

**Town of Rotterdam
Zoning Board of Appeals Meeting
Summary Meeting Minutes
Wednesday, May 21, 2025**

A meeting of the Town of Rotterdam Zoning Board of Appeals was held Wednesday, May 21, 2025 at 7:30 p.m. at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York.

Present:	Philip Eats, Chairman	Excused:	Bruce Bonacquist
	Angelo Melillo, Vice Chairman		Craig Serafini
	Alex Stramenga		
	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.

**ZBA Meeting
May 21, 2025**

1) **Courtney Mafrici – 1041 O’Brien Avenue, Rotterdam, NY** - Tax Map #59.14-4-18 in the Single Family Residential (R-1) Zoning District. Petitioner respectfully requests that she be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-33 entitled “Yard Requirements.” The applicant is requesting to construct a 21’ by 26’ addition onto an existing single-family residence within 6 feet of the front property line. **Chapter 270-33(A)** states that the “front yard depth shall be 25 feet.” The applicant is requesting a setback of 6 feet which would require a variance of 19 feet. Property is a corner lot.

a. **Courtney Mafrici of 1041 O’Brien Avenue representing this application.**

This application was tabled from April 16, 2025. There was an issue with the public hearing being properly noticed in the newspaper in regards to the proposed dimensions of the addition and the setback.

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

Ms. Mafrici explained she would like to add an extension on her house and also install a carport. The property is a corner lot. It is a dead-end street. The 5 criteria was presented and discussed last month. The drawing has been updated to reflect the correct dimensions.

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

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

Mr. Comenzo explained this project has been readvertised with the correct dimensions and variances according to the corrected, updated drawing.

Chairman Eats stated the Public Hearing was left open from last month. There is no need to go through the criteria again.

Mr. Melillo agreed that all five (5) criteria were answered last month.

e. **No Public Hearing Comments.**

f. **This project is classified as a Type 2 Listed Action – 6NYCRR Part 617 under SEQR.**

g. **Motion to APPROVE the variances:** Mr. Melillo

Seconded: Mr. Stramenga

h. **Approved unanimously:**

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 ZBA14-2025
Moved by Mr. Melillo, Seconded by Mr. Stramenga
Applicant(s): Courtney Mafrici

Applicant(s): Courtney Mafrici
Project Location: 1041 O'Brien Avenue
Tax Number or Numbers: 59.14-4-18
Zoning: Single Family Residential (R-1) Zoning District
Proposed Project: The applicant is requesting to construct a 21' by 26' addition onto an existing single-family residence.

WHEREAS, this project was tabled from the Town of Rotterdam Zoning Board of Appeals meeting on April 16, 2025, and,

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

WHEREAS, Chapter 270-33(A) states that the "front yard depth shall be 25 feet; and,

WHEREAS, the applicant is requesting to construct a 21' by 26' addition onto an existing single-family residence within 6 feet of the front property line; and,

WHEREAS, the applicant is requesting a setback of 6 feet which would require a variance of 19 feet; and,

WHEREAS, property is a corner lot; and,

WHEREAS, this project is classified as a Type 2 Listed Action – 6NYCRR Part 617 under SEQ; and,

RESOLUTION NUMBER ZBA14-2025

Applicant: Courtney Mafrici

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WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, May 15, 2025 announcing that a public hearing was to take place Wednesday, May 21, 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 May 21, 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 May 21, 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) Stewarts Shops Corporation – 1841 Helderberg Avenue, Rotterdam, NY - Tax Map #59.9-1-10.1 in the General Business (B-2) Zoning District. Petitioners respectfully request that they be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-68 entitled “Lot area; lot coverage; yard requirements.” The applicant is requesting to demolish the existing ±3,523 square foot Stewarts Convenience Store construct a new ±4,500 square foot building within 18 feet of the front property line with an attached canopy over the patio within 8 feet of the front property line. **Chapter 270-68** states that a minimum front yard of 30 feet is required, which area may be used for off-street parking in connection with the principal use of the lot.” The applicant is requesting the patio canopy setback of 8 feet which would require a variance of 22 feet. Property is a corner lot.

