

**Town of Rotterdam  
Planning Commission  
January 7, 2025**

**Workshop (2<sup>nd</sup> Floor Conference Room) – 7:00 pm**

1. **Niagara Mohawk –Schermerhorn Road.** The applicant requests a Waiver of Site Plan review to install a control enclosure, equipment upgrades, replace fence, install a retaining wall, install gravel road and stormwater treatment yard on existing utility substation for customer reliability on a ±10.59 acre parcel.

*Approval of the Summary of Minutes December 17, 2024*

*Introduction New Planning Commission Member*

*Appoint Vice Chairman for the Year 2025*

*Discussion - Planning Commission Projects Still in Review*

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**WAIVER OF SITE PLAN REVIEW**

**Date:** January 7, 2025

**PC2025-W01**

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:** Niagara Mohawk Power Corporation d/b/a National Grid  
c/o Denette Beaudoin  
**ADDRESS:** 174 Upper Newtown Road  
Mechanicville, NY 12118

**PROJECT ADDRESS:** Electrical Substation located off of Schermerhorn Road

**APPLICANT IDENTIFIED AS:**  Owner  Lessee  Contractor

**REQUEST:** The applicant requests a Waiver of Site Plan review to install a control enclosure, equipment upgrades, replace fence, install a retaining wall, install gravel road and stormwater treatment yard on existing utility substation for customer reliability on a ±10.59 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. Compliance with all NYS Building and Fire Codes.
2. Applicant shall obtain a Building Permits for proposed improvements and be issued a Certificate of Completion.

The Commission action on the Waiver application took place at the Planning Commission meeting of January 7, 2025 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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**Kimberly Ricker-Scannell, Chairman**  
Planning Commission



Town of Rotterdam  
Waiver of Site Plan Review Application

RECEIVED  
DEC 27 2024  
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 \_\_\_\*. If yes, a statement disclosing the name, residence, nature and extent of this interest must be filed with this application. \*See Letter Addendum

PRESENT OWNER(S): Niagara Mohawk Power Corp. d/b/a National Grid

APPLICANT(S)/LESSEE: Niagara Mohawk Power Corp. d/b/a National Grid

MAILING ADDRESS: 174 Upper Newtown Rd

CITY: Mechanicville STATE: NY ZIP: 12118

DAYTIME TELEPHONE: 518-603-6499 EMAIL ADDRESS Denette.Beaudoin@nationalgrid.com

PROJECT ADDRESS: 18 Schermerhorn Rd, Schenectady, NY 12306 (Tax ID: 38.-1-2.31)

APPLICANT IDENTIFIED AS: Owner  Lessee \_\_\_ Contract Vendee \_\_\_

REQUEST: Waiver of site plan review for the installation of a new control enclosure building and other electrical equipment upgrades at National Grid's existing Rotterdam Substation.

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

SIGNATURE OF APPLICANT  DATE 12/19/2024

- \* 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.

# Young / Sommer LLC

ATTORNEYS AT LAW

EXECUTIVE WOODS, FIVE PALISADES DRIVE, ALBANY, NY 12205

Phone: 518-438-9907 • Fax: 518-438-9914

[www.youngsommer.com](http://www.youngsommer.com)

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TOWN OF ROTTERDAM  
PUBLIC WORKS

Allyson M. Phillips, Partner  
Writer's Telephone Extension: 257  
[aphillips@youngsommer.com](mailto:aphillips@youngsommer.com)

December 24, 2024

**Via Federal Express**

Town of Rotterdam Planning Commission  
1100 Sunrise Blvd.  
Rotterdam, NY 12306

Attn: Peter J. Comenzo, Senior Planner

Re: 18 Schermerhorn Road, Schenectady, NY 12306 (Tax Parcel # 38.-1-2.31)  
National Grid – Application for Site Plan Waiver

Dear Mr. Comenzo:

Young Sommer, LLC represents Niagara Mohawk Power Corporation d/b/a National Grid (“National Grid”) in relation to the above-referenced matter. The application for site plan review is submitted in support of National Grid’s plan upgrades to its existing Rotterdam Substation. Enclosed for the Planning Board’s review, please find one (1) set of the following documents:

- 1) Waiver of Site Plan Review Application
- 2) Supporting Narrative
- 3) Deed for Subject Property
- 4) National Grid Corporate Disclosure
- 5) A Check for \$100.00 (Application Fee)

Please note copies of the complete plan set were previously submitted with National Grid’s application for a commercial building permit.

We respectfully request that this matter be placed on the agenda for discussion at the next meeting of the Town of Rotterdam Planning Commission. Thank you for your assistance in this matter. If you require anything further or have any questions, please feel free to contact me directly.

