

**Town of Rotterdam
Zoning Board of Appeals Meeting
Summary Meeting Minutes
Wednesday, November 19, 2025**

A meeting of the Town of Rotterdam Zoning Board of Appeals was held Wednesday, November 19, 2025 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 Craig Serafini Alex Stramenga Stephanie DiLallo-Bitter, ZBA 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.

TABLED

1) **National Grid – 341 Putnam Road, Rotterdam, NY** Tax Map #38.-1-2.31 located in the Agriculture (A-1) Zoning District. Applicants request a permit pursuant to Chapter 270-143 entitled “Fences.” **Chapter 270-143(D)(1)** states: “Barbed-wire and electrically charged fences.” No barbed-wire fences or electrically charged fences shall be permitted except by authorization and permit issued by the Board of Zoning Appeals. The applicants request a permit to erect one (1) foot of barbed wire atop of an eight (8) foot high chain link fence for security purposes.

a. **James Castiglione of Young Sommer LLC representing this application.**

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

Mr. Castiglione explained his client would like to install barb wire on top of fence at 341 Putnam Road. It will take several months for the upgrades to the facility. They are installing a Pipeline Integrity Gage (PIG). The fencing would be eight foot (8’) with one foot (1’) of barb wire.

c. **This proposal is not exempt from referral to Schenectady County Planning** Schenectady County Economic Development and Planning deferred to local consideration.

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

Mr. Bonacquist asked what is the practical need for the fence. Mr. Castiglione said the fence meets the security standards for National Grid. The fence is a deterrent for their critical infrastructure.

Mr. Stramenga asked if barb wire is safe. Mr. Castiglione stated it is an effective deterrent so people do not scale the fence.

Mr. Serafini asked if there were any other fences in the area like this one. Mr. Castiglione explained all of National Grid properties have them.

Mr. Eats stated he visited the property. He stated this Board has granted this type of variance in the past.

Stephanie DiLallo-Bitter read the following into the record “SEQR: 617.5(16) (9) construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities; “Upon reviewing the facts and circumstances surrounding this application we declare this a Type II action and it is therefore exempt from SEQR.”

e. **Public Hearing Comments.**

Calvin Rugg is a Rotterdam resident. He is concerned about barb wire in a rural area. He asked if they had ever considered an anti-climbing fence instead of barb wire with security cameras. Mr. Castiglione said there are not any security cameras at the existing facility. Animals do not climb the fence. Birds can land on the barb wire. With an anti-climbing fence there are ways to get over the fence, like a ladder.

Mr. Bonacquist asked if there were any statistics on the different fences. Mr. Castiglione answered no there have not been any comparisons done that he know of. In his past experience the current security standards are effective. There have not been any attempts to get into that area. He doesn't think such a study would be available. Mr. Bonacquist asked if he had looked for any studies on the different fences. Mr. Castiglione said no. Mr. Bonacquist stated then he doesn't know if they have been done. Mr. Bonacquist asked if the eight foot (8') fence was already in place. Dominion Gas facility already has an eight-foot (8') fence with barb wire which is adjacent to this site.

Mr. Serafini asked how long have been the security standards been in place?. Mr. Castiglione said at least for five (5) years. He stated they are a visual deterrent. Mr. Serafini asked how he would know. Mr. Castiglione stated the buildings are alarmed. Mr. Serafini asked then what id the need for the barbed wire. Mr. Castiglione stated for the gas delivery to be properly secured.

f. **Motion to APPROVE the variance was made by Mr. Stramenga and Chairman Eats seconded the motion and the vote FAILED three (3) to two (2).**

g. **Motion to TABLE the variance with the following condition:**

1. Provide a breakdown of the cost difference between barbed wire/chain link fencing vs anti-climbing fencing.
2. If available provide a deterrent study of anti-climbing fence versus chain-link fences with barb wire along with visual surveillance and/or other alternatives.

