MEETING OF THE
ROTTERDAM TOWN BOARD

September 25, 2024
7:00 PM
Agenda Review 6:30 PM

CALL TO ORDER
ROLL CALL
PLEDGE OF ALLEGIANCE
SUPERVISOR'S REMARKS: Supervisor Mollie A. Collins
EXECUTIVE SESSION
PROCLAMATIONS
PUBLIC HEARING

- To recognize the introduction of Introductory Local Law No. __ Of 2024; To Amend Chapter 150 Hawking, Peddling, and Soliciting, § 150-22 Rules and regulations, Section "J" of the Code of the Town of Rotterdam, for the purpose of allowing ice cream trucks to operate within the Town of Rotterdam. Pg. 4
- To recognize the introduction of Introductory Local Law No. ____ of 2024; To amend Chapter 270, Zoning, of the Town Code, relating to a Change of Zone from Single Family Residential (R-1) to Retail Business (B-1) to create up to an additional 46 parking spaces on a portion of ±0.47-acre parcel for a restaurant located at 2780 Hamburg Street. The property is known as Arlene Street (Tax Map No. 59.15-1-10.11). Pg. 6

PRESENTATIONS
PUBLIC COMMENT – PRIVILEGE OF THE FLOOR:
Those members of the public wishing to address the Town Board will be asked to sign in before the meeting is called to order on the sign-in sheets being provided. Speakers will be called to the podium in the order of their signing in. Persons recognized by the Chair to speak during privilege of the floor shall direct his/her comments to the Town Supervisor as Chair of the meeting. Persons granted the privilege of the floor shall first clearly state his/her name and address for the record. Persons so addressing the Chair through the use of a prepared written statement shall submit a copy of the same to the Town Clerk for the purpose of maintaining clear and accurate official minutes of the Town Board meeting.

GENERAL RULES OF PROCEDURE FOR PUBLIC HEARINGS & PRIVILEGE OF THE FLOOR:
Any person recognized by the Town Supervisor to speak during privilege of the floor shall direct his/her comments to the Town Supervisor as chair of the meeting. Any person granted the privilege of the floor shall first clearly state his/her name and address for the record. The purpose of privilege of the floor shall be for speakers to express their views, thoughts and speak freely. Each speaker, who wishes to address the town board, shall have an equal and reasonable opportunity to be heard by the town board. Each speaker shall be afforded a maximum of four (4) minutes to address the town board.

INTRODUCTION OF MOTIONS, ORDERS AND RESOLUTIONS
RESOLUTIONS

362.24 Accepting Town Board meeting minutes. Pg. 22

363.24 To schedule a special meeting of the Town Board. Pg. 66

364.24 To Enact Local Law No. 17 of 2024; To amend Section 266-46, entitled "Schedule VI: Stop Intersections" of the code of the Town of Rotterdam, for the addition of stop signs at the Al Constantino Drive and Duff Bambury Court intersections. Pg. 69

365.24 To Enact Local Law No. 18 of 2024; To amend Section 266-46, entitled "Schedule VI: Stop Intersections" of the code of the Town of Rotterdam, for the addition of a stop sign at Laura Street and Guilderland Avenue. Pg. 84

366.24 To Enact Local Law No. 19 of 2024; To amend Chapter 150 Hawking, Peddling, and Soliciting, §150-22 Rules and Regulations, Section "J" of the code of the Town of Rotterdam, for the purpose of allowing ice cream trucks to operate within the Town of Rotterdam. Pg. 90

367.24 To authorize the purchase of one pickup truck for the Water Plant. Pg. 96

368.24 To accept and award bid for Senior Center Parking Lot Improvements. Pg. 114

369.24 To negotiate and execute an agreement with New York State Division of Criminal Justice Services. Pg. 129

370.24 To Declare Lead Agency for SEQR review on a Change of Zone from Multi-Family Residential (R-3) to General Business (B-2) located at 676 Mariaville Road. Pg. 153

371.24 To call for a Public Hearing on the proposed Introductory Local Law __ of 2024; To amend Chapter 270, Zoning, of the Town Code, relating to a Change of Zone request on ±16.19 acres of a ±65.8-acre parcel from Multi-Family Residential (R-3) to General Business (B-2) located at 676 Mariaville Road. Pg. 170

372.24 To recognize the introduction of Introductory Local Law __ of 2024; To amend and extend Local Law No. 8 of 2023 and Local Law No. 5 of 2024 and schedule a public hearing thereon. Pg. 191

373.24 To recognize the introduction of Introductory Local Law No.__ of 2024; To amend and extend Local Law No. 9 of 2023 and Local Law No. 6 of 2024 and schedule a public hearing thereon. Pg. 205

374.24 To declare equipment obsolete. Pg. 219

375.24 To authorize a release of retainage to Consulting Engineering Inc. Pg. 222

376.24 A resolution making certain determinations in relation to and approving the Establishment of Extension No. 17 (Condos at Helderberg Meadows Extension) to the Town of Rotterdam Sewer District No. 2 in the Town of Rotterdam, Schenectady County, New York, pursuant to Article 12-a of the Town Law. Pg. 232

377.24 To authorize the Supervisor to execute and sign a Memorandum of Agreement with the Rotterdam Patrolmen's Benevolent Association Inc. (PBA). Pg. 329

LIAISON REPORTS
MISCELLANEOUS
EXECUTIVE SESSION
ADJOURNMENT
Mollie A. Collins, Supervisor

PUBLIC HEARING #1

9/25/24

To Recognize The Introduction Of Introductory Local Law No. __ Of 2024; To Amend Chapter 150 Hawking, Peddling, and Soliciting, § 150-22 Rules and regulations, Section "J" of the Code of the Town of Rotterdam, for the purpose of allowing ice cream trucks to operate within the Town of Rotterdam.

Chapter 150 **Hawking, Peddling and Soliciting**

§ 150-22. Rules and regulations.

J. ~~Not sell, offer for sale or dispense any food, confectionary or ice cream directly from a vehicle while said vehicle is on a public street.~~
The sale or dispense of any food, confectionary or ice cream directly from a vehicle while said vehicle is on a public street shall be from May 1st through September 30th, and be regulated as follows:

1) No selling on major streets (Curry Road, Altamont Avenue, Helderberg Avenue, Guilderland Avenue, Hamburg Street and all other roads with very high traffic).
2) No playing music on any of the above streets.
3) No selling on private lots, unless invited and with permission.
4) No selling in the parking lots of any sports fields that have a concession stand that is open for business, unless invited with permission.
5) Hours of operation will be 11am-8pm for non-school days and 4pm-8pm on all school days, unless going to an event different from the regular hours for a private party.
6) All holidays, vacation, and all weekends during school season hours are 11am until 8pm.

PUBLIC HEARING #2

9/25/24

To recognize the introduction of Introductory Local Law No. ____ of 2024; To amend Chapter 270, Zoning, of the Town Code, relating to a Change of Zone from Single Family Residential (R-1) to Retail Business (B-1) to create up to an additional 46 parking spaces on a portion of ±0.47-acre parcel for a restaurant located at 2780 Hamburg Street. The property is known as Arlene Street (Tax Map No. 59.15-1-10.11).

****

TOWN OF ROTTERDAM CHANGE OF ZONE APPLICATION

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

Application Fee **$650**

Existing Zone Classification: R-1 ONE FAMILY RESIDENTIAL & B-1 GENERAL BUSINESS

Proposed Zone Classification: Retail Business (B-1)

PART II
GENERAL INFORMATION

Legal Owner's Name: Titan Valley Development Inc.
Mailing Address: 3 Laureldale Terrace
City: Loudonville State: NY Zip: 12211
Daytime Phone: 518-788-3113 Fax

If applicant is not the owner, include written owner authorization for the below-designated contact to serve as representative.

Owner's Designated Contact: Daniel R. Hershberg, PE & LS

Mailing Address: 18 Locust Street
City: Albany State: NY Zip: 12203`
Daytime Phone: 518-459-3096 Fax 518-459-5683

Project/Proposal Site Area: (Acres or sq. ft.) 0.47 Acres
Assessor Tax Parcel No.(s) of Site: 59.15-1-10.11

Adjacent Parcels Owned or Controlled: (Acres or sq. ft.) 1.6
Assessor Tax Parcel No.(s) of Adjacent Land Owned or Controlled:
59.14-15-16.11

Street Address of Proposed Site (if any): 2780 Hamburg Street

Describe Existing Use(s) on Proposed Site: (commercial vacant, residential, buildings, well, sewer drainfield, etc.)

Vacant land adjacent to Commercial use restaurant and and 9-unit apartment

School District: Mohonasen

Fire District: Rotterdam F.D.3

Water Supply Rotterdam District 5

Proposed Use of Property:

( ) **A1** One-family dwelling
( ) **A2** Two-family dwelling
( ) **B1** Multiple Dwelling (permanent occupancy)
( ) **B2** Multiple Dwelling (transient occupancy)
( ) **B3** Multiple Dwelling (senior citizen housing)
( ) **B4** Multiple Dwelling (adult residential care facility)

(■) **C1** Business
( ) **C2** Mercantile
( ) **C3** Industrial
( ) **C4** Storage
( ) **C5** Assembly
( ) **C6** Institutional
( ) **C7** Miscellaneous

LEGAL INFORMATION

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

South side of Arlene Street approximately 150' from Hamburg Street

Name of Public Road(s) Providing Access: Arlene Street

Width of Property Fronting on the Existing Public Road in Linear Feet: 139.60

Does the Proposal Have Access to an Arterial or Planned Arterial? ◯ Yes ◯ No

Name(s) of Arterial Road(s): access to I-890 via Curry Road and Hamburg Street

A legal description of the proposed site must be attached: ◯ Yes ◯ No

A copy of the assessor's map of the proposed site must be attached: ◯ Yes ◯ No

A copy of the most current deed(s) of the proposed site must be attached: ◯ Yes ◯ No

(All applications must contain a legal description that describes the exterior boundaries of the entire area to be rezoned. Please include the legal description for the entire area to be rezoned and also a copy of the assessor's map. A simple copy of the deed is not sufficient to process the change of zone request).

If you do not hold title to property, what is your interest in it? N/A

What factors support this rezone? (This may be provided on a separate sheet of paper if necessary)

The property has been vacant and is adjacent to a commercially with a restaurant and 9 unit apartments the owner wishes to expand the parking to compliment his buisness.

UTILITIES

Proposed Source of Water:
- ○ Individual Wells
- ○ Public System
- ○ Private Community System
- ○ Other, please describe _____

Proposed Means of Sewage Disposal:
- ◉ Public Sewer
- ○ Septic Tank & Leachfield
- ○ Other, please describe _____

PART III

****

SURVEYOR/ARCHITECT/ENGINEER VERIFICATION

****

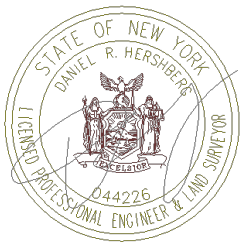
I, the undersigned, a licensed land surveyor, architect, and/or engineer, have completed the information requested. The legal description has been prepared by me or under my supervision in accordance with the requirements of the Town of Rotterdam regulations and the laws of the State of New York.

Signed: _____ Date: 7/25/2024

Address: 18 Locust Street, Albany NY Phone: 518-459-3096

Zip: 12203

PLEASE AFFIX SURVEYOR/ARCHITECT/ENGINEER SEAL HERE



****

LEGAL OWNER SIGNATURE

****

(Signature of legal owner or representative 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 am the owner of record of the area proposed for the previously identified land use action, or, if not the owner, attached herewith is written permission from the owner authorizing my actions on his/her behalf.

Name: _____ Date: _____
Address: _____ Phone: _____
_____ Zip: _____

_____ _____
Signature of applicant or representative Date

NOTARY

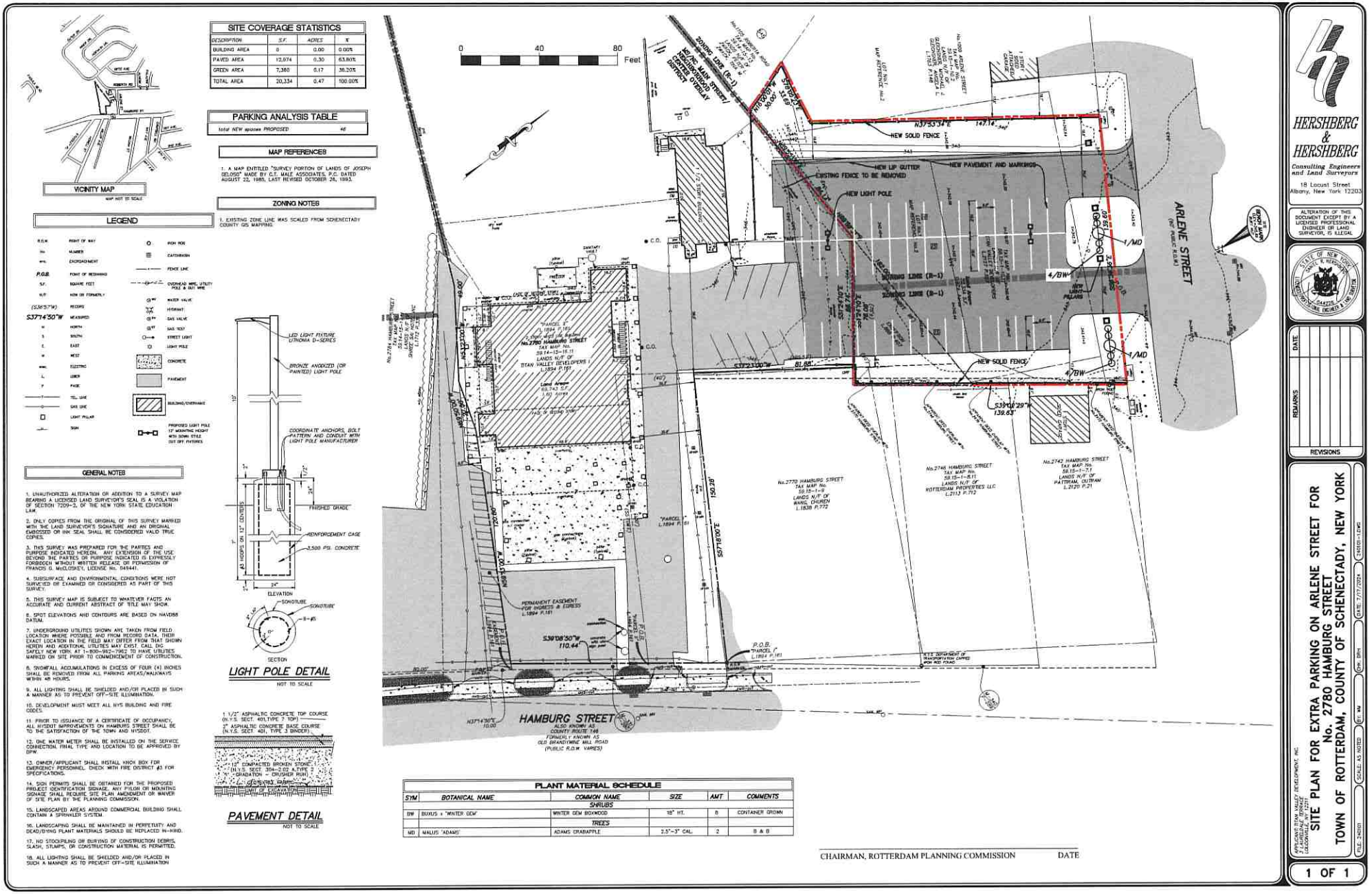
STATE OF NEW YORK) ss:
COUNTY OF _____)

SUBSCRIBED AND SWORN to before me this _____ day of _____, 2_ _ _

NOTARY SEAL _____
Notary Signature

Notary Public in and for the State of New York
Residing at: _____
My appointment expires: _____

PLEASE AFFIX NOTARY SEAL HERE


SITE COVERAGE STATISTICS
DESCRIPTION | S.F. | ACRES | %
BUILDING AREA | 0 | 0.00 | 0.00%
PAVED AREA | 12,974 | 0.30 | 63.80%
GREEN AREA | 7,360 | 0.17 | 36.20%
TOTAL AREA | 20,334 | 0.47 | 100.00%
PARKING ANALYSIS TABLE
total NEW spaces PROPOSED 46
MAP REFERENCES
1. A MAP ENTITLED "SURVEY PORTION OF LANDS OF JOSEPH DELOSO" MADE BY C.T. MALE ASSOCIATES, P.C. DATED AUGUST 22, 1985, LAST REVISED OCTOBER 26, 1993.
ZONING NOTES
1. EXISTING ZONE LINE WAS SCALED FROM SCHENECTADY COUNTY GIS MAPPING.
VICINITY MAP
MAP NOT TO SCALE
LEGEND
GENERAL NOTES
1. UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209-2, OF THE NEW YORK STATE EDUCATION LAW.
2. ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH THE LAND SURVEYOR'S SIGNATURE AND AN ORIGINAL EMBOSSED OR INK SEAL SHALL BE CONSIDERED VALID TRUE COPIES.
3. THIS SURVEY WAS PREPARED FOR THE PARTIES AND PURPOSE INDICATED HEREON. ANY EXTENSION OF THE USE BEYOND THE PARTIES OR PURPOSE INDICATED IS EXPRESSLY FORBIDDEN WITHOUT WRITTEN RELEASE OR PERMISSION OF FRANCIS G. McCLOSKEY, LICENSE No. 049441.
4. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT SURVEYED OR EXAMINED OR CONSIDERED AS PART OF THIS SURVEY.
5. THIS SURVEY MAP IS SUBJECT TO WHATEVER FACTS AN ACCURATE AND CURRENT ABSTRACT OF TITLE MAY SHOW.
6. SPOT ELEVATIONS AND CONTOURS ARE BASED ON NAVD88 DATUM.
7. UNDERGROUND UTILITIES SHOWN ARE TAKEN FROM FIELD LOCATION WHERE POSSIBLE AND FROM RECORD DATA. THEIR EXACT LOCATION IN THE FIELD MAY DIFFER FROM THAT SHOWN HEREIN AND ADDITIONAL UTILITIES MAY EXIST. CALL DIG SAFELY NEW YORK AT 1-800-962-7962 TO HAVE UTILITIES MARKED ON SITE PRIOR TO COMMENCEMENT OF CONSTRUCTION.
8. SNOWFALL ACCUMULATIONS IN EXCESS OF FOUR (4) INCHES SHALL BE REMOVED FROM ALL PARKING AREAS/WALKWAYS WITHIN 48 HOURS.
9. ALL LIGHTING SHALL BE SHIELDED AND/OR PLACED IN SUCH A MANNER AS TO PREVENT OFF-SITE ILLUMINATION.
10. DEVELOPMENT MUST MEET ALL NYS BUILDING AND FIRE CODES.
11. PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY, ALL NYSDOT IMPROVEMENTS ON HAMBURG STREET SHALL BE TO THE SATISFACTION OF THE TOWN AND NYSDOT.
12. ONE WATER METER SHALL BE INSTALLED ON THE SERVICE CONNECTION. FINAL TYPE AND LOCATION TO BE APPROVED BY DPW.
13. OWNER/APPLICANT SHALL INSTALL KNOX BOX FOR EMERGENCY PERSONNEL. CHECK WITH FIRE DISTRICT #3 FOR SPECIFICATIONS.
14. SIGN PERMITS SHALL BE OBTAINED FOR THE PROPOSED PROJECT IDENTIFICATION SIGNAGE. ANY PYLON OR MOUNTING SIGNAGE SHALL REQUIRE SITE PLAN AMENDMENT OR WAIVER OF SITE PLAN BY THE PLANNING COMMISSION.
15. LANDSCAPED AREAS AROUND COMMERCIAL BUILDING SHALL CONTAIN A SPRINKLER SYSTEM.
16. LANDSCAPING SHALL BE MAINTAINED IN PERPETUITY AND DEAD/DYING PLANT MATERIALS SHOULD BE REPLACED IN-KIND.
17. NO STOCKPILING OR BURYING OF CONSTRUCTION DEBRIS, SLASH, STUMPS, OR CONSTRUCTION MATERIAL IS PERMITTED.
18. ALL LIGHTING SHALL BE SHIELDED AND/OR PLACED IN SUCH A MANNER AS TO PREVENT OFF-SITE ILLUMINATION.
LED LIGHT FIXTURE LITHONIA D-SERIES
BRONZE ANODIZED (OR PAINTED) LIGHT POLE
COORDINATE ANCHORS, BOLT PATTERN AND CONDUIT WITH LIGHT POLE MANUFACTURER
FINISHED GRADE
REINFORCEMENT CAGE
3,500 PSI. CONCRETE
ELEVATION
SONOTUBE
SONOTUBE
SECTION
LIGHT POLE DETAIL
NOT TO SCALE
1 1/2" ASPHALTIC CONCRETE TOP COURSE (N.Y.S. SECT. 401,TYPE 7 TOP)
3" ASPHALTIC CONCRETE BASE COURSE (N.Y.S. SECT. 401, TYPE 3 BINDER)
12" COMPACTED BROKEN STONE (N.Y.S. SECT. 304-2.02 & TYPE 2 GRADATION - CRUSHER RUN)
EXISTING SUBGRADE OR EXCAVATION
PAVEMENT DETAIL
NOT TO SCALE
0 40 80 Feet
ZONING LINE (R-1)
MAIN STREET/ HAMBURG TURNPIKE CENTERS OVERLAY DISTRICT
NEW SOLID FENCE
NEW LIP GUTTER
NEW PAVEMENT AND MARKINGS
EXISTING FENCE TO BE REMOVED
NEW LIGHT POLE
ARLENE STREET
(66' PUBLIC R.O.W.)
"PARCEL A" L.1894 P.161
No.2780 HAMBURG STREET
TAX MAP No. 59.14-1-16.11
LANDS N/F OF TITAN VALLEY DEVELOPERS I L.1894 P.161
63,743 S.F. 1.60 ACRES
No.2770 HAMBURG STREET
TAX MAP No. 59.15-1-9
LANDS N/F OF WANG, CHUNEH L.1838 P.772
No.2748 HAMBURG STREET
TAX MAP No. 59.15-1-8.11
LANDS N/F OF ROTTERDAM PROPERTIES LLC L.2113 P.772
No.2742 HAMBURG STREET
TAX MAP No. 59.15-1-7.1
LANDS N/F OF PATTRAM, CUTRAN L.2120 P.21
PERMANENT EASEMENT FOR INGRESS & EGRESS L.1894 P.161
P.O.B. "PARCEL A" L.1894 P.161
HAMBURG STREET
ALSO KNOWN AS COUNTY ROUTE 146
(FORMERLY KNOWN AS OLD BRANDYWINE MILL ROAD)
(PUBLIC R.O.W. VARIES)
PLANT MATERIAL SCHEDULE
SYM | BOTANICAL NAME | COMMON NAME | SIZE | AMT | COMMENTS
SHRUBS
BW | BUXUS x "WINTER GEM" | WINTER GEM BOXWOOD | 18" HT. | 8 | CONTAINER GROWN
TREES
MD | MALUS "ADAMS" | ADAMS CRABAPPLE | 2.5"-3" CAL. | 2 | B & B
CHAIRMAN, ROTTERDAM PLANNING COMMISSION DATE
HERSHBERG & HERSHBERG
Consulting Engineers and Land Surveyors
18 Locust Street
Albany, New York 12203
ALTERATION OF THIS DOCUMENT EXCEPT BY A LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR, IS ILLEGAL
DATE
REMARKS
REVISIONS
SITE PLAN FOR EXTRA PARKING ON ARLENE STREET FOR
No. 2780 HAMBURG STREET
TOWN OF ROTTERDAM, COUNTY OF SCHENECTADY, NEW YORK
APPLICANT: TITAN VALLEY DEVELOPMENT, INC.
1 OF 1

3. **Titan Valley Development Inc. – Arelene Street. Report and Recommendation to the Town Board on a Change of Zone from Single Family Residential (R-1) to Retail Business (B-1) on a portion of a ±0.47-acre parcel to create up to an additional 46 parking spaces for a restaurant located at 2780 Hamburg Street. Engineer: Hershberg and Hershberg.**

Ms. Scannell: Titan Valley Development on Arlene Street. You sat through it all.

And so, this is in front of us for a report and recommendation.

Mr. Citone: May I speak?

Ms. Scannell: You're on.

Mr. Citone: Great. Thank you. Good evening and thank you for taking the time to possibly allow me to use the parcel on Arlene Street across the street from Stewart's to convert that parcel into an additional parking lot or an overflow for the Old Joe's Pizza, which is now the Palazzo restaurant.

The overflow would hold an additional 45 to 47 more parking spots. The lot, the Palazzo currently has over 80 spots. And in these past two (2) months of our soft opening, maybe because we are new or maybe because we make good food, we have exceeded the parking capacity.

I made arrangements with next door, with Quality Inn, to utilize his side of the lot. And that worked out, it's working out really well. No issues. But with summer almost at an end, kids going back to school, and I haven't done any advertising other than Facebook. I think, I truly believe that the restaurant is here to stay and that the additional parking lot is needed.

Ms. Scannell: Well, if for some odd reason the restaurant doesn't work out, you could be a social media guru because I think on Saturday, I must have seen your face three (3) or four (4) different times.

Mr. Citone: Promoting the restaurant, promoting the food, promoting.

Ms. Scannell: It looks great. It looks wonderful. Congratulations.

We really are so happy that you are making this kind of investment in Rotterdam. And we look forward to your continued success.

Mr. Citone: Thank you.

Ms. Scannell: Mr. Collins?

Mr. Collins: No, I'm happy for you. And like you say, additional parking. And it's a great exit for Arlene Street because, I mean, there's some traffic there, but you can go up and get out either way. And congratulations on your success, I think, with this addition, because you plan on sometimes maybe doing little banquets and so forth, right?

Mr. Citone: Yes. We actually have conducted them now on Sundays. So, Sundays, Saturdays during the daytime. So, the dining room or the old, if you can. remember, Joe, in the back, he had that big banquet room converted into a nice formal dining room, but it doesn't open until 4 o'clock. So, we've already been approached by several businesses to utilize that space during the daytime, which is a win-win for me. And also, these past several Sundays, we've had baptisms, we had a small wedding of 80 people in the back. So,

it's working out very well. Mondays, if you're not aware, I usually host a happy hour. The restaurant's closed but from 4:30 to 8:00 and we will have entertainment there.

So additional parking is definitely needed.

Mr. Collins: I enjoy Pizza Tuesdays.

Mr. Citone: Two (2) for Tuesday. Yes. My guys are like, where are you going? I said, I have a meeting. He said, no. I said, you can do it.

Mr. Collins: No, I think it's a great project and we're really happy for you. It really spruced up that place. So, congratulations.

Mr. Citone: Thank you. Thank you.

Ms. Scannell: Mrs. Flansburg?

Mrs. Flansburg: From my personal experience, I couldn't wait for you to open. I have been there twice and not been able to come in because there's no parking. So, I will absolutely be in favor of this so that we could maybe get into your place.

Mr. Citone: Thank you. I'm sorry.

Mrs. Flansburg: As we're circling around, like, can't somebody leave here so we can pull in their spot?

Mr. Citone: It's tough. It's definitely been a challenge.

Mrs. Flansburg: Can you handle the traffic in your place?

Mr. Citone: Yes. At first, no. When we first opened up the first several weeks, no reservations. It was first-come, first-served, basically. And that was okay, great, blah, blah, blah. And then we got to a point where the kitchen wasn't working in unison. The staff wasn't, front of the house wasn't working. So now we're, I think we're ready to rock and roll. We're good.

Mr. Collins: All I know is they say you have the best Manaste in the County, so that's a good sign for all the Italians in Rotterdam.

Mr. Citone: Thank you.

Ms. Scannell: Mr. D'Alessandro?

Mr. D'Alessandro: I mean, you've done an absolutely beautiful job on that building. I mean, a really, really nice job. I think that's a great idea with the parking in the back. Especially going out Arlene Street and then going out to Hamburg Street. So, it's going to make a lot easier flow for you. So, yeah, I'm 100 percent behind this. That’s all that I have.

Ms. Scannell: Thank you. Mr. Calder?

Mr. Calder: Just curious. How many seatings do you have inside compared to the 80 parking spots outside?

Mr. Citone: The dining room, well, the dining room, we had the party for 80 people in the dining room. And the lounge slash bar area, you have another 70. And the patio holds easy 200 people. So, now the capacity that the town has given me was, I believe, almost 250 or 260, something like that.

Mr. Calder: You got an exit from the backyard parking lot right to Arlene Street?

Mr. Citone: Yes.

Mr. Calder: You purchased that off of Peter for the restaurant?

Mr. Citone: That's correct. Yes.

Mr. Calder: That's all I have. Thank you.

Ms. Scannell: Mr. Miglucci?

Mr. Miglucci: Looks good to me. What kind of ovens are you using?

Mr. Citone: Pizza ovens? No. It's a trade secret.

I'm going to put you on blodgett, right?

Mr. Citone: So, blodgett are good.

Mr. Miglucci: There you go.

Mr. Citone: Bakery prods are also as well. They're good as well.

Mr. Miglucci: Using bricks?

Mr. Citone: You have to come in the kitchen and take a look. It would be my pleasure.

Mr. Miglucci: That's all I got.

Ms. Scannell: Thank you, Mr. Miglucci.

Mr. Miglucci: Just a little pizza humor.

Ms. Scannell: There's a little pizza chat going on.

You know, any time we're making a report and recommendation for a Change of Zone, you know, we have to look very carefully at what we're doing, right? To let the Town Board know. And from my perspective, going from a Single Family Residential to a B-1 for this particular use, because you know what they say, right? Once you have a zone change, you kind of can't go back. So, I think the fact that this business has

taken off so well and you're so committed to keeping the excellence here and that we're giving up a residential dwelling for 46 parking spots, it's just going to bring every time somebody parks on one of those spots, they're going to want to buy a house in Rotterdam to be closer to your food. So, I would definitely entertain a motion for a positive recommendation.

Mrs. Flansburg: I'll make that motion.

Ms. Scannell: Thank you.

Mr. Miglucci: I'll second.

Ms. Scannell: Thank you.

Lisa, could you please call the roll?

Ms. Gallo: Mr. Collins?

Mr. Collins: Yes.

Ms. Gallo: Mrs. Flansburg?

Mrs. Flansburg: Yes.

Ms. Gallo: Mr. D'Alessandro?

Mr. D'Alessandro: Yes.

Ms. Gallo: Mr. Calder?

Mr. Calder: Yes.

Ms. Gallo: Mr. Miglucci?

Mr. Miglucci: Yes.

Ms. Gallo: Ms. Ricker-Scannell?

Ms. Scannell: Yes.

Very good.

Mr. Citone: Thank you all.

Ms. Scannell: We'll go ahead and give that positive recommendation.

Mr. Citone: We haven't had the grand opening yet, and we plan on the end of September. At that time, we'll have the full entrees. I would love for the town…

Ms. Scannell: If you have a ribbon cutting or a grand opening, please invite us. We'd love to come.

Mr. Citone: I'll reach out to you and Lisa.

Ms. Gallo: Sure.

Town of Rotterdam
Office of the Planning Commission

Kimberly Ricker Scannell, Chairman
Peter J. Comenzo, Senior Planner

Telephone (518) 355-7575
Facsimile (518) 355-2725

Resolution Number PC 50-2024
Moved by Mrs. Flansburg seconded by Mr. Miglucci
Applicant: Titan Valley Development, Inc.

Resolution Adopting a Report and Positive Recommendation on the Change of Zone Request by Titan Valley Development, Inc.

WHEREAS, the Town Board of the Town of Rotterdam ("Town Board") has received an application from Titan Valley Development, Inc. ("Applicant") for Change of Zone request on a portion of a ±0.47 acre parcel from Single Family Residential (R-1) to Retail Business (B-1) to facilitate the construction of up to an additional 46 parking spaces for a restaurant located at 2780 Hamburg Street. Currently, the parcel is known as Arlene Street, Tax Map No. 59.15-1-10.11; and

WHEREAS, the Town Board referred the Change of Zone application to the Planning Commission on July 10, 2024 for a report and recommendation thereon; and

WHEREAS, the Change of Zone application was presented to the Planning Commission at its regularly scheduled meeting held on August 20, 2024; and

WHEREAS, the Planning Commission reviewed the proposed Change of Zone at its regularly scheduled meeting held on August 20, 2024; and

WHEREAS, the Planning Commission has deliberated on the proposed Change of Zone;

NOW, THEREFORE, upon motion of Member Flansburg, seconded by Member Miglucci,

BE IT RESOLVED, by the Planning Commission of the Town of Rotterdam as follows:

1. The Planning Commission hereby adopts the following as its report on the proposed Change of Zone:

   The Change of Zone request is on a portion of a ±0.47 acre parcel from Single Family Residential (R-1) to Retail Business (B-1) to facilitate the construction of up to an additional 46 parking spaces for a restaurant located at 2780 Hamburg Street. The property has roadway frontage on Arlene Street. The western portion of the parcel to be rezoned is currently zoned R-1. The eastern portion is currently zoned B-1 and this proposed Change of Zone would extend this zoning classification to the entire parcel. The property is surrounded by a mixed use of commercial and residential development. Hamburg Street was recently reconstructed and there is a Stewarts Shop located directly to the south on Arlene Street.

If rezoned to B-1, the following uses would be permissible:

Permitted uses.

- All uses permitted as of right in the R-1 and R-2 Districts, subject to the regulations specified in such residential districts.
- Personal service shops, including but not limited to barbershops, shoeshine shops, beauty parlors, dry-cleaning and laundry-pickup and -delivery shops and card shops.
- Banks, offices, restaurants, cafes, tearooms, grocery and meat stores, flower shops and similar retail establishments, except businesses primarily engaged in the sale of used goods, merchandise or machinery.
- Banking, confectionary, dressmaking, laundromats, printing, tailoring and upholstering, subject to the following provisions:
    - All such processing or manufacturing shall be done on the premises. Not more than five persons shall be employed at any one time.
- Indoor theaters, assembly halls, game rooms, billiard and pool parlors and bowling alleys.
- Funeral homes.
- Operations involving the repair, reconstruction, analysis or inspection of computers, electronic and communication equipment and similar components, provided that no manufacturing is performed and all operations are conducted within a completely enclosed building.
- Automobile parking lots with at least 10 parking spaces for private vehicles and a driveway for entrance and exit from such spaces. Such vehicles must be in running condition, able to be driven at any time under their own power. Lots for the sale or lease of motor vehicles are specifically prohibited.
- Antique sales and secondhand stores, provided that such establishments shall conduct all activities and storage entirely within an enclosed building.

Special uses.

- Drive-in establishment accessory to a permitted use.
- Public utility or communications installations.
- Convenience store.
- Car wash.
- Fence companies, retail and wholesale.
- Disturbance on a wetland or watercourse area of any class or in a wetland or watercourse buffer area as defined in this chapter.
- Hotels and Motels.
- Hospitals.
- Care homes.

The primary effect of a change of zone would be to make the zoning consistent for the entire lot. Although it may be possible to develop this property for commercial or residential use, the applicants have indicated that they would like to develop for a parking lot to support the

recently reopened restaurant which had been vacant for approximately 10 years. The property is currently vacant and cleared.

2. Subject to the considerations set forth in Paragraph 3, below, the Planning Commission hereby adopts a **positive recommendation** on the Titan Valley Development Inc. Change of Zone request for the following reasons:

A. The property is in an area surrounded by similar uses, including residential single family, two family, and retail business.

B. The lot is currently split zoned and the Change of Zone would make the entire lot Retail Business which is consistent with the Comprehensive Plan.

B. The applicant is proposing a potential parking area with up to 46 vehicles to be constructed on the existing lot.

3. Neither a positive recommendation by the Planning Commission, nor any rezoning action taken by the Town Board, should be construed as an approval or other favorable position concerning any proposed conceptual development plan. Any proposed development shall remain subject to full review by the Planning Commission and, as necessary, by the Zoning Board of Appeals.

Member	Aye	Nay
Kimberly Ricker Scannell	X	
Mark D'Alessandro	X	
Wayne Calder	X	
Clark Collins	X	
Joseph Signore (absent)		
Lynn Flansburg	X	
Joseph Miglucci	X	

Peter J. Comenzo
Senior Planner

Kimberly Ricker Scannell
Planning Commission Chairman

RESOLUTION NO. 362.24

ACCEPTING TOWN BOARD MEETING MINUTES

THEREFORE, UPON MOTION OF Councilmember _____,

seconded by Councilmember _____,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby adopts the minutes of the Town Board Meeting of September 11, 2024, as attached.

SECTION 2. This resolution shall become effective September 25, 2024.

DATED: September 25, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

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: September 18, 2024
TO**:** Mollie A. Collins, Supervisor

FROM: Diane M. Marco, Town Clerk

TITLE OF LEGISLATIVE REQUEST: To adopt meeting minutes for the Town Board Meeting of September 11, 2024.

TO BE PLACED ON TOWN BOARD AGENDA OF: September 25, 2024.

TO BE PLACED ON TOWN BOARD MEETING OF**:** September 25, 2024.

Background Information: Attached to adopt the Town Board Meeting of September 11, 2024.

Evaluation/Analysis: N/A

Recommendation(s): To place on Town Board agenda and Town Board meeting of September 25, 2024.

Attachment/Document(s): Attached

Compliance with Purchasing Policy: N/A

Effect(s) on Existing Law(s): N/A

LEGISLATION WAS PREPARED BY: Town Clerk Diane M. Marco

TOWN OF ROTTERDAM

DIANE M. MARCO
Town Clerk

John F. Kirvin Government Center * 1100 Sunrise Boulevard * Rotterdam, NY 12306
Telephone: (518) 355-7575 Ext: 352 * Fax: (518)355-7837* Website: www.rotterdamny.org
Email * dmarco@rotterdamny.org

September 16, 2024

Certified Resolutions: #338.24-#361.24 for the year 2024 was duly adopted at the Town Board Meeting held at the Rotterdam Junction Fire Department, 1215 Main Street, Rotterdam Junction, New York, 12150 that was held Wednesday September 11, 2024 at 7:00 p.m. The Town Board Agenda Meeting started at approximately 6:30 p.m. and was adjourned at approximately 6:50 p.m. by Councilmember Gallucci and seconded by Councilmember Mastroianni**.** All agreed to adjourn the Town Board Agenda Meeting**.** The Town Board Meeting started at approximately 7:00 p.m**.** Motion #57 was made by Councilmember Mastroianni and seconded by Councilmember Gallucci. Motion #58 was made by Councilmember Schlag and seconded by Councilmember Mastroianni. Motion #59 was made by Councilmember Schlag and seconded by Councilmember Mastroianni. Motion #60 was made by Councilmember Mastroianni and seconded by Councilmember Schlag. The Town Board Meeting was adjourned at approximately 8:52 p.m. All agreed to adjourn the Town Board Meeting.

Supervisor Collins was absent

Diane M. Marco

Diane M. Marco, Town Clerk

MEETING OF THE
ROTTERDAM TOWN BOARD

September 11, 2024
7:00 PM
Agenda Review 6:30 PM
This meeting was held at the Rotterdam Junction Volunteer Fire Dept.

CALL TO ORDER
ROLL CALL
PLEDGE OF ALLEGIANCE
» *Moment of Silence in memory of those we lost on 9/11*
SUPERVISOR'S REMARKS: Supervisor Mollie A. Collins
EXECUTIVE SESSION
PROCLAMATIONS
PUBLIC HEARING

- To recognize the introduction of Introductory Local Law No. __ of 2024; To amend Section 266-46, entitled "Schedule VI: Stop Intersections" of the code of the Town of Rotterdam, for the addition of stop signs at the Al Constantino Drive and Duff Bambury Court intersection. Pg. 5 **PH CLOSED**
- To recognize the introduction of Introductory Local Law No. __ of 2024; To amend Section 266-46, entitled "Schedule VI: Stop Intersections" of the code of the Town of Rotterdam, for the addition of a stop sign at Laura Street and Guilderland Avenue. 16 **PH CLOSED**
- To Recognize The Introduction Of Introductory Local Law No. __ Of 2024; To Amend Chapter 150 Hawking, Peddling, and Soliciting, § 150-22 Rules and regulations, Section "J" of the Code of the Town of Rotterdam, for the purpose of allowing ice cream trucks to operate within the Town of Rotterdam. Pg. 18 **PH LEFT OPEN**
- In The Matter Of The Establishment of Extension No. 17 (Condos at Helderberg Meadows Extension) to the Town of Rotterdam Sewer District No. 2 in the Town of Rotterdam, Schenectady County, New York. Pg. 20 **PH CLOSED**

PRESENTATIONS

- Lead Service Line Inventory Status Update – Prime AE
- Marshall & Sterling

PUBLIC COMMENT – PRIVILEGE OF THE FLOOR:
Those members of the public wishing to address the Town Board will be asked to sign in before the meeting is called to order on the sign-in sheets being provided. Speakers will be called to the podium in the order of their signing in. Persons recognized by the Chair to speak during privilege of the floor shall direct his/her comments to the Town Supervisor as Chair of the meeting. Persons granted the privilege of the floor shall first clearly state his/her name and address for the record. Persons so addressing the Chair through the use of a prepared written statement shall submit a copy of the same to the Town Clerk for the purpose of maintaining clear and accurate official minutes of the Town Board meeting.

GENERAL RULES OF PROCEDURE FOR PUBLIC HEARINGS & PRIVILEGE OF THE FLOOR:

Any person recognized by the Town Supervisor to speak during privilege of the floor shall direct his/her comments to the Town Supervisor as chair of the meeting. Any person granted the privilege of the floor shall first clearly state his/her name and address for the record. The purpose of privilege of the floor shall be for speakers to express their views, thoughts and speak freely. Each speaker, who wishes to address the town board, shall have an equal and reasonable opportunity to be heard by the town board. Each speaker shall be afforded a maximum of four (4) minutes to address the town board.

INTRODUCTION OF MOTIONS, ORDERS AND RESOLUTIONS
RESOLUTIONS

MOTIONS

57.24 I make a motion to close public hearing #1.

58.24 I make a motion to close public hearing #2.

59.24 I make a motion to keep public hearing #3 open.

60.24 I make a motion to close public hearing #4.

RESOLUTIONS

338.24 Accepting Town Board meeting minutes. Pg. 109

339.24 To accept revenue for Town Clerk's office for August 2024. Pg. 206

340.24 To negotiate and execute an agreement with Hayes Instrumentation Services for Water Treatment Plant preventative maintenance and calibration services. Pg. 211

341.24 To negotiate and execute an agreement with Greenbriar Construction Services and Spectrum Environmental Associates Inc. for asbestos removal services. Pg. 220

342.24 To negotiate and execute an agreement with Koester for West Campbell pump station repairs. Pg. 236

343.24 To recognize the introduction of Introductory Local Law ___ of 2024; To amend Chapter 270, Zoning, of the town code, relating to a change of zone request on ±15.17 acres of a ±65.8-acre parcel from Multi-Family Residential (R-3) to General Business (B-2) located at 676 Mariaville Road and refer to the Planning Commission for report and recommendation. Pg. 243

344.24 To Declare Lead Agency for SEQR review on a change of zone from Single Family Residential (R-1) to Retail Business (B-1) located at Arlene Street. Pg. 254

345.24 To call for a Public Hearing on the proposed Introductory Local Law __ of 2024; To amend Chapter 270, Zoning, of the town code, relating to a change of zone from Single Family Residential (R-1) to Retail Business (B-1) located at Arlene Street. Pg. 260

346.24 To adopt a SEQR Negative Declaration on a change of zone application from General Business (B-2) to Multi-Family Residential (R-3) located at 1725 Tower Street. Pg. 278

347.24 To enact Local Law No. 16 of 2024; To amend Chapter 270, Zoning, of the town code, relating to a change of zone from General Business (B-2) to Multi-Family Residential (R-3) located at 1725 Tower Street. Pg. 289

348.24 To negotiate and execute Amendment No. 4 with GPI for additional engineering services related to the Sartoli Avenue and Rome Avenue Drainage Improvement Project. Pg. 303

349.24 To authorize an Intermunicipal Agreement with Albany-Schoharie-Schenectady-Saratoga Board of Cooperative Educational Services ("BOCES"). Pg. 327

350.24 To negotiate and execute an agreement with Marshall and Sterling Inc./Marshall and Sterling Administrative Services. Pg. 335

351.24 To authorize the release of Irrevocable Letter of Credit Number 2020-A-419 issued by Pioneer Bank for Beckers Crossing Phase 4 and 5. Pg. 346

352.24 To declare Police vehicles obsolete and authorize them to be auctioned. Pg. 351

353.24 To authorize the Senior Planner and Town's Consulting Engineer to work with SWCD, ECOS, Town Committees, and other volunteer groups and individuals to begin preliminary design and site preparation for the potential establishment of a trail system for passive recreational uses. Pg. 353

354.24 Resolution to Establish Lead Agency and adopt a Negative Declaration for the proposed Sanitary Sewer Pump Station Improvements Project. Pg. 369

355.24 To accept and award bid for Fire Hydrants to E.J. Prescott Inc. Pg. 413

356.24 To accept and award bid for Flags, Valves and Valve Boxes. Pg. 425

357.24 To approve a budget transfer to the 2024 budget. Pg. 452

358.24 To negotiate and execute an agreement with Phoenix Fence LLC for fencing at Juracka Park. Pg. 454

359.24 To authorize the Supervisor to sign a Third Amendment to Standard Lease Agreement with T-Mobile Northeast LLC for cell phone signal equipment placed on the Bernard Street Water Tower. Pg. 459

360.24 To authorize the Supervisor to sign a Third Amendment to a Standard Lease Agreement with T-Mobile Northeast LLC for cell phone signal equipment placed on the Hamburg Street Water Tower. Pg. 490

361.24 Authorize Deduct Change Order No. 1 with Carver Construction Inc. for the Sartoli Avenue & Kings Road Drainage Improvements and Roadway Reconstruction Project. Pg. 528

LIAISON REPORTS
MISCELLANEOUS

EXECUTIVE SESSION
ADJOURNMENT
Mollie A. Collins, Supervisor

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the Rotterdam Junction Fire Department, 1215 Main Street, Rotterdam Junction, New York, 12150 on Wednesday, September 11, 2024**,** at 7:00 p.m., the following motion passed:

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the Rotterdam Junction Fire Department, 1215 Main Street, Rotterdam Junction, New York, 12150 on Wednesday, September 11, 2024**,** at 7:00 p.m., the following motion passed:

MOTION 57.24

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. I make a motion to close public hearing #1.

SECTION 2. This motion shall become effective September 11, 2024.

DATED: September 11, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	**X**		
Mastroianni	**X**		
Gallucci	**X**		
Schlag	**X**		
Collins **(Absent)**			

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing motion was approved by the Town Board of the Town of Rotterdam on September 11, 2024 and that the foregoing motion is a true and correct transcript of the original motion and of the whole thereof and that said motion is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this September 16**,** 2024.

Diane M. Marco

Diane M. Marco, Town Clerk

TOWN OF ROTTERDAM
Office of The Town Clerk
Schenectady, County NY

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the Rotterdam Junction Fire Department, 1215 Main Street, Rotterdam Junction, New York, 12150 on Wednesday, September 11, 2024**,** at 7:00 p.m., the following motion passed:

MOTION 58.24

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. I make a motion to close public hearing #2.

SECTION 2. This motion shall become effective September 11, 2024.

DATED: September 11, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	**X**		
Mastroianni	**X**		
Gallucci	**X**		
Schlag	**X**		
Collins **(Absent)**			

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing motion was approved by the Town Board of the Town of Rotterdam on September 11, 2024 and that the foregoing motion is a true and correct transcript of the original motion and of the whole thereof and that said motion is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this September 16**,** 2024.

Diane M. Marco

Diane M. Marco, Town Clerk



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the Rotterdam Junction Fire Department, 1215 Main Street, Rotterdam Junction, New York, 12150 on Wednesday, September 11, 2024**,** at 7:00 p.m., the following motion passed:

MOTION 59.24

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. I make a motion to keep public hearing #3 open.

SECTION 2. This motion shall become effective September 11, 2024.

DATED: September 11, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	**X**		
Mastroianni	**X**		
Gallucci	**X**		
Schlag	**X**		
Collins **(Absent)**			

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing motion was approved by the Town Board of the Town of Rotterdam on September 11, 2024 and that the foregoing motion is a true and correct transcript of the original motion and of the whole thereof and that said motion is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this September 16**,** 2024.

Diane M. Marco

Diane M. Marco, Town Clerk

TOWN OF ROTTERDAM
Office of The Town Clerk
Schenectady, County NY

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the Rotterdam Junction Fire Department, 1215 Main Street, Rotterdam Junction, New York, 12150 on Wednesday, September 11, 2024**,** at 7:00 p.m., the following motion passed:

MOTION 60.24

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. I make a motion to close public hearing #4.

SECTION 2. This motion shall become effective September 11, 2024.

DATED: September 11, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	**X**		
Mastroianni	**X**		
Gallucci	**X**		
Schlag	**X**		
Collins **(Absent)**			

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing motion was approved by the Town Board of the Town of Rotterdam on September 11, 2024 and that the foregoing motion is a true and correct transcript of the original motion and of the whole thereof and that said motion is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this September 16**,** 2024.

Diane M. Marco

Diane M. Marco, Town Clerk

TOWN OF ROTTERDAM
Office of The Town Clerk
Schenectady, County NY

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the Rotterdam Junction Fire Department, 1215 Main Street, Rotterdam Junction, New York, 12150 on Wednesday, September 11, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION 338.24

ACCEPTING TOWN BOARD MEETING MINUTES

THEREFORE, UPON MOTION OF Councilmember **GALLUCCI**, seconded by Councilmember **SCHLAG**,
BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby adopts the minutes of the Town Board Meeting of August 14, 2024, and Town Board Special Meeting of August 22, 2024 as attached.

SECTION 2. This resolution shall become effective September 11, 2024.

DATED: September 11, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	**X**		
Mastroianni	**X**		
Gallucci	**X**		
Schlag	**X**		
Collins **(Absent)**			

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on September 11, 2024, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this September 16, 2024.

Diane M. Marco
Diane M. Marco, Town Clerk



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the Rotterdam Junction Fire Department, 1215 Main Street, Rotterdam Junction, New York, 12150 on Wednesday, September 11, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 339.24

TO ACCEPT REVENUE FOR TOWN CLERK'S OFFICE FOR AUGUST 2024

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Clerk's report for the month of August 2024, has been placed on file and the town clerk's check in the amount of five thousand seven hundred eighteen dollars and 21/100 ($5,718.21) has been submitted to the supervisor for deposit.

SECTION 2. This resolution shall become effective September 11, 2024

DATED: September 11, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	**X**		
Mastroianni	**X**		
Gallucci	**X**		
Schlag	**X**		
Collins **(Absent)**			

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on September 11, 2024, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this September 16, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the Rotterdam Junction Fire Department, 1215 Main Street, Rotterdam Junction, New York, 12150 on Wednesday, September 11, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 340.24

TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH HAYES INSTRUMENTATION SERVICES FOR WATER TREATMENT PLANT PREVENTATIVE MAINTENANCE AND CALIBRATION SERVICES

THEREFORE, UPON MOTION OF Councilmember **GALLUCCI**, seconded by Councilmember **SCHLAG**,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Town Supervisor to negotiate and execute an agreement with Hayes Instrumentation Services, located at 201 Longhouse Lane, Slingerlands, New York 12159, for annual preventative maintenance and calibration services at the Water Treatment Plant in the total amount not to exceed one thousand four hundred eighty-eight and 00/100 ($1,488.00) dollars.

SECTION 2. This resolution shall become effective September 11, 2024.

DATED: September 11, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	**X**		
Mastroianni	**X**		
Gallucci	**X**		
Schlag	**X**		
Collins **(Absent)**			

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on September 11, 2024, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this September 16, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk

TOWN OF ROTTERDAM
Office of The Town Clerk
Schenectady, County, NY

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the Rotterdam Junction Fire Department, 1215 Main Street, Rotterdam Junction, New York, 12150 on Wednesday, September 11, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 341.24

TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH GREENBRIAR CONSTRUCTION SERVICES AND SPECTRUM ENVIRONMENTAL ASSOCIATES INC FOR ASBESTOS REMOVAL SERVICES

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Town Supervisor to negotiate and execute an agreement with Greenbriar Construction Services, located at P.O. Box 330, Wynantskill, New York 12198, for asbestos abatement services on buildings located at 49 Rice Road and 1214 Main Street, in the total amount not to exceed nineteen thousand nine hundred ninety-nine and 00/100 ($19,999.00) dollars.

SECTION 2. The Town Board of the Town of Rotterdam hereby authorizes the Town Supervisor to negotiate and execute an agreement with Spectrum Environmental Services, located at P.O. Box 1024, Schenectady, New York 12301, for asbestos abatement monitoring services on buildings located at 49 Rice Road and 1214 Main Street, in the total amount not to exceed four thousand three hundred thirty-four and 00/100 ($4,334.00) dollars.

SECTION 3. This resolution shall become effective September 11, 2024.

DATED: September 11, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	**X**		
Mastroianni	**X**		
Gallucci	**X**		
Schlag	**X**		
Collins **(Absent)**			

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on September 11, 2024, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this September 16, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the Rotterdam Junction Fire Department, 1215 Main Street, Rotterdam Junction, New York, 12150 on Wednesday, September 11, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 342.24

TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH KOESTER FOR WEST CAMPBELL PUMP STATION REPAIRS

THEREFORE, UPON MOTION OF Deputy Supervisor **DODSON**, seconded by Councilmember **GALLUCCI**,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Town Supervisor to negotiate and execute an agreement with Koester, located at 3101 Seneca Turnpike, Canastota, New York 13032, for emergency repairs at the West Campbell Pump Station, in the total amount not to exceed twenty-three thousand six hundred fifty-seven and 97/100 ($23,657.97) dollars.

SECTION 2. This resolution shall become effective September 11, 2024.
DATED: September 11, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	**X**		
Mastroianni	**X**		
Gallucci	**X**		
Schlag	**X**		
Collins **(Absent)**			

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on September 11, 2024, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this September 16, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk

TOWN OF ROTTERDAM
Office of the Town Clerk
Schenectady, County, NY

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the Rotterdam Junction Fire Department, 1215 Main Street, Rotterdam Junction, New York, 12150 on Wednesday, September 11, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 343.24

TO RECOGNIZE THE INTRODUCTION OF INTRODUCTORY LOCAL LAW ___ OF 2024; TO AMEND CHAPTER 270, ZONING, OF THE TOWN CODE, RELATING TO A CHANGE OF ZONE REQUEST ON ±15.17 ACRES OF A ±65.8-ACRE PARCEL FROM MULTI-FAMILY RESIDENTIAL (R-3) TO GENERAL BUSINESS (B-2) LOCATED AT 676 MARIAVILLE ROAD AND REFER TO THE PLANNING COMMISSION FOR REPORT AND RECOMMENDATION

WHEREAS, The Town has received an application for a Change of Zone request on ±15.17 acres of a ±65.8-acre parcel from Multi-Family Residential (R-3) to General Business (B-2) to facilitate the potential construction of flex warehouse space: two (2) ±12,000 square foot, five (5) ±10,000 square foot and two (2) ±7,500 square foot buildings on ±16.19 acres of a ±65.8 acre parcel located at 676 Mariaville Road and is a portion of Tax Map No. 47.00-8.13.5; NOW

THEREFORE, UPON MOTION OF Councilmember **GALLUCCI**, seconded by Councilmember **MASTROIANNI**,
BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby recognizes the introduction of Introductory Local Law No. ____ of 2024; To amend Chapter 270, Zoning, of the Town Code, for a Change of Zone request on ±15.17 acres of a ±65.8-acre parcel from Multi-Family Residential (R-3) to General Business (B-2) to facilitate the potential construction of flex warehouse space: two (2) ±12,000 square foot, five (5) ±10,000 square foot and two (2) ±7,500 square foot buildings on ±16.19 acres of a ±65.8 acre parcel located at 676 Mariaville Road and is a portion of Tax Map No. 47.00-8.13.5.

SECTION 2. The Town Board hereby refers this Introductory Local Law No. ____ of 2024 to the Planning Commission of the Town of Rotterdam for report and recommendation thereon.

SECTION 3. This resolution shall become effective September 11, 2024.

DATED: September 11, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	**X**		
Mastroianni	**X**		
Gallucci	**X**		
Schlag	**X**		
Collins **(Absent)**			

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on September 11, 2024, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this September 16, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the Rotterdam Junction Fire Department, 1215 Main Street, Rotterdam Junction, New York, 12150 on Wednesday, September 11, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 344.24

TO DECLARE LEAD AGENCY FOR SEQR REVIEW ON A CHANGE OF ZONE FROM SINGLE FAMILY RESIDENTIAL (R-1) TO RETAIL BUSINESS (B-1) LOCATED AT ARLENE STREET

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby declares the Town Board as Lead Agency under 6 NYCRR Part 617 SEQR (State Environmental Quality Review) on a Change of Zone from Single Family Residential (R-1) to Retail Business (B-1) to create up to an additional 46 parking spaces on a portion of ±0.47-acre parcel for a restaurant at 2780 Hamburg Street, located at Arlene Street (Tax Map No. 59.15-1-10.11).

SECTION 2. The Town Board of the Town of Rotterdam hereby authorizes the Town Planner to prepare, file, publish, and distribute all documents as necessary to comply with 6 NYCRR Part 617 SEQR (State Environmental Quality Review).

SECTION 3. This resolution shall become effective September 11, 2024.

DATED: September 11, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	**X**		
Mastroianni	**X**		
Gallucci	**X**		
Schlag	**X**		
Collins **(Absent)**			

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on September 11, 2024, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this September 16, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk

TOWN OF ROTTERDAM
Office Of The Town Clerk
Schenectady, County NY

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the Rotterdam Junction Fire Department, 1215 Main Street, Rotterdam Junction, New York, 12150 on Wednesday, September 11, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 345.24

TO CALL FOR A PUBLIC HEARING ON THE PROPOSED INTRODUCTORY LOCAL LAW __ OF 2024; TO AMEND CHAPTER 270, ZONING, OF THE TOWN CODE, RELATING TO A CHANGE OF ZONE FROM SINGLE FAMILY RESIDENTIAL (R-1) TO RETAIL BUSINESS (B-1) LOCATED AT ARLENE STREET

WHEREAS, the Town Board passed Resolution No. 311.24 to recognize the introduction of Introductory Local Law __ of 2024; To amend Chapter 270, Zoning, of the town code, relating to a Change of Zone from Single Family Residential (R-1) to Retail Business (B-1) located at Arlene Street; and

WHEREAS, the Planning Commission, on August 20, 2024 issued a positive recommendation on the change of zone requested by the applicant.; and

WHEREAS, the Town Board Declared Lead Agency on the Change of Zone application under 6NYCRR Part 617 State Environmental Quality Review (SEQR) on September 11, 2024; NOW

THEREFORE, UPON MOTION OF Councilmember **SCHLAG**, seconded by Councilmember **MASTROIANNI**,
BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Town Clerk to publish in the official newspaper of the Town of Rotterdam not less than ten (10) days prior to the date designated for the public hearing provided for hereby the following notice:

TOWN OF ROTTERDAM
NOTICE OF HEARING

PLEASE TAKE NOTICE: That the Town Board of the Town of Rotterdam will hold a public hearing at the John F. Kirvin Government Center, Town Hall, 1100 Sunrise Boulevard, Rotterdam, New York 12306, at 7:00 p.m. on the 25th day of September, 2024 for the following purpose:

> To recognize the introduction of Introductory Local Law No. ____ of 2024; To amend Chapter 270, Zoning, of the Town Code, relating to a Change of Zone from Single Family Residential (R-1) to Retail Business (B-1) to create up to an additional 46 parking spaces on a portion of ±0.47-acre parcel for a restaurant located at 2780 Hamburg Street. The property is known as Arlene Street (Tax Map No. 59.15-1-10.11).

BY ORDER OF THE ROTTERDAM TOWN BOARD
DIANE M. MARCO, TOWN CLERK

DATED: September 11, 2024
Daily Gazette: Please publish once on September 13, 2024
Town Clerk
Post

SECTION 2. This resolution shall become effective September 11, 2024.

DATED: September 11, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	**X**		
Mastroianni	**X**		
Gallucci	**X**		
Schlag	**X**		
Collins **(Absent)**			

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on September 11, 2024, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this September 16, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the Rotterdam Junction Fire Department, 1215 Main Street, Rotterdam Junction, New York, 12150 on Wednesday, September 11, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 346.24

TO ADOPT A SEQR NEGATIVE DECLARATION ON A CHANGE OF ZONE APPLICATION FROM GENERAL BUSINESS (B-2) TO MULTI-FAMILY RESIDENTIAL (R-3) LOCATED AT 1725 TOWER STREET

THEREFORE, UPON MOTION OF Councilmember **MASTROIANNI,** seconded by Councilmember **SCHLAG,**
BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam herby adopts the Negative Declaration dated September 11, 2024, as prepared by the Senior Planner, for a Change of Zone request on a ± 6,816 square foot lot from General Business (B-2) to Multi-Family Residential (R-3) for the conversion of two (2) existing retail tenant spaces on the first floor into two (2) apartments located at 1725 Tower Street, Tax Map No. 59.9-7-6.2.

