

**Town of Rotterdam Planning Commission
Minutes of March 19, 2024 Meeting**

The Rotterdam Planning Commission held a meeting on Tuesday, March 19, 2024, at 7:30 p.m. at the Rotterdam Senior Center, 2639 Hamburg Street, Rotterdam, New York 12303.

Present:	Kimberly Ricker Scannell, Chairman Lynn Flansburg, Vice Chairman Clark Collins Mark D'Alessandro Wayne Calder Joseph Signore Joseph Miglucci Peter Comenzo, Town Planner Stephen Valiquette for Courtney Heinel, Attorney Marlo Carter, Secretary	Excused:
----------	--	----------

Chairman Scannell called the workshop to order at 7:00 p.m.

Attendance was taken and it was determined that there was a quorum.

Waivers:

No waivers on the agenda.

Ms. Scannell: Please silence your cell phone. We would appreciate it.

The Pledge of Allegiance to the Flag was recited.

Attendance was taken and its determined there is a quorum.

Ms. Scannell: The first thing we are going to do is approve the minutes from the last meeting and everyone was here. Can I have a motion?

Mrs. Flansburg: I'll make the motion.

Mr. Collins: I'll second it.

Ms. Scannell: Please call the roll.

Ms. Carter: Mr. Collins?

Mr. Collins: Yes.

Ms. Carter: Mrs. Flansburg?

Mrs. Flansburg: Yes.

Ms. Carter: Mr. D'Alessandro?

Mr. D'Alessandro: Yes.

Ms. Carter: Mr. Calder?

Mr. Calder: Yes.

Ms. Carter: Mr. Signore?

Mr. Signore: Yes.

Ms. Carter: Mr. Miglucci?

Mr. Miglucci: Yes.

Ms. Carter: Ms. Scannell?

Ms. Scannell: Yes.

1. **496 Rotterdam LLC – 496 Duanesburg Road. Final Site Plan/Special Use Permit approval to convert an existing ±2,078 square foot tenant space in a three (3) tenant ±7,328 square foot building from a garage to a motor vehicle repair facility on a ±1.15 acres. Engineer: Advanced Engineering & Surveying, PLLC.**

Ms. Scannell: First up on the agenda is 496 Rotterdam LLC at 496 Duanesburg Road. Please come to the microphone and welcome back. It's nice to see you again.

Mr. Ciliento: You too.

Ms. Scannell: You've been busy since the last time we saw you or your tenants have.

Mr. Ciliento: Well, I told him he has to clean his act up. I went over there the other day about the tractor trailer or whatever you call them, he's got to get rid of those. That will be up next. He said that they are getting confiscated by the bank because he's not using them anymore. So, they are supposed to claim them or whatever. I gave him until April 1st to figure it out. That is where we are at with that. But, ultimately, I told him about his own personal property, like his trailer and boat have to go. And it has to be strictly for motor vehicle repair. Nothing can hang there and I went over the whole list. He's all on board, if he doesn't do this, he is kind of out of work and he will have to go and work somewhere. He's got a name for himself that he's had over the years and I've known this guy for a long time and I think this move for him might be beneficial for me so he will stay there as a tenant and it's good for him so he can pay. He does do a little bit of work for me every now and then at my place.

Ms. Scannell: Do you have your engineer here with you tonight?

Mr. Ciliento: No. I didn't think I needed him.

Ms. Scannell: Did you get the comments from the DPW meeting that we had last time.

Mr. Ciliento: Yes, and I went over with Nick and told him what we needed to do and then he filled out the form involved, I believe I attached that as well.

Ms. Scannell: Mr. Miglucci, do you have any questions?

Mr. Miglucci: No, I went by the site last night. He's been playing ball and cleaning it up and it looks pretty good over there. That is all that I really have.

Mr. Ciliento: I will keep pursuing him because that is all my property. I'm not going to let it get ratty and I told him about some of the things that he has there that have to get out of there. Just converted over what you mentioned in the last meeting.

Mr. Miglucci: It looks good over there.

Mr. Ciliento: It will take a little time but we'll get it done.

Mr. Miglucci: That's all that I have.

Ms. Scannell: Mr. Signore?

Mr. Signore: My concern is that vehicles don't get stored for any length of time so it doesn't have the perception of a junkyard. I understand that when you have space sometimes that people store a car there and then it's there forever.

Mr. Ciliento: We don't want a junkyard and then I have to deal with it. I told him ten (10) days, I think that is what we came up with originally. He should not have a vehicle there longer than that. He should be turning over vehicles. He should be fixing them and getting them out of there or not fixing them and getting them out of there.

Mr. Signore: There's no long-term storage?

Mr. Ciliento: Correct.

Ms. Scannell: Mr. Collins?

Mr. Collins: No, it's located in light industrial and it has been there for years and you have Bellevue Builders out front. I don't have a problem with it.

Ms. Scannell: Mr. Calder?

Mr. Calder: You're aware that the Town will be checking everything?

Mr. Ciliento: Yes.

