

**Town of Rotterdam
Planning Commission
September 20, 2022**

Workshop (7:00pm)

Waiver(s)

1. **Appli For Less – 1400 – 1428 Altamont Avenue.** The applicant requests a Waiver of Site Plan review for the retail sale of appliances in existing $\pm 4,200$ square foot tenant space.
2. **Turfco Lawn & Landscape Inc. – 1874 (1866) Altamont Avenue.** The applicant requests a Waiver of Site Plan review for the seasonal sale of Christmas trees from November 1, 2022 – December 25, 2022 in designated area as depicted on application site plan of the Uptown Beverage parking lot.
3. **Diamond Cuts Barber Shop – 2513-2519 Hamburg Street.** The applicant requests a Waiver of Site Plan review to operate a four (4) chair barber shop in existing $\pm 1,980$ square foot tenant space (#1) of a $\pm 5,280$ square foot building on a ± 0.38 -acre parcel.
4. **The Spaw, LLC – 2513 – 2519 Hamburg Street.** The applicant requests a Waiver of Site Plan review to operate a pet grooming shop in existing $\pm 1,125$ square foot tenant space (#4) of a $\pm 5,280$ square foot building on a ± 0.38 -acre parcel.

Agenda (7:30pm):

Approval of the Summary of Minutes September 6, 2022

1. **Prime Rotterdam, LLC – 103 Old Mill Lane.** Sketch Site Plan/Waiver of Subdivision to Consolidate: Lot 1 (101 Old Mill Lane/Tax Map No. 48.13-2-33) = ± 0.91 acres and Lot 3 (103 Old Mill Lane /Tax Map No.48.13-2-32) = ± 1.95 acres to construct five (5) self-storage and RV storage buildings (Buildings A-E) and consolidate Lot 4 (104 Old Mill Lane Tax Map No. 48.13-2-30) = ± 0.92 acres and Lot 5 (105 Old Mill Lane Tax Map No. 48.13-2-31) ± 1.33 acres to construct one (1) self-storage building (Building F). Engineer: MJ Engineering and Land Surveying, P.C.
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 of the Town of Rotterdam in regards to the raising of chicken hens as an accessory use.

**DPW Comments
September 20, 2022**

Agenda (7:30pm):

1. **Prime Rotterdam, LLC – 103 Old Mill Lane.** Sketch Site Plan/Waiver of Subdivision to Consolidate: Lot 1 (101 Old Mill Lane/Tax Map No. 48.13-2-33) = ±0.91 acres and Lot 3 (103 Old Mill Lane /Tax Map No.48.13-2-32) = ±1.95 acres to construct five (5) self-storage and RV storage buildings (Buildings A-E) and consolidate Lot 4 (104 Old Mill Lane Tax Map No. 48.13-2-30) = ±0.92 acres and Lot 5 (105 Old Mill Lane Tax Map No. 48.13-2-31) ±1.33 acres to construct one (1) self-storage building (Building F). Engineer: MJ Engineering and Land Surveying, P.C.
 1. The Planning Commission should authorize the Chairman to enter into an agreement with a TDE to assist in the review of this proposal.
 2. Provide building elevations and office/leasing area.

SEQR Requirement: 6 NYCRR 617 Unlisted Action. Rotterdam Planning Commission should declare lead agency. Site Plan is at conceptual level and project should be circulated to involved/interested when plans are further developed.

Involved/Interested Agencies

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



Engineering and
Land Surveying, P.C.

