

**TOWN OF ROTTERDAM
ZONING BOARD OF APPEALS
July 17, 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) **Lucille Pallotta – 3009 Kirvin Lane, Rotterdam, NY, Tax Map #57.8-4-10** 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)** states that a fence cannot exceed six feet in a side or rear yard. The applicant would like to install an eight (8) foot high solid fence in the rear yard, which would require a variance of two (2) feet. The rear property line abuts the NYS Thruway
- 2) **Dennis Kimball – 540 Alexander Avenue, Rotterdam, NY, Tax Map #13.17-2-11** located in the Single Family Residential (R-1) Zoning District. Petitioner respectfully requests that he 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. The property is a corner lot.

- 1) **Lucille Pallotta – 3009 Kirvin Lane, Rotterdam, NY, Tax Map #57.8-4-10** 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)** states that a fence cannot exceed six feet in a side or rear yard. The applicant would like to install an eight (8) foot high solid fence in the rear yard, which would require a variance of two (2) feet. The rear property line abuts the NYS Thruway

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

County 239-m Requirement: County review is required.

RECEIVED

JUN 21 2024

Town of Rotterdam
Zoning Board of Appeals
AREA VARIANCE APPLICATION

TOWN OF ROTTERDAM
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: Lucille Elizabeth Pallotta

Mailing Address: 3009 Kirvin Lane

City: Rotterdam State: NY Zip: 12306

Daytime Phone: 518 357-3997 E-mail: pallottle@ymail.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: _____

Mailing Address: 3009 Kirvin Lane

City: Schenectady State: NY Zip: 12306

Daytime Phone: 357-3997 E-mail: _____

Project/Proposal Site Area (Acres or sq. ft.): .25 acres

Assessor Tax Parcel No.(s) of Proposal Site: 42800-57.8.4-10 (lot 30)

Street Address of Proposed Site (if any): 3009 Kirvin Lane Rotterdam, NY 12306

Adjacent Area Owned or Controlled (Acres or sq. ft.): .5 acres

Assessor Tax Parcel No.(s) of Adjacent Land Owned or Controlled: 42800-57.8.4-9

Name and Address of All Adjacent Landowners: 42800-57.8.4-11

NAME: Nicholas Mueller NAME: _____

ADD: 3007 Kirvin Lane ADD: _____

Rotterdam, NY 12306

NAME: Marie D'Errico NAME: _____

ADD: 3011 Kirvin Lane ADD: _____

Rotterdam, NY 12306

NAME: _____ NAME: _____

ADD: _____ ADD: _____

NAME: _____ NAME: _____

ADD: _____ ADD: _____

NAME: _____ NAME: _____

ADD: _____ ADD: _____

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

one-family residence
Existing Zoning Classification: residential

LEGAL INFORMATION

Please attach the deed to the proposed site (REQUIRED)

Width of Property Fronting on Public Road: 92 feet

Section(s) of the zoning ordinance under which a variance is requested:
§ 270-143 Fences - sections (1) and (3)

Purpose for the requested variance: I wish to replace my existing 6' fence with one that is eight feet high to reduce the noise from the thruway, which borders my 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:
The proposed fence is two feet higher (8') than the height (six feet) specified in the ordinance.

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.

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.

The proposed fence will improve the character of the neighborhood because the additional two feet in height will reduce the noise from the bordering thruways.

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

Theoretically yes. The Thruway could significantly reduce the noise from the traffic by building a wall like the one in the Albany area. However I have been told by thruway officials that they cannot meet the demand for such walls.

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

I do not believe my request is a substantial variance. I am only asking to replace a 6' fence with one that is two feet higher.

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.

On the contrary the new fence should have a positive effect on the neighborhood. Its appearance will be better and it will reduce the level of noise from the thruways.

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).

When I bought the house in 2019 trees on the side of the Thruway provided a visual as well as a sound barrier. These trees were diseased and consequently removed in 2022 by the Thruway Authority.

