

**Town of Rotterdam
Zoning Board of Appeals
Summary Meeting Minutes January 19, 2022**

A regular meeting of the Town of Rotterdam Zoning Board of Appeals was held Wednesday, January 19, 2022 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
Rachel Rappazzo
Alex Stramenga
Craig Serafini
Stephanie DiLallo-Bitter, Attorney
Peter Comenzo, Sr. Planner
Lisa Gallo, Secretary

Excused:

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.

Chairman Eats stated requested a motion to appoint a Vice Chairman for 2022.

Motion made by Mr. Serafini to appoint Mr. Melillo as Vice Chairman of the Zoning Board of Appeals for the year 2022.

Seconded: Mrs. Rappazzo

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

Approved unanimously.

Chairman Eats welcomed Mr. Serafini back as a member of the Zoning Board of Appeals. Chairman Eats thanked Mr. Bonacquist for his service as an active Zoning Board of Appeals Member for his term.

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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 ZBA1-2022
Moved by Mr. Serafini, Seconded by Mrs. Rappazzo

At a regularly scheduled meeting of the Rotterdam Zoning Board of Appeals held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York on Wednesday, January 19, 2022.

WHEREAS, Chairman Eats called for a motion to appoint a Vice Chairman for the Rotterdam Zoning Board of Appeals; and,

WHEREAS, Mr. Serafini made a motion to appoint Mr. Melillo as Vice Chairman for the Rotterdam Zoning Board of Appeals for a one (1) year term from January 1, 2022 to December 31, 2022; and,

WHEREAS, Mrs. Rappazzo seconded the motion; and,

WHEREAS, the motion passed unanimously; **NOW**,

IT IS HEREBY RESOLVED, that the Rotterdam Zoning Board of Appeals has appointed Mr. Melillo as Vice Chairman of the Rotterdam Zoning Board of Appeals to a one (1) year term from January 1, 2022 to December 31, 2022.

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

Philip A. Eats, Chairman
Zoning Board of Appeals

1. **Michael and Paul Gordon LLC - 3075 Broadway, Rotterdam, NY, Tax Map #48.19-5-30** located in the General Business (B-2) Zoning District. Petitioners respectfully request that they be granted variance(s) as prescribed in the Town of Rotterdam Zoning Code Chapter 270-151 entitled "Signs." Section 270-151(E)(3)(A)(2) states: "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 lot size is 99,146 square feet which would allow a 99 square foot sign. The applicants are seeking permission to erect a ground mounted sign that will be a total of 112 square feet which will require a variance of 13 square feet. Section 270-151(E)(4) states: "Signs in the business and industrial district shall contain no information beyond the name, nature or principal use, symbol and other information necessary for the business or use. Such sign shall contain no information or advertising for any product or service not sold or performed on the premises." The proposed Subway sandwich shop sign will be off-premises as it will be mounted on the same ground mounted sign as Aldi supermarket, which is on a separate lot.

- a. **Tom Wheeler of AJ Sign Corp representing this application.**
- b. **Representative(s) addressed five (5) criteria to the Board.**

Mr. Wheeler explained that Aldi's has a shared driveway with Subway and they would like to erect an off-premises sign with an additional 13 square feet. The sign will be clearly readable. It will not cause an undesirable change to the characteristic of the neighborhood as there will be one (1) pylon sign instead of two (2). It will help the neighborhood. They need the sign to guide motorists into the site, the alternative would be to have two (2) signs but they are only asking for an additional 13 square feet and the one (1) sign eliminates the need for two (2) signs. Mr. Wheeler stated that there will not be an additional pylon sign on the Subway lot, the shared sign will be the only freestanding one. There are not any environmental impacts. It is self-created as part of the site redevelopment but by having one (1) driveway we reduced impacts and created the need for one (1) sign.

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

Schenectady County Economic Development and Planning approves of the proposal.

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

Mr. Serafini asked if the pylon sign at Subway has been removed. Mr. Wheeler stated all free-standing signs at Subway will be removed.

