

**Town of Rotterdam
Zoning Board of Appeals Meeting
Summary Meeting Minutes
Wednesday, September 18, 2024**

A meeting of the Town of Rotterdam Zoning Board of Appeals was held Wednesday, September 18, 2024 at 7:30 p.m. at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York.

Present:	Philip Eats, Chairman	Excused:
	Angelo Melillo, Vice Chairman	
	Bruce Bonacquist	
	Alex Stramenga	
	Craig Serafini	
	Matt McAuliffe for Stephanie DiLallo-Bitter, ZBA Attorney	
	Peter Comenzo, Sr. Planner	
	Lisa Gallo, Secretary	

The agenda for the evening was discussed. Chairman Eats called the meeting to order. The Pledge of Allegiance to the Flag was recited. Attendance was taken.

**ZBA Meeting
September 18, 2024**

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.

a. **Chad Pagan of Ingalls & Associates representing this application.**

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

Mr. Pagan explained his client needs a 12.5’ variance for a side yard setback on a storage garage. Referring to the layout his client owns the adjoining property. The surrounding parcels are zoned Industrial and Business. The existing lot is zoned Light Industrial. It abuts Chrisler Avenue and NYSDOT would not allow driveway access on Chrisler Avenue. It is not a large variance in the area; it is a large variance in the zone that requires a 25’ setback. The parcel already exists. In order to complete the building within the required setbacks it needs this one variance. It is self-created.

c. **This proposal is not exempt from referral to Schenectady County Planning** Schenectady County Economic Development and Planning deferred to local consideration.

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

Mr. Bonacquist asked if the building could be slid to the west. Mr. Pagan stated they are going to store the large dump truck in the building and a tractor trailer once a month and they cannot do a different driveway. Mr. Bonacquist said this is not out of line with the area. There will not be any environmental concerns.

Mr. Stramenga said he visited the property and did not have any questions.

Mr. Serafini asked since the applicant owns the property next door how come they did not consider a boundary line adjustment of 12.5 feet from the residential property to this property. Mr. Comenzo said the properties were both residential. They rezoned the one property. They would have to rezone a portion of the residential property which does not make sense.

Chairman Eats spoke with the owner whom explained the driveway and access along with the vehicle storage. There is a boat yard across the street with boats stored outside. The applicant is getting his equipment inside.

Mr. Pagan added there will be more improvements as they go through the Site Plan with the Planning Commission. They are looking at fencing and landscaping and gravel.

e. **No Public Hearing Comments.**

f. **This project is classified as a 6 NYCRR 617 Unlisted Action under SEQR.**

The Town Board issued a negative declaration on May 8, 2024. No further review is required.

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

h. **Seconded:** Mr. Stramenga

i. **Approved unanimously:**

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

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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 ZBA21-2024
Moved by Mr. Melillo, Seconded by Mr. Stramenga
Applicant(s): Gorvin Sarju

Applicant(s): Gorvin Sarju
Project Location: 2175 Tower Avenue
Rotterdam, NY
Tax Number or Numbers: 59.7-10-1.12
Zoning: Light Industrial (I-1) Zoning Districts
Proposed Project: The applicant would like to construct a 40' x 50' commercial garage.

WHEREAS, petitioner respectfully request that he be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-79 entitled "Yard Requirements;" and,

WHEREAS, Chapter 270-79 states that setbacks shall be "Not less than 25 feet;" and,

WHEREAS, 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; and,

WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on Wednesday, September 18, 2024 to consider the above referenced variance request; and,

WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, September 12, 2024, announcing that a public hearing was to take place Wednesday, September 18, 2024 at 7:30 p.m. to consider the variance requests; and,

RESOLUTION NUMBER ZBA21-2024

Applicant(s): Gorvin Sarju

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WHEREAS, this project is classified as a 6 NYCRR 617 Unlisted Action under SEQR; and,

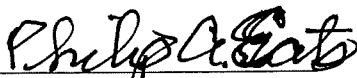
WHEREAS, the Rotterdam Town Board declared lead agency on February 28, 2024 and issued a Negative Declaration on March 27, 2024; and,

WHEREAS, the Schenectady County Department of Planning and Economic Development has responded to the required 239-m referral and deferred to local consideration, **NOW**,

IT IS HEREBY RESOLVED, that the Rotterdam Zoning Board of Appeals has considered the foregoing five (5) criteria as evidenced by the application materials of the Wednesday, September 18, 2024 hearings. Taking into consideration the benefit to the applicant if the variances are granted, as weighted against the detriment to the health, safety, and welfare of the neighborhood or community by such grant, the Zoning Board of Appeals hereby **APPROVES** said application.

