

**Town of Rotterdam Planning Commission
Minutes of September 3, 2024 Meeting**

The Rotterdam Planning Commission held a meeting on Tuesday, September 3, 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 Mark D'Alessandro Wayne Calder Joseph Signore Joseph Miglucci Peter Comenzo, Town Planner Stephen Valiquette, Attorney Marlo Carter, Secretary	Excused: Clark Collins
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Chairman Scannell called the workshop to order at 7:00 p.m.

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

Waivers:

1. **Events Unlimited by Karen LLC – 93 W. Campbell Road.** The applicant requests a Waiver of Site Plan review to operate an event planning office in tenant space F-130, ±1,060 square feet, formerly Sprint PCS, month to month in ViaPort Rotterdam Mall.

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

1. Application fee shall be submitted (\$100.00).
2. Compliance with all NYS Building and Fire Codes.
3. 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 every operation.
4. Applicant to comply fully with Town Sign Code and obtain a building permit for any signage.
5. Owner/applicant shall install Knox box for emergency personnel. Please contact Fire District #6 and/or #7 for specifics.

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

2. **Truths Cookies an Creamy Things LLC – 93 W. Campbell Road.** The applicant requests a Waiver of Site Plan review to operate a country store in tenant space G-106, ±1,875 square feet, formerly Gertrude Hawk, from July 15, 2024 – September 14, 2024 in ViaPort Rotterdam Mall.

Motion was made by Mrs. Flansburg 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 every 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.
5. Applicant shall obtain Schenectady County Health approval and/or New York State Department of State licensing.

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

- 3. Joseph Druzba & Sidney Dawson – 520 & 524 Stanek Road.** The applicant requests a Waiver of Subdivision to Boundary Line Adjust $\pm 6,592$ square feet from 524 Stanek Road (Tax Map No. 58.09-1-8.11) to 520 Stanek Road (Tax Map No. 58.09-1-7.1). Engineer: Blackstone Surveyors.

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

1. The final maps (with all necessary changes discussed at the Planning Commission) need to be submitted for signature and filing with Schenectady County.
2. The Planning Commission Chairman will sign up to two (2) Mylar's (One for Schenectady County and one for the applicant).
3. The signed Mylar's need to be filed with Schenectady County Clerk's office within ten (10) days.
4. After signature and filing with Schenectady County six paper copies shall be returned to the Planning Commission office.
5. The Town of Rotterdam Zoning Board of Appeals granted lot size variance for 524 Stanek Road on August 21, 2024.

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

Attendance was taken and a determined there is a quorum.

The Pledge of Allegiance to the Flag was recited.

Ms. Scannell: First up is approval of the summary minutes of August 20th.

Mrs. Flansburg: I will make that motion.

Mr. Calder: I'll second it.

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

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: Abstain.

Ms. Carter: Mr. Miglucci?

Mr. Miglucci: Yes.

Ms. Carter: Ms. Scannell?

Ms. Scannell: Yes.

1. Gorvin Sarju – Tower Avenue. Sketch Site Plan review for the construction of a 2,000 square foot storage building on a 0.35-acre parcel. Engineer: Ingalls & Associates.

Ms. Scannell: All right, you're up.

Mr. Pagan: Good evening. Chad Pagan, Ingalls Associates.

I'm here for a site plan on a project which we finally got change of zone. That was a project. I'll just say that.

The applicant, now that he has the change of zone, he's allowed to do a commercial building on the property, and he wants to do a 2,000-square-foot building. We have to go to the ZBA to get a couple things straightened out, such as we need an area variance and a side yard setback. The reason we need the side yard setback is we're trying to keep the building as far over as possible and have the driveway as far away over as possible, so the driveway isn't far away from the intersection of Tower and Chrisler Avenue. Because I did investigate possibly having a driveway entrance onto Chrisler Avenue, and New York State DOT said no. So, this is why we have to keep the access onto Tower Avenue. I just received the DPW comments, and I can answer a couple of these right off the bat.

There's going to be no utilities for this building, no bathrooms, so there's going to be no water, no sewer in the building.

Ms. Scannell: Just electricity?

Mr. Pagan: Just electricity. I don't think he's going to do any lighting other than lights inside the garage when he opens the doors. It's not a business per se where people are coming and going. The gentleman who owns the property here and proposing this lives in the house next door, owns the residential property next door, and he has dump trucks. So, he's just going to walk over from his house to get in his dump trucks and go to work, and then drive his dump truck back, park it in the garage, and walk back to his house.

