

**Town of Rotterdam  
Zoning Board of Appeals Meeting  
Summary Meeting Minutes  
Wednesday, August 20, 2025**

A meeting of the Town of Rotterdam Zoning Board of Appeals was held Wednesday, August 20, 2025 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  
Bruce Bonacquist  
Craig Serafini  
Alex Stramenga  
Matt McAuliffe for 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.

**1) Kathy and Robert Yando – 117 Whispering Pines Way, Rotterdam, NY - Tax Map #71.5-3-117 in the Senior Living Zoning District. Petitioner respectfully requests that they be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-250 entitled “Development Criteria.” The applicant is requesting building permits to convert an existing ±470 square foot unconditioned space on the second floor into living space. **Chapter 270-250(C)(3)(B)(1)** states that single family detached units shall be 1,000 to 1,500 square feet in size and may contain a mixture one bedroom, one bedroom and den, two-bedroom units, and two bedrooms with den, with or without garages. The existing dwelling unit is 1,500 square feet and the proposed additional living space would increase the size of the unit to 1,970 square feet.**

**a. Kathy Yando of 117 Whispering Pines Way representing this application.**

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

Mrs. Yando explained that her husband is handicapped and uses one (1) bedroom while she uses the other. She would like the upstairs made into a bedroom for company. There will not be any impact to the neighbors as it is all inside. It is attic space. It is self-contained. No, it is not a substantial variance. The 1,500 square feet already exists within the existing structure. The builder could not finish it because of the existing zoning restrictions on square footage. It is not self-created. It is a restriction by the existing plan. Other neighbors have received variances for their second floor.

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

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

Mr. Bonacquist stated this is a unique area and zoning district. The builder wrote the code that states it is unhabitable space. Yes, it is a substantial variance. It is not as if you are at 100' and you want a 1000' garage. It is mitigated by the fact that it is in the same structure. This is a health and safety issue for you the residents. By going this route, the inspections will be completed.

Mr. Serafini it is self-created as you bought the house as a two-bedroom residence. A Certificate of Occupancy was issued as such. It is your choice to make it a three-bedroom home. It is what is there and how it is set up lends itself to another room. This is for the health and safety of the residents. Also, going from a two (2) bedroom to the three (3) bedrooms will change your taxes.

Chairman Eats meet with the applicants. He spoke to the Town Supervisor. The Town Board does not want to change the code and feels this is a better way to accomplish what the residents want at this point. Chairman Eats feels this room was always intended to be another room. By not changing the code and changing it by getting a variance is a better way to do it for their safety. The picture window lends itself to be another room and not for storage.

Mr. Comenzo spoke to the Town Supervisor. Her concern was to have the inspections for insulation and electric, etc. by the Building Inspector. You purchased unfinished space. The building permit ensures that the contractor does what they are required to do by code. This will also help in the future at some point when you decide to sell and will help the closing go more smoothly. This way helps the residents.

e. **No Public Hearing Comments.**

f. **Motion to APPROVE the variances:**

Mr. Bonacquist

**Seconded:**

Mr. Stramenga

g. **Approved unanimously:**

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



Zoning Board of Appeals

**RESOLUTION NUMBER ZBA29-2025**  
**Moved by Mr. Bonacquist, Seconded by Mr. Stramenga**  
**Applicant(s): Kathy and Robert Yando**

**Applicant(s):** Kathy and Robert Yando  
**Project Location:** 117 Whispering Pines Way  
**Tax Number or Numbers:** 71.5-3-117  
**Zoning:** Senior Living Zoning District  
**Proposed Project:** The applicant is requesting building permits to convert an existing ±470 square foot unconditioned space on the second floor into living space.

**WHEREAS,** Petitioner respectfully requests that they be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-250 entitled "Development Criteria;" and,

**WHEREAS,** the applicant is requesting building permits to convert an existing ±470 square foot unconditioned space on the second floor into living space: and,

**WHEREAS, Chapter 270-250(C)(3)(B)(1)** states that single family detached units shall be 1,000 to 1,500 square feet in size and may contain a mixture one bedroom, one bedroom and den, two-bedroom units, and two bedrooms with den, with or without garages; and,

**WHEREAS,** the existing dwelling unit is 1,500 square feet and the proposed additional living space would increase the size of the unit to 1,970 square feet; and,

**RESOLUTION NUMBER ZBA29-2025**

**Applicant: Kathy and Robert Yando**

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**WHEREAS**, a legal notice was published in the Schenectady Daily Gazette on Thursday, August 14, 2025 announcing that a public hearing was to take place Wednesday, August 20, 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 August 20, 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 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 August 20, 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 **APPROVES** said application.