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

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



Philip A. Eats, Chairman
Zoning Board of Appeals

**ZBA Meeting
September 18, 2024**

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.

a. **Mike Bush, husband of Mikel-Ann of 3143 North Thompson representing the application.**

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

Mr. Farina would like to install a 30’ X 50’ cold storage building up ten feet (10’) from the side property line and 20’ from rear property line. There are other buildings in the area that are larger and closer to the property lines than he is asking for. He spoke to Schenectady Steel and they do not have an issue with the structure. No other room on property to keep the equipment and vehicles out of the environment and out of sight. It is not a large variance. It is self-created as he wants to install a garage and cannot meet the setback.

b. **This proposal is not exempt from referral to Schenectady County Planning**
Schenectady County Economic Development and Planning deferred to local consideration.

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

Mr. Melillo did not have any questions. He stated the questions were answered to his satisfaction.

Mr. Stramenga visited the property and he sees the need for the requested variance.

Mr. Serafini stated the area is zoned industrial so it does not affect the area. It makes good sense.

Mr. Bonacquist agrees with Mr. Serafini.

Chairman Eats spoke to Mr. Bush. It is in the industrial area. It will clean up the lot.

Mr. Bush stated he did not want the property to be an eyesore for the public.

d. **No Public Hearing Comments.**

e. **This project is classified as a 6 NYCRR 617 Unlisted Action under SEQR.**
 The Rotterdam Zoning Board of Appeals review Part 1 criteria of the SEAF with Mr. McAuliffe. The Board says no to all criteria. The project will not have any detrimental effects.

f. Motion to approve Negative Declaration: Mr. Serafini

g. Seconded: Mr. Melillo

h. Approved Unanimously by Members:

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

i. Motion to APPROVE the variance(s): Mr. Melillo

j. Seconded: Mr. Serafini

k. Approved unanimously by Members:

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



Zoning Board of Appeals

RESOLUTION NUMBER ZBA22-2024
Moved by Mr. Melillo, Seconded by Mr. Serafini
Applicant(s): Mikel-Ann Farina

Applicant(s): Mikel-Ann Farina
Project Location: 3143 North Thompson Street
Rotterdam, NY
Tax Number or Numbers: 48.13-2-8
Zoning: Light Industrial (I-1) Zoning District
Proposed Project: The applicant would like to construct a 30' x 50' commercial garage.

WHEREAS, petitioner respectfully request that they be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-79 entitled "Yard Requirements; and,

WHEREAS, Chapter 270-79 states that setbacks shall be "Not less than 25 feet; and,

WHEREAS, 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; and,

WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on Wednesday, September 18, 2024 to consider the above referenced variance request; and,

WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, September 12, 2024, announcing that a public hearing was to take place Wednesday, September 18, 2024 at 7:30 p.m. to consider the variance requests; and,

RESOLUTION NUMBER ZBA22-2024

Applicant(s): Mikel-Ann Farina

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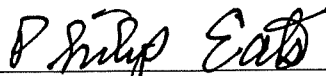
WHEREAS, this project is classified as a 6 NYCRR 617 Unlisted Action under SEQR and the Zoning Board of Appeals have covered all the material in Part Once of the Short EAF and has determined that the project will not have an adverse impact on the environment ; and,

WHEREAS, the Schenectady County Department of Planning and Economic Development responded to referral of the GML 239-m comment request and deferred to local consideration: **NOW**,

IT IS HEREBY RESOLVED, that the Rotterdam Zoning Board of Appeals has considered the foregoing five (5) criteria as evidenced by the application materials of the Wednesday, September 18, 2024 hearings. Taking into consideration the benefit to the applicant if the variances are granted, as weighted against the detriment to the health, safety, and welfare of the neighborhood or community by such grant, the Zoning Board of Appeals hereby **APPROVES** said variances and adopts Negative Declaration.

