Town of Rotterdam
Zoning Board of Appeals
Summary Meeting Minutes for Tuesday, February 11, 2020

A regular meeting of the Town of Rotterdam Zoning Board of Appeals was held Tuesday, February 11, 2020 at 7:30 p.m. at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York.

Present: Philip Eats, Chairman
         Angelo Melillo, Vice Chairman
         Bruce Bonacquist
         Alex Stramenga
         Stephanie DiLallo Bitter, Attorney for the ZBA
         Peter Comenzo, Sr. Planner
         Lisa Gallo, Secretary

Excused: Craig Serafini

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.

Chairman Eats requested a motion to appoint a Vice Chairman for 2020.

Motion made by Mr. Bonacquist to appoint Mr. Melillo as Vice Chairman of the Zoning Board of Appeals for the year 2019.

Seconded: Mr. Stramenga

<table>
<thead>
<tr>
<th>NAME</th>
<th>AYES</th>
<th>NOES</th>
<th>ABSENT</th>
<th>RECUSED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chairman Eats</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Melillo</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Bonacquist</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Stramenga</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Approved unanimously.
Town of Rotterdam  
Zoning Board of Appeals

Philip A. Eats, Chairman  
Peter J. Comenzo, Senior Planner

RESOLUTION NUMBER ZBA2-2020  
Moved by Mr. Bonacquist, Seconded by Mr. Stramenga

At a regularly scheduled meeting of the Rotterdam Zoning Board of Appeals held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York on Tuesday, February 11, 2020.

WHEREAS, Chairman Eats called for a motion to appoint a Vice Chairman for the Rotterdam Zoning Board of Appeals; and,

WHEREAS, Mr. Bonacquist made a motion to appoint Mr. Melillo as Vice Chairman for the Rotterdam Zoning Board of Appeals for a one (1) year term from January 1, 2020 to December 31, 2020; and,

WHEREAS, Mr. Stramenga seconded the motion; and,

WHEREAS, the motion passed unanimously; NOW,

IT IS HEREBY RESOLVED, that the Rotterdam Zoning Board of Appeals has appointed Mr. Melillo as Vice Chairman of the Rotterdam Zoning Board of Appeals to a one (1) year term from January 1, 2020 to December 31, 2020.

<table>
<thead>
<tr>
<th>NAME</th>
<th>AYES</th>
<th>NOES</th>
<th>RECUSED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chairman Eats</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Melillo</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Bonacquist</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Stramenga</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Philip A. Eats, Chairman  
Zoning Board of Appeals
1. **Douglas Hewitt, Vacant Land Located between 1032 & 1040 Fort Hunter Road, Rotterdam, NY – Tax Map #59.17-2-37 located in the Agriculture (A-1) Zoning District. Petitioner requests variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-21 entitled “Yard and Property Line Requirements,” and Chapter 270-22 entitled “Lot Area.” The applicant would like to subdivide an existing 5.58 acre parcel into two (2) lots. The variances are as follows:**

<table>
<thead>
<tr>
<th>Lot 1: Vacant Lot with Proposed Single Family Residence (±3.39ac)</th>
<th>Required</th>
<th>Proposed</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Property Line</td>
<td>150 feet</td>
<td>56.83 feet</td>
<td>93.17 feet</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lot 2: Vacant Lot with Proposed Single Family Residence (±2.19ac)</th>
<th>Required</th>
<th>Proposed</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Property Line</td>
<td>150 feet</td>
<td>56.83 feet</td>
<td>93.17 feet</td>
</tr>
</tbody>
</table>

a. **Mark Blackstone on behalf of ABD Engineers representing this application.**

*Tabled from January 15, 2020.

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

Mr. Blackstone explained this plan is Scheme B as it was more acceptable to the Board than Scheme A which was presented in January to the Board. The frontage for both lots is 56.83’ which he will refer to the round number of 57’. The houses will sit approximately 250’ from the road. The highlighted area of the map is where the lots become equal in lot width and mitigates any issues on the lots like being able to have a T-turn around driveways. Soil tests were performed and will be redone for the placement of the new houses being towards the rear of the lots. The worst perc test of the two (2) previously proposed lot configurations would still sustain a conventional septic system. There is 109’ of width for the homes. These lots have more property than the rest of the neighborhoods lots. It cannot be achieved by any other means. It is not unreasonable to have one (1) house on a 2.5 acre parcel. It is not a substantial variance with the houses being located in the increase in lot width (highlighted area). There will not be any adverse environmental conditions. It is self-created.

c. **This proposal is not exempt from referral to Schenectady County Planning pursuant to Memorandum of Understanding – April 2011.**

*Schenectady County deferred to local consideration with a comment to obtain County Highway Permits.

