

**Town of Rotterdam  
Planning Commission  
December 19, 2023**

**Workshop**

1. **ESCA Tax Service Inc. (Jackson Hewitt Tax Service) – 93 W. Campbell Road.** The applicant requests a Waiver of Site Plan review to operate a tax preparation office in tenant space G-108 (1,022 square feet) formerly Gertrude Hawk from January 1, 2024 – April 20, 2024 in Via Port Rotterdam Mall.
2. **Tis the Season – 93 W. Campbell Road.** The applicant requests a waiver of Site Plan review to operate holiday themed exhibit which will change up to four times per year in tenant space F-118 (3,000 square feet), formerly Zumiez, yearly in Via Port Rotterdam Mall.
3. **Crown Castle (Verizon Wireless) – Curry Road.** The applicant requests a Waiver of Site Plan review to install two (2) dish antennae on existing shelter on a ±5.96-acre parcel.

**Agenda**

*Approval of the Summary of Minutes December 5, 2023*

1. **Derek Melancon (lessee) - 370 Mariaville Road.** Site Plan/Special Use Permit review to operate a retail cannabis dispensary in an existing ±2,729 square feet tenant space on a ±0.46-acre parcel. Engineer: ABD Engineers & Surveyors.
2. **Town of Rotterdam – Code Amendment.** Report and Recommendation to the Town Board for a Local Law to allow for a six-month extension of the moratorium on Solar Farms and Solar Power Plants.

**DPW Comments**  
**December 19, 2023**

**Workshop**

1. **ESCA Tax Service Inc. (Jackson Hewitt Tax Service) – 93 W. Campbell Road.** The applicant requests a Waiver of Site Plan review to operate a tax preparation office in tenant space G-108 (1,022 square feet) formerly Gertrude Hawk from January 1, 2024 – April 20, 2024 in Via Port Rotterdam Mall.
2. **Tis the Season – 93 W. Campbell Road.** The applicant requests a waiver of Site Plan review to operate holiday themed exhibit which will change up to four times per year in tenant space F-118 (3,000 square feet), formerly Zumiez, yearly in Via Port Rotterdam Mall.
3. **Crown Castle (Verizon Wireless) – Curry Road.** The applicant requests a Waiver of Site Plan review to install two (2) dish antennae on existing shelter on a ±5.96-acre parcel.

**WAIVER OF SITE PLAN REVIEW**

**Date:** December 19, 2023

**PC2023-W40**

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:** ESCA Tax Services Inc. d/b/a Jackson Hewitt Tax Service  
Attn : Kelly Vanderwarker  
**ADDRESS:** 1843 Central Avenue  
Albany, NY 12205

**PROJECT ADDRESS:** 93 W. Campbell Road – ViaPort Rotterdam Mall

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

**REQUEST:** The applicant requests a Waiver of Site Plan review to operate a tax preparation office in tenant space G-108 (1,022 square feet) formerly Gertrude Hawk from January 1, 2024 – April 20, 2024 in ViaPort Rotterdam Mall.

**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. 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. Owner/applicant shall install Knox box for emergency personnel. Please contact Fire District #6 and/or #7 for specifics.

The Commission action on the Waiver application took place at the Planning Commission meeting of December 19, 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.

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**Peter J. Comenzo**  
Senior Planner

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



Town of Rotterdam  
Waiver of Site Plan Review Application  
93 W. Campbell Road

RECEIVED

DEC 5 2023

TOWN OF ROTTERDAM  
PUBLIC WORKS

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

1. Copy of Site Plan Map (8 X 11) that identifies:
  - Kiosk or tenant space (highlighted).
  - Clearly identified with space number
2. 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 and hours of operation.
3. A completed Commercial Building Permit Application and/or Fire Inspection Application.
4. \$100.00 application fee (Checks to be made payable to the Town of Rotterdam).

APPLICANT(S): ESCA Tax Services Inc. DBA Jackson Hewitt Tax Svc.

ADDRESS: 1843 Central Ave. ALBANY, NY 12205

DAYTIME TELEPHONE: 518-452-1284 (FAX) 518-935-9671

PROJECT ADDRESS: 93 W. Campbell Road, Schenectady, NY 12306

REQUEST: No Construction

LICENSE AGREEMENT DATE: 11/30/2023 AREA: 1022 sq ft

TERM: FROM 01/01/24 TO 04/20/24 KIOSK OR TENANT SPACE #: G108

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 Kelly Vanderwerker DATE 12/1/23

\* The Planning Commission meets on the first and third Tuesday of each month. All pertinent information and fee 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.  
6-16-23



# Jackson Hewitt

TAX SERVICE

ESCA Tax Services Inc.  
1843 Central Ave. Albany, NY 12205  
518-452-1284  
Fax 518-935-9671

Personal Income Tax Preparation will be provided at our location (G-108)  
ViaPort Rotterdam Mall, 93 W. Campbell Rd. Schenectady, NY 12306.

## Hours of Operation:

Sunday 12pm-5pm  
Monday 11am-7pm  
Tuesday 11am-7pm  
Wednesday 11am-7pm  
Thursday 11am-7pm  
Friday 11am-7pm  
Saturday 11am-7pm

Total of 4 employees no more than 2 at a time.

**WAIVER OF SITE PLAN REVIEW**

**Date:** December 19, 2023

**PC2023-W42**

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:** Viaport New York, LLC

**Attn :** Terri Emond

**ADDRESS:** 93 W. Campbell Road  
Schenectady, NY 12306

**PROJECT ADDRESS:** 93 W. Campbell Road – ViaPort Rotterdam Mall

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

**REQUEST:** The applicant requests a waiver of Site Plan review to operate holiday themed exhibit which will change up to four times per year in tenant space F-118 (3,000 square feet), formerly Zumiez, yearly in Via Port Rotterdam Mall.

**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. 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 every operation. (Each holiday theme change will require a Fire Inspection)
3. Applicant to comply fully with Town Sign Code and obtain a building permit for any signage.
4. Owner/applicant shall install Knox box for emergency personnel. Please contact Fire District #6 and/or #7 for specifics.

The Commission action on the Waiver application took place at the Planning Commission meeting of December 19, 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.

