

**Town of Rotterdam
Zoning Board of Appeals Meeting
Summary Meeting Minutes
Monday, June 17, 2024**

A meeting of the Town of Rotterdam Zoning Board of Appeals was held Monday, June 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: Angelo Melillo, Vice Chairman
	Alex Stramenga	Craig Serafini
	Bruce Bonacquist	
	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.

June 17, 2024

1) **Dean Attanasio – 3184 Carman Road, Rotterdam, NY**, Tax Map #71.6-4-17.1 located in the Retail Business (B-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.” The applicant wishes to construct a 30’ x 50’ storage building on the property. The variance request is as follows: **Chapter 270-15** states that no accessory building or structures shall exceed 14 feet in height. The proposed storage building is 25 feet in height which would require a variance of 11 feet.

a. **Chad Pagan of Ingalls and Associates, LLP representing this application.**

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

Chad Pagan explained the applicant needs two (2) variances; one (1) area variance 270-138(c) for the accessory structure being over 15% of the habitable space and one (1) for the height 270-15. He stated he made an error on the Short environmental Assessment Form. He usually fills these out for Site Plans and Subdivisions. Questions 10 & 11 he stated yes to water and sewer but there will not be any water r sewer to the garage. It will only be used for storage. The property is zoned Retail Business (B-1). There is a single-family residence on the property which is an allowed use. It is located adjoining a commercial building and near 890.

Stephanie DiLallo Bitter explained that 270-138 (c) is only applicable to certain zones and Retail Business is not one of the zones and therefore that variance is not needed. The applicant still needs a variance for the height.

Mr. Pagan continued his presentation addressing the height. He stated the structure needs ten-foot (10’) doors so with those doors the roof needs to be 25’. The adjoining property is also owned by the applicant. There is a similar building located on that lot. No one will know what property the building being constructed is actually on. The house on the lot was recently connected to sewer. The septic is no longer being used. In order to allow for a larger vehicle to get into the garage the doors, it needs to be 10’ and therefore the height needs to be at 25’.

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

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

Mr. Bonacquist stated that in reviewing the criteria it will not change the character of the neighborhood. The whole corridor is business and the Town’s Comprehensive Plan is in agreement with this type of development in this corridor. The variance is substantial but it is mitigated by the other commercial areas. He can support the variance.

Chairman Eats explained he spoke to Mr. Pagan and Mr. Attanasio and there were not going to be any utilities but it was stated that that could change. Mr. Attanasio stated there will not be any utilities to the garage.

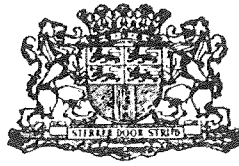
Stephanie DiLallo Bitter stated this is a five (5) member board so all applicants will need all three (3) members present to vote in favor of their applications in order for an approval.

Chairman Eats added that the applicants have a right to postpone their hearing until the next month when all the member are present.

- 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. Bonacquist
- h. **Seconded:** Mr. Stramenga
- 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	

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"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
Facsimile (518) 355-2725

RESOLUTION NUMBER ZBA16-2024
Moved by Mr. Bonacquist, Seconded by Mr. Stramenga
Applicant(s): Joseph DiCristofaro

Applicant(s): Joseph DiCristofaro

Project Location: 2016 Michael Lane
Rotterdam, NY

Tax Number or Numbers: 38.17-1-6

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

Proposed Project: The applicant would like to place a chicken enclosure and chicken run to be located within 10 feet of the existing property line.

