

**Town of Rotterdam Planning Commission  
Minutes of January 9, 2024 Meeting**

The Rotterdam Planning Commission held a meeting on Tuesday, January 9, 2024, at 7:30 p.m. at the Rotterdam Town Hall, 1100 Sunrise Boulevard, Rotterdam, New York 12306.

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

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

**Waivers:**

**Appoint a Planning Commission Vice-Chairman for the year 2024.**

Motion to appoint Lynn Flansburg as the Planning Commission Vice-Chairman for the year 2024 was made by Mr. Collins and Mr. Miglucci seconded the motion and the vote resulted in unanimous approval of the motion.

**Chairman Scannell:** We need a motion to approve the Summary Minutes from the December 19, 2023 meeting.

**Mr. Collins:** I make the motion.

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

**Mrs. Flansburg:** I second the motion.

**Chairman Scannell:** Motion seconded Mrs. Flansburg. Call the roll.

**Lisa Gallo:** Mr. Collins?

**Mr. Collins:** Yes.

**Lisa Gallo:** Mrs. Flansburg?

**Mrs. Flansburg:** Yes.

**Lisa Gallo:** Mr. D'Alessandro?

**Mr. D'Alessandro:** I'm going to recuse myself as I was not present at the last meeting.

**Lisa Gallo:** Mr. Calder?

**Chairman Scannell:** Just say he's excused.

**Lisa Gallo:** Excused.

**Lisa Gallo:** Mr. Signore?

**Mr. Signore:** Yes.

**Lisa Gallo:** Mr. Miglucci?

**Mr. Miglucci:** Yes.

**Lisa Gallo:** Chairman Ricker Scannell?

**Ms. Heinel:** She'll abstain.

**Chairman Scannell:** You can just use Scannell if you're addressing me. In written form, just use the two. Thank you.

**Lisa Gallo:** Okay.



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

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

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

**Resolution Number PC 1-2024**

Moved by Mr. Collins, Seconded by Mr. Miglucchi  
Appointment of Vice Chairman for 2024

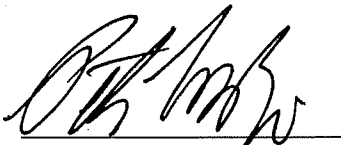
**At the regularly scheduled workshop meeting of the Rotterdam Planning Commission on Tuesday, January 9, 2024 Chairman Scannell called for a motion to appoint a Vice Chairman for the Rotterdam Planning Commission; and,**

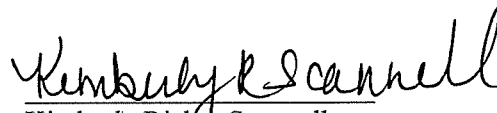
**WHEREAS, Mr. Collins made a motion to appoint Mrs. Flansburg as Vice Chairman for the Rotterdam Planning Commission retroactive to January 1, 2024 for the 2024 calendar year; and,**

**WHEREAS, Mr. Miglucchi seconded the motion; and,**

**WHEREAS, the motion passed unanimously with members present; NOW,**

**IT IS HEREBY RESOLVED, that the Rotterdam Planning Commission has appointed Mrs. Flansburg as Vice Chairman of the Rotterdam Planning Commission from January 1, 2024 until December 31, 2024.**

  
Peter J. Comenzo  
Senior Planner

  
Kimberly Ricker Scannell  
Planning Commission Chairman

**1. David Gazillo – Casey & Amber Brower – Anna Court. Sketch Two (2) Lot Boundary Line Adjustment Subdivision: Lot 1 = ±17,363 square feet with proposed single-family residence and Lot 2 = ±18,386 square feet with proposed single-family residence. Engineer: ABD Engineers LLC.**

**Mr. Palleschi:** Good evening, Luigi Palleschi here with ABD Engineers and Surveyors. As you mentioned, for the project up here is David Gazillo's off of Anna Court. I'm just going to bring you back a little bit. It's my understanding that, two (2) properties, Brower and Gazillo own these two (2) parcels. There was a filed map that was done, I forget how long ago, but it consisted of three (3) tax parcels. Brower owned half the parcel of Lot 8.11 and Tax Parcel 8.22 and Tax Parcel 8.22 came all the way back to this portion. Gazillo had the agreement to purchase a small portion of lot 8.22 and making Gazillo's lot a total of "*Inaudible*" (Someone coughed into microphone). These two (2) parcels he purchased from Brower that hooked with this tax lot 21.111 making that .83 acres and then these two (2) parcels here for Brower would total .61 so, essentially the filed subdivision map would show two (2) lots. Brower's lot having frontage on Keller Ave and Gazillo's lot having frontage on Anna Court.

