

**TOWN OF ROTTERDAM
ZONING BOARD OF APPEALS
September 18, 2024**

Workshop 7:00pm – Public Hearings 7:30pm

Workshop (2nd Floor Conference Room) – 7:00pm

Public Hearings (V. Dalton Bambury Hearing Room 2nd Floor) – 7:30pm

- 1) **Gorvin Sarju – 2175 Tower Avenue, Rotterdam, NY** - Tax Map #59.7-10-1.12 located in the Light Industrial (I-1) Zoning District. Petitioner respectfully request that he be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-79 entitled “Yard Requirements,” **Chapter 270-79** states that setbacks shall be “Not less than 25 feet.” The applicant would like to construct a 40’ x 50’ commercial garage within 12.5 feet of the property line which would require a variance of 12.5 feet.
- 2) **Mikel-Ann Farina – 3143 North Thompson, Rotterdam, NY** - Tax Map #48.13-2-8 located in the Light Industrial (I-1) Zoning District. Petitioner respectfully request that they be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-79 entitled “Yard Requirements,” **Chapter 270-79** states that setbacks shall be “Not less than 25 feet.” The applicant would like to construct a 30’ x 50’ commercial garage within 10 feet of side property line and within 20 of the rear property line.
- 3) **Dominic DeAngelo – 1200 Sandra Court, Rotterdam, NY**, Tax Map #28.00-2-11.1 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 270-138 entitled “Accessory Structures and Uses” and Chapter 270-15 entitled “Accessory uses, buildings, and structures.” The applicant wishes to construct a 50’ x 60’ pole barn on the property. The variance request(s) are as follows: **Chapter 270-138(c)** “Lot Coverage” states 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 1705 square feet which would allow an accessory structure of 255 square feet. The proposed accessory structure is 3000 square feet, which will require a variance of 2745 square feet. **Chapter 270-15** states that no accessory building or structures shall exceed 14 feet in height. The proposed pole barn is 20 feet in height which would require a variance of 6 feet.
- 4) **Carmine Petti & Frank Audino – 1725 Tower Street, Rotterdam, NY** - Tax Map #59.9-7-6.2 located in the Multiple Family Residential (R-3) Zoning District. Petitioners respectfully request that they be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-49 entitled “Lot Area.” Chapter 270-49 states that the minimum total lot area shall be 20,000 square feet, except that buildings or structures with more than four bedrooms shall increase the total lot area by a minimum of 3,000 square feet for each additional bedroom over four. The applicant is seeking approvals to convert two (2) existing vacant former commercial spaces on the first floor into two (2) one-bedroom apartments on a 6,816 square foot lot. There are currently two (2) existing two-bedroom apartments on the second floor. The required lot size is 26,000 square feet which would require a variance of 19,184 square feet. Variances for lot area, side yard width, rear yard depth, and parking were approved by the Zoning Board of Appeals on December 17, 2014.

- 5) **Gary DiCocco – 1117 & 1119 Floral Avenue, Rotterdam, NY** - Tax Map #58.8-9-3 and #58.8-9-2 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 270-31 entitled “Lot Area,” and Chapter 270-33 entitled “Yard Requirements.” The applicant is requesting to boundary line adjust property in order to construct a new single-family residence to be located at 1119 Floral (Tax Parcel #58.8-9-2). **Chapter 270-31(A)** states that “the required minimum lot area shall be not less than 15,000 square feet, with a lot width of not less than 100 feet. The applicant is requesting to construct a new single-family residence on a boundary line adjusted 6,250 square foot lot that has a lot width of 50 feet. This would require a variance of 8,750 square feet for lot area and 50 feet for lot width. **Chapter 270-33(A)** states that 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 setback depths of the adjoining residences would allow a setback of 15.1 feet. The applicant is requesting a setback of 14 feet which would require a variance of 1.1 feet. **Chapter 270-33(B)** states that the “side yard width shall be not less than 10 feet.” The applicant is proposing a side yard width of 5 feet on the northern side yard which would require a variance of 5 feet.

- 1) **Gorvin Sarju – 2175 Tower Avenue, Rotterdam, NY** - Tax Map #59.7-10-1.12 located in the Light Industrial (I-1) Zoning District. Petitioner respectfully request that he be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-79 entitled “Yard Requirements,” **Chapter 270-79** states that setbacks shall be “Not less than 25 feet.” The applicant would like to construct a 40’ x 50’ commercial garage within 12.5 feet of the property line which would require a variance of 12.5 feet.

SEQR Requirement: Unlisted Action – 6NYCRR Part 617

County 239-m Requirement: County review is required.



