

**Town of Rotterdam
Zoning Board of Appeals Meeting
Summary Meeting Minutes
February 21, 2024**

A meeting of the Town of Rotterdam Zoning Board of Appeals was held Wednesday, February 21, 2024 at 7:30 p.m. at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York.

Present:	Philip Eats, Chairman Bruce Bonacquist Angelo Melillo, Vice Chairman Alex Stramenga Craig Serafini Jeff Shapiro for 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.

Chairman Eats requested a motion to appoint a Vice Chairman for 2024.

Motion made by Mr. Stramenga to appoint Mr. Melillo as Vice Chairman of the Zoning Board of Appeals for the year 2024.

Seconded: Mr. Bonacquist

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

Approved unanimously.



Zoning Board of Appeals

RESOLUTION NUMBER ZBA1-2024

Moved by Mr. Stramenga, Seconded by Mr. Bonacquist

At a regularly scheduled meeting of the Rotterdam Zoning Board of Appeals held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York on Wednesday, February 21, 2024.

WHEREAS, Chairman Eats called for a motion to appoint a Vice Chairman for the Rotterdam Zoning Board of Appeals; and,

WHEREAS, Mr. Stramenga made a motion to appoint Mr. Melillo as Vice Chairman for the Rotterdam Zoning Board of Appeals for a one (1) year term retroactively from January 1, 2024 to December 31, 2024; and,

WHEREAS, Mr. Bonacquist seconded the motion; and,

WHEREAS, the motion passed unanimously; **NOW**,

IT IS HEREBY RESOLVED, that the Rotterdam Zoning Board of Appeals has appointed Mr. Melillo as Vice Chairman of the Rotterdam Zoning Board of Appeals to a one (1) year term from January 1, 2024 to December 31, 2024.

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


Philip A. Eats, Chairman
Zoning Board of Appeals

TABLED

- 1) **Gary Costanzo – 2039 Westside Avenue, Rotterdam, NY, Tax Map #58.8-6-27.1** 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 25’ x 32’ detached garage with a height of 18 feet. The variance request(s) are as follows: **Chapter 270-138(b)(2)** “Yards” states that every detached accessory structure shall be located no less than five feet from a side or rear property line. The applicant is seeking to construct within three (3) feet of the side property line, which would require a variance of two (2) feet. **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 800 square feet, and the existing garage is 200 square feet which would make the total garage space 1,000 square feet, which is 100 square feet over the allowed size of 900 square feet. The proposed garage height is 18 feet and is 3 feet over the allowed height of 15 feet.

a. **Gary Costanzo of 2039 Westside Avenue representing his application.**

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

Mr. Costanzo explained he would like to construct a 25’ X 32’ detached garage with a height of 18’ located three feet (3’) away from property line. He would like to construct with a side load instead of a front load. He would like to leave the green space in front of the newly constructed garage so his neighbor looks at greenspace and not the side of the garage. Also, he has two (2) young girls that drive and one (1) leaves around three (3) in the morning. He does not want their cars parked in the driveway and starting the car that early if the garage was a front-loaded garage. He does not feel it is detrimental to the neighborhood as there was previously a two-story house there that was destroyed by fire. The garage will be set back farther than the house that was there. He does not feel it is a large variance as it is only 100 square feet over the allowed size. It is smaller than the house that was there. There is no other way to achieve. Mr. Costanzo needs the side load and the room to make the turn into the driveway. He drives a 2019 Chevy Silverado. He will abide by the fire code and has discussed with the building department. The garage will be guttered and the water run off with go to the back of his yard. The land slopes to the back. It is self-created as he wants the garage for storage and the side load for the turning radius. Mr. Costanzo also explained he has lived in the house since 1985. He just retired. His kids are here and he does not plan on leaving until he dies. He also has a 1972 Gran Torino. Mr. Costanzo believes there may be an eight foot (8’) overlap of the house but the new structure will not be built in front of the window or the chimney of the existing house next door. He may be able to back into garage but hard to make the turn. He also

explained there is a pond on the property. He may be able to push the garage back about one foot (1'); possibly one and a half feet (1 1/2'); two feet (2') would be max. Mr. Costanzo has set it up seven (7) different ways. Aesthetically, he does not like changing to an angle. There is a lot of traffic on Westside Avenue and prefers not to back out onto the road especially for his daughters. The house burned about five (5) years ago.

