

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

A regular meeting of the Town of Rotterdam Zoning Board of Appeals was held Wednesday, December 20, 2017 at 7:30 p.m. at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York.

Present:	Philip Eats, Chairman	Absent:
	Angelo Melillo, Vice Chairman	
	Alex Stramenga	
	Bruce Bonacquist	
	Craig Serafini	
	John Wright, ZBA Attorney with Bartlett Pontiff Stewart PC	
	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  
December 20, 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.

This project was tabled from the November 15, 2017 meeting. Application has subsequently been withdrawn by the applicant.

2. **Justin and Alisa Kupinski – 394 Gordon Road, Rotterdam, NY - Tax Map #38.00-1-8.12** located in the Agriculture (A-1) Zoning District. Petitioners respectfully requests that they 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 14’ 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 768 square feet which would allow an accessory structure of 115 square feet. The proposed detached accessory structure will create an accessory structure that is 336 square feet, which is 221 square feet over the allowed size of 115 square feet.

- a. **Justin Kupinski of 394 Gordon Road representing application.**
- b. **Representative addressed five (5) criteria to the satisfaction of the Board.**  
Mr. Kupinski would like to install a 14’ X 24’ shed in his backyard. The setbacks are all met and his home sits on two (2) acres of land. There is very limited visibility from the road to where the shed is proposed to be located. Nine (9) months out of the year the vegetation is grown in and the property is wooded on three (3) sides. The neighbors will not be able to see it and it will not affect line of site. This is the most affordable option for the family. Mr. Kupinski did look into adding another bay on existing garage but it was costly and the setbacks from the adjoining property would be an issue. It is a substantial variance at 33% more than what is allowed but won’t change character of neighborhood. There will not be any effects on drainage. It is self-created with storage limitations on home and the garage only holds one (1) car.
- 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 visited the property. He understands the location with the size of the lot and the placement and he does not see any issues with it.

Chairman Eats visited the property and discussed application. The gravel driveway is existing and was not put in for this development.

- e. **No Public Comments.**
- f. **Motion to APPROVE:** Mr. Bonacquist
- 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. Bonacquist</b>	<b>X</b>			
<b>Mr. Stramenga</b>	<b>X</b>			
<b>Mr. Serafini</b>	<b>X</b>			

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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  
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**RESOLUTION NUMBER ZBA38-2017  
Moved by Mr. Bonacquist, Seconded by Mr. Melillo  
Applicant(s): Justin & Alisa Kupinski**

**Applicant(s):** Justin & Alisa Kupinski

**Project Location:** 394 Gordon Road  
Rotterdam, NY

**Tax Number or Numbers:** 38.00-1-8.12

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

**Proposed Project:** The applicant wishes to place a 14' x 24' shed on the property.

**WHEREAS**, petitioners respectfully requests that they 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 768 square feet which would allow an accessory structure of 115 square feet; and,

**WHEREAS**, the proposed detached accessory structure will create an accessory structure that is 336 square feet, which is 221 square feet over the allowed size of 115 square feet; and,

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

**WHEREAS**, a legal notice was published in the Schenectady Daily Gazette on Thursday, December 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, December 20, 2017 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**,

**RESOLUTION NUMBER ZBA38-2017**

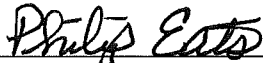
**Applicant(s): Justin & Alisa Kupinski**

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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 December 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.

<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. Bonacquist</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**

**3. Michael and Tracey Kane – 718 Curry Road, Rotterdam, NY, Tax Map #58.07-1-14** located in the Single Family Residential (R-1) and Main Street/Neighborhood Center (MS/NC) Overlay Zoning Districts. Petitioners respectfully request that they be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-53.26 entitled “Lot Area,” and Chapter 270-53.29 entitled “Parking” to allow for the location of a four (4) chair hair salon with an apartment on the second floor. **Chapter 270-53.26** states that the minimum lot area required for each principal use is 15,000 square feet. The existing lot is 11,400 square feet which would require a variance of 3,600 square feet. **Chapter 270-53.29(c)** states that parking is prohibited in the front yard. The applicants are proposing a parking area in the front yard. Property is a corner lot.

a. **Mark Blackstone of Blackstone Land Surveyors representing application.**

\*Mr. Serafini disclosed that he sold a car to the Kane’s a while ago and that he is currently in discussions to hire Mr. Blackstone for personal business but has not been retained yet. Mr. Serafini does not see any conflicts related to these relationships with the applicant and their representative and feels he can be impartial in the proceedings.