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**Peter J. Comenzo**  
Senior Planner

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



Town of Rotterdam  
Waiver of Site Plan Review Application  
93 W. Campbell Road

TOWN OF ROTTERDAM  
PUBLIC WORKS  
DEC 07 2023  
RECEIVED

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

1. Copy of Site Plan Map (8 X 11) that identifies:
  - Kiosk or tenant space (highlighted).
  - Clearly identified with space number
2. 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 and hours of operation.
3. A completed Commercial Building Permit Application and/or Fire Inspection Application.
4. \$75.00 application fee (Checks to be made payable to the Town of Rotterdam).

APPLICANT(S): Viapoint New York LLC

ADDRESS: 93 W. Campbell Rd., Schenectady, NY 12306

DAYTIME TELEPHONE: 518-774-0362 (FAX) \_\_\_\_\_

PROJECT ADDRESS: 93 W. Campbell Road, Schenectady, NY 12306

REQUEST: Tis The Season A Holiday Gallery (much like a wax museum)

Consisting of 6 holiday themed rooms. These rooms will change out approx 3 times per year

LICENSE AGREEMENT DATE: 12/1/2023 AREA: 3000 sq ft.

TERM: FROM 12/1/2023 TO ? KIOSK OR TENANT SPACE #: F 118

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 Terry Emmond DATE 12/7/2023

\* The Planning Commission meets on the first and third Tuesday of each month. All pertinent information and fee 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.  
10.12.18



**WAIVER OF SITE PLAN REVIEW**

**Date Reviewed:** December 19, 2023

**PC2023-W41**

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:** Crown Castle  
**Attn:** Janet Spatafora  
**ADDRESS:** 3025 Highland Parkway, Suite 400  
Downers Grove, IL 60047

**PROJECT LOCATION:** Curry Road (Tax Map No 71.7-1-11.1)

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

**REQUEST:** The applicant requests a Waiver of Site Plan review to install two (2) dish antennae on existing shelter on a ±5.96 acre parcel.

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

The Commission action on the Waiver application took place at the Planning Commission meeting of December 19, 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.

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**Peter J. Comenzo**  
Senior Planner

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



RECEIVED

DEC 07 2023

Town of Rotterdam
Waiver of Site Plan Review Application

TOWN OF ROTTERDAM
PUBLIC WORKS

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 the number of employees, exact nature of business, hours of operation and expected customers to the site daily.
4. A completed Commercial or Residential Building Permit Application.
5. \$100.00 application fee (cash or check - payable to the Town of Rotterdam). Fee in lieu of parkland for residential developments: \$600 per dwelling unit.
6. Does any Town officer, employee or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application? YES \_\_\_ NO [X] \_\_\_ . If yes, a statement disclosing the name, residence, nature and extent of this interest must be filed with this application.

PRESENT OWNER(S): Crown Atlantic Company LLC dba Crown Castle

APPLICANT(S)/LESSEE: Crown Castle on behalf of Verizon Wireless

MAILING ADDRESS: 3025 Highland Parkway, Suite 400

CITY: Downers Grove STATE: IL ZIP: 60047

DAYTIME TELEPHONE: 224-688-1588 EMAIL ADDRESS janet.spatafora@crowncastle.com

PROJECT ADDRESS: Curry Road, Rotterdam, NY 12303, SBL - 71.07-1-11 71.7-1-11 (S.96.A)

APPLICANT IDENTIFIED AS: Owner [X] Lessee \_\_\_ Contract Vendee \_\_\_

REQUEST: Verizon proposes to install 2 dish antennae at their existing shelter - no tower work

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 Janet Spatafora DATE 12/7/2023

\* 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.

**TOWN OF ROTTERDAM BUILDING PERMIT APPLICATION**  
**Commercial & Multiple Dwelling**

*Application is hereby made to the Building Department for the Issuance of a Building Permit pursuant to the New York State Building Construction Code for the construction of buildings, addition, alterations, or accessory structures, or for removal or demolition, as herein described. The applicant or owner agrees to comply with all applicable laws, ordinances, and regulations, and also will allow all Inspectors to enter the premises for the required inspections. All Electrical work must be inspected and a Certificate of Approval granted from an approved Electrical Inspection Agency.*

<b>OFFICE USE ONLY</b>	
Application # _____	Approved: <input type="checkbox"/> Disapproved: <input type="checkbox"/>
Cost of Permit: \$ _____	
INITIALS _____	

<b>COST OF CONSTRUCTION:</b>	<b>\$ 50,000</b>
Property Address:	Curry Rd, Rotterdam, NY - Tax Map # 71.7-1-11.1
Property Owner:	Crown Atlantic Company LLC dba Crown Castle
Property Owner Address:	3025 Highland Parkway, Suite 400, Downers Grove, IL 60047
Property Owner Phone No.:	<b>224-688-1588</b>
Applicant:	Crown Castle on behalf of Verizon Wireless
Applicant Address:	3025 Highland Parkway, Suite 400, Downers Grove, IL 60047
Applicant Phone No.:	224-688-1588
Contractor:	Aviat Networks
Contractor Address:	200 Parker Drive, Suite C100A Austin, Texas, 78728
Contractor Phone No.:	(512) 265-3680
Contractor Insurance:	Liability      Workers Compensation <b>(submit with application)</b>
<b>Classification of Work:</b>	
<input type="checkbox"/> New Construction <input checked="" type="checkbox"/> Alteration <input type="checkbox"/> Repair <input type="checkbox"/> Demolition <input type="checkbox"/> Accessory Building <input type="checkbox"/> Do you have: <input type="checkbox"/> Septic <input type="checkbox"/> Sewer <input checked="" type="checkbox"/> Other (Describe) Verizon install 2 MW dish on existing shelter - no tower work	
Construction Class Type: 1A <input type="checkbox"/> 1B <input type="checkbox"/> 2A <input type="checkbox"/> 2B <input type="checkbox"/> 3A <input type="checkbox"/> 3B <input type="checkbox"/> 4A <input type="checkbox"/> 4B <input type="checkbox"/> 5A <input type="checkbox"/> 5B <input type="checkbox"/>	
Zoning:      A-1 <input type="checkbox"/> R-1 <input type="checkbox"/> R-2 <input type="checkbox"/> R-3 <input type="checkbox"/> B-1 <input type="checkbox"/> B-2 <input checked="" type="checkbox"/> I-1 <input type="checkbox"/> I-2 <input type="checkbox"/>	
Occupancy Classification: A1 <input type="checkbox"/> A2 <input type="checkbox"/> A3 <input type="checkbox"/> A4 <input type="checkbox"/> A5 <input type="checkbox"/> B <input type="checkbox"/> E <input type="checkbox"/> F1 <input type="checkbox"/> F2 <input type="checkbox"/> H1 <input type="checkbox"/> H2 <input type="checkbox"/> H3 <input type="checkbox"/> H4 <input type="checkbox"/> H5 <input type="checkbox"/> I1 <input type="checkbox"/> I2 <input type="checkbox"/> I3 <input type="checkbox"/> I4 <input type="checkbox"/> M <input type="checkbox"/> R1 <input type="checkbox"/> R2 <input type="checkbox"/> R3 <input type="checkbox"/> R4 <input type="checkbox"/> S1 <input type="checkbox"/> S2 <input type="checkbox"/>	
<b>Setbacks:</b>	
Front Yard:	Existing _____ Proposed _____
Side Yard:	Existing _____ Proposed _____
Rear Yard:	Existing _____ Proposed _____
<b>Description of Construction</b>	
Verizon proposes and antenna upgrades per attached plans.	