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

Mr. Bonacquist and Mr. Melillo concur that all of their questions were answered previously at the January public hearing.

Chairman Eats stated the new layout is in line with the suggestions of the Board from the January presentation.
e. No Public Comments.

f. Motion to APPROVE with the following condition:
   
   1. Driveways shall be installed according to the proposed subdivision plans with placement of T-turn arounds for the driveways.

  
g. Motion to APPROVE: Mr. Bonacquist

h. Seconded: Mr. Stramenga

i. Approved unanimously:

<table>
<thead>
<tr>
<th>NAME</th>
<th>AYES</th>
<th>NOES</th>
<th>EXCUSED</th>
<th>RECUSED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chairman Eats</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Melillo</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Stramenga</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Bonacquist</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
RESOLUTION NUMBER ZBA3-2020
Moved by Mr. Bonacquist, Seconded by Mr. Stramenga
Applicant(s): Douglas Hewitt

Applicant(s): Douglas Hewitt
Project Location: Vacant Land Located Between 1032 & 1040 Ft. Hunter Road Rotterdam, NY
Tax Number or Numbers: 59.17-2-37
Zoning: Agricultural (A-1) Zoning District
Proposed Project: The applicant would like to subdivide an existing 5.58 acre parcel into two (2) lots.

WHEREAS, petitioner requests variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-21 entitled “Yard and Property Line Requirements,” and Chapter 270-22 entitled “Lot Area;” and,

WHEREAS, the variances are as follows:

<table>
<thead>
<tr>
<th>Lot 1: Vacant Lot with Proposed Single Family Residence (±3.39ac)</th>
<th>Required</th>
<th>Proposed</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Property Line</td>
<td>150 feet</td>
<td>56.83 ft</td>
<td>93.17 ft</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lot 2: Vacant Lot with Proposed Single Family Residence (±2.19ac)</th>
<th>Required</th>
<th>Proposed</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Property Line</td>
<td>150 feet</td>
<td>56.83 ft</td>
<td>93.17 ft</td>
</tr>
</tbody>
</table>

; and,

WHEREAS, the applicant would like to subdivide an existing 5.58 acre parcel into two (2) lots; and,

WHEREAS, a previous application was tabled by the Rotterdam Zoning Board of Appeals on January 15, 2020; and,
RESOLUTION NUMBER ZBA3-2020
Applicant(s): Douglas Hewitt
Page 2

WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on January 15, 2020 and the hearing was tabled pending resubmittal and re-advertisement in the legal notices. Public hearing was re-advertised and continued to February 11, 2020 to consider the above referenced variance request; and,

WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Wednesday, February 5, 2020 announcing that a public hearing was to take place in the V. Dalton Bamury Hearing Room, at the John F. Kirvin Government Center located at 1100 Sunrise Boulevard, Rotterdam, New York on Tuesday, February 11, 2020 at 7:30 p.m. to consider the variance requests; and,

WHEREAS, Schenectady County Department of Planning and Economic Development deferred to local consideration with a comment to obtain County Highway Permits, 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 February 11, 2020 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 on the following conditions:

1. Driveways shall be installed according to the proposed subdivision plans with placement of T-turn arounds for the driveways.

<table>
<thead>
<tr>
<th>NAME</th>
<th>AYES</th>
<th>NOES</th>
<th>EXCUSED</th>
<th>RECUSED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chairman Eats</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Melillo</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Stramenga</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Bonacquist</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

This decision is bound by the application materials, schematic drawings, site plan, and testimony submitted to the Zoning Board of Appeals.

