

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

The Rotterdam Planning Commission held a meeting on Tuesday, November 19, 2024, at 7:30 p.m. at the Rotterdam Town Hall, 1100 Sunrise Boulevard, Rotterdam, New York 12306.

Present:	Kimberly Ricker Scannell Lynn Flansburg, Vice Chairman Mark D'Alessandro Clark Collins Wayne Calder Joseph Signore Joseph Miglucci Peter Comenzo, Town Planner Stephen Valiquette, Attorney Marlo Carter, Secretary	Excused:
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Chairman Scannell called the workshop to order at 7:00 p.m.

Waivers:

1. **Emad Al Hamdani (Lessee) – 2697 Hamburg Street.** The applicant requests a Waiver of Site Plan review to operate a smoke shop out of existing ±2,337 square foot building on a ±0.32-acre parcel.

Motion was made by Mr. Miglucci to approve the Waiver conditioned on the following:

1. Compliance with all NYS Building and Fire Codes.
2. Applicant shall obtain a Fire Inspection and/or Building Permit and be issued a Certificate of Occupancy from the Building Inspector/Code Enforcement Officer prior to operation.
3. The sale of cannabis and cannabis products is prohibited.
4. Dumpster enclosure needs to be installed per approved site plan.
5. Property has been connected to sanitary sewer, a water meter is installed, and Knox Box mounted on the front of the building.

Mr. Collins seconded the motion and vote resulted in unanimous approval of the motion.

2. **All American Entertainment LLC – 93 W. Campbell Road.** The applicant requests a Waiver of Site Plan review to operate a circus under two (2) tents from December 6, 2024 to December 15, 2024 in Parking Lot E (southern portion of former K-Mart lot) of ViaPort Rotterdam.

Motion was made by Mr. Calder to approve the Waiver conditioned on the following:

1. Compliance with all NYS Building and Fire Codes.
2. Compliance with all applicable state and county laws and regulations, including as applicable, Department of Labor safety inspection/approval requirements and Department of Health inspection/approval requirements.
3. Applicant must obtain a Fire Inspection and/or Building Permit and be issued a Certificate of Occupancy from the Town of Rotterdam Building Inspector/Code Enforcement Officer prior to operation.
4. Applicant shall be in compliance with Chapter 98 of the Town Code and receive a carnival permit from the Rotterdam Town Clerk prior to operation.
5. Applicant shall obtain a Mass Gathering Permit, prior to operation, if the expected customers to the site will exceed 1000 people in a 12-hour period.
6. Applicant to comply fully with Town Sign Code and obtain a building permit for any signage.

7. Applicant and vendors to comply with all applicable state and county permitting/licensing requirements relating to food service, food truck operation, alcohol sales.
8. ViaPort Rotterdam Mall shall provide security for this venue.
9. Town staff shall notify the Rotterdam Police Department and Schenectady County Sherriff's office.

Mrs. Flansburg seconded the motion and vote resulted in unanimous approval of the motion.

3. **Coexist Connections – 93 W. Campbell Road.** The applicant requests a Waiver of Site Plan review to operate a discount retail store in tenant space G-112, former Lids, ±1,250 square feet from December 1, 2024 to May 31, 2025 in ViaPort Rotterdam Mall.

Motion was made by Mr. Collins to approve the Waiver conditioned on the following:

1. Compliance with all NYS Building and Fire Codes.
2. Applicant must obtain a Fire Inspection and/or Building Permit and be issued a Certificate of Occupancy from the Building Inspector/Code Enforcement Officer prior to operation.
3. Applicant to comply fully with Town Sign Code and obtain a building permit for any signage.
4. Owner/applicant shall install Knox box for emergency personnel. Please contact Fire District #6 and/or #7 for specifics.

Mr. Calder seconded the motion and vote resulted in unanimous approval of the motion.

4. **Nicola DiLeva – 93 W. Campbell Road.** The applicant requests a Waiver of Site Plan review to sell Paparazzi jewelry in tenant space F-114, former Shapiro's Formal Shop, ±1,194 square feet from July 1, 2024 to June 30, 2025 in ViaPort Rotterdam Mall.

Motion was made by Mr. Collins to approve the Waiver conditioned on the following:

1. Compliance with all NYS Building and Fire Codes.
2. Applicant must obtain a Fire Inspection and/or Building Permit and be issued a Certificate of Occupancy from the Building Inspector/Code Enforcement Officer prior to operation.
3. Applicant to comply fully with Town Sign Code and obtain a building permit for any signage.
4. Owner/applicant shall install Knox box for emergency personnel. Please contact Fire District #6 and/or #7 for specifics.

Mrs. Flansburg seconded the motion and vote resulted in unanimous approval of the motion.

Attendance was taken and determined there is a quorum.

The Pledge of Allegiance to the Flag was recited.

Ms. Scannell: All right, first order of business is to approve the minutes of November 7th.

Mr. Collins: I'll make that motion.

Mr. Calder: I'll second.

Ms. Scannell: Thank you. Marlo, could you 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: Abstain. I was not here at the last meeting.

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 carried.

I see that we have a packed house tonight, so I'm going to go through our agenda. The first up we have BDJ Capital, LLC. We will be having a final site plan special use permit boundary line consolidation public hearing, which means at that time anyone that wants to speak on that matter, because it is a public hearing, will be allowed to do so.

We have Tomra Recycling up second. That is, this is the first time they have been in front of us. And we have one, two, three report and recommendations to the Town Board for three different matters.

Because this is not an opportunity to have a public hearing, and because you do have recourse with the Town Board with a public hearing and privilege of the floor, we won't be having privilege of the floor, which is our typical guideline for something that would only be a report and recommendation from this Planning Commission. And then the last item up is for 1826 Chrysler Avenue. This is the second time they have been back in front of us.

1. **BDJ Capital, LLC – 2623 & 2611 Guilderland Avenue. Site Plan/Special Use Permit Boundary Line Consolidation Subdivision Public Hearing to demolish and redevelop existing vacant structures for the location of 10 residential apartments and ±5,140 square feet of commercial space with up to four (4) commercial tenants on a consolidated ±0.62-acre parcel. Engineer: Empire Engineering PLLC.**

Mr. Scannell: So first up, BDJ LLC. And I believe we have Chris Longo here tonight. We also have our town designated engineer in attendance as well.

Thank you for being here. Hi.

Mr. Longo: Good evening. Christopher Longo, Empire Engineering, here representing Byron Diaz from BD Upstate Construction, who owns this property at 2623 and 2611 Guilderland Ave. As you head north, almost to the City of Schenectady, just on the west side of the road.

We've been for the public or for whoever might be here for the public hearing, I guess this is a little update. But we've been working at this with the Planning Commission for quite some time now. We've presented our initial plans to the board. We held several meetings with DPW and hashed out the plans that Byron has for this site, which does include the renovation of the main building, what was once Annabelle's Cafe, and the demolition of this side, what was once, I believe, that was the insurance.

But as I spoke to some other folks, it was also maybe the old ambulance building. So, a little bit of history with that, but that building's in disrepair. That will come down and that will be used for the parking lot side parking.

This project is in the new zoning district, the overlay district that the Town Board has created, Main Street Neighborhood Corridor. Although we weren't able to meet all of those new zoning requirements or zoning standards with this existing building renovation, we do certainly incorporate a majority of that parking on the side yard. And if you want to call that back area where there used to be a pool and a rear area there, that would be rear parking as well.

But the renovation here is to redo the first floor as retail mixed use. There isn't a specific tenant in place yet here, but four (4) different, I believe the commission does have the architectural renderings there, up to four (4) different tenants, whether it's a single 1,100 square feet, 1,250 square feet, or if somebody takes a double or a triple.

But first floor retail, business, office, and then the upstairs of the existing building would be eight (8) residential units. And then in the back, an addition off the back to kind of square up the existing structure would be two (2) first floor units. That would be a single-story addition in the rear.

So yeah, as I mentioned, we've been at the review and design review for quite some time. We have a detailed plan set with new parking, grading, lighting, and landscaping. We incorporated a sidewalk. We do have a front patio there to hopefully entertain some sort of food service restaurant style establishment there too. So that would kind of be a dressed up nice front patio on the south side or the left side of the building. I do have, I don't know if I have to go through all the comments from DPW, but I did read through them. I don't see any issues with the proposed conditions. And I would say maybe if there's just some specific questions on our last response letter or the TDE's final comments, which I do believe are technical and we're down to some finer points as far as lights and dumpsters and sidewalks and grades and whatnot though.

Ms. Scannell: So, I think, thank you. This is a very exciting project. In addition to what we've seen here in front of the Planning Commission, you've met with DPW a couple times, isn't that right?

Mr. Longo: Yes.

Ms. Scannell: And so, you were able to kind of get some feedback on that side of things, which kind of allowed you to be where we are tonight. I know that a lot of the comments that DPW had, you already have addressed. Is that correct? Like the bollards in front of the patio area, you shifted instead of bollards, you have big planters there, right? So already things have already kind of been met that typically might have come up at a Planning Commission meeting.

Mr. Longo: Yes. Yes. And certainly through, we've had two (2) meetings with DPW and two (2) response comments and responses to comments from the TDE since we presented to the commission in, I don't recall the date now, but it was, I believe, over the summertime.

Ms. Scannell: Yep. I think it was July.

Mr. Longo: July, yeah.

Ms. Scannell: We have our town designated engineer here tonight. If anyone has any questions, were you able to get the most recent TDE feedback?

Mr. Longo: Yes, I do have that, and we'll certainly address and respond to what comments are remaining. But like I say, we don't see any reason to not be able to meet all those comments and we do.

I guess for purpose of discussion here, one that maybe could have a conversation about it was their last comment about traffic and circulation. We are requesting a waiver to the parking standards. So here we're bound by the code schedule which calls out six (6) spaces for every thousand square foot of retail and then one and a half (1 ½) spaces for every multifamily unit.

So that would be 5,400 square feet of office commercial retail and then 10 units, so 15 spaces there. So here we do have some constraints and that was kind of another reason we needed to leave the bank of parking stalls in the front of the building, which isn't really an encouragement any longer. But we have the stalls in the front and the side. Basically, the way it boils down is if the residential units still get their one and a half spaces (1 ½), they get the 15 spaces. The remaining to be used by the retail, instead of hitting the number of six (6), which you could look at some other places around or some historical use in some existing nonconformance such as this, that six (6) is pretty high. We are proposing four and a half or 4.4 spaces for all of that commercial space.

And what that means is it's still upwards of 30 spaces for all of that area. And this early stage as far as trying to attract retail tenants, 5,400 square feet is kind of going to have a natural selection to it as far as if the restaurant moves in first or two professional services move in first. Somebody is going to close the ends of that with something that's compatible as far as parking goes. So, we do feel that that's an adequate number. The owner is accepting of that number. And we're not going to have people parking on the street when this is just built. I mean, ideally, the road is, that's something I didn't mention also. Ideally, the road is fully rejuvenated and fully brought back to what it used to be. Right now, there is a significant amount of vacancy around that area.

With this renovation, hopefully it will be a little catalyst to, this is a county road, so the county certainly could, they do have, I think there's some ideas for corridor plans there, nothing in stone, but if this was a hopping business and they were really filling up that parking lot, the county could certainly come up with some ideas for on-street parking. There's a lot of different players involved at that point, but this is hopefully the first of many good things here in the neighborhood, so we would see where that leads.

Ms. Scannell: I'm just going to circle on over to Ryan. It appears that everything that you've said with regard to the parking that we're on board with. Okay, so that's not a problem at all as far as that goes. I would like to address what you

said about the rejuvenation of that corridor. I think the Town Board, when they decided to move this area to encompass that part of Guilderland Avenue, had exactly this kind of thing in mind. I'm very excited about this. While I was disappointed that we had to keep the footprint of the existing building with the parking in the front, I see the need for it, and I think that this is exactly what we needed for this corridor.

I'm extremely excited about this, and I want to thank you and to thank Byron, really listening to the feedback of DPW. I know you've been busy, and I know your firm has been busy going back and forth, and we really appreciate that. I'm going to open it up to the Planning Commission now, and then I will go ahead and have the public hearing.

So, I'm going to start with you, Mr. Miglucci.

Mr. Miglucci: Oh, gee, thanks, madam.

Ms. Scannell: No problem.

Mr. Miglucci: All right, so there's ample parking for everything, 5,400 square feet, and you have enough parking spaces? You said six (6) per 1,000?

Mr. Longo: Six (6) is the code. We're providing about four and a half (4½) per 1,000, yeah.

Mr. Miglucci: I see you have a turnaround point for the tractor trailer for deliveries. There's enough room there?

Mr. Longo: Yes.

Mr. Miglucci: I have nothing else.

Ms. Scannell: Very good, thank you. Mr. Signore?

Mr. Signore: Do you have the DPW comment sheet with you?

Mr. Longo: Yes.

Mr. Signore: Okay, comments 9 through 12, are you confident that can be achieved?

Mr. Longo: Yes.

Mr. Signore: And comment 20?

Mr. Longo: Yes.

Mr. Signore: That's all.

Mr. Longo: Yeah, yes, we can work. Number 20 is a little bit weighted. Obviously, they're going to build it. There's going to be a period of construction.

Mr. Signore: Yeah, but you've got to stay ahead of it, though, right?

Mr. Longo: Yes.

Ms. Scannell: Very good. Thank you, Mr. Signore. Mrs. Flansburg?

Mrs. Flansburg: Similar to Ms. Scannell, I am really excited for this project. I think it is going to be a catalyst for that area, and it's close enough to the main intersection that I think it will help work its way toward the city line. I think it's a good start. I appreciate the work that you've done collaborating with the TDE and responding to the comments that we've had over the last several months.

Ms. Scannell: Very good, thank you. Mr. Collins?

Mr. Collins: I think it's a good project. I was really excited when you started because we had a problem with that house next door with some tenants that were kind of partying too much and doing some things that were probably not within the law. So that cleaned up that area. I've got a question. What's a half a car? A smart car? One of those tiny little cars.

Mr. Longo: It's on average.

Mr. Collins: They always say that, and it just kills me. But I think it's a great project, you worked well with us. You did everything we've asked. You've gone above and beyond. So, I'm excited to have this happen. And like Lynn said, it should rejuvenate. We've got the Napa across the street. Maybe somebody will do something with that. We've got the library, which I don't know what will ever happen with that because it's so small. But it's a great project, and it cleans up that area. That's all I've got.

