

**Town of Rotterdam Planning Commission
Minutes of September 17, 2024 Meeting**

The Rotterdam Planning Commission held a meeting on Tuesday, September 17, 2024, at 7:30 p.m. at the Rotterdam Town Hall, 1100 Sunrise Boulevard, Rotterdam, New York 12306.

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

Waivers:

1. **Dominick DeAngelo – 1200 Sandra Court (Lot #16 Diane Estates).** The applicant requests a Waiver of Subdivision to amend the restriction placed on the Diane Estates Subdivision dated October 12, 2000 to allow for the construction of a 3,000 square foot garage on a ±1.07-acre parcel. Engineer: ABD Engineers.

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

1. The proposed garage shall be slab on grade construction with disturbance limited to grading associated with the excavation for the pole barn foundation and associated minor grading to make the garage accessible. Additional grading and disturbance of the former landfill area is not permitted. Use or occupancy of the garage for residential purposes is prohibited. These notes shall be placed on the building permit.
2. Due to the size and height of the proposed garage, the applicant must receive variances from the Rotterdam Zoning Board of Appeals prior to the issuance of a building permit.
3. Application fee of \$100.00 shall be submitted to DPW.

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

2. **MBMG Fashion House – 93 W. Campbell Road.** The applicant requests a Waiver of Site Plan review to operate a retail store in tenant space G-114, former Christopher Banks, ±2,913 square feet from September 1, 2024 to August 31, 2025 in ViaPort Rotterdam.

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

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

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

Attendance was taken and a determined there is a quorum.

The Pledge of Allegiance to the Flag was recited.

Mrs. Flansburg: First up is approval of the summary minutes of August 20th.

Mr. Signore: I will make that motion.

Mrs. Flansburg: Mr. Signore moves. Do I have a second?

Mr. Miglucci: I'll second it.

Mrs. Flansburg: Mr. Miglucci seconds.

Ms. Carter: Mr. Collins?

Mr. Collins: I wasn't here for that meeting. I abstain.

Ms. Carter: Mrs. Flansburg?

Mrs. Flansburg: Yes.

Ms. Carter: Mr. D'Alessandro?

Mr. D'Alessandro: Yes.

Ms. Carter: Mr. Calder?

Mr. Calder: Yes.

Ms. Carter: Mr. Signore?

Mr. Signore: Yes.

Ms. Carter: Mr. Miglucci?

Mr. Miglucci: Yes.

Mrs. Flansburg: Motion carried.

1. **The BDC Group – Mariaville Road. Report and Recommendation to the Town Board on a Change of zone from Multi-Family Residential (R-3) to General Business (B-2) for the construction of flex warehouse space: two (2) ±12,000 square foot, five (5) ±10,000 square foot and two (2) ±7,500 square foot on ±16.19 acres of a ±65.8-acre parcel. Engineer: Advance Engineering & Surveying, PLLC.**

Mrs. Flansburg: Do you want to come up and talk about it?

Mr. Hill: Hi, everybody. My name is Colton Hill. I'm a partner in the BDC Group. This project has actually been before the Board before. What we wanted to do was come back in because there's been a little bit of misconception about what we wanted to do with the project and the product that we were offering.

Basically, we are revisiting this project as a whole. As discussed in the original portion of this meeting, we own this whole parcel, which is roughly 65 acres. We already have previously built a storage facility, which is up and operational right now. The change of zone that we are asking for is only on a portion of the property, which is right here between the stream and Mariaville Road. The balance of the site we are looking to get approved by right, which is another 180 units. These are fourplex units. They're condo units, which we built before. We currently have 64 of these being built in North Greenbush, and we just completed 72 of them in Ballston Spa.

So, the reason for this is we feel that the flex warehousing that we're proposing in this area is a good transition between what we've already built on Mariaville Road and kind of the traffic and the counts that are coming this way into the residential zone up here. Now, flex warehousing is a little bit different than, it's a lot different than warehousing.