a. **Molly Russell of Stewarts Shops Corp representing this application.**
Ryan Robideau of Stewarts Shops Corp also in attendance.

b. **Applicant(s) addressed five (5) criteria to the Board.**
Ms. Russell explained the building is going to be placed 22’ from Helderberg Avenue as requested by the Planning Commission. They submitted a plan that did not require any variances with a canopy 18’ from Helderberg Avenue. The Helderberg Avenue canopy is now eight feet (8’) from Helderberg Avenue. Stewarts purchased two parcels on Helderberg Avenue behind the existing Stewarts. A change of zone was granted for these parcels by the Town Board. The Planning Board wanted the proposed dumpster and parking area farther away from the residences view. Currently it is six feet (6’) away. The actual building is 18’ away. It is a permitted use. It is a SEQR Unlisted Action. There was a discussion in February to move the building closer to Helderberg Avenue.

c. **This proposal is not exempt from referral to Schenectady County Planning**
Schenectady County Economic Development and Planning approved the project location.

d. **Questions/comments from the Board.**
Chairman Eats explained that this is one of those cases where the request is not self-created as the Planning Board requested the change.

Mr. Stramenga sees this as an improvement and does not have any questions.

Mr. Melillo stated the five (5) criteria were answered and is good with the moving of the dumpster.

Chairman Eats spoke to the neighbor on Curry and they did not have any objection with the dumpster being moved farther away from the house.

Mr. Comenzo stated that Schenectady County Planning and Economic Development made suggestions on modifications to move the building closer to Helderberg Avenue and they made sense for the area and facilitated the curb cut.

Stephanie DiLallo Bitter went through the SEQR Type II criteria with the members present and they stated no to all the criteria. The Zoning Board issued a Negative Declaration that was motioned by Mr. Stramenga and seconded by Mr. Melillo.

- e. **Public Hearing Comments.**
- f. **This variance request is classified as a Type 2 Unlisted Action – 6NYCRR Part 617 under SEQR.**
- g. **Motion to Approve:** Mr. Stramenga
- Seconded:** Mr. Melillo
- h. **Approved unanimously by Members:**

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



Zoning Board of Appeals

**RESOLUTION NUMBER ZBA15-2025
Moved by Mr. Stramenga, Seconded by Mr. Melillo
Applicant(s): Stewarts Shops Corporation**

Applicant(s): Stewarts Shops Corporation

Project Location: 1841 Helderberg Avenue

Tax Number or Numbers: 59.9-1-10.1

Zoning: General Business (B-2) Zoning District

Proposed Project: / The applicant is requesting to demolish the existing ±3,523 square foot Stewarts Convenience Store and construct a new ±4,500 square foot building.

WHEREAS, petitioners respectfully request that they be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-68 entitled "Lot area; lot coverage; yard requirements;" and,

WHEREAS, Chapter 270-68 states that a minimum front yard of 30 feet is required, which area may be used for off-street parking in connection with the principal use of the lot; and,

WHEREAS, the applicant is requesting to demolish the existing ±3,523 square foot Stewarts Convenience Store construct a new ±4,500 square foot building within 18 feet of the front property line with an attached canopy over the patio within 8 feet of the front property line; and,

WHEREAS, the applicant is requesting the patio canopy setback of 8 feet which would require a variance of 22 feet; and,

WHEREAS property is a corner lot; and

WHEREAS, this project is classified as an Unlisted Action – 6NYCRR Part 617 under SEQR; and,

WHEREAS, the Rotterdam Zoning Board of Appeals issued Negative Declaration dated May 21, 2025, and,

RESOLUTION NUMBER ZBA15-2025

Applicant: Stewarts Shops Corporation

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WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, May 15, 2025 announcing that a public hearing was to take place Wednesday, May 21, 2025 at 7:30 p.m. to consider the variance requests; and,

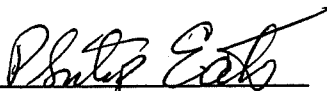
WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on May 21, 2025 to consider the above referenced variance request; and,

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 May 21, 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	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

