

**Town of Rotterdam
Planning Commission
April 19, 2022**

Workshop (7:00pm):

1. **Alvin Waterhouse – 2557 Hamburg Street.** The applicant requests a Waiver of Site Plan review to operate a martial arts studio in existing vacant tenant space on a ±0.17-acre parcel.
2. **SBA Communications (John Morrison) – Old River Road.** The applicant requests a Waiver of Site Plan review to remove six (6) existing radios and install nine (9) new antennas on existing 150' telecommunication tower plus ancillary ground equipment on a ±2.14-acre parcel.

Agenda (7:30pm):

Approval of the Summary of Minutes April 5, 2022

1. **DFSC, Inc. – 500 Burdeck Street.** Final Two (2) Lot Minor Subdivision Public Hearing of an existing ±1.21-acre parcel: Proposed Lot #1 = ±0.48 acres (existing 3 Bay Car Wash), Proposed Lot #2 = ±0.73 acres (Vacant). Engineer: ABD Engineers and Surveyors.

DPW Comments
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 1. See attached minutes from March 15, 2022 meeting.
 2. Pin and cap all lot corners prior to Chairman's Signature.
 3. Existing stormwater retention basin on Proposed Lot #2 is not operating as it was designed. It needs to be evaluated by the design engineer and must be repaired/reestablished and demonstrated to be functional to the satisfaction of the Rotterdam Stormwater Manager prior to Chairman's Signature on the subdivision.
 4. Prior to Chairman's Signature on the Subdivision, the Stormwater Maintenance Agreement and stormwater access shall be reviewed and approved as to form by the project engineer, Rotterdam Stormwater Manager, and Attorney for the Town and proof of filing with Schenectady County provided.
 5. Prior to Chairman's Signature, the access easements and maintenance agreement for the roadway and off-site dumpster location on Lot #2 shall be reviewed and approved as to form by the Attorney for the Town and proof of filing with Schenectady County provided.
 6. Add note to Subdivision: "Access to Lot #2 is limited to easements only, site distances are deficient. There shall be no additional curb cuts for Lot #2 from West Campbell Road."
 7. Add note to Subdivision: "The existing right in, right out onto Burdeck Street limits access to Lot #2 and may warrant additional work on Burdeck Street to prevent illegal turns into the site and/or preclude approval of certain types of commercial developments in the future. Any site plan review of a development proposal for Lot #2 will require consideration of the adequacy and limitations of access to the site."

DPW Comments from March 15, 2022

1. Concept plan was originally reviewed by the Planning Commission October 19, 2021. See attached minutes.

DPW Comments
April 19, 2022

DPW Comments from October 19, 2021

1. Road frontage for proposed Lot #2 is unusable for access as it is adjacent to the elevated railroad bridge abutment and currently utilized as a stormwater detention area.
2. Property located to the west appears to be owned by Aladin Properties not the Town of Rotterdam.
3. Access to this proposed lot will in all likelihood be limited to the existing right in and right-out curb cut on West Campbell. Applicant needs to provide existing and proposed easements to the Town for review prior to moving forward with proposed subdivision to create an additional lot. Proposed location of Lot #2 is not ideal, contours should be shown on subdivision map of existing elevations of the lot and adjoining properties.
4. Customers accessing the car wash are currently making illegal left turns from West Campbell Road. This condition could be further exacerbated with the addition of commercial establishment that can only be seen from West Campbell Road. Additional studies/mitigation may be warranted.
5. Customers utilizing the car wash during peak periods are backed up off of the property and into the easement. Utilization of this easement for additional commercial development on proposed Lot#2 could be problematic.

SEQR Requirement: 6 NYCRR 617 Unlisted Action. Rotterdam Planning Commission declared lead agency on October 19, 2021. Planning Commission should consider adoption of the Draft Negative Deceleration as prepared by the Town Planner.

Involved/Interested Agencies

Schenectady County Economic Development and Planning
Schenectady County Department of Health
New York State Department of Environmental Conservation – Region #4
New York State Department of Transportation
Rotterdam Police Department
Fire District #6

5. Josepha Macherone (DFSC, Inc.) – 500 Burdeck Street. Sketch/Preliminary Two (2) Lot Subdivision: Proposed Lot #1 = ±0.48 acres (existing carwash), Proposed Lot #2 = ±0.73 acres (vacant). Engineer: ABD Engineers, LLP.

