

# TOWN OF EAST GREENBUSH PLANNING BOARD

TOWN HALL, 225 COLUMBIA TURNPIKE, RENSSELAER, NY 12144 (518) 694-4011 FAX (518)477-2386

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## MEMORANDUM

### EAST GREENBUSH PLANNING BOARD MEETING MINUTES FEBRUARY 14, 2024

#### **Members:**

Matt Mastin, Chairman  
Ralph Viola  
John Conway  
Robert Jucha

#### **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 four (4) members were present. Chris Horne, Kurt Bergmann and Don Pantan were absent.

#### **PUBLIC HEARINGS:**

NONE

#### **OLD BUSINESS:**

##### **MARTIN ELECTRIC-164 COLUMBIA TURNPIKE-MAJOR SITE PLAN & SUP (19-01A)**

Steve Hart of Hart Engineering was present representing the applicant. Steve Hart stated that this project was in front of the board approximately three years ago for approval of the site plan and then the building was built larger than what was approved. Steve Hart stated that they came back in front of the Board last year and things have been sitting idle. Steve Hart stated that there is an existing loading dock with a canopy consisting of 58'x62' and the applicant wants to square up the building by building a roof and sides (one side consisting of 40'x62' and another consisting of 48'x62') to be able to store vehicles and materials. There are two existing dumpsters that will be relocated and enclosed with a 6' high black chain link fence with privacy slats and gate will be added. Twelve 6' high evergreens will be planted on a 2' high berm on the west side property line of the site. There was a proposed addition for the side of the existing garage which has been removed from the plan. There is also an area of crusher run in the rear of the site to the west of the existing garage that will be removed and replaced with topsoil and seed.

Chairman Mastin stated for process, this is a major site plan & special use permit. Chairman Mastin stated that the Board had previously approved the special use permit for a 3,900 square foot garage to the rear of the building but it was built larger at 5,100 square feet. Chairman Mastin stated that any review and approval of the major site plan would go in front of the Town Board & the Special Use Permit would remain with the Planning Board. Chairman Mastin stated that the Special Use Permit just pertains to the rear building & the site plan consists of the rear building, the canopy and everything else on the site.

Chairman Mastin asked if the Board had any questions.

- John Conway asked about lighting and if a different type of lighting was being proposed since it seems like old technology. Steve Hart asked if it's the lights on the rear of the site. John Conway stated that is correct and it looks like the lighting isn't pointed to the building at all.

Chairman Mastin asked what the height of the canopies were. Steve Hart stated about 20'.

Chairman Mastin asked what type of trees are proposed & what the proposed height of those were. Steve Hart stated evergreens & their 6' high trees planted on a 2' berm.

Chairman Mastin confirmed the tenants in the building are state offices, Flach Gymnastics and Martin Electric. Steve Hart stated that is correct.

- Ralph Viola asked if the two buildings on each side the roof would have been the same and all pitch the same way & so it looks like all one roof & the elevation will look symmetrical & enclose everything.

Steve Hart stated that is the way the roof will pitch but the front will remain open. If the Board isn't happy with that, he can take it back to the applicant to discuss.

Chairman Mastin asked if the whole site is open around the back of the building or if it was fenced off.

Steve Hart stated that it's open.

- Ralph Viola asked about the dumpster enclosure and how it will be covered. Steve Hart stated it would have gates in the front and a black chain link fence with privacy slats.

- Ralph Viola asked if the opening of the dumpster would face 9 & 20, so the back and side that affects neighbors would be covered. Steve Hart stated that is correct.

- Bob Jucha asked if the fencing would be all around or just three sides. Steve Hart stated that the fence will be around three sides with gates being in the front of it.

Chairman Mastin stated that this project is just here for an update and the Board will see more of it.

Chairman Mastin asked the Board if anyone had any other questions. There were none. Chairman Mastin asked Josh Giller what the next steps are. Josh Giller stated that the SEQR process never finished at the Town Board level so that has to be finished. Once SEQR is dealt with then can handle the Special Use Permit and have a public hearing. Once that's handled then the Board can work on the approval for the major site plan. Josh Giller suggested the Planning Board have a professional certification for the site plan to make sure that it's constructed to the site plan standards.