**RECEIVED**  
 DEC 07 2023  
 TOWN OF ROTTERDAM  
 PUBLIC WORKS

Applicant's Signature: \_\_\_\_\_ Date: 12/5/2023



VERIZON SITE NUMBER: 5000013240  
 VERIZON SITE NAME: SOUTH SCHENECTADY  
 SITE TYPE: SELF-SUPPORT TOWER  
 TOWER HEIGHT: 120'-0"

BUSINESS UNIT #: 807195  
 SITE ADDRESS: CURRY ROAD  
 ROTTERDAM, NY 12303  
 COUNTY: SCHENECTADY  
 JURISDICTION: TOWN OF ROTTERDAM

VERIZON POINT TO POINT



110 WASHINGTON VALLEY ROAD  
 REDDING, NJ 07871

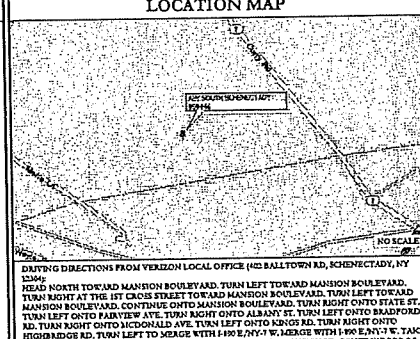


SITE INFORMATION	
CROWN CASTLE USA INC.	ABY SOUTH SCHENECTADY 959446
SITE NAME:	CURRY ROAD
SITE ADDRESS:	ROTTERDAM, NY 12303
COUNTY:	SCHENECTADY
MAP PARCEL #:	71-13-111
AREA OF CONSTRUCTION:	EXISTING
LATITUDE:	42° 47' 32.31" N
LONGITUDE:	73° 40' 13.31" W
LAT/LONG TYPE:	NAD83
GROUND ELEVATION:	351'
CURRENT ZONING:	B-2
JURISDICTION:	TOWN OF ROTTERDAM
OCCUPANCY CLASSIFICATION:	11
TYPE OF CONSTRUCTION:	11B
A.D.A. COMPLIANCE:	FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION
PROPERTY OWNER:	CROWN ATLANTIC COMPANY L.L.C. 4011 WASHINGTON RD MCURRYAV, PA 15111
TOWER OWNER:	CROWN CASTLE 2000 CORPORATE DRIVE CUNNINGSBURG, PA 15111
CARRIER/APPLICANT:	VERIZON WIRELESS 110 WASHINGTON VALLEY ROAD REDDING, NJ 07871
ELECTRIC PROVIDER:	NOT PROVIDED
TELECO PROVIDER:	NOT PROVIDED

DRAWING INDEX	
SHEET #	SHEET DESCRIPTION
T-1	TITLE SHEET
T-2	GENERAL NOTES
C-1	SITE PLAN
C-2	ELEVATION
C-3	EQUIPMENT DETAILS
G-1	GROUNDING DETAILS

ALL DRAWINGS CONTAINED HEREIN ARE FORMATTED FOR FULL SIZE. CONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING DIMENSIONS AND CONDITIONS ON THE JOB SITE AND SHALL IMMEDIATELY NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.

APPROVALS		
DESIGNER/ENGINEER NAME	SIGNATURE	DATE
ARCHITECT		
SITE ACQUISITION		
CONSTRUCTION		
PROJECT MANAGER		
UTILITY MANAGER		
LABORER		



VERIZON SITE NUMBER: 5000013240  
 BU #: 807195  
 ABY SOUTHEAST  
 SCHENECTADY 959446  
 CURRY ROAD  
 ROTTERDAM, NY 12303  
 EXISTING 120'-0"  
 SELF-SUPPORT TOWER

PROJECT TEAM	
AKSE FIDAL	B+T GROUP 1175 S. BOULDER AVE. TRISA, CO 80119 LAURA TUSHNETZ LTUSHNETZ@B+TGROUP.COM
CROWN CASTLE USA INC. DISTRICT CONTACTS:	1 CORPORATE PARK DRIVE, SUITE 101 CLIFTON PARK, NY 12065 BILL GATES - PROJECT MANAGER BILL.GATES@CROWNCASTLE.COM DAVID KNOPEK - CONSTRUCTION MANAGER DAVID.KNOPEK@CROWNCASTLE.COM

**PROJECT DESCRIPTION**

THE PURPOSE OF THIS PROJECT IS TO ENHANCE BROADBAND CONNECTIVITY AND CAPACITY TO THE EXISTING FIBER OPTIC FACILITY.

**SCOPE OF WORK:**

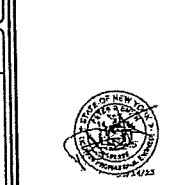
- INSTALL (2) WALL MOUNTS
- INSTALL (2) MICROWAVE BUSH ANTENNAS
- INSTALL (2) 1/2" DIA. COAX CABLES

NOTE: PRIOR TO ACCESSING/ENTERING THE SITE YOU MUST CONTACT THE CROWN HQ AT (800) 761-7011 & CROWN CONSTRUCTION MANAGER.