1533 Crescent Road
Clifton Park, NY 12065
Phone: 518.371.0799
Fax: 518.371.0822
mjelspc@mjels.com
mjels.com

Project Narrative

September 8, 2022

Project: Rotterdam Storage, LLC
RV and Self-Storage Facility

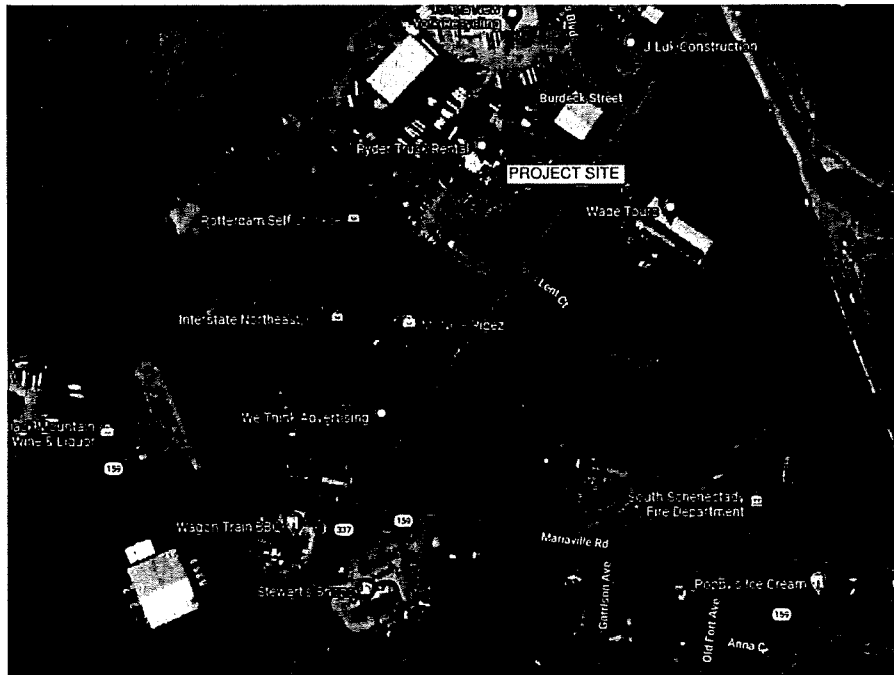
Location: 103 Old Mill Road
Tax ID 48.13-2-30, 48.13-2-31, 48.13-2-32, 48.13-2-33
Town of Rotterdam, Schenectady County, New York

Applicant: Prime Rotterdam, LLC
85 Railroad Place
Saratoga Springs, NY 12866

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PUBLIC WORKS

GENERAL PROJECT OVERVIEW

Prime Rotterdam, LLC is proposing to redevelopment the existing Prime Self Storage of Rotterdam facility located at 103 Old Mill Road, which sustained fire damage back April 2021. The overall project area is approximately 5.5 acres and is identified by Tax Map ID: 48.13-2-30 (1.08 A), 48.13-2-31 (1.33 A), 48.13-2-32 (1.95 A), 48.13-2-33 (1.15 A) also known as Lots 1, 3, 4 and 5.



Site Location Map



DEVELOPMENT PLAN

The general scope of work is to construct a RV and self-storage facility on site. The project is being proposed to be completed in two phases.

Phase 1

- Lots 1 and 3 and Lots 4 and 5 will be consolidated as part of this application
- Demolish and remove existing structures, parking, utilities, and site appurtenances
- Five (5) Building totaling 47,453 square feet including one 600 square feet office space
- Access driveways
- Ten (10) car parking area including one (1) ADA space
- Stormwater Management for both phases
- Utilities (water/sewer)

Phase 2

- One (1) 3-story self-storage facility with a 40,190 square foot footprint, total building area of 120,570 square feet with one 1,200 square feet office space
- Access driveway
- Utilities (water/sewer)

Preliminary Stormwater Management Drainage Plans

The previously developed self-storage site and potential Town drainage was designed with a stormwater management basin located along the rear of the property. The system is being analyzed or re constructed to address the new development area and to comply with the current regulations. The formal analysis will be included in a separate report. A project specific SWPPP shall be implemented in accordance with NYSDEC technical standards.

Preliminary Sewer and Water Plans

The new climate controlled self-storage facility will be sprinklered for fire protection. A new connection to the existing public water line will be constructed to provide fire protection needs as well as the very small potable water demands for the facility office space.

