

**Town of Rotterdam Planning Commission  
Minutes of July 16, 2024 Meeting**

The Rotterdam Planning Commission held a meeting on Tuesday, July 16, 2024, at 7:30 p.m. at the Rotterdam Town Hall, 1100 Sunrise Boulevard, Rotterdam, New York 12306.

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

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

**Waivers:**

1. **ViaPort Rotterdam – 93 W. Campbell Road.** The applicant requests a Waiver of Site Plan review to conduct approximately 12 vendor events at the ViaPort Rotterdam mall in the vicinity of the food court and fountain area for 2024 – 2025.

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

1. Approvals are contingent upon 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 Town of Rotterdam Building Safety Inspector and/or Building Inspector/Code Enforcement Officer prior to operation.
3. All temporary kiosks shall be removed a week after event.

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

2. **Big 3 Barbell – 93 W. Campbell Road.** The applicant requests a Waiver of Site Plan review to operate a fitness center in tenant space F-136, former Champs Sporting Goods, ±4,619 square feet from April 1, 2024 – June 30, 2027 in ViaPort Rotterdam Mall.

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

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

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

3. **Core States Group – 1128 Duaneburg Road.** The applicant requests a Waiver of Site Plan review to install a 22' x 54' canopy over four (4) EV Charging Stations and associated electrical equipment at the Pilot Flying J on ±7.35 acres.

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

1. Compliance with all NYS Building and Fire Codes.
2. Applicant must obtain a Building Permit and be issued a Certificate of Compliance from the Town of Rotterdam Building Inspector.
3. Applicant to comply fully with Town Sign Code and obtain a building permit for any signage.

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

4. **RRA Apartments – 2370 Curry Road.** The applicant requests a Waier of Site Plan review to relocate and enlarge maintenance building from 30' x 50' to 40' x 50' on previously approved Site Plan, August 16, 2021, on ±9.59 acres.

Motion was made by Mrs. Flansburg to approve the Waiver conditioned on the following:

1. Approvals are contingent upon 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/Code Enforcement Officer.
3. Applicant to comply fully with Town Sign Code and obtain a building permit for any signage.
4. All previous conditions of approval, Resolution PC37-2021 shall remain in effect.

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

Attendance was taken and a determined there is a quorum.

The Pledge of Allegiance to the Flag was recited.

**Ms. Scannell:** First up is approval of the summary minutes of June 18<sup>th</sup>.

**Mr. Collins:** I will make that motion.

**Mr. Signore:** I'll second it.

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

**Ms. Carter:** Mr. Collins?

**Mr. Collins:** Yes.

**Ms. Carter:** Mrs. Flansburg?

**Mrs. Flansburg:** Yes.

**Ms. Carter:** Mr. D'Alessandro?

**Mr. D'Alessandro:** I abstain as I was not present at the last meeting.

**Ms. Carter:** Mr. Calder?

**Mr. Calder:** Yes.

**Ms. Carter:** Mr. Signore?

**Mr. Signore:** Yes.

**Ms. Carter:** Mr. Miglucci?

**Mr. Miglucci:** Yes.

**Ms. Carter:** Ms. Scannell?

**Ms. Scannell:** Yes.

1. **Stewarts Shops Corp – Highbridge Road. Sketch Site Plan/Special Use Permit review for the construction of a ±3,975 square foot Stewarts with three (3) fueling islands on a consolidated ±2.23-acre parcel. Engineer: Soctt Edward Kitchner PE.**

**Is. Scannell:** So, first up this evening, we have Stewart Shops on Highbridge Road. We're going to take a look at a sketch site plan special use permit review for the construction of a plus or minus 3,975 square foot Stewarts with three fueling islands on a consolidated 2.23-acre parcel.

Welcome and how are you tonight?

**Mr. Marshall:** I'm good. How are you?

**Ms. Scannell:** We are well, thank you.

**Mr. Marshall:** I'm Chuck Marshall from Stewart Shops. With me is Molly Russell. Again, she started a couple months ago and her involvement, when we get to the end, will be noticed.

So, this is after our last meeting where, you know, someone kind of said it was like we had the neighbor, Tim and Elizabeth, who are both here tonight. We kind of went through more like a workshop. All the pieces of the puzzle and I'll just highlight what we got to.

So, we included sidewalk from Mercer to the store and then from Sherman to the store. I think, again, we don't show the length here and if that has to be extended, that is an element of the guidance we want from the board.

As we discussed, the building has no lights along the backside. The only light is the light above the dumpster. This photometric plan shows no light escape or fractional light escape in this instance, but no light escape around the main portion of the residence, and these are 3,000 Kelvin lights, which are the yellow in hue. We included the wall that was requested that goes along the frontage on Highbridge Road. We did not do the fencing. There's a reason for it, not just a lack of desire on our part. The fencing is three feet (3') tall, and it would block the monument sign that's been included in the wall. So, we just extended the wall, the length of the frontage and removed the ornamental fencing.

We did include the wall in the frontage and put the cupola on the building. And with all that, we get a presentation that's like this. The second thing or the last thing that we did to the canopy was we added the shingled gable or shingled mansard and here's where we're going to highlight Molly and her attention to detail. The rendering does not have a cupola. However, the elevation...

**Ms. Scannell:** Draw one on there for us right now.

**Mr. Marshall:** We were going to take pictures, but the elevation page does include it and it is obviously our intention to include that in the final plan.

In speaking with Tim and Elizabeth, the only concern that they, not the only, but one of the kind of the dwindling concerns that they have is the placement of these three (3) trees because they're concerned about the root system and how they interact with their existing trees. They're either going to provide alternative plantings from a species perspective to make them less canopy, shorter rooting trees or like I said to them earlier today, we would move the trees closer to our fence. I think that those are like the two (2) viable solutions.

I do need some guidance again on the fence along here. We called for it as stockade. That might have been a labeling issue. It's probably most appropriate for it to match the vinyl that's going along the property line with them. As we discussed, we would like to do the eight (8) foot, which it's my understanding this board can provide a waiver to eight (8) foot, but eight (8) foot just in the length of the property as it's perpendicular to Mercer. The section of fence that runs parallel to Mercer, we do think six (6) foot is appropriate. Again, it just wraps around the corner to shield the dumpster.

Without going into any further detail, I think that's my presentation. I think the points I was discussing or left with deliverables from my end on the last time. I'll take any questions.

**Ms. Scannell:** You did a very good deliverable job. Thank you very much.

**Mr. Marshall:** Thank you.

**Ms. Scannell:** Again, thank you from our perspective in being so willing to not only listen to the suggestions of us, but to truly listen to the adjoining property owners. You are already proving to be a most excellent neighbor. Thank you.

Mr. D'Alessandro, questions, comments, concerns?

**Mr. D'Alessandro:** It looks very nice. I like the wall. It looks really sharp on that. I think it adds a nice touch to the property. I also like the way you angled the pumps. I think that's going to make things easier with flow.

It looks really nice as far as I'm concerned. That's all I have.

**Mr. Marshall:** While we're discussing the wall, it did require we lost, because the right-of-way extends I guess it's north from Highbridge in, we lost about five feet between the edge of pavement, so we just pulled that back into our site, keeping the wall off the right of the right-of-way.

**Ms. Scannell:** I think the wall looks fantastic. Absolutely fantastic. I also wanted to mention thank you for I think probably listening to the feedback, but maybe from other projects, you know that we kind of in Rotterdam, we like to have that concrete going up around and thank you, thank you for having that there. It's really nice.

Mr. Calder, questions, comments, concerns?

**Mr. Calder:** No, not really. We had some conditions on here that I'm sure you've looked everything over. Stewarts has always been a good neighbor, so I think it's going to be a nice project. That corner is very rough and in bad shape as it is right now, and I think this is quite an improvement, so thank you.

That's it.

**Ms. Scannell:** Thank you. Mr. Collins?

**Mr. Collins:** No, I think it's a fantastic project, but I have a question for you. You did away with the fire suppression on top of the canopies, right?

**Mr. Marshall:** Yeah.

**Mr. Collins:** So, these have an emergency button, right?

**Mr. Marshall:** Correct. The building code changed that enabled the removal of the fire suppression. It has to be within 100 feet from an activated push button, and the reason is that there were more false activations, so people were getting covered in fire suppression material when they didn't need to.

**Mr. Collins:** I was just wondering, because that was just a question. So, they have them...

**Mr. Marshall:** Typically, they're always under the counter, so the way that the systems work, they're double-walled fiberglass tanks, which means there's an interstitial space that's filled with brine, and if the brine is affected by volume by the introduction of petroleum, that stays within the case. The reporting of that, those systems go both to the store itself and then to our office in Saratoga, and someone gets an emergency alarm if anything happens.

But the e-stops are typically outside the building, next to the front door, and under the counter. So, if there is an unfortunate event of an emergency, the partners are able to activate the stop of petroleum going, you know, more petroleum entering the pumps.

**Mr. Collins:** It was just a question.

**Mr. Marshall:** About five years ago, the building code changed, and we've...

**Mr. Collins:** Because they look terrible on top of those canopies.

**Mr. Marshall:** Yeah, I mean, in this instance it would have been hidden by the mansard, but yes, they don't look good, and on top of which, they don't operate effectively.

**Mr. Collins:** I think it's a great project. You've always been a good neighbor, and we're looking forward to when we do the one on Helderberg Avenue.

**Mr. Marshall:** That'll be back in the fall.

**Ms. Scannell:** Thank you, Mr. Collins. Mrs. Flansburg, questions, comments, concerns?

**Mrs. Flansburg:** I don't know if you had the comments from...

**Mr. Marshall:** I don't have them in front of me, unfortunately.

**Mrs. Flansburg:** So, I will just skip around to ones that I thought were important.

There was a comment number, so there were six comments. The sixth one said, was this the one I wanted to talk about? No, the fifth one. Planning Board may want to consider adding a note to the plan that prohibits recorded music and ads being streamed on speakers before 8 a.m. or after 7 p.m. to limit disturbance to neighboring properties during the quieter hours.

It's the first time in all my time that I recall ever seeing something like this. First off, do you even have...

**Mr. Marshall:** We have what's called... In our newer stores, we have what's called mood music.

**Mrs. Flansburg:** Outside?

**Mr. Marshall:** No, it's only inside.

There are some advertisements that play, but I think I can achieve the condition.

**Mrs. Flansburg:** I'm not entirely behind the condition. I was seeing how it fit.

**Mr. Marshall:** Again, because my boss does not watch the Town of Rotterdam Planning Board, you want to be in favor of the condition. I'm just kidding.

**Mrs. Flansburg:** Okay but I didn't know if you guys have gas station TV, which I know some places have. I couldn't think of anything. There's no ordering outside?

**Mr. Marshall:** No, there's no ordering outside.

**Mr. Comenzo:** There are speakers at the pumps.

**Mrs. Flansburg:** There might need to be.

**Mr. Marshall:** I think there is a separation. When I get to... Like I always try and do, I get some deliverables at the end. One of the things I'll touch on is that I'll see what... I don't think I can do away with the intercom.

I think I can do away with the constant music.

**Mrs. Flansburg:** External constant music. Inside, they should have whatever they have.

**Ms. Scannell:** I think you guys normally, at least when I say I want to pay inside, they always say, hi, pump number three (3) like for loss prevention purposes. So, we would want to stifle that, of course.

**Mr. Comenzo:** But there is recorded ads, I guess, at the pump when they're pumping. We have similar language. We did this with Burger King, I think it was. Every time you pull up, it would say, do you want to buy two hamburgers for five bucks or whatever it would be. And it's like every time somebody would pull up, it would be the same message. And so, we had them get rid of the speakers externally or at least get rid of the recording.

**Mrs. Flansburg:** I feel like we did something like this over on Cox Avenue, but this was just different because it wasn't a drive-through kind of a thing. So that was one of the things. And then when you did the original part of your presentation, you talked about the sidewalk going over to the left and whether or not it should or shouldn't go further. This is just me, one person, I think where you have it, too, is fine. The buffer stays for a reason. And if you put sidewalk down where the buffer is, then that person's property is going to more likely have pedestrians near it, and I guess we would probably want to keep them further away from it.

**Mr. Marshall:** And I apologize her property is actually, it's either in an estate or a trust and so I don't know her name, but she has requested a fence in here. It'll be a compliant fence and it's something we don't have a problem doing. We are going to, which I'll confirm via email to you, Peter, we are going to do soil testing on Monday. It's probably at that time appropriate for GPI to meet our guys on site only to identify the trees that should remain. I know that we don't want to come in and clear everything, but there are some locusts and there are some scrappy dead things that should be taken out of there, in addition to what we explicitly need for the installation of the septic system.

**Mr. Comenzo:** Do you have an arborist that is available to go on? Can we do a subsequent?

**Mr. Marshall:** That's what I'm saying.

**Mr. Comenzo:** I mean, in terms of the different species, as to what, you know, looks like, especially with the disturbance, something that's hanging over one of the neighbors' property, you may want to take out. It's a tough one because, you know, it's very overgrown over there and you don't want to get rid of the buffer. But on the other hand, you don't want to clear the property and then have trees falling down on the adjacent property.

**Mr. Marshall:** Again, I spoke with Tim and Elizabeth earlier, and I told them the things that they think beneficial to save, they should mark. I guess what we would do is, I guess my question is, do you want GPI to investigate the site to confirm?

**Mr. Comenzo:** Yes, I need to just check on their availability and then I would imagine we'd have to have you mark them with some flagging or something and we can take a look at it.

**Ms. Scannell:** Thank you. Mr. Signore, questions, concerns, comments?

**Mr. Signore:** I want to say that you went over and above I would think what you really would have had to. And, you know, you've done everything to please the neighbors in the area. It's really a sharp looking project. And, like, before we go, I would like to know, are you guys pretty satisfied with, you know, the remainder of the trees and the bushes?

**Tim:** Yeah. For the most part.

**Mr. Signore:** Because as this goes on, I mean, you know, say it now, because as it goes on, you may not be able to do it later. But you guys, basically, are you guys good?

**Tim:** Yeah. I mean, we've been following the slow steps.

**Ms. Scannell:** So, since we're not having a public hearing tonight, I think a thumbs up, a thumbs down. The Planning Commission would like a thumbs up. Awesome. Thank you.

And I would imagine that moving forward we're going to see that same continued relationship. If anything changes, you could call Peter, right, because he's at his desk all day long. Anything else, Mr. Signore?

**Mr. Signore:** No, I'm good.

**Ms. Scannell:** Awesome. Thank you. Mr. Miglucchi, questions, comments, concerns?

**Mr. Miglucchi:** It looks great. It's a good plan. I appreciate Stewarts. I appreciate the Dake family for what they've done over the years for the residents and that. And just like Joe, if you people are okay with it, I'll be okay with it. That's all I have.

**Ms. Scannell:** Very good. Thank you, Mr. Miglucchi.

Peter, is there anything that you would like to have discussed on the record?

**Mr. Comenzo:** Yes, I guess the only thing is we have a meeting scheduled for Friday with County DPW to talk about Highbridge Road and the access to finalize kind of the layout and what we're looking at. Then the next stage of the process is we probably will not see Chuck for a meeting or two because the GPI and Stewart's will work on the engineering part of it, the stormwater and utilities and that type of thing, and then we will come back probably with a final plan in a couple weeks.

**Ms. Scannell:** Super.

I have just a quick question for the DPW comments of July 16, 2024. Applicants should memorialize agreement on vegetation removal and maintenance of remaining wooded area on Sherman Street and add note to map. Who is the agreement with?

**Mr. Marshall:** I think it's just what we were talking about earlier with what trees are coming out and what trees are remaining. I don't think that there's a formal agreement. It's just the site plan and confirmation by GPI that what we're proposing to remove is appropriate. I do want to talk about the timing though.

Did you send this to the 239 referral?

**Mr. Comenzo:** I did for the change of zone. I will after our meeting Friday. Actually, the county will be there so I will send a formal 239 to them and they have 30 days to respond but typically they'll turn it around a little quicker.

**Ms. Scannell:** Mr. Valiquette, do you have any questions or concerns about anything?

**Mr. Valiquette:** No, I think generally all the questions that I would have had have been asked.

**Mr. Marshall:** Thank you very much. I'll see some of you on Friday.

**Ms. Scannell:** Thank you. Thank you for coming too, Molly.

**2. David Gazillo & Case & Amber Brower – Anna Court. Final Two (2) Lot Consolidation/Subdivision Public Hearing: 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:** Next up we have David Gazzillo and Case and Amber Brower for Anna Court. It is a Final Two Lot Consolidation Subdivision. We will be holding a public hearing.

And we have Luigi Palleschi from ABD Engineering. How are you tonight, Luigi?

**Mr. Palleschi:** Good evening. Good. Thank you. Hope everybody else is well.

So, we've discussed this project before this board a couple times now. We received the DPW comments dated July 16th, and I'll just run through those quickly. Number one, final fees being due, those will be paid for by the applicant. Number two is looking at the comment letter from ABD dated June 28th.

Number three, pinning and capping all new lot corners prior to chairman's signature. Number four, prior to chairman's signature, the applicant shall provide the DOT easement and add filing information to final subdivision. Number five, final approval is contingent upon the applicant receiving permits, site development and building from DPW Building Inspector.