So, it's not a business yard per se. So, I don't think he's going to have any lighting other than typical what someone would have in a garage in their house. So, I don't know what kind of lighting detail we'd be looking at to provide for that. I mean, I could call that out, and it's just going to be a little 100-watt floodlight over the garage door like anyone else has.

Fencing, I brought up to the guy. I think that's a good idea to have some fencing along the Chrisler Avenue portion of the property. I mean, there's some trees there that are kind of not so great looking, but I think it would be a good idea to have a fence there.

Ms. Scannell: I think there's a chain link fence there, right?

Mr. Pagan: Yeah, it's kind of beat up. I want them to clean it up around the corner.

Ms. Scannell: So, I think the DPW comment with regard to fencing and the additional landscaping was along Tower Avenue.

Mr. Pagan: Okay. So, you want it in front. Okay.

As far as asphalt pavement, I suggested it. I didn't hear if that was something that they were willing to do or not. But if it's something that would make the project more appealing, I'm sure they would be willing to do it.

Ms. Scannell: I think when I drove by there one of the times, I actually thought they maybe owned a paving company or something. They had an awful lot of paving equipment there.

Mr. Pagan: Well, the guy does, he's independent, but he does a lot of stuff with major heavy highway stuff. And then he's got a brother-in-law who drives tractor trailer. An 18-wheeler might be parked there once a week or once a month.

He's out on the road out to California and back. I'm not sure what that gentleman does, but the applicant does work in the heavy highway industry. So, some of that equipment might have been associated with that.

Ms. Scannell: So, what equipment will be going in the garage and what equipment, if any, will be stored outside? I mean, because we're building a garage because of the need to have a place to store equipment. So, if we could talk about any proposed outdoor vehicle and/or equipment that's going to be stored outside, we'd like to see that on the actual drawing. And to kind of know what it is, I mean, if a tractor trailer is going to be there, how frequently is that going to be there? And what other kinds of outdoor vehicles might be parked outside?

Mr. Pagan: Good question. That, I will have to, unfortunately, I don't know.

Ms. Scannell: No, I understand.

Mr. Pagan: I know that he wants to park two dump trucks in the garage. That I know for a fact. What he's going to have outside, I'll have to find that out, and we'll have to depict it on the plan, you know, storage area for this or that or whatever it's going to be. I do know that there will be an 18-wheeler parked there once a month for a couple days because his brother-in-law, it's his brother-in-law or cousin, I can't remember, drives cross-country most of the month, and he's only there for about a week, a couple days of the month. So, I do know that there will be an 18-wheeler parked outside there. I do know that once a month for a couple days. But anything else besides that, I will have to find out and depict it on the plan.

Good question. I didn't think of that.

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

Mr. D'Alessandro: My concern would be what you're going to use that for. I'd like to know what was going to go in there or you're going to store around it. Otherwise, I mean, this is pretty straightforward, especially when he owns the property next door. So that's all I have. My concern was just what you were going to do inside the garage and outside the garage.

Mr. Pagan: Okay.

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

Ms. Scannell: Thank you. Mr. Calder?

Mr. Calder: Well, like Mark said, I agree with what's in the garage and what isn't, but I think in this case there's going to be no real services they're using from the town except for electricity, which they're paying for themselves. I think the biggest thing is, like Chad mentioned, was to keep the outside looking nice.

I think there was some discussion about some junk in the back of the building that he was going to have to remove to take it out of there when he was here the last time. Unless I'm getting mixed up with a different project, but I believe that's what we talked about. And I don't know if that's been done or not.

Ms. Scannell: I think what we talked about when he was here before had more to do with some of the equipment that was outside maybe being too much.

Mr. Calder: Out in the back or something?

Ms. Scannell: Yes.

Mr. Calder: And he said he was going to try to get that cleaned up as best he could. It wasn't his, but it was going to get cleaned up. Other than that, clean up to probably make it look nice. It's on a corner. It should look nice there. I wouldn't worry about anything else myself right now.

Mr. Pagan: I believe what you guys brought up was brought up at the final meeting for change of zone. Someone said that he was running a lawn care business out of there, which he wasn't, that he was having some other equipment there, and then he decided, well, knew that that stuff shouldn't be there. So, yeah, he's going to be removing it.

Mr. Calder: But if he's letting people store stuff there, he's getting paid for it, obviously, unless it's family, like you said.

Mr. Pagan: That I don't know. I mean, I would assume no one does anything for free.

Mr. Calder: I think the main concern is, like I said, using those services, so that doesn't really affect anything. But make sure it probably looks good. It's on a corner. I know it's an industrial area over there.

Mr. Pagan: I agree. I mean, you're driving up that road there. You want to look at a junkyard. I agree. I wouldn't want to see a junkyard sitting there.

