

**Town of Rotterdam Planning Commission  
Minutes of May 7, 2024 Meeting**

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

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

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

**Waivers:**

1. **Speedway LLC – 1911 Curry Road.** The applicant requests a Waiver of Site Plan review to install bollards along the front parking area and remove wheel stops on a ±1.86-acre parcel.

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

1. Approvals are contingent upon compliance with all NYS Building and Fire Codes.
2. Applicant must obtain a Building Permit and be issued a Certificate of Compliance from the Town of Rotterdam Building Inspector/Code Enforcement Officer.
3. Applicant to comply fully with Town Sign Code and obtain a building permit for any signage.
4. Planning Commission requires entire area parking spaces affected by the installation of the bollards to be replaced with concrete. These most frequently used parking spaces in front of convenience store are affected by vehicular fluids that degrade asphalt over time and create a hazard. Add to final building permit plans.

Mr. Collins 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:** Do I have a motion to approve the minutes from the last meeting?

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

**Ms. Scannell:** Do I have a second?

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

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

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

**Mr. Collins:** Yes.

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

**Mrs. Flansburg:** Yes.

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

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

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

**Mr. Calder:** Yes.

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

**Mr. Signore:** Yes.

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

**Mr. Miglucci:** Yes.

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

**Ms. Scannell:** Yes.

Please turn off your cell phones if you happen to have them with you. Have them on silent.

- 1. Rotterdam Renewables LLC – 1827 Putnam Road. The applicant requests a Waiver of Site Plan review for modifications to a previously approved Site Plan/Special Use Permit, (September 6, 2022), to include modifications of racking, enhancement of driveway, swale, grading, and stormwater features to accommodate racking, consolidation of electrical equipment and pad, and minimization of temporary laydown area. Engineer: Crawford and Associates.**

**Ms. Scannell:** We have Crawford and Associates here tonight.

**Mr. McCune:** You have Nexamp here tonight.

Thank you very much, ladies and gentlemen, the Commission, my name is Ryan McCune. I'm the director of business development for Nexamp Solar so, the company that will own and operate this facility. As was mentioned, by the Chairwoman, we are in a position here where we had several changes to our site plan within the previously approved boundaries of disturbance that we are hoping for this Board to consider. Just a quick 10,000-foot view on how we ended up where we are, I think it would be helpful to level set everybody and then I will describe this Christmas tree looking diagram in front of you.

So, this project was approved in September 2022, for a site plan and special use permit. The project, obviously, has undergone SEQR, negative declarations and approval all in that same meeting. In the months following that process, we did move forward and apply for and receive a site development permit for the removal of trees on this parcel. There was not a substantial amount but not an insubstantial amount of trees that needed to be modified on this parcel in order for us to get out there to do our last bit geotechnical testing. Prior to coming to this board, we were understanding of the category risk to wind and snow loading requirements that were required by the Code Enforcement Office and did pose those requirements to our racking providers. They had signed off and said that they were, that we were going to be compliant with those requirements. After we went out and did geotechnical testing and we were able to provide, not only, the revised geotechnical dynamics on this site, but also the dynamics regarding the panels that were going to be used on this site which is shortly before our site plan approval here. Nexamp invested a relative sum in an American panel manufacturing company out of Minnesota and have since pivoted to using only their panels on our projects. Those panels happen to be slightly larger and therefore exert just a little bit more force on the racking, so, long story short we did have to go back to that panel manufacturer asking them if they could meet the requirements under Category II given the geotechnical dynamics and the larger panel size and they came back to us and said no. So, we ultimately are sticking with the same panel manufacturer, but we are proposing a slightly different panel dynamic here.

So, previously what we had proposed was quite a tall system that was maxing out at about 20' of height. It was what is called a "Inaudible" system. If you think about these racking systems, they are all mounted along a single access and it's basically a torque tube that turns like this. The "Inaudible" system has two (2) panels where they meet in the middle of that torque tube whereas a one (1) "Inaudible" system only has one (1) panel that meets in the middle there. So, it basically means less surface area exerting load on the racking because of the smaller panel size. It also means a substantially smaller height. So, these projects, as we have revised it, are substantially shorter depending on the area of the site, around four (4) to six (6) feet shorter but they are slightly longer so the rows are slightly longer to accommodate the fact that we have less panels. It's not substantial, we're talking around 50' or so, but on this site, it makes a difference.

We went back to the drawing board after getting that information and getting all the trees down and worked with racking provider to find solutions that were going to be viable here. All within the balance of the previously approved disturbance area. So, it's important to note here that the entrance road through the fence line has remained exactly the same as it was previously. The fence line has remained exactly the same as it was previously. The overall disturbance area as considered under SEQR has remained exactly the same. The only thing that has changed is a slight deviation in the panel locations and a slight deviation in the road location. So, the panels have gotten a bit tighter as a result. So, the ground coverage ratio which is when you divide basically the width of the panel versus the spaces between them, it's still 50%, the max allowable under the NYS SPDES Permit. They just look closer together because they are because it's a one-piece system, so, we are not talking 12' wide thing of panels. We are only talking about six and half (6 1/2) feet wide, so everything is around six and half (6 1/2) to seven (7) feet apart. It's still a 50% GCR, still the same stormwater implications.

So, overall we are looking for a waiver largely under the pretense that the overall disturbance that was proposed and approved by this board hasn't changed and frankly, in my opinion, just based on having an understanding of the physical presence of these systems, the overall physical and visual impact of this system will actually will be pretty much substantially smaller than it was previously. With that, I know that there were some questions that were proposed by Collier's as well as Mr. Comenzo regarding some of the more nuanced details and I will be happy to answer any questions that this board has and hopefully guide us through this effort.

**Ms. Scannell:** We do thank you for being here tonight and I will just point out to everyone that this project was approved prior to the solar moratorium and that is why we are here and talking about it. I would also just like to reaffirm; I think that the applicant has already clearly demonstrated and acknowledged that you are in site plan compliance. Everything that you are requesting is within the scope of the original review and that these are minor modifications. Did you have an opportunity to look at the DPW comments?

**Mr. McCune:** The DPW comments, yes, but to the extent of my understanding the largest of those comments was situated around the swale and some concerns around the maintenance of that swale. So, there were comments from Collier saying it's pretty uncommon for there to be a swale that goes under the panels and they would be correct and that is generally an uncommon thing for folks to do. It has happened on several of my projects where we are space constrained and I would say maybe in the original contemplation we would not have made that choice but given that we didn't want to expand the footprint of this array, we were really forced to do so. So, we had two options. The first option was put the footings in the center of the swale. I think any civil engineer would tell you that having a large metal pile in the middle of a conveyance swale is going to compromise the integrity of that conveyance swale and it's going to compromise the integrity of racking. So, instead what we have done is move those racking footers just outside of that conveyance swale and ultimately, we feel pretty confident that it shouldn't have any effect on the stormwater management for this site. It is also worth noting that despite this array being smaller, the overall, what we would call leading edge, so, when it pales out full tilt how high the bottom of that panel is from the ground versus the "Inaudible" system, it's actually several inches higher. So, we actually have more clearance here than we would have had on the taller system. I did go ahead and make amendments to an operations and maintenance plan and submit it to the Town for review that calls out specifically any concerns about maintenance to these swales. One advantage that Nexamp has, which I'm sure my colleague, Ms. Mason, had opined upon multiple times is that we are an owner/operator of sites. We do run our own asset management company so when you are calling someone up for vegetation management or concerns about these things, you are calling us. It puts us in a unique position to write checks that we can cash, so to speak.

We did resubmit that operations and maintenance plan and fully encourage for us to append it to the building permit and ultimately evaluate that when we are looking at our certificate of occupancy to see if we are in compliance.

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

**Mr. D'Alessandro:** I understand what you are going through. About 10 (ten) years ago, I had solar panels put on my house, they were supposed to be on the house, but they ended up being on the garage so, I can understand that things happen, and you have to do something to correct it. I'm fine with this. I have no other questions.

**Ms. Scannell:** Great, thank you. Mr. Calder?

**Mr. Calder:** I'm just curious on your end of it, you get the same amount of power off that grid that you would have gotten prior to changing it.

**Mr. McCune:** Yeah, so, there are two measures of power on these systems. There's the AC side which is what you measure it at the utility side, how much we measure going into the grid and then there is the DC side. So, we actually have a slightly smaller DC capacity on this project. Slightly, it's not a substantial amount but the AC side has remained to 5 (five) megawatts AC which was what was approved by this board.

**Mr. Calder:** I don't have any objections. Thank you.

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

**Mr. Collins:** The only question that I had and I couldn't find it in here and I probably went over it and didn't recognize it. The decommission plan, do you put up a bond or how does that...

**Mr. McCune:** So, the decommissioning plan was filed and signed off by the Town and the decommissioning bond was filed all in preparation for the building permit being pulled. So, all of that stuff is ready to go, and this consideration of waiver is the last thing that is necessary.

**Mr. Collins:** That was my only concern and I just wanted to make sure that was in place. That is all that I have.

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

**Mrs. Flansburg:** I didn't have any questions, but just piggy-backing off of that, does the change in product change your decommissioning plan or change anything with the fire department response to the equipment or whatever is being used?

