

**Town of Rotterdam Planning Commission
Minutes of April 16, 2019 Meeting**

The Rotterdam Planning Commission held a meeting on Tuesday, April 16, 2019, at 7:30 p.m. at the Rotterdam Town Hall, 1100 Sunrise Boulevard, Rotterdam, New York 12306

Present:	John Denny III – Chairman Larry DiLallo – Vice Chairman Thomas Yuille Clark Collins Lynn Flansburg Mark D’Alessandro Wayne Calder Peter Comenzo, Town Planner Jonathon Tingley, Attorney Marlo Carter, Secretary	Absent:
----------	---	---------

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

WAIVERS:

1. **Amy Kretzler – 2517 Hamburg Street.** The applicants request a Wavier of Site Plan review to operate a five (5) chair hair salon in an existing ±1,125 square foot tenant space on a ±0.38 acre parcel.

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

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

Mr. D’Alessandro seconded the motion and the vote resulted in unanimous approval of the motion.

2. **Francis DelGallo – 370 Mariaville Road.** The applicants request a Wavier of Site Plan review to convert an existing ±2,729 square foot building (former Bank of America) for the retail sale of antiques, guns and related merchandise (Take it to the Bank), located on a ±0.43 acre parcel.

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

1. Compliance with all NYS Building and Fire Codes.
2. Applicant must obtain a Fire Inspection and/or Building Permit and be issued a Certificate of Occupancy from the Town of Rotterdam Building Safety Inspector and/or Building Inspector/Code Enforcement Officer prior to operation.
3. Applicant to comply fully with Town Sign Code and obtain a building permit for any signage.
4. Owner/applicant shall install Knox box for emergency personnel prior to operation. Please contact Fire District #6 for specifications.
5. Approval for the sale of guns is contingent upon review and approval of the US Bureau of Alcohol, Tobacco, and Firearms prior to operation.

6. Outdoor display of merchandise is prohibited. All activities and storage shall be conducted entirely within the building.
7. Applicant to comply fully with Town Code Chapter 229 entitled "Secondhand Dealers" and obtain a license from the Town Clerk prior to operation.

Mr. Calder 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 April 2, 2019 Planning Commission meeting.

Mr. Collins: I make a motion that we approve the summary minutes from the April 2, 2019 meeting.

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

Mr. Yuille: I second the motion.

Chairman Denny: Motion seconded by Mr. Yuille. 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: 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.

1. **Chu Ren Wang – 2697 Hamburg Street. Final Site Plan review to convert an existing ±2,564 square foot building (former NYS Chief of Police Association) into a take-out restaurant (Yummy Yummy Chinese) on a ±0.32 acre parcel. Architect: Keith Cramer.**

Chairman Denny: Please go over what you are going to be doing.

Mr. Cramer: Good evening. We met some of the members out at the site a couple of weeks ago and we made some changes to the site according to those suggestions and I think you see them all on the latest plan here. Since then, we have gotten a couple of other comments to add notes onto the site plan in the town review. I have done those but you have not received it yet. We have pretty much agreed to all the comments from the town departments and the Planning Commission.

Chairman Denny: I'm going to ask the Planning Commission to see if any of them have comments or questions for you. Mr. Yuille?

Mr. Yuille: I think it's a good use for the building. You have plenty of parking. I would imagine 95% of your customers are going to be take out and moving four (4) or five (5) at a time so you have plenty of parking there. I like what you have done to the building as far as taking the windows out and filling them in and doing the new glass on the Williams Street side with a new door. I don't have any problems with it. It looks good. That's all, Mr. Chairman.

Chairman Denny: Mr. Calder?

Mr. Calder: I don't have anything to add. I like the project myself and they have been on Hamburg Street a long time and do a good job.

Chairman Denny: Mr. D'Alessandro?

Mr. D'Alessandro: I agree with the other board members. The project looks good. I like the changes with the side and eliminating the parking spaces so it's not so congested and a little bit wider. It looks really good and good luck.

Chairman Denny: Mr. Collins?

Mr. Collins: I think it's a good project and I'm glad to see the building getting reused. Good luck. That's all I have, Mr. Chairman.

Chairman Denny: Mr. DiLallo any comments or questions?

Mr. DiLallo: Keith, did you read the conditions?

Mr. Cramer: I did.

Mr. DiLallo: How long will it take him to renovate? Six (6) months?

Mr. Cramer: At the most. There is no structural renovation going on other than cutting those two (2) windows. It's basically brick veneer.

Mr. DiLallo: I'm asking because it says add note to the plan about paving and having it done no later than September 30, 2019. I was just wondering if you were going to be done and ready to pave or should we change that date?

Mr. Cramer: I think we can make it. The only thing that would hold us up is the sewer. If that is going to be done, then we can make those connections.

Mr. Comenzo: The sewer should be operational very shortly.

Mr. Cramer: That is the first thing we will tackle is that hook up.

Mr. DiLallo: You think that is a realistic date to complete it or do you want us to change it?

Mr. Cramer: I think it's realistic. Yes, September 30th works. We have the contracts lined up and everybody is ready to go.

Mr. DiLallo: That is all that I have. Nice job on the plans.

Chairman Denny: Mrs. Flansburg any questions or comments?

Mrs. Flansburg: Just onto that, if it became an issue you could just come back before the board to have it extended, correct?

Chairman Denny: Yes.

Mrs. Flansburg: I appreciate you taking into consideration the comments that we had had. I think it's an excellent looking project. I like that they are reusing the building right in the same area that they were. Good luck to you.

Chairman Denny: Peter and I were out there with you walking the place, with your wife and she kind of explained and she did a great job in telling us what you were going to do and the things that you had to have done and so did Mr. Cramer. This looks like a good project.