WHEREAS, petitioner respectfully requests that he 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 (K) states that no chicken enclosure or chicken run shall be located closer than 25 feet from any property line; and,

WHEREAS, the proposed chicken enclosure and chicken run is proposed to be located within 10 feet of the existing property line; and,

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

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

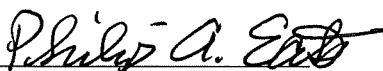
WHEREAS, this project is classified as a Type II Action under SEQR because pursuant to 6NYCRR Part 617.5(c)(17) this is a granting of an area variance for a single-family home and as a result is therefore exempt from SEQR; and,

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 Monday, June 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

2) **Domini and Robert Young – 1990 Upper Gregg Road, Rotterdam, NY, Tax Map #28.00-2-11.1** located in the Agriculture (A-1) Zoning District. Petitioners respectfully request that they be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-138 entitled “Accessory Structures and Uses” and Chapter 270-15 entitled “Accessory uses, buildings, and structures.” The applicant wishes to construct a 14’ x 40’ gambrel storage barn on the property. The variance request(s) are as follows: **Chapter 270-138(c)** “Lot Coverage” states 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 2544 square feet which would allow an accessory structure of 381 square feet. The proposed accessory structure is 560 square feet, which will require a variance of 179 square feet. **Chapter 270-15** states that No accessory building or structures shall exceed 14 feet in height. The proposed storage barn is 17 feet in height which would require a variance of 3 feet.

a. **Robert & Domini Young of 1990 Upper Gregg Road representing the application.**

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

Mr. Young explained he needs a variance for height and square footage. He lives in a rural area and there are only eight (8) houses on the two (2) mile road. All the properties have out buildings. It will not be visible as it will be located on the lower end of the property. They do not want several small buildings which is what the code allows. It will be used for the lawn mower, moped, lawn items, snow blower. Currently, they cannot park the cars in the garage. It is narrow and longer. He does not feel the variances are substantial. It is a heavily wooded area.

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

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

Mr. Stramenga stated the Board is here for this type of action and does not have an issue with the variances.

Mr. Bonacquist explained it is a large lot. They have a current garage and sees what they are trying to do. It is mitigated by the size of the lot and he also can support the variances.

Chairman Eats visited the property and spoke to the applicants. They are meeting all the required setbacks and agrees with Mr. Bonacquist.

- e. **No Public Hearing Comments.**
- f. **This project is classified as a Listed Type 2 Action under SEQR.**
- g. **Motion to APPROVE the variance(s):** Mr. Stramenga
- h. **Seconded:** Mr. Bonacquist
- 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	



Town of Rotterdam
Zoning Board of Appeals

Philip Eats, Chairman
Peter J. Comenzo, Senior Planner

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RESOLUTION NUMBER ZBA15-2024
Moved by Mr. Stramenga, Seconded by Mr. Bonacquist
Applicant(s): Domini and Robert Young

Applicant(s): Domini and Robert Young

Project Location: 1990 Upper Gregg Road
Rotterdam, NY

Tax Number or Numbers: 28.00-2-11.1

Zoning: Agricultural (A-1) Zoning District

Proposed Project: The applicant wishes to construct a 14' x 40' gambrel storage barn on the property. The proposed storage barn is 17 feet in height.

WHEREAS, petitioners respectfully request that they be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-138 entitled "Accessory Structures and Uses" and Chapter 270-15 entitled "Accessory uses, buildings, and structures; and,

WHEREAS, the applicant wishes to construct a 14' x 40' gambrel storage barn on the property; and,

WHEREAS, Chapter 270-138(c) "Lot Coverage" states 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 2544 square feet which would allow an accessory structure of 381 square feet; and,

WHEREAS, the proposed accessory structure is 560 square feet, which will require a variance of 179 square feet; and,

WHEREAS, Chapter 270-15 states that no accessory building or structures shall exceed 14 feet in height; and,

WHEREAS, the proposed storage barn is 17 feet in height which would require a variance of 3 feet; and,

RESOLUTION NUMBER ZBA15-2024
Applicant(s): Domini and Robert Young
Page 2

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

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


WHEREAS, pursuant to a Memorandum of Understanding dated April 2011 with the Schenectady County Department of Planning and Economic Development this project is not exempt from review, and,

WHEREAS, the Schenectady County Department of Planning and Economic Development has responded to the required 239-m referral and 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 Monday, June 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

**ZBA Meeting
June 17, 2024**

- 3) **Joseph DiCristofaro – 2016 Michael Lane, Rotterdam, NY, Tax Map #38.17-1-6** located in the Single Family Residential (R-1) Zoning Districts. Petitioner respectfully requests that he 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 (K)** states that no chicken enclosure or chicken run shall be located closer than 25 feet from any property line. The proposed chicken enclosure and chicken run is proposed to be located within 10 feet of the existing property line.

