

Town of Rotterdam Planning Commission
Minutes of May 7, 2019 Meeting

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

Present:	John Denny III – Chairman	Excused: Thomas Yuille
	Larry DiLallo – Vice Chairman	
	Clark Collins	
	Lynn Flansburg	
	Mark D’Alessandro	
	Wayne Calder	
	Peter Comenzo, Town Planner	
	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. **Crown Castle – 923 Upper Gregg Road.** The applicants request a Wavier of Site Plan review to install six (6) antennae, nine (9) radio heads, two (2) DC6s, four (4) DC power cables, two (2) feedlines on existing tower and a 300 square foot compound to house ground equipment on existing ±1.07 acre parcel.

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

1. Applicant must apply for Building Permit and receive Certificate of Compliance prior to commencement of operation.
2. Compliance with all NYS Building and Fire Codes.

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

2. **Jason Ford – 93 W. Campbell Road.** The applicants request a Wavier of Site Plan review to operate a children’s theater in tenant space H-100, former S&K Menswear, ±3,289 square feet from June 1, 2019 – May 31, 2021 in Via Port Rotterdam.

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 #6 and/or #7 for specifics.

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

3. **Shanna Becker – 93 W. Campbell Road.** The applicants request a Wavier of Site Plan review to operate a dance/fitness studio in tenant space G-122, former American Eagle, ±5,546 square feet from June 1, 2019 – July 31, 2020 in Via Port Rotterdam.

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. Please contact Fire District #6 and/or #7 for specifics.

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

4. **Zaw Zaw – 1600 Altamont Avenue.** The applicants request a Wavier of Site Plan review to operate a Thai restaurant, former Cusato's, in a ±3,430 square foot building on a ±0.66 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 Building Permit and be issued a Certificate of Occupancy from the Town of Rotterdam Building Inspector.
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 Rotterdam Fire District #2 for specifics.
5. Applicant shall obtain Schenectady County Health Approval.

Mr. D'Alessandro 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 16, 2019 Planning Commission meeting.

Mr. Collins: I make a motion that we approve the summary minutes from the April 16, 2019 meeting.

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

Mr. Calder: I second the motion.

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

Marlo Carter: Mr. DiLallo?

Mr. DiLallo: 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. **Craig Serafini – 2212 Greenpoint Avenue. Report and Recommendation to the Town Board on a Change of Zone from Single Family Residential (R-1) to Two Family Residential (R-2) on ±0.2 acres of property to facilitate the construction of a duplex. Surveyor: Blackstone Surveyors.**

Chairman Denny: I believe we have some questions for you.

Mr. Serafini: In the interest of disclosure, I do need to let you know that I am a sitting member of the Zoning Board for Rotterdam.

Chairman Denny: Mrs. Flansburg, do you have some questions and comments for this project.

Mrs. Flansburg: Just some general statements, not so much questions. I drove by the house today and I am familiar with the neighborhood. It's boarded up, there is no front door. The current property that is there, I'm not sure how I feel about the size of the duplex that you are thinking about putting there, but I think given the other styles of homes that are there, some are fairly large structures on smaller properties, I think I can see what it is that you are trying to get.

Chairman Denny: Mr. DiLallo?

Mr. DiLallo: Just a couple of remarks. I'm still wondering, as Mrs. Flansburg stated, it's an awful big house for a small lot. Also, I worry about the neighbors to be honest with you. I mean when these people bought their homes they were planning on having single family homes next door to them and not a two (2) family. I'm still worried about it. It is an awful big building, correct, it's 48 x 44?

Mr. Serafini: I would call it the same size as any single family home that would be built nowadays on that size lot. I think it follows the same footprint that someone would use for a single family.

Mr. DiLallo: Six (6) bedrooms though?

Mr. Serafini: Yes, in this case it is six (6) bedrooms. My intent is actually for myself to live on one side and my ex-wife to live on the other to keep our kids close. I guess we have, we can call it an unconventional relationship, and we want to live that close and for myself, I don't actually need it as the bedroom but it can be an office, but for the size and structure we made sure that it would fit the lot and it made sense to use it as that type in that space.

Mr. DiLallo: That's all I have, thank you.

Chairman Denny: Mr. Collins?

Mr. Collins: I have concerns as well. I don't understand why it's got one garage and it just seems funny that you would have one garage on one side and not on the other.

Mr. Serafini: There will be a garage on each side.

Mr. DiLallo: It says covered porch on the side of the drawing. One garage and one covered porch.

Mr. Serafini: That is obviously not the plans that we have. We haven't drawn the plans yet. It will be, what I will call, duplicate one side to the other. So, it will be a garage on each side.

Mr. Collins: And this is going to be new style septic so that you don't have to do the 50% more?

