

**Town of Rotterdam
Planning Commission
March 5, 2024**

Workshop (2nd Floor Conference Room) – 7:00pm

WAIVERS

1. **Pilot Travel Center – 1128 Duanesburg Road.** The applicants request a Waiver of Site Plan review to decommission an existing 20,000-gallon split fuel tank (15K/5K) and install a 20,000-gallon split fuel tank (12K/8K) and reconnect product and electric lines.
2. **BD Motorsport Media LLC – 93 W. Campbell Road.** The applicant requests a Waiver of Site Plan review to hold a car show throughout the ViaPort Rotterdam Mall from March 21, 2024 – March 24, 2024.
3. **Lilawattie Ramdeen & Fitzroy Allen – 2779 Hamburg Street.** The applicant requests a Waiver of Site Plan review to operate an insurance company ±1,108 square foot building on a ±0.18-acre parcel.
4. **William Newcomb – 7 Old Mariaville Road.** Applicant requests Waiver of Site Plan Review to expand Poppy's Homestyle Pizza (tenant space #2) and occupy an adjoining 800 square foot area for dining (tenant space #3) on an existing ±1.23-acre parcel.

Agenda (V. Dalton Bambury Hearing Room 2nd Floor) – 7:30

Approval of the Summary of Minutes February 20, 2023

1. **Lecce Senior Living LLC – 2200 Helderberg Avenue.**
TABLED FROM THE FEBRUARY 20, 2024 MEETING
The applicant requests modifications/amendments to Site Plan approval conditions for Phase #1B dated July 9, 2020 for the relocation of overflow parking farther away from 9th tee and to opposite side of main access road along with allowing an additional 12 building permits to continue construction of cottage homes prior to completion of the roadway and utilities as outlined in Condition #6 in Resolution PC34-2020 (Amended June 20, 2023 by Waiver PC2023-W17). Engineer: ABD Engineers LLC.
2. **401 Holdings LLC – 401 Duanesburg Road.** Sketch Site Plan review to allow for a cannabis cultivation and manufacturing facility in an existing ±92,743 square foot building (former Schalmont Bus Garage and Administrative Offices) on a ±5.11-acre parcel. Engineer: Hershberg and Hershberg.

DPW Comments
March 5, 2024

Workshop

1. **Pilot Travel Center – 1128 Duaneburg Road.** The applicants request a Waiver of Site Plan review to decommission an existing 20,000-gallon split fuel tank (15K/5K) and install a 20,000-gallon split fuel tank (12K/8K) and reconnect product and electric lines.
2. **BD Motorsport Media LLC – 93 W. Campbell Road.** The applicant requests a Waiver of Site Plan review to hold a car show throughout the ViaPort Rotterdam Mall from March 21, 2024 – March 24, 2024.
3. **Lilawatlie Ramdeen & Fitzroy Allen – 2779 Hamburg Street.** The applicant requests a Waiver of Site Plan review to operate an insurance company $\pm$ 1,108 square foot building on a $\pm$ 0.18-acre parcel.
4. **William Newcomb – 7 Old Mariaville Road.** Applicant requests Waiver of Site Plan Review to expand Poppy's Homestyle Pizza (tenant space #2) and occupy an adjoining 800 square foot area for dining (tenant space #3) on an existing $\pm$ 1.23-acre parcel.

WAIVER OF SITE PLAN REVIEW

Date Reviewed: March 5, 2024

PC2024-W08

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

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

PROJECT LOCATION: 1128 Duanesburg Road

APPLICANT IDENTIFIED AS: Owner _____ Lessee _____ Contract Vendee X

REQUEST: The applicants request a Waiver of Site Plan review to decommission an existing 20,000-gallon split fuel tank (15K/5K) and install a 20,000-gallon split fuel tank (12K/8K) and reconnect product and electric lines.

Action Taken by Commission:

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

Conditions imposed, if any, are as follows:

1. Compliance with all NYS Building and Fire Codes.
2. Applicant must obtain a Building Permit and be issued a Certificate of Occupancy from the Town of Rotterdam Building Inspector.
3. DPW is not in favor of abandonment of existing tank in place due to the location and complexity of utilities in the area. Existing 20,000 tank shall be removed from ground and area backfilled and blacktopped/striped no later than June 1, 2024.

The Commission action on the Waiver application took place at the Planning Commission meeting of March 5, 2024 and authorized the Commission Chairman to execute the Waiver. The issuance of this Waiver is contingent upon the applicant complying with all conditions as stated above. Failure to adhere to conditions may result in revocation of Waiver by the Town of Rotterdam Planning Commission and requirement of a full Site Plan.

Peter J. Comenzo
Senior Planner

Kimberly Ricker-Scannell
Planning Commission Chairman



**Town of Rotterdam
Waiver of Site Plan Review Application**

RECEIVED

FEB 23 2024

TOWN OF ROTTERDAM
PUBLIC WORKS

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

1. Copy of Deed and/or executed lease agreement or contract to purchase.
2. Copy of Site Plan that identifies:
 - All structures on site.
 - All parking areas on site (parking spaces 9' x 18').
 - Handicap parking and accessibility as required by New York State Building Code.
 - Interior floor plan of usable area by applicant.
 - Proposed site improvements including parking, structural additions, landscaping and other pertinent information as identified in Section 270-132 of Town Code.
3. On a separate sheet of paper provide a descriptive narrative of use and activity occurring on the site including but not limited to the number of employees, exact nature of business, hours of operation and expected customers to the site daily.
4. A completed Commercial or Residential Building Permit Application.
5. \$100.00 application fee (cash or check – payable to the Town of Rotterdam). Fee in lieu of parkland for residential developments: \$600 per dwelling unit.
6. Does any Town officer, employee or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application? YES ☐ NO ☒. If yes, a statement disclosing the name, residence, nature and extent of this interest must be filed with this application.

PRESENT OWNER(S): PILOT TRAVEL CENTERS LLC

APPLICANT(S)/LESSEE: WARREN POST/AMERICAN PETROLEUM Equipment & Construction CO INC

MAILING ADDRESS: 63 ORANGE AVE

CITY: WALDEN STATE: NY ZIP: 12586

DAYTIME TELEPHONE: 845-742-9696 EMAIL ADDRESS WARREN@APCCO.BIZ

PROJECT ADDRESS: 1128 DUNBAR RD

APPLICANT IDENTIFIED AS: Owner ☐ Lessee ☐ Contract Vendee ☒

REQUEST: TO INSTALL (1) 20,000 GALLON SPLIT 12/8 K UNDERGROUND FUEL

TANK AND ABANDON IN PLACE (1) EXISTING 20,000 GALLON TANK SPLIT

15/5 K. ALSO TO RECONNECT TO THE EXISTING FUEL PRODUCT LINES AND ELECTRICAL

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

SIGNATURE OF APPLICANT Warren Post DATE _____

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

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

TOWN OF ROTTERDAM BUILDING PERMIT APPLICATION
Commercial & Multiple Dwelling

Application is hereby made to the Building Department for the Issuance of a Building Permit pursuant to the New York State Building Construction Code for the construction of buildings, addition, alterations, or accessory structures, or for removal or demolition, as herein described. The applicant or owner agrees to comply with all applicable laws, ordinances, and regulations, and also will allow all Inspectors to enter the premises for the required inspections. All Electrical work must be inspected and a Certificate of Approval granted from an approved Electrical Inspection Agency.

OFFICE USE ONLY	
Application # _____	
Approved: ☐ Disapproved: ☐	
Cost of Permit: \$ _____	
INITIALS	

COST OF CONSTRUCTION:	\$\$\$ 225,000.00		
Property Address:	1128 DUPRESBURG RD		
Property Owner:	Pilot TRAVEL CENTERS		
Property Owner Address:	PO. BOX 10146 KNOXVILLE, TX 37939		
Property Owner Phone No.:	865-588-7488		
Email Address:			
Applicant:	WARREN POST / AMERICAN PETROLEUM EQUIPMENT CONSTRUCTION CO INC		
Applicant Address:	63 ORANGE AVE, WALDEN, NY 12586		
Applicant Phone No.:	845-278-5110		
Email Address:	WARREN@APETCO.BIZ		
Contractor:	AMERICAN PETROLEUM EQUIPMENT CONSTRUCTION CO INC		
Contractor Address:	63 ORANGE AVE WALDEN, NY 12586		
Contractor Phone No.:	845-278-5110		
Email Address:	WARREN@APETCO.BIZ		
Contractor Insurance:	Liability Workers Compensation (submit with application)		
Classification of Work:	_____ New Construction _____ Alteration _____ Repair _____ Demolition _____ Accessory Building ☒ Other (Describe) <u>REMOVE & REPLACE UNDERGROUND FUEL TANK</u>		
Do you have:	_____ Septic	_____ Sewer	
Setbacks:	Front Yard: Existing _____ Proposed _____ Side Yard: Existing _____ Proposed _____ Rear Yard: Existing _____ Proposed _____		
Description of Construction	<u>INSTALL (1) 20,000 GAL SPLIT 12/8 R HORIZONTAL FUEL TANK AND ABANDON IN PLACE (1) 20,000 GAL TANK 15/5K ALSO RECONNECT TO EXISTING PRODUCT LINE AND ELECTRICAL SERVICE</u>		

Applicant's Signature: Warren Post Date: 1-26-24

"A Nice Place to Live"

"A Nice Place to Do Business"

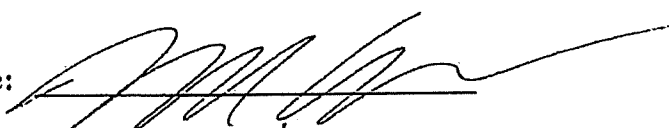
Town of Rotterdam
Department of Public Works
1100 Sunrise Boulevard
Schenectady, NY 12306
Phone: 518-355-7575 x395
Fax: 518-355-2725

LETTER OF AUTHORIZATION FOR PERMIT AND ZONING APPLICATION

To Whom It May Concern:

I, JOEY CUPP, as owner of the property located
(print name)
at 1128 DUANESBURG RD, Town of Rotterdam, in the
State of New York, hereby designate WARREN POST / AMERICAN
(name)
PETROLEUM 68 ORANGE AVE WALDEN NY 12586 845-778-5110
(city, state, zip, and phone number)

as my contractor and registered agent for the purposes of the applying for
Permits and Zoning representation regarding my building project.

Signature: 

Date: 1-30-24

letter of authorization for permit and zoning application.doc

Revised 2/09, 08/10/12, 03/2014, 11/2014, 03/2017, 11/2019, 02/2023

Tank Abandonment Procedures

- The tank will be abandoned in place in accordance with NFPA 31.2-8 and NYS Fire Code 3404.2.13.1.
- All residual product will be removed and properly disposed of at a certified disposal facility.
- The tank will be entered and cleaned by American Petroleum Equipment technicians
- The tank will be internally inspected for any breeches if no holes found the tank will be filled with inert materials
- The area will be back filled to grade and resurfaced to match the existing conditions
- A certificate of Legal Abandonment will be issued.

[illegible][illegible][illegible]

13) UTILITY EASEMENT TO NEW YORK POWER AND LIGHT CORP. IN PAR. 25. AT PAGE 26 DESCRIBES A WIRE LINE MAINTENANCE EASEMENT ALONG FRONTYARD ADJACENT TO PROPERTY AND IS NOT PLYABLE.

23) UTILITY EASEMENT TO NEW YORK POWER AND LIGHT CORP. IN PAR. 26. AT PAGE 27 DESCRIBES A WIRE LINE MAINTENANCE EASEMENT AND IS NOT PLYABLE.

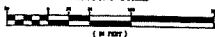
33) UTILITY EASEMENT TO NEW YORK TELEPHONE COMPANY IN PAR. 28. AT PAGE 28 DESCRIBES A BURIED CABLE LINE EASEMENT ON THE SOUTH SIDE OF

1) MAP DATED "MAP OF NORTH ASTORIA TRAIL CENTER, 1128 BUSINESS
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(IN FEET)

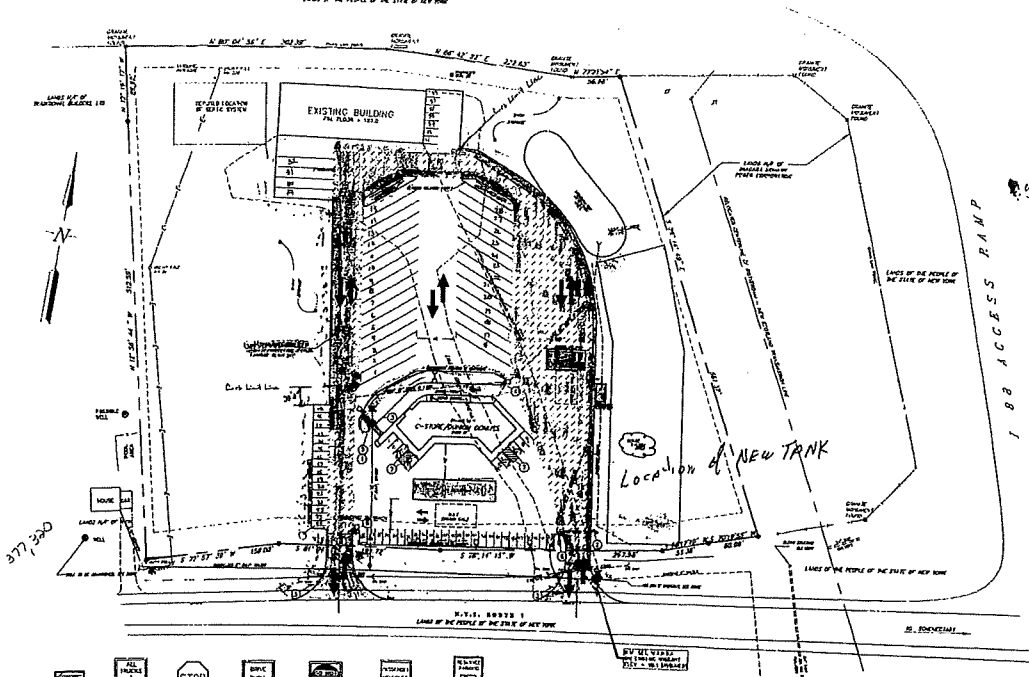


- [illegible]

