

**TOWN OF ROTTERDAM
ZONING BOARD OF APPEALS
August 21, 2024**

Workshop 7:00pm – Public Hearings 7:30pm

Workshop (2nd Floor Conference Room) – 7:00pm

Public Hearings (V. Dalton Bambury Hearing Room 2nd Floor) – 7:30pm

- 1) **Sidney Dawson (owner) and Joseph and Jodi Druzba (contract vendee) – 2998 Kirvin Lane & 520 Stanek Road, Rotterdam, NY, Tax Map #58.9-1-8.11 and #58.9-1-7.1** located in the Agriculture (A-1) and Single Family Residential (R-1) Zoning Districts. Petitioners respectfully request that they be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-31 entitled “Lot Area.” The minimum lot size in the A-1 Zone is one (1) acre. The applicants are requesting variances in order to facilitate the transfer of 6,592 square feet of property from 2998 Kirvin Lane to 520 Stanek Road. This proposed transfer will result in the reduction of the 2998 Kirvin Lane property to ±0.92 acres of property which will require a variance of ±0.08 acres.
- 2) **Ely Vargas – 1609 Flower Road, Rotterdam, NY, Tax Map #59.6-5-9** located in the General Business (B-2) 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.

- 1) **Sidney Dawson (owner) and Joseph and Jodi Druzba (contract vendee) – 2998 Kirvin Lane & 520 Stanek Road, Rotterdam, NY**, Tax Map #58.9-1-8.11 and #58.9-1-7.1 located in the Agriculture (A-1) and Single Family Residential (R-1) Zoning Districts. Petitioners respectfully request that they be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-31 entitled “Lot Area.” The minimum lot size in the A-1 Zone is one (1) acre. The applicants are requesting variances in order to facilitate the transfer of 6,592 square feet of property from 2998 Kirvin Lane to 520 Stanek Road. This proposed transfer will result in the reduction of the 2998 Kirvin Lane property to ± 0.92 acres of property which will require a variance of ± 0.08 acres.

SEQR Requirement: Type 2 Listed Action – 6NYCRR Part 617

County 239-m Requirement: County review is not required.



RECEIVED

AUG 02 2024

TOWN OF ROTTERDAM
PUBLIC WORKS

Town of Rotterdam
Zoning Board of Appeals
AREA VARIANCE APPLICATION

PART II

TOWN OF ROTTERDAM
General Information

All requested information shall be provided and must be filled out in ink or typed
for photocopying purposes

Legal Owner's Name: Sidney Dawson
Mailing Address: 524 Stanek Road
City: Sch'du State: NY Zip: 12306
Daytime Phone: _____ E-mail: _____

If applicant is not the owner, include the written owner authorization form below designating the contact to serve as representative.

Owner's Designated Contact: _____

Mailing Address: _____
City: _____ State: _____ Zip: _____
Daytime Phone: _____ E-mail: _____

Project/Proposal Site Area (Acres or sq. ft.): 1.07 acres
Assessor Tax Parcel No.(s) of Proposal Site: 58.09-1-8.11
Street Address of Proposed Site (if any): 2998 Kirvin Lane

Adjacent Area Owned or Controlled (Acres or sq. ft.): 15,000 sq ft
Assessor Tax Parcel No.(s) of Adjacent Land Owned or Controlled: 58.09-1-6.1
Name and Address of All Adjacent Landowners:

NAME: A & D Ozbay
ADD: 516 Stanek Rd

NAME: G. & A. Lindell
ADD: 3000 Kirvin Lane

NAME: J & J. Druzba
ADD: 520 Stanek Rd

NAME: JBL Property Logic
ADD: 2999 Kirvin Lane

NAME: S. Dawson
ADD: 524 Stanek Rd

NAME: _____
ADD: _____

NAME: S. Johnson
ADD: 528 Stanek Rd

NAME: _____
ADD: _____

Describe Existing Use(s) on Proposed Site (Such as buildings, well, sewer drainfield and others): _____

Three Storage Buildings
Existing Zoning Classification: Agricultural

LEGAL INFORMATION

Please attach the deed to the proposed site (REQUIRED)

Width of Property Fronting on Public Road: 15.74' on Kirvin Lane 8.0' on Stanek

Section(s) of the zoning ordinance under which a variance is requested: 270-22

Purpose for the requested variance: Square-up Druzba property

Are there special circumstances such as lot size, slope, topography or necessary size or shape of the building, which prevent compliance with the zoning ordinance? If so, please explain:

Uncommon shape of parcel

Does any Town officer, employee or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application? Yes _____ No X _____. If yes, a statement disclosing the name, residence, nature and extent of this interest must be filed with this application.

