

**Town of Rotterdam  
Zoning Board of Appeals  
Summary Meeting Minutes for November 17, 2016**

A regular meeting of the Town of Rotterdam Zoning Board of Appeals was held Wednesday, November 17, 2016 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 Craig Serafini Alex Stramenga Bruce Bonacquist Kate McGuirl, Town 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.

Alternate Zoning Board of Appeals member Jeffery Nuzzaco was present and attended both the Caucus and General Meeting.

**ZBA Meeting  
November 17, 2016**

- 1. Robert Primett Jr. and Kimberly Dematteo (lessee) – 1742 Chrysler Avenue, Rotterdam, NY, Tax Map #49.19-1-12.11, located in the Light Industrial (I-1) Zoning District.** Petitioners respectfully request that they be granted a variance as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-151 entitled “Signs.” Chapter 270-151(E)(2) states that building-mounted signs accessory to a business or industrial use shall not extend more than 12 inches beyond the building facade and shall not extend above the roof of the building. The aggregate total surface display of such signs shall not exceed, in square feet, two times the number of linear feet of the width of the building front. In the case of a corner lot, the sign area may be increased one times the number of linear feet of the building face fronting on the secondary street or roadway. However, such increased permitted sign area shall be used only for the erection of a permitted sign on the length of the building which faces the secondary street or roadway. The applicants are seeking permission to erect a 4’ by 4’ flush wall mount sign on both the north side and south side of the building and a 2’ by 4’ flush wall mount sign on the east side of the building (rear) none of which face a secondary street or roadway.

- a. Frank Renna, owner of 1742 Chrysler Avenue representing application.**

- b. Representatives addressed five (5) criteria to the satisfaction of the Board.**

Mr. Renna stated the lessee’s would like to place signs at the ends of the building. It will not be an undesirable change as the building consists of signs now. They are just adding one (1) more at each end. It cannot be achieved by other means as the building sits right on the road. No one would see them if placed in the front and that is why they need to be at both ends. The signs will not be in the right of way. There will not be any adverse effect as signs are flat against the building and not in the right-of-way. The physical placement of the building does not allow them on Chrysler Avenue since no one would see them. Buckers photo used to be in this building and had larger signs in the exact same locations on the building so the Board would be approving something that already has been done in the past.

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

Schenectady County deferred to local consideration.

- d. Questions from the Board.**

Chairman Eats visited with the applicant.

e. **No Public Comments.**

f. **Motion to Approve:** Mr. Stramenga

g. **Seconded:** Mr. Melillo

h. **Approved Unanimously:**

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

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*Zoning Board of Appeals*

Philip Eats, Chairman  
Peter J. Comenzo, Senior Planner

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Facsimile (518) 355-2725

**RESOLUTION NUMBER ZBA21-2016**  
**Moved by Mr. Stramenga, Seconded by Mr. Melillo**  
**Applicant(s): Robert Primett Jr. & Kimberly Dematteo (lessee)**

**Applicant(s):** Robert Primett Jr. & Kimberly Dematteo (lessee)

**Project Location:** 1742 Chrisler Avenue  
Rotterdam, NY

**Tax Number or Numbers:** 49.19-1-12.11

**Zoning:** Light Industrial (I-1) Zoning District

**Proposed Project:** The applicants are seeking permission to erect a 4' by 4' flush wall mount sign on both the north side and south side of the building and a 2' by 4' flush wall mount sign on the east side of the building (rear) none of which face a secondary street or roadway.

**WHEREAS**, petitioners respectfully request that they be granted a variance as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-151 entitled "Signs;" and,

**WHEREAS**, Chapter 270-151(E)(2) states that building-mounted signs accessory to a business or industrial use shall not extend more than 12 inches beyond the building facade and shall not extend above the roof of the building. The aggregate total surface display of such signs shall not exceed, in square feet, two times the number of linear feet of the width of the building front. In the case of a corner lot, the sign area may be increased one times the number of linear feet of the building face fronting on the secondary street or roadway. However, such increased permitted sign area shall be used only for the erection of a permitted sign on the length of the building which faces the secondary street or roadway; and,

**WHEREAS**, the applicants are seeking permission to erect a 4' by 4' flush wall mount sign on both the north side and south side of the building and a 2' by 4' flush wall mount sign on the east side of the building (rear) none of which face a secondary street or roadway; and,

**WHEREAS**, a legal notice was published in the Schenectady Daily Gazette on Thursday, November 10, 2016, announcing that a public hearing was to take place in the V. Dalton Bambury Hearing Room, at the John F. Kirvin Government Center located at 1100 Sunrise Boulevard, Rotterdam, New York on Thursday, November 17, 2016 at 7:30 p.m. to consider the variance requests; and,

**RESOLUTION NUMBER ZBA21-2016**

**Applicant(s): Robert Primett Jr. & Kimberly Dematteo (lessee)**

**Page 2**

**WHEREAS**, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on November 17, 2016 to consider the above referenced variance requests; **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 November 17, 2016 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.