a. **Joseph DiCristofaro of 2016 Michael Lane representing the application.**

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

Mr. DiCristofaro feels the chicken run will be an enhancement of the area. It is not a run of the mill chicken coop. It is very nice looking with gutters and solar. He also gives fresh eggs to his neighbors in the development. It cannot be achieved by any other means as there is a tree that his three (3) boys have played on in the center of the property. If he moves the chicken coop to the center of the property, then the boys cannot play in the yard. It will be ten feet (10') from the rear and right-side neighbors. He has spoken to all the neighbors. All of their kids are excited about the chickens and learning about the chickens. The placement is in a wooded area in a roost area so they have adequate room to run. Mr. DiCristofaro stated that he will also be installing a six foot (6') fence for the chickens so they can run freely. It will be maintained. They recently purchased the chicks. They are very entertaining. The kids will enjoy them and learn how to take care of animals.

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

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

Mr. Bonacquist doesn't feel it changes the characteristics of the neighborhood. It is substantial but can be mitigated by the property. Mr. Bonacquist asked how old the children are? Mr. DiCristofaro said 12, 14 and 17. Mr. Bonacquist said people apply pesticides to their lawn but he would not have to. Chickens eat ticks. The state code says there are alternatives to receiving a variance and all other alternatives should be considered like sliding to the left to reduce the size of the variance. Mr. DiCristofaro explained there are large branches that would need to be cut off the tree and it would take away from the landscaping. The 12- and 14-year-olds still climb that tree; the 17-year-old has other interests. Mr. Bonacquist likes the organic extermination of the ticks and utilizing the chicks as a science experiment for the area. He feels he can support the variances for these reasons.

Stephaine DiLallo Bitter explained there is a chicken permit application that needs to be applied for yearly and any mismanagement can result in revocation of the permit.

Chairman Eats spoke the neighbors and they are all okay with the chickens. There will be a fence going up, no matter which person is putting it up. Chairman Eats also agrees with Mr. Bonacquist that he has satisfied all the criteria.

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

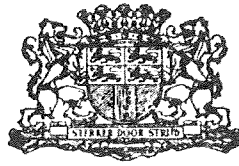
NAME	AYES	NOES	EXCUSED	RECUSED
Chairman Eats	X			
Mr. Melillo			X	
Mr. Stramenga	X			
Mr. Bonacquist	X			
Mr. Serafini			X	

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

Next meeting: July 17, 2024

Respectfully Submitted,
Lisa R. Gallo

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Town of Rotterdam
Zoning Board of Appeals

Philip Eats, Chairman
Peter J. Comenzo, Senior Planner

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RESOLUTION NUMBER ZBA14-2024
Moved by Mr. Bonacquist, Seconded by Mr. Stramenga
Applicant(s): Dean Attanasio

Applicant(s): Dean Attanasio

Project Location: 3184 Carman Road
Rotterdam, NY

Tax Number or Numbers: 71.6-4-17.1

Zoning: Retail Business (B-1) Zoning District

Proposed Project: The applicant wishes to construct a 30' x 50' storage building on the property. The proposed storage building is 25 feet.

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, the applicant wishes to construct a 30' x 50' storage building on the property; and,

WHEREAS, Chapter 270-15 states that no accessory building or structures shall exceed 14 feet in height; and,

WHEREAS, the proposed storage building is 25 feet in height which would require a variance of 11 feet; and,

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

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RESOLUTION NUMBER ZBA14-2024

Applicant(s): Dean Attanasio

Page 2

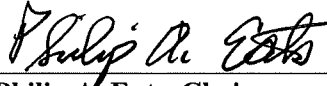
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NAME	AYES	NOES	EXCUSED	RECUSED
Chairman Eats	X			
Mr. Melillo			X	
Mr. Stramenga	X			
Mr. Bonacquist	X			
Mr. Serafini			X	

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