PLEASE DISCUSS EACH OF THE FOLLOWING FIVE (5) CRITERIA WHICH FORM THE LEGAL BASIS FOR THE GRANTING OF A VARIANCE

Explain why you believe that your variance request will not create an undesirable change to the character of the neighborhood or be a detriment to nearby properties if it is granted.

No change to current occupancy or current use.

Can the benefit you seek by this variance request be achieved by some other means? If not, explain why there are no other alternatives.

6592 sq ft occupied by 520 Stanek Road owners for multiple decades - this proposal just retroactively straightens out ownership

Is your request a substantial variance from the ordinance? Please explain.

Reduction of lot size to 0.92 acre would not constitute a substantial decrease.

Why do you believe the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood? Please explain.

New owners of 0.92 acre parcel plan to renovate buildings & clean-up site.

Explain how the difficulty arose and why said difficulty was not self created (purchasing property without first checking the zoning restrictions and/or limitations is an example of a self-created hardship).

Square-up of Druzba parcel is logical & sale of 0.92 acre parcel to adjacent (JBL Property Logic) is also logical.

If you have any additional comments, please attach them on a separate sheet of paper.

PART III
LEGAL OWNER SIGNATURE
(Signature of legal owner(s))

I, the undersigned, swear or affirm under penalty of perjury that the above responses are made truthfully and to the best of my knowledge.

I further swear or affirm that I (we) (am)(are) the owner(s) of record of the area proposed for the previously identified land use action, or, if not the owner(s), attached herewith is written permission from the owner(s) authorizing my actions on his or her behalf.

Name: A. Dawson

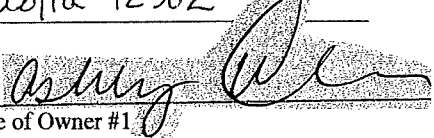
Date: 08.02.24

Address: 335 Mohawk Ave

Phone: 518 560 9139

Scotia 12302

Zip: _____

 **POA**

Date 08/02/2024

*#1 Signature of Owner #1

Date

Notary
*(For Signature #1 Above)

STATE OF NEW YORK) ss:
COUNTY OF SCHENECTADY)

SUBSCRIBED AND SWORN to me this _____ day of _____, 20__.

NOTARY SEAL

Notary Signature

Notary Public in and for the State of New York

My appointment expires: _____

XX

Name: _____

Date: _____

Address: _____

Phone: _____

Zip: _____

*#2 Signature of Owner #2

Date

Notary
*(For Signature #2 Above)

STATE OF NEW YORK) ss:
COUNTY OF SCHENECTADY)

SUBSCRIBED AND SWORN to me this _____ day of _____, 20__.

NOTARY SEAL

Notary Signature

Notary Public in and for the State of New York

My appointment expires: _____

Lands of Holy Cross Cemetery

S 65° 11' 20" E

728.88'

564.80'

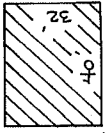
164.08'

20" W

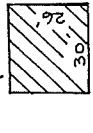
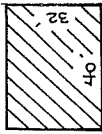
320.12'

Lands of JBL Property Logic, LLC
2999 Kevin Lane

AREA 40,104 sq.ft. or 0.92 acre



Storage Buildings



Lands of Dawson
244.97'

N 65° 11' 20" W

Lands of S. Johnson
528 Stanek Road

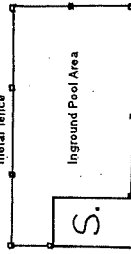
Lands of S. Dawson
524 Stanek Road

27.07'

AREA 6,592 sq.ft.

