

**Town of Rotterdam
Zoning Board of Appeals
Summary Meeting Minutes August 18, 2021**

A regular meeting of the Town of Rotterdam Zoning Board of Appeals was held Wednesday, August 18, 2021 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 Stephanie DiLallo-Bitter, Attorney Peter Comenzo, Sr. Planner Lisa Gallo, Secretary	Excused: Rachel Rappazzo
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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
August 18, 2021**

1) **Steven A. Tommasone – 1337 Paul Avenue, Rotterdam, NY, Tax Map #58.17-13-32.2** 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. **Dave Kimmer of ABD Engineers LLP representing this application.**

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

Mr. Kimmer explained Mr. Tommasone would like to install a six foot (6') high white vinyl fence on his property. Mr. Tommasone had relayed to Mr. Kimmer that he wants to place the fence in his side yard but because the property is a corner lot it is technically his front yard. Currently, there are many bushes and trees in this location. He would like to increase the privacy of his yard and also block views to the industrial property located across the street which has been recently occupied by AC Towing & Recovery. There is already a fence across the back and he would like to curve it and wrap towards the house. There will not be any undesirable change to the characteristic of the neighborhood. No neighbors will see it except the commercial property across the street. It cannot be achieved by other means. The only way to get privacy for this property is to put up a fence. Mr. Tommasone is not asking for something that others do not have. It will not impact the environment as it is just a fence. It is self-created as he bought the property knowing it was a corner lot but he cannot select who his neighbors are going to be and the property is zoned industrial across from his house.

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 feels Mr. Kimmer addressed the criteria to his satisfaction.

Mr. Melillo agrees with Mr. Bonacquist.

Mr. Stramenga stated he realizes he needs the privacy from the business across the street.

Chairman Eats stated it is easy to understand the need for privacy with the business across the street. He also explained that Mr. Tommasone's son-in law, daughter, and grandkids live next door. The fence will provide security for the grandkids also.

- e. No Public Hearing Comments.
- f. This project is classified as a Type II Action under SEQR because pursuant to 6NYCRR Part 617.5(c)(17) this is a granting of an area variance for a single family home. As a result, it is exempt from further SEQR review.
- g. Motion to APPROVE: Mr. Stramenga
- h. Seconded: Mr. Melillo
- i. Approved unanimously:

NAME	AYES	NOES	EXCUSED	RECUSED
Chairman Eats	X			
Mr. Melillo	X			
Mr. Stramenga	X			
Mr. Bonacquist	X			
Mrs. Rappazzo			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 ZBA19-2021
Moved by Mr. Stramenga, Seconded by Mr. Melillo
Applicant(s): Steven A. Tommasone

Applicant(s): Steven A. Tommasone

Project Location: 1337 Paul Avenue
Rotterdam, NY

Tax Number or Numbers: 58.17-13-32.2

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. The subject property is a corner lot.

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 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 August 18, 2021 to consider the above referenced variance request; and,

RESOLUTION NUMBER ZBA19-2021

Applicant(s): Steven A. Tommasone

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WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Friday, August 13, 2021 announcing that a public hearing was to take place Wednesday, August 18, 2021 at 7:30 p.m. to consider the variance requests; and,


WHEREAS, this project is classified as a Type II Action under SEQR because pursuant to 6NYCRR Part 617.5(c)(17) this is a granting of an area variance for a single family home and as a result is therefore exempt from SEQR; 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 August 18, 2021 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	EXCUSED	RECUSED
Chairman Eats	X			
Mr. Melillo	X			
Mr. Stramenga	X			
Mr. Bonacquist	X			
Mrs. Rappazzo			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
August 18, 2021**

2) **Donald and Sharlene Masick – 924 Shardon Court, Rotterdam, NY**, Tax Map #57.20-1-9 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 270-138 entitled “Accessory structures and uses.” The applicant wishes to construct a 26’ x 40’ detached garage with a height of 16 feet. 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 1040 square feet in size, and the existing attached garage is 675 square feet making the total garage space 1715 square feet, which is 815 square feet over the allowed size of 900 square feet. The proposed height is 16 feet which would require a variance of 1 foot.

a. **Donald Masick of 924 Shardon Court representing this application.**

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

Mr. Masick explained he would like to construct a single story four (4) bay garage. There will not be an undesirable change to the characteristics of the neighborhood as several neighbors have large detached garages. His residence is the last house on a cul-de-sac. He submitted a letter from the neighbor that would be affected stating they have no objections to the proposed detached garage. Mr. Masick stated that he only needs a one foot (1’) variance for the height to obtain the pitch on the roof. There will not be any adverse effect as the water will drain on his property so no disturbance to neighbors. The difficulty arose because they have three (3) kids that all drive.

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. Melillo stated he satisfied the criteria to his satisfaction.