Municipal sanitary sewer is currently not available within the project area therefore a private on-site wastewater treatment system shall be designed in accordance with all local, state, and federal regulations. The projected sanitary flows for the site will be limited to the facility's small office areas, with a single employee.

APPLICABLE ZONING REQUIREMENTS

The property is located within the Town of Rotterdam's I-1 Light Industrial Zoning District. In accordance with Chapter 270, Article XI contained within the Town's Zoning Code, RV and self-storage are uses permitted with this zoning district.

Zoning Requirements

- A. Front Setback – 25 feet
- B. Side Setback – 25 feet
- C. Rear Setback – 25 feet
- D. Maximum Building Height – 75'
- E. Maximum Lot Coverage – 60%

A conceptual site plan adhering to the minimum bulk lot requirements of the existing zoning district has been developed for this site.



ENVIRONMENTAL SETTING

Soils and Groundwater

Review of the National Resources Conservation Service (NRCS) Soil Survey Data indicates the project area is predominately comprised of Plainfield loamy sand, 0 to 3 percent slopes, excessively drained, of Hydrological Soil Group Type A.

Flood Plains

A review of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Panel 36093C0142D, dated January 8, 2014, shows the project site is not located in a floodplain.

State / Federal Wetlands

The NYSDEC Environmental Resources Mapper (ERM) was utilized to review for freshwater wetlands within or adjacent to the project area. The ERM indicates that State Regulated Freshwater Wetlands or buffer zones are not located in the project site.

National Wetland Inventory (NWI) mapping for the project area was reviewed utilizing the online Wetlands Mapper provided by the U.S. Department of Interior, Fish and Wildlife Service. NWI jurisdictional wetlands are not located on the project site.

Listed, Endangered, or Threatened Species

According to the NYSDEC online Environmental Resource Mapper, there are no identified rare plants or animals present within the proposed project area. The New York Natural Heritage Program (NYNHP) has no records of rare or state-listed animals or plants, or significant natural communities on or adjacent to the project site.

The United States Department of the Interior Fish and Wildlife Service (USFWS) online IPaC system was used to determine the possible presence of threatened and endangered species and habitat areas. The USFWS website indicated that there are no current threatened or endangered species located in Schenectady County near the project site, however the monarch butterfly is a potential future candidate.

The USFWS website indicated that there are no known critical habitats within this project area.

Cultural and Historic Resources

According to the New York State's Office of Parks, Recreation, and Historic Preservation Office (NYSOPRHP) Cultural Resource Information System (CRIS), the project site is located within an archeological sensitive area. We will reach out to SHPO through the CRIS site to determine if anything is required since this being a redevelopment project.

PERMITS / APPROVALS

Based upon the conceptual plan developed, it is believed that the regulatory approvals that would be necessary are as follows:

- Town of Rotterdam Planning Board:
 - Site Plan
 - Waiver of Subdivision

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PUBLIC WORKS



- Schenectady County Economic Development and Planning
- NYSDEC: Permit coverage under GP-0-20-001 associated with construction phase site disturbances and

Other agencies having jurisdiction may be identified over the course of the project's review.

All requested information shall be provided and must be filled out in ink or typed for photocopying purposes

PART III

**SPECIAL USE PERMIT/SITE PLAN APPLICATION
General Information**

Legal Owner's Name: Prime Rotterdam, LLC

Mailing Address: 85 Railroad Place

City: Saratoga State: NY Zip: 12866

Daytime Phone: 518-410-5908 Fax: _____

If applicant is not the owner, include the written owner authorization form below (See Part IV) designating the contact to serve as representative.