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TOWN OF ROTTERDAM
PUBLIC WORKS

Town of Rotterdam
Zoning Board of Appeals
AREA VARIANCE APPLICATION

PART II

TOWN OF ROTTERDAM
General Information

**All requested information shall be provided and must be filled out in ink or typed
for photocopying purposes**

Legal Owner's Name: Govin Sarju

Mailing Address: 2175 Tower Avenue

City: Schenectady State: NY Zip: 12304

Daytime Phone: 347-531-5124 E-mail: _____

If applicant is not the owner, include the written owner authorization form below designating the contact to serve as representative.

Owner's Designated Contact: Ingalls & Associates, LLP

Mailing Address: 116 West Avenue Unit 102

City: Saratoga Springs State: NY Zip: 12866

Daytime Phone: 518-393-7725 E-mail: cpagan@ingallsllp.com

Project/Proposal Site Area (Acres or sq. ft.): 0.34 Acres

Assessor Tax Parcel No.(s) of Proposal Site: 59.7-10-1.12

Street Address of Proposed Site (if any): _____

Adjacent Area Owned or Controlled (Acres or sq. ft.): 0.34

Assessor Tax Parcel No.(s) of Adjacent Land Owned or Controlled: 59.7-10-1.2

Name and Address of All Adjacent Landowners:

NAME: Govin Sarju
ADD: 2175 Tower Avenue
Schenectady, NY 12304

NAME: CSX Transportation, Inc.
ADD: 500 Water Street
Jacksonville, FL 32201

NAME: New York State
ADD: 3008 Chrisler Avenue
Schenectady, NY 12304

NAME: _____
ADD: _____

NAME: CR's Marine Service, Inc.
ADD: 2103 Chrisler Avenue
Schenectady, NY 12303

NAME: _____
ADD: _____

NAME: Osama G. Salih
ADD: 2170 Tower Avenue
Schenectady, NY 12304

NAME: _____
ADD: _____

Describe Existing Use(s) on Proposed Site (Such as buildings, well, sewer drainfield and others): The site is currently vacant with a gravel driveway.

Existing Zoning Classification: I-1 Light Industrial

LEGAL INFORMATION

Please attach the deed to the proposed site (REQUIRED)

Width of Property Fronting on Public Road: 146.43'

Section(s) of the zoning ordinance under which a variance is requested:
270-77 Lot Area, 270-79 Yard Requirements

Purpose for the requested variance: The the construction of a storage garage.

Are there special circumstances such as lot size, slope, topography or necessary size or shape of the building, which prevent compliance with the zoning ordinance? If so, please explain:
The existing lot area is Non-conforming to the current zoning ordinance. The placement of the proposed storage garage will impede the side yard setback in order to keep the driveway away from the intersection of Tower Avenue & Chrysler Avenue.

Does any Town officer, employee or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application? Yes _____ No X _____. If yes, a statement disclosing the name, residence, nature and extent of this interest must be filed with this application.

PLEASE DISCUSS EACH OF THE FOLLOWING FIVE (5) CRITERIA WHICH FORM THE LEGAL BASIS FOR THE GRANTING OF A VARIANCE

Explain why you believe that your variance request will not create an undesirable change to the character of the neighborhood or be a detriment to nearby properties if it is granted.

The relief requested will not create an undesirable change to the character of the neighborhood given the fact that the project parcel is a corner lot at the intersection of Tower Ave. and Chrilsr Avenue as the adjoining lot on Chrisler Avenue are in the Light Industrial zone and the Business zone.

Can the benefit you seek by this variance request be achieved by some other means? If not, explain why there are no other alternatives.

The relief requested can not be acheived by other means. The parcel area is an existing lot located within the Light Industrial zone that adjoins a Residential zone. The building setback requirement in the Light Industrial zone requires relief to keep the proposed building in line with a driveway access to Tower Avenue and to keep the driveway as far away from the intersection of Tower Avenue and Chrisler Avenue. A driveway access on to Chrisler Avenue is not possible as NYS DOT will not grant the applicant a driveway access on to Chrisler Avenue from the project parcel.

Is your request a substantial variance from the ordinance? Please explain.

The releif requested from the ordinance is not substantial. The area relief compare area and setbacks to required, The relief of 4,754 s/f and the side yard building setback relief of 12.5 ft. will not have an impact on the neighborhood as the project parcel is at the corner lot at the intersection of Tower Avenue and Chrisler Avenue.

Why do you believe the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood? Please explain.

The proposed variance request will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood as the project parcel is in an area where commercial and residential properties and related uses already exist.