SECTION 2. The Town Board hereby authorizes the Senior Planner to distribute all documents necessary to comply with 6 NYCRR Part 612.12 (State Environmental Quality Review).

SECTION 3. This resolution shall become effective September 11, 2024.

DATED: September 11, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	**X**		
Mastroianni	**X**		
Gallucci	**X**		
Schlag	**X**		
Collins **(Absent)**			

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on September 11, 2024, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this September 16, 2024.

Diane M. Marco
Diane M. Marco, Town Clerk



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the Rotterdam Junction Fire Department, 1215 Main Street, Rotterdam Junction, New York, 12150 on Wednesday, September 11, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 347.24

TO ENACT INTRODUCTORY LOCAL LAW NO. 16 OF 2024; TO AMEND CHAPTER 270, ZONING, OF THE TOWN CODE, RELATING TO A CHANGE OF ZONE FROM GENERAL BUSINESS (B-2) TO MULTI-FAMILY RESIDENTIAL (R-3) LOCATED AT 1725 TOWER STREET

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board hereby enacts Introductory Local Law No. 16 of 2024.

SECTION 2. The Town Clerk is directed, following consultation with the Attorney to the Town, to file said Local Law in final form with the New York State Department of State.

SECTION 3. This resolution shall become effective September 11, 2024.

DATED: September 11, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	**X**		
Mastroianni	**X**		
Gallucci	**X**		
Schlag	**X**		
Collins **(Absent)**			

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on September 11, 2024, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this September 16, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk

TOWN OF ROTTERDAM
Office Of The Town Clerk
Schenectady, County, NY

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the Rotterdam Junction Fire Department, 1215 Main Street, Rotterdam Junction, New York, 12150 on Wednesday, September 11, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 348.24

TO NEGOTIATE AND EXECUTE AMENDMENT NO. 4 WITH GPI FOR ADDITIONAL ENGINEERING SERVICES RELATED TO THE SARTOLI AVENUE AND ROME AVENUE DRAINAGE IMPROVEMENT PROJECT

WHEREAS, the Town Board of the Town of Rotterdam is a party to an existing agreement (Resolutions 196.19 , 77.20 & 169.22 & 211.22) with Greenman-Pedersen Inc. (GPI), for professional engineering services relating to water service/drainage improvements on Sartoli Avenue and Rome Avenue; and

WHEREAS, GPI engineering consultant proposed additional scope of services for extended Construction Inspection Services; NOW

THEREFORE, UPON MOTION OF Councilmember **MASTORIANNI**, seconded by Deputy Supervisor **DODSON**,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to negotiate and execute amendment No. 4 to an engineering agreement with Greenman-Pedersen Inc.(GPI), located at 80 Wolf Road, Suite 600, Albany, New York 12205, for additional engineering services for the Sartoli Avenue and Rome Avenue Drainage Improvement Project, in the total amount not to exceed forty one thousand seven hundred forty two and 08/100 ($41,742.08), for the Sartoli Avenue and Rome Avenue Drainage Improvement Project.

SECTION 2. This resolution shall become effective September 11, 2024

DATED: September 11, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	**X**		
Mastroianni	**X**		
Gallucci	**X**		
Schlag	**X**		
Collins **(Absent)**			

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on September 11, 2024, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this September 16, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the Rotterdam Junction Fire Department, 1215 Main Street, Rotterdam Junction, New York, 12150 on Wednesday, September 11, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 349.24

TO AUTHORIZE AN INTERMUNICIPAL AGREEMENT WITH ALBANY-SCHOHARIE-SCHENECTADY-SARATOGA BOARD OF COOPERATIVE EDUCATIONAL SERVICES ("BOCES")

THEREFORE, UPON MOTION OF Councilmember **SCHLAG,** seconded by Deputy Supervisor **DODSON,**

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to negotiate and execute an intermunicipal agreement with Albany-Schoharie-Schenectady-Saratoga Board of Cooperative Educational Services ("BOCES"), located at 900 Watervliet Shaker Road, Albany, New York 12205, to provide Actuarial Services to the Town pursuant to GML §119-n, in accordance to the terms and conditions set forth in said agreement.

SECTION 2. This resolution shall become effective September 11, 2024.

DATED: September 11, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	**X**		
Mastroianni	**X**		
Gallucci	**X**		
Schlag	**X**		
Collins **(Absent)**			

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on September 11, 2024, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this September 16, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the Rotterdam Junction Fire Department, 1215 Main Street, Rotterdam Junction, New York, 12150 on Wednesday, September 11, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 350.24

TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH MARSHALL AND STERLING INC./MARSHALL AND STERLING ADMINISTRATIVE SERVICES

THEREFORE, UPON MOTION OF Councilmember **GALLUCCI**, seconded by Councilmember **SCHLAG**,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to negotiate and execute agreement with Marshall & Sterling, Inc./Marshall & Sterling Administrative Services for employee benefits insurance broker, agent and consulting services, in accordance to the terms and conditions set forth in said agreement.

SECTION 2. This resolution shall become effective September 11, 2024.
DATED: September 11, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	**X**		
Mastroianni	**X**		
Gallucci	**X**		
Schlag	**X**		
Collins **(Absent)**			

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on September 11, 2024, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this September 16, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the Rotterdam Junction Fire Department, 1215 Main Street, Rotterdam Junction, New York, 12150 on Wednesday, September 11, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 351.24

TO AUTHORIZE THE RELEASE OF IRREVOCABLE LETTER OF CREDIT NUMBER 2020-A-419 ISSUED BY PIONEER BANK FOR BECKERS CROSSING PHASE 4 AND 5

WHEREAS, the Developer of Beckers Crossing Phase 4 and 5 posted a Letter of Credit as a guarantee for the installation of 1.5" Type 7 top course and tack coat for the roadway known as Duff Bambury Court; and

WHEREAS, This work was completed the week of August 26, 2024, and the roadway has been inspected and deemed acceptable; NOW

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the release of Irrevocable Letter of Credit Number 2020-A-419 issued by Pioneer Bank in the amount of fifty-seven thousand two hundred and 00/100 ($57,200.00) dollars.

SECTION 2. This resolution shall become effective September 11, 2024.

DATED: September 11, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	**X**		
Mastroianni	**X**		
Gallucci	**X**		
Schlag	**X**		
Collins **(Absent)**			

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on September 11, 2024, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this September 16, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk

TOWN OF ROTTERDAM
Office Of The Town Clerk
Schenectady, County, N.Y.

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the Rotterdam Junction Fire Department, 1215 Main Street, Rotterdam Junction, New York, 12150 on Wednesday, September 11, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 352.24

TO DECLARE POLICE VEHICLES OBSOLETE AND AUTHORIZE THEM TO BE AUCTIONED

THEREFORE, UPON MOTION OF Councilmember **GALLUCCI,** seconded by Councilmember **SCHLAG**,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby declares the following vehicles obsolete and authorizes that it be sold at auction:
2013 Dodge Charger, 125,379 miles (VIN # 2C3CDXAT8DH673823)
2011 Ford Taurus, 119,317 miles (VIN # 1FAHP2EW2BG159089)
2018 Ford Explorer, 147,586 miles (VIN # 1FAHP2MK4JG117455)
2013 Chevrolet Tahoe, 144,106 miles (VIN # 1GNSK2E03DR315679)

SECTION 2. This resolution shall become effective September 11, 2024.

DATED: September 11, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	**X**		
Mastroianni	**X**		
Gallucci	**X**		
Schlag	**X**		
Collins **(Absent)**			

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on September 11, 2024, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this September 16, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the Rotterdam Junction Fire Department, 1215 Main Street, Rotterdam Junction, New York, 12150 on Wednesday, September 11, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 353.24

TO AUTHORIZE THE SENIOR PLANNER AND TOWN'S CONSULTING ENGINEER TO WORK WITH SWCD, ECOS, TOWN COMMITTEES, AND OTHER VOLUNTEER GROUPS AND INDIVIDUALS TO BEGIN PRELIMINARY DESIGN AND SITE PREPARATION FOR THE POTENTIAL ESTABLISHMENT OF A TRAIL SYSTEM FOR PASSIVE RECREATIONAL USES

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Senior Planner and Town's Consulting Engineer to work with Schenectady County Soil and Water Conservation District (SWCD), Environmental Clearinghouse of Schenectady (ECOS), Town Committees, and other volunteer groups and individuals to begin preliminary design and site preparation for the potential establishment of a trial system for passive recreational uses and associated parking access area(s), on Town owned land bounded by the Mohawk Hudson Trail, Mabie Lane, Pan Am Railway/State Route 5s, and Scrafford Lane.

SECTION 2. A formal work plan will be presented to the Town Board for discussion and potential action at a later date.

SECTION 3. This resolution shall become effective September 11, 2024.

DATED: September 11, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	**X**		
Mastroianni	**X**		
Gallucci	**X**		
Schlag	**X**		
Collins **(Absent)**			

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on September 11, 2024, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this September 16, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the Rotterdam Junction Fire Department, 1215 Main Street, Rotterdam Junction, New York, 12150 on Wednesday, September 11, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 354.24

RESOLUTION TO ESTABLISH LEAD AGENCY AND ADOPT A NEGATIVE DECLARATION FOR THE PROPOSED SANITARY SEWER PUMP STATION IMPROVEMENTS PROJECT

WHEREAS, the Town of Rotterdam (Town) is proposing the Town of Rotterdam Sanitary Sewer Pump Station Improvements Project (Project), located in the Town of Rotterdam, Schenectady County, New York; and

WHEREAS, the Project has been classified as a "Type I Action" as defined by the State Environmental Quality Review Act (SEQRA) in 6 NYCRR Part 617.4; and

WHEREAS, the Town of Rotterdam Town Board sent a letter and Part 1 of a Full Environmental Assessment Form (FEAF) to other potentially "Interested Agencies" and "Involved Agencies" (as these terms are defined in the SEQRA Regulations found at 6 NYCRR Part 617.2), indicating the Town's desire to serve as the "Lead Agency" (as this quoted term is defined in the SEQRA Regulations) and to complete a coordinated review of the Project (in accordance with 6 NYCRR Part 617.6); and

WHEREAS, responses from Interested and Involved Agencies were requested, and each of the potentially Interested and Involved Agencies has agreed to, or raised no objections to, the Town of Rotterdam Town Board serving as Lead Agency for the Project; and

WHEREAS, pursuant to the SEQRA Regulations, the Town of Rotterdam Town Board has considered the significance of the potential environmental impacts of the Project by (a) using the criteria specified in Section 617.7 of the SEQRA Regulations, and (b) examining the FEAF for the Project, including the facts and conclusions in Parts 1, 2 and 3 of the FEAF, together with other available supporting information, to identify the relevant areas of environmental concern; NOW

THEREFORE, UPON MOTION OF Deputy Supervisor **DODSON**, seconded by Councilmember **SCHLAG**,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town of Rotterdam Town Board hereby establishes itself as Lead Agency for the Project.

SECTION 2. Based upon an examination of the FEAF and other available supporting information, and considering both the magnitude and importance of each relevant area of environmental concern, and based further upon the Town's knowledge of the area surrounding the Project, the Town of Rotterdam Town Board makes the determination that the Project will not have a significant adverse environmental impact and that the Project will not require the preparation of a Draft Environmental Impact Statement; and

SECTION 3. As a consequence of such findings and declaration, and in compliance with the requirements of SEQRA/SERP, the Town of Rotterdam Town Board, as Lead Agency, hereby directs the Town of Rotterdam Supervisor to sign the FEAF Part 3 – Determination of Significance indicating that a Negative Declaration has been issued for the Project; this Resolution shall take effect immediately and will be properly noticed.

SECTION 4. This resolution shall become effective September 11, 2024.

DATED: September 11, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	**X**		
Mastroianni	**X**		
Gallucci	**X**		
Schlag	**X**		
Collins **(Absent)**			

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on September 11, 2024, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this September 16, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk

TOWN OF ROTTERDAM
Office of the Town Clerk
Schenectady, County NY

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the Rotterdam Junction Fire Department, 1215 Main Street, Rotterdam Junction, New York, 12150 on Wednesday, September 11, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 355.24

TO ACCEPT AND AWARD BID FOR FIRE HYDRANTS TO E.J. PRESCOTT INC.

WHEREAS, Pursuant to notice duly published according to Section One Hundred Three of the General Municipal Law of the State of New York, the Town of Rotterdam on Wednesday, September 4, 2024 posted an official report of all bid submissions received to the Empire State Purchasing Group on BidNet (http://bidnetdirect.com/townofrotterdam). Additionally, the official bid report and all bids were made available in the Office of the Town Clerk for public inspection upon request, for the purchase by the Town of Rotterdam of the following:

FIRE HYDRANTS

THEREFORE, UPON MOTION OF Councilmember **SCHLAG**, seconded by Deputy Supervisor **DODSON**,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam does hereby accept and award the bid for Fire Hydrants listed in solicitation number 09032024 for the Town of Rotterdam to E.J. Prescott Inc., located at 198 Ushers Road, Round Lake, New York 12151, with a total bid amount not to exceed sixty-eight thousand eight hundred fifty and 00/100 ($68,850.00.00) dollars.

SECTION 2. The Supervisor of the Town of Rotterdam is hereby authorized to execute a contract with said bidder in accordance with the terms of the bid proposal as submitted. Summary of bid prices are on file in the Town Clerk's office.

SECTION 3. This resolution shall become effective September 11, 2024

DATED: September 11, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	**X**		
Mastroianni	**X**		
Gallucci	**X**		
Schlag	**X**		
Collins **(Absent)**			

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on September 11, 2024, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this September 16, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the Rotterdam Junction Fire Department, 1215 Main Street, Rotterdam Junction, New York, 12150 on Wednesday, September 11, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 356.24

TO ACCEPT AND AWARD BIDS FOR FLAGS, VALVES, AND VALVE BOXES

WHEREAS, Pursuant to notice duly published according to Section One Hundred Three of the General Municipal Law of the State of New York, the Town of Rotterdam posted an official report of all bid submissions received to the Empire State Purchasing Group on BidNet (http://bidnetdirect.com/townofrotterdam). Additionally, the official bid report and all bids were made available in the Office of the Town Clerk for public inspection upon request, for the purchase by the Town of Rotterdam of the following:

FLAGS, VALVES, AND VALVE BOXES

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam does hereby accept and award the bid for **5 - Kennedy – NRS Valve 6" RW, 4 - Kennedy – NRS Valve 8" RW, 1 - Kennedy – NRS Valve 10" RW, 2 - Kennedy – NRS Valve 12" RW, 2 - Kennedy – NRS Valve 20" RW** and **1 - Valve Box 2 Piece Slide w/Flange – Star 52-72"** to Core & Main LP, located at 14 Arch Street, Watervliet, New York 12189, pursuant to the attached spreadsheet, for the bid amount not to exceed seventy one thousand eight hundred sixty seven and 00/100 ($71,867.00) dollars.

SECTION 2. The Town Board of the Town of Rotterdam does hereby accept and award the bid for **15 - Hydrant Marker/Flag** to Ferguson Enterprises located at 612 Peirce Road, Clifton Park, New York 12065, for the bid amount not to exceed four hundred twenty and 00/100 ($420.00) dollars.

SECTION 3. The Supervisor of the Town of Rotterdam is hereby authorized to execute a contract with said bidders in accordance with the terms of the bid proposal as submitted. Summary of bid prices are on file in the Town Clerk's office.

SECTION 4. This resolution shall become effective September 11, 2024

DATED: September 11, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	**X**		
Mastroianni	**X**		
Gallucci	**X**		
Schlag	**X**		
Collins **(Absent)**			

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on September 11, 2024, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this September 16, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the Rotterdam Junction Fire Department, 1215 Main Street, Rotterdam Junction, New York, 12150 on Wednesday, September 11, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 357.24

TO APPROVE A BUDGET TRANSFER TO THE 2024 BUDGET

THEREFORE, UPON MOTION OF Councilmember **SCHLAG**, seconded by Deputy Supervisor **DODSON**,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. Pursuant to Section 36 of the General Municipal Law of the State of New York and Sections 102, 112 and 113 of Town Law of the State of New York, regarding the Uniform System of Accounts, the following transfers to the various accounts for **2024** are hereby audited and approved:

Fund	***Account No.***		***Title***	***Amount***
General	A 0910	FROM:	Fund Balance Appropriation	-61,250.00
General	A7110 4153	INTO:	Parks Improvements	+61,250.00

SECTION 2. This resolution shall become effective September 11, 2024.

DATED: September 11, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni	X		
Gallucci	X		
Schlag	X		
Collins **(Absent)**			

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on September 11, 2024, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this September 16, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk

TOWN OF ROTTERDAM
Office Of The Town Clerk
Schenectady, County, NY

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the Rotterdam Junction Fire Department, 1215 Main Street, Rotterdam Junction, New York, 12150 on Wednesday, September 11, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 358.24

TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH PHOENIX FENCE LLC FOR FENCING AT JURACKA PARK

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to negotiate and execute an agreement with Phoenix Fence LLC, located at 11071 Mariaville Road, Pattersonville, NY 12137 for the supply and installation of fencing, as described in the attached quote dated 9/9/2024, to be installed at Juracka Park, in the amount not to exceed seventeen thousand five hundred and 00/100 ($17,500.00) dollars.

SECTION 2. This resolution shall become effective September 11, 2024.

DATED: September 11, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	**X**		
Mastroianni	**X**		
Gallucci	**X**		
Schlag	**X**		
Collins **(Absent)**			

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on September 11, 2024, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this September 16, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk

TOWN OF ROTTERDAM Office of The Town Clerk Schenectady, County NY

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the Rotterdam Junction Fire Department, 1215 Main Street, Rotterdam Junction, New York, 12150 on Wednesday, September 11, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 359.24

TO AUTHORIZE THE SUPERVISOR TO SIGN A THIRD AMENDMENT TO STANDARD LEASE AGREEMENT WITH T-MOBILE NORTHEAST LLC FOR CELL PHONE SIGNAL EQUIPMENT PLACED ON THE BERNARD STREET WATER TOWER

THEREFORE, UPON MOTION OF Deputy Supervisor **DODSON,** seconded by Councilmember **GALLUCCI,**

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Supervisor is authorized to negotiate, accept and sign a Third Amendment to Standard Lease Agreement with T-Mobile Northeast LLC, for the use of the Bernard Street Water Tower for mounting and maintaining cell phone signal equipment.

SECTION 2. This resolution shall become effective September 11, 2024.

DATED: September 11, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	**X**		
Mastroianni	**X**		
Gallucci	**X**		
Schlag	**X**		
Collins **(Absent)**			

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on September 11, 2024, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this September 16, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the Rotterdam Junction Fire Department, 1215 Main Street, Rotterdam Junction, New York, 12150 on Wednesday, September 11, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 360.24

TO AUTHORIZE THE SUPERVISOR TO SIGN A THIRD AMENDMENT TO A STANDARD LEASE AGREEMENT WITH T-MOBILE NORTHEAST LLC FOR CELL PHONE SIGNAL EQUIPMENT PLACED ON THE HAMBURG STREET WATER TOWER

THEREFORE, UPON MOTION OF Councilmember **SCHLAG,** seconded by Councilmember **GALLUCCI,**

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Supervisor is authorized to negotiate, accept and sign a Third Amendment to Standard Lease Agreement with T-Mobile Northeast LLC, for the use of the Hamburg Street Water Tower for mounting and maintaining cell phone signal equipment.

SECTION 2. This resolution shall become effective September 11, 2024.

DATED: September 11, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni	X		
Gallucci	X		
Schlag	X		
Collins **(Absent)**			

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on September 11, 2024, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this September 16, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the Rotterdam Junction Fire Department, 1215 Main Street, Rotterdam Junction, New York, 12150 on Wednesday, September 11, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 361.24

AUTHORIZE DEDUCT CHANGE ORDER NO. 1 WITH CARVER CONSTRUCTION INC. FOR THE SARTOLI AVENUE & KINGS ROAD DRAINAGE IMPROVEMENTS AND ROADWAY RECONSTRUCTION PROJECT

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to negotiate and execute Deduct Change Order No. 1 with Carver Construction Inc., located at 494 Western Turnpike, Altamont, New York 12009, for a deduction in the amount of 42/100 ($00.42) cents, for a new total contract amount not to exceed one million four hundred fifty-eight thousand one hundred forty-four and 58/100 ($1,458,144.58) dollars.

SECTION 2. This resolution shall become effective September 11, 2024.

DATED: September 11, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	**X**		
Mastroianni	**X**		
Gallucci	**X**		
Schlag	**X**		
Collins **(Absent)**			

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on September 11, 2024, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this September 16, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk

TOWN OF ROTTERDAM
Office Of The Town Clerk
Schenectady, County N.Y.

RESOLUTION NO. 363.24

TO SCHEDULE A SPECIAL MEETING OF THE TOWN BOARD

THEREFORE, UPON MOTION OF Councilmember _____,

seconded by Councilmember _____,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby schedules a special meeting of the Town Board of the Town of Rotterdam, to be held Wednesday, October 2, 2024, at 7:00 p.m., at the John F. Kirvin Government Center, Town Hall, 1100 Sunrise Boulevard, Rotterdam, New York 12306 for the purpose of the Town Clerk presenting the 2025 tentative budget to the Town Board and for any other purpose as may come before the Town Board.

SECTION 2. The Town Clerk of the Town of Rotterdam is hereby directed to transmit to the news media, to publish in the official newspaper of the Town of Rotterdam, to post on the Town website, to post on the Town Clerk signboard, and to provide written notice to each member of the Town Board not less than two (2) days prior to the date designated for the special meeting, the following notice of special meeting:

TOWN OF ROTTERDAM
NOTICE OF SPECIAL MEETING

PLEASE TAKE NOTICE: That the Town Board of the Town of Rotterdam will hold a special meeting at the John F. Kirvin Government Center, Town Hall, 1100 Sunrise Boulevard, Rotterdam, New York 12306 at 7:00 p.m. on the 2nd day of October, 2024 for the purpose of the Town Clerk presenting the 2025 tentative budget to the Town Board and for any other purpose as may come before the Town Board.

BY ORDER OF THE ROTTERDAM TOWN BOARD
DIANE M. MARCO, TOWN CLERK

DATED: September 25, 2024
Daily Gazette: Please publish once on or before September 27, 2024
Town Clerk: Post, Transmit to News Media, Provide Written Notice to Councilmembers

SECTION 3. This resolution shall become effective September 25, 2024

DATED: September 25, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

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:	September 18, 2024
TO:	Town Board
FROM:	Mollie Collins, Town Supervisor
TITLE OF REQUEST:	Schedule a Special Meeting
TOWN BOARD MEETING:	September 25, 2024
Background Information:	The town clerk is required to present the 2025 tentative budget to the town board at a regular or special meeting, to be held on or before the fifth day of October.
Evaluation/Analysis:	Town Law - TWN § 106
Recommendation(s):	Schedule the Special Meeting for October 2, 2024, for the intent to present the 2025 tentative budget.
Attachment/Document(s):	N/A
Compliance with Purchasing Policy:	N/A
Effect(s) on Existing Law(s):	N/A
LEGISLATION WILL BE PREPARED BY:	Supervisors Office

RESOLUTION NO. 364.24

TO ENACT INTRODUCTORY LOCAL LAW NO. 17 OF 2024; TO AMEND SECTION 266-46, ENTITLED "SCHEDULE VI: STOP INTERSECTIONS" OF THE CODE OF THE TOWN OF ROTTERDAM, FOR THE ADDITION OF STOP SIGNS AT THE AL CONSTANTINO DRIVE AND DUFF BAMBURY COURT INTERSECTIONS

THEREFORE, UPON MOTION OF Councilmember _____,

seconded by Councilmember _____,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board hereby enacts Introductory Local Law No. 17 of 2024.

SECTION 2. The Town Clerk is directed, following consultation with the Attorney to the Town, to file said Local Law in final form with the New York State Department of State.

SECTION 3. This resolution shall become effective September 25, 2024.

DATED: September 25, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

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: September 16, 2024

TO: Legislative Review Board

FROM: Deputy Chief William Male

TITLE OF REQUEST: Recommend adding a stop sign to regulate traffic traveling on Al Constantino Drive @ Duff Bambury Court.

TOWN BOARD MEETING: September 25, 2024

August 14, 2024: Call for public hearing
September 11, 2024: Hold public hearing
September 25, 2024: Adopt the local law

Background Information: Received complaints from neighboring residents requesting the intersection of Al Constantino Dr. and Duff Bambury Ct. be a four-way stop intersection.

Evaluation/Analysis: A visual traffic survey was completed on July 6, 2024.

Recommendation(s): Recommend adopting a local law adding stop signs on Al Constantino Dr. at the intersection of Duff Bambury Ct.

Attachment/Document(s): Traffic survey completed by Sergeant Varrone.

Compliance with Purchasing Policy: N/A

Effect(s) on Existing Law(s): 266-13 and 266-46 of the Rotterdam Town Code.

LEGISLATION WILL BE PREPARED BY: RPD

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

Local Law Filing

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

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

☐ **County** ☐ **City** ☒ **Town** ☐ **Village**
(Select one:)

of Rotterdam

Local Law No. 17 **of the year 20**24

A local law to amend Section 266-46 entitled "Schedule VI: Stop Intersections" of the Code of the
(Insert Title)
Town of Rotterdam, for the addition of stop signs at the Al Constantino Drive and Duff
Bambury Court intersection.

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

☐ **County** ☐ **City** ☒ **Town** ☐ **Village**
(Select one:)

of Rotterdam **as follows:**

see attached:

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

(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. 17 of 2024 of the (County)(City)(Town)(Village) of Rotterdam was duly passed by the Town Board on September 25 2024, in accordance with the applicable provisions of law.

(Name of Legislative Body)

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)

(Name of Legislative Body)

(repassed after disapproval) by the _____ and was deemed duly adopted

(Elective Chief Executive Officer)*

on _____ 20[ ][ ], in accordance w ith the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)

(Name of Legislative Body)

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

(Elective Chief Executive Officer)*

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

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)

(Name of Legislative Body)

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

(Elective Chief Executive Officer)*

law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

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

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

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

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

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

(Seal)

Date: _____

ROTTERDAM POLICE DEPARTMENT
UNIFORM DIVISION
TRAFFIC SURVEY



ATTN: Chief Brown, Deputy Chief Male, Lieutenant Collins, Lieutenant Girard
LOCATION: Al Constantino Dr and Duff Bambury Ct
DATE: 07/06/2024

REQUEST

Received a complaint from town residents regarding the intersection of Al Constantino Drive at Duff Bambury Ct. This is a four way intersection with stop signs positioned only on Duff BamburyCt. There are no stop signs positioned on Al Constantino Dr and the neighbors would like them due to the intersection being frequently traveled via foot and bicycle as well as the increase in vehicular traffic as more new homes have been developed in the immediate area.

SURVEYS

A visual traffic survey was completed on 07/06/24.

CONCLUSION

After review of the above mentioned intersection and considering the guidelines set forth in the Manual of Uniform Traffic Control, I do feel a four way stop sign being placed on Al Constantino Drive at Duff Bambury Court will have an impact on traffic control.

While conducting a visual survey of the intersection I observed bushes on the southeast corner of Duff Bambury Ct and Al Constantino Dr, which highly limit the view of vehicles on Al Constantino Dr northwest, while stopped on Duff Bambury Ct. (Photos provided). It appears that the bushes in question along with a large landscaping rock, with a plaque attached, were installed by the Town of Rotterdam as a memorial to V. Dalton Bambury. This appears to be in violation of Rotterdam Town Zoning code Chapter 270-12 (Visibility at intersections).Also, due to the curved design of the roadway of Al Constantino Dr approaching the intersection it makes oncoming traffic less visible with said landscaping installed. I am recommending the relocation of the memorial (bushes and plaque) to the cul-de-sac at the end of Duff Bambury Ct and the intersection being a 4 way stop sign controlled location.

I feel the placement of stop signs on Al Constantino Drive will aide in the overall safety of the community.

M.U.T.C Section 2B.05

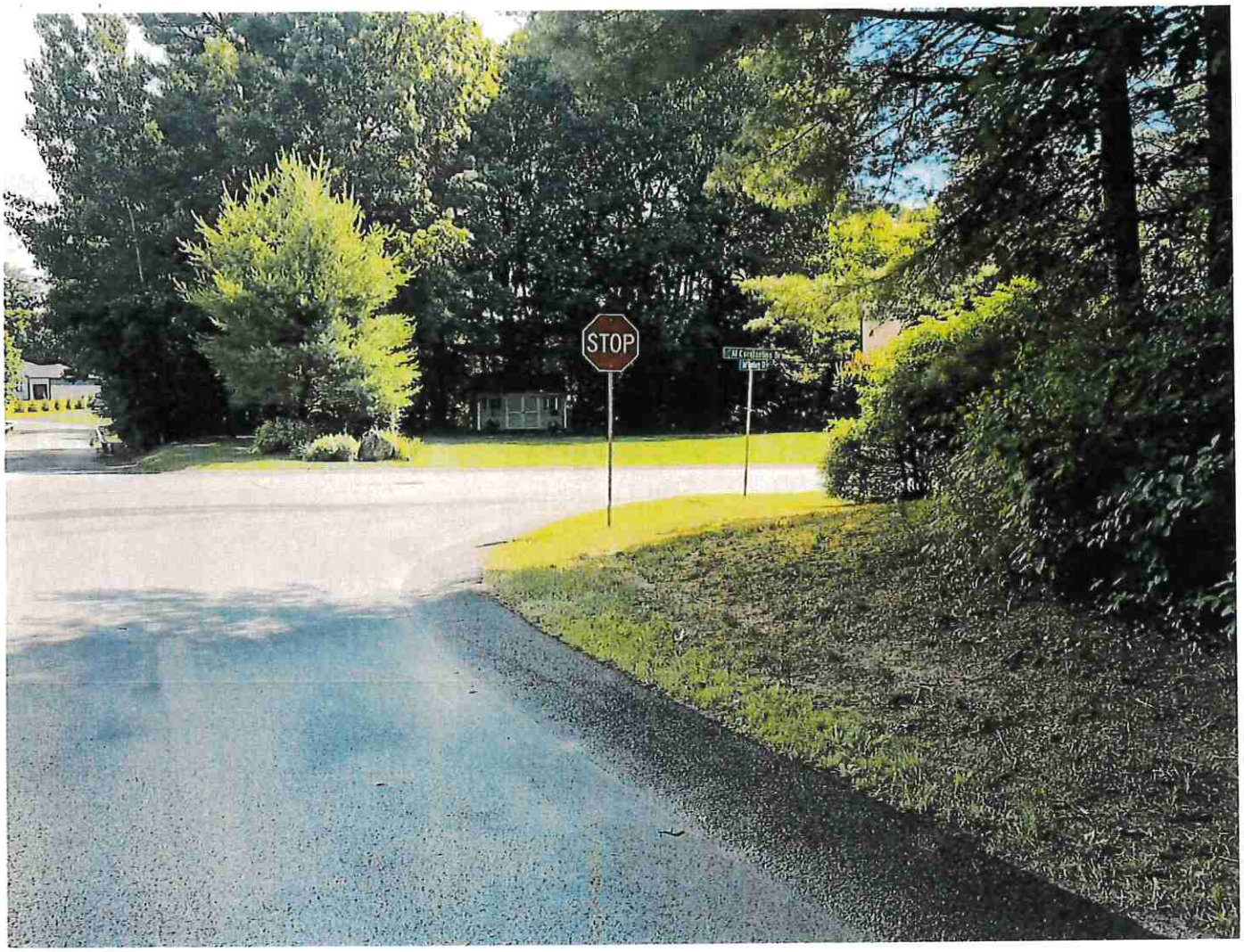
1. Street entering a through highway or street;
2. Unsignalized intersection in a signalized area;

ROTTERDAM POLICE DEPARTMENT
UNIFORM DIVISION
TRAFFIC SURVEY

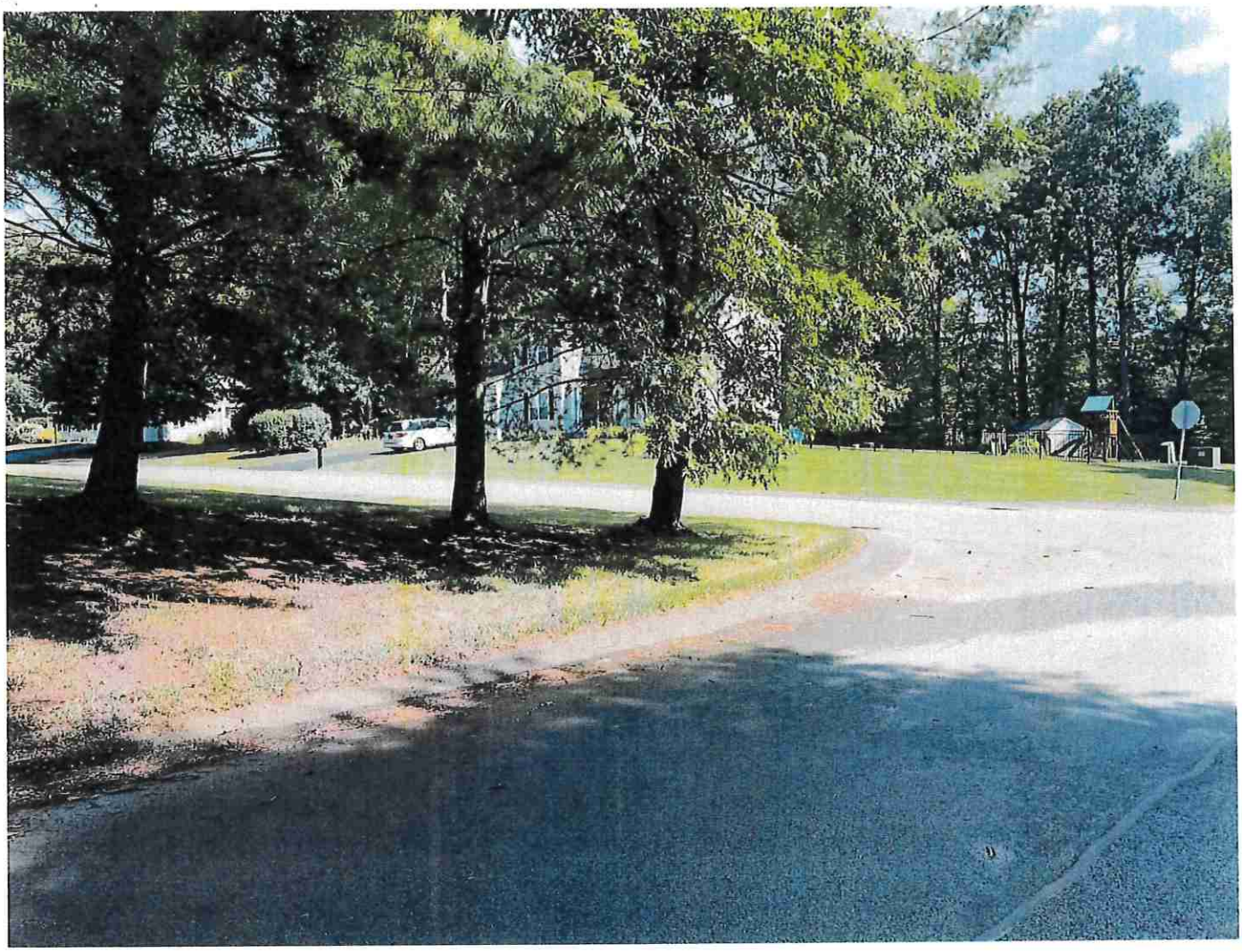


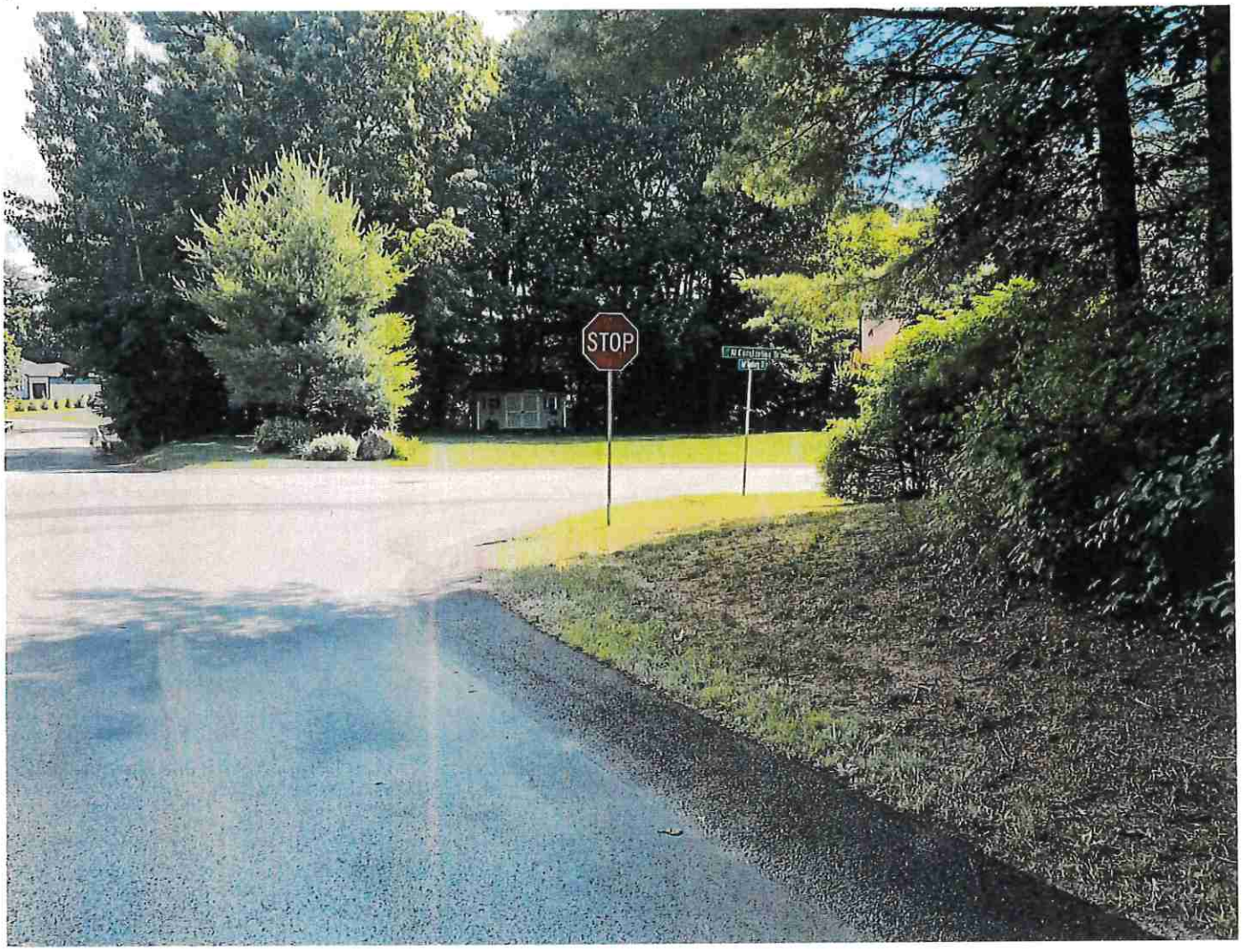
Respectfully Submitted,

Sgt Anthony Varrone


STOP






STOP


STOP


STOP




V. DALTON BEMBURY
"MR. CHAIRMAN"
TOWN OF ROTTERDAM
"A GOOD FRIEND TO ALL
"IN A NICE PLACE TO LIVE"

RESOLUTION NO. 365.24

TO ENACT INTRODUCTORY LOCAL LAW NO. 18 OF 2024; TO AMEND SECTION 266-46, ENTITLED "SCHEDULE VI: STOP INTERSECTIONS" OF THE CODE OF THE TOWN OF ROTTERDAM, FOR THE ADDITION OF A STOP SIGN AT LAURA STREET AND GUILDERLAND AVENUE

THEREFORE, UPON MOTION OF Councilmember _____,

seconded by Councilmember _____,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board hereby enacts Introductory Local Law No. 18 of 2024.

SECTION 2. The Town Clerk is directed, following consultation with the Attorney to the Town, to file said Local Law in final form with the New York State Department of State.

SECTION 3. This resolution shall become effective September 25, 2024.

DATED: September 25, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

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: September 16, 2024

TO: Legislative Review Board

FROM: Deputy Chief William Male

TITLE OF REQUEST: Recommend re-installing a stop sign on Laura Street at the intersection of Guilderland Avenue.

TOWN BOARD MEETING: September 25, 2024

August 14, 2024: Call for public hearing
September 11, 2024: Hold public hearing
September 25, 2024: Adopt the local law

Background Information: As a result of the removal of the one way section of Laura Street at Guilderland Avenue (resolution no. 130.24) a stop sign should be re-installed.

Evaluation/Analysis: This intersection previously had a stop sign prior to it becoming a one way.

Recommendation(s): Recommend re-installing a stop sign on Laura Street at the intersection of Guilderland Avenue.

Attachment/Document(s): Memorandum completed by Sergeant Varrone.

Compliance with Purchasing Policy: N/A

Effect(s) on Existing Law(s): 266-13 and 266-46 of the Rotterdam Town Code.

LEGISLATION WILL BE PREPARED BY: RPD

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

Local Law Filing

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

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

☐ **County** ☐ **City** ☒ **Town** ☐ **Village**
(Select one:)

of Rotterdam

Local Law No. 18 **of the year 20**24

A local law to amend Section 266-46 entitled "Schedule VI: Stop Intersections" of the Code of the
(Insert Title)
Town of Rotterdam, for the addition of a stop sign at Laura Street and Guilderland Avenue.

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

☐ **County** ☐ **City** ☒ **Town** ☐ **Village**
(Select one:)

of Rotterdam **as follows:**

see attached:

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

(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. 18 of 2024 of the (County)(City)(Town)(Village) of Rotterdam was duly passed by the Town Board on September 25 2024, in accordance with the applicable
(Name of Legislative Body)
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)
(Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted
(Elective Chief Executive Officer)*
on _____ 20☐☐, in accordance w ith the applicable provisions of law.

3. (Final adoption by referendum.)

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

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

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

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

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

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

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

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

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

(Seal)

Date: _____

ROTTERDAM POLICE DEPARTMENT
UNIFORM DIVISION
MEMORANDUM

TO: Chief Michael Brown

FROM: Sergeant Anthony Varrone

DATE: 06/25/24

RE: Stop sign needed at Laura St and Guilderand Ave

Chief Brown,

Due to the recent removal of the one way signage on Laura St, east off of Guilderland Ave, I believe it is necessary to re-install a stop sign on Laura St at that intersection. There was a sign there prior to the one way approval but now that the one way is no longer in effect it is best for the safety of the town and motorists if the sign is again installed at that location.

Respectfully submitted,

Sgt. Anthony Varrone

RESOLUTION NO. 366.24

TO ENACT LOCAL LAW NO. 19 OF 2024; TO AMEND CHAPTER 150 HAWKING, PEDDLING, AND SOLICITING, §150-22 RULES AND REGULATIONS, SECTION "J" OF THE CODE OF THE TOWN OF ROTTERDAM, FOR THE PURPOSE OF ALLOWING ICE CREAM TRUCKS TO OPERATE WITHIN THE TOWN OF ROTTERDAM

THEREFORE, UPON MOTION OF Councilmember _____,

seconded by Councilmember _____,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board hereby enacts Introductory Local Law No. 19 of 2024.

SECTION 2. The Town Clerk is directed, following consultation with the Attorney to the Town, to file said Local Law in final form with the New York State Department of State.

SECTION 3. This resolution shall become effective September 25, 2024.

DATED: September 25, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

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:	September 18, 2024
TO:	Town Board
FROM:	Ronald Schlag, Councilmember
TITLE OF REQUEST:	Approve a local law to amend section 150-22(J) of the Town Code, to allow for ice cream trucks within the Town of Rotterdam
TOWN BOARD MEETING:	September 25, 2024
Background Information:	The Town has received inquiries from ice cream truck companies wishing to operate in the Town, however current local law section 150-22(J) does not allow for such an activity within the Town. Section 150-22(J) prohibits ice cream trucks within the Town and amendment is the only option if the Town Board wishes to allow this activity.
Evaluation/Analysis:	Public hearing was held on 9/11/24 at the Rotterdam Junction Fire House, with welcomed discussion from a local ice cream truck company. The public hearing was held open to host any further discussion at the 9/25/24 Town Hall Board Meeting.
Recommendation(s):	Approve the amendment to the local law to allow ice cream trucks to operate within the Town.
Attachment/Document(s):	Draft Local Law of the Year 2024

Compliance with Purchasing Policy: N/A

Effect(s) on Existing Law(s): Rotterdam Town Code Chapter 150-22(J) - amend

LEGISLATION WILL BE PREPARED BY: Town Attorney

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

Local Law Filing

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

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

☐ **County** ☐ **City** ☒ **Town** ☐ **Village**
(Select one:)

of Rotterdam

Local Law No. 19 **of the year 20**24

A local law to amend Chapter 150 Hawking, Peddling, and Soliciting, §150-22 Rules and Regulations,
(Insert Title)
Section "J" of the Code of the Town of Rotterdam, for the purpose of allowing ice cream trucks to operate within the Town of Rotterdam.

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

☐ **County** ☐ **City** ☒ **Town** ☐ **Village**
(Select one:)

of Rotterdam **as follows:**

see attached:

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

(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. 19 of 2024 of the (County)(City)(Town)(Village) of Rotterdam was duly passed by the Town Board on September 25 2024, in accordance with the applicable provisions of law.

(Name of Legislative Body)

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)

(Name of Legislative Body)

(repassed after disapproval) by the _____ and was deemed duly adopted

(Elective Chief Executive Officer)*

on _____ 20[ ][ ], in accordance w ith the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)

(Name of Legislative Body)

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

(Elective Chief Executive Officer)*

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

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)

(Name of Legislative Body)

(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

(Elective Chief Executive Officer)*

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

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

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

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

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

(Seal)

Date: _____

Chapter 150 **Hawking, Peddling and Soliciting**

§ 150-22. Rules and regulations.

J. ~~Not sell, offer for sale or dispense any food, confectionary or ice cream directly from a vehicle while said vehicle is on a public street.~~
The sale or dispense of any food, confectionary or ice cream directly from a vehicle while said vehicle is on a public street shall be from May 1st through September 30th, and be regulated as follows:

1) No selling on major streets (Curry Road, Altamont Avenue, Helderberg Avenue, Guilderland Avenue, Hamburg Street and all other roads with very high traffic).
2) No playing music on any of the above streets.
3) No selling on private lots, unless invited and with permission.
4) No selling in the parking lots of any sports fields that have a concession stand that is open for business, unless invited with permission.
5) Hours of operation will be 11am-8pm for non-school days and 4pm-8pm on all school days, unless going to an event different from the regular hours for a private party.
6) All holidays, vacation, and all weekends during school season hours are 11am until 8pm.

RESOLUTION NO. 367.24

TO AUTHORIZE THE PURCHASE OF ONE PICKUP TRUCK FOR THE WATER PLANT

THEREFORE, UPON MOTION OF Councilmember _____,

seconded by Councilmember _____,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the purchase of one 2025 Ford F-250 pickup truck for the Water Plant, from Nielsen Ford of Morristown Inc., located at 31 Williams Parkway, East Hanover, New Jersey 07936, with compliance under NYS OGS solicitations, in the amount not to exceed sixty-five thousand one hundred twenty-six and 96/100 ($65,126.96) dollars.

SECTION 2. This resolution shall become effective September 25, 2024.

DATED: September 25, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

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: 9/17/2024

FROM: Justin Peterson, Sr. Water Plant Operator

TITLE OF REQUEST: Pickup Truck Purchase

TO: Town Board

TOWN BOARD MEETING: 9/25/2024

Background Information: In the past the water plant has passed vehicles in good working condition to another department in need. We are looking to replace our 2017 F250 with 50,000 miles so that it can be given to the Wastewater Plant. Their current truck is over 20 years old and in very poor condition.

Evaluation/Analysis: A bid request was distributed through the NYS OGS Vehicle marketplace in order to obtain the best price and comply with the purchasing policy. We received 3 vehicle bids and 1 decline notice. The selection is based on lowest total price and includes 3rd party installation of safety lights, a snow plow and other necessary equipment. None of the bidders had the vehicle in their existing inventory, it will need to be build. No window sticker is available, Bid spec. sheet is included.

Recommendation(s): Authorize the purchase of a 2025 F250 to be taken from W58320-2000 (Equipment) from Nielsen Ford to be used by the Water Plant.

Attachment/Document(s): (4) NYS OGS solicitation responses, Vehicle Spec. sheet.

Compliance with Purchasing Policy: Yes

Effect(s) on Existing Law(s): No

LEGISLATION WILL BE PREPARED BY: Supervisors Office

Town of Rotterdam Purchase Order Request

Purchase Order Number: 2024-_

Date: 9/17/2024

Vendor: Nielsen Ford Vendor#: _____

Appropriation Account Number(s):	Amount to pay from line:
W58320-2000	$65,126.96

Description of items or services to be purchased:

2025 F250 Pickup

Reason for purchase:

Replace existing 2017 F250.

Requested by: Justin Peterson

Department Head **Approval** James Keeth

Comptroller's Office Approval of funds available: _____ Date: _____

Budget Transfer Request Attached: Yes **No** _____

Approved by:

Supervisor Collins	Yes	No	Date: _____
Deputy Supervisor Dodson	Yes	No	Date: _____

Water Plant Pickup Spec.

Factory Equipment

New 2024 or 2025 Ford F250 (or F350 SRW if taken from existing inventory)
Regular cab with 8 foot Bed
Antimatter Blue Metallic Paint
6.8L V-8 and 10-Speed Automatic Transmission
4x4
4.30 Ratio with locking axle
Snowplow/camper prep
18 inch wheels with 275/70R18 All terrain tires
Power windows, locks and heated mirrors
Platform running boards
Rear privacy glass
Chrome bumpers
Spray on bedliner
Remote start
Roof marker/clearance lights
Led box lighting
Trailer brake controller
Dual batteries
Pro power factory 2kw inverter
Spare tire, wheel, carrier and jack
Upfitter switches

Aftermarket Equipment

Fisher Stainless Steel 8'6" XV-2 Snowplow
Led Headlights
Handheld plow controller
Shoe Kit
Timbren Front suspension boosters
Code 3 C5517CA (or similar) 17" mini light bar with clear lens and amber leds with single on/off switch and single flash pattern selector button
Buyers 8895152 (or similar) No drill style 3rd brake light mount for mini-bar
Weatherguard Crossover toolbox 127-0-04
Original Style standard height backrack cab protector and toolbox install kit

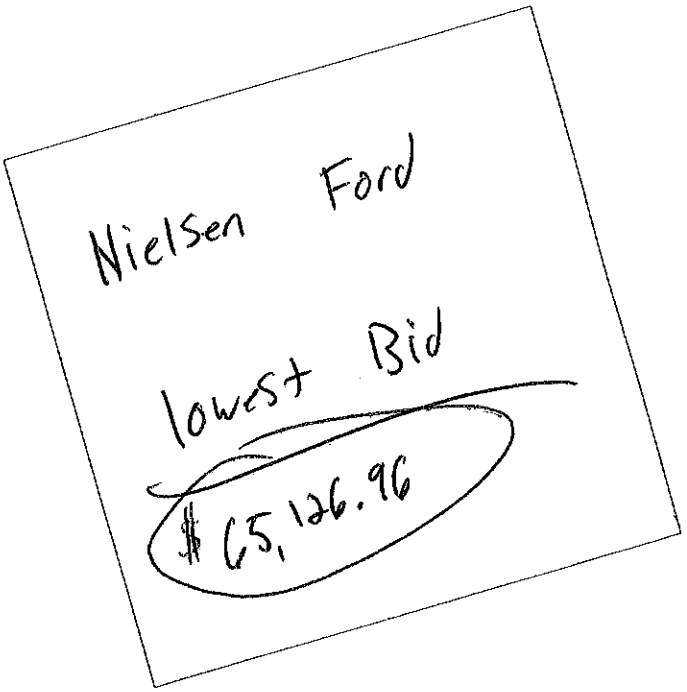
Upon delivery vehicle must be in clean and detailed condition free of defects, debris and damage both inside and out

Please confirm **ANY** deviation from this spec via email at
jpeterson@rotterdamny.org

Group 40440-23166, VEHICLES, Class 1-8 (Vehicle Marketplace)

Form B (Single OEM Vehicle): *Mini-Bid Response*

Form Revision: 9/12/23



Part A: Mini-Bid and Contractor Information

1.0	Mini-Bid Questions	Contractor Response
1.1	**Mini-Bid Reference Number** (e.g. 12345; see the *Mini-Bid Request*)	**2024001**
1.2	**Is the Mini-Bid for Vehicle(s) to be purchased or leased by the Authorized User?** *[click on yellow box and use drop-down menu]*	**Purchased**
1.3	**Are Vehicle(s) Built to Specifications being offered in response to the Mini-Bid?** *[click on yellow box and use drop-down menu]*	**Yes, Part B of this form has been completed.**
1.4	**Are Pre-Existing Inventory Vehicle(s) being offered in response to the Mini-Bid?** *[click on yellow box and use drop-down menu]*	**No, Part C of this form has been left blank.**
2.0	**Contractor Information**	
2.1	Full Legal Business Name, including DBA if applicable	Nielsen Ford of Morristown Inc
2.2	OGS Contract Number (e.g., PC12345)	PC69843
2.3	Federal Employer Identification Number / FEIN (e.g. 14-1234567)	882667434
2.4	NYS Vendor ID Number (e.g., 1000012345)	1100278967
3.0	**Primary Contact Information**	
3.1	Contact Name	Jim Longobardi
3.2	Contact Email	jiml@nielsenfleet.com
3.3	Contact Phone (1)	973-319-7006
3.4	Contact Phone (2)	973-319-7000
4.0	**Secondary Contact Information**	
4.1	Contact Name	Brooks Buxton
4.2	Contact Email	brooks@nielsenfleet.com
4.3	Contact Phone (1)	973-319-7009
4.4	Contact Phone (2)	973-319-7000

Part B: Vehicle(s) Built to Specifications offered for Mini-Bid

1.0	General Questions (Built to Spec)	Contractor Response
1.1	Does the Vehicle offered meet all Authorized User Specifications for the requested Vehicle? *[Note: General specifications, and an "Additional Vehicle Specifications Document(s)" are included with each Mini-Bid Request]*	Yes
1.2	Enter the estimated number of days after receipt of a Purchase Order, or other ordering document, that the delivery will be made.	90-150
1.3	Enter the Final Order Due Date for the Vehicle offered for the Mini-Bid, or "TBA" if the date has not been announced by the manufacturer.	TBA
2.0	**Vehicle Offered (Built to Spec)**	
2.1	Model Year (e.g., 2023, 2024)	2025
2.2	Make (e.g., Ford, Chevrolet, Dodge)	Ford
2.3	Model (e.g., Taurus, Tahoe, Grand Caravan), and Trim Level (e.g., SE, LE, XL)	F-250 XLT Reg Cab 8'
2.4	Model Code (the OEM code used to identify a particular subset of a Vehicle Model)	F2B
2.5	Drive Type *[click on yellow box and use drop-down menu]*	AWD or 4WD
	If the offered Drive Type is not included in the drop-down menu, enter it here	
2.6	Fuel Type *[click on yellow box and use drop-down menu]*	Gasoline Only
	If the offered Fuel Type is not included in the drop-down menu, enter it here	
2.7	Enter the vendor business name(s) of the Aftermarket Components Provider(s), if applicable. If not applicable, enter "N/A".	N/A

3.0	Additional Information (Built to Spec)	
3.1	If applicable, enter any deviations from the Authorized User Specifications, or other additional information applicable to this Mini-Bid. Bidders are strongly encouraged to submit proposed deviations to the Authorized User by email prior to the Mini-Bid Response Due Date, so that they may be given due consideration prior to the submission of Bids. Do not enter information about Options or Aftermarket Components available for the Vehicle offered, unless it has been included in the Authorized User Specifications. If not applicable, enter "N/A".	
	N/A	

4.0	Vehicle Price Worksheet (Built to Spec)	Price
4.1	**NYS Base MSRP**	**$57,575.00**
4.2	**NYS Discount** *[Type a number only (e.g., 5.5); Do not type a percentage sign (%) after the number; For 5.5% type 5.5, not 0.055].*	**11.05**
4.3	**NYS Base Price** *[Automatically calculated: NYS Base MSRP minus NYS Discount]*	**$51,212.96**
4.4	**NYS Aftermarket Components Price** *[If there are no Aftermarket Components, leave blank]*	**$13,914.00**
4.5	**NYS Price for the Vehicle** *[Automatically calculated: NYS Base Price plus NYS Aftermarket Component Price]*	**$65,126.96**
4.6	**Number of Vehicles** *[This quantity must match the Number of Vehicles specified by the Authorized User in the Mini-Bid Request]*	**1**
4.7	**Total Price for Mini-Bid** *[Automatically calculated: NYS Price for the Vehicle multiplied by Total Number of Vehicles]*	**$65,126.96**

Part C: Pre-Existing Inventory Vehicle(s) offered for Mini-Bid

1.0	General Questions (Pre-Existing)	Contractor Response
1.1	Do the Vehicle(s) offered meet all Authorized User Specifications for the requested Vehicle? *[click on yellow box and use drop-down menu]* *(Note: General specifications, and an "Additional Vehicle Specifications Document" are included with each Mini-Bid Request. A Vehicle offered that does not meet all Authorized User Specifications may be deemed non-responsive and may be rejected).*	

1.2	Will the Vehicle(s) and pricing offered for the Mini-Bid Response remain firm and not be withdrawn for at least ten (10) calendar days from the first business day immediately following the Mini-Bid response submittal deadline, or such other period of time as specified in the Mini-Bid Request, in accordance with the Contract (see *Section 2.42 Procurement Method,* Paragraph G *Timeframe for Offers in Mini-Bids)?* *[click on yellow box and use drop-down menu]*	
2.0	**Additional Information (Pre-Existing)**	
2.1	If applicable, enter any deviations from the Authorized User Specifications, or other additional information applicable to this Mini-Bid. Bidders are strongly encouraged to submit proposed deviations to the Authorized User by email prior to the Mini-Bid Response Due Date, so that they may be given due consideration prior to the submission of Bids. Do not enter information about Options or Aftermarket Components available for the Vehicle offered, unless it has been included in the Authorized User Specifications. If not applicable, enter "N/A".	
3.0	**Vehicle Price Worksheet (Pre-Existing)**	

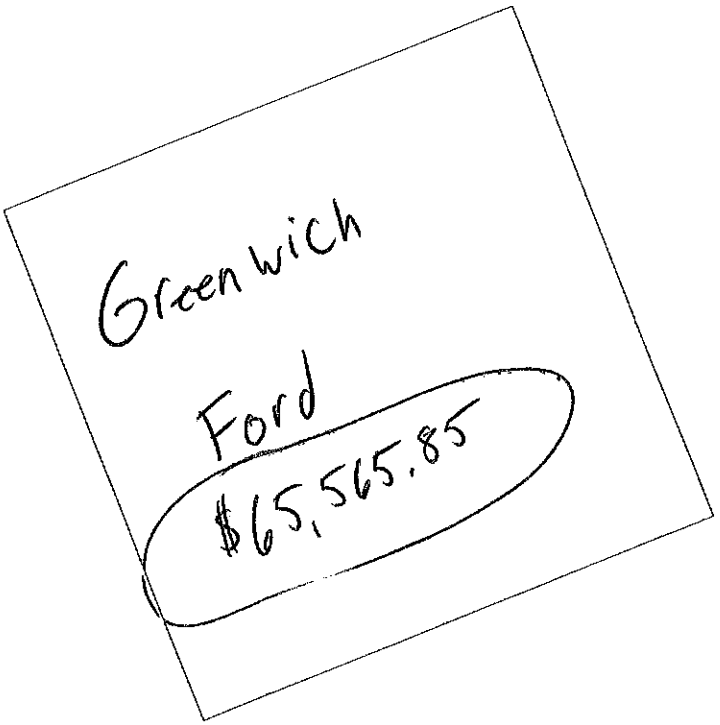
[If more than fifteen (15) Pre-Existing Inventory Vehicles are being offered for a Mini-Bid, submit an additional completed Form B (Single OEM Vehicle): Mini-Bid Response form for the Mini-Bid. Submit both Form Bs following the instructions at the top of this Form, using the following naming convention for the additional Form B "OGS 23166-XXXXXXXX-PC12345-Additional Vehicles" (i.e., OGS Award#-Mini-Bid Reference#-Contract#-Additional Vehicles)].