Owner's Designated Contact: Walt Lippmann

Mailing Address: 1533 Crescent Road

City: Clifton Park State: NY Zip: 12065

Daytime Phone: 518-371-0799 Fax: _____

Project/Proposal Site Area (Acres or sq. ft.): 5.1

Assessor Tax Parcel No.(s) of Proposal Site: 48.13.-2-33,48.13-2-32,48.13-2-31,48.13-2-30

Adjacent Area Owned or Controlled (Acres or sq. ft.): 5.1

Assessor Tax Parcel No.(s) of Adjacent Land Owned or Controlled:

Street Address of Proposed Site (if any):

103 Mill Road

Describe Existing Use(s) on Proposed Site (Such as buildings, well, sewer drainfield and others):

Redevelopment of self storage facilities

Existing Zoning Classification: I-1

School District: Schalmont

Fire District: _____

Water Supply Rotterdam

LEGAL INFORMATION

Location of Proposal Site (General description by which direction and how far from roads and intersections and other community features):

103 Old Mill Road, off of Burdeck Street

Name of public road (s) providing access: Old Mill Road

Width of property fronting on public road: 975

I have attached a legal description of the proposed site: yes no

I have attached a deed of the proposed site: yes no

I have attached a lease agreement of the proposed site (if applicable): yes no

Purpose for the requested site plan approval (and special use permit if applicable):

Redevelopment of self and RV storage facility.

Is the proposed use to be temporary or permanent? If temporary, please explain:

Permanent

PART IV

LEGAL OWNER SIGNATURE

(Signature of legal owner(s) or representative(s) as authorized by legal owner)

I, the undersigned, swear or affirm under penalty of perjury that the above responses are made truthfully and to the best of my knowledge.

I further swear or affirm that I(we) (am)(are) the owner(s) of record of the area proposed for the previously identified land use action, or, if not the owner(s), attached herewith is written permission from the owner(s) authorizing my actions on his or her behalf.

Name: Robert Moser Date: 9/6/2022

Address: 85 Railroad Place, Saratoga Springs NY

Zip: 12866 Phone: 518-615-0552

[Signature]
Signature of Applicant or Representative

9/6/2022
Date

Signature of Applicant or Representative

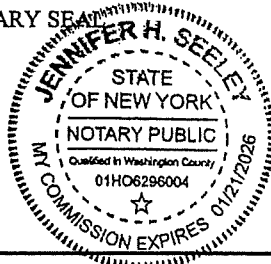
Date

Notary
(For Part IV Above)

STATE OF NEW YORK) ss:
COUNTY OF SCHENECTADY)

SUBSCRIBED AND SWORN to me this 6 day of Sept, 2022

NOTARY SEAL Jennifer H. Seeley
Notary Signature



Notary Public in and for the State of New York

My appointment expires: 1/2/2026

PART V

(To be completed by the Public Works Department)

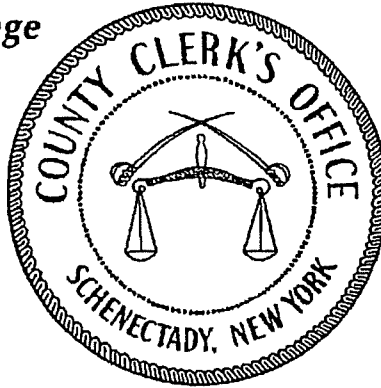
Date Submitted: _____ Staff: _____

Total Fees: _____ Receipt #: _____

File #: _____ Complete Application: _____

Schenectady County Endorsement Page

JOHN J. WOODWARD
Schenectady County Clerk
620 State Street
Schenectady, NY 12305



Document Type Deed

From Party Prime Rotterdam LLC

To Party Prime Rotterdam LLC

RETURN TO SearchNY
217 Broadway, Suite 309
New York, N.Y., 10007

RECORDED
06/05/2015 11:39:15 AM
County Clerk
JOHN J. WOODWARD
SCHENECTADY COUNTY, NY

Book/Page: DEED/1915/962
Total Pages: 4

Receipt No: 819153
Doc No: 2015-1972
Inst Num: 201523733

NY LAND SUR \$4.75
NY E & A FEES \$241.00
NY LAND COMP SUR \$14.25
CD GENERAL REVENUE \$45.00
CD LAND SUR \$0.25
CD E & A FEES \$9.00
CD LAND COMP SUR \$0.75
TOTAL PAID \$315.00
INV: 819153 USER: ELH

RECEIVED
\$ 0.00
REAL ESTATE
JUN 05, 2015
SCHENECTADY COUNTY
3285

ATTENTION: If the R & R (Record and Return to) on the cover page is different from the one on the document, the document will be returned to the one on the cover page.

