MEETING OF THE
ROTTERDAM TOWN BOARD

July 10, 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
PRESENTATIONS

- Bus Patrol informational presentation

PUBLIC HEARING

- For receipt of comment on the proposed Introductory Local Law No. __ of 2024; To amend Chapter 270, Zoning, of the Town Code, to repeal the existing Solar Energy Facilities Law, Local Law No. 1 of the year 2017 and related site plan fees Chapter 270-137.1 (A)(1) and for the adoption of an updated Solar Energy Facilities Law. *Pg. 5*

- To accept the Map, Plan and Report for the proposed Sewer District No. 2, Extension No. 17 - Helderberg Meadows West. The Sewer District is being formed to add an additional 5.09 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 Rotterdam Planning Commission on July 19, 2022. *Pg. 92*

- To consider a proposed local law establishing a demonstration program imposing owner liability for failure of an operator to stop for a school bus displaying a red visual signal and stop-arm. *Pg. 135*

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

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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.

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INTRODUCTION OF MOTIONS, ORDERS AND RESOLUTIONS
RESOLUTIONS

270.24 Accepting Town Board meeting minutes. *Pg. 142*

271.24 To accept revenue for Town Clerk's office for June 2024. *Pg. 202*

272.24 To authorize a release of retainage to AMZ Construction Services, Inc. *Pg. 208*

273.24 To Declare Lead Agency for SEQR Review on a Change of Zone request on ±14.02 acres from Agricultural (A-1) to General Business (B-2) located at 774 and 778 Duanesburg Road. *Pg. 220*

274.24 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 Agricultural (A-1) to General Business (B-2) located at 774 and 778 Duanesburg Road. *Pg. 226*

275.24 To Declare Lead Agency for SEQR review on a Change of Zone from General Business (B-2) to Multi-Family Residential (R-3) located at 1725 Tower Street. *Pg. 237*

276.24 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 General Business (B-2) to Multi-Family Residential (R-3) located at 1725 Tower Street. *Pg. 243*

277.24 To recognize the introduction of Introductory Local Law __ of 2024; To amend Chapter 264 section 9, entitled "Vehicles and Junk, Outside storage of - Penalties for offenses" of the code of the Town of Rotterdam, and scheduling a public hearing thereon. *Pg. 253*

278.24 To recognize the introduction of Introductory Local Law __ of 2024; To amend Chapter 265 section 16, entitled "Property Maintenance - Penalties for offenses" of the code of the Town of Rotterdam, and scheduling a public hearing thereon. *Pg. 257*

279.24 To negotiate and execute an agreement with Axon Enterprise Inc. *Pg. 261*

280.24 To declare equipment obsolete. *Pg. 271*

281.24 To enact Introductory Local Law No. 12 of 2024; To adopt Chapter 266b entitled "School Bus Stop-Arm Camera Program". *Pg. 274*

282.24 To adopt a SEQR Negative Declaration to amend Chapter 270, Zoning, of the Town Code, to repeal the existing Solar Energy Facilities Law, Local Law No. 1 of the year 2017 and related site plan fees Chapter 270-137.1 (a)(1) and for the adoption of an updated Solar Energy Facilities Law. *Pg. 285*

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283.24 A resolution for adoption of amendments to the zoning code to repeal Local Law No. 1 of 2017 entitled Solar Energy Facilities and to enact Local Law No. 13 of 2024 entitled Solar Energy Facilities Law with amendment to site plan fees. *Pg. 313*

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

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PUBLIC HEARING #1

7/10/24

- For receipt of comment on the proposed Introductory Local Law No. __ of 2024; To amend Chapter 270, Zoning, of the Town Code, to repeal the existing Solar Energy Facilities Law, Local Law No. 1 of the year 2017 and related site plan fees Chapter 270-137.1 (A)(1) and for the adoption of an updated Solar Energy Facilities Law.

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SOLAR ENERGY FACILITIES LAW

TOWN OF ROTTERDAM

LOCAL LAW No. _____ of 20____

BE IT ENACTED by the Town Board of the Town of Rotterdam, in the County of Schenectady, as follows:

I. SECTION ONE – TITLE

This local law shall be known as the "Solar Energy Facilities Law," and shall repeal and replace Local Law No. _____ of the year _____.

II. SECTION TWO – PURPOSE, INTENT AND OBJECTIVES

The purpose of this law shall be to provide for the siting, development, and decommissioning of solar energy systems subject to reasonable conditions to reduce potential impacts on adjoining properties, while promoting the effective and efficient use of solar energy resources.

The town finds that well-planned and suitably located solar energy systems can be beneficial. This law seeks to foster, thorough project planning and appropriate siting, the following objectives:

A. Protecting the health, safety, and well-being of our 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.

B. Allowing Town of Rotterdam residents, landowners, farms, and government to safely take advantage of solar energy resources in a way that is consistent with the nature and character of the Town in accordance with the Town of Rotterdam Comprehensive Plan.

C. Promoting and supporting our Town's Open Space Plan with solar code that protects and preserves open space, agricultural lands, and environmentally significant areas of Town as designated by our Comprehensive Plan and Conservation Plan.

D. Protecting the Town's unique ecosystem of plants, wildlife, and habitats, particularly in the western upland and rural areas of Town.

E. Recognizing the importance of Agriculture and protecting water and soils conducive to farming. If agricultural lands are to be used for solar siting, the Town encourages consideration of dual-use projects/agrivoltaics, a mixed land use production system combining the agricultural use of the land with solar energy production.

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F. Protecting and ensuring farmland, agricultural land, and forested land are put to their highest and best use.

G. Protecting and promoting scenic and environmental resources by minimizing large scale solar energy facilities' impacts on these resources as outlined in the Rotterdam Comprehensive Plan including, but not limited to, fresh watersheds, floodplains, historic sites, conservation easements, trails, parklands, wetlands, wildlife, and scenery, and areas for recreational and outdoor activities.

H. Protecting the property values of those properties neighboring and within the viewshed and soundshed of a large-scale solar energy facility.

I. Conserving the rural character of western Rotterdam and rural hamlets, including Rotterdam Junction and Pattersonville.

III. SECTION THREE – AUTHORITY

This local law is adopted pursuant to Sections 10 and 22 of the Municipal Home Rule Law.

IV. SECTION FOUR – DEFINITIONS

The following definitions are as they relate to this Solar Energy Facilities Law:

ANSI – American National Standards Institute.

ATIMA – As Their Interests May Appear.

Ambient Noise: All-encompassing sound that is associated with a given environment, usually a composite of sounds from many sources near and far.

Battery Energy Storage System (BESS) – One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time (not to include a stand-alone 12-volt car battery or an electric motor vehicle).

Battery Management System - An electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are identified.

Building-Integrated Photovoltaic System – A combination of photovoltaic building components integrated into any building envelope system, such as vertical facades,

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including glass and other façade material, semitransparent skylight system, roofing materials, and shading over windows. Building-Integrated Photovoltaic System are Tier 1 solar energy systems.

Commissioning –A systematic process that provides documented confirmation that a solar energy system functions according to the intended design criteria and complies with applicable code requirements.

Comprehensive Plan – The Town of Rotterdam's Comprehensive Plan, adopted on December 14, 2022, and as amended.

Decommissioning Plan –a plan to retire the physical facilities of the Project, including but not limited to decontamination, dismantlement, rehabilitation, landscaping, and monitoring.

Facility Area – The cumulative land area occupied during the operation of the solar energy facility. This shall include all areas and equipment within the facility's fenced perimeter boundary, including the solar energy system, onsite interconnection equipment, onsite electrical energy storage equipment, fencing, and any other associated equipment – as well as any site improvements beyond the facility's fenced perimeter boundary such as access roads, permanent parking areas, or other permanent improvements. The facility area shall not include site improvements established for impact mitigation purposes, including but not limited to vegetative buffers and landscaping features.

Fenced Perimeter – Any section(s) of Facility Area that is required by regulation or by the Planning Commission to be surrounded by security fencing that meets NEC requirements.

Forest and Woods – for the purpose of this Law, the terms forest, woods, woodlands, timberlands, wood lot and other reasonably synonymous terms shall describe any contiguous land-area where the dominant cover-type of the land is trees, covering at least 25% of the area. Forests and woods typically have thirty (30) years of uninterrupted growth or has surpassed the shrubland stage of primary succession.[1]

Glare - The effect by reflections of light with intensity sufficient as determined in a commercially reasonable manner to cause annoyance, discomfort or loss in visual performance and visibility in any material respects.

Ground-Mounted Solar Energy System - A Solar Energy System which is secured to the ground via a pole, ballast system, or other mounting system; is detached from any other structure; and which generates electricity for onsite or offsite consumption. For the

[1] Combination of the definition of "shrubland" from University of New Hampshire and definition of "forest" from The Society of American Foresters.

purposes of this Solar Energy Facility law, systems affixed to canopies, such as carports in parking lots or driveways, shall be considered a ground-mounted system.

Immaterial Modifications - Changes in the location, type of material or method of construction of a solar energy system that will not: (1) increase the system's area by more than 5 percent (exclusive of moving any fencing) from original approval, (2) result in any new or additional adverse environmental impact not already reviewed and accepted for the project by the Town Planning Commission; (3) cause the project to violate any applicable setbacks or other requirements of this Law; or (4) cause the project not to conform to the State Environmental Quality Review determination or findings issued by the Planning Commission.

ISAOA – Its Successors and Or Assigns.

Kilowatt (kW): A unit of power equal to 1,000 watts. The nameplate capacity of solar energy systems may be described in terms of kW.

Material Safety Data Sheet (MSDS) – is a document that contains information on the potential hazards (health, fire, reactivity and environmental) and how to work safely with the chemical product.

Megawatt (MW): A unit of power equal to 1,000 kW. The nameplate capacity of solar energy systems may be described in terms of MW.

Mineral Soil Groups 1-4 (MSG 1-4): Soils recognized by the New York State (NYS) Department of Agriculture and Markets as having the highest value based on soil productivity and capability, in accordance with the uniform statewide land classification system developed for the NYS Agricultural Assessment Program.

Nameplate Capacity: A solar energy system's maximum electric power output under optimal operating conditions. Nameplate Capacity may be expressed in terms of Alternating Current (AC) or Direct Current (DC).

Nationally Recognized Testing Laboratory - A U.S. Department of Labor designation recognizing a private sector organization to perform certification for certain products to ensure that they meet the requirements of both the construction and general industry OSHA electrical standards.

NEC - National Electrical Code (NEC), also known as NFPA 70, and as amended or revised.

Non-Participating Property - A property not owned or leased by the solar energy system operator, nor having any land use agreement or easement related to the system.

Participating Property - A property owned or leased by the solar energy system operator, or a property having any land use agreement or easement related to the system. Where multiple adjacent properties under single ownership are participating in a solar energy system, the combined lots shall be considered as one for the purposes of applying setback requirements.

Point of Interconnection (POI) – the point at which power is delivered to an electrical distribution or transmission system and usually represents demarcation between the Solar Energy System and utility owned electrical infrastructure.

Renewable Energy Substation – An electrical substation used in the generation, transmission, and/or distribution system directly associated with and constructed for a Solar Energy System. Not including utility owned electrical substations already in existence prior to Solar Energy System construction, unless said substation is within the solar Facility Area, and, modified for the Solar Energy System's use, and owned by the Solar Energy System legal entity.

Roof-Mounted Solar Energy System – A series of solar panels on the roof of any legally permitted building and/or structure for the purpose of producing electricity for on-site and/or off-site consumption.

Severe Weather Event: As defined by the National Weather Service, events such as: floods, tornados and thunderstorm that produces a tornado, winds of at least 58 mph, and/or hail at least 1" in diameter.

Shrubland: For the purpose of this law the terms Shrubland, Brushland, Brush, Scrub Brush, Overgrown, other reasonably synonymous terms shall describe lands with thickets of shrubs and young trees mixed with scattered grasses and wildflowers. Shrubland are areas where open space has been left alone, unmaintained and unmowed for approximately twenty-five to thirty years before becoming early successional forest.[2]

Solar Access - Space open to the Sun and clear of overhangs or shade so as to permit the use of active and/or passive solar energy systems on individual properties.

Solar Collector - A solar or photovoltaic cell, plate, panel, film, array, reflector, or other structure affixed to the ground, a building, or other structure that harnesses solar radiation to directly or indirectly generate thermal, chemical, electrical, or other usable energy, or that reflects or concentrates solar radiation to a solar or photovoltaic cell, plate, panel, film, array, reflector, or other structure that directly or indirectly generates thermal, chemical, electrical, or other usable energy.

[2] Definition from University of New Hampshire. https://extension.unh.edu/resource/shrublands

Solar Energy Equipment - Electrical material, hardware, inverters, conduit, storage devices, or other electrical and photovoltaic equipment associated with the production of electricity.

Solar Energy System – Also called solar energy facilities, components and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, Solar Panels and Solar Energy Equipment. A Solar Energy System is classified as a Tier 1, Tier 2, Tier 3, Tier 4, or Tier 5 Solar Energy System as follows.

A. Tier 1 Solar Energy Systems include the following:
    a. Roof-Mounted Solar Energy Systems.
    b. Building-Integrated Solar Energy Systems.
    c. Roof mounted Solar Water Heater systems for the purpose of supplying domestic hot water to the property it is located on, and for no other purpose.

B. Tier 2 Solar Energy Systems include the following:
    a. Ground-Mounted Solar Energy Systems not included under Tier 1 with a Nameplate Capacity of up to 1.0 MW AC and which generates no more than 110% of the electricity consumed on the site over the previous 12 months.
    b. Ground mounted Solar Water Heater systems for the purpose of supplying domestic hot water to the property it is located on, and for no other purpose.

C. Tier 3 Solar Energy Systems include the following:
    a. Ground Mounted Solar Water Heater systems not included under Tier 1 or Tier 2.
    b. Ground-Mounted Solar Energy Systems not included under Tier 1 or Tier 2 Solar Energy Systems with a Nameplate Capacity of up to 5 MW AC.

D. Tier 4 Solar Energy Systems include the following:
    a. Ground-Mounted Solar Energy Systems not included under Tier 1, 2 or 3 Solar Energy Systems with a Nameplate Capacity of up to 25 MW AC.

E. Tier 5 Solar Energy Systems are Solar Energy Systems and Solar-Thermal Systems which are not defined under Tier 1, 2, 3 or 4.

Solar-thermal systems – Solar thermal power/electric generation systems collect and concentrate sunlight to produce the high temperature heat needed to generate electricity. Including but not limited to linear concentrating systems, solar power towers, solar dish, solar engine, and similar systems.

Solar Water Heaters – Systems which use solar energy to generate domestic hot water typically for, but not limited to residential use. Systems may be roof or ground mounted.

TDE –Town Designated Engineer.

UL - Underwriters Laboratory, an accredited standards developer in the United States.

Uniform Code - The New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

V. SECTION FIVE – APPLICABILITY

a. The requirements herein shall apply to all solar energy system and equipment installations modified or installed after the effective date of this law, excluding general maintenance and repair.

b. Solar energy system installations for which a valid building permit has been issued, or, if no building permit is presently required, for which installation has commenced before the effective date of this law shall not be required to meet the requirements of this law.

c. Modifications to an existing solar energy system that increase the system's area by more than 5 percent (exclusive of moving any fencing) from original approval shall be subject to this law.

d. A building permit shall be required for installation of all solar energy systems. All solar energy systems may require evaluation and approval of a Town Designated Engineer. Any Type I or unlisted actions under NYCRR Part 617 Stat Environmental Quality Review Act shall require TDE review, at the discretion of the lead agency.

e. All solar energy systems shall be designed, erected, and installed in accordance with all applicable codes, regulations, and industry standards as referenced in the NYS Uniform Fire Prevention and Building Code ("Building Code") the NYS Energy Conservation Code, and the Town of Rotterdam Code.

f. To the extent that any other town law, rule or regulation, or parts thereof, are inconsistent with the provisions of this law, the provisions set forth in this law shall control only as they pertain to solar energy systems.

g. Any proposed solar energy system subject to review by the New York Board on Electric Generation and Siting and the Environment pursuant to Article 10 of the New York State Public Service Law, or the Office of Renewable Energy Siting pursuant to Article 94-c of the Executive Law, shall be subject to all substantive provisions of this law and any other applicable laws, codes, ordinances and

regulations of the Town of Rotterdam, and any other applicable state or federal laws. For the purposes of this provision, such systems shall be classified as Tier 4 herein.

VI. SECTION SIX – PROHIBITIONS AND EXCEPTIONS

a. Installation of any sized solar energy systems on bodies of water or within NYSDEC and/or ACOE regulated wetlands is prohibited.

b. No solar energy system shall be installed within a 100-year flood zone, defined as "A", or "AE" on FEMA Flood Maps.

c. Solar collectors that are integrated directly into building materials, such as roof shingles, and that are a permanent and integral part of and not mounted on the building or structure are exempt from the requirements of this law. However, all applicable building codes shall be met, and necessary permits obtained.

d. Portable solar collectors as part of vehicles, such as campers and similar, or other small, foldable systems meant for temporary use and not in place for longer than 30 calendar days are exempt from the requirements of this article. However, all applicable codes for their operation shall be met, and necessary permits obtained.

e. Tier 5 facilities, as defined above, are prohibited in all Zoning Districts in the Town of Rotterdam.

    i. Rationale: Pursuant to the Town of Rotterdam Comprehensive Plan, The Town of Rotterdam can generally be separated into two distinct areas. The eastern part of Town is mostly developed and urbanized and is the location of most of the Town's infrastructure. The western portion of the Town, however, is distinctly unique in its low level of development, rural character, agricultural lands, and diversity of natural resources. Rotterdam has established an overall policy establishing its desire to maintain its predominantly rural character in the western portion of our Town. Maintaining the rural character shall be accomplished by preserving agricultural landscapes, open space, important scenic views, fresh watersheds, floodplains, historic sites, conservation easements, trails, parklands, wetlands, wildlife, and appropriately sized infrastructure.

    ii. The Rural, Agriculture and Natural resources component of the Plan's Vision Map focuses on maintaining and protecting these key resources while supporting agricultural businesses and preserving natural resources.

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iii. Local laws which apply to major renewable energy facilities are considered to be important by New York State (NYS) Public Service (PBS) CHAPTER 48, ARTICLE 8, § 142 which expressly states that:

"A final siting permit may only be issued if ORES makes a finding that the proposed project, together with any applicable uniform and site-specific standards and conditions, would comply with applicable laws and regulations."

iv. The importance of local laws is manifest from this statement. In choosing to make this statement in the law, the State Legislature explicitly expresses the intent that the content of local laws shall be a very important consideration for the New York State Office of Renewable Energy Siting (Siting Office) in deciding whether to grant or deny permits for major renewable energy facilities.

ARTICLE 8, § 142 continues to state that in making a final siting permit determination with respect to a major renewable energy facility, ORES *may* elect not to apply, in whole or in part, any local law or ordinance that would otherwise be applicable if it makes a finding that, as applied to the proposed facility, if is unreasonably burdensome in view of the CLCPA targets, and the environmental benefits.

The Town of Rotterdam specifically requests that, with regard to any proposed major renewable energy facility having a nameplate capacity of twenty (25) MW or greater or any others being reviewed under NYS Public Service Law Article 8 that the NYS Office of Renewable Energy Siting honor and enforce the local laws of the Town of Rotterdam as set forth herein. Local decision-making is enshrined in the New York State Constitution, Local Government Bill of Rights, Statute of Local Governments, and Municipal Home Rule law. As important as CLCPA goals are, local laws are adopted with the best interest of the community overall in mind, and CLCPA goals should not be the primary metric for determining whether carefully crafted local legislation should be overturned.

VII. SECTION SEVEN – GENERAL REQUIREMENTS

The installation of a solar collector or panel, whether attached to the main structure, an accessory structure, or as a detached, freestanding or ground-mounted solar collector, shall meet all requirements of this section.

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a. All proposed solar energy systems shall submit a Town of Rotterdam Solar Development Application and other associated items outlined herein.

b. All solar energy systems shall adhere to all applicable NYS and Town of Rotterdam building, plumbing, electrical, and fire codes. Except for conditions specified in this law, all systems shall comply with the provisions of the Town zoning ordinance for the zoning district in which they are located.

c. All solar collectors and their associated support elements shall, at the time of installation, be designed according to generally accepted engineering practice to withstand heavy snow loads and wind pressures applied to exposed areas by wind from any direction, to minimize the migration of light or sound from the installation and to minimize sight obstructions for adjacent structures or land parcels.

d. All solar collectors shall have anti-reflective coating(s) to reduce glare to the maximum extent practicable. All solar collectors and related equipment shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent properties or public roadways. Panels shall not reflect more than 2% of incoming sunlight.

e. All solar collectors and their associated support elements shall have a non-reflective finish and be of neutral paint colors to achieve visual harmony with the surrounding area.

f. All participating properties for solar energy systems shall have a single landowner. Solar energy system projects shall not be sited on more than one side of a public road, regardless of property ownership or municipality.

g. Ground-mounted solar energy system height shall not exceed 15 feet when oriented at maximum tilt.

h. When required, solar energy systems applicant shall pay all associated costs for application review, including but not limited to engineering, legal, environmental, planning, and review required under SEQRA. When the Planning Commission determines that a review will require such costs, it shall provide an estimate to the applicant. Subsequently, such payment shall be made prior to commencement of full Planning Commission review after an initial meeting.

i. When solar energy systems are paired with BESS, it shall be noted in the Solar Development Application and be subject to applicable requirements of Town of Rotterdam's BESS code.

j. Visual Impact: A solar energy system shall not be installed in any location that would substantially detract from or block the view(s) of all or a portion of a recognized scenic viewshed, as viewed from any public road, right-of-way, or publicly owned land within the Town or that extends beyond the border of the Town.

k. Landscaping and Screening: Landscaping buffer areas shall be required between the Facility Area and adjacent property lines to screen the view of Tier 2 and larger systems. Buffer widths shall be as follows:

   i. Tier 2: 25 feet and may be increased to a maximum of 100-ft by the Code Enforcement officer. If a Tier 2 system is reviewed by the Planning Commission, they may alter or waive this requirement in the case of carport or canopy systems in parking lots.
   ii. Tier 3: 50 feet and may be increased to a maximum of 100-ft by the Planning Commission.
   iii. Tier 4: 200 feet. If the project is located in zones I-1 or I-2 the buffer width may be reduced to 100-feet or other reasonable width determined by the Planning Commission.

   Buffers shall use existing vegetation to the fullest extent practicable. If existing vegetation does not provide the desired screening or buffer width it shall be supplemented with new landscaping to form a continuous hedge at least ~~14~~ 8 feet in height at planting shall be required and maintained for the life of the project. Berms, solid fencing, and opaque enclosures are the least desirable method of screening but may be proposed in situations where existing or new landscaping for screening is not practical. New landscaping proposed for the project shall be species native to the region and selected by a Registered Landscape Architect. All landscaping and screening methods shall be maintained and replaced as necessary during the life of the project.

l. Lighting: Where lighting is required for solar energy systems, it shall be limited to lighting required for safety and operational purposes and shall be cast downward and shielded from all neighboring properties and public roads. Lighting shall be capable of manual or auto-shut off switch rather than motion detection. All lighting sources and fixtures shall fully shield and comply with International DarkSky lighting standards. No light source may exceed a maximum Correlated Color Temperature (CCT) of 3,000K. “Dusk to Dawn” lighting is prohibited.

m. Fencing: Where fencing is required per this law or section 110.31 of NEC code and as revised, it shall encompass all solar collectors, electrical and control equipment, substations, batteries, and shall be labeled, and secured to prevent unauthorized access. Such equipment shall be enclosed with a seven (7) foot high fence or per

most current NEC requirements. Fencing shall have a self-locking gate to prevent unauthorized access and shall be wildlife permeable/friendly by including one way wildlife gates every 1,000 linear feet of perimeter fencing (minimum of two). Fixed-knot woven wire or other wildlife friendly fencing and mixed used fencing is preferred and shall include areas that shall allow small-to-medium sized animals (e.g., turtles, racoons, birds, etc.) areas which to easily pass through. Fencing shall be located inside any landscaping buffer area required by this Law. Barbed wire fencing is prohibited.

n. Signage: Warning signage shall be placed on solar equipment to the extent appropriate. All signs, streamers, or similar items, both temporary and permanent, are prohibited on solar equipment except the following, which must be posted at all points of Facility Area ingress/egress and any substation fencing:

    i. Manufacturers or installer's identification;
    ii. Appropriate warning signs and placards;
    iii. Signs that may be required by a federal or state agency;
    iv. Signs that provide a 24-hour emergency contact phone number and warn of any danger and signs that direct Fire department and Hazmat to emergency safety protocols. Said information shall be depicted within an area of no more than eight square feet.
    v. As required by the NEC, disconnect and emergency shut off information shall be clearly displayed on a light-reflective surface.
    vi. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.
    vii. No advertising signage is permitted.

o. Access Roads and Parking: Where required, roadways and parking will be provided to assure adequate operational and emergency access. Access roads will be reviewed for operational and fire safety purposes by the TDE, who may ask for the Local Fire Department's opinion of the proposed roads. Access roads shall be a minimum of width of 20 feet, and no greater than 26 feet wide. Adequate turnarounds shall be provided as determined applicable codes and the TDE. All roadways and parking areas associated with the solar energy system shall remain unpaved and, to the greatest extent practical, of pervious surfaces.

p. Site access: The fire break around the Facility Area fencing shall be accessible at all times and maintained at a level acceptable to the Town of Rotterdam, including snow removal. Snow removal on access roads shall be performed within 24 hours of a more than 6 inches snowfall, and at no point shall there be more than 6 inches of snow accumulation on the access roads through the course of winter season.

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q. Slopes: Ground-Mounted Solar Energy Systems and associated equipment shall not be placed on slopes greater than 15 percent covering a minimum horizontal area of ¼ of an acre or 10.890 square feet and a minimum horizontal dimension of 10 feet. No earthwork may be done to for the sole purpose of altering natural slopes for placement of panel arrays to meet this requirement.

r. Site disturbance, including but not limited to, grading, soil removal, excavation, and soil compaction in connection with installation Facility Area shall be minimized to the greatest extent practical.

s. Agricultural Areas: Solar energy systems shall limit the use of agricultural areas within their project limits to no more than 10 percent of soils classified by the NYS Department of Agriculture and Markets' Agricultural Land Classification as mineral soils groups 1 through 4. All solar energy systems shall adhere to the Department of Agriculture and Markets' Guidelines for Construction Mitigation for Agricultural Lands. Tier 4 solar energy systems shall not be sited on lands shown on the Schenectady County Agriculture District Map.

t. Blasting is prohibited for the construction of all solar energy facilities.

u. There shall be no drilling within 500 feet of active wells for construction of Tier 3 and larger solar energy systems.

v. No pesticides or herbicides are to be used within the Facility Area for the lifetime of the project.

w. All electrical lines and wiring associated with solar energy systems shall be buried to the greatest extent practical and include necessary encasements in accordance with the NEC. For Tier 3 and 4 systems, the applicant is encouraged to use ground mounted equipment at the POI to avoid viewsheds impacts to sensitive receptors. The Planning Commission may waive this requirement if sufficient engineering data is submitted, which demonstrates that underground lines are not feasible or practical. The applicant is required to show the locations of all proposed overhead and underground electrical lines including substations, switchyards, junction boxes and other electrical components for the project on the site plan.

x. Where required and prior to final approval of a solar energy system, all engineering documents, including site plan, Stormwater Pollution Prevention Plan and Decommissioning Plan, etc., shall be signed and sealed by a New York State-licensed professional engineer. The solar energy system shall comply with all requirements of Article XXVI Erosion and Sediment Control of Town Code, and applicable New York State laws periodically amended over time. The site shall be

designed to avoid adverse changes to drainage, runoff, and overall site hydrology, which could impact both participating and other non-participating properties.

y. The Planning Commission or Town Code Enforcement Office may request any other information or documentation reasonably required for review or approval of an application, as applicable.

VIII. SECTION EIGHT – TIER 1 SOLAR ENERGY SYSTEMS PERMITTING REQUIREMENTS

a. Zones Allowed: Allowed in all zones.

b. Applications, Approvals, Fees, and Permits: Solar Development Application and Building Permit. Fees in accordance with the most current version of the Town of Rotterdam Fee Schedule. Non-residential systems may require site plan reviews under other sections of town code.

c. Setbacks:

1. Tier 1 systems are affixed to structures that shall conform to the setbacks in the subject zoning district. If the structure is existing and nonconforming with its zone requirements, setbacks shall be to the extent the structure remains lawful under other provisions of Town Code.

d. Specific Requirements:

1. Tier 1 systems shall not exceed the maximum allowed height of the principal use in any zoning district.

2. Tier 1 systems shall be mounted as flush as possible to the roof. Solar panels on flat roofs shall not extend above the top of the surrounding parapet, or more than 24 inches above the flat surface of the roof, whichever is higher. Solar panels on pitched roofs shall be installed at the same angle as the roof's surface with a maximum distance of eight inches between the roof and the highest edge of the system. Solar panels on pitched roofs shall be installed parallel to the roof surface on which they are mounted or attached. To achieve proper solar orientation, panels may exceed the roofline by five feet.

3. In order to ensure firefighter and other emergency responder safety, except in the case when solar panels are installed on an accessory structure less than 1,000 square feet in area, there shall be a minimum perimeter provides a 36 inches wide access pathways area around the edge of the roof to provide space on the roof for walking around all solar collectors and panels.

4. All Tier 1 systems shall be required to display a permanent plaque or directory placed in an exterior location near the main or front entry of a residence or other structure that is readily visible to firefighters to identify system disconnect(s) location. The plaque or directory shall meet all New York State Building Code standards for reflection, lettering, and color for easy visibility.

IX. SECTION 9 – TIER 2 SOLAR ENERGY SYSTEMS PERMITTING REQUIREMENTS

a. Zones Allowed: Allowed in all zones.

b. Applications, Approvals, Fees, and Permits: Solar Development Application and Building Permit. Fees in accordance with the most current version of the Town of Rotterdam Fee Schedule. Non-residential systems may require site plan reviews under other sections of town code.

c. Setbacks:
   1. All Tier 2 systems shall be set back from the property line by the greater of 25 feet or the otherwise applicable setback in the subject zoning district.

d. Specific Requirements:

   1. All applicable requirements listed under Section 7 of this Law.

   2. Tier 2 systems shall only be permitted in the side or rear yards of properties. In the case of carport or canopy systems, the applicant may apply to the Planning Commission for consideration of Tier 2 systems in front yards for parking lots and commercial use.

   3. The area beneath Tier 2 systems shall be included in calculating lot coverage requirements for the subject zone. Systems, in combination with all other existing or proposed structures contributing to lot coverage calculation, may not exceed the maximum lot coverage for subject zone.

   4. The installation of Tier 2 systems shall be considered a land development activity for purposes of Article XXVI of Town Code.

   5. Ground-mounted solar energy system shall have views minimized from adjacent properties to the extent reasonably practical. Solar energy equipment shall be located in a manner to reasonably avoid and/or minimize blockage of views from surrounding properties and shading of other properties.

DRAFT

6. All Tier 2 systems shall be required to display a permanent plaque or directory placed in an exterior location near the main or front entry of the property or other structure that is readily visible to firefighters to identify system disconnect(s) location. The plaque or directory shall meet all New York State Building Code standards for reflection, lettering, and color for easy visibility.

X. SECTION 10 – TIER 3 SOLAR ENERGY SYSTEMS PERMITTING REQUIREMENTS

a. Zones Allowed: Allowed in all zones.

b. Applications, Approvals, Fees, and Permits: Solar Development Application; Site Plan, Special Use Permit approval process; Building Permit. Fees in accordance with the most current version of the Town of Rotterdam Fee Schedule.

c. Setbacks:

1. All Tier 3 systems shall be set back from the property line by 100 feet as measured to the fenced perimeter of the Facility Area.

2. The following may not be subject to required property line setback herein unless otherwise directed by the Planning Commission.
    i. Access roads proposed from a public road to the fence of a solar energy system, including any stormwater management, or other necessary infrastructure installed for the purpose of this access road.
    ii. POI connections to electrical distribution systems on public roads or utility right of ways.

d. Specific Requirements:

1. All applicable requirements listed under Section 7 of this Law.

2. Facility Area shall not exceed 50 percent lot coverage, except in Agricultural Districts which shall not exceed 30 percent lot coverage.

3. All requirements of Article XVII Site Plan Approval and Article XIX Special Use Permit. In addition to these sections, Site Plans for the application shall also contain the following:
    a. Location map showing types of existing structures and uses on the site, public roads, and other properties within 2,500 feet of the boundaries of the site including any bordering municipalities.
    b. Site plan shall provide surveyed data of abutting properties to the Participating Property parcel(s) showing all principal and accessory

DRAFT

buildings (residential and commercial), roads, utilities and private or public wells; and labeling distances from those features to the Participating Property boundary;

c. Location and description of all solar energy system components, whether on site or off site, all above and below-ground utility lines on the site, transformers, POI, Renewable Energy Electrical Substations when required for project, fencing, laydown, and storage areas to be used as part of construction and other ancillary facilities or structures;
d. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.
e. Label all setback distances as required by Town laws;

4. Part 1 of a full a Full Environmental Assessment Form for SEQRA.

5. Upon receipt of an application, the Town requires proof of mailing, at the Applicant's expense, a notice of the proposed project to all owners of property within a one (1) mile radius of the Participating Property boundaries regardless of municipality. Notices shall contain a summary of the project, a designated contact person, with telephone number, e-mail address, and mailing address from whom information will be available on a going forward basis.

6. An electrical diagram detailing the solar energy system installation, associated components, and electrical interconnection methods, with all disconnects and over-current devices identified.

7. Manufacturer data on all proposed solar energy system components.

8. Documentation of access to the Facility Area via a lease agreement or other instrument to show the landowner's consent to the project.

9. Documentation of utility notification, including proof of interconnection agreement. Projects not viable to the utility company shall not be considered by the Planning Commission.

10. Decommissioning plan, including cost estimate and description and form of financial surety as described in other sections of this law.

11. Deforestation: Previously cleared or disturbed areas are preferred locations for solar projects.

    a. Forested lands and woodlands shall not be deforested to construct solar energy facilities.

b. Shrubland, isolated trees or stand of trees in otherwise open space may be cut. However, clearcutting of trees more than six inches in diameter at breast height[3] (DBH) in a single contiguous area exceeding 20,000 square feet is prohibited. This clearing restriction shall apply to trees cleared for entire facility area, in and outside fenced perimeter of facility area, and on the participating properties.

c. The applicant will be required to retain the services of a qualified arborist and/or forester to define, delineate and certify in writing the limits of forest, shrubland, and tree stands. if there is uncertainty in the participating properties' land covers.

d. Removing trees beyond what is deemed necessary by the Planning Commission to install and maintain the solar energy systems shall be prohibited.

e. Unless waived or altered by the Planning Commission, trees more than three inches in diameter at breast height that are removed from shall be replaced at a 1:1 ratio on the participating properties, or at other locations within the Town of Rotterdam agreed to by the Planning Commission and involved landowners.

Any portion of a property that has been clear-cut in excess of the area described in the paragraphs above shall not be included in an application for a solar energy facility for a period of three (3) years following such clear-cutting. The applicant shall submit aerial imagery of the participating properties for a period of three (3) years prior to the date of application.

12. Renderings: Applicant shall provide a photo simulation by an independent third-party vendor, with scaled color visual renderings to demonstrate the adequacy of proposed buffering/screening at the completion of construction of the solar energy system, and similar visual renderings of the projected maturation of the buffering/screening at five years and 10 years after completion of the solar energy system. The Planning Commission may require the above renderings from multiple angles or perspectives as they deem appropriate.

13. Acoustical noise studies by an independent third-party vendor shall be submitted with the application, which provide analysis of all noise-generating equipment that may be included in the project, including for construction. Noise

[3] Reference to Adirondack Park Agency's definition of "Clearcutting" which uses a threshold of 6" DBH for trees.

DRAFT

generated from the solar energy system's components and associated ancillary equipment, including but not limited to transformers, inverters, storage devices, substations, and tracking motors shall provide for no discernable difference from existing noise levels at property lines. The study shall contain:

a. Actual measurements of existing daytime and nighttime ambient noise at the boundary of the participating properties. Ambient noise testing locations and schedule shall be discussed with the Planning Commission before testing takes place.
b. Proposed noise model to predict potential increase in noise from the project for pre-construction and post-construction conditions at both the project boundaries and nearest adjacent receptors (neighboring houses, etc.).
c. Nosie studies shall follow industry norms and report their findings using A-weighted methodologies.

The Planning Commission may require additional analysis as they deem appropriate and may require noise mitigation or additional setbacks as needed to meet this requirement.

14. Glare studies prepared by an independent third-party vendor shall be submitted with the application, which shall demonstrate that any glare or heat to be produced by the solar project does not have a significant adverse impact on neighboring properties or roadways. The study shall:
    a. Be prepared to determine predicted glare caused by the proposed solar energy system or facility that may affect off-site property locations and effecting residences and view sheds, which shall be referred to as solar equipment glare.
    b. Include a statement of projected glare impact, certified, and signed by a qualified specialist or Professional Engineer, stating the proposed glare impact analysis is accurate.
    c. A post-construction glare monitoring plan shall be submitted, which at a minimum, requires annual certification by a qualified specialist or Professional Engineer of the applicant or facility owner that the solar energy system or facility conforms to the requirements of this section. If the town determines after the two-year period once the system or facility becomes operational, the applicant/ facility owner may request that the annual certification be suspended.

15. A storm water pollution prevention plan in accordance with all requirements of Article XXVI Erosion and Sediment Control, and applicable New York State laws periodically amended over time, shall be submitted for review and approval by the Town's MS4 office and the TDE.

DRAFT

16. A 15-foot-wide fire break, in accordance with NYS Fire Code, shall be maintained around the immediately outside the fenced perimeter of the Facility Area.

17. As part of the Operation, Safety and Maintenance Plan in Section 13 of this Law, the applicant shall document existing firefighting resources near or on the Participating Properties that may include, but not limited to: distance to nearest fire hydrant, dry hydrants, ponds, or other waterbodies sufficient for drawing water in emergency situations. If firefighting resources do not exist within a reasonable distance to the project, the Planning Commission, in consultation with the local fire department and TDE may require retention ponds and dry hydrant construction to meet firefighting needs.

18. Construction Hours and Guidelines: Drilling or pile driving for racking foundations or other equipment, truck idling and deliveries shall be limited to Monday through Friday between the hours of 8 a.m. and 6 p.m. and shall not be conducted outside these hours, or on Saturdays, Sundays, and Federal holidays recognized by New York State. Truck idling in excess of 5 minutes is prohibited by State Law, and when it is to legally occur, shall only take place during construction hours listed above. All other activities may follow construction hours guidelines in other sections of Town Code. If, due to safety, emergency or continuous operation requirements, construction activities are required to occur beyond the allowable work hours, the applicant shall notify the Town Code Enforcement Office with forty-eight (48) hours advanced notice, unless such construction activities are required to address emergency situations. In such cases, as much advance notice as is practical shall be provided. Violations and penalties of this provision shall be in accordance with other sections of Town Code concerning noise violations.

19. Construction Equipment Noise: Construction equipment and all trucks delivering to the site shall use alternatives to back-up beepers such as warning alarms, white noise systems, flaggers/spotters, and other OSHA approved systems. Violations and penalties of this provision shall be in accordance with other sections of Town Code concerning noise violations.

20. Within 30 days after completion of the solar energy system, the applicant shall file in the Code Enforcement Office a post-construction certification from a professional engineer registered in New York State stating that the project complies with applicable codes and industry practices and has been constructed and is operating according to the design plans. The applicant shall further provide certification from the utility that the facility has been inspected and connected.

XI. SECTION 11 – TIER 4 SOLAR ENERGY SYSTEMS PERMITTING REQUIREMENTS

a. Zones Allowed: Allowed by right in Zones I-1 and I-2. Allowed by Solar Energy Overlay District in any other zone pending approvals listed below.

b. Applications, Approvals, Fees, and Permits: Solar Development Application; Site Plan, Special Use Permit approval process; Solar Energy Overlay District Approval; Building Permit. Fees in accordance with the most current version of the Town of Rotterdam Fee Schedule.

    i. A pre-submission conference with the Town is required. The applicant shall provide the opportunity for an on-site visit by any interested Town committee or board members.

c. Setbacks:

    1. Tier 4 systems located in zones I-1 and I-2 shall be set back from the property line by 100 feet as measured to the fenced perimeter of the Facility Area. The setback shall be increased to 500 feet for all other zones.

    2. Renewable Energy Substations systems shall be set back 750 feet from property lines and 900 feet from active water wells.

    3. Tier 4 Facility Areas shall be setback at a minimum of 200 feet from regulated wetlands, ponds, and streams, unless otherwise waived from this requirement by the Planning Commission upon receiving proper permit from regulatory agency.

    4. The following may not be subject to required property line setback herein unless otherwise directed by the Town of Rotterdam Planning Commission.

        a. Access roads proposed from a public road to the fence of a solar energy facility, including any stormwater management, or other necessary infrastructure installed for the purpose of this access road.

d. Solar Energy Overlay District: In order for Tier 4 systems to be sited in areas of the Town outside of Zones I-1 and I-2, the applicant must petition the Town Board to amend the Town of Rotterdam Zoning Code and Map to include a Solar Energy Overlay District over the Participating Properties. The purpose of the overlay district is to preserve existing zoning where a Tier 4 project is proposed and add to it a use for such a facility, with any condition(s) the Town Board deems necessary to include. Petitioning

DRAFT

for this overlay district shall follow all procedures for such process under State and Town law.

e. Escrow for Review and Operations: Tier 4 projects will require more oversight and services by the Town and their selected consultants. In addition to the normal escrow requirements of section 7, the account shall also include adequate funding for any necessary mailings by the Town, construction inspection, annual inspections, and for monitoring during operation of the facility. The escrow account shall be replenished when required by the Town and shall be maintained for the life of the project. Failing to replenish the account may result in enforcement action by the Town or activating the Decommissioning Agreement.

f. Specific Requirements:

1. All applicable requirements listed under Section 7, and all requirements of Section 10 (d) of this Law.

2. Application materials must contain a statement clearly indicating how the proposed facility is consistent with Comprehensive Plan and any other plans or inventory in existence at the date of application.

3. The Applicant shall disclose the full scope of the planned size of the project, including any other involved municipalities, and shall not segment the application for purposes of reducing the apparent significance of proposed plans. Where the Planning Commission or Lead Agency has substantial proof that the ultimate scope of the project may exceed that which is actually being proposed by the Applicant, it shall conduct its review and base its findings on the larger potential scope.

4. Solar Energy Systems shall not be placed on properties included on or in the viewshed of New York State or Natural Register of Historic Places.

5. Solar Energy Systems shall not exceed a maximum project size of 100 contiguous acres.

6. No solar energy systems of Tier 4 and greater may be within a 2.5-mile radius of any other facility of Tier 4 size or greater, regardless of municipality.

7. Solar energy systems of Tier 4 and greater shall not be located above the elevation of 1,000 feet (NAVD 88), or along ridgelines and on hilltops.

8. In addition to Section 10(d)(5) of this Law, required notice to surrounding landowners shall contain a link to a project website, created and paid for by the applicant, which is meant to disseminate information to the public. At the

Applicant's expense, publication of notice of application shall be made in newspapers designated by the County of Schenectady and Town of Rotterdam for same. Notice shall also be provided to each member of the State and County Legislature in whose district any portion of the proposed solar facility is located in, or which district the project abuts upon.

9. Upon submission of an application, the Applicant shall conspicuously post signage on the frontage of participating properties at all roads abutting the proposed project and at the proposed entryways/exits to the project. Signage must be at of sufficient size to contain the name of the proposed project, the application number, a rough concept map of the project, and contact information for the developer as well as a proposed project website address. Signage shall be sized and placed at a safe distance from the public roadway as to not interfere with sight distance on the roadway or any adjacent driveways.

10. In addition to Noise Studies requirements under Section 10(d) of this law, within 90-days of project completion the applicant or facility owner shall conduct a post-construction noise sampling shall at locations and schedule discussed with the Planning Commission prior to testing. If noise sampling is found to be greater than predictions the Applicant may be required to mitigate the sound to a level sufficient to the Planning Commission. Failure to implement mitigation measures within 90-days of notice will result in enforcement procedures by the Town. The applicant may request one (1) 90-day extension if reasonable evidence that the requested measures cannot be completed in 90-days. Further, violations and penalties of this provision shall be in accordance with other sections of Town Code concerning noise violations. The town may use the project's escrow account to hire an independent, third-party engineer/noise monitor to oversee compliance with noise requirements and the ongoing obligation of same for the lifetime of the project.

11. A GIS viewshed analysis of the Zone of Visual Impact (ZVI) prepared by an independent third-party vendor; defined as the area from which the proposed undertaking may be visible within a one-half mile (0.5) buffer around solar fields covering 4 to 39 acres in size, a one-mile buffer around solar fields covering 40 to 60 acres, a three-mile buffer for solar fields covering 61-80 acres, and a four-mile buffer for solar fields covering 81-100 acres. Positive visibility of the solar field must be based upon bare-earth topography only (do not factor in vegetation). Forested lands shall be assigned a height of 30 feet unless otherwise factually disputed. The analysis should be presented as an orthorectified aerial base map with the buffer boundary and project area indicated and ZVA highlighted. A visual analysis shall be provided from all property owners immediately adjacent to the proposed solar energy system. The analysis shall be for each season and from the building face at eye level from grade. The visual analysis will quantify the severity of the visual impact. A balloon study which provides aerial viewshed maps,

model-massing, and photorealistic simulations shall be performed if deemed necessary by the Planning Commission. All required tests must comply with specific balloon test performance criteria and simulation guidelines of the National Park Service and the Bureau of Land Management.

12. In addition to landscaping requirements within this law, the applicant shall prepare a vegetation management plan that includes a list of all proposed plantings and seeding mixes, summarizes clearing operations, discusses the location of offset plannings if offsets are required, provides information on protection of pollinators and perennial vegetation, and lists the methods and frequency of vegetation maintenance.