Ref. #	Model Year	Make	Model and Trim Level	Model Code	Exterior Color	Interior Color
(Example)	2023	Chevrolet	Traverse	CV14526	Blue Metallic	Dark Titanium
001						
002						
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012						
013						
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015						

Group 40440-23166, VEHICLES, Class 1-8 (Vehicle Marketplace)

Form B (Single OEM Vehicle): *Mini-Bid Response*

Form Revision: 9/12/23



Part A: Mini-Bid and Contractor Information

1.0	Mini-Bid Questions	Contractor Response
1.1	**Mini-Bid Reference Number** (e.g. 12345; see the *Mini-Bid Request*)	**2024001**
1.2	**Is the Mini-Bid for Vehicle(s) to be purchased or leased by the Authorized User?** *[click on yellow box and use drop-down menu]*	**Purchased**
1.3	**Are Vehicle(s) Built to Specifications being offered in response to the Mini-Bid?** *[click on yellow box and use drop-down menu]*	**Yes, Part B of this form has been completed.**
1.4	**Are Pre-Existing Inventory Vehicle(s) being offered in response to the Mini-Bid?** *[click on yellow box and use drop-down menu]*	**No, Part C of this form has been left blank.**
2.0	**Contractor Information**	
2.1	Full Legal Business Name, including DBA if applicable	Scorpio Motors LLC DBA Greenwich Ford
2.2	OGS Contract Number (e.g., PC12345)	PC69492
2.3	Federal Employer Identification Number / FEIN (e.g. 14-1234567)	86-2135447
2.4	NYS Vendor ID Number (e.g., 1000012345)	1100263134
3.0	**Primary Contact Information**	
3.1	Contact Name	Mark Robillard
3.2	Contact Email	mrobillard@greenwichford.com
3.3	Contact Phone (1)	518-247-6973
3.4	Contact Phone (2)	518-692-2246
4.0	**Secondary Contact Information**	
4.1	Contact Name	Dan Forant
4.2	Contact Email	dforant@greenwichford.com
4.3	Contact Phone (1)	518-247-6941
4.4	Contact Phone (2)	518-692-2246

Part B: Vehicle(s) Built to Specifications offered for Mini-Bid

1.0	General Questions (Built to Spec)	Contractor Response
1.1	Does the Vehicle offered meet all Authorized User Specifications for the requested Vehicle? *[Note: General specifications, and an "Additional Vehicle Specifications Document(s)" are included with each Mini-Bid Request]*	Yes
1.2	Enter the estimated number of days after receipt of a Purchase Order, or other ordering document, that the delivery will be made.	100
1.3	Enter the Final Order Due Date for the Vehicle offered for the Mini-Bid, or "TBA" if the date has not been announced by the manufacturer.	9/13/2024
2.0	**Vehicle Offered (Built to Spec)**	
2.1	Model Year (e.g., 2023, 2024)	2024
2.2	Make (e.g., Ford, Chevrolet, Dodge)	Ford
2.3	Model (e.g., Taurus, Tahoe, Grand Caravan), and Trim Level (e.g., SE, LE, XL)	F-250
2.4	Model Code (the OEM code used to identify a particular subset of a Vehicle Model)	F2B
2.5	Drive Type *[click on yellow box and use drop-down menu]*	4x4
	If the offered Drive Type is not included in the drop-down menu, enter it here	
2.6	Fuel Type *[click on yellow box and use drop-down menu]*	Gasoline Only
	If the offered Fuel Type is not included in the drop-down menu, enter it here	
2.7	Enter the vendor business name(s) of the Aftermarket Components Provider(s), if applicable. If not applicable, enter "N/A".	Dejana Truck Equipment

3.0	Additional Information (Built to Spec)	
3.1	If applicable, enter any deviations from the Authorized User Specifications, or other additional information applicable to this Mini-Bid. Bidders are strongly encouraged to submit proposed deviations to the Authorized User by email prior to the Mini-Bid Response Due Date, so that they may be given due consideration prior to the submission of Bids. Do not enter information about Options or Aftermarket Components available for the Vehicle offered, unless it has been included in the Authorized User Specifications. If not applicable, enter "N/A".	
	N/A	

4.0	Vehicle Price Worksheet (Built to Spec)	Price
4.1	**NYS Base MSRP**	**$58,225.00**
4.2	**NYS Discount** *[Type a number only (e.g., 5.5); Do not type a percentage sign (%) after the number; For 5.5% type 5.5, not 0.055].*	**9.40**
4.3	**NYS Base Price** *[Automatically calculated: NYS Base MSRP minus NYS Discount]*	**$52,751.85**
4.4	**NYS Aftermarket Components Price** *[If there are no Aftermarket Components, leave blank]*	**$12,814.00**
4.5	**NYS Price for the Vehicle** *[Automatically calculated: NYS Base Price plus NYS Aftermarket Component Price]*	**$65,565.85**
4.6	**Number of Vehicles** *[This quantity must match the Number of Vehicles specified by the Authorized User in the Mini-Bid Request]*	**1**
4.7	**Total Price for Mini-Bid** *[Automatically calculated: NYS Price for the Vehicle multiplied by Total Number of Vehicles]*	**$65,565.85**

Part C: Pre-Existing Inventory Vehicle(s) offered for Mini-Bid

1.0	General Questions (Pre-Existing)	Contractor Response
1.1	Do the Vehicle(s) offered meet all Authorized User Specifications for the requested Vehicle? *[click on yellow box and use drop-down menu]* *(Note: General specifications, and an "Additional Vehicle Specifications Document" are included with each Mini-Bid Request. A Vehicle offered that does not meet all Authorized User Specifications may be deemed non-responsive and may be rejected).*	

1.2	Will the Vehicle(s) and pricing offered for the Mini-Bid Response remain firm and not be withdrawn for at least ten (10) calendar days from the first business day immediately following the Mini-Bid response submittal deadline, or such other period of time as specified in the Mini-Bid Request, in accordance with the Contract (see *Section 2.42 Procurement Method,* Paragraph G *Timeframe for Offers in Mini-Bids)?* *[click on yellow box and use drop-down menu]*	
2.0	**Additional Information (Pre-Existing)**	
2.1	If applicable, enter any deviations from the Authorized User Specifications, or other additional information applicable to this Mini-Bid. Bidders are strongly encouraged to submit proposed deviations to the Authorized User by email prior to the Mini-Bid Response Due Date, so that they may be given due consideration prior to the submission of Bids. Do not enter information about Options or Aftermarket Components available for the Vehicle offered, unless it has been included in the Authorized User Specifications. If not applicable, enter "N/A".	
3.0	**Vehicle Price Worksheet (Pre-Existing)**	

[If more than fifteen (15) Pre-Existing Inventory Vehicles are being offered for a Mini-Bid, submit an additional completed Form B (Single OEM Vehicle): Mini-Bid Response form for the Mini-Bid. Submit both Form Bs following the instructions at the top of this Form, using the following naming convention for the additional Form B "OGS 23166-XXXXXXXX-PC12345-Additional Vehicles" (i.e., OGS Award#-Mini-Bid Reference#-Contract#-Additional Vehicles)].

Ref. #	Model Year	Make	Model and Trim Level	Model Code	Exterior Color	Interior Color
(Example)	2023	Chevrolet	Traverse	CV14526	Blue Metallic	Dark Titanium
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Group 40440-23166, VEHICLES, Class 1-8 (Vehicle Marketplace)

Form B (Single OEM Vehicle): *Mini-Bid Response*

Form Revision: 9/12/23



Part A: Mini-Bid and Contractor Information

1.0	Mini-Bid Questions	Contractor Response
1.1	**Mini-Bid Reference Number** (e.g. 12345; see the *Mini-Bid Request*)	**2024001**
1.2	**Is the Mini-Bid for Vehicle(s) to be purchased or leased by the Authorized User?** *[click on yellow box and use drop-down menu]*	**Purchased**
1.3	**Are Vehicle(s) Built to Specifications being offered in response to the Mini-Bid?** *[click on yellow box and use drop-down menu]*	**Yes, Part B of this form has been completed.**
1.4	**Are Pre-Existing Inventory Vehicle(s) being offered in response to the Mini-Bid?** *[click on yellow box and use drop-down menu]*	**No, Part C of this form has been left blank.**
2.0	**Contractor Information**	
2.1	Full Legal Business Name, including DBA if applicable	Ferrario Ford dba Ferrario Auto Team of Elmira
2.2	OGS Contract Number (e.g., PC12345)	PC69846
2.3	Federal Employer Identification Number / FEIN (e.g. 14-1234567)	20-1157222
2.4	NYS Vendor ID Number (e.g., 1000012345)	100029893
3.0	**Primary Contact Information**	
3.1	Contact Name	Don Ferrario
3.2	Contact Email	don@ferrario.com
3.3	Contact Phone (1)	607-398-7078
3.4	Contact Phone (2)	607-738-2776
4.0	**Secondary Contact Information**	
4.1	Contact Name	Landon Mayhew
4.2	Contact Email	lmayhew@ferrario.com
4.3	Contact Phone (1)	607-734-1681
4.4	Contact Phone (2)	

Part B: Vehicle(s) Built to Specifications offered for Mini-Bid

1.0	General Questions (Built to Spec)	Contractor Response
1.1	Does the Vehicle offered meet all Authorized User Specifications for the requested Vehicle? *[Note: General specifications, and an "Additional Vehicle Specifications Document(s)" are included with each Mini-Bid Request]*	Yes
1.2	Enter the estimated number of days after receipt of a Purchase Order, or other ordering document, that the delivery will be made.	150
1.3	Enter the Final Order Due Date for the Vehicle offered for the Mini-Bid, or "TBA" if the date has not been announced by the manufacturer.	TBA
2.0	**Vehicle Offered (Built to Spec)**	
2.1	Model Year (e.g., 2023, 2024)	2025
2.2	Make (e.g., Ford, Chevrolet, Dodge)	Ford
2.3	Model (e.g., Taurus, Tahoe, Grand Caravan), and Trim Level (e.g., SE, LE, XL)	F250 XL
2.4	Model Code (the OEM code used to identify a particular subset of a Vehicle Model)	F2B
2.5	Drive Type *[click on yellow box and use drop-down menu]*	4x4
	If the offered Drive Type is not included in the drop-down menu, enter it here	
2.6	Fuel Type *[click on yellow box and use drop-down menu]*	Gasoline Only
	If the offered Fuel Type is not included in the drop-down menu, enter it here	
2.7	Enter the vendor business name(s) of the Aftermarket Components Provider(s), if applicable. If not applicable, enter "N/A".	Binghamton Truck Body

3.0	Additional Information (Built to Spec)	
3.1	If applicable, enter any deviations from the Authorized User Specifications, or other additional information applicable to this Mini-Bid. Bidders are strongly encouraged to submit proposed deviations to the Authorized User by email prior to the Mini-Bid Response Due Date, so that they may be given due consideration prior to the submission of Bids. Do not enter information about Options or Aftermarket Components available for the Vehicle offered, unless it has been included in the Authorized User Specifications. If not applicable, enter "N/A".	
	N/A	

4.0	Vehicle Price Worksheet (Built to Spec)	Price
4.1	**NYS Base MSRP**	**$53,310.00**
4.2	**NYS Discount** *[Type a number only (e.g., 5.5); Do not type a percentage sign (%) after the number; For 5.5% type 5.5, not 0.055].*	**5.00**
4.3	**NYS Base Price** *[Automatically calculated: NYS Base MSRP minus NYS Discount]*	**$50,644.50**
4.4	**NYS Aftermarket Components Price** *[If there are no Aftermarket Components, leave blank]*	**$16,556.00**
4.5	**NYS Price for the Vehicle** *[Automatically calculated: NYS Base Price plus NYS Aftermarket Component Price]*	**$67,200.50**
4.6	**Number of Vehicles** *[This quantity must match the Number of Vehicles specified by the Authorized User in the Mini-Bid Request]*	**1**
4.7	**Total Price for Mini-Bid** *[Automatically calculated: NYS Price for the Vehicle multiplied by Total Number of Vehicles]*	**$67,200.50**

Part C: Pre-Existing Inventory Vehicle(s) offered for Mini-Bid

1.0	General Questions (Pre-Existing)	Contractor Response
1.1	Do the Vehicle(s) offered meet all Authorized User Specifications for the requested Vehicle? *[click on yellow box and use drop-down menu]* *(Note: General specifications, and an "Additional Vehicle Specifications Document" are included with each Mini-Bid Request. A Vehicle offered that does not meet all Authorized User Specifications may be deemed non-responsive and may be rejected).*	

1.2	Will the Vehicle(s) and pricing offered for the Mini-Bid Response remain firm and not be withdrawn for at least ten (10) calendar days from the first business day immediately following the Mini-Bid response submittal deadline, or such other period of time as specified in the Mini-Bid Request, in accordance with the Contract (see *Section 2.42 Procurement Method,* Paragraph G *Timeframe for Offers in Mini-Bids)? [click on yellow box and use drop-down menu]*	
2.0	**Additional Information (Pre-Existing)**	
2.1	If applicable, enter any deviations from the Authorized User Specifications, or other additional information applicable to this Mini-Bid. Bidders are strongly encouraged to submit proposed deviations to the Authorized User by email prior to the Mini-Bid Response Due Date, so that they may be given due consideration prior to the submission of Bids. Do not enter information about Options or Aftermarket Components available for the Vehicle offered, unless it has been included in the Authorized User Specifications. If not applicable, enter "N/A".	
3.0	**Vehicle Price Worksheet (Pre-Existing)**	

[If more than fifteen (15) Pre-Existing Inventory Vehicles are being offered for a Mini-Bid, submit an additional completed Form B (Single OEM Vehicle): Mini-Bid Response form for the Mini-Bid. Submit both Form Bs following the instructions at the top of this Form, using the following naming convention for the additional Form B "OGS 23166-XXXXXXXX-PC12345-Additional Vehicles" (i.e., OGS Award#-Mini-Bid Reference#-Contract#-Additional Vehicles)].

Ref. #	Model Year	Make	Model and Trim Level	Model Code	Exterior Color	Interior Color
(Example)	2023	Chevrolet	Traverse	CV14526	Blue Metallic	Dark Titanium
001						
002						
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Re: NYS Vehicle Marketplace - BID REQUEST - OGS 23166 - 2024001 - (1) FordF250 - Town of Rotterdam

johndtower@aol.com <johndtower@aol.com>
Sun 9/15/2024 3:42 PM
To:Justin Peterson <jpeterson@rotterdamny.org>

Justin,

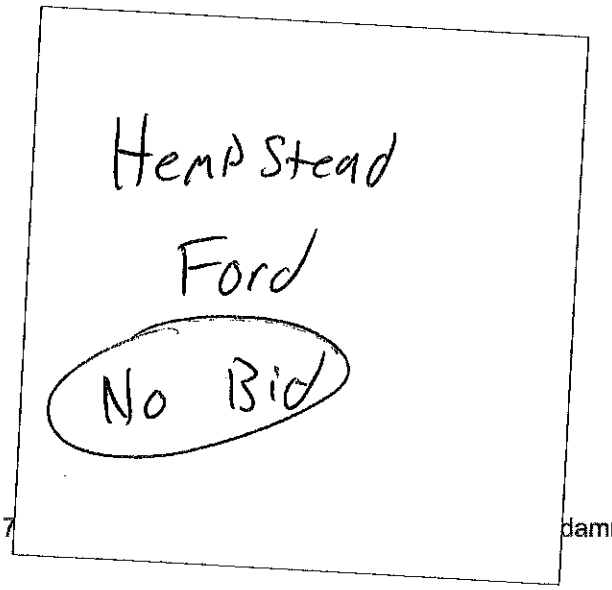
Ford has postponed the opening for 2025 Model year ordering for the F250 pickup.

As such, we will be unable to respond to your mini bid which opens on 9/17/24.

In order to provide a price to you for this ini you will need to change the opening (due) dat for your mini bid until AFTER 9/25/24.

Thank you!

John D'Alessandro
Hempstead Ford - Lincoln
301 North Franklin Street
Hempstead, NY 11550
cell phone# 516-587-3073
email: johndtower@aol.com



On Wednesday, September 4, 2024 at 01:17 damny.org> wrote:

This solicitation is a Mini-Bid being conducted under the New York State Office of General Services (OGS) centralized contract for Vehicles, Class 1-8 (Group 40440, Award 23166). For information on the Mini-Bid, including the vehicle being requested, due date and Authorized User contact information, please see the attached documents. All responses to the Mini-Bid must be sent to the Authorized User contact listed in the Mini-Bid Request using Form B – Mini-Bid Response Form, and responses will only be considered from approved Contractors on OGS award 23166. The Contractor is responsible for reviewing the completed response prior to submittal and ensuring that all necessary fields have been populated correctly.

For questions about the Vehicles requested, or to discuss suggested changes to the vehicle specifications, contact the Authorized User identified in the "Information" section of the Mini-Bid Request.

Sincerely,

Justin Peterson

CONFIDENTIALITY NOTICE: The contents of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information and may be legally protected from disclosure. If you are not the intended recipient of this message or their agent, or if this message has been addressed to you in error, please immediately alert the sender by reply email and then delete this message and any attachments. If you are not the intended recipient, you are hereby notified that any use, dissemination, copying, or storage of this message or its attachments is strictly prohibited.

RESOLUTION NO. 368.24

TO ACCEPT AND AWARD BID FOR SENIOR CENTER PARKING LOT IMPROVEMENTS

WHEREAS, Pursuant to notice duly published according to Section One Hundred Three of the General Municipal Law of the State of New York, the Town of Rotterdam on Monday, September 16, 2024 posted an official report of all bid submissions received to the Empire State Purchasing Group on BidNet (http://bidnetdirect.com/townofrotterdam). Additionally, the official bid report and all bids were made available in the Office of the Town Clerk for public inspection upon request, for the purchase by the Town of Rotterdam of the following:

SENIOR CENTER PARKING LOT IMPROVEMENTS

THEREFORE, UPON MOTION OF Councilmember _____,

seconded by Councilmember _____,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam does hereby accept and award the bid for Senior Center Parking Lot Improvements for the Town of Rotterdam to HMA Paving & Contracting, located at P.O. Box 151, Mechanicville New York 12118, with a total bid amount not to exceed four hundred sixteen thousand three hundred sixty-five and 95/100 ($416,365.95) dollars.

SECTION 2. The Supervisor of the Town of Rotterdam is hereby authorized to execute a contract with said bidder in accordance with the terms of the bid proposal as submitted. Summary of bid prices are on file in the Town Clerk's office.

SECTION 3. This resolution shall become effective September 25, 2024

DATED: September 25, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

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: September 17, 2024

TO: Town Board

FROM: Fred Mastroianni, P.E., Town Consultant Engineer

TITLE OF REQUEST: To authorize the Town Board to award construction of the Senior Center Parking Lot Improvements.

TOWN BOARD MEETING: September 25, 2024

Background Information: The Town consultant engineer (FCM Engineering, PLLC) prepared final design plans, specifications and construction bid documents for improvements to the parking lot. The project involves replacement of the existing parking lot pavement with new pavement and striped parking spaces, new curbing and concrete walkways, new drainage and stormwater chambers, new driveway openings, and minor landscaping amenities. A total of eight (8) bids were received and below is the summary of cost for each bid:

- HMA Paving & Contracting - $416,365.95
- WMJ Keller - $488,700.00
- American Evergreen - $533,590.00
- DelSignore Blacktop - $598,803.99
- Peter K. Frueh - $648,637.43
- Carver Construction - $689,145.00
- James H. Maloy - $725,000.00
- Rifenberg Construction - $819,115.00

Evaluation/Analysis: HMA Paving and Contracting was determined to be the lowest responsible bidder.

Recommendation(s): I recommend that the Town Board award the construction of the project to HMA Paving & Contracting in the amount of $416,365.95 and enter into an agreement to complete the work.

Attachment/Document(s): Contractors bids and summary of bids.

Compliance with Purchasing Policy: Yes

Effect(s) on Existing Law(s): N/A

LEGISLATION WILL BE PREPARED BY: Supervisor's Office

BID FOR ROTTERDAM SENIOR CENTER PARKING LOT IMPROVEMENTS 2024

BID FOR: Rotterdam Senior Center Parking Lot Improvements
DATE OF TB MTG. & RESOLUTION #: 8/14/2024 Res #319.24
DATE BID PACKETS BECOME AVAILABLE: 8/16/2024

DATE PUBLISHED IN NEWSPAPER: 8/16/2024
DATE & TIME BIDS TO BE OPENED: 9/9/2024 @ 11:00am
Amendment #2 changed to 9/13/2024

# Rec	Dropped off & Time Received @TC Office	Initials	Company/Firm/Email	Address	Contact	Phone #	Contract #s	BID Amount	Comments
1	8:45AM 9/13/2024	DM	HMA Paving & Contracting Kradzyminski@hmacontracting.com	P.O. Box 151 Mechanicville, NY 12118	Kyle Radzyminski	(518)664-1014 Cell(518)760-2272		416,365.95	
2	10:20AM 9/13/2024	KC	Rifenburg Construction Inc jbanfield@rifenburg.com	129 Defreest Drive Troy, NY 12180	Jaclyn Banfield	(518)279-3265		819,115.00	
3	10:22AM 9/13/2024	KC	Carver Construction estimating@carvercompanies.com	PO Box 890 2170 River Road Coeymans, NY 12045	Gabe Hanoufa	(518)469-0218		689,145.00	
4	10:24AM 9/13/2024	GB	American Evergeen, Inc americanevergreeninc@yahoo.com	3 Agway Drive Rensselaer, NY 12144	Scott Cronin	(518)326-9202		533,590.00	
5	10:35AM 9/13/2024	DM	DelSignore Blacktop Paving, Inc. tbogan@delsignorecompany.com	42 Brick Church Road Troy, NY 12180	Theresa Bogan	(518)279-1642		598,803.99	
6	10:50AM 9/13/2024	DM	James H. Maloy Inc coneill@jhmaloy.com	PO Box 11016 Loudonville, NY 12211	Chris Oneil	(518)807-1847		725,000.00	
7	10:49AM 9/13/2024	DM	WM J Keller dquay@wjkeller.com	1435 Rte 9 Castleton, NY 12033	Don Quay	(518)857-2668		488,700.00	
8	10:50AM 9/13/2024	DM	Peter K. Frueh Inc.	117 Old Quarry Road Feura Bush, NY 12067	Daniel Martin	(518)355-5875		648,637.43	
	No Bidnet								

HMA PAVING & CONTRACTING

TOWN OF ROTTERDAM

BID FORM

The undersigned has read, understands, and agrees to all conditions of this proposal:

Parking Lot Improvements at

Rotterdam Senior Center

SUBMITTED BY: HMA Contracting Corporation

Jeff Otruba, Project Manager/Estimator

ARTICLE 1 – BID RECIPIENT

1.01 This Bid is submitted to:

Town of Rotterdam
Attn: Diane Marco, Town Clerk
Department of Public Works
1100 Sunrise Boulevard
Rotterdam, NY 12306

1.02 The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an Agreement with Owner in the form included in the Bidding Documents to perform all Work as specified or indicated in the Bidding Documents for the prices and within the times indicated in this Bid and in accordance with the other terms and conditions of the Bidding Documents.

ARTICLE 2 – BIDDER'S ACKNOWLEDGEMENTS

Bidder accepts all the terms and conditions of the Instructions to Bidders, including without limitation those dealing with the disposition of Bid security. This Bid will remain subject to acceptance for 45 days after the Bid opening, or for such longer period of time that Bidder may agree to in writing upon request of Owner.

ARTICLE 3 – BIDDER'S REPRESENTATIONS

3.01 In submitting this Bid, Bidder represents that:

A. Bidder has examined and carefully studied the Bidding Documents, and any data and reference items identified in the Bidding Documents, and hereby acknowledges receipt of the following Addenda:

Addendum No.	Addendum Date
1	08/23/2024
2	09/03/2024

B. Bidder has visited the site, conducted a thorough, alert visual examination of the Site and adjacent areas and become familiar with and satisfied itself as to the general, local, and site conditions that may affect cost, progress, and performance of the Work.

C. Bidder is familiar with and has satisfied itself as to all Laws and Regulations that may affect cost, progress, and performance of the Work.

D. Bidder has considered the information known to Bidder itself; information commonly known to contractors doing business in the locality of the Site; information and observations obtained from visits to the Site; the Bidding Documents; and any Site-related reports and drawings identified in the Bidding Documents, with respect to the effect of such information, observations, and documents on (1) the cost, progress, and performance of the Work; (2) the means, methods, techniques, sequences, and procedures of construction to be employed by Bidder; and (3) Bidder's safety precautions and programs.

E. Bidder agrees, based on the information and observations referred to in the preceding paragraph, that no further examinations, investigations, explorations, tests, studies, or data are necessary for the determination of this Bid for performance of the Work at the price bid and within the times required, and in accordance with the other terms and conditions of the Bidding Documents.

F. Bidder is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Bidding Documents.

G. Bidder has given Designer written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Bidding Documents and confirms that the written resolution thereof by Designer is acceptable to Bidder.

H. The Bidding Documents are generally sufficient to indicate and convey understanding of all terms and conditions for the performance and furnishing of the Work.

I. The submission of this Bid constitutes an incontrovertible representation by Bidder that Bidder has complied with every requirement of this Article, and that without exception the Bid and all prices in the Bid are premised upon performing and furnishing the Work required by the Bidding Documents.

ARTICLE 4 – BIDDER'S CERTIFICATION

4.01 Bidder certifies that:

A. This Bid is genuine and not made in the interest of or on behalf of any undisclosed individual or entity and is not submitted in conformity with any collusive agreement or rules of any group, association, organization, or corporation;

B. Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid;

C. Bidder has not solicited or induced any individual or entity to refrain from bidding;

D. Bidder has not engaged in corrupt, fraudulent, collusive, or coercive practices in competing for the Contract. For the purposes of this Paragraph 4.01.D:

1. "corrupt practice" means the offering, giving, receiving, or soliciting of anything of value likely to influence the action of a public official in the bidding process;
2. "fraudulent practice" means an intentional misrepresentation of facts made (a) to influence the bidding process to the detriment of Owner, (b) to establish bid prices at artificial non-competitive levels, or (c) to deprive Owner of the benefits of free and open competition;
3. "collusive practice" means a scheme or arrangement between two or more Bidders, with or without the knowledge of Owner, a purpose of which is to establish bid prices at artificial, non-competitive levels;
4. "coercive practice" means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the bidding process or affect the execution of the Contract.

ARTICLE 5 – BASIS OF BID

Bidder will provide all labor, materials, equipment and complete the work in accordance with the Contract Documents for the following prices of each item:

CONTRACT BID ITEMS

1.	Clearing/Demolition/Disposal	Lump Sum Price $ 14,097.20
2.	Earthwork/Site Grading	Lump Sum Price $ 39,588.28
3.	Erosion Control Measures	Lump Sum Price $ 2,580.38
4.	Stormwater Chambers	Lump Sum Price $67,084.50
5.	Drainage System	Lump Sum Price $71,916.63

6. Parking Lot and Driveways	Lump Sum Price	$ 110,169.37
7. Concrete Walkways	Lump Sum Price	$ 44,931.91
8. Concrete Curbing	Lump Sum Price	$ 27,783.75
9. ADA Devices and Signs	Lump Sum Price	$ 4,012.40
10. Topsoil and Turf Establishment	Lump Sum Price	$ 9,288.61
11. Work Zone Traffic Control/Site Access	Lump Sum Price	$ 2,672.01
12. Survey Operations	Lump Sum Price	$ 6,547.60
13. Concrete Pads for Dumpster/Generator	Lump Sum Price	$ 1,747.20
14. Pavement Markings and Symbols	Lump Sum Price	$ 2,744.00
15. Mobilization (4% max. of above items)	Lump Sum Price	$11,202.11
TOTAL LUMP SUM BID PRICE		$ 416,365.95

If the total cost of items does not equal the total lump sum bid price, the total lump sum bid price will be determined as the final bid price and the Town will adjust pricing of items for payment purposes.

SUBMITTED on September 12th 2024.

The entire bid is strictly in accordance with the specification set forth in the bid documents herein.

Signature

HMA Contracting Corporation

Name of Company or Corporation

PO Box 151

Address

Mechanicville NY 12118

City ***State*** ***Zip***

518-664-1014

Phone Number

jotruba@hmacontracting.com

Email

BID BOND

Any singular reference to Bidder, Surety, Owner or other party shall be considered plural where applicable.

BIDDER *(Name and Address)*:

HMA Contracting Corp.
535 Brickyard Road, P.O. Box 151
Mechanicville, NY 12118

SURETY *(Name, and Address of Principal Place of Business)*:

United States Fire Insurance Company
305 Madison Avenue
Morristown, NJ 07962

OWNER *(Name and Address)*:

Town of Rotterdam
1100 Sunrise Boulevard
Rotterdam, NY 12306

BID

Bid Due Date: September 9, 2024

Description *(Project Name— Include Location)*: Rotterdam Senior Center Parking Lot Improvements, RFB-24-01

BOND

Bond Number: N/A

Date: September 4, 2024

Penal sum Five Percent of Amount Bid (Words) $ --5%-- (Figures)

Surety and Bidder, intending to be legally bound hereby, subject to the terms set forth below, do each cause this Bid Bond to be duly executed by an authorized officer, agent, or representative.

BIDDER	**SURETY**
HMA Contracting Corp. (Seal)	United States Fire Insurance Company (Seal)
Bidder's Name and Corporate Seal	Surety's Name and Corporate Seal
By: _____	By: _____
Signature	Signature (Attach Power of Attorney)
_____	Dawn J. Riley
Print Name	Print Name
_____	Attorney-in-Fact
Title	Title
Attest: _____	Attest: See Power of Attorney
Signature	Signature
Title	Title

Note: Addresses are to be used for giving any required notice.
Provide execution by any additional parties, such as joint venturers, if necessary.

1. Bidder and Surety, jointly and severally, bind themselves, their heirs, executors, administrators, successors, and assigns to pay to Owner upon default of Bidder the penal sum set forth on the face of this Bond. Payment of the penal sum is the extent of Bidder's and Surety's liability. Recovery of such penal sum under the terms of this Bond shall be Owner's sole and exclusive remedy upon default of Bidder.

2. Default of Bidder shall occur upon the failure of Bidder to deliver within the time required by the Bidding Documents (or any extension thereof agreed to in writing by Owner) the executed Agreement required by the Bidding Documents and any performance and payment bonds required by the Bidding Documents.

3. This obligation shall be null and void if:

3.1 Owner accepts Bidder's Bid and Bidder delivers within the time required by the Bidding Documents (or any extension thereof agreed to in writing by Owner) the executed Agreement required by the Bidding Documents and any performance and payment bonds required by the Bidding Documents, or

3.2 All Bids are rejected by Owner, or

3.3 Owner fails to issue a Notice of Award to Bidder within the time specified in the Bidding Documents (or any extension thereof agreed to in writing by Bidder and, if applicable, consented to by Surety when required by Paragraph 5 hereof).

4. Payment under this Bond will be due and payable upon default of Bidder and within 30 calendar days after receipt by Bidder and Surety of written notice of default from Owner, which notice will be given with reasonable promptness, identifying this Bond and the Project and including a statement of the amount due.

5. Surety waives notice of any and all defenses based on or arising out of any time extension to issue Notice of Award agreed to in writing by Owner and Bidder, provided that the total time for issuing Notice of Award including extensions shall not in the aggregate exceed 120 days from the Bid due date without Surety's written consent.

6. No suit or action shall be commenced under this Bond prior to 30 calendar days after the notice of default required in Paragraph 4 above is received by Bidder and Surety and in no case later than one year after the Bid due date.

7. Any suit or action under this Bond shall be commenced only in a court of competent jurisdiction located in the state in which the Project is located.

8. Notices required hereunder shall be in writing and sent to Bidder and Surety at their respective addresses shown on the face of this Bond. Such notices may be sent by personal delivery, commercial courier, or by United States Registered or Certified Mail, return receipt requested, postage pre-paid, and shall be deemed to be effective upon receipt by the party concerned.

9. Surety shall cause to be attached to this Bond a current and effective Power of Attorney evidencing the authority of the officer, agent, or representative who executed this Bond on behalf of Surety to execute, seal, and deliver such Bond and bind the Surety thereby.

10. This Bond is intended to conform to all applicable statutory requirements. Any applicable requirement of any applicable statute that has been omitted from this Bond shall be deemed to be included herein as if set forth at length. If any provision of this Bond conflicts with any applicable statute, then the provision of said statute shall govern and the remainder of this Bond that is not in conflict therewith shall continue in full force and effect.

11. The term "Bid" as used herein includes a Bid, offer, or proposal as applicable.

Individual Acknowledgement

State of _____
County of _____

On this _____ day of _____, 20 ____, before me personally came _____ to me known and known to me to be the individual(s) who executed the foregoing instrument, and acknowledged that ___he___ executed same.

_____
Notary Public
My commission expires _____

Limited Liability Company/Partnership Acknowledgement

State of _____
County of _____

On this _____ day of _____, 20 ___, before me personally came _____ a member, manager or general partner of _____ to me known and known to me to be the person who is described in and who executed the foregoing instrument and acknowledges to me that he executed the same.

_____
Notary Public
My commission expires _____

Corporate Acknowledgement

State of New York
County of Rensselaer

On this 10 day of September, 2024, before me personally came Kyle Shader to me known, who being by me duly sworn, did depose and say that he/she resides in Saratoga, NY that he/she is the Vice President / Treasurer of HMA Contracting Corp. the corporation described in and which executed the foregoing instrument, and that he signed his name thereto by order of the Board of Directors of said corporation.

Katie M. Murray
Notary Public
My commission expires 3-13-2025

Katie M Murray
Notary Public, State of New York
Reg. No. 01MU6355806
Qualified in Rensselaer County
Commission Expires 03-13-2025

Surety Acknowledgement

State of New York
County of Albany

On this 4th day of September, 20 24, before me personally came Dawn J. Riley to me known, who being by me duly sworn, did depose and say that he/she resides in Albany, New York that he/she is the Attorney-in-Fact of the United States Fire Insurance Company, the corporation described in and which executed the foregoing instrument; that he/she knows the Seal of said corporation; that one of the Seals affixed to the foregoing instrument is such Seal; that it was so affixed by order of the Board of Directors of said corporation; and that he/she signed his/her name thereto by like order.

JACQUELINE L. PAPUZZA
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01PA6437151
Qualified in Albany County
Commission Expires August 1, 2026

Jacqueline L. Papuzza
Notary Public
My commission expires August 1, 2026

UNITED STATES FIRE INSURANCE COMPANY

1209 ORANGE STREET, WILMINGTON, DELAWARE 19801

STATEMENT OF ASSETS, LIABILITIES, SURPLUS AND OTHER FUNDS

AT DECEMBER 31, 2023

ASSETS

Bonds (Amortized Value)	1,726,028,698
Preferred Stocks (Market Value)	144,307,613
Common Stocks (Market Value)	2,369,575,849
Mortgage Loans (Market Value)	1,043,090,964
Cash, Cash Equivalents, and Short Term Investments	173,632,698
Derivatives	14,049,444
Other Invested Assets	508,546,227
Investment Income Due and Accrued	31,165,524
Premiums and Considerations	531,854,761
Amounts Recoverable from Reinsurers	137,741,085
Funds Held by or Deposited with Reinsured Companies	153,726,393
Net Deferred Tax Asset	192,552,999
Electronic Data Processing Equipment	1,126,732
Receivables from Parent, Subsidiaries and Affiliates	59,012,393
Other Assets	132,253,074
TOTAL ASSETS	$ 7,218,664,454

LIABILITIES, SURPLUS & OTHER FUNDS

Losses (Reported Losses Net of Reinsurance Ceded and Incurred But Not Reported Losses)	2,664,609,947
Reinsurance Payable on Paid Losses and Loss Adjustment Expenses	75,510,927
Loss Adjustment Expenses	432,456,225
Commissions Payable, Contingent Commissions and Other Similar Charges	16,849,866
Other Expenses (Excluding Taxes, Licenses and Fees)	110,490,333
Taxes, Licenses and Fees (Excluding Federal Income Taxes)	35,485,242
Current Federal and Foreign Income Taxes	11,452,403
Unearned Premiums	1,120,526,178
Advance Premium	21,919,186
Ceded Reinsurance Premiums Payable	153,400,619
Funds Held by Company under Reinsurance Treaties	63,328,858
Amounts Withheld by Company for Account of Others	146,272,077
Provision for Reinsurance	1,706,282
Payable to Parent, Subsidiaries and Affiliates	25,899,852
Other Liabilities	56,882,388
TOTAL LIABILITIES	$ 4,936,790,383
Common Capital Stock	18,780,000
Gross Paid In and Contributed Surplus	1,502,074,940
Unassigned Funds (Surplus)	761,019,131
Surplus as Regards Policyholders	2,281,874,071
TOTAL LIABILTIIES, SURPLUS & OTHER FUNDS	$ 7,218,664,454

I, Carmine Scaglione, Senior Vice President and Controller of UNITED STATES FIRE INSURANCE COMPANY, certify that the foregoing is a fair statement of Assets, Liabilities, Surplus and Other Funds of this Company, at the close of business, December 31, 2023, as reflected by its books and records and as reported in its statement on file with the Insurance Department of the State of Delaware.



IN TESTIMONY WHEREOF, I have set my hand and affixed the seal of the Company, this 19th day of March, 2024.
UNITED STATES FIRE INSURANCE COMPANY

POWER OF ATTORNEY
UNITED STATES FIRE INSURANCE COMPANY
PRINCIPAL OFFICE - MORRISTOWN, NEW JERSEY

06724

KNOW ALL MEN BY THESE PRESENTS: That United States Fire Insurance Company, a corporation duly organized and existing under the laws of the state of Delaware, has made, constituted and appointed, and does hereby make, constitute and appoint:

Christopher J Knauf, Dawn J Riley, Donna L Sharpe, Guy T Alonge III, Matthew P D'Abate, Paul J von Schenk, Richard A Conley, William L Bergan, William McCartan

each, its true and lawful Attorney(s)-In-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver: Any and all bonds and undertakings of surety and other documents that the ordinary course of surety business may require, and to bind United States Fire Insurance Company thereby as fully and to the same extent as if such bonds or undertakings had been duly executed and acknowledged by the regularly elected officers of United States Fire Insurance Company at its principal office, in amounts or penalties: **Fifty Million Dollars ($50,000,000)**

This Power of Attorney limits the act of those named therein to the bonds and undertakings specifically named therein, and they have no authority to bind United States Fire Insurance Company except in the manner and to the extent therein stated.

This Power of Attorney is granted pursuant to Article IV of the By-Laws of United States Fire Insurance Company as now in full force and effect, and consistent with Article III thereof, which Articles provide, in pertinent part:

Article IV, Execution of Instruments - Except as the Board of Directors may authorize by resolution, the Chairman of the Board, President, any Vice-President, any Assistant Vice President, the Secretary, or any Assistant Secretary shall have power on behalf of the Corporation:

(a) to execute, affix the corporate seal manually or by facsimile to, acknowledge, verify and deliver any contracts, obligations, instruments and documents whatsoever in connection with its business including, without limiting the foregoing, any bonds, guarantees, undertakings, recognizances, powers of attorney or revocations of any powers of attorney, stipulations, policies of insurance, deeds, leases, mortgages, releases, satisfactions and agency agreements;
(b) to appoint, in writing, one or more persons for any or all of the purposes mentioned in the preceding paragraph (a), including affixing the seal of the Corporation.

Article III, Officers, Section 3.11, Facsimile Signatures. The signature of any officer authorized by the Corporation to sign any bonds, guarantees, undertakings, recognizances, stipulations, powers of attorney or revocations of any powers of attorney and policies of insurance issued by the Corporation may be printed, facsimile, lithographed or otherwise produced. In addition, if and as authorized by the Board of Directors, dividend warrants or checks, or other numerous instruments similar to one another in form, may be signed by the facsimile signature or signatures, lithographed or otherwise produced, of such officer or officers of the Corporation as from time to time may be authorized to sign such instruments on behalf of the Corporation. The Corporation may continue to use for the purposes herein stated the facsimile signature of any person or persons who shall have been such officer or officers of the Corporation, notwithstanding the fact that he may have ceased to be such at the time when such instruments shall be issued.

IN WITNESS WHEREOF, United States Fire Insurance Company has caused these presents to be signed and attested by its appropriate officer and its corporate seal hereunto affixed this 28th day of September, 2021.

UNITED STATES FIRE INSURANCE COMPANY

Matthew E. Lubin, President

State of New Jersey}
County of Morris }

On this 28th day of September, 2021, before me, a Notary public of the State of New Jersey, came the above named officer of United States Fire Insurance Company, to me personally known to be the individual and officer described herein, and acknowledged that he executed the foregoing instrument and affixed the seal of United States Fire Insurance Company thereto by the authority of his office.

MELISSA H. D'ALESSIO
NOTARY PUBLIC OF NEW JERSEY
Commission # 50126833
My Commission Expires 4/7/2026

Melissa H. D'Alessio (Notary Public)

I, the undersigned officer of United States Fire Insurance Company, a Delaware corporation, do hereby certify that the original Power of Attorney of which the foregoing is a full, true and correct copy is still in force and effect and has not been revoked.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of United States Fire Insurance Company on the 4th day of September 2024.

UNITED STATES FIRE INSURANCE COMPANY

Michael C. Fay, Senior Vice President

NON-COLLUSION BIDDING CERTIFICATION

A. By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, an in the case of a joint bid, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:

1) The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purposes of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;
2) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and
3) No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

B. A bid shall not be considered for award nor shall any award be made where (A), (1), (2), and (3) above have not been complied with; provided however, that if in any case the bidder cannot make the foregoing certificating, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reason therefore. Where (A), (1), (2), and (3) above have not been complied with, the bid shall not be considered for award nor shall any award be made unless the head of the purchasing unit of the political subdivision, public department, agency or official thereof to which the bid is made or his designee, determines that such disclosure was not made for the purpose of restricting competition.

C. The fact that the bidder (A) has published price lists, rates or tariffs governing items being procured, (B) has informed prospective customers of proposed or pending publication of new or revised price lists for such items or (C) has sold the same item to other customers at the same prices being bid, does not constitute, without more, a disclosure within the meaning subparagraph (A)(1).

D. Any bid hereafter made to any political subdivision of the state or any public department, agency or official thereof by a corporate bidder for work or state services performed or to be performed or goods sold or to be sold, where competitive bidding is required by statute, rule, regulation, or local law, and where such bid contains the certification referred to in subdivision one (1) of this section, shall be deemed to have been authorized by the board of directors of the bidder, and such authorization shall be deemed to include the signing and submission of the bid and the inclusion therein of the certificate as to non-collusion as the act and deed of the corporation.

Name of Company: HMA Contracting

Signed by: Kyle Shuler Title: VP/Treasurer

Signature: Kyle Shuler Date: 9/11/24

Email: kshuler@hmacontracting.com

RESOLUTION AUTHORIZING SUBMISSION OF BIDS BY CORPORATION AND EXECUTION OF NON-COLLUSION CERTIFICATE AND WAIVER OF IMMUNITY CLAUSE

Resolved that Lyle Shaeffer be authorized to sign and submit the bid or proposal of this corporation for Rotterdam Senior Parking Lot Improvements Town of Rotterdam, New York, Schenectady County, and to include in such bid or proposal the certificate as to non-collusion and waiver of immunity clause required by Section 103 of the General Municipal Law as the act and deed of such corporation, and for any inaccuracies or misstatements in such certificate this corporate bidder shall be liable under the penalties of perjury.

The foregoing is a true and correct copy of the resolution adopted by HMA Contracting Corp. corporation at a meeting of its board of directors held on the 5th day of January, 2024

(SEAL OF THE CORPORATION)

Janet L Hamel

Signature of Secretary

INDIVIDUAL EXECUTION OF NON-COLLUSION CERTIFICATE AND WAIVER OF IMMUNITY CLAUSE

I, Lyle Shaeffer hereby sign and submit this bid or proposal for Rotterdam Senior Parking Lot Improvements Town of Rotterdam, New York, Schenectady County, and to include in such bid or proposal the certificate as to non-collusion and waiver of immunity clause required by Section 103 of the General Municipal Law as the act and deed of this individual, and for any inaccuracies or misstatements in such certificate this individual bidder shall be liable under the penalties of perjury.

Lyle Shaeffer — 9/10/24

Signature of Individual — Date

TOWN OF ROTTERDAM WAIVER ON IMMUNITY CLAUSE

The undersigned bidder agrees to sign a Waiver of Immunity Clause agreeing if called before a Grand Jury to testify concerning the bid or contract, to sign a Waiver of Immunity against Criminal transaction, bid or contract:

Name of Contractor/Company: HMA Contracting

Signed by: Lyle Shaeffer Title: VP/Treasurer

Signature: Lyle Shaeffer Date: 9/10/24

RESOLUTION NO. 369.24

TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES

THEREFORE, UPON MOTION OF Councilmember _____,

seconded by Councilmember _____,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to negotiate and execute agreement with New York State Division of Criminal Justice Services, to provide fingerprinting services in accordance with Town Code §47-4.

SECTION 2. This resolution shall become effective September 25, 2024.

DATED: September 25, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

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: September 18, 2024

TO: Mollie A. Collins, Town Supervisor
Town Board

FROM: Alison Grace, Town Comptroller

TITLE OF REQUEST: Sign updated agreement with New York State Division of Criminal Justice Services (DCJS) to provide fingerprinting services for the Town of Rotterdam.

TOWN BOARD MEETING: September 25, 2024

Background Information: The Town of Rotterdam changed local law in 2019 in order to require background checks for potential new hires by means of fingerprints. The Town signed an agreement with DCJS in 2019 to provide these services. DCJS sends the agreement out every 5 years to be updated for language. There is no set term within the agreement.

Attachment/Document(s): Use & Dissemination Agreement with New York State Division of Criminal Justice Services

LEGISLATION WILL BE PREPARED BY: Supervisor's Office

USE & DISSEMINATION AGREEMENT
between
NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES
and
TOWN OF ROTTERDAM

Pursuant to Executive Law §837(6) and/or §837(8-a), the New York State Division of Criminal Justice Services (DCJS) hereby agrees to allow **Town of Rotterdam, Rotterdam, NY,** the ("User Agency") access to criminal history and wanted and/or missing persons data as may be contained in DCJS and, if applicable, federal Criminal Justice Information Services (CJIS) data files and other state repository files, as available through the Interstate Identification Index (hereinafter referred to as "III"), in accordance with the following terms and conditions:

DUTIES OF DCJS

DCJS will process authorized criminal history record inquiries, as specified in the Inquiry Specification list (attached hereto and hereinafter referred to as "Appendix A"), by searching its files and returning related criminal history, wanted and/or missing persons' information, as permitted by New York State law, DCJS administrative regulations, applicable federal statutes and regulations, and CJIS policies and procedures.

DCJS will allow the User Agency to access criminal history data electronically by allowing on-line searches of its files and, if applicable, CJIS files only for those authorized criminal justice purposes specified in Appendix A, and will return related criminal history, wanted and/or missing person's information, as permitted by New York State law, DCJS administrative regulations, applicable federal statutes and regulations, and CJIS policies and procedures.

DCJS will provide such information only to the extent that public funds are made available for that purpose.

DCJS will not allow the User Agency to access criminal history data for research purposes or any other purpose that is not specifically authorized by this Agreement.

DUTIES OF THE USER AGENCY

The User Agency will collect, receive, use, and report, when applicable, all information covered by this Agreement in compliance with all applicable state laws and regulations, and all applicable federal laws, regulations, policies and procedures, and restrict inquiries to only those specified in Appendix A.

The User Agency agrees to not access criminal history data for research purposes or any other purpose that is not specifically authorized by this Agreement. The User Agency must submit an official written request for access to criminal history data for purposes not specified in the Appendix A.

For employment and/or licensing purposes, the User Agency agrees to retain criminal history record information supplied by DCJS only for the duration of the appointment and/or licensing investigation process, including any subsequent administrative or judicial appeal of denial of the appointment and/or license. Thereafter, such information must be destroyed in a secure manner so as to preclude unauthorized access/use.

For electronic access, the User Agency must have and maintain the necessary computer and associated equipment. In addition to the aforementioned laws, regulations, policies and procedures, the User Agency must also comply with the Electronic Access Guidelines attached as Appendix B. Electronic access allows the User Agency to extract criminal history record information from DCJS criminal history files and, if applicable, CJIS for inclusion in a separate report, provided such information shall not be compiled by the User Agency into a separate data file(s), in either printed or electronic form, for: (i) the creation of a separate database in lieu of submitting a new inquiry to DCJS; (ii) secondary dissemination unless specifically authorized by law; (iii) research purposes; or (iv) any other purpose that is not specifically authorized by this Agreement.

USE & DISSEMINATION AGREEMENT
between
NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES
and
TOWN OF ROTTERDAM

The User Agency agrees to protect the security of criminal history record information that is contained in either printed or electronic form and comply with any and all provisions concerning the confidentiality of criminal history record information and the physical security of terminals, printers and other electronic devices, including, where applicable, mobile devices[1], enabled to electronically access the files of DCJS and, if applicable, the National Crime Information Center (NCIC)/III. All terminals, printers and other electronic devices, including mobile devices, under the control of the User Agency, which allow access to criminal history record information from DCJS files and, if applicable, NCIC/III files, must be in secure locations whether they are within the confines of the User Agency or the User Agency vehicles, or on the persons of the User Agency staff. Access to the locations must be restricted to authorized employees, or, if applicable, visitors - such as vendors - necessary for business purposes. Visitors to computer sites or terminal areas must be accompanied by User Agency staff.

The User Agency will familiarize its personnel with, and adhere to, 34 U.S.C. §10231 and the applicable regulations (see, 28 CFR Part 20; Appendix C) and, when applicable, the CJIS Security Policy, as updated, the NCIC Manual, and the III Operational and Technical Manual, which are incorporated into this Agreement by reference. The User Agency will also familiarize its personnel with, and ensure adherence to, all physical and personnel security, and other relevant provisions, as specified in the Electronic Access Guidelines in Appendix B. This includes, but is not limited to, provisions concerning the confidentiality of criminal history record information and the physical security of terminals enabled to electronically access the files of DCJS and, if applicable, CJIS.

The User Agency will make records available that support and justify criminal history record inquiries to DCJS and, if applicable, CJIS for the purpose of conducting routine, periodic audits to ensure compliance with all applicable laws, regulations, policies, and procedures regarding the information furnished by DCJS and/or CJIS pursuant to this Agreement. The User Agency agrees to keep such records as DCJS may require including a log of all non-fingerprint inquiries, whether made by electronic and non-electronic means, to facilitate audits. The log will reflect, at a minimum, a record of each inquiry showing the date, time, name of subject, specific reason for the inquiry, file or case number, name of person requesting the inquiry, and the terminal operator. In those cases, for which an inquiry is made on behalf of another authorized agency, the ORI code of the requesting agency must be recorded. Fingerprint-based inquiries need not be logged.

The User Agency will appoint a Terminal Agency Coordinator (TAC) who will be responsible for ensuring compliance with this Agreement, and DCJS and, if applicable, CJIS regulations and policies. The TAC will train and affirm the proficiency of terminal operators who access the criminal history files of DCJS, and, if applicable, the criminal history record files of CJIS, prior to the operator being permitted access. For those User Agencies that access CJIS information, in addition to ensuring that training and testing of each terminal operator has been completed pursuant to NCIC policies and procedures, the TAC will also ensure that DCJS-approved training of each terminal operator has been completed and will maintain each operator's certification attesting to such training. For those User Agencies with access to only NYS criminal history, the TAC will ensure that DCJS-approved training of each terminal operator has been completed and will maintain each operator's certification attesting to such training. The TAC will also maintain a complete, accurate, and current listing of all terminal operators and their user identifications. The head of the User Agency will officially notify DCJS upon the appointment of any TAC by submitting a form supplied by DCJS. The User Agency agrees to provide sufficient time during normal business hours for the TAC to perform the duties and responsibilities associated with the position, as explained in the *TAC Guidelines (DCJS-EXT 2422)*.

Upon initial assignment or employment of all personnel who will have access to DCJS or CJIS criminal history record data, including programmers, technicians and other persons who will be utilized to effectuate access to, or initiate transmission of, DCJS or CJIS data, the User Agency will submit the fingerprints of those

[1] Mobile devices are to be used by law enforcement and partnering agencies only.

persons and the required state, and, if applicable, federal fee(s) in accordance with DCJS and CJIS criteria for a fingerprint-based criminal history record search. The User Agency shall not permit access of any kind until the User Agency receives and reviews the fingerprint-based search results and makes a determination if access/employment is appropriate. New York State Correction Law §§752-753 provides factors to be considered in making such determinations when an individual has prior criminal convictions. If deemed acceptable, the individual may be granted access. If a felony conviction of any kind is found, access shall be denied, and the User Agency will be responsible for immediately notifying DCJS' Office of Criminal Justice Records (OCJR). Where applicable, a further review may be conducted to determine whether extenuating circumstances exist to grant access to an individual with a felony conviction. Access to CJIS information by an individual with a felony conviction shall be determined pursuant to the federal CJIS Security Policy; and access to NYS-only criminal history information by an individual with a felony conviction shall be determined after a review by the DCJS Commissioner, or his or her designee. The User Agency will be notified upon a completion of such review whether such user shall be permitted access. If an individual approved for access is subsequently arrested, the User Agency will be notified. The User Agency will be responsible for notifying OCJR if such arrest results in a felony conviction. If a felony conviction results from such arrest, the User Agency agrees to review the individual's access in the manner outlined above.

In the event the User Agency believes there was a breach of the security of the System, i.e., the unauthorized acquisition of Criminal History Record Information (CHRI) data or any other criminal justice data provided to the User Agency as granted through this U&D, the User Agency shall initially and immediately notify the DCJS Director of Audit Services. The User Agency shall then immediately commence an investigation, in cooperation with the DCJS Director of Audit Services, to determine if a breach occurred, the scope of the breach and to restore the security of the System to prevent any further breaches. Upon completion DCJS, as the state entity owning the System, will determine if such breach is applicable to State Technology Law §208 STL §208 and GBL §899-aa.

ACCESS RESTRICTIONS

Access to criminal history and wanted and/or missing persons' data as may be contained in DCJS and, if applicable, CJIS data files and other state repository files, as available through III, shall only be used for authorized purposes.

Inquiries for employment and/or licensing purposes via telephone, computer to computer, remote terminal, correspondence, or other methods of non-fingerprint inquiry are prohibited. Fingerprints must be submitted for employment and/or licensing purposes.

Secondary dissemination of criminal history record information received from DCJS and/or CJIS is not permitted for any reason unless specifically authorized by law. Secondary dissemination means the transmission of criminal history record information in any form, printed or otherwise, to another agency or individual.

SUBSEQUENT QUERY REQUIREMENT

If the User Agency has a subsequent need for criminal history record information pertaining to an individual for whom a previous inquiry was made, the User Agency must submit a new inquiry to DCJS to ensure that it has the most current, complete, and accurate criminal history record report available for that individual. A criminal history record must never be used for research purposes or any other purpose that is not specifically authorized by this Agreement. Further, a criminal history record must not be used again in connection with an extension of the original purpose, or in connection with a new and different purpose. The criminal history record should be retained only so long as is necessary. Criminal history may be retained if: (i) it is a key

element in a case; (ii) there is a possibility that the record could be challenged; (iii) all levels of appeals have not been exhausted; or (iv) it is necessary to document the circumstances of the case/investigation at the time of the inquiry. Thereafter, such information must be destroyed in a secure manner.

Any criminal history record information electronically extracted and saved in a separate report by the User Agency must not be used for research purposes or any other purpose that is not specifically authorized by this Agreement. Further, any criminal history record information electronically extracted and saved in a separate report by the User Agency must not be used to create a separate database in lieu of submitting a new inquiry to DCJS.

SUSPENSION OF SERVICE, CANCELLATION, FINES

DCJS may suspend provision of all/part of the service covered by this Agreement to the User Agency for a known violation of any applicable state or federal laws, rules, regulations, policies, procedures, or this Agreement. The User Agency recognizes that a known violation of 34 USC 10231 and/or the applicable regulations by the User Agency, or its employees, may, if applicable, subject the User Agency to fines up to $10,000, and may, if applicable, result in suspension of all federal funds. DCJS may resume furnishing any information authorized hereunder when it is satisfied that all violations have been eliminated. Either DCJS or the User Agency may, on 30 days written notice, terminate this Agreement for any reason.

INDEMNIFICATION OF DCJS

The User Agency, to the extent permitted by State or federal law, agrees to indemnify and hold DCJS, its officers and employees, harmless from and against any and all claims, demands, actions, suits, and proceedings brought by others arising out of the terms of this Agreement founded upon the negligence or other tortious conduct of the User Agency including, but not limited to, any liability for loss or damage by reason of any claim of false imprisonment or false arrest.

VALIDATION OF INACTIVE NON-CRIMINAL FINGERPRINTS/SWITCH TO INACTIVE STATUS

If DCJS retains the User Agency's non-criminal applicant fingerprints in its files for the purpose of issuing reports to the User Agency upon the subsequent arrest of the subject of the retained fingerprints, the User Agency agrees to provide DCJS with:

(1) The names and NYSID numbers of individuals whose fingerprints were sent to DCJS for identification processing and retention, but whose applications were not approved for employment or licensure by the User Agency; and

(2) The names and NYSID numbers of individuals who subsequently left the User Agency's employment or relinquished the licensure.

The User Agency agrees to provide these notifications as often as practicable, at least once per year. Once so notified by the User Agency, DCJS agrees to designate as "inactive" the fingerprints of individuals who are no longer in the employment or licensure situation for which they were fingerprinted.

USE & DISSEMINATION AGREEMENT
between
NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES
and
TOWN OF ROTTERDAM

EFFECTIVE DATE

This Agreement shall supersede any prior Use and Dissemination Agreement between the parties and shall become effective when signed by the Commissioner of DCJS, or his or her designee, and the official of the User Agency having authority to bind the User Agency to the terms and conditions enumerated herein.

NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES

BY: _____
Signature

Printed Name: Brendan Barry

Title: Director
Office of Criminal Justice Records

Date: _____

USER AGENCY: TOWN OF ROTTERDAM

BY: _____
Signature

Printed Name: _____

Title: _____

Date: _____

Appendix A

Authorized Inquiry Specification List

User Agency: Town of Rotterdam

ORI Number: NY046TR1Y

On-Line Inquiry Reason Code	Purpose of Inquiries	Enabling Authority
	NON CRIM FINGERPRINT CARD Non-criminal fingerprint submissions pertaining to prospective employee applicants* (NY State CHRI response)	Local Law No. 05-2019 Chapter 47, Article II, §47-4, of the Town Code
	NON CRIM FINGERPRINT CARD Non-criminal fingerprint submissions for employees who have access to NY State or Federal Criminal History Record Information (CHRI), whether hard copy or electronic form, in the course of their job duties* (NY State CHRI response)	9 NYCRR 6051.1(a)(3)

Remarks:
* Fingerprint processing fee required pursuant to Executive Law §837(8-a)

Agencies that are authorized to conduct a FBI fingerprint background check on an applicant (i.e. employment, license, permit, adoption) are obligated to ensure the applicant is provided certain notice. Refer to https://www.fbi.gov/services/cjis/compact-council for the following documents regarding the privacy protection of a non-criminal fingerprint submissions:

- Privacy Act Statement
- Guiding Principles: Agency Privacy Requirements for Noncriminal Justice Applicants
- Guiding Principles: Noncriminal Justice Applicants Privacy Rights

APPENDIX B

GUIDELINES FOR ELECTRONIC ACCESS TO CRIMINAL HISTORY RECORD INFORMATION

Employees who electronically access computer systems and the available information databases are the most important link in system security. Regardless of how well managers plan and document security rules and guidelines, it is the employee who directly accesses a computer system who must adhere to and work with the security rules and guidelines. Each employee with access to a computer system should have a thorough understanding of his/her responsibilities in accessing and disseminating information, recording transactions, and disposing of data printouts. Each employee should have access to written procedures on the subject of data security, including those issued by all State agencies that make information available through DCJS. If an employee is unsure of any of his/her legal responsibilities in these areas, a supervisor should be contacted immediately for assistance.

Operator Identification/Authorization:

DCJS maintains a list of individuals who are authorized to access criminal history record information as part of their work duties (Users). Each User is assigned a unique and secret Password which he/she must use at logon to authenticate the User. Once authenticated, a session is established and a User log is automatically maintained by the system to establish a record of who transacted each inquiry. Because the User is responsible for all inquiries made during that session, the terminal should not be left unattended once the User has logged on. The User should not inform anyone else of his/her Password, or use another person's Usercode and Password. Under no circumstances should a list of Users and Passwords be written or posted where anyone may see them, such as near the terminal or in written procedures. Passwords should be changed regularly or whenever the User feels his/her Password has been compromised.

Supporting Documentation/Audits:

DCJS, as the manager of electronic software services, will conduct routine periodic audits of a User Agency to ensure compliance with relevant State and Federal confidentiality policies, and all applicable State and Federal laws. An audit may also be conducted if there is reason to suspect that a security violation may have been committed or attempted. As part of DCJS auditing requirements, a User Agency will be required to run a monthly utility program which will provide a log of all criminal history record transactions. It will be the responsibility of the User Agency's Terminal Agency Coordinator to review this log and validate the fact that usage was for official purposes and consistent with DCJS policy. The results of this review must be available to the DCJS Audit Unit on request and in the manner and form in which requested.

