

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

A regular meeting of the Town of Rotterdam Zoning Board of Appeals was held Wednesday, September 19, 2018 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		
	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  
September 19, 2018**

1. **Curry Road Development Partners, LLC - 1410 Curry Road, Rotterdam, NY**, Tax Map #58.8-11-28.3 located in the Multiple Family Residential (R-3) Zoning District. Petitioners respectfully request that they be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-49 entitled “Lot area,” and Chapter 270-51 entitled “Yard Requirements.” **Chapter 270-49** states that the minimum lot width is 100 feet. The applicant is proposing to subdivide the previously consolidated properties into Phase 1 and Phase 2 of Vista Square, an approved apartment project. The subdivision is being proposed for financing purposes only. The proposed lot width on Lynn Street for the Phase 2 lot is 56.55 feet which would require a variance of 43.45 feet. The Phase 1 lot located on Curry Road is 62.63 feet and previously received a variance on December 16, 2015 of 37.37 feet from the 100 foot requirement for the project. **Chapter 270-51** states that the side yard width shall be not less than 20 feet. The applicant is proposing a side yard setback of 15 feet for Building #5 located on the Phase #2 Lot, which would require a variance of 5 feet.

- a. **This application was tabled until October 17, 2018**

**ZBA Meeting  
September 19, 2018**

**2. Louis Welch – 2634 First Avenue, Rotterdam, NY**, Tax Map #58.7-8-19 located in the Retail Business (B-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,” **Chapter 270-138(b)(2)** “Yards” states that no detached accessory structure shall be located in the front yard of any lot. The applicant wishes to construct an 8’ by 10’ accessory structure in the front yard facing Sunrise Boulevard. The subject property has frontage on both Guilderland Avenue and Sunrise Boulevard.

**a. This application was tabled until October 17, 2018.**

**ZBA Meeting  
September 19, 2018**

**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 270-151 entitled “Signs.” **Chapter 270-151 (E)(3)** states that 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 subject property is an 11,400 square foot lot. The applicant is seeking to erect one ground mounted sign that is 22 square feet in size and the allowed signage is 15 square feet, which would require a variance of 7 square feet.

- a. **Michael & Tracey Kane of 718 Curry Road representing this application.**
- b. **Representative and applicant addressed five (5) criteria to the satisfaction of the Board.**

Mr. Kane explained they need a variance on a repurposed sign. It was an existing sign at other location that their daughter designed for them. It is over the allowed square footage. There are signs in the area; Boys and Girls Club and all over Five Corners. They moved it to keep the cost down. It is not substantial. The material is all wood so there are not any environmental issues. It is self-created. They did not know they needed a permit as the sign was already permitted.

Mr. Kane also stated that Mr. Marciniak spoke to him about the sign going up without a permit. Mr. Kane was willing to take it down but Mr. Marciniak suggested going for the variance. Other people have been commenting about how good it looks.

- 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 and Mr. Stramenga stated they have seen the sign.

Chairman Eats stated the sidewalk is on their property so it may not look like the sign is five feet (5’) from the property line but drawing shows that it is.

- 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			

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*Town of Rotterdam*  
*Zoning Board of Appeals*

Philip Eats, Chairman  
Peter J. Comenzo, Senior Planner

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Facsimile (518) 355-2725

**RESOLUTION NUMBER ZBA18-2018**  
**Moved by Mr. Melillo, 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)/Main Street/Neighborhood Center (MS/NC) Overlay Zoning District.

**Proposed Project:** The applicant is seeking to erect one ground mounted sign that is 22 square feet in size.

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

**WHEREAS, Chapter 270-151 (E)(3)** states that 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 subject property is an 11,400 square foot lot; and,

**WHEREAS,** the applicant is seeking to erect one ground mounted sign that is 22 square feet in size and the allowed signage is 15 square feet, which would require a variance of 7 square feet; and,

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

**RESOLUTION NUMBER ZBA18-2018**

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

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**WHEREAS**, a legal notice was published in the Schenectady Daily Gazette on Thursday, September 13, 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, September 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 September 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.

