

**Town of Rotterdam
Zoning Board of Appeals Meeting
Summary Meeting Minutes
Wednesday, July 17, 2024**

A meeting of the Town of Rotterdam Zoning Board of Appeals was held Wednesday, July 17, 2024 at 7:30 p.m. at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York.

Present:	Philip Eats, Chairman	Excused: Bruce Bonacquist
	Angelo Melillo, Vice Chairman	
	Alex Stramenga	
	Craig Serafini	
	Matt McAuliffe for Stephanie DiLallo-Bitter, ZBA Attorney	
	Peter Comenzo, Sr. Planner	
	Lisa Gallo, Secretary	

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 17, 2024**

1) **Lucille Pallotta – 3009 Kirvin Lane, Rotterdam, NY**, Tax Map #57.8-4-10 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)** states that a fence cannot exceed six feet in a side or rear yard. The applicant would like to install an eight (8) foot high solid fence in the rear yard, which would require a variance of two (2) feet. The rear property line abuts the NYS Thruway.

a. **Lucille Pallotta of 3009 Kirvin Lane representing this application.**

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

Ms. Pallotta thanked the Board for reviewing her petition and being invited to the meeting. She would like to replace an existing six-foot (6’) fence with an eight-foot (8’) fence. She explained the code Chapter 270-143(A)(3) states exceptions can be made in certain circumstances. She submitted a survey. The NYS Thruway is approximately 30’ behind her house. The current fence was never completed and it is in disrepair and needs to be replaced. Her attorney and neighbor, Christina is also present. There used to be trees behind her house which abated the noise somewhat from the Thruway. Most of the trees have either died or were taken down by the Thruway and they have no plans of replacing them. Ms. Pallotta stated that the new fence will give herself and the neighbors privacy. It will improve the appearance of hers and her neighbor’s property. It is a solid eight foot (8’) white vinyl fence. The NYS Thruway would erect a wall that would help. She has called and they do not plan on doing that. She could plant Arborvitaes but one of the neighbors did that and they died. Ms. Pallotta stated that she does not feel there is any other solution. She read the resolutions on-line and figures this is a 33% variance but not sure if it is significant or not. Her property is lower than her neighbors so it would be like a six-foot (6’) fence. The trees that were there reduced the noise. The noise level is not appropriate for a residential neighborhood.

c. **This proposal is exempt from referral to Schenectady County Planning**

d. **Questions/comments from the Board.**

Mr. Melillo stated he totally understands. He lives on the other side of the NYS Thruway. He asked if the eight foot (8’) fence was just going along the back or the whole yard. Ms. Pallotta replied it the whole yard.

Mr. Stramenga did not have any questions. He visited last night. It makes sense to try to reduce the noise. He does not understand why the Thruway cut the trees.

Mr. Serafini stated he has friends that live by the Thruway. He does not feel it is self-created. This Board is here to help you adapt to that. It just makes good sense.

Chairman Eats explained he spoke to the applicant. He tried to talk to the neighbor, Christina, whom is present in the audience. They had to wait to speak until after the cars passed by because they could not hear each other. If this is passed, this would be considered a sound abatement. He does not feel it can be achieved by other means. It won't have an adverse effect on the environment. He feels it is not self-created.

Mr. Comenzo explained that this application is exempt from Schenectady County review.

Ms. Pallotta asked if other residents have requested an eight-foot (8') fence. Chairman Eats said yes and all requests are reviewed on a case-by-case basis. Ms. Pallotta said she did not want to start a precedent.

- e. **No Public Hearing Comments.**
- f. **This project is classified as a Listed Type 2 Action under SEQR.**
- g. **Motion to APPROVE the variance:** Mr. Stramenga
- h. **Seconded:** Mr. Melillo
- i. **Approved unanimously by Members Present:**

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

2. Dennis Kimball – 540 Alexander Drive, Rotterdam, NY, Tax Map #13.17-2-11 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. **Mr. Kimball of 540 Alexander Drive representing the application.**

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

Mr. Kimball explained he worked for a blacktop company and they always got the required permits. He figured Mariaville Fence got a permit for the installation of the fence. He received a notice from the Building Department and came right down to remedy the situation. His wife is 86 years old and has dementia. She gets lost. She has been found by the river. She is going to be harmed. He will not put her in a home. She will stay with him as that is what family does. He put up the fence so she can enjoy the yard and get outside. Once the mail lady had her in her vehicle and Darla Bills let him know so he could get her. The fence goes to the corner of Alexander and River but not to the end. It is for his mom’s safety and quality of life. They were going to build a smaller house on the other lot but they were told they had to combine the lots by Donna, in the Building Department. Mr. Kimball explained came right down and combined the lots with the Assessor’s office. He has spoken to both neighbors and they love it. He submitted a letter that his neighbors signed stating they do not have any issues with the fence. The fence does not hinder the views on the roads. The Town says it’s a separate lot which he does not understand why he couldn’t have a fence on the lot but he did what he had to. It is self-created as he was not informed by the fence company that he needed a permit.

c. **This proposal is exempt from referral to Schenectady County Planning**

d. **Questions/comments from the Board.**

Mr. Stramenga drove by and saw the fence. He feels it is a good thing to take care of family.

