

**Town of Rotterdam
Planning Commission
March 21, 2023**

Approval of the Summary of Minutes March 7, 2023

Workshop (7:00pm)

1. **Sovereign Consulting Inc. - 1128 Duanesburg Road.** The applicants request a modification to the Planning Commission restrictions imposed on a Waiver of Site Plan review granted on July 14, 2020 to install a new underground fuel tank at the Pilot Travel Center on a ±7.35-acre parcel.

Waiver(s)

Agenda (7:30pm):

1. **Kimberly & Larry Noyes – Parklawn Avenue.** Concept Two (2) Lot Subdivision review: Lot 1 = 17,013 square feet and Lot 2 = 17,758 square feet. Surveyor: Blackstone Land Surveyors.
2. **Town of Rotterdam – Code Amendment.** Report and Recommendation to the Town Board for a Local Law to amend Chapter 270 of the Town Code entitled “Zoning” of the Town of Rotterdam in regards to allowing microbreweries, micro-wineries, and micro-distilleries by Special Use Permit in the A-1 Zoning District.

DPW Comments
March 21, 2023

Workshop (7:00pm)

1. **Sovereign Consulting Inc. - 1128 Duanesburg Road.** The applicants request a modification to the Planning Commission restrictions imposed on a Waiver of Site Plan review granted on July 14, 2020 to install a new underground fuel tank at the Pilot Travel Center on a ±7.35-acre parcel.
 1. The applicants would like the Planning Commission to reconsider the restriction #3 placed on Waiver #PC2020-W13 to require the removal of the abandoned fuel tank.
 2. See attached correspondence from DEC and Sovereign Consulting Inc. in regards to this matter.

WAIVER OF SITE PLAN REVIEW

Date Reviewed: March 21, 2023

PC2023-W

The Town Planning Commission Office has received the attached application and accompanying documents. The below-identified applicant requests a waiver of Article XVII "Site Plan Approval", stating that a site plan review and approval is unnecessary and would not serve the purpose of the Article.

APPLICANT: Sovereign Consulting Inc.
Attn: Scott Beals
1 Tarby Lane
Oxford, CT 06478

PROJECT LOCATION: 1128 Duanesburg Road

APPLICANT IDENTIFIED AS: Consultant

REQUEST: The applicants request a Waiver of Site Plan review to abandon an underground fuel tank and install a new underground fuel tank on a ±7.35-acre parcel.

Action Taken by Commission:

In accordance with Chapter 270 of the Town of Rotterdam Zoning Ordinance, Article XVII, "Site Plan Approval", Section 270-130(C) the Planning Commission waives the requirements set forth in said Article, conditionally.

Conditions imposed, if any, are as follows:

1. Compliance with all NYS Building and Fire Codes.
2. Applicant must obtain a Building Permit and be issued a Certificate of Occupancy from the Town of Rotterdam Building Inspector.
3. Existing tank may be left in place and decommissioned upon NYSDEC review and approval in accordance with 6 NYCRR Part 613 Petroleum Bulk Storage.

The Commission action on the Waiver application took place at the Planning Commission meeting of March 21, 2023 and authorized the Commission Chairman to execute the Waiver. The issuance of this Waiver is contingent upon the applicant complying with all conditions as stated above. Failure to adhere to conditions may result in revocation of Waiver by the Town of Rotterdam Planning Commission and requirement of a full Site Plan.

Peter J. Comenzo
Senior Planner

Thomas P. Yuille
Planning Commission Chairman



Town of Rotterdam
Office of the Planning Commission

COPY

John Denny III, Chairman
Peter J. Comenzo, Senior Planner

WAIVER OF SITE PLAN REVIEW

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

Date Reviewed: July 14, 2020

PC2020-W13

The Town Planning Commission Office has received the attached application and accompanying documents. The below-identified applicant requests a waiver of Article XVII "Site Plan Approval", stating that a site plan review and approval is unnecessary and would not serve the purpose of the Article.

APPLICANT: American Petroleum Equipment & Construction Co Inc.
Attn: Warren Post
63 Orange Avenue
Walden, NY 12586

PROJECT LOCATION: 1128 Duanesburg Road

APPLICANT IDENTIFIED AS: Owner Lessee X Contract Vendee

REQUEST: The applicants request a Waiver of Site Plan review to abandon an underground fuel tank and install a new underground fuel tank on a ±7.35 acre parcel.

Action Taken by Commission:

In accordance with Chapter 270 of the Town of Rotterdam Zoning Ordinance, Article XVII, "Site Plan Approval", Section 270-130(C) the Planning Commission waives the requirements set forth in said Article, conditionally.

Conditions imposed, if any, are as follows:

- Request to remove restriction 3/21/23 from Scott Beals Sovereign Consulting*
1. Compliance with all NYS Building and Fire Codes.
 2. Applicant must obtain a Building Permit and be issued a Certificate of Occupancy from the Town of Rotterdam Building Inspector.
 3. The Planning Commission and DPW are not in favor of abandonment of existing tank in place due to the location and complexity of utilities in the area. Tank shall be removed from ground.

The Commission action on the Waiver application took place at the Planning Commission meeting of July 14, 2020 and authorized the Commission Chairman to execute the Waiver. The issuance of this Waiver is contingent upon the applicant complying with all conditions as stated above. Failure to adhere to conditions may result in revocation of Waiver by the Town of Rotterdam Planning Commission and requirement of a full Site Plan.

Peter J. Comenzo
Senior Planner

John Denny III, Chairman
Planning Commission

RECEIVED

JUN 20 2020

TOWN OF ROTTERDAM
PUBLIC WORKS



Town of Rotterdam
Waiver of Site Plan Review Application

The following applicant requests a Waiver of Site Plan Review. The following documentation is required for Planning Commission review:

1. Copy of Deed and/or executed lease agreement or contract to purchase.
2. Copy of Site Plan that identifies:
 - All structures on site.
 - All parking areas on site (parking spaces 9' x 18').
 - Handicap parking and accessibility as required by New York State Building Code.
 - Interior floor plan of usable area by applicant
 - Proposed site improvements including parking, structural additions, landscaping and other pertinent information as identified in Section 270-132 of Town Code.
3. On a separate sheet of paper provide a descriptive narrative of use and activity occurring on the site including but not limited to:
 - Number of employees
 - Exact nature of business, hours of operation and expected customers to the site.
4. A completed Commercial or Residential Building Permit Application and/or Fire Inspection Application.
- 5. \$75.00 application fee (cash or check – payable to the Town of Rotterdam). Fee in lieu of parkland for residential developments: \$600 per dwelling unit.

