

**Town of Rotterdam**  
**Zoning Board of Appeals**  
**Summary Meeting Minutes for August 16, 2017**

A regular meeting of the Town of Rotterdam Zoning Board of Appeals was held Wednesday, August 16, 2017 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 Craig Serafini Alex Stramenga Stefanie DiLallo Bitter, Attorney Peter Comenzo, Sr. Planner Lisa Gallo, Secretary	Absent:
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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. Jeff Nuzzaco, Alternate Zoning Board Member was present in the audience.

**ZBA Meeting  
August 16, 2017**

1. **Frank Bilili - 3280 Harold Street, Rotterdam, NY - Tax Map # 48.18-8-28** 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 270-15 entitled "Accessory uses, buildings and structures," and Chapter 270-138 entitled "Accessory Structures and Uses." The applicant wishes to place a 12' x 16' shed on the property. The variance request(s) are as follows:  
**Chapter 270-15(A)** 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 be granted a variance to allow for the location of a 12' x 16' shed in the front yard. **Chapter 270-138(c)** "Lot Coverage" in regards to a shed state 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 in the A, RA, R-1, R-2 and R-3 Districts. The existing residential structure is 990 square feet which would allow an accessory structure of 148.5 square feet. The proposed detached accessory structure will create an accessory structure that is 192 square feet, which is 43.5 square feet over the allowed size of 148.5 square feet.

- a. **Frank & Deborah Bilili of 3280 Harold Street representing this application.**
- b. **Representatives addressed five (5) criteria to the satisfaction of the Board.**  
The shed currently on the property is an eyesore and is falling down. There is not any room to store lawn mower, snow blower and tools. There is no garage on the property. It is not substantial as it is only a 33% variance from the code. The replacement shed will be five feet (5') from the property line. The existing shed is currently non-compliant in that respect. The water will shed on their property. Eventually they would like to install gutters on the shed. The hardship is self-created as they want a new shed and do not have a garage to store anything. The existing shed was installed on the property prior to 1990 when applicants purchased the house and is rusty and in poor shape.
- c. **This proposal is exempt from referral to Schenectady County Planning pursuant to Memorandum of Understanding – April 2011.**
- d. **Questions from the Board.**  
Mr. Bonacquist asked what the shed will look like. Mrs. Bilili stated the siding will match the house.

Mr. Stramenga visited the property. He feels they are in desperate need of a new shed with the condition of the current shed. Since the neighbors do not have a problem with it, neither does he.

Mr. Serafini asked what the size of the current shed is. It is approximately 9' x 10'. The roof is starting to cave in and it leaks.

Chairman Eats spoke to the neighbor, Mr. Cianfarani, he had no objections. Applicant is also abiding by the five foot (5') setback.

e. **No Public Comments.**

f. **Motion to APPROVE:** Mr. Melillo

g. **Seconded:** Mr. Bonacquist

h. **Approved unanimously:**

<b>NAME</b>	<b>AYES</b>	<b>NOES</b>	<b>ABSENT</b>	<b>RECUSED</b>
<b>Chairman Eats</b>	<b>X</b>			
<b>Mr. Melillo</b>	<b>X</b>			
<b>Mr. Serafini</b>	<b>X</b>			
<b>Mr. Stramenga</b>	<b>X</b>			
<b>Mr. Bonacquist</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 ZBA25-2017**  
**Moved by Mr. Melillo, Seconded by Mr. Bonacquist**  
**Applicant(s): Frank Bilili**

**Applicant(s):** Frank Bilili

**Project Location:** 3280 Harold Street  
Rotterdam, NY

**Tax Number or Numbers:** 48.18-8-28

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

**Proposed Project:** The applicant wishes to place a 12' x 16' shed on the property.

**WHEREAS**, petitioner respectfully requests that he be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-15 entitled "Accessory uses, buildings and structures," and Chapter 270-138 entitled "Accessory Structures and Uses;" and,

**WHEREAS, Chapter 270-15(A)** 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 be granted a variance to allow for the location of a 12' x 16' shed in the front yard; and,

**WHEREAS, Chapter 270-138(c)** "Lot Coverage" in regards to a shed state 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 in the A, RA, R-1, R-2 and R-3 Districts; and,

**WHEREAS**, the existing residential structure is 990 square feet which would allow an accessory structure of 148.5 square feet; and,

**WHEREAS**, the proposed detached accessory structure will create an accessory structure that is 192 square feet, which is 43.5 square feet over the allowed size of 148.5 square feet; and,

