



The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

TOWN BOARD MINUTES PUBLIC HEARING June 8, 2022

To view a recording of the full meeting, please visit Town Hall Streams or Facebook link below:
https://townhallstreams.com/stream.php?location_id=119&id=45781
<https://www.facebook.com/TownofEG/videos/1214624962626486/>

The following is a summary of the Town Board Public Hearing as recorded by the Town Clerk.

Call to Order **6:15 PM**
Pledge of Allegiance
Town Board Meeting:

Members of Town Board

Present

Absent

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Supervisor J. Conway
Councilor T. Tierney
Councilor H. Kennedy
Councilor B. Fritz
Councilor E. Nestler

PLEASE TAKE NOTICE, that pursuant to the direction of the East Greenbush Town Board, the Town Board shall hold a public hearing on **June 8, 2022 at 6:15 P.M.**, at the East Greenbush Town Hall located at 225 Columbia Turnpike in the Town of East Greenbush, to receive comments from the public about a proposed local law as follows:

A local law enacting Amendments to Portions of the East Greenbush Town Code Chapter 16 (HAWKING AND PEDDLING).

The Town Board shall also consider a proposed demonstration program for food trucks at the above scheduled time.

The proposed local law would create regulations for the permitting and use of mobile food vendors in the Town of East Greenbush. Section 16-1, legislative intent, is amended to provide a regulatory scheme for the designation of properties suitable for the location and operation of mobile food vendors. And is further amended that the intent of this local law is to create synergy between mobile food vendors and provide employment and small business growth in the Town

while providing a broad range of food choices to the public. The provisions of this amended section are intended to provide a proper balance between food truck uses that allow brick-and-mortar restaurants to thrive while allowing for new food vending opportunities that can add vitality to vacant parking lots and underutilized sites. Section 16-2 is amended with additional definitions. Section 16-4 is amended to address applicability and permit requirements. Section 16-10 A. is amended to change the hours of business from 7:00 A.M. to 9:00 P.M. from current hours of 9:00 A.M. to 8:00 P.M. Section 16-10 is further amended with additional restrictions applicable to mobile food vendors including limits on proximity, no mobile food vendor shall locate as an accessory or principal use within three hundred (300) feet of a restaurant. A copy of the local law may be inspected at the Office of the Town Clerk during regular business hours. A copy of the proposed local law and proposed demonstration program for food trucks are available on the Town's website at:

<https://www.eastgreenbush.org/>

Proposed Local Law-Amending Chapter 16 of Town Code (Hawking and Peddling)

Food Truck Demonstration Program

Written comments may be submitted to the Town Board by email to epangburn@eastgreenbush.org or by mail to the Town Board, Town of East Greenbush, 225 Columbia Turnpike, Rensselaer, New York 12144 at any time prior to the hearing.

By order of the East Greenbush Town Board
Dated: May 25, 2022
Ellen Pangburn, Town Clerk

Supervisor Conway – Read attached recommendation submitted by Planning Chair, Matt Mastin.

Open Public Privilege:

Residents addressed comments to the Town Board.

Planning Board Member/Resident, Ralph J. Viola – Submitted attached letter to Town Board he previously submitted to Planning Board Chairman.

Resident, Lillian Kramer – Submitted attached comments to the Town Board.

ADJOURNMENT

Motion to adjourn by Supervisor Conway and seconded by Councilor Kennedy and brought to a vote as follows:

Supervisor J. Conway	VOTED: YES
Councilor H. Kennedy	VOTED: YES

Councilor B. Fritz
Councilor T. Tierney
Councilor E. Nestler

VOTED: YES
VOTED: YES
VOTED: ABSENT

Respectfully submitted,

Ellen Pangburn
East Greenbush Town Clerk

DRAFT

**MOBILE FOOD VENDING,
LOCAL LAW
RECOMMENDATION TO TOWN BOARD
May 25, 2022**

MOTION OF RECOMMENDATION TO TOWN BOARD:

MOTION: A motion was made by Chairman Mastin as follows: **The Planning Board recommends that the Town Board take more time to review and adopt a Food Vending local law. The Planning Board has significant concerns with the following:**

- 1. Parking & circulation;**
- 2. Planning Board recommends establishing height restriction(s);**
- 3. Planning Board recommends establishing lighting restriction(s);**
- 4. Individual applicants should address odor & noise emissions;**
- 5. Individual applications are reviewed for distance from competing restaurants or other food business;**
- 6. That signage be restricted, related to type, height & appearance with no inflatable signage;**
- 7. That there be no permanent use in a location;**
- 8. There be no overnight parking;**
- 9. That there is a review process established for accessories such as picnic tables & umbrellas.**

Seconded by Kurt Bergmann & roll called as follows:

**M. Mastin-YES; K. Bergmann-YES; R. Viola-YES; D. Panton-YES;
J. Conway-YES.**

MOTION CARRIED BY A 5-0 VOTE

May 4, 2022

East Greenbush Planning Board
225 Columbia Turnpike
East Greenbush, NY 12061

Attn: Chairman Matt Mastin

RE: Town of East Greenbush
Mobil Food Vending Law

Mr. Chairman,

I would like to make a few personal comments regarding the Town of East Greenbush Mobil Food Vending Law Draft that was distributed to us at our last board meeting.

I am not sure if this request for this Local Law adoption was instituted by one food truck vendor or if this has been a continual request from many vendors. Either way, I find this request for this local law a disservice to all the property owners that have rental retail stores located in our town.