**Mr. McCune:** Generally speaking, when you are speaking about concerns with fire departments, we are talking about two (2) different things. How wide is the road? The road width hasn't changed at all neither has the ability for this road to withstand "Inaudible" fire trucks which is what we design around.

The second is the inverter locations and the inverter locations are actually the same as they were before, right inside the fence line, easily accessible, so based on my relative extensive experience dealing with fire departments and emergency response officials, this project doesn't represent any increased risk.

**Mrs. Flansburg:** Thank you very much.

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

**Mr. Signore:** What is the life span of these panels?

**Mr. McCune:** So, all panels that we use is what you would refer to as Tier 1 Panels which are largely automated manufacturing high tech panels, and they are all warrantied for 25 years. So, we have manufacturer warranty for 25 years across the entire system. That is, like I would refer to it on your car, you know your car is going to drive pass 100,000 miles if that is what your warranty is. We feel pretty confident that we are going to get upwards of 30 to 35 years out of these panels without replacement pending any potential substantial physical damage to the panels. So, at this juncture, while they are warrantied for 25 years, we would expect them to go quite a bit longer.

**Mr. Signore:** Now, you have a bond for decommissioning costs. Is that bond going to reflect the cost of decommissioning this 25, 30 years down the road?

**Mr. McCune:** Yes, it does. The bond escalates, if I remember correctly, the way that this board and the Town Board had approved it, the bond does escalate yearly, so we looked at how much would this thing cost to decommission now. There is actually, if I remember, a 50% "Inaudible" to what it costs to decommission now that happens immediately. So, we take whatever the cost is, and we add 50% to it and then we escalate it over the course of the life of this system. So, we, in order to maintain our certificate of compliance and maintain compliance with Rotterdam codes, need to have that bond in place yearly and we need to resubmit that bond annually to the Town.

**Mr. Signore:** What is your formula for the escalation of costs?

**Mr. McCune:** So, the escalation was approved by the Town Board at 2% and that is what we are going to continue with.

**Mr. Signore:** You also mentioned that there were some slight variations, you moved some stuff or the road?

**Mr. McCune:** Yes, so the road did move slightly south. Again, this was all due to the, again, slightly south only on what you would see east to west kind of track. All in all, the entrance through fence has remained exactly the same. The road has moved, I believe, in some cases up to five (5) feet to the south but in most cases, it is around three (3) to four (4) feet.

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

**Mr. Signore:** Yes.

**Ms. Scannell:** Mr. Miglucci?

**Mr. Miglucci:** You said 20', it's going to be about four (4) feet short of 20', these panels?

**Mr. McCune:** Correct.

**Mr. Miglucci:** So, around 15'.

**Mr. McCune:** Correct and that is at full tilt. They are substantially shorter when we would call stowed. Stowed would be flat. These panels are going to be eight (8) to 10' depending on some variations in topography when stowed whereas the other ones would be...

**Mr. Miglucci:** I know this project was approved before the moratorium, but with our new energy plan, I believe 15' is our maximum on that so it kind of falls in place with that. It's a good project.

**Mr. McCune:** It's pretty standard with what we would call one "Inaudible" systems. They generally max out at 12 to 15' ballpark.

**Ms. Scannell:** Thank you, Mr. Miglucci. I know we are not here to talk about decommissioning and like you said was in front of the board. You did mention something about a 25-year warranty. Now, how long do you think it's going to take to finish this project ideally?

**Mr. McCune:** So, there is two (2) pieces to finish. So, I want to make sure that we are clear on what is under our control and what is not.

So the first piece is how long will it take us to get to what we would call mechanical completion. Mechanical completion for us generally speaking will take 12 to 14 months depending on weather. So, there are some cases where winter weather does not let us build through and we end up in trouble. More often than not nowadays, it's not snow that's the problem it's the lack of snow. And we end up in cold mud and if anyone has been out there, it's not the best construction dynamic especially for stormwater managers do not like that very much. So, I would expect the vast majority of our systems we can get to mechanical completion generally around a year give or take 10 to 15% in either direction depending on weather.

The second piece is when are we going to flip the switch. And that is more up to National Grid than it is to us. We paid the 100% payments for interconnection upgrades on this system two (2) years ago. So, in a perfect world, if it was built tomorrow, we could connect it next week but unfortunately for us, National Grid's timelines do not align with those of the SIR requirements as often as we would like.

**Ms. Scannell:** What's your number in the que?

**Mr. McCune:** I don't actually know as far as where we are in the overall stack, but we have guaranteed positions. So, we've made 100% payments, we've signed our interconnection service agreements, there is really no way for us to lose those positions at this juncture, not under the current SIR requirements. With that said, because it's been so long since we've paid these interconnection costs and because we had these delays due to this racking problem and reconstruction, I would imagine that we should be able to get National Grid out there and get everything approved for this to be turned on within a quarter of us completing it but we have seen issues and one of those delays that we see with National Grid right now, ironically enough is just delays to get site visits to check things out. It is what we call witness tests. So, bringing folks out to make sure everything is done to the standards that we had agreed upon previously and just to get an engineer out there to rubber stamp it and then we can flip the switch. We have seen two (2) months' delays in just getting someone out there. So, we will obviously keep this board and the Town apprised of how those conversations going especially for whatever reason they cause us to need to extend the building permit, God forbid, but fingers crossed that we will be able to get it done quick.

**Ms. Scannell:** I will keep my fingers crossed. Let's say that in eight (8) or nine (9) months' time, there's a better panel out there that you haven't built into your utility array yet, would you at that point maybe be contemplating a switch of this arrangement as well, if something better and more cost effective becomes available.

**Mr. McCune:** I'll never say never but I will say probably not and the reason I would say probably not is for a couple of different reasons. One, we've already bought the panels for this project, so they are sitting in a warehouse. That is the biggest one. Anyone that is familiar with warehousing costs knows that it's not cheaper to keep things in place longer. So, we want to get them out of there.

Second to that, we signed, part of our investment in Helene was agreeing to purchase a preordained amount of certain models of their panels. So, we basically said that we are going to purchase, or was at that time and I still think is, the largest order of community solar domestic panels that had ever been done so we are locked into those models for the vast majority of our pipeline. Is it possible that the Helene comes along and says hey if you guys want to move these panels to a different project, we have a newer, greater model, do you want to sign a new MSA? Sure, that's possible, but that would require a rework of a lot for us. Not necessarily from a design perspective but also from a financing perspective. So, the energy models that we use to finance these projects are predicated upon those panel models. If we were to change that, for the inverter we would have to redo all those models and refinance the project, the juice probably would not be quite worth the squeeze.

**Ms. Scannell:** I also wanted to thank you for sending us, I know the original plans that I had reviewed with DPW was kind of like where's Waldo, so, I wanted to thank you for making this a little easier for us to review.

**Mr. McCune:** Thank you for having us and giving us the opportunity to talk about it.

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

**Mr. Comenzo:** Other than I know that all the changes have been reviewed by our TDE, Collier Engineers, Dan Farnan and Christopher Knox has been very good to work with and we have been working diligently to get this project moving and so is Nexamp. This is the last step in the process in terms of getting them started with the building permit.

**Mr. McCune:** As much as it is a pleasure to be here with you all, I sincerely hope so.

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

**Ms. Scannell:** I would entertain a motion on the waiver.

**Mr. D'Alessandro:** I will make the motion.

**Ms. Scannell:** We have a motion.

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

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

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

**Mr. Collins:** Yes.

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

**Mrs. Flansburg:** Yes.

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

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

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

**Mr. Calder:** Yes.

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

**Mr. Signore:** Yes.

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

**Mr. Miglucci:** Yes.

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

**Ms. Scannell:** Yes.

Motion carried.





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

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

Telephone (518) 355-7575  
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**Resolution Number PC26-2024**  
Moved by Mr. D'Alessandro seconded by Mr. Calder  
Applicant: Rotterdam Renewables LLC

**WAIVER OF SITE PLAN REVIEW**

**Date:** May 7, 2024

**PC2024-W19**

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

**APPLICANT:** Rotterdam Renewables, LLC  
Attn: Chris Clark  
**ADDRESS:** 101 Summer Street, 2<sup>nd</sup> Floor  
Boston, MA 02110

**PROJECT ADDRESS:** 1827 Putnam Avenue

**APPLICANT IDENTIFIED AS:** Owner XX Lessee Contract Vendee

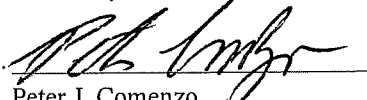
**REQUEST:** The applicant requests a Waiver of Site Plan review for modifications to a previously approved Site Plan/Special Use Permit, (September 6, 2022), to include modifications of racking, enhancement of driveway, swale, grading, and stormwater features to accommodate racking, consolidation of electrical equipment and pad, and minimization of temporary laydown area.

