

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

A regular meeting of the Town of Rotterdam Zoning Board of Appeals was held Wednesday, October 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 Bruce Bonacquist Alex Stramenga Craig Serafini Stephanie DiLallo Bitter, Attorney for the ZBA 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
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.

a. **Bill Hoblock of Richbell Capital representing Curry Road Development Partners, LLC, Forum Curry LLC and Richbell Capital on this application.**

*This application was tabled from September 19, 2018 due to the submittal of additional of variances that were not advertised.

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

Mr. Hoblock explained that Phase I construction has been completed of the 104 apartments and the clubhouse. They are ready to start Phase II of 104 apartments. The lender requires a separate construction loan although it is considered one (1) project. There are four (4) variances required. The initial subdivision meeting with the Planning Commission was October 16th and hopefully if the variances are approved we can receive final approval at the next Planning meeting. We had previously received variance approval on Curry Road frontage for Phase I and with Phase II we need a frontage variance for the Lynn Street secondary access. The additional the variances are all for setbacks and the property encroachments are all on properties that are owned by the partners of this project. The portion of property where the dry cleaners were is deed restricted and we were required to create a separate parcel for this project. NYSDEC has given that piece a clean bill of health for that parcel however there are no structure existing or proposed for that half acre site. There are cross easements, parking and underground utilities through that parcel. The variances will not be any undesirable change. This proposed subdivision is only for project financing. It cannot be achieved by other means as the subdivision is required for the project lender. Substantial, some yes and some no but it is all one project. There will not be any adverse effect. The variances and the subdivision are all

for positive redevelopment. It is not self-created. It is a standard requirement of the lender.

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 asked if the clubhouse is already constructed and why didn't they ask for these variances before if this is standard lender practice?

Mr. Hoblock said yes the clubhouse is already constructed and the only answer he can give is administrative with the consolidation of all the properties. It was an oversight.

Mr. Bonacquist asked why he did not create this as two (2) parcels from the beginning.

Mr. Hoblock stated that the value of the land as a whole has more value. That value is higher now that Phase I is constructed. The goal is to maximize the value of the property and project for the initial loan. The construction loans are separate. Now they are going for the construction loan on Phase II.

Mr. Serafini stated Mr. Hoblock gave an excellent presentation as usual. He stated a few months ago you were here for sign variances. This Board gave those variances for signage on Curry Road and only wanted directional signage on Lynn Street. If the subdivision goes thru are you willing to have the condition that only directional signs will be allowed on Lynn Street?

Mr. Hoblock agreed to that condition. He also invited anyone to come visit. He said to get in touch with him or Peter and do a walk thru. They are very proud of the project. They also have plans of further development on the front parcel.

e. No Public Comments.

f. Motion to APPROVE the four (4) variances with the following condition:

Lynn Street roadway frontage may only be allowed directional signage.

Mr. Bonacquist

g. Seconded:

Mr. Serafini

h. Approved unanimously:

NAME	AYES	NOES	ABSENT	RECUSED
Chairman Eats	X			
Mr. Melillo	X			
Mr. Bonacquist	X			
Mr. Serafini	X			
Mr. Stramenga	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 ZBA22-2018
Moved by Mr. Bonacquist, Seconded by Mr. Serafini
Applicant(s): Curry Road Development Partners, LLC

Applicant(s): Curry Road Development Partners, LLC

Project Location: 1410 Curry Road
Rotterdam, NY

Tax Number or Numbers: 58.8-11-28.3

Zoning: Multiple Family Residential (R-3) Zoning District.

Proposed Project: 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.

WHEREAS, 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;" and,

WHEREAS, Chapter 270-49 states that the minimum lot width is 100 feet; and,

WHEREAS, 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; and,

WHEREAS, 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; and,

WHEREAS, Chapter 270-51(B) states that the side yard width shall be not less than 20 feet; and,

WHEREAS, 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; and,

WHEREAS, 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; and,

WHEREAS, Chapter 270-51(C) states that the rear yard depth shall be not less than 25 feet; and,

RESOLUTION NUMBER ZBA22-2018

Applicant(s): Curry Road Development Partners, LLC

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WHEREAS, 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; and,

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

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

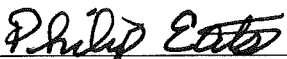
WHEREAS, pursuant to a Memorandum of Understanding dated April 2011 with the Schenectady County Department of Planning and Economic Development this project is exempt from review, **NOW**,

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 October 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. Lynn Street entrance will only be allowed directional signage.

NAME	AYES	NOES	RECUSED
Chairman Eats	X		
Mr. Melillo	X		
Mr. Bonacquist	X		
Mr. Serafini	X		
Mr. Stramenga	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
September 19, 2018**

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.

a. Mr. Welch of 2973 Guilderland Avenue representing this application.

