

**Town of Rotterdam
Zoning Board of Appeals Meeting
Summary Meeting Minutes
October 18, 2023**

A meeting of the Town of Rotterdam Zoning Board of Appeals was held Wednesday, October 18, 2023 at 7:30 p.m. at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York.

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

- 1) **Jason and Tracey VanVranken – 1068 Fort Hunter Road, Rotterdam, NY**, Tax Map #59.18-1-3 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 270-138 entitled “Accessory structures and uses.” The applicants wish to construct a 40’ x 50’ detached garage with a height of 18 feet. The variance request(s) are as follows: **Chapter 270-138(c):** “Lot Coverage” states with respect to private garages, the floor area for each stall for the enclosed parking or storage of private motor vehicles shall not exceed 300 square feet. Calculations computed for square footage shall be based upon exterior foundation dimensions. No accessory garages shall exceed a maximum height of 15 feet in all existing zoning districts. The proposed detached garage is 2000 square feet with a height of 18 feet, which is 1100 square feet over the allowed size of 900 square feet and 3 feet over the allowed height of 15 feet.

a. Mark Blackstone of Blackstone Land Surveyors on behalf of this application.

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

Mr. Blackstone explained the applicant would like to construct an accessory structure on his lot in excess of zoning ordinance allowance. An area variance of 50’ was received for the Campagnano’s, the property next door, the north and west of this property. The Campagnano’s completed a lot line amendment recently with the Rotterdam Planning Commission. The proposed detached garage is 2,000 square feet instead of the allowed 900 square feet. Mr. VanVranken has an automobile restoration hobby. His intent is to house those vehicles and turn the existing attached garage into living space. There will not be any undesirable change to the neighborhood. He could decrease the size but needs the size for the storage of the automobiles. The location of the garage being proposed is in an open area. There is more than 100’ between the two (2) properties. It may be substantial but in this setting it is not. It will not have any impacts on the physical or environmental conditions in the neighborhood. Clearly, a structure of this size 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. Bonacquist believes it will not be an undesirable change to the characteristic of the neighborhood. It is substantial but from the size of the house and the size of the lot, that is mitigated. Mr. VanVranken purchased additional land. No adverse effect on the environmental conditions in the neighborhood. Based on this information, he can support the variances requested.

Mr. Melillo agrees with Mr. Bonacquist.

Mr. Stramenga stated the applicant needed more living space.

Mr. Serafini also agrees with Mr. Bonacquist and feels he has come in and gone through another variance and boundary line adjustment to mitigate.

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**Jason and Tracey VanVranken
1068 Fort Hunter Road**

Chairman Eats explained that this is a substantial variance. It is 1100 square feet over the allowed size of 900 square feet. But this will be eliminated as the existing garage square footage will be eliminated. The other structure on the property will be turned into a pool house.

- e. **No Public Hearing Comments.**
- f. **This project is classified as a Listed Type 2 Action under SEQR.**
- g. **Motion to APPROVE:** 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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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 ZBA32-2023
Moved by Mr. Bonacquist, Seconded by Mr. Stramenga
Applicant(s): Jason & Tracey VanVranken

Applicant(s): Jason & Tracey VanVranken
Project Location: 1068 Fort Hunter Road
Tax Number or Numbers: 59.18-1-3
Zoning: Agricultural (A-1) Zoning District
Proposed Project: The applicants wish to construct a 40' x 50' detached garage with a height of 18 feet.

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 with respect to private garages, the floor area for each stall for the enclosed parking or storage of private motor vehicles shall not exceed 300 square feet. Calculations computed for square footage shall be based upon exterior foundation dimensions. No accessory garages shall exceed a maximum height of 15 feet in all existing zoning districts; and,

WHEREAS, the applicants wish to construct a 40' x 50' detached garage with a height of 18 feet; and,

WHEREAS, the proposed detached garage is 2000 square feet with a height of 18 feet, which is 1100 square feet over the allowed size of 900 square feet and 3 feet over the allowed height of 15 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, October 12, 2023 announcing that a public hearing was to take place Wednesday, October 18, 2023 at 7:30 p.m. to consider the variance requests; and,

RESOLUTION NUMBER ZBA32-2023

Applicant: Jason & Tracey VanVranken

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WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on October 18, 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 October 18, 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

- 2. Tetevi Benissan-Tremblay – 302 May Avenue, Rotterdam, NY, Tax Map #59.15-10-18** 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. Tetevi Benissan-Tremblay of 302 May Avenue representing this application.

