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
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