Mr. Calder: "Inaudible..." The building department will inspect the facility to confirm that the existing floor drains and all of this other stuff is done or not done.

Mr. Ciliento: We will have an inspection before we start, is that what you are saying?

Mr. Calder: Yes.

Mr. Ciliento: I can do that, no problem. I can pull a building permit. I don't know if I should. I have a permit originally when I remodeled the place and we have a CO on it.

Mr. Collins: "Inaudible..."

Mr. Comenzo: You're going to need something. He's going to need something before he gets something from the DMV. So, he will be...

Mr. Ciliento: I don't think there is any floor drains in that bay.

Ms. Scannell: They will just make sure; the building department will just make sure.

Mr. Ciliento: I know there isn't.

Ms. Scannell: As far as any fees or anything, your final fees are due for the Waiver of Site Plan for \$100.00 and the advertising is \$94.60. So, that amount is outstanding but I don't believe that you will not need a building permit, to the best of my knowledge.

Mr. Ciliento: So, do we just call up the town and get an inspection done?

Mr. Comenzo: You have to fill out a form and that is what triggers the Building Department to go out there and inspect. So, you fill out a building permit but it's literally just one page and you attach your site plan to it and the conditions of approval will be attached to that. The Building Inspector will go out there and do the inspection and then your tenant will need that otherwise he's not going to get his license from DMV.

Mr. Ciliento: So, another form, fill it out and have the inspector come...

Mr. Comenzo: You can have your tenant do it too.

Mr. Ciliento: Can I get it online?

Mr. Comenzo: Yes.

Ms. Scannell: If you need any help getting it you can call DPW and Lisa will help you or if your tenant wants to call, the girls...

Mr. Ciliento: I'm going to let him do that.

Mr. Comenzo: You might as well and then his name's on it. He's going to need his name on it for DMV.

Mr. Ciliento: All right, that is good and I will do that. That way he can deal with whatever he has to get done. That's a good plan and I will pass it on.

Mr. Calder: Just give him a copy of...

Mr. Ciliento: Then I will have him come down and fill out the form and get the inspection. He has to have a number associated with that spot anyway. I think once he gets an inspection sticker or registration...

Mr. Comenzo: There is a whole process from DMV.

Mr. Ciliento: He's going to need it anyway for his own purpose. I will have him take care of that.

Ms. Scannell: Mr. D'Alessandro?

Mr. D'Alessandro: "Inaudible..." I just want to make sure the conditions are met. If you are having a car shop in there, be considerate of the neighbors in the back if they are working at night with the noise.

Mr. Ciliento: I told him to decide on hours. He shouldn't be running any type of wrench in there after 6 or 7 pm. I'm thinking that should be long enough. We are not going to get complaints and if we do, we will address them.

Mr. D'Alessandro: That's all that I have.

Ms. Scannell: Mrs. Flansburg?

Mrs. Flansburg: Everything has been addressed and all the comments are on the site plan and I think it's a great project for the area. I have nothing further.

Ms. Scannell: Thank you and you and your tenant have been very busy. I saw all the tires stacked up next to the dumpster. That was great. There was some in the front, if you want to mention to him to maybe stack those up in the back too, but it really looks good like night and day. It looks good.

Mr. Ciliento: I think he's going to get a metal dumpster that he can operate that way he can put mufflers and all that stuff in a metal dumpster to recycle that and then have a regular for the garbage. "Inaudible..." I will control that to a certain point.

Ms. Scannell: Would someone like to make a motion?

Mr. Comenzo: This is a public hearing.

Ms. Scannell: Is there anyone in the audience that would like to speak on this? There is no one here to speak for the public meeting so, I will now close the public meeting.

Would anyone like to make a motion?

Mrs. Flansburg: Is this on SEQR or special use permit?

Mr. Comenzo: This is for SEQR.

Mr. Collins: I will make a motion.

Ms. Scannell: We have a motion. Do I have a second?

Mrs. Flansburg: I'll second.

Ms. Scannell: Please call the roll.

Ms. Carter: Mr. Collins?

Mr. Collins: Yes.

Ms. Carter: Mrs. Flansburg?

Mrs. Flansburg: Yes.

Ms. Carer: Mr. D'Alessandro?

Mr. D'Alessandro: Yes.

Ms. Carter: Mr. Calder?

Mr. Calder: Yes.

Ms. Carter: Mr. Signore?

Mr. Signore: Yes.

Ms. Carter: Mr. Miglucci?

Mr. Miglucci: Yes.

Ms. Carter: Ms. Scannell?

Ms. Scannell: Yes.

Now, we have a zoning coordination referral from the Planning Commission to Schenectady County Department of Economic Development and Planning. I just want to make that part of the record. I don't believe any action needs to be taken on this, correct Peter?

Mr. Comenzo: Correct. The only other actions would be the special use permit and then the site plan.

Ms. Scannell: Do I have a motion for the special use permit?

Mr. Miglucci: I will make the motion.