PRESENT OWNER(S): PILOF TRAVEL CENTERS LLC

APPLICANT(S): WARREN POST / AMERICAN PETROLEUM EQUIPMENT & CONSTRUCTION CO INC

MAILING ADDRESS: 63 ORANGE AVE

CITY: WALDEN, NY 12586 STATE: _____ ZIP: _____

DAYTIME TELEPHONE: 845-742-9696 (FAX) 845-778-4110

PROJECT ADDRESS: 1128 QUANBORO RD

APPLICANT IDENTIFIED AS: Owner Lessee Contract Vendee

REQUEST: ABANDON UNDER GROUND FUEL TANK + INSTALL A NEW UNDERGROUND FUEL TANK

By signing the application, it is understood by the applicant that he/she must fully comply with the Town Code and obtain any required permits.

SIGNATURE OF APPLICANT Warren Post DATE 6-16-2020

* The Planning Commission meets on the first and third Tuesday of each month. All pertinent information and fee(s) must be submitted to the Planning Commission Office at least ten (10) days prior to the meeting.

** All businesses located in the Town of Rotterdam must receive Planning Commission approval and a Certificate of Compliance issued by Building Inspector prior to occupancy.

Peter Comenzo

From: Tammy Whelan
Sent: Thursday, March 16, 2023 2:34 PM
To: Peter Comenzo
Subject: FW: Pilot 1128 Duanesburg Rd
Attachments: RE: Bulk Storage Tank Installation and Closure-Rotterdam Travel Center Pilot 494, 1128 Duanesburg Road, NYS RT 7, Rotterdam, NY 12306-NYSDEC PBS 4-600675

Tammy Whelan
Town of Rotterdam DPW
1100 Sunrise Blvd
Rotterdam, NY 12306
518-355-7575 ext. 391

From: Beals, Scott <sbeals@sovcon.com>
Sent: Thursday, March 16, 2023 2:17 PM
To: Tammy Whelan <TWhelan@rotterdamny.org>
Cc: O'Donnell, Ayla X (DEC) <Ayla.ODonnell@dec.ny.gov>
Subject: RE: Pilot 1128 Duanesburg Rd

Tammy

Please see attached email from the NYSDEC – they have concluded we have enough data to close the out of service tank in place.

Prior discussions with Fred Mastroianni who I recall spoke to Peter Comenzo, indicated the town would allow abandoning the tank in place as long as DEC agreed and until such time the adjacent tank had to be removed.

Please provide confirmation the town has agreed to this plan and please let me know if you need any other information.

Thank you.

Scott Beals
email: sbeals@sovcon.com
phone: 203.828.1640 | fax: 203.828.1641

Sovereign Consulting Inc.
1 Tarby Lane
Oxford, CT 06478
www.sovcon.com

PLEASE NOTE: All information transmitted with and contained in this correspondence contains confidential, proprietary or legally privileged information and is intended for use only by the person or entity to which it is addressed. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this communication in error, please notify the sender immediately. Thank you.

Peter Comenzo

From: Utberg, Joshua D (DEC) <joshua.utberg@dec.ny.gov>
Sent: Wednesday, March 15, 2023 4:27 PM
To: Beals, Scott; O'Donnell, Ayla X (DEC); Haugh, Joshua G (DEC)
Cc: Ray Vaughn
Subject: RE: Bulk Storage Tank Installation and Closure-Rotterdam Travel Center Pilot 494, 1128 Duanesburg Road, NYS RT 7, Rotterdam, NY 12306-NYSDEC PBS 4-600675

Scott,

Based on my records there were two spills in relation to the tank in 2019. Spill # 1901623 that was associated with the problem in the interstitial space and has been closed. Spill # 1903578 was due to the low level groundwater impacts found during the subsurface investigation that is in question. Based on the concentrations of contaminants it was determined when the report was initially received that the spill would be closed once the tank was closed in place. I reviewed the site history and Subsurface Investigation Report again and have no reason to change that determination, as a result the investigation report is acceptable to be used for tank closure. Once I have confirmation that the tank was closed I will also close spill # 1903578.

Also, Tom Sperbeck has retired and Ayla O'Donnell who is copied is now handling Schenectady County PBS.

Thank you,

Josh Utberg

Emergency Spill Response
Regional Emergency Response Coordinator

New York State Department of Environmental Conservation

1130 N. Westcott Rd, Schenectady, NY 12306
P: 518-357-2388 | C: 518-391-8457 | F: 518-357-2398 | joshua.utberg@dec.ny.gov

From: Beals, Scott <sbeals@sovcon.com>
Sent: Tuesday, March 14, 2023 9:14 AM
To: Utberg, Joshua D (DEC) <joshua.utberg@dec.ny.gov>; Sperbeck, Thomas (DEC) <thomas.sperbeck@dec.ny.gov>
Cc: Ray Vaughn <rvaughn@apecco.biz>
Subject: Bulk Storage Tank Installation and Closure-Rotterdam Travel Center Pilot 494, 1128 Duanesburg Road, NYS RT 7, Rotterdam, NY 12306-NYSDEC PBS 4-600675

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Josh/Thomas,

Back in March of last year I put in a formal request to the Town of Rotterdam asking for permission to close the "out of service" tank at this location by abandoning it in place with the condition that when the other tank next to it needs to be permanently closed (removed) that Pilot would then also remove the "closed in place" tank as well. (see attached email).

In October, I spoke with the head of Engineering (Fred Mastroianni) who discussed the situation with the head of P&Z (Peter Comenzo) and it appears the town will permit the closure in-place with the condition it would be removed when the other tank is removed and its permitted by the state.

Based on tank regulations sections 613-2.6 (b)(2)(i) and (c)(1), the regulations do permit the closure of a tank in place primarily as long as an assessment is conducted to identify any releases to subsurface soils and/or ground water and the that the tank be cleaned and filled with a solid material, in addition to other conditions.

American Petroleum did conduct a limited investigation in July 2019 in which they completed five (5) soil borings around the tank. The five (5) soil samples were analyzed for volatile organic compounds (VOCs) and semi-VOCs via EPA Method 8260 and 8270. None of the five (5) soil samples contained any concentrations. A ground water sample was also collected near the tank and was free of any VOCs but did have some minor semi-VOCs. Attached is a copy of that report I asked them to prepare detailing the results. At this point, we would like to know if the investigation will satisfy an abandonment in place. If so, the town will also permit the closure as outlined above.