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

Mr. Benissan-Tremblay stated he would like to install a white vinyl fence in his backyard. It is just a fence. It won't change anything in the neighborhood. It will look better. It is a corner lot. Without the fence, he will not have any backyard at all. He would like the fence for safety and security and to be able to use his backyard. The variances are not substantial. It will be more outside space for his family and dog. It won't have any effect on the environment. He is here asking permission for the fence. He wants to do things right. His land is lower than the road so the dog would be able to jump a four-foot (4') fence. Mr. Benissan-Tremblay does not want the fence on the property line. He is moving it in 10' for clear vision of the road for his neighbors.

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. Melillo asked about the neighbor on E. Campbell being able to see coming out of their driveway. He said it looks like they have around 30 -40 feet from the center of the road. The fence on May Avenue is also placed far enough in also so they should have no problem getting out of their driveway.

Mr. Stramenga stated that the site distance issue has been clarified.

Mr. Serafini congratulated Mr. Benissan-Tremblay on the purchase of his first home. He also asked about the type of dog. Mr. Benissan-Tremblay said he has a Doberman and a French.....

Mr. Bonacquist stated his only concern was again criteria 4 pertaining to site distance and it has been answered.

Chairman Eats spoke to Mr. Tremblay. They went over the criteria. He was impressed that Mr. Tremblay considered the site distance of the neighbors and the people passing by in cars. Mr. Tremblay is also moving the fence in nine (9) feet across the front also.

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**Tetevi Benissan-Tremblay
302 May Avenue**

e. **No Public Hearing Comments.**

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

g. **Motion to APPROVE:** Mr. Serafini

h. **Seconded:** Mr. Melillo

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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Philip Eats, Chairman
Peter J. Comenzo, Senior Planner

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RESOLUTION NUMBER ZBA33-2023
Moved by Mr. Serafini, Seconded by Mr. Melillo
Applicant(s): Tetevi Benissan-Tremblay

Applicant(s): Tetevi Benissan-Tremblay
Project Location: 302 May Avenue
Tax Number or Numbers: 59.15-10-18
Zoning: Single Family Residential (R-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. 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, October 12, 2023 announcing that a public hearing was to take place Wednesday, October 18, 2023 at 7:30 p.m. to consider the variance requests; and,

RESOLUTION NUMBER ZBA33-2023

Applicant: Tetevi Benissan-Tremblay

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WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on October 18, 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 October 18, 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
October 18, 2023**

- 3) **Ellen Snee and Casey Soblosky – 1729 Caldicott Road, Rotterdam, NY**, Tax Map #59.6-9-12 in the Single Family Residential (R-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 applicants 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 applicants would like to install a six (6) foot high fence that is one hundred percent (100%) solid. The property is a corner lot.

a. **Ellen Snee of 1729 Caldicott Road representing this application.**

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

Ms. Snee explained she lives on a corner lot. She is a first-time home buyer and did not know the rules. She needs to have a six-foot (6') fence as she has dogs that will be able to jump a four foot (4') high fence. Other neighbors have fences. It will deter her dogs from barking at everything that passes by. It will be on the inside of the bushes that are currently on the property, ten feet (10') from the road. She did find a survey of the property and put it in a safe location but now cannot locate it. The installer has come out and marked where the fence will be located. It is not going to be on anyone else's property.

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. Stramenga said he visited the property. He saw the dogs in the window. He sees why she needs to keep them in the yard and also for privacy.

Mr. Serafini congratulated her on her first house and asked what type of dogs. Ms. Snee stated she has a Burmadoodle and Dalmatian. They are high energy dogs.

Mr. Bonacquist stated his concern was the site distance, criteria #4, line of site and welcomed her to the Town.

Chairman Eats did speak to the applicant and went over the criteria. The presentation and application satisfy the criteria.

Mr. Comenzo asked for the survey to be submitted when the permit is picked up.

**ZBA Meeting
October 18, 2023**

**Ellen Snee and Casey Soblosky
1729 Caldicott Road**

- 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. Stramenga
- h. **Seconded** Mr. Serafini
- 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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RESOLUTION NUMBER ZBA34-2023
Moved by Mr. Stramenga, Seconded by Mr. Serafini
Applicant(s): Ellen Snee and Casey Soblosky

Applicant(s): Ellen Snee and Casey Soblosky

Project Location: 1729 Caldicott Road

Tax Number or Numbers: 59.6-9-12

Zoning: Single Family Residential (R-1) Zoning Districts

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. 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, October 12, 2023 announcing that a public hearing was to take place Wednesday, October 18, 2023 at 7:30 p.m. to consider the variance requests; and,

RESOLUTION NUMBER ZBA34-2023

Applicant: Ellen Snee & Casey Soblosky

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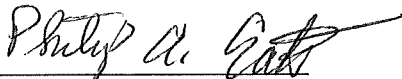
WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on October 18, 2023 to consider the above referenced variance request; and,

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 October 18, 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) Erica Fernandez – 273 Giffords Church Road, Rotterdam, NY, Tax Map #70.6-4-18** in the Agriculture (A-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. Erica Fernandez of 273 Giffords Church Road representing this application.