Ms. Scannell: Mr. Miglucci has made the motion. Do I have a second?

Mr. Calder: I'll second.

Ms. Scannell: Please call the roll.

Ms. Carter: Mr. Collins?

Mr. Collins: Yes.

Ms. Carter: Mrs. Flansburg?

Mrs. Flansburg: Yes.

Ms. Carter: Mr. D'Alessandro?

Mr. D'Alessandro: Yes.

Ms. Carter: Mr. Calder?

Mr. Calder: Yes.

Ms. Carter: Mr. Signore?

Mr. Signore: Yes.

Ms. Carter: Mr. Miglucci?

Mr. Miglucci: Yes.

Ms. Carter: Ms. Scannell?

Ms. Scannell: Yes.

The motion is carried. Do I have a motion for the final site plan.

Mrs. Flansburg: I'll make a motion that we approve the final site plan including all the written and oral comments on the project.

Mr. Signore: I'll second.

Ms. Scannell: Thank you Mrs. Flansburg and Mr. Signore. Please call the roll.

Ms. Carter: Mr. Collins?

Mr. Collins: Yes.

Ms. Carter: Mrs. Flansburg?

Mrs. Flansburg: Yes.

Ms. Carer: Mr. D'Alessandro?

Mr. D'Alessandro: Yes.

Ms. Carter: Mr. Calder?

Mr. Calder: Yes.

Ms. Carter: Mr. Signore?

Mr. Signore: Yes.

Ms. Carter: Mr. Miglucci?

Mr. Miglucci: Yes.

Ms. Carter: Ms. Scannell?

Ms. Scannell: Yes.

Motion is carried and you are good to go. Thank you very much.



Town of Rotterdam
Office of the Planning Commission

Kimberly Ricker Scannell, Chairman
Peter J. Comenzo, Senior Planner

Telephone (518) 355-7575
Facsimile (518) 355-2725

Resolution Number PC18-2024

Moved by Mr. Miglucci seconded by Mr. Calder
Applicant: 496 Rotterdam LLC

- Applicant:** 496 Rotterdam LLC
- Project Location:** 496 Duanesburg Road
Rotterdam, NY
- Tax Number or Numbers:** 48.18-7-2
- Proposed Project:** Special Use Permit approval to convert an existing ±2,078 square foot tenant space in a three (3) tenant ±7,328 square foot building from a garage to a motor vehicle repair facility on a ±1.15 acres.

WHEREAS, public meetings were conducted by the Town of Rotterdam Planning Commission held on February 20, 2024, and a public hearing held on March 19, 2024, to consider the above referenced Special Use Permit and,

WHEREAS, this matter was discussed and approved, as meeting the standards for a Special Use Permit Review as set forth in Chapter 270 of the Code of the Town of Rotterdam entitled ZONING and,

WHEREAS, the Town of Rotterdam Planning Commission after careful consideration of the application, testimony of the applicant and/or representative and members of the public in attendance at the hearing, and all other materials of record **HEREBY APPROVES THE SPECIAL USE PERMIT; NOW**

IT IS HEREBY RESOLVED THAT this Special Use Permit is approved with the following conditions as stipulated by the Planning Commission:

1. Final Fees Due:

Waiver of Site Plan	\$100.00
<u>Advertising</u>	<u>\$ 94.60</u>
	\$194.60
2. Prior to the issuance of a Certificate of Compliance, the Building Department shall inspect the facility to confirm that no floor drains exist in the garage as they are not permitted pursuant to DEC regulations.
3. The existing buffer on the eastern portion of the property abutting the residents on Frank Street shall be maintained and kept in an orderly fashion.
4. No more than 10 vehicles shall be stored outside at any time. All vehicles on-site must be in the process of being repaired for customers only. Long term storage of vehicles (more than 2 weeks) is prohibited. Failure to adhere to this condition may result in revocation of the Special Use Permit.
5. All repairs shall be performed within the principal building on the premises.

Resolution Number PC18-2024

Moved by Mr. Miglucci seconded by Mr. Calder

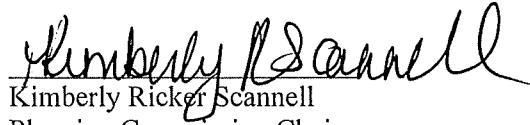
Applicant: 496 Rotterdam LLC

Page 2

6. No bodywork or auto painting shall be performed on-site.
7. No vehicle shall be parked less than 10 feet from any property line.
8. The sale of motor vehicles is strictly prohibited.



Peter J. Comenzo
Senior Planner



Kimberly Ricker Scannell
Planning Commission Chairman



Town of Rotterdam
Office of the Planning Commission

Kimberly Ricker Scannell, Chairman
Peter J. Comenzo, Senior Planner

Telephone (518) 355-7575
Facsimile (518) 355-2725

Resolution Number PC19-2024

Moved by Mrs. Flansburg seconded by Mr. Signore
Applicant: 496 Rotterdam LLC

- Applicant:** 496 Rotterdam LLC
- Project Location:** 496 Duanesburg Road
Rotterdam, New York
- Tax Number or Numbers:** 48.18-7-2
- Proposed Project:** Final Site Plan to convert an existing ±2,078 square foot tenant space in a three (3) tenant ±7,328 square foot building from a garage to a motor vehicle repair facility on a ±1.15 acres.

