

**Town of Rotterdam
Zoning Board of Appeals Meeting
Summary Meeting Minutes
Wednesday, March 18, 2026**

A meeting of the Town of Rotterdam Zoning Board of Appeals was held Wednesday, March 18, 2026 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 Craig Serafini Alex Stramenga John Mertz, Attorney Peter Comenzo, Sr. Town Planner Lisa Gallo, Secretary	Excused: Bruce Bonacquist
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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.

**ZBA Meeting
March 18, 2026**

1) Lecce Senior Living, LLC – 91 Whispering Pines Way, Rotterdam, NY - Tax Map #71.5-3-91 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 bedroom 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. Lou Lecce who is the owner of Whispering Pines Development, represented the applicant on this variance request.

**Mr. Lecce is covering all four (4) applications involving Whispering Pines residents which includes 91, 125, 50, and 62 Whispering Pines Way.

b. Mr. Lecce addressed five (5) criteria to the Board.

Mr. Lecce explained the applicants would like to finish attic space in the units to habitable living space. The Senior Living District (SLD) only allows for 1,500 square feet of living space. It is consistent with the neighborhood. Everything is indoors. No adverse effect on the environment. He does not believe it is self-created although the Board thinks it is. This is the same as the others that have come before the Board. Now he will be constructing them instead of having another contractor.

c. This proposal is exempt from referral to Schenectady County Planning 239-m review

d. Questions/comments from the Board.

Mr. Melillo did not have any questions since the Board has seen many of these.

Mr. Stramenga did not have any questions either.

Mr. Serafini stated he knows the history and asked since he will be getting the variances for the owners will the owners have a choice if they want it finished or not. Mr. Lecce replied yes.

Chairman Eats reiterated that Mr. Lecce is getting the variances for all the applicants on Whispering Pines Way. These variances have been requested in the past as the other Board members stated.

e. No Public Hearing Comments.

f. Motion to APPROVE the Permit:

Mr. Melillo

Seconded:

Mr. Stramenga

g. Approved Unanimously by the Members present:

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 ZBA9-2026
Moved by Mr. Melillo, Seconded by Mr. Stramenga
Applicant(s): Lecce Senior Living, LLC

Applicant(s): Lecce Senior Living, LLC

Project Location: 91 Whispering Pines Way

Tax Number or Numbers: 71.5-3-91

Zoning: Senior Living Zoning District (SLD)

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, 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 bedroom with den, with or without garages; 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, 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,

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, March 12, 2026 announcing that a public hearing was to take place Wednesday, March 18, 2026 at 7:30 p.m. to consider the variance requests; and,

RESOLUTION NUMBER ZBA9-2026

Applicant: Lecce Senior Living, LLC

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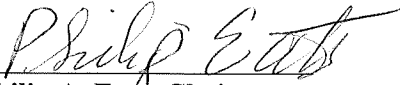
WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on March 18, 2026 to consider the above referenced variance request; and,

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 March 18, 2026 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

**ZBA Meeting
March 18, 2026**

2) Lecce Senior Living, LLC – 125 Whispering Pines Way, Rotterdam, NY - Tax Map #71.5-3-125 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 bedroom 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. **Lou Lecce who is the owner of Whispering Pines Development, represented the applicant on this variance request.**

**Mr. Lecce is covering all four (4) applications involving Whispering Pines residents which includes 91, 125, 50, and 62 Whispering Pines Way.

- b. **Mr. Lecce addressed five (5) criteria to the Board.**

Mr. Lecce explained the applicants would like to finish attic space in the units to habitable living space. The Senior Living District (SLD) only allows for 1,500 square feet of living space. It is consistent with the neighborhood. Everything is indoors. No adverse effect on the environment. He does not believe it is self-created although the Board thinks it is. This is the same as the others that have come before the Board. Now he will be constructing them instead of having another contractor.

- c. **This proposal is exempt from referral to Schenectady County Planning 239-m review**

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

Mr. Melillo did not have any questions since the Board has seen many of these.

Mr. Stramenga did not have any questions either.

Mr. Serafini stated he knows the history and asked since he will be getting the variances for the owners will the owners have a choice if they want it finished or not. Mr. Lecce replied yes.