Ms. Scannell: Thank you. Mr. Calder?

Mr. Calder: Chris, I suppose it's not too bad with 24 things listed. You only got one (1) with the parking that you're concerned about. The contractor is agreeable to everything except the parking.

Mr. Longo: I brought up the parking, which is what we were asking for the waiver for. So that's why I was just kind of spelling out the parking that we were providing. Out of the 24 conditions, no, there's no issues.

A large number of them are a listing of a future permit or another agency that will be involved, such as the County DPW for the right-of-way for the town stormwater department. And then another large number are some notes that will be added to the plan, and we have no issues with the notes.

Mr. Calder: I don't think the county is going to allow you to do any parking on that street.

Mr. Longo: No, and we do not propose any at this time. We're proposing a curb at the edge of the shoulder so that the white line remains intact, the shoulder remains. We'll propose a curb within that right-of-way. We did show this plan to the County DPW. They have given us a conceptual thumbs-up on it. It will need a highway work permit, similar to the town or our state highway would, but they did review this. At this point, it looks pretty similar to what Hamburg Street has with the curb and the raised sidewalk and then another curb on the back side of it.

Mr. Calder: That does look nice on there. It's the size of the project. I think it's a good idea. Thank you.

Ms. Scannell: Thank you. Mr. D'Alessandro.

Mr. D'Alessandro: I agree it's a good project. It's nice that you're repurposing that. Mr. Diaz does nice work, as we've seen before. So, I'm sure the project will be really nice. The other question I had just throwing it out there is, when we're all worried about parking, maybe across the street at the old Ferris's, you could rent something if it ever turns into an issue. That's just a suggestion. That's all I have.

Ms. Scannell: Thank you.

Mr. Collins: I've got one question. This is for Peter. Peter, you down there?

Mr. Comenzo: Yeah.

Mr. Collins: Isn't this part of the rejuvenation project for sidewalks?

Mr. Comenzo: Yeah, so right now the town's conducting a multi-mobile study in this area, which basically covers Guilderland Avenue, Curry Road, basically from four (4) corners all the way down to the roundabout, and then Helderberg Avenue, both the city and the part of the town. So, we're in the process of, I believe we have a public meeting we're going to schedule in December to kind of go through some of the findings. But this really is the first development in that corridor where we're looking at street amenities like sidewalks. There's been some discussion about having potentially on-street parking. I don't know if we're going to ever get there, given the constraints of the buildings being so close to the road and the size of the lots. I know there is on-street parking on Guilderland Avenue once you get into the city, but it's much more residential in that area. The roadway is a little bit wider, but these are the type of things that we're looking at in terms of redevelopment of that area, because as was pointed out, there's a lot of vacancies in that area, and really this is going to be hopefully the catalyst to see some more redevelopment of Guilderland Avenue in that vicinity, because it really could use a new project like this to move forward.

Mr. Collins: Thank you, Peter.

Ms. Scannell: One of the other things, too, I wanted to also thank you for publicly, and I know LaBella has been backing us up on this a lot, and I appreciate that. With regard to our complete streets plan that we have, looking at different methods of transportation, thank you for adding the bike racks. There are many residents here in Rotterdam that are looking for them wherever they go, so we appreciate that.

Byron, is there anything that you would like the Planning Commission to know? Okay. Just thought I would check. We do appreciate you being here.

I think at this point I'm going to go ahead and open up the public hearing. If anyone would like to speak for the public hearing on BDJ Capital, LLC, 2623 and 2611 Guilderland Avenue. Going once. Going twice. I'm going to close the public hearing. At this point, I would entertain a motion for final site plan approval.

Mr. Valiquette: Prior to that, I think we have to do a negative determination, SEQR.

Ms. Scannell: We have a neg dec, right, for SEQR?

Mr. Valiquette: Correct.

Ms. Scannell: Peter has prepared all of that documentation. We declared lead agency. So, do I have a motion to accept the neg dec?

Mrs. Flansburg: I'll make that motion.

Ms. Scannell: Thank you.

Mr. Collins: I'll second it.

Ms. Scannell: Thank you. Marlo, can you 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.

At this point, I would entertain a motion for final site plan approval.

Mr. Miglucci: I'll make a motion.

Ms. Scannell: Thank you, Mr. Miglucci. Do I have a second?

Mr. Calder: I'll second.

Ms. Scannell: Thank you. Marlo, 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. Miglucchi?

Mr. Miglucchi: Yes.

Ms. Carter: Ms. Scannell?

Ms. Scannell: Yes.

Mr. Comenzo: We have a Special Use Permit.

Mrs. Flansburg: I'll make a motion that we approve the special use permit subject to all the oral and written comments on the project.

Mr. Collins: I'll second that motion.

Ms. Scannell: Thank you. Marlo, could you 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. Miglucchi?

Mr. Miglucchi: Yes.

Ms. Carter: Ms. Scannell?

Ms. Scannell: Yes.



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 PC57-2024

Moved by Mr. Miglucci, seconded by Mr. Calder
Applicant: BDJ Capital, LLC

- Applicant:** BDJ Capital, LLC
- Project Location:** 2611 & 2623 Guilderland Avenue
Rotterdam, New York
- Tax Number or Numbers:** 48.20-2-7 & 48.20-2-8
- Proposed Project:** Final Site Plan/ Special Use Permit to demolish and redevelop existing vacant structures for the location of 10 residential apartments and ±5,140 square feet of commercial space with up to four (4) commercial tenants on a consolidated ±0.62-acre parcel.

WHEREAS, a public meeting was conducted by the Town of Rotterdam Planning Commission on July 16, 2024, and a public hearing on November 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 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 SITE PLAN; NOW**

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

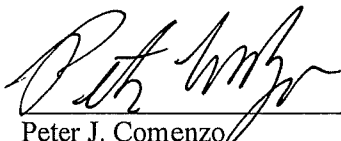
1. Final Fees Due:

Site Plan	\$350.00
Final Site Plan	350.00
<u>Advertising</u>	<u>44.55</u>
Total	\$744.55

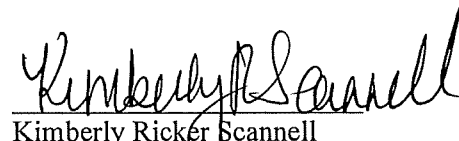
2. Dumpster enclosure has been modified and is now a masonry enclosure. Consideration should be given to adding a pedestrian door for the proposed apartment tenants and increasing size where sidewalk ends for better access.

3. Applicant has submitted a revised lighting plan on November 14, 2024. Prior to Chairman's signature, the final lighting plan shall be deemed acceptable or modified to the satisfaction of DPW and the TDE and shall meet suggested lighting modifications as outlined in the letter from LaBella Engineering dated October 30, 2024.
4. Add bollards along the east side of the building in front of parking spaces. Detail in plan set appears to be sufficient.
5. Add detail for concrete planters proposed for patio on final plans.
6. Detail ground cover on final plan set. North, east, and west perimeter should be shown as grass areas.
7. Approval is conditioned upon applicant addressing all Rotterdam DPW and TDE comments and full and final approval of the DPW.
8. The applicant must receive Highway Work Permits from the Schenectady County DPW for grading, utility, sidewalk, and entryway work onto Guilderland Avenue. Copies of all correspondence with the Schenectady County shall be provided to the Town.
9. Prior to the issuance of building permits, the applicant shall file the two-lot consolidation subdivision with Schenectady County and provide a copy to DPW.
10. Prior to issuance of grading and/or building permits, the Town Stormwater Management Officer shall review and approve the Stormwater Erosion Control Plan.
11. Prior to the issuance of a certificate of occupancy, all work in the County right of way must be completed.
12. Add note to plan: "Existing water lines shall be decommissioned in accordance with Town standards. Check with the Town of Rotterdam DPW for specifications."
13. Add note to plan: "No outdoor display of merchandise shall be permitted."
14. Add note to plan: "One water meter shall be installed on the service connection. Final type and location to be approved by DPW."
15. Add note to plan: "Owner/applicant shall install Know Box for emergency personnel." Check with Fire District #2 for specifications.
16. Add note to plan: "Sign permits shall be obtained for the proposed project identification signage including any proposed pylon, monument and/or building mounted signage."
17. Add note to plan: "Building design shall be in substantial conformance to the proposed Exterior Elevations as prepared for BDJ Capital, LLC and presented to the Planning Commission on July 16, 2024."

18. Add note to Landscaping Plan: "Landscaped areas shall contain a sprinkler system."
19. Add note to plan: "No stockpiling or burying of construction debris, slash, stumps, or construction material is permitted."
20. Final approval is contingent upon the applicant receiving permits (site development and building) from the DPW Building Inspector.
21. Final approval is contingent upon Town DPW, Water and Sewer Department review and approval of the proposed water supply and sanitary sewer service for the project.
22. The applicant shall provide the Town of Rotterdam DPW paper and electronic AutoCAD file copies of the utility "As-Built Record Drawings" upon completion and testing of the utilities.
23. Prior to the issuance of Site Development and/or Building Permit(s) by the Town of Rotterdam, the applicant shall attend a pre-construction meeting with the Building Inspector and DPW staff to confirm the completion of the above stated conditions.



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

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Resolution Number Planning Commission 58-2024

Moved by Mrs. Flansburg seconded by Mr. Collins

Applicant: BDJ Capital, LLC

- Applicant:** BDJ Capital, LLC
- Project Location:** 2611 & 2623 Guilderland Avenue
Rotterdam, New York
- Tax Number or Numbers:** 48.20-2-7 & 48.20-2-8
- Proposed Project:** Special Use Permit Boundary Line Consolidation Subdivision Public Hearing to demolish and redevelop existing vacant structures for the location of 10 residential apartments and ±5,140 square feet of commercial space with up to four (4) commercial tenants on a consolidated ±0.62-acre parcel.

WHEREAS, public meetings were conducted by the Town of Rotterdam Planning Commission on July 16, 2024 and a public hearing on November 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:

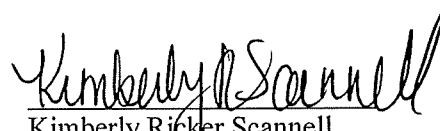
1. Final Fees Due:

Site Plan	\$350.00
Final Site Plan	350.00
<u>Advertising</u>	<u>44.55</u>
Total	\$744.55
2. Dumpster enclosure has been modified and is now a masonry enclosure. Consideration should be given to adding a pedestrian door for the proposed apartment tenants and increasing size where sidewalk ends for better access.

3. Applicant has submitted a revised lighting plan on November 14, 2024, prior to Chairman's signature, the final lighting plan shall be deemed acceptable or modified to the satisfaction of DPW and the TDE and shall meet suggested lighting modifications as outlined in the letter from LaBella Engineering dated October 30, 2024.
4. Add bollards along the east side of the building in front of parking spaces. Detail in plan set appears to be sufficient.
5. Add detail for concrete planters proposed for patio on final plans.
6. Detail ground cover on final plan set. North, east, and west perimeter should be shown as grass areas.
7. Approval is conditioned upon applicant addressing all Rotterdam DPW and TDE comments and full and final approval of the DPW.
8. The applicant must receive Highway Work Permits from the Schenectady County DPW for grading, utility, sidewalk, and entryway work onto Guilderland Avenue. Copies of all correspondence with the Schenectady County shall be provided to the Town.
9. Prior to the issuance of building permits, the applicant shall file the two-lot consolidation subdivision with Schenectady County and provide a copy to DPW.
10. Prior to issuance of grading and/or building permits, the Town Stormwater Management Officer shall review and approve the Stormwater Erosion Control Plan.
11. Prior to the issuance of a certificate of occupancy, all work in the County right of way must be completed.
12. Add note to plan: "Existing water lines shall be decommissioned in accordance with town standards. Check with the Town of Rotterdam DPW for specifications."
13. Add note to plan: "No outdoor display of merchandise shall be permitted."
14. Add note to plan: "One water meter shall be installed on the service connection. Final type and location to be approved by DPW."
15. Add note to plan: "Owner/applicant shall install Know Box for emergency personnel." Check with Fire District #2 for specifications.
16. Add note to plan: "Sign permits shall be obtained for the proposed project identification signage including any proposed pylon, monument and/or building mounted signage."
17. Add note to plan: "Building design shall be in substantial conformance to the proposed Exterior Elevation prepared for BDJ Capital, LLC and presented to the Planning Commission on July 16, 2024."

18. Add note to Landscaping Plan: "Landscaped areas shall contain a sprinkler system."
19. Add note to plan: "No stockpiling or burying of construction debris, slash, stumps, or construction material is permitted."
20. Final approval is contingent upon the applicant receiving permits (site development and building) from the DPW Building Inspector.
21. Final approval is contingent upon Town DPW, Water and Sewer Department review and approval of the proposed water supply and sanitary sewer service for the project.
22. The applicant shall provide the Town of Rotterdam DPW paper and electronic AutoCAD file copies of the utility "As-Built Record Drawings" upon completion and testing of the utilities.
23. Prior to the issuance of Site Development and/or Building Permit(s) by the Town of Rotterdam, the applicant shall attend a pre-construction meeting with the Building Inspector and DPW staff to confirm the completion of the above stated conditions.


Peter J. Comenzo
Senior Planner


Kimberly Ricker Scannell
Planning Commission Chairman



Town of Rotterdam
Office of the Planning Commission

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

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

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

Date: November 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: BDJ Capital, LLC
1035 Palazini Drive
Schenectady, NY 12303

Location: 2611 & 2623 Guilderland Avenue
Schenectady, NY 12306

Tax Map Number(s): 48.20-2-7 and 48.20-2-8

Zoning: Main Street Neighborhood Center (MS/NC)
Overlay District.

Action: Site Plan/Special Use Permit and boundary line consolidation subdivision to demolish and redevelop existing vacant structures for the location of 10 residential apartments and 5,140 square feet of commercial space with up to 4 commercial tenants on a consolidated ±0.62-acre parcel.

Reasons Supporting This Determination:

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

This project was conducted as a SEQR coordinated review. The applicant has supplied an Environmental Assessment Form and the Planning Commission has or has caused to complete Part 2 of this checklist.