Please contact myself or American Petroleum with any questions regarding this matter.

Thank you.

Scott Beals

email: sbeals@sovcon.com

phone: 203.828.1640 | fax: 203.828.1641

Sovereign Consulting Inc.

1 Tarby Lane

Oxford, CT 06478

<https://link.edgepilot.com/s/a7cef6ec/By->

[JgPdSyk6r8NzahsWz9A?u=http://www.sovcon.com/](https://link.edgepilot.com/s/a7cef6ec/By-JgPdSyk6r8NzahsWz9A?u=http://www.sovcon.com/)

PLEASE NOTE: All information transmitted with and contained in this correspondence contains confidential, proprietary or legally privileged information and is intended for use only by the person or entity to which it is addressed. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this communication in error, please notify the sender immediately. Thank you.



Please consider the environment before printing this e-mail

Links contained in this email have been replaced. If you click on a link in the email above, the link will be analyzed for known threats. If a known threat is found, you will not be able to proceed to the destination. If suspicious content is detected, you will see a warning.

CAUTION: [EXTERNAL EMAIL] This email came from an external source. DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

**DPW Comments
March 21, 2023**

Agenda (7:30pm):

1. **Kimberly & Larry Noyes – Parklawn Avenue.** Concept Two (2) Lot Subdivision review: Lot 1 = 17,013 square feet and Lot 2 = 17,758 square feet. Surveyor: Blackstone Land Surveyors.
 1. See attached Planning Commission minutes from March 19, 2019.
 2. Property line and Town ROW issues have been resolved.
 3. Applicant/representative will need to submit new application/SEQR as current lot sizes do not match previous submission. Also, application and fees have changed since this concept was last presented 4 years ago.
 4. Concept map contains insufficient detail to provide comments.
 5. Property is in Sewer District #2.

DPW Comments March 19, 2019

1. Applicant and/or representative to address residence located at 1657 Helderberg Avenue being in the Town right-of-way.
2. Variances will be required on lot sizes and possible setbacks on new lots.
3. Currently parking for DeMarco Stone Funeral Home occurs on these parcels. How will this be addressed in future?
4. Proposed subdivision application contains insufficient detail to provide detailed comments.

SEQR Requirement: 6 NYCRR 617 Unlisted Action. Rotterdam Planning Commission should declare lead agency. Application and map will need to be updated prior to circulation to agencies.

Involved/Interested Agencies

Schenectady County Economic Development and Planning
Schenectady County Department of Health
Rotterdam Highway Department
Rotterdam Police Department
Fire District #2
Mohonasen School District

3. Larry & Kimberly Noyes – Parklawn Avenue. Concept Sketch Minor Two (2) Lot Subdivision: Lot 1 = ±14,227 square feet and Lot 2 = ±14,623 square feet. Surveyor: Blackstone Land Surveyors.

Mr. Blackstone: I am representing the Noyes application relative to three (3) properties that they own out front on Helderberg Avenue. None of which use the rear portion of their depth which is the proposed two (2) lots to be cut out from the back of those three (3) lots to create two (2) new lots which have the square footage stipulated on the agenda, but as things are usually the case the plot thickens when we enter into consideration and contemplation of other issues that arise as it relates to this property.

We have Parklawn Avenue. It is an 84' wide right-of-way and my conversations informally shorten contemplation of the issues that presents themselves with both Mr. Comenzo and Mr. Maher have directed me to the Town Board to contemplate reduction of the right-of-way width of Parklawn down to 60' wide. We have pre-existing encroachments on property on both sides of Parklawn that would be eliminated by reduction of the 84' right-of-way down to 60'. With this, I've highlighted the additional space in yellow to indicate what we would contemplate our proposal to eliminate the issues that arise with pre-existing longstanding structures and propose to have a meeting with the Town Attorney which is a difficult proposition. I have been waiting a couple of months without much luck and hope to have better luck by getting the ball rolling with the Planning Commission to explore the legal spin on what we propose to accommodate these pre-existing encroachment issues.

That area would add approximately 1,000 square feet to one lot and 500 square feet to another to increase the lot areas to somewhat very close to if not exceeding the minimum lot area size. What we have would be I believe by taking the rear portion off is creating non-conforming lots for those lots that front on Helderberg. They are very old lots with frontage that does not meet the 100' minimum and do not meet the lot area if we were to cut these back portions off but do remain consistent with lot widths and lot areas of the neighborhood. That's an argument that we are preparing to present to the ZBA, but what we are attempting to do is to take that area which lies behind these lots and create two (2) new lots.

Those familiar with the area, are familiar that the DeMarco Stone Funeral Home lies across the street. Access to their basement, vehicle access lies a little bit within the right-of-way and we hope to eliminate that problem but as I have discussed with both Mr. Comenzo and Mr. Maher the issue as it would relate to the area where we propose two (2) lots is an auxiliary parking area for the funeral home. It is not owned by the funeral home business. It is owned by Larry and Kimberly Noyes and it's sort of a luxury item provided weather permitting, seasonally available for parking when it is not winter, not wet and I have to admit and I imagine people on the Board who probably fall under the same situation is that I have often parked there myself even though when you walked to the funeral home you realize there is a lot of parking that's not being used in the parking area. So I took a look at the parking spaces available for the parking to accommodate on site for the funeral home which is in greater than 50% excess than what the existing Town Code requires which is six (6) spaces per 1,000 with a 6,600 square foot building, we are needing 40 spaces and we have significantly greater space availability for the funeral home to accommodate that zoning requirement without any contemplation of the spaces available seasonally and situated where our new proposed lots are proposed.

We believe that the availability of an auxiliary parking isn't necessary and we are here to identify that the proposed lots are significantly close to the existing zoning code. The lot widths are sufficient. The lot area is currently a little under, if we are successful with our conversations and conversion from the 84' right-of-way to a 60' right-of-way the lot area wouldn't need an area variance for either one of them. We are here to initiate the process. Listen to the Board's comments. Answer any questions and try to get the ball moving forward so that we can develop this property in an orderly manner. I would be happy to answer any questions.

Chairman Denny: We realize that you have to get in touch with the Town over the property concerning the width of that road. It has to be straightened out with the Town first, I believe.

Mr. Blackstone: Correct.

Chairman Denny: And then you're going to need a variance from the Zoning Board. All that has to be done before we can finalize anything.

Mr. Blackstone: Yes, I'm well aware of that. We are trying initiate the process and hopefully with an act of application perhaps even get the luxury of the audience with the Town Attorney.