Christopher Diederich

ALTA/AOSM LAND TITLE SURVEY		
LANDS OF LANE-MURBITO DEVELOPMENT, LLC		
1128 DUANESBURG ROAD		
TOWN OF ROTTERDAM		
COUNTY OF SCHENECTADY STATE OF NEW YORK		
DATE: 07-20-2006	DESIGNED BY: JRM	SCALE: 1" = 10'
DRAWN BY: JRM	CHECKED BY: JRM	
DATE: 07-20-2006	DATE: 07-20-2006	
SHEET 1 OF 1		

INTERSTATE 88 LANDS OF THE PEOPLE OF THE STATE OF NEW YORK



- NOTES**
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- LEGEND**
- PROPERTY LINE
 - ROAD FENCING
 - STOCKADE FENCING
 - WATER ELECTRIC
 - HYDRAULIC
 - PROPOSED LIGHT
 - UTILITY POLE
 - WELL
 - EXISTING CONTOUR
 - AUTOMOBILE FLOW DIRECTION
 - TRUCK FLOW DIRECTION



Clear & Grub 270,300 ft
 Sealing 76,500 ft
 Core Curing 2,170 LF
 Standard Duty Pavement 79,660 ft
 Heavy Duty Pavement 61,320 ft
 Concrete 35,240 ft

Truck Parking - 52 EA
 Car Parking - 400 EA
 7000 sq ft
 Total: 580 EA

NO.	DESCRIPTION	AMOUNT	UNIT	TOTAL
1	Clear & Grub	270,300	ft	
2	Sealing	76,500	ft	
3	Core Curing	2,170	LF	
4	Standard Duty Pavement	79,660	ft	
5	Heavy Duty Pavement	61,320	ft	
6	Concrete	35,240	ft	
7	Truck Parking	52	EA	
8	Car Parking	400	EA	
9	7000 sq ft			
10	Total	580	EA	

CONVENIENCE STORE
 EAGLE CREST DEVELOPMENT CORP.
 ROUTE 7
 TOWN OF ROTTERDAM
 COUNTY OF ROTTERDAM
 STATE OF NEW YORK
 SCALE: 1" = 40'

WAIVER OF SITE PLAN REVIEW

Date Reviewed: March 5, 2024

PC2024-W10

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

APPLICANT: BD Motorsports Media LLC d/b/a Fonda Speedway
Mail to ADDRESS: Nick Squires
11 Bluff Road
Schenectady, NY 12306

PROJECT LOCATION: 93 W. Campbell Road

APPLICANT IDENTIFIED AS: Owner XX Lessee Contract Vendee

REQUEST: The applicant requests a Waiver of Site Plan hold car show throughout the ViaPort Rotterdam Mall from March 21, 2024 – March 24, 2024

Action Taken by Commission:

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

Conditions imposed, if any, are as follows:

1. 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. Automobiles shall be removed by March 26, 2024.

The Commission action on the Waiver application took place at the Planning Commission meeting of March 5, 2024 and authorized the Commission Chairman to execute the Waiver. The issuance of this Waiver is contingent upon the applicant complying with all conditions as stated above. Failure to adhere to conditions may result in revocation of Waiver by the Town of Rotterdam Planning Commission and requirement of a full Site Plan.

Peter J. Comenzo
Senior Planner

Kimberly Ricker-Scannell, Chairman
Planning Commission

Mail to
Nick Squires
1 Bluff Road
Schenectady, NY 12306

A



RECEIVED
FEB 26 2024
TOWN OF ROTTERDAM
PUBLIC WORKS

**Town of Rotterdam
Waiver of Site Plan Review Application
93 W. Campbell Road**

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

1. Copy of Site Plan Map (8 X 11) that identifies:
 - Kiosk or tenant space (highlighted).
 - Clearly identified with space number
2. On a separate sheet of paper provide a descriptive narrative of use and activity occurring on the site including but not limited to:
 - Number of employees
 - Exact nature of business and hours of operation.
3. A completed Commercial Building Permit Application and/or Fire Inspection Application.
4. ~~\$75.00~~ ^{\$100.00} application fee (Checks to be made payable to the Town of Rotterdam).

APPLICANT(S): BD Motorsports Media LLC (Fonda Speedway)

ADDRESS: 26781 Curlew Way Millsboro Delaware 19966

DAYTIME TELEPHONE: Jamie Page 607-760-0671 (FAX) 607-967-2235

PROJECT ADDRESS: 93 W. Campbell Road, Schenectady, NY 12306

REQUEST: Applicant requests a waiver of site plan to hold a car show throughout the ViaPort Mall
During mall hours of operation

LICENSE AGREEMENT DATE: December 11, 2023 AREA: 3900 sq ft

TERM: FROM March 21 TO March 24 KIOSK OR TENANT SPACE #: Throughout Mall

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

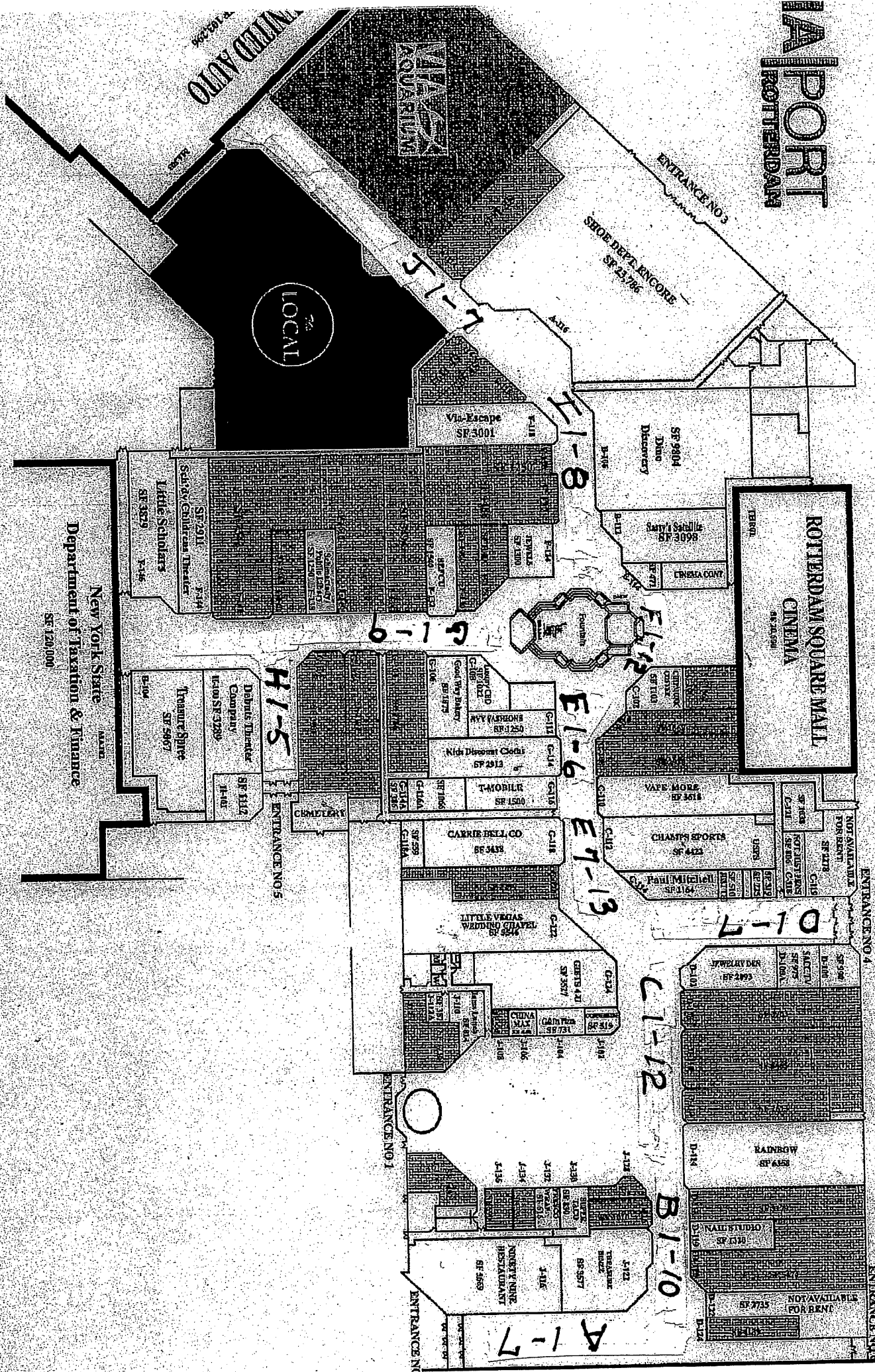
SIGNATURE OF APPLICANT Jamie Page DATE 2/26/24

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

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

10.12.18

LA PORT ROTTERDAM



WAIVER OF SITE PLAN REVIEW

Date Reviewed: March 5, 2024

PC2024-W11

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

APPLICANT: Lilawatlie Ramdeen & Fitzroy Allen
ADDRESS: 851 Hazelwood Avenue
Schenectady, NY 12306

PROJECT LOCATION: 2779 Hamburg Street

APPLICANT IDENTIFIED AS: ☐ Owner ☐ Lessee ☒ XX Contract Vendee

REQUEST: The applicant requests a Waiver of Site Plan review to operate an insurance company ±1,108 square foot building on a ±0.18 acre parcel.

Action Taken by Commission:

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

1. 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 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 #3 for specifications.
5. Owner/applicant shall install a water meter. Please check with DPW for specifications.
6. Property is in Sewer District #7 and shall be connected to sewer prior to the issuance of a Certificate of Occupancy. Existing septic will need to be abandoned and decommissioned.

The Commission action on the Waiver application took place at the Planning Commission meeting of March 5, 2024 and authorized the Commission Chairman to execute the Waiver. The issuance of this Waiver is contingent upon the applicant complying with all conditions as stated above. Failure to adhere to conditions may result in revocation of Waiver by the Town of Rotterdam Planning Commission and requirement of a full Site Plan.

Peter J. Comenzo
Senior Planner

Kimberly Ricker Scannell, Chairman
Planning Commission

RECEIVED

FEB 26 2024

TOWN OF ROTTERDAM
PUBLIC WORKS



Town of Rotterdam
Waiver of Site Plan Review Application

RECEIVED

FEB 26 2024

TOWN OF ROTTERDAM
PUBLIC WORKS

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

1. Copy of Deed and/or executed lease agreement or contract to purchase.
2. Copy of Site Plan that identifies:
 - All structures on site.
 - All parking areas on site (parking spaces 9' x 18').
 - Handicap parking and accessibility as required by New York State Building Code.
 - Interior floor plan of usable area by applicant.
 - Proposed site improvements including parking, structural additions, landscaping and other pertinent information as identified in Section 270-132 of Town Code.
3. On a separate sheet of paper provide a descriptive narrative of use and activity occurring on the site including but not limited to the number of employees, exact nature of business, hours of operation and expected customers to the site daily.
4. A completed Commercial or Residential Building Permit Application.
5. \$100.00 application fee (cash or check – payable to the Town of Rotterdam). Fee in lieu of parkland for residential developments: \$600 per dwelling unit.
6. Does any Town officer, employee or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application? YES ☐ NO ☒. If yes, a statement disclosing the name, residence, nature and extent of this interest must be filed with this application.

PRESENT OWNER(S): Lilawattie Ramdeen & Fitzroy Allen

APPLICANT(S)/LESSEE: Lilawattie Ramdeen

MAILING ADDRESS: 851 Hazelwood Ave

CITY: Schenectady STATE: NY ZIP: 12306

DAYTIME TELEPHONE: 518-709-5399 EMAIL ADDRESS: lilaramdeen@yahoo.com

PROJECT ADDRESS: 2779 Hamburg St Schenectady NY 12303

APPLICANT IDENTIFIED AS: Owner ☒ Lessee ☐ Contract Vendee ☐

REQUEST: To open an Insurance Agency / office at
2779 Hamburg St Schenectady NY 12303.

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

SIGNATURE OF APPLICANT [Signature] DATE

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

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

To whom it may concern,

I, Lilawattie Ramdeen, a licensed independent Insurance broker with 12 years of experience would like to open an insurance office at 2779 Hamburg St Schenectady NY 12303. I have been running my business out of my home for the past year and recently bought 2779 Hamburg St to open an office. The nature of the business is to sell both Residential and Commercial Insurance to the public. The office will be opened during business hours of 9am – 5pm Monday through Friday and 9am – 12pm on Saturday. I will be conducting business under a DBA which is Lilawattie Ramdeen dba ALK Agency- the paperwork for the DBA is included. There will be two full-time employees, including myself.

2779 Hamburg St was previously occupied as a Spa ran by the owner, she took immense pride in the appearance of the property which is in immaculate condition as of presently. No renovation work will be done, only interior painting to enhance the office atmosphere.

Thank you.

Lila Ramdeen.
518 709 5399

TOWN OF ROTTERDAM BUILDING PERMIT APPLICATION

Commercial & Multiple Dwelling

Application is hereby made to the Building Department for the Issuance of a Building Permit pursuant to the New York State Building Construction Code for the construction of buildings, addition, alterations, or accessory structures, or for removal or demolition, as herein described. The applicant or owner agrees to comply with all applicable laws, ordinances, and regulations, and also will allow all Inspectors to enter the premises for the required inspections. All Electrical work must be inspected and a Certificate of Approval granted from an approved Electrical Inspection Agency.