Explain how the difficulty arose and why said difficulty was not self created (purchasing property without first checking the zoning restrictions and/or limitations is an example of a self-created hardship).

The said difficulty was self created. The zoning restrictions and/or limitations were reviewed and in order to complete the proposed construction of the storage garage a relief for area and side yard building setback are required.

TOWN OF ROTTERDAM



John F. Kirvin Government Center • 1100 Sunrise Boulevard • Rotterdam, NY 12306
Telephone: 518-355-7575 • Fax: 518-355-7976 • Website: www.rotterdamny.org

LETTER FROM PROPERTY OWNER GRANTING AUTHORIZATION TO ACT

A COPY OF THIS LETTER MUST BE SUBMITTED FOR EACH PROPERTY OWNER
INVOLVED

I, Gouin Sarju, being duly sworn declare that I am the
(PROPERTY OWNER)

owner of the property involved in a proposed Variance application request
before the Town of Rotterdam for property known as parcel number (s):

Tax Parcel Number(s): 59.7-10-1.12

I hereby grant Ingalls & Associates, LLP and/or their agent(s) to act on my behalf.

I further declare that all statements, answers, and information herein submitted is in all respects
true and correct to the best of my knowledge and belief.

Signature (Authorized Representative): Gouin Sarju

Date: 8/3/24

NOTARY

STATE OF NEW YORK) ss:
COUNTY OF Schenectady

SUBSCRIBED AND SWORN to before me this 3rd day of August, 2024

NOTARY SEAL

Robin P. Schlicht
Notary Signature

Notary Public in and for the State of New York

ROBIN P. SCHLICHT
Notary Public, State of New York
No. 01SC6214372
Qualified in Schenectady County
My Commission Expires December 7, 2025

Residing at:

Schenectady County

My appointment expires:

12/7/2025

- 2) **Mikel-Ann Farina – 3143 North Thompson, Rotterdam, NY** - Tax Map #48.13-2-8 located in the Light Industrial (I-1) Zoning District. Petitioner respectfully request that they be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-79 entitled “Yard Requirements,” **Chapter 270-79** states that setbacks shall be “Not less than 25 feet.” The applicant would like to construct a 30’ x 50’ commercial garage within 10 feet of side property line and within 20 of the rear property line.

SEQR Requirement: Unlisted Action – 6NYCRR Part 617

County 239-m Requirement: County review is required.



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TOWN OF ROTTERDAM
PUBLIC WORKS

Town of Rotterdam
Zoning Board of Appeals
AREA VARIANCE APPLICATION

PART II

TOWN OF ROTTERDAM
General Information

All requested information shall be provided and must be filled out in ink or typed

Mike for photocopying purposes

Legal Owner's Name: Mikul-Ann Faring

Mailing Address: 3143 N Thompson St

City: Schenectady State: N.Y. Zip: 12306

Daytime Phone: 518 522 4191 E-mail: Lovebug020@aol.com

If applicant is not the owner, include the written owner authorization form below designating the contact to serve as representative.

Owner's Designated Contact: Michael Banks

Mailing Address: 3143 N Thompson St

City: Schenectady State: N.Y. Zip: 12306

Daytime Phone: 518 577 4445 E-mail: mike_kg5420@aol.com

Project/Proposal Site Area (Acres or sq. ft.): _____

Assessor Tax Parcel No.(s) of Proposal Site: 48.13-2-9b

Street Address of Proposed Site (if any): _____

Adjacent Area Owned or Controlled (Acres or sq. ft.): _____

Assessor Tax Parcel No.(s) of Adjacent Land Owned or Controlled: _____

Name and Address of All Adjacent Landowners:

NAME: Schenectady Steel
ADD: _____

NAME: Edward Rozell JR.
ADD: Cynthia Rozell

NAME: _____
ADD: _____

NAME: _____
ADD: _____

NAME: _____
ADD: _____

NAME: _____
ADD: _____

NAME: _____
ADD: _____

NAME: _____
ADD: _____

Describe Existing Use(s) on Proposed Site (Such as buildings, well, sewer drainfield and others): _____

Residence single family, garage, septic
Existing Zoning Classification: Industrial

LEGAL INFORMATION

Please attach the deed to the proposed site (REQUIRED)

Width of Property Fronting on Public Road: ~~250'~~ 150'

Section(s) of the zoning ordinance under which a variance is requested:
set back

Purpose for the requested variance: cold storage building. set
backs are less than 25' from property line
20' from rear and 10' from side

Are there special circumstances such as lot size, slope, topography or necessary size or shape of the building, which prevent compliance with the zoning ordinance? If so, please explain:

Does any Town officer, employee or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application? Yes _____ No X. If yes, a statement disclosing the name, residence, nature and extent of this interest must be filed with this application.

