

**Town of Rotterdam  
Zoning Board of Appeals  
Summary Meeting Minutes for November 21, 2018**

A regular meeting of the Town of Rotterdam Zoning Board of Appeals was held Wednesday, November 21, 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 Greg Teresi, 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  
November 21, 2018**

**1. 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 request that they 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 four and a half (4.5) foot high fence, which would require a variance of one half (0.5) foot. The subject property is a corner lot.

- a. **Michael Vitallo of 805 Al Constantino Drive representing this application.**
- b. **Representative and applicant addressed five (5) criteria to the satisfaction of the Board.**

Mr. Vitallo stated he is looking to construct a 54” fence instead of a 48” fence. Although the 48” fence is what is allowed the 54” is a better commercial grade and sturdier. It is a little higher so no one can jump over it. He is either getting the 915 or the 920 depicted on the brochure in the application materials packet. He does not believe it is a substantial variance as it is only 6” taller. It will blend in with the neighborhood. It will not have any effect on the environment. The difficulty arose because his house is located on a corner lot and they are trying to make thing work with a new pool and fence being a corner lot.

- 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 for the audience that Mr. Vitallo was here last month for a pool so the Board Members are familiar with the property. Now he is here for a fence.

e. No Public Comments.

f. Motion to APPROVE: Mr. Serafini

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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*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 ZBA25-2018**  
**Moved by Mr. Serafini, 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 would like to install a four and a half (4.5) foot high fence in the front yard. Property was previously approved for variances for a pool and shed in the same general location on October 17, 2018.

**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 four and a half (4.5) foot high fence, which would require a variance of one half (0.5) 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 November 21, 2018 to consider the above referenced variance requests; and,

**WHEREAS,** a legal notice was published in the Schenectady Daily Gazette on Thursday, November 15, 2018, announcing that a public hearing was to take place in the V. Dalton Bamburg Hearing Room, at the John F. Kirvin Government Center located at 1100 Sunrise Boulevard, Rotterdam, New York on Wednesday, November 21, 2018 at 7:30 p.m. to consider the variance requests; and,

**RESOLUTION NUMBER ZBA25-2018**

**Applicant(s): Michael & Anita Vitallo**


**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 November 21, 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. Serafini</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  
November 21, 2018**

2. **Joshua Kruk – 2384 Rabbetoy Street, Rotterdam, NY**, Tax Map #59.14-9-41 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 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. **Amanda Kruk of 2384 Rabbetoy Street representing this application.**

\*Mrs. Kruk stated her husband is a City of Schenectady Fireman and is on duty this evening.

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

Mrs. Kruk stated the fence will not obstruct any view. They need the full privacy for the two (2) dogs they have. Their German Sheppard has anxiety issues and barks at people passing the house and eventually they would like to have children so they would like a taller privacy fence. It is not a substantial variance. The fence is going to be placed where the other one was. The people across the street have a similar style fence. The difficulty arose two (2) months ago when the contractor never filed for a permit and when the applicants did, they discovered they needed the variance.

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

- d. **No questions from the Board.**

Mr. Stramenga stated he visited the property and saw the dogs in the window.

Mr. Bonacquist also visited and saw the dogs. He does not feel it is a detriment to the neighborhood.

Mr. Serafini asked, “Who is the contractor?” Mrs. Kruk stated it is Lowe’s.

Chairman Eats stated he also visited the property. He did not see any dogs but he did hear them.

- e. No Public Comments.
- f. Motion to APPROVE: Mr. Melillo
- g. Seconded: Mr. Bonacquist
- 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 ZBA26-2018**  
**Moved by Mr. Melillo, Seconded by Mr. Bonacquist**  
**Applicant(s): Joshua Kruk**

**Applicant(s):** Joshua Kruk

**Project Location:** 2384 Rabbetoy Street  
Rotterdam, NY

**Tax Number or Numbers:** 59.14-9-41

**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.

**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 subject property is a corner lot; and,

**WHEREAS**, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on November 21, 2018 to consider the above referenced variance requests; and,



**RESOLUTION NUMBER ZBA26-2018**

**Applicant(s): Joshua Kruk**

**Page 2**

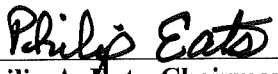
**WHEREAS**, a legal notice was published in the Schenectady Daily Gazette on Thursday, November 15, 2018, announcing that a public hearing was to take place in the V. Dalton Bambury Hearing Room, at the John F. Kirvin Government Center located at 1100 Sunrise Boulevard, Rotterdam, New York on Wednesday, November 21, 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 November 21, 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. Serafini</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  
November 21, 2018**

3. **Marie G. Lamp – 1021 Vincent Avenue, Rotterdam, NY** Tax Map #48.19-15-17 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 270-33 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 a 10’ x 15’ enclosed front porch/mudroom within 17 feet of the front property line on an existing single family residence, which would require a variance of 8 feet.
- a. **Michael Roman of Synthesis Architects representing this application.**
  - b. **Applicant addressed five (5) criteria to the satisfaction of the Board.**

Mr. Roman explained the structure is encroaching eight (8) feet into the setback. He stated the husband started to construct and has since passed away. The existing porch was being removed and they wanted an enclosed porch. They thought they could go to the steps so they built to the steps and now the new steps encroach. The new porch will be heated. It will enhance the property with the roofline and the gabled roof it will look like the house. At this point it is 80% constructed. There are no other means as the foundation is already poured. There are houses on the street that stick further out but not the houses on the right and left of this house so the provision in the code for closer structures does not apply in this situation. Mr. Roman feels it is substantial. The difficulty arose because it was not done through the proper procedures so it is self-created. Mr. Roman stated he will do the structural drawings after hopefully this gets approved tonight.
  - 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 stated he looked at the neighborhood and this porch will not have any adverse effects and fits in the neighborhood.

Chairman Eats spoke to Mike’s father before he knew it was the son and stated they are trying to help out Mrs. Lamp in this situation.

Mr. Roman stated they are trying to get her to the right path to help her.

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

<b>NAME</b>	<b>AYES</b>	<b>NOES</b>	<b>ABSENT</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. Serafini</b>	<b>X</b>			
<b>Mr. Stramenga</b>	<b>X</b>			

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**RESOLUTION NUMBER ZBA27-2018  
Moved by Mr. Bonacquist, Seconded by Mr. Serafini  
Applicant(s): Marie G. Lamp**

**Applicant(s):** Marie G. Lamp

**Project Location:** 1021 Vincent Avenue  
Rotterdam, NY

**Tax Number or Numbers:** 48.19-15-17

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

**Proposed Project:** The applicant would like to construct a 10' x 15' enclosed front porch/mudroom within 17 feet of the front property line on an existing single family residence.

**WHEREAS**, petitioner respectfully requests that she 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 a 10' x 15' enclosed front porch/mudroom within 17 feet of the front property line on an existing single family residence, which would require a variance of 8 feet; and,

**WHEREAS**, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on November 21, 2018 to consider the above referenced variance requests; and,

**RESOLUTION NUMBER ZBA27-2018**

**Applicant(s): Marie G. Lamp**

**Page 2**

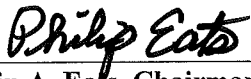
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**WHEREAS**, pursuant to a Memorandum of Understanding dated April 2011 with the Schenectady County Department of Planning and Economic Development this project is exempt from review, **NOW**,

**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 November 21, 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. Serafini</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: 7:55 pm  
Motion to adjourn: Mr. Bonacquist  
Seconded: Mr. Stramenga  
Approved unanimously

**Next meeting: December 19, 2018**

Respectfully Submitted,  
Lisa Gallo