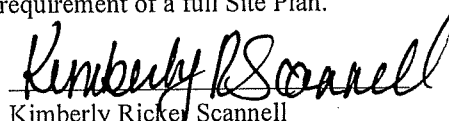
**Action Taken by Commission:**

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

1. Site plan modification are subject to full and final approval by the Town Designated Engineer (TDE) and Stormwater Management Officer prior to signature on the site plan.
2. See email from Christopher Knox dated March 21, 2024 concerning the placement of panels spanning the drainage swale and modification that were taken to address this issue.
3. Wavier of Site Plan approval is contingent upon compliance with all NYS Building and Fire Codes.
4. Applicant must obtain a Building Permit and be issued a Certificate of Compliance from the Town of Rotterdam Building Inspector/Code Enforcement Officer prior to operation.
5. All previous conditions shall apply as stated in PC Resolution PC40-2022 and PC41-2022.

The Commission action on the Waiver application took place at the Planning Commission meeting of May 7, 2024 and authorized the Commission Chairman to execute the Waiver. The issuance of this Waiver is contingent upon the applicant complying with all conditions as stated above. Failure to adhere to conditions may result in revocation of Waiver by the Town of Rotterdam Planning Commission and requirement of a full Site Plan.

  
Peter J. Comenzo  
Senior Planner

  
Kimberly Ricker Scannell  
Planning Commission Chairman

**2. Primax Properties, LLC (Contract Vendee) – 2945 Hamburg Street. Preliminary Site Plan review to construct a ±10,640 square foot Dollar General retail store on a ±2.24-acre parcel. Engineer: Bohler Engineering.**

**Ms. Scannell:** We have Caryn Mlodzianowski and friend.

**Ms. Mlodzianowski:** This is Josh Lanning with Primax.

**Ms. Scannell:** Hi Josh. How are you? Thanks for being here tonight.

**Ms. Mlodzianowski:** Good evening, it's nice to see everyone. It's been a couple of months or so since we've been here. So, I'll go through a brief run through of the project again, since some time has passed of where we were and where we are now with the project.

As mentioned, the subject project is 2945 Hamburg Street, and we are proposing a 10,640 square foot Dollar General retail store on about 2.2 acres of land. The general site orientation and everything has been the same. We did develop full site plan documents and SWPPP which were submitted for technical review as well. I will run through the other site plan changes that we have made to that since.

As requested, we did add concrete pavement/parking area up along the building. Since we were here last for the most heavily used and high track parking areas, we also did, after speaking with the Commission and DOT, add a crosswalk across Hamburg Street. That would bring you to the area of Fasula Boulevard. We did talk to DOT about that, and they did see the need as well. It wasn't a requirement, but they saw the need so, we talked to them about where that would make sense the most so that is where that ended up.

We also did receive the Stage 1 approval from them for our access and other improvements. We, currently on the plans have a wood stockade fence along the north side, a privacy fence, six (6) foot tall and what we did to match that wood fence was put a wood post and rail fence across the front of the property which is also used for a safety item for our deeper stormwater basin. We did see the comment about fencing and we're happy to discuss that further this evening. I just did want to mention our thought process in trying to make all the fence materials match as far as what you would see from the street and within the site. And while we did do soil testing which was provided on the plans and in the SWPPP that we did, it is essentially like a sandbox and its good soils. The basin we are fencing is a little bit deeper and it's closer to the front so that is why we did have that on that one basin.

We also did note on the plans to have a composite type enclosure for the fence for the dumpster. Similar to Rotterdam Junction as requested. We did add that as well. Those are the main things from a site plan standpoint aside from all the technical details of the plans and SWPPP.

I did want to show the revised architecture as well. So, as a refresher of where we were last time we were here. This is where we had left off after the first pass, this was our second pass and then we submitted revised architecture that added essentially a porch along the front, at lot more enhancements. You got the porch; you have got the variation in colors and materials. We added the peaked roofs to the corner here. This actually reflects we did add the sidewalk connection from the storefront to the right-of-way of the existing sidewalk. I do have handouts of these because there is one more change here. Once we saw the DPW comments, we added gooseneck lighting to the sides. We made that quick change today, so, if you want handouts of that, we do have copies of it. So, this does reflect those gooseneck lights. There was also a comment from DPW about wall lighting and wall packs and reducing those and I think that maybe in addition of the goosenecks, we can cut back on the wall packs and/or add some up under the porch that we have added. We would have to run the numbers on that, but we are willing to do that along with the height of a couple of the light poles closest to the northern property and looking at reducing the Kelvins as well.

With that, I will turn it over to the Commission.

**Ms. Scannell:** Great, thank you. I think we'd all love to take a look at the gooseneck lighting and thank you for really listening to DPW comments and for really listening to this Planning Commission. I really like the sidewalk connection. As you know, we just instituted our complete streets policy and it's just very nice for us to be able to see something like that kind of jives so well with that and also with our comprehensive plan.

Mrs. Flansburg?

**Mrs. Flansburg:** So, in doing a diligent review of this, and this has been proposed for a few months ago. As a member of the community, I have had a number of people come up with things in favor of and opposition to and I just wanted to impart my position on it, which is a little bit unique, and I wrote it so that I can "Inaudible". Part of it was that I served on our Comprehensive Plan Advisory Committee as a volunteer for a couple of years going through that process. So, what I want to speak to is the role in that and how it plays with this particular project. Bear with me, it's easier to read.

We cannot and should not review a project with the deliberate intent to find a way to deny it. Our site plan review is to be objective and to look at all aspects of the project from traffic, landscaping, lighting, noise, parking, environmental reviews and more. To work with the applicants through this board, our Town DPW department, the County Planning Department, our TDE's to create a site plan that works. NYS DOT had a notation in their letter that said we concur with the project; it is consistent with the Town's Comprehensive Plan and current mixed used development pattern. The project area has sidewalks on either side of the state route. The southern curb cut for the parcel will be eliminated and there exists an opportunity to examine the potential for a mid-walk crosswalk at the location, which you have spoken about, and as there are several CDTA bus stops serving the area, a mid-walk crosswalk could potentially assist and improve pedestrian safety and multimodal connectivity.

They also mentioned, and I'm not sure where you're at or if the traffic impact was part of it or not but one of the things in the DOT letter said that if there was work in their right of way that they would require a traffic impact study. I figured you could speak to whether there has been any work there and if it's required or not.

**Ms. Mlodzianowski:** So, what we are proposing and what has been submitted to them is basically the full design and any work zone traffic control associated with that for the improvements. So, really, we are reusing the existing access and we are modifying it slightly so that it works and accommodates the tractor trailer so, there is a little bit of work that is there so there will be "Inaudible..." (Planning Commission members talking near microphones) traffic control during that time and then as mentioned, we are closing the southern curb cut so, we will be filling in that sidewalk. Pretty minimal work. Obviously, we will have to put work zone traffic control together for the crosswalk which still has to happen, and we will continue to work with them.

**Mrs. Flansburg:** After volunteering on the Comprehensive Plan Advisory Committee, we worked hard to help the town update the plan from decades ago and I just have two (2) excerpts that are from the document that are relative to Carman Road and the Hamburg Street node.

One of the visions for mixed used nodes for Hamburg Street and Carman Road said that they were anticipating creating a vibrant and attractive destinations to live, shop, work and gather that promote mixed use development and redevelopment through in fill of vacant under-utilized property, like this one. These areas are intended to be compact and walkable in nature with a consistent building design and streetscape with access and multimodal transportation options.

The second part was the intent for this area in the future is to promote mixed use development and redevelopment focusing on commercial office and retail establishments and higher density residential options such as first floor business with second-floor apartments. Any future development should be compatible with the surrounding land uses, particularly, the single-family residentials and the corridor should include a consistent design and street scape while promoting multi modal transportation options and connections to the neighborhoods which I think you are absolutely doing with your plan.

Another outcome of the comprehensive plan was to recommend to the Town to do further work with regard to complete streets. In November of 2023, the Town created a complete streets policy with preparation from Fred Mastroianni and part of the vision statement addressed this as well. So, there was a recommendation to do it and “Inaudible...”. The policy will encourage the development of safe, accessible and connected multimodal network throughout the town and thus create more of a balance transportation system for all users. The policy encourages where practical, that new and updated public and private projects are planned, designed and operated to enable safe, comfortable and convenient travel to the greatest extent possible for users of all ages and abilities with respect to all modes of transportation including pedestrians, bicyclists, motorists and transit riders. The policy will serve all users in the town equitably by their mode of travel.

So, what I think what you are doing, there are sidewalks on both sides, you’re having a crosswalk, and you are implementing safest ways of having this development come to fruition. So, with respect to the preliminary site plan review before us tonight, just a couple of notes, I agree with several of them, numbers 2, 3 and 12. Number 8, we had an issue a few years ago so I would request written labels about the ground cover. We’ve had pictures in the past that showed green and gray and black assuming green meant grass and it didn’t. Labels would be requested. One of the landscaping notes that we typically ask for is dead and dying landscaping be replaced in perpetuity so that going forward it would always be kept up as well.

Number 11 asks for “Inaudible” and things and it sounds like you are trying to match the fencing and I just wanted to note that the property is zoned appropriately for the application that is being reviewed. It fits with the recommendations and the studies with the recently adopted comprehensive plan and the applicant, I think, has been working with this Board and our TDE to meet and even exceed the Town’s requirements to make this project a success.

Thank you.