13. Wildlife: Development and operation of solar energy systems shall have no significant impact on fish, wildlife, or plant species or their critical habitats, or other significant habitats identified by the Town or other federal or state regulatory agencies. To assure this condition the following must be provided:

    a. Environmental Resource Map: The Applicant shall generate a site map delineate sensitive environmental features (wetlands, slopes, soils, land covers, etc.) along with other site information to identify and describe how the proposed solar energy system shall avoid or mitigate adverse impacts to these resources. Lands that have the highest ecological value as evidenced by large, continuous areas of forest, undisturbed drainage areas, wetlands or NYSDEC identified critical habitats or rare plant and animal populations shall be avoided.
    b. Wildlife Habitat Assessment: The Applicant shall employ an independent third-party with qualifications as an ecologist to generate a habitat assessment. The assessment shall include:
        i. A sketch map (e.g., drawn on an aerial photo image) depicting the habitats and watercourses on and near the property along with roads, existing structures, and other features that would help the applicant and the town understand the spatial relationships of existing natural and cultural features.
        ii. Describe the habitats and ecological communities on and near the site, using classifications from standard references relevant to this region.
        iii. Summarize species evident to ecologist that may inhabit the participating properties and surrounding areas.
        iv. Note any species of concern, threatened, endangered or otherwise.
        v. Address on-site bird and bat migration, nesting, and habitat surveys and recommend or conduct surveys for such species

during the appropriate seasonal windows during the year prior to submittal of an application.

vi. Discuss potential impacts due to the proposed Solar Energy System, and potential mitigation if required,

vii. Cite all sources and references, including using the most recent New York State Department of Environmental Conservation survey protocols for grassland birds and winter raptors. For other wildlife, applicants shall follow NYSDEC guidance on appropriate survey methods.

c. Provide additional wildlife surveys as required based on the findings of the Habitat Assessment, or as required by federal, state, and local agencies.

d. The applicant shall hire an independent, third-party environmental monitor to oversee compliance with environmental commitments and siting requirement, and the ongoing obligation of same for the lifetime of the project. The environmental monitor shall perform regular site inspections of construction work sites and provide annual inspections of the completed solar energy system at the expense of the developer, ATIMA, ISAOA.

14. Designated traffic routes for construction and delivery vehicles to minimize traffic impacts, wear, and tear on local roads, and impacts on local business operations shall be proposed by the applicant and reviewed by the Planning Commission. At the Planning Commission discretion, a Road-Use Agreement may be required for the desired traffic route.

15. Well water and ground contamination testing shall be required for all Tier 4 and greater projects.

a. The applicant, Town, and TDE shall develop a list of potential contaminants that will be tested for, and the location of testing based on the proposed equipment for the Tier 4 facility prior to testing.

viii. List of contaminants that may be tested for includes but is not limited to: sulfuric acid, mercury, nickel, cadnmium (known Carcinogen), cadnium telluride, lead, lithium, cobalt, lithium, iron, arsenic, silicon, copper, silver, selenium, copper indium selenide, copper indium gallium, diselenide, (di)selenide, hexafluoroethane, polyvinalm fluoride, PFAS, and any other contaminant required for testing by the Town, County or State for this type of facility at the time testing takes place.

b. At the applicant's cost, a escrow account with the Town shall be established to provide an independent third-party testing agency that

DRAFT

may provide testing of the Facility Area and of water wells on properties within 1000-ft of the facility area.

c. At the applicant's expense, notice shall be given to all property owners within 1000-ft that water well testing is available.
d. Pre-construction testing: Initial testing shall take place within 12-months of establishing special escrow account. Test results for the Participating Properties shall be furnished to the Town. Results for adjacent properties will be given to the property owner to be shared at their discretion.
e. Post-construction testing: Post-construction testing shall take place within 24-months of final construction of the Tier-4 facility. Test results for the Participating Properties shall be furnished to the Town. Results for adjacent properties will be given to the property owner to be shared at their discretion.

XII. SECTION TWELVE – REQUIRED AGREEMENTS

The following applies to Tier 3 and greater solar energy systems, unless waived or altered by the Planning Commission.

a. Road Use Agreement: The applicant shall execute a road use agreement with the Town if town roads are to be used for the project. Prior to the issuance of the building permit and commencement of construction, an existing condition assessment of the proposed hauling routes using town roads shall be undertaken by the applicant at the applicant's expense. Any damage to a Town road during construction caused by the operator or its subcontractors shall be repaired or reconstructed to the satisfaction of the Town Highway Superintendent at the operator's expense.

b. Performance Guarantees: The Town will require the applicant or facility owner to provide, prior to construction, a performance bond or cash escrow that names the Town of Rotterdam as the beneficiary, to ensure proper operation and maintenance of all below noted facilities, both during and after construction and until the solar energy facility is removed from operation. If the applicant or facility owner fails to properly operate and maintain below noted facilities, the Town, after giving reasonable notice for non-emergencies, may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs. After which, the account shall be replenished by the applicant or facility owner within 90 days, or else the facility will be considered abandoned, and decommissioning shall be enacted.

i. Facilities for performance guarantees:
    1. All proposed landscaping and screening for the project in the amount of 50 percent the installed cost.

2. Stormwater management and erosion and sediment control facilities required for the project in the amount of 50 percent the installed cost.
3. Any other facility as part of the proposed project, deemed necessary for inclusion to this section by the Planning Commission.

c. Decommissioning: The applicant shall execute a decommissioning agreement and financial surety as described in Section Fourteen of this law.

d. Indemnification: The applicant system shall execute an indemnification agreement with the Town. The agreement shall require the applicant/owner/operator to at all times defend, indemnify, protect, save, hold harmless and exempt the Town and its officers, councils, employees, attorneys, agents and consultants from any and all penalties, damages, costs or charges arising out of any and all claims, suits, demands, causes of action or award of damages whether compensatory or punitive, or expenses arising therefrom either at law or in equity, which might arise out of or be caused by the placement, construction, erection, modification, location, equipment's performance, use, operation, maintenance, repair, installation, replacement, removal or restoration of said solar energy system, excepting however any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the Town or its employees or agents. With respect to the penalties, damages or changes referenced herein, reasonable attorneys' fees, consultant fees and expert witness fees are included in those costs that are recoverable by the Town.

e. Payment in-lieu of Taxes: The applicant shall enter into an agreement for a payment in lieu of taxes (PILOT) with the Town Board pursuant to Real Property Tax Law Section 487. This PILOT agreement shall be reviewed and approved by the Town Board. A PILOT agreement executed with the county IDA, acceptable to the Town Board, in its sole discretion, for the solar energy system may serve to meet the requirements of this section.
    i. No building permit shall be issued, or construction commenced for a solar energy system until such time as the PILOT agreement has been executed by all parties and recorded at the Office of the County Clerk.
    ii. The PILOT shall run to the benefit of the Town and School District, and be executed by the operator and the owners of the real property upon which the solar energy system is to be located and such signatures be notarized in such a way that allows the PILOT agreement to be recorded at the Office of the County Clerk. Prior to commencement of construction, the PILOT agreement shall be recorded at the Office of the County Clerk as a lien on the property and indexed against the property/properties upon which the solar energy system is to be constructed. The intent of this provision is so that should the operator of the solar energy system default with regard to the PILOT agreement, such obligation will become the responsibility of the

then owner of the property upon which the solar energy system is sited and failure to satisfy the terms of such agreement will permit the Town to enforce such agreement against the owner.

f. Community Host: Applicable to only Tier 4 and 5 systems, an Open Space Public Benefit Fee shall be paid to the Town as part of site plan approval. Tier 4 Solar Energy Systems constitute a unique land use that impacts the Town's ability to retain its suburban and rural aesthetic and occupies large swaths of green space while converting open and/or agricultural lands with potential for more suitable development.
    i. The Planning Commission, as part of its site plan approval for any Tier 4 and 5 Solar Energy System, will require a Fee of seven thousand dollars ($7,000) per acre, or portion thereof; amount to be based upon all land occupied within the fenced area, as described in Section 7, 2, B, including all solar panels, storage, and related equipment.
    ii. Fees collected pursuant to this section shall be allocated at 50% to parkland and 50% to open space funds.
    iii. Open Space shall have the following meaning; any space or area characterized by natural scenic beauty whose existing openness, natural condition, or present state of use, if retained, would enhance the present or potential value of abutting or surrounding development or would maintain or enhance conservation of natural or scenic resources. For the purposes of this definition, "natural resources" shall include, but not be limited to, agricultural lands defined as open lands actually used in bona fide agricultural production.

XIII. SECTION THIRTEEN – SYSTEM OPERATIONS AND SAFETY

The following applies to Tier 3 and greater solar energy systems, unless waived by the Planning Commission.

a. Operation, Safety and Maintenance Plan: The applicant shall submit a comprehensive operation, safety and maintenance plan that addressing the following:
    i. Contains an executive summary sheet at the front of the document which clearly shows the following:
        1. Facility owner information and contact, both phone and current email address.
        2. Landowner information and contact, both phone and current email address.
        3. An emergency contact phone number for a competent person who can be to the facility within one (1) hour or less notice. The individual shall have access to the facility gates, knowledge of the site and able to quickly identify electrical disconnect locations.

4. An emergency contact at the Utility Company associated with the solar energy system POI.
5. Contact information for company or individual responsible for regular maintenance and landscaping of the site.

ii. Describes continuing maintenance and upkeep, as well as design, construction, installation, testing and commissioning information and shall meet all requirements set forth in the Uniform Code and all applicable codes. Shall address the following:

1. Broken panels and any other damaged or malfunctioning equipment shall be removed, replaced, or repaired from the site within 30 days of discovery or notification of problem at the expense of the developer, ATIMA/ISAOA.
2. System equipment, grounds, fencing and buffer areas shall be maintained in good condition by the operator.
3. Plant growth shall be controlled by mowing or grazing.
4. The use of herbicides and pesticides within the Facility area is prohibited.
5. Only DEC approved cleaning products applied by DEC approved applicators are allowed.

iii. The applicant shall prepare an Emergency Operations Plan in cooperation with town emergency service providers, which will become part of the Operation, Safety and Maintenance Plan. A copy of the approved plan shall be given to the system owner, the local fire department, and local fire code official. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials and emergency responders. The emergency operations plan shall include the following information:

1. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.

2. Procedures for inspection and testing of associated alarms, interlocks, and controls.

3. Procedures to be followed in response to notifications from the solar energy system that, when provided, could signify potentially dangerous conditions, including shutting down equipment, summoning service, and repair personnel, and providing agreed

upon notification to fire company personnel for potentially hazardous conditions in the event of a system failure. All means of shutting down the solar energy system shall be clearly marked.

4. The property must be inspected after a National Weather Service designation of a Severe Weather event to ensure that the property did not sustain damage. Reports of said inspection shall be filed with the Town Building Inspector.

5. Emergency procedures to be followed in case of fire, explosion, release of liquids, oils, or vapors, damage to critical moving parts, or other potentially dangerous conditions.

6. Response considerations similar to a material safety data sheet (MSDS) that will address response safety concerns and extinguishment when an MSDS is not required.

7. Procedures for dealing with solar energy system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged equipment from the facility. System owner shall provide guaranteed non-emergency and emergency response times of a qualified subject matter expert to the DPW and local emergency responders.

8. Other procedures as determined necessary by the Town to provide for the safety of occupants, neighboring properties, and emergency responders.

9. Procedures and schedules for conducting drills of these procedures and for training local (all agencies within 15 miles) emergency responders on the contents of the plan and appropriate response procedures. Training shall be taught by a New York State certified instructor, performed annually, and shall include local and mutual aid emergency responders. Training and specialty equipment shall be paid for by the developer, ATIMA/ISAOA.

10. The system owner shall notify the local fire department, county emergency management office and the town building inspector at least one week prior to any scheduled maintenance or equipment swap out.

11. In the event of a fire, all contaminated soil must be removed and disposed of properly, in accordance with all applicable laws.

b. Consultation with Town Emergency Services: The applicant shall arrange an on-site meeting with the fire department having primary coverage of the project area and any other associated emergency service provider or Town department, to review the components of the system, safety issues and procedures for emergency response. This shall include details on the location of labeled warnings, access to the site, and emergency disconnection of the system. A draft version of the Operation, Safety and Maintenance Plan described above shall be made available to attendees of this meeting at least seven (7) calendar days before. The applicant shall take feedback from attendees and amend the Operation, Safety and Maintenance Plan as needed.

c. Ownership Changes: If the owner or operator of the solar energy system changes or the owner of the property changes, all requirements of the special use permit shall remain in effect. Approval to operate the system shall continue, provided that the successor owner or operator assumes in writing all of the obligations of the special use permit, site plan approval, decommissioning plan, security, escrow, and any other binding agreements. A new owner or operator of the solar energy system shall notify the Code Enforcement Officer and the Town Supervisor of such change in ownership or operator 30 days prior to the ownership change. All the terms set forth herein shall be binding on developers, ATIMA/ISAOA.

d. Annual Report/Inspection: On a yearly basis, the solar energy system owner shall provide the Town a report showing the rated capacity of the system and the amount of electricity that was generated by the system and transmitted to the grid. The report shall be submitted no later than 30 days after the end of the calendar year. Additionally, an applicant/operator shall hire an independent, third-party engineer/inspector approved by the Town to oversee compliance with site and operational requirements and the ongoing obligation of same for the lifetime of the project. The engineer/inspector shall perform a site inspection if a complaint regarding the solar energy system and any of its components is made to the Town of Rotterdam Code Enforcement Officer. Annual inspections of the completed solar energy system shall be performed at the expense of the developer, ATIMA, ISAOA.

e. Project Changes: Any changes to the solar energy system that occur after final approval from the Planning Commission, except for immaterial modifications as defined herein, shall be done by amendment to the special use permit only and shall be subject to the requirements of this law.

Unless expressly limited by a condition imposed in the permit, the Code Enforcement Officer, or other Town designee may, during project construction, allow immaterial modifications to the design of the project as represented in the final set of site plans reviewed by the Planning Commission. Such immaterial modifications shall only be allowed in response to a written request by the applicant. All such requests shall be addressed to the authorized Town designee, with copies to the Chairman of the Planning Commission, and the TDE.

f. Insurance:

i. Unless waived by the Town, the applicant or facility owner shall agree to secure and maintain for the duration of the project, public liability insurance as follows:

1. Commercial general liability covering personal injuries, death and property damage: $5,000,000 per occurrence, $10,000,000 aggregate, which shall specifically include the Town and its officers, councils, employees, attorneys, agents and consultants as additional named insured;

2. Umbrella coverage: $10,000,000.

ii. Insurance Company: The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the State and with at least a Best's rating of "A".

iii. Insurance Policy Cancellation: The insurance policies shall contain an endorsement obligating the insurance company to furnish the Town with at least 30 days prior written notice in advance of cancellation.

iv. Insurance Policy Renewal: Renewal or replacement policies shall be delivered to the Town at least 15 days before the expiration of the insurance that such policies are to renew or replace.

v. Copies of Insurance Policy: No more than 15 days after the grant of the permit and before construction is initiated, the permit holder shall deliver to the Town a copy of each of the policies or certificates representing the insurance in the required amounts.

vi. Certificate of Insurance: A certificate of insurance that states it is for information purposes only and does not confer sufficient rights upon the Town shall not be deemed to comply with this law.

g. Construction Inspection: The escrow account required herein shall be used to provide inspection by a town engineering consultant during construction of the solar energy system. Work shall remain accessible and exposed until inspected and accepted by the town's consultant. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the permit holder shall be notified as to how the work fails to comply with the Uniform Code or conditions of the special use permit. Work not in compliance shall remain exposed until brought into compliance, reinspected, and found satisfactory as completed. During construction, the Town Building Inspector/Code Enforcement Officer can issue a stop order at any time for violations of the special use permit.

h. Operational Inspection: Upon 24 hours advance notice to the owner/operator or designated contact person, the Town of Rotterdam Code Enforcement Officer/Building Inspector or his or her designee may enter the solar energy facility to verify compliance with any requirements or conditions. The solar energy system shall be inspected by a New York State licensed professional engineer, under contract with the town and paid by the escrow account required herein, to ensure that it is operating according to the conditions of the special use permit. Such inspections shall be done annually, and at any other time, upon a determination by the Town's Building Inspector that damage may have occurred. The engineer shall file an inspection report with the Town Code Enforcement Officer/Building Inspector. All recommendations for maintenance and repair contained in said report shall be completed by the operator within a written schedule agreed on by the Code Enforcement Officer/Building Inspector.

i. Groundwater Testing: For Teir 4 or larger facilities, Unadulterated soil samples shall be taken at 4 corners of the proposed site. Testing shall utilize 4-foot-deep holes, with testing at 2-foot increments. One monitoring test well shall be at the lowest elevation on the site. In the event groundwater contamination occurs as a result of the solar facility, the operator, at its sole expense, shall provide a reliable alternative water source and address the contamination in accordance with all legal requirements.

XIV. SECTION FOURTEEN – ABANDONMENT OR DECOMMISSIONING OF SYSTEMS

The following applies to Tier 3 and larger solar energy systems. A proposed Decommissioning Agreement shall be provided by the applicant and approved by the Town Board. No building permit shall be issued for a solar energy system until the Decommissioning Agreement has been executed and financial surety provided as set forth below.

a. Cause to implement decommissioning plan.
   i. If a solar energy system ceases to perform its originally intended function for more than 12 months or is considered abandoned by the Code Enforcement Officer for lack of maintenance and other provisions of this law, the Code Enforcement Officer shall notify the owner and/or operator of the facility to implement the decommissioning plan. Within 180 days of notice being served, the facility owner shall either restore operation or complete implementation of the decommissioning plan. If the owner and/or operator fails to fully implement the decommissioning plan within the 180-day time period and restore the site to original conditions as required, the Town may implement the decommissioning plan in accordance with the law, and recover all expenses incurred for such activities from the financial surety described in other sections of this law, and if required, from the defaulted facility owner.
   ii. If the applicant begins and does not complete construction within eighteen (18) months after receiving final site plan approval, the decommissioning plan may be implemented unless the facility owner can show to the satisfaction of the Code Enforcement Officer good cause as to why this time should be extended for a maximum of 6 months. At which time if the facility is not fully constructed and operating, the Code Enforcement Officer may implement the decommissioning plan in accordance with this law.

b. Decommissioning Plan: The plan shall be submitted as part of the application to the Planning Commission. The decommissioning plan that ensures that the site will be restored to a useful, nonhazardous condition without delay, including but not limited to the following provisions:

   i. The removal of the solar energy system within the from the facility area, including but not limited to all above and subsurface structures, electrical equipment, wires, footings, ground anchors, cables, utility poles, point of interconnection, concrete, switch gears, transformers, fencing, renewable energy electrical substations, inverters, roadways, stormwater management features, roadways, etc.

   ii. Compacted portions of the site shall be decompacted and excavations shall be backfilled to restore the site. Restoration of the original surface grade and topsoil installation after removal of facility.

   iii. Revegetation of restored topsoil areas with native seed mixes, excluding any invasive species.

   iv. The cost of removing the entire solar energy system based upon prevailing wages and any other requirements applicable to municipalities under state or federal law.

v. No salvage value shall be attributed to any of the components of the solar energy system and/or the solar energy equipment.

vi. A schedule and methods for the removal of the solar energy system and/or the solar energy equipment, including any ancillary structures.

vii. A plan for restoring the property to its pre-installed condition, including grading and vegetative stabilization to eliminate any negative impacts to surrounding properties, and, where if it was previously used for farming, with vegetation suitable for farming purposes, i.e. a hay field, crops or grazing. Such restoration shall follow NYS Department of Agriculture & Markets Guidelines for Solar Energy Projects — Construction Mitigation for Agricultural Lands, as updated.

c. Financial Surety

i. Financial Surety shall be in an amount sufficient to ensure the good faith performance of the terms and conditions of the permit issued pursuant hereto and to provide for the removal of the solar energy system and restoration of the site subsequent to removal.

ii. Prior to the issuance of a building permit and every five (5) years thereafter, the solar energy system owner shall file with the Town evidence of financial security to provide for the full cost of decommissioning and removal of the solar system in the event the system is not removed by the system owner. Evidence of financial surety shall be in effect throughout the life of the system and shall be in the form of an irrevocable letter of credit or other security acceptable to the Town Board. The irrevocable letter of credit shall include an automatic extension provision, to be issued by an A-rated institution solely for the benefit of the Town, substantially in the form attached hereto as Exhibit A.

iii. The amount of the financial surety shall be 150 percent of the estimated cost of removal of the solar energy system and restoration of the property, with an escalator of 2 percent annually (or Consumer Price Index change if more than the annual escalator of 2 percent) for the life of the solar energy system and shall not consider the net salvage value of any such project components. The financial surety established by the agreement shall not be subject to disclaimer or rejection in a bankruptcy proceeding. The amount of the surety shall be determined and certified by the applicant's engineer and shall be reviewed by the TDE. The amount of the surety may be adjusted by the Town during each five (5) year review as required.

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iv. In the event of default upon performance of such conditions, after proper notice and expiration of any cure periods, the security shall be forfeited to the Town, which shall be entitled to maintain an action thereon. The financial surety shall remain in full force and effect until 90 days after the restoration of the property, as set forth in the decommissioning plan, is completed.

v. Any cost incurred by the Town that exceeds funding available to them from financial surety, which cannot be recovered from the defaulted facility owner, shall be assessed against the property, in a manner appropriate by law, and in the form of tax, lien or other available method enforceable by the Town.

XV. SECTION FIFTEEN – PUBLIC UTILITY USE

A solar energy facility shall not be considered a Public Utility Use.

XVI. SECTION SIXTEEN – SEVERABILITY

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be impaired, illegal, invalid, unenforceable, or unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect, and shall be fully severed from this Code, and there shall be automatically added in lieu thereof a provision as similar in terms and intent to such severed provision as may legal, valuable, and enforceable.

XVII. SECTION SEVENTEEN – EFFECTIVE DATE

This local law shall take effect immediately upon the filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

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EXHIBIT A

EXAMPLE FORM OF LETTER OF CREDIT
TO BE DETERMINED BY TOWN BOARD, TOWN ATTORNEY
[*ISSUING BANK]* IRREVOCABLE STANDBY LETTER OF CREDIT

DATE OF ISSUANCE:
[Date of issuance]

Town of Rotterdam ("**Beneficiary**")

Rotterdam, New York 12306
Attention: Town Supervisor

Re: [ISSUING BANK] Irrevocable Standby Letter of Credit No._____

Sir/Madam:

We hereby establish in favor of Beneficiary (sometimes alternatively referred to herein as "**you**") this Irrevocable Standby Letter of Credit No. _____ (the "**Letter of Credit**") for the account of _____ on behalf of _____located at _____ ("**Account Parties**"), effective immediately and expiring on the date determined as specified in numbered paragraph 5 below.

We have been informed that this Letter of Credit is issued pursuant to the terms and conditions of the Decommissioning Agreement to be executed by the Account Parties.

1. **Stated Amount.** The maximum amount available for drawing by you under this Letter of Credit shall be _____ United States Dollars (US$_____) (such maximum amount referred to as the "**Stated Amount**").

2. **Drawings.** A drawing hereunder may be made by you on any Business Day on or prior to the date this Letter of Credit expires by delivering to *[ISSUING BANK]*, at any time during its business hours on such Business Day, at *[bank address]* (or at such other address as may be designated by written notice delivered to you as contemplated by numbered *paragraph 8* hereof), a copy of this Letter of Credit together with (i) a Draw Certificate executed by an authorized person substantially in the form of *Attachment A* hereto (the "**Draw Certificate**"), appropriately completed and signed by your authorized officer (signing as such) and (ii) your draft substantially in the form of *Attachment B* hereto (the "**Draft**"), appropriately completed and signed by your authorized officer (signed as such). Partial drawings and multiple presentations may be made under this Letter of Credit. Draw Certificates and Drafts under this Letter of Credit may be presented by Beneficiary by means of facsimile to our fax no. **[insert fax number]** or original documents sent by overnight delivery or courier to *[ISSUING BANK]* at our address set forth above, *Attention*: _____ (or at such other address as may be designated by written notice delivered to you as contemplated by numbered *paragraph 8* below). If presentation is made by facsimile transmission, you

must contact us at **[insert phone number]** to confirm our receipt of the transmission. In the event of a presentation by facsimile transmission, the original of such documents need not be sent to us.

3. **Time and Method for Payment.** We hereby agree to honor a drawing hereunder made in compliance with this Letter of Credit by transferring in immediately available funds the amount specified in the Draft delivered to us in connection with such drawing to such account at such bank in the United States as you may specify in your Draw Certificate. If the Draw Certificate is presented to us at such address by 12:00 noon, (Eastern Standard Time) time on any Business Day, payment will be made not later than our close of business on the third succeeding Business Day and if such Draw Certificate is so presented to us after 12:00 noon, (Eastern Standard Time) time on any Business Day, payment will be made on the fourth succeeding Business Day.

In clarification, we agree to honor the Draw Certificate as specified in the preceding sentences, without regard to the truth or falsity of the assertions made therein.

4. **Non-Conforming Demands.** If a demand for payment made by you hereunder does not, in any instance, materially conform to the terms and conditions of this Letter of Credit, we shall give you prompt notice not later than two (2) Business Days that the demand for payment was not effectuated in accordance with the terms and conditions of this Letter of Credit, stating the reasons therefor and that we will upon your instructions hold any documents at your disposal or return the same to you. Upon being notified that the demand for payment was not effectuated in conformity with this Letter of Credit, you may correct any such non-conforming demand and re-submit on or before the then current expiry date.

5. **Expiration, Initial Period and Automatic Extension.** The initial period of this Letter of Credit shall terminate on [*one year from the issuance date*] (the "**Initial Expiration Date**"). The Letter of Credit shall be automatically extended without amendment for one (1) year periods from the Initial Expiration Date or any future expiration date, unless at least sixty (60) days prior to any such expiration date we send you notice by registered mail or courier at your address first shown (or such other address as may be designated by you as contemplated by numbered *paragraph 8*) that we elect not to consider this Letter of Credit extended for any such additional one year period. Notwithstanding the foregoing extension provision, this Letter of Credit shall automatically expire at the close of business on the date on which we receive a Cancellation Certificate in the form of *Attachment C* hereto executed by your authorized officer and sent along with the original of this Letter of Credit and all amendments (if any). Upon receipt by you of such notice of non-extension, you may draw hereunder up to the available amount, on or before the then current expiry date, against presentation to us of your draft substantially in the form of *Attachment B* hereto (the "**Draft**"), appropriately completed and signed by your authorized officer (signed as such).

6. **Business Day.** As used herein, "**Business Day**" shall mean any day on which commercial banks are not authorized or required to close in the State of New York, and inter-bank payments can be effected on the Fedwire system.

7. **Governing Law.** THIS LETTER OF CREDIT IS GOVERNED BY, AND CONSTRUED IN ACCORDANCE WITH THE INTERNATIONAL STANDBY PRACTICES, ICC PUBLICATION NO. 590 (THE "ISP98"), AND AS TO MATTERS NOT ADDRESSED IN ISP98, BY THE LAWS OF THE

STATE OF NEW YORK.

8. **Notices.** All communications to you in respect of this Letter of Credit shall be in writing and shall be delivered to the address first shown for you above or such other address as may from time to time be designated by you in a written notice to us. All documents to be presented to us hereunder and all other communications to us in respect of this Letter of Credit, which other communications shall be in writing, shall be delivered to the address for us indicated above, or such other address as may from time to time be designated by us in a written notice to you.

9. **Irrevocability.** This Letter of Credit is irrevocable.

10. **Bankruptcy.** This Letter of Credit and the proceeds thereof shall not be subject to any claims or encumbrances of secured or unsecured creditors of the Applicant and shall not be considered to be property of the estate of the Applicant involving a bankruptcy or insolvency of the Applicant.

11. **Complete Agreement.** This Letter of Credit sets forth in full our undertaking, and such undertaking shall not in any way be modified, amended, amplified or limited by reference to any document, instrument or agreement referred to herein, except for the ISP98 and *Attachment A*, *Attachment B*, and *Attachment C* hereto and the notices referred to herein and any such reference shall not be deemed to incorporate herein by reference any document, instrument or agreement except as set forth above.

* * *

Sincerely,
[ISSUING BANK]

_____

By: _____

Title: _____

Address:

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EXHIBIT B

FORM OF DRAW CERTIFICATE
TO BE DETERMINED BY TOWN BOARD, TOWN ATTORNEY

TO: [ISSUING BANK]
[Address]
The undersigned hereby certifies to [*ISSUING BANK*] ("**Issuer**"), with reference to Irrevocable Letter of Credit No. _____ (the "**Letter of Credit**") issued by Issuer in favor of the undersigned ("**Beneficiary**"), as follows:

(1) The undersigned is the _____ of Beneficiary and is duly authorized by Beneficiary to execute and deliver this Certificate on behalf of Beneficiary.

(2) Beneficiary hereby makes demand against the Letter of Credit by Beneficiary's presentation of the draft accompanying this Certificate, for payment of _____ U.S. dollars (US$_____), which amount, when aggregated together with any additional amount that has not been drawn under the Letter of Credit, is not in excess of the Stated Amount (as in effect of the date hereof).

(3) The reasons for a drawing by Beneficiary are pursuant to the terms and conditions of the Decommissioning Agreement.

(4) You are hereby directed to make payment of the requested drawing to: (insert wire instructions)

Beneficiary Name and Address:

Town of Rotterdam ("**Beneficiary**")
Rotterdam, New York 12056
Attention: Town Supervisor

By: _____
Title: _____
Date: _____

(5) Capitalized terms used herein and not otherwise defined herein shall have the respective meanings set forth in the Letter of Credit.

[*BENEFICIARY*]
By: _____
Title: _____

Date: _____

DRAWING UNDER IRREVOCABLE LETTER OF CREDIT NO. _____

TO: [ISSUING BANK]
[Address]

Date:

PAY TO: [*BENEFICIARY*]

U.S.$ _____

FOR VALUE RECEIVED AND CHARGE TO THE ACCOUNT OF LETTER OF CREDIT NO. _____.

[*BENEFICIARY]*

By: _____

Title: _____

Date: _____

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EXHIBIT C
ESCROW AGREEMENT

TO BE DEVELOPED BY TOWN ATTORNEY, TOWN BOARD, ASSESSOR, COMPTROLLER

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EXHIBIT D
SUCCESSORS IN INTEREST AGREEMENT

TO BE DEVELOPED BY TOWN ATTORNEY, TOWN BOARD, ASSESSOR, COMPTROLLER

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2. **Town of Rotterdam – Code Amendment. Report and Recommendation to the Town Board to amend Chapter 270, entitled "Zoning" to repeal Local Law #1 of the Year 2017 entitled Solar Energy Facilities with associated fees related to "green" energy and adopt an updated Solar Energy Facilities code.**

Ms. Scannell: We have been asked by the Town Board to provide them a report and recommendation to amend Chapter 270, entitled "Zoning" to repeal Local Law #1 of the Year 2017 entitled Solar Energy Facilities with associated fees related to "green" energy and adopt an updated Solar Energy Facilities code.

Peter, take it away.

Mr. Comenzo: Peter Comenzo, Town Planner. I received an email this afternoon from Patty Malatese and I am going to read that into the record.

"Kim and Peter, I hope this finds you and the Planning Commission members well. Requesting this introduction to be shared with Planning Commission prior to the members making their recommendations to the Town Board. The EAC is a volunteer group appointed by the Town. The public was invited to be considered for appointment through the Town Board Meetings and an article published in the Gazette. Meetings were attended by Town Board liaisons, Joe Mastrianni and Teri Gallucci and Planning Commission liaison, Joe Miglucci. The group is diverse and brings many talents, knowledge, and experience to the table. Some of the expertise includes finance, owners of home roof top solar or ground mounted solar project and development, previous volunteer committee and commission involvement, medical professional, real estate experience, legal experience, knowledge of wells, soils and topography, environmentalists as well as an architect and two (2) volunteer firefighters. The committee is geographically distributed throughout the town to include Rotterdam Junction, Pattersonville, Rynex Corners, Putnam Road and Rotterdam Proper. This provides for a balanced perspective to geology and lifestyles. It has been a privilege to work with them all.

The committee initially met with NYSERDA and the TDE. We were provided with NYS model guidance and a sampling of solar laws provided by Collier's. That is the engineering firm, the TDE. See attached. We researched and utilized language and Code from the Comprehensive Board's Regulations. See attached. We researched and networked with local municipalities exchanging information and ideas. We established a mission statement which is attached where the newly updated Comprehensive Plan was incorporated.

We have provided the Town Board with meeting summaries and copies of the draft code. We received feedback along the way. The draft code is intended to be comprehensive and detailed. We had the luxury of being able to learn from Princetown, Route 160 20 mega watt project, the landfill 5S Monolith, the Hungry Chicken, Gifford and multiple other sites. We studied sites that are well sited and fit in with the Comprehensive Plan and some examples of what is not. Members of the committee and several Board members have taken local solar site tours to visual and experience the size and saturation of arrays. The committee had many conversations regarding property rights and property values. There are two (2) sets of rights to consider. The rights of the participating and non-participating landowners. The committee's effort to help allow solar with a balance to mitigate solar sprawl. 90 megawatts is under development just over the town line in the Town of Florida. 300 megawatts involving 2,666 acres is in the permitting process with Town of Glen.

ELP, Rotterdam LLC is a utilities scale solar project in the pre application process permitting through OARS. The project is proposed in Rotterdam and Princetown. If Rotterdam does not have updated code in place, the 2017 Code will be utilized for permitting. Time is of the essence.

On May 16, 2024, the committee was recognized by the Town Board, and we received a certificate of proclamation for submitting a draft code that coincides with changes in technology and state regulations. For making sure the Town of Rotterdam residents land and greenspace is protected. The proximity to the power lines makes Rotterdam a desirable location. We owe it to the residents to have a comprehensive solar code in place. Variances can be granted as appropriate, and laws can be updated in the future.

Please consider a positive recommendation to the Town Board. I have included the EAC on this communication. EAC please provide any additional comments that you may have. The Planning Commission meets today at 7 p.m.

Respectfully submitted, Patty."

Ms. Scannell: Thank you Peter and a mission statement that I believe Mrs. Malatese sent is the first two (2) pages of the actual code.

I was going to ask if you all had questions, but I was not sure if you wanted to address Peter…

Mr. Comenzo: I did not write the code so that was prepared by the Energy Advisement Committee.

Ms. Scannell: Mr. Calder, if you have questions for Peter, go ahead.

Mr. Calder: I know this may spilt the Board, I hope it does not because we are going to do the right thing and hopefully all have a chance to learn about this whole project. When did this first materialized that we knew "Inaudible" was going to happen?

Mr. Comenzo: What is that?

Mr. Calder: This whole change of all the material here. When was it first decided?

Mr. Comenzo: I think it was January of 2023. When the moratorium was adopted by the Town…

Ms. Heinel: The EAC was not made until a couple of months after that.

Ms. Scannell: It was in February of 2023.

Mr. Comenzo: So, there was a moratorium and then what happened was a Town Board member was involved in the assembly of, there was a solicitation, from my understanding of members of the community that wanted to be on the board. There are how many members?

Ms. Heinel: Quite a few.

Mr. Calder: That was a year ago.

Mr. Comenzo: The other thing prior to the Town Board entertaining the moratorium, we had looked at the solar code or I had looked at the solar code and said we should look at amending the code and we retained Collier Engineers and I believe it was $10,000 committed to getting an expert involved in the process of rewriting the code. Solar is something that I understand a little bit about but obviously as the Board members and you have looked at other projects, they are unique. You are not building a bank. You are building something that has a lot of components that are really unfamiliar.

Mr. Calder: This is a very important piece of legislation. It really is. I picked up my packet on Sunday and this morning was the first time that I had a chance to sit down and read through it. I understand that maybe a couple of the board members had the same issue in trying to get it done. I do have some questions regarding some of this. I did not know that we were under a serious time frame to get this done. I would like to, just me would like to have seen this maybe great, but I would have liked to see this a lot earlier and now all of a sudden, we find out 20 minutes that there is a lot of pressure to get this done. We have had very little time to research it. That is the only thing that I am concerned with.

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I think some of the things that are written in here with my experience with the Town being on the Board and the Deputy Supervisor and working with your office and other offices here, there are a lot of things that are going to be followed up by our Town people downstairs. It looks like you are going to have to hire some more people to watch everything that is in this that says we should do here.

Ms. Scannell: Is there such a thing that can be given as a recommendation that is neither positive nor negative because certain Board Members have not had the time to read the information. I am asking a question, and I really do not know the answer to that or does the recommendation and report have to be one or the other, positive, or negative.

Ms. Heinel: It is a recommendation and report. The recommendation would be a yes or a no, theoretically the recommendation could be we can't give you answer because we haven't had enough time to review it. Sure.

Mr. Calder: But that would be a failure and that way we are stuck in a position where…

Mr. Collins: We table it.

Ms. Heinel: Somebody has to make a motion to table.

Mr. Calder: I understand that. I do.

Ms. Heinel: But she was asking a different question. She was asking whether the report and recommendation could be something other than a yes or a no. It's a report and recommendation. So, it's whatever the Board makes of what is in front of them. It's either a yes or a no and you can, if you're saying you haven't had enough time to review it, it's going to be a no recommendation based off that question.

Mr. Calder: It's not so much the time to review it, it's time to make notes because rightfully so, I don't know a whole lot about solar. We talked about that, and Kim brought up the project and "Inaudible…" and we agreed that we should not be going any farther and we should put a moratorium on these things, and this is what we did. Only because we didn't have enough facts. The same with the battery storage program. That is another thing that we didn't have enough facts about. We are trying to learn which is good. There is nothing wrong with that.

Ms. Scannell: I recognize, and I respect what you are saying, and I do, I understand where you're coming from, and I don't disagree with you. The reason is I'm asking the question is because the Town Board has asked us to do something and in what they are doing expedited timeframe.

Ms. Heinel: I just want to clarify, first of all this Board is not beholden to Town Board. They are completely separate boards, and one is not allowed to influence the other on decisions or things like that. Nor did the Town Board put any stipulation on the time that this board had to make its decision on its report and recommendation. All they did is refer it for the report and recommendation. They did not put any stipulation that it had to be done at this meeting and I just wanted to clarify that because that statement could be misconstrued that they did when they didn't.

Mr. Calder: I do understand that. I know the Town Board can take this right in their own hands and disregard whatever we say and that is the way things are and I get that too.

Ms. Scannell: Mr. Calder, what are your feelings on a negative recommendation and the reason for the negative recommendation would be because we have not had the time as a Planning Commission to individually and collectively digest the information.

Mr. Calder: Well, if you are asking for someone to put up a resolution, I don't know, I was just trying to understand it all.

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Ms. Scannell: I'm looking for a way to…

Mr. Collins: I think you are putting him on the spot.

Ms. Scannell: We are having a conversation. This is actually how people sometimes have conversations about things.

Mr. Calder: I don't mind it at all. I hate to see us not working together on this and I think the biggest reason that "Inaudible…" this whole amendment that we were not given enough time to do it the right way to serve and do our job the way we are supposed to do it. I don't know where that would have started. Maybe last year. Maybe someone could have said you have something coming and we're going to have something coming up so we could have a chance to have someone sit down and talk to us and go over questions. I don't know. We have done it with other projects.

Ms. Heinel: The best way to address the issue is to put it to the vote. If the majority want to table it so they have time to review it until the next meeting, if that fails, then the next would be to vote yes or no and the Board members can give their reasons for their votes on that and whether that's I haven't had enough time to review it so, no and yes in that frame.

Ms. Scannell: I would like to give everyone the same opportunity that Mr. Calder has had.

Mr. Calder: Absolutely.

Ms. Scannell: Mr. D'Alessandro, do you have any questions for Peter or any comments?

Mr. D'Alessandro: No questions for Peter. I have gone through this thing numerous times and there's a lot of material to go over. I picked up my packet on Friday afternoon and I've gone over these two or three times and made comments that there are certain sections that I don't agree with. Some to me, it almost looks like we're making this very hard for somebody to install a solar system with all these different studies, visual impact studies, acoustical noise studies, wildlife habit studies, glare studies, GIS viewshed studies, distances, visual impacts, where are you going to put 1,500 solar panels without someone seeing it. It's almost impossible.

Just my opinion of it and I have reviewed it several times and I'm not comfortable with giving it a positive recommendation, that's for sure. That's all that I have.

Ms. Scannell: So, what I'm hearing is that you would probably also like to have more time to ask questions?

Mr. D'Alessandro: Yes, absolutely.

Ms. Scannell: Some of the things that you mentioned, visual impact studies, are things that residents in our town have and our town planner and our town board have had to take into consideration with a project as being sited in our town. So, these things are not unheard of they are possibly unheard of to people on this board, to some people on this board, they are heard of to other people on this board, but visual impact studies happen I would say almost all the time with any kind of a project of the magnitude of 20 megawatts.

So, let's see, Mr. Miglucci?

Mr. Miglucci: I have sat in with the EAC and they have had a lot of people come from the state, from individual agencies. This is a mixture of people of different sides of the spectrum, from rural, we have one that actually lives right across the street here and my observation of everything is we need to have something in place to protect us from, how can I say this, one's agenda. It's moving faster than innovation is moving and I have noticed, and I even had had people from the state, actually done things for the state that told me that nuclear the safest energy out there but we're not going to say that because we work for "Inaudible" and I've heard that too.

DRAFT

We needed something to protect us. We can always go in and amend something, but the committee wanted to get something out before a lot of the stuff starts hitting because the Federal are putting all these mandates out there to do this and they want green things and it's moving so fast. If you look at what happened in Germany, it was in today's paper, Germany scrapped the green program because they wanted to be a 100% by 2030 and there is no way. There is no way. They can't do it. They are actually burning coal again.

So, I think this protects us from Monolith that go by the wayside and a lot of people drive to the countryside. I even get on Route 5 and drive from Schenectady all the way to Amsterdam and if you look across the river, Montgomery County, is nothing but silver mountains and it just looks like shit, it really does. I would say, hey, to prevent some kind of trojan horse or something, we have to put something in place.

That is all that I have.

Ms. Scannell: Thank you, Mr. Miglucci. Mr. Signore?

Mr. Signore: I got through half of it. I was out of town all last week and I came in Sunday night and I got through half of this. For me, it would be hard to vote on something that I didn't review or read the other half. However, I do agree with Joe and some of the definitions ambient noise, battery energy storage system, battery management, building, photo voltage system, these with all boundaries, fencing, glare, I think these are legitimate concerns and if you are going to put this solar array in, anybody in the area or even traveling through would have these same concerns.

Other than that fact that I haven't seen the whole thing, but also, correct me if I am wrong, in many cases it gives the town the last say and I like that too. So, if the town, whatever the case may be presented to the town, they do have the last say and I highlighted that in a number of places in the first half of the documentation. I think the report is good, however, I didn't have enough time to read the whole thing. If you don't read it, you really can't make an objective vote on it but what I did read, I'm pretty much okay with it. Like I said, it gives the town the final say as opposed to maybe being something forced on us and then the town, I understand kind of hastily that we got this, but it's a lot better than having something forced on us and then having to change it, but this can, correct me if I'm wrong, this can be amended at any point if we run into something, right? The code can amend this.

Ms. Scannell: The code can be amended after, yes it could be. Absolutely. Like many codes are amending once they go into actual practice and especially something very new.

Mr. Signore: That's my only issue is I got it late and I was out of town and in all honesty, I only read half of it, and I highlighted parts that I though were pretty good. I think we should be concerned for a lot of definitions and what see and people living in the area. You want a project, that's what you go to do.

Ms. Scannell: Thank you. Mr. Collins?

Mr. Collins: I have questions that I know Peter cannot answer. I've had discussions with him. I would like to go on record to say that I'm a firm believer that, to a degree, a person that has property has the right to do certain things with his property, especially out in the country. Some of that land could have been in their family for generations. They might need it to sustain their livelihood and how they live. I think they have the right if they need to lease a few acres to bring in some income to save their family farm or for him and his wife and children to live a decent lifestyle, I don't think we have the right or the Town Board has the right to deny that person. I always felt that way and I always will. I have talked to a couple of people in the Town Hall, and I will not throw anyone under the bus but basically reading this thing it is basically saying no solar in the Town of Rotterdam. There are so many hoops that you cannot possibly jump through them. Even the fee schedule, which is a big one to me. $7,000 to the Planning Commission to Town Board can drop it to $2,500. That has the visual that it be kickbacks all over. Someone comes in and everybody knows lets' only charge them $2,500 instead of $7,000. "Inaudible… (Members talking near microphone). Why do you have to buy a 14' bush to put up.

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How do you even maintain that? You can't put a solar array within 2.5 miles of another one. You have to send out notices for a mile radius. We never done any of these things. I understand that we need code and I'm all for change and I'm not about to sit here and pass something that I totally disagree with in so many different ways. It's not right. You are forcing it on them. It's not my responsibility to make the Town Board happy. I could care less what the Town Board thinks about me or cares about me. I don't really care what anybody thinks about me. I say what I mean, and I mean what I say. This is absolutely BS as far as I'm concerned. Nobody in their right mind could jump through all these million hoops and get so many variances to make this happen. This blatantly says there will be no solar in the Town of Rotterdam. I think it's totally wrong and I wish the paper would come and interview me and I would show them this thing and break it down and tell them that it's totally wrong. We do not have this much right to stop something from the Town of Rotterdam. That is not what this Planning Commission is supposed to do and nobody on this Planning Commission should have their own agenda to push something. Whether someone takes offense to that, I don't really care but this is blatantly saying there will be no solar in the Town of Rotterdam. No matter how you cut it, that is what it says. One in here also says that the Planning Commission will review these things. Once this project leaves here, we have no control over a project. We have been told that a million times, yet you want someone to do an aerial view for 3, 5 and 10 years. That's absurd. There's so many hoops that you could not possibly jump through them and in a cost-efficient way.

If someone wants to do 20 acres, are you going to charge them $140,000 to put in for a permit and they might not even get the permit. That is absurd. And then you could come back and say well, we like the guy we're going to give him $2,500, that's absurd. I mean there are too many loopholes to jump through and like I said you have to put a 14' bush in. That's just nonsense. Who's to say what scenic view is? What I think is a scenic view might not be yours. And then you need a third party to do so many things. It's always adding cost, adding cost to the person doing the project and that's not our job to deter things. It's not our job to tell people what they can and cannot do to this magnitude what they can do to their property to survive. It's not right. Now, maybe people up there are financially stable and have all kinds of money. Everybody says I'm the richest guy in Rotterdam and I'm not, but I don't know people's financial responsibilities or how they are financially and it's not my, I don't think that I have the right to stop somebody from supporting their family or their family farm for generations because somebody doesn't like it. You know what, the person that doesn't like it always has the opportunity to sell their house and move. I don't like apartments on Curry Road. I could have sold my house and moved and I choose not to. Everybody has choices. If people don't like this, they can move.