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

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.

a. **John Hitchcock of ABD Engineers LLP representing the application.**

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

Mr. Hitchcock explained the applicant would like to construct a 50’ X 60’ X 20’ pole barn for lawn equipment, boat, and RV etc. The max square footage allowed is 225 square feet which barely is enough room for a car. They need the peaked roof for the RV. They received conditional approval last night at the Planning Commission meeting to remove the note on the plan that did not allow any building in the area this will be built in. There will not be an undesirable change to the neighborhood. It will be an attractive building on an unused portion of land. The land is overgrown and will now be maintained. It cannot be achieved by other means as it can not be placed on another portion of the lot. It is not substantial. Other lots have large structures. It will just be used for storage. It is self-created as it is the owners desire to construct the pole barn for storage. The applicant has talked to the neighbors and they do not have any issues with the construction.

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

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

Mr. Stramenga stated he went to the site but did not talk to anyone. It looks like there is a need to store these items under cover.

Mr. Serafini stated the Planning Commission conditionally approved with zoning Board approval and that it would not be used as living space. He asked if there would be water to the building. Mr. Hitchcock said not that he is aware of.

Mr. Bonacquist explained that Evergreen Testing submitted a report and Town employees reviewed. There will not be any adverse effects on the neighborhood. It is a large variance but it is mitigated by the size of the lot.

Chairman Eats spoke to the applicant last month when first received the application. He spoke to the neighbor across the street and the neighbor adjacent to the property on Sandra Court. The neighbor on Sandra Court is Joe Bianchine's (with ABD Engineers) daughter. Everyone in the area works together to maintain the property where the structure will be built. No one has any objection to it. The Planning Commission conditional approval has stipulations as to what you can and cannot do on the construction of the structure. Mr. Hitchcock stated the applicant did not have any issues with the conditions.

e. **No Public Hearing Comments.**

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

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

h. **Seconded:** Mr. Stramenga

i. **Approved unanimously:**

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

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Zoning Board of Appeals*

Philip Eats, Chairman
Peter J. Comenzo, Senior Planner

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**RESOLUTION NUMBER ZBA23-2024
Moved by Mr. Bonacquist, Seconded by Mr. Stramenga
Applicant(s): Dominic DeAngelo**

Applicant(s): Dominic DeAngelo

Project Location: 1200 Sandra Court
Rotterdam, NY

Tax Number or Numbers: 28.00-2-11.1

Zoning: Single family Residential (R-1) Zoning District

Proposed Project: The applicant wishes to construct a 50' x 60' pole barn on the property with a height of 20'.

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 Chapter 270-15 entitled "Accessory uses, buildings, and structures; and,

WHEREAS, the applicant wishes to construct a 50' x 60' pole barn on the property; and,

WHEREAS, 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; and,

WHEREAS, the existing residential structure is 1705 square feet which would allow an accessory structure of 255 square feet.; and

WHEREAS, the proposed accessory structure is 3000 square feet, which will require a variance of 2745 square feet; and

WHEREAS, Chapter 270-15 states that no accessory building or structures shall exceed 14 feet in height; and,

WHEREAS, the proposed pole barn is 20 feet in height which would require a variance of 6 Feet; and,

WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on Wednesday, September 18, 2024 to consider the above referenced variance request; and,

WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, September 12, 2024, announcing that a public hearing was to take place Wednesday, September 18, 2024 at 7:30 p.m. to consider the variance requests; and,

WHEREAS, this project is classified as a Type II Action under SEQR pursuant to 6NYCRR Part 617.5(c)(17) this is a granting of an area variance for a single-family home and as a result is therefore exempt from SEQR; and,

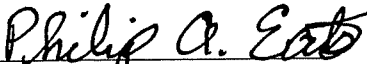
WHEREAS, pursuant to a Memorandum of Understanding dated April 2011 with the Schenectady County Department of Planning and Economic Development this project is exempt from review, and,

IT IS HEREBY RESOLVED, that the Rotterdam Zoning Board of Appeals has considered the foregoing five (5) criteria as evidenced by the application materials of the Wednesday, September 18, 2024 hearings. Taking into consideration the benefit to the applicant if the variances are granted, as weighted against the detriment to the health, safety, and welfare of the neighborhood or community by such grant, the Zoning Board of Appeals hereby **APPROVES** said application with the following conditions:

1. The proposed garage shall be slab on grade construction with disturbance limited to grading associated with the excavation for the pole barn foundation and associated minor grading to make the garage accessible. Additional grading and disturbance of the former landfill area is not permitted. Use or occupancy of the garage for residential purposes is prohibited. These notes shall be placed on the building permit.