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

**Mr. Signore:** No, I’m good.

**Ms. Scannell:** Mr. Miglucci?

**Mr. Miglucci:** First of all, I would like to thank Dollar General for working with this Commission.

**Ms. Mlodzianowski:** Primax Properties right here. Future owner.

**Mr. Miglucci:** Caryn, you’ve done a great job. I haven’t seen a project work as well as what we wanted and it’s very sad, I think Dollar General is a very underestimated as a company which is sad. It looks good. This is no urban store. This is more of a countryish store which is like Lynn stated about the comprehensive plan and about our corridors. And I said this before, we want people to know that they are coming to Rotterdam. They are leaving Schenectady, and they are coming to Rotterdam. People will say why Rotterdam? Why not Rotterdam. I like your project.

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

**Mr. Collins:** I like the project. I appreciate all of the work that you’ve done for us, and I wanted to say two things. People don’t like change in Rotterdam but what this does for us, first of all it helps our tax base and people are always complaining about their taxes. The only way to lower taxes is to get more businesses plus a lot of people don’t realize is these things generate a lot of sales tax, so we do get a percentage of the sales tax back to Rotterdam and it does have an impact two ways for us.

You did a great job, and it looks great. The only thing that I would like is if you would consider doing the vinyl. If you layout the costs between a wood fence and vinyl fence and the maintenance over the years, the vinyl fence is always cheaper because I ran into that one time. It looks great when you put it up but a few years down the road, it gets weathered and you either have to paint it and then once you paint it, it peels so, cost wise sometimes vinyl is initially more money but five (5), six (6) years down the road it holds up and all you need is a pressure washer to clean it up. It's a great project and I want to thank you for working with us and like I said, it does increase the Town of Rotterdam tax base plus it helps us with our sales tax revenue. I think it's a double win for Rotterdam. Sometimes you get a bad rap because they associated with Dollar Tree or whatever and its apples and oranges. I have all the confidence in the world that you will do well there and it's a nice site plan. Thank you.

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

**Mr. Calder:** Just a couple of quick questions. Have the fire trucks been in there and practice turning around and such?

**Ms. Mlodzianowski:** We did, and we did send it to the fire department as well.

**Mr. Calder:** I figured you had already done that. Are you planning on having an alarm system in the building?

**Ms. Mlodzianowski:** It will have alarms.

**Mr. Calder:** Something that is not really related to us but hours and days off and days on, what are your plans?

**Ms. Mlodzianowski:** I don't believe the hours are set yet, but it will be seven (7) days though, correct?

**Mr. Lanning:** Yes.

**Mr. Calder:** How many days a week are they open?

**Mr. Lanning:** Seven (7) days a week and generally it's 8 am to 10 pm.

**Mr. Calder:** Eight (8) to 10?

**Mr. Lanning:** Yes, occasionally they close at nine (9). It would probably be similar to Rotterdam Junction store hours wise, but I can give you an answer for sure.

**Mr. Calder:** I was just curious. I have no objection. I think it's a good project.

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

**Mr. D'Alessandro:** I love the renderings. It looks really, really nice. I have to say one thing and you have gone above and beyond what we have asked of you, and you've really worked with us and I commend you for that. Thank you. That's all that I have.

**Ms. Scannell:** I also commend you for that both Primax and your choice of engineer. You are very approachable and again, Caryn was at a meeting where we did allow privilege of the floor and you can't please everyone all the time and I think our job is just to make sure that things are done appropriately, legally and thoughtfully. I think this meets the metrics very nicely of our comprehensive plan like Lynn said and also our complete streets. I love the new concept elevation. I love that you lowered the lights on the side. I love that you are open to having lower Kelvins and keep that kind of residential and commercial mojo going on. It looks great. I love it.

Peter, do you want to weigh in on anything?

**Mr. Comenzo:** I have no comments other than we did receive engineering comments late this afternoon, I believe, and we will have those over to you in the morning. Other than that, I have no further comments.

**Ms. Scannell:** We look forward to hopefully the next time that we see you, for a final.

**Ms. Mlodzianowski:** Do we need to address the engineering comments first or can that be a condition?

**Mr. Comenzo:** You'll have to take a look at them.

**Ms. Mlodzianowski:** Are they bad?

**Mr. Comenzo:** I still haven't had a chance to look at them.

**Ms. Scannell:** They literally came in at the end of the day and I happened to print them on my way out of the office and I gave them to Peter in the workshop. So, it's new to all of us. They align with a lot of the DPW comments.

**Mr. Collins:** Once this gets finalized, how quickly will you be trying to start building it? I was just curious. Are you going to try to get it going this summer? I would imagine so.

**Mr. Lanning:** Yes, best case scenario we would try to get it started at the end of July or early August.

**Ms. Scannell:** And how long do you anticipate?

**Mr. Lanning:** Probably December 1<sup>st</sup>.

**Mr. Collins:** It's a great project.

**Ms. Scannell:** That's wonderful and thank you very much for being here. We appreciate that.

**3. Hungry Hill Ventures, LLC – Consalus Avenue & Wedgewood Heights. Sketch Site Plan/Special Use Permit review for a ±12,000 square foot building with two (2) tenant spaces on newly created ±2.28-acre parcel and storage of construction equipment on newly created ±2.46-acre parcel. Engineer: ABD Engineers LLC.**

**Ms. Scannell:** Presenting we have Luigi Palleschi from ABD Engineers.

**Mr. Palleschi:** Thank you for having us here. As the Chairman mentioned, we are here for 672 Consalus Avenue. What I have up here is the several parcels that we are looking to combine and to create two (2) parcels. One (1) of the parcels would be the 2.28-acres and the other parcel would be the 2.46-acre parcel. That was one application for consolidation and subdivision and then for site plan Mr. Floccuzio is also here, by the way, the applicant, so he owns these parcels and he's looking to build a 12,000 square foot flex warehouse space. They are very common. We do these a lot not only in this town but several adjoining towns as well. They are very popular for contractors and concrete workers, farmers, roofers, they are always looking for a space to have a small office and store some of their equipment indoors.

So, the building is situated here within the setbacks. No variances are requested at this time. If you have been out to the site, there is existing gravel. This used to be used for advantage disposal. They operated out of the building in the corner and the entire site is pretty much gravel. That is where they stored all of their heavy trucks, garbage trucks, roll off, containers on that property. Obviously, with the new proposal and the building, that gravel area would be paved to provide some parking spaces, at grade doors and dock doors given flexibility for this 12,000 square foot building. The two (2) curb cuts are on Consalus Avenue would also remain. They are existing gravel and again those would just be paved to clean up the site. In the back, there is existing gravel again and that would remain the same and that would be stored for some of the equipment depending on the tenant that would come in whether it be for equipment, trucks and what not.

Obviously, the Town of Rotterdam has good water, and we would make the connection to the water main. There's no sewers here so we do have a private septic on site that is situated in this green area here. Again, with these types of facilities there are not many users or employees that comes to these. It's usually a one man or two-man operation so, the septic use is minimal for a property or use like this.

We all know that the back portion of this used to be the Rotterdam Brush Dump or a portion of. We've done test pits out there and those are noted on the plan, and we have defined a line on the property where the brush dump basically ended because we found virgin soils and that is shown here on the plan. As you can see, a portion of the building will encompass that brush dump area and you can't build on a brush dump but you can certainly remove the debris within that footprint and we would have to excavate for your foundations and when we are excavating for that, we would remove that debris and bring in the proper fill needed, compaction, in order to meet the building codes for building that building. The site is designed, we feel is pretty simple keeping with what is there currently and kind of cleaning it up. Again, bring tax rolls to Rotterdam which is surely needed.

As far as the drainage goes, right now the entire sites actually drains to Consalus and that run off runs off the gravel that's there today and actually there is no detention or retention. It just sheet flows and goes into the drainage system on Consalus whereas with our proposal, keeping the grades similar to what are out there now, will actually improve the drainage by putting drywells and infiltrators within the pavement to catch some of that water so it doesn't completely run off the site. So, we are improving the drainage, and we are keeping the disturbance to a minimum. Less than one (1) acre, again, just around the footprint of the building and where the loading docks are and then there is a little bit of a fill area in this area to give up to the gravel.

That is what the applicant is proposing. We did receive the DPW comments and there are four (4) of them and I can simply go through them really quick. Number 1, I think I mentioned it was previously used for Advantage Disposal, we are aware of that.

Number 2, the consolidation of the subdivision will be processed simultaneously with the project to consolidate the five (5) parcels into two (2) lots. I think we discussed that.

Number 3, portions of this property were previously utilized as the Town of Rotterdam Brush Dump. Engineer to confirm limits of fill and avoidance of these areas with the proposed structures. With this proposal, we can't avoid that area but we can certainly mitigate by removing that debris and meeting the Building Department requirements.

The last one is regarding a TDE. I've discussed this with the applicant prior to the meeting tonight and we felt that because the site is very simple, we don't think that a TDE would really be necessary for something like this. I'd like to hear what the Board has to say and what questions they may have right now with the current plan and really think about if a TDE is really necessary here. We don't really want to waste time. The previous application, the TDE is giving the comments at the 11<sup>th</sup> hour and the Dollar General could have received approvals tonight if they had gotten that sooner.

**Ms. Scannell:** Actually Luigi, that's not the case. They were not on for anything tonight except to bring us up to speed.