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

Ms. Fernandez stated she needs a variance for a six-foot (6') privacy fence on a corner lot. It will not create an undesirable change to the neighborhood. There is a six-foot (6') privacy fence across the street. It cannot be achieved by other means. She does not feel they are substantial variances. She needs this for privacy and her dogs. There will not be any adverse effect on the environment. It is for privacy, children, and dogs. It is self-created. She did not know she needed variances.

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. Serafini asked what type of dog. Ms. Fernandez stated a Lhasa Apso. Mr. Serafini said her presentation was solid and she took care of everything needed.

Mr. Bonacquist stated he could support her variance requests as criteria #4, the site distance, will not be impeded.

Mr. Stramenga stopped by and there was a delivery of food on porch. Ms. Fernandez said she did not know he was there. She was painting radiators.

Chairman Eats stated that Ms. Fernandez's presentation covered all the criteria.

Ms. Davis recommended a survey to ensure the fence is located on her property. It is not a requirement but a recommendation.

Chairman Eats requested she bring in an updated drawing.

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**Erica Fernandez
273 Giffords Church Road**

e. No Public Hearing Comments.

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

g. Motion to APPROVE the variance: 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 ZBA35-2023
Moved by Mr. Bonacquist, Seconded by Mr. Stramenga
Applicant(s): Erica Fernandez

Applicant(s): Erica Fernandez

Project Location: 273 Giffords Church Road

Tax Number or Numbers: 70.6-4-18

Zoning: Agricultural (A-1) Zoning Districts

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. 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, October 12, 2023 announcing that a public hearing was to take place Wednesday, October 18, 2023 at 7:30 p.m. to consider the variance requests; and,

RESOLUTION NUMBER ZBA35-2023

Applicant: Erica Fernandez

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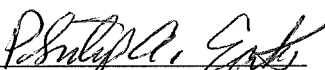
WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on October 18, 2023 to consider the above referenced variance request; and,

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 October 18, 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

- 5) Donald Lester and Laurie Andrews-Lester – 1104 Rockwood Lane, Rotterdam, NY,** Tax Map #59.17-1-15 located in the Single Family Residential (R-1) Zoning Districts. Petitioners respectfully request that they be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-160 entitled: “Storage of Travel Trailers.” **Chapter 270-160 (B)** states: “No travel trailer shall be stored on the front yard of the property.” The applicants would like to be granted a variance to allow for the storage of a travel trailer on the front yard.

- a. **Donald Lester and Laurie Andrews-Lester of 1104 Rockwood Lane representing this application.**

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

Mrs. Laurie Andrews-Lester explained she brought the packet but the questions are not in it. She stated she would like a variance to park her camper in the side of the front yard. It is adjacent to the driveway. The side yards are not large enough to get the trailer in the backyard with only ten feet (10') on one side and five feet (5') on the other. It is located far enough back not to impede site distance or obstruct snow plows. It gets moved throughout the season. They need access to it with water and electricity. It would not be convenient to not have it located at the house. It is not a permanent structure and not located over any leach field. It would be a hardship for them to store elsewhere.

- 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. Stramenga asked if they knew there was a petition against the trailer being in the front yard. The neighbors do not want it located there. He explained that there was one next to his house and his wife kept asking him to say something to the neighbor. He told her he did but he did not as he didn't feel he could. It's an eyesore for the neighbors. Mrs. Laurie Andrews-Lester stated she passed several of them on the way here and asked if they were all in violation of the code.

Mr. Bonacquist stated she could complain about the trailers to Jim Keith in the Department of Public Works. We are here for the variance request before us and not an enforcement body.

Ms. Gallo stated the Department of Public Works would need the addresses of where the trailers are located.

Mrs. Andrews-Lester stated the neighbor that suggested they request a variance is on the petition against it which she thought was interesting.

Mr. Serafini explained that this Board does not get into the complaints and he realizes that campers are a challenge to store. He also explained that they are not allowed to consider the expense of storage and they must consider the neighbors.

Mrs. Andrews-Lester stated they would have never purchased the trailer. The realtor said it was fine.