Ms. Scannell: Thank you. Well, and we do need to think about, right, we had a mixed bag of tricks when it came to the Town Board meetings so, we need to take that into consideration. So, I do want to talk a little bit, before we continue down this way, about the proposed lighting. As we looked around, it doesn't seem like there's any light at all, except farther up at the other side of his residence. So, are you proposing to have, you know, if you're storing vehicles, is there going to be lighting on that that I'm just not seeing?

Mr. Pagan: I'm going to have to talk with them to see what they want to do for actual lighting. I just assumed that because it's his personal thing, he's just going to have a normal light above the garage door like most people have.

Ms. Scannell: Well, sometimes people end up, you know, if he wants security lighting or he's got something high up on a pole, you know, you've got two (2) one (1)-family residential right across the street there. So obviously we would be concerned with the height and with how bright it is. I understand it is a busier street, but right now there's no lights right here that would be disturbing anyone.

Mr. Pagan: I'll have to talk with them about that, but I don't think it's going to be anything other than what normal garages have with floodlights, because they don't want to draw attention to the spot. Hey, look at all this equipment you could steal.

Ms. Scannell: Well, but sometimes also, right, people like to keep the area well lit. So, hey, you're on candid camera and it's well lit, so we can see you sneaking in here stealing our equipment. That type of thing.

Mrs. Flansburg?

Mr. Pagan: All right. I'll have more detail on that.

Ms. Scannell: Thank you.

Mrs. Flansburg: And then just the issue about black topping or the gravel. DPW's note was about trying to prevent tracking gravel onto the roadway. Maybe there's a compromise of, you know, doing a certain number of feet from the road in so that it's not tracking it into the road. I'm sure it's pretty expensive to do the entire lot.

Mr. Pagan: I brought that up to the contractor's building. I suggested he does do at least a black top apron coming in for that, because he brings vehicles in and out of there now. Right. But if he's going to have a building there, at least the black top would at least look better. And then he'll get more longevity out of it, and it'll be easier to maintain as far as winter.

Mrs. Flansburg: Wintertime, exactly. But at least if there's consideration given from the road to however far so he's not tracking it out onto the road. Otherwise, anything else I had would have already been addressed. Thank you.

Ms. Scannell: Thank you. Mr. Signore?

Mr. Signore: I have to agree 100% with Lynn on the paving. I mean, you put a garage in without an apron. Does it make sense?

Mr. Pagan: No.

Mr. Signore: And there's gravel all around it. And, you know, in many cases they even put the black top along the sides of the building. But I don't know. I think I'd like to see some black top in there. It makes it look neat. You've got a new building and you're sitting there on a gravel lot. At least, you know, an apron to the road. And he's going to put trucks in there, I guess, right?

Mr. Pagan: I agree.

Ms. Scannell: It's quieter also, right, when we drive on asphalt versus on rocks. So, the neighbors would appreciate the black top, I'm sure.

Mr. Signore: Dust.

Ms. Scannell: Dust. Yes.

Mr. Pagan: No, I agree. I had brought this up to the contractors. I would suggest paving the whole thing if it was me.

Mrs. Flansburg: Now you can tell them the planning board supports it.

Mr. Pagan: But I'm not writing a check for it. So, it's a tough. But, as I said, if having the whole thing paved makes it more attractive for the board to consider allowing this, then I think that would be a consideration for the applicant to have the pavement paved.

Ms. Scannell: Yeah, I think that there's a lot. And I'm not suggesting that you're omitting things on purpose or keeping anything from us. But there's a lot to be desired with this plan as it is. We do really need to have a whole lot more detail than your client has afforded you an opportunity to provide us with. So, I guess maybe that would be the message to bring back.

Mr. Miglucci?

Mr. Miglucci: No, the whole idea about the apron, yeah, coming from the garage out to the road, at least some kind of minimal, because truck tires have deep ruts, they have deep treads. And this 18-wheeler, he said, is going to be there a couple days a month. He's probably an over road driver. He's probably going to bobtail it in there and put a 53-foot trailer behind it. So, he's probably just going to rest it there for a few days. But still, like I said, it does get, if you're on crusher run or number two, it will stick in the treads and go out to the road. So, I think with Joe and Lynn said, an apron would be a good idea. That's it.

Mr. Pagan: Great. I totally agree with you guys.

Ms. Scannell: So, the height of the building as proposed right now is 35 feet?

Mr. Pagan: Yes, because you have the overhead doors. We need the height in order for a big enough overhead door to clear for the large dump trucks to get in and out.

Ms. Scannell: Do you have any questions or concerns?