Chairman Yuille: Please give us an update from the last time because we still need some information from you that we don't have.

Mr. Palleschi: So, we provided the easements to the Board. I believe Mr. Tingley has had a chance to review them. That is the easement for the driveway, main driveway access in and out of the site off of Burdeck Street. The easement crosses several properties entitled DFSC, Inc. for the car wash. You have the one parcel for the car wash. The applicant is looking to subdivide it with both lots again meeting the zoning requirements. No variances are requested. There is a right in/right out on Campbell Avenue, and we will maintain the easement. So DFSC would have to give the rights to the new owner of Lot #2 to utilize that easement. This is a subdivision only. We don't know what the site plan would look like for Lot #2 at this time. We will certainly have to come back before this Board for any future development of Lot #2, but this has to be subdivided for finance purposes for the car wash and again, when you go back to the original parcels these were already two (2) parcels. If you recall way back, Mr. Yuille, I know you were part of this Planning Commission when there was a lot of development, concept sketches that were developed on this piece, I think if they were forced or decided to combine them, but now we are going back to the original subdivision.

Chairman Yuille: They originally had them spilt because the gas station was going to go there, and I believe BJ's backed out.

Mr. Palleschi: As part of those sketches, when we designed and they constructed the car wash, the stormwater management was built and that was built for the car wash as well as a future development of Lot #2. So, the stormwater that you see in the front of there was always designed for the future development going to that area. At the time, however many years ago, it was designed accordingly per those standards. They've changed now a little bit, the stormwater standards. It is all sand and its infiltration. You had mentioned that nobody is really maintaining it right now, but maybe it's time for somebody to start maintaining it.

Chairman Yuille: I've got a couple of things when you are done.

Mr. Palleschi: With the proposed subdivision line there will be further easements between the two parcels to allow that shared access driveway coming in and out. Back to stormwater, it's an existing stormwater basin. I guess on the other one I was proposing it, but here it is already there. I can't just lift it and move it onto the car wash property.

Chairman Yuille: Well, you could keep it with the car wash. You could change the division line and keep the retention basin with the car wash property and then have the other property that's going to be a separate lot with the easements then you would have to get a variance because you lose your road frontage once you put the retention pond with the car wash.

Mr. Palleschi: Now we are creating a landlocked piece.

Chairman Yuille: It's landlocked but you have another access into it that you have easements that you said you are willing to grant to that parcel.

Mr. Palleschi: We would have to check with the County Clerk's office. I doubt David Faulkner would allow us to file a landlocked parcel on a subdivision map.

Chairman Yuille: I don't know. Again, it's a self-created thing.

Mr. Palleschi: There's a purpose for it.

Chairman Yuille: As far as that lot that you are creating, we have no idea how big that lot actually because you have a main trunk line, a sewer line running through that easement and you have a force main coming up from the mall running through there so you can't build on that.

Mr. Palleschi: We can put parking over that.

Chairman Yuille: You can put parking, but you can't put a building over it.

Mr. Palleschi: Correct.

Chairman Yuille: In the back we need to see where the contours are. I know you said the contours are irrelevant, but they are not irrelevant to us because we want to know how far they come down. I did some quick calculations, and I came up with that you're only going to have about 13,000 square feet to build on by the time you take because the dimensions you gave on that parcel were 129 x 126 and it came to like 16,000 but you didn't have a setback for the front, and I assumed the front would also have a 25' setback. When you take that off now that shortens that side up to 101 instead of 126 and it comes out to like 13,000 square feet, 13,209 square feet buildable.

Mr. Palleschi: Yes, it's a small building. Obviously, the building size and the parking have to work.

Chairman Yuille: We need to see what that is.

Mr. Palleschi: So, you want to see the conceptual plan...

Chairman Yuille: We need to see the contours, how far the contours come down in the back.

Mr. Palleschi: We could always build a retaining wall, right?

Chairman Yuille: You're monkeying with the railroad, so you have to be careful there. They are tough to deal with.

Mr. Palleschi: We would be on our property. We can provide the contours for you, that's not a problem.

Chairman Yuille: I would like to see any maintenance records that you have on that because I've got a picture here and I will give it to you, and it shows that retention pond was a pond. There was actually water in it and now when you look at, on the SIMS program, we can go on to 2021 and its nonexistence now, the area. It's all filled in.