3) **Jordan A. Malin – 806 North Crest Court, Rotterdam, NY, Tax Map #58.13-1-70** 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 place a 12’ x 24’ detached shed 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 1,582 square feet which would allow an accessory structure of 237 square feet. The proposed accessory structure is 288 square feet, which will require a variance of 51 square feet.

a. **Jordan Malin of 806 North Crest Court representing this application.**

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

Mr. Malin thanked the Board for their time. He stated he is requested a 51 square foot variance for a pre-built Amish shed. It is only a 3% over the 15% allowed. He showed the Board a picture of the crushed stone where the shed is going. It is not an undesirable change to the character of the neighborhood. It is an upgrade. It will help hide the Thruway noise. It can be achieved by other means by placing two (2) or three (3) smaller sheds on his property but does not give the desired appearance so no it cannot be achieved by other means. It is not substantial. It will improve the appearance of the home and the roof will match the house. Yes, it is self-created as I did the math and needed the space. There is a 100’ setback from the creek however accessory structures are allowed in this setback and the applicant supplied a letter to that effect. The height will not go over 11’.

Mr. Malin submitted a letter from attorney, Don Zee, explaining the 100’ setback from the stream not precluding other types of improvements.

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

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

Stephanie DiLallo-Bitter stated there is a pre-existing shed and asked if that gets calculated in for the variance request. Mr. Comenzo stated no. She also asked about the letter from Don Zee referring to 408. It was determined the 408 Mr. Zee was referring to is the lot number which corresponds to the address 806 North Crest Court.

There were no other questions or comments.

- e. **No Public Hearing Comments.**
- f. **This variance request is classified as a Type 2 Listed Action – 6NYCRR Part 617 under SEQR.**
- g. **Motion to approve variance(s):** Mr. Melillo
Seconded: Mr. Stramenga
- h. **Approved unanimously by Members:**

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



Zoning Board of Appeals

**RESOLUTION NUMBER ZBA16-2025
Moved by Mr. Melillo, Seconded by Mr. Stramenga
Applicant(s): Jordan A. Malin**

Applicant(s): Jordan A. Malin
Project Location: 806 North Crest Court
Tax Number or Numbers: 58.13-1-70
Zoning: Agricultural (A-1) Zoning District
Proposed Project: The applicant wishes to place a 12' x 24' detached shed on the property.

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

WHEREAS, the applicant wishes to place a 12' x 24' detached shed on the property; 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 1,582 square feet which would allow an accessory structure of 237 square feet; and,

WHEREAS, the proposed accessory structure is 288 square feet, which will require a variance of 51 square feet; and,

WHEREAS, this project is classified as a Type 2 Listed Action – 6NYCRR Part 617 under SEQR; and,

WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, May 15, 2025 announcing that a public hearing was to take place Wednesday, May 21, 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 May 21, 2025 to consider the above referenced variance request; and,

RESOLUTION NUMBER ZBA16-2025

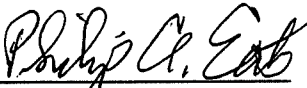
Applicant: Jordan A. Malin

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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 May 21, 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	RECUSED
Chairman Eats	X			
Mr. Melillo	X			
Mr. Bonacquist			X	
Mr. Stramenga	X			
Mr. Serafini			X	



Philip A. Eats, Chairman
Zoning Board of Appeals

- 4) CNZ LLC (Contract Vendee) – Terminus of Valentine Drive, Rotterdam, NY**
- Tax Map #71.6-4-3 and a portion of 71.6-4-19 located in the Two Family Residential (R-2) and Agriculture (A-1) Zoning Districts. Petitioners respectfully request that they be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-43 entitled “Yard Requirements,” and Chapter 270-49 entitled “Lot Area.” The applicants are requesting variances in order to construct two new single-family residences. **Chapter 270-43(C)** states that the rear yard depth shall be not less than 25 feet. The applicants are proposing a rear yard depth of 10 feet, which will require a variance of 15 feet. **Chapter 270-49** requires a lot width of not less than 100 feet. The applicant is requesting to create two (2) lots at the terminus of Valentine Drive in order to construct two new single-family residences on lots that have a lot width of ± 30 feet. This would require variances of ± 70 feet for lot width for each parcel.