CONTRACTOR PMI REQUIREMENTS	
PMI ACCESSED AT	https://pmi.verizon.com
SLAMT TOOL VENDOR	
PROJECT NUMBER	
V&W LOCATION CODE (PLAC)	
*** PMI AND REQUIREMENTS ALSO EMBEDDED IN MOUNT ANALYSIS REPORT	
MOUNT MODIFICATION REQUIRED	N
V&W APPROVED SMART KIT VENDORS	
REFER TO MOUNT MODIFICATION DRAWINGS PAGE FOR V&W SMART KIT APPROVED VENDORS	

APPLICABLE CODES/REFERENCE DOCUMENTS	
ALL WORK SHALL BE PERFORMED AND MATERIALS INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONTRARY TO PERMIT WORK NOT CONFORMING TO THESE CODES:	
CODE TYPE	CODE
BUILDING	2005 BUILDING CODE OF NYS WITH AMENDMENTS
MECHANICAL	2004 MECHANICAL CODE OF NYS WITH AMENDMENTS
ELECTRICAL	2002 NYS FIRE PREVENTION AND BUILDING CODES
REFERENCE DOCUMENTS:	
STRUCTURAL ANALYSIS:	BY OTHERS
DATE:	
MOUNT ANALYSIS:	BY OTHERS
DATE:	
RFDS REVISION:	-
DATE:	
ORDER ID:	45334
REVISION:	2

ISSUED FOR:				
REV	DATE	BY	DESCRIPTION	FILE NO.
1	11/20/23	Y2	PERMISSIVE REVIEW	ET



PDS ENGINEERING D.P.C.  
 CERT. # 010385  
 Expires 11/30/23  
 THIS SEAL IS VALID FOR THE STATE OF NEW YORK ONLY. IT DOES NOT VALIDATE THE DESIGN OR CONSTRUCTION OF ANY PROJECT. IT IS THE RESPONSIBILITY OF THE ENGINEER TO ASSESS THE OCCASION.

SHEET NUMBER: T-1  
 REVISION: 0

11/20/2023 09:00:00 AM EST - 11/20/2023 09:00:00 AM EST - 11/20/2023 09:00:00 AM EST - 11/20/2023 09:00:00 AM EST - 11/20/2023 09:00:00 AM EST









3025 Highland Pkwy Suite 400  
Downers Grove, IL 60515

Phone: (630) 480-5175  
www.crowncastle.com

December 7, 2023

NY - TOWN OF ROTTERDAM  
Dept. of Public Works - Building Inspectors  
1100 SUNRISE BOULEVARD  
ROTTERDAM, NY 12306

Via Electronic Delivery

\*\*\*\*\*NOTICE OF ELIGIBLE FACILITIES REQUEST\*\*\*\*\*

RE: Request for Minor Modification to Existing Wireless Facility – Section 6409  
Site Address: CURRY ROAD, ROTTERDAM, NY 12303  
Crown Site Number: 807195 / Crown Site Name: ABY SOUTH SCHENECTADY 959446  
Customer Site Number: 5000013240 / Application Number: 658334

Attention James Keith / Joanne Schillaci:

On behalf of Cellco Partnership d/b/a Verizon Wireless (“Verizon Wireless” or “Applicant”), Crown Castle USA Inc. (“Crown Castle”) is pleased to submit this request to modify the existing wireless facility noted above through the collocation, replacement and/or removal of the Applicant’s equipment as an eligible facilities request for a minor modification under Section 6409<sup>1</sup> and the rules of the Federal Communications Commission (“FCC”).<sup>2</sup>

Section 6409 mandates that state and local governments must approve any eligible facilities request for the modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station. Under Section 6409, to toll the review period, if the reviewing authority determines that the application is incomplete, it must provide written notice to the applicant within 30 days, which clearly and specifically delineates all missing documents or information reasonably related to whether the request meets the federal requirements.<sup>3</sup> Additionally, if a state or local government, fails to issue any approvals required for this request within 60 days, these approvals are deemed granted. The FCC has clarified that the 30-day and 60-day deadlines begins when an applicant: (1) takes the first step required under state or local law; and (2) submits information sufficient to inform the jurisdiction that this modification qualifies under the federal law<sup>4</sup>. Please note that with the submission of this letter and enclosed items, the thirty and sixty-day review periods have started. Based on this filing, the deadline for written notice of incomplete application is January 6, 2024, and the deadline for issuance of approval is February 5, 2024.

<sup>1</sup> Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, § 6409 (2012) (codified at 47 U.S.C. § 1455).

<sup>2</sup> *Acceleration of Broadband Deployment by Improving Wireless Facility Siting Policies*, 29 FCC Rcd. 12865 (2014) (codified at 47 CFR § 1.6100); and *Implementation of State & Local Governments’ Obligation to Approve Certain Wireless Facility Modification Requests Under Section 6409(a) of the Spectrum Act of 2012*, WT Docket No. 19-250 (June 10, 2020).

<sup>3</sup> See 47 CFR § 1.6100 (c)(3). <sup>4</sup> See 2020 Upgrade Order at paragraph 16.

The Foundation for a Wireless World

CrownCastle.com



3025 Highland Pkwy Suite 400  
Downers Grove, IL 60515

Phone: (630) 480-5175  
www.crowncastle.com

The proposed scope of work for this project includes:

Addition of ground equipment as per plans for an existing carrier at an existing wireless communication facility.

At the end of this letter is a checklist of the applicable substantial change criteria under Section 6409. Additionally, please find enclosed the following information in support of this request:

- (1) Waiver of Site Plan and Building Permit Application (fee check being sent via Fed Ex under separate cover);
- (2) Construction Drawings;
- (3) Structural Analysis;
- (4) COIs; and
- (5) Section 6409 Substantial Change Checklist.

As these documents indicate, (i) the modification involves the collocation, removal or replacement of transmission equipment; and (ii) such modification will not substantially change the physical dimensions of such tower or base station. As such, it is an "eligible facilities request" as defined in the FCC's rules to which the 60-day deadline for approval applies. Accordingly, Applicant requests all authorization necessary for this proposed minor modification under Section 6409.

Our goal is to work with you to obtain approvals earlier than the deadline. We will respond promptly to any request for related information you may have in connection with this request. Please let us know how we can work with you to expedite the approval process. We look forward to working with you on this important project, which will improve wireless telecommunication services in your community using collocation on existing infrastructure. If you have any questions, please do not hesitate to contact me.

