

**Town of Rotterdam  
Zoning Board of Appeals Meeting  
Summary Meeting Minutes  
July 19, 2023**

A meeting of the Town of Rotterdam Zoning Board of Appeals was held Wednesday, July 19, 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 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  
July 19, 2023**

1) **Geoffrey and Helen Manganaro – 437 East Lucille Lane, Rotterdam, NY**, Tax Map #58.20-4-13 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 270-138 entitled “Accessory Structures and Uses,” and Chapter 270-33 entitled “Yard Requirements.” The applicant wishes to place a 12’ x 20’ detached shed on the property and a 14’ by 24’ attached carport to the side of the residence. 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 1209 square feet which would allow an accessory structure of 181 square feet. The proposed accessory structure is 240 square feet, which will require a variance of 59 square feet. **Chapter 270-33(b)** states that the side yard width shall be not less than ten feet. The applicants are proposing to construct this carport within 1.8 feet of the side yard which would require a variance of 8.2 feet.

a. **Geoffrey Manganaro of 437 East Lucille Lane representing this application.**

Mr. Manganaro submitted letter from Thomas Sindoni at 433 E. Lucille Lane in favor of ZBA granting variances for project.

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

Mr. Manganaro explained he is requesting two (2) variances; one is for a 12’ x 20’ shed which only needs a 59 square foot variance and the second is for a 14’ x 24’ carport. It is a normal shed in the back yard. Property is located on a dead-end road and the Town of Rotterdam owns the property on one side. The shed will match the house. There are many sheds and garages in the area. The carport will have gutters to direct water away from the adjoining property. The posts will be 1.8’ away from the property line. He will bring in stone that matches the neighbor’s so runoff flows. The leachate field takes up most of the back yard so relocation to the other side of the property is not an option. The shed will fit in the corner. There are natural gas lines on the other side where the town owns property. Yes, the variance for the carport is substantial as the setback supposed to be 10’ and he is asking for 1.8’. The shed variance of 59 square feet is not substantial and he is maintaining the five-foot (5’) setback. The rain run off from the gutter will drain to his property from the carport. There will not be sides on the carport and it will be open. Yes, it is self-created. He did not know the zoning codes when he purchased the home. Mr. Manganaro called the building inspector and they explained the codes. He did have the property surveyed. The ideal place would be the other side of the house next to the Town property but the gas line, the air conditioner and the leach fields are on that side. The 14’ carport would not fit on that side.

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. Bonacquist explained that he will go thru the criteria. The shed pretty much meets criteria. The carport is a very substantial variance. He drove around the neighborhood and he did not see a lot of carports and therefore it would change the characteristics of the neighborhood. Mr. Manganaro said some of his neighbors have two (2) car garages but he cannot because of the leach field in the backyard.

Mr. Melillo asked where the entrance to the car port would be. Mr. Manganaro it is a slight “s” off of the existing driveway.

Mr. Serafini asked if the carport was going to be open, what it is made from and support poles. Mr. Manganaro said it is a metal roof that will be attached to the house sloping with gutters to drain runoff to his property. The poles are not Sono tubes they are Techno posts. Mr. Serafini said he understands he cannot use the other side and he cannot buy property from the Town. He asked what he needs for the carport. Mr. Manganaro stated he could move it in six inches (6”).

Chairman Eats stated he spoke to the applicant. The other side would be a better place to locate the shed and carport but he understands it does not work. Could you go any further? Mr. Manganaro said 12’ was too short he kept hitting the doors. He stated he has a lot of metal in him and it is tough to bend and twist. He could live with 13’ instead of 14’. This would be a 7.2’ variance.

**e. Public Hearing Comments.**

Cheers were made for the variances from the other applicants in the audience.

