

**Town of Rotterdam
Zoning Board of Appeals
Summary Meeting Minutes for September 20, 2017**

A regular meeting of the Town of Rotterdam Zoning Board of Appeals was held Wednesday, September 20, 2017 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 Jeff Nuzzaco, Alternate for Bruce Bonacquist Stefanie DiLallo Bitter, Attorney Peter Comenzo, Sr. Planner Lisa Gallo, Secretary	Absent: Bruce Bonacquist
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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.

**ZBA Meeting
September 20, 2017**

1. **Ryan Laiacona – 546 Pangburn Road, Rotterdam, NY, Tax Map #47.00-6-22.2** located in the Agriculture (A-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.

- a. **Ryan Laiacona of 546 Pangburn Road representing this application.**
- b. **Representatives addressed five (5) criteria to the satisfaction of the Board.** Mr. Laiacona would like to place a six (6) foot solid fence in his front yard, on the side of his house. He colored the site plan map to show where the existing tree line is. The fence is well off the road and it will not be visible from the road. Mr. Laiacona submitted two (2) letters from adjacent neighbors stating they do not have an issue with fence variance. It will not create an undesirable change. Although it is six (6) foot high, it will not be an eyesore. It can't be achieved by other means. He wants to contain his dog, have a yard and a little privacy. He does not believe it is a substantial variance. It is only two (2) feet. It will have no effect on the environment. It won't change anything. The difficulty arose as he wanted to contain his dog and create/maintain a yard.
- 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 stated he spoke to Mr. Laiacona and visited the property. He can see why he needs the fence. Mr. Laiacona gave a thorough explanation.

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. Nuzzaco	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 ZBA28-2017
Moved by Mr. Serafini, Seconded by Mr. Melillo
Applicant(s): Ryan Laiacona

Applicant(s): Ryan Laiacona

Project Location: 546 Pangburn Road
Rotterdam, NY

Tax Number or Numbers: 47.00-6-22.2

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 that 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 ZBA28-2017

Applicant(s): Ryan Laiacona

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WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on September 20, 2017 to consider the above referenced variance requests; and,

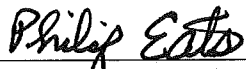
WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, September 14, 2017, announcing that a public hearing was to take place in the V. Dalton Bambury Hearing Room, at the John F. Kirvin Government Center located at 1100 Sunrise Boulevard, Rotterdam, New York on Wednesday, September 20, 2017 at 7:30 p.m. to consider the variance requests; and,

WHEREAS, pursuant to a Memorandum of Understanding dated April 2011, Schenectady County Planning Board defers these types of matter 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 September 20, 2017 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	ABSENT	RECUSED
Chairman Eats	X			
Mr. Melillo	X			
Mr. Stramenga	X			
Mr. Nuzzaco	X			
Mr. Serafini	X			

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
September 20, 2017**

2. **Kent Gray – 135 Putnam Road, Rotterdam, NY, Tax Map #47.5-2-20** 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.

a. **Kent Gray of 135 Putnam Road representing application.**

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

Mr. Gray submitted a letter from Ms. Kasowski, his only neighbor, stating she does not have a problem with the replacement of the four (4) foot chain link fence with a six (6) foot solid fence. Mr. Gray explained he has lived in this house since May of 1978, approximately 35 years. The four (4) foot chain fence was put up in the 80's. It is deteriorating and he would like a vinyl fence. He explained that his property is on a point and is an elongated triangle with only one (1) neighbor. He would like more privacy with the six (6) foot fence. It will only be 34' and 42' sections on the driveway side that will require the variance. There are a lot of apartments coming in his area so there is a lot more foot traffic. The fence is an adobe color which will match the house. It is for safety of grandchildren and children's animals. It will enhance the property. It is self-created because he would like to change the deteriorating chain link fence.

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.**

Mr. Nuzzaco asked if the existing fence is on Town or County property. Mr. Gray stated it is not.