Regards,

*Janet Spatafora*

Janet Spatafora

Site Acquisition Specialist

Crown Castle, Agent for Applicant

(630) 480-5175

Janet.Spatafora@crowncastle.com

The Foundation for a Wireless World

CrownCastle.com

**DPW Comments**  
**December 19, 2023**

1. **Derek Melancon (lessee) - 370 Mariaville Road.** Site Plan/Special Use Permit review to operate a retail cannabis dispensary in an existing  $\pm 2,729$  square feet tenant space on a  $\pm 0.46$ -acre parcel. Engineer: ABD Engineers & Surveyors.
  - 1) See attached DPW comments from October 2022. Parking and access are limited and the applicant will need to address prior to the issuance of a Special Use Permit.
  - 2) Property is in a General Business (B-2) Zoning District. See attached amendment to the Zoning Code that addresses Cannabis Dispensaries.
  - 3) The applicant must submit written documentation that addresses the following before this Special Use Permit is scheduled for a public hearing. Planning Commission may wish to utilize the services of a TDE to assist in the review of these requirements.
    - a) Licensed adult-use cannabis retail dispensaries and licensed adult-use cannabis on-site consumption facilities shall not open before 9:00 a.m. nor remain open after 9:00 p.m. Mondays through Saturdays and shall not open before 12:00 p.m. nor remain open after 6:00 p.m. on Sundays.
    - b) Licensed adult-use cannabis retail dispensaries and licensed adult-use cannabis on-site consumption facilities shall comply with all location, distance and separation requirements imposed by state regulations and licensing.
    - c) An applicant for a special use permit and site plan approval under this section shall demonstrate, through competent technical proof, that its proposal includes sufficient off-street parking to fully support the anticipated parking load for the proposed use. Such competent technical proof shall include an assessment of parking loads at other established similar adult-use cannabis uses within the region (including, where appropriate, outside of New York State).
    - d) An applicant for a special use permit and site plan approval under this section shall demonstrate that its proposal and the surrounding neighborhood includes sufficient pedestrian facilities and amenities (including as appropriate and without limitation, sidewalks, crosswalks, traffic signals, paths, bike lanes, benches, bus stops, and adequate lighting) to provide invitees a safe and efficient means to access the site through means other than by motor vehicle.

**DPW Comments**  
**December 19, 2023**

- e) An applicant for a special use permit and site plan approval under this section shall demonstrate that its proposal includes sufficient ingress and egress points designed to permit safe and efficient access from adjoining public streets and to avoid traffic congestion.
- f) An applicant for a special use permit and site plan approval under this section shall demonstrate that its proposed use will not cause discernable odors beyond the property line, or where the proposed use is permissible as one of multiple uses on the same lot, beyond the boundary of the area designated specifically for the proposed adult-use cannabis use (e.g., the tenant space).
- g) Any special use permit approval or site plan approval shall be deemed to be conditioned upon the applicant securing and continuously maintaining the appropriate state license for its proposed use. No applicant shall begin adult-use cannabis retail dispensary or adult-use cannabis on-site consumption facility operations until such state license has been issued, and proof thereof has been provided to the enforcement official of the Town. Any special use permit approval or site plan approval shall be deemed to expire upon the suspension, revocation, termination, nonrenewal, or expiration of any such state license that results in any period of time during which the use lacks a current, effective and valid state license for such use.

**SEQR Requirement:** 6 NYCRR 617 Unlisted Action. Rotterdam Planning Commission should declare lead agency.

**Involved/Interested Agencies**

Schenectady County Economic Development and Planning  
Schenectady County Department of Health  
Schenectady County Public Work Department  
Rotterdam Police Department  
NYS Office of Cannabis Management  
New York State Department of Transportation  
Fire District #6

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

PART III

RECEIVED

SPECIAL USE PERMIT/SITE PLAN APPLICATION  
General Information

DEC 13 2023

TOWN OF ROTTERDAM  
PUBLIC WORKS

Legal Owner's Name: Rachel Lumbr

Mailing Address: 370 Mariaville Road

City: Schenectady State: NY Zip: 12306

Daytime Phone: 5188015051 E-mail: theprettypawlounge@gmail.com

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: DEREK MELANCON

Mailing Address: 21 CURT BLVD

City: SARATOGA State: NY Zip: 12866

Daytime Phone: 518 201-7076 E-mail: DEREK@THEOPMILL.COM

Project/Proposal Site Area (Acres or sq. ft.): 2,729 sqf

Assessor Tax Parcel No.(s) of Proposal Site: No.48.19-4-12.1

Adjacent Area Owned or Controlled (Acres or sq. ft.): 1,430 sqf

Assessor Tax Parcel No.(s) of Adjacent Land Owned or Controlled: No.48.19-4-12.1

Street Address of Proposed Site (if any): 370 MARIAVILLE RD

Describe Existing Use(s) on Proposed Site (Such as buildings, well, sewer drainfield and others):  
Pretty Paw Lounge, City Sewer

Existing Zoning Classification: B2

School District: Schenectady City School District Fire District: District 6

Water Supply

## FILL OUT FOR SPECIAL USE PERMIT APPROVAL ONLY (§ 270-167)

(Failure to answer all of these questions completely may result in denial of the special use permit)

- (1) Is the establishment, maintenance or operation of the special use detrimental to or an endangerment to the public health, safety, morals, convenience or general welfare? If not, please explain:

No, it does not an endangerment to public health, safety, morals, convience or general welfare.

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- (2) Is the special use injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and does it substantially diminish and impair property values within the neighborhood? If not, please explain:

No it will only benefit local business.

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- (3) Does the establishment of the special use impede the normal and orderly development and improvement of the surrounding property? If not, please explain:

No, it will only help and imporve surronding properties.

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- (4) Have adequate utilities, access roads, drainage and/or necessary facilities been or are being provided? If yes, please explain:

Yes, building has existing utilies in place.

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- (5) Have adequate measures been or will be taken to provide ingress or egress as to minimize traffic congestion in the public street? If yes, please explain:

Yes, we have plans to implement a fluid flow of traffic and a strategy to insure ease of entry and exit to the building.

A large part of the buisness plan is to utilize the space for delivery services and implenting online orders to create an effcient work flow.