The action is for Site Plan/Special Use Permit and boundary line consolidation subdivision to demolish and redevelop existing vacant structures for the location of 10 residential apartments and 5,140 square feet of commercial space with up to 4 commercial tenants on a consolidated ±0.62-acre parcel.

The existing commercial building on-site and is vacant and in poor shape. The adjoining parcel also contains an exist multi-tenant building that is proposed to be demolished. The applicant is proposing to rehabilitate, expand and convert the existing building into 10 residential apartments and 5,140 square feet of commercial space with up to 4 commercial tenants. 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.

This site is located in the Main Street Neighborhood Commercial Zoning Overlay District which was recently designated by the Town Board. This proposed mixed use is in keeping with the implementation of the Comprehensive Plan. Since the proposal is to reuse the existing structure, it is not possible to push the building up to the street line. However, the applicant will be required to remove large areas of pavement and create distinctive entryways from Guilderland Avenue. In addition, sidewalks will be installed along the roadway and a bicycle rack provided to support multi modal transportation options.

After a review of the application materials, Environmental Assessment Form, and comments received on this proposal, the Planning Commission of the Town of Rotterdam has determined that this proposal will not have a significant adverse impact on the environment.

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

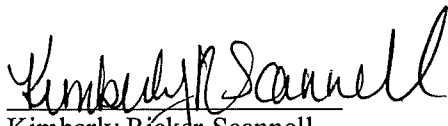
- (i) a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;
- (ii) the removal or destruction 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 the Planning Commission Public Hearing held on November 19, 2024 at the Rotterdam Town Hall, 1100 Sunrise Boulevard, Rotterdam, NY 12306. Adoption of this negative declaration was moved by Mrs. Flansburg, seconded by Mr. Collins, and approved by the Rotterdam Planning Commission.


Kimberly Ricker-Scannell
Planning Commission Chairman

2. Tomra Recycling, LLC – 31 Opus Boulevard. Sketch Site Plan review to construct a 36' x 100' addition for the location of an enclosed trailer tipper tower with a height of 70' on a ±4.33-acre parcel. Engineer: Delta Engineers.

Ms. Scannell: All right, moving right along, we've got Tomra Recycling, 31 Opus Blvd.

Mr. Lynch: Good evening, I'm Christopher Lynch. I'm an architect and senior project manager with Delta Engineers and Architects. With me is Mike Lynch, Director of Applied Safety and Capital Projects at Tomra Recycling. We're here to present an addition onto their existing facility.

It's basically a bottle and can recycling facility located up at 31 Opus Boulevard. It sits back from Burdeck Street up against the railroad tracks. Ultimately, the project encompasses renovating their office areas to provide better facilities for their employees and staff, and then the installation of a trailer tipper equipment on the west end of the building, where that would be enclosed with a steel structure.

Mainly the reason for that is because the equipment cannot operate in high winds, and in our area we get some pretty significant winds. So, on windy days, they can't operate the equipment when it's upwards of 60 feet in the air. So, we're looking to enclose that so that they can have essentially 365 days of operation for that piece of equipment. So, on the site plan here, we've got the addition is at this end of the building here. We will be repaving, remilling, and dealing with the drainage issue in the back corner of the lot.

Ms. Scannell: What are you proposing to do with regard to the remilling and the drainage?

Mr. Lynch: We're going to provide in the back a new trench drain here. So right now, when the site drains very poorly, there's a lot of areas that are not paved and a lot of debris gets pushed back into this corner. So, we're actually going to create a slot trench drain in that back corner and then tie it into the catch basin that's existing over here in the back as well where the scales are. That'll also be their location where they pile up snow during the winter.

So, as we mentioned, the addition will be on the far end of the building. It is significantly taller, but this is a permitted use in the industrial district. We're allowed up to 75 feet.

We're proposing 70 feet.

Ms. Scannell: And the existing buildings, how much?

Mr. Lynch: The existing building is...

Ms. Scannell: Sixty (60)-ish?

Mr. Lynch: No, 31. Yeah, the existing building is 31 feet tall.

Ms. Scannell: Even on the other side too?

Mr. Lynch: Yeah, the high point is 31.

Ms. Scannell: Never put me in charge of measuring anything.

Mr. Lynch: So, you know, this is not really going to create much of an eyesore because the property is set back from kind of the main road of Burdeck Street. You know, it's back up against the train tracks. Then there's just big open land behind there. I don't know if it's farmland or just someone's, you know, private acreage. But ultimately, you know, the equipment's not going to create, you know, excessive noise. Again, it being enclosed, it is in the industrial district.

And then I know Mr. "Inaudible" talked about kind of the traffic flow a little bit around the site for the trucks. The facility is not 24-7. They run typically two (2) shifts, eight (8) hours a day. Most of the year during the summers, there's a heavy time, so they'll run two shifts of 10 hours. That won't change with the installation of this new equipment. So, for the parking and any issues that may arise with the traffic flow, there's no change to the traffic flow that we have now. We do have a lease on this lot back here up through 2043. So, we have plenty of parking for our trailers. I kind of drawn an X to this. I don't know when this was taken, but we don't park anything here now. So, the normal traffic flow is we come in down Opus. We may leave it in this lot, or we'll come directly in right to the scale, get a weight. Then we come up and we back into the docks right now, which are on the front of the building. The proposed location for the tipper would be right here on the side. So, it's really no different than pulling up and backing in as well as we do now.

Ms. Scannell: Do you have a picture of your tractor trailer tipper? I had to Google it.

Mr. Lynch: It's pretty unique.

Ms. Scannell: It's awesome.

Mr. Lynch: Just so people that don't know, the tractor comes off, they back the trailer in, remove the tractor, and then it tips the entire 53-foot trailer in the air. We haul mostly air. It's empty bottles and cans. A trailer weighs around 4,000 pounds total. So those bags will slide right off. They'll go into a conveyor and go right into the building for processing.

We do have a section through that piece of equipment that will be part of our technical drawings. I didn't have one (1) prepared for us today.

Ms. Scannell: Yeah, they're pretty impressive. And it's very impressive to put it inside a building. So, Mr. Lynch, I wanted to tell you that when I went to visit your facility this past weekend, I met a very, very nice maintenance man that was there. He did all the right things. Hi, can I help you? I was out looking around saying, where are they putting this? He was very friendly, but he was also paying attention to what was going on in your property. But he was welcoming, so that was nice.

Sometimes we go places, and you never know.

Mr. Lynch: The employees are very excited about this project because there's a lot of manual lifting that we do now, dragging bags manually. And one of the things we're trying to solve for them is the safety aspect of not manually handling any of these bags anymore.

It'll be tipped and go directly into the plant.

Ms. Scannell: So, one of the things I did notice when I was there is, and I'm guessing that having something inside will help with this department, but there was a lot of debris outside and there was a lot of broken glass and a lot of bottles and cans and even garbage. It seemed to kind of be everywhere.

Mr. Lynch: That is correct.

Ms. Scannell: So, when you guys are talking about repaving and remilling and putting in the slot trench drain and all that, I mean, are you planning on cleaning up that mess?

Mr. Lynch: Yes, correct.

Mr. Lynch: So, on the end of the building currently, there are a number of, and you can probably see it from this aerial here, there's a number of kind of storage area, exterior storage for different materials. Those are all going to be removed.

Ms. Scannell: And ultimately, is the glass part being removed?

Mr. Lynch: The glass will be all condensed down into one area. You'll see in the back, there's kind of bunkers going along the back of the building.

Ms. Scannell: Yeah, I actually brought a picture. And for anyone on the Planning Commission that hasn't gone, moving forward, we're going to have to make that a condition of this because, you know, you're getting new neighbors, which is exciting. We've got a veterinarian that purchased that building over there.

Mr. Lynch: What building was that?

Ms. Scannell: The Hodorowski building.

Mr. Lynch: Oh, right.

Ms. Scannell: So, you know, there are folks that I know that you don't need to go back, you know, nobody should be bringing their dog for a rabies vaccine driving around the recycling plant. But hey, sometimes people get lost, right? So, it was kind of like borderline dangerous back there. I didn't drive my car back there because I, frankly, was afraid of all the broken glass.

So, getting that all cleaned up, I think, is an excellent idea. And I love the idea of your, I think this is the coolest thing. I can't wait to see it. But I'm going to open it up now to the Planning Commission. Mr. D'Alessandro.

Mr. D'Alessandro: Yeah, this has been ongoing with you guys for several years. You've come in front of the board several years ago and it was a mess back then. So, if you want us to approve something, this thing's got to be cleaned up. I mean, we're not going to approve it until something's done. And it's not right. That's all I have.

Ms. Scannell: Thank you. Mr. Calder?

Mr. Calder: How many employees are going to be working in this building?

Mr. Lynch: There's currently 50 and we think that number will probably reside around 30 once this addition, this trailer tipper is put on.

Mr. Calder: Thirty (30) for 10-hour shifts? Got two shifts?

Mr. Lynch: No, 15 per shift. 30 total. Then there'll be some office administration of approximately five.

Mr. Calder: And their parking is going to be where?

Mr. Lynch: It's in the front where it is now. Parking will stay basically right here, employee parking. If we're not adding or taking away, we'll be re-striping obviously with the re-milling. But you know, from my part calculations, I think we had three (3) or four (4) extra shifts.

Mr. Calder: I mean, if you're going to be back there, you've got this. But cleaning it up is important, so obviously we'll know that. I have nothing else. Thank you.

Ms. Scannell: Thank you. Mr. Collins?

Mr. Collins: I have a hard time rewarding bad behavior because that place is a whatever you want to call it and like Mark says, you've come here before and promised, promised, promised and you never clean it up. I mean, it's utterly ridiculous. It's an eyesore. People can get hurt even if they go back there and like Mark says, there's no way I'd even approve this unless I go over there and I see it clean because we've had you before this board before many, many times and it's the same thing. We'll clean it up. We'll clean it up and we get nothing and I'm not going to approve this project if you don't clean it up. That's all I have to say.

Ms. Scannell: Thank you. Mrs. Flansburg?

Mrs. Flansburg: So, go back for a moment. Is this, are you still going to have the traffic flow where you back in or every truck will go through this tipper and then it'll eliminate the need for the others?

Mr. Lynch: Fifty (50) percent of the trailers will be able to go into the tipper. The other 50 percent will stay at the docks where they are.

Mrs. Flansburg: What determines what gets tipped and what goes to the docks?

Mr. Lynch: Yeah, so what gets tipped when we pick up from customers, we have what we call drop and dock. So, we drop a trailer off, they load it and then they just say it's full, ready to go.

Mrs. Flansburg: Okay, like the redemption centers.

Mr. Lynch: Like Price Chopper, things like that. So, we'll bring that back and we have to manually count the bags on it so that will go to the dock because we don't have any inventory of what's in there. The ones that have the technology where it crushes it, it reads the barcode and everything, we know exactly what's on the trailer so we can tip that.

We can bring that into the building or when our driver goes and does a live pickup, so he'll go to a redemption center and he'll count and say there's 483 bags on this trailer of plastic, aluminum, glass, whatever it is, we take his word for it, and we can tip it on there as well. So only the, about 50 percent of the trailers are, we leave them for people to fill and then we come pick them up.

Mrs. Flansburg: Okay, because I'm of the mindset of my other board members up here that this has historically been an issue of having not just debris but literally garbage everywhere. So, I'm wondering if this will just alleviate it or eliminate it. So, we're asking for you to have it cleaned up in order for us to approve it and then maintain it.

And so, it sounds like this technology will allow you to assist in the process of maintaining it but still you're going to have to have protocols that assist you in getting the other 50 percent that's not going to be tipped inside your building to remain on your property.

Mr. Lynch: And every year we work on moving that pendulum from what we drop off and pick up to technology. Every year we get more technology put in so we're trying to get that to an 80-20 where 80 percent is we can tip it, and we can move through. It's just it won't happen in year one (1).

Mrs. Flansburg: But I'm guessing the more you tip the fewer employees you need so it's sort of a balance.

Mr. Lynch: Yes and no. There's a lot of processing on the back end when we pick up bales and load trailers and things

like that. It's more of a just taking the people we have now and shifting them to where we need them. We also have very, very high attrition in this plant so it's going to combat that issue as well.

Mrs. Flansburg: Okay, maybe some employee cleanup days. Everybody's outside for a couple of hours to help get you through. Thank you.

Ms. Scannell: Thank you. Mr. Signore?

Mr. Signore: You know I don't want to vote to hold your project back. I want to see you move forward. I mean the tipper is a good idea you know for a lot of reasons. You can't operate in high winds when you have to tip the tractor, and it'll keep a lot of blown debris you know inside the building. However, I'd like to see you make some progress on this cleanup before yeah I mean I'll support you, you know under the condition that you have to show some progress on this cleanup. So maybe we can put a condition, right?.

Ms. Scannell: I like that. Thank you. Mr. Miglucci.

Mr. Miglucci: Yeah, just the cleanup outside. I spent my whole career over 40 years for government OSHA and that's a mess. It's got to be cleaned up. I agree with that condition too.

Ms. Scannell: Thank you. So, what I'm kind of thinking here like Mr. Signore says, this is a great project and like Mrs. Flansburg has pointed out, this is going to help keep the debris inside your building and not outside where it is right now. But I also very much agree with what everyone here has said and what Mr. Collins so eloquently said that we don't like to reward bad behavior.

So, I'm thinking that we would consider as a Planning Commission tonight declaring lead agency. We're not going to send you away. We'll declare lead agency. But we're going to need two (2) things between now and the next time we get to see you guys again. One (1), I need it cleaned up. I do go and look at every single site and so do the rest of the Planning Commission. I will show up even if there's six (6) feet of snow on the ground with a shovel to see what's underneath the snow. So, I need to see progress between now and the next time that you're here because if we all go out and visit and you're coming the next day, we're not going to move this project forward. I think we've made ourselves very, very clear on that matter.

The other thing I think that I would entertain is a town designated engineer because we're talking about a piece of equipment that none of us know anything about that's going to be inside of a building that is two (2) and a half (1/2) sizes, two (2) and a half (1/2) times as big as the building next to it, right? And it's going to basically have a tractor trailer upside down inside of it. So those would be the two (2) things that I would want to see.

Mr. Collins: Can I make a suggestion?

Ms. Scannell: Yes, please do.

