

**Town of Rotterdam Planning Commission
Minutes of November 18, 2025**

The Rotterdam Planning Commission held a meeting on Tuesday, October 21, 2025, at 7:30 p.m. at the Rotterdam Town Hall, 1100 Sunrise Boulevard, Rotterdam, New York 12306

Present: Kimberly Ricker-Scannell, Chairman
Lynn Flansburg, Vice Chairman
Wayne Calder
Joseph Signore
Joseph Miglucci
Danielle Ciampino
Stephen Valiquette, Attorney
Peter Comenzo, Town Planner
Donna Levasseur

Excused: Clark Collins

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

Waivers:

1. **Highbridge Development Rt 146 LLC- 296 Hamburg Street.** The applicant requests a Waiver of Site Plan review for Wildwood School to operate in the former Companion Animal Center, ±6,150 square feet of a ±32,630 square foot building on a ±4.21-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 must obtain a Building Permit and be issued a Certificate of Occupancy from the Town of Rotterdam Building Inspector.
3. Applicant to comply fully with Town Sign Code and obtain a building permit for any signage.
4. A Special Use Permit was granted on August 23, 2016 to allow for up to eight (8) tenants to occupy the building.
5. All previous conditions of approval from the August 19, 2014 Planning Commission meeting (Resolution #46-2014 attached) shall remain in effect.
6. Property is in Sewer District #7 and shall be connected to sanitary sewer. Connection to sanitary sewer must be completed and existing septic will need to be properly decommissioned on or before September 30, 2026. A lateral was provided to the property with the reconstruction of Hamburg Street.

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

Attendance was taken and determined there was a quorum.

The Pledge of Allegiance to the Flag was recited.

Chairman Ricker-Scannell: Hopefully everyone has had a chance to look at the summary minutes from last week, last time we were here, which was two (2) weeks ago. If there's no questions, comments, or concerns, I would entertain a motion to approve the minutes.

Vice Chairman Flansburg: I'll make that motion.

Mrs. Ciampino: I'll second.

Chairman Richer-Scannell: Thank you, Mrs. Flansburg. Thank you, Mrs. Ciampino. Donna, could you please call the roll?

Mrs. Levasseur: Mr. Collins? Excused. Mr. Calder?

Mr. Calder: Yes.

Mrs. Levasseur: Mr. Signore?

Mr. Signore: Yes.

Mrs. Levasseur: Mr. Miglucci?

Mr. Miglucci: Yes.

Mrs. Levasseur: Mrs. Ciampino?

Mrs. Ciampino: Yes.

Mrs. Levasseur: Vice Chairman Flansburg?

Vice Chairman Flansburg: Yes.

Mrs. Levasseur: Chairman Ricker-Scannell?

Chairman Ricker-Scannell: Yes. Motion carried.

1. **BD Upstate Construction, Inc. – 1696 Crane Street.** Sketch/Preliminary Site Plan to allow the construction of an additional six (6) unit apartment building on a ±1.63-acre parcel containing an existing four (4) unit apartment building. Engineer: Empire Engineering, PLLC

Chairman Ricker-Scannell: All right, first we have got BD Upstate Construction, Inc., 1696 Crane Street.

Christopher Longo: Good evening, Christopher Longo, Empire Engineering, here representing Byron Diaz, BD Upstate Construction, for the proposed site plan at 1696 Crane Street, as the Chair mentioned. This parcel is zoned R-3 multifamily. It's just about to the end of town, almost to the City of Schenectady. I think most are familiar with the area. There's an existing four (4) unit dwelling on the property, and we're proposing to construct a new six (6) unit dwelling as well to make ten (10) total units on the property. This is the first that the Planning Board is seeing this project however; we have gone through the process a little bit so far.

