

**Town of Rotterdam
Zoning Board of Appeals Meeting
Summary Meeting Minutes
Wednesday, August 21, 2024**

A meeting of the Town of Rotterdam Zoning Board of Appeals was held Wednesday, August 21, 2024 at 7:30 p.m. at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York.

Present:	Philip Eats, Chairman	Excused:
	Angelo Melillo, Vice Chairman	
	Bruce Bonacquist	
	Alex Stramenga	
	Craig Serafini	
	Matt McAuliffe for 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
August 21, 2024**

1) Sidney Dawson (owner) and Joseph and Jodi Druzba (contract vendee) – 2998 Kirvin Lane & 520 Stanek Road, Rotterdam, NY, Tax Map #58.9-1-8.11 and #58.9-1-7.1 located in the Agriculture (A-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 270-31 entitled “Lot Area.” The minimum lot size in the A-1 Zone is one (1) acre. The applicants are requesting variances in order to facilitate the transfer of 6,592 square feet of property from 2998 Kirvin Lane to 520 Stanek Road. This proposed transfer will result in the reduction of the 2998 Kirvin Lane property to ±0.92 acres of property which will require a variance of ±0.08 acres.

a. Mark Blackstone of Blackstone Land Surveyors representing this application.

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

Mr. Blackstone explained that this area variance is to allow for a boundary line adjust to square up the Druzba’s parcel which is the parcel farthest to the right. They are taking square footage from the lot with the storage buildings which reduces the lot size to under an acre which is the minimum lot size in an Agricultural Zone. This has existed since the 1980’s when the apartment building was built. The lot was 1.07 acres and since they are taking away from that lot, they will need a variance. The apartment building has the same owner as the storage building lot. They are going to clean up the storage building lot and continue the use for storage so there will not be any change to the character of the neighborhood. This will straighten out the odd shape of the parcel. It is not a substantial variance. It is self-created but it is also logical to straighten the property. It is a desirable change.

c. This proposal is exempt from referral to Schenectady County Planning

d. Questions/comments from the Board.

Mr. Bonacquist stated it will not have a negative effect on the environment. It is not a substantial variance and it makes sense to square up the lot.

Mr. Melillo agrees with Mr. Bonacquist.

Mr. Serafini stated Mr. Bonacquist covered everything.

Chairman Eats also stated Mr. Bonacquist covered everything. He also said he stopped over several times but no one was home. He agrees with Mr. Bonacquist

e. **No Public Hearing Comments.**

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

g. **Motion to APPROVE the variance:** Mr. Bonacquist

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			



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 ZBA19-2024

Moved by Mr. Bonacquist, Seconded by Mr. Serafini

Applicant(s): Sidney Dawson (Owner) & Joseph & Jodi Druzba (Contract Vendee)

Applicant(s): Sidney Dawson (Owner) & Joseph & Jodi Druzba (Contract Vendee)

Project Location: 2998 Kirvin Lane & 520 Stanek Road
Rotterdam, NY

Tax Number or Numbers: 58.9-1-8.11 & 58.9-1-7.1

Zoning: Agricultural (A-1) and Single Family Residential (R-1) Zoning Districts

Proposed Project: The applicants are requesting variances in order to facilitate the transfer of 6,592 square feet of property from 2998 Kirvin Lane to 520 Stanek Road.

WHEREAS, petitioners respectfully request that they be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-31 entitled "Lot Area; and,

WHEREAS, the minimum lot size in the A-1 Zone is one (1) acre; and,

WHEREAS, the applicants are requesting variances in order to facilitate the transfer of 6,592 square feet of property from 2998 Kirvin Lane to 520 Stanek Road; and,

WHEREAS, this proposed transfer will result in the reduction of the 2998 Kirvin Lane property to ± 0.92 acres of property which will require a variance of ± 0.08 acres; and,

WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on Wednesday, August 21, 2024 to consider the above referenced variance request; and,

WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, August 15, 2024, announcing that a public hearing was to take place Wednesday, August 21, 2024 at 7:30 p.m. to consider the variance requests; and,

RESOLUTION NUMBER ZBA19-2024

Applicant(s): Sidney Dawson (Owner) & Joseph & Jodi Druzba (Contract Vendee)
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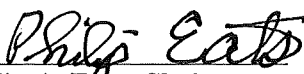
WHEREAS, this project is classified as a Type II Action under SEQR because pursuant to 6NYCRR Part 617.5(c)(17) this is a granting of an area variance for a single-family home and as a result is therefore exempt from SEQR; and,

WHEREAS, 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 Wednesday, August 21, 2024 hearings. 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
August 21, 2024**

- 2) **Ely Vargas – 1609 Flower Road, Rotterdam, NY**, Tax Map #59.6-5-9 located in the General Business (B-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. **Ely Vargas of 1609 Flower Road representing the application.**

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

Ms. Vargas wants to fence in the backyard which the Town considers her front yard. The other side has a septic system. She has children and lives next door to a gas station. She is sick of picking up garbage in her yard from the gas station. She also runs a day care center and its for the safety of the children. The fence will not block any views. They are not substantial variances. It will look nice as it's a white vinyl solid fence. She is hoping the garbage throwing will stop. She does not understand how it is self-created.

Chairman Eats explained it is self-created but that is why this Board exists to give relief from the code.

c. **This proposal is exempt from referral to Schenectady County Planning**

d. **Questions/comments from the Board.**

Mr. Stramenga spoke to the applicant. He feels it will be an improvement. He asked how the gas station was going to read the gas meter. Ms. Vargas explained she is leaving it open for them. She paid for the survey and their meter and AC unit is on the property line. She is placing her fence inside the property line to accommodate them.

Mr. Serafini stated that given the location and shape of the property he fully understands the need for the fence and the safety of the children.

Mr. Bonacquist explained it would be an improvement and have a positive impact. He stated it is not substantial.

Chairman Eats explained he meet with the Vargas.' There is an existing stockade fence. He also spoke to the neighbor and they were okay with the installation of the fence.

- e. **No Public Hearing Comments.**
- f. **This project is classified as a Listed Type 2 Action under SEQR.**
- g. **Motion to APPROVE the variance(s):** Mr. Stramenga
- h. **Seconded:** Mr. Bonacquist
- i. **Approved unanimously by Members Present:**

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

Meeting adjourned: 7:53 PM
Motion to adjourn: Mr. Stramenga
Seconded: Mr. Bonacquist
Approved unanimously

Next meeting: September 18, 2024

Respectfully Submitted,
Lisa R. Gallo

"A Nice Place to Live"



"A Nice Place to Do Business"

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 ZBA20-2024
Moved by Mr. Stramenga, Seconded by Mr. Bonacquist
Applicant(s): Ely Vargas

Applicant(s): Ely Vargas

Project Location: 1609 Flower Road
Rotterdam, NY

Tax Number or Numbers: 59.6-5-9

Zoning: General Business (B-2) Zoning District

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, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on Wednesday, August 21, 2024 to consider the above referenced variance request; and,

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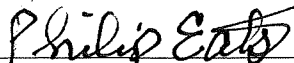
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NAME	AYES	NOES	EXCUSED	RECUSED
Chairman Eats	X			
Mr. Melillo	X			
Mr. Stramenga	X			
Mr. Bonacquist	X			
Mr. Serafini	X			

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