

**Town of Rotterdam
Zoning Board of Appeals
Summary Meeting Minutes for November 15, 2017**

A regular meeting of the Town of Rotterdam Zoning Board of Appeals was held Wednesday, November 15, 2017 at 7:30 p.m. at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York.

Present:	Philip Eats, Chairman	Absent:	Bruce Bonacquist
	Angelo Melillo, Vice Chairman		Craig Serafini
	Alex Stramenga		
	Jeff Nuzzaco, Alternate		
	Stefanie DiLallo Bitter, 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
October 18, 2017**

1. **Keith and Leann Warren – 2019 Greenpoint Avenue, Rotterdam, NY**, Tax Map #59.13-6-2 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 270-33 entitled “Yard Requirements.” **Chapter 270-33(A)** states that the front yard depth shall be 25 feet. The applicants would like to construct a carport addition onto the front of the existing house within 3 feet of the front property line, which would require a variance of twenty two (22) feet.

- a. **Leann & Keith Warren of 2019 Greenpoint Avenue representing this application.**

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

Mrs. Warren explained that her and her husband need accessible and safe access to the carport they would like to construct. The house is on a slab. It is a ranch and there is no basement. They have lived there for 30 years. She is recently retired and now has the funds available for the project. She spoke to Mr. Tommasone and Mr. Marciniak. Mr. Marciniak helped with the application. They reviewed ideas with the contractor and came up with the wooden pole carport off the garage. Her husband slipped and fell on the ice four (4) years ago and broke his shoulder. Her husband is disabled and uses a wheelchair.

Mrs. Warren stated it will not be an undesirable change as it will blend with the neighborhood. The shingles will be the same as the ones just put on the house. They spoke to the neighbor and they do not have a problem with it. There will not be any obstruction of views.

Chairman Eats explained the Board prefers the least amount of a variance as possible and three (3) feet from the front property line is a large variance. He wanted to know if alternatives were discussed. She stated if they went to the side it would not be as safe and they would still need to walk across the broken asphalt and ice. They need wheelchair accessibility.

Mrs. Warren stated it is a substantial variance. There would not be any adverse effect as it is attached to the existing garage. It is self-created as we are getting old and her husband did not grow a new leg. It is necessary now.

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

- d. **Questions from the Board.**

Mr. Nuzzaco visited the property. He asked if there is a doorway to the right of the garage. Mrs. Warren stated yes. Although Mr. Nuzzaco is sympathetic to the need, he drove through Coldbrook and did not see any other accessory structures in the front of the houses. He is not sure if he wants to set this type of precedent in the area as it would change the character of the neighborhood. He asked if they could go off the side of the house and add an awning. Mrs. Warren stated yes and it is safer and easier this way with the wheelchair. It would also be more expensive that way.

e. **Questions from the Board Continued.**

Stephanie DiLallo Bitter asked if it needed to extend the whole distance. Mrs. Warren stated yes they have a Dodge Caravan and the back opens for the wheelchair. They also have another car.

Mr. Melillo asked if they are using the carport to go through the garage door.

Chairman Eats discussed the length of the carport and asked if they realized it is three feet (3') from the property line. It would set a precedent.

Stephanie DiLallo Bitter suggested taking a straw poll it see which way the Board was leaning. Then the application could be tabled until the next meeting so the applicants could explore new options.

Mrs. Warren explained they need to successfully achieve this now or it will not be complete for the winter. They need it for the size of the vehicles and they have the money. She does appreciate the concerns of the Board and setting a precedent but if it is closer to the house the exhaust gets into the house.

Chairman Eats asked if they needed a two (2) car carport. Mrs. Warren stated they have two (2) cars. She asked if they could get a disability exemption. Stephanie DiLallo Bitter stated she would have to research if they can get an exemption from zoning which would still hold off the decision until December 20th. Mrs. Warren said with the weather coming they need a decision. They need to get the asphalt to widen driveway and to set the posts in concrete and can they do that? The answer was no because there is a 25' setback. Mrs. Warren stated that was in case the Town wanted to widen the road or put in sidewalks and she was told that is not the case in this area and so it should not be a problem.

Stephanie DiLallo Bitter read Chapter 32 The American with Disabilities Act & the Fair Housing Act 32-100. She strongly encourages them to table and discuss with the Building Department.