OFFICE USE ONLY	
Application # _____	
Approved: ☐	Disapproved: ☐
Cost of Permit: \$ _____	
INITIALS _____	

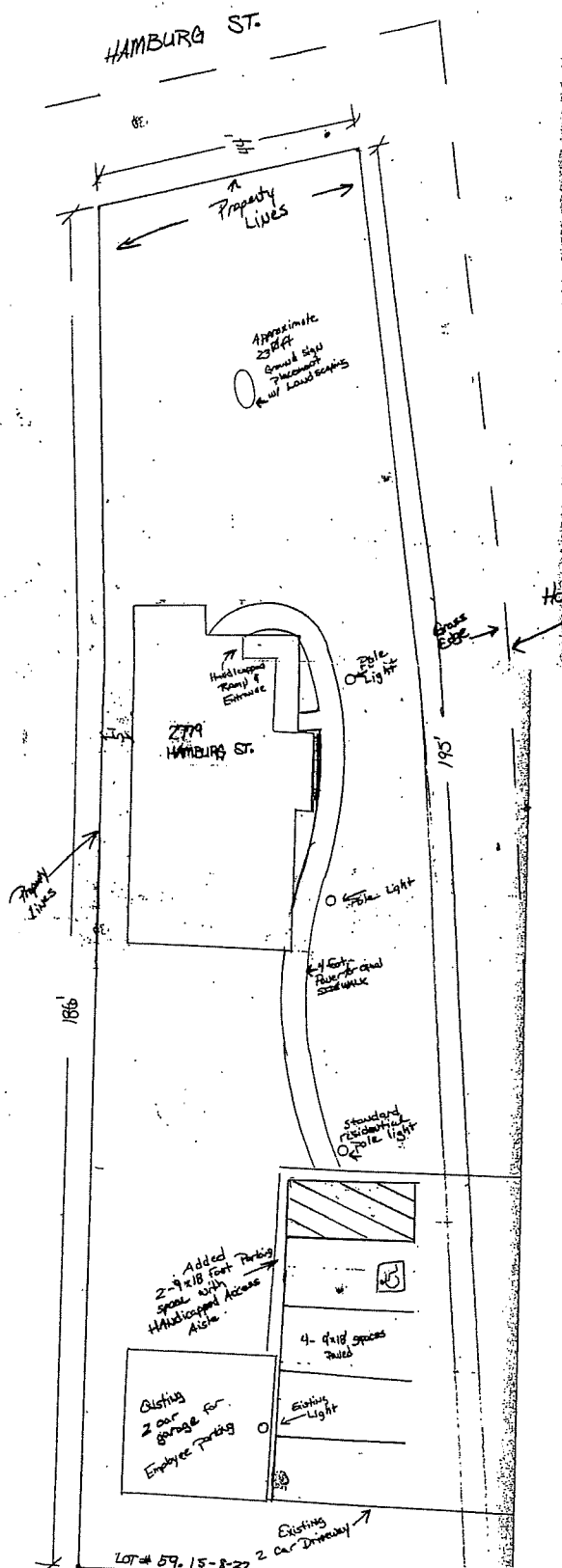
COST OF CONSTRUCTION:	\$\$\$4300
RECEIVED	
Property Address:	2779 Hamburg St Schenectady NY 12303
Property Owner:	Lilawattie Ramdeen & Fitzroy R Allen
Property Owner Address:	851 Hazelwood Ave Schenectady NY 12306
Property Owner Phone No.:	518-709-5399
Email Address:	lilaramdeen@yahoo.com
TOWN OF ROTTERDAM PUBLIC WORKS	
Applicant:	Lilawattie Ramdeen
Applicant Address:	851 Hazelwood Ave Schenectady NY 12306
Applicant Phone No.:	518-709-5399
Email Address:	lilaramdeen@yahoo.com
Contractor:	none
Contractor Address:	
Contractor Phone No.:	
Email Address:	
Contractor Insurance:	Liability Workers Compensation (submit with application)
Classification of Work: _____ New Construction _____ Alteration _____ Repair _____ Demolition _____ Accessory Building ☒ Other (Describe) <u>paint the interior walls</u>	
Do you have: ☒ Septic _____ Sewer	
Setbacks: Front Yard: Existing _____ Proposed _____ Side Yard: Existing _____ Proposed _____ Rear Yard: Existing _____ Proposed _____	
Description of Construction Repainting the interior walls to accomodate an office setting, no contractors are hired because the work will be done by family members.	

Applicant's Signature:  Date: _____

RECEIVED

FEB 26 2024

TOWN OF ROTTERDAM
PUBLIC WORKS

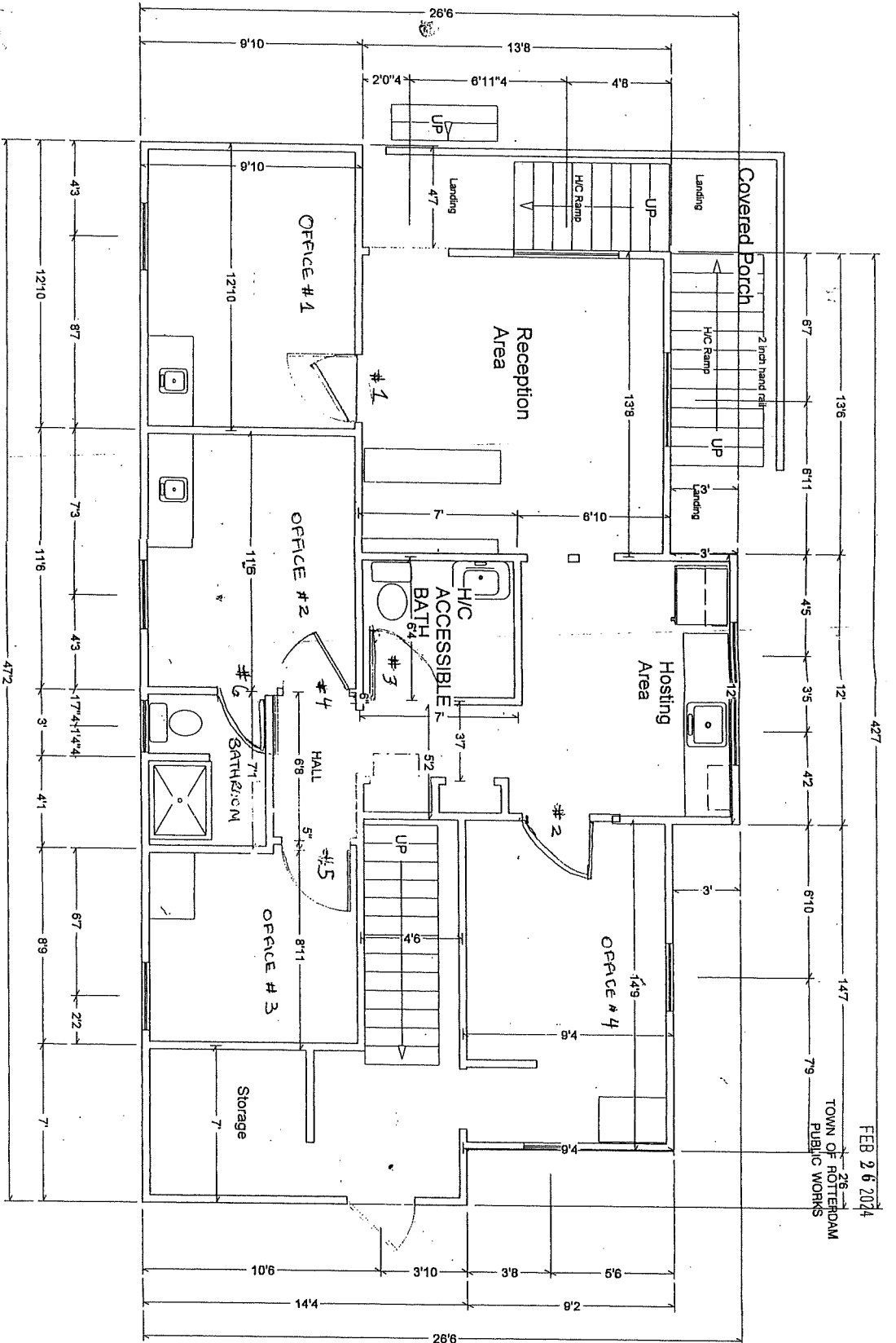


2779 Hamburg St.

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TOWN OF ROTTERDAM
PUBLIC WORKS



WAIVER OF SITE PLAN REVIEW

Date Reviewed: March 5, 2023

PC2023-W12

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

APPLICANT: William Newcomb

ADDRESS: 7 Old Mariaville Road
Schenectady, NY 12306

PROJECT LOCATION: 7 Old Mariaville Road
Schenectady, NY 12306

APPLICANT IDENTIFIED AS: Owner ☒ Lessee ☐ Contract Vendee ☐

REQUEST: Applicant requests Waiver of Site Plan Review to expand Poppy's Homestyle Pizza (tenant space #2) and occupy an adjoining 800 square foot area for dining (tenant space #3) on an existing ±1.23-acre parcel.

Action Taken by Commission:

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

1. 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 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 for specifications.
5. Owner/applicant shall install a water meter prior to operation. Please check with DPW for specifications.
6. Applicant shall obtain Schenectady County Health Department approval.

The Commission action on the Waiver application took place at the Planning Commission meeting of March 5, 2023 and authorized the Commission Chairman to execute the Waiver. The issuance of this Waiver is contingent upon the applicant complying with all conditions as stated above. Failure to adhere to conditions may result in revocation of Waiver by the Town of Rotterdam Planning Commission and requirement of a full Site Plan.

Peter J. Comenzo
Senior Planner

Kimberly Ricker-Scannell, Chairman
Planning Commission



**Town of Rotterdam
Waiver of Site Plan Review Application**

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

1. Copy of Deed and/or executed lease agreement or contract to purchase.
2. Copy of Site Plan that identifies:
 - All structures on site.
 - All parking areas on site (parking spaces 9' x 18').
 - Handicap parking and accessibility as required by New York State Building Code.
 - Interior floor plan of usable area by applicant.
 - Proposed site improvements including parking, structural additions, landscaping and other pertinent information as identified in Section 270-132 of Town Code.
3. On a separate sheet of paper provide a descriptive narrative of use and activity occurring on the site including but not limited to the number of employees, exact nature of business, hours of operation and expected customers to the site daily.
4. A completed Commercial or Residential Building Permit Application.
5. \$100.00 application fee (cash or check – payable to the Town of Rotterdam). Fee in lieu of parkland for residential developments: \$600 per dwelling unit.
6. Does any Town officer, employee or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application? YES ☐ NO ☒. If yes, a statement disclosing the name, residence, nature and extent of this interest must be filed with this application.

PRESENT OWNER(S): Michael Epting

APPLICANT(S)/LESSEE: William Newcomb

MAILING ADDRESS: 7 Old Mariaville Rd.

CITY: Schenectady STATE: NY ZIP: 12306

DAYTIME TELEPHONE: 760-855-6302 EMAIL ADDRESS: William-Newcomb@hotmail.com

PROJECT ADDRESS: 7 Old Mariaville Rd.

APPLICANT IDENTIFIED AS: Owner ☐ Lessee ☒ Contract Vendee ☐

REQUEST: Turn into/adding dining room space.

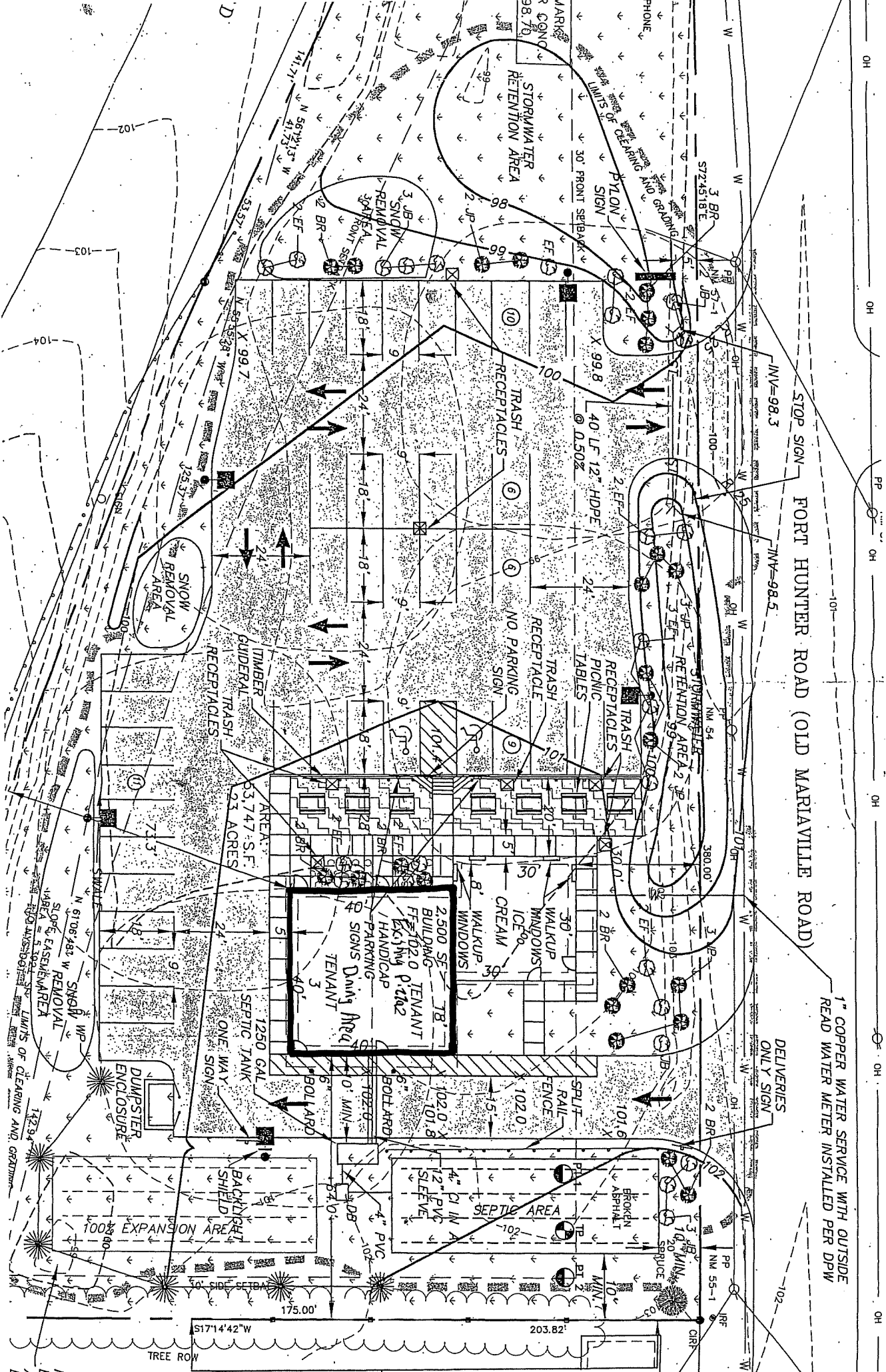
By signing the application, it is understood by the applicant that he/she must fully comply with the Town Code and obtain any required permits.

