

**Town of Rotterdam
Zoning Board of Appeals Meeting
Summary Meeting Minutes
October 19, 2022**

A meeting of the Town of Rotterdam Zoning Board of Appeals was held Wednesday, October 19, 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	
	Alex Stramenga	
	Craig Serafini	
	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
October 18, 2022**

1) **Philip Faraone – 1030 Horvath Street, Rotterdam, NY**, Tax Map #59.14-13-16 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 270-33 entitled “Yard Requirements.” **Chapter 270-33(B)** states that the side yard width shall be not less than 10 feet. The applicant would like to construct a 20’ x 20’ carport onto an existing single-family residence within three (3) feet of the side property line, which would require a variance of seven (7) feet.

a. **Philip Faraone of 1030 Horvath Street representing this application.**

Mr. Faraone submitted a letter signed by five (5) of his neighbors stating they do not have any issues with him building a carport.

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

Mr. Faraone is requesting a variance to construct a carport within three feet (3’) of his property line. The survey shows the carport in the back of the property. It is an odd-shaped lot. The variance decreases towards the front to five feet (5’), six feet (6’)...

It is in the back of the house and will be open on three (3) sides. It is the only place to locate the carport as the leach fields are on the other side of the house. There is a gas line underneath the driveway. If it needs repair easier. Yes, it is substantial. It is three feet (3’) towards the back but decreases as you go towards the front. He will keep it with the pitch of the house. The water drainage from the structure will stay on his property. Mr. Faraone will install gutters all the way around. The neighbor’s property is one and a half foot (1.5’) higher so drainage will not be an issue. It is self-created as he didn’t know about variances and the code.

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. Comenzo asked the board if they had the updated survey showing the proposed carport. The surveyor plotted the carport on the survey. The packets should have the updated map. The board members indicated that they do have the updated survey.

Mr. Serafini asked about the letter from the neighbors stating they don’t mind if he builds within the easement. He wanted to know if they just used the wrong verbiage. Mr. Faraone stated yes that there is not an easement and they used the wrong verbiage.

Chairman Eats stated he met with Mr. Faraone. Mr. Faraone answered the questions to his satisfaction. Chairman Eats also stated the five (5) neighbors do not have an issue with the carport.

Mr. Stramenga apologized for being late. He does not see any issues with this variance.

Mr. Serafini stated there is a healthy barrier to contain water and snow on the applicant’s property.

- 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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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 ZBA25-2022
Moved by Mr. Melillo, Seconded by Mr. Stramenga
Applicant(s): Philip Faraone

Applicant(s): Philip Faraone
Project Location: 1030 Horvath Street
Tax Number or Numbers: 59.14-13-16
Zoning: Single Family Residential (R-1) Zoning District
Proposed Project: The applicant would like to construct a 20' x 20' carport onto an existing single-family residence.

WHEREAS, petitioner respectfully requests that he be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-33 entitled "Yard Requirements;" and,

WHEREAS, Chapter 270-33(B) states that the side yard width shall be not less than 10 feet; and,

WHEREAS, the applicant would like to construct a 20' x 20' carport onto an existing single-family residence within three (3) feet of the side property line, which would require a variance of seven (7) 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, October 13, 2022 announcing that a public hearing was to take place Wednesday, October 18, 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 October 18, 2022 to consider the above referenced variance request; and,

RESOLUTION NUMBER ZBA25-2022

Applicant: Philip Faraone

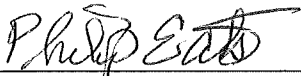
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WHEREAS, pursuant to a Memorandum of Understanding dated April 2011 with the Schenectady County Department of Planning and Economic Development this project is exempt from review, **NOW**,

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 October 18, 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
October 18, 2022**

- 2) **Capital Region Land Bank – 749 Cramer Avenue, Rotterdam, NY – Tax Map #48.19-10-20** 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,” and Chapter 270-33 entitled “Yard Requirements.” The applicants demolished an abandoned vacant house and would like to construct a new single-family residence on an existing ±4,125 square foot corner lot. The variances are as follows:

