

**Town of Rotterdam  
Planning Commission  
February 21, 2023**

*Approval of the Summary of Minutes February 7, 2023*

**Workshop (7:00pm)**

**Waiver(s)**

- 1) **Whispering Pines Senior Living District – 2200 Helderberg Avenue.** The applicant requests a Waiver of Site Plan review to allow for the construction of (1) model cottage home (Unit 90) for marketing purposes only in the Village at Whispering Pines. On December 6, 2022, the applicant was previously granted approvals for a model cottage home know as Unit 89. The applicant has requested that this approval for a model home be transferred to Lot 90.

**Agenda (7:30pm):**

1. **VF Development, LLC (Contract Vendee) – 1859 & 1875 Altamont Avenue.** Sketch/Preliminary Site Plan/Special Use Permit review to construct a ±2,985 square foot Chase Bank branch with a drive-up ATM on a consolidated ±0.51-acre parcel. Engineer: ABD Engineers, LLP.
2. **Town of Rotterdam – Code Amendment.** Report and Recommendation to the Town Board for a Local Law to amend Chapter 270 of the Town Code entitled “Zoning” of the Town of Rotterdam in regards to allowing microbreweries, micro-wineries and micro-distilleries by Special Use Permit in the A-1 Zoning District.

**DPW Comments  
February 21, 2023**

**Workshop (7:00pm)**

**Waiver(s)**

1. **Whispering Pines Senior Living District – 2200 Helderberg Avenue.** The applicant requests a Waiver of Site Plan review to allow for the construction of (1) model cottage home (Unit 90) for marketing purposes only in the Village at Whispering Pines. On December 6, 2022, the applicant was previously granted approvals for a model cottage home know as Unit 89. The applicant has requested that this approval for a model home be transferred to Lot 90.
  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 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. All previous conditions of approval as stated in Resolution Nos. PC 33-2020 and PC34-2020 dated July 9, 2020 shall apply, except that a new subparagraph (i) shall be added to Condition No. 6, to read as follows:
    - (i) Notwithstanding the foregoing, a building permit may be issued for construction of Unit No. 90 prior to satisfaction of conditions 6(a) through 6(h) to allow construction of a model home for marketing purposes only, provided that (i) prior to issuance of such building permit, the Applicant shall file with the Town proof that it has obtained a waiver from the five-acre limitation under applicable stormwater regulations; and (ii) such unit shall be used only for marketing purposes and shall not be occupied for residential use until a certificate of occupancy is issued therefor, all applicable Conditions of Phase 1B Site Plan Approval have been satisfied, and such unit is properly connected to necessary utilities, including the sanitary sewer infrastructure and water infrastructure proposed for the project.
  5. Any Planning Commission and/or Building Department approvals for construction of a model home on Unit #89 shall be terminated and any permits/approvals by the Town of Rotterdam shall be voided.

## WAIVER OF SITE PLAN REVIEW

**Date:** February 21, 2023

PC2023-W08

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

**APPLICANT:** Lecce Senior Living LLC  
**Attn:** Lou Lecce  
**ADDRESS:** 40 British American Boulevard  
Latham, NY 12110

**PROJECT ADDRESS:** 2200 Helderberg Avenue

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

**REQUEST:** The applicant requests a Waiver of Site Plan review to allow for the construction of (1) model cottage home (Unit 90) for marketing purposes only in the Village at Whispering Pines. On December 6, 2022, the applicant was previously granted approvals for a model cottage home know as Unit 89. The applicant has requested that this approval for a model home be transferred to Lot 90.

### Action Taken by Commission:

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

1. 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 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. All previous conditions of approval as stated in Resolution Nos. PC 33-2020 and PC34-2020 dated July 9, 2020 shall apply, except that a new subparagraph (i) shall be added to Condition No. 6, to read as follows:
  - (i) Notwithstanding the foregoing, a building permit may be issued for construction of Unit No. 90 prior to satisfaction of conditions 6(a) through 6(h) to allow construction of a model home for marketing purposes only, provided that (i) prior to issuance of such building permit, the Applicant shall file with the Town proof that it has obtained a waiver from the five-acre limitation under applicable stormwater regulations; and (ii) such unit shall be used only for marketing purposes and shall not be occupied for residential use until a certificate of occupancy is issued therefor, all applicable Conditions of Phase 1B Site Plan Approval have been satisfied, and such unit is properly connected to necessary utilities, including the sanitary sewer infrastructure and water infrastructure proposed for the project.

5. Any Planning Commission and/or Building Department approvals for construction of a model home on Unit #89 shall be terminated and any permits/approvals by the Town of Rotterdam shall be voided.

The Commission action on the Waiver application took place at the Planning Commission meeting of February 21, 2023 and authorized the Commission Chairman to execute the Waiver. The issuance of this Waiver is contingent upon the applicant complying with all conditions as stated above. Failure to adhere to conditions may result in revocation of Waiver by the Town of Rotterdam Planning Commission and requirement of a full Site Plan.

