

**Town of Rotterdam
Zoning Board of Appeals Meeting
Summary Meeting Minutes
September 21, 2022**

A meeting of the Town of Rotterdam Zoning Board of Appeals was held Wednesday, September 21, 2022 at 7:30 p.m. at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York.

Present:	Philip Eats, Chairman	Excused: Craig Serafini
	Angelo Melillo, Vice Chairman	
	Bruce Bonacquist	
	Alex Stramenga	
	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
September 21, 2022**

1) **Peek Property Management, LLC – 580 Consalus Avenue, Rotterdam, NY**, Tax Map #59.5-8-12.31, 59.5-8-12.13, 59.5-8-19 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 270-79 entitled “Yard requirements.” The applicant wishes to construct a 50’ x 60’ 3,000 square foot garage at the rear of the property. The variance request(s) are as follows: **Chapter 270-79** states that all yards shall be not less than 25 feet. The applicant is seeking to construct the garage within 5 feet of the rear and side property lines which would require a variance of 20 feet.

a. **Tim & Lori Peek of 580 Consalus Avenue representing this application.**

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

Mr. Peek stated that the garage will be out of sight. It is in the back of the property. The railroad is behind the property. It is zoned light industrial. They are locating it five feet (5’) from the property line to stay away from the old Town brush dump. Test pits were completed. It is solid ground where it is being placed. It’s a 20’ variance. There are woods on the other side. The Donadio property next door slopes down. Mr. Peek stated that does not believe it is substantial. It was the request of the Town Engineer on the placement. There will not be any environmental impacts. It will be neat. There are trains that go behind the building so this is minimal to that. The pitch of the roof will drain on their property. We didn’t realize the zoning restraints. The Town Engineer recommended the placement of the building as far away from the edge of the former brush dump as possible.

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 stated this is in the industrial zone. The applicants own other properties in the area and they are well kept. He does not feel it can be achieved by other means. It is a substantial variance. This is mitigated by the property having railroad tracks behind and the Town Engineer recommending the location for placement of the building.

Chairman Eats reviewed the criteria with their son.

Mr. Comenzo met on site with the applicant and observed test holes that were dug to determine the edge of the former brush dump. There has been substantial fill brought onto the property prior to the purchase of the property by the current owner. The location of the building to the eastern edge of the property makes sense as the closure plan indicates the potential for brush fill in the western portion of the lot.

- 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	

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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 ZBA21-2022
Moved by Mr. Bonacquist, Seconded by Mr. Stramenga
Applicant(s): Peek Property Management, LLC

Applicant(s): Peek Property Management, LLC

Project Location: 580 Consalus Avenue

Tax Number or Numbers: 59.5-8-12.31 (580 Consalus Avenue), 58.5-8-12.13 (Consalus Avenue) & 59.5-8-19 (Consalus Avenue) **TO BE COMBINED INTO ONE PARCEL**

Zoning: Light Industrial (I-1) Zoning District

Proposed Project: The applicant wishes to construct a 50' x 60' 3,000 square foot garage at the rear of the property.

WHEREAS, petitioners respectfully request that they be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-79 entitled "Yard requirements;" and,

WHEREAS, the applicant wishes to construct a 50' x 60' 3,000 square foot garage at the rear of the property; and,

WHEREAS, **Chapter 270-79** states that all yards shall be not less than 25 feet; and,

WHEREAS, the applicant is seeking to construct the garage within 5 feet of the rear and side property lines which would require a variance of 20 feet; and,

WHEREAS, this project is classified as a Type II Action under SEQR because pursuant to 6NYCRR Part 617.5(c)(9) this is construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and as a result is therefore exempt from SEQR; and,

WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, September 15, 2022 announcing that a public hearing was to take place Wednesday, September 21, 2022 at 7:30 p.m. to consider the variance requests; and,

RESOLUTION NUMBER ZBA21-2022
Applicant: Peek Property Management, LLC
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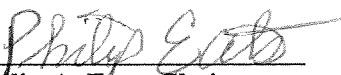
WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on September 21, 2022 to consider the above referenced variance request; and,

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 September 21, 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 September 21, 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
September 21, 2022**

- 2) **John and Maryellen Evertsen – 1735 Tower Street, Rotterdam, NY**, Tax Map #59.9-7-9.1 located in the Single Family Residential (R-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.” The applicant wishes to construct a 20’ x 24’ detached garage with a height of 18 feet. The variance request(s) are as follows: **Chapter 270-138(c)**: “Lot Coverage” states with respect to private garages, states that “No accessory garages shall exceed a maximum height of 15 feet in all existing zoning districts.” The proposed detached garage is 18 feet in size which would require a variance of 3 feet.

a. John Evertsen of 1735 Tower Street representing this application.

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

Mr. Evertsen explained that he has resided at the location for 46 years. They have been renovating over the years and now is the time to construct a garage. The garage is 20’ X 24’. The height allowed is 15’ and our height will be 18’. It won’t stand out and their Cape Cod house has a height of 24’ and the addition has a height of 22’. On the corner is a Trustco Bank and there is an apartment building. Neidhammer owns the rest of the lots. Our house is the only one that has green space. It won’t be an undesirable change to the character of the neighborhood. Mr. Evertsen submitted two (2) pictures of the property. It won’t look out of place. He needs the storage space. Aesthetically it will fit. I created it so it is self-created.