Number six, final approval is contingent upon the DPW Water Department review and approval of proposed water supply for the project and the issuance of the permits to connect to municipal water. Number seven, adding note to the plan, water lines shall not be installed underneath driveways. And number eight, add note to plan, no stockpiling or burying of debris, slash, stumps or construction material is permitted.

We're in general agreement with all eight conditions as said here. Just a couple of things like number four in regards to the DOT easement that's now shown on the final plat here. It's this green line that we have highlighted.

It's an easement that DOT has and it's really a slope easement and that's the bottom of the slope there and what we did was we shifted our septic system away from that easement line so there's no proposal for septic system or house within that easement and the trees that you see out there today within that easement will remain. So, I just wanted to point that out.

**Ms. Scannell:** Could you for our reference show us where those trees are on the map because I know that the big map says save trees, but I wasn't sure exactly which trees we were referring to.

**Mr. Palleschi:** Right on the plan we just show the limits of.

**Ms. Scannell:** Right.

**Mr. Palleschi:** If I can just kind of look at what you're showing me here.

**Ms. Scannell:** I had to zoom in and this is so I don't know how to do AutoCAD, but someone would just do these trees?

**Mr. Palleschi:** Yep, so the half-moon shape is the tree.

**Ms. Scannell:** And then what are these trees up here? Are those trees or no?

**Mr. Palleschi:** Yeah, that's the other side. So, this is like the swath of trees that are between Mariaville Road and the easement.

Ms. Scannell: Okay.

Mr. Palleschi: So, therefore we're not proposing to disturb beyond this line. Beyond this line. So that's existing.

Ms. Scannell: What's this blue line?

Mr. Palleschi: That blue line is the right of way.

Ms. Scannell: Right, so that's where it starts?

Mr. Palleschi: That's the right of way and then the easement line is this dotted line right here.

Ms. Scannell: Okay, so it's between here and here that all those trees will remain.

Mr. Palleschi: Correct.

Ms. Scannell: So how many trees are coming down behind that in the lime green area?

Mr. Palleschi: Zero. That's within the DOT right of way.

Ms. Scannell: Perfect. And how many trees down here are going to go away?

Mr. Palleschi: Hopefully none because all of our disturbance is again from this easement line forward.

Ms. Scannell: Thank you.

Mr. Palleschi: Within that area as well there's you know there may be larger trees but there's also brush you know obviously in the wintertime that'll die down but the larger trees will remain.

Ms. Scannell: Could we quantify that on the plan instead of just save trees? Could we be a little more specific?

Mr. Palleschi: Okay.

Ms. Scannell: Thanks. At least on the final you know part of it.

Mr. Palleschi: Number five in regard to site development permit that was submitted to planning department, and I believe it's just under review waiting for final approval of the subdivision. Number six in regard to the water department review and approval of the proposed water supply. Mr. Collins and I actually met out there a month or two (2) ago and we did fire flow tests and went through that process and had very good flow and very little loss in pressure. So there's no concerns there but what we did discuss was maybe reconfiguring the connection to the water main and you can see we're going to push under the road directionally bore and connect to the main which is on the other side of the street and then the other one we were thinking of connecting on the same side of the street but after reviewing the one comment here for number seven no water lines to be underneath the proposed driveways we're now thinking of just pushing two lines underneath at the same location so that we can split the houses in each direction so that we avoid any possibility of this water lateral being under the driveway.

So that's the only change from what we talked about I think it's pretty straight forward it's all beautiful sand there we did test pits I believe today, this morning so yeah so good sand so shouldn't be a concern pushing this one-inch lateral underneath the roadway. But other than that, yeah if there's any additional questions from the planning board, I'd be happy to answer them but we're looking for a final two lot subdivision and lot consolidation type stuff tonight.

**Ms. Scannell:** So I am going to give an opportunity so I was over there the last time I was there it was the winter time like February-ish so obviously it wasn't filled with as much greenery as there is and I spent some time on Old Fort Avenue listening because I could listen in the cul-de-sac and then I was listening on Old Fort Avenue. A couple neighbors were like lady what are you doing why are you taking pictures and in casual conversation with them we did discuss the trees so I'm happy that you're able to kind of quantify that. I think that they provide a noise buffer to several residents on Old Fort Avenue so I'm grateful that those will be remaining. As far as like a garbage truck getting into the cul-de-sac where your driveways are proposed, can a garbage truck get in there and get out of there okay and fire trucks, I know that when it was a deeded road to the town whatever it was 91, 97, I know it was in the 90s I took a look at stuff but I just wanted to make sure that we're sure that everybody can get in there that there's enough room in that cul-de-sac.

**Mr. Palleschi:** Yeah, I think like the radius coming in would certainly work. The cul-de-sac is wide enough. So, yeah so, it's been there like you said since the 90s we're not proposing to change it.

**Ms. Scannell:** Right.

**Mr. Palleschi:** So, yeah I would assume so yes.

**Ms. Scannell:** Okay. Mr. Collins I'm going to start with you questions, comments, concerns.

**Mr. Collins:** I met Luigi out there and we did the flow test and the pressure test and what a lot of people don't realize is basically by New York State Department of Health you only have to give 20 pounds to a house, but this will probably have to be at least 45 or 50 they have plenty of pressure. He redid the water lines. I think it's a good project. I mean it's been vacant for a long time, but somebody bought it and it's time to move on and get this thing going but I don't have a problem with it. I think it's a good project. There's a lot of flow from the hydrants and pressure so there shouldn't be any problem whatsoever, that's all I have.

**Ms. Scannell:** Thank you Mrs. Flansburg?

**Mrs. Flansburg:** We were talking a little bit before the meeting the care and maintenance of the cul-de-sac on whatever's there, whoever does that or who will.

**Mr. Palleschi:** My guess is whoever lives at the end of the street here.

**Mrs. Flansburg:** Because it's the only home. So, will all three of them spilt it?

**Ms. Scannell:** So, according to the information from 1991-97, whatever, I can go actually pull it out of that file. It was supposed to go in as a deed restriction when the land was given to the town that it is the responsibilities of any neighbor in the cul-de-sac. So, I don't think we've received proposed deeds yet and I'm not sure if that's something that needs to go into a proposed deed.

**Mr. Valiquette:** I mean I would like to see the proposed deeds. I guess if you have the ability to send them over for my review. If the original subdivision did have that as a condition it might be something that would be nice to see but I'll have to review that.

**Ms. Scannell:** I didn't actually look at the deed I just looked at the note saying it was supposed to go into the deed so but that's a good point.

**Mr. Palleschi:** I'm not aware of it so but we can certainly look I can't promise we'll find it.

**Mr. Palleschi:** It would be when the roads were dedicated to the Town of Rotterdam.

**Mr. Palleschi:** Right is that just for Anna Court or would it be all cul-de-sac.

**Ms. Scannell:** It was specific to Anna Court and I'm happy to go in that file and provide you with that information.

**Mr. Palleschi:** Okay.

**Ms. Scannell:** Mr. Calder questions comments concerns.

**Mr. Calder:** No, I'm good with the project. I appreciate the help thank you.

**Ms. Scannell:** Thank you. Mr. Signore?

**Mr. Signore:** Without that plantings Luigi that we're talking about being maintained, is that going to if it stays is that going to cut down on the distance for emergency trucks to get in or would it be better not to have it there.

**Mr. Palleschi:** I mean I don't want to be the one to say remove it right. I live on a cul-de-sac and I got some nice trees in the center I'd like to keep them if it were me. They have been there since the 90's. Garbage trucks are getting around there no problem.

**Mr. Signore:** Can fire trucks get through there and garbage trucks, that kind of thing?

**Mr. Palleschi:** Yeah, I would assume so. It's a town road.

**Ms. Scannell:** I think that's maybe because the greenery is as lush as it is right now it really looks lovely but it's kind of maybe coming out a little farther on the road than when it's somebody's front lawn so maybe that's because it does kind of feel like a little smaller. I noticed that.

**Mr. Palleschi:** Yeah, if you got rid of it then the three (3) homeowners at the end of the cul-de-sac wouldn't have to maintain anything then right. That deed would go away right.

**Mr. Comenzo:** There's alternatives.

**Ms. Scannell:** I think before anything goes away we would want our attorney to take a look at that and make sure you know obviously it doesn't just get to go away. Okay, Mr. D'Alessandro questions, comments, concerns.

**Mr. D'Alessandro:** I find it's pretty straight forward that's all I have.

**Ms. Scannell:** Okay, Mr. Miglucci you're up.

**Mr. Miglucci:** I've been, that lot one I'm still concerned about getting that septic area in there. I would rather see having wastewater collection in there than having straight line out to it but being someone who has septic that's where I'm at right now. I see a little problem. That's all.

**Ms. Scannell:** Okay Peter, anything to discuss?

**Mr. Comenzo:** My only comment and I do not know how deep in the weeds we get with this, but you know Anna Court is a dedicated town road. You start putting things in deeds to tell people to maintain town property you are kind of going down a pretty slippery slope. We have addressed this in the past before the neighbor's and each cul-de-sac is different. I mean if the Highway Superintendent had his way, they would just pave them all because then they don't have to worry about it. The residents like it because it dresses up the neighborhood so, in the past I think just typically we've had the

neighbor's kind of work that out amongst themselves. You say maintain, maybe somebody does not want to maintain it and they will go and put rocks on it.

**Ms. Scannell:** So, to be clear I'm not suggesting that we put any restrictions in. What I'm suggesting is that if in the event there was a restriction in the dedication of the road that it followed through to the project today. I am not suggesting that our attorney review all of those documents. That's all. It's pretty straightforward.

**Mr. Comenzo:** It is not there but we can revisit, I was involved in the dedication of this roadway back in 2001.

**Ms. Scannell:** So, even though it was one of the conditions of the Planning Commission it never came to fruition?

**Mr. Comenzo:** There was issues with that subdivision when it was filed before it was filed in terms of the construction of it.

**Ms. Scannell:** Okay, well it should be easy enough...

**Mr. Comenzo:** Yes, but what I'm saying is that we've had this discussion over the years before and it gets really tricky in terms of who's maintaining what and like I said each Highway Superintendent may have a different viewpoint. The residents may have sometimes the residents have asked that they do not pave it once the subdivision goes in so they can actually landscape it and there has been a whole variety of different ways that those have been treated. So, the Planning Commission can address it however they want. Just letting you know what I have experienced over time here in terms of addressing that issue.

**Ms. Scannell:** It shouldn't be hard just to make sure for the attorneys to review that we have the document. I think that's pretty straight, is that something you would require, or would you likely want?

**Mr. Valiquette:** I would just like to review it. That's all. I'm not going to say anything I would provide any comments or changes just would like to see it. That's all.

**Mr. Palleschi:** Okay.

**Ms. Scannell:** I'm going to open the public hearing right now on this matter. Is there anyone here who would like to speak? Come on up to the podium. Luigi will switch spots with you. Thank you and if you could just make sure that you talk into the microphone.

**Mr. Gallucci:** I'm Glenn Gallucci. I live at 104 Anna Court. I am the original builder and developer of the three-lot subdivision.

**Ms. Scannell:** Mr. Gallucci I'm going to stop you for just one second. I would like to have it please go on the record that your wife is town board member, Teri Gallucci, we are all aware of that that does not in any way shape or form have any impact on what this committee is doing this evening. You have every right as the one and only adjoining property owner to please let your voice be heard. So, continue.

**Mr. Gallucci:** So, like I said I'm opposed to adding a fourth lot to a three-lot approved subdivision that was approved back in I believe, I got the deed 2006. I built my house in 2000, and moved in. My intention was to leave it all green space obviously, things change along the way. I think a fourth lot would make my driveway a little tight to the lot number two making it impossible to come in and out. The removal of mature trees, the whole subdivision was already decimated in 2020 by a certain property owner. Mature trees that have been there for like a hundred years were clear cut and it doesn't look like it does now because it's grown back in about four (4) years but not to the extent that you'll ever see again.

o,

It's very noisy. It's dirty. It's changed the complexity of about seven (7) or eight (8) property owners around the whole area and I don't think that's fair, not for a dollar. So, I think the tree removal limit should be carefully scrutinized and thoughtfully identified because there's a whole tree line to the back of these two proposed lots that shelter four (4) residents now from noise, light and a bunch of other things. I've talked to all of them. The proposed 25-foot setback on lot one is very close to the DOT PE of 1940, and I know there can't be any excavation in an area of a PE. The PE is there forever so that if the state decides they ever want to change the bridge, they can. I just think that adding a fourth house is going to be a loss of green space and peace for several residents and I don't think it's right.

I'd also like to add that lot number one does have an existing three-quarter inch water line to it that was never found. I know it was there, I know it's there but that wasn't found so I don't believe that you need a couple extra water lines in there. I would like to say going forward I think the Town of Rotterdam should look at maybe increasing lot size, setbacks maybe make a half-acre lot instead of 15,000 feet that's been there since I've been in the business for like over 40 years. I grew up in a family business. We built all of Old Fort, Dolan Drive, several developments in the area. So, I would just like to take some consideration for surrounding neighbors and not just a property owner.

I want to thank this commission for listening. Thank you.

**Ms. Scannell:** Thank you for your comments. Is there anyone else who would like to speak for the public hearing? Going to ask a final time is there anyone else here who would like to speak for the public hearing? Okay, with that I'm going to close the public hearing.

We have received some feedback from a resident, is there any conversation? Does anyone want to have any comments or questions or concerns or further discussion of this matter?

I think that there were some very good points made with regard to the mature trees and I think that Luigi, from what you're telling us, we're going to be able to quantify that those trees are going to remain, you've done a good job bringing to our attention and thank you for providing us with the easements. I know that Attorney Valiquette had an opportunity to kind of review things tonight. You were able to show us the embankment easement pretty clearly. So, if you could make sure one of the conditions of approval is to quantify the trees that are going to remain, not to say save trees so that we know that everything up along the road and the mature trees that are at the rear of the properties are going to remain, that would be great.

I would entertain a motion at this point...

**Mr. Miglucci:** Excuse me, Madam Chair, just a quick question.

**Ms. Scannell:** Of course.

**Mr. Miglucci:** The DOT regulation, does that still stand? Is that still on the books? For the setback?

**Ms. Scannell:** Yes, that's why it's on the map. The easement is on the map. I actually zoomed in on it if you want to take a look at it. As far as the regulation that was referenced during the public hearing it was the proposed 25-foot setback on lot number 1 as shown in the highlighted section, is the actual 1940 PE owned by the State of New York. I think based on what we're seeing on this map it's noted.

**Mr. Valiquette:** Yeah. Yeah, Luigi, that the line that you had showed us earlier, can you just point that back out again?

**Mr. Palleschi:** Yeah, this green line is the easement line. When we did our survey located, there's a monument right here identifying that easement so that's where we...

Ms. Scannell: Right.

Mr. Valiquette: And it looks like the house kind of goes almost right to the corner, the corner of the house is almost right on that easement.

Mr. Palleschi: That's correct.

Mr. Valiquette: Thank you.

Ms. Scannell: Alright, any more conversation? I would entertain a motion.

Mr. Collins: I will make a motion for the two-lot subdivision.

Ms. Scannell: Do I have a second?

Mrs. Flansburg: I'll second it.

Ms. Scannell: Marlo, please call the roll.

Ms. Carter: Mr. Collins?

Mr. Collins: Yes.

Ms. Carter: Mrs. Flansburg?

Mrs. Flansburg: Yes.

Ms. Carter: Mr. D'Alessandro?

Mr. D'Alessandro: Yes.

Ms. Carter: Mr. Calder?

Mr. Calder: Yes.

Ms. Carter: Mr. Signore?

Mr. Signore: Yes.

Ms. Carter: Mr. Miglucchi?

Mr. Miglucchi: No.

Ms. Carter: Ms. Scannell?

Ms. Scannell: With the modifications we discussed tonight being intact, yes.

Mr. Valiquette: We need a motion to rescind the vote that we had for Anna Court, then we need to do SEQR and then we need to do a remotion to approve the site plan as we did previously. SEQR has to be first.

Ms. Scannell: Do I have a motion to rescind the motion for Anna Court two lot subdivision?

Mr. Collins: I will make that motion.

Mrs. Flansburg: I'll second.

Ms. Scannell: Marlo, please call the roll.

Ms. Carter: Mr. Collins?

Mr. Collins: Yes.

Ms. Carter: Mrs. Flansburg?

Mrs. Flansburg: Yes.

Ms. Carter: Mr. D'Alessandro?

Mr. D'Alessandro: Yes.

Ms. Carter: Mr. Calder?

Mr. Calder: Yes.

Ms. Carter: Mr. Signore?

Mr. Signore: Yes.

Ms. Carter: Mr. Miglucci?

Mr. Miglucci: No.

Ms. Carter: Ms. Scannell?

Ms. Scannell: Yes.

Now, I would like to entertain a motion for a negative declaration for SEQR.

Mr. Collins: I will make that motion for SEQR.

Mrs. Flansburg: I'll second.

Ms. Scannell: Marlo, please call the roll.

Ms. Carter: Mr. Collins?

Mr. Collins: Yes.

