Town of Rotterdam
Zoning Board of Appeals Meeting
Summary Meeting Minutes
Wednesday, October 15, 2025

A meeting of the Town of Rotterdam Zoning Board of Appeals was held Wednesday, October 15, 2025 at 7:30 p.m. at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York.

Present:	Philip Eats, Chairman	Excused:
	Angelo Melillo, Vice Chairman	
	Bruce Bonacquist	
	Craig Serafini	
	Alex Stramenga	
	Stephanie DiLallo-Bitter, ZBA Attorney	
	Peter Comenzo, Sr. Planner	
	Lisa Gallo, Secretary	

The agenda for the evening was discussed. Chairman Eats called the meeting to order. The Pledge of Allegiance to the Flag was recited. Attendance was taken.

1) **BD Upstate Construction, Inc. – 1696 Crane Street, Rotterdam, NY** - Tax Map #59.6-2-2 located in the Multiple Family Residential (R-3) Zoning District. Petitioner respectfully requests that they be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-51 entitled "Yard Requirements." The applicant is requesting building permits to construct a six (6) unit apartment building. **Chapter-270-51 (A)** states that the side yard width shall be not less than 20 feet. The applicant is requesting a variance to allow the building to be located within 10 feet of the side yard which would require a variance of 10 feet.

   a. **Chris Longo of Empire Engineering representing this application.**

   b. **Applicant addressed five (5) criteria to the Board.**
   Mr. Longo is representing BD Upstate, Byron Diaz for this last parcel before the City line. There is currently a four-unit apartment building and the Town changed the zone approximately one (1) year ago to multi-family. He would like to put another building a six-unit apartment on the property. The code requires 20' side yard setback and Schenectady County has plans for the right of way and that is why we can not push the building to the front of the property and necessitating having us to ask for a 10' variance. Next door property is zoned Industrial. We do not feel it is out of character with the neighborhood as to the north it is Industrial and to the south is duplexes. It cannot be achieved by other means. Nor really substantial but it is a half the side setback. We do not feel it can be accessed around the building. If they get the variance then they will proceed to the Planning Board with the Site Plan approval which will address all the environmental conditions. No impact to the neighborhood. They do not feel it is self-created as if they had the correct right of way but because of the future plans of the county corridor improvements, that would hinder those improvements if moved closer to the front of the property.

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

   d. **Questions/comments from the Board.**
   Chairman Eats brought up the neighbor that was concerned about the new building shadowing his property. Mr. Longo explained they are allowed to do a three-story building and they are only doing a two-story building. It will be about 15' shorter than the code allows. The effects of the shadows will be less. Mr. Longo also explained they have a conceptual location of the septic with the proper length of the laterals. There are no plans of illicit discharge.

   Chairman Eats explained he is not an engineer and therefore referred the neighbor to Chris who could explain the situation better. The neighbor didn't sound disappointed. If there was any way they could move a few feet to appease the neighbor they would appreciate it.

   Mr. Bonacquist stated the criteria has been addressed. He also stated that although the variance is substantial; it is mitigated by the fact that it is located near an industrial zone.

Mr. Melillo asked if they planned on installing sidewalks. Mr. Longo stated an easement will be granted to the County for the installation of sidewalks.

Mr. Stramanga stated the criteria was answered to his satisfaction.

Mr. Serafini asked about the pitch of the property. Mr. Longo said the property is pretty flat. There will not be any pitch to the neighbor's property. Mr. Serafini asked if he could lose some of the parking spaces. Mr. Longo explained there are 19 parking spots proposed. The requirement for the Town is 1.5 but the builder prefers to have two (2) per apartment as it is more marketable with two (2). If they moved the building forward, they would lose about six (6) spaces. It is not a desirable development option. Mr. Serafini asked if they would be amenable to putting a cap on the height of the building. A discussion ensued the outcome was agreed that the ZBA could propose capping the variance at two (2) stories with required roofing.