SIGNATURE OF APPLICANT William Newcomb DATE 2/29/24

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

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

701d Mariaville Road



DPW Comments
March 5, 2024

1. Lecce Senior Living LLC – 2200 Helderberg Avenue.

TABLED FROM THE FEBRUARY 20, 2024 MEETING

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

1. See attached email from the Planning Commission Chairman dated February 21, 2024.
2. See attached letter from Ron Treers of CHA dated February 28, 2024.
3. See attached letter from Ken Barber of Barber Engineering dated March 1, 2024.
4. See attached resolution from July 9, 2020 outlining the site plan conditions of approval.
5. See attached Resolution and verbatim minutes from June 20, 2023 for the modification to Condition #6 for the allowance of up to 15 building permits.
6. Applicant is seeking an additional waiver to condition #6 to allow for an additional 12 building permits for a total of up to 27 cottage unit permits to be granted prior to completion of site plan improvements.
7. Relocation of overflow parking and any other alterations to the site plan shall be reviewed by the TDE and deemed acceptable prior to the Chairman's Signature on the revised site plan.

DPW Comments February 20, 2024

1. Property is currently not in compliance with the SWPPP. See attached email from Stormwater Management Officer.
2. Applicant should explain proposed changes to the site plan and status of construction.
3. Western portion of where the proposed additional building permits are requested requires extensive removal of woody debris and will require fill, eastern portion is much lower than the roadway and contains ponding water. A grading plan along with compaction protocols should be developed and approved by the Department of Public Works prior to any approvals to move forward with additional construction.

SEQR Requirement: 6 NYCRR 617 Type 2 Action.

Peter Comenzo

From: Kimberly Ricker Scannell
Sent: Wednesday, February 21, 2024 12:56 PM
To: Lou Lecce; Luigi Palleschi; Mary Barrie; Ken Barber
Cc: Peter Comenzo; Dan Marsello; Treers, Ron
Subject: Re: Whispering Pines SWPPP discussion

Great- I look forward to seeing everyone on Tuesday 2/27 at 10AM on site. Thank you.

Best,
Kim

Kimberly Ricker Scannell

Planning Commission Chairman
Town of Rotterdam
1100 Sunrise Blvd
Schenectady, NY 12306
(518)355-7575 Ext. 339
krscannell@rotterdamny.org



From: Lou Lecce <llecce@leccearcodia.com>
Sent: Wednesday, February 21, 2024 11:41 AM
To: Luigi Palleschi <Luigi@abdeng.com>; Mary Barrie <MBarrie@rotterdamny.org>; Ken Barber <ken@bbreng.com>
Cc: Kimberly Ricker Scannell <krscannell@rotterdamny.org>; Peter Comenzo <pcomenzo@rotterdamny.org>; Dan Marsello <dmarsello@rotterdamny.org>; Treers, Ron <RTreers@chacompanies.com>
Subject: RE: Whispering Pines SWPPP discussion

Works for me

From: Luigi Palleschi <Luigi@abdeng.com>
Sent: Wednesday, February 21, 2024 11:13 AM
To: Mary Barrie <MBarrie@rotterdamny.org>; Ken Barber <ken@bbreng.com>; Lou Lecce <llecce@leccearcodia.com>
Cc: Kimberly Ricker Scannell <krscannell@rotterdamny.org>; Peter Comenzo <pcomenzo@rotterdamny.org>; Dan Marsello <dmarsello@rotterdamny.org>; Treers, Ron <RTreers@chacompanies.com>
Subject: RE: Whispering Pines SWPPP discussion

Tuesday at 10 am works for me.

Thank you,
Luigi Palleschi PE, *Partner*
ABD ENGINEERS & SURVEYORS, LLP
411 Union Street | Schenectady, NY 12305
P: (518) 377-0315 | F: (518) 377-0379
www.abdeng.com

From: Mary Barrie <MBarrie@rotterdamny.org>

Sent: Wednesday, February 21, 2024 9:39 AM

To: Luigi Palleschi <Luigi@abdeng.com>; Ken Barber <ken@bbreng.com>; Lou Lecce <llecce@leccearcodia.com>

Cc: Kimberly Ricker Scannell <krscannell@rotterdamny.org>; Peter Comenzo <pcomenzo@rotterdamny.org>; Dan Marsello <dmarsello@rotterdamny.org>; Treers, Ron <RTreers@chacompanies.com>

Subject: RE: Whispering Pines SWPPP discussion

Good morning,

I propose we meet Tuesday 2/27 at 10:00 and it should be on site. Photos do not really get the issues as well as an on-site visit. The site needs stabilization in many locations. I have looped Dan Marsello and Ron Treers into this discussion. I have talked to Ken Barber this morning and given the current situation and National Grid continued work, another 5-acre waiver seems warranted. Ron will need to review another request for a 5-acre waiver. Even stabilizing areas that have not seen activity for over 14 days, the site disturbance appears to currently be over 5 acres. Ken is inspecting twice a week, but we have not granted any waivers.

Thank you,
Mary

From: Luigi Palleschi <Luigi@abdeng.com>

Sent: Wednesday, February 21, 2024 8:10 AM

To: Mary Barrie <MBarrie@rotterdamny.org>; Ken Barber <ken@bbreng.com>; Lou Lecce <llecce@leccearcodia.com>

Cc: Kimberly Ricker Scannell <krscannell@rotterdamny.org>; Peter Comenzo <pcomenzo@rotterdamny.org>

Subject: Whispering Pines SWPPP discussion

Good morning Mary,

We were at the Planning Commission last night discussing the Whispering Pines Project for driving range, golf maintenance building and the request for 12 additional building permits. After further discussion, we all agreed it would be beneficial to have a meeting to discuss any SWPPP concerns to date and get on the same page to resolve any of these concerns. We are available as early as tomorrow, Friday, Monday or Tuesday if that works for everyone. I will propose tomorrow February 22 at 11 am at Town Hall if that works for everyone. Please let me know.

Thank you,

Luigi Palleschi PE, *Partner*

ABD ENGINEERS & SURVEYORS, LLP

411 Union Street | Schenectady, NY 12305

P: (518) 377-0315 | F: (518) 377-0379

www.abdeng.com



February 28, 2024

Mr. Peter Comenzo, Senior Planner
Town of Rotterdam
John F. Kirvin Government Center
1100 Sunrise Boulevard
Rotterdam, New York 12306

**RE: Whispering Pines Senior Housing
Site Disturbance Review (Phase One Construction Area)
Helderberg Avenue, Town of Rotterdam, NY 12303
CHA File: 12669.1037**

Dear Mr. Comenzo:

CHA Solutions (CHA) visited the construction site with Town of Rotterdam personnel on 02/27/2024 to review soil disturbance areas and the general conditions of the construction site. Please review the following notes summarizing observations made at the site:

1. There is currently no waiver in place to disturb more than five acres of soil at one time. Disturbed areas of the site that are outside of the immediate active work areas should be stabilized with temporary measures within fourteen days of disturbance. Total disturbed site area should be brought below five acres and remain below five acres.
2. The hay/straw mulch that was applied recently at the site is being blown around leaving large areas of soil exposed. CHA recommends using a hydraulically applied mulch in conjunction with a bonding agent/tackifier that will bond the material to the soil so that it will remain in place. Using straw without any sort of a bonding matrix is not working and will not produce acceptable soil stabilization results.
3. Any areas of the site that can be graded to final site plan grades and be permanently stabilized with vegetative cover should be done when conditions are optimum for germination and establishment of lawn. Temporary stabilization measures should be in place until the installation of permanent measures is undertaken.
4. The soil stockpiles at the east side of the site should be stabilized.
5. The temporary sediment basin being used as a dewatering area for the pump station installation and the swale leading to this area should be included in the disturbed area total in the SWPPP report. Temporary stabilization measure should be applied to the swale; a Turf Reinforcement Matt (TRM) would be appropriate for this stabilization.
6. The total area of disturbance should be updated both graphically and numerically with each SWPPP report and should be remaining under five acres.

7. The large soil stockpile that is comingled with organic material at the south side of the site should be removed from the site as this is not suitable material to be used as fill on the project site (photo below).



Should you have any questions or need anything further, please do not hesitate to contact me at (518) 453-4787 or rtreers@chasolutions.com

Sincerely,



Ronald D. Treers RLA, LEED AP BD+C

cc: Mary Barrie
Kimberly Ricker Scannell
Lou Lecce
Luigi Palleschi
Ken Barber



RECEIVED

MAR 01 2024

TOWN OF ROTTERDAM
PUBLIC WORKS

PO Box 454 Nassau, New York 12123 • (Ph) 518-322-3033

Town of Rotterdam
Department of Public Works
1100 Sunrise Boulevard
Rotterdam, New York 12306

March 1, 2024

Attn: Mrs. Mary Barrie

Re: Whispering Pines – CHA Letter dated February 28, 2024

Dear Mary,

Yesterday I met with Luigi Palleschi and Lou Lecce for my Thursday inspection. We discussed the future phasing and the letter prepared by Mr. Treers. Mr. Lecce has asked me to draft a response to that letter as follows:

1. We discussed the variance for additional clearing. Mr. Lecce was under the impression that there was no true expiration of the existing variance. To be fair, the system in place for such a variance is not well defined as there has been no method of approval put forward by NYSDEC. That said, the application we submitted did have a deadline for disturbance and we will prepare another now as you and I discussed the other day. We will be mindful of proposed phasing and seek to incorporate that into the schedule in the variance.
2. We agree that the mulch cover is degrading almost immediately after it is applied. I discussed this with Mr. Lecce and mulch will be reapplied today and tomorrow. In addition, hydraulic mulch and tackifier will be applied to anchor the hay. Particular attention will be paid to the larger areas of exposed soil and those areas that will remain inactive while the proposed buildings are being constructed. Mr. Lecce has already begun stabilizing soils in areas that have been completed by National Grid. As work is completed in each area, stabilization will continue.
3. As noted above, this work is ongoing. National Grid has been rather slow and inconsistent in its work as is to be expected. Crews move in and out of the site as other work dictates manpower be reallocated. Nonetheless, work is progressing and appears nearly complete. Mr. Lecce will continue to fine grade and stabilize areas as utility work is completed.
4. The soil stockpiles on the eastern edge of the project are active and will not be stabilized at this time. The material is being used as a select fill and we do not want to contaminate it with organic

material. As such, the piles are really only prone to wind erosion and that has not been observed to date. The area where the piles are located is somewhat sheltered in comparison to the rest of the project and wind has been less of an issue in that part of the project.

5. The small basin and swale in this area were hastily dug and not properly stabilized. It has not been an issue as they connect to the interior storm system and then the basin. There has been no potential for offsite degradation in this area. Nonetheless, these devices will be removed in the coming days as utility work progresses in that area.
6. Once the site has been stabilized Barber Engineering will resume tracking the area of disturbance and site stabilization. I expect this to be incorporated into our variance application.
7. The long stockpile of spoil material on the south side of the project will be removed and spoiled elsewhere as the houses in this area are constructed. This is a heavy, organic material that has demonstrated it is not prone to erosion and it is filled with organic mulch material. As such, it has proven largely stable. We believe that hay mulching this pile is unnecessary both because it has not shown any erosion and because removal will begin as soon as home construction begins in that area.

As noted above, we will be resubmitting the variance application shortly. I anticipate having a draft available by the end of the weekend.

If you have any questions or concerns, please feel free to contact me by email: ken@bbreng.com or by phone at (518) 322-3033.

Thank you,



Kenneth P. Barber, P.E.

Barber Engineering, PLLC

"A Nice Place to Live"

"A Nice Place to Do Business"



Town of Rotterdam
Office of the Planning Commission

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

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

Resolution Number PC34-2020

Moved by Mr. Collins seconded by Mrs. Flansburg

Applicant: Lecce Senior Living, LLC

Applicant: Lecce Senior Living, LLC

Project Location: East side of Helderberg Avenue adjacent to southern boundary of the NYS Thruway
Rotterdam, New York

Tax Number or Numbers: 71.9-2-21.11, 71.5-1-5.111, 71.5-1-9, 71.5-1-8.112, 71.5-1-8.111

Proposed Project: Final Site Plan for proposed Phase 1B of the Village at Whispering Pines. Phase 1B consists of the development of a 9-hole executive golf course with associated clubhouse, 40 townhouse/condominium units, and 85 cottage homes.

