

**Town of Rotterdam Planning Commission
Minutes of February 20, 2024 Meeting**

The Rotterdam Planning Commission held a meeting on Tuesday, February 20, 2024, at 7:30 p.m. at the Rotterdam Town Hall, 1100 Sunrise Boulevard, Rotterdam, New York 12306.

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

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

Waivers:

1. **Felicia Henry – 93 W. Campbell Road.** The applicant requests a Waiver of Site Plan review to operate Infamous 7 Boutique, retail sale of clothing and event center (birthday parties, couples' nights, Mardi Gras, etc.) in Tenant Space G-122, former American Eagle, 5,546 square feet, from February 1, 2024 to August 31, 2024 in Via Port 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. 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 every 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. Signore seconded the motion and vote resulted in unanimous approval of the motion.

2. **MBMG Deli LLC – 93 W. Campbell Road.** The applicant requests a Waiver of Site Plan review to operate a deli in tenant space C-102, former Kay Jewelers, ±1,103 square feet, from January 15, 2024 – January 14, 2025 in Vai Port Rotterdam.

Motion was made by Mr. D'Alessandro 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 every 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. Miglucci seconded the motion and vote resulted in unanimous approval of the motion.

Ms. Scannell: Good evening and welcome, I'm happy to see so many residents here tonight. Thank you for coming. If you have a cell phone, please mute it for the duration of the meeting.

The Pledge of Allegiance to the Flag was recited.

Ms. Scannell: The first thing on the agenda is the approval of the Summary Minutes of February 6, 2024. Is there a motion to approve the minutes?

Mr. Calder: I will make that motion.

Mr. Signore: I will second.

Ms. Scannell: We have a motion and a second. Please call the roll.

Ms. Carter: Mr. D'Alessandro?

Mr. D'Alessandro: Yes.

Ms. Carter: Mr. Calder?

Mr. Calder: Yes.

Ms. Carter: Mr. Signore?

Mr. Signore: Yes.

Ms. Carter: Mr. Miglucci?

Mr. Miglucci: Yes.

Ms. Carter: Ms. Scannell?

Ms. Scannell: Yes.

The minutes are approved.

1. Govin Sarju – Tower Avenue. Report and Recommendation to Town Board on a Change of Zone from Single Family Residential (R-1) to Light Industrial (I-1) for the construction of ±2,000 square foot storage garage on a ±0.35-acre parcel. Engineer: Ingalls & Associates.

Ms. Scannell: First on the agenda we have Govin Sarju. Am I saying that correctly?

Mr. Pagan: Yes.

Good evening, Chad Pagan from Ingalls & Associates. I am here, my client is here for a change of zone going through the Town Board which was last week and they referred back to the Planning Commission for their recommendation. Hopefully, we get a good one.

What we have here is the applicant owns both parcels you see there and the parcel in question is the one on the corner of Chrisler or Tower Ave and Chrisler Ave and he's asking for a change of zone because he has some commercial vehicles that he has been parking there and he has been getting some complaints and so, he wants to erect a garage to park the vehicles in and in order to do that we need to get a change of zone on the parcel to allow that type of structure to be there. Now, if we were able to get the change of zone, which I hope we can, because the majority of properties that are on Chrisler Ave are all business and industrial so, it makes sense to allow that parcel to do that. We will have to go to the Zoning Board to get some relief for area and setbacks because the parcel does not meet any of the zoning we are trying to get to, the I-1 zone, Light Industrial so, we would have to get a relief of just under 5,000 square feet of area and relief of a 12.5' of setback for the building.

Now, the applicant owns the parcel next door, he lives in the parcel next door so I don't think he would complain if something goes on in the parcel next door. As I said, the adjoining parcels that are on Chrisler Ave are all business or light industrial.

Ms. Scannell: So, the property is on Chrisler Ave, I would agree are industrial and certainly the guy across the street with the boats would agree with that but, I think we can agree as well though that Tower Street itself does have other residents.

Mr. Pagan: Yes, but being this parcel is right on the corner, I mean if it was two or three parcels in, I doubt I would be standing here.

Ms. Scannell: I think you are probably right. Mr. Miglucci, questions, comments?

Mr. Miglucci: The majority of Chrisler Avenue is commercial, isn't it? Well that actually seems like it is going to fit right in there from what I can see.

Ms. Scannell: Mr. Signore?

Mr. Signore: It's actually no different than the boats on the other corner.

Mr. Pagan: Right, he's going to put a garage and park his vehicles in there and...

Mr. Signore: It's exactly the same.

Ms. Scannell: Mr. Calder?

Mr. Calder: Are there no utilities on that property at all? He's not going to have anything? No facilities, sewer, water...

Mr. Pagan: No, he's not going to put any bathrooms in there. Like I said, he lives in the parcel next door so if he needs to go, he can walk across the yard and go home.

Mr. Calder: I have no more questions.

Ms. Scannell: Mr. D'Alessandro?

Mr. D'Alessandro: I don't see any problems with it. You have the boat place next door, DOT on the other side, if it was flipped on the other side with the other side of the house, I would have an issue with it because now you are encroaching into a residential neighborhood but being on that side, I don't see any problems with it. That is all that I have.

Ms. Scannell: Mr. Signore, did you have something else?

Mr. Signore: So, he gets the change of zone, but what about the future? What are his intentions, maybe down the road or somebody else where you wouldn't have a garage there, do you know what I mean?

Mr. Pagan: Well, if we're able to get the change of zone and able to get the variances, he is going to construct the garage and park his vehicles in there that he's been parking on the property now, but now they will only be in a building and he will not have issues. He is going to construct the building because he needs to because he's having issues with having the trucks just parked there.

Mr. Signore: Any timeline for the construction of the building?

Mr. Pagan: I am getting calls from the contractor daily asking when's this going to get approved? So, as soon as we can get the change of zone and then get variances we need and hopefully get through the Planning Commission then as soon as, the ink will not even be dry on the signing and he will be applying for a building permit.

Ms. Scannell: Are you set?

Mr. Signore: Yes.

Ms. Scannell: Well, Chad, I think that this project is a great idea. The change of zone is something that I would be looking upon very favorably. It certainly matches that corridor on Chrysler Avenue and it's far enough away from the residents on Tower Avenue so, it wouldn't be any different that what is already there. So, at this time I would entertain a motion for either a positive or negative recommendation.

Mr. D'Alessandro: I will make that motion for a positive recommendation.

Ms. Scannell: Thank you. Do I have a second.

Mr. Miglucci: I'll second it.

Ms. Scannell: Thank you. Marlo, could you please call the roll.

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.

Motion passes so, we look forward to seeing you hopefully back here.

Mr. Pagan: We need to also go for the variances so hopefully we will be back, yes.

Ms. Scannell: I look forward to learning more about the project. I like that I can see some green on there.

Mr. Pagan: Well, I colored it in so you can tell the difference about the parcel we are talking about and then the adjoining parcel.

Ms. Scannell: Great. Thank you so much. Have a great night.

Mr. Pagan: Thank you.



Town of Rotterdam
Office of the Planning Commission

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Resolution Number PC 12-2024

Moved by Mr. D'Alessandro seconded by Mr. Miglucci
Applicant: Govin Sarju

**Resolution Adopting a Report and Positive Recommendation on
the Change of Zone Request by Govin Sarju on Tower Avenue**

WHEREAS, the Town Board of the Town of Rotterdam ("Town Board") has received an application from the Govin Sarju for a Change of Zone on approximately 0.35 acres of from Single Family Residential (R-1) to Light Industrial (I-1). Property is located at the corner of Tower Avenue and Chrisler Avenue (Tax Map No. 59.7-10-1.12). Applicant is proposing to construct a ±2,000 square foot storage garage; and

WHEREAS, the Town Board referred the Change of Zone application to the Planning Commission on February 14, 2024 for a report and recommendation thereon; and

WHEREAS, the Applicant, through its consultant, Ingalls and Associates (Chad Pagan) presented the Change of Zone application to the Planning Commission at its regularly scheduled meeting held on February 20, 2024; and

WHEREAS, the Planning Commission reviewed the proposed Change of Zone at its regularly scheduled meeting held on February 20, 2024; and

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

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

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 0.35 acres. The property is surrounded by a mixed use of commercial, industrial and residential development. This area is very convenient for traveling to and from multiple locations.

- All nonresidential uses permitted as of right in the B-2 District.
- Dry-cleaning, carpet-cleaning and laundry facilities.
- Bottling plants.
- Bus barns and public garages.
- Car washes.
- Contractor shops and equipment storage yards.
- Creameries and milk plants.
- Kennels and veterinary hospitals.
- Laboratories for scientific or industrial research, testing and development.
- Lumberyards and building material sales yards.
- Machine shops.
- Mechanical, optical, photographic, scientific or electronic manufacturing conducted entirely within a completely enclosed building.
- Newspaper and printing establishments.
- Saw and planing mills.
- Trucking terminals, warehousing and distributing, provided that no outdoor storage of materials shall be permitted.
- Woodworking mills.
- Fuel-oil storage tanks.
- Wind energy facilities subject to the requirements of the Town of Rotterdam Wind Energy Facility Law

The applicant is proposing to construct a ±2,000 square foot storage garage.

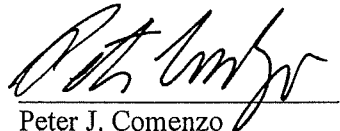
2. Subject to the considerations set forth in Paragraph 3, below, the Planning Commission hereby adopts a **positive recommendation** on the Govin Sarju Change of Zone request for the following reasons:

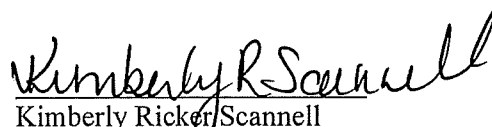
A. the property is in an area surrounded by similar uses, including warehousing and storage businesses.

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 and, as necessary, by the Zoning Board of Appeals.

<u>Member</u>	<u>Aye</u>	<u>Nay</u>
Thomas Yuille	X	
Mark D'Alessandro	X	
Wayne Calder	X	
Clark Collins (Excused)		
Joseph Signore	X	
Lynn Flansburg (Excused)	X	
Joseph Miglucci	X	


Peter J. Comenzo
Senior Planner


Kimberly Ricker Scannell
Planning Commission Chairman

2. **496 Rotterdam LLC – 496 Duaneburg Road. Sketch Site Plan/Special Use Permit to convert tenant space three (3) ±2,078 square feet into a motor vehicle repair shop on ±1.12 acres. Engineer: Advance Engineering & Surveying, PLLC.**

Ms. Scannell: We have Advanced Engineering & Surveying. Hi, how are you?

Mr. Ciliento: How are you doing tonight? I'm just looking for a special use permit for a portion of the building to turn it into an allowable mechanic shop. The guy that is in there right now was basically transitioning and wants to get into mechanics or else he's got to move out. So, I figured, it is an allowable thing but you have to get a special use.

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

Mr. Ciliento: Joe Ciliento, I'm sorry.

Ms. Scannell: It's okay. Thanks Joe, it's nice to meet you.

Mr. Ciliento: It's right next to Bellevue Builders there.

Ms. Scannell: I did find it. It took me a quick second and I was able to find it. Joe, did you have an opportunity to look at the DPW comments that were with the agenda?

Mr. Ciliento: No, I did not, I'm sorry.

Ms. Scannell: That's okay, we are going to talk about a few of them. So, one of the conditions would be no more than 10 vehicles should be stored outside at any time. I guess maybe let me take a step back. So, your tenant is the one that is looking to do this there?

Mr. Ciliento: Yes, I'm the owner of the property and I feel like I should know what is going on there before he has asks questions. Whatever you guys want; I will stipulate in a lease with him.

