

**Town of Rotterdam
Zoning Board of Appeals
Summary Meeting Minutes for September 18, 2019**

A regular meeting of the Town of Rotterdam Zoning Board of Appeals was held Wednesday, September 18, 2019 at 7:30 p.m. at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York.

Present:	Philip Eats, Chairman	Excused:
	Angelo Melillo, Vice Chairman	
	Craig Serafini	
	Alex Stramenga	
	Bruce Bonacquist	
	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 9, 2019**

1. **David T. Miller – 2054 Patton Drive, Rotterdam, NY**, Tax Map #59.10-13-21 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 270-216 entitled “Yard and Property Line Requirements.” **Chapter 270-216(A)(1)** “Above ground pools, including decking:” states not less than 10 feet from side and rear property lines. The applicant is seeking to keep an existing deck within two and a half (2.5) feet of the side property line, which would require a variance of seven and a half (7.5) feet.

a. David Miller of 2054 Patton Drive representing this application.

Mr. Miller submitted copies of pictures of the pool, deck and fence.

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

Mr. Miller explained he has an existing deck that was built 10 years ago with the help of his neighbor. It is well maintained. It gets finished every year. There was no other place to put the deck as the pool existed when he purchased the property. The deck is two and a half feet (2.5') away from the fence. He thought the clearance was five feet (5') for the deck but since it is on a pool it is supposed to be 10'. There are no environmental issues. It is self-created as he should have applied when installed and he would have had to go through this process then instead of now. His request is a 75% variance which is substantial. He is willing to cut the deck back to make it five feet (5') from the property line. This only came about because a disagreement with his neighbor and son over a dog. He stated he is not looking in their yard. We get on the deck to access the pool. The neighbor has a camera pointed at their deck so it is their privacy that is the issue.

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

d. Questions/comments from the Board.

Mr. Bonacquist clarified with the applicant that he is now asking for a five feet (5') variance instead of the seven and a half feet (7.5') variance.

Mr. Stramenga stated he likes the proposed compromise and if he moves the deck to the five feet (5') he would be more lenient toward granting the variance.

Mr. Serafini stated that ten (10) years ago they worked together to build the deck and that this board is not the place to settle neighbor disputes. Regardless of what happens here he hopes that they can get along again.

Chairman Eats said he discussed the situation with his wife and glad they are willing to cut back to five feet (5') instead of seven and a half feet (7.5') variance as requested.

e. Public Comments.

Mr. Stickle submitted pictures to the Zoning Board that were taken with the camera showing what the deck looks like from their adjoining yard.

Joe Stickle speaking on behalf of Dwight Stickle stated he helped him install the deck but he was supposed to install bushes or a hedge and that never happened. It is a privacy issue. He stated that the camera points at their yard, not the Miller's. On July 2nd he let his dog out and the Millers lit a fire to get the dog barking. On September 7th, Mrs. Miller was sweeping the deck and started whistling to aggravate the Stickle's dog. There are many more instances. They have not spoken to their neighbors since June. Mr. Keith told them on May 13th and on June 5th that the deck would have to come down. He will accept the 5' as long as they cannot see each other.

Stephanie DiLallo Bitter asked Mr. Miller if he was willing to incorporate vegetation like arborvitaes and Mr. Miller stated he would do that.

f. Motion to APPROVE with the following conditions:

1. Applicant to modify the deck to keep it five feet (5') away from the property line.
2. Applicant to install and maintain vegetation near adjacent neighbor between deck and fence to deduce visibility between persons on the deck and the adjoining neighbor.

Mr. Serafini

g. Seconded:

Mr. Stramenga

h. Approved unanimously:

NAME	AYES	NOES	EXCUSED	RECUSED
Chairman Eats	X			
Mr. Melillo	X			
Mr. Stramenga	X			
Mr. Bonacquist	X			
Mr. Serafini	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 ZBA21-2019
Moved by Mr. Serafini, Seconded by Mr. Stramenga
Applicant(s): David T. Miller

Applicant(s): David T. Miller

Project Location: 2054 Patton Drive
Rotterdam, NY

Tax Number or Numbers: 59.10-13-21

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

Proposed Project: The applicant is seeking to keep an existing deck within two and a half (2.5) feet of the side property line, which would require a variance of seven and a half (7.5) feet.

