

**Town of Rotterdam
Zoning Board of Appeals Meeting
Summary Meeting Minutes
May 17, 2023**

A meeting of the Town of Rotterdam Zoning Board of Appeals was held Wednesday, May 17, 2023 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, ZBA 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
May 17, 2023**

1) **Arthur and Dawn Everetts – 2808 Granville Avenue, Rotterdam, NY**, Tax Map #48.15-9-33 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 270-33 entitled “Yard Requirements.” **Chapter 270-33(A)** states: “The front yard depth shall be 25 feet or a depth of not less than 1/2 the total setback depths of the dwellings on properties which adjoin on each side, provided that both of such dwellings are set back less than 25 feet.” The adjoining dwelling at 2812 Granville is set back ±13 feet and the adjoining dwelling at 2804 Granville is set back ±12 feet. This would allow the applicant a front yard setback of ±12.5 feet. The applicant wishes to construct an addition that is ±9.5 feet from the front property line which would require a variance of 3 feet.

a. **Joe Candida, from Nolan Engineering, PLLC representing this application.**

**The adjacent neighbors and the person across the street (2803, 2804 and 2812 Granville Avenue) all submitted letters that the improvements will not have a negative impact.

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

Mr. Candida explained 2808 Granville Avenue is zoned Single Family Residential. The owners would like to bump out the front and add a porch. According to the Town’s Code there is a 25’ setback requirement but you can split the difference between the two (2) adjacent properties. This four-foot (4’) porch will encroach three feet (3’) into the difference between the two (2) properties. The porch is really a deck with two (2) posts and it will have a covered roof. There is no other way to get the three feet (3’). It is not a substantial variance request. It will not be enclosed. Some porches stick out in the neighborhood. Site distance will not be obstructed as it is not enclosed. Neighbors will be able to back out of their driveways. It was self-created or I would not be here.

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 clarified that the porch is covered and not enclosed.

Mr. Stramenga stopped at the house this morning. The neighbor is okay with the porch.

Mr. Serafini stated the application along with the explanation explains all he needs to know.

Chairman Eats asked the applicant’s representative to go through the criteria.

- 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. Serafini
- 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 ZBA5-2023
Moved by Mr. Serafini, Seconded by Mr. Stramenga
Applicant(s): Arthur and Dawn Everetts

Applicant(s): Arthur and Dawn Everetts

Project Location: 2808 Granville Avenue

Tax Number or Numbers: 48.15-9-33

Zoning: Single Family Residential (R-1)

Proposed Project: The applicant wishes to construct an addition that is ± 9.5 feet from the front property line which would require a variance of 3 feet.

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

WHEREAS, Chapter 270-33(A) states: "The front yard depth shall be 25 feet or a depth of not less than 1/2 the total setback depths of the dwellings on properties which adjoin on each side, provided that both of such dwellings are set back less than 25 feet; and,

WHEREAS, the adjoining dwelling at 2812 Granville is set back ± 13 feet and the adjoining dwelling at 2804 Granville is set back ± 12 feet; and,

WHEREAS, this would allow the applicant a front yard setback of ± 12.5 feet; and,

WHEREAS, the applicant wishes to construct an addition that is ± 9.5 feet from the front property line 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,

RESOLUTION NUMBER ZBA5-2023
Applicant: Arthur and Dawn Everetts
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WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, May 11, 2023 announcing that a public hearing was to take place Wednesday, May 17, 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 May 17, 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 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 May 11, 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

**ZBA Meeting
May 17, 2023**

- 2) **Thomas Tarantelli – 44 Merritt Drive, Rotterdam, NY**, Tax Map #58.16-8-14 located in the Single Family Residential (R-1) Zoning District. Petitioners respectfully request that he be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-15 entitled “Accessory uses, buildings, and structures.” Chapter 270-15(C) states that no detached accessory building shall be located less than five feet from any rear or side lot line. The applicant is proposing to locate two (2) feet from the property line which will require a variance of three (3) feet.

- a. Postponed per applicant’s request to the June 21, 2023 Public Hearing.