**RESOLUTION NUMBER ZBA25-2017**

**Applicant(s): Frank Bilili**

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**WHEREAS**, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on August 16, 2017 to consider the above referenced variance requests; and,

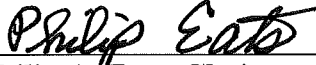
**WHEREAS**, a legal notice was published in the Schenectady Daily Gazette on Thursday, August 10, 2017, announcing that a public hearing was to take place in the V. Dalton Bambury Hearing Room, at the John F. Kirvin Government Center located at 1100 Sunrise Boulevard, Rotterdam, New York on Wednesday, August 16, 2017 at 7:30 p.m. to consider the variance requests; and,

**WHEREAS**, pursuant to a Memorandum of Understanding dated April 2011, Schenectady County Planning Board defers these types of matter 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 August 16, 2017 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>ABSENT</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 approval 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  
August 16, 2017**

- 2. Joseph M. Raucci – 1149 Dianne Court, Rotterdam, NY - Tax Map # 71.08-1-40** 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 35’ x 50’ detached accessory structure with a height of twenty-eight (28) feet with an attached 14’ x 18’ outdoor covered area. The structure consists of 1,265 s.f. vehicle storage area, a 507 s.f. workshop area, and a 252 s.f. outdoor covered area. The variance request(s) are as follows: Chapter 270-15 (B) states that no accessory buildings or structures shall exceed 14 feet in height. The proposed building is 28 feet in height which will require a variance of 14 feet. 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 in the A, RA, R-1, R-2 and R-3 Districts. The existing residential structure is 2,892 square feet which would allow an accessory structure of 433 square feet. The proposed detached accessory structure will create an accessory structure that is 2,024 square feet, which is 1,591 square feet over the allowed size of 433 square feet.

- a. **Joe Raucci of 1149 Diane Court and Aaron Godlewski, contractor representing application.**
- b. **Representatives addressed five (5) criteria to the satisfaction of the Board.** Mr. Raucci stated that the neighbors will not be impacted. He has staked out the location for illustration purposes. He did speak to the neighbors and they have signed a statement stating they do not have any objections. Mr. Raucci submitted this paperwork signed by the neighbors to the secretary. He lives on a cul-de-sac and the accessory structure will only be visible to two (2) neighbors. It will be aesthetically pleasing to the neighbors as he left a row of trees and plans on planting another row of plants. It cannot be achieved by any other means. He has a pickup with a plow which is why he needs the additional room in the vehicle storage area. The back area is for a workshop and possibly store furniture. Variance request is substantial. It will not have an adverse effect as you cannot see it coming down the road. Applicant will install gutters that will shed rainwater toward the back of his property where it is wooded. About 200 yards beyond property line there is the Stardust Hotel with powerlines and vacant land immediately adjacent to the rear of the property. Yes the variance is self-created because he needs more space for storage for his equipment and recreational vehicles.
- c. **This proposal is exempt from referral to Schenectady County Planning pursuant to Memorandum of Understanding – April 2011.**
- d. **Questions from the Board.** Mr. Stramenga visited the property and was impressed with the work being done. It is an improvement and since the neighbors signed off he does not have a problem with the accessory structure.

Mr. Serafini stated the need was explained well in the presentation.

Mr. Bonacquist stated he had two concerns. First was the adverse effect due to the size but the presentation cleared up that concern. Will this accessory structure have electricity? The answer was yes. Will the structure have plumbing? The answer was no. Will the work be restricted to hobbies or your business? Mr. Raucci stated he owns Adams Heating & Cooling and it will be just his hobbies. He stated he has sufficient storage at his existing business location.

Chairman Eats stated it is a large variance based on the accessory structure code. He spoke to the applicant about the doors being alarmed for the pool safety to meet the building code.

Stephanie DiLallo-Bitter asked if the applicant would be willing to have approval, if approved, conditioned on landscaping for the westerly property line and maintaining the gutters and drainage. The applicant agreed.

e. **No Public Comments.**

f. **Motion to APPROVE the two (2) variances with the following conditions:**

1. The swale shall be maintained on the western side of the property and gutters shall be installed on the accessory structure that drain to the rear yard.
2. Applicant shall create a buffer for the neighbor to the west by adequately landscaping with a row of plantings.

