

**Town of Rotterdam  
Zoning Board of Appeals  
Summary Meeting Minutes for March 21, 2018**

A regular meeting of the Town of Rotterdam Zoning Board of Appeals was held Wednesday, March 21, 2018 at 7:30 p.m. at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York.

Present:	Philip Eats, Chairman	Excused:	Bruce Bonacquist
	Angelo Melillo, Vice Chairman		
	Alex Stramenga		
	Craig Serafini		
	Stephanie DiLallo Bitter, Attorney for the ZBA		
	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  
March 21, 2018**

**1. Forum – Curry LLC, 1416 Curry Road, Rotterdam, NY, Tax Map #58.08-11-35** located in the Retail Business (B-1) Zoning District. Petitioners respectfully request that they be granted a Variance as prescribed in the Town of Rotterdam Zoning Code from Chapter 270-151 entitled “Signs.” Section 270-151(E)(3) states: “One ground-mounted sign may be erected and maintained not less than five feet from the property line. Such sign may contain a total sign area of 15 square feet or not more than one square foot for each 1,000 square feet of the lot or parcel area containing such sign, whichever is greater, up to a maximum sign area of 200 square feet.” The lot size is 41,488 square feet which would allow a 41.49 square foot sign. The applicants are seeking permission to erect a ground mounted sign that will be a total of 45.33 square feet which will require a variance of 3.84 square feet.

a. **Bill Hoblock of Richbell Capital representing Forum Curry LLC and Richbell Capital on this application.**

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

Mr. Hoblock explained the Curry Road shopping plaza redevelopment is on schedule. He also thanked the Town Clerk for keeping a list of names for folks interested in moving into the apartments. Mr. Hoblock presented the proposal and discussed the monument sign on Curry Road that they would like to erect to advertise the mixed use community that it is becoming. He covered the five criteria for the granting of a variance as presented in the application. It would not be an undesirable change to the character of the neighborhood as they are taking down the old Trustco sign and replacing with new signage. It cannot be achieved by other means to announce this brand of community. It is not a significant variance as it is less than four feet. No environmental issues will be created. It is self-created because they would like one (1) sign for the redevelopment of the whole property.

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

\*Schenectady County Planning defers to local consideration.

d. **Questions from the Board.**

Mr. Serafini stated it is a definite improvement and asked if the Board grants this variance will he give up further signage on 1410 Curry Road. Mr. Hoblock stated they would definitely give up signage on property but would like the ability to put signage on the first building.

Mr. Comenzo asked if they were thinking about signage on the Lynn Street entrance. Mr. Hoblock said it is not proposed but that it may be something in the future but no pylon signage on Curry can be proposed as a condition.

Stephanie DiLallo-Bitter explained the motion should stipulate 1410 & 1416 Curry Road.

e. **No Public Comments.**

f. **Motion to APPROVE with the following condition:** Mr. Serafini

1. Additional pylon signage shall not be permitted along Curry Road. This includes both the Vista Square Apartment Complex located at 1410 Curry Road current parcel #58.8-11-28.11 ( $\pm 9.88$ ac) and the existing Trustco Bank and future pad site located at 1416 Curry Road current parcel #58.8-11-35 ( $\pm 0.95$ ac).

g. **Seconded:** Mr. Melillo

h. **Approved unanimously:**

NAME	AYES	NOES	ABSENT	RECUSED
Chairman Eats	X			
Mr. Melillo	X			
Mr. Stramenga	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 ZBA4-2018**  
**Moved by Mr. Serafini, Seconded by Mr. Melillo**  
**Applicant(s): Forum-Curry LLC**

**Applicant(s):** Forum-Curry LLC

**Project Location:** 1416 Curry Road  
Rotterdam, NY

**Tax Number or Numbers:** 58.08-11-35

**Zoning:** Retail Business (B-1) Zoning District

**Proposed Project:** The applicants are seeking permission to erect a ground mounted sign.

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

**WHEREAS**, Section 270-151(E)(3) states: "One ground-mounted sign may be erected and maintained not less than five feet from the property line. Such sign may contain a total sign area of 15 square feet or not more than one square foot for each 1,000 square feet of the lot or parcel area containing such sign, whichever is greater, up to a maximum sign area of 200 square feet; and,

