

**Town of Rotterdam  
Zoning Board of Appeals  
Summary Meeting Minutes for December 18, 2019**

A regular meeting of the Town of Rotterdam Zoning Board of Appeals was held Wednesday, December 18, 2019 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 Stephanie DiLallo Bitter, Attorney for the ZBA 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.

**ZBA Meeting  
December 18, 2019**

**1. Jeffery D. Brown – 5 South Westcott Road – Rotterdam, NY, Tax Map #58.00-2-2.21** located in the Agricultural (A-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 270-138 entitled “Accessory Structures and Uses,” and Chapter 270-15 entitled “Accessory uses, buildings and structures.” **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 the six (6) foot high fence that is one hundred percent (100%) solid in the front yard. The applicant also is requesting to construct a 20’ x 40’ accessory building with a height of twenty (20) feet. 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 in the A, RA, R-1, R-2 and R-3 Districts. The existing residential structure is 2,781 square feet which would allow an accessory structure of 417 square feet. The proposed detached accessory structure will create an accessory structure that is 800 square feet, which is 383 square feet over the allowed size of 417 square feet. **Chapter 270-15(c)** states that no accessory structure or building shall exceed fourteen (14) feet in height. The proposed accessory structure is twenty (20) feet in height, which requires a variance of six (6) feet.

**a. Jeffery Brown of 5 South Westcott Road representing this application.**

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

Mr. Brown explained he would like to install a six foot (6’) stockade fence in his front yard to prevent off road vehicles from cutting through his property. Trespassing has been an on-going issue and the intent of the fence is for safety and to stop the damage to his property. He is trying to be proactive as the police have not been able to help him with the issue. A four foot (4’) wire fence is not practical as it could be dangerous and with a solid fence they will see this barrier. The trespassers do not understand that it is his property and think it is the Thruway’s property. Mr. Brown had fruit trees on his property and they ran them over. This is to prevent the unlicensed vehicles from using his property.

Mr. Brown would also like to install a storage shed 20’X 40’ with a height of 20 feet. The property will accommodate this size shed. Currently, the equipment he uses to maintain the property is stored all over the outside of his home and some are under tarps. The addition of a storage building will clean up his yard. It is offset 50’ from the Thruway property and the property slopes so it will be obscured by the trees. Across the street is an existing commercial property with a warehouse behind it. The accessory building will not be out of character for the neighborhood and it will secure his equipment.

**c. This proposal is exempt from referral to Schenectady County Planning pursuant to Memorandum of Understanding – April 2011.**

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

Chairman Eats discussed how the applicant addressed each criteria.

Mr. Bonacquist asked about Drawing #1 identifying the trail. Mr. Brown stated that he is looking at it wrong and approached the dais to assist with interpretation. Mr. Bonacquist mentioned that the Thruway fence appeared to being damaged and flimsy. He also mentioned that although the proposed out building is a substantial variance he does not believe it will be seen by the neighbors and will fit in with the character of the neighborhood.

Mr. Brown stated that in the spring he will contact Gary at the NYS Thruway to fix their fence. Mr. Brown is a retired NYSDOT employee and has contacts that currently work at the Thruway Authority.

Chairman Eats spoke to Mr. Brown at both Town Hall and the project site and reviewed what was presented. While he was there he saw some snowmobile tracks on the property.

Stephanie DiLallo-Bitter disclosed that the Board was only giving relief on the variances required in Chapter 270 entitled "Zoning." They are not determining whether the property that is being trespassed on by unlicensed vehicles is indeed Mr. Brown's property.

**e. No Public Comments.**

**f. Motion to APPROVE:** Mr. Bonacquist

**g. Seconded:** Mr. Stramenga

**h. Approved unanimously:**

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

*"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  
Facsimile (518) 355-2725

**RESOLUTION NUMBER ZBA32-2019**  
**Moved by Mr. Bonacquist, Seconded by Mr. Stramenga**  
**Applicant(s): Jeffery D. Brown**

**Applicant(s):** Jeffery D. Brown

**Project Location:** 5 South Westcott Road  
Rotterdam, NY

**Tax Number or Numbers:** 58.00-2-2.21

**Zoning:** Agricultural (A-1) Zoning District

**Proposed Project:** The applicant would like to install the six (6) foot high fence that is one hundred percent (100%) solid in the front yard. The applicant also is requesting to construct a 20' x 40' accessory building with a height of twenty (20) feet