Failure to Adhere to Law and Regulations:

DCJS may conduct an audit when a breach of security is suspected or reported. Repeated and/or serious violations may result in suspension of service and the imposition of fines.

28 CFR PART 20—CRIMINAL JUSTICE INFORMATION SYSTEMS (current as of 11/30/11)

Subpart A—General Provisions
§ 20.1 Purpose.
§ 20.2 Authority.
§ 20.3 Definitions.

Subpart B—State and Local Criminal History Record Information Systems
§ 20.20 Applicability.
§ 20.21 Preparation and submission of a Criminal History Record Information Plan.
§ 20.22 Certification of compliance.
§ 20.23 Documentation: Approval by OJARS.
§ 20.24 State laws on privacy and security.
§ 20.25 Penalties.

Subpart C—Federal Systems and Exchange of Criminal History Record Information
§ 20.30 Applicability.
§ 20.31 Responsibilities.
§ 20.32 Includable offenses.
§ 20.33 Dissemination of criminal history record information.
§ 20.34 Individual's right to access criminal history record information.
§ 20.35 Criminal Justice Information Services Advisory Policy Board.
§ 20.36 Participation in the Interstate Identification Index System.
§ 20.37 Responsibility for accuracy, completeness, currency, and integrity.
§ 20.38 Sanction for noncompliance.
Appendix to Part 20—Commentary on Selected Sections of the Regulations on Criminal History Record Information Systems

Authority: 28 U.S.C. 534; Pub. L. 92–544, 86 Stat. 1115; 42 U.S.C. 3711, *et seq.*, Pub. L. 99–169, 99 Stat. 1002, 1008–1011, as amended by Pub. L. 99–569, 100 Stat. 3190, 3196; Pub. L. 101–515, as amended by Pub. L. 104–99, set out in the notes to 28 U.S.C. 534.

Source: Order No. 601–75, 40 FR 22114, May 20, 1975, unless otherwise noted.

Subpart A—General Provisions

Source: 41 FR 11714, Mar. 19, 1976, unless otherwise noted.

§ 20.1 Purpose.

It is the purpose of these regulations to assure that criminal history record information wherever it appears is collected, stored, and disseminated in a manner to ensure the accuracy, completeness, currency, integrity, and security of such information and to protect individual privacy.

[Order No. 2258–99, 64 FR 52226, Sept. 28, 1999]

§ 20.2 Authority.

These regulations are issued pursuant to sections 501 and 524(b) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by the Crime Control Act of 1973, Public Law 93–83, 87 Stat. 197, 42 U.S.C. 3701, *et seq.* (Act), 28 U.S.C. 534, and Public Law 92–544, 86 Stat. 1115.

§ 20.3 Definitions.

Appendix C

As used in these regulations:

(a) *Act* means the Omnibus Crime Control and Safe Streets Act, 42 U.S.C. 3701, *et seq.*, as amended.

(b) *Administration of criminal justice* means performance of any of the following activities: Detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The administration of criminal justice shall include criminal identification activities and the collection, storage, and dissemination of criminal history record information.

(c) *Control Terminal Agency* means a duly authorized state, foreign, or international criminal justice agency with direct access to the National Crime Information Center telecommunications network providing statewide (or equivalent) service to its criminal justice users with respect to the various systems managed by the FBI CJIS Division.

(d) *Criminal history record information* means information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, including acquittal, sentencing, correctional supervision, and release. The term does not include identification information such as fingerprint records if such information does not indicate the individual's involvement with the criminal justice system.

(e) *Criminal history record information system* means a system including the equipment, facilities, procedures, agreements, and organizations thereof, for the collection, processing, preservation, or dissemination of criminal history record information.

(f) *Criminal history record repository* means the state agency designated by the governor or other appropriate executive official or the legislature to perform centralized recordkeeping functions for criminal history records and services in the state.

(g) *Criminal justice agency* means:

(1) Courts; and

(2) A governmental agency or any subunit thereof that performs the administration of criminal justice pursuant to a statute or executive order, and that allocates a substantial part of its annual budget to the administration of criminal justice. State and federal Inspector General Offices are included.

(h) *Direct access* means having the authority to access systems managed by the FBI CJIS Division, whether by manual or automated methods, not requiring the assistance of or intervention by any other party or agency.

(i) *Disposition* means information disclosing that criminal proceedings have been concluded and the nature of the termination, including information disclosing that the police have elected not to refer a matter to a prosecutor or that a prosecutor has elected not to commence criminal proceedings; or disclosing that proceedings have been indefinitely postponed and the reason for such postponement. Dispositions shall include, but shall not be limited to, acquittal, acquittal by reason of insanity, acquittal by reason of mental incompetence, case continued without finding, charge dismissed, charge dismissed due to insanity, charge dismissed due to mental incompetency, charge still pending due to insanity, charge still pending due to mental incompetence, guilty plea, nolle prosequi, no paper, nolo contendere plea, convicted, youthful offender determination, deceased, deferred disposition, dismissed-civil action, found insane, found mentally incompetent, pardoned, probation before conviction, sentence commuted, adjudication withheld, mistrial-defendant discharged, executive clemency, placed on probation, paroled, or released from correctional supervision.

(j) *Executive order* means an order of the President of the United States or the Chief Executive of a state that has the force of law and that is published in a manner permitting regular public access.

(k) *Federal Service Coordinator* means a non-Control Terminal Agency that has a direct telecommunications line to the National Crime Information Center network.

(l) *Fingerprint Identification Records System* or "FIRS" means the following FBI records: Criminal fingerprints and/or related criminal justice information submitted by authorized agencies having criminal justice responsibilities; civil fingerprints submitted by federal agencies and civil fingerprints submitted by persons desiring to have their fingerprints placed on record for personal identification purposes; identification records, sometimes referred to as "rap sheets," which are compilations of criminal history record information pertaining to individuals who have criminal fingerprints maintained in the FIRS; and a name index pertaining to all individuals whose fingerprints are maintained in the FIRS. See the FIRS Privacy Act System Notice periodically published in the Federal Register for further details.

(m) *Interstate Identification Index System* or "III System" means the cooperative federal-state system for the exchange of criminal history records, and includes the National Identification Index, the National Fingerprint File, and, to the extent of their participation in such system, the criminal history record repositories of the states and the FBI.

(n) *National Crime Information Center* or "NCIC" means the computerized information system, which includes telecommunications lines and any message switching facilities that are authorized by law, regulation, or policy approved by the Attorney General of the United States to link local, state, tribal, federal, foreign, and international criminal justice agencies for the purpose of exchanging NCIC related information. The NCIC includes, but is not limited to, information in the III System. See the NCIC Privacy Act System Notice periodically published in the Federal Register for further details.

(o) *National Fingerprint File* or "NFF" means a database of fingerprints, or other uniquely personal identifying information, relating to an arrested or charged individual maintained by the FBI to provide positive identification of record subjects indexed in the III System.

(p) *National Identification Index* or "NII" means an index maintained by the FBI consisting of names, identifying numbers, and other descriptive information relating to record subjects about whom there are criminal history records in the III System.

(q) *Nonconviction data* means arrest information without disposition if an interval of one year has elapsed from the date of arrest and no active prosecution of the charge is pending; information disclosing that the police have elected not to refer a matter to a prosecutor, that a prosecutor has elected not to commence criminal proceedings, or that proceedings have been indefinitely postponed; and information that there has been an acquittal or a dismissal.

(r) *State* means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(s) *Statute* means an Act of Congress or of a state legislature or a provision of the Constitution of the United States or of a state.

[Order No. 2258–99, 64 FR 52226, Sept. 28, 1999]

Subpart B—State and Local Criminal History Record Information Systems

Source: 41 FR 11715, Mar. 19, 1976, unless otherwise noted.

§ 20.20 Applicability.

(a) The regulations in this subpart apply to all State and local agencies and individuals collecting, storing, or disseminating criminal history record information processed by manual or automated operations where such collection, storage, or dissemination has been funded in whole or in part with funds made available by the Law Enforcement Assistance Administration subsequent to July 1, 1973, pursuant to title I of the Act. Use of information obtained from the FBI Identification Division or the FBI/NCIC system shall also be subject to limitations contained in subpart C.

(b) The regulations in this subpart shall not apply to criminal history record information contained in:

(1) Posters, announcements, or lists for identifying or apprehending fugitives or wanted persons;

(2) Original records of entry such as police blotters maintained by criminal justice agencies, compiled chronologically and required by law or long standing custom to be made public, if such records are organized on a chronological basis;

(3) Court records of public judicial proceedings;

(4) Published court or administrative opinions or public judicial, administrative or legislative proceedings;

(5) Records of traffic offenses maintained by State departments of transportation, motor vehicles or the equivalent thereof for the purpose of regulating the issuance, suspension, revocation, or renewal of driver's, pilot's or other operators' licenses;

(6) Announcements of executive clemency.

(c) Nothing in these regulations prevents a criminal justice agency from disclosing to the public criminal history record information related to the offense for which an individual is currently within the criminal justice system. Nor is a criminal justice agency prohibited from confirming prior criminal history record information to members of the news media or any other person, upon specific inquiry as to whether a named individual was arrested, detained, indicted, or whether an information or other formal charge was filed, on a specified date, if the arrest record information or criminal record information disclosed is based on data excluded by paragraph (b) of this section. The regulations do not prohibit the dissemination of criminal history record information for purposes of international travel, such as issuing visas and granting of citizenship.

§ 20.21 Preparation and submission of a Criminal History Record Information Plan.

A plan shall be submitted to OJARS by each State on March 16, 1976, to set forth all operational procedures, except those portions relating to dissemination and security. A supplemental plan covering these portions shall be submitted no later than 90 days after promulgation of these amended regulations. The plan shall set forth operational procedures to—

(a) *Completeness and accuracy.* Insure that criminal history record information is complete and accurate.

(1) Complete records should be maintained at a central State repository. To be complete, a record maintained at a central State repository which contains information that an individual has been arrested, and which is available for dissemination, must contain information of any dispositions occurring within the State within 90 days after the disposition has occurred. The above shall apply to all arrests occurring subsequent to the effective date of these regulations. Procedures shall be established for criminal justice agencies to query the central repository prior to dissemination of any criminal history record information unless it can be assured that the most up-to-date disposition data is being used. Inquiries of a central State repository shall be made prior to any dissemination except in those cases where time is of the essence and the repository is technically incapable of responding within the necessary time period.

(2) To be accurate means that no record containing criminal history record information shall contain erroneous information. To accomplish this end, criminal justice agencies shall institute a process of data collection, entry, storage, and systematic audit that will minimize the possibility of recording and storing inaccurate information and upon finding inaccurate information of a material nature, shall notify all criminal justice agencies known to have received such information.

(b) *Limitations on dissemination.* Insure that dissemination of nonconviction data has been limited, whether directly or through any intermediary only to:

(1) Criminal justice agencies, for purposes of the administration of criminal justice and criminal justice agency employment;

(2) Individuals and agencies for any purpose authorized by statute, ordinance, executive order, or court rule, decision, or order, as construed by appropriate State or local officials or agencies;

(3) Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement. The agreement shall specifically authorize access to data, limit the use of data to purposes for which given, insure the security and confidentiality of the data consistent with these regulations, and provide sanctions for violation thereof;

(4) Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency. The agreement shall specifically authorize access to data, limit the use of data to research, evaluative, or statistical purposes, insure the confidentiality and security of the data consistent with these regulations and with section 524(a) of the Act and any regulations implementing section 524(a), and provide sanctions for the violation thereof. These dissemination limitations do not apply to conviction data.

(c) *General policies on use and dissemination.* (1) Use of criminal history record information disseminated to noncriminal justice agencies shall be limited to the purpose for which it was given.

(2) No agency or individual shall confirm the existence or nonexistence of criminal history record information to any person or agency that would not be eligible to receive the information itself.

(3) Subsection (b) does not mandate dissemination of criminal history record information to any agency or individual. States and local governments will determine the purposes for which dissemination of criminal history record information is authorized by State law, executive order, local ordinance, court rule, decision or order.

(d) *Juvenile records.* Insure that dissemination of records concerning proceedings relating to the adjudication of a juvenile as delinquent or in need or supervision (or the equivalent) to noncriminal justice agencies is prohibited, unless a statute, court order, rule or court decision specifically authorizes dissemination of juvenile records, except to the same extent as criminal history records may be disseminated as provided in paragraph (b) (3) and (4) of this section.

(e) *Audit.* Insure that annual audits of a representative sample of State and local criminal justice agencies chosen on a random basis shall be conducted by the State to verify adherence to these regulations and that appropriate records shall be retained to facilitate such audits. Such records shall include, but are not limited to, the names of all persons or agencies to whom information is disseminated and the date upon which such information is disseminated. The reporting of a criminal justice transaction to a State, local or Federal repository is not a dissemination of information.

(f) *Security.* Wherever criminal history record information is collected, stored, or disseminated, each State shall insure that the following requirements are satisfied by security standards established by State legislation, or in the absence of such legislation, by regulations approved or issued by the Governor of the State.

(1) Where computerized data processing is employed, effective and technologically advanced software and hardware designs are instituted to prevent unauthorized access to such information.

(2) Access to criminal history record information system facilities, systems operating environments, data file contents whether while in use or when stored in a media library, and system documentation is restricted to authorized organizations and personnel.

(3)(i) Computer operations, whether dedicated or shared, which support criminal justice information systems, operate in accordance with procedures developed or approved by the participating criminal justice agencies that assure that:

(*a*) Criminal history record information is stored by the computer in such manner that it cannot be modified, destroyed, accessed, changed, purged, or overlaid in any fashion by non-criminal justice terminals.

(*b*) Operation programs are used that will prohibit inquiry, record updates, or destruction of records, from any terminal other than criminal justice system terminals which are so designated.

(*c*) The destruction of records is limited to designated terminals under the direct control of the criminal justice agency responsible for creating or storing the criminal history record information.

(*d*) Operational programs are used to detect and store for the output of designated criminal justice agency employees all unauthorized attempts to penetrate any criminal history record information system, program or file.

(*e*) The programs specified in paragraphs (f)(3)(i) (*b*) and (*d*) of this section are known only to criminal justice agency employees responsible for criminal history record information system control or individuals and agencies pursuant to a specific agreement with the criminal justice agency to provide such programs and the program(s) are kept continuously under maximum security conditions.

(*f*) Procedures are instituted to assure that an individual or agency authorized direct access is responsible for (*1*) the physical security of criminal history record information under its control or in its custody and (*2*) the protection of such information from unauthorized access, disclosure or dissemination.

(*g*) Procedures are instituted to protect any central repository of criminal history record information from unauthorized access, theft, sabotage, fire, flood, wind, or other natural or manmade disasters.

(ii) A criminal justice agency shall have the right to audit, monitor and inspect procedures established above.

(4) The criminal justice agency will:

(i) Screen and have the right to reject for employment, based on good cause, all personnel to be authorized to have direct access to criminal history record information.

(ii) Have the right to initiate or cause to be initiated administrative action leading to the transfer or removal of personnel authorized to have direct access to such information where such personnel violate the provisions of these regulations or other security requirements established for the collection, storage, or dissemination of criminal history record information.

(iii) Institute procedures, where computer processing is not utilized, to assure that an individual or agency authorized direct access is responsible for

(*a*) The physical security of criminal history record information under its control or in its custody and

(*b*) The protection of such information from unauthorized access, disclosure, or dissemination.

(iv) Institute procedures, where computer processing is not utilized, to protect any central repository of criminal history record information from unauthorized access, theft, sabotage, fire, flood, wind, or other natural or manmade disasters.

(v) Provide that direct access to criminal history record information shall be available only to authorized officers or employees of a criminal justice agency and, as necessary, other authorized personnel essential to the proper operation of the criminal history record information system.

(5) Each employee working with or having access to criminal history record information shall be made familiar with the substance and intent of these regulations.

(g) *Access and review.* Insure the individual's right to access and review of criminal history information for purposes of accuracy and completeness by instituting procedures so that—

(1) Any individual shall, upon satisfactory verification of his identity, be entitled to review without undue burden to either the criminal justice agency or the individual, any criminal history record information maintained about the individual and obtain a copy thereof when necessary for the purpose of challenge or correction;

(2) Administrative review and necessary correction of any claim by the individual to whom the information relates that the information is inaccurate or incomplete is provided;

(3) The State shall establish and implement procedures for administrative appeal where a criminal justice agency refuses to correct challenged information to the satisfaction of the individual to whom the information relates;

(4) Upon request, an individual whose record has been corrected shall be given the names of all non-criminal justice agencies to whom the data has been given;

(5) The correcting agency shall notify all criminal justice recipients of corrected information; and

(6) The individual's right to access and review of criminal history record information shall not extend to data contained in intelligence, investigatory, or other related files and shall not be construed to include any other information than that defined by §20.3(b).

[41 FR 11715, Mar. 19, 1976, as amended at 42 FR 61595, Dec. 6, 1977]

§ 20.22 Certification of compliance.

(a) Each State to which these regulations are applicable shall with the submission of its plan provide a certification that to the maximum extent feasible action has been taken to comply with the procedures set forth in the plan. Maximum extent feasible, in this subsection, means actions which can be taken to comply with the procedures set forth in the plan that do not require additional legislative authority or involve unreasonable cost or do not exceed existing technical ability.

(b) The certification shall include—

(1) An outline of the action which has been instituted. At a minimum, the requirements of access and review under §20.21(g) must be completely operational;

(2) A description of any legislation or executive order, or attempts to obtain such authority that has been instituted to comply with these regulations;

(3) A description of the steps taken to overcome any fiscal, technical, and administrative barriers to the development of complete and accurate criminal history record information;

(4) A description of existing system capability and steps being taken to upgrade such capability to meet the requirements of these regulations; and

(5) A listing setting forth categories of non-criminal justice dissemination. See §20.21(b).

§ 20.23 Documentation: Approval by OJARS.

Within 90 days of the receipt of the plan, OJARS shall approve or disapprove the adequacy of the provisions of the plan and certification. Evaluation of the plan by OJARS will be based upon whether the procedures set forth will accomplish the required objectives. The evaluation of the certification(s) will be based upon whether a good faith effort has been shown to initiate and/or further compliance with the plan and regulations. All procedures in the approved plan must be fully operational and implemented by March 1, 1978. A final certification shall be submitted on March 1, 1978.

Where a State finds it is unable to provide final certification that all required procedures as set forth in §20.21 will be operational by March 1, 1978, a further extension of the deadline will be granted by OJARS upon a showing that the State has made a good faith effort to implement these regulations to the maximum extent feasible. Documentation justifying the request for the extension including a proposed timetable for full compliance must be submitted to OJARS by March 1, 1978. Where a State submits a request for an extension, the implementation date will be extended an additional 90 days while OJARS reviews the documentation for approval or disapproval. To be approved, such revised schedule must be consistent with the timetable and procedures set out below:

(a) July 31, 1978—Submission of certificate of compliance with:

(1) Individual access, challenge, and review requirements;

(2) Administrative security;

(3) Physical security to the maximum extent feasible.

(b) Thirty days after the end of a State's next legislative session—Submission to OJARS of a description of State policy on dissemination of criminal history record information.

(c) Six months after the end of a State's legislative session—Submission to OJARS of a brief and concise description of standards and operating procedures to be followed by all criminal justice agencies covered by OJARS regulations in complying with the State policy on dissemination.

(d) Eighteen months after the end of a State's legislative session—Submission to OJARS of a certificate attesting to the conduct of an audit of the State central repository and of a random number of other criminal justice agencies in compliance with OJARS regulations.

[41 FR 11715, Mar. 19, 1976, as amended at 42 FR 61596, Dec. 6, 1977]

§ 20.24 State laws on privacy and security.

Where a State originating criminal history record information provides for sealing or purging thereof, nothing in these regulations shall be construed to prevent any other State receiving such information, upon notification, from complying with the originating State's sealing or purging requirements.

§ 20.25 Penalties.

Any agency or individual violating subpart B of these regulations shall be subject to a civil penalty not to exceed $10,000 for a violation occurring before September 29, 1999, and not to exceed $11,000 for a violation occurring on after September 29, 1999. In addition, OJARS may initiate fund cut-off procedures against recipients of OJARS assistance.

[41 FR 11715, Mar. 19, 1976, as amended by Order No. 2249–99, 64 FR 47102, Aug. 30, 1999]

Subpart C—Federal Systems and Exchange of Criminal History Record Information

Source: Order No. 2258–99, 64 FR 52227, Sept. 28, 1999, unless otherwise noted.

§ 20.30 Applicability.

The provisions of this subpart of the regulations apply to the III System and the FIRS, and to duly authorized local, state, tribal, federal, foreign, and international criminal justice agencies to the extent that they utilize the services of the III System or the FIRS. This subpart is applicable to both manual and automated criminal history records.

§ 20.31 Responsibilities.

(a) The Federal Bureau of Investigation (FBI) shall manage the NCIC.

(b) The FBI shall manage the FIRS to support identification and criminal history record information functions for local, state, tribal, and federal criminal justice agencies, and for noncriminal justice agencies and other entities where authorized by federal statute, state statute pursuant to Public Law 92–544, 86 Stat. 1115, Presidential executive order, or regulation or order of the Attorney General of the United States.

(c) The FBI CJIS Division may manage or utilize additional telecommunication facilities for the exchange of fingerprints, criminal history record related information, and other criminal justice information.

(d) The FBI CJIS Division shall maintain the master fingerprint files on all offenders included in the III System and the FIRS for the purposes of determining first offender status; to identify those offenders who are unknown in states where they become criminally active but are known in other states through prior criminal history records; and to provide identification assistance in disasters and for other humanitarian purposes.

(e) The FBI may routinely establish and collect fees for noncriminal justice fingerprint-based and other identification services as authorized by Federal law. These fees apply to Federal, State and any other authorized entities requesting fingerprint identification records and name checks for noncriminal justice purposes.

(1) The Director of the FBI shall review the amount of the fee periodically, but not less than every four years, to determine the current cost of processing fingerprint identification records and name checks for noncriminal justice purposes.

(2) Fee amounts and any revisions thereto shall be determined by current costs, using a method of analysis consistent with widely accepted accounting principles and practices, and calculated in accordance with the provisions of 31 U.S.C. 9701 and other Federal law as applicable.

(3) Fee amounts and any revisions thereto shall be published as a notice in the Federal Register .

(f) The FBI will collect a fee for providing noncriminal name-based background checks of the FBI Central Records System through the National Name Check Program pursuant to the authority in Pub. L. 101–515 and in accordance with paragraphs (e)(1), (2) and (3) of this section.

[41 FR 11715, Mar. 19, 1976, as amended at 75 FR 18755, Apr. 13, 2010; 75 FR 24798, May 6, 2010]

§ 20.32 Includable offenses.

(a) Criminal history record information maintained in the III System and the FIRS shall include serious and/or significant adult and juvenile offenses.

(b) The FIRS excludes arrests and court actions concerning nonserious offenses, e.g., drunkenness, vagrancy, disturbing the peace, curfew violation, loitering, false fire alarm, non-specific charges of suspicion or investigation, and traffic violations (except data will be included on arrests for vehicular manslaughter, driving under the influence of drugs or liquor, and hit and run), when unaccompanied by a §20.32(a) offense. These exclusions may not be applicable to criminal history records maintained in state criminal history record repositories, including those states participating in the NFF.

(c) The exclusions enumerated above shall not apply to federal manual criminal history record information collected, maintained, and compiled by the FBI prior to the effective date of this subpart.

§ 20.33 Dissemination of criminal history record information.

(a) Criminal history record information contained in the III System and the FIRS may be made available:

(1) To criminal justice agencies for criminal justice purposes, which purposes include the screening of employees or applicants for employment hired by criminal justice agencies;

(2) To federal agencies authorized to receive it pursuant to federal statute or Executive order;

(3) For use in connection with licensing or employment, pursuant to Public Law 92–544, 86 Stat. 1115, or other federal legislation, and for other uses for which dissemination is authorized by federal law. Refer to §50.12 of this chapter for dissemination guidelines relating to requests processed under this paragraph;

(4) For issuance of press releases and publicity designed to effect the apprehension of wanted persons in connection with serious or significant offenses;

(5) To criminal justice agencies for the conduct of background checks under the National Instant Criminal Background Check System (NICS);

(6) To noncriminal justice governmental agencies performing criminal justice dispatching functions or data processing/ information services for criminal justice agencies; and

(7) To private contractors pursuant to a specific agreement with an agency identified in paragraphs (a)(1) or (a)(6) of this section and for the purpose of providing services for the administration of criminal justice pursuant to that agreement. The agreement must incorporate a security addendum approved by the Attorney General of the United States, which shall specifically authorize access to criminal history record information, limit the use of the information to the purposes for which it is provided, ensure the security and confidentiality of the information consistent with these regulations, provide for sanctions, and contain such other provisions as the Attorney General may require. The power and authority of the Attorney General hereunder shall be exercised by the FBI Director (or the Director's designee).

(b) The exchange of criminal history record information authorized by paragraph (a) of this section is subject to cancellation if dissemination is made outside the receiving departments, related agencies, or service providers identified in paragraphs (a)(6) and (a)(7) of this section.

(c) Nothing in these regulations prevents a criminal justice agency from disclosing to the public factual information concerning the status of an investigation, the apprehension, arrest, release, or prosecution of an individual, the adjudication of charges, or the correctional status of an individual, which is reasonably contemporaneous with the event to which the information relates.

(d) Criminal history records received from the III System or the FIRS shall be used only for the purpose requested and a current record should be requested when needed for a subsequent authorized use.

§ 20.34 Individual's right to access criminal history record information.

The procedures by which an individual may obtain a copy of his or her identification record from the FBI to review and request any change, correction, or update are set forth in §§16.30–16.34 of this chapter. The procedures by which an individual may obtain a copy of his or her identification record from a state or local criminal justice agency are set forth in §20.34 of the appendix to this part.

§ 20.35 Criminal Justice Information Services Advisory Policy Board.

(a) There is established a CJIS Advisory Policy Board, the purpose of which is to recommend to the FBI Director general policy with respect to the philosophy, concept, and operational principles of various criminal justice information systems managed by the FBI's CJIS Division.

(b) The Board includes representatives from state and local criminal justice agencies; members of the judicial, prosecutorial, and correctional segments of the criminal justice community; a representative of federal agencies participating in the CJIS systems; and representatives of criminal justice professional associations.

(c) All members of the Board will be appointed by the FBI Director.

(d) The Board functions solely as an advisory body in compliance with the provisions of the Federal Advisory Committee Act. Title 5, United States Code, Appendix 2.

§ 20.36 Participation in the Interstate Identification Index System.

(a) In order to acquire and retain direct access to the III System, each Control Terminal Agency and Federal Service Coordinator shall execute a CJIS User Agreement (or its functional equivalent) with the Assistant Director in Charge of the CJIS Division, FBI, to abide by all present rules, policies, and procedures of the NCIC, as well as any rules, policies, and procedures hereinafter recommended by the CJIS Advisory Policy Board and adopted by the FBI Director.

(b) Entry or updating of criminal history record information in the III System will be accepted only from state or federal agencies authorized by the FBI. Terminal devices in other agencies will be limited to inquiries.

§ 20.37 Responsibility for accuracy, completeness, currency, and integrity.

It shall be the responsibility of each criminal justice agency contributing data to the III System and the FIRS to assure that information on individuals is kept complete, accurate, and current so that all such records shall contain to the maximum extent feasible dispositions for all arrest data included therein. Dispositions should be submitted by criminal justice agencies within 120 days after the disposition has occurred.

§ 20.38 Sanction for noncompliance.

Access to systems managed or maintained by the FBI is subject to cancellation in regard to any agency or entity that fails to comply with the provisions of subpart C of this part.

Appendix to Part 20—Commentary on Selected Sections of the Regulations on Criminal History Record Information Systems

Subpart A–§20.3(d). The definition of criminal history record information is intended to include the basic offender-based transaction statistics/III System (OBTS/III) data elements. If notations of an arrest, disposition, or other formal criminal justice transaction occurs in records other than the traditional "rap sheet," such as arrest reports, any criminal history record information contained in such reports comes under the definition of this subsection.

The definition, however, does not extend to other information contained in criminal justice agency reports. Intelligence or investigative information (e.g., suspected criminal activity, associates, hangouts, financial information, and ownership of property and vehicles) is not included in the definition of criminal history information.

§20.3(g). The definitions of criminal justice agency and administration of criminal justice in §20.3(b) of this part must be considered together. Included as criminal justice agencies would be traditional police, courts, and corrections agencies, as well as subunits of noncriminal justice agencies that perform the administration of criminal justice pursuant to a federal or state statute or executive order and allocate a substantial portion of their budgets to the administration of criminal justice. The above subunits of noncriminal justice agencies would include, for example, the Office of Investigation of the Food and Drug Administration, which has as its principal function the detection and apprehension of persons violating criminal provisions of the Federal Food, Drug and Cosmetic Act. Also included under the definition of criminal justice agency are umbrella-type administrative agencies supplying criminal history information services, such as New York's Division of Criminal Justice Services.

§20.3(l). Disposition is a key concept in section 524(b) of the Act and in §§20.21(a)(1) and 20.21(b) of this part. It therefore is defined in some detail. The specific dispositions listed in this subsection are examples only and are not to be construed as excluding other, unspecified transactions concluding criminal proceedings within a particular agency.

§20.3(q). The different kinds of acquittals and dismissals delineated in §20.3(i) are all considered examples of nonconviction data.

Subpart B—§20.20(a). These regulations apply to criminal justice agencies receiving funds under the Omnibus Crime Control and Safe Streets Act for manual or automated systems subsequent to July 1, 1973. In the hearings on the regulations, a number of those testifying challenged LEAA's authority to promulgate regulations for manual systems by contending that section 524(b) of the Act governs criminal history information contained in automated systems.

The intent of section 524(b), however, would be subverted by only regulating automated systems. Any agency that wished to circumvent the regulations would be able to create duplicate manual files for purposes contrary to the letter and spirit of the regulations.

Regulation of manual systems, therefore, is authorized by section 524(b) when coupled with section 501 of the Act which authorizes the Administration to establish rules and regulations "necessary to the exercise of its functions * * *."

The Act clearly applies to all criminal history record information collected, stored, or disseminated with LEAA support subsequent to July 1, 1973.

Limitations as contained in subpart C also apply to information obtained from the FBI Identification Division or the FBI/NCIC System.

§20.20 (b) and (c). Section 20.20 (b) and (c) exempts from regulations certain types of records vital to the apprehension of fugitives, freedom of the press, and the public's right to know. Court records of public judicial proceedings are also exempt from the provisions of the regulations.

Section 20.20(b)(2) attempts to deal with the problem of computerized police blotters. In some local jurisdictions, it is apparently possible for private individuals and/or newsmen upon submission of a specific name to obtain through a computer search of the blotter a history of a person's arrests. Such files create a partial criminal history data bank potentially damaging to individual privacy, especially since they do not contain final dispositions. By requiring that such records be accessed solely on a chronological basis, the regulations limit inquiries to specific time periods and discourage general fishing expeditions into a person's private life.

Subsection 20.20(c) recognizes that announcements of ongoing developments in the criminal justice process should not be precluded from public disclosure. Thus, announcements of arrest, convictions, new developments in the course of an investigation may be made. It is also permissible for a criminal justice agency to confirm certain matters of public record information upon specific inquiry. Thus, if a question is raised: "Was X arrested by your agency on January 3, 1975" and this can be confirmed or denied by looking at one of the records enumerated in subsection (b) above, then the criminal justice agency may respond to the inquiry. Conviction data as stated in §20.21(b) may be disseminated without limitation.

§20.21. The regulations deliberately refrain from specifying who within a State should be responsible for preparing the plan. This specific determination should be made by the Governor. The State has 90 days from the publication of these revised regulations to submit the portion of the plan covering §§20.21(b) and 20.21(f).

§20.21(a)(1). Section 524(b) of the Act requires that LEAA insure criminal history information be current and that, to the maximum extent feasible, it contain disposition as well as current data.

It is, however, economically and administratively impractical to maintain complete criminal histories at the local level. Arrangements for local police departments to keep track of dispositions by agencies outside of the local jurisdictions generally do not exist. It would, moreover, be bad public policy to encourage such arrangements since it would result in an expensive duplication of files.

The alternatives to locally kept criminal histories are records maintained by a central State repository. A central State repository is a State agency having the function pursuant to a statute or executive order of maintaining comprehensive statewide criminal history record information files. Ultimately, through automatic data processing the State level will have the capability to handle all requests for in-State criminal history information.

Section 20.20(a)(1) is written with a centralized State criminal history repository in mind. The first sentence of the subsection states that complete records should be retained at a central State repository. The word "should" is permissive; it suggests but does not mandate a central State repository.

The regulations do require that States establish procedures for State and local criminal justice agencies to query central State repositories wherever they exist. Such procedures are intended to insure that the most current criminal justice information is used.

As a minimum, criminal justice agencies subject to these regulations must make inquiries of central State repositories whenever the repository is capable of meeting the user's request within a reasonable time. Presently, comprehensive records of an individual's transactions within a State are maintained in manual files at the State level, if at all. It is probably unrealistic to expect manual systems to be able immediately to meet many rapid-access needs of police and prosecutors. On the other hand, queries of the State central repository for most noncriminal justice purposes probably can and should be made prior to dissemination of criminal history record information.

§20.21(b). The limitations on dissemination in this subsection are essential to fulfill the mandate of section 524(b) of the Act which requires the Administration to assure that the "privacy of all information is adequately provided for and that information shall only be used for law enforcement and criminal justice and other lawful purposes." The categories for dissemination established in this section reflect suggestions by hearing witnesses and respondents submitting written commentary.

The regulations distinguish between conviction and nonconviction information insofar as dissemination is concerned. Conviction information is currently made available without limitation in many jurisdictions. Under these regulations, conviction data and pending charges could continue to be disseminated routinely. No statute, ordinance, executive order, or court rule is necessary in order to authorize dissemination of conviction data. However, nothing in the regulations shall be construed to negate a State law limiting such dissemination.

After December 31, 1977, dissemination of nonconviction data would be allowed, if authorized by a statute, ordinance, executive order, or court rule, decision, or order. The December 31, 1977, deadline allows the States time to review and determine the kinds of dissemination for non-criminal justice purposes to be authorized. When a State enacts comprehensive legislation in this area, such legislation will govern dissemination by local jurisdictions within the State. It is possible for a public record law which has been construed by the State to authorize access to the public of all State records, including criminal history record information, to be considered as statutory authority under this subsection. Federal legislation and executive orders can also authorize dissemination and would be relevant authority.

For example, Civil Service suitability investigations are conducted under Executive Order 10450. This is the authority for most investigations conducted by the Commission. Section 3(a) of 10450 prescribes the minimum scope of investigation and requires a check of FBI fingerprint files and written inquiries to appropriate law enforcement agencies.

§20.21(b)(3). This subsection would permit private agencies such as the Vera Institute to receive criminal histories where they perform a necessary administration of justice function such as pretrial release. Private consulting firms which commonly assist criminal justice agencies in information systems development would also be included here.

§20.21(b)(4). Under this subsection, any good faith researchers including private individuals would be permitted to use criminal history record information for research purposes. As with the agencies designated in §20.21(b)(3) researchers would be bound by an agreement with the disseminating criminal justice agency and would, of course, be subject to the sanctions of the Act.

The drafters of the regulations expressly rejected a suggestion which would have limited access for research purposes to certified research organizations. Specifically "certification" criteria would have been extremely difficult to draft and would have inevitably led to unnecessary restrictions on legitimate research.

Section 524(a) of the Act which forms part of the requirements of this section states:

"Except as provided by Federal law other than this title, no officer or employee of the Federal Government, nor any recipient of assistance under the provisions of this title shall use or reveal any research or statistical information furnished under this title by any person and identifiable to any specific private person for any purpose other than the purpose for which it was obtained in accordance with this title. Copies of such information shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action suit, or other judicial or administrative proceedings."

LEAA anticipates issuing regulations, pursuant to section 524(a) as soon as possible.

§20.21(c)(2). Presently some employers are circumventing State and local dissemination restrictions by requesting applicants to obtain an official certification of no criminal record. An employer's request under the above circumstances gives the applicant the unenviable choice of invasion of his privacy or loss of possible job opportunities. Under this subsection routine certifications of no record would no longer be permitted. In extraordinary circumstances, however, an individual could obtain a court order permitting such a certification.

§20.21(c)(3). The language of this subsection leaves to the States the question of who among the agencies and individuals listed in §20.21(b) shall actually receive criminal records. Under these regulations a State could place a

total ban on dissemination if it so wished. The State could, on the other hand, enact laws authorizing any member of the private sector to have access to non-conviction data.

§20.21(d). Non-criminal justice agencies will not be able to receive records of juveniles unless the language of a statute or court order, rule, or court decision specifies that juvenile records shall be available for dissemination. Perhaps the most controversial part of this subsection is that it denies access to records of juveniles by Federal agencies conducting background investigations for eligibility to classified information under existing legal authority.

§20.21(e) Since it would be too costly to audit each criminal justice agency in most States (Wisconsin, for example, has 1075 criminal justice agencies) random audits of a "representative sample" of agencies are the next best alternative. The term "representative sample" is used to insure that audits do not simply focus on certain types of agencies. Although this subsection requires that there be records kept with the names of all persons or agencies to whom information is disseminated, criminal justice agencies are not required to maintain dissemination logs for "no record" responses.

§20.21(f). Requirements are set forth which the States must meet in order to assure that criminal history record information is adequately protected. Automated systems may operate in shared environments and the regulations require certain minimum assurances.

§20.21(g)(1). A "challenge" under this section is an oral or written contention by an individual that his record is inaccurate or incomplete; it would require him to give a correct version of his record and explain why he believes his version to be correct. While an individual should have access to his record for review, a copy of the record should ordinarily only be given when it is clearly established that it is necessary for the purpose of challenge.

The drafters of the subsection expressly rejected a suggestion that would have called for a satisfactory verification of identity by fingerprint comparison. It was felt that States ought to be free to determine other means of identity verification.

§20.21(g)(5). Not every agency will have done this in the past, but henceforth adequate records including those required under 20.21(e) must be kept so that notification can be made.

§20.21(g)(6). This section emphasizes that the right to access and review extends only to criminal history record information and does not include other information such as intelligence or treatment data.

§20.22(a). The purpose for the certification requirement is to indicate the extent of compliance with these regulations. The term "maximum extent feasible" acknowledges that there are some areas such as the completeness requirement which create complex legislative and financial problems.

Note: In preparing the plans required by these regulations, States should look for guidance to the following documents: National Advisory Commission on Criminal Justice Standards and Goals, Report on the Criminal Justice System; Project SEARCH: Security and Privacy Considerations in Criminal History Information Systems, Technical Reports No. 2 and No. 13; Project SEARCH: A Model State Act for Criminal Offender Record Information, Technical Memorandum No. 3; and Project SEARCH: Model Administrative Regulations for Criminal Offender Record Information, Technical Memorandum No. 4.

Subpart C–§20.31. This section defines the criminal history record information system managed by the Federal Bureau of Investigation. Each state having a record in the III System must have fingerprints on file in the FBI CJIS Division to support the III System record concerning the individual.

Paragraph (b) is not intended to limit the identification services presently performed by the FBI for local, state, tribal, and federal agencies.

§20.32. The grandfather clause contained in paragraph (c) of this section is designed, from a practical standpoint, to eliminate the necessity of deleting from the FBI's massive files the non-includable offenses that were stored prior to February, 1973. In the event a person is charged in court with a serious or significant offense arising out of an arrest involving a non-includable offense, the non-includable offense will also appear in the arrest segment of the III System record.

§20.33(a)(3). This paragraph incorporates provisions cited in 28 CFR 50.12 regarding dissemination of identification records outside the federal government for noncriminal justice purposes.

§20.33(a)(6). Noncriminal justice governmental agencies are sometimes tasked to perform criminal justice dispatching functions or data processing/information services for criminal justice agencies as part, albeit not a principal part, of their responsibilities. Although such inter-governmental delegated tasks involve the administration of criminal justice, performance of those tasks does not convert an otherwise non-criminal justice agency to a criminal justice agency. This regulation authorizes this type of delegation if it is effected pursuant to executive order, statute, regulation, or interagency agreement. In this context, the noncriminal justice agency is servicing the criminal justice agency by performing an administration of criminal justice function and is permitted access to criminal history record information to accomplish that limited function. An example of such delegation would be the Pennsylvania Department of Administration's Bureau of Consolidated Computer Services, which performs data processing for several state agencies, including the Pennsylvania State Police. Privatization of the data processing/information services or dispatching function by the noncriminal justice governmental agency can be accomplished pursuant to §20.33(a)(7) of this part.

§20.34. The procedures by which an individual may obtain a copy of his manual identification record are set forth in 28 CFR 16.30–16.34.

The procedures by which an individual may obtain a copy of his III System record are as follows: If an individual has a criminal record supported by fingerprints and that record has been entered in the III System, it is available to that individual for review, upon presentation of appropriate identification, and in accordance with applicable state and federal administrative and statutory regulations. Appropriate identification includes being fingerprinted for the purpose of insuring that he is the individual that he purports to be. The record on file will then be verified as his through comparison of fingerprints.

Procedure. 1. All requests for review must be made by the subject of the record through a law enforcement agency which has access to the III System. That agency within statutory or regulatory limits can require additional identification to assist in securing a positive identification.

2. If the cooperating law enforcement agency can make an identification with fingerprints previously taken which are on file locally and if the FBI identification number of the individual's record is available to that agency, it can make an on-line inquiry through NCIC to obtain his III System record or, if it does not have suitable equipment to obtain an on-line response, obtain the record from Clarksburg, West Virginia, by mail. The individual will then be afforded the opportunity to see that record.

3. Should the cooperating law enforcement agency not have the individual's fingerprints on file locally, it is necessary for that agency to relate his prints to an existing record by having his identification prints compared with those already on file in the FBI, or, possibly, in the state's central identification agency.

4. The subject of the requested record shall request the appropriate arresting agency, court, or correctional agency to initiate action necessary to correct any stated inaccuracy in his record or provide the information needed to make the record complete.

§20.36. This section refers to the requirements for obtaining direct access to the III System.

§20.37. The 120-day requirement in this section allows 30 days more than the similar provision in subpart B in order to allow for processing time that may be needed by the states before forwarding the disposition to the FBI.

[Order No. 662–76, 41 FR 34949, Aug. 18, 1976, as amended by Order No. 1438–90, 55 FR 32075, Aug. 7, 1990; Order No. 2258–99, 64 FR 52229, Sept. 28, 1999]

RESOLUTION NO. 370.24

TO DECLARE LEAD AGENCY FOR SEQR REVIEW ON A CHANGE OF ZONE FROM MULTI-FAMILY RESIDENTIAL (R-3) TO GENERAL BUSINESS (B-2) LOCATED AT 676 MARIAVILLE ROAD

THEREFORE, UPON MOTION OF Councilmember _____,

seconded by Councilmember _____,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby declares the Town Board as Lead Agency under 6 NYCRR Part 617 SEQR (State Environmental Quality Review) on a Change of Zone from Multi-Family Residential (R-3) to General Business (B-2) to facilitate the potential construction of flex warehouse space: two (2) ±12,000 square foot, five (5) ±10,000 square foot and two (2) ±7,500 square foot buildings on ±16.19 acres of a ±65.8 acre parcel located at 676 Mariaville Road and is a portion of Tax Map No. 47.00-8.13.5.

SECTION 2. The Town Board of the Town of Rotterdam hereby authorizes the Town Planner to prepare, file, publish, and distribute all documents as necessary to comply with 6 NYCRR Part 617 SEQR (State Environmental Quality Review).

SECTION 3. This resolution shall become effective September 25, 2024.

DATED: September 25, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

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: September 17, 2024

TO: Mollie Collins, Town Supervisor

FROM: Peter Comenzo, Senior Planner PC

TITLE OF REQUEST: Declare Lead Agency on Change of Zone from Multi-Family Residential (R-3) to General Business (B-2).

TOWN BOARD MEETING: September 25, 2024

Background Information: Acorn Milton Self Storage LLC (Owner)
c/o Advanced Engineering & Surveying PLLC
Nicholas Costa
11 Herbert Drive
Latham, NY 12110

Change of Zone request by Acorn Milton Self Storage LLC, on ±16.19 acres of a ±65.8-acre parcel from Multi-Family Residential (R-3) to General Business (B-2) to facilitate the potential construction of two (2) 12,000 square foot, five (5) 10,000 square foot, and two (2) 7,500 square foot flex buildings/warehouses. Property is known as 676 Mariaville Road and is a portion of Tax Map No. 47.00-8.13.5.

Evaluation/Analysis: The proposal is a State Environmental Quality Review (SEQR) Unlisted Action and will require environmental review prior to the Town Board making a decision on the request.

Recommendation(s): Town Board should Declare Lead Agency, conduct a coordinated SEQR review and authorize the Senior Planner to distribute all documents in accordance with SEQR.

Attachment/Document(s): Long Environmental Assessment Form (LEAF).

Compliance with Purchasing Policy: N/A

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

LEGISLATION WILL BE PREPARED BY: Supervisors Office

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. 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; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Re-zoning of a portion of the parcel located at 676 Mariaville Road		
Project Location (describe, and attach a general location map): 676 Mariaville Road		
Brief Description of Proposed Action (include purpose or need): Applicant is requesting that a portion of the existing parcel be Rezoned from the current zone, R3 Multiple Family zone to B-2 General Business District. The Rezone parcel is approximately 16.19 Acres. The parcel is owned by the applicant.		
Name of Applicant/Sponsor: The BDC Group	Telephone: 914 424 0359 E-Mail: cmarfione@thebdcgroup.com	
Address: 11 Hebert Drive, Suite 3		
City/PO: Latham	State: NY	Zip Code: 12110
Project Contact (if not same as sponsor; give name and title/role):	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, or Village Board of Trustees ☑Yes ☐No	Town Board - Change in zone	August 2024
b. City, Town or Village Planning Board or Commission ☑Yes ☐No	Town Planning Board - Recommendation for Zone Change	August 2024
c. City, Town or Village Zoning Board of Appeals ☐Yes ☑No		
d. Other local agencies ☐Yes ☑No		
e. County agencies ☐Yes ☑No		
f. Regional agencies ☐Yes ☑No		
g. State agencies ☐Yes ☑No		
h. Federal agencies ☐Yes ☑No		

i. Coastal Resources.

i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☐Yes ☑No

ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☐Yes ☑No

iii. Is the project site within a Coastal Erosion Hazard Area? ☐Yes ☑No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☑Yes ☐No

- **If Yes,** complete sections C, F and G.
- **If No,** proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☑Yes ☐No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☑Yes ☐No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☑Yes ☐No

If Yes, identify the plan(s):

NYS Heritage Areas:Mohawk Valley Heritage Corridor

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐Yes ☑No

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☑ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
R3- Multiple Family

b. Is the use permitted or allowed by a special or conditional use permit? ☐ Yes ☑ No

c. Is a zoning change requested as part of the proposed action? ☑ Yes ☐ No
If Yes,
i. What is the proposed new zoning for the site? B-2 General Business District.

C.4. Existing community services.

a. In what school district is the project site located? Schalmont School District

b. What police or other public protection forces serve the project site?
Town of Rotterdam

c. Which fire protection and emergency medical services serve the project site?
Town of Rotterdam Fire District #6

d. What parks serve the project site?
Carman Road Park

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Change in Zone

b. a. Total acreage of the site of the proposed action? 16.19+/- acres
b. Total acreage to be physically disturbed? 0 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 68.5+/- acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☑ No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☑ Yes ☐ No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)
Industrial
ii. Is a cluster/conservation layout proposed? ☐ Yes ☑ No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☑ No
i. If No, anticipated period of construction: _____ months
ii. If Yes:
- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? ☐Yes ☑No
If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase				
At completion of all phases				

g. Does the proposed action include new non-residential construction (including expansions)? ☐Yes ☑No
If Yes,
i. Total number of structures _____
ii. Dimensions (in feet) of largest proposed structure: _____height; _____width; and _____ length
iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐Yes ☐No
If Yes,
i. Purpose of the impoundment: _____
ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐Other specify:
_____
iii. If other than water, identify the type of impounded/contained liquids and their source.
_____
iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres
v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):
_____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) ☐Yes ☑No
If Yes:
i. What is the purpose of the excavation or dredging? _____
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.
_____
_____
iv. Will there be onsite dewatering or processing of excavated materials? ☐Yes ☐No
If yes, describe. _____
_____
v. What is the total area to be dredged or excavated? _____acres
vi. What is the maximum area to be worked at any one time? _____ acres
vii. What would be the maximum depth of excavation or dredging? _____ feet
viii. Will the excavation require blasting? ☐Yes ☐No
ix. Summarize site reclamation goals and plan: _____
_____
_____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐Yes ☑No
If Yes:
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____
_____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

_____

_____

_____

_____

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐Yes ☐No

If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐Yes ☐No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____

_____

- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

_____

c. Will the proposed action use, or create a new demand for water? ☐Yes ☑No

If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐Yes ☐No

If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐Yes ☐No
- Is the project site in the existing district? ☐Yes ☐No
- Is expansion of the district needed? ☐Yes ☐No
- Do existing lines serve the project site? ☐Yes ☐No

iii. Will line extension within an existing district be necessary to supply the project? ☐Yes ☐No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

_____

- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐No

If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

_____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐Yes ☑No

If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

_____

_____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐Yes ☐No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐Yes ☐No
- Is the project site in the existing district? ☐Yes ☐No
- Is expansion of the district needed? ☐Yes ☐No

- Do existing sewer lines serve the project? ☐Yes ☐No
- Will a line extension within an existing district be necessary to serve the project? ☐Yes ☐No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

_____

_____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐Yes ☐No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

_____

_____

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

_____

_____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☐Yes ☑No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or _____ acres (impervious surface)

_____ Square feet or _____ acres (parcel size)

ii. Describe types of new point sources. _____

_____

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

_____

_____

- If to surface waters, identify receiving water bodies or wetlands: _____

_____

_____

- Will stormwater runoff flow to adjacent properties? ☐Yes ☐No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? ☐Yes ☐No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☐Yes ☑No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

_____

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

_____

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

_____

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☐Yes ☑No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐Yes ☐No

ii. In addition to emissions as calculated in the application, the project will generate:

- _____Tons/year (short tons) of Carbon Dioxide (CO_2)
- _____Tons/year (short tons) of Nitrous Oxide (N_2O)
- _____Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____Tons/year (short tons) of Sulfur Hexafluoride (SF_6)
- _____Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- _____Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐Yes ☑No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐Yes ☑No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):

_____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐Yes ☑No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐Weekend ☐ Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? ☐Yes ☐No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:

_____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐Yes ☐No

vii Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐Yes ☐No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐Yes ☐No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐Yes ☑No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):

_____

iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐Yes ☐No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: na
- Saturday: na
- Sunday: na
- Holidays: na

ii. During Operations:

- Monday - Friday: na
- Saturday: na
- Sunday: na
- Holidays: na

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☐ Yes ☑ No

If yes:

i. Provide details including sources, time of day and duration:

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☐ No

Describe:

n. Will the proposed action have outdoor lighting? ☐ Yes ☑ No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☐ No

Describe:

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☑ No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☑ No

If Yes:

i. Product(s) to be stored

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally, describe the proposed storage facilities:

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☑ No

If Yes:

i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☑ No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction:
- Operation:

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction:
- Operation:

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☑ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☑ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☑ Industrial ☑ Commercial ☑ Residential (suburban) ☐ Rural (non-farm)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe:

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0	0	0
• Forested	0	0	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	15.47	15.47	0
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	0.72	0.72	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: _____	0	0	0

c. Is the project site presently used by members of the community for public recreation? ☐Yes ☑No

i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐Yes ☑No

If Yes,

i. Identify Facilities:

_____

_____

e. Does the project site contain an existing dam? ☐Yes ☑No

If Yes:

i. Dimensions of the dam and impoundment:

- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____

iii. Provide date and summarize results of last inspection:

_____

_____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐Yes ☑No

If Yes:

i. Has the facility been formally closed? ☐Yes ☐ No

- If yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

_____

_____

iii. Describe any development constraints due to the prior solid waste activities: _____

_____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐Yes ☑No

If Yes:

i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

_____

_____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐Yes ☑ No

If Yes:

i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐Yes ☐No

☐ Yes – Spills Incidents database — Provide DEC ID number(s): _____

☐ Yes – Environmental Site Remediation database — Provide DEC ID number(s): _____

☐ Neither database

ii. If site has been subject of RCRA corrective activities, describe control measures: _____

_____

_____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐Yes ☑No

If yes, provide DEC ID number(s): _____

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

_____

_____

v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☑ No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? over 10+ feet

b. Are there bedrock outcroppings on the project site? ☐ Yes ☑ No
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site:

Howard gravelly silt loam	55 %
Phelps gravelly loam	11 %
Teel silt loam	21 %

d. What is the average depth to the water table on the project site? Average: 6+ feet

e. Drainage status of project site soils:
☑ Well Drained: 55 % of site
☑ Moderately Well Drained: 45 % of site
☑ Poorly Drained 0 % of site

f. Approximate proportion of proposed action site with slopes:
☑ 0-10%: 100 % of site
☐ 10-15%: _____ % of site
☐ 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? ☐ Yes ☑ No
If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☑ Yes ☐ No

ii. Do any wetlands or other waterbodies adjoin the project site? ☑ Yes ☐ No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☑ Yes ☐ No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name 876-99 Classification B
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name Federal Waters, Federal Waters, Federal Waters,... Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ☑ No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? ☐ Yes ☑ No

j. Is the project site in the 100-year Floodplain? ☑ Yes ☐ No

k. Is the project site in the 500-year Floodplain? ☐ Yes ☑ No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☑ Yes ☐ No
If Yes:

i. Name of aquifer: Principal Aquifer, Sole Source Aquifer Names:Schenectady-Niskayuna SSA

m. Identify the predominant wildlife species that occupy or use the project site:
Rabbits, Squirrels, Deer, Raccoon, Mice
Birds,frogs

n. Does the project site contain a designated significant natural community? ☐Yes ☑No
If Yes:
i. Describe the habitat/community (composition, function, and basis for designation): _____
ii. Source(s) of description or evaluation: _____
iii. Extent of community/habitat:
- Currently: _____ acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐Yes ☑No
If Yes:
i. Species and listing (endangered or threatened): _____

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐Yes ☑No
If Yes:
i. Species and listing: _____

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐Yes ☑No
If yes, give a brief description of how the proposed action may affect that use: _____

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐Yes ☑No
If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? ☐Yes ☐No
i. If Yes: acreage(s) on project site? _____
ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐Yes ☑No
If Yes:
i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature
ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐Yes ☑No
If Yes:
i. CEA name: _____
ii. Basis for designation: _____
iii. Designating agency and date: _____

e. 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? ☐ Yes ☐ No

If Yes:

i. Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District

ii. Name: _____

iii. Brief description of attributes on which listing is based:

_____

f. 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? ☑ Yes ☐ No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☐ No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within fives miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☐ Yes ☐ No

If Yes:

i. Identify resource: _____

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____

iii. Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☑ No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name THE BOC GROUP Date Aug. 11, 2024

Signature Joseph A Morfone Title President

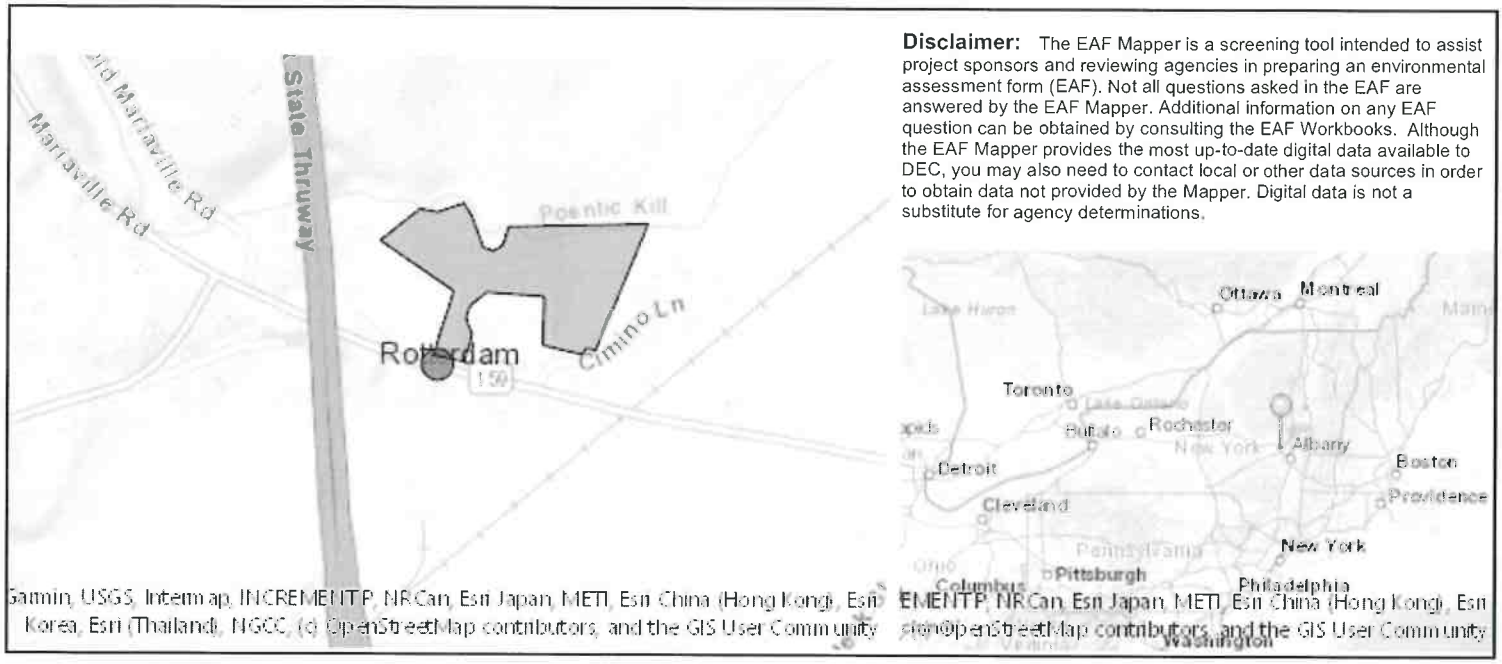
Erin Daly

ERIN DALY
NOTARY PUBLIC-STATE OF NEW YORK
No. 01DA6386531
Qualified in Westchester County
My Commission Expires 01-28-~~2023~~ 2027

PRINT FORM

EAF Mapper Summary Report

Monday, January 30, 2023 9:11 AM



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

B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas:Mohawk Valley Heritage Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	876-99
E.2.h.iv [Surface Water Features - Stream Classification]	B
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	Yes

E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer, Sole Source Aquifer Names:Schenectady-Niskayuna SSA
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

RESOLUTION NO. 371.24

TO CALL FOR A PUBLIC HEARING ON THE PROPOSED INTRODUCTORY LOCAL LAW __ OF 2024; TO AMEND CHAPTER 270, ZONING, OF THE TOWN CODE, RELATING TO A CHANGE OF ZONE REQUEST ON ±16.19 ACRES OF A ±65.8-ACRE PARCEL FROM MULTI-FAMILY RESIDENTIAL (R-3) TO GENERAL BUSINESS (B-2) LOCATED AT 676 MARIAVILLE ROAD

WHEREAS, the Town Board passed Resolution No. 343.24 to recognize the introduction of Introductory Local Law __ of 2024; To amend Chapter 270, Zoning, of the Town Code, for a Change of Zone request on ±16.19 acres of a ±65.8-acre parcel from Multi-Family Residential (R-3) to General Business (B-2) to facilitate the potential construction of flex warehouse space: two (2) ±12,000 square foot, five (5) ±10,000 square foot and two (2) ±7,500 square foot buildings on ±16.19 acres of a ±65.8 acre parcel located at 676 Mariaville Road and is a portion of Tax Map No. 47.00-8.13.5; and

WHEREAS, the Planning Commission, on September 17, 2024 issued a positive recommendation on the change of zone requested by the applicant; and

WHEREAS, the Town Board Declared Lead Agency on the Change of Zone application under 6NYCRR Part 617 State Environmental Quality Review (SEQR) on September 25, 2024; NOW

THEREFORE, UPON MOTION OF Councilmember _____,

seconded by Councilmember _____,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Town Clerk to publish in the official newspaper of the Town of Rotterdam not less than ten (10) days prior to the date designated for the public hearing provided for hereby the following notice:

TOWN OF ROTTERDAM
NOTICE OF HEARING

PLEASE TAKE NOTICE: That the Town Board of the Town of Rotterdam will hold a public hearing at the John F. Kirvin Government Center, Town Hall, 1100 Sunrise Boulevard, Rotterdam, New York 12306, at 7:00 p.m. on the 9th day of October, 2024 for the following purpose:

> To recognize the introduction of Introductory Local Law No. ____ of 2024; To amend Chapter 270, Zoning, of the Town Code, for a Change of Zone request on ±16.19 acres of a ±65.8-acre parcel from Multi-Family Residential (R-3) to General Business (B-2) to facilitate the potential construction of flex warehouse space: two (2) ±12,000 square foot, five (5) ±10,000 square foot and two (2) ±7,500 square foot buildings on ±16.19 acres of a ±65.8 acre parcel located at 676 Mariaville Road and is a portion of Tax Map No. 47.00-8.13.5

BY ORDER OF THE ROTTERDAM TOWN BOARD
DIANE M. MARCO, TOWN CLERK

DATED: September 25, 2024
Daily Gazette: Please publish once on September 27, 2024
Town Clerk
Post

SECTION 2. This resolution shall become effective September 25, 2024.