a. **Luigi Palleschi of ABD Engineers representing this application.**

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

Mr. Palleschi described this being at Fort Hunter and terminus of Valentine Drive. The project received a Change of Zone from the Town Board and is all zoned two-family residential. A two-family is being proposed on Ft. Hunter and two (2) single Family residences are being proposed at the terminus of Valentine Drive to fit in with the neighborhood. He spoke to Highway Superintendent Larry Lamora. He also reached out to Mr. Vagnier who signed a contract to sell CNZ ten feet (10') of property. The two (2) single family residences have been shifted so they are not behind existing residences which was a concern discussed last month. The rear setback is 25' and they are asking for ten feet (10'). There are multi-family residences to the north. The other variance is for frontage on the cul-de-sac. They need 75' and they have 30'. It will not be a detriment. It is more in character with the neighborhood. Mr. LaMora wants the driveway farthest to the left and to not create any ponding.

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

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

Mr. Stramenga asked where the runoff will go and if installing a catch basin. Mr. Palleschi said the rooftop runoff will go to the grass and run down the driveway and there currently is not any stormwater infrastructure in the area.

Mr. Stramenga also asked if Mr. Palleschi had anything in writing from Larry approving placement of the houses. Mr. Palleschi stated he has an e-mail but not with him.

Mr. Melillo agrees with Mr. Stramenga. He explained that the Board cannot go by word of mouth and would like to see the updated map and/or letter from the Highway Superintendent.

Mr. Palleschi asked if the Board could grant conditional approval.

Chairman Eats agrees with the other Board members. He would like to see the configuration of the shared driveway

Mr. Comenzo stated that the Board typically conditions any approvals on the site map as submitted and would need a final drawing showing the house and driveway location with concurrence from the Highway Superintendent that the curb cuts were acceptable.

Mr. Palleschi stated he is okay with waiting another month.

Chairman Eats asked if they could make it conditional as they have in the past. Mr. Melillo stated he wants the letter and new drawings.

e. **No Public Hearing Comments.**

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

Seconded: Mr. Melillo

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	



Zoning Board of Appeals

**RESOLUTION NUMBER ZBA17-2025
Moved by Mr. Stramenga, Seconded by Mr. Melillo
Applicant(s): CNZ LLC (Contract Vendee)
TABLED**

Applicant(s): CNZ LLC (Contract Vendee)

Project Location: Terminus of Valentine Drive

Tax Number or Numbers: 71.6-4-3 and a portion of 71.6-4-19

Zoning: Two Family Residential (R-2) and Agricultural (A-1) Zoning Districts

Proposed Project: The applicants are requesting variances in order to construct two new single-family residences.

WHEREAS, petitioners respectfully request that they be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-43 entitled "Yard Requirements," and Chapter 270-49 entitled "Lot Area;" and,

WHEREAS, Chapter 270-43(C) states that the rear yard depth shall be not less than 25 feet; and,

WHEREAS, the applicants are proposing a rear yard depth of 10 feet, which will require a variance of 15 feet; and,

WHEREAS, Chapter 270-49 requires a lot width of not less than 100 feet; and,

WHEREAS, the applicant is requesting to create two (2) lots at the terminus of Valentine Drive in order to construct two new single-family residences on lots that have a lot width of ±30 feet; and,

WHEREAS, this would require variances of ±70 feet for lot width for each parcel; and,

WHEREAS, this project is classified as a Type 2 Listed Action – 6NYCRR Part 617 under SEQ; and,

WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, May 15, 2025 announcing that a public hearing was to take place Wednesday, May 21, 2025 at 7:30 p.m. to consider the variance requests; and,

RESOLUTION NUMBER ZBA17-2025
Applicant: CNZ LLC (Contract Vendee)
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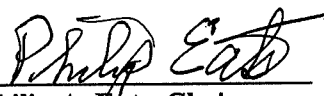
WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on May 21, 2025 and March 19, 2025 to consider the above referenced variance request; and,

WHEREAS, pursuant to a Memorandum of Understanding dated April 2011 with the Schenectady County Department of Planning and Economic Development this project is 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 May 21, 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