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

Mr. Blackstone stated the applicant’s are in the audience. The site has been used for commercial uses in the past with a dental office and with the advantage of Main Street/Neighborhood Center (MS/NC) Overlay District adopted by the Town Board, this proposed salon becomes a viable option for this property. It was a dentist office; and a legal office was approved and never came to fruition. Renovations have been made inside and outside. Additional parking has been accommodated for also. They lost parking on their existing site on Hamburg Street with the current road construction project which necessitated relocation. There is not a way to make the lot larger. There is no parking permitted in a front yard according to the newly adopted overlay zoning code. The parking has always been on Trinity Avenue in the front yard. It is not an undesirable change because it is a similar use to what was previously there. The only impacts would be the neighbors to the south. Mr. Kane spoke to that neighbor and he does not have any issues with the project. There are no other options to accommodate the variance requests. It is not substantial. With all the asphalt for parking, new drainage will be installed to accommodate stormwater which is an advantage to the project.

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. Melillo asked about spaces 11 & 12. He wanted to know how someone would get out of space 12. Mr. Blackstone stated those will be designated for tenant use only. He also stated parking space 1, 2, and 6 are designated for employees only as they are the most difficult to access. Mr. Melillo asked about minimum parking. Mr. Blackstone stated he believes 6 per 1000 square feet. It is a four (4) chair salon but it is very rare that all four (4) seats are occupied at the same time. He figured to make the site work they needed eight (8) for the customers, four (4) for the employees and two (2) for the apartment.

Mr. Serafini stated he answered his questions about the peak demand.

Mr. Eats spoke to the Kane's prior to this meeting. He asked if the Kane's had seen the rough drawing that came from the County. Mr. Blackstone stated they did and that the plan is not realistic and not based on industry or design standards. Mr. Eats asked if they thought about removing the garage. Mr. Blackstone stated there was a discussion about the removal of the garage but it is not feasible. It is a buffer for the neighbor and will be used for storage of lawn mower, snow blower and other items.

Mr. Bonacquist mentioned the Planning Commission review and wanted to know what the minimum parking requirements are. Mr. Blackstone stated eight (8) would be the minimum by the standards but has 14 because it is more realistic for the project. Mr. Bonacquist believes there are environmental and safety issues with Curry Road and Trinity Avenue and cars not being able to get onto Curry Road which would force them through the neighborhood. Mr. Blackstone explained that the Planning Commission requested a sign for no right turn onto Trinity Avenue during the sketch site plan review. He stated they are managing the traffic as best they can for this commercial site.

The Kane's stated peak demand is on Saturday and Tuesday and that they are closed Sunday and Monday.

Mr. Serafini mentioned Mr. Bonacquist brought up some valid points. Mr. Blackstone thinks this is the best workable plan and least intrusive for the property.

Chairman Eats stated he was there when they were doing some construction and there are two (2) chairs in one (1) room and two (2) chairs in the other. He asked about the ventilation and how it should go through the roof but that the Planning Commission will take care of that.

Mr. Serafini asked about the average time people are in the chairs. Mrs. Kane stated the average for a female is 45 minutes and for a male it is 20 minutes but it depends on what is being done.



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. Bonacquist</b>	<b>X</b>			
<b>Mr. Stramenga</b>	<b>X</b>			
<b>Mr. Serafini</b>	<b>X</b>			

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*Zoning Board of Appeals*

Philip Eats, Chairman  
Peter J. Comenzo, Senior Planner

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**RESOLUTION NUMBER ZBA39-2017**  
**Moved by Mr. Serafini, Seconded by Mr. Stramenga**  
**Applicant(s): Michael & Tracey Kane**

**Applicant(s):** Michael & Tracey Kane

**Project Location:** 718 Curry Road  
Rotterdam, NY

**Tax Number or Numbers:** 58.07-1-14

**Zoning:** Single Family Residential (R-1) Zoning District & Main Street/Neighborhood Center (MS/NC) Overlay Zoning District

**Proposed Project:** The applicant is requesting variances to allow for the location of a four (4) chair hair salon with an apartment on the second floor.