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
September 18, 2024**

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.

a. **Carmine Petti, owner, representing the application.**

Mr. Serafini recused himself due to a relationship with the owner.

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

Mr. Petti explained there are currently two (2) businesses and two (2) apartments currently on the property. The previous owner and builder had difficulty renting the businesses and used as his office. We are the new owners and have been unsuccessful in leasing out the two (2) businesses. They have spoken to the residents of this property and adjacent property. It is like a little community that caters to middle class. They have kept the rents low for the residents. The residents do not want the traffic associated with having businesses on the property. They enjoy their little community which is in close proximity to their needs. The Town Board approved a change of zone from business to multi-family.

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

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

Mr. Bonacquist explained that based on the answers to the criteria and the explanation it is self-explanatory.

Mr. Melillo agrees with Mr. Bonacquist.

Mr. Stramenga said it makes sense with what you have there.

Chairman Eats stated that the facts surrounding this application are sufficient.

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

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

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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
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RESOLUTION NUMBER ZBA24-2024
Moved by Mr. Bonacquist, Seconded by Mr. Melillo
Applicant(s): Carmine Petti & Frank Audino

Applicant(s): Carmine Petti & Frank Audino

Project Location: 1725 Tower Street
Rotterdam, NY

Tax Number or Numbers: 59.9-7-6.2

Zoning: Multiple Family Residential (R-3) Zoning District

Proposed Project: The applicants are 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.

WHEREAS, petitioners respectfully request that they be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-49 entitled "Lot Area; and,

WHEREAS, 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; and,

WHEREAS, 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; and,

WHEREAS, there are currently two (2) existing two-bedroom apartments on the second floor; and,

WHEREAS, the required lot size is 26,000 square feet which would require a variance of 19,184 square feet; and,

WHEREAS, variances for lot area, side yard width, rear yard depth, and parking were approved by the Zoning Board of Appeals on December 17, 2014.

RESOLUTION NUMBER ZBA24-2024
Applicant(s): Carmine Petti & Frank Audino
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WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on Wednesday, September 18, 2024 to consider the above referenced variance request; and,

WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, September 12, 2024, announcing that a public hearing was to take place Wednesday, September 18, 2024 at 7:30 p.m. to consider the variance requests; and,

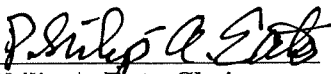
WHEREAS, the Town Board of the Town of Rotterdam conducted a coordinated SEQR review, established lead agency, and issued a Negative Declaration on September 11, 2024; and,

WHEREAS, the Schenectady County Department of Planning and Economic Development responded to referral of the GML 239-m comment request and deferred to local consideration: **NOW**,

IT IS HEREBY RESOLVED, that the Rotterdam Zoning Board of Appeals has considered the foregoing five (5) criteria as evidenced by the application materials of the Wednesday, September 18, 2024 hearings. Taking into consideration the benefit to the applicant if the variances are granted, as weighted against the detriment to the health, safety, and welfare of the neighborhood or community by such grant, the Zoning Board of Appeals hereby **APPROVES** said application.

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

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


Philip A. Eats, Chairman
Zoning Board of Appeals

**ZBA Meeting
September 18, 2024**

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.

a. **John Hitchcock of ABD Engineers LLP representing the application.**

Gary DiCocco is in attendance.

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

Mr. Hitchcock stated they are requesting a boundary line adjustment to increase the square footage of 1117 Floral Avenue. Both lots would need 15,000 square feet. Neither one of the lots meets that code now. The applicant owns both lots and 1119 Floral Avenue is being proposed with a single-family residence. The variances are not substantial. They are pre-existing non-conforming lots. They are similar in size with the lots in the area. There is no other land to increase the lot sizes. They would have to shrink the house and the applicant does not really want to do that. They are moving the home closer to the lot that the applicant owns. The variance would not be noticeable to the neighbors in the area. It is self-created as the applicant wants to build a house on a pre-existing non-conforming lot.