Steve Hart asked regarding public hearings and if that will happen at the Town Board and Planning Board level. Chairman Mastin stated that the Planning Board will definitely have one for the Special Use Permit. Josh Giller stated that one for the Town Board is likely as well.

Chairman Mastin asked Steve Hart to nail down the landscaping that will be around the back building.

#### **E.W. BIRCH BUILDERS-4 MOUNTAIN VIEW AVE-MAJOR 4-LOT SUBDIVISION (21-30)**

Chairman Mastin stated that this was a 4 lot subdivision at one point, the Board had a very active public hearing with the neighbors and hit a wall on a few different instances, the Board had a lot of concern about stormwater drainage, buildable portions of the lot, future subdivision of lots, there was concern with DPW about the size of the water & sewer lines, the road that was going to support these houses. The neighbors were also concerned with the water supply in the area, and the stormwater & ownership of Mountain View Avenue. Steve Hart stated that he's still working with the surveyor on the road issue. Joe Slater stated that the homeowner down at the end of the road had an issue, in terms of what they owned. A survey was done by an engineer to show where his ownership ended and where the public road began, that is what killed the subdivision as that lot ended up not having enough public road frontage. Steve Hart stated that the new proposal is trying to minimize impacts by understanding that there are drainage concerns.

Chairman Mastin stated that the previous proposal had a retention basin in every back yard, if that's been eliminated then where is the water going. Steve Hart stated that whatever water came down there would follow the natural contours of land.

- Bob Jucha asked how they were able to eliminate the retention pond. Steve Hart stated that they would propose something different, maybe a dry well or an infiltrator chamber.

Chairman Mastin stated that it would be helpful in future meetings to identify what those numbers are on the drainage side and how drainage will be addressed.

- Ralph Viola asked if it was a three-lot subdivision. Steve Hart stated yes, two new lots and one existing lot with a house on it.

- Ralph Viola asked if the houses are going to be set back further than the original proposal. Steve Hart stated that he's not sure, but they appear to be.

- John Conway asked if we are still talking about some type of deed restrictions. Chairman Mastin stated that was when there were detention basins, but if it's underground then he doesn't know if they have to do that.

Steve Hart stated that the Town is running a 6-inch water line & applicant is going to run a low-pressure sewer line.

- Bob Jucha asked if the sewer line will accommodate the other homes. Steve Hart stated that a 2-inch line should accommodate them and could support 6-8 homes.

- Ralph Viola stated that he has a concern about clear cutting and there should be a restriction on each lot.
- Bob Jucha asked what the size of lot #1 is. Steve Hart stated 1.1 acres, lot #3 is a little over ½ an acre. Steve Hart stated that the applicant will convey a 50' strip to the Town in the rear of the lots for drainage management.

Chairman Mastin stated that as far as process, this is a new application so the Board will hold another public hearing.

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

Dan Rodriguez, Planner had some images of the interior of the space that he went through on the TV screen and then the Board could ask any questions.

- Ralph Viola asked if there was an actual floor plan. Chairman Mastin reminded the Board that the layout is more of a Building Department concern and that the Board is just reviewing the use for the Special Use Permit.

The Board had a discussion on the karaoke rooms inside the tenant space.

- John Conway asked if they ever confirmed the square footage & how many people do they see fitting in there, the space seems kind of tight. Dan Rodriguez stated that the space is 2,374 square feet. Alan Littlejohn said he doesn't want more than 30-35 people in there at one time.

- John Conway asked if he's had any discussions with the fire department or the building department yet about it. Dave the Property Manager stated that they will get a sign to post inside the building as to how many people they can have inside.

- Ralph Viola asked about the soundproofing panels on the wall and Alan Littlejohn stated it's on the walls around where the speakers are in the lounge. Alan Littlejohn stated that he spoke to the neighbor on one side of him, which is the appliance store, and they close at 6pm & the other space is vacant.

- John Conway stated that his main concern is that you just have the one door in the front and the one in the back is at the end of a narrow hallway which could be risky.

Chairman Mastin asked what the picture of the coned area represents. Alan Littlejohn stated yes that's the smoking area. Chairman Mastin asked if there would be some type of structure there, say if it was raining. Dave the property manager stated that they could build something.

The Board's preference is that smoking is only allowed in the rear of the building.