Ms. Carter: Mrs. Flansburg?

Mrs. Flansburg: Yes.

Ms. Carter: Mr. D'Alessandro?

Mr. D'Alessandro: Yes.

Ms. Carter: Mr. Calder?

Mr. Calder: Yes.

Ms. Carter: Mr. Signore?

Mr. Signore: Yes.

Ms. Carter: Mr. Miglucci?

Mr. Miglucci: Yes.

Ms. Carter: Ms. Scannell?

Ms. Scannell: Yes.

Motion carried. Now, I will entertain a motion to approve a two-lot subdivision.

Mr. Collins: I will make that motion, Mrs. Chairman.

Mrs. Flansburg: I will second.

Ms. Scannell: Marlo, please call the roll.

Ms. Carter: Mr. Collins?

Mr. Collins: Yes.

Ms. Carter: Mrs. Flansburg?

Mrs. Flansburg: Yes.

Ms. Carter: Mr. D'Alessandro?

Mr. D'Alessandro: Yes.

Ms. Carter: Mr. Calder?

Mr. Calder: Yes.

Ms. Carter: Mr. Signore?

Mr. Signore: Yes.

Ms. Carter: Mr. Miglucci?

Mr. Miglucci: No.

Ms. Carter: Ms. Scannell?

Ms. Scannell: With the modifications that we talked to in regards to saving the trees being a condition, yes.



Town of Rotterdam  
Office of the Planning Commission

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

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

**Resolution Number PC39-2024**

Moved by Mr. Collins seconded by Mrs. Flansburg  
Applicant: David Gazillo & Case & Amber Brower

- Applicant:** David Gazillo & Casey & Amber Brower
- Project Location:** Anna Court  
Rotterdam, New York
- Tax Number or Numbers:** 48.17-2-8.222, 48.17-2-1.2, 48.17-2-21.111
- Proposed Project:** Final Two (2) Lot Consolidation/Subdivision Public Hearing: Lot 1 = ±17,363 square feet with proposed single-family residence and Lot 2 = ±18,386 square feet with proposed single-family residence.

WHEREAS, public meetings were conducted by the Town of Rotterdam Planning Commission on January 9, 2024, February 20, 2024, and a public hearing on July 16, 2024 to consider the above referenced Two (2) Lot Consolidation/Subdivision; and,

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

WHEREAS, the Town of Rotterdam Planning Commission after careful consideration of the application, testimony of the applicant and/or representative and members of the public in attendance at the hearing, and all other materials of record HEREBY APPROVES THE TWO (2) LOT CONSOLIDATION/SUBDIVISION; NOW

IT IS HEREBY RESOLVED THAT this Final Two (2) Lot Consolidation/Subdivision is approved with the following conditions as stipulated by the Planning Commission:


- |                    |                    |                 |
|--------------------|--------------------|-----------------|
| 1. Final Fees Due: | Lot Fees \$160 x 2 | \$ 320.00       |
|                    | Parkland           | \$1,000.00      |
|                    | <u>Advertising</u> | <u>\$ 36.30</u> |
|                    | Total              | \$1,356.30      |
2. See comment letter from ABD dated June 28, 2024.
  3. Pin and cap all new lot corners prior to Chairman's signature.
  4. Prior to the Chairman's signature, the applicant shall provide the NYSDOT easement and add filing information to final subdivision.
  5. Final approval is contingent upon the applicant receiving permits (site development and building) from the DPW Building Inspector.
  6. Final approval is contingent upon Town DPW Water Department review and approval of the proposed water supply for the project and the issuance of permits to connect to municipal water.

**Resolution Number PC39-2024**

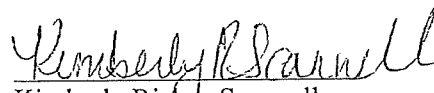
Moved by Mr. Collins seconded by Mrs. Flansburg  
Applicant: David Gazillo & Case & Amber Brower

Page 2

7. Add note to plan: "Water lines shall not be installed underneath driveways."
8. Add note to plan: "No stockpiling or burying of debris, slash, stumps, or construction material is permitted."
9. Limits of clearing should be clearly identified on the final subdivision plan and existing buffer shall be preserved to the greatest extent practicable.



Peter J. Comenzo  
Senior Planner



Kimberly Ricker-Scannell  
Planning Commission Chairman



*Town of Rotterdam*  
*Office of the Planning Commission*

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

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

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

**Date:** July 16, 2024

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

**SEQRA Status:** Type I   
Type II   
Unlisted

**Conditioned Negative Declaration:** Yes   
No

**Owner:** DMG Capital Properties, LLC  
3101 Thompson Street  
Schenectady, NY 12306

**Location:** Anna Court  
Schenectady, NY 12306

**Tax Map Number(s):** 48.17-2-8.222, 48.17-2-1.2, and 48.17-2-21.111

**Zoning:** Single Family Residential (R-1) Zoning District.

**Action:** Minor Subdivision to combine and boundary line adjust three (3) tax parcels and create two building lots on Anna Court. Lot #1= ±17,363 square feet (proposed single family residence) and Lot #2 = ±18,386 square feet (proposed single family residence).

**Reasons Supporting This Determination:**

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

This project was conducted as a SEQR coordinated review. The site plan was sent to all interested/involved agencies on January 10, 2024. The applicant has supplied an Environmental Assessment Form and the Planning Commission has or has caused to complete Part 2 of this checklist.

The applicants have requested a Minor Subdivision to combine and boundary line adjust three (3) tax parcels and create two building lots on Anna Court. Lot #1 = ±17,363 square feet (proposed single family residence) and Lot #2 = ±18,386 square feet (proposed single family residence).

This is in an existing residential subdivision that was approved October 19, 1999. The applicant is proposing to add additional landlocked properties to an existing building lot and create a second building lot. The property has adequate water supply and can accommodate on-site septic systems.

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

- (i) a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;
- (ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;
- (iii) the impairment of the environmental characteristics of a Critical Environmental Area.
- (iv) the creation of a material conflict with a community's current plans or goals as officially approved or adopted;
- (v) the impairment of the character or quality of important historical, archaeological, architectural, or aesthetic resources or of existing community or neighborhood character;
- (vi) a major change in the use of either the quantity or type of energy;
- (vii) the creation of a hazard to human health;
- (viii) a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;
- (ix) the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;
- (x) the creation of a material demand for other actions that would result in one of the above consequences;
- (xi) changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or

(xii) two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

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

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

The environmental effects of the above-described action were discussed at regularly scheduled Planning Commission Public Hearing held on July 16, 2024 at the Rotterdam Town Hall, 1100 Sunrise Boulevard, Rotterdam, NY 12306. Adoption of this Negative Declaration was moved by Mr. Collins, seconded by Mrs. Flansburg, and approved by the Rotterdam Planning Commission.

  
\_\_\_\_\_  
Kimberly Ricker Scannell  
Planning Commission Chairman

3. **Hungry Hill Ventures, LLC -Consalus Avenue & Wedgewood Heights. Final Public Hearing Special Use Permit, Site Plan Permit, and Boundary Line Adjustment of five (5) tax parcels into two (2) lots. Lot #1 = ±2.28-acres (proposed ±12,000 square foot industrial building with two (2) tenant spaces). Lot # 2 = ±2.46-acre (construction equipment storage). Engineer: ABD Engineers LLC.**

**Ms. Scannell:** We've got Hungry Hills Ventures. We are also going to be having a public hearing for this. Luigi Palleschi, take it away.

**Mr. Palleschi:** Thank you. So, I'm here representing Mike Floccuzio, Hungry Hills Ventures LLC on the Consalus Ave. Similar to the other project we have discussed this project with this board a few times now. We're at the final stages we believe with the changes that we've made to the plans and the test pits that were performed on site for the brush dump and so forth, the storm water calculations and on-site retention infiltrators that we're putting on the proposal. We did receive the DPW comments. There were 11 of them and I won't go through all 11 of them unless this board would like to discuss any particular one in more detail. But I discussed these with the applicant and we're in general agreement with all 11 comments. Again, I think we're at a point hopefully but if there's any questions this board has I'm here to answer them. So, I'll keep it simple tonight.

**Ms. Scannell:** Alright, taking a look at the 11 notes and conditions that we have. I am just going to focus on one of them the comment letter from GPI. You have a copy of that?

**Mr. Palleschi:** Yes.

**Ms. Scannell:** Okay super. And I know that we have a copy of the letter that you had sent us with regard to GPI's contracted scope of work. Just so you know this was part of their contracted scope of work was the pavement and the trenching. So, that is why those comments will be added to the conditions. Mr. D'Alessandro, questions, comments, concerns?

**Mr. D'Alessandro:** No, I'm fine with it as long as Luigi is fine with all the comments. I have no questions.

**Ms. Scannell:** Mr. Calder?

**Mr. Calder:** No questions, thank you.

**Ms. Scannell:** Mr. Collins?

**Mr. Collins:** I go up there quite a bit because my cousin has a shop over there but what he's doing is really going to improve that neighborhood and it's going to be a nice project when he's done, so I'm all for it.

**Ms. Scannell:** I was there when he was digging the test pits. He's doing a wonderful job. Mrs. Flansburg?

**Mrs. Flansburg:** No, you said they were agreeable to all the comments. I had a couple of comments about them but if you're on board I think it's going to clean up the area and it's a good project, good fix. Thank you.

**Ms. Scannell:** Mr. Signore?

**Mr. Signore:** I'll good with it.

**Ms. Scannell:** Mr. Miglucchi?

**Mr. Miglucchi:** That's a good project. I'm good with it, it's a good project.

**Ms. Scannell:** Peter, would you like us to consider anything we haven't considered?

**Mr. Comenzo:** No, I have no comments.

**Ms. Scannell:** Steve?

**Mr. Valiquette:** No, I think one of the things I just noticed we do have to do a SEQR vote so for the Anna Court that we just completed. We might have to go back and do a SEQR vote and then a revote because SEQR always has to be completed first, but we can do that after we finish this.

**Ms. Scannell:** Okay. Sounds good. With regard to this I think it looks great, I think that it's going to be a really nice addition to that area. Definitely looking forward to seeing the progress I even know the secret way to get in there now which is kind of exciting. Yeah, it's going to look great. We're very excited.

So, at this point I am going to open the public hearing. Is there anyone here who would like to speak on this? I'll ask again if there's anyone here? And one more time if there's anyone here who would like to speak. Since there's not I'm going to close the public hearing. At this point I would entertain a motion.

**Mr. Collins:** I'll make that motion...

**Ms. Scannell:** To approve a two-lot consolidation subdivision.

**Mr. Comenzo:** We have to do SEQR.

**Ms. Scannell:** I would entertain a motion for the negative declaration for SEQR.

**Mr. Collins:** I'll make that motion.

**Ms. Scannell:** Thank you, Mr. Collins.

**Mr. Calder:** I'll second.

**Ms. Scannell:** Marlo, please call the roll.

**Ms. Carter:** Mr. Collins?

**Mr. Collins:** Yes.

**Ms. Carter:** Mrs. Flansburg?

**Mrs. Flansburg:** Yes.

**Ms. Carter:** Mr. D'Alessandro?

**Mr. D'Alessandro:** Yes.

**Ms. Carter:** Mr. Calder?

**Mr. Calder:** Yes.

**Ms. Carter:** Mr. Signore?

Mr. Signore: Yes.

Ms. Carter: Mr. Miglucci?

Mr. Miglucci: Yes.

Ms. Carter: Ms. Scannell?

Ms. Scannell: Yes.

I will now entertain a motion to approve the two-lot consolidation subdivision.

Mr. D'Alesandro: I'll make that motion.

Mrs. Flansburg: I'll second it.

Ms. Scannell: Marlo, please call the roll.

Ms. Carter: Mr. Collins?

Mr. Collins: Yes.

Ms. Carter: Mrs. Flansburg?

Mrs. Flansburg: Yes.

Ms. Carter: Mr. D'Alessandro?

Mr. D'Alessandro: Yes.

Ms. Carter: Mr. Calder?

Mr. Calder: Yes.

Ms. Carter: Mr. Signore?

Mr. Signore: Yes.

Ms. Carter: Mr. Miglucci?

Mr. Miglucci: Yes.

Ms. Carter: Ms. Scannell?

Ms. Scannell: Yes.

Mr. Palleschi: Just to clarify that was for Hungry Hill SEQR, Neg Dec and Site Plan approval?

Ms. Scannell: Yes.

**Mr. Comenzo:** It's a subdivision and you have special use permit and site plan.

**Mr. Palleschi:** Correct. Okay.

**Mr. Comenzo:** I don't know if we need two other votes on this.

**Mr. Valiquette:** We will have to go back and rescind the final subdivision vote that we just did for Anna Court.

**Mr. Comenzo:** I'm speaking in terms of Hungry Hill Ventures here. There should be four motions, well the special use permit as well. You can do them separately or as one. Separately would be preferable.

**Ms. Scannell:** I will entertain a motion to approve the site plan.

**Mr. Collins:** I'll make that motion.

**Mr. Signore:** I'll second it.

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

**Ms. Carter:** Mr. Collins?

**Mr. Collins:** Yes.

**Ms. Carter:** Mrs. Flansburg?

**Mrs. Flansburg:** Yes.

**Ms. Carter:** Mr. D'Alessandro?

**Mr. D'Alessandro:** Yes.

**Ms. Carter:** Mr. Calder?

**Mr. Calder:** Yes.

**Ms. Carter:** Mr. Signore?

**Mr. Signore:** Yes.

**Ms. Carter:** Mr. Miglucci?

**Mr. Miglucci:** Yes.

**Ms. Carter:** Ms. Scannell?

**Ms. Scannell:** Yes.

Now, I will entertain a motion to approve the special use permit.

**Mrs. Flansburg:** I'll make that motion.

**Ms. Scannell:** Thank you, Mrs. Flansburg. Do I have second?

**Mr. Calder:** I'll second it.

**Ms. Scannell:** Marlo, please call the roll.

**Ms. Carter:** Mr. Collins?

**Mr. Collins:** Yes.

**Ms. Carter:** Mrs. Flansburg?

**Mrs. Flansburg:** Yes.

**Ms. Carter:** Mr. D'Alessandro?

**Mr. D'Alessandro:** Yes.

**Ms. Carter:** Mr. Calder?

**Mr. Calder:** Yes.

**Ms. Carter:** Mr. Signore?

**Mr. Signore:** Yes.

**Ms. Carter:** Mr. Miglucchi?

**Mr. Miglucchi:** Yes.

**Ms. Carter:** Ms. Scannell?

**Ms. Scannell:** Yes.



Town of Rotterdam  
Office of the Planning Commission

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

Telephone (518) 355-7575  
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**Resolution Number PC40-2024**

Moved by Mr. D'Alessandro seconded by Mrs. Flansburg  
Applicant: Hungry Hill Ventures, LLC

- Applicant:** Hungry Hill Ventures, LLC
- Project Location:** Consalus Avenue & Wedgewood Heights  
Rotterdam, New York
- Tax Number or Numbers:** 59.05-8-5.1, 59.05-8-5.3, 59.05-8-5.4, 59.05-8-8.111, 59.05-8-16
- Proposed Project:** Boundary Line Adjustment of five (5) tax parcels into two (2) lots. Lot #1 = ±2.28-acres (proposed ±12,000 square foot industrial building with two (2) tenant spaces). Lot # 2 = ±2.46-acre (construction equipment storage).

WHEREAS, public meetings were conducted by the Town of Rotterdam Planning Commission on May 7, 2024, and a public hearing on July 16, 2024 to consider the above referenced Boundary Line Adjustment of five (5) tax parcels into two (2) lots; and,

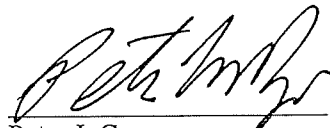
WHEREAS, this matter was discussed and approved, as meeting the standards for Subdivision as set forth in Chapter 249 of the Code of the Town of Rotterdam entitled SUBDIVISION OF LAND; and,

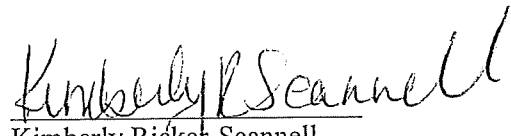
WHEREAS, the Town of Rotterdam Planning Commission after careful consideration of the application, testimony of the applicant and/or representative and members of the public in attendance at the hearing, and all other materials of record HEREBY APPROVES THE BOUNDARY LINE ADJUSTMENT OF FIVE (5) TAX PARCELS INTO TWO (2) LOTS; NOW

IT IS HEREBY RESOLVED THAT this Boundary Line Adjustment of five (5) tax parcels into two (2) lots is approved with the following conditions as stipulated by the Planning Commission:

- |                    |                    |                 |
|--------------------|--------------------|-----------------|
| 1. Final Fees Due: | Final Site Plan    | \$350.00        |
|                    | <u>Advertising</u> | <u>\$ 45.10</u> |
|                    | Total              | \$395.10        |
2. See comment letter from GPI dated June 14, 2024.
  3. See comment letter from ABD Engineers dated July 1, 2024.
  4. See email to Peter Comenzo from GPI dated July 11, 2024.
  5. Pin and cap all new lot corners prior to Chairman's signature.
  6. Project is a commercial warehouse that expects heavy duty commercial traffic. Modify detail and increase pavement thickness to 1.5" top course, 3" binder course, with 12" subbase course.

