

**Town of Rotterdam  
Zoning Board of Appeals  
Summary Meeting Minutes for January 17, 2018**

A regular meeting of the Town of Rotterdam Zoning Board of Appeals was held Wednesday, January 17, 2018 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 Alex Stramenga Bruce Bonacquist Craig Serafini Stephanie DiLallo Bitter, Attorney Peter Comenzo, Sr. Planner Lisa Gallo, Secretary	Absent:
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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  
January 17, 2018**

1. **Peter and Linda Derkowski – 1045 Day Road, Rotterdam, NY, Tax Map #58.20-10-8,** 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 or a depth of not less than 1/2 the total setback depths of the dwellings on properties which adjoin on each side, provided that both of such dwellings are set back less than 25 feet. The applicant would like to construct an 8’ x 40’ covered porch within 19 feet of the front property line onto an existing single family residence, which would require a variance of 6 foot.

- a. **Peter Derkowski of 1045 Day Road representing application.**

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

Mr. Derkowski explained his mom passed away and his brother and sisters obtained the house. He lives in a four (4) bedroom Colonial. His kids are grown so he bought the house from the estate. The house was built in the 50’s. His parents moved in in 1964. His father did not do any maintenance on the house. He is rehabbing the interior and exterior in two (2) phases. A cement porch exists on the house but if you sit on it, no one can walk past on the porch. Mr. Derkowski showed a picture of a similar porch located nearby at 1030 Day Road and stated he would like that type of porch. There is a 25’ setback and this porch would be at 19’. He believes this will be more in line with the other houses and standards on Day Road. His only other alternative would be to fix the existing porch but that does not make it usable for sitting outside. The existing porch is only good for keeping people out of the weather. He does not feel it is a substantial variance. Mr. Derkowski stated that close to 50% of the houses on Day Road have added structures to their homes over the years. It is self-created.

- 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 stated it conforms to the neighborhood and the applicant presented well.

Mr. Serafini agreed with Mr. Stramenga.

Chairman Eats stated he visited the neighbor and she did not have any issue with it. It is not going to affect the other neighbor. It is an upgrade to the house and will make the porch more usable. It will not be shedding any water to the neighboring properties.

- a. **No Public Comments.**
- b. **Motion to APPROVE:** Mr. Serafini
- c. **Seconded:** Mr. Melillo
- d. **Approved unanimously:**

NAME	AYES	NOES	ABSENT	RECUSED
Chairman Eats	X			
Mr. Melillo	X			
Mr. Bonacquist	X			
Mr. Stramenga	X			
Mr. Serafini	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  
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**RESOLUTION NUMBER ZBA1-2018**  
**Moved by Mr. Serafini, Seconded by Mr. Melillo**  
**Applicant(s): Peter & Linda Derkowski**

**Applicant(s):** Peter & Linda Derkowski

**Project Location:** 1045 Day Road  
Rotterdam, NY

**Tax Number or Numbers:** 58.20-10-8

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

**Proposed Project:** The applicant would like to construct an 8' x 40' covered porch within 19 feet of the front property line onto an existing single family residence.

**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 or a depth of not less than 1/2 the total setback depths of the dwellings on properties which adjoin on each side, provided that both of such dwellings are set back less than 25 feet; and,

**WHEREAS**, the applicant would like to construct an 8' x 40' covered porch within 19 feet of the front property line onto an existing single family residence, which would require a variance of 6 foot; and,

**WHEREAS**, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on January 17, 2018 to consider the above referenced variance requests; and,

**WHEREAS**, a legal notice was published in the Schenectady Daily Gazette on Thursday, January 11, 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, January 17, 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**,

**RESOLUTION NUMBER ZBA1-2018**  
**Applicant(s): Peter & Linda Derkowski**  
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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 January 17, 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. 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**

2. **John Hines – 455 Melrose Street, Rotterdam, NY, Tax Map #48.19-7-27** located in the 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. The subject property is a corner lot.