So, flex warehousing, the reason it's called flex warehousing in general is because the way that we build these are with pre-engineered metal buildings. It's a cost-effective method for construction. Instead of doing these commercial buildings with red steel and all the fit-up requirements that are required, we're able to build a shell of a building, and then as we acquire tenants, we can chop it up into different pieces. Now, in flex warehousing, we're able to offer space to contractors, dog groomers, all sorts of small businesses that can't afford your spec retails, your Corner of Main and Main, your Panera's, your Starbucks. These guys can pay \$40, \$50 a square foot. These smaller businesses, which are smaller people doing their own stuff, like I said, maybe an HVAC contractor who has a small office and he needs a place to store some things. They really enjoy these types of space because we can give them up to 1,000 square feet, 1,500 square feet. It gives us the flexibility to chop it up into certain sizes.

Here's just some inspiration of other people that have done similar concepts. We feel that offering this type of amenity as a transition into the residential area up here, you have 184 potential units, which two- and three-bedroom units. There could be 300 people that want to work, shop, consume or do some sort of business transactions in this area. Going back to here, that's specifically the zone change would just be for this situation, or just for that area. Now, previously we came in and the Planning Board gave us a recommendation to go to the Town Board, but there was a misconception on what we were proposing. We wanted to make sure that we were going to clarify our proposition so that we're going in as the whole project with both the flex warehousing and the residential with a partial change on the smaller portion of property.

The only other thing that I'd like to discuss is just based on the topography and the stream running around here, we don't really have intentions. It's very expensive to cross streams and impact streams, nor do we really want to, but we're going to keep this area all wide. We don't plan on impacting it at all. We've talked to the Town briefly about some sort of cross easement or some sort of collectively working together to kind of create some amenity space in this area because I forget what the property is here, but I believe the Town just bought that.

I think that's about all I got in summary. Are there any questions from anybody?

Mr. Collins: Can I ask one question?

Mrs. Flansburg: How about you start?

Mr. Collins: Can you explain how you're going to transition with the driveway through everything? That's by only, how is going to the concept of it. You've got the storage units and then afterwards you're going to get to the requirements?

Mr. Hill: So, the storage facility is right here. When we built the storage facility, we stopped the road right here, this black line. So, we plan on continuing this road through this parcel of land and then connecting off of Cimino Lane. We own the property right to the corner off of Cimino, so we'd have a curb cut at Cimino, and then it'll be looped over to Mariaville Road. The water line is already right here.

So that actually brings up a good point. The other reason for this is this is zoned multifamily. So, the back is by right if we're looking to do what's per the zoning. The issue with multifamily in this area is obviously we all know the sewer. The sewer's a big component to multifamily. It's very, very hard, expensive, and difficult to do sewage treatment on site for sites like that. So, what this does is, you know, and believe me, if the sewer was at the street, I probably wouldn't be in front of you guys for this because we'd probably just be submitting for multifamily. But right now, this is all well and septic. Well, it's not well. It's septic and water's obviously here. So, this gives us something that we can build today with the extension in anticipation of the multifamily in back.

We also feel that even if the sewer was here, multifamily this close to Mariaville Road, there's a lot of traffic here. The back is gorgeous. It's wooded. There's wildlife. It's very open. It's a very nice residential community back there. This, with how much is going on here in 90 and Mariaville, would be a tough pitch for the quality of housing we're looking to put here. So that's another reason that we're asking.

Mr. Collins: Is that where there's the Strang farm, right, Peter?

Mr. Comenzo: Yeah, that was the part he was talking about.

Mr. Collins: The Strang farm at the top?

Mr. Comenzo: The big picture shows it.

So, the Strang farm is right there.

Mr. Collins: Okay.

Mr. Comenzo: That's the very far end of it.

Mr. Hill: Right. So, this is the piece that we're looking for zone change. This is by right, and this would be phase two of the project. This would be phase one.