We did attend the ZBA first in request for a variance for a side yard setback that in R-3 zone would be normally 20 foot side yard. Here we felt this was a unique situation, and as did the ZBA, so they granted a 10-foot side yard variance, and that's where we've placed the new six (6) unit building adjacent to the commercial industrial use to the north. So, ten (10) total units, that would also as part of this proposal, we are reconfiguring the parking lot. We're hoping to fit 19 spaces. There was a comment from DPW about the dumpster that may affect probably two (2), but we are greater than the 15 required spaces, one (1) and a half (1/2), so I think we'll end up about 17 parking spaces for the ten (10) units, which will be, we feel adequate parking. It does reconfigure the lot. There are two (2) existing curb cuts to that parcel now, however they're at odd skews. The one (1) main driveway is at an odd skew, so we're fixing that with a proper perpendicular driveway, two (2) way traffic, 24-foot wide, and reconstructing the front with curbing, integral curb, sidewalk, proper entryways to both that existing building and then to the new proposed dwellings. There will be a septic system proposed for the site. There is one (1) existing in the rear for the existing building, and then there will be a separate system proposed in the front grass area on the northeast portion of the site. That would be, we did perc tests in that location, deep test pits, all great sand, good perc ability there, so we feel we have a good septic design as well for the new building. We do have a dedicated area behind the building as well for full 100% replacement if ever necessary, required by code to just show that on the plan, which we do in the back. We did get the DPW comments. I won't go item by item necessarily yet, but I do have a couple points to mention. We have, I did reach out to Schenectady County and shared these plans just recently when we got the DPW comments, so they haven't provided us an official response yet, but they will review the plans for the access points to this. Crane Street is a County Highway, so we don't feel there will be any issue. There are two (2) entry points now, and we're just enhancing both generally in the area that they are. The other thing about the frontage is we are proposing an easement to allow for a future sidewalk. Right now, that right-of-way is very narrow. There is a string of power poles and utility lines within that right-of-way. Construction of a sidewalk within that portion is not feasible, would not be feasible, so what we've done to this point is offered an easement, a ten (10) foot wide easement, for the future construction of a sidewalk. We have also been in discussions and conversation. We know that the county is in the process of a concepting out an entire corridor plan for pedestrian accommodations here, so we would like to just provide the easement at this point and then once that design happens, the sidewalk can be placed, in the proper location, but we can continue that discussion here tonight as well with the Board. And yeah, we're basically just here for initial presentation. Obviously, we'd like to, hear any feedback and then proceed. As I mentioned, the ZBA has already issued a variance, so we're just looking for Site Plan approval from the Board at the end of your process.

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Chairman Ricker-Scannell: Well, great. We appreciate you being here and we appreciate the developers' investment in the Town of Rotterdam. I think it's a well-situated project. I love the idea of the addition of the sidewalks. I just, I think it's a project that can come together very nicely. They have got a great engineer on board. I know that you've worked very well with the Town, as Mr. Diaz also has. However, to quote my friend Clark, who was unable to be here tonight, but did reach out to me prior to this meeting, we don't really like to reward bad behavior here on our Planning Commission. My understanding is that there are other properties within the Town that are in need of some work as far as this developer goes. Do you know anything about that?

Mr. Longo: I do not.

Chairman Ricker-Scannell: Surprise. Sorry. My understanding on this matter, and let me just, I've got some photographs, there's a barn, let me go back to my email, there's a garage, that's what it is, there's a garage on Campbell Avenue, 387 East Campbell Avenue. The garage/ barn in the back of the main structure is pretty much falling down. And it's something that the Town has been very concerned about and codes has been out there. As much as we are excited about this project, we need to know that we're all on solid footing and that things that are already started in the Town are being handled in the Town. If there's outstanding code violations, which I don't believe there are actual outstanding code violations now, but I don't want that to hinder this project. So unfortunately, from my perspective, it's something that we need to have a conversation about. Perhaps your client can reach out to codes again and talk to the Building Department. And I'm going to open it up to the Planning Commission now to discuss this particular project. Mr. Calder.

Mr. Calder: That was a, that was a barn shell. I'm not aware of anything like that.

Chairman Ricker-Scannell: I spoke with Clark earlier when he told me he wouldn't be able to be here. I know DPW had mentioned something in the past. I was kind of under the impression that it had, either a fence was going to go up around the garage or it was going to be completely demolished. Neither one (1) of those things has happened and I think that codes is kind of in a position where they're going to maybe have to do something. The last thing I want is for this project to be progressing and there to be some outstanding violations and then that's going to really kind of hinder this project. Because why wouldn't it?

Mr. Longo: Well, why would it? I mean, this is the first time I'm hearing about the garage. Right. Does a, again, hopefully they don't have a violation or maybe it was a missed phone call or something. But if there's an issue, I'm sure that codes can track down the client for that property. Would that have any effect on this project and is that, is there a requirement for you to do anything like that for a project application if a landowner has an outstanding violation? Which we're, I guess we'll get to the bottom of, if there is one (1). I don't know if there is one (1), but.