**WHEREAS**, petitioner respectfully requests that he be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-143 entitled "Fences," Chapter 270-138 entitled "Accessory Structures and Uses," and Chapter 270-15 entitled "Accessory uses, buildings and structures;" 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 the six (6) foot high fence that is one hundred percent (100%) solid in the front yard; and,

**WHEREAS**, the applicant also is requesting to construct a 20' x 40' accessory building with a height of twenty (20) feet; 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 in the A, RA, R-1, R-2 and R-3 Districts; and,

**RESOLUTION NUMBER ZBA32-2019**

**Applicant(s): Jeffery D. Brown**

**Page 2**

**WHEREAS**, the existing residential structure is 2,781 square feet which would allow an accessory structure of 417 square feet; and,

**WHEREAS**, the proposed detached accessory structure will create an accessory structure that is 800 square feet, which is 383 square feet over the allowed size of 417 square feet; and,

**WHEREAS**, Chapter 270-15(c) states that no accessory structure or building shall exceed fourteen (14) feet in height; and,

**WHEREAS**, the proposed accessory structure is twenty (20) feet in height, which requires a variance of six (6) feet; and,

**WHEREAS**, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on December 18, 2019 to consider the above referenced variance request; and,


**WHEREAS**, a legal notice was published in the Schenectady Daily Gazette on Thursday, December 12, 2019 announcing that a public hearing was to take place in the V. Dalton Bambury Hearing Room, at the John F. Kirvin Government Center located at 1100 Sunrise Boulevard, Rotterdam, New York on Wednesday, December 18, 2019 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 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 December 18, 2019 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.

<b>NAME</b>	<b>AYES</b>	<b>NOES</b>	<b>EXCUSED</b>	<b>RECUSED</b>
<b>Chairman Eats</b>	<b>X</b>			
<b>Mr. Melillo</b>	<b>X</b>			
<b>Mr. Stramenga</b>	<b>X</b>			
<b>Mr. Bonacquist</b>	<b>X</b>			
<b>Mr. Serafini</b>			<b>X</b>	

**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  
December 18, 2019**

2. **Michael Floccuzio – 89 Country Walk Road – Rotterdam, NY, Tax Map #57.11-1-35** located in the Residential Agricultural (RA) 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 14’ x 20’ shed on the property. The variance request(s) are as follows: **Chapter 270-138(c)** “Lot Coverage” in regards to a shed state 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 in the A, RA, R-1, R-2 and R-3 Districts. The existing residential structure is 1716 square feet which would allow an accessory structure of 257 square feet. The proposed detached accessory structure will create an accessory structure that is 280 square feet, which is 23 square feet over the allowed size of 257 square feet.

a. **Mike Floccuzio of Floccuzio Construction representing this application.**

\*Mr. & Mrs. Ted Sarawa are in attendance and have recently purchased the property.

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

Mr. Floccuzio stated that they ordered the largest shed from the company and went off the floor area of the shed and not the outside dimensions. It is only slightly larger than what is allowed. The color matches the house and the houses on either side. He could have purchased a smaller one and it is totally his fault for not calculating the dimensions correctly. It is not substantial. It is aesthetically pleasing and will not have any adverse effect on the environment. It is self-created as stated earlier.

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 it is not a substantial variance and it blends with the character of the neighborhood.

e. **No Public Comments.**

f. **Motion to APPROVE:**

Mr. Melillo

g. **Seconded:**

Mr. Bonacquist

h. **Approved unanimously:**

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

*"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  
Facsimile (518) 355-2725

**RESOLUTION NUMBER ZBA33-2019**  
**Moved by Mr. Melillo, Seconded by Mr. Bonacquist**  
**Applicant(s): Michael Floccuzio**

**Applicant(s):** Michael Floccuzio

**Project Location:** 89 Country Walk Road  
Rotterdam, NY

**Tax Number or Numbers:** 57.11-1-35

**Zoning:** Residential Agricultural (RA) Zoning District

**Proposed Project:** The applicant wishes to construct a 14' x 20' shed on the property.

**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" in regards to a shed state 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 in the A, RA, R-1, R-2 and R-3 Districts; and,

**WHEREAS**, the applicant wishes to construct a 14' x 20' shed on the property; and,

**WHEREAS**, the existing residential structure is 1716 square feet which would allow an accessory structure of 257 square feet; and,