WHEREAS, public meetings were conducted by the Town of Rotterdam Planning Commission held on February 20, 2024 and a public hearing held on March 19, 2024, to consider the above referenced Site Plan and,

WHEREAS, this matter was discussed and approved, as meeting the standards for a Site Plan Review as set forth in Chapter 249 of the Code of the Town of Rotterdam entitled SUBDIVISION OF LAND and,

WHEREAS, the Town of Rotterdam Planning Commission after careful consideration of the application, testimony of the applicant and/or representative and members of the public in attendance at the hearing, and all other materials of record **HEREBY APPROVES THE SITE PLAN; NOW**

IT IS HEREBY RESOLVED THAT this Site Plan is approved with the following conditions as stipulated by the Planning Commission:

1. Final Fees Due:

Waiver of Site Plan	\$100.00
<u>Advertising</u>	<u>\$ 94.60</u>
	\$194.60
2. Prior to the issuance of a Certificate of Compliance, the Building Department shall inspect the facility to confirm that no floor drains exist in the garage as they are not permitted pursuant to DEC regulations.
3. The existing buffer on the eastern portion of the property abutting the residents on Frank Street shall be maintained and kept in an orderly fashion.
4. No more than 10 vehicles shall be stored outside at any time. All vehicles on-site must be in the process of being repaired for customers only. Long term storage of vehicles (more than 2 weeks) is prohibited. Failure to adhere to this condition may result in revocation of the Special Use Permit.

Resolution Number PC19-2024

Moved by Mrs. Flansburg seconded by Mr. Signore

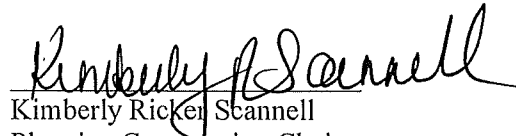
Applicant:496 Rotterdam LLC

Page 2

5. All repairs shall be performed within the principal building on the premises.
6. No bodywork or auto painting shall be performed on-site.
7. No vehicle shall be parked less than 10 feet from any property line.
8. The sale of motor vehicles is strictly prohibited.



Peter J. Comenzo
Senior Planner



Kimberly Rickett Scannell
Planning Commission Chairman



Town of Rotterdam
Office of the Planning Commission

Kimberly Ricker Scannell, Chairman
Peter J. Comenzo, Senior Planner

Telephone (518) 355-7575
Facsimile (518) 355-2725

6NYCRR PART 617
State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Date: March 19, 2024

This notice has been prepared in accordance with Article 8 of the Environmental Conservation Law by the Town of Rotterdam Department of Public Works Department (Reference: 6 NYCRR 617.5 Unlisted Action)

SEQRA Status: Type I
Type II
Unlisted

Conditioned Negative Declaration: Yes
No

Owner: 496 Rotterdam LLC
600 Consalus Avenue
Schenectady, NY 12306

Location: 496 Duanesburg Road
Schenectady, NY 12306

Tax Map Number(s): 48.18-7-2

Zoning: Light Industrial (I-1) Zoning District.

Action: Site Plan/Special Use Permit approval to convert an existing $\pm 2,078$ square foot tenant space in a three (3) tenant $\pm 7,328$ square foot building from a garage to a motor vehicle repair facility on ± 1.15 acres.

Reasons Supporting This Determination:

(See 617.7(a)-(c) for requirements of this determination)

This project was conducted as a SEQR coordinated review. The site plan was sent to all interested/involved agencies on February 21, 2024. The applicant has supplied an Environmental Assessment Form and the Planning Commission has or has caused to complete Part 2 of this checklist.

The applicants have requested Site Plan/Special Use Permit approval to convert an existing $\pm 2,078$ square foot tenant space in a three (3) tenant $\pm 7,328$ square foot building from a garage to a motor vehicle repair facility on ± 1.15 acres.

The existing industrial building currently exists on-site and is vacant and in poor shape. The applicant is proposing to rehabilitate and convert the building into 3 tenant spaces for commercial and/or industrial tenants will all activity to be conducted within in the existing building. The building is currently connected to municipal water and sanitary sewer. The existing parking area will be rehabilitated and new lighting installed which will be directed downward to reduce light impacts.