Chairman Eats explained that the Board did a similar variance with the signage at Trustco down the road.

e. No Public Hearing Comments.

f. This project is classified as a Type II Unlisted Action under SEQR.

g. Negative Declaration SEQR:

At the suggestion of the attorney, Stephanie DiLallo Bitter, the Zoning Board of Appeals conducted an uncoordinated review on the Unlisted Action of granting variance approvals for the sign the under the Town Zoning Code. The applicant had submitted Part 1 of the Short Environmental Assessment Form (SEAF). She read into the record the questions on Part II of the SEAF and requested that the Board answer either no impact, small impact or large impact. All questions were read into the record and all were answered by the Board as small to no impact.

h. Motion to Adopt Negative Declaration: Mr. Serafini

i. Seconded: Mrs. Rappazzo

j. Approved unanimously:

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

k. Motion to APPROVE the variances: Mr. Melillo

h. Seconded: Mrs. Rappazzo

i. Approved unanimously:

NAME	AYES	NOES	EXCUSED	RECUSED
Chairman Eats	X			
Mr. Melillo	X			
Mr. Stramenga	X			
Mrs. Rappazzo	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 ZBA2-2022
Moved by Mr. Melillo, Seconded by Mrs. Rappazzo
Applicant(s): Michael and Paul Gordon LLC

Applicant(s): Michael and Paul Gordon LLC

Project Location: 3075 Broadway
Rotterdam, NY

Tax Number or Numbers: 48.19-5-30

Zoning: General Business (B-2) Zoning District

Proposed Project: The applicants are seeking permission to erect a ground mounted sign that will be a total of 112 square feet which is on a separate lot.

WHEREAS, petitioners respectfully request that they be granted variance(s) as prescribed in the Town of Rotterdam Zoning Code Chapter 270-151 entitled "Signs;" and,

WHEREAS, Section 270-151(E)(3)(A)(2) states: "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 lot size is 99,146 square feet which would allow a 99 square foot sign; and,

WHEREAS, the applicants are seeking permission to erect a ground mounted sign that will be a total of 112 square feet which will require a variance of 13 square feet; and,

WHEREAS, Section 270-151(E)(4) states: "Signs in the business and industrial district shall contain no information beyond the name, nature or principal use, symbol and other information necessary for the business or use. Such sign shall contain no information or advertising for any product or service not sold or performed on the premises; and,

WHEREAS, the proposed Subway sandwich shop sign will be off-premises as it will be mounted on the same ground mounted sign as Aldi supermarket, which is on a separate lot; and,

WHEREAS, pursuant to 6 NYCRR Part 617 State Environmental Quality Review the above referenced project is an Unlisted Action and the Zoning Board of Appeals conducted an uncoordinated review of the project request; and,

RESOLUTION NUMBER ZBA2-2022
Applicant(s): Michael and Paul Gordon LLC
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WHEREAS, the Rotterdam Zoning Board of Appeals after review of Part 1 of the Short Environmental Assessment Form (SEAF) and discussion of the criteria outlined in Part 2 of the SEAF, hereby issues a Negative Declaration on the project and authorizes the Rotterdam Town Planner to prepare, file, publish, and distribute all documents as necessary to comply with 6 NYCRR Part 617 (State Environment Quality Review.)

WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on January 19, 2022 to consider the above referenced variance request; and,

WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, January 13, 2022 announcing that a public hearing was to take place Wednesday, January 19, 2022 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 not exempt from review, and,

WHEREAS, Schenectady County Economic Development and Planning approves of said proposal; **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 January 19, 2022 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			
Mrs. Rappazzo	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

- 2. Rotterdam Ventures Inc. & Northeast IP Holdings Inc., Rotterdam Corporate Park - Duanesburg Road, Rotterdam, NY, Tax Map #58.00-1-16 and 58.00-1-2.31 located in the Light Industrial (I-1) Zoning District. Petitioners respectfully request that they be granted variance(s) as prescribed in the Town of Rotterdam Zoning Code Chapter 270-77 entitled "Lot Area," which states: "The minimum lot area required for each principal use is 20,000 square feet, with a minimum lot width of 100 feet." The applicant is proposing to boundary line adjust and create 2 (two) lots: Lot #1 = ±13.31 acres (200,000 s.f. warehouse), Lot #2 ±4.62 acres (vacant), Remaining Corporate Park Lands ±249.61 acres. Proposed Lot #1 and Lot #2 do not have a lot width as defined by Chapter 270.**

- a. Dan Hershberg of Hershberg & Hershberg representing this application.**
- b. Representative(s) addressed five (5) criteria to the Board.**

Mr. Hershberg explained that the parcel to be created, Lot #1 will be sold. The parcel will not have any frontage on an improved municipal road as the Rotterdam Corporate Park has all private roads internally, this is what necessitates the technical need for a variance. This is a new building No. 17. There is an additional Lot #2 that is being reconfigured and cleaned up as it is partially encroaching into the FedEx site, and the leftover 249 acres makes up the remaining lands of the Industrial Park. The 200,000 square foot building on Lot #1 is already up and received Planning Commission approval. There are no environmental impacts or drainage issues. The only thing that is changing is the owner of the parcel. This will bring jobs and business to the Town of Rotterdam.