DATED: September 25, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

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: September 17, 2024

TO: Mollie Collins, Town Supervisor

FROM: Peter Comenzo, Senior Planner PC

TITLE OF REQUEST: Call for a Public Hearing on Change of Zone from Multi-Family Residential (R-3) to General Business (B-2).

TOWN BOARD MEETING: September 25, 2024

Background Information: Acorn Milton Self Storage LLC (Owner)
c/o Advanced Engineering & Surveying PLLC
Nicholas Costa
11 Herbert Drive
Latham, NY 12110

Change of Zone request by Acorn Milton Self Storage LLC, on ±16.19 acres of a ±65.8-acre parcel from Multi-Family Residential (R-3) to General Business (B-2) to facilitate the potential construction of two (2) 12,000 square foot, five (5) 10,000 square foot, and two (2) 7,500 square foot flex buildings/warehouses. Property is known as 676 Mariaville Road and is a portion of Tax Map No. 47.00-8.13.5.

Evaluation/Analysis: Applicant would like to construct two (2) 12,000 square foot, five (5) 10,000 square foot, and two (2) 7,500 square foot flex buildings/warehouses. This would require a Change of Zone by the Town Board and Site Plan approvals by the Planning Commission

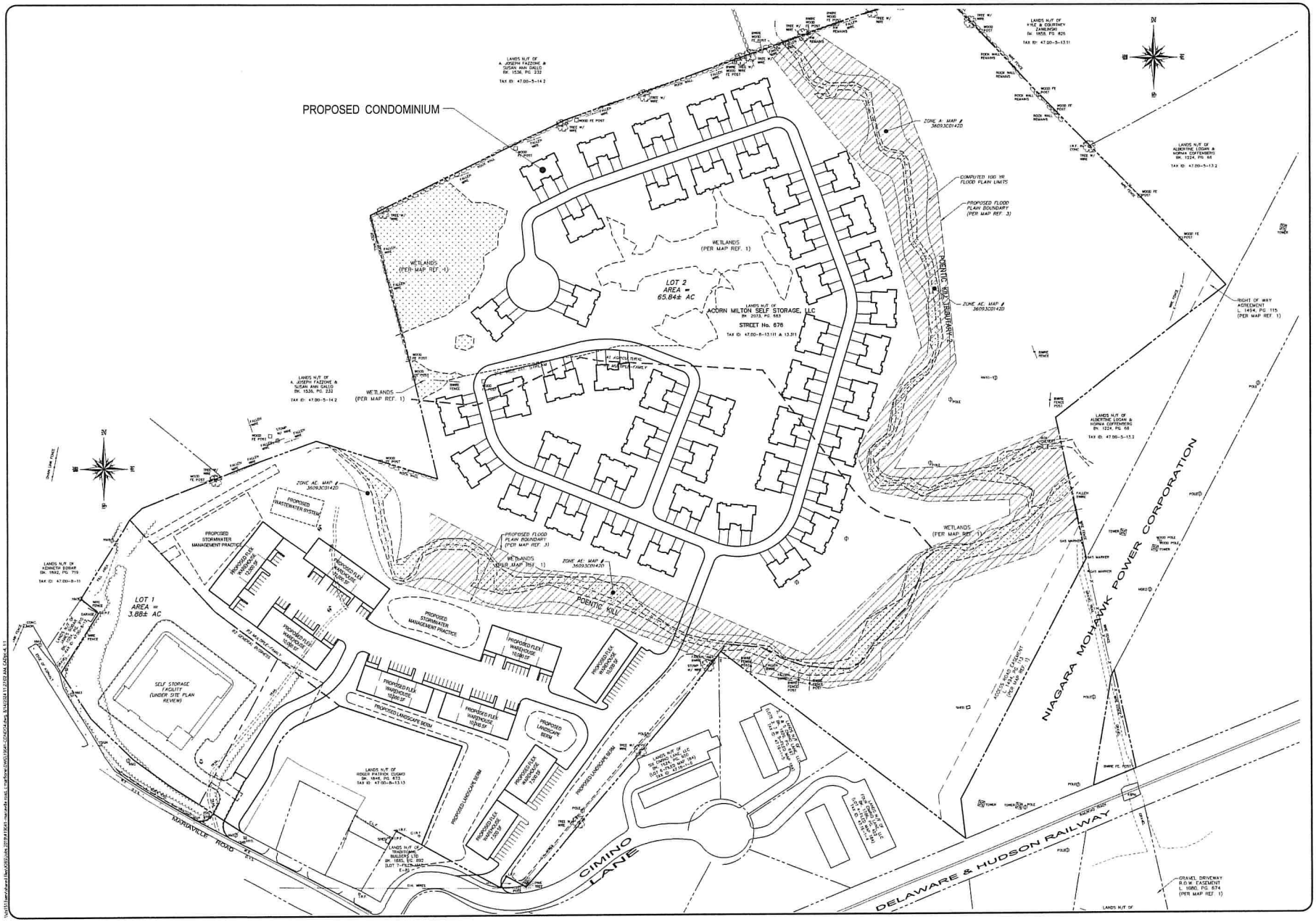
Recommendation(s): Town Board should call for a Public Hearing to be held October 9, 2024.

Attachment/Document(s): COZ application and materials, Planning Commission Report and Recommendation Resolution PC52-2024 and Planning Commission verbatim minutes from September, 17, 2024

Compliance with Purchasing Policy: N/A

Effect(s) on Existing Law(s): NYS Town Law Article 16
Proposed Local Law of the Year 2023

LEGISLATION WILL BE PREPARED BY: Supervisors Office



NO.	REVISION	BY	APPD.	DATE
1)				

Design of:
ADVANCE ENGINEERING & SURVEYING, PLLC
CONSULTING IN -
CIVIL & ENVIRONMENTAL ENGINEERING
LAND SURVEYING & DEVELOPMENT
COMMERCIAL AND RESIDENTIAL
11 FEDERY DRIVE, LATHAM, N.Y. 12110
PHONE: (518) 956-3172 E-MAIL: NICOSIAPE@gmail.com
NICHOLAS J. NICOSIA, P.E.

OVERALL CONCEPT SITE PLAN
PROPOSED CONDOMINIUMS
MARIAVILLE ROAD
TOWN OF ROTTERDAM | STATE OF NEW YORK
COUNTY OF SCHENECTADY | SCALE 1"= 100'
DATE JUNE 11, 2024

SHEET NO.
CNCPT
1 OF 1 19041-COND04















The BDC Group

****

TOWN OF ROTTERDAM CHANGE OF ZONE APPLICATION

Application Fee **$1,000**

Existing Zone Classification: R3 Multiple Family District

Proposed Zone Classification: B-2 General Business District

PART II
GENERAL INFORMATION

Legal Owner's Name: The BDC Group
Mailing Address: 11 Herbert Drive
City: Latham 47.-8-13.5 State: NY Zip: 12110
Daytime Phone: 914 424 0359 E-mail: cmarfione@thebdcgroup.com

If applicant is not the owner, include written owner authorization for the below-designated contact to serve as representative.

Owner's Designated Contact: Nicholas Costa-Advance Engineering & Surveying, PLLC

Mailing Address: 11 Herbert Drive
City: Latham State: NY Zip: 12110
Daytime Phone: 518 698 3772 E-mail: ncostape@gmail.com
Project/Proposal Site Area: (Acres or sq. ft.) 65.8+/- Acres (16.19+/- Ac. to be rezoned)
Assessor Tax Parcel No.(s) of Site: 47.-8-13.5
Adjacent Parcels Owned or Controlled and Tax Map Parcel No: (Acres or sq. ft.) 3.88+/- Ac.

Street Address of Proposed Site (if any): 676 Mariaville Road

Describe Existing Use(s) on Proposed Site: (commercial vacant, residential, buildings, well, sewer drainfield, etc.)

Existing parcel is vacant. The adjacent parcel (3.88+/- Ac.) was subdivided by the applciant and is developed with a 3-story Climate Control building. Access and circulation drive to support the new building have also been constructed.

School District: Schalmont

Fire District: Fire District 6

Water Supply: CW 500

LEGAL INFORMATION

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

The parcel is located on the north side of Mariaville Road with an address of 676 Mariaville Road. It also has frontage along Cimino Lane which is locared just to the east of the subject parcel. The NYS Thruway is located just to the West of the site of the subject parcel.

Name of Public Road(s) Providing Access: Mariaville Road (NYS Route) & Cimino Lane

Width of Property Fronting on the Existing Public Road in Linear Feet: 541+/-

Does the Proposal Have Access to an Arterial or Planned Arterial? (X) Yes ( ) No

Name(s) of Arterial Road(s): Mariaville Road

A legal description of the proposed site must be attached: (X) Yes ( ) No

A copy of the assessor's map of the proposed site must be attached: (X) Yes ( ) No

A copy of the most current deed(s) of the proposed site must be attached: (X) Yes ( ) No

(All applications must contain a legal description that describes the exterior boundaries of the entire area to be rezoned. Please include the legal description for the entire area to be rezoned and also a copy of the assessor's map. A simple copy of the deed is not sufficient to process the change of zone request).

If you do not hold title to property, what is your interest in it? N.A.

What factors support this rezone? (This may be provided on a separate sheet of paper if necessary)

The Mariaville Road corridor in this section is developed with a mix use of Commercial, Industrial & Residential development and this area is very convenient for traveling to multiple locations. This parcel is located on this corridor and the construction of Flex-Space Buildings may attract potential tenants that want to locate where access is facilitated.

Does any City 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.

UTILITIES

Proposed Source of Water:
( ) Individual Wells (X) Public System ( ) Private Community System
( ) Other, please describe _____

Proposed Means of Sewage Disposal:
( ) Public Sewer ( ) Dry Sewer ( ) Community System (X) Septic Tank & Leachfield ( ) Other, please describe _____

PART III

****
SURVEYOR/ARCHITECT/ENGINEER VERIFICATION
****

I, the undersigned, a licensed land surveyor, architect, and/or engineer, have completed the information requested. The legal description has been prepared by me or under my supervision in accordance with the requirements of the Town of Rotterdam regulations and the laws of the State of New York.

Signed: _____ Date: Aug. 14, 2024
Address: 11 Herbert Drive Phone: 518 698 3772
Latham, NY Zip: 12110

STATE OF NEW YORK NICHOLAS COSTA LICENSED PROFESSIONAL ENGINEER

PLEASE AFFIX SURVEYOR/ARCHITECT/ENGINEER SEAL HERE

****

LEGAL OWNER SIGNATURE

****

(Signature of legal owner or representative 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 am the owner of record of the area proposed for the previously identified land use action, or, if not the owner, attached herewith is written permission from the owner authorizing my actions on his/her behalf.

Name: Cosmo Marfione
Address: 11 Herbert Drive
Latham, NY

Date:
Phone: 914 424 0359
Zip: 12110

Cosmo Marfione
Signature of applicant or representative

Date

NOTARY

47.-8-13.5

STATE OF NEW YORK) ss:
COUNTY OF Saratoga)

SUBSCRIBED AND SWORN to before me this 7 day of August, 2024

NOTARY SEAL

Erin Daly
Notary Signature

Notary Public in and for the State of New York
Residing at: NY, NY
My appointment expires: 01-28-2027

ERIN DALY
NOTARY PUBLIC-STATE OF NEW YORK
No. 01DA6386531
Qualified in Westchester County
My Commission Expires 01-28-2023 2027

PLEASE AFFIX NOTARY SEAL HERE

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, Cosmo Marfione, being duly sworn declare that I am the

(PROPERTY OWNER)

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

Tax Parcel Number(s): 47.-8.13.5

I hereby grant Nicholas Costa-Advance Engineering & Surveying, PLLC 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): Cosmo S. Marfione

Date: 8/11/2024

NOTARY

STATE OF NEW YORK) ss:
COUNTY OF Westchester)
SUBSCRIBED AND SWORN to before me this 11 day of August, 2024

NOTARY SEAL

ERIN DALY
NOTARY PUBLIC-STATE OF NEW YORK
No. 01DA6386531
Qualified in Westchester County
My Commission Expires 01-28-~~2023~~ 2027

Notary Signature

Notary Public in and for the State of New York
Residing at: NY NY
My appointment expires: 1-28-2027

Advance Engineering & Surveying, PLLC

Consulting in: Civil & Environmental Engineering • Land Surveying • Land Development
11 Herbert Drive Phone: (518) 698-3772
Latham, N.Y. 12110 Email:ncostape@gmail.com

Nicholas Costa, PE

DESCRIPTION FOR PROPOSED LOT 3

676 MARIAVILLE ROAD

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND situate, lying and being in the Town of Rotterdam, County of Schenectady, and State of New York, being a portion of Lot No. 2, as shown on a map entitled "676 Mariaville Road Subdivision, LTD., Street No. 676 Mariaville Road, Tax Id's: 47.00-8-13.111 & 13.311, Town of Rotterdam, County of Schenectady, New York", prepared by Advance Engineering & Surveying PLLC, dated August 31, 2020, last revised October 29, 2021 and filed in the Schenectady County Clerk's Office on December 20, 2021 as Map P – 167 and being more particularly bounded and described as follows:

BEGINNING at the point of intersection of the division line the lands, now or formerly, owned by Stack N Stor Rotterdam LLC, as described in liber 2074 page 442, also being Lot No. 1 as shown on aforesaid filed subdivision map, on the west, and the lands, now or formerly, owned by Acorn Milton Self Storage, LLC, as described in liber 2073 page 683, also being Lot No. 2 as shown on aforesaid filed subdivision map, on the east, with the northerly boundary of Mariaville Road. Thence, from said point of beginning and along said division line on a bearing of N 28°16'23" E, a distance of 379.58 feet, to a point. Said point being the northeasterly corner of the aforesaid Lot No. 1. Thence, on a bearing of N 52°32'19" W, a distance of 178.40 feet, to a point. Thence, on a bearing of N 42°16'53" W, a distance of 288.25 feet , to the point of intersection of said division line with the easterly boundary of the lands, now or formerly, owned by Kenneth Bobar, as described in liber 1892 page 719. Said point of intersection also being the northwesterly corner of the aforesaid Lot No. 1. Thence, along said division line of Bobar, on the west and the herein described parcel, on the east, on a bearing of N 47°08'26" E, a distance of 38.38 feet, to a point. Thence, on a bearing of N 68°18'00" E, a distance of 254.16 feet to the point of intersection of the lands of Bobar, on the southwest, and the lands, now or formerly, owned by A. Joseph Fazzone and Susan Ann Gallo, as described in liber 1536 page 232, on the northeast, with the northwesterly boundary of the herein described parcel. Thence, along the boundary of the lands of Fazzone and Gallo, on a bearing of N 69°57'59" E, a distance of 171.41 feet, to a point. Thence, on a bearing of S 72°27'01" E, a distance of 289.78 feet, to a point. Thence, through the lands of Acorn Milton Self Storage, LLC, on a bearing of S 58°11'24" E, a distance of 759.97 feet, to a point being the northwesterly corner of a subdivision entitled "Subdivision of Lands of Frank Santoro, Cimino Lane, Final Subdivision Plan", made by Environmental Design Partnership, dated February 14, 1984 and filed in the Schenectady County Clerk's Office on August 20, 1984 in Drawer 64, Map 184. Said point also being the intersection of the northeasterly corner of the herein described parcel with the northwesterly corner of Lot No. 5 Cimino Lane, as described in liber 1820 page 697 and the northerly corner of Lot No. 6 Cimino Lane, as described in liber 1624 page 950. Thence, along the westerly division line of Lot No. 6, Cimino Lane, on a bearing of S 37°29'25" W, a distance of 188.04 feet, to a point. Thence, S 40°24'53" W, a distance of 514.02 feet to the point of intersection of Lot No. 6, Cimino Lane with the northeasterly corner of Lot No. 7, Cimino Lane, also being the

northerly boundary of Cimino Lane, as described in liber 1685 page 892, and also being shown on the previously mentioned filed Map #184. Thence, along the northerly boundary of Cimino Lane, on a bearing of N 60°33'00 W, a distance of 6.40 feet. Thence, continuing along the northerly boundary of Cimino Lane, on a bearing of S 78°19'30" W, a distance of 2.37 feet to a point. Thence, continuing along the northerly boundary of Cimino Lane on a curve to the right, having a radius of 190,00 feet, an arc length of 51.97 feet, a chord bearing of S 86°09'40 W, and a chord distance of 51.81 feet to a point of a compound curve. Thence, continuing along the northerly boundary of Cimino Lane on a curve to the right, having a radius of 106.85 feet, an arc length of 47.26 feet, a chord bearing of N 73°20'00" W and a chord distance of 46.87 feet. Thence continuing along the northerly boundary of Cimino Lane on a bearing of N 60°39'40" W, a distance of 47.25 feet. Thence, continuing along the northerly and westerly boundary of Cimino Lane, on a curve to the left, having a radius of 130.00 feet, an arc length of 207.92 feet, a chord bearing of S 73°31'10" W and a chord length of 186.46 feet. Thence, continuing along the westerly boundary of Cimino Lane, on a bearing of S 27°42'00" W, a distance of 17.13 feet, to the point of intersection of the westerly boundary of Cimino Lane with the northerly boundary of Mariaville Road. Thence, along the northerly boundary of Mariaville Road, on a bearing of N 60°16'26" W, a distance of 51.01 feet to the point of intersection of the division line of Lot 7, Cimino Lane, on the east and the lands, now or formerly owned by Roger Patrick Cuomo, as described in Liber 1846, Page 673, on the west, with the northerly boundary of Mariaville Road. Thence, along said division line on a bearing of N 30°31'32" E, a distance of 161.34 feet. Thence, along the division line of Lot 7, Cimino Lane, on the south, and the lands of Cuomo, on the north, on a bearing of S 60°33'00" E, a distance of 65.00 feet to the point of intersection of said division line with the division line of Cuomo, on the west, and the herein described parcel on the east. Thence, along said division line, on a bearing of N 22°38'50" E, a distance of 243.79 feet, to a point. Said point being the northeast corner of the lands of Cuomo. Thence, along the division line of the lands of Cuomo, on the south, and the herein described parcel on the north, on a bearing of N 71°12'20" W, a distance of 295.00 feet, to a point. Thence. on a curve to the right, having a radius of 250.00 feet, an arc length of 41.74 feet, a chord bearing S 62°55'20" W and a chord length of 41.69 feet, to a point. Thence, on a bearing of S 67°42'10" W, a distance of 52.31 feet, to a point. Thence, on a curve to the left, having a radius of 107.00 feet, an arc length of 110.90 feet, a chord bearing S 38°00'40" W and a chord length of 106.00 feet, to a point. Thence, on a curve to the right, having a radius of 143.00 feet, an arc length of 61.47 feet, a chord bearing S 20° 38'10" W and a chord length of 61.00 feet, to a point. Thence, on a bearing of S 32°57'00" W, a distance of 100.00 feet, to a point. Thence, on a curve to the left, having a radius 20.00 feet, an arc length of 31.42 feet, a chord bearing S 12°03'00" E and a chord length of 28.28 feet, to a point on the northerly boundary of Mariaville Road. Thence, along the northerly boundary of Mariaville Road, on a bearing of N 57°02'58" W, a distance of 118.74 feet, to the place or point of beginning, containing 16.19 acres of land, being more or less.

Being a portion the same premises conveyed to Acorn Milton Self Storage, LLC by Traditional Builders, LTD., by a deed dated December 3, 2021 and filed in the Schenectady County Clerk's Office on December 14, 2021 in liber 2073 page 683.

Subject to all exceptions, reservations, rights-of-ways, easements, covenants, restrictions and rights of record.

1. **The BDC Group – Mariaville Road. Report and Recommendation to the Town Board on a Change of zone from Multi-Family Residential (R-3) to General Business (B-2) for the construction of flex warehouse space: two (2) ±12,000 square foot, five (5) ±10,000 square foot and two (2) ±7,500 square foot on ±16.19 acres of a ±65.8-acre parcel. Engineer: Advance Engineering & Surveying, PLLC.**

Mrs. Flansburg: Do you want to come up and talk about it?

Mr. Hill: Hi, everybody. My name is Colton Hill. I'm a partner in the BDC Group. This project has actually been before the Board before. What we wanted to do was come back in because there's been a little bit of misconception about what we wanted to do with the project and the product that we were offering.

Basically, we are revisiting this project as a whole. As discussed in the original portion of this meeting, we own this whole parcel, which is roughly 65 acres. We already have previously built a storage facility, which is up and operational right now. The change of zone that we are asking for is only on a portion of the property, which is right here between the stream and Mariaville Road. The balance of the site we are looking to get approved by right, which is another 180 units. These are fourplex units. They're condo units, which we built before. We currently have 64 of these being built in North Greenbush, and we just completed 72 of them in Ballston Spa.

So, the reason for this is we feel that the flex warehousing that we're proposing in this area is a good transition between what we've already built on Mariaville Road and kind of the traffic and the counts that are coming this way into the residential zone up here. Now, flex warehousing is a little bit different than, it's a lot different than warehousing.

So, flex warehousing, the reason it's called flex warehousing in general is because the way that we build these are with pre-engineered metal buildings. It's a cost-effective method for construction. Instead of doing these commercial buildings with red steel and all the fit-up requirements that are required, we're able to build a shell of a building, and then as we acquire tenants, we can chop it up into different pieces. Now, in flex warehousing, we're able to offer space to contractors, dog groomers, all sorts of small businesses that can't afford your spec retails, your Corner of Main and Main, your Panera's, your Starbucks. These guys can pay $40, $50 a square foot. These smaller businesses, which are smaller people doing their own stuff, like I said, maybe an HVAC contractor who has a small office and he needs a place to store some things. They really enjoy these types of space because we can give them up to 1,000 square feet, 1,500 square feet. It gives us the flexibility to chop it up into certain sizes.

Here's just some inspiration of other people that have done similar concepts. We feel that offering this type of amenity as a transition into the residential area up here, you have 184 potential units, which two- and three-bedroom units. There could be 300 people that want to work, shop, consume or do some sort of business transactions in this area. Going back to here, that's specifically the zone change would just be for this situation, or just for that area. Now, previously we came in and the Planning Board gave us a recommendation to go to the Town Board, but there was a misconception on what we were proposing. We wanted to make sure that we were going to clarify our proposition so that we're going in as the whole project with both the flex warehousing and the residential with a partial change on the smaller portion of property.

The only other thing that I'd like to discuss is just based on the topography and the stream running around here, we don't really have intentions. It's very expensive to cross streams and impact streams, nor do we really want to, but we're going to keep this area all wide. We don't plan on impacting it at all. We've talked to the Town briefly about some sort of cross easement or some sort of collectively working together to kind of create some amenity space in this area because I forget what the property is here, but I believe the Town just bought that.

I think that's about all I got in summary. Are there any questions from anybody?

Mr. Collins: Can I ask one question?

Mrs. Flansburg: How about you start?

Mr. Collins: Can you explain how you're going to transition with the driveway through everything? That's by only, how it's going to the concept of it. You've got the storage units and then afterwards you're going to get to the requirements?

Mr. Hill: So, the storage facility is right here. When we built the storage facility, we stopped the road right here, this black line. So, we plan on continuing this road through this parcel of land and then connecting off of Cimino Lane. We own the property right to the corner off of Cimino, so we'd have a curb cut at Cimino, and then it'll be looped over to Mariaville Road. The water line is already right here.

So that actually brings up a good point. The other reason for this is this is zoned multifamily. So, the back is by right if we're looking to do what's per the zoning. The issue with multifamily in this area is obviously we all know the sewer. The sewer's a big component to multifamily. It's very, very hard, expensive, and difficult to do sewage treatment on site for sites like that. So, what this does is, you know, and believe me, if the sewer was at the street, I probably wouldn't be in front of you guys for this because we'd probably just be submitting for multifamily. But right now, this is all well and septic. Well, it's not well. It's septic and water's obviously here. So, this gives us something that we can build today with the extension in anticipation of the multifamily in back.

We also feel that even if the sewer was here, multifamily this close to Mariaville Road, there's a lot of traffic here. The back is gorgeous. It's wooded. There's wildlife. It's very open. It's a very nice residential community back there. This, with how much is going on here in 90 and Mariaville, would be a tough pitch for the quality of housing we're looking to put here. So that's another reason that we're asking.

Mr. Collins: Is that where there's the Strang farm, right, Peter?

Mr. Comenzo: Yeah, that was the part he was talking about.

Mr. Collins: The Strang farm at the top?

Mr. Comenzo: The big picture shows it.

So, the Strang farm is right there.

Mr. Collins: Okay.

Mr. Comenzo: That's the very far end of it.

Mr. Hill: Right. So, this is the piece that we're looking for zone change. This is by right, and this would be phase two of the project. This would be phase one.

Mrs. Flansburg: Any other questions?

Mr. Calder, do you have any questions? Do you have any questions for the applicant?

Mr. Calder: Yes, I do. We're dealing with phase one now, correct? That's it.

Mr. Hill: So, the zone change is particular to phase one. So, and correct me if I'm wrong, but the plan, you know, in order to do this whole project, we would need a specific delineated zone change on this parcel of land.

Mr. Calder: Correct, okay.

Mr. Hill: So, what I'm asking for is a recommendation from the Planning Board to send me the Town Board so that they can see if that works or not. If they say it's okay, then I'm obviously back in front of the board with the rest of the whole.

Mr. Calder: So, I think my biggest question is the first part of this is going to be septic with all the questions. The second part of this is going to have to be sewer. So, you're going to set up a septic system for construction of phase one.

Mr. Hill: Correct.

Mr. Calder: Then when you put phase two into effect, which is going to be down the road, apparently, then you're going to add sewer.

Mr. Hill: But we would keep this on septic.

Mr. Calder: You would keep that on septic. You wouldn't do it, I'm just curious, why wouldn't you do it all at once and get the sewer in there if you know pretty much you're going to be able to get permission to do phase two?

Mr. Hill: So, well, the sewer and this would be, I'd have to defer to my engineer a little bit, but the sewer demand on flex warehousing is substantially less than…

Mr. Calder: Oh, sure. No question.

Mr. Hill: I mean, we're talking a couple bathrooms. So, we could handle it. We would plan on, when we put this road in, we would plan on putting the water and we would stump sewer here. So, we would have to, basically what you're saying is, would we put the infrastructure for sewer in, put the septic in, and then when sewer comes we'd have to abandon the septic tanks. I'd rather do it once and if this, I mean, we have our proposed wastewater treatment system here, and there's plenty of land and plenty of, it's a raised bed system anyways, so it's kind of off in the corner. We can explore it. We could see if it's something we could do.

Mr. Calder: That was just curiosity. It sounds, it's a different project. I mean, it's very different, this flex thing. I'm not used to it. Maybe other board members are, but…

Mr. Collins: I think it's a good concept.

Mr. Calder: I do. I like the concept. I think it's workable. Is there something like that around here now?

Mr. Hill: It's actually up in Clifton Park there's a lot of it. Right now. So, we do some commercial real estate, so we're actually building for a Chipotle, right? And to build on spec for retail is very risky. This gives us the ability and also you've got to get the lease in place, take it to the bank, it's a whole process. Most people who need this type of space, they need it in about three (3) to six (6) months. Right? Their lease is coming due, they're starting a new business, they're looking to grow. They can't wait two (2) years or a year and a half for something to get approved and built. So, our thought was we would build one (1), lease it, build another. You don't build this all out at once.

Mr. Calder: Right.

Mr. Hill: A 10,000 square foot warehouse, pre-engineered metal building, potentially partitioned, can be put up in three (3) months.

Mr. Calder: Okay. And we've already covered the fact that you're "Inaudible" it on the way in when you do phase two.

Mr. Hill: Correct. We would stop just short of the crossing and then we would make the actual, and there's a big process with this, obviously, there's a whole Army Corps and everything, permitting process, the crossing would be part of phase two.

Mr. Calder: Very interesting project. I'm done. Thank you very much.

Mrs. Flansburg: Mr. D'Alessandro, do you have any questions?

Mr. D'Alessandro: No, I think it's kind of neat. I think it's a great idea. I like the thought of even having the houses in the back or the condos in the back and other businesses up front. It's almost like a one-stop shopping for them where they can stay up in the same community and do shopping if they had to.

Mr. Hill: And we're trying to cater to masses too because the price point, we're not talking about $750,000 housing. I mean, right now we're in the $400,000-ish. I mean, who knows where the economy and interest rates are by the time this gets built, but that's the level of product, which is the general population.

Mr. D'Alessandro: One of the questions I had, there's a couple of houses past Cimino on Mariaville. How far from the back of those houses to the building?

Mr. Hill: We've actually had conversations with these guys. We've presented to this. Two (2) women that lived there, we met with not them, but their children, I believe. They came over to our building and talked to us. They actually specifically requested this berm to be added. They wanted, and again, this would be more planning, but they asked for a raised berm elevation. And we said, listen, when we get to that point, there's a public hearing.

Mr. D'Alessandro: Like a berm maybe with Arborvitaes or whatever?

Mr. Hill: Correct. And we encouraged them to come and be part of this, because I said we'll sit and have a workshop with you before we even present to the Planning Board.

Mr. D'Alessandro: Well, that's very nice that you're thoughtful in asking the neighbors.

Mr. Hill: Yeah, that's why we put this here. Obviously, we've got a ways to go, but we've already started communications with them. In fact, one of the gentlemen, I think he's an appliance repairman, and he's been working on the facility. Yeah, because we also said, listen, if you see activity and we have an open dialogue with them.

Mr. D'Alessandro: Okay, that's all I have.

Mrs. Flansburg: Mr. Signore, do you have any questions?

Mr. Signore: How many homes did you say?

Mr. Hill: So, there's 45 four-unit buildings for a total of 180.

Mr. Signore: Forty-five (45) four-unit buildings?

Mr. Hill: Yep.

Mr. Signore: And they're going to be on septic, right?

Mr. Hill: No, we would wait and build those when the sewer comes, and then we would tie in.

Mr. Signore: Okay, so you've got a way for the sewer to get there. Then you're going to build that.

Mr. Hill: Yeah.

Mrs. Flansburg: And that'll just be site plan because it's already zoned appropriately.

Mr. Hill: Correct. Yeah, this is by this would be by right.

Mr. Signore: So, you have to wait for the sewer to get to Mariaville Road or whatever.

Mr. Hill: Or there's a chance it's all being reviewed. We didn't know if there was a way to somehow come through the back, but that's an engineering question. But as soon as sewer comes, we have the intention, our intent is to be that part of the phase.

Mr. Signore: So that could be a couple years away, right?

Mr. Hill: I hope not.

Mr. Signore: It's not going to be there. I don't think the sewer's going to be there in the spring.

Mr. Hill: No, no.

Mr. Signore: I don't know if it's going to be there next spring. We're looking at a couple years anyway.

Mr. Hill: Correct. Which is why that would give us time to get started on this phase. And this doesn't require the sewer. And that was kind of part of our contention with the zone is, you know, a big component of multifamily sewer and water, especially now with the fire code and all these other things, and plus from a maintenance standpoint. And we actually talked to these, you know, the Cuomo's, the package plant would take up a huge portion of this. So even if we were to put this on septic, I think the last thing any of these people would want is a large leach field in their backyard.

Mr. Signore: Okay, so these multi-use buildings here, they're going to be on septic. Okay, so why can't you plan for these buildings that are on septic to eventually go on sewer?

Mr. Hill: We could. We absolutely could. We could make that part of planning. I'd have to see, it's definitely possible, because what we could do is, the intent right now, again, we're just at concept level. We haven't dove in seriously.

Mr. Signore: Well, generally when people are on septic and the sewer's nearby, they hook on the sewer.

Mr. Hill: Right. So, what we could do, just think of it, because our intent was to put a sewer main down this road with manholes, right, and then as you build the buildings, you tie right into the manhole. We're thinking of fishing it this way with a leach field here, so sewer runs down the other tank and then the affluent leach in here. You know, we could maybe reverse it and move the storm pond so that we could abandon the septic and tie it on the sewer.

I would just have to talk with our engineer about the logistics of that.

Mrs. Flansburg: Right, but you would have invested in your entire sewer septic system.

Mr. Hill: The septic system, correct, but the infrastructure would be the same, right, because if the sewer's running, it's the same structures and manholes, but we would abandon the septic.

Mr. Signore: All this effluent is going to be in some kind of tank or big septic thing, right?

Mr. Hill: Correct.

Mr. Signore: Okay, so you would abandon that tank and then tie all that into a sewer.

Mr. Hill: Yeah, or what we could potentially do is, we could hook this up for a force main, we could pump the effluent from the tank up. There's definitely a way to do it. I just, again, I'd have to defer to my engineer to help design that.

Mrs. Flansburg: Alright, anything further Mr. Signore?

Mr. Signore: Well, that would solve the problem of having leach fields near the neighbors.

Mr. Hill: Right, but this leach field, or what we're proposing, is A, in the back corner, and B, 20 times smaller than what it would be if we were to service 184 units. No showers.

Mr. Signore: Right, right, right.

Mr. Hill: Few service restrooms, and that's it.

Mr. Signore: I mean, even though you have I don't know, hundreds? A hundred and some homes are going to be there?

Mr. Hill: It would be 180.

Mr. Signore: Okay.

Mrs. Flansburg: But today's meeting is specific to what's going on in the front.

Mr. Hill: Yeah, because before the board can review anything, right now I need to get the town board to bless a change in zone specific to this parcel. My intent here is to just let the board know our intention with the rest of the land. You know, we're not just asking for zone change to throw in a 180,000 square foot tractor trailer business here. This is a transitional, flexible business district, which the B-2, general business district is what this, our facility currently is, so we thought of this as a good extension. This is climate-controlled storage, 10 by 10 x 10, 10 x 20, 5 x 5. This is a similar but much different product.

Mrs. Flansburg: Anything further, Mr. Signore?

Mr. Signore: Just what design do you guys prefer for the little warehouse in there?

Mr. Hill: For the flex?

Mr. Signore: Yeah.

Mr. Hill: So, this building and this building are the same. It's the same structure. It's just this one, instead of roll-up doors, we did roll-up glass doors. So, we would stick to this, let's call it a modular setup, that gives you flexibility based on your tenants. So again, if there was an HVAC contractor and a surveying company that wanted to rent, they don't need the expensive canopies.

Mr. Signore: But then, you know, that does add to it, the canopies. It makes it look almost like they're little shops.

Mr. Hill: Correct. And we actually, what we thought of is these warehouses along this road, which is more pedestrian friendly because part of the plan would be interconnectivity with the sidewalks. This would be more of the glass doors and the canopies. And these over here might be more of the basic looking ones. So, this lends itself, this portion of this site, and also our thought with pushing this, we kind of pushed this back, A, to separate us from the neighbors, but B, we thought the pleasantry of the stream, you know, there's marketability of businesses near viewing wildlife. So, these, this portion of the site would be more towards this retail look.

Mr. Signore: Yeah.

Mr. Hill: From a rental standpoint, it's nice to have a mix. So, we do feel that a portion of it will lend itself more towards the retail, and the other portion will lend itself more towards like this set up here, where you see a factory, an office, and more of an office.

Mr. Signore: That's sounds good.

Mrs. Flansburg: Okay, Mr. Miglucci?

Mr. Miglucci: How far away from any one of those buildings is it to the next home? Actual residence. Footage-wise. Can you give me an estimate?

Mr. Hill: Let's see. This building is 300 feet. At least 300 feet.

Mr. Miglucci: Three hundred (300) feet from the back of the warehouse to the next neighbor? Building to building?

Mrs. Flansburg: It would be even more than that.

Mr. Miglucci: Okay. Okay.

Mr. Hill: Our facility is just scale.

Mr. Miglucci: Yeah, last time it was like 150 feet. And this thing right here, do you have any clients lined up?

Mr. Hill: No. No, we haven't. I mean, we have quite a ways to go.

Mr. Miglucci: But you are going to keep this concept kind of like a strip mall, free standing type?

Mr. Hill: Yes. So, these buildings are 10,000, 75, 75. You can build it. The load bearing is front to back. So, you can partition, and you can have one tenant at 8,000 and one at two (2). You can have five (5) tenants at two (2).

Mr. Miglucci: So, there's no really like tractor trailer docking or anything like that in any of the buildings?

Mr. Hill: If you notice, the backs are all gone. Everything is tied up to the front.

Mr. Miglucci: Okay.

Mr. Hill: The largest you would have is maybe a small box like an electrician truck or something like that.

Mr. Miglucci: Like a 28-foot pup coming in on load.

Mr. Hill: That's why we turned it, and we did this corridor because we're trying to promote a community approach.

Mr. Miglucci: This looks a lot better than a big steel building.

Mr. Hill: Absolutely.

Mr. Miglucci: A lot more appeal.

Mr. Hill: We aren't industrial. That's just not our thing.

Mr. Miglucci: Right.

Mr. Hill: We have a lot of multifamily housing.

Mr. Miglucci: I mean, it's got a little bit of flair to it. You know what I mean? It's got a little bit of color, a little bit of…

Mr. Signore: Yeah, it looks like you're walking. It's nice.

Mr. Miglucci: Yeah. That's all I have.

Mrs. Flansburg: Thank you, Mr. Miglucci. Mine's just real quick. Everybody's asked everything. I talked about all of it. I think it's an excellent way to sort of transition between the main road to what you already have and then to later buffer for R-3.

Mr. Hill: Yeah, the topography helps too because this is generally flat. And then once this, you know, these are going to be separated up on a hill away from the noise and this kind of lends itself to what's already kind of going on in the community. That's kind of what we were thinking too.

Mrs. Flansburg: Mr. Comenzo, do you have anything to add?

Mr. Comenzo: One thing I would add is this is in the proposed sewer district extension so Prime Engineering has looked at this and we have been around a while. We've been looking at getting sewers down Burdeck Street and Mariaville Road area for 20 years.

Mrs. Flansburg: Twenty (20) or more.

Mr. Comenzo: So, we've engaged Prime Engineering and are having that conversation. We'll have conversations with the BDC group to discuss the second phase of this.

Mr. Hill: And we fully intend to prepare for the future of that.

Mr. Signore: This is what I was trying to tell you that if sewers at some point are anticipated, you may want to anticipate your project of going on sewers.

Mr. Hill: Yeah, and we will absolutely look into that once we dive into the engineering portion.

Mrs. Flansburg: Mr. Valiquette, any questions.

Mr. Valiquette: No questions at this time. Thank you.

Mrs. Flansburg: Okay, so I guess we're here for a report recommendation to the Town Board on this project. Do I have any motion for a recommendation, be it positive or negative?

Mr. Collins: I make a motion for a positive recommendation to the Town Board to move forward with the project.

Mrs. Flansburg: Mr. Collins made a motion. Do I have a second?

Mr. Calder: I'll second.

Mrs. Flansburg: Mr. Calder seconded. Marlo, can you call the vote.

Ms. Carter: Mr. Collins?

Mr. Collins: Yes.

Ms. Carter: Mrs. Flansburg?

Mrs. Flansburg: Yes.

Ms. Carter: Mr. D'Alessandro?

Mr. D'Alessandro: Yes.

Ms. Carter: Mr. Calder?

Mr. Calder: Yes.

Ms. Carter: Mr. Signore?

Mr. Signore: Yes.

Ms. Carter: Mr. Miglucci?

Mr. Miglucci: Yes.

Mrs. Flansburg: Motion carries.

Mr. Hill: Thank you.

Mrs. Flansburg: Thank you for your presentation.

Mrs. Flansburg: I will entertain a motion to adjourn the meeting.

Mr. Collins: I'll make that motion.

Mrs. Flansburg: Mr. Collins made the motion. Do I have a second?

Mr. Calder: I'll second.

Mrs. Flansburg: Mr. Calder seconded the motion. All in favor.

Planning Commission Members: I.

RESOLUTION NO. 372.24

TO RECOGNIZE THE INTRODUCTION OF INTRODUCTORY LOCAL LAW __ OF 2024; TO AMEND AND EXTEND LOCAL LAW NO. 8 OF 2023 AND LOCAL LAW NO. 5 OF 2024 AND SCHEDULE A PUBLIC HEARING THEREON

WHEREAS, the Town of Rotterdam has tasked the Energy Advisory Committee to review, amend, and make recommendations to Town Battery Energy Storage System local laws regulating the same; and

WHEREAS, on July 28, 2023, in response to three separate fires at Battery Energy Storage System ("BESS") locations in New York, (East Hampton, New York on May 31, 2023, Warwick, New York, on June 26, 2023, and Lyme, New York, on July 27, 2023) Governor Kathy Hochul announced the creation of an inter-agency fire safety working group; and

WHEREAS, the Fire Safety Working Group will be comprised of the Division of Homeland Security and Emergency Services Office of Fire Prevention and Control, New York State Energy Research and Development Authority (NYSERDA), New York State Department of Environmental Conservation, Department of Public Service, and the Department of State; and

WHEREAS, the Fire Safety Working Group will conduct a root cause and emergency response analysis to evaluate and identify the cause and effect of the battery storage fires; and

WHEREAS, the working group's recommendations will likely include a number of fire-safety provisions, including development of fire safety compliance plans, emergency operations plans, compliance with fire-related building and electric codes, and specific access parameters for local fire departments; and

WHEREAS, upon the recommendation of the Energy Advisory Committee, and as the Town of Rotterdam is committed to protecting the health, safety, and well-being of its residents and First Responders through responsible siting, pre-incident planning and education, continuing education and training, adequate protection and equipment, and the implementation of best practices to reduce potential hazards; **NOW**

THEREFORE, UPON MOTION OF Councilmember _____**,**

seconded by Councilmember _____**,**

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board recognizes the introduction of Local Law No.___ of 2024 to establish an amendment to Local Law No. 8 of 2023 which established a six (6) month moratorium prohibiting Battery Energy Storage Systems Installations, and Local Law No. 5 of 2024 which extended Local Law No. 8 of 2023 by six (6) months. Introductory Local Law No. _____ of 2024 shall further extend the moratorium on the creation or siting of large-scale battery energy storage system installations within the Town for a period of up to six (6) months, pending the review and implementations of the recommendations of the NYS Fire Safety Working Group.

SECTION 2. The Town Board hereby determines that the proposed enactment of Local Law No. ___ of 2024 is a Type II action under the State Environmental Quality Review Act pursuant to 6 NYCRR § 617.5 (c) (36), and therefore no further SEQRA review is required.

SECTION 3. The Town Board hereby refers this Introductory Local Law No. _____ of 2024 to the Planning Commission of the Town of Rotterdam for report and recommendation thereon.

SECTION 4. The Town Board hereby authorizes and directs Senior Planner to refer Introductory Local Law No. ____ of 2024 to the Schenectady County Department of Economic Development and Planning pursuant to N.Y. General Municipal Law 239-m and to circulate such other notices as may be required by law.

SECTION 5. The Town Clerk of the Town of Rotterdam is hereby directed to publish in the official newspaper of the Town of Rotterdam not less than ten (10) days prior to the date designated for the public hearing provided for hereby the following notice:

TOWN OF ROTTERDAM
NOTICE OF HEARING

PLEASE TAKE NOTICE: That the Town Board of the Town of Rotterdam will hold a public hearing at the John F. Kirvin Government Center, Town Hall, 100 Sunrise Boulevard, Rotterdam, New York 12306 at 7:00 PM on the 9th day of October, 2024 for the following purpose:

> For the enactment of Introductory Local Law No. ____ of 2024 relating to establishing an amendment and six (6) month extension of Local Law No. 8 2023 and Local Law No. 5 of 2024 which established a moratorium on Battery Energy Storage System Installations and first six (6) month extension to such moratorium within the Town of Rotterdam.

BY ORDER OF THE ROTTERDAM TOWN BOARD
DIANE M. MARCO, TOWN CLERK

DATED: September 25, 2024
Daily Gazette: Please publish once on September 27, 2024
Town Clerk
Post

SECTION 6. This resolution shall become effective September 25, 2024.

DATED: September 25, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

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:	September 18, 2024
TO:	Mollie Collins, Town Supervisor
FROM:	Patty Matelitz-Energy Advisory Committee Chairperson
TITLE OF REQUEST:	Establish an amendment to Local Law No. 8 of 2023 and Local Law No. 5 of 2024 to prohibit the creation or siting of large-scale battery energy storage system installations within the Town for a period of up to six (6) months, pending the review and implementations of the recommendations of the NYS Fire Safety Working Group.
TOWN BOARD MEETING:	September 25, 2024
Background Information:	See attached proposed Resolution
Evaluation/Analysis:	See attached proposed Resolution
Recommendation(s):	See attached proposed Resolution
Attachment/Document(s):	Proposed Resolution
Compliance with Purchasing Policy:	N/A
Effect(s) on Existing Law(s):	Extends Battery Energy Storage System Moratorium
LEGISLATION WILL BE PREPARED BY:	Supervisor's Office/Town Attorney, Proposed Resolution is attached

STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
HTTPS://DOS.NY.GOV

KATHY HOCHUL
GOVERNOR

ROBERT J. RODRIGUEZ
SECRETARY OF STATE

September 29, 2023

Diane M Marco
Rotterdam Town Clerk
John F Kirvin Government Center
1100 Sunrise Boulevard
Rotterdam NY 12306

RE: Town of Rotterdam, Local Law 8 2023, filed on September 21 2023

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492

RECEIVED
OCT 16 2023
Town of Rotterdam
TOWN CLERK'S OFFICE

NEW YORK STATE OF OPPORTUNITY. | Department of State

Local Law No.	Adoption Date	Subject	Disposition	Supp. No.
6-2021	9-8-2021	Records, Public Access to Amendment	Ch. 225	58
7-2021	10-13-2021	Zoning Map Amendment	NCM	58
1-2022	2-23-2022	Moratorium	NCM	59
2-2022	2-23-2022	Residency Requirements Amendment	Ch. 60	59
3-2022	2-23-2022	Vehicles and Traffic Amendment	Ch. 266	59
4-2022	2-23-2022	Vehicles and Traffic Amendment	Ch. 266	59
5-2022	3-23-2022	Vehicles and Traffic Amendment	Ch. 266	59
6-2022	9-14-2022	Noise Amendment	Ch. 188	60
7-2022	10-26-2022	Vehicles and Traffic Amendment	Ch. 266	60
8-2022	11-9-2022	Zoning Amendment	Ch. 270	60
9-2022	12-14-2022	Moratorium on Solar Farms and Solar Power Plants	NCM	60
1-2023	12-27-2022	Zoning Amendment	Ch. 270	61
2-2023	1-12-2023	Residency Requirements Amendment	Ch. 60	61
3-2023	2-22-2023	Building Code Administration and Code Enforcement Program	Ch. 89	61
4-2023	3-8-2023	Taxation Amendment	Ch. 255	61
5-2023	5-24-2023	Zoning Amendment	Ch. 270	61
6-2023	5-24-2023	Water Amendment	Ch. 267	61
7-2023	8-9-2023	Hawking, Peddling and Soliciting Amendment	Ch. 150	62
8-2023	9-13-2023	Moratorium	NCM	62
9-2023	9-13-2023	Moratorium	NCM	62
10-2023	9-13-2023	Vehicles and Traffic Amendment	Ch. 266	62

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the Rotterdam Junction Fire Department 1215 Main Street, Rotterdam Junction, New York, 12150 on Wednesday, September 13, 2023, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 267.23

TO ENACT INTRODUCTORY LOCAL LAW NO. 8 OF 2023; ESTABLISH A SIX (6) MONTH MORATORIUM PROHIBITING BATTERY ENERGY STORAGE SYSTEM INSTALLATIONS

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board hereby enacts Introductory Local Law No. 8 of 2023.

SECTION 2. The Town Clerk is directed, following consultation with the Attorney to the Town, to file said Local Law in final form with the New York State Department of State.

SECTION 3. This resolution shall become effective September 13, 2023.

DATED: September 13, 2023

NAME	AYES	NOES	ABSTAIN
Christou	X		
Miller-Herrera **(Absent)**			
Dodson	X		
Mastroianni	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolutions were approved by the Town Board of the Town of Rotterdam on September 13, 2023 and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this September 15, 2023.

Diane M. Marco

Diane M. Marco, Town Clerk

TOWN OF ROTTERDAM Office of the Town Clerk Schenectady, County NY

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

Local Law Filing

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

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

☐ **County** ☐ **City** ☒ **Town** ☐ **Village**
(Select one:)

of Rotterdam

Local Law No. 8 **of the year 2023**

A local law enacting a six month battery energy storage system moratorium in the Town of Rotterdam
(Insert Title)

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

☐ **County** ☐ **City** ☒ **Town** ☐ **Village**
(Select one:)

of Rotterdam **as follows:**

See Attached

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

(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. 8 of 2023 of the (~~County~~)(~~City~~)(Town)(~~Village~~) of Rotterdam was duly passed by the Town Board on September 13 2023, in accordance with the applicable
(Name of Legislative Body)
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)
(Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted
(Elective Chief Executive Officer)*
on _____ 20[ ][ ], in accordance w ith the applicable provisions of law.

3. (Final adoption by referendum.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____.
(Elective Chief Executive Officer)*
Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

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

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

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

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

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

Diane M. Marcu
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: 9-18-2023

LOCAL LAW ESTABLISHING A TEMPORARY LAND USE MORATORIUM PROHIBITING BATTERY ENERGY STORAGE SYSTEM INSTALLATIONS WITHIN THE TOWN OF ROTTERDAM.

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

SECTION 1. TITLE

This Local Law shall be known as the "Moratorium and Prohibition of Battery Energy Storage System Installations within the Town of Rotterdam."

SECTION 2. STATUTORY AUTHORITY PURPOSE AND INTENT.

This Local Law is intended to be consistent with and is adopted pursuant to the authority granted to the Town Board of the Town of Rotterdam under the New York State Constitution, and the Laws of the State of New York including but not limited to the following authorities: New York State Constitution Article IX, Section 2 (c) (ii)(6)m (10)l Municipal Home Rule Law § 10(2); Municipal Home Rule Law §10(3); Municipal Home Rule Law §10(4)(a), and (b) and (15); Town Law §135; Town Law Article 16 (Zoning & Planning) inclusive; Environmental Conservation Law §3-0301 (1)(b), 3-0301(2)(m) and 8-0113 and 6 NYCRR Part 61, also known as the State Environmental Quality Review Act as it pertains to applications that are neither excluded nor exempt from this local law.

This Local Law is land use regulation. This Local Law is intended and is hereby declared to address matters of local concern, and it is declared that it is not the intention of the Town to address matters of statewide concern. This Local Law is intended to act as and is hereby declared to exercise the permissive "incidental control" of a zoning law and land use law that is concerned with the broad area of land use planning and the physical use of land and property within the Town, including the physical externalities associated with certain land uses, such as potential negative impacts of such uses on a community.

This Local Law shall supersede and suspend those provisions of the Code of the Town of Rotterdam and New York state law which require the Planning Board and/or the Town Code Enforcement officer to accept, process, and approve land use applications within certain statutory time periods.

This Local Law is intended to temporarily prohibit the creation or siting of battery energy storage system installations (as herein later defined) within the Town of Rotterdam for a period of up to six (6) months, pending the development and adoption of local laws and/or ordinances designed to regulate and govern such installations.

The Town Board recognizes and acknowledges that the Town needs to study and analyze many considerations that affect the preparation of local legislation to regulate the future creation and siting of battery energy storage system installations. The Town Board has formally requested the Building and Zoning Department and the Planning Board and the Energy Committee of the Town of Rotterdam to identify and review local laws from other jurisdictions, and related information and source materials, in order to assist in developing the parameters of a local law to regulate battery energy storage system installations. The Town Board has directed the Town Attorney to assist in this endeavor.

The Town Board also recognized the need to review and examine its existing ordinance, local laws and Zoning Code provisions insofar as they may be affected by adoption of such local law(s) regulating the creation and/or siting of battery energy storage system installations. It is deemed necessary to enact this moratorium in order to permit the Town adequate time in which to draft suitable legislation for this

purpose. During the term of the moratorium the Town of Rotterdam shall work to prepare and eventually adopt new land use regulations to incorporate into the Town's existing Zoning Code.

Currently, there is one pending applications for the location, development or site plan approval of battery energy storage system installation. The BlueWave Battery Site application has made significant progress through the planning process for the proposed Battery Storage Facility located at 635 Mariaville Road in the Town of Rotterdam. That application shall be exempt from this Moratorium.

During the pendency of the moratorium, the Town Board will consider how best to permit such installations so as to harmoniously integrate such installations with the existing agricultural community and landscape and to mitigate potential undesirable environmental impacts that may be associated with such use. At present, the Zoning Code of the Town of Rotterdam may not adequately regulate such land use. If the community allows such development during that time the goals of the Town could be undermined or damaged. Moratoria are useful in controlling or temporarily inhibiting development until satisfactory final regulations are adopted.

For these reasons, the Town Board finds that temporary moratorium legislation is both advisable and necessary for a reasonable and defined period of time in order to develop and adopt necessary zoning and land use changes to the Zoning Code of the Town of Rotterdam, thus protecting and furthering the public interest, health and safety.

SECTION 3. DEFINITIONS.

For purposes of this Local Law, the following terms shall have the meanings respectively set forth below:

Battery Energy Storage System Installation(s) – Any installation of a rechargeable energy storage system, consisting of electrochemical storage batteries or similar technology, battery charges, controls, power condition systems, inverters, transformers, switchgears and associated electrical equipment designed to store electoral power received from a generating or transmission source and periodically discharging power from the battery energy storage system into the power grid. Systems typically used to provide standby or emergency power and/or an uninterruptable power supply, load shedding, load sharing, or similar capabilities relating to the energy consumed by a residence, farm operation or business on site shall not be considered a "Battery Energy Storage System Installation" for purposes of the Moratorium.

SECTION 4. TEMPORARY MORATORIUM and PROHIBITION.

A. Unless permitted pursuant to Section 5 hereafter, from and after the date of this Local Law, no application for a permit, zoning permit, special permit, zoning variance, building permit, operating permit, site plan approval, subdivision approval, certificate of occupancy, certificate of compliance, temporary certificate, or other Town-level approval of any nature shall be accepted, processed, entertained, approved, approved conditionally, or issued by any board, employee, official or agent of the Town of Rotterdam, for the construction establishment or use or operation of any land, body of water, building, or other structure located within the Town of Rotterdam, for any Battery Energy Storage System Installation, as defined above, except for the projects specifically exempted by this moratorium.

B. Unless permitted pursuant to Section 5 hereafter, from the after the date of this Local Law, no person, entity or business shall use, cause, or permit to be used, any land, body of water, building, or other

structure located within the Town of Rotterdam for any Battery Energy Storage System Installation, as defined above.

C. The prohibitions set forth above in Clauses A. and B. of this Section 4. Are not intended, and shall not be construed, to prevent or prohibit the use and development of battery energy storage systems that are typically used to provide standby or emergency power and/or an uninterruptable power supply, load shedding, load sharing, or similar capabilities and that are for personal or individual use on or about any residence or place of business, or any farm operation.

D. This moratorium and prohibition shall be in effect beginning on the effective date of this Local Law and shall expire on the earlier of (i) that date which is six (6) months after said effective date; or (ii) the effective date of a Town Board resolution affirmatively stating the Town Board has determined that the need for this moratorium and prohibition no longer exists.

E. This moratorium and prohibition shall apply to all real property within the Town of Rotterdam, and all land use applications for the siting or creation of Battery Energy Storage System Installation within the Town of Rotterdam.

F. Under no circumstances shall the failure of the Town Board of the Town of Rotterdam, the Zoning Board of Appeals of the Town of Rotterdam, the Planning Board of the Town of Rotterdam, or the Code Enforcement Officer for the Town of Rotterdam to take any action upon any application for a permit, zoning permit, special permit, zoning variance, building permit, operating permit, site plan approval, subdivision approval, certificate of occupancy, certificate of compliance, temporary certificate, or any other Town level approval related to Battery Energy Storage System Installation constitute an approval by default or an approval by virtue of expiration of time to respond to such application.

SECTION 5. HARDSHIP VARIANCE RELIEF FROM APPLICABILITY OF MORATORIUM.

Applications for land use otherwise subject to this moratorium may be exempted from the provisions of this Local Law following a noticed public hearing before the Town Board. It is specifically intended that this moratorium shall supersede New York State law which would otherwise confer exclusive variance authority to the Zoning Board of Appeals. Following a written request for hardship variance relief, within sixty (60) days of receipt of such request, a noticed public hearing shall be held, at which hearing the Town Board may, but is not limited to consider:

A. The proximity of applicant's premises or the subject of applicant's request for relief to natural resources, including but not limited to prime agricultural soils, wetland areas, conservation districts and other areas of environmental concern.

B. The impact of the proposed application on the applicant's premises and upon the surrounding area.

C. Compatibility of the proposed application with the existing land use and character of the area in general proximity to the subject of the application, and its effect upon aesthetic resources of the community.

D. Compatibility of the proposed application with the recommendations of any administrative body charged with such review by the Town of Rotterdam.

E. The written opinion of the Town of Rotterdam Planning Board and the Town of Rotterdam Code Enforcement Officer that such application may be jeopardized or made impractical by waiting until the moratorium is expired.

F. Evidence specifying in detail the nature and level of any alleged hardship imposed on the property owner(s) as result of this moratorium.

G. Such other considerations and issues as may be raised by the Town Board.

In making a determination concerning a proposed exemption or grant of relief from application of the moratorium, the Town Board may obtain and consider reports and information from any source it deems to be helpful with review of said application. A grant of relief from application of the moratorium shall include a determination of unreasonable hardship upon the property owner (or if there are multiple property owners, a determination that each such owner shall suffer an unreasonable hardship) which is unique to the property owner(s), a finding that there are sufficient existing regulations to adequately govern the application for which a hardship waiver is being requested, and a finding that the grant or an exemption will be in harmony with, and will be consistent with an existing Town of Rotterdam Zoning Ordinance and the recommendation of the Comprehensive Plan as such may exist.

An application for relief from the prohibitions of the moratorium shall be accompanied by fee a $500, together with the applicant's written undertaking in a form to be approved by the Attorney for the Town, to pay all of the expenses of the Town Board and any agent or consultant retained by the Town Board to evaluate and consider the merits of such application, including but not limited to any fees incurred by the Town of services provided by the Attorney of the Town.

SECTION 6. PENALTIES.

A. Failure to comply with any of the provisions of this Local Law shall be an unclassified misdemeanor as contemplated by Article 10 and Section 80.05 of the New York State Penal Law, and, upon conviction thereof, shall be punishable by a fine of not more than One Thousand Five Hundred Dollars ($1,500) or imprisonment for not more than 10 days, or both for the first offense. Any subsequent offense within a three-month period shall be punishable by a fine of not more than Two Thousand Five Hundred Dollars ($2,500) or imprisonment for a period of not more than 30 days, or both. For purposes of this Clause:

A. each day that a violation of this Local Law exists shall constitute a separate and distinct offense.

B. Compliance with this Local Law may also be compelled and violations restrained by order or by injection of a court of competent jurisdiction, in an action brought on behalf of the Town by the Town Board.

C. In the event the Town is required to take legal action to enforce this Local Law, the violator will be responsible for any and all costs incurred by the Town relative thereto, including attorney's fees, and such amount shall be determined and assessed by the court. If such expense is not paid in full within 30 days from the date it is determined and assessed by the Court, such expense shall be charged to the propert(ies) within the Town on which the violation occurred, by including such expense in the next

annual Town tax levy against such property, and such expense shall be lien upon such property until paid.

SECTION 7. CONFLICTS.

For and during the stated term of this legislation, unless the stated term thereof shall be modified or abridged by the Town Board, this moratorium shall take precedence over and shall control over any contradictory local law, ordinance, regulation for Zoning Ordinance provision.

SECTION 8. SEVERABILITY.

If any word, phrase, sentence, part, section, subsection, or other portion of this Local Law, or the application thereof to any person or to any circumstance, is adjudged or declared invalid or unenforceable by a court or other tribunal of competent jurisdiction, then, and in such event, such judgement or declaration shall be continued in its interpretation and operation only to the provision of this Local Law that is directly involved in the controversy in which such judgment or declaration is rendered, and such judgement or declaration of invalidity or unenforceability shall not affect or impair the validity or enforceability of the remainder of this Local Law or the application hereof to any other persons or circumstances. If necessary, as to such person or circumstances such invalid or unenforceable provision shall be and be deemed severed here from, and the Town Board of the Town hereby declares that it would have enacted this Local Law, or the remainder thereof, even if, as to provisions and persons or circumstances, a portion hereof is severed or declared invalid or unenforceable.

SECTION 9. EFFECTIVE DATE.

The effective date of this Local Law shall be immediately upon its filing with the Secretary of State.