The Planning Commission has considered the following criteria to determine if this proposal has significant adverse impacts on the environment:

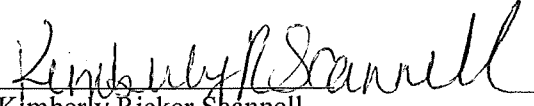
- (i) a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;
- (ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;
- (iii) the impairment of the environmental characteristics of a Critical Environmental Area.
- (iv) the creation of a material conflict with a community's current plans or goals as officially approved or adopted;
- (v) the impairment of the character or quality of important historical, archaeological, architectural, or aesthetic resources or of existing community or neighborhood character;
- (vi) a major change in the use of either the quantity or type of energy;
- (vii) the creation of a hazard to human health;
- (viii) a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;
- (ix) the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;
- (x) the creation of a material demand for other actions that would result in one of the above consequences;

- (xi) changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or
- (xii) two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

The Planning Commission has also considered the reasonably related long-term, short-term, direct, indirect and cumulative impacts, including other simultaneous or subsequent actions, which are:

- (i) included in any long-range plan of which the action under consideration is a part;
 - (ii) likely to be undertaken as a result thereof; or
 - (iii) dependent thereon.
- (3) The significance of a likely consequence (i.e., whether it is material, substantial, large or important) has been assessed in connection with:
- (i) its setting (e.g., urban or rural);
 - (ii) its probability of occurrence;
 - (iii) its duration;
 - (iv) its irreversibility;
 - (v) its geographic scope;
 - (vi) its magnitude; and
 - (vii) the number of people affected

The environmental effects of the above-described action were discussed at regularly scheduled Planning Commission Public meeting held on March 19, 2024 at the Rotterdam Town Hall, 1100 Sunrise Boulevard, Rotterdam, NY 12306. Adoption of this Negative Declaration was moved by Mr. Collins, seconded by Ms. Flansburg, and approved by the Rotterdam Planning Commission.


Kimberly Ricker Scannell
Planning Commission Chairman

2. RPK Real Estate, LLC – 330 Becker Drive. Sketch Site Plan/Special Use Permit Review to construct an additional ±4,320 square foot retail building with two (2) tenant spaces within the existing travel plaza located on a ±3.37-acre lot. Engineer: Doak Engineering Design, PC.

Ms. Scannell: Is anyone from Doak Engineering? Come to the microphone.

Mr. Doak: Good evening, my name is Brian Doak from Doak Engineering. I am representing RPK Real Estate regarding the development of a second lot “Inaudible...” a liquor store and a convenience store. This site plan that has been presented to you, I submitted to Mr. Comenzo and I have gotten the comments back that I am prepared to address tonight but basically the existing site, the new building will be adjacent to the existing building as shown on the plan and it’s about 4,320 square feet. It is intended to, originally, I thought it was going to be two (2) retail spaces but it sounds like we are going to want to go with one (1) retail space and the same space. One of the questions that was raised in some of the comments was to ensure that the existing utilities will support the new structure and they will. I have confirmed the existing onsite septic system and it’s on public water so there is no private water. There is no electricity draw practically. It’s retail space with lighting and security cameras and things like that.

I am prepared to answer any questions. You have seen the plans, you’ve seen the SEQR EAF, the application and if there are any questions, I would be happy to answer them now.

Mr. Collins: I have a question for Peter. Before he was doing two (2) stores and he was getting a variance on the parking. Does that change if he’s only doing one?

Mr. Comenzo: No, it’s based on the square footage. There would need to be a variance on the parcel.

Ms. Scannell: Thank you, Brian, for your presentation. What kind of mercantile are we looking at?

Mr. Doak: Well, at first, I thought it was going to be two (2) retail spaces as shown on the plans but I’ve learned that since there has been an application put in for a cannabis dispensary and I brought one of the owner representatives here tonight to explain that. I was not aware of that until the day before yesterday. I do know there is a process to go through with the town regarding cannabis dispensaries. They’re not talking about a lounge or anything like that. It is strictly a dispensary for sale of marijuana.

Ms. Scannell: So, since you weren’t aware of that when you were working on your plans, would parking be a consideration or concern at this point?

Mr. Doak: Well, whether its two (2) retail spaces or a cannabis space, they are all retail so, they all require the same amount of parking spaces. So, whether you have two (2) retail or one (1) retail it doesn’t make any difference.

Ms. Scannell: I know that we have seen in other projects, other areas, parking can sometimes be a problem. It looks like we are losing some parking spots. How many parking spots would we be losing?

Mr. Doak: Ninety (90) down to “Inaudible...” If you look at the plans you will see, I think we need by code we should have 94 and we are going to be going down to 71.

Ms. Scannell: So, we are losing 23 spots. In our packet, as you know, for people in the audience, just so you know, we are on staggered seven (7) year appointments so I think this is Mr. D’Alessandro’s 7th year, so he probably could say I don’t have to read all of that because I was here and I knew what happened but for someone like me, someone like Mr. Miglucci, it was good to just kind of bring up to speed to see kind of what had transpired. I visited earlier today and I did see that some of the parking spots appear to be used, maybe long-term storage or something for big trucks that didn’t have a cab on them.

Mr. Doak: I'm not aware of that. My observations, this is strictly passing by because I go up 88 all the time and back and forth, every time I pulled into that plaza, I don't see so many cars in that parking lot and I think most of the spaces were driven by the fast-food store, I think it's a Wendy's there.

