

**Town of Rotterdam
Zoning Board of Appeals Meeting
Summary Meeting Minutes
June 21, 2023**

A meeting of the Town of Rotterdam Zoning Board of Appeals was held Wednesday, June 21, 2023 at 7:30 p.m. at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York.

Present:	Philip Eats, Chairman	Excused: Craig Serafini
	Angelo Melillo, Vice Chairman	
	Alex Stramenga	
	Bruce Bonacquist	
	Alex Davis for Stephanie DiLallo-Bitter, ZBA Attorney	
	Peter Comenzo, Sr. Planner	
	Lisa Gallo, Secretary	

The agenda for the evening was discussed. Chairman Eats called the meeting to order. The Pledge of Allegiance to the Flag was recited. Attendance was taken.

**ZBA Meeting
June 21, 2023**

1) **Thomas Tarantelli – 44 Merritt Drive, Rotterdam, NY**, Tax Map #58.16-8-14 located in the Single Family Residential (R-1) Zoning District. Petitioners respectfully request that he be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-15 entitled “Accessory uses, buildings, and structures.” **Chapter 270-15(C)** states that no detached accessory building shall be located less than five feet from any rear or side lot line. The applicant is proposing to locate two (2) feet from the property line which will require a variance of three (3) feet.

a. **Thomas Tarantelli of 44 Merritt Drive representing this application.**

Postponed per applicant’s request from May 17, 2023 to June 21, 2023.

b. **Applicant(s) addressed five (5) criteria to the Board.**

Mr. Tarantelli explained he needs a variance for an existing shed that is too close to the property line. Chairman Eats visited the property. A Building Inspector also visited the property. He said he needed to get the paperwork done. Mr. Tarantelli came in that day and filled out the paperwork. Chairman Eats asked about moving the shed to three feet (3’) from the property line. Mr. Tarantelli has contacted three (3) companies; Gabriele, Della Porta and Rotterdam Septic. All of these companies have done work for him in the past. One of them told him there may be a fire rated paint that he can use. None of the contractors are getting back to him about moving the shed. He thought he asked for this to be postponed until he could get someone to get him a price. It will probably be a project but he believes it is something that can be done. It has taken him three (3) years to build. It may be too costly to move.

c. **Questions/comments from the Board.**

Mr. Bonacquist asked if Mr. Tarantelli was amenable to tabling this to a later date. A discussion ensued and it was determined that tabling until September would be the best option and agreeable to Mr. Tarantelli.

d. **Motion to TABLE the variance to September 20, 2023:** Mr. Bonacquist

e. **Seconded:** Mr. Melillo

f. **Approved unanimously:**

NAME	AYES	NOES	EXCUSED	RECUSED
Chairman Eats	X			
Mr. Melillo	X			
Mr. Stramenga	X			
Mr. Bonacquist	X			
Mr. Serafini			X	

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Town of Rotterdam
Zoning Board of Appeals

Philip Eats, Chairman
Peter J. Comenzo, Senior Planner

Telephone (518) 355-7575 Ext. 338
Facsimile (518) 355-2725

RESOLUTION NUMBER ZBA11-2023
Moved by Mr. Bonacquist, Seconded by Mr. Melillo
Applicant(s): Thomas Tarantelli
TABLED to SEPTEMBER 20, 2023

Applicant(s): Thomas Tarantelli
Project Location: 44 Merritt Drive
Tax Number or Numbers: 58.16-8-14
Zoning: Single Family Residential (R-1)
Proposed Project: The applicant is proposing to locate an accessory structure two (2) feet from the property line.

WHEREAS, petitioners respectfully request that he be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-15 entitled "Accessory uses, buildings, and structures;" and,

WHEREAS, Chapter 270-15(C) states that no detached accessory building shall be located less than five feet from any rear or side lot line; and,

WHEREAS, the applicant is proposing to locate two (2) feet from the property line which will require a variance of three (3) feet; and,

WHEREAS, the applicant requested this application be **TABLED** from June 21, 2023 to September 20, 2023; and,

WHEREAS, this project is classified as a Type II Action under SEQR because pursuant to 6NYCRR Part 617.5(c)(17) this is a granting of an area variance for a single-family home and as a result is therefore exempt from SEQR; and,

RESOLUTION NUMBER ZBA11-2023

Applicant: Thomas Tarantelli

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TABLED to SEPTEMBER 20, 2023

WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, June 15, 2023 announcing that a public hearing was to take place Wednesday, June 21, 2023 at 7:30 p.m. to consider the variance requests; and,

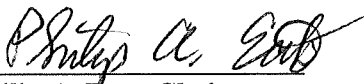
WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on June 21, 2023 to consider the above referenced variance request; and,

WHEREAS, pursuant to a Memorandum of Understanding dated April 2011 with the Schenectady County Department of Planning and Economic Development this project is exempt from review, **NOW**,

IT IS HEREBY RESOLVED, that the Rotterdam Zoning Board of Appeals hereby **TABLES** said application.