Mr. Bonacquist explained the total garage space is 1715 square feet. He feels it is a substantial variance but the size is mitigated by the size of the lots in the area and the size of this lot being 2.91 acres.

Chairman Eats spoke to applicant over the phone. The lot sizes in the area are decent sized lots. It is not the first detached oversized garage in the area. It will not look out of place.

- h. No Public Hearing Comments.**
- i. This project is classified as a Type II Action under SEQR because pursuant to 6NYCRR Part 617.5(c)(17) this is a granting of an area variance for a single family home. As a result, it is exempt from further SEQR review.**
- j. Motion to APPROVE:** Mr. Bonacquist
- k. Seconded:** Mr. Stramenga
- i. Approved unanimously:**

NAME	AYES	NOES	EXCUSED	RECUSED
Chairman Eats	X			
Mr. Melillo	X			
Mr. Stramenga	X			
Mr. Bonacquist	X			
Mrs. Rappazzo			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 ZBA20-2021
Moved by Mr. Bonacquist, Seconded by Mr. Stramenga
Applicant(s): Donald & Sharlene Masick

Applicant(s): Donald & Sharlene Masick

Project Location: 924 Shardon Court
Rotterdam, NY

Tax Number or Numbers: 57.20-1-9

Zoning: Agricultural (A-1) Zoning District

Proposed Project: The applicant wishes to construct a 26' x 40' detached garage with a height of 16 feet.

WHEREAS, petitioners respectfully request that they 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(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 applicant wishes to construct a 26' x 40' detached garage with a height of 16 feet; and,

WHEREAS, the proposed detached garage is 1040 square feet in size, and the existing attached garage is 675 square feet making the total garage space 1715 square feet, which is 815 square feet over the allowed size of 900 square feet; and,

WHEREAS, the proposed height is 16 feet which would require a variance of 1 foot; and,

WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on August 18, 2021 to consider the above referenced variance request; and,

RESOLUTION NUMBER ZBA20-2021
Applicant(s): Donald & Sharlene Masick
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WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Friday, August 13, 2021 announcing that a public hearing was to take place Wednesday, August 18, 2021 at 7:30 p.m. to consider the variance requests; and,

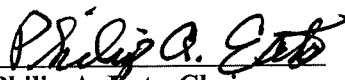
WHEREAS, this project is classified as a Type II Action under SEQR because pursuant to 6NYCRR Part 617.5(c)(17) this is a granting of an area variance for a single family home and as a result is therefore exempt from SEQR; and,

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 August 18, 2021 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	EXCUSED	RECUSED
Chairman Eats	X			
Mr. Melillo	X			
Mr. Stramenga	X			
Mr. Bonacquist	X			
Mrs. Rappazzo			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
August 18, 2021**

3) **Kenyona Davis – 1986 Marlette Street, Rotterdam, NY**, Tax Map #59.9-11-12 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 270-143 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. **Kenyona Davis of 1986 Marlette Street representing this application.**

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

Ms. Davis stated she received a permit for a six foot (6') high fence but continued the fence into her front yard without knowing the regulations prohibiting it. She currently has put up a temporary four foot (4') high fence in the front yard as the Building Inspector made her take that portion down. It is a corner lot. She wants the six-foot (6') fence for privacy, to contain her dogs which can jump the 4-foot fence and also for privacy/security of her grandchildren. It cannot be achieved by other means. Ms. Davis did not know the rules about the corner lot and she just moved to Rotterdam. Her neighbors have six-foot (6') fences and because this is a corner lot she needs a variance for the 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 visited the site and sees the situation. He has no problem with granting the variance.

Mr. Bonacquist stated the applicant addressed the five (5) criteria adequately.

Chairman Eats stated applicant installed the four-foot (4') fence to try to contain the dogs after she had to take other fence down. The fence does not extend all the way out to her property on Tower Street. He stated he spoke to the neighbor and she did not have any objection. The fence will not obstruct any views. The applicant addressed the criteria to his satisfaction.

- e. No Public Hearing Comments.
- f. This project is classified as a Type II Action under SEQR because pursuant to 6NYCRR Part 617.5(c)(17) this is a granting of an area variance for a single family home. As a result, it is exempt from further SEQR review.
- g. Motion to APPROVE: Mr. Bonacquist
- h. Seconded: Mr. Melillo
- i. Approved unanimously:

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

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RESOLUTION NUMBER ZBA21-2021
Moved by Mr. Bonacquist, Seconded by Mr. Melillo
Applicant(s): Kenyona Davis

Applicant(s): Kenyona Davis

Project Location: 1986 Marlette Street
Rotterdam, NY

Tax Number or Numbers: 59.9-11-12

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. The subject property is a corner lot.