**WHEREAS**, petitioners respectfully request that they be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-53.26 entitled "Lot Area," and Chapter 270-53.29 entitled "Parking;" and,

**WHEREAS**, Chapter 270-53.26 states that the minimum lot area required for each principal use is 15,000 square feet; and,

**WHEREAS**, the existing lot is 11,400 square feet which would require a variance of 3,600 square feet; and,

**WHEREAS**, Chapter 270-53.29(c) states that parking is prohibited in the front yard; and,

**WHEREAS**, the applicants are proposing a parking area in the front yard on a corner lot; and,

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

**WHEREAS**, a legal notice was published in the Schenectady Daily Gazette on Thursday, December 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, December 20, 2017 at 7:30 p.m. to consider the variance requests; and,

**RESOLUTION NUMBER ZBA39-2017**

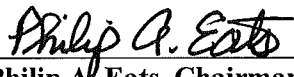
**Applicant(s): Michael & Tracey Kane**  
**Page 2**

**WHEREAS**, the Schenectady County Department of Planning and Economic Development was sent a referral pursuant to Town Law Chapter 239nn and defers 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 December 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.

<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. Bonacquist</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

4. **Beatrice Farrell – 1928 Amsterdam Avenue and 1939 Rensselaer Avenue, Rotterdam, NY**, Tax Map #59.10-8-18 and 59.10-8-12, located in the Single Family Residential (R-1) Zoning District. Petitioner respectfully requests that she be granted area variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-31 entitled “Lot Area.” 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:

**1928 Amsterdam Avenue (Existing Single Family Residence)**

	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Variance</b>
Lot Area	15,000 sf	8,050 sf	8,498 sf	6,502 sf
Lot Width	100 feet	70 feet	70 feet	30 feet

**1939 Rensselaer Avenue (Proposed Single Family Residence)**

	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Variance</b>
Lot Area	15,000 sf	8,050 sf	7,602 sf	7,398 sf
Lot Width	100 feet	70 feet	70 feet	30 feet

- a. **Mark Blackstone of Blackstone Land Surveyors representing application.**
- b. **Representative addressed five (5) criteria to the satisfaction of the Board.**  
Mr. Blackstone stated this is a lot that goes from Amsterdam Avenue through to Rensselaer Avenue. It is 70’ wide with a single family residence on it. Eventually they built a garage on it but the garage straddled the two (2) property lines. This necessitates moving the rear line 6.4’ which makes the lot of average lot width and area for the area. Mr. Blackstone showed a colored map highlighting the eight (8) properties surrounding this on Amsterdam Avenue with similar lot area and lot with and the nine (9) surrounding this on Rensselaer Avenue which is with keeping in character with the neighborhood. The neighboring lots would not be impacted. There would not be an undesirable change to the character of the neighborhood. There are no other methods to achieve this outcome with the location of the garage. Mr. Blackstone does not feel these are substantial variances. Test holes and perc tests were performed and witnessed by the Town and the County. There are ideal conditions for the septic system. The difficulty arose from the placement of the garage.
- 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 mentioned that the variance to him seems substantial stating it to be 50%. He looked at the neighboring streets of Rabbetoy, Altamont and Obrien. There are many lots with different styles of homes and sizes of lots, some are smaller and some are larger. He believes this is with keeping in with the neighborhood.

Mr. Melillo agrees with Mr. Bonacquist.

Chairman Eats stated there was a similar application a few months ago and agrees with Mr. Bonacquist.

- e. **No Public Comments.**
- f. **Motion to APPROVE:** Mr. Bonacquist
- 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. Bonacquist</b>	<b>X</b>			
<b>Mr. Stramenga</b>	<b>X</b>			
<b>Mr. Serafini</b>	<b>X</b>			

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**RESOLUTION NUMBER ZBA40-2017**  
**Moved by Mr. Bonacquist, Seconded by Mr. Stramenga**  
**Applicant(s): Beatrice Farrell**

**Applicant(s):** Beatrice Farrell  
**Project Location:** 1928 Amsterdam Avenue & 1939 Rensselaer Avenue  
Rotterdam, NY  
**Tax Number or Numbers:** 59.10-8-18 & 59.10-8-12  
**Zoning:** Single Family Residential (R-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 she be granted area variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-31 entitled "Lot Area;" and,

**WHEREAS**, the applicant is requesting variances in order to allow for a two (2) lot boundary line adjustment subdivision; and,

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

**1928 Amsterdam Avenue (Existing Single Family Residence)**

<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Variance</b>	
Lot Area	15,000 sf	8,050 sf	8,498 sf	6,502 sf
Lot Width	100 feet	70 feet	70 feet	30 feet

**1939 Rensselaer Avenue (Proposed Single Family Residence)**

<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Variance</b>	
Lot Area	15,000 sf	8,050 sf	7,602 sf	7,398 sf
Lot Width	100 feet	70 feet	70 feet	30 feet and,

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

**WHEREAS**, a legal notice was published in the Schenectady Daily Gazette on Thursday, December 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, December 20, 2017 at 7:30 p.m. to consider the variance requests; and,