**Mr. Palleschi:** But we don't want to risk that opportunity. I would like to mention that and at that this time I will turn it back over to the Commission for any other questions that I missed here.

**Ms. Scannell:** So, I think when we were discussing a TDE from a DPW/Stormwater Management standpoint, we were talking about a very limited scope. Not, maybe a full blown TDE like you see everywhere else but like you said there is going to be some disturbance and some maneuvering of stormwater. It's right around an acre or is it under?

**Mr. Palleschi:** I think it's like 6/10ths.

**Ms. Scannell:** But between the stormwater management and the brush dump, we really think that a limited TDE is going to be necessary.

Mr. D'Alessandro?

**Mr. D'Alessandro:** I have no comments right now.

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

**Mr. Calder:** I agree with the Chairman on that. I know he's trying to save time and money and I don't blame you but sometimes it's just necessary for a small amount time put in by a TDE. I think it's a perfect spot for it there. It couldn't be a better location for what you're trying to do. I'm all for the project even though it's early yet.

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

**Mr. Collins:** I'm okay for the project. I remember back in the day when the Straight Shows were up there, and I've been around a long time. I understand about the TDE and I'm up in the air about it but if they do one it should be a limited scope because that whole area is just all industrial. It's not a big push to get this project going. If there are a couple of things that they can just pinpoint that they want the TDE to look at, then I would be okay with it. I don't want to see the applicant have to do a full blown TDE and spend a lot of time and money especially in this area. If it was on the border of doing something, but it's all industrial up there and believe it or not this will probably look a lot better than some of the sites we have up there. Like I said, as long as it was a pinpoint TDE, a couple of points they wanted to check, like you said stormwater, drywells, etc. but I would not recommend a full TDE. I would say a limited scope. I would be okay with it but if it was an unlimited scope, I wouldn't be for it. I think it's a great project and it fits well there. That is my thought process.

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



**Mrs. Flansburg:** Literally the exact same thing that Mr. Collins said. Very limited and I would be in agreement for. I was thinking more for the brush dump, but it makes sense when we are moving water around but nothing outside of that. This is the perfect area for it. It's going to fit right in.

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

**Mr. Signore:** You're going to encroach on the old brush dump, so you are going to have to excavate and then that has to be brought someplace?

**Mr. Palleschi:** Yes.

**Ms. Scannell:** All set?

**Mr. Signore:** Yes.

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

**Mr. Miglucchi:** I agree with the TDE situation, very limited but the project looks good.

**Ms. Scannell:** Thank you, Mr. Miglucchi. We know that time is money and money is time but even in your discussion you talked a lot about stormwater management, and we know there is going to be some disturbed brush area. So, a very limited scope TDE is something that I think we are going to have to have this done and again, a very narrow scope of what they would be reviewing. Hopefully get through as quickly and as inexpensively as possible for you. That will be my goal.

Peter, would you like to weigh in on anything?

**Mr. Comenzo:** No.

**Ms. Scannell:** I think it's a great project. Mr. Valiquette, do you have any comments?

**Mr. Valiquette:** I do not.

**Mr. Collins:** How do we limit the scope? Do we designate they are only going to look at this and this? Can Peter help us with that? I don't want them to say here's the TDE and all of a sudden, he wants to look through this and run up money for your time. I want him to look maybe the stormwater and...

**Mr. Comenzo:** The two issues are going to be the stormwater and really the removal of the brush. Hopefully we can solve any issues with the building department because you're going to have compaction tests and everything else. You want to avoid getting into arguments with the building department as to okay now you have to do this. If there is any additional work that needs to get done, it's done up front so when you get your approvals from the Planning Commission then you'll know. It's not like when you get ready to start pouring and they say hey, hold on you have to do this, this and this. I think it would certainly benefit you to have the engineer looking at this plan up front and getting the sign off from the engineer rather than the getting into, especially with the disturbance of the brush dump.

**Mr. Floccuzio:** This is an approximate line and if you guys were on site and you look at it and it's hard to tell but you really have to dig and actual test pit to see if it is because there might not be anything in this area. We took test pits over in this way from a while back and as soon as you cross the line there is nothing and it's only a couple of feet or so. So, by the time we dig this out for a foundation four (4) foot in the ground it's gone anyway.

It could be minimum to none actually. The stormwater there is a couple of catch basins on site and once again, very minimal. The site is actually, the grade is like almost exactly where it's going to be.

**Mr. Comenzo:** The other issue with the abandoned brush dump is there was a remediation plan that was put together. I think ABD may have a copy of it but there were some vents that were added and I know one of your neighbors there, Mr. Cilento ran into some issues because he had venting on his property and he actually constructed a building over there on top of the vent and had to go back and talk to DEC and talk to the town and it was a year long process.

**Mr. Floccuzio:** There is a vent feed that is right over here. So, it is well out of the construction.

**Ms. Scannell:** I think I would like to do two things right now if we're all on board. I would first like to entertain a motion to declare lead agency and then I would like to entertain a motion to authorize the Chair to enter into a limited scope TDE agreement. Peter, is that language sufficient so that when we are able to put that agreement together, we will know that it's the intent that we are looking for...

**Mr. Comenzo:** We have a large list of engineering firms, and I can certainly narrow it down to the firms that do that type of work and limit the scope for what we are looking for. We are not going to get into landscaping and that type of thing. We will be limited to the geotechnical work that is required as part of this because that is basically what the Board and DPW is looking at. We would have somebody take a look at it that is basically limiting the scope on the geotech and make sure the stormwater is going to work and that your building is going to be able to be constructed and you won't enter into any issues as you get into the building permit process.

**Ms. Scannell:** I would entertain a motion to declare lead agency.

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

**Mr. Collins:** I will second it.

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

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

**Mr. Collins:** Yes.

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

**Mrs. Flansburg:** Yes.

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

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

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

**Mr. Calder:** Yes.

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

**Mr. Signore:** Yes.

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

**Mr. Miglucci:** Yes.

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

**Ms. Scannell:** Yes.

Motion carried.

Now, if I could please have a motion to authorize the Chair to enter into a limited scope TDE agreement.

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

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

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

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

**Mr. Collins:** Yes.

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

**Mrs. Flansburg:** Yes.

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

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

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

**Mr. Calder:** Yes.

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

**Mr. Signore:** Yes.

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

**Mr. Miglucci:** Yes.

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

**Ms. Scannell:** Yes.

Motion carried.



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

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

Telephone (518) 355-7575  
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**Resolution Number PC27-2024**

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

**Applicant:** Hungry Hill Ventures, LLC

**Project Location:** Consalus Avenue & Wedgwood Heights  
Rotterdam, NY

**Tax Number or Numbers:** 4.74 Ac (2.28 Ac lot 1 and 2.46 Ac lot 2)

**Proposed Project:** Site Plan/Special Use Permit review for a ±12,000 square foot building with two (2) tenant spaces on newly created ±2.28-acre parcel and storage of construction equipment on newly created ±2.46-acre parcel.

**WHEREAS**, pursuant to 6 NYCRR Part 617 State Environmental Quality Review the above referenced project is an Unlisted Action; and,

**WHEREAS**, the Rotterdam Planning Commission desires to establish itself as lead agency on this project; **NOW:**

**IT IS HEREBY RESOLVED THAT**, on this day, Tuesday, May 7, 2024, the Rotterdam Planning Commission hereby declares itself lead agency and authorizes the Rotterdam Town Planner to prepare, file, publish, and distribute all documents as necessary to comply with 6 NYCRR Part 617 (State Environmental Quality Review).

Peter J. Comenzo  
Senior Planner

Kimberly Ricker-Scannell  
Planning Commission Chairman



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

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

Telephone (518) 355-7575  
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**Resolution Number PC28-2024**

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

**Applicant:** Hungry Hill Ventures, LLC

**Project Location:** Consalus Avenue & Wedgewood Heights  
Rotterdam, NY

**Tax Number or Numbers:** 4.74 Ac (2.28 Ac lot 1 and 2.46 Ac lot 2)

**Proposed Project:** Site Plan/Special Use Permit review for a ±12,000 square foot building with two (2) tenant spaces on newly created ±2.28-acre parcel and storage of construction equipment on newly created ±2.46-acre parcel.

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

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

**IT IS HEREBY RESOLVED THAT** on this day, Tuesday, May 7, 2024, the Rotterdam Planning Commission hereby authorizes the Planning Commission Chairman to execute a contract with a Town Designated Engineer (TDE) to assist in Site Plan/Special Use Permit review for the above referenced project.

Peter J. Comenzo  
Senior Planner

Kimberly Ricker-Scannell  
Planning Commission Chairman

4. **Burdeck Street Development, LLC – 784 & 796 Burdeck Street. Final Two (2) Lot Subdivision and Boundary Line Adjustment Public Hearing: boundary line adjust 784 and 796 Burdeck Street and subdivide the rear portion of 784 Burdeck Street to create an additional lot with frontage on Opus Boulevard (Lot #1 Opus Boulevard = ±71,736 s.f., Lot #2 796 Burdeck Street = ±57,151 s.f., and Lot #3 784 Burdeck Street = ±23,572 s.f.) Engineer: ABD Engineers LLC.**

**Ms. Scannell:** Luigi, take it away.

**Mr. Palleschi:** Thank you. I will not reiterate the description of the project, but we were here a month or so ago with this Board and at that time, we were looking for variances but because the property owner owned both parcels, they were able to agree to a lot line adjustment with 796. If you can see this map in orange, you can barely notice it but in order to meet the frontages for these properties as proposed to avoid variances we had to make those site adjustments.