Mr. Bonacquist

Seconded:

Mr. Serafini

h. **Approved four (4) to one (1):**

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



Zoning Board of Appeals

RESOLUTION NUMBER ZBA40-2025
Moved by Mr. Bonacquist, Seconded by Mr. Serafini
Applicant(s): National Grid
TABLED

Applicant(s): National Grid

Project Location: 341 Putnam Road

Tax Number or Numbers: 38.-1-2.31

Zoning: Agricultural (A-1) Zoning District

Proposed Project: The applicants request a permit to erect one (1) foot of barbed wire atop of an eight (8) foot high chain link fence for security purposes.

WHEREAS, applicants request a permit pursuant to Chapter 270-143 entitled "Fences;" and,

WHEREAS, the applicants request a permit to erect one (1) foot of barbed wire atop of an eight (8) foot high chain link fence for security purposes.; and,

WHEREAS, Chapter 270-143(D)(1) states: "Barbed-wire and electrically charged fences." No barbed-wire fences or electrically charged fences shall be permitted except by authorization and permit issued by the Board of Zoning Appeals; and,

WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, November 13, 2025 announcing that a public hearing was to take place Wednesday, November 19, 2025 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 November 19, 2025 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 not exempt from review;

WHEREAS, Schenectady County Economic Development and Planning has deferred to local consideration; **NOW,**

RESOLUTION NUMBER ZBA40-2025

Applicant: National Grid


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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 November 19, 2025 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 **TABLES** said application with the following conditions requesting additional information:

- 1. Provide a breakdown of the cost difference between barbed wire/chain link fencing vs anti-climbing fencing.
- 2. If available, provide a deterrent study of anti-climbing fence versus chain-link fences with barb wire along with visual surveillance and/or other alternatives.

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

TABLED

2) **BW Solar Holdings, Inc. (Lessee) – 553 and 718 Putnam Road, Rotterdam, NY** Tax Map #47.-5-13.11, 47.-5-13.2, 47.-5-14.2, and 47.-5-22 located in the Agriculture (A-1) Zoning District. Applicants are hereby requesting an area variance pursuant to Chapter 270-220 entitled “Solar Energy Facilities Law.” **Chapter 270-224.1 (A)** states that “Installation of any sized solar energy systems on bodies of water or within NYSDEC and/or ACOE regulated wetlands is prohibited.” The applicants are requesting that they be permitted to construct a portion of the proposed solar energy systems within NYSDEC and/or U.S. Army Corps of Engineers regulated wetlands. **Chapter 270-224.5 (D)(2)** states that “Facility area shall not exceed 50% lot coverage, except in Agricultural Districts which shall not exceed 30% lot coverage.” The variance requests are as follows:

1. Lot 47-5-13.11: to allow 34.5% lot coverage (6.081 acres) where 30% (5.28 acres) is permitted, requiring a variance of 4.5 % or 0.80 acres.
2. Lot 47-5-14.2: to allow 65.5% lot coverage (32.511 acres) where 30% (14.90 acres) is permitted, requiring a variance of 35.5 % or 17.61 acres.
3. Lot 47.00-5-13.2: to allow 38.1% lot coverage (7.584 acres) where 30% (5.97 acres) is permitted, requiring a variance of 8.1 % or 1.61 acres.

a. **Dan Huntington, Director of Development and Hamza Kahil, Project Developer of BW Solar Holdings representing this application.**

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

Mr. Huntington started explaining they call these projects, Schenectady 1 and Schenectady 2. They are on Putnam Road and they include four (4) parcels with three (3) land owners. These projects are stand alone solar. He looked at hosting maps with National Grid, NYSUT and Town. They are limited as to where they can place them due to the power lines. NYSERDA regulated and has oversight over five (5) megawatt which they cannot exceed. BW Solar has several projects over 14 states. They started on this project on Putnam Road in 2020/2021 by reaching out to land owners. The project consists of 92 acres but they are only using 47 acres. One (1) home owner has 50 acres. They are limiting the environmental disturbance. They are avoiding the wetlands on one (1) project. They presented to the Planning Board. In November of 2024 the Town passed the Solar Law. They had to wait a year for the moratorium. They are looking for relief on the wetland. Typically, wetlands are either NYSDEC or Army Corp of Engineers. Army Corp allows disturbance of the wetlands with regulations. They will be using a pound and post system that the Army Corp allows. There will be gravel road with a 1.4 acre of disturbance. There will only be concrete for the fencing not the panels. The fencing is to protect the asset. There will be a decommissioning plan in place. According to Ag and Markets they would have to put the land back to the way it was. Schenectady 2 abuts utility site. Schenectady 1 is an interconnection behind with natural visual buffers. There is line of site buffers with all other land owners. They will plant native species. Wetland is 50%. Solar is 30%. They are looking for a 34.5 % variance.