NAME	AYES	NOES	EXCUSED	RECUSED
Chairman Eats	X			
Mr. Melillo	X			
Mr. Stramenga	X			
Mr. Bonacquist	X			
Mr. Serafini			X	

This decision is bound by the application materials, schematic drawings, site plan, and testimony submitted to the Zoning Board of Appeals.



**Philip A. Eats, Chairman
Zoning Board of Appeals**

2) **Alice L. Crapser – 1301 Trinity Avenue, Rotterdam, NY**, Tax Map #58.7-12-35 located in the Single Family Residential (R-1) Zoning District. Petitioner respectfully requests that she be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-143 entitled “Fences.” **Chapter 270-143(A)(1)** sets a front yard height limit at four (4) feet. The applicant would like to install a six (6) foot high fence, which would require a variance of two (2) feet. **Chapter 270-143(A)(4)** states that front yard fences should be less than fifty percent (50%) solid or opaque. The applicant would like to install a six (6) foot high fence that is one hundred percent (100%) solid. The property is a corner lot.

a. **William Couton, son of Alice Crapser, representing this application.**

b. **Applicant(s) addressed five (5) criteria to the Board.**

Mr. Couton explained there is a row of cedar trees that were planted 50 years ago that are out of hand on the property. They have garbage and animals in them. Harmony Trees will be taking down the trees. He also has an installer for the six-foot (6') fence which will meet up with and attach to the existing fence. It will have more curb appeal and it will provide security for the yard. It will be better for backing out of the driveway. His mom went into the hospital so it's been a rough couple days. It will be an upgrade to the property. Mr. Couton read into the record the two (2) letters from his neighbors stating they did not have any issues with the installation of the fence. The cedar trees are deteriorating and rotting. They will gain about eight feet (8') of property on both sides. The six-foot (6') fence of Scott Street will have one foot (1') of lattice to match the neighbors existing fence. The trees are taller than the fence, so there will be a better view backing out of the driveway. The trees have been neglected for the last 15 years prior to him moving in to take care of his mother. Yes, it is self-created.

c. **This proposal is exempt from referral to Schenectady County Planning pursuant to Memorandum of Understanding – April 2011.**

d. **Questions/comments from the Board.**

Chairman Eats visited the property.

Mr. Bonacquist also visited the property and feels the criteria were covered. As to the environmental concerns, the trees impose an obstruction of view and the fence will be an improvement for the property and safety.

Mr. Melillo agrees with Mr. Bonacquist.

Mr. Stramenga visited the property and there have been several improvements to the property.

Ms. Davis, ZBA Attorney, suggested having a survey completed prior to the installation of the fence but it is not a requirement.

- e. **No Public Hearing Comments.**
- f. **This project is classified as a Listed Type 2 Action under SEQR.**
- g. **Motion to APPROVE the variances:** Mr. Bonacquist
- h. **Seconded:** Mr. Stramenga
- i. **Approved unanimously:**

NAME	AYES	NOES	EXCUSED	RECUSED
Chairman Eats	X			
Mr. Melillo	X			
Mr. Stramenga	X			
Mr. Bonacquist	X			
Mr. Serafini			X	

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Zoning Board of Appeals

Philip Eats, Chairman
Peter J. Comenzo, Senior Planner

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RESOLUTION NUMBER ZBA12-2023
Moved by Mr. Bonacquist, Seconded by Mr. Stramenga
Applicant(s): Alice Crapser

Applicant(s): Alice Crapser
Project Location: 1301 Trinity Avenue
Tax Number or Numbers: 58.7-12-35
Zoning: Single Family Residential (R-1)
Proposed Project: The applicant would like to install a six (6) foot high fence that is one hundred percent (100%) solid. The property is a corner lot.

WHEREAS petitioner respectfully requests that he be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-143 entitled "Fences;" and,

WHEREAS, Chapter 270-143(A)(1) sets a front yard height limit at four (4) feet; and,

WHEREAS, the applicant would like to install a six (6) foot high fence, which would require a variance of two (2) feet; and,

WHEREAS, Chapter 270-143(A)(4) states that front yard fences should be less than fifty percent (50%) solid or opaque; and,

WHEREAS, the applicant would like to install a six (6) foot high fence that is one hundred percent (100%) solid; and,

WHEREAS, the property is a corner lot; and,

WHEREAS, this project is classified as a Type II Action under SEQRA because pursuant to 6NYCRR Part 617.5(c)(17) this is a granting of an area variance for a single-family home and as a result is therefore exempt from SEQRA; and,

WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, June 15, 2023 announcing that a public hearing was to take place Wednesday, June 21, 2023 at 7:30 p.m. to consider the variance requests; and,

RESOLUTION NUMBER ZBA12-2023

Applicant: Alice Crapser

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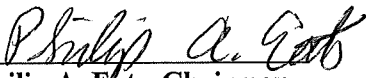
WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on June 21, 2023 to consider the above referenced variance request; and,

WHEREAS, pursuant to a Memorandum of Understanding dated April 2011 with the Schenectady County Department of Planning and Economic Development this project is exempt from review, **NOW**,

IT IS HEREBY RESOLVED, that the Rotterdam Zoning Board of Appeals has considered the foregoing five (5) criteria as evidenced by the application materials of the June 21, 2023 hearing. Taking into consideration the benefit to the applicant if the variances are granted, as weighted against the detriment to the health, safety, and welfare of the neighborhood or community by such grant, the Zoning Board of Appeals hereby **APPROVES** said application.

NAME	AYES	NOES	EXCUSED	RECUSED
Chairman Eats	X			
Mr. Melillo	X			
Mr. Stramenga	X			
Mr. Bonacquist	X			
Mr. Serafini			X	

This decision is bound by the application materials, schematic drawings, site plan, and testimony submitted to the Zoning Board of Appeals.


Philip A. Eats, Chairman
Zoning Board of Appeals

- 3) **Michael DeMarco – 353 Melrose Street, Rotterdam, NY**, Tax Map #48.19-1-4 located in the Single Family Residential (R-1) Zoning District. Petitioner respectfully requests that he be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-143 entitled “Fences.” **Chapter 270-143(A)(1)** sets a front yard height limit at four (4) feet. The applicant would like to install a six (6) foot high fence, which would require a variance of two (2) feet. **Chapter 270-143(A)(4)** states that front yard fences should be less than fifty percent (50%) solid or opaque. The applicant would like to install a six (6) foot high fence that is one hundred percent (100%) solid. The property is a corner lot.
- a. **Michael DeMarco of 353 Melrose Street representing this application.**
- b. **Applicant(s) addressed five (5) criteria to the Board.**

Mr. DeMarco explained that he was conducting maintenance of the fence by replacing the panels from 1990. The posts have not been removed or replaced. He was told he needed a fence permit and to apply for a variance so could finish. He spoke to his neighbors and they do not have a problem with the fence. He gave them his phone number and his e-mail but no one sent him a letter or e-mail. It is definitely not a detriment. It will be an improvement like putting a fresh coat of paint on a wall. It is not a substantial variance as nothing is changing. The environmental conditions will stay the same. Mr. DeMarco does not feel it is self-created as he was just maintaining/repairing an existing fence.

- c. **This proposal is exempt from referral to Schenectady County Planning pursuant to Memorandum of Understanding – April 2011.**
- d. **Questions/comments from the Board.**

Mr. Bonacquist said he went to the property but did not feel it necessary to speak to anyone. He could see that there was not going to be a visual obstruction.

Chairman Eats stated he visited the property and agrees with Mr. Bonacquist.

Mr. Comenzo stated he did print the 2022 Google Streetview map with the red fence depicted. It was in the members packets.

Ms. Davis suggested having a survey but it is not required and probably not necessary as the fence has been there for 30 years.

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Zoning Board of Appeals

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Peter J. Comenzo, Senior Planner

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RESOLUTION NUMBER ZBA13-2023
Moved by Mr. Stramenga, Seconded by Mr. Melillo
Applicant(s): Michael DeMarco

Applicant(s): Michael DeMarco
Project Location: 353 Melrose Street
Tax Number or Numbers: 48.19-1-4
Zoning: Single Family Residential (R-1)
Proposed Project: The applicant would like to install a six (6) foot high fence that is one hundred percent (100%) solid.

WHEREAS petitioner respectfully requests that he be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-143 entitled "Fences;" and,

WHEREAS, Chapter 270-143(A)(1) sets a front yard height limit at four (4) feet; and,

WHEREAS, the applicant would like to install a six (6) foot high fence, which would require a variance of two (2) feet; and,

WHEREAS, Chapter 270-143(A)(4) states that front yard fences should be less than fifty percent (50%) solid or opaque; and,

WHEREAS, the applicant would like to install a six (6) foot high fence that is one hundred percent (100%) solid; and,

WHEREAS, the property is a corner lot; and,

WHEREAS, this project is classified as a Type II Action under SEQR because pursuant to 6NYCRR Part 617.5(c)(17) this is a granting of an area variance for a single-family home and as a result is therefore exempt from SEQR; and,

WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, June 15, 2023 announcing that a public hearing was to take place Wednesday, June 21, 2023 at 7:30 p.m. to consider the variance requests; and,

RESOLUTION NUMBER ZBA13-2023

Applicant: Michael DeMarco

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WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on June 21, 2023 to consider the above referenced variance request; and,

WHEREAS, pursuant to a Memorandum of Understanding dated April 2011 with the Schenectady County Department of Planning and Economic Development this project is exempt from review, **NOW**,

IT IS HEREBY RESOLVED, that the Rotterdam Zoning Board of Appeals has considered the foregoing five (5) criteria as evidenced by the application materials of the June 21, 2023 hearing. Taking into consideration the benefit to the applicant if the variances are granted, as weighted against the detriment to the health, safety, and welfare of the neighborhood or community by such grant, the Zoning Board of Appeals hereby **APPROVES** said application.

NAME	AYES	NOES	EXCUSED	RECUSED
Chairman Eats	X			
Mr. Melillo	X			
Mr. Stramenga	X			
Mr. Bonacquist	X			
Mr. Serafini			X	

This decision is bound by the application materials, schematic drawings, site plan, and testimony submitted to the Zoning Board of Appeals.


Philip A. Eats, Chairman
Zoning Board of Appeals

4) **Gary DiCocco (contract vendee) – 210 Chism Street, Rotterdam, NY**, Tax Map #49.19-7-6 located in the Single Family Residential (R-1) Zoning District. Petitioner respectfully requests that he be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-31 entitled “Lot Area” and Chapter 270-33 entitled “Yard Requirements.” The applicant is requesting permission to demolish an existing single-family dwelling and replace it with a new 3-bedroom single-family dwelling. **Chapter 270-31(A)** states that the required minimum lot area shall be not less than 15,000 square feet, with a lot width of not less than 100 feet. The existing lot is 7,760 square feet with a lot width of 40 feet. This would require a variance of 7,240 square feet for lot area and 60 feet for lot width. **Chapter 270-33(B)** states that the side yard width shall be not less than 10 feet. The applicant would like to construct the residence within 5 feet of the side property line on both the east and west side of the proposed residence.

- b. **Luigi Palleschi of ABD Engineers representing this application.**
Gary DiCocco is also in attendance.
- c. **Applicant(s) addressed five (5) criteria to the Board.**
Mr. Palleschi explained this property is a 7,760 square foot parcel that is a preexisting non-conforming lot. The current single family residential zoning code requires 15,000 square feet. The current house is five feet (5') from one and 10' from the other property line. He is requesting two (2) variances. One is for lot size which he cannot change the lot size and can not expand the area in either direction. The proposed home will be five feet (5') from the property lines on both sides. It will not be a detriment to the neighborhood. The trees provide a buffer on one side. There is an existing solid fence on the other so the distance to the homes remains the same. This lot is lower than the adjacent lot so all stormwater will be maintained on this lot. The home is dilapidated and will be torn down. The new home will meet front yard setback. It will be an improvement than what is currently existing.
- d. **This proposal is exempt from referral to Schenectady County Planning pursuant to Memorandum of Understanding – April 2011.**
- e. **Questions/comments from the Board.**

Mr. Stramenga stated this is a tough one and he would like Mr. Bonacquist to explain.

Mr. Bonacquist said he wanted to go through the criteria. First is it changing the character of the neighborhood. He feels it does as there are wider lots on Stuart. Second is could it be achieved by other means. He feels the applicant does not have to buy the lot or build on it. Third, is it substantial? Mr. Bonacquist feels they are substantial variances and it is also self-created. There is currently a structure on the property and if he built it on the same foundation, he would be more inclined to say okay. With only five feet (5') for the side yard setbacks how do you get any equipment in the back to work on the septic or anything.

Mr. Palleschi explained it is hard to design a house with a garage on this lot. They were trying to maximize the building. He asked if they could decrease one side by two feet (2') to compromise and go to seven feet (7') on the other. A backhoe can fit back there.

The current structure is a detriment to the neighborhood. Mr. Palleschi stated the lot is only 40' wide and it already exists. Properties in town have been granted variances in the past for lot size. Would this be a possible solution.

Mr. Stramenga suggested building a 50' by 27' house.

Mr. Melillo asked if the applicant checked with the neighbors on purchasing more property.

Mr. DiCocco stated the owner of the adjacent property with the large yard was willed the property and there is a 90-year-old living there. He made a decent offer and the owner was not interested. She will not sell the land. The neighbors are happy with the property being cleaned up.

Mr. Bonacquist asked if five feet (5') on the east and eight feet (8') on the west was agreeable for the side yard setbacks. He said he would see this as mitigating some criteria. He also stated an engineer told him not to build on odd numbers so seven feet (7') on the west.