PLEASE DISCUSS EACH OF THE FOLLOWING FIVE (5) CRITERIA WHICH FORM THE LEGAL BASIS FOR THE GRANTING OF A VARIANCE

Explain why you believe that your variance request will not create an undesirable change to the character of the neighborhood or be a detriment to nearby properties if it is granted.

There are other buildings around bigger and not off the property line as far as this would be

Can the benefit you seek by this variance request be achieved by some other means? If not, explain why there are no other alternatives.

no. There is no other spot on the property where this could go

Is your request a substantial variance from the ordinance? Please explain.

no

Why do you believe the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood? Please explain.

It would not be any more of a building than already exist in the area

Explain how the difficulty arose and why said difficulty was not self created (purchasing property without first checking the zoning restrictions and/or limitations is an example of a self-created hardship).

- 3) **Dominic DeAngelo – 1200 Sandra Court, Rotterdam, NY**, Tax Map #28.00-2-11.1 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 270-138 entitled “Accessory Structures and Uses” and Chapter 270-15 entitled “Accessory uses, buildings, and structures.” The applicant wishes to construct a 50’ x 60’ pole barn on the property. The variance request(s) are as follows: **Chapter 270-138(c)** “Lot Coverage” states 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 1705 square feet which would allow an accessory structure of 255 square feet. The proposed accessory structure is 3000 square feet, which will require a variance of 2745 square feet. **Chapter 270-15** states that no accessory building or structures shall exceed 14 feet in height. The proposed pole barn is 20 feet in height which would require a variance of 6 feet.

SEQR Requirement: Type 2 Listed Action – 6NYCRR Part 617

County 239-m Requirement: County review is not required



Town of Rotterdam
Zoning Board of Appeals
AREA VARIANCE APPLICATION

PART II
 TOWN OF ROTTERDAM
 General Information

All requested information shall be provided and must be filled out in ink or typed for photocopying purposes

Legal Owner's Name: Dominick DeAngelo

Mailing Address: 1200 Sandra Court
 City: Schenectady State: NY Zip: 12304
 Daytime Phone: 518-410-3009 E-mail: N/A

If applicant is not the owner, include the written owner authorization form below designating the contact to serve as representative.

Owner's Designated Contact: Joseph J. Bianchine, P.E., ABD Engineers & Surveyors, LLP

Mailing Address: 411 Union Street
 City: Schenectady, State: NY Zip: 12305
 Daytime Phone: 518-377-0315 E-mail: joe@abdeng.com

Project/Proposal Site Area (Acres or sq. ft.): 46,557 SF
 Assessor Tax Parcel No.(s) of Proposal Site: 71.8-1-42
 Street Address of Proposed Site (if any): 1200 Sandra Court

Adjacent Area Owned or Controlled (Acres or sq. ft.): N/A
 Assessor Tax Parcel No.(s) of Adjacent Land Owned or Controlled: N/A
 Name and Address of All Adjacent Landowners:

NAME: <u>Scott M. & Kimberly A. DeHart</u>	NAME: _____
ADD: <u>1204 Sandra Court</u>	ADD: _____
<u>Schenectady, NY 12303</u>	_____
_____	_____

NAME: <u>Sarah M. Wilson & Curtis Benedetto, Jr.</u>	NAME: _____
ADD: <u>(1145 Dianne Court)</u>	ADD: _____
<u>Mailing Address 96 Winthrop Avenue</u>	_____
<u>Albany, NY 12203</u>	_____
_____	_____

NAME: _____	NAME: _____
ADD: _____	ADD: _____
_____	_____
_____	_____

NAME: _____	NAME: _____
ADD: _____	ADD: _____
_____	_____
_____	_____

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 TOWN OF ROTTERDAM
 PUBLIC WORKS

Describe Existing Use(s) on Proposed Site (Such as buildings, well, sewer drainfield and others): _____
Single family house on Town water and private septic system

Existing Zoning Classification: R-1

LEGAL INFORMATION

Please attach the deed to the proposed site (REQUIRED)

Width of Property Fronting on Public Road: 380'

Section(s) of the zoning ordinance under which a variance is requested:
Section 270-29 A

Purpose for the requested variance: To construct a 3,000 SF garage (pole barn) on an old landfill.

Are there special circumstances such as lot size, slope, topography or necessary size or shape of the building, which prevent compliance with the zoning ordinance? If so, please explain:
Part of the property contains an old landfill used by the City of Schenctady as an old dump

Does any Town officer, employee or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application? Yes _____ No ✓. If yes, a statement disclosing the name, residence, nature and extent of this interest must be filed with this application.