WHEREAS, on November 20, 2018, the Town of Rotterdam Planning Commission (the "Planning Commission") approved an application from Lecce Senior Living, LLC (the "Applicant") for a Waiver of Site Plan authorizing tree clearing and removal and site preparation activities in order to prepare the site for eventual construction of Phase 1 of the Village at Whispering Pines project, which project at full build-out is proposed to consist of a proposed retirement community having 496 residential units of various types, including independent living apartments, assisted living apartments, memory care units, townhomes, and single-family detached homes, reconfiguration of the existing golf course with a new clubhouse and maintenance building, and construction of appurtenant infrastructure improvements, including roadways, utility extensions, parking areas, and walking/multi-use paths; and

WHEREAS, the November 20, 2018 approval of the Waiver of Site Plan application was conditioned on (among other things) the applicant obtaining site plan approval for what was then referred to as "Phase 1" of the Village at Whispering Pines project, consisting of single-family detached homes, townhomes, associated roadways and infrastructure, the golf course and clubhouse, the walking/multi-use paths, and related appurtenances, on or before November 20, 2019, subject to such reasonable extensions as may be granted by the Planning Commission; and

WHEREAS, on November 7, 2019 and May 19, 2020, the Planning Commission extended the deadline by which the applicant was required to obtain site plan approval for Phase 1; and

WHEREAS, since the November 20, 2018 determination of the Planning Commission to grant Waiver of Site Plan approval, the Planning Commission, with the assistance of its Town Designated Engineers and Town Department of Public Works, has engaged in an extensive review of the applicant's

Resolution Number PC34-2020
Lecce Development Group, LLC –
East side of Helderberg Avenue adjacent to
southern boundary of NYS Thruway
July 9, 2020

various concept, sketch, and preliminary site plan proposals for Phase 1B (formerly referred to as Phase 1), including at various public meetings and workshops; and

WHEREAS, the Planning Commission has reviewed and considered the various submissions of the applicant, Town Designated Engineer review memoranda and letters, the comments of the Town Department of Public Works, and the comments received from members of the public over the course of the review of the project; and

WHEREAS, the Applicant has submitted a revised site plan set dated July 6, 2020 for Phase 1B, along with responses to comments of the Town Designated Engineers and Town Department of Public Works; and

WHEREAS, the regulations of the Senior Living District require that all roadways be constructed in accordance with the Town's roadway specifications, except as waived by the Planning Commission; and

WHEREAS, the Applicant has requested that the Planning Commission waive certain roadway standards; and

WHEREAS, the Planning Commission held a duly noticed meeting on July 9, 2020 to consider the project; and

WHEREAS, on July 9, 2020, the Planning Commission granted a Waiver of Subdivision approval permitting the Applicant to consolidate the several parcels referenced above into a single lot, and in conjunction therewith, determined that the November 20, 2018 SEQRA Findings Statement adopted by the Planning Commission, which concerned the Village at Whispering Pines project at full build-out, adequately addressed all potential environmental impacts associated with such lot consolidation, and that additional or further review under SEQRA was not warranted or required; and

WHEREAS, the Planning Commission further determined on July 9, 2020 that the November 20, 2018 SEQRA Findings Statement adopted by the Planning Commission, which concerned the Village at Whispering Pines project at full build-out, adequately addressed all potential environmental impacts associated with the site plan application for Phase 1B as proposed, and that additional or further review under SEQRA was not warranted or required for such site plan application for Phase 1B; and

WHEREAS, on July 9, 2020, the Planning Commission carefully considered the entire record, including without limitation, the application materials, as well as the testimony, comments, and responses of the applicant's representatives, the Town Designated Engineers, and members of the public; and

WHEREAS, the Planning Commission, after careful consideration and upon due deliberation based upon the entire record of proceedings in this matter, finds that the Applicant's request for waivers of certain of the Town's roadway standards should be granted, as set forth more specifically in the conditions of approval attached hereto; and

WHEREAS, the Planning Commission, after careful consideration and upon due deliberation based upon the entire record of proceedings in this matter, finds that the site plan application satisfies the standards and purposes set forth in Article XVII (Site Plan Approval) of Chapter 270 (Zoning) of the Town

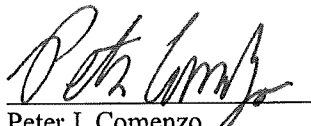
Resolution Number PC34-2020
Lecce Development Group, LLC –
East side of Helderberg Avenue adjacent to
southern boundary of NYS Thruway
July 9, 2020

of Rotterdam Town Code, provided certain conditions, requirements, and modifications are satisfied, as set forth more specifically in the conditions of approval attached hereto;

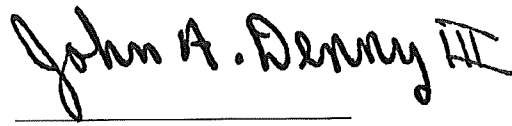
NOW, THEREFORE, upon motion of Member Collins, seconded by Member Flansburg,

BE IT RESOLVED, by the Planning Commission of the Town of Rotterdam, that the above-referenced site plan application (last revised July 6, 2020) is hereby approved subject to and conditioned upon satisfying the conditions, requirements, and modifications set forth on *Exhibit A*, attached hereto.

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



Peter J. Comenzo
Senior Planner



John Denny, III
Planning Commission Chairman

EXHIBIT A

**Village at Whispering Pines Senior Living District
Conditions of Phase 1B Site Plan Approval**

1) Generally Applicable Conditions:

- a) Approval is conditioned upon the Applicant addressing all Rotterdam DPW and TDE comments.
- b) During all construction activities, temporary toilet facilities will be made available proximate to construction activity. Toilet facilities at the Clubhouse/Maintenance facility shall be acceptable only with respect to construction activities occurring in the area of the Clubhouse/Maintenance facility. While construction is occurring in other areas of the site, appropriate portable toilets shall be provided and shall be serviced regularly. Add Note to Plans.
- c) All construction activities shall comply with the NYS DEC SPDES General Permit for Stormwater Discharges from Construction Activities. Add Note to Plans.
- d) All costs associated with the installation of public utilities, such as sanitary sewer utility infrastructure and public water supply, for Phase 1B will be borne by the Applicant, and installation shall be subject to construction observation, testing and certification by the Town Designated Engineer of Record before acceptance of ownership and maintenance by the Town. All costs incurred by the Town for construction observation, testing and certification shall be paid by the Applicant.
- e) All guiderails shall be designed in accordance with the AASHTO Roadside Design Guide and the NYSDOT Highway Design Manual Chapter 10. Add Note to Plans.
- f) Town Board approval is required for dedication of the water supply/distribution infrastructure and sanitary sewer infrastructure, including the sanitary sewer pump station, to the Town.
- g) All buildings shall be slab on grade, unless the Applicant seeks and obtains further review and approval of the Planning Commission of a site plan amendment application or, in the Planning Commission's discretion, a waiver of site plan application, to allow basement(s) for specified units. Add Note to Plan and remove any existing Note(s) that are inconsistent.
- h) Schenectady County Highway Work Permits will be required for the proposed driveway and any improvements (including grading, utilities and sidewalks) in the Helderberg Avenue right-of-way. Add Note to Plan. Copies of all correspondence with Schenectady County DPW should be provided to the Town.
- i) Town sign permit(s) shall be obtained for the proposed project signage including any proposed pylon, monument and/or building mounted signage. Add Note to Plan.
- j) Landscaping will be maintained in perpetuity and dead or dying landscaping shall be replaced as equal. Add Note to Plan.

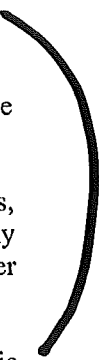
- k) NYS Thruway Authority review and approval of all proposed work on the NYS Thruway Authority property shall be obtained prior to such work. Add Note to Plan.
 - l) All traffic control devices, including signage and pavement markings, shall conform to the Manual of Uniform Traffic Control Devices (MUTCD). Add Note to Plan.
 - m) The Applicant shall pay all consulting review fees incurred in connection with the review of the project prior to site plan approval and pursuant to these conditions. The Applicant shall be required to establish at the Town of Rotterdam a review fee escrow account in an amount to be determined by the Town of Rotterdam DPW. All fees for consultant review as set forth in these conditions shall be the responsibility of the Applicant and shall be paid out of the escrow account established pursuant to this paragraph. The amount of such escrow shall be subject to review from time to time by the Town of Rotterdam DPW and may be increased or decreased based on the reasonably anticipated future review costs. At no time shall the balance of the escrow account fall below an amount to be determined by the Town of Rotterdam DPW. The Applicant shall be entitled to copies of all invoices paid by the Town from the escrow account. Upon completion of the consulting review, and upon a final accounting of all review and inspection fees, all funds remaining in such escrow account shall be returned to the Applicant.
- 2) The following conditions shall apply with respect to Clubhouse/Maintenance facility:
- a) The Applicant shall be permitted to obtain a building permit for the Clubhouse/Maintenance facility as proposed on the final site plan, upon proper application and payment of all applicable application fees, notwithstanding that the remaining conditions set forth herein have not been satisfied, provided, however, that prior to issuance of such building permit for the Clubhouse/Maintenance facility, the Applicant shall obtain the review and approval of the proposed temporary on-site wastewater treatment system serving the Clubhouse/Maintenance Facility from Schenectady County and the Town of Rotterdam.
 - b) Prior to issuance of any certificate of occupancy for the Clubhouse/Maintenance facility, all pavement from the main roadway on the site to the Clubhouse/Maintenance facility shall be installed and infrastructure/amenities servicing the Clubhouse/Maintenance facility shall be installed, operational and deemed acceptable by the Town of Rotterdam Building Inspector.
 - c) The temporary on-site wastewater treatment system for the Clubhouse/Maintenance facility shall be discontinued and decommissioned and the Clubhouse/Maintenance facility shall be connected to the public sanitary sewer system upon receipt of written notification from the Town of Rotterdam DPW. Add Note to Plan.
- 3) Prior to the Chairman's signature on the final site plan, the following conditions must be satisfied:
- a) The Applicant shall pay all outstanding application fees and expenses, including without limitation, all outstanding Town Designated Engineer review fees.

- b) The Applicant shall submit a full set of final plans that conform in all respects to the conditions set forth herein. To the extent any design, details, sections, plans, or notes on the plans considered by the Planning Commission conflict with these conditions, these conditions shall govern and the Applicant shall be required to make all appropriate revisions to the plan set prior to signature to reflect these conditions.
- c) The roadway section design details in the plan set shall be revised to comply in all respects to the Town Highway and Roadway Standards (2003), except with respect to the following:
 - i) Roadway width shall be permitted to be 26 feet, rather than 30 feet.
 - ii) Travel lanes shall be permitted to be 11 feet wide each, rather than 12 ½ feet wide each.
 - iii) Wing edges shall be permitted to be 2 feet wide, rather than 2 ½ feet wide each.
 - iv) Subject to the approval of the Town DPW in consultation with the Town Designated Engineer, the water main shall be permitted to be located 18 feet from the center line of the roadways, rather than 15 feet from the center line of the roadways, and may be PVC-900 or HDPE rather than ductile iron.
 - v) The crown of the roadways shall be permitted to have a slope of 3/8" per foot, rather than ½" per foot.
 - vi) Sump lines and junction boxes shall not be required, except as deemed necessary and appropriate by Town of Rotterdam DPW in consultation with the Applicant's engineer and the Town Designated Engineer.
 - vii) The slope of the areas abutting the wing edges outside the roadway shall not exceed 1 foot vertical over 3 feet horizontal.
- d) The Applicant shall obtain written approval from the applicable local fire department and emergency service providers for the proposed emergency access and circulation, easements, gates and Knox Boxes for Phase 1B.
- e) The Applicant shall seek and obtain from the Planning Commission approval of a consolidation subdivision to consolidate the several parcels constituting the site of Phase 1B into one lot. The Applicant shall formally merge the parcels in accordance with such consolidation subdivision, file the approved consolidation subdivision plat with the Schenectady County Clerk, and provide proof of such merger and filing to the Town DPW.
- f) Site-specific designs for the retaining walls, culvert sizing, culvert design and details (including without limitation, culvert headwalls and wingwalls), and guiderails shall be prepared, stamped and signed by a New York State Licensed Professional Engineer and shall be subject to review, comment and approval by the Town Designated Engineer of Record. Profiles, sections, details and stability calculations shall be submitted for review and approval before construction. All costs incurred by the Town for such review, comment and approval shall be paid by the Applicant.

Resolution Number PC34-2020
Lecce Development Group, LLC –
East side of Helderberg Avenue adjacent to
southern boundary of NYS Thruway
July 9, 2020

- g) The Town Stormwater Management Officer shall review and approve the Stormwater Pollution Prevention Plan.
 - h) The escrow account provided for in these conditions for review and inspections shall be established.
- 4) Prior to issuance of site development permits for construction of the on-site sanitary sewer system (which excludes the temporary septic system that will serve the Clubhouse/Maintenance facility), the following conditions must be satisfied:
- a) The Applicant shall obtain the written approval of the Town DPW for the proposed access, utilities, fencing and gates to the proposed onsite Sanitary Pump Station. The sanitary pump station parcel shall be large enough to allow for maintenance, repair and potential future expansion.
 - b) The Applicant shall execute a developer agreement with the Town concerning the design and construction of the off-site sanitary sewer system infrastructure that will service the site as described in the Map, Plan and Report for Sewer District No. 7 Extension No. 2 supporting the same (e.g., a force main connection to Sewer District No. 7 Extension 2 in lieu of a force main connection directly to Sewer District No. 7).
 - c) The Applicant shall provide the design documents, reports, and plans for the proposed sanitary sewer system to the Chazen Companies for review, comment, and approval and shall adequately and substantively respond to all comments and provide all requested information set forth in the June 24, 2020 review letter of the Chazen Companies. All costs incurred by the Town for such review, comment and approval shall be paid by the Applicant.
 - d) All permits and approvals necessary to construct and connect the on-site and off-site sanitary sewer system, including (without limitation) those required from New York State Department of Environmental Conservation, New York State Thruway Authority, New York State Department of Transportation, the Town Highway Department, and the Town DPW, shall be obtained.
- 5) Prior to issuance of site development permits for construction of the on-site water supply/distribution system, the following conditions must be satisfied:
- a) The Applicant shall obtain the written approval of the Town DPW for the proposed access and water supply/distribution infrastructure.
 - b) The Applicant shall execute a developer agreement with the Town concerning the design and construction of the water supply/distribution infrastructure.
 - c) The Applicant shall provide the design documents, reports, and plans for the proposed water supply infrastructure to Barton and Loguidice for review, comment, and approval and shall adequately and substantively respond to all comments and provide all requested information set forth in the July 8,

2020 memorandum of Barton & Loguidice. All costs incurred by the Town for such review, comment, and approval shall be paid by the Applicant.