Mr. DiCocco said that people want bigger houses. It is cleaned up compared to what it was.

Chairman Eats stated that he spoke to Gary. He has concerns about the criteria too. He explained that if he used the existing footprint of the existing house, he would not need any variances and therefore would not need to be here. You can build house on the original footprint. You are achieving what you want by building a new house on the lot. The State recommends five feet (5') as a minimum and 8,000 square feet minimum. Chairman Eats asked if Mr. DiCocco had the Land Bank owners of the land contact the neighbor for the purchase of a portion of her lot.

Mr. DiCocco said he did and that she still was not willing to sell a portion of her land.

Chairman Eats said it is an undesirable change. The new home would be built on a substandard lot. The variances are substantial.

f. **No Public Hearing Comments.**

g. **This project is classified as a Listed Type 2 Action under SEQR.**

h. **Motion to APPROVE the variances with the following condition:**

1. The side yard setback to the east shall be five feet (5') and the side yard setback to the west shall be seven feet (7') Mr. Bonacquist

Seconded:

Mr. Melillo

i. **Approved 3 for and 1 against:**

NAME	AYES	NOES	EXCUSED	RECUSED
Chairman Eats		X		
Mr. Melillo	X			
Mr. Stramenga	X			
Mr. Bonacquist	X			
Mr. Serafini			X	



Town of Rotterdam
Zoning Board of Appeals

Philip Eats, Chairman
Peter J. Comenzo, Senior Planner

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RESOLUTION NUMBER ZBA14-2023
Moved by Mr. Bonacquist, Seconded by Mr. Melillo
Applicant(s): Gary DiCocco (Contract Vendee)

Applicant(s): Gary DiCocco (Contract Vendee)
Project Location: 210 Chism Street
Tax Number or Numbers: 49.19-7-6
Zoning: Single Family Residential (R-1)
Proposed Project: The applicant is requesting permission to demolish an existing single-family dwelling and replace it with a new 3-bedroom single-family dwelling.

WHEREAS, petitioner respectfully requests that he be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-31 entitled "Lot Area" and Chapter 270-33 entitled "Yard Requirements;" and,

WHEREAS, Chapter 270-31(A) states that the required minimum lot area shall be not less than 15,000 square feet, with a lot width of not less than 100 feet; and,

WHEREAS, the existing lot is 7,760 square feet with a lot width of 40 feet which would require a variance of 7,240 square feet for lot area and 60 feet for lot width; and,

WHEREAS, Chapter 270-33(B) states that the side yard width shall be not less than 10 feet; and,

WHEREAS, the applicant would like to construct the residence within 5 feet of the side property line on both the east and west side of the proposed residence; and,

WHEREAS, the applicant is requesting permission to demolish an existing single-family dwelling and replace it with a new 3-bedroom single-family dwelling; and,

WHEREAS, this project is classified as a Type II Action under SEQR because pursuant to 6NYCRR Part 617.5(c)(17) this is a granting of an area variance for a single-family home and as a result is therefore exempt from SEQR; and,

RESOLUTION NUMBER ZBA14-2023
Applicant: Gary DiCocco (Contract Vendee)
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WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, June 15, 2023 announcing that a public hearing was to take place Wednesday, June 21, 2023 at 7:30 p.m. to consider the variance requests; and,

WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on June 21, 2023 to consider the above referenced variance request; and,

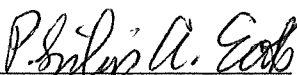
WHEREAS, pursuant to a Memorandum of Understanding dated April 2011 with the Schenectady County Department of Planning and Economic Development this project is exempt from review, **NOW**,

IT IS HEREBY RESOLVED, that the Rotterdam Zoning Board of Appeals has considered the foregoing five (5) criteria as evidenced by the application materials of the June 21, 2023 hearing. Taking into consideration the benefit to the applicant if the variances are granted, as weighted against the detriment to the health, safety, and welfare of the neighborhood or community by such grant, the Zoning Board of Appeals hereby **APPROVES** said application with the following condition:

1. The side setback to the east shall be five feet (5') and the side setback to the west shall be seven feet (7').

NAME	AYES	NOES	EXCUSED	RECUSED
Chairman Eats		X		
Mr. Melillo	X			
Mr. Stramenga	X			
Mr. Bonacquist	X			
Mr. Serafini			X	

This decision is bound by the application materials, schematic drawings, site plan, and testimony submitted to the Zoning Board of Appeals.