Mrs. Flansburg: Any other questions?

Mr. Calder, do you have any questions? Do you have any questions for the applicant?

Mr. Calder: Yes, I do. We're dealing with phase one now, correct? That's it.

Mr. Hill: So, the zone change is particular to phase one. So, and correct me if I'm wrong, but the plan, you know, in order to do this whole project, we would need a specific delineated zone change on this parcel of land.

Mr. Calder: Correct, okay.

Mr. Hill: So, what I'm asking for is a recommendation from the Planning Board to send me the Town Board so that they can see if that works or not. If they say it's okay, then I'm obviously back in front of the board with the rest of the whole.

Mr. Calder: So, I think my biggest question is the first part of this is going to be septic with all the questions. The second part of this is going to have to be sewer. So, you're going to set up a septic system for construction of phase one.

Mr. Hill: Correct.

Mr. Calder: Then when you put phase two into effect, which is going to be down the road, apparently, then you're going to add sewer.

Mr. Hill: But we would keep this on septic.

Mr. Calder: You would keep that on septic. You wouldn't do it, I'm just curious, why wouldn't you do it all at once and get the sewer in there if you know pretty much you're going to be able to get permission to do phase two?

Mr. Hill: So, well, the sewer and this would be, I'd have to defer to my engineer a little bit, but the sewer demand on flex warehousing is substantially less than...

Mr. Calder: Oh, sure. No question.

Mr. Hill: I mean, we're talking a couple bathrooms. So, we could handle it. We would plan on, when we put this road in, we would plan on putting the water and we would stump sewer here. So, we would have to, basically what you're saying is, would we put the infrastructure for sewer in, put the septic in, and then when sewer comes we'd have to abandon the septic tanks. I'd rather do it once and if this, I mean, we have our proposed wastewater treatment system here, and there's plenty of land and plenty of, it's a raised bed system anyways, so it's kind of off in the corner. We can explore it. We could see if it's something we could do.

Mr. Calder: That was just curiosity. It sounds, it's a different project. I mean, it's very different, this flex thing. I'm not used to it. Maybe other board members are, but...

Mr. Collins: I think it's a good concept.

Mr. Calder: I do. I like the concept. I think it's workable. Is there something like that around here now?

Mr. Hill: It's actually up in Clifton Park there's a lot of it. Right now. So, we do some commercial real estate, so we're actually building for a Chipotle, right? And to build on spec for retail is very risky. This gives us the ability and also you've got to get the lease in place, take it to the bank, it's a whole process. Most people who need this type of space, they need it in about three (3) to six (6) months. Right? Their lease is coming due, they're starting a new business, they're looking to grow. They can't wait two (2) years or a year and a half for something to get approved and built. So, our thought was we would build one (1), lease it, build another. You don't build this all out at once.

Mr. Calder: Right.

Mr. Hill: A 10,000 square foot warehouse, pre-engineered metal building, potentially partitioned, can be put up in three (3) months.

Mr. Calder: Okay. And we've already covered the fact that you're "Inaudible" it on the way in when you do phase two.

Mr. Hill: Correct. We would stop just short of the crossing and then we would make the actual, and there's a big process with this, obviously, there's a whole Army Corps and everything, permitting process, the crossing would be part of phase two.

Mr. Calder: Very interesting project. I'm done. Thank you very much.

Mrs. Flansburg: Mr. D'Alessandro, do you have any questions?

Mr. D'Alessandro: No, I think it's kind of neat. I think it's a great idea. I like the thought of even having the houses in the back or the condos in the back and other businesses up front. It's almost like a one-stop shopping for them where they can stay up in the same community and do shopping if they had to.

Mr. Hill: And we're trying to cater to masses too because the price point, we're not talking about \$750,000 housing. I mean, right now we're in the \$400,000-ish. I mean, who knows where the economy and interest rates are by the time this gets built, but that's the level of product, which is the general population.