**WHEREAS**, the proposed detached accessory structure will create an accessory structure that is 280 square feet, which is 23 square feet over the allowed size of 257 square feet; and,

**WHEREAS**, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on December 18, 2019 to consider the above referenced variance request; and,

**RESOLUTION NUMBER ZBA33-2019**

**Applicant(s): Michael Floccuzio**

**Page 2**


**WHEREAS**, a legal notice was published in the Schenectady Daily Gazette on Thursday, December 12, 2019 announcing that a public hearing was to take place in the V. Dalton Bambury Hearing Room, at the John F. Kirvin Government Center located at 1100 Sunrise Boulevard, Rotterdam, New York on Wednesday, December 18, 2019 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 exempt from review; 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 December 18, 2019 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:

<b>NAME</b>	<b>AYES</b>	<b>NOES</b>	<b>EXCUSED</b>	<b>RECUSED</b>
<b>Chairman Eats</b>	<b>X</b>			
<b>Mr. Melillo</b>	<b>X</b>			
<b>Mr. Stramenga</b>	<b>X</b>			
<b>Mr. Bonacquist</b>	<b>X</b>			
<b>Mr. Serafini</b>			<b>X</b>	

**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  
December 18, 2019**

3. **Dominion Energy Transmission, Inc. – 919 Burdeck Street, Rotterdam, NY, Tax Map #47.20-4-27** located in the Agriculture (A-1) Zoning District. Petitioner respectfully requests that they be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-148(B) entitled “Accessory Towers.” **Chapter 270-148(B)(2)** states that: “No accessory tower shall exceed 75 feet in height or 1 1/2 times the maximum permitted building height, whichever is less.” The applicant is seeking to replace an existing 89 foot wood accessory tower with a 120 foot metal self-supporting accessory tower. The maximum permitted building height is forty (40) feet in the Agriculture Zone thus making the maximum permitted accessory tower height sixty (60) feet, which would require a variance of sixty (60) feet. **Chapter 270-148(B)(3)** states that: “Every accessory tower shall be located no closer to an exterior lot line than a distance equal to the tower height. The applicant wishes to erect the new tower within ten (10) feet of the front property line, which would require a variance of 110 feet.

**a. Shamaury Myrick of Tower Engineering representing this application.**

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

Mr. Myrick explained they would like to replace an 89’ existing wooden pole tower with a 120’ lattice self-supporting tower in roughly the same location. The purpose of the tower upgrade is to allow the existing radio transmissions that utilize an unlicensed spectrum to switch to a licensed spectrum. The existing wooden tower is blocked by trees and therefore does not work well. The property is a gas transmission facility and is only a half-acre in size. There are several gas transmission lines at the rear of the property making the available room on-site to locate the tower very limited. There is also a utility substation nearby. The existing tower is a wood monopole with a microwave dish at the top. The new 120’ self-support tower cannot meet the setbacks but has been fully engineered and has a 0 foot fall radius as it is designed to collapse on itself. It will be placed ten feet (10’) from the wooden tower and the existing fence. Dominion chose this location because of the gas transmission lines that are located on the property.

**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 travels by there a lot and it will be an improvement.

Mr. Bonacquist asked if the wooden pole would be removed. Mr. Myrick stated that it would be. Mr. Bonacquist also asked if Mr. Myrick traveled from North Carolina to be here. Mr. Myrick said yes.

Chairman Eats agrees with the property limitations and the location chosen is the best spot.

A discussion ensued about the number of legs that the new tower has. It was determined there are three (3) poles supporting the tower.

ZBA Attorney Stephanie DiLallo-Bitter discussed the need to comply with State Environmental Quality Review (SEQR). Ms. Dilallo-Bitter walked the board through the Part 2 questions from the SEQR Short Form and the Board answered each question for the record. After this was completed the Zoning Board determined that the proposed action will not have an adverse impact to the environment.

**e. Public Comments.**

Jeffery Brown of 5 Westcott Road, Rotterdam asked if the gas transmission line were live. He stated that these gas transmission lines are 200 psi and if they get nicked or damaged they have the potential to explode.