[Signature]
Philip A. Eats, Chairman
Zoning Board of Appeals
2. Ronald and Claudette DuMont – 3449 Lower Gregg Road, Rotterdam, NY, Tax Map #28.2-1-6.11 located in the Single Family Residential (R-1) and Agriculture (A-1) Zoning Districts. Petitioners respectfully request that they be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-138 entitled “Accessory Structures and Uses.” The applicant wishes to construct a 30’ x 40’ detached garage with a height of 20 feet. The variance request(s) are as follows: **Chapter 270-138(c): “Lot Coverage” states with respect to private garages, the floor area for each stall for the enclosed parking or storage of private motor vehicles shall not exceed 300 square feet. Calculations computed for square footage shall be based upon exterior foundation dimensions. No accessory garages shall exceed a maximum height of 15 feet in all existing zoning districts. The proposed detached garage is 1200 square feet in size, which is 300 square feet over the allowed size of 900 square feet. The proposed height is 20 feet which would require a variance of 5 feet. **Chapter 270-138(a) “Yards” states that no detached accessory structure shall be located in the front yard of any lot. The applicant wishes to construct the detached garage in the front yard.

a. **Chris Longo of Empire Engineering representing this application.**
*Mr. Longo submitted a statement from John Russell residing at 3443 Lower Gregg Road stating they had no issues with the variance request.

b. **Representative addressed five (5) criteria to the Board.**
Mr. Longo explained this application is for a garage and requires three (3) variances: one for structure being in a front yard, second for the height being 20’ and the third for the total floor area. The property has two (2) fronts so anywhere it is placed would be in the front yard. The house does not have a garage. There are two (2) overhead doors for recreational vehicles. One (1) is taller for an RV which requires the 20’ height. The adjacent house, Mr. Russell’s house, is taller than the garage. The garage area will be utilized. It cannot be achieved by other means. The roof cannot been lower and area cannot be less. The existing tree line will block the house to the east. There is rip rap and a slope so there will be some grading. It won’t be seen by the neighbors from any other direction. It is substantial for being in the front yard but the other two (2) variances are only 25% which are not substantial. The proposed placement is on gravel that is already existing. Mr. Longo has no comment on if it is self-created and will leave that discussion and determination to the Board.

c. **This proposal is not exempt from referral to Schenectady County Planning pursuant to Memorandum of Understanding – April 2011.**
*Schenectady County deferred to local consideration.

d. **Questions/comments from the Board.**
Mr. Melillo asked if the five foot (5’) over the height raises the roofline and therefore raises the trusses. Mr. Longo concurred.

Mr. Stramenga stated it will be an improvement to the property and help with placing all items in the yard inside the garage.

Mr. Bonacquist asked if the property is 3.5 acres which it is.
d. Questions/comments from the Board continued.
Chairman Eats met and discussed the application with the applicants. He feels it will be an improvement with the elimination of the three (3) existing structures, one (1) of which is a tent structure.

e. No Public Comments.

f. Motion to APPROVE: Mr. Melillo

g. Seconded: Mr. Bonacquist

h. Approved unanimously:

<table>
<thead>
<tr>
<th>NAME</th>
<th>AYES</th>
<th>NOES</th>
<th>EXCUSED</th>
<th>RECUSED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chairman Eats</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Melillo</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Stramenga</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Bonacquist</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
RESOLUTION NUMBER ZBA4-2020
Moved by Mr. Melillo, Seconded by Mr. Bonacquist
Applicant(s): Ronald & Claudette DuMond

Applicant(s): Ronald & Claudette DuMond

Project Location: 3449 Lower Gregg Road
Rotterdam, NY

Tax Number or Numbers: 28.2-1-6.11

Zoning: Single Family (R-1) Zoning District

Proposed Project: The applicant wishes to construct a 30’ x 40’ detached garage with a height of 20 feet in the front yard.

WHEREAS, petitioners respectfully request that they be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-138 entitled “Accessory Structures and Uses;” and,

WHEREAS, the applicant wishes to construct a 30’ x 40’ detached garage with a height of 20 feet; and,

WHEREAS, Chapter 270-138(c): “Lot Coverage” states with respect to private garages, the floor area for each stall for the enclosed parking or storage of private motor vehicles shall not exceed 300 square feet. Calculations computed for square footage shall be based upon exterior foundation dimensions. No accessory garages shall exceed a maximum height of 15 feet in all existing zoning districts; and,

WHEREAS, the proposed detached garage is 1200 square feet in size, which is 300 square feet over the allowed size of 900 square feet; and,

WHEREAS, the proposed height is 20 feet which would require a variance of 5 feet; and,