Mr. Bonacquist

g. **Seconded:** Mr. Serafini

h. **Approved unanimously:**

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

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Peter J. Comenzo, Senior Planner

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**RESOLUTION NUMBER ZBA26-2017**  
**Moved by Mr. Bonacquist, Seconded by Mr. Serafini**  
**Applicant(s): Joseph M. Raucci**

**Applicant(s):** Joseph Raucci

**Project Location:** 1149 Dianne Court  
Rotterdam, NY

**Tax Number or Numbers:** 71.08-1-40

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

**Proposed Project:** The applicant wishes to construct a 35' x 50' detached accessory structure with a height of twenty-eight (28) feet with an attached 14' x 18' outdoor covered area. The structure consists of 1,265 s.f. vehicle storage area, a 507 s.f. workshop area, and a 250 s.f. outdoor covered area.

**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**, Chapter 270-15 (B) states that no accessory buildings or structures shall exceed 14 feet in height; and,

**WHEREAS**, the proposed building is 28 feet in height which will require a variance of 14 feet;" 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 in the A, RA, R-1, R-2 and R-3 Districts; and,

**WHEREAS**, the existing residential structure is 2,892 square feet which would allow an accessory structure of 433 square feet; and,



**RESOLUTION NUMBER ZBA26-2017**

**Applicant(s): Joseph M. Raucci**

**Page 2**

**WHEREAS**, the proposed detached accessory structure will create an accessory structure that is 2,024 square feet, which is 1,591 square feet over the allowed size of 433 square feet; and,

**WHEREAS**, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on August 16, 2017 to consider the above referenced variance requests; and,

**WHEREAS**, a legal notice was published in the Schenectady Daily Gazette on Thursday, August 10, 2017, announcing that a public hearing was to take place in the V. Dalton Bambury Hearing Room, at the John F. Kirvin Government Center located at 1100 Sunrise Boulevard, Rotterdam, New York on Wednesday, August 16, 2017 at 7:30 p.m. to consider the variance requests; and,

**WHEREAS**, pursuant to a Memorandum of Understanding dated April 2011, Schenectady County Planning Board defers these types of matter 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 August 16, 2017 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 swale shall be maintained on the western side of the property and gutters shall be installed on the accessory structure that drain to the rear yard.**
- 2. Applicant shall create a buffer for the neighbor to the west by adequately landscaping with a row of plantings.**

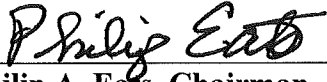
<b>NAME</b>	<b>AYES</b>	<b>NOES</b>	<b>ABSENT</b>	<b>RECUSED</b>
<b>Chairman Eats</b>	<b>X</b>			
<b>Mr. Melillo</b>	<b>X</b>			
<b>Mr. Stramenga</b>	<b>X</b>			
<b>Mr. Bonacquist</b>	<b>X</b>			
<b>Mr. Serafini</b>	<b>X</b>			

**RESOLUTION NUMBER ZBA26-2017**

**Applicant(s): Joseph M. Raucchi**

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

A handwritten signature in black ink, reading "Philip A. Eats". The signature is written in a cursive style with a horizontal line underneath it.

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

- 3. Charles L. Rouaut – 2056 Putnam Road, Rotterdam, NY - Tax Map #37.00-2-10** 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” and Chapter 270-15 entitled “Accessory uses, buildings and structures.” The applicant wishes to demolish an existing carriage house/vehicle storage area and construct a 2,232 square foot detached accessory structure with a height of twenty-one (21) feet. The structure consists of 1,152 s.f. vehicle storage area, and a 1,080 s.f. workshop area. The variance request(s) are as follows: Chapter 270-15 (B) states that no accessory buildings or structures shall exceed 14 feet in height. The proposed building is 21 feet in height which will require a variance of 7 feet. 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 in the A, RA, R-1, R-2 and R-3 Districts. The existing residential structure is 3,684 square feet which would allow an accessory structure of 552 square feet. The proposed detached accessory structure will create an accessory structure that is 2,232 square feet, which is 1,680 square feet over the allowed size of 552 square feet.

**a. Dr. Charles Rouaut of 2056 Putnam Road and John Van Oort, Architect representing this application.**

**b. Representatives addressed five (5) criteria to the satisfaction of the Board.** Mr. Van Oort stated this project started because the property floods and the existing structure floods and the building was probably built in the 1960’s and is in fair shape but difficult to maintain. It is cheaper to tear down the existing structure and rebuild. It will not create an undesirable change as there is little difference between the existing and the new. The new structure is just a little bit larger than the existing. It cannot be achieved by any other means as there is no other place to put the structure and the existing historic home has no garage. Additionally they are locating the new structure 16’ back from the current location. It is substantial to the ordinance but not substantial what is currently there. They need the pitch of the roof for the size. No adverse effect on environment. It is on seven (7) acres. There are a lot of Pine trees to screen the structure. It is self-created because he wants it larger but it arose from the flooding.