Mr. Comenzo: Here are the comments, Joe.

Mr. Ciliento: Thank you.

Ms. Scannell: So, since you haven't had an opportunity to look at these.

Mr. Ciliento: If you want, I can come back up if you want to take another case. I agree with nobody work 100%.

Ms. Scannell: What I'm thinking is if you are going to have to talk to your tenant and put a lease together anyhow and this is a special use permit and it is likely something that is going to be moving forward, if you would be okay with getting any questions about the site itself, outside of the technical specifics of what your tenant is going to do because clearly you're going to have to talk a little bit with that person. We will hear what the Planning Commission questions are and you can answer them if you are able to and then we will go from there. We will start at this end, Mr. D'Alessandro.

Mr. D'Alessandro: I had a couple of things written down but they are all showing up on the DPW comments. The only thing that I would ask is what would be your hours of operation for the garage. I'm just worried about neighbors in the back past 5 or 6 o'clock at night. Would that be it?

Mr. Ciliento: I can definitely stipulate an hour for him. I can tell him that he has to be pretty much wrapped up by 6 pm and not going to 8, 9 or 10 o'clock at night to be respectful for the people in front of us. I'm pretty sure if he's going to do anything he would probably be inside. I don't know if I could control that because I'm not going to watch him but we can definitely put hours on it. I'm all about it. I want to keep so that he operates, the thing is that he has to transition or else he is going to fall apart. I'm looking to give him this opportunity to do that there.

Mr. D'Alessandro: I just want to make sure that you are in agreement with the DPW comments with no body work and all that on the property.

Mr. Ciliento: I'm just seeing that now. I definitely don't want that because then you have to get into a spray booth and everything else and I told him I'm not getting into that. I don't want to retro fit the building because I already did twice. I want to stay with what we have.

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

Mr. Ciliento: I want to put an addition on but not right now.

The dumpster I can definitely do that. I will be the contractor anyways so I can definitely do that to get something screened in.

I will probably Nick, who did the survey, give me a place that would work. I think I got a spot there really.

Ms. Scannell: Mr. Calder, do you have any comments, questions or concerns.

Mr. Calder: You mentioned that he was going to take a part of your building. What else is in your building?

Mr. Ciliento: Well, in there right now you have MHP, Material Handling Products, the forklift company. They moved off of Burdeck and came over there. They basically run their forklift sales operations out of the majority of the front of the building.

Mr. Calder: There's only two...

Mr. Ciliento: There are only two guys in there. Originally there were three and I combined two because MHP needed more space and then left me with this small 1,500 square foot spot and this is a small-time guy. He's by himself and one other person. This is where it came up and asked if he could use that space for that. I said he could but told him that I had to get a special use permit.

Mr. Calder: So, he has bathroom facilities and water and such?

Mr. Ciliento: Yes, it has a bathroom in it. I sent the plans in. The plans do show that each spot actually has a restroom. If I wanted to convert it back to three, I can. Obviously, you work with whatever tenants you can get. MHP is a great tenant and they signed a six-year lease. I'm happy with them and this guy is a pretty good guy. He has been paying on time and he has been a good tenant of mine. I'd hate to lose him.

Mr. Calder: I don't mean to go over it twice but you are going to add all these DPW stipulations in there?

Mr. Ciliento: Do you want to respond to these in an email to Lisa or something?

Ms. Scannell: So, what we're going to need to see is that your tenant, even maybe in the form of the lease, if these were part of the lease agreements but your plan that you submitted needs to have all of these things the next time you come back taken into consideration. Our attorney just mentioned that number 7 might be a little ambiguous which states no vehicles shall be parked less than 10' from any property line. That means that we want them at least 10' away from any property line. I noticed that when I was there it did seem like whoever is there now things were pretty close to the property line. What's going on in the back right now with those cars?

Mr. Ciliento: "Inaudible..." they are not mechanic cars. The cars that he's got there are a couple of trucks back there right now, those are his personal vehicles.

Ms. Scannell: There are a couple of boats, there's a tractor that looks like it's from the 1940's.

Mr. Ciliento: He's basically uses some of that for storage. That is all that he's really paying me for. Originally, he was just using that as a storage over there.

Ms. Scannell: There's a dozen cars to be clear.

Mr. Ciliento: I haven't been back there.

Ms. Scannell: You might want to take a look.

Mr. Ciliento: I can tell him to get some out of there. I don't know what he's really put there in the past year. I haven't been there.

Ms. Scannell: I guess maybe the concern, if we're having a limit and saying no more than ten (10) vehicles shall be stored outside at any time, then just looking in the back myself this past weekend, including boats we are up to 12. So, we're going to have to take that into consideration as well.

Mr. Ciliento: I mean currently the property, the I-1 has an allowable in its main primary zoning to be allowed for storage, I believe, right? I mean based on what I read so when I initially rented it to this guy it was basically just for that because he was trucking back and forth and needed somewhere to drop stuff. With the big yard in the back, it's kind of hidden and it's in between Bellevue Builders, it's not an issue. But if you want to control some of that, I get it. I'm not opposed to saying that we have to get some of this stuff cleaned up.

Ms. Scannell: Peter, can you weigh in on this, please?

Mr. Comenzo: So, put in the application for what you are looking for because I think those are standard comments.

Mr. Ciliento: Let me talk to him.

Mr. Comenzo: Maybe you want to ask for 15 or 20.

Mr. Ciliento: What do you got here? What do you need?

Mr. Comenzo: It was pretty orderly in the back and they used to store tanks back there. It is an industrial property so there is an ability to use it for that but you don't have it in an application so, I would say meet with your tenant and come back with the application and this is what we want to do and then we can schedule it.

Mr. Ciliento: I can meet up with him tomorrow and then send it back in with another application?

Mr. Comenzo: Just supplement your application. This is what we are agreeing to and we would like to...

Mr. Ciliento: Then I can add or subtract whatever I think I need to accommodate him. That sounds like a plan to me.

Ms. Scannell: I think what we are going to do, if it's acceptable to you, because we'd like you to get back as soon as you are able to talk to your tenant. Peter is a valuable resource. Give him a call or give Lisa a call. I think what we are going to do tonight because we would really like to see this move forward is I'm going to entertain a motion to declare the Planning Commission lead agency and then after that happens, you'll get your stuff together, get back on the agenda and we'll see you soon. Does that sound good?

Mr. Ciliento: That sounds like a plan to me.

Ms. Scannell: Let's just check to see if Mr. Signore or Mr. Miglucci any questions?

Mr. Ciliento: When is the next meeting?

Ms. Scannell: We are here every two (2) weeks. If you need four (4) weeks, you can come back in four (4) weeks but we certainly do not want to slow your progress down.

Mr. Ciliento: I want him to operate because if he doesn't start making money, I have to kick him out.

Ms. Scannell: Mr. Miglucci or Mr. Signore any questions or comments.

Mr. Signore: You covered quite a few of them, but my concern is long term storage of vehicles and what we want to avoid is having the perception of a junkyard and then you add a car and then it's two (2), three (3), four (4) and then it's there six (6) months and another car goes and it sits there and before you know it you have all these cars that can't run and they are parked on the property.

Mr. Ciliento: I'm totally on that.

Ms. Scannell: It's kind of like that now, Joe.

Mr. Ciliento: I own the property. So, I don't want to be stuck with that either. Believe me, I will stay on top of that.

Mr. Signore: Whatever vehicles that are not going to be there for long storage, you have to park them nice.

Mr. Ciliento: He's not using those trailer beds or the long-haul beds there, he's got like three of them. I told him to get rid of those. Those are out of there because he's not hauling anymore and I said we can't store this stuff here because it's starting to look like you said, a little overloaded. If you are not using this and it isn't moving you have to get it out of here. Now I will address the other items. I'll take a ride over there tomorrow once I review this and I will talk to him straight up. He will do what I want him to do and if he doesn't then we will find somebody else.

Ms. Scannell: I'm not sure if it's the landlord's responsibility or the tenants but there are kind of parts of the fence that were pushed down.

Mr. Ciliento: Actually, you know what it was, on the Bellevue Builder side they are pushing the snow up against that and every time they come hard and the pile gets heavy, they knock that fence down. Technically, I have to put a new fence but I can't have them pushing it over every time. In due time. I did the building a couple of years back.

Ms. Scannell: The building looks great.

Mr. Ciliento: I'm still "Inaudible..." to tell you the truth. MHP called the other day and said I think we have a leak.

Ms. Scannell: Mr. Miglucci, any questions, concerns or comments?

Mr. Miglucci: I just want to touch again what Mark said about hours and that. No one wants to hear an impact wrench at 3 o'clock in the morning.

Mr. Ciliento: As of right now, I don't know if anyone is complaining at all to the Town and I haven't received anything yet, but based on what he was inside that spot, it's pretty isolated from that. Now mind you, hours will be something we put in there and I will tell him and we will limit to 6 o'clock.

Mr. Miglucci: Is he going to be hiring any extra help?

Mr. Ciliento: I don't know, it would be up to him at that point. He has a girl that helps him with oil changes I supposed. She seems to be there helping him out. I think it's his wife or girlfriend. I don't know.

Mr. Miglucci: If he creates one job that can't be a bad thing.

Mr. Ciliento: I don't know the actual make-up of his mechanic work. All I know is that that spot if I did get the special use permit for a mechanic, I could get quite a few people interested even if he didn't work out because realistically that's a pretty hot item right now.

Ms. Scannell: It's a good location. It's really tucked away. Do you have an oil water separator in there?

Mr. Ciliento: I think I did put it in when I remodeled it.

Ms. Scannell: Can you note that on the plan. I think that would be helpful.

I'm going to go ahead and entertain a motion to declare Rotterdam Planning Commission lead agency.

Mr. Calder: I will make the motion.

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

Mr. Signore: I'll second it.

Ms. Scannell: Very good. Marlo, please call the roll.

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.

Thank you, Joe, we'll see you in a couple of weeks.



Town of Rotterdam
Office of the Planning Commission

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

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Resolution Number PC13-2024

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

Applicant: 496 Rotterdam LLC

Project Location: 496 Duanesburg Road
Rotterdam, NY


Tax Number or Numbers: 48.18-7-2

Proposed Project: Site Plan/Special Use Permit to convert tenant space three (3) ±2,078 square feet into a motor vehicle repair shop on ±1.12 acres.

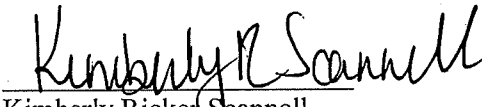
WHEREAS, pursuant to 6 NYCRR Part 617 State Environmental Quality Review the above referenced project is an Unlisted Action; and,

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, February 20, 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

3. Primax Properties, LLC (Contract Vendee) – 2945 Hamburg Street. Sketch Site Plan review to construct a ±10,640 square foot retail Dollar General store on a ±2.24-acre parcel. Engineer: Bohler Engineering.

Ms. Scannell: Up next, we have Bohler Engineering and we have Ms. Mlodzianowski.

Ms. Mlodzianowski: Good evening.

Ms. Scannell: How are you tonight?

Ms. Mlodzianowski: I am well. How are you?

Ms. Scannell: I am well, thank you.

Ms. Mlodzianowski: Good evening, again for the record, Caryn Mlodzianowski with Bohler Engineering, here with Josh Lanning and Adam Selner from Primax Properties, LLC this evening, the contractor purchaser for 2945 Hamburg Street.

