

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 MARCH 13, 2024

Members:

Matt Mastin, Chairman
Ralph Viola
John Conway
Robert Jucha
Kurt Bergmann
Chris Horne

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.

PUBLIC HEARINGS:

NONE

OLD BUSINESS:

GOLDEN GRAIN-118 TROY ROAD-MINOR SITE PLAN & SUP

(23-16)

Nick Costa from Advance Engineering and Surveying was present as well as the owner Zafer Ak. Nick Costa stated that Zafer Ak has talked to the mechanical folks and is working on getting a better filter system. Nick Costa stated that Zafer is working specifically with the vendor. They are also adding landscaping and fencing to the rear of the site along the property line. Zafer Ak stated that he has spoken to the one neighbor on Glaz Street and that they don't care for the fencing and just wants landscaping along their property line. Nick Costa stated that lights will be installed for the parking lot and will be directed towards the parking lot and away from the neighbors.

·Ralph Viola asked if they were installing a berm under all the landscaping. He would like to see a berm behind where the exhaust vents are. Nick Costa stated that wherever there is space to elevate it, they will. Chairman Mastin stated that he appreciates that the owner is working with the neighbors to address their concerns. Chairman Mastin asked if there was anything else. He asked if the Board was comfortable voting on the Special Use Permit, the site plan will come back for approval at another time. The Special Use Permit was for the use as a restaurant. Chairman Mastin stated that the biggest issues that were outstanding were the visual & the smell. The site plan has changed, they removed the driveway out to Glaz Street that the Board was not in favor of.

·Chris Horne asked if there is a filtration system being pursued. Nick Costa stated that yes, Zafer is working with the vendor directly.

·John Conway stated he still has a concern with the Special Use Permit, he feels it still seems that there are things that aren't nailed down, he would like to see a review of the SUP in six months. Joe Slater stated that a review is in the resolution for a year.

·John Conway stated that he'd like to see a review in six months.

·Ralph Viola stated just to clarify, if the applicant comes back and states that they can't provide any filtration system & they don't intend on raising the vent vertically, what can they do. Chairman Mastin stated that after six months his Special Use Permit would be rescinded & he would not be able to operate a restaurant there.

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. * See attached resolution.**

Seconded by Bob Jucha & roll called as follows:

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

MOTION CARRIED BY A 6-0 VOTE

NEW BUSINESS:

SMOKEY PARADISE-572 COLUMBIA TRPK.-SITE PLAN MOD & CHANGE OF USE (24-05)

Brian Doak, who is the engineer, and the owner Manny Singh were both present to discuss the application. Brian Doak stated that a cannabis dispensary is proposed where the Masala House is currently located in the Peter Harris Plaza. Chairman Mastin stated that the state approved the sale of cannabis and that the Town opted in for the sale at any site, but there is to be no consumption on any site.

Chairman Mastin asked the applicant to run through the process. Manny Singh stated that there would be a reception area when someone first comes in the door who would check licenses and confirm that the person is over 21. Once confirmed the person goes into the sales area and once at the counter, the individual would get their license checked again. Manny Singh stated that there are cameras throughout the store.

Chairman Mastin asked the applicant if this was their first dispensary. Manny Singh stated that no, he has one in Pittsfield MA. Manny Singh stated there is also a breakroom for employees, a storage room, office, a receiving room where products are checked and then all the products are stored in a vault.

- Chris Horne asked how many employees there would be. Manny Singh stated at least twelve unless more are needed.
- Ralph Viola asked how many patrons are allowed inside at one time. Manny Singh stated that he's not sure, there is nothing in the NYS Regulations, but he can double check.
- Chris Horne asked if the receptionist just checks ID's and if they go into a database. Manny Singh stated that the ID is scanned and confirmed.
- Kurt Bergmann asked if the state allowed curbside delivery. Manny Singh stated not curbside, but you can deliver to people, but he's not planning to deliver.
- Ralph Viola asked if it's limited by hours through the state. Manny Singh stated up to 70 hours. Many believes the hours will be Monday-Saturday 10am to 9pm and Sunday's 12pm to 7pm.
- Kurt Bergmann asked deliveries will be through the front or the rear of the building. Manny Singh stated through the front door as they get their IDs checked as well.
- John Conway asked about thoughts on signage. Manny Singh stated that whatever is allowed. The signs will be similar to what is there. Chairman Mastin stated that if they go outside of the law, then it will require a variance.

Chairman Mastin stated the process is a site plan modification and a change of use and asked if everyone was good. There was nothing else. He asked the Board if they were comfortable voting on this. The Board stated that they were.

