

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 OCTOBER 9, 2024

Members:

Bob Jucha, Member
Ralph Viola, Member/Acting Chair
Mike Tierney, Member
Kurt Bergmann, Member
Chris Horne, Member
John Conway, Member

Also Present:

Dan Rodriguez, Co-Director of Planning & Zoning
Vincent Meade, Secretary
Joseph Slater, Planning Board Attorney

CALL TO ORDER / DETERMINATION OF QUORUM

Acting Chair Viola called the meeting to order and determined that a quorum of six(6) members was in attendance. Chairman Matt Mastin was absent.

PUBLIC HEARINGS

There were no public hearings before the board this evening.

OLD BUSINESS:

(24-02) Da Great Lounge-596 Columbia Tpke-SUP – SUP Review

The applicant, Alan Littlejohn, was present during this meeting. Viola recalled the last meeting and the decision by the board to allow the applicant to reflect on the violations cited and to determine what measures are to be taken to correct them. The applicant extended an apology for the past violations that have occurred under his watch. Rodriguez mentioned a discussion between himself and the applicant that took place in the afternoon of September 30, 2024. At that time, they discussed amendment proposals that could be made to the SUP to better comply with the Planning Board's expectations. The applicant proposed the following changes to accommodate the needs of the business and the standards of the Planning Board*:

1. *The use of DJs to replace the digital karaoke system is limited to Saturdays only and must serve the intended purpose of enhancing karaoke. DJs must not introduce a different form of entertainment beyond karaoke, and the primary use of the DJs shall remain within the context of the karaoke system.*
2. *Other forms of entertainment beyond karaoke are not permitted. This includes, but is not limited to exotic dancers (whether clothed or in a state of nudity), live music, including the use of DJs outside the context of karaoke.*
3. *The following hours of operation shall replace the original hours specified in the February 14, 2024, resolution:*
 - ***Thursday: 7:00 PM to 3:00 AM***
 - ***Friday and Saturday: 7:00 PM to 3:00 AM***
 - ***Sunday: 12:00 PM to 9:00 PM***

Any further changes to these hours must be submitted for formal review and approval by the Planning Board.

*Note: These changes were not voted on during this meeting.

Discussion from the Board and the applicant on these proposed changes is as follows:

- Viola clarified with the applicant that the DJ was used to enhance karaoke. Under the new conditions, the DJ is to stay strictly within that role and not provide other forms of live entertainment only on Saturdays.
- Viola reminded the applicant of the past violations of the original conditions stating this. Viola also reminded the applicant of the two verbal warnings that were given to the applicant by the Building Inspector. The applicant acknowledged the first regarding exotic dancers but was confused as to what the second was in reference to. Bergmann helped to clarify that the second was in regards to having DJs at the event and that the phone call from the Building Inspector constituted the second warning.
- Bergmann questioned the applicant about dancing at the venue, and the applicant stated it is typically from the crowd rather than hired dancers.
- The applicant stated that he has to pick up his son from sports practice at 6:30PM and would otherwise be unable to operate the business until 7:00PM. Horne clarified with the applicant that the original hours were from 6:00PM to 2:00AM.
- Viola inquired with the applicant that the latter noticed the venue receiving more activity with that additional hour. Conway inquired with the applicant if the later hours were added to find his footing with his business plan to make it work. The applicant cited dropping Tuesdays and Wednesdays because those days did not generate a lot of business. The applicant also noted that the business received between \$200-\$300 more in revenue by staying open for the additional hour.
- Bergmann reiterated to the applicant that the hours agreed to are the hours the business is to operate. The applicant acknowledged that he is now aware that any changes to be made should go before the board for approval.
- Viola inquired as to the operation of a hookah lounge. The applicant has stated that since the previous meeting, the hookah lounge was no longer in operation.
- Tierney inquired as to the reason for the door being locked during business hours. The applicant stated that the door was locked while the place was being clean and the door would otherwise be open during hours of operation.

Given the proposition the applicant has brought forth, as well as the discussion that ensued, the board determined that more time is needed on their end to deliberate. In the meantime, the board proposed a brief extension of the current SUP to allow the applicant to continue operation until the next planning board meeting on the matter.

MOTION: A motion was made by Acting Chair Viola as follows:

The Town of East Greenbush Planning Board hereby declares that Da Great Lounge maintain its SUP and continue under the conditions stated in the February 14 2024 resolution until this Board makes a determination as to whether to re-new the SUP beyond its initial six (6) month period.