Mr. Collins: Can we ask the code enforcement to go over, like we can give us a progress report even to you that you went and saw some progress and, you know, we can get either Nate or Jeff to just take a swing by in the course of the day every week or so to make sure that they're making progress. And if they're not, then they can report to you or somebody.

Ms. Scannell: Sure, I would even undertake to head over there. It's on my way. I stop at Stewart's. I can swing in there as well. But yes, I think that's a good idea. What do you think about that, Mr. Lynch?

Mr. Lynch: I think that's a great idea. I would just caution you with the glass out back. Those bunkers, I mean, they're

going to remain active, so there will be a little bit that gets out into the driveway. Our semi-trucks roll right over with no issue, but just in that back. But again, stop in. Anybody there, I'll be glad to take you on a tour.

Ms. Scannell: And like I said, they were very, very friendly. And I think it's a great idea. And I, you know, we love the idea of recycling. We want you to be successful. So, help us help you help you. How's that? Okay. All right. So, I am going to accept a motion to declare lead agency for this.

Mrs. Flansburg: I'll make a motion that the Rotterdam Planning Commission declare lead agency for this project.

Mr. Signore: I'll second.

Ms. Scannell: So, we will be declaring lead agency with the condition of between now and the next time that we see you, cleanup is happening. Marlo, could you 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.

Very good. The next motion is going to be for a town designated engineer.

Mr. Calder: I will make the motion.

Mr. Signore: I'll second.

Ms. Scannell: Thank you Mr. Calder and Mr. Signore. Marlo, could you 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.

You know what your homework is. Thank you for being open-minded and understanding that we are coming from a place of good for our community as well as for your business. We look forward to seeing you.



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 PC59-2024

Moved by Mrs. Flansburg seconded by Mr. Signore

Applicant: Tomra Recycling, LLC

Applicant: Tomra Recycling, LLC

Project Location: 31 Opus Boulevard
Rotterdam, NY

Tax Number or Numbers: 48.13-2-40

Proposed Project: Site Plan review to construct a 36' x 100' addition for the location of an enclosed trailer tipper tower with a height of 70' on a ±4.33-acre parcel.

WHEREAS, pursuant to 6 NYCRR Part 617 State Environmental Quality Review the above referenced project is an Unlisted Action; and,

WHEREAS, the Rotterdam Planning Commission desires to establish itself as lead agency on this project; **NOW:**

IT IS HEREBY RESOLVED THAT, on this day, Tuesday, November 19, 2024, the Rotterdam Planning Commission hereby declares itself lead agency and authorizes the Rotterdam Town Planner to prepare, file, publish, and distribute all documents as necessary to comply with 6 NYCRR Part 617 (State Environmental Quality Review).

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 PC60-2024

Moved by Mr. Calder seconded by Mr. Signore
Applicant: Tomra Recycling, LLC

Applicant: Tomra Recycling, LLC

Project Location: 31 Opus Boulevard
Rotterdam, NY


Tax Number or Numbers: 48.13-2-40


Proposed Project: Site Plan review to construct a 36' x 100' addition for the location of an enclosed trailer tipper tower with a height of 70' on a ±4.33-acre parcel.

WHEREAS, the Town of Rotterdam does not employ an Engineer for the review of plans; and,

WHEREAS, the Rotterdam Town Board approved a list of Town Designated Engineers to be utilized for such plan review at its January 1, 2024 organizational meeting; **NOW:**

IT IS HEREBY RESOLVED THAT on this day, Tuesday, November 19, 2024, the Rotterdam Planning Commission hereby authorizes the Planning Commission Chairman to execute a contract with a Town Designated Engineer (TDE) to assist in Site Plan review for the above referenced project.


Peter J. Comenzo
Senior Planner


Kimberly Ricker Scannell
Planning Commission Chairman

3. Peter Road LLC – Peter Road. Report and Recommendation to the Town Board on a Change of Zone from Single Family Residential (R-1) to Multi-Family Residential (R-3) for the potential construction of up to 20 condominiums on a ±2.41 acres. Engineer: Brett Steenburg, P.E. PLLC.

Ms. Scannell: Next up, Peter Road, LLC, to support and recommendation to the town board on a change of zone from a single-family residential to multi-family residential for the potential construction of up to 20 condominiums.

Mr. Steenburgh: Good evening. Brett Steenburgh, Steenburgh Consulting Engineering. I'm here on behalf of Peter Road LLC, Mr. Lewandowski, who has owned the parcel at 759 Peter Road for I think over a decade now. He had several requests and projects over the years looking at developing this parcel. I believe all of them involved transient occupancy, apartment-style living to develop this parcel.

I recently met with Corey and we kind of looked at some different options that would allow him to develop the parcel in a manner that would basically be productive. Given the proximity to 890, the proximity to the new Stewart's, which hopefully will be being built, it really is kind of between a residential zone and a commercial and highway transit zone. So, we looked at some of the various things that have been successful in the Town of Rotterdam.

Condominium development, homeowner-occupied condominiums. It won't take you long to drive around Rotterdam and see condominiums embedded in beautiful single-family home residential communities. Stable Gate, Homestead, the new Crossings at Helderberg Meadows are building 124 condominiums. All three (3) of those products are being built by Pigliavento. You have White Birch Gardens on Helderberg Avenue. Again, all nestled within the proximity of single-family residences.

What this offers is an ability for first-time homebuyers, which is my son's graduating college this year. I shudder at the thought of him trying to purchase a home. Homes are starting three-quarters of a million dollars almost anywhere you go. So, what these condominiums offer is a great opportunity for first-time homebuyers and retirees, people downsizing, wanting to downsize within their community. If you look at the people who have purchased at those aforementioned condominium developments, that's very much what they are. The huge advantage to this particular parcel, especially for the first-time homebuyers, the young business professional, is the proximity to Interstate 890.

You can be anywhere in Albany in 15 minutes, anywhere in Schenectady in 15 minutes, just without much difficulty and much impact on the Rotterdam residential streets. Looking at this and looking at what's going on in Hamburg Street, all of the new redevelopment along Hamburg Street, I think adding door fronts within that proximity will only help foster the growth of the restaurants and the shops and all of the businesses that I'm sure the Town of Rotterdam would love to get along Hamburg Street. I'd love to see the development of that as well.

So, we sat down, and we looked at the parcel and we're proposing four (4) unit buildings similar to almost all of those I mentioned, Stable Gate, Putnam, all of those. And the reason we like the four-unit buildings, especially for home ownership, if you look at a lot of condominium developments, some of them where they have that interior unit where you have a front and back exterior wall. All of these are two (2) up, two (2) down.

So, every resident has three (3) exterior walls and only share one (1) common wall, which is nice because you have a lot of natural light, a lot of windows, and it becomes a much more sellable product for people who actually want to buy and live there and stay there. Whereas what we found a lot of times with the larger condominium buildings, where you have 10, 15 units in one building, you do get those units that aren't particularly as sellable. It's the, you have the issue with those interior units not being as sellable. I've seen a lot of those buildings where the owners and the developers have had to put those, some of those up for rent because those larger units, they're not, people don't want to buy a unit where they have one exterior wall or two exterior walls. These have been incredibly successful, especially in this market. And I think the biggest thing is, the site will be encumbered with a Homeowners Association for all the maintenance of the exteriors of the building, all of the maintenance of the site, the septic system, all of the utilities, the porous asphalt, the drainage, all of that will be maintained by a Homeowners Association, which money is set aside every year for the maintenance of that.

I'm sure all of you are familiar with HOAs. There have been a lot of them here, but money is set aside for that maintenance. So, this, in the residents, they want it to look nice because they're going to be at those HOA meetings saying, hey, listen, you know, we didn't get the leaves cleaned up last week. We really, you know, that type of stuff. So, it ends up becoming a community and a community of homeowners.

So, we spent a lot of time, we looked at this four (4) unit building. We're looking at five (5) of them on the site, a mixture of one (1) and two (2) bedrooms, which meets the R3 zoning requirements. We meet all of the R3 zoning requirements should this be changed to R3. And even exceeding some of the setback requirements by, I think the front yard setback is 30 feet. We're right at about 30 feet along Peter Road, but along the rear of the lots, I think it's 20-foot setback. We're at about 30 feet on those rear yard setbacks. And we're going to retain that existing tree and brush buffer along the rear of those yards to provide privacy to the residents behind and plant additional buffers on the south side of the property.

We can certainly, as we work through the planning process, look at different amenities that this board would feel see fit to, you know, look at for a development of this type within a community like the Highbridge Road community. So, we're here this evening seeking a positive recommendation from this board to the town board for the change of zone from R1 to R3.

Ms. Scannell: Well, thank you. I appreciate you being here. I think that we all need to remember that we're here for a report and recommendation. So, while I'm sure as a Planning Commission we immediately look at your schedule, we start asking questions. Where are we going to put the snow and where are we going to put this? I will tell you I really do like the idea of how private you are keeping this community. There's an awful lot of green space that I can see just by looking at it. Even this early on with a site plan we don't always see that level of trees. Usually, we're starting like with not a lot of trees and we're asking for more trees. So, I always like to say he who names first loses. So, I could also see moving forward, like you said, additional buffers or something like that.

I'm going to give the opportunity to everyone up here to kind of ask some questions, to make some comments. If they have any concerns, certainly you could address things. My own personal take is that I am at a point in my life where I'm making decisions, and my daughter is at a point in her life where she is making decisions. Our decisions might find us in similar locations and for some of the similar reasons. I have a five (5) bedroom, four (4) bathroom house right now. I mow a lot of lawn. I'm digging a lot of gardens and there's some days that I just sit back and say what am I doing? This is crazy. I'm one person and the idea of condo living, certainly as I get older, I'm 55 now, as I get older it is nice to have that maintenance done and kept up. My daughter's going to be 27. She's a professional woman. She does not ever want to ever take care of a lawn, but she wants it nice, right? She wants it to look nice. What price point are you looking at for these?

Mr. Steenburgh: I wish I had consulted with Corey beforehand, but it would probably, I would guess probably in the upper 300,000's.

Ms. Scannell: Do you find typically with condominiums at this price point in communities as small as this one, do you find more owner occupancy, or do you find less owner occupancy? In your experience.

Mr. Steenburgh: I find more owner occupancy. If you're going to invest that amount of money, you want to live there. I know the success the Pigliavento's have had in this community with Homestead and Stable Gate, and they certainly wouldn't be investing into 124 more condominiums at the Crossings if this wasn't a successful venture. We very much feel that this is something that would be sellable on this parcel. Again, the proximity to 890 for young business professionals is invaluable. They don't want to drive. They don't want to be in their car for an hour. They would like to have that ability to access their workplace quickly and easily.

Ms. Scannell: And then I think on the opposite side of the fence, we've also seen with folks that are eligible like I am for the 55 and up community over at Whispering Pines. So, there's folks too that might have children and grandchildren that have stayed in the area, and they just don't want to keep the big house anymore. All right, very good.

Mr. Miglucci, questions, comments, concerns?

Mr. Miglucci: Well, this obviously has to have a zone change. So, the convey's got to handle that. You know, apartments and condos, apartments and condos, I believe we have more than Clifton Park right now. So, it's a double-edged sword. You have people here that own properties that have been there for years. It's a lot to consider.

I believe the town board is going to have to take a look at that zone change.

Ms. Scannell: Right, well, so just to clarify for the record, the town board will be making the decision whether or not to grant the change of zone. All they are asking from this Planning Commission is for a report and recommendation. So, we would not be voting on anything whether or not to move forward with this project. In the event that the change of zone were to be approved by the Town Board, they'd be back in front of us and we'd be talking about the trees and the setbacks and the snow and where are we going to park and things like that. Mr. D'Alessandro?

Mr. D'Alessandro: Yeah, I've got a couple things. I've been on this board probably almost seven (7) years now. This project has been turned down multiple times. I knew as soon as Stewart's got approved, this was going to happen. But there's a residential neighborhood and it's there for a reason. Now we're getting encroachment with businesses, and I don't think that's right. Traffic on Peter Road and Sherman between you guys, no, between eight (8) and nine (9) and four (4) to six (6) is a nightmare. Now when Stewart's coming in, it's going to be worse. Yeah, I would rather see affordable homes there. Something that's going to blend in with the neighborhood. That's my opinion. *"Inaudible...people clapping and cannot hear what Mark is saying."*

Ms. Scannell: Thank you. Mr. Signore.

Mr. Signore: Your home is your castle and obviously all of you feel somewhat infringed or affected by what's going to go on here. I'm with two and a half (2½), almost two and a half (2½) acres. I'm okay with staying with the character of the neighborhood and perhaps putting residential homes because it's hard to tell people what they can do with their property when they own it. It's very difficult and I would feel much better with residential homes because it's within the character of that neighborhood. So, I really can't support the 20 condominiums.

Ms. Scannell: Thank you. Anything else, Mr. Signore?

Mr. Signore: No.

Ms. Scannell: All righty. Mr. Calder.

Mr. Calder: Well, I lived over there for 44 years on Day Road and I just went into one of the Pigliavento's condos about 6 years ago. When I was on the Town Board we disapproved this project, and the neighbors were very happy. I understand. I think the bigger fight, I don't approve of this by the way, but I think the bigger fight is going to be when the farmland across the street and that goes. That's going to be a tough one to stop. That's going to be sizable. I don't know, you know, of course, when that might happen, but I'm very familiar with this project and I, for one, have to agree with a couple of board members. I'm not going to vote for it.

Ms. Scannell: Mr. Collins?

Mr. Collins: Yeah, I've seen this project. This is the third time. I vote it down every time and I plan on doing that tonight. And since this isn't a public hearing, I'll say some things that make you think. I mean, you bought your homes for a reason. You want to live there. This guy, and I'm not criticizing him, he bought it for \$250,000. He sells these for \$300,000. He's bringing in \$6 million.

He's going to make a ton of money and go on and he's going to leave you guys. And you have the right to live in your home and neighborhood and not be infringed upon somebody that wants to. And he can build four (4) houses. Joe Signore, where he wanted, I lived next to it, and they wanted to put apartments and stuff on it, and we fought it. And now they've got seven (7) homes over there. It's a beautiful neighborhood.