- 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. Serafini stated that essentially, they are only breaking off a piece of property. There are no physical changes. It is a simple lot line adjustment.

Mr. Hershberg explained that the original Site Plan was approved by the Planning Commission. This is actually considered a subdivision since we are in fact creating an additional lot.

Mr. Comenzo explained that if the variance were to be granted tonight, the project has to go back to the Planning Commission for subdivision approval where the cross-easements, drainage, and everything will be shown and discussed and reviewed prior to final.

Mr. Hershberg explained there is not any frontage internal to the park. The frontage for the property is on Duanesburg Road which is the only reason why this necessitated a variance, all of the setbacks have been met.

e. **No Public Hearing Comments.**

f. **This project is classified as a Type II Unlisted Action under SEQR.**

g. **Negative Declaration SEQR:**

At the suggestion of the attorney, Stephanie DiLallo Bitter, she recommended that the Zoning Board of Appeals conduct an uncoordinated review on the unlisted action of granting the variance under the Town Zoning Code. She read into the record the questions on Part II of the Short Environmental Assessment Form and requested that the Board answer either no impact, small impact or large impact. All questions were read into the record and all were answered by the Board as no impact.

h. **Motion to Adopt Negative Declaration:** Mr. Melillo

i. **Seconded:** Mr. Stramenga

j. **Approved unanimously:**

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

k. **Motion to APPROVE:** Mr. Stramenga

h. **Seconded:** Mr. Serafini

i. **Approved unanimously:**

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

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RESOLUTION NUMBER ZBA3-2022

Moved by Mr. Stramenga, Seconded by Mr. Serafini

Applicant(s): Rotterdam Ventures Inc. & Northeast IP Holdings Inc.

Applicant(s): Rotterdam Ventures Inc. & Northeast IP Holdings Inc.

Project Location: Duanesburg Road & 55 Duanesburg Road
Rotterdam, NY

Tax Number or Numbers: 58.00-1-16 & 58.00-1-2.31

Zoning: Light Industrial (I-1) Zoning District

Proposed Project: The applicant is proposing to boundary line adjust and create 2 (two) lots: Lot #1 = ±13.31 acres (200,000 s.f. warehouse), Lot #2 ±4.62 acres (vacant), Remaining Corporate Park Lands ±249.61 acres.

WHEREAS, petitioners respectfully request that they be granted variance(s) as prescribed in the Town of Rotterdam Zoning Code Chapter 270-77 entitled "Lot Area;" and,

WHEREAS, Chapter 270-77 entitled "Lot Area," which states: "The minimum lot area required for each principal use is 20,000 square feet, with a minimum lot width of 100 feet; and,

WHEREAS, the applicant is proposing to boundary line adjust and create 2 (two) lots: Lot #1 = ±13.31 acres (200,000 s.f. warehouse), Lot #2 ±4.62 acres (vacant), Remaining Corporate Park Lands ±249.61 acres; and,

WHEREAS, proposed Lot #1 and Lot #2 do not have a lot width as defined by Chapter 270; and,

WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on January 19, 2022 to consider the above referenced variance request; and,

WHEREAS, pursuant to 6 NYCRR Part 617 State Environmental Quality Review the above referenced project is an Unlisted Action and the Zoning Board of Appeals conducted an uncoordinated review of the project request; and,

RESOLUTION NUMBER ZBA3-2022

Applicant(s): Rotterdam Ventures Inc & Northeast IP Holdings Inc.

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WHEREAS, the Rotterdam Zoning Board of Appeals after review of Part 1 of the Short Environmental Assessment Form (SEAF) and discussion of the criteria outlined in Part 2 of the SEAF, hereby issues a Negative Declaration on the project and authorizes the Rotterdam Town Planner to prepare, file, publish, and distribute all documents as necessary to comply with 6 NYCRR Part 617 (State Environment Quality Review.)


WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, January 13, 2022 announcing that a public hearing was to take place Wednesday, January 19, 2022 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 January 19, 2022 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			
Mrs. Rappazzo	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

**ZBA Meeting
January 19, 2022**

3. Victor Fazio (contract vendee) – 1143 Highbridge Road, Rotterdam, NY, Tax Map #49.20-1-1 located in the Single Family Residential (R-1) Zoning District. Petitioner respectfully requests that he be granted area variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-31 entitled “Lot Area.” Chapter 270-31(a) states that the required minimum lot area shall be not less than 15,000 square feet, with a lot width of not less than 100 feet. The applicant is requesting a variance in order to construct a single-family residence on an existing ± 1.75 -acre lot containing a lot width of 89.80 feet, which would require a variance of 10.2 feet.