**ZBA Meeting
May 21, 2025**

5) **Anthony J. Farina – 2730 Myrtle Avenue, Rotterdam, NY, Tax Map #48.15-2-15.11** 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 270-138 entitled “Accessory structures and uses.” The applicant wishes to construct a 1,500 square foot detached garage with a height of 17 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 proposed detached garage is 1,500 square feet, and the existing attached garage is 600 square feet which would make the total garage space 2,100 square feet, which is 1,200 square feet over the allowed size of 900 square feet. The proposed garage height is 17 feet and is 2 feet over the allowed height of 15 feet.

a. **Anthony Farina of 2730 Myrtle Avenue representing this application.**

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

Mr. Farina is seeking a variance for a 1,500 square foot garage. He has a 600 square foot attached garage. It will be built in the backyard 15’ from the neighbors. The height will be lower than the house. He has an RV, boat, jet skis and a motor home. It cannot be achieved by other means. Yes, it is a large variance on the square footage but not on the height. There is sandy soil. It is self-created and is seeking relief from the ordinance.

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

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

Mr. Melillo drove by and he knows the soils over there are sandy. He feels it will be a nice-looking garage.

Mr. Stramenga went by. He knocked but no one answered. The neighbor next door did not have a problem with it.

Chairman Eats spoke to Mr. Farina. The garage will be 15’ from the neighbor’s garage and the neighbor’s garage is on the property line. This property slopes less than the neighbor’s property.

Mr. Farina wants to get the items out of the weather and not be an eyesore for the neighbors.

- e. **No Public Hearing Comments.**
- f. **This project is classified as a Type 2 Listed Action – 6NYCRR Part 617 under SEQR.**
- g. **Motion to APPROVE the variance:** Mr. Stramenga
Seconded: Mr. Melillo
- h. **Approved unanimously by Members:**

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



Zoning Board of Appeals

**RESOLUTION NUMBER ZBA18-2025
Moved by Mr. Stramenga, Seconded by Mr. Melillo
Applicant(s): Anthony J. Farina**

Applicant(s): Anthony J. Farina

Project Location: 2730 Myrtle Avenue

Tax Number or Numbers: 48.15-2-15.11

Zoning: Single Family Residential (R-1) Zoning District

Proposed Project: The applicant wishes to construct a 1,500 square foot detached garage with a height of 17 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 proposed detached garage is 1,500 square feet, and the existing attached garage is 600 square feet which would make the total garage space 2,100 square feet, which is 1,200 square feet over the allowed size of 900 square feet; and,

WHEREAS, the proposed garage height is 17 feet and is 2 feet over the allowed height of 15 feet; and,

WHEREAS, this project is classified as a Type 2 Listed Action – 6NYCRR Part 617 under SEQR; and,

WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, May 15, 2025 announcing that a public hearing was to take place Wednesday, May 21, 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 May 21, 2025 to consider the above referenced variance request; and,

RESOLUTION NUMBER ZBA18-2025

Applicant: Anthony J. Farina

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WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on May 21, 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 May 21, 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	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**

ZBA Comments
May 21, 2025

6) **Barbara Lee Latvis – 121 Whispering Pines Way, Rotterdam, NY - Tax Map #71.5-3-121** in the Senior Living Zoning District. Petitioner respectfully requests that she 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. **Barbara Lee Latvis of 121 Whispering Pines Way representing this application.**

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

Ms. Latvis wants to use the storage room for additional living space and extra bedroom. The contractor received the permit from the Building Department. It is finished. They were called stating they needed to get a variance for the finished space. There are no outward changes. It is internal. It cannot be achieved by other means. She needs the extra closet space. One bedroom is being used as an office. Things that she does not want in the cellar went upstairs. She does not believe it is substantial. No effect on run-off. She received a permit. Then the Building Inspector, Jeff Briere called and said she needed a variance.

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

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

Mr. Melillo asked if the stairs to the storage space were built to standard code for stairs. Ms. Latvis stated they are to her. Mr. Melillo said the developer built cottages with 1,500 square feet with added room for storage. There is no heat or air conditioning in the unfinished storage space. He feels the code should be changed to allow the rooms to be finished because every person that lives there will be seeking variances.

