

Town of Rotterdam
Zoning Board of Appeals
Summary Meeting Minutes September 15, 2021

A regular meeting of the Town of Rotterdam Zoning Board of Appeals was held Wednesday, September 15, 2021 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 Rachel Rappazzo Stephanie DiLallo-Bitter, 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
September 15, 2021**

1) **Angelo Santabarbara – 163 Conqua Lane, Rotterdam, NY, Tax Map #57.00-4-7** 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 place a 30’ x 30’ pool house on the property with an 8’ x 30’ covered patio. The variance request(s) are as follows: **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. The existing residential structure is 1,910 square feet which would allow an accessory structure of 286.5 square feet. The proposed detached accessory structure, including the covered patio area will create an accessory structure that is 1,140 square feet, which is 853.5 square feet over the allowed size of 286.5 square feet.

a. **Angelo Santabarbara of 163 Conqua Lane representing this application.**

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

Mr. Santabarbara explained he would like to construct a pool house. The pool has been there for ten (10) to 12 years. They need additional space as the children have grown up. His daughter now drives and has a vehicle that needs to be stored. His son is disabled and spends a lot of time in the backyard. His property is the largest in the area. Mr. Santabarbara stated that the neighbors have similar structures. It will not be visible as there are a lot of trees. The setbacks are all exceeded. The accessory structure will match the house. The family does a lot of outdoor activities that they call “staycations.” This is a better alternative than building several smaller structures which are allowed by code. It fits the character of the neighborhood and compliments the pool. The structure is larger than what is allowed but if you factor in the size of the lot and the location it should be okay. The only people that will see it are the people in our backyard. There is never enough space. His son likes to drive the tractor so that is stored too. Family activities are centered around the 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. Stramenga stated he has been a long-time friend of the family. He did visit the property. The project is an improvement. It is secluded. There is a lot of room on the property

Chairman Eats explained he has known Mr. Santabarbara from a long time ago when he was an engineer for CT Male. He feels he can be objective with his vote.

- e. No Public Hearing Comments.
- f. 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. As a result, it is exempt from further SEQR review.
- g. Motion to APPROVE: Mr. Stramenga
- h. Seconded: Mr. Bonacquist
- i. Approved unanimously:

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

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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 ZBA24-2021
Moved by Mr. Stramenga, Seconded by Mr. Bonacquist
Applicant(s): Angelo Santabarbara

Applicant(s): Angelo Santabarbara

Project Location: 163 Conqua Lane
Rotterdam, NY

Tax Number or Numbers: 57.00-4-7

Zoning: Agricultural (A-1) Zoning District

Proposed Project: The applicant wishes to place a 30' x 30' pool house on the property with an 8' x 30' covered patio.

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 place a 30' x 30' pool house on the property with an 8' x 30' covered patio; and,

WHEREAS, Chapter 270-138(c) "Lot Coverage" 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; and,

WHEREAS, the existing residential structure is 1,910 square feet which would allow an accessory structure of 286.5 square feet; and,

WHEREAS, the proposed detached accessory structure, including the covered patio area will create an accessory structure that is 1,140 square feet, which is 853.5 square feet over the allowed size of 286.5 square feet; and,

WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on September 15, 2021 to consider the above referenced variance request; and,

RESOLUTION NUMBER ZBA24-2021
Applicant(s): Angelo Santabarbara
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WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, September 9, 2021 announcing that a public hearing was to take place Wednesday, September 15, 2021 at 7:30 p.m. to consider the variance requests; and,

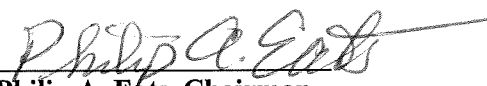
WHEREAS, this project is classified as a Type II Action under SEQR because pursuant to 6NYCRR Part 617.5(c)(17) this is a granting of an area variance for a single family home and as a result is therefore exempt from SEQR; and,

WHEREAS, 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 September 15, 2021 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			
Mrs. Rappazzo	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
September 15, 2021**

2) Douglas Soulia – 2066 Oaklawn Avenue, Rotterdam, NY, Tax Map #58.8-6-6.1 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.” The applicant wishes to construct a 30’ x 16’ addition to an existing 26’ x 34’ detached garage with a height of 18 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 garage is 884 square feet in size, and the proposed detached garage addition is 480 square feet making the total garage space 1364 square feet, which is 464 square feet over the allowed size of 900 square feet. The proposed height is 18 feet which would require a variance of 3 feet.

a. Doug Soulia of 2066 Oaklawn Avenue representing this application.

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

Mr. Soulia has resided at this address since 1990 and is seeking two (2) variances one (1) for an additional 464 square feet and one (1) for three feet (3’) for the height of the structure. He is the owner of five (5) collector cars which he stores in the garage on the adjacent property. That estate has to be settled and the property will be sold. Since he is proposing a lift in the structure so that he can stack and store another car underneath, there had to be 12’ height inside the structure to support that. There will not be an undesirable change to the character of the neighborhood. It will be minimally visible. The abnormalities of the lot will obscure the addition to the neighboring properties. The only time it will be seen is in the winter when the trees shed their leaves. The cost for off-site storage of the vehicles is prohibitive. There will not be any adverse effect on the property or to his neighbors as any water runoff will shed on his property.