Chairman Eats explained the handicapped ramps used to come before this Board for variances but now they do not have to and that there is an exemption in the zoning code

f. **No Public Comments.**

- g. **Motion to TABLED:** Mr. Nuzzaco
- h. **Seconded:** Mr. Melillo
- i. **Approved unanimously:**

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



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 ZBA34-2017
Moved by Mr. Nuzzaco, Seconded by Mr. Melillo
Applicant(s): Keith & Leann Warren
TABLED

Applicant(s): Keith & Leann Warren

Project Location: 2019 Greenpoint Avenue
Rotterdam, NY

Tax Number or Numbers: 59.13-6-2

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

Proposed Project: The applicants would like to construct a carport addition onto the front of the existing house.

WHEREAS, petitioners respectfully request that they be granted variances 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; and,

WHEREAS, the applicants would like to construct a carport addition onto the front of the existing house within 3 feet of the front property line, which would require a variance of twenty two (22) feet; and,

WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on November 15, 2017 to consider the above referenced variance requests; and,

WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, November 9, 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, November 15, 2017 at 7:30 p.m. to consider the variance requests; and,

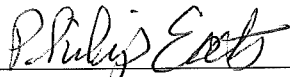
WHEREAS, pursuant to a Memorandum of Understanding dated April 2011, Schenectady County Planning Board defers these types of matter to local consideration, **NOW**,

RESOLUTION NUMBER ZBA34-2017
Applicant(s): Keith & Leann Warren
Page 2
TABLED

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 15, 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 **TABLES** said application until December 20, 2017.

NAME	AYES	NOES	RECUSED
Chairman Eats	X		
Mr. Melillo	X		
Mr. Stramenga	X		
Mr. Nuzzaco	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
November 15, 2017**

2. **Douglas W. Amsler – 631 Currybush Connection, Rotterdam, NY**, Tax Map # 46.00-4-2.21, 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 270-220 entitled “Permits Required for Small-Scale Solar Energy Systems.” **Chapter 270-220(D)(5)** states that “The total surface area of all ground-mounted and freestanding solar collectors shall not exceed one half of the area of the ground covered by the building structure of the largest building on the lot measured from the exterior walls. The largest building covers 1,368 s.f. which would allow 684 s.f. of ground mounted solar. The applicant is requesting to install 971 s.f. of ground mounted solar which would require a variance of 287 s.f.

- a. **Paul Carter of Trinity Solar on behalf of Doug Amsler of 631 Currybush Connection representing application.**
- b. **Representative addressed five (5) criteria to the satisfaction of the Board.**
Mr. Carter stated he is new at going before the Board. Chairman Eats explained this is the first application that has been before the Board with the newly adopted Solar Code. Mr. Carter stated this will sit on about 40 acres and the closest neighbor is across the street. He submitted a letter stating they do not have any issues with the project. The neighbor will not be able to see it. It cannot be achieved by other means as the roof is maxed out. Mr. Amsler works from home and needs the electricity for “carbon footprint.” It is not substantial. It will not have an adverse effect as it is located in the middle of the property. While it is self-created they are willing to comply with any requests from the Board.
- 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 Fisher is the owner of the vacant parcel to the left of the Amsler’s property. Mr. Carter stated it is the Fishers property.

Chairman Eats disclosed he visited the property.

e. **No Public Comments.**

f. **Motion to APPROVE:** Mr. Melillo

g. **Seconded:** Mr. Nuzzaco

h. **Approved unanimously:**

NAME	AYES	NOES	ABSENT	RECUSED
Chairman Eats	X			
Mr. Melillo	X			
Mr. Stramenga	X			
Mr. Nuzzaco	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 ZBA35-2017
Moved by Mr. Melillo, Seconded by Mr. Nuzzaco
Applicant(s): Douglas W. Amsler

Applicant(s): Douglas W. Amsler

Project Location: 631 Currybush Connection
Rotterdam, NY

Tax Number or Numbers: 46.00-4-2.21

Zoning: Agriculture (A-1) Zoning District

Proposed Project: The applicant is requesting to install 971 square feet of ground mounted solar.