Now the guy might not make enough money, but it's not my job to make him money. My job is to protect you residents that have lived here for years, paid your taxes, because I think of Rotterdam as a business. Every one of you has a share and if we build this and your house is worth \$250,000 now and you go to somebody who says, I don't want to look at condos, I'm going to give you \$200,000. So, your share went down after all the years you paid for it. And that's how I feel. And what's the problem is like Wayne saying across the street, you've got 13 acres. If we okay this, you've got to okay that. And in those 13 acres, we can build 50 or 60. So then what do we have? We've got condominium in heaven.

And now he said that out on Guilderland Avenue, but that's out on the outskirts. This is infringing upon your rights as residents that bought houses in the bedroom community to maintain the lifestyle that you wanted. It's not our job. And as far as I'm concerned, and my wife's on the town board, I will fight tooth and nails to make sure that this doesn't go through because you deserve your privacy. You deserve what you worked hard for. And this gentleman said that you can't, you can buy a lot of houses in Rotterdam for \$250,000. Somebody wanted to give me \$350,000 for mine. I'll sell it tomorrow. You know what I'm saying? So, I'm here for you.

I think you, you guys own Rotterdam and this board, I'm going to vote no. I don't know how the town board's going to vote, but they should take into consideration. I urge you when this becomes a public hearing with the Town Board, you come out like you are now and show your support against this because it's your homes and your livelihood and your way of life. That's all I have.

Ms. Scannell: Mrs. Flansburg?

Mrs. Flansburg: I've been on this board for quite some time and must have been even predating that property owner. There have been many iterations that have come through here. I have in my mind a former board member that was on here. I think they tried to put multiple apartment buildings on here where there was more building than green space and so this is atypical in that regard.

However, not necessarily to the same vehemence, I do not agree with this particular project because it's two-sided. We sit up here and we're trying to think of the best for our community and although I live on the complete other side of town, even I know Peter Road cannot have significantly more traffic added to it. You cannot get off of it onto Highbridge. But then on the other side, you are going to have new development of the Stewart's and so Highbridge is going to get busier and in a good way, right? We want to encourage business in our community. And then you also have multifamily tends to be a good buffer between business and single family, but I don't think in this case, like it's not a large piece of property. And I know that, similar to what Mr. Collins vehemently said, it's not our responsibility to make that particular property owner money.

I think each time this has come before the board, whatever the makeup of the board has been, it has been to say if you had come with single family homes, it wouldn't be as much of a discussion. There wouldn't be so much dissent coming from here. But with an entrance so close to Highbridge, with multifamily adding more traffic onto Peter Road, I don't agree with this particular project in this location. I think this spot is too difficult to do what you're trying to do, even though it looks, if you put it anywhere else, it looks perfect. I would be like, wow, you actually have more green than building. Having said that, they're absolutely right. If the property on the other side, we'd still have a traffic issue, unless maybe they had an entrance on Highbridge, and we don't need to speculate, but there's much more to deal with, and it's not abutting so many single-family homes that have been there. So, it's close. He's trying, but I just don't think that it's the appropriate place for it. Peter Road has enough issues on its own right now, and I will vote no.

Ms. Scannell: Thank you, Mrs. Flansburg. Well, I think that as a Planning Commission, I probably am the only one that thinks that this project does have merit. I have not been on this Planning Commission. I have not seen a hundred different proposals. So, when I came here tonight, I tried to look at this with fresh eyes for the first time, and to look at things from that lens and through that lens.

While I applaud my fellow Planning Commission members for respecting adjoining property owners' rights, I also have learned this past year just how strongly people feel about property owners' rights. So, I think that we are really working on finding that balance, and we are at some point allowed, all of us, to agree to disagree. This is not a Planning Commission decision. Our report and recommendation will be to the town board, and it will not be by the sounds of it. I'll entertain a motion for the recommendation.

Mr. Collins: Can I make a statement? I would just like to, sometimes I ramble, but I'm here as a Planning Commission member, not as a resident, and my sole purpose is to do my job as a Planning Commission Member and see projects. I just want to clarify that.

Mr. Valiquette: And what you mean by that is that as your role as a Planning Commission Member, you will not have any undue influence in that role on the town board. Is that correct?

Mr. Collins: Right.

Mr. Valiquette: Thank you.

Ms. Scannell: So, I would entertain a motion for a recommendation, which is what we're being asked for, a response and recommendation, so whoever wants to make the motion can make it the way they see fit.

Mr. Collins: I'd like to make the motion as a negative recommendation to the town board, not a positive, but a negative.

Ms. Scannell: We have a motion.

Mr. Calder: I'll second it.

Ms. Scannell: Thank you. Marlo, could you 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: No.

Motion is carried.

Mr. Steenburgh: Thank you for your input this evening.

Ms. Scannell: Thank you very much.



Town of Rotterdam
Office of the Planning Commission

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

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Resolution Number PC62-2024
Moved by Mr. Collins seconded by Mr. Calder
Applicant: Peter Road, LLC

**Resolution Adopting a Report and Positive Recommendation on
the Change of Zone Request by Peter Road, LLC**

WHEREAS, the Town Board of the Town of Rotterdam ("Town Board") has received an application from Peter Road, LLC the ("Applicant") for Change of Zone Request from Single Family Residential (R-1) to Multiple Family (R-3) to facilitate the potential construction of up to twenty (20) condominium units on a ±2.41 acres parcel located at 759 Peter Road (Tax Map No. 59.20-1-1); and

WHEREAS, the Town Board referred the Change of Zone application to the Planning Commission on November 6, 2024 for a report and recommendation thereon; and

WHEREAS, the Applicant presented the Change of Zone application to the Planning Commission at its regularly scheduled meeting held on November 19, 2024; and

WHEREAS, the Planning Commission reviewed the proposed Change of Zone at its regularly scheduled meeting held on November 19, 2024; and

WHEREAS, the Planning Commission has deliberated on the proposed Change of Zone;

NOW, THEREFORE, upon motion of Member Collins, seconded by Member Calder,

BE IT RESOLVED, by the Planning Commission of the Town of Rotterdam as follows:

1. The Planning Commission hereby adopts the following as its report on the proposed Change of Zone:

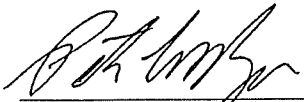
The Change of Zone request concerns one parcel comprising a total of ±2.41 acres located at 759 Peter Road. The ±2.41 acres parcel to be rezoned is currently zoned Single Family Residential (R-1). The property is surrounded by single family residential with a proposed Stewarts Shop convenience store located across Highbridge Road from this property. This area is very convenient for traveling to and from multiple locations.

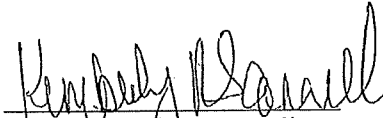
If rezoned to R-3, the following uses would be permissible:

Multi-Family residential as opposed to only single-family residential development.

2. Subject to the considerations set forth in Paragraph 3, below, the Planning Commission hereby adopts a **negative recommendation** on the **Peter Road, LLC** Change of Zone request for the following reasons:
 - A. The property is in an area predominately single family residential along Peter Road and the Highbridge Area with commercial property and multi-family development located to the north of the subject property across Highbridge Road.
 - B. Peter Road is a collector road for the single-family residential developments located south of the property and experiences traffic delays during the peak travel periods.
 - C. The Change of Zone may negatively impact property values in the immediate neighborhood and potential spur additional requests for Multi Family Residences.
 - D. The proposed Change of Zone is not in character with the existing development in the area.
 - E. Change of Zone applications to Multi-Family Residential have been requested for this property previously and comments/concerns have not changed.
3. Neither a negative recommendation by the Planning Commission, nor any rezoning action taken by the Town Board, should be construed as a denial or other negative position concerning any proposed conceptual development plan. Any proposed development shall remain subject to full review by the Planning Commission.

<u>Member</u>	<u>Aye</u>	<u>Nay</u>
Kimberly Ricker-Scannell		X
Mark D'Alessandro	X	
Wayne Calder	X	
Clark Collins	X	
Joseph Signore	X	
Lynn Flansburg	X	
Joseph Miglucci	X	


Peter J. Comenzo
Senior Planner


Kimberly Ricker Scannell
Planning Commission Chairman

4. Ziggy Viscusi, CNZ, LLC – Ft. Hunter Road. Report and Recommendation to the Town Board on a Change of Zone from Agriculture (A-1) to Two Family Residential (R-2) to facilitate a potential Three (3) Lot Subdivision on a ±1.825-acre parcel. Engineer: ABD Engineers & Surveyors.

Ms. Scannell: All right, next up, we've got Ziggy Viscusi. He's CNZ, LLC for Fort Hunter Road. Who's joining us tonight?

Mr. Hitchcock: This is John Hitchcock with ABD Engineers.

Ms. Scannell: Hi, John Hitchcock with ABD Engineers. Go ahead. It's all you.

Mr. Hitchcock: So, this is a rezoning proposed by CNZ, LLC. They have a 1.82-acre parcel on Fort Hunter Road, which is zoned Agricultural A1, which they would like to rezone to R2.

The site is just north of Valentine Drive, which is right here, and just south of an apartment building that is just to the north of it. The rezone to R2, obviously the site's not conducive for agricultural in this area. What they want to do is put some, like a duplex home in the front, because that's kind of in the character of Fort Hunter Road.

There's a lot of two-family homes down that road. But then on Valentine Drive, it's more single-family, so off the end of the cul-de-sac there, they're looking at a couple single-family residents back there. Just looking for our recommendation tonight and any questions you may have.

Ms. Scannell: Very good. So, I see exactly what you meant. You could tell that you were a little bit in agricultural area, but for sure there was so much residential building up around it. I know that a lot, like I said for the last presenter, a lot of times when you're looking at something, we're looking at it through a Planning Commission lens. That's not what we're here for. We're here for a report and recommendation.

I personally like the idea of the mix of the single-family home with the two-family homes. I think it allows folks, again, opportunities to be, in some instances, homeowners, mother-daughter, you know, situation like that, as parents are aging in our community. So, I will ask Mrs. Flansburg for questions, comments, concerns.

Mrs. Flansburg: So yes, I like what you've done. However, historically for me, the one (1), the lot on the left on Valentine, no, the other one (1). I have no issue with the one(1) out there. I have no issue with the one (1) on the right. The one in the middle would, to me, looks like a flag lot or keyhole lot. So just a little explanation, and I know this isn't site plan review. This is change of zone. The relationship or distance and such between your proposed and the existing building in front of it. You know what I mean? Like, the way the house is going to face, the distance between ...

Mr. Hitchcock: The existing house here?

Mrs. Flansburg: That one (1) and the one (1) to the left. How it's, the house that you're proposing is fully behind it. So, I say this because there are several, and one that I had approved early on in my term on this board, that once it was up, it was absurd that it ever got built in the first place because it was literally in someone's backyard. So, can you just explain that part to me for that one? Otherwise, all of the rest of it, I wholly agree with.

Mr. Hitchcock: So, the, ideally, and I can say this, but you know, somebody buys a lot, they're going to, they're going to be able to, you know, put the house any way they want. But if it was me buying the lot, I would put it how we show it. You know, so your driveway is facing the road there, not facing this person's backyard, this person's backyard. You know, I wouldn't want my house facing their house. At least my, at least the front of my house.

Mrs. Flansburg: And in return, the people who live in those houses don't want to look out their backyard into someone else's house.

Mr. Hitchcock: Right. And I would likely tree or fence the yard too. But yeah, that would be the idea. You come in your driveway, come in and park in your garage, and the front of your house is there, your septic systems in your backyard. We have municipal water there, so we don't have to worry about water. And we have very good sand there, so the septic is, shouldn't be any issue at all.

Mrs. Flansburg: So, for me, I don't have an issue with the change of zone, which doesn't approve your site plan.

Mr. Hitchcock: Right. Exactly.

Mrs. Flansburg: So, I don't want to have you get stuck or hung up on that. That's the only issue that I have is that particular property, that particular location. But I have no issue with anything else that you proposed, and changing the zone, because having, if the agriculture is just not fitting into what's going on over there.

Mr. Hitchcock: Right. And another thing that could happen is somebody could buy both those lots and want to put one big house there too.

Mrs. Flansburg: Correct.

Mr. Hitchcock: That's always an option. Right, which is why I wouldn't want to hold it in any way hostage because of what you have on there, because that's what you're proposing. But it's really, you're here for the change of zone, not the site plan that you have drawn. That's all that I have. Thank you.

Ms. Scannell: Thank you, Mrs. Flansburg. And I know that when we looked at this at a DPW meeting, again, we're looking at it through a completely different lens. And yes, yes, yes, a million times, yes, you're right, yes. We would, yes.

Mr. Hitchcock: Yeah, you got to show it works, otherwise this is pointless, right?

Ms. Scannell: So, we definitely understand. But I think there would be some, if it were to be approved by the Town Board and you came back, we're going to reconfigure a little, some stuff here.

Mr. Comenzo: Just a point. There's only 60 feet of road frontage at the end of that cul-de-sac. The highway superintendent met with me and has some very serious concerns about having two (2) driveways off the end of that. So, there is a 100 foot, right now it's 150-foot requirement. If the change of zone goes through, there will be a 100-foot requirement per lot. So, they only have 60 feet. So, they will still need a variance for one (1) lot. They'll need a big variance for two (2) lots.

So, this is conceptual at this point. Like I said, I think that the highway superintendent had some really serious concerns with having two driveways, because there's really no way to push snow. And there's no way to really turn around. It's a difficult remnant of a road that potentially might have had some potential for future development. I know the Valentine's owned this property and they also own the property that's been developed with multifamily residential. That was vacant at the time that Valentine Drive went in.

So, I believe that is why the cul-de-sac, or at least the right-of-way, is shown that way. But if you look at the right-of-way, it literally comes up to the gentleman that lives at the end of Valentine Drive, almost up to his front door. So, there were some concerns, you know, even to go in and for the Town to go and clear that and to make a cul-de-sac for an extra driveway or to have the developer go in there and put, you know, do all that work, and rip up that whole lawn just to put in a, just to be able to squeeze another driveway in.

It doesn't meet the current zoning standards for road frontage for a lot. So, there's that.

Ms. Scannell: So, Peter, so as I'm hearing what you're saying with regard to our report and recommendation, while we might like this concept and possibly the Town Board could vote favorably, they would still need to have a variance from zoning at a very bare minimum.