- a. **Victor Fazio, Contract Vendee and wife Maddalena Fazio representing this application.**
- b. **Representative(s) addressed five (5) criteria to the Board.**

Victor Fazio stated he would like to construct a single-family residence in a single-family residential neighborhood.

Maddalena Fazio addressed the criteria to the Board. She explained it is consistent with the character of the neighborhood. It is a request for an 11-foot variance as the existing lot has 89' of road frontage. The request for $\pm 11'$ of road frontage is not substantial. There will not be any adverse effects. The lot does not meet the road frontage requirements just as many of the lots in the neighborhood. There is Town water to the site and there will be an on-site wastewater system. It is self-created but is in harmony with the rest of the neighborhood. This will increase tax base and increase water revenue.

- c. **This proposal is exempt from referral to Schenectady County Planning pursuant to Memorandum of Understanding – April 2011.** The request was sent to the Schenectady County DPW by Mr. Comenzo and he read the Schenectady County comments into the record and suggested that the be conditions of approval.

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

Mr. Serafini stated the written application mentions 11' and wants to make sure the legal notice is correct as it advertises for 10.2'.

Mr. Comenzo stated the legal notice is correct and based on the survey provided in the application.

Chairman Eats stated that he visited the site with Mr. Comenzo and witnessed the perc test and there are sandy soils over there and the soils can support the proposed project. He apologized and said he is sorry he did not get to go over the process with the applicant.

- 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 with the 10.2' variance as requested with the condition from Schenectady County DPW as follows: Mr. Serafini

1. A highway work permit shall be required for the installation of the driveway as well as any utility work completed within the County right-of-way. Any improvements to the sidewalk due to the installation of the driveway shall meet current ADA requirements. The sidewalk shall be maintained during construction and any damage or repairs needed will be the responsibility of the homeowner. Vegetation will need to be cut back to provide adequate site distance for vehicles exiting the driveway.

h. Seconded: Mr. Stramenga

i. Approved unanimously:

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

Town of Rotterdam
Zoning Board of Appeals

Philip Eats, Chairman
Peter J. Comenzo, Senior Planner

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RESOLUTION NUMBER ZBA4-2022
Moved by Mr. Serafini, Seconded by Mr. Stramenga
Applicant(s): Victor Fazio (Contract Vendee)

Applicant(s): Victor Fazio (Contract Vendee)

Project Location: 1143 Highbridge Road
Rotterdam, NY

Tax Number or Numbers: 49.20-1-1

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

Proposed Project: The applicant is requesting a variance in order to construct a single-family residence on an existing ±1.75-acre lot containing a lot width of 89.80 feet

WHEREAS, petitioner respectfully requests that he be granted area variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-31 entitled "Lot Area;" and,

WHEREAS, Chapter 270-31(a) states that the required minimum lot area shall be not less than 15,000 square feet, with a lot width of not less than 100 feet; and,

WHEREAS, the applicant is requesting a variance in order to construct a single-family residence on an existing ±1.75-acre lot containing a lot width of 89.80 feet, which would require a variance of 10.2 feet; and,

WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on January 19, 2022 to consider the above referenced variance request; and,

WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, January 13, 2022 announcing that a public hearing was to take place Wednesday, January 19, 2022 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,

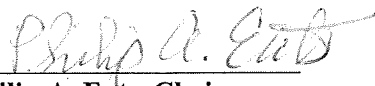
WHEREAS, pursuant to a Memorandum of Understanding dated April 2011 with the Schenectady County Department of Planning and Economic Development this project is exempt from review, **NOW**,

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 January 19, 2022 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. **A highway work permit shall be required for the installation of the driveway as well as any utility work completed within the County right-of-way. Any improvements to the sidewalk due to the installation of the driveway shall meet current ADA requirements. The sidewalk shall be maintained during construction and any damage or repairs needed will be the responsibility of the homeowner. Vegetation will need to be cut back to provide adequate site distance for vehicles exiting the driveway.**

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

Meeting adjourned: 8:08 PM
Motion to adjourn: Mr. Stramenga
Seconded: Mrs. Rappazzo
Approved unanimously

Next meeting: February 16, 2022
Respectfully Submitted, Lisa Gallo