Mr. Palleschi: You don't see water. I don't think it's filled in. I think it's still a depression.

Mr. Comenzo: It still has water in it. I looked at it.

Chairman Yuille: It's a situation where it has not been maintained and it belonged to the carwash and like you said, it's out in front, why wouldn't somebody want to take care of it and apparently, they are not taking care of it and it's on their property. We need that because what you are doing is you are amending the site plan, the original site plan by what you are doing here. You are doing an amendment to the site plan by changing it and taking the stormwater and sharing it with another property and taking a piece of property off that was part of it. There was also something here about draft reciprocal easements.

Mr. Tingley: There are two aspects to it. First on the access, if the Board will just bear with me. Frontage is different than access. They have the frontage. They are not using the frontage for their access. They have an easement that goes from Burdeck Street, you can see it there in green. I did review the easements he provided for that. What I will tell you right now is that I have not done a title search on those. I am not a surveyor. I've lined them up the best I can. I will tell

you that assuming all of those easements are enforceable because they were given by the right parties then the legal scope of the easements is sufficient to provide access to the proposed lots. It does allow for the general public to use it. The language is pretty broad in terms of use. It doesn't seem to be restricted in any way. The only comment that I will make is that I think that the subdivision plat will need to reflect that the Town of Rotterdam does not, is not certifying to the enforceability of any easements. The applicant and any purchaser, they have to do their own due diligence on physical and legal access to the lot. What the Board is doing in a subdivision application is they are saying this lot is going to be, we are going to create this lot because it's going to be buildable and that includes in part that it has legal access and physical access. They are showing access coming off of Burdeck Street. They have provided easements that seems to provide that actual access to the lot even though they are not using the frontage to access the lot.

So, the long and short of it is the easements that he has provided to us without rendering an opinion on the enforceability of those, I do think that it is sufficient to provide access to the lots assuming they are enforceable.

That is different than the reciprocal easements. The reciprocal easements would be between the two lots that you've created for access, if there is going to be shared parking at some point, the stormwater is proposed to be on a different lot and any utilities that would cross one lot to get to the other. So those reciprocal easements would have to be provided as well. That is different from the easements that he's provided showing access.

Chairman Yuille: The one problem that you have down there that I can see at certain times of the years, especially like now when there is a lot of people down there using the car wash, those three (3) or four (4) lanes of traffic back right up into that roadway and they block that road from people coming down in or people coming around. I've seen the driveway on the West Campbell side where people actually drive in and make a right hand turn and don't go in the one that is coming up from the mall that you're supposed to turn in, they will turn into the road that no one is coming out, if nobody is coming in they see it and go right in even though there is a sign that says do not enter or wrong way or whatever. That is a dangerous entrance there and it's a short sight distance across there. You are creating another problem here with the shared driveways and the stormwater. The driveways I can live with. The stormwater is another issue. Let me see how the rest of Board feels. Mrs. Flansburg, any questions?

Mrs. Flansburg: I don't have any questions at this time.

Chairman Yuille: Mr. D'Alessandro?

Mr. D'Alessandro: No, I don't have questions.

Chairman Yuille: Mr. Signore?

Mr. Signore: No questions.

Chairman Yuille: Mr. Calder?

Mr. Calder: No questions, thank you.

Chairman Yuille: Mr. Denny?

Mr. Denny: I have no questions.

Mr. Palleschi: Can we schedule a public hearing? Do we need a public hearing?

Chairman Yuille: Peter, did this get sent out? We declared lead agency on this.

Mr. Comenzo: I believe so. We don't have any reciprocal easements.

Mr. Palleschi: We're working on those.

Chairman Yuille: There are no motions at this time.

Mr. Tingley: The Board doesn't schedule the public hearings typically it's done administratively.

Mr. Palleschi: I will get you the reciprocal easements for review and that is all squared away.

Mr. Comenzo: There is no draft maintenance agreement.

Mr. Palleschi: We're working on that. We will get that to you and once you have all the pieces, then I will take a look at it and when we come back at that point that is when we can hopefully wrap things up.