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

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

Mr. Bonacquist explained there is a hodge-podge of lot sizes in the area. He can support this application.

Mr. Melillo asked with the septic and leach fields in the rear of the property, can a pool be installed. Mr. Hitchcock said they have no intent of installing a pool inground or above.

Mr. Stramenga stated his concern is the basement. The plan shows a basement. There is a problem with the water table in that area. Mr. DiCocco said he would like

to put in a basement. Mr. Stramenga said he is okay with the house but without a basement.

Mr. Comenzo said he would have to bring in five feet (5') of fill and it is only five feet (5') away from the property line. It would need to come up two feet (2') to meet 1117 Floral Avenue.

Mr. Melillo states with the slope all the water would drain to the neighboring property even if you own it now.

Mr. DiCocco said the water table is at five and a half feet (5.5'). It is two feet (2') above the mottling. Start at three and a half feet (3.5'). He would have exposed wall with four feet (4') cover for frost wall.

Mr. Serafini said he is not comfortable with a basement due to the water table.

Chairman Eats stated he did get approached by a Town employee about the water table in this area. People on Floral Avenue call the Department of Public Works about water in their basements.

Mr. DiCocco stated he would build on a slab. He sees where this conversation is headed.

Mr. McAuliffe explained it would be a condition of approval.

- e. **No Public Hearing Comments.**
- f. **This project is classified as a Listed Type 2 Action under SEQR.**
- g. **Motion to APPROVE the variance(s) with the following condition:**
 - 1. The single-family residence proposed to be located on 1119 Floral (Tax Parcel #58.8-9-2) shall be constructed without a basement.

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 ZBA25-2024
Moved by Mr. Serafini, Seconded by Mr. Stramenga
Applicant(s): Gary DiCocco

Applicant(s): Gary DiCocco

Project Location: 1117 & 1119 Floral Avenue
Rotterdam, NY

Tax Number or Numbers: 58.8-9-3 & 58.8-9-2

Zoning: Single Family Residential (R-1) Zoning District

Proposed Project: 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.

WHEREAS, 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; and,

WHEREAS, 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); and,

WHEREAS, 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; and,

WHEREAS, 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; and,

WHEREAS, this would require a variance of 8,750 square feet for lot area and 50 feet for lot Width; and,

WHEREAS, 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;" and,

WHEREAS, the setback depths of the adjoining residences would allow a setback of 15.1 feet; and,

WHEREAS, the applicant is requesting a setback of 14 feet which would require a variance of 1.1 feet; and,

WHEREAS, Chapter 270-33(B) states that the “side yard width shall be not less than 10 feet;” and the applicant is proposing a side yard width of 5 feet on the northern side yard which would require a variance of 5 feet; and,

WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on Wednesday, September 18, 2024 to consider the above referenced variance request; and,

WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, September 12, 2024, announcing that a public hearing was to take place Wednesday, September 18, 2024 at 7:30 p.m. to consider the variance requests; 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,

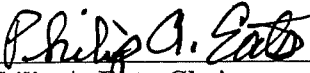
WHEREAS, pursuant to a Memorandum of Understanding dated April 2011 with the Schenectady County Department of Planning and Economic Development this project is exempt from review, and,

IT IS HEREBY RESOLVED, that the Rotterdam Zoning Board of Appeals has considered the foregoing five (5) criteria as evidenced by the application materials of the Wednesday, September 18, 2024 hearings. Taking into consideration the benefit to the applicant if the variances are granted, as weighted against the detriment to the health, safety, and welfare of the neighborhood or community by such grant, the Zoning Board of Appeals hereby APPROVES said application with the following condition:

1. The single-family residence shall be constructed without a basement.

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

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


Philip A. Eats, Chairman
Zoning Board of Appeals

Meeting adjourned: 8:40 PM
Motion to adjourn: Mr. Stramenga
Seconded: Mr. Melillo
Approved unanimously

Next meeting: October 16, 2024

Respectfully Submitted,
Lisa R. Gallo