

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 JANUARY 24, 2024

Members:

Matt Mastin, Chairman
Ralph Viola
Kurt Bergmann
Robert Jucha
Don Pantan
John Conway

Also Present:

Josh Giller, Director of Planning
Dan Rodriguez, Planner
Joseph Slater, Planning Board Attorney
Alison Lovely, Secretary

CALL TO ORDER / DETERMINATION OF QUORUM

Chairman Mastin called the meeting to order and determined that a quorum of six (6) members were present. Chris Horne was absent.

PUBLIC HEARINGS:

7:00 PM Da Great Lounge-596 Columbia Turnpike-Special Use Permit

Chairman Mastin read the legal notice:

The Town of East Greenbush Planning Board shall conduct a Public Hearing pursuant to the Town's Comprehensive Zoning Law Section 2.7.2 General Business Mixed Use District (B-1) Subsection C Special Use Permit Uses: "Recreation: indoor assembly or auditorium, on an application for a Special Use Permit for the property located at 596 Columbia Turnpike, East Greenbush, NY, Tax Map # 166.-7-6.9, which is Zoned B-1. The applicant is proposing to open a karaoke lounge storefront in the Hannaford Plaza. The review of the proposed work requires a Special Use Permit per The Town's Comprehensive Zoning Law Section II-4 Use Schedule. Said Public Hearing will be held on Wednesday, January 24, 2024 at 7:00 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

The applicant, Alan Littlejohn who is the owner of Da Great Lounge stated that the proposal is for a karaoke lounge with private rooms for karaoke which people would book through an app for 1 hour at a time and/or for 2 hours total. The storefront is in the Hannaford Plaza between the appliance store and the former H&R Block. Chairman Mastin asked if the Board had any questions.

- Kurt Burgmann asked what the hours of operation would be. Mr. Littlejohn stated he's thinking Tuesday/Wednesday from 4pm to 9pm for 16 year olds, Thursday from 6pm to 2am, Friday/Saturday 6pm to 2am & Sundays would be open to watch sports from probably 11am to 7 or 8pm.
 - Ralph Viola asked if he planned on obtaining a liquor license. Mr. Littlejohn said yes. Ralph asked if this was the first time he's applied for one. Mr. Littlejohn stated yes.
- Chairman Mastin asked if the liquor license is in process. Mr. Littlejohn stated it was.
- Ralph Viola asked for confirmation on what was going to be inside. Mr. Littlejohn stated a karaoke stage, lounge, bar, and a kitchen in the rear and private rooms approximately 25' x 40'.
 - John Conway asked what the total square footage of the space was. Dave, the building manager at the Hannaford Plaza stated he believes 2,300 square feet.

Chairman Mastin asked if a grease trap is going to be required for the kitchen. Mr. Littlejohn stated that it doesn't as they will just be using electric, for air fryers and electric pizza makers.

- Ralph Viola stated he's concerned with the fact that it's an assembly space with confined rooms with one egress. Ralph also asked how they plan on addressing smokers who will be hanging out in the front of the building. Dave, the building manager stated that they plan on opening the rear door & they will also have a security guy there to keep an eye on things.
- Ralph Viola asked about noise and how it will be addressed. Dave, the building manager stated that they have soundproof materials on the walls.
- Bob Jucha asked why they would have security. Dave the building manager stated to check ID's and keep the place safe.
- John Conway stated that he's concerned about the compatibility of the hours with the other tenants. Chairman Mastin asked if there was anyone in the public that had a comment.
- A young woman spoke and stated that she didn't think that the compatibility of hours would be a problem.
- A young woman spoke and stated that she feels that since it's karaoke it will attract the right crowd.
- A man spoke and stated that agrees about the people standing around outside smoking.
- Dave Terpening stated that he emailed comments to the Board. Chairman Mastin asked if there was anything else from the public or the Board.
- Kurt Bergmann asked if the applicant will be asking for outdoor seating in the nicer weather. Dave, the building manager, stated that they will pass on that.
- Kurt Bergmann asked if they would have pool tables and darts. Mr. Littlejohn stated no. Chairman Mastin asked three times if anyone was present to speak in favor of or opposition to the project. There was none.

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

Seconded by Kurt Bergmann & roll called as follows:

M. Mastin-YES; R. Viola-YES; K. Bergmann- YES; C. Horne- ABSENT; D. Panton-YES; J. Conway-YES; Jucha-YES.

MOTION CARRIED BY A 6-0 VOTE

7:00 PM Hutton-115 Craver Road-Special Use Permit

Chairman Mastin read the legal notice:

The Town of East Greenbush Planning Board shall conduct a Public Hearing pursuant to the Town's Comprehensive Zoning Law Section 2.6.2 Residential Open Space District (R-OS) Subsection C Special Use Permit Uses: "Accessory: dwelling unit (SP) as per Section 3.7.10" of the Town's Comprehensive Zoning Law, on an application for a Special Use Permit for the property located at 115 Craver Road, East Greenbush, NY, Tax Map # 157.-2-23.51, which is Zoned R-OS. The applicant is proposing the conversion of an existing shed into a tiny house. The review of the proposed work requires a Special Use Permit per The Town's Comprehensive Zoning Law Section II-4 Use Schedule. Said Public Hearing will be held on Wednesday, January 24, 2024 at 7:00 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

Kattie Hutton was present and stated that she won't be using the shed to live in it now and wants to use it as more of a hobby space, she is still proposing one sink and electric, which would be battery operated or by generator and in the future solar. She will use a couple six-gallon containers that will drain into a green water tank and then dumped in the house. Chairman Mastin asked if the Board had any questions.

