

**Town of Rotterdam
Zoning Board of Appeals
Summary Meeting Minutes for Tuesday, June 19, 2018**

A regular meeting of the Town of Rotterdam Zoning Board of Appeals was held Tuesday, June 19, 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 Bruce Bonacquist Alex Stramenga Craig Serafini Stephanie DiLallo Bitter, Attorney for the ZBA Peter Comenzo, Sr. Planner Lisa Gallo, Secretary	Excused:
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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.

1. Sherry Larson – 1883 Greenpoint Avenue, Rotterdam, NY, Tax Map #59.9-10-40 located in the Single Family Residential (R-1) Zoning District. Petitioner respectfully request that she 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 five (5) foot high fence, which would require a variance of one (1) foot. **Chapter 270-143(A)(4)** states that front yard fences should be less that fifty percent (50%) solid or opaque. The applicant would like to install a five (5) foot high fence that is one hundred percent (100%) solid. The subject property is a corner lot.

a. **Sherry Larson of 1883 Greenpoint Avenue representing this application.**

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

Ms. Larson explained it will not create an undesirable change to the neighborhood. It is a semi-private five foot (5') fence replacing a four foot (4') fence. She stated it will be real pretty and did not want a four foot (4') fence as the neighbors can still see her in the pool and a six foot (6') fence would be too high because she would feel enclosed. Ms. Larson does not feel it is substantial. The ordinance allows a four foot (4') fence and this is only five foot (5'). It will enhance the neighborhood because it is new. The Town said she needed the variance because she wanted a five foot (5') fence.

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 visited the property and he does not feel it will be detrimental to the neighborhood.

Mr. Stramenga visited and feels the same as Mr. Bonacquist.

Chairman Eats visited and reviewed the criteria. It is a corner lot and the Board understands the reason for the variance.

- e. **No Public Comments.**
- f. **Motion to APPROVE:** Mr. Bonacquist
- g. **Seconded:** Mr. Serafini
- 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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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 ZBA10-2018
Moved by Mr. Bonacquist, Seconded by Mr. Serafini
Applicant(s): Sherry Larson

Applicant(s): Sherry Larson

Project Location: 1883 Greenpoint Avenue
Rotterdam, NY

Tax Number or Numbers: 59.9-10-40

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

Proposed Project: The applicant would like to install a five (5) foot high fence that is one hundred percent (100%) solid. The subject property is a corner lot.

WHEREAS, petitioners respectfully request that they 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 five (5) foot high fence, which would require a variance of one (1) foot; 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 subject property is a corner lot; and,

WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on June 19, 2018 to consider the above referenced variance requests; and,

RESOLUTION NUMBER ZBA10-2018

Applicant(s): Sherry Larson

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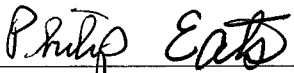
WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Tuesday, June 12, 2018, announcing that a public hearing was to take place in the V. Dalton Bambury Hearing Room, at the John F. Kirvin Government Center located at 1100 Sunrise Boulevard, Rotterdam, New York on Tuesday, June 19, 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 June 19, 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.

NAME	AYES	NOES	RECUSED
Chairman Eats	X		
Mr. Melillo	X		
Mr. Bonacquist	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
June 19, 2018**

2. Debra Ann Harwood – 1876 Stuart Street, Rotterdam, NY, Tax Map #59.9-9-32 and 59.9-9-3.1 (combined) 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 270-15 entitled “Accessory uses, buildings and Structures.” **Chapter 270-15(a) Location.** States that “No permitted accessory use or building shall be located in the front yard in a residential district except parking and landscaping.” The applicant proposes the location of a 10 foot octagonal gazebo in the front yard. Property is a corner lot.

a. Debra Ann Harwood of 1876 Stuart Street representing application.

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

Ms. Harwood explained that she turned in a warranty deed and she now has the one stamped by Schenectady County that combines both lots into one parcel. She is going to meet with the Assessor tomorrow to inform him of the merge. The two (2) properties were in her married name and her maiden name. Ms. Harwood stated that the two (2) neighbors that are affected by the fence do not have any problem with the gazebo. It is not undesirable. She feels the gazebo is much more appealing than the 24’ round pool. She found after her husband passed away it was too hard to take care of the pool. It has to be placed in the front yard as there is not any room behind her house. Ms. Harwood does not feel it is substantial but with all the stuff she has had to do it is. The proposed gazebo is away from the road and won’t ruin anyone’s line of sight. It is self-created as she would like a gazebo however she is getting everything straightened out.

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 complimented Ms. Harwood for going and taking care of everything.

Chairman Eats visited and discussed the criteria.

- e. **No Public Comments.**
- f. **Motion to APPROVE:** Mr. Bonacquist
- g. **Seconded:** Mr. Melillo
- 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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Zoning Board of Appeals

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RESOLUTION NUMBER ZBA11-2018
Moved by Mr. Bonacquist, Seconded by Mr. Melillo
Applicant(s): Debra Ann Harwood

Applicant(s): Debra Ann Harwood

Project Location: 1876 Stuart Street
Rotterdam, NY

Tax Number or Numbers: 59.9-9-32 and 59.9-9-3.1 (combined)

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

Proposed Project: The applicant proposes the location of a 10 foot octagonal gazebo in the front yard. Property is a corner lot.