NOTICE: This endorsement page constitutes the Clerk's endorsement in accordance with Local Law #7 of 1996—DO NOT DETACH—This page becomes part of the document. Upon recording, this document becomes a public record—Please refrain from using personal identifying information that should not be disclosed to the public.

Please be advised that General Business Law Section 399-dd(6) states as follows:

No person may file any document available for public inspection with any state agency, political subdivision, or in any court of this state that contains a social security account number of any person, unless such other person is a dependent child, or has consented to such filing, except as required by federal or state law or regulation, or by court rule.

It further states that under General Business Law Section 399-dd(7) that the NYS Attorney General's Office may take action against you for any violation of General Business Law Section 399-dd.



All requested information shall be provided and must be filled out in black ink or typed for photocopying purposes.

**TOWN OF ROTTERDAM
WAIVER OF SUBDIVISION APPLICATION**

\$75.00 Application Fee.

If the waiver is approved, the applicant(s) will be permitted to file a Boundary Line Adjustment Subdivision with the Schenectady County Clerk's Office. A Boundary Line Adjustment Subdivision must be prepared by a licensed NYS Land Surveyor for filing with the Schenectady County Clerk's Office prior to the Planning Board Chairman's Signature.

Legal Owner's Name (Parcel #1) Prime Rotterdam, LLC
Mailing Address: 65 Railroad Place
City: Saratoga Springs State: NY Zip: 518-410-5908
Daytime Phone: _____ (Work) 518-615-0552 x 7122 (Fax) _____

Legal Owner's Name (Parcel #2) _____
Mailing Address: _____
City: _____ State: _____ Zip: _____
Daytime Phone: _____ (Work) _____ (Fax) _____

Project/Proposal Site Area:
Current Parcel #1(Acres or s.f.) _____ Proposed Parcel #1(Acres or s.f.) See attachment.
Street Address of Parcel #1: _____
Assessor Tax Parcel No. Parcel #1: _____

Current Parcel #2(Acres or s.f.) _____ Proposed Parcel #2(Acres or s.f.) See attachment.
Street Address of Parcel #2: _____
Assessor Tax Parcel No. Parcel #2: _____

Describe Existing Use(s) on Parcel #1 and Parcel #2: (buildings, well, sewer drainfield, etc.) _____

Zoning Classification: M-1

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 PARCEL #1 _____ DATE 9/6/22
SIGNATURE OF APPLICANT PARCEL #2 _____ DATE _____

