

**Town of Rotterdam
Zoning Board of Appeals Meeting
Summary Meeting Minutes
January 18, 2023**

A meeting of the Town of Rotterdam Zoning Board of Appeals was held Wednesday, January 18, 2023 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
Stephanie DiLallo-Bitter, ZBA Attorney
Peter Comenzo, Sr. Planner
Lisa Gallo, Secretary

Excused: Craig Serafini

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 2023.

Motion made by Mr. Bonacquist to appoint Mr. Melillo as Vice Chairman of the Zoning Board of Appeals for the year 2023.

Seconded: Mr. Stramenga

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

Approved unanimously.

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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 ZBA1-2023
Moved by Mr. Bonacquist, Seconded by Mr. Stramenga

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, January 18, 2023.

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

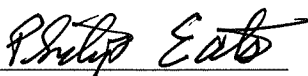
WHEREAS, Mr. Bonacquist made a motion to appoint Mr. Melillo as Vice Chairman for the Rotterdam Zoning Board of Appeals for a one (1) year term retroactively from January 1, 2023 to December 31, 2023; and,

WHEREAS, Mr. Stramenga 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, 2023 to December 31, 2023.

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

**ZBA Meeting
January 18, 2023**

1) **Angela VanNostrand – 1145 Fayette Drive, Rotterdam, NY**, Tax Map #71.6-2-13 located in the Single Family Residential (R-1) Zoning District. Petitioners respectfully request 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. **Angela VanNostrand of 1145 Fayette Drive representing her application.**

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

Angela VanNostrand explained that she needed two (2) variances for both the height and opacity of the fence. Due to her being on a corner lot her side yard is a front yard by code. Ms. VanNostrand stated her husband passed away and she has been trying to fix up the property since that time. There was a six foot (6') wooden fence that was falling down so she replaced it. It was a safety concern. The six-foot (6') fence is the only way to achieve privacy and the property is right next to Esposito Park so there is quite a bit of foot traffic during certain events. People would walk by and talk to her child or to the dog and she doesn't want that. Yes, it is substantial due to the material and the height of the fence. There will not be any adverse effect on environment. She is just replacing a fence that was there and this fence looks better. Mrs. VanNostrand stated it is self-created due to her ignorance regarding the code requirements in the Town.

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 said the new fence blends in with the neighborhood and it looks great. The presentation answered all the criteria.

Mr. Stramenga visited the property and stated that the new fence is an improvement.

Chairman Eats visited the property. He spoke to the applicant and went over the criteria of the application. The applicant did speak to the neighbor prior to installing the fence. He stated with the park across the street there is definitely a need for the higher fence.

- 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. 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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Peter J. Comenzo, Senior Planner

Telephone (518) 355-7575 Ext. 338
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RESOLUTION NUMBER ZBA2-2023
Moved by Mr. Bonacquist, Seconded by Mr. Melillo
Applicant(s): Angela VanNostrand

Applicant(s): Angela VanNostrand
Project Location: 1145 Fayette Drive
Tax Number or Numbers: 71.6-2-13
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, petitioners respectfully request that they 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,

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, January 12, 2023 announcing that a public hearing was to take place Wednesday, January 18, 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 January 18, 2023 to consider the above referenced variance request; and,


RESOLUTION NUMBER ZBA2-2023
Applicant: Angela VanNostrand
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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 January 18, 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

Meeting adjourned: 7:35 PM
Motion to adjourn: Mr. Bonacquist
Seconded: Mr. Melillo
Approved unanimously

Next meeting: February 15, 2023

Respectfully Submitted,
Lisa R. Gallo