Mr. Serafini understands your desire to help your mom. It is self-created and your obligation to get a permit. The benefits of the fence are safety and security for your mom. There are alarms that you can put on the doors of your home. It will not impede traffic.

Mr. Melillo stated he lost his father two (2) months ago to Alzheimer's. He agrees with Mr. Serafini and Mr. Stramenga.

Chairman Eats visited the property. He spoke to the neighbors and they do not have any issues with it. He said that Mr. Kimball did do his due diligence. He agrees with Mr. Serafini.

Mr. Comenzo explained that there cannot be an accessory structure on a property without a primary structure. When the situation changes you can always come back to subdivide the property. You will now get one (1) tax bill with only one (1) water charge.

Mr. McAuliffe thanked the applicant for doing this for his mother as not everyone would.

e. **Public Hearing Comments.**

Ms. Pallotta and her neighbor, Christina, both support this request.

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

g. **Motion to APPROVE the variance(s):** Mr. Melillo

h. **Seconded:** Mr. Serafini

i. **Approved unanimously by Members Present:**

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. Stramenga
Seconded: Mr. Melillo
Approved unanimously

Next meeting: August 21, 2024

Respectfully Submitted,
Lisa R. Gallo

"A Nice Place to Live"



"A Nice Place to Do Business"

Town of Rotterdam
Zoning Board of Appeals

Philip Eats, Chairman
Peter J. Comenzo, Senior Planner

Telephone (518) 355-7575 Ext. 338
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RESOLUTION NUMBER ZBA17-2024
Moved by Mr. Stramenga, Seconded by Mr. Melillo
Applicant(s): Lucille Pallotta

Applicant(s): Lucille Pallotta

Project Location: 3009 Kirvin Lane
Rotterdam, NY

Tax Number or Numbers: 57.8-4-10

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

Proposed Project: The applicant would like to install an eight (8) foot high solid fence in the rear yard

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) states that a fence cannot exceed six feet in a side or rear yard; and,

WHEREAS, the applicant would like to install an eight (8) foot high solid fence in the rear yard, which would require a variance of two (2) feet; and,

WHEREAS, the rear property line abuts the NYS Thruway; and,

WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on Wednesday, July 17, 2024 to consider the above referenced variance request; and,

WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, July 11, 2024, announcing that a public hearing was to take place Wednesday, July 17, 2024 at 7:30 p.m. to consider the variance requests; and,

RESOLUTION NUMBER ZBA17-2024

Applicant(s): Lucille Pallotta

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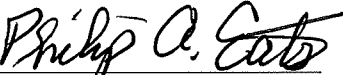
WHEREAS, this project is classified as a Type II Action under SEQR because pursuant to 6NYCRR Part 617.5(c)(17) this is a granting of an area variance for a single-family home and as a result is therefore exempt from SEQR; and,

WHEREAS, 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 Wednesday, July 17, 2024 hearings. 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

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Zoning Board of Appeals*

Philip Eats, Chairman
Peter J. Comenzo, Senior Planner

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**RESOLUTION NUMBER ZBA18-2024
Moved by Mr. Melillo, Seconded by Mr. Serafini
Applicant(s): Dennis Kimball**

Applicant(s): Dennis Kimball

Project Location: 540 Alexander Drive
Rotterdam, NY

Tax Number or Numbers: 13.17-2-11 & 13.17-2-10

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.

WHEREAS, petitioner respectfully requests that he 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 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 property is a corner lot; and,

RESOLUTION NUMBER ZBA18-2024

Applicant(s): Dennis Kimball

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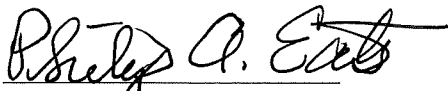
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NAME	AYES	NOES	EXCUSED	RECUSED
Chairman Eats	X			
Mr. Melillo	X			
Mr. Stramenga	X			
Mr. Bonacquist			X	
Mr. Serafini	X			

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**