---

**Peter J. Comenzo**  
**Senior Planner**

---

**Thomas P. Yuille, Chairman**  
**Planning Commission**

DRAFT



Town of Rotterdam  
Waiver of Site Plan Review Application

The following applicant requests a Waiver of Site Plan Review. The following documentation is required for Planning Commission review:

1. Copy of Deed and/or executed lease agreement or contract to purchase.
2. Copy of Site Plan that identifies:
  - All structures on site.
  - All parking areas on site (parking spaces 9' x 18').
  - Handicap parking and accessibility as required by New York State Building Code.
  - Interior floor plan of usable area by applicant
  - Proposed site improvements including parking, structural additions, landscaping and other pertinent information as identified in Section 270-132 of Town Code.
3. On a separate sheet of paper provide a descriptive narrative of use and activity occurring on the site including but not limited to:
  - Number of employees
  - Exact nature of business, hours of operation and expected customers to the site.
4. A completed Commercial or Residential Building Permit Application and/or Fire Inspection Application.
5. \$75.00 application fee (cash or check – payable to the Town of Rotterdam). Fee in lieu of parkland for residential developments: \$600 per dwelling unit.

PRESENT OWNER(S): Lecce Senior Living LLC

APPLICANT(S): Lou Lecce

MAILING ADDRESS: 1209 Troy Schudy Rd

CITY: Latham STATE: NY ZIP: 12110

DAYTIME TELEPHONE: 518 265 5822 (FAX) \_\_\_\_\_

PROJECT ADDRESS: 2200 Helderberg Ave

APPLICANT IDENTIFIED AS:  Owner  Lessee  Contract Vendee

REQUEST: move model home from lot 89 to  
lot 90

By signing the application, it is understood by the applicant that he/she must fully comply with the Town Code and obtain any required permits.

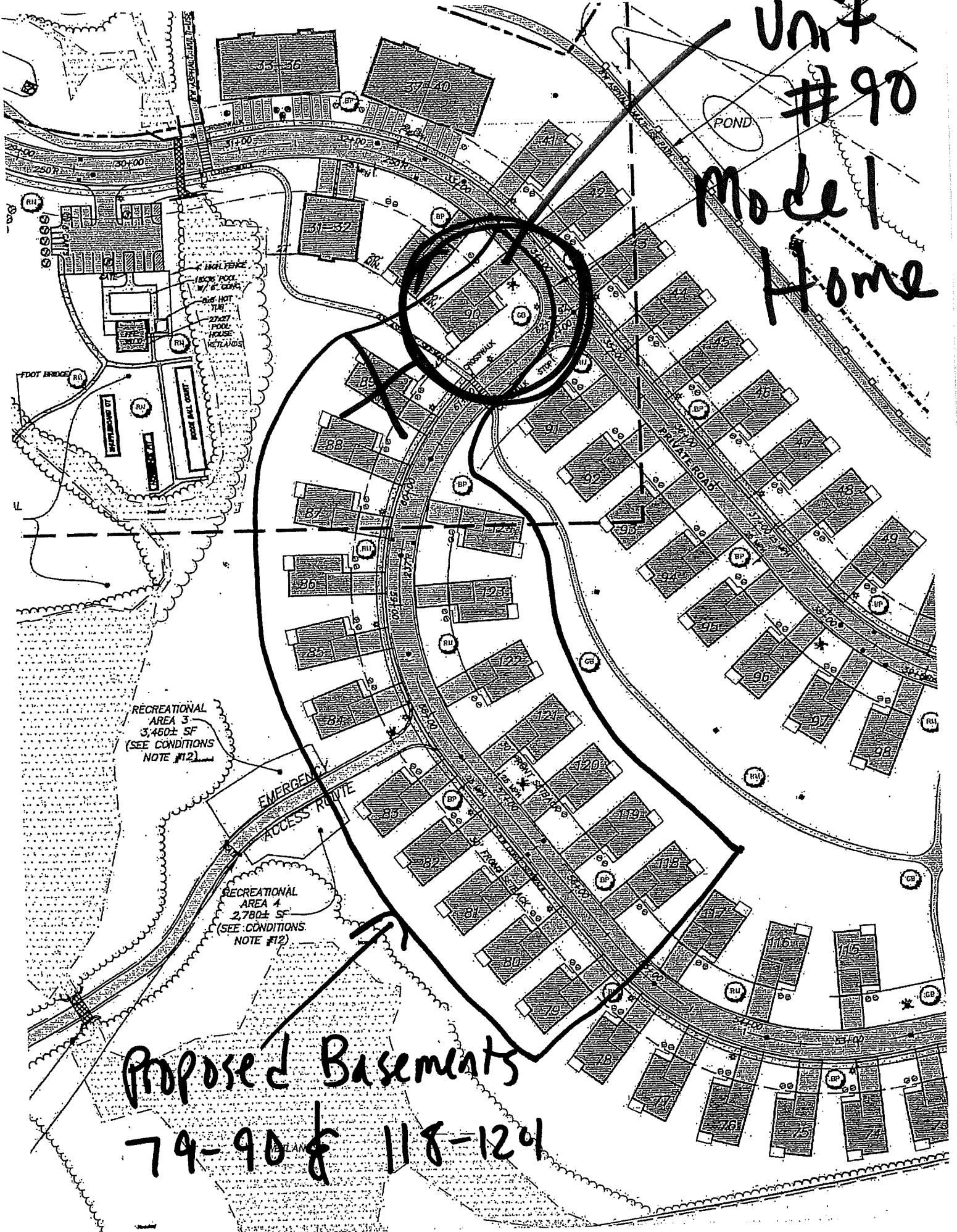
SIGNATURE OF APPLICANT \_\_\_\_\_ DATE 2/16/2023

\* The Planning Commission meets on the first and third Tuesday of each month. All pertinent information and fee(s) must be submitted to the Planning Commission Office at least ten (10) days prior to the meeting.