Chairman Denny: I understand that they used to use parking there now and then. I don't know if it's really necessary and if they really needed the extra parking that they were using.

Mr. Blackstone: I don't believe so, but it was a convenience that as time goes on they need to realize and utilize the value of their property.

Chairman Denny: Let me see if there are any comments or questions from the Board. Mr. Yuille?

Mr. Yuille: Now the purpose of creating those two (2) lots I assume those are going to be two (2) building lots to put houses on them?

Mr. Blackstone: That's correct.

Mr. Yuille: I've parked there a couple of times myself, but most of the time I park up in the main lot and the people they have there directing usually get you in and get you directed in there. I think a lot of people don't want to get trapped there and park on the street.

Mr. Blackstone: Not realizing there are open spaces in the lot.

Mr. Yuille: There is a lot of space on the street along the edge of the road on both sides, the only thing is taking it down to 60' might shorten that up a little bit and make it a little bit narrower through there going from 84'.

Mr. Blackstone: The pavement would remain the same.

Mr. Yuille: That solves that problem with the one (1) house that kind of juts out over the property line at the corner. I don't have a problem with that and turning these into two (2) building lots because as you said they are not used 100% of the time. It's an overflow lot. I don't see a problem with it.

That's all I have, Mr. Chairman.

Chairman Denny: Mr. Calder?

Mr. Calder: No, I think your comment asking about the Town and Mr. Yuille's comments that I am comfortable so far.

Chairman Denny: Mr. D'Alessandro?

Mr. D'Alessandro: No comments at this time.

Chairman Denny: Mr. Collins?

Mr. Collins: Maybe I just do not understand something, but what does DeMarco Stone have to do with it. It's not their property? I understand what DeMarco Stone has the luxury of but no way should that hinder a property owner from doing what they want with their property or am I mistaken?

Mr. Blackstone: No, you are spot on, but the confusion lies in that Larry and Kimberly are affiliated in addition to a private ownership of their house and a couple of rental units, they are also affiliated with DeMarco Stone Funeral Home but they are two (2) separate entities.

Mr. Collins: I didn't realize and when you started talking about the funeral home I didn't understand what this had to do with the other. You clarified it, thank you very much. That is all I have.

Mrs. Flansburg: I actually literally just wrote it down that it was courtesy and a luxury and it shouldn't bind them from not being able to do something with their own property. It is completely a different site. It was luxury and has no part in this application other than clarification purposes.

Mr. Blackstone: As we go further down the road, identifying our suggested path of solutions with the 60' right-of-way obviously lends itself to the other side of the road which DeMarco Stone is so I wanted to offer full disclosure of how the site operates and what the advantages of that decreased to 60' wide would provide additional square footage to these lots but also lends itself as a solution to the cellar entrance to the funeral home across the street. This is not the only potential application that we will be pursuing with this and maybe a waiver of subdivision consolidation across the street to kind of firm up everything as we sort of eliminate what has been multigenerational acquisition of property and consolidate it so that they are individual concepts to move forward into the next generation.

Mr. Yuille: Mr. Chairman, can I ask a question?

Chairman Denny: Just a minute, Mr. Yuille.

Mrs. Flansburg: Just one more thing, you said the pavement width would remain the same. This is really more about the right-of-way width, but...

Mr. Blackstone: There would be no changes to the road.

Mrs. Flansburg: It would just add to each of the properties...

Mr. Blackstone: To alleviate the longstanding encroachment issue.

Mrs. Flansburg: But visually the change is nothing to anyone?

Mr. Blackstone: There would be no changes whatsoever other than a reduction of potential liability for the town as it would relate to the additional 24' width.

Mrs. Flansburg: Thank you. That's all I had.

Chairman Denny: Mr. Yuille?

Mr. Yuille: Mark, I'm making an assumption here, that 84' right-of-way were they originally going to put a boulevard down the center, an island and lanes on either side?

Mr. Blackstone: It wasn't shown on the plan but typically an 84' width is a boulevard concept and so it was a grand plan that never came to fruition and now we just have for all intents and purposes you're typically 60' right-of-way being sufficient to address it. But the plan didn't specifically identify a boulevard type, but that...

Mr. Yuille: Similar to like Parkwood Boulevard up near Ellis Hospital in those areas?

Mr. Blackstone: Right, where you say you put an island in the middle.

Mr. Yuille: I was trying to understand why they had 84' wide right-of-way for a small road.

Mr. Blackstone: For exactly that purpose, for an island in the middle to build it up to make it more esthetically pleasing.

Mr. Yuille: That's all Mr. Chairman.

Chairman Denny: We have no motions tonight. You will have to meet with the Town to figure out the width of the road and the property there.

Mr. Blackstone: I would hope to plead for any additional input that the Planning Commission Attorney may have to help me accommodate having a meeting.

Mr. Tingley: The only input I can give you is that when you come back with a subdivision plat that shows the property line around the building then it will be ready for public hearing and action.

Mr. Blackstone: I understand.

Mr. Tingley: You need to schedule what you need to schedule with the Town.

Mr. Blackstone: I think I'm doing work for the Town right now on a litigation matter that I'm hoping to piggy back my Parklawn problem with the Town's other problem and go in on a meeting and sneak it in.

Chairman Denny: Good luck and you're all set.

Next meeting is April 2, 2019.

Meeting adjourned at 8:21 p.m.

Motion to adjourn made by Mr. Collins and seconded by Mr. Yuille.

Respectfully Submitted,

Marlo L. Carter
Planning Commission Secretary

DPW Comments
March 21, 2023

2. **Town of Rotterdam – Code Amendment.** Report and Recommendation to the Town Board for a Local Law to amend Chapter 270 of the Town Code entitled “Zoning” of the Town of Rotterdam in regards to allowing microbreweries, micro-wineries, and micro-distilleries by Special Use Permit in the A-1 Zoning District.
 1. See attached minutes from the February 21, 2023 Planning Commission meeting.
 2. See attached draft Report and Recommendation prepared by staff as directed by the Planning Commission.

DPW Comments February 21, 2023

1. The Town Board referred this matter to the Planning Commission for a report and recommendation on February 8, 2023.
2. A resident at the February 8, 2023 Town Board meeting has mentioned that mead was recently approved for production and sale in NYS and the Town may want to broaden its definitions to allow for similar products.
3. Rather than trying to list all similar product types that contain alcohol, DPW is recommending modification to the proposed definition section of the Town Code. Additionally, in order to be consistent with the state definition of a farm brewery, the definition should state that the combined total production of all types of microbrewery products cannot exceed 75,000 barrels per year.
4. The draft code amendment currently does not allow for on-site consumption.