- 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. Nuzzaco	X			

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*Town of Rotterdam
Zoning Board of Appeals*

Philip Eats, Chairman
Peter J. Comenzo, Senior Planner

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Facsimile (518) 355-2725

**RESOLUTION NUMBER ZBA29-2017
Moved by Mr. Serafini, Seconded by Mr. Melillo
Applicant(s): Kent Gray**

Applicant(s): Kent Gray

Project Location: 135 Putnam Road
Rotterdam, NY

Tax Number or Numbers: 47.5-2-20

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;" 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 ZBA29-2017

Applicant(s): Kent Gray

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WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on September 20, 2017 to consider the above referenced variance requests; and,

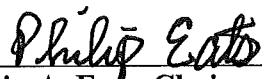
WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, September 14, 2017, announcing that a public hearing was to take place in the V. Dalton Bambury Hearing Room, at the John F. Kirvin Government Center located at 1100 Sunrise Boulevard, Rotterdam, New York on Wednesday, September 20, 2017 at 7:30 p.m. to consider the variance requests; and,

WHEREAS, pursuant to a Memorandum of Understanding dated April 2011, Schenectady County Planning Board defers these types of matter 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 September 20, 2017 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	ABSENT	RECUSED
Chairman Eats	X			
Mr. Melillo	X			
Mr. Stramenga	X			
Mr. Nuzzaco	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
September 20, 2017**

3. **Egnor Estates Inc. – 1018 Princetown Road, Rotterdam, NY, Tax Map #48.09-2-14** located in the General Business (B-2) Zoning District. Petitioner respectfully requests that he be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-68 entitled “Lot area; lot coverage; yard requirements.” **Chapter 270-68** requires a rear yard depth of not less than 25 feet. The applicant is proposing to construct a 30’ x 50’ commercial storage building with a rear yard depth of 10 feet which would require a variance of 15 feet.

- a. **Mark Blackstone of Blackstone Land Surveyors representing this application.**
- b. **Representative addressed five (5) criteria to the satisfaction of the Board.**
Mr. Blackstone said this property is where Bob’s Transmission is located on Princetown Road. The project is before the Planning Commission for Site Plan/Special Use Permit so all properties are shown on map but the variance is for 1018 Princetown Road which the owner rents out. He would like to put a Morton building on it. The number of garages that work on transmissions is diminishing so this business is growing. It will only be ten (10) foot off the rear property line and 25’ is required. They had to slide it back because of the septic placement. Mr. Blackstone stated that there will be minimal impacts as the property to the rear is currently in the process of being approved for 3 story apartments and the currently proposed layout has this area for stormwater and grass. They will be replacing existing garage, shed and outdoor storage resulting in a visual improvement. It is not substantial within the context of the existing setback on building on 1016 Princetown Road which is only five (5) feet. The proposed building will clean-up the site. There is adequate stormwater management to accommodate flow. The property storage capacity is limited and needs more room for storage.
- 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.**
Mr. Serafini asked if the building would be on a slab or footing. Mr. Blackstone stated on a slab for the storage structure.

Chairman Eats stated he spoke to owner and Mr. Blackstone addressed the criteria.

Stephanie DiLallo Bitter asked if this was in front of the Planning Commission. Mr. Blackstone said yes for Site Plan/Special Use Permit for the two (2) uses on the property. Stephanie stated it should be conditioned on getting Planning Commission approval.

- e. **No Public Comments.**

- f. **Motion to APPROVE contingent on receiving Planning Commission approval:** Mr. Melillo

- 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. Nuzzaco	X			

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Zoning Board of Appeals

Philip Eats, Chairman
Peter J. Comenzo, Senior Planner

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RESOLUTION NUMBER ZBA30-2017
Moved by Mr. Melillo, Seconded by Mr. Stramenga
Applicant(s): Egnor Estates Inc.

Applicant(s): Egnor Estates Inc.

Project Location: 1018 Princetown Road
Rotterdam, NY

Tax Number or Numbers: 48.09-2-14

Zoning: General Business (B-2) Zoning District

Proposed Project: The applicant is proposing to construct a 30' x 50' commercial storage building.

