

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

A meeting of the Town of Rotterdam Zoning Board of Appeals was held Wednesday, December 18, 2024 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 Craig Serafini 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 3, 2024**

1. **Alison Harper – 1274 Main Street, Rotterdam Junction, NY**, Tax Map #20.5-3-26 located in the Retail Business (B-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 that is 18.5 feet in height. The variance request(s) are as follows: **Chapter 270-138(c)**: “Lot Coverage” states that no accessory garages shall exceed a maximum height of 15 feet in all existing zoning districts. The proposed detached garage height is 18.5 feet and is 3.5 feet over the allowed height of 15 feet.

a. **Mr. Harper of 1274 Main Street representing this application.**

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

Mr. Harper explained that on October 20, 2024 there was a garage fire which resulted in a total loss of his garage and the neighbors. The house was damaged but is repairable. The garage was a two-story old carriage house which was converted into a garage before they bought the home. The garage will be four (4) feet above what is allowed. The previous garage was taller than the one I wanted to build. It will not be an undesirable change to the neighborhood as it will be of similar size and height as the one that was there. It cannot be achieved by other means. It is not a substantial variance but he does not know what is substantial to the Board. There will not be any adverse effects as it is going where the original garage was. He did not choose to lose the garage. There was a fire.

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

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

Chairman Eats stated Mr. Harper keeps alluding to a four (4) foot variance. He asked if the height of the garage is actually 19 feet. Mr. Harper is not sure what the height of the garage is as he cannot read the plans. Mr. Comenzo explained in the detailed plans on the last page it shows the height as 18 two (2) and a quarter. It is advertised as three and a half (3 1/2) feet so it is covered

Mr. Bonacquist mentioned that the applicant was here last month in support of the neighbor. It is not substantial or out of character for the neighborhood and therefore he can support the variance.

Mr. Serafini stated everything is self-explanatory. The only question would be if it is self-created and in this case the answer is no as it was due to a fire.

Chairman Eats stated he visited the property but both times no one was home. He did speak to Mr. Harper on the phone and they went over the criteria.

e. **Public Hearing Comments.**

Mr. John Halsdorf lives next door and does not have an issue with the garage being rebuilt.

f. **This project is classified as Type 2 Listed Action – 6NYCRR Part 617 under SEQR.**

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			



Zoning Board of Appeals

**RESOLUTION NUMBER ZBA34-2024
Moved by Mr. Melillo, Seconded by Mr. Stramenga
Applicant(s): Alison Harper**

Applicant(s): Alison Harper
Project Location: 1274 Main Street
Rotterdam, NY
Tax Number or Numbers: 20.5-3-26
Zoning: Retail Business (B-1) Zoning District
Proposed Project: The applicant wishes to construct a 24' x 24' detached garage that is 18.5 feet in height.

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 that 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 that is 18.5 feet in height; and,

WHEREAS, the proposed detached garage height is 18.5 feet and is 3.5 feet over the allowed height of 15 feet.; and,

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

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

RESOLUTION NUMBER ZBA34-2024

Applicant(s): Alison Harper

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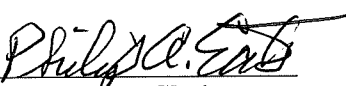
WHEREAS, this project is classified as a Type II Action under SEQR pursuant to 6NYCRR Part 617.5(c)(17) this is a granting of an area variance for a single-family home and as a result is therefore exempt from SEQR; and,

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; **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, December 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

2) **Richard Fredrick – 2768 Lower Gregg Road, Rotterdam, NY**, Tax Map #28.-1-10.3 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 42’ x 42’ detached garage with a height of 23.5 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. The proposed detached garage is 1764 square feet, which is 864 square feet over the allowed size of 900 square feet. **Chapter 270-138(c)**: “Lot Coverage” states that no accessory garages shall exceed a maximum height of 15 feet in all existing zoning districts. The proposed detached garage height is 23.5 feet and is 8.5 feet over the allowed height of 15 feet.

a. **Chris Longo of Empire Engineering representing this application.**

Mr. Fredrick is also in attendance.

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

Mr. Longo explained the proposed garage is 42’ x 42’ with a height of 23.5 feet. They are here for two (2) variances in accordance with Chapter 270-138(C), both size and height. The side yard to the south exceeds 50 feet. It is set back quite a distance and there is a wooded area which wood buffer. The property is 30 acres. It can not be achieved by other means as this is the size and location the applicant needs for his use. It is not substantial as 1,764 square feet is very minor on a 30 acre parcel. There will not be any adverse effect on the environment. It is developed property and it will enhance the property. This is the required square footage necessary for Mr. Fredricks needs

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

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

Mr. Serafini said the variance request is substantial but it is mitigated by the lot size being 30 acres.