Very truly yours,



Allyson M. Phillips, Esq.  
National Grid, Local Counsel

Cc: Jessica Leis, Esq., National Grid

December 24, 2024

Town of Rotterdam  
John F. Kirvin Government Center  
1100 Sunrise Boulevard  
Rotterdam, NY 12306

RE: Addendum to Waiver of Site Plan Review Application  
Niagara Mohawk Power Corporation d/b/a National Grid  
National Grid Rotterdam Substation 69kV Yard  
18 Schermerhorn Rd, Schenectady, NY, 12306

RECEIVED  
DEC 27 2024  
TOWN OF ROTTERDAM  
PUBLIC WORKS

Dear Sir/Madam:

In response to the above-referenced Waiver of Site Plan Review Application, Niagara Mohawk Power Corporation d/b/a National Grid ("National Grid") and its authorized signatory cannot complete the question: "Does any Town officer, employee or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application."

General Municipal Law Section 809.2. provides that "[f]or the purpose of this section an officer or employee shall be deemed to have an interest in the applicant when he, his spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them (hereinafter referred to as "Municipal Agent(s)") (a) is the applicant, or (b) is an officer, director, partner or employee of the applicant, or (c) legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant, or (d) is a party to an agreement with such an applicant, express or implied, whereby he may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such application, petition or request.

National Grid has no way of completely verifying the answer to these questions. Accordingly National Grid's and its authorized signatory's response is limited to the following:

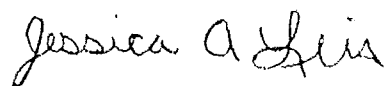
1. All of the outstanding shares of common stock of Niagara Mohawk Power Corporation (the "Common Shares") are solely owned by Niagara Mohawk Holdings, Inc., a New York corporation, and are not publicly traded. Accordingly, no Municipal Agent has an ownership interest in the Common Shares of Niagara Mohawk Power Corporation.
2. Niagara Mohawk Power Corporation has issued and outstanding unlisted preferred shares (the "Preferred Shares") that are traded in the over-the-counter market; many of the Preferred Shares are held in the name of a brokerage or clearing house (such as Cede & Co.) Accordingly, Niagara Mohawk Power

Corporation is unable to confirm that no Municipal Agent legally or beneficially owns or controls any of the Preferred Shares or any interest therein.

3. Given the broad scope of the definition of Municipal Agents, National Grid is unable to determine whether any Municipal Agents (i) are employees of Niagara Mohawk Power Corporation or (ii) may have an interest in the property that is the subject of the application.
4. This response is for the applicant, Niagara Mohawk Power Corporation, and does not include or address any affiliated entity, including any direct or indirect parent, of Niagara Mohawk Power Corporation, or the directors, officers, or employees of such affiliated entities.

If you have any questions or comments, please let me know.

Very truly yours,



Jessica A. Leis

**Town of Rotterdam  
Waiver of Site Plan Review Application  
Niagara Mohawk Power Corporation d/b/a National Grid  
Project Narrative for Rotterdam Substation 69kV Yard**

Niagara Mohawk Power Corporation d/b/a National Grid (“National Grid”) is proposing to rebuild and upgrade its existing Rotterdam 69kV Substation, located at 18 Schermerhorn Rd, Schenectady, NY, 12306, within its Town-wide utility corridor (Tax ID: 38.-1-2.31). The purpose of the project is to improve the reliability of the station for the benefit of the regional customers serviced by the substation. The project includes the installation of a new control building, as well as the upgrade and addition of electrical equipment. The project also includes grading and site work, a new gravel road, and the replacement of portions of the existing fence. The portion of the tax lot which is occupied by the substation is split zoned, with the northern portion of the parcel being zoned Light Industrial (I-1), and the remainder of the parcel being zoned Agricultural (A-1).

National Grid is requesting a waiver of site plan review pursuant to Town of Rotterdam Zoning Law Section 270-130 (C) to rebuild and upgrade the existing substation.

The substation is an existing station that serves the energy needs of the local community. Though the facility operates 24-hours a day, it does not have any regular employees on-site and is only attended to for routine maintenance or emergency repairs. During construction, National Grid predicts five (5) to twenty (20) contractors on-site daily, depending on the construction activity taking place.

National Grid is considered a public utility under New York law and is therefore entitled to a relaxed zoning standard. (*Matter of Consolidated Edison Co. v. Hoffman*, 43 NY2d 598 [1978]). Further, the rebuilt facility complies in all material respects with the Town of Rotterdam Zoning Code, in that Code Section 270-14 provides that “[t]his chapter is not intended to restrict the construction or use of underground or overhead lines or of other structures used for public utility purposes by corporations organized under the laws of the State of New York and subject to the jurisdiction of the Public Service Commission of the State of New York; however, the establishment of public utility buildings or substations in residential districts shall require a special permit and shall be subject to such conditions as the Planning Board may impose in order to preserve and protect the character of the district.” As this is an existing substation that is being upgraded to improve reliability for customers, it is a conforming use under Section 270-14.