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- 6) Prior to issuance of any building permit for any residential unit, the following conditions must be satisfied:
- a) The Applicant shall construct all infrastructure servicing Phase 1B, including all roadways, roadway signage, culverts, culvert cutoff walls, headwalls, and wingwalls, guiderails, water supply infrastructure, sanitary sewer infrastructure, the sanitary sewer pump station, and stormwater management areas.
 - b) The Applicant shall obtain the approval of Town DPW, Water and Sewer Department for the public water supply and sanitary sewer utility infrastructure for phase 1B.
 - c) The sanitary sewer infrastructure to service Phase 1B shall be connected to an operational public sanitary sewer system, with the receiving wastewater treatment facility accepting flows therefrom.
 - d) Following construction of the roadways, water supply infrastructure, sanitary sewer infrastructure, the sanitary sewer pump station, and stormwater management areas, the Applicant shall seek and obtain subdivision approval from the Planning Commission pursuant to Town of Rotterdam Town Code Chapter 249 to create separate lots for the various home sites, the sanitary sewer pump station parcel to be transferred to the Town, the golf course/clubhouse parcel, the HOA common property, etc. Such subdivision application shall depict the easements to be granted to the Town for emergency access, access and utility (water and sewer) purposes. The approved subdivision plat shall be filed in the Office of the Schenectady County Clerk and proof of such filing shall be provided to the Town DPW.
 - e) The Applicant shall grant permanent easements to the Town to allow for emergency access, as well as for access to and repair, maintenance, improvement and operation of the water and sanitary sewer infrastructure that will be dedicated to the Town. Such easements shall be in substantially the location shown on the final site plan, subject to final subdivision approval based on final build-out, as well as on the properties bearing tax map number 71.9-2-20 (Town of Rotterdam, County of Schenectady) and 15.10-4-1 (Town of Guilderland, County of Albany) in order to provide such access from public roadways. Easement maps and descriptions and legal instruments shall be provided for review and approval by the Town DPW and Town Attorney. Upon acceptance by the Town, such easements shall be filed with the County Clerk's Office.
 - f) The Homeowners Association documents shall be submitted to the Town Attorney for review and approval and shall reflect that all proposed roadways, roadway signage, sidewalks, pathways, stormwater management areas, storm sewers, culverts and associated headwalls and wingwalls, guiderails, retaining walls, fences, gates, community recreational areas, and water service laterals (including curb box to structure) and sanitary sewer service laterals shall be owned and maintained by the Homeowners' Association. Individual water service connections shall be metered.

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southern boundary of NYS Thruway
July 9, 2020

- g) Roadway street names and 911 property addresses shall be assigned by or approved by Schenectady County Emergency Management.
 - h) The Applicant shall provide utility will serve letters for electricity, natural gas, communication/internet and telephone from the utility service providers (e.g. National Grid, Spectrum, Verizon, etc.).
- 7) Prior to issuance of building permits for any units denominated on the plans as units 1 through 28, the following conditions shall be satisfied:
- a) The retaining wall(s) shall be fully constructed in accordance with the approved plans and in compliance with the New York State Uniform Fire Prevention and Building Code. Add Note to Plan.
- 8) Prior to construction of each community recreational area identified on the site plan, the Applicant shall seek and obtain site plan approval (or, in the discretion of the Planning Commission, a waiver of site plan) for each such area. Add Note to Plan. The areas designated as community recreational areas on the site plan shall be developed with appropriate access, amenities and facilities following consideration of the input of residents of the project. Construction of the designated community recreational areas may be phased, provided, however, that the following schedule is adhered to:
- a) The certificate of occupancy for the 25th residential unit shall not be issued until at least one community recreational area has been fully constructed with access, amenities, and facilities.
 - b) The certificate of occupancy for the 50th residential unit shall not be issued until at least two community recreational areas have been fully constructed with access, amenities, and facilities.
 - c) The certificate of occupancy for the 75th residential unit shall not be issued until at least three community recreational areas have been fully constructed with access, amenities, and facilities.
 - d) The certificate of occupancy for the 100th residential unit shall not be issued until at least four community recreational areas have been fully constructed with access, amenities, and facilities.
 - e) The certificate of occupancy for the 125th residential unit shall not be issued until at least five community recreational areas have been fully constructed with access, amenities, and facilities.

"A Nice Place to Live"

"A Nice Place to Do Business"



Town of Rotterdam
Office of the Planning Commission

Thomas P. Yuille, Chairman
Peter J. Comenzo, Senior Planner

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

Resolution Number PC17-2023

Moved by Mr. Collins seconded by Mr. Calder
Applicant: Lecce Senior Living, LLC

Applicant: Lecce Senior Living, LLC

Project Location: 2200 Helderberg Avenue & Helderberg Avenue
Rotterdam, New York

Lot Numbers: Cottage Units #81-89 and #119-124 Whispering Pines Phase 1B.

Proposed Project: The applicant requests a modification to Site Plan approval conditions for Phase #1B dated July 9, 2020 to allow for up to 15 building permits to begin construction of cottage homes prior to completion of the roadway and utilities as outlined in Condition #6 in Resolution PC34-2020.

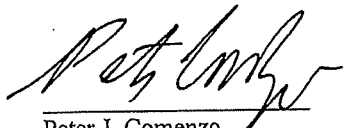
WHEREAS, a public meeting was conducted by the Town of Rotterdam Planning Commission on June 20, 2023, to consider the above referenced modification of Site Plan; and,

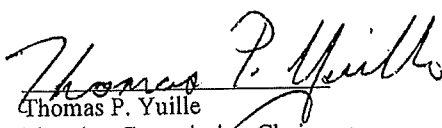
WHEREAS, this matter was discussed and approved, as meeting the standards for a Site Plan Review as set forth in Chapter 270 of the Code of the Town of Rotterdam entitled ZONING; and,

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 MODIFICATION TO SITE PLAN; NOW**

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

1. All previous conditions of approval shall apply – Planning Commission Resolution Nos. PC2020-SW2, PC2020-SW3, PC33-2020, and PC34-2020.
2. Grading of all lots shall be consistent with the approved Site Plan as shown on Phase #1B for the Village at Whispering Pines.
3. Prior to the issuance of a building permit for foundation construction on cottage units 81-89 and 119-124, the applicant shall demonstrate to the satisfaction of the Rotterdam Building Inspector that the basement finished floor elevation (if applicable) is a minimum of 2 feet above evidence of season high groundwater.
4. This waiver only applies to Condition #6(a-c) of Planning Commission Resolution PC34-2020 for the purpose of building permits only on cottage units 81-89 and 119-124. This waiver does not pertain to the issuance of certificates of occupancy.


Peter J. Comenzo
Senior Planner


Thomas P. Yuille
Planning Commission Chairman

2. **Lecce Senior Living, LLC – 2200 Helderberg Avenue.** The applicant requests a modification to Site Plan approval conditions for Phase #1B dated July 9, 2020 to allow for up to 15 building permits to begin construction of cottage homes prior to completion of the roadway and utilities as outlined in Condition #6 in Resolution PC34-2020. Engineer: ABD Engineering and Surveying.

Chairman Yuille: Before you start, I'm going to take the floor. A few things that I want to say beforehand.

The first thing that I wanted to say is all the members up here on the Planning Commission support this project. They are in favor of this project, and they have been cheerleaders for it, and you know, I was the biggest cheerleader from day 1 when you started it. But, with that being said, the Planning Commission, the purpose of this Board is to protect the Town of Rotterdam and the residents in the Town of Rotterdam. So, some of the questions that were asked about the Planning Commission and what we were doing and that type of thing and some of the rumors that were flying around. There is a method to the madness there. I am here to protect the residents. As I told you the other day, Whispering Pines could be the jewel of Rotterdam once it is completed with Phase II and Phase 1B, it could be done.

It should be understood that these conditions that we are going to be looking at waiving tonight, are so that the Building Department can issue 15 building permits for you to start building houses. After those 15 building permits are issued, all of the conditions are reinstated. We discussed this the other day when we had a meeting and that is an understanding, we have between that.

Mr. Lecce: That's correct.

Chairman Yuille: We were out there today on our little road trip. We took a ride through and there are certain areas that still need to be filled and need to be stabilized. I understand you have a problem with your hydro seeder.

Mr. Lecce: Yes, it broke down.

Chairman Yuille: Is it being repaired, I hope?

Mr. Lecce: It is being repaired. We are actually going to straw tomorrow. That tractor trailer truck is full of hay and that is being started tomorrow.

Chairman Yuille: We saw the tractor trailer truck sitting out there but there are areas that need to be filled in and stabilized. Also, the crusher run needs to be installed on the roadways, but I understand that the crossings have to be put in before you put the crusher run down.

Mr. Lecce: We are waiting for a little definition from National Grid. The crossings are 30' wide but there is a sidewalk there and we want to extend it under the sidewalk, but they haven't given the okay. We are just waiting for that one issue.

Chairman Yuille: For the people in the audience, crossing is when the electricity crosses from one side of the street to the other for the power to run to both sides. Then the binder coat needs to be added. We are talking from the clubhouse all the way down around the loop. It's a little hard to find the roads out there. I've looked at this map 50 times and I'm still not sure where I am.

Building permits and certificate of occupancies are issued only by the DPW Building Inspectors. Some people were under the impression that the Planning Commission could give you what they were throwing around foundation permits, which we do not do. They are the only ones that can issue them, so once we waive the conditions you need to satisfy some of these conditions for the Building Department to issue building permits. I don't know whether they will do it in a lump of 15 or they will do them one at a time or whatever it is but there are certain rules and regulations. They were explaining it to me today that when you dig the cellars, if you got a basement, it's got to be 2' above and you have to approve that it is 2' above groundwater. You know the routine, and this is not your first rodeo.

The one concern that we have is there is a Notice of Violation that needs to be cleared up before any building permits can be issued. There was a Notice of Violation because you have over five (5) acres opened up right now.

Mr. Lecce: And that is why we are doing all the stabilization.

Chairman Yuille: And that needs to be done.

Mr. Lecce: That's correct and that is why we are doing the hay tomorrow.

Chairman Yuille: And Mary said...

Mr. Lecce: I spoke to Mary today.

Chairman Yuille: That is all that I had to say, and I wanted to make sure that you are aware. Is there anybody that is here who has purchased a house out there so that you understand? No? Okay. The floor is yours.

Mr. Lecce: First of all, this Planning Commission has been behind this project from day one (1). It has been five (5) years and this Planning Commission has always been behind me to get this project done for the seniors and I appreciate all the cooperation we've had over the last five (5) years. It's been a long five (5) years.

We are asking for a waiver in order to be able to issue 15 building permits for the cottages without having all the improvements completed. I think we met last week, we kind of agreed where we would stop that infrastructure and the pump station has to go in, Nimo has to, as you know the board is already under the Thruway.

Chairman Yuille: Congratulations. One shot under the Thruway.

Mr. Lecce: It's good sand. It is all sand. So, they are actually going to open trench on the other side. I think they started it today along Caribbean Pools. I think that is going to be done in two (2) weeks.

Chairman Yuille: To connect to the manhole, you mean?

Mr. Lecce: Yes. Josh had the wet well being delivered this week; I believe. He is having the pump station house staked out by the surveyor and we started doing that side of the road. I understand all the conditions and I'm okay with that. I acknowledge it.

Chairman Yuille: You understand that the certificate of occupancies can't be issued on these houses until...

Mr. Lecce: Yes, I understand that.

Chairman Yuille: Convey that onto your homeowners who have visited us and were upset with us because we would not issue permits.

Mr. Lecce: We are not looking for CO's for way down the road.

Chairman Yuille: You said it takes about four (4) months to build one house?

Mr. Lecce: Yes, that's correct.

Chairman Yuille: Anything else to add, Mr. Lecce?

Mr. Lecce: No, I'm good.

Chairman Yuille: Ms. Heinel, do you have any comments?

Ms. Heinel: So as long as we know that this is only for the 15 lots that are being applied for right now and not for any other lots on the property and anything like that would have to be a come back and discuss ...

Mr. Lecce: Unless all the improvements are done.

Ms. Heinel: Unless all the improvements are done per the original conditions. This is a temporary waiver of the conditions for these 15 to issue the permits. Once those permits are issued, those conditions go back into effect.

Mr. Lecce: Understood.

Ms. Heinel: So as long as that is clear and everybody is on the same page about what the means and that nothing affects the conditions for a CO, those remain the same and those are state regulated. The Planning Commission really can't grant you a waiver from those types of conditions.

Mr. Lecce: You're talking to a lawyer, I get it.

Ms. Heinel: As long as we are clear on that and everybody is on the same page, I think we are at a good point to move on.

Chairman Yuille: Mr. Collins?

Mr. Collins: We did have a good meeting last week and it was very productive, and I talked to Josh a couple of times a week and I know sometimes I can be a little onery, to put it mildly, and I don't mean to be. I'm always about the Town and the residents, but I am happy with what we accomplished last week, and I am happy with what we are accomplishing tonight, and I wish you the best of luck and that is all that we want, which is a good project. That is all that we ever wanted and even though sometimes I can go off on tangent but I try to keep my emotions in check at times but sometimes it doesn't happen, and I apologize.

Mr. Lecce: We are both looking for the same thing on this project.

Mr. Collins: That's it. That is all that I have, Mr. Chairman.

Chairman Yuille: Mr. Calder, any questions?

Mr. Calder: I'm glad to see this project starting to move forward now. This is a win-win. We all know and I'm repeating myself and everybody know this, but I'm going to say it anyway, it's a win-win for the Town, the taxpayers, for the school district and also for all the people that have already given deposits to Mr. Lecce because I've been getting phone calls. People are renting rooms, hotel rooms and apartments over on Curry Road because their houses are sold. It's quite a mess for those people and I feel bad for those people. I'm glad the Board feels like it does and hopefully it is going to move forward without any big mountains in the way. If there is a bump in the road, we step over it and work on the mountains. Don't worry about the bumps. That is all that I have to say.