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: Lucille Pallotta Date: 6/21/24
Address: 3009 Kirrin Lane Phone: 518 357 3997
Rotterdam NY 12306 Zip: 12306
Lucille Pallotta 6/21/24
*#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 21 day of June, 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)

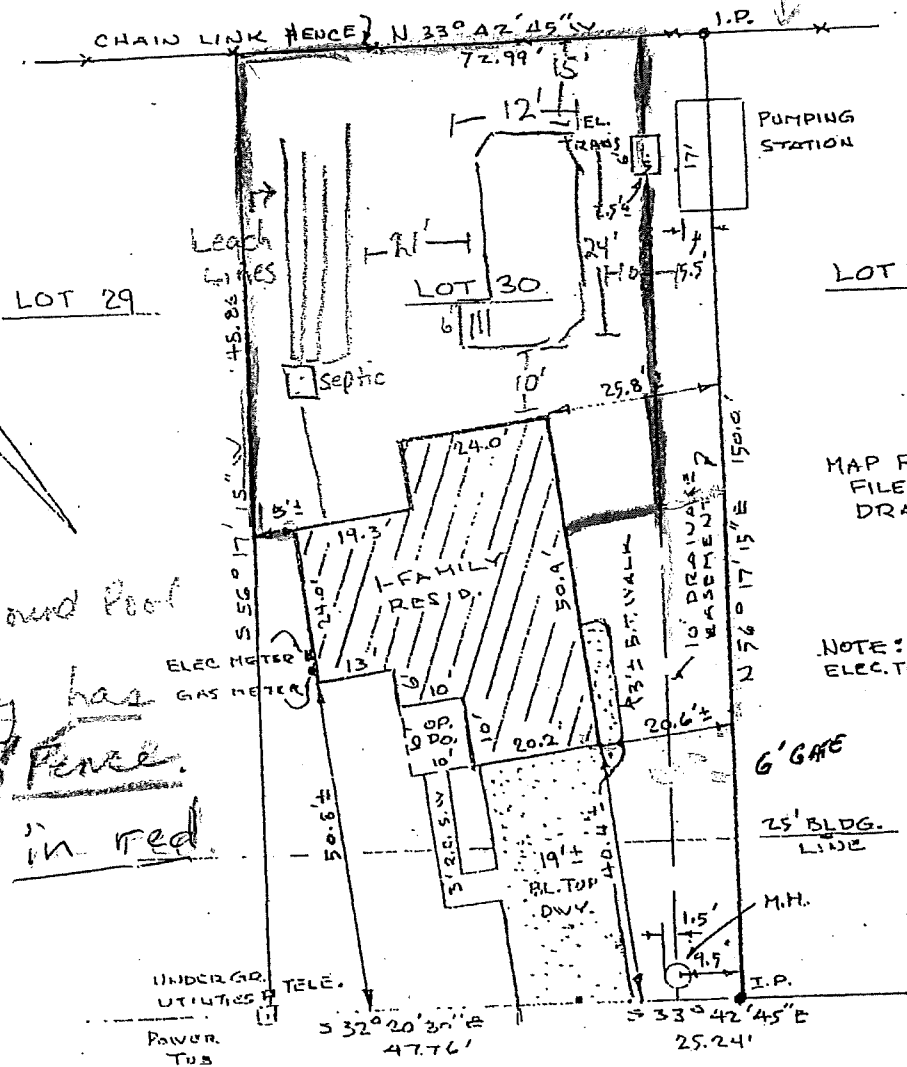
SUBSCRIBED AND SWORN to me this _____ day of _____, 20____.

NOTARY SEAL

Notary Signature
Notary Public in and for the State of New York
My appointment expires: _____

Survey of 3009 Kirvin Lane, Rotterdam, NY
 Owner: Lucille Palotta 12306

NEW YORK STATE THRUWAY



* 12x24 Inground Pool
 * H3 Already has existing 6' Fence.
 Indicated in red.

MAP REF.: DATED JUN. 15, 1970
 FILED MAR. 9, 1971
 DRAWER 66 MAP 136

NOTE: POSSIBLE ENCROACHMENT:
 ELEC. TRANS. AND MANHOLE.

KIRVIN LANE (STANECK RD.) RECEIVED
 (R.O.W. 60' PWT. 26' ±)

JUN 21 1986

TOWN OF ROTTERDAM
 PUBLIC WORKS

CERTIFICATION AND SURVEY UPDATE AUG. 30, 1986
 I HEREBY CERTIFY TO THE FOLLOWING THAT
 THIS MAP AND THE ACTUAL SURVEY ON WHICH
 IT WAS BASED WERE MADE BY ME OR UNDER
 MY DIRECTION.
 THE SCHENECTADY TRUST COMPANY, AND
 KENNETH D. BURDITT AND MARY ELIZABETH
 BURDITT.