Ms. Scannell: It's a Wendy's, right?

Mr. Doak: I never seen that parking lot anywhere near capacity and people live here and you can tell me better.

Ms. Scannell: Well, that is because there is not a mercantile there.

Mr. Doak: You do have retail with the liquor store and the convenience store.

Ms. Scannell: I did notice in the comments from other Planning Commission meetings that trucks were not going to be parking there so I was kind of surprised when I saw a big, giant truck without a cab on it, kind of being stored in a lot of parking spots. It seemed like, when I was there, there was one parked truck with a cab on it. So, it would be concerning if we are already losing parking spots that we are also losing parking spots to truckers resting and parking, which I understand. There may be times that there is not room across the street at Pilot. Mr. D'Alessandro?

Mr. D'Alessandro: I have one question and it's kind of confusing. Why was is considered 330 Becker when I can see if it faced Becker, it would be 330 Becker but it's facing Duanesburg Road. I'm kind of, what is going on here.

Mr. Doak: I believe that's the address shown on the tax map. It does address Duanesburg Road/Route 7 and I showed it on the plan like that. You can see the north arrow is pointing the wrong direction. It is Route 7 right across from the Pilot and the address is 330 Becker.

Mr. D'Alessandro: Number 6, when you were talking about the cannabis, I actually looked it up because Schalmont School is just down the street there was concern. I guess there is a 500' buffer from building to building. That is all that I have at this moment.

Ms. Scannell: Mr. Calder?

Mr. Calder: I don't have much. "Inaudible..." (Too far from recorder). No draw for the power for the sewer or water.

Ms. Scannell: Mr. Collins?

Mr. Collins: What I am concerned about is if it's a cannabis store. They bring a lot of traffic, they really do. I have been past the place in MA and it's jammed. The one near the outlets. I understand about the location because it's a prime location but they could be coming from Richmondville, whatever coming down that way, coming from Amsterdam so, I have a hard time taking away 23 parking spots because it's going to affect the other tenants have with the convenience store, the liquor store and Wendy's. Is it fair that you might be cutting into their parking spaces where they need it to run into the liquor or convenience store. A cannabis store is going to cause a lot of traffic. We already had one at Five Corners and someone wanted to put one at Little Super with four (4) parking spaces. If you go pass the one in MA, I mean it's jammed packed so, I have a real hard time giving up, personally and I am only one vote, giving up 23 parking spaces for a potentially very, very busy place. That is just my concern and like I said I am only one vote, that is a lot of parking spaces to give up. It's not like we are talking three (3) or four (4). Twenty-three (23) is basically about 20 or 25%, from 94 to 23 so, I have a concern about how much traffic that is going to generate and I know "Inaudible..." and you have to be 21 to buy it. That's a busy corridor now let alone adding to it because you are going to have a lot of people from out of town, especially people that don't want to buy cannabis in their own neighborhood especially if you have to show a license and everything else and if I live in Oneonta and go here, no one knows me.

Like I say, that is my concern to lose that many parking spaces for a potential busy place. And if they are only making one retail, that is going to be a big cannabis store. That is just my concern and like I say, I am only one vote. That is all that I have.

Ms. Scannell: Mrs. Flansburg?

Mrs. Flansburg: Just a couple of things and I was there after work today so like 4:30, 5 o'clock and Ms. Scannell was there earlier. The trailer was parked with no tractor. There were two (2) tractor trailers parked with no people in it and then there was a tractor trailer parked down a center isle because I was trying to maneuver around to see how much space this was going to take up. Unless there is a way to remove them, I don't know if they are welcome or not welcome, but obviously the one that has no tractor on it has been there a bit or intends to be there for a bit. It was actually not blocking but narrowing the exit out onto Becker to be able to get exit off onto the side road there. So, I'm with Mr. Collins, typically we as a Board are cognizant of when places do not need to have the required number of spaces depending on the use of the building, but in this case, it would be taking away a large number of spaces. So, I do have an issue with that.

I saw people sprinting from the parking lot over to the other building so I am just trying to think of the traffic flow, people, I'm not sure, I would have some safety concerns of that as well. That's all that I have.

Ms. Scannell: Mr. Signore?

Mr. Signore: I think Mr. Collins and Mrs. Flansburg pretty much said my concerns. It's not necessary to repeat them but if you have a business that does a lot of traffic and you're going backward in terms of space for it and we've had this issue before like they stated, a cannabis dispensary, the parking would be right out into the road. That's a concern for myself.

Ms. Scannell: Mr. Miglucchi?

Mr. Miglucchi: The parking spaces is an issue. What concerns me is I know I understand buffers and that but those kids from Schalmont walk up and down that street all day long after school and I would really hate to see someone get hurt over inadequate parking or a tractor trailer blocking and a kid tries to walk, parking is a big thing especially on a highway like that. We've had a lot of problems and accidents on that intersection and that is all that I have.

Ms. Scannell: Thank you, Mr. Miglucchi.