Chairman Ricker Scannell: So, to the best of my knowledge, there is not an out. I don't believe that there's an actual violation on the books. But it is, from my understanding, heading in that direction. It is also my understanding that this should not be coming as a surprise to your client. As far as the perspective of the Planning Commission, and again, I think that Clark said it best, we're not really here to reward bad behavior. So, if there is a problem at another property where we're hearing, again, like that Popeye cartoon, oh I'll gladly pay you Tuesday for a burger today, you know, we kind of get to a point where we're not really sure what to believe.

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The proof is in the pudding. When we see a developer or a landowner that is following through on things, we believe in their credibility. Now, this is a wonderful developer, and we have had a very good relationship with him.

However, there are outstanding issues that are possibly headed in the direction of enforcement, and yes, it is something that DPW has brought to my attention, and so I'm bringing it to the attention from this platform to your landowner.

Mr. Calder: And you asked me a question, and you asked my opinion on this, and I just may, I would be uncomfortable, I hate to say this, moving forward until we know what we're doing here with this. I'm only one (1) vote here, so, and Chris, I know you, and I know you before for other stuff, and you're a good guy, and I'm sure your client is too, but without having any further information, that would be awful embarrassing for, I think, for the Town to go forward until we know more, and then we can just concentrate on exactly what's in front of us instead of what we're hearing might be in front of us and might have taken place. My opinion would be, I don't think this project should go any further until we know. That's my opinion only. Sorry.

Chairman Ricker-Scannell: No, don't be sorry. Thank you very much.

Mr. Gaudio: Can I have the opportunity to speak on behalf of Mr. Diaz? Because I'm very familiar with East Campbell Road.

Chairman Ricker-Scannell: Are you here on his behalf this evening?

Mr. Gaudio: Yes, I am.

Chairman Ricker-Scannell: You're not here for the next one (1)?

Mr. Gaudio: No.

Chairman Ricker-Scannell: Oh, you are here for this one (1)?

Mr. Gaudio: Correct.

Chairman Ricker-Scannell: Sure, come on up.

Mr. Gaudio: Yeah.

Chairman Ricker-Scannell: You've got to come to the microphone.

Mr. Gaudio: I do a lot of the project work and lead approvals for Mr. Diaz, and the three (3) and a half (1/2) acre East Campbell Road property, the old Keefner farm, the actual farmhouse has been totally enclosed by construction fences to make sure that there's no squatters or anybody going in. This is the very first time we're hearing from Mr. Clark that there's an issue with the one (1) stall, very small, detached garage. That garage is not currently enclosed by construction fencing, and that is probably the next project Mr. Diaz is going to be bringing forward to the Town in the Planning Commission.

It's currently zoned R-1 Residential, and we have plans to potentially either go forward with either condominiums or townhomes on the three (3) and a half (1/2) acres. We did a two (2) lot subdivision, and we sold off the back portion of that property. Not sure if you folks were on the Board at the time.

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We sold 2.3 acres to Spectrum to support their mobile communications business, to increase their parking, and also for their utility trucks. But what's going on, Mr. Diaz is currently dropping \$3 million into the old Annabelle's project. Once he gets that project to a point where he can move on to the next project, which is going to be East Campbell Road, that building will be tore down, both the garage and the home. We've already had the asbestos abatement come in. There's been a 100% survey done on the property, and that will be coming forward very quickly. As you know, Mr. Diaz is working on other projects in the Town, so this is a surprise to me. I talk to Mr. Diaz every day, and I'm involved with his projects.

Chairman Ricker-Scannell: My understanding is that our Building Inspector spoke to Mr. Diaz on May 1st of this year.

Mr. Gaudio: Okay.

Chairman Ricker-Scannell: And at that time...

Mr. Gaudio: That's when the home, the farmhouse was enclosed with construction fencing.

Chairman Ricker-Scannell: Right. And so, when we talked about the garage on May 1st, a fence was going to go around the structure, and then they were going to try to take it down at some point. And my understanding is that it's hazardous, the way that it's just kind of falling down, and that something was going to be done. And as I said, we appreciate Mr. Diaz's efforts. It's something that has been put on our radar, and historically, we are reluctant to move forward with a project, a new project, when we're hearing that there's a project that needs to kind of be completed.

Mr. Longo: I'll try and answer that one (1). I don't believe that's a project.

Chairman Ricker-Scannell: You're right. You're right. That was a poor choice of my words.