**WHEREAS**, the lot size is 41,488 square feet which would allow a 41.49 square foot sign; and,

**WHEREAS**, the applicants are seeking permission to erect a ground mounted sign that will be a total of 45.33 square feet which will require a variance of 3.84 square feet; and,

**WHEREAS**, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on March 21, 2018 to consider the above referenced variance requests; and,

**RESOLUTION NUMBER ZBA4-2018**

**Applicant(s): Forum-Curry LLC**

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**WHEREAS**, a legal notice was published in the Schenectady Daily Gazette on Thursday, March 15, 2018, 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, March 21, 2018 at 7:30 p.m. to consider the variance requests; and,

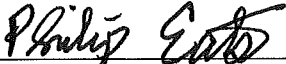
**WHEREAS**, Schenectady County Department of Planning and Economic Development deferred to local consideration; **NOW**,

**IT IS HEREBY RESOLVED**, that the Rotterdam Zoning Board of Appeals has considered the foregoing five (5) criteria as evidenced by the application materials of the March 21, 2018 hearing. Taking into consideration the benefit to the applicant if the variances are granted, as weighted against the detriment to the health, safety, and welfare of the neighborhood or community by such grant, the Zoning Board of Appeals hereby **APPROVES** said application with the following condition:

1. Additional pylon signage shall not be permitted along Curry Road. This includes both the Vista Square Apartment Complex located at 1410 Curry Road current parcel #58.8-11-28.11 (±9.88ac) and the existing Trustco Bank and future pad site located at 1416 Curry Road current parcel #58.8-11-35 (±0.95ac).

NAME	AYES	NOES	RECUSED
Chairman Eats	X		
Mr. Melillo	X		
Mr. Stramenga	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  
March 21, 2018**

2. **William Deisinger, 1040 Fort Hunter Road, Rotterdam, NY – Tax Map #59.17-2-33.1** located in the Agriculture (A-1) Zoning District. Petitioner request variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-21 entitled “Yard and Property Line Requirements,” and Chapter 270-22 entitled “Lot Area.” The applicant would like to subdivide an existing 6.042 acre parcel into two (2) lots. The variances are as follows:

**Lot 1: Proposed Vacant Lot**

	<i>Required</i>	<i>Proposed</i>	<i>Variance</i>
Front Property Line	150 feet	113.66 feet	36.34 feet

**Lot 2: Proposed Lot with Existing Single Family Residence**

	<i>Required</i>	<i>Proposed</i>	<i>Variance</i>
Front Property Line	150 feet	105 feet	45 feet
Lot Area	1 acre	0.453 acres	0.547 acres

- a. **Mark Blackstone of Blackstone Land Surveyors representing application.**  
This application was tabled from the February 21, 2018 Zoning Board of Appeals meeting.
- b. **Applicant addressed five (5) criteria to the satisfaction of the Board.**  
Mr. Blackstone explained this application is before the Planning Commission for a minor subdivision to facilitate the sale of the property. He stated the property was proposed at one point with the Town to be designated as single family residential but it remains agricultural and that is why the variances are needed. Mr. Blackstone discussed the five criteria for granting the variance as presented in the application. There are 37 parcels on Ft. Hunter that are similar. It is not an undesirable change as there are 12 – 15 nearby with the same lot width. It cannot be achieved by other means but the zoning requirements are not practical for the area. It is not a substantial variance. There will not be any adverse impact for the septic or the drainage. The difficulty arose when the applicant inherited the property and has been able to sell as one (1) parcel.
- c. **This proposal is not exempt from referral to Schenectady County Planning pursuant to Memorandum of Understanding – April 2011.**  
\*Schenectady County Planning defers to local consideration.
- d. **Questions from the Board.**  
Mr. Stramenga visited the property but could not get a hold of anyone so he has to rely on what Mr. Blackstone is presenting.

Mr. Serafini stated he grew up in the area and agrees with Mr. Blackstone that single family residential is a practical use of the property.