WHEREAS, petitioner 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 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 August 18, 2021 to consider the above referenced variance request; and,

RESOLUTION NUMBER ZBA21-2021

Applicant(s): Kenyona Davis

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WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Friday, August 13, 2021 announcing that a public hearing was to take place Wednesday, August 18, 2021 at 7:30 p.m. to consider the variance requests; and,


WHEREAS, this project is classified as a Type II Action under SEQR because pursuant to 6NYCRR Part 617.5(c)(17) this is a granting of an area variance for a single family home and as a result is therefore exempt from SEQR; 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 August 18, 2021 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	EXCUSED	RECUSED
Chairman Eats	X			
Mr. Melillo	X			
Mr. Stramenga	X			
Mr. Bonacquist	X			
Mrs. Rappazzo			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
August 18, 2021**

- 4) **Richard and Joy Snyder – 271 Pangburn Road, Rotterdam, NY** - Tax Map #47.00-7-18 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 270-138 entitled “Accessory Structures and Uses.” The applicant wishes to construct a 15’ by 45’ addition onto an existing 32’ x 40’ detached garage with a height of 18 feet. 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 addition is 675 square feet and the existing detached garage is 1280 square feet with a height of 18 feet (variance granted on 6/15/05). Also, the existing attached garage is 361 square feet making the total proposed garage space on the property 2316 square feet, which is 1416 square feet over the allowed size of 900 square feet. The applicant is seeking to construct the garage addition with a height of 18 feet, which would require a variance of three (3) feet.

a. **Richard Snyder of 271 Pangburn Road representing this application.**

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

Mr. Snyder explained he would like an addition for the existing detached garage. It is in a rural area with buildings of similar size. There will not be any negative impacts to anyone. The property next door to his is higher and their water sheds on his property. The reason he would like to obtain the variance is to house his motor home. Mr. Snyder stated that the existing garage is quite full. The variance is not substantial from the ordinance. All the run off will be on his property. He is going to maintain the same height as the existing garage which he already received a variance for.

It was explained to him that he still needs a variance for the height as advertised as the first variance was for the existing garage only and not the addition.

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 stated the criteria were addressed to his satisfaction although it is a substantial variance request. It is in keeping with the character of the neighborhood and mitigated by the lots in the area.

Mr. Melillo agrees with Mr. Bonacquist.

Chairman Eats sees the need to obtain the variance. This request if granted will in no way be out of character for the neighborhood. There are barns and out buildings all over the neighborhood that are of similar and larger sizes.

- e. **No Public Hearing Comments.**
- f. **This project is classified as a Type II Action under SEQR because pursuant to 6NYCRR Part 617.5(c)(17) this is a granting of an area variance for a single family home. As a result, it is exempt from further SEQR review.**
- g. **Motion to APPROVE:** Mr. Stramenga
- h. **Seconded:** Mr. Melillo
- i. **Approved unanimously:**

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

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RESOLUTION NUMBER ZBA22-2021
Moved by Mr. Stramenga, Seconded by Mr. Melillo
Applicant(s): Richard & Joy Snyder

Applicant(s): Richard & Joy Snyder

Project Location: 271 Pangburn Road
Rotterdam, NY

Tax Number or Numbers: 57.20-1-9

Zoning: Agricultural (A-1) Zoning District

Proposed Project: The applicant wishes to construct a 15' by 45' addition onto an existing 32' x 40' detached garage with a height of 18 feet.

WHEREAS, petitioners respectfully request that they 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(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 applicant wishes to construct a 15' by 45' addition onto an existing 32' x 40' detached garage with a height of 18 feet; and,

WHEREAS, the proposed detached garage addition is 675 square feet and the existing detached garage is 1280 square feet with a height of 18 feet (variance granted on 6/15/05); and,

WHEREAS, the existing attached garage is 361 square feet making the total proposed garage space on the property 2316 square feet, which is 1416 square feet over the allowed size of 900 square feet; and,

WHEREAS, the applicant is seeking to construct the garage addition with a height of 18 feet, which would require a variance of three (3) feet; and,

WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on August 18, 2021 to consider the above referenced variance request; and,

RESOLUTION NUMBER ZBA22-2021

Applicant(s): Richard & Joy Snyder

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WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Friday, August 13, 2021 announcing that a public hearing was to take place Wednesday, August 18, 2021 at 7:30 p.m. to consider the variance requests; and,


WHEREAS, this project is classified as a Type II Action under SEQR because pursuant to 6NYCRR Part 617.5(c)(17) this is a granting of an area variance for a single family home and as a result is therefore exempt from SEQR; 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 August 18, 2021 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	EXCUSED	RECUSED
Chairman Eats	X			
Mr. Melillo	X			
Mr. Stramenga	X			
Mr. Bonacquist	X			
Mrs. Rappazzo			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
August 18, 2021**