My cousin had a barn on Spawn Road, and I had a friend that bought a house there and he was very wealthy, and he goes to tell him to tear it down. I said that barn has been there a lot longer than you. It's zoned for it, and he can keep the barn. People come in and buy property and they expect everybody to bend rules because they have few bucks because they don't want their little piece of heaven disrupted. That's progress and solar is here to stay and there isn't a thing in here that says well this should override the State. The State has the final say and the Federal has over the State. It's as simple as that. It's a pecking order and the Town of Rotterdam is on the bottom of the pecking order. You got the "Inaudible" that says look at the agricultural map from the County and I've never seen an agricultural map, there's too many things that I don't understand and too many questions that I need to be answered so, I can truthfully vote on this.

I'm not against changing the zoning but I'm not going to be rushed and crammed down my throat and make a decision tonight. That's all that I have.

Ms. Scannell: Thank you, Clark. It sounds like to a certain extent that you have already made up your mind.

Mr. Collins: I want to table it. One more thing that I want to go on the record, I had a heated discussion with the Chairlady the other night and it was a heated one and she said to me, well maybe you should do your research and look at all the other zones to see what they do. I would like to do that but I would also like a copy of every municipality where hunt and pecked and took certain things out that would stop solar so I can read their own code and understand it fully and not giving me "Inaudible" of $7,000, 2.5 miles, a mile for this, 14' bushes. I want to know where you got it from so that I can read the whole thing because it's probably, it's like when I was President of the Union, they would take two (2) sentences out of a

DRAFT

paragraph and lay their hat on it. You have to read the whole thing to understand where it came from. You were the one that told me that I should research it.

Ms. Scannell: I don't disagree with that. I do think that we should all do our research, but this is not a surprise that this was coming.

Mr. Collins: It was a 35-page surprise to me.

Ms. Scannell: It sounds like you had a pretty clear understanding of a lot of it.

Mr. Collins: I read it three times.

Ms. Scannell: Then you had plenty of time to read it.

Mr. Collins: But I want to research the other ones.

Ms. Scannell: Mrs. Flansburg?

Mrs. Flansburg: So, I read the whole thing because that's our job, but I can't answer the questions that are in here. I wrote a whole bunch of notes, and I am all over the place. Off to the side I wrote are these reasonable expectations, who is the one that would be overseeing to determine what is acceptable whether it's the glare, the noise, the paint color, whether or not we can charge $2,500 or $7,000. The thing that you just mentioned was 2,660 acres, I'm horrible at math and that is why I married a math teacher, their permit application in this town would have been $18.6 million plus. I feel that the permit process isn't supposed to be cost prohibitive if it's supposed to be relative to something. I have no idea, but I would like to know what other communities look like and if they have already gone through all of this. Because I don't know how, if it were ever to get through us, which I don't think anyone would be able to make it through to the other side of this program with all of the third-party studies that needs to be done, TDE, renderings at five (5) and 10 years. It does seem anti.

But then we get here there is an upcoming project that if we don't have something we are going to be in trouble, something is going to negatively impact us. So, I feel like I've done my due diligence with reading my packet, but I don't have the ability to get sample local laws from other communities that have done theirs. That would be helpful.

Just from reading it, I feel like, although we are not saying we don't want it, we're saying we're going to make it really expensive, a long process and require you to get all of this outside help to do it. So, that is kind of where I am looking for other municipalities and it looks like we are opposed to solar.

Mr. Comenzo: I have two (2) comments. Number 1, obviously whatever gets adopted by the Town Board in whatever way, shape or form, the Planning Commission is the one that implements that document. So, I understand in terms of concern of the Planning Commission because there is a separate body that the Town Board created that went through this long process with the TDE and put together this document that is 35 pages long. The second thing is that we do have a TDE that was assigned to work on this solar code and you guys are familiar with him and he is very familiar with the Town code and he is very familiar with codes from other municipalities. I don't know if it would be worth it to have some type of a working session or have him try to answer your questions. Because you may be saying this is outrageous, but he may say it is just like here and here and here or he may have an opinion on something that you may possibly, he would be able to answer some of your questions, I guess. I don't have enough familiarity with solar code in other communities. I obviously don't design and site these but not only are the TDE; he's assisting the EAC, but he's done solar projects, and he did one in Town that turned out to be one of the better ones that we've had. We've also had some that are not so good.

DRAFT

The other potential option, I know there is concern about time limits and everything else and the Town Board had started the process. There is nothing to say the report and recommendation can't be made, it has to be made before the decision. It does not have to be before the public hearing. There is only one meeting on the Town Board and one meeting on the Planning Commission in June. Unfortunately, the Town Board public hearing would be before your next meeting.

Ms. Scannell: So, can we have a special meeting?

Mr. Comenzo: The Town Board meets on June 12th and the Planning Commission regularly scheduled meeting is June 18th. There is a month between now and your next meeting. The Town Board could always have a special meeting and I can't speak for the Town Board. They have one meeting in June, one in July, and one in August. Like you said, it is an important piece of legislation. You certainly do not want to get to the end of the process and have everyone upset with the way things worked out.

Ms. Scannell: Peter, just so I can understand this clearly. Are you saying that if we were to table it to our next meeting which is June 18th…

Mr. Comenzo: That would be after the Town Board meeting. The code does not say you have to have a report and recommendation before the public hearing. We tend to like to have that just because the Town Board has something to chew on. Whether or not they take action after a public hearing, there may be a bunch of people that come to the public hearing, you know most times when we have a public hearing you do not necessarily make a decision that night. Some of the easy ones, a lot of times they will do that but something that may be a little more…

Ms. Heinel: This is a dense body of code; it might go beyond one public hearing night. If we don't have a recommendation from the Planning Commission then it's unlikely to take any action on the first June meeting after the public hearing. They will probably put it out to the next meeting for the report and recommendation to come in as well.

Mr. Collins: I just wanted to know if we do have a workshop with the TDE, how do we go about, if we don't like something in here, like say the fee schedule…

Ms. Heinel: Then that goes in your report and recommendation.

Mr. Comenzo: You have no approval authority over the code. You can make your comments, but the Town Board would just have to take those into consideration but it's really up to the Town Board…

Ms. Heinel: You put that in your report and recommendation and if you have a suggestion of what you want it to look like then you would include that as well. It's a report and recommendation. We've done relatively simple report and recommendations for prior projects, but I have a feeling that this one is going to include a lot more comments and a lot more from different individual members and we can always structure the report and recommendation that way. Member so and so says this, member so and so says this, member so and so says this and we can individualize it for the members to give their individual comments on that but it would require you guys to provide something in writing to us so that we can accurately capture your comments and suggestions are going to be.

Mr. Calder: Prior to having a TDE come in or after?

Ms. Heinel: For the final. Whatever your vote will be, we can include all of your comments and recommendations and otherwise individually in that report and recommendation with what the final was.

Mr. Calder: You may have that.

DRAFT

Ms. Scannell: I think we also could have an opportunity for the EAC to make themselves available to the Planning Commission so, that any questions of the committee could be asked as a whole.

Mr. Comenzo: That makes sense.

Ms. Heinel: Having both the TDE and the EAC here would probably be beneficial.

Mr. Collins: I would just like some explanation on how they came upon this process of certain things that I think are to the extreme. That is all that I'm asking for.

Ms. Scannell: I'm allowing that opportunity. I'm thinking it's a great idea and I suggested it to you last night. I would urge every single member of the Planning Commission to familiarize yourself with the Office of Renewable Energy Citing Regulations, which is where the committee looked for a lot of examples. I will make sure that Patty sends a copy of what Collier's gave and any other copies of solar code that we have PDFs of, there's probably 20 to 25 of them that you will be able to read through to see where the EAC found information.

I would like to point out a couple of things. With regard to the public benefit fee, so, the hoops that you feel a developer has to jump through with regards to a public benefit fee, almost every community has a public benefit fee. I think Glenville was the first one to come out with one locally. They called it Solar for Parks. It was a $7,000 an acre fee which is identical to ours. Theirs originally came out with this, help me with this…

Ms. Heinel: Let me think, we were working on it in 2018, and I think we either adopted it at the end of 2018, beginning of 2019 or it might have been earlier on in 2019.

Ms. Scannell: We didn't even adjust for inflation. We went with what everybody else was doing.

Ms. Heinel: I will point out that there is a difference between Glenville and this particular public benefit fee that I can personally speak too…

Ms. Scannell: But it got changed. It went in with the change.

Ms. Heinel: Not that, not what the funds are designated towards. The difference how the public benefit fee was calculated for Glenville, and I wasn't present for how it was calculated here, but they knew when they drafted the code that it was only going to mean that there were four (4) parcels available for development for large scale solar in the Town. Those were going to be the four (4) targeted developments. The per acre fee was designed to be hefty but not prohibitive hefty. So, in terms was there discussion related to how much money that fee was going to be based off the acreage of these parcels to make it reasonable and not prohibitively expensive, yes.

Ms. Scannell: I think when the EAC was looking at the parcels of land that were taken into consideration, they made a decision that a project that was generating $60 million over the next 20 years and that is not an opinion, that is an actual fact based on the bid application award that this particular company when we were looking at it was given and our next door neighbor, Princetown, who has a per square inch of solar panel fee that if you do the math on it, works out to be about $7,000 an acre. Our neighbors in Duanesburg and other communities as well. You would be able to see that that fee didn't just come out of nowhere.

The other consideration that was made with the public benefit fee was last year when the Governor's budget was passed, they changed the way that pilot plans were negotiated. They changed the methodology, and a lot of the districts didn't even realize they were impacted until this year. Peter and I had a conversation about it today. School districts that

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thought they were getting a certain amount of money which is what they can do, aren't getting the money that they were supposed to be getting. Public benefit fees are not unusual in solar code, and I think it would be good for you guys to all take a look at that.

Again, I can make sure you get a copy of the OAR's Regulations. I can tell you that the residents of Rotterdam, right now, that are within a one-mile radius of a proposed project, have already been provided with a 60-day notice of intent to apply. Those same people have all received Well Surveys that they are asked by the developer to please fill out and get back to them. It's not to protect the resident, it's to protect the developer. I know, personally that many neighbors have been concerned about the expense of the burden that they would have to bear to get their wells tested properly. Upwards of $550 and $750. So, when we talk about the rights of a property owner, we also have to look at the rights of adjoining land owners and when we agree that someone is entitled to use their own property in a manner that maximizes their own enjoyment, their own enjoyment should not be interfering with or disturbing the rights of adjoining land owners and that is why this code is comprehensive.

There are property values to be taken into consideration. People, residents are concerned about their wells. They are concerned about the visual impact. They are concerned about the noise from inverters. These are very, very real concerns that residents have and it's the job of the Town to make sure that not just the property owner has rights, but nonparticipating parties also have rights. I printed this because I think it says a lot about where folks come from and I'm happy to pass it around and it shows how everybody gets an equal piece and everyone can exercise their own freedoms but when your freedoms are exercised and they cause an injustice to other people that is not fair and we have a responsibility as a Town and the EAC took that responsibility very seriously when we are looking at things to protect the residents.

Mr. Calder: I just learned things that I didn't know. I learned from our attorney, got some from you and got some information from Peter. Maybe I could learn a lot from somebody else if someone would sit down and talk to us. I don't mind taking my time to come back in here to sit down and hear from the TDE or the committee that is working on this thing. It sounds like a lot of letters went out and neighbors were talked to, but we didn't know about the project.

Ms. Scannell: I don't disagree with you.

Mr. Calder: I picked this up Sunday and looked at it and knew nothing about it. You have answered a lot of questions and I appreciate that. But there are probably some more questions in here. I'm not making a big fuss here. Maybe we can…

Mr. Comenzo: Let's move forward and make a decision tonight as to how…… we can't guarantee that the Town Board would be willing to have an additional meeting in June, but you have the whole Planning Commission here and what do you want to do. I would believe that some of the folks from the EAC would make themselves available to answer questions. We could probably schedule something with the TDE, who has more of the technical expertise. Out of anybody, he's the one that looking at these codes and designing them.

Mr. Calder: This may not be an issue or a problem at all. We may be making something out of this that isn't there.

Mr. Collins: I just don't understand some of this and I would like to know the reason why. I would like to make a motion to table this and if possible, if Peter could work on getting a workshop or move forward for the Planning Commission to get their questions answered and if we have to have a special meeting, I'm sure we can arrange before the Town so that we can make an educated decision. I hope to table it and move forward with more informational meetings with the TDE or the EAC to answer some of our questions. I'm not against solar but there are some of these things that I don't truly understand. I know I'm not the smartest one at this table. I will gladly admit that. There are some things that I don't understand, and I think everybody, like Wayne says, has the right to some answers before we make such an impact

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on the Town. That is all that I'm saying. I would like to make a motion to table this and possibly set up a special meeting.

Mr. Calder: I'll second that motion.

Ms. Scannell: Lisa, can you 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. Signore?

Mr. Signore: Yes.

Ms. Gallo: Mr. Miglucci?

Mr. Miglucci: Yes.

Ms. Gallo: Ms. Scannell?

Ms. Scannell: Yes.

I would also like to please go on the record saying that I really do hope that all of us put in all of the effort that this volunteer committee has put in over the course of 18 months. I would also like to say while I am happy to answer your questions because I was part of the committee, I was part of the committee. There are plenty of people on the committee that you can ask questions of.

Mr. Collins: Not a problem. Get the committee here and we'll ask questions or have the TDE. That's all that I'm asking.

Ms. Scannell: I would like to please make sure that, Peter, we get a date, and we can check out with Dan when he is available and I would like everybody to please make sure, I will draft some kind of a checklist that you have your questions prepared. I will make sure that you get all the documents that you require because Dan's time is valuable, and we have to pay him, and I want to make sure we get the biggest bang for our buck. If there are codes outside of the Collier's code and the codes that you would like to use, please let us know and I can try to get you copies of those in advance of the meeting. When would you like to schedule this for?

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Mr. Comenzo: Does anybody have availability for the first and second week of June? Is anybody out of town? As you get a little further into June.

Mrs. Flansburg: Does it behoove us to try to fit in before the Town Board public hearing?

Mr. Comenzo: I would have to talk to the Town Board because I don't know who is going to show up at the public hearing and the Town Board doesn't. Somebody may give a 30-page document in terms of comments on the code. I don't know if the Town Board is going to be ready to make a decision on that evening. I think that something that is this important they may decide to conduct a special meeting later in the month instead of waiting until their July meeting. I do think there is time between now and the next Planning Commission meeting to meet. Like I said, I don't know, I know the public hearing is scheduled for June 12th it is the Town Board public hearing.

Mr. Collins: The second week is better for me just because I have to spend two (2) days…

Mr. Comenzo: The next meeting after that is July 10th. That being said, I'm sure everybody will have questions and comments. You have to realize the EAC worked on this for a year and half and there is going to be things in there you don't like, things in there that you do like, it's not going to be okay we are going to rewrite the code. It basically has been written by the EAC and presented to the Town Board because that is what they were tasked with doing. So, it's not something I composed, and it's made up of members of the community. It's a whole separate group that was formed just for this task. That does carry some weight in terms of the Town Board. They are not here tonight to present it to you, but I'm here to present it. They spent a lot of time and effort putting this together so there are things in there that you are probably not going to agree with, but you can say as a whole, I support this document, or I don't. You can get some of your questions answers.

Ms. Scannell: I also think it would be valuable and I understand that people all have very busy schedules, even if you don't typically attend a Town Board meeting, I would urge everyone to take advantage of technology and watch the public hearing on June 12th. I think it would be valuable to all of us to listen to the voice of the residents since this is just a report and recommendation, we're not really hearing from anybody, I think it would be valuable.

Ms. Scannell: There is a website that I will also make sure that I send to everyone that you can go to for the Office of the Renewable Energy citing and you can see all the documents that ELP Rotterdam Solar LLC has provided to the state.

Our next meeting is June 18th.

I would entertain a motion to adjourn the meeting.

Mr. Collins: I will make a motion to adjourn the meeting.

Mrs. Flansburg: I'll second it.

Ms. Scannell: All in favor.

Planning Commission Members: I.

Meeting adjourned at 8:40 p.m.

Respectfully Submitted,

Marlo L. Carter
Planning Commission Secretary

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7. **Town of Rotterdam – Code Amendment. Report and Recommendation to the Town Board to amend Chapter 270, entitled "Zoning" to repeal Local Law #1 of the Year 2017 entitled Solar Energy Facilities with associated fees related to "green" energy and adopt an updated Solar Energy Facilities code.**

Ms. Scannell: Mr. Comenzo, could you please talk to us about the Report and Recommendation.

Mr. Comenzo: Peter Comenzo, Town Planner. I am going to be brief here. We did have the workshop, and everybody was in attendance, and I think it went really well. At the conclusion of the meeting, what I did is took some notes during the workshop and I took a look at my notes and there were several comments that were made at the meeting and a couple of comments that I had that I forwarded to Patty, the Chairwoman of the Energy Advisory Committee.

To summarize, there was some minor technical things that needed to be fixed but the things that I touched on and which actually had come up at the meeting was the number one, the 14' height trees for planting. I had suggested something more in the range of 4 to 6' because 14' is not really something that we have seen and it would be really difficult for them, at least in my mind, to survive. It is prohibitively expensive to plant a 14' tree. I do not really know if that is a thing.

The second comment that came up, and this was to depict all structures within 2,500 feet for a map for anything for Tier 3 and up and I think maybe for a Tier 4 or Tier 5, the problem with something in mapping something within a ½ mile to show all the structures, I think the biggest difficulty would be the scale. Number one a lot of the information would probably be meaningless to the reviewing body which would be the Planning Commission but going basically a ½ mile in all directions really, the biggest thing is really going to be the scale and is it really needed. Is it something that we would really care about if there was something that was ½ mile away?

Definitely and I think I mentioned this at the workshop, the surrounding properties definitely I think you want to see how far if there is a barn or house or whatever if there is something even around the area because a lot of times you will see and even some of the site plans we see here they don't show the adjoining properties and it makes it a little difficult to discern if there is going to be impacts and that type of thing. I think 2,500 foot was not really meaningful and would be really expensive and I do not know in terms of the scale of the map that you would receive if it would even be usable.

The third one that we mentioned was the one-mile notification was excessive. Currently our notifications for a change of zone is 300'. This is 5,000 plus feet. Obviously, the solars are "Inaudible…" notification but I think ran Brudos' project and it was like 300 something in terms of mailers to adjoining property owners. I do not know if there is necessarily a benefit to that.

The fourth one that I had mentioned was the replacement of anything that over 3" in diameter at breast height for a tree, a one-on-one replacement. I think if you are requiring a buffering on the inside of the fence and you are requiring a buffer on the outside of the fence, I think a 3" diameter tree is going to have to be, there would probably be a lot of them that would be removed. I do not know. The other thing is with 3", is it really a tree. I think we had discussions with Dan, and I had some discussions with Kim about that, is this a tree or is there a definition and I think we put a definition in there for forest for woodland but the reference to 3" DBH is still in the code.

I know there was a lot of concern, I think Clark had brought this up, and then also in speaking with some of the Town Board members the difference in the fees from $7,000 versus $2,500 and the potential for the concern of being arbitrary that if we were going to charge a fee then it would just be a flat fee. I know there was some offsetting mitigation in terms of giving the Town property and there was some concern about if we are getting property is it really useable and is it something the Town would really want. I guess future Boards would make that determination, but I think the concern was to either just pick a number and kind of work on that and that could be something that the Town Board will look at.

What I did is I forwarded these comments to the Energy Advisory Committee. They are meeting tomorrow and I guess they can look at that if they want to make modifications, I thought it would be much better than having the Planning Commission providing saying we want X, Y, and Z changed because everyone is going to have different opinions and I think as a body it would probably just be better to make a report and recommendation just like these other ones and we

have all these little nuances that you might want to see on the site plan. I think the Planning Commission should just make a report and recommendation to the Town Board and then Energy Advisory Committee can look at these comments and say well, whatever we would like to keep it the way it is or maybe we will tweak this a little bit and we will tweak that a little bit and they can make their recommendation. We would make a recommendation either positive or negative from the Planning Commission and then the Energy Advisory Committee could send a memo and say based on the Planning Commission comments or my comments or however they wanted to word it, they could forward something to the Town Board and make some minor modifications to the Code or not. I will leave that up to the Energy Advisory Committee because they were tasked with writing the Code and not the Planning Commission and not me.

That is all I have.

Ms. Scannell: Thank you, Peter. Courtney, do you want to weigh in on anything with regard to the report and recommendation?

Ms. Heinel: This Board may not have been tasked with writing the Code, but they are tasked with giving their honest opinion related to the Code and any changes they feel might be necessary to it. Just because this Board has not done it previously doesn't mean they can't do it. There is nothing that says they can't. If particular Board members want to explain their vote or give further detail, I do not see the issue with that. That is the way I view it. It does not have to be the way everybody views it.

Mr. Comenzo: I think the other thing too is we have got verbatim minutes so, you've got the report and recommendation and I know a lot of times and we have done it different ways, but…

Ms. Heinel: Unfortunately, we do not have verbatim minutes from the informational meeting.

Mr. Comenzo: Not the informational meeting but this meeting tonight so, if there is anything that you want to get on the record, the Board would be able to review that.

Ms. Scannell: Peter, would you be proposing how would the report and recommendation be written from your perspective, ideally.

Mr. Comenzo: I am not proposing anything. I'm kind of throwing out here where we are in the process, and I think when you look at the Code its a report and recommendation from the Board. So, do you each want to write up your comments and concerns and send them in. Like I said, what I tried to do is I tried to condense down, these are kind of, in my mind, the major things that have come up both in my mind and also at the meeting that there were certain things in the Code that they said maybe we do not want to notify people for so far or maybe do not want to plant 14' high trees. So, I think the Energy Advisory Committee, they are the ones that wrote the Code, so I do not know if the Town Board wants to go in there and look at those comments and say okay the Energy Advisory Committee did not want to adjust this and maybe they could justify or they could say why we don't want to change…

Ms. Scannell: I think we have a responsibility based on the request for report and recommendation to let the Town Board know what the feedback from the Planning Commission was. In a typical report and recommendation, correct me if I am wrong, you usually draft them?

Mr. Comenzo: The attorney usually.

Ms. Heinel: We both do.

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Ms. Scannell: So, in a collaborative effort between Peter and Courtney, the sum up of what you sent to the Energy Advisory Committee should maybe shared in the report and recommendations so that the Town Board has an opportunity to see what this Planning Commission was questioning versus just having the Energy Advisory Committee say "Inaudible…" The Town Board should know what we were suggesting to the Energy Advisory Committee. They are asking us for a report and recommendation. I don't know. Mrs. Flansburg?

Ms. Heinel: It doesn't have to be individual Board members each providing their piece. I thought at the start of this discussion with Planning Commission there was so much fracture in terms of opinions and people had opinions of one thing and others didn't. It was easier for each Board member to submit a supplementary document trying to explaining…

Ms. Scannell: Which could be…

Ms. Heinel: Or something like you suggested.

Ms. Scannell: A summary sounds like a much better idea.

Mr. Comenzo: I'm just trying to throw this out here because I'm trying to say okay, we need to move on here and rather than necessarily giving it a thumbs up or a thumbs down, you can maybe put in writing what you like about or put in writing what you don't like about it. I kind of did that. I put my opinions in some of that in terms of what was said at the meeting but I also added my own two cents and I'm not on the Planning Commission and I don't make reports and recommendations but as the Town Planner I said that I should really look at these items and that is why I sent those to the Energy Advisory Committee to look over and say okay, does what the Town Planner is saying make sense? Is there some reason or do we just say okay a mile is a mile is a mile and we do not care what you say, and the developer is paying for, and we are going to forward that to the Town Board. Now, I'm not going to the Town Board to argue my points, but they are on the record.

Ms. Scannell: I think at our original meeting it was robust, I believe was the word that I used but I also think that we had a very meaningful and productive opportunity to sit with the TDE, with yourself and with members of the Energy Advisory Committee. I would entertain a motion for positive recommendation-based feedback from Peter and Courtney on how our workshop session.

Ms. Heinel: I think we can just include the summary you sent to the Energy Advisory Committee in the report and recommendation on the motion that you are proposing now as if we pass it, this is a summary of kind of what we've looked at…

Mr. Comenzo: I literally scribbled in red pen on it.

Ms. Heinel: You know what I mean or something like that.

Mr. Comenzo: I did not make a formal report and recommendation.

Ms. Heinel: Which will include your comments and recommendations because those were considered by the Planning Commission as part of this report and recommendation. I don't think there is anything improper about including the Town Planner who is responsible to liaison to this Board to assist this Board through a review process, I don't think there is anything improper about including your comments in the report and recommendation from the Planning Commission because your comments help in assistance and oversight of this Board are incredibly important to this Board and whatever makeup it becomes of the future. I do think that can be included with this report and recommendation as well because that did factor into their informational meeting and the information about this Code as well.

Ms. Scannell: I agree. Does anyone have any comments or concerns or questions for Peter or Courtney?

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Mrs. Flansburg: I have been drafting along here as well thinking of a way for us kind of move forward. I was just thinking after quality discussions at the workshop meeting and recognizing the long-term work that numerous members of the Advisory Committee had, I feel that overall that we can make a positive recommendation to the Town Board with the hope that summary of our suggestions are expressed to the Advisory Committee also get expressed to the Town Board with our recommendation. That was a long way of saying what you said.

Ms. Scannell: Would you be making a motion?

Mrs. Flansburg: I would be happy to make that motion.

Ms. Scannell: Would anyone like to second it?

Mr. Miglucci: I'll second it.

Ms. Scannell: Marlo, please call the roll.

Ms. Carter: Mr. Collins?

Mr. Collins: No.

Ms. Carter: Mrs. Flansburg?

Mrs. Flansburg: Yes.

Ms. Carter: Mr. Calder?

Mr. Calder: I agree with what Lynn said. I feel a lot better about this project after our meeting. 100% better but there is probably a half of dozen items that we all agreed are pretty much the same items that we agree on. Like the distance, at least we agree to question it, not that we agree with it all the time. So, if that was listed in what Lynn was saying, I would be for that. If it is not going to be listed what is saying, then I am against it. So, I don't know how to vote.

Ms. Heinel: It is going to be listed and it will be included.

Mr. Comenzo: Do you want to see the items that I forwarded to…

Mr. Collins: That doesn't mean they have to accept them.

Mr. Calder: No, they don't have to accept them. This is a living document and going to be moving anyway. I feel a lot better about this. I really had my issues before I came to that meeting.

Mr. Comenzo: That was a very good workshop.

Mr. Calder: It was a great meeting.

Mr. Comenzo: When you realize how much time they spent.

Mr. Calder: I didn't go to any of their meetings. I was asked to be on that committee and now maybe I should have taken them up on it because I did learn a lot. Again, out of 38 pages there is only about 6 items that we all repetitively brought it up on. It is not that we were saying no on them, but they were of interest to us and that is why it has to be included.

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Ms. Scannell: That will be included.

Mr. Calder: If that is the case, then I vote yes.

Ms. Carter: Mr. Signore?

Mr. Signore: Yes.

Ms. Carter: Mr. Miglucci?

Mr. Miglucci: Yes.

Ms. Carter: Ms. Scannell?

Ms. Scannell: Yes.

Motion carried.

Mr. Collins: I would just like my position on my no vote in the meeting minutes.

Ms. Heinel: Okay, that is fine.

Ms. Scannell: I would entertain a motion to adjourn the meeting.

Mr. Collins: I will make a motion to adjourn the meeting.

Mr. Miglucci: I'll second it.

Ms. Scannell: All in favor.

Planning Commission Members: I.

Meeting adjourned at 10:04 p.m.

Respectfully Submitted,

Marlo L. Carter
Planning Commission Secretary

****Mr. Collins position on his no vote****

"I am voting in the negative on the Report and Recommendation for the following reason:

This code, as written, is too restrictive. The new code would severely limit how an owner can use his/her land. If the owner is in a financial situation in which leasing part of the land for a solar array would allow the owner to stay on their land, land that may have been in the family for generations, this code would not allow it if within 2.5 miles there already was a solar array. I wanted to picture exactly how far this was – well if you drive from town hall to Schalmont High School you have gone 2.5 miles – and you need that 2.5 miles in all directions. I find this and may other sections of this code unreasonable. Another example is on Page 22, #7 which states in part that a Tier 4 system and greater shall not be

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located above the elevation of 1,000 feet (NAVD 88), or along ridgelines and on hilltops. I have asked for clarification of this section and never received a precise answer.

The Town Board and the Planning Commission adhere to the town's comprehensive plan, zoning and building codes but I do not believe either the Town Board or the Planning Commission have the right to so severely prohibit what any person can do with their land.

I believe that this 35-page code was written for the sole purpose to forbid any solar energy projects in the western part of town."

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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 PC38-2024
Moved by Ms. Flansburg seconded by Mr. Miglucci
Applicant: Town of Rotterdam

Resolution Adopting a Report and Positive Recommendation to the Town Board to amend Chapter 270, entitled "Zoning" to repeal Local Law #1 of the Year 2017 entitled Solar Energy Facilities with associated fees related to "green" energy and adopt an updated Solar Energy Facilities code

WHEREAS, the Town Board of the Town of Rotterdam ("Town Board") has forwarded a proposed amendment to Chapter 270, entitled "Zoning" to repeal Local Law #1 of the Year 2017 entitled Solar Energy Facilities with associated fees related to "green" energy and adopt an updated Solar Energy Facilities code; and

WHEREAS, the Town Board referred the proposed amendment to the Town zoning code to the Planning Commission on May 16, 2024 for a report and recommendation thereon; and

WHEREAS, the Town Senior Planner presented the proposed amendment to the Planning Commission at its regularly scheduled meeting on May 21, 2024 and June 18, 2024; and

WHEREAS, the Planning Commission reviewed the proposed amendment at its regularly scheduled meetings held on May 21, 2024 and June 18, 2024; and

WHEREAS, the Planning Commission has deliberated on the proposed amendment;

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:

The Planning Commission hereby adopts the following as its report on the proposed Zoning Code Amendment:

1. Town Board referred the local law to the Planning Commission on May 16, 2024 and the Planning Commission reviewed the local law at the May 21, 2024 meeting, conducted a workshop with members of the Energy Advisory Committee, Town Designated Engineer, Attorney for the Town, and Planning Staff on June 11, 2024.

   As part of the Planning Commission report and recommendation the Commission directed the Town Planner to incorporate the notes from the June 11, 2024 workshop as well as the comments from staff and transmit those to the Energy Advisory Committee for consideration at their June 20, 2024 meeting. These comments included the following:

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A) TDE to provide clarification to the Energy Advisory Committee on the proposed Tiers for clarification (transmitted to Energy Advisory Committee Chairman on June 17, 2024).
B) Modifications to when a TDE is necessary and use SEQR action as a criterion.
C) Be specific as to what a regulated wetland is.
D) Consider modifying the requirement that 14' tall landscaping be installed to 4' to 6' to ensure better survival rates and practicality.
E) Establish the Town of Rotterdam as the zoning enforcement agency not the fire department or emergency services.
F) Modify the requirement for mapping structures and use from 2,500 feet from the boundary to include adjoining properties only to avoid scale issues and overall usefulness of the mapping.
G) Remove Tier 3 from the one-mile mailing notification requirement upon receipt of an application (recent rural Tier 3 project would have generated 350+ letters).
H) Modification to the requirement that no "tree" over three inches in diameter at breast height can be removed in a contiguous area exceeding 20,000 square feet.
I) Modify the post construction glare language and tie it to a Town Official as opposed to a generalized "complaints" triggering continued glare monitoring.
J) Define "Renewable Energy Substations."
K) Remove reference to Town Open Space Plan as one does not currently exist.
L) Remove prohibition of Solar Energy Systems on properties/structure that have submitted an application for inclusion as historic or culturally significant. "Application" is not defined, there is no time period, and it is either in or out. An application is just that and can be submitted by anyone at any time and is too subjective.
M) Remove the provision that the Planning Commission can reduce the $7,000 per acre fee to $2,500. Fee should be consistent and not subjective.
N) Requirement for drilling test wells and monitoring wells should be eliminated. In most of the western part of Town, existing wells are deep and drilling test/monitoring wells could negatively affect existing groundwater quantity and quality.

2. Subject to the considerations set forth in Paragraph 3, below, the Planning Commission hereby adopts a positive recommendation on the proposed amendment is to Chapter 270, entitled "Zoning" to repeal Local Law #1 of the year 2017 and adopt an updated Solar Energy Facilities Law and the removal of Chapter 270-137.1 (A)(1) that relates to the exemption of site plan fees.

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. Any proposed development shall remain subject to full review by the Planning Commission and, as necessary, by the Zoning Board of Appeals.

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

Peter J. Comenzo
Senior Planner

Kimberly Ricker Scannell
Planning Commission Chairman

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STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
WWW.DOS.NY.GOV

ANDREW M. CUOMO
GOVERNOR

ROSSANA ROSADO
SECRETARY OF STATE

March 2, 2017

Diane M Marco
Town Clerk
Town Hall
J.F. Kirvin Government Center
1100 Sunrise Boulevard
Rotterdam NY 12306

RE: Town of Rotterdam, Local Law 1 2017, filed on March 1, 2017

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

DRAFT

TOWN CLERKS OFFICE
2 MAR '17 AM 1:06

Town of Rotterdam

"A nice place to live" **"A nice place to do business"**

Office of the Town Clerk

Diane M. Marco, Town Clerk
Paula Diamante, Deputy Town Clerk
Tammy Whelan, 2nd Deputy Town Clerk

Town Hall
J.F. Kirvin Government Center
1100 Sunrise Boulevard
Rotterdam, New York 12306
Telephone: (518) 355-7575 ext 352
Fax: (518) 355-7837
www.rotterdamny.org

February 23, 2017

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 01-2017

To Whom It May Concern:

Enclosed are forms required to file Local Law **01-2017**, adopted by the Town Board of the Town of Rotterdam meeting held on **February 22, 2017.**

If you are in need of anything else please feel free to call my office.

Sincerely,

Diane M. Marco
Town Clerk

Enclosure

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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/corps

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. 01-2017 **of the year 20**17

A local law To adopt a solar Energy Facilities Law as part of the Town of Rotterdam Code Chapter 270
(Insert Title)
entitled Zoning

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

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

of Rotterdam **as follows:**

Attached

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

RESOLUTION NO. 75.17

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center 1100 Sunrise Blvd. Rotterdam, New York on Wednesday, February 22, 2017 at 7:00 p.m., the following resolution was duly adopted:

WHEREAS, a public hearing was called for by the Town Board of the Town of Rotterdam on December 14, 2016; and

WHEREAS, pursuant to notice duly published in the official newspaper of the Town of Rotterdam, the Town Board of the Town of Rotterdam held a public hearing on the 1st day of January 2017, at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York, at 3:00 p.m.; and

WHEREAS, said public hearing was conducted on January 1, 2017, at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York, upon adoption of a Proposed Local Law of the Year 2017, for the following purpose:

> To adopt a Solar Energy Facilities Law, as part of the Code of the Town of Rotterdam, Chapter 270, entitled "Zoning"

WHEREAS, all persons were duly heard both in the affirmative and negative thereon; **NOW**

THEREFORE, UPON MOTION OF Councilmember **MILLER-HERRERA,** seconded by

Councilmember **VILLANO,**

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF ROTTERDAM

LOCAL LAW NO. ONE (1) OF THE YEAR 2017

SECTION 1. To adopt a Solar Energy Facilities Law, as part of the Code of the Town of Rotterdam, Chapter 270, entitled "Zoning".

SECTION 2. This local law shall take effect upon filing with the Secretary of State as required by Section 27 of the Municipal Home Rule Law.

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

DATED: February 22, 2017

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NAME	AYES	NOES	ABSTAIN
Christou	X		
Larmour	X		
Miller-Herrera	X		
Villano	X		
Tommasone	X		

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 of the Town of Rotterdam on February 22, 2017 and that the foregoing is a true and correct transcript of the original resolution and of the whole thereof and that said original 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 February 23, 2017.

Diane M. Marco

Diane M. Marco, Town Clerk

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TOWN OF ROTTERDAM
LOCAL LAW NO. 1 OF THE YEAR 2017
A LOCAL LAW RELATING TO SOLAR ENERGY FACILITIES
IN THE TOWN OF ROTTERDAM

SECTION 1 - TITLE

This Local Law shall be referred to as "A Local Law Relating to Solar Energy Facilities in the Town of Rotterdam".

SECTION 2 – PURPOSE AND INTENT

Solar energy is a renewable and non-polluting resource that can prevent fossil fuel emissions and reduce a municipality's energy load. The use of solar energy equipment for the purpose of providing energy is a priority and is a necessary component of the Town of Rotterdam's current and long-term sustainability needs. This Local Law aims to accommodate solar energy systems and equipment, to balance the potential impact of such systems and equipment on neighbors, and to preserve the rights of property owners to install such solar energy systems and equipment without excess regulation.

SECTION 3 - DEFINITIONS

Chapter 270, § 270-5 of the Town Code of the Town of Rotterdam is hereby amended to add the following definitions of terms:

BUILDING-INTEGRATED PHOTOVOLTAIC (BIPV) SYSTEMS
A solar energy system that consists of integrating photovoltaic modules into the building materials comprising the structure, such as the roof material or the façade material, and which does not constitute a Rooftop or Building-Mounted Solar System.

FLUSH-MOUNTED SOLAR PANEL
A photovoltaic panel or tile that is installed flush to the surface of a roof and which cannot be angled or raised.

FREESTANDING OR GROUND-MOUNTED SOLAR ENERGY SYSTEM
A solar energy system that is directly installed in the ground and is not attached or affixed to an existing structure. Pole-mounted solar energy systems shall be considered Freestanding or Ground-Mounted Solar Energy Systems.

PHOTOVOLTAIC (PV) SYSTEMS
A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells that generate electricity whenever light strikes them.

QUALIFIED SOLAR INSTALLER
A person who has skills and knowledge related to the construction and operation of solar electrical equipment and installation and has received safety training on the hazards

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involved. Persons who are on the list of eligible photovoltaic installers maintained by the New York State Energy Research and Development Authority (NYSERDA), or who are certified as a solar installer by the North American Board of Certified Energy Practitioners (NABCEP), shall be deemed to be qualified solar installers for the purposes of this definition. Persons who are not on NYSERDA's list of eligible installers or NABCEP's list of certified installers may be deemed to be qualified solar installers if the Town Building Inspector/Code Enforcement Officer or such other Town officer or employee as the Town Board designates determines such persons have had adequate training to determine the degree and extent of the hazard and the personal protective equipment and job planning necessary to perform the installation safely. Such training shall include the proper use of special precautionary techniques and personal protective equipment, as well as the skills and techniques necessary to distinguish exposed energized parts from other parts of electrical equipment and to determine the nominal voltage of exposed live parts.

ROOFTOP OR BUILDING-MOUNTED SOLAR SYSTEM

A solar energy system in which solar panels are mounted on top of the structure of a roof either as a flush-mounted system or as modules fixed to frames.

SMALL-SCALE SOLAR

Solar photovoltaic systems or solar-thermal systems which serve only the building to which they are attached, or the building or buildings located on the same lot as such system. The Building Inspector/Code Enforcement Officer shall be authorized to require any applicant to submit proof of the last twelve months of electricity usage for such lot or building, or in the case where twelve months of electricity usage data cannot be produced, proof of the projected electricity usage for such lot or building, for purposes of determining whether an applicant's proposed solar energy system constitutes a Small-Scale Solar energy system.

SOLAR COLLECTOR

A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

SOLAR ENERGY EQUIPMENT/SYSTEM

Solar collectors, controls, energy storage devices, heat pumps, heat exchangers, and other materials, hardware or equipment necessary to the process by which solar radiation is collected, converted into another form of energy, stored, protected from unnecessary dissipation and distributed. Solar systems include solar thermal, photovoltaic and concentrated solar. A solar energy system does not include any solar energy system of four square feet in size or less.

SOLAR FARM OR SOLAR POWER PLANT

Energy generation facility or area of land principally used to convert solar energy to electricity, whether by photovoltaics, concentrating solar thermal devices or various experimental solar technologies, with the primary purpose of wholesale or retail sales of electricity or off-site consumption.

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SOLAR PANEL
A device for the direct conversion of solar energy into electricity.

SOLAR STORAGE BATTERY
A device that stores energy from the sun and makes it available in an electrical form.

SOLAR-THERMAL SYSTEMS
Solar thermal systems directly heat water or other liquid using sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water, and heating pool water.

SECTION 4 - AMENDMENT OF § 270-15

Chapter 270, § 270-15 of the Town Code of the Town of Rotterdam is hereby amended by adding a new subparagraph (E), as follows:

E. Small-Scale Solar. In the case of Small-Scale Solar energy systems or devices, to the extent the foregoing provisions are inconsistent with the provisions of Article XXVIII, the provisions of Article XXVIII shall apply.

SECTION 5 - ADDITION OF SOLAR FARMS AND SOLAR POWER PLANTS AS SPECIAL PERMIT USE IN A – AGRICULTURAL DISTRICT

Chapter 270, § 270-18 of the Town Code of the Town of Rotterdam is hereby amended by adding a new subparagraph (M), as follows:

M. Solar Farms and Solar Power Plants in accordance with § 270-153.

SECTION 6 - ADDITION OF SOLAR FARMS AND SOLAR POWER PLANTS AS SPECIAL PERMIT USE IN I-1 – LIGHT INDUSTRIAL DISTRICT

Chapter 270, § 270-73 of the Town Code of the Town of Rotterdam is hereby amended by adding a new subparagraph (O), as follows:

O. Solar Farms and Solar Power Plants in accordance with § 270-153.

SECTION 7 - ADDITION OF SOLAR FARMS AND SOLAR POWER PLANTS AS SPECIAL PERMIT USE IN I-2 – HEAVY INDUSTRIAL DISTRICT

Chapter 270, § 270-84 of the Town Code of the Town of Rotterdam is hereby amended by adding a new subparagraph (G), as follows:

G. Solar Farms and Solar Power Plants in accordance with § 270-153.

SECTION 8 - AMENDMENT OF § 270-138

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Chapter 270, § 270-138 of the Town Code of the Town of Rotterdam is hereby amended by adding a new subparagraph (D), as follows:

D. Small-Scale Solar. In the case of Small-Scale Solar energy systems or devices, to the extent the foregoing provisions are inconsistent with the provisions of Article XXVIII, the provisions of Article XXVIII shall apply.

SECTION 9 - AMENDMENT OF § 270-143

Chapter 270, § 270-143 of the Town Code of the Town of Rotterdam is hereby amended by adding a new subparagraph (G), as follows:

G. Exception for Solar Farms and Solar Power Plants. The provisions of this section shall not apply to fences enclosing Solar Farms and Solar Power Plants.

SECTION 10 - SOLAR FARMS AND SOLAR POWER PLANTS

Chapter 270 of the Town Code of the Town of Rotterdam is hereby amended by adding a new section, § 270-153, as follows:

§ 270-153. Solar Farms

A. Solar Farms and Solar Power Plants are permissible in the A – Agricultural, I-1 – Light Industrial, and I-2 – Heavy Industrial Zoning Districts in the Town of Rotterdam upon issuance of a special use permit and site plan approval by the Planning Board.

B. In addition to the information and materials required under Article XVII (Site Plan Approval) and Article XIX (Special Use Permits), all applications for Solar Farms or Solar Power Plants shall include the following, except to the extent waived by the Planning Board:

(1) Plans and drawings of the solar energy system installation signed by a professional engineer registered in New York State showing the proposed layout of the entire solar energy system along with a description of all components, whether on site or off site, existing vegetation and proposed clearing and grading of all sites involved. Clearing and/or grading activities are subject to review by the Planning Board and shall not commence until the issuance of site plan approval.

(2) An electrical diagram detailing the solar energy system installation, associated components, and electrical interconnection methods, with all disconnects and over-current devices identified.

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(3) Documentation of access to the project site(s), including location of all access roads, gates, and parking areas.

(4) Plan for clearing and/or grading of site.

(5) A stormwater pollution prevention plan as per NYSDEC requirements to detail stormwater runoff management and erosion control plans for the site.

(6) Documentation of utility notification, including an electric service order number.

(7) Decommissioning plan and description of financial surety that satisfies the Town that all required improvements shall be made for Solar Farms or Solar Power Plants. For all such systems, the applicant shall submit a decommissioning plan for review and approval as part of the special use permit application. The decommissioning plan shall identify the anticipated life of the project, method and process for removing all components of the solar energy system and returning the site to its preexisting condition, and estimated decommissioning costs, including any salvage value.

(8) The Town shall require any applicant to pay all associated costs for any application review, including but not limited to engineering, legal, environmental, planning, and the review required under SEQRA. When the Planning Board determines that a review will require engineering, legal, environmental, or planning costs, they shall provide an estimate to the applicant. Subsequently, such payment shall be made prior to commencement of any further Planning Board review.

(9) Photo simulations shall be included showing the proposed solar energy system in relation to the building/site, along with elevation views and dimensions, and manufacturer's specifications and photographs of the proposed solar energy system, solar collectors, and all other components.

(10) Part I of the Environmental Assessment Form completed and signed.

(11) Details of the proposed noise that may be generated by inverter fans. The Planning Board may require a noise analysis to determine potential adverse noise impacts.

(12) Any other information or documentation as may be reasonably required by the Planning Board.

C. All applications for Solar Farms or Solar Power Plants shall be reviewed and determined in accordance with the procedures and standards set forth in Article XVII (Site Plan Approval) and Article XIX (Special Use Permits) of this Chapter. In addition, the following provisions shall apply:

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(1) All such systems shall adhere to all applicable Town of Rotterdam building, plumbing, electrical, and fire codes.

(2) Development and operation of a solar energy system shall not have a significant adverse impact on fish, wildlife, or plant species or their critical habitats, or other significant habitats identified by the Town of Rotterdam or other federal or state regulatory agencies. Lands which have the highest ecological values as evidenced by large, contiguous areas of forest, undisturbed drainage areas, wetlands, or NYSDEC identified critical habitats or rare plant and animals populations shall be avoided.

(3) With the exception of transmission lines and related structures necessary for transmitting electricity generated by the solar energy system for off-site distribution and/or consumption, there shall be a minimum 100 foot buffer between any component of the solar energy system and the parcel boundary line. The Planning Board is authorized to increase the width of this buffer after analysis of site conditions and adjacent land uses.