Short Environmental Assessment Form

Part 1 - Project Information

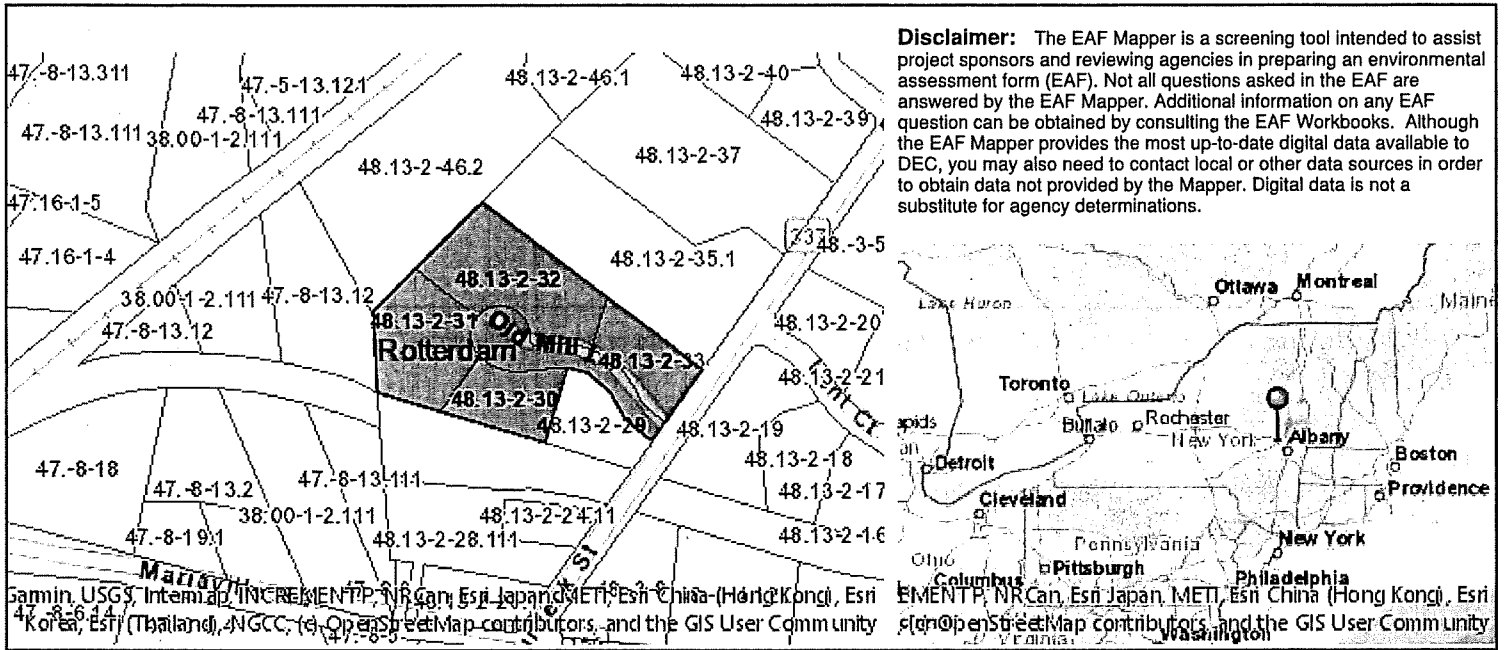
Instructions for Completing

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: RV and Self Storage Facility | | | |
| Project Location (describe, and attach a location map): 103 Old Mill Road | | | |
| Brief Description of Proposed Action: The redevelopment of the Prime Self Storage facility with RV and self storage units. | | | |
| Name of Applicant or Sponsor: Prime Rotterdam, LLC | | Telephone: 518-410-5908 E-Mail: anthony.kouardaoughli@goprimegroup.com | |
| Address: 85 Railroad Place | | | |
| City/PO: Saratoga Springs | | State: NY | Zip Code: 12866 |
| 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: | | | YES <input type="checkbox"/> |
| 3. a. Total acreage of the site of the proposed action? _____ 5.5 acres | | | |
| b. Total acreage to be physically disturbed? _____ 5.0 acres | | | |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 5.5 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 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 | | | |

| | NO | YES | N/A |
|---|-------------------------------------|-------------------------------------|--------------------------|
| 5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | <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? If Yes, identify: _____ | NO | YES | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? 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"/> | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| | <input checked="" type="checkbox"/> | <input 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 type="checkbox"/> | <input checked="" 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: _____ on site septic system _____ | NO | YES | |
| | <input checked="" type="checkbox"/> | <input 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? 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 checked="" type="checkbox"/> | <input type="checkbox"/> | |
| | <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? 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"/> | |
| | <input type="checkbox"/> | <input type="checkbox"/> | |
| | | | |



| | |
|---|-----|
| Part 1 / Question 7 [Critical Environmental Area] | No |
| 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] | No |
| Part 1 / Question 15 [Threatened or Endangered Animal] | No |
| Part 1 / Question 16 [100 Year Flood Plain] | No |
| Part 1 / Question 20 [Remediation Site] | No |

DPW Comments
September 20, 2022

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 of the Town of Rotterdam in regards to the raising of chicken hens as an accessory use.
 1. The Town Board referred this matter to the Planning Commission for a report and recommendation on September 14, 2022.