<b>NAME</b>	<b>AYES</b>	<b>NOES</b>	<b>ABSENT</b>	<b>RECUSED</b>
<b>Chairman Eats</b>	<b>X</b>			
<b>Mr. Melillo</b>	<b>X</b>			
<b>Mr. Stramenga</b>	<b>X</b>			
<b>Mr. Bonacquist</b>	<b>X</b>			
<b>Mr. Serafini</b>	<b>X</b>			

**This approval 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  
November 17, 2016**

**2. Kenneth E. Willcox, Jr. – 1201 Floyd Street, Rotterdam, NY, Tax Map #59.11-6-33** located in the Single Family Residential (R-1) Zoning District. The applicant wishes to construct a 12' x 28' detached accessory structure with a height of twelve (12) feet. 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 variance requests 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 in the A, RA, R-1, R-2 and R-3 Districts. The existing residential structure is 1,200 square feet which would allow an accessory structure of 180 square feet. The proposed building will create an accessory structure that is 336 square feet, which is 156 square feet over the allowed size of 180 square feet.

**a. Ken Wilcox of 1201 Floyd Street representing application.**

His wife Elaine is also in attendance.

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

Mr. Wilcox stated he would like to place a storage shed on his property. He submitted an updated plot plan to scale and also pinpoint the exact location on the property. He submitted an updated survey and updated application pages 4 and 5. Mr. Wilcox said it will not be an undesirable change as this is a new shed which is replacing two (2) old deteriorating shed and a pool that has already been removed. It will increase the greenspace. He could have multiple sheds which is allowed by the code but that will have a cluttered appearance. Its only 160' square feet and in his opinion it will have no environmental effect. The physical effect will be esthetically pleasing. Yes it is self-created. The code allows for two (2) shed that equal the amount of square footage but it does not allow for one (1) shed with the same square footage.

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

**d. Questions from the Board.**

Mr. Bonacquist stated he feels it is a substantial variance from the ordinance and asked why he needed so much storage space. Mr. Wilcox stated they are cleaning out two (2) elderly parents homes and they need it for the storage of those items.

Chairman Eats spoke with Mr. Wilcox. He stated he agrees with Mr. Wilcox that this shed will be an improvement over the two (2) sheds that are on the property. His presentation was very thorough and accurate.

e. No Public Comments.

f. Motion to Approve: Mr. Serafini

g. Seconded: Mr. Melillo

h. Approved Unanimously:

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

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Facsimile (518) 355-2725

**RESOLUTION NUMBER ZBA22-2016**  
**Moved by Mr. Serafini, Seconded by Mr. Melillo**  
**Applicant(s): Kenneth E. Wilcox, Jr.**

**Applicant(s):** Kenneth E. Wilcox, Jr.  
**Project Location:** 1201 Floyd Street  
Rotterdam, NY  
**Tax Number or Numbers:** 59.11-6-33  
**Zoning:** Single Family (R-1) Zoning District  
**Proposed Project:** The applicant wishes to construct a 12' x 28' detached accessory structure with a height of twelve (12) 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 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 in the A, RA, R-1, R-2 and R-3 Districts; and,

**WHEREAS**, the existing residential structure is 1,200 square feet which would allow an accessory structure of 180 square feet; and,

**WHEREAS**, the proposed building will create an accessory structure that is 336 square feet, which is 156 square feet over the allowed size of 180 square feet; and,

**WHEREAS**, a legal notice was published in the Schenectady Daily Gazette on Thursday, November 10, 2016, announcing that a public hearing was to take place in the V. Dalton Bambury Hearing Room, at the John F. Kirvin Government Center located at 1100 Sunrise Boulevard, Rotterdam, New York on Thursday, November 17, 2016 at 7:30 p.m. to consider the variance requests; and,

**RESOLUTION NUMBER ZBA22-2016**  
**Applicant(s): Kenneth E. Wilcox, Jr.**  
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**WHEREAS**, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on November 17, 2016 to consider the above referenced variance requests; **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 November 17, 2016 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.