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**If you have any additional comments, please attach them on a separate sheet of paper.**

PART IV

LEGAL OWNER SIGNATURE

(Signature of legal owner(s))

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

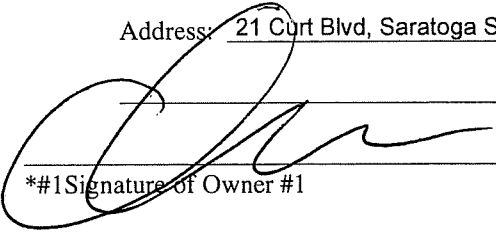
Name: Derek Melancon

Date: 12/12/23

Address: 21 Curt Blvd, Saratoga Springs

Phone: 518-207-7076

Zip: 12866

  
\*#1 Signature of Owner #1

12/13/2023  
Date

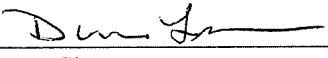
Notary  
(For Signature #1 Above)

STATE OF NEW YORK) ss:  
COUNTY OF SCHENECTADY)

SUBSCRIBED AND SWORN to me this 13 day of December, 2023.

NOTARY SEAL

DONNA LEVASSEUR  
Notary Public, State of New York  
Certified Schenectady County  
#01LE6388331  
Commission Expires: 3-4-2027

  
Notary Signature  
Notary Public in and for the State of New York  
My appointment expires: 3-4-2027

Name: \_\_\_\_\_

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

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

\_\_\_\_\_

Zip: \_\_\_\_\_

\*#2 Signature of Owner #2

\_\_\_\_\_ Date

Notary  
(For Signature #2 Above)

STATE OF NEW YORK) ss:  
COUNTY OF SCHENECTADY)

SUBSCRIBED AND SWORN to me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

NOTARY SEAL

\_\_\_\_\_  
Notary Signature  
Notary Public in and for the State of New York  
My appointment expires: \_\_\_\_\_

# TOWN OF ROTTERDAM



John F. Kirvin Government Center • 1100 Sunrise Boulevard • Rotterdam, NY 12306  
Telephone: 518-355-7575 • Fax: 518-355-7976 • Website: www.rotterdamny.org

## LETTER FROM PROPERTY OWNER GRANTING AUTHORIZATION TO ACT

A COPY OF THIS LETTER MUST BE SUBMITTED FOR EACH PROPERTY OWNER  
INVOLVED

I, ~~Derek Melancon~~ Rachel Lumbra being duly sworn declare that I am the  
(PROPERTY OWNER)

owner of the property involved in a proposed Cannabis Dispensary application request  
before the Town of Rotterdam for property known as parcel number (s):

Tax Parcel Number(s): No.48.19-4-12.1

I hereby grant Derek Melancon and/or their agent(s) to act on my behalf.

I further declare that all statements, answers, and information herein submitted is in all respects  
true and correct to the best of my knowledge and belief.

Signature (Authorized Representative): [Signature]

Date: Dec 13

NOTARY

STATE OF NEW YORK) ss:

COUNTY OF Schenectady)

SUBSCRIBED AND SWORN to before me this 13 day of December, 2022

NOTARY SEAL

[Signature]  
Notary Signature

DONNA LEVASSEUR  
Notary Public, State of New York  
Certified Schenectady County  
#01LE6388331  
Commission Expires: 3-4-2027

Notary Public in and for the State of New York  
Residing at: 1100 Parkwood Ln Schty 12303  
My appointment expires: 3-4-2027

# 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.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: TBD			
Project Location (describe, and attach a location map): 370 Mariaville Road - Tax Map No.48.19-4-12.1			
Brief Description of Proposed Action: Retail Cannabis Dispensary			
Name of Applicant or Sponsor: Derek Melancon		Telephone: 5182077076 E-Mail: derekgmelancon@gmail.com	
Address: 21 Curt Blvd			
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"/>
			YES <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: Office of Cannabis Management			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		_____ .43 acres	
b. Total acreage to be physically disturbed?		_____ NA acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ NA 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			

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	
	<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?  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"/>	
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 checked="" type="checkbox"/>	<input type="checkbox"/>	





Town of Rotterdam, NY  
Wednesday, December 13, 2023

## Chapter 270. Zoning

### Article XVIII. Specific Use Regulations

#### § 270-162.1. Licensed adult-use cannabis retail dispensaries and on-site consumption facilities.

[Added 12-27-2022 by L.L. No. 1-2023]

- A. Permissible locations of licensed adult-use cannabis retail dispensaries and licensed adult-use cannabis on-site consumption facilities.
- (1) Licensed adult-use cannabis retail dispensaries are permissible in the B-2 General Business, I-1 Light Industrial, and I-2 Heavy Industrial Zoning Districts in the Town of Rotterdam upon issuance of a special use permit and site plan approval by the Planning Commission.
  - (2) Licensed adult-use cannabis on-site consumption facilities are permissible in the I-1 Light Industrial, and I-2 Heavy Industrial Zoning Districts in the Town of Rotterdam upon issuance of a special use permit and site plan approval by the Planning Commission.
- B. All applications for licensed adult-use cannabis retail dispensaries and licensed adult-use cannabis on-site consumption facilities shall be reviewed and determined in accordance with the procedures and standards set forth in Article **XVII** (Site Plan Approval) and Article **XIX** (Special Use Permits) of this chapter. In addition, the following provisions shall apply:
- (1) Licensed adult-use cannabis retail dispensaries and licensed adult-use cannabis on-site consumption facilities shall not open before 9:00 a.m. nor remain open after 9:00 p.m. Mondays through Saturdays and shall not open before 12:00 p.m. nor remain open after 6:00 p.m. on Sundays.
  - (2) Licensed adult-use cannabis retail dispensaries and licensed adult-use cannabis on-site consumption facilities shall comply with all location, distance and separation requirements imposed by state regulations and licensing.
  - (3) An applicant for a special use permit and site plan approval under this section shall demonstrate, through competent technical proof, that its proposal includes sufficient off-street parking to fully support the anticipated parking load for the proposed use. Such competent technical proof shall include an assessment of parking loads at other established similar adult-use cannabis uses within the region (including, where appropriate, outside of New York State).
  - (4) An applicant for a special use permit and site plan approval under this section shall demonstrate that its proposal and the surrounding neighborhood includes sufficient pedestrian facilities and amenities (including as appropriate and without limitation, sidewalks, crosswalks, traffic signals, paths, bike lanes, benches, bus stops, and adequate lighting) to provide invitees a safe and efficient means to access the site through means other than by motor vehicle.
  - (5) An applicant for a special use permit and site plan approval under this section shall demonstrate that its proposal includes sufficient ingress and egress points designed to permit safe and efficient access from adjoining public streets and to avoid traffic congestion.