Chairman Mastin stated the applicant talked about security and what was the need for it and asked the applicant if he owned a similar business somewhere else. Alan Littlejohn stated that he doesn't own another place and it's more of a bouncer to check ID's and for keeping people safe. Alan Littlejohn stated that it will only be for 21 years old and up.

- Bob Jucha stated that at the last meeting the applicant said there would be kids there. Alan Littlejohn stated that's only on Tuesdays and Wednesdays.

- Ralph Viola asked then if when the underage crowd is there then they won't be serving alcohol. Alan Littlejohn stated they won't serve alcohol on Tuesdays & Wednesdays.

Chairman Mastin asked what the proposed hours or operation will be. Mr. Littlejohn stated he's thinking Mondays closed; Tuesday/Wednesday from 4pm to 9pm for 16-year-olds, Thursday from 6pm to 12am, Friday/Saturday 6pm to 2am & Sundays would be open to watch sports from probably 12pm to 9pm.

Dave, the Building Manager thinks that 6pm might be better on Tuesday & Wednesday.

Chairman Mastin stated that it's something to keep in mind that the Town of East Greenbush has a noise ordinance from 7pm to 7am and the noise can't be above 60 decibels from his specific unit.

Chairman Mastin asked what the Board's opinion was on the hours of operation. There was some discussion on this.

- Ralph Viola thinks it's a great idea but in the wrong location. He thinks there is going to be an issue with Patrons, trouble with Hannaford and a big noise issue. He feels it's going to detract from the other tenants. He discussed the issues that he foresees.

Chairman Mastin stated that one thing he wants to clarify is that with a special use permit there is a different type of approval with the Planning Board. There will be a time limitation on it and the Board has

proposed six months, which would require the applicant to come back in six months and get reviewed and understand what the impacts are.

Chairman Mastin asked if the Board was comfortable voting on this with the applicant returning in six months. Joe Slater stated the Board could add additional conditions.

• Ralph Viola has a concern with what they can do in six months if there are problems. Chairman Mastin stated that the certificate of occupancy could be rescinded and then they couldn't operate the business.

Joe Slater just stated to clarify one thing that the special use permit was triggered by the karaoke use, if this was just a restaurant or bar, it would be a by right use. Joe Slater stated that in six months if the special use permit was denied they would lose the karaoke but still be able to operate the bar.

Chairman Mastin asked the Board for a discussion on any other conditions that the Board would like to see added to the resolution.

John Conway asked if they have applied for a liquor license yet. Alan Littlejohn stated that he can't until he gets the Special Use Permit. Joe Slater stated that the special use permit is particular to karaoke and shouldn't have any impact on the liquor license.

The Board had a discussion on the proposed conditions for the resolution.

**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 John Conway & roll called as follows:**

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

**MOTION CARRIED BY A 4-0 VOTE**

**NEW BUSINESS:**

NONE

**NEW ZBA REPORTS:**

NONE

**NEW ZBA REFERRALS:**

ZBA Appeal # 2024-01 Mayville-4 Rugby Road-Area Variance – Assigned to Ralph Viola-Report due by February 28, 2024

**REVIEW AND APPROVAL OF MEETING MINUTES:**

Motion by Chairman Mastin to approve the January 24, 2024 meeting minutes with corrections from John Conway. Seconded by Bob Jucha. Motion carried by a 4-0 vote.

**CLOSING:**

There being no further business before the Board, the meeting was closed by Chairman Mastin. Seconded by Bob Jucha. Motion carried by a 4-0 vote.

Respectfully Submitted

*Alison Lovely*

Alison Lovely, Planning Secretary

Copy To:

Da Great Lounge, LLC  
Attn: Alan Littlejohn  
596 Columbia Tpke  
East Greenbush, NY 12061

Cc: Rensselaer County Planning (via email)  
Town Clerk (via email)  
Building Inspector (via email)  
Assessor (via email)  
PZD File No. 24-02

Town of East Greenbush  
PLANNING BOARD

In the matter by:  
Da Great Lounge  
For a **Special Use Permit**

**Resolution and  
Final Decision of  
Planning Board**

**File No. 24-02**

**Whereas**, an application has been filed by Da Great Lounge LLC, for the operation of a karaoke lounge located within Hannaford Plaza at 596 Columbia Tpke, East Greenbush, NY 12061, currently identified as an empty storefront, with its most recent use being Pioneer Bank; and