Mr. Serafini: We put in for an expansion and everything, but it is the new style so it's supposed to eliminate the need for that, but we still allowed for it to make sure if they don't work the way they are designed that we would still be able to make those remediations 50 years from now.

Mr. Collins: That's all I have right now, Mr. Chairman.

Chairman Denny: Mr. D'Alessandro?

Mr. D'Alessandro: I think the other board members brought up what I was going to bring up and one of the sizes of the lot. It's nice that you are taking something that has been abandoned and be able to put it back on the tax rolls. The thing that I also worry about is how well is it going to blend into the community? When you have single family homes and the size of it looks big for that area and the other thing was the parking, you had the covered portion on that and I was wondering if there was going to be a garage on one side and not on the other side.

Mr. Serafini: Obviously that will be garage on each side and we will have driveway space. We don't even have to do anything in regards to requesting variances for setbacks. We used the space as allowed as opposed to planning on something that would require further changes to any zonings or anything else.

Mr. Collins: That's all I had, Mr. Chairman.

Chairman Denny: Mr. Calder, any questions or comments.

Mr. Calder: Mr. Serafini, I was over there today to look at it myself and you are right close to the property line and you're only a foot on each side as far as room goes. You are 11' on one side and 11' on the other, it's close. It is a lot of house for the property but again if you look at what is there it's an improvement, it absolutely an improvement.

Mr. Serafini: I think in reality, I mean in looking at what is there, and the fact that it has been like that for 20 years, I think the neighbors are going to absolutely love it. I know the one neighbor on the corner, he's all for it. It is going to dramatically increase everybody's property value the second I start work, much less when I finish it.

Mr. Calder: I would absolutely agree. If I lived near there, I would want to see that changed. That's for sure.

Mr. Serafini: My hope is that everybody will be thrilled with it. I think new construction in the neighborhood, you can see there were a couple of new houses built, same size lot, big houses. To be able to afford the taxes, the construction costs and everything else you've got to use the lot for what it does present and that is why we worked within that and again, very important, for what I felt was to stay within the zoning restrictions as far as not needing to change the setbacks. So, you know, it's a house that the lot could afford, if you will.

Mr. Calder: The only other question that I would have is, now this drawing, this is not the way it's going to be apparently because there are some changes that you've already stated, but why do you have the offset on each side of the building? You've got an offset for facing the property...

Mr. Serafini: With the initial plans that I actually looked at, the original sketches, that is how they had designed it. When my architect actually does it, I intend to make it flat.

Mr. Calder: So, it's straight across the front and not that that is a big deal with me...

Mr. Serafini: It's more eye appealing to follow a linear path but we used the sketch plans so that we could show the size, the footprints, things like that and then once we hopefully obtain our approvals we will actually get proper plans drawn that will show everything following the square.

Mr. Calder: I'm for the project. It's a tough looking area right now with that house there. Good luck to you.

Mrs. Flansburg: I just want to follow up on a statement that you had said with regards to one of the neighbors that you know of that you have spoken with that is in favor of it at the corner. Is that the one that would be next to it, that actually faces Rabbetoy?

Mr. Serafini: His backyard...

Mrs. Flansburg: His backyard would be looking at you and that neighbor...

Mr. Serafini: Andy is thrilled.

Mrs. Flansburg: I was thinking about that one closely because the way that it is facing their backyard. They would be overlooking.

Mr. Serafini: He essentially doesn't have a backyard. He had kind of a side yard. So, for him he's literally if he walks out the back door, he is looking at what I can only call a terrible looking place. He's for it and he will provide a letter to that effect for the next meeting if we get to that point.

Mrs. Flansburg: Thank you very much.

Mr. DiLallo: If you get the zone change from the Town Board, you'll have to go to the ZBA for variances?

Mr. Serafini: No variances.

Mr. DiLallo: No variances?

Mr. Serafini: We're staying within the allowed sizes. That was one of the big things I made sure that we followed all the setbacks.

Chairman Denny: At this time, I'm going to ask our attorney to prepare a report and recommendation to the Town Board. Mr. Tingley, could you do that for us, please.

Mr. Tingley: Yes. I think for this one and for maybe moving forward at the request of one member in particular, I think we should get a sense verbally from the members whether this is going to be a positive recommendation or negative recommendation so I know exactly which direction to proceed in drafting it.

How this works is I usually take down notes, put together a recommendation and then have it before you at the next meeting. To be clear on what way I'm going, I would like to get that direction if I can at the meeting we discuss it and when we're at the meeting where you consider the recommendation everyone is on the same page.

Chairman Denny: Would you like me to poll the board?

Mr. Tingley: Yes.