I noticed when I was going there this morning as well, and even on other times that I have been there not looking at it through a Planning Commission eye, it's a little confusing and hectic to get in and out of there. I know when I have been there previously, it was kind of busy. The Wendy's, the traffic flow like I understand it when I look at your sketch, it makes sense but everybody that is pulling in there isn't necessarily of having the benefit of looking at your sketch. I think what Mr. Miglucchi said about the kids that will walk down, if there are cars that cause overflow parking, they are going to do one of two things. They are going to park on Becker which we really don't want or they are going to park on Duanesburg Road which we really don't want. I'm very, very concerned about losing that many parking spots.

Some of the questions that DPW had were snow storage areas. Are those indicated on the...

Mr. Doak: No, they are not.

Ms. Scannell: That would be something that if this moves forward that we would definitely want to see. I know that I saw a dumpster kind of where that building would be. We would need to know what the plan was with the dumpsters. I'm guessing they would probably need their own and then where the dumpster for all the other places go?

One of the other comments an ADA compliant sidewalk, curbing, crosswalk, and signage will need to be established to create a pedestrian connection with the existing travel plaza. The existing drive-thru for Wendy's is very active and additional traffic control is warranted. So, that's pretty much saying what I said in a weird, roundabout, when I did go there it was early morning once and I was travelling and I needed to get gasoline and I wanted to get coffee and I didn't even get the coffee. By the time I pulled in, it was a zoo and really hectic there. I have some real concerns when we have seen in other municipalities when dispensaries have opened, parking is a problem. We have seen it on the news. We see people lining up. So, that is a concern.

Also, I would note that DPW comments include routine maintenance of the existing facility should be addressed. I know that the building inspector has been out there a couple of times and he has asked for compliance when it comes to picking up debris and while some progress has been made, he was out there again today and there is still some work that needs to be done as far as picking up the debris and the garbage and any of the dead and dying plantings along Becker Drive would certainly need to be addressed.

Mr. Collins: I want to thank you for being honest about the cannabis store. You could have very "Inaudible..." because once we get the "Inaudible..." I want to thank you for being honest and we take that into consideration and at least you were forthcoming and not just saying we are going to have I don't know what and then we give it up and then you come in and say I got it so, I want to thank you for at least being honest with your presentation and your documentation. That is all that I have. Thank you.

Ms. Scannell: Do you have any feedback or questions for us?

Mr. Doak: Yes, if I leave the plan strictly retail does that make any difference. If we were to leave it retail without any cannabis having this discussion, I don't do that...

Ms. Scannell: I personally would still have concerns. I would definitely want to know what the retail was. If it was some place that you would go. I'm going to get my hair done tomorrow night, I'm going to be there for three (3) hours and I'm going to take one (1) parking spot and it's just going to be me, but if it was a craft store where people are in and out, in and out, in and out, then parking for me would present a little bit of a problem and I would also still be very concerned about the "Inaudible" position of people getting in and out. I don't see a clean traffic pattern right now, certainly taking parking spots away and putting a retail establishment there would be concerning. Would you guys like to comment on it if it were a different store?

Mr. Collins: Like I said, the problem is and I'm not saying you would do this, but you could come in and say you're putting a 4,000 square foot "Inaudible..." we have to be very confident when we give back parking spaces that it is not going to bite us on the other end.

Mrs. Flansburg: And typically, we don't give parking spaces. You show us where you can actually put those parking spaces and you bank them. I don't see a place where you can bank spots. We typically don't say take out 25 spaces and then if your business grew and you needed those spaces, then you would have the ability to do it. I would not be comfortable without having shown banked parking spaces to be able to rectify what do you do if you are there and it is a zoo. Which you hope your business is super successful but I would have an issue with not being able to have banked parking there. It's not safe.

Ms. Scannell: Mr. Calder or Mr. D'Alessandro, would you like to answer that question any more than it has been answered?

Mr. D'Alessandro: No.

Mr. Calder: No.

Ms. Scannell: Mr. Miglucci? Mr. Signore?

Mr. Miglucci: No.

Mr. Signore: No.

Ms. Scannell: Does that help? Did our answer give you the answer you were looking for.

Mr. Doak: I will have to talk to the owner. They want to put a cannabis store there. With all due respect with everything has been said, my purpose is to come to you and discuss it and I wish there was a solution, I wish I could provide the banked parking but the field in front between 7 and the way the building would go, that is where the septic leach field is and then on the other side over near Wendy's there is a very complicated drainage percolation system there with drainage off the parking lot. The only thing I can suggest with regard to traffic flow and I'll bring this to the attention of the owner but maybe a few arrows would be appropriate to direct traffic in a more efficient way.

Ms. Scannell: That's great and that would be helpful.

Mr. Doak: Another comment that I would like to make is that the way that Code is now, we would be able to, if we met the parking, that is in the code now, we would be able to put a cannabis store there.

Ms. Scannell: Yes, you would be but you need parking.