WHEREAS, Chapter 270-138(a) “Yards” states that no detached accessory structure shall be located in the front yard of any lot; and,

WHEREAS, the applicant wishes to construct the detached garage in the front yard; and,

WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on February 11, 2020 to consider the above referenced variance request; and,
RESOLUTION NUMBER ZBA4-2020
Applicant(s): Ronald & Claudette DuMond
Page 2

WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Wednesday, February 5, 2020 announcing that a public hearing was to take place in the V. Dalton Bambury Hearing Room, at the John F. Kirvin Government Center located at 1100 Sunrise Boulevard, Rotterdam, New York on Tuesday, February 11, 2020 at 7:30 p.m. to consider the variance requests; and,

WHEREAS, Schenectady County Department of Planning and Economic Development 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 February 11, 2020 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.

<table>
<thead>
<tr>
<th>NAME</th>
<th>AYES</th>
<th>NOES</th>
<th>EXCUSED</th>
<th>RECUSED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chairman Eats</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Melillo</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Stramenga</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Bonacquist</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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
3. Quality Petroleum 2, LLC – 330 Becker Drive and Duanesburg Road, Rotterdam, NY, Tax Map #57.00-3-24 and #57.00-3-25 located in the General Business (B-2) Zoning District. Petitioners respectfully request that they be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-149 entitled “Off Street Parking.” Chapter 270-149(a) “General requirements” states: “For all buildings and structures erected and all uses of land established after the effective date of this chapter, accessory off-street parking shall be provided as required by Table 1 as related to specific use or occupancy, except where additional parking may be required as a condition for the issuance of a special permit as provided in Article XIX of this chapter. The applicant is proposing to construct an 8,000 square foot travel center on a 3.37 acre consolidated parcel. Based upon the calculations from Table 1 the travel center requires 99 parking spaces for the fast food area and 25 parking spaces for the motor vehicle fuel/convenience store area (124 spaces total). The applicant is proposing 107 parking spaces which would require a variance of 17 spaces.

a. Alison Yovine of MJ Engineering representing this application.

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

Ms. Yovine explained the travel center as proposed will have 107 parking spaces. Based on the Town Code calculations they need 124 parking spaces. They are asking for a variance for 17 parking spaces. Part of the travel center is a convenience store (3,000 square feet), and the rest is fast food (1,100 square feet). There is an office, restrooms and equipment rooms. If 1,100 square foot is convenience store, the rate is 8 space/1000 square feet. If fast food the requirement is 23 spaces which is a difference of 14 spaces which is still in the ballpark. There are four (4) spaces that are 40’ long for travel trailers and longer vehicles which were recommended by the Planning Commission. If those spaces were conventional spaces that would be eight (8) spaces. It is not a substantial variance. They have wetlands, septic and stormwater areas so can’t put any parking in those areas. It is in character with the neighborhood as Pilot is across the street. She does not feel it is self-created because of the areas that she cannot put parking spaces in necessitates the Variance and the 107 proposed spaces is more than adequate for the travel center.

c. This proposal is not exempt from referral to Schenectady County Planning pursuant to Memorandum of Understanding – April 2011.

*Schenectady County deferred to local consideration.

d. Questions/comments from the Board.

Mr. Bonacquist asked if they were aware of the parking ordinance prior to their submittal. Ms. Yovine explained they did not know how it was going to be classified in order to do the calculations; fueling, fast food, convenient store etc. Mr. Bonacquist sees it as self-created. He also asked Stephanie DiLallo Bitter if the Board’s only purview is the number of parking spaces and not access to the site. Stephanie DiLallo Bitter explained the parking is the only part before the Zoning Board and that the rest will be reviewed by the Planning Commission.
e. Public Comments.
Peter Muscanelli stated he owns the property across the street abutting the existing Pilot truck stop property. He is not against the project or for the project as long as it is done correctly. There is a liability with the Town. He has spoken to the State (DOT) about the intersection being dangerous. It is poorly managed. There used to be 12 streetlights along Route 7 in that area and there are only two (2) left. The tractor trailers are parked all over the street. There is the Schalmont school close by. The lighting and the road need to be improved for the additional traffic. Between three (3) pm and seven (7) pm the trucks are backed up on Rout 7 to the traffic signal. Parking will not be an issue on this site but the truck maneuvering and parking concerns need to be conveyed to the Planning Board. The State DOT put in the lighting and apparently the Town took it over. He did not receive any notice about this meeting.

