

**Town of Rotterdam
Zoning Board of Appeals Meeting
Summary Meeting Minutes
September 20, 2023**

A meeting of the Town of Rotterdam Zoning Board of Appeals was held Wednesday, September 20, 2023 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
Alex Stramenga
Craig Serafini
Bruce Bonacquist
Stephanie DiLallo-Bitter, ZBA Attorney
Lisa Gallo, Secretary

Excused: Peter Comenzo, Sr. Planner

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 20, 2023**

1) **Thomas Tarantelli – 44 Merritt Drive, Rotterdam, NY**, Tax Map #58.16-8-14 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 270-15 entitled “Accessory uses, buildings, and structures.” Chapter 270-15(C) states that no detached accessory building shall be located less than five feet from any rear or side lot line. The applicant is proposing to locate two (2) feet from the property line which will require a variance of three (3) feet.

a. **Thomas Tarantelli of 44 Merritt Drive on behalf of this application.**

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

Mr. Tarantelli explained he is requesting a variance for shed to be two (2) feet from his property line instead of five (5) feet. He has letters from his neighbors supporting the project. He stated Mr. Eats came to house and asked if he could move shed three (3) feet. He had contacted three (3) companies; Gabrielles, Della Porta and Rotterdam Septic. Rotterdam Septic was the only one to get back to him stating they do not do that kind of work. He contacted the Amish shed company and they were not interested in moving it. He contacted Home Depot and someone said they would pull it with their quad. After Mr. Tarantelli sent him the pictures, he did not hear back from him. The shed is very tastefully done with a wood frame. It matched the house and the other shed. It is a corner lot and therefore he has very little backyard. The other shed is right on the property line and there are other sheds in the area on the property line. He did not know about the five (5) foot setback. Neighbors said it looks more like a playhouse than a shed. Mr. Tarantelli read the three (3) letters from his neighbors: Giulio Facci (Across street); Tom Bigelow (next door); Ed Vacca (behind him). All were in favor of the shed, stating it does not impede or interfere with their property. He did not get a building permit for the shed. He thought it was the best placement for the shed.

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 stated he would like to review the criteria. Mr. Tarantelli said the shed will not create an undesirable change to the characteristic of the neighborhood which is okay. Can this be achieved by other means? Mr. Bonacquist feels it could be located in another part of the yard and five (5) feet away from property line. It is a 60% variance which is substantial. It is in close proximity to the other shed. His fear is if it does catch on fire the fire will spread to the other shed. A permit was not obtained prior to building the shed so it is self-created.

Mr. Melillo agrees with Mr. Bonacquist.

Mr. Stramenga stated it is a beautiful shed but the applicant should have come to the Town for a permit. This is the third time before this Board and there are no changes which does not help the situation. If granted it will set a precedent for other applications presented to the Board.

Mr. Serafini explained that the shed is beautifully built took meticulous care in erecting the shed. There are other options. Mr. Serafini stated if Mr. Tarantelli put

as much time and effort in moving it as he did in building it than this wouldn't be a problem. Mr. Serafini stated that he would have done anything he possibly could to try to get the shed moved in the past few months. The Board cannot grant something that goes against the criteria. He stated Mr. Tarantelli should have contacted several contractors that erect sheds to try to get it moved.

Mr. Tarantelli explained he could move the shed and explained how it could be done but it will take him a long time. He can look into more options to move it. Mr. Tarantelli said that Ms. Gallo takes excellent notes.

Chairman Eats said if the request is denied, then Mr. Tarantelli has to deal with the Building Department. There is a shed next door that sheds water onto neighboring property and this would create the same situation. So, it is a detriment to nearby properties. It can be achieved by other means; by moving it. It is substantial. It was also erected without a permit. It needs to be fire-proofed because of the location it is in.

e. **No Public Hearing Comments.**

f. **Motion to DENY:** Mr. Stramenga

g. **Seconded:** Mr. Serafini

h. **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 ZBA28-2023
Moved by Mr. Stramenga, Seconded by Mr. Serafini
Applicant(s): Thomas Tarantelli

DENIED

Applicant(s): Thomas Tarantelli
Project Location: 44 Merritt Drive
Tax Number or Numbers: 58.16-8-14
Zoning: Single Family Residential (R-1) Zoning District
Proposed Project: The applicant is proposing to locate an accessory structure two (2) feet from the property line.