Chairman Eats reiterated that Mr. Lecce is getting the variances for all the applicants on Whispering Pines Way. These variances have been requested in the past as the other Board members stated.

e. No Public Hearing Comments.

f. Motion to APPROVE the Permit:

Mr. Melillo

Seconded:

Mr. Stramenga

g. Approved Unanimously by the Members present:

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 ZBA10-2026
Moved by Mr. Melillo, Seconded by Mr. Stramenga
Applicant(s): Lecce Senior Living, LLC

Applicant(s): Lecce Senior Living, LLC

Project Location: 125 Whispering Pines Way

Tax Number or Numbers: 71.5-3-125

Zoning: Senior Living Zoning District (SLD)

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, **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 bedroom with den, with or without garages; 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, 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,

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, March 12, 2026 announcing that a public hearing was to take place Wednesday, March 18, 2026 at 7:30 p.m. to consider the variance requests; and,

RESOLUTION NUMBER ZBA10-2026
Applicant: Lecce Senior Living, LLC
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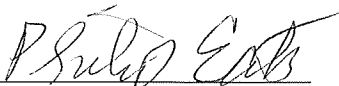
WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on March 18, 2026 to consider the above referenced variance request; and,

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 March 18, 2026 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

3. **Lecce Senior Living, LLC – 50 Whispering Pines Way, Rotterdam, NY** - Tax Map #71.5-3-50 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 bedroom 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. **Lou Lecce who is the owner of Whispering Pines Development, represented the applicant on this variance request.**

**Mr. Lecce is covering all four (4) applications involving Whispering Pines residents which includes 91, 125, 50, and 62 Whispering Pines Way.

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

Mr. Lecce explained the applicants would like to finish attic space in the units to habitable living space. The Senior Living District (SLD) only allows for 1,500 square feet of living space. It is consistent with the neighborhood. Everything is indoors. No adverse effect on the environment. He does not believe it is self-created although the Board thinks it is. This is the same as the others that have come before the Board. Now he will be constructing them instead of having another contractor.

c. **This proposal is exempt from referral to Schenectady County Planning 239-m review**

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

Mr. Melillo did not have any questions since the Board has seen many of these.

Mr. Stramenga did not have any questions either.

Mr. Serafini stated he knows the history and asked since he will be getting the variances for the owners will the owners have a choice if they want it finished or not.

Mr. Lecce replied yes.

Chairman Eats reiterated that Mr. Lecce is getting the variances for all the applicants on Whispering Pines Way. These variances have been requested in the past as the other Board members stated.

e. No Public Hearing Comments.

f. Motion to APPROVE the Permit:

Mr. Melillo

Seconded:

Mr. Stramenga

g. Approved Unanimously by the Members present:

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 ZBA11-2026
Moved by Mr. Melillo, Seconded by Mr. Stramenga
Applicant(s): Lecce Senior Living, LLC

Applicant(s): Lecce Senior Living, LLC

Project Location: 50 Whispering Pines Way

Tax Number or Numbers: 71.5-3-50

Zoning: Senior Living Zoning District (SLD)

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, 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 bedroom with den, with or without garages; 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, 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,

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, March 12, 2026 announcing that a public hearing was to take place Wednesday, March 18, 2026 at 7:30 p.m. to consider the variance requests; and,

RESOLUTION NUMBER ZBA11-2026

Applicant: Lecce Senior Living, LLC

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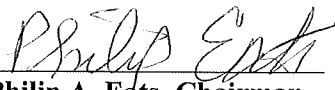
WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on March 18, 2026 to consider the above referenced variance request; and,

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 March 18, 2026 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

4. **Dave and Pat Reger – 62 Whispering Pines Way, Rotterdam, NY - Tax Map #71.5-3-62** 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 bedroom 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. **Lou Lecce who is the owner of Whispering Pines Development, represented the applicant on this variance request.**

**Mr. Lecce is covering all four (4) applications involving Whispering Pines residents which includes 91, 125, 50, and 62 Whispering Pines Way.

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

Mr. Lecce explained the applicants would like to finish attic space in the units to habitable living space. The Senior Living District (SLD) only allows for 1,500 square feet of living space. It is consistent with the neighborhood. Everything is indoors. No adverse effect on the environment. He does not believe it is self-created although the Board thinks it is. This is the same as the others that have come before the Board. Now he will be constructing them instead of having another contractor.

c. **This proposal is exempt from referral to Schenectady County Planning 239-m review**

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

Mr. Melillo did not have any questions since the Board has seen many of these.

Mr. Stramenga did not have any questions either.

Mr. Serafini stated he knows the history and asked since he will be getting the variances for the owners will the owners have a choice if they want it finished or not. Mr. Lecce replied yes.