PLEASE DISCUSS EACH OF THE FOLLOWING FIVE (5) CRITERIA WHICH FORM THE LEGAL BASIS FOR THE GRANTING OF A VARIANCE

Explain why you believe that your variance request will not create an undesirable change to the character of the neighborhood or be a detriment to nearby properties if it is granted.

The garage will be attractive and will be situated on an unused portion of the lot over an old ash landfill,

Can the benefit you seek by this variance request be achieved by some other means? If not, explain why there are no other alternatives.

No, the size of the garage that the owner desires can not be positioned elsewhere on the lot or added to the existing structure.

Is your request a substantial variance from the ordinance? Please explain.

No, it is not substantial as other properties nearby have large accessory structures and the lot is over 1 acre in size

Why do you believe the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood? Please explain.

Because it will be a stand alone building without any physical or environmental associated issues, just a garage for automobile storage, lawn equipment, and other storage needs.

Explain how the difficulty arose and why said difficulty was not self created (purchasing property without first checking the zoning restrictions and/or limitations is an example of a self-created hardship).

It is self created by the owner's desire to have an enclosed space for his automobiles, lawn equipment and other storage needs.

TOWN OF ROTTERDAM



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LETTER FROM PROPERTY OWNER GRANTING AUTHORIZATION TO ACT

A COPY OF THIS LETTER MUST BE SUBMITTED FOR EACH PROPERTY OWNER
INVOLVED

I, Dominick DeAngelo, being duly sworn declare that I am the
(PROPERTY OWNER)

owner of the property involved in a proposed area variance application request
before the Town of Rotterdam for property known as parcel number (s):

Tax Parcel Number(s): 71.8-1-42

I hereby grant Joseph J. Bianchine, P.E., ABD Engineers & Surveyors, LLP
and/or their agent(s) to act on my behalf.

I further declare that all statements, answers, and information herein submitted is in all respects
true and correct to the best of my knowledge and belief.

Signature (Authorized Representative): *Dominick DeAngelo*

Date: 6-18-24

NOTARY

STATE OF NEW YORK) ss:
COUNTY OF Schenectady)

SUBSCRIBED AND SWORN to before me this 18th day of June, 2024

NOTARY SEAL

Angela Cozzolino
Notary Signature

Notary Public in and for the State of New York

Residing at: Schenectady NY

My appointment expires: 12/28/2025

ANGELA COZZOLINO
Notary Public in the State of New York
No. 01CO6215301
Qualified in Albany County
My Commission Expires 12/28/2025

Project Narrative

1200 Sandra Court

Town of Rotterdam

ABD Project 1827D

Dominick DeAngelo owns 1200 Sandra Court and would like to construct a pole barn garage on this property. The lot was developed with a house in 1999 as a part of Diane Estates and was owned by Mr. DeAngelo since 2008. His lot contained an old ash landfill that had previously been used in the 1940's by the City of Schenectady for disposal of ash waste from the City's incinerator. An extensive study by Evergreen Testing was conducted as a part of Diane Estates in 1998. The results of testing were that "The landfilled materials found at the site are composed of cinders, ash cans, and bottles."

The materials have now been at the site for about seventy-five (75) years and have not shown or caused any significant settlement or other issues. Occasionally a few minor pieces of metal or glass have been noted by the Owner and a neighbor. At the time of approval of Diane Estates, the Planning Commission required a note on the plans requiring that no buildings could be planned on the landfill area and a note requiring a deed restriction also be placed in the deeds for each lot containing the old landfill.

Now, 25+ years after the original construction of Diane Estates, Mr. DeAngelo would like to construct a pole barn on the old landfill, and so is seeking a variance and revision to the previously approved subdivision.

The 3,000 square foot pole barn garage would have a slab on grade (no basement) and would essentially sit slightly above grade, so that the only excavation would be for the pole barn foundation. Mr. DeAngelo has a two-car garage on his house but needs additional space for property maintenance equipment, recreation equipment, and storage of other personal items.

The pole barn would be 50 feet deep and 60 feet long (3,000 SF), one-story with a pitch roof (4/12), 20± feet high, two overhead doors, and two personal doors. The exterior would be finished in a similar fashion to the house. The building would be set back significantly from the road (62 feet) and from the side lines (30 feet and 41 feet).