*This application was tabled from September 19, 2018.

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

Mr. Welch stated he would like to put a shed in his yard. It is 36’ from the house. He is surrounded by roads so it is all front yard. He has a half an acre. There is plenty of yard and it is a small shed. It won’t affect anyone. Mr. Welch stated that it cannot be achieved by other means because his property is all front yard. Yes it is substantial. It is just a shed and it is not near anyone. There will not be any run-off on the roads or neighbors properties. It is not self-created as he is surrounded by roads.

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

d. No questions from the Board.

Chairman Eats stated he visited the property and went over the criteria.

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

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

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RESOLUTION NUMBER ZBA23-2018
Moved by Mr. Serafini, Seconded by Mr. Melillo
Applicant(s): Louis Welch

Applicant(s): Louis Welch

Project Location: 2973 Guilderland Avenue
Rotterdam, NY

Tax Number or Numbers: 58.7-8-19

Zoning: Retail Business (B-1) Zoning District

Proposed Project: 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.

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 Sunrise Boulevard; and,

WHEREAS, the subject property has frontage on both Guilderland Avenue and Sunrise Boulevard; and,

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

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

RESOLUTION NUMBER ZBA23-2018

Applicant(s): Louis Welch

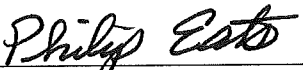
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WHEREAS, pursuant to a Memorandum of Understanding dated April 2011 with the Schenectady County Department of Planning and Economic Development this project is exempt from review, **NOW**,

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 October 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.

NAME	AYES	NOES	RECUSED
Chairman Eats	X		
Mr. Melillo	X		
Mr. Bonacquist	X		
Mr. Serafini	X		
Mr. Stramenga	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
October 17, 2018**

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.

a. Michael and Anita Vitallo of 805 Al Constantino Drive representing this application.

*Submitted pictures and two (2) letters from Louis Carusone of 806 Al Constantino Drive and Dominic Dagostino of 803 Al Constantino Drive stating they do not have a problem with the placement of the pool.

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

Mrs. Vitallo stated they want an in-ground swimming pool. They were not aware that they needed a variance. It will not create an undesirable change. Their lot is very large and the house is elevated. It will not be seen from the road. There is a 16’ X 25’ deck on the side of the house. Mr. Vitallo stated that it cannot be achieved by other means as the other side of the property has a lot of trees. Yes it is substantial but the trees will cover it. It is on a dead end roadway. It will not cause any damage to neighboring properties or the road. This section of their lot is already cleared. Mr. Vitallo stated that they have lived here for 21 years and decided they wanted a pool.

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 spoke with the applicants. The pool and shed are already marked out. There are trees on the one side and he understands that they would not want to cut them down. The pool company advised them where the pool should be placed.

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

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

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RESOLUTION NUMBER ZBA24-2018
Moved by Mr. Bonacquist, Seconded by Mr. Stramenga
Applicant(s): Michael & Anita Vitallo

Applicant(s): Michael & Anita Vitallo

Project Location: 805 Al Constantino Drive
Rotterdam, NY

Tax Number or Numbers: 57.12-1-38

Zoning: Agricultural (A-1) Zoning District

Proposed Project: The applicant wishes to place an in ground pool beyond the 10 foot encroachment limit. The applicant would like to place a 12' x 16' shed in the front yard. The subject property is a corner lot.

WHEREAS, 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;" and,

WHEREAS, 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;" and,

WHEREAS, due to the location of the existing residence, the applicant wishes to place an in ground pool beyond the 10 foot encroachment limit; and,

WHEREAS, 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; and,

WHEREAS, the applicant would like to place a 12' x 16' shed in the front yard; 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 October 17, 2018 to consider the above referenced variance requests; and,

RESOLUTION NUMBER ZBA24-2018

Applicant(s): Michael & Anita Vitallo

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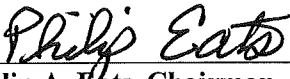
WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, October 11, 2018, announcing that a public hearing was to take place in the V. Dalton Bambury Hearing Room, at the John F. Kirvin Government Center located at 1100 Sunrise Boulevard, Rotterdam, New York on Wednesday, October 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**,

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 October 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.

NAME	AYES	NOES	RECUSED
Chairman Eats	X		
Mr. Melillo	X		
Mr. Bonacquist	X		
Mr. Serafini	X		
Mr. Stramenga	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: 8:10 PM
Motion to adjourn: Mr. Bonacquist
Seconded: Mr. Serafini
Approved unanimously

Next meeting: November 21, 2018

Respectfully Submitted,
Lisa Gallo