\*\* All businesses located in the Town of Rotterdam must receive Planning Commission approval and a Certificate of Compliance issued by Building Inspector prior to occupancy.

Unit #90

Model Home



Proposed Basements  
79-90 & 118-124

**DPW Comments  
February 21, 2023**

**Agenda (7:30pm):**

- 1. VF Development, LLC (Contract Vendee) – 1859 & 1875 Altamont Avenue.**  
Sketch/Preliminary Site Plan/Special Use Permit review to construct a ±2,985 square foot Chase Bank branch with a drive-up ATM on a consolidated ±0.51-acre parcel. Engineer: ABD Engineers, LLP.
  1. The TDE contract still needs to be executed and engineering review has not begun.
  2. Building size has been reduced slightly from 3,020 square feet to 2,985 square feet.
  3. Project was circulated to interested and involved agencies; comments received are attached.
  4. Identify ground cover as grass.
  5. Sidewalk should be extended down Tower Street north the Lands N/F of Patricia Adams. Proposed trees moved easterly.
  6. Detail proposed fencing. Aluminum fencing and pillars along Altamont Avenue should be provided.

***DPW Comments from December 20, 2022***

1. Applicant will need coordination with the Town Engineer to determine if the proposed curb cuts would be acceptable. Traffic impact analysis may be needed.
2. Planning Commission should authorize the Chairman to enter into an agreement with a Town Designated Engineer (TDE) to assist in the review of this application.
3. Property currently consists of two (2) lots and a consolidation subdivision will need to be submitted.
4. Parking spaces appear to be excessive for the type of use and are almost twice what the Town Code requires. At a minimum, the four (4) parking spaces (2 northerly and 2 southerly) at the proposed Tower Street curb cut should be eliminated and lawn/landscape area increased to prevent vehicles from backing out and blocking the entrance. Elimination of some or all the parking along Altamont Avenue should be considered to increase snow storage and aesthetics of the site.
5. Add note to site plan: “Landscaped areas located around the building shall contain an irrigation system which is maintained and operational.”
6. Add note to site plan: “All dead/dying landscaping materials shall be replaced in kind and maintained in perpetuity.”
7. Curbing and sidewalk along Altamont Avenue should be replaced the entire length of the property and connect to existing sidewalks. Curb configuration still exists for prior buildings that will need to be demolished.
8. Crosswalk striping should be added across Elizabeth Street.

9. ATM lane has no bypass and is only 10' wide. Can ATM be made a satellite structure and access reconfigured/relocated?
10. Add note to plan: "Existing water utilities to be terminated at the main."

**SEQR Requirement:** 6 NYCRR 617 Unlisted Action. Rotterdam Planning Commission declared lead agency on December 20, 2022, comments are attached.

**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 Highway Department  
Rotterdam Police Department  
Fire District #2

# ZONING COORDINATION REFERRAL

**SCHENECTADY COUNTY DEPT. OF ECONOMIC DEVELOPMENT & PLANNING**  
Recommendations shall be made within 30 days after receipt of a full statement of the proposed action.

For Use By SCDEDP

Received 12-27-22  
Case No. R-27-22  
Returned 1-11-23

**FROM:**  Legislative Body  
 Zoning Board of Appeals  
 Planning Board

Municipality:  
Town of Rotterdam

**TO:** Schenectady County Department of Economic Development and Planning  
Schaffer Heights, 107 Nott Terrace, Suite 303  
Schenectady, NY 12308

(tel.) 386-2225  
(fax) 382-5539  
Received  
Schenectady County

**ACTION:**  Zoning Code/Law Amendment  
 Zoning Map Amendment  
 Subdivision Review  
 Site Plan Review

Special Permit  
 Use Variance  
 Area Variance  
 Other (specify)

**DEC 27 2022**

Economic Development  
and Planning Dept.

**PUBLIC HEARING OR MEETING DATE:** January 24, 2023

**SUBJECT:** VF Development, LLC (Contract Vendee) – 1859 & 1875 Altamont Avenue. Site Plan/Special Use Permit review to construct a ±3,020 square foot Chase Bank branch with a drive-up ATM on a consolidated ±0.51-acre parcel. Engineer: ABD Engineers, LLP.

**REQUIRED ENCLOSURES:**

1. Public hearing notice & copy of the application.
2. Map of property affected. (Including Tax Map I.D. number if available)
3. Completed environmental assessment form and all other materials required by the referring body in order to make its determination of significance pursuant to the state environmental quality review act.