Mr. Longo: So, I guess, was there any communication after May 1st, or is this like six (6) months later, and now is the spot where it's being brought up? I do know, as was mentioned, my firm worked on the Annabelle's project on Guilderland Ave. I imagine the Building Inspectors and code officials have been there on a frequent basis throughout the last several months. If another property owned by BD Upstate and Byron had an issue, I'm sure there was plenty of opportunity to bring it up there. And at this point, I don't know why a project would not be allowed to proceed for any purpose of a landowner having a potential infraction somewhere else on something that's not a project. I mean, that is a property, as was mentioned again, something that he would hope to develop soon. Obviously, it's not an ongoing project, an ongoing property that's being worked on. There are other concentrations here, but I don't see where this project would have any reason to not be reviewed.

Chairman Ricker-Scannell: So, I admit that I used a poor choice of words when I called it a project. It will be something on the minds of this Planning Commission if what has been a conversation between DPW and Mr. Diaz does not come to some kind of a solution. There is going to be some kind of a code violation. And I'm saying it's not a threat. It's not a veiled threat. I'm saying I don't want that to happen. But we cannot have properties, we cannot reward a developer when we're asking them to do something somewhere else, no matter how wonderful they have been in the Town. And no matter what their future plans are with the Town.

Mr. Longo: So, I guess, and hopefully we can get to this project and review, but we're not asking for a reward here. This is a Site Plan application by right. Yes, we went to the ZBA. They saw in our favor that, or they saw the same way we did that this was a unique situation. But this is by right an

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application. Nobody's asking you to reward anything for any bad behavior. From what all I could see from this developer is that Byron is a finisher, and he will complete a project. I appreciate you bringing it up. I'm sure he's going to take action on it. I don't know if it will be tomorrow morning, but I'm sure he will take action on it when presented with this publicly. Again, that's not an active site, so maybe it was out of mind. But what I've seen him work on and take on for projects, he's finished and he's done them well. I'm sure he'll do the same on Campbell Road. And it may be on the mind of the Board, and I don't think there's anything here that you should worry about that's not going to get finished top notch.

Chairman Ricker-Scannell: Again, as I started, when you finished and I started, I think this is a great project. I think it is very well situated. I think it's going to enhance that corridor very much. I love the idea of sidewalks. I will reiterate all of those things. However, I also have a responsibility with regard to what I know is happening in DPW. So, I think Mr. Diaz making a phone call tomorrow morning is probably in everybody's best interest. Declaring Lead Agency is something that we would hopefully be doing later on this evening. And hopefully the Board, after listening to both of you speak and letting Mr. Diaz's reputation speak for itself, taking into consideration what DPW has to say, I will, of course, entertain a motion. I'm not going to not let this proceed, but I'm letting you know that if it is to proceed, this is what we're dealing with. This is what we're hearing as well. And it's going to be considered. I understand your perspective, but that's how I feel, and that's how DPW feels as well. And it's difficult to let something progress when you're working with someone in another area and it's not going as well as you would like it to.

Mrs. Ciampino, do you have any questions, comments, concerns?

Mrs. Caimpino: I do. How many bedrooms are in the current, the four (4) apartments that are there?

Mr. Longo: I believe those are two (2) bedrooms each. Yeah, those are two (2).

Mrs. Ciampino: Okay, so if each, and you're proposing another six (6). If each tenant has two (2) cars, there's not enough parking for everybody.

Chairman Ricker-Scannell: Right, that's..

Mr. Longo: You are right.

Mrs. Ciampino: And that is very narrow over there. So where would other cars be able to park?

Mr. Longo: We feel what you're saying. The code says one (1) and a half (1/2) spaces. We are above the code. We would like to fit 19. We may lose one (1), possibly two (2) for a dumpster. Nineteen (19) would be the perfect amount. Seventeen (17) would still work as far as whatever you want, 1.7 over the code of 1.5.

Mrs. Ciampino: Personally, I would prefer another four (4) unit instead of six (6). So, you would definitely have enough for everybody to have two (2) cars there if needed. That's just my opinion, though. That's all I have.

Chairman Ricker-Scannell: Thank you. Mrs. Flansburg.

Mrs. Flansburg: I really like this project. I'm super familiar with the area. My family owned the property prior to the owner next door on the industrial lot. I think Byron did a wonderful job on the original property that was there. I think it turned out to be a bigger project than he had originally

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planned and came to the end with a beautiful-looking building in a section of our community that isn't always beautiful-looking. So, it's a nice way to enter as you're coming over the bridge. I think it would be a great addition to that area. This was the first time I was hearing anything about any other property or where it might be nonconforming or whatever the right phrase is. My experience with Byron has been only positive. The Annabelle's project looks like it's coming along well, this project here. So, I don't, I mean, I think they should do their due diligence on whatever is going on with the other property. I don't see a reason to delay. That doesn't mean that we review it. There's still two (2) or three (3) more meetings. If it's a sketch preliminary, there's at least another, right? You still have to go through the SEQR process. I think that should still continue today should we be able to Declare Lead Agency. But I think it's an excellent project.