Mr. Huntington stated it is not self-created. They started the process before the law was enacted. There is a level of criteria and National Standards that oversee this.

Stephanie DiLallo-Bitter, ZBA Attorney, clarified of the variances being requested as noted in the legal notice and as determined by the Building Inspector, Nate Craig.

Mr. Huntington referred to his cover letter which explains the mitigation of the all-natural buffers. They are not requesting any setback variances. They are following the Town Law. The project was pulled back so it can not be seen from the road. Using environmental buffers like the highway and power lines. They are not putting it in a neighborhood. They will minimize the visual impacts. The topography slopes southeast. They only need this relief from the Town. The project is not viable without the variance. They need both projects. With the location of the parcels, there is no other way to design the road to make it cost effective.

Mr. Huntington stated they have to follow the Army Corp wetland guidelines. They are not NYSDEC wetlands so they are not involved. Buildings could be built in this Agricultural Zone. That would be a permanent structure with concrete. A commercial building would be more detrimental than solar.

- c. **This proposal is not exempt from referral to Schenectady County Planning**
Schenectady County Economic Development and Planning deferred to local consideration.
- d. **Questions/comments from the Board.**

Mr. Serafini reiterated in order for the project to be viable they need both. If the projects are scaled back the cost return on the investment isn't beneficial. Mr. Serafini said energy can be used anywhere. The capacity is there but this energy can leave the community. This project has the capability to impact outside of Rotterdam. This Board is here for the Town of Rotterdam. We are not here for the financial benefits for your company. Mr. Huntington said additional generation in your community goes to credit in your community. You have to subscribe. There is a certain percentage to residents or businesses. Power to the local businesses and residences. The biggest benefit is the PILOT incentive. Mr. Serafini feels they are substantial variances and wants the least impact on the neighbors. Mr. Serafini thanked them for coming. Stated it's a challenge being first. He wants to know the economic impact. He wanted to know if they had spent any time in the area. Mr. Huntington said he has walked the area. He hunts in Berne. Mr. Kahil lives here. They have walked the property with the owners. They have pictures. They have been to their houses for coffee. Mrs. Coffenburg wants to leave the land in a trust to her grandkids. Some property is unusable. Mr. Serafini stated the deer are exceptionally active in this area. What happens to them? This is an environmental impact. They eat there. They drink there. They live there. Have there been any studies on the animals in the area and their migrating patterns?

Mr. Huntington said the area will be changing with taking down trees but will have to plant what is taken down in another area. The smaller animals will be able to get in. Their partners, Fisher Engineering, may be able to do a study.

Mr. Bonacquist asked if they had a subscriber list. Mr. Huntington said they did not have one. It is substance over form. When you have a ten (10) megawatt project with one (1) common interconnect then you can have a community solar. Mr. Bonacquist wanted to know why they were not doing a ten (10) megawatt. Mr. Huntington said then you can't go to subscribers. What guides community solar and what doesn't is the five (5) megawatts. It increases the PILOT program money and that goes to the Town. No municipal services needed. If the land is developed as residential, then you need municipal water, sewer, plowing and roads. Mr. Bonacquist also asked if their application was submitted at any time while the code was being developed. He wanted to know if they had spoken up during that process. Mr. Kahil stated he attended Energy Committee meeting where he was not allowed to speak. Mr. Bonacquist asked about attending a Town Board meeting or the Public Hearing on the Local Law? Mr. Kahil said after first draft he was on vacation. Mr. Bonacquist also stated that the Board cannot do much without SEQR being complete so there will not be any motions tonight. He asked if they had any correspondence with Army Corp or NYSDEC. Mr. Huntington said they do not have anything from the Army Corp and they are not NYSDEC wetlands. Mr. Bonacquist asked if they had to purchase the property. Mr. Huntington said no it will be a 30 to 40 year lease. Mr. Bonacquist asked if they had looked at the Town Comprehensive Plan as the Plan has this area as Agricultural with natural resources to preserve and protect the farmland in the area so they obviously didn't. Mr. Huntington said they did look at the Town's Comprehensive Plan. There is a self-storage facility near there and commercial plans in the area. Mr. Huntington explained that the people they are leasing the land from donated a park to the Town. They did not go to them to convince them. This is the landowners desire and their choice of what to do with the land. They are just here asking for a little relief from the code. They are not forcing the land owners. Mr. Bonacquist stated they could downsize the project and reconfigure it so there are alternatives in that regard. This is a 100% variance in regards to being in the wetlands.