Chairman Yuille: Mrs. Flansburg?

Mrs. Flansburg: I'm happy that the project is progressing. I think it is going to be a jewel of this town and we have talked lately about a bunch of things that are going on and it just sounds like things are all coming together, and this is the best way to get it to keep it moving forward instead of having to pause for another step.

I just had two (2) quick questions. If you can just identify on your giant map where the 15 are and do any of those 15 have basements or...

Mr. Lecce: Yes, they do.

Mrs. Flansburg: Half or more?

Mr. Lecce: I would say half. "Inaudible..."

Mrs. Flansburg: So, after the model, when you turn at the model?

Mr. Lecce: Yes, it's like this curvature here.

Mrs. Flansburg: And it's separate from the model? The model was its own and then it's 15 more beyond that.

Mr. Lecce: That's correct.

We are building these here and we are building them out as we go out. So, as we build a home the next home that gets built there is no construction traffic in front of the house because we are building out the back way. That is why we are starting here and building this way and coming back out to the other side.

Mrs. Flansburg: When you and I last spoke, you had said there are other communities that do what you are asking this community to do. It's just new for Rotterdam because we haven't had a project like this.

Mr. Lecce: Halfmoon does this. Clifton Park does it. Saratoga does it. I think Halfmoon does five (5) permits and then they will give you another ten (10) once you have the topcoat on even though all the improvements are not completed.

Mrs. Flansburg: Thank you, that is all that I have.

Chairman Yuille: Mr. Signore any questions?

Mr. Signore: No, I'm just glad to see that the Planning Commission is okay with issuing the 15 building permits. There is really, at this point in the project, there is no advantage to not move it forward so this will definitely move the project forward. I'm glad to see that going.

Chairman Yuille: Mr. Miglucci?

Mr. Miglucci: You said four (4) months per unit?

Mr. Lecce: Per home.

Mr. Miglucci: How many can you do at once?

Mr. Lecce: We can do all 15 foundations at once, but the process is still going to be, probably from the beginning to the end 4 months depending on when our subs can stay there. What we have is, we have subs that are exclusively going to be working on this site only and they are not taking any other work. They are all waiting to get started so we will put all 15 foundations in at once. They are all the exact same home. They are not built any differently except for the basement but after the basement everything is built identical. They are all garaged to the same side. Once you do your model and you have all your pricing and your outlets going to go, where your faucets are going to go, they are all identical at that point in time.

Mr. Miglucci: So, in like five (5) months, how many buildings will be standing? How many units?

Mr. Lecce: In five (5) months, all 15.

Chairman Yuille: Mr. Comenzo, do you have any comments or questions?

Mr. Comenzo: The only comment is that the emergency access is going to be put in as part of this.

Mr. Lecce: That's correct.

Chairman Yuille: Off the end of Keator Drive.

Mr. Comenzo: So, it will be another way to get in and out for emergency purposes.

Mr. Lecce: I think that was staked out, Peter, if you go back there. They are clearing some trees out there.

Chairman Yuille: And you said you were going to put a temporary turn around in case a fire truck had to come in.

Mr. Lecce: At the end of here.

Chairman Yuille: Yes. Just wanted to put that on the record.

Anybody have any other questions? No? It's not a public hearing so at this time, I would entertain a modification to the site plan.

Mr. Collins: It would be my pleasure to make that motion, Mr. Chairman.

Chairman Yuille: Mr. Collins made the motion. Do I have a second?

Mr. Calder: I'll second.

Chairman Yuille: Mr. Calder seconds the motion. Are there any questions? Please call the vote.

Marlo Carter: Mr. Collins?

Mr. Collins: Yes.

Marlo Carter: Mrs. Flansburg?

Mrs. Flansburg: Yes.

Marlo Carter: Mr. Calder?

Mr. Calder: Yes.

Marlo Carter: Mr. Signore?

Mr. Signore: Yes.

Marlo Carter: Mr. Miglucci?

Mr. Miglucci: Yes.

Marlo Carter: Chairman Yuille?

Chairman Yuille: Yes.

Motion carried.

Mr. Lecce: Thank you. Appreciate it.

Chairman Yuille: Thank you for coming.

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

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

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

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

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

Hi Mr. Lecce, how are you?

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

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

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

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

Mr. Lecce: It is not completed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Lecce: We ordered the truck...

Ms. Scannell: The truck with hay?

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

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

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

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

Mr. Lecce: In December either.

Ms. Scannell: I understand.

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

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

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

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

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

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

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

Ms. Scannell: Maybe I will.

Mr. Lecce: I think you should.

Ms. Scannell: Thank you.

Mr. Lecce: Not a problem.

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

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

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

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

Ms. Scannell: This is from Jeff.

Mr. Lecce: This is from Jeff.

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

Mr. Lecce: Jeff has been out there.

Ms. Scannell: Jeff has been out there.

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

Ms. Scannell: I understand that.

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

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

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

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

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

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

Mr. Miglucci, anything for Mr. Lecce?

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

Mr. Lecce: Just to give you guys an update and not to interrupt, so, it's all paved. Nimo is probably 80% done, pump station, wet wells, equalization tanks are in, power is brought to the pump station from Old Fort Hunter Road which is the

tie in for the three way "Inaudible" power. What is left is just finish the pump station and finish National Grid. National Grid is due to be done by the end of this month and the pump station is due to be done by the end of March, I would say.

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

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

Ms. Scannell: Mr. Signore, anything?

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

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

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

Mr. Lecce: I'm not.

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

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

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

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

Ms. Scannell: Mr. Calder, any questions?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Lecce: What Army Corps of Engineers?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Calder: I'm not sure. I just want to say something first here. Lou, I did not say this to hold your project up, I say this so that maybe we can iron out some of this and from this point on and we can go forward and get something done. This has been a long time and a lot of people have worked very hard and I understand that you have about 100 families that have already got money into this and they are looking to find out where they are going to live tomorrow, so, that being said, as much as I don't know if this would pass right now, I think instead of having a no, I think you're better off

sitting down with Mary and the Town and next meeting come with everybody smiling and get this thing done. Saying that, I would like to make a motion that we table this until more information can be obtained until next meeting.

Mr. Miglucci: I'll second it.

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

Ms. Carter: Mr. D'Alessandro?

Mr. D'Alessandro: Yes.

Ms. Carter: Mr. Calder?

Mr. Calder: Yes.

Ms. Carter: Mr. Signore?

Mr. Signore: No.

Ms. Carter: Mr. Miglucci?

Mr. Miglucci: Yes.

Ms. Carter: Ms. Scannell?

Ms. Scannell: Yes.

Thank you, gentleman.

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

Female: Can I come up and ask a question?

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

DPW Comments
March 5, 2024

- 2 **401 Holdings LLC – 401 Duaneburg Road.** Sketch Site Plan review to allow for a cannabis cultivation and manufacturing facility in an existing ±92,743 square foot building (former Schalmont Bus Garage and Administrative Offices) on a ±5.11-acre parcel. Engineer: Hershberg and Hershberg.

1. See attached minutes and below DPW Comments from the September 6, 2022 meeting.
2. A TDE has been retained to provide technical assistance to the Planning Commission for site plan review.
3. Applicant should address DPW comments from September 6, 2022 below.

DPW Comments from September 6, 2022

1. The Planning Commission should authorize the Chairman to enter into an agreement with a TDE to assist in the review of this proposal.
2. The Rotterdam Corporate Park has indicated that existing water and sewer service to the property will be terminated as it traverses their property. Alternate utility services will be necessary to develop the project. Property is not located in Sewer District #2.
3. Applicant will need to provide a floor plan indicating areas for production and identify types of processing. Access from the parking area to the facility should be identified and an access isle from the parking area along the eastern boundary of the property to the main entryway should be provided.
4. Sanitary sewer discharge will need to be addressed to the satisfaction of the Town prior to any approvals. TDE to provide input to Planning Commission as to what should be provided to the Town as part of the review.
5. Access to this property shares a common access point into the Rotterdam Corporate Park along State Route 7 and is very congested and unsignalized. TDE to provide input to Planning Commission as to what should be provided to the Town as part of the review.

SEQR Requirement. Unlisted Action. Planning Commission declared lead agency on September 6, 2022. Site plan needs to be circulated to interested/involved agencies.

Involved/Interested Agencies

Schenectady County Economic Development and Planning
Schenectady County Department of Health
City of Schenectady Public Works Department
NYS Department of Transportation
NYS Department of Environmental Conservation – Region #4
NYS Office of Cannabis Management
Rotterdam Police Department
Metroplex Development Authority/Schenectady County IDA
Fire District #6
Schalmont School District

3. **401 Holdings, LLC – 401 Duanesburg Road. Sketch Site Plan review to allow for a cannabis cultivation and manufacturing facility in an existing ±92,743 square foot building (former Schalmont Bus Garage and Administrative Offices) on a ±5.11-acre parcel. Engineer: Hershberg & Hershberg.**

Chairman Yuille: Please identify yourself for the record, sir.

Mr. Mafrici: Hi, my name is Bill Mafrici with Hershberg and Hershberg and with me tonight is Kurt Kahn, he is representing the applicant who couldn't be here today.

Basically, just to give you a background of the site. This was a former bus garage for Schalmont. It is at the intersection of the Rotterdam Industrial Park, the main entrance which has a separate gate and guard house. The facility was vacant, and the applicant purchased the property and wishes to redevelop the inside to have a cannabis cultivation and processing. All the interior work would be done under a separate building permit. The exterior work is minimal. With regards to delineating parking spaces, providing handicapped access to the building. We did have a comment that we recently was identified regarding the utilities. There is existing storm sewer and water on site. The problem is a portion of this building used to be part of the entire industrial park. We got notice from the park that they are going to discontinue water and sanitary service for this building.

There are two (2) options that we have. One is we have to backtrack to our legal counsel and find out whether there is in fact agreements in place that provide service to the building or two coordinate with DPW how we are going to get access and provide sanitary sewer and water.

Chairman Yuille: Those were my first two questions right there. This happened on the housing project down the road when that was purchased. They did not buy the project and it was part of the industrial park. Maple Pine Manor that is down on Duanesburg Road and they did the same thing. They cut the water supply off and they cut the sewer supply off and they had to reconnect. From what I understand there is a water line and sewer line in the road whether you are going to be allowed to connect to it or not, I don't know.

Mr. Mafrici: Right, that is where we are at with the utilities. Again, our first option is to backtrack with counsel to see what the legal end is and whether we are actually entitled to maintain those connections. If not, we will work with DPW and figure out the most economical and reasonable spot to provide sewer and water for the project.

It's the first of these kinds in the area so it's kind of new. I am kind of hesitant about saying what we have kind of in the middle of it with potential future solar panels on the building but the idea is to potentially provide that area with solar panels and that is why we said potential future because that is not really part of the project but we didn't want to drop you in the last minute.

With that between Kurt and I, hopefully we can answer whatever questions you may have.

Chairman Yuille: Another question that came up that was directed at me today was the power requirements. I didn't realize that a facility like this does cause a lot of draws on the power. So that would have to be something else that you would have to check to make sure that there is enough power available in that area. I don't know what is available there.

Mr. Kahn: The owner, Mr. Geraci, has been in contact with National Grid and they have identified the potential load so the load table of the equipment that will be going into the facility so they have a baseline as far as the amount of power they will need to draw from the grid. That conversation has been started.

Chairman Yuille: I just wanted to make sure that that was done. The other thing was that the way it was done before being that it was bus facility, the buses would leave at a certain time and then come back and then they would leave again in the afternoon. There was not a lot of traffic going in and out of that facility. Apparently, they went in one way to the right of the guard shack but they would come out inside the park and come back out through the gate and that is a heavily

trafficked area in there. I don't know how much traffic you're going to have going in and out of your facility but that is something else you are going to have to look at and maybe do a traffic analysis for us and set that up.

Mr. Kahn: At maximum capacity we are anticipate having 25 employees and that is not all at one shift.

Chairman Yuille: I was just wondering about truck traffic going in and out.

Mr. Kahn: Our intent and belief is that this facility actually provides less traffic and movements than the bus garage facility. We should be able to document that.

Chairman Yuille: I'm sure there were more than 25 bus drivers that drove in there every day.

Mr. Comenzo: The difference with the busses is they are big and yellow, and you know where they are going as opposed to a vehicle that is not bright yellow.

Chairman Yuille: What kind of trucks would come out of there. Would they be tractor trailers?

Mr. Kahn: Tractor trailer is once or twice a month. Most of them are step vans and that sort of thing. It's manufacturing and distribution.

Chairman Yuille: You are not going to use the railroad that is in back or anything?

Mr. Kahn: Not at this point, no.

Chairman Yuille: We are in the sketch stage here and start and look at it and see where we are going to go from here and it sounds like you have a handle on it. You got to have power, water and sewer so if anyone of those three (3) are missing you better put a for sale sign on the building. It's the first for us also. We are feeling our way with the solar projects and now we are into another whole thing altogether.

Mr. Kahn: It's a manufacturing and distribution project. It's a unique product.

Chairman Yuille: Mr. Calder any comments?

Mr. Calder: How does the process work with the cannabis? How does it come in and how does it go out?

Mr. Kahn: First of all, it requires licensing. So, everybody is familiar with the Office of Cannabis Management. There is a great amount of oversight, and they have all the policies and procedures that need to be followed as far as the cultivation practices and everything that goes into that step by step.

Mr. Calder: How does the product come in?

Mr. Kahn: It's seeds. It starts as seeds and goes through the lifecycle of cultivating a plant starting from seeds.

Mr. Calder: So, you are growing marijuana in there?

Mr. Kahn: Yes, we would be growing cannabis.

Mr. Calder: Which does require a lot of electricity.

