

Town of Rotterdam
Zoning Board of Appeals Meeting
Summary Meeting Minutes
July 20, 2022

A meeting of the Town of Rotterdam Zoning Board of Appeals was held Wednesday, July 20, 2022 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 Peter Comenzo, Sr. Planner Lisa Gallo, Secretary | Excused: |
|----------|---|----------|

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 20, 2022**

1. **Cindy L. Railine – 1101 Paul Avenue, Rotterdam, NY**, Tax Map #58.7-5-12 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 270-143 entitled “Fences.” **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 property is a corner lot.

a. **Cindy Railine of 1101 Paul Avenue representing this application.**

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

Ms. Railine explained she would like to install a six-foot (6') fence on her corner lot. Her dog has dementia and has difficulty getting up and down stairs. She submitted two (2) letters from adjoining property owners, James and Amanda Costello and Sandra Bielecki. The one (1) from the Costello's was read into the record. She also submitted a better drawing than the one that came in with her application. The new fence will improve the look of the property and won't impede visibility. This privacy fence is the only way to accomplish her needs as the dog “freaks out” when he sees anything or a new person. The hedges on the property are being removed. All of the posts (pins) have been found. The rest of the property is fenced. She will have more room in her yard. She did not understand the question about it being substantial variance and left it unanswered. Chairman Eats explained what it meant. The professionally installed fence will improve the looks of the property and increase the value of everyone's property. The difficulty arose when the dog got sick. It is self-created. The neighbor across the street gave her the idea.

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 the Board gets a lot of variance requests for fences seeking relief from the code. The criteria have been answered by the applicant to his satisfaction.

Mr. Melillo agrees with Mr. Bonacquist.

Mr. Stramenga visited the property. He understands why she needs the variance.

Mr. Serafini sympathized with the applicant as he has an older dog that struggles with stairs. Visibility will not be impacted and a professionally installed fence makes sense.

- 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. Stramenga
- h. Seconded: Mr. Serafini
- i. Approved unanimously:

| NAME | AYES | NOES | EXCUSED | RECUSED |
|----------------|------|------|---------|---------|
| Chairman Eats | X | | | |
| Mr. Melillo | X | | | |
| Mr. Stramenga | X | | | |
| Mr. Bonacquist | X | | | |
| Mr. Serafini | 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 ZBA15-2022
Moved by Mr. Stramenga, Seconded by Mr. Serafini
Applicant(s): Cindy L. Railine

Applicant(s): Cindy Railine
Project Location: 1101 Paul Avenue
Tax Number or Numbers: 58.7-5-12
Zoning: Single Family Residential (R-1) Zoning District
Proposed Project: The applicant would like to install a six (6) foot high fence that is one hundred percent (100%) solid. The property is a corner lot.

WHEREAS, petitioner respectfully requests that she be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-143 entitled "Fences;" 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 that 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 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 14, 2022 announcing that a public hearing was to take place Wednesday, July 20, 2022 at 7:30 p.m. to consider the variance requests; and,

RESOLUTION NUMBER ZBA15-2022

Applicant: Cindy Railine

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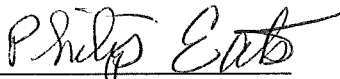
WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on July 20, 2022 to consider the above referenced variance request; and,

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 20, 2022 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 | | | |
| 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**

2. Joseph J. Villano – 532 Stanek Road, Rotterdam, NY, Tax Map #58.9-1-19 located in the Single Family Residential (R-1) Zoning District. Petitioner respectfully requests that they be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-143 entitled “Fences.” **Chapter 270-143(A)(1)** sets a front yard height limit at four (4) feet. The applicant would like to install up to a ten (10) foot high fence, which would require a variance of six (6) 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 fence that is one hundred percent (100%) solid.

a. Joe Villano of 532 Stanek Road representing this application.

*Craig Serafini disclosed he has a professional and personal relationship with Mr. Villano but he feels that it will not affect his decision on this matter and does not think he needs to recuse himself.

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

Mr. Villano resides off Dunnsville Road. The aesthetic condition has changed since last year. He is at a dead-end roadway that borders the NYS Thruway. The trees along the Thruway have been infested with the Gypsy Moth Caterpillars. This has caused the trees to die. Mr. Villano submitted pictures of what the property looked like with all the trees behind it and what it looks like now. Large trees have fallen onto his property recently. The NYS Thruway came and cut the dead trees as well as came in to clear cut the whole property along the fence line and added an access road and additional property to the west. As a result, the heavy tree line no longer exists and it is not aesthetically pleasing. Mr. Villano disclosed that he has had previous roles in the Town and knew a contact at the NYS Thruway, Mr. Jeff Webster. He spoke to him and the NYS Thruway has no plans of putting up any noise abatement in the area. Mr. Villano explains he would like to install a 10' white vinyl fence. He will probably have to install arborvitae trees also for noise abatement. The dust from the removal of the trees is making his house look quite shabby. There will not be an undesirable change. It will actually act as a buffer for the three (3) close properties. It will create a buffer from the sound, site and dust. It can not be achieved by other means. As stated, he checked with NYS Thruway and if install a smaller six foot (6') fence it won't help. He is going to install 15 – 20 arborvitae in a V-shape pattern. He does not feel that either one alone, either the fence or the arborvitae alone, will help. The Thruway is five foot (5') above his property. Yes, it is a substantial variance. A six foot (6') high 50% opaque fence will not help. It will not have any adverse effect. It will be a noise abator. It will be aesthetically pleasing. Mr. Villano is looking for a buffer. He has lived there for 16 years. There is an access road behind his property. This project will cost around \$20,000. He would rather not spend it but his children and parents both and his parents live in Rotterdam and he plans on staying in the house.