RESOLUTION NO. 373.24

TO RECOGNIZE THE INTRODUCTION OF INTRODUCTORY LOCAL LAW NO.__ OF 2024; TO AMEND AND EXTEND LOCAL LAW NO. 9 OF 2023 AND LOCAL LAW NO. 6 OF 2024 AND SCHEDULE A PUBLIC HEARING THEREON

WHEREAS, the Town of Rotterdam has tasked the Energy Advisory Committee to review, amend, and make recommendations to Town Wind Generation System Installations code and local laws regulating the same; and

WHEREAS, the Energy Advisory Committee has focused primarily on reviewing, amending, and making recommendations regarding Solar Energy Installations, and

WHEREAS, upon the recommendation of the Energy Advisory Committee, and as the Town of Rotterdam is committed to protecting the health, safety, and well-being of its residents and First Responders through responsible siting, pre-incident planning and education, continuing education and training, adequate protection and equipment, and the implementation of best practices to reduce potential hazards; **NOW**

THEREFORE, UPON MOTION OF Councilmember _____**,**

seconded by Councilmember _____**,**

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board recognizes the introduction of Local Law No.___ of 2024 to establish an amendment to Local Law No. 9 of 2023 and Local Law No. 6 of 2024 which established a six (6) month moratorium prohibiting Wind Generation System Installations and six (6) month extension to the moratorium. Local Law No. _____ of 2024 shall further extend the Moratorium on the creation or siting of Wind Generation System installations within the Town for a period of up to six (6) months.

SECTION 2. The Town Board hereby determines that the proposed enactment of Local Law No. ___ of 2024 is a Type II action under the State Environmental Quality Review Act pursuant to 6 NYCRR § 617.5 (c) (36), and therefore no further SEQRA review is required.

SECTION 3. The Town Board hereby refers this Introductory Local Law of 2024 to the Planning Commission of the Town of Rotterdam for report and recommendation thereon.

SECTION 4. The Town Board hereby authorizes and directs Senior Planner to refer Introductory Local Law No. ____ of 2024 to the Schenectady County Department of Economic Development and Planning pursuant to N.Y. General Municipal Law 239-m and to circulate such other notices as may be required by law.

SECTION 5. The Town Clerk of the Town of Rotterdam is hereby directed to publish in the official newspaper of the Town of Rotterdam not less than ten (10) days prior to the date designated for the public hearing provided for hereby the following notice:

TOWN OF ROTTERDAM
NOTICE OF HEARING

PLEASE TAKE NOTICE: That the Town Board of the Town of Rotterdam will hold a public hearing at the John F. Kirvin Government Center, Town Hall, 100 Sunrise Boulevard, Rotterdam, New York 12306 at 7:00 PM on the 9th day of October, 2024 for the following purpose:

For the enactment of Introductory Local Law No. ____ of 2024 relating to establishing an amendment and six (6) month extension to Local Law No. 9 2023 and Local Law No. 6 of 2024 which established a moratorium and extension on Wind Generation System Installations.

BY ORDER OF THE ROTTERDAM TOWN BOARD
DIANE M. MARCO, TOWN CLERK

DATED: September 25, 2024
Daily Gazette: Please publish once on September 27, 2024
Town Clerk
Post

SECTION 6. This resolution shall become effective September 25, 2024.

DATED: September 25, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

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:	September 18, 2024
TO:	Mollie Collins, Town Supervisor
FROM:	Patty Matelitz-Energy Advisory Committee Chairperson
TITLE OF REQUEST:	Amendment to Local Law No. 9 of 2023 and Local Law No. 6 of 2024 to prohibit the creation or siting of large-scale wind generation system installations within the Town for a period of up to six (6) months
TOWN BOARD MEETING:	September 25, 2024
Background Information:	See attached proposed Resolution
Evaluation/Analysis:	See attached proposed Resolution
Recommendation(s):	See attached proposed Resolution
Attachment/Document(s):	Proposed Resolution
Compliance with Purchasing Policy:	N/A
Effect(s) on Existing Law(s):	Extends Wind Generation System Installation Moratorium
LEGISLATION WILL BE PREPARED BY:	Supervisor's Office/Town Attorney, Proposed Resolution is attached

TOWN OF ROTTERDAM

Diane M. Marco
Town Clerk

John F. Kirvin Government Center • 1100 Sunrise Boulevard • Rotterdam, NY 12306
Telephone: 518-355-7575 Ext. 352 • Fax: 518-355-7837 • Website: www.rotterdamny.org
Email * dmarco@rotterdamny.org

September 18, 2023

New York State Department of State
Bureau of State Records and Law
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231-0001

RE: Filing of Town of Rotterdam Local Law 9-2023 Moratorium Prohibiting wind generation system installations

To Whom It May Concern:

Enclosed are forms required to file Local Law 9-2023, adopted by the Town Board of the Town of Rotterdam meeting held on September 13, 2023.

If you are in need of anything else please feel free to call my office.

Sincerely,

Diane M. Marco
Town Clerk

Enclosure

Local Law No.	Adoption Date	Subject	Disposition	Supp. No.
6-2021	9-8-2021	Records, Public Access to Amendment	Ch. 225	58
7-2021	10-13-2021	Zoning Map Amendment	NCM	58
1-2022	2-23-2022	Moratorium	NCM	59
2-2022	2-23-2022	Residency Requirements Amendment	Ch. 60	59
3-2022	2-23-2022	Vehicles and Traffic Amendment	Ch. 266	59
4-2022	2-23-2022	Vehicles and Traffic Amendment	Ch. 266	59
5-2022	3-23-2022	Vehicles and Traffic Amendment	Ch. 266	59
6-2022	9-14-2022	Noise Amendment	Ch. 188	60
7-2022	10-26-2022	Vehicles and Traffic Amendment	Ch. 266	60
8-2022	11-9-2022	Zoning Amendment	Ch. 270	60
9-2022	12-14-2022	Moratorium on Solar Farms and Solar Power Plants	NCM	60
1-2023	12-27-2022	Zoning Amendment	Ch. 270	61
2-2023	1-12-2023	Residency Requirements Amendment	Ch. 60	61
3-2023	2-22-2023	Building Code Administration and Code Enforcement Program	Ch. 89	61
4-2023	3-8-2023	Taxation Amendment	Ch. 255	61
5-2023	5-24-2023	Zoning Amendment	Ch. 270	61
6-2023	5-24-2023	Water Amendment	Ch. 267	61
7-2023	8-9-2023	Hawking, Peddling and Soliciting Amendment	Ch. 150	62
8-2023	9-13-2023	Moratorium	NCM	62
9-2023	9-13-2023	Moratorium	NCM	62
10-2023	9-13-2023	Vehicles and Traffic Amendment	Ch. 266	62

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the Rotterdam Junction Fire Department 1215 Main Street, Rotterdam Junction, New York, 12150 on Wednesday, September 13, 2023, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 268.23

TO ENACT INTRODUCTORY LOCAL LAW NO. 9 OF 2023; ESTABLISH A SIX (6) MONTH MORATORIUM PROHIBITING WIND GENERATION SYSTEM INSTALLATIONS

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board hereby enacts Introductory Local Law No. 9 of 2023.

SECTION 2. The Town Clerk is directed, following consultation with the Attorney to the Town, to file said Local Law in final form with the New York State Department of State.

SECTION 3. This resolution shall become effective September 13, 2023.

DATED: September 13, 2023

NAME	AYES	NOES	ABSTAIN
Christou	X		
Miller-Herrera **(Absent)**			
Dodson	X		
Mastroianni	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolutions were approved by the Town Board of the Town of Rotterdam on September 13, 2023 and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this September 15, 2023.

Diane M. Marco

Diane M. Marco, Town Clerk



LOCAL LAW ESTABLISHING A TEMPORARY LAND USE MORATORIUM PROHIBITING WIND GENERATION SYSTEM INSTALLATIONS WITHIN THE TOWN OF ROTTERDAM.

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

SECTION 1. TITLE

This Local Law shall be known as the "Moratorium and Prohibition of Wind Generation System Installations within the Town of Rotterdam."

SECTION 2. STATUTORY AUTHORITY PURPOSE AND INTENT.

This Local Law is intended to be consistent with and is adopted pursuant to the authority granted to the Town Board of the Town of Rotterdam under the New York State Constitution, and the Laws of the State of New York including but not limited to the following authorities: New York State Constitution Article IX, Section 2 (c) (ii)(6)m (10)l Municipal Home Rule Law § 10(2); Municipal Home Rule Law §10(3); Municipal Home Rule Law §10(4)(a), and (b) and (15); Town Law §135; Town Law Article 16 (Zoning & Planning) inclusive; Environmental Conservation Law §3-0301 (1)(b), 3-0301(2)(m) and 8-0113 and 6 NYCRR Part 61, also known as the State Environmental Quality Review Act as it pertains to applications that are neither excluded nor exempt from this local law.

This Local Law is land use regulation. This Local Law is intended and is hereby declared to address matters of local concern, and it is declared that it is not the intention of the Town to address matters of statewide concern. This Local Law is intended to act as and is hereby declared to exercise the permissive "incidental control" of a zoning law and land use law that is concerned with the broad area of land use planning and the physical use of land and property within the Town, including the physical externalities associated with certain land uses, such as potential negative impacts of such uses on a community.

This Local Law shall supersede and suspend those provisions of the Code of the Town of Rotterdam and New York state law which require the Planning Board and/or the Town Code Enforcement officer to accept, process, and approve land use applications within certain statutory time periods.

This Local Law is intended to temporarily prohibit the creation or siting of wind generation system installations (as herein later defined) within the Town of Rotterdam for a period of up to six (6) months, pending the development and adoption of local laws and/or ordinances designed to regulate and govern such installations.

The Town Board recognizes and acknowledges that the Town needs to study and analyze many considerations that affect the preparation of local legislation to regulate the future creation and siting of wind generation system installations. The Town Board has formally requested the Building and Zoning Department and the Planning Board and the Energy Committee of the Town of Rotterdam to identify and review local laws from other jurisdictions, and related information and source materials, in order to assist in developing the parameters of a local law to regulate wind generation system installations. The Town Board has directed the Town Attorney to assist in this endeavor.

The Town Board also recognized the need to review and examine its existing ordinance, local laws and Zoning Code provisions insofar as they may be affected by adoption of such local law(s) regulating the creation and/or siting of wind generation system installations. It is deemed necessary to enact this moratorium in order to permit the Town adequate time in which to draft suitable legislation for this

purpose. During the term of the moratorium the Town of Rotterdam shall work to prepare and eventually adopt new land use regulations to incorporate into the Town's existing Zoning Code.

Currently, there are no pending applications for the location, development or site plan approval of a wind generation system.

During the pendency of the moratorium, the Town Board will consider how best to permit such installations so as to harmoniously integrate such installations with the existing agricultural community and landscape and to mitigate potential undesirable environmental impacts that may be associated with such use. At present, the Zoning Code of the Town of Rotterdam may not adequately regulate such land use. If the community allows such development during that time the goals of the Town could be undermined or damaged. Moratoria are useful in controlling or temporarily inhibiting development until satisfactory final regulations are adopted.

For these reasons, the Town Board finds that temporary moratorium legislation is both advisable and necessary for a reasonable and defined period of time in order to develop and adopt necessary zoning and land use changes to the Zoning Code of the Town of Rotterdam, thus protecting and furthering the public interest, health and safety.

SECTION 3. DEFINITIONS.

For purposes of this Local Law, the following terms shall have the meanings respectively set forth below:

Wind Generation System Installation- Any installation that converts the kinetic energy available in the wind to mechanical energy that can be used to operate an electrical generator. wind generation systems specifically do not include any system utilized for the on-site consumption of a business or residence that does not generate more than 5 kWh of electrical power in total.

SECTION 4. TEMPORARY MORATORIUM and PROHIBITION.

A. Unless permitted pursuant to Section 5 hereafter, from and after the date of this Local Law, no application for a permit, zoning permit, special permit, zoning variance, building permit, operating permit, site plan approval, subdivision approval, certificate of occupancy, certificate of compliance, temporary certificate, or other Town-level approval of any nature shall be accepted, processed, entertained, approved, approved conditionally, or issued by any board, employee, official or agent of the Town of Rotterdam, for the construction establishment or use or operation of any land, body of water, building, or other structure located within the Town of Rotterdam, for any wind generation system Installation, as defined above, except for the projects specifically exempted by this moratorium.

B. Unless permitted pursuant to Section 5 hereafter, from the after the date of this Local Law, no person, entity or business shall use, cause, or permit to be used, any land, body of water, building, or other structure located within the Town of Rotterdam for any wind generation system installation, as defined above.

C. The prohibitions set forth above in Clauses A. and B. of this Section 4. Are not intended, and shall not be construed, to prevent or prohibit the use and development of wind generation systems that are typically used to provide standby or emergency power and/or an uninterruptable power supply, load shedding, load sharing, or similar capabilities and that are for personal or individual use on or about any residence or place of business, or any farm operation.

D. This moratorium and prohibition shall be in effect beginning on the effective date of this Local Law and shall expire on the earlier of (i) that date which is six (6) months after said effective date; or (ii) the effective date of a Town Board resolution affirmatively stating the Town Board has determined that the need for this moratorium and prohibition no longer exists.

E. This moratorium and prohibition shall apply to all real property within the Town of Rotterdam, and all land use applications for the siting or creation of wind generation system installation within the Town of Rotterdam.

F. Under no circumstances shall the failure of the Town Board of the Town of Rotterdam, the Zoning Board of Appeals of the Town of Rotterdam, the Planning Board of the Town of Rotterdam, or the Code Enforcement Officer for the Town of Rotterdam to take any action upon any application for a permit, zoning permit, special permit, zoning variance, building permit, operating permit, site plan approval, subdivision approval, certificate of occupancy, certificate of compliance, temporary certificate, or any other Town level approval related to wind generation system installation constitute an approval by default or an approval by virtue of expiration of time to respond to such application.

SECTION 5. HARDSHIP VARIANCE RELIEF FROM APPLICABILITY OF MORATORIUM.

Applications for land use otherwise subject to this moratorium may be exempted from the provisions of this Local Law following a noticed public hearing before the Town Board. It is specifically intended that this moratorium shall supersede New York State law which would otherwise confer exclusive variance authority to the Zoning Board of Appeals. Following a written request for hardship variance relief, within sixty (60) days of receipt of such request, a noticed public hearing shall be held, at which hearing the Town Board may, but is not limited to consider:

A. The proximity of applicant's premises or the subject of applicant's request for relief to natural resources, including but not limited to prime agricultural soils, wetland areas, conservation districts and other areas of environmental concern.

B. The impact of the proposed application on the applicant's premises and upon the surrounding area.

C. Compatibility of the proposed application with the existing land use and character of the area in general proximity to the subject of the application, and its effect upon aesthetic resources of the community.

D. Compatibility of the proposed application with the recommendations of any administrative body charged with such review by the Town of Rotterdam.

E. The written opinion of the Town of Rotterdam Planning Board and the Town of Rotterdam Code Enforcement Officer that such application may be jeopardized or made impractical by waiting until the moratorium is expired.

F. Evidence specifying in detail the nature and level of any alleged hardship imposed on the property owner(s) as result of this moratorium.

G. Such other considerations and issues as may be raised by the Town Board.

In making a determination concerning a proposed exemption or grant of relief from application of the moratorium, the Town Board may obtain and consider reports and information from any source it deems to be helpful with review of said application. A grant of relief from application of the moratorium shall include a determination of unreasonable hardship upon the property owner (or if there are multiple property owners, a determination that each such owner shall suffer an unreasonable hardship) which is unique to the property owner(s), a finding that there are sufficient existing regulations to adequately govern the application for which a hardship waiver is being requested, and a finding that the grant or an exemption will be in harmony with, and will be consistent with an existing Town of Rotterdam Zoning Ordinance and the recommendation of the Comprehensive Plan as such may exist.

An application for relief from the prohibitions of the moratorium shall be accompanied by fee a $500, together with the applicant's written undertaking in a form to be approved by the Attorney for the Town, to pay all of the expenses of the Town Board and any agent or consultant retained by the Town Board to evaluate and consider the merits of such application, including but not limited to any fees incurred by the Town of services provided by the Attorney of the Town.

SECTION 6. PENALTIES.

A. Failure to comply with any of the provisions of this Local Law shall be an unclassified misdemeanor as contemplated by Article 10 and Section 80.05 of the New York State Penal Law, and, upon conviction thereof, shall be punishable by a fine of not more than One Thousand Five Hundred Dollars ($1,500) or imprisonment for not more than 10 days, or both for the first offense. Any subsequent offense within a three-month period shall be punishable by a fine of not more than Two Thousand Five Hundred Dollars ($2,500) or imprisonment for a period of not more than 30 days, or both. For purposes of this Clause:

A. each day that a violation of this Local Law exists shall constitute a separate and distinct offense.

B. Compliance with this Local Law may also be compelled and violations restrained by order or by injection of a court of competent jurisdiction, in an action brought on behalf of the Town by the Town Board.

C. In the event the Town is required to take legal action to enforce this Local Law, the violator will be responsible for any and all costs incurred by the Town relative thereto, including attorney's fees, and such amount shall be determined and assessed by the court. If such expense is not paid in full within 30 days from the date it is determined and assessed by the Court, such expense shall be charged to the propert(ies) within the Town on which the violation occurred, by including such expense in the next annual Town tax levy against such property, and such expense shall be lien upon such property until paid.

SECTION 7. CONFLICTS.

For and during the stated term of this legislation, unless the stated term thereof shall be modified or abridged by the Town Board, this moratorium shall take precedence over and shall control over any contradictory local law, ordinance, regulation for Zoning Ordinance provision.

SECTION 8. SEVERABILITY.

If any word, phrase, sentence, part, section, subsection, or other portion of this Local Law, or the application thereof to any person or to any circumstance, is adjudged or declared invalid or unenforceable by a court or other tribunal of competent jurisdiction, then, and in such event, such judgement or declaration shall be continued in its interpretation and operation only to the provision of this Local Law that is directly involved in the controversy in which such judgment or declaration is rendered, and such judgement or declaration of invalidity or unenforceability shall not affect or impair the validity or enforceability of the remainder of this Local Law or the application hereof to any other persons or circumstances. If necessary, as to such person or circumstances such invalid or unenforceable provision shall be and be deemed severed here from, and the Town Board of the Town hereby declares that it would have enacted this Local Law, or the remainder thereof, even if, as to provisions and persons or circumstances, a portion hereof is severed or declared invalid or unenforceable.

SECTION 9. EFFECTIVE DATE.

The effective date of this Local Law shall be immediately upon its filing with the Secretary of State.

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

Local Law Filing

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

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

☐ **County** ☐ **City** ☒ **Town** ☐ **Village**
(Select one:)

of Rotterdam

Local Law No. 9 **of the year 20**23

A local law enacting a six month wind energy moratorium in the Town of Rotterdam
(Insert Title)

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

☐ **County** ☐ **City** ☒ **Town** ☐ **Village**
(Select one:)

of Rotterdam **as follows:**

See Attached

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

(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. 9 of 2023 of the (~~County~~)(~~City~~)(Town)(~~Village~~) of Rotterdam was duly passed by the Town Board on September 13 2023, in accordance with the applicable
(Name of Legislative Body)
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)
(Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted
(Elective Chief Executive Officer)*
on _____ 20☐☐, in accordance w ith the applicable provisions of law.

3. (Final adoption by referendum.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____.
(Elective Chief Executive Officer)*
Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

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

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

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

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

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

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

Date: 9-18-2023

(Seal)

RESOLUTION NO. 374.24

TO DECLARE EQUIPMENT OBSOLETE

THEREFORE, UPON MOTION OF Councilmember _____,

seconded by Councilmember _____,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board, of the Town of Rotterdam, on the advice and recommendation of the I.T. Department, hereby declares the following equipment obsolete and no longer needed by the Town and authorizes their proper disposal:

- IBM eserver xSeries 345 (4) Hard drives removed.
- IBM eserver xSeries 335 (1) Hard drives removed.
- Dell PowerEdge R515 (3) Hard drives removed.
- Bottom paper Tray, CF404A 550 sheet feeder tray.

SECTION 2. This resolution shall become effective September 25, 2024.

DATED: September 25, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

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:	September 20, 2024
TO:	Town Board
FROM:	Henry Gerhard I.T. Project Manager and Support Liaison
TITLE OF REQUEST:	Declare the following equipment obsolete and to be auctioned/donated/scrapped
TOWN BOARD MEETING:	September 25, 2024
Background Information:	We have accumulated obsolete technology as described below: • IBM eserver xSeries 345 (4) Hard drives removed. • IBM eserver xSeries 335 (1) Hard drives removed. • Dell PowerEdge R515 (3) Hard drives removed. • Bottom paper Tray, CF404A 550 sheet feeder tray.
Evaluation/Analysis:	Research into each component has shown we have no use for the materials described.
Recommendation(s):	Working products should be auctioned, non-working or “end-of-life/end-of-service” items should be scrapped as e-waste, and metal should be scrapped accordingly.
Attachment/Document(s):	N/A
Compliance with Purchasing Policy:	Fully compliant with the prescribed purchasing policy.

Effect(s) on Existing Law(s):	None
LEGISLATION WILL BE PREPARED BY:	Supervisors Office

RESOLUTION NO. 375.24

TO AUTHORIZE A RELEASE OF RETAINAGE TO CONSULTING ENGINEERING INC.

THEREFORE, UPON MOTION OF Councilmember _____,

seconded by Councilmember _____,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to execute all documents for the release of retainage and issue final payment to Consulting Engineering Inc., located at 19655 Tanbark Lane, Strongsville, Ohio 44149, for the Water District #5 Leak Detection Survey Phase 2, Contract No. 1 – Leak Detection, in the total amount, not to exceed twenty-five thousand six hundred and 00/100 dollars ($25,600.00).

SECTION 2. This resolution shall become effective September 25, 2024.

DATED: September 25, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

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:	September 18, 2024
TO:	Mollie Collins – Town Supervisor
FROM:	Charles Jack Dodson – Deputy Supervisor
TITLE OF REQUEST:	Authorize the release of final payment and Substantial Completion
TOWN BOARD MEETING:	September 25, 2024
Background Information:	Consulting Engineering, Inc. was the contractor for the Water 5 -Phase 2 Leak Detection Survey project.
Evaluation/Analysis:	Project is substantially complete. Final payment release needs to be authorized by the Town Board in order to issue final payment to the contractor.
Recommendation(s):	Authorize the Supervisor to sign the Certificate of Substantial Completion and release final payment.
Attachment/Document(s):	Letter dated September 10, 2024 from KB Group of NY. Payment application and Certificate of Substantial Completion.
Compliance with Purchasing Policy:	N/A
Effect(s) on Existing Law(s):	None
LEGISLATION WILL BE PREPARED BY:	Supervisors Office

VOUCHER NO.

TOWN OF ROTTERDAM
Voucher

1100 Sunrise Boulevard
Rotterdam, NY 12306

DEPARTMENT W5

CLAIMANT'S NAME AND ADDRESS

Consulting Engineering Inc.
19655 Tanbank Lane
Strongsville, OH 44149

Terms
Vendor's
Ref. No.

VENDOR NO.
ABSTRACT NO.

DO NOT WRITE IN THIS BOX			
Purchase Order No.	Fund-Appropriation	Amount	
	W58310 4850	$25,600	00
TOTAL		$25,600	00

Dates	Quantity	Description of Materials or Services	Unit Price	Amount	
9 10 24		Water District #5 Leak Detection Survey Phase 2 Application #1		$25,600	00
		(See instructions on Reverse Side)	TOTAL	$25,600.00	
			CHECK #		

CLAIMANT'S CERTIFICATION

I, _____, certify that the above account in the amount of $_____ is true and correct; that the items, services and disbursements charged were rendered to or for the municipality on the dates stated; that no part has been paid or satisfied; that taxes; from which the municipality is exempt, are not included; and that the amount claimed is actually due.

DATE SIGNATURE TITLE

(Space below for Municipal Use)

DEPARTMENT APPROVAL
The above services or materials were rendered or furnished to the municipality on the dates stated and the charges are correct.

9/16/2024 Mollie A. Collins
DATE AUTHORIZED OFFICAL

APPROVAL FOR PAYMENT
This claim is approved and ordered paid from the Appropriation indicated above.

DATE AUDITING BOARD

KB Engineering & Architecture, P.C.

KB Engineering & Architecture, P.C.
100 Great Oaks Boulevard, Suite 114
Albany, NY 12203
P: 1.833.723.4768

September 10, 2024

Mrs. Mollie Collins, Supervisor
Town of Rotterdam
1100 Sunrise Blvd.
Rotterdam, NY 12306

SEP 10 2024

Re: Town of Rotterdam
Water District #5 Leak Detection Survey Phase 2
Contract No. 1 – Leak Detection
Recommendation of Payment – AFP#1 (Final)
Our Project No. 240610

Dear Supervisor Collins:

Attached for your review and approval is Application for Payment No. 1 (Final) for the above referenced project from Consulting Engineering, Inc. They requested payment in the amount of $25,600.00 for the leak detection work completed for Water District #5 Phase 2.

Consulting Engineering, Inc. submitted the final leak detection report, and there are no punch list items left to complete. Therefore, this contract is substantially complete, and I have approved payment in the amount of $25,600.00. Please sign and date the attached substantial completion form and send one fully executed copy to us and one fully executed copy to Consulting Engineering, Inc.

We are including the Application and Certificate for Payment, Final Waiver of Lien, Contractor's Affidavit of Release of Liens, Contractor's Affidavit of Payment of Debts and Claims, and the Proof of Completed Operations Insurance.

If you have any questions, please feel free to contact me.

Sincerely,
KB Engineering & Architecture, P.C.

Jeffrey D. Trzeciak, PE
Senior Project Manager II

cc: Jack Dodson, Town Deputy Supervisor
Diane Marco, Town Clerk

Trust is Built.
www.primeeng.com

Certificate of Substantial Completion

Project: Water District #5 Leak Detection Survey Phase 2	
Owner: Town of Rotterdam	Owner's Contract No.: 1
Contract: Contract No. 1 – Leak Detection	Engineer's Project No.: 240610

This [~~tentative~~] [definitive] Certificate of Substantial Completion applies to:

☒ All Work under the Contract Documents: ☐ The following specified portions of the Work:

September 6, 2024

Date of Substantial Completion

The Work to which this Certificate applies has been inspected by authorized representatives of Owner, Contractor, and Engineer, and found to be substantially complete. The Date of Substantial Completion of the Project or portion thereof designated above is hereby declared and is also the date of commencement of applicable warranties required by the Contract Documents, except as stated below.

A [~~tentative~~] [definitive] list of items to be completed or corrected is attached hereto. This list may not be all-inclusive, and the failure to include any items on such list does not alter the responsibility of the Contractor to complete all Work in accordance with the Contract Documents.

The responsibilities between Owner and Contractor for security, operation, safety, maintenance, heat, utilities, insurance and warranties shall be as provided in the Contract Documents except as amended as follows:

☐ Amended Responsibilities ☒ Not Amended

Owner's Amended Responsibilities:

Contractor's Amended Responsibilities:

The following documents are attached to and made part of this Certificate:

This Certificate does not constitute an acceptance of Work not in accordance with the Contract Documents nor is it a release of Contractor's obligation to complete the Work in accordance with the Contract Documents.

Executed by Engineer	Date: 09/06/24
Accepted by Contractor: y chan	Date: 09/06/2024
Accepted by Owner	Date

APPLICATION AND CERTIFICATE FOR PAYMENT AIA DOCUMENT G702 (Instructions on reverse side) PAGE ONE OF PAGES

TO OWNER:

PROJECT:
ROTTERDAM JUNCTION WD 5 Phase 2
LEAK DETECTION SURVEY

APPLICATION NO.:
PERIOD TO:
PROJECT NOS.:

Distribution to:
☐ OWNER
☐ ARCHITECT
☑ CONTRACTOR
☐
☐

FROM CONTRACTOR: Consulting Engineering Inc
19655 Tanbark Ln
Strongsville, OH 44149

VIA ARCHITECT:

CONTRACT DATE:

CONTRACT FOR: Leak Detection

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet, AIA Document G703, is attached.

1. ORIGINAL CONTRACT SUM	$ 25,600.00
2. Net change by Change Orders	$ 0
3. CONTRACT SUM TO DATE (Line 1 ± 2)	$ 25,600.00
4. TOTAL COMPLETED & STORED TO DATE (Column G on G703)	$ 25,600.00
5. RETAINAGE:	
a. 0 % of Completed Work (Columns D + E on G703)	$ 0
b. 0 % of Stored Material (Column F on G703)	$ 0
Total Retainage (Line 5a + 5b or Total in Column I of G703)	$ 0
6. TOTAL EARNED LESS RETAINAGE (Line 4 less Line 5 Total)	$ 25,600.00
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)	$ 0
8. CURRENT PAYMENT DUE	$ 25,600.00
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6)	$ 0

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner		
Total approved this Month		
TOTALS		
NET CHANGES by Change Order		

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR:
By: Consulting Engineering Inc. Date: 9/9/2024

State of: Ohio
County of: Cuyahoga
Subscribed and sworn to before me this 9 day of Sept. 2024

Notary Public:
My Commission expires: Oct 15, 2025

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising this application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED $ 25,600.00

(Attach explanation if amount certified differs from the amount applied for. Initial all figures on this Application and on the Continuation Sheet that are changed to conform to the amount certified.)

ARCHITECT:
By: Date: 9/10/2024

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

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G702-1992

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CONTINUATION SHEET

AIA DOCUMENT G703 (Instructions on reverse side)

PAGE OF PAGES

AIA Document G702, APPLICATION AND CERTIFICATE FOR PAYMENT, containing Contractor's signed Certification, is attached.
In tabulations below, amounts are stated to the nearest dollar.
Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO.:
APPLICATION DATE:
PERIOD TO:
ARCHITECT'S PROJECT NO.:

A	B	C	D	E	F	G		H	I
ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED: FROM PREVIOUS APPLICATION (D + E)	WORK COMPLETED: THIS PERIOD	MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D+E+F)	% (G ÷ C)	BALANCE TO FINISH (C - G)	RETAINAGE (IF VARIABLE) RATE)
1	Leak Detection	$25,600.00	0	$25,600.00	0	$25,600.00	100%	0	0

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G703-1992

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FINAL WAIVER OF LIEN

To All Whom It May Concern:

WHEREAS, the undersigned has been employed by (A) Consulting Engineering Inc.

to furnish labor and materials for (B) ROTTERDAM JUNCTION WD #5 LEAK DETECTION SURVEY work,

under a contract (C) CONTRACT NO. 1 – LEAK DETECTION

for the improvement of the premises described as (D) Rotterdam Junction

in the Town (City-Village) of Rotterdam, County of Schenectady, State of NY

of which Y Chan is the Owner.

NOW, THEREFORE, this 6th day of September, 2024,

for and in consideration of the sum of (E) $25,600.00 Dollars paid simultaneously herewith, the receipt whereof is hereby acknowledged by the undersigned, the undersigned does hereby waive and release any lien rights to, or claim of lien with respect to and on said above-described premises, and the improvements thereon, and on the monies or other considerations due or to become due from the owner, on account of labor, services, material, fixtures, apparatus or machinery heretofore or which may hereafter be furnished by the undersigned to or for the above-described premises by virtue of said contract.

(Affix corporate seal here)

CONSULTING ENGINEERING, INC. CORPORATE SEAL STATE OF OHIO

(F) Consulting Engineering Inc. (SEAL)
(Name of sole ownership, corporation or partnership)

y chan (SEAL)
(Signature)

TITLE: Principal Owner & Civil Engineer

INSTRUCTIONS FOR FINAL WAIVER

(A) Person or firm with whom you agreed to furnish either labor, or services, or materials, or both.
(B) Fill in nature and extent of work; strike the word labor or the word materials if not in your contract.
(C) If you have more than one contract on the same premises, describe the contract by number if available, date and extent of work.
(D) Furnish an accurate enough description of the improvement and location of the premises so that it can be distinguished from any other property.
(E) Amount shown should be the amount actually received and equal to total amount of contract as adjusted.
(F) If waiver is for a corporation, corporate name should be used, corporate seal affixed and title of officer signing waiver should be set forth; if waiver is for a partnership, the partnership name should be used, partner should sign and designate himself or herself as partner.

Designed By The
Construction Industry Affairs Committee (CIAC)
TOPS 3459
LTHO IN U.S.A.
© COPYRIGHT 1973, TOPS BUSINESS FORMS, CHICAGO, IL

CONTRACTOR'S AFFIDAVIT OF RELEASE OF LIENS

AIA Document G706A
(Instructions on reverse side)

OWNER ☐
ARCHITECT ☐
CONTRACTOR ☑
SURETY ☐
OTHER ☐

TO OWNER:
(Name and address)
Consulting Engineering Inc
19655 Tanbark Ln
Strongsville, OH 44149

ARCHITECT'S PROJECT NO.:

CONTRACT FOR:
Rotterdam Junction Leak Detection Survey
Contract No. 1 – Leak Detection
CONTRACT DATED:

PROJECT:
(Name and address)
Rotterdam Junction
Town of Rotterdam, NY

STATE OF: Ohio
COUNTY OF: Cuyahoga

The undersigned hereby certifies that to the best of the undersigned's knowledge, information and belief, except as listed below, the Releases or Waivers of Lien attached hereto include the Contractor, all Subcontractors, all suppliers of materials and equipment, and all performers of Work, labor or services who have or may have liens or encumbrances or the right to assert liens or encumbrances against any property of the Owner arising in any manner out of the performance of the Contract referenced above.

EXCEPTIONS:

SUPPORTING DOCUMENTS ATTACHED HERETO:

1. Contractor's Release or Waiver of Liens, conditional upon receipt of final payment.
2. Separate Releases or Waivers of Liens from Subcontractors and material and equipment suppliers, to the extent required by the Owner, accompanied by a list thereof.

CONTRACTOR:
(Name and address)
Consulting Engineering Inc
19655 Tanbark Ln
Strongsville, OH 44149

BY: _____
(Signature of authorized representative)
Y Chan | Principal Owner & Civil Engineer
(Printed name and title)

RUSSELL C JUSTINIANI
Notary Public
State of Ohio
My Comm. Expires
October 15, 2025

Subscribed and sworn to before me on this date: Sept. 6, 2024

Notary Public: _____

My Commission Expires: Oct. 15, 2025

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G706A—1994

CONTRACTOR'S AFFIDAVIT OF PAYMENT OF DEBTS AND CLAIMS

AIA Document G706

(Instructions on reverse side)

OWNER ☐
ARCHITECT ☐
CONTRACTOR ☑
SURETY ☐
OTHER ☐

TO OWNER:
(Name and address)
Consulting Engineering Inc
19655 Tanbark Ln
Strongsville, OH 44149

ARCHITECT'S PROJECT NO.:

CONTRACT FOR:
Rotterdam Junction Leak Detection Survey
Contract No. 1 – Leak Detection
CONTRACT DATED:

PROJECT:
(Name and address)
Rotterdam Junction
Town of Rotterdam, NY

STATE OF: Ohio
COUNTY OF: Cuyahoga

The undersigned hereby certifies that, except as listed below, payment has been made in full and all obligations have otherwise been satisfied for all materials and equipment furnished, for all work, labor, and services performed, and for all known indebtedness and claims against the Contractor for damages arising in any manner in connection with the performance of the Contract referenced above or which the Owner or Owner's property might in any way be held responsible or encumbered.

EXCEPTIONS:

RUSSELL C JUSTINIANI
Notary Public
State of Ohio
My Comm. Expires
October 15, 2025

SUPPORTING DOCUMENTS ATTACHED HERETO:

Consent of Surety to Final Payment. Whenever Surety is involved, Consent of Surety is required. AIA Document G707, Consent of Surety, may be used for this purpose.

Indicate attachment: ☐ yes ☐ no

The following supporting documents should be attached hereto as required by the Owner:

Contractor's Release or Waiver of Liens, conditional upon receipt of final payment.

Separate Releases or Waivers of Liens from Subcontractors and material and equipment suppliers, to the extent required by the Owner, accompanied by a list thereof.

Contractor's Affidavit of Release of Liens (AIA Document G706A).

CONTRACTOR:
(Name and address)
Consulting Engineering Inc
19655 Tanbark Ln
Strongsville, OH 44149

BY: _____
(Signature of authorized representative)
Y Chan | Principal Owner & Civil Engineer
(Typed name and title)

Subscribed and sworn to before me on this date: Sept 6, 2024

Notary Public: _____

My Commission Expires: Oct. 15, 2025

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G706—1994

RESOLUTION NO. 376.24
(SUBJECT TO PERMISSIVE REFERENDUM)

At a regular meeting of the Town Board of the Town of Rotterdam, Schenectady County, New York, held at the Town Hall, in Schenectady, New York, in said Town, on September 25, 2024, at 7 o'clock P.M., Prevailing Time.

The meeting was called to order by _____, and upon roll being called, the following were

PRESENT:

ABSENT:

The following resolution was offered by _____ who moved its adoption, seconded by _____ to wit:

RESOLUTION 376.24 DATED SEPTEMBER 25, 2024

A RESOLUTION MAKING CERTAIN DETERMINATIONS IN RELATION TO AND APPROVING THE ESTABLISHMENT OF EXTENSION NO. 17 (CONDOS AT HELDERBERG MEADOWS EXTENSION) TO THE TOWN OF ROTTERDAM SEWER DISTRICT NO. 2 IN THE TOWN OF ROTTERDAM, SCHENECTADY COUNTY, NEW YORK, PURSUANT TO ARTICLE 12-A OF THE TOWN LAW.

WHEREAS, a map, plan and report have been prepared in such manner and in such detail as has heretofore been determined by the Town Board of the Town of Rotterdam, Schenectady County, New York, relating to the establishment of Extension No. 17 (Condos at Helderberg Meadows Extension) to the Town of Rotterdam Sewer District No. 2 of said Town;

WHEREAS, said map, plan and report were prepared by a competent engineer, duly licensed by the State of New York, and have been filed in the office of the Town Clerk of said Town, where the same are available during regular office hours for examination by any persons interested in the subject matter thereof;

WHEREAS, said Extension No. 17 (Condos at Helderberg Meadows Extension) to the Town of Rotterdam Sewer District No. 2 shall be bounded and described as hereinafter set forth as Exhibit A attached hereto and hereby made a part hereof;

WHEREAS, the improvement proposed for said Extension No. 17 (Condos at Helderberg Meadows Extension) to the Town of Rotterdam Sewer District No. 2 consists of construction of a sanitary sewer collection system, sewer mains and laterals, pump station, and original equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, as more fully described in the aforesaid map, plan and report;

WHEREAS, the maximum amount proposed to be expended for said improvement is $250,530;

WHEREAS, the developer of the extension area has agreed to pay the cost of the establishment of the Extension and the improvements therefor; and

WHEREAS, said establishment of the Extension and the capital project therefore have been determined to be an Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act ("SEQRA"), which, as proposed, it has been determined will not have a significant effect upon the environment and SEQRA compliance materials are on file in the office of the Town Clerk were they may be inspected during normal business hours; and

WHEREAS, the estimated cost of the establishment of Extension No. 17 (Condos at Helderberg Meadows Extension) to the Town of Rotterdam Sewer District No. 2 to the typical property therein, being condominium building apartments, is $385.08 in the first year in which operation, maintenance, and other charges and expenses are to be paid; and

WHEREAS, a detailed explanation of the manner by which such first-year costs to the typical property were computed, has been filed in the office of the Town Clerk at Town Hall in Schenectady, New York, where the same are available during regular office hours for examination by any person interested in the subject manner thereof; and

WHEREAS, an Order was duly adopted by said Town Board on August 14, 2024, reciting a description of the boundaries of said proposed Extension No. 17 (Condos at Helderberg Meadows Extension) to the Town of Rotterdam Sewer District No. 2, the improvements proposed, the maximum amount proposed to be expended for said improvements, the fact that said map, plan and report were on file in the Town Clerk's office for public inspection and specifying September 11, 2024, at 7:00 o'clock P.M., Prevailing Time, at the Rotterdam Junction Volunteer Fire Department #1, in Rotterdam Junction, New York, in said Town, as the time when and the place

where said Town Board would meet for the purpose of holding a public hearing to consider the establishment of said Extension No. 17 (Condos at Helderberg Meadows Extension) to the Town of Rotterdam Sewer District No. 2 and said map, plan and report filed in relation thereto and to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, notice of the aforesaid public hearing was duly published and posted in the manner and within the time prescribed by Section 209 d of the Town Law, and proof of publication and posting has been duly presented to said Town Board; and

WHEREAS, said public hearing was duly held at the time and place in said order, as aforesaid, at which all persons desiring to be heard were duly heard; and

WHEREAS, said Town Board has duly considered said map, plan and report and the evidence given at said public hearing; NOW,

THEREFORE, UPON MOTION OF Councilmember _____, seconded by Councilmember _____,

IT IS HEREBY ORDERED, by the Town Board of the Town of Rotterdam, Schenectady County, New York, as follows:

Section l. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined as follows:

(a) The notice of hearing was published and posted as required by law and is otherwise sufficient;

(b) All the property and property owners within said proposed Extension No. 17 (Condos at Helderberg Meadows Extension) to the Town of Rotterdam Sewer District No. 2 are benefited thereby;

(c) All the property and property owners benefited are included within the limits of said proposed Extension No. 17 (Condos at Helderberg Meadows Extension) to the Town of Rotterdam Sewer District No. 2; and

(d) The establishment of said proposed Extension No. 17 (Condos at Helderberg Meadows Extension) to the Town of Rotterdam Sewer District No. 2 is in the public interest.

Section 2. The establishment of Extension No. 17 (Condos at Helderberg Meadows Extension) to the Town of Rotterdam Sewer District No. 2 of the Town of Rotterdam, Schenectady County, New York, to be bounded and described as hereafter set forth, and the improvement therefor consisting of the construction of a sanitary sewer collection system, sewer mains and laterals, pump station, and original equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, at a maximum estimated cost of $250,530, are hereby approved.

Section 3. Said Extension No. 17 (Condos at Helderberg Meadows Extension) to the Town of Rotterdam Sewer District No. 2 shall be bounded and described as set forth in Exhibit A as aforementioned.

Section 4. The Town Clerk shall, within ten (10) days after the effective date of this resolution (30 days after the date hereof), file certified copies of this resolution in duplicate in the Office of the State Department of Audit and Control at Albany, New York.

Section 5. This resolution is adopted subject to permissive referendum and notice thereof shall be published and posted within ten (10) days of the date hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

DATED: September 25, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

The resolution was thereupon declared duly adopted.

* * * * *

EXHIBIT A

Boundaries of Proposed
Extension No. 17 (Condos at Helderberg Meadows Extension) to the Town of Rotterdam Sewer District No. 2
in the Town of Rotterdam, Schenectady County, New York

Tax Map ID. No. 58.19-1-10
(formerly known as the Gianetti Parcel)

[ATTACH BOUNDARIES]

CERTIFICATION

STATE OF NEW YORK)
ss.:
COUNTY OF SCHENECTADY)

I, the undersigned Clerk of the Town of Rotterdam, Schenectady County, New York (the "Issuer"), DO HEREBY CERTIFY:

1. That a meeting of the Issuer was duly called, held and conducted on September 25, 2024.
2. That such meeting was a **special regular** (circle one) meeting.
3. That attached hereto is a proceeding of the Issuer which was duly adopted at such meeting by the Board of the Issuer.
4. That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said Board.
5. That all members of the Board of the Issuer had due notice of said meeting.
6. That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the "Open Meetings Law".
7. That notice of said meeting (the meeting at which the proceeding was adopted) was caused to be given **PRIOR THERETO** in the following manner:

   PUBLICATION (here insert newspaper(s) and date(s) of publication - should be a date or dates falling prior to the date set forth above in item 1)

   POSTING (here insert place(s) and date(s) of posting- should be a date or dates falling prior to the date set forth above in item 1)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer this _____ day of September, 2024.

_____
Town Clerk

(CORPORATE SEAL)

NOTICE OF ADOPTION

EXTENSION NO. 17 (CONDOS AT HELDERBERG MEADOWS EXTENSION) TO TOWN OF ROTTERDAM SEWER DISTRICT NO. 2 OF THE TOWN OF ROTTERDAM – ESTABLISHMENT PROCEEDINGS

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Rotterdam, Schenectady County, New York, at a meeting held on September 25, 2024, duly adopted the resolution published herewith, subject to a permissive referendum.

Dated: September 25, 2024.

/s/ Diane M. Marco
Town Clerk

AFFIDAVIT OF POSTING

STATE OF NEW YORK)
) ss.:
COUNTY OF SCHENECTADY)

I, the undersigned Clerk of the Town of Rotterdam, Schenectady County, New York, depose and say:

That on the _____ day of September, 2024, I caused to be posted on the official signboard maintained by me pursuant to subdivision 6 of Section 30 of the Town Law, a resolution, subject to permissive referendum, certified by me, duly adopted by said Town Board on September 25, 2024. A true and correct copy of such order in the exact form in which the same was actually posted is attached hereto and made a part hereof.

_____
Town Clerk

Subscribed and sworn to before me
this _____ day of September, 2024.

_____
Notary Public

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:	September 17, 2024
TO:	Mollie Collins – Town Supervisor
FROM:	Peter Comenzo – Senior Planner PC
TITLE OF REQUEST:	Sewer District No. 2, Extension #17 - Helderberg Meadows West
TOWN BOARD MEETING:	September 25, 2024
Background Information:	Sewer District No. 2 Extension #17 is being formed to add an additional 5.52 acres to the existing Helderberg Meadows Sewer District No. 2, Extension #12 approved in 2008. This request is to facilitate the installation of sanitary sewers to service 124 condominium units that were approved by the Planning Commission on July 19, 2022.
Evaluation/Analysis:	The proposed extension will tie into the existing Helderberg Meadows pump station turned over to the Town of Rotterdam in 2012 upon completion. The existing pump station, force main and wastewater treatment plant have sufficient capacity for this sewer extension. A downstream analysis was conducted and it has been determined that there is sufficient capacity to serve the proposed extension. A public hearing was conducted on September 11, 2024.
Recommendation(s):	Town Board should act to establish Sewer District No. 2, Extension #17 subject to final approval by the NYS Department of Environmental Conservation.
Attachment/Document(s):	Extension Letter Request to Supervisor Collins Sewer District #2, Extension #17 – Condos at Helderberg Meadows Map, Plan and Report prepared by Brett Steenburgh last revised June 4, 2024 SEQR Negative Declaration and Full EAF
Compliance with Purchasing Policy:	N/A
Effect(s) on Existing Law(s):	N/A
LEGISLATION WILL BE PREPARED BY:	Town Attorney

TOWN OF ROTTERDAM CALLING FOR A PUBLIC HEARNG

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, August 14, 2024, at 7:00 p.m., the following ORDER was duly adopted:

ORDER 2.24

51130-2-704

At a regular meeting of the Town Board of the Town of Rotterdam, Schenectady County, New York, held at the John F. Kirvin Government Center, Town Hall, in Rotterdam, New York, in said Town, on August 14, 2024, at 7:00 o'clock P.M., Prevailing Time.

PRESENT:

Mollie Collins
Supervisor

Jack Dodson
Councilmember

Joseph Mastroianni
Councilmember

Teri Gallucci
Councilmember

Ronald Schlag
Councilmember

In The Matter Of The Establishment of Extension No. 17 (Condos at Helderberg Meadows Extension) to the Town of Rotterdam Sewer District No. 2 in the Town of Rotterdam, Schenectady County, New York	ORDER CALLING PUBLIC HEARING

WHEREAS, the Town Board of the Town of Rotterdam, Schenectady County, New York (the "Town"), has duly caused to be prepared a map showing the boundaries of a proposed sewer

district extension in said Town, to be known as Extension No. 17 (Condos at Helderberg Meadows Extension) to the Town of Rotterdam Sewer District No. 2 in the Town of Rotterdam (hereinafter, the "Extension") a general plan to serve said Extension, and a report of the proposed method of operation thereof including capital improvements therefore and an estimate of cost thereof; and

WHEREAS, said map, plan and report, including an estimate of the cost, dated November 18, 2021, and last revised June 4, 2024, were prepared by Brett L. Steenburgh, PE, PLLC, competent engineers duly licensed by the State of New York, and after review and acceptance by the Town Board, are being filed in the office of the Town Clerk of said Town, where the same are available during regular office hours for examination by any persons interested in the subject matter thereof, including estimate of cost; and

WHEREAS, the boundaries of said Extension shall be as described in Exhibit A attached hereto and hereby incorporated herein; and

WHEREAS, the improvements proposed for said Extension consist of construction of a sanitary sewer collection system, sewer mains and laterals, pump station, and original equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, all as more fully described in the map, plan and report hereinbefore described; and

WHEREAS, the maximum estimated cost of said improvements is $250,530; and

WHEREAS, the developer of the extension area has agreed to pay the cost of the establishment of the Extension and the improvements therefore; and

WHEREAS, the estimated cost of said Extension to the typical property, being a condominium building apartments therein, is $385.08 in the first year in which operation, maintenance, and other charges and expenses are to be paid; and

District No. 2, and the improvements proposed therefor, and to consider the map, plan and report in relation thereto hereby accepted by this Town Board which approves of its contents after review thereof and hereby directed to be filed in the office of the Town Clerk, and to hear all persons interested in the subject matter thereof concerning the same, and for such other action on the part of said Town Board as may be required by law or shall be proper in the premises.

Section 2. The Town Clerk is hereby authorized and directed to cause a copy of this order, together with the "Notice of Adoption", to be published once in the official newspaper of said Town, said publication thereof to be not less than ten nor more than twenty days before the day set herein for the hearing as aforesaid, and said Town Clerk shall also cause a copy thereof to be posted on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law not less than ten nor more than twenty days before the day set for the hearing as aforesaid.

Section 3. This Order shall take effect immediately.

The question of the adoption of the foregoing Order was duly put to a vote on roll call, which resulted as follows:

DATED: August 14, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni	X		
Gallucci	X		
Schlag	X		
Collins	X		

EXHIBIT A

Boundaries of Proposed Extension No. 17 (Condos at Helderberg Meadows Extension)
to the Town of Rotterdam Sewer District No. 2 in the
Town of Rotterdam, Schenectady County, New York

Tax Map ID. No. 58.19-1-10
(formerly known as the Gianetti Parcel)

DATED: August 14, 2024
Daily Gazette: Please publish once on August 23, 2024
Town Clerk
Post

NOTICE OF ADOPTION OF ORDER CALLING A PUBLIC HEARING
ON THE ESTABLISHMENT OF EXTENSION NO. 17
(CONDOS AT HELDERBERG MEADOWS EXTENSION)
TO TOWN OF ROTTERDAM SEWER DISTRICT NO. 2
IN THE TOWN OF ROTTERDAM

PLEASE TAKE NOTICE that the Town Board of the Town of Rotterdam, Schenectady County, New York (the "Town") on the 14th day of August, 2024, duly adopted the Order published herewith calling a Public Hearing on the establishment of a new sewer district extension in the Town to be known as Extension No. 17 (Condos at Helderberg Meadows Extension) to the Town of Rotterdam Sewer District No. 2, said Public Hearing to be held at the Rotterdam Junction Volunteer Fire Department #1, in Rotterdam Junction, New York on September 11, 2024 at 7:00 o'clock P.M.

Dated: Schenectady, New York
August 23, 2024

/s/ Diane M. Marco
Town Clerk

[ATTACH ORDER WITH EXHIBIT A HERE FOR PUBLICATION AND POSTING]

CERTIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF SCHENECTADY)

I, the undersigned Clerk of the Town of Rotterdam, Schenectady County, New York (the "Issuer"), DO HEREBY CERTIFY:

That a meeting of the Issuer was duly called, held and conducted on the 14th day of August, 2024.

That such meeting was a **special** / **regular** (circle one) meeting.

That attached hereto is a proceeding of ~~the Issuer~~ which was duly adopted at such meeting by the Board of the Issuer.

That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said Board.

That all members of the Board of the Issuer had due notice of said meeting.

That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the "Open Meetings Law".

That notice of said meeting (***the meeting at which the proceeding was adopted***) was given **PRIOR THERETO** in the following manner:

PUBLICATION (here insert newspaper(s) and date(s) of publication)

POSTING (here insert place(s) and date(s) of posting)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer this 23 day of August, 2024.

Diane M. Mann
Town Clerk

TOWN OF ROTTERDAM
Office Of The Town Clerk
CORPORATE SEAL
Schenectady, County NY

State of New York
County of Schenectady
ss.;

Randall W. Lewis of the City of Schenectady, being duly sworn, says that he is Principal Clerk in the office of The Daily Gazette, Co. Inc. published in the City of Schenectady and that the notice/advertisement, of which the annexed is a printed copy, has been regularly published in Daily Gazette as follows:

1 insertion(s):

08/23/2024

(signature)

Randall W. Lewis (printed name)

NOTARY PUBLIC
Sworn to me on this 24 day of August 2024

Notary Signature: Heather E. Walker

Heather E Walker
NOTARY PUBLIC STATE OF NEW YORK
Registration No. 01WA0025380
Qualified in Schenectady County
Commission Expires 05/30/2028

TOWN OF ROTTERDAM CALLING FOR A PUBLIC HEARNG

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, August 14, 2024, at 7:00 p.m., the following ORDER was duly adopted:

ORDER 2.24

51130-2-704

At a regular meeting of the Town Board of the Town of Rotterdam, Schenectady County, New York, held at the John F. Kirvin Government Center, Town Hall, in Rotterdam, New York, in said Town, on August 14, 2024, at 7:00 o'clock P.M., Prevailing Time.

PRESENT:
Mollie Collins
Supervisor
Jack Dodson
Councilmember
Joseph Mastroianni
Councilmember
Teri Gallucci
Councilmember
Ronald Schlag
Councilmember

In The Matter
Of
The Establishment of Extension No. 17 (Condos at Helderberg Meadows Extension) to the Town of Rotterdam Sewer District No. 2 in the Town of Rotterdam, Schenectady County, New York

---

ORDER
CALLING
PUBLIC
HEARING

WHEREAS, the Town Board of the Town of Rotterdam, Schenectady County, New York (the "Town"), has duly caused to be prepared a map showing the boundaries of a proposed sewer district

extension in said Town, to be known as Extension No. 17 (Condos at Helderberg Meadows Extension) to the Town of Rotterdam Sewer District No. 2 in the Town of Rotterdam (hereinafter, the "Extension") a general plan to serve said Extension, and a report of the proposed method of operation thereof including capital improvements therefore and an estimate of cost thereof; and

WHEREAS, said map, plan and report, including an estimate of the cost, dated November 18, 2021, and last revised June 4, 2024, were prepared by Brett L. Steenburgh, PE, PLLC, competent engineers duly licensed by the State of New York, and after review and acceptance by the Town Board, are being filed in the office of the Town Clerk of said Town, where the same are available during regular office hours for examination by any persons interested in the subject matter thereof, including estimate of cost; and

WHEREAS, the boundaries of said Extension shall be as described in Exhibit A attached hereto and hereby incorporated herein; and

WHEREAS, the improvements proposed for said Extension consist of construction of a sanitary sewer collection system, sewer mains and laterals, pump station, and original equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, all as more fully described in the map, plan and report hereinbefore described; and

WHEREAS, the maximum estimated cost of said improvements is $250,530; and

$250,950; and

WHEREAS, the developer of the extension area has agreed to pay the cost of the establishment of the Extension and the improvements therefore; and

WHEREAS, the estimated cost of said Extension to the typical property, being a condominium building apartments therein, is $385.08 in the first year in which operation, maintenance, and other charges and expenses are to be paid; and

WHEREAS, a detailed explanation of the manner by which were computed said estimated costs of connection and first-year costs to typical property has been filed in the office of the Town Clerk at the Town Hall in Schenectady, New York where the same are available during regular office hours for examination by any person interested in the subject manner thereof; and

WHEREAS, said establishment of the Extension and the capital project therefor has been determined to be an Unlisted Action pursuant to the regulations of the New York State Department of

Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act ("SEQRA"), the implementation of which as proposed, it has been determined will not result in a significant environmental effect and SEQRA compliance materials are on file in the office of the Town Clerk where they may be inspected during normal office hours; and

WHEREAS, it is now desired to call a public hearing upon the question of the establishment of said Extension and the improvements proposed therefor, all pursuant to Section 209 d of the Town Law;

NOW,

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

IT IS HEREBY ORDERED, by the Town Board of the Town of Rotterdam, Schenectady County, New York, as follows:

Section 1. A meeting of the Town Board of the Town of Rotterdam, Schenectady County, New York, shall be held at the Rotterdam Junction Volunteer Fire Department #1, in Rotterdam Junction, New York, in said Town, on the 11th day of September, 2024, at 7:00 o'clock P.M., Prevailing Time, for the purpose of holding a public hearing to consider the establishment of a sewer district extension in said Town as described in the preambles hereof, to be known as Extension No. 17 (Condos at Helderberg Meadows Extension) to the Town of Rotterdam Sewer District No. 2, and the improvements proposed therefor, and to consider the map, plan and report in relation thereto hereby accepted by this Town Board which approves of its contents after review thereof and

hereby directed to be filed in the office of the Town Clerk, and to hear all persons interested in the subject matter thereof concerning the same, and for such other action on the part of said Town Board as may be required by law or shall be proper in the premises.

Section 2. The Town Clerk is hereby authorized and directed to cause a copy of this order, together with the "Notice of Adoption", to be published once in the official newspaper of said Town, said publication thereof to be not less than ten nor more than twenty days before the day set herein for the hearing as aforesaid, and said Town Clerk shall also cause a copy thereof to be posted on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law not less than ten nor more than twenty days before the day set for the hearing as aforesaid.

Section 3. This Order shall take effect immediately.

The question of the adoption of the foregoing Order was duly put to a vote on roll call, which resulted as follows:

DATED: August 14, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni	X		
Gallucci	X		
Schlag	X		
Collins	X		

Exhibit A
Boundaries of Proposed Extension No. 17 (Condos at Helderberg Meadows Extension)to the Town of Rotterdam Sewer District No. 2 in theTown of Rotterdam, Schenectady County, New York

Tax Map ID. No. 58. 19-1-10(formerly known as the Gianetti Parcel)

DATED: August 14, 2024
15199

EXHIBIT A

Stephen P. Walrath, L.S.