Resolution Number PC XX-2023
Moved by XXXXXXXXXXXX seconded by XXXXXXXXXXXX

Resolution Adopting a Report and Recommendation on changes to the Town Code to Permit Brewpubs, Micro-brewery, Micro-winery, Micro-distillery in the Town of Rotterdam

WHEREAS, the Town Board of the Town of Rotterdam (“Town Board”) received an inquiry regarding the allowance for the location of a microbrewery in the Town of Rotterdam. Although potentially an agriculture related use, the current Town Zoning Code does not permit this type of manufacturing, sale, or consumption in the Agriculture (A-1) Zone; and,

WHEREAS, the Town Board referred draft language similar to the adjoining community of Glenville to address the allowance for changes to the Town Zoning Code, to the Planning Commission, on February 8, 2023 for a report and recommendation thereon; and,

WHEREAS, this matter was presented for discussion to the Planning Commission through the Town Planner and Attorney for the Town, at its regularly scheduled meeting held on February 21, 2023; and

WHEREAS, the Planning Commission discussed the proposed amendments at its regularly scheduled meeting on February 21, 2023 and the consensus was to direct Town staff to look at the current Town Zoning Code and address this type of use in not only the Agriculture Zone, but the Business and Industrial Zones as well; and,

WHEREAS, the Planning Commission requested that Town staff return with updated code language that encompassed a better definition of alcohol products that included a wider variety of craft drinks that are evolving, address and allow for on-site consumption, add generic (hours of operation), specific performance standards (noise, lighting, odor), and allow for on-site food consumption; and,

WHEREAS, staff has prepared revised code language as directed and provided updated draft language to include in the report and recommendation to the Town Board for their consideration; and,

WHEREAS, the Planning Commission has reviewed staff recommendations to the updated draft language and deliberated on the proposed additions to the Town Zoning Code in this matter;

NOW, THEREFORE, upon motion of Member XXXXXXXXXXXX, seconded by Member XXXXXXXXXXXX,

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 and recommendation on the proposed Change to the Town Zoning Code based upon review of the input received from Town Staff and deliberations at the March 21, 2023 meeting:

Recommended changes to the Town Zoning Code 270-5 Definitions.

Brewpub: An establishment which sells or produces on and/or off-site alcoholic beverages, including beers, ales, meads, braggart, hard ciders and wines and similar spirituous liquors. Ancillary activities to include on-site consumption and contains kitchen facilities for consumption of food and beverages. The maximum size for such an establishment shall not exceed 25,000 square feet. Off-site distribution of alcoholic beverages shall be consistent with New York State Liquor Authority law as now enacted and in the future.

Micro-brewery, Micro-winery, Micro-distillery: An establishment engaged in the production and distribution of beers, ales, meads, braggart, hard ciders, wines and similar spirituous liquors produced on-site. The establishment may include other uses such as a tasting room with limited food offered for consumption in the tasting room. The maximum size for such an establishment shall not exceed 75,000 square feet. Production shall be consistent with the NYS Liquor Authority limits for these types of establishments. Off-site distribution of alcoholic beverages shall be consistent with New York State Liquor Authority law as now enacted and in the future.

Add to Town Code Chapter 270-18. Special Uses (Agriculture Zone)

(O) Microbreweries, microwineries and microdistilleries.

Micro-breweries, Micro-wineries, and Micro-distilleries however, must comply with the following:

1. Each microbrewery, microwinery, or microdistillery shall manufacture and sell alcoholic beverages in accordance with the provisions of the New York State Liquor Authority and shall maintain current licenses as required by said agency.
2. No outdoor storage shall be permitted.
3. All malt, vinous or distilled liquor production shall be within completely enclosed structures.
4. By-products or waste from the production of malt, vinous or distilled liquor shall be properly disposed of off the property.
5. The emission of odors or smells in such quantities as to produce a public nuisance or hazard is not permitted.
6. Excessive noise in violation of Chapter 188 is prohibited and may result in revocation of the Special Use Permit.
7. No more than two food cart vendors are permitted on-site.
8. Hours of operation shall be addressed during site plan review.

Add to Town Code Chapter 270-53.23. Special Uses (MS/NC Overlay Zone)

(H) Brewpubs, Microbreweries, microwineries and microdistilleries.

Brewpubs, Micro-breweries, Micro-wineries, and Micro-distilleries however, must comply with the following:

1. Each brewpub, microbrewery, microwinery, or microdistillery shall manufacture and sell alcoholic beverages in accordance with the provisions of the New York State Liquor Authority and shall maintain current licenses as required by said agency.
2. No outdoor storage shall be permitted.
3. All malt, vinous or distilled liquor production shall be within completely enclosed structures.
4. By-products or waste from the production of malt, vinous or distilled liquor shall be properly disposed of off the property.
5. The emission of odors or smells in such quantities as to produce a public nuisance or hazard is not permitted.
6. Excessive noise in violation of Chapter 188 is prohibited and may result in revocation of the Special Use Permit.
7. Food cart vendors are permitted on-site only by permission of the Planning Board.
8. Hours of operation shall be addressed during site plan review.

Add to Town Code Chapter 270-53.43. Special Uses (CORR Overlay Zone)

(H) Brewpubs, Microbreweries, microwineries and microdistilleries.

Brewpubs, Micro-breweries, Micro-wineries, and Micro-distilleries however, must comply with the following:

1. Each brewpub, microbrewery, microwinery, or microdistillery shall manufacture and sell alcoholic beverages in accordance with the provisions of the New York State Liquor Authority and shall maintain current licenses as required by said agency.
2. No outdoor storage shall be permitted.
3. All malt, vinous or distilled liquor production shall be within completely enclosed structures.
4. By-products or waste from the production of malt, vinous or distilled liquor shall be properly disposed of off the property.
5. The emission of odors or smells in such quantities as to produce a public nuisance or hazard is not permitted.
6. Excessive noise in violation of Chapter 188 is prohibited and may result in revocation of the Special Use Permit.
7. Food cart vendors are permitted on-site only by permission of the Planning Board.
8. Hours of operation shall be addressed during site plan review.

Add to Town Code Chapter 270-56. Special Uses (Retail Business Zone)

(J) Brewpubs, Microbreweries, microwineries and microdistilleries.