WHEREAS, petitioner respectfully requests that he be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-15 entitled "Accessory uses, buildings, and structures," and;

WHEREAS, Chapter 270-15(C) states that no detached accessory building shall be located less than five feet from any rear or side lot line; and,

WHEREAS, the applicant is proposing to locate two (2) feet from the property line which will require a variance of three (3) feet; and,

WHEREAS, the applicant appeared before the Zoning Board of Appeals on June 21, 2023 and requested this application be **TABLED** so that he could work on getting someone to assist with moving the shed. The Zoning Board of Appeals granted his request and tabled this matter to the September 20, 2023 meeting; 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,

RESOLUTION NUMBER ZBA28-2023

Applicant: Thomas Tarantelli

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DENIED

WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, September 14, 2023 announcing that a public hearing was to take place Wednesday, September 20, 2023 at 7:30 p.m. to consider the variance requests; and,

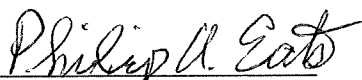
WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on September 20, 2023 to consider the above referenced variance request; and,

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 September 20, 2023 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 **DENIES** 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

**ZBA Meeting
September 20, 2023**

- 2) **Ryan Bates – 211 Crawford Road, Rotterdam, NY**, Tax Map #19.00-3-9 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 construct a 30’ x 50’ detached garage with a height of 19 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 proposed detached garage is 1500 square feet with a height of 19 feet, which is 600 square feet over the allowed size of 900 square feet and 4 feet over the allowed height of 15 feet.

a. **Ryan Bates of 211 Crawford Road representing this application.**

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

Mr. Bates explained that the square footage and the height of the 30’ X 50’ garage that he would like to install on his property exceed the limits. He needs the building for storage. He has a lot of machinery; bull dozer, back hoe and has a boat and a camper that he is looking to get bigger ones. They will not all fit in a smaller garage. He lives in the country. It is on his property. It won’t change the neighborhood. It could be achieved by other means if he built it smaller but if it is smaller not all the equipment and items will fit inside. He feels both variances are substantial. The environmental conditions will be the same as before. There are 100’s of feet in each direction. He received letters from his neighbors and put them in the application. One neighbor on Rynex Corners wasn’t against the project but did not feel it necessary to supply letter. Mr. Bates submitted Mike Giakoumis of 2290 Pattersonville Rynex Corners Road letter. It is self-created as he wants such a big garage.

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. Melillo stated Mr. Bates covered the five (5) criteria well.

Mr. Stramenga explained that based on his presentation he did not have a problem with the variances.

Mr. Serafini explained that Mr. Bates needs this to keep the property neat and tidy. It is a large lot and will support this large structure.

Mr. Bonacquist stated first there is no undesirable change to the neighborhood. It is a rural setting. There are horses across the street. The variance is substantial but it is mitigated by the location and the size of the property.

Chairman Eats visited the property and discussed the criteria with the applicant. He agrees with the other members and the presentation.

- e. No Public Hearing Comments.
- f. This project is classified as a Listed Type 2 Action under SEQR.
- g. Motion to APPROVE: Mr. Bonacquist
- h. Seconded: Mr. Stramenga
- 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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RESOLUTION NUMBER ZBA29-2023
Moved by Mr. Bonacquist, Seconded by Mr. Stramenga
Applicant(s): Ryan Bates

Applicant(s): Ryan Bates

Project Location: 211 Crawford Road

Tax Number or Numbers: 19.00-3-9

Zoning: Agricultural (A-1) Zoning District

Proposed Project: The applicant wishes to construct a 30' x 50' detached garage with a height of 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 270-138(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 50' detached garage with a height of 19 feet; and,

WHEREAS, the proposed detached garage is 1500 square feet with a height of 19 feet, which is 600 square feet over the allowed size of 900 square feet and 4 feet over the allowed height of 15 feet; 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, September 14, 2023 announcing that a public hearing was to take place Wednesday, September 20, 2023 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 September 20, 2023 to consider the above referenced variance request; and,

RESOLUTION NUMBER ZBA29-2023

Applicant: Ryan Bates

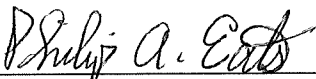
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WHEREAS, the Schenectady County Department of Planning and Economic Development deferred to local consideration; and,

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 20, 2023 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

**ZBA Meeting
September 20, 2023**

3) Nicolle Kane – 2740 Myrtle Avenue, Rotterdam, NY, Tax Map #48.15-2-13 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. Nicole Kane of 2740 Myrtle Avenue representing this application.

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

Ms. Kane said she is requesting variances to replace an existing fence. It is for safety first. The existing chain link is broken and old and falling. Her young son has gotten hurt on it several times. She now has a dog and does not want it to escape. The six (6) foot white vinyl fence will enhance the aesthetics and will match the house. It will not be a detriment. The variances are not substantial she is just fencing in her property. It is self-created because she needs the variance. She said she did not realize she needed letters from her neighbors. Chairman Eats said it is not a requirement. Ms. Kane went on to say that the fence will not obstruct traffic or views. It will block neighbor’s bushes from coming on her side.

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 visited the property but no one was home. Her presentation answered the five (5) criteria.