As a refresher, we were here on January 23rd to introduce the proposed retail project at a sketch plan level. We came in with our sketch plan at that time. The site is within the B-1 zone; however, we have elected to pursue the Core Overlay since that is something somewhat newer with the town and seems to fit the vision. With that, we are proposing a 10,640 square foot retail store as a reminder with a building up towards the road as you can see here.

From a layout standpoint, nothings really changed since you saw the sketch plan since we received positive feedback when we were here last month so, we went ahead and took that site layout and prepared the full site plan review application since this is a use allowed as of right with site plan review and approval by this Board.

Also, as a reminder, we are proposing to close a curb cut so the site as it exists today has two curb cuts while I mentioned we'd love to have both it seems appropriate to close one so we're closing the one closer to the intersection with the Fasula Boulevard and keeping the northernmost part for the project. Last month, we also reviewed the parking and the zoning so, we are proposing a zoning compliant plan for the Core Overlay within the setback requirements, the front side and rear. The only thing that we fall short of is the required parking spaces where for a building this size 54 would be required and we are proposing 33 for a reduction and a waiver of request of 21 spaces. Again, we see the benefit in the added green space verse the additional parking and pavement that we don't feel is necessary for this retail store.

Other changes that we had made based on comments that we heard here and developing a full site plan application package and DPW comments was a pedestrian connection to the existing sidewalk and that is within the right-of-way so, we are showing that as you can see here. The sidewalk improvements do stay in the whole frontage of Hamburg Street so we will be improving where the curb cut closed and then providing that sidewalk connection to the right-of-way. Everything has been submitted to DOT and that is underway and we will keep the Planning Commission posted as we hear back from them.

As part of the site design plans, we have taken to full completion and design since last time. We have added street trees up along the road. We are maintaining the green space between the building and the road so that there is no parking. As far as drainage we have excellent soils out here so we are proposing our roof and everything from the parking lot to drain towards the back of this site where the stormwater management area back there and out of view. Utilities are readily available along Hamburg Street such as water, sewer, so we have showed those things as well.

We have also prepared the site lighting design that shows no spillover, full cut off, dark sky compliant LED features as part of that as well. We have taken things quite a long way since last month and we are excited to get the Commission's additional feedback and next steps as we move forward.

Ms. Scannell: I love the sidewalks. I love the green space. I love the trees so thank you for adding those. Before I continue, I'm going to start with Mr. Miglucci, questions, comments, concerns.

Mr. Miglucci: Trees in the front will actually be blocking any visual of the actual building itself?

Ms. Mlodzianowski: There is one on each side so as you are approaching that will end up what's happening. It does break that up. Yes.

Mr. Miglucci: Because we do have a Comprehensive Plan for that corridor and it looks like you did a lot of work on it. That is all that I have.

Ms. Scannell: Thank you. Mr. Signore?

Mr. Signore: On the north side there are three (3) existing drywells.

Ms. Mlodzianowski: Yes.

Mr. Signore: What are you going to do with those?

Ms. Mlodzianowski: We are just going to leave them as they are. It looks like a lower point that the adjacent site might actually drain towards as well. We don't need to impact them. We're not working in that area so they will just remain for stormwater drainage.

Mr. Signore: Where does the stormwater go from there then, from the drywells?

Ms. Mlodzianowski: Into the ground. So that is an open bottom and the soils are so...

Mr. Signore: Here's my concern, at some point if these aren't maintained or terminated in some way, someone, somebody, some kid is that a possibility of them falling into these drywells that aren't decommissioned.

Ms. Mlodzianowski: Again, well let me speak to that one step further. While anybody could technically access them, they are probably too heavy for somebody to lift the cover off.

Mr. Signore: I'm thinking if they are not maintained and they are caving in the side or something. It's a never say never kind of thing.

Ms. Mlodzianowski: I understand. If you would like we can evaluate the current condition of them and if we see any concerns, we can decommission them and figure something else out.

As far as "Inaudible" we are proposing a privacy fence between those and the parking lot as well so they will kind of be out of sight. We just don't want to impact anything "Inaudible..." (*Papers being moved near microphones and cannot hear what she is saying*).

Ms. Scannell: Are you satisfied, Joe?

Mr. Signore: Yes.

Ms. Scannell: Mr. Calder?

Mr. Calder: I really don't have anything to add right now except it would be nice to see that property filled up with something and get it back on the tax rolls where it belongs. Other than that, I have no questions. Thank you.

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

Mr. D'Alessandro: I like what you did and took all our ideas that we had and put them down. The question that I have is where do the deliveries come through the back where the double doors are at the very end?

Ms. Mlodzianowski: That's right.

Mr. D'Alessandro: Okay and that is what that ramp is for?

Ms. Mlodzianowski: Yes.

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

Ms. Scannell: Did you have an opportunity to look at the DPW comments from our meeting this past Thursday?

Ms. Mlodzianowski: I have the set we reviewed last time.

Ms. Scannell: From January 23rd, right. We had a couple of things to add. Peter, do you have an extra copy of that?

Mr. Comenzo: I do.

Ms. Scannell: I have a question about the, there is a wire that goes across kind of like a weird angle across, can that be moved, or no?

Ms. Mlodzianowski: So, that's National Grid's. We are just going to maintain it and leave it as is since it serves other people.

Ms. Scannell: So, that pole has to kind of stay because it's a National Grid pole?

Ms. Mlodzianowski: Yes.

Ms. Scannell: I know we talked a little bit at the DPW meeting about having concrete for the 13 parking spaces along the north side of the building. Are they listed as that right there?

Ms. Mlodzianowski: They are proposed as asphalt right now.

Ms. Scannell: I think we would like to see the concrete because of the oil when it spills when cars are sitting in front.

Ms. Mlodzianowski: We can consider that.

Ms. Scannell: Peter, can you weigh in on that a little bit and maybe explain some of the rationale.

Mr. Comenzo: Some of the most used parking spaces in those areas and the Planning Commission for the last several years has been requiring that for projects that they do put the concrete in. What tends to happen with the asphalt is it breaks down after a while if there are fluids from cars that are leaking on it. You will see all the new Stewart's have the concrete and it lasts a lot longer and it doesn't create a potential pedestrian hazard when someone steps on an uneven surface.

Ms. Mlodzianowski: Okay.

Ms. Scannell: What kind of signage are you proposing?

Ms. Mlodzianowski: We are proposing a sign on the front and on the side and then the free-standing sign details have to be worked out. That will be handled by the sign vendor later.

Ms. Scannell: It will be a lower sign?

Ms. Mlodzianowski: Not sure at this time.

Ms. Scannell: I would like to kind of ideally see something that isn't a big, tall screaming "Hi I'm a Dollar General Sign" and maybe a monument size.

Ms. Mlodzianowski: Okay.

Ms. Scannell: What are we considering for the style of the building that would be going there.

Ms. Mlodzianowski: I did bring a consideration if you would like to see it.

Ms. Scannell: I would love to see it.

Ms. Mlodzianowski: The typical store that would be the configuration that we are proposing is this style and you have probably seen this color scheme before with kind of the block finishes that are there. This is on the table.

We did take things three steps further and upgrade the building in various ways as you can see here. So, we did want to show this this evening keeping with the natural color scheme but instead of having that typical block façade we have proposed hardy board siding. That is the tan that is there breaking that up with kind of the base that would be the black and some shutters so it's not just a blank wall and then the corner entry feature instead of having the flat roof, as you can see, adding a peeked roof with molding, again the hardy board siding and accents around it that all matches together.

So, this is what you would see if you were at the street.

Ms. Scannell: Is there a third option behind this one?

Ms. Mlodzianowski: There's not. This is the other option and what you would see if you were at the driveway entrance.

Ms. Scannell: So, I think that is very industrial looking for that corridor and I would urge your design team to maybe look a little closer at our Comprehensive Plan and they are welcome to reach out to any of us to kind of provide some feedback which I think we have done before. We are very excited about the green space, but this kind of looks like ehh, a Dollar General just kind of dropped out of the sky.

Ms. Mlodzianowski: Okay are there specific...

Ms. Scannell: I think maybe, I'm not sure if I still have it with me, I'm happy to provide you with some of the looks that we had seen. I couldn't believe when I looked online how many Dollar General's there really are in the world.

Ms. Mlodzianowski and Ms. Scannell review some Dollar Generals but can't pick up all that is being said as they are not near the microphone.

Ms. Scannell: I can send this to you. I just really think this would match the character and even that one is a little step up.

Ms. Mlodzianowski: The difference there is the color. So, I guess for direction on color something like that versus the natural or the natural color?

Ms. Scannell: I think probably the natural color. To bring together a commercial corridor with a residential corridor, which is what our Comprehensive Plan talks about. We're excited because this is going to be the first new construction so you get to set the tone and we really want to make sure we are using our Comp Plan for that. I will make sure that we send these to you.

Ms. Mlodzianowski: Thank you.

Ms. Scannell: Does anyone else have any questions?

Ms. Heinel: I was just looking at the proposed stormwater facilities for the building and just in particular the infiltration basin in the back you have, I can't tell just from my computer screen when I zoom in it gets a little blurry, how steep the grade is to go down to the infiltration basin. I see you have graduated steps down. Are you increasing that slope at all or is it just a natural grade down?

Ms. Mlodzianowski: From existing conditions?

Ms. Heinel: Yeah, from existing conditions.

Ms. Mlodzianowski: It's basically flat right now so we are creating that slope down into the basin because there is not a basin that exists today.

Ms. Heinel: How steep is it going to be? Do you know?

Ms. Mlodzianowski: I don't remember off hand but I believe it goes down a foot every four feet.

Ms. Heinel: My only concern would be there with some of these infiltration basins we have seen it as an attractive nuisance for younger children who might wander around and see a big pool of water that hasn't quite infiltrated yet and then they stumble in and you could have an issue with that. So, if it is particularly steep some consideration for protective screening to prevent any instance with a child or things like that falling down the hill into the water or anything like that would be a consideration.

Ms. Mlodzianowski: Absolutely.

Ms. Scannell: Can you review your lighting plan again with me and with us. I know that you mentioned you are using dark sky guidelines. What kind of lighting are you...

Ms. Mlodzianowski: So, they are actually very thin and sleek LED fixtures so, whether it's the wall pack "Inaudible..." it looks similar to this but on a pole for the poles and I will flip back to the site plan. We try to use as much of the ball lighting that we can. We are going to end up with three (3) poles. One in the center of this row of parking that faces the building, one in the center of this drive isle that faces the building that would help light the drive isle and most importantly the "Inaudible..." and then a third back here where the truck turn around is.

Ms. Scannell: Some of the other comments is that the applicant should provide building elevations for Planning Commission review. A traffic and sight distance analysis for impacts to the existing roadway system. Bollards to be shown and detailed. We have retained the TDE and the technical review should be starting soon, which is great. Peter, do you want to weigh in on anything?

Mr. Comenzo: The only thing that you didn't follow up on was the comments regarding the stormwater. LaBella Engineering will be reviewing that. Part of the reason for the stormwater and it's only a three-foot elevation difference, three or four foot, because of the large size of the property. This property is a lot bigger than what they would need for the size of the store they are proposing. We had requested at DPW that they created a larger and shallower stormwater area so we don't wind up with fences and weeds and everything else that is associated with that. I think that will be reviewed by our stormwater folks at LaBella. I think that is probably why you are looking at a fairly large stormwater area is because they are covering a fairly large area and it's pretty sandy over in that area. So, I would imagine any type of stormwater runoff would dissipate fairly quickly on the site and it would all be retained on site.