Chairman Eats reiterated that Mr. Lecce is getting the variances for all the applicants on Whispering Pines Way. These variances have been requested in the past as the other Board members stated.

e. **No Public Hearing Comments.**

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

Mr. Melillo

Seconded:

Mr. Stramenga

g. **Approved Unanimously by the Members present:**

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 ZBA12-2026
Moved by Mr. Melillo, Seconded by Mr. Stramenga
Applicant(s): Lecce Senior Living, LLC

Applicant(s): Dave and Patricia Reger
Project Location: 62 Whispering Pines Way
Tax Number or Numbers: 71.5-3-62
Zoning: Senior Living Zoning District (SLD)
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, **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 bedroom with den, with or without garages; 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, 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,

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, March 12, 2026 announcing that a public hearing was to take place Wednesday, March 18, 2026 at 7:30 p.m. to consider the variance requests; and,

RESOLUTION NUMBER ZBA12-2026

Applicant: Dave and Patricia Reger

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WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on March 18, 2026 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 March 18, 2026 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

5. Ronald J. McCarthy – 1016 John Alden Lane, Rotterdam, NY, Tax Map #58.16-7-22 located in the Single Family Residential (R-1) Zoning District. Petitioners respectfully request 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 place a 12’ x 20’ detached accessory structure on the property. **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 1,328 square feet which would allow an accessory structure of 199 square feet. The proposed accessory structure is 240 square feet, which will require a variance of 41 square feet.

a. Ron McCarthy of 1016 John Alden Lane representing this application.

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

Mr. McCarthy stated he would like a shed/storage unit. The variance is only 2% over what is allowed. He is requesting a 12’ X 20’ shed and a 10’ X 20’ is what is allowed by code. He wants this size for economic reasons as the sheds are the same price so he wants the larger one. It will be in the back corner of his lot and will not be seen by many. It will be aesthetically pleasing. It sits in the valley in the backyard. He could build two (2) separate smaller shed which seems ridiculous. This is the best way to do this. It is not substantial. A lot of homes in the area have sheds. It will help the environment as the items will not be stored outside and get rusty. They will not wind up at the landfill. He needs the storage space. The house was built in the 1950’s and there is not enough space for what is needed in 2026.

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

d. Questions/comments from the Board.

Mr. Serafini stated the application was very thorough and the request is minimal so he does not have any questions.

Mr. Melillo agrees with Mr. Serafini and has no questions.

Chairman Eats stated there is no effect on the setbacks just the size. One of the neighbor’s houses is empty and the other just sold. Mr. McCarthy said he would put up gutter if necessary.

e. No Public Hearing Comments.

f. Motion to APPROVE the variance(s): Mr. Melillo

Seconded: Mr. Serafini

g. Approved Unanimously by the Members:

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 ZBA13-2026
Moved by Mr. Melillo, Seconded by Mr. Serafini
Applicant(s): Ronald J. McCarthy

Applicant(s): Ronald J. McCarthy
Project Location: 1016 John Alden Lane
Tax Number or Numbers: 58.16-7-22
Zoning: Single Family Residential (R-1)
Proposed Project: The applicant wishes to place a 12' x 20' detached accessory structure on the property.

WHEREAS, petitioners respectfully request 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 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 applicant wishes to place a 12' x 20' detached accessory structure on the property; and,

WHEREAS, the existing residential structure is 1,328 square feet which would allow an accessory structure of 199 square feet; 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, the proposed accessory structure is 240 square feet, which will require a variance of 41 square feet; and,

WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, March 12, 2026 announcing that a public hearing was to take place Wednesday, March 18, 2026 at 7:30 p.m. to consider the variance requests; and,

RESOLUTION NUMBER ZBA13-2026

Applicant: Ronald J. McCarthy

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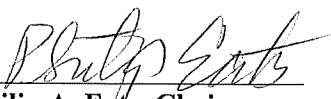
WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on March 18, 2026 to consider the above referenced variance request; and,

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 March 18, 2026 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

6. **Gary DiCocco – 210 Chism Street, Rotterdam, NY**, Tax Map #49.19-7-6 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 270-33 entitled “Lot Area, Lot Coverage, Yard Requirements.” The applicant is requesting permission to construct a new single-family dwelling. **Chapter 270-33(B)** states that the side yard width shall be not less than 10 feet. The applicant would like to construct the residence within 3.1 feet of the side property line on west side of the proposed residence. Variances were previously granted to build a single-family residence on this parcel with a seven (7) foot side yard setback on June 21, 2023.

a. **Mr. Sciocchetti, attorney for the applicant representing this application.**

Mr. DiCocco was in attendance. Chairman Eats read into the record “I want to note for the record that there is a separate stipulation of settlement between the Town of Rotterdam and the property owner relating to code enforcement matters on this property, including the filing of the current variance, a stop work order, a notice of violation and a monetary fine that is being held in escrow. The Zoning Board of Appeals is not a party to that stipulation, and that agreement does not control or determine how this Board rules on the requested variance. This Board’s role tonight is limited to deciding the variance request in accordance with the standards set forth in the Town’s Zoning Code and applicable New York law, based solely on the record presented at this public hearing. Any provisions of the stipulation regarding timing of fines, escrow, or possible appeals, including Article 78 proceedings are matters between the Town’s enforcement authorities and the applicant and are not factors in the Board’s land-use determination.”

