES
Councilor B. Fritz	VOTED: YES

Dated: February 20, 2019





## ENB - Region 4 Notices 3/27/2019

### Public Notice

#### Tree Removal for Electric Pole Installation at Devil's Tombstone Campground

The project involves the removal of a total of 314 trees in order to install power line poles and line corridor to provide power to Devils Tombstone Campground. This project was approved in the 2018 Unit Management Plan approved for Devils Tombstone Campground. Tree cutting will be in compliance with LF Policy 91-2 on Cutting, Removal or Destruction of Trees and Other Vegetation on Forest Preserve Lands. The project is located in the Devils Tombstone Campground on Route 214 in the Hunter Westkill Wilderness Area, Town of Hunter, New York.

**Contact:** Bryan Ellis, New York State Department of Environmental Conservation (NYS DEC) - Region 4 Stamford Sub Office, 65561 State Highway 10, Stamford NY 12167, Phone: (607) 652-3607, E-mail: [Bryan.ellis@dec.ny.gov](mailto:Bryan.ellis@dec.ny.gov).

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### Negative Declaration

**Rensselaer County** - The Town of East Greenbush, as lead agency, has determined that the proposed Expansion of the Regeneron Parking Garage will not have a significant adverse environmental impact. The action involves the construction of a four (4) story parking garage expansion on an 8.73 acre parcel of land owned by the Regeneron Pharmaceuticals Inc. There is an existing 600 car parking garage located on the parcel. To facilitate future growth Regeneron is expanding to accommodate an additional 320 cars. The proposed parking garage dimensions are approximately (182 foot long x 123 foot wide x 50 foot high).

The parcel where the project will occur is located within the Town of East Greenbush's OI - Corporate Office / Light Industrial Zoning District. Parking garages are permitted uses within the OI Zoning District. The current land use in the area is industrial and an existing 600 car parking garage is situated on the site.

The site is served by Town of East Greenbush water and sewer. There are no connections to the Town sanitary sewer system required. A connection to the Town water system will be made for fire protection needs only.

Storm water runoff from this site will be handled through a combination of road side swales, sheet flow, driveway culverts and storm sewers. Post development drainage patterns will follow the existing conditions. Green infrastructure will be utilized where possible. The ground disturbance associated with the construction of the garage will be less than 1 acre, but is part of a large common plan of development, a Storm Water Pollution Prevention Plan (SWPPP) has been prepared and permit coverage will be obtained under New York State Department of Environmental Conservation (NYS DEC) GP 0-15-002. The project is located at 5 Discovery Drive in Rensselaer, Town of East Greenbush, New York.

**Contact:** Adam Yagelski, Town of East Greenbush, 225 Columbia Turnpike, Rensselaer, NY 12144, Phone: (518) 694-4011, E-mail: ayagelski@eastgreenbush.org.

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**Delaware, Greene and Schoharie Counties** - The New York City Department of Environmental Protection (NYC DEP), as lead agency, has determined that the proposed Amendments to Chapter 18 of Title 15 of the Rules of the City of New York: "Watershed Regulations for the Protection from Contamination, Degradation, and Pollution of the New York City Water Supply and Its Sources" will not have a significant adverse environmental impact. The NYC DEP is proposing to amend the Rules and Regulations for the Protection from Contamination, Degradation, and Pollution of the New York City Water Supply and its Sources (Watershed Regulations) in Title 15, Chapter 18 of the Rules of the City of New York. The proposed amendments would update the framework for evaluating alterations to Subsurface Sewage Treatment Systems (SSTs) and allow for simpler Stormwater Pollution Protection Plans (SWPPPs) for small, limited impact projects. The proposed amendments also incorporate standards for holding tanks and portable toilets, clarify Noncomplying Regulated Activities requirements and update technical terminology. The project is located in the counties of Delaware, Dutchess, Greene, Putnam, Schoharie, Sullivan, Ulster, and Westchester, New York.

**Contact:** Susan Darling, NYC DEP, 59-17 Junction Boulevard, 11th Floor, Flushing, NY 11373, Phone: (718) 595-4614, Fax:(718) 595-4422, E-mail: sdarling@dep.nyc.gov.

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