We were also here about a month or so ago for 796 for Companion Veterinarian which this Board approved, thank you again for that. In order for that to move forward this subdivision needs to be completed. So, 784 is an existing building and that would be subdivided and have frontage on Burdeck Street and then the parcel in the back known as Lot 1 would have its frontage on Opus Boulevard. That would remain in its current condition right now. I think there is a propane company back there that uses the property but that would remain the same and we have answered all the questions from the last DPW comments, and we received a few more which I can go through.

Final fees due, we understand those and have no issues.

Number 2, property boundaries have been amended for no longer needed variances.

Number 3, pin and cap all new lot corners prior to signature. That shouldn't be a problem.

Number 4, final map for signature will be signed and stamped by a licensed surveyor and that will certainly be done.

Number 5, final maps need to be submitted for signature and filing with the County Clerk's Office. That is the intent there.

Number 6, the Planning Commission Chair will sign up to two mylar's, one for the County and one for the applicant. We are aware of that process.

Number 7, the signed mylar's need to be filed with Schenectady County Clerk's Office within 10 days. We can certainly provide that.

Number 8, after signature and filing with Schenectady County, six (6) copies shall be returned to the Planning Commission office which we know as well.

These comments from the May 7<sup>th</sup> DPW comments we are in agreement with, and we hope for final approval here tonight. If there are any questions from the Commission, I'm here to answer them.

**Ms. Scannell:** Mr. Miglucci, any questions?

**Mr. Miglucci:** No, everything looks good to me.

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

**Mr. Signore:** I'm good.

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

**Mrs. Flansburg:** I have no questions. Thank you.

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

**Mr. D'Alessandro:** No questions.

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

**Mr. Calder:** No, it's cut and dry. I'm good.

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

**Mr. Collins:** No questions.

**Ms. Scannell:** Steve is just taking a quick look at your reciprocal easements, and they looked good to me and I'm sure they looked good to the attorney that wrote them too. I think you guys did a great job. I'm going to open the public hearing right now and if there is anyone that would like to come speak at the public hearing for this matter? Now come on, this could be fun. One more call, is there anyone that would like to speak at this public hearing? Okay, I'm going to close the public hearing.

Do you have any questions?

**Mr. Valiquette:** No questions on the easement. I believe Courtney has already reviewed this as well and gone over it with your attorney's. I think we are all set here.

**Ms. Scannell:** Can I have a motion to approve the negative declaration on SEQR.

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

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

**Ms. Scannell:** Can you please call the roll?

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

**Mr. Collins:** Yes.

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

**Mrs. Flansburg:** Yes.

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

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

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

**Mr. Calder:** Yes.

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

**Mr. Signore:** Yes.

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

**Mr. Miglucci:** Yes.

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

**Ms. Scannell:** Yes.

Motion carried.

I will now entertain a motion to approve the subdivision.

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

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

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

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

**Mr. Collins:** Yes.

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

**Mrs. Flansburg:** Yes.

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

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

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

**Mr. Calder:** Yes.

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

**Mr. Signore:** Yes.

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

**Mr. Miglucci:** Yes.

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

**Ms. Scannell:** Yes.

Motion carried.





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 PC29-2024

Moved by Mr. Calder seconded by Mrs. Flansburg  
Applicant: Burdeck Street Development, LLC

**Applicant:** Burdeck Street Development, LLC  
**Project Location:** 784 & 796 Burdeck Street  
Rotterdam, NY

**Tax Number or Numbers:** 47.00-8-2.5

**Proposed Project:** Final Two (2) Lot Subdivision and Boundary Line Adjustment Public Hearing: boundary line adjust 784 and 796 Burdeck Street and subdivide the rear portion of 784 Burdeck Street to create an additional lot with frontage on Opus Boulevard (Lot #1 Opus Boulevard = ±71,736 s.f., Lot #2 796 Burdeck Street = ±57,151 s.f., and Lot #3 784 Burdeck Street = ±23,572 s.f.).

**WHEREAS**, public meetings were conducted by the Town of Rotterdam Planning Commission on January 9, 2024, and a public hearing on May 7, 2024, to consider the above referenced Two (2) Lot Subdivision; and,

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

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

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

- |                    |                     |                 |
|--------------------|---------------------|-----------------|
| 1. Final Fees Due: | Lot Fees 160.00 x 2 | \$ 320.00       |
|                    | Parkland Fees       | \$1,000.00      |
|                    | <u>Advertising</u>  | <u>\$ 35.20</u> |
|                    | Total               | \$1,355.20      |
2. Property boundaries have been amended and subdivision no longer requires area variances. Reciprocal easement proof of filing shall be provided to the Town DPW.
  3. Pin and cap all new lot corners prior to signature.
  4. Final map for signature will need to be signed and stamped by a licensed land surveyor.
  5. The final maps (with all necessary changes discussed at the Planning Commission) need to be submitted for signature and filing with Schenectady County.
  6. The Planning Commission Chairman will sign up to two (2) Mylar's (one for Schenectady County and one for the applicant).
  7. The signed Mylar's need to be filed with Schenectady County Clerk's office within 10 days.
  8. After signature and filing with Schenectady County six (6) paper copies shall be returned to the Planning Commission Office.

Peter J. Comenzo  
Senior Planner

Kimberly Ricker-Scannell  
Planning Commission Chairman



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

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

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

**Date:** May 7, 2024

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

**SEQRA Status:**

Type I	<input type="checkbox"/>
Type II	<input type="checkbox"/>
Unlisted	<input checked="" type="checkbox"/>

**Conditioned Negative Declaration:**

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

**Owner:** Burdeck Street Development, LLC  
c/o John Hodorowski, Sr.  
796 Burdeck Street  
Schenectady, NY 12306

**Tax Map Number(s):** #59.19-1-4.1

**Project Location:** 784 & 796 Burdeck Street  
Schenectady, NY 12306

**Zoning:** Light Industrial (I-1) Zoning Districts

**Action:** Boundary Line Adjustment of 784 and 796 Burdeck Street and subdivide the rear portion of 784 Burdeck Street to create an additional lot with frontage on Opus Boulevard.

**Reasons Supporting This Determination:**

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

This project is an Unlisted Action and the Planning Commission conducted as a SEQR coordinated review. The applicant has supplied an Environmental Assessment Form and the Planning Commission has or has caused to complete Part 2 of this checklist. The Department of Public Works for the Town of Rotterdam transmitted the application information to all involved and interested agencies for review on January 10, 2024. All comments and concerns have been addressed.

This 2 Lot Minor Subdivision is to allow for the boundary line adjustment of 784 and 796 Burdeck Street in order to subdivide the rear portion of 784 Burdeck Street to create an additional lot with frontage on Opus Boulevard (**Lot #1 Opus Boulevard** = ±71,736 s.f., **Lot #2 796 Burdeck Street** = ±57,151 s.f., and **Lot #3 784 Burdeck Street** = ±23,572 s.f.).

The property is in the Light Industrial (I-1) zone. Public water is available and the two lots fronting on Burdeck Street are currently developed. Any future development on the newly created Lot #1 will need to be reviewed and approved by the Rotterdam Planning Commission.

After a review of the application materials, Environmental Assessment Form, and comments received on this proposal, the Town of Rotterdam Planning Commission has determined that this proposal will not have a significant adverse impact on the environment.

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

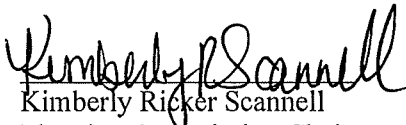
- (i) a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;
- (ii) the removal or destruction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

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

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

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

The environmental effects of the above-described action were discussed at regularly scheduled Planning Commission public hearing held on May 7, 2023. Adoption of this negative declaration was moved by Mr. Collins, seconded by Mr. Miglucci and approved by the Rotterdam Planning Commission.

  
Kimberly Ricker Scannell  
Planning Commission Chairman

**5. RPK Real Estate, LLC – 330 Becker Drive. Sketch Site Plan/Special Use Permit Review to construct and additional ±2,400 square foot commercial building for the retail sale of cannabis within the existing travel plaza located on a ±3.37-acre lot. Engineer: Doak Engineering Design, PC.**

**Ms. Scannell:** We have Mr. Doak from Doak Engineering Design.

**Mr. Doak:** I am here following up from a meeting we had in the middle of March. In that meeting, I presented the same project except the building that was to be added was about twice as big. In that meeting, that project was tabled, and I went back to the client to discuss the issue with parking because when I originally presented the project, I believe we were short about nine (9) parking spaces, and it would require a variance in parking. I went back to the client and presented what we discussed in that meeting, and they agreed to look at a reduced building to reduce the impacts of the parking. We still need a variance. I think we need a variance for like two (2) parking spaces as opposed to nine (9) or so. The building is about 2,400 square feet as opposed to 4,320 square feet. That's the biggest change and the impact is well under the SPDES requirements and so forth. There is no increase of impermeable surface or anything like that.