Chairman Eats said it is a change to the character of the neighborhood. The code states it cannot be parked in the front yard and it is. It is a substantial request from the code. It is self-created. You can store it elsewhere. The financial burden is not something this Board can consider.

Mr. Bonacquist agrees with Chairman Eats. There is an adverse effect on the neighborhood. If you need to work on the trailer in the driveway the oil may get into the waste-water system. Mr. Bonacquist said he is unable to support this request. He suggested going to the town Board to change the ordinance.

Mrs. Andrews-Lester stated that is not an issue as they do not as it is a trailer.

Mr. Lester explained he thought the code the way it reads, it is for abandoned vehicles in disrepair not being stored in the front yard. The trailer is nice looking.

- e. **No Public Hearing Comments.**
- f. **This project is classified as a Listed Type 2 Action under SEQR.**
- g. **Motion to **DENY** the variance:** Mr. Stramenga
- h. **Seconded** Mr. Melillo
- 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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Peter J. Comenzo, Senior Planner

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RESOLUTION NUMBER ZBA36-2023
Moved by Mr. Stramenga, Seconded by Mr. Melillo
Applicant(s): Doanld Lester & Laurie Andrews-Lester

DENIED

Applicant(s): Doanld Lester & Laurie Andrews-Lester
Project Location: 1104 Rockwood Lane
Tax Number or Numbers: 59.17-1-15
Zoning: Single Family Residential (R-1) Zoning Districts
Proposed Project: The applicants would like to be granted a variance to allow for the storage of a travel trailer on the front yard.

WHEREAS, petitioners respectfully request that they be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-160 entitled: "Storage of Travel Trailers;" and,

WHEREAS, Chapter 270-160 (B) states: "No travel trailer shall be stored on the front yard of the property; and,

WHEREAS, the applicants would like to be granted a variance to allow for the storage of a travel trailer on the front yard; 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, October 12, 2023 announcing that a public hearing was to take place Wednesday, October 18, 2023 at 7:30 p.m. to consider the variance requests; and,

RESOLUTION NUMBER ZBA36-2023

Applicant: Donald Lester & Laurie Andrews-Lester

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WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on October 18, 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 October 18, 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 **DENIED** 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

- 6) **Christian Cincotta– 3201 Delmar Avenue, Rotterdam, NY, Tax Map #48.18-4-20** in the Retail Business (B-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. **Christian Cincotta of 3201 Delmar Avenue representing this application.**

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

Mr. Cincotta stated he needs a variance for a six-foot (6') privacy fence. It is 12 feet past the corner. On the original paperwork it was 15' past the corner. It will not have an adverse effect on the neighborhood. It will be installed professionally. It will line up with the bushes. He thought he could put it anywhere but learned he could not. He wants it for privacy and security. He has dogs. It is self-created. He is a first-time homeowner and wants to do things correctly.

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 was concerned about the site distance being an issue for the neighbors but it does not appear there will be any issues with site distance.

Mr. Melillo agrees with Mr. Bonacquist.

Mr. Stramenga visited twice and sees why he wants a fence.

Mr. Serafini asked what type of dog. Mr. Cincotta stated two (2) Mastiffs. Mr. Serafini doesn't blame him for using the hedges. It is a beautiful open lot.

Chairman Eats said that the neighbor was concerned with the site distance. The fence will be located 11' from the pin and he has a survey. That should be sufficient room to see. He actually parked in the neighbor's driveway and could see. Mr. Cincotta is moving the fence in an extra foot.

Mr. Comenzo explained he was last on the agenda because he was put on the agenda last minute so he did not have to wait another month.

**ZBA Meeting
October 18, 2023**

**Christian Cincotta
3201 Delmar Avenue**

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

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

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 ZBA37-2023
Moved by Mr. Serafini, Seconded by Mr. Bonacquist
Applicant(s): Christian Cincotta

Applicant(s): Christian Cincotta
Project Location: 3201 Delmar Avenue
Tax Number or Numbers: 48.18-4-20
Zoning: Retail Business (B-1) Zoning Districts
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. 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, October 12, 2023 announcing that a public hearing was to take place Wednesday, October 18, 2023 at 7:30 p.m. to consider the variance requests; and,

RESOLUTION NUMBER ZBA37-2023

Applicant: Christian Cincotta

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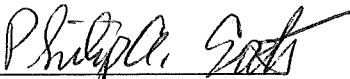
WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on October 18, 2023 to consider the above referenced variance request; and,

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 October 18, 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: 8:43 PM
Motion to adjourn: Mr. Stramenga
Seconded: Mr. Bonacquist
Approved unanimously

Next meeting: November 15, 2023

Respectfully Submitted,
Lisa R. Gallo