Mr. Comenzo explained that Mr. Muscanelli has been added to the contact list to be called for the Planning Board meeting. Mr. Comenzo stated that this project is in the preliminary stages of review. GPI is the Town Designated Engineer reviewing the project on behalf of the Town. They needed to get the variance for parking prior to going back before the Planning Board.

Mr. Muscanelli thanked Lisa for her assistance at the office and realizes he is at the wrong meeting for his concerns.

Mike Giorgio with BT Land Development and Quality Petroleum 2, LLC stated they have a traffic engineer looking into those issues and they will have a turn lane which will improve the site. They also have double the parking of the Pilot property across the street. Pilot only has 48 spaces.

f. Motion to APPROVE: Mr. Stramenga

Seconded: Mr. Melillo

h. Approved unanimously:

<table>
<thead>
<tr>
<th>NAME</th>
<th>AYES</th>
<th>NOES</th>
<th>EXCUSED</th>
<th>RECUSED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chairman Eats</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Melillo</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Stramenga</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Bonacquist</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
i. Reopen Public Hearing:
The travel center public hearing was reopened at the request of Stephanie DiLallo Bitter, Zoning Board Attorney, as she believes that it is an unlisted action and not Type 2.

j. Motion: Mr. Bonacquist

k. Seconded: Mr. Melillo

l. Approved unanimously:

<table>
<thead>
<tr>
<th>NAME</th>
<th>AYES</th>
<th>NOES</th>
<th>EXCUSED</th>
<th>RECUSED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chairman Eats</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Melillo</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Stramenga</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Bonacquist</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

m. Negative Declaration SEQR:
At the suggestion of the attorney Stephanie DiLallo Bitter, she recommended that the Zoning Board of Appeals conduct an uncoordinated review on the unlisted action of granting a variance for the number of parking spaces required under the Town Zoning Code. She read into the record the questions on Part II of the Short Environmental Assessment Form and the Zoning Board of Appeals and requested that the Board answer either no impact, small impact or large impact. All questions were read into the record and all were answered by the Board as no impact.

n. Motion to Adopt a Negative Declaration: Mr. Bonacquist

o. Seconded: Mr. Stramenga

p. Approved unanimously:

<table>
<thead>
<tr>
<th>NAME</th>
<th>AYES</th>
<th>NOES</th>
<th>EXCUSED</th>
<th>RECUSED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chairman Eats</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Melillo</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Stramenga</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Bonacquist</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
q. Motion to reaffirm vote on parking variance: Mr. Bonacquist

r. Seconded: Mr. Melillo

s. Approved unanimously:

<table>
<thead>
<tr>
<th>NAME</th>
<th>AYES</th>
<th>NOES</th>
<th>EXCUSED</th>
<th>RECUSED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chairman Eats</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Melillo</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Stramenga</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Bonacquist</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
RESOLUTION NUMBER ZBA5-2020
Moved by Mr. Bonaquist, Seconded by Mr. Melillo
Applicant(s): Quality Petroleum 2, LLC

Applicant(s): Quality Petroleum 2, LLC

Project Location: 330 Becker Drive & Duanesburg Road
Rotterdam, NY

Tax Number or Numbers: 57.00-3-24 & 57.00-3-25 (to be combined)

Zoning: General Business (B-2) Zoning District

Proposed Project: The applicant is proposing to construct an 8,000 square foot travel center on a 3.37 acre consolidated parcel.

WHEREAS, petitioners respectfully request that they be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-149 entitled “Off Street Parking;” and,

WHEREAS, Chapter 270-149(a) “General requirements” states: “For all buildings and structures erected and all uses of land established after the effective date of this chapter, accessory off-street parking shall be provided as required by Table 1 as related to specific use or occupancy, except where additional parking may be required as a condition for the issuance of a special permit as provided in Article XIX of this chapter; and,

WHEREAS, the applicant is proposing to construct an 8,000 square foot travel center on a 3.37 acre consolidated parcel; and,

WHEREAS, based upon the calculations from Table 1 the travel center requires 99 parking spaces for the fast food area and 25 parking spaces for the motor vehicle fuel/convenience store area (124 spaces total); and,