I really don't know if I have much more to say. I will just briefly show you these plans and we can always go back to them. This is the site plan. This is a code analysis that was included in the plans that I sent to Peter, and I trust all of you have seen it. It includes both the zoning analysis including the parking and also the building code analysis. These are just some notes that are standard to my projects. This is a close up of the building itself with the parking adjacent to it and this is the elevations of the proposed building. And this is a preliminary layout of the interior of the new building. With that, I can go back and start over again with the shuffling of the plans, but I am open to any questions tonight.

**Ms. Scannell:** Thank you for being here. Is your client joining us this evening?

**Mr. Doak:** No.

**Ms. Scannell:** So, I know that this is the second time here. We have a few different things with regard to this specific project. So, I think I'm going to talk about the parking spots first. I think that we are short four (4) parking spots and I think that there are two (2) on there that you have as parking spots that I think we were kind of questioning on a DPW level. I think it's between four (4) and six (6) parking spots.

**Mr. Doak:** We are short four (4) parking spots.

**Ms. Scannell:** Right but there are two (2) parking spots that you call spots that don't really seem like parking spots.

**Mr. Doak:** I'd be glad to talk about them.

**Ms. Scannell:** Peter, can you follow up on the additional parking spots that are mainly not parking spots.

**Mr. Comenzo:** I think it's the ones that are on the eastern side of the building. There is a manned door and loading there and those really aren't parking spots. That would be more of a loading zone.

**Mr. Doak:** I would say that they are parking spaces in however they might not be used by customers, they may be used by people that work there. I show a loading zone on this side of the property.

**Ms. Scannell:** We can agree that we are a minimum of four (4) short?

**Mr. Doak:** Yes.

**Ms. Scannell:** The last time that you were with us, I believe your client was here so some of the comments that came from this Planning Commission and also from DPW were comments with regard to the traffic patterns in there that that was difficult to maneuver. There were some comments about the garbage that was all over the place and how we would really like to see that cleaned up before they would get a violation and we also talked about the trucks that are parking

there continuously. I know that a violation letter has gone out. The garbage as of 7:17 tonight still has not been cleaned up. Also, as of 7:17 tonight, there's still trucks parked there. It looks like there is a lay down area going on. So, it is very difficult for us to consider something of this magnitude and by this magnitude, I mean a dispensary. We all recognize that for a special use permit there could be a little gray area in our code, but we clearly know what we'll be looking for. We are going to want to see things that we have concerns about with your client if they are not able to keep the garbage picked up. That they are going to have security measures in place. That they are going to have an odor control plan. That they are going to be able to provide some kind of a traffic control plan that has estimated trips per hour, things that might include opening day, weekends, traffic-wise with the first six (6) months of operation is going to look like. Are they going to be able to follow through on getting a letter from the Chief of Police confirming that there has been a review of their security plans and that the police department is on board with it. Pedestrian and vehicular impact studies. We are going to be looking for a lot with it.

So, I think and this is my own personal feelings and before I open it up to the rest of the Commission is that until your client can come into terms of our code violations and rectify that, it is my personal opinion that I don't even want this to be moving forward tonight.

Mr. D'Alessandro?

**Mr. D'Alessandro:** I agree with you on all those. The majority of the members on this Board were here when this was originally planned for the truck stop and one of the major reasons why we approved it was that there was to be no trucks parking in there. I'm not going to hash this out. You've said everything that I basically would have said. That is all that I have to say. Thank you.

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

**Mr. Calder:** I, for one, am just speaking for myself and not other members of the board, I am not happy with this project period. There is a lot of problems also stated by the Chairman and I think there are some other issues at bay here. I, for one, am not happy with the project and you'd have to do an awful lot would have to change before you got my vote to be honest with you. I am only one vote.

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

**Mr. Collins:** I agree with what the Chairman said but I don't understand, first of all the guy should have come tonight and we could have confronted him with some of the problems we have, but it's like he's being disrespectful. We asked him to do certain things and he just doesn't do them and it's like, you don't reward somebody for bad behavior. He's asking us to do things to help him to progress with his project but the few things that we asked for, he doesn't even have the consideration to do them. They sent us videos tonight where they have an escort vehicle and it's just out of control. It's like he's got no regard for what we say. That is how I feel, and he will really have to do a lot to convince me to move forward with this because I'm totally disgusted with his whole attitude. That is all that I have.

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

**Mrs. Flansburg:** Yes, to all of the things that they said. In my experience there tonight and a few other times that I have been there, I think there's enough there right now that it's already unsafe. We were exiting and someone was trying to enter at the same time. When we were entering, we almost got creamed by a tractor trailer and then there were three (3) other tractor trailers parked there when we were there today. I'm hesitant to have a plan where you already know there wouldn't be enough parking. I would be more comfortable if there was a plan where you would have extra parking because there's no solution after the fact if this were proceeded. The violations could be fixed and came back, I would still have an issue with approving this type of project at this spot because it wouldn't have, the minimum, and I think in

this case with this type of project we would want to exceed even the minimum or at least have the ability to be able “Inaudible” a problem if there becomes one if it were to be approved.

I’m with them that I don’t think it should go any further until they are already in compliance with what is there now.

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

**Mr. Signore:** I took a look at the property. There were a few tractor trailers there and the whole thing was chaotic with vehicles moving around and whatever but again I really agree with Clark here. You’re asking the Town to move your project forward and the Town is asking you to clean up. It’s like tough guys. That is how I feel. I’m not in favor of moving forward at this point. The very fact that the owner is not here, like if you seen all these other people that had a vested interest in their projects, the owners are here and with their people and it’s like I could care less.

**Mr. Doak:** May I speak to this general concern. Based on our last meeting, I came away feeling like we had an issue with the parking and that was going to be addressed and that is what I addressed. The gentleman that came representing was not the actual owner, it was a son of the owner and I didn’t really appreciate his appearance and didn’t think it would be good. But now knowing what you’re saying tonight, I would have recommended that the owner would have come tonight, and I fully hear everything you said, and it will be communicated to the owner. I’m hearing you and I know what you are talking about.

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

**Mr. Miglucchi:** I agree with the rest of the Board. It would have been good for the owner to be here to just cover some of the tractor trailers. I am big on safety and like Joe stated, other people had come here and if I was going to open this business I would, I believe if you’re going to win an award you better show up to get it. That’s all that I have.

**Ms. Scannell:** Thank you. We’re all learning here about the process as this would be the first dispensary in the Town of Rotterdam. This is new for all of us, for New York State. I know that something has changed somewhat with regard to Crossroads. There is a school, again, I’m not in charge of giving someone a dispensary license so I know as far as the metrics for that hopefully your client would have taken that into consideration to make sure that the distances are adequate. It seems like they have to have a place first and then apply for the license. Is that the case?

**Mr. Doak:** Yes. From what I understand...

**Ms. Scannell:** Again, brave new world.

**Mr. Doak:** I did check as I mentioned to you before the meeting that I did check with the owner about that concern about the building and I don’t know which corner that is, the back right, if you look at the front of the building there is an old school that was there and they are going to do the Crossroads and whatever it’s called there and they confirmed that they checked it out and it was 500’ from door to door and the other criteria was not on the same street and the street, really there is a secondary entrance to the backside to Becker. It has 330 Becker Drive as it’s address but for all intents and purposes, it opens to Route 7.

**Ms. Scannell:** I think we would consider it to be actually 330 Becker Drive. That is what we are calling it. I think for all intents and purposes, while it does have an opening on the other side, it’s address is on Becker Drive. I’m assuming that the Becker Drive is what is the Crossroads address is also. So, for intents and purposes, I think they are on the same street.

Steve, do you have anything?

**Mr. Valiquette:** A couple of things. Again, on the school here, I think it's the Schenectady ARC Princetown Ridge School that we are talking about. The regulations that I am seeing here for the distance from the school grounds, so it's 500', but from what I'm seeing from the regulation, it looks like and I'm just reading directly from the statute. So, the measurements in this section are to be taken in a straight line from the center of the nearest entrance of such house of worship, not house of worship, or the nearest point of school grounds to the center of the nearest entrance of each such premises, licensed and operating pursuant to this Section 72 and 77 of the Cannabis Law.

Based on that, from what I'm seeing it looks like it's 500' from the grounds, from the nearest point of the grounds here to that main entrance of where the building is going to be. You might just want to confirm that whatever, I'm not exactly certain where their property line exists but the regulations here don't necessarily say front door to front door. It's school grounds. You might want to confirm with your client here, get some measurements taken as to exactly where that closest entrance is from that property to wherever the nearest point basically in a straight line to the school grounds are. That would be what I'm seeing from what we have in our regulations right here. Just be aware that moving forward might be something to help you out.

