

TOWN OF EAST GREENBUSH PLANNING BOARD

TOWN HALL, 225 COLUMBIA TURNPIKE, RENNELAER, NY 12144 (518)477-2005 FAX (518)477-2386

MEMORANDUM

PLANNING BOARD MEETING AGENDA SEPTEMBER 27, 2023 MEETING WILL BE HELD IN THE COMMUNITY ROOM AT TOWN HALL

7:00PM CALL TO ORDER/DETERMINATION OF QUORUM:

PUBLIC HEARINGS:

NONE

OLD BUSINESS:

- (23-01) Luizzi Companies-Gilligan Road-Major Site Plan-Apartments - Referral to Zoning Board of Appeals for the third requested variance for front setback
- (23-16) Golden Grain-118 Troy Road-Minor Site Plan/SUP-Parking Lot Addition- SEQRA Classification, Review for conditional approval of SUP & Minor Site Plan

NEW BUSINESS:

- (23-20) Regeneron-Tech Valley Drive 26/30 Connector Road.-Site Plan Modification- Accept Sketch Plan, SEQR Classification
- (23-21) Regeneron-Discovery Drive Bldg. 20 ADA Sidewalks-Site Plan Modification- Accept Sketch Plan, SEQR Classification/Review for Conditional Approval

NEW ZBA REPORTS:

NONE

NEW ZBA REFERRALS:

ZBA Appeal #2023-12-Curley-1 Gail Court-3 Area Variances-Swimming Pool-report due by October 11, 2023

REVIEW & APPROVAL OF MEETING MINUTES:

September 13, 2023 meeting minutes

**To view application materials use this link: <https://www.eastgreenbush.org/departments/planning-zoning/apps>*

**LUIZZI COMPANIES
GILLIGAN ROAD
MAJOR SITE PLAN
SEPTEMBER 27, 2023**

**MOTION to REFER to ZONING BOARD OF APPEALS
(23-01)**

MOTION: A motion was made by Chairman Mastin as follows:

The Town of East Greenbush Planning Board hereby recognizes that the sketch plan as proposed would violate Section 2.7.2 of the Town's Comprehensive Zoning Law, specifically:

- **Dwelling units per acre exceeds district Area and Bulk Schedule with a proposed density of 18.01 dwelling units per acre in violation of Section 2.7.2.E:**
 - **Area and Bulk Schedule in General Business Mixed Use District (B-1) allows for a maximum of 12 dwelling units per acre**
- **Residential Mixed Use Requirement, with a total proposed commercial area of 4,000 sf, in violation of Section 2.7.2.F 02:**
 - **Specific District Standards, Residential Mixed Use Requirement in General Business Mixed Use District (B-1) requires a minimum of 30% commercial use per total gross floor area of the residential and commercial uses combined**
- **Front Setback Requirement, with a proposed front setback of 73 feet, in violation of Section 2.7.2.E:**
 - **Area and Bulk Schedule in General Business Mixed Use District (B-1) allows for a minimum front setback of 0 feet and a maximum front setback of 15 feet**

The Planning Board hereby refers this project to the Zoning Board of Appeals in accordance with New York State Town Law Section 277(6) and Section 4.2.4 of the Town's Comprehensive Zoning Law.

Town of East Greenbush
PLANNING BOARD

In the matter by:
Golden Grain
For a **Special Use Permit**

**Resolution and
Final Decision of
Planning Board**

File No. 23-16

Whereas, an application has been filed by Zafer Ak, Operator and Owner of Golden Grain, located at 118 Troy Road, East Greenbush, NY 12061 which is operating as an existing restaurant; and

Whereas, operating a “Restaurant; Indoor, fully enclosed” in the Town’s PPB Zone, requires a Special Use Permit;

Whereas, the applicant has filed an application for a Special Use Permit for a “Restaurant; Indoor, fully enclosed” at the property located on 118 Troy Rd, East Greenbush, NY (Tax Map No. 155.12-1-1); and

Whereas, the Planning Board has duly published a notice of public hearing regarding this appeal in The Record on August 3, 2023; and

Whereas, notice of the Public Hearing was provided by Certified Mail to the owners of all property within 200 feet of the land involved in the application, to the Town Planning Board, and to the Rensselaer County Bureau of Economic Development and Planning; and

Whereas, a Public Hearing was held by the Planning Board on Wednesday, August 9, 2023 to consider this application; and

Whereas, at this hearing, the applicant as well as any and all persons interested in this appeal were heard, their statements recorded, and various written material including exhibits, if any, were entered into the record; and

Whereas, all statements, written material and exhibits submitted in connection with said appeal have been carefully considered; and

Whereas, the Planning Board has carefully reviewed the materials submitted in connection with this appeal under SEQRA, including the short environmental assessment form, and hereby classifies the action as a type 2 action under 6 CRR-NY 617.5(c)(18); now, therefore, be it