(4) Any site containing such solar energy system shall be enclosed by perimeter fencing to restrict unauthorized access at a height of 8 ½ feet or such other height determined by the Planning Board.

(5) Previously cleared or disturbed areas are preferred locations for solar panel arrays. The clearing of additional lands to accommodate a proposed solar farm or solar power plant may be permitted, provided the percentage of newly cleared land on any parcel does not exceed 30% of the existing woodlands on that parcel.

(6) Native grasses and vegetation shall be maintained below the arrays.

(7) A berm, landscape screen, natural vegetation, or any combination thereof acceptable to the Planning Board capable of screening the site, shall be provided. The solar facility, including any proposed off-site infrastructure, shall be located and screened in such a way as to avoid or minimize visual impacts as viewed from:

(a) Publicly dedicated roads and highways; and

(b) Existing residential dwellings located on contiguous parcels.

(8) The design, construction, operation, and maintenance of any solar energy system shall prevent the misdirection and/or reflection of solar rays onto neighboring properties, public roads, and public parks in excess of that which already exists.

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(9) All structures and devices used to support solar collectors shall be non-reflective and/or painted a subtle or earth-tone color to aid in blending the facility into the existing environment.

(10) All transmission lines and wiring associated with a solar energy system shall be buried and include necessary encasements in accordance with the National Electric Code and Town requirements. The Planning Board may recommend waiving this requirement if sufficient engineering data is submitted by the applicant to demonstrate that underground transmission lines are not feasible or practical. The applicant is required to show the locations of all proposed overhead and underground electric utility lines, including substations and junction boxes and other electrical components for the project on the site plan. All transmission lines and electrical wiring shall be in compliance with the utility company's requirements for interconnection.

(11) Artificial lighting of solar energy systems shall be limited to lighting required for safety purposes and shall be shielded from all neighboring properties and public roads.

(12) The manufacturers or installer's identification and appropriate warning signage shall be posted at the entry to the site and clearly visible; provided, however, that total area of such signage shall not exceed twenty-four square feet.

(13) The height of the solar panel arrays shall not exceed twenty-five feet.

(14) The Planning Board shall require security in an amount and form acceptable to the Town for the purposes of ensuring that the system is removed and the site is restored as required under § 270-153 (D) of this Chapter. The amount shall be determined by an estimate of total cost of removal of the solar energy system and restoration of the site. Acceptable forms of security shall include, in order of preference: cash or letter of credit, or a combination thereof.

(15) Following construction of a large-scale, solar farm or solar power plant ground-mounted solar energy system, all disturbed areas where soil has been exposed shall be reseeded with grass and/or planted with low-level vegetation capable of preventing soil erosion and airborne dust, which grass and vegetation shall be reasonably maintained.

(16) Special use permits granted for solar farm or solar power plant energy systems shall be assignable or transferable to future landowners of that system on the approved parcel so long as they are in full compliance with this Chapter and all conditions of the special use permit, and the Building

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Inspector/Code Enforcement Officer is notified of the property transfer at least 15 days prior thereto.

(17) Any post-construction changes or alterations to the solar energy system except for repairs, replacements, and upgrades of existing equipment shall be done only by amendment to the special use permit and site plan approval and subject to the requirements of this Chapter.

(18) After completion of a solar farm or solar power plant solar energy system, the applicant shall provide a post-construction certification from a professional engineer registered in New York State that the project complies with applicable codes and industry practices and has been constructed and is operating according to the design plans. The applicant shall further provide certification from the utility that the facility has been inspected and connected.

D. Abandonment or Decommissioning. Solar Farms or Solar Power Plants which have not been in active and continuous service for a period of one year shall be deemed abandoned and shall be removed at the owner's or operator's expense. Decommissioning shall include removal of all energy facilities, structures and equipment including any subsurface wires and footings from the parcel. Any access roads created for building or maintaining the systems shall also be removed and re-planted with vegetation. In the event that the facility is not removed within six months of abandonment, and the site restored as required, the Town may cause the same to be removed and the site restored using the security posted as required by § 270-153 (C) (14) of this Chapter.

SECTION 11 - SMALL-SCALE SOLAR

Chapter 270 of the Town Code of the Town of Rotterdam is hereby amended by adding a new Article XXVIII, as follows:

Article XXVIII – Small-Scale Solar

§ 270-220 – Permits Required for Small-Scale Solar Energy Systems

A. The provisions of this Article apply to Small-Scale Solar energy systems. No Small Scale solar energy system or device shall be installed or operated in the Town except in compliance with this Article.

B. Rooftop and Building-Mounted Solar Collectors. Rooftop and building-mounted solar collectors that constitute Small-Scale Solar energy systems are permitted in all zoning districts in the Town subject to the following conditions:

1. Building permits shall be required for installation of all rooftop and building-mounted solar collectors.

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2. Rooftop and building-mounted solar collectors shall not exceed the maximum allowed height of the principal use in any zoning district.

3. All rooftop and building-mounted solar collectors shall meet all applicable standards set forth in the New York State Uniform Fire Prevention and Building Code.

C. Building-Integrated Photovoltaic (BIPV) Systems: BIPV systems that constitute Small-Scale Solar energy systems are permitted in all zoning districts and shall be shown on the plans submitted for the building permit application for the building containing the system. All BIPV systems shall meet all applicable standards set forth in the New York State Uniform Fire Prevention and Building Code.

D. Freestanding or Ground-Mounted Solar Energy Systems: Freestanding or ground-mounted solar collectors that constitute Small-Scale Solar energy systems are permitted as accessory structures in all zoning districts of the Town subject to the following conditions:

1. Building permits are required for the installation of all ground-mounted and freestanding solar collectors.

2. All ground-mounted or freestanding solar collectors shall be setback from the property line by the greater of (i) 20 feet or (ii) the otherwise applicable setback in the subject zoning district. No ground-mounted or freestanding solar collectors shall be permitted on any lot which is less than 1 acre in size.

3. The height of the solar collector and any mounts shall not exceed 15 feet when oriented at maximum tilt.

4. Solar energy equipment shall not be sited within any required buffer area.

5. The total surface area of all ground-mounted and freestanding solar collectors on a lot shall not exceed one half of the area of the ground covered by the building structure of the largest building on the lot measured from the exterior walls, excluding patios, decks, balconies, screened and open porches and attached garages, provided that non-residential placements exceeding this size may be approved by the Planning Board, subject to site plan review pursuant to Article XVII of this Chapter.

6. The area beneath ground-mounted and freestanding solar collectors shall be included in calculating whether the lot meets maximum permitted Lot Coverage requirements for the applicable District as if the ground-mounted and freestanding solar collectors were deemed to be principal or accessory buildings for purposes of the definition of the term "Lot Coverage"; and

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7. The installation of ground-mounted and freestanding solar collectors shall be considered a land development activity for purposes of Article XXVI of this Chapter.

E. Solar-Thermal Systems: Solar-thermal systems that constitute Small-Scale Solar energy systems are permitted in all zoning districts subject to the following conditions:

1. Building permits are required for the installation of all solar-thermal systems;

2. Ground-mounted and freestanding solar-thermal systems shall be subject to the same requirements set forth in Subsection D above as for ground-mounted and freestanding solar collectors.

F. Solar energy systems and equipment that constitute Small-Scale Solar energy systems may be permitted only if they are determined not to present any unreasonable safety risks, including, but not limited to, related to the following:

1. Weight load;

2. Wind resistance;

3. Ingress or egress in the event of fire or other emergency.

G. Solar collectors and related equipment that constitute Small-Scale Solar energy systems shall be surfaced, designed and sited so as not to reflect glare onto adjacent properties and roadways.

H. All Small-Scale Solar energy systems shall be designed to produce only so much energy as may be required on the lot or in the building to be served by the system. The Building Inspector/Code Enforcement Officer shall be authorized to require any applicant to submit proof of the last twelve months of electricity usage for such lot or building, or in the case where twelve months of electricity usage data cannot be produced, proof of the projected electricity usage for such lot or building. The Building Inspector/Code Enforcement Officer shall be authorized to deny any application that seeks to install a solar energy system that is designed to produce, or is capable of producing, energy in excess of the electricity usage data or projection for such building or lot.

§ 270-221 - Safety

A. All solar collector installations must be performed by a qualified solar installer.

B. Prior to operation, electrical connections must be inspected by The Building Inspector/Code Enforcement Officer and by an appropriate electrical inspection person or agency, as determined by the Town.

C. Any connection to the public utility grid must be inspected by the appropriate public utility.

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D. Solar energy systems shall be maintained in good working order.

E. If solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the New York State Building Code when in use and when no longer used shall be disposed of in accordance with the laws and regulations of the Town and other applicable laws and regulations.

F. Solar energy systems and equipment shall be marked in order to provide emergency responders with appropriate warning and guidance with respect to isolating the solar electric system. Materials used for marking shall be weather resistant. For residential applications, the marking may be placed within the main service disconnect. If the main service disconnect is operable with the service panel closed, then the marking should be placed on the outside cover. For commercial applications, the marking shall be placed adjacent to the main service disconnect in a location clearly visible from the location where the lever is operated.

SECTION 12 - SEVERABILITY

If any word, phrase, sentence, part, section, subsection, or other portion of this Law or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this Law, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

SECTION 13 - CONFLICT WITH OTHER LAWS

Where this Law differs or conflicts with other Laws, rules and regulations, unless the right to do so is preempted or prohibited by the County, State or Federal government, the more restrictive or protective of the Town and the public shall apply.

SECTION 14 - EFFECTIVE DATE

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

SECTION 15 - AUTHORITY

This Local Law is enacted pursuant to the New York Municipal Home Rule Law. This Local Law shall supersede the provisions of the New York Town Law to the extent it is inconsistent with the same, and to the extent permitted by the New York State Constitution, the New York Municipal Home Rule Law, or any other applicable statute.

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Modifications to Chapter 270-133.1

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§ 270-137.1**Application and fees.**

[Added 12-9-1992 by L.L. No. 37-1992; amended 8-8-2007 by L.L. No. 9-2007; 2-25-2009 by L.L. No. 1-2009]

A.

~~Except as noted below,~~ all site plan applications shall be accompanied by a fee as affixed by the Rotterdam Town Board and designated in Chapter **126** of the Town Code, entitled "Fees."

~~**(1)**~~

~~There shall be no fee required to accompany a site plan approval application for any person, firm, corporation, association or partnership that has as the primary purpose of said application to install "green" energy production on improved property or if said application contains the construction or implementation of at least 10% of "green" energy production for the proposed site plan for any new construction. For purposes of this subsection, "green energy production" shall include but is not limited to power obtained through wind, solar, geothermal, hydroelectric, and/or solar voltaic (electric).~~

B.

Administrative fees. The costs incurred for the review of a site plan application by the Town Engineer, for consulting engineering fees or other consulting fees in conjunction with the Planning Board's review for a proposed application, including reviews required under the New York State Environmental Quality Review Act,[1] shall be charged to the applicant. The Planning Board shall obtain an estimate from any designated consultant for an amount sufficient to defray the costs of such services. The applicant shall enter into an escrow agreement with the Town of Rotterdam Planning Board, and said agreement shall be executed by the Rotterdam Planning Board Chairman, upon authorization from the Rotterdam Planning Board. The Rotterdam Planning Board Attorney shall prescribe the terms and appropriate form of the escrow agreement. Any portion of the estimated charges so collected by escrow agreement which is not expended by the Town shall be returned to the applicant.

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Diane Marco

From: David Matelitz [redacted]
Sent: Wednesday, June 12, 2024 5:58 PM
To: Diane Marco
Subject: Please read into record for public hearing for solar code June 12,2024

I support the solar draft code as written. As a property owner adjacent to a proposed industrial solar facility the code has the intent to protect the rights of nonparticipating property owners while still allow solar. The code brings revenue to the town for approved projects. The code is in alignment with other municipalities. There are actually some that are more restrictive. There is no municipal water available on my property and my well is approximately 80 feet from the proposed site. The code affords some reassurance against contamination.

The code provides for robust screening which will soften the blow for any sites that may be approved. There are multiple highly visible sites in proximity to my property where the 2 foot shrubs provide zero screening and will take decades to grow to a screening height. The code will help preserve the rural areas and maintain habitat.

The code supports the comprehensive plan in maintaining the rural character of Pattersonville and Rotterdam junction.

I urge the board to adopt this law.

Thank you,
David Matelitz 457 Sandborn Road

DRAFT

Diane Marco

From: Joanne Darling [redacted]
Sent: Wednesday, June 12, 2024 6:20 PM
To: Diane Marco
Cc: [redacted]
Subject: Proposed solar code for Rotterdam

I am thankful to every person who contributed hours to create the Town of Rotterdam's Proposed Comprehensive Solar Code.
I found it carefully and thoughtfully crafted, purposefully keeping with the nature and character of our town.
The details included in the Systems Operation and Safety provision, that provide for continued maintenance and an Emergency Operations Plan, should deliver some peace to our residents, provided they are properly executed.
The provisions providing increased setback of 500 feet for tier 4, and safety provisions for private well protection is a positive, as well as the requirements for screening to reduce visual impact of an array.
The provision regarding PILOT, requiring the agreement benefit the town and school districts, as well as requiring shared responsibility of both landowner and owner of the array, is also reassuring.
There is plenty more to like in this Solar Code, and I urge our town to adopt it.
Sincerely,
Joanne Darling-Wagner
2862 Rynex Corners Road

Sent from my iPad

DRAFT

June 11, 2024

Jean D. Brown
143 Crawford Road
Schenectady, N.Y. 12306

Remarks for Solar Law Public Meeting June 12, 2024

Attn: Ms. Diane Marco

As a land owner and resident taxpayer within 1500 feet of proposed location for the industrial solar site on Crawford, Rynex Corners and Sandborn Roads, I can not express my total disapproval for the destruction that will prevail if ever consummated.

Leaving the area of beautiful green into a heap of plastic and metal is devastating. The value of our homes and property will take a major hit for resale. You have no compassion for the local residents accept for profit. How are you financially supporting the hours spent on us? Does it come from big money businesses or loans/grants from my federal /state taxes which all of us pay?

Just this past spring, I had one big black bear and seven deer on my property without any construction. However, the property on Route 160 is not completed yet. God knows how many more animals are on the run from their normal areas. I guess you are beyond caring for nature's animals.

Our roads have been destroyed from a major project on the Rynex Corner power lines this past year. The drainage from many under ground veins of water and on a very old two lane town road (maintained by county) just doesn't handle the normal increase traffic from many additional home owners. Probably, the town nor county highway departments will be compensated for any damages. These old county roads were not built --- many many years ago to handle these projects.

I did read the new code being voted on tonight. Upon reading the code, I was very impressed by the details protecting private wells, visual impact (glare), buffers, lighting, fencing (including animals), not above 1000' elevation requirement and protecting First Responders and more. Our rural living life style should not be destroyed by Solar Energy Power EVER! Solar Panels should not impact another human being on an hourly or daily basis.

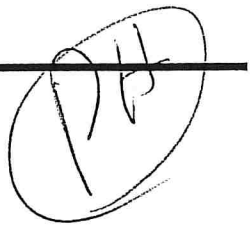
I am definitely recommending all Board Members adopt the Replacement Code as written for Solar Energy Facilities which is in a line with the Town of Rotterdam Comprehensive Plan.

Name us just one subject in your life that gives a INNER PEACE on a daily basics? Myself and all the other people in this area have enjoyed God's Beauty in this country setting for many years. Come look at the view. Then, you will understand what it means to us. Hopefully, it will continue without any destruction.

Sincerely,
Jean D. Brown

DRAFT

Diane Marco



From: Jeff Ricciardi [redacted]
Sent: Wednesday, June 12, 2024 3:14 PM
To: Diane Marco
Cc: [redacted]
Subject: Updated Solar Energy Facilities Law

Diane

I am writing in support of the town board to pass the adoption of the updated Solar Law as I could not attend the meeting tonight. As a neighbor of a proposed facility on Sandborne Road I feel it is needed as more and more of these sites are popping up around us. With the federal and state funding quickly pushing these facilities through it seems environmental impact is not being reviewed thoroughly. As I myself have a water well 100 feet from the property line of a proposed site this law addresses the issues that could affect the town and neighboring residents to these sites. Reading the details of the draft it covers all of the concerns and risks these solar sites pose. I can see this group worked diligently on this. Thank you.

Jeff Ricciardi
293 Sandborne Rd.
Pattersonville NY 12137

Sent from my iPad

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Diane Marco

From: Samantha Quinn [redacted]
Sent: Tuesday, June 11, 2024 5:02 PM
To: Diane Marco
Subject: Please read at the June 12th Public Hearing for Solar code

PH

Rotterdam Town Board

I am a Rotterdam resident and have read and support the solar code as written. It is comprehensive covering private home solar to utility scale installations. It differentiates utility installations for industrial zones vs agricultural and rural residential with different setbacks which are appropriate to the zoning.

For utility scale the well water testing will provide residents with private wells some protection for contamination from solar panel components which contain known carcinogens such as cadmium. For utility scale solar facilities outside the industrial zones the setbacks will give nonparticipating properties some protection from the noise of tracking panels, inverters, and substations as well as a buffer for potential fires. The screening requirements will provide some visual buffer as opposed to the 2 foot "trees" planted in surrounding area solar arrays.

The utility scale solar project on 160 in Pattersonville validates the call for utility scale not being allowed on both sides of the road. A worker was struck by a car and required an air lift to Albany Medical Center while crossing the road from one array to another on an ATV. . The screening on that project also supports the screening as outlined in the code. The 2 foot vegetation does not provide any screening. at that site.

The code brings some financial benefit to the town as opposed to payment in lieu of taxes.

The code gives merit to and supports the Rotterdam Comprehensive plan which specifically calls for the resident's desire to maintain the rural character of the western portion of the town. The code will protect the rural area from solar saturation.

I urge this board to accept and implement this solar code into law as written to protect the residents and first responders.

Respectfully submitted,
Samantha Quinn
807 Sandborn Road

Samantha Quinn

Samantha Quinn | Vice President, Operations
Northeastern Insurance *Specializing in Auto, Home & Business Insurance*
1214 Troy Schenectady Rd. Latham, NY 12110
Phone: 518.346.2886 | Fax: 518.346.2889 | [redacted]
Website: www.NortheasternInsurance.com

Northeastern Insurance

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PUBLIC HEARING #2

7/10/24

- To accept the Map, Plan and Report for the proposed Sewer District No. 2, Extension No. 17 - Helderberg Meadows West. The Sewer District is being formed to add an additional 5.09 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 Rotterdam Planning Commission on July 19, 2022.

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Brett L. Steenburgh, P.E., PLLC

2832 Rosendale Road
Niskayuna, NY 12309
Phone - (518) 365-0675

June 4, 2024

Town of Rotterdam
1100 Sunrise Boulevard
Schenectady, NY 12306

Attn: Supervisor Collins

Re: Sewer District #2 Extension 17 – Helderberg Meadows Condominiums

Dear Supervisor Collins,

Please accept this letter as a formal request to extend sewer district #2 to include an additional 5.09 Acres of land formerly known as the Gianetti Parcel. This parcel has been added to the Helderberg Meadows PRD and is part of the Helderberg Meadows Condominium Development conditionally approved by the Planning Commission on July 19, 2022.

Attached to this is letter is formal map, plan and report outlining the district extension. The map plan and report has been reviewed by the town staff as well as the town designated engineer. All the requested revisions to the report have been completed.

We look forward to presenting this request to the Town Board at the next available agenda. Please feel free to contact me if you have any questions or require additional information.

Sincerely

Brett L. Steenburgh, P.E.
Principal

Attachment

C.c. Deputy Supervisor Dodson (via email)
Peter Comenzo (via email)
Fred Mastroianni (via email)
Jennifer Nechamen (via email)

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CIVIL ENGINEERING
ENVIRONMENTAL ENGINEERING
STRUCTURAL ENGINEERING

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

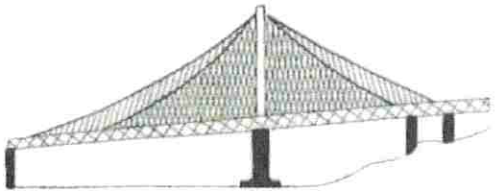
PREPARED FOR

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

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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 5.09 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

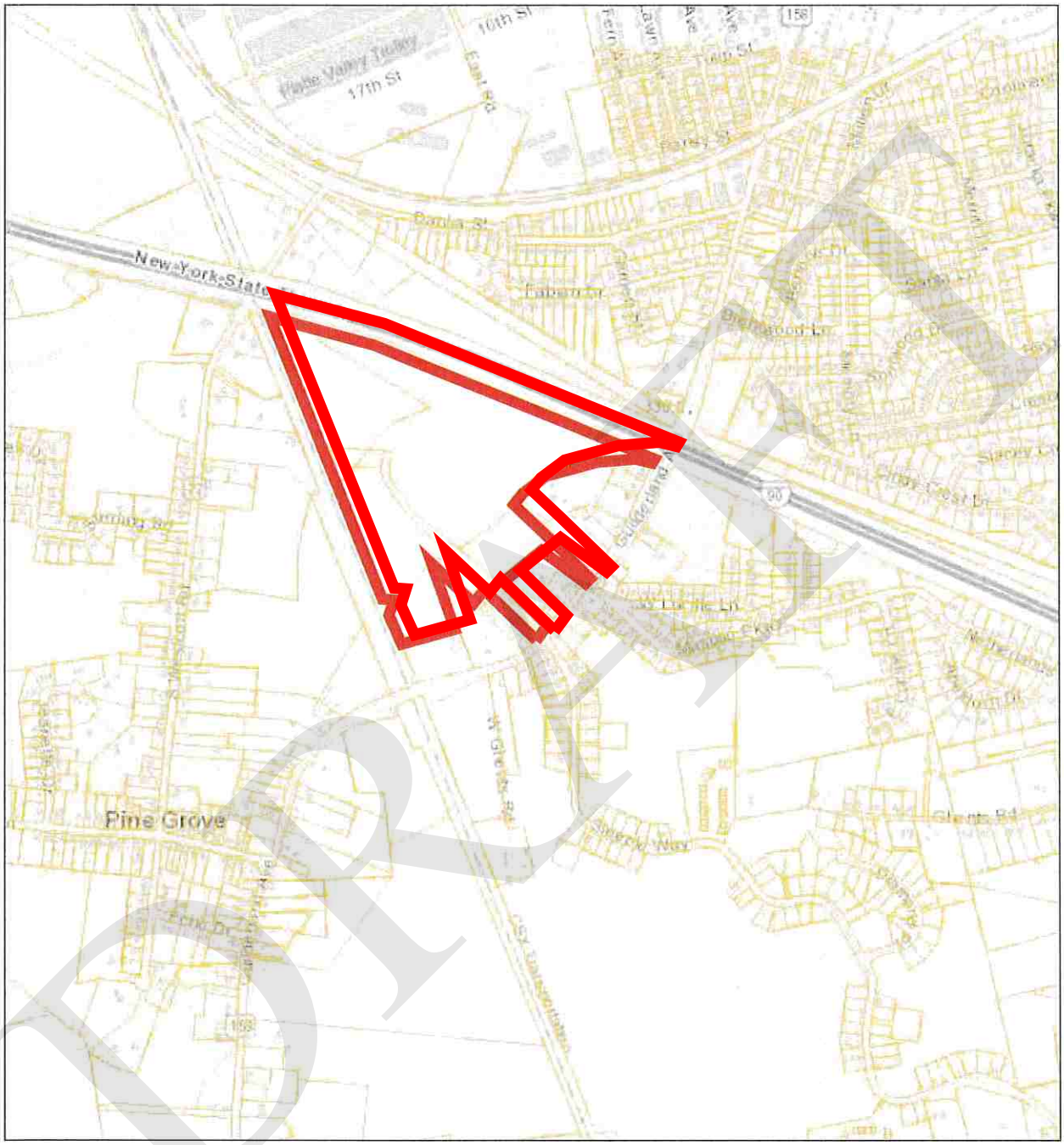
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4,100 L.F. of new town roads with associated Town of Rotterdam water and sewer infrastructure.

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.

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The Condos At Helderberg Meadows



November 18, 2021

Parcels

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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.

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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

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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.

Downstream Analysis

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

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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 2024 were $385.08 which will be the only cost to the user.

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APPENDIX A.

Construction Cost Estimate

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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:

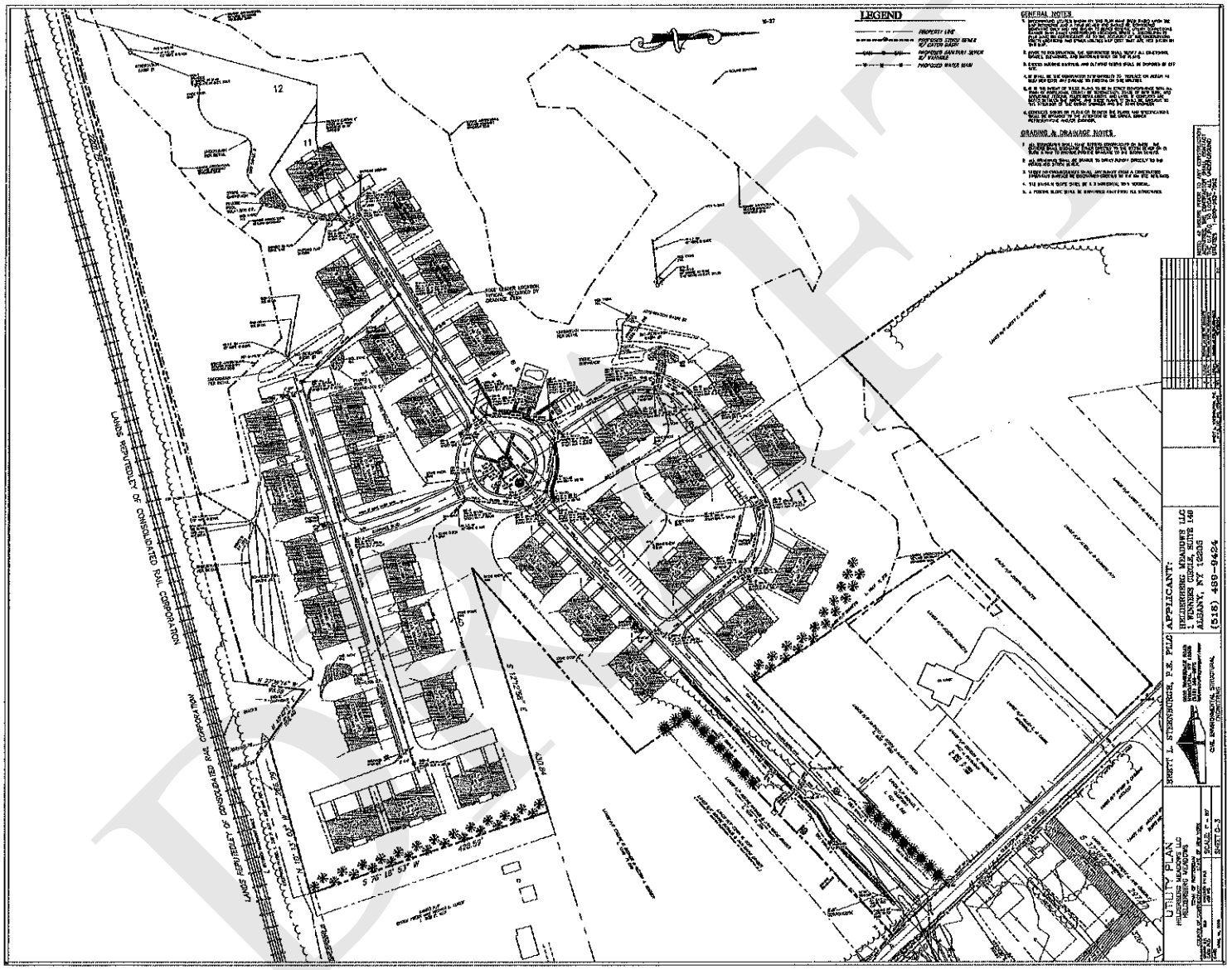
	Quantity	Length	Price per foot	Subtotal
8" pvc < 12' deep		2320	$22.00	$51,040.00
8" pvc > 12' deep < 16' deep		0	$18.00	$0.00
8" pvc > 16' deep < 20' deep		0	$19.00	$0.00
8" dip		0	$23.00	$0.00
2" pvc		0	$8.35	$0.00
1.5" pvc		0	$8.35	$0.00
6" force main		300	$18.00	$5,400.00
3" force main		20	$12.00	$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**

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APPENDIX B.

Sewer Plan and District Extension Plan

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LEGEND
GENERAL NOTES
GRADING & DRAINAGE NOTES
LANDS REPUTEDLY OF CONSOLIDATED RAIL CORPORATION
UTILITY PLAN
APPLICANT:
(518) 489-9424
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NYS THRUWAY
NYS THRUWAY
EXISTING SEWER DISTRICT
DISTRICT EXTENSION III
SEWER DISTRICT
158
BUILDERLAND AVE
NY 2
SEWER DISTRICT EXTENSION
APPLICANT:
(518) 489-9424

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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.

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APPENDIX C.

Pump Station Design

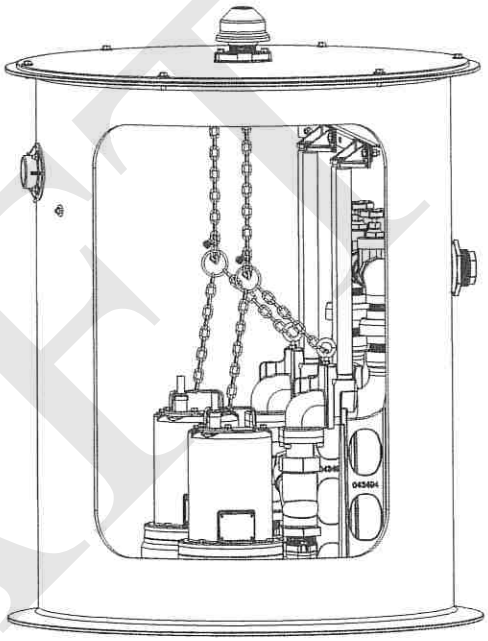
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Specifications:

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

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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.

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Specifications
Duplex Fiberglass Lift Station: Rail Pipe
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.

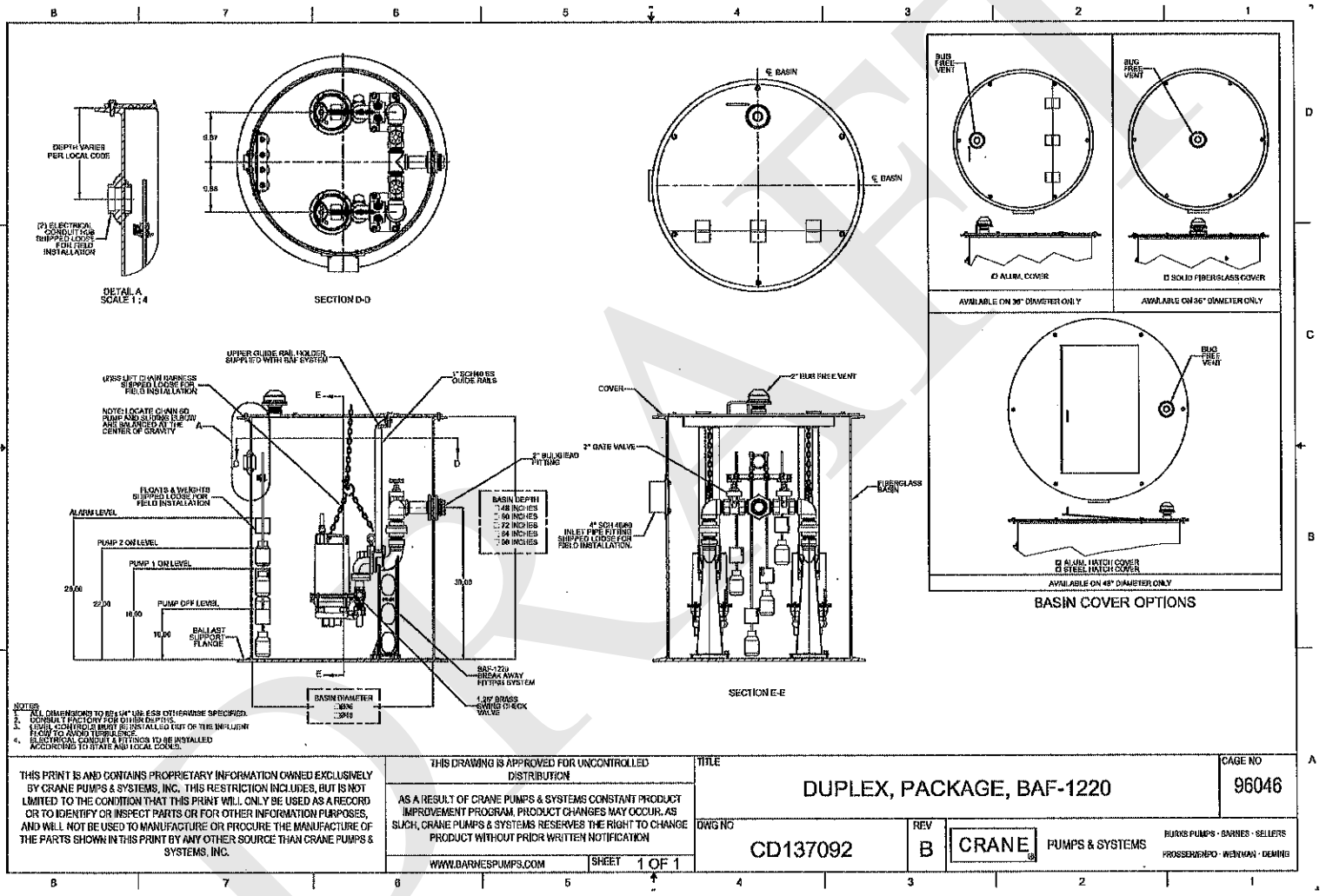
Fiberglass cover shall be grass green color. Steel cover shall be black in color. Aluminum cover shall be natural silver color.

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.

End



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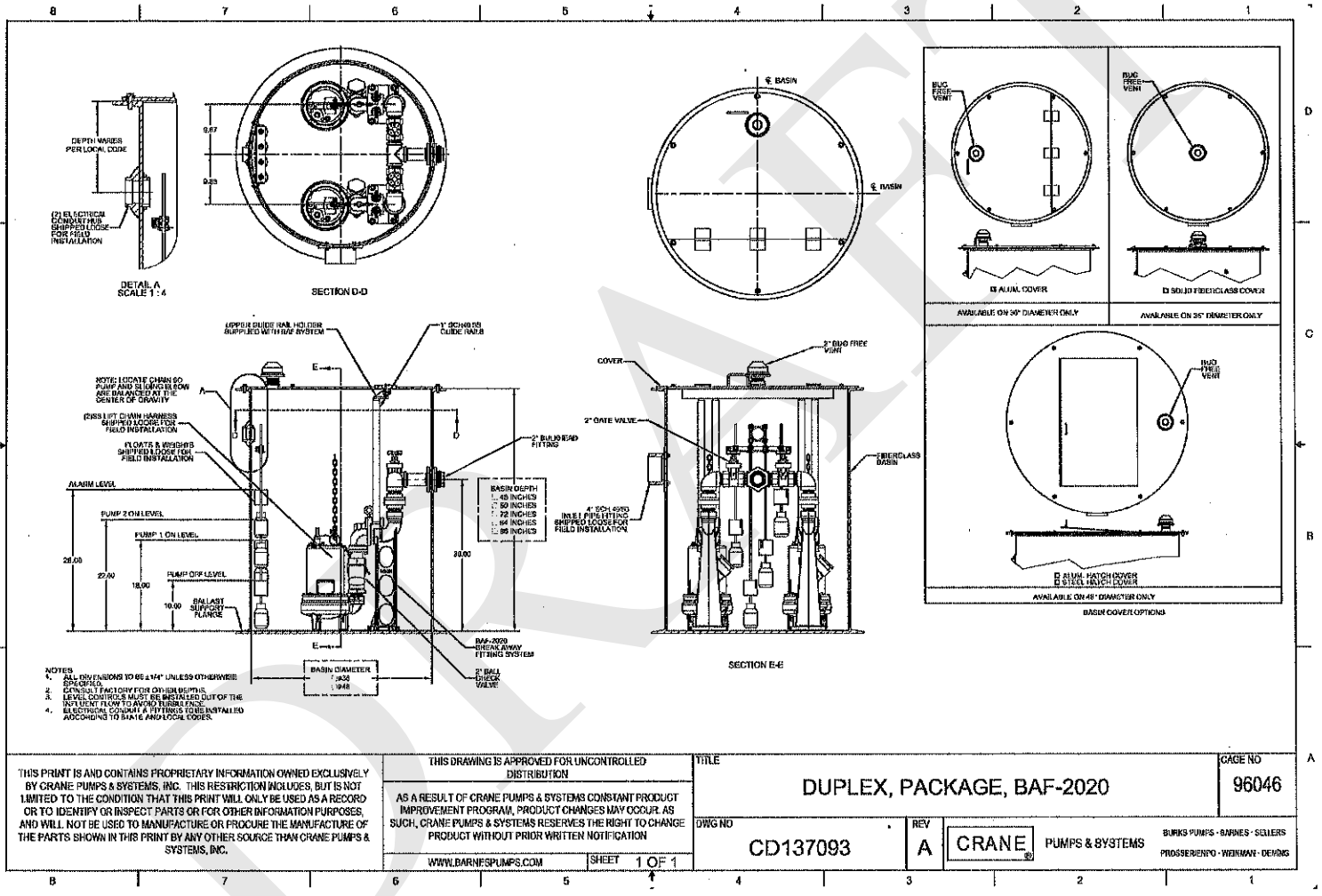
SHEET 1 OF 1

TITLE	CAGE NO
DUPLEX, PACKAGE, BAF-1220	96046
DWG NO: CD137092	REV: B

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SHEET 1 OF 1

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CAGE NO: 96046

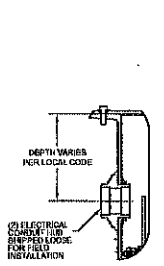
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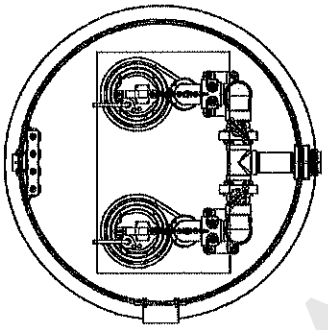
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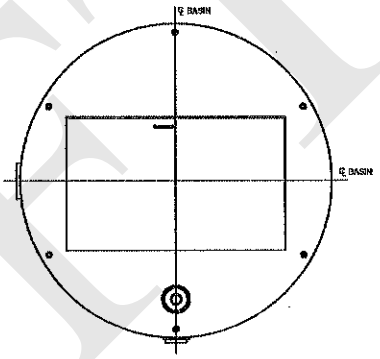
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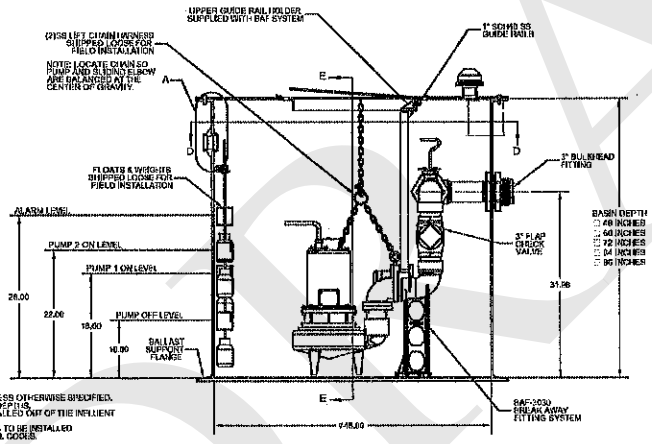


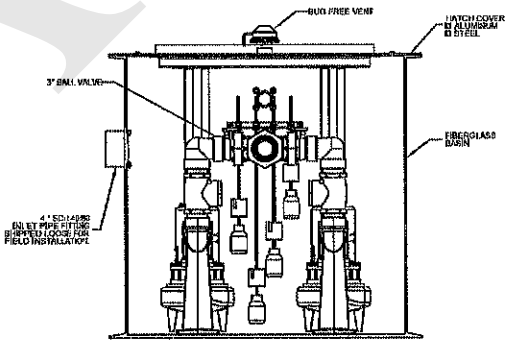
DETAIL A
SCALE 1 : 4



SECTION D-D







SECTION E-E

NOTES:
1. ALL DIMENSIONS TO BE +/- 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.

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TITLE: DUPLEX, PACKAGE, BAF-3030 W/ HATCH COVER

CAGE NO: 96046

DWG NO: CD137094

REV: B

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BURKS PUMPS · BARNES · SELLERS
PROSSER/ENPO · WEINMAN · DEMING

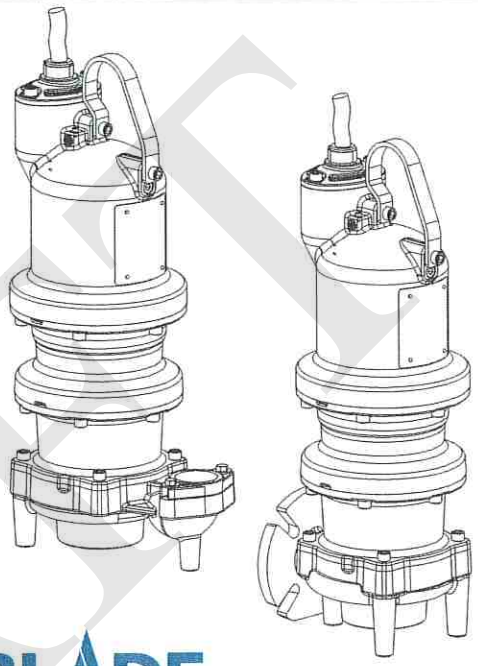
DRAFT

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

C SP US
LR16567

SWPA MEMBER



BLADE

Series: NGV
3, 5 , 7.5 & 10HP,
3450RPM, 60Hz

Sa Sample Specification

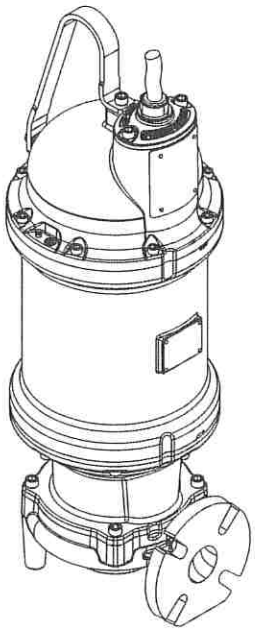
DESCRIPTION:

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

DRAFT

Submersible Grinder Pumps



BLADE

Series: NGV
15HP,
3450RPM, 60Hz

Sample Specification

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

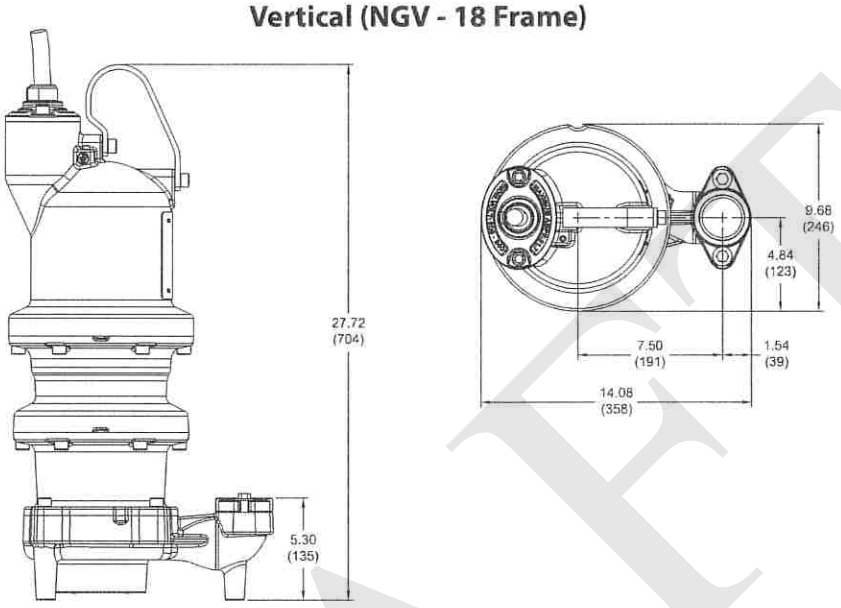
C SP US
LR16567

SWPA MEMBER

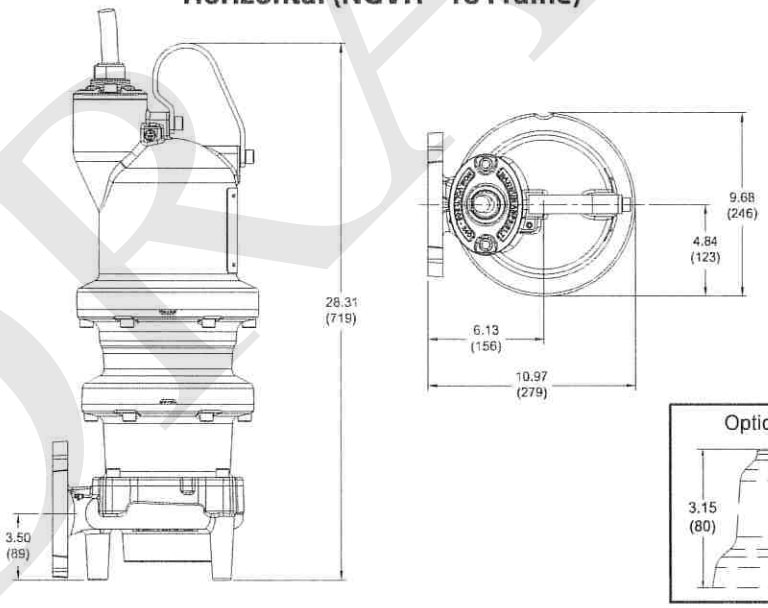
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Vertical (NGV - 18 Frame)

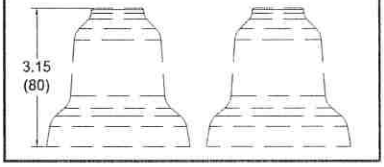
inches (mm)



Horizontal (NGVH - 18 Frame)



Optional Leg Kit - p/n 125506



IMPORTANT !