<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>		

**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  
September 19, 2018**

**4. James Gabree – 246 Central Avenue, Rotterdam, NY, Tax Map #59.7-10-39** 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 270-138 entitled “Accessory Structures and Uses,” **Chapter 270-138(b)(2)** “Yards” states that no detached accessory structure shall be located in the front yard of any lot. The applicant wishes to construct an 8’ by 10’ accessory structure in the front yard facing Catherine Street. The subject property has frontage on both Central Avenue and Catherine Street.

a. **James Gabree of 246 Central Avenue representing this application.**

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

Mr. Gabree stated he is here to get a variance to build a shed. His house borders two (2) streets so he has two (2) front yards. It is not undesirable. It will not be too large and won’t be an eyesore. The houses on the back street do not face the yard the shed will be on. There will not be any adverse effects. Yes it is a substantial variance as it’s not supposed to be in front yard but no because it will not affect anyone. The rain run-off will be to his property. It is self-created as he did not know the ordinance about two (2) street. There are also other sheds in the area.

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 complies with the rest of the neighborhood.

Mr. Melillo agrees with Mr. Stramenga.

Chairman Eats visited the property and has no problem with it.



- e. **No Public Comments.**
- f. **Motion to APPROVE:** Mr. Stramenga
- g. **Seconded:** Mr. Melillo
- h. **Approved unanimously:**

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

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Philip Eats, Chairman  
Peter J. Comenzo, Senior Planner

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Facsimile (518) 355-2725

**RESOLUTION NUMBER ZBA19-2018**  
**Moved by Mr. Stramenga, Seconded by Mr. Melillo**  
**Applicant(s): James Gabree**

**Applicant(s):** James Gabree

**Project Location:** 246 Central Avenue  
Rotterdam, NY

**Tax Number or Numbers:** 59.7-10-39

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

**Proposed Project:** The applicant wishes to construct an 8' by 10' accessory structure in the front yard facing Catherine Street.

**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(b)(2)** "Yards" states that no detached accessory structure shall be located in the front yard of any lot; and,

**WHEREAS**, the applicant wishes to construct an 8' by 10' accessory structure in the front yard facing Catherine Street; and,

**WHEREAS**, the subject property has frontage on both Central Avenue and Catherine Street; and,

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

**WHEREAS**, a legal notice was published in the Schenectady Daily Gazette on Thursday, September 13, 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, September 19, 2018 at 7:30 p.m. to consider the variance requests; and,

**RESOLUTION NUMBER ZBA19-2018**

**Applicant(s): James Gabree**

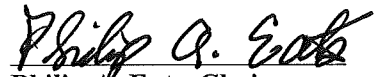
**Page 2**

**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 September 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.

<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>		

**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  
September 19, 2018**

5. **Daniel Giovannangelo – 2 Bertone Drive, Rotterdam, NY, Tax Map #58.15-4-9** 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 270-143 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 chain link fence, which would require a variance of one (1) foot. The subject property is a corner lot.

a. **Daniel Giovannangelo of 2 Bertone Drive representing this application.**

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

Mr. Giovannangelo explained he needs a higher fence than the four foot (4') that is allowed on a corner lot. He is not placing it close to the edge of the lot. It will not hinder site distances. It is a chain link fence. If he put the fence where it is allowed it would possibly be right over his leach field. He bought a 10 pound mutt at the pound and the mutt is now 120 pounds. He needs to keep it contained. It is not substantial as it five foot (5') and he is allowed four foot (4'). He is worried about the kids in the neighborhood. There are several houses in the neighborhood that have fences higher than four feet (4') and those are solid. It is self-created because he purchased the house prior to purchasing the dog.

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 understands the reason for the fence.

Chairman Eats visited the property and discussed the criteria.

- e. **No Public Comments.**
- f. **Motion to APPROVE:** Mr. Stramenga
- g. **Seconded:** Mr. Melillo
- h. **Approved unanimously:**

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

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**RESOLUTION NUMBER ZBA20-2018  
Moved by Mr. Stramenga, Seconded by Mr. Melillo  
Applicant(s): Daniel Giovannangelo**

**Applicant(s):** Daniel Giovannangelo

**Project Location:** 2 Bertone Drive  
Rotterdam, NY

**Tax Number or Numbers:** 58.14-4-9

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

**Proposed Project:** The applicant would like to install a five (5) foot high chain link fence.

**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 270-138(b)(2) "Yards" states that no detached accessory structure shall be located in the front yard of any lot; 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 chain link fence, which would require a variance of one (1) foot; 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 September 19, 2018 to consider the above referenced variance requests; and,

**WHEREAS**, a legal notice was published in the Schenectady Daily Gazette on Thursday, September 13, 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, September 19, 2018 at 7:30 p.m. to consider the variance requests; and,

**RESOLUTION NUMBER ZBA20-2018**

**Applicant(s): Daniel Giovannangelo**


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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 September 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.