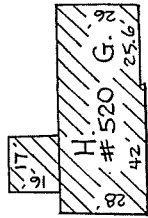
original lot line

N 63° 23' 30" W 156.00'



Lands of Druzba

AREA 33,751 sq.ft.



N 26° 36' 30" E 115.95'

100.40'

N 26° 36' 30" E 216.35'

S 26° 36' 30" W 248.57'

156'

N 63° 23' 30" W 164.00'

STANEK ROAD

Lands of Dawson

46,696 sqft
- 6,592

Lands of Druzba

33,751 sqft
+ 6,592

- 2) **Ely Vargas – 1609 Flower Road, Rotterdam, NY**, Tax Map #59.6-5-9 located in the General Business (B-2) 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.

SEQR Requirement: Type 2 Listed Action – 6NYCRR Part 617

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Town of Rotterdam
Zoning Board of Appeals
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PUBLIC WORKS

PART II
TOWN OF ROTTERDAM
General Information

All requested information shall be provided and must be filled out in ink or typed for photocopying purposes

Legal Owner's Name: Ely Vargas
 Mailing Address: 1609 Flower Rd
 City: Schenectady State: NY Zip: 12303
 Daytime Phone: 518-419-1974 E-mail: ely177@aol.com

If applicant is not the owner, include the written owner authorization form below designating the contact to serve as representative.

Owner's Designated Contact: same as above

Mailing Address: _____
 City: _____ State: _____ Zip: _____
 Daytime Phone: _____ E-mail: _____

Project/Proposal Site Area (Acres or sq. ft.): _____
 Assessor Tax Parcel No.(s) of Proposal Site: 59.6-5-9
 Street Address of Proposed Site (if any): 1609 Flower Rd

Adjacent Area Owned or Controlled (Acres or sq. ft.): _____
 Assessor Tax Parcel No.(s) of Adjacent Land Owned or Controlled: _____
 Name and Address of All Adjacent Landowners:

NAME: Shari Gordon
 ADD: 1614 Flower Rd.
Sch. dist. N.Y. 12303
518 441-9589

NAME: Janelle Bauer
 ADD: 1622 Flower Rd
Sch 12303

NAME: Howard Brown
 ADD: 1601 Flower Rd
518-355-4065

NAME: Kenn O'Sullivan
 ADD: 1618 Flower Rd
518-513-2880

NAME: Howard Brown
 ADD: 1753 Crane St
518-355-4065

NAME: _____
 ADD: _____

NAME: Jordan Vogt
 ADD: 1733 Crane St
Apt 2
518-727-9513

NAME: _____
 ADD: _____

Describe Existing Use(s) on Proposed Site (Such as buildings, well, sewer drainfield and others): _____

Existing Zoning Classification: empty with trees

LEGAL INFORMATION

Please attach the deed to the proposed site (REQUIRED)

Width of Property Fronting on Public Road: 11.7 yd

Section(s) of the zoning ordinance under which a variance is requested:

Purpose for the requested variance: to Put 6' Fences to have privacy for the children

Are there special circumstances such as lot size, slope, topography or necessary size or shape of the building, which prevent compliance with the zoning ordinance? If so, please explain:

the backyard is facing the front of the house

Does any Town officer, employee or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application? Yes _____ No . If yes, a statement disclosing the name, residence, nature and extent of this interest must be filed with this application.

PLEASE DISCUSS EACH OF THE FOLLOWING FIVE (5) CRITERIA WHICH FORM THE LEGAL BASIS FOR THE GRANTING OF A VARIANCE

Explain why you believe that your variance request will not create an undesirable change to the character of the neighborhood or be a detriment to nearby properties if it is granted.

This fence will provide needed privacy for a local daycare and will give the children a nice big yard to play in. The fence does not block any views from neighbors pulling out of their drive ways.

Can the benefit you seek by this variance request be achieved by some other means? If not, explain why there are no other alternatives.

The needed privacy can not be obtained with out using GFFCH fence. Installing GFFCH fence which is generally permitted will now allow optimal space for children.

Is your request a substantial variance from the ordinance? Please explain.