Seconded by Tierney and roll called as follows:

M. MASTIN – ABSENT; R. VIOLA – YES; C. HORNE – YES; R. JUCHA – YES; K. BERGMANN – YES; M. TIERNEY – YES; J. CONWAY – YES

MOTION CARRIED BY A 6-0 VOTE

NEW BUSINESS:

(24-26) Town Center Phase 1-1 Town Center Dr-Site Plan Mod

Steve Hart from Hart Engineering and the applicant, Tyler Culberson were present during the meeting. Hart and the applicant presented their proposal to build three season additions to Building A and F. Building A's three season room will be built on an existing concrete patio whereas Building F will have a new, smaller concrete patio constructed along with the smaller addition. These additions are being built in anticipation of the establishment of locations for two restaurants. Building A will be host to *Junior's Bar & Grill* and Building F will be host to *Cafe Madison*.

Viola asks the Board if they have any questions.

- Bergmann asked the applicant if the additions will match the style of the building. Hart also clarifies to Bergmann that the additions would also help aid the restaurants aesthetically and functionally. Conway clarified with the applicant that the addition for Building F would protrude approximately fifteen (15) feet from the building.
- Bergmann clarified with the applicant that the buildings are close to Columbia Turnpike because the zoning codes of the Planned Development District called for the buildings being no more than twenty-five (25) feet from the road. Viola clarified that emergency egress will be via the entrance of each respective addition towards the rear, as well as through the respective buildings they are attached to.
- Viola clarified with the applicant that the existing ornamental fence by Building A will be replaced by knee walls with another structure constructed on top to discourage foot traffic in that area.
- Bergmann also clarified with the applicant that there will be gas heating units, but no air conditioning. Tierney clarified with the applicant that the windows will be applicable, to further aid in the climate control of the three-season rooms. Hart also clarified with the board that there is a transformer for the area near Building F, which is not drawn in the site plan.
- Viola clarified with the applicant that the lack of a crosswalk closer to buildings A and F was due to a recommendation from a TDE assigned to the project. Given the increase in development and anticipated traffic in the area, the board suggested adding a crosswalk to that area.
- Tierney clarified with the applicant that lighting the area was in consideration. The applicant stated that the newer fixtures available had less coverage than historical fixtures. As such, they had to compensate by adding more fixtures. The applicant also confirmed the area near the two restaurants will be sufficiently lit.
- Tierney also clarified with the applicant that drainage will be directed to the existing storm water management system.

Acting Chair Viola asked the board if they had any further questions. There being none:

MOTION: A motion was made by Acting Chair Viola 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)(12) “construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density;”**
2. **Determines that the project is limited in scope, with compatible land use, site and building design characteristics, and approves the site plan prepared by Hart Engineering dated July 11, 2024 with the following conditions:**
 - **Applicant must resolve any outstanding technical details as determined by the Town Planning Department; and**
 - **All remaining fees are paid to the Town.**
 - **That the applicant add a crosswalk across the Boulevard in proximity to the additions which are the subject of this site plan modification; and that such crosswalk location be approved by the Planning and Zoning Department and Planning Chair.**
 - **Patron patio egress shall not be allowed except to existing sidewalks.**

Seconded by Conway and roll called as follows:

M. MASTIN – ABSENT; R. VIOLA – YES; C. HORNE – YES; R. JUCHA – YES; K. BERGMANN – YES; M. TIERNEY – YES; J. CONWAY – YES

MOTION CARRIED BY A 6-0 VOTE

NEW BUSINESS:

(24-22) Patel 91 Troy Road-Site Plan Mod

Rodriguez states the history of the applicant’s process. Initially the applicant came in for permits to do paving work, was given verbal warnings in the past in regards to parking violations, damages to pavement and unregistered vehicles. No certified survey exists for the property. The applicant, Jimit Patel, summarized the history of the site, how he came to own the property, as well as the issues that emerged from the property. The applicant stated that a permit does exist to operate the site as is, dated April 23 2023.

The applicant provided a hand-drawn sketch of the property’s layout. The Building Department’s involvement began during a dispute between two of the applicant’s tenants. The Building Department’s initial suggestion was to repair the road to help resolve a problem in the tenants’ dispute. Although parking spaces existed near the road in the past, the company in charge of paving the area advised the applicant that the area against the road should be designated as a No-Parking Zone. Another issue that was to be remedied was the presence of three unlicensed vehicles. The applicant personally informed the tenant, and the issue has largely been resolved. The applicant stated that he, as the landlord, has offered the tenants options to mitigate the issues between each other. Any other issues would have to go to the civil courts; however, given the applicant’s lack of a site plan for the property, there would not be much for the courts to reference. The Building Inspector then suggested that the applicant apply through the Planning Board. Such would act as an enforcing document to help resolve the remaining disputes.

The Board agreed that the sketch provided by the applicant would not be helpful for the applicant nor the board to reference as the site plan.