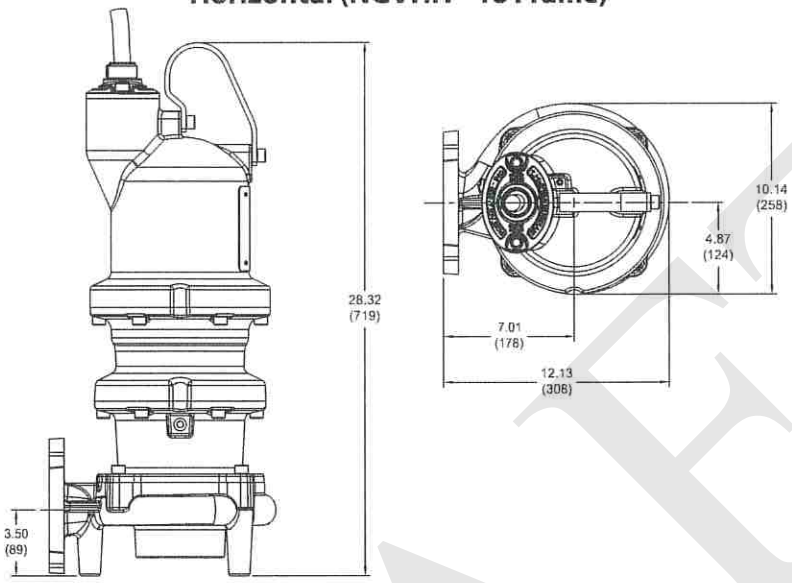
1.) MOISTURE AND TEMPERATURE SENSORS MUST BE CONNECTED TO VALIDATE THE WARRANTY.
2.) A SPECIAL MOISTURE SENSOR RELAY IS REQUIRED IN THE CONTROL PANEL FOR PROPER OPERATION OF THE MOISTURE SENSORS. CONTACT BARNES PUMPS FOR INFORMATION CONCERNING MOISTURE SENSING RELAYS FOR CUSTOMER SUPPLIED CONTROL PANELS.
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.

DRAFT

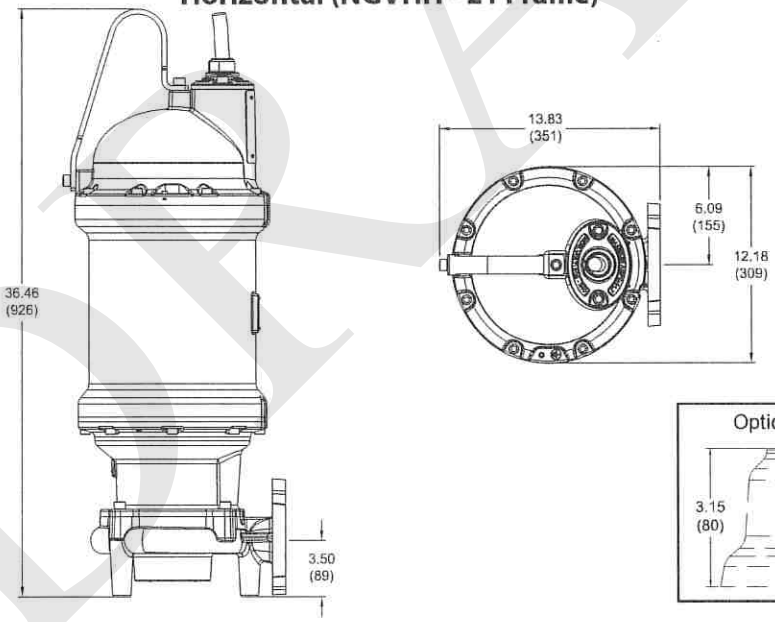
Submersible Grinder Pumps

Horizontal (NGVHH - 18 Frame)

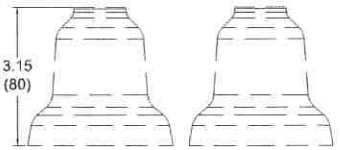
inches (mm)



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.

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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.

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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.

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	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.

DRAFT

BLADE Series NGV / NGVH

Performance Curve

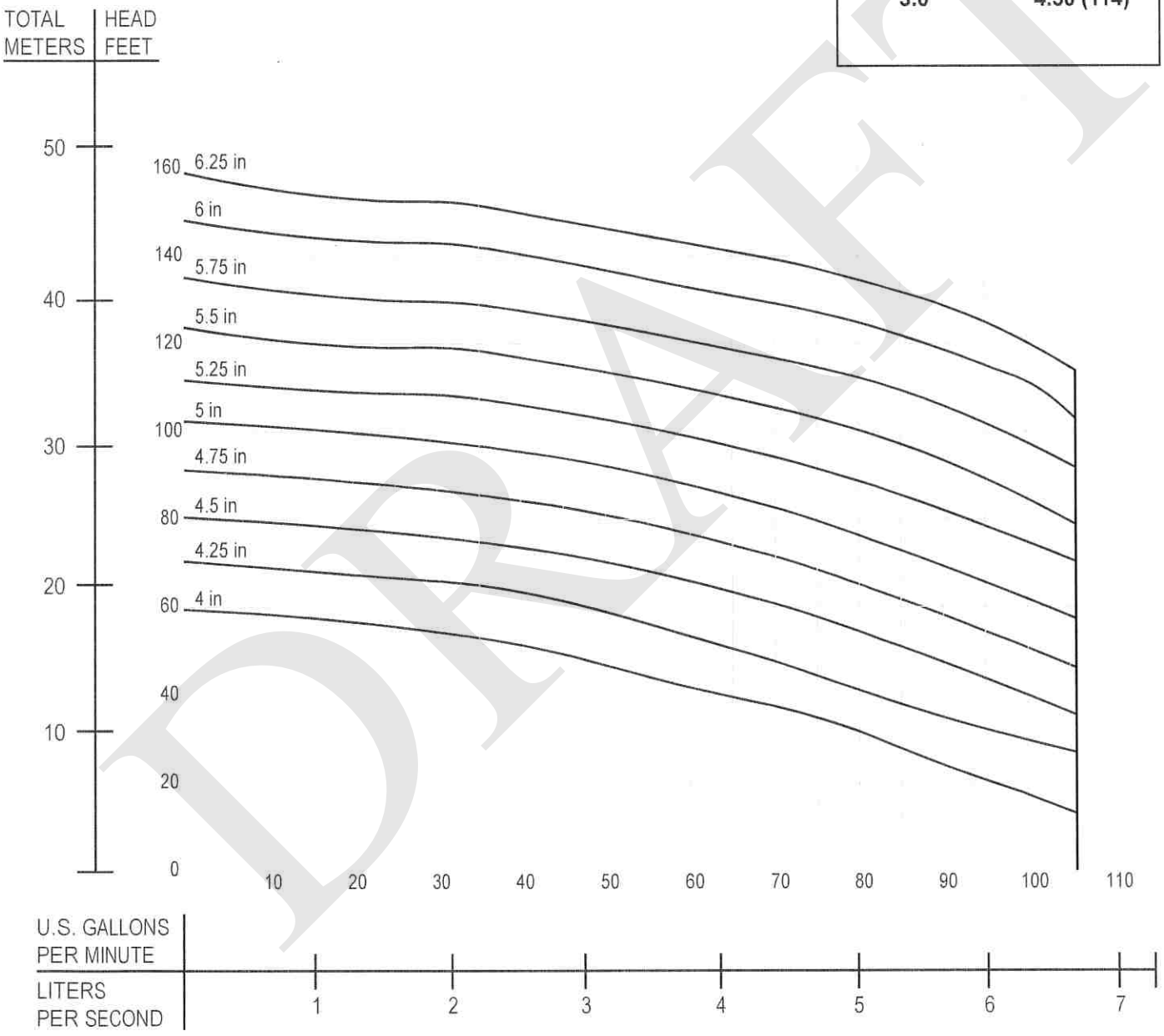
3, 5 & 7.5HP, 3450RPM, 60Hz

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

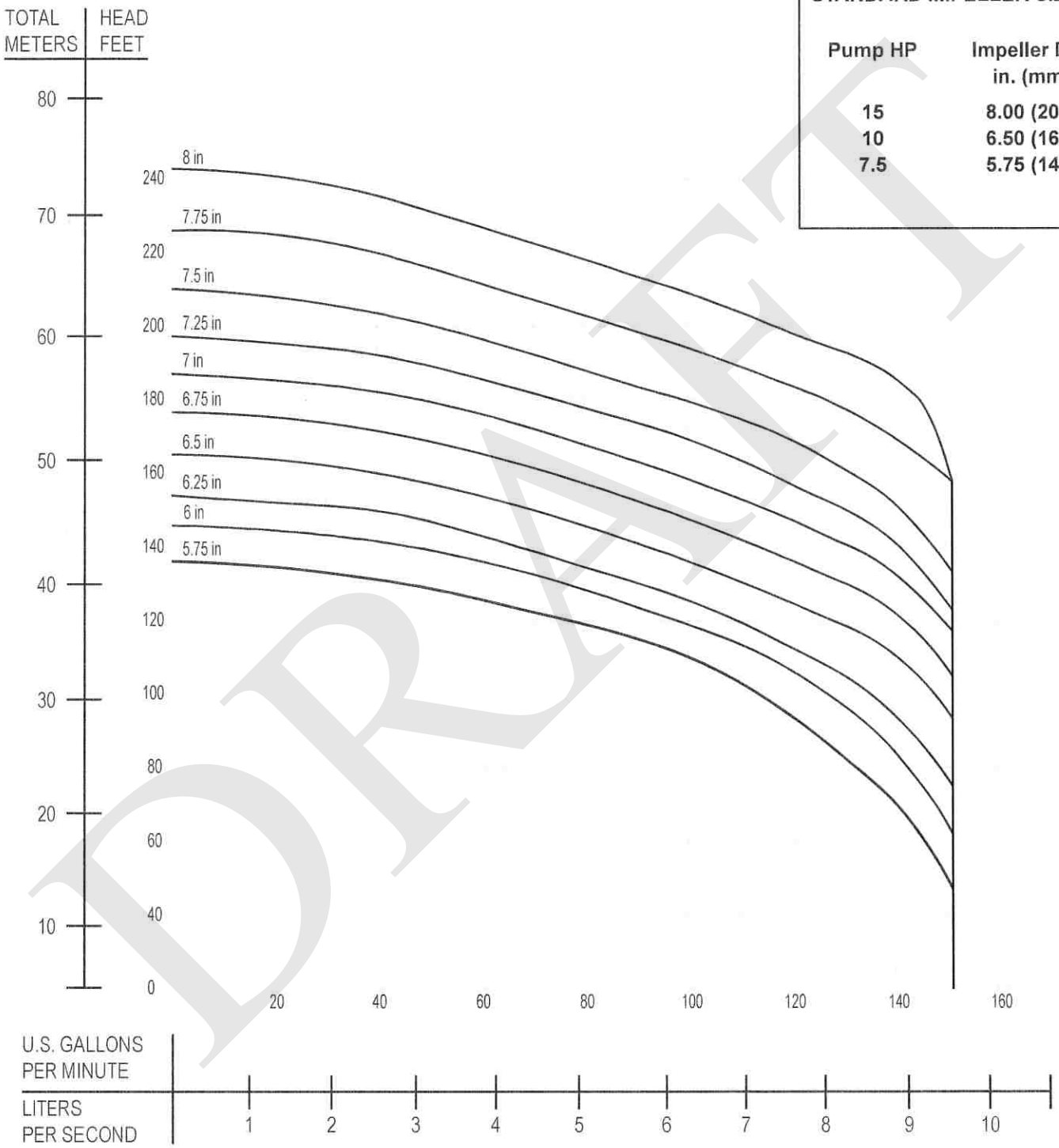
DRAFT

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

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APPENDIX D.

Water Meter Analysis

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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

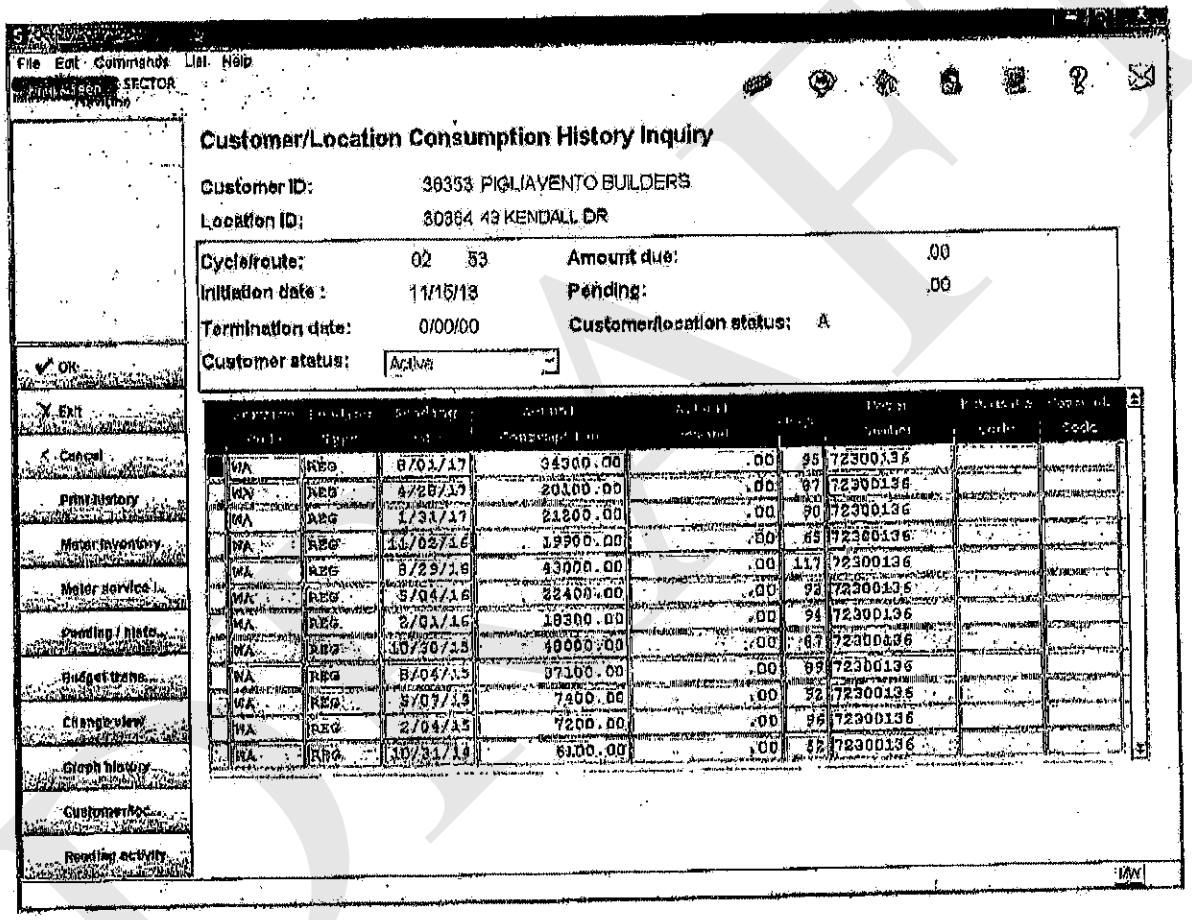
Number of Units	Bedrooms/Unit	Total Population BR.	Average unit demand (GPD)	Total Demand in GPD
124	**2.5**	**310**	64	**19718**

Original Demand for Single Family Homes in approved district

58	**3.5**	**203**	**110**	**22330**

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Attention Mark



Meter # 72300136
to read meter,
Hot box

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APPENDIX E.

Photos – Capacity Analysis

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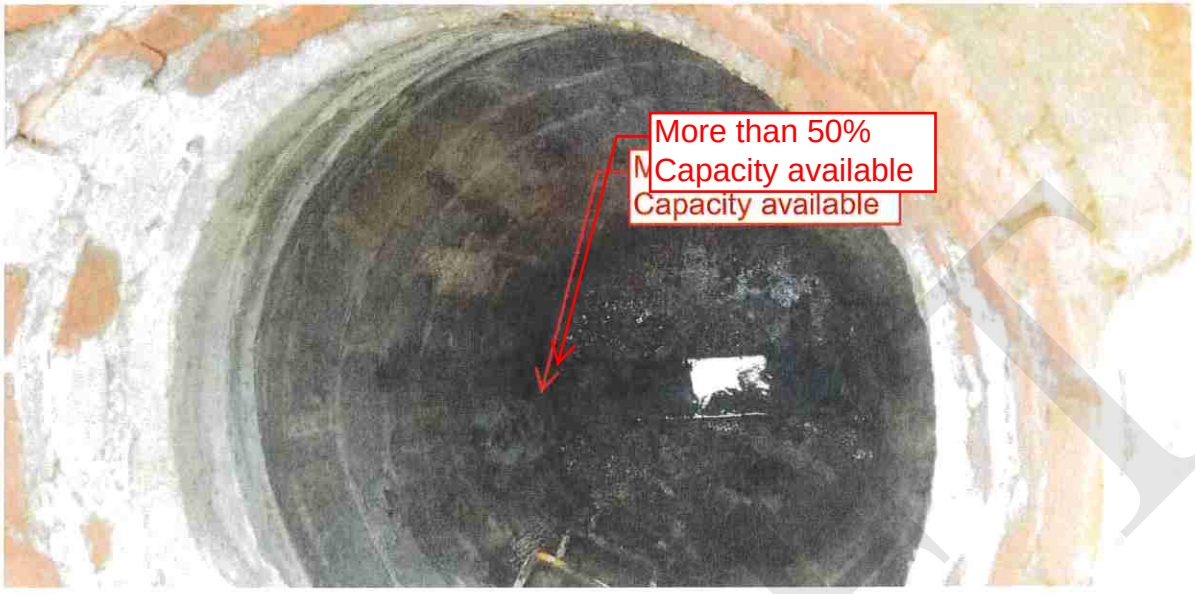


Manhole 314 A – Inlet out surcharging



Manhole 312 - Adequate Capacity

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Manhole 312 A – Adequate Capacity

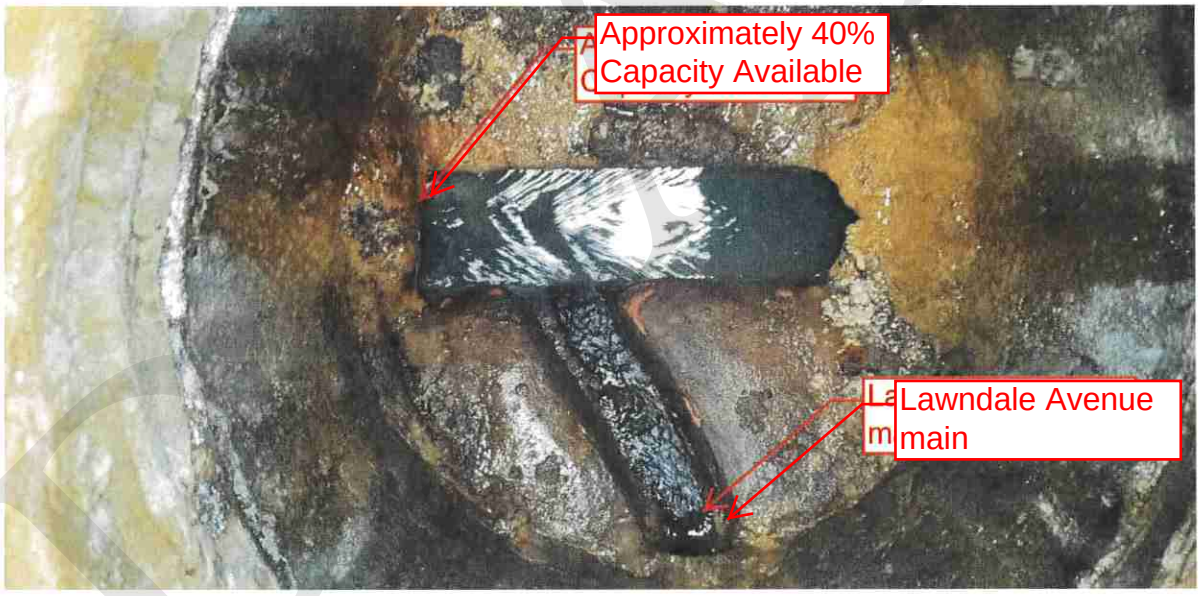


Manhole 314 – Adequate Capacity pipe sizes increase to 12”

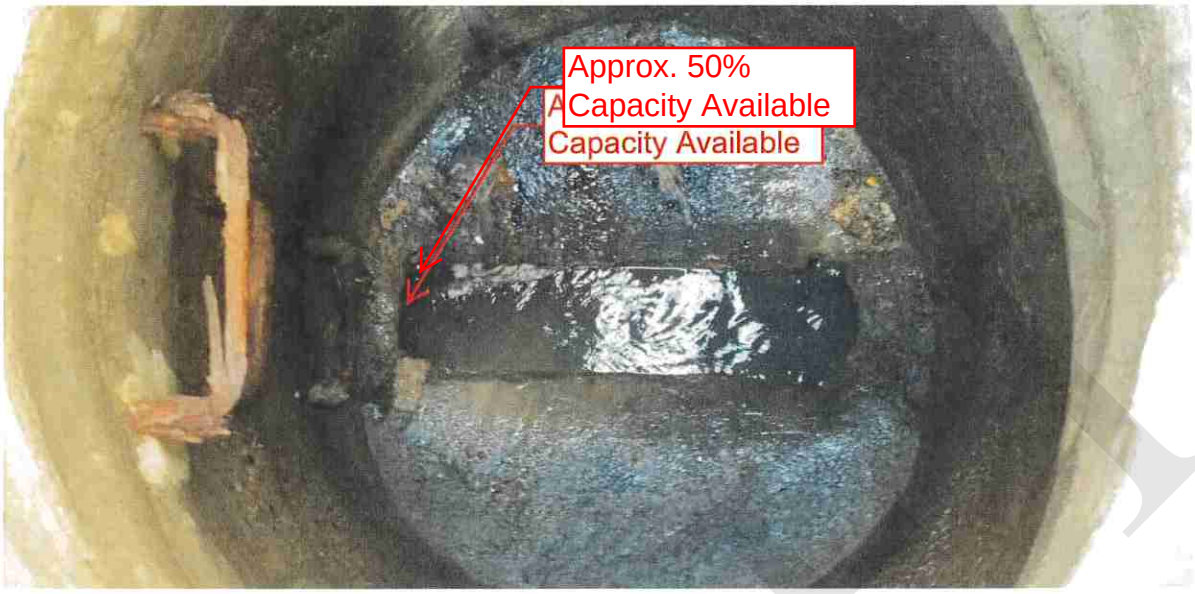
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Manhole 341 – Adequate Capacity



Manhole 321 – Adequate Capacity

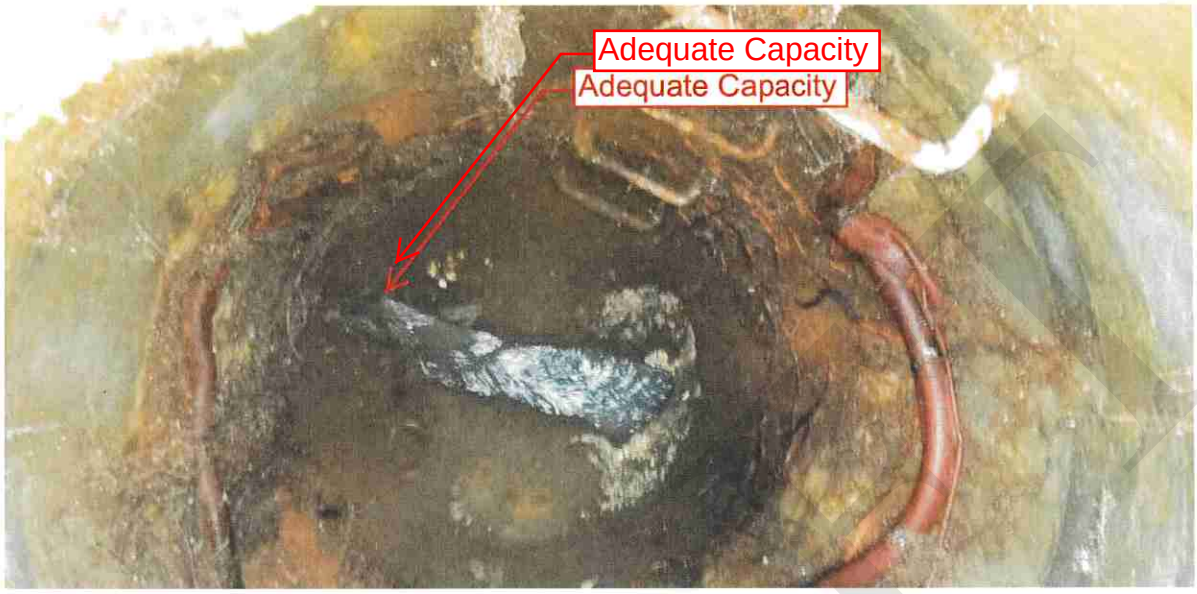


Manhole 321 A – Adequate Capacity

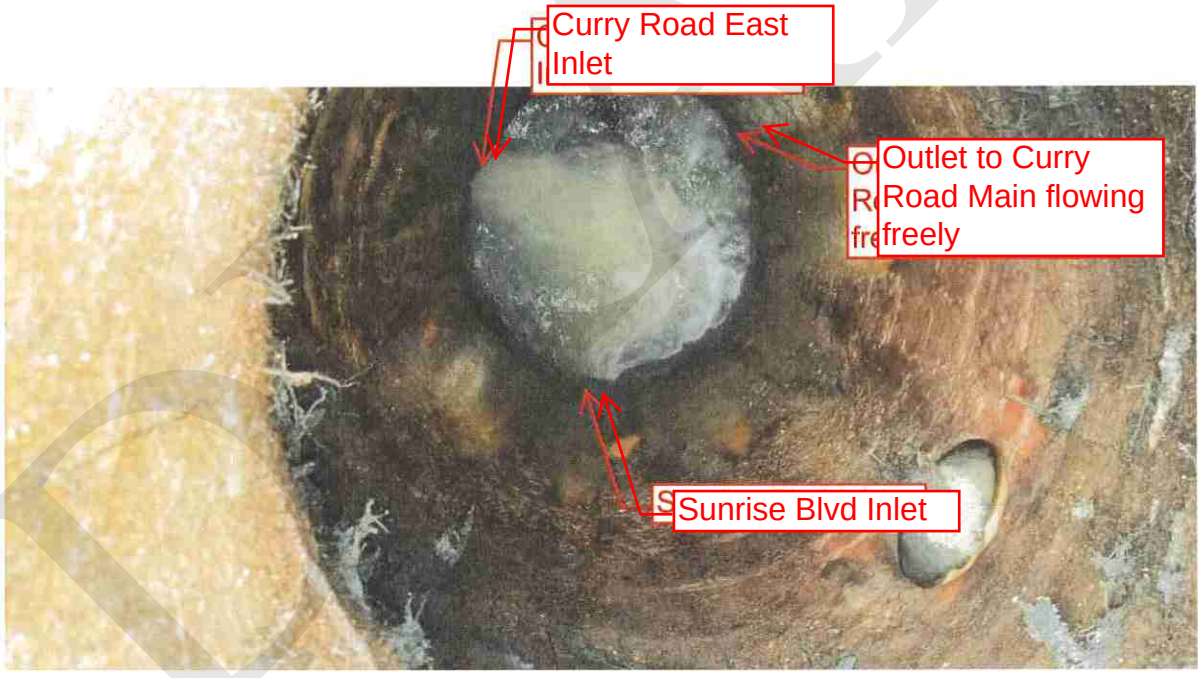


Manhole 322 – Adequate Capacity

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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

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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.

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PUBLIC HEARING #3

7/10/24

- To consider a proposed local law establishing a demonstration program imposing owner liability for failure of an operator to stop for a school bus displaying a red visual signal and stop-arm.

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Introductory Local Law _____ of 2024

The current Chapter 266 of the Town Code of the Town of Rotterdam shall become Chapter 266A and a Chapter 266B entitled "School Bus Stop-Arm Camera Program" shall be added as follows:

Section 1. Chapter 266B, Section 266B-1 of the Town Code of the Town of Rotterdam entitled "Purpose" shall be added as follows:

The purpose of this article is to impose monetary liability on the owner of a motor vehicle under circumstances where the operator of the motor vehicle fails to stop for a school bus displaying a red visual signal and stop-arm. It is a well-known fact that vehicle operators often fail to stop for a school bus displaying a red visual signal and stop-arm, thus creating a hazardous and dangerous condition for passengers, especially children, who depart from a stopped school bus. The intent of this article involves the installation of cameras on the school bus stop-arm to increase safety for passengers departing the school bus by imposing financial liability on the owner of the vehicle which will serve as a deterrent.

Section 2. Chapter 266B, Section 266B-2 of the Town Code of the Town of Rotterdam entitled "Definitions" shall be added as follows:

TOWN

The Town of Rotterdam, New York.

OWNER

The registered owner of a motor vehicle.

PERSON

One or more individuals, a partnership, company, association, corporation, trust, trustee or receiver or limited liability company.

SCHOOL DISTRICT

The School District of the Town of Rotterdam, New York.

Section 3. Chapter 266B, Section 266B-3 of the Town Code of the Town of Rotterdam entitled "Demonstration program imposing monetary liability" shall be added as follows:

A. Pursuant to §1174-a of the New York State Vehicle and Traffic Law, the Town hereby establishes a demonstration program imposing monetary liability on the owner of a motor vehicle for the failure of an operator thereof to comply with §1174 of the New York State Vehicle and Traffic Law when meeting a school bus marked and equipped as provided in

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Subdivisions 20 and 21-(1)-(c) of Section 375 of the New York State Vehicle and Traffic Law and operated in the Town. This demonstration program empowers the Town to install and operate, or to cause to be installed and operated, school bus photo violation monitoring systems which may be stationary or mobile.

B. Such school bus photo violation monitoring systems may be installed on school buses owned and operated by the school district, or on the school buses privately owned and operated for compensation under contract with the school district, provided that no such stationary school bus photo violation monitoring system shall be installed and operated, or caused to be installed and operated, by the Town, except on roadways under the jurisdiction of the Town, and further provided that no such mobile school bus photo violation monitoring system shall be installed or operated on school buses unless the Town and the school district enter into an agreement for such installation and operation.

Section 4. Chapter 266B, Section 266B-4 of the Town Code of the Town of Rotterdam entitled "Handling and custody of photographs" shall be added as follows:

As part of the demonstration program, the Town will create procedures for the proper handling and custody of photographs, micro photographs, videotapes and other recorded images and data produced by such mobile school bus photo violation monitoring systems in place on school buses and for the forwarding of such photographs, micro photographs, videotapes and other recorded images and data to the Town. Any such agreement entered into between the Town and the school district must be approved by a majority vote of the Town Board of the Town of Rotterdam and also by resolution of the board of the school district.

Section 5. Chapter 266B, Section 266B-5 of the Town Code of the Town of Rotterdam entitled "Privacy Measures" shall be added as follows:

As part of the demonstration program, the Town shall adopt and enforce measures to protect the privacy of drivers, passengers, pedestrians and cyclists whose identity and identifying information may be captured by a school bus photo violation monitoring device. Such measures shall include:

A. Utilization of necessary technologies to ensure, to the extent practicable, that photographs produced by such school bus photo violation monitoring devices shall not include images that identify the driver, the passengers, the contents of the motor vehicle, pedestrians and cyclists; provided, however, that no notice of liability issued pursuant to this section shall be dismissed solely because a photograph or photographs allow for the identification of the contents of a motor vehicle, provided that the Town has made a reasonable effort to comply with the provisions contained herein.

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B. A prohibition on the use or dissemination of motor vehicles' license plate information and other information and images captured by such school bus photo violation monitoring systems, except: 1) as required to establish liability under this chapter or collect payment of penalties; 2) as required by court order; or 3) as otherwise required by law and oversight procedures to ensure compliance with the afore described privacy protection measures.

C. The Town shall install signage in conformance with standards established in the Manual on Uniform Traffic Control Devices (MUTCD), maintained by the Commission of Transportation, at each roadway entrance of the Town boundaries giving notice that school bus photo violation monitoring systems are used to enforce restrictions on motor vehicles violating § 1174 of the New York State Vehicle and Traffic Law. For purposes of this chapter, the term "roadway" shall not include state expressway routes or state interstate routes but shall include controlled access highway exit ramps that enter the Town boundaries of the Town.

Section 6. Chapter 266B, Section 266B-6 of the Town Code of the Town of Rotterdam entitled "Vehicle Owner Liability" shall be added as follows:

The owner of a motor vehicle shall be liable for a monetary penalty imposed pursuant to this chapter if such vehicle was used or operated with the permission of the owner, expressed or implied, in violation of § 1174 of the New York State Vehicle and Traffic Law if such violation is evidenced by information obtained from a school bus photo violation monitoring system; provided, however, that no owner of a motor vehicle shall be liable for a monetary penalty imposed pursuant to this chapter where the operator of such motor vehicle has been convicted of the underlying violation of § 1174 of the Vehicle and Traffic Law.

Section 7. Chapter 266B, Section 266B-7 of the Town Code of the Town of Rotterdam entitled "Owner liability for monetary penalties" shall be added as follows:

A. An owner of a motor vehicle liable for a violation of Subsection (a) of § 1174 of the New York State Vehicle and Traffic Law shall be liable for monetary penalties as provided herein. The liability of the owner pursuant to this chapter shall be $250 for a first violation; $275 for a second violation; provided the first and second were committed within a period of 18 months, and $300 for a third, or subsequent, violation, provided that all of which were committed within a period of 18 months. An additional penalty in the amount of $25 for each violation shall be due and payable resulting from the failure of the owner to respond to a notice of liability within the prescribed time period.

B. An imposition of liability pursuant to this chapter shall not be deemed a conviction as an operator and shall not be made part of the operating record of the person upon whom such liability is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.

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Section 8. Chapter 266B, Section 266B-8 of the Town Code of the Town of Rotterdam entitled "Notice of liability" shall be added as follows:

A. A notice of liability shall be sent by first-class mail to each person alleged to be liable as an owner for a violation of Subdivision (a) of § 1174 of the New York State Vehicle and Traffic Law pursuant to this chapter. Personal delivery on the owner shall not be required; a manual or automatic record of mailing prepared in the ordinary course of business shall be prima facie evidence of the facts contained therein.

B. The notice of liability shall contain the name and address of the person alleged to be liable as an owner for a violation of Subdivision (a) of § 1174 of the New York State Vehicle and Traffic Law pursuant to this chapter, the registration number of the vehicle involved in such violation, the location where such violation took place, the date and time of such violation and the identification number of the camera which recorded the violation or other document locator number.

C. The notice of liability shall include information advising the person charged of the manner and the time in which he or she may contest the liability alleged in the notice of liability. Such notice of liability shall also contain a warning to advise the persons charged that failure to contest in the manner and time provided shall be deemed an admission of liability and that a default judgment may be entered thereon.

D. The notice of liability shall be prepared and mailed by the Town or by such other entity authorized by the Town to prepare and mail such notice of liability and recover any such monetary penalty.

E. Adjudication of the liability imposed upon owners by this chapter shall be made by the Town Court of the Town of Rotterdam, New York.

Section 9. Chapter 266B, Section 266B-9 of the Town Code of the Town of Rotterdam entitled "Presumption of owner liability; defenses to notice of liability" shall be added as follows:

A. For purposes of this chapter, there shall be a presumption that the operator of such motor vehicle was operating such vehicle with the consent of the owner at the time such operator failed to comply with § 1174 of the New York State Vehicle and Traffic Law.

B. If an owner receives a notice of liability pursuant to this chapter for any time period during which the motor vehicle was reported to the police as having been stolen, it shall be a valid defense to the allegation of liability for a violation of Subdivision (a) of § 1174 of the New York State Vehicle and Traffic Law pursuant to this chapter that the motor vehicle had been reported to the police as stolen prior to the time the violation had occurred and had not been recovered by such time. For purposes of asserting a defense provided by this section, it shall be sufficient that

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a certified copy of the police report on the stolen motor vehicle be sent by first-class mail to the Town Court of the Town of Rotterdam, New York.

C. An owner who is a lessor of a vehicle to which notice of liability was issued shall not be liable for the violation of Subdivision (a) of § 1174 of the New York State Vehicle and Traffic Law, provided he or she sends to the Town Court of the Town of Rotterdam, New York, a copy of the rental, lease or other such contract document covering such motor vehicle on the date of the violation with the name and address of the lessee clearly legible, within 37 days after receiving notice from the court of the date and time of such violation, together with such other and further information contained in the original notice of liability. Failure to send such information within such thirty-seven-day time period shall render the owner liable for the monetary penalty prescribed by this chapter. Where the lessor complies with the provisions of this Subsection C, the lessee of such motor vehicle on the date of such violation shall be deemed to be the owner of such vehicle for purposes of this chapter, shall be subject to liability for the violation of Subdivision (a) of § 1174 of the Vehicle and Traffic Law pursuant to this section and shall be sent a notice of liability pursuant to this chapter.

D. No owner of a motor vehicle shall be subject to a monetary penalty imposed pursuant to this chapter if such owner can demonstrate by clear and convincing evidence that such school bus stop arms were malfunctioning at the time of the alleged violation.

E. No owner of a motor vehicle shall be subject to a monetary penalty imposed pursuant to this chapter if the operator of such motor vehicle was operating such motor vehicle without the consent of the owner at the time such operator failed to comply with § 1174 of the New York State Vehicle and Traffic Law and the owner of the motor vehicle is able to demonstrate to the court by clear and convincing evidence that the motor vehicle was operated at the time of the violation without the consent of the owner.

Section 10. Chapter 266B, Section 266B-10 of the Town Code of the Town of Rotterdam entitled "Reporting requirements" shall be added as follows:

The demonstration program established by the Town requires that it submit an annual report on the results of the use of a school bus photo violation monitoring system to the Governor, the President of the Senate and the Speaker of the Assembly on or before June 1, 2024, and on the same date in each succeeding year in which the demonstration program is operable. Such report shall include, but not be limited to, the following:

A. The number of buses and a description of the routes where stationary and mobile school bus photo violation monitoring systems were used.

B. The aggregate number, type and severity of accidents reported at locations where a school bus photo violation monitoring system is used for the year preceding the installation of such system,

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to the extent the information is maintained by the New York State Department of Motor Vehicles.

C. The number of violations recorded at each location where a school bus photo violation monitoring system is used and in the aggregate on a daily, weekly and monthly basis.

D. The number of convictions for violations of Subdivision (a) of § 1174 of the New York State Vehicle and Traffic Law recorded at each location where a school bus photo violation monitoring system is used on an annual basis, to the extent the information is maintained by the Department of Motor Vehicles of this state.

E. The total number of notices of liability issued for violations recorded by such systems.

F. The number of monetary penalties and total amount of monetary penalties paid after the first notice of liability issued for violations recorded by such systems.

G. The number of violations adjudicated and results of such adjudications, including breakdowns of dispositions made for violations recorded by such systems which shall be provided at least annually to such Town by the courts conducting such adjudications.

H. The total amount of revenue realized by the Town.

I. The expenses incurred by the Town in connection with the program.

J. The quality of the adjudication process and its results including the total number of hearings scheduled, rescheduled, and held; the total number of persons scheduled for such hearings; the total number of cases where monetary penalties were paid on or before the hearing date; and the total number of default judgments entered. Such information shall be provided at least annually to the Town by the court conducting such adjudications.

K. A description of public education activities conducted to warn motorists of the dangers of overtaking and passing stopped school buses.

Section 11. Chapter 266B, Section 266B-11 of the Town Code of the Town of Rotterdam entitled "Expiration" shall be added as follows:

This demonstration program shall expire on December 1, 2024, unless extended further by act of the New York State Legislature. In the event of an extension by the New York State Legislature, the demonstration program set forth herein shall not otherwise expire unless this local law is repealed.

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RESOLUTION NO. 270.24

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 June 12, 2024, and July 2, 2024, Special Town Board meeting as attached.

SECTION 2. This resolution shall become effective July 10, 2024.

DATED: July 10, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

DRAFT

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: July 2, 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 June 12, 2024 and Special meeting July 2, 2024.

TO BE PLACED ON TOWN BOARD AGENDA OF: July 10, 2024.

TO BE PLACED ON TOWN BOARD MEETING OF**:** July 10, 2024.

Background Information: Attached. To adopt the Town Board Meeting June 12, 2024 and Special Meeting July 2, 2024.

Evaluation/Analysis: N/A

Recommendation(s): To place on Town Board agenda and Town Board meeting of July 10, 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

DRAFT

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

June 17, 2024

Certified Resolutions: #237.24-#263.24 for the year 2024 was duly adopted at the Town Board Meeting held at J.F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, NY 12306 that was held Wednesday, June 12, 2024 at 7:00 p.m. The Town Board Agenda Meeting started at approximately 6:35 p.m**.** and was adjourned at approximately 6:45 p.m. by Councilmember Mastroianni and seconded by Councilmember Gallucci**.** All agreed to adjourn the Town Board Agenda Meeting**.** The Town Board Meeting started at approximately 7:00 p.m**.** Motion #44 was made by Supervisor Collins and seconded by Councilmember Schlag the motion failed. Motion #45 was made by Supervisor Collins and seconded by Councilmember Schlag motion passed. The Town Board was adjourned at approximately 9:30 p.m. All agreed to adjourn the Town Board Meeting.

Councilmember Dodson was absent

Diane M. Marco

Diane M. Marco, Town Clerk

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MEETING OF THE
ROTTERDAM TOWN BOARD

June 12, 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
PRESENTATIONS

- Recognition of Patrolman Noah Keith

PUBLIC HEARING

- For receipt of comment on the proposed Introductory Local Law No. __ of 2024; To amend Chapter 270, Zoning, of the Town Code, to repeal the existing Solar Energy Facilities Law, Local Law No. 1 of the year 2017 and related site plan fees Chapter 270-137.1 (A)(1) and for the adoption of an updated Solar Energy Facilities Law.
  PUBLIC HEARING KEPT OPEN

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.

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INTRODUCTION OF MOTIONS, ORDERS AND RESOLUTIONS

MOTIONS

44.24 I make a motion to keep the public hearing open. (Failed)

45.24 I make a motion to keep the public hearing open (Passed)

RESOLUTIONS

237.24 Accepting Town Board meeting minutes. *Pg. 48*

238.24 To Declare Lead Agency for SEQR review for the proposed Town Court and Police Facility located at 369 Duanesburg Road. *Pg. 106*

239.24 To authorize an out of district water connection agreement with Bullseye Modulars LLC. *Pg. 122*

240.24 To amend Resolution No. 75.24: To negotiate and execute an agreement with Bellamy Construction for boring services. *Pg. 136*

241.24 To authorize purchase of chlorine gas. *Pg. 141*

242.24 To negotiate and execute Amendment No. 1 to an existing agreement with Prime AE/KB Engineering & Architecture P.C. for professional engineering services related to the Leak Detection Survey for Water District No. 5. *Pg. 146*

243.24 To negotiate and execute Amendment No. 1 to an existing agreement with Barton and Logudice for professional engineering services for the Schematic Design Phase for the new highway garage. *Pg. 157*

244.24 To negotiate and execute a contract with Santore's World of Famous Fireworks LLC and Night Sky Productions LLC *Pg. 187*

245.24 Authorize a Stipulation of Settlement with Highbridge Development Rt. 146, LLC. *Pg. 194.*

246.24 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 Agricultural (A-1) to General Business (B-2) located at 774 and 778 Duanesburg Road and refer to the Planning Commission for report and recommendation. *Pg. 199*

247.24 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 General Business (B-2) to Multi-Family Residential (R-3) located at 1725 Tower Street and refer to the Planning Commission for report and recommendation. *Pg. 213*

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248.24 To approve budget transfers to the 2024 budget. *Pg. 226*

249.24 To authorize the purchase of one pickup truck for the Highway Department. *Pg. 234*

250.24 To Declare Lead Agency for SEQR review for the Trunk Sewer Access Improvements Project. *Pg. 245*

251.24 To negotiate and execute an agreement with Barton & Logudice for professional engineering services for the Pump Station Improvements Project – Planning & Project Development Services. *Pg. 270*

252.24 Call for Public Hearing for map, plan & report for the proposed Sewer District No. 2 Extension No. 17 - Helderberg Meadows West. *Pg. 302*

253.24 To declare equipment obsolete. *Pg. 376*

254.24 To accept revenue for Town Clerk's Office for May 2024. *Pg. 379*

255.24 To recognize the introduction of Introductory Local Law ___ of 2024; To establish a demonstration program imposing owner liability for failure of an operator to stop for a school bus displaying a red visual signal and stop-arm and calling for a public hearing thereon. *Pg. 385*

256.24 To adopt a Negative Declaration for SEQR of the Kiwanis International Park Waterfront Access Improvements Project. *Pg. 394*

257.24 Requesting bids for Town of Rotterdam Water District No. 5 Leak Detection Survey. *Pg. 407*

258.24 To appoint a police officer. *Pg. 675*

259.24 To extend the bid contract for Grinding & Removal of Brush, Yard Waste, & Wood with Troy Sand & Gravel Co. Inc. *Pg. 681*

260.24 To reject all bids for 6.3mm polymer-modified hot mix asphalt highway resurfacing and mill & fill with 6.3 polymer-modified hot mix asphalt highway paving. *Pg. 686*

261.24 Call for bids for 6.3mm Polymer-Modified Hot Mix Asphalt Highway Resurfacing #2024-001. *Pg. 688*

262.24 Call for bids for Mill & Fill with 6.3 Polymer-Modified Hot Mix Asphalt Highway Paving #2024-002. *Pg. 709*

263.24 To schedule a Special Meeting of the Town Board. *Pg. 730*

DRAFT

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

DRAFT

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at J.F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, NY 12306 that was held Wednesday, June 12, 2024, at 7:00 p.m. the following motion **FAILED**:

MOTION 44.24 FAILED

THEREFORE, UPON MOTION OF Supervisor **COLLINS** seconded by Councilmember **SCHLAG,**

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

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

SECTION 2. This motion shall become effective June 12, 2024.