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 stated the applicant explained the criteria and he is fine with the variances.

Chairman Eats met with the applicant. If approved it will not have any effect on neighbors. He has satisfied the criteria.

e. Public Hearing Comments.

Mrs. Soulia approves of the request.

f. 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. As a result, it is exempt from further SEQR review.

g. Motion to APPROVE:

Mr. Bonacquist

h. Seconded:

Mr. Melillo

i. Approved unanimously:

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

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Zoning Board of Appeals

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Peter J. Comenzo, Senior Planner

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RESOLUTION NUMBER ZBA25-2021
Moved by Mr. Bonacquist, Seconded by Mr. Melillo
Applicant(s): Douglas Soulia

Applicant(s): Douglas Soulia

Project Location: 2066 Oaklawn Avenue
Rotterdam, NY

Tax Number or Numbers: 58.8-6-6.1

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

Proposed Project: The applicant wishes to construct a 30' x 16' addition to an existing 26' x 34' detached garage with a height of 18 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 30' x 16' addition to an existing 26' x 34' detached garage with a height of 18 feet; and,

WHEREAS, the existing detached garage is 884 square feet in size, and the proposed detached garage addition is 480 square feet making the total garage space 1364 square feet, which is 464 square feet over the allowed size of 900 square feet; and,

WHEREAS, the proposed height is 18 feet which would require a variance of 3 feet; and,

WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on September 15, 2021 to consider the above referenced variance request; and,

RESOLUTION NUMBER ZBA25-2021

Applicant(s): Douglas Soulia

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WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, September 9, 2021 announcing that a public hearing was to take place Wednesday, September 15, 2021 at 7:30 p.m. to consider the variance requests; 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, 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 September 15, 2021 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			
Mrs. Rappazzo	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
September 15, 2021**

3) **John A. Palmeri – 1060 Spry Lane, Rotterdam, NY**, Tax Map #57.12-1-38 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 270-216 entitled “Yard and Property Line Requirements,” and Chapter 270-143 entitled “Fences.” **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 an in-ground pool 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. The subject property is a corner lot.

a. **John Palmeri of 1060 Spry Lane representing this application.**

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

Mr. Palmeri explained he would like to install a six foot (6') white vinyl fence and a pool on a corner lot. This is the best alternative. It will not create an undesirable change to the neighborhood. It is not substantial. There will not be any adverse effects on the environment. He wants to ensure that children in the neighborhood do not climb the fence and get into the pool and he would like some privacy. There will be landscaping placed near the fence. Alpine Haus told Mr. Palmeri that this is the only viable placement for the pool as the septic is located on the other side of the year. He is maintaining all other setbacks. It is 100% on his property as depicted on the survey. Other homes have fences that obstruct views but his will not. The property sits high on the lot so any pool water will be drained to the road. The septic tank is not close, and Mr. Palmeri had the septic company verify where the septic is. There will be no waste or pollution. It is not self-created as there is no other place to set the pool. He is starting a family and wants a pool oasis and this is the only viable option to place the pool on his property.

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 visited the property. He also spoke to the neighbor most affected by the structures. The neighbors did not have any objections.

- e. No Public Hearing Comments.
- f. 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. As a result, it is exempt from further SEQR review.
- 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			
Mrs. Rappazzo	X			

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RESOLUTION NUMBER ZBA26-2021
Moved by Mr. Stramenga, Seconded by Mr. Melillo
Applicant(s): John A. Palmeri

Applicant(s): John Palmeri

Project Location: 1060 Spry Lane
Rotterdam, NY

Tax Number or Numbers: 57.12-1-38

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

Proposed Project: Due to the location of the existing residence, the applicant wishes to place an in-ground pool beyond the 10-foot encroachment limit. The applicant would like to install a six (6) foot high fence that is one hundred percent (100%) solid. The subject property is a corner lot.

WHEREAS, petitioner respectfully requests that he be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-216 entitled "Yard and Property Line Requirements," and Chapter 270-143 entitled "Fences;" 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 an in-ground pool 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,

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

RESOLUTION NUMBER ZBA26-2021

Applicant(s): John A. Palmeri

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WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on September 15, 2021 to consider the above referenced variance request; and,

WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, September 9, 2021 announcing that a public hearing was to take place Wednesday, September 15, 2021 at 7:30 p.m. to consider the variance requests; 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, 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 September 15, 2021 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			
Mrs. Rappazzo	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**

Meeting adjourned: 7:58 PM
Motion to adjourn: Mr. Stramenga
Seconded: Mr. Bonacquist
Approved unanimously

Next meeting: October 20, 2021

Respectfully Submitted,
Lisa Gallo