Mr. Comenzo: They'll need a variance either way. I mean, they'll need a variance for one (1) lot at the end of Valentine Drive. They'll need a larger variance to get two (2). And like I said, there wasn't a whole lot of agreement from the Highway Superintendent, you know, in terms of looking at that to really try to squeeze two driveways at the end of that road in its current condition.

Ms. Scannell: So, the report and recommendation for a change of zone is for a change of zone period. It isn't necessarily a report and recommendation for exactly what we're seeing in front of us right now. That's something important for us all to keep in mind.

Mr. Hitchcock: And the driveway is something that, you know, me and Luigi talked about today and said that it's something we're probably going to have to handle.

Ms. Scannell: Mr. Signore?

Mr. Signore: I agree with the rest of, you know, with the lot being too small for driveways and stuff. We have like 130 feet between the middle home and the home in front of it, approximately.

Mr. Hitchcock: This one?

Mr. Signore: No, the one next to it. No, the other way.

Mrs. Flansburg: The middle home and the one (1) directly below it, like at six o'clock. That one, yeah.

Mr. Hitchcock: So, this is about 30 feet to...

Mrs. Flansburg: Maybe 180.

Mr. Hitchcock: Maybe 75.

Mr. Signore: We probably have to change some things around, I would think.

Mr. Hitchcock: Yeah, conceptual right now. But there's things we could definitely have to look at when we move forward with site plans.

Ms. Scannell: Anything else?

Mr. Signore: No, no.

Ms. Scannell: Mr. Miglucci?

Mr. Miglucci: I kind of agree with Pete here. I don't know if you said you went out there with Larry, but that looks kind of...

Mr. Comenzo: Well, I kind of want to reiterate the point that we're looking at the recommendation for a change of zone. So, this is all conceptual at this point. It's laid out this way, but in its final form, it's probably not going to look like this. It may only be two (2). It may be one (1). I mean, if the Zoning Board doesn't approve the variance for the end of Valentine Drive, they may be down to one (1) duplex that accesses Fort Hunter Road. I don't know. I mean, at this point in time, I believe the Planning Commission is just looking at a report recommendation to two (2) families.

Mr. Miglucci: That's all I have.

Ms. Scannell: Thank you. Mr. Collins?

Mr. Collins: Well, I understand you have a lot of work to do with the variances and DPW and especially the Highway, "Inaudible..." I don't have a problem with the recommendation, but you have a lot of work to do. That's all that I have.

Ms. Scannell: Thank you. Mr. Calder?

Mr. Calder: Well, I'm here for a positive recommendation for a change of zone, right? I'm not even concerned about the rest of it.

Ms. Scannell: Smart. Excellent.

Mr. Collins: You're the smartest one up here.

Ms. Scannell: Thank you. Mr. D'Alessandro?

Mr. D'Alessandro: We're just conforming the zone recommendation. Once it comes back, I'm sure you'll be tweaking it. That's all I have.

Ms. Scannell: Alright. Sounds good. Do I have a motion for a report and recommendation?

Mr. Calder: I'll make a motion for a positive recommendation.

Mr. D'Alessandro: I'll second it.

Ms. Scannell: Marlo, 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.

Alright, John Hitchcock, looks like you've got your work cut out for you. Convince the Town Board and hopefully we'll see you back here.



Town of Rotterdam
Office of the Planning Commission

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

Telephone (518) 355-7575
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Resolution Number PC63-2024
Moved by Mr. Calder seconded by Mr. D'Alessandro
Applicant: **Ziggy Viscusi, CNZ, LLC**

**Resolution Adopting a Report and Positive Recommendation on
the Change of Zone Request by Ziggy Viscusi, CNZ, LLC**

WHEREAS, the Town Board of the Town of Rotterdam ("Town Board") has received an application from Ziggy Viscusi, CNZ, LLC the ("Applicant") for a Change of Zone from Agriculture (A-1) to Two Family Residential (R-2) to facilitate a potential Three (3) Lot Subdivision on a ± 1.825 -acre parcel located off of Fort Hunter Road and the terminus of Valentine Drive (Tax Map Parcel No.71.6-4-3); and

WHEREAS, the Town Board referred the Change of Zone application to the Planning Commission on November 6, 2024 for a report and recommendation thereon; and

WHEREAS, the Applicant presented the Change of Zone application to the Planning Commission at its regularly scheduled meeting held on November 19, 2024; and

WHEREAS, the Planning Commission reviewed the proposed Change of Zone at its regularly scheduled meeting held on November 19, 2024; and

WHEREAS, the Planning Commission has deliberated on the proposed Change of Zone;

NOW, THEREFORE, upon motion of Member Calder, seconded by Member D'Alessandro,

BE IT RESOLVED, by the Planning Commission of the Town of Rotterdam as follows:

1. The Planning Commission hereby adopts the following as its report on the proposed Change of Zone:

The Change of Zone request concerns one parcel comprising a total of ± 1.825 -acres located at the terminus of Valentine Drive with additional frontage on Fort Hunter Road. The ± 1.825 -acre parcel to be rezoned is currently zoned Agriculture (A-1). The property is surrounded by both single family and multi-family residential development. This area is very convenient for traveling to and from multiple locations.

If rezoned to R-2, the following uses would be permissible:

The primary effect of a Change of Zone would be to eliminate all of the currently allowable uses for that portion of the parcel to be changed which includes Agriculture while adding allowable uses of the R-2 zoning district which is more limited and allows for the construction of either a one- and two-family residence per lot.

2. Subject to the considerations set forth in Paragraph 3, below, the Planning Commission hereby adopts a **positive recommendation** on the **Ziggy Viscusi, CNZ, LLC** Change of Zone request for the following reasons:

A. the property is in an area surrounded by similar uses, including single family residential on Valentine Drive and a Multi Family Residential property located adjacent and to the north of the subject property.

B. The applicant is proposing to include adequate buffering and stormwater management to lessen the impacts to the adjoining neighbors.

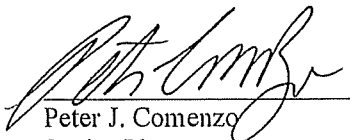
C. The site is proposed to have two potential points of access that being Fort Hunter Road and the terminus of Valentine Drive.

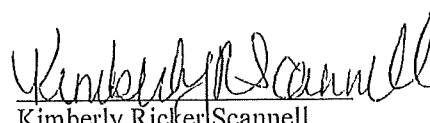
D. Any proposed subdivision to this property would be subject to Planning Commission approval. The location of two driveways onto Valentine Drive may be problematic and any proposed subdivision of this land would need variances to the Town Code for roadway frontage in order to proceed.

3. Neither a positive recommendation by the Planning Commission, nor any rezoning action taken by the Town Board, should be construed as an approval or other favorable position concerning any proposed conceptual development plan. Any proposed development shall remain subject to full review by the Planning Commission.

<u>Member</u>	<u>Aye</u>
Kimberly Ricker-Scannell	X
Mark D'Alessandro	X
Wayne Calder	X
Clark Collins	X
Joseph Signore	X
Lynn Flansburg	X
Joseph Miglucci	X

Nay


Peter J. Comenzo
Senior Planner


Kimberly Ricker Scannell
Planning Commission Chairman

5. Mark & Deanna Nardini – 313 Old Mariaville Road, Mariaville Road & Old Mariaville Road. Report and Recommendation to the Town Board on a Change of Zone from Agricultural (A-1) to General Business (B-2) for the potential construction of three (3) office/warehouse buildings. Engineer: ABD Engineers & Surveyors.

Ms. Scannell: Alright, so we've got Mark and Deanna Nardini, 313 Old Mariaville Road. Report and recommendation to the Town Board on a change of zone from Agricultural to General Business for the potential construction of three (3) office warehouse buildings. And we've got John Hitchcock again.

Mr. Hitchcock: John Hitchcock, ABD Engineers. This is a 3.07-acre parcel. Let me say that again, this is four (4) parcels that total 3.07 acres that is again, zoned Agricultural A-1, looking to switch this one to Business B-2.

It's owned by Mr. Nardini and he's looking just to do some contractor storage on the site. I believe this is all B-2 Business now and this is Agricultural to the that would be the West. Again, this site has some steep slopes in the back and a creek or a stream running through it, so it's not really agricultural land. Just looking to do something else with it. That's it.

Ms. Scannell: So, I know that there's a well on the property.

Mr. Hitchcock: Yeah, when I was wasn't involved when doing this design, so when I was reading through there I see that there is a well on it.

Ms. Scannell: Let's talk about the septic. Is there septic existing on it?

Mr. Hitchcock: Not that I know of.

Ms. Scannell: So, if you could please explain a little bit the concept I guess I'm confused because it's asking for office/warehouse buildings. It's a B-2 general business. Are we having offices? Are we going to do industrial flex space? Do we need people to have bathrooms? What's going on?

Mr. Hitchcock: My experience with contractor warehouses is that some of them do want a bathroom in there. We've done some with bathrooms in it. We've done some without. Recently over on, I think it was I can't remember the road in Rotterdam, but we just did one probably a couple years ago. But most of the time we have it set up so if they want a bathroom in there for their section of the warehouse it can easily be installed.

Ms. Scannell: So, would you easily be installing a septic system?

Mr. Hitchcock: Well, you would have it set up you know you don't necessarily have to install the septic system if you get nobody that wants a septic system in but you could still have the piping out of the wall capped everything in place if you ever had to come in and install a septic system.

Ms. Scannell: I'm going to ask Attorney Valiquette to please remind the Planning Commission allowing this property for a report recommendation to allow this property to go for general business. What exactly is that approving besides three (3) warehouses?

Mr. Valiquette: We're going from its currently agricultural and it's asking for B-2 business. So, B-2 business is anything that's basically anything that's R-1, R-2 or B-1 that also can include wholesale businesses, hospitals, data processing centers, food pubs and it has some additional special uses so car washes, vehicle repair shops, it looks like facilities for propane and propane accessories. I've been waiting a long time to say that. Any type of drive-in establishments like McDonald's, hotels, hospitals, convenience stores.

Ms. Scannell: Could a smoke shop be put up in there?

Mr. Valiquette: That would be a special use permit but yes.

Ms. Scannell: I know you said a McDonald's could go there or a car wash so again for our sake when we are approving something for this recommendation purposes only since we don't get to vote on this, but the Town Board would be taking into consideration any general business purpose could go there. Now at one time, John Hitchcock, before you were born there was believe it or not there's a slaughterhouse back there and so where the road ends you used to be able to go through there and my understanding from DPW is that there's a bridge that got washed away and that bridge is never going to be built again and on the other side of that bridge was where there was a slaughterhouse and it used to come out on the other side on Putnam Road.

Mr. Hitchcock: I'm assuming this is Putnam.

Ms. Scannell: No, no other side heading west and it used to go all the way through and so not that I think the Town is going to be rushing to be building a bridge or anything right now but there were businesses that were down there in the past in history. I guess that my concern when I'm seeing offices together with storage space I guess that I just personally have some concerns about when we give a report and recommendation if it were to be favorable that you're going to be back putting a McDonald's in there. I don't think it's going to be a McDonald's, but I'd like to say that to illustrate what just about anything could go there now we just approved the Town Board approved a change of zone for industrial flex space. I don't know based on all the water that you mentioned in your application that kind of runs through there it's not suitable for residential. So, I guess I would be concerned if we're going to be putting anything at all that would have a business purpose that would need any kind of septic or a carwash and again I don't think that you're going to be looking to put a carwash there but if you were approved if the town board gave you the change of zone we could be looking at anything there.

So, something to think about I'm going to start with Mr. Collins this time questions, comments, concerns.

Mr. Collins: I'm a little confused that happens to me now. I don't see a fire hydrants out there is there any?

Mr. Comenzo: There's no town water I think that lends itself to not having a McDonald's.

Mr. Collins: They are going to need fire protection somehow. How do you plan on fighting a fire if I'm not just being a devil's advocate if we're going to have offices and people there's a fire and if you're going to have bathroom facilities you do need water unless you're using chemical toilets which are kind of nasty. So, can you explain to me what you would do...

Mr. Hitchcock: So, we would just have you drill do your wells, you drill the wells you offer the water to the building, but the buildings are all going to be well under the threshold for requiring any kind of fire suppression system.

Mr. Collins: How are you going to fight a fire?

Mr. Hitchcock: I guess the same way they would fight a fire if one of the houses in the area burned down they'd have to bring a truck of water. We're not talking like offices where and I guess you could have an office, but I don't think this is really an area to have that it's more like the contract warehouse because these guys are coming in the morning leaving at night there's not a lot of residential that they could disrupt but they're coming in they're usually loading material. You would gear this towards like a landscaper or a roofer who's keeping stockpiles of material that he's going to need for a job he comes and loads it up. We just did one in Amsterdam for a concrete guy he keeps all his equipment in there and he's the sole user of the entire 6,000 square foot building and keeps his equipment, comes in grabs what he needs in the morning, goes to the job comes back drops it off.

Mark & Deanna Nardini
313 Old Mariaville Road, Mariaville Road & Old Mariaville Road

Ms. Scannell: So, I guess we're looking a little bit deeper and without a clear idea and again it's the application references offices. Just because you're and I mean no disrespect and I'm not trying to be a jerk but just because you're standing here showing me three (3) warehouses that would perfectly look great on that property perfectly situated and they don't need bathrooms, and they don't need anything and we say yes go ahead be one that sounds great and that's what we give a positive report and recommendation to the Town Board. Then they sell that property it's got a business zoning now. So down the road I think is where we are all looking and we're trying to look at it with a critical eye and say are we sure that this is what we want to approve for the rest of the history of that parcel. It gets to be B-2.

Mr. Hitchcock: I do believe that across the street is B-2. I believe they had that rezoned.

Ms. Scannell: Across the street...

Mr. Comenzo: Yes.

Ms. Scannell: Are you talking about behind the stack and store?

Mr. Comenzo: Mr. Nardini owns property that he uses for his equipment storage which is right at the entrance to Old Mariaville Road.

Ms. Scannell: I saw the equipment. I was there I saw the equipment somebody was on their tractor, and I waved.

Mr. Collins: I could see it as warehouse. I'm kind of up in the air should I say a little confused. I mean what threw me was the offices.