I would say it is not substantial as it will not block any sight from road or neighboring drive ways.

Why do you believe the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood? Please explain.

It is a very nice looking vinyl fence and does not block any site from drive ways.

Explain how the difficulty arose and why said difficulty was not self created (purchasing property without first checking the zoning restrictions and/or limitations is an example of a self-created hardship).

Home owner would like to have the proper privacy, security needed to provide a safe space for the children.

If you have any additional comments, please attach them on a separate sheet of paper.

**PART III
LEGAL OWNER SIGNATURE**
(Signature of legal owner(s))

I, the undersigned, swear or affirm under penalty of perjury that the above responses are made truthfully and to the best of my knowledge.

I further swear or affirm that I(we) (am)(are) the owner(s) of record of the area proposed for the previously identified land use action, or, if not the owner(s), attached herewith is written permission from the owner(s) authorizing my actions on his or her behalf.

Name: Ely Vargas Date: 8-6-24
Address: 1609 Flower Rd Phone: 518-416-1974
Schenectady NY 12303 Zip: 12303

Ely Vargas
*#1 Signature of Owner #1

8-6-24
Date

Notary
*(For Signature #1 Above)

STATE OF NEW YORK) ss:
COUNTY OF SCHENECTADY)

SUBSCRIBED AND SWORN to me this 6th day of August, 2024.

NOTARY SEAL
DONNA LEVASSEUR
Notary Public, State of New York
Certified Schenectady County
#01LE6388331
Commission Expires: 3-4-2027

[Signature]
Notary Signature

Notary Public in and for the State of New York

My appointment expires: 3-4-2027

XX

Name: _____

Date: _____

Address: _____

Phone: _____

Zip: _____

*#2 Signature of Owner #2

Date

Notary
*(For Signature #2 Above)

STATE OF NEW YORK) ss:
COUNTY OF SCHENECTADY)

SUBSCRIBED AND SWORN to me this _____ day of _____, 20____.

NOTARY SEAL

Notary Signature
Notary Public in and for the State of New York

My appointment expires: _____

TOWN OF ROTTERDAM



John F. Kirvin Government Center • 1100 Sunrise Boulevard • Rotterdam, NY 12306
Telephone: 518-355-7575 • Fax: 518-355-7976 • Website: www.rotterdamny.org

LETTER FROM PROPERTY OWNER GRANTING AUTHORIZATION TO ACT

A COPY OF THIS LETTER MUST BE SUBMITTED FOR EACH PROPERTY OWNER
INVOLVED

I, Ely Vargas, being duly sworn declare that I am the
(PROPERTY OWNER)

owner of the property involved in a proposed 1609 Flower Rd application request
before the Town of Rotterdam for property known as parcel number (s):

Tax Parcel Number(s): 59.6-5-9

I hereby grant James Butler and/or their agent(s) to act on my behalf.

I further declare that all statements, answers, and information herein submitted is in all respects
true and correct to the best of my knowledge and belief.

Signature (Authorized Representative): Ely Vargas

Date: 8-6-24

NOTARY

STATE OF NEW YORK) ss:
COUNTY OF Schenectady)