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

*Schenectady County Economic Development and Planning deferred to local consideration.

d. Questions/comments from the Board.

Mr. Melillo asked who Jeff Webster was. Mr. Villano said he is with the Rotterdam Salt Shed and NYS Thruway. Mr. Melillo asked if the NYS Thruway is putting in new trees. Mr. Villano stated they are cutting more trees down further down the road which the neighbors are requesting to be cut.

Mr. Stramenga stated he spoke with Mr. Villano. This is an undesirable situation. He is happy this Board can assist Mr. Villano with the problem. He is okay with granting the variance.

Mr. Serafini explained he has been going to the property before and after this has been done. He has seen the problems Mr. Villano has had with his fence. He feels this is necessary for him to continue there.

Mr. Bonacquist stated other applicant have come before the Board to ask for fences higher than six feet (6'). He almost doesn't consider this a fence; it is going to be used as a noise barrier. The removal of the trees has had a detrimental affect on the property and changed the character of the neighborhood. Mr. Bonacquist read a NYS Thruway noise barrier study. The minimum that they install in 12' and the maximum is 22." This is a substantial variance but not out of line for a barrier. The environmental noise is a problem. Barriers do reduce the decibels of noise. Some people come before this Board to settle neighborhood disputes or for other various reasons. This is not one of those situations. This will have a positive environmental impact and makes perfect sense.

Chairman Eats read e-mail from Jim Keith, Senior Building Inspector, into the record stating, "After having a discussion with the Albany Division Director in reference to 532 Stanek Road it was stated that the authority has no plans for noise abatements at this location." This confirms what Mr. Villano has been stating. He also met with Mr. Villano and asked Mr. Villano to address the easement. Mr. Villano said it has been marked. The easement for the waterline. It is either a 10' or 12" pipe. The fence will be inside of his property line so he can maintain the fence on both sides. It is an odd shaped easement for the Town to have. Chairman Eats met with Mr. Villano. He thanked Mr. Bonacquist for his research on noise barriers.

Stephanie DiLallo Bitter read the condition stated below. Mr. Villano agreed to the condition. He also stated that it is easy to disassemble since if you remove the white vinyl fence posts the middle sections fall away.

e. No Public Hearing Comments.

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

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

1. The Applicant notes the Town Easement that exists is identified on the existing survey. If the fence that is sought is constructed upon and/or encroaching on the Town Easement and the town must access its easement, the Applicant will hold the Town harmless from any damage caused to said fence or any other structures the Applicant has constructed over the Town Easement. The Variance is not being provided to encourage the Applicant to impede the Town's rights and as a result the Applicant is moving forward at its own risk.

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 | | | |
| Mr. Serafini | 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 ZBA16-2022
Moved by Mr. Bonacquist, Seconded by Mr. Melillo
Applicant(s): Joseph J. Villano

Applicant(s): Joseph J. Villano
Project Location: 532 Stanek Road
Tax Number or Numbers: 58.9-1-19
Zoning: Single Family Residential (R-1) Zoning District
Proposed Project: The applicant would like to install an up to ten (10) foot high fence that is one hundred percent (100%) solid.

WHEREAS, petitioner respectfully requests that she be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-143 entitled "Fences;" 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 up to a ten (10) foot high fence, which would require a variance of six (6) feet; and,

WHEREAS, Chapter 270-143(A)(4) states that front yard fences should be less that 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, 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 14, 2022 announcing that a public hearing was to take place Wednesday, July 20, 2022 at 7:30 p.m. to consider the variance requests; and,

RESOLUTION NUMBER ZBA16-2022

Applicant: Joseph J. Villano

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WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on July 20, 2022 to consider the above referenced variance request; and,

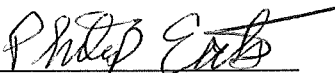
WHEREAS, a 239-m was submitted to the Schenectady County Department of Planning and Economic Development and the County deferred to local consideration, **NOW**,