DATED: June 12, 2024

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

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing motion failed by the Town Board of the Town of Rotterdam on June 12, 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 that failed 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 June 17, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk

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

DRAFT

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at J.F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, NY 12306 that was held Wednesday, June 12, 2024, at 7:00 p.m. the following motion **PASSED**:

MOTION 45.24

THEREFORE, UPON MOTION OF Supervisor **COLLINS,** seconded by Councilmember **SCHLAG**,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

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

SECTION 2. This motion shall become effective June 12, 2024.

DATED: June 12, 2024

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

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 June 12, 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 June 17, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk

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

DRAFT

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, June 12, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 237.24

ACCEPTING TOWN BOARD MEETING MINUTES

THEREFORE, UPON MOTION OF Councilmember **GALLUCCI** seconded by Supervisor **COLLINS**,

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 Special Meeting of May 16, 2024 and the Town Board Meeting of May 22, 2024, as attached.

SECTION 2. This resolution shall become effective June 12, 2024.

DATED: June 12, 2024

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

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 June 12, 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 June 17, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk

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

DRAFT

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, June 12, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 238.24

TO DECLARE LEAD AGENCY FOR SEQR REVIEW FOR THE PROPOSED TOWN COURT AND POLICE FACILITY LOCATED AT 369 DUANESBURG ROAD

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 hereby declares the Town Board as Lead Agency under 6 NYCRR Part 617 SEQR (State Environmental Quality Review) in connection to the proposed Town Court and Police Facility located at 369 Duanesburg Road.

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 June 12, 2024.

DATED: June 12, 2024

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

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 June 12, 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 June 17, 2024.

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

Diane M. Marco

Diane M. Marco, Town Clerk

DRAFT

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, June 12, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 239.24

TO AUTHORIZE AN OUT OF DISTRICT WATER CONNECTION AGREEMENT WITH BULLSEYE MODULARS LLC

THEREFORE, UPON MOTION OF Councilmember **MASTROIANNI**, seconded by Supervisor **COLLINS**,

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 Bullseye Modulars LLC, located at 4866 Rynex-Corners Road, Pattersonville, NY 12137, for an out of district water connection.

SECTION 2. This resolution shall become effective June 12, 2024.

DATED: June 12, 2024

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

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 June 12, 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 June 17, 2024.

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

Diane M. Marco

Diane M. Marco, Town Clerk

DRAFT

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, June 12, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 240.24

TO AMEND RESOLUTION NO. 75.24: TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH BELLAMY CONSTRUCTION FOR BORING SERVICES

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

SECTION 1. Section 1 of Resolution 75.24, as amended, is hereby amended, and restated to read as follows:

> The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to negotiate and execute an agreement with Bellamy Construction, located at 6684 Amsterdam Road, Scotia, NY 12302, for trenchless horizontal drilling under D.O.T. highways for water service replacement to the area located at 2515 Hamburg Street, and 845 Curry Road in the amount not to exceed nineteen thousand two hundred seventy and 00/100 ($19,270.00) dollars.

SECTION 2. This resolution shall become effective on June 12, 2024.

DATED: June 12, 2024

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

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 June 12, 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 June 17, 2024.

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

Diane M. Marco
Diane M. Marco, Town Clerk

DRAFT

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, June 12, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 241.24

TO AUTHORIZE PURCHASE OF CHLORINE GAS

WHEREAS, the publication of a Bid Notice, on BidNet seeking bids for the Town of Rotterdam's purchase of Chlorine gas was published on January 12, 2024; and

WHEREAS, on January 26, 2024 the bids received in response to the Bid Notice were opened; and

WHEREAS, JCI Jones Chemical, located at 176 S Ringling Blvd. Sarasota, Fl 34236, submitted a bid for Chlorine gas at a price of $400.00 per 150-pound cylinder; and

WHEREAS, by Resolution No. 87.24, the Town Board accepted and awarded a bid for the purchase of Chlorine gas for the Town of Rotterdam to JCI Jones Chemical, located at 176 S Ringling Blvd. Sarasota, Fl 34236; and

WHEREAS, the Town of Rotterdam has received notification from JCI Jones Chemical that due to rail fright cost increases issued by their producers of Chlorine Gas, the price of Chlorine gas increased to $403.00 per 150-pound cylinder; and

WHEREAS, Chlorine gas is necessary to treating the water supplied to Town residents and the Town of Rotterdam must acquire sufficient supplies of Chlorine gas; and

WHEREAS, given the supply and demand constraints in the Chlorine gas industry, the changes in available suppliers, and the frequent changes in price arising from unprecedented market forces outside the Town's control, the Town Board hereby finds it necessary and appropriate to recognize an emergency relating to the purchase of Chlorine gas and that JCI Jones Chemical is still currently the lowest bidder of source thereof, and to authorize the purchase of Chlorine gas at the market price, and finds that based on the foregoing, the purchase of Chlorine gas as authorized by this Resolution is consistent with applicable legal requirements, including under General Municipal Law § 103;

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 purchase of Chlorine gas from JCI Jones Chemical, located at 176 S Ringling Blvd. Sarasota, Fl 34236, in an amount not to exceed $403.00 per 150-pound cylinder.

SECTION 2. The Town Board reserves all of its legal rights with respect to purchasing pursuant to the original contract award pursuant to Resolution 87.24 to the fullest extent. Neither this Resolution 241.24, nor any purchases made pursuant to this Resolution 241.24, shall be deemed as any waiver of any rights or remedies the Town may have against JCI Jones Chemical or any other supplier of Chlorine gas.

DRAFT

SECTION 3. The Town Board hereby authorizes the Town Supervisor or her designee to execute such documents and instruments as may be necessary to effectuate this Resolution.

SECTION 4. This resolution shall become effective June 12, 2024.

DATED: June 12, 2024

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

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 June 12, 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 June 17, 2024.

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

Diane M. Marco

Diane M. Marco, Town Clerk

DRAFT

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, June 12, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 242.24

TO NEGOTIATE AND EXECUTE AMENDMENT NO. 1 TO AN EXISTING AGREEMENT WITH PRIME AE/KB ENGINEERING & ARCHITECTURE P.C. FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO THE LEAK DETECTION SURVEY FOR WATER DISTRICT NO. 5

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 Supervisor to negotiate and execute Amendment No.1 to an existing agreement with KB Engineering & Architecture P,C., located at 100 Great Oaks Boulevard Suite 114, Albany, NY 12203, for professional engineering services related to the Leak Detection Survey for Water District No. 5, in an amount not to exceed twenty three thousand seven hundred and 00/100 ($23,700.00) dollars, for a new total agreement amount not to exceed eight one thousand five hundred fifty and 00/100 ($81,550.00) dollars.

SECTION 2. This resolution shall become effective June 12, 2024.

DATED: June 12, 2024

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

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 June 12, 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 June 17, 2024.

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

Diane M. Marco

Diane M. Marco, Town Clerk

DRAFT

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, June 12, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 243.24

TO NEGOTIATE AND EXECUTE AMENDMENT NO. 1 TO AN EXISTING AGREEMENT WITH BARTON AND LOGUDICE FOR PROFESSIONAL ENGINEERING SERVICES FOR THE SCHEMATIC DESIGN PHASE FOR THE NEW HIGHWAY GARAGE

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 Amendment No. 1 to an existing agreement with Barton & Loguidice, located at 10 Airline Drive, Suite 200, Albany, NY 12205, for revision 1 dated May 30, 2024, regarding the Schematic Design Phase services for a new Highway Garage, located at West Campbell Road, Rotterdam, New York 12306, for a lump sum fee not to exceed two hundred thousand and 00/100 ($200,000.00) dollars.

SECTION 2. This resolution shall become effective June 12, 2024.

DATED: June 12, 2024

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

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 June 12, 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 June 17, 2024.

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

Diane M. Marco

Diane M. Marco, Town Clerk

DRAFT

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, June 12, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 244.24

TO NEGOTIATE AND EXECUTE A CONTRACT WITH SANTORE'S WORLD OF FAMOUS FIREWORKS LLC AND NIGHT SKY PRODUCTIONS LLC

THEREFORE, UPON MOTION OF Supervisor **COLLINS**, 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 Chief of Police to negotiate and execute a contract with Santore's World of Famous Fireworks, LLC, and Night Sky Productions LLC, located at PO BOX 867, Stillwater, NY 12170, in the amount of two thousand five hundred and 00/100 dollars ($2,500.00) to operate a firework display for the Town residents in celebration of National Night on August 6, 2024.

SECTION 2. This resolution shall become effective June 12, 2024

DATED: June 12, 2024

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

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 June 12, 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 June 17, 2024.

TOWN OF ROTTERDAM
Office of the Town Clerk
Schenectady, County, N.Y.

Diane M. Marco

Diane M. Marco, Town Clerk

DRAFT

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, June 12, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 245.24

AUTHORIZE STIPULATION OF SETTLEMENT WITH HIGHBRIDGE DEVELOPMENT RT. 146, LLC

WHEREAS, the Town of Rotterdam has litigated a special proceeding pursuant to Real Property Tax Law §550 and §556 to review the units assessed to 2696 Hamburg Street for Sewer District 7 for the tax status date of March 1, 2015 and forward; and

WHEREAS, subject to Town Board approval, it is hereby stipulated and agreed by and between the Attorney for the Petitioner and the Attorneys for each Respondent that the RPTL §550 and §556 special proceedings now pending are settled by the parties, and the Sewer District 7 Units assessed against the Petitioner's Property will be based on actual use of water for future Tax Years; and

WHEREAS, for the tax years up to and including 2024, the real property taxes paid by the Petitioner to the Town of Rotterdam, the County of Schenectady, and any Special Districts for which taxes are paid based on the Sewer District 7 units for the property will be paid as a refund to the Petitioner by the Town of Rotterdam and any Special Districts, if applicable. The refund is agreed by the parties to be in the amount of $25,584.67.

WHEREAS, it is deemed in the Town's best interest to settle the case for the above stated amount; NOW

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 hereby authorizes Roemer Wallens Gold & Mineaux, LLP, Attorney for the respondent, to enter into a stipulation of settlement on behalf of the Town of Rotterdam, in the matter of Highbridge Development Rt. 146, LLC v. the Assessor of the Town of Rotterdam, and the County of Schenectady, et al., Index Number 2019-2740, for a refund in the amount of twenty-five thousand five hundred eighty-four and 67/100 ($25,584.67) dollars, paid by the Town of Rotterdam.

SECTION 2. This resolution shall become effective June 12, 2024

DRAFT

DATED: June 12, 2024

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

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 June 12, 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 June 17, 2024.



Diane M. Marco

Diane M. Marco, Town Clerk

DRAFT

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, June 12, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 246.24

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 AGRICULTURAL (A-1) TO GENERAL BUSINESS (B-2) LOCATED AT 774 AND 778 DUANESBURG 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 ±14.02 acres from Agricultural (A-1) to General Business (B-2) to facilitate the construction of a ±22,000 square foot retail business on the property known as 774 Duanesburg Road (Tax Map No. 57.7-1-14) and 778 Duanesburg Road (Tax Map No. 57-3-6.1); NOW

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 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 ±14.02 acres from Agricultural (A-1) to General Business (B-2) to facilitate the construction a ±22,000 square foot retail business on the property known as 774 Duanesburg Road (Tax Map No. 57.7-1-14) and 778 Duanesburg Road (Tax Map No. 57-3-6.1).

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 June 12, 2024.

DATED: June 12, 2024

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

DRAFT

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 June 12, 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 June 17, 2024.

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

Diane M. Marco

Diane M. Marco, Town Clerk

DRAFT

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, June 12, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 247.24

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 GENERAL BUSINESS (B-2) TO MULTI-FAMILY RESIDENTIAL (R-3) LOCATED AT 1725 TOWER STREET AND REFER TO THE PLANNING COMMISSION FOR REPORT AND RECOMMENDATION

WHEREAS, The Town has received an application for a Change of Zone request 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 on the property known as 1725 Tower Avenue (Tax Map No. 59.9-7-6.2) and is on a ±6,816 square foot lot; NOW

THEREFORE, UPON MOTION OF Councilmember **MASTROIANNI**, seconded by Supervisor **COLLINS**,
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 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 on the property known as 1725 Tower Street (Tax Map No. 59.9-7-6.2) and is on a ±6,816 square foot lot.

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 June 12, 2024.

DATED: June 12, 2024

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

DRAFT

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 June 12, 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 June 17, 2024.

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

Diane M. Marco

Diane M. Marco, Town Clerk

DRAFT

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, June 12, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 248.24

TO APPROVE BUDGET TRANSFERS TO THE 2024 BUDGET

THEREFORE, UPON MOTION OF Councilmember **MASTROIANNI**, seconded by Councilmember **SCHLAG**,
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***
Highway	DA5110-2000	FROM:	Hwy Gen. Repairs Equ.	-19,691.70
Highway	DA5130-2000	INTO:	Highway Machinery Equ.	+19,691.70
W5	W58340-4889	FROM:	Backfill/Pavement Repair	-2,000.00
W5	W58340-4010	INTO:	W5 Easements	+2,000.00

SECTION 2. This resolution shall become effective June 12, 2024.

DATED: June 12, 2024

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

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 June 12, 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 June 17, 2024.

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

Diane M. Marco

Diane M. Marco, Town Clerk

DRAFT

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, June 12, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 249.24

TO AUTHORIZE THE PURCHASE OF ONE PICKUP TRUCK FOR THE HIGHWAY DEPARTMENT

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 hereby authorizes the purchase of one 2024 Ford F-350 XL W3G crew cab pickup truck for the Highway Department, from Nielsen Ford of Morristown Inc., located at 31 Williams Parkway, East Hanover, New Jersey 07936, with compliance under NYS contract, in the amount not to exceed forty-nine thousand four hundred sixty-nine and 01/100 ($49,469.01) dollars.

SECTION 2. This resolution shall become effective June 12, 2024.

DATED: June 12, 2024

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

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 June 12, 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 June 17, 2024.

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

Diane M. Marco
Diane M. Marco, Town Clerk

DRAFT

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, June 12, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 250.24

TO DECLARE LEAD AGENCY FOR SEQR REVIEW FOR THE TRUNK SEWER ACCESS IMPROVEMENTS PROJECT

THEREFORE, UPON MOTION OF Councilmember **MASTROIANNI,** seconded by Supervisor **COLLINS**,

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) in connection to the trunk sewer access improvement project from above Summer Street to Myrtle Avenue along the southwest side of the Davidge Gatt on the Town of Rotterdam/City of Schenectady boundary.

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 June 12, 2024.

DATED: June 12, 2024

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

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 June 12, 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 June 17, 2024.

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

Diane M. Marco

Diane M. Marco, Town Clerk

DRAFT

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, June 12, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 251.24

TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH BARTON & LOGUDICE FOR PROFESSIONAL ENGINEERING SERVICES FOR THE PUMP STATION IMPROVEMENTS PROJECT – PLANNING & PROJECT DEVELOPMENT SERVICES

THEREFORE, UPON MOTION OF Councilmember **SCHLAG**, 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 Supervisor to negotiate and execute an agreement with Barton & Loguidice, located at 10 Airline Drive, Suite 200, Albany, New York 12205, for professional engineering services relating to the Pump Station Improvements Project – Planning & Project Development Services, in an amount not to exceed eighteen thousand nine hundred and 00/100 ($18,900.00) dollars.

SECTION 2. This resolution shall become effective June 12, 2024.

DATED: June 12, 2024

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

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 June 12, 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 June 17, 2024.

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

Diane M. Marco
Diane M. Marco, Town Clerk

DRAFT

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, June 12, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 252.24

CALL FOR PUBLIC HEARING FOR MAP, PLAN & REPORT FOR THE PROPOSED SEWER DISTRICT NO. 2 EXTENSION NO. 17 - HELDERBERG MEADOWS WEST

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 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 10th day of July, 2024 for the following purpose:

> To accept the Map, Plan and Report for the proposed Sewer District No. 2, Extension No. 17 - Helderberg Meadows West. The Sewer District is being formed to add an additional 5.09 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 Rotterdam Planning Commission on July 19, 2022.

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

DATED: June 12, 2024
Daily Gazette: Please publish once on June 14, 2024
Town Clerk
Post

SECTION 2. This resolution shall become effective June 12, 2024.

DATED: June 12, 2024

DRAFT

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

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 June 12, 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 June 17, 2024.

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

Diane M. Marco

Diane M. Marco, Town Clerk

DRAFT

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, June 12, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 253.24

TO DECLARE EQUIPMENT OBSOLETE

THEREFORE, UPON MOTION OF Supervisor **COLLINS**, seconded by Councilmember **GALLUCCI**,

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 Senior Building Inspector, hereby declares the following equipment obsolete and no longer needed by the Town and authorizes their proper disposal:

Quantity	Description
1	Lanier Copier Serial #85001477
22	Broken/Rusted Metal Chairs
1	Office Chair
3	TV's
1	Super Circuits CRT TV 20” screen
2	Quasar VCR/TV combo
1	HP ScanJet 4850 Desktop Scanner
1	IBM 4:3 15” flatscreen monitor with built-in speakers
12	Serial keyboards (purple plug) IBM/Dell/Microsoft
40	Working USB keyboards (almost all Dell)
1	Non-working Dell USB keyboard
6	IBM/Dell serial mouse (green plug)
5	IBM/Dell USB mouse
1	Office Chair
1	Smith Corona WordSmith electric Typewriter w/1 extra ribbon
1	Serial printer cable
2	Motorola Portable cellular telephones Model F09LFD8438AG
3	Paper shredders
1	HP LaserJet 4000n Monochrome
1	HP LaserJet Pro 200 Color M251nw
1	Lanier LD425c 3 in 1 Scanner, Printer, Copier
1	HP Photosmart Model D110A
1	HP DeskJet 1220c Color Printer
1	OKI B4400 Monochrome Laser Printer
1	Epson Stylus NX400
1	HP Photosmart C5580 All-in-One

SECTION 2. This resolution shall become effective June 12, 2024.

DRAFT

DATED: June 12, 2024

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

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 June 12, 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 June 17, 2024.



Diane M. Marco

Diane M. Marco, Town Clerk

DRAFT

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, June 12, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 254.24

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

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

SECTION 1. The Town Clerk's report for the month of May 2024, has been placed on file and the town clerk's check in the amount of seven thousand four hundred eighty seven dollars and 76/100 ($7,487.76) has been submitted to the supervisor for deposit.

SECTION 2. This resolution shall become effective June 12, 2024

DATED: June 12, 2024

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

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 June 12, 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 June 17, 2024.

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

Diane M. Marco
Diane M. Marco, Town Clerk

DRAFT

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, June 12, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 255.24

TO RECOGNIZE THE INTRODUCTION OF INTRODUCTORY LOCAL LAW ___ OF 2024; TO ESTABLISH A DEMONSTRATION PROGRAM IMPOSING OWNER LIABILITY FOR FAILURE OF AN OPERATOR TO STOP FOR A SCHOOL BUS DISPLAYING A RED VISUAL SIGNAL AND STOP-ARM AND CALLING FOR A PUBLIC HEARING THEREON

WHEREAS, the Police Chief, Town Board Member, and representative drivers from Schalmont and Mohonasen school districts desire to introduce a local law that would impose liability on the owner of a motor vehicle for failure of an operator of that vehicle to stop for a school bus displaying a red visual signal and stop-arm; and

WHEREAS, Chapter 266 of the Code of the Town of Rotterdam sets forth the Town's local law regarding Vehicles and Traffic; and

WHEREAS, Section 1174-a of the New York State Vehicle and Traffic Law allows local municipalities to adopt local laws to establish a demonstration program that imposes owner liability for failure of an operator of a motor vehicle to stop for a school bus displaying a red visual signal and stop-arm; and

WHEREAS, the Town Attorney has drafted a local law establishing a demonstration program for failure of an operator to stop for a school bus displaying a red visual signal and stop arm and the Chief of Police recommends that the Town Board call for a public hearing on the proposed local law; NOW

THEREFORE, UPON MOTION OF Councilmember **SCHLAG**, 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 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:

DRAFT

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 10th day of July, 2024 for the following purpose:

To consider a proposed local law establishing a demonstration program imposing owner liability for failure of an operator to stop for a school bus displaying a red visual signal and stop-arm.

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

DATED: June 12, 2024
Daily Gazette: Please publish once on June 14, 2024
Town Clerk
Post

SECTION 2. This resolution shall become effective June 12, 2024.

DATED: June 12, 2024

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

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 June 12, 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 June 17, 2024.

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

Diane M. Marco
Diane M. Marco, Town Clerk

DRAFT

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, June 12, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 256.24

TO ADOPT A NEGATIVE DECLARATION FOR SEQR OF THE KIWANIS INTERNATIONAL PARK WATERFRONT ACCESS IMPROVEMENTS PROJECT

THEREFORE, UPON MOTION OF Supervisor **COLLINS**, 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 Negative Declaration dated June 12, 2024, as prepared by the Senior Planner, for the Kiwanis International Park Waterfront Access Improvements Project.

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 June 12, 2024.

DATED: June 12, 2024

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

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 June 12, 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 June 17, 2024.

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

Diane M. Marco

Diane M. Marco, Town Clerk

DRAFT

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, June 12, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 257.24

REQUESTING BIDS FOR TOWN OF ROTTERDAM WATER DISTRICT NO. 5 LEAK DETECTION SURVEY

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 hereby authorizes the Supervisor to call for bids for the Rotterdam Water District No. 5 Leak Detection Survey.

SECTION 2. The Town Clerk of the Town of Rotterdam shall cause the following public notice to be published in the official newspaper of the Town of Rotterdam, and the Supervisor of the Town of Rotterdam shall cause the following public notice be published to the Empire State Purchasing Group on BidNet (http://www.bidnetdirect.com/townofrotterdam) at least five (5) days before the date of reception of bid proposals:

TOWN OF ROTTERDAM
NOTICE TO BIDDERS

PLEASE TAKE NOTICE: That all bids received by the Town Board of the Town of Rotterdam, by Tuesday, the 16th day of July 2024, at 2:00 P.M., will be opened electronically and in person at that time. The Town Board will subsequently post an official report to the Empire State Purchasing Group on BidNet (http://www.bidnetdirect.com/townofrotterdam) by the close of business the next day, of all bid submissions received pursuant to this notice. Additionally, the official bid report and all bids shall be available in the office of the town clerk for public inspection during regular business hours, for the purchase by the Town of Rotterdam of the following:

TOWN OF ROTTERDAM WATER DISTRICT NO. 5 LEAK DETECTION SURVEY

Digital Copies of Specifications may be obtained from the Empire State Purchasing Group on BidNet at http://www.bidnetdirect.com/townofrotterdam. Copies of RFP documents obtained from any other source are not considered official copies. The Town of Rotterdam cannot guarantee the accuracy of any information not obtained from the BidNet Direct website and is not responsible for any errors contained by any information received from an alternate source. Only those vendors who obtain ITB, RFP or RFQ documents from the BidNet system are guaranteed to receive addendum information, if such information is issued. If you obtain the document from a source other than the source indicated, it is recommended that you register on the Empire State Purchasing Group website, http://www.bidnetdirect.com/new-york and obtain an official copy.

ALL BID PROPOSALS MUST BE SUBMITTED TO THE TOWN CLERKS OFFICE AT 1100 SUNRISE BLVD. PRIOR TO 2:00 P.M., TUESDAY JULY 16, 2024

DRAFT

ALL HANDLING COSTS (MAIL, DELIVERY SERVICES, PRINTING ETC.) SHALL BE THE RESPONSIBILITY OF THE BIDDER

The Town Board reserves the right to accept or reject any and all bids or proposals or any specific part of any item of any bid.

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

DATED: June 12, 2024
BidNet: Please publish on June 18, 2024
Daily Gazette: Please publish once on June 18, 2024
Town Clerk Post

SECTION 3. This resolution shall become effective June 12, 2024

DATED: June 12, 2024

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

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 June 12, 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 June 17, 2024.

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

Diane M. Marco

Diane M. Marco, Town Clerk

DRAFT

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, June 12, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 258.24

TO APPOINT A POLICE OFFICER

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

SECTION 1. Keith W. Lewick is hereby appointed to the position of Patrolman 6th, full time, probationary, with full time employee benefits, and subject to pre-employment background checks, at an annual salary of forty-seven thousand one hundred five and 34/100 ($47,105.34) dollars, commencing June 21, 2024.

SECTION 2. This resolution shall become effective June 12, 2024.

DATED: June 12, 2024

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

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 June 12, 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 June 17, 2024.

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

Diane M. Marco
Diane M. Marco, Town Clerk

DRAFT

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, June 12, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 259.24

TO EXTEND THE BID CONTRACT FOR GRINDING & REMOVAL OF BRUSH, YARD WASTE, & WOOD WITH TROY SAND & GRAVEL CO. INC.

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 to extend the awarded bid contract for Grinding & Removal of Brush, Yard Waste, & Wood with Troy Sand & Gravel Co. Inc., located at P.O. Box 171, Watervliet, NY 12189-0171 through June 21, 2025, in the amount(s) not to exceed the original agreed unit price ($7.75/ cubic yard) set forth in Certified Resolution #209.22 dated July 13, 2022.

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

SECTION 3. This resolution shall become effective June 12, 2024.

DATED: June 12, 2024

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

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 June 12, 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 June 17, 2024.

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

Diane M. Marco
Diane M. Marco, Town Clerk

DRAFT

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, June 12, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 260.24

TO REJECT ALL BIDS FOR 6.3MM POLYMER-MODIFIED HOT MIX ASPHALT HIGHWAY RESURFACING AND MILL & FILL WITH 6.3 POLYMER-MODIFIED HOT MIX ASPHALT HIGHWAY PAVING

WHEREAS, pursuant to notice duly published according to Section 103 of the General Municipal Law, the Town Board of the Town of Rotterdam on the 6th day of June, 2024, publicly opened and read all bid proposals received by the Town of Rotterdam for the following:

6.3mm Polymer-Modified Hot Mix Asphalt Highway Resurfacing
&
Mill & Fill With 6.3 Polymer-Modified Hot Mix Asphalt Highway Paving

WHEREAS, the Town Board of the Town of Rotterdam wishes to reject all bids received in response to said call for bids on May 22, 2024 because it was determined there were BidNet discrepancies for bidders to properly respond; and

WHEREAS, the Town Board wishes to reject all bids on June 12, 2024; **NOW**

THEREFORE, UPON MOTION OF Supervisor **COLLINS**, 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 **reject** all bids received on June 6, 2024 in response to the call for bids for 6.3mm Polymer-Modified Hot Mix Asphalt Highway Resurfacing & Mill & Fill With 6.3 Polymer-Modified Hot Mix Asphalt Highway Paving for the Town of Rotterdam.

SECTION 2. This resolution shall become effective June 12, 2024.

DATED: June 12, 2024

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

DRAFT

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 June 12, 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 June 17, 2024.

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

Diane M. Marco

Diane M. Marco, Town Clerk

DRAFT

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, June 12, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 261.24

CALL FOR BIDS FOR 6.3MM POLYMER-MODIFIED HOT MIX ASPHALT HIGHWAY RESURFACING #2024-001

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 call for bids for 6.3mm polymer-modified hot mix asphalt highway resurfacing.

SECTION 2. The Town Clerk of the Town of Rotterdam shall cause the following public notice to be published in the official newspaper of the Town of Rotterdam, and the Supervisor of the Town of Rotterdam shall cause the following public notice be published to the Empire State Purchasing Group on BidNet (http://www.bidnetdirect.com/townofrotterdam) at least five (5) days before the date of reception of bid proposals:

TOWN OF ROTTERDAM
NOTICE TO BIDDERS

PLEASE TAKE NOTICE: That all bids received by the Town Board of the Town of Rotterdam, by **June 27, 2024 at 10:00 A.M**., will be opened electronically and in person at that time. The town board will subsequently post an official report to the Empire State Purchasing Group on BidNet (http://www.bidnetdirect.com/townofrotterdam) by the close of business the next day, of all bid submissions received pursuant to this notice. Additionally, the official bid report and all bids shall be available in the office of the town clerk for public inspection during regular business hours, for the purchase by the Town of Rotterdam of the following:

6.3MM POLYMER-MODIFIED HOT MIX ASPHALT
HIGHWAY RESURFACING #2024-001

Digital Copies of Specifications may be obtained from the Empire State Purchasing Group on BidNet at http://www.bidnetdirect.com/townofrotterdam. Copies of RFP documents obtained from any other source are not considered official copies. The Town of Rotterdam cannot guarantee the accuracy of any information not obtained from the BidNet Direct website and is not responsible for any errors contained by any information received from an alternate source. Only those vendors who obtain ITB, RFP or RFQ documents from the BidNet system are guaranteed to receive addendum information, if such information is issued. If you obtain the document from a source other than the source indicated, it is recommended that you register on the Empire State Purchasing Group website, http://www.bidnetdirect.com/new-york and obtain an official copy.

DRAFT

ALL BID PROPOSALS MUST BE SUBMITTED TO THE TOWN CLERKS OFFICE AT 1100 SUNRISE BOULEVARD PRIOR TO 10:00A.M., JUNE 27, 2024

The Town Board reserves the right to accept or reject any and all bids or proposals or any specific part of any item of any bid.

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

DATED: June 12, 2024
BidNet: Please publish on June 13, 2024
Daily Gazette: Please publish once on June 14, 2024
Town Clerk Post

SECTION 3. This resolution shall become effective June 12, 2024.

DATED: June 12, 2024

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

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 June 12, 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 June 17, 2024.

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

Diane M. Marco
Diane M. Marco, Town Clerk

DRAFT

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, June 12, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 262.24

CALL FOR BIDS FOR MILL & FILL WITH 6.3 POLYMER-MODIFIED HOT MIX ASPHALT HIGHWAY PAVING #2024-002

THEREFORE, UPON MOTION OF Councilmember **GALLUCCI**, seconded by Supervisor **COLLINS**,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to call for bids for Mill & Fill with 6.3 Polymer-Modified Hot Mix Asphalt Highway Paving.

SECTION 2. The Town Clerk of the Town of Rotterdam shall cause the following public notice to be published in the official newspaper of the Town of Rotterdam, and the Supervisor of the Town of Rotterdam shall cause the following public notice be published to the Empire State Purchasing Group on BidNet (http://www.bidnetdirect.com/townofrotterdam) at least five (5) days before the date of reception of bid proposals:

TOWN OF ROTTERDAM
NOTICE TO BIDDERS

PLEASE TAKE NOTICE: That all bids received by the Town Board of the Town of Rotterdam, by **June 27, 2024 at 10:15 A.M.**, will be opened electronically and in person at that time. The Town Board will subsequently post an official report to the Empire State Purchasing Group on BidNet (http://www.bidnetdirect.com/townofrotterdam) by the close of business the next day, of all bid submissions received pursuant to this notice. Additionally, the official bid report and all bids shall be available in the office of the town clerk for public inspection during regular business hours, for the purchase by the Town of Rotterdam of the following:

MILL & FILL WITH 6.3 POLYMER-MODIFIED HOT MIX ASPHALT HIGHWAY PAVING #2024-002

Digital Copies of Specifications may be obtained from the Empire State Purchasing Group on BidNet at http://www.bidnetdirect.com/townofrotterdam. Copies of RFP documents obtained from any other source are not considered official copies. The Town of Rotterdam cannot guarantee the accuracy of any information not obtained from the BidNet Direct website and is not responsible for any errors contained by any information received from an alternate source. Only those vendors who obtain ITB, RFP or RFQ documents from the BidNet system are guaranteed to receive addendum information, if such information is issued. If you obtain the document from a source other than the source indicated, it is recommended that you register on the Empire State Purchasing Group website, http://www.bidnetdirect.com/new-york and obtain an official copy.

DRAFT

ALL BID PROPOSALS MUST BE SUBMITTED TO THE TOWN CLERKS OFFICE AT 1100 SUNRISE BOULEVARD PRIOR TO 10:15A.M., JUNE 27, 2024

The Town Board reserves the right to accept or reject any and all bids or proposals or any specific part of any item of any bid.

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

DATED: June 12, 2024
BidNet: Please publish on June 13, 2024
Daily Gazette: Please publish once on June 14, 2024
Town Clerk Post

SECTION 3. This resolution shall become effective June 12, 2024.

DATED: June 12, 2024

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

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 June 12, 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 June 17, 2024.



Diane M. Marco
Diane M. Marco, Town Clerk

DRAFT

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, June 12, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 263.24

TO SCHEDULE A SPECIAL MEETING OF THE TOWN BOARD

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 schedules a special meeting of the Town Board of the Town of Rotterdam, to be held Tuesday July 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 purposes of possible action with respect to awarding 2024 Highway Paving bids 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 five (5) 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 July, 2024 for the purposes of possible action with respect to awarding 2024 Highway Paving bids 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: June 12, 2024
Daily Gazette: Please publish once on or before June 14, 2024
Town Clerk
Post, Transmit to News Media, Provide Written Notice to Councilmembers

SECTION 3. This resolution shall become effective June 12, 2024.

DATED: June 12, 2024

DRAFT

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

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 June 12, 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 June 17, 2024.

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

Diane M. Marco
Diane M. Marco, Town Clerk

DRAFT

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

July 3, 2024

Certified Resolutions: #264.24-#269.24for the year 2024 was duly adopted at the Town Board Special Meeting held at the J.F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, NY, 12306 that was held Tuesday, July 2, 2024 at 7:00 p.m. The Town Board Agenda Meeting started at approximately 6:45 p.m. and was adjourned at approximately 6:57 p.m. by Councilmember Mastroianni and seconded by Councilmember Gallucci. All agreed to adjourn the Town Board Agenda Meeting. The Town Board Meeting started at approximately 7:00 p.m. The Town Board meeting adjourned at approximately 7:22 p.m. All agreed to adjourn the Town Board Meeting.

Councilmembers
Jack Dodson & Ron Schlag were absent

Diane M. Marco

Diane M. Marco, Town Clerk

DRAFT

SPECIAL MEETING OF THE ROTTERDAM TOWN BOARD

July 2, 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
PRESENTATIONS
PUBLIC HEARING

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.

DRAFT

INTRODUCTION OF MOTIONS, ORDERS AND RESOLUTIONS
RESOLUTIONS

264.24 To accept bid and award contract for 6.3mm polymer-modified hot mix asphalt highway resurfacing #2024-001. *Pg. 3*

265.24 To accept bid and award contract for mill & fill 6.3 polymer-modified hot mix asphalt highway paving #2024-002. *Pg. 25*

266.24 To enter into an agreement pursuant to Highway Law Section 284 for Town highway paving for 2024. Pg. *47*

267.24 To authorize the Supervisor to execute a contract with Anthem Blue Cross for vision coverage. *Pg. 60*

268.24 To negotiate and execute Amendment No. 2 to an existing agreement with Labella for Sewer District No. 7 Extension No. 1 Benefit Assessment Determination. *Pg. 65*

269.24 To negotiate and execute an agreement with cb20. *Pg. 80*

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

DRAFT

At the special 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 Tuesday, July 2, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 264.24

TO ACCEPT BID AND AWARD CONTRACT FOR 6.3MM POLYMER-MODIFIED HOT MIX ASPHALT HIGHWAY RESURFACING #2024-001

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 June 27, 2024 posted an official report of all bid submissions received to the Empire State Purchasing Group on BidNet (https://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:

6.3MM POLYMER-MODIFIED HOT MIX ASPHALT HIGHWAY RESURFACING #2024-001

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 6.3mm Polymer-Modified Hot Mix Asphalt Highway Resurfacing for the Town of Rotterdam to Empire Paving, located at 1900 Duanesburg Road, Duanesburg, New York 12056, at the mutual consent of both the Town and Empire Paving.

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 July 2, 2024.

DATED: July 2, 2024

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

DRAFT

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 Special Meeting of the Town of Rotterdam on July 2, 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 July 3, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk

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

DRAFT

At the special 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 Tuesday, July 2, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 265.24

TO ACCEPT BID AND AWARD CONTRACT FOR MILL & FILL 6.3 POLYMER-MODIFIED HOT MIX ASPHALT HIGHWAY PAVING #2024-002

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 June 27, 2024 posted an official report of all bid submissions received to the Empire State Purchasing Group on BidNet (https://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:

MILL & FILL 6.3 POLYMER-MODIFIED HOT MIX ASPHALT HIGHWAY PAVING #2024-002

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 Mill & Fill 6.3 Polymer-Modified Hot Mix Asphalt Highway Paving for the Town of Rotterdam to Empire Paving, located at 1900 Duanesburg Road, Duanesburg, New York 12056, at the mutual consent of both the Town and Empire Paving.

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 July 2, 2024.

DATED: July 2, 2024

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

DRAFT

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 Special Meeting of the Town of Rotterdam on July 2, 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 July 3, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk



DRAFT

At the special 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 Tuesday, July 2, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 266.24

TO ENTER INTO AN AGREEMENT PURSUANT TO HIGHWAY LAW SECTION 284 FOR TOWN HIGHWAY PAVING FOR 2024

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 passes this resolution authorizing an agreement between the Town Board and the Highway Superintendent to establish a paving plan for 2024 and to allow payment for the Town of Rotterdam paving 2024 fiscal year, in accordance with the competitive bidding requirements of the New York State General Municipal Law, in the amount not to exceed $842,905.89 for the roadway paving for the year 2024, leaving a balance of $35,659.26.

SECTION 2. This resolution shall become effective July 2, 2024.

DATED: July 2, 2024

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

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 Special Meeting of the Town of Rotterdam on July 2, 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 July 3, 2024.

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

Diane M. Marco

Diane M. Marco, Town Clerk

DRAFT

At the special 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 Tuesday, July 2, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 267.24

TO AUTHORIZE THE SUPERVISOR TO EXECUTE A CONTRACT WITH ANTHEM BLUE CROSS FOR VISION COVERAGE

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 Supervisor to execute an insurance contract with Blue Cross Anthem for employee vision coverage effective July 1, 2024 through December 31, 2025.

SECTION 2. This resolution shall become effective July 2, 2024.

DATED: July 2, 2024

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

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 Special Meeting of the Town of Rotterdam on July 2, 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 July 3, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk

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

DRAFT

At the special 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 Tuesday, July 2, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 268.24

TO NEGOTIATE AND EXECUTE AMENDMENT NO. 2 TO AN EXISTING AGREEMENT WITH LABELLA FOR SEWER DISTRICT NO. 7 EXTENSION NO. 1 BENEFIT ASSESSMENT DETERMINATION

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 Supervisor to negotiate and execute Amendment No. 2 to an existing agreement with Labella, located at 4 British American Blvd, Latham, NY 12110, for professional engineering services for the Sewer District No. 7 Extension No.1 for supplemental services related to the Benefit Assessment Determination, in an amount not to exceed two thousand five hundred and 00/100 ($2,500.00) dollars, for a new total agreement amount not to exceed sixteen thousand one hundred sixty and 00/100 ($16,160.00) dollars.

SECTION 2. This resolution shall become effective July 2, 2024.

DATED: July 2, 2024

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

DRAFT

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 Special Meeting of the Town of Rotterdam on July 2, 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 July 3, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk



DRAFT

At the special 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 Tuesday, July 2, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 269.24
TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH CB20

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 Supervisor to negotiate and execute an agreement with cb20, located at 11 Federal Street, Saratoga Springs, New York 12866, to continue to provide the Town of Rotterdam IT services, on a month-to-month basis, with no additional paperwork needed, no pauses in service and the current process continues with no changes.

SECTION 2. The Town agrees to provide cb20 with a 60-day notice to terminate this agreement.

SECTION 3. This resolution shall become effective on July 2, 2024.

DATED: July 2, 2024

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

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 Special Meeting of the Town of Rotterdam on July 2, 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 July 3, 2024.

Diane M. Marco
Diane M. Marco, Town Clerk

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

DRAFT

RESOLUTION NO. 271.24

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

THEREFORE, UPON MOTION OF Councilmember _____,

seconded by Councilmember _____,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Clerk's report for the month of June 2024, has been placed on file and the town clerk's check in the amount of seven thousand forty-eight dollars and 03/100 ($7,048.03) has been submitted to the supervisor for deposit.

SECTION 2. This resolution shall become effective July 10, 2024

DATED: July 10, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

DRAFT

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: July 5, 2024

TO: Mollie A. Collins, Supervisor

FROM: Diane M. Marco, Town Clerk

TITLE OF LEGISLATIVE REQUEST: Revenue received for June $7,048.03 in the Town Clerks office.

TO BE PLACED ON TOWN BOARD AGENDA OF: July 10, 2024

TO BE PLACED ON TOWN BOARD MEETING OF: July 10, 2024

Background Information: Attached

Evaluation/Analysis: Increase revenue for the Town.

Recommendation(s): To place on the Town Board Agenda and Town Board meeting of July 10, 2024

Attachment/Documents(s): Attached

Compliance with Purchasing Policy: N/A

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

LEGISLATION WAS PREPARED BY: Diane M. Marco, Town Clerk

DRAFT

Town Clerk Monthly Report
June 01, 2024 - June 30, 2024

Account Description	Fee Description	Account#	Qty	Local Share
Carnival Fee	Carnival	A2545	1	500.00
			Sub-Total:	**$500.00**
Conservation	Conservation	A1255	14	66.94
			Sub-Total:	**$66.94**
Dog Licensing	Exempt Dog	A2544	7	0.00
Dog Licensing	Female, Spayed	A2544	119	1,666.00
Dog Licensing	Female, Unspayed	A2544	16	272.00
Dog Licensing	Male, Neutered	A2544	122	1,708.00
Dog Licensing	Male, Unneutered	A2544	19	323.00
Dog Licensing	Replacement Tags	A2544	1	3.00
			Sub-Total:	**$3,972.00**
Ez pass	Ez Pass	A1255	6	150.00
			Sub-Total:	**$150.00**
Late Fees	Late Fee -Dog Renewal	A1550	40	400.00
			Sub-Total:	**$400.00**
Marriage Lic.	MARRIAGE LICENSE FEE	A1255	13	227.50
			Sub-Total:	**$227.50**
Misc	Misc		8	396.59
			Sub-Total:	**$396.59**
MISC. FEES	Certified Copies	A1255	102	1,020.00
			Sub-Total:	**$1,020.00**
One Day Officiant License	One Day Officiant License	A1255	1	25.00
			Sub-Total:	**$25.00**
PERMIT FEES	Garage Sale	A2590	59	295.00
			Sub-Total:	**$295.00**
Second Hand Dealers	Second Hand Dealers	A2545	1	250.00
			Sub-Total:	**$250.00**
Senior Discount	Senior Discount	A2544	72	-705.00
			Sub-Total:	**-$705.00**
Soliciting	Soliciting Hawking Peddler	A2545	3	450.00
			Sub-Total:	**$450.00**

DRAFT

Account Description	Fee Description	Account#	Qty	Local Share
		Total Local Shares Remitted:		**$7,048.03**
Amount paid to:	NYS Ag. & Markets for spay/neuter program			346.00
Amount paid to:	NYS Environmental Conservation			1,448.06
Amount paid to:	State Health Dept. For Marriage Licenses			292.50
Total State, County & Local Revenues:	**$9,134.59**	**Total Non-Local Revenues:**		**$2,086.56**

To the Supervisor:

Pursuant to Section 27, Sub 1, of the Town Law, I hereby certify that the foregoing is a full and true statement of all fees and monies received by me, Diane M. Marco, Town Clerk, Town of Rotterdam during the period stated above, in connection with my office, excepting only such fees and monies, the application of which are otherwise provided for by law.