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

Introductory Local Law No. 7 of the year 2022

**A LOCAL LAW TO AMEND CHAPTER 270 OF THE TOWN CODE OF THE TOWN
OF ROTTERDAM**

Be it enacted by the Town Board of the Town of Rotterdam as follows:

See attached.

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

TOWN OF ROTTERDAM

INTRODUCTORY LOCAL LAW NO. 7 OF THE YEAR 2022

**A LOCAL LAW TO AMEND CHAPTER 270 OF THE TOWN CODE OF
THE TOWN OF ROTTERDAM**

SECTION 1 – TITLE

This local law shall be referred to as “A Local Law to Amend Chapter 270 of the Town Code of the Town of Rotterdam”.

SECTION 2 – AUTHORITY

This local law is enacted by the Town Board of the Town of Rotterdam pursuant to the N.Y. Municipal Home Rule Law.

SECTION 3 – AMENDMENT

Chapter 270, entitled “Zoning”, of the Town Code of the Town of Rotterdam, is hereby amended as follows:

- A. Section 270-5, relating to definitions of terms, is amended to add the following term and corresponding definition in appropriate alphabetical order of term:

CHICKEN HEN

A female chicken.

CHICKEN ENCLOSURE

A small housing structure where chicken hens have areas to sleep and nest, and which provides them protection from weather and predators.

CHICKEN RUN

A fenced in area attached to a chicken enclosure, where chicken hens are allowed to run and peck.

ROOSTER

A male chicken.

- B. Section 270-15, relating to accessory uses, buildings and structures, is hereby amended to add a new Paragraph F to read in its entirety as follows:

F. Raising of Chicken Hens as an Accessory Use. Where the raising of chicken hens is permitted as an accessory use, such raising of chicken hens shall be governed by the provisions of § 270-15.4.

- C. Article IV, entitled General Requirements, is hereby amended to add immediately following Section 270-15.3 and before Article V, a new Section 270-15.4, reading in its entirety as follows:

§ 270-15.4 Raising Chicken Hens as an Accessory Use

- A. Where raising chicken hens as an accessory use is permitted under this Chapter, the following regulations shall apply:

(1) Permit Requirements.

- (a) The property owner or occupant shall obtain a permit from the enforcement official designated in § 270-170 of this Chapter. An applicant for a permit under this section shall submit a completed application, along with a plan showing the location of the chicken enclosure and the chicken run, and shall pay such application fee as may be established by the Town Board. Prior to issuance of a permit, the Building Inspector shall inspect the chicken enclosure and chicken run.
- (b) Such permit shall be valid for one year. Such property owner or occupant shall renew such permit annually so long as the accessory use of raising chicken hens continues, and shall pay such renewal fee as may be established by the Town Board.

- (c) Any permit or renewal issued under this section may be revoked by the enforcement official upon determination that a violation of this section is or has occurred. If a permit under this section is revoked, no permit under this section shall be issued for the same lot for a period of two (2) years.
 - (d) Any person aggrieved by a decision of the enforcement official under this section may seek review of such decision in accordance with § 270-177 of this Chapter.
 - (e) Upon discontinuance of the accessory use of raising chicken hens, the permit holder shall notify the enforcement official, whereupon the enforcement official shall inspect the property and the permit shall be terminated.
- (2) All applicable provisions of the New York State Uniform Fire Prevention and Building Code, as amended from time to time, shall be satisfied.
 - (3) The minimum lot size for the raising of chicken hens shall be 9,000 square feet.
 - (4) No more than six (6) chicken hens may be kept, maintained, housed, or possessed on a single lot.
 - (5) Roosters are prohibited.
 - (6) Outdoor slaughtering of chicken hens is prohibited.
 - (7) Chicken hens shall be fed from a trough or similar container. Scattering of chicken feed on the ground is prohibited.
 - (8) Chicken feed shall be stored in a secure, rodent-proof covered metal container within a fully enclosed structure on the property.
 - (9) Chicken hens shall be kept for personal, non-commercial use only. Breeding of chickens, the sale of eggs, meat or other

chicken products, and the production of fertilizer are prohibited.