WHEREAS, petitioner respectfully requests that he be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-220 entitled "Permits Required for Small-Scale Solar Energy Systems;" and,

WHEREAS, **Chapter 270-220(D)(5)** states that "The total surface area of all ground-mounted and freestanding solar collectors shall not exceed one half of the area of the ground covered by the building structure of the largest building on the lot measured from the exterior walls;" and,

WHEREAS, the largest building covers 1,368 s.f. which would allow 684 s.f. of ground mounted solar; and,

WHEREAS, the applicant is requesting to install 971 s.f. of ground mounted solar which would require a variance of 287 s.f; and,

RESOLUTION NUMBER ZBA35-2017

Applicant(s): Douglas W. Amsler

Page 2

WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on November 15, 2017 to consider the above referenced variance requests; and,

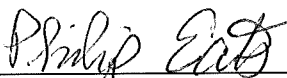
WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, November 9, 2017, announcing that a public hearing was to take place in the V. Dalton Bambury Hearing Room, at the John F. Kirvin Government Center located at 1100 Sunrise Boulevard, Rotterdam, New York on Wednesday, November 15, 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 November 15, 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	RECUSED
Chairman Eats	X		
Mr. Melillo	X		
Mr. Stramenga	X		
Mr. Nuzzaco	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
November 15, 2017**

- 3. Renato Viscusi – 310 and 318 Mariaville Road, Rotterdam, NY, Tax Map #48.19-4-19 and 48.18-3-1, located in the Single Family Residential (R-1) and Retail Business (B-1) Zoning Districts.** Petitioner respectfully requests that he be granted area variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-61 “Yard Requirements,” Chapter 270-59 entitled “Lot Area,” and Chapter 270-15 entitled “Accessory Structures.” The applicant is requesting variances in order to allow for a two (2) lot boundary line adjustment subdivision. The variance request(s) are as follows:

310 Mariaville Road (Existing Single Family Residence)

	Required	Existing	Proposed	Variance
Front Setback	30 feet	24.3 feet	24.3 feet	5.7 feet
Side Setback	10 feet	1.1 feet	1.1 feet	8.9 feet
Lot Area	15,000 sf	8,163 sf	6,792 sf	8,208 sf
Lot Width	100 feet	75.71 feet	54.58 feet	45.42 feet
Shed Rear Yard	5 feet	2 feet	2 feet	3 feet
Garage Rear Yard	5 feet	3.1 feet	3.1 feet	1.9 feet

318 Mariaville Road (Existing Barber Shop and Apartment)

	Required	Existing	Proposed	Variance
Front Setback	30 feet	22.6 feet	22.6 feet	7.4 feet
Lot Width	100 feet	65 feet	86.13 feet	13.87 feet
Garage Side Yard	5 feet	4.6 feet	4.6 feet	0.4 feet

- a. **Joe Bianchine of ABD Engineers representing application.**
*Mr. Melillo recused himself from this application as he is a relative of the applicant.
- b. **Representative addressed five (5) criteria to the satisfaction of the Board.**
Mr. Bianchine explained that the existing property line crosses over two (2) parking spaces for Renato’s Barber Shop. They would like to move the property line over 22’. They are not really changing anything except the property map and description. There will not be any change to the characteristic of the neighborhood. Everything is already existing. It cannot be achieved by any other means. There will not be any physical changes. Mr. Viscusi is proposing this project now to do it in case he would like to sell the property in the future so it is self-created.
- 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 explained that he does not usually vote in favor of these small lots with septic on them but under these circumstances he is in favor of it. Unfortunately do to the septic location and size of the lot, there will not be much they can do in the future in the backyard of the 310 Mariaville Road property.

e. **No Public Comments.**

f. **Motion to APPROVE:** Mr. Nuzzaco

g. **Seconded:** Mr. Stramenga

h. **Approved unanimously:**

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



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 ZBA36-2017
Moved by Mr. Nuzzaco, Seconded by Mr. Stramenga
Applicant(s): Renato Viscusi

- Applicant(s):** Renato Viscusi
- Project Location:** 310 & 318 Mariaville Road
Rotterdam, NY
- Tax Number or Numbers:** 48.19-4-19 & 48.18-3-1
- Zoning:** Single Family Residential (R-1) Zoning District & Retail Business (B-1) Zoning District
- Proposed Project:** The applicant is requesting variances in order to allow for a two (2) lot boundary line adjustment subdivision.