Mr. D'Alessandro: One of the questions I had, there's a couple of houses past Cimino on Mariaville. How far from the back of those houses to the building?.

Mr. Hill: We've actually had conversations with these guys. We've presented to this. Two (2) women that lived there, we met with not them, but their children, I believe. They came over to our building and talked to us. They actually specifically requested this berm to be added. They wanted, and again, this would be more planning, but they asked for a raised berm elevation. And we said, listen, when we get to that point, there's a public hearing.

Mr. D'Alessandro: Like a berm maybe with Arborvitaes or whatever?

Mr. Hill: Correct. And we encouraged them to come and be part of this, because I said we'll sit and have a workshop with you before we even present to the Planning Board.

Mr. D'Alessandro: Well, that's very nice that you're thoughtful in asking the neighbors.

Mr. Hill: Yeah, that's why we put this here. Obviously, we've got a ways to go, but we've already started communications with them. In fact, one of the gentlemen, I think he's an appliance repairman, and he's been working on the facility. Yeah, because we also said, listen, if you see activity and we have an open dialogue with them.

Mr. D'Alessandro: Okay, that's all I have.

Mrs. Flansburg: Mr. Signore, do you have any questions?

Mr. Signore: How many homes did you say?

Mr. Hill: So, there's 45 four-unit buildings for a total of 180.

Mr. Signore: Forty-five (45) four-unit buildings?

Mr. Hill: Yep.

Mr. Signore: And they're going to be on septic, right?

Mr. Hill: No, we would wait and build those when the sewer comes, and then we would tie in.

Mr. Signore: Okay, so you've got a way for the sewer to get there. Then you're going to build that.

Mr. Hill: Yeah.

Mrs. Flansburg: And that'll just be site plan because it's already zoned appropriately.

Mr. Hill: Correct. Yeah, this is by this would be by right.

Mr. Signore: So, you have to wait for the sewer to get to Mariaville Road or whatever.

Mr. Hill: Or there's a chance it's all being reviewed. We didn't know if there was a way to somehow come through the back, but that's an engineering question. But as soon as sewer comes, we have the intention, our intent is to be that part of the phase.

Mr. Signore: So that could be a couple years away, right?

Mr. Hill: I hope not.

Mr. Signore: It's not going to be there. I don't think the sewer's going to be there in the spring.

Mr. Hill: No, no.

Mr. Signore: I don't know if it's going to be there next spring. We're looking at a couple years anyway.

Mr. Hill: Correct. Which is why that would give us time to get started on this phase. And this doesn't require the sewer. And that was kind of part of our contention with the zone is, you know, a big component of multifamily sewer and water, especially now with the fire code and all these other things, and plus from a maintenance standpoint. And we actually talked to these, you know, the Cuomo's, the package plant would take up a huge portion of this. So even if we were to put this on septic, I think the last thing any of these people would want is a large leach field in their backyard.

Mr. Signore: Okay, so these multi-use buildings here, they're going to be on septic. Okay, so why can't you plan for these buildings that are on septic to eventually go on sewer?

Mr. Hill: We could. We absolutely could. We could make that part of planning. I'd have to see, it's definitely possible, because what we could do is, the intent right now, again, we're just at concept level. We haven't dove in seriously.

Mr. Signore: Well, generally when people are on septic and the sewer's nearby, they hook on the sewer.

Mr. Hill: Right. So, what we could do, just think of it, because our intent was to put a sewer main down this road with manholes, right, and then as you build the buildings, you tie right into the manhole. We're thinking of fishing it this way with a leach field here, so sewer runs down the other tank and then the affluent leach in here. You know, we could maybe reverse it and move the storm pond so that we could abandon the septic and tie it on the sewer.

I would just have to talk with our engineer about the logistics of that.

Mrs. Flansburg: Right, but you would have invested in your entire sewer septic system.