Mr. Comenzo stated it meets the conceptual circulation. DPW recommended to place the building ten feet (10') from property line and ask for the variance.

Stephanie DiLallo-Bitter stated that Peter and her agree that this is a Type II action for SEQR and is exempt from County review.

e. **No Public Hearing Comments.**

f. **Motion to APPROVE the variances with the following condition:**

1. The new construction will be capped at two (2) stories and required roofing. Mr. Serafini

Seconded: Mr. Stramenga

2) **Approved unanimously:**

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

RESOLUTION NUMBER ZBA36-2025
Moved by Mr. Serafini, Seconded by Mr. Stramenga
Applicant(s): BD Upstate Construction, Inc.

Applicant(s):	BD Upstate Construction, Inc.
Project Location:	1696 Crane Street
Tax Number or Numbers:	59.6-2-2
Zoning:	Multi-Family Residential (R-3) Zoning District
Proposed Project:	The applicant is requesting a variance to allow the building to be located within 10 feet of the side yard.

WHEREAS, petitioner respectfully requests that they be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-51 entitled "Yard Requirements;" and,

WHEREAS, the applicant is requesting building permits to construct a six (6) unit apartment building: and,

WHEREAS, Chapter-270-51 (A) states that the side yard width shall be not less than 20 feet; and,

WHEREAS, the applicant is requesting a variance to allow the building to be located within 10 feet of the side yard which would require a variance of 10 feet; and,

WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, October 9, 2025 announcing that a public hearing was to take place Wednesday, October 15, 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 October 15, 2025 to consider the above referenced variance request; and,

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

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

IT IS HEREBY RESOLVED, that the Rotterdam Zoning Board of Appeals has considered the foregoing five (5) criteria as evidenced by the application materials of the October 15, 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 with the following condition:

1. The proposed six (6) unit apartment building shall be limited to a maximum height of two (2) stories with additional truss roofing system.

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 Eats

Philip A. Eats, Chairman
Zoning Board of Appeals

2) **Suszan and Keitan Millington – 105 Sterling Road, Rotterdam, NY,** Tax Map #58.18-2-26 located in the Agriculture (A-1) Zoning District. Petitioners respectfully request that they 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 14' x 30' 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 1,528 square feet which would allow an accessory structure of 229 square feet. The proposed accessory structure is 420 square feet, which will require a variance of 191 square feet.

a. **Keitan Millington of 105 Sterling Road representing this application.**

b. **Applicant(s) addressed five (5) criteria to the Board.**
Mr. Millington stated he just moved to Rotterdam after marrying his beautiful wife. He has a construction business and has placed stuff in storage. He chose to store the items in an Amish shed. It is a residential building. He has a one-car garage. This structure is for storage of personal tools to continue his income. It is only slightly larger than what is allowed. There will not be any effect on the neighbors. The water will shed onto his property. He needs the shed for his tools and equipment and the items to maintain the yard.

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

d. **Questions/comments from the Board.**
Mr. Melillo stated it was advertised for a 14' X 30' and he could get the bigger shed. Mr. Millington said they settled for a 14' x 24'.

Mr. Stramanga stated he visited the property and can see why he needs the storage. He does not have any problem with the request.

Mr. Serafin stated he answered all the questions to his satisfaction and asked how his first year of marriage was going. Mr. Millington stated they had been dating for five (5) to six (6) years and its good.

Mr. Bonacquist spoke to the applicant and asked why the shed was already there. He can understand why he did not wait as he would have had to pay storage fees. There have been other applicants with that issue. Mr. Bonacquist asked about the second driveway to the garage. It was determined that he would need to visit the Highway Superintendent for the second driveway and obtain a highway work permit.