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

**g. Motion to APPROVE the variance on the shed:** Mr. Serafini

**h. Seconded:** Mr. Stramenga

**i. Approved unanimously:**

NAME	AYES	NOES	EXCUSED	RECUSED
<b>Chairman Eats</b>	<b>X</b>			
<b>Mr. Melillo</b>	<b>X</b>			
<b>Mr. Stramenga</b>	<b>X</b>			
<b>Mr. Bonacquist</b>	<b>X</b>			
<b>Mr. Serafini</b>	<b>X</b>			

**j. Motion to APPROVE the variance on the carport with the following conditions:**

1. The variance request was lessened from 8.2’ to 7.2’ with the carport now being 13’X 24’.
2. Applicant shall have engineered plans on the car port with pole construction and snow load indicated.
3. Applicant to install gutters on the carport piped to backyard and stone along property line affected.

Mr. Serafini

k. **Seconded:**

Mr. Stramenga

l. **Approved 4 to 1:**

<b>NAME</b>	<b>AYES</b>	<b>NOES</b>	<b>EXCUSED</b>	<b>RECUSED</b>
<b>Chairman Eats</b>	<b>X</b>			
<b>Mr. Melillo</b>	<b>X</b>			
<b>Mr. Stramenga</b>	<b>X</b>			
<b>Mr. Bonacquist</b>		<b>X</b>		
<b>Mr. Serafini</b>	<b>X</b>			

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*Zoning Board of Appeals*

Philip Eats, Chairman  
Peter J. Comenzo, Senior Planner

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Facsimile (518) 355-2725

**RESOLUTION NUMBER ZBA18-2023**  
**Moved by Mr. Serafini, Seconded by Mr. Stramenga**  
**Applicant(s): Geoffrey & Helen Manganaro**

**Applicant(s):** Geoffrey & Helen Manganaro  
**Project Location:** 437 East Lucille Lane  
**Tax Number or Numbers:** 58.20-4-13  
**Zoning:** Single Family Residential (R-1) Zoning District  
**Proposed Project:** The applicant wishes to place a 12' x 20' detached shed on the property.

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

**WHEREAS**, the applicant wishes to place a 12' x 20' detached shed 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. The existing residential structure is 1209 square feet which would allow an accessory structure of 181 square feet; and,

**WHEREAS**, the proposed accessory structure is 240 square feet, which will require a variance of 59 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, July 13, 2023 announcing that a public hearing was to take place Wednesday, July 19, 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 July 19, 2023 to consider the above referenced variance request; and,

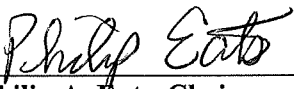
**RESOLUTION NUMBER ZBA18-2023**  
**Applicant: Geoffrey & Helen Manganaro**  
**Page 2**

**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 July 19, 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.

<b>NAME</b>	<b>AYES</b>	<b>NOES</b>	<b>EXCUSED</b>	<b>RECUSED</b>
<b>Chairman Eats</b>	<b>X</b>			
<b>Mr. Melillo</b>	<b>X</b>			
<b>Mr. Stramenga</b>	<b>X</b>			
<b>Mr. Bonacquist</b>	<b>X</b>			
<b>Mr. Serafini</b>	<b>X</b>			

**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**

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Philip Eats, Chairman  
Peter J. Comenzo, Senior Planner

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Facsimile (518) 355-2725

**RESOLUTION NUMBER ZBA19-2023**  
**Moved by Mr. Serafini, Seconded by Mr. Stramenga**  
**Applicant(s): Geoffrey & Helen Manganaro**

**Applicant(s):** Geoffrey & Helen Manganaro  
**Project Location:** 437 East Lucille Lane  
**Tax Number or Numbers:** 58.20-4-13  
**Zoning:** Single Family Residential (R-1) Zoning District  
**Proposed Project:** The applicant wishes to place a 14' by 24' attached carport to the side of the residence.

**WHEREAS**, petitioners respectfully request that they be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-33 entitled "Yard Requirements;" and,

**WHEREAS**, Chapter 270-33(b) states that the side yard width shall be not less than ten feet; and,

**WHEREAS**, the applicants are proposing to construct this carport within 2.8 feet of the side yard which would require a variance of 7.2 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, July 13, 2023 announcing that a public hearing was to take place Wednesday, July 19, 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 July 19, 2023 to consider the above referenced variance request; and,

**RESOLUTION NUMBER ZBA19-2023**  
**Applicant: Geoffrey & Helen Manganaro**  
**Page 2**


**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 July 19, 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 with the following conditions:

1. The variance request was lessened from 8.2' to 7.2' with the carport now being 13' X 24'.
2. Applicant shall have engineered plans on the carport with pole construction and snow load indicated.
3. Applicant to install gutters on the carport piped to backyard and stone along property line affected.

