

Town of Rotterdam
Zoning Board of Appeals Meeting
Summary Meeting Minutes
August 17, 2022

A meeting of the Town of Rotterdam Zoning Board of Appeals was held Wednesday, August 17, 2022 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
 Bruce Bonacquist
 Alex Stramenga
 Craig Serafini
 Stephanie DiLallo-Bitter, Attorney
 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
August 17, 2022**

1. **KNC Touchfree Car Wash, Inc. – 500 Burdeck Street, Rotterdam, NY**, Tax Map #48.-1-2.11 (original #) located in the Light Industrial (I-1) Zoning District. Petitioners respectfully request that they be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-151 entitled “Signs.” **Chapter 270-151 (E)(3)** states that one ground-mounted sign may be erected and maintained not less than five feet from the property line. Such sign may contain a total sign area of 15 square feet or not more than one square foot for each 1,000 square feet of the lot or parcel area containing such sign, whichever is greater, up to a maximum sign area of 200 square feet. The subject property is a recently created 21,064 square foot lot. The applicant is seeking to erect one ground mounted sign that is 45 square feet in size and the allowed signage is 21 square feet, which would require a variance of 24 square feet.

a. **Luigi Palleshi of ABD Engineering representing this application.**

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

Mr. Palleshi stated that Mark Snyder with Snyder Signs is also present. Mr. Palleshi explained the former Sonic sign was 96” x 67”. He showed the new sign for Clean H2O which is also 96” X 67”. The post will remain in the same location. The new owner of the car wash applied for a sign permit on the current lot size. The current owner purchased only a portion of the property that contained the business as the lot was recently subdivided and made smaller. Based on the new lot size the sign needs a variance. There will not be an undesirable change as its in the same location just a different logo on the sign. The sign could be smaller but the sign that is there works and prefers not to make smaller. It is not substantial as it is the same size that was there. Some people may say it is a large variance because the parcel was subdivided and requires a smaller sign. There will not be any adverse effect on the environment. It is the same size as the previous sign. Already stated the reason the difficulty arose; it was because of the subdivision.

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 deferred to local consideration.

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

Mr. Bonacquist asked Mr. Comenzo if the property was subdivided and the new owner kept the existing sign would the Town have made him change the size of the sign. Mr. Comenzo stated the sign was not considered during the subdivision process. Mr. Bonacquist stated the sign exists and the new sign is the same size so he has no opposition to the variance.

Mr. Stramenga stated he has no problem with the change.

Mr. Serafini stated the sign exists. It’s the same size and no one would have noticed if the name didn’t change.

Chairman Eats is happy the business is remaining in the Town of Rotterdam.

Stephanie DiLallo-Bitter explained that if the Board looks at this action as maintenance, repair, or replacement than SEQR is not required.

The Board agrees that it is a replacement of an existing sign and has determined that this project is classified as a Type II Action under SEQR pursuant to 6NYCRR Part 617.5(c)(2).

- 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. Stramenga
- 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

Telephone (518) 355-7575 Ext. 338
Facsimile (518) 355-2725

RESOLUTION NUMBER ZBA18-2022
Moved by Mr. Bonacquist, Seconded by Mr. Stramenga
Applicant(s): KNC Touchfree Car Wash, Inc.

Applicant(s): KNC Touchfree Car Wash Inc.
Project Location: 500 Burdeck Street
Tax Number or Numbers: 48.-1-2.11 (parent parcel)
Zoning: Light Industrial (I-1) Zoning District
Proposed Project: The applicant is seeking to erect one ground mounted sign that is 45 square feet in size.

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

WHEREAS, Chapter 270-151 (E)(3) states that one ground-mounted sign may be erected and maintained not less than five feet from the property line. Such sign may contain a total sign area of 15 square feet or not more than one square foot for each 1,000 square feet of the lot or parcel area containing such sign, whichever is greater, up to a maximum sign area of 200 square feet; and,

WHEREAS, the subject property is a recently created 21,064 square foot lot; 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 is seeking to erect one ground mounted sign that is 45 square feet in size and the allowed signage is 21 square feet, which would require a variance of 24 square feet; and,

WHEREAS, the Zoning Board of Appeals has determined that this project is classified as a Type II Action under SEQR pursuant to 6NYCRR Part 617.5(c)(2). This granting of an area variance is for the replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site and as a result is therefore exempt from SEQR; and,

WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, August 11, 2022 announcing that a public hearing was to take place Wednesday, August 17, 2022 at 7:30 p.m. to consider the variance requests; and,

RESOLUTION NUMBER ZBA18-2022
Applicant: KNC Touchfree Car Wash, Inc.
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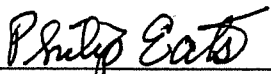
WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on August 17, 2022 to consider the above referenced variance request; and,

WHEREAS, pursuant to GML 239-m this project was sent to the Schenectady County Department of Planning and Economic Development and the County deferred to local consideration on August 17, 2022. **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 17, 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			
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

**ZBA Meeting
August 17, 2022**

- 2. Sandra Cordova – 1045 Beverly Street, Rotterdam, NY, Tax Map #58.8-11-2.1.** 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 270-138 entitled “Accessory Structures and Uses.” The applicant wishes to place a 12’ x 20’ shed on the property. The variance request(s) are as follows: **Chapter 270-138(c)** “Lot Coverage” in regards to a shed state that the floor area of any accessory structure shall not exceed 15% of the total habitable floor area of an existing or proposed principal structure. The existing residential structure is 552 square feet which would allow an accessory structure of 82 square feet. The proposed accessory shed is 240 square feet, which will require a variance of 158 square feet.