Mr. Bonacquist agrees with Mr. Serafini and added the location of the property not having a lot of neighbors.

Chairman Eats met with Mr. Fredrick. He finally got up his driveway after the snow storm, and stood behind the house. All you can see from the location is woods. Mr. Longo addressed the criteria to his satisfaction.

- e. **No Public Hearing Comments.**
- f. **This project is classified as a Type 2 Listed Action – 6NYCRR Part 617 under SEQR.**
- g. **Motion to APPROVE** Mr. Bonacquist
- h. **Seconded:** Mr. Serafini
- i. **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 ZBA35-2024
Moved by Mr. Bonacquist, Seconded by Mr. Serafini
Applicant(s): Richard Fredrick**

Applicant(s): Richard Fredrick

Project Location: 2768 Lower Gregg Road
Rotterdam, NY

Tax Number or Numbers: 28.-1-10.3

Zoning: Agricultural (A-1) Zoning District

Proposed Project: The applicant wishes to construct a 42' x 42' detached garage with a height of 23.5 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, the applicant wishes to construct a 42' x 42' detached garage with a height of 23.5 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; and,

WHEREAS, the proposed detached garage is 1764 square feet, which is 864 square feet over the allowed size of 900 square feet; and,

WHEREAS, Chapter 270-138(c): "Lot Coverage" states that no accessory garages shall exceed a maximum height of 15 feet in all existing zoning districts; and,

WHEREAS, the proposed detached garage height is 23.5 feet and is 8.5 feet over the allowed height of 15 feet; and,

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

RESOLUTION NUMBER ZBA35-2024

Applicant(s): Richard Fredrick

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

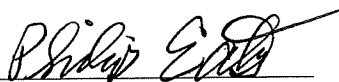
WHEREAS, this project is classified as a Type II Action under SEQR pursuant to 6NYCRR Part 617.5(c)(17) this is a granting of an area variance for a single-family home and as a result is therefore exempt from SEQR; and,

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; **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, December 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.

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 3, 2024**

3. Kristine Impellizzeri – 1013 Argo Boulevard, Rotterdam, NY, Tax Map #59.10-14-11 located in the Single Family Residential (R-1) Zoning District. Petitioner respectfully requests 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.

a. Kristine Impellizzeri of 1013 Argo Boulevard representing the application.

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

Ms. Impellizzeri explained that she needs a variance on a fence. The code only allows a four (4) foot and she would like a six (6) foot. It is for privacy and safety of her children. They are 18 months and an eight (8) year old. It is a corner lot. Last winter a neighbor’s tree came down and ruined their fence. The neighbor was not willing to repair. It will not have any impact or be an eyesore. The neighbors can see getting out of their driveway. Pictures were submitted.

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

d. Questions/comments from the Board.

Mr. Stramenga visited the property and sees the reason for the fence. Everyone over there goes too fast. He used to have a business there.

Ms. Impellizzeri said there used to be speed bumps but they were removed. She has asked for them back but was told they cannot be put back because of the snow plows.

Mr. Serafini said with the pictures and having traveled there he understands the need for the fence.

Mr. Bonacquist asked if that was a batting cage in the yard. Mr. Impellizzeri said yes and he can come use it whenever. He also mentioned that you can find anything on Marketplace. Mr. Bonacquist said that with the way the code is written you have two (2) front yards on a corner lot.

Mr. Melillo said he liked the batting cage.

Chairman Eats met with the applicants. They know that the fence is on their property but if it comes to fruition that it is not on their property, they are aware they will have to move it.

- 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. Melillo
- 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: 7:58 PM
Motion to adjourn: Mr. Stramenga
Seconded: Mr. Melillo
Approved unanimously

Next meeting: January 15, 2025

Respectfully Submitted,
Lisa R. Gallo



Zoning Board of Appeals

**RESOLUTION NUMBER ZBA36-2024
Moved by Mr. Stramenga, Seconded by Mr. Melillo
Applicant(s): Kristine Impellizzeri**

Applicant(s): Kristine Impellizzeri

Project Location: 1013 Argo Boulevard
Rotterdam, NY

Tax Number or Numbers: 59.10-14-11

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

Proposed Project: The applicant would like to install a six (6) foot high fence that is one hundred percent (100%) solid.

WHEREAS, petitioner respectfully requests that she 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. 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, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on Wednesday, December 18, 2024 to consider the above referenced variance request; and,

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

RESOLUTION NUMBER ZBA36-2024
Applicant(s): Kristine Impellizzeri
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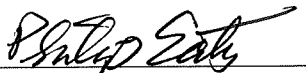
WHEREAS, this project is classified as a Type II Action under SEQR pursuant to 6NYCRR Part 617.5(c)(17) this is a granting of an area variance for a single-family home and as a result is therefore exempt from SEQR; and,

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, December 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:

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