Mr. Hitchcock: I guess you say office in there, but I think it was more geared towards you know there might be a desk in there with a chair for the owner of the business. You're talking you know personal own roofing businesses or siding businesses and you know just a place where they need extra equipment, and they aren't stacking the stuff at their house or something like.

Mr. Collins: I mean it's a great location for out there because it's like you say it's a dead end you can store equipment out there for as long as I can remember and I remember when the bridge went away like I say it warehouses is one thing and then you know you open up a can of worms if you're going to have like offices with people and if there's a fire or problem. I'm a little concerned about that.

Ms. Scannell: It is kind of rural-ish, I mean but I'll tell you I live in a very one of the most rural parts of our town and believe it or not there's an office on Crawford Road. A Verizon office there's an office where people drive their cars and they have like 30 employees and you would never know it's there. So, I don't know are we recommending something that could potentially be different than this use? Mrs. Flansburg thoughts?

Mrs. Flansburg: This is a tough one because Mariaville Road lends itself to what they're trying to do but I see the other side of we know what you're trying to do but we're also approving it for the rest of time for what we would be giving it the ability to be. I don't know.

Mr. Collins: I have a question for the lawyer can we condition it?

Mr. Valiquette: Can you condition your recommendation just for warehouse and not for office.

Mrs. Flansburg: But that doesn't matter you're changing the zone.

Ms. Scannell: I actually just asked Steve is there some other kind of zoning change they could ask for instead of business B-2.

Mr. Valiquette: For business B-2 you get kind of that wholesale business storage that's something that you don't get in a B-1 zone. So, I think that's kind of what you're looking at. Some use of roofers, solar materials there that's within the B-2 zone that's not necessarily.

Mrs. Flansburg: Is B-1 more restrictive against something in particular or can we qualify it?

Mr. Valiquette: B-1...

Mr. Comenzo: Would not allow warehouses, that's retail business.

Mr. Valiquette: It would kind of limit to back up here, let's see B-1 is more like it would have banks, offices, restaurants you know a baking place, funeral home. It seems like B-1 is a bit more customer facing in terms of what is being offered in a B-1 whereas the B-2 does include more of a warehouse style kind of back end storage usage.

Ms. Scannell: Also, too from a B-2 perspective I get it. If the guy wants to put his own equipment in there it makes sense but if you have something else that becomes more commercial I mean it's not a commercially kind of area. That road is not equipped for it.

Mr. Hitchcock: I don't think you're going to see things like banks or restaurants.

Ms. Scannell: We don't think we are going to see that either, but we could see a business that goes down there. We could see a couple, it's not personal, it's not that we think that the Nardini's are going to do that but what happens if the Nardini's sell, or they change their mind. Mr. Calder questions, comments, concerns?

Mr. Calder: Well, I think if nothing else you're learning about some of the issues that you could have later. Again, I don't mean to repeat this but it's a zone change again we're getting ahead of ourselves. I think a little bit again it helps you and it helps us to understand too what may be facing to change the zone. The Town Board is going to make the final decision no matter what we do. I really don't have anything else.

Ms. Scannell: Thank you. Mr. D'Alessandro?

Mr. D'Alessandro: I do have a hard time voting for this. I would feel more comfortable tabling it for the next meeting, so we know exactly what's going to go on those plans. I would feel more comfortable tabling it for the next meeting.

Mr. Hitchcock: I don't think we're going to know exactly what's going on unless we have a zoning change because if we don't have a zoning change then nothing's going to go in there. I would not feel comfortable tabling it tonight.

Ms. Scannell: Well to Mr. D'Alessandro's point I understand it.

Mr. Hitchcock: I just wanted to put that out there.

Ms. Scannell: We appreciate that clarification to Mr. D'Alessandro's point sometimes giving the applicant an opportunity to come back to explain so, that we would better understand would be of great value perhaps you would get a positive recommendation where perhaps you might not get one tonight. That being said, even if the applicant were to

come back and they made a better job of letting us understand what exactly they wanted to do, I would still need to be convinced that in perpetuity it's not going to change.

Mr. Hitchcock: That's always the case. I understand where you're coming from.

Ms. Scannell: Mr. Signore?

Mr. Signore: I have to agree with the chairperson. I think it's got to be a little more definitive.

Mr. Hitchcock: Like she said we could be as definitive as we want to be when it comes to a site plan it could still be anything because of the B-2 use. That is what it is. We're not here for a site plan tonight. We're here for zoning change.

Ms. Scannell: I will point out as well that all of those places on Mariaville Road, those are all people's residences, you know. I mean if a business is down there it is going to have an impact on those adjoining property owners that are going to look down at whatever on the people at the car wash, funeral home, whatever it is that's you know, again we're taking a residential area I get it you want to basically put up some pole barns and put stuff in there. It should be a no brainer but unfortunately you're asking for a change of zone to make it a business district a business zone. Mr. Miglucci?

Mr. Miglucci: Well, I mean I wouldn't drive back there if there was a McDonald's back there. But then again like the rest of the board says by changing a zone on that you're kind of creating a Trojan horse here. That's a tough one. I would agree with what Joe said I want to see something a little more dependent of what's going to be in there. That's all I have.

Ms. Scannell: I appreciate it.

Mr. Signore: And it helps go along with the zoning change.

Mr. Hitchcock: I mean I understand where you guys are all coming from but you know at the end of the day, if he sold the property then, I mean that's always the case.

Mr. Signore: Personally, I like the Nardini family but it's just a little questionable right now.

Ms. Scannell: Alright, so I think that at this point we need to I would entertain a motion for a recommendation either way and whoever makes the motion, whoever seconds it, we will vote accordingly let the chips fall where they may. I think from my perspective, my concerns are it turns into a business all bets are off. There's adjoining property owners up on top on Mariaville Road. Some of the special uses for B-2 would maybe be detrimental to those folk.

Mr. Collins: Can I make a motion to table it and see if we go there I know you don't like that.

Mr. Hitchcock: You guys can do whatever you want. I can argue and you guys do what you want.

Ms. Scannell: As much as I think, I think that there needs to be some clarification for some of us up here. No matter...

Mr. Comenzo: I met with Mr. Nardini and Mr. Bianchini who is the engineer for this project. I know John's filling in for Joe or whatever. It was very clear as to what they were proposing there, and I think it would behoove of you to table the project this evening and have somebody that understands exactly what the layout is proposed for. There are constraints with the property with the floodplain. There are constraints with the property it does not have town water so it's very limited in terms of what you could use. The office thing is very confusing. In our discussions there was no mention of offices. The only thing I can think of is that front building they are showing a potential for a well and they are

showing a sanitary control zone and they're showing a potential for a septic system. So, I didn't design the project but in my mind they're thinking that there's a possibility that maybe that front building could be utilized for some type of small office with a bathroom. The back property there given the constraints of the floodplain is very limited as to what you could do other than to put a storage building for contractor storage.

Ms. Scannell: Peter, what I'm hearing from you is that possibly our concerns about a perpetual, in perpetuity change of zone there's not enough that could go there because of the constraints of the property that maybe we wouldn't have to have some of those concerns.

Mr. Comenzo: That and I would think it would probably help to have the applicant come and explain exactly what he was proposing because he was very clear as to exactly what he wanted to do...

Ms. Scannell: John I know you said no tabling, you want to table it?

Mr. Hitchcock: It's up to you guys.

Ms. Scannell: It's up to you if you don't want to come back well...

Mr. Hitchcock: I mean I would like to be done with it tonight, but I mean...

Mr. Comenzo: That's up to you, it's your client.

Ms. Scannell: John, from my perspective right now without being, in the absence of being able to have the conversations that Peter has been privy to, for every member of this board to have those conversations, I am inclined to entertain a negative recommendation. I don't really want to do that because I'd really like to hear what the applicants themselves have to say and I would also like for attorney Valiquette to talk to Peter and to DPW, Mary Barrie, whoever have a little conversation and when he comes back with the applicants, you would be able to come back and let us as a board know there's absolutely no way a car wash could go there because they don't have water, you know something to that effect. Is that something that you would be able to do as well?

Mr. Valiquette: Yeah, I think I'm willing to work with the applicant with you guys to kind of narrow down what uses the property could actually be used for.

Mr. Hitchcock: If you feel more comfortable then by all means...

Ms. Scannell: I would entertain a motion that we table this matter until the December 3rd meeting to allow us an opportunity to have Peter, Mary, DPW, attorney Valiquette, and applicant conversations, John Hitchcock conversations and come back on December 3rd.

Mr. Hitchcock: I'll try to get the applicant to come then too.

Mr. Collins: I'll make that motion.

Mrs. Flansburg: I'll second.

Ms. Scannell: Thank you and Mrs. Flansburg seconds, Marlo, could you 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. Miglucchi?

Mr. Miglucchi: Yes.

Ms. Carter: Ms. Scannell?

Ms. Scannell: Yes.

Ms. Scannell: We just need to know more about the property as well and many of the concerns that we have by the sounds of it may be completely unfounded but we wouldn't know that because we don't have that information.

Mr. Hitchcock: Yeah , and we'll bring it with us on the 3rd.

Ms. Scannell: We appreciate it, and we thank you for your time. You did a great job. Your hands are somewhat tied as well because your applicant is not here.

Mr. Collins: Thank you for being patient with us.

Mr. Hitchcock: Thank you have a good night.



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 PC61-2024

Moved by Mr. Collins seconded by Mrs. Flansburg

Applicant: Mark & Deanna Nardini

TABLED

Applicant: Mark & Deann Nardini

Project Location: 313 Old Mariaville Road, Mariaville Road & Old Mariaville Road
Rotterdam, NY

Tax Number or Numbers: 47.-4-11, 47.-4-10, 47.-4-9 & 47.-4-8

Proposed Project: Report and Recommendation to the Town Board on a Change of Zone from Agricultural (A-1) to General Business (B-2) for the potential construction of three (3) office/warehouse buildings.

WHEREAS, the Rotterdam Planning Commission, after a presentation by the made the engineer for the applicant had additional questions of the property owner made a motion to **table** this project to their next meeting scheduled for December 3, 2024 and;

WHEREAS, the Rotterdam Planning Commission requested that the owner be present at the December 3, 2024 meeting; **NOW:**

IT IS HEREBY RESOLVED THAT, on this day, Tuesday, November 19, 2024, the Rotterdam Planning Commission hereby **TABLED** this project to the next meeting scheduled for December 3, 2024.

Peter J. Comenzo
Senior Planner

Kimberly Ricker Scannell
Planning Commission Chairman

6. Narendra Lachhman – 1826 Chrysler Avenue. Sketch Site Plan/Two (2) Special Use Permit review to operate a poultry store and equipment storage business on a ±0.2-acre parcel. Engineer: JH Engineering & Land Development.

Mr. Hawley: Hello, I'm Josh Hawley. I'm here representing for 1826 Chrysler Avenue for the poultry processing facility. I apologize as I don't have any visual aid, but I did submit a site drawing that updated for the parking. I'm kind of coming in midstream on this one.

Ms. Scannell: What was your name sir, I'm sorry.

Mr. Hawley: Joshua Hawley with J.H. Engineering and Land Development.

Ms. Scannell: Thanks.

Mr. Hawley: So, I know the parking was a large part of the discussion at the last meeting, so I took a close look at that and I made some modifications. We are proposing to demolish the closest building to the road to make room for additional parking. Then squared them up with the lot line to make it easier for vehicles to back out and then proceed back towards the road. So, we're able to get all nine (9) parking spaces there along the lot line instead of having the parallel parking on the opposite side. So, I think that's a cleaner fit for the project.

I wanted to see if there were any other thoughts on the project as well. I know that you reviewed this last meeting and there was a recommendation I think for TDE to review the project. I don't know if that had occurred or not. I'd be happy to answer any questions or comments on it.

Ms. Scannell: So, I like the idea of more parking. I was there did you see me?

Mr. Lachhman: Yes.

Ms. Scannell: Every time they would talk to me I would talk back to it. I see that the pedicure people next door moved out so that business is up for grabs but we're still looking at a very long narrow parcel. Let's talk about the septic system. Where's that going? In the way back right?

Mr. Hawley: Yes.

Ms. Scannell: Do you have enough room for the big chicken truck to turn around and not drive on your leach field?

Mr. Hawley: There's no room for turnaround. They would be backing in. It was the idea currently.

Ms. Scannell: So, it would back in from Chrysler Avenue. Now if my memory serves me correctly, the chickens would be coming on Thursday, Friday, Saturday, and Sunday before 8 o'clock in the morning. Is that still the plan?

Mr. Lachhman: Yes.

Ms. Scannell: So, theoretically you're not going to have any customers there in your parking spots when the chickens come. Is that correct?

Mr. Lachhman: Yes.

Ms. Scannell: So, the truck if it needed to it could pull into your big parking area and loop around from the front if it had to, right?

Mr. Hawley: Potentially. What's the size of the truck?

Mr. Lachhman: It's like a 14-foot straight truck. I usually turn a dump trailer with a truck with a 1500.

Ms. Scannell: Did you have an opportunity to look at the DPW comments before tonight?

Mr. Hawley: I haven't seen the DPW comments.

Ms. Scannell: Okay, well you're in for a real treat we have nine (9) of them. One (1) of them has to do with see the minutes from the July 16th meeting. I think as a concept...

Mr. Hawley: These were the previous. I did see these comments from the previous meeting, right?

Ms. Scannell: Well, they are from November 19th was number 1 see previous minutes from July 16th. Then revise plan eliminates existing garage. We would like to have standard notes added. We would need a lighting plan. The updated site plan lacks dimensions and details. Is additional privacy fencing proposed? Drainage, proposed catch basins have been removed from updated plan. Proposed septic needs to be reviewed by Schenectady County Department of Health. Turning templates to be provided backing onto Chrisler Avenue is problematic. So, I guess we kind of talked a little bit about that last one.

I know when I was there, I took a good look at your neighbors. So, let's talk about the neighbors. Let's talk about the one (1) neighbor that doesn't have any fencing across the way from you. So, the fence kind of stops right? You know what I'm talking about? Where the blue house is. So, the fence kind of stops back here and then the property line goes, it's a straight line but there's no fencing or anything there are you talking about going to put a fence there?

Yeah, that's what's shown on the drawing is a proposed privacy fence? Is it going to match? Looks like in the back you had like a little no man's land between the fence that's there and then the fence on the neighbor's property.