The deeds haven't been filed yet, but they will be filed. So, keep in mind that once the deeds get filed this .83 acres is what we are moving forward with tonight discussing the two (2) lot subdivision.

**Chairman Scannell:** And you did receive the DPW comments?

**Mr. Palleschi:** We did.

**Chairman Scannell:** Awesome.

**Mr. Palleschi:** I will get to those. As you see here, outlined in red is the .83 acres owned by Gazillo and what he is looking to do is a two (2) lot subdivision. The zoning here is R-1 which 15,000 minimum square foot lots. The smallest lot is we are proposing here is 17,363 which is Lot 1 and Lot 2 is 18,386 square feet. So, it meets the lot sizes. We are proposing a single-family residential home on each of the lots. Water is available on Anna Court. Septic systems would be proposed for each of the lots. A test pit was done with the Town and Schenectady County Department of Health back in 2020. So, it is good sandy soils here in Rotterdam and no ground water so it would be a conventional system which "*Inaudible*" (Someone is shuffling papers near the microphone).

We did receive the DPW comments and I can go through those. Number 1 is two additional parcels, I don't think there was any discussion on 1, 2 or 3 unless the Board has any further discussion on those.

Number 4 the perc tests were performed. We did the one back in 2020 and we may have to do another one for this lot over here.

I didn't quite understand number 5 update the SEAF. "*Inaudible...*" (Papers being shuffled near the microphones).

**Chairman Scannell:** My guess is that if you were using all of the information from 2020 it might be best if that form was filled out at that time.

**Mr. Comenzo:** It was the same form that was used for the Brower Boundary Line Adjustment so, it just needs to be updated.

**Mr. Palleschi:** If there is anything else or any other discussion that the Board has tonight in regard to this, we can certainly have that discussion and be back at the next meeting with these revisions.

**Chairman Scannell:** We will start with you, Mr. Miglucci, do you have any questions or comments?

**Mr. Miglucci:** Just the size of the homes, the new lot, lot 1 on the top there, I know there is no top to this map but I know that Mariaville Road starts rising on the other side of that back side and I just can't figure out the septic, it just seems like a small area, but that is about all that I have. I'm just concerned about the small area back here for this lot.

**Mr. Palleschi:** The septic system that we are proposing is for worst case, not worst case but a four (4) bedroom design. Looking at the homes here on Anna Court you are most likely going to see a three (3) bedroom home because it's a smaller footprint. The septic system could, we are proposing it here but it could go in the back of the yard depending on the best fit and the actual footprint of the house. That typically comes at the building permit and we will put together a plot plan with the actual footprint of the home and at that time we would detail the septic system.

**Mr. Miglucchi:** These are smaller homes kind of like salt box homes.

**Mr. Palleschi:** It looks like the footprint is roughly 30' x 50, so 1,500 square foot. So, again it depends on the shape. We are just showing rectangular but depending on where the actual house is situated.

**Mr. Miglucchi:** That is all that I have for now.

**Chairman Scannell:** Mr. Signore?

**Mr. Signore:** Is the style of home going to be determined?

**Mr. Palleschi:** I'm sorry, what?

**Mr. Signore:** The type of home, like ranch or...

**Mr. Palleschi:** No, not at this time. Seeing that there is no high ground water there, you could have probably have a traditional colonial.

**Mr. Signore:** The colonial would give you a smaller square footage downstairs and it would double for the upstairs if there was a question on lot size but, I wouldn't even see a problem for a ranch home.