Chairman Eats stated they will hear all the applicants that are present tonight for variances. He feels the town ordinance should be changed but the applicants all have their own reasons for why they want to use the storage space for something different. Chairman Eats asked if the contractor called and got all the requires inspections for insulation, electric, etc. Ms. Latvis believes so.

Stephanie DiLallo-Bitter mentioned the additional square footage with stairs to attic storage with a beautiful window invited residents to utilize this space and possibly create additional living space.

Mr. Melillo asked if the Board voted yes on this would they have to vote yes on all. Stephanie DiLallo-Bitter said no the Board will act individually tonight as each case is different.

Mr. Comenzo explained the differences in process for the Town Board and the Zoning Board. The Town Board would require a code amendment and currently they meet once a month. The process takes several months and it may or may not be approved by September if the Zoning Board does not take action tonight. Additional living space was not presented to the Town Board when the Senior Living District was being established.

e. Public Hearing Comments.

Wayne Fitzgerald asked if they were only going to look at Barbara's or going to vote on all of the applications. The Chairman stated that they would be voting on all individually this evening.

f. This project is classified as a Type 2 Listed Action – 6NYCRR Part 617 under SEQR.

g. Motion to APPROVE the variance: Mr. Stramenga

Seconded: Mr. Melillo

h. Approved unanimously by Members:

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

ZBA Comments
May 21, 2025

7) **Joan Herman – 122 Whispering Pines Way, Rotterdam, NY - Tax Map #71.5-3-122** in the Senior Living Zoning District. Petitioner respectfully requests that she 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. **Joan Herman of 122 Whispering Pines Way representing this application.**

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

Ms. Herman is requesting a permit and a variance. She has not received a permit. Her house does not have a basement. She was renovating the storage area when she was told she needed a permit. She was told she could continue with the work until she was finished. She has an electrical inspection which she submitted to the Board. Everything is complete except the mini-split. The Town has not been there to inspect. She was told she could do anything with the attic. She is not adding to the exterior. Developers’ builder said it was up to them to get any approvals for the additional living space. There are three (3) windows that overlook the golf course, pond, and ducks. No outward change; just interior. No basement and cannot add on as they do not own the land. She is adding two (2) closets to store what is in the garage. It is a 33% variance. There will not be any change in the shedding of water. Did not have any previous information and was told it was up to them to finish the room.

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

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

Mr. Melillo and Mr. Stramenga did not have any questions.

Chairman Eats did speak to the applicant. She does not have a cellar and needs the storage.



Zoning Board of Appeals

RESOLUTION NUMBER ZBA20-2025
Moved by Mr. Stramenga, Seconded by Mr. Melillo
Applicant(s): Joan Herman

Applicant(s): Joan Herman

Project Location: 122 Whispering Pines Way

Tax Number or Numbers: 71.5-3-122

Zoning: Senior Living (SLD) 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 she 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 which would require a variance for ±470 square feet; and,

WHEREAS, this project is classified as a Type 2 Listed Action – 6NYCRR Part 617 under SEQR; and,

WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, May 15, 2025 announcing that a public hearing was to take place Wednesday, May 21, 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 May 21, 2025 to consider the above referenced variance request; and,

RESOLUTION NUMBER ZBA20-2025

Applicant: Joan Herman

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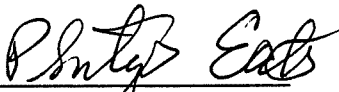
WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on May 21, 2025 to consider the above referenced variance request; and,

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 May 21, 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	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**

ZBA Comments
May 21, 2025

8) **Wayne and Judy Fitzgerald – 85 Whispering Pines Way, Rotterdam, NY** - Tax Map #71.5-3-85 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. **Wayne and Judy Fitzgerald of 85 Whispering Pines Way representing this application.**

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

Wayne Fitzgerald explained they have not started construction. It is a money investment and to wait to the end of summer would be a hardship. They would like to start this month otherwise they will not get their contractor, Pigliavento Builders, until next year. It is all internal work. There is not any exterior work. It will be a suite for when children come to visit. It is not substantial. There are not any environmental impacts. It is not self-created as they were told they could do it. They were not told about a permit or a variance. The Friday before they were going to pick up their permit, they were told they needed a variance.

