

**Town of Rotterdam Planning Commission
Minutes of February 19, 2019 Meeting**

The Rotterdam Planning Commission held a meeting on Tuesday, February 19, 2019, at 7:30 p.m. at the Rotterdam Town Hall, 1100 Sunrise Boulevard, Rotterdam, New York 12306

Present:	Jack Denny – Chairman	Excused: Peter Comenzo
	Larry DiLallo – Vice Chairman	
	Thomas Yuille	
	Clark Collins	
	Lynn Flansburg	
	Mark D’Alessandro	
	Wayne Calder	
	Jonathon Tingley, Attorney	
	Marlo Carter, Secretary	

Chairman Denny called the caucus to order at 7:00 p.m. in the Town Board Office.

WAIVERS:

- 1. Go Ahead Realty & Timothy Larned – 1 W. Campbell Road & W. Campbell Road.** The applicants request a Wavier of Subdivision review to Boundary Line Adjust ±3.5 acres from a ±17.5 acre parcel W. Campbell Road (Tax Map No. 48.2-8.11.1) and add the acreage to the existing ±4.77 acre parcel located at 1 W. Campbell Road (Tax Map No. 48.2-8.11.2) to create an ±8.28 acre parcel. Engineer: ABD Engineers, LLP.

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

1. The final maps (with all necessary changes discussed at the Planning Commission) need to be submitted for signature and filing with Schenectady County.
2. The Planning Commission Chairman will sign up to two (2) Mylar’s (One for Schenectady County and one for the applicant).
3. The signed Mylar’s need to be filed with Schenectady County Clerks office within ten (10) days.
4. After signature and filing with Schenectady County six paper copies shall be returned to the Planning Commission office.

Mrs. Flansburg seconded the motion and the vote resulted in unanimous approval of the motion.

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

The Pledge of Allegiance to the Flag was recited.

Chairman Denny: We need a motion to approve the summary minutes from the February 5, 2019 Planning Commission meeting.

Mrs. Flansburg: I make a motion that we approve the summary minutes from the February 5, 2019 meeting.

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

Mr. DiLallo: I second the motion.

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

Marlo Carter: Mr. DiLallo?

Mr. DiLallo: Yes.

Marlo Carter: Mr. Yuille?

Mr. Yuille: Yes.

Marlo Carter: Mr. Collins?

Mr. Collins: I recuse myself as I was not present at the February 5th meeting.

Marlo Carter: Mrs. Flansburg?

Mrs. Flansburg: Yes.

Marlo Carter: Mr. D'Alessandro?

Mr. D'Alessandro: Yes.

Marlo Carter: Mr. Calder?

Mr. Calder: Yes.

Marlo Carter: Chairman Denny?

Chairman Denny: Yes.

Motion carried.

1. **Sheri Lamb & Daniel Messersmith (Owners)/Stewart's Shops (Contract Vendee) – 1174 & 1180 Floral Avenue. Report and Recommendation to the Town Board for a Change of Zone on ±0.3 acres of property from Single Family Residential (R-1) to General Business (B-2) to facilitate the construction of a new Stewart's Shop with self-service fueling station.**

Tyler Fronte present representing Stewart's Shops. No changes have been made to the plans since the last meeting. No questions or comments from the Planning Commission members.

Chairman Denny: At this time, I would entertain a motion on the draft report and recommendation to the Town Board on the Change of Zone.

Mr. Yuille: Mr. Chairman, I will make a motion to make a positive recommendation to the Town Board on the Change of Zone.

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

Mr. D'Alessandro: I'll second.

Chairman Denny: Mr. D'Alessandro seconds the motion. Are there any questions? Please call the vote.

Marlo Carter: Mr. DiLallo?

Mr. DiLallo: Yes.

Marlo Carter: Mr. Yuille?

Mr. Yuille: Yes.

Marlo Carter: Mr. Collins?

Mr. Collins: Yes.

Marlo Carter: Mrs. Flansburg?

Mrs. Flansburg: Yes.

Marlo Carter: Mr. D'Alessandro?

Mr. D'Alessandro: Yes.

Marlo Carter: Mr. Calder?

Mr. Calder: Yes.

Marlo Carter: Chairman Denny?

Chairman Denny: Yes.

Motion carried.