**Mr. Palleschi:** It all depends on the footprint and the shape of that home.

**Mr. Signore:** You could actually turn that too.

**Mr. Palleschi:** Right.

**Chairman Scannell:** Are you all set, Mr. Signore?

**Mr. Signore:** Yes, I'm sorry.

**Chairman Scannell:** Mrs. Flansburg?

**Mrs. Flansburg:** I drove over and looked at the house that is there. It looks like it is just waiting for two (2) more houses on the cul-de-sac part of it. This is just approving for the boundary line adjustment subdivision and if it is appropriate for that area and the building department will determine your "*Inaudible*" but I have no problem with that.

I do have one quick question though, who maintains, because there is only the one house there, the actual cul-de-sac had a tree in it and plantings and stuff, is it the house that is there or is it the town? Do you have any idea?

**Mr. Palleschi:** I don't know. I live on a cul-de-sac too and the neighbors sort of take care of the center cul-de-sac.

**Mrs. Flansburg:** It's literally just the one house that is there.

**Mr. Palleschi:** That would be my guess.

**Chairman Scannell:** Peter, can you confirm if that is a town road.

**Mr. Comenzo:** It is, in fact, a town road. There is a little bit of history of the dedication of that road to the town that goes back twenty something years, but it is a town road. It was accepted by the town in 2005.

**Chairman Scannell:** So, the road itself would be maintained by the town and any decoration in the middle of the cul-de-sac would likely be the residents?

**Mr. Comenzo:** It's owned by the town and a lot of the time the residents will take ownership of it if they want something nice there, they will put something nice there and maintain it. The town does not typically maintain the center of cul-de-sacs if they are vegetative, they will maybe mow them a couple of times a year but other than that...

**Chairman Scannell:** The town did not place a topiary in the middle of Anna Court, correct?

**Mr. Palleschi:** I don't believe the town did.

**Chairman Scannell:** So, town is maintaining the road but not any topiaries or anything else in the center of the...

**Mr. Palleschi:** Right. I mean, I don't think that topiary has anything to do with the subdivision that we are here for tonight.

**Mrs. Flansburg:** I was just asking because there is one house on it.

**Mr. Palleschi:** My guess is it's the resident there.

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

**Mr. D'Alessandro:** I don't have any questions. I think it's a smart move for Dave to do that. I have no questions. That is all that I have.

**Chairman Scannell:** Mr. Collins?

**Mr. Collins:** What are you going to do with that water line? Are you going to loop it all the way around or are you going to end up with a dead end by the second house? I mean, I don't know exactly where that water line is, but it seems like if it is possible, they could loop it back in and they would get better flow and less problems with the water being stagnant but like I say, I don't really know where that water line is. I asked Peter but I don't know if it is a six or an eight, I don't know if you are going to put like a four over to the two houses and then tap off of it or maybe if possible and it's not that expensive and I don't know if you can use plastic or not, I would maybe loop it back into the original one so you have a loop and you get better residual and less stagnant water but that is just a suggestion. As far as the subdivision, I don't have a problem with it. My concern was the water issue and that is all that I have.

**Chairman Scannell:** Thank you. So, I did visit the site as well and I spoke with the folks at DPW just so they could give me, as a new person, some clarity on their comments. I notice that since this is just a sketch plan there was really no topography on the plan itself and there is really kind of a slope there. I wonder by the time you guys come back for the preliminary, that we could see more of the topography so that if there is going to be an effect of any kind of water runoff, I know that the septic does get to be kind of close to the lowest farthest end so, I'm thinking that is where the water is going to be running down to. I think I saw a perc test for one but again I think that was from 2020. I know that the DPW comments would like it done on both lots and not just on one lot.

There is a lot of trees that are kind of up going up the side and there is a lot of shrubs and I know that there was some concern that even though it's on sand, it will be interesting, to kind of see what happens when that vegetation is all gone.

Do you know if they are considering leaving the trees to act as a sound barrier for that neighborhood?