WHEREAS, petitioner respectfully requests that he be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-216 entitled "Yard and Property Line Requirements;" and,

WHEREAS, **Chapter 270-216(A)(1)** "Above ground pools, including decking;" states not less than 10 feet from side and rear property lines; and,

WHEREAS, the applicant is seeking to keep an existing deck within two and a half (2.5) feet of the side property line, which would require a variance of seven and a half (7.5) feet; and,

WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on September 18, 2019 to consider the above referenced variance request; and,

WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, September 12, 2019 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 18, 2019 at 7:30 p.m. to consider the variance requests; and,

RESOLUTION NUMBER ZBA21-2019

Applicant(s): David T. Miller

Page 2

WHEREAS, due to concerns raised by the Board and the adjoining neighbor the applicant offered to reduce the variance and remove 2.5' from the existing deck which would modify the variance request to have the deck within five (5) feet from the side property line, which would require a variance of five (5) feet; 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 18, 2019 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 conditions:

1. Applicant to modify the deck to keep it five feet (5') away from the property line.
2. Applicant to install and maintain vegetation near adjacent neighbor between deck and fence to deduce visibility between persons on the deck and the adjoining neighbor.

NAME	AYES	NOES	RECUSED
Chairman Eats	X		
Mr. Melillo	X		
Mr. Stramenga	X		
Mr. Serafini	X		
Mr. Bonacquist	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 18, 2019**

2. **Felicity Wynn – 1849 Cassella Road, Rotterdam, NY**, Tax Map #59.20-12-4 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 270-216 entitled “Yard and Property Line Requirements.” **Chapter 270-216(A)(1)** “Above ground pools, including decking:” states not less than 10 feet from side and rear property lines. The applicant is seeking to install an above ground pool within seven (7) feet of the side property line, which would require a variance of three (3) feet.

This application was removed from the agenda due to incorrect measurements.

**ZBA Meeting
September 18, 2019**

3. James Macejka – 1337 Floral Avenue, Rotterdam, NY, Tax Map #58.12-6-10.1 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) feet 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 the six (6) feet high fence that is one hundred percent (100%) solid in the front yard. The subject property is a corner lot.

a. James Macejka of 1337 Floral Avenue representing this application.

Mr. Macejka submitted statements signed by neighbors stating they did not have any issues with him installing a fence.

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

Mr. Macejka would like to install a fence on his property for privacy. It is a white vinyl fence and will look good. He is not going past the front of his house. It won't block anyone's line of site. He put in new windows and insulated but it has not helped with the noise. He believes it is substantial. There will not be any adverse effect on the environment. It is self-created because he would like a six foot (6') fence.

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

d. Questions/comments from the Board.

Mr. Stramenga spoke to Mr. Macejka and he has no problem granting the variance.

Mr. Serafini lives on a corner lot and had to go through the same thing so he understands.

Chairman Eats stopped by and heard firsthand the noise that comes down the street.

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

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

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Zoning Board of Appeals

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Peter J. Comenzo, Senior Planner

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RESOLUTION NUMBER ZBA22-2019
Moved by Mr. Bonacquist, Seconded by Mr. Melillo
Applicant(s): James Macejka

Applicant(s): James Macejka

Project Location: 1337 Floral Avenue
Rotterdam, NY

Tax Number or Numbers: 58.12-6-10.1

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

Proposed Project: The applicant would like to install the six (6) foot high fence that is one hundred percent (100%) solid in the front yard. The subject property is a corner lot.

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. 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 the six (6) foot high fence that is one hundred percent (100%) solid 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 September 18, 2019 to consider the above referenced variance request; and,

RESOLUTION NUMBER ZBA22-2019

Applicant(s): James Macejka

Page 2


WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, September 12, 2019 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 18, 2019 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 18, 2019 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. Stramenga	X		
Mr. Serafini	X		
Mr. Bonacquist	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 18, 2019**

4. **Byron Diaz – 1035 Palazini Drive, Rotterdam, NY**, Tax Map #59.4-8-9 located in the Single Family Residential (R-1) Zoning District. Petitioners respectfully request that he be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-138 entitled “Accessory Structures and Uses,” and Chapter 270-33 entitled “Yard Requirements.” The applicant wishes to construct a 31’ x 31’ detached garage with a height of 26 feet. Additionally the applicant would like to construct a 16’ x 20’ elevated rear deck and a 6’ x 47’ front porch. The variance request(s) are as follows: **Chapter 270-138(c)**: “Lot Coverage” states with respect to private garages, the floor area for each stall for the enclosed parking or storage of private motor vehicles shall not exceed 300 square feet. Calculations computed for square footage shall be based upon exterior foundation dimensions. No accessory garages shall exceed a maximum height of 15 feet in all existing zoning districts. The proposed detached garage is 961 square feet in size, which is 61 square feet over the allowed size of 900 square feet. The proposed height is 26 feet which would require a variance of 11 feet. **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 applicants would like to construct a front porch within 17.4 feet of the front property line on an existing single family residence, which would require a variance of 7.6 feet. **Chapter 270-33(B)** states that the side yard setback is 10 feet. The applicants would like to construct the elevated rear deck within 5 feet of the side property line on an existing single family residence, which would require a variance of 5 feet.

