

**TOWN OF ROTTERDAM**  
**ZONING BOARD OF APPEALS**  
**October 17, 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(B)** states that the side yard width shall be not less than 20 feet. The applicant is proposing a side yard setback of 14.7 feet for Building #5 located on the Phase #2 Lot, which would require a variance of 5.3 feet. The applicant is also proposing a side yard setback of 16.2 feet for Building #7 located on the Phase #2 Lot, which would require a variance of 3.8 feet. **Chapter 270-51(C)** states that the rear yard depth shall be not less than 25 feet. The applicant is proposing a rear yard setback of 1.1 feet for the community clubhouse located on the Phase #1 Lot, which would require a variance of 23.9 feet.
- 2. Louis Welch – 2973 Guilderland 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.
- 3. Michael and Anita Vitallo – 805 Al Constantino Drive, Rotterdam, NY**, Tax Map #57.12-1-38 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 270-216 entitled “Yard and Property Line Requirements” and Chapter 270-15 entitled “Accessory uses, buildings and structures.” **Chapter 270-216(D)** “Corner lots” states that “the placement of a swimming pool on a corner lot shall be permitted; a swimming pool is allowed to encroach 10 feet into the front yard but must maintain all other required setbacks.” Due to the location of the existing residence, the applicant wishes to place an in ground pool beyond the 10 foot encroachment limit. **Chapter 270-15(a)** states no permitted accessory use or building shall be located in the front yard in a residential district, except parking and landscaping. The applicant would like to place a 12’ x 16’ shed in the front yard. The subject property is a corner lot.

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**SEQR Requirement:** Type II Listed Action – 6NYCRR Part 617.5. No further review is required.

**County 239-m Requirement:** County review is not required and is exempt pursuant to the 2011 MOU between Schenectady County Economic Development and Planning and the Town of Rotterdam.

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