Ms. Scannell: Thank you, Peter. I want to go back to the lighting again just for a minute. Because we are in that mixed residential neighborhood, I can understand safety and security of course is going to be a concern and we are going to make sure that no one is hanging out on that property after Dollar General is closed so I recognize the need for lighting. There had been some concern the last time you were here that there are apartments right around there, there is a residence in the back. When you said that there is going to be the LED lights out in the parking lot, how bright are those? Are they like the really harsh white lights? Are they kind of like a yellower?

Ms. Mlodzianowski: These would be closer to white in color and if you something you would like us to adjust, we can look into that.

Ms. Scannell: So, I would like to see maybe that is a little softer that could still provide, of course, for safety and security, like a 3,000 "Inaudible" or something that warmer color because it is a residential and commercial corridor that way the folks that are in the apartments on either side or across the street or the residences in the back wouldn't be impacted as much by those lights.

Ms. Mlodzianowski: Okay. There will be some lighting that remain on for security purposes but it doesn't all stay on.

Ms. Scannell: I would want something to be on for security purposes, absolutely. Very good.

Since this matter is not required to have a public meeting held, I have decided that we will allow privilege of the floor tonight. We do have some rules. I would like for anyone that speaks to please state your name and address. If you have anything in writing that you would like to submit, you are welcome to do so. Please only address the Planning Commission during privilege of the floor. Please do not address the developer. Please understand that any questions that you ask of us during the meeting are not going to be responded to. They should be directed to myself. The Planning Commission is not obligated and we will not answer any questions during the meeting. This is an opportunity for you, the residents, to be heard. I'm going to allow a four-minute time limit and it will be strictly adhered to. I will signal to you when you have 30 seconds remaining. Privilege of the floor is not a time for a debate. Character assassination of any individual or groups of individuals will not be tolerated and will result in loss of privilege at this meeting. Would anyone like to take advantage of privilege of the floor? Come on up.

Ms. Ciampino: Hi, I'm Danielle Ciampino and I live on Fasula Boulevard.

Ms. Briskie: I'm Nancy Briskie and I live on 134 Fasula Boulevard.

Ms. Collins: Annette Collins, 136 Fasula Boulevard.

Ms. Ciampino: We wanted to present you, I've emailed you and I don't know if the rest of you have seen my emails but we have many concerns about the Dollar General.

We have a petition signed by everyone available on our street as well as the entire small business, Hamburg Street Association. We just had a lot of the questions I have already put in my email.

Mr. Comenzo: Danielle, just so you know the emails that you sent me, there were two of them, I put them in the packets and the Board Members have them.

Ms. Ciampino: I do have a lot of articles that just talking about the company that I wanted to give you guys as well and I also have, we FOIL requested the last five years of police incidents that have happened at Walmart, the Dollar Tree and then all of Hamburg Street together and Walmart and the Dollar Tree have more than 30 times as many as the rest of the plaza. Those types of stores are more prone to getting a police presence and we're just concerned about our kids, concerned about our properties and we just want everything addressed to make sure the traffic, is there going to be another light put in so that we can turn out of our street because that is the narrowest part of Hamburg Street. There is no center lane on that part of Hamburg Street and there's only been "Inaudible...".

Ms. Briskie: My name is Nancy Briskie, like I said I'm at 134 Fasula Boulevard. I have been living there for the last 35 years since Fasula Boulevard has been built and prior to that I was on Second Avenue and prior to that I was on "Inaudible" Street in Rotterdam. So, I've been in Rotterdam probably for 40 years. My husband, Bob Briskie, has been here all his life.

Our concerns are when I just for the heck of it went and checked which say for example there is the Dollar Store, General and then there is the other Dollar Stores. When you look at Wikipedia, for example, it will bring up all of those chains but it will give you all the information you need to know with all the references about what the Dollar Store entities. For example, the Dollar Store alone with other Dollar Store chains while sometimes filling a need in cash strapped communities, they are regarding not merely a by product of economic distress they are the cause of it and when you read all that we have given you regarding that, that is all listed in here I think you will get a good understanding as to where we are coming from. The other reports that we have, that Danielle gave to you, are from CNN and from a lot of other well-known companies that give you an example as to what the Dollar Store does attract and it's huge in crime and it's huge in OSHA. OSHA has thrown some many suits at them that it's a little bit crazy.

I, as a resident, I used to do a lot of early morning running so I used to leave Fasula Boulevard at 4 am and I've come across quite a few peculiar incidents coming out onto Hamburg Street at that time and I know where a lot of that was coming from and that has been going on for like the last 30 years that I've experienced that. I've seen along Hamburg and Curry Road, I've seen quite a bit.

This isn't going to help us in any way. It's going to be attracting a lot more and when you read the articles you are going to get to see the shootings, how many people have died because of the Dollar Store, the Dollar General, the robberies, it's really incredible. It really opened my eyes. When I read the quotes from all of you on your website and how you're here for us and you listen to us, it's not about the politics, it's about the people and I take that to heart. I've done a lot of volunteering in the Town of Rotterdam and a lot of people in our development have done a lot for the Town of Rotterdam. I've done volunteering, I've been on Boards, I've run runs with the Community Day working with Oliver Robinson, I've done fundraisers for families in the Town of Rotterdam raising money between the Rotterdam Girls and boys' baseball and there is so much more we can give to our residents. The more, all I see is distress when I see this store.

Ms. Scannell: You have 30 seconds.

Ms. Briskie: I appreciate the time that you are giving us but I would really love to see you reconsider this. You can have whatever lighting you want, it's just that yellow sign along is going to bring so much havoc to our area and I just want you to take that into consideration.

Ms. Scannell: Thank you, Nancy. Thank you, Danielle. Thank you, Annette. Would anyone else like to speak during privilege of the floor for this matter only? All right, privilege of the floor is closed.

So, you have the comments from DPW and you have the comments that we made tonight. We're going to be hearing what our TDE has to say and we declared lead agency on January 23rd and we will make sure that all the materials that we have been provided with get circulated to the involved and interested agencies.

Ms. Mlodzianowski: Thank you. Would that include the County as well?

Mr. Comenzo: Yes.

Ms. Mlodzianowski: Thank you.

Ms. Scannell: Thank you very much. Have a great night and thank you for coming.

4. GDPL Ville Rotterdam, LLC (Contract Vendee) – 900 & 880 Duanesburg Road. Conceptual Review for a 102,500 square foot BJ’s Wholesale Club with associated eight (8) island fueling station at 900 Duanesburg Road and a 2,000 square foot retail building with associated drive-thru. Engineer: ABD Engineers LLC.

Ms. Scannell: Up next, we have ABD Engineers with GDPL Ville Rotterdam, LLC, 900 & 880 Duanesburg Road. We have a concept review for BJ’s. We have Luigi Palleschi and friends by the looks of it.

Mr. Palleschi: Good evening. Luigi Palleschi with ABD Engineers and Surveyors. As you have mentioned, we have a whole team here with us tonight from BJ’s to attorneys to traffic, gas station help and the developer, GDP.

We want to thank you for this opportunity to come before the Planning Commission. We all know that we are working towards the change of zone. The current property is agricultural and we’re changing it to B-2 to keep BJ’s here in the hometown. We want to give you an update. I forgot the last time, a few months ago, we presented this plan to the Board. There are a couple new faces so I will try to keep it quick.

This plan that you see over here is the previous plan that this Board reviewed where the driveway was located here and the “Inaudible...” (*Luigi not speaking near microphone*). The building is situated in the northeast corner and the gas station in the westerly portion of the site.

After reviewing the plans with town staff, it was advised that we move the driveway further east and by doing so we had to move the drive-thru restaurant over on the other side of the driveway. Right now, I will go through some of the changes. This is the latest plan that we have submitted where the driveway has been shifted as far east as possible. The drive-thru restaurant is setback a little but now on the west side of the driveway. The BJ’s building stayed in its general location. There were some changes between the previous and now with the building square footages. BJ’s right now are “Inaudible...” (*Papers being shuffled near microphone and hard to hear what Luigi is saying*). Even early on it was great as an engineer here for the site plan to have the actual building and now this shows the actual footprint. The square footage is where the breezeways are, all the details. So, if you remember BJ’s will continue with the tire center and they will have 16 fueling positions. The loading dock again is in the upper northeast corner of the site and if you recall from the previous site plan, we had to make some minor modifications to the parking lot as well. Over in this southwest corner we have additional parking spaces there which have been removed and this configuration up in this corner, we had a T intersection with some parking spaces and that got modified as well.

Overall, we have 487 parking spaces is what you see here. From previous plans we actually had a little more parking spaces and when we were refining the site plan details, that is where we sort of cut back on the parking because we felt that we are meeting the BJ’s requirements at four and half spaces per thousand even though the code requires five (5). If we didn’t have to build extra parking, we can preserve it for green space.

We have been working out the details to date and we have submitted to the TDE what you see here in the front is the stormwater management area. There are separate areas for that. We are looking at bioretention systems which provide additional landscaping. We felt that having landscaping up front along Duanesburg Road, a few street trees and some island shrubbery to sort of soften the parking lot is what you see here. There is a propane station that is sort of blocked by additional trees as you come in to the entrance here. There will be signage. There’s a proposed sign here at the main entrance to the site and then there is also a proposed pylon sign that would be facing I-88. Obviously, signage around the building, building mounted for BJ’s. Building mounted signage for the gas station canopy. Some LED, some non and I can show you some of those details. That has all been worked out at this point.

Utilities wise we have done several test pits for the water so we now have a better understanding on the water system so we could connect to the municipal water. Since there is no sanitary system available municipal, we are proposing a wastewater treatment plant. That will be a stand-alone system and that will serve BJ’s and the restaurant pad. It gets treated and it gets reviewed by NYSDEC and after it’s treated its pretty much river quality. They say you can drink it, but I wouldn’t. These are a lot of details that the whole team has put together to get to this point. Like I said the grading, the drainage, the utilities, we are even working with DEC right now in regard to the review of the SPDES Permit. The stormwater is being reviewed by the TDE.

Traffic-wise we have been going back and forth with the TDE. We have responded to their comments. We have worked with DOT and had several correspondences with them. I think really what haven't we provided at this point is maybe the lighting which we will certainly provide lighting on the next round but we just wanted to give you this update.

A couple of the comments from the previous site plan review if I remember, some of the board members, over in the gas station area there was a couple comments regarding the south station being in a position and providing enough turning maneuverability so this revision here, after thinking it through and working with the team, we actually provided a little more pavement so that we can address that concern for the Planning Commission.

We would love to continue the conversations here with the Planning Commission and we understand that we have to go to the Town Board and we hope that we can work out any comments that you might have tonight and we can incorporate them and keep this project moving forward and keep BJ's in our Town. If there are any questions, I will turn it over to the Board.

Ms. Scannell: Thank you and thank you for making all of the suggested changes so far. I think this pattern makes a whole lot more sense. I know that there were still some concerns about traffic. Peter, do you want to weigh in on this?

Mr. Comenzo: I think most of the concerns regarding traffic have been addressed. The only thing was the exiting portion of it that the Town was looking to have both a right and left turn movement out of the site. I know the project engineer is here tonight and can probably address that a little bit better than I could since I'm not a traffic engineer.

Ms. Moran: Good evening, Alana Moran with VHB. Yes, we know that the Town had been looking for both a left and right turn lane exiting the site. However, this is a NYSDOT owned and maintained roadway and DOT has certain classifications and certain requirements with different roads.

On roadways like this where it will be an unsignalized access, the DOT preference is to have single lane exiting the site if there is not a traffic signal. That is because as two vehicles are kind of coming up next to each other at an unsignalized location, you will kind of scoot forward a little bit more here and a little bit more there in order to be able to see around the other vehicle. So, from the DOT standpoint, this is a safety concern and in order to make sure that they don't have a crash associated with that lack of visibility. So, we have provided to DOT, the analysis that shows what the levels of service will be with one lane exiting the site or with two lanes exiting the site because they said they will look at it. Again, personally, I would be surprised if they were to grant two lanes exiting the site just because that is not their practice because of the safety concern.