Philip A. Eats, Chairman
Zoning Board of Appeals

5) **My 3 Sons Home Building, LLC – 102 Old Mill Road, Rotterdam, NY Tax Map #48.13-2-29** located in the Light Industrial (I-1) Zoning District. Petitioners respectfully request that they be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-79 entitled “Yard Requirements.” The applicants are requesting permission to construct a 2,450 square foot addition onto an existing 3,840 square foot former car wash building converted into a garage structure. **Chapter 270-79** states that the setbacks are not less than 25 feet from any property line. The applicant is requesting to construct the addition within 7.5 feet of the side yard, which would require a variance of 17.5 feet.

a. **Luigi Palleschi of ABD Engineers representing this application.**

The owner of the property, Rob Jasenski, is also present.

b. **Applicant(s) representative addressed five (5) criteria to the satisfaction of the Board.**

Mr. Palleschi explained that the owner purchased the property two (2) year ago. It was a car wash and it has been converted into a seven (7) bay garage and an office. It looks a lot nicer. There are three (3) existing driveways. The surrounding property on Old Mill Lane is currently before the Planning Commission to be all storage units. The owner would like to build a 40' X 63' addition, seven and a half (7 ½) feet from the south property line. That property is owned by the railroad and will not be a detriment. The addition is for two (2) new garages with higher doors and storage on the second floor. There will also be new bathrooms. The water usage for this used is less than the car wash. It will be an improvement. The architectural look will be better as traveling on Burdeck street. It exceeds the NYS code of five feet (5'). It is in a commercial setting. It is not a long distance as the building is not parallel to the property line and the variance is to the closest point and not a whole wall. If the variance is approved, the project will need to go back before the Planning Commission for site plan approval.

c. **This proposal is not exempt from referral to Schenectady County Planning pursuant to Memorandum of Understanding – April 2011.**

Schenectady County Economic Development and Planning deferred to local consideration.

d. **Questions/comments from the Board.**

Mr. Melillo asked what the reason was for such a large addition and did they think about making it smaller.

Mr. Palleschi stated that there is a waiting list and there is a large demand for this type of setup.

Mr. Stramenga has no questions and sees it as an improvement.

Mr. Bonacquist stated this is not substantial as it abuts the railroad property that is vacant.

Chairman Eats said he spoke to Luigi and visited with Rob. The criteria were answered to his satisfaction.

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Philip Eats, Chairman
Peter J. Comenzo, Senior Planner

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RESOLUTION NUMBER ZBA15-2023
Moved by Mr. Melillo, Seconded by Mr. Stramenga
Applicant(s): My 3 Sons Home Building, LLC

Applicant(s): My 3 Sons Home Building, LLC

Project Location: 102 Old Mill Lane

Tax Number or Numbers: 48.13-29

Zoning: Light Industrial (I-1) Zoning District

Proposed Project: The applicants are requesting permission to construct a 2,450 square foot addition onto an existing 3,840 square foot former car wash building converted into a garage structure.

WHEREAS, petitioners respectfully request that they be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-79 entitled "Yard Requirements;" and,

WHEREAS, the applicants are requesting permission to construct a 2,450 square foot addition onto an existing 3,840 square foot former car wash building converted into a garage structure; and,

WHEREAS, **Chapter 270-79** states that the setbacks are not less than 25 feet from any property line; and,

WHEREAS, the applicant is requesting to construct the addition within 7.5 feet of the side yard, which would require a variance of 17.5 feet; and,

WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, June 15, 2023 announcing that a public hearing was to take place Wednesday, June 21, 2023 at 7:30 p.m. to consider the variance requests; and,

RESOLUTION NUMBER ZBA15-2023
Applicant: My 3 Sons Home Building, LLC
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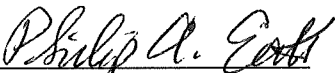
WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on June 21, 2023 to consider the above referenced variance request; and,

WHEREAS, Schenectady County Department of Planning and Economic Development responded to the 239-m referral on June 15, 2023 and deferred to local consideration; **NOW**

IT IS HEREBY RESOLVED, that the Rotterdam Zoning Board of Appeals has considered the foregoing five (5) criteria as evidenced by the application materials of the June 21, 2023 hearing. Taking into consideration the benefit to the applicant if the variances are granted, as weighted against the detriment to the health, safety, and welfare of the neighborhood or community by such grant, the Zoning Board of Appeals hereby **APPROVES** said variances and adopts Negative Declaration.

NAME	AYES	NOES	EXCUSED	RECUSED
Chairman Eats	X			
Mr. Melillo	X			
Mr. Stramenga	X			
Mr. Bonacquist	X			
Mr. Serafini			X	

This decision is bound by the application materials, schematic drawings, site plan, and testimony submitted to the Zoning Board of Appeals.