Town of Rotterdam
Office of the Planning Commission

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

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Resolution Number PC05-2019

Moved by Mr. Yuille seconded by Mr. D'Alessandro
Applicant: Sheri Lamb & Daniel Messersmith
(Owners)/Stewart's Shops (Contract Vendee)

Town of Rotterdam Planning Commission
Regular Meeting

February 19, 2019

**Resolution Adopting a Report and Recommendation on
the Change of Zone Request by Daniel Messersmith, Sheri Lamb
and Stewart's Shops**

WHEREAS, the Town Board of the Town of Rotterdam has received an application from Stewart's Shops ("Applicant") for Change of Zone from Single Family Residential (R-1) to General Business (B-2) for properties located at 1174 Floral Avenue and 1180 Floral Avenue, owned respectively by Daniel Messersmith and Sheri Lamb ("Owners"), in connection with the Applicant's proposal to construct a convenience store and self-service gasoline use on approximately 1.3 acres (the "Project"); and

WHEREAS, the Town Board referred the Change of Zone application for the Project to the Planning Commission on January 23, 2019 for a report and recommendation thereon; and

WHEREAS, the Applicant presented the Change of Zone request to the Planning Commission at its regularly scheduled meeting held on February 5, 2019; and

WHEREAS, the Planning Commission reviewed the Change of Zone application at its regularly scheduled meeting held on February 5, 2019 and February 19, 2019; and

WHEREAS, the Planning Commission has considered the Change of Zone application;

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

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

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

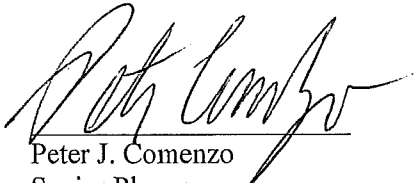
The Planning Commission understands the Change of Zone request to concern a total of 0.3 acres of land, comprised of two parcels located at 1174 Floral Avenue and 1180 Floral Avenue (collectively, the "Property"). The Applicant proposes to construct a convenience store with self-service gasoline pumps on the corner of Guilderland Avenue and Lilac Street on a total of approximately 1.3 acres. The 0.3 acres of Property that is the subject of the Change of Zone request is currently zoned Single-Family Residential (R-1). The remaining 1.0 acre on which the Applicant proposes to construct the convenience store and self-service gasoline pumps is an irregularly shaped parcel, currently zoned General Business (B-2), on which AC Body Works is located. The 0.3 acres of Property that is the subject of the Change of Zone request adjoins the rear and side of the 1.0 acre AC Body Works parcel, which is zoned General Business (B-2). The project site is located approximately ¼ mile south of the Four Corners Intersection, at which a self-service gasoline station and convenience store is currently located. The project site is located just to the north of another convenience store, Qik Pik, which is located on the other side of Lilac Street from the Project Site. The Applicant has stated that the Change of Zone will help "square up" the Project Site and will allow a design that will provide for increased screening and an improvement in lot circulation over what would be available if the Project was limited to the existing 1.0 acre AC Body Works site. The 0.3 acres of Property that is the subject of the Change of Zone request is currently served by public water and public sewer.

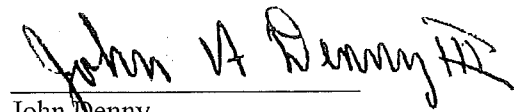
2. The Planning Commission hereby adopts a **positive recommendation** on the Change of Zone Request. Although the subject parcels are currently zoned Single-Family Residential (R-1), they adjoin the General Business (B-2) zoning district along approximately 230 feet of their collective boundaries. Accordingly, the Planning Commission views the Change of Zone request as a minor extension of the existing General Business (B-2) zoned parcels. The proposed convenience store and self-service gasoline use is consistent with other uses in the area, as summarized above, and Guilderland Avenue is currently zoned for commercial uses, with a mix of Retail Business (B-1) and General Business (B-2) zoned parcels. The subject parcels, when combined with the existing B-2 zoned parcels, will provide for a more regularly shaped parcel, which will serve to enhance design flexibility. The Planning Commission finds it important to allow for design flexibility to accommodate adequate buffering of the proposed convenience store and gasoline pumps from nearby residential uses, and the Change of Zone will assist in that regard.