Are there any other questions to traffic and transportation?

Ms. Scannell: Courtney, do you have any questions?

Ms. Heinel: Not on traffic and transportation.

Ms. Moran: Thank you.

Mr. Miglucci: I was going to ask this later but as far as traffic the hours of operation, what are your receiving hours as far as trucks coming in?

Mr. Blanch: Hi, I'm Jeff Blanch at BJ's. We can get delivered at any hour of the day.

Mr. Miglucci: Here is my question, I don't like the idea of trucks parking out on Route 7 so, when you're closed and if a truck coming in to unload would you allow them onto your property so they are not parked out on Duanesburg Road there?

Mr. Blanch: Yes.

Mr. Miglucci: That is all that I have. Thank you.

Ms. Scannell: Are you in charge of BJ's?

Mr. Blanch: I'm the site development manager with BJ's Real Estate.

Ms. Scannell: Does anyone else have any site-specific questions?

Mr. D'Alessandro: I do. I don't know if this would be for Luigi but I'm looking at the fuel pumps and you're going to be selling diesel fuel, right? So, the question I have or maybe a recommendation is to tilt those pumps like at a 45-degree angle. I've driven a horse trailer with big trucks, like a quad cap truck that is 20 to 22' long with a double axel horse trailer and you've only got 30' from the pump, that's going to be a hard turn with a truck and a trailer like that. So, if you angle those pumps a little bit, it's probably going to make it easier to go through there and instead of making a 90 when you go through the pumps just do a 45. That's just a suggestion I have. It might make your traffic flow better. That's all I have and it's just a suggestion.

Mr. Calder: I have a question for Luigi. You mentioned that the square footage might change in the building.

Mr. Palleschi: Yeah, it has. Just slightly. The footprint is 102,725 square feet as opposed to 102,500 square feet. So, it's not a big change and I just wanted to note it. There will be a mezzanine, if you are familiar with BJ's they have that mezzanine. The actual gross square footage is more than the footprint.

Mr. Calder: What is the size of the BJ's now down there, just for the heck of it.

Mr. Palleschi: It's slightly bigger than what we are proposing.

Mr. Calder: I would expect the opposite for the size of the property. That truck issue and traffic issue, I am very familiar with that myself. Since they posted Duaneburg Road telling trucks they can't park there it's been better, it's not fixed but it's been better. But as far as any trucks coming in to use the diesel pumps there, when they use the Pilot or the other place that is right next to it...

Mr. Palleschi: That is what we would expect. I think tractor trailers wouldn't be utilizing this.

Mr. Calder: They probably wouldn't try to come in there, I wouldn't think. That would be a nightmare. I have no other questions and it's only a concept right now you have a long way to go.

Ms. Scannell: Mr. Signore, did you have any questions?

Mr. Signore: I'm okay with cutting down on the spaces of the parking spots and adding greenery in lieu of that. Quite honestly, I'm kind of glad that BJ's Warehouse decided to stay here in Rotterdam. This is the type of development that they want and it's in a good spot. I know they figure 400 spaces, one and half people and that would be 600 and I go to the present BJ's Warehouse quite a bit and I don't see cutting the parking as a concern. I've never seen 600 people in there at any one time. I'm okay with the parking spots and the greenery.

Ms. Scannell: So, I have shopped frequently at the BJ's at it's existing location and I have taken a little bit of a closer look at your proposed parking area and sometimes at the old BJ's the way people kind of drive through the parking lot, is a little reckless and I wonder if a couple of those parking areas like next to the, is it a coffee shop that is going there?

Ms. Heinel: The drive thru?

Ms. Scannell: Is it a coffee shop drive thru?

Mr. Palleschi: We don't know what it is.

Ms. Scannell: I love the idea of a coffee shop drive thru, but right next to there those parking areas seem like maybe they would benefit from having a little island or some landscaping somewhere so that the cars can't cut through quite as easily.

Mr. Palleschi: This whole area?

Ms. Scannell: It looks like people could cut right across...

Mr. Palleschi: Cut across, I'm not following you.

Ms. Scannell: So, if people are parked closer and they don't want to come straight up they want to maybe go out closer to the fast casual drive thru coffee shop, they can kind of cut across, if there is not a lot of cars, they can just cut through the parking area.

Mr. Palleschi: Like at an angle?

Ms. Scannell: At an angle.

Mr. Palleschi: I got you.

Ms. Scannell: It can be a little dangerous. I know at the old BJ's it's like that. When people are trying to get out. I just think there is an awful lot of parking spaces that people could cut through unless all those parking spaces are filled with cars.

Mr. Palleschi: You have to remember there will be car corrals as well.

Ms. Scannell: I think they are on here, right?

Mr. Palleschi: Yes, they are. The other thing too is this thing doesn't have as long a parking span as the current BJ's which is pretty long. I'll admit I cut through that as well. But in this case, these are shorter and I don't see that as being a major issue.

Ms. Scannell: Okay. I like the idea that you have free air. Nice. Do you have that at the existing BJ's?

Mr. Blanch: No, it's typically for the gas stations.

Ms. Scannell: It's a nice addition. We're Stewart's people around here so we are used to getting free air so thank you for that.

Courtney, what do you have for us?

Ms. Heinel: Hi Luigi.

Mr. Palleschi: Hello

Ms. Heinel: So, you said you're proposing a bio infiltration basin at that front portion there.

Mr. Palleschi: Yes, bio retention.

Ms. Heinel: So, my only concern with bio retention basins is that they are constructed like a little mini eco system to treat the infiltrating water so it filters out all the bad stuff but that means they are delicate and very often I see that they are not maintained correctly for what their intended purpose is. If you are going to proceed with a bio infiltration basin, I would like to see something worked up for BJ's or whoever is going to be maintaining that bio infiltration basin to give them a step by step guide of what to do and if there needs to be replanting or something, letting them know what is an acceptable planting for bio infiltration and what's not because a lot of time I see them go in and people have no idea how they are supposed to maintain them and it utterly kind of defeats the purpose of a bio infiltration.

Mr. Palleschi: They will obviously meet the NYSDEC requirements. We will have to have a SWPPP and an Operations and Maintenance Manual that is required per the SWPPP so, that will all be outlined in that.

Mr. Comenzo: We have Mary too.

Ms. Heinel: My concern is mostly for when you're all gone and that there is something there for the owner to know this is what we do with this and this is what we don't do with this because they're probably going to have someone come out and do a lot of it. Just something that is there for them to know that it is kind of like a delicate, little eco system that you are creating with the bio infiltration and it does take a particular set of care.

Mr. Palleschi: Sure.

Mr. Signore: Who monitors the water quality? Does someone come in and check...

Mr. Palleschi: As far as on the stormwater side?

Ms. Heinel: On the wastewater treatment plant?

Mr. Palleschi: I think that has to be monitored annually. A report gets submitted to DEC. We can get more detail on that.

Ms. Heinel: I believe there are monitoring reports that have to be done for any releases and things like that for wastewater treatment plants. It depends on what grade the wastewater treatment plant is going to be. Grade 1, 2, 3, or 4 from there but that's all generally overseen by DEC so, if there are any problems in that DEC comes after them.

Mr. Palleschi: It's a well-known system and it's been around a long time and there are mechanisms in there with alarms if pumps are not working within the system itself. There is attention needed.

Mr. Signore: If DEC checks it once a year or whatever but who checks it between those intervals?

Mr. Palleschi: It would be the maintenance of BJ's or the developer.

Mr. Signore: Something could break today and then you want DEC to come in from 9 (nine) months from now.

Mr. Palleschi: If a pump were to go bad, there is redundant systems that an alarm will go off and the maintenance would come and repair that pump.

Mr. Signore: I'm just thinking...

Male: Part of the installation of the sewage treatment plant is it quarterly, part of what we pay for when we set up and BJ's will take over the payments. They come out every quarter, the same people who install it. We put in one 15 years ago in Hudson Valley and it's the same company. They are still around and they've been around since the late 50's. They come every quarter and they do a report that they have to give it to DEC and that includes everything that goes with it.

Ms. Heinel: Monitoring reports usually they have to send out where they test your BDH's, your loads and all that.

Male: Everything even the mechanics of the systems and the output specifically.

Ms. Scannell: Thank you. Peter, do you have anything?

Mr. Comenzo: Towards the process here, the project is still before the Town Board. Because of the SEQR regulations we can't segment SEQR so there is still a couple of outstanding items but we are down to a really short list of things that need to be addressed with the Town Board. Since the Town Board's public hearing, there are two new town board members and one of them is in the audience here tonight, Teri Gallucci, and so, the Town Board is going to need to make a decision on the change of zone. We did bring the project forward here tonight just to give some folks an update because we have some new faces here on the Planning Commission as well. So, we running this in parallel a little bit. The TDE is working on the more technical comments and thanks for taking a lot of suggestions of both DPW and the TDE into account in terms of modifications. I think we are pretty far along in that regard and we will have another round of comments from GPI which is the TDE shortly. I think, hopefully if things come together fairly soon here in the next month or so, they will be back in front of the Town Board for the SEQR determination for a decision on the change of zone and then they would come back here and we are already pretty far along in terms of the layout and design. The hope, at least from the developer standpoint, is the town would be able take action on the site plan fairly quickly once the environmental portion is taken care of.

Ms. Scannell: Does anyone have anything else?

Mr. Palleschi: I have more thing. These are the building elevations. It's a little more up to date than what you see currently with the red and cream color siding there and you can see the building signage. This would be the north elevation, south elevation, east and west and then we can certainly provide these as well. These are the gas station with canopy signage, LED signage. Everything that you would normally see with a typical gas station canopy.

Ms. Scannell: Are you going to have a competing giant sign with your prices of your gasoline?

Mr. Palleschi: Yes, and I have a picture of that. That is what you are going to see from I-88 and then this is what you're going to see from Duanesburg Road. So, this is the shorter signage and again BJ's, BJ's Gas and then whatever that tenant is. Maybe coffee.

Ms. Scannell: Perfect location for coffee. Thank you and thank all of you from BJ's for being here. We are very excited that you've chosen to stay in Rotterdam. We appreciate you being here.

5. Lecce Development Co, LLC & Lecce Senior Living – Helderberg Avenue (rear) and Helderberg Avenue. Sketch Site Plan/Special Use Permit for the construction of a golf course driving range with ±2,500 square foot maintenance building with guard shake on a consolidated ±3.30-acre parcel. Engineer ABD Engineers LLC.

Ms. Scannell: Once again, ABD Engineers, Luigi Palleschi, you are up.

Mr. Palleschi: We are here tonight to discuss this three-acre property adjoining the Whispering Pines Senior Living project. This property right here that we have shaded in green we are looking to propose a driving range. If you recall, there is an existing driving range where Phase II development is going on. So, when Phase II comes in that driving range gets removed and we'd like to relocate it in this property back in here. With the driving range, we'd like to construct a 2,500 square foot golf maintenance and guard shack right here at the entry way to the Whispering Pines Community. That guard shack would obviously monitor the cars going in and out of the Whispering Pines Community but also providing the driving range and some T boxes on the back side of the maintenance building. The clubhouse that's here currently houses the golf carts and the golf maintenance equipment and the idea there is to relocate all of those maintenance items and put it into this 2,500 square foot building.