Mr. DiLallo: Mr. Chairman, I would like to make a statement, I know I said negative things about this project and neighbors and stuff but taking into consideration that you did talk to that neighbor and the place is an eyesore, I go by it a lot my daughter lives around the corner. I'm positive and I'm not swaying anybody else, but I've changed my mind.

Mrs. Flansburg: I have a positive recommendation for it. Myself, I would encourage the applicant to get the neighbor feedback if that is a possibility.

Chairman Denny: Mr. Collins?

Mr. Collins: It's positive for me. I think it's going to be a good project. I just had some concerns as to how the design was going to be and when I saw this one it didn't make a lot of sense to me.

Chairman Denny: Mr. D'Alessandro?

Mr. D'Alessandro: I have a positive recommendation on it. It's nice that you are taking something that is probably an eyesore in the neighborhood and making something nice.

Chairman Denny: Mr. Calder?

Mr. Calder: I agree and I think we should move along as fast as we can so this gentleman can get working.

Chairman Denny: I will also make a positive recommendation so we have the complete board that is in agreement here.

Mr. Tingley: In light of that at the next meeting, I will have a positive recommendation drafted for your consideration.

Mr. Comenzo: Mr. Chairman, I have one correction. Although the building does meet the setback requirements, you're still going to need a lot frontage variance and a lot size variance from the Zoning Board.

Mr. Serafini: So, we do need variances?

Mr. Comenzo: You are changing the use of the property so yes.

Mr. Serafini: I was not aware of those and I apologize for misspeaking in regard to that.

Mr. Comenzo: You meet the setback requirements, just not the lot size or the lot frontage requirements.

Mr. Serafini: Obviously I will revise my statement to state that I will apply for those if the board approves it.

Chairman Denny: You're all set.

This is not a Public Hearing but is there anyone in the audience that has any comments or questions on the project. Hearing none, we will move to the next project.

- Zappone Group Management, LLC – Chrisler Avenue & 2142 Hamburg Street. Sketch Site Plan/Consolidated Subdivision Review for the construction of five (5) metal storage buildings totaling 15,700 square feet on a combined 46,624 square foot lot. Engineer: Advanced Engineering & Surveying, PLLC.**

Mr. Costa: Good evening. My name is Nick Costa and I'm with Advanced Engineering & Surveying. We are here on behalf of Zappone Group to present this project that they would like to develop at Chrisler Avenue and Hamburg Street.

As you may recollect, this project was in front of you and it was located in a split zone. It's about an acre of land and it was split land. One zone was light industrial and one zone was, I believe, B-2. We requested the parcel be rezoned to light industrial. We went through that process and now the entire parcel is zoned light industrial. We have made the sketch plan submission to get back in front of the Planning Commission to go through the process of eventually getting the site plan approval.

As you mentioned, the site is proposed to be developed with a self-storage facility. This is Chrisler Avenue and this is the overpass for Hamburg Street and the parcel is located right here. It is currently used for storage of vehicles, recreational vehicles and also just vehicles. Let me flip over to the larger site plan. As you can see it from the layout there is about 15,700 square feet of storage space that is shown on the plan. Along with the storage building there is access drives and the access from Chrisler Avenue shown on there. There are utilities along the road, but we will not be connecting to the sanitary sewer because there is no need for a sanitary sewer. We will connect with the water service/lateral just for a hose or a spigot so that if somebody that brings something that needs to be cleaned it can be cleaned, but that is all that it would actually encompass for utilities.

The other item that is going to be taken care of on the site is stormwater. We are going to be increasing the amount of impervious area on the site so we will be installing some drywells. The soil maps show that the site is sandy nature and we can accomplish it by just installing dry wells to get the water back into the ground. We will be doing testing of those soils as soon as we get some decent weather. Also, shown on the site is the proposed landscaping and also the proposed fence that will be going around the site.

With that, if there are any questions, I would be more than happy to try to answer them. This is for sketch plan review and I also did receive the comments from DPW and I spoke with Peter about those and we will be looking at those and discussing with the client how he wants to proceed whether he wants to, because there is one, the 25' setback for light industrial, if he wants to proceed with the plan that we currently show then he would have to go to the ZBA and get the area variances for the sides. The front and back are 25' but the sides are not. I have not yet had a chance to meet with him and review it, but I will be discussing it with him.

Chairman Denny: Let me see if the board has any questions or comments. Mrs. Flansburg?

Mrs. Flansburg: Is that the only one that you are able to speak to as far as the comments that were provided.

Mr. Costa: I think we can speak to all of them. We will meet with the County to discuss the modification of the entrance so that there is more queuing room and we will be taking a look at, depending on how he wants to proceed, there was a suggestion made to look at possibly taking and opening up an isle in the middle...