1. This zoning case is forwarded to your office for review in compliance with Sections 239-l, 239-m and 239-n of Article 12-B of the General Municipal Law, New York State.
2. This material is sent to you for review and recommendation because the property affected by the proposed action is located within 500 feet of the following:
  - the boundary of any city, village or town;
  - the boundary of any existing or proposed County or State park or other recreation area;
  - the right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway;
  - the existing or proposed right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines;
  - the existing or proposed boundary of any County or State-owned land on which a public building or institution is situated;
  - the boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the agriculture and markets law. The referral requirement of this subparagraph shall not apply to the granting of area variances.

**SUBMITTED BY:**

Name: Peter Comenzo Title: Sr. Planner  
Address: 1100 Sunrise Boulevard Schenectady, NY 12306  
E-mail: pcomenzo@rotterdamny.org Phone: 518-355-7575 Ext 338

  
Signature

Date: 12 21 22

**RECEIVED**

JAN 17 2023

TOWN OF ROTTERDAM  
PUBLIC WORKS



# PLANNING & ZONING COORDINATION REFERRAL

Case No. R-27-22

Applicant VF Development, LLC

Referring Officer Peter Comenzo

Municipality Rotterdam

Considerations: Regarding two existing buildings on two parcels totaling 24,199 SF, requesting site plan approval to demolish the structures and construct a 3,020 SF Chase bank with drive thru and 28 parking spaces. Located on the northerly side of Altamont Avenue (SR 73) between Tower and Elizabeth Street. Municipal sewer and water is provided. Existing curb cut to SR 73 to be closed. The applicant should demonstrate the need for over 9 parking spaces per 1,000 SF of building.

## RECOMMENDATION

Receipt of zoning referral is acknowledged on December 27, 2022. Please be advised that the undersigned Commissioner of Economic Development and Planning of the County of Schenectady (having under the Schenectady County Charter the powers and duties of a County Planning Board) has reviewed the proposed action stated on the opposite side of this form and makes the following recommendations:

- \*Approve of the proposal.
- Defer to local consideration (No significant county-wide or inter-community impact)
- Modify/Conditionally Approve.** Conditions:  
NYS DOT approval for work in highway r-o-w.

**Advisory Note:**  
Applicant should provide a stormwater management/drainage report. Proposed landscaping should be identified as to size and type of plantings. Consideration should be given to providing a wider drive thru access lane.

**Disapprove.** Reason:

\*A recommendation of approval should not be interpreted that the County has reviewed all local concerns and/or endorses the project; rather the proposed action has met certain County considerations.

Section 239-m of the general Municipal Law requires that within 30 days after final action, the referring body shall file a report of the final action it has taken with the Schenectady County Department of Economic Development and Planning. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.

1/4/23  
Date

[Signature]  
Ray Gillen, Commissioner  
Economic Development and Planning

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

Division of Environmental Permits, Region 4  
1130 North Westcott Road, Schenectady, NY 12306-2014  
P: (518) 357-2069 | F: (518) 357-2460  
www.dec.ny.gov

Transmitted electronically to: [pcomenzo@rotterdamny.org](mailto:pcomenzo@rotterdamny.org)

January 26, 2023

Peter Comenzo, Senior Planner  
Town of Rotterdam  
1100 Sunrise Boulevard  
Rotterdam, NY 12306

RECEIVED  
JAN 27 2023  
TOWN OF ROTTERDAM  
PUBLIC WORKS

**Re: Lead Agency Coordination Response**  
VF Development LLC  
1859 & 1875 Altamont Ave  
Town Rotterdam, Schenectady County

Dear Peter Comenzo,

This letter responds to your correspondence of December 27, 2022, regarding lead agency coordination for the project referenced herein, under Article 8 (State Environmental Quality Review – SEQR) of the Environmental Conservation Law and 6 NYCRR Part 617. The New York State Department of Environmental Conservation (DEC) has the following interest in this project:

**Name of Action:** Demolish two existing buildings, combine two lots, and construct a new Chase Bank. Installing sidewalks, landscaping, and utilities.

**DEC Contact Person:** Kate Kornak, Environmental Analyst

**SEQR Classification:**  Type II

**DEC Position:** Based on the information provided:

- DEC has no objection to your agency assuming lead agency status for this action. ***\*The DEC must be notified immediately if the project/proposed action scope changes, or the EAF is revised.***

**Possible DEC Permit Requirements:**

A review of NYS protected resources near or within the project site was performed using existing GIS data (see enclosed NYS Resources Map). Please note that jurisdictional maps are meant to provide approximate sizes and locations of resources. Actual field conditions may vary from those depicted on the maps. The following provides a summary of potential State permitting requirements for the project based on the results of the protected resources review and project information submitted with your correspondence.

**Additional Comments:**

No archeological resources were identified at the project site.

