

# 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 MARCH 13, 2024 MEETING WILL BE HELD IN THE COMMUNITY ROOM AT TOWN HALL

- I. **7:00PM CALL TO ORDER/DETERMINATION OF QUORUM:**
- II. **PUBLIC HEARINGS:**  
NONE
- III. **OLD BUSINESS:**  
(23-16) Golden Grain-118 Troy Rd-Minor Site Plan - SUP – *Review for conditional approval of the Special Use Permit*
- IV. **NEW BUSINESS:**  
(24-05) Smokey Paradise LLC-572 Columbia Tpke-Site Plan Mod/Change of Use – *SEQR Determination & Schedule a public hearing*  
(24-06) Pugliese-85 Troy Road-Site Plan Mod/Change of Use-SEQR Determination & *review for conditional approval*  
(24-07) Templeton-29 Michael Road-Minor 3-Lot Subdivision-*Discussion Only*
- V. **NEW ZBA REPORTS:**  
NONE
- VI. **NEW ZBA REFERRALS:**  
NONE
- VII. **REVIEW & APPROVAL OF MEETING MINUTES:**  
February 14, 2024 meeting minutes

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

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 enlistment of two separate engineers to provide recommendations related to the location of the exhaust system, and the proposal of 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 enlistment of two separate engineers to provide recommendations related to the location of the exhaust system, and the proposal of 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 an accompanying site plan and its conditions as approved.
4. This Special Use Permit is valid until, March 13, 2025 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 March 13, 2024.

*(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: \_\_\_\_\_, 2024

***\*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)  
Building Inspector (via email)  
Assessor (via email)  
PB File No. 23-16

**SMOKEY PARADISE, LLC.  
572 COLUMBIA TPKE  
SITE PLAN MODIFICATION  
MARCH 13, 2024**

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

- 1. Classifies this action as 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”; and**
- 2. Accepts the sketch plan prepared by Doak Engineering Design dated March 5, 2024.**

**SMOKEY PARADISE, LLC.  
572 COLUMBIA TPKE  
SITE PLAN MODIFICATION  
MARCH 13, 2024**

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

- 1. Schedules a public hearing related to the proposed Site Plan Modification for March 27, 2024, at the East Greenbush Town Hall at 7:00pm.**

**PUGLIESE  
85 TROY ROAD  
SITE PLAN MODIFICATION  
MARCH 13, 2024**

**MOTION for CONDITIONAL APPROVAL  
(24-06)**

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

- 1. Classifies this action as 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”; and**
- 2. Grants conditional final approval of the proposed Site Plan Modification subject to the following conditions:**
  - Satisfying outstanding technical details as determined by the Town Planning and Zoning Department;**
  - All remaining fees are paid to the Town.**