3) **Patrick Madden – 1345 North Westcott Road, Rotterdam, NY, Tax Map #58.7-12-1** 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.

a. **Patrick Madden representing this application.**

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

Mr. Madden explained there is a solid wooden six-foot (6') fence that has been on the property for 35 years. He would like to replace it with a six foot (6') white vinyl fence. What he considers his back yard, the Town considers his front yard since he is on a corner lot. He is not really changing anything but taking down a rotten fence and replacing with a new fence. The ordinance says he is only allowed four feet (4') in his front yard. Mr. Madden priced the four-foot (4') fence and it was \$2000.00 more than the six foot (6'). It is better for the neighborhood. It is self-created as the fence was put in 35 years ago. He has lived in the house for 62 years and he is almost 90 years old and does not want to spend a lot of money on improvements.

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. Serafini realizes he is just replacing an existing fence.

Mr. Stramenga stated he spoke to Mr. Madden this morning and has no problem with the variance request.

Chairman Eats stated he also spoke to Mr. Madden and they went over the criteria. Chairman Eats also spoke to the neighbor and she would like to install a fence also.

Stephanie DiLallo Bitter recommended that the applicant obtain a survey prior to installation of the fence but it is not a requirement.

- 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			

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Town of Rotterdam
Zoning Board of Appeals

Philip Eats, Chairman
Peter J. Comenzo, Senior Planner

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RESOLUTION NUMBER ZBA6-2023
Moved by Mr. Stramenga, Seconded by Mr. Melillo
Applicant(s): Patrick Madden

Applicant(s): Patrick Madden

Project Location: 1345 North Westcott Road

Tax Number or Numbers: 58.7-12-1

Zoning: Single Family Residential (R-1)

Proposed Project: The applicant would like to install a six (6) foot high fence that is one hundred percent (100%) solid.

WHEREAS petitioner respectfully requests that he be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-143 entitled "Fences;" and,

WHEREAS, Chapter 270-143(A)(1) sets a front yard height limit at four (4) feet; and,

WHEREAS, the applicant would like to install a six (6) foot high fence, which would require a variance of two (2) feet; and,

WHEREAS, Chapter 270-143(A)(4) states that front yard fences should be less than fifty percent (50%) solid or opaque; and,

WHEREAS, the applicant would like to install a six (6) foot high fence that is one hundred percent (100%) solid; 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, May 11, 2023 announcing that a public hearing was to take place Wednesday, May 17, 2023 at 7:30 p.m. to consider the variance requests; and,

RESOLUTION NUMBER ZBA6-2023

Applicant: Patrick Madden

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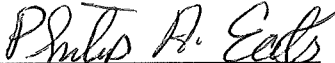
WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on May 17, 2023 to consider the above referenced variance request; and,

WHEREAS, Schenectady County Department of Planning and Economic Development responded to the 239-m referral on May 16, 2023 and deferred to local consideration; **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 May 11, 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

**ZBA Meeting
May 17, 2023**

4) **Angela Rojas – 1739 Patton Drive, Rotterdam, NY**, Tax Map #59.6-6-6.21 located in the Two Family Residential (R-2) 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)** 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.

a. **Angela Rojas representing this application.**

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

Ms. Rojas explained she has lived in the house for two (2) years and has wanted to install a fence. The area where she wants to install the fence is more than 50% of her yard due to the house placement on the lot. She wants it for privacy for herself and obviously she is pregnant and want safety for the child. There is a lot of traffic with the driveway to Hannaford being behind the house.

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 stated he stopped by this morning but rang the wrong doorbell. Ms. Rojas stated she lives upstairs.

Mr. Serafini understands why she needs the fence with the location of the house and safety.

Mr. Melillo agrees with Mr. Serafini.

Chairman Eats stated he spoke to the applicant and discussed the criteria. He mentioned that this applicant decided to get a survey prior to installing the fence and they agreed. That will protect you in case it is placed on Town or business property.

**ZBA Meeting
May 17, 2023**

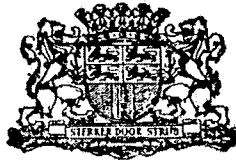
**Angelo Rojas
1739 Patton Drive**

- e. **No Public Hearing Comments.**
- f. **This project is classified as a Listed Type 2 Action under SEQ.**
- g. **Motion to APPROVE the variances:** Mr. Serafini
- 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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RESOLUTION NUMBER ZBA7-2023
Moved by Mr. Serafini, Seconded by Mr. Melillo
Applicant(s): Angela Rojas

Applicant(s): Angela Rojas

Project Location: 1739 Patton Drive

Tax Number or Numbers: 59.6-6-6.21

Zoning: Single Family Residential (R-1)

Proposed Project: The applicant would like to install a six (6) foot high fence that is one hundred percent (100%) solid.