Mr. Hill: The septic system, correct, but the infrastructure would be the same, right, because if the sewer's running, it's the same structures and manholes, but we would abandon the septic.

Mr. Signore: All this effluent is going to be in some kind of tank or big septic thing, right?

Mr. Hill: Correct.

Mr. Signore: Okay, so you would abandon that tank and then tie all that into a sewer.

Mr. Hill: Yeah, or what we could potentially do is, we could hook this up for a force main, we could pump the effluent from the tank up. There's definitely a way to do it. I just, again, I'd have to defer to my engineer to help design that.

Mrs. Flansburg: Alright, anything further Mr. Signore?

Mr. Signore: Well, that would solve the problem of having leach fields near the neighbors.

Mr. Hill: Right, but this leach field, or what we're proposing, is A, in the back corner, and B, 20 times smaller than what it would be if we were to service 184 units. No showers.

Mr. Signore: Right, right, right.

Mr. Hill: Few service restrooms, and that's it.

Mr. Signore: I mean, even though you have I don't know, hundreds? A hundred and some homes are going to be there?

Mr. Hill: It would be 180.

Mr. Signore: Okay.

Mrs. Flansburg: But today's meeting is specific to what's going on in the front.

Mr. Hill: Yeah, because before the board can review anything, right now I need to get the town board to bless a change in zone specific to this parcel. My intent here is to just let the board know our intention with the rest of the land. You know, we're not just asking for zone change to throw in a 180,000 square foot tractor trailer business here. This is a transitional, flexible business district, which the B-2, general business district is what this, our facility currently is, so we thought of this as a good extension. This is climate-controlled storage, 10 by 10 x 10, 10 x 20, 5 x 5. This is a similar but much different product.

Mrs. Flansburg: Anything further, Mr. Signore?

Mr. Signore: Just what design do you guys prefer for the little warehouse in there?

Mr. Hill: For the flex?

Mr. Signore: Yeah.

Mr. Hill: So, this building and this building are the same. It's the same structure. It's just this one, instead of roll-up doors, we did roll-up glass doors. So, we would stick to this, let's call it a modular setup, that gives you flexibility based on your tenants. So again, if there was an HVAC contractor and a surveying company that wanted to rent, they don't need the expensive canopies.

Mr. Signore: But then, you know, that does add to it, the canopies. It makes it look almost like they're little shops.

Mr. Hill: Correct. And we actually, what we thought of is these warehouses along this road, which is more pedestrian friendly because part of the plan would be interconnectivity with the sidewalks. This would be more of the glass doors and the canopies. And these over here might be more of the basic looking ones. So, this lends itself, this portion of this site, and also our thought with pushing this, we kind of pushed this back, A, to separate us from the neighbors, but B, we thought the pleasantness of the stream, you know, there's marketability of businesses near viewing wildlife. So, these, this portion of the site would be more towards this retail look.

Mr. Signore: Yeah.

Mr. Hill: From a rental standpoint, it's nice to have a mix. So, we do feel that a portion of it will lend itself more towards the retail, and the other portion will lend itself more towards like this set up here, where you see a factory, an office, and more of an office.

Mr. Signore: That sounds good.

Mrs. Flansburg: Okay, Mr. Miglucchi?

Mr. Miglucchi: How far away from any one of those buildings is it to the next home? Actual residence. Footage-wise. Can you give me an estimate?

Mr. Hill: Let's see. This building is 300 feet. At least 300 feet.

Mr. Miglucchi: Three hundred (300) feet from the back of the warehouse to the next neighbor? Building to building?

Mrs. Flansburg: It would be even more than that.

Mr. Miglucchi: Okay. Okay.

Mr. Hill: Our facility is just scale.

Mr. Miglucchi: Yeah, last time it was like 150 feet. And this thing right here, do you have any clients lined up?

Mr. Hill: No. No, we haven't. I mean, we have quite a ways to go.

