

TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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MEMORANDUM

EAST GREENBUSH ZONING BOARD OF APPEALS MEETING MINUTES APRIL 12, 2022

Members

Jeff Pangburn, Chairman
Matt Ostiguy
Scot Strevell

Also Present:

William Hessney, Attorney
Alison Lovely, Zoning Board Secretary
Kateri Rhatigan, Stenographer

CALL TO ORDER / DETERMINATION OF QUORUM

Chairman Pangburn called the meeting to order and determined a quorum of three (3) members were present. Tom Hickey abstained from the meeting & Bob Seward was absent.

PUBLIC HEARINGS:

ZBA Appeal #2022-01–Reilly (Heisenburgers Food Truck) – 380 Columbia Turnpike- Interpretation-Food Truck as Restaurant Use in B-2 Zone

Chairman Pangburn referenced the following as being in the record:

- Legal Notice-was read above
- ZBA Application, Authorization Form
- Sketch of Site Plan

Chris Reilly & his business partner Jeff Lentz were both present. Chris Reilly spoke and stated that he feels that his proposal meets the criteria of the B-2 Zoning District, for Restaurant with outdoor seating & Restaurant with curb service. Chris Reilly stated that they would have off street parking on private property, a turning lane. Chris Reilly stated that he has a peddlers permit for North Greenbush, Schodack, West Sand Lake, Albany & Rensselaer. Chris Reilly stated that he grew up in East Greenbush and wants to bring is business to East Greenbush. Chris Reilly stated that all health permits are in order as well as liability insurance & insurance policy on all of their vehicles. Chris Reilly stated that they were going to have a port a potty onsite that would be maintained weekly. Chris Reilly stated that they are a little confused as to why his food truck isn't allowed, as other trucks such as, Mr. Ding-a-ling as well as there are food truck at churches, schools & private events.

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

•Matt Ostiguy asked what their hours of operation would be and asked if the truck would stay on site. Chris Reilly stated that the truck goes back to his house every night as it has to be plugged in, the truck has a generator on it, and sewage goes back to his house and gets dumped there. Chris Reilly stated as far as hours go, they were thinking maybe 7am-2pm or 8am to 2pm, something like that.

•Scot Strevell stated the hours would be 7-2, or within that time frame, asked about signage, landscaping, garbage, and pad for truck. Jeff Lentz stated that the truck is their sign and they also have a little stand up A-frame sign that they would put out daily and then be picked up. Chris Reilly stated that they would buy stuff from Beckers to put out. Chris Reilly stated that they would take the garbage away every night, cans would be put out and picked up. Chris Reilly stated that they're going to have crusher run put down, for the truck itself and then for parking, it would go where there is parking labeled on the site plan.

Chairman Pangburn asked from an operation standpoint, how many people pick up food versus staying and eating there. Chris Reilly stated like 50 pickup & 50 stay. Jeff Lentz stated he felt it's more like 60 pickup & 40 stay. Chairman Pangburn stated that it's all preordered or cook to order. Chris Reilly stated that's correct.

•Scot Strevell stated that the applicant's mentioned Curtis, different jurisdiction but you go and do the same thing, similar type hours, will that end if this is approved. Chris Reilly stated yes they pop around from place to place right now. Jeff Lentz stated that they'd like to make the proposed spot their permanent location.

•Matt Ostiguy asked what the lot size of the location was. Chris Reilly stated that he doesn't know.

Chairman Pangburn asked if there was anyone in the public that wanted to speak.

•Tom Grant who is a resident of East Greenbush & County Legislator & he also represents Poestenkill and stated he is somewhat familiar with the operation and and have seen them at several events and that they are very popular and very professional, very clean. He stated that it's increased revenue for the Town. Tom Grant stated that he feels it would be a good thing for the Town & fill in a vacant spot.

•Dave Terpening stated that he knows Supervisor Conway has spoken about this numerous times and hasn't been quite clear about what zone that they should be put in. So Dave's question is that the Town is so close to having a new Comprehensive Zoning Law, why not wait until it's complete.

•Mike Reilly stated that the wheels of politics move slowly and he feels that this should be incorporating any changes with this in mind & why delay making a decision based on that.

Chairman Pangburn stated those were both great questions and asked if there was anyone else in the public that wanted to speak. There was no one else who wanted to speak. Chairman Pangburn asked if there was anything else from the Board. There was no other comments from the Board.

Scot Strevell made a motion to close the public hearing.

Seconded by Matt Ostiguy. Motion carried by a 3-0 vote.

SEQR DETERMINATIONS & RECOMMENDATIONS:
ZBA Appeal #2022-01-Reilly (Heisenburgers Food Truck) – 380 Columbia
Turnpike- Interpretation-Food Truck as Restaurant Use in B-2 Zone

–No SEQR is required

WORKSHOPS:

ZBA Appeal #2022-01–Reilly (Heisenburgers Food Truck) – 380 Columbia Turnpike- Interpretation-Food Truck as Restaurant Use in B-2 Zone

Resolved, That the Zoning Board of Appeals makes the following interpretation of The Comprehensive Zoning Law of 2008:

1. That FOOD TRUCK is not a Restaurant Use consistent with the Comprehensive Zoning Law of 2008.

This resolution was moved by Jeff Pangburn and seconded by Matt Ostiguy at a meeting duly held on April 12, 2022.

A vote was taken as follows:

Tom Hickey	<u>Abstain</u>
Matt Ostiguy	<u>Yes</u>
Jeff Pangburn	<u>Yes</u>
Bob Seward III	<u>Absent</u>
Scot Strevell	<u>Yes</u>

Motion carried 3-0

NEXT MEETING: The next meeting scheduled for April 26, 2022 is cancelled.

APPROVAL OF MINUTES:

Motion by Matt Ostiguy to approve the February 22, 2022 meeting minutes. Seconded by Scot Strevell. Motion carried by a 3-0 vote.

MOTION TO ADJOURN

There being no further business before the Board, the meeting was adjourned upon a motion by Matt Ostiguy. Seconded by Scot Strevell. Motion Carried by a 3-0 vote.

Respectfully Submitted

Alison Lovely
Alison Lovely, ZBA Secretary