WHEREAS petitioner respectfully requests that he be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-143 entitled "Fences;" and,

WHEREAS, Chapter 270-143(A)(1) sets a front yard height limit at four (4) feet; and,

WHEREAS, the applicant would like to install a six (6) foot high fence, which would require a variance of two (2) feet; and,

WHEREAS, Chapter 270-143(A)(4) states that front yard fences should be less than fifty percent (50%) solid or opaque; and,

WHEREAS, the applicant would like to install a six (6) foot high fence that is one hundred percent (100%) solid; 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, May 11, 2023 announcing that a public hearing was to take place Wednesday, May 17, 2023 at 7:30 p.m. to consider the variance requests; and,

RESOLUTION NUMBER ZBA7-2023

Applicant: Angela Rojas

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WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on May 17, 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 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 May 11, 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

**ZBA Meeting
May 17, 2023**

- 5) **Demarco Living Trust – 1563 Helderberg Avenue, Rotterdam, NY**, Tax Map #58.8-7-15 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.”

Chapter 270-59 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 applicants are requesting permission to construct a single-family residence on a lot that is 50 feet in width, which would require a variance of 50 feet.

- a. **Mark Blackstone of Blackstone Land Surveyors representing this application.**
- b. **Applicant(s) representative addressed five (5) criteria to the satisfaction of the Board.**

Mr. Blackstone explained the applicant would like to construct a single-family residence on a lot with only 50’ of road frontage on Helderberg Avenue. The applicant recently received a variance adjacent to the site. The lot width is pre-existing. There was a house there previously. It was demolished and the owners would now like to build on the lot. There are a very large number of lots on Helderberg Avenue with 50’ or less. It will conform to all other zoning restrictions. There is not another way to achieve this as the adjacent lots are occupied and have other improvements. Although, it is a 50% variance he does not feel it is substantial since the rest of the lots in the area are similar. There is sandy soil in the area and the house will be connected to sanitary sewer. The water hook up was found although it was damaged and may need to be replaced. It is self-created but is pre-existing since the lot widths of this lot predates zoning.

- 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. Serafini stated he does feel the 50% variance is substantial but is mitigated by the fact that the surrounding area has the same size lots.

Chairman Eats said he went over the presentation with Mr. Noyes.

**ZBA Meeting
May 17, 2023**

**Demarco Living Trust
1563 Helderberg Avenue**

- 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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Zoning Board of Appeals

Philip Eats, Chairman
Peter J. Comenzo, Senior Planner

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RESOLUTION NUMBER ZBA8-2023
Moved by Mr. Melillo, Seconded by Mr. Stramenga
Applicant(s): Demarco Living Trust

Applicant(s): Demarco Living Trust

Project Location: 1563 Helderberg Avenue

Tax Number or Numbers: 58.8-7--15

Zoning: Retail Business (B-1) & Single Family Residential (R-1)

Proposed Project: The applicants are requesting permission to construct a single-family residence on a lot that is 50 feet in width, which would require a variance of 50 feet.

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;" and,

WHEREAS, Chapter 270-59 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 applicants are requesting permission to construct a single-family residence on a lot that is 50 feet in width, which would require a variance of 50 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, May 11, 2023 announcing that a public hearing was to take place Wednesday, May 17, 2023 at 7:30 p.m. to consider the variance requests; and,

RESOLUTION NUMBER ZBA8-2023

Applicant: Demarco Living Trust

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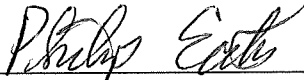
WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on May 17, 2023 to consider the above referenced variance request; and,

WHEREAS, Schenectady County Department of Planning and Economic Development responded to the 239-m referral on May 16, 2023 and deferred to local consideration; **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 May 11, 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