- a. Sandra Cordova of 1045 Beverly Street representing this application.**
Ms. Cordova introduced her partner, Raymond Reynolds.

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

Ms. Cordova explained there would not be much of a change to the character of the neighborhood. The shed is 12’ X 20’. It is not going to be in the front yard. The height will not exceed 14’. It will be the backyard. It will be behind the existing carport.

Mr. Reynolds stated the house is only 552 square feet with one (1) closet. He has no place for his tools. There is a fence and bushes in the back yard so no one will see the shed. He included a paper signed by all his neighbors stating they do not have any issues with the shed or the variance application. It is far away from the septic. It can not be achieved by other means. He could purchase two (2) smaller sheds but that is more expensive. Mr. Reynolds stated that there is only an 82 square foot crawl space which is not large enough to store patio furniture, yard equipment and tools. There will not be any adverse effect on the neighborhood. There will not be any obstruction of views. The house was purchased in December 2021. The current shed is falling apart where you can see the soil through the bottom. It is a safety issue. The weight of the tools would collapse the existing shed.

- 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 has no problem with the variance. He listened to the explanation and sees the need for the extra space.

Mr. Serafini asked if the shed was being placed on a slab. Mr. Reynolds stated it will be placed on crushed stone and five feet (5’) away from the property line.

Mr. Bonacquist acknowledged the neighbors’ signatures were in the application submitted. He stated if you put it in perspective with only a 500 square foot dwelling it is not substantial.

Chairman Eats spoke to the applicant and went over the criteria which is why there is now a better drawing with the application. He stated to check with the Building Department on codes to make sure the prebuilt shed meets the code.

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. Serafini

h. Seconded:

Mr. Stramenga

i. 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

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RESOLUTION NUMBER ZBA19-2022
Moved by Mr. Serafini, Seconded by Mr. Stramenga
Applicant(s): Sandra Cordova

Applicant(s): Sandra Cordova
Project Location: 1045 Beverly Street
Tax Number or Numbers: 58.8-11-2.1
Zoning: Single Family Residential (R-1) Zoning District
Proposed Project: The applicant wishes to place a 12' x 20' shed on the property.

WHEREAS, petitioner respectfully requests that she 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" in regards to a shed state that the floor area of any accessory structure shall not exceed 15% of the total habitable floor area of an existing or proposed principal structure; and,

WHEREAS, the applicant wishes to place a 12' x 20' shed on the property; and,

WHEREAS, the existing residential structure is 552 square feet which would allow an accessory structure of 82 square feet; and,

WHEREAS, the proposed accessory shed is 240 square feet, which will require a variance of 158 square feet; 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 Thursday, August 11, 2022 announcing that a public hearing was to take place Wednesday, August 17, 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 August 17, 2022 to consider the above referenced variance request; and,

RESOLUTION NUMBER ZBA19-2022

Applicant: Sandra Cordova


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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 August 17, 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			
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

**ZBA Meeting
August 17, 2022**

3. **Susan Maloney – 202 Shereen Court, Rotterdam, NY**, Tax Map #59.8-1-54 and #59.7-10-53 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.

a. **Susan and Matt Maloney of 202 Shereen Court representing this application.**

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

The applicants would like to install a six foot (6’) high fence. It will not go over property line. It is to enclose the space for privacy and safety of children. The current fence is only around the pool and the kids can not play in that fenced area. The property is a corner lot and has two (2) front yards. It will be a white vinyl fence and will not be an eyesore. It will have curb appeal. It won’t hinder any site distance and won’t block oncoming traffic. It is substantial from the ordinance. Ms. Maloney stated that cars go very fast on this road and Shereen Court is used as a cut thru. There will not be any negative impacts. They are keeping it far away from the property line and it will not be on Town property. They purchased the property in October 2021. The other three (3) corner lots have fences. It was self-created as prior to purchasing they should have checked the requirements for corner lots.

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 noticed the fence is being installed on a separate lot. The applicants explained they have submitted paperwork to combine the two (2) parcels and they are waiting to hear back. Mr. Serafini also asked if the fence around the pool was remaining. They said yes, for now.

Chairman Eats stated he spent time with the applicants and asked about where the string is. The applicants stated the string is gone and they now have the proper placement.

Mr. Bonacquist stated they did a fantastic job.

Mr. Stramenga said he spoke to applicants today. He sees why they need the fence.

Stephanie DiLallo-Bitter explained that the Town snowplows down Central Avenue and without an actual survey the applicants are installing at their own risk.

- 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. Stramenga
- h. **Seconded:** Mr. Bonacquist
- i. **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 ZBA20-2022
Moved by Mr. Stramenga, Seconded by Mr. Bonacquist
Applicant(s): Susan Maloney**

Applicant(s): Susan Maloney
Project Location: 202 Shereen Court
Tax Number or Numbers: 59.8-1-54 & 59.7-10-53
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.

WHEREAS, petitioner respectfully requests that she 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, 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 Thursday, August 11, 2022 announcing that a public hearing was to take place Wednesday, August 17, 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 August 17, 2022 to consider the above referenced variance request; and,

RESOLUTION NUMBER ZBA20-2022

Applicant: Susan Maloney

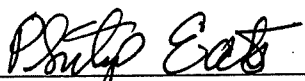
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WHEREAS, pursuant to a Memorandum of Understanding dated April 2011 with the Schenectady County Department of Planning and Economic Development this project is exempt from review, **NOW**,

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 August 17, 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			
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

Meeting adjourned: 8:10 PM
Motion to adjourn: Mr. Stramenga
Seconded: Mr. Serafini
Approved unanimously

Next meeting: September 21, 2022

Respectfully Submitted,
Lisa Gallo