

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

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

1. **BLS Plaza, LLC – 2654 Hamburg Street, Rotterdam, NY**, Tax Map #59.11- 11-2.1 located in the Retail Business (B-1) Zoning District. Petitioners respectfully requests 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 applicant is seeking to erect a fifty (50) square foot internally illuminated ground mounted sign and they are allowed twenty seven (27) square feet which would require a variance of twenty three (23) square feet. Additionally, the applicant is proposing to locate the sign within one (1) foot of the front property line which would require a variance of four (4) feet.

a. **Bruno Sacchetti of 2751 Curry Road representing this application.**

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

Mr. Sacchetti explained that NYSDOT took four feet (4') of his property. This is where his sign was located therefore the sign had to be removed for the construction of the sidewalks on Hamburg Street. If he moved it five feet (5') from the property line it would be in the middle of his parking lot. The replacement of the sign would not create an undesirable change to the character of the neighborhood as he is just replacing the sign that was taken down. It cannot be achieved by other means because it would be in the middle of his parking lot which would eliminate some of the parking spaces which he needs. He does not feel the variance is substantial. Mr. Sacchetti stated that there will not be any adverse effect because there was a sign there that was very close to the road. It is not self-created as the state took part of his property for the installation of sidewalks.

c. **This proposal is not exempt from referral to Schenectady County Planning pursuant to Memorandum of Understanding – April 2011.**

Schenectady County deferred to local consideration.

d. **Questions/comments from the Board.**

Mr. Bonacquist understands the issue of the sign being close to the road and does not have any concerns with the closeness to the property line but regarding the size of the sign he does. It is a 46% increase so it is substantial. Mr. Bonacquist asked why he needed such a large sign. Mr. Bonacquist feels the size of the variance will have an impact on the community. He stated that he believes it is self-created because he had sign made without obtaining building permit. Mr. Bonacquist explained that if he was going to Mamma Mia he would be looking for that sign not a sign for BLS Plaza. GPS knows where to go and people look for the name of the business.

Mr. Serafini asked why Mr. Sacchetti needed to have BLS Plaza on top of the sign. He realizes he has six (6) businesses. Mr. Serafini made a motion to allow for a thirty five foot sign which be eight (8) square feet over what is allowed but applicant stated he was not in favor was not in favor of the modification and the motion was not seconded.

Stephanie DiLallo-Bitter read the code for directional signs into the record. She wanted to know if that part of the sign could be backed out of the calculation for the square footage of the sign. She determined that it would still need to be calculated into the square footage of the sign.

Mr. Stramenga feels Mr. Sacchetti did not create the situation. It was created by the state. If NYSDOT did not take his property, Mr. Sacchetti would not be here. It is an improvement for his business and the community. Mr. Stramenga asked if he was going to put planters around the sign. He is in favor of granting the variance.

Chairman Eats explained he visited with Mr. Sacchetti. Chairman Eats feels the new sign will be an improvement over the old sign. It is lower than the last sign so people will not be looking up in the air. It is not self-created.

Mr. Melillo feels it is self-created. It is a large variance. He does not have an issue with the location of the sign and was comfortable with the one foot setback variance but not the size variance as requested.

Mr. Sacchetti explained the building sits back on the property. Mr. Sacchetti explained he has six (6) stores in his plaza. The sign won't block anyone's view. He would have to purchase another sign and make the names smaller. The previous sign was hanging in the State right-of-way and this one will not be. Mr. Sacchetti explained that BLS Plaza is the locator name. The sign he is proposing is not a new sign. It is not as tall as the last sign. It will be a refurbished and repurposed sign that he had. He is willing to put planters around the sign. The plaza has been there for 50 years.

Mrs. Sacchetti complained about the signs NYSDOT put up. They are confusing and people cannot find their plaza. They also don't know which way to go when exiting the plaza. Customers are hitting the curb.

Mr. Melillo says the signs from NYSDOT are temporary signs. NYSDOT has rules they have to follow. He would like an updated, new sign with all the improvement that are happening on Hamburg Street, not a refurbished old sign. He does not have issue with the location of the placement of the sign.

e. No Public Comments.

f. Motion to APPROVE variance for the location of the sign within one foot (1') of the property: 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			

Mr. Sacchetti had questions about his options for moving forward which were discussed among the board members. It was suggested that the application be tabled and options be discussed with the sign company to potentially modify the request for the size variance.

i. Motion to TABLE the variance for the size of the sign: Mr. Bonacquist

j. Seconded: Mr. Serafini

k. 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

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RESOLUTION NUMBER ZBA28-2018
Moved by Mr. Bonacquist, Seconded by Mr. Stramenga
Applicant(s): BLS Plaza, LLC

Applicant(s): BLS Plaza, LLC

Project Location: 2654 Hamburg Street
Rotterdam, NY

Tax Number or Numbers: 59.11-11-2.1

Zoning: Retail Business (B-1) Zoning District

Proposed Project: The applicant is seeking to erect a ground mounted sign within one (1) foot of the front property line.

WHEREAS, petitioners respectfully requests 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 applicant is proposing to locate a sign within one (1) foot of the front property line which would require a variance of four (4) feet; and,

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

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

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Applicant(s): BLS Plaza, LLC

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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 not exempt from review, and,

WHEREAS, Schenectady County has deferred to local consideration; **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 December 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 for the sign setback.

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: 8:30 p.m.
Motion to adjourn: Mr. Serafini
Seconded: Mr. Stramenga
Approved unanimously

Next meeting: January 16, 2019

Respectfully Submitted,
Lisa Gallo