The information available in the New York Natural Heritage Program database regarding known occurrences of rare or state-listed animals and plants, significant communities and other significant habitats has been reviewed. No records of known occurrences were found in the (immediate) vicinity of the project/site. However, the absence of data does not necessarily mean that rare or state-listed species, natural communities or other significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain information which indicates their presence. For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

While no specific habitat was identified on the subject parcel, the northern long-eared bat may be found in virtually any county in New York State. Although this project site falls outside of the currently recognized occupied habitat for this federally threatened species, the DEC recommends that removal of any trees greater than 3 inches in diameter at breast height (dbh) take place between November 1<sup>st</sup> and March 31<sup>st</sup> each year, if possible, to avoid a potential threat to bats.

If an extension of any existing public sanitary sewer service is deemed necessary, the DEC may require review/approval before the extension is constructed, particularly if it is intended to convey 2,500 gallons per day or more of residential sewage alone or in combination with stormwater, as required by 6 NYCRR Part 750. Please submit plans for the DEC's review if this situation applies to your project.

Peter Comenzo  
January 26, 2023  
Page 3

Please feel free to contact me by telephone at (518) 357-2459 or by e-mail at [kate.kornak@dec.ny.gov](mailto:kate.kornak@dec.ny.gov) if you have any questions.

Sincerely,

*Kate Kornak*

Kate Kornak  
Regional Permit Administrator

Encl: NYS Resources Map

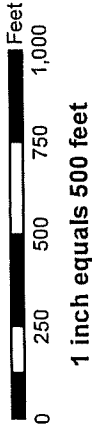
ecc: Luigi Palleschi, P.E., ABD Builders, [luigi@abdeng.com](mailto:luigi@abdeng.com)



**PROJECT LOCATION & NYS RESOURCES MAP**





VF Development, LLC  
 Chase Bank  
 1859 & 1875 Altamont Ave  
 Town of Rotterdam  
 Schenectady County

January 17, 2023





**Legend**



**Regulated Freshwater Wetlands**

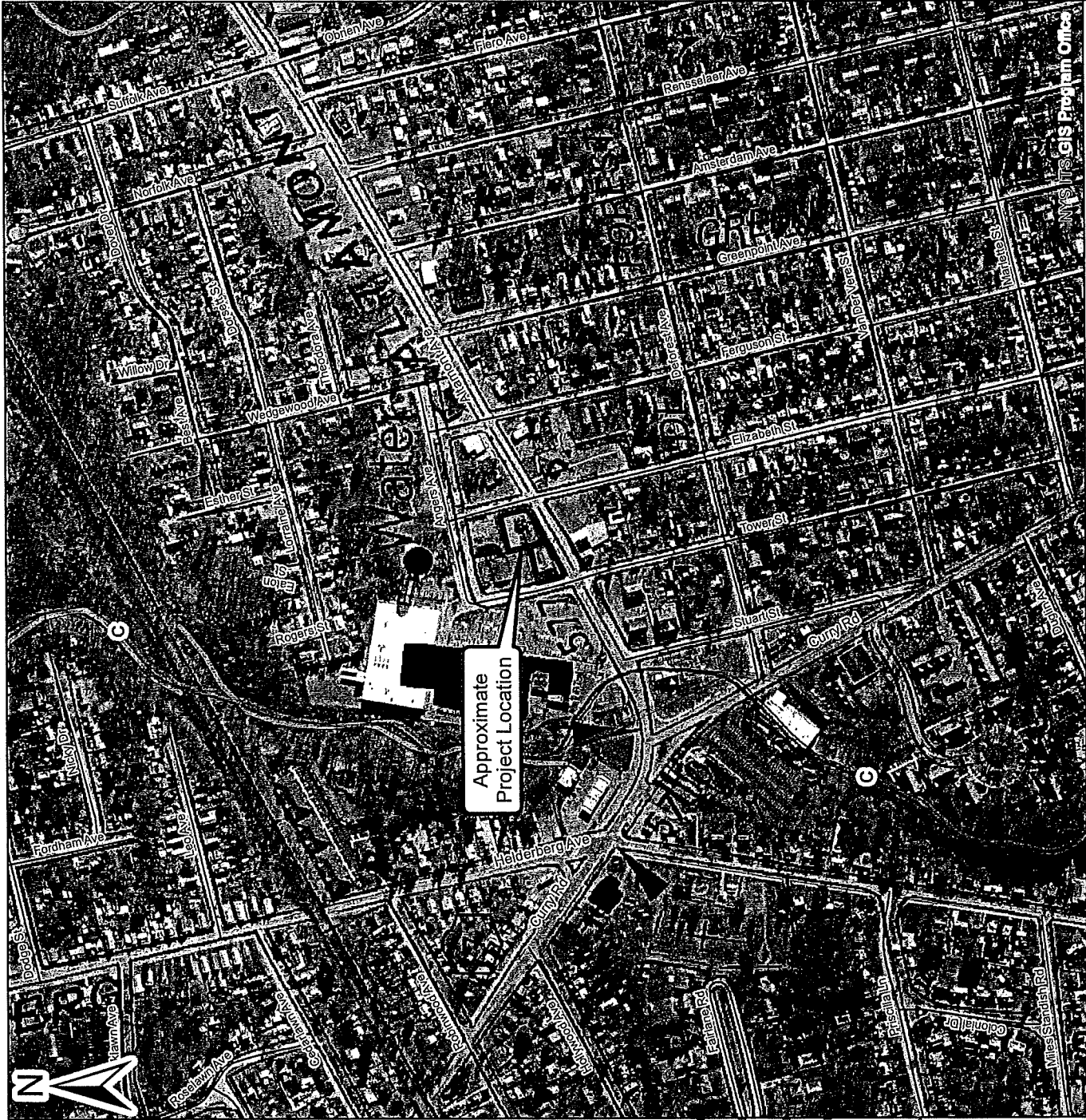
-  Freshwater Wetland Class 1
-  Freshwater Wetland Class 2
-  Freshwater Wetland Class 3
-  Freshwater Wetland Class 4

