

TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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

MEETING AGENDA

TUESDAY, JULY 12, 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

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

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

NEXT MEETING:

July 26, 2016

STATUS – NEW APPEALS ON JULY 26, 2016:

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

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 12, 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 June 28, 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 12, 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

****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