Chairman Eats stated this is not the only situation where the Zoning Board of Appeals has had to give variances for on this street and that he is making the best use of this property.

e. **No Public Comments.**

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

g. **Seconded:** Mr. Melillo

h. **Approved unanimously:**

<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. Serafini</b>	<b>X</b>			

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**RESOLUTION NUMBER ZBA5-2018**  
**Moved by Mr. Stramenga, Seconded by Mr. Melillo**  
**Applicant(s): William Deisinger**

**Applicant(s):** William Deisinger

**Project Location:** 1040 Ft. Hunter Road  
Rotterdam, NY

**Tax Number or Numbers:** 59.17-2-33.1

**Zoning:** Agricultural (A-1) Zoning District

**Proposed Project:** The applicant would like to subdivide an existing 6.042 acre parcel into two (2) lots.

**WHEREAS**, petitioner request variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-21 entitled "Yard and Property Line Requirements," and Chapter 270-22 entitled "Lot Area;" and,

**WHEREAS**, the applicant would like to subdivide an existing 6.042 acre parcel into two (2) lots; and,

**WHEREAS**, the variances are as follows:

**Lot 1: Proposed Vacant Lot**

	<i>Required</i>	<i>Proposed</i>	<i>Variance</i>
Front Property Line	150 feet	113.66 feet	36.34 feet

**Lot 2: Proposed Lot with Existing Single Family Residence**

	<i>Required</i>	<i>Proposed</i>	<i>Variance</i>
Front Property Line	150 feet	105 feet	45 feet
Lot Area	1 acre	0.453 acres	0.547 acres;

and,

**WHEREAS**, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on March 21, 2018 to consider the above referenced variance requests; and,



**RESOLUTION NUMBER ZBA5-2018**

**Applicant(s): William Deisinger**

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**WHEREAS**, a legal notice was published in the Schenectady Daily Gazette on Thursday, March 15, 2018, 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, March 21, 2018 at 7:30 p.m. to consider the variance requests; and,

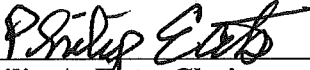
**WHEREAS**, this application was tabled from the February 21, 2018 Rotterdam Zoning Board of Appeals meeting; and,

**WHEREAS**, Schenectady County Department of Planning and Economic Development deferred to local consideration; **NOW**,

**IT IS HEREBY RESOLVED**, that the Rotterdam Zoning Board of Appeals has considered the foregoing five (5) criteria as evidenced by the application materials of the March 21, 2018 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>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. Serafini</b>	<b>X</b>		

**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  
March 21, 2018**

**3. Robert Snyder, 434 Pangburn Road, Rotterdam, NY, Tax Map #47.00-6-20.1** located in the Agricultural (A-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 construct a 25' x 40' detached pole barn garage with a height of 18.25 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 1000 square feet in size and 18.25 feet in height. The existing attached garage is 460 square feet in size and the existing detached garage is 720 square feet creating a total proposed garage area of 2180 square feet, which is 1280 square feet over the allowed size of 900 square feet and 3.25 feet over the allowed height of 15 feet.

- a. **Mark Blackstone of Blackstone Land Surveyors representing application.**
- b. **Applicant addressed five (5) criteria to the satisfaction of the Board.**  
Mr. Blackstone stated Mr. Snyder moved to Pangburn Road about ten (10) years ago. Mr. Snyder has antique vehicles stored in trailers on the property. He is proposing to build a pole barn to store the vehicles and remove the trailers. It would be a vast improvement. The pole barn is a little larger than what is allowed. Mr. Blackstone showed a map depicting the area and the properties that have similar situations. He submitted a letter from the one (1) affected neighbor stating they did not have a problem with the pole barn. It is a rural area with barn storage building. Three (3) large trailers would be removed but the vehicles would not fit in a smaller pole barn. Mr. Blackstone discussed the five criteria for granting the variance as presented in the application. There will not be an adverse effect on the neighborhood as there are no changes to drainage and they are not removing trees. There is an existing curb cut. It is self-created but since he is removing the trailers with a new building feels it is a reasonable request.
- c. **This proposal is exempt from referral to Schenectady County Planning pursuant to Memorandum of Understanding – April 2011.**
- d. **Questions from the Board.**  
Mr. Stramenga visited the property and feels it will be an improvement.

Mr. Serafini stated that it makes sense.