Mr. Miglucchi: But you are going to keep this concept kind of like a strip mall, free standing type?

Mr. Hill: Yes. So, these buildings are 10,000, 75, 75. You can build it. The load bearing is front to back. So, you can partition, and you can have one tenant at 8,000 and one at two (2). You can have five (5) tenants at two (2).

Mr. Miglucchi: So, there's no really like tractor trailer docking or anything like that in any of the buildings?

Mr. Hill: If you notice, the backs are all gone. Everything is tied up to the front.

Mr. Miglucchi: Okay.

Mr. Hill: The largest you would have is maybe a small box like an electrician truck or something like that.

Mr. Miglucchi: Like a 28-foot pup coming in on load.

Mr. Hill: That's why we turned it, and we did this corridor because we're trying to promote a community approach.

Mr. Miglucci: This looks a lot better than a big steel building.

Mr. Hill: Absolutely.

Mr. Miglucci: A lot more appeal.

Mr. Hill: We aren't industrial. That's just not our thing.

Mr. Miglucci: Right.

Mr. Hill: We have a lot of multifamily housing.

Mr. Miglucci: I mean, it's got a little bit of flair to it. You know what I mean? It's got a little bit of color, a little bit of...

Mr. Signore: Yeah, it looks like you're walking. It's nice.

Mr. Miglucci: Yeah. That's all I have.

Mrs. Flansburg: Thank you, Mr. Miglucci. Mine's just real quick. Everybody's asked everything. I talked about all of it. I think it's an excellent way to sort of transition between the main road to what you already have and then to later buffer for R-3.

Mr. Hill: Yeah, the topography helps too because this is generally flat. And then once this, you know, these are going to be separated up on a hill away from the noise and this kind of lends itself to what's already kind of going on in the community. That's kind of what we were thinking too.

Mrs. Flansburg: Mr. Comenzo, do you have anything to add?

Mr. Comenzo: One thing I would add is this is in the proposed sewer district extension so Prime Engineering has looked at this and we have been around a while. We've been looking at getting sewers down Burdeck Street and Mariaville Road area for 20 years.

Mrs. Flansburg: Twenty (20) or more.

Mr. Comenzo: So, we've engaged Prime Engineering and are having that conversation. We'll have conversations with the BDC group to discuss the second phase of this.

Mr. Hill: And we fully intend to prepare for the future of that.

Mr. Signore: This is what I was trying to tell you that if sewers at some point are anticipated, you may want to anticipate your project of going on sewers.

Mr. Hill: Yeah, and we will absolutely look into that once we dive into the engineering portion.

Mrs. Flansburg: Mr. Valiquette, any questions.

Mr. Valiquette: No questions at this time. Thank you.

Mrs. Flansburg: Okay, so I guess we're here for a report recommendation to the Town Board on this project. Do I have any motion for a recommendation, be it positive or negative?

Mr. Collins: I make a motion for a positive recommendation to the Town Board to move forward with the project.

Mrs. Flansburg: Mr. Collins made a motion. Do I have a second?

Mr. Calder: I'll second.

Mrs. Flansburg: Mr. Calder seconded. Marlo, can you call the vote.

Ms. Carter: Mr. Collins?

Mr. Collins: Yes.

Ms. Carter: Mrs. Flansburg?

Mrs. Flansburg: Yes.

Ms. Carter: Mr. D'Alessandro?

Mr. D'Alessandro: Yes.

Ms. Carter: Mr. Calder?

Mr. Calder: Yes.

Ms. Carter: Mr. Signore?

Mr. Signore: Yes.

Ms. Carter: Mr. Miglucci?

Mr. Miglucci: Yes.

Mrs. Flansburg: Motion carries.

Mr. Hill: Thank you.

Mrs. Flansburg: Thank you for your presentation.

Mrs. Flansburg: I will entertain a motion to adjourn the meeting.

Mr. Collins: I'll make that motion.

Mrs. Flansburg: Mr. Collins made the motion. Do I have a second?