- 5) **Jason J. Mare - 1120 Saugus Street, Rotterdam, NY** – Tax Map #58.12-4-20 located in the General Business (B-2) Zoning District. Petitioner respectfully requests that he be granted area variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-68 entitled “Lot Area; Lot Coverage, Yard Requirements.” The applicant is requesting variances in order to allow for a two (2) lot subdivision. The variance request(s) are as follows:

	<u>1120 Saugus Street (Existing Single-Family Residence)</u>			
	Required	Existing	Proposed	Variance
Lot Area	15,000 sf	22,000 sf	8,856 sf	6,144 sf
Lot Width	100 feet	220 feet	75.97 feet	24.03 feet
	<u>1116 Saugus Street (Existing Commercial Development)</u>			
Lot Area	15,000 sf	22,000 sf	13,144 sf	6,144 sf

- a. **Chris Broughton of Broughton Properties Team of Keller Williams Realty Capital District representing this application.**
- b. **Representative addressed five (5) criteria to the Board.**
Mr. Broughton explained that he is the real estate agent for the Mare’s and has been for a few years. He is seeking these variances to separate the lot into two (2) parcels. Currently, the property contains a single-family residence with 6 garages. The garages really are not for parking and he had difficulty selling the home with a lot of commercial garages on the property. The garages are used for storage but could be used as a business in the future. The property is zoned General Business. The Mare’s purchased the property as tow (2) separate lots. There were two (2) separate listings. Mr. Broughton assumes that at the closing it was put back together as one (1) lot. They have been marketing the whole parcel for several years and no one wants a 1700 square foot house with six (6) garages. They have a purchaser for the single-family residence. She currently lives there. There will not be any visible changes or a change in use of the property. There are no other options and they are not altering anything. There will not be any adverse effects on the environment. It is self-created and they are asking for relief from the ordinance.
- 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 stated these are significant variances however, the variances are mitigated by the neighborhood. He asked if garages are used as storage facility and Mr. Broughton said yes.

Mr. Melillo asked about the numbers at the top of the map. Mr. Broughton explained.

Chairman Eats stated he spoke to Mr. Mare and to Mr. Broughton and everything explained tonight was what was explained to him previously. He also spoke to the renter of the home. She would like to own the home she is currently living in.

- e. **No Public Hearing Comments.**
- f. **This project is classified as a Type II Action under SEQR because pursuant to 6NYCRR Part 617.5(c)(17) this is a granting of an area variance for a single family home. As a result, it is exempt from further SEQR review.**
- g. **Motion to APPROVE:** Mr. Melillo
- h. **Seconded:** Mr. Bonacquist
- i. **Approved unanimously:**

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



*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 ZBA23-2021
Moved by Mr. Melillo, Seconded by Mr. Bonacquist
Applicant(s): Jason J. Mare**

Applicant(s): Jason J. Mare
Project Location: 1120 Saugus Street
Rotterdam, NY
Tax Number or Numbers: 58.12-4-20
Zoning: General Business (B-2) Zoning District
Proposed Project: The applicant is requesting variances in order to allow for a two (2) lot subdivision.

WHEREAS, petitioner respectfully requests that he be granted area variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-68 entitled "Lot Area; Lot Coverage, Yard Requirements;" and,

WHEREAS, the applicant is requesting variances in order to allow for a two (2) lot subdivision;
and,

WHEREAS, the variance request(s) are as follows:

1120 Saugus Street (Existing Single-Family Residence)

	Required	Existing	Proposed	Variance
Lot Area	15,000 sf	22,000 sf	8,856 sf	6,144 sf
Lot Width	100 feet	220 feet	75.97 feet	24.03 feet

1116 Saugus Street (Existing Commercial Development)

Lot Area	15,000 sf	22,000 sf	13,144 sf	1,856 sf
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and,

WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on August 18, 2021 to consider the above referenced variance request; and,

RESOLUTION NUMBER ZBA23-2021

Applicant(s): Jason J. Mare

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WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Friday, August 13, 2021 announcing that a public hearing was to take place Wednesday, August 18, 2021 at 7:30 p.m. to consider the variance requests; and,

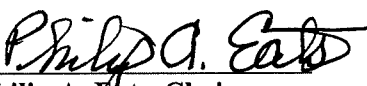
WHEREAS, this project is classified as a Type II Action under SEQR because pursuant to 6NYCRR Part 617.5(c)(17) this is a granting of an area variance for a single family home and as a result is therefore exempt from SEQR; and,

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 August 18, 2021 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	EXCUSED	RECUSED
Chairman Eats	X			
Mr. Melillo	X			
Mr. Stramenga	X			
Mr. Bonacquist	X			
Mrs. Rappazzo			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: 8:13 PM
Motion to adjourn: Mr. Bonacquist
Seconded: Mr. Stramenga
Approved unanimously

Next meeting: September 15, 2021
Respectfully Submitted,
Lisa Gallo