Philip A. Eats, Chairman
Zoning Board of Appeals

6) Alexandria and Brian Cremo – 398 Giffords Church Road, Rotterdam, NY, Tax Map #70.6-1-15 located in the Agriculture (A-1) Zoning District. Petitioners respectfully request that they be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-143 entitled “Fences.” **Chapter 270-143(A)(1)** sets a front yard height limit at four (4) feet. The applicant would like to install a six (6) foot high fence, which would require a variance of two (2) feet. **Chapter 270-143(A)(4)** states that front yard fences should be less than fifty percent (50%) solid or opaque. The applicant would like to install a six (6) foot high fence that is one hundred percent (100%) solid. The property is a corner lot.

a. Brian Cremo of 398 Giffords Church Road representing this application.

b. Applicant addressed five (5) criteria to the satisfaction of the Board.

Mr. Cremo explained that he and his wife have purchased their dream home, a gorgeous stone home but the fence is dilapidated. They have three (3) kids under 6 years old and two (2) dogs. They would like to install a six-foot (6’) privacy fence along Jeanette Drive. He went over this with the adjacent neighbors and they all signed a statement stating they did not have any issues which should be in the packet. Joanne assisted them with this and she was wonderful. This fence would minimize hearing the dogs barking. It will be a nice transition from the six-foot (6’) fence to the four-foot (4’) fence. It will give them access to more of their yard. Mr. Cremo also stated that it meant a lot to them that the Board members visited the property because it showed that they cared about their job.

c. This proposal is exempt from referral to Schenectady County Planning pursuant to Memorandum of Understanding – April 2011.

d. Questions/comments from the Board.

Mr. Bonacquist stated the fence is set back and does not pose an obstruction.

Mr. Melillo agreed with Mr. Bonacquist.

Chairman Eats spoke to both Mr. and Mrs. Cremo. They did a terrific job with the application and the presentation.

Ms. Davis recommended a survey.

Chairman Eats said that the applicant knows where the pins are and Mr. Cremo stated he does know where the pins are.



Town of Rotterdam
Zoning Board of Appeals

Philip Eats, Chairman
Peter J. Comenzo, Senior Planner

Telephone (518) 355-7575 Ext. 338
Facsimile (518) 355-2725

RESOLUTION NUMBER ZBA16-2023
Moved by Mr. Stramenga, Seconded by Mr. Melillo
Applicant(s): Alexandria and Brian Cremo

Applicant(s): Alexandria and Brian Cremo
Project Location: 398 Giffords Church Road
Tax Number or Numbers: 70.6-1-15
Zoning: Agricultural (A-1) Zoning District
Proposed Project: The applicant would like to install a six (6) foot high fence that is one hundred percent (100%) solid.

WHEREAS petitioner respectfully requests that he be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-143 entitled "Fences;" and,

WHEREAS, Chapter 270-143(A)(1) sets a front yard height limit at four (4) feet; and,

WHEREAS, the applicant would like to install a six (6) foot high fence, which would require a variance of two (2) feet; and,

WHEREAS, Chapter 270-143(A)(4) states that front yard fences should be less than fifty percent (50%) solid or opaque; and,

WHEREAS, the applicant would like to install a six (6) foot high fence that is one hundred percent (100%) solid; and,

WHEREAS, the property is a corner lot; and,

WHEREAS, this project is classified as a Type II Action under SEQR because pursuant to 6NYCRR Part 617.5(c)(17) this is a granting of an area variance for a single-family home and as a result is therefore exempt from SEQR; and,

WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, June 15, 2023 announcing that a public hearing was to take place Wednesday, June 21, 2023 at 7:30 p.m. to consider the variance requests; and,

RESOLUTION NUMBER ZBA16-2023
Applicant: Alexandria and Brian Cremo
Page 2


WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on June 21, 2023 to consider the above referenced variance request; and,

WHEREAS, pursuant to a Memorandum of Understanding dated April 2011 with the Schenectady County Department of Planning and Economic Development this project is exempt from review, **NOW**,

IT IS HEREBY RESOLVED, that the Rotterdam Zoning Board of Appeals has considered the foregoing five (5) criteria as evidenced by the application materials of the June 15, 2023 hearing. Taking into consideration the benefit to the applicant if the variances are granted, as weighted against the detriment to the health, safety, and welfare of the neighborhood or community by such grant, the Zoning Board of Appeals hereby **APPROVES** said application.

NAME	AYES	NOES	EXCUSED	RECUSED
Chairman Eats	X			
Mr. Melillo	X			
Mr. Stramenga	X			
Mr. Bonacquist	X			
Mr. Serafini			X	

This decision is bound by the application materials, schematic drawings, site plan, and testimony submitted to the Zoning Board of Appeals.