<b>NAME</b>	<b>AYES</b>	<b>NOES</b>	<b>EXCUSED</b>	<b>RECUSED</b>
<b>Chairman Eats</b>	<b>X</b>			
<b>Mr. Melillo</b>	<b>X</b>			
<b>Mr. Stramenga</b>	<b>X</b>			
<b>Mr. Bonacquist</b>		<b>X</b>		
<b>Mr. Serafini</b>	<b>X</b>			

**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  
July 19, 2023**

2) **Jeffrey and Kenyona Davis – 1986 Marlette Street, Rotterdam, NY, Tax Map #59.9-11-12** 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 270-15 entitled “Accessory uses, buildings, and structures.” The applicant wishes to place a 10’ x 10’ detached shed in the front yard of the property. **Chapter 270-15 (a) Location.** States that no permitted accessory use or building shall be located in the front yard in a residential district, except parking and landscaping.

a. **Kenyona Davis of 1986 Marlette Street representing this application.**

Mrs. Davis submitted letter signed by Therese Grina, neighbor, stating the shed in the front yard will not bother her.

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

Mrs. Davis stated she is requesting a shed in her front yard due to living on a corner lot with two (2) large dogs. The shed will not fit in the back yard. It is being built by Tough Sheds. It is going to match house when she changes the siding on the house. It is a 10’ X 10’ shed and it is 15’ away from her house. It cannot be achieved by other means. Yes, the request is substantial but it will not block any views. Neighbors have sheds in back yard but since she is on a corner lot it is considered her front yard. It is self-created. She has two (2) big dogs in the backyard and needs to let them out separately. It will not fit on the other side because of the electric wires. Ms. Davis needs to store the lawn mower, snow blower and yard tools which will alleviate the clutter in the front of the house. She does not have a garage or a basement to store anything.

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. He understands the circumstances and is in favor of the project.

Mr. Serafini asked if she knew the distance from the fence. Mrs. Davis did not. She stated the shed is six feet (6’) from fence. Mr. Serafini stated there is a right-of-way and they cannot grant a variance to allow a shed in the right-of-way. Mrs. Davis said she could move the shed back three feet (3’) or four feet (4’).

Mr. Bonacquist stated the application also states she wants a pool and a deck and asked where they are going. Mrs. Davis said behind the house. The septic and electric lines are on the one side and the other side is for the dogs. Mr. Bonacquist asked if she could have the dogs on the side with the septic and place the shed in the back yard where the dogs are now. Mr. Bonacquist said it changes the character of the neighborhood as there are no other sheds in the front yard. It could be achieved by other means by putting where the dogs are. Mrs. Davis stated if the shed is there then she cannot put the pool there. She did not know the rules when she moved here from the City. Mr. Bonacquist also said it is a substantial variance from the ordinance.

Mr. Melillo suggested extending the fence to enclose the shed. The fence would buffer the shed. A discussion ensued about being able to that with the previous variance she

received. It was stated that it goes by the submitted drawing but now the Zoning Board could put a condition on the approval if it is received.

Mr. Davis stated that they cannot build anything where the septic tank is.

Mr. Stramenga asked if they would make that stipulation to extend that fence and enclose the shed behind the fence.

**e. Public Hearing Comments.**

Unidentified members of the public spoke from their seats in favor of the variance.