That is part of the driving range request. I know on the agenda tonight there's a separate between this and the other. Right now, I'm just going to keep to the driving range and this 2,500 square foot maintenance. There are two properties that are included in order to make this happen. There is a lot line adjustment that is needed up in this area here to allow the 2,500 square foot building. There's some dedicated easements from Mlodzianowski in this front corner here and then there's some correction that we would have to do, not correction but there is a property line and as far as the meeting the area for Bobbitt, a variance would be required for the lot size of the existing Bobbitt parcel. So, some lot line amendments and Mr. Lecce will own Mlodzianowski's parcel at the end of the day. Mlodzianowski lives here and the agreement that they would move into one of these cottages and then Mr. Lecce would then own the entire strip all the way out to Helderberg Avenue so, that would provide the frontage but access to this 2,500 square foot piece would be via the private drive down Whispering Pines.

We had the opportunity to review the DPW comments so, I will go through those quickly. Site plans need to be further developed with grading and details. So, it is kind of hard to see on the plans, but we did add grading so finished floor elevations. We have provided the minimum grading that we would need to construct the building and the driveway and the grading is really up front closest to Whispering Pines. The driving range in itself, the trees have already been cut. There's not much that needs to be done back in that area. We can put a SWPPP together for just this property. We may hook that with the current SWPPP, that Phase IB has and we can certainly update that.

Ms. Scannell: So, you're talking about the driving range part?

Mr. Palleschi: Yes.

Ms. Scannell: The new driving range part. You are either going to have to amend the SWPPP or give us some kind of grading plan or erosion control. I mean all of those trees are down. I guess the neighbor did it and they are down and we're going to have something in place. I know Mary is going to be looking for that.

Mr. Palleschi: It's there and I will talk to Mary and see what other additional information she's going to need.

Ms. Scannell: You're probably looking at amending the SWPPP, do you think or do you want to do something else? What's your thoughts?

Mr. Palleschi: I can amend the SWPPP, yes. That may make more sense here.

Ms. Scannell: Okay, if Mary is good with that.

**Lecce Development Co, LLC & Lecce Senior Living
Helderberg Avenue (rear) and Helderberg Avenue**

Mr. Palleschi: Number 2, the site details need to be better defined on the roadway crossing, signage, netting. We do understand netting is needed along the north side of the property line and that is something we did discuss with the applicant and we can provide those details. The roadway crossing, I think that was always there as part of the original Whispering Pines Site Plan and that is one of the reasons why we like the guard shack there. When all of the residents come in and out, you're going right by that point and cars can actually stop right there at the crosswalk because anyone going from the clubhouse to go hit a bucket of balls, they could simply walk right across the crosswalk right there.

Ms. Scannell: What about the people that aren't going to go to the clubhouse first. Are we allowing to have golf cart parking over on the driving range side so people don't have to be unnecessarily crossing.

Mr. Palleschi: Golf carts can park on the grass. They can just pull up right behind their T box.

Ms. Scannell: There's enough room behind the T boxes then?

Mr. Palleschi: Yes. Obviously, as part of the original Phase IB with the "Inaudible" approval there are sidewalks on both sides. So, you have a multi-use path on the easterly side and then a five-foot concrete sidewalk on the westerly side, the building side. So, there is plenty of pedestrian access to this as well as if you are a Rotterdam resident and you want to go hit a bucket of balls. You would just go to the clubhouse and walk over and hit a bucket of balls.

The residents of Whispering Pines have been asking about the driving range so this is a good amenity. It was always here and Mr. Lecce would like to put it there.

Number 3, I think I discussed it briefly regarding the lands of Bobbitt so we will have to make an application for the area variance.

Number 4, Providing a copy of the easement for Mlodzianowski to utilize the property. I think I touched on that a little bit as well. So, at the end of the day Mr. Lecce will own the entire property of Mlodzianowski with the frontage on Helderberg Ave. Right now, this back portion is part of the driving range has the easement until the sale goes forward.

I think that is it in regard to number 5 on the agenda on the driving range. We are here for site plan approval and a special use permit. It is an allowed use within the agricultural district to have a driving range.

Ms. Scannell: We are going to take this piece by piece. With regard to the driving range, Mr. D'Alessandro, do you have any questions?

Mr. D'Alessandro: No, I'm fine as long as you are in agreement with all the DPW stuff. I like the addition of the guard shack. I think it's a great idea because everybody is just going in and out of there on that private road, that is a good addition to that. That is all that I have.

Ms. Scannell: Thank you. Mr. Calder, with the matter of just the driving range?

Mr. Calder: I have no issues with the driving range at all. Thank you.

Ms. Scannell: Thank you. Mr. Signore?

Mr. Signore: I'm good.

Ms. Scannell: Mr. Miglucci?

Mr. Miglucci: It looks good to me.

Ms. Scannell: I also think that the driving range is a very nice idea. I love the idea of the guard shack. Peter, do you want to weigh in on the driving range?

Mr. Comenzo: I have no comments. Thank you.

Ms. Scannell: So, at this time I would entertain a motion that the Rotterdam Planning Commission declare lead agency for this project. Courtney, I apologize, do you have any questions on the driving range?

Ms. Heinel: About the driving range, just make sure to pay attention to the screening, if they shank that shot a little bit, I can see it going off. So just make sure you cover everything with the screening. That's it.

Mr. Palleschi: Okay.

Ms. Scannell: All right, I will entertain a motion that the Rotterdam Planning Commission declare lead agency for this project.

Mr. Signore: I move.

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

Mr. Calder: I'll second it.

Ms. Scannell: Thank you. Marlo, please call the roll.

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.



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 PC14-2024

Moved by Mr. Signore seconded by Mr. Calder

Applicant: Lecce Development Co, LLC & Lecce Senior Living

Applicant: Lecce Development Co, LLC & Lecce Senior Living

Project Location: Helderberg Avenue (rear) and Helderberg Avenue
Rotterdam, NY

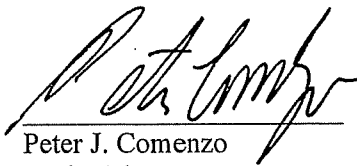
Tax Number or Numbers: 71.5-1-11.12 & 4,849 square feet portion of 71.5-1-36

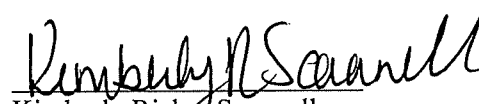
Proposed Project: Site Plan/Special Use Permit for the construction of a golf course driving range with $\pm 2,500$ square foot maintenance building with guard shack on a consolidated ± 3.30 -acre parcel.

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, February 20, 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

6. **Lecce Senior Living LLC – 2200 Helderberg Avenue.** The applicant requests a modification/amendments to Site Plan approval conditions for Phase #1B dated July 9, 2020 for relocation of overflow parking farther away from 9th tee and to opposite side of main access road along with allowing an additional 12 building permits to continue construction of cottage homes prior to completion of the roadway and utilities as outlined in Condition #6 in Resolution PC34-2020 (Amended June 20, 2023 by Waiver PC2023-W17). Engineer: ABD Engineers LLC.

Mr. Palleschi: All right, so moving along here, the next request here is Mr. Lecce with Lecce Senior Living LLC. This is the Phase 1B portion of the Whispering Pines Senior Living Community. As you know, several of these homes are under construction and things are moving in the right direction. This Board had granted building permits for a number of houses outlined in red there. “Inaudible...” (*Papers being shuffled near microphones*) on the other side of the roadway, the private roadway and not thinking that was very close to hole number 9 so, after looking at it and discussing it with the applicant, it would make sense to just relocate those to the other side so that it didn’t interrupt the golf play. So, that is one of the changes on this Phase 1B site plan modification.

The second item is the request for additional permits. So, we are requesting an additional 12 permits that I have outlined in green circles here. What that would do, that would allow Mr. Lecce to complete up to a good stopping point here where this intersection where your crosswalk or sidewalks would be and cut through “Inaudible...” (*Unidentifiable noises near microphones and cannot hear what Luigi is stating*). As I mentioned before, construction is progressing in the right direction. Mr. Lecce has a SWPPP inspector that has been going out bi-weekly. Everything has been “Inaudible” with the SWPPP inspector. We have reviewed their documents and they are under five acres and even though they are under five acres, at one point they were over five (5) and that is why they had to do the twice a week inspections but after they brought that disturbance less than five acres, they are still proceeding with twice a week inspections. We had conversations with Ken Barber, who is the SWPPP inspector and we spoke to him and according to him this is “Inaudible...” (*Luigi is difficult to hear – not speaking directly into the microphone at times and papers being shuffled near the microphones*). Kenny has been doing this for a really long time. He’s been part of this project from day 1 (one) and we have all had conversations with Mary Barrie and the Town from day 1 (one) of construction.

Ms. Scannell: So, I am going to stop you where you are. When we are talking about Barber Engineering. I have a copy of their site assessment and inspection report, date of inspection February 16, 2024, your inspector notes that on building area 2 there is a necessity to repair and maintain a stabilized entrance and install perimeter protection, the same for building area 5, building area 6, building area 7, building area 8 and building area 9 install just perimeter protection, building area 10, the same as the first two, building area 11 same as the first two, same with building area 12, building area 13 and there is a recommendation to remove all unnecessary fencing and stabilized disturbed soils.

It echoes almost identically what Mary Barrie has been pointing out with her inspections. I know that she and Dan went over there today. They expected to see some kind of stabilization since they received an email on February 12th telling them that they were going to be getting hay or something to put down. I was there myself, this weekend, and I didn’t see any hay and I also saw a lot of stabilization issues.

Hi Mr. Lecce, how are you?

Mr. Lecce: I think Ken Barber tried to reach out to Mary and I think Mary’s dad passed away.

Ms. Scannell: Mary has been back to work. I think she actually took one day off.

Mr. Lecce: I talked to Ken before the meeting today. Ken went out there with myself this week. There is a 50’ buffer allowed around every home that does not require stabilization while the home is under construction. We meet that part of the code. We are under the five (5) acres according to Ken and Ken was telling Mary that Nimo was still installing the gas and electric and the cable. So, we are not going to hydroseed and we’re not going to hay while National Grid is doing the job. We’re also doing the pump station. So, if she wants not stabilization and she wants perimeter protection that is a conversation that we can have. We are not stabilizing it because there is still activity.

Ms. Scannell: My understanding is that the work that National Grid did was completed.

Mr. Lecce: It is not completed.

Ms. Scannell: And I believe that Mary got that information from National Grid.

Mr. Lecce: That is absolutely incorrect. If she got that from National Grid then they are lying to me, National Grid. They are not going to be done until the end of February. I'd be happy to take you out there show where they still need to complete. The pump station is still not dewatering so that is why...

Ms. Scannell: What is going on with the pump station?

Mr. Lecce: It is not perfectly plum and it's off by an inch.

Ms. Scannell: So, what are we expecting with the pump station?

Mr. Lecce: It's going to be redone. I've been out there with Joe Lanaro, the TDE on Friday and they developed a plan with Brett Steenburgh. Town Board Member Jack Dodson is fully aware of the situation and we had a meeting about it about two (2) to three (3) weeks ago. The pump station is out of plum. They have to now dewater it again to a point where they can tilt to the right spot so it's level. I think you were at the same meeting Peter, I believe.

So, we are now dewatering that whole site again to level the pump station. We are not going to spray and hay and we are just going to dewater and solve it and fill it with water again. So, we are trying to communicate this to Mary Barrie. That is what Ken Barber assured me today when we spoke.

Ms. Scannell: Again, I'm sure that when you spoke to Mr. Barber today, he was probably referencing his own report from February 16th and again, I didn't talk to him today but I do have his report in front of me and there are recommendations that he's making that echo what our stormwater manager is making.

