

**Town of Rotterdam
Zoning Board of Appeals Meeting
Summary Meeting Minutes
December 20, 2023**

A meeting of the Town of Rotterdam Zoning Board of Appeals was held Wednesday, December 20, 2023 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 Alex Stramenga Craig Serafini Bruce Bonacquist Jeff Shapiro for Stephanie DiLallo-Bitter, ZBA Attorney Peter Comenzo, Sr. Planner Lisa Gallo, Secretary	Excused:
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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 20, 2023**

1) **Jose A. Lopez – 901 Duff Bambury Court, Rotterdam, NY, Tax Map #57.12-1-43** located in the Agriculture (A-1) Zoning District. Petitioner respectfully request 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 14’ x 30’ detached shed 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 1548 square feet which would allow an accessory structure of 232 square feet. The proposed accessory structure is 420 square feet, which will require a variance of 188 square feet.

a. **Jose Lopez of 901 Duff Bambury Court on behalf of this application.**

Angelo Melillo recused himself from this application as the applicant is a neighbor.

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

Mr. Lopez explained he has resided at this residence for approximately three (3) years. It is a one (1) acre lot and it is a corner lot. There is about ¼ acre to the right of the lot where he would like to place a 14’ X 30’ shed. He cannot put it in the back because there is a pool there which is close to a tree line in the backyard. The goal is to park the family cars in the garage without having any thing else in it. He needs a 188 square foot variance which he feels is not excessive. It will be well maintained and have curb appeal. It will upgrade the value of his property. It cannot be placed on the left because the septic system is there. Mr. Lopez is aware that the front of the garage cannot go passed the front of the house. It will be located on the grassy area. The run off will be on his property and he is going to install gutters. It is not self-created as there is no other place to place it. The back of the property slopes and there is a creek back there. He needs this to store pool supplies, patio furniture etc.

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

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

Chairman Eats disclosed he visited the site and discussed the five (5) criteria with the applicant. He also explained that in most cases variance requests are self-created but that is why there is a Zoning Board of Appeals. The applicant addressed the criteria to his satisfaction.

Mr. Bonacquist stated that after going through the criteria, there will not be an undesirable change to the characteristic of the neighborhood. It is a substantial variance but it is mitigated by the size of the property.

Mr. Stramenga stated he visited the property. He saw the flags where the proposed shed is to be located and he can see there is no other choice for the placement.

Mr. Serafini also visited the property and spoke to one of the neighbors who was fine with it. There is a lot of space on the lot. As long as the applicant knows the garage cannot be located passed the front of the house, he is fine with granting the variance.

- e. **No Public Hearing Comments.**
- f. **This project is classified as a Listed Type 2 Action under SEQR.**
- g. **Motion to APPROVE:** Mr. Stramenga
- h. **Seconded:** Mr. Serafini
- i. **Approved unanimously:**

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



Zoning Board of Appeals

**RESOLUTION NUMBER ZBA38-2023
Moved by Mr. Stramenga, Seconded by Mr. Serafini
Applicant(s): Jose A. Lopez**

Applicant(s): Jose A. López

Project Location: 901 Duff Bambury Court

Tax Number or Numbers: 57.12-1-43

Zoning: Agricultural (A-1) Zoning District

Proposed Project: The applicant wishes to place a 14' x 30' detached shed on the property.

WHEREAS, petitioner respectfully request 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, 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 applicant wishes to place a 14' x 30' detached shed on the property; and,

WHEREAS, the existing residential structure is 1548 square feet which would allow an accessory structure of 232 square feet; and,

WHEREAS, the proposed accessory structure is 420 square feet, which will require a variance of 188 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 14, 2023 announcing that a public hearing was to take place Wednesday, December 20, 2023 at 7:30 p.m. to consider the variance requests; and,

RESOLUTION NUMBER ZBA38-2023

Applicant: Jose A. Lopez

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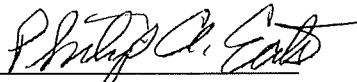
WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on December 20, 2023 to consider the above referenced variance request; and,

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 20, 2023 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 20, 2023**

- 2) **Louis Martin – 6 Rice Road, Rotterdam, NY, Tax Map #38.00-3-9.1** located in the Agriculture (A-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 a 36’ x 40’ detached garage with a height of 14 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 existing detached garages currently located on the property are 360 square feet and 672 square feet. The proposed detached garage is 1200 square feet making the total square footage of garages on the property 2232 square feet in size, which is 1332 square feet over the allowed size of 900 square feet.

a. **Louis Martin of 6 Rice Road representing this application.**

Mr. Martin disclosed that his wife, Diane J. Martin, is the Receiver of Taxes for the Town. He also submitted the Disclosure of Interest Statement according to General Municipal Law Section 809.

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

Mr. Martin stated he started a garage 40’ X 30’ which he needs to store equipment and material so they are out of the weather. He explained he does not have any neighbors. There are City of Schenectady well heads on one side. There are Schenectady County solar panels on the other side and Route 890 is behind them. The Mohawk Hudson Bike trail is across the street. The other sheds and garages on the property are full. He purchased a tractor in 2020. He has four (4) trailers. Yes, it is a substantial variance but he needs this size to store all the items. The concrete pad has been poured. There will not be any environmental issues. There is good soil in the area so the property drains well. There is a culvert on the other side of the property. It is self-created as I have too much stuff.