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

Mr. Sciocchetti stated he had no idea this was on the February 18th meeting and therefore was not present if he had known he would have attended. This is the third appearance before the Board. June 25 his client received a building permit to construct a single-family residence. On December 19, 2025 he received a stop work order because the location of the home was incorrect. It is approximately 3.1’ away from the property line instead of 7 feet. The new application requests 3.1 feet. There are no issues with surface water or drainage. No increase in traffic. Fire protection is not affected. The variance of 3.1’ meets the minimum requirement for building fire code. There will not be any industrial waste discharged. The noise will be normal noise for a single-family home. There will not be any negative visual impact. It is in character of the neighborhood. There is no additional light shed.

Town Law 267 (B) explains the benefit to the applicant outweigh the detriment to the area as determined by the 5 criteria. These questions have been gone over tonight. Self-creation is a factor but not the only condition. The courts look at all the criteria especially the first one having no undesirable change to the character of the neighborhood. The second one being no adverse effect on the physical and environmental conditions. This is a single-family residence in a single-family residential neighborhood. It is a beautiful home. It increases the value of the existing homes in the area. No detriment.

It is an urban type of home built near adjoining property. To the west side there is a gradient difference. The other property down the street is an auto body shop with commercial with junk cars, storage containers, and garbage. The completion of the home, if the variance is granted will not be a detriment. This is a less than 4 feet and there is no impact. It cannot be achieved by other means. The applicant has engaged with ABD Engineers, his lawyer, other contractors, and the neighbor to come to an agreement. There is not much more that he can do. There have been a number of people that tried to come to an agreement with the neighbor. Luigi, Gary, the Town Attorney and the answer is always no land and no easement. The benefit to the applicant outweighs any minimal detriment to safety, welfare, and community. It is self-created. Gary acknowledges there were issues. Neither Gary, ABD or the Town noticed that the house was not in the right place. If the Town required foundation locations this would not have happened. They tried to work it out. There is only one neighbor that comes to meeting. No one else is here about this application. We have established our case. There is no danger to the community.

He asked the Board to grant the variance. He also asked if he would have a chance to rebut any other presentation.

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

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

Mr. Melillo recused himself from the applicant before Mr. Sciocchetti started his presentation.

Mr. Stramenga stated the property has been cleaned up a lot. In his mind Mr. Sciocchetti went over all the criteria. The house is an improvement.

Mr. Serafini said his presentation was well written and well spoken. It cleared up a lot in his mind. He feels it is better for neighbors to get along. He also explained that the Board must base their decision on the 5 criteria. He would like to hear from the neighbor before he makes any decision. The presentation was very clear.

Chairman Eats stated the presentation explained the overall situation in regards to this application.

e. **Public Hearing Comments.**

Allecia Brutsman of 202 Chism Street thanked the applicant's attorney for the presentation. She has some issues with it. First, she disagrees that they did not know about the February meeting. She stated Luigi knew about it. She also disagrees that once the stop work order was issued that no work was being performed. It was still going on. It meets the 3' criteria for fire code. It is a beautiful house. She didn't disagree with the variance from the beginning. There are issues with run off. Luigi said gutter and retaining wall.

There is a body shop on Hamburg Street on the west side and to the east there are 3 houses. She said Mr. DiCocco knew about the non-compliance. They had discussed the property line and the posts. She sent in photos. He removed and put them back. She has an issue that can't be resolved. A fence will not cover a mound of dirt. She looked into retaining walls. They are poured concrete. Luigi sent pictures of blocks 2' wide and 4' long. The contractor had advised her before that those would not work. She prefers to do thing herself. She likes to work on projects. The questions she asked went unanswered. She thought there would be an ongoing discussion. At last month's meeting she said Gary said he would do what she wanted. She rejected the offer that came from Mr. Mertz.

Mr. Mertz said he would like to clear up the statements made. There has been a lot of correspondence and time spent on this application. There has been no resolution in 3 to 4 months. There has been communication with the applicant, the applicant's attorney. There was some urgency of a resolution to this matter. There is no longer a justification for prolonging this for the applicant or the Board. The Board knows they base their decisions on the 5 criteria. There has been no progress with Ms. Brutsman and Mr. DiCocco coming to an agreement. He has advised the Board to bring this matter before them to a resolution.