PLOT PLAN AND SURVEY
 LOT NO. 30
 AS SHOWN ON A
 "MAP OF ANTONIA HILLS"
 TOWN OF ROTTERDAM
 SCHENECTADY CO., N.Y.
 SCALE 1" = 30' JULY 8, 1986

NYSLS 26498

- 2) **Dennis Kimball – 540 Alexander Avenue, Rotterdam, NY**, Tax Map #13.17-2-11 located in the Single Family Residential (R-1) Zoning District. Petitioner respectfully requests that he 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. The property is a corner lot.

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

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



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: Dennis Kimball

Mailing Address: 540 Alexander Ave

City: Rotterdam NY State: NY Zip: 12156

Daytime Phone: 518-603-1846 E-mail: DDKimball@gmail.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: Same as above

City: _____ State: _____ Zip: _____

Daytime Phone: _____ E-mail: _____

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 JUN 26 2024

Project/Proposal Site Area (Acres or sq. ft.): _____

Assessor Tax Parcel No.(s) of Proposal Site: 13.17-2-11

Street Address of Proposed Site (if any): _____

TOWN OF ROTTERDAM
 PUBLIC WORKS

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: Douglas Neiman
 ADD: 6 Riverview Drive

NAME: Carol Perone
 ADD: 536 Alexander

NAME: John Humphrey
 ADD: 610 Alexander

NAME: Charles Ross
 ADD: 5 Riverview

NAME: _____
 ADD: _____

NAME: _____
 ADD: _____

NAME: _____
 ADD: _____

NAME: _____
 ADD: _____

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

Existing Zoning Classification: _____

LEGAL INFORMATION

Please attach the deed to the proposed site (REQUIRED)

Width of Property Fronting on Public Road: _____

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

Purpose for the requested variance: 677 Fence corner lot
for SAFETY of MOTHER in LAW

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:

corner lot

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.

Fence on Riversid on empty lot
This is to keep my 86 year old mother in law
from wandering away Replaced fence from
POST & RAIL TO 6 FT WOOD.

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 TOWN SAYS I need this
FOR SAFETY OF MOTHER IN LAW

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

Rotterdam is saying THAT SEPARATE
lot from 540 Alexander Ave. is
part of the front yard of Home
when in fact it is a separate building
lot on Riverside

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 DOES NOT HAMPER VISIBILITY OF
TRAFFIC on corner of Alexander Ave
& Riverside

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).

NOT informed by fence co. I needed
Permit

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: Deppis Kimbani Date: 6-26-24
Address: 540 ALEXANDER Phone: 518-603-1846
AVE ROTTERDAM JCT NY Zip: 12150

Deppis Kimbani 6-26-24
*#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 26 day of June, 2024.

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

Donna Levasseur
Notary Signature
Notary Public in and for the State of New York
My appointment expires: 3-4-2027