Chairman Eats spoke to the neighbor and they had no objections to the new building.

e. **No Public Hearing Comments.**

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

Seconded: Mr. Bonacquist

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**			

RESOLUTION NUMBER ZBA37-2025
Moved by Mr. Melillo, Seconded by Mr. Bonacquist
Applicant(s): Suszan and Keitan Millington

Applicant(s):	Suszan and Keitan Millington
Project Location:	105 Sterling Road
Tax Number or Numbers:	58.18-2-26
Zoning:	Agricultural (A-1) Zoning District
Proposed Project:	The applicant wishes to place a 14' x 30' detached accessory structure on the property.

WHEREAS, petitioners respectfully request that they 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 14' x 30' detached accessory structure 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 1,528 square feet which would allow an accessory structure of 229 square feet; and,

WHEREAS, the proposed accessory structure is 420 square feet, which will require a variance of 191 square feet; and,

WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, October 9, 2025 announcing that a public hearing was to take place Wednesday, October 15, 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 October 15, 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 October 15, 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

Philip A. Eats, Chairman
Zoning Board of Appeals

3) **Marsha Benjamin – 3517 Guilderland Avenue, Rotterdam, NY,** Tax Map #58.18-3-15.2 located in the Retail Business (B-1) Zoning District. Petitioner respectfully request that she be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-143 entitled "Fences." **Chapter 270-143(A)(1)** sets a front yard fence height limit at four (4) feet. The applicant would like to install a six (6) foot high fence, which would require a variance of two (2) feet. **Chapter 270-143(A)(4)** states that front yard fences should be less that fifty percent (50%) solid or opaque. The applicant would like to install a six (6) foot high fence that is one hundred percent (100%) solid.

   a. **Matt Baker of Superior Fence and Rail representing this application.**

   b. **Applicant(s) representative addressed five (5) criteria to the Board.**
   Mr. Baker explained this is driven by a neighbor dispute with the renters of the property next door. Marsha's front yard looks into the neighbor's backyard where there are several motorized toys and where they have parties. The six foot (6') fence is desirable and will not go past the neighbor's house. There are several residences with fences in the area. The neighbors get a free fence with the better side. It cannot be achieved by other means. A four-foot (4') fence does not help the situation. It is only two feet (2') higher. The placement of the fence is not near the road and will not obstruct any views. It will be a wind break.

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

   d. **Questions/comments from the Board.**
   Mr. Serafini stated the application is very thorough.

   Mr. Bonacquist said he noticed the disarray first hand. When he visited, he was surrounded by free range chickens. The fence will not obstruct any views.

   Chairman Eats said they need the fence for privacy and security. There will not be any obstruction to site distances pulling in and out of the driveway. He reiterated that they need to make sure the fence is on their property as this application does not have a survey with it. The onus is on the home owner.

e. **No Public Hearing Comments.**

f. **Motion to APPROVE:** Mr. Stramenga

Seconded: Mr. Serafini

g. **Approved unanimously by Members:**

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

RESOLUTION NUMBER ZBA38-2025
Moved by Mr. Stramenga Seconded by Mr. Serafini
Applicant(s): Marcha Benjamin

Applicant(s):	Marsha Benjamin
Project Location:	3517 Guilderland Avenue
Tax Number or Numbers:	58.18-3-15.2
Zoning:	Retail Business (B-1) Zoning District
Proposed Project:	The applicant would like to install a six (6) foot high fence that is one hundred percent (100%) solid.

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

WHEREAS, the applicant would like to install a six (6) foot high fence that is one hundred percent (100%) solid; and,

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

WHEREAS, the applicant would like to install a six (6) foot high fence, which would require a variance of two (2) feet; and

WHEREAS, Chapter 270-143(A)(4) states that front yard fences should be less that fifty percent (50%) solid or opaque; and,

WHEREAS, the applicant would like to install a six (6) foot high fence that is one hundred percent (100%) solid; and,

WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, October 9, 2025 announcing that a public hearing was to take place Wednesday, October 15, 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 October 15, 2025 to consider the above referenced variance request; and,

