

**Town of Rotterdam
Zoning Board of Appeals Meeting
Summary Meeting Minutes
December 21, 2022**

A meeting of the Town of Rotterdam Zoning Board of Appeals was held Wednesday, December 21, 2022 at 7:30 p.m. at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York.

Present:	Philip Eats, Chairman	Excused: Bruce Bonacquist
	Angelo Melillo, Vice Chairman	
	Alex Stramenga	
	Craig Serafini	
	Peter Comenzo, Sr. Planner	
	Marlo Carter for Lisa Gallo, Secretary	
	Alexandra C. Davis, Attorney for the ZBA	

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
December 21, 2022**

1. **Philip and Denise Rasile – 2065 Cardiff Road, Rotterdam, NY**, Tax Map #59.11-6-1 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 270-143 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. **Philip Rasile of 2065 Cardiff Road was present at the hearing and representing this application.**

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

Mr. Rasile explained that he put the fence in the exact location of an existing 4’ fence that was taken down. There is no obstruction of view along the roadway, in my opinion. Mr. Rasile stated that he applied for a building permit, and it was approved and the fence has been installed. Once installed the building inspector informed him that the permit was issued in error and he needed a variance. He also stated there are no other means on this matter to do anything different. The previous fence was a 4’ chain link fence which you can see through and offered no privacy from the traffic as well as individuals walking through the neighborhood. Mr. Rasile further stated he has small grandchildren, and one with medical condition that visit and for their safety is another reason why he wanted a 6’ fence installed. Mr. Rasile stated that the request for the variance is substantial, and the fence is contained entirely on his property. Mr. Rasile also stated that his contractor applied for the permit on his behalf. Mr. Rasile further stated that he created the need for the variance because he could not satisfy the ordinance as it is written so it is self-created.

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 requested to see a photograph of the new fencing as it exists now. Mr. Rasile showed a photograph from his phone.

Mr. Stramenga stated he has no questions, and he visited the site more than once.

Mr. Serafini stated he previously had a 4’ fence and this was a direct replacement to it which the applicant took out the 4’ and put the new fence in the same position essentially.

Chairman Eats stated he spoke with the owner-wife, Denise Rasile. She explained all the situations that were stated earlier in the hearing by Philip Rasile. Chairman Eats spoke with the neighbor in the back and at that time the neighbor had some concerns, but he is not present in the audience. The neighbor was concerned where individuals parked their cars with noses into the fence and with 2 of them their length wise.

Chairman Eats stated the neighbor mentioned where the vehicles are parked, when he's backing out, they have a tendency to block the sight going down the road. Chairman Eats mentioned the concern to Ms. Rasile and she stated that they would be willing to have him park closer to the house and that would not be a problem.

- 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 ZBA31-2022
Moved by Mr. Serafini, Seconded by Mr. Stramenga
Applicant(s): Philip and Denise Rasile

Applicant(s): Philip and Denise Rasile
Project Location: 2065 Cardiff Road
Tax Number or Numbers: 59.11-6-1
Zoning: Single Family Residential (R-1) Zoning District
Proposed Project: The applicant would like to install a six (6) foot high fence that is one hundred percent (100%) solid.

WHEREAS, petitioners respectfully request that they 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, the property is a corner lot; 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, December 15, 2022 announcing that a public hearing was to take place Wednesday, December 21, 2022 at 7:30 p.m. to consider the variance requests; and,

RESOLUTION NUMBER ZBA31-2022

Applicant: Philip and Denise Rasile

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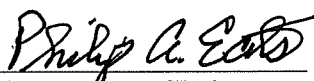
WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on December 21, 2022 to consider the above referenced variance request; and,

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 December 21, 2022 hearing. Taking into consideration the benefit to the applicant if the variances are granted, as weighted against the detriment to the health, safety, and welfare of the neighborhood or community by such grant, the Zoning Board of Appeals hereby **APPROVES** said application.

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

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


Philip A. Eats, Chairman
Zoning Board of Appeals

2. Michael E. Tietz - 1216 Sandra Court, Rotterdam, NY, Tax Map #71.8-1-46 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." The applicant wishes to construct an 896 square foot detached garage with a 512 square foot carport addition. 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 896 square feet in size, the proposed carport is 512 square feet, and the existing attached garage is 660 square feet making the total garage/carport area 2068 square feet, which is 1168 square feet over the allowed size of 900 square feet. The proposed garage height is 20 feet which would require a variance of 5 feet.

a. Michael Tietz of 1216 Sandra Court was present at the hearing and representing this application.