Mollie A. Collins — Supervisor — 7/1/2024 — Date

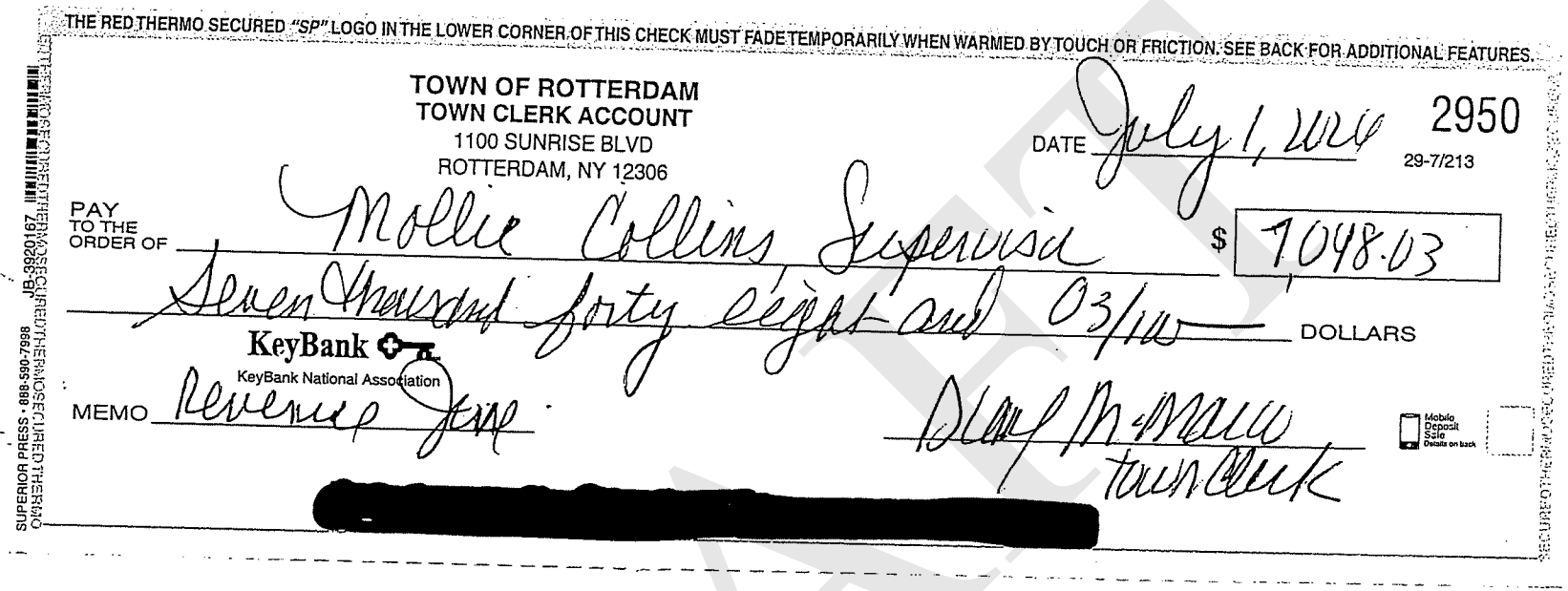
Diane M. Marco — Town Clerk — 7/1/2024 — Date

DRAFT

Monthly Worksheet of Dally Work
June 2024

DATE	AMOUNT DEPOSITED	DEC LICENSE SALES	DEC PORTION	TOWN PORTION	DOG AMOUNT PAID	STATE AG MKTS PORTION	TOWN PORTION	MARRIAGE FEE PAID	STATE DOH PORTION	TOWN PORTION	Bingo Games of chance 3%	STATE BINGO/ GAMES CHANCE	TOWN PORTION	EZ PASS	ONE Day Officiant
6/3/2024	$570.00	$60.00	$55.96	$4.04	$335.00	$26.00	$309.00	$40.00	$22.50	$17.50	$0.00	$0.00	$0.00	$0.00	$0.00
6/4/2024	$258.00	$60.00	$56.68	$3.32	$163.00	$17.00	$146.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
6/5/2024	$500.00	$0.00	$0.00	$0.00	$305.00	$26.00	$279.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
6/6/2024	$1,107.22	$415.00	$408.16	$6.84	$295.00	$26.00	$269.00	$0.00	$0.00	$0.00	$47.22	$0.00	$0.00	$25.00	$0.00
6/7/2024	$555.00	$155.00	$145.72	$9.28	$230.00	$20.00	$210.00	$40.00	$22.50	$17.50	$0.00	$0.00	$0.00	$0.00	$0.00
6/10/2024	$456.98	$25.00	$23.62	$1.38	$267.00	$34.00	$233.00	$0.00	$0.00	$0.00	$64.98	$0.00	$0.00	$0.00	$0.00
6/11/2024	$400.00	$0.00	$0.00	$0.00	$360.00	$39.00	$321.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
6/12/2024	$570.00	$90.00	$85.02	$4.98	$280.00	$28.00	$252.00	$40.00	$22.50	$17.50	$0.00	$0.00	$0.00	$0.00	$0.00
6/13/2024	$340.05	$10.00	$8.72	$1.28	$127.00	$16.00	$111.00	$0.00	$0.00	$0.00	$48.05	$0.00	$0.00	$0.00	$0.00
6/14/2024	$470.27	$205.00	$199.42	$5.58	$130.00	$11.00	$119.00	$0.00	$0.00	$0.00	$45.27	$0.00	$0.00	$25.00	$0.00
6/17/2024	$300.00	$55.00	$51.96	$3.04	$125.00	$11.00	$114.00	$40.00	$22.50	$17.50	$0.00	$0.00	$0.00	$50.00	$0.00
6/18/2024	$155.00	$35.00	$33.06	$1.94	$80.00	$9.00	$71.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
6/20/2024	$500.70	$0.00	$0.00	$0.00	$95.00	$9.00	$86.00	$0.00	$0.00	$0.00	$50.70	$0.00	$0.00	$25.00	$0.00
6/21/2024	$391.01	$160.00	$150.44	$9.56	$140.00	$10.00	$130.00	$0.00	$0.00	$0.00	$56.01	$0.00	$0.00	$0.00	$0.00
6/24/2024	$555.00	$180.00	$169.34	$10.66	$145.00	$13.00	$132.00	$80.00	$45.00	$35.00	$0.00	$0.00	$0.00	$0.00	$0.00
6/25/2024	$265.00	$5.00	$4.72	$0.28	$65.00	$7.00	$58.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
6/26/2024	$292.96	$0.00	$0.00	$0.00	$75.00	$9.00	$66.00	$120.00	$67.50	$52.50	$57.96	$0.00	$0.00	$0.00	$0.00
6/27/2024	$922.40	$60.00	$55.24	$4.76	$166.00	$14.00	$152.00	$80.00	$45.00	$35.00	$26.40	$0.00	$0.00	$0.00	$25.00
6/28/2024	$525.00	$0.00	$0.00	$0.00	$230.00	$21.00	$209.00	$80.00	$45.00	$35.00	$0.00	$0.00	$0.00	$25.00	$0.00
Audited by dmm 06/28/2024	$9,134.59	$1,515.00	$1,448.06	$66.94	$3,613.00	$346.00	$3,267.00	$520.00	$292.50	$227.50	$396.59	$0.00	$0.00	$150.00	$25.00

DRAFT



THE RED THERMO SECURED "SP" LOGO IN THE LOWER CORNER OF THIS CHECK MUST FADE TEMPORARILY WHEN WARMED BY TOUCH OR FRICTION. SEE BACK FOR ADDITIONAL FEATURES.

TOWN OF ROTTERDAM
TOWN CLERK ACCOUNT
1100 SUNRISE BLVD
ROTTERDAM, NY 12306

DATE July 1, 2024 2950
29-7/213

PAY TO THE ORDER OF Mollie Collins Supervisor $ 1,048.03

Seven Thousand forty eight and 03/100 DOLLARS

KeyBank
KeyBank National Association

MEMO Revenue June

Mobile Deposit Side Details on back

town clerk

[redacted]

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RESOLUTION NO. 272.24

TO AUTHORIZE A RELEASE OF RETAINAGE TO AMZ CONSTRUCTION SERVICES, 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 AMZ Construction Services, Inc., located at 1234 Main Street, P.O. Box 232, Rotterdam Junction, N.Y. 12150, for the Salt Storage Shed- Contract No. 1, in the total amount, not to exceed seventeen thousand two hundred sixty-nine and 38/100 dollars ($17,269.38).

SECTION 2. This resolution shall become effective July 10, 2024.

DATED: July 10, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

DRAFT

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:	June 20, 2024
TO:	Town Board
FROM:	Larry Lamora, Highway Superintendent
TITLE OF REQUEST:	Authorize a Release of Retainage to AMZ Construction Services Inc.
TOWN BOARD MEETING:	July 10, 2024
Background Information:	AMZ Construction Services, Inc. is the Construction Contractor for the Salt Storage & Yard Waste Processing Facility and is requesting release of retainage.
Evaluation/Analysis:	Project is substantially complete. Retainage release needs to be authorized by the Town Board to issue final payment to the contractor.
Recommendation(s):	Authorize the Supervisor and/or Town Comptroller to execute all documents necessary to release retainage and issue Final Payment #11 to AMZ Construction Services, Inc. in the amount of $17,269.38.
Attachment/Document(s):	Letter dated June 6, 2024, from AMZ Construction Services, Inc., Invoice & Voucher, & Certificate of Substantial Completion
Compliance with Purchasing Policy:	Yes
Effect(s) on Existing Law(s):	None
LEGISLATION WILL BE PREPARED BY:	Supervisors Office

DRAFT

LETTER OF TRANSMITTAL

Barton & Loguidice
10 Airline Drive
Albany, NY 12205
(518) 218-1801
(518) 218-1805 Fax

DATE: June 12, 2024 **JOB NO.:** 904.035.002

ATTENTION: **MOLLIE A. COLLINS**

RE: Salt Storage and Yard Waste Processing Facility – Application for Payment #11 – Contract 1

TO: Town of Rotterdam, New York
c/o Mollie A. Collins
1100 Sunrise Blvd.
Rotterdam, NY 12306

WE ARE SENDING YOU: ☒ Attached ☐ Separate cover **VIA:** ☐ Hand Delivery ☐ US Mail ☐ Pickup
☐ Courier: _____ airbill # _____ Delivery: ☐ Overnight ☐ 2-day / Other: _____
the following Items:
☐ Prints ☐ Plans ☐ Shop drawings ☐ Report ☐ Specifications
☐ Change Order ☐ Letter ☒ Application ☐ Samples ☐ Other _____

COPIES	DATE	DESCRIPTION
1	6/6/2024	Request for Release of Retainage
1	5/31/2024	Town of Rotterdam Voucher for Payment
1	5/31/2024	Payment Application 11 – Contract 1
1	6/11/2024	Partial Lien Waiver and Release

THESE ARE TRANSMITTED as checked below:
☒ For approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval
☐ For your use ☐ Approved as noted ☐ Submit _____ copies for distribution
☐ As requested ☐ Revise and Noted - Resubmit ☐ Return _____ corrected plans
☐ For review and comment ☐ Rejected – Resubmit as Specified ☐ Prints returned after loan to us
☐ For bids due _____ ☐ Other _____

REMARKS:

Please contact our office with any questions.

Thank you,

Barton & Loguidice, D.P.C.

Printed name: Nicola J. Gosselin

Title: Senior Staff Engineer

cc: C. Jack Dodson, Town of Rotterdam
Larry Lamora, Town of Rotterdam
Amanda Lawson, Town of Rotterdam
Ryan Weitz, Barton & Loguidice

DRAFT

AMZ
CONSTRUCTION SERVICES, INC.
1234 Main Street
PO Box 232
Rotterdam Junction, NY 12150

June 6, 2024

Town of Rotterdam
1100 Sunrise Blvd
Rotterdam, NY 12306

Town of Rotterdam – Salt Storage & Yard Waste Processing Facility

To whom it may concern:

We are writing today for the final release of all retainages held on the Town of Rotterdam Salt Storage & Yard Waste Processing Facility, the retainage held on the project is a total of $17,269.38. We request this to be released in its entirety.

Regards,

Annalisa Zappia
President

DRAFT

11
VOUCHER NO.

TOWN OF ROTTERDAM
Voucher

1100 Sunrise Boulevard
Rotterdam, NY 12306

DEPARTMENT:

CLAIMANT'S NAME AND ADDRESS

AMZ CONSTUCTION SERVICES, INC.
1234 MAIN STREET PO BOX 232
ROTTERDAM JUNCTION, NEW YORK 12150

VENDOR NO.

DO NOT WRITE IN THIS BOX			
Purchase Order No.	Fund-Appropriation	Amount	
TOTAL			

Dates	Quantity	Description of Materials or Services	Unit Price	Amount
01/15/2024- 05/31/2024		Payment application #11 - Final retainage release Salt Storage & Yard Waste Processing Facility		$17,269.38
		See instructions on Reverse Side)	TOTAL	$17,269.38
			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.

05/31/24 — DATE
SIGNATURE
President — 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.

DATE AUTHORIZED OFFICIAL

APPROVAL FOR PAYMENT
This claim is approved and ordered paid from the Appropriation indicated above.

DATE AUDITING BOARD

DRAFT

EJCDC
ENGINEERS JOINT CONTRACT DOCUMENTS COMMITTEE

Contractor's Application for Payment No. 11

	Application Period: 01/15/2024-05/31/2024	Application Date:	5/31/2024
To (Owner): TOWN OF ROTTERDAM	From (Contractor): AMZ CONSTRUCTION SERVICES, INC.	Via (Engineer):	BARTON & LOGUIDICE
Project: SALT STORAGE AND YARD WASTE PROCESSING FACILITY	Contract: GENERAL CONSTRUCTION		
Owner's Contract No.: CONTRACT NO. 1	Contractor's Project No.:	Engineer's Project No.:	904.035.002

Application For Payment

Change Order Summary

Approved Change Orders

Number	Additions	Deductions
2	$44,828.93	
4	$111,808.62	
TOTALS	$156,637.55	
NET CHANGE BY CHANGE ORDERS	**$156,637.55**	

1. ORIGINAL CONTRACT PRICE	$	**$1,570,300.00**
2. Net change by Change Orders	$	**$156,637.55**
3. Current Contract Price (Line 1 ± 2)	$	**$1,726,937.55**
4. TOTAL COMPLETED AND STORED TO DATE (Column F total on Progress Estimates)	$	**$1,726,937.55**
5. RETAINAGE:		
a. 1% X _____ Work Completed	$	
b. 5% X _____ Stored Material	$	
c. Total Retainage (Line 5.a + Line 5.b)	$	
6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5.c)	$	**$1,726,937.55**
7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application)	$	**$1,709,668.17**
8. AMOUNT DUE THIS APPLICATION	$	**$17,269.38**
9. BALANCE TO FINISH, PLUS RETAINAGE (Column G total on Progress Estimates + Line 5.c above)	$	

Contractor's Certification

The undersigned Contractor certifies, to the best of its knowledge, the following:
(1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment;
(2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all Liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such Liens, security interest, or encumbrances); and
(3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

Contractor Signature

By: Annali M Mazza	Date: 5/31/2024

Payment of: $ 17,269.38
(Line 8 or other - attach explanation of the other amount)

is recommended by: _____ 6/11/2024
(Engineer) (Date)

Payment of: $ _____
(Line 8 or other - attach explanation of the other amount)

is approved by: _____ _____
(Owner) (Date)

Approved by: _____ _____
Funding or Financing Entity (if applicable) (Date)

DRAFT

EJCDC® C-620 Contractor's Application for Payment
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Progress Estimate - Unit Price Work

Contractor's Application

For (Contract): GENERAL CONSTRUCTION

Application Number: 11

Application Period: 01/15/2024-05/31/2024

Application Date: 5/31/2024

A					B	C	D	E	F		
Item		Contract Information									
Bid Item No.	Description	Item Quantity	Units	Unit Price	Total Value of Item ($)	Estimated Quantity Installed	Value of Work Installed to Date	Materials Presently Stored (not in C)	Total Completed and Stored to Date (D + E)	% (F / B)	Balance to Finish (B - F)
	Bonds and Insurance	1	LS	$50,300.00	$50,300.00	1	$50,300.00		$50,300.00	100.0%	
	Submittals (Labor)	1	LS	$15,000.00	$15,000.00	1	$15,000.00		$15,000.00	100.0%	
	Mobilization and Demobilization (Labor/Equipment)	1	LS	$25,000.00	$25,000.00	1	$25,000.00		$25,000.00	100.0%	
	Temporary Facilities (Labor/Equipment)	1	LS	$20,000.00	$20,000.00	1	$20,000.00		$20,000.00	100.0%	
	Punch- List (Labor)	1	LS	$5,000.00	$5,000.00	1	$5,000.00		$5,000.00	100.0%	
	Earthwork - Survey and Layout (Labor)	1	LS	$15,000.00	$15,000.00	1	$15,000.00		$15,000.00	100.0%	
	Earthwork - Site Clearing (Labor/Equipment)	1	LS	$25,000.00	$25,000.00	1	$25,000.00		$25,000.00	100.0%	
	Earthwork - SWPPP Installation and Maintenance (Labor/Equip)	1	LS	$16,000.00	$16,000.00	1	$16,000.00		$16,000.00	100.0%	
	Earthwork - SWPPP Installation and Maintenance (Material)	1	LS	$6,000.00	$6,000.00	1	$6,000.00		$6,000.00	100.0%	
	Earthwork - Strip Topsoil (Labor/Equipment)	1	LS	$20,000.00	$20,000.00	1	$20,000.00		$20,000.00	100.0%	
	Earthwork - Cut to Fills & Boxout (Labor/Equipment)	1	LS	$80,000.00	$80,000.00	1	$80,000.00		$80,000.00	100.0%	
	Earthwork - Foundation Excavation (Labor/Equipment)	1	LS	$15,000.00	$15,000.00	1	$15,000.00		$15,000.00	100.0%	
	Earthwork - Gravel Subbase (Labor/Equipment)	1	LS	$50,000.00	$50,000.00	1	$50,000.00		$50,000.00	100.0%	
	Earthwork - Gravel Subbase (Material)	1	LS	$90,000.00	$90,000.00	1	$90,000.00		$90,000.00	100.0%	
	Earthwork - Storm Drainage (Labor/Equipment)	1	LS	$50,000.00	$50,000.00	1	$50,000.00		$50,000.00	100.0%	
	Earthwork - Storm Drainage (Material)	1	LS	$38,000.00	$38,000.00	1	$38,000.00		$38,000.00	100.0%	
	Asphalt Paving (Labor/Equipment)	1	LS	$40,000.00	$40,000.00	1	$40,000.00		$40,000.00	100.0%	
	Asphalt Paving (Material)	1	LS	$20,000.00	$20,000.00	1	$20,000.00		$20,000.00	100.0%	
	Cast-In-Place Concrete Foundations(Labor/Equipment)	1	LS	$200,000.00	$200,000.00	1	$200,000.00		$200,000.00	100.0%	
	Cast-In-Place Concrete Foundations(Material)	1	LS	$100,000.00	$100,000.00	1	$100,000.00		$100,000.00	100.0%	
	Concrete Reinforcement(Labor/Equipment)	1	LS	$55,000.00	$55,000.00	1	$55,000.00		$55,000.00	100.0%	
	Concrete Reinforcement(Material)	1	LS	$75,000.00	$75,000.00	1	$75,000.00		$75,000.00	100.0%	
	Metal Fabrications(Labor/Equipment)	1	LS	$5,000.00	$5,000.00	1	$5,000.00		$5,000.00	100.0%	
	Metal Fabrications(Material)	1	LS	$15,000.00	$15,000.00	1	$15,000.00		$15,000.00	100.0%	
	Rough Carp - Trusses, Blocking & Ext. Ply Siding(Labor/Equip)	1	LS	$140,000.00	$140,000.00	1	$140,000.00		$140,000.00	100.0%	
	Rough Carp - Trusses, Blocking & Ext. Ply Siding(Material)	1	LS	$120,000.00	$120,000.00	1	$120,000.00		$120,000.00	100.0%	
	Painting(Labor/Equipment)	1	LS	$22,000.00	$22,000.00	1	$22,000.00		$22,000.00	100.0%	
	Painting(Material)	1	LS	$3,000.00	$3,000.00	1	$3,000.00		$3,000.00	100.0%	
	Alternate 1 - Western Road and Hydrant(Labor/Equipment)	1	LS	$60,000.00	$60,000.00	1	$60,000.00		$60,000.00	100.0%	
	Alternate 1 - Western Road and Hydrant(Material)	1	LS	$40,000.00	$40,000.00	1	$40,000.00		$40,000.00	100.0%	
	Alternate 3 - Standing Seam Metal Roof(Labor/Equipment)	1	LS	$90,000.00	$90,000.00	1	$90,000.00		$90,000.00	100.0%	
	Alternate 3 - Standing Seam Metal Roof(Material)	1	LS	$65,000.00	$65,000.00	1	$65,000.00		$65,000.00	100.0%	
	CHANGE ORDER #2	1	LS	$44,828.93	$44,828.93	1	$44,828.93		$44,828.93	100.0%	
	CHANGE ORDER #4	1	LS	$111,808.62	$111,808.62	1	$111,808.62		$111,808.62	100.0%	
	Totals				**$1,726,937.55**		**$1,726,937.55**		**$1,726,937.55**	100.0%	

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LIEN WAIVER AND RELEASE

WHEREAS, AMZ CONSTRUCTION SERVICES, INC., hereafter called the "Undersigned," having entered into a written contract or purchase order with the TOWN OF ROTTERDAM, hereafter called the "Owner", for the supplying of materials and/or the furnishing of labor and materials, or the furnishing of labor only for the project known as the SALT STORAGE AND YARD WASTE PROCESSING FACILITY, CONTRACT NO. 1 – GENERAL CONSTRUCTION.

WHEREAS, Undersigned has requisitioned a FINAL payment from the Owner pursuant to such contract or purchase order.

NOW, THEREFORE, for good and valuable consideration including the FINAL payment of $ 17,269.38 provided for herein, Undersigned agrees as follows:

1) Upon receiving payment from the Owner, the payment to which this instrument refers, Undersigned agrees not in any way to claim or file a mechanic's lien or other lien against said project, premises or any part thereof, or on the monies or other consideration due to become due for the Owner for any of the materials heretofore furnished or work or labor performed or furnished by the Undersigned. Further, the Undersigned hereby formally and irrevocably releases and waives in writing every and any lien, charges or claim of any nature whatsoever that it has, or as to which it may at any time have been entitled, up to and including the date hereof in connection with the said project, except for any unpaid retained monies unless the payment herein is payment of retainage, which lien waiver shall be for the benefit of the Owner of the Project.

2) The Undersigned further says that all monies due for this work which includes all labor, material, fuel, transportation and equipment, fringe benefits, pension funds, apprentice training programs, employee vacations, welfare funds, and similar funds and payments as well as all applicable sales and used taxes, royalties, commissions, permits, bonds, guarantees, insurances, licenses, or patent fees have been paid in full except as noted below. (If none write "NONE").

NONE

And that there are no persons in a position to have or file a lien against the above mentioned work and/or the premises on which the same is located on account of any labor or materials furnished to Undersigned or any of the Undersigned's subcontractors or suppliers.

3) Undersigned agrees that the lien waiver appearing in Paragraph "1" hereof shall be deemed to be in compliance with the Lien Law of the State of New York.

4) Undersigned agrees that any of its subcontractors or suppliers being entitled to any of the proceeds of the within payments have been paid except as noted below. (If none write "NONE").

NONE

DRAFT

5) Furthermore, Undersigned hereby formally and irrevocably releases and waives any rights to make a claim upon any labor and material payment bond issued to the Owner, for this project on account of the labor, services, materials, fixtures or supplies heretofore furnished to this date by the Undersigned for the said project.

6) Furthermore, Undersigned hereby formally and irrevocably releases the Owner from all claims of liability, loss or damage to the Undersigned except as noted otherwise herein for anything furnished or performed in connection with, relating to or arising out of the contract or out of the work covered by said contract, including, but not limited to, all claims for extra work, labor or materials, delays or increased costs due to changed conditions, loss of efficiency or productivity, nonsequential work operations, delays, acceleration, suspension of work, and for any prior act, neglect or default on the part of the Owner, or any of its officers, agents or employees in connection therewith, up to and including the date of this waiver, except for any unpaid retained monies.

7) The Undersigned further acknowledges that neither the aforesaid payment nor acceptances by the Owner, of the work covered by the aforementioned contract and/or purchase order shall in any way or manner operate as, or constitute a release or waiver of the Undersigned's obligations, undertaking or liabilities under said contract or purchase order or in any way affect or limit the same.

This Agreement shall run to the benefit of the Owner, its successors and assigns; signed and dated this 11th day of JUNE, 2024.

AMOUNT OF THIS FINAL PAYMENT: $ 17,269.38

Office/Authorized Signature

Annalisa Zappia,
Printed Name and Title

Sworn to before me this 11th day of June, 2024.

Notary Public

Cassandra Quay
Notary Public, State of New York
Reg. No. 01QU0010486
Qualified in Schenectady County
Commission Expires July 03, 2027

DRAFT

SECTION 00 65 16

CERTIFICATE OF SUBSTANTIAL COMPLETION

Owner:	Town of Rotterdam	Owner's Contract No.:	Contract No. 1
Contractor:	AMZ Construction Services, Inc.	Contractor's Project No.:	
Engineer:	Barton & Loguidice, D.P.C.	Engineer's Project No.:	904.035.002
Project:	Salt Storage & Yard Waste Processing Facility	Contract Name:	General Construction

This preliminary Certificate of Substantial Completion applies to:

☒ All Work ☐ The following specified portions of the Work:

November 2, 2023
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 Work or portion thereof designated above is hereby established, subject to the provisions of the Contract pertaining to Substantial Completion. The date of Substantial Completion in the final Certificate of Substantial Completion marks the commencement of the contractual correction period and applicable warranties required by the Contract.

A punch list of items to be completed or corrected is attached to this Certificate. 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.

The responsibilities between Owner and Contractor for security, operation, safety, maintenance, heat, utilities, insurance, and warranties upon Owner's use or occupancy of the Work shall be as provided in the Contract, except as amended as follows:

Amendments to Owner's responsibilities: ☒ None ☐ As follows

Amendments to Contractor's responsibilities: ☒ None ☐ As follows:

The following documents are attached to and made a part of this Certificate: *Punch List Dated 11/29/2023*

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.

EXECUTED BY ENGINEER:	RECEIVED:	RECEIVED:
By: _____ (Authorized signature)	By: Mollie A. Collins Owner (Authorized Signature)	By: _____ Contractor (Authorized Signature)
Title: Senior Staff Engineer	Title: Supervisor	Title: President
Date: 11/29/2023	Date: 1/16/2024	Date: 11/30/2023

DRAFT

Contract 1 – General Construction – AMZ Construction Services, Inc.
Punch List Items

Walk throughs performed September 14, September 22, and October 27, 2023

1. ~~Some truss plates are not fully connected to truss members primarily due to loss of member thickness in those areas. Provide advisement from truss designer on modifications/repairs, if any, to be required. There are several areas for consideration (see attached, typical).~~ *Completed 10/27/2023.*

2. ~~Horizontal bracing between trusses is missing. The truss designer indicated that they would not specify this as part of their design, therefore what is shown on the contract drawings should be used. See note on sheet A-4 "2x4 cont. lateral bracing @ 6'-0" o.c. max."~~ *Completed 10/27/2023.*

3. ~~Install continuous ridge vent.~~ *Completed 10/25/2023 (ridge vent was installed, confirmed via photo from Contractor).*

4. ~~Clean storm drainage structures.~~ *Completed*

5. ~~Install bollard covers at shed entrance.~~ *Completed 9/22/2023*

6. ~~Complete hydroseeding.~~ *Completed 9/22/2023*

7. ~~Increase stone apron length at Infiltration Basin 1 as noted in SWPPP inspection reports.~~ *Completed 9/22/2023*

8. ~~Clean out infiltration basins as noted in SWPPP inspection reports.~~ *Completed 9/22/2023*

9. ~~Reseed Infiltration Basin 2.~~ *Completed 9/22/2023*

10. ~~Complete final grading and installation of topsoil at West Entrance.~~ *Completed 9/22/2023*

11. ~~Uncover sanitary manhole frame and cover proximate to Infiltrations Basins 2 & 3.~~ *Completed*

12. ~~Complete installation of water line per drawing dated August 14, 2023 and Change Order 3 dated September 27, 2023.~~ *Completed 11/2/2023*

13. ~~Perform final clean up.~~ *Completed*

14. Submit As-Built drawings.

15. Maintain Erosion & Sediment Control measures as needed until stabilization has been deemed complete.

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16. Submit written statement from Surety that the Performance Bond (Labor & Materials Payment Bonds included) in the amount of one hundred (100) percent of the value of the Contract is in force for a period of one year following the date of Notice of Substantial Completion.

17. Submit AIA G706 Contractor's Affidavit of Payment of Debts and Claims.

18. Submit AIA G706A Contractor's Affidavit of Release of Liens.

19. Submit contractor's final payment request.

20. Submit request for retainage release on contractor letterhead.

21. Submit AIA G707 Consent of Surety to final payment.

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RESOLUTION NO. 273.24

TO DECLARE LEAD AGENCY FOR SEQR REVIEW ON A CHANGE OF ZONE REQUEST ON ±14.02 ACRES FROM AGRICULTURAL (A-1) TO GENERAL BUSINESS (B-2) LOCATED AT 774 AND 778 DUANESBURG 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 Request on ±14.02 acres from Agricultural (A-1) to General Business (B-2) to facilitate the construction of a ±22,000 square foot retail business. Property is known as 774 Duanesburg Road (Tax Map No. 57.7-1-14) and 778 Duanesburg Road (Tax Map No. 57-3-6.1).

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 July 10, 2024.

DATED: July 10, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

DRAFT

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: June 24, 2024

TO: Mollie Collins, Town Supervisor

FROM: Peter Comenzo, Senior Planner

TITLE OF REQUEST: Declare Lead Agency for a Change of Zone from Agricultural (A-1) to General Business (B-2)

TOWN BOARD MEETING: July 10, 2024

Background Information:

Primax Properties, LLC – Contract Vendee
c/o Adam Sellner
1100 East Morehead Street
Charlotte, NC 28204

Change of Zone Request on ±14.02 acres from Agricultural (A-1) to General Business (B-2) to facilitate the construction of a ±22,000 square foot retail business. Property is known as 774 Duanesburg Road (Tax Map No. 57.7-1-14) and 778 Duanesburg Road (Tax Map No. 57-3-6.1).

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): SEQR Short EAF

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

DRAFT

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information

Name of Action or Project:
Proposed Change of Zone & Retail Store

Project Location (describe, and attach a location map):
774-778 Duanesburg Road, Town of Rotterdam, Schenectady County, NY

Brief Description of Proposed Action:
The site is currently zoned as A-1 Agricultural zone, and a change of zone to B-2 General Business Zone is proposed. The proposed development consists of a retail building of approximately 22,000 SF±. Associated car parking, landscaping, lighting, utilities, stormwater management facilities, and other site appurtenances are also proposed.

Name of Applicant or Sponsor:	Telephone: 518-438-9900
Primax Properties, LLC c/o Bohler Engineering and Landscape Architecture NY, PLLC	E-Mail: cmlodzianowski@bohlereng.com

Address:
17 Computer Drive West

City/PO:	State:	Zip Code:
Albany	NY	12205

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	☑	☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Town Planning Board, Town Board, Building Dept, NYSDOT, Town Water & Sewer, NYSDEC, Schenectady County Environmental Health	☐	☑

3. a. Total acreage of the site of the proposed action? 14.02 acres
   b. Total acreage to be physically disturbed? ±5.00 acres
   c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 14.02 acres

4. Check all land uses that occur on, are adjoining or near the proposed action:

5. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☑ Commercial ☑ Residential (suburban)
   ☐ Forest ☑ Agriculture ☐ Aquatic ☐ Other(Specify):
   ☐ Parkland

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	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	☑	☐	☐
b. Consistent with the adopted comprehensive plan?	☐	☑	☐

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☑

	NO	YES
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		
If Yes, identify: _____	☑	☐

	NO	YES
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☑	☐
b. Are public transportation services available at or near the site of the proposed action?	☑	☐
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☑	☐

	NO	YES
9. Does the proposed action meet or exceed the state energy code requirements?		
If the proposed action will exceed requirements, describe design features and technologies:	☐	☑

	NO	YES
10. Will the proposed action connect to an existing public/private water supply?		
If No, describe method for providing potable water: _____	☐	☑

	NO	YES
11. Will the proposed action connect to existing wastewater utilities?		
If No, describe method for providing wastewater treatment: septic system	☑	☐

	NO	YES
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	☑	☐
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☐	☑

	NO	YES
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	☐	☑
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☑	☐
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____		

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14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

☐ Shoreline ☐ Forest ☑ Agricultural/grasslands ☐ Early mid-successional

☐ Wetland ☐ Urban ☑ Suburban

	NO	YES
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	☑	☐
16. Is the project site located in the 100-year flood plan?	☑	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources?	☐	☑
If Yes,		
a. Will storm water discharges flow to adjacent properties?	☑	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	☐	☑
If Yes, briefly describe: On-site stormwater management area and storm drains along the road		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	☐	☑
If Yes, explain the purpose and size of the impoundment: retention pond		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	☑	☐
If Yes, describe:		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	☑	☐
If Yes, describe:		

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor/name: Caryn Mlodzianowski Date: 05/17/2024

Signature: _____ Title: Project Manager

PRINT FORM

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EAF Mapper Summary Report

Friday, May 17, 2024 1:31 PM



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.



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

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RESOLUTION NO. 274.24

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 AGRICULTURAL (A-1) TO GENERAL BUSINESS (B-2) LOCATED AT 774 AND 778 DUANESBURG ROAD

WHEREAS, the Town Board passed Resolution No. 246.24 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 Agricultural (A-1) to General Business (B-2) located at 774 and 778 Duanesburg Road; and

WHEREAS, the Planning Commission, on June 18, 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 July 10, 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 14th day of August, 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 ±14.02 acres from Agricultural (A-1) to General Business (B-2) to facilitate the construction a ±22,000 square foot retail business on the property known as 774 Duanesburg Road (Tax Map No. 57.7-1-14) and 778 Duanesburg Road (Tax Map No. 57-3-6.1).

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

DRAFT

DATED: July 10, 2024
Daily Gazette: Please publish once on July 12, 2024
Town Clerk
Post

SECTION 2. This resolution shall become effective July 10, 2024.

DATED: July 10, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

DRAFT

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:	June 24, 2024
TO:	Mollie Collins, Town Supervisor
FROM:	Peter Comenzo, Senior Planner
TITLE OF REQUEST:	Call for a Public Hearing on a Change of Zone from Agricultural (A-1) to General Business (B-2).
TOWN BOARD MEETING:	July 10, 2024
Background Information:	Primax Properties, LLC (Contract Vendee) c/o Adam Sellner 1100 East Morehead Street Charlotte, NC 28204 Change of Zone request on ±14.02 acres from Agricultural (A-1) to General Business (B-2) to facilitate the construction a ±22,000 square foot retail business. Property is known as 774 Duanesburg Road (Tax Map No. 57.7-1-14) and 778 Duanesburg Road (Tax Map No. 57-3-6.1)
Evaluation/Analysis:	Project was referred to the Planning Commission on June 12, 2024 for a Report and Recommendation. Planning Commission issued a Positive Recommendation at the June 18, 2024 meeting.
Recommendation(s):	Town Board should call for a Public Hearing to be held on August 14, 2024.
Attachment/Document(s):	Application Materials
Compliance with Purchasing Policy:	N/A
Effect(s) on Existing Law(s):	NYS Town Law Article 16 Proposed Local Law of the Year 2024
LEGISLATION WILL BE PREPARED BY:	Supervisors Office

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TOWN OF ROTTERDAM CHANGE OF ZONE APPLICATION

PART I

PROCEDURES TO APPLY FOR A CHANGE OF ZONE (COZ)

ALL APPLICATIONS SHALL BE SINGLE SIDED AND COLLATED

PROVIDE AN ELECTRONIC COPY OF ALL APPLICATION MATERIALS TO PETER COMENZO AT PCOMENZO@ROTTERDAMNY.ORG

1) The applicant must complete the following and present **twenty-two (22) complete sets** to the Public Works Department* along with an electronic set. The change of zone (COZ) process will take an average of 90 days to complete.
    a. A completed COZ application (Part II and III). A completed list of names and addresses of all property owners within three hundred (300) feet of the exterior boundaries of the subject property proposed for the change of zone will be completed by the Department of Public Works (DPW).
    b. A complete site plan and/or subdivision plan of proposed project.
    c. A copy of the current deed(s) of the property to be rezoned.
    d. A complete legal description of the exterior boundaries of the property proposed to be rezoned (this is needed for the legal notice and is in addition to any legal description(s) on the deed).
    e. A vicinity map depicting the location of the property and identifying at a minimum the nearest cross streets.
    f. A completed Environmental Assessment Form as provided in 6NYCRR PART 617.
2) The Town Board makes a decision whether or not to consider the application. If the Town Board makes a decision to consider the application, it will forward the application for recommendation to the Planning Commission. If the Town Board elects not to consider the application, the processing of the application does not continue.
3) The application materials will be transmitted to the Planning Commission for review and comment if the Town Board elects to forward the application. The applicant may address comments received on the proposal and make revisions to the application as warranted.
4) The COZ application and Planning Commission recommendation are forwarded to the Town Board for review. The Town Supervisor will place the COZ request on a Town Board agenda to call for a public hearing. If the Town Board elects to not call for a public hearing the process is considered complete and the legislative request will not proceed.
5) If the Town Board calls for a public hearing, the DPW office notifies all property owners within three hundred (300) feet of the exterior boundaries of the subject property of the proposed COZ request with the public hearing date.
6) Public Hearing - The Town Board conducts a public hearing on the COZ request and may make a decision to approve or deny the application or make a decision at the next Town Board meeting.
7) A check with applicable fee(s) made payable to “Town of Rotterdam” and submitted with the completed Change of Zone application. This fee is non-refundable

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****

TOWN OF ROTTERDAM CHANGE OF ZONE APPLICATION

Application Fee **$1,000**

Existing Zone Classification: A-1 Agricultural Zone

Proposed Zone Classification: B-2 General Business Zone

PART II
GENERAL INFORMATION

Legal Owner's Name: Bernice V. & Earl B. Avery
Mailing Address: 774 Duanesburg Road
City: Rotterdam State: NY Zip: 12306
Daytime Phone: _____ E-mail: _____

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

Owner's Designated Contact: Adam Sellner - Primax Properties, LLC

Mailing Address: 1100 East Morehead St
City: Charlotte State: NC Zip: 28204
Daytime Phone: 704-954-7224 E-mail: asellner@primaxproperties.com
Project/Proposal Site Area: (Acres or sq. ft.) 14.02 acres
Assessor Tax Parcel No.(s) of Site: 57-3-6.1 & 57.7-1-14
Adjacent Parcels Owned or Controlled and Tax Map Parcel No: (Acres or sq. ft.) _____

Street Address of Proposed Site (if any): 774-778 Duanesburg Road, Rotterdam, NY

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

Lot 57-3-6.1 is vacant containing one existing vacant dwelling; while Lot 57.7-1-14 contains a single family home

School District: Schalmont

Fire District: FD600 - Fire District 6

Water Supply: CW500 Water District 5

LEGAL INFORMATION

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

The site is located approximately ±2,660 feet east from the Becker Road and Duanesburg Road intersection, and ±800 feet west of where Duanesburg Road crosses over I-90

Name of Public Road(s) Providing Access: Duanesburg Road (NYS Route 7)

Width of Property Fronting on the Existing Public Road in Linear Feet: 381 ft

Does the Proposal Have Access to an Arterial or Planned Arterial? (X) Yes ( ) No

Name(s) of Arterial Road(s): Duanesburg 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? _____

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

The subject parcel is adjacent to the existing B-2 General Business zone and would be a continuation of that zone to fit in. This parcel is within the New York State Route 7 Gateway, and a change of zone would help support the development in line with the goals of the comprehensive plan.

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: 5/16/24
Address: 323 CLINTON ST Phone: 518 346 1595
SCHENECTADY NY 12305 Zip: 12305

Signed: _____ Date: 05/17/24
Address: 17 Computer Drive West Phone: 518-438-9900
Albany, NY 12205 Zip: 12205

PLEASE AFFIX SURVEYOR/ARCHITECT/ENGINEER SEAL HERE

STATE OF NEW YORK VINCENT P. ADDFIELD 049697 LICENSED LAND SURVEYOR

DRAFT



THE EDUCATION LAW OF THE STATE OF NEW YORK PROHIBITS ANY PERSON, UNLESS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, ARCHITECT OR LANDSCAPE ARCHITECT, TO ALTER ANY ITEM ON THIS DRAWING IN ANY WAY. IF ANY ITEM BEARING THE SEAL OF A LICENSED PROFESSIONAL ENGINEER, ARCHITECT OR LANDSCAPE ARCHITECT IS ALTERED, THE ALTERING ENGINEER, ARCHITECT OR LANDSCAPE ARCHITECT SHALL AFFIX TO THE ITEM HIS OR HER SEAL AND THE NOTATION "ALTERED BY" FOLLOWED BY HIS OR HER SIGNATURE AND THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION. (NEW YORK STATE EDUCATION LAW SECTION 7209.2)

SCALE: 1" = 50'

BOHLER

SITE CIVIL AND CONSULTING ENGINEERING
LAND DEVELOPMENT
PROGRAM MANAGEMENT
LANDSCAPE ARCHITECTURE
SURVEYING
PERMITTING SERVICES
TRANSPORTATION SERVICES

THESE PLANS AND DESIGNS ARE THE PROPERTY OF BOHLER AND ARE NOT TO BE USED IN WHOLE OR IN PART FOR ANY OTHER PROJECT WITHOUT THE EXPRESS WRITTEN CONSENT OF BOHLER. ANY UNAUTHORIZED USE OF THESE PLANS AND DESIGNS WILL BE AT THE SOLE RISK OF THE UNAUTHORIZED USER AND WITHOUT LIABILITY TO BOHLER.

REVISIONS

REV	DATE	COMMENT	INITIALS

811 Know what's below. Call before you dig.

FOR CONCEPT PURPOSES ONLY

PROJECT No.: SYR3439[illegible]-00-00
DRAWN BY: MDK
CHECKED BY: CVM
DATE: 05/17/2024
CAD I.D.: P:\DPTS\CIVIL\

PROJECT:

SITE DEVELOPMENT PLANS

FOR

PRIMAX PROPERTIES, LLC

PROPOSED DEVELOPMENT

TAX ID: 57-3-5.1 & 57.7-1-14
774-778 NYS ROUTE 7
(DUANESBURG ROAD)
TOWN OF ROTTERDAM
SCHENECTADY COUNTY, NEW YORK

BOHLER
17 COMPUTER DRIVE WEST
ALBANY, NY 12205
Phone: (518) 439-3900
Fax: (518) 439-3906
www.BohlerEngineering.com

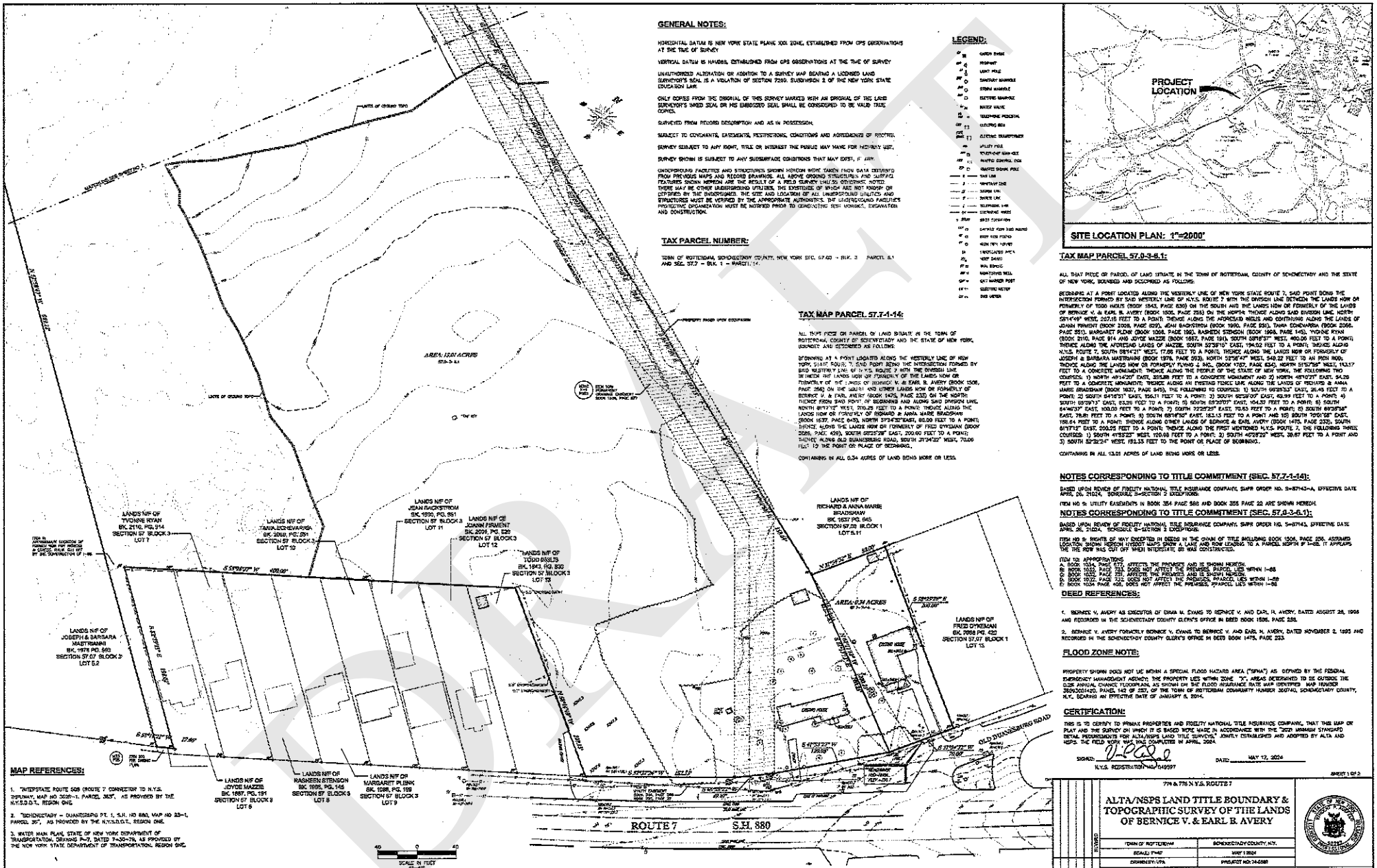
SHEET TITLE:

CONCEPT PLAN

SHEET NUMBER:

C-001

ORIG. DATE - 05/17/2024



GENERAL NOTES:

HORIZONTAL DATUM IS NEW YORK STATE PLANE 1001 ZONE, ESTABLISHED FROM GPS OBSERVATIONS AT THE TIME OF SURVEY

VERTICAL DATUM IS NAVD88, ESTABLISHED FROM GPS OBSERVATIONS AT THE TIME OF SURVEY

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S INKED SEAL OR HIS EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.

SURVEYED FROM RECORD DESCRIPTION AND AS IN POSSESSION.

SUBJECT TO COVENANTS, EASEMENTS, RESTRICTIONS, CONDITIONS AND AGREEMENTS OF RECORD.

SURVEY SUBJECT TO ANY RIGHT, TITLE OR INTEREST THE PUBLIC MAY HAVE FOR HIGHWAY USE.

SURVEY SHOWN IS SUBJECT TO ANY SUBSURFACE CONDITIONS THAT MAY EXIST, IF ANY.

UNDERGROUND FACILITIES AND STRUCTURES SHOWN HEREON WERE TAKEN FROM DATA OBTAINED FROM PREVIOUS MAPS AND RECORD DRAWINGS. ALL ABOVE GROUND STRUCTURES AND SURFACE FEATURES SHOWN HEREON ARE THE RESULT OF A FIELD SURVEY UNLESS OTHERWISE NOTED. THERE MAY BE OTHER UNDERGROUND UTILITIES, THE EXISTENCE OF WHICH ARE NOT KNOWN OR DEPICTED BY THE UNDERSIGNED. THE SIZE AND LOCATION OF ALL UNDERGROUND UTILITIES AND STRUCTURES MUST BE VERIFIED BY THE APPROPRIATE AUTHORITIES. THE UNDERSTAND FACILITIES PROTECTIVE ORGANIZATION MUST BE NOTIFIED PRIOR TO CONDUCTING ANY MONUMENT, EXCAVATION AND CONSTRUCTION.