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

**g. Motion to APPROVE the variances with the following condition:**

1. Applicant shall modify the existing six foot high stockade fence and extend the fence south with up to two (2) panels towards Marlette Street to enclose the shed inside the enclosed fenced in yard. Mr. Melillo

**h. Seconded:**

Mr. Bonacquist

**i. Approved unanimously:**

<b>NAME</b>	<b>AYES</b>	<b>NOES</b>	<b>EXCUSED</b>	<b>RECUSED</b>
<b>Chairman Eats</b>	<b>X</b>			
<b>Mr. Melillo</b>	<b>X</b>			
<b>Mr. Stramenga</b>	<b>X</b>			
<b>Mr. Bonacquist</b>	<b>X</b>			
<b>Mr. Serafini</b>	<b>X</b>			

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**RESOLUTION NUMBER ZBA20-2023**  
**Moved by Mr. Melillo, Seconded by Mr. Mr. Bonacquist**  
**Applicant(s): Jeffery & Kenyona Davis**

**Applicant(s):** Jeffery & Kenyona Davis  
**Project Location:** 1986 Marlette Street  
**Tax Number or Numbers:** 59.9-11-12  
**Zoning:** Single Family Residential (R-1) Zoning District  
**Proposed Project:** The applicant wishes to place a 10' x 10' detached shed in the front yard of the property.

**WHEREAS,** petitioners respectfully request that they be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-15 entitled "Accessory uses, buildings, and structures;" and,

**WHEREAS, Chapter 270-15 (a) Location.** States that no permitted accessory use or building shall be located in the front yard in a residential district, except parking and landscaping; and,

**WHEREAS,** the applicant wishes to place a 10' x 10' detached shed in the front yard of the property; 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, July 13, 2023 announcing that a public hearing was to take place Wednesday, July 19, 2023 at 7:30 p.m. to consider the variance requests; and,

**RESOLUTION NUMBER ZBA20-2023**

**Applicant: Jeffery & Kenyona Davis**

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**WHEREAS**, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on July 19, 2023 to consider the above referenced variance request; and,

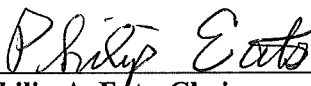
**WHEREAS**, pursuant to a Memorandum of Understanding dated April 2011 with the Schenectady County Department of Planning and Economic Development this project is exempt from review, **NOW**,

**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 July 19, 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 with the following condition:

1. Applicant shall modify the existing six-foot-high stockade fence and extend the fence south with up to two (2) panels towards Marlette Street to enclose the shed inside the enclosed fenced in yard.

<b>NAME</b>	<b>AYES</b>	<b>NOES</b>	<b>EXCUSED</b>	<b>RECUSED</b>
<b>Chairman Eats</b>	<b>X</b>			
<b>Mr. Melillo</b>	<b>X</b>			
<b>Mr. Stramenga</b>	<b>X</b>			
<b>Mr. Bonacquist</b>	<b>X</b>			
<b>Mr. Serafini</b>	<b>X</b>			

**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  
July 19, 2023**

3) **Sarah L. Carciobolo – 113 Stacey Crest Drive, Rotterdam, NY, Tax Map #58.20-2-78** located in the Residential Agricultural (R-A) Zoning District. Petitioner respectfully requests that she be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-216 entitled “Yard and Property Line Requirements.” **Chapter 270-216(D)** “Corner lots” states that “the placement of a swimming pool on a corner lot shall be permitted; a swimming pool is allowed to encroach 10 feet into the front yard but must maintain all other required setbacks.” Due to the location of the existing residence, the applicant wishes to place the 24’ round above-ground pool with associated decking beyond the 10-foot encroachment limit. **Chapter 270-216(c)(2)** states that ‘Above ground and in-ground pools shall be situated a minimum of 10 feet from the leach field and/or dry well. The applicant would like to locate the above ground pool within 2 feet of the leach field which would require a variance of 8 feet. The subject property is a corner lot.

a. **Emily Carciobolo of 113 Stacey Drive representing this application.**

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

Mrs. Carciobolo explained why she is requesting a variance for a pool. She submitted a new survey with a new layout. With the new layout she does not need the variance for the pool less than 10’ from the leach field only for the pool being in the front yard. The pool is 24’ and a deck which will be the same length as the pool. She has had two (2) septic companies to the property and Dig Safely. All the neighbors have pools. It will add value to her property. There is a fence eight foot (8’) from the property line. There is no alternative unless she can pull an ocean up in her yard. Yes, it is substantial as it is in the front yard. There is a 25’ drainage easement across the back of the property. No change to the environmental conditions. It will be a salt water pool which will be good for the environment. It is self-created as she wants a pool.