Philip A. Eats, Chairman
Zoning Board of Appeals

**ZBA Meeting
June 21, 2023**

- 7) **Louis Schenck – 1372 Evergreen Avenue, Rotterdam, NY**, Tax Map #58.11-5-11 located in the Single Family Residential (R-1) Zoning District. Petitioner respectfully requests that he be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-138 entitled “Accessory Structures and Uses.” The applicant wishes to place a 12’ x 20’ pool house on the property. The variance request(s) are as follows: **Chapter 270-138(c)** “Lot Coverage” states that the floor area of any accessory structure shall not exceed 15% of the total habitable floor area of an existing or proposed principal structure. The existing residential structure is 1172 square feet which would allow an accessory structure of 175 square feet. The proposed accessory structure is 240 square feet, which will require a variance of 65 square feet.
- a. **Louis Schenck of 1372 Evergreen Avenue representing this application.**
- b. **Applicant addressed five (5) criteria to the satisfaction of the Board.**
Mr. Schenck explained they moved in about a year ago and they installed an inground pool. They would now like a 20’ X 12’ pavilion by the pool so they can get out of the sun. He did not realize it could only be 15% of habitable floor area. He did go to all the neighbors. It is designed to blend in with the house siding. It meets all the setbacks. It will not exceed 12’ in height. He looked at other alternatives, metal pavilions or tents but they really did not fit the neighborhood. This would be the least negative impact. Mr. Schenck stated that the variance is not substantial as it is only 65 square feet. There will not be any adverse environmental effects. The water will shed on their property. It is self-created.
- c. **This proposal is exempt from referral to Schenectady County Planning pursuant to Memorandum of Understanding – April 2011.**
- d. **Questions/comments from the Board.**
Mr. Comenzo explained that he pushed this on the agenda and that was why it was last.

A Nice Place to Live

"A Nice Place to Do Business"



Town of Rotterdam
Zoning Board of Appeals

Philip Eats, Chairman
Peter J. Comenzo, Senior Planner

Telephone (518) 355-7575 Ext. 338
Facsimile (518) 355-2725

RESOLUTION NUMBER ZBA17-2023
Moved by Mr. Melillo, Seconded by Mr. Stramenga
Applicant(s): Louis Schenck

Applicant(s): Louis Schenck
Project Location: 1372 Evergreen Avenue
Tax Number or Numbers: 58.11-5-11
Zoning: Single Family Residential (R-1) Zoning District
Proposed Project: The applicant wishes to place a 12' x 20' pool house on the property.

WHEREAS, petitioner respectfully requests that he be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-138 entitled "Accessory Structures and Uses;" and,

WHEREAS, Chapter 270-138(c) "Lot Coverage" states that the floor area of any accessory structure shall not exceed 15% of the total habitable floor area of an existing or proposed principal structure; and,

WHEREAS, the applicant wishes to place a 12' x 20' pool house on the property; and,

WHEREAS, the existing residential structure is 1172 square feet which would allow an accessory structure of 175 square feet; and,

WHEREAS, the proposed accessory structure is 240 square feet, which will require a variance of 65 square feet; and,

WHEREAS, this project is classified as a Type II Action under SEQR because pursuant to 6NYCRR Part 617.5(c)(17) this is a granting of an area variance for a single-family home and as a result is therefore exempt from SEQR; and,

WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, June 15, 2023 announcing that a public hearing was to take place Wednesday, June 21, 2023 at 7:30 p.m. to consider the variance requests; and,

RESOLUTION NUMBER ZBA17-2023

Applicant: Louis Schenck

Page 2

WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on June 21, 2023 to consider the above referenced variance request; and,

WHEREAS, pursuant to a Memorandum of Understanding dated April 2011 with the Schenectady County Department of Planning and Economic Development this project is exempt from review, **NOW**,

IT IS HEREBY RESOLVED, that the Rotterdam Zoning Board of Appeals has considered the foregoing five (5) criteria as evidenced by the application materials of the June 21, 2023 hearing. Taking into consideration the benefit to the applicant if the variances are granted, as weighted against the detriment to the health, safety, and welfare of the neighborhood or community by such grant, the Zoning Board of Appeals hereby **APPROVES** said application.

NAME	AYES	NOES	EXCUSED	RECUSED
Chairman Eats	X			
Mr. Melillo	X			
Mr. Stramenga	X			
Mr. Bonacquist	X			
Mr. Serafini			X	

This decision is bound by the application materials, schematic drawings, site plan, and testimony submitted to the Zoning Board of Appeals.


Philip A. Eats, Chairman
Zoning Board of Appeals

Meeting adjourned: 9:13 PM
Motion to adjourn: Mr. Bonacquist
Seconded: Mr. Stramenga
Approved unanimously

Next meeting: July 19, 2023

Respectfully Submitted,
Lisa R. Gallo