Mrs. Flansburg: The center building?

Mr. Costa: That's correct.

Mrs. Flansburg: One detail that as I was reading through and asked my family what today's date was, but on the April 17th letter for us, it says the description of the existing site proposed development and on the second page it said that on November 20, 2019 the applicant requested...

Mr. Costa: That should be 2018. Thank you.

Chairman Denny: Mr. DiLallo?

Mr. DiLallo: No questions. It seems to me that you are going to have to do a lot more redesigning.

Mr. Costa: Yes.

Mr. DiLallo: The setback is wrong and as pointed out by DPW there is only 33' of room from the gate to the edge of roadway which is not enough for a truck. I don't really have any questions other than to say you have to get back to the drawing board.

Chairman Denny: Mr. Collins?

Mr. Collins: I agree with what Larry said. There is going to be a lot of blacktop, is this going the porous type?

Mr. Costa: We will be looking at that to see if the soils are conducive to it.

Mr. Collins: It does help if you could do that. I wasn't aware if that was in your plans or not and wanted to bring that to your attention. I think it's a good project for that area and it blends in, but you do have some work to do to satisfy us.

Chairman Denny: Mr. D'Alessandro?

Mr. D'Alessandro: I agree with Larry. You have some work to do and one of the questions is I see where the chain link fence is pretty close to Chrisler Avenue, I'm kind of worried about looking both ways and the setback and all and that would definitely have to be changed. Overall, it looks like a nice project and you just have some changes to do.

Chairman Denny: Mr. Calder?

Mr. Calder: You are showing a lot of green space around the trees and stuff?

Mr. Costa: Yes.

Mr. Calder: Is that your intention of the final plans going to have that on there?

Mr. Costa: I think Mr. Comenzo can confirm this, we kind of went a little bit overboard and we prepared detailed drawings and there's a landscaping plan that would be...

Mr. Calder: So, the plan we have here is not the landscaping plan?

Mr. Costa: No, there's a...

Mr. Calder: Okay, because you're even showing the height of all the trees. This would be hard to follow if you are going to do all this.

Mr. Costa: We have 16'-18' trees and it should be 6'-8' trees. We are not going to find transplants.

Chairman Denny: At this time, I need a motion to declare lead agency for SEQR.

Mrs. Flansburg: Mr. Chairman, I will make that motion.

Chairman Denny: Motion made by Mrs. Flansburg. Do I have a second?

Mr. Collins: I'll second it.

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

Marlo Carter: Mr. DiLallo?

Mr. DiLallo: 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 need authorization for the Chairman to enter into an agreement with developer to retain services for a TDE to assist and review.

Mr. DiLallo: Mr. Chairman, I make a motion to authorize the Chairman to execute all documents necessary to retain services of a TDE for this project.

Chairman Denny: Is there a second?

Mrs. Flansburg: I'll second.

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

Marlo Carter: Mr. DiLallo?

Mr. DiLallo: 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. You're all set.

Anyone in the audience with any questions or comments on this project? Hearing none, we will adjourn the meeting.

Next meeting is May 21, 2019.

Meeting adjourned at 7:52 p.m.

Motion to adjourn made by Mr. Collins and seconded by Mr. Calder.

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 PC14-2019

Moved by Mrs. Flansburg seconded by Mr. Collins
Applicant: Zappone Group Management, LLC

Applicant: Zappone Group Management, LLC

Project Location: Chrisler Avenue & 2142 Hamburg Street
Rotterdam, NY

Tax Number or Numbers: 59.07-8-10.11 & 59.07-8-10.22

Proposed Project: Site Plan/Consolidated Waiver of Subdivision Review for the construction of five (5) metal storage buildings totaling 15,700 square feet on a combined 46,624 square foot lot.

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 5, 2019, 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).

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

Telephone (518) 355-7575
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Resolution Number PC15-2019

Moved by Mr. DiLallo seconded by Mrs. Flansburg
Applicant: Zappone Group Management, LLC

Applicant: Zappone Group Management, LLC

Project Location: Chrysler Avenue & 2142 Hamburg Street
Rotterdam, NY

Tax Number or Numbers: 59.07-8-10.11 & 59.07-8-10.22

Proposed Project: Site Plan/Consolidated Subdivision Review for the construction of five (5) metal storage buildings totaling 15,700 square feet on a combined 46,624 square foot lot.

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 in 2019 for such plan review at its December 12, 2018 organizational meeting;
NOW:

IT IS HEREBY RESOLVED THAT on this day, Tuesday, May 5, 2019, 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 review for the above referenced project.

Peter J. Comenzo
Senior Planner

John A. Denny III
Planning Commission Chairman