**f. Motion to APPROVE NEGATIVE DECLARATION SEQR: Mr. Bonacquist**

**g. Seconded:** Mr. Melillo

**h. Approved unanimously**

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

**i. Motion to APPROVE all variances:** Mr. Bonacquist

**j. Seconded:** Mr. Stramenga

**k. Approved unanimously:**

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

*"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  
Facsimile (518) 355-2725

**RESOLUTION NUMBER ZBA34-2019**  
**Moved by Mr. Bonacquist, Seconded by Mr. Melillo**  
**Applicant(s): Dominion Energy Transmission, Inc.**

**Applicant(s):** Dominion Energy Transmission, Inc.  
**Project Location:** 919 Burdeck Street  
Rotterdam, NY  
**Tax Number or Numbers:** 47.20-4-27  
**Zoning:** Agricultural (A-1) Zoning District  
**Proposed Project:** The applicant wishes to replace a 90' high wooden accessory tower and erect a 120' self-supporting lattice tower in the same general area.

**WHEREAS**, pursuant to 6 NYCRR Part 617 State Environmental Quality Review the above referenced project is an Unlisted Action and the Zoning Board of Appeals conducted an uncoordinated review of the project request; **NOW**;

**IT IS HEREBY RESOLVED**, that on this day, Wednesday, December 18, 2019, the Rotterdam Zoning Board of Appeals after review of Part 1 of the Short Environmental Assessment Form (SEAF) and discussion of the criteria outlined in Part 2 of the SEAF, hereby issues a Negative Declaration on the project and authorizes the Rotterdam Town Planner to prepare, file, publish, and distribute all documents as necessary to comply with 6 NYCRR Part 617 (State Environment Quality Review.)

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 Eats*  
Philip A. Eats, Chairman  
Zoning Board of Appeals

**RESOLUTION NUMBER ZBA35-2019**  
**Moved by Mr. Bonacquist, Seconded by Mr. Stramenga**  
**Applicant(s): Dominion Energy Transmission, Inc.**

**Applicant(s):** Dominion Energy Transmission, Inc.

**Project Location:** 919 Burdeck Street  
Rotterdam, NY

**Tax Number or Numbers:** 47.20-4-27

**Zoning:** Agricultural (A-1) Zoning District

**Proposed Project:** The applicant wishes to erect a 120' tower within ten (10) feet of the front property line.

**WHEREAS**, petitioner respectfully requests that they be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-148(B) entitled "Accessory Towers;" and,

**WHEREAS**, Chapter 270-148(B)(2) states that: "No accessory tower shall exceed 75 feet in height or 1 1/2 times the maximum permitted building height, whichever is less;" and,

**WHEREAS**, the applicant is seeking to replace a 90' high wooden accessory tower and erect a 120' self-supporting lattice tower in the same general area; and,

**WHEREAS**, the maximum permitted building height is forty (40) feet in the Agriculture Zone thus making the maximum permitted accessory tower height sixty (60) feet, which would require a variance of ] sixty (60) feet; and,

**WHEREAS**, Chapter 270-148(B)(3) states that: "Every accessory tower shall be located no closer to an exterior lot line than a distance equal to the tower height;" and,

**WHEREAS**, the applicant wishes to erect the new tower within ten (10) feet of the front property line, which would require a variance of 110 feet; and,

**WHEREAS**, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on December 18, 2019 to consider the above referenced variance request; and,

**RESOLUTION NUMBER ZBA35-2019**

**Applicant(s): Dominion Energy Transmission, Inc.**

**Page 2**

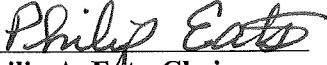
**WHEREAS**, a legal notice was published in the Schenectady Daily Gazette on Thursday, December 12, 2019 announcing that a public hearing was to take place in the V. Dalton Bambury Hearing Room, at the John F. Kirvin Government Center located at 1100 Sunrise Boulevard, Rotterdam, New York on Wednesday, December 18, 2019 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 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 December 18, 2019 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.

<b>NAME</b>	<b>AYES</b>	<b>NOES</b>	<b>EXCUSED</b>	<b>RECUSED</b>
<b>Chairman Eats</b>	<b>X</b>			
<b>Mr. Melillo</b>	<b>X</b>			
<b>Mr. Stramenga</b>	<b>X</b>			
<b>Mr. Bonacquist</b>	<b>X</b>			
<b>Mr. Serafini</b>			<b>X</b>	

**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: 8:12 PM  
Motion to adjourn: Mr. Stramenga  
Seconded: Mr. Melillo  
Approved unanimously

**Next meeting: January 15, 2020**  
Respectfully Submitted,  
Lisa Gallo