Chairman Ricker-Scannell: Thank you. Mr. Signore.

Mr. Signore: I've got to be honest with you, Chris. I'll set the vote yes because he does do a great job, and we've had him here before. But now with this pending violation, can you talk to him and possibly resolve that pretty quick and maybe come back in a couple weeks or so?

Mr. Longo: I mean, I will certainly get on the phone with him tonight before bed and tomorrow morning if he doesn't answer. I don't see, I really, we're not asking for anyone's approval tonight. This project certainly is not at a point to being approved. It's under review, and no one's asking to be rewarded here to review this project. I'm sure that potential infraction will be resolved timely.

Mr. Signore: I think that's the general consensus on the Board. I'll only speak for myself.

Chairman Ricker-Scannell: Mr. Miglucci.

Mr. Miglucci: Do you have any idea what those apartments are going to run for money-wise?

Mr. Longo: At the market rate, I don't have a dollar amount.

Mrs. Flansburg: They're beautiful.

Mr. Miglucci: Yeah, they're nice apartments. Both of the things are. Yeah, parking. They're not condos, they're apartments, correct?

Mr. Longo: Correct.

Mr. Miglucci: That's all I have.

Chairman Ricker-Scannell: Thank you. Where's the snow going to go?

Mr. Longo: So, we do have some space along the edge. We're pretty much matching where the edge of the asphalt is, just turning the cars from where they park now. So, there is some room for snow storage on the side, in the front, middle. There is a dry well proposed there, so that's kind of going to be the low spot. That's where the snow can pool there, and then as it melts, it would drain into that dry well. So pretty much the side and the front, and there's another island there.

Chairman Ricker-Scannell: I know as we move a little farther along and we discuss the footprint of the building and the parking that is being considered and the possibility that that might not be

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something that the Planning Commission goes along with, we'll probably want a turning table. We didn't get that yet, right?

Mr. Longo: A turning radius, yeah. That was a DPW comment. We could certainly get the radius and show dimensions of parking stalls through that DPW comment.

Chairman Ricker-Scannell: Peter, do you have anything?

Mr. Comenzo: Yes, two (2) things. I guess the first one (1) being the County and the sidewalks. Schenectady County, is looking to go forward with that. They have got some preliminary designs for sidewalks and options that I can share with you. Actually, it just came today to my office from Peter Knudson. I'm just going to share that with you just so you can get an idea of what they're looking at in terms of sidewalks. And then the second issue with the Building Inspector, that probably could have been handled maybe with a phone call. I know there were some discussions in the office about the property on East Campbell and the condition of the buildings that are there. I don't know if it would really take much to take that garage down. I'm sure it sounds like, according to the Building Inspector, this next heavy snowfall might take it down because there's nothing supporting it. So, I think there were some concerns that were brought up, probably with Mr. Collins, in regards to bringing this up at the meeting. But I don't know if we really need to have a 20-minute debate on whether or not, I would imagine before you come back here again, that whatever issues that are there would be resolved, because that might be a better way to handle it than to decide whether or not to Declare a Lead Agency. I don't see any problem in moving the project forward and having the Building Department discuss this with Mr. Diaz and come to some conclusion.

Chairman Ricker-Scannell: Thank you. I appreciate that. And again, Mr. Collins not being able to be here tonight had communicated these things with me. I have a responsibility to every member of the Planning Commission that would like something discussed in their absence to be brought up. Certainly, I'm going to go ahead and bring it up. I also know that this has been ongoing. I am inclined to agree with Peter. And just in general, to want to get the, my perspective is I would like to get the ball rolling with SEQR, because the County is going to be an interested agency, or whatever we call them when they're involved. So, I am hopeful that we could, that we can Declare a Lead Agency. By the next time we see you, we'll hopefully not be talking about garages anymore, and Mr. Collins will be back here to join us in the future. I would entertain a motion to Declare Lead Agency.

Mrs. Flansburg: I'll make the motion that the-

Chairman Ricker-Scannell: Hold on. Mr. Valiquette, Attorney Valiquette's going to speak. My bad.