Mr. Doak: If we had the 90 plus.

Mr. Collins: We are not saying that we are against cannabis stores. I will be honest with you. I wish the town never allowed it but that barn door is closed but it's all about parking and what it creates. If we concede to this, what happens when the next guy comes along and he says you gave him 23 spaces and I'm only asking for 15. Sometimes what we do we have to think what is going to happen six (6) months from now. I've been around for ten (10) years and I've seen things backfire and I'm a little more cautious.

Ms. Scannell: I can tell you when we received the plan originally, when I got the email from Peter, my first thought was I wasn't even thinking dispensary. I said what mercantile for two reasons – one (1) I like to go shopping and two (2), oh my god is it going to be a mess over there. Again, if you put something that has a lot of cars coming in and out it kind of adds to the chaos for lack of a better term. Mrs. Flansburg was there closer to the end of the day. I don't know if Wendy's serve breakfast but they didn't appear to serve breakfast when I was there at 10:08 this morning but what was dinner time like?

Mrs. Flansburg: There were a lot of people getting gas. They were people in the que for Wendy's but I was more concerned with that many tractor trailers blocking off that many spaces. Again, I'm not opposed to a dispensary, they are welcome we are just trying to find the best location to keep everyone safe.

Mr. Doak: It sounds like the truck parking thing is a separate issue.

Mrs. Flansburg: It is a separate issue.

Mr. Doak: Even if that was taken care of, there's still not enough parking.

Mrs. Flansburg: There is still not enough parking.

Mr. Doak: I'm wondering if that will go in five (5) years if things will even out.

Ms. Scannell: I understand what you are saying and if that were the case, then as a Board we might be not as reluctant to let you not have as many parking spots but right now, we have to look at it “Inaudible...” that nuts.

Mr. Collins: I thought we were not going to allow tractor trailer parking.

Mrs. Flansburg: There wasn't.

Ms. Scannell: There's not supposed to be.

Mr. Doak: I will pass that back to the owner.

Mr. Collins: We had this discussion when someone wanted to build an extra store there and it's not like we are just coming after you but I know we had conversations about no truck parking.

Ms. Scannell: For the owner's sake as well, all of the verbatim minutes have been included in the agenda from all of the other times that they have been here. Nothing we are saying tonight should come as a big surprise with regard to the tractor trailers. Nothing we are saying tonight should come as a big surprise with regard to the parking.

Mr. Calder: If you lower the size of the store, you could get more parking spots.

Mr. Doak: With the spot, most of the parking loss is right where the building is sited. There is really no other place. It's one or the other it's either parking or retail.

Mr. Collins: “Inaudible...”

Mr. Valiquette: So, at this time, you obviously have heard some of the comments from the Board, I think it's just important to summarize that from obviously from the Code standpoint that you reference that yes, if the parking did meet what the code said, yes, the cannabis store could be there. I also think that it's important to mention that there is already a liquor store nearby. This Board is not commenting about how what people choose to consume, this is about safety and it's about making sure that we are meeting what the needs of the community are and what is going to “Inaudible...” I just wanted to make that clear. As for SEQR, we would need to declare lead agency but that is up to the Board to do tonight. The Board can defer until you come back.

Ms. Scannell: I think that if we were to vote on something tonight it doesn't sound like with the parking, I don't think we would have everyone on Board. Peter, do you want to weigh in if we should declare lead agency? Do you want to come back with a different plan, Brian?

Mr. Doak: I think it would be wise to go back and talk to the owner and present another plan. I can come back with some valuable feedback. We don't need a beauty store for 3-hour parking but maybe some other retail that would be more in line with the loss of parking and being able to make it work for everybody. I think that would be the wise thing to do is go back and talk to the owner and knowing what we know now, I really need to feed that back to him so that a decision can be made.

Ms. Scannell: Thank you. We are not going to take any action tonight but we really appreciate you coming and talking to us about this. If you or the owner has any questions, they can get in touch with Peter or us.

Mr. Doak: Peter has been a great help.

Ms. Scannell: Thank you very much.

That is all the business that we have on the agenda for tonight. I will entertain a motion to adjourn.

Mr. Collins: I will make a motion to adjourn.

Ms. Scannell: Do I have a second?

Mr. Calder: I will second it.

Ms. Scannell: Please call the roll.

Ms. Carter: Mr. Collins?

Mr. Collins: Yes.

Ms. Carter: Mrs. Flansburg?

Mrs. Flansburg: Yes.

Ms. Carter: Mr. D'Alessandro?

Mr. D'Alessandro: Yes.

Ms. Carter: Mr. Calder?

Mr. Calder: Yes.

Ms. Carter: Mr. Signore?

Mr. Signore: Yes.

Ms. Carter: Mr. Miglucci?

Mr. Miglucci: Yes.

Ms. Carter: Ms. Scannell?

Ms. Scannell: Yes.

Meeting adjourned at 8:15 p.m.

Respectfully Submitted,

Marlo L. Carter
Planning Commission Secretary