A law with such impact should not be assembled and adopted within a months' time without proper review process and input.

My family has had retail store fronts in this town for over seventy years. The last twenty years we have struggled to attract tenants and keep them for any length of time. We have had to make monetary rental rate concessions just to retain our current tenants. The leadership has continually asked "what can we do to help property owners attract new businesses to this area". Food Trucks are not the answer!

Conflict with current Brick and Mortar Locations:

The Mobile Food vendors have a huge advantage to the brick-and mortar establishments.

- 1) Pay no Property/School Taxes
- 2) Pay no utility bills
- 3) Pay no Liability or Property Casualty Insurance.
- 4) Most locations will give mobile vendors more parking area than storefronts.
- 5) Many "mobile Food Vendors" do not pay income tax on sales
- 6) Existing food establishments are burdened with the Take-out Apps Doordash/Grubhub taking up to 30% of take-out sales.
- 7) Brick and Mortar are open 12 months a year even during their "slow winter months" just to keep up with rent payments and overhead costs.

Our major town highway Rt 9&20 is littered with vacant store fronts and vacant land because of the lack of retail/food interest. The Town of North Greenbush Rt. 4 & 40 corridor has been the premier destination for many businesses. There is a perception that a retail/food establishment will fare better along this route. There obviously is more traffic flow.

This Mobile Food Vending Law will drastically impact current food retail establishments located along Rt. 9&20 and hinder any possible new dining locations. I am not against "Food Trucks". I have many friends and family that operate them. I am against the opportunity that this local law will allow them to camp in one location for a long duration

One possible location for a Mobile Food Truck for the summer duration is at the EG Town Park or the Hampton Manor Lake Park. This location would be beneficial to the people of the town, NOT along Rts. 9&20.

Enforcement:

The E.G. Building and Zoning Department cannot police the blatant code violations that exist within our town currently. Even when the violators are put on notice, it is extremely difficult to get them in compliance within a reasonable time frame.

My point is the enforcement of the regulations set forth in this Mobile Food Vending Law will place a huge burden on our already short-handed Building Department. Most violations will go un-noticed.

The residents of the town do not want to see a carnival midway like atmosphere dotted along our major town thoroughfares. We will have food trucks with OPEN sign flags waving, picnic tables with umbrellas strewn across the properties littered with garbage from overturned or overfilled trash receptacles.

As a member of the EG Comprehensive Zoning Steering Committee never once during our discussions on how we could improve the Rt.9&20 corridor were Food Trucks ever mentioned or considered as a viable solution to our decaying retail.

Thank you for the opportunity to voice my concerns and displeasures.

I cannot support this Mobile Food Vending Law as it is currently proposed.

Respectfully submitted.

Ralph J. Viola

Ralph J. Viola
E.G. Planning Board Member



I am in support of food trucks in East Greenbush and here is why:

All our surrounding cities allow food trucks. Look at Troy and Albany, easily the best and most populated food scenes in the immediate area. Both towns allow food trucks throughout, while brick and mortar restaurants still thrive, and many more new ones even opening. Albany even has a stationary food truck that hasn't cause other breakfast spots to close. East Greenbush even has a few seasonal establishments that don't seem to affect the other restaurants.

The Institute for Justice did a 12-year study on how food trucks impact restaurants. The authors found no statistically significant relationship between the number of food trucks in one year and the number of restaurants in the next. They did, however, find a positive and statistically significant relationship between food trucks and restaurants in the same year, suggesting food trucks complement the restaurant industry rather than detract from it, and that both sectors can thrive at the same time.

Restaurants and food trucks are two very different businesses and serve customers looking for different types of experiences. You go to the food truck for one kind of experience and sit down at a restaurant for another kind of experience, there are two different markets and times for each one.

With the mindset of food trucks taking away from brick-and-mortar restaurants, are we going to push away all other food related businesses and growth because they'll take away from current businesses? Why do we keep allowing chain restaurants to open up since they're going to take away from the Mom-n-Pop shop? It's already hard enough to get independent business owners to open here as it is, for MANY reasons, now we're pushing away the very few that want to be here. Lots of people who start out as a food truck end up opening a brick-and-mortar store in the community that welcomed them. A lot of the times these food trucks are testing the waters to see if they have what it takes to become a permanent part of that community.

Having some competition isn't a bad thing, it keeps everyone a bit sharper. Times are changing, diets are vastly changing, new and creative dishes are more and more desired. People want to go to that place that sells that dish that no one else has. The East Greenbush food scene could benefit from that kind of competitive push. The food scene here is a bit stuck in the past, it's gotten used to what has worked over the generations, and that fine, to an extent. The town really banks on all this new growth that Regeneron and the PDD is going to bring in, another way to make that a sure shot is by growing our food scene too, bringing in new and modern ideas. I'm sure I'm not the only one here who plans a vacation and one of the first things they do is check out what cool places are around to eat – I'd love to see East Greenbush be that place. As someone who has been a long time vegetarian and recently dabbling in the vegan scene, I almost never eat in East Greenbush, there's not much here for me unless I want a cheese sandwich, cheese pizza or some pasta – food trucks could change that for people like me.

I've only heard people speak in favor of food trucks, I have yet to hear any negative input from these brick-and-mortar restaurants that the town is worried about. It makes me wonder if it's a non-issue or if they're just not that invested in a way.

I'll end this with a quote from a chef I came across when doing my research -- "I don't think restaurants have anything to worry about unless they're not really seeing what people want."

Lillian Kramer