WHEREAS, petitioner respectfully requests that she be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-15 entitled "Accessory uses, buildings and Structures;" and,

WHEREAS, Chapter 270-15(a) Location. States that "No permitted accessory use or building shall be located in the front yard in a residential district except parking and landscaping;" and,

WHEREAS, the applicant proposes the location of a 10 foot octagonal gazebo in the front yard which would require a 100% variance; and,

WHEREAS, property is a corner lot; and

WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on June 19, 2018 to consider the above referenced variance requests; and,

RESOLUTION NUMBER ZBA11-2018

Applicant(s): Debra Ann Harwood

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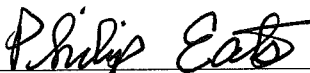
WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Tuesday, June 12, 2018, announcing that a public hearing was to take place in the V. Dalton Bambury Hearing Room, at the John F. Kirvin Government Center located at 1100 Sunrise Boulevard, Rotterdam, New York on Tuesday, June 19, 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 June 19, 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.

NAME	AYES	NOES	RECUSED
Chairman Eats	X		
Mr. Melillo	X		
Mr. Bonacquist	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

3. **John and Karen Dybas, 1014 Sandy Lane, Rotterdam, NY**, Tax Map #59.06-2-42 and 59.06-2-43 (portion of lands n/f Leone combined) located in the Single Family Residential (R-1) Zoning District. Petitioner 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 construct a 24' x 34' detached garage with a height of 19 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 816 square feet and the existing attached garage is 616 square feet making the total garage space 1432 square feet, which is 532 square feet over the allowed size of 900 square feet. The proposed height of the detached garage is 19 feet, which is 4 feet over the allowed height of 15 feet.

- a. **John Dybas of 1014 Andy Lane representing application.**
- b. **Applicant addressed five (5) criteria to the satisfaction of the Board.**

Mr. Dybas stated he lives on a dead end street and he is the last house on the right. He would like to put up a garage. He has a two (2) car garage underneath his house so this addition will put him over the allowed square footage. He also has a 12' by 16' shed which needs repair or he will get rid of it. The new garage will be in line with the house. The property is surrounded by a deep ravine and the proposed garage will not interfere with anyone's line of sight. There are a lot of trees located on the lot. It is substantial with 532 square feet over the 900 square feet allowed and four feet (4') over the allowed height. The property will be over one (1) acre with the completion of the boundary line adjustment. It will be an improvement and clean up the property. Mr. Dybas stated that his new vehicle will not fit in the garage he currently has.
- c. **This proposal is exempt from referral to Schenectady County Planning pursuant to Memorandum of Understanding – April 2011.**
- d. **Questions from the Board.**

Ms. Stephanie DiLallo Bitter stated if approved it should be contingent upon the completion of the Boundary Line Adjustment with the lands n/f of Leone.

Mr. Stramenga stated he visited the site.

Mr. Serafini asked if the garage is going on the property that he is waiting for the boundary line adjustment on.

Mr. Bonacquist said he is familiar with the area.

Chairman Eats stated that the presentation was very thorough.

- e. No Public Comments.
- f. Motion to APPROVE contingent upon receiving Planning Board approval for the Boundary Line Adjustment application currently filed with the Town: Mr. Serafini
- 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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Zoning Board of Appeals

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Peter J. Comenzo, Senior Planner

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RESOLUTION NUMBER ZBA12-2018
Moved by Mr. Serafini, Seconded by Mr. Stramenga
Applicant(s): John and Karen Dybas

Applicant(s): John and Karen Dybas

Project Location: 1014 Sandy Lane
Rotterdam, NY

Tax Number or Numbers: 59.06-2-42 and 59.06-2-43 (portion of land n/f Leone combined)

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

Proposed Project: The applicant wishes to construct a 24' x 34' detached garage with a height of 19 feet.

WHEREAS, petitioner 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, the applicant wishes to construct a 24' x 34' detached garage with a height of 19 feet;" 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 proposed detached garage is 816 square feet and the existing attached garage is 616 square feet making the total garage space 1432 square feet, which is 532 square feet over the allowed size of 900 square feet; and,

WHEREAS, the proposed height of the detached garage is 19 feet, which is 4 feet over the allowed height of 15 feet; and,

WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on June 19, 2018 to consider the above referenced variance requests; and,

RESOLUTION NUMBER ZBA12-2018

Applicant(s): John and Karen Dybas

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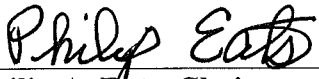
WHEREAS, pursuant to a Memorandum of Understanding dated April 2011 with the Schenectady County Department of Planning and Economic Development this project is exempt from review, **NOW**,

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 June 19, 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. **Planning Board approval of the Boundary Line Adjustment application currently filed with the Town and scheduled for July 17, 2018 with the lands n/f of Leone.**

NAME	AYES	NOES	RECUSED
Chairman Eats	X		
Mr. Melillo	X		
Mr. Bonacquist	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

Meeting adjourned: 7:55 PM
Motion to adjourn: Mr. Serafini
Seconded: Mr. Stramenga
Approved unanimously

Next meeting: July 18, 2018

Respectfully Submitted,
Lisa Gallo