Mr. Lecce: He's asking not stabilization, he just wants some silt fence put up, correct?

Ms. Scannell: I believe that if you would like to take a look at this he was talking about the silt fence for protection went off on the site but he's also talking about stabilization in general.

Mr. Lecce: You can't stabilize every home because National Grid is installing power.

Ms. Heinel: Stabilized entrances, I believe what he specifically said.

Mr. Lecce: Well, yeah, the entrances of the driveways. National Grid is putting the gas and electric through the driveways. So, the driveways that are complete with natural gas and power, those are all in. If you went out there today you would have saw the stone driveways on those houses that Nimo has connected power to those homes. The other house which are not complete we haven't put the driveways in because they are just going to tear them up.

Ms. Scannell: So, again, Mary's report to me indicates to me that National Grid has finished installing utilities in those areas. She has noted that the SWPPP that needs to be reviewed again and followed. Construction entrances are needed for individual homes. Trash needs to be controlled and that the lack of stabilization has been an ongoing issue for several weeks.

Mr. Lecce: There are two (2) dumpsters for ten (10) houses. That is unheard of. Those are full dumpsters for construction. If she saw National Grid that was in, God bless her because it's not in. You can tell if there are yellow posts that show where the gas lines are. Look at the first seven (7) houses, they don't exist.

Ms. Scannell: I think we can agree that there have been some compliance issues all along with the SWPPP and there has been some compliance issues with regard to Mary Barrie's findings.

Mr. Lecce: Every time Mary Barrie wants those sites hayed, we've hayed them.

Ms. Scannell: You told her on February 12th that a truck was coming and it never came.

Mr. Lecce: We ordered the truck...

Ms. Scannell: The truck with hay?

Mr. Lecce: No, it hasn't arrived yet and once it comes there it should be the next week. We've ordered it and it hasn't arrived yet. It's the middle of the wintertime.

Ms. Scannell: It is and it's been a very mild winter so I don't think that we are going to see the same kind of freeze cycle that we have in the past winters.

Mr. Lecce: Hay doesn't grow in January.

Ms. Scannell: You're right. Hay doesn't grow in January.

Mr. Lecce: In December either.

Ms. Scannell: I understand.

Mr. Lecce: If you want me to hay everything or hydroseed it.

Ms. Scannell: I want you to be in compliance with the SWPPP.

Mr. Lecce: I think I am in compliance with the SWPPP.

Ms. Scannell: I think our stormwater manager would disagree with you.

Mr. Lecce: And I think Ken Barber would disagree with her as well.

Ms. Scannell: I'm thinking from what I'm seeing from Mr. Barber's report it aligns more with what Mary's been telling us.

Mr. Lecce: Maybe you should talk to Mr. Barber.

Ms. Scannell: Maybe I will.

Mr. Lecce: I think you should.

Ms. Scannell: Thank you.

Mr. Lecce: Not a problem.

Ms. Scannell: I also have a question about Lot 81, our building inspector would like to know there's a big dirt mound hill that will be removed to continue the houses. He was wondering what was going to happen with that pile and that there is a lot of trash and logs within it and he wanted to know when that is going to be removed and what is going on with that?

Mr. Lecce: That's has been on the site for 50 years. That is not something we put there and we are not moving that until Spring.

Ms. Scannell: Okay, I will let him know.

Mr. Lecce: He knows that. We've had that conversation with the inspector at least a half of dozen of times. We actually walked that mound with building inspector.

Ms. Scannell: This is from Jeff.

Mr. Lecce: This is from Jeff.

Ms. Scannell: I didn't know if for some reason...

Mr. Lecce: Jeff has been out there.

Ms. Scannell: Jeff has been out there.

Mr. Lecce: Jeff and I and Josh Plume, who works for Larned, we walked that hill and told him exactly what we're going to do. This is not the first time this has come up.

Ms. Scannell: I understand that.

Mr. Lecce: You can ask Jeff how many times we have walked that hill.

Ms. Scannell: I asked Jeff this morning to please provide me with any questions that he might have for you and this is the question that he provided me with.

Mr. Lecce: What I'm trying to say is ask Jeff how many times we've met about that hill.

Ms. Scannell: I'm sure you have. Maybe he's just trying to look for a final answer. I'm happy to give this one to him.

Mr. Lecce: It's the same answer and we're not going to move it until the spring.

Ms. Scannell: We're not going to move it until the spring. Perfect. I appreciate that.

Mr. Miglucci, anything for Mr. Lecce?

Mr. Miglucci: No, as long as everything gets taken care of, the project is well under way.

Mr. Lecce: Just to give you guys an update and not to interrupt, so, it's all paved. Nimo is probably 80% done, pump station, wet wells, equalization tanks are in, power is brought to the pump station from Old Fort Hunter Road which is the tie in for the three way "Inaudible" power. What is left is just finish the pump station and finish National Grid. National Grid is due to be done by the end of this month and the pump station is due to be done by the end of March, I would say.

Mr. Miglucci: Did they complete all the work under the Thruway?

Mr. Lecce: Done, that has been done. That was done in June. We have a model house done. We have 13 houses under construction and various aspects of construction from finished, “Inaudible” to still framing the last couple of houses. So, we were given 15 permits, I believe we only used up 13. So, we have two (2) more to finish out the 15 and we are just looking for 10 more to keep the process going. We have 57 contracts, we have 60 lots left with 95 people on the waiting list.

Ms. Scannell: Mr. Signore, anything?

Mr. Signore: No, I’m good. Quite honestly, I think they are doing their best to meet all of the concerns of the Public Works Department here.

Mr. Lecce: Mary Barrie and I worked very well together over the last couple of years. You may not believe that we have, but we’ve worked very closely and every time she’s wanted something we’ve got it.

Ms. Scannell: I don’t want you to take anything that I’ve said that Mary doesn’t have a good working relationship with you.

Mr. Lecce: I’m not.

Ms. Scannell: What I’m telling you is Mary looking for compliance and she is not seeing it and when you are coming to us as a Planning Commission and you are asking for something moving forward we have a saying at my house if mama is not happy, nobody’s happy and I have a saying around the Planning Commission if Mary Barrie is not happy, nobody is happy. So, until we see the compliance from Mary Barrie coming back and saying to us that things look great over there, he’s totally compliant and everything he said is going to happen, has happened and it’s come to fruition.

Mr. Lecce: It has. Mary Barrie many times has given me the thumb up knowing “Inaudible.” So, this is not like we’ve never complied. We’re just at a part with National Grid being installed, pump station being installed, 13 houses under construction. That is why we have double SWPPP inspections twice a week because I wanted Ken to do this twice a week even though I’m not required to do it, I’m doing it anyways.

Ms. Scannell: I think that is why Mary hasn’t given you a stop work order.

Mr. Lecce: I understand and we work very well together and we have the hay coming but I didn’t want to put the hay down if National Grid is going to chew it up another week later. They are due to be done by the end of this month which will be Marc.

Ms. Scannell: Mr. Calder, any questions?

Mr. Calder: Lou, I think you meant 12 permits, not 10 (ten) right? Twelve (12)?

Mr. Lecce: Twelve (12), yes. Sorry about that. Thank you.

Mr. Calder: I, for one, would like to see this project move along. I don’t know what to do about the discrepancy here. Whether this is not going to go farther or pass to go farther. I personally think that maybe to settle this thing that we might want to say you wouldn’t lose the vote, you wouldn’t gain a vote, we table it until next meeting. I hate to suggest holding up 2 (two) weeks but I see...

Ms. Scannell: I think that is a very good idea. That way you can become completely compliant.

Mr. Calder: I hate to have you come back, Lou, I know how hard you've been working on this thing.

Mr. Paleschi: So, I prepared the SWPPP for Phase 1B and we are in full compliance. I think what the Town is forgetting that this is a private road. If it was a public road, then yes, every single stabilized construction entrance per lot must be required but because it's a private road, right, I think Mr. Lecce is correct that he's not putting the driveways in because of National Grid. As soon as National Grid puts their crossings in, then the stabilized construction goes in right after that. The key points in the SWPPP is making sure that you're not getting any sediment in the wetlands and you're not putting any sediment on Helderberg Avenue which is a public road. Anywhere in that SWPPP document or SWPPP inspections does it say that there has been sediment tracking onto public highway, no. It's all private. I think the stabilized entrance can go in as soon as possible. I just want to make that clear that this is a private road and not a public road and, in my belief, I prepared the SWPPP, we are in compliance. I will be happy to talk to Mary Barrie and Ken as well.

Ms. Scannell: I like your idea, Mr. Calder, and it would give an opportunity for all of us to be on the same page. Peter, do you think that we would want to be able to sit down with Mr. Lecce and Mary and Jim, myself, you and get on the same page with this.

Mr. Comenzo: I don't think there is going to be construction starting next week on those lots. Those lots right now need quite a bit of grading, I guess, to bring them up to grade. At least the last time I was out there, there was standing water in the area where those green...

Ms. Scannell: I was there this weekend and there was lots of standing water.

Mr. Lecce: Jeff is aware of this. The lots where there is standing water, we're not going to fill them just to dig back down to the footing where they currently at now. I wouldn't do that. So, right now, they're at footing depth. There is water there, granted but that's the footing depth. I'm not going to fill and then take the fill out to get back to the same depth. Those are not being filled. Those are "Inaudible" foundations.

Mr. Comenzo: And what the building inspector was alluding to in terms of the debris from the former owner of the property, that large hill in the back.

Mr. Lecce: That's in the next section but we're not going to build a house on the other side of the road. These can all go in.

Mr. Comenzo: You're talking about the ones on the inside, right?

Mr. Lecce: Right. We're not going to get to these lots for probably another 2 (two) months. We want to start the ones on the inside.

Mr. Comenzo: But you're asking permission to have those permits issued, right?

Mr. Lecce: Correct. In 2 (two) or 3 (three) months, the pump station is done and everything else is finished.

Mr. Comenzo: The only thing is the other amendment to the site plan which is not on that in terms of your approvals from the Army Corps of Engineers.

Mr. Lecce: What Army Corps of Engineers?

Mr. Comenzo: Didn't you bring me a letter last week, Lou?

Mr. Lecce: Yeah, but that's the retaining wall here.

Mr. Comenzo: That's not showing on that. We're amending your site plan.

Mr. Lecce: We had that conversation last week, you and I.

Mr. Comenzo: Right. I would bring that back the amendment.

Mr. Lecce: That is not an amendment, that's an elimination.

Mr. Comenzo: You're amending the site plan?

Mr. Lecce: Yeah. We're removing...

Mr. Comenzo: You're removing and you are eliminating the retaining wall. That needs to be presented to prevent you from having to come back for that change.

Mr. Lecce: I understand that part. We haven't talked about that yet, him and I. That is something you and I talked about on Friday.

Mr. Comenzo: And that has to go to the TDE for the review.

Mr. Lecce: My only concern is we have residents that are going to live in the area and we're just trying to get their houses started. They are not going to be done for another 4 (four) or 5 (five) months. We just want to get them going. They have to make plans. They have to move out of their houses and their apartments and they have to get their stuff out of storage. So, it's not a SWPPP issue, for the future residents of Rotterdam that are here...

Ms. Scannell: I am very happy to see the future residents of Rotterdam.

Mr. Lecce: We just want to get them started. We are not able to get a CO. We just want to get their foundations in.

Ms. Scannell: I like Mr. Calder's idea. I would like the building inspector, Mary Barrie, Luigi, Mr. Lecce, I'm happy to be present, Peter, we all need to be on the same page.

Mr. Lecce: You guys wouldn't entertain a vote tonight...