**Mr. Palleschi:** Where are the trees, back in this area here along Mariaville Road, right?

**Chairman Scannell:** I took pictures of them. This is up against the guardrail where they go over. They are pretty mature trees but there are some that are a little skinner than other ones, this time of years, of course, you're not getting the full effect, I know that in the summer time when I would go to Poppy's I couldn't see Anna Court and I'm sure that they couldn't hear me at Poppy's enjoying my ice cream, but I am concerned that if all of those trees were to come down that that neighborhood might be getting a lot more road traffic noise than they have ever had before.

**Mr. Palleschi:** I think that really is going to depend on the grading of the lots and the size of the home and whether we keep the septic system there or move it back in here. I would think it would be advantageous to keep as many trees as possible.

**Chairman Scannell:** I know that sometimes depending on the species of the trees and if they are kind of some of them are in better shape than others, if you would possibly consider replanting some native species to make up for whatever does have to be taken down.

Are you planning on putting basements in?

**Mr. Palleschi:** That is going to be up to the owner. I think basements can go in here and typically yes, you would see a basement for a single-family home. So, I would anticipate yes, but again it's up to whether someone wants a raised ranch or a different style home.

**Chairman Scannell:** Thank you very much.

**Ms. Heinel:** Hi Luigi, obviously I will need to see the final deeds when those are completed. This full project would be conditioned on that happening. So, I need to see those deeds. If they are done before we get to preliminary or final, please feel free to bring them so I know whenever it is just so I can have a record that those were completed.

**Mr. Palleschi:** These are the new deeds that have been created?

**Ms. Heinel:** The new deeds for these two lots that you are proposing. The other ones are ancillary at this point, but for the two lots that you are proposing to have this done for, I will need to see those deeds completed. If they are not done before we get to those points, then it will be a condition on the final that they are completed.

We do want to see updated perc tests for both lots for the septic's that are being proposed. Obviously if they do plan on doing basements, we might have to see what that looks like for the basements but that would go through building.

Are they planning to get the sites build ready and sell off the vacant lots or are they planning to build and sell the builded lot?

**Mr. Palleschi:** I'm not sure.

**Ms. Heinel:** Other than that, no other questions. I need to see the deeds to make sure that the process is completed, otherwise, the two-lot subdivision doesn't make a lot of sense.

**Chairman Scannell:** Are there any deed restrictions?

**Ms. Heinel:** If there are deed restrictions for that area, I would highly doubt there are deed restrictions for those but we “*Inaudible...*” (Papers being shuffled into microphones) and I will see if there are any deed restrictions when I get to see them.

**Chairman Scannell:** So, at this point I should get the Rotterdam Planning Commission Lead Agency.

**Mrs. Flansburg:** I will make the motion that the Rotterdam Planning Commission declare lead agency for this project.

**Mr. Collins:** I second the motion.

**Chairman Scannell:** Mrs. Flansburg has made the motion and it was seconded Mr. Collins. Please call the roll.

**Lisa Gallo:** Mr. Collins?

**Mr. Collins:** Yes.

**Lisa Gallo:** Mrs. Flansburg?

**Mrs. Flansburg:** Yes.

**Lisa Gallo:** Mr. D’Alessandro?

**Mr. D’Alessandro:** Yes.

**Lisa Gallo:** Mr. Miglucci?

**Mr. Miglucci:** Yes.

**Lisa Gallo:** Ms. Scannell?

**Chairman Scannell:** Yes.

**Lisa Gallo:** Mr. Signore? I’m sorry.

**Mr. Signore:** Yes.

**Chairman Scannell:** You’re all set. Thank you.

**Mr. Palleschi:** Thank you.





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

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

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

**Resolution Number PC 2-2024**

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

**Applicant:** David Gazillo – Casey & Amber Brower

**Project Location:** Anna Court  
Rotterdam, NY

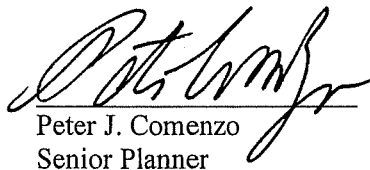
**Tax Number or Numbers:** 48.17-2-21.111 (Anna Court), 48.17-2-8.3 (93 Kellar Avenue), 48.17-2-8.222 (Kellar Avenue), 48.17-2-1.2 (Mariaville Road)

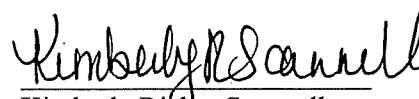
**Proposed Project:** Two (2) Lot Boundary Line Adjustment Subdivision: Lot 1 = ±17,363 square feet with proposed single-family residence and Lot 2 = ±18,386 square feet with proposed single-family residence.