Member
Thomas Yuille
Wayne Calder
Mark D'Alessandro
Clark Collins
Larry DiLallo
Lynn Flansburg
John Denny

Aye
X
X
X
X
X
X
X

Nay


Peter J. Comenzo
Senior Planner


John Denny
Planning Commission Chairman

28 FEB 1994 3:02

TOWN CLERK'S OFFICE

2. **Bigsbee Enterprises, Inc. – 1930 Curry Road. Final Two (2) Lot Subdivision Public Hearing: Lot 1 = ±1.52 acres with existing Belvedere Inn, Lot 2 = ±2.55 acres with Mallozzi's Restaurant and Banquet Hall. Engineer: ABD Engineers, LLP.**

Luigi Palleschi presented the application to the board, acknowledged that he reviewed the proposed conditions included with the agenda materials, and that the applicant consents to those conditions. Chairman Denny opened the public hearing and invited public comment. No member of the public submitted any comments. No questions or comments were asked by the Planning Commission members.

Chairman Denny: At this time, I would entertain a motion to close the public hearing.

Mr. Calder: Mr. Chairman, I make a motion to close the public hearing on this project.

Chairman Denny: Mr. Calder made the motion. Do I have a second?

Mr. Collins: I'll second.

Chairman Denny: Mr. Collins seconds the motion. Are there any questions? Please call the vote.

Marlo Carter: Mr. DiLallo?

Mr. DiLallo: Yes.

Marlo Carter: Mr. Yuille?

Mr. Yuille: Yes.

Marlo Carter: Mr. Collins?

Mr. Collins: Yes.

Marlo Carter: Mrs. Flansburg?

Mrs. Flansburg: Yes.

Marlo Carter: Mr. D'Alessandro?

Mr. D'Alessandro: Yes.

Marlo Carter: Mr. Calder?

Mr. Calder: Yes.

Marlo Carter: Chairman Denny?

Chairman Denny: Yes.

Motion carried.

At this time, I would entertain a motion on the Draft Negative Declaration.

Mr. Collins: Mr. Chairman, I make a motion that the Rotterdam Planning Commission approve the SEQR and adopt the Draft Negative Declaration as prepared by the Town Planner.

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

Mr. D'Alessandro: I'll second.

Chairman Denny: Mr. D'Alessandro seconds the motion. Are there any questions? Please call the vote.

Marlo Carter: Mr. DiLallo?

Mr. DiLallo: Yes.

Marlo Carter: Mr. Yuille?

Mr. Yuille: Yes.

Marlo Carter: Mr. Collins?

Mr. Collins: Yes.

Marlo Carter: Mrs. Flansburg?

Mrs. Flansburg: Yes.

Marlo Carter: Mr. D'Alessandro?

Mr. D'Alessandro: Yes.

Marlo Carter: Mr. Calder?

Mr. Calder: Yes.

Marlo Carter: Chairman Denny?

Chairman Denny: Yes.

Motion carried.

At this time, I will entertain a motion on the final subdivision.

Mr. Collins: Mr. Chairman, I make a motion to approve the final subdivision subject to all the DPW comments as well as all the verbal and written comments on this project.

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

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

Chairman Denny: Mr. D'Alessandro seconds it. Any questions on the motion? Please call the vote.

Marlo Carter: Mr. DiLallo?

Mr. DiLallo: Yes.

Marlo Carter: Mr. Yuille?

Mr. Yuille: Yes.

Marlo Carter: Mr. Collins?

Mr. Collins: Yes.

Marlo Carter: Mrs. Flansburg?

Mrs. Flansburg: Yes.

Marlo Carter: Mr. D'Alessandro?

Mr. D'Alessandro: Yes.

Marlo Carter: Mr. Calder?

Mr. Calder: Yes.

Marlo Carter: Chairman Denny?

Chairman Denny: Yes.

Motion carried.

Note: Mr. Yuille's motion was to approve the resolution before the board adopting a written report and recommendation to the Town Board on the change of zone request.

Next meeting is March 5, 2019.

Meeting adjourned at 7:37 p.m.

Motion to adjourn made by Mr. Collins and seconded by Mr. D'Alessandro.

Respectfully Submitted,

Marlo L. Carter
Planning Commission Secretary



Town of Rotterdam
Office of the Planning Commission

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

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Resolution Number PC06-2019
Moved by Mr. Calder seconded by Mr. Collins
Applicant: Bigsbee Enterprises, Inc.

Applicant: Bigsbee Enterprises, Inc.
Project Location: 1930 Curry Road
Rotterdam, New York
Tax Number or Numbers: 59.9-6-18.111
Proposed Project: Minor Two (2) Lot Subdivision Public Hearing review: Lot 1 = ±1.52 acres with existing Belvedere Inn, Lot 2 = ±2.55 acres with Mallozzi's restaurant and Banquet Hall.