WHEREAS, the applicant is proposing 107 parking spaces which would require a variance of 17 spaces; and,

WHEREAS, pursuant to 6 NYCRR Part 617 State Environmental Quality Review the above referenced project is an Unlisted Action and the Zoning Board of Appeals conducted an uncoordinated review of the project request; and,
RESOLUTION NUMBER ZBA5-2020
Applicant(s): Quality Petroleum 2, LLC
Page 2

WHEREAS, the Rotterdam Zoning Board of Appeals after review of Part 1 of the Short Environmental Assessment Form (SEAF) and discussion of the criteria outlined in Part 2 of the SEAF, hereby issues a Negative Declaration on the project and authorizes the Rotterdam Town Planner to prepare, file, publish, and distribute all documents as necessary to comply with 6 NYCRR Part 617 (State Environment Quality Review.)

WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Wednesday, February 5, 2020 announcing that a public hearing was to take place in the V. Dalton Bambury Hearing Room, at the John F. Kirvin Government Center located at 1100 Sunrise Boulevard, Rotterdam, New York on Tuesday, February 11, 2020 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 February 11, 2020 to consider the above referenced variance request; and,

WHEREAS, Schenectady County Department of Planning and Economic Development 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 February 11, 2020 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:

<table>
<thead>
<tr>
<th>NAME</th>
<th>AYES</th>
<th>NOES</th>
<th>EXCUSED</th>
<th>RECUSED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chairman Eats</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Melillo</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Stramenga</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Bonacquist</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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
4. Dominic Leone, Jr. – 502-504 Harlem Street, Rotterdam, NY, Tax Map #49.17-7-9.21 located in the Light Industrial (I-1) Zoning District. Petitioner respectfully requests that he be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-149 entitled “Off Street Parking.” Chapter 270-149(a) “General requirements” states: “For all buildings and structures erected and all uses of land established after the effective date of this chapter, accessory off-street parking shall be provided as required by Table 1 as related to specific use or occupancy, except where additional parking may be required as a condition for the issuance of a special permit as provided in Article XIX of this chapter. The applicant is proposing to operate a motor vehicle repair facility in an existing 2,346 square foot tenant space. Based upon the calculations from Table 1 the repair facility requires 19 parking spaces. The applicant is proposing 8 parking spaces inside and 6 outside (14 total) which would require a variance of 5 spaces.

a. **Mark Blackstone representing this application.**

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

   Mr. Blackstone explained his involvement in this property dates back to 2003 when he represented Mr. Leone for the addition. The Planning Commission placed restriction on the property for no outside storage of vehicles. Now requesting vehicle storage and providing spaces for parking. The volume of work for Action Transportation is not enough to keep Action Auto Repairs full time so Action Auto Repair would like to do other minor repairs inside the building. The minor repairs would be repairs like oil changes and tune ups. Outside there is room for six (6) spaces which he does not anticipate needing. There are eight (8) cars that potentially could fit inside three (3) of which they would like to bank. Currently, there is a break room and storage areas in those spots with partitions but if needed those areas could be three (3) more spots. They do not feel those three (3) spots will be necessary. The repair facility is a one (1) man operation. Action vehicles are kept off site so there will not be any long term storage of vehicles. The zoning code parking requirements may be applicable in many situations but not in this situation. It is a unique situation. It is not an undesirable change to the character of the neighborhood as they cannot store vehicles outside. There is only one (1) employee and he is hardly there. It cannot be achieved by other means. The zoning code as it relates to parking needs to be fine-tuned with the Town Board. No environmental changes or impacts. There is screening provided to the adjoining neighbors. It is a unique situation so to some degree it is self-created but to another degree it is not.

c. **This proposal is not exempt from referral to Schenectady County Planning pursuant to Memorandum of Understanding – April 2011.**

*Schenectady County deferred to local consideration.*
d. **Questions/comments from the Board.**

Mr. Bonacquist stated it amazes him how they keep the cars moving at the operation on Hamburg Street. He did not realize how many vehicles there were.

Mr. Joseph VanPatten, part owner of Action Repairs stated he has been operating at 502 Harlem since August and has not had any complaints. He needs to offset the cost of running the facility by doing the oil changes and tune ups. The vehicles will be in and out. The area has auto repair facilities in every direction. Mr. Leone gave him permission to park vehicles on another property he owns in the area. Mr. Comenzo stated he should get the agreement for the Planning Board.