**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, January 9, 2024, the Rotterdam Planning Commission hereby declares itself lead agency and authorizes the Rotterdam Town Planner to prepare, file, publish, and distribute all documents as necessary to comply with 6 NYCRR Part 617 (State Environmental Quality Review).

  
Peter J. Comenzo  
Senior Planner

  
Kimberly Ricker Scannell  
Planning Commission Chairman

2. **Burdeck Street Development, LLC – 784 Burdeck Street. Sketch Two (2) Lot Subdivision: Lot 1 = ±23,420 square feet with existing contractor shop, Lot 2 = ±71,607 square feet for future development. Engineer: ABD Engineers LLC.**

**Chairman Scannell:** You're on.

**Mr. Palleschi:** Good evening again, Luigi Palleschi with ABD Engineers and Surveyors. Here tonight to discuss a two (2) lot subdivision for 784 Burdeck Street. The parcel was owned by Hodorowski and there is an existing building known as 784. They used it for their mechanical division. It's an existing building that has parking and "Inaudible..." (Papers being shuffled near microphones). There is a small addition in the back of that building as well. This is an industrial zone. We are meeting the minimum lot size where we are proposing this "Inaudible..." (Papers being shuffled near microphones) behind the addition and the remainder of the land would be subdivided for future use. The reason for the subdivision is really for financing purposes.

I know the application that is before you the way the frontage is on Burdeck Street as well as Opus Boulevard because Lot 2 will have frontage on Opus Boulevard we are short of the 100' minimum frontage and the first thought was going to the ZBA and requesting a variance for those and one of the reason for the thought process behind it is because we really didn't want to touch 796 Burdeck Street because that is also owned by Hodorowski, but after speaking with Hodorowski we are gong to make a minor change to this subdivision and propose to bend the property line so that we can obtain that 100' minimum frontage. If we bend this side property line we are only short maybe 10' along this frontage here on Burdeck Street and that will not impact any setbacks or anything on the existing buildings and then we would do the same thing on Opus Boulevard, we would bend this line and do a lot line adjustment with 796 so that we can obtain the proper frontage so that no variances are needed.

What that will do is that will put the existing building on Lot #1. Lot #1 is at 23,420 square feet and Lot #2 would be at 71,670 square feet. There will be reciprocal easements between the three (3) parcels. There are some already set up now. Curb cut is off of Burdeck Street and then there is a curb cut off of Opus Boulevard that is on 796 but that will allow to "Inaudible..." (Papers being shuffling near microphones).

The water is connected here and it has existing connections off of Burdeck Street for the existing building and the existing building does have an existing septic system off of the side of the building and the back is just a gravel yard with some tanks and kind of a raised covered area for whatever the prior use was there. That will remain for now and hopefully someday we will be back in front of the Planning Commission with a site plan development for that property. We are not sure at this time, like I said, the subdivision is really for finance purposes and being able to see the front portion.

I did receive the DPW comments. Number 1 is providing the contour lines and provide drainage analysis. I don't know what that would do because we are only proposing a subdivision here. We are not changing anything. I think that is more if we were to come in with a site plan application for any future developments or changes but everything will remain as is for both lots.

There is no shared stormwater system on these and again, in the near future if we are proposing site plan application for Lot #2 that would have its own, we would have to design its own stormwater practice for that lot itself.

**Chairman Scannell:** My understanding and I'm not sure if I can talk now.

**Mr. Palleschi:** Absolutely.

**Chairman Scannell:** Sounds good. Mary wants stormwater on the new lot and the front site so she wants to see them both.