- Kurt Burgmann asked for the generator if there would be fuel storage on site. Katie Hutton stated that it would be gas and stored in a container in the garage.
 - Kurt Burgmann asked about the water in the sink and where it would go. Katie Hutton stated that it would get dumped at the main house.
 - Don Panton asked if she would insulate the shed. Katie Hutton said yes but that she doesn't plan on using it in the winter.
 - John Conway asked how many days a year that she planned on using it. Katie Hutton stated that she would use it a couple of times a week.
- Chairman Mastin asked if there was anything from the public.
- A man asked if there would be heat in it. Katie Hutton stated there would not be.
- Chairman Mastin asked if there was anything else from the Board.
- Bob Jucha asked how she would cool it in the summer. Katie Hutton stated that it has windows and a patio door.
 - A man in the audience asked if it would have its own address. Katie Hutton stated that it wasn't something that she wanted to do.
- Chairman Mastin asked if there were any other questions.
- A man spoke and stated that she should check the wind and snow load and should look into a tough shed.
 - A girl spoke and stated that the shed has been there for 2 winters now with no problems.
 - Dave Terpening stated he doesn't understand that this started out as a tiny house and since the new zoning is coming soon, why not wait. Chairman Mastin stated that this project has been around for a while and there were conversations way back.
 - A chief from a local fire department spoke and stated that he's not concerned if no one is living in it.
- Chairman Mastin asked if there were any other questions from the Board. There were none.
- Chairman Mastin asked three times if anyone was present to speak in favor of or opposition to the project. There was none.

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

Seconded by John Conway & roll called as follows:

M. Mastin-YES; R. Viola-YES; K. Bergmann- YES; C. Horne- ABSENT; D. Panton-YES; J. Conway-YES; Jucha-YES.

MOTION CARRIED BY A 6-0 VOTE

OLD BUSINESS:

DA GREAT LOUNGE 596 COLUMBIA TURNPIKE -SPECIAL USE PERMIT (24-02)

Chairman Mastin stated that he proposes waiting until the next meeting to vote on this. He would like the applicant to further address Board's concerns with the smoking area, to confirm the hours of operation and confirm the square footage of the entire space as well as the individual rooms.

HUTTON 115 CRAVER ROAD-SPECIAL USE PERMIT (24-03)

MOTION: A motion was made by Chairman Mastin as follows: The Town of East Greenbush Planning Board hereby grants conditional approval subject to the Special Use Permit with a change to the time for review from 18 months to 12 months & this the Special Use Permit can be extended through an inspection by the Planning Department & that the applicant installs a 5-pound fire extinguisher. * See attached resolution.

Seconded by Kurt Bergmann & roll called as follows:

**M. Mastin-YES; R. Viola-YES; K. Bergmann- YES; C. Horne- ABSENT; D. Panton-YES;
J. Conway-YES; Jucha-YES. MOTION CARRIED BY A 6-0 VOTE**

NEW BUSINESS:

PHANTOM FIREWORKS 570 COLUMBIA TRPK-SITE PLAN MODIFICATION (24-04)

Vincent Szabo the applicant stated that he's doing the same thing he always does. Vincent Szabo stated that they are putting up the tent June 20th and closing on July 4th.

Chairman Mastin read the guidelines that the Planning Board has been following which are as follows:

- Tent setup will not occur before June 20, 2024 and shall be removed no later than July 6, 2024.
- All external signs and advertising are not be displayed prior to June 20, 2024 and shall be removed no later than July 5, 2024.
- The business must operate in full compliance with New York State and Rensselaer County Laws.
- That the above mentioned modification will be limited to a one-time use for the period of June 20, 2024 to July 5, 2024.
- That the applicant must consult with the Building Department and complete all applicable permits, including but not limited to signage. All signage must be connected to the tent. Absolutely no signage shall be placed along Columbia Turnpike.
- Hours of Operation is limited to 9am to 9pm.
- Adequate lighting shall be provided on site.
- Shipment of products shall not arrive on site prior to June 15, 2024.

Chairman Mastin asked the Board if there were any questions from the Board.

•John Conway asked if there would be any new merchandise. Vincent Szabo stated that they are all under 500 grams, which all fall under the sparkling devices. Chairman Mastin asked if they ever get an inspection at the site from the state. Vincent Szabo stated every year. Chairman Mastin asked if they stop in before they open.

•Don Panton asked if the products were made here or overseas. Vincent Szabo stated that they are made overseas.

Vincent Szabo stated that a percentage of the sales goes towards scholarships for local kids.