Mr. Serafini asked what kind of dog. Ms. Kane said Mini Golden Doodle.

Mr. Bonacquist didn’t have any questions and stated we get a lot of these variance requests for fences on corner lots.

Mr. Melillo said Ms. Kane may have covered this but asked about the site distances. Ms. Kane stated it does not obstruct traffic or views.

Chairman Eats stated he visited the property. There was a car at the end of the driveway and there was still a full car length so it does not impede site distances. They also reviewed the criteria.

- 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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RESOLUTION NUMBER ZBA30-2023
Moved by Mr. Serafini, Seconded by Mr. Melillo
Applicant(s): Nicolle Kane

Applicant(s): Nicolle Kane
Project Location: 2740 Myrtle Avenue
Tax Number or Numbers: 48.15-2-13
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. 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,

WHEREAS, this project is classified as a Type II Action under SEQRA 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 SEQRA; and,

WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, September 14, 2023 announcing that a public hearing was to take place Wednesday, September 20, 2023 at 7:30 p.m. to consider the variance requests; and,

RESOLUTION NUMBER ZBA30-2023

Applicant: Nicolle Kane

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WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on September 20, 2023 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 September 20, 2023 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

**ZBA Meeting
September 20, 2023**

- 4) **Angela Naumowicz – 18 Valleyview Avenue, Rotterdam, NY**, Tax Map #38.17-1-6 located in the Single Family Residential (R-1) Zoning Districts. Petitioner respectfully requests that she be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-15.4 entitled: “Raising Chicken Hens as Accessory Use.” **Chapter 270-15.4 (C)** states that the minimum lot size for the raising of chicken hens shall be 9,000 square feet. The applicant is requesting permission to raise chicken hens on a lot that is 8,277 square feet which would require variance of 723 square feet.

a. **Angelica Naumowicz of 18 Valleyview Avenue representing this application.**

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

Ms. Naumowicz is requesting a square footage variance in order to keep chickens on her property. She moved in two (2) years ago. She checked for laws on chickens and there were not any. She ordered chickens. Then the law was passed on chickens but she already had them ordered. There will be no effect on the neighborhood. The chickens are well behaved and quiet. The dogs in the neighborhood are louder. She cleans the coop so there are no smells. She feels there is no other way as she cannot increase her property size. She said it is only an 8% variance and does not feel that is substantial. She mows the Town property. It will not have an environmental effect. Ms. Naumowicz stated that you did not know they were there, you would not know they were there. It is self-created. Between purchasing and getting the chickens, she did not realize a law had been passed.

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 the laws changed in between and she addressed all the criteria with her presentation.

Mr. Bonacquist stated the prior to the enactment of the chicken law; chickens were prohibited. Other properties have chickens but may not have variance. It is under 10% of a variance. Unfortunately, you cannot calculate the Town property into your property.

Mr. Melillo stated she addressed the criteria and agrees with the rest of the members.

Mr. Stramenga stated the chickens are not bothering anyone.

Chairman Eats stopped and visited the property. The visit was worth 1000 words. The neighbors stated they are not noisy all. The project meets all the rest of the criteria.

Mr. Bonacquist asked about the chickens eating ticks. Ms. Naumowicz stated they do eat bugs and ticks. They have been helping with that because prior to the chickens she was bit by a tick. Mr. Bonacquist stated that people can rent chickens and Guinea hens. The school districts rent them.

Ms. Gallo thanked Ms. Naumowicz for mowing Town property.

- e. **Public Hearing Comments.**
Audience member with the applicant stated he was in favor of the chickens.

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

- g. **Motion to APPROVE the variance:** Mr. Bonacquist

- h. **Seconded** Mr. Stramenga

- 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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RESOLUTION NUMBER ZBA31-2023
Moved by Mr. Bonacquist, Seconded by Mr. Stramenga
Applicant(s): Angela Naumowicz

Applicant(s): Angela Naumowicz
Project Location: 18 Valleyview Avenue
Tax Number or Numbers: 38.17-1-6
Zoning: Single Family Residential (R-1) Zoning Districts
Proposed Project: The applicant is requesting permission to raise chicken hens on a lot that is 8,277 square feet.

WHEREAS, petitioner respectfully requests that she be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-15.4 entitled: "Raising Chicken Hens as Accessory Use;" and,

WHEREAS, Chapter 270-15.4 (C) states that the minimum lot size for the raising of chicken hens shall be 9,000 square feet; and,

WHEREAS, the applicant is requesting permission to raise chicken hens on a lot that is 8,277 square feet which would require variance of 723 square feet; 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, September 14, 2023 announcing that a public hearing was to take place Wednesday, September 20, 2023 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 September 20, 2023 to consider the above referenced variance request; and,

RESOLUTION NUMBER ZBA31-2023

Applicant: Angela Naumowicz


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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 20, 2023 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