Mr. Cramer: We appreciate the help and the time that you guys put into this too.

Chairman Denny: At this time, I will entertain a motion to adopt the draft negative declaration as prepared by the Town Planner on SEQR.

Mr. DiLallo: I will make that motion, Mr. Chairman.

Chairman Denny: Motion made by Mr. DiLallo. Do I have a second?

Mr. D'Alessandro: I second the motion.

Chairman Denny: Motion seconded by Mr. D'Alessandro. 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.

Chairman Denny: At this time, I need a motion to approve the site plan with conditions.

Mr. DiLallo: Mr. Chairman, I make a motion to approve the final site plan and also adopt the conditions that are listed here and written and oral comments.

Chairman Denny: Motion made by Mr. DiLallo. Do I have a second?

Mrs. Flansburg: I second the motion.

Chairman Denny: Motion seconded by Mrs. Flansburg. 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.

Mr. Cramer: Thank you very much.

Next meeting is May 7, 2019.

Meeting adjourned at 7:39 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

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

Resolution Number PC13-2019

Moved by Mr. DiLallo seconded by Mrs. Flansburg
Applicant: Chu Ren Wang

Applicant: Chu Ren Wang

Project Location: 2697 Hamburg Street
Rotterdam, New York

Tax Number or Numbers: 59.15-5-35.1

Proposed Project: Final Site Plan review to convert an existing $\pm 2,564$ square foot building (former NYS Chief of Police Association) into a take-out restaurant (Yummy Yummy Chinese) on a ± 0.32 acre parcel.

WHEREAS, public meetings were conducted by the Town of Rotterdam Planning Commission on February 5, 2019 and a public hearing on April 16, 2019 to consider the above referenced Site Plan; and,

WHEREAS, this matter was discussed and approved, as meeting the standards for a Site Plan Review as set forth in Chapter 270 of the Code of the Town of Rotterdam entitled ZONING; 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 SITE PLAN; NOW,**

IT IS HEREBY RESOLVED THAT this Site Plan is approved with the following conditions as stipulated by the Planning Commission:

1. Approvals are contingent upon compliance with all NYS Building and Fire Codes.
2. Applicant must obtain a Fire Inspection and/or Building Permit and be issued a Certificate of Occupancy from the Town of Rotterdam Building Safety Inspector and/or Building Inspector/Code Enforcement Officer prior to operation.
3. Applicant to comply fully with Town Sign Code and obtain a building permit for any signage.
4. Prior to operation the applicant shall obtain approvals from the Schenectady County Department of Health.
5. Owner/applicant shall install Knox box for emergency personnel. Please contact Fire District #3 for specifications.
6. Existing septic system shall be abandoned in accordance with DPW specification. Building shall be connected to municipal sanitary sewer system. Applicant shall install a minimum 100G/200# grease trap on the line.

Resolution Number PC13-2019

Moved by Mr. DiLallo seconded by Mrs. Flansburg

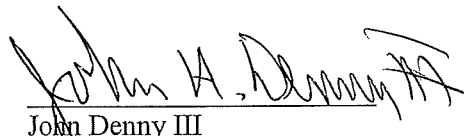
Applicant: Chu Ren Wang

Page 2

7. **Add note to plan:** "Front parking area will be substantially impacted during construction of landscaped area and removal/installation of utilities. This area shall be repaired, repaved, and striped in accordance with the plans no later than September 30, 2019."
8. **Add note to plan:** "Lighting fixtures (both recessed and on building) shall be replaced with LED lighting and shielded downward to prevent off-site illumination."
9. **Add note to plan:** "Landscaping areas shall be sprinklered and dead/dying plants replaced in kind and in perpetuity."



Peter J. Comenzo
Senior Planner



John Denny III
Planning Commission Chairman



Town of Rotterdam
Office of the Planning Commission

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

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

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

Date: April 16, 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: Chu Ren Wang
209 Williams Street
Schenectady, NY 12306

Location: 2697 Hamburg Street
Schenectady, NY 12303

Tax Map Number(s): 59.15-5-35.1

Zoning: Retail Business (B-1) Zoning District.

Action: Site Plan approval to convert an existing ±2,564 square foot building (former NYS Chief of Police Association) into a take-out restaurant (Yummy Yummy Chinese) on a ±0.32 acre parcel.

Other Involved Agencies: None

Reasons Supporting This Determination:

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

This project was conducted as a SEQR coordinated review. The site plan was sent to all interested/involved agencies on February 7, 2019. The applicant has supplied an Environmental Assessment Form and the Planning Commission has or has caused to complete Part 2 of this checklist.

The applicants have requested approvals for a Site Plan to convert an existing $\pm 2,564$ square foot building (former NYS Chief of Police Association) into a take-out restaurant (Yummy Yummy Chinese) on a ± 0.32 acre parcel. The existing curb cut onto Hamburg Street has been removed in 2018 with the reconstruction that has been completed. This property is located in the recently formed Hamburg Street Sewer District. The existing septic system will be abandoned to the building and the new restaurant will be connected to municipal sanitary sewer. Changes to the site will be minimal with enhanced landscaping to be added with removal of existing asphalt and to the southern side of the property and along Hamburg Street.

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

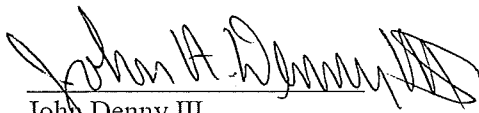
- (i) a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;
- (ii) the removal or destruction 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 April 16, 2019 at the Rotterdam Town Hall, 1100 Sunrise Boulevard, Rotterdam, NY 12306. Adoption of this Negative Declaration was moved by Mr. DiLallo, seconded by Mr. D'Alessandro, and approved by the Rotterdam Planning Commission.



John Denny III
Planning Commission Chairman