a. **Byron Diaz of 1035 Palazini Drive and Melinda Folmsbee representing this application.**

b. **Representative addressed five (5) criteria to the satisfaction of the Board.** Ms. Folmsbee stated Mr. Diaz purchased this property in deplorable condition. It is two stories and beautiful but it does have a commercial look to it. It has two front entrances and is a Jersey style home. It is a single family home with five (5) people living there. He has collected equipment over the years. He has 3 – 4 vehicles, a snow blower, a lawn mower etc. so he would like to build a 31’ X 31’ garage with a height of 12’ but to the gable it is 26’ high. His truck is seven feet (7’) high. He feels a shorter garage would not look good with the height of the house. The upper part of the garage will be used for storage.

Mr. Diaz stated he would like a front porch because the water from the storms comes right at you and you get soaked. He need the overhang for coverage. The deck is 5.8’ from the property line. His yard is at an angle and it is just an open deck.

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

d. Questions/comments from the Board.

Mr. Stramenga stated he did a lot of work and it is beautiful.

Mr. Serafini stated with the aesthetics it will enhance the property.

Mr. Bonacquist asked when he remodeled the house why didn't he take into consideration all of this so he did not need variances. Mr. Diaz stated he just wanted to get things done. Mr. Bonacquist stated he feels all of this could have been accomplished by other means. Mr. Diaz stated there are three (3) bedrooms and three (3) bathrooms and these were his best options. Mr. Bonacquist stated it is an improvement overall to the character of the neighborhood but no other garages have a height as large as this and he cannot consider giving a 73% variance on the garage.

Chairman Eats visited the property and a woman answered the door and said she did not speak English. He feels aesthetically the height of the garage will fit with the height of the house.

e. No Public Comments.

f. Motion to APPROVE: Mr. Stramenga*

g. Seconded: Chairman Eats*

*These motions were withdrawn.

A discussion ensued as to the 73% variance on the height of the garage. Options were discussed as to how to move forward. It was determined that the Board was willing to give a 50% variance on the height of the garage

Motion to APPROVE the area variance on the garage: Mr. Melillo

Seconded: Mr. Serafini

Approved unanimously:

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

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RESOLUTION NUMBER ZBA23-2019
Moved by Mr. Melillo, Seconded by Mr. Serafini
Applicant(s): Byron Diaz

Applicant(s): Byron Diaz
Project Location: 1035 Palazini
Rotterdam, NY
Tax Number or Numbers: 59.4-8-9
Zoning: Single Family Residential (R-1) Zoning District
Proposed Project: The applicant wishes to construct a 31' x 31' detached garage.

WHEREAS, petitioners respectfully request that he be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-138 entitled "Accessory Structures and Uses," and Chapter 270-33 entitled "Yard Requirements;" and,

WHEREAS, the applicant wishes to construct a 31' x 31' detached garage; and,

WHEREAS, Chapter 270-138(c): "Lot Coverage" states with respect to private garages, the floor area for each stall for the enclosed parking or storage of private motor vehicles shall not exceed 300 square feet. Calculations computed for square footage shall be based upon exterior foundation dimensions. No accessory garages shall exceed a maximum height of 15 feet in all existing zoning districts; and,

WHEREAS, the proposed detached garage is 961 square feet in size, which is 61 square feet over the allowed size of 900 square feet; and,

WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on September 18, 2019 to consider the above referenced variance request; and,

WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, September 12, 2019 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, September 18, 2019 at 7:30 p.m. to consider the variance requests; and,

RESOLUTION NUMBER ZBA23-2019

Applicant(s): Byron Diaz

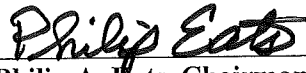
Page 2

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 18, 2019 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. Stramenga	X		
Mr. Bonacquist	X		
Mr. Serafini	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

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RESOLUTION NUMBER ZBA24-2019
Moved by Mr. Melillo, Seconded by Mr. Bonacquist
Applicant(s): Byron Diaz

Applicant(s): Byron Diaz

Project Location: 1035 Palazini
Rotterdam, NY

Tax Number or Numbers: 59.4-8-9

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

Proposed Project: The applicant wishes to construct a 31' x 31' detached garage with a height of 26 feet.