Peter Comenzo

From: Lou Lecce <llecce@leccearcodia.com>
Sent: Wednesday, March 30, 2022 1:17 PM
To: Peter Comenzo
Cc: jtingley@gilchristtingley.com; Luigi Palleschi
Subject: 2 lot subdivision 500 Burdeck Street
Attachments: Stormwater Management Agreement.docx; Driveway Easement (WD038689xAB623).rtf

Peter, Attached are the proposed agreements that pertain the above reference matter for your review. I have ordered a title report which I should have tomorrow which certifies the ownership of the easement for ingress and egress with no restrictions. Let me know if you need anything else. Lou



Louie Lecce, Esq.
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1209 Troy Schenectady Road
Latham, NY 12110
Office: 518 782-1929
Direct: 518-813-6413
Fax: 518 782-3429
LLecce@LecceArcodia.com



Trusted & Verified

**STORMWATER CONTROL
FACILITY MAINTENANCE AGREEMENT**

FOR “PRELIMINARY 2 LOT SUBDIVISION 500 BURDECK STREET” PROJECT

Whereas, the Municipality of The Town of Rotterdam ("Municipality") and DFSC,INC hereinafter "facility owner", want to enter into an agreement to provide for the long term maintenance and continuation of stormwater control measures approved by the Municipality; and

Whereas, the facility owner is the owner of Lots 1 and 2 as shown on a map entitled, “PRELIMINARY 2 LOT SUBDIVISION 500 BURDECK STREET”, prepared by ABD ENGINEERS, LLP, dated September 14, 2021, last revised February 15, 2022 and filed in the Schenectady County Clerk’s office on _____ as Map _____. Said Lots share a stormwater control measure located on Lot 2 as depicted in Schedule A(Subdivision Map) and,

Whereas, the Municipality and the facility owner desire that the stormwater control measures be built in accordance with the approved project plans and thereafter be maintained, cleaned, repaired, replaced and continued in perpetuity in order to ensure optimum performance of the components.

Now therefore, the Municipality and the facility owner agree-as follows:

1. This agreement binds the facility owner, its successors and assigns, to the maintenance provisions depicted in the approved project plans which are attached as Schedule A of this agreement.
2. The facility owner, its successor and assigns shall maintain, clean, repair, replace and continue the stormwater control measures depicted in Schedule A (Subdivision Map) as necessary to ensure optimum performance of the measures to design specifications. The stormwater control measures shall include, but shall not be limited to, the following: drainage ditches, swales, dry wells, infiltrators, drop inlets, pipes, culverts, soil absorption devices and retention ponds.
3. The facility owner, its successor and assigns, shall be responsible for all expenses related to the maintenance of the stormwater control measures and shall establish a means for the collection and distribution of expenses among parties for the commonly shared facility.

4. The facility owner shall provide for the periodic inspection of the stormwater control measures, not less than once in every five-year period, to determine the condition and integrity of the measures. Such inspection shall be performed by a PE or RLA licensed by the State of New York. The inspecting engineer shall prepare and submit to the Municipality within 30 days of the inspection, a written report of the findings including recommendations for those actions necessary for the continuation of the stormwater control measures.
5. The facility owner shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation of the stormwater control measures except in accordance with written approval of the Municipality.
6. The facility owner shall undertake necessary repairs and replacement of the stormwater control measures at the direction of the Municipality or in accordance with the recommendations of the inspecting engineer.
7. This agreement shall be recorded in the Office of the County Clerk, County of Schenectady together with the deed for the common property and site plat pursuant to the conditions of the project's final approval.
8. If ever the Municipality determines that the facility owner has failed to construct or maintain the stormwater control measures in accordance with the project plan or has failed to undertake corrective action specified by the Municipality or by the inspecting engineer, the Municipality is authorized to undertake such steps as reasonably necessary for the preservation, continuation or maintenance of the stormwater control measures and to affix the expenses thereof as a lien against the property.
9. This agreement is effective as of the latest date below.

Developer/Facility Owner

DFSC, INC

By: _____

Town of Rotterdam

JOINT DRIVEWAY DRIVEWAY AGREEMENT

THIS INDENTURE, made the ____ day of _____, 2022 BETWEEN, **DFSC, INC**, with an office address at 1596 Darrow Road, Duanesburg, County of Schenectady, State of New York, party of the first part, and **DFSC, INC**, with an office address at 1596 Darrow Road, Duanesburg, County of Schenectady, State of New York, party of the second part.