**Whereas**, a determination has been made by the Town of East Greenbush Building and Codes Department, that operating a karaoke lounge falls under the definition of “Recreation; indoor assembly or auditorium” in the Town’s General Business Mixed Use (B-1) Zone, which requires a Special Use Permit;

**Whereas**, the applicant has filed an application for a Special Use Permit for a “Recreation; indoor assembly or auditorium” at the property located on 596 Columbia Tpke, East Greenbush, NY (Tax Map No. 166.-7-6.9); and

**Whereas**, the Planning Board has duly published a notice of public hearing regarding this appeal in The Record on January 13, 2024; 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, January 24, 2024, 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 application under SEQRA, and classified this proposal 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. 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 General Business Mixed Use District (B-1) as such district is intended to promote redevelopment with high-density, mixed-use structures which help define a coherent village atmosphere, providing local goods and services and linking nearby residential neighborhoods with a pedestrian-friendly environment.
2. The 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. The development plans are designed to minimize conflict with existing adjacent operations within the plaza.
3. Proposed traffic access ways are adequate within the existing plaza.
4. Additional off-street parking is not necessary as the plaza has adequate parking for the proposal.
5. 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 to operate a karaoke lounge for the subject property under the definition of "Recreation; indoor assembly or auditorium" in the Town's B-1 Zone, be Granted with the following conditions:

1. The applicant must comply with all local, State, and Federal laws.
2. In consideration of public safety and neighborhood aesthetics, the applicant shall ensure that exterior lighting fixtures, including those in the designated smoking zone at the back entrance of the building, are designed and installed in accordance with the town's lighting ordinances and regulations. Proper illumination of the designated smoking zone is essential to ensure the safety of patrons and prevent any potential hazards or incidents in poorly lit areas, particularly during evening hours.
3. Food service within the premises shall be limited to the use of electric kitchen appliances, such as electric pizza ovens and air fryers, as indicated by the applicant. The use of open flames or combustible fuels for cooking purposes is strictly prohibited due to the absence of a fully equipped kitchen facility on-site. This restriction is imposed to uphold safety standards and prevent fire hazards within the plaza premises, while still allowing for the provision of food and beverages to patrons of the Karaoke Lounge.
4. That the Special Use Permit is approved for six months from Certificate of Occupancy and three months from issuance of Liquor License, at which point the Planning Board will review the application for a Special Use Permit.
5. At the six-month mark or three-month mark as described in condition #4, that the East Greenbush Police Department provide signoff to the Planning Department and the Planning Board on any increased police activity to the subject property and business.
6. The hours of operation will be as follows: Mondays-Closed, Tuesdays & Wednesdays 6pm-10pm, Thursdays 6pm to 12am, Friday & Saturday 6pm to 2am & Sundays 12pm to 9 pm with no karaoke.
7. The applicant strictly follows the noise ordinance in the Town of East Greenbush Town Code.
8. There shall be no smoking in front of the business. All smoking is restricted to the rear of the business & a canopy be constructed at the rear of the business to establish a specific smoking area.

9. That the applicant maintains access control at the ingress & egress at the front & rear access points at all hours of operation.
10. That the applicant provides written confirmation to the Planning Department and Planning Board from the State Liquor Authority that underage occupants under age 21 can occupy the premises given the open floor plan under the applicant's approved liquor license.
11. That security cameras and adequate lighting be provided at the rear of the building & the smoking area.
12. The Special Use Permit as described in "Recreation; indoor; be limited to "karaoke" only. DJ's, live musical bands or comedy shows, or similar alternate use or entertainment shall not be permitted.

This resolution was moved by Matt Mastin and seconded by John Conway at a meeting duly held on February 14, 2024.

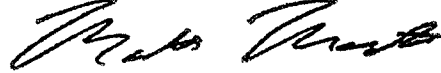
*(Discussion)*

A vote was taken as follows:

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

Motion carried 4-0

**TOWN OF EAST GREENBUSH  
PLANNING BOARD**

By:   
Matt Mastin, Chairperson

Dated: 2/27, 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.***