Mr. Melillo asked if it was cost effective to stay at 30%? Mr. Huntington stated the megawatt -wise the use of the land is the best as possible.

Mr. Stramenga stated it was a good presentation. He wanted to know how long to finish. They have months. There are no individual buyers. It could be 60% residential and 40% commercial, it all depends on how it is broken up. They have to prove the project is valid. Mr. Stramenga said what if Washington wants to do away with solar? What do you do? Mr. Huntington said they are out of luck. They would have to get out of the business. Mr. Kahil said and then you have the decommissioning plan.

Chairman Eats explained the difference between self-created and not self-created. It is why they are here asking for relief from the Board. He also explained that no decision will be made at this meeting on the variances. This is an informational meeting and hearing.

The applicants knew this was not a one (1) stop shop. This is the first solar project with the newly enacted Solar Code.

e. **Public Hearing Comments.**

Jessica Ketchum Thrane of 389 Putnam Road explained they are the most impacted by this project. The field is all their property. Are they planting trees in their backyard. There is a natural gas line through the property. There are deer, coyote, pollinators. There is a lot of wildlife. Solar panels use pesticides which will effect the birds, raccoons and their view of Thatcher Park. Was there an environmental study done? She can't put a shed on wetlands on her property so why can you put solar panels on wetlands. She is not in favor of this project.

Calvin Rugg stated he was on the committee to craft the law along with engineers, architects and the general public. First, can community solar be sold to a state agency? It has to be sold coming from the current regulations inside of NYS.

Second, he wanted to know if they have started the process with the Army Corp of Engineers. Mr. Rugg doesn't want species disturbed that could be displaced. Third, he wanted to know if this is a lease or a purchase of the property. It is sunsetting next summer. He also stated the lot coverage is different between Industrial and Agricultural.

James Amond of 490 Putnam Road said there wasn't an environmental study as it would find the hawks hunting, Bambi grazing and Tom the Turkey too. He bought his property because of the view of Thatcher Park which adds value to his property. Solar will devalue his property. He wanted to know if there was outside research done. He is dizzy sick concerned of the 100' buffer that have less than that. He said this should be tabled for ten (10) years.

James Schaefer, Ph.D. of 39 Schermerhorn Road read the following into the record "The Rotterdam Conservation Advisory Council at its November meeting was informed by the Town Planner, Peter Comenzo of a variance application and supplemental letter submitted October 7, 2025 by Mr. Javid Afzali of Harris Beach Murtha, Cullina PLLC regarding BW Solar Project at 553 and 718 Putnam Road in Rotterdam. Rotterdam's Solar Facilities Law #270-224.1 (A) prohibits the installation of solar energy panels on Rotterdam wetlands. Afzali's letter passes the regulatory language, cities debatable case law about the review process, and posits dubious ratios they claim minimize the projects impact on wetlands. Let's recognize this "clarification" for what it is—a thinly veiled attempt to overwhelm the weakest link in the regulatory apparatus, our small town's Solar Energy Facilities Law. If we look beyond their language and calculations, we can