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TOWN OF ROTTERDAM
PUBLIC WORKS

4) Carmine Petti & Frank Audino – 1725 Tower Street, Rotterdam, NY - Tax Map #59.9-7-6.2 located in the Multiple Family Residential (R-3) Zoning District. Petitioners respectfully request that they be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-49 entitled “Lot Area.” Chapter 270-49 states that the minimum total lot area shall be 20,000 square feet, except that buildings or structures with more than four bedrooms shall increase the total lot area by a minimum of 3,000 square feet for each additional bedroom over four. The applicant is seeking approvals to convert two (2) existing vacant former commercial spaces on the first floor into two (2) one-bedroom apartments on a 6,816 square foot lot. There are currently two (2) existing two-bedroom apartments on the second floor. The required lot size is 26,000 square feet which would require a variance of 19,184 square feet. Variances for lot area, side yard width, rear yard depth, and parking were approved by the Zoning Board of Appeals on December 17, 2014.

SEQR Requirement: Unlisted Action – 6NYCRR Part 617

County 239-m Requirement: County review is required



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Town of Rotterdam
Zoning Board of Appeals
AREA VARIANCE APPLICATION

TOWN OF ROTTERDAM
PUBLIC WORKS

PART II

TOWN OF ROTTERDAM
General Information

All requested information shall be provided and must be filled out in ink or typed
for photocopying purposes

Legal Owner's Name: Carmine Petti and Frank Audino

Mailing Address: 524 Russell Road
City: Albany State: NY Zip: 12203
Daytime Phone: 518-365-2366 E-mail: cpetti@eastcoasttile.com

If applicant is not the owner, include the written owner authorization form below designating the contact to
serve as representative.

Owner's Designated Contact: Luigi A. Palleschi, P.E., ABD Engineers & Surveyors, LLP

Mailing Address: 411 Union Street
City: Schenectady State: NY Zip: 12305
Daytime Phone: 518-377-0315 E-mail: luigi@abdeng.com

Project/Proposal Site Area (Acres or sq. ft.): 6,816± SF
Assessor Tax Parcel No.(s) of Proposal Site: 59.9-7-6.2
Street Address of Proposed Site (if any): 1725 Tower Street

Adjacent Area Owned or Controlled (Acres or sq. ft.): 0.51± acres
Assessor Tax Parcel No.(s) of Adjacent Land Owned or Controlled: 59.9-7-4.1
Name and Address of All Adjacent Landowners:

NAME: Trustco Ban
ADD: City and County Savings Bank
1900 Altamont Avenue
Schenectady, NY 12306

NAME: Frank Audino
ADD: 1727 Tower Street
Schenectady, NY 12306

NAME:
ADD:

NAME:
ADD:

NAME:
ADD:

NAME:
ADD:

NAME:
ADD:

NAME:
ADD:

Describe Existing Use(s) on Proposed Site (Such as buildings, well, sewer drainfield and others): _____
2-story building with retail first floor and two residential units on the second floor.

Existing Zoning Classification: _____

LEGAL INFORMATION

Please attach the deed to the proposed site (REQUIRED)

Width of Property Fronting on Public Road: 71±'

Section(s) of the zoning ordinance under which a variance is requested:
Article VIII, Section 270-49 - Lot Area

Purpose for the requested variance: Proposed is for 4 residential units (4 bedrooms). The required area is 20,000 SF and provided lot area is 6,816 SF. Relief of 13,184 SF is requested.

Are there special circumstances such as lot size, slope, topography or necessary size or shape of the building, which prevent compliance with the zoning ordinance? If so, please explain:
Yes, lot size

Does any Town officer, employee or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application? Yes _____ No . If yes, a statement disclosing the name, residence, nature and extent of this interest must be filed with this application.

PLEASE DISCUSS EACH OF THE FOLLOWING FIVE (5) CRITERIA WHICH FORM THE LEGAL BASIS FOR THE GRANTING OF A VARIANCE

Explain why you believe that your variance request will not create an undesirable change to the character of the neighborhood or be a detriment to nearby properties if it is granted.

The parcel was zoned B-2, which allows a much more intensive use than residential. The existing site has enough parking spaces, water and sewer and this proposal would not require any site modifications.

There are adjoining residential unit development nearby and this will not create an undesirable change to the existing neighborhood.

Can the benefit you seek by this variance request be achieved by some other means? If not, explain why there are no other alternatives.

No additional land is available for sale.

Is your request a substantial variance from the ordinance? Please explain.

No, because the site is on public sewer and required square footage per zoning is not needed, as the intent of the code was for design of on-site septic systems.

Why do you believe the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood? Please explain.

The neighborhood is already residential, public water and sewers are provided already and the existing building and parking lot already fits the need as proposed with very little modification.