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. Melillo stated he answered the questions to his satisfaction.

Mr. Stramenga stated that he visited the property and spoke to Mr. Evertsen’s wife.

Chairman Eats spoke to the applicant and reviewed the criteria. Mrs. Neidhammer, the neighbor, wasn’t home. Chairman Eats asked if the neighbor knew of the variance request. Mr. Evertsen stated she is aware and has no objections. She will not be looking at a car in the driveway because it will be in the garage. He has been mowing her lawn for over 20 years.

- 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. Melillo
- 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 ZBA22-2022
Moved by Mr. Bonacquist, Seconded by Mr. Melillo
Applicant(s): John & Maryellen Evertsen

Applicant(s): John & Maryellen Evertsen
Project Location: 1735 Tower Street
Tax Number or Numbers: 59.9-7-9.1
Zoning: Single Family Residential (R-1) Zoning District
Proposed Project: The applicant wishes to construct a 20' x 24' detached garage with a height of 18 feet.

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,

WHEREAS, Chapter 270-138(c): "Lot Coverage" states with respect to private garages, states that "No accessory garages shall exceed a maximum height of 15 feet in all existing zoning districts; and,

WHEREAS, the applicant wishes to construct a 20' x 24' detached garage with a height of 18 feet; and,

WHEREAS, the proposed detached garage is 18 feet in size which would require a variance of 3 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, September 15, 2022 announcing that a public hearing was to take place Wednesday, September 21, 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 September 21, 2022 to consider the above referenced variance request; and,

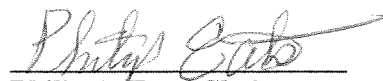
RESOLUTION NUMBER ZBA22-2022
Applicant: John & Maryellen Evertsen
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WHEREAS, pursuant to a Memorandum of Understanding dated April 2011 with the Schenectady County Department of Planning and Economic Development this project is exempt from review, **NOW**,

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 September 21, 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
September 21, 2022**

- 3) **David Demarco – 2651 Edgewood Avenue, Rotterdam, NY**, Tax Map # 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 270-216 entitled “Yard and Property Line Requirements” **Chapter 270-216(A)(2)** states that “In-ground pools: shall not be less than 10 feet from side and rear property lines.” The applicant is seeking permission to install an in-ground pool within 5 feet of the side property line. **Chapter 270-216(D)** “Corner lots” states that “the placement of a swimming pool on a corner lot shall be permitted; a swimming pool is allowed to encroach 10 feet into the front yard but must maintain all other required setbacks.” Due to the location of the existing residence, the applicant wishes to place the pool beyond the 10-foot encroachment limit. The subject property is a corner lot.

a. **Mr. Demarco of 2651 Edgewood Avenue representing this application.**

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

Mr. Demarco wants an inground pool. He needs a five foot (5') variance from both the front and the side yard. He had an above ground pool. Neighbors won't see him hanging out. It cannot be achieved by other means. It is a smaller lot and it is going in the same spot as the above ground pool, just a little longer. It is not substantial as it's only five feet (5'). Neighbors have pools. It is due to the size of the lot. It is self-created.

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. Bonacquist stated there is no other way due to where the house is located. He feels it is a substantial variance but by the placement there will not be any physical or environmental impacts.

Mr. Melillo agrees with Mr. Bonacquist.

Chairman Eats visited the property and discussed the criteria with the applicant. One concern is there is not a survey with the application. He asked if Mr. Demarco felt that the fence is located on the property line. Mr. Demarco said yes. They discussed the jog in the fence.

Stephanie DiLallo Bitter explained the concern that without a survey, Mr. Demarco is installing the pool at his own risk. The pool may have to be moved if found not to be 5' off property line. The Zoning Board of Appeals is not condoning the placement of the pool as there is not a survey with the application.

- 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. Melillo
- 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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Peter J. Comenzo, Senior Planner

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RESOLUTION NUMBER ZBA23-2022
Moved by Mr. Melillo, Seconded by Mr. Stramenga
Applicant(s): David Demarco

Applicant(s): David Demarco

Project Location: 2651 Edgewood Avenue

Tax Number or Numbers: 48.15-4-29

Zoning: Single Family Residential (R-1) Zoning District

Proposed Project: The applicant is seeking permission to install an in-ground pool within 5 feet of the side property line and extend the pool beyond the allowed 10-foot encroachment limit in the front yard. The subject property is a corner lot.