**c. This proposal is not exempt from referral to Schenectady County Planning pursuant to Memorandum of Understanding – April 2011.**

\*Schenectady County deferred to local consideration.

**d. Questions from the Board.**

Mr. Stramenga visited the site. The old structure is in bad shape. The land is beautiful.

Mr. Serafini asked about renting out the carriage house. Dr. Rouaut stated he did rent it out for 15 years but not for the last six (6) years. Mr. Serafini wanted to know if this structure was going to be rented out. Dr. Rouaut said no that it is a secondary use of space. There will no stove or refrigerator. There is a shower but that is for after working. Mr. Rouaut stated he may use it for entertaining and it will be habitable space but not for cooking or sleeping purposes.

Mr. Bonacquist stated it is a substantial variance and asked if it would be okay if they conditioned approval on not being able to rent out the new structure. Dr. Rouaut stated that he did not know what would happen in 25 years and he would be opposed to that condition.

Stephanie DiLallo Bitter explained that the granting of these variances are for the accessory structure only and not rentable space.

Mr. Comenzo explained that the property is zoned agricultural and that the ZBA could not grant approval for a second living unit on the property. He stated that it may be possible to subdivide the seven (7) acre parcel with Planning Commission approval to allow the structure to be on a separate parcel or to get a Change of Zone through the Town Board. Those are options if he chose to do something in the future that would allow that structure to be utilized as a dwelling unit.

- e. **No Public Comments.**
- f. **Motion to APPROVE as advertised for an accessory structure only. The building shall not be used as a residential dwelling:** Mr. Bonacquist
- g. **Seconded:** Mr. Stramenga
- h. **Approved unanimously:**

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

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Philip Eats, Chairman  
Peter J. Comenzo, Senior Planner

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**RESOLUTION NUMBER ZBA27-2017**  
**Moved by Mr. Bonacquist, Seconded by Mr. Stramenga**  
**Applicant(s): Charles L. Rouant**

**Applicant(s):** Charles L. Rouant

**Project Location:** 2056 Putnam Road  
Rotterdam, NY

**Tax Number or Numbers:** 37.00-2-10

**Zoning:** Agricultural (A-1) Zoning District

**Proposed Project:** The applicant wishes to demolish an existing carriage house/vehicle storage area and construct a 2,232 square foot detached accessory structure with a height of twenty-one (21) feet. The structure consists of 1,152 s.f. vehicle storage area, and a 1,080 s.f. workshop area.

**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**, **Chapter 270-15 (B)** states that no accessory buildings or structures shall exceed 14 feet in height; and,

**WHEREAS**, the proposed building is 21 feet in height which will require a variance of 7 feet; 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 in the A, RA, R-1, R-2 and R-3 Districts; and,

**WHEREAS**, the existing residential structure is 3,684 square feet which would allow an accessory structure of 552 square feet; and,

**WHEREAS**, the proposed detached accessory structure will create an accessory structure that is 2,232 square feet, which is 1,680 square feet over the allowed size of 552 square feet; and,

**RESOLUTION NUMBER ZBA27-2017**

**Applicant(s): Charles L. Rouaut**

**Page 2**

**WHEREAS**, a legal notice was published in the Schenectady Daily Gazette on Thursday, August 10, 2017, announcing that a public hearing was to take place in the V. Dalton Bambury Hearing Room, at the John F. Kirvin Government Center located at 1100 Sunrise Boulevard, Rotterdam, New York on Wednesday, August 16, 2017 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 August 16, 2017 to consider the above referenced variance requests; and,


**WHEREAS**, pursuant to a Memorandum of Understanding dated April 2011, Schenectady County Planning Board defers these types of matter 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 August 16, 2017 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. This approval is for advertised variances for accessory structures only and the premises are not to be used as a dwelling unit.**

<b>NAME</b>	<b>AYES</b>	<b>NOES</b>	<b>ABSENT</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 approval is bound by the application materials, schematic drawings, and site plan submitted to the Zoning Board of Appeals.**

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

Meeting adjourned: 8:20 PM  
Motion to adjourn: Mr. Stramenga  
Seconded: Mr. Serafini  
Approved unanimously

**Next meeting: September 20, 2017**

Respectfully Submitted,  
Lisa Gallo