Brewpubs, Micro-breweries, Micro-wineries, and Micro-distilleries however, must comply with the following:

1. Each brewpub, microbrewery, microwinery, or microdistillery shall manufacture and sell alcoholic beverages in accordance with the provisions of the New York State Liquor Authority and shall maintain current licenses as required by said agency.
2. No outdoor storage shall be permitted.
3. All malt, vinous or distilled liquor production shall be within completely enclosed structures.
4. By-products or waste from the production of malt, vinous or distilled liquor shall be properly disposed of off the property.
5. The emission of odors or smells in such quantities as to produce a public nuisance or hazard is not permitted.
6. Excessive noise in violation of Chapter 188 is prohibited and may result in revocation of the Special Use Permit.
7. Food cart vendors are permitted on-site only by permission of the Planning Board.
8. Hours of operation shall be addressed during site plan review.

Add to Town Code Chapter 270-64. Permitted Uses (General Business Zone)

(H) Brewpubs, Microbreweries, microwineries and microdistilleries.

Brewpubs, Micro-breweries, Micro-wineries, and Micro-distilleries however, must comply with the following:

1. Each brewpub, microbrewery, microwinery, or microdistillery shall manufacture and sell alcoholic beverages in accordance with the provisions of the New York State Liquor Authority and shall maintain current licenses as required by said agency.
2. No outdoor storage shall be permitted.
3. All malt, vinous or distilled liquor production shall be within completely enclosed structures.
4. By-products or waste from the production of malt, vinous or distilled liquor shall be properly disposed of off the property.
5. The emission of odors or smells in such quantities as to produce a public nuisance or hazard is not permitted.
6. Excessive noise in violation of Chapter 188 is prohibited and may result in revocation of the Special Use Permit.
7. Food cart vendors are permitted on-site only by permission of the Planning Board.
8. Hours of operation shall be addressed during site plan review.

Add to Town Code Chapter 270-108.4. Special Uses (Commercial PUD Zone)

(H) Brewpubs, Microbreweries, microwineries and microdistilleries.

Brewpubs, Micro-breweries, Micro-wineries, and Micro-distilleries however, must comply with the following:

1. Each brewpub, microbrewery, microwinery, or microdistillery shall manufacture and sell alcoholic beverages in accordance with the provisions of the New York State Liquor Authority and shall maintain current licenses as required by said agency.
2. No outdoor storage shall be permitted.
3. All malt, vinous or distilled liquor production shall be within completely enclosed structures.
4. By-products or waste from the production of malt, vinous or distilled liquor shall be properly disposed of off the property.
5. The emission of odors or smells in such quantities as to produce a public nuisance or hazard is not permitted.

- 6. Excessive noise in violation of Chapter 188 is prohibited and may result in revocation of the Special Use Permit.
- 7. Food cart vendors are permitted on-site only by permission of the Planning Board.
- 8. Hours of operation shall be addressed during site plan review.

2. Subject to the considerations set forth in Paragraph 3, below, the Planning Commission hereby adopts a **positive recommendation** on the proposed language prepared by Town Staff with the following modifications:

3. Any recommendation by the Planning Commission, should not be construed as an approval or other favorable position concerning any proposed Zoning Code language. Any proposed updates to the Town Code shall remain subject to full review approval by the Town Board who is the only governing body with the authority to modify the Town Zoning Code.

<u>Member</u>	<u>Aye</u>	<u>Nay</u>
Thomas Yuille		
Mark D'Alessandro		
Wayne Calder		
Clark Collins		
Joseph Signore		
Lynn Flansburg		
Joseph Miglucchi		

Peter J. Comenzo
Senior Planner

Thomas Yuille
Planning Commission Chairman

2. Town of Rotterdam – Code Amendment. Report and Recommendation to the Town Board for a Local Law to amend Chapter 270 of the Town Code entitled “Zoning” of the Town of Rotterdam in regards to allowing microbreweries, micro-wineries and micro-distilleries by Special Use Permit in the A-1 Zoning District.

Chairman Yuille: Peter, do you want to explain this?

We are not going to do anything tonight on this, we are just looking for comments and generate some thoughts and then the next meeting, we will probably have a recommendation.

Mr. Comenzo: Thank you, Mr. Chairman. Peter Comenzo, the Town Planner. In your packets you will see there is a letter let me back up. I received a phone call from a Laurel Boser. She was looking at property in Rotterdam but also brought up the fact that we don't permit microbreweries anywhere in town. In looking at our code, she was correct. Obviously, there has been quite a big interest in these types of facilities. They are kind of, like I mentioned earlier, there are probably 25 or so in the Capital Region.

So, basically, we looked at our neighbor in Glenville, who does have a couple, they have a winery, a distillery and also a microbrewery in their town and they have definition section in their Code as well as for the allowance for these types of facilities. At the Town Board meeting, one of our residents got up and spoke and had mentioned that mead is also something approved by the state legislature a couple of years back and braggart was also approved by the state so we added that. Then we modified the proposed language to just basically say similar type alcoholic beverages because who knows in the future what folks are going to come up with something different or some new variation of fermentation.

So, unlike typical report and recommendation at the Planning Commission does, the Board just kind of vote yes or no and state our reasons why, in this case, we thought it might be prudent to have a discussion and make a recommendation that this group would feel in terms of on-site consumption, whether that should be permissible or not. Number 1 that is kind of first and foremost. The Town of Glenville does not allow that in their Code, but I know in many instances it does occur. There is also the issue of, I don't know how far we would want to get into it, a lot of these facilities have food trucks that come and then also take a look at our other zones and make sure that both in the commercial zones in the Town and the industrial zones that there would be an ability to make, I believe it would outright be permitted, right now in the industrial zone although it doesn't say that specifically, there is a manufacturing component to it.

Just kind of looking for the Board's feedback on what thoughts are in regards to allowing for on site consumption and whether you would want to get into the other zones and come back with a recommendation to add this into our commercial zones and industrial zones and whatever performance standards that you would want to see. Maybe in the Agriculture zone you want to have a minimum acreage requirement of an acre, five (5) acres, whatever that may be and those types of performance standards we could put in the report and recommendation to the Board and then they can move forward with the public hearing process.

Ms. Heinel: There are other types as well as just the cidery, breweries, “Inaudible”, there is the farm ciders, breweries and “Inaudible” and just for clarification for the Board when we get into this a farm brewery, the only difference between a farm brewery in New York State and normal brewer in New York State, is that in order to be called a farm brewery, one they have to be a on farm and their products that they use to make their product have to come from New York State so that they can get a label that get placed on the product that says New York State Agricultural product and that is what the difference between the farm versions of all these things and the non-farm version.