XX

Name: _____ Date: _____
Address: _____ Phone: _____
_____ Zip: _____

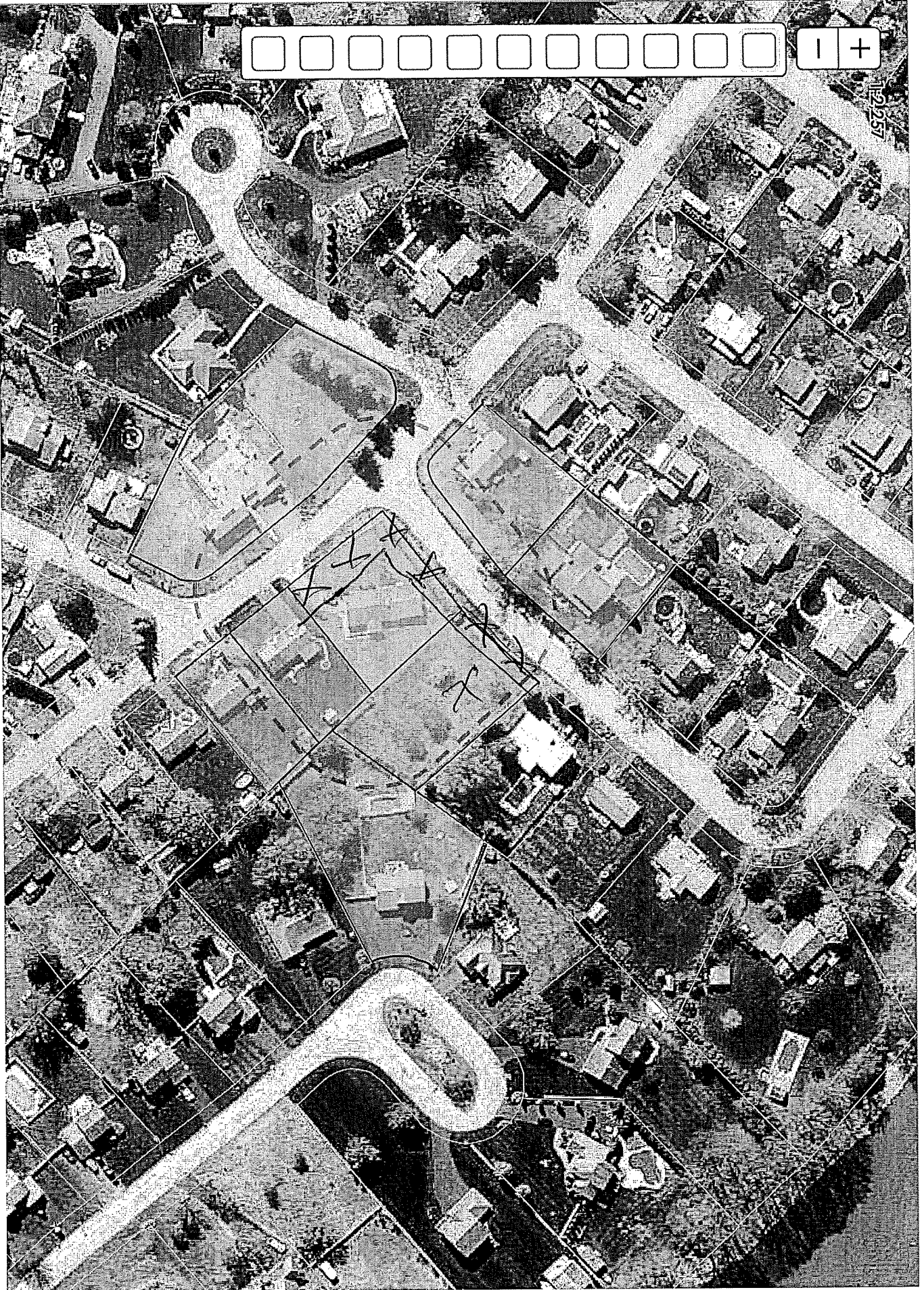
*#2 Signature of Owner #2 Date

Notary
*(For Signature #2 Above)

