

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 26, 2016

7:30PM

REVISED 7/25/16

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

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 #2016-13-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 #2016-13-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:

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

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:
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