There is also the factor of just for inclusionary purposes of placing all of the definitions into the Code to some extent or another. Whether you wanted to accept those as well or just the limited, normal versions we take of brewer, microbrewery, because they do have different definitions in the State version of the legislature, they have each labeled with different definitions. The Board could always choose to adopt the State's definitions for each one to make it a simple process of what classifies each.

**Town of Rotterdam
Code Amendment - Report and Recommendation**

Mr. Comenzo: Or just reference the section of the State Code because things change.

Ms. Heinel: Some municipalities have said, microbreweries shall have the normal, ordinary meeting as defined in the NYS Alcoholic and Beverages Law Section, I forget what specific section number it is, but they define it just by referring to how it is defined in the Alcoholic Beverage Law of New York State. That is also a considering factor.

Mr. Collins: When it comes to the manufacturing do they give, if we put it in like a general business, does it give off odors into the atmosphere where it could be noxious to the neighbors?

Mr. Comenzo: There is a smell associated with fermenting beer. I don't know if there is some type of diffuser that's in there or fans that would exhaust that.

Mr. Collins: I was just thinking because when we talk about nail salons and so forth, they have to have certain system to stop it.

Mr. Comenzo: They boil it and there is a scent to it. I have visited microbreweries and you can smell it inside. I do not know how much of an issue it is outside.

Mr. Collins: I do not know to be honest with you.

Ms. Heinel: To my recollection, a lot of that gets contained with the modern equipment that is used in these. A lot of that gets contained within the internal structures. Now, that doesn't mean that the smokestack or whatever it might be might not give off some smell, but they would also have to comply with the Alcoholic Beverage Laws, their own regulatory and licensing authorities. Just like many of these other businesses too. It's a good idea to look into.

Mr. Comenzo: I think part of that would be during the site plan review process too. What are they doing with the waste material once it's done fermenting and what do you do with all the hops? Do you dump them in the dumpster in the back or are they fed to pigs, I don't know exactly what is done with the waste materials.

Mr. Collins: Like I say, one of those thoughts that ran through my mind.

Chairman Yuille: Mr. Calder, any questions?

Mr. Calder: Isn't the waste material going to be taken away by a truck, basically. The editorial today in the Gazette was very informative for somebody that doesn't know about this. In some of the stuff here talked about the waste being taken away.

Mr. Comenzo: I would imagine that it is organic so, I would imagine that they would feed it to animals.

Mr. Calder: And they talked about some of it going to nearby farms.

Mr. Comenzo: Or at least used for fertilizer. But the storage of it, I don't know if you have to build up enough to get a truck load of it to make it.

Mr. Calder: When we were discussing this earlier, the water at some point may have been an issue. I don't know if that is an issue but whether we should consider that with the zoning with the water, where the water is, where there is water available, where there is no water available. Does that make any sense or not?

**Town of Rotterdam
Code Amendment - Report and Recommendation**

Mr. Collins: Well, water is water but I mean I can't see them building out by Maple Ski Ridge because if that's all wells they could never produce that kind of water.

Mr. Comenzo: Depending on the size of the brewery. They didn't say they were looking at a really large operation, but I would assume that would be one of the first things that you would look at after a location or whether it's allowed in the Town or not. I know these folks were looking at several different towns and different pieces of property. They were looking at a property off of Mariaville Road. Who knows, they may have found another piece of property already. It made sense to look at this because I know from an economic standpoint and tourism, I don't think it's a matter of if we're going to see a request for a microbrewery or cidery, but its when. At least we would have a Code that would give the Board the ability to look at it. Otherwise, you just tell them no when they come.

Ms. Heinel: I think the water issue would be more of an issue that the applicant/potential buyer would have to verify for themselves whether the property could actually meet the demands for what they need it to be. That's not really a concern necessarily for the Town to take on of whether the person buying the property is aware whether they are going to get the water or not. That is part of the buyers due diligence in purchasing a property for a specific need is whether they can meet that need.

Mr. Comenzo: I think Clark might have been alluding to like living next door and having your well run dry because they are using.

Ms. Heinel: That's fair and it's something to consider but that's the problem you would have with any neighbor that potentially bought a house right next to you and tapped the same well.

Mr. Comenzo: Whether it was farming...

Ms. Heinel: Whether it was farming, whether it was a business or whatever it might be, it's going to be a potential problem for anybody purchasing a property in that area.

Mr. Calder: I think getting ahead of it is a good idea, but I'm surprised we haven't had to deal with it before since everybody has.

Mr. Comenzo: Like I said earlier, we have gotten inquiries about properties in our commercial zones for breweries and I can potentially see some of these areas where there is a lot of parking and under-utilized retail areas in town potentially going in there. We do have very good quality water in the town. I could see someone looking to do that.

Mr. Calder: I have no other questions. Thank you.

Chairman Yuille: Mark?

Mr. D'Alessandro: I have a question. Number 4 about the on-site consumption or not. I did one of those tours up in the Thousand Islands for a winery tour. Is sipping considered consumption? They had like little dixie cups that you could have the wine.

Ms. Heinel: That's a tasting versus consumption which is ordering. I think the idea there was that tasting would be a very different experience than buying a pint of beer or five (5) or six (6) or however many.

Mr. D'Alessandro: Do we have to specify anything like that or is that just like a...

**Town of Rotterdam
Code Amendment - Report and Recommendation**

Mr. Comenzo: Right now, we based this from the Town of Glenville's Code. I don't know how closely they follow that for terms of on-site or off-site consumption or that type of thing but it's something to discuss. If it's going to be a large, if it's going to be a small operation they probably wouldn't have some type of beer/alcohol sales but a lot of times if they have a good product they grow.

Ms. Heinel: The other thing is just because one business is the one spurring us to look at this as a potential change for our code, it isn't going to be the only one probably that's going to come around. What one is planning on doing is not what the other is going to plan on doing. If we don't allow on-site consumption now, good chances are that there is going to be one that comes along that is going to want it and we are going to have to go through this process all over again so it's best to have an idea of is that something that the Town is going to allow should we recommend this or should we limit it to this and this only.

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

Mr. Comenzo: I kind of was torn about whether to put the letter in there or not from the property owner. It doesn't seem like the Board is focusing on this and I'm certainly not. It was just an inquiry to the Town and I said hey, if you are really interested why don't you send us a letter and I will see if the Town Board will entertain it. They did accept it and forwarded it to this board for report and recommendation. Like I said, unlike some of our other code amendments they are pretty straightforward, this one we are looking to try to get a recommendation from the Board in terms of what you think the Town should do in regards to this issue.