Land Surveying & Land Use Planning
Environmental Mapping

P.O. Box 381
122 Main Street
Altamont, NY 12009
518-986-0125
email: spwalrath3@gmail.com

SUGGESTED DESCRIPTION
Lands of
Development at Helderberg Meadows, LLC
Tax Map I.D. No. 58.19-1-10
Town of Rotterdam
County of Schenectady
5.09+/- Acres

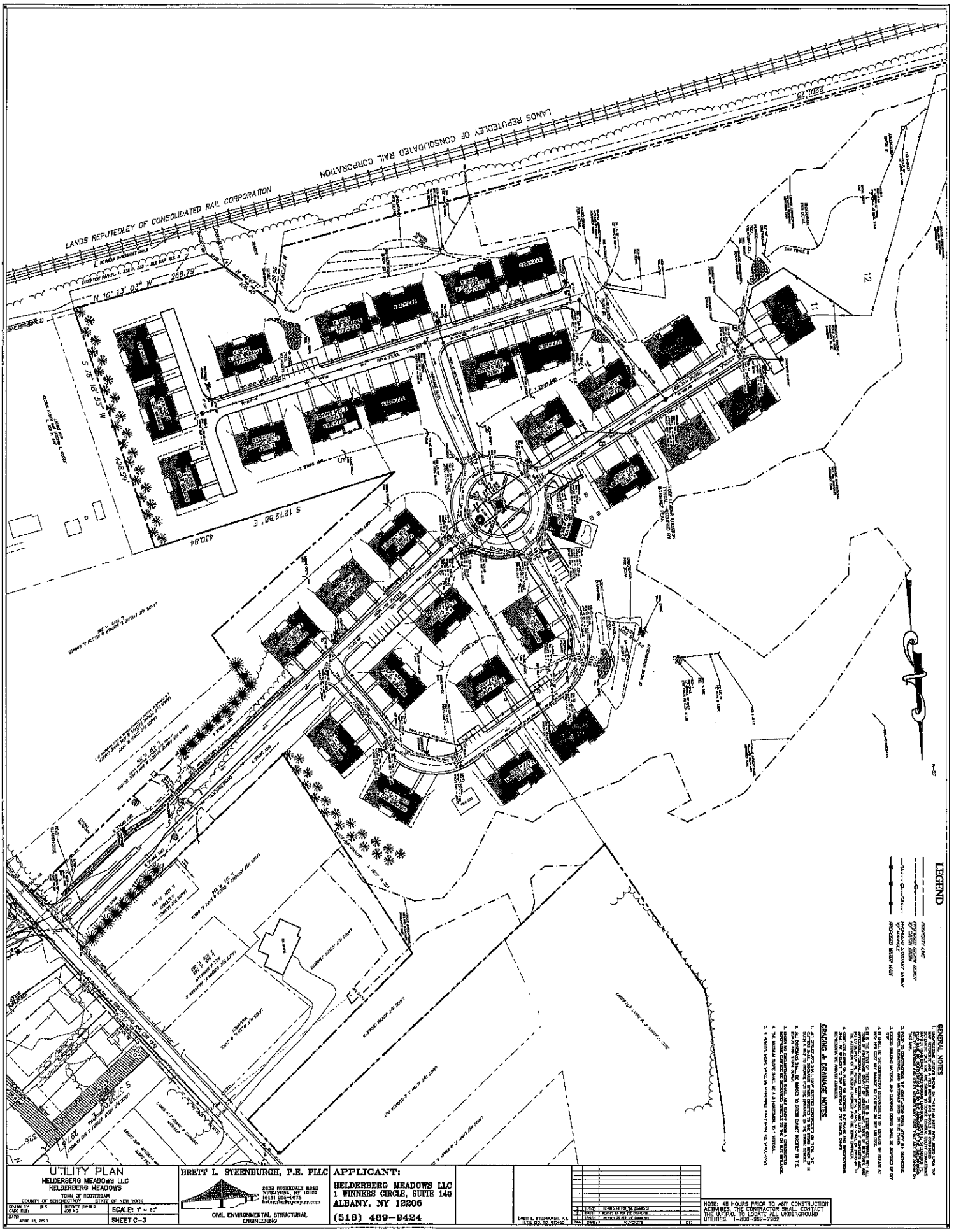
All tract, piece or parcel of land situate in the Town of Rotterdam, County of Schenectady and State of New York lying westerly of Guilderland Avenue and being more particularly bounded and described as follows:

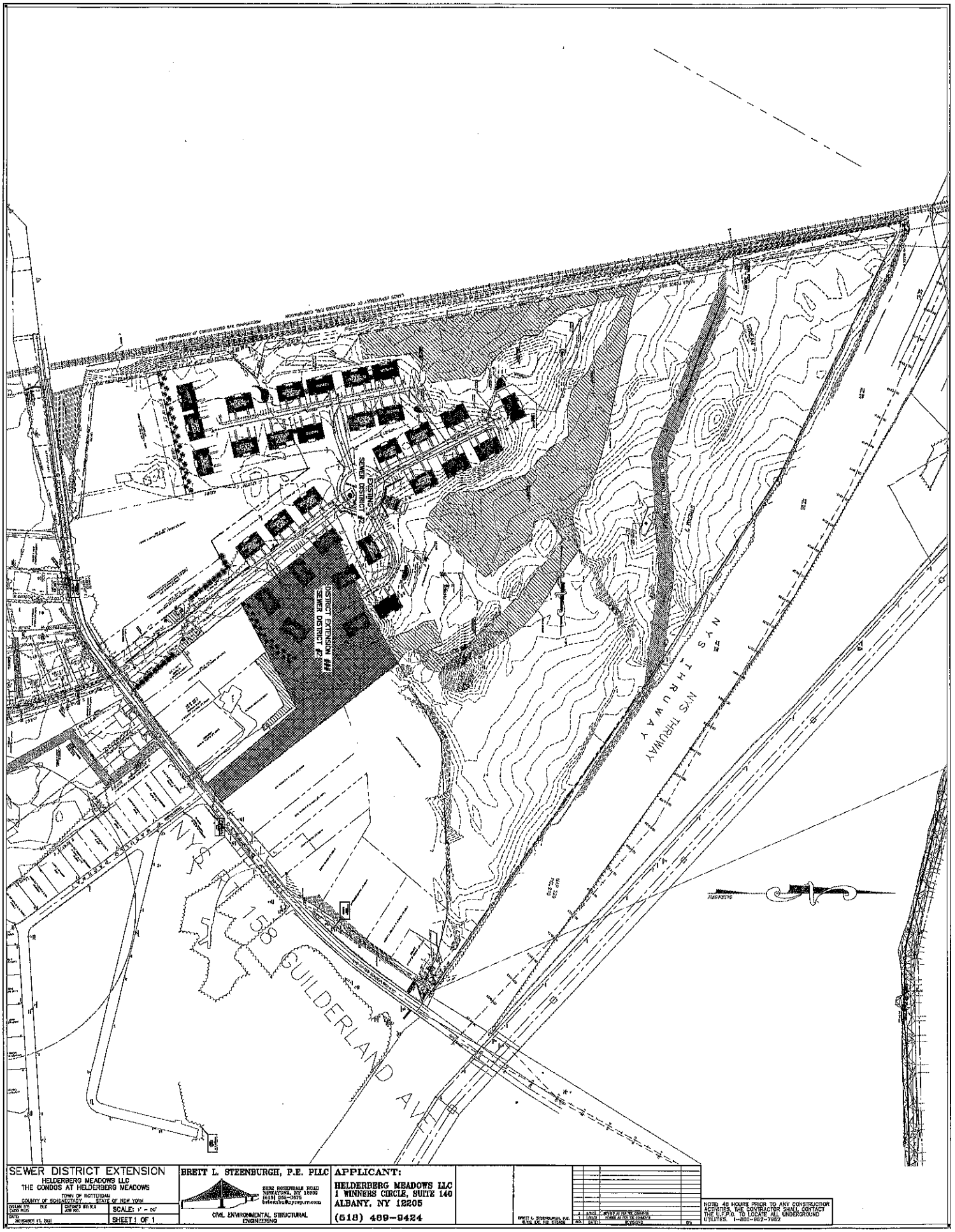
Beginning at a point on the westerly highway boundary line of Guilderland Avenue at its intersection with the division line between the lands now or formerly of Douglas and Pamela Hoeffner (Book 1840 of Deeds, Page 137) on the south and east and the lands herein described on the north and west and running thence the following two (2) courses and distances along said division line:

1. N 34°26'50" W 398.42 feet to a point; and
2. S 67°10'10" W 218.50 feet to a point at its intersection with the division line between the lands now or formerly of Norman M. Alfieri (Book 1822 of Deeds, Page 466) on the east and the lands herein described on the west; running thence S 67°10'10" W 185.00 feet, along said division line, to a point at its intersection with the division line between the lands now or formerly of Development of Helderberg Meadows (Book 1814 of Deeds, Page 266) on the south and west and the lands herein described on the north and east; running thence the following three (3) courses and distances along said division line:

1. N 33°13'30" W 408.75 feet to a point;
2. N 75°18'00" E 227.34 feet to a point; and
3. N 65°34'30" E 278.14 feet to a point at its intersection with the division line between the lands now or formerly of Samalsat Din and Nadir Haidar (Book 2027 of Deeds at Page 175) on the north and the lands herein described on the south; running thence S 32°47'00" E 765.71 feet, along said division line, to a point at its intersection with the aforementioned westerly highway boundary line of Guilderland Avenue; running thence S 57°11'10" W 79.15 feet, along said westerly highway boundary line, to the point of beginning.

Containing 5.09 Acres of land, more or less.


LANDS REPUTEDLEY OF CONSOLIDATED RAIL CORPORATION
N 10° 13' 03" W 266.79'
S 12°12'58" E
430.84
S 75° 18' 53" W
428.59
LEGEND
GENERAL NOTES
GRADING & DRAINAGE NOTES
UTILITY PLAN
HELDERBERG MEADOWS LLC
HELDERBERG MEADOWS
TOWN OF ROTTERDAM
COUNTY OF SCHENECTADY STATE OF NEW YORK
SCALE: 1" = 80'
SHEET C-3
DATE: APRIL 15, 2020
BRETT L. STEENBURGH, P.E. PLLC
CIVIL ENVIRONMENTAL STRUCTURAL ENGINEERING
APPLICANT:
HELDERBERG MEADOWS LLC
1 WINNERS CIRCLE, SUITE 140
ALBANY, NY 12205
(518) 489-9424
NOTE: 48 HOURS PRIOR TO ANY CONSTRUCTION ACTIVITIES, THE CONTRACTOR SHALL CONTACT DIG ALERT TO LOCATE ALL UNDERGROUND UTILITIES. 1-800-962-7962



SEWER DISTRICT EXTENSION
HELDERBERG MEADOWS LLC
THE CONDOS AT HELDERBERG MEADOWS
TOWN OF ROTTERDAM
COUNTY OF SCHENECTADY STATE OF NEW YORK
DRAWN BY: BLS | CHECKED BY/REV. JOB NO.: | SCALE: 1" = 50'
DATE: NOVEMBER 15, 2021 | SHEET 1 OF 1

BRETT L. STEENBURGH, P.E. PLLC
CIVIL ENVIRONMENTAL STRUCTURAL ENGINEERING

APPLICANT:
HELDERBERG MEADOWS LLC
1 WINNERS CIRCLE, SUITE 140
ALBANY, NY 12205
(518) 489-9424

NO.	DATE	REVISION
1	1/20/21	REVISED AS PER TOWN COMMENTS
2	2/8/21	REVISED AS PER TOWN COMMENTS

NOTE: 48 HOURS PRIOR TO ANY CONSTRUCTION ACTIVITIES, THE CONTRACTOR SHALL CONTACT THE U.F.P.O. TO LOCATE ALL UNDERGROUND UTILITIES. 1-800-962-7962

RESOLUTION NO. 251.19

WHEREAS, the Town Board of the Town of Rotterdam intends to comply with the requirements of the Environmental Review Process under the State Environmental Quality Review Act (SEQRA) and has reviewed this project as an Unlisted Action pursuant to 6 NYCRR Part 617, **NOW**

THEREFORE, UPON MOTION OF Councilmember CHRISTOU, seconded by Councilmember SIGNORE,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby adopts the Negative Declaration, dated August 14, 2019, to allow for an amendment to Phase #5 of the Helderberg Meadows Planned Residential District (PRD) located at 3379 Guilderland Avenue, which is the portion of the PRD located on the northwest side of Guilderland Avenue. Applicants are requesting the elimination of 58 approved single family lots to allow for a cluster development of 124 condominium units on a private roadway network. Modification is proposed to include an additional ±5.52 acres of adjoining lands, N/F of Joseph Giannetti (Tax Parcel #58.19-1-10) currently zoned B-1 Retail Business into the PRD.

SECTION 2. The Town Board of the Town of Rotterdam hereby authorizes the Senior Planner to distribute all documents as necessary to comply with 6 NYCRR Part 617.12 (State Environmental Quality Review).

SECTION 3. This resolution shall become effective August 14, 2019.

BY ORDER OF THE ROTTERDAM TOWN BOARD
DIANE M. MARCO, TOWN CLERK

DATED: August 14, 2019

NAME	AYES	NOES	ABSTAIN
Christou	X		
Guidarelli	X		
Miller-Herrera	X		
Signore	X		
Tommasone	X		

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

Date: August 14, 2019

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

After a review of the application materials, Environmental Assessment Form, and comments received on this proposal, the Town Board of the Town of Rotterdam has determined that the proposed action described below will not have a significant adverse impact on the environment and a Draft Impact Statement will not be prepared.

SEQRA Status:	Type I	( )
	Type II	( )
	Unlisted	(X)
Conditioned Negative Declaration:	Yes	( )
	No	(X)

Owners:

Joseph Giannetti
21611 North48th Place
Phoenix, AZ 85024

Development at Helderberg Meadows. LLC
c/o Donald Zee
1 Winners Circle Suite 140
Albany, NY 12205

Property Location: Amendment to Phase #5 of the Helderberg Meadows Planned Residential District (PRD) located at 3379 Guilderland Avenue which is the portion of the PRD located on the northwest side of Guilderland Avenue.

Tax Map Number(s): #58.19-1-10 (Giannetti), #58.15-6-3.112, #58-14-1-3.21, 58.19-1-17, 58.19-1-4.11

Action: Applicants are requesting the elimination of 58 approved single family lots to allow for a cluster development of 124 condominium units on a private roadway network. Modification is proposed to include an additional 5.52 acres of adjoining lands N/F of Joseph Giannetti (Tax Parcel #58.19-1-10) currently zoned Retail Business (B-1) into the PRD.

Reasons Supporting This Determination:
(See 617.7(a)-(c) for requirements of this determination)

The Town of Rotterdam Department of Public Works transmitted this application information to all involved and interested agencies for review on April 11, 2019. These agencies include the following: Schenectady County Planning Department, Schenectady County Department of Health, Schenectady County Department of Public Works, New York State Department of Transportation, New York State Department of Environmental Conservation – Region #4, Town of Guilderland, US Department of the Army, Corps of Engineers, Albany County Department of Health, City of Watervliet, New York State Thruway Authority, Schalmont School District, Mohonasen School District, New York State Department of Archeology & History Preservation, Rotterdam Fire District #2 (Curry Road) and Rotterdam Fire District #5 (Pine Grove). Any comments and concerns from the agencies regarding this action have been addressed.

Property Location and Description

Helderberg Meadows is a 314+/- acre PRD is located in the Town of Rotterdam, Schenectady County. The property has frontage on NYS Route 158 (Guilderland Ave.), County Line Road, and Ghents Road. The parcels located within the PRD are owned by Helderberg Meadows LLC.

The PRD South of Guilderland Avenue has been constructed leaving the former 63 Acre Adamec parcel to the north of Guilderland Avenue the only un-built portion of the PRD. This parcel is bounded by a CSX rail line, the New York State Thruway, and Guilderland Ave. or the back of other properties fronting on Guilderland Ave. This parcel has undergone timber harvesting activities within the last 20 years and has large areas of new shrub growth. Most areas were selectively cut and some smaller and undesirable trees were left in place. Slopes on this site can be characterized as flat to moderate. 6 wetland areas were delineated on this parcel, 4 of which meet the requirements to be considered Federal Jurisdictional, 2 were considered isolated and therefore not jurisdictional. The total jurisdictional wetland is 15.89 acres. The majority of the wetland is associated with drainage ways which originate south of Guilderland Ave. and from Thruway drainage. These drainage ways traverse the site and exit the property via pipes under the CSX tracks.

Proposed Lots/Zoning

On December 29, 1998 by Resolution #266-98 the Town of Rotterdam Town Board changed the zoning of the subject parcels from A-1 (Agricultural) to PRD (Planned Residential District). This legislation allowed for the parcels to be developed into 170 single family lots, 100 senior housing units and an 18 hole golf course with required appurtenances. This legislation also speaks of formation of a homeowners association which will be responsible for the 100+/- acres of open space that will remain when the development is complete. Thereafter, over a period of several years the project went through various approved modifications, one of which was to eliminate the proposed 18 hole golf course and assorted ancillary facilities.

Prior to this application 110 single family building lots and 100 condominiums have been constructed within the PRD on the south side of Guilderland Avenue. The current approvals call for 58 single family homes to be developed north of Guilderland Avenue on the current vacant land. This approved development would require the construction of approximately 4100L.F. of new Town roadways with associated water lines, stormwater facilities, and sanitary facilities. An emergency

access road will be constructed to a point on Old Guilderland Ave. near the Thruway. Approximately 26 acres will remain undisturbed and will be designated as open space.

This proposal is to modify the existing approved PRD for the remaining lands to allow for the development of 124 new condominium units on the north side of Guilderland Avenue. It is also involves a Change of Zone of the existing Giannetti parcel, 5.08 Acres in size from B-1 (Retail Business) into the Helderberg Meadows PRD. The proposed condominium development will have significantly less environmental impacts that the originally approved PRD and subdivision. It will disturb 11.9 less acres of land than the original subdivision. There will be no land activity within the 100 year floodplain boundary; the previous approval included 4.5 Acres within the floodplain to be disturbed. Wetland impacts will be reduced by 88% on the parcel. Additionally all new roads and utilities will remain private reducing the required Town of Rotterdam infrastructure and future maintenance.

Proposed Development

The condominium units will be constructed in four unit buildings similar in size and style as the Homestead Court Condominium development located in Phase #4 of Helderberg Meadows. The buildings will have a maximum height of the 35' and all of the units will have two car garages. It is proposed to construct a clubhouse with recreation amenities including a community pool and exercise facility. Community BBQ grills will be scattered throughout the development. Visitor parking will be constructed at various locations throughout the development. A dog park area will also be provided. The infrastructure (roads, utilities, community amenities, landscaping etc.) will be maintained by the homeowners association.

The entrance road to the proposed development will enter opposite Steeple Way from Guilderland Avenue. Since only one ingress/egress is proposed, a boulevard entrance will be constructed to the first side street. The proposed structures will meet all of the required setback requirements outlined in the PRD zone including 50' from any property boundaries, 35' between walls with less than 10% glazing and 50' between walls with more than 10% glazing.

Sanitary Sewer

An existing Town of Rotterdam sanitary sewer force main bisects the parcel. This force main services Helderberg Meadows on the south side of Guilderland Avenue. It is proposed to collect the sanitary effluent from the condominiums in a gravity sanitary sewer system. The gravity sewer will convey the flows to a new pump station which will inject the effluent into the existing force main. The proposed collection system and pump station will be owned and maintained by the homeowners association.

The originally approved 58 residences to reside on this parcel were estimated to generate 22,330 gallons per day of sewage effluent. An analysis of a similar condominium development location in the Town of Bethlehem was used to determine the anticipated effluent loading from the proposed condominiums. Based upon this analysis it was determined that the proposed development will generate 19,530 gallons per day, approximately 2,800 gallons less than the approved 58 single family residences.

Water

Potable water will be provided to the proposed condominiums via a series of 8" water mains connecting to the existing Town of Rotterdam system along Guilderland Avenue. Hydrants will be placed to provide adequate fire protection to the proposed condominiums.

Similar to the sewage effluent, the water usage was based upon the analysis of a similar development in the Town of Bethlehem. Based upon this analysis, the proposed development will use 19,530 gallons per day, again providing a reduction of 2,800 gallons per day from the previously approved proposal.

The Town requested the applicant submit the technical information regarding water service to the Town Designated Engineer (TDE) to perform an impact analysis on the proposed water distribution system. A letter dated July 22, 2019 from the TDE Donald Fletcher, P.E. with Barton and Loguidice indicates that there is adequate service and fire flow in the existing system to serve the development. There are also some recommendations in the letter regarding interconnections and looping of the water system that will be discussed with the Planning Commission during the Site Plan Review process.

Storm Sewer

The proposed storm water management system will consist of a closed drainage system routing storm water produced along the proposed roads and condominiums to a NYSDEC Approved Storm Water Management Practice. The proposed storm water management practices will provide the necessary water quality volume treatment and runoff reduction prior to discharge into the on-site wetlands. The Town Designated Engineer will assist the Planning Commission with the technical review of stormwater system during the Site Plan Review process.

Wetlands and Floodplain

The Helderberg Meadows LLC parcel north of Guilderland Avenue contains only USACOE wetlands. As part of the original phase of the Helderberg Meadows Development, all of the wetlands within the entire PRD were disturbed and the mitigation areas were created. The proposed PRD modification will not disturb any additional wetlands. In fact, 0.7 Acres of wetlands previously filled will not be constructed upon.

The original PRD development proposed 4.5 Acres of flood plain disturbance on the north side of Guilderland Avenue for the development of the 58 residential building lots. The proposed condominium development will not disturb any lands located within the 100 year floodplain boundary.

Traffic

The original traffic study for the PRD indicated that sufficient capacity exists on existing highway for the project and that current levels of service will not be degraded. Permits will be required from the NYS Department of Transportation for access. It also noted that mitigation may be required in the form of signage etc. for due to limited sight distance looking west from the northerly access road.

The original traffic study for the development assumed 58 trips in the PM peak hour generated by the 58 proposed single family residences. With the inclusion of the Giannetti parcel into the PRD it is anticipated that an additional 5 single family homes could be constructed. Thus the total peak flow would be approximately 63 trip ends during the peak hour. If the Giannetti parcel remains in the B-1 Business Zone, the traffic generation rates could be significantly higher depending the use.

An e-mail from NYSDOT Regional Permit Engineer Kristina L. Crowley, P.E. dated May 31, 2019 indicates conceptual approval for the revised access into the development. During site plan review, the applicant will be required to provide traffic analysis and mitigation measures for the access onto Guilderland Avenue. Additionally, the Town TDE will assist the Planning Commission in a review of the proposed internal roadway and pedestrian layout during site plan review and approval.

Schools

Based upon the National Association of Home Builders (NAHB) single family homes typically generate 61.5 school aged children per 100 homes while condominiums generate 21.9 school aged children per 100 units. Utilizing this data the 58 single family homes would generate 36 school aged children, while the 124 condominium units would generate 27 school aged children. However, the existing condominium developments within the Helderberg Meadows PRD have seen significantly lower school aged generation rates than the NAHB data suggests. Currently there are only two school aged children in the 100 occupied condominium units.

After a review of the application materials, Environmental Assessment Form, and comments received on this proposal, the Town Board of the Town of Rotterdam has determined that this proposal will not have a significant adverse impact on the environment.

The Town Board has considered the following criteria to determine if this proposal has significant adverse impacts on the environment:

(i) a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;
(ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;
(iii) the impairment of the environmental characteristics of a Critical Environmental Area.
(iv) the creation of a material conflict with a community's current plans or goals as officially approved or adopted;
(v) the impairment of the character or quality of important historical, archaeological, architectural, or aesthetic resources or of existing community or neighborhood character;
(vi) a major change in the use of either the quantity or type of energy;
(vii) the creation of a hazard to human health;
(viii) a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;
(ix) the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;
(x) the creation of a material demand for other actions that would result in one of the above consequences;

(xi) changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or
(xii) two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

The Town Board has also considered the reasonably related long-term, short-term, direct, indirect and cumulative impacts, including other simultaneous or subsequent actions, which are:
(i) included in any long-range plan of which the action under consideration is a part;
(ii) likely to be undertaken as a result thereof; or
(iii) dependent thereon.
(3) The significance of a likely consequence (i.e., whether it is material, substantial, large or important) has be assessed in connection with:
(i) its setting (e.g., urban or rural);
(ii) its probability of occurrence;
(iii) its duration;
(iv) its irreversibility;
(v) its geographic scope;
(vi) its magnitude; and
(vii) the number of people affected

At a regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, Town Hall, 1100 Sunrise Boulevard, Rotterdam, NY on the 14th day of August, 2019 hereby adopted this NEGATIVE DECLARATION pursuant to 6NYCRR PART 617, State Environmental Quality Review.

Steven A. Tommasone
Town Supervisor

For further information contact: Peter J. Comenzo
Town of Rotterdam Senior Planner
John F. Kirvin Government Center
1100 Sunrise Boulevard
Rotterdam, New York 12306
(518) 355-7575 x-338

RECEIVED
TOWN OF ROTTERDAM
PUBLIC WORKS

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. 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; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project: Helderberg Meadows PRD Ammendment		
Project Location (describe, and attach a general location map): Guilderland Avenue & Steeple Way in the Town of Rotterdam		
Brief Description of Proposed Action (include purpose or need): Modify the PRD on the Northwest side of Guilderland Avenue from the approved 58 single family residences with town owned roads to a cluster development of 124 Condominium Units on a private road. The modification will also include the addition of a new 5.52 Ac. parcel currently zoned B-1 Retail Business into the PRD. Due to the cluster style of the proposal the modification will significantly reduce the total land disturbance, wetland impacts and flood plain impacts. It will also reduce the infrastructure and maintenance responsibilities for the Town of Rotterdam as the road will not be town road.		
Name of Applicant/Sponsor: Helderberg Meadows LLC	Telephone: (518) 489-9427 E-Mail: donaldzeepc@msn.com	
Address: 1 Winners Circle		
City/PO: Albany	State: NY	Zip Code: 12205
Project Contact (if not same as sponsor; give name and title/role): Brett L. Steenburgh PE	Telephone: (518) 365-0675 E-Mail: bsteenburghpe@gmail.com	
Address: 2832 Rosendale Road		
City/PO: Niskayuna	State: NY	Zip Code: 12309
Property Owner (if not same as sponsor):	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	**If Yes: Identify Agency and Approval(s) Required**	**Application Date (Actual or projected)**
a. City Council, Town Board, or Village Board of Trustees ☑Yes ☐No	PRD Amendment	9/13/18
b. City, Town or Village Planning Board or Commission ☑Yes ☐No	Site Plan for PRD Amendment	9/13/18
c. City Council, Town or Village Zoning Board of Appeals ☐Yes ☑No		
d. Other local agencies ☐Yes ☑No		
e. County agencies ☑Yes ☐No	SCDOH modification of water distribution sys.	Pending
f. Regional agencies ☐Yes ☑No		
g. State agencies ☑Yes ☐No	NYSDEC modification of Open Space Agreement, NYSDOT Curb Cut Permit	Pending
h. Federal agencies ☐Yes ☑No		

i. Coastal Resources.
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☐Yes ☑No

ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☐Yes ☑No
iii. Is the project site within a Coastal Erosion Hazard Area? ☐Yes ☑No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐Yes ☑No

- **If Yes,** complete sections C, F and G.
- **If No,** proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☑Yes ☐No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☑Yes ☐No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☐Yes ☑No
If Yes, identify the plan(s):

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐Yes ☑No
If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☑ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
PRD and B-1 General Business

b. Is the use permitted or allowed by a special or conditional use permit? ☑ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☑ Yes ☐ No
If Yes,
i. What is the proposed new zoning for the site? Add the 5.25 Acre B-1 Parcel to the existing PRD District

C.4. Existing community services.

a. In what school district is the project site located? Schalmont

b. What police or other public protection forces serve the project site?
Town of Rotterdm

c. Which fire protection and emergency medical services serve the project site?
Pine Grove Volunteer FD

d. What parks serve the project site?
Helderberg Meadows Open Space and Town of Rotterdam Parks

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Multi Family Residential

b. a. Total acreage of the site of the proposed action? 67 acres
b. Total acreage to be physically disturbed? 16.5 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres

c. Is the proposed action an expansion of an existing project or use? ☑ Yes ☐ No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: 124 units in lieu of 58 s.f.

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☑ No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)
ii. Is a cluster/conservation layout proposed? ☑ Yes ☐ No
iii. Number of lots proposed? 1
iv. Minimum and maximum proposed lot sizes? Minimum N/A Maximum N/A

e. Will proposed action be constructed in multiple phases? ☑ Yes ☐ No
i. If No, anticipated period of construction: _____ months
ii. If Yes:
- Total number of phases anticipated 4
- Anticipated commencement date of phase 1 (including demolition) 04 month 2019 year
- Anticipated completion date of final phase 10 month 2024 year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? ☑ Yes ☐ No

If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase				24
At completion of all phases				124

g. Does the proposed action include new non-residential construction (including expansions)? ☐ Yes ☑ No

If Yes,

i. Total number of structures _____

ii. Dimensions (in feet) of largest proposed structure: _____height; _____width; and _____ length

iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐ Yes ☐ No

If Yes,

i. Purpose of the impoundment: _____

ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify:

_____

iii. If other than water, identify the type of impounded/contained liquids and their source.

_____

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):

_____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) ☐ Yes ☑ No

If Yes:

i .What is the purpose of the excavation or dredging? _____

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.

_____

_____

iv. Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No

If yes, describe. _____

_____

v. What is the total area to be dredged or excavated? _____ acres

vi. What is the maximum area to be worked at any one time? _____ acres

vii. What would be the maximum depth of excavation or dredging? _____ feet

viii. Will the excavation require blasting? ☐ Yes ☐ No

ix. Summarize site reclamation goals and plan: _____

_____

_____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☑ No

If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

_____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No

If Yes, describe:

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No

If Yes:

- acres of aquatic vegetation proposed to be removed:
- expected acreage of aquatic vegetation remaining after project completion:
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access):
- proposed method of plant removal:
- if chemical/herbicide treatment will be used, specify product(s):

v. Describe any proposed reclamation/mitigation following disturbance:

c. Will the proposed action use, or create a new demand for water? ☑ Yes ☐ No

If Yes:

i. Total anticipated water usage/demand per day: 19530 gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☑ Yes ☐ No

If Yes:

- Name of district or service area: Town of Rotterdam District 1
- Does the existing public water supply have capacity to serve the proposal? ☑ Yes ☐ No
- Is the project site in the existing district? ☑ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☑ No
- Do existing lines serve the project site? ☑ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☑ Yes ☐ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: New Water mains to service the proposed buildings
- Source(s) of supply for the district: Town of Rotterdam

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☑ No

If, Yes:

- Applicant/sponsor for new district:
- Date application submitted or anticipated:
- Proposed source(s) of supply for new district:

v. If a public water supply will not be used, describe plans to provide water supply for the project:

vi. If water supply will be from wells (public or private), maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☑ Yes ☐ No

If Yes:

i. Total anticipated liquid waste generation per day: 19530 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): Sanitary Waste

iii. Will the proposed action use any existing public wastewater treatment facilities? ☑ Yes ☐ No

If Yes:

- Name of wastewater treatment plant to be used: Town of Rotterdam Treatment Plan (22,330 Gallons reserved capicty for Single Family.)
- Name of district: Town of Rotterdam
- Does the existing wastewater treatment plant have capacity to serve the project? ☑ Yes ☐ No
- Is the project site in the existing district? ☑ Yes ☐ No
- Is expansion of the district needed? ☑ Yes ☐ No

- Do existing sewer lines serve the project site? ☑Yes ☐No
- Will line extension within an existing district be necessary to serve the project? ☑Yes ☐No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: New gravity sewer mains to a pump station and ultimately to the existing force main on site

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐Yes ☑No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):

_____

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☑Yes ☐No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or 8.5 acres (impervious surface)

_____ Square feet or 67 acres (parcel size)

ii. Describe types of new point sources. Storm sewers to SMP's

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

On site wetland areas

- If to surface waters, identify receiving water bodies or wetlands: Becker Brook to Normans Kill
- Will stormwater runoff flow to adjacent properties? ☐Yes ☑No

iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? ☑Yes ☐No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☐Yes ☑No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☐Yes ☑No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐Yes ☐No

ii. In addition to emissions as calculated in the application, the project will generate:

- _____Tons/year (short tons) of Carbon Dioxide (CO_2)
- _____Tons/year (short tons) of Nitrous Oxide (N_2O)
- _____Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____Tons/year (short tons) of Sulfur Hexafluoride (SF_6)
- _____Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- _____Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐Yes ☑No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐Yes ☑No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐Yes ☑No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐Morning ☑Evening ☐Weekend
☐Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____

iii. Parking spaces: Existing 0 Proposed 240 Net increase/decrease +240

iv. Does the proposed action include any shared use parking? ☐Yes ☑No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:
Peak traffic will be 61 vehicles. The previous development was approved with 58 trips in the peak hour.

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐Yes ☑No

vii Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐Yes ☑No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐Yes ☑No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐Yes ☑No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):

iii. Will the proposed action require a new, or an upgrade to, an existing substation? ☐Yes ☐No

l. Hours of operation. Answer all items which apply.

i. During Construction:
- Monday - Friday: 7am - 8pm
- Saturday: 7am - 8pm
- Sunday: 7am - 8pm
- Holidays: 7am - 8pm

ii. During Operations:
- Monday - Friday: N/A
- Saturday: N/A
- Sunday: N/A
- Holidays: N/A

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☑ Yes ☐ No

If yes:

i. Provide details including sources, time of day and duration:

Construction equipment during construction only

ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☑ No

Describe: _____

n.. Will the proposed action have outdoor lighting? ☑ Yes ☐ No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

Residential post lamps 8' hight max.

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☑ No

Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☑ No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☑ No

If Yes:

i. Product(s) to be stored _____

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally describe proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☑ No

If Yes:

i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☑ No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☑ No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: _____
- Operation: _____

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: _____
- Operation: _____

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☑ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☑ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☐ Industrial ☐ Commercial ☑ Residential (suburban) ☐ Rural (non-farm)
☑ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe:

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	.25	8.5	+8.25
• Forested	67	55	-12
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0	0	0
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0.2	0.2	0
• Wetlands (freshwater or tidal)	17.98	17.98	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: Lawn	0	3.5	+3.5

c. Is the project site presently used by members of the community for public recreation? ☐Yes ☑No

i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐Yes ☑No

If Yes,

i. Identify Facilities:

_____

_____

e. Does the project site contain an existing dam? ☐Yes ☑No

If Yes:

i. Dimensions of the dam and impoundment:

- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____

iii. Provide date and summarize results of last inspection:

_____

_____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐Yes ☑No

If Yes:

i. Has the facility been formally closed? ☐Yes ☐ No

- If yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

_____

_____

iii. Describe any development constraints due to the prior solid waste activities: _____

_____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐Yes ☑No

If Yes:

i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

_____

_____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐Yes ☑ No

If Yes:

i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐Yes ☐No

☐ Yes – Spills Incidents database Provide DEC ID number(s): _____

☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): _____

☐ Neither database

ii. If site has been subject of RCRA corrective activities, describe control measures: _____

_____

_____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐Yes ☐No

If yes, provide DEC ID number(s): _____

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

_____

_____

v. Is the project site subject to an institutional control limiting property uses? ☐Yes ☑No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? ☐Yes ☐No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? >6' feet

b. Are there bedrock outcroppings on the project site? ☐Yes ☑No
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____%

c. Predominant soil type(s) present on project site:

Sandy Loan	70 %
Silty Clay	30 %
	%

d. What is the average depth to the water table on the project site? Average: 4 feet

e. Drainage status of project site soils:
- ☑ Well Drained: 70 % of site
- ☐ Moderately Well Drained: % of site
- ☑ Poorly Drained 30 % of site

f. Approximate proportion of proposed action site with slopes:
- ☑ 0-10%: 100 % of site
- ☐ 10-15%: % of site
- ☐ 15% or greater: % of site

g. Are there any unique geologic features on the project site? ☐Yes ☑No
If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☑Yes ☐No

ii. Do any wetlands or other waterbodies adjoin the project site? ☑Yes ☐No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☑Yes ☐No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name Becker Brook Classification C(T)
- Lakes or Ponds: Name N/A Classification
- Wetlands: Name USACOE Federal Jurisdictional Approximate Size 17.98
- Wetland No. (if regulated by DEC) N/A

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐Yes ☑No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? ☐Yes ☑No

j. Is the project site in the 100 year Floodplain? ☐Yes ☑No

k. Is the project site in the 500 year Floodplain? ☐Yes ☑No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☑Yes ☐No
If Yes:

i. Name of aquifer: Great Flats Aquifer

m. Identify the predominant wildlife species that occupy or use the project site:
Deer Skunk Groundhog
Racoon

n. Does the project site contain a designated significant natural community? ☐ Yes ☑ No
If Yes:
i. Describe the habitat/community (composition, function, and basis for designation): _____
ii. Source(s) of description or evaluation: _____
iii. Extent of community/habitat:
- Currently: _____ acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐ Yes ☑ No

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐ Yes ☑ No

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☑ No
If yes, give a brief description of how the proposed action may affect that use: _____

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☑ No
If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☑ No
i. If Yes: acreage(s) on project site? _____
ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☑ No
If Yes:
i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature
ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☑ No
If Yes:
i. CEA name: _____
ii. Basis for designation: _____
iii. Designating agency and date: _____

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places? ☐ Yes ☑ No

If Yes:

i. Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District

ii. Name: _____

iii. Brief description of attributes on which listing is based:

_____

f. 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? ☐ Yes ☑ No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☑ No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within fives miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☐ Yes ☑ No

If Yes:

i. Identify resource: _____

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____

iii. Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☑ No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Brett L. Steenburg Date 9-24-18

Signature _____ Title Engineer

PRINT FORM

Agency Use Only [If applicable]

Project: H. Meadows West PRD AMendment

Date: August 14, 2019

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer **"Yes"** to a numbered question, please complete all the questions that follow in that section.
- If you answer **"No"** to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1)
If "Yes", answer questions a - j. If "No", move on to Section 2.

☐ NO ☑ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	☑	☐
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	☑	☐
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	☑	☐
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	☑	☐
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	☑	☐
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	☑	☐
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	☑	☐
h. Other impacts: _____		☐	☐

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) ☑ NO ☐ YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	☐	☐
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	☐	☐
c. Other impacts: _____		☐	☐

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) ☐ NO ☑ YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	☑	☐
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	☑	☐
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	☑	☐
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	☑	☐
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	☑	☐
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	☑	☐
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	☑	☐
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	☑	☐
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	☑	☐
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	☑	☐
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	☑	☐

l. Other impacts: _____		☐	☐

4. Impact on groundwater

The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) ☐NO ☑YES

If "Yes", answer questions a - h. If "No", move on to Section 5.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	☑	☐
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	☑	☐
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	☑	☐
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	☑	☐
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	☑	☐
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	☑	☐
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	☑	☐
h. Other impacts: _____		☑	☐

5. Impact on Flooding

The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) ☐NO ☑YES

If "Yes", answer questions a - g. If "No", move on to Section 6.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	☑	☐
b. The proposed action may result in development within a 100 year floodplain.	E2j	☑	☐
c. The proposed action may result in development within a 500 year floodplain.	E2k	☑	☐
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	☑	☐
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	☑	☐
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	☑	☐

g. Other impacts: _____ _____		☐	☐

6. Impacts on Air

The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D.2.h, D.2.g) ☑NO ☐YES

If "Yes", answer questions a - f. If "No", move on to Section 7.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:			
i. More than 1000 tons/year of carbon dioxide (CO_2)	D2g	☐	☐
ii. More than 3.5 tons/year of nitrous oxide (N_2O)	D2g	☐	☐
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	☐	☐
iv. More than .045 tons/year of sulfur hexafluoride (SF_6)	D2g	☐	☐
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	☐	☐
vi. 43 tons/year or more of methane	D2h	☐	☐
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	☐	☐
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	☐	☐
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	☐	☐
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	☐	☐
f. Other impacts: _____ _____		☐	☐

7. Impact on Plants and Animals

The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) ☐NO ☑YES

If "Yes", answer questions a - j. If "No", move on to Section 8.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	☑	☐
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	☑	☐
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	☑	☐
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	☑	☐

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	☑	☐
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	☑	☐
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	☑	☐
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____ _____	E1b	☑	☐
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	☑	☐
j. Other impacts: _____ _____		☐	☐

8. Impact on Agricultural Resources
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) ☑NO ☐YES
If "Yes", answer questions a - h. If "No", move on to Section 9.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	☐	☐
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, Elb	☐	☐
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	☐	☐
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	☐	☐
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	El a, E1b	☐	☐
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	☐	☐
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	☐	☐
h. Other impacts: _____		☐	☐

9. Impact on Aesthetic Resources
The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.)
If "Yes", answer questions a - g. If "No", go to Section 10.

☑ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	☐	☐
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	☐	☐
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	☐ ☐	☐ ☐
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	☐ ☐	☐ ☐
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	☐	☐
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile ½ -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	☐	☐
g. Other impacts: _____ _____		☐	☐

10. Impact on Historic and Archeological Resources
The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.)
If "Yes", answer questions a - e. If "No", go to Section 11.

☑ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical 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.	E3e	☐	☐
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	☐	☐
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	☐	☐

d. Other impacts: _____		☐	☐
e. If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	☐	☐
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	☐	☐
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	☐	☐

11. Impact on Open Space and Recreation

The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.
(See Part 1. C.2.c, E.1.c., E.2.q.)
If "Yes", answer questions a - e. If "No", go to Section 12.

☑ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	☐	☐
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	☐	☐
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	☐	☐
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	☐	☐
e. Other impacts: _____		☐	☐

12. Impact on Critical Environmental Areas

The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d)
If "Yes", answer questions a - c. If "No", go to Section 13.

☐ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
c. Other impacts: _____		☐	☐

13. Impact on Transportation
The proposed action may result in a change to existing transportation systems. ☐NO ☑YES
(See Part 1. D.2.j)
If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	☑	☐
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	☑	☐
c. The proposed action will degrade existing transit access.	D2j	☑	☐
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	☑	☐
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	☑	☐
f. Other impacts: _____		☐	☐

14. Impact on Energy
The proposed action may cause an increase in the use of any form of energy. ☐NO ☑YES
(See Part 1. D.2.k)
If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	☑	☐
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	☑	☐
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	☑	☐
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	☑	☐
e. Other Impacts: _____		☐	☐

15. Impact on Noise, Odor, and Light
The proposed action may result in an increase in noise, odors, or outdoor lighting. ☐NO ☑YES
(See Part 1. D.2.m., n., and o.)
If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	☑	☐
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	☑	☐
c. The proposed action may result in routine odors for more than one hour per day.	D2o	☑	☐

d. The proposed action may result in light shining onto adjoining properties.	D2n	☑	☐
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	☑	☐
f. Other impacts: _____ _____		☐	☐

16. Impact on Human Health
The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.) ☑ NO ☐ YES
If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No,or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	☐	☐
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	☐	☐
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	☐	☐
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	☐	☐
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	☐	☐
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	☐	☐
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	☐	☐
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	☐	☐
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	☐	☐
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	☐	☐
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	☐	☐
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	☐	☐
m. Other impacts: _____ _____			

17. Consistency with Community Plans

The proposed action is not consistent with adopted land use plans. ☑ NO ☐ YES
(See Part 1. C.1, C.2. and C.3.)
If "Yes", answer questions a - h. If "No", go to Section 18.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	☐	☐
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	☐	☐
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	☐	☐
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	☐	☐
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	☐	☐
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	☐	☐
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	☐	☐
h. Other: _____ _____		☐	☐

18. Consistency with Community Character

The proposed project is inconsistent with the existing community character. ☑ NO ☐ YES
(See Part 1. C.2, C.3, D.2, E.3)
If "Yes", answer questions a - g. If "No", proceed to Part 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	☐	☐
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	☐	☐
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	☐	☐
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	☐	☐
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	☐	☐
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	☐	☐
g. Other impacts: _____ _____		☐	☐

PRINT FULL FORM

MAP PLAN AND REPORT
FOR THE
SANITARY SEWER EXTENSION
Town of Rotterdam District #2
Extension 17

For the Proposed
Condos at Helderberg Meadows

LOCATION

Guilderland Avenue
Town of Rotterdam
Schenectady County
State of New York

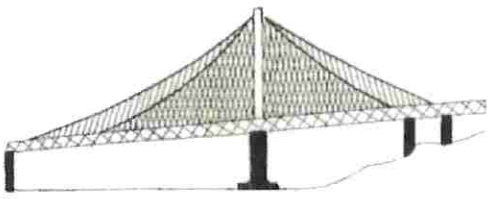
PREPARED FOR

Helderberg Meadows LLC
2 Computer Drive West
Suite 100
Albany, NY 12205

Date Prepared

November 18, 2021
Revised April 15, 2022
Revised July 28, 2022
Revised November 22, 2022
Revised August 8, 2023
Revised December 20, 2023
Revised June 4, 2024





BRETT L. STEENBURGH, P.E. PLLC
2832 ROSENDALE ROAD
NISKAYUNA, NY 12309
(518) 365-0675
CIVIL ♦ ENVIRONMENTAL ♦ STRUCTURAL ENGINEERING

I. PROJECT DESCRIPTION

A. Project Location

The subject site is located along Route 158 in the Town of Rotterdam, Schenectady County (see site location map figure 1). The parcel is owned by The Development at Helderberg Meadows. The abutting property owners are The New York State Thruway to the North, Conrail to the west, and various landowners to the east.

B. Parcel Description

The subject Parcel encompasses approximately 66.51 +/- acres. The area is predominantly flat with wetlands. The site generally slopes from northeast to southwest. The slopes vary from 0.5% to 2% throughout the site. Stormwater produced on the site flows towards the intersection of the Conrail and NYS Thruway properties.

Immature trees and brush characterize the site.

The majority of the parcel was included within extension 12 of the Town of Rotterdam Sewer District #2 as part of the Helderberg Meadows PRD. This portion of the development was slated for 58 single family homes and a total flow of 22,330 gpd to be discharged to the District #2 and ultimately the Town of Rotterdam Sewage Treatment Plant. The conveyance and addition of these flows was reviewed and approved by the NYSDEC in 2008. A portion of this proposed development lies outside of the boundary of extension #12. The parcel formerly known as the Gianetti Parcel located along Guilderland Avenue totaling 5.52 Acres was added to the proposed development. It is necessary to include this parcel within the boundary of Sewer District #2 for the development of this parcel as proposed.

A sanitary sewer easement runs through the parcel. Within the easement is the existing 6" SDR-21 force main. The force main services the initial phases of the Helderberg Meadows PRD. The force main was also sized to handle the 58 single family homes on this parcel.

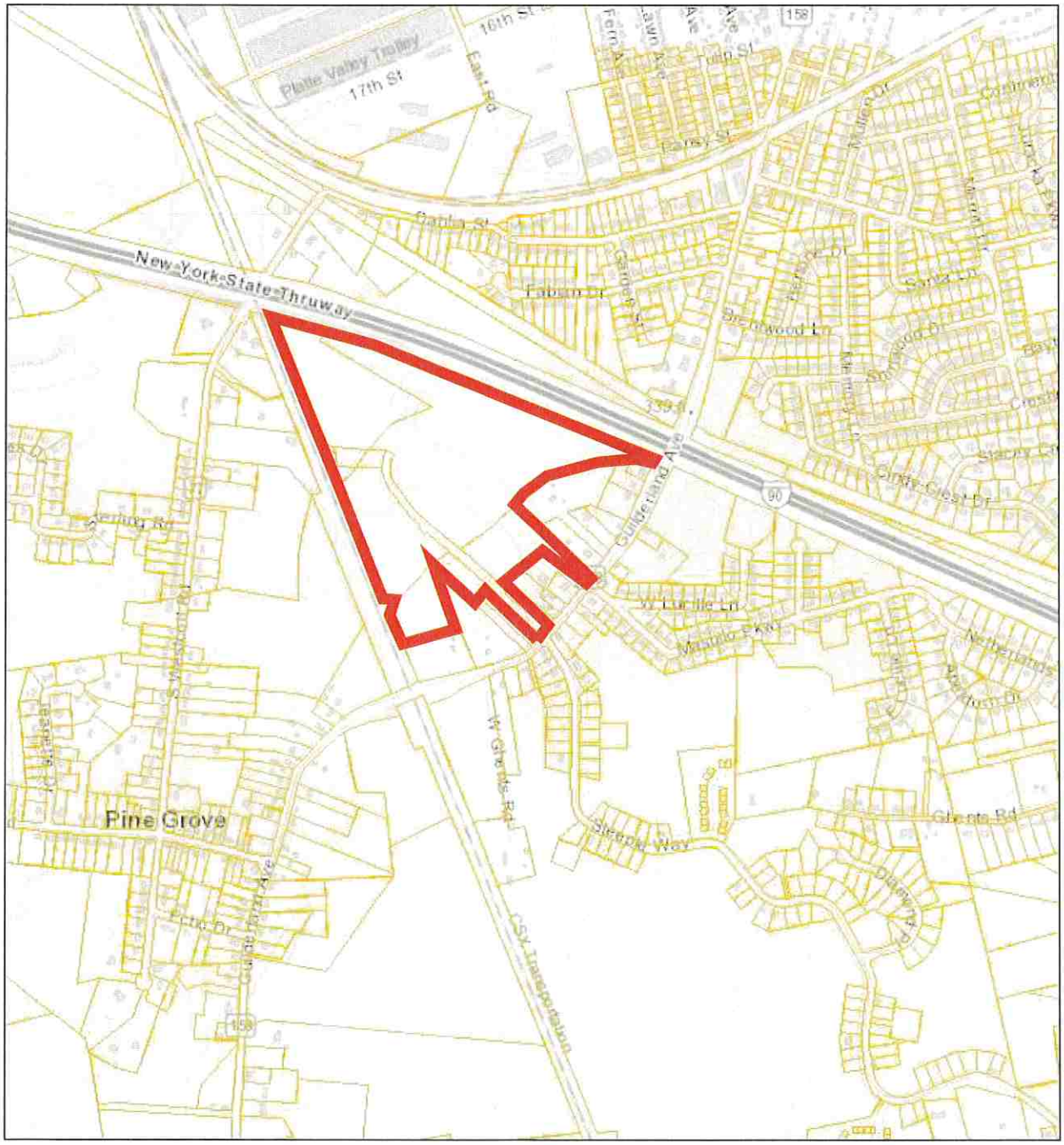
C. Proposed Development/Zoning

As stated previously the majority of the parcel utilized for this development was a portion of the approved Helderberg Meadows PRD. This parcel formerly known as the Ademac parcel was slated for the construction of 58 single family homes and

4,100 L.F. of new town roads with associated Town of Rotterdam water and sewer infrastructure.

The current proposal is to construct 124 condominiums in lieu of the 58 single family homes. The condominiums will be constructed on private roads with privately owned and maintained utilities. The condominium development will result in a 46% reduction in land disturbance from the approved single family residences. Additionally it will eliminate all of the 4.5 acres of flood plain impacts associated with the approved PRD.

The Condos At Helderberg Meadows



November 18, 2021

Parcels

1:16,852

0 0.125 0.25 0.5 mi

0 0.225 0.45 0.9 km

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

No Author

This map and information is provided as is. We make no warranties or guarantees, expressed or implied. The user assumes all risks and responsibility for determining whether this map is sufficient for purposes intended. The data is deemed reliable but not guaranteed.

II. WATER DISTRIBUTION SYSTEM

It is proposed to tie into the existing 10" stub located along Guilderland Avenue. The 10" will be reduced to 8". Eight inch water mains will be constructed throughout the proposed development to provide water service to the 124 condominiums. Hydrants will be placed along the water main at a maximum interval of 400'. All water mains will be constructed in accordance with the Recommended Standards for Water Works (10 States Standards) as well as all local and state requirements.

III. SEWER SYSTEM DESIGN

It has been well documented that both condominiums and apartments use significantly less water than and generate less sewage effluent than 110 gallons per day per bedroom as noted in the New York State Design Standards For Intermediate Sized Wastewater Treatments Systems. However, Section B.6.b of this document allows for three methods to estimate the hydraulic loading for a facility. Method 3 allows for the use of water meter data for a similar facility. In this case we utilized meter data for a 20 Unit Condominium project called Nathaniel Crossing. The site has a mixture of (10) 2 bedroom condos and (10) 3 bedroom condos. Data was evaluated from 8/29/2016 through 8/1/2017. The data was provided from master meter readings within Hotbox at the water main connection and included not only potable water usage but irrigation usage. Therefore the data will be somewhat conservative. Based upon our analysis found in appendix D of this document, the average usage per bedroom throughout the course of a year was calculated at 42 gallons per day per bedroom. We have utilized this value and applied a 1.5 factor of safety to obtain a value of 64 gallons per day per bedroom. As stated above this is conservative because it takes into account irrigation. The calculated amount during the winter months ranged between 10 gpd and 20 gpd less than the summer months. It should also be noted that the development was 100% occupied during the duration of the analysis.

A. Design Standards

Population:

62 (2) bedroom condominiums
62 (3) bedroom condominiums

Total of 310 bedrooms

Average daily flow:

310 bedrooms x 64 gpd/bedroom = 19,840 gpd

Peak Daily Flow = 4 x Average daily flow = 79,360 gpd
Peak Flow = 79,360 gpd x 1/1440 day/min = **55 gpm**

This proposed phase of the Helderberg Meadows Development was approved by the Town and DEC for 58 single family homes with a calculated average hydraulic loading 22,330 gpd. Since the proposed development will result in 12% less effluent than previously approved and designed for, a downstream analysis is not required for the proposed district extension.

The gravity sewer and pump station have been designed to New York State DEC and Town of Rotterdam Standards.

B. Collection Sewer

The proposed development will consist of gravity sewers which will convey the effluent from the condominiums to a new sanitary pump station located on the parcel. The proposed pump station will consist of a submersible grinder pump station with a 2" force main which will inject the effluent into the existing 6" SDR-21 force main on the parcel. As previously stated the existing force main was designed to handle the approved 58 single family homes, therefore, there is adequate capacity to handle the proposed condominiums.

Sewers throughout the site will be 8" PVC SDR-26. The building laterals will be 6" PVC. The minimum proposed pipe slope is 0.4%. Upon installation, the sewer system will be subjected to an infiltration or exfiltration test against a maximum daily leakage of 100 gallons per inch diameter per mile of pipe per day. The system will also be subjected to a TV inspection before being put into service.

<u>Downstream Analysis</u>
It has been requested by the Town and the NYSDEC that a downstream analysis be performed. Since a recent analysis of the system form Curry Road to the treatment plant was performed Prime AE Group for the Curry Road Apartments and determined the system has adequate capacity, the scope of the analysis limited to the gravity system from Guilderland Avenue to Curry Road. The Helderberg Meadows force main connects to the gravity system at the intersection of Palm Avenue and Guilderland Avenue. The system then runs a short distance along Guilderland Avenue to Sunrise Blvd. It follows Sunrise Boulevard before connecting into the Curry Road main. The gravity sewer main is a 10" main from Palm Avenue to the intersection of Vinewood and Sunrise Blvd. At this location it increases to a 12" gravity sewer until it connects to the Curry Road System.

On April 13th this office visually inspected the system along Sunrise Blvd as discussed with Town and NYSDEC. April 13th was chosen due to the significant rain in the week

leading up to the inspection. Since the majority of the effluent in this portion of the system is residential, the system was inspected from 8am to 10am during peak usage. Each of the manhole covers along Sunrise Blvd were removed and the flow of effluent was assessed. The majority of the system was flowing at about 50% capacity or less with one exception. The final section of 10" sewer pipe from MH 314A to MH 314 was submerged with effluent. The section of pipe is 56' and is at approximately 0.2% slope. Photos of each manhole can be found in Appendix E of this report.

It is recommended that the 10" pipe connecting MH 314A to MH 314 be replaced. It shall be replaced with a 15" PVC SDR-26 pipe. The inverts and pipe slope shall be held at the current inverts. This work shall be completed prior to the connection of the Helderberg Meadows Condominiums and issuance of a building permit for any new structures associated with the Helderberg Meadows Condominiums.

Update: In November of 2023, the Town of Rotterdam, contractor and project engineer met on site to review the replacement of the existing sewer main in Sunrise Blvd. During the visit, it was determined that the inlet to pipe exiting the upstream manhole was substantially blocked with grease and other solids. The blockage was removed and the existing line was jetted several times. Upon completion of the work, it was determined that pipe was operating properly and has adequate capacity to convey the existing and additional flows and no replacement is required.

C. Pump Stations

As stated it is proposed to install a duplex submersible grinder pump station capable conveying the peak flow of 55 gpm. The proposed pump station will have 2 HP motors and an automatic backup generator. Details for the proposed pump station can be found in appendix C of this document.

D. Waste Water Treatment

The sewage will then ultimately flow to the Town of Rotterdam wastewater treatment plant prior to being discharged into the Mohawk River. It is believed that the Town of Rotterdam wastewater treatment plant has an excess treatment capacity of about 250,000 gallons per day. The Helderberg Meadows PRD had reserved 83,985 gallons of this excess capacity. Part of that reservation was the 22,330 gpd for the approved 58 homes on this parcel. Since the proposed flows are less than the reserved 22,330 gpd there is adequate capacity at the Town of Rotterdam treatment plant for this development and district extension.

IV. DISTRICT EXTENSION

Attached in Appendix B is a map showing the proposed sewer district extension. The proposed district will be extension 17 of Sewer District #2 and will include only the

parcel formerly known as the Gianetti Parcel. The remaining portion of the development is included within Extension #12 of Sewer District #2. All state county and local permits will need to be obtained prior to filing and acceptance of the district extension.

V. FINANCING

Attached as Appendix A, is the cost estimate of the proposed sanitary sewer collection system for The Condos at Helderberg Meadows. The cost will be borne entirely by the developer. A portion of this system will be constructed in the former Extension 12 of District 2 and a portion with be constructed within this extension. Since all of the infrastructure cost will be borne by the developer, the cost per user will be only the Operation and Maintenance fees. These fees for 2023 were $385.08 which will be the only cost to the user.

APPENDIX A.

Construction Cost Estimate

Sanitary sewer & appurtenances

Structures:

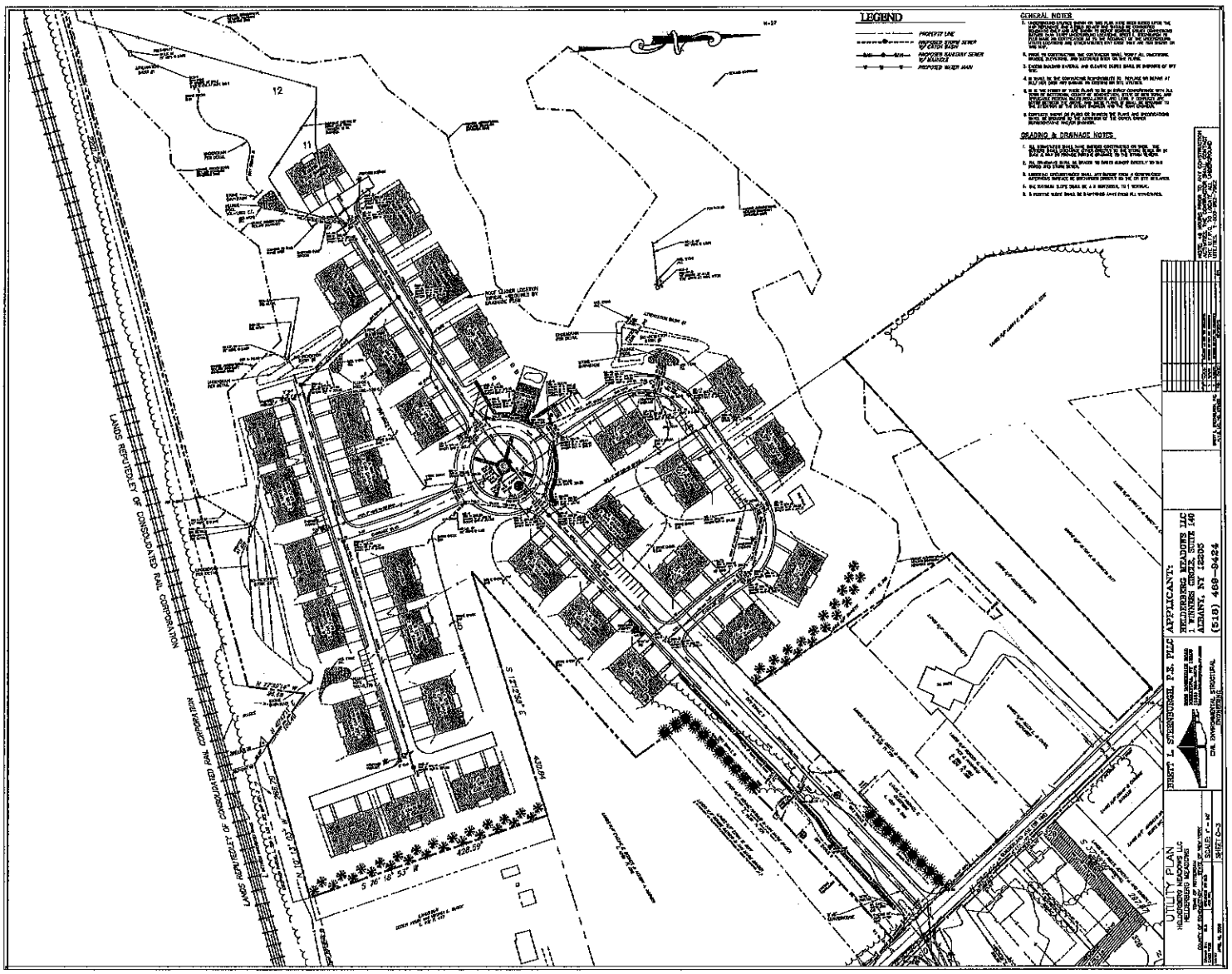
	Quantity	Length	Unit Price	Subtotal
48" precast san mh < 12' deep	9		$2,250.00	$20,250.00
48" precast san mh > 12' deep	0		$1,700.00	$0.00

Sanitary Pipe:

	Quantity	Length	Price per foot	Subtotal
8" pvc < 12' deep		2320	$22.00	$51,040.00
8" pvc > 12' deep < 16' deep		0	$18.00	$0.00
8" pvc > 16' deep < 20' deep		0	$19.00	$0.00
8" dip		0	$23.00	$0.00
2" pvc		0	$8.35	$0.00
1.5" pvc		0	$8.35	$0.00
6" force main		300	$18.00	$5,400.00
3" force main		20	$12.00	$240.00
Pump Station	1		$120,000.00	$120,000.00
Replace 56' of pipe in Sunrise	1		$35,000.00	$35,000.00
Wyes and laterals	31		$600.00	$18,600.00
			Total	**$250,530.00**

APPENDIX B.

Sewer Plan and District Extension Plan


LEGEND
PROPERTY LINE
PROPOSED SANITARY SEWER W/ MANHOLE
PROPOSED WATER MAIN
GENERAL NOTES
GRADING & DRAINAGE NOTES
LANDS REPUTEDLY OF CONSOLIDATED RAIL CORPORATION
NORTHBOUND MAIN TRACK
SOUTHBOUND MAIN TRACK
S 11°23'00" E
420.00'
S 78° 18' 53" W
428.59'
APPLICANT:
HELDERBERG MEADOWS LLC
1 PINNERS CREEK, SUITE 140
ALBANY, NY 12205
(518) 469-9424
JEREMY L. STERNENBERG, P.E., PLS
CIVIL ENVIRONMENTAL STRUCTURAL
UTILITY PLAN
HELDERBERG MEADOWS LLC
HELDERBERG MEADOWS

NYS THRUWAY
NYS THRUWAY
EXISTING SEWER DISTRICT #2
DISTRICT EXPANSION #11 SEWER DISTRICT #2
NY 4
158
GUILDERLAND AV
SEWER DISTRICT EXTENSION
HELDERBERG MEADOWS LLC
THE CONDOS AT HELDERBERG MEADOWS
APPLICANT:
HELDERBERG MEADOWS LLC
1 WINNERS CIRCLE, SUITE 140
ALBANY, NY 12205
(518) 489-9424

APPENDIX C.