WHEREAS, petitioner respectfully requests that he be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-68 entitled "Lot area; lot coverage; yard requirements;" and,

WHEREAS, Chapter 270-68 requires a rear yard depth of not less than 25 feet; and,

WHEREAS, the applicant is proposing to construct a 30' x 50' commercial storage building with a rear yard depth of 10 feet which would require a variance of 15 feet; and,

WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on September 20, 2017 to consider the above referenced variance requests; and,

RESOLUTION NUMBER ZBA30-2017

Applicant(s): Egnor Estates Inc.

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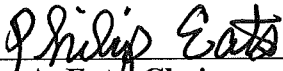
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IT IS HEREBY RESOLVED, that the Rotterdam Zoning Board of Appeals has considered the foregoing five (5) criteria as evidenced by the application materials of the September 20, 2017 hearing. Taking into consideration the benefit to the applicant if 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 contingent upon the following:

1. Planning Commission approval of the Site Plan/Special Use Permit.

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

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


Philip A. Eats, Chairman
Zoning Board of Appeals

**ZBA Meeting
September 20, 2017**

4. **Joshua Pieniazek – 104 Mercer Avenue, Rotterdam, NY** - Tax Map # 59.16-3-1 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 24’ x 24’ shed on the property. The variance request(s) are as follows: **Chapter 270-138(c)** “Lot Coverage” in regards to a shed state 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 1,428 square feet which would allow an accessory structure of 214 square feet. The proposed detached accessory structure will create an accessory structure that is 576 square feet, which is 362 square feet over the allowed size of 214 square feet.

- a. **Joshua Pieniazek of 104 Mercer Avenue representing this application.**
- b. **Representatives addressed five (5) criteria to the satisfaction of the Board.** Mr. Pieniazek stated he would like to put a 24’ X 24’ shed on his property. He needs the shed for the stuff accumulated over the years and left to him by his grandparents. If granted he will take down old shed. He submitted two (2) letters from his neighbors stating they do not have any issues with his putting it up. His hobby is racing so he has a lot of parts for that. His fiancé has a lot of decorations for the holidays, like 50 bins. It looks like a garage so it will look nice. His neighbors have garages. The stuff in his yard would also be stored in the shed. He would like to clear out the garage so his fiancé can park her car in the garage. There will not be an undesirable change as the existing shed is rotting. It will match the house. The variance is substantial. It won’t have any adverse effect on the environment. It is self-created but with his hobby he needs the extra 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. Serafini asked if he was aware of the telephone pole and easement in the backyard. Mr. Pieniazek stated he is leaving enough room so they can work on pole. Mr. Serafini just wanted to be sure he was aware of it and not to place his shed on the easement.

Mr. Nuzzaco stated that he answered the self-created question correctly. Most people think it is not but mostly it is.

Stephanie DiLallo Bitter stated he should talk to his attorney in regards to the pole and that it should be in his Title Report.

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. Nuzzaco	X			

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Facsimile (518) 355-2725

RESOLUTION NUMBER ZBA31-2017
Moved by Mr. Stramenga, Seconded by Mr. Melillo
Applicant(s): Joshua Pieniasek

Applicant(s): Joshua Pieniasek

Project Location: 104 Mercer Avenue
Rotterdam, NY

Tax Number or Numbers: 59.16-3-1

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

Proposed Project: The applicant wishes to place a 24' x 24' detached shed 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" in regards to a shed state 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 1,428 square feet which would allow an accessory structure of 214 square feet; and,

WHEREAS, the proposed detached accessory structure will create an accessory structure that is 576 square feet, which is 362 square feet over the allowed size of 214 square feet; and,

RESOLUTION NUMBER ZBA31-2017

Applicant(s): Joshua Pieniasek

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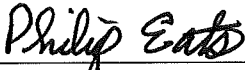
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NAME	AYES	NOES	ABSENT	RECUSED
Chairman Eats	X			
Mr. Melillo	X			
Mr. Stramenga	X			
Mr. Bonacquist	X			
Mr. Serafini	X			

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



Philip A. Eats, Chairman
Zoning Board of Appeals

Meeting adjourned: 8:20 PM
Motion to adjourn: Mr. Stramenga
Seconded: Mr. Melillo
Approved unanimously

Next meeting: October 18, 2017

Respectfully Submitted,
Lisa Gallo