

Town of Rotterdam
Zoning Board of Appeals
Summary Meeting Minutes April 20, 2022

A regular meeting of the Town of Rotterdam Zoning Board of Appeals was held Wednesday, April 20, 2022 at 7:30 p.m. at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York.

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

1. Matthew and Nicole Ostrander – 505 Viewpointe Drive, Rotterdam, NY, Tax Map #58.13-1-37 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 270-216 entitled “Yard and Property Line Requirements.” **Chapter 270-216(A)(2)** “In-ground pools: not less than 10 feet from side and rear property lines.” The applicant is seeking to install an in-ground pool within six (6) feet of the rear property line, which would require a variance of four (4) feet.

a. Rachel Ward, attorney for Matthew & Nicole Ostrander representing this application.

Mr. Ostrander submitted letters from all adjacent neighbors stating they did not have any issues concerning the installation of a pool on the Ostrander’s property.

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

Ms. Ward explained that no one will see the pool. There will be a fence installed. The property is oddly shaped. It is the only place to install the pool. It is not substantial. There will not be any adverse effect. The owners purchased the property with a pre-existing fence which was farther back than their property line. There was a garden on the property in that area. The owners have since purchased a portion of the property from the previous neighbor. It was the resolution for an adverse possession lawsuit.

Mr. Ostrander stated his daughters love to swim and they love water sports. They are all looking forward to having the pool.

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 spoke to the owners. He has no problem with the granting of this variance.

Chairman Eats spoke to the owner and the owner explained the situation about going to court about the property and the installation of the pool. The pool will be six feet (6’) from the fence which is on the new property line.

Stephanie DiLallo Bitter asked if the boundary line adjustment has been completed. Ms. Ward stated it was completed in December of 2020.

e. No Public Hearing Comments.

f. This project is classified as a Type 2 Listed Action under SEQR.

g. Motion to APPROVE the variances: Mr. Stramenga

h. Seconded: Me. Melillo

i. Approved unanimously:

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

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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 ZBA8-2022
Moved by Mr. Stramenga, Seconded by Mr. Melillo
Applicant(s): Matthew & Nicole Ostrander

Applicant(s): Matthew and Nicole Ostrander

Project Location: 505 Viewpointe Drive
Rotterdam, NY

Tax Number or Numbers: 58.13-1-37

Zoning: Agricultural (A-1) Zoning District

Proposed Project: The applicant is seeking to install an in-ground pool within six (6) feet of the rear property line.

WHEREAS, petitioner respectfully requests that they be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-216 entitled "Yard and Property Line Requirements;" and,

WHEREAS, Chapter 270-216(A)(2) "In-ground pools: not less than 10 feet from side and rear property lines; and,

WHEREAS, the applicant is seeking to install an in-ground pool within six (6) feet of the rear property line, which would require a variance of four (4) feet; and,

WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on April 20, 2022 to consider the above referenced variance request; and,

WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, April 14, 2022 announcing that a public hearing was to take place Wednesday, April 20, 2022 at 7:30 p.m. to consider the variance requests; and,

RESOLUTION NUMBER ZBA8-2022


Applicant(s): 505 Viewpointe Drive

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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 20, 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**

2. **Kimberly and Justin Shanno – 2191 Putnam Road, Rotterdam, NY**, Tax Map #37.00-2-9.1 located in the Agriculture (A-1) Zoning District. Petitioners respectfully request that they be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-138 entitled “Accessory Structures and Uses.” and Chapter 270-15 entitled “Accessory uses, buildings, and structures.” The applicant wishes to place a 30’ x 40’ pole barn on the property with an attached 10’ x 40’ lean-to. The variance request(s) are as follows: **Chapter 270-138(c)** “Lot Coverage” 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 2,645 square feet which would allow an accessory structure of 396 square feet. The proposed detached accessory structure, including the lean-to area will create an accessory structure that is 1,600 square feet, which is 1,204 square feet over the allowed size of 396 square feet. **Chapter 270-138(b)(2)** states: “No detached accessory structure shall be located in the front yard of any lot.” The proposed pole barn with lean-to is proposed to be located in the front yard. **Chapter 270-15(b)** states that no accessory building or structures shall exceed 14 feet in height. The proposed pole barn is eighteen (18) feet in height, which would require a variance of four (4) feet.

a. **Kim & Justin Shanno of 2191 Putnam Road representing this application.**

Mr. Shanno passed out detailed answers to the five (5) criteria.