7. Add note to plan: "Proof of rolling of the subbase and undercutting of unsuitable soil shall be provided to the Building Department prior to the issuance of a Certificate of Occupancy." This requirement shall be added to the plans and included in the project specifications.
8. Add note to plan: "Fill and backfill material compaction shall be 95% of the maximum density as determined by ASTM 1557." This requirement shall be added to the plans and included in the project specifications.
9. Add note to plan: "Prior to the issuance of building permits for construction, the building foundation design shall be reviewed by the Building Department and be compared against GPI's geotechnical recommendation memo dated 6/14/24."
10. Add note to plan on Lot #2: "Fill area and former brush dump. No structures shall be constructed without review and approval of the Planning Commission."
11. Add note to plan on Lot #2 to protect steep slope and stream: "Fill material is prohibited. Delineate and crosshatch area on final plan set of elevation 323 west to the property boundary."

  
Peter J. Comenzo  
Senior Planner

  
Kimberly Ricker-Scannell  
Planning Commission Chairman



Town of Rotterdam  
Office of the Planning Commission

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

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

**Resolution Number PC41-2024**

Moved by Mr. Collins seconded by Mr. Signore  
Applicant: Hungry Hill Ventures, LLC

- Applicant:** Hungry Hill Ventures, LLC
- Project Location:** Consalus Avenue & Wedgewood Heights  
Rotterdam, New York
- Tax Number or Numbers:** 59.05-8-5.1, 59.05-8-5.3, 59.05-8-5.4, 59.05-8-8.111, 59.05-8-16
- Proposed Project:** Final Site Plan review of five (5) tax parcels into two (2) lots. Lot #1 = ±2.28-acres (proposed ±12,000 square foot industrial building with two (2) tenant spaces). Lot # 2 = ±2.46-acre (construction equipment storage).

**WHEREAS**, public meetings were conducted by the Town of Rotterdam Planning Commission on May 7, 2024, and a public hearing on July 16, 2024, to consider the above referenced Site Plan; and,

**WHEREAS**, this matter was discussed and approved, as meeting the standards for a Site Plan Review as set forth in Chapter 270 of the Code of the Town of Rotterdam entitled ZONING; and,

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

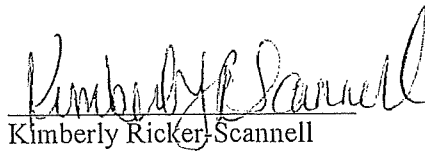
**IT IS HEREBY RESOLVED THAT** this Site Plan is approved with the following conditions as stipulated by the Planning Commission:

- |                    |                    |                 |
|--------------------|--------------------|-----------------|
| 1. Final Fees Due: | Final Site Plan    | \$350.00        |
|                    | <u>Advertising</u> | <u>\$ 45.10</u> |
|                    | Total              | \$395.10        |
2. See comment letter from GPI dated June 14, 2024.
  3. See comment letter from ABD Engineers dated July 1, 2024.
  4. See email to Peter Comenzo from GPI dated July 11, 2024.
  5. Pin and cap all new lot corners prior to Chairman's signature.
  6. Project is a commercial warehouse that expects heavy duty commercial traffic. Modify detail and increase pavement thickness to 1.5" top course, 3" binder course, with 12" subbase course.
  7. Add note to plan: "Proof of rolling of the subbase and undercutting of unsuitable soil shall be provided to the Building Department prior to the issuance of a Certificate of Occupancy." This requirement shall be added to the plans and included in the project specifications.
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Peter J. Comenzo  
Senior Planner



Kimberly Ricker Scannell  
Planning Commission Chairman



Town of Rotterdam  
Office of the Planning Commission

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

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

Resolution Number Planning Commission 42-2024

Moved by Mrs. Flansburg seconded by Mr. Calder

Applicant: Hungry Hill Ventures, LLC

- Applicant:** Hungry Hill Ventures, LLC
- Project Location:** Consalus Avenue & Wedgewood Heights  
Rotterdam, New York
- Tax Number or Numbers:** 59.05-8-5.1, 59.05-8-5.3, 59.05-8-5.4, 59.05-8-8.111, 59.05-8-16
- Proposed Project:** Special Use Permit Public Hearing of five (5) tax parcels into two (2) lots. Lot #1 = ±2.28-acres (proposed ±12,000 square foot industrial building with two (2) tenant spaces). Lot # 2 = ±2.46-acre (construction equipment storage).

**WHEREAS**, a public meeting was conducted by the Town of Rotterdam Planning Commission on May 7, 2024, and a public hearing on July 16, 2024, to consider the above referenced Special Use Permit; and,

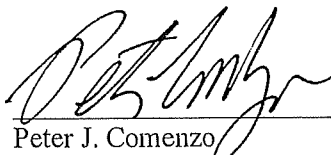
**WHEREAS**, this matter was discussed and approved, as meeting the standards for a Special Use Permit Review as set forth in Chapter 270 of the Code of the Town of Rotterdam entitled ZONING; and,

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

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

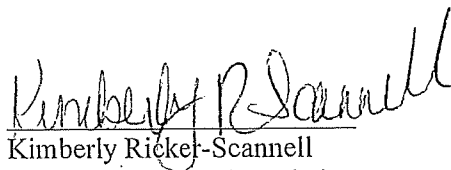
- |                    |                    |                 |
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| 1. Final Fees Due: | Final Site Plan    | \$350.00        |
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Peter J. Comenzo  
Senior Planner



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Kimberly Ricket-Scannell  
Planning Commission Chairman



*Town of Rotterdam*  
*Office of the Planning Commission*

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

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

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

**Date:** July 16, 2024

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

**SEQRA Status:** Type I   
Type II   
Unlisted

**Conditioned Negative Declaration:** Yes   
No

**Owner:** Hungry Hill Ventures, LLC  
250 Suits Road  
Duanesburg, NY 12053

**Location:** 672 Consalus Avenue  
Schenectady, NY 12306

**Tax Map Number(s):** 59.05-8-5.1, 59.05-8-5.3, 59.05-8-5.4  
59.05-8-8.111, and 59.05-8-16

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

**Action:** Special Use Permit, Site Plan, and Boundary Line Adjustment to Boundary Line Adjust five (5) tax parcels into two (2) lots. Lot #1 = ±2.28-acres (proposed ±12,000 square foot industrial building with two (2) tenant spaces). Lot #2 = ±2.46-acre (construction equipment storage).

**Reasons Supporting This Determination:**

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

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

The applicants have requested Special Use Permit, Site Plan, and Boundary Line Adjustment to Boundary Line Adjust five (5) tax parcels into two (2) lots. Lot #1 = ±2.28-acres (proposed ±12,000 square foot industrial building with two (2) tenant spaces). Lot #2 = ±2.46-acre (construction equipment storage).

This in an existing industrial site that was formerly used by a refuse removal company with storage. The applicant is proposing to construct a ±12,000 square foot industrial building with two (2) tenant for commercial and/or industrial tenants on Lot #1. The building will be conducted to municipal water and contain an on-site wastewater disposal system. Lot #2 will remain vacant and was previously filled and contains a portion of the former town brush dump. The lot may be utilized for storage however a note will be added to the subdivision that no building or structure can be constructed.

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

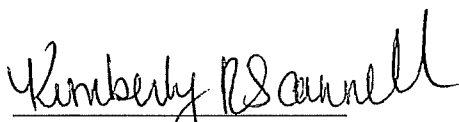
- (i) a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;
- (ii) the removal or destruction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

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

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

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

The environmental effects of the above-described action were discussed at regularly scheduled Planning Commission Public Hearing held on July 16, 2024 at the Rotterdam Town Hall, 1100 Sunrise Boulevard, Rotterdam, NY 12306. Adoption of this Negative Declaration was moved by Mr. Collins, seconded by Mr. Calder, and approved by the Rotterdam Planning Commission.



Kimberly Ricker Scannell  
Planning Commission Chairman

4. **YWCA Northeastern NY – 80 W. Campbell Road. Sketch Site Plan/Special Use Permit review to convert former ±23,500 square foot Office Max to day care center on a ±4.97-acre parcel. Engineer: ABD Engineers LLC.**

**Ms. Scannell:** The YWCA Northeastern New York Sketch Site Plan Special Use Permit Review to convert the former plus or minus 23,500 square foot Office Max to a daycare center on a plus or minus 4.97-acre parcel.

**Mr. Palleschi:** Good evening, Luigi Palleschi again with ABD Engineers and Surveyors. This is a new one that this board, obviously we just submitted application and submitted it to this board for review. We've received the DPW comments and what I'd like to do as you can see up here, I've already redlined based off the DPW comments and I hope it's okay if I hand out 11 by 17s and I'll walk you through this sketch.

Okay, so as you mentioned, right, we're here for 80 West Campbell Road. It's the old Office Max. It's vacant right now near the BJ's Plaza. Right next door is the Dollar Tree, and the YWCA has this property under contract with Mr. Iovinella who owns the parcel here at 80 West Campbell.

The YWCA is a daycare for children for learning and it's an existing building and interior modifications will be done with some rooms, some pavement out there that now will be removed for playground areas. There is a loading dock in the back that will also serve as the dumpster location. The utilities on site will remain the same. There's a sanitary sewer line that runs through the east end of the parking lot, but since that pavement is going to be removed and the playground area to be placed over that Rotterdam sewer easement. There's also a water main that runs through there and plenty of parking spaces and once we received the DPW comments, the YWCA team and I discussed them and the changes, the red markings that I handed out today should answer a lot of the questions that you may have tonight.

The number one thing was this first curb cut that you see here in green, we would like to remove that now. The main reason is because that used to be the main entrance in to not only the Office Max but Dollar Tree and having the cars heading directly into the playground area, we thought wasn't a good traffic maneuver situation. So, after discussing this with the current owner and the YWCA team we thought it would be beneficial to help the traffic situations, the traffic patterns and also increase the green space which helps with storm water and streetscape as you come through the plaza here. So, with that said some parking modifications would be created here just above that green space area and then the rest of the parking lot would remain the same in the front.

The main entry door to the daycare would be along the front as Office Max used before so that would be the main entrance. The way the operation works is there's no buses proposed and it's not part of the operation so when the parents come to this daycare facility and drop their children off, they're going to find a parking space right up front here and they're going to walk their child into the front door, check them in they may spend five (5) minutes, ten (10) minutes and then they get back in their car and off to wherever beyond that. So that being said the parking in the front would remain the same where you have your circulation but then what we decided to do was restrict the direction of flow right directly in front of the playground area so that all this traffic is going to exit only and we would put signage and we would paint arrows down on the pavement to direct the traffic through there. Some modifications could be done on the easterly parking lot as I mentioned because of the playground area but still providing circulation for the parking spaces on the side. We have plenty of parking for the demands here we anticipate the employees using the side parking lot and freeing up the front parking lot for the parents. The parking lot on the easterly side of the property is in pretty good condition. Some striping would have to be redone there. On the front of the old Office Max building there are some areas where the pavement needs some repair, and the applicant is willing to do some minor repairs and striping that area as well.

Other things that we talked about were adding speed bumps between the Dollar Tree and this daycare facility because we do anticipate some of the customers from Dollar Tree exiting to the east and again keeping that in a one-way direction, we thought would be better and having speed bumps would obviously slow them down so it's a safety for the kids that we're looking for. Lighting, there's existing light poles within the parking lot there's existing building mounted lights on the existing building and all that would remain. We would actually add a couple more building mounted lights on the front of the building for the front parking lot area. So, we would have that and then I think that's pretty much it.

There are cross easements with these properties obviously tractor trailer deliveries for the Dollar Tree, we're going to change their route a little bit right now they come through where the playground area is and loop around this loop road but they're going to have to come in this existing curb cut here and then hit the loop road around in order to feed their floating dock area. Then this facility will require a tractor trailer once a month for the deliveries because this will have a kitchen and we are proposing a grease tank, but their maneuver will have to be around the Dollar Tree coming up through here pulling ahead and then backing up into the loading dock area. So having the cross easements for both of these properties won't impact the circulation for what you see there today for tractor trailers and just normal deliveries day to day. Then in addition to this one-way circulation we will protect the playground area with some bollards right up front. I also have a six (6)-inch curb which should help with circulation around the parking spaces. I think that covers most of it so we're here for a sketch plan and if there's any questions, we'd be happy to answer them.

**Ms. Scannell:** Thanks. So, this is a very exciting project. We love the idea of redevelopment. Does the Office of Children and Family Services have any actual say in the design or is that something that is just left up to basically you and the people that are at the Y?

**Mr. Palleschi:** It has to meet the state standards. So, what state standards from Office of Children and Family Services I mean I know that there's regulations as far as you know fire exits primary, secondary, tertiary there's going to be things like that but with regard to the flow of traffic is that something that the Office of Children and Family Services will be weighing in on?

**Mr. Palleschi:** I don't think so, that's more us.

**Ms. Scannell:** Right. So, I just want to make sure that we as a planning commission understand that the Office of Children and Family Services is looking at this through their own lens right, so, they're looking at it as far as programming and to make sure that there's on the actual playground that you designed that there's enough I don't know mulch or padding or whatever so if a child were to fall and hurt themselves that it's a certain six (6) inches or whatever it needs to be. They're worried about things like ratios and things like that.

I do have a question about so on the side where the parking lot is where ideally the staff would be parking there's no bollards along that?

**Mr. Palleschi:** We didn't do bollards along that because again you're driving parallel with the curbing and the six-inch curb would kind of steer that car.

**Ms. Scannell:** So, I noticed that there's gates on the preschool/toddler and infant playground area are parents going to be able to pick their children up from those playgrounds and then that's going to kind of put them in that parking lot over here, right?

**Mr. Palleschi:** I don't believe so because the kids have to be checked in and checked out through the front door. So, everything I believe everything is going to be controlled through that main front door. So, if a parent, I'm sorry are you with the Y?

**Ms. Johnson:** Yes, Nancy Johnson.

**Ms. Scannell:** Hi so if a parent were, let's say a parent saw their preschooler on the playground here and they made the choice to kind of come into this parking lot and then what would happen?

**Ms. Johnson:** They would still have to go through the main entrance and go to the playground from there.

**Mrs. Flansburg:** What is the purpose of the gates on the play areas headed out towards the parking lot?

**Ms. Johson:** Want to make sure the kids can get out if there's a fire in the building.

**Ms. Scannell:** Right. And so, are the gates big enough to get cribs through them for the infant playground?

**Ms. Johnson:** I don't know how big the doors are.

**Mr. Palleschi:** They will be three (3) foot minimum, and my cribs are only two.

**Ms. Scannell:** Okay. I have some concerns that there's no bollards on that side. I have some very big concerns just because of people, right? People happen and so if there's any confusion, oh I think I'm going to the Dollar Tree, I'm just really concerned about someone driving in that whole parking lot area with no bollards at all. No walkway you know, no clear markings. Mr. Miglucci, how about you? Any questions, comments, concerns?

**Mr. Miglucci:** Well, the bollard thing would look nice too. Is this only for people from the YWCA for their children or is it going to be open to the public?

**Ms. Johnson:** It's definitely open to the public.

**Mr. Miglucci:** Here's my reason. Across the street at the old Macy's building, you have New York State working over there. There's hundreds of people in there. I'm just concerned if someone was to walk over and pick up their child and cross back over the street, you know what I mean? We're not going to need any traffic control additional in there or any crosswalks or anything. That's just my question to anybody.

**Ms. Johnson:** Is there a crosswalk by Burger King?

**Mr. Collins:** Yes.

**Ms. Johson:** I think there is, right?

**Mr. Miglucci:** So, they would have to come down the hill there because there is a bank. I'm just trying to picture the bank at the dollar store.

**Mr. Comenzo:** They're not at the Kmart, they are at the Macy's.

**Mr. Miglucci:** Right, they're at the Macy's. You know how people walk across, they want to take their kids for a walk. I'm just concerned about something like that. Other than that, it looks good. How long is this project good for? They usually have a Halloween store here.

**Ms. Johson:** We're permanently moving there.

**Mr. Miglucci:** Well, that's good too. Okay, that's all I have.

**Ms. Scannell:** Thank you Mr. Miglucci. Mr. Signore?

**Mr. Signore:** Back to these bollards. Up on the right side, I know you have a curb, a six-inch curb I mean, never say never. If somebody is not paying attention in that employee lot, the thought of going into one of those toddler play areas, you're not paying attention or whatever, shouldn't there be some kind of a barrier between that parking lot and the toddler play areas?

**Mr. Palleschi:** I think what's deceiving on my site plan is we're showing this fence line bigger than what the minimum requirements are and the next step on the internal side is we'll have to position all the playground equipment and we've already been talking about that and trying to figure out a way to position this equipment so that if you ever do need to repair the water or sewer you're not ripping the equipment apart to get to the water and sewer. So, I think there's going to be a buffer from where I'm showing the fence line. So maybe we can define what is the minimum width to the fence line if we move the fence line back a little bit would that suffice with the planning board or some other options we were talking and actually before the meeting today is instead of bollards can we do some boulders and kind of bring in some nicer features but yet have a dual purpose right.