Mr. Valiquette: No. Going through the July 1 zoning here, nothing at this time.

Ms. Scannell: Peter, would you like to weigh in on anything?

Mr. Comenzo: Just the only thing is we do have it scheduled for a review of the zoning board of appeals this month for a variance.

The Town Board did take care of SEQR, so we're all set in that respect. So really, it's just a matter of addressing, I guess, the comments we got tonight and DPW comments and hopefully get the variance and come back next month.

Mr. Pagan: That's what, the 18th?

Ms. Scannell: It's going to be the 17th.

Mr. Comenzo: You're not going to be able to make the 18th because the zoning board is the 19th.

Mr. Pagan: Nineteenth (19th)?

Mr. Comenzo: I believe.

Mrs. Flansburg: Seventeen (17), 18. We're 17 and zoning board is 18.

Mr. Comenzo: Okay, yeah. So, the Zoning Board is the day after the planning board.

Mr. Pagan: I'm just trying to see the ZBA. It's the 19th is the ZBA?

Ms. Scannell: The 18th.

Mr. Pagan: The 18th.

Mr. Comenzo: Wednesday, yeah. Yeah, we'll give you a call the Friday before.

Mrs. Flansburg: Wednesday, the 18th.

Mr. Pagan: Yeah, well I would feel better coming back with having got the variances. Because if I can't get a variance, none of this matters.

Mr. Comenzo: You won't come back. At least we figured we'd get you started to the Planning Commission's comments.

Mr. Pagan: Yeah, yeah. I didn't want to come back here until I received the variances. If I don't get a variance, then he's going to have to wash golf balls there or something. He can't have trucks. I don't know.

Ms. Scannell: Do you have any other questions for us? Have we been clear enough with the DPW comments and our feedback?

Mr. Pagan: Yes. Those comments, like I said, I just got them. But I can answer some of them. But some I kind of had discussed, especially the driveway and the fence thing. I had already discussed with them. I'm going to tell them we've still got to do it.

No, I mean, and I'm not saying that you're telling us we have to. I'm telling them they're going to have to.

Mr. Comenzo: Strongly suggest.

Ms. Scannell: Yeah, a little would go a long way with fencing and some additional landscaping. Again, we're trying to recognize that the change of zone has happened. And yes, I get it. There's a marina basically across the street, marine service business. But it is a residential street, right? And I understand that Mr. Sarju is the closest resident. But there's also people that are within the viewshed of this proposed project.

Mr. Pagan: Yeah, well, he had the immediate people in the street supplied letters to the Town Board. Although we had some opposition from people that didn't even live there. That was the whole process was weird. I'll just say that. We had a public hearing. The only person there is the same woman who shows up to every meeting, complains about everything in town. So, I was okay. So, they came the next day with a vote. And then all these people I never even heard of. And then the client goes, I don't know who these people are. They got videos allegedly of all this stuff going on. So, then I contacted the supervisor a couple of days later, I said, well, I don't know. I said, I took this project to the Planning Commission to get some kind of recommendation. And if they told me no way, I would have pulled it. I said, they're going to tell me if it's something that would fit with the town and agree with the town and stuff. If they said no, I would have pulled it. But they were okay with it.

Ms. Scannell: I think that the original proposal came in at a time where it was a popular time to look for changes of zone. And I think that sometimes when that happens, people get the wrong idea about what a change of zone is or why it is given, or it isn't given. But we're excited. We're excited that your client's business is doing well enough that it can build this garage and that it can have a place to store his equipment. I'm happy to hear that the closest neighbors are in favor of this project. I think dressing it up a little bit will help keep them in favor of this project. And we appreciate you bringing that message back to your client. And we look forward to seeing you, unfortunately, seeing you again. But we like having you here. So, thank you.

Ms. Pagan: Yes. I'm going to get my variances and come back and update the plan and move forward.

Ms. Scannell: All right. I'll just go on the record saying that the Town Board issued a negative declaration on May 8th, 2024. And we're not taking any action on this tonight. We thank you. It was nice to see you again.

Mr. Pagan: All right. Thank you. I'll see you in a couple of weeks or probably next month.

Ms. Scannell: It'll probably have to be the October meeting.

Mr. Pagan: Just the thought of October.

Ms. Scannell: Thank you very much. Take care now.

All right, boys and girls. That's it for tonight. I would entertain a motion to adjourn.

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

Ms. Scannell: Thank you.

Mr. Calder: I'll second.

Ms. Scannell: Thank you.

All in favor.

Planning Commission Members: I.

Meeting adjourned at 7:53 p.m.

Respectfully Submitted,

Marlo L. Carter
Planning Commission Secretary