Ms. Brutsman said the purpose of a retaining wall is to hold back soil. Respectfully disagrees with Mr. Mertz. She does not have a lot of trust in ABD Engineers.

Mr. Serafini asked Ms. Brutsman if she felt restricted by their ideas since she prefers to do things herself. He asked if she would design something. Ms. Brutsman said no monetary offer has been made.

Mr. Mertz said from day one Ms. Brutsman had no interest in selling land or an easement or a temporary easement. She objected to the retaining wall and fence. The applicant has no obligation to build anything on your property. The ZBA role is to rule on the 5 criteria to decide if the variance should be granted.

Ms. Brutsman asked if this is a modification to the original variance to which Mr. Mertz replied that it is not; it is a new application.

Mr. Serafini asked if the applicant, applicant's attorney, and Ms. Brutsman would like to take 5 minutes to discuss the matter and see if they can come to some type of an agreement.

Mr. Sciocchetti appreciates the efforts of the Board. He does not want to be the bad guy. Mr. Mertz already indicated there have been 5 people talking to her and she will not give land or an easement. That is fine and completely acceptable, it is her property and she is completely within her right to say no. This is not quid pro quo.

This has been going on since December. There has been a lot of back and forth. The building of the house has been shut down for 4 months. People who want to buy it have to wait. The only way he is going to take the 5 minutes is going to be for the 4' easement otherwise he is not going into the hall.

Ms. Brutsman said she is not selling property line. There would not be a problem if the house was not raised so much. She was not interested in an easement and did not want to have a phone conference as she does not know who else is on the line. Easement not good for her. Easements are recorded in the clerk's office. It just means the neighbor can go on the property but not build anything on it. She would prefer to work something out rather than having to file an Article 78.

After the 20 min recess, Mr. Sciocchetti explained that they came to an agreement and will have a 4' easement so there is the 7 foot space that is specific to compliance with the variance. The neighbor cannot build anything on that property only she will have that ability. Ms. Brutsman agreed.

Mr. Serafini said he was happy they came to an agreement.

Mr. Sciocchetti wrote up the agreement which was signed by both parties. The Senior Planner made copies for both Mr. Sciocchetti and Ms. Brutsman. He thanked everyone for their extra time and all their efforts. Both property owners have a copy. She has no objection to this application. Will the Board vote?

Ms. Brutsman stated they did come to an agreement. She also stated she does not have any objections to this variance application for 3' variance request.

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

Seconded: Mr. Stramenga

g. **Approved Unanimously by the Members present:**

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

Meeting adjourned: 9:38 PM
Motion to adjourn: Mr. Stramenga
Seconded: Mr. Serafini
Approved unanimously

Next meeting: April 15, 2026

Respectfully Submitted,
Lisa Gallo



Zoning Board of Appeals

RESOLUTION NUMBER ZBA14-2026
Moved by Mr. Serafini, Seconded by Mr. Stramenga
Applicant(s): Gary DiCocco

Applicant(s): Gary DiCocco
Project Location: 210 Chism Street
Tax Number or Numbers: 49.19-7-6
Zoning: Single-Family Residential
Proposed Project: The applicant would like to construct a single-family residence within 3.1 feet of the side property line on west side of the proposed residence.

WHEREAS, petitioner respectfully requests that he be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-33 entitled "Lot Area, Lot Coverage, Yard Requirements" and,

WHEREAS, **Chapter 270-33(B)** states that the side yard width shall be not less than 10 feet; and,

WHEREAS, the applicants are requesting the building to be located within 3.1 feet of the side property line on the west side of the proposed residence; and,

WHEREAS, variances were previously granted to build a single-family residence on this parcel with a seven (7) foot side yard setback on the west side of the property on June 21, 2023; and,

WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, March 12, 2026, announcing that a public hearing was to take place Wednesday, March 18, 2026 at 7:30 p.m. to consider the variance request; and,

WHEREAS, public hearings were conducted by the Town of Rotterdam Zoning Board of Appeals on December 17, 2026, February 18, 2026, and March 18, 2026 to consider the above referenced variance request; and,

RESOLUTION NUMBER ZBA14-2026

Applicant: Gary DiCocco

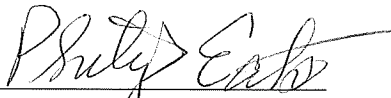
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WHEREAS, pursuant to a Memorandum of Understanding dated April 2011 with the Schenectady County Department of Planning and Economic Development this project is exempt from review; **NOW**

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 December 17, 2025, February 18, 2026 and March 18, 2026 public hearings. 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**