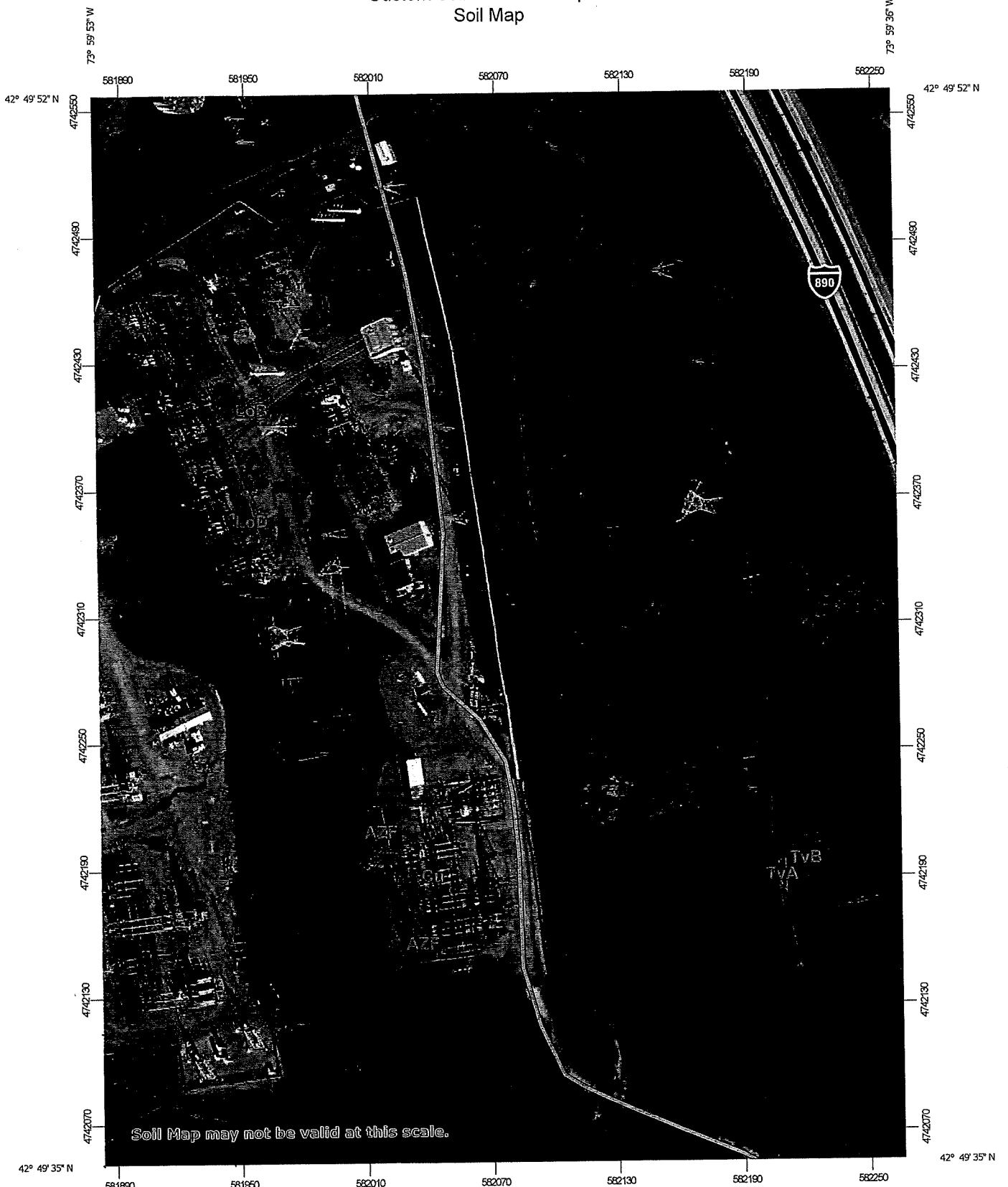
To facilitate the Town’s review of these requests, we provide the following:

- 1) Waiver of Site Plan Application;
- 2) Corporate Disclosure Signed by Representative of Applicant;
- 3) Deed for the subject property; and
- 4) Application fee in the amount of \$100.

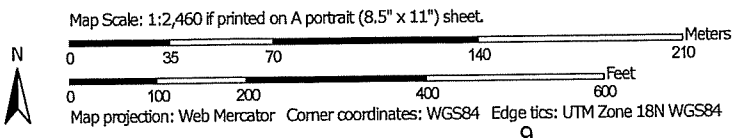
Based upon the foregoing, National Grid respectfully submits that this project complies in all material respects with the requirements of the Town of Rotterdam Zoning Law, and requests approval of the Waiver of Site Plan Review application.



# Custom Soil Resource Report Soil Map



Soil Map may not be valid at this scale.



**Town of Rotterdam**

**Waiver of Site Plan Review Application**

**Project Description Narrative for Rotterdam Substation 69kV Yard**

**Number of employees on site:** 5-20 contractors on site daily depending on construction activity

**Nature of Business:** An existing regional National Grid 69kV Utility substation located in the Town of Rotterdam at 18 Schermerhorn Rd, Schenectady, NY, 12306 will have site improvements to improve the reliability of the station for the customers serviced by the substation. The improvements include installing a new control enclosure and additional equipment upgrades.

**Hours of Operation:** 24/7 Operations

**Expected Numbers of Daily Customers:** 1-5 visitors on site periodically throughout the duration of the project