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

**2) Elizabeth Griffin & Kathleen Conboy – 123 Whispering Pines Way, Rotterdam, NY - Tax Map #71.5-3-123 in the Senior Living Zoning District.** Petitioner respectfully requests that they be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-250 entitled “Development Criteria.” The applicant is requesting building permits to convert an existing ±470 square foot unconditioned space on the second floor into living space. **Chapter 270-250(C)(3)(B)(1)** states that single family detached units shall be 1,000 to 1,500 square feet in size and may contain a mixture one bedroom, one bedroom and den, two-bedroom units, and two bedrooms with den, with or without garages. The existing dwelling unit is 1,500 square feet and the proposed additional living space would increase the size of the unit to 1,970 square feet.

**a. Kathleen Conboy of 123 Whispering Pines Way representing this application.**

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

Ms. Conboy explained it would not affect anyone as it is in the four (4) walls of the house. Others have been granted the same variance. There is not another way for this to be achieved. She has lived there for a summer and a winter. The room is really hot in the summer and really cold in the winter. It is substantial. She only wants to use it for storage but it still needs to be sheet rocked and insulated in order to do that.

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

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

Mr. Stramenga is okay with what she wants to do un order for the storage.

Mr. Serafini shared how his mom had a storage room that was not insulated where she stored snow globes. It did not go well. It is a wise choice to have the storage room finished. He agrees getting the variance will help the safety of the Town’s residents.

Chairman Eats visited the site. He went up to the room and endured the heat. He does not have a problem supporting the variance request.

e. **No Public Hearing Comments.**

f. **Motion to APPROVE the variances:** Mr. Serafini

**Seconded:** Mr. Stramenga

g. **Approved unanimously by Members:**

<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. Bonacquist</b>	<b>X</b>			
<b>Mr. Stramenga</b>	<b>X</b>			
<b>Mr. Serafini</b>	<b>X</b>			



Zoning Board of Appeals

**RESOLUTION NUMBER ZBA30-2025**  
**Moved by Mr. Serafini, Seconded by Mr. Stramenga**  
**Applicant(s): Elizabeth Griffin & Kathleen Conboy**

**Applicant(s):** Elizabeth Griffin & Kathleen Conboy  
**Project Location:** 123 Whispering Pines Way  
**Tax Number or Numbers:** 71.5-3-117  
**Zoning:** Senior Living Zoning District  
**Proposed Project:** The applicant is requesting building permits to convert an existing ±470 square foot unconditioned space on the second floor into living space.

**WHEREAS**, Petitioner respectfully requests that they be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-250 entitled "Development Criteria;" and,

**WHEREAS**, the applicant is requesting building permits to convert an existing ±470 square foot unconditioned space on the second floor into living space; and,

**WHEREAS**, Chapter 270-250(C)(3)(B)(1) states that single family detached units shall be 1,000 to 1,500 square feet in size and may contain a mixture one bedroom, one bedroom and den, two-bedroom units, and two bedrooms with den, with or without garages; and,

**WHEREAS**, the existing dwelling unit is 1,500 square feet and the proposed additional living space would increase the size of the unit to 1,970 square feet; and,

**RESOLUTION NUMBER ZBA30-2025**  
**Applicant: Elizabeth Griffin & Kathleen Conboy**  
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**WHEREAS**, a legal notice was published in the Schenectady Daily Gazette on Thursday, August 14, 2025 announcing that a public hearing was to take place Wednesday, August 20, 2025 at 7:30 p.m. to consider the variance requests; and,

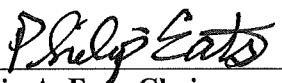
**WHEREAS**, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on August 20, 2025 to consider the above referenced variance request; and,