- (6) An applicant for a special use permit and site plan approval under this section shall demonstrate that its proposed use will not cause discernable odors beyond the property line, or where the proposed use is permissible as one of multiple uses on the same lot, beyond the boundary of the area designated specifically for the proposed adult-use cannabis use (e.g., the tenant space).
- (7) Any special use permit approval or site plan approval shall be deemed to be conditioned upon the applicant securing and continuously maintaining the appropriate state license for its proposed use. No applicant shall begin adult-use cannabis retail dispensary or adult-use cannabis on-site consumption facility operations until such state license has been issued, and proof thereof has been provided to the enforcement official of the Town. Any special use permit approval or site plan approval shall be deemed to expire upon the suspension, revocation, termination, nonrenewal, or expiration of any such state license that results in any period of time during which the use lacks a current, effective and valid state license for such use.

**DPW Comments  
October 18, 2022**

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

- 1. Rachel Lumbra (contract vendee) - 370 Mariaville Road.** Final Site Plan/Special Use Permit Public Hearing to convert an existing commercial building into two (2) tenant spaces: Tenant Space 1 = ±1,430 square feet for cat lounge and adoption center and Tenant Space #2 = ±2,729 square feet for lease on ±0.46-acre parcel. Engineer: ABD Engineers, LLP.
  1. See letter from Joseph Bianchine dated October 7, 2022 addressing the DPW Comments from October 4, 2022.
  2. See 239-m response from County Economic Development and Planning dated October 11, 2022. Applicant should revisit proposed handicap parking and isle placement for conformance with ADA Code as well as use and accessibility for both tenant spaces.
  3. Dumpster is located along Mariaville Road. The Planning Commission may wish to consider requiring a solid masonry or solid composite/Trex-type enclosure for aesthetics and durability.
  4. Approvals are contingent upon compliance with all NYS Building and Fire Codes.
  5. 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.
  6. Applicant to comply fully with Town Sign Code and obtain a building permit for any signage.
  7. Owner/applicant shall install Knox box for emergency personnel. Please contact Fire District #6 for specifications.
  8. Applicant shall obtain Schenectady County Health Department approval and/or New York State Department of State licensing if required.
  9. Handicapped parking and access isles shall be reestablished prior to operation.
  10. Parking lot and sidewalks are in poor shape. Applicant will need to install sidewalks, patch, seal coat, and stripe no later than June 30, 2023.

***DPW Comments from October 4, 2022***

1. Proposed Tenant Space #1 was approved by the Planning Commission as an addition to the existing gun shop. Project began construction however the addition and site plan were never completed and the site currently is vacant and unfinished.
2. Applicant should submit a floor plan indicating layout. Bathrooms and Fire exits may be an issue and compliance with NYS Building Codes should be confirmed prior to resubmittal.
3. How is cat waste being handled? Dumpster location and enclosure should be evaluated.
4. Applicant needs to consult with Schenectady County Health to discuss operations and provide comments to the Planning Board.

**DPW Comments**  
**October 18, 2022**

5. Tenant Space #2 is large and there is limited parking. Prior to occupancy/use of the site by any new tenant, such new tenant shall be required to first obtain approval of a special use permit amendment for its proposed use, as well as site plan approval or a waiver of site plan. Parking is limited, and the Planning Commission reserves the right to approve, approve with modifications, or disapprove any such special use permit amendment application for any proposed tenant use.
6. Parking lot is in poor shape. Applicant will need to patch, seal coat, and stripe with handicap parking reestablished.

**SEQR Requirement:** 6 NYCRR 617 Listed Type 2 Action.

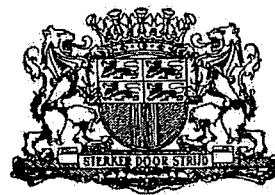
**DPW Comments**  
**December 19, 2023**

2. **Town of Rotterdam – Code Amendment.** Report and Recommendation to the Town Board for a Local Law to allow for a six-month extension of the moratorium on Solar Farms and Solar Power Plants.
  1. The Town Board referred this matter to the Planning Commission for a report and recommendation on December 13, 2023.

**SEQR Requirement:** 6 NYCRR 617 Listed Type 2 Action.

# TOWN OF ROTTERDAM

John F. Kirvin Government Center • 1100 Sunrise Boulevard • Rotterdam, NY 12306  
Telephone: 518-355-7575 • Fax: 518-355-7976 • Website: www.rotterdamny.org



## LEGISLATIVE REQUEST FORM

DATE: December 7, 2023

TO: Mollie Collins, Town Supervisor

FROM: Courtney Heinel, Esq., Town Attorney

TITLE OF REQUEST: Issuance of a six (6) month extension of the Solar Moratorium in the Town of Rotterdam

TOWN BOARD MEETING: December 13, 2023

Background Information: The Town Energy Committee has been working diligently to review and amend the Town Solar code since the enactment of Local Law 9 of 2022. However, the Town Energy Committee has expressed by vote and resolution that the Committee needs an additional six (6) months to complete their work on the new solar code for the Town.

Evaluation/Analysis: The proposal is a State Environmental Quality Review (SEQR) Type II action and therefore no further SEQR review is required. The extension of six (6) months is reasonable to complete a thorough and comprehensive amendment to the Town's solar code.

Recommendation(s): Town Board should introduce a local law amending and extending Local Law 9 of 2022 providing for a six (6) month extension to the Solar Moratorium.

Attachment/Document(s): Proposed Local Law extending and amending Local Law 9 of 2022; resolution of the Town Energy Committee.

Compliance with Purchasing Policy: N/A

Effect(s) on Existing Law(s): 6NYCRR Part 617  
State Environmental Quality Review

LEGISLATION WILL BE PREPARED BY: Town Attorney

TOWN OF ROTTERDAM  
LOCAL LAW NO. \_\_ OF THE YEAR 2023

A LOCAL LAW TO AMEND AND EXTEND LOCAL LAW NO. 9 OF 2022

**SECTION 1. Authorization**

This local law is enacted pursuant to the provisions of New York's Town Law and Municipal Home Rule Law.