- 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 thanked Mr. Costanzo for his presentation. He explained that the variances granted run with the land. Mr. Costanzo may not always live there. Mr. Costanzo is basing this off a vehicle he owns. Mr. Bonacquist stated that the height and the square footage are not substantial. He does not feel there is any physical impacts. The substantiality and adverse impact are with the side yard variance being three feet (3') off the property line of the existing house with any overlap of the two (2) structures. Mr. Bonacquist feels he could eliminate the side yard variance by changing the garage to a front-load garage. He would want to see the actual dimensions and be assured it is not in front of the windows. Mr. Bonacquist will not be in attendance at next month's meeting and is not in favor of the side yard setback.

Mr. Melillo asked if Mr. Costanzo could back into garage. He also asked if the garage could be pushed back.

Mr. Stramenga in discussion with Mr. Serafini asked if he could change to a 45-degree angle.

Mr. Serafini figures the house next door is set back 41 to 42 feet. Mr. Serafini asked when the house burned down. Mr. Serafini asked the applicant if he was comfortable with putting this off a month so he can stake it out and show the Board where the structure would be.

Chairman Eats spoke to the applicant and went over the criteria. He asked about the two (2) sets of lines in the yard. Mr. Costanzo stated one (1) was for the side load and one (1) was for the front load. Chairman Eats stated he spoke to the neighbor and the neighbor did not have any issues with the project but would like the garage constructed as far back as possible.

- e. **No Public Hearing Comments.**

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

- g. **Motion to TABLE the variances to March 20, 2023 ZBA Meeting:**

Mr. Stramenga

- h. **Seconded:**

Mr. Bonacquist

**ZBA Meeting
February 21, 2024**

**Gary Costanzo
2039 Westside Avenue**

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: 8:15 PM
Motion to adjourn: Mr. Bonacquist
Seconded: Mr. Stramenga
Approved unanimously

Next meeting: March 20, 2024

Respectfully Submitted,
Lisa R. Gallo



Zoning Board of Appeals

RESOLUTION NUMBER ZBA2-2024

Moved by Mr. Stramenga, Seconded by Mr. Bonacquist

Applicant(s): Gary Costanzo

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Applicant(s): Gary Costanzo

Project Location: 2039 Westside Avenue

Tax Number or Numbers: 58.8-6-27.1

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

Proposed Project: The applicant wishes to construct a 25' x 32' 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 25' x 32' detached garage with a height of 18 feet; and,

WHEREAS, the proposed detached garage is 800 square feet, and the existing garage is 200 square feet which would make the total garage space 1,000 square feet, which is 100 square feet over the allowed size of 900 square feet; and,

WHEREAS, the proposed garage height is 18 feet and is 3 feet over the allowed height of 15 feet; and,

WHEREAS, Chapter 270-138(b)(2) "Yards" states that every detached accessory structure shall be located no less than five feet from a side or rear property line; and,

WHEREAS, the applicant is seeking to construct within three (3) feet of the side property line, which would require a variance of two (2) feet.

RESOLUTION NUMBER ZBA2-2024

Applicant: Gary Costanzo

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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, February 15, 2024 announcing that a public hearing was to take place Wednesday, February 21, 2024 at 7:30 p.m. to consider the variance requests; and,

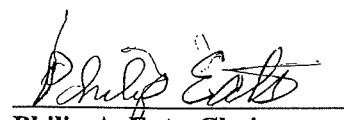
WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on February 21, 2024 to consider the above referenced variance request; and,

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 February 21, 2024 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 **TABLES** said application to March 20, 2024.

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