see the wisdom of the Solar Energy Facilities Law and the problem with BW Solar’s variance request. Look at the map! It shows the array of solar panels, like battalions of army of soldiers, all “Right-Dress-Right.” Sure enough, they all line up left to right and front to back panel after panel after panel. To function properly each panel needs to be supported by footings sunk into the ground whether on solid ground or wetland. And all those underground footings need to be lined up left to right and front to back; underground footing, after underground footing, after underground footing. Think of those aligned footings as a series of dams altering the natural, gravitational flow of water-dam after dam, after dam. We know that wetlands function as natural sponges that trap, filter, and slowly release surface water, rain, snowmelt, groundwater and flood waters. Trees, root mats and other wetland vegetation slows the speed of water and distributes it more slowly over the floodplain. Therein lies the genius of the conservation principle underlying the thinking of DEC, the Army Corps and Rotterdam’s Solar Facilities Law to prohibit disturbance of wetlands. Don’t mess with Mother Nature! The Rotterdam Conservation Advisory Council supports all provisions of the Solar Energy Law especially as it relates to protecting our wetlands. As a resident, Town Historian and founding member of the Conservation Advisory Council, I urge the Zoning Board of Appeals to deny this first application for a variance to our new law. The small fraction of BW Solar’s meddling in these wetlands is the same as allowing all their wetlands to be disturbed. An inch here is the same as a mile. Agreeing with them would set a bad president. Please vote no.”

f. **Motion to TABLE the variances:** Mr. Stramenga

Seconded: Mr. Serafini

g. **Approved unanimously by Members:**

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

Meeting adjourned: 9:32 PM
 Motion to adjourn: Mr. Serafini
 Seconded: Mr. Melillo
 Approved unanimously

Next meeting: December 17, 2025

Respectfully Submitted,
 Lisa R. Gallo



Zoning Board of Appeals

RESOLUTION NUMBER ZBA41-2025
Moved by Mr. Stramenga, Seconded by Mr. Serafini
Applicant(s): BW Solar Holdings, Inc. (Lessee)
TABLED

Applicant(s): BW Solar Holdings, Inc. (Lessee)

Project Location: 553 & 718 Putnam Road

Tax Number or Numbers: 47.-5-13.11, 47.-5-13.2, 47.-5-14.2, and 47.-5-22

Zoning: Agricultural (A-1) Zoning District

Proposed Project: Applicants are hereby requesting an area variance pursuant to Chapter 270-220 entitled "Solar Energy Facilities Law."

WHEREAS, applicants are hereby requesting an area variance pursuant to Chapter 270-220 entitled "Solar Energy Facilities Law;" and,

WHEREAS, Chapter 270-224.1 (A) states that "Installation of any sized solar energy systems on bodies of water or within NYSDEC and/or ACOE regulated wetlands is prohibited; and,

WHEREAS, the applicants are requesting that they be permitted to construct a portion of the proposed solar energy systems within NYSDEC and/or U.S. Army Corps of Engineers regulated wetlands; and,

WHEREAS, Chapter 270-224.5 (D)(2) states that "Facility area shall not exceed 50% lot coverage, except in Agricultural Districts which shall not exceed 30% lot coverage; and,

WHEREAS, variance requests are as follows:

1. Lot 47-5-13.11: to allow 34.5% lot coverage (6.081 acres) where 30% (5.28 acres) is permitted, requiring a variance of 4.5 % or 0.80 acres.
2. Lot 47-5-14.2: to allow 65.5% lot coverage (32.511 acres) where 30% (14.90 acres) is permitted, requiring a variance of 35.5 % or 17.61 acres.
3. Lot 47.00-5-13.2: to allow 38.1% lot coverage (7.584 acres) where 30% (5.97 acres) is permitted, requiring a variance of 8.1 % or 1.61 acres; and,

WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, November 13, 2025 announcing that a public hearing was to take place Wednesday, November 19, 2025 at 7:30 p.m. to consider the variance requests; and,

RESOLUTION NUMBER ZBA41-2025
Applicant: BW Solar Holdings, Inc. (Lessee)
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WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on November 19, 2025 to consider the above referenced variance request; and,

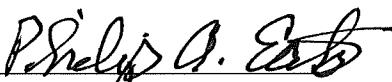
WHEREAS, pursuant to a Memorandum of Understanding dated April 2011 with the Schenectady County Department of Planning and Economic Development this project is not exempt from review; and

WHEREAS, Schenectady County Economic Development and Planning has 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 November 19, 2025 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 **TABLES** said application.

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