**Water Quality Classifications**

-  Unprotected Streams
-  Protected Streams

**NWI Wetlands**

-  Emergent & Forested/Shrub Wetland
-  Riverine, Lake & Pond

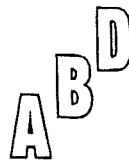


*Disclaimer: This map was prepared by Region 4 NYSDEC Division of Environmental Permits using the most current data available. It is deemed accurate but is not guaranteed. NYSDEC is not responsible for any inaccuracies in the data and does not necessarily endorse any interpretations or products derived from the data. This map may contain information that is considered sensitive and therefore the distribution of this map is strictly prohibited. Additional resources may be present but not depicted on this map.*

**Department of Environmental Conservation**



PARTNERS  
JOSEPH J. BIANCHINI, P.E.  
LUIGI A. PALLESCHI, P.E.  
ROBERT D. DAVIS, JR., P.L.S.



# ENGINEERS, LLP.

411 Union Street  
Schenectady, NY 12305  
518-377-0315 Fax 518-377-0379  
www.abdeng.com  
February 10, 2023

DEDICATED  
RESPONSIVE  
PROFESSIONAL

Re: 1859 & 1875 Altamont Avenue  
Chase Bank  
Project #5548A

---

Mr. Peter Comenzo, Town Planner  
Town of Rotterdam  
1100 Sunrise Boulevard  
Schenectady, NY 12306

Dear Peter:

In response to the DPW comments (*in italics*) of December 20, 2022, we respond as follows (**in bold**):

1. *Applicant will need coordination with the Town Engineer to determine if the proposed curb cuts would be acceptable. Traffic impact analysis may be needed.*

**Concept plan was already submitted to NYSDOT. They are happy the curb cut will be removed from Altamont Avenue. Because of this, they also do not have major concerns with the two-way curb cuts on either side street. We have submitted the revised plans for their additional review.**

2. *Planning Commission should authorize the Chairman to enter into an agreement with a Town Designated Engineer (TDE) to assist in the review of this application.*

**So noted. Copy of the agreement was received yesterday and will be provided by the Applicant.**

3. *Property currently consists of two (2) lots and a consolidation subdivision will need to be submitted.*

**See Note #10 added to revised site plans, lots will be combined.**

4. *Parking spaces appear to be excessive for the type of use and are almost twice what the Town Code requires. At a minimum, the four (4) parking spaces (2 northerly and 2 southerly) at the proposed Tower Street curb cut should be eliminated and lawn/landscape area increased to prevent vehicles from backing out and blocking the entrance. Elimination of some or all the parking along Altamont Avenue should be considered to increase snow storage and aesthetics of the site.*

**Four parking spaces have been reduced as requested.**

5. *Add note to site plan: "Landscaped areas located around the building shall contain an irrigation system which is maintained and operational."*

**See Note #11 added to revised site plans.**

RECEIVED  
FEB 10 2023  
TOWN OF ROTTERDAM  
PUBLIC WORKS

6. Add note to site plan: "All dead/dying landscaping materials shall be replaced in kind and maintained in perpetuity."

**See Note #12 added to revised site plans.**

7. Curbing and sidewalk along Altamont Avenue should be replaced the entire length of the property and connect to existing sidewalks. Curb configuration still exists for prior buildings that will need to be demolished.

**Curbs along Altamont Avenue will be removed and replaced per NYSDOT requirements. The sidewalk will also be replaced from Tower Street to Elizabeth Street.**

8. Crosswalk striping should be added across Elizabeth Street.

**Crosswalk details have been added to the revised site plans as requested.**

9. ATM lane has no bypass and is only 10' wide. Can ATM be made a satellite structure and access reconfigured/relocated?

**According to Chase Bank team, ATM bypass is not required.**

10. Add note to plan: "Existing water utilities to be terminated at the main."

**See Note #13 added to the revised site plans.**

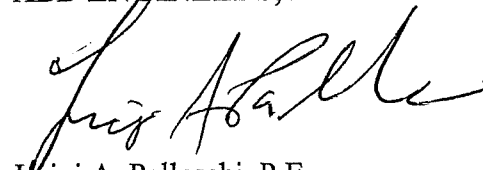
Enclosed for preliminary site plan review are the following:

1. Twelve (12) copies of revised site plans (Rev.#1: 02/10/2023).
2. Twelve (12) copies of revised building elevations and floor plans.