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)(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".**

Seconded by John Conway & roll called as follows:

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

MOTION CARRIED BY A 6-0 VOTE

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby: Grants conditional final approval of the proposed Site Plan Modification as depicted on the site plan prepared by Doak Engineering Design, PC, dated March 5, 2024 subject to the following conditions:**

- **Satisfying outstanding technical details as determined by the Town Planning and Zoning Department.**
- **The applicant must comply with both state and federal laws.**
- **All remaining fees are paid to the Town.**

Seconded by Kurt Bergmann & roll called as follows:

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

MOTION CARRIED BY A 6-0 VOTE

PUGLIESE- 85 TROY ROAD -SITE PLAN MOD./CHANGE OF USE (24-06)

Robin and Dave Pugliese presented their proposal to the Board. The property is located at 85 Troy Road and the building is ½ residential (one bedroom apartment) and ½ commercial. They want to rent out the residential side and use the commercial side for their small business of making dog food & dog treats and currently sell at Farmer Markets and now they are looking for a home base.

Chairman Mastin stated that the reason the applicants came before the Board tonight is that this property is classified as residential but it's more mixed use and it's before the board for more of an administrative action to clean it up. Chairman Mastin stated that he used to live across the street from it and for a very long time it's been both residential and commercial.

·John Conway asked if they would be cooking on site. Robin stated that they want to, they wanted to make sure that this was approved first.

Robin stated that the parking lot is 31' x 71' and they will stripe the spaces. Robin stated that the commercial portion is about 1,200 square feet, the residential part is larger. As far as signage, they will use the same size sign that is up and just replace the existing information with their information.

Chairman Mastin asked if the Board had any other questions.

·John Conway asked if they are planning to keep the same look to the building. Robin stated that they are.

·Ralph Viola asked if there are rooms upstairs in the commercial part. Robin stated that there is, and they plan on using it for storage.

·Bob Jucha asked if there is parking on Couse Place. Robin stated that there isn't, it's just a driveway for the residential part.

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)(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”.**

Seconded by Bob Jucha & roll called as follows:

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

MOTION CARRIED BY A 6-0 VOTE

MOTION: A motion was made by Chairman Mastin as follows: **The Town of East Greenbush Planning Board hereby: Grants conditional final approval of the proposed Site Plan Modification as such, project is limited in scope with compatible land use, site, and building design characteristics requiring no further action in accordance with the Town of East Greenbush Comprehensive Zoning Law (CZL) 4.31.B.A and 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.**

Seconded by Kurt Bergmann & roll called as follows:

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

MOTION CARRIED BY A 6-0 VOTE

TEMPLETON- 29 MICHAEL ROAD -3-LOT SUBDIVISION

(24-07)

Margaret Templeton presented the proposal to the Board. She stated that they are selling their house at 29 Michael Road and want to cut out two lots from the large piece that currently has their home on it for future possible homes for their daughters. The proposed lots would consist of 2.1 acres in total. The issue is that that proposed parcels on Elliot Road are not part of the sewer district. Dan Rodriquez stated that this may possibly just be a lot line adjustment so that they can sell their house and worry about the other area later.

·Ralph Viola asked if their daughter’s house on the corner has sewer and water. Margaret stated that it does & thinks the others don’t as they were overlooked.

·John Conway asked why they were looking at that whole map as opposed to just the two lots. Dan Rodriquez stated that the information came in late in the week and he didn’t realize it wasn’t in the sewer district.

Chairman Mastin stated that this was only a discussion only today and this project will back in front of the Board at another meeting once the applicant gets the drawing updated.

NEW ZBA REPORTS:

NONE

NEW ZBA REFERRALS:

NONE

REVIEW AND APPROVAL OF MEETING MINUTES:

Motion by Chairman Mastin to approve the February 14, 2024, meeting minutes. Seconded by John Conway. Motion carried by a 4-0-2 vote. Kurt Bergmann & Chris Horne abstain.

Chairman Mastin wanted to recognize that Don Pantan resigned from the Board after 18 years. He thanked Don for his dedication and the length of time he devoted to the Board & went on the record thanking him for his service.

Chairman Mastin welcomed back Chris Horne.

Chairman Mastin stated that the Karaoke Bar, Da Great Lounge, opened prematurely and have been issued a stop work order by the Building Department.

CLOSING:

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

Respectfully Submitted

Alison Lovely

Alison Lovely, Planning Secretary

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

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 which should be designed to the satisfaction of the East Greenbush Planning Board by April 24, 2024.
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.
5. The applicant shall install an improved or modified filtration system on the rear exhaust vent to mitigate smell for the surrounding neighbors.

This resolution was moved by Matt Mastin and seconded by Robert Jucha at a meeting duly held on March 13, 2024.

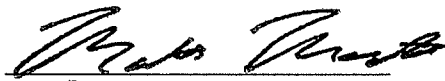
(Discussion)

A vote was taken as follows:

Matt Mastin Yes
Ralph Viola Yes
Kurt Bergmann Yes
Chris Horne Yes
John Conway Yes
Robert Jucha Yes

Motion carried 6-0

**TOWN OF EAST GREENBUSH
PLANNING BOARD**

By: 
Matt Mastin, Chairperson

Dated: March 26, 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.***