Ms. Heinel: Especially since a lot of these site plans, if this does go forward and get accepted, are going to come before this Board. Once it gets enacted and you start getting interest with applications, you guys are going to be the ones looking at the site plans and everything in there. Now would be the time to start thinking about the thing that you would want to require of a site plan applicant for something like this for that special use permit. What would be the things that you would be concerned with?

Mr. Comenzo: So far, I have heard water and waste or smells.

Ms. Heinel: Lighting would be a big one. I would imagine neighbors would be concerned with from a space, hours of operation would be another one to consider. Noise as well.

Mr. Comenzo: I don't know how far the Board wanted to get into that in terms of performance standards or if you wanted to direct staff to come up with an idea of specific recommendations.

Ms. Heinel: Or those things can be left to site plan and be made conditions at a site plan approval so they can be adapted to each application as well. It is just something to consider.

Chairman Yuille: I think the on-site consumption, I'm sorry, Mark, are you done?

Mr. D'Alessandro: The only thing I was going to say is four (4) years ago if you were going to talk about drug and alcohol on the Planning Commission, I would have told you were nuts.

Chairman Yuille: I think the on-site consumption we need to consider.

Mr. Comenzo: I think that is the biggest item there. Is the Board in support for allowing on-site consumption for microbreweries.

Chairman Yuille: If someone wants it, they could come back for a special use permit for that.

**Town of Rotterdam
Code Amendment - Report and Recommendation**

Mr. Comenzo: It's implied that it's allowed. Right now, the way it's written is prohibited. So, if the Board was okay with allowing for on-site consumption for having a taproom to sell beer...

Mr. Signore: I think at some point somebody is going to bring that up so why go through this again. Put a very broad description for these and I think Courtney had it right to use the State's description and "Inaudible..." in terms of the "Inaudible..." I would include everything in that and then add oversight by the Town or DPW under the discretion of the Town, perhaps so we don't have to go through this process several times because people are going to come up with a lot of ideas. We have all these different things here now.

Mr. Comenzo: I don't know if everybody agrees with what Joe is saying, he's basically saying is we should reference the State Code instead of trying to define all these different types of beverages, allow for on-site consumption and be a little more general in terms of the performance standards. In my mind, I am thinking you could address noise, odor, lighting, etc. and if you just wanted to add a statement in there to say the Planning Commission during Site Plan or during the Special Use Permit review would look at lighting, odors, you need to prepare answers to lighting, traffic, the general things you guys look at.

Ms. Heinel: Water, waste, lighting, traffic, noise, safety, hours of operation.

Mr. Comenzo: Does that sound...

Chairman Yuille: Joe, do you have anything else to add?

Mr. Signore: Like the on-site food could be discretionary as well. Put that in there and then like Tom mentioned they could come in for a special use permit but at least it would already be in the Code. I think Tom had a good idea with that.

Chairman Yuille: Joe, anything to add?

Mr. Miglucci: The waste issue is rice, hops, barley and it's all natural. The smell basically dissipates quickly and there is nothing really toxic or endangering. "Inaudible..."

Mr. Comenzo: I guess in terms how they are going to handle that would be, the other thing I was thinking of is rodents and that type of thing, would that attract them?

Chairman Yuille: VanDyke down there they have a microbrewery and they are right in the middle...

Mr. Comenzo: A lot of these places are literally right in the middle of the town or cities. I can foresee that occurring and having these in our business and industrial zones. For example, Burdeck Street or Altamont Avenue.

Mr. Signore: Do we know someone who is involved in the renderings for microbrewing and what they look like? I'm thinking a farmer would take it and plow it in.

Mr. Comenzo: I could look into it.

Ms. Heinel: I don't know if the fermenting process actually ruins the ability to compost because of the process of the breakdown of it. You can't use cooked in compost because it doesn't degrade the same way, it doesn't add the nutritional benefits and I don't know if the process of fermentation does the same thing to the waste products where it would make it not viable.

Mr. Comenzo: I can find out. I know somebody that knows somebody that runs one.

**Town of Rotterdam
Code Amendment - Report and Recommendation**

Ms. Heinel: I also have a friend who the farm manager at Indian Ladder Farms.

Chairman Yuille: Anyone else have anything else to add?

Mr. Collins: I have one more question. When it comes to the food truck thing, that way if you do it because NYS you have to food if you sell booze, right? But are we going to say you can only have one food truck because sometimes somebody will see a food truck and some guy says I got a food truck, and I will go down and hang out. Do you know what I am saying? I don't know if that would become a problem.

Mr. Comenzo: I think the food truck pays the brewery to be there.

Ms. Heinel: It's also up to the brewery on how many they want to allow on their property too.

Mr. Comenzo: It's going to depend on their customer base. If there is only 30 people going there, there is not going to be 5 trucks.

Ms. Heinel: With regards to the food concerns, that's really going to depend on what type of license they get from the Alcoholic and Beverages Committee and everything like that because that is going to dictate what they need to have on-site. They will be telling us when they come in for an application what type of license they are getting or have from the Liquor Authority and that will tell us what they are going to have on-site foodwise. Some licenses you can get away with just your peanuts on your bar.

Chairman Yuille: How are we going to put this together so that we can do it at the next meeting? Are we going to put a list together?

Mr. Comenzo: I think between Courtney and I we can probably come up with some type of draft to consider. I think Joe made some good points in referencing the State Code and then the on-site consumption. I think everybody was kind of in agreement, in at least in reading the tea leaves here, that on-site consumption is not really a concern and it would be something that would be addressed the review process.

Ms. Heinel: Any issues with on-site consumption from anybody?

Mr. Comenzo: Then generic performance standards. Ask them to come up with a plan to address safety and lighting.

Ms. Heinel: I think like you suggested something we could add in the tagline that during special use permit review the board will look at these factors...

Mr. Comenzo: Like proximity to neighbors and we can come up with a list and then when they come in, they will know they say they want to do this, but we can say we reference the Code and when you come in, here's what you need to address. Then the on-site food, I think we were okay with that.

We should be able to come up with something and come back to you in two (2) weeks.

Meeting adjourned at 8:15 p.m.

Motion to adjourn the meeting was made by Mr. Collins and Mr. D'Alessandro seconded the motion.
Next meeting scheduled for March 7, 2023.

Respectfully Submitted, Marlo L. Carter, Planning Commission Secretary