- Viola advised the applicant that a survey conducted by a licensed engineer, architect or surveyor can offer more information to address issues related to parking. Among the issues Viola cited is the number of parking spaces, their proximity to the building and each other, as well as the presence of ADA compliant spaces. Even though the tenant has no plans to make significant changes to the site, Viola stated that the survey will help establish square footage, thus the size of the tenancies and the number of spaces required. Jucha clarified with the applicant that there is one ADA space in the parking lot and that follows New York State Law. Conway stated his concerns about the proximity of the spaces near the street.
- Bergmann further advised the applicant that a licensed surveyor can offer more detail than the sketch provided to establish a baseline for DOT compliance, access to the site, as well as other questions that would arise from the board.
- Horne mentioned to the applicant that the survey will help add value if and when the applicant wishes to sell the property.

The applicant requested that he is given time to produce the survey, given the expense of the venture. Bergmann clarified with the applicant that the latter intends to initiate the surveying process during the first week of January.

MOTION: A motion was made by Acting Chair Viola 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)(34) “engaging in review of any part of an application to determine compliance with technical requirements, provided that no such determination entitles or permits the project sponsor to commence the action unless and until all requirements of this Part have been fulfilled;” and**
2. **Determines that the project requires further review under Comprehensive Zoning Law Section 4.3.2(B)3(b), based upon its scope, land use, and site characteristics.**

Seconded by Bergmann and roll called as follows:

M. MASTIN – ABSENT; R. VIOLA – YES; C. HORNE – YES; R. JUCHA – YES; K. BERGMANN – YES; M. TIERNEY – YES; J. CONWAY – YES

MOTION CARRIED BY A 6-0 VOTE

NEW ZBA REFERRALS:

There were no new ZBA Referrals before the board for this meeting.

NEW ZBA REPORTS:

ZBA Appeal #2024-12 Telasky 114 Hudson Avenue- Five Area Variances for Garage and Addition

Report by John Conway

Conway states the proposal of the applicant to renovate a 630 sqft home his grandfather and father once owned and occupied. Two additions, as well as a two-car garage are proposed. The applicant's intent is to reside in the home once renovations are completed. Emergency repairs had to be made to the foundation, as the cellar wall was beginning to buckle. The lot's shape presents numerous complications to the proposal to the addition, as well as the house's proximity to neighboring lots. Horne mentions a letter that a neighbor from Lakeshore Drive has provided to the Planning and Zoning Department. Said neighbor's property was negatively affected by the repairs done to the foundation, as the surrounding landscape collapsed from the excavation. Repairs were promised but have yet to be completed in a sufficient manner, according to the letter. The neighbor fears that any additional work will further degrade their own property. Conway stated that the applicant had informed him of the dispute. In accordance with established procedures for a site visit, Conway spoke to neighbors including the authors of the letter in question. A discussion of the dispute and Conway's report followed.

A positive recommendation is proposed for the two front variances and a negative recommendation is proposed for the rear variance and two side variances.

MOTION: A motion was made by Acting Chair Viola as follows: **The Planning Board gives two positive recommendations and three negative recommendations from a Planning perspective & accepts John Conway's report.**

Seconded by Jucha & roll called as follows:

M. MASTIN – ABSENT; R. VIOLA – YES; C. HORNE – YES; R. JUCHA – YES; K. BERGMANN – YES; M. TIERNEY – YES; J. CONWAY – YES

MOTION CARRIED BY A 6-0 VOTE

ZBA Appeal #2024-08 Rytel 12 Virginia Avenue – One Area Variance for Prebuilt Garage

Report by Bob Jucha

Jucha states the proposal of the applicant to install a prebuilt detached garage, measuring twelve (12) foot by twenty (20) foot, onto an existing concrete slab. The slab was built as a repair to replace a damaged slab in the exact same location, as confirmed by Jucha. Jucha has observed that each of the neighbors houses have sheds and similar structures that don't follow the required setbacks of the R-2 district. All the neighbors Jucha spoke with spoke in favor of the applicant's proposal.

A positive recommendation is proposed for the one area variance for the front setback.

MOTION: A motion was made by Acting Chair Viola as follows: **The Planning Board gives a positive recommendation from a Planning perspective & accepts Bob Jucha's report.**

Seconded by Bergmann & roll called as follows:

M. MASTIN – ABSENT; R. VIOLA – YES; C. HORNE – YES; R. JUCHA – YES; K. BERGMANN – YES; M. TIERNEY – YES; J. CONWAY – YES

MOTION CARRIED BY A 6-0 VOTE

REVIEW AND APPROVAL OF MEETING MINUTES:

The board was not prepared to approve meeting minutes at this time.

CLOSING

There being no further business before the Board, the meeting was closed by Acting Chair Viola. All spoke in favor. Motion carried by a 6-0 vote.

Respectfully Submitted

Vincent Meade, Secretary for Planning and Zoning