**Ms. Scannell:** I would imagine that the playgrounds have a restriction like you need certain amount of square footage per child depending on their age. So as far as moving fences, like in a perfect world, if you didn't have to worry about those metrics sure but again I do have some very big concerns that you're going to have babies literally infants and toddlers and preschoolers playing in an area where if a car were to come in there that could be catastrophic. It could be catastrophic. I have very real concerns.

**Mr. Signore:** They are toddlers they couldn't get out of their way in time.

**Mr. Palleschi:** That's why we have this sketch. We want to hear you out we can certainly discuss what measures we can do here. I think there's options like I had mentioned whether it's bollards, there's other things like guardrails and boulders and things like that.

**Ms. Scannell:** I wouldn't want anything children could climb on though.

**Mr. Palleschi:** It would be outside the fence line.

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

**Mr. Signore:** Just the safety of the kids satisfied on the right side there.

**Ms. Scannell:** Yeah, for sure. Mrs. Flansburg?

**Mrs. Flansburg:** Bollards whatever you want to put there fine but definitely something down the right side you know we've seen people drive through the library wall even though it was over a curb like these things happen and we just if we can talk about it and know about it let's just avoid it entirely. The other thing is the you know anything to improve the parking lot it's been worn down and not maintained very well obviously over the years.

**Ms. Scannell:** Thank you. Mr. Collins?

**Mr. Collins:** I think it's a good project. Like everybody said you know not necessarily bollards but if you did rocks you did maybe some big planters anything to kind of stop it you know I like those big planters if you maintain them they get some more greenery in the middle of the parking lot and you really can't get through them so you can angle them and do a lot with them more so than just a bollard. I think it would dress it up. I think it's a great project. We're getting a building back into service. If you can just do something on the right side make it a little safer and like I said I like those big concrete planters they make but that's all I have.

**Ms. Scannell:** Thank you. Mr. Calder?

**Mr. Calder:** I understand all the safety points you people have brought up and I agree with every one of them so it's important and that's the most important I think about the whole project. But I do want to mention, Luigi, you touched on about the conditions and the comments are already there parking lot needs to be fixed up a little bit now. I don't know if this pertains exactly to what we're saying here but well it does to me that Dollar Tree, it's rough, real rough. Kids are going to be right there in that same building just with the separation between them I would like to see the owner of the property and I know the owner; I'd like to see him talk to the Dollar Tree people see if they can fix that up that's garbage all over the place. It really is a mess and that's I mean I know it's not as important as the kids and I agree with 100% but that's a mess down there. That's all I have.

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

**Mr. D'Alessandro:** I'm not going to beat you up over the safety issues because everybody has I think this is a good project. It's nice that you're reusing the building again. That area down there it's nice that we're reusing the building because we've already lost a rental place, Average Joe's is leaving, BJ's sooner or later is going to leave so it's nice that we're refilling that building again. I like it. A nice project.

**Ms. Scannell:** Thank you. Again, like I said I think it's great; the redevelopment is wonderful. I know that the Office of Children and Family Services will do a very good job making sure that you guys follow plenty of rules plenty and plenty of rules on the inside. Again, since they are not looking at the outside that's definitely something I'm going to need to see is some kind of something the next time you come back that we can guarantee that we're not going to have a catastrophic event with children on playgrounds with nothing stopping traffic. I do have a question where it says where you're losing the curb cut and it says convert to green space that green space would not be for children's use?

**Mr. Palleschi:** No. It would just be maintained lawn.

**Ms. Scannell:** Are you planning on additional green space for the children will they have shade out on the playground? Are we going to see this dressed up a little bit with any kind of landscaping down the road?

**Mr. Palleschi:** That's something we can discuss as far as the playground area; the playground equipment will have some roofs and canopies.

**Ms. Scannell:** So that they'll have some shade. Is that something the Office of Children and Family Services looks into, or do they leave that up to your developer?

**Ms. Johnson:** They definitely ask us to have shaded area so we would either put up some trees, the canopy and we can do sails and that kind of stuff so we can offer all kinds of shady stuff.

**Ms. Scannell:** And again, I recognize the location with the asphalt and everything and certainly having the outdoor play space and I think it could be very nice with the equipment and with the sails but having green space for children I think is also very nice.

**Ms. Johnson:** The playground that we plan on using is going to be more of a natural skate playground so it would be like if you were going to a park, you might see a lot of green grass, the mulch, the lower play parts, the hopping, the wood stump hopping steps, those kinds of things water play, sand tables that kind of stuff. That's our dreams to do that.

**Ms. Scannell:** So, some of that would be incorporating maybe some green space and some flora and fauna and making it not seem like they're in the middle of a giant parking lot. Okay, well that's super. Again, I know we talked about if anybody goes flying up to the building and I don't know if this would actually be part of the site plan but I'd like to have a conversation about it, mirrors on the building so that you can actually see around the corners, when we're talking about little people, alright, sometimes mom or dad, they're busy after a full day of work and they've got maybe a couple little

People with them and they've got a baby carrier and they've got lunch boxes and backpacks and if some little guy or some little gal scurries away as a driver in that area maybe having mirrors on the building so we can see around the corners would be of great benefit. I think we're also going to want to make sure that there's in addition to the speed bumps, maybe stop signs on corners of buildings with some big mirrors so that we can get another level of safety kind of worked in there on the building itself and as part of the design.

**Mr. Palleschi:** Are you talking in the rear of the building or along the front corner?

**Ms. Scannell:** I mean they can be driving this way right and then you've got two way traffic here so even though you have this speed bump, people could come people could come straight down here right and then this is two way so they could take a left hand turn this way and say for whatever reason, you know, some little person is there if they're turning around the corner can they really see all the way around the corner?

**Mr. Palleschi:** This is going to be fencing, you could see through the fencing. We'll discuss it, I don't know that's something we can talk to staff but just trying to visualize where we would put these things. I agree stop signs...

**Ms. Scannell:** ...Bringing your snack and your food to the back and a little person I mean, again, there's children we're talking about children and babies here so I just would want to make sure that we're taking all the precautions we possibly can on the outside of the building since Office of Children and Family Services does not really have input on that. So alright at this point I will entertain a motion that we declare lead agency.

**Mrs. Flansburg:** I will make a motion that the Rotterdam Planning Commission declare Lead Agency for this project.

**Mr. Signore:** I'll second it.

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

**Ms. Carter:** Mr. Collins?

**Mr. Collins:** Yes.

**Ms. Carter:** Mrs. Flansburg?

**Mrs. Flansburg:** Yes.

**Ms. Carter:** Mr. D'Alessandro?

**Mr. D'Alessandro:** Yes.

**Ms. Carter:** Mr. Calder?

**Mr. Calder:** Yes.

**Ms. Carter:** Mr. Signore?

**Mr. Signore:** Yes.

**Ms. Carter:** Mr. Miglucci?

**Mr. Miglucci:** Yes.

**Ms. Carter:** Ms. Scannell?

**Ms. Scannell:** Yes.

Is there any conversation or do any of the Planning Commission members feel that we would need for any review of our project a town designated engineer.

**Mr. Collins:** In my honest opinion, I know it's an existing building it's been there for many, many years, the parking lot's there, as long as they do the recommendations on the side I don't really think at this point that we really need a town designated engineer, I'm just one person.

**Ms. Scannell:** I just want to have a conversation about it. Mr. Calder, what are your thoughts?

**Mr. Calder:** Well, I think it's always good to have somebody check it. I mean, I don't want to disagree with Clark, but I think we should.

**Ms. Scannell:** Okay, thank you. Mr. D'Alessandro?

**Mr. D'Alessandro:** I agree with Mr. Collins, I mean it's an existing building, the parking lot's there, so I don't think we need one.

**Ms. Scannell:** Thank you. Mr. Miglucchi?

**Mr. Miglucchi:** I agree with Clark. You know, the building's already there, it's you know, it's already there you know, I mean like but then again, I agree with Mr. Calder too, they need to clean it up down to that end.

**Ms. Scannell:** Mr. Signore?

**Mr. Signore:** No, I'm okay with not having a TDE.

**Ms. Scannell:** Okay Mrs. Flansburg?

**Mrs. Flansburg:** The same, I'm okay with not having a TDE, I think we can do right by the building and the project and the site plan as long as they're willing to work with us as well.

**Ms. Scannell:** I agree with Mr. Calder, I would always think another set of extra eyes is a very good thing. I don't think we need a formal vote. I think we just talked about it, and I don't think we need to entertain any motions for anything right now. Sound good? Alright.

**Mr. Collins:** I'm confused, so we're not going to get a TDE, right?

**Ms. Scannell:** No.

**Mr. Palleschi:** That's my understanding.

**Ms. Scannell:** We kind of informally polled everybody. I don't think we need a formal motion to not have one.

**Mr. Comenzo:** Just for the comfort of the board I did add the Office of Children and Family Services to the list, in order to move this thing along, I think probably the changes that you made here, Luigi, if you can send me an updated map, I can get the SEQR process started and I'll send we'll reach out to Office of Children I don't know if they will comment on the exterior, but they may have some comments and suggestions. I know the big thing was really the protection of, at least the DPW, was the protection of this playground area and just a thought, I know we went through this with Poppy's Ice Cream because there's a lot of kids over there and there was this they're not bollards, but it's a very substantial barrier that's made out of wood that may work and something to maybe look at.

**Mr. Palleschi:** Okay. Sure.

**Mr. Comenzo:** That's all I have.

**Mr. Palleschi:** And the only thing I have is, as far as timing goes, like I know you've got to get this out to the coordinated review. Do you know when is the August meeting? Will we have enough time, like if I got this stuff back to you in a reasonable time, would we be able to make the August meeting? Or are we looking at September meeting?

**Mr. Comenzo:** Probably looking at September I don't think the 30 days would elapse and then like I'm, you know, we still need to get comments back from the county and I'd like to really take a look at what's being proposed to internally with DPW before we schedule for a final.

**Mr. Palleschi:** Thank you. Have a good night.

**Ms. Scannell:** Thank you, you too.



*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 PC43-2024**

Moved by Mrs. Flansburg seconded by Mr. Signore  
Applicant: YWCA Northeastern NY

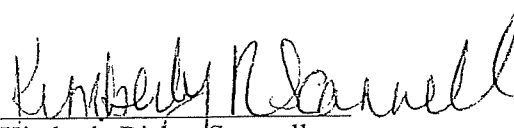
**Applicant:** YWCA Northeastern NY  
**Project Location:** 80 W. Campbell Avenue  
Rotterdam, NY  
**Tax Number or Numbers:** 48.5-3-10.112  
**Proposed Project:** Site Plan/Special Use Permit review to convert former ±23,500 square foot Office Max to day care center on a ±4.97-acre parcel.

**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, July 16, 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

5. **Byron Diaz – 2623 & 2611 Guilderland Avenue. Conceptual Site Plan/Special Use permit/Boundary Line Adjustment review to merge two (2) parcels and redevelop as up to four (4) office units on first floor and up to 12 apartments on the first (2) and second floor (10) with a 60' x 22' addition on a consolidated ±0.62-acre parcel. Engineer: Empire Engineering PLLC.**

**Ms. Scannell:** Next up we have Byron Diaz 2623 and 2611 Guilderland Avenue. A conceptual site plan special use permit boundary line adjustment review to merge two parcels and redevelop as up to four office units on the first floor with up to 12 apartments on the first and second floor. And we've got Chris Longo, right?

**Mr. Longo:** Yes.

**Ms. Scannell:** Nice to see you again, how are you tonight? Thanks for sitting through, I know it's a long meeting. That's all right, we're not even last.

**Mr. Longo:** Christopher Longo, Empire Engineering, here representing Byron Diaz, the owner of the property and developer here in town. He's done some projects so far that if you have heard of him or have seen some of his work I would say he's probably very proud of. He's owned this property that was the former Annabelle's Diner and also Greco Insurance before that. So, it's 2623 Guilderland Avenue between Vischer and Draper. There are two (2) parcels that total 6 tenths of an acre. One is the residential dwelling which would be proposed to be demolished here and then the footprint of the building proposed to stay with an addition on the rear cornering off. This is an existing building here so kind of just connecting the corners to have residential use in the rear.

So, the existing footprints about 5,300 square feet. Right now, he's got that split into four different tenants. What those would be exact, you know, there's certainly some options. We do call out an area of pavement to be removed and to show that as a possible outdoor patio area for one of the retail tenants. This in the front is all existing pavement as it is today, and the driveway is kind of just a sea of pavement as well with some old concrete foundations and whatnot. There was an old patio in the back of the house. So that is all proposed as parking. We do have 39 parking spaces whereas the code would call for 51. We do feel that 39 is appropriate here so we would ask the board to consider that. We're talking about 2 proposed residential uses and then the four (4) commercial spaces, but you know 12 parking or 12 units for the parking requirement for residential would kind of be this rear parking lot and kind of the entrance to the residential would be here for both the first floor in the rear and then the second floor would have hallways upstairs. So, that's kind of the residential area then you have the commercial parking which is about 20 spaces up front which is for those four (4) different units that's five (5) spaces per unit. We do feel like that's going to be adequate there.

We did receive the DPW comments and certainly we can complete the boundary line adjustment application for the merging of the property the two properties. We did have a lot of discussion initially about the building location and then it's a single story now so there's this proposed second floor so there is a you know, it's a renovation it's a significant renovation the roof has to come off and it has to go taller. We did resolve that and the best way to rebuild this would be to use the existing footprint that helps with the grading of the site, the elevation of that floor to build up from there.

There is some need for improvements to the walls and wall paneling, insulation to meet code and what not but, it's still you know we felt was the best to go with that existing foundation. We did explore other options of you know putting a building addition on the side, but we did have a little kind of informal design discussion with the county planner and got some informal comments there. From that conversation was what came about to this you know significant bank of parking on the side of the building which kind of helps to you know kind of bookend the building and then put a majority of the parking as a side parking lot you know so that it's not just a you know a front parking which I believe the mixed was the main street neighborhood commercial overlay district which this property is within that's trying to promote so you know we do hold the existing 11 or so spaces but any new parking is on the side of the building. We would like to dress up the front right now there really isn't a good sidewalk, landscaping and sidewalk on the front facade, and I'll get down to the corridor that's comment 3 and comment 4 that sidewalks will need to be provided and we can provide the sidewalk from you know property end to property end. We do have, right now it's a completely wide-open curb cut so we would propose to narrow that down into a two-way entrance and exit and then a sidewalk the distance between the sidewalk and the pavement is pretty narrow so that would most likely be a curb and then a hardscape of some feature whether it be a

line either concrete or some sort of hardscape between the concrete and the pavement to a curb and then an exit only so that you know any cars parking in here could still get out but they're not conflicted with anybody else trying to get in so we kind of closed off that parking lot in the front. Maybe I'll wait for comment 5 to make our pitch later on after our discussion. I could take any questions that the board might have.

**Ms. Scannell:** Okay, well thank you. I think this is a great redevelopment project I know our comprehensive plan really speaks to this area and as we have discussed previously while we would really like to see things pushed up closer to the road and really the vision would be to have parking behind it the existing footprint does not lend itself to that design. No matter how hard you try to move stuff around and we do appreciate that. I like the green space. I think it's wonderful. In the event that you had a tenant who would have to have a dedicated handicap parking spot would there still be adequate handicap parking for the businesses.

**Mr. Longo:** I wasn't quite clear on that so handicap requirements are one space per 25 parking spaces now does every tenant need their own handicap space, I do not believe so. We have two (2) handicap spaces because we have over 25 but less than 50 so I believe our handicap and ADA accessible ramp would meet the standard requirements for 25 to 50 you need two (2) spaces. I wouldn't say that you need four (4) for each commercial tenant, no. It's an odd question do you need it, and how many?

**Ms. Scannell:** With mixed use development, I wasn't really sure. I didn't know if there was a metric that used to take into consideration we have this many apartments. I wasn't really sure.

Mr. Collins, questions concerns comments.

**Mr. Collins:** I think it's a good project. I would appreciate the next time you come if you do a rendering, so we really saw what the building looked like. It's easier if I see a rendering and I look at the plans it kind of ties it together for me. I think it's a good project because some projects like this in that area because we've got some vacant buildings. Sometimes it's a spark you need in a certain area to get people excited. You might get another developer "Inaudible..." and so forth and also sometimes you know the house next "Inaudible..." (Cannot hear what Clark is saying as members of the Board are having conversations close to the microphones). So, I think it's always a spark in a neighborhood and I know you did Crane Street and that came out good with a couple bumps there in the beginning but once we got over that that was good. That's a great project so I have a lot of confidence that this will be a great project but I really like to see a rendering so I can visually see what it looks like.

**Mrs. Flansburg:** Especially because it's going to be ...

**Mr. Collins:** It's going to be two (2) floors but it's easier for me to comprehend when I look at a plan and then I see a picture. I can visualize it. I think it's great; it's going to be a great improvement and I appreciate you staying in Rotterdam and spending your money and plus I like to say we do get some taxes with the retail spaces so it's a double for us that's all I have.