WHEREAS, petitioner respectfully requests that he 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) states that "In-ground pools: shall not be less than 10 feet from side and rear property lines; and,

WHEREAS, the applicant is seeking permission to install an in-ground pool within 5 feet of the side property line; and,

WHEREAS, Chapter 270-216(D) "Corner lots" states that "the placement of a swimming pool on a corner lot shall be permitted; a swimming pool is allowed to encroach 10 feet into the front yard but must maintain all other required setbacks; and,

WHEREAS, due to the location of the existing residence, the applicant wishes to place the pool beyond the 10-foot encroachment limit; and,

WHEREAS, the subject property is a corner lot; 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 ZBA23-2022

Applicant: David Demarco

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WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, September 15, 2022 announcing that a public hearing was to take place Wednesday, September 21, 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 September 21, 2022 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 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 September 21, 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
September 21, 2022**

- 4) **Henry P. Alteri, Jr. and Peter Alteri – 123 Rotterdam Street, Rotterdam, NY** – Tax Map #48.18-1-2.1 and 48.18-1-2.2 located in the Single Family Residential (R-1) Zoning District. Petitioners request variance(s) as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-31 entitled “Lot Area,” which states that the minimum lot area shall be not less than 15,000 square feet, with a lot width of not less than 100 feet. The applicants would like to subdivide ±3,968 square feet of property to facilitate a Boundary Line Adjustment with an adjoining lot of the Lands N/F of Henry P. Alteri, Jr. and Peter Alteri to allow for the continued use of an existing parking area. The variances are as follows:

123 Rotterdam Street (Existing Single-Family Residence):

	<i>Required</i>	<i>Existing</i>	<i>Proposed</i>	<i>Variance</i>
Lot Area	15,000 s.f.	13,133 s.f.	9,165 s.f.	5,835 s.f.
Lot Width	100 feet	100 feet	70 feet	30 feet

- a. **Mr. Blackstone of Blackstone Land Surveyors representing this application.**

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

Mr. Blackstone explained these are the original two (2) parcels on the east. The parcel on the right has 100’ of road frontage and is vacant. The parcel to the left is 50’ wide. This will decrease the 100’ of road frontage to 70’ of road frontage which will increase the 50’ of road frontage to 80’ of road frontage. The existing Canalis Restaurant has plenty of additional parking. Due to a bad tenant, the house had to be demolished. The lot sizes in the area are similar to these lot sizes. The health department frowns on seepage pits. There is currently a seepage pit which will be replaced to the back which in turn the garage will have to go. There are no problems with the existing septic as there is currently not a lot of flow. The 70’ of road frontage provides them the opportunity to install a driveway. There are not any issues with parking at the restaurant. The square footage doesn’t meet the 15,000 square feet. The majority of the lots in the neighborhood are similar. There will be no change to the property; just moving a stake. It has been a long-term use as parking. There is no other way to accomplish. The variance requests are not substantial. They will not change the character of the neighborhood. There will not be any environmental changes unless the septic fails. The continued use of the middle parcel will be employee parking. It is a reasonable request in order to deal with 150’ of road frontage split between the two (2) parcels.

- 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. Bonacquist stated Mr. Blackstone did a great job answering the criteria.

Mr. Stramenga lives close by and does not have any issues with the request.

Chairman Eats stated this was better than the first application that was withdrawn. Mr. Blackstone stated that was totally on him as he thought the properties were on sewer. He worked with the Health Department guidelines.

- 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	



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 ZBA24-2022
Moved by Mr. Stramenga, Seconded by Mr. Melillo
Applicant(s): Henry P. Alteri, Jr. & Peter Alteri

Applicant(s): Henry P. Alteri, Jr. & Peter Alteri
Project Location: 123 Rotterdam Street
Tax Number or Numbers: 48.18-1-2.1 (Rotterdam Street) & 48.18-1-2.2 (123 Rotterdam Street)
Zoning: Single Family Residential (R-1) Zoning District
Proposed Project: The applicants would like to subdivide ±3,968 square feet of property to facilitate a Boundary Line Adjustment with an adjoining lot of the Lands N/F of Henry P. Alteri, Jr. and Peter Alteri to allow for the continued use of an existing parking area.

WHEREAS, petitioners request variance(s) as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-31 entitled "Lot Area," which states that the minimum lot area shall be not less than 15,000 square feet, with a lot width of not less than 100 feet;" and,

WHEREAS, the applicants would like to subdivide ±3,968 square feet of property to facilitate a Boundary Line Adjustment with an adjoining lot of the Lands N/F of Henry P. Alteri, Jr. and Peter Alteri to allow for the continued use of an existing parking area; and,

WHEREAS, the variances are as follows:

123 Rotterdam Street (Existing Single-Family Residence):

	<i>Required</i>	<i>Existing</i>	<i>Proposed</i>	<i>Variance</i>
Lot Area	15,000 s.f.	13,133 s.f.	9,165 s.f.	5,835 s.f.
Lot Width	100 feet	100 feet	70 feet	30 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, September 15, 2022 announcing that a public hearing was to take place Wednesday, September 21, 2022 at 7:30 p.m. to consider the variance requests; and,

RESOLUTION NUMBER ZBA24-2022
Applicant: Henry P. Alteri, Jr & Peter Alteri
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WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on September 21, 2022 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 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 September 21, 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: 8:19 PM
Motion to adjourn: Mr. Stramenga
Seconded: Mr. Melillo
Approved unanimously

Next meeting: October 19, 2022

Respectfully Submitted,
Lisa Gallo