Chairman Eats stated they have to base decision on how the code is written now but there should be changes to the ordinance. He thought it was just based on the area for the cars and did not know it was based on the entire building including the other side on the building. Chairman Eats stated the existing vehicle currently located outside the building is waiting for an insurance adjuster.

Stephanie DiLallo Bitter stated for SEQR purposes the Board will view this as a Type II reuse of building under SEQR 617.5 Item 18. The Planning Board is reviewing the Special Use Permit as an Unlisted Action so this Board requires no further review.

e. **No Public Comments.**

f. **Motion to APPROVE with the following condition:**

1. Action Auto Repairs shall be utilized primarily for Action Transportation vehicles only and repairs to public vehicles shall be nominal and include only minor repairs such as oil changes and tune-ups.

2. Further sub-leasing of the tenant space to another company and not permitted and will require further review of both the Zoning Board of Appeals and the Planning Board.

   Mr. Melillo

  g. **Seconded:**

   Mr. Bonacquist

h. **Approved unanimously:**

<table>
<thead>
<tr>
<th>NAME</th>
<th>AYES</th>
<th>NOES</th>
<th>EXCUSED</th>
<th>RECUSED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chairman Eats</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Melillo</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Stramenga</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Bonacquist</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
RESOLUTION NUMBER ZBA6-2020
Moved by Mr. Melillo, Seconded by Mr. Bonacquist
Applicant(s): Dominic Leone, Jr.

**Applicant(s):** Dominic Leone, Jr.

**Project Location:**
502 – 504 Harlem Street
Rotterdam, NY

**Tax Number or Numbers:** 49.17-7-9.21

**Zoning:** Light Industrial (I-1) Zoning District

**Proposed Project:**
The applicant is proposing to operate a motor vehicle repair facility in an existing 2,346 square foot tenant space.

**WHEREAS,** petitioner respectfully requests that he be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-149 entitled “Off Street Parking;” and,

**WHEREAS,** Chapter 270-149(a) “General requirements” states: “For all buildings and structures erected and all uses of land established after the effective date of this chapter, accessory off-street parking shall be provided as required by Table 1 as related to specific use or occupancy, except where additional parking may be required as a condition for the issuance of a special permit as provided in Article XIX of this chapter; and,

**WHEREAS,** the applicant is proposing to operate a motor vehicle repair facility in an existing 2,346 square foot tenant space; and,

**WHEREAS,** based upon the calculations from Table 1 the repair facility requires 19 parking spaces; and,

**WHEREAS,** the applicant is proposing 8 parking spaces inside and 6 outside (14 total) which would require a variance of 5 spaces; and,

**WHEREAS,** pursuant to 6 NYCRR Part 617 State Environmental Quality Review the above referenced project is a Listed Type 2 action pursuant to SEQR 617.5 (C)(18). Action for the Special Use Permit is under jurisdiction of the Rotterdam Planning Board that will conduct its own review of the project request; and
RESOLUTION NUMBER ZBA6-2020
Applicant(s): Dominic Leone, Jr.
Page 2

WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on February 11, 2020 to consider the above referenced variance request; and,

WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Wednesday, February 5, 2020 announcing that a public hearing was to take place in the V. Dalton Bambury Hearing Room, at the John F. Kirvin Government Center located at 1100 Sunrise Boulevard, Rotterdam, New York on Tuesday, February 11, 2020 at 7:30 p.m. to consider the variance requests; 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 February 11, 2020 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 conditions:

1. Action Auto Repairs shall be utilized primarily for Action Transportation vehicles only and repairs to public vehicles shall be nominal and include only minor repairs such as oil changes and tune-ups.

2. Further sub-leasing of the tenant space to another company and not permitted and will require further review of both the Zoning Board of Appeals and the Planning Board.

<table>
<thead>
<tr>
<th>NAME</th>
<th>AYES</th>
<th>NOES</th>
<th>EXCUSED</th>
<th>RECUSED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chairman Eats</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Melillo</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Stramenga</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Bonacquist</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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
February 11, 2020

Meeting adjourned: 8:47 PM
Motion to adjourn: Mr. Stramenga
Seconded: Mr. Melillo
Approved unanimously

Next meeting: March 18, 2020
Respectfully Submitted,
Lisa Gallo