Attorney Valiquette: Sorry so I just wanted to kind of throw my two (2) cents in here as well. I agree with Peter that Declaring Lead Agency here tonight is the correct course of action. Again, we're not taking any final action here. It's just Declaring Lead Agency gives us time to kind of deal with any existing issues that may have been presented tonight. It does not provide any final approval here, whether it's SEQR or Site Plan related or anything. I don't particularly see a good legal reason to delay in this instance. That's just my personal opinion. Now, as far as actually approving the Site Plan, I mean, when it comes to the Planning Commission's actual vote, the law kind of requires that the Planning Commission make sure that their decisions align with the general purpose and intent of the Town's Zoning Code. Now, if the Planning Commission members do not

have faith that the developer is going to be following their zoning code, then that can be used as a rational basis to make a decision on their vote. Okay. So that would be something to consider if this issue continues to persist past tonight. I think that's my general advice here. The only other question I had was I know you're like right at the edge of the Town line between Rotterdam and Schenectady. Is this entire property located in the Town of Rotterdam?

Mr. Longo: Yes.

Attorney Valiquette: Perfect. Okay. Thank you. That's all I have for me.

Chairman Ricker-Scannell: Thank you. Very well said. So, I would entertain a motion to Declare Lead Agency.

Vice Chairman Flansburg: I'll make a motion that the Rotterdam Planning Commission Declare Lead Agency for this project.

Chairman Ricker-Scannell: Do I have a second?

Mrs. Ciampino: I'll second.

Chairman Ricker-Scannell: Thank you. Donna, could you please call the roll?

Mrs. Levasseur: Mr. Collins, excused.

Mr. Calder: I would agree with declaring lead agency. She said me, right? Oh.

Attorney Valiquette: She said Clark.

Chairman Ricker-Scannell: She called Clark.

Mr. Calder: I can't hear her down here.

Mrs. Levasseur: Mr. Calder?

Mr. Calder: Okay, now my turn.

Mrs. Levasseur: Mr. Signore:?

Mr. Calder: I didn't speak yet.

Mrs. Levasseur: I'm sorry.

Mr. Calder: I would agree to Declare Lead Agency, except that I do like the project. I'd like to see it go. But if we don't have any more information than we do now about what's going on, what I just mentioned, then just so you know ahead of time, I would vote no on the final.

Mr. Longo: Appreciate that.

Mr. Calder: So, I vote yes on the agency.

Mrs. Levasseur: Thank you. Mr. Signore?

Mr. Signore: I vote yes.

Mrs. Levasseur: Mr. Miglucci?

Mr. Miglucci: Yes.

Mrs. Levasseur: Mrs. Ciampino.

Mrs. Ciampino: Yes.

Mrs. Levasseur: Vice Chairman Flansburg.

Vice Chairman Flansburg: Yes.

Mrs. Levasseur: Chairman Ricker-Scannell.

Chairman Ricker-Scannell: Yes. Motion carried.

Mr. Longo: Thank you.

Chairman Ricker-Scannell: Thank you.

Mr. Longo: We'll work on the DPW comments. We'll talk to the County. We'll get the concept sidewalk pedestrian plans. And we'll see you again soon.

Chairman Ricker-Scannell: Sounds good.

Mr. Longo: Probably with a garage that's down. I'm certain of it.

Chairman Ricker-Scannell: When DPW's happy, everybody's happy. All right.
Next up, Dunnsville Properties, LLC.



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 PC61-2025

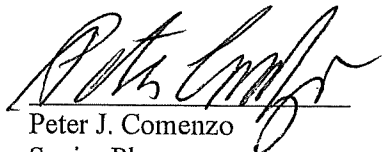
Moved by Mrs. Flansburg seconded by Mrs. Ciampino
Applicant: BD Upstate Construction, Inc.

Applicant: BD Upstate Construction, Inc.
Project Location: 1696 Crane Street, Rotterdam, NY
Tax Number or Numbers: 59.6-2-2
Proposed Project: Sketch/Preliminary Site Plan to allow the construction of an additional six (6) unit apartment building on a ±1.63-acre parcel containing an existing four (4) unit apartment building. Engineer: Empire Engineering, PLLC

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 18, 2025, 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 6NYCRR Part 617 (State Environmental Quality Review).


Peter J. Comenzo
Senior Planner


Kimberly Ricker Scannell
Planning Commission Chairman

2. **Dunnsville Properties, LLC – 271 Dunnsville Road.** SEQR Determination for a proposed Two (2) lot minor subdivision: Lot 1 = ±0.92 acres with proposed single-family residence and Lot 2 = ±0.76 acres with proposed single-family residence. Engineer: Empire Engineering, PLLC.