SUBSCRIBED AND SWORN to before me this 6 day of August, 2024

NOTARY SEAL

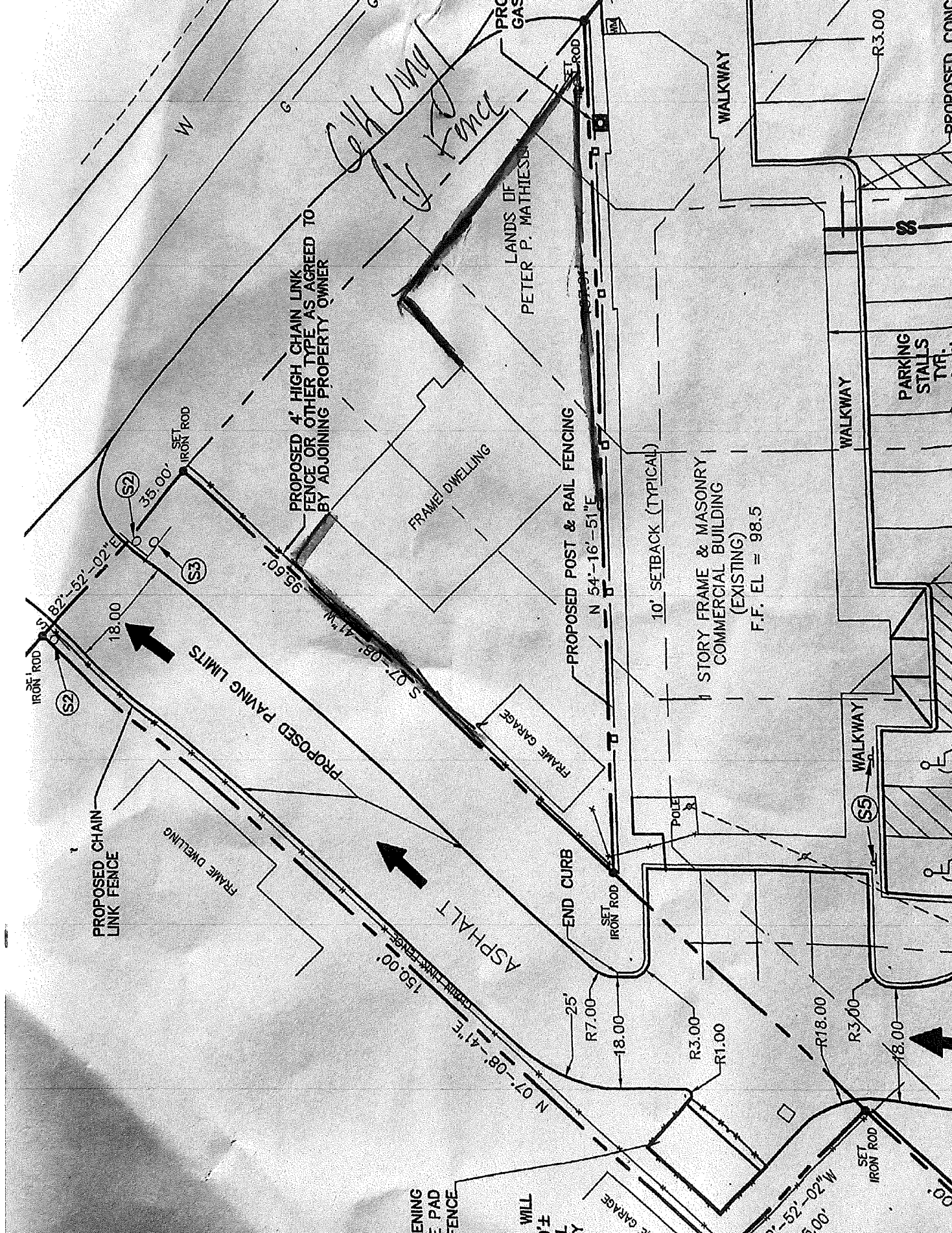
[Signature]
Notary Signature

DONNA LEVASSEUR
Notary Public, State of New York
Certified Schenectady County
#01LE6388331
Commission Expires: 3-4-2027

Notary Public in and for the State of New York

Residing at: 1100 Sunrise Blvd, Schenectady 12306

My appointment expires: 3-4-2027



S.H. Ling & Co. Fence

PROPOSED 4' HIGH CHAIN LINK FENCE OR OTHER TYPE AS AGREED TO BY ADJOINING PROPERTY OWNER

PROPOSED GAS METER

LANDS OF PETER P. MATHESON

FRAME DWELLING

PROPOSED POST & RAIL FENCING

STORY FRAME & MASONRY COMMERCIAL BUILDING (EXISTING)

F.F. EL = 98.5

PROPOSED CHAIN LINK FENCE

PROPOSED PAVING LIMITS

ASPHALT

FRAME GARAGE

END CURB

POLE

WALKWAY

PARKING STALLS TYP. 9'x18'

PROPOSED CONC. CURB

SCREENING CONCRETE PAD MADE FENCE

WALKWAY

FRAME GARAGE

WALKWAY

WALKWAY

WALKWAY