Explain how the difficulty arose and why said difficulty was not self created (purchasing property without first checking the zoning restrictions and/or limitations is an example of a self-created hardship).

First floor retail/office was used for a while by the original builder. Since the original builder sold the property and moved his office, it has been difficult for the new owner to fill this space.

TOWN OF ROTTERDAM



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LETTER FROM PROPERTY OWNER GRANTING AUTHORIZATION TO ACT

A COPY OF THIS LETTER MUST BE SUBMITTED FOR EACH PROPERTY OWNER
INVOLVED

I, Carmine Petti, being duly sworn declare that I am the
(PROPERTY OWNER)

owner of the property involved in a proposed Waiver of Site Plan and Area Variance application request
before the Town of Rotterdam for property known as parcel number (s):

Tax Parcel Number(s): 59.9-7-6.2

I hereby grant Luigi A. Palleschi, P.E., ABD Engineers & Surveyors, LLP and/or their agent(s) to act on my behalf.

I further declare that all statements, answers, and information herein submitted is in all respects
true and correct to the best of my knowledge and belief.

Signature (Authorized Representative): [Handwritten Signature]

Date: 8-30-2024

NOTARY

STATE OF NEW YORK) ss:
COUNTY OF Schenectady)

SUBSCRIBED AND SWORN to before me this 30th day of August, 2024

NOTARY SEAL

[Handwritten Signature]
Notary Signature

Notary Public in and for the State of New York

Residing at:

3461 State St Elmer NY 12304

My appointment expires:

04/07/2026

PHILIP J. KAUFMAN
NOTARY PUBLIC IN THE STATE OF NEW YORK
QUALIFIED IN SCHENECTADY COUNTY, NO. 01KA6300780
MY COMMISSION EXPIRES APRIL 7, 2026

- 5) **Gary DiCocco – 1117 & 1119 Floral Avenue, Rotterdam, NY** - Tax Map #58.8-9-3 and #58.8-9-2 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 270-31 entitled “Lot Area,” and Chapter 270-33 entitled “Yard Requirements.” The applicant is requesting to boundary line adjust property in order to construct a new single-family residence to be located at 1119 Floral (Tax Parcel #58.8-9-2). **Chapter 270-31(A)** states that “the required minimum lot area shall be not less than 15,000 square feet, with a lot width of not less than 100 feet. The applicant is requesting to construct a new single-family residence on a boundary line adjusted 6,250 square foot lot that has a lot width of 50 feet. This would require a variance of 8,750 square feet for lot area and 50 feet for lot width. **Chapter 270-33(A)** states that 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 setback depths of the adjoining residences would allow a setback of 15.1 feet. The applicant is requesting a setback of 14 feet which would require a variance of 1.1 feet. **Chapter 270-33(B)** states that the “side yard width shall be not less than 10 feet.” The applicant is proposing a side yard width of 5 feet on the northern side yard which would require a variance of 5 feet.

SEQR Requirement: Type 2 Listed Action – 6NYCRR Part 617

County 239-m Requirement: County review is not required



RECEIVED

AUG 09 2024

Town of Rotterdam
Zoning Board of Appeals
AREA VARIANCE APPLICATION

TOWN OF ROTTERDAM
PUBLIC WORKS

PART II

TOWN OF ROTTERDAM
General Information

All requested information shall be provided and must be filled out in ink or typed
for photocopying purposes

Legal Owner's Name: Gary DiCocco

Mailing Address: 333 Chism Street
City: Schenectady State: NY Zip: 12304
Daytime Phone: 518-377-0315 E-mail:

If applicant is not the owner, include the written owner authorization form below designating the contact to
serve as representative.

Owner's Designated Contact: Joseph J. Bianchine, P.E., ABD Engineers & Surveyors, LLP

Mailing Address: 411 Union Street
City: Schenectady State: NY Zip: 12304
Daytime Phone: 518-377-0315 E-mail: joe@abdeng.com

Project/Proposal Site Area (Acres or sq. ft.):
Assessor Tax Parcel No.(s) of Proposal Site: 58.8-9-2 & 58.8-9-3
Street Address of Proposed Site (if any): 1117 Floral Avenue

Adjacent Area Owned or Controlled (Acres or sq. ft.):
Assessor Tax Parcel No.(s) of Adjacent Land Owned or Controlled: N/A
Name and Address of All Adjacent Landowners:

NAME: Gary DiCocco
ADD: 333 Chism Street
Schenectady, NY 12304

NAME: Veronica L. Macri
ADD: 1090 Walnut Avenue
Schenectady, NY 12306

NAME: Queen Angel Holdings, LLC
ADD: 1739 Altamont Avenue
Schenectady, NY 12303

NAME: Neil Tyler Powell & Christine Marie Powell
ADD: 1121 Floral Avenue
Schenectady, NY 12306