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

Mr. Tietz states he is seeking a variance from the Town to construct a 2-car detached garage with an attached carport. The square footage of the proposed garage is going to be 32' x 28' and proposed 16' x 32' carport attached to it. The proposed garage square footage is 896 square feet, and the proposed carport is 512 square feet. Mr. Tietz states he is looking to increase the allowable size of garages from 900 square feet to a little over 2,068 square feet for a variance of 1,168 square feet. Mr. Tietz is also requesting a height variance of 5'. Mr. Tietz does not believe this would be a detriment to the nearby properties. It is a subdivision of newer homes and on larger lots with a lot of just under 2 acres at the end of a cul-de-sac. Many others in the neighborhood have other detached structures. The proposed garage is going to be in the backyard and well off the road and only be visible to one of my neighbors. Mr. Tietz states this cannot be achieved by any other means and is looking to add additional storage space for a couple of classic cars. He further states that it is a substantial request from the ordinance. Mr. Tietz also states that the request is self-created as he was not aware of the restriction on size until he came in to obtain a building permit, he spoke to the building inspector and Mr. Comenzo who were very helpful and educated him on the process. Mr. Tietz states he has also spoken to all of my neighbors with the exception of one and no one voiced any kind of objection regarding the garage.

c. This proposal is exempt from referral to Schenectady County Planning pursuant to Memorandum of Understanding – April 2011.

d. Questions/comments from the Board.

There were no questions from the Board.

Chairman Eats states that he spoke to the applicant, and he has 2 antique cars that he wants to store so that the vehicles he drives on a daily basis and other equipment can be stored in the garage already attached to the home.

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. 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 ZBA32-2022
Moved by Mr. Stramenga, Seconded by Mr. Melillo
Applicant(s): Michael E. Tietz

Applicant(s): Michael E. Tietz
Project Location: 1216 Sandra Court
Tax Number or Numbers: 71.8-1-46
Zoning: Single Family Residential (R-1) Zoning District
Proposed Project: The applicant wishes to construct an 896 square foot detached garage with a 512 square foot carport addition.

WHEREAS, 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,

WHEREAS, the applicant wishes to construct an 896 square foot detached garage addition with a 512 square foot carport addition; 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; and,

WHEREAS, the proposed attached garage is 896 square feet in size and the proposed carport is 512 square feet and the existing attached garage is 576 square feet making the total garage area 1984 square feet, which is 1084 square feet over the allowed size of 900 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, December 15, 2022 announcing that a public hearing was to take place Wednesday, December 21, 2022 at 7:30 p.m. to consider the variance requests; and,

WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on December 21, 2022 to consider the above referenced variance request; and,

RESOLUTION NUMBER ZBA32-2022

Applicant: Michael E. Tietz

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

IT IS HEREBY RESOLVED, that the Rotterdam Zoning Board of Appeals has considered the foregoing five (5) criteria as evidenced by the application materials of the December 21, 2022 hearing. Taking into consideration the benefit to the applicant if the variances are granted, as weighted against the detriment to the health, safety, and welfare of the neighborhood or community by such grant, the Zoning Board of Appeals hereby **APPROVES** said application.

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

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



**Philip A. Eats, Chairman
Zoning Board of Appeals**

**ZBA Meeting
December 21, 2022**

3. **David Trestick – 1022 Wayne Road, Rotterdam, NY**, Tax Map #59.11-9-22 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.” The applicant wishes to place a 12’ x 10’ shed on the property. The variance request(s) are as follows: **Chapter 270-138(b)(2)** “Yards” in regards to a shed states that “Every detached accessory structure shall be located no less than five feet from a side or rear property line.” The applicant is requesting to place the shed within 1.5 feet from the side yard property line and 3 feet from the rear yard property line.

a. **David Trestick of 1022 Wayne Road was present at the hearing and representing this application.**

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

Mr. Trestick is requesting a variance for a shed that he had built within 5’ of the property line on the side of his property. The variance would be a 3 ½ foot variance on side and a 1 ½ foot in the back. Mr. Trestick states the new shed was put on the existing footprint that was there basically in the exact same place of the old shed. Mr. Trestick stated that the shed already constructed and built, and it would be quite an undertaking to move a 12’ x 10’ shed at this point. Mr. Trestick states the new shed is in the same exact placement as the previous shed and that the roof does not go over the fence line and it will not affect the neighbor’s property. Mr. Trestick stated the neighbor to the right of me has given me an okay for it to be there and it does not cause an adverse effect on the neighborhood. Mr. Trestick further stated that he understands this issue falls on him a little bit, but he had a contractor to build this and when they came for the build it was subcontracted it out to someone else and there was miscommunication about the 5’.