Chairman Eats stated he spoke to the applicant and the applicant is cognizant of the fact he is six feet (6') away from property line and the code states five feet (5"). The area is dry. The building is also three feet (3') higher than what the code allows but with the size of the building the Board understands that you need the extra height.

e. **No Public Comments.**

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

g. **Seconded:** Mr. Stramenga

h. **Approved unanimously:**

<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. Serafini</b>	<b>X</b>			

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**RESOLUTION NUMBER ZBA6-2018**  
**Moved by Mr. Serafini, Seconded by Mr. Stramenga**  
**Applicant(s): Robert Snyder**

**Applicant(s):** Robert Snyder

**Project Location:** 434 Pangburn Road  
Rotterdam, NY

**Tax Number or Numbers:** 47.00-6-20.1

**Zoning:** Agricultural (A-1) Zoning District

**Proposed Project:** The applicant wishes to construct a 25' x 40' detached pole barn garage with a height of 18.25 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 applicant wishes to construct a 25' x 40' detached pole barn garage with a height of 18.25 feet; and,

**WHEREAS**, the proposed detached garage is 1000 square feet in size and 18.25 feet in height; and,

**RESOLUTION NUMBER ZBA6-2018**

**Applicant(s): Robert Snyder**

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**WHEREAS**, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on March 21, 2018 to consider the above referenced variance requests; and,

**WHEREAS**, a legal notice was published in the Schenectady Daily Gazette on Thursday, March 15, 2018, 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, March 21, 2018 at 7:30 p.m. to consider the variance requests; 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 March 21, 2018 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>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. Serafini</b>	<b>X</b>		

**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  
March 21, 2018**

4. **Carol Matos – 1130 Cushing Lane, Rotterdam, NY**, Tax Map #59.10-4-47 located in the Single Family Residential (R-1) Zoning District. Petitioner respectfully requests that she be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-33 entitled “Yard Requirements.” **Chapter 270-33(A)** states that the front yard depth shall be 25 feet. The applicant would like to construct an 8’ x 18’ front porch addition onto the existing residence within 17 feet of the front property line, which would require a variance of eight (8) feet.

a. **Carol Matos of 1130 Cushing Lane along with the builder representing application.**

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

Ms. Matos moved in about a year ago because the house had everything she wanted. The house had been newly renovated inside and out. Her only problem with the house is there is only a ½ roof over the main entrance so when you stand there the rain and snow fall on you, packages get wet and the opening of the door is problematic. She would like to add an 8’ X 18’ porch to remedy the problems and to be able to sit outside and visit with her neighbors. She grew up with two (2) porches. The addition of the porch will her improve her property and may get others in the neighborhood to improve their properties. It is only an eight foot (8’) variance. It will not impact the neighbors in any way. She did not anticipate these problems. Other homes in the area have a second entrance; hers only has the one. Ms. Matos discussed the five criteria for granting the variance as presented in the application.

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 thinks it’s phenomenal that she wants to get to know and interact with her neighbors.

Mr. Stramenga agrees with her presentation.

Chairman Eats was there three (3) times and left a card. He stated he sees a need for it as he got dripped on while standing on stoop.

e. **No Public Comments.**

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

g. **Seconded:** Mr. Stramenga

h. **Approved unanimously:**

<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. Serafini</b>	<b>X</b>			

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**RESOLUTION NUMBER ZBA7-2018**  
**Moved by Mr. Serafini, Seconded by Mr. Stramenga**  
**Applicant(s): Carol Matos**

**Applicant(s):** Carol Matos

**Project Location:** 1130 Cushing Lane  
Rotterdam, NY

**Tax Number or Numbers:** 59.10-4-47

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

**Proposed Project:** The applicant would like to construct an 8' x 18' front porch addition onto the existing residence within 17 feet of the front property line.

**WHEREAS**, petitioner respectfully requests that she 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 applicant would like to construct an 8' x 18' front porch addition onto the existing residence within 17 feet of the front property line, which would require a variance of eight (8) feet; and,

**WHEREAS**, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on March 21, 2018 to consider the above referenced variance requests; and,

**WHEREAS**, a legal notice was published in the Schenectady Daily Gazette on Thursday, March 15, 2018, 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, March 21, 2018 at 7:30 p.m. to consider the variance requests; and,



**RESOLUTION NUMBER ZBA7-2018**

**Applicant(s): Carol Matos**


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**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 March 21, 2018 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>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. Serafini</b>	<b>X</b>		

**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: 8:20 PM  
Motion to adjourn: Mr. Stramenga  
Seconded: Mr. Serafini  
Approved unanimously

**Next meeting: April 18, 2018**

Respectfully Submitted,  
Lisa Gallo