<b>NAME</b>	<b>AYES</b>	<b>NOES</b>	<b>ABSENT</b>	<b>RECUSED</b>
<b>Chairman Eats</b>	<b>X</b>			
<b>Mr. Melillo</b>	<b>X</b>			
<b>Mr. Stramenga</b>	<b>X</b>			
<b>Mr. Bonacquist</b>	<b>X</b>			
<b>Mr. Serafini</b>	<b>X</b>			

**This approval 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  
November 17, 2016**

**3. Tammy and Keith Rockenstyre – 33 Miles Standish, Rotterdam, NY, Tax Map #58.16-7-1** located 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 270-138 entitled “Accessory Structures and Uses,” and Chapter 270-143 entitled “Fences.” **Chapter 270-138(B)(2)** states that “no detached accessory structure shall be located in the front yard of any lot.” The applicant would like to place an above ground pool in the front yard of the property facing Puritan Drive. **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.

**a. Keith Rockenstyre of 33 Miles Standish representing application.**

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

Mr. Rockenstyre stated he would like to install a six (6) foot solid white vinyl fence on his property. He feels it will not create an undesirable change and will increase his property value as well as be aesthetically pleasing. There are no other means to achieve his end result which is to install the pool. He has two (2) young daughters that he would like to be able to play in the yard without being looked at from people passing by. It is substantial for both the pool and the fence. It will not be a detriment to the neighborhood. It will not have an adverse effect. It will be aesthetically pleasing. His yard is used as a cut through for the neighborhood children and the mailman. It is self-created. He did not know the zoning restrictions. The pool, septic and drywell takes up a lot of his backyard space.

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

**d. Questions from the Board.**

Mr. Bonacquist stated Mr. Rockenstyre did a very thorough job on his application.

Chairman Eats stated he visited the property. He said Mr. Rockenstyre has a unique situation with the house angled to face the corner which places the septic and drywell in an area that makes much of the yard unusable so the proposed location of the pool is the only place it would fit.

e. No Public Comments.

f. Motion to Approve: Mr. Bonacquist

g. Seconded: Mr. Serafini

h. Approved Unanimously:

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

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**RESOLUTION NUMBER ZBA23-2016**  
**Moved by Mr. Bonacquist, Seconded by Mr. Serafini**  
**Applicant(s): Tammy & Keith Rockenstyre**

**Applicant(s):** Tammy & Keith Rockenstyre

**Project Location:** 33 Miles Standish  
Rotterdam, NY

**Tax Number or Numbers:** 58.16-7-1

**Zoning:** Single Family (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. The applicant would like to place an above ground pool in the front yard of the property facing Puritan Drive.

**WHEREAS**, 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," and Chapter 270-143 entitled "Fences;" and,

**WHEREAS**, Chapter 270-138(B)(2) states that "no detached accessory structure shall be located in the front yard of any lot;" and,

**WHEREAS**, the applicant would like to place an above ground pool in the front yard of the property facing Puritan Drive; 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,

**RESOLUTION NUMBER ZBA23-2016**

**Applicant(s): Tammy & Keith Rockenstyre**

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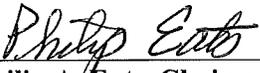
**WHEREAS**, a legal notice was published in the Schenectady Daily Gazette on Thursday, November 10, 2016, announcing that a public hearing was to take place in the V. Dalton Bambury Hearing Room, at the John F. Kirvin Government Center located at 1100 Sunrise Boulevard, Rotterdam, New York on Thursday, November 17, 2016 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 November 17, 2016 to consider the above referenced variance requests; **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 November 17, 2016 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.