**Mr. Palleschi:** Right, but we are not proposing any right now. All we are here for tonight is a subdivision so, the stormwater does what it was done on Lot #1. We are not making any changes. We are not going to create a stormwater practice.

**Mr. Comenzo:** I think the comment was to make sure all of the stormwater from Lot 1 is staying on Lot 1 and the stormwater from Lot 2 is not flowing so we don't need any cross easements. Right now, there is really nothing showing on the map that would indicate what is going on with the stormwater. I guess if you could demonstrate that the water from Lot 1 is not going onto Lot 2 or there is no stormwater practice on Lot 2, then that is what we need.

**Mr. Palleschi:** The existing parking lot drains towards Burdeck Street. It doesn't drain onto Lot 2. Lot 2 is higher in elevation. We are not changing that.

**Mr. Comenzo:** It doesn't show that.

**Ms. Heinel:** That's what we need to see when you come back for prelim, we need, I understand what you are saying, Luigi, we just need to be able to see on the plans when you come back from preliminary what are the current existing stormwater practices, where they are located, how is water draining, is there any impervious area on the lot that you are not proposing to develop on that you factor in when you were doing the stormwater drainage plan for the first. This was all one big lot, right, big calculations maybe not by you but there were calculations for the stormwater for the site and the infrastructure was built off of those calculations you made. We need to make sure that subdividing out these lots isn't going to change any of those factors or analysis and that that back lot even though you are not planning to do anything with that lot, this subdivision is not going to affect any of those practices in a way that would make it unusable or not work correctly or otherwise. We just need to see those details so we can make sure of that.

**Mr. Palleschi:** We can certainly add the contours, that's not a problem but there is no stormwater on this because this building has been here for, I don't know how many years.

**Ms. Heinel:** It predated the stormwater requirements.

**Mr. Palleschi:** It predated the stormwater so, I think it would be a lot of ask if we are in for a subdivision and we have to start creating stormwater practices now, that doesn't make sense. I think maybe where this is coming from is some other projects where it was designed with stormwater and we subdivided it and some of the stormwater went to another lot and there were easements and maybe the town didn't like that and they are trying to get away from that which I get but I think this is a little different than that.

**Ms. Heinel:** We just need that information for preliminary. You need to tell us when was this built, did this predate stormwater practice infrastructure, is there anything that currently manages stormwater on the site, what are the management practices that are currently in place, is this subdivision going to affect any of those management practices. We just need that information so we can have a thorough review of what we are looking at.

**Chairman Scannell:** There's wetlands here, right?

**Mr. Palleschi:** No.

**Chairman Scannell:** There's no wetlands at all?

**Mr. Palleschi:** No.

**Chairman Scannell:** I thought your application...

**Mr. Palleschi:** The EAF a lot of times will trigger that there are wetlands on or near the property but it doesn't mean...

**Chairman Scannell:** Okay.

**Mr. Palleschi:** If you've been to the site...

**Chairman Scannell:** I did go but I was afraid to climb over your chain link fence with barbed wire on top so I did not trespass into proposed Lot 2. I was there. It looks like, I saw where the easement is and it just kind of looks like the chain link fence goes where it goes and you're probably not going to put another chain link fence across. People are going to go about their business. I'm trying to understand that it's from a financing perspective but down the road when it's not being used as a financing thing, I guess we want to take into consideration making sure that the stormwater is under control. Like Courtney said, if you can provide us with all of that for the next time, that would be most helpful.

**Mr. Palleschi:** Okay.

**Chairman Scannell:** You can touch base with Mary, as well.

**Mr. Palleschi:** Yes, I think I have a better understanding. I think I should be able to provide something to clarify.

**Ms. Heinel:** Whatever information you have relative to that just so the Board can make a thorough review.

**Mr. Palleschi:** Confirm septic location and provide setback information. That is where the owners of that building told me the septic system is when they get it pumped out. I don't know the exact details but we can certainly add dimensions.

**Ms. Heinel:** If you can just let us know where the leach field is, where the septic tank is, any specs you know about what the septic is.