**SECTION 2. Title and Purpose**

This law shall be known as and may be cited as Local Law No. \_\_ of 2023 and shall be referred to as the "Local Law Extending and Imposing Six-Month Moratorium on New Large-Scale Solar Use Projects in the Town of Rotterdam"

**SECTION 3. Legislative Finding**

The Town passed a Moratorium on Large-Scale Solar Use Projects that expires on December 16, 2023. The Town believes it is necessary to extend the Moratorium on new projects to enable the Town to continue to evaluate and possibly revise certain provisions of the Code. The proposed moratorium will not apply to projects that have previously obtained final approvals for Large-Scale Solar Use.

**SECTION 4. Amendment**

Local Law 9 of 2022, "A Local Law to Establish a 12- Month Moratorium on Solar Farms and Solar Power Plants", at Section 4(A) and 4(B) "Moratorium" shall be amended as follows:

- A. For a period of six (6) months following the effective date of this local law, unless earlier repealed by the Town Board, no person shall file, and no Board, body, officer, department, or employee of the Town of Rotterdam shall consider, entertain, or accept for review, continue to review, hold a hearing upon, make any decision or determination upon, or issue any approval upon, any application for special use permit or site plan approval for any solar farm or solar power plant, as those terms are defined under the Town of Rotterdam Zoning Code. This moratorium shall apply to all such applications or proposals, whether pending or received prior to or after the effective date of this local law. Any statutory or locally-enacted time periods for processing and making decisions on all aspects of the aforesaid applications are hereby suspended and stayed while this local law is in effect.

B. For a period of six (6) months following the effective date of this local law, unless earlier repealed by the Town Board, no person shall file, and no Board, body, officer, department, or employee of the Town of Rotterdam shall consider, entertain, or accept for review, continue to review, make any decision or determination upon, or issue any approval or permit upon, any application for site development or building permits for any solar farm or solar power plant, as those terms are defined under the Town of Rotterdam Zoning Code, unless such solar farm or solar power plant underwent a review by the Town of Rotterdam Planning Commission for special use permit and site plan approval and was granted a special use permit and site plan approval (conditional or final) prior to the effective date of this local law. Accordingly, where a solar farm/solar power plant received special use permit or site plan approval (conditional or final) from the Town of Rotterdam Planning Commission prior to the effective date of this local law, site development and building permits may be issued. However, where a solar farm/solar power plant did not receive a special use permit or site plan approval from the Town of Rotterdam Planning Commission prior to the effective date of this local law, even if such approvals were not otherwise required, site development and building permits therefor may not be issued during the term of this moratorium. This moratorium shall apply to all such applications or proposals, whether pending or received prior to or after the effective date of this local law. Any statutory or locally-enacted time periods for processing and making decisions on all aspects of the aforesaid applications are hereby suspended and stayed while this local law is in effect.

#### **SECTION 5. Validity and Severability**

Should the removal of any word, section, clause, paragraph, sentence, part or provision of this local law be declared invalid by a Court of competent jurisdiction, such determination shall not affect the validity of any other part hereof.

#### **SECTION 6. Repeal, Amendment and Supersession of Other Laws**

All other ordinances or local laws of the Town of Rotterdam which are in conflict with the provisions of this local law are hereby superseded or repealed to the extent necessary to give this local law force and effect.

#### **SECTION 7. Effective Date**

This Local Law shall take effect immediately upon filing with the New York Department of State and shall remain in force and effect for a period of six (6) months from the date of such filing.

## TOWN OF ROTTERDAM

### A UNANIMOUSLY APPROVED RESOLUTION BY THE ENERGY ADVISORY COMMITTEE URGING THE TOWN BOARD TO EXTEND A TEMPORARY LAND USE MORATORIUM PROHIBITING SOLAR FARMS AND SOLAR POWER PLANTS FOR A PERIOD OF SIX MONTHS

**WHEREAS**, on Wednesday, November 9, 2022, at a regularly scheduled meeting of the Rotterdam Town Board, a motion was passed to appoint the Attorney for the Town to draft a land use moratorium on Solar Farms and Solar Power Plants; and

**WHEREAS**, on Wednesday, November 18, 2022, at a regularly scheduled meeting of the Rotterdam Town Board, a resolution was passed that a public hearing shall be held by the Rotterdam Town Board at the John F. Kirvin Government Center, Town Hall, 1100 Sunrise Boulevard, Rotterdam New York 12306 at 7:00 PM for the purpose of the enactment of Introductory Local Law No. 9 of 2022 relating to the establishment of a 12-month moratorium on solar farms and solar power plants; and

**WHEREAS**, on the 14th day of December 2022, a public hearing was held by the Rotterdam Town Board at the John F. Kirvin Government Center, Town Hall, 1100 Sunrise Boulevard, Rotterdam New York 12306 at 7:00 PM for the purpose of the enactment of Introductory Local Law No. 9 of 2022 relating to the establishment of a 12-month moratorium on solar farms and solar power plants; and

**WHEREAS**, the Town Board passed the Introduction of Local Law No. 9 of the year 2022 establishing a 12-month moratorium on Solar Farms and Solar Power Plants; and

**WHEREAS**, at the regularly scheduled meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York on Wednesday, March 8, 2023, at 7:00 PM, a Resolution establishing and appointing various members to the Town of Rotterdam Energy Advisory Committee was passed; and

**WHEREAS**, the Energy Advisory Committee was tasked with drafting solar code for the Town of Rotterdam; and

**WHEREAS**, the Energy Advisory Committee has met once a month beginning March 16, 2023 and has formally met nine times; and

**WHEREAS**, the Energy Advisory Committee has worked diligently to meet with various stakeholders in the State of New York, County of Schenectady, and Town of Rotterdam, including Town Designated Engineer, first responders, NYSERDA, Town Board members, County Legislators, and others; and

**WHEREAS**, the Energy Advisory Committee has familiarized themselves with Solar Code of at least ten other comparable municipalities, and have created a side-by-side comparison of important factors; and

**WHEREAS**, the Energy Advisory Committee has thoroughly reviewed and familiarized itself with NYS Model Energy Guide and NYS ORES Regulations, and

**WHEREAS**, despite making great progress in the draft code, a final draft shall not be finalized until early 2024; and

**WHEREAS**, the completed draft code will need to be reviewed by the Town Designated Engineer, Town Attorney, Town Board, and other stakeholders; be it so

**RESOLVED**, that Town of Rotterdam Energy Advisory Committee's formal and unanimous recommendation to the Town Board is that to accomplish the stated purpose of Law No. 9 of the year 2022, the Moratorium of Solar Farms and Solar Power Plants should be extended for a period of 6 months.