**Ms. Scannell:** Mr. Calder?

**Mr. Calder:** Chris did you say you were going to use Annabelle's structure and footprint actually for the building?

**Mr. Longo:** Yes so, there's no change to the front building line there or the side. I apologize for the rendering we did have some Byron has an architect involved to chart out the second floor but when we switched from an addition on the side to an addition on the rear the rendering no longer fit what was being done but we will get you that hopefully for the next submission.

**Mr. Calder:** So, we'll see you then we'll get a rendering then, but this is a conceptual, so I realize that no I have no other issues thank you.

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

**Mr. D'Alessandro:** I like the project. I have a lot of faith in Mr. Diaz he did a really nice job on Crane Street. I think he'll do an excellent job on this. That's all I have.

**Ms. Scannell:** Wonderful. Thank you. Mr. Miglucchi?

**Mr. Miglucchi:** Just real quick the spaces up above the four (4) and the six (6) that belongs to the property we're going to demolish that's not part of Dataflow or anything right?

**Mr. Longo:** Correct, yes, this parcel is...

**Mr. Miglucchi:** That's where you're going to tear down a building right?

**Mr. Longo:** Yes. So, the existing house is here, and that property actually goes all the way to here and then this is all the existing asphalt and their back patio, and they had a pool back there.

**Mr. Miglucchi:** So, it's totally closed off no running parking lot with Dataflow or nothing like that?

**Mr. Longo:** Correct.

**Mr. Miglucchi:** That's all I have. It's a good project.

**Ms. Scannell:** Great. Thank you. Mr. Signore?

**Mr. Signore:** I'm sure Mr. Diaz will do a great job but when you come the next time can you be a little bit more definitive, I mean you kind of lost me with all these things you were going to do and when you read section 5 here it says you know up to 4, up to 12 do you know what I mean?

**Mr. Longo:** Section 5 where is that? The application?

**Mr. Signore:** Page 10.

**Ms. Scannell:** So, the description of your project, I understand what Mr. Signore is saying, so you're merging the two parcels, you're redeveloping as up to four (4) offices well does that mean one (1), does that mean two (2) does that mean three (3) up to four (4) so I think maybe just so we can be a little clearer is that how I'm understanding it Mr. Signore?

**Mr. Signore:** Yeah, if you could be more definitive on what you're going to be doing there.

**Ms. Scannell:** Right.

**Mr. Comenzo:** Can I ask a question was the intent for flex space like somebody wanted to take two (2) spaces for one (1) is that the reason why you said up to four (4)? I have seen that before.

**Mr. Longo:** It is why. So, it's 5,400 square feet it is kind of why that mixed use you know you don't really have there isn't a cornerstone tenant right now. Byron might have some ideas even for himself for office space/storage space so if he takes some of that it's really not even a tenant. Then if the first tenant that comes wants a double unit then there's only two that's kind of I guess the reason for the up to commentary.

**Mrs. Flansburg:** And each tenant would have to come before us anyway correct for multiple use?

**Mr. Comenzo:** Yes, and I think that's the reason why, we've seen that before it is kind of you know wishy washy in terms of what you're doing but I understand it too because you may get a tenant that wants one and a half spaces and you can fit the walls to accommodate that and add a little more square footage once they get the interior layout put together.

**Ms. Scannell:** Thank you. Mrs. Flansburg?

**Mrs. Flansburg:** I think it's a fantastic project I actually worked at Annabelle's. Is the telephone pole still right in the dead center of the where you're proposing to close off?

**Mr. Longo:** We tried our hardest not to have to move the pole but that is it really helped to provide a straighter entrance. So, although it's only five (5) or so feet it will need to be moved into you know the green space between the sidewalk and whatnot.

**Mrs. Flansburg:** At least it won't be in the dead center of the front of everything. I think it's great what you're closing off in the back was like the employee parking and the ways to get up to the back apartments I guess that were up. There's a lot of little nooks and crannies in the building so I'm sure it's usable for a variety of ways. I'm interested to see the rendering as well to see what it would actually look like from the road or whatever looking at it. I think it's a fantastic project. Good redevelopment and I appreciate it.

**Ms. Scannell:** Thank you. With regard to the apartments these are one bedrooms?

**Mr. Longo:** Yes.

**Ms. Scannell:** So, all of the units will all be one bedroom?

**Mr. Longo:** Yes.

**Ms. Scannell:** It's not going to be up to, we're staying with one bedroom?

**Mr. Longo:** Yes, and with the rendering we'll also have the floor plan. There is the floor plan and the rendering. It does need hallways so that kind of takes up some of the square footage as well so, yes you'll see rendering and floor plan.

**Ms. Scannell:** Super. So, I think for a concept this is great. Thank you for your trust in Rotterdam and for wanting to be here and to really be taking on such an important role in the redevelopment of that particular zone. It's excellent. When we are moving forward and we can get a little fancier with things, all of the other things we like to take into consideration we're going to want to know where we're going to put all that snow, we're going to want to see some landscaping, we're going to want to know about the lighting, we're going to definitely want to see how the neighbors will be impacted by the lighting, how tall the poles are going to be, what the Kelvins are going to be in that far back area farthest away from the street. Will we need to shield them? You know what's going on back there where our green space is things like that so, I think it's great and I would be very pleased to entertain a motion to declare lead agency.

**Mr. Collins:** I'll make that motion.

Mr. Signore: I'll second it.

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

Ms. Carter: Mr. Collins?

Mr. Collins: Yes.

Ms. Carter: Mrs. Flansburg?

Mrs. Flansburg: Yes.

Ms. Carter: Mr. D'Alessandro?

Mr. D'Alessandro: Yes.

Ms. Carter: Mr. Calder?

Mr. Calder: Yes.

Ms. Carter: Mr. Signore?

Mr. Signore: Yes.

Ms. Carter: Mr. Miglucci?

Mr. Miglucci: Yes.

Ms. Carter: Ms. Scannell?

Ms. Scannell: Yes.

Now, that the matter that we all didn't want to talk about. We've got an unusual sized lot. It's kind of like an interesting shape to it, we have a lot of different neighbors being impacted, we're moving telephone poles, we are losing curb cuts, we are having mixed use development we've got a lot going on here. I personally feel that the services of a town designated engineer would be well served for this project. I would entertain a motion for that, or I would also entertain discussion.

Mr. Calder: I will make the motion.

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

Mr. Collins: I'll second.

Ms. Scannell: Marlo, please call the roll.

Ms. Carter: Mr. Collins?

Mr. Collins: Yes.

Ms. Carter: Mrs. Flansburg?

**Mrs. Flansburg:** Yes.

**Ms. Carter:** Mr. D'Alessandro?

**Mr. D'Alessandro:** Yes.

**Ms. Carter:** Mr. Calder?

**Mr. Calder:** Yes.

**Ms. Carter:** Mr. Signore?

**Mr. Signore:** Yes.

**Ms. Carter:** Mr. Miglucci?

**Mr. Miglucci:** Yes.

**Ms. Carter:** Ms. Scannell?

**Ms. Scannell:** Yes.

Peter, will get that to you, right, Peter?

**Mr. Comenzo:** Yes. I will take care of that.

**Mr. Longo:** So we can certainly like I said, with the renderings and the floor plan but you know, if there is a TDE we have a plan set, started with lighting, landscaping and grading and what not, but I'm sure that will be reviewed so we'll get that back also with the coordinated review so I know Byron is eager to get the project started, so I guess we would hope for possibly seeing you back in September, given August to do the work and responses and what not, so yes, we'd like to get this going as soon as possible.

**Ms. Scannell:** How long do you anticipate it taking to be built?

**Mr. Longo:** One year.

**Ms. Scannell:** We'd like nothing more and I know that sometimes having a TDE seems like more trouble than it's worth. It's not, it helps us feel really good about things having a second set of eyes and we can move this through a lot faster that way, so we appreciate your understanding in that matter. Thank you very much Mr. Longo.

**Mr. Longo:** Thank you.



*Town of Rotterdam*  
*Office of the Planning Commission*

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

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

**Resolution Number PC44-2024**

Moved by Mr. Collins seconded by Mr. Signore  
Applicant: Byron Diaz

**Applicant:** Byron Diaz

**Project Location:** 2623 & 2611 Guilderland Avenue  
Rotterdam, NY

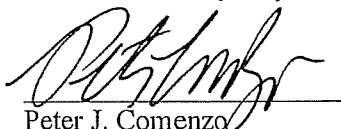
**Tax Number or Numbers:** 48.20-2-8, 48.20-2-7

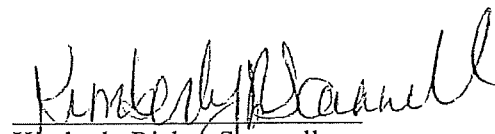
**Proposed Project:** Site Plan/Special Use Permit/Boundary Line Adjustment review to merge two (2) parcels and redevelop as up to four (4) office units on first floor and up to 12 apartments on the first (2) and second floor (10) with a 60' x 22' addition on a consolidated ±0.62-acre parcel.

**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, July 16, 2024, the Rotterdam Planning Commission hereby declares itself lead agency and authorizes the Rotterdam Town Planner to prepare, file, publish, and distribute all documents as necessary to comply with 6 NYCRR Part 617 (State Environmental Quality Review).

  
Peter J. Comenzo  
Senior Planner

  
Kimberly Ricker-Scannell  
Planning Commission Chairman



*Town of Rotterdam*  
*Office of the Planning Commission*

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

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

**Resolution Number PC45-2024**

Moved by Mr. Calder seconded by Mr. Collins  
Applicant: Byron Diaz

**Applicant:** Byron Diaz

**Project Location:** 2623 & 2611 Guilderland Avenue  
Rotterdam, NY

**Tax Number or Numbers:** 48.20-2-8, 48.20-2-7

**Proposed Project:** Site Plan/Special Use Permit/Boundary Line Adjustment review to merge two (2) parcels and redevelop as up to four (4) office units on first floor and up to 12 apartments on the first (2) and second floor (10) with a 60' x 22' addition on a consolidated ±0.62-acre parcel.

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

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

**IT IS HEREBY RESOLVED THAT** on this day, Tuesday, July 16, 2024, the Rotterdam Planning Commission hereby authorizes the Planning Commission Chairman to execute a contract with a Town Designated Engineer (TDE) to assist in Site Plan review for the above referenced project.

Peter J. Comenzo  
Senior Planner

Kimberly Ricker-Scannell  
Planning Commission Chairman

**6. Dan Morelli (Designated Contact) – 1826 Chrisler Avenue. Sketch Site Plan/Two (2) Special Use Permit review to operate a poultry store and equipment storage business on a ±0.2-acre parcel. Surveyor: Koch Land Surveyor.**

**Ms. Scannell:** 1826 Chrisler Avenue a sketch site plan and two special use permit review to operate a poultry store and equipment storage business on a plus or minus .2-acre parcel. Hi there.

**Mr. Morelli:** This isn't the first time I've been last, it won't be the last time I've been last, and I just had to wake my legs up a little bit to get up here other than that we're doing good, how are you?

So, my name is Dan Morelli of Morelli Design and Construction and I'm here representing Narendra Lachhman and his request for sketch plan review and special use permit to operate a poultry killing and dressing facility at 1826 Chrisler Avenue. Tough lot, a little tough lot. We've gone through this a few times to get the work to the best of our ability one thing I did notice on the notes, on the DPW notes that there are two (2) special use permits listed and I guess I had a question as to what that is, I know we're going to need one (1) for the poultry business. Are you thinking we're going to need one (1) for the front business too?

**Mr. Comenzo:** Is that a separate business?

**Mr. Morelli:** So, it's two buildings, there's actually a building here, a building here and this is just a covered walkway. It's a three sided...the owner intends on operating the poultry business, he also runs a construction company, Bob's Construction and he would like to just store his own personal construction equipment in that building. So, I don't know...

**Mr. Comenzo:** That is the second permit because it's multiple principal uses.

**Mr. Morelli:** Even though that would be, even though that's a permitted right, the construction storage.

**Mr. Comenzo:** Yes, it's the fact that there's more than one (1) business on the lot.

**Mr. Morelli:** Okay. Perfect just wanted to clarify that. Alright it's been a while since I've been in Rotterdam, going back to the Mallozzi compound days so I haven't been here, although I'm in Schenectady every single month in Troy and Rotterdam, Troy and Saratoga so, anyway so it's a tight lot in front, there's only about 35 feet at the entry point widens out to about 50 feet in the back and this is the widest point right here with about 58 feet. The buildings are existing they're basically warehouse buildings and the owner intends to, the orange part of the building would be the poultry business he'd redefine the building, spruce the building up, do any repairs to the building to make it presentable the front building is just a warehouse space, it's a metal building, basically a sided building we will do some improvements to that building also. This back area right here, right now it's just a gravel lot throughout, we need a spot for a septic system, the best spot in the open area to get it would be this back section. We're proposing a 1,000-gallon septic tank with three lateral 40-foot lines that'll fit on an angle in this area and grass over it to give us some green space in the back not ideal, we'd like to have the green space in the front, but it just won't work with this site. We were able to get a little bit of green space up in front there's some green space along the edge of the properties. There's an existing fence to a certain extent that we will replace with a stockade fence on the rear and the side of the lot for screening. We're able to get some parking spaces in there for the size of the building. We're looking at, I think we're required to have about nine (9) spaces, we're able to get eight (8) comfortably in here and two-way traffic we've got close to a 20 foot it's slightly less than a 20-foot opening at the front area. We propose to park vehicles on a 30 degree angle on the front of the property. We've got room for three (3) additional spaces here without impeding traffic flow. We've got a couple of catch basins inside the lot which will be repaved and restriped and the function of the business all around, the business owners here and his representatives here so we'll get more into detail of how the business is going to operate after I present the site plan, because I'm sure you're going to have a lot of questions.

**Ms. Scannell:** I'm sure you're right,

**Mr. Morelli:** They did present with an explanation of a lot of the questions you're going to ask about the operations.

**Ms. Scannell:** You can hand them along and we'll figure it out.

**Mr. Morelli:** In addressing the DPW comments we just addressed the special use permits for both, that's not an issue. The site is narrow, parking is awkward, don't disagree at all about that. An ideal site would be to just have an open lot with no buildings on it and reconfigure everything, but the budget doesn't allow that to happen. So, we're going to the owner bought the property based on he was going to use what was there. Again, the orange portion would be the poultry business and the poultry business has some very defined hours of operation. The poultry would be brought in on a daily basis for what was ordered the day before. It would be dressed on site to order. The clientele would come park, spend about five (5) minutes picking up, they come through a customer pickup area in the front of the building which is this little area here there's a public bathroom there, if needed, they would pick up their product at the counter, pay for it at the cashier, leave, get in their car and go home with the product. So, it's probably about a 10-15-minute transaction at best, maybe even less than that. These back areas are basically the poultry store where they do the processing and the storage and again the poultry would be brought in on a daily basis it wouldn't be kept in the building.

**Ms. Scannell:** I'm going to stop you for just one quick second because we're talking an awful lot about poultry, but then the handout that we received also mentions lamb, different than poultry.

**Mr. Morelli:** Correct. That was an add-on, we originally and I'll let Bob talk about that when it comes to that portion of it when we originally presented the project it was not going to be lamb, it was just going to be poultry so that was an add-on as of tonight which we can discuss but you are correct.

**Ms. Scannell:** Okay, I'm sorry go ahead, I just wanted to make sure that we were all and I'm actually having Attorney Valiquette, just look up something with regard to what our code says because I don't know the right answer, so please go ahead.

**Mr. Morelli:** The product would be picked up at the counter checked out, the back area is where the storage would be of the product, live product prior to the dressing and from here back would be employee only this little space in front would be for public access. Sight lighting would be put on the building because there are neighbors there's some commercial space here, there's some residential space in the back, so we put sight lighting on a building unless the board determined that maybe some pole lighting would be advantageous. It's such a small lot, we think that building lighting would cover it. It would be more indirect on the lot itself as opposed to neighboring properties. I have fire department access, there's a fire hydrant on the street which is going to be helpful because it's such a narrow lot, so to get trucks in and out of there and turning radiuses, we just can't achieve it with a lot that's there, even if there was nothing on the lot, a truck could pull in but with the fire hydrant out in front of the building, that would probably be more feasible.

As far as operations, I'll bring Bob up, he can talk about the operations of the business, or his representative will talk about that. As a matter of fact, I might as well do that now before we move forward and then we can answer all the questions at once.

