

**Town of Rotterdam  
Zoning Board of Appeals  
Summary Meeting Minutes for July 18, 2018**

A regular meeting of the Town of Rotterdam Zoning Board of Appeals was held Tuesday, July 18, 2018 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, Attorney for the ZBA 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 18, 2018**

**1. Ryan Montgomery – 738 Upper Gregg Road, Rotterdam, NY, Tax Map #36.00-3-1.21** located in the Agricultural (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 24’ x 36’ detached garage with a height of nineteen (19) feet. The variance request(s) are as follows: **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 is proposing that the accessory structure be placed in the front yard. **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 proposed detached garage is 864 square feet in size and 19 feet in height and the existing attached garage area is 896 square feet in size creating a total proposed garage space of 1760 square feet, which is 860 square feet over the allowed size of 900 square feet and 4 feet over the allowed height of 15 feet.

**a. Ryan Montgomery of 738 Upper Gregg Road representing this application.**

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

Mr. Montgomery stated the detached garage cannot be seen from the road or the adjacent properties. The adjacent properties all have similar large structures on their properties. It cannot be achieved by other means. This is convenient for him. He does not feel it is a large variance in comparison to the size of his property. It will allow him to be able to work on the farm equipment. His house is equally as tall as the structure. There will not be any environmental impacts. The water run-off will all be on his property. Mr. Montgomery stated it is self-created.

**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 stated he visited the property and spoke to the owner. He feels the criteria have been addressed. It is in keeping with the neighborhood. It is not a substantial variance for the size of the property. It will not create any environmental issues.

Mr. Melillo agrees with Mr. Bonacquist.

Mr. Serafini stated the criteria have been addressed sufficiently.

Chairman Eats agrees with Mr. Bonacquist. He mentioned that the application states a variance for the height at three feet (3’) but it is actually four feet (4’). Mr. Comenzo stated he went over this with Mr. Montgomery and they added one foot (1’) to be on the safe side.

- e. **No Public Comments.**
- f. **Motion to APPROVE:**            Mr. Bonacquist
- g. **Seconded:**                        Mr. Melillo
- 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. Bonacquist</b>	<b>X</b>			
<b>Mr. Stramenga</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

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**RESOLUTION NUMBER ZBA13-2018**  
**Moved by Mr. Bonacquist, Seconded by Mr. Melillo**  
**Applicant(s): Ryan Montgomery**

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**Project Location:** 738 Upper Gregg Road  
Rotterdam, NY

**Tax Number or Numbers:** 36.00-3-1.21

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

**Proposed Project:** The applicant wishes to construct a 24' x 36' detached garage with a height of nineteen (19) 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 270-15 (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 is proposing that the accessory structure be placed in the front yard;  
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,

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**WHEREAS**, the proposed detached garage is 864 square feet in size and 19 feet in height and the existing attached garage area is 896 square feet in size creating a total proposed garage space of 1760 square feet, which is 860 square feet over the allowed size of 900 square feet and 4 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 July 18, 2018 to consider the above referenced variance requests; and,

**WHEREAS**, a legal notice was published in the Schenectady Daily Gazette on Thursday, July 12, 2018, 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 Tuesday, July 18, 2018 at 7:30 p.m. to consider the variance requests; 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 18, 2018 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>RECUSED</b>
<b>Chairman Eats</b>	<b>X</b>		
<b>Mr. Melillo</b>	<b>X</b>		
<b>Mr. Bonacquist</b>	<b>X</b>		
<b>Mr. Stramenga</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: 7:40 PM  
Motion to adjourn: Mr. Serafini  
Seconded: Mr. Melillo  
Approved unanimously

**Next meeting: August 15, 2018**

Respectfully Submitted,  
Lisa Gallo