

# 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, MAY 24, 2016

7:30PM

### 7:30 PM CALL TO ORDER

### PUBLIC HEARINGS:

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

### SEQR DETERMINATION & RECOMMENDATION:

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

### WORKSHOP/DELIBERATION:

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

### NEXT MEETING:

June 14, 2016

### STATUS – NEW APPEALS ON JUNE 14, 2016:

ZBA Appeal #2016-10-Tibbits-24 Linden Avenue-Use Variance-construction of a 1,834 square foot two family dwelling

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

ZBA Appeal #2016-12-Bogucki-24 CedarCrest Drive-Area Variance-Construction of pavilion in rear yard

### APPROVAL OF MINUTES:

March 22, 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 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 May 24, 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