- 6) **Larry and Kimberly Noyes – 1657, 1659, and 1663 Helderberg Avenue, Rotterdam, NY**, Tax Map #59.05-3-2 (1657 Helderberg), #59.05-3-3 (1659 Helderberg), #59.05-3-4 (1663 Helderberg) located in the Retail Business (B-1) and Single Family Residential (R-1) Zoning Districts. **Chapter 270-59** 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 applicants are requesting to combine and subdivide the rear portions of the existing properties to create two new lots on Parklawn Avenue. The variance request is as follows: Property located at **1659 Helderberg (#59.05-3-3)**. Existing lot size is 20,230 square feet. In order to facilitate the proposed two new lots on Parklawn, the applicant's request a variance to reduce the square footage to 11,020 square feet, which would require a variance of 3,980 square feet.
- a. **Mark Blackstone of Blackstone Land Surveyors representing this application.**
 - b. **Applicant(s) representative addressed five (5) criteria to the satisfaction of the Board.**

Mr. Blackstone explained that within this subdivision one of the lots will be below the required 15,000 square feet. The lots again were created prior to zoning ordinances. The existing lot depths are vacant rear areas. It is in keeping with the character of the neighborhood. With this creation of two (2) new lots, there is not any other means to decrease the variance. It is not a substantial variance considering the neighborhood. Again, there are sandy soils and sewer which will accommodate drainage. It is self-created as they are proposing 2 new lots. They are cutting the back portion of lots that are not being used.

- 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.**

Stephanie DiLallo Bitter asked if the middle lot was the only one that was part of the variance request. Mr. Blackstone said yes. Mrs. Bitter said she was confused because there were three (3) addresses. Mr. Comenzo explained that since all three properties are involved in the subdivision, he decided that it would be easier to understand by listing all the properties involved in the proposed subdivision. He also stated that the subdivision will require SEQR review by the Planning Commission, however the variance request is a Type 2 Action. Stephanie DiLallo Bitter agrees with Peter and his interpretation of SEQR.

Mr. Serafini said he didn't have any questions, just a comment. The variance could be reduced by creating an unusual lot configuration which would accomplish little and agrees with the applicant that the request is being done is the best way.

Chairman Eats said he spoke to Mr. Noyes about the presentation. Chairman Eats said the presentation covered any questions he may have had and it addressed the criteria.

ZBA Meeting
May 17, 2023

Larry and Kimberly Noyes
1657, 1659 and 1663 Helderberg Avenue

- 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. Serafini
- 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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Philip Eats, Chairman
Peter J. Comenzo, Senior Planner

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RESOLUTION NUMBER ZBA9-2023
Moved by Mr. Stramenga, Seconded by Mr. Serafini
Applicant(s): Larry and Kimberly Noyes

Applicant(s): Larry and Kimberly Noyes

Project Location: 1657, 1659, and 1663 Helderberg Avenue

Tax Number or Numbers: 59.05-3-2 (1657 Helderberg Avenue), 59.05-3-3 (1659 Helderberg Avenue) and 59.05-3-4 (1663 Helderberg Avenue)

Zoning: Retail Business (B-1) & Single Family Residential (R-1)

Proposed Project: The applicants are requesting to combine and subdivide the rear portions of the existing properties to create two new lots on Parklawn Avenue.

WHEREAS, Chapter 270-59 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 applicants are requesting to combine and subdivide the rear portions of the existing properties to create two new lots on Parklawn Avenue; and,

WHEREAS, property located at **1659 Helderberg (#59.05-3-3)** the existing lot size is 20,230 square feet; and,

WHEREAS, in order to facilitate the proposed two new lots on Parklawn, the applicant’s request a variance to reduce the square footage of **1659 Helderberg (#59.05-3-3)** to 11,020 square feet, which would require a variance of 3,980 square 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, May 11, 2023 announcing that a public hearing was to take place Wednesday, May 17, 2023 at 7:30 p.m. to consider the variance requests; and,

RESOLUTION NUMBER ZBA9-2023
Applicant: Larry and Kimberly Noyes
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WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on May 17, 2023 to consider the above referenced variance request; and,

WHEREAS, Schenectady County Department of Planning and Economic Development responded to the 239-m referral on May 16, 2023 and deferred to local consideration; **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 May 11, 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: 8:20 PM
Motion to adjourn: Mr. Stramenga
Seconded: Mr. Melillo
Approved unanimously

Next meeting: June 21, 2023

Respectfully Submitted,
Lisa R. Gallo