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

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

Mr. Melilo and Mr. Stramenga did not have any questions.

Chairman Eats visited the property and nothing has been completed.

- e. **No Public Hearing Comments.**
- f. **This project is classified as a Type 2 Listed Action – 6NYCRR Part 617 under SEQR.**
- g. **Motion to APPROVE the variance:** Mr. Melillo
Seconded: Mr. Stramenga
- h. **Approved unanimously by Members:**

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



Zoning Board of Appeals

RESOLUTION NUMBER ZBA21-2025
Moved by Mr. Melillo, Seconded by Mr. Stramenga
Applicant(s): Wayne & Judy Fitzgerald

Applicant(s): Wayne & Judy Fitzgerald

Project Location: 85 Whispering Pines Way

Tax Number or Numbers: 71.5-3-85

Zoning: Senior Living (SLD) 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, petitioners 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 applicants are 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 which would require a variance for ±470 square feet; and,

WHEREAS, this project is classified as a Type 2 Listed Action – 6NYCRR Part 617 under SEQR; and,

WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, May 15, 2025 announcing that a public hearing was to take place Wednesday, May 21, 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 May 21, 2025 to consider the above referenced variance request; and,

RESOLUTION NUMBER ZBA21-2025
Applicant: Wayne & Judy Fitzgerald
Page 2

WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on May 21, 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 May 21, 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	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

ZBA Comments
May 21, 2025

9) **Richard Yingling Jr. and Lisa Yingling – 114 Whispering Pines Way, Rotterdam, NY** - Tax Map #71.5-3-114 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. **Richard & Lisa Yingling of 114 Whispering Pines Way representing this application.**

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

Mr. Yingling stated nothing has been done to convert the space. He is not adding closet or room with outlets and sheetrock. Adding storage. It is potentially too damp in the basement and they do not want a humidity issue. All the same answers as the previous Whispering Pines applications. He also stated Wayne Fitzgerald is correct. They were told they would have to finish on their own. Everyone should know they need a permit but they were not told they needed a variance.

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

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

Mr. Melillo asked about the basements. Mr. Yingling stated some have half basements, some have full basements and some do not have any.

Chairman Eats spoke to the applicants and they went over the criteria.

- e. **No Public Hearing Comments.**
- f. **This project is classified as a Type 2 Listed Action – 6NYCRR Part 617 under SEQR.**
- g. **Motion to APPROVE the variance:** Mr. Stramenga
Seconded: Mr. Melillo
- h. **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: 9:26 PM
Motion to adjourn: Mr. Stramenga
Seconded: Mr. Melillo
Approved unanimously

Next meeting: June 18, 2025

Respectfully Submitted,
Lisa R. Gallo



Zoning Board of Appeals

RESOLUTION NUMBER ZBA22-2025

**Moved by Mr. Stramenga, Seconded by Mr. Melillo
Applicant(s): Richard Yingling Jr. & Lisa Yingling**

Applicant(s): Richard Yingling Jr. & Lisa Yingling
Project Location: 114 Whispering Pines Way
Tax Number or Numbers: 71.5-3-114
Zoning: Senior Living (SLD) 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, 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 applicants are 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 which would require a variance for ±470 square feet; and,

WHEREAS, this project is classified as a Type 2 Listed Action – 6NYCRR Part 617 under SEQR; and,

WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, May 15, 2025 announcing that a public hearing was to take place Wednesday, May 21, 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 May 21, 2025 to consider the above referenced variance request; and,

RESOLUTION NUMBER ZBA22-2025
Applicant: Richard Yingling Jr. & Lisa Yingling
Page 2

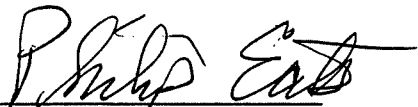
WHEREAS, a public hearing was conducted by the Town of Rotterdam Zoning Board of Appeals on May 21, 2025 to consider the above referenced variance request; and,

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 May 21, 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	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