Mr. Lachhman: That's not ours. The piece of land in the back there, that's not ours from the surveyor.

Ms. Scannell: Right, but where that fence is, whose fence is that in the back?

Mr. Lachhman: Ours.

Ms. Scannell: Are you going to have the fence match the new privacy fence?

Mr. Hawley: We can have it match if that's the preference.

Ms. Scannell: I think there's a difference between not just aesthetically right pleasing to the eye how it looks nice and neat, but you've also got some neighbors there. So, you might want to consider when you're bringing the chickens in and you've got, are we going to hear the chickens? You know that was a primary concern. Do they need to have a little taller fence maybe or something that's a little sturdier so that they wouldn't be disturbed before 8 o'clock in the morning on the weekends. Something to think about. I'm going to open this up questions, comments, concerns, and let's start with Mr. Calder.

Mr. Calder: Well, again I know that you talked about this in July and spent a lot of time with it. It's important. I'm still a bit uncomfortable with the parking turn around and such even with the deliveries in the morning. I mean we didn't make the property wider in the front and that's where it seems to be as a bottleneck right there. I don't want to be one that stalls this whole project either. I'm uncomfortable with that portion. I know you took a building away so you can help with some of the parking, but it doesn't change having to back in from Chrisler Avenue.

Ms. Scannell: So, DPW suggested turning templates. What are your thoughts on that?

Mr. Calder: I didn't see one.

Mr. Hawley: I can add a turning template you know with the size of the truck and show a turn radius on there.

Mr. Calder: I'd like to see one. The rest of it is fine. That's the only thing that bothers me. You know, I know that street and that's pretty busy. As a matter of fact, it's a very busy street. I know 8 o'clock in the morning, it's probably not as busy obviously. I'd like to see that document that we're missing the turning template. I think that's very important, for me anyway that's the only thing I really have an issue with. The fencing I understand. The lighting for the property that's in the back. It's nice that you took the building out and helped with more parking. I just don't know about turning a truck.

Ms. Scannell: Thank you. Mr. D'Alessandro?

Mr. D'Alessandro: I agree with Mr. Calder, it's the same point. I mean we keep on beating this thing with parking and turning. I'd like to see more additional information. I know it's more of a sketch phase, but I'd like to see more additional information. That's all that I have.

Ms. Scannell: Thank you. Mr. Collins?

Mr. Collins: I agree. At least if we have the dimensions between the last parking space, which is number, I can't see it 9 in that fence because there might be plenty of room to turn a 14-foot truck around. We need some kind of documentation to make us feel comfortable with that because Chrysler Avenue can be kind of a nightmare no matter what time it is and just pull up and then try to back in. So, I think it's very imperative to my decision is to have that turning template.

Mr. Hawley: I'll have the turning template, and I'll show dimensional too at that top parking space.

Mr. Collins: I used to drive a truck in the army. It's possible, but you just need something to go by. That's all I have.

Ms. Scannell: Thank you. Mrs. Flansburg?

Mrs. Flansburg: Looking back through the past minutes one (1) of the questions I had asked and I do see on this one but I'm not familiar with what's behind the property. I had asked for the other buildings on neighboring properties to be shown and I do see some outlines for the property to the left and immediately to the right. If you could just show the back property that's here and the others so, just so that we have an idea from the distance between the buildings.

Mr. Hawley: So, you want to see the lines and the houses.

Mrs. Flansburg: Right but behind it. Like back where the poultry storage is going to be and the septic. Like I know the fence is there and there's houses there just so that we can see conceptually how far it is from there. I don't love the project because it's kind of creepy, but I get it, and I think you're working with the space that you have, and I have no problem with it. I just want to be able to see conceptually what else is around it. The rest of it I think you know you took into consideration the comments that we've had and you're working the best you can with the space that you have. That's all I have. Thank you.

Ms. Scannell: Thank you. Mr. Signore?

Mr. Signore: My concern would be the same as the others with the parking and the awkwardness of the site. I got another question from the July 16, 2024, meeting it says adequacy of proposed septic system should be evaluated. Has

that been done?

Mr. Hawley: Hasn't to date yet that is something we will be working on. I'm going to do a perc test with DOH for the septic system. I know the previous engineer had designed something. So, that wasn't my work so I can't certify their perc results, and I don't believe that they were witnessed by DOH which they need to be to be formal for DOH to make a recommendation on conventional or engineered. So, that's a step that we're going to be taking very shortly here.

Mr. Signore: Here's my concern there's got to be some type of wash down. I'm guessing you're going to wash down the floors and there's going to be a substantial amount of water, and I don't know is there going to be any animal remnants on the floor that gets washed down in the septic system?

Mr. Hawley: There are but it's so what I'm proposing is and it's not on this drawing because we haven't got to that level yet but there's going to be, I'm going to propose a holding tank for the process water that will be separate from the septic system. The septic system will be only for that bathroom, the wastewater from that unit.

Mr. Signore: The process water is going to have to be septic pumping in and taken away...

Mr. Hawley: And then pumped out. Just because the nature of that wastewater, it's a high strength waste, high DOD . So, it doesn't function very well in a septic system and typical with this type of industry when you have the space when you're out on like a farm they do land application that's how they remove their process water, but we don't have that opportunity here. So, the only other alternative is to remove it. There could be options for more advanced treatment on site. There are you know treatment systems that you can include with the septic that could help but then we're getting into a higher level. So, I think the holding tank is a much more cost effective and effective way to do it.

Ms. Scannell: Thank you. Mr. Miglucci.

Mr. Miglucci: The parking thing turned around is one thing, but my mechanic actually is across the street so, taking down that building was a good idea. As far as a little business I think it's going to help a lot of the people that are in our community that could benefit from this business in general. I'm okay with it.

Ms. Scannell: Thank you. So, I just want to jump back to my understanding of the processing of the chickens is that everything had to be collected. Ags and Markets have pretty strict guidelines for that. So, there shouldn't be like chicken parts on the floor, right, being hosed down or something. You have to, I thought my understanding was that that had to be taken off site.

Mr. Lachhman: Yes, in our proposal we submitted the course previous one we had a letter that showed how we are going to dispose of it.

Ms. Scannell: Right, so as far as the hosing down or whatever there shouldn't be much.

Mr. Lachhman: No, all the blood going to drop in one trench we are going to make a pipe system to collect in a bucket and the feathers usually separate in the machine and go in the bag and that's going to be transported to Schenectady Waste facility. We are also going to have a backup freezer just in case they close on a special day that they close we can freeze it.

Ms. Scannell: So, nothing's going in that dumpster in the back except for like normal garbage that you have like in your office area.

Mr. Lachhman: Correct.

Mr. Hawley: I'd like to clarify too so there's two different types of waste streams. So, there's the solid waste which is what we were just discussing. Then after all their surfaces by nature there's going to be some on the floor too so there's a floor drain. The way that these facilities are made the walls and the floors are meant for hosing down so that's where the waste water comes into play. So, you do have some residual of the solid waste that you're washing away.

Ms. Scannell: But it won't be the majority of it?

Mr. Hawley: No, just be some residual that's left behind.

Ms. Scannell: Listen, I like this project. I think if you can make this work, I think it's a great project and I think our community would benefit very much from it. I'm happy that you're on board but you've got to get up to speed. The next time we see you, you need to be up to speed. I need to know when I look at this okay, this is 20 feet let's not leave it up to my imagination how far it is between this building and this fence line. We really need for, if you want this project to move ahead, help us help you and make sure that we're able to answer all these DPW questions. If you have any questions in the middle before you come back to us, call Peter, give one of us a call. Talk to DPW. We're happy to meet with you outside of this meeting, this arena and Peter what's going on with the TDE.

Mr. Comenzo: So, I think we were waiting to see where we were with the project and the mapping before we brought a TDE on board. We don't really need a full-blown site analysis; I don't think from them. It's an existing building. So, just really to take a look and make sure everything fits the requirements. So, we can work on that.

Ms. Scannell: I think a narrow scope is good. That means it costs you a little less money. It's got to look at the things that we don't have experience in, right? I mean we need a TDE that can look at this and knows how to work with Ag. and Markets. Maybe someone that's had experience in this area would be helpful. It sounds like you may have, have you?

Mr. Hawley: No, this is my first time in this industry. I've been doing a lot of reading.

Ms. Scannell: I'm sure. Well, you should read the minutes from our original meeting because we all learned a lot and like I said, I think we're all very excited about this about this project for you. Taking down the building, I think, was a great first step I'll also note that as it appears on our agenda it talks about operating a poultry store and equipment storage business but that's no more, right?

Mr. Lachhman: "Inaudible"

Ms. Scannell: Because it's gone right. Just the chickens?

Mr. Lachhman: Just the chickens.

Ms. Scannell: Perfect.

Mr. Collins: I have one question is there another one of these facilities around because I'm really curious if I could go, is there another one within the area that actually does this?

Mr. Lachhman: No.

Ms. Scannell: Did they used to have something on lower Broadway?

Mr. Lachhman: Yes.

Ms. Scannell: But it wasn't chickens, it was goats.

Mr. Lachhman: No, they had all kinds of animals. For some reason the City of Schenectady took the building away from there because of tax or whatever. I just heard that.

Ms. Scannell: We don't know why. So, there's no other halal in Schenectady County?

Mr. Lachhman: No.

Mr. Collins: Albany County?

Mr. Lachhman: No, you have to go out half an hour from here.

Ms. Scannell: Like the poultry farm?

Mr. Lachhman: Yes, 45 minutes.

Mr. Calder: I know we were talking about the deliveries and that's what was bothering me but the more I think about this you've got waste that's going to be removed from the property. You've got trucks coming in to take the waste out. So, there's more to consider than just the chickens being delivered.

Ms. Scannell: That's a good point.

Mr. Calder: I didn't think about that before but as we talk more about it you've got waste that's got to be removed. You've got other trucks coming in.

Ms. Scannell: What kind of trucks take it away?

Mr. Lachhman: The waste is not going to be so much because it's not that large a business. It's going to take away with like a normal regular 1500 Ram. Like a regular truck.

Ms. Scannell: Like a pickup truck?

Mr. Lachhman: Yes, like a pickup truck. It's not like one of the big...

Mr. Collins: Or are you going to have like Big Willy? Is it going to have like a septic company come in and suck it out or is this going to be a container that you pick up and take away?

Ms. Scannell: The chicken, so, I think we have two (2) issues here. One (1) I'll address that later but first again, I have to speak plainly. After they kill the chicken you've got the feathers over here, you've got the beak over here, and the parts and the chicken legs and then you have a beautiful, delicious chicken and that chicken goes in, and it gets sold. So, we don't have much left over so even though we had a big chicken to start with we only have a little bit left over. All that goes in a special bag and Ags and Markets is in charge of that. And stop me if I'm wrong and then Ags and Markets says that stuff can't just be like marched to the backyard and thrown in the dumpster. That has to be taken off site and so then what he's saying is they would put that refuse in the specially sealed bags and they would transport it in a Dodge Ram pickup truck on their own to the place where one can get rid of such things. As far as the septic system what was the question?

Mr. Collins: You said that you're going to have a holding tank when you wash down the floors with the blood and everything that's not going to go in your septic that's going to go into a holding tank. Is that holding tank a freestanding tank above ground or below ground?

Mr. Hawley: The idea right now is below grade.

Mr. Collins: So, then you would have like a septic hauler come in and pump that out.

Ms. Scannell: So, you need to have enough turn around, so now we have three (3) things. We have the chicken truck, we have the Dodge Ram pickup truck, and we have Big Willy.

Mr. Calder: And you can't control the times of these other services that you need. Like you said 8 o'clock in the morning for a delivery of chicken. You may not be able to get the septic tank truck there or whatever you want to call it. They come at a different time and that is a busy, busy street.

Mr. Collins: I think that turning template is very important.

Mr. Hawley: I'll provide information on the septic hauler how they would operate.

Mr. Calder: I wish your place was just a little bit wider at the front end.

Mrs. Flansburg: So, do they.

Ms. Scannell: Well, the place next door to you is for sale. Maybe you can get an easement.

Mr. Collins: You know you can buy a strip of property.

Ms. Scannell: Buy it. I know you're probably not going to buy it. Do you have any questions for us?

Mr. Hawley: The only question I had is drainage. I didn't include that catch basin as part of it that's something I can look closer at. It's a small site. I don't think there's a need for it in my initial assessment, but I could look closer at that if there's a concern at all for drainage. Small site I figured the way it's pitched it would just run off to the road and follow the road to the nearest catch basin or outfall. I don't know why the previous engineer put that catch basin there he didn't show any piping or anything like that. So, I didn't know how it was planning on being connected. So, I didn't feel a need for it but if there's concerns, I can touch base with Peter and others and see if there's a worry there and we could look closer at that for sure but it's trying to get an initial reaction on.

Ms. Scannell: Well and eventually we're going to get you fellas to a really good point where you get to have a conversation with the TDE and not with us. They will hopefully understand the process. This is new it's very new to most of, if not all of us, we just want to make sure that we're doing it the right way so that you're doing it the right way. I think I speak for all of us we're excited. I really would be looking forward to having the first halal and I loved learning about it, and I think there's a huge need in our community for it. I think that there's folks that want this product.

Mr. Lachhman: Thank you.

Ms. Scannell: We're not taking any action tonight, but we already declared lead agency on July 16th.

Mr. Collins: Did we give you permission for TDE?

Ms. Scannell: I think we already gave we have permission for that. It's going to be limited scope so make sure that's part of tonight, it is limited scope. Do you do a lot of work like this, like coming to towns?

Mr. Hawley: Yes, I'm starting to.

Ms. Scannell: So, you can address all the DPW comments and when we get to TDE just address them in a letter and then that will be sufficient. That usually appeases us for the most part in DPW. We're excited. Thank you. Thank you for sitting here all night long twice. We are going to put you first next time. I'm going to make sure of it when I get that agenda and you're last, I'm going to say no put them first.

Mr. Hawley: Have a good evening.

Ms. Scannell: We look forward to seeing you back.

Mr. Collins: I make a motion to adjourn the meeting.

Mr. Calder: I'll second it.

Ms. Scannell: All in favor?

Planning Commission Members: I.

Meeting adjourned at 9:41 p.m.

Respectfully Submitted,

Marlo L. Carter
Planning Commission Secretary