WITNESSETH, that the party of the first part, in consideration of \$1.00 paid to each other, do hereby remise, release, and quitclaim unto the party of the second part, their heirs, successors and assigns, forever, an easement for ingress and egress as more particularly described in the attached Schedule A (Subdivision Map).

WHEREAS, the party of the first part is the owner in fee simple of the premises designated Lots 1 as shown on a map entitled, "PRELIMINARY 2 LOT SUBDIVISION 500 BURDECK STREET ", prepared by ABD ENGNEERS, LLP, dated September 14, 2021, last revised February 15, 2022 and filed in the Schenectady County Clerk's office on _____ as Map _____, which ownership includes an easement for ingress and egress as described in a deed from the Town of Rotterdam and recorded in the Schenectady County Clerks office in Book 1772 of Deeds at Page 771 and deed from Kwiatowski and recorded in the Schenectady County Clerks office in Book 1770 of Deeds at Page 914 and,

WHEREAS, the party of the second part is the owner in fee simple of the premises designated Lots 2 as shown on a map entitled, "PRELIMINARY 2 LOT SUBDIVISION 500 BURDECK STREET", prepared by ABD ENGNEERS, LLP, dated September 14, 2021, last revised February 15, 2022 and filed in the Schenectady County Clerk's office on _____ as Map _____, fee, and

WHEREAS, the party of the first party grants to the party of the second part an easement for ingress and egress over the premises described in the attached Schedule A for the sole purpose of gaining access to their property.

NOW THEREFORE, in consideration of \$1.00 and other good and valuable consideration, the party of the first herein grants the party of the second part, their heirs, and assigns, an easement for ingress and egress over the premises described in the attached Schedule A for the sole purpose of gaining access to their property. The parties hereby covenant and agree that they, their heirs and assigns, will not obstruct the easement nor interfere with the use of the, nor prevent ingress and egress of persons and motor vehicles over the easement.

The parties hereto and their respective heirs and assigns do hereby

covenant and agree to maintain the easement in good condition and repair, and to share equally the costs of maintaining and repairing the same.

The party of the second part shall defend, indemnify and hold harmless the party of the first part from all third party claims for damages, costs, expenses and liability which either (i) arise from or are in connection with the use, control or repair of the shared driveway; or (ii) results from the negligence of the party of the second part its agents or employees.

IN WITNESS WHEREOF, the party of the first part and the party of the second part have duly executed this instrument the day and year first above written. The word "party" shall be construed as if it read "parties" whenever the sense of this instrument so requires.

In Presence of:

Owner of Lot 1:

DFSC, INC

By: _____
Josepha Macherone

Owner of Lot 2:

DFSC, INC

By: _____
Josepha Macherone

State of New York)
County of) ss.:

On the ____ day of _____, 2022, before me the undersigned, personally came Josepha Macherone, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed this instrument.

Notary Public

Peter Comenzo

From: Lou Lecce <llecce@leccearcodia.com>
Sent: Monday, April 4, 2022 10:10 AM
To: Peter Comenzo; Luigi Palleschi; Josepha Macherone
Subject: Revised easement
Attachments: Driveway Easement (WD038689xAB623).rtf

Peter, Attached is the revised easement incorporating an easement for the dumpster which you requested. If you need anything else please let me know. Lou



Louie Lecce, Esq.
Lecce Arcodia
1209 Troy Schenectady Road
Latham, NY 12110
Office: 518 782-1929
Direct: 518-813-6413
Fax: 518 782-3429
Llecce@LecceArcodia.com



Trusted & Verified

JOINT DRIVEWAY AGREEMENT AND DUMPSTER EASEMENT

THIS INDENTURE, made the ____ day of _____, 2022 BETWEEN, **DFSC, INC**, with an office address at 1596 Darrow Road, Duanesburg, County of Schenectady, State of New York, party of the first part, and **DFSC, INC**, with an office address at 1596 Darrow Road, Duanesburg, County of Schenectady, State of New York, party of the second part.