NAME:
ADD:

NAME:
ADD:

NAME:
ADD:

NAME:
ADD:

Describe Existing Use(s) on Proposed Site (Such as buildings, well, sewer drainfield and others): _____
1.5 Story Single Family Home

Existing Zoning Classification: R-1

LEGAL INFORMATION

Please attach the deed to the proposed site (REQUIRED)

Width of Property Fronting on Public Road: 105'

Section(s) of the zoning ordinance under which a variance is requested:
(1) - 270-31 and (2) - 270-33 - B

Purpose for the requested variance: (1) To adjust lot lines so both are rectangular and straight back from Floral Avenue, both lots do not meet lot size requirements. (2) Side line variance requested for 5 foot setback.

Are there special circumstances such as lot size, slope, topography or necessary size or shape of the building, which prevent compliance with the zoning ordinance? If so, please explain:

- (1) Yes, Lot #2 has a back yard in back of Lot #1.
- (2) Lot 1 is only 50' wide.

Does any Town officer, employee or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application? Yes _____ No . If yes, a statement disclosing the name, residence, nature and extent of this interest must be filed with this application.

PLEASE DISCUSS EACH OF THE FOLLOWING FIVE (5) CRITERIA WHICH FORM THE LEGAL BASIS FOR THE GRANTING OF A VARIANCE

Explain why you believe that your variance request will not create an undesirable change to the character of the neighborhood or be a detriment to nearby properties if it is granted.

- (1) Both lots are existing and changing the lot lines will not be noticeable from the street.
 - (2) The setback requested of 5 feet is toward the adjacent lot, owned by the Applicant.
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Can the benefit you seek by this variance request be achieved by some other means? If not, explain why there are no other alternatives.

- (1) The Applicant owns both lots and wants a larger back yard on Lot #1 and cannot obtain any other land.
 - (2) The Applicant owns the adjoining lot.
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Is your request a substantial variance from the ordinance? Please explain.

- (1) It is not substantial because both lots do not conform to R-1 zoning and the change will not make either conforming but will allow a larger back yard on Lot #1.
 - (2) The side yard setback of 5 feet is similar to the adjacent lot owned by the Applicant and other nearby lots.
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Why do you believe the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood? Please explain.

- (1) Because the lots are both existing, non-conforming lots and the variance will not be noticeable to anyone from the street and the two lots will be similar to other lots on the street.
 - (2) Because the lots are both existing, no-conforming lots and the variance will not be noticeable to anyone from the street and the two lots will be similar to other lots on the street.
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-

Explain how the difficulty arose and why said difficulty was not self created (purchasing property without first checking the zoning restrictions and/or limitations is an example of a self-created hardship).

- (1 & 2) It is self-created because the Owner wants a larger back yard for Lot #1.
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-
-
-

TOWN OF ROTTERDAM



John F. Kirvin Government Center • 1100 Sunrise Boulevard • Rotterdam, NY 12306
Telephone: 518-355-7575 • Fax: 518-355-7976 • Website: www.rotterdamny.org

LETTER FROM PROPERTY OWNER GRANTING AUTHORIZATION TO ACT

A COPY OF THIS LETTER MUST BE SUBMITTED FOR EACH PROPERTY OWNER
INVOLVED

I, Gary DiCocco, being duly sworn declare that I am the
(PROPERTY OWNER)

owner of the property involved in a proposed Subdivision/Lot Line Adjustment application request before the
Town of Rotterdam for property known as parcel number (s):

Tax Parcel Number(s): 58.8-9-2 & 58.8-9-3

I hereby grant Joseph J. Bianchine, P.E., ABD Engineers & Surveyors, LLP and/or their agent(s) to act on my behalf.

I further declare that all statements, answers, and information herein submitted is in all respects true and
correct to the best of my knowledge and belief.

Signature (Authorized Representative): *[Handwritten Signature]*

Date: 1-9-24

NOTARY

STATE OF NEW YORK) ss:

COUNTY OF Schenectady)

SUBSCRIBED AND SWORN to before me this 9th day of July, 2024

NOTARY SEAL

[Handwritten Signature]
Notary Signature

Notary Public in and for the State of New York

Residing at:

1963 Attamont Ave, Schady NY 12303

My appointment expires:

8-5-2026

Rotterdam Subdivision Application

KIMBERLY J. PLOOF
Notary Public, State of New York
Qualified in Schenectady County
Reg. No. 01PL5063988
Commission Expires Aug. 05, 2026