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 July 20, 2022 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. The Applicant notes the Town Easement that exists is identified on the existing survey. If the fence that is sought is constructed upon and/or encroaching on the Town Easement and the town must access its easement, the Applicant will hold the Town harmless from any damage caused to said fence or any other structures the Applicant has constructed over the Town Easement. The Variance is not being provided to encourage the Applicant to impede the Town's rights and as a result the Applicant is moving forward at its own risk.

| 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

**ZBA Meeting
July 20, 2022**

3. **Henry P. Alteri, Jr. and Peter Alteri – 123 Rotterdam Street, Rotterdam, NY** – Tax Map #48.18-1-2.1 and 48.18-1-2.2 located in the Single Family Residential (R-1) Zoning District. Petitioners request variance(s) as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-31 entitled “Lot Area,” which states that the minimum lot area shall be not less than 15,000 square feet, with a lot width of not less than 100 feet. The applicants would like to subdivide ±6,600 square feet of property to facilitate a Boundary Line Adjustment with an adjoining lot of the Lands N/F of Henry P. Alteri, Jr. and Peter Alteri to allow for the continued use of an existing parking area. The variances are as follows:

123 Rotterdam Street (Existing Single-Family Residence):

| | <i>Required</i> | <i>Existing</i> | <i>Proposed</i> | <i>Variance</i> |
|-----------|-----------------|-----------------|-----------------|-----------------|
| Lot Area | 15,000 s.f. | 13,133 s.f. | 6,533 s.f. | 8,467 s.f. |
| Lot Width | 100 feet | 100 feet | 50 feet | 50 feet |

- a. This application was removed at the request of the applicants from the agenda prior to the meeting.

**ZBA Meeting
July 20, 2022**

4. **Michael Sardo – 2800 Myrtle Avenue, Rotterdam, NY**, Tax Map #48.15-3-17 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 270-143 entitled “Fences.” **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 property is a corner lot.

a. **Michael Sardo of 2800 Myrtle Avenue representing this application.**

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

Mr. Sardo explained he would like a six-foot (6’) fence in lieu of a four-foot (4’) fence and also lives on a corner lot. He submitted a highlighted survey of where he proposes to install the fence. There is a small section at the backside of the garage and then out towards Delaware Avenue. It will be installed inside the stakes. The fence is for privacy and his new puppy. It is a desirable change. There are many corner lots with fences. It will be aesthetically pleasing. It will not impede any views. The only other way to achieve the result he wants would be to put up large shrubs which does not fence in the puppy so he feels this is the only way. He does not feel it is a substantial variance from the ordinance. The construction is not near the road, waterway or anything so it will not affect environmental conditions. It is self-created but won’t impede site distance or be a detriment.

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 stated with the drawing submitted, his presentation and his application he explained everything that he needed to know to make a decision on the application.

Mr. Bonacquist stated there is not any impediment and sees no reason not to support the application.

Mr. Melillo agrees with Mr. Bonacquist.

Mr. Stramenga knocked on the door but no one answered. Mr. Sardo stated he was on a work call.

Chairman Eats met with his other half, Mrs. Sardo. He could not read the answers on the application. He did answer the criteria to his satisfaction with his presentation.

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

| NAME | AYES | NOES | EXCUSED | RECUSED |
|-----------------------|-------------|-------------|----------------|----------------|
| Chairman Eats | X | | | |
| Mr. Melillo | X | | | |
| Mr. Stramenga | X | | | |
| Mr. Bonacquist | X | | | |
| Mr. Serafini | 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 ZBA17-2022
Moved by Mr. Serafini, Seconded by Mr. Melillo
Applicant(s): Michael Sardo

Applicant(s): Michael Sardo
Project Location: 2800 Myrtle Avenue
Tax Number or Numbers: 48.15-3-17
Zoning: Single Family Residential (R-1) Zoning District
Proposed Project: The applicant would like to install a six (6) foot high fence that is one hundred percent (100%) solid. The property is a corner lot.

WHEREAS, petitioner respectfully requests that she be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-143 entitled "Fences;" 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 that 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 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 14, 2022 announcing that a public hearing was to take place Wednesday, July 20, 2022 at 7:30 p.m. to consider the variance requests; and,

RESOLUTION NUMBER ZBA17-2022

Applicant: Michael Sardo

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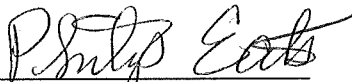
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| NAME | AYES | NOES | EXCUSED | RECUSED |
|-----------------------|-------------|-------------|----------------|----------------|
| Chairman Eats | X | | | |
| Mr. Melillo | X | | | |
| Mr. Stramenga | X | | | |
| Mr. Bonacquist | X | | | |
| Mr. 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**

Meeting adjourned: 8:22 PM
Motion to adjourn: Mr. Stramenga
Seconded: Mr. Bonacquist
Approved unanimously

Next meeting: August 17, 2022

Respectfully Submitted,
Lisa Gallo