WHEREAS, petitioner respectfully requests that he be granted area variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-61 "Yard Requirements," Chapter 270-59 entitled "Lot Area," and Chapter 270-15 entitled "Accessory Structures;" and,

WHEREAS, the variance request(s) are as follows:

310 Mariaville Road (Existing Single Family Residence)

	Required	Existing	Proposed	Variance
Front Setback	30 feet	24.3 feet	24.3 feet	5.7 feet
Side Setback	10 feet	1.1 feet	1.1 feet	8.9 feet
Lot Area	15,000 sf	8,163 sf	6,792 sf	8,208 sf
Lot Width	100 feet	75.71 feet	54.58 feet	45.42 feet
Shed Rear Yard	5 feet	2 feet	2 feet	3 feet
Garage Rear Yard	5 feet	3.1 feet	3.1 feet	1.9 feet

318 Mariaville Road (Existing Barber Shop and Apartment)

	Required	Existing	Proposed	Variance
Front Setback	30 feet	22.6 feet	22.6 feet	7.4 feet
Lot Width	100 feet	65 feet	86.13 feet	13.87 feet
Garage Side Yard	5 feet	4.6 feet	4.6 feet	0.4 feet

RESOLUTION NUMBER ZBA36-2017

Applicant(s): Renato Viscusi

Page 2

WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on November 15, 2017 to consider the above referenced variance requests; and,

WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, November 9, 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, November 15, 2017 at 7:30 p.m. to consider the variance requests; and,

WHEREAS, Mr. Melillo recused himself from participating in the review of this application as he is related to the applicant; 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 November 15, 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	RECUSED
Chairman Eats	X		
Mr. Melillo			X
Mr. Stramenga	X		
Mr. Nuzzaco	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
November 15, 2017**

4. John Camelo – 1037 St. Lucille Drive, Rotterdam, NY, Tax Map #57.8-3-7 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 270-33 entitled “Yard Requirements.” **Chapter 270-33(B)** states that the side yard width shall be not less than 10 feet. The applicant would like to construct an addition onto the north side of an existing single family residence within 4.58 feet of the side property line which would require a variance of 5.42 feet.

a. **Paul Camelo son of John Camelo of 1037 St. Lucille Drive representing application.**

Mr. Camelo submitted a letter from neighbor stating they did not have a problem with the project.

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

Mr. Paul Camelo stated that his parents are remodeling a bathroom to make it ADA compliant. Chairman Eats asked if he knew about the Fire Code and that the wall will have to be fire rated. Mr. Paul Camelo said he did. There will not be any undesirable change and they will not be shedding any water to the neighbor’s property. It cannot be achieved by any other means. Mr. Camelo stated that he guesses it is probably a substantial variance. The addition is only going over 2.5’ and does not think it is a problem. It is self-created but it is to make the bathroom ADA compliant.

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

d. **No questions from the Board.**

e. **No Public Comments.**

f. **Motion to APPROVE:** Mr. Melillo

g. **Seconded:** Mr. Stramenga

h. **Approved unanimously:**

NAME	AYES	NOES	ABSENT	RECUSED
Chairman Eats	X			
Mr. Melillo	X			
Mr. Stramenga	X			
Mr. Nuzzaco	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 ZBA37-2017
Moved by Mr. Melillo, Seconded by Mr. Stramenga
Applicant(s): John Camelo

Applicant(s): John Camelo

Project Location: 1037 St. Lucille Drive
Rotterdam, NY

Tax Number or Numbers: 57.8-3-7

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

Proposed Project: The applicant would like to construct an addition onto the north side of an existing single family residence.

WHEREAS, petitioner respectfully requests that he be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-220 entitled "Permits Required for Small-Scale Solar Energy Systems;" 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 an addition onto the north side of an existing single family residence within 4.58 feet of the side property line which would require a variance of 5.42 feet; and,

RESOLUTION NUMBER ZBA37-2017

Applicant(s): John Camelo

Page 2

WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on November 15, 2017 to consider the above referenced variance requests; and,

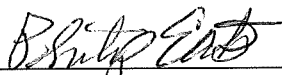
WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, November 9, 2017, announcing that a public hearing was to take place in the V. Dalton Bambury Hearing Room, at the John F. Kirvin Government Center located at 1100 Sunrise Boulevard, Rotterdam, New York on Wednesday, November 15, 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 November 15, 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	RECUSED
Chairman Eats	X		
Mr. Melillo	X		
Mr. Stramenga	X		
Mr. Nuzzaco	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: 8:52 PM
Motion to adjourn: Mr. Stramenga
Seconded: Mr. Melillo
Approved unanimously

Next meeting: December 20, 2017

Respectfully Submitted,
Lisa Gallo