	<i>Required</i>	<i>Existing</i>	<i>Proposed</i>	<i>Variance</i>
Lot Area	15,000 s.f.	4,125 s.f.	4,125 s.f.	10,875 s.f.
Front Yard Setback(east)	25 feet	N/A	19 feet	6 feet
Front Yard Setback(south)	25 feet	N/A	5 feet	20 feet
Side Yard Setback (north)	10 feet	N/A	4 feet	6 feet

- a. **Steve Ackerman of Habitat for Humanity of Schenectady on behalf of Capitol Region Land representing this application.**

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

Mr. Ackerman said he wants to build a single-family residence on the land. He realizes he is asking for several large variances. Habitat for Humanity generally builds 20’ or 22’ by 52 instead they are building a 24’ but they do not have the land to avoid these variances. This home will have wider side yards than the previous house or others in the area. There won’t be any change to the area. Other homes in the area have three-foot (3’) side yards. The side yards for this home will be larger. Yes, the variances are substantial. The proposed home will match the rest of the neighborhood. The side yards will be larger. There will not be any physical or environmental changes to the neighborhood. There will not be any run off on others properties. It is self-created. The Capital region Land Bank was given the property to tear down the house without knowing the requirements.

- 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 said it will be an improvement in the area. He goes by the area often. There was a house there for many years which was in disrepair. If the neighbors didn’t like it, they could have purchased the property. Those are his feelings.

Mr. Serafini asked why, when the land was given to the Land Bank they took the foundation out. Mr. Ackerman state he was not sure. Mr. Serafini said if it was left, these variances would not be required. Mr. Serafini asked why they were building a 24’ wide house instead of the 20’ or 22’ wide house. He also asked how far away the house was from fire hydrant. Mr. Melillo determined it was nine feet (9’) to the property line and another five feet (5’) to the hydrant so about 14’. He asked if there was any adjacent land that could be purchased. Mr. Ackerman stated the property is land locked.

Chairman Eats stated he spoke to Mr. Ackerman on the phone. He explained about being five feet (5’) away and stated he should speak to the Building Inspectors after

this decision. He said he spoke to the neighbor next door and they did not have any objection. Chairman Eats stated the lot is 33' and the variance requests are very large with the 24' house. The Board is missing one (1) member. It is his opinion that they could leave the public hearing open and they could come up with a better design. Mr. Ackerman stated he misspoke and the smaller version would be 22', they do not build a 20' home.

Mr. Melillo asked about the depth of the house and what if it was turned the other way which would alleviate two (2) variances. Mr. Ackerman stated he would have to talk to the architect. They have pre-established house plans and do not usually deviate too much. The houses are built by older volunteers. They tend to be the same style. Mr. Melillo stated he likes the concept of what they do for the community but the variances are very large. He is just trying to look for ways to lessen the variances.

Mr. Serafini agreed with Mr. Melillo and feels both the Capital Region Land Bank and Habitat for Humanity are wonderful programs. Taking down the house was a huge start. The variances are massive and they have to be cognizant of setting a precedent. Mr. Ackerman stated he would like to work with the Board as much as he can. It is difficult trying to get it to fit. Mr. Serafini asked how the program works. Mr. Ackerman said they build the homes for a family. The family moves in. The program gets the money to build the house. The family has to apply and get credit counseling. They have to help build the home and qualify for a mortgage and they have to have the means to pay. Next, they have to own and live in the residence for 20 years. Mr. Serafini asked what if the people pass away. What if a situation arose where the family had to leave. Mr. Ackerman said they have never had that situation. It used to be that Habitat for Humanity would hold the mortgage but they do not do that anymore. Mr. Serafini asked is there was a minimum or maximum income to qualify for the mortgage. Mr. Ackerman stated he does not know that part of the program. The property gets put back on the tax roll.

A discussion ensued about downsizing the width of the house to 22' instead of 24' with a second story three bedroom and bonus room with a full basement which would eliminate the variance for the front yard setback on Cramer and decrease the side yard variance to the north from six feet (6') to four feet (4'). The property is on sewer so that is not an issue.

e. No Public Hearing Comments.