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

Mrs. Shanno stated they need more storage. The current garage is too small. Her husband wants a John Deere tractor and there is no place to store it. They are zoned Agricultural and have three and a half acres (3 ½) of property. It will not affect the environment. The original plan was to build a full garage but the price was too high. Mrs. Shanno stated they are going to have it built by the Amish which was half the price. Mr. Shanno stated explained the siding will match the house. He said Peter explained the front yard and an accessory structure needing a variance to be placed in the front yard. There is no other location for it as their well is on the left side of the driveway and behind that is the propane tank.

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. Stramenga visited the property. He stated if that is what is going to make them happy, he wants to make them happy. It makes sense.

Mr. Melillo asked if they were opposed to cutting down any more trees and if they were willing to leave the rest of them as a buffer. Mr. Shanno stated he does not want to cut down any more trees and agreed if they wanted to make it a condition of approval.

Chairman Eats stated that applicants had spoke to Peter about the front yard and they were willing to move the structure back so as not to be further towards the road.

h. No Public Hearing Comments.

i. This project is classified as a Type 2 Listed Action under SEQR.

j. Motion to APPROVE the variances with the following condition:

1. The existing vegetation between the roadway and the structure shall remain.

Mr. Serafini

h. Seconded:

Mr. Stramenga

j. Approved unanimously:

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

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Town of Rotterdam
Zoning Board of Appeals

Philip Eats, Chairman
Peter J. Comenzo, Senior Planner

Telephone (518) 355-7575 Ext. 338
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RESOLUTION NUMBER ZBA9-2022
Moved by Mr. Serafini, Seconded by Mr. Stramenga
Applicant(s): Kimberly and Justin Shanno

Applicant(s): Kimberly and Justin Shanno

Project Location: 2191 Putnam Road
Rotterdam, NY

Tax Number or Numbers: 37.00-2-9.1

Zoning: Agricultural (A-1) Zoning District

Proposed Project: The applicant wishes to place a 30' x 40' pole barn on the property with an attached 10' x 40' lean-to.

WHEREAS, petitioners respectfully request that they be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-138 entitled "Accessory Structures and Uses." and Chapter 270-15 entitled "Accessory uses, buildings, and structures;" and,

WHEREAS, Chapter 270-138(c) "Lot Coverage" 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 existing residential structure is 2,645 square feet which would allow an accessory structure of 396 square feet; and,

WHEREAS, the proposed detached accessory structure, including the lean-to area will create an accessory structure that is 1,600 square feet, which is 1,204 square feet over the allowed size of 396 square feet; and,

WHEREAS, Chapter 270-138(b)(2) states: "No detached accessory structure shall be located in the front yard of any lot; and,

WHEREAS, the proposed pole barn with lean-to is proposed to be located in the front yard; and,

WHEREAS, Chapter 270-15(b) states that no accessory building or structures shall exceed 14 feet in height; and,

RESOLUTION NUMBER ZBA9-2022
Applicant(s): Kimberly and Justin Shanno
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WHEREAS, the proposed pole barn is eighteen (18) feet in height, which would require a variance of four (4) feet; and,

WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on April 20, 2022 to consider the above referenced variance request; and,

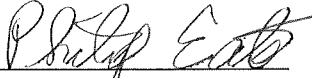
WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, April 14, 2022 announcing that a public hearing was to take place Wednesday, April 20, 2022 at 7:30 p.m. to consider the variance requests; and,

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 20, 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 with the following condition:

1. The existing vegetation between the roadway and the structure shall remain.

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: 7:55 PM
Motion to adjourn: Mr. Stramenga
Seconded: Mr. Serafini
Approved unanimously

Next meeting: May 18, 2022

Respectfully Submitted, Lisa Gallo