Mr. Calder: I'll second.

Mrs. Flansburg: Mr. Calder seconded the motion. All in favor.

Planning Commission Members: I.

Meeting adjourned at 7:58 p.m.

Respectfully Submitted,

Marlo L. Carter
Planning Commission Secretary



Town of Rotterdam
Office of the Planning Commission

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

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Resolution Number PC52-2024

Moved by Mr. Collins seconded by Mr. Calder

Applicant: the BDC Group

**Resolution Adopting a Report and Positive Recommendation on
the Change of Zone Request by the BDC Group**

WHEREAS, the Town Board of the Town of Rotterdam ("Town Board") has received an application from the BDC Group ("Applicant") for a Change of Zone from Multi-Family Residential (R-3) to General Business (B-2) for 16.19± acres of a 65.8± acre parcel owned by the BDC Group located at 676 Mariaville Road (Tax Map Parcel No. 47.-8.13.5); and

WHEREAS, the Town Board referred the Change of Zone application to the Planning Commission on September 11, 2024 for a report and recommendation thereon; and

WHEREAS, the Applicant presented the Change of Zone application to the Planning Commission at its regularly scheduled meeting held on September 17, 2024; and

WHEREAS, the Planning Commission reviewed the proposed Change of Zone at its regularly scheduled meeting held on September 17, 2024; and

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

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

BE IT RESOLVED, by the Planning Commission of the Town of Rotterdam as follows:

1. The Planning Commission hereby adopts the following as its report on the proposed Change of Zone:

The Change of Zone request concerns one parcel comprising a total of 65.8± acres located at 676 Mariaville Road, with additional frontage on Cimino Lane. The 15.17± acres of the parcel to be rezoned is currently zoned R-3. The property is surrounded by a mixed use of commercial, industrial and residential development. This area is very convenient for traveling to and from multiple locations.

If rezoned to I-1, the following uses would be permissible:

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

The primary effect of a change of zone would be to eliminate all of the currently allowable uses for that portion of the parcel to be changed which includes multi-family residential, while adding all allowable uses of the B-2 zoning district. There is existing B-2 zoning on a portion of the property as well as property adjoining this property.

The Applicant presented a description for their proposed Lot 3 at 676 Mariaville Road depicting the potential construction of two (2) 12,000 square foot, five (5) 10,000 square foot, and two (2) 7,500 square foot flex buildings/warehouses. This also includes lands to be dedicated to the Town of Rotterdam for Town highway purposes and various stormwater management practices. The proposal would provide for two access points. The proposal would utilize an existing access point on Mariaville Road and build a new access point on Cimino Lane where the property has frontage. The proposal calls for multiple dumpsters with enclosures to handle garbage and debris onsite. The proposal proposed to utilize on-site wastewater treatment. The proposal would have access to public water.

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

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

B. The applicant is proposing to include adequate buffering and stormwater management so as not to disturb the repose of the two single-family residences most near the proposed warehouse.

C. Not all warehouses are proposed to be built at once and instead will be built per need for them, thus reducing the impacts on neighboring properties.

D. The site is proposed to have two potential points of ingress and egress, one a shared access with the Stack n' Store on Mariaville Road and one new access road on Cimino Lane.

3. Neither a positive recommendation by the Planning Commission, nor any rezoning action taken by the Town Board, should be construed as an approval or other favorable position concerning any proposed conceptual development plan. Any proposed development shall remain subject to full review by the Planning Commission.

<u>Member</u>	<u>Aye</u>	<u>Nay</u>
Kimberly Ricker-Scannell (EXCUSED)		
Mark D'Alessandro	X	
Wayne Calder	X	
Clark Collins	X	
Joseph Signore	X	
Lynn Flansburg	X	
Joseph Miglucci	X	


Peter J. Comenzo
Senior Planner


Lynn Flansburg
Planning Commission Vice-Chairman