**Ms. Scannell:** I think we're not able to move forward tonight. I think there are a lot more questions that we need to have answers to. I think your client needs to make sure that they are in compliance with our Code and that there are no outstanding code violations the next time we get to see your not so smiling face and I am sorry for that. I think they need to make sure that the place is cleaned up and that all those tractor trailers aren't there and if they take any measures to control traffic a little bit better in and out of their plaza, at least maybe arrows on the ground something that we can see in good faith that attempts are being made to mitigate the impact of the traffic that already exists and while the big tractor trailers are filling up parking spots, it's not like the cars are waiting in line to get there right now. We recognize that but we have also all seen the news when a dispensary does open, for example, on Union Street and the lines were around the block. If we are going to be entertaining this further, we are going to need to see traffic impact studies. We are going to need to see security plans. We are going to need to see a lot.

I appreciate you being here.

**Mr. Valiquette:** One more thing, I know we mentioned earlier that we need to have a site in order to get a license, but I do see that there is a provision for a provisional license if you don't already have a site. So, basically if you can prove we are going through the process of getting a site and we think we are going to have one within 12 months, if you can submit that proof then that might help with the licensing process from the state. I just wanted you to be aware of that as well. Maybe another item to take a look at if your clients are still interested in moving forward.

**Mr. Doak:** Thank you very much. I assume these comments will be received in writing.

**Ms. Scannell:** So, everything is verbatim minutes and yes, they will be available on our website. The DPW comments were in the agenda, and you should have those.

**Mr. Comenzo:** Here are the DPW comments and the verbatim minutes from the last meeting. I can email them to you as well.

Just the way things work in Rotterdam, the Friday before the meeting, the agenda is posted to the website and if you sign up for an alert you will receive an email that says the agenda is on the website and all you have to do is click on the link and it takes you right there.

**Mr. Doak:** Are these comments the ones that I previously responded to?

**Mr. Comenzo:** Those are DPW comments for tonight's meeting. I should have explained that a little bit better to you. I apologize.



**Mr. Doak:** I would have tried to address them before the meeting.

**Ms. Scannell:** You will know that that information will be available beforehand. I think the bigger problem is the code violation, which he really needs to get things cleaned up over there and we need to see that everything is being addressed so that we can put our best foot forward if this project does go ahead.

**Mr. Doak:** Understood.

**Ms. Scannell:** Thank you.

**Mr. Doak:** Thank you.

**6. Town of Rotterdam – Code Amendment. Report and Recommendation to the Town Board to amend Chapter 270, entitled “Zoning” to amend the Main Street/Neighborhood Center Overlay District height requirements from three (3) stories (45’) to two (2) stories (30’).**

**Ms. Scannell:** Next up is the Town of Rotterdam Code Amendment.

**Mr. Comenzo:** Peter Comenzo, Town Planner. I will be brief. As you know, I was here a couple of weeks ago presenting a proposal to actually extend the Main Street/Neighborhood Center Overlay District which isn’t a change of zone, but it extends the Overlay District basically from the 4 corners area to the city line which allows for mixed use. What was brought to my attention and concerns with the Town Board with that is that it allows for three (3) story buildings up to 45’ in size. In looking at that area and in looking at Hamburg Street as well, I can understand the Board’s concern with heights that large in that area. So, the Board, I think the Board, from what I understand and we haven’t had a public hearing on that yet, but it sounded like they were comfortable in moving forward with an Overlay District to allow for additional uses and for mixed use but they were not so keen on having buildings that could potentially be three (3) stories and 45’. So, the Town Supervisor directed me to put an amendment together to request that in our Main Street/Neighborhood Center Overlay District in the Town of Rotterdam that we would limit it to two (2) stories and 30’ as opposed to three (3) stories and 45’ just to limit the heights in those areas.

I don’t know if anyone has any questions regarding that. It’s pretty straightforward.

**Ms. Scannell:** Thank you, Peter. I appreciate the effort that you’ve put into this. It makes perfect sense from my perspective. Mr. D’Alessandro questions, comments, concerns?

**Mr. D’Alessandro:** I agree with it, and I am in favor of it.

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

**Mr. Calder:** No questions. I think it’s a good thing to do.

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

**Mr. Collins:** I agree and think it’s a good idea.

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

**Mrs. Flansburg:** It’s a good idea. I agree.

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

**Mr. Signore:** I agree. “Inaudible...” (Not speaking directly into the microphone).

**Mr. Comenzo:** Potentially, yeah, I think the Board’s concern was in these corridors, maybe not necessarily three (3) stories but in these areas that have high density development now, but most of the buildings are one (1) story or at the most two (2) stories that you have these larger buildings. I don’t think that was the intent of the Overlay District. We keep talking mixed use, mixed use and then the Comprehensive Plan kind of alludes to this fact where you would have retail on the first floor and maybe have apartments on the second floor but not that you would have two (2) floors of apartment on it. That was a concern the Board had brought up.

**Mr. Signore:** “Inaudible...” on the top floor?

**Mr. Comenzo:** The 30’ height would accommodate and architectural and HVAC that would typically accompany that. We are looking to reduce it by 15’ or one (1) story.

**Ms. Scannell:** Mr. Miglucci?

**Mr. Miglucci:** I think it's a good idea.

**Ms. Scannell:** Do I have a motion that we will send a positive report and recommendation to the Town Board?

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

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

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

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

**Mr. Collins:** Yes.

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

**Mrs. Flansburg:** Yes.

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

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

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

**Mr. Calder:** Yes.

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

**Mr. Signore:** Yes.

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

**Mr. Miglucci:** Yes.

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

**Ms. Scannell:** Yes.

Motion carried.

Our next meeting is May 21<sup>st</sup>.

I would entertain a motion to adjourn the meeting.

**Mr. Collins:** I will make a motion to adjourn the meeting.

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



*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 30-2024**

Moved by Mr. D'Alessandro seconded by Mr. Calder  
Applicant: Town of Rotterdam

**Resolution Adopting a Report and Positive Recommendation on an Amendment to the Height Allowances in the Main Street/Neighborhood Center Overlay District**

**WHEREAS**, the Town Board of the Town of Rotterdam ("Town Board") has forwarded a proposed amendment to Chapter 270, entitled "Zoning" to limit allowable building height the Main Street/Neighborhood Center Overlay District; and

**WHEREAS**, the Town Board referred the proposed amendment to the Town of Rotterdam ("Town") zoning code to the Planning Commission on April 24, 2024, for a report and recommendation thereon; and

**WHEREAS**, the Town Senior Planner presented the proposed amendment to the Planning Commission at its regularly scheduled meeting held on May 7, 2024; and

**WHEREAS**, the Planning Commission reviewed the proposed amendment at its regularly scheduled meeting held on May 7, 2024; and

**WHEREAS**, the Planning Commission has deliberated on the proposed amendment;

**NOW, THEREFORE**, upon motion of Member D'Alessandro, seconded by Member Calder,

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

The Planning Commission hereby adopts the following as its report on the proposed Zoning Code Amendment:

1. The amendment is to Chapter 270, entitled "Zoning" to modify the allowable height in the Main Street/Neighborhood Center (MS/NC) Overlay District.

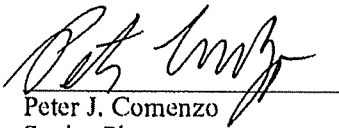
The MS/NC district was adopted in 2017 as part of an effort that the Town conducted to analyze properties in the existing commercial corridors and gateway areas to the Town and encourage redevelopment. The MS/NC encompasses areas along Hamburg Street, in Rotterdam Junction, the five corners area, and four corners area of Guilderland Avenue and Curry Road.

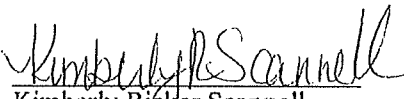
The current MS/NC zoning overlay district allows for building to be 3 stories up to 45 feet in height. The existing development patterns in the MS/NC overlay district are one and two-story buildings. The allowance for construction of structures up to 45 feet could potentially have a negative effect on these very important mixed use commercial nodes in the Town.

The existing height allowance of 45 feet is in conflict with the updated Comprehensive Plan as does not maintain the land use patterns of existing residential neighborhoods and preserve the character of established neighborhoods. As the Town moves forward with the implementation of the Comprehensive Plan, new guidelines will be focused on scale, design, and density to ensure that new housing is sensitive to surrounding neighborhood context. Amending the height allowances in the MS/NC Overlay district now will give the Town time to implement the recommendations of the Comprehensive Plan.

- 2. Subject to the considerations set forth in Paragraph 3, below, the Planning Commission hereby adopts a positive recommendation on the proposed request to lower the allowable height from 3 stories and 45 feet to 2 stories and 30 feet in the existing MS/NC overlay district.
- 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. Any proposed development shall remain subject to full review by the Planning Commission and, as necessary, by the Zoning Board of Appeals.

<u>Member</u>	<u>Aye</u>	<u>Nay</u>
Kimberly Ricker Scannell	X	
Mark D'Alessandro	X	
Wayne Calder	X	
Clark Collins	X	
Joseph Signore	X	
Lynn Flansburg	X	
Joseph Miglucchi	X	

  
Peter J. Comenzo  
Senior Planner

  
Kimberly Ricker Scannell  
Planning Commission Chairman

**Ms. Scannell:** All in favor.

**Planning Commission Members:** I.  
Meeting adjourned at 9:03 p.m.

Respectfully Submitted,

Marlo L. Carter  
Planning Commission Secretary