Resolved, that the Planning Board makes the following findings of fact:

1. Due to the mitigation measures taken by the applicant, including the restriction of traffic onto Glaz Street, the filtration system to mitigate unpleasant smells to the adjacent residents, a 6’ solid vinyl fence and shrubbery to buffer the restaurant from adjacent neighbors, the location and size of the use, the nature and intensity of the operation involved, the size of the site in relation to the use, and the location of the site with respect to the existing and any future streets providing access are in harmony with the orderly development of the PBB Zoning District;
2. The proposed nature and intensity of the intended operation will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;
3. Proposed traffic access ways are adequate as entry and exit into the restaurant would be via Route 4 only, and not via Glaz Street
4. Further off-street parking in excess of the proposal is not necessary;
5. Due to the mitigation measures taken by the applicant, including the restriction of traffic onto Glaz Street, the filtration system to mitigate unpleasant smells to the adjacent residents, a 6’ solid vinyl fence and shrubbery to buffer the restaurant from adjacent neighbors, the proposal would not be contrary to the general harmony of the neighborhood; and

be it further

Resolved, that the application for a Special Use Permit for “Restaurant; Indoor, fully enclosed” in the Town’s PPB Zone, be Granted with the following conditions:

1. The applicant must comply with all local, State, and Federal laws.
2. The applicant nor any of its employees shall enter or exit the site via Glaz street, nor shall any of the applicant’s delivery drivers use Glaz Street as a delivery route.
3. The applicant must comply with the accompanying site plan and its conditions.
4. The applicant must take further consideration of the exhaust vents to eliminate odor concerns.
5. This Special Use Permit is valid until May 1, 2024, at which time the applicant must renew the Special Use Permit with the Planning Board to ensure the applicant has been compliant with the conditions stated herein.

This resolution was moved by _____ and seconded by _____ at a meeting duly held on September 27, 2023.

(Discussion)

A vote was taken as follows:

Matt Mastin ___
 Ralph Viola ___
 Kurt Bergmann ___
 Don Panton ___
 Chris Horne ___
 John Conway ___
 Robert Jucha ___

Motion carried

**TOWN OF EAST GREENBUSH
PLANNING BOARD**

By: _____
Matt Mastin, Chairperson

Dated: _____, 2023

****Granting of this Special Use Permit does not constitute a building permit. The applicant is still required to obtain a building permit from the Town's Building Department prior to commencing any construction activities.***

Copy To:

Golden Grain
Attn: Zafer Ak
118 Troy Rd
East Greenbush, NY 12061

Cc: Rensselaer County Planning (via email)
Town Clerk (via email)
Building Inspector (via email)
Assessor (via email)
PB File No. 23-16

GOLDEN GRAIN
MINOR SITE PLAN
118 TROY ROAD
JULY 26, 2023

MOTION for CONDITIONAL APPROVAL
(23-16)

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby;**

- 1. Determines this action to be a Type II SEQRA action in accordance with 6 CRR-NY 617.5(c)(18): Reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance, including permitted by special use permit, and the action does not meet or exceeds any of the thresholds in section 617.4 of this Part.**

- 2. Grants final approval of the proposed Minor Site Plan as depicted on the site plan which shows the 14 additional parking spaces and does not include an access road onto Glaz Street prepared by Advance Engineering dated October 28, 2022, and revised on July 21, 2023 and August 18, 2023 subject to the following conditions:**
 - a. Satisfying outstanding technical details as determined by the Town's Department of Planning and Zoning.**
 - b. All remaining fees are paid to the Town.**

End of Motion

REGENERON
30 TECH VALLEY DRIVE
SITE PLAN MODIFICATION
SEPTEMBER 27th, 2023

MOTION (23-20)

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby:**

- 1. Accepts the site plan entitled “Regeneron Pharmaceuticals Building 30 Connector Road” prepared by Hart Engineering, dated June 2023; and**
- 2. Declares itself as Lead Agency under SEQRA and classifies this action as an Unlisted action in accordance with 6 CRR-NY 617. The Planning Board declares the following involved/interested entities:**
 - East Greenbush Fire Department**

DRAFT

REGENERON
DISCOVERY DRIVE
SITE PLAN MODIFICATION
SEPTEMBER 27th, 2023

MOTION FOR CONDITIONAL APPROVAL:
(23-21)

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby classifies this action as a Type II SEQRA action in accordance with 6 CRR-NY 617.5(c)(9) “construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities”, and grants final approval of the proposed Site Plan Modification as depicted on the site plan entitled “ Regeneron Pharmaceuticals Building 20 ADA Access” prepared by Hart Engineering, dated June 2023 subject to the following conditions:**

- **Satisfying outstanding technical details as determined by the Town’s Department of Planning and Zoning.**
- **All remaining fees are paid to the Town.**