- (10) A chicken enclosure and chicken run shall be provided. The chicken enclosure shall be a covered, well-ventilated, predator resistant structure sufficient to provide safe and healthy living conditions. A chicken enclosure shall provide a minimum of four (4) square feet per chicken hen. A chicken run shall provide a minimum area of 10 square feet per chicken hen.
- (11) No chicken enclosure or chicken run shall be located closer than twenty-five (25) feet from any property line. No chicken enclosure or chicken run shall be located in any front or side yard(s).
- (12) The chicken enclosure and chicken run, along with any other areas on the lot where the chicken hens access, shall be regularly cleaned of waste material. Such cleaning shall be undertaken on a sufficiently regular schedule to prevent offensive odors and attraction of rodents, pests, or parasites, but in no case less frequently than weekly.
- (13) Chicken hens shall at all times be confined to the chicken enclosure and chicken run, or otherwise fenced-in area sufficient to prevent movement beyond the lot lines.

D. Section 270-19, relating to accessory uses permitted in the A Agricultural District, is amended to add a new Paragraph K to read in its entirety as follows:

K. Raising of chicken hens, provided that such accessory use is accessory to a single family dwelling principal use and is in compliance with § 270-15.4.

E. Section 270-29, relating to accessory uses permitted in the R-1 One-Family Residential District, is amended to add a new Paragraph I to read in its entirety as follows:

I. Raising of chicken hens, provided that such accessory use is accessory to a single family dwelling principal use and is in compliance with § 270-15.4.

F. Section 270-39, relating to accessory uses permitted in the R-2 Two-Family Residential District, is amended to add a new Paragraph I to read in its entirety as follows:

I. Raising of chicken hens, provided that such accessory use is accessory to a single family dwelling principal use and is in compliance with § 270-15.4.

G. Paragraph E of Section 270-57, relating to accessory uses permitted in the B-1 Retail Business District, is amended to read in its entirety as follows:

E. Accessory uses permitted in the R-1 and R-2 Districts, except raising of chicken hens.

H. Paragraph E of Section 270-66, relating to accessory uses permitted in the B-2 General Business District, is amended to read in its entirety as follows:

E. Accessory uses permitted in the R-1, R-2 and B-1 Districts, except raising of chicken hens.

I. Section 270-200, relating to accessory uses permitted in the RA Residential Agricultural District, is amended to add a new Paragraph H to read in its entirety as follows:

H. Raising of chicken hens, provided that such accessory use is accessory to a single family dwelling principal use and is in compliance with § 270-15.4.

SECTION 4 – EFFECTIVE DATE

This Local Law shall become effective upon filing with the New York Secretary of State.

(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. ___ of 2022 of the (County)(City)(Town)(Village) of Rotterdam was duly passed by the Town Board of the Town of Rotterdam on _____, 2022 in accordance with the applicable provisions of law.

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) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____ in accordance with the applicable provisions of law.

(Name of Legislative body)
(Elective Chief Executive Officer*)

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) (repassed after disapproval) by the _____ on _____ 20____.

(Name of Legislative body)
(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) (repassed after disapproval) by the _____ on _____ 20____.

(Name of Legislative body)
(Elective Chief Executive Officer*)

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 _____ 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 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 1, above.

Diane Marco, Town of Rotterdam Town Clerk
Clerk of the county legislative body, City, Town or Village
Clerk or officer designated by local legislative body

(Seal)

Date: _____