**Mr. Radsing:** Good evening, everybody.

**Ms. Scannell:** Hi there.

**Mr. Radsing:** My name is Dan Radsing and I'm a friend, a colleague and an advisor to the client Narendra Lachhman and we will probably do a statement so I'm just basically going to read through that. The statement that will be provided basically says that my name is Narendra Lachhman. I'm the owner of the property located at 1826 Chrisler Avenue Schenectady 12303, and I reside at 2706 Turner Avenue, Schenectady 12306. Thank you for the opportunity to present my business proposal to the board and to answer your questions you may have. My business proposal is for poultry killing and dressing meat shop and also the storage component that the engineer referenced earlier. In the DPW comments there was number three bullet talks about address handling of the animals, operation and waste disposal and

just to provide an overview when it comes to handling of the animals, the animals involved in the business is limited to meat birds chicken, duck and turkey and again like was mentioned earlier lamb was contemplated the idea is not to go above animal size that has to do with lamb but again the board would advise on the necessities if there needs to be different accommodations for those. The live animals will be delivered by my suppliers on the morning of each operation day. The animals will be staged in enclosed cages in a room attached at the back of the killing room for the engineering plan and so again this is on every day that we're open this is going to be done on a daily basis. In terms of waste disposal, animal waste will be properly bagged and contained and dumped at the county waste and recycling facility located at Weaver Street, Schenectady 12305. The facility's name is Schenectady Transfer Station and I have already confirmed that the facility accepts animal waste. On days when the business will be open, but when the waste and dump facilities is closed animal waste will be properly bagged, frozen and stored in a dedicated freezer at the back of the killing room. The stored animal waste will be delivered to the county's waste and dump facility the following day or the next day that the facility is open.

In terms of operation the business will be closed on Mondays to the public on Mondays, Tuesdays and Wednesdays unless there is a special order that requires processing or there is a public holiday that needs to be accommodated. The intent would be that the business would be open to the public on Thursdays, Fridays, Saturdays and Sundays generally on weekends is when the demand for the products tend to be up from 7am to 2pm. Just as a matter of full transparency in our conversations with the State Department of Ag and Markets, there was an advice that in the longer term planning or thinking about this if there is more space and facility for storage and waste that is available that should be something that is contemplated and I'm actually in the process of purchasing farmland which will provide some additional space for the meat boards and waste disposal if the needs arise, obviously. But I'm just again, for full disclosure just mentioning that. I've taken the advice of Ag and Markets seriously in terms of looking ahead. So, I'm happy to take your questions and thank you for your kind consideration, guidance and support on the business proposal.

**Ms. Scannell:** Thank you, thank you very much and thank you for wanting to do business in Rotterdam. We do really appreciate that. With regard to a special use permit for that particular property, I'm going to actually turn it over to our attorney, Attorney Valiquette, with regard to what a special use could be.

**Mr. Valiquette:** So, I'm seeing here because I believe the property is I-1 zoned looks like poultry, killing and dressing is permitted for a special use review. I'm not seeing anything for like a slaughterhouse, like anything four legged for the I-1. So, I don't see that as a potential permitted use or anything in the special use here for just the way it's zoned. So, I mean you could try for use variance I think but that's...

**Mr. Morelli:** So, that means as far as the lamb goes but not for the poultry?

**Mr. Valiquette:** Correct.

**Ms. Scannell:** Poultry killing and dressing is allowed as a special use permit.

**Mr. Valiquette:** It looks like anything four-legged kind of gets you into like slaughterhouse regulation which is above and beyond what the I-1 designation gets you. At least that's what I'm seeing so far. If I do find something else though, I'll make sure to get in contact with you and let you know right away.

**Ms. Scannell:** Alright, I'm just going to go ahead and ask the question that's on everyone's mind. You've got residential neighbors in the back, you've got ladies getting pedicures on the other side. How loud is the process of having the meat birds delivered and how loud are they while they're waiting to be slaughtered and how loud is that process? Is there a special soundproof area that they're going to be kept in.

**Mr. Lachhman:** Good evening, everyone. My name is Narendra Lachhman.

Ms. Scannell: Hi.

Mr. Lachhman: The whole area of the storage is going to be enclosed and the access is going to be from the killing room to the enclosed area where they're kept. When the truck or the small truck pull in to discharge the birds they're going to go in straight there and from there it's going to go to the processing. So, it's going to be not outside, it's not going to be outside the public scene of public.

Ms. Scannell: Is this soundproofed? What is a truck like? I mean, when you're taking them off the truck, how are they contained? Are they in...

Mr. Lachhman: Yeah, poultry they usually store in a tray when moving in trucks.

Ms. Scannell: Before they're slaughter?

Mr. Lachhman: Yes, before. They always come in a container like a tray and that's when you take the tray and you put them into the room.

Ms. Scannell: Okay, so when they're on the truck, it's like a regular tractor trailer kind of a truck that brings it in? Is it like a farm truck?

Mr. Lachhman: It's like a farm truck, it's a more enclosed truck.

Ms. Scannell: So, they're not just on a tray though, right? Because if they're just on a tray, they're going to fly away.

Mr. Lachhman: No, they're in a cage. It's a small cage.

Ms. Scannell: So, there's a small cage.

Mr. Lachhman: Yeah, like three (3) foot by three (3) foot by 12 inches high.

Ms. Scannell: Are they making noise when you're taking them off the truck and bringing them through the back door?

Mr. Lachhman: Usually when you transport poultry they have a way that they kind of damp their feathers, like spray water on them so they keep quiet and keep less noise in that manner.

Ms. Scannell: So, when you say less noise, when they're coming off the truck and again, I just know it's something that we need to take into consideration. It's probably one of the most important things we have to take into consideration. When they're coming off the truck and that happens, how regular are the deliveries? Are they every day?

Mr. Lachhman: "Inaudible."

Ms. Scannell: Every business day.

Mr. Morelli: Some amount of clucking, yes.

Ms. Scannell: How early does a truck come?

Mr. Lachhman: On our time so we were looking at 7am, when we open.

**Ms. Scannell:** So, 7 o'clock in the morning, every morning a truck is going to pull in and are the neighbors going to be, will there be a sound associated with the removal of the trays of chickens from the truck moving them from the truck being point A into your building being point B. Will there be noise?

**Mr. Radsing:** There is expected to be some amount of that. I mean this is an automobile machine that is going to be pulling up. You open up the...

**Ms. Scannell:** I'm more worried not about the automobile noise, but about the chicken noise.

**Mr. Radsing:** There is reasonable expectation that there will be some amount of birds heckling. But we don't think that rises to the level that it becomes a nuisance because the act of just moving them out of the truck and putting them in an enclosed area which would be something I mean we're talking about a couple of minutes here at max.

**Ms. Scannell:** How many trays are we talking about? How many chickens per tray? Is it one truck driver? Are there people from your business that are going to be greeting the chickens and helping with the movement from the truck to the soundproof room or is it going to just be the truck driver's responsibility to unload the poultry by himself. How many chickens are we expecting every day?

**Mr. Lachhman:** We're expecting between 50 to 100 chickens a day which would roughly be between five (5) and eight (8) trays.

**Ms. Scannell:** Okay, so for five (5) to eight (8) trays can one (1) person move a tray by themselves?

**Mr. Lachhman:** I think two (2) people are going to need to move a tray.

**Ms. Scannell:** So, it's a two (2) person job and eight (8) of them you said?

**Mr. Lachhman:** Yes.

**Ms. Scannell:** So, it would be a person that drives the truck that does it or two (2) people from the business?

**Mr. Lachhman:** Two (2) people from the business.

**Ms. Scannell:** What's the truck doing while you're unloading the truck? Is it idling?

**Mr. Lachhman:** It's usually a short process. It's a couple of minutes process.

**Ms. Scannell:** Well, if it takes two (2) people to move something, in my mind I moved a floor air conditioner last night. We're going to say to go from point A to point B, it's going to be at least a couple of minutes I think per tray, right? You're going to have to go open the truck doors get the chickens, get the other guy, you're going to move them the doors open, you bring them into the quiet area you put them down where they belong. Now you have to go walk back outside. So, it's not going to take two (2) minutes for the whole thing, it's going to take two (2) to three (3) minutes minimum, I'm guessing per tray, so two (2) to three (3) minutes, right? I think. Is that fair?

**Mr. Lachhman:** I think that's too long because we're not going to have a man door to where we're going to store the parts, it's going to be an overhead door. So, the truck can come straight to it, and you just take it out from the truck and put it into the storage facility.

**Ms. Scannell:** So, I think two (2) or three (3) minutes total I don't think is possible.

**Mr. Morelli:** You're looking at probably from the time the truck pulls in to the time the truck leaves, at least a 20-minute process with two (2) men handling, two (2) employees handling the poultry. They get it off the truck into the building. The trucks typically do idle, obviously.

**Ms. Scannell:** So, every morning, Monday through Friday at 7am, I just want to make sure that we're understanding this.

**Mr. Morelli:** Thursday through Sunday.

**Ms. Scannell:** Thursday through Sunday. Thursday, Friday, Saturday, Sunday. So, weekends included at 7 o'clock in the morning the chicken truck pulls in and we should anticipate approximately 20 minutes of maneuvering while a truck is idling and also what is going on with the rest of the chickens in the truck. Even if you're not moving them, are they exposed? Will we be able to hear those chickens for that whole 20 minutes? Probably.

**Mr. Morelli:** Yeah, I don't know, but most likely. Now the good news is the salon on the right doesn't open up that early and the business on the left doesn't open up that early. So, we have that little window.

**Ms. Scannell:** How about the residents that are right behind you?

**Mr. Morelli:** So, the residents are going to be in the back. I think there's three (3) houses back there set off the property line quite a bit because that's the rear yards for them, so they're quite a distance away and we will have screen buffers in that grassed area in the back.

**Mrs. Flansburg:** Can I ask a question? On the site plan that you provided you showed the edge of a building, the edge of a garage or shed, and I think those are for business property, well at least one (1) of them is a business property. Could you on the next plan show us the distance to the residential ones that are in the rear part?

**Mr. Morelli:** Yes.

**Mrs. Flansburg:** So that we can kind of visualize that.

**Ms. Scannell:** After you get the chickens when a person comes to get a chicken, it's not like a lobster, right?

**Mr. Morelli:** It's a tricky business.

**Ms. Scannell:** Do I pick my own chicken?

**Mr. Morelli:** No, they're ordered beforehand, and the bird is gotten from the back, processed and then passed through a cashier window dressed to the purchaser.

**Mrs. Flansburg:** The product is like you would see at a store?

**Mr. Morelli:** Correct.

**Mrs. Flansburg:** It's fresh. It's like going to Sahr's, only they're doing business in the back.

**Mr. Morelli:** Correct

**Mr. Collins:** And Sahr's was for years a slaughterhouse for chickens.

**Mr. Morelli:** Correct.

**Mr. Collins:** And there was never any noise I used to go past it for Mohonasen High School and they electrocuted it or whatever they did, I don't know how they did it, but you never heard any noise, you never heard any smell and they were there for years and years and they did actual what you propose to do.

**Mr. Morelli:** The killing process here is not so bad as Sahrs was.

**Mr. Collins:** No, I understand it was a long time ago and things have changed. Things are more humane. We have had it in Rotterdam before and they were there for many, many years.

**Ms. Scannell:** Well and again it certainly isn't an allowed use for a special use permit, no lambs.

**Mr. Morelli:** Correct.

**Ms. Scannell:** Alright, so my only concern is if I were a neighbor at 7 o'clock in the morning and you make a very good point the business is not open at 7 o'clock in the morning but on Saturday and Sunday, you know, at 7 o'clock in the morning that would be my concern for adjoining property owners that this is what they're waking up to every weekend.

Mr. Miglucci, questions comments, concerns.

**Mr. Miglucci:** This is right this is the one right next to Ren Tool?

**Mr. Morelli:** That's correct.

**Mr. Miglucci:** If they don't make noise, I mean they're not going to cock-a-doodle-doo and wake up the neighborhood.

**Mr. Lachhman:** That is why we want to bring them in on a daily basis not to store them there long term.

**Mr. Miglucci:** And you have a green space before you get to other homes too, so it is kind of out of the...

**Mr. Morelli:** We can put a row of arborvitaes in the back if needed for additional buffer.

**Mr. Miglucci:** I don't see a problem with it. You're not going to do any like cows or pigs.

**Mr. Morelli:** No.

**Mr. Miglucci:** I understand it's probably like a Muslim type thing or something like that I get you.

**Ms. Scannell:** Is this considered I'm just curious, is this like what Halal is? Is this Halal or no?

**Mr. Lachhman:** We definitely are going to Halal it but we're not going to do large animals because it's more like what we want to do.

**Ms. Scannell:** Right, because it's prohibited. That's why.

**Mr. Radsing:** To your question, when there would be much humane process in the way animals are killed that's where the Halal component comes in, we're not going to be electrocuting anything, it's going to be much more humane.

**Ms. Scannell:** Could you explain Halal to us, especially if this would be considered a Halal business.

**Mr. Lachhman:** Halal is just that you give whatever animal or birds you're going to take their lives, you give them water to drink and you just, you have to say a small prayer, a short prayer and then you kill them, you just don't be cruel to whatever you kill.

**Ms. Scannell:** I think that's a very important component. So, Halal, you would not want a lot of distress.

**Mr. Lachhman:** Correct.

**Ms. Scannell:** For the animals.

**Mr. Lachhman:** You can't stress the animals before you kill them the birds or whatever, you can't do that. That's like a religious, respectful way. You have to give them water.

**Ms. Scannell:** We should have led with this fella. This is a good component to it so you're not going to prolong the movement from the truck to the, you know you're going to do it as quickly and as humanely not just for the neighbors but for the chickens themselves.

**Mr. Morelli:** I think if I could just add we know that slaughterhouses are not permitted in a lot of locations throughout the Capital District. We've tried, not us but people have come to me to present in Albany, to present in Schenectady. People are quite frankly, they're grossed out by a slaughterhouse. So, it's the bottom line, it's what it is. The poultry killing and dressing is being allowed and it's simply poultry killing and dressing because it's a more gentle process. It's exactly what they just explained, and the process is not to put it bluntly but quick and easy. As they say in Schenectady, if they don't have a place to do it, they're going to do it in their backyard.

**Ms. Scannell:** And again, I think we're very clear on what the special use permit is. I'm looking at your designs and it's laying poultry. Again, this was the first time we heard lamb was tonight. Rotterdam used to have a slaughterhouse too. My mother drove us there. It was on Old Mariaville Road. I can still smell it in my mind. We used to go get meat when I was a little girl and I completely understand and respect what you're doing. It just has to be within the confines of what the Town of Rotterdam allows. And while the meat birds, chicken, duck, turkey, etc. would be allowed, a lamb would be prohibited. We just all need to be on the same page.

**Mr. Morelli:** Our initial synopsis somehow that got slipped in, I apologize, I didn't issue the initial synopsis to you, but I have it here. That lamb was never listed until I just saw it for the first time.

**Ms. Scannell:** That's what I'm saying.

**Mr. Morelli:** That's not allowed. Scratch that right out.

**Ms. Scannell:** Mr. Signore, do you have any questions, concerns, comments?

**Mr. Signore:** A couple things, you bring your birds in, and you get ready to slaughter them. Where does all the blood go?

**Mr. Morelli:** It's not defined very clearly. So, this is a two-part map...

**Mr. Signore:** I mean what I'm saying is does it go into the septic tank?

**Mr. Morelli:** No.

**Mr. Signore:** A separate tank. Here's a catch tray back here with water flowing through it that drains it, it's bagged and disposed of properly off site.

**Mr. Scannell:** Who keeps an eye on that? Who permits it?

**Mr. Morelli:** I think Ag and Market regulates this whole process.

**Mr. Lachhman:** I spoke to them a couple of times. They sent me the layout of the specs and that's what I'm working towards.

**Mr. Morelli:** So, we can't go to them until we get a town approval for obvious reasons. They don't want to waste time because a lot of towns won't approve it. So, once we get the approval from the town and we're hoping the Town of Rotterdam does it because not too many towns do. We're allowed to go to them and present this and then it's a whole other process to get licensed because they can't even do it until they get licensed and it's highly regulated.

**Mr. Signore:** And you are going to have enough freezer for all these renderings?

**Mr. Morelli:** Yes. So, this whole section right here is basically a freezer. It's basically a prep area and dressing area. This section back here is for storage, and you can see it's not a very large area. It's enough to hold birds for an 8-hour period and when they're gone, they're gone. If 50 people order birds there's going to be 50 birds in the shed.

**Mrs. Flansburg:** And if you have 50 but you only have orders for 30, what happens to the 20? Do they get prepped because they'll still be fine the next day or do they stay overnight in their cages in your place?

**Mr. Lachhman:** That's one of the advices from the Ag and Market that having one of these poultry dressing place, I should have a farm so it's going to help me with storing extra birds if by chance and if then I'm going to make an "Inaudible" to burn remains in the future offsite at the farm.

**Ms. Scannell:** So, like a crematorium for the birds.

**Mr. Radsing:** With more direct to the question, I think for now at least the immediate term would be what is not used per day would be slaughtered and frozen, right? So, there would be no live animal remaining on the property overnight. In the future going forward as we're looking ahead with the Ag and Market's advice is that even if you don't want to do that and you have facilities later on where you can move them offsite then that's something that you can think about as well which is an advice that we're paying careful attention to.

**Ms. Scannell:** If you order too many at the end of the day you can do what they do at the bakery shop, it's like buy one get one, right?

**Mrs. Flansburg:** How many employees for it? I'm just thinking parking, coming in, you have the other storage of construction stuff so that's really not an in out parking sort of situation. How many employees? Obviously, you have to have a counter person.

**Mr. Lachhman:** It's going to be between three (3) and four (4). Four (4) is the max for the business. I'm going to own and operate it. I'm going to be there with my wife and myself are going to be operating the business.

