

**Town of Rotterdam
Zoning Board of Appeals Meeting
Summary Meeting Minutes
April 19, 2023**

A meeting of the Town of Rotterdam Zoning Board of Appeals was held Wednesday, April 19, 2023 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 Alex Stramenga Craig Serafini Alex Davis for Stephanie DiLallo-Bitter, ZBA Attorney Peter Comenzo, Sr. Planner Lisa Gallo, Secretary	Excused: Bruce Bonacquist
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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.

1. **Michael and Catherine McGuire – 2917 Hamburg Street, Rotterdam, NY**, Tax Map #59.19-1-4.1 located in the Retail Business (B-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 270-59 entitled “Lot Area,” which states that the minimum lot area required for each principal use is 15,000 square feet, with a minimum lot width of 100 feet. The applicant would like to subdivide an existing ±29,516 square foot parcel with two (2) existing single-family homes into two (2) lots. The variances are as follows:

2917 Hamburg Street (Proposed Lot #1 w/ existing residence)

	<i>Required</i>	<i>Existing</i>	<i>Proposed</i>	<i>Variance</i>
Lot Area	15,000 s.f.	29,516 s.f.	14,941 s.f.	59 s.f.
Lot Width	100 feet	106.66 feet	86.66 feet	13.34 feet

Hamburg Street (Proposed Lot #2 w/existing residence)

	<i>Required</i>	<i>Existing</i>	<i>Proposed</i>	<i>Variance</i>
Lot Area	15,000 s.f.	N/A	14,575 s.f.	425 s.f.
Lot Width	100 feet	N/A	20 feet	80 feet

- a. **Catherine McGuire representing this application.**

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

Mrs. McGuire explained the property at 2917 Hamburg Street is just short of 30,000 square feet. When NYSDOT upgraded the sidewalks, they lost some of the property. There are two (2) existing houses on one (1) property and she was told they do not conform to the current zoning. They decided to separate into two (2) lots so that each house is located on a separate lot. Three quarters (3/4) of the property is zoned Retail Business and the back is zoned Single Family Residential. It was surveyed. There are two (2) existing curb cuts onto the newly reconstructed Hamburg Street. Mrs. McGuire stated that she needs two (2) variances for each lot. Hamburg Street is mostly commercial. The property is located next to the St. Peter’s rehabilitation center and on the other side is a residential lot. The subdivision will not change much in the area. Now it is non-compliant and I am trying make it more compliant. She does not feel they are substantial variances. The property next door has 58’ of frontage. Not much is going to change in this mixed commercial and residential area. The buildings are existing. She does not know what they are going to do with the one house on Lot 2 as it is in poor shape, although it has potential. It is already there.

- 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 with a note to adjust the northern lot line to encompass the access drive on Lot 2. This has been reflected on the map presented to the Board.

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

Mr. Melillo does not have questions as Mrs. McGuire did an excellent job and has explained the situation. Lot 2 has a long driveway and he requested either a hammer-head or a turn around so whoever owns that lot does not have to back down that driveway.

Mr. Stramenga also did not have any questions. He spoke to Mrs. McGuire today and does not see any issues with granting the variance requested.

Chairman Eats stated he spoke to Mrs. McGuire a couple days ago and they discussed the criteria.

Mr. Comenzo explained if the variances are granted, the next step would be to go back to the Planning Commission. The Planning Commission will require that both properties be hooked to sewer.

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. Melillo

i. **Approved unanimously:**

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

Member of the Energy Committee for the Town of Rotterdam had questions on how this Board works. She wanted to know who grants Special Use Permits. Mr. Comenzo explained the process and that it is the Planning Commission that issues Special Use Permits in the Town of Rotterdam.



Town of Rotterdam
Zoning Board of Appeals

Philip Eats, Chairman
Peter J. Comenzo, Senior Planner

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RESOLUTION NUMBER ZBA4-2023
Moved by Mr. Stramenga, Seconded by Mr. Melillo
Applicant(s): Starlight Development/Larry Martinelli

Applicant(s): Michael and Catherine McGuire
Project Location: 2917 Hamburg Street
Tax Number or Numbers: 59.19-1-4.1
Zoning: Single Family Residential (R-1) and Retail Business (B-1) Zoning Districts
Proposed Project: The applicant would like to subdivide an existing ±29,516 square foot parcel with two (2) existing single-family homes into two (2) lots.

WHEREAS, petitioners respectfully request that they be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-59 entitled "Lot Area," which states that the minimum lot area required for each principal use is 15,000 square feet, with a minimum lot width of 100 feet;" and,

WHEREAS, the applicant would like to subdivide an existing ±29,516 square foot parcel with two (2) existing single-family homes into two (2) lots; and,

WHEREAS, the variances are as follows:

2917 Hamburg Street (Proposed Lot #1 w/ existing residence)

	<i>Required</i>	<i>Existing</i>	<i>Proposed</i>	<i>Variance</i>
Lot Area	15,000 s.f.	29,516 s.f.	14,941 s.f.	59 s.f.
Lot Width	100 feet	106.66 feet	86.66 feet	13.34 feet

Hamburg Street (Proposed Lot #2 w/existing residence)

	<i>Required</i>	<i>Existing</i>	<i>Proposed</i>	<i>Variance</i>
Lot Area	15,000 s.f.	N/A	14,575 s.f.	425 s.f.
Lot Width	100 feet	N/A	20 feet	80 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,

RESOLUTION NUMBER ZBA4-2023

Applicant: Michael and Catherine McGuire

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WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, April 13, 2023 announcing that a public hearing was to take place Wednesday, April 19, 2023 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 April 13, 2023 to consider the above referenced variance request; and,

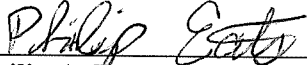
WHEREAS, pursuant to a Memorandum of Understanding dated April 2011 with the Schenectady County Department of Planning and Economic Development this project is not exempt from review, **NOW**,

WHEREAS, Schenectady County Department of Planning and Economic Development deferred to local consideration with a note to adjust the northern lot line to encompass the access drive on Lot 2 which has been amended on the plan; and,

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 April 19, 2023 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: 8:05 PM
Motion to adjourn: Mr. Stramenga
Seconded: Mr. Serafini
Approved unanimously

Next meeting: May 17, 2023

Respectfully Submitted,
Lisa R. Gallo