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

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

IT IS HEREBY RESOLVED, that the Rotterdam Zoning Board of Appeals has considered the foregoing five (5) criteria as evidenced by the application materials of the October 15, 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

Philip A. Eats, Chairman
Zoning Board of Appeals

4) **Diana Mazzo – 1223 Walnut Avenue, Rotterdam, NY,** Tax Map #58.12-5-43 located in the Single Family Residential (R-1) Zoning District. Petitioner respectfully request that she be granted variances as prescribed in the Town of Rotterdam Zoning Code being Chapter 270-143 entitled "Fences." **Chapter 270-143(A)(1)** sets a front yard fence height limit at four (4) feet. The applicant would like to install a six (6) foot high fence, which would require a variance of two (2) feet. **Chapter 270-143(A)(4)** states that front yard fences should be less that fifty percent (50%) solid or opaque. The applicant would like to install a six (6) foot high fence that is one hundred percent (100%) solid. Property is a corner lot.

a. **Matt Baker of Superior Fence and Rail representing this application.**

b. **Applicant(s) representative addressed five (5) criteria to the Board.**
Mr. Baker explained this is a corner lot with two (2) front yards. One front yard is on Aster. They are replacing an existing old fence with a white vinyl fence. It is in keeping with the character of the neighborhood. It will improve the appearance with the new fence. They are interested in a six-foot (6') privacy fence from the people driving by. It is only two feet (2') over what is allowed and 100% solid. There will not be any environmental concerns as it is in the same place as the other fence. There will not be any traffic impediments. The current fence has been there for 20 years. He has no idea if the prior owner got a permit.

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

d. **Questions/comments from the Board.**
Mr. Serafini said the diagram shows 42' of fence. He asked what kind of dogs are in the diagram? Mr. Baker stated they are non-descriptive dogs and his client likes it when he has them in the drawings.

Mr. Stramanga visited the property and has no problem with the fence variance.

Chairman Eats spoke to the applicant. He also wanted to be clear that although they are only doing the 42' on the side currently, they can continue the privacy back fence using this variance.

Mr. Comenzo complimented Mr. Baker stating the application was well represented and put together.

e. **No Public Hearing Comments.**

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

Seconded: Mr. Stramenga

g. **Approved unanimously by Members:**

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

Meeting adjourned: 8:25 PM
Motion to adjourn: Mr. Stramenga
Seconded: Mr. Serafini
Approved unanimously

Next meeting: November 19, 2025

Respectfully Submitted,
Lisa R. Gallo

RESOLUTION NUMBER ZBA39-2025
Moved by Mr. Bonacquist, Seconded by Mr. Stramenga
Applicant(s): Diana Mazzo

Applicant(s):	Diana Mazzo
Project Location:	1223 Walnut Avenue
Tax Number or Numbers:	58.12-5-43
Zoning:	Single Family Residential (R-1) Zoning District
Proposed Project:	The applicant would like to install a six (6) foot high fence that is 100% solid.

WHEREAS, petitioner respectfully request that he be granted variances as prescribed in the Town of Rotterdam Zoning Code Chapter 270-143 entitled "Fences;" and,

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

WHEREAS, the applicant would like to install a six (6) foot high fence, which would require a variance of two (2) feet.: and,

WHEREAS, **Chapter 270-143(A)(4)** states that front yard fences should be less that fifty percent (50%) solid or opaque; and,

WHEREAS, the applicant would like to install a six (6) foot high fence that is one hundred percent (100%) solid; and,

WHEREAS, the property is a corner lot; and,

WHEREAS, a legal notice was published in the Schenectady Daily Gazette on Thursday, October 9, 2025 announcing that a public hearing was to take place Wednesday, October 15, 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 October 15, 2025 to consider the above referenced variance requests; and,

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

IT IS HEREBY RESOLVED, that the Rotterdam Zoning Board of Appeals has considered the foregoing five (5) criteria as evidenced by the application materials of the October 15, 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

Philip A. Eats, Chairman
Zoning Board of Appeals