

# TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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

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## MEETING AGENDA

TUESDAY, JULY 26, 2016

7:30PM

### 7:30 PM CALL TO ORDER

#### PUBLIC HEARINGS:

Reconvene ZBA Appeal #2016-08-Friendly's -9 Troy Road-Use Variance-construction of a drive thru to existing restaurant

Reconvene ZBA Appeal #2016-11-Rapp-2 Hillview Avenue-Use Variance-Storage/Wholesale Granite Business out of existing garage

ZBA Appeal #2016-13-Holland-67 Morner Road-Area Variance-Construction of a shed in front yard

#### SEQR DETERMINATION & RECOMMENDATION:

ZBA Appeal #2016-08-Friendly's -9 Troy Road-Use Variance-construction of a drive thru to existing restaurant

ZBA Appeal #2016-11-Rapp-2 Hillview Avenue-Use Variance-Storage/Wholesale Granite Business out of existing garage

ZBA Appeal #2016-13-Holland-67 Morner Road-Area Variance-Construction of a shed in front yard

#### WORKSHOP/DELIBERATION:

ZBA Appeal #2016-08-Friendly's -9 Troy Road-Use Variance-construction of a drive thru to existing restaurant

ZBA Appeal #2016-11-Rapp-2 Hillview Avenue-Use Variance-Storage/Wholesale Granite Business out of existing garage

ZBA Appeal #2016-13-Holland-67 Morner Road-Area Variance-Construction of a shed in front yard

#### NEXT MEETING:

August 9, 2016

#### STATUS – NEW APPEALS ON AUGUST 9, 2016:

ZBA Appeal #2016-14-Snopkowski-2 Castleton Avenue-Special Use Permit-Home Occupation (Sewing Business)

#### APPROVAL OF MINUTES:

June 14, 2016

Town of East Greenbush  
Zoning Board of Appeals

In the matter by:  
O Ice LLC  
For a **Use Variance**

**Resolution and  
Final Decision of  
Board of Appeals**

**Appeal No. 2016-08**

**Whereas**, An application has been filed by O Ice LLC. of 11995 El Camino Real, San Diego, CA 92130, owner of the property at 9 Troy Road, East Greenbush, NY 12061. Applicant proposes to construct a drive-thru to the existing Friendly's Restaurant. A drive-thru is not allowed in the B-1 Zoning District.

**Whereas**, The applicant has filed an appeal requesting a Use Variance at the property located on 9 Troy Road, East Greenbush, NY (Tax Map No. 166.15-4-6); and

**Whereas**, The Board of Appeals has duly published a notice of public hearing regarding this appeal in The Record on May 11, 2016; 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 Board of Appeals on Tuesday, May 24, 2016 & reconvened on July 26, 2016 in the Town Hall of the Town of East Greenbush to consider this appeal; and

**Whereas**, The Planning Board of the Town of East Greenbush at its March 11, 2016 meeting recommended a favorable recommendation of the requested use variance; 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**, This appeal has met all the requirements of the **SEQR** and the **TEQR**; now, therefore, be it

**Resolved**, That the Board of Appeals makes the following findings of fact:

1. The applicant provided **(failed to provide any)** financial evidence to substantiate that he **cannot realize a reasonable rate of return** as documented by
2. The property does **(not)** suffer a **unique** hardship as
3. The Use Variance **will (not) alter the essential character of the neighborhood** as
4. The alleged hardship **has (not) been self-created** as

**Resolved**, that the application for a Use Variance for **a drive-thru** be \_\_\_\_\_ **(GRANTED/DENIED)** with \_\_\_\_\_ **(NO)** condition(s):

- 1.
- 2.

This resolution was moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ at a meeting duly held on July 26, 2016.

*(Discussion)*

A vote was taken as follows:

John Conway Jr.    \_\_\_  
 Joyce Lapham       \_\_\_  
 Matt Ostiguy       \_\_\_  
 Jeff Pangburn       \_\_\_  
 Domenico Pirrotta   \_\_\_  
 Lou Polsinello III   \_\_\_  
 Bob Seward III      \_\_\_

**TOWN OF EAST GREENBUSH  
BOARD OF APPEALS**

By: \_\_\_\_\_  
Jeff Pangburn, Chairperson

Dated: \_\_\_\_\_, 2016

***\*Granting of this variance, does not preclude the applicant from obtaining a building permit.***

Copy To:

O Ice LLC.  
11995 El Camino Real  
San Diego, CA 92130

Cc: Rensselaer County Planning  
Town Clerk  
ZBA File No. 2016-08  
Friendly's Restaurant

Via Email: Building Inspector  
Assessor

Town of East Greenbush  
Zoning Board of Appeals

In the matter by:  
KSR Holding LLC.  
Bill Rapp  
For a **Use Variance**

**Resolution and  
Final Decision of  
Board of Appeals**

**Appeal No. 2016-11**

**Whereas**, An application has been filed by KSR Holding, LLC. Bill Rapp of 2 Hillview Avenue, Rensselaer, NY 12144, owner of the property at 2 Hillview Avenue, Rensselaer, NY 12144 Applicant proposes to operate a storage/wholesale granite business out of the existing garage in the B-1 Zoning District. Operating a storage/wholesale granite business is not allowed in the B-1 Zoning District.