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

g. Motion to APPROVE the variances with the following conditions as agreed to by the Applicant’s representative at the meeting: Mr. Melillo

1. The applicant shall modify the size of the proposed single-family residence to 22’X 52’ and move the structure six (6) feet further away from Cramer Avenue to 25 feet and eliminating the front yard variance. The decrease in the width of the proposed single-family house shall increase the yard setback (north) from four (4) feet to six feet.

h. Seconded: Mr. Serafini

i. Approved unanimously:

Variances granted are as follows:

	<i>Required</i>	<i>Existing</i>	<i>Granted</i>
Lot Area	15,000 s.f.	4,125 s.f.	4,125 s.f.
Front Yard Setback(south)	25 feet	N/A	5 feet from Denver Ave.
Side Yard Setback (north)	10 feet	N/A	6 feet from 745 Cramer Ave.

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
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RESOLUTION NUMBER ZBA26-2022
Moved by Mr. Melillo, Seconded by Mr. Serafini
Applicant(s): Capital Region Land Bank

Applicant(s): Capital Region Land Bank
Project Location: 749 Cramer Avenue
Tax Number or Numbers: 48.19-10-20
Zoning: Single Family Residential (R-1) Zoning District
Proposed Project: The applicants demolished an abandoned vacant house and would like to construct a new single-family residence on an existing ±4,125 square foot corner lot.

WHEREAS, petitioners request variance(s) as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-31 entitled "Lot Area," and Chapter 270-33 entitled "Yard Requirements;" and,

WHEREAS, the applicants demolished an abandoned vacant house and would like to construct a new single-family residence on an existing ±4,125 square foot corner lot; and,

WHEREAS, the variances are as follows:

	<i>Required</i>	<i>Existing</i>	<i>Proposed</i>	<i>Variance</i>
Lot Area	15,000 s.f.	4,125 s.f.	4,125 s.f.	10,875 s.f.
Front Yard Setback(east)	25 feet	N/A	19 feet	6 feet
Front Yard Setback(south)	25 feet	N/A	5 feet	20 feet
Side Yard Setback (north)	10 feet	N/A	4 feet	6 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 area variances 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, October 13, 2022 announcing that a public hearing was to take place Wednesday, October 18, 2022 at 7:30 p.m. to consider the variance requests; and,

RESOLUTION NUMBER ZBA26-2022

Applicant: Capital Region Land Bank

WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on October 18, 2022 to consider the above referenced variance request; 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 October 18, 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 applicant shall modify the size of the proposed single-family residence to 22'X 52' and move the structure six (6) feet further away from Cramer Avenue to 25 feet and eliminating the front yard variance. The decrease in the width of the proposed single-family house shall increase the yard setback (north) from four (4) feet to six feet.

Variations granted are as follows:

	<i>Required</i>	<i>Existing</i>	<i>Granted</i>
Lot Area	15,000 s.f.	4,125 s.f.	4,125 s.f.
Front Yard Setback(south)	25 feet	N/A	5 feet from Denver Ave.
Side Yard Setback (north)	10 feet	N/A	6 feet from 745 Cramer Ave.

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
October 18, 2022**

- 3) **Mary Ann Graybash – 31 Kelly Lane, Rotterdam, NY, Tax Map #47.20-1-3** 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 fences shall be permitted anywhere on a lot or parcel of land provided that the height thereof does not exceed four feet in a front yard or six feet in a side or rear yard. The applicant is looking to place a nine (9) foot high fence in the rear yard, which would require a variance of three (3) feet.

a. On October 16, 2022, the applicant’s representative, Gerard Parisi, requested this be postponed until November 16, 2022.

Meeting adjourned: 8:30 PM
Motion to adjourn: Mr. Stramenga
Seconded: Mr. Serafini
Approved unanimously

Next meeting: November 16, 2022

Respectfully Submitted,
Lisa Gallo