**Mr. Palleschi:** Number 3 is the variances and I touched on that and that if this Board is agreeable to that, why not try to avoid another Board. We will make that change and like I said, it will not affect any other lots. We will have to bring 796 into play now because that area will shrink a little bit but it's very minimal.

**Chairman Scannell:** Peter, can you weigh in those comments for our benefit?

**Mr. Comenzo:** I guess you would have to update the application materials to do that. One of the tricky things with having multiple properties involved is the County if they don't match the owners and the LLC is different from the property owner, it gets very difficult to file those. They get bounced back and we have been seeing more of that where they will file it and they just create other parcels and then you have these little extra parcels. I think that is probably what happened with the other subdivision because it has a separate tax number but it's a landlocked piece of property because it doesn't really exist but it was a filed subdivision so, we try to avoid that as much as possible. It certainly would be cleaner from a legal standpoint to go through and get the variances and just subdivide it with the variances. I understand the request to do that obviously it's up to you to fill out the application if meets the code and you are avoiding the variance and it's up to the Board, I guess, to decide if it is too odd, I guess, sometimes when we have a residential subdivisions and you try to avoid a shed and just because they want to avoid the shed you got this crazy line and then 20 years down the road it's very difficult. It looks like the changes he's proposing are pretty minor and it's industrial and it's not a residential subdivision so, I don't know if it would be a difficult issue. Just the only thing that I was thinking of is the potential of those properties are in separate names.

**Mr. Palleschi:** I can double check that.

**Mr. Comenzo:** Then it becomes a little more problematic from a legal standpoint when you go to file them.

**Mr. Palleschi:** On my map I do show the two booking pages for both of them under Burdeck Street Development, LLC so that may save us unless they have changed and I can double check that.

Back to the variance I know one of the criteria is there any alternative methods to avoid the variance and I can't say no because they own both properties.

**Ms. Heinel:** If you can update the plans and show us that it doesn't impact, now we are not going to have a line that goes through a building or something like that, just update the plans so we can see what it looks like.

**Mr. Palleschi:** I don't know if you can see it from there, but I kind of hatched it in.

**Ms. Heinel:** Is it just going to be that corner line?

**Mr. Palleschi:** And then same thing over here.

**Ms. Heinel:** Just that little corner line. You're not bringing the whole line?

**Mr. Palleschi:** "*Inaudible...*" (Planning Commission members are talking and cannot hear the applicant). We had done this lot line adjustment maybe three (3) or four (4) years ago when they put the addition on to 796. So, we originally moved that line over and now we are kind of bringing it back.

**Ms. Heinel:** If you could just update the plans and show that it meets the code requirements and if that works and what the applicant wants to do, it's technically more legally sound than having to go through the variance process which is to get around the code requirement so to speak. If you can comply with the code then you can comply with the code.

**Chairman Scannell:** Mr. D'Alessandro, do you have any questions or comments?

**Mr. D'Alessandro:** No, it's pretty straightforward for a subdivision. That is the old Tri County Gas property, is that what it is?

**Mr. Palleschi:** Yes.

**Mr. D'Alessandro:** Is that what the propane tanks? I was just wondering why they were just propane tanks just sitting way in the back but now it makes sense. That is all that I have.

**Chairman Scannell:** Mr. Collins, do you have any questions or comments?

**Mr. Collins:** I got one question at the very end you are not going to put an entrance way down?

**Mr. Palleschi:** No, we weren't proposing it. We talked about providing a reciprocal easement so that they can utilize it.

**Mr. Collins:** I was just wondering. I'm good with it.

**Mr. Palleschi:** The grade a little, it's not too steep, if the curb cut here and if they are allowing access we might as well take it

**Ms. Heinel:** So, if and when they develop that back lot there will be easement.

**Mr. Collins:** That's all that I have.

**Chairman Scannell:** Mr. Signore, do you have any questions or comments?

**Mr. Signore:** No, the advantage is the owner owns several parcels. So, he's actually doing it to his own property and doesn't affect anyone.

**Chairman Scannell:** Mr. Miglucci, do you have any questions or comments?

**Mr. Miglucci:** As long as he can angle that out to get 100' I think we are okay. You have two (2) actual gates to get into the back there?