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board classifies this project as a Type II action under SEQRA; 6 CRR-NY 617.5 (c) (21) "minor temporary uses of land having negligible or no permanent impact to the environment" and hereby grants final approval of the proposed temporary minor site plan modification subject to the following conditions:**

1. **Tent setup will not occur before June 20, 2024 and shall be removed no later than July 6, 2024.**
2. **All external signs and advertising are not be displayed prior to June 20, 2024 and shall be removed no later than July 5, 2024.**
3. **The business must operate in full compliance with New York State and Rensselaer County Laws.**
4. **That the above mentioned modification will be limited to a one-time use for the period of June 20, 2024 to July 5, 2024.**
5. **That the applicant must consult with the Building Department and complete all applicable permits, including but not limited to signage. All signage must be connected to the tent. Absolutely no signage shall be placed along Columbia Turnpike.**
6. **Hours of Operation is limited to 9am to 9pm.**
7. **Adequate lighting shall be provided on site.**
8. **Shipment of products shall not arrive on site prior to June 15, 2024.**

Seconded by Ralph Viola & roll called as follows:

**M. Mastin-YES; R. Viola-YES; K. Bergmann- YES; C. Horne- ABSENT; D. Panton-YES;
J. Conway-YES; Jucha-YES.
MOTION CARRIED BY A 6-0 VOTE**

NEW ZBA REPORTS:

ZBA Appeal # 2023-17 KenseyBri LLC-6 Ridge Road-2 Area Variances – Front Setback & Density-
report by John Conway.

After some discussion from the Board, the following motion was made. A motion was made by Chairman Mastin as follows: **The Planning Board accepts Mr. Conway’s report and approves it from a Planning perspective for a positive recommendation on the variance for the setback and makes a negative recommendation on the variance for increased density. * See attached report for further details.**

Seconded by Bob Jucha & roll called as follows:

**M. Mastin-YES; R. Viola-YES; K. Bergmann- YES; C. Horne- ABSENT; D. Panton-YES;
J. Conway-YES; Jucha-YES.**

MOTION CARRIED BY A 6-0 VOTE

NEW ZBA REFERRALS:

NONE

REVIEW AND APPROVAL OF MEETING MINUTES:

Motion by Chairman Mastin to approve the January 10, 2024 meeting minutes with corrections from John Conway. Seconded by John Conway. Motion carried by a 5-0-1 vote. Ralph Viola abstained.

CLOSING:

There being no further business before the Board, the meeting was closed by Chairman Mastin. Seconded by Don Panton. Motion carried by a 6-0 vote.

Respectfully Submitted

Alison Lovely

Alison Lovely, Planning Secretary

Corner of Ridge Road and Columbia Turnpike

Variance for Housing Density

The proposed density of housing does appear to be substantially above the 12 unit per acre standard as a percentage. It should be noted, however, that the actual number of excessive housing units in this case would be eight. Environmental factors, such as impacts on the physical and social infrastructure (e.g. police, fire, and school bus access), should be considered. The only access to and from the site, strictly speaking, is Ridge Road. As previously mentioned, Ridge Road is a narrow two-lane road. It is also hilly with a good number of sharp turns. Motorists often pick up speed coming down the hill and the undulating and curvy nature of the road can make it difficult to see ahead at speeds in excess of the posted limit. The entrance to the site, for example, lies in a type of trough such that when coming north and attempting to turn left into the property, the view of oncoming traffic coming over the hill is limited. In addition, the retaining wall at the corner of Columbia Turnpike that was previously mentioned makes turning off of, or on to, Columbia Turnpike more difficult.

Currently, the site can also be accessed by going through the property to the north (a former K-Mart) which provides access to a traffic signal onto Columbia Turnpike. It is unclear, however, how many residents and visitors to the proposed project would use this route. This route goes through property that is currently controlled by a related entity, so it is uncertain that it will always be available. In addition, some people using the site to the north may be using the proposed site to access Ridge Road adding to traffic and parking concerns.

Neighborhood Character

Much of the area around the proposed site is an R-2 residential zone which is primarily one- or two-story houses. The proposed development would be four stories and extend for about 120 feet along

Ridge Road. This would be an unusually large building for Ridge Road. It could impact the natural light and air circulation of nearby properties.

Though I was not able to speak with the neighbor directly across the road from the proposed site, I took a photograph from the front steps of the house. A four-story building, especially one within 15 feet of the road would lessen the amount of natural light reaching the house. If the variance for the



View from House Directly across the Road

front setback were granted, the building would appear less prominent along the road.

I was able to speak to one neighbor on Maple Street who has a flag lot that, in effect, fronts on Ridge Road. Viewed from his living room, the building would be slightly to the left. He stated that he had no objection to the proposed project as it did not interfere with the view that he has of Columbia Turnpike and the Empire State Plaza.



View from Maple Street

Recommendation

From a planning perspective, I believe that the granting of variance for the front setback requirement would make the project more consistent with the residential character of the surrounding area as it now exists. Additional landscaping could also improve the appearance and have a better impact on the neighborhood. I propose a positive recommendation on the front setback variance.

In relation to the surrounding area as it now exists, the development, however, seems large and dense and not of the same scale, and there are many technical issues that need additional consideration. I recommend a negative recommendation on the density variance.