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 stated the applicant answered the five (5) criteria to his satisfaction. Due to the location of the property being surrounded by well heads, solar, and 890 and not having any neighbors he does not have any problem with the variance.

Mr. Stramenga visited and understands why he needs the extra storage. He is okay with this proposed variance.

Mr. Serafini agrees with the other members. The garage will be secluded in its own way.

Mr. Bonacquist stated that the variance is substantial but it is mitigated by the location and amount of property. There will be no one around to be offended by it.

Chairman Eats agrees with the other members. The run off will be on the property. There are no neighbors. The size is needed for the items that need to be stored. It is substantial but is mitigated by the other factors.

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

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 ZBA39-2023

Moved by Mr. Melillo Seconded by Mr. Bonacquist

Applicant(s): Louis Martin

- Applicant(s):** Louis Martin
- Project Location:** 6 River Road
- Tax Number or Numbers:** 38.00-3-9
- Zoning:** Agricultural (A-1) Zoning District
- Proposed Project:** The applicant wishes to construct a 36' x 40' detached garage with a height of 14 feet.

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, 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 applicant wishes to construct a 36' x 40' detached garage with a height of 14 feet; and,

WHEREAS, the existing detached garages currently located on the property are 360 square feet and 672 square feet; and,

WHEREAS, the proposed detached garage is 1200 square feet making the total square footage of garages on the property 2232 square feet in size, which is 1332 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,

RESOLUTION NUMBER ZBA39-2023

Applicant: Louis Martin

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WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, December 14, 2023 announcing that a public hearing was to take place Wednesday, December 20, 2023 at 7:30 p.m. to consider the variance requests; and,

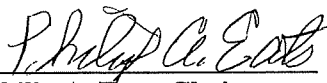
WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on December 20, 2023 to consider the above referenced variance request; and,

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 20, 2023 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 20, 2023**

3) Dawn Cooper-Rapp – 32 Newell Road, Rotterdam, NY, Tax Map #38.14-1-16 located in the Agriculture (A-1) Zoning District. Petitioner respectfully requests that she 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 24’ x 24’ detached garage with a height of 14.5 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 existing attached garage is 336 square feet and the proposed detached garage is 576 square feet making the total square footage of garages on the property 912 square feet in size, which is 12 square feet over the allowed size of 900 square feet.

- a. **Anthony DeLorenzo, contractor, representing this application.**
- b. **Applicant(s) addressed five (5) criteria to the Board.**

Mr. DeLorenzo stated he is going to build a 24’ X 24’ pole barn which looks like a garage. The pad is already there. The owner’s brother left her two (2) nice cars and she would like to get them under cover. She lives on a dead-end road. It is a large property that is fenced in. It won’t be seen from the road. There is no other way to cover these vehicles. It is not substantial. It is a nice piece of property. The yard slopes in the back. It is good sandy soil so the runoff will drain. He is going to put stone around the outside. It has to be used for the vehicles.

- 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. Stramenga visited the property and has no questions.

Mr. Serafini said everything has been documented and it is such a miniscule variance he does not have any issues with it.

Mr. Bonacquist agrees with Mr. Serafini. The drawing is deceiving as it appears the road wraps around but it is actually a dead end. He said Mr. DeLorenzo was being nice when he stated the property sloped because the property drops off substantially in the back.

Mr. Melillo agrees with the rest of the members.

Chairman Eats spoke with the applicant and agrees with the other members. It is only a 12 square foot variance. The height is not exceeding the 15’. The closest neighbor is 10’ higher on the road.

- 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			

Meeting adjourned: 8:11 PM
Motion to adjourn: Mr. Stramenga
Seconded: Mr. Serafini
Approved unanimously

Next meeting: January 17, 2024

Respectfully Submitted,
Lisa R. Gallo



Zoning Board of Appeals

RESOLUTION NUMBER ZBA40-2023

Moved by Mr. Serafini, Seconded by Mr. Stramenga

Applicant(s): Dawn Cooper-Rapp

- Applicant(s):** Dawn Cooper-Rapp
- Project Location:** 32 Newell Road
- Tax Number or Numbers:** 38.14-1-16
- Zoning:** Agricultural (A-1) Zoning Districts
- Proposed Project:** The applicant wishes to construct a 24' x 24' detached garage with a height of 14.5 feet.

WHEREAS, petitioner respectfully requests that she be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-138 entitled "Accessory Structures and Uses;" 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 applicant wishes to construct a 24' x 24' detached garage with a height of 14.5 feet; and,

WHEREAS, the existing attached garage is 336 square feet and the proposed detached garage is 576 square feet making the total square footage of garages on the property 912 square feet in size, which is 12 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 14, 2023 announcing that a public hearing was to take place Wednesday, December 20, 2023 at 7:30 p.m. to consider the variance requests; and,

RESOLUTION NUMBER ZBA40-2023

Applicant: Dawn Cooper-Rapp

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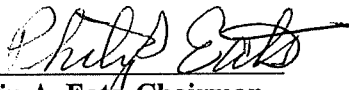
WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on December 20, 2023 to consider the above referenced variance request; and,

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 20, 2023 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**