

**Town of Rotterdam**  
**Zoning Board of Appeals Special Meeting**  
**Summary Meeting Minutes**  
**June 1, 2022**

A special meeting of the Town of Rotterdam Zoning Board of Appeals was held Wednesday, June 1, 2022 at 7:30 p.m. at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York.

Present:	Philip Eats, Chairman	Excused: Lisa Gallo, Secretary
	Angelo Melillo, Vice Chairman	
	Bruce Bonacquist	
	Alex Stramenga	
	Craig Serafini	
	Stephanie DiLallo-Bitter, Attorney	
	Peter Comenzo, Sr. Planner	

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  
June 1, 2022**

**1. John Hester – 1034 Fort Hunter Road, Rotterdam, NY, Tax Map #59.17-2-37.2** located in the Agriculture (A-1) Zoning District. Petitioner respectfully requests that they be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-21 entitled “Yard and Property Line Requirements.” **Chapter 270-143(B)** states that the side yard width shall be 15 feet. The applicant would like to construct a single-family residence that is located 13.5 feet from the side yard on the south side of the property. This would require a variance of 1.5 feet.

**a. Property Owner John Hester and Kristan Hodorowski with Hodorowski Homes representing this application.**

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

Ms. Hodorowski explained that Hodorowski Homes built a new single-family residence on the Hester’s property. The builder and the homeowner decided to add square footage to the back corner of the structure to accommodate a porch overhang. As built survey was conducted and it was discovered that the structure was 1.5 feet into the 15-foot setback. The 15-foot setback only applies to the A-1 Zone; other residential zones are 10 feet. Ms. Hodorowski addressed the 5 criteria that was submitted as part of the application. Relief can’t be achieved by any other means other than chopping of a 1.5-foot portion of the house. The portion over the setback line is an open porch, no impact to the neighbor, house is set back from the road a few hundred feet. Grading and topography are set and dictated location of the structure. The variance was self-created due to the inadvertent encroachment to the setback.

Mr. Hester submitted a letter from the adjoining property owner Andrea Doroski of 1038 Fort Hunter Road stating that they have no grievance with the variance request.

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

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

Board members discussed the building plans with Ms. Hodorowski and the modifications to the original elevations to address the bump-out which caused the porch area to be locations into the setback slightly.

- e. No Public Hearing Comments.
- f. This project is classified as a Listed Type 2 Action under SEQR.
- g. Motion to APPROVE the variances: Mr. Bonacquist
- h. Seconded: Mr. Serafini
- i. Approved unanimously:

NAME	AYES	NOES	EXCUSED	RECUSED
Chairman Eats	X			
Mr. Melillo	X			
Mr. Stramenga	X			
Mr. Bonacquist	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 ZBA14-2022**  
**Moved by Mr. Bonacquist, Seconded by Mr. Serafini**  
**Applicant(s): John Hester & Hodorowski Homes**

**Applicant(s):** John Hester

**Project Location:** 1034 Fort Hunter Road  
Rotterdam, NY, 12303

**Tax Number or Numbers:** 59.17-2-37.2

**Zoning:** Agriculture (A-1) Zoning District

**Proposed Project:** The applicant wishes to construct a single-family residence that is located 13.5 feet from the side yard on the south side of the property.

**WHEREAS**, petitioner respectfully requests that he be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-21 entitled "Yard and Property Line Requirements;" and,

**WHEREAS**, Chapter 270-21(b) states that the side yard width shall be fifteen (15) feet; and,

**WHEREAS**, the applicant wishes to construct the single-family residence located 13.5 feet from the side yard on the south side of the property; and,

**WHEREAS**, the proposed single-family residence would require a variance of 1.5 feet from the side yard setback requirement; 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**, a legal notice was published in the Schenectady Daily Gazette on Wednesday, May 25, 2022 announcing that a public hearing was to take place Wednesday, June 1, 2022 at 7:30 p.m. to consider the variance requests; and,

**WHEREAS**, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on June 1, 2022 to consider the above referenced variance request; and,

**RESOLUTION NUMBER ZBA14-2022**

**Applicant: John Hester**

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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 June 1, 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:

<b>NAME</b>	<b>AYES</b>	<b>NOES</b>	<b>EXCUSED</b>	<b>RECUSED</b>
<b>Chairman Eats</b>	<b>X</b>			
<b>Mr. Melillo</b>	<b>X</b>			
<b>Mr. Stramenga</b>	<b>X</b>			
<b>Mr. Bonacquist</b>	<b>X</b>			
<b>Mr. Serafini</b>	<b>X</b>			

**This decision is bound by the application materials, schematic drawings, site plan, and testimony submitted to the Zoning Board of Appeals.**



**Philip A. Eats, Chairman  
Zoning Board of Appeals**

Meeting adjourned: 8:15 PM  
Motion to adjourn: Mr. Stramenga  
Seconded: Mr. Melillo  
Approved unanimously

**Next meeting: July 20, 2022**

Respectfully Submitted, Lisa Gallo