Mr. Kahn: There is a lot of different concepts and different approaches. Obviously, you want to maximize the efficiencies not only to keep a lower utility bill but also be light on the land.

Mr. Calder: Is this medical facility type thing?

Mr. Kahn: This is for recreational marijuana. The medical market has been out in NYS for several years and they are different cultivation source for medical.

Mr. Calder: So, you will supply a lot of retail businesses?

Mr. Kahn: Once they get established. NYS hasn't established that conduit yet but it's coming for the dispensaries and so forth. Local municipalities have the option to opt in or opt out allowing the adult use dispensaries within their jurisdiction. I'm not familiar if Rotterdam did.

Chairman Yuille: We didn't go either way. We backed into it.

Mr. Kahn: There is not going to be any retail or potential retail because according to the regulations you cannot be a cultivator and also sell on premises just to put any of those concerns at ease.

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

Chairman Yuille: Mrs. Flansburg?

Mrs. Flansburg: This is a first for us. Do any of these exist anywhere in New York?

Mr. Kahn: In New York there are about 200 licenses that were granted conditionally to hemp farmers at first and from there the licenses open up at the pleasure of the governor's office and we can all appreciate the different priorities that they have at that level and how they issue the licenses. So, everybody hangs on with bated breath to see who is getting a license this week. As it continues to evolve, more and more licenses are being granted. You will see many more facilities. Some are greenhouse facilities, traditional farming outdoor greenhouse type, some are more intricate and dialed in with science which is going to be your indoor type grow. That would be this facility.

Mrs. Flansburg: Since it is new to us and new to you and you have other ones that exist, if maybe you could provide information on those. What the process is, how it's going in their community, something for us to kind of go off of. So, you mentioned growing and that licenses for retail haven't been given in New York, so if this were to happen first, chicken before the egg, are you distributing outside of New York?

Mr. Kahn: No, there is no interstate. It is not permitted outside of New York. That is kind of the gift to those who invest in New York. It's also limiting the market however all projections say New York is a healthy market for this crop.

Mrs. Flansburg: Do you have a license currently or are you one of the ones waiting on one?

Mr. Kahn: Mr. Geraci does have a license currently for outdoor growing and also processing. We realize this is going to be indoor grow. That is the next step that is being projected from the state. Once those regulations come out that will be permitted. This is all in hopes of that being granted which we can all say based on the medical market, in the way that the medical was set up, that will be something that happens soon here.

Mrs. Flansburg: So, you are trying to be ready for it?

Mr. Kahn: That's it.

Mrs. Flansburg: So, you will not be able to finish the process with us unless you are licensed, right?

Mr. Kahn: We could grow strawberries inside. They are an excellent market especially indoor grown. Who doesn't love a sweet strawberry.

Mrs. Flansburg: On your long FEAF on page 2, I was confused why there were not governmental approvals that were required. It had the Town of Rotterdam Planning Commission, building permit and I didn't know if there were county/regional/state or federal. I know there is state. Are there other levels of governmental authority you guys need to clear?

Mr. Kahn: The licensing end of it.

Mrs. Flansburg: Which is state?

Mr. Kahn: On the federal level, we all know that it is not permitted however there are 15 states across the US that have followed the similar path. Everyone is familiar with California and the markets matured out of there and Colorado and so forth. New York is following the path. New Jersey, Massachusetts and Maine and so forth. As far as the regulations go, it's down to the home rule and also the state. The state is the overarching authority that dictates what to follow here but being that it's conditional it's a learning curve for the state. A lot of the regulations leave a lot of interpretation and there is a lot of feedback that they expect from the growers to be able to dial in the regulations. What works, what doesn't work, so it's a very much evolving industry here.

Mrs. Flansburg: Oversight or enforcement comes from whom?

Mr. Kahn: It comes from NYS. The Office of Cannabis Management is similar to the Liquor Control Board. DOH doesn't get involved unless it's consumable food product.

Mrs. Flansburg: I was just thinking similar to them.

Mr. Kahn: It's similar. Everything is catalog by lot similar to food products. The processes and packaging following good manufacturing process. All those steps are in there just short of having FDA level of oversight.

Mrs. Flansburg: On one of the pages, it talked about products that are stored are butane, ethanol, nitrogen and inside and outside in accordance with state and federal regulations. I've never seen this. That doesn't mean it hasn't been there before. Can you talk to those particular elements?

Mr. Kahn: So basically, those chemicals are utilized for the processing and they are all going to be followed with a permit and follow the Fire Code Chapter 39. They are all closed loop systems because we all know what the hazards are of butane, similar to propane, we know what the hazards of ethanol are. You have trains rolling through your community with different things that contain chemicals, so we are aware of that. Through the engineering and permitting process, engineering controls are put into place to mitigate any type of harmful release that would impact the building occupants or potentially cause any type of issue or catastrophic failure in the building. Some things like that include air monitoring so if your fire fighter if he identified explosive atmosphere, a fan kicks on. That fan kicks on and alarm goes off and it immediately evacuates the hazardous atmosphere. Different things like that and that is all identified again in Chapter 39 which that code just came out in 2020 for NYS. It was a first in NYS and a lot of those best practices were derived out of lessons learned from CA and other states that had similar operations and some bad incidents that occurred. So, a lot of those things are mitigated through the codes.

Mr. Mafri: We will have some exterior propane and butane on site. That is why it was inside and outside.

Mrs. Flansburg: They will be shield or enclosed or however they are supposed to be?

Mr. Kahn: Yes, there is threshold limits based on square footage and the properties of the chemical that all have to be met and that is all identified in the code.

Mrs. Flansburg: On 11 it says is the project site located over immediately adjoining a primary principal or source of Aquifer and you guys checked yes and it's the principal Aquifer. Legitimate our industrial park is over the Aquifer? I know the mall is.

Mr. Mafrici: This EAF map of what this document is produced on, NYS identifies and toggles certain information. This was one of the toggles in there, so they have information that this is. It's Schenectady/Niskayuna Aquifer I would assume.

Mr. Comenzo: It is Zone 4 so it's the least restrictive.

Mrs. Flansburg: I could not believe it was because it's the industrial park but they are saying it is and it's in Zone 4. So less restrictive, I was just surprised, that's all.

Fire department training for a facility that they will never have had before and how to address it. I'm just suggesting that you do it.

Mr. Kahn: Yes, absolutely. That is all part of what we like to do is called size up. It's important to be good neighbors and invite the fire department and identify any changes in the building, again permits we filed before any changes are done on the interior but go over all of the service connections, natural gas, our propane and any type of hazards or risk, identifying what the emergency response procedures are and how to activate the fire alarm system and how to support the sprinkler system and how to interact with employees and different hazards that may be associated that are unique to this type of facility. All of that would be identified again, reaching out to the local fire chief and most likely local emergency planning committee as well because they are going to be curious because it is going to be new to us and what can we learn from this and it's important to have that dialogue.

Chairman Yuille: Mr. D'Alessandro?

Mr. D'Alessandro: No comment.

Chairman Yuille: Mr. Denny?

Mr. Denny: He was explaining to me what had to be done with the fire department and I am a member of the fire department that would be covering that area. We have been there before when it was the bus garage. We went through the building. I'm not sure they have a sprinkler system working in that building.

Mr. Kahn: There is a sprinkler system and it's not functioning.

Mr. Denny: I didn't think it was, but I just wanted to verify. That is all I have. Once you get going and you are operating there we'd be glad to go over and go through it to figure out what has to be done. The water and sewer lines working for the Town of Rotterdam I believe the sewer line is on the other side of the bridge so somehow if you have to hook it up you are going to have to go under the roads or under the bridge.

Mr. Mafrici: I'm aware that the water is on the north sides of 7. I wasn't quite aware of the actual sewer connection was.

Chairman Yuille: It's a forced main that comes from Golub Corporation on the other side of the bridge.

Mr. Mafrici: Is that private?

Mr. Denny: No. It's maintained by Rotterdam. There is a pump station on that side by Price Chopper and Golub and pumps down Route 7 all the way to the five corners and crosses over.

Chairman Yuille: You would have to get permission to tap into it. It's a forced main though.

Mr. Denny: I'm wondering if the water being on the opposite side of 7, on the same side of the Highway Garage that is the side the water is on and how they would get across. I think the road going in is owned or maintained by Rotterdam, if I'm not mistaken, the road going into that park because Mike Griesemer was involved from the Town of Rotterdam that designed that entrance way. I think Rotterdam was involved with that.

Chairman Yuille: There are several things that we have to look at there.

Is this a hydroponics system, I assume.

Mr. Kahn: It's not your traditional hydroponics system, but essentially drip irrigation is utilized and the water is recycled and reutilized to the extent possible.

Chairman Yuille: Then you put your nutrients in water?

Mr. Kahn: Yes.

Chairman Yuille: And then you recycle it back through?

Mr. Kahn: Yes.

Chairman Yuille: Anything else? Mr. Comenzo anything to add?

Mr. Comenzo: The only comments that we had from DPW was really looking at the parking to provide some kind of access isle or find out exactly where the main doors would be for access for employees and deliveries and that type of thing and to show that.

The other question I guess was with the butane and the other things, is that going to be a manufacturing to distill the product down or whatever to make gummy bears or whatever.

Mr. Kahn: So yes, gummy bears can be one of the products of extraction. The butane, ethanol or nitrogen that is all utilized as part of the distillation process and the extraction process and just where that portion of the facility would be located at in terms of the building itself and the offices and that type of thing.

Mr. Kahn: The appropriate standoff distances as permitted by Code and the authority that would have jurisdiction would be consistent with where that equipment is placed.

Chairman Yuille: Anything else?

Mr. Mafrici: Just as far as next step goes. I'm guessing we will get a letter from a TDE?

Chairman Yuille: Yes, we still have to do that. I haven't gotten authorization yet but you will get a letter from the TDE and there will be an escrow account that will be funded. We just have to get an estimate from the engineer when we get that set up.

Chairman Yuille: At this time, I will entertain a motion to declare lead agency.

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

Chairman Yuille: Motion made by Mrs. Flansburg. Is there a second?

Mr. Calder: I second the motion.

Chairman Yuille: Motion seconded by Mr. Calder. Are there any questions on the motion? Please call the vote.

Marlo Carter: Mr. Denny?

Mr. Denny: Yes.

Marlo Carter: Mrs. Flansburg?

Mrs. Flansburg: Yes.

Marlo Carter: Mr. D'Alessandro?

Mr. D'Alessandro: Yes.

Marlo Carter: Mr. Calder?

Mr. Calder: Yes.

Marlo Carter: Chairman Yuille?

Chairman Yuille: Yes.

Motion carried.

The next motion I will entertain is to allow the Chairman to execute a contract with the applicant to retain the services of a TDE to assist in the review of this project.

Mr. Denny: I will make that motion, Mr. Chairman.

Chairman Yuille: Motion made by Mr. Denny. Is there a second?

Mr. D'Alessandro: I second the motion.

Chairman Yuille: Motion seconded by Mr. D'Alessandro. Are there any questions on the motion? Please call the vote.

Marlo Carter: Mr. Denny?

Mr. Denny: Yes.

Marlo Carter: Mrs. Flansburg?

Mrs. Flansburg: Yes.

Marlo Carter: Mr. D'Alessandro?

Mr. D'Alessandro: Yes.

Marlo Carter: Mr. Calder?

Mr. Calder: Yes.

Marlo Carter: Chairman Yuille?

Chairman Yuille: Yes.

Motion carried.

We will get you set up there. Do you know when the licensing is going to begin? You seem to be investing a lot of money in this project.

Mr. Kahn: We are at the will of Albany so it is happening every week. You have to watch the press releases to catch with it.

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Town of Rotterdam
Office of the Planning Commission

Thomas P. Yuille, Chairman
Peter J. Comenzo, Senior Planner

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

Resolution Number PC42-2022

Moved by Mrs. Flansburg seconded by Mr. Calder
Applicant: 401 Holdings, LLC

Applicant: 401 Holdings, LLC

Project Location: 401 Duanesburg Road
Rotterdam, NY

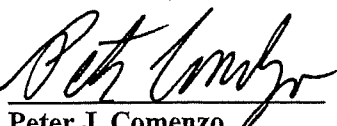
Tax Number or Numbers: 58.-1-1

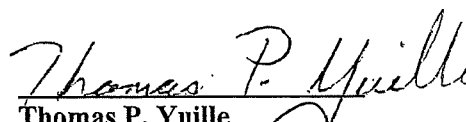
Proposed Project: Site Plan review to allow for a cannabis cultivation and manufacturing facility in an existing $\pm 92,743$ square foot building (former Schalmont Bus Garage and Administrative Offices) on a ± 5.11 -acre parcel.

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, September 6, 2022, 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


Thomas P. Yuille
Planning Commission Chairman

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Town of Rotterdam
Office of the Planning Commission

Thomas P. Yuille, Chairman
Peter J. Comenzo, Senior Planner

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

Resolution Number PC43-2022

Moved by Mr. Denny seconded by Mr. D'Alessandro
Applicant: 401 Holdings, LLC

Applicant: 401 Holdings, LLC

Project Location: 401 Duanesburg Road
Rotterdam, NY

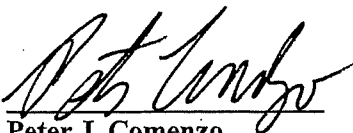
Tax Number or Numbers: 58.-1-1

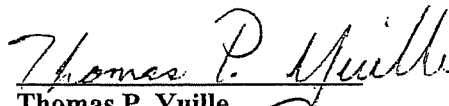
Proposed Project: Site Plan review to allow for a cannabis cultivation and manufacturing facility in an existing $\pm 92,743$ square foot building (former Schalmont Bus Garage and Administrative Offices) on a ± 5.11 -acre parcel.

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, 2022 organizational meeting; **NOW:**

IT IS HEREBY RESOLVED THAT on this day, Tuesday, September 6, 2022, 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


Thomas P. Yuille
Planning Commission Chairman