

**Town of Rotterdam
Zoning Board of Appeals
Summary Meeting Minutes October 20, 2021**

A regular meeting of the Town of Rotterdam Zoning Board of Appeals was held Wednesday, October 20, 2021 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 Rachel Rappazzo Stephanie DiLallo-Bitter, Attorney Peter Comenzo, Sr. Planner Lisa Gallo, Secretary	Excused:
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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.

1) **Adam Porcaro – 1900 Nicky Drive, Rotterdam, NY**, Tax Map #59.5-5-20 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 subject property is a corner lot.

a. **Adam Porcaro of 1900 Nicky Drive representing this application.**

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

Mr. Porcaro stated there are new fences in the area. It is a dog neighborhood. Some of the dogs have bitten postal workers. In order to avoid any incidents with other dogs he would like to install a six-foot (6') fence. His parents gave him the materials. He did not have any idea that he needed a variance and started installing the fence. He used a metal detector to locate the pins for the property corners. Mr. Porcaro installed the fence eight feet (8') off the road on one side and two feet (2') off road on the other side. He didn't want to bother the one neighbor too much because she had just lost a family member. He installed part of the fence but when he was told to stop he did. Mr. Porcaro applied for the variance in September but could not get on a meeting until October. He did cut one section of the fence to four feet (4') to see if it would work but it is not feasible as the dog can jump it. He feels this is the only way to keep the dog and the neighborhood safe. It won't hinder traffic going left or right. If he receives the variance, he will finish the fence. The variance is the same as neighbors but his fence is two feet (2') in. The fence is 100% on his property. It cannot be achieved by other means as he needs the extra height. There is a sign in the neighborhood “All dogs must be leashed and contained...” He does not feel the two feet (2') is substantial. It is a wooden dogwood fence and he has located the pins. It is self-created. He did not know he needed a variance for the corner lot.

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 spoke to the applicant and saw the portion of the fence that is installed.

Stephanie DiLallo-Bitter asked if Mr. Porcaro was keeping the jog in the fence. Mr. Porcaro stated he is going to swap a section so the four foot (4') portion of the fence is farther down and they can see over it.

- e. No Public Hearing Comments.
- f. 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. As a result, it is exempt from further SEQR review.
- g. Motion to APPROVE: Mr. Stramenga
- h. Seconded: Mr. Melillo
- i. Approved unanimously:

NAME	AYES	NOES	EXCUSED	RECUSED
Chairman Eats	X			
Mr. Melillo	X			
Mr. Stramenga	X			
Mr. Bonacquist	X			
Mrs. Rappazzo	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 ZBA27-2021
Moved by Mr. Stramenga, Seconded by Mr. Melillo
Applicant(s): Adam Porcaro

Applicant(s): Adam Porcaro
Project Location: 1900 Nicky Drive
Rotterdam, NY
Tax Number or Numbers: 59.5-5-20
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 subject property is a corner lot; and,

WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on October 20, 2021 to consider the above referenced variance request; and,

RESOLUTION NUMBER ZBA27-2021

Applicant(s): Adam Porcaro

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WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, October 14, 2021 announcing that a public hearing was to take place Wednesday, October 20, 2021 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 October 20, 2021 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			
Mrs. Rappazzo	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) **Paul Nicsevic, Jr. – 787 Coplon Road, Rotterdam, NY, Tax Map #28.00-2-7.112** 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 40’ x 32’ detached garage with a height of 25 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 existing attached garage is 500 square feet in size, and the proposed detached garage is 1280 square feet making the total garage space 1780 square feet, which is 880 square feet over the allowed size of 900 square feet. The proposed height is 25 feet which would require a variance of 10 feet.

a. **Paul Nicsevic Sr. representing this application for his son who is in quarantine.**

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

Mr. Nicsevic Sr. explained that he needs two (2) variances for the detached garage. One variance is for being 880 square feet over the allowed size and the second being for ten feet (10’) over the height. The property is 3.2 acres. The structure will not have any living quarters. It is self-created. He needs the extra height for additional storage.

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 asked about the 3rd criteria, “Is it substantial?” Mr. Bonacquist stated that it is substantial variance but the size of the lot and composition of the neighborhood mitigates the size of the variances requested.

Chairman Eats explained he met with Mr. Nicsevic Sr. and his son. The son asked if his father could represent him at the meeting. The neighbor across the street has a similar situation with his detached garage. He knows where the property line pins are located and they are staked out with hockey sticks.

- e. No Public Hearing Comments.
- f. 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. As a result, it is exempt from further SEQR review.
- 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			
Mrs. Rappazzo	X			

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Peter J. Comenzo, Senior Planner

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RESOLUTION NUMBER ZBA28-2021
Moved by Mr. Bonacquist, Seconded by Mr. Stramenga
Applicant(s): Paul Nicsevic, Jr.

Applicant(s): Paul Nicsevic, Jr.
Project Location: 787 Coplon Road
Rotterdam, NY
Tax Number or Numbers: 28.00-2-7.112
Zoning: Agricultural (A-1) Zoning District
Proposed Project: The applicant wishes to construct a 40' x 32' detached garage with a height of 25 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 40' x 32' detached garage with a height of 25 feet; and,

WHEREAS, the existing attached garage is 500 square feet in size, and the proposed detached garage is 1280 square feet making the total garage space 1780 square feet, which is 880 square feet over the allowed size of 900 square feet; and,

WHEREAS, the proposed height is 25 feet which would require a variance of 10 feet; and,

WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on October 20, 2021 to consider the above referenced variance request; and,

RESOLUTION NUMBER ZBA28-2021

Applicant(s): Paul Nicsevic, Jr.

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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 October 20, 2021 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			
Mrs. Rappazzo	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: 7:49 PM
Motion to adjourn: Mr. Bonacquist
Seconded: Mr. Stramenga
Approved unanimously

Next meeting: November 17, 2021
Respectfully Submitted,
Lisa Gallo