Electronic copies have been emailed to your office as well. We would greatly appreciate the Planning Commission consider further review at the February 21, 2023 meeting. Should you have any questions or need anything further, please do not hesitate to contact me.

Very truly yours,

**ABD ENGINEERS, LLP**



Luigi A. Palleschi, P.E.  
Partner

LAP:clv

encl.

cc: Kenneth Brownell w/ encl. (via email)

5548A-02102023

**DPW Comments  
February 21, 2023**

2. **Town of Rotterdam – Code Amendment.** Report and Recommendation to the Town Board for a Local Law to amend Chapter 270 of the Town Code entitled “Zoning” of the Town of Rotterdam in regards to allowing microbreweries, micro-wineries and micro-distilleries by Special Use Permit in the A-1 Zoning District.
  1. The Town Board referred this matter to the Planning Commission for a report and recommendation on February 8, 2023.
  2. A resident at the February 8, 2023 Town Board meeting has mentioned that mead was recently approved for production and sale in NYS and the Town may want to broaden its definitions to allow for similar products.
  3. Rather than trying to list all similar product types that contain alcohol, DPW is recommending modification to the proposed definition section of the Town Code. Additionally, in order to be consistent with the state definition of a farm brewery, the definition should state that the combined total production of all types of microbrewery products cannot exceed 75,000 barrels per year.
  4. The draft code amendment currently does not allow for on-site consumption.  
**The Planning Commission should consider in its deliberations and recommendation to the Town Board as to the allowance for on-site consumption or not.**

***DPW Suggested Proposed Definition***

**MICROBREWERY**

A small brewery that produces beer, ale, hard cider, mead, braggot, and similar types of alcoholic products for sale on and/or off site. For the purposes of this chapter, a microbrewery is limited to production of all types of these products for a combined capacity of no more than 75,000 barrels per year. On-site consumption is not allowed, other than sample tasting by customers shopping on site.

**RESOLUTION NO. 81.23**

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, February 8, 2023, at 7:00 p.m., the following resolution was duly adopted:

**TO RECOGNIZE THE INTRODUCTION OF INTRODUCTORY LOCAL LAW NO. 2 OF 2023 AND REFERRING SAME TO THE PLANNING COMMISSION FOR REPORT AND RECOMMENDATION**

**THEREFORE, UPON MOTION OF Councilmember DODSON seconded by Councilmember MASTROIANNI,**

**BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:**

**SECTION 1.** The Town Board recognizes the introduction of Introductory Local Law No. 2 of 2023 to allow for microbreweries, microwineries and microdistilleries by Special Use Permit, in the Town Agriculture (A-1) Zoning District.

**SECTION 2.** The Town Board hereby determines that the proposed enactment of Local Law No. 2 of 2023 is a Type I action under the State Environmental Quality Review Act pursuant to 6 NYCRR § 617.4 (b) (2), that there are no other involved agencies (as that term is defined under the SEQRA regulations) other than the Town Board, and therefore declares itself as lead agency for purposes of conducting the SEQRA review and authorizes the Supervisor or her designee to execute Part 1 of the Full Environmental Assessment Form..

**SECTION 3.** The Town Board hereby refers Introductory Local Law No. 2 of 2023 to the Planning Commission of the Town of Rotterdam for report and recommendation thereon.

**SECTION 4.** This resolution shall become effective February 8, 2023.

**DATED:** February 8, 2023

<b>NAME</b>	<b>AYES</b>	<b>NOES</b>	<b>ABSTAIN</b>
Christou (Absent)			
Miller-Herrera	X		
Dodson	X		
Mastroianni	X		
Collins	X		

To Whom it May Concern,

We are requesting Rotterdam's A-1 zoning be amended to allow for the existence of a microbrewery.

My husband and I moved to Schenectady County 8 years ago and fell in love with the community. We are now at the next phase in our lives where we are looking to shift careers and start a new adventure.

Our intentions are to find a larger parcel of land in the A-1 zoning district of Rotterdam for residential use and the creation/operation of a microbrewery. For years we have driven on Mariaville Road, hiked at Plotter Kill Preserve, and even snowboarded at Maple Ski Ridge. Mariaville Road and the surrounding A-1 parcels offer a very unique opportunity to attract customers throughout the year along this busy strip and we believe this location would be ideal for a brewery.

We have cited 2189 Hoffman Lane as a potential match, but we would like to consider other properties as well. A-1 zoning offers larger space to not disturb neighbors, grow a business, and join the other rural businesses and attractions in the area.

Our plan varies as we look at each property, but a few core attributes have been determined.