a. **John Hines of 455 Melrose Street representing application.**

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

Mr. Hines explained he needs a variance to continue erecting his vinyl fence. There was an existing fence that was put up without a permit 16 years ago with a portion of it located on the right-of-way. It was in disrepair with nails sticking out so he took it down. He spent \$6000 to up this fence. He scaled back from the original fence line so he could see exiting his driveway and did not change the height of the fence that was originally there. It is nicer than the wooden fence. The dog was getting loose because of the missing pieces in the old fence so he completed the installation. He could not find out where the right-of-way was and enquired with the Highway Department which also did not know. Mr. Hines does not feel it is a large variance as there was a fence there for 16 years. He paid \$800 for the survey and located the property lines. It is self-created but he pulled it in one (1) foot from the property line.

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

d. **Questions from the Board.**

Mr. Melillo asked if a company installed the fence. Mr. Hines stated yes and they were aware he did not have a permit. They utilized the same location of the old fence. The Town issued a Stop Work Order and the fence company took down a portion of the fence on Edgewood Avenue for which he had to pay. Mr. Hines says he has a letter from his neighbor, Mr. Gentile stating the fence is okay on Mr. Gentile’s property. Mr. Serafini asked which fence company he used. Mr. Hines said Bruce Fence Company.

Mr. Bonacquist asked when he received the Stop Work Order and was it before or after the fence was installed and prior to the survey? Mr. Hines stated the survey was done after the fence was installed and taken down. Mr. Bonacquist asked if the fence was back up. Mr. Hines stated that the fence company wouldn’t erect without the permit after the Stop Work Order. Mr. Hines said he will install himself. Mr. Bonacquist want to know what assurance the Board has that the fence is installed on the applicant’s property. Mr. Hines said the fence is definitely behind the line on the survey. Mr. Bonacquist asked if the fence is up.

Mr. Hines stated his attorney told him to continue the fence and they would fight it later. Mr. Bonacquist asked if the applicant would be agreeable to making an approval contingent upon an as-built survey being provided showing the fence is constructed on the applicant property. Mr. Hines agreed to that.

e. **No Public Comments.**

f. **Motion to APPROVE contingent upon:**

Applicant shall provide the Department of Public Works with an As-Built Survey demonstrating the fence is constructed on his property. **Mr. Bonacquist**

g. **Seconded:** **Mr. Stramenga**

h. **Approved unanimously:**

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

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**RESOLUTION NUMBER ZBA2-2018**  
**Moved by Mr. Bonacquist, Seconded by Mr. Stramenga**  
**Applicant(s): John Hines**

**Applicant(s):** John Hines

**Project Location:** 455 Melrose Street  
Rotterdam, NY

**Tax Number or Numbers:** 48.19-7-27

**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. The subject property is a corner lot.

**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,

**WHEREAS**, the property is a corner lot; and,

**WHEREAS**, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on January 17, 2018 to consider the above referenced variance requests; and,



**RESOLUTION NUMBER ZBA2-2018**

**Applicant(s): John Hines**

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**WHEREAS**, a legal notice was published in the Schenectady Daily Gazette on Thursday, January 11, 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, January 17, 2018 at 7:30 p.m. to consider the variance requests; and,

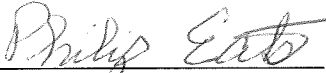
**WHEREAS**, the Schenectady County Department of Planning and Economic Development was sent a referral pursuant to Town Law Chapter 239nn and defers to local consideration, **NOW**,

**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 January 17, 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. Applicant shall provide the Department of Public Works with an As-Built Survey demonstrating the fence is constructed on his property.

<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**

Chairman Eats stated he need a motion to appoint a Vice Chairman.

Motion made by Mr. Bonacquist to appoint Mr. Melillo as Vice Chairman of the Zoning Board of Appeals for the year 2018.

Seconded: Mr. Stramenga

Meeting adjourned: 8:23 PM  
Motion to adjourn: Mr. Serafini  
Seconded: Mr. Stramenga  
Approved unanimously

**Next meeting: February 21, 2018**

Respectfully Submitted,  
Lisa Gallo