**Mr. Palleschi:** Yes, there is one off of Burdeck Street and one off of Opus Boulevard.

**Mr. Miglucci:** They will be able to get fire apparatus in there if we had to, correct?

**Mr. Palleschi:** Yes, I think we are thinking ahead with site plan application but we are not there yet.

**Chairman Scannell:** Mrs. Flansburg, do you have any questions or comments?

**Mrs. Flansburg:** Nothing in addition to what anyone has said this evening so, I'm all set.

**Chairman Scannell:** In virtue of going last, I'm all set as well.

**Ms. Heinel:** I will just mention that I will need to see the easements that you are proposing for the property and the subdivision just to make sure that that's all in order. Just as we move along in the process, just get that information to me and as a common owner it should be pretty easy to execute those. Just send over the copy for me and the file documents.

**Chairman Scannell:** The Rotterdam Planning Commission should declare lead agency. Do I have a motion?

**Mrs. Flansburg:** I will make that motion.

**Mr. Collins:** I second the motion.

**Chairman Scannell:** Motion made by Mrs. Flansburg and seconded by Mr. Collins. Please call the roll.

**Lisa Gallo:** Mr. Collins?

**Mr. Collins:** Yes.

**Lisa Gallo:** Mrs. Flansburg?

**Mrs. Flansburg:** Yes.

**Lisa Gallo:** Mr. D'Alessandro?

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

**Lisa Gallo:** Mr. Signore?

**Mr. Signore:** Yes.

**Lisa Gallo:** Mr. Miglucci?

**Mr. Miglucci:** Yes.

**Lisa Gallo:** Ms. Scannell?

**Chairman Scannell:** Yes.

Thank you very much.

**Mr. Palleschi:** Thank you.

**Mr. Collins:** I would like to make a motion to adjourn the Planning Commission meeting.

**Mr. D'Alessandro:** I'll second.

**Chairman Scannell:** Motion was made and seconded. Please call the roll.

**Lisa Gallo:** Mr. Collins?

**Mr. Collins:** Yes.

**Lisa Gallo:** Mrs. Flansburg?

**Mrs. Flansburg:** Yes.

**Lisa Gallo:** Mr. D'Alessandro?

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

**Lisa Gallo:** Mr. Signore?

**Mr. Signore:** Yes.

**Lisa Gallo:** Mr. Miglucci?

**Mr. Miglucci:** Yes.

**Lisa Gallo:** Ms. Scannell?

**Chairman Scannell:** Yes.

Meeting adjourned at 8:24 p.m.

Motion to adjourn the meeting was made by Mr. Collins and Mr. D'Alessandro seconded the motion.

Next meeting scheduled for January 23, 2024

Respectfully Submitted,

Marlo L. Carter  
Planning Commission Secretary



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

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

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

**Resolution Number PC 3-2024**

Moved by Mrs. Flansburg seconded by Mr. Collins  
Applicant: Burdeck Steet Development, LLC

**Applicant:** Burdeck Street Development, LLC

**Project Location:** 784 Burdeck Street  
Rotterdam, NY

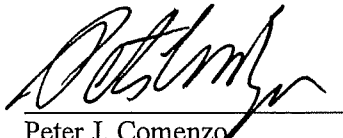
**Tax Number or Numbers:** 47.-8-2.5

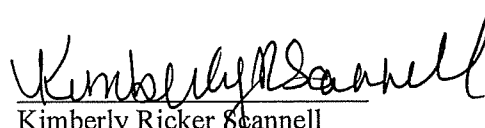
**Proposed Project:** Two (2) Lot Subdivision: Lot 1 = ±23,420 square feet with existing contractor shop, Lot 2 = ±71,607 square feet for future development.

**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, January 9, 2024, the Rotterdam Planning Commission hereby declares itself lead agency and authorizes the Rotterdam Town Planner to prepare, file, publish, and distribute all documents as necessary to comply with 6 NYCRR Part 617 (State Environmental Quality Review).

  
Peter J. Comenzo  
Senior Planner

  
Kimberly Ricker Scannell  
Planning Commission Chairman