Mr. Longo: Good evening. Christopher Longo, Empire Engineering, representing Dunnsville Properties, LLC. Scott Perillo, the property owner. This project was before the Planning Board, once before, many months ago. And we presented a sketch plan. We were referred to the Zoning Board of Appeals and got spun around on a technicality, I guess, on the SEQR. And completing SEQR before the ZBA could vote and approve or could take any action on our request for the only zoning variances that we're requesting are for front yard or front width, frontage, lot frontage. So, and lot area, slight lot area and slight frontage. So, that case in front of the ZBA is still pending. Back here, the Planning Board. This is the same plan you saw, no changes. However, what took us several months to get here was a consultation with first a wetland biologist and then their submission and subsequent response from DEC that the stream corridor of the Normans Kill, the edge of the bank of the water is the edge of the wetlands, that there's no additional wetlands flanking that stream. So, where we show the 100' setback holding any development activity and septic systems, site grading beyond that line, that is unchanged from what you originally saw. So, we would ask the Board to complete the SEQR and issue their determination so that we can go back and request the variances that this project does still need in order to seek a final approval from your Board.

Chairman Ricker-Scannell: Thank you. Was this project a catalyst for the whole SEQR thing, or was it?

Mr. Longo: Potentially, I don't know.

Attorney Valiquette: Potentially, yeah.

Chairman Ricker-Scannell: Potentially, yeah. Well, hey.

Attorney Valiquette: I wasn't at the ZBA, so.

Chairman Ricker-Scannell: Big learning curve here for all of us. Attorneys, Town Planners, all that sort of work. So, I'm sorry if it took your property owner a little longer or if it seemed like there were any extra hoops to jump through.

It just became something where jurisdictionally, who's in charge? Is it the ZBA? Is it the Planning Commission? And what happens when someone does Declare Lead Agency? When I've polled all the members of the Planning Commission, I will be entertaining a motion to approve the Negative Declaration as prepared by the Town Planner. So, that's the good news. So, I'm going to open it up. Have you had an opportunity to address all of the DPW comments back from July? Like the 100 year flood plain, pin and cap all lot corners.

Mr. Longo: Yes. Well, the two (2) and three (3) were satisfied with the DEC's letter of negative. I've never seen that before. I thought it was jurisdictional determination, but negative jurisdiction. I don't know what that is, but. Negative definition. Yeah, I guess. So, yes. Two (2) and three (3) were addressed there. And number one (1), obviously, that's where we're in limbo. And number four (4) would be completed at final approval prior to the plan being submitted.

Chairman Ricker-Scannell: Super. Mrs. Flansburg.

**Dunnsville Properties, LLC
271 Dunnsville Road**

Vice Chairman Flansburg: I don't have any questions. I think we're just here to get it pitched back over to the other Board. So, you're welcome to poll, everyone, if you would like. And I'd be happy to make a motion to accept the Negative DEC as prepared by the Town Planner when that time comes.

Chairman Ricker-Scannell: Thank you, Mr. Signore, do you have any questions, comments, or concerns about this evening? No. Or would you like to move on?

Mr. Signore: I'd like to move on. No, I'm okay.

Chairman Ricker-Scannell: Mr. Miglucci, questions, comments, concerns?

Mr. Miglucci: I was just looking at the letter from the DEC for freshwater wetlands. They said they found no freshwater wetlands. They found a few on parcel one (1). No. I'll adhere to the rest of the Board.

Chairman Ricker-Scannell: Okay. Mr. Calder, any questions, comments, concerns this evening?

Mr. Calder: No, no questions. Thank you.

Chairman Ricker-Scannell: All righty. Mrs. Ciampino.

Mrs. Ciampino: I'm good. Thank you.

Chairman Ricker-Scannell: Attorney Valiquette.

Attorney Valiquette: Again, this is just kind of part of our procedural speed bump here with SEQR that we're working through, so I thank the Planning Commission and our applicant here for working with us through this.

Sorry about the delay. I think the only question I had here, I'm just going through the assessment form. I see on 12B it looks like you have, like, an archaeological or a state preservation site that's nearby. Do you know which property that is and what it is? I'm just curious. It's just marked as yes on 12B.

Mr. Longo: I don't know where that is. We don't. Yeah.