Ms. Scannell: No, I don't think so. Mr. Calder, would you like to make a motion?

Mr. Calder: I didn't make it as a motion yet.

Ms. Scannell: Would you like to make a motion to table this matter?

Mr. Calder: I'm not sure. I just want to say something first here. Lou, I didn't say this to hold your project up, I say this so that maybe we can iron out some of this and from this point on and we can go forward and get something done. This has been a long time and a lot of people have worked very hard and I understand that you have about 100 families that have already got money into this and they are looking to find out where they are going to live tomorrow, so, that being said, as much as I don't know if this would pass right now, I think instead of having a no, I think you're better off sitting down with Mary and the Town and next meeting come with everybody smiling and get this thing done. Saying that, I would like to make a motion that we table this until more information can be obtained until next meeting.

Mr. Miglucci: I'll second it.

Ms. Scannell: We have a motion and we have a second. Marlo, please call the roll.

Ms. Carter: Mr. D'Alessandro?

Mr. D'Alessandro: Yes.

Ms. Carter: Mr. Calder?

Mr. Calder: Yes.

Ms. Carter: Mr. Signore?

Mr. Signore: No.

Ms. Carter: Mr. Miglucci?

Mr. Miglucci: Yes.

Ms. Carter: Ms. Scannell?

Ms. Scannell: Yes.

Thank you, gentleman.

I appreciate the residents that are here this evening. I hope that you understand our building inspectors are also doing their very best for you to make sure that everything is done and is safe in workman like manner.

Female: Can I come up and ask a question?

Ms. Scannell: Unfortunately, we do not offer privilege of the floor.



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 PC15-2024

Moved by Mr. Calder seconded by Mr. Miglucci

Applicant: Lecce Senior Living LLC

TABLED

Applicant: Lecce Senior Living LLC

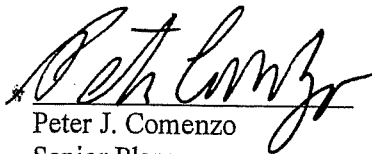
Project Location: 2200 Helderberg Avenue
Rotterdam, New York

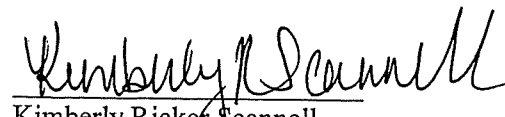
Tax Number or Numbers: 71.5-1-5.13, 71.5-1-36, 71.5-1-5.3

Proposed Project: Modification/amendments to Site Plan approval conditions for Phase #1B dated July 9, 2020 for relocation of overflow parking farther away from 9th tee and to opposite side of main access road along with allowing an additional 12 building permits to continue construction of cottage homes prior to completion of the roadway and utilities as outlined in Condition #6 in Resolution PC34-2020 (Amended June 20, 2023 by Waiver PC2023-W17).

WHEREAS, the Rotterdam Planning Commission made a motion to **TABLED** this project to their next meeting scheduled for March 5, 2024; **NOW:**

IT IS HEREBY RESOLVED THAT, on this day, Tuesday, February 20, 2024, the Rotterdam Planning Commission hereby **TABLED** any action on this project to the next Planning Commission meeting scheduled for March 5, 2024.


Peter J. Comenzo
Senior Planner


Kimberly Ricker Scannell
Planning Commission Chairman

7. David Gazillo & Case & Amber Brower – Anna Court. Sketch/Preliminary Two (2) Lot Consolidation/Subdivision: Lot 1 = ±17,363 square feet with proposed single-family residence and Lot 2 = ±18,386 square feet with proposed single-family residence. Engineer: ABD Engineers LLC.

Ms. Scannell: Luigi Palleschi is here for this project.

Mr. Palleschi: Thank you again. We are here to request the Anna Court Two Lot Subdivision. We are proposing Lot #1 at 17,363 square feet and Lot #2 at 18,386 square feet. Both being single family residents. Anna Court, as you know is a dead-end cul-de-sac with existing water utilities, power and gas. The houses are proposed on each of the lots conforming to the proper setbacks for the zoning. Each lot would have its own private septic system. “Inaudible...” (*Papers being shuffled near microphones*). Obviously the final foundation dimensions could vary when we submit for a lot plan for the building department. “Inaudible...” (*Papers being shuffled near microphones*).

At the last meeting I was here representing this project as well and there was a discussion about the trees so “Inaudible...” along Mariaville Road and along the rear of the residents on Kellar Ave. “Inaudible...” So, that is showing on this map as well as some erosion control, grading for the two-lot subdivision.

I think at the last meeting I discussed the whole lot line adjustments with this property down in here, but our focus right now on “Inaudible...” I did have a chance to go through the five (5) DPW comments so I will go through those.

Number 1, DPW is requiring a six-inch water main to extend and loop around the cul-de-sac. Long 1’ laterals off a dead-end line in the Town right-of-way is not advisable. It is my understanding that there is an existing 6” pipe that terminates with the hydrant and it’s only two more homes and that would have its own one-inch lateral. Being that Anna Court is so short, there is plenty of flow that you would need for a domestic and fire. So, I don’t see the need to just carry this loop around the cul-de-sac. Engineering wise we feel that it’s not needed. This is what you see that is proposed here is tadeonal on every subdivision that we been involved in especially on a cul-de-sac.

Mr. Signore: The end of the line has a hydrant.

Mr. Palleschi: Yes, there is an existing hydrant right at the end.

Ms. Scannell: So, Mr. Collins was not able to be here this evening but he called me last night so that we could specifically talk about looping the water. It is his opinion; it is my opinion and it is DPW opinion that water really needs to be looped around the cul-de-sac. It’s got to be extended and he asked me to please make sure that I let you know that he specifically and to let the rest of the Planning Commission know that was something that he’s studied extensively and he’s very adamant about and if he were here he would say it himself but since he’s not here, I’m saying it for him. I’m also saying that I’m in agreement and after our DPW meeting on Thursday, we need to see it extended and looped.

Mr. Palleschi: Before we agree to that, I think as an engineer we will do the fire flow testing and see if the need is to extend it. I don’t think it’s necessary to extend that. It’s more main that the Town has to own.

Ms. Scannell: With all due respect it’s not an ask.

Mr. Palleschi: I think we should go through that analysis and do a fire flow test. I would be happy to talk to Mr. Collins and DPW on that. So, I don’t think we need to belabor this anymore tonight.

Number 2, surveyor should verify that northern property boundary is correct. Grading Mariaville Road approach appears to include this property and is inconsistent with common DOT appropriations. Existing concrete monumentation is located on this property and further investigation by the surveyor should be completed or an abstract or title considered. I’m not aware of this and that is something I will have to look into with my office. We did the survey but I don’t know if we ever received a title on these properties. That is something we will have to request from the applicant.

Ms. Scannell: I think an abstract of title would even show there is deed recitals that talk about notice of appropriation from the highway department. I would want somehow for them to be noted in the survey that they are either pertinent or they're not. If they are rights-of-way, if they're takes, how they are affecting square footage and if they are affecting square footage.

Mr. Palleschi: Sure. That is something that I'm aware of that so it is something we will have to look into. I'm not arguing that.

Number 3, the location of the septic system on proposed Lot #1 is adjacent to the toe of the slope for Mariaville Road. Drainage from the roadway onto the system should be reviewed and additional details provide to show that stormwater runoff will not affect this area. Lot #1 is this one here and we can certainly cut swales around the septic system in order to keep the water away from the septic area. I don't see that as a concern.

Mr. Comenzo: Luigi, I don't know if that is necessary. I just don't know where the water is, all sheet flow off of that area or where it is. One of the other, if you could investigate that and make sure that the water is where it is coming off of Mariaville. It's right off the toe of the slope.

Mr. Palleschi: A lot of times what we do in that case is we just cut a little swale on that high side just to make sure the water can either stop because it's sand and it will just keep going down rather than cross over the septic system. That is certainly understandable and we will look at that.

Number 4, prior to scheduling for final approval, perc test and deep hole tests will need to be performed in the location of the proposed septic and house location. That is something we can do at building permit and noted on the plan. We have actually with this with the County back in 2020 and as noted here it was witnessed by them. We went down six feet all yellow sand and no groundwater.

Number 5, are the minutes from January 9, 2024. I was here on that day so I don't know if I need to read those and I will just turn it over to the Planning Commission for additional questions.

Ms. Scannell: I think the thing that we really are not seeing eye to eye on and you have some ideas of what you would like to do, again, our position is that we would really like to see that water main extended and looped around the cul-de-sac. That is my feelings, it is DPW's feelings and I am putting Clark's two cents in once again. Mr. Miglucci, questions, comments, concerns.

Mr. Miglucci: I still have a problem with Lot #1 septic and the way that Mariaville Road grades. It's just me. Other than that, I have no other concerns, but it just doesn't, it's just me, I guess. I don't approve of that. That's all that I have.

Ms. Scannell: Thank you. Mr. Signore?

Mr. Signore: I'm okay with it.

Ms. Scannell: Thank you. Mr. Calder?

Mr. Calder: I think it's pretty much covered already. I have no other questions.

Ms. Scannell: Mr. D'Alessandro?

Mr. D'Alessandro: I have no questions.

Ms. Scannell: Peter, would you like to weigh in?

Mr. Comenzo: No questions.

Ms. Scannell: Courtney?

Ms. Heinel: Luigi, you're free to do your investigations that you want with regard to the water main being extended or looped. I think what you're hearing is that the Town Board and the Town itself has a very strong consideration of what they want of this project. The risk you run of not doing it, the no vote, that is what you have to consider for yourself. I do know that this is a very strong we want this requirement for this particular project.

The perc tests I would like to see them get done before we get to building permit just because we are approving a project based off an idea of where these things are going to go and that perc test might tell you it can't go there. I know that is overseen by DOH but I would like to have a solid idea of what we are approving when we are approving it. That is the only concern.

Mr. Palleschi: The only problem with that is that we are in February and we would have to wait until April. Is it worth waiting a couple of months? I would rather take it as a condition. We can't get a building permit. We could do it with the building department.

Ms. Heinel: I understand that is all overseen by DOH too and everything that goes along with that. The bigger concern is the six-inch main. So, that is the one I would focus on more strongly. It's just my preference to have the perc test done before an approval but if we don't that is overseen by another agency so, I'm not as concerned with the septic on that issue.

Mr. Signore: Is that going to be "Inaudible..." (*People talking and not able to hear what is being said*).

Mr. Palleschi: "Inaudible..." (*People talking and not able to hear what is being said*).

Ms. Heinel: There was one other thing. Really do take a look at those appropriations because the appropriations might affect your proposed lot sizes and they might not be big enough depending on the appropriations size. It might throw your whole plan into a wrench based off what that is. I think that was one of the concerns we found is that it might make the lot too small.

Mr. Palleschi: I will look at that.

Ms. Scannell: We are not taking any action on this tonight.

Mr. Palleschi: Thank you.

Ms. Scannell: Our next Planning Commission meeting is March 5, 2024.

Mr. Signore: I make a motion to adjourn.

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

Mr. Calder: Second.

Ms. Scannell: Thank you very much. Marlo, please call the roll.

Ms. Carter: Mr. D'Alessandro?

Mr. D'Alessandro: Yes.

Ms. Carter: Mr. Calder?

Mr. Calder: Yes.

Ms. Carter: Mr. Signore?

Mr. Signore: Yes.

Ms. Carter: Mr. Miglucci?

Mr. Miglucci: Yes.

Ms. Carter: Ms. Scannell?

Ms. Scannell: Yes.

Meeting adjourned at 9:34 p.m.

Respectfully Submitted,

Marlo L. Carter
Planning Commission Secretary