WHEREAS, petitioners respectfully request that he be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-138 entitled "Accessory Structures and Uses," and Chapter 270-33 entitled "Yard Requirements;" and,

WHEREAS, the applicant wishes to construct a 31' x 31' detached garage with a height of 26 feet; and,

WHEREAS, Chapter 270-138(c): "Lot Coverage" states with respect to private garages, the floor area for each stall for the enclosed parking or storage of private motor vehicles shall not exceed 300 square feet. Calculations computed for square footage shall be based upon exterior foundation dimensions. No accessory garages shall exceed a maximum height of 15 feet in all existing zoning districts; and,

WHEREAS, the proposed height is 26 feet which would require a variance of 11 feet; and,

WHEREAS, the Zoning Board and applicant agreed to a height of 22.5 feet which would require a variance of 7.5 feet; and

WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on September 18, 2019 to consider the above referenced variance request; and,

RESOLUTION NUMBER ZBA24-2019

Applicant(s): Byron Diaz

Page 2

WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, September 12, 2019 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 18, 2019 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 18, 2019 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. Applicant to construct garage with a height of 22.5 feet and not 26 feet as originally requested.

NAME	AYES	NOES	RECUSED
Chairman Eats	X		
Mr. Melillo	X		
Mr. Stramenga	X		
Mr. Bonacquist	X		
Mr. Serafini	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
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RESOLUTION NUMBER ZBA25-2019
Moved by Mr. Serafini, Seconded by Mr. Stramenga
Applicant(s): Byron Diaz

Applicant(s): Byron Diaz
Project Location: 1035 Palazini
Rotterdam, NY
Tax Number or Numbers: 59.4-8-9
Zoning: Single Family Residential (R-1) Zoning District
Proposed Project: The applicant would like to construct a 6' x 47' front porch.

WHEREAS, petitioners respectfully request that he be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-138 entitled "Accessory Structures and Uses," and Chapter 270-33 entitled "Yard Requirements;" and,

WHEREAS, the applicant would like to construct a 6' x 47' front porch; 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 applicants would like to construct a front porch within 17.4 feet of the front property line on an existing single family residence, which would require a variance of 7.6 feet; and,

WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on September 18, 2019 to consider the above referenced variance request; and,

WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, September 12, 2019 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 18, 2019 at 7:30 p.m. to consider the variance requests; and,

RESOLUTION NUMBER ZBA25-2019

Applicant(s): Byron Diaz

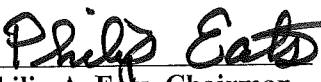
Page 2

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 18, 2019 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. Stramenga	X		
Mr. Bonacquist	X		
Mr. Serafini	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

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Peter J. Comenzo, Senior Planner

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RESOLUTION NUMBER ZBA26-2019
Moved by Mr. Stramenga, Seconded by Mr. Serafini
Applicant(s): Byron Diaz

Applicant(s): Byron Diaz

Project Location: 1035 Palazini
Rotterdam, NY

Tax Number or Numbers: 59.4-8-9

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

Proposed Project: The applicant would like to construct a 16' x 20' elevated rear deck.

WHEREAS, petitioners respectfully request that he be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-138 entitled "Accessory Structures and Uses," and Chapter 270-33 entitled "Yard Requirements;" and,

WHEREAS, the applicant would like to construct a 16' x 20' elevated rear deck; and,

WHEREAS, Chapter 270-33(B) states that the side yard setback is 10 feet; and,

WHEREAS, the applicants would like to construct the elevated rear deck within 5 feet of the side property line on an existing single family residence, which would require a variance of 5 feet; and,

WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on September 18, 2019 to consider the above referenced variance request; and,

WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, September 12, 2019 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 18, 2019 at 7:30 p.m. to consider the variance requests; and,

RESOLUTION NUMBER ZBA26-2019

Applicant(s): Byron Diaz

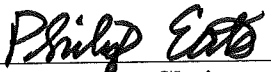
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WHEREAS, pursuant to a Memorandum of Understanding dated April 2011 with the Schenectady County Department of Planning and Economic Development this project is exempt from review, **NOW**,

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 18, 2019 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. Stramenga	X		
Mr. Bonacquist	X		
Mr. Serafini	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

Motion to APPROVE the height of the garage at 22.5': Mr. Melillo

Seconded: Mr. Bonacquist

Approved unanimously:

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

XX

Motion to APPROVE the front yard setback on porch: Mr. Serafini

Seconded: Mr. Stramenga

Approved unanimously:

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

XX

Motion to APPROVE the side yard setback on the deck: Mr. Stramenga

Seconded: Mr. Serafini

Approved unanimously:

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

Meeting adjourned: 8:30 PM
Motion to adjourn: Mr. Stramenga
Seconded: Mr. Serafini
Approved unanimously

Next meeting: October 16, 2019
Respectfully Submitted,
Lisa Gallo