**RESOLUTION NUMBER ZBA40-2017**

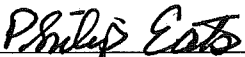
**Applicant(s): Beatrice Farrell**  
**Page 2**

**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 December 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.

<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. Bonacquist</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**

5. **Elizabeth Vojnar (Owner) and Starlight Development, LLC (Contract Vendee) – 2060 Greenpoint Avenue and Amsterdam Avenue, Rotterdam, NY, Tax Map #59.14-1-26 and 59.14-1-9, located in the Single Family Residential (R-1) Zoning District.** Petitioners respectfully request that they be granted area variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-31 entitled “Lot Area.” The applicant is requesting variances in order to allow for a two (2) three (3) lot subdivisions. The variance request(s) are as follows:

**Lot #1 2060 Greenpoint Avenue (Existing Single Family Residence)**

	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Variance</b>
Lot Area	15,000 sf	35,266 sf	14,171 sf	829 sf

**Lot #2 Greenpoint Avenue (Proposed Single Family Residence)**

	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Variance</b>
Lot Area	15,000 sf	35,266 sf	10,499 sf	4,501 sf
Lot Width	100 feet	272 feet	81.2 feet	18.8 feet

**Lot #3 Greenpoint Avenue (Proposed Single Family Residence)**

	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Variance</b>
Lot Area	15,000 sf	35,266 sf	10,596 sf	4,404 sf
Lot Width	100 feet	272 feet	81.2 feet	18.8 feet

**Lot #4 Amsterdam Avenue (Proposed Single Family Residence)**

	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Variance</b>
Lot Area	15,000 sf	26,408 sf	8,802 sf	6,198 sf
Lot Width	100 feet	205 feet	68.33 feet	31.67 feet

**Lot #5 Amsterdam Avenue (Proposed Single Family Residence)**

	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Variance</b>
Lot Area	15,000 sf	26,408 sf	8,804 sf	6,196 sf
Lot Width	100 feet	205 feet	68.34 feet	31.66 feet

**Lot #6 Amsterdam Avenue (Proposed Single Family Residence)**

	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Variance</b>
Lot Area	15,000 sf	26,408 sf	8,802sf	6,198 sf
Lot Width	100 feet	205 feet	68.33 feet	31.67 feet

- a. **Mark Blackstone of Blackstone Land Surveyors representing application.**
- b. **Representative addressed five (5) criteria to the satisfaction of the Board.**  
Mr. Blackstone stated that Mrs. Vojnar is in a care facility and existing house is undergoing renovations. The property used to be a pig farm. There is a run-down barn on the property that if they do not take it down it is going to fall down so he did not place it on the map. The lot sizes are consistent with the neighborhood as shown by the highlighting and circles on the map. He believes that in keeping with the character of the neighborhood at least 2/3 of the lots are equal to or less than what is being requested. It cannot be achieved by other means. Mr. Blackstone does not believe they are substantial. Deep hole and perc testing were performed with the County Health present. The Town could not make the appointment. The septic will not be a problem. Only one (1) lot had a perc at seven (7) minutes and ideal perc is one (1) to five (5) minutes. It is self-created but they are making the lots of similar size in the neighborhood.



- c. This proposal is not exempt from referral to Schenectady County Planning and they deferred to local consideration.**

- d. Questions from the Board.**

Mr. Serafini stated in relation to Amsterdam Avenue there is 205' of road frontage and it was split into three (3) lots to get the 70' of road frontage. This requires a 40% variance where if it was split into two (2) lots it would only require a 10% variance so there are other means. Did they look at only doing two (2) lots? Mr. Blackstone feels it is consistent with the neighborhood and that larger lots require larger houses. It is hard to sell a \$300,000 home next to a lot with only 35' of road frontage. Pricing a house that's affordable is difficult with larger lot cost. Existing lot size makes sense for new subdivisions however this is infilling the lots in an existing neighborhood. It is not a new development.

Mr. Bonacquist understands what Mr. Serafini is saying. He also stated the last application is infilling this situation is different and substantial with five (5) additional lots he does not feel it is infill but simply a way to get more lots and increase profit. There are certainly other options for the developer to decrease the variance request.

Mr. Melillo agrees with Mr. Bonacquist and Mr. Serafini. He asked why you need a larger house on a larger lot. A smaller home can still be built. Mr. Blackstone stated building a house to sell is different than building a house for yourself. Mr. Melillo stated that he doesn't feel the Board's role is to benefit the developer and their profits. There are smaller lots but there are also larger lots in the area.