**WHEREAS**, pursuant to a Memorandum of Understanding dated April 2011 with the Schenectady County Department of Planning and Economic Development this project is 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 August 20, 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 **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. Bonacquist</b>	<b>X</b>			
<b>Mr. Stramenga</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

3) **Kourtney Newberry – 2037 Caldicott Road, Rotterdam, NY, Tax Map #59.7-4-15** located in the Single Family Residential (R-1) Zoning District. Petitioner respectfully request that she be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-138 entitled “Accessory structures and uses” and Chapter 270-143 entitled “Fences.” The applicant wishes to place a 12’ x 24’ detached shed on the property. **Chapter 270-138 (a) Location.** States: “No accessory structure shall be located in the front yard of any lot.” The applicant is proposing to locate the shed in what is considered a front yard. **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 1248 square feet which would allow an accessory structure of 187 square feet. The proposed accessory structure is 288 square feet, which will require a variance of 101 square feet. **Chapter 270-143(A)(1)** sets a front yard fence 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 that 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. **Don Rothaupt and wife Kourtney Newberry of 2037 Caldicott Road representing this application.**

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

Mr. Rothaupt said he would like a 12’ X 24’ shed to store snowblower, riding mower, rakes, and such. It is the most convenient spot as the septic tank is in the back and limits location. The siding and the roof will match the house. It is not a substantial variance. There are no alternatives. They want to change the fence to six (6) foot white vinyl. It is currently white vinyl and wooden. They have kids and a dog. They did not know they needed variances. It is a corner lot. They need the fence for privacy. It is self-created and that is why they are here.

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

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

Mr. Serafini said he had one (1) question. What type of dog? They have a Golden Retriever. Mr. Serafini explained he lived on a corner lot and that is when he realized there was not a backyard and there were two (2) fronts. It will not impede traffic so he does not have any issues with the variances.

Mr. Bonacquist stated he did not have any questions. The underlying issue is the corner lot with two (2) front yards.

Mr. Stramenga asked about the neighbor who was going to write a letter.

Ms. Gallo stated she spoke to Mr. Natalie who was going to drop off a letter but he never came in with the letter.

Chairman Eats stated he spoke to Mr. Natalie and he did not have any issues with what they were doing.

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

**Seconded:** Mr. Serafini

f. **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: 8:08 PM  
Motion to adjourn: Mr. Stramenga  
Seconded: Mr. Serafini  
Approved unanimously

**Next meeting: September 17, 2025**

Respectfully Submitted,  
Lisa R. Gallo



Zoning Board of Appeals

**RESOLUTION NUMBER ZBA31-2025**  
**Moved by Mr. Bonacquist, Seconded by Mr. Serafini**  
**Applicant(s): Kourtney Newberry**

**Applicant(s):** Kourtney Newberry  
**Project Location:** 2037 Caldicott Road  
**Tax Number or Numbers:** 59.7-4-15  
**Zoning:** Single Family Residential (R-1) Zoning District  
**Proposed Project:** The applicant wishes to place a 12' x 24' detached shed on the property.  
The applicant would like to install a six (6) foot high fence

**WHEREAS**, petitioner respectfully request that she be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-138 entitled "Accessory structures and uses" and Chapter 270-143 entitled "Fences;" and,

**WHEREAS**, the applicant wishes to place a 12' x 24' detached shed on the property; and,

**WHEREAS**, **Chapter 270-138 (a)** Location. States: "No accessory structure shall be located in the front yard of any lot." The applicant is proposing to locate the shed in what is considered a front yard; 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 1248 square feet which would allow an accessory structure of 187 square feet; and,

**WHEREAS**, the proposed accessory structure is 288 square feet, which will require a variance of 101 square feet.; and,

**WHEREAS**, **Chapter 270-143(A)(1)** sets a front yard fence height limit at four (4) feet; and,

**RESOLUTION NUMBER ZBA31-2025**

**Applicant: Kourtney Newberry**

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**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**, a legal notice was published in the Schenectady Daily Gazette on Thursday, August 14, 2025 announcing that a public hearing was to take place Wednesday, August 20, 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 August 20, 2025 to consider the above referenced 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 August 20, 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 **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. Bonacquist</b>	<b>X</b>			
<b>Mr. Stramenga</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**