Attorney Valiquette: Sorry, I know it's kind of out in left field, but I know it's obviously not on the property. You don't have anything for runoff that's going to be going off onto other parts anyway, so I'm fine with it. I was just curious if you knew off the top of your head. That's all. Other than that, I think those are my only comments.

Chairman Ricker-Scannell: Thank you. Peter, anything?

Mr. Comenzo: No comments.

Chairman Ricker-Scannell: All righty. I would entertain a motion to approve the Negative Declaration as prepared by the Town Planner.

Vice Chairman Flansburg: I'll make that motion.

**Dunnsville Properties, LLC
271 Dunnsville Road**

Chairman Ricker-Scannell: Thank you, Mrs. Flansburg. Do I have a second?

Mr. Calder: I'll second.

Chairman Ricker-Scannell: Thank you, Mr. Calder. Donna, could you please call the roll?

Mrs. Levasseur: Mr. Collins? Excused. Mr. Calder?

Mr. Calder: Yes.

Mrs. Levasseur: Mr. Signore?

Mr. Signore: Yes.

Mrs. Levasseur: Mr. Miglucci?

Mr. Miglucci: Yes.

Mrs. Levasseur: Mrs. Ciampino?

Mrs. Ciampino: Yes.

Mrs. Levasseur: Vice Chairman Flansburg?

Vice Chairman Flansburg: Yes.

Mrs. Levasseur: Chairman Ricker-Scannell?

Chairman Ricker-Scannell: Yes. Motion carried.

Mr. Longo: Thank you.

Chairman Ricker Scannell: Thank you.
All right. I don't think we have anything else for this evening, so I would entertain a motion to adjourn.

Mr. Signore: I'll make a motion.

Chairman Ricker-Scannell: Thank you, Mr. Signore.

Mrs. Ciampino: I'll second.

Chairman Ricker Scannell: Thank you, Mrs. Ciampino.
All in favor?

Planning Commission Members: I.

Chairman Ricker-Scannell: Motion carried.

Meeting adjourned at 8:22 p.m., Respectfully submitted, Donna Levasseur, Planning Commission Secretary



Town of Rotterdam
Office of the Planning Commission

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

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

Date: November 18, 2025

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: Dunnsville Properties, LLC
P.O. 217
Duanesburg, NY 12056

Location: 271 Dunnsville Road
Schenectady, NY 12306

Tax Map Number(s): #57.00-6-2

Zoning: Agriculture (A-1) Zoning District.

Action: Two (2) lot minor subdivision: Lot 1 = ±0.92 acres with proposed single-family residence and Lot 2 = ±0.76 acres with proposed single-family residence.

Other Involved Agencies: Rotterdam Zoning Board of Appeals
Schenectady County DPW

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 property is located on Dunnsville Road and although zoned Agriculture, the area is primarily developed with single family residential homes. The site was developed with a single-family residence which was destroyed by fire and demolished in 2024. The property has subsequently been sold and the new owners have requested approval of a Two (2) lot minor subdivision: Lot 1 = ±0.92 acres with proposed single-family residence and Lot 2 = ±0.76 acres with proposed single-family residence.

The applicants are currently seeking area variances for lot size and lot width before the Rotterdam Zoning Board of Appeals. Since the Planning Commission declared lead agency, SEQR must be completed by the Planning Commission prior to ruling on the area variances.

The Normanskill is located at the rear of the property. The applicants were required to submit a wetlands assessment to NYSDEC to evaluate potential wetlands on the property. A site visit was conducted by NYSDEC on October 29, 2025 and it was determined that no Article 24 wetlands exist on the property.

There is a 100-year floodplain associated with the Normanskill locate at the rear of the property. Based upon evaluation of the floodplain maps, all proposed structures and on-site septic locations would be located outside of these areas.

There are adequate site distances for access onto Dunnsville Road, and the addition of a driveway shall not negatively impact traffic at this location.

The site was previously occupied by residential use in the recent past and cleared, it is not anticipated that two single family residential units would have an 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:

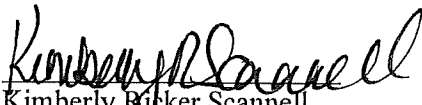
- (i) a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;
- (ii) the removal or destruction 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 regularly scheduled Planning Commission Public Hearing held on November 18, 2025 at the Rotterdam Town Hall, 1100 Sunrise Boulevard, Rotterdam, NY 12306. Adoption of this Negative Declaration was moved by Mrs. Flansburg, seconded by Mr. Calder, and approved by the Rotterdam Planning Commission.


Kimberly Ricker Scannell
Planning Commission Chairman