WHEREAS, a public hearing was opened by Chairman Denny on February 19, 2019 to consider the above referenced Two (2) Lot Subdivision; and,

WHEREAS, no one in attendance at the Public Hearing spoke either for or against the proposed subdivision; and,

WHEREAS, Mr. Calder made a motion to close the public hearing; and,

WHEREAS, Mr. Collins seconded the motion; and,

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

IT IS HEREBY RESOLVED, that the Rotterdam Planning Commission has closed the public hearing on this project concerning the Final Minor Two (2) Lot Subdivision.

Handwritten signature of Peter J. Comenzo in black ink.

Peter J. Comenzo
Senior Planner

Handwritten signature of John Denny III in black ink.

John Denny III
Planning Commission Chairman



Town of Rotterdam
Office of the Planning Commission

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

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Resolution Number PC07-2019
Moved by Mr. Collins seconded by Mr. D'Alessandro
Applicant: Bigsbee Enterprises, Inc.

Applicant: Bigsbee Enterprises, Inc.
Project Location: 1930 Curry Road
Rotterdam, New York
Tax Number or Numbers: 59.9-6-18.111
Proposed Project: Final Minor Two (2) Lot Subdivision Public Hearing review: Lot 1 = ±1.52 acres with existing Belvedere Inn, Lot 2 = ±2.55 acres with Mallozzi's restaurant and Banquet Hall.

WHEREAS, public meetings were conducted by the Town of Rotterdam Planning Commission on January 8, 2019 and a public hearing on February 19, 2019 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: | Minor Lot Fees | \$80 x 2 | \$160.00 |
| | Advertising | | \$ 33.63 |
| | Total | | \$193.63 |
- The applicant shall address sanitary sewer service to the existing hotel and banquet facility to the satisfaction of the Department of Public Works (which may include, among other things, filing expanded cross easements for the installation, operation, maintenance, repair, replacement, removal and relocation of underground utilities, including sanitary sewer pipes, to serve the existing hotel and banquet facility) prior to Chairman's signature on the Final Subdivision Map.
 - Pin and Cap new lot corners on division line between Lot #1 and Lot #2 prior to Chairman's signature on the Final Subdivision Map.
 - Identify Lot #1 (hotel) and Lot #2 (banquet hall).

Peter J. Comenzo
Senior Planner

John Denny III
Planning Commission Chairman



Town of Rotterdam
Office of the Planning Commission
6NYCRR PART 617

State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

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

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

Date: February 19, 2019

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
Type II
Unlisted

Conditioned Negative Declaration: Yes
No

Owner: Bigsbee Enterprises Inc.
1930 Curry Road
Schenectady, NY 12303

Location: 1930 Curry Road
Schenectady, NY 12303

Tax Map Number(s): 59.9-6-18.111

Zoning: General Business (B-2) Zoning District

Action: Two (2) Lot Subdivision: Lot 1 = ±1.52 acres with existing Belvedere Inn, Lot 2 = ±2.55 acres with Mallozzi's Restaurant and Banquet Hall.

Reasons Supporting This Determination:

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

This project was 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 action is for subdivision approval to allow for a Two (2) Lot Subdivision: Lot 1 = ±1.52 acres with existing Belvedere Inn, Lot 2 = ±2.55 acres with Mallozzi's Restaurant and Banquet Hall. The existing 31,152 square foot banquet facility and hotel currently are located on the same parcel and the subdivision is being created for financing purposes. Cross easements exist for access and parking and utilize the existing curb along Curry Road. Both properties currently are serviced by municipal water and sanitary sewer services.

After a review of the application materials, Environmental Assessment Form, and comments received on this proposal, the Planning Commission of the Town of Rotterdam 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:

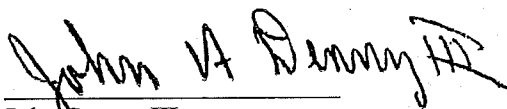
- (i) a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;
- (ii) the removal or destruction 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 the Planning Commission Public Meeting held on February 19, 2019 at the Rotterdam Town Hall, 1100 Sunrise Boulevard, Rotterdam, NY 12306. Adoption of this negative declaration was moved by Mr. Collins, seconded by Mr. D'Alessandro, and approved by the Rotterdam Planning Commission.



John Denny III
Planning Commission Chairman