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. Serafini asked whose fence it is that separates the applicant and the neighbor, and the applicant states it’s his which is a vinyl fence. Mr. Trestick stated the fence is within the property line.

Mr. Melillo stated the vinyl fence is inside his property line and the actual shed is not actually 1 ½ foot off, it’s a little further away? The applicant states it is 1 ½ from the property line. The applicant states the line on the side right against it with some larger bushes and trees. Mr. Melillo asked if he knew about the 5’ on each side and the applicant states he did not, and the contractor did all the permitting process. The applicant states it was a little on him that he did not know the ordinance. Mr. Melillo confirmed with the applicant that he told the people to put the shed where the other one was.

Chairman Eats states he spoke with the applicant and that the shed is closest to the neighbor in the back. Chairman Eats stated he asked the building department and he spoke to the applicant about depending how this hearing goes, that the alternatives that you want to think about is if the variance was granted, number 1 we have to be careful that we don’t set a precedent with the conditions surrounding this and I know that you admitted that you had somebody do all your leg work for you and unfortunately, they

didn't follow through on it but with you being the owner is still responsible for the people that did the work. There is also an issue with the building code that he spoke to the applicant about and that if the applicant received the variance, the applicant would still have to go to the building department to discuss making the shed fire rated.

Chairman Eats discussed about potentially having the applicant move the shed so that he doesn't have to worry about the variance or the fire rating issue and there would be no need for him to come back before this Board.

It was determined that the Board would table the application to a date specific so that the applicant had time to look into his options of moving the shed to avoid the variance and fire rating issues.

- e. **No Public Hearing Comments.**
- f. **This project is classified as a Listed Type 2 Action under SEQR.**
- g. **Motion to TABLE THE APPLICATION UNTIL 5/17/23:** 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 ZBA33-2022
Moved by Mr. Serafini, Seconded by Mr. Melillo
Applicant(s): David Trestick

Applicant(s): David Trestick
Project Location: 1022 Wayne Road
Tax Number or Numbers: 59.11-9-22
Zoning: Single Family Residential (R-1) Zoning District
Proposed Project: The applicant wishes to place a 12' x 10' shed on the property.

WHEREAS, 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,

WHEREAS, the applicant wishes to construct a 12' x 10' shed on the property; and,

WHEREAS, Chapter 270-138(b)(2) "Yards" in regards to a shed states that "Every detached accessory structure shall be located no less than five feet from a side or rear property line.;" and,

WHEREAS, the applicant is requesting to place the shed within 1.5 feet from the side yard property line and 3 feet from the rear yard property line.; 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, December 15, 2022 announcing that a public hearing was to take place Wednesday, December 21, 2022 at 7:30 p.m. to consider the variance requests; and,

WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on December 21, 2022 to consider the above referenced variance request and there were no public comments.; and,

WHEREAS, Chairman Eats discussed the potential of having the applicant move the shed so that he does not have to worry about the variance or a potential fire rating issue; and,

RESOLUTION NUMBER ZBA33-2022

Applicant: David Trestick


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WHEREAS, it was discussed that the Board may wish to table a decision on the application to a date specific so that the applicant had time to investigate his options on moving the shed to avoid the necessity for variance and/or issues regarding the fire rating of the structure.

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 hereby tables action on the Variance to the May 17, 2023 Zoning Board of Appeals meeting.

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


Philip A. Eats, Chairman
Zoning Board of Appeals

**ZBA Meeting
December 21, 2022**

- 4. Angela VanNostrand – 1145 Fayette Drive, Rotterdam, NY, Tax Map #71.6-2-13** located in the Single Family Residential (R-1) Zoning District. Petitioners respectfully request 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. The property is a corner lot.

The application was removed from the agenda at the request of the applicant and will be placed on the January 18, 2023 agenda.

NO ACTION

Meeting adjourned: 8:31 PM
Motion to adjourn: Mr. Stramenga
Seconded: Mr. Melillo
Approved unanimously

Next meeting: January 18, 2023

Respectfully Submitted,
Marlo L. Carter