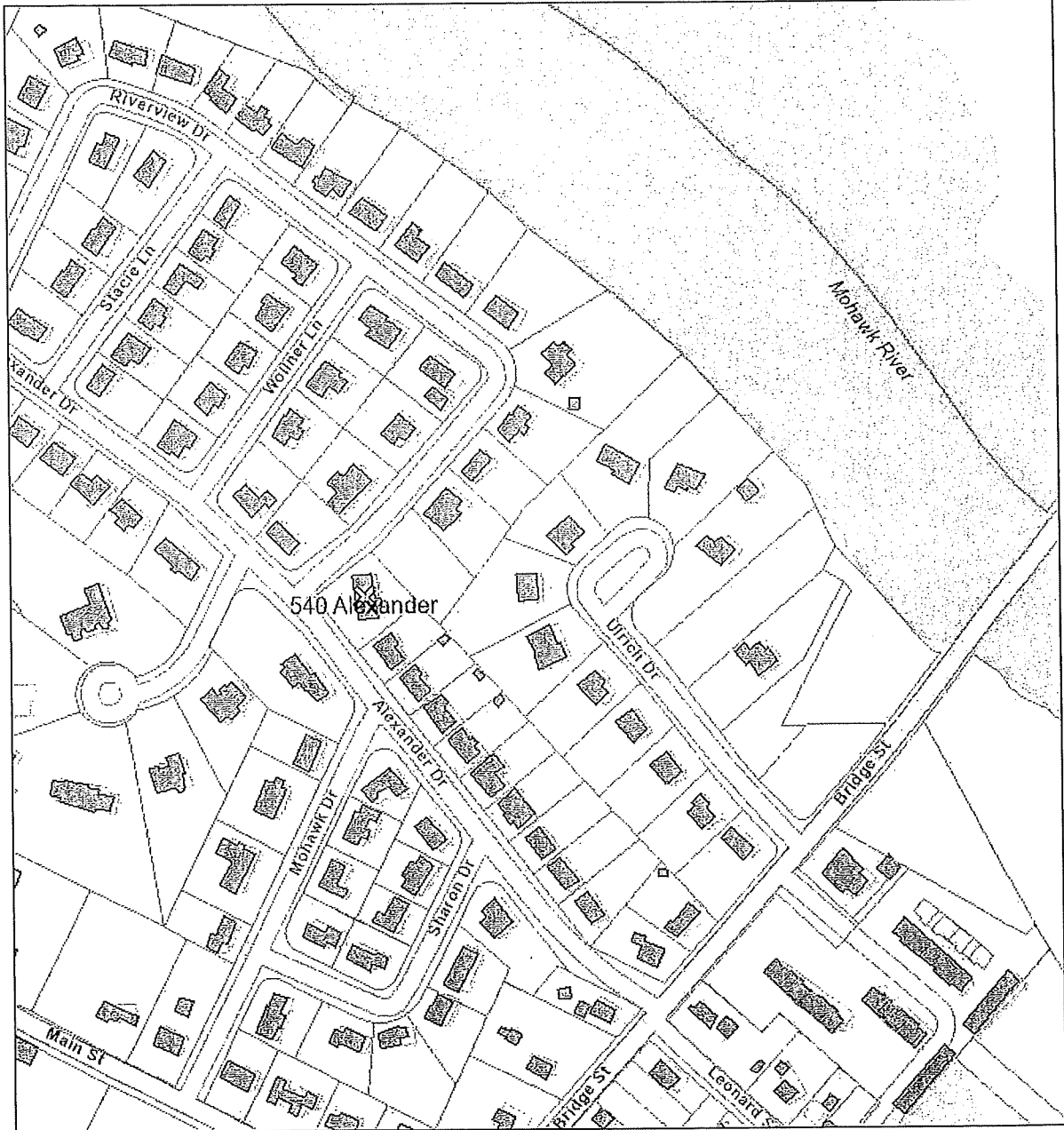
STATE OF NEW YORK) ss:
COUNTY OF SCHENECTADY)

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: _____

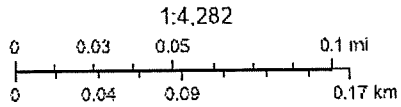


540 Alexander - Dennis Kimball



June 26, 2024

-  Override 1
-  Parcels
-  Building Footprints



Sources: Esri, TomTom, Garmin, FRC, NOAA, USGS © OpenStreetMap contributors, and the GIS User Community

No Author
This map and information is provided as is. We make no warranties or guarantees, expressed or implied.



COPY

Town of Rotterdam
Assessors Office

RECEIVED

JUN 27 2018

TOWN OF ROTTERDAM
ASSESSORS OFFICE

Request to Combine Properties

Property ownership must be the same for all parcels

Dennis C. Kimball, individually and severally hereby depose and swear that I/we am/are all the owners of 540 Alexander Ave Rotterdam CT otherwise designated respectively as S.B.L. numbers 13-17-2-11 / 13-17-2-10, located in the Town of Rotterdam, New York, and that I/we do hereby request that the Assessor for the Town of Rotterdam hereby merge and combine the above parcels into a single parcel with a single S.B.L. number, and that I have been advised that such a merger and combination may impact and restrict my future rights, if any so exist, to divide or sell the above referenced S.B.L. numbers separately without first applying to the appropriate governmental entities, and I have had full and ample opportunity to explore such consequences and with full knowledge or opportunity to acquire such knowledge have made a decision to go forth with said request for merger and combination.



Date 6-27-24

Signature(s) Dennis C. Kimball

Print name(s) Dennis C. Kimball

Phone # (518) 603-1846