- The microbrewery would be run on a 3.5 bbl system (108.5 gallons)
- There is a NY state obligation to brew a minimum of 50 bbls per year; Approximately 15 brew days per year would be required to meet this goal.
- The microbrewery would initially open as a production building for self distribution of cans and kegs.
- Should an additional barn or other large structure be available upon purchase, a taproom will be added to the property as soon as possible
- If a taproom will need to be constructed, when funds become available, a new plan will be presented to the board for approval.
- Estimated water usage and waste removal per brew:
  - 300 Gallons of water, covering the beer itself as well as the cleaning solution
  - Cleaning solution would be stored in holding tanks and disposed of by waste treatment group, unless another solution presents itself
  - 10-25 gallons of loss to grain and hop debris (trub), will be stored in tanks to be disposed of by a waste treatment group, unless another solution presents itself
  - Cooling water would be recycled for subsequent cools/cleanings
  - Spent grain would be donated to local farms
- Diving Disturbances
  - Self distribution of product
  - Customers
  - CO2 deliveries (as needed)
  - Cans and ingredient deliveries (as needed)
  - Waste removal truck (as needed)

We gladly would review additional plan details with the board as needed, but for now we are proposing A-1 zoning be amended to add language to allow for a microbrewery. We have attached a copy of Glenville's zoning code, which has been amended to allow breweries in the RA Rural Residential and Agricultural District.

Thank you for your time and consideration,  
Laurel Boser and Eli Beaudin

# Local Law Filing

## Instructions

New York State Department of State  
Division of Corporations, State Records and Uniform Commercial Code  
One Commerce Plaza, 99 Washington Avenue  
Albany, NY 12231-0001  
www.dos.ny.gov

### PLEASE OBSERVE THESE INSTRUCTIONS FOR FILING LOCAL LAWS WITH THE SECRETARY OF STATE

1. Each local law shall be filed with the Secretary of State within 20 days after its final adoption or approval as required by section 27 of the Municipal Home Rule Law. The cited statute provides that a local law shall not become effective before it is filed in the office of the Secretary of State.
  2. Each local law to be filed with the Secretary of State shall be an original certified copy.
  3. Each local law shall be filed on a form provided by the Department of State. If additional pages are required, they must be the same size as the form. Typewritten copies of the text may be attached to the form. Only legible copies will be accepted.
  4. File only the number, title and text of the local law.
  5. In the case of a local law amending a previously enacted local law, the text must be that of the law as amended. Do not include any matter in brackets, with a line through it, italicized or underscored to indicate the changes made. The printed number of the bill and explanatory matter must be omitted.
  6. For the purpose of filing a local law with the Department of State, number each local law consecutively, beginning with the number one for the first local law filed in each calendar year. The next number in sequence should be applied to each local law when it is submitted for filing, regardless of its date of introduction or adoption. The date of filing of a local law is the date on which the local law is placed on file by the Department.
- It is suggested that municipalities use introductory identifying bill numbers for proposed local laws. After the local law is enacted (and approved by the voters, if required), the local law should then be numbered with the next consecutive local law number, as described above, and then submitted to the Department for filing.
7. Each copy of a local law filed with the Secretary of State shall have affixed to it a certification by the Clerk of the County legislative body or the City, Town or Village Clerk or other officer designated by the local legislative body. Certification forms are provided herewith.
  8. A copy of each local law may be mailed or delivered to:  
NYS Department of State  
Division of Corporations, State Records and Uniform Commercial Code  
One Commerce Plaza, 99 Washington Avenue  
Albany, NY 12231.

**(DO NOT FILE THIS INSTRUCTION SHEET WITH THE LOCAL LAW.)**

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
*(Select one.)*

of Rotterdam \_\_\_\_\_

Local Law No. 2 of the year 2023

A local law A LOCAL LAW TO AMEND CHAPTER 270 OF THE TOWN CODE OF THE TOWN OF  
*(Insert Title)*  
ROTTERDAM  
\_\_\_\_\_  
\_\_\_\_\_

Be it enacted by the Town Board of the  
*(Name of Legislative Body)*

County  City  Town  Village  
*(Select one.)*

of Rotterdam \_\_\_\_\_ as follows:

See Attached

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Suggested Amendments to Town Code to allow microbreweries, microwineries and microdistilleries.

Add to Town Code **Chapter 270-5. Definitions**

**MICROBREWERY**

A small brewery that produces beer and ale for sale on and/or off site. For the purposes of this chapter, a microbrewery is limited to a production of no more than 10,000 barrels per year. On-site consumption is not allowed, other than sample tasting by customers shopping on site.

**MICRODISTILLERY**

A small, often boutique-style facility for the production, packaging and sampling of beverages with alcoholic and/or nonalcoholic content, usually produced in single batches, for retail or wholesale distribution. For the purposes of this chapter, a farm distillery is a type of microdistillery, and is regulated herein as such.

**MICROWINERY**

A small wine producer that does not have its own vineyard, and instead sources its grape production from outside suppliers. Microwineries produce wine for sale on and/or off site. For the purposes of this chapter, a microwinery is limited to a production of no more than 2,000 barrels per year. On-site consumption is not allowed, other than sample tasting by customers shopping on site.

Add to Town Code **Chapter 270-18. Special Uses**

**(O) Microbreweries, microwineries and microdistilleries.**

**(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)**

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2023 of the ~~(County)~~(City)(Town)(Village) of Rotterdam was duly passed by the Town Board on \_\_\_\_\_ 2023, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted *(Elective Chief Executive Officer\*)* on \_\_\_\_\_ 2023, in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. *(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

---

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_ above.

\_\_\_\_\_  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: \_\_\_\_\_

(Seal)