<b>NAME</b>	<b>AYES</b>	<b>NOES</b>	<b>ABSENT</b>	<b>RECUSED</b>
<b>Chairman Eats</b>	<b>X</b>			
<b>Mr. Melillo</b>	<b>X</b>			
<b>Mr. Stramenga</b>	<b>X</b>			
<b>Mr. Bonacquist</b>	<b>X</b>			
<b>Mr. Serafini</b>	<b>X</b>			

**This approval 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  
November 17, 2016**

4. **Joseph and Michelle Whipple – 142 Horizon Boulevard, Rotterdam, NY**, Tax Map #58.13-2-9 located in the Single Family Residential (R-1) Zoning District. Petitioners respectfully request that they be granted a variance as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-33 entitled “Yard Requirements.” **Chapter 270-33(A)** states that the front yard depth shall be 25 feet or a depth of not less than 1/2 the total setback depths of the dwellings on properties which adjoin on each side, provided that both of such dwellings are set back less than 25 feet. The applicants would like to construct a new addition within 4 feet of the front property line on an existing single family residence, which would require a variance of 21 feet. **Chapter 270-33(B)** states that the side yard setback is 10 feet. The applicants would like to construct a new addition within 9 feet of the side property line on an existing single family residence, which would require a variance of 1 foot.

a. **Joe Whipple of 142 Horizon Boulevard representing application.**

b. **Representatives addressed five (5) criteria to the satisfaction of the Board.**  
Mr. Whipple stated he has elderly in-laws and would like to support their needs. There is a similar addition across the way. It will not hinder any site distances. He submitted a letter signed by three (3) of his neighbors in support of the project. Mr. Whipple also submitted a depiction of what the outside will look like. He stated the variance is substantial for a 21’ front yard variance but it is the only place that it can be placed due to the septic, slope, and size of the yard. It will not create any environmental issues. It is self-created by not checking the zoning restrictions prior to purchasing the house. They purchased the property when they were 25 years old and did not realize then they would be in this situation.

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

d. **Questions from the Board.**  
Chairman Eats stated it is substantial with only one section being four (4) feet but the snowplows can get by because of the cul-de-sac.

e. **No Public Comments.**

f. **Motion to Approve:** Mr. Bonacquist

g. **Seconded:** Mr. Stramenga

h. **Approved Unanimously:**

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

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**RESOLUTION NUMBER ZBA24-2016**  
**Moved by Mr. Bonacquist, Seconded by Mr. Stramenga**  
**Applicant(s): Joseph & Michelle Whipple**

**Applicant(s):** Joseph and Michelle Whipple

**Project Location:** 142 Horizon Boulevard  
Rotterdam, NY

**Tax Number or Numbers:** 58.13-2-9

**Zoning:** Single Family (R-1) Zoning District

**Proposed Project:** The applicants would like to construct a new addition within 9 feet of the side property line on an existing single family residence.

**WHEREAS**, petitioners respectfully request that they be granted a variance as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-33 entitled "Yard Requirements;" and,

**WHEREAS**, **Chapter 270-33(A)** states that the front yard depth shall be 25 feet or a depth of not less than 1/2 the total setback depths of the dwellings on properties which adjoin on each side, provided that both of such dwellings are set back less than 25 feet; and,

**WHEREAS**, the applicants would like to construct a new addition within 4 feet of the front property line on an existing single family residence, which would require a variance of 21 feet; and,

**WHEREAS**, **Chapter 270-33(B)** states that the side yard setback is 10 feet; and,

**WHEREAS**, the applicants would like to construct a new addition within 9 feet of the side property line on an existing single family residence, which would require a variance of 1 foot; and,

**WHEREAS**, a legal notice was published in the Schenectady Daily Gazette on Thursday, November 10, 2016, announcing that a public hearing was to take place in the V. Dalton Bambury Hearing Room, at the John F. Kirvin Government Center located at 1100 Sunrise Boulevard, Rotterdam, New York on Thursday, November 17, 2016 at 7:30 p.m. to consider the variance requests; and,

**RESOLUTION NUMBER ZBA24-2016**  
**Applicant(s): Joseph & Michelle Whipple**  
**Page 2**

**WHEREAS**, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on November 17, 2016 to consider the above referenced variance requests; **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 November 17, 2016 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.

<b>NAME</b>	<b>AYES</b>	<b>NOES</b>	<b>ABSENT</b>	<b>RECUSED</b>
<b>Chairman Eats</b>	<b>X</b>			
<b>Mr. Melillo</b>	<b>X</b>			
<b>Mr. Stramenga</b>	<b>X</b>			
<b>Mr. Bonacquist</b>	<b>X</b>			
<b>Mr. Serafini</b>	<b>X</b>			

**This approval 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: 8:04 PM  
Motion to adjourn: Mr. Stramenga  
Seconded: Mr. Serafini  
Approved unanimously

**Next meeting: December 21, 2016**

Respectfully Submitted,  
Lisa Gallo