Would the developer be willing to go with two (2) lots on Amsterdam Avenue? Mr. Blackstone stated he does have the authority to make the decision on the applicant's behalf. He stated that the developers are willing to go with the two (2) lots on Amsterdam Avenue and split the parcel on Amsterdam Avenue down the middle.

- e. No Public Comments.**

- f. Motion to APPROVE with Greenpoint Avenue as advertised and based on the discussion from three (3) lots to two (2) lots on Amsterdam Avenue with a 1,796 square foot variance.**

Mr. Bonacquist

- g. Seconded:** Mr. Serafini

- 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. Bonacquist</b>	<b>X</b>			
<b>Mr. Stramenga</b>	<b>X</b>			
<b>Mr. Serafini</b>	<b>X</b>			



*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 ZBA41-2017**

**Moved by Mr. Bonacquist, Seconded by Mr. Serafini**

**Applicant(s): Elizabeth Vojnar (Owner)/Starlight Development, LLC  
(Contract Vendee)**

**Applicant(s):** Elizabeth Vojnar (Owner)/Starlight Development, LLC (Contract Vendee)

**Project Location:** 2060 Greenpoint Avenue & Amsterdam Avenue  
Rotterdam, NY

**Tax Number or Numbers:** 59.14-1-26 & 59.14-1-9

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

**Proposed Project:** The applicant is requesting variances in order to allow for a two (2) three (3) lot subdivisions.

**WHEREAS**, petitioners respectfully request that they be granted area variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-31 entitled "Lot Area;" and,

**WHEREAS**, the applicant is requesting variances in order to allow for a two (2) three (3) lot subdivisions; and,

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

**Lot #1 2060 Greenpoint Avenue (Existing Single Family Residence)**

	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Variance</b>
Lot Area	15,000 sf	35,266 sf	14,171 sf	829 sf

**Lot #2 Greenpoint Avenue (Proposed Single Family Residence)**

	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Variance</b>
Lot Area	15,000 sf	35,266 sf	10,499 sf	4,501 sf
Lot Width	100 feet	272 feet	81.2 feet	18.8 feet

**Lot #3 Greenpoint Avenue (Proposed Single Family Residence)**

	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Variance</b>
Lot Area	15,000 sf	35,266 sf	10,596 sf	4,404 sf
Lot Width	100 feet	272 feet	81.2 feet	18.8 feet

**Lot #4 Amsterdam Avenue (Proposed Single Family Residence)**

	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Variance</b>
Lot Area	15,000 sf	26,408 sf	8,802 sf	6,198 sf
Lot Width	100 feet	205 feet	68.33 feet	31.67 feet

**RESOLUTION NUMBER ZBA41-2017**

**Applicant(s): Elizabeth Vojnar (Owner) & Starlight Development, LLC (Contract Vendee)**

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**Lot #5 Amsterdam Avenue (Proposed Single Family Residence)**

	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Variance</b>
Lot Area	15,000 sf	26,408 sf	8,804 sf	6,196 sf
Lot Width	100 feet	205 feet	68.34 feet	31.66 feet

**Lot #6 Amsterdam Avenue (Proposed Single Family Residence)**

	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Variance</b>
Lot Area	15,000 sf	26,408 sf	8,802sf	6,198 sf
Lot Width	100 feet	205 feet	68.33 feet	31.67 feet

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

**WHEREAS**, a legal notice was published in the Schenectady Daily Gazette on Thursday, December 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, December 20, 2017 at 7:30 p.m. to consider the variance requests; and,

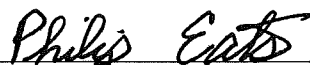
**WHEREAS**, pursuant to a Memorandum of Understanding dated April 2011, Schenectady County Planning Board defers these types of matter to local consideration, **NOW**,

**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 December 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 with the following condition:

1. Greenpoint Avenue lots as requested. Proposed Amsterdam Avenue lots to be reduced from three (3) lots to two (2) lots lessening lot area variance to 1,796 square feet per lot and eliminating the need for road frontage variance on either lot.

<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. Bonacquist</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, and testimony submitted to the Zoning Board of Appeals. Proposed lot lines on Amsterdam Avenue to be revised and submitted to the Planning Commission as part of the Subdivision review process under Chapter 249.**

  
Philip A. Eats, Chairman  
Zoning Board of Appeals

Meeting adjourned: 9:07 PM  
Motion to adjourn: Mr. Serafini  
Seconded: Mr. Melillo  
Approved unanimously

**Next meeting: January 17, 2018**

Respectfully Submitted,  
Lisa Gallo