<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>		

**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  
September 19, 2018**

6. **Thomas Feulner – 4983 Rynex Corners Road, Rotterdam, NY, Tax Map #12.00-3-13** located in the Agriculture (A-1) Zoning District. Petitioner respectfully requests that he be granted lot coverage and height variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-138 entitled “Lot Coverage” and Chapter 270-15 entitled “Accessory uses, buildings and structures.” **Chapter 270-138 (C)** states 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. The applicant would like to construct a 1,230 square foot accessory structure on property that currently contains an existing 1,122 square foot single-family residence. The permitted size of the accessory structure based on the total habitable floor area of the residence is 168 square feet. The proposed accessory structure is a total of 1,230 square feet, which would require a variance of 1,062 square feet. **Chapter 270-15 (B)** states that no accessory building or structures shall exceed 14 feet in height. The applicant is seeking to construct this accessory building with a height of 16 feet, which would require a variance of two (2) feet.

- a. **Thomas Feulner of 4983 Rynex Corners Road representing this application.**
- b. **Applicant/representative addressed five (5) criteria to the satisfaction of the Board.**

Mr. Feulner explained he need two (2) variances for oversize of the building and the height. He spoke to his neighbor’s, Mary and Rick Rorick, whom do not have any issues with it. The new building will replace two (2) shed that are dilapidated. It will improve the look of the property. It cannot be achieved by other means. The cost to repair the other sheds would exceed the benefit and he could not use for what he wants. Yes it is substantial. No adverse effects with water run off as it will be on his property. The physical appearance will look better and 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.**

Chairman Eats visited the property and sees the need for the new building.

Stephanie DiLallo-Bitter asked what he was going to store. Mr. Feulner stated trailers, service truck and snow removal equipment. He needs to get the items out of the weather and not visible to be stolen.



- 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			

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Facsimile (518) 355-2725

**RESOLUTION NUMBER ZBA21-2018**  
**Moved by Mr. Melillo, Seconded by Mr. Stramenga**  
**Applicant(s): Thomas Feulner**

**Applicant(s):** Thomas Feulner

**Project Location:** 4983 Rynex Corners Road  
Rotterdam, NY

**Tax Number or Numbers:** 12.00-3-13

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

**Proposed Project:** The applicant would like to construct a 1,230 square foot accessory structure on property with a height of 16 feet.

**WHEREAS**, petitioner respectfully requests that he be granted lot coverage and height variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-138 entitled "Lot Coverage" and Chapter 270-15 entitled "Accessory uses, buildings and structures;" and,

**WHEREAS**, Chapter 270-138 (C) states 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; and,

**WHEREAS**, the applicant would like to construct a 1,230 square foot accessory structure on property that currently contains an existing 1,122 square foot single-family residence; and,

**WHEREAS**, the permitted size of the accessory structure based on the total habitable floor area of the residence is 168 square feet; and,

**WHEREAS**, the proposed accessory structure is a total of 1,230 square feet, which would require a variance of 1,062 square feet; and,

**WHEREAS**, Chapter 270-15 (B) states that no accessory building or structures shall exceed 14 feet in height; and,

**RESOLUTION NUMBER ZBA21-2018**  
**Applicant(s): 4983 Rynex Corners Road**  
**Page 2**

**WHEREAS**, the applicant is seeking to construct this accessory building with a height of 16 feet, which would require a variance of two (2) feet; and,

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

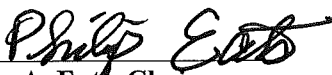
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**WHEREAS**, pursuant to a Memorandum of Understanding dated April 2011 with the Schenectady County Department of Planning and Economic Development this project is exempt from review, **NOW**,

**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 September 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.

<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>		

**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: 8:05 PM  
Motion to adjourn: Mr. Stramenga  
Seconded: Mr. Melillo  
Approved unanimously

**Next meeting: October 17, 2018**

Respectfully Submitted,  
Lisa Gallo