Pump Station Design

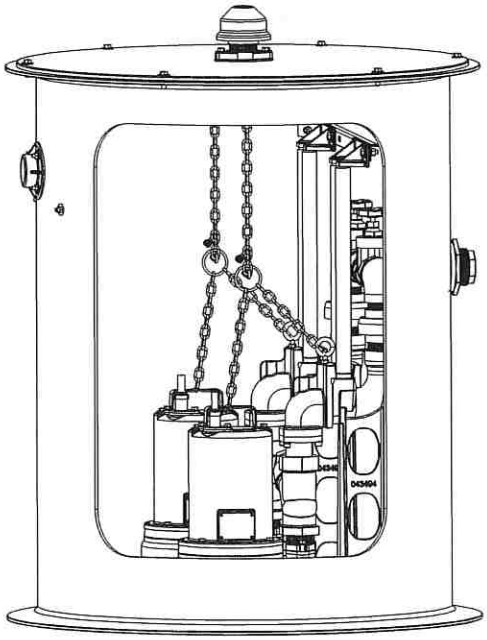
Pre-Packaged Fiberglass Systems

Specifications:

inches (mm)

BASIN ..... Fiberglass w/ 3" (76) Ballast Support Flange
DISCHARGE ..... Polypropylene
Size ..... 1¼", 2", or 3" NPT, Female
INLET ..... 4" (102) Fiberglass Inlet Hub, (For Field Installation)
COVER:
Steel ..... 48" Dia. Black Powder Coated, with 2" (51) Bug-Free Vent, Lockable Hinged Access Door and Stainless Steel Hinges and Hardware
Aluminum ..... 48" Dia. with 2" Bug-Free Vent, Lockable Hinged Access Door and Stainless Steel Hinges and Hardware
Aluminum ..... 36" Dia. Alum. 3/4 Hatch with Stainless Steel Hinges and Hardware (Frogmouth)
Fiberglass ..... One piece,Grass Green with 2" (51) Bug-Free Vent. 36" Dia. Basins Only
RAIL SYSTEM ..... 1" SCH40 Stainless Steel
BASE ELBOW FITTING:
Stationary ..... Cast Iron
Mounting ..... Bolted to bottom of basin
VALVE:
Material ..... Gate-PVC (1¼", 2") Ball-PP (3")
Size ..... 1¼", 2", or 3" NPT
SWING CHECK VALVE ON 3" UNITS:
Material ..... BR
Size ..... 3"
ELECTRICAL ..... 2" NPT Conduit Hub Qty (2) (For Field Installation)
EXTENSION HANDLE ..... 3/8" Dia. (9.5) Stainless Steel (For Units 60" + Deeper)
LIFTING DEVICE ..... Stainless Steel Chain
HARDWARE ..... 300 Series Stainless Steel
DISCHARGE PIPING ..... SCH80 PVC/PP
LEVEL CONTROLS:
Floats ..... Quantity of four mechanical level controls, with N.O. contacts polypropylene housings with 18-2, SJOW cord with adjustable float weights, suspended from stainless steel float rack
MOVABLE SUB-ASSEMBLY: (For field installation)
Discharge Piping .... Stainless Steel
Ball Check Valve .... Included on 1¼" and 2" units
Material CI

SWPA MEMBER



Duplex Fiberglass Lift Station:

Rail Pipe

1¼" NPT Discharge, or
2" NPT Discharge, or
3" NPT Discharge

WARNING:
CANCER AND REPRODUCTIVE HARM - WWW.P65WARNINGS.CA.GOV

Pre-Packaged Fiberglass Systems

1. Diameter
- ☐ 36" (.9m)
- ☐ 48" (1.2m)

2. Depth
- ☐ 48" (1.2m)(1-1/4" and 2" Discharge ONLY)
- ☐ 60" (1.5m)
- ☐ 72" (1.8m)
- ☐ 84" (2.1m)
- ☐ 96" (2.4m)

3. Level Control
- ☐ Individual Suspended Floats

4. Cover Type
Cover Restrictions:
- ☐ 36" (.9m) Solid Fiberglass
- ☐ 36" (.9m) Aluminum 3/4 Hatch
- ☐ 48" (1.2m) Steel
- ☐ 48" (1.2m) Aluminum Hatch

5. Sensor Options
Sensor Restrictions:
a.) PGPP & PGPH **CANNOT** Use Moisture Sensors.
- ☐ Temperature Only
- ☐ Moisture and Temperature

6. Inlet Type
- ☐ 4" (102mm) SCH 40/80 Fiberglass Inlet Hub

7. Lifting Device
- ☐ Stainless Steel Chain

8. Pump (OPTIONAL)
- See online ePump configurator to build a station with or without a pump

9. Panel (OPTIONAL)
- See online ePump configurator to build a station with or without a panel

NOTE: Pump and panel are shipped loose when configured with station.

Specifications

Duplex Fiberglass Lift Station: Rail Pipe

FILE: SPEC40C

Pre-Packaged Fiberglass Systems

DESCRIPTION: The manufacturer shall furnish a complete Pump Station(s). The pump station shall consist of a basin package, pump and control panel.

- The Basin Package shall include the following: fiberglass basin with anti-flotation collar, BAF lift out system with stainless steel guide rails, isolation valve, mechanical floats, basin cover, check valve, stainless lifting chain, field locatable conduit fitting, and bug free station vent. All equipment in the wet well shall be capable of constant submerge in sewage to a minimum depth of 30 feet without electrical power being energized.
- The Control Panel (optional) shall include a NEMA 4X weather tight thermoplastic enclosure with removable mounting flanges. The panel shall have alternating action that equalizes pump wear. In addition to the alternating pump control, this system provides override control should either pump fail. The panel shall have indicators showing pump run, float status, and control/alarm power indicators. The high level alarm shall consist of a horn for audio warning, as well as a top mounted red beacon. The interior of the panel shall consist of magnetic motor contactors, circuit breakers, terminal blocks for customer connection of power, pump leads, and level switches, and hand-off-automatic switches are provided for manual operation of the pumps.
- The Pump (optional) shall include a Barnes Grinder, Effluent, or Sewage Ejector, and shall be selected based on the hydraulic requirements of the system.

SHOP DRAWINGS AND MANUALS: After receipt of notice to proceed, the manufacturer shall furnish the engineer a minimum of eight (8) sets of shop drawings detailing the equipment to be furnished including dimensional data and materials of construction. The engineer shall promptly review this data, and return two (2) copies to the manufacturer as approved, or approved as noted. Upon receipt of accepted shop drawings, the manufacturer shall proceed with order entry and fabrication of the equipment. Prior to completion of equipment delivery, the manufacturer shall supply four (4) copies of Operation and Maintenance Manuals to the owner, and one (1) copy of the same to the engineer.

PRE-APPROVAL OF MANUFACTURER: The system design is detailed in the drawings. Any pump manufacturer not specified, but wishing to be pre-approved as an acceptable supplier shall submit a complete hydraulic analysis based on the design detailed in the drawings at least fifteen days prior to bid date. All manufacturers must have been in the business of manufacturing complete pump stations for a minimum of ten years. Manufacturer Representatives, Distributors, or Packagers will not be considered to be manufacturers. Manufacturer must demonstrate to the satisfaction of engineer that the proposed pump equipment will meet system flows and heads required. In addition, pre-submittal must also demonstrate to the satisfaction of the engineer that the equipment being proposed meets or exceeds all performance and safety requirements, materials of construction, and user benefits of the specified equipment. Only pre-approved pump station manufacturers will be considered. All bids utilizing manufacturers not pre-approved will be considered non-responsive.

ACCEPTABLE MANUFACTURER(S): Acceptable pump station manufacturer(s) are Barnes pumps as manufactured by Crane Pumps & Systems., or pre-approved equal.

CORROSION PROTECTION: All materials exposed to wastewater shall have inherent corrosion protection: i.e., painted cast iron, fiberglass, stainless steel, PVC.

STATION CONFIGURATION: Basins shall be supplied in a wet well configuration.

LEVEL DETECTION: Level detection for controlling the pump and alarm operation shall be accomplished by use of a detection mechanism specifically designed for use in a sewage system and shall be removable without the need to remove the pump. Switches utilized in the system shall be hermetically sealed in a submersible, watertight protective casing. Level detection mechanism shall be suspended mechanical floats with adjustable weights for sight specific settings to provide switch protection from solids, greases, oils, and fats. Level detection mechanism shall not require any regular, preventive maintenance. The level detection mechanism shall consist of four (Duplex) switches, one for each function (HIGH WATER ALARM, LEAD PUMP ON, LAG PUMP ON, ALL PUMPS OFF). The level controls shall be serviceable without the need for a confined space entry as defined by OSHA or the need to remove the pump. Use of mercury floats will not be acceptable.

SHUT-OFF VALVE: The pump discharge shall be equipped with a factory installed, manual valve with separate union. Valves shall be, constructed of (Gate-PVC(1-1/4" and 2") Ball-PP (3")) , with a minimum rated pressure of 150 PSI (10.6 kgs/sq. meter). All valves shall be operable from ground level. Shut off valve must be replaceable without excavating basin exterior. Shut off valves shall be each equal to the size of the station discharge.

BASIN CONSTRUCTION AND ASSEMBLY: The basin shall be fiberglass reinforced polyester resin with a 3" (76.2 mm) ballast support flange. The basin shall be furnished with one flexible inlet flange (shipped loose to facilitate field location) to accept a 4.50" (114 mm) OD DWV pipe. Inlet location can vary to accommodate ease of installation. (See installation instructions or consult factory for details.) Basin capacities and dimensions shall be as shown on the contract drawings or as specified herein. The basin FRP wall laminate thickness shall vary with the wetwell depth to provide the aggregate strength to meet the tensile and flexural physical property requirements. The basin FRP wall laminate must be designed to withstand wall collapse or buckling based on a hydrostatic pressure of pounds per square foot, a saturated soil weight of 120 pounds per cubic foot, a soil modulus of 700 pounds per square foot. Basin must comply with the pipe stiffness values as specified in ASTM D 3753. The basin laminate must be constructed to withstand or exceed 150% of the assumed loading on any depth. The finished FRP laminate will have a Barcol hardness of at least 90% of the resin manufactures specified hardness for the fully cured resin. The Barcol Hardness shall be the same for both interior and exterior surfaces. Manufacture must submit documentation including calculation and production certification that basin (s) on the project are in compliance with the above requirements.

All piping inside the basin silhouette shall be at a level in the station that is lower than the frost depth or depth of bury specified for the low pressure sewer piping, whichever is lowest.

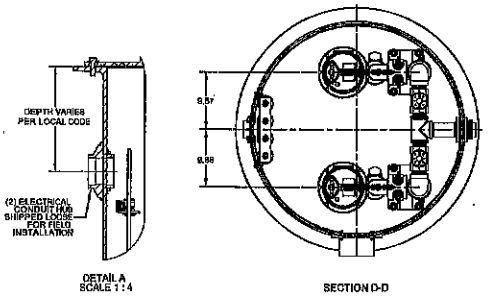
Fiberglass cover shall be grass green color. Steel cover shall be black in color. Aluminum cover shall be natural silver color.

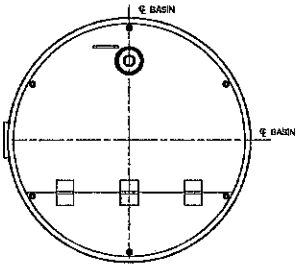
All discharge piping shall be constructed of Schedule 80 PVC and terminate outside the stations with a bulkhead female NPT fitting. The manufacturer shall guarantee all bulkhead penetrations watertight.

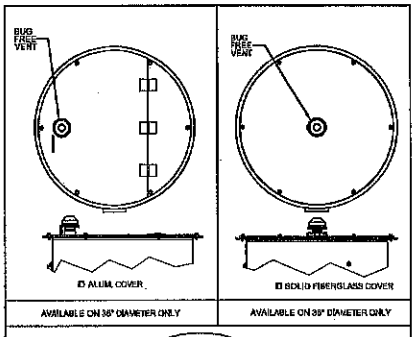
PUMP REMOVAL SYSTEM: Each basin shall be equipped with a 300 series stainless steel pipe guide rail assembly to facilitate removal of the pump(s) from ground level. A stainless steel lifting chain with harness shall be supplied for pump removal. Pump removal system must not require the loosening of fasteners to facilitate pump removal, and shall provide for automatic alignment and re-connection of discharge piping for the replacement pump. Pump replacement shall be accomplished while the basin is full of sewage without the need to dewater the basin.

WARRANTY: The manufacturer shall provide a warranty of twenty-four (24) months after date of manufacture. The owner will return any equipment found to be defective to the manufacturer for inspection and validation of the defect. Defective equipment will be repaired or replaced and shipped back to customer at no charge. Consult factory for extended warranty information.

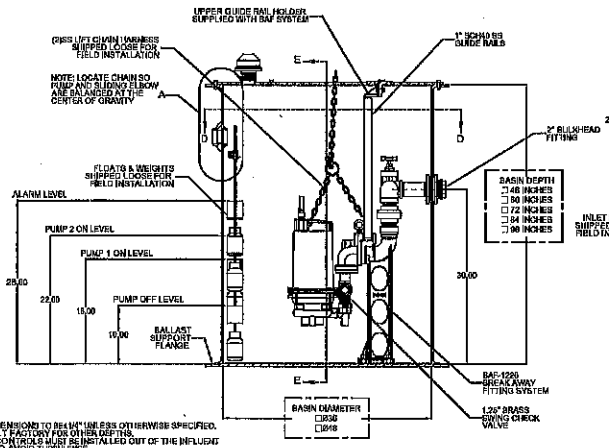
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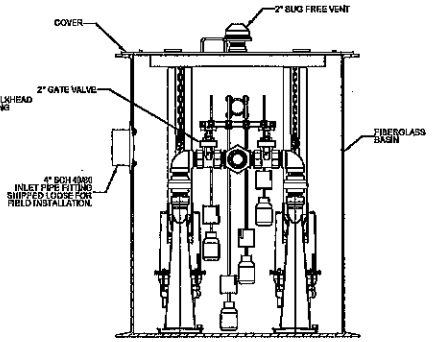






BASIN COVER OPTIONS





SECTION E-E

NOTES:
1. ALL DIMENSIONS TO BE ±1/4" UNLESS OTHERWISE SPECIFIED.
2. CONSULT FACTORY FOR OTHER DEPTHS.
3. LEVEL CONTROLS MUST BE INSTALLED OUT OF THE INFLUENT FLOW TO AVOID TURBULENCE.
4. ELECTRICAL CONDUIT & FITTINGS TO BE INSTALLED ACCORDING TO STATE AND LOCAL CODES.

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SHEET 1 OF 1

TITLE: DUPLEX, PACKAGE, BAF-1220

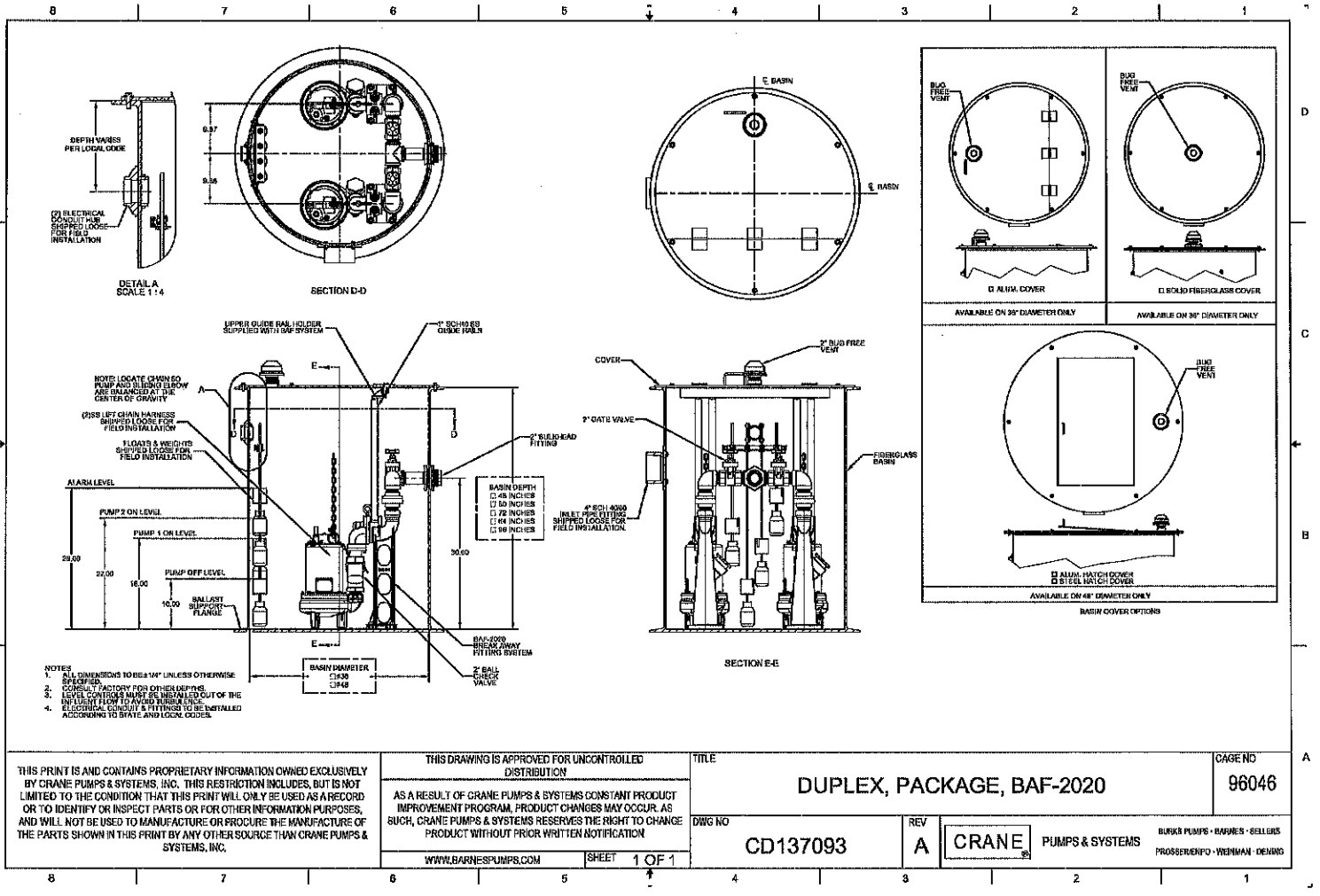
CASE NO: 96046

DWG NO: CD137092

REV: B

CRANE PUMPS & SYSTEMS

BURKS PUMPS • BARNES • SELLERS
PROSSER/ENPO • WEINMAN • DEMING



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SHEET 1 OF 1

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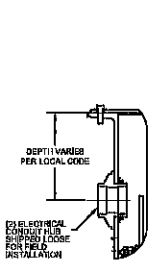
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DWG NO: CD137093

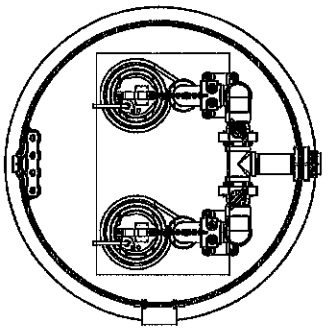
REV: A

CRANE PUMPS & SYSTEMS

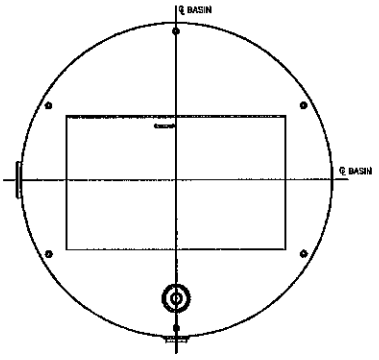
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PROSSER/ENFO • WEINMAN • DEMING

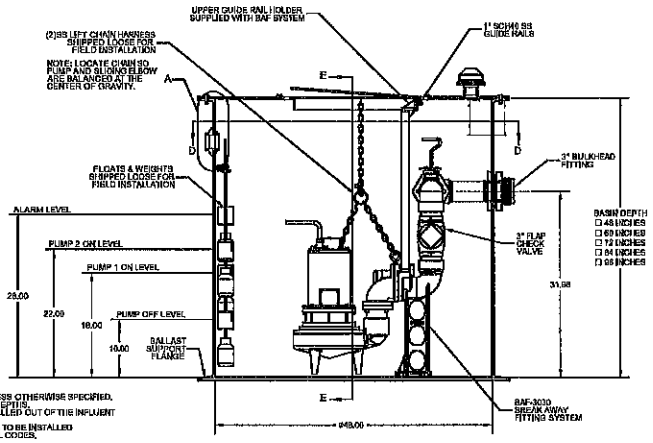


DETAIL A
SCALE 1 : 4

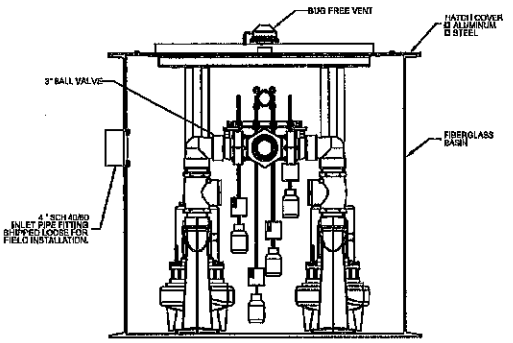


SECTION D-D





NOTES:
1. ALL DIMENSIONS TO BE ±1/4" UNLESS OTHERWISE SPECIFIED.
2. CONSULT FACTORY FOR OTHER DEPTHS.
3. LEVEL CONTROLS MUST BE INSTALLED OUT OF THE INFLUENT FLOW TO AVOID TURBULENCES.
4. ELECTRICAL CONDUIT & FITTINGS TO BE INSTALLED ACCORDING TO STATE AND LOCAL CODES.



SECTION E-E

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SHEET 1 OF 1

TITLE: DUPLEX, PACKAGE, BAF-3030 W/ HATCH COVER

CAGE NO: 96046

DWG NO: CD137094

REV: B

CRANE PUMPS & SYSTEMS

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PROSSER/ENPO · WEINMAN · DEMING

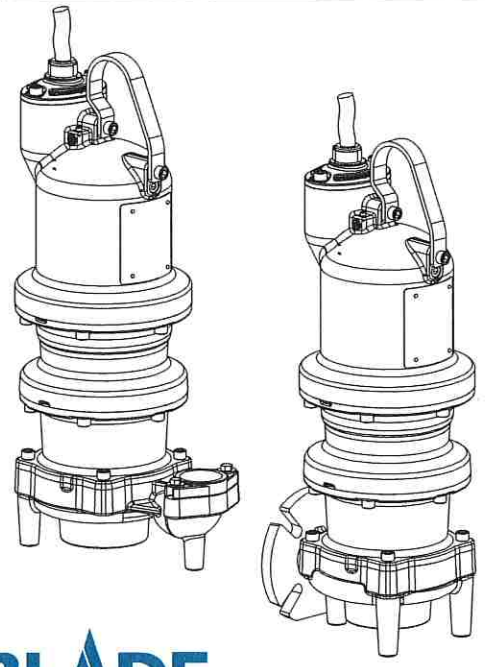
Submersible Grinder Pumps

Specifications:

DISCHARGE:		
	NGV Vertical	2" NPT
	NGVH Flange	2"/2.50"/3", Horizontal
	NGVHH Flange	2.50"/3", Horizontal
LIQUID TEMPERATURE		104°F (40°C) Continuous
VOLUTE		Cast Iron ASTM A-48, Class 30
MOTOR HOUSING		Cast Iron ASTM A-48, Class 30
SEAL PLATE		Cast Iron ASTM A-48, Class 30
IMPELLER:	*Design*	12 Vane, Vortex, With Pump Out Vanes On Back Side. Dynamically Balanced, ISO G6.3
	Material	Cast Iron ASTM A-48, Class 30
SHREDDING RING		Hardened 440C Stainless Steel, Rockwell® C-55
CUTTER		Hardened 440C Stainless Steel, Rockwell® C-55
SHAFT		416 Stainless Steel
SQUARE RINGS		Buna-N
HARDWARE		300 Series Stainless Steel
PAINT		Axalta™ Corlar® Epoxy, Two Coats
SEAL:	*Design*	Tandem Mechanical, Oil Filled Reservoir
	Material	Rotating Faces - Carbon Stationary Faces - Ceramic Elastomer - Buna-N Hardware -300 Series Stainless
CORD ENTRY		Custom Molded, Quick Connected for Sealing and Strain Relief
POWER CORD		CSA Certified Submersible Power Cable 2000V - Ordered Separately
UPPER BEARING:		
	Design	Single Row, Ball, Oil Lubrication
	Load	Radial
LOWER BEARING:		
	Design	Double Row, Ball, Oil Lubrication
	Load	Radial & Thrust
MOTOR:	*Design*	NEMA B Three Phase Torque Curve Oil-Filled, Squirrel Cage Induction, Inverter Duty rated per NEMA MG1
	Insulation	Class H Varnish & Magnet Wire
SINGLE PHASE		Requires overload protection to be included in control panel. Requires start components to be included in panel. Provided with pump
THREE PHASE		Requires overload protection to be included in control panel
MOISTURE SENSORS		Normally Open (N/O), Requires relay in control panel
TEMPERATURE SENSOR		Normally Closed (N/C) To be wired in series with control circuit
OPTIONAL EQUIPMENT		Seal Material, Impeller Trims, Cord Length, Leg Kit, 3" Spool Kit

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SWPA MEMBER



BLADE

Series: NGV
3, 5 , 7.5 & 10HP,
3450RPM, 60Hz

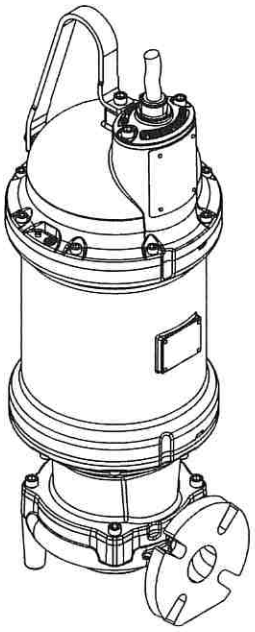
Sample Specifications: Section 3 Page 12.

DESCRIPTION:

THE GRINDER PUMP IS DESIGNED TO **REDUCE** DOMESTIC, COMMERCIAL, INSTITUTIONAL AND LIGHT INDUSTRIAL SEWAGE TO A FINELY GROUND SLURRY.

WARNING:
CANCER AND REPRODUCTIVE HARM - WWW.P65WARNINGS.CA.GOV

Submersible Grinder Pumps



BLADE

Series: NGV
15HP,
3450RPM, 60Hz

Sample Specifications: Section 3 Page 13.

DESCRIPTION:

THE GRINDER PUMP IS DESIGNED TO **REDUCE** DOMESTIC, COMMERCIAL, INSTITUTIONAL AND LIGHT INDUSTRIAL SEWAGE TO A FINELY GROUND SLURRY.

WARNING:
CANCER AND REPRODUCTIVE HARM - WWW.P65WARNINGS.CA.GOV

Specifications:

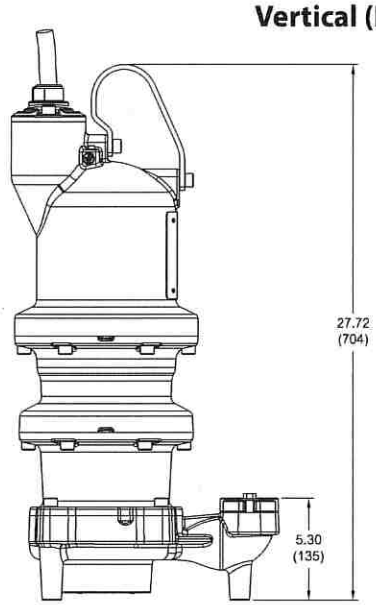
DISCHARGE:		
	Flange	2.50"/3", Horizontal
LIQUID TEMPERATURE		104°F (40°C) Continuous
VOLUTE		Cast Iron ASTM A-48, Class 30
MOTOR HOUSING		Cast Iron ASTM A-48, Class 30
SEAL PLATE		Cast Iron ASTM A-48, Class 30
IMPELLER:	*Design*	12 Vane,Vortex, With Pump Out Vanes On Back Side. Dynamically Balanced, ISO G6.3
	Material	Cast Iron ASTM A-48, Class 30
SHREDDING RING		Hardened 440C Stainless Steel, Rockwell® C-55
CUTTER		Hardened 440C Stainless Steel, Rockwell® C-55
SHAFT		416 Stainless Steel
SQUARE RINGS		Buna-N
HARDWARE		300 Series Stainless Steel
PAINT		Axalta™ Corlar® Epoxy, Two Coats
SEAL:	*Design*	Tandem Mechanical, Oil Filled Reservoir
	Material	Rotating Faces - Carbon Stationary Faces - Ceramic Elastomer - Buna-N Hardware -300 Series Stainless
CORD ENTRY		Custom Molded, Quick Connected for Sealing and Strain Relief
POWER CORD		CSA Certified Submersible Power Cable 2000V - Ordered Separately
UPPER BEARING:		
	Design	Single Row, Ball, Oil Lubrication
	Load	Radial
LOWER BEARING:		
	Design	Double Row, Ball, Oil Lubrication
	Load	Radial & Thrust
MOTOR:	*Design*	NEMA B Three Phase Torque Curve Oil-Filled, Squirrel Cage Induction, Inverter Duty rated per NEMA MG1
	Insulation	Class H Varnish & Magnet Wire
SINGLE PHASE		Requires overload protection to be included in control panel. Requires start components to be included in panel. Provided with pump
THREE PHASE		Requires overload protection to be included in control panel
MOISTURE SENSORS		Normally Open (N/O), Requires relay in control panel
TEMPERATURE SENSOR		Normally Closed (N/C) To be wired in series with control circuit
OPTIONAL EQUIPMENT		Seal Material, Impeller Trims, Cord Length, Leg Kit

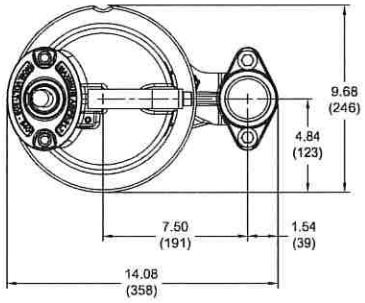
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SWPA MEMBER

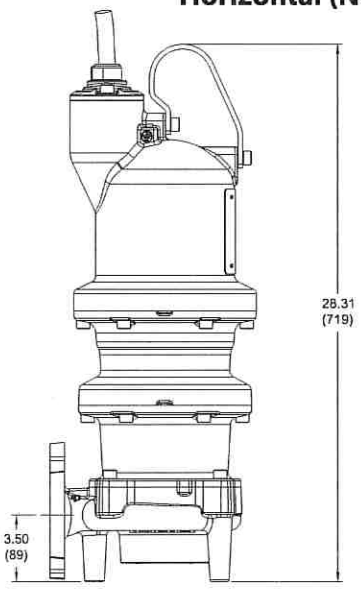
Vertical (NGV - 18 Frame)

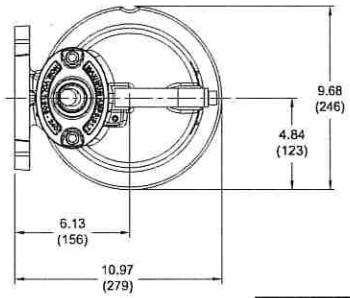
inches (mm)

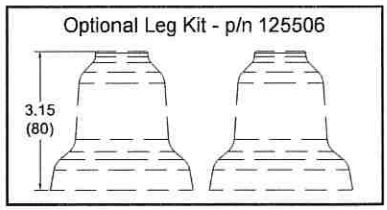




Horizontal (NGVH - 18 Frame)







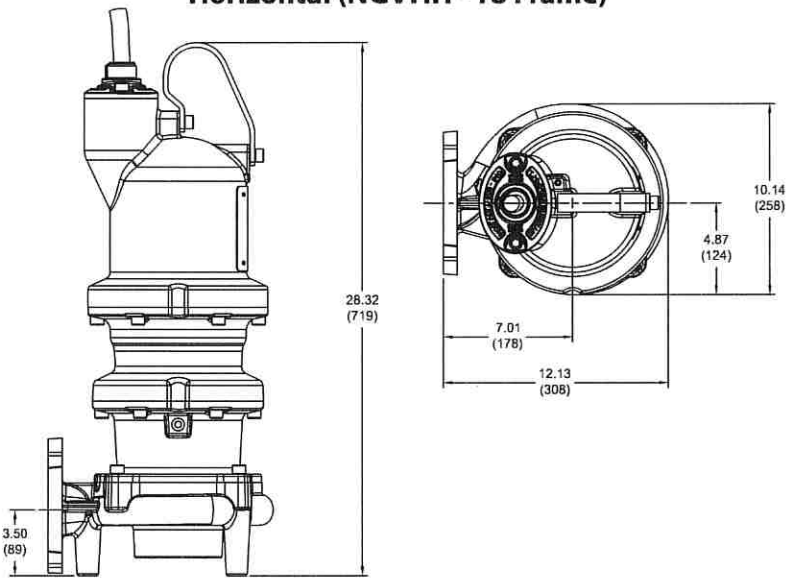
IMPORTANT !

1.) MOISTURE AND TEMPERATURE SENSORS MUST BE CONNECTED TO VALIDATE THE WARRANTY.
2.) A SPECIAL MOISTURE SENSOR RELAY IS REQUIRED IN THE CONTROL PANEL FOR PROPER OPERATION OF THE MOISTURE SENSORS. CONTACT BARNES PUMPS FOR INFORMATION CONCERNING MOISTURE SENSING RELAYS FOR CUSTOMER SUPPLIED CONTROL PANELS.
3.) THESE PUMPS ARE CSA LISTED FOR PUMPING WATER AND WASTEWATER. **DO NOT USE TO PUMP FLAMMABLE LIQUIDS.**
4.) INSTALLATIONS SUCH AS DECORATIVE FOUNTAINS OR WATER FEATURES PROVIDED FOR VISUAL ENJOYMENT MUST BE INSTALLED IN ACCORDANCE WITH THE NATIONAL ELECTRIC CODE ANSI/NFPA 70 AND/OR THE AUTHORITY HAVING JURISDICTION. THIS PUMP IS NOT INTENDED FOR USE IN SWIMMING POOLS, RECREATIONAL WATER PARKS, OR INSTALLATIONS IN WHICH HUMAN CONTACT WITH PUMPED MEDIA IS A COMMON OCCURRENCE.
5.) THIS PUMP IS NOT APPROPRIATE FOR THOSE APPLICATIONS SPECIFIED AS CLASS 1 DIVISION 1 HAZARDOUS LOCATIONS.

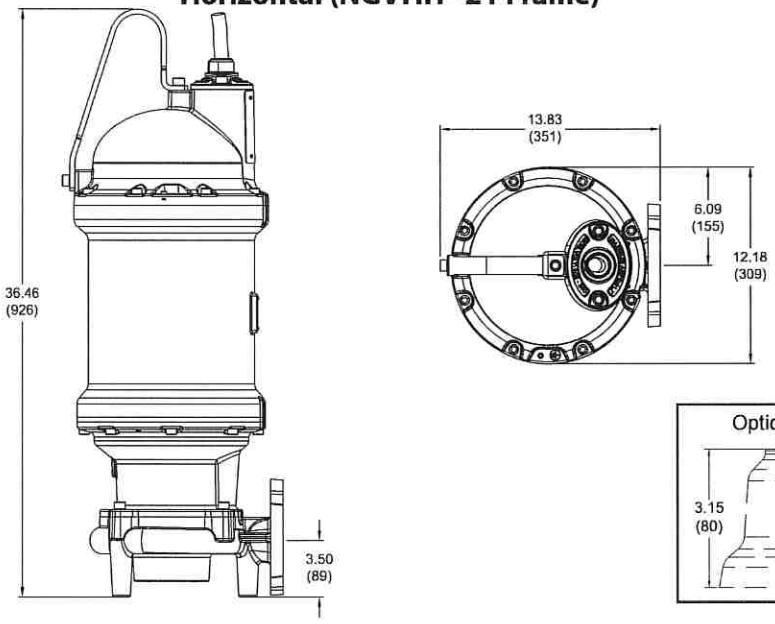
Submersible Grinder Pumps

Horizontal (NGVHH - 18 Frame)

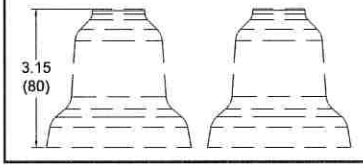
inches (mm)



Horizontal (NGVHH - 21 Frame)



Optional Leg Kit - p/n 125506



IMPORTANT !

1.) MOISTURE AND TEMPERATURE SENSORS MUST BE CONNECTED TO VALIDATE THE WARRANTY.
2.) A SPECIAL MOISTURE SENSOR RELAY IS REQUIRED IN THE CONTROL PANEL FOR PROPER OPERATION OF THE MOISTURE SENSORS. CONTACT BARNES PUMPS FOR INFORMATION CONCERNING MOISTURE SENSING RELAYS FOR CUSTOMER SUPPLIED CONTROL PANELS.
3.) THESE PUMPS ARE CSA LISTED FOR PUMPING WATER AND WASTEWATER. **DO NOT USE TO PUMP FLAMMABLE LIQUIDS.**
4.) INSTALLATIONS SUCH AS DECORATIVE FOUNTAINS OR WATER FEATURES PROVIDED FOR VISUAL ENJOYMENT MUST BE INSTALLED IN ACCORDANCE WITH THE NATIONAL ELECTRIC CODE ANSI/NFPA 70 AND/OR THE AUTHORITY HAVING JURISDICTION. THIS PUMP IS NOT INTENDED FOR USE IN SWIMMING POOLS, RECREATIONAL WATER PARKS, OR INSTALLATIONS IN WHICH HUMAN CONTACT WITH PUMPED MEDIA IS A COMMON OCCURRENCE.
5.) THIS PUMP IS NOT APPROPRIATE FOR THOSE APPLICATIONS SPECIFIED AS CLASS 1 DIVISION 1 HAZARDOUS LOCATIONS.

Submersible Grinder Pumps

	MODEL NO	PART NO	HP	VOLT	PH	Hz	RPM (Nom)	NEMA START CODE	FULL LOAD AMPS	SERVICE FACTOR	LOCKED ROTOR AMPS	DRIVER FRAME	CORD P/N ▲	CORD SIZE	CORD O.D.
BLADE NGV Pump - Vertical	NGV3072	141339N	3.0	208	1	60	3450	J	25.0	1.0	113.2	18	125496	12/4 - 18/4	.86 ± .02
				230				M	23.2		131.2				
	NGV30N2	141340N	3.0	208	3	60	3450	P	12.1	1.0	85.4	18	125496	12/4 - 18/4	.86 ± .02
				230					12.6		95.2				
				460					6.3		47.6		125497	12/4 - 18/4	.86 ± .02
	NGV3052	141342N	3.0	575	3	60	3450	P	5.0	1.0	38.1	18	125497	12/4 - 18/4	.86 ± .02
	NGV5072	141343N	5.0	208	1	60	3450	E	34.1	1.0	113.2	18	125498	8/4 - 18/4	1.12 ± .02
				230				G	29.9		131.2				
	NGV50N2	141344N	5.0	208	3	60	3450	J	17.8	1.0	85.4	18	125496	12/4 - 18/4	.86 ± .02
				230					16.0		95.2				
				460					8.0		47.6		125497	12/4 - 18/4	.86 ± .02
	NGV5052	141346N	5.0	575	3	60	3450	J	6.4	1.0	38.1	18	125497	12/4 - 18/4	.86 ± .02
	NGV75N2	141347N	7.5	208	3	60	3450	M	28.0	1.0	173.9	18	125496	12/4 - 18/4	.86 ± .02
				230					28.2		201.0				
				460					14.1		100.5		125497	12/4 - 18/4	.86 ± .02
	NGV7552	141349N	7.5	575	3	60	3450	M	11.3	1.0	80.4	18	125497	12/4 - 18/4	.86 ± .02

IMPORTANT !
Moisture and Temperature sensor leads are integral to power cord.
Pump rated for operation at ± 10% voltage at motor.
▲ Cord Suffix: XC - 30 Feet, XF - 50 Feet, XJ - 75 Feet, or XL - 100 Feet.
▲ Cord sold separately.
Single Phase pumpes require start components to be included in panel. Provided with pump.

Submersible Grinder Pumps

	MODEL NO	PART NO	HP	VOLT	PH	Hz	RPM (Nom)	NEMA START CODE	FULL LOAD AMPS	SERVICE FACTOR	LOCKED ROTOR AMPS	DRIVER FRAME	CORD P/N ▲	CORD SIZE	CORD O.D.
BLADE NGVH Pump - Horizontal	NGVH3072	141350N	3.0	208	1	60	3450	J	25.0	1.0	113.2	18	125496	12/4 - 18/4	.86 ± .02
				230				M	23.2		131.2				
	NGVH30N2	141351N	3.0	208	3	60	3450	P	12.1	1.0	85.4	18	125496	12/4 - 18/4	.86 ± .02
				230					12.6		95.2				
				460					6.3		47.6		125497	12/4 - 18/4	.86 ± .02
	NGVH3052	141353N	3.0	575	3	60	3450	P	5.0	1.0	38.1	18	125497	12/4 - 18/4	.86 ± .02
	NGVH5072	141354N	5.0	208	1	60	3450	E	34.1	1.0	113.2	18	125498	8/4 - 18/4	1.12 ± .02
				230				G	29.9		131.2				
	NGVH50N2	141355N	5.0	208	3	60	3450	J	17.8	1.0	85.4	18	125496	12/4 - 18/4	.86 ± .02
				230					16.0		95.2				
				460					8.0		47.6		125497	12/4 - 18/4	.86 ± .02
	NGVH5052	141357N	5.0	575	3	60	3450	J	6.4	1.0	38.1	18	125497	12/4 - 18/4	.86 ± .02
	NGVH75N2	141358N	7.5	208	3	60	3450	M	28.0	1.0	173.9	18	125496	12/4 - 18/4	.86 ± .02
				230					28.2		201.0				
				460					14.1		100.5		125497	12/4 - 18/4	.86 ± .02
	NGVH7552	141360N	7.5	575	3	60	3450	M	11.3	1.0	80.4	18	125497	12/4 - 18/4	.86 ± .02

NOTE: A 3" Pipe Spool Kit is recommended for use of a NGVH with a 3x3 BAF.

IMPORTANT !
Moisture and Temperature sensor leads are integral to power cord.
Pump rated for operation at ± 10% voltage at motor.
▲ Cord Suffix: XC - 30 Feet, XF - 50 Feet, XJ - 75 Feet, or XL - 100 Feet.
▲ Cord sold separately.
Single Phase pumpes require start components to be included in panel. Provided with pump.

	MODEL NO	PART NO	HP	VOLT	PH	Hz	RPM (Nom)	NEMA START CODE	FULL LOAD AMPS	SERVICE FACTOR	LOCKED ROTOR AMPS	DRIVER FRAME	CORD P/N ▲	CORD SIZE	CORD O.D.
BLADE NGVHH Pump - Horizontal	NGVHH75N2	143385N	7.5	208	3	60	3450	M	28.0	1.0	173.9	18	125496	12/4 - 18/4	.86 ± .02
				230					28.2		201.0				
				460					14.1		100.5		125497	12/4 - 18/4	.86 ± .02
	NGVHH7552	143386N	7.5	575	3	60	3450	M	11.3	1.0	80.4	18	125497	12/4 - 18/4	.86 ± .02
	NGVHH100N2	143387N	10.0	208	3	60	3450	K	37.0	1.0	173.9	18	125498	8/4 - 18/4	1.12 ± .02
				230					34.8		201.0				
				460					17.4		100.5		125497	12/4 - 18/4	.86 ± .02
	NGVHH10052	143388N	10.0	575	3	60	3450	K	13.9	1.0	80.4	18	125497	12/4 - 18/4	.86 ± .02
	NGVHH150N2	141375N	15.0	208	3	60	3450	E	59.0	1.0	195.7	21	125498	8/4 - 18/4	1.12 ± .02
				230					57.1						
				460					28.5		88.5		125497	12/4 - 18/4	.86 ± .02
	NGVHH15052	141377N	15.0	575	3	60	3450	E	22.8	1.0	70.8	21	125497	12/4 - 18/4	.86 ± .02

NOTE: A 3" Pipe Spool Kit is recommended for use of a NGVHH with a 3x3 BAF.

IMPORTANT !
Moisture and Temperature sensor leads are integral to power cord.
Pump rated for operation at ± 10% voltage at motor.
▲ Cord Suffix: XC - 30 Feet, XF - 50 Feet, XJ - 75 Feet, or XL - 100 Feet.
▲ Cord sold separately.

BLADE Series NGV / NGVH

Performance Curve

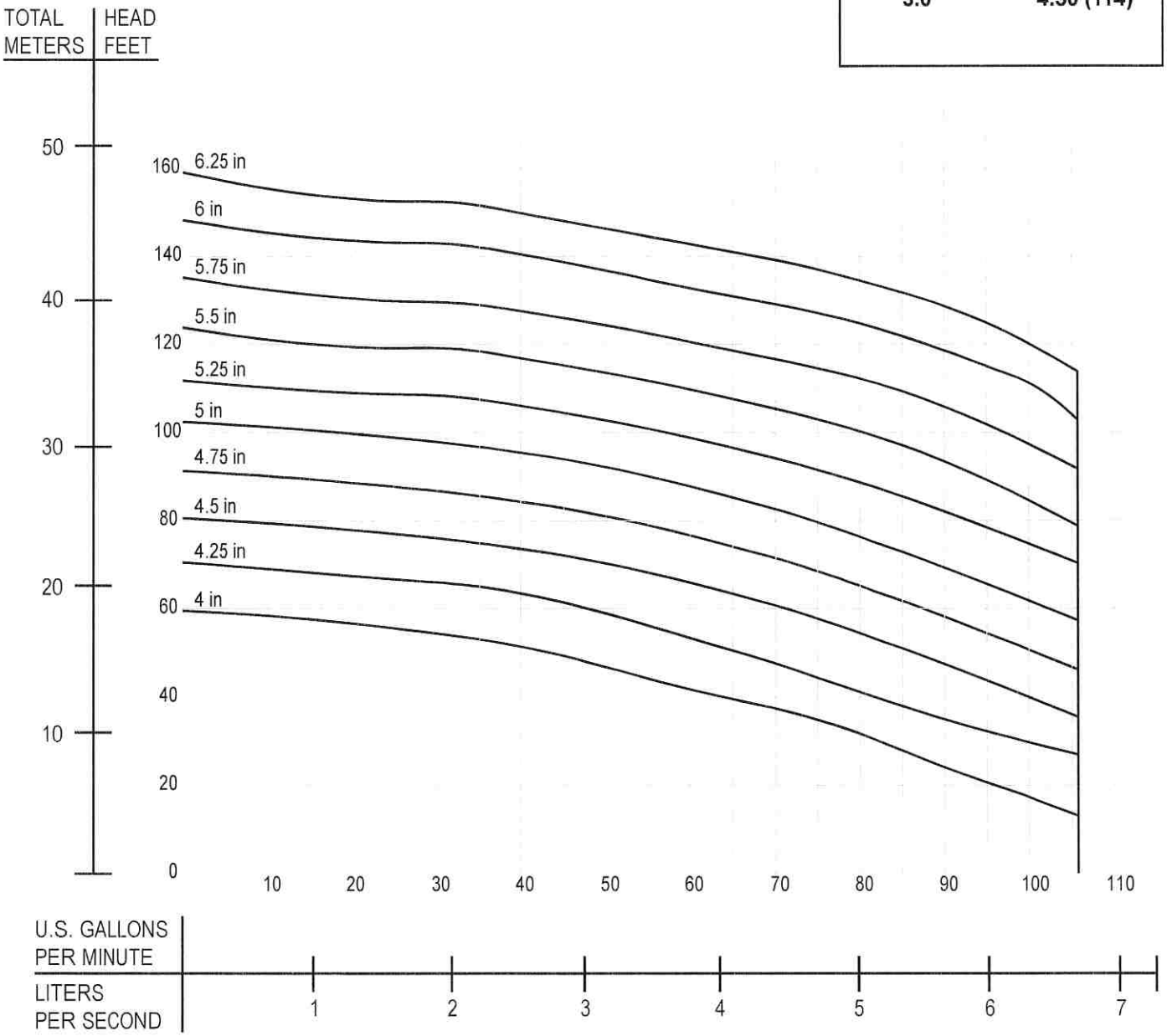
3, 5 & 7.5HP, 3450RPM, 60Hz

BARNES®

www.cranepumps.com

Submersible Grinder Pumps

STANDARD IMPELLER SIZES	
Pump HP	**Impeller Dia. in. (mm)**
7.5	**6.25 (159)**
5.0	**5.25 (133)**
3.0	**4.50 (114)**



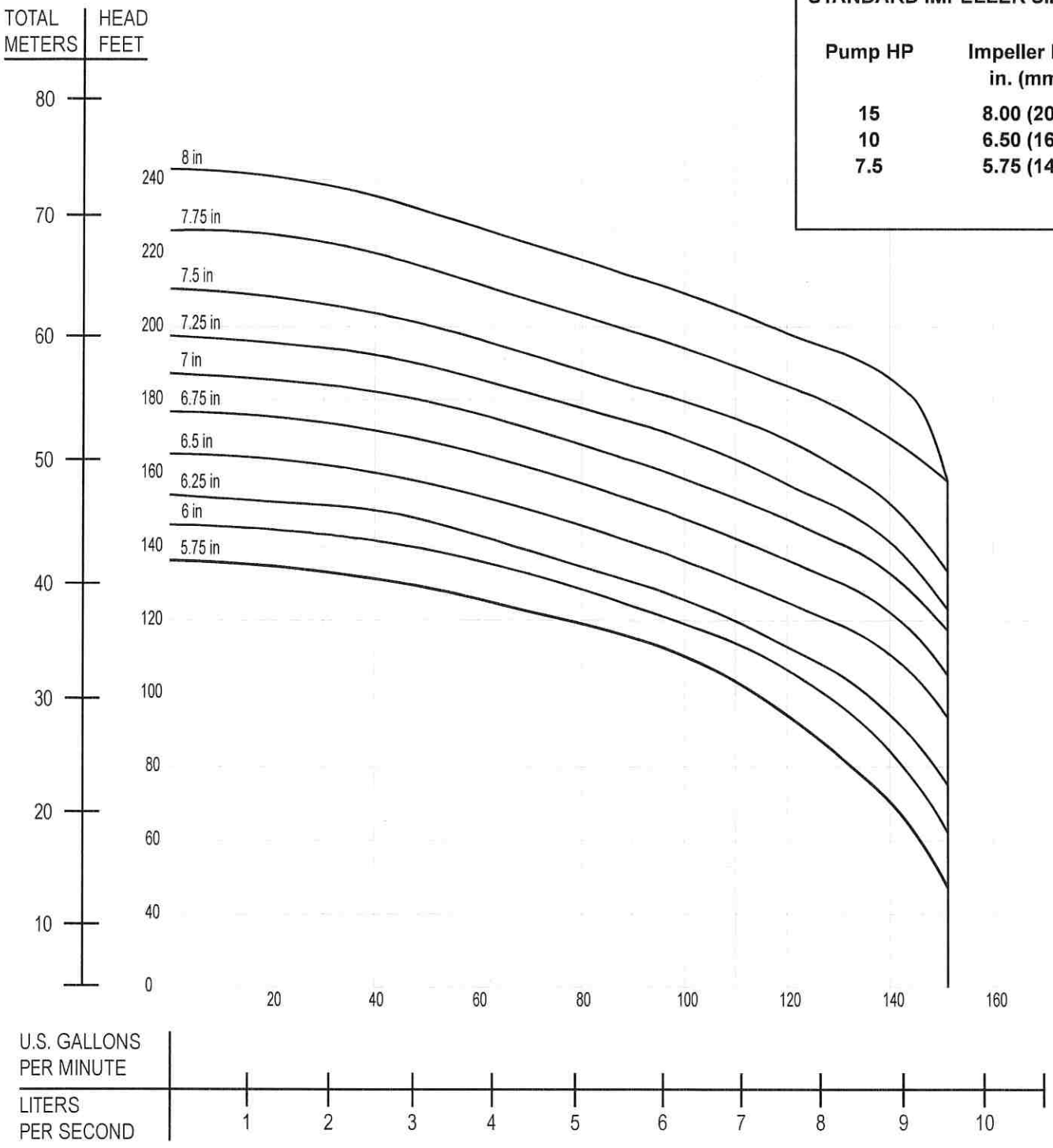
Testing is performed with water, specific gravity 1.0 @ 68° F @ (20°C), other fluids may vary performance

BLADE Series NGVHH

Performance Curve
7.5, 10 & 15HP, 3450RPM, 60Hz

Submersible Grinder Pumps

STANDARD IMPELLER SIZES	
Pump HP	**Impeller Dia. in. (mm)**
15	**8.00 (203)**
10	**6.50 (165)**
7.5	**5.75 (146)**



Testing is performed with water, specific gravity 1.0 @ 68° F @ (20°C), other fluids may vary performance

APPENDIX D.

Water Meter Analysis

Nathaniel Crossing Water Usage

Start Date	End Date	# Days	Usage C.F.	Usage Gal	Gallons/Day	Gallons/Br/Day
8/29/2016	11/2/2016	65	19900	148852	2290	46
11/2/2016	1/31/2017	90	21200	158576	1762	35
1/31/2017	4/28/2017	87	20100	150348	1728	35
4/28/2017	8/1/2017	95	34300	256564	2701	54
					Average Usage=	42
					F.S. = 1.5	x1.5
					Average w/ FS =	**64**

The Condos at Helderberg estimated demand

Number of Units	Bedrooms/Unit	Total Population BR.	Average unit demand (GPD)	Total Demand In GPD
124	**2.5**	**310**	64	**19718**

Original Demand for Single Family Homes in approved district

58	**3.5**	**203**	**110**	**22330**

Attention Mark

File Edit Commands List Help

SECTOR

Customer/Location Consumption History Inquiry

Customer ID: 36353 PIGLIAVENTO BUILDERS

Location ID: 36364 43 KENDALL DR

Cycle/route: 02 53

Initiation date : 11/15/13

Termination date: 0/00/00

Customer status: Active

Amount due: .00

Pending: .00

Customer/location status: A

OK

Exit

Cancel

Print history

Meter inventory

Meter service

Reading / bills

Budget trans

Change view

Graph history

Customer/loc

Reading activity

MA	REG	6/01/17	94300.00	.00	95	72300136
MA	REG	4/28/17	201.00.00	.00	97	72300136
MA	REG	1/31/17	21200.00	.00	90	72300136
MA	REG	11/02/16	19900.00	.00	65	72300136
MA	REG	8/29/16	43000.00	.00	117	72300136
MA	REG	5/04/16	22400.00	.00	93	72300136
MA	REG	2/01/16	16300.00	.00	94	72300136
MA	REG	10/30/15	40000.00	.00	87	72300136
MA	REG	8/04/15	37100.00	.00	89	72300136
MA	REG	5/07/15	7400.00	.00	92	72300136
MA	REG	2/04/15	7200.00	.00	56	72300136
MA	REG	10/31/14	6100.00	.00	62	72300136

Meter # 72300136

to check meter

Hot box

APPENDIX E.

Photos – Capacity Analysis



Manhole 314 A – Inlet out surcharging



Manhole 312 - Adequate Capacity



Manhole 312 A – Adequate Capacity



Manhole 314 – Adequate Capacity pipe sizes increase to 12”



Manhole 341 – Adequate Capacity



Manhole 321 – Adequate Capacity



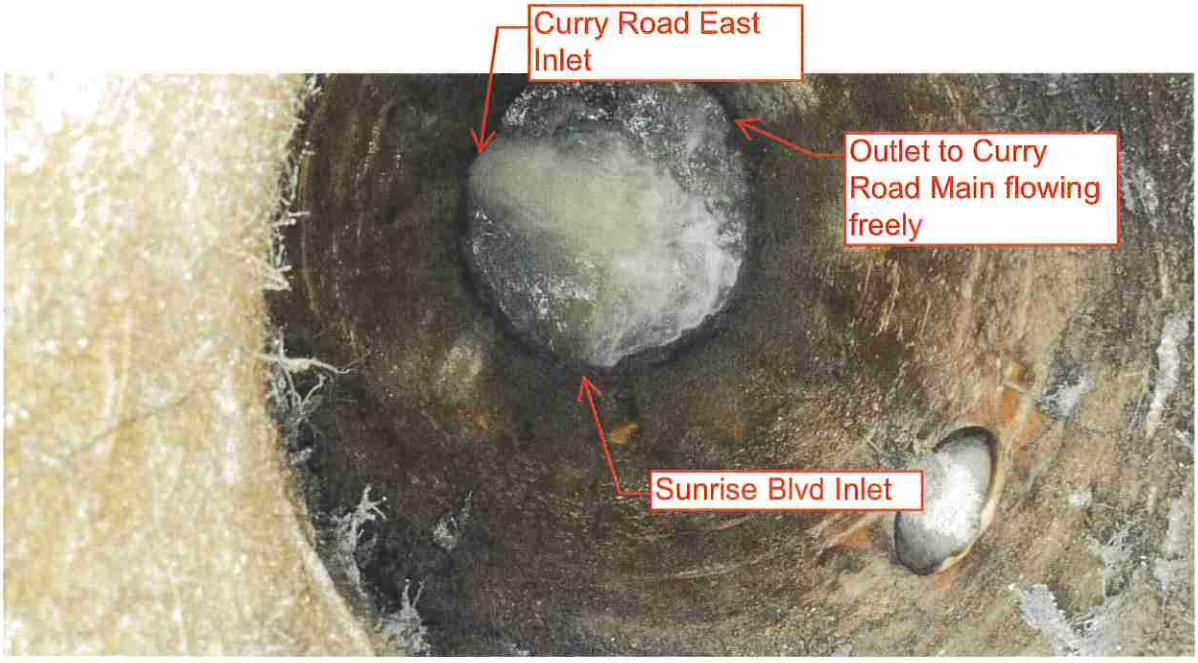
Manhole 321 A – Adequate Capacity



Manhole 322 – Adequate Capacity



Manhole 54 B – Adequate Capacity



Manhole 54 A – Curry Road Tie in adequate capacity. Significant flow from Curry Road East. Our inlet on the bottom of the picture outlet on the top.

APPENDIX F

Legal Description

Stephen P. Walrath, L.S.

Land Surveying & Land Use Planning
Environmental Mapping

P.O. Box 381
122 Main Street
Altamont, NY 12009
518-986-0125
email: spwalrath3@gmail.com

SUGGESTED DESCRIPTION
Lands of
Development at Helderberg Meadows, LLC
Tax Map I.D. No. 58.19-1-10
Town of Rotterdam
County of Schenectady
5.09+/- Acres

All tract, piece or parcel of land situate in the Town of Rotterdam, County of Schenectady and State of New York lying westerly of Guilderland Avenue and being more particularly bounded and described as follows:

Beginning at a point on the westerly highway boundary line of Guilderland Avenue at its intersection with the division line between the lands now or formerly of Douglas and Pamela Hoeffner (Book 1840 of Deeds, Page 137) on the south and east and the lands herein described on the north and west and running thence the following two (2) courses and distances along said division line:

1. N 34°26'50" W 398.42 feet to a point; and
2. S 67°10'10" W 218.50 feet to a point at its intersection with the division line between the lands now or formerly of Norman M. Alfieri (Book 1822 of Deeds, Page 466) on the east and the lands herein described on the west; running thence S 67°10'10" W 185.00 feet, along said division line, to a point at its intersection with the division line between the lands now or formerly of Development of Helderberg Meadows (Book 1814 of Deeds, Page 266) on the south and west and the lands herein described on the north and east; running thence the following three (3) courses and distances along said division line:
1. N 33°13'30" W 408.75 feet to a point;
2. N 75°18'00" E 227.34 feet to a point; and
3. N 65°34'30" E 278.14 feet to a point at its intersection with the division line between the lands now or formerly of Samalsat Din and Nadir Haidar (Book 2027 of Deeds at Page 175) on the north and the lands herein described on the south; running thence S 32°47'00" E 765.71 feet, along said division line, to a point at its intersection with the aforementioned westerly highway boundary line of Guilderland Avenue; running thence S 57°11'10" W 79.15 feet, along said westerly highway boundary line, to the point of beginning.

Containing 5.09 Acres of land, more or less.

RESOLUTION NO. 377.23

TO AUTHORIZE THE SUPERVISOR TO EXECUTE AND SIGN A MEMORANDUM OF AGREEMENT WITH THE ROTTERDAM PATROLMEN'S BENEVOLENT ASSOCIATION INC. (PBA)

THEREFORE, UPON MOTION OF Councilmember _____,

seconded by Councilmember _____,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to execute and sign a memorandum of agreement between the Town of Rotterdam and the Rotterdam Patrolmen's Benevolent Association Inc.

SECTION 2. This resolution shall become effective September 25, 2024.

DATED: September 25, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			