WHEREAS, the party of the first part is the owner in fee simple of the premises designated Lots 1 as shown on a map entitled, "PRELIMINARY 2 LOT SUBDIVISION 500 BURDECK STREET ", prepared by ABD ENGINEERS, LLP, dated September 14, 2021, last revised February 15, 2022 and filed in the Schenectady County Clerk's office on _____ as Map _____, which ownership includes an easement for ingress and egress as described in a deed from the Town of Rotterdam in Book 1772 at Page 771 and deed from Kwiatowski in Book 1770 at Page 914 and,

WHEREAS, the party of the second part is the owner in fee simple of the premises designated Lots 2 as shown on a map entitled, "PRELIMINARY 2 LOT SUBDIVISION 500 BURDECK STREET", prepared by ABD ENGINEERS, LLP, dated September 14, 2021, last revised February 15, 2022 and filed in the Schenectady County Clerk's office on _____ as Map _____, which ownership includes a dumpster which is solely used by the owner of Lot 1, and,

NOW THEREFORE, in consideration of \$1.00 and other good and valuable consideration, the parties herein agree of the first herein as follows:

The party of the first part grants to the party of the second part their heirs, and assigns an easement for ingress and egress over the premises described in the attached Schedule A for the sole purpose of gaining access to their property. The parties hereby covenant and agree that they, their heirs and assigns, will not obstruct the easement nor interfere with the use of the, nor prevent ingress and egress of persons and motor vehicles over the easement.

The parties hereto and their respective heirs and assigns do hereby covenant and agree to maintain the easement in good condition and repair, and to share equally the costs of maintaining and repairing the same.

The party of the second part herein grants the party of the first part, their heirs, and assigns, an easement to maintain the dumpster that is presently located on Lots 2 together with an easement for ingress and egress over Lot 2 for the sole purpose of gaining access to the dumpster.

The parties hereby covenant and agree that they, their heirs and assigns, will not obstruct the easement nor interfere with the use of the, nor prevent

ingress and egress of persons and motor vehicles over the easement.

The parties shall defend, indemnify and hold each other harmless from all third party claims for damages, costs, expenses and liability which either (i) arise from or are in connection with the use, control or repair of the easement described herein ; or (ii) results from the negligence of the parties or its agents or employees.

IN WITNESS WHEREOF, the party of the first part and the party of the second part have duly executed this instrument the day and year first above written. The word "party" shall be construed as if it read "parties" whenever the sense of this instrument so requires.

In Presence of:

Owner of Lot 1:

DFSC, INC

By: _____
Josepha Macherone

Owner of Lot 2:

DFSC, INC

By: _____
Josepha Macherone

State of New York)
County of) ss.:

On the ____ day of _____, 2022, before me the undersigned, personally came Josepha Macherone, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed this instrument.

Notary Public

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

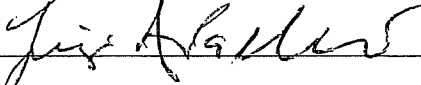
| Part 1 – Project and Sponsor Information | | | |
|---|--|------------------------------------|--|
| Name of Action or Project: 2 Lot Subdivision | | | |
| Project Location (describe, and attach a location map): Corner of Burdeck Street and West Campbell Road | | | |
| Brief Description of Proposed Action: To subdivide existing car wash facility and provide for development of Lot 2 in the future. | | | |
| Name of Applicant or Sponsor: Josepha Macherone | | Telephone: 518-470-3357 E-Mail: | |
| Address: 1596 Darrow Road | | | |
| City/PO: Duanesburg | | State: NY | Zip Code: 12056 |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2. | | | NO <input type="checkbox"/> |
| 2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Rotterdam Planning Commission, Schenectady County Planning Board | | | YES <input checked="" type="checkbox"/> |
| 3. a. Total acreage of the site of the proposed action? _____ 1.21 acres b. Total acreage to be physically disturbed? _____ 0 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 1.96 acres | | | |
| 4. Check all land uses that occur on, are adjoining or near the proposed action: | | | |
| 5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland | | | |

RECEIVED

SEP 22 2021

TOWN OF ROTTERDAM
PUBLIC WORKS

| | | | |
|--|-------------------------------------|-------------------------------------|--------------------------|
| 5. Is the proposed action, a. A permitted use under the zoning regulations? | NO | YES | N/A |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Consistent with the adopted comprehensive plan? | NO | YES | N/A |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 6. Is the proposed action consistent with the predominant character of the existing built or natural landscape? | NO | YES | |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| 7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? Name: Aquifer Area Overlay Zone, Reason: Conserve, improve, protect natural resources, Agency: Rotterdam, If Yes, identify: <u>Town of, Date: 4-5-85</u> | NO | YES | |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| 8. a. Will the proposed action result in a substantial increase in traffic above present levels? | NO | YES | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| | | | |
| b. Are public transportation services available at or near the site of the proposed action? | NO | YES | |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action? | NO | YES | |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| 9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____ | NO | YES | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____ | NO | YES | |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| 11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____ | NO | YES | |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| 12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? | NO | YES | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? | NO | YES | |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| 13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? | NO | YES | |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____ | NO | YES | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |

| | | |
|---|-------------------------------------|-------------------------------------|
| 14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban | | |
| 15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? | NO | YES |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 16. Is the project site located in the 100-year flood plan? | NO | YES |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, | NO | YES |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| a. Will storm water discharges flow to adjacent properties? | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: | <input type="checkbox"/> | <input type="checkbox"/> |
| _____ | | |
| _____ | | |
| 18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: | NO | YES |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| _____ | | |
| _____ | | |
| 19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: | NO | YES |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| _____ | | |
| _____ | | |
| 20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: | NO | YES |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| _____ | | |
| _____ | | |
| I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE | | |
| Applicant/sponsor/name: <u>Luigi A. Palleschi, P.E., ABD Engineers, LLP</u> Date: <u>September 13, 2021</u> | | |
| Signature: <u></u> Title: <u>Professional Engineer</u> | | |

PRINT FORM

Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

Garmin, USGS, Mapbox, INCREMENTP, NR/Can, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

- Part 1 / Question 7 [Critical Environmental Area] Yes
- Part 1 / Question 7 [Critical Environmental Area - Identify] Name:Aquifer Area Overlay Zone, Reason:Conserve, improve, protect natural resources, Agency:Rotterdam, Town of, Date:4-5-85
- Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites] No
- Part 1 / Question 12b [Archeological Sites] Yes
- Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies] Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
- Part 1 / Question 15 [Threatened or Endangered Animal] No
- Part 1 / Question 16 [100 Year Flood Plain] No
- Part 1 / Question 20 [Remediation Site] Yes

Project: DFSC, Inc. - 500 Burdeck 2 Lot Subd.

Date: April 19, 2022

**Short Environmental Assessment Form
Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

| | No, or small impact may occur | Moderate to large impact may occur |
|--|-------------------------------------|------------------------------------|
| 1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Will the proposed action result in a change in the use or intensity of use of land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Will the proposed action impair the character or quality of the existing community? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 11. Will the proposed action create a hazard to environmental resources or human health? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Project: DSFC, Inc. 2 Lot Subd.

Date: April 19, 2022

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Rotterdam Planning Commission

April 19, 2022

Name of Lead Agency

Date

Thomas P. Yuille

Chariman

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

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

Date: April 19, 2022

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: DFSC, Inc.
c/o Josepha Macherone
1596 Darrow Road
Duanesburg, NY 12056

Tax Map Number(s): 48.00-1-2.1

Project Location: 500 Burdeck Street, Schenectady, NY 12306

Zoning: Light Industrial (I-1) Zoning District

Action: Two (2) Lot Minor Subdivision of an existing ±1.21-acre parcel: Proposed Lot #1 = ±0.48 acres (existing 3 Bay Car Wash), Proposed Lot #2 = ±0.73 acres (Vacant).

Reasons Supporting This Determination:

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

This project is an Unlisted Action and 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 applicant is seeking a Two (2) Lot Minor Subdivision of an existing ±1.21-acre parcel: Proposed Lot #1 = ±0.48 acres (existing 3 Bay Car Wash), Proposed Lot #2 = ±0.73 acres (Vacant).

Property is developed with an existing 3 bay touchless car wash on Lot #1. Lot #2 is currently vacant and currently contains a stormwater system and dumpster for the car wash. Cross easements for the stormwater utilities and dumpster location will be executed as part of the subdivision approval process. Access and cross easements for access to the property currently exist and will also serve the proposed Lot #2.

Lot #2 has limited access and also contains water and sanitary sewer easement to the Town of Rotterdam. This will create potential commercial limitations for development in the future on Lot #2 which will be noted on the subdivision.

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 19, 2022. Adoption of this negative declaration was moved by XXXXXXXX, seconded by XXXXXXXX and approved by the Rotterdam Planning Commission.

Thomas P. Yuille
Planning Commission Chairman