**Ms. Scannell:** Is there enough room? How are we getting a truck in there and turning around?

**Mr. Morelli:** Back it in. They're going to come in, pull in, back in unload to the overhead, pull out and that will clear the parking lot for the customers.

**Mrs. Flansburg:** Because it will be before they're there.

**Ms. Scannell:** And it will be on days that school buses and children, well at least two (2) of the days, we've heard for other projects on Chrysler Avenue in that general vicinity about traffic conditions so as long as it's going to be backing in Mr. Collins, questions, comments, concerns?

**Mr. Collins:** We do have chickens are not going to make a lot of noise anyway so I'm just saying that. This has always been a tough spot. It really has. I had to go back a couple times because you can go right past it. Like I said, we had Sahrs for years. It's zoned right so I'm okay with it. It's something that's maybe needed and for certain ethnic groups or whatever, I don't know what the proper word is, and I don't want to get myself jammed up here, but I think it serves a purpose so I'm okay with it. Like I say, when you come back maybe show us where the snow removal will be and how you're going to handle that and so forth and maybe some screening in the back and maybe some plans of how you're going to do the insulation so we can just take a look at that.

**Mr. Morelli:** We figured we were on a kind of short timeline to get it in based on the purchase of the property and talking to Mr. Comenzo and getting it on time. We knew there would be a lot of discussion. We expected good discussion. We'll obviously take comments, concerns and advice. This is a tricky site. We could make it work and I think the main, first of all, to get in an industrial zone in any municipality to do something like this is a stretch in itself. Unfortunately, Rotterdam's only allows it. So, then we have to prep the site, prep the building and make it work.

**Mr. Collins:** I mean I think parking should work because people are just in and out. They're not shopping.

**Mr. Lachhman:** A lot of people call and order.

**Mr. Morelli:** As you know this area is built up and it really helps the community, but the community's community. This what they do, and I just want to make sure I'm not crossing a line. I can tell you this, you can check with Christine for me on how many police calls she's got about people who live in the backyard because they don't have a place like this. So, let's prevent that from happening. Now granted they've had calves and lamb running up the street, but we don't do that here. But I think we'll allow it in a zoned area regulated by the state agency and run properly with the owner of the property running the business itself because the license will be in his name makes it work. I think it's a yearly renewal. So, if it doesn't work they're going to yank it before the Town can do anything. So, all they need is not even a handful of complaints, if they don't have a license.

**Mrs. Flansburg:** I believe the answer is no, but I just want to check. Because we allow chickens now people can't bring theirs to you because you're licensed so you have to purchase them from a particular process like a department of health.

**Mr. Lachhman:** Yes.

**Mr. Morelli:** The state regulation "Inaudible."

**Mrs. Flansburg:** Oh, I don't doubt it.

**Mr. Morelli:** We've tried this process before in Albany. We haven't gotten this far but, we've tried this process in Albany with different groups and in Schenectady and I read through the regs of the State Ag and Market. This is a cakewalk. Trust me on that.

**Mr. Radsing:** Mr. Collins just for me to share probably this perspective on it, you did touch on the community. This is something that we have heard even our colleagues so we're very connected with the communities and in sporting events and all of that and we hear from time to time the demand and frustration from community and when the idea was conceptualized by Mr. Narendra, even folks from Schenectady are saying we'd be happy to have a facility that provides

his kind of humane place that we feel good about and his immediate comment was bring Schenectady tax dollars to Rotterdam, we're okay with that.

**Ms. Scannell:** We are definitely okay with that. A little louder for the record.

**Mr. Radsing:** So, I mean there is certainly an economic development aspect to this, and we really take whatever guidance you guys would provide to make this work. We appreciate that.

**Ms. Scannell:** And I think a lot of it is your community educating us, right? I mean, I have seen the word halal. I truly had no idea what it meant, and I think getting that message out to all communities is important. I think that, you know, it is a special use. What kind of signage are you guys thinking about?

**Mr. Morelli:** We haven't gotten that far.

**Ms. Scannell:** We'll probably be asking questions about that too, just because, I mean, obviously it would have to conform, but again we, you know.

**Mr. Morelli:** It's going to be as simple as Sahrs. Bob's Poultry Farm. Adam's Poultry Farm. It's not going to be...

**Mr. Collins:** Not going to have flashing lights and neon.

**Mrs. Flansburg:** More like, is it going to be out at the road in your small little green space or is it going to be a building sign, you know, building mounted. Just, not for today, but for future that's all questions we'll have.

**Mr. Radsing:** I don't know if we're going to need a sign.

**Mrs. Flansburg:** Well, you'll need something at the building.

**Ms. Scannell:** There's definitely a demand in the community, right, and you're going to need something.

**Mrs. Flansburg:** And you don't want them going to the construction spot. You want them going to the service.

**Mr. Collins:** You can get those regulations from Peter for signs.

**Mr. Lachhman:** I actually have those.

**Mr. Morelli:** We just didn't get that far.

**Ms. Scannell:** Mr. Collins, were you finished?

**Mr. Collins:** Yes, I was.

**Ms. Scannell:** Thank you very much. Mr. Calder?

**Mr. Calder:** Well, if you're going to ask me if I have many questions, I've got too many.

**Ms. Scannell:** Questions, comments, concerns, all of those things.

**Mr. Calder:** Obviously, you understand that this is something we don't do every day. And I do have a ton of questions to be honest with you. Some have to do with the parking, some have to do with backing up and pulling around Chrisler

venue. The ones about the chicken, I don't understand at all. So, I think that the parking right now, if I could get away from the chickens a minute. The parking right now, somebody that pulls in there to a customer, not the truck, but the customer, how are they going to turn around to get back out?

**Mr. Morelli:** It's possible, but not easy.

**Mr. Calder:** It's possible, but not easy. That's quite an answer. Item number two here says access does not appear to meet standards. I'm not sure what that exactly means. Does it meet the standards because of the footage and the layout or does it not? Now that's a question for the town, not so much for you guys. I don't know the answer to that. Peter?

**Mr. Comenzo:** So, we're showing 19 feet from the edge of the back of that parking space, so I'm assuming that the parking spaces are nine (9) by 18 which is what the town requires so part of the concern I guess is if there's that space number one (1) if the car is sticking out are you down to what, 15 feet or something, so a typical parking space is nine (9) feet wide and 19 feet is pretty tight to be passing two (2) vehicles next to each other. Twenty-four (24) is the typical access aisle width, so that's what brought the comment up.

**Mr. Calder:** But we have no standard written Peter, that gives us an exact.

**Mr. Comenzo:** Well, there is and there's also...

**Mr. Calder:** That's just one of the questions...

**Mr. Comenzo:** There's a book that the transportation standard 24 foot is typically a minimum width in between parking spaces.

**Mr. Calder:** And that's only one (1) car going in and out, what about two (2) or three (3) at the same time? What do you do in there? I mean, I don't even know how you do this, to be honest with you. I mean I'm not against the project, but I don't understand how it could fit in there. I mean, you've got to admit it's tough.

**Mr. Morelli:** It's very tough. The parking space do meet the standard requirements which is why we had an angle. I wish I didn't have to, but I had to. We've got the 19-foot width up front which is a little tight.

**Mr. Calder:** Well, you're worried about the green space up front, that's going to get run over all the time anyways. That ain't going to be there after a while.

**Mr. Morelli:** We're trying not to get involved with but if we have to, we will because we really would like this project to fly. This building doesn't need to be here. It can come down.

**Mr. Calder:** I don't know. I don't know what else to talk about right now, because there's a lot here. I know we need a TDE as obviously mentioned.

**Mr. Comenzo:** I think that was part of it. In terms of the conceptual plan, we really wanted to get this presented to the board and I think the fact that you guys are last I know it is late, but this works out well because you are going to have a frank discussion with the board and see whatever their concerns are. Part of it, that may be the only option if the engineer looks at this and says this is not viable, it's not going to work if you take the building down then maybe there's a way to reconfigure the parking to make it work.

**Mr. Morelli:** "Inaudible..."

**Mr. Comenzo:** That may be the best option. Like I said, I wanted to at least get you in front of the board here and get their comments and thoughts.

**Mr. Morelli:** If the budget didn't matter, no budget constraints whatsoever it would be a clear lot and redevelop the whole thing. It would certainly work with everything because we put green space up front the building in the middle, more green space in the back. We'd meet every requirement possible but it's just not feasible to do that.

**Mr. Calder:** I do wish it was bigger for you guys' sake, I really do. I'm going to have trouble dealing with this one just so you know.

**Ms. Scannell:** If they were to take the equipment storage building part down and we had a town designated engineer they were able to get 1,000 square feet more for parking.

**Mr. Calder:** That might help, yes. That would help. And then you're going to see somebody buys the chicken or whatever, and then they want to get out and like I said, two (2) people maybe try to get out together, then you've got a car coming in. God knows how you're going to do that I don't think it's possible.

**Mr. Morelli:** There's a lot of different ways to do it.

**Ms. Scannell:** If that building comes down, for sure there's a lot of different ways.

**Mr. Calder:** Then you've got cars backed up on Chrysler Avenue which, as our chairman said that's an issue sometimes anyway that we try to avoid over there. So, I have a lot of questions to be honest. That's enough from me for now I just need to know a lot more.

**Mr. Morelli:** And I think the next time we come back with more, we put the time and thought into this presentation. The fact is we knew it was a tough site to work with. We were trying to make it an easy site to work with, but we didn't want to take the building down. The fact is really it's a three-sided building. It's a storage shed. We can take it out.

**Ms. Scannell:** So, you know I think Mr. Calder's concerns, I think all of our concerns are very valid and I think if we were looking at a perfectly rectangular lot with all the I don't think we'd I think we'd actually all be in our cars right now going home.

**Mr. Morelli:** I agree and that's why I open with this is a really tough site.

**Ms. Scannell:** It is.

**Mr. Morelli:** If this wasn't the entry it wouldn't be so bad.

**Ms. Scannell:** Mr. D'Alessandro?

**Mr. Miglucci:** I don't have any questions. Everything that I was going to ask has already been answered. So, I'm all set.

**Mr. Radsing:** Just a quick response to Mr. Calder on one of the things that when we recognize the compressed nature of the parking in addition to the consideration that perhaps we could tear down the garage that is there and use it, we've also considered the way the operation of the business is going to be done to alleviate pressure points on traffic. So, you can't just drive in here and come and just go and buy something. You call up front and you order. So, our scheduling system would also consider that we're not scheduling 50 customers to come at 7 o'clock when I'm going to be open from 7 to 2. So, scheduling would also alleviate some of the pressure. Again, it is a tight spot, but we've also factored that into the operational model to take some of the immediate pressures off.

**Ms. Scannell:** I don't know if I'm asking this question the right way, as part of the halal process would you be able to deliver the chicken to people or do they come and get it?

**Mr. Lachhman:** That's part of it that you can call, and order and you can pick up or we can even deliver it to you.

**Ms. Scannell:** Okay.

**Mr. Lachhman:** It depends on a large amount.

**Ms. Scannell:** So, the possibility exists that people that are having a need for more than one (1) or two (2) chickens could say, oh I'd like to have 10 chickens and that person wouldn't be driving there you'd be bringing them to them?

**Mr. Lachhman:** Correct.

**Mr. Miglucci:** But you're going to schedule pick-ups so you can say your order will be ready at quarter to 10. That alleviates a lot of problems.

**Mr. Morelli:** Basically, there won't be 50 people at a time.

**Mrs. Flansburg:** There's nothing to shop. You're not looking around a store and getting other things with it.

**Mr. Miglucci:** You're just coming in to pick up your pizza is all you're doing.

**Mrs. Flansburg:** I don't think that the parking will be as much of an issue as it sounds.

**Ms. Scannell:** I think that you guys have been very helpful. Thank you for sitting through all of everything. Thank you for being able to answer all of our questions. I would entertain a motion, if there is one.

**Mr. Calder:** I'll make the motion.

**Mrs. Flansburg:** I'll second it.

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

**Ms. Carter:** Mr. Collins?

**Mr. Collins:** Yes.

**Ms. Carter:** Mrs. Flansburg?

**Mrs. Flansburg:** Yes.

**Ms. Carter:** Mr. D'Alessandro?

**Mr. D'Alessandro:** Yes.

**Ms. Carter:** Mr. Calder?

**Mr. Calder:** Yes.

Ms. Carter: Mr. Signore?

Mr. Signore: Yes.

Ms. Carter: Mr. Miglucci?

Mr. Miglucci: Yes.

Ms. Carter: Ms. Scannell?

Ms. Scannell: Yes.

Motion carried. I will now entertain a motion to authorize me to enter into an agreement to retain the services of a TDE to assist in the review of this project and I would like to make it clear that we are not going to step in where Ags and Markets is. We don't need oversight for that. It's parking and getting in and out of there. That's really the scope of it. As far as what goes on with Ags and Markets, that is what goes on Ags and Markets. I would like to see some of the soundproofing, definitely noted on the plans when you come back so that we have that consideration as well. I would entertain a motion for that.

Mr. Collins: I will make a motion for a TDE.

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

Mr. Signore: I'll second it.

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

Ms. Carter: Mr. Collins?

Mr. Collins: Yes.

Ms. Carter: Mrs. Flansburg?

Mrs. Flansburg: Yes.

Ms. Carter: Mr. D'Alessandro?

Mr. D'Alessandro: Yes.

Ms. Carter: Mr. Calder?

Mr. Calder: Yes.

Ms. Carter: Mr. Signore?

Mr. Signore: Yes.

Ms. Carter: Mr. Miglucci?

Mr. Miglucci: Yes.

Ms. Carter: Ms. Scannell?

Ms. Scannell: Yes.

Motion carried.

Mr. Morelli: Is Luigi on that list?

Ms. Scannell: No, he's not a town engineer. We have a town, a part-time town engineer. His name is Mr. Fred Mastriani. But when we have developers that come, we have different agencies that like five (f5) or six (6) or however many engineering firms and we kind of pull from that so there could be I don't know whose card is getting pulled by Peter for this one.

Mr. Miglucci: Can I say something real quick? Are you guys going to do like Thanksgiving turkeys and things like that? For turkeys, like, do you see a market in that? Like are you going to have fresh turkeys for Thanksgiving?

Mr. Lachhman: Yes.

Mr. Miglucci: You're still going to do it by schedule I'm just thinking like Ramadan, whatever it may be.

Ms. Scannell: Get in touch with Peter, we'll get that agreement together, we'll get that over to you, so this is the first stop and a few more stops, but we look forward to working with you and thank you for choosing Rotterdam, we really look forward to learning more about this project. We appreciate your willingness; I mean you're willing to lose part of a building. It's just to help us know what you're doing, I mean a lot of times things are complicated and it's, we have to do our due diligence, and so a TDE is the best way to do that.

Mr. Radsing: Thank you very much everybody.

Ms. Scannell: Thank you and have a great night. Please note that the next Planning Commission meeting is August 20, 2024, and I would entertain a motion to adjourn.

Mr. Collins: I'll make that motion to adjourn.

Mr. Signore: I will second.

Ms. Scannell: All in favor.

Planning Commission Members: I.

Meeting adjourned at 10:04 p.m.

Respectfully Submitted,

Marlo L. Carter  
Planning Commission Secretary



*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 PC46-2024**

Moved by Mr. Calder seconded by Mrs. Flansburg

Applicant : Dan Morelli (Designated Contact)

**Applicant:** Dan Morelli (Designated Contact)

**Project Location:** 1826 Chrysler Avenue  
Rotterdam, NY

**Tax Number or Numbers:** 49.19-3-18

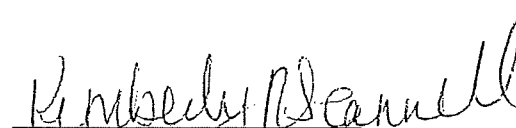
**Proposed Project:** Site Plan/Two (2) Special Use Permit review to operate a poultry store and equipment storage business on a ±0.2-acre parcel.

**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, July 16, 2024, the Rotterdam Planning Commission hereby declares itself lead agency and authorizes the Rotterdam Town Planner to prepare, file, publish, and distribute all documents as necessary to comply with 6 NYCRR Part 617 (State Environmental Quality Review).

  
Peter J. Comenzo  
Senior Planner

  
Kimberly Ricker Scannell  
Planning Commission Chairman



*Town of Rotterdam*  
*Office of the Planning Commission*

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

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

**Resolution Number PC47-2024**

Moved by Mr. Collins seconded by Mr. Signore  
Applicant : Dan Morelli (Designated Contact)

**Applicant:** Dan Morelli (Designated Contact)

**Project Location:** 1826 Chrisler Avenue  
Rotterdam, NY

**Tax Number or Numbers:** 49.19-3-18

**Proposed Project:** Site Plan/Two (2) Special Use Permit review to operate a poultry store and equipment storage business on a ±0.2-acre parcel.

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

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

**IT IS HEREBY RESOLVED THAT** on this day, Tuesday, July 16, 2024, the Rotterdam Planning Commission hereby authorizes the Planning Commission Chairman to execute a contract with a Town Designated Engineer (TDE) to assist in Site Plan review for the above referenced project.

Peter J. Comenzo  
Senior Planner

Kimberly Ricker-Scannell  
Planning Commission Chairman