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 if the pool and deck are located inside the fenced in area. Mrs. Carciobolo said yes.

Mr. Bonacquist clarified that she only needs one (1) variance and not two (2).

Chairman Eats spoke to Emily. He said she really did her homework by submitting the new survey.

**ZBA Meeting  
July 19, 2023**

**Sarah L. Carciobolo  
113 Stacey Crest Drive**

- 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. Bonacquist
- h. **Seconded** Mr. Melillo
- i. **Approved unanimously:**

<b>NAME</b>	<b>AYES</b>	<b>NOES</b>	<b>EXCUSED</b>	<b>RECUSED</b>
<b>Chairman Eats</b>	<b>X</b>			
<b>Mr. Melillo</b>	<b>X</b>			
<b>Mr. Stramenga</b>	<b>X</b>			
<b>Mr. Bonacquist</b>	<b>X</b>			
<b>Mr. Serafini</b>	<b>X</b>			

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**RESOLUTION NUMBER ZBA21-2023**  
**Moved by Mr. Bonacquist, Seconded by Mr. Melillo**  
**Applicant(s): Sarah L. Carciobolo**

**Applicant(s):** Sarah L. Carciobolo  
**Project Location:** 113 Stacey Crest Drive  
**Tax Number or Numbers:** 58.20-2-78  
**Zoning:** Residential Agricultural (RA) Zoning District  
**Proposed Project:** The applicant wishes to place the 24' round above-ground pool with associated decking.

**WHEREAS**, petitioner respectfully requests that she be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-216 entitled "Yard and Property Line Requirements;" and,

**WHEREAS, Chapter 270-216(D)** "Corner lots" states that "the placement of a swimming pool on a corner lot shall be permitted; a swimming pool is allowed to encroach 10 feet into the front yard but must maintain all other required setbacks; and,

**WHEREAS**, due to the location of the existing residence, the applicant wishes to place the 24' round above-ground pool with associated decking beyond the 10-foot encroachment limit; and,

**WHEREAS**, the subject 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, July 13, 2023 announcing that a public hearing was to take place Wednesday, July 19, 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 July 19, 2023 to consider the above referenced variance request; and,

**RESOLUTION NUMBER ZBA21-2023**

**Applicant: Sarah L. Carciobolo**

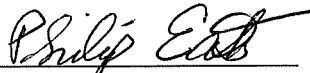
**Page 2**

**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 July 19, 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.

<b>NAME</b>	<b>AYES</b>	<b>NOES</b>	<b>EXCUSED</b>	<b>RECUSED</b>
<b>Chairman Eats</b>	<b>X</b>			
<b>Mr. Melillo</b>	<b>X</b>			
<b>Mr. Stramenga</b>	<b>X</b>			
<b>Mr. Bonacquist</b>	<b>X</b>			
<b>Mr. Serafini</b>	<b>X</b>			

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



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



4) **Tanya Viveiros – 1156 Eugene Drive, Rotterdam, NY**, Tax Map #71.7-2-15 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 270-216 entitled “Yard and Property Line Requirements, Chapter 270-143 entitled “Fences,” and Chapter 270-15 entitled “Accessory uses, buildings, and structures.” **Chapter 270-216(D)** “Corner lots” states that “the placement of a swimming pool on a corner lot shall be permitted; a swimming pool is allowed to encroach 10 feet into the front yard but must maintain all other required setbacks.” Due to the location of the existing residence, the applicant wishes to place the 24’ round above-ground pool with associated decking beyond the 10-foot encroachment limit. **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. **Chapter 270-15 (a) Location.** States that no permitted accessory use or building shall be located in the front yard in a residential district, except parking and landscaping. The applicant wishes to locate a 10’ x 14’ gazebo and a 14’ x 24’ deck in the front yard. The subject property is a corner lot.

a. **Tanya Viveiros of 1156 Eugene Drive representing this application.**

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

Mrs. Viveiros stated she would like to install a 24’ above ground pool. She spoke to people at the Town and they told her to ask for all the variances she might need. The property is a corner lot on a dead-end street. She does not know the size or if she will be installing a gazebo. She would like another shed and a deck for the pool. She would put another shed next to the one that is existing.