**Whereas**, The applicant has filed an appeal requesting a Use Variance at the property located at 2 Hillview Avenue, East Greenbush, NY (Tax Map No. 155.13-21-3.1); and

**Whereas**, The Board of Appeals has duly published a notice of public hearing regarding this appeal in The Record on June 3, 2016; 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 Board of Appeals on Tuesday, June 14, 2016 & reconvened on July 26, 2016 in the Town Hall of the Town of East Greenbush to consider this appeal; and

**Whereas**, The Planning Board of the Town of East Greenbush at its May 25, 2016 meeting gave an advisory opinion of the requested use variance; 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**, This appeal has met all the requirements of the **SEQR** and the **TEQR**; now, therefore, be it

**Resolved,** That the Board of Appeals makes the following findings of fact:

1. The applicant provided **(failed to provide any)** financial evidence to substantiate that he **cannot realize a reasonable rate of return** as documented by
2. The property does **(not)** suffer a **unique** hardship as
3. The Use Variance **will (not) alter the essential character of the neighborhood** as
4. The alleged hardship **has (not) been self-created** as

**Resolved,** that the application for a Use Variance for **a storage/wholesale granite business** be        **(GRANTED/DENIED)** with            **(NO)** condition(s):

- 1.
- 2.

This resolution was moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ at a meeting duly held on July 26, 2016.

*(Discussion)*

A vote was taken as follows:

John Conway Jr.	___
Joyce Lapham	___
Matt Ostiguy	___
Jeff Pangburn	___
Domenico Pirrotta	___
Lou Polsinello III	___
Bob Seward III	___

**TOWN OF EAST GREENBUSH  
BOARD OF APPEALS**

By: \_\_\_\_\_  
Jeff Pangburn, Chairperson

Dated: \_\_\_\_\_, 2016

***\*Granting of this variance, does not preclude the applicant from obtaining a building permit.***

Copy To:

KSR Holding, LLC.  
2 Hillview Avenue  
Rensselaer, NY 12144

Cc: Rensselaer County Planning  
Town Clerk  
ZBA File No. 2016-11

Via Email: Building Inspector  
Assessor

Town of East Greenbush  
Zoning Board of Appeals

In the matter by:  
Christopher Holland  
For an Area Variance

**Resolution and  
Final Decision of  
Board of Appeals**

**Appeal No. 2016-13**

**Whereas**, An application has been filed by Christopher Holland, 67 Morner Road, Rensselaer, NY 12144, proposing to construct a 10' x 14' accessory building (shed) in the front yard in the R-OS Zoning District. This is in violation of the Town's Comprehensive Zoning Law and Town Code of the Town of East Greenbush: Section II, Sub Section 2.5.06 Encroachments in Required Yards a) Accessory Buildings; and

**Whereas**, The applicant has filed an appeal requesting an Area Variance at the property located at 67 Morner Road, East Greenbush, NY (Tax Map No. 145.-2-6.12); and

**Whereas**, The Board of Appeals has duly published a notice of public hearing regarding this appeal in The Record on July 15, 2016; 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 Board of Appeals on Tuesday, July 26, 2016 in the Town Hall of the Town of East Greenbush to consider this appeal; and

**Whereas**, The Planning Board of the Town of East Greenbush at its July 13, 2016 meeting offers a positive advisory opinion of the requested area variance; 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**, This appeal has met all the requirements of the **SEQR** and the **TEQR**; now, therefore, be it

**Resolved,** That the Board of Appeals makes the following findings of fact:

1. There will **(not)** be an undesirable change in the character of the neighborhood as
2. There is **no** other method available to the applicant as
3. The requested variance is **(not)** substantial
4. The proposed variance will **(not)** have an adverse effect on the neighborhood
5. The alleged difficulty is **(not)** self-created; however, **that shall not necessarily preclude the granting of the area variance.**

**Resolved,** that the application for the construction of a 10' x 14' accessory building (shed) in the front yard be \_\_\_\_\_ **(GRANTED/DENIED)** with \_\_\_ **(NO)** condition(s):

This resolution was moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ at a meeting duly held on July 26, 2016.

*(Discussion)*

A vote was taken as follows:

John Conway Jr.     \_\_\_  
 Joyce Lapham       \_\_\_  
 Matt Ostiguy       \_\_\_  
 Jeff Pangburn       \_\_\_  
 Domenico Pirrotta   \_\_\_  
 Lou Polsinello III   \_\_\_  
 Bob Seward III      \_\_\_

**TOWN OF EAST GREENBUSH  
BOARD OF APPEALS**

By: \_\_\_\_\_  
Jeff Pangburn, Chairperson

Dated: \_\_\_\_\_, 2016

***\*Granting of this variance, does not preclude the applicant from obtaining a building permit.***

Christopher Holland  
67 Morner Road  
Rensselaer, NY 12144

Cc: Rensselaer County Planning  
Town Clerk  
ZBA File No. 2016-13

Via Email: Building Inspector  
Assessor