Chairman Eats explained that she would only be allowed 15% of the square footage of the house and may need to get a variance at that time depending on Building Inspector review of the application.

Mrs. Viveiros explained the septic and leach field are in the back on the right. There is no other place to put the pool. She does not feel it is a substantial variance as its on the backside of the yard on a dead end so no one will see it. It will not be a detriment to environmental conditions. She purchased the property as is and was unfamiliar with the requirements.

Chairman Eats explained that it is self-created and that is why the Board exists.

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. Bonacquist explained that going over the criteria her presentation meets them all.

Mr. Melillo wanted to know if the existing shed was part of the application. Mr. Comenzo explained the code allows for multiple sheds they just have to meet the 15% of the habitable floor space of the house which will be determined by the Building Department once submitted.

**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. Bonacquist

**h. Seconded** Mr. Melillo

**i. Approved unanimously:**

<b>NAME</b>	<b>AYES</b>	<b>NOES</b>	<b>EXCUSED</b>	<b>RECUSED</b>
<b>Chairman Eats</b>	<b>X</b>			
<b>Mr. Melillo</b>	<b>X</b>			
<b>Mr. Stramenga</b>	<b>X</b>			
<b>Mr. Bonacquist</b>	<b>X</b>			
<b>Mr. Serafini</b>	<b>X</b>			

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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 ZBA22-2023**  
**Moved by Mr. Bonacquist, Seconded by Mr. Melillo**  
**Applicant(s): Tanya Viveiros**

**Applicant(s):** Tanya Viveiros  
**Project Location:** 1156 Eugene Drive  
**Tax Number or Numbers:** 71.7-2-15  
**Zoning:** Single Family Residential (R-1) Zoning District  
**Proposed Project:** The applicant would like to install a six (6) foot high fence, a 10' x 14' gazebo and a 14' x 24' deck in the front yard.

**WHEREAS**, petitioner respectfully requests that she be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-216 entitled "Yard and Property Line Requirements, Chapter 270-143 entitled "Fences," and Chapter 270-15 entitled "Accessory uses, buildings, and structures;" and,

**WHEREAS, Chapter 270-216(D)** "Corner lots" states that "the placement of a swimming pool on a corner lot shall be permitted; a swimming pool is allowed to encroach 10 feet into the front yard but must maintain all other required setbacks; and,

**WHEREAS**, due to the location of the existing residence, the applicant wishes to place the 24' round above-ground pool with associated decking beyond the 10-foot encroachment limit; 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,

**RESOLUTION NUMBER ZBA22-2023**

**Applicant: Tanya Viveiros**

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**WHEREAS, Chapter 270-15 (a) Location.** States that no permitted accessory use or building shall be located in the front yard in a residential district, except parking and landscaping; and

**WHEREAS,** the applicant wishes to locate a 10' x 14' gazebo and a 14' x 24' deck in the front yard; and,

**WHEREAS,** the subject property is a corner lot; and,

**WHEREAS,** a legal notice was published in the Schenectady Daily Gazette on Thursday, July 13, 2023 announcing that a public hearing was to take place Wednesday, July 19, 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 July 19, 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 July 19, 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 variances.

<b>NAME</b>	<b>AYES</b>	<b>NOES</b>	<b>EXCUSED</b>	<b>RECUSED</b>
<b>Chairman Eats</b>	<b>X</b>			
<b>Mr. Melillo</b>	<b>X</b>			
<b>Mr. Stramenga</b>	<b>X</b>			
<b>Mr. Bonacquist</b>	<b>X</b>			
<b>Mr. Serafini</b>	<b>X</b>			

**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: 8:45 PM  
Motion to adjourn: Mr. Stramenga  
Seconded: Mr. Serafini  
Approved unanimously

**Next meeting: August 16, 2023**

Respectfully Submitted,  
Lisa R. Gallo