TAX PARCEL NUMBER:

TOWN OF ROTTERDAM, SCHENECTADY COUNTY, NEW YORK SEC. 57.00 - BLK. 3 PARCEL 5.1 AND SEC. 57.7 - BLK. 1 - PARCEL 14

LEGEND:

- CATCH BASIN
- HYDRANT
- LIGHT POLE
- SANITARY MANHOLE
- STORM MANHOLE
- ELECTRIC MANHOLE
- WATER VALVE
- TELEPHONE PEDESTAL
- GUIDING RAIL
- ELECTRIC TRANSFORMER
- UTILITY POLE
- TELEPHONE MANHOLE
- GUIDE SIGNAL POST
- GUIDE SIGNAL POST
- TAX LINE
- MUNICIPAL LINE
- SIGNAL LINE
- SANITARY LINE
- STORM LINE
- TELEPHONE LINE
- ELECTRIC WIRES
- SPOT ELEVATION
- CONTROL POINT (GPS MONU
- EDGE ROAD PAVING
- EDGE TREE / SHRUB
- 100 YEAR FLOOD
- 1 INDICATES AREA
- WOOD SHED
- WELL SERVICE
- MONITORING WELL
- GAS MARKER POST
- ELECTRIC METER
- GAS METER

TAX MAP PARCEL 57.7-1-14:

ALL THAT PIECE OR PARCEL OF LAND SITUATE IN THE TOWN OF ROTTERDAM, COUNTY OF SCHENECTADY AND THE STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED ALONG THE WESTERLY LINE OF NEW YORK STATE ROUTE 7, SAID POINT BEING THE INTERSECTION FORMED BY SAID WESTERLY LINE OF N.Y.S. ROUTE 7 WITH THE DIVISION LINE BETWEEN THE LANDS NOW OR FORMERLY OF THE LANDS OF BERNICE V. & EARL B. AVERY (BOOK 1475, PAGE 233) ON THE NORTH; THENCE ALONG THE LANDS NOW OR FORMERLY OF RICHARD & ANNA MARIE BRADSHAW (BOOK 1937, PAGE 945), NORTH 57°34'52" WEST, 400.00 FEET TO A POINT; THENCE ALONG THE LANDS NOW OR FORMERLY OF TODD BSILIS (BOOK 1843, PG. 830) NORTH 32°25'08" EAST, 80.00 FEET TO A POINT; THENCE, ALONG THE LANDS NOW OR FORMERLY OF FRED DYKEMAN (BOOK 2058, PAGE 456), SOUTH 57°25'28" EAST, 209.60 FEET TO A POINT; THENCE ALONG OLD DUANESBURG ROAD, SOUTH 21°34'32" WEST, 70.00 FEET TO THE POINT OR PLACE OF BEGINNING.

CONTAINING IN ALL 0.34 ACRES OF LAND BEING MORE OR LESS.

TAX MAP PARCEL 57.0-3-6.1:

ALL THAT PIECE OR PARCEL OF LAND SITUATE IN THE TOWN OF ROTTERDAM, COUNTY OF SCHENECTADY AND THE STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED ALONG THE WESTERLY LINE OF NEW YORK STATE ROUTE 7, SAID POINT BEING THE INTERSECTION FORMED BY SAID WESTERLY LINE OF N.Y.S. ROUTE 7 WITH THE DIVISION LINE BETWEEN THE LANDS NOW OR FORMERLY OF THE LANDS OF BERNICE V. & EARL B. AVERY (BOOK 1506, PAGE 256) ON THE SOUTH AND THE LANDS NOW OR FORMERLY OF THE LANDS OF BERNICE V. & EARL B. AVERY (BOOK 1506, PAGE 253) ON THE NORTH; THENCE ALONG SAID DIVISION LINE, NORTH 58°14'49" WEST, 207.16 FEET TO A POINT; THENCE ALONG THE APPARENT BOUNDS AND CONTINUING ALONG THE LANDS OF JOANN FIRMENT (BOOK 2006, PAGE 522), JEAN RACKSTROM (BOOK 1990, PAGE 851), TANIA DECHEVARRIA (BOOK 2058, PAGE 291), MARGARET PLENK (BOOK 1998, PAGE 199), RASHEEN STENSON (BOOK 1995, PAGE 145), YVONNE RYAN (BOOK 2110, PAGE 914 AND JOYCE MAZZIE (BOOK 1857, PAGE 191), SOUTH 58°16'37" WEST, 400.00 FEET TO A POINT; THENCE ALONG THE APPARENT LANDS OF MAZZIE, SOUTH 32°39'15" EAST, 194.02 FEET TO A POINT; THENCE ALONG N.Y.S. ROUTE 7, SOUTH 09°14'21" WEST, 17.85 FEET TO A POINT; THENCE ALONG THE LANDS NOW OR FORMERLY OF JOSEPH & BARBARA MASTRIANNI (BOOK 1978, PAGE 993), NORTH 58°56'47" WEST, 548.22 FEET TO AN IRON ROD; THENCE ALONG THE LANDS NOW OR FORMERLY TYANG 4 INC., (BOOK 1787, PAGE 634), NORTH 51°57'56" WEST, 193.17 FEET TO A CONCRETE MONUMENT; THENCE ALONG THE FROM OF THE STATE OF NEW YORK, THE FOLLOWING TWO COURSES: 1) NORTH 48°14'20" EAST, 335.88 FEET TO A CONCRETE MONUMENT AND 2) NORTH 48°10'27" EAST, 54.26 FEET TO A CONCRETE MONUMENT; THENCE ALONG AN EXISTING FENCE LINE ALONG THE LANDS OF RICHARD & ANNA MARIE BRADSHAW (BOOK 1937, PAGE 945), THE FOLLOWING TO COURSES: 1) SOUTH 69°28'53" EAST, 26.49 FEET TO A POINT; 2) SOUTH 64°16'51" EAST, 156.11 FEET TO A POINT; 3) SOUTH 62°59'00" EAST, 62.99 FEET TO A POINT; 4) SOUTH 63°09'13" EAST, 83.26 FEET TO A POINT; 5) SOUTH 63°20'07" EAST, 104.30 FEET TO A POINT; 6) SOUTH 64°46'37" EAST, 109.00 FEET TO A POINT; 7) SOUTH 72°25'25" EAST, 70.63 FEET TO A POINT; 8) SOUTH 69°29'58" EAST, 78.81 FEET TO A POINT; 9) SOUTH 68°16'50" EAST, 162.15 FEET TO A POINT AND 10) SOUTH 70°01'08" EAST, 158.64 FEET TO A POINT; THENCE ALONG OTHER LANDS OF BERNICE & EARL AVERY (BOOK 1475, PAGE 233), SOUTH 61°17'12" EAST, 200.25 FEET TO A POINT; THENCE ALONG THE FIRST MENTIONED N.Y.S. ROUTE 7, THE FOLLOWING THREE COURSES: 1) SOUTH 41°53'22" WEST, 120.69 FEET TO A POINT; 2) SOUTH 40°28'20" WEST, 39.87 FEET TO A POINT AND 3) SOUTH 32°32'24" WEST, 182.33 FEET TO THE POINT OR PLACE OF BEGINNING..

CONTAINING IN ALL 13.01 ACRES OF LAND BEING MORE OR LESS.

NOTES CORRESPONDING TO TITLE COMMITMENT (SEC. 57.7-1-14):

BASED UPON REVIEW OF FIDELITY NATIONAL TITLE INSURANCE COMPANY, SUPP ORDER NO. 5-87143-A, EFFECTIVE DATE APRIL 26, 2024, SCHEDULE B-SECTION 2 EXCEPTIONS:

ITEM NO 9: UTILITY EASEMENTS IN BOOK 354 PAGE 588 AND BOOK 355 PAGE 22 ARE SHOWN HEREON.

NOTES CORRESPONDING TO TITLE COMMITMENT (SEC. 57.0-3-6.1):

BASED UPON REVIEW OF FIDELITY NATIONAL TITLE INSURANCE COMPANY, SUPP ORDER NO. 5-87143, EFFECTIVE DATE APRIL 26, 2024, SCHEDULE B-SECTION 2 EXCEPTIONS:

ITEM NO 9: RIGHTS OF WAY EXCEPTED IN DEEDS IN THE CHAIN OF TITLE INCLUDING BOOK 1506, PAGE 256. ASSUMED LOCATION SHOWN HEREON (VERIFY MAPS SHOW A LANE AND ROW LEADING TO A PARCEL NORTH OF I-88. IT APPEARS THE THE ROW WAS CUT OFF WHEN INTERSTATE 88 WAS CONSTRUCTED.

ITEM 10: APPROPRIATIONS

A. BOOK 1034, PAGE 677, AFFECTS THE PREMISES AND IS SHOWN HEREON
B. BOOK 1032, PAGE 733, DOES NOT AFFECT THE PREMISES, PARCEL LIES WITHIN I-88
C. BOOK 1032, PAGE 737, DOES NOT AFFECT THE PREMISES, PARCEL IS SHOWN HEREON.
D. BOOK 1032, PAGE 732, DOES NOT AFFECT THE PREMISES, PARCEL LIES WITHIN I-88
E. BOOK 1034 PAGE 468, DOES NOT AFFECT THE PREMISES, PARCEL LIES WITHIN I-88

DEED REFERENCES:

1. BERNICE V. AVERY AS EXECUTOR OF EMMA M. EVANS TO BERNICE V. AND EARL H. AVERY, DATED AUGUST 26, 1998 AND RECORDED IN THE SCHENECTADY COUNTY CLERK'S OFFICE IN DEED BOOK 1506, PAGE 256.

2. BERNICE V. AVERY FORMERLY BERNICE V. EVANS TO BERNICE V. AND EARL H. AVERY, DATED NOVEMBER 2, 1993 AND RECORDED IN THE SCHENECTADY COUNTY CLERK'S OFFICE IN DEED BOOK 1475, PAGE 233.

FLOOD ZONE NOTE:

PROPERTY SHOWN DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA ("SFHA") AS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, THE PROPERTY LIES WITHIN ZONE "X", AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON THE FLOOD INSURANCE RATE MAP IDENTIFIED MAP NUMBER 36093C0142D, PANEL 142 OF 237, OF THE TOWN OF ROTTERDAM COMMUNITY NUMBER 360740, SCHENECTADY COUNTY, N.Y., BEARING AN EFFECTIVE DATE OF JANUARY 5, 2014.

CERTIFICATION:

THIS IS TO CERTIFY TO PRIMAX PROPERTIES AND FIDELITY NATIONAL TITLE INSURANCE COMPANY, THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE "2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS. THE FIELD WORK WAS WAS COMPLETED IN APRIL, 2024.

SIGNED: _____ DATE: MAY 13, 2024

N.Y.S. REGISTRATION NO. 049597

SHEET 1 OF 2

MAP REFERENCES:

1. "INTERSTATE ROUTE 508 (ROUTE 7 CONNECTOR TO N.Y.S. 20/SUNY), MAP NO. 5028-1, PARCEL 383", AS PROVIDED BY THE N.Y.S.D.O.T., REGION ONE.

2. "SCHENECTADY – DUANESBURG PT. 1, S.H. NO 880, MAP NO 25-1, PARCEL 20", AS PROVIDED BY THE N.Y.S.D.O.T., REGION ONE.

3. WATER MAIN PLAN, STATE OF NEW YORK DEPARTMENT OF TRANSPORTATION, DRAWING P-7, DATED 7-30-79, AS PROVIDED BY THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION, REGION ONE.

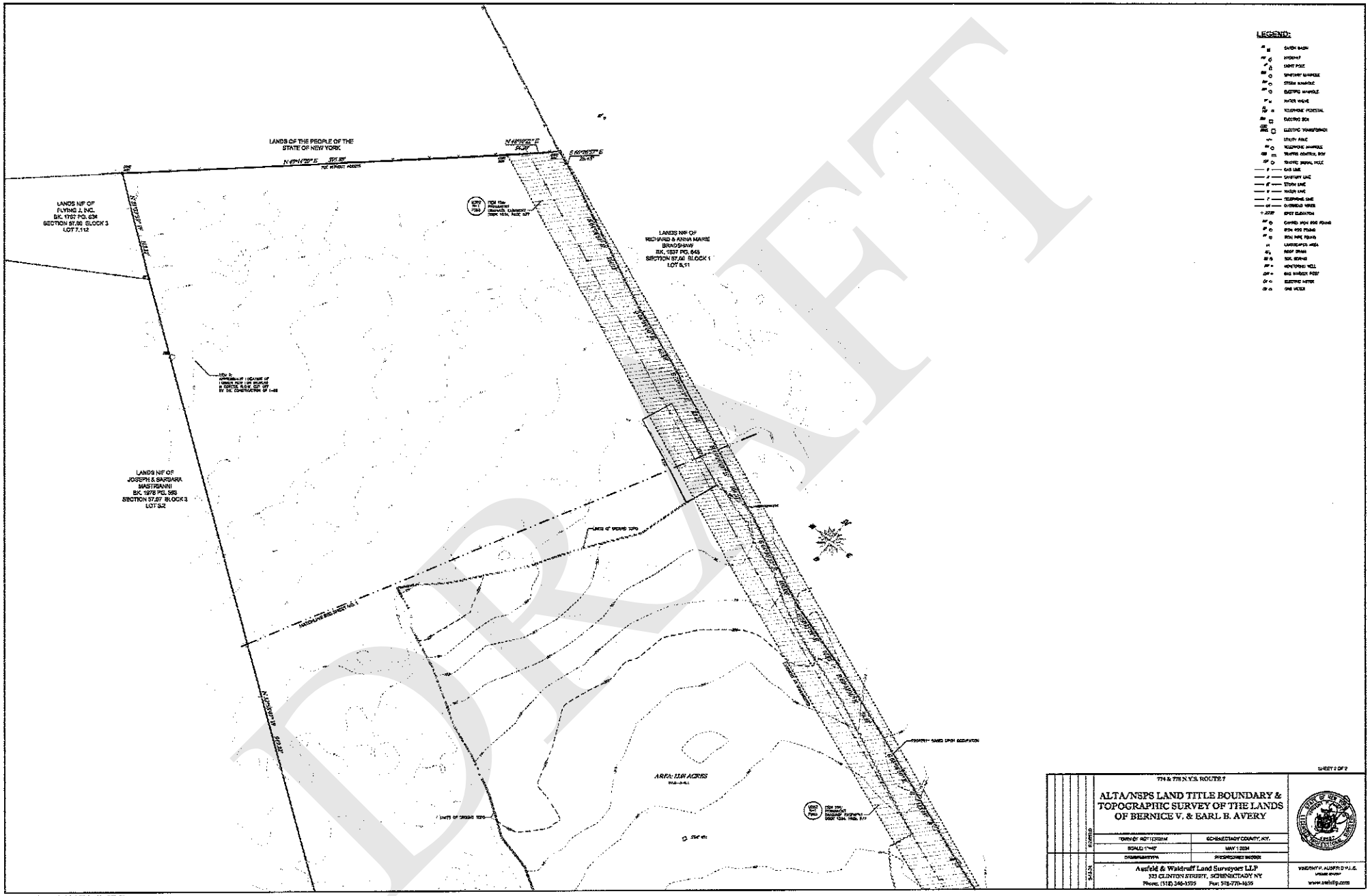
776 & 778 N.Y.S. ROUTE 7

ALTA/NSPS LAND TITLE BOUNDARY & TOPOGRAPHIC SURVEY OF THE LANDS OF BERNICE V. & EARL B. AVERY

TOWN OF ROTTERDAM	SCHENECTADY COUNTY, N.Y.
SCALE: 1"=40'	MAY 13 2024
DRAWN BY: VPA	PROJECT NO: 24-088

Ausfeld & Waldruff Land Surveyors LLP
123 CLINTON STREET, SCHENECTADY NY
Phone: (518) 346-1595 Fax: 518-770-1655
VINCENT P. AUSFELD P.L.S.
www.awlls.com

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DRAFT

774 & 778 N.Y.S. ROUTE 7

ALTA/NSPS LAND TITLE BOUNDARY & TOPOGRAPHIC SURVEY OF THE LANDS OF BERNICE V. & EARL B. AVERY

TOWN OF ROTTERDAM	SCHENECTADY COUNTY, N.Y.
SCALE: 1"=40'	MAY 1 2024
DRAWN BY: MTH	PRESENTED BY: DGB

Ausfeld & Waldruff Land Surveyors LLP
323 CLINTON STREET, SCHENECTADY NY
Phone: (518) 346-1595 Fax: 518-770-1655
www.awlls.com

VINCENT P. AUSFELD P.L.S.
LICENSE NUMBER

SHEET 2 OF 2

July 10, 2024



774-778 DUANESBURG ROAD (NYS ROUTE 7)
TOWN OF ROTTERDAM
SCHENECTADY COUNTY, NEW YORK

PREPARED BY
BOHLER
17 COMPUTER DRIVE WEST
ALBANY, NY 12205
Phone: (518) 438-9900
Fax: (518) 438-0900
www.bohlerengineering.com

RESOLUTION NO. 275.24

TO DECLARE LEAD AGENCY FOR SEQR REVIEW ON 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 _____,

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 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. The property is known as 1725 Tower Street (Tax Map No. 59.9-7-6.2) and is on a ±6,816 square foot lot.

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 July 10, 2024.

DATED: July 10, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

DRAFT

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:	June 24, 2024
TO:	Mollie Collins, Town Supervisor
FROM:	Peter Comenzo, Senior Planner
TITLE OF REQUEST:	Declare Lead Agency for a Change of Zone from General Business (B-2) to Multi-Family Residential (R-3)
TOWN BOARD MEETING:	July 10, 2024

Background Information:

Carman Petti & Frank Audino (Owners)
524 Russel Road
Albany, NY 12203

Change of Zone 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. The property is known as 1725 Tower Avenue (Tax Map No. 59.9-7-6.2) and is on a ±6,816 square foot lot.

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):	SEQR Short EAF
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

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Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information

Name of Action or Project:

1725 Tower Street Multifamily Conversion

Project Location (describe, and attach a location map):

1725 Tower Street, Rotterdam, NY 12306

Brief Description of Proposed Action:

The Applicant is proposing to convert the existing building to entirely apartments. The existing structure would than contain 4 apartments. No site improvements are needed. Public sewer and water connections exist as well as a parking lot to accommodate it's needs.

Name of Applicant or Sponsor:	Telephone:
Carmine Petti and Frank Audino	E-Mail:

Address:

524 Russell Road

City/PO:	State:	Zip Code:
Albany	NY	12203

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	☑	☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Planning Commission	☐	☑

3. a. Total acreage of the site of the proposed action? 0.15 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? 0.52 acres

4. Check all land uses that occur on, are adjoining or near the proposed action:

5. ☑ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☑ Residential (suburban)
   ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):
   ☐ Parkland

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	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	☐	☑	☐
b. Consistent with the adopted comprehensive plan?	☐	☑	☐

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☑

	NO	YES
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		
If Yes, identify: _____	☑	☐

	NO	YES
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☑	☐
b. Are public transportation services available at or near the site of the proposed action?	☐	☑
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☐	☑

	NO	YES
9. Does the proposed action meet or exceed the state energy code requirements?		
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	☐	☑

	NO	YES
10. Will the proposed action connect to an existing public/private water supply?		
If No, describe method for providing potable water: _____ _____	☐	☑

	NO	YES
11. Will the proposed action connect to existing wastewater utilities?		
If No, describe method for providing wastewater treatment: _____ _____	☐	☑

	NO	YES
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	☑	☐
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☑	☐

	NO	YES
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	☐	☑
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☑	☐
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____		

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14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional

☐ Wetland ☑ Urban ☐ Suburban

	NO	YES
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	☑	☐
16. Is the project site located in the 100-year flood plan?	☑	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources?	☑	☐
If Yes,		
a. Will storm water discharges flow to adjacent properties?	☐	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	☐	☐
If Yes, briefly describe: _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	☑	☐
If Yes, explain the purpose and size of the impoundment: _____		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	☑	☐
If Yes, describe: _____		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	☐	☑
If Yes, describe: _____		
V00649, 447031 1911 Curry Road currently is used as a gas station and is being monitored.		

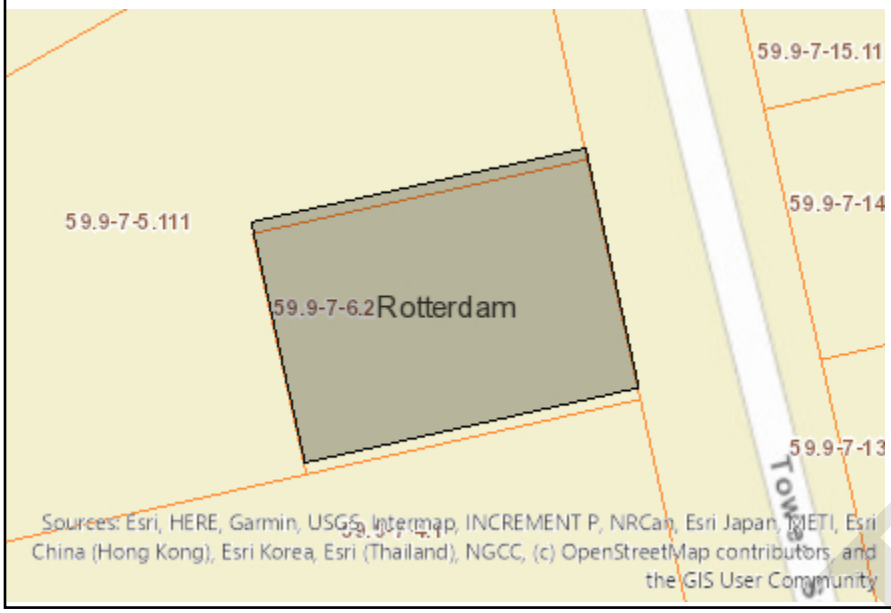
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor/name: Luigi A. Palleschi, P.E., ABD Engineers & Surveyors, LLP Date: May 28, 2024

Signature: _____ Title: Professional Engineer

PRINT FORM

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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.



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes

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RESOLUTION NO. 276.24

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 GENERAL BUSINESS (B-2) TO MULTI-FAMILY RESIDENTIAL (R-3) LOCATED AT 1725 TOWER STREET

WHEREAS, the Town Board passed Resolution No. 247.24 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 General Business (B-2) to Multi-Family Residential (R-3) located at 1725 Tower Street; and

WHEREAS, the Planning Commission, on June 18, 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 July 10, 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 14th day of August, 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 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 on the property known as 1725 Tower Street (Tax Map No. 59.9-7-6.2) and is on a ±6,816 square foot lot.

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

DRAFT

DATED: July 10, 2024
Daily Gazette: Please publish once on July 12, 2024
Town Clerk
Post

SECTION 2. This resolution shall become effective July 10, 2024.

DATED: July 10, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

DRAFT

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:	June 24, 2024
TO:	Mollie Collins, Town Supervisor
FROM:	Peter Comenzo, Senior Planner
TITLE OF REQUEST:	Call for a Public Hearing on a Change of Zone from General Business (B-2) to Multi-Family Residential (R-3)
TOWN BOARD MEETING:	July 10, 2024
Background Information:	Carman Petti & Frank Audino (Owners) 524 Russel Road Albany, NY 12203 Change of Zone 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. The property is known as 1725 Tower Avenue (Tax Map No. 59.9-7-6.2) and is on a ±6,816 square foot lot.
Evaluation/Analysis:	Project was referred to the Planning Commission on June 12, 2024 for a Report and Recommendation. Planning Commission issued a Positive Recommendation at the June 18, 2024 meeting.
Recommendation(s):	Town Board should call for a Public Hearing to be held on August 14, 2024.
Attachment/Document(s):	Application Materials
Compliance with Purchasing Policy:	N/A
Effect(s) on Existing Law(s):	NYS Town Law Article 16 Proposed Local Law of the Year 2024
LEGISLATION WILL BE PREPARED BY:	Supervisors Office

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TOWN OF ROTTERDAM CHANGE OF ZONE APPLICATION

Application Fee **$1,000**

Existing Zone Classification: B-2

Proposed Zone Classification: R-3

PART II
GENERAL INFORMATION

Legal Owner's Name: Carmine Petti and Frank Audino
Mailing Address: 524 Russel Road
City: Albany State: NY Zip: 12203
Daytime Phone: _____ E-mail: _____

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

Owner's Designated Contact: Luigi A. Palleschi, P.E., ABD Engineers & Surveyors, LLP

Mailing Address: 411 Union Street
City: Schenectady State: NY Zip: 12305
Daytime Phone: 518-377-0315 E-mail: luigi@abdeng.com
Project/Proposal Site Area: (Acres or sq. ft.) 6,816 SF
Assessor Tax Parcel No.(s) of Site: 59.09-7-6.2
Adjacent Parcels Owned or Controlled and Tax Map Parcel No: (Acres or sq. ft.) 22, 500 SF, 59.9-7-4.1

Street Address of Proposed Site (if any): 1725 Tower Street

DRAFT

Describe Existing Use(s) on Proposed Site: (commercial vacant, residential, buildings, well, sewer drainfield, etc.)
The existing site is a mixed use commercial/residential building.

School District: Mohanasen Fire District: 2

Water Supply: Rotterdam

LEGAL INFORMATION

Location of Proposal Site: (General description by which direction and how far from roads and intersections and other community features)
The site is 170 feet down Tower Street from the intersection of Tower Street and Altamont Avenue.

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

Width of Property Fronting on the Existing Public Road in Linear Feet: 71 feet

Does the Proposal Have Access to an Arterial or Planned Arterial? ( ) Yes (✓) No

Name(s) of Arterial Road(s): _____

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

DRAFT

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

The parcel is located on a side street that is zoned residential and not suited for heavy commercial traffic.

The site is also near condominiums and multifamily projects. The site has off stree parking and access to water, sewer, gas and other utilities.

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 ✓. 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 (✓) Public System ( ) Private Community System
( ) Other, please describe _____

Proposed Means of Sewage Disposal:
(✓) Public Sewer ( ) Dry Sewer ( ) Community System ( ) 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: July 25, 2023
Address: 411 Union Street, Schenectady, NY 12305 Phone: 518-377-0315
Zip: 12305



PLEASE AFFIX SURVEYOR/ARCHITECT/ENGINEER SEAL HERE

DRAFT

****

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: Carmine Petti and Frank Audino
Address: 524 Russel Road, Albany, NY

Date: July 25, 2023
Phone:
Zip: 12203

Signature of applicant or representative

7-26-23
Date

NOTARY

STATE OF NEW YORK) ss:
COUNTY OF Albany)

SUBSCRIBED AND SWORN to before me this 26th day of July, 2023

NOTARY SEAL

Notary Signature

Notary Public in and for the State of New York
Residing at: 501 New Karner, Colonie NY 12205
My appointment expires: 10/1/2024

JOY A. RODRIGUEZ
Notary Public, State of New York
Rensselaer County #01RO6269591
Commission Expires Oct. 1, 20 24

PLEASE AFFIX NOTARY SEAL HERE

DRAFT

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, Carmine Petti and Frank Audino, 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): 59.09-7-6.2

I hereby grant Luigi A. Palleschi, P.E., ABD Engineers & Surveyors, LLP and/or their agent(s) to act on my behalf.

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

Signature (Authorized Representative): [signature]

Date: 7-26-23

NOTARY

STATE OF NEW YORK) ss:
COUNTY OF Albany)
SUBSCRIBED AND SWORN to before me this 26th day of July, 2023

NOTARY SEAL

[signature]
Notary Signature

Notary Public in and for the State of New York
Residing at: 501 New Karner Rd, Colonie NY 12205
My appointment expires: 10/1/24

JOY A. RODRIGUEZ
Notary Public, State of New York
Rensselaer County #01RO6269591
Commission Expires Oct. 1, 2024

DRAFT

DESCRIPTION OF LAND

PROPOSED ZONE CHANGE

BEGINNING at a point in the westerly road boundary of Tower Street at its intersection with the division line between Lands N/F of Home and City Savings Bank as described in Liber 954 of Deeds at Page 123 on the north and Lands N/F of Frank Audino and Carmine Petti as described in Liber 2073 of Deeds at Page 19 on the south; thence along said westerly road boundary of Tower Street South 00° 00' 00" East, 71.00 Feet to a point at its intersection with the division line between the aforementioned Lands of Audino and Petti on the north and other Lands N/F of Frank Audino and Carmine Petti on the south; thence along said division line South 90° 00' 00" West, 96.00 Feet to a point in the aforementioned division line between Lands of Home and City Savings Bank and Audino; thence along said division line the following two (2) courses and distances:

1. North 00° 00' 00" West, 71.00 Feet to a point; thence
2. South 90° 00' 00' East, 96.00 Feet to the point and place of beginning and containing 0.16 acres of land more or less.

DRAFT

MAP REFERENCE:

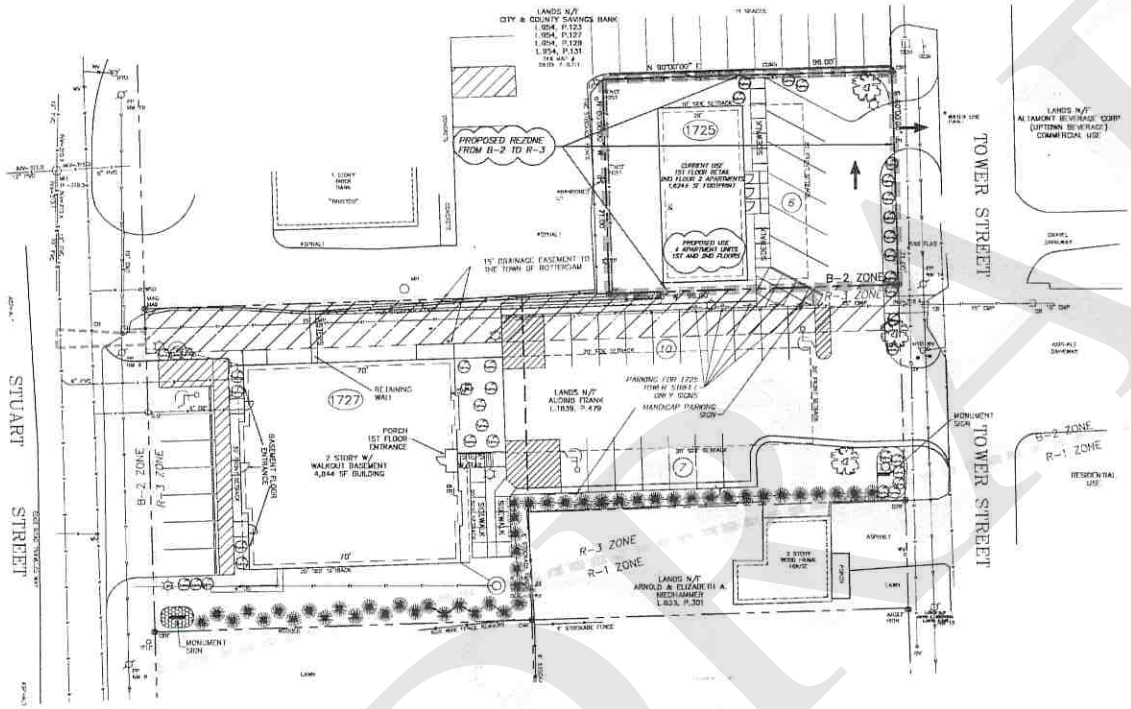
1. "MAP OF LOTS BELONGING TO MAREN HAM, HAM CORNERS", PREPARED BY WILLIAM GIFFORD, DATED JULY 1, 1903, AND FILED IN THE SCHENECTADY COUNTY CLERKS OFFICE IN CABINET A, AS MAP 88-89.

2. "1725 TOWER STREET, SURVEY MAP OF THE LANDS OF FULLER STATION ROAD ASSOC., LLC", PREPARED BY AUSFELD & WALDRUFF LAND SURVEYORS LLP, DATED JUNE 12, 2012.

3. "SITE PLANS, TOWER STREET APARTMENTS" PREPARED BY ABD ENGINEERS & SURVEYORS, DATED FEBRUARY 13, 2013 AND LAST REVISED JULY 9, 2013.



SITE LOCATION



NOTES:

1. BASE MAPPING PREPARED BY ABD ENGINEERS AND SURVEYORS FROM A JULY 2012 FIELD SURVEY AND UPDATED JULY 2014.
2. THE PLANS SHOW SOME KNOWN SUBSURFACE STRUCTURES, ABOVE-GROUND STRUCTURES AND/OR UTILITIES BELIEVED TO EXIST IN THE WORKING AREA. EXACT LOCATION OF WHICH MAY VARY FROM THE LOCATIONS INDICATED. IN PARTICULAR, THE CONTRACTOR IS WARNED THAT THE EXACT OR EVEN APPROXIMATE LOCATION OF SUCH PIPE LINES, SUBSURFACE STRUCTURES AND/OR UTILITIES IN THE AREA MAY BE SHOWN OR MAY NOT BE SHOWN, AND IT SHALL BE HIS RESPONSIBILITY TO PROCEED WITH GREAT CARE IN EXECUTING ANY WORK. 48 HOURS BEFORE YOU DIG, DRILL OR BLAST, CALL U.F.P.O. 1-800-962-7962.
3. ALL LIGHTING SHALL BE SHIELDED AND/OR PLACED IN SUCH A MANNER AS TO PREVENT OFF-SITE ILLUMINATION.
4. DEVELOPMENT MUST MEET ALL NYS BUILDING AND FIRE CODES.
5. SITE IS ZONED B-2 GENERAL BUSINESS. PROPOSED REZONE TO R-3.
6. SNOW/ALL ACCUMULATIONS IN EXCESS OF FOUR (4) INCHES SHALL BE REMOVED FROM ALL PARKING AREAS/WALKWAYS WITHIN 48 HOURS.
7. A KNOX BOX SHALL BE INSTALLED PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. TYPE AND LOCATION SHALL BE COORDINATED WITH FIRE DISTRICT #2.
8. LANDSCAPED AREAS FRONTING ON TOWER STREET SHALL CONTAIN A SPRINKLER SYSTEM.
9. LANDSCAPING SHALL BE MAINTAINED IN PERPETUITY AND DEAD/DYING PLANT MATERIALS SHALL BE REPLACED IN KIND.
10. RECIPROCAL PARKING EASEMENT AGREEMENT BETWEEN 1725 TOWER STREET AND 1727 TOWER STREET.
11. NO SITE IMPROVEMENTS NEEDED. WATER AND SEWER CONNECTION ARE EXISTING.

COVERAGE STATISTICS		PROPOSED	
BUILDING:	45% MAX.	1,624 SF	23.8%
PAVEMENT:		2,308 SF	33.9%
GREEN SPACE:		2,884 SF	42.3%
TOTAL		6,816 SF (0.16 ACRES)	100%

SITE DATA

	EXISTING	PROPOSED	PROVIDED
ZONING:	B2	R3	
AREA:	15,000 SF MIN.	20,000 SF MIN. +3,000 SF / BR. OVER 4	6,816 SF (0.16 ACRES)##
LOT WIDTH:	100 FT.	100 FT.	71.50'#
SETBACKS: FRONT:	30 FT.	30 FT.	50.0'
SIDE:	10 FT.	20 FT.	18.0' & 2.0' #
REAR:	25 FT.	25 FT.	58.0' #
HEIGHT: MAX.	3 STORIES (40') MAX.	3 STORIES (40') MAX.	2 STORIES
PARKING:	1.0 PER APARTMENT UNIT: 2 UNITS X 1.0 = 2 SPACES	1.5 PER APARTMENT UNIT: 4 UNITS X 1.5 = 6 SPACES	
	5 PER 1,000 SF RETAIL: 1,624 SF / 1,000 = ~1.6 X 5 = 8 SPACES		6 SPACES PROVIDED ONSITE
	11 SPACES REQUIRED	6 SPACES REQUIRED	5 SPACES PROVIDED OFFSITE #
			11 SPACES PROVIDED #

VARIANCES FOR LOT AREA, SIDE YARD WIDTH, REAR YARD DEPTH AND PARKING WERE APPROVED BY THE ROTTERDAM ZONING BOARD OF APPEALS ON DECEMBER 17, 2014.

REQUIRED VARIANCE FOR 2 ADDITIONAL BEDROOMS

OWNER/APPLICANT:
CARMINE PETTI AND FRANK AUDINO
524 RUSSEL ROAD
ALBANY, NY 12203

TAX MAP #: 59.09-7-6.2

ALTERATION OF THIS DOCUMENT EXCEPT BY A LICENSED PROFESSIONAL ENGINEER IS ILLEGAL

LUKE A. PALLESEN, P.E.
N.Y.S. LICENSE NO. 94678

REZONING MAP B-2 TO R-3 MULTIFAMILY 1725 TOWER STREET

TOWN OF ROTTERDAM | COUNTY OF SCHENECTADY

STATE OF NEW YORK

ABD ENGINEERS & SURVEYORS
411 Union Street Schenectady, N.Y. 12305
518-377-0355 Fax:518-377-0279
www.abdeng.com

DATE	SCALE	DWG.	SHEET No.
JUNE 27, 2023	1" = 20'	4287C-4R ZONE	1 OF 1 SHEETS

DRAFT

RESOLUTION NO. 277.24

TO RECOGNIZE THE INTRODUCTION OF INTRODUCTORY LOCAL LAW NO. __ OF 2024; TO AMEND CHAPTER 264 SECTION 9, ENTITLED "VEHICLES AND JUNK, OUTSIDE STORAGE OF - PENALTIES FOR OFFENSES" OF THE CODE OF THE TOWN OF ROTTERDAM, AND SCHEDULING A PUBLIC HEARING THEREON

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 recognizes the introduction of Introductory Local Law No. __ of 2024; To amend Chapter 264 Section 9, entitled "Vehicles and Junk, Outside Storage Of - Penalties for Offenses" of the code of the Town of Rotterdam by adding an administrative fee for violations.

SECTION 2. 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 14th day of August, 2024 for the following purpose:

> To Recognize The Introduction Of Introductory Local Law No. __ Of 2024; To Amend Chapter 264 Section 9, Entitled "Vehicles and Junk, Outside Storage Of - Penalties for Offenses" of the Code of the Town of Rotterdam, by adding an administrative fee for violations.

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

DATED: July 10, 2024
Daily Gazette: Please publish once on July 12, 2024
Town Clerk
Post

DRAFT

SECTION 3. This resolution shall become effective July 10, 2024.

DATED: July 10, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

DRAFT

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: June 26, 2024

TO: Mollie Collins, Town Supervisor

FROM: Jeffery Briere – Building Inspector

TITLE OF REQUEST: Call for Public Hearing on proposed Administration Fee for the Outside Storage of Vehicles and Junk Violations Town Code Chapter 264.

TOWN BOARD MEETING: July 10, 2024

Background Information: The Town of Rotterdam does not currently charge a fee for the preparation and issuance of a Notice of Violation for Outside Storage of Vehicles and Junk. Town staff is recommending that a $100 fee be charged for this administrative action.

Evaluation/Analysis: The staff time, mileage, certified mail postage, and other administrative costs to respond and generate a notice of violation costs a considerable amount of time and money. These costs are currently not being recovered and the taxpayers that do not have outside storage of vehicle and junk violations are absorbing these costs.

Recommendation(s): Call for a public hearing on Proposed Local Law to be held on August 14, 2024.

Attachment/Document(s): Draft Local Law Modification

Compliance with Purchasing Policy: N/A

Effect(s) on Existing Law(s): Chapter 264 – Vehicles and Junk, Outside Storage of

LEGISLATION WILL BE PREPARED BY: Attorney for the Town

DRAFT

Chapter 264 Vehicles and Junk, Outside Storage of

§ 264-9 Penalties for offenses.

A.
(Reserved)[1]
[1]
*Editor's Note: Former Subsection A, concerning penalties for a violation, was repealed 6-12-2013 by L.L. No. 7-2013. See now Subsection **C**.*

Any person issued a notice of violation pursuant to any provision of this chapter shall be subject to an administrative fee of $100 for each notice. Such administrative fee shall be charged against the land upon the notice of violation was issued as a municipal lien or such administrative fee shall be added to the tax rolls as an assessment of levied as a special tax against said property or recovered in a civil suit against the person(s) to which the notice of violation was issued.

B.
In addition to the enforcement in a criminal proceeding by fine or imprisonment, this chapter may be enforced by instituting a special proceeding as authorized by Article 4 of the Civil Practice Law and Rules to compel compliance with the provisions of this chapter or to restrain by injunction any violation thereof, or to obtain any other appropriate relief.

C.
Any violation of this chapter by any person, firm or corporation shall constitute a violation and shall be punishable by a fine not less than $500 and no more than the sum of $1,000 or imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense. Each subsequent violation will be punishable by a fine of not less than $1,000 nor more than $2,000 or imprisonment for a period not to exceed 15 days, or both. Each day of continued violation shall constitute a separate, additional offense.
[Amended 6-12-2013 by L.L. No. 7-2013]

DRAFT

RESOLUTION NO. 278.24

TO RECOGNIZE THE INTRODUCTION OF INTRODUCTORY LOCAL LAW NO. __ OF 2024; TO AMEND CHAPTER 265 SECTION 16, ENTITLED "PROPERTY MAINTENANCE - PENALTIES FOR OFFENSES" OF THE CODE OF THE TOWN OF ROTTERDAM, AND SCHEDULING A PUBLIC HEARING THEREON

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 recognizes the introduction of Introductory Local Law No. __ of 2024; To amend Chapter 265 Section 16, entitled "Property Maintenance - Penalties for Offenses" of the code of the Town of Rotterdam by increasing the administrative fee for violations.

SECTION 2. 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 14th day of August, 2024 for the following purpose:

> To Recognize The Introduction Of Introductory Local Law No. __ Of 2024; To Amend Chapter 265 Section 16, Entitled "Property Maintenance - Penalties for Offenses" of the Code of the Town of Rotterdam, by increasing the administrative fee for violations.

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

DATED: July 10, 2024
Daily Gazette: Please publish once on July 12, 2024
Town Clerk
Post

SECTION 3. This resolution shall become effective July 10, 2024.

DRAFT

DATED: July 10, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

DRAFT

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:	June 26, 2024
TO:	Mollie Collins, Town Supervisor
FROM:	Jeffery Briere – Building Inspector
TITLE OF REQUEST:	Call for Public Hearing on proposed Administration Fee for Property Maintenance Violations Town Code Chapter 265.
TOWN BOARD MEETING:	July 10, 2024
Background Information:	The Town of Rotterdam does not currently charge a fee for the preparation and issuance of a Notice of Violation for Property Maintenance. Town staff is recommending that a $100 fee be charged for this administrative action.
Evaluation/Analysis:	The staff time, mileage, certified mail postage, and other administrative costs to respond and generate a notice of violation costs a considerable amount of time and money. These costs are currently not being recovered and the taxpayers that do not have property maintenance violations are absorbing these costs.
Recommendation(s):	Call for a public hearing on Proposed Local Law to be held on August 14, 2024.
Attachment/Document(s):	Draft Local Law Modification
Compliance with Purchasing Policy:	N/A
Effect(s) on Existing Law(s):	Chapter 265- Property Maintenance

LEGISLATION WILL BE PREPARED BY: Attorney for the Town

DRAFT

§ 265-16 Penalties for offenses.

[Amended 6-12-2013 by L.L. No. 7-2013]

A.

Any person, firm or corporation who shall violate any of the provisions of this chapter or any rule or regulation made pursuant thereto shall, upon conviction thereof, be punished by a fine of no less than $500 nor more than $1,000 or imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than $1,000 nor more than $1,500 or imprisonment for a period not to exceed 15 days, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than $1,500 nor more than $2,000 or imprisonment for a period not to exceed 15 days, or both. Each day of continued violation shall constitute a separate, additional offense.

B.

The cost of cleanup of the property shall be assessed as a lien against the property taxes.

C.

~~Administrative fee: $50 per incident of noncompliance.~~

Any person issued a notice of violation pursuant to any provision of this chapter shall be subject to an administrative fee of $100 for each notice. Such administrative fee shall be charged against the land upon the notice of violation was issued as a municipal lien or such administrative fee shall be added to the tax rolls as an assessment of levied as a special tax against said property or recovered in a civil suit against the person(s) to which the notice of violation was issued.

DRAFT

RESOLUTION NO. 279.24

TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH AXON ENTERPRISE 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 negotiate and execute an agreement with Axon Enterprise, Inc., located at 17800 N 85th Street, Scottsdale, Arizona 85255, to provide interview room cameras and data storage, in accordance to the fee schedule provided in the agreement, and to be funded by the DCJS Law Enforcement Technology Program Grant.

SECTION 2. This resolution shall become effective July 10, 2024

DATED: July 10, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

DRAFT

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: July 2, 2024

TO: Rotterdam Town Board

FROM: Deputy Chief William Male

TITLE OF REQUEST: To enter into an agreement with Rotterdam Police Department and Axon Enterprise Inc.

TOWN BOARD MEETING: July 10, 2024

Background Information: A recently awarded DCJS Law Enforcement Technology Program Grant will be used to fund this project.

Evaluation/Analysis: The Rotterdam Police Department Detective Division interview rooms recording systems are in need of repair/upgrade. The AXON platform will complement the already existing body worn camera and mobile dash camera systems.

Recommendation(s): Approve the agreement with Axon Enterprise Inc.

Attachment/Document(s): Axon Agreement

Compliance with Purchasing Policy: Yes

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

LEGISLATION WILL BE PREPARED BY: Rotterdam Police Department

DRAFT

Axon Enterprise, Inc.
17800 N 85th St.
Scottsdale, Arizona 85255
United States
VAT: 86-0741227
Domestic: (800) 978-2737
International: +1.800.978.2737

Q-519075-45463.730CG

Issued: 06/20/2024

Quote Expiration: 08/15/2024

Estimated Contract Start Date: 12/15/2024

Account Number: 182721

Payment Terms: N30

Delivery Method:

SHIP TO	BILL TO
Rotterdam Town Police Dept. - NY 101 Princetown Rd Schenectady, NY 12306-1543 USA	Rotterdam Town Police Dept. - NY 101 Princetown Rd Schenectady NY 12306-1543 USA Email:

SALES REPRESENTATIVE	PRIMARY CONTACT
Christian Gardner Phone: (480) 502-6209 Email: cgardner@axon.com Fax:	Patrick Farry Phone: (518) 355-7739 Email: pfarry@rotterdamny.org Fax: (518) 355-0817

Quote Summary

Program Length	60 Months
TOTAL COST	$48,172.85
ESTIMATED TOTAL W/ TAX	$48,172.85

Discount Summary

Average Savings Per Year	$0.00
TOTAL SAVINGS	$0.00

DRAFT

Payment Summary

Date	Subtotal	Tax	Total
Nov 2024	$35,000.00	$0.00	$35,000.00
Nov 2025	$4,390.95	$0.00	$4,390.95
Nov 2026	$4,390.95	$0.00	$4,390.95
Nov 2027	$4,390.95	$0.00	$4,390.95
Total	**$48,172.85**	**$0.00**	**$48,172.85**

DRAFT

Quote Unbundled Price:	**$48,172.85**
Quote List Price:	**$48,172.85**
Quote Subtotal:	**$48,172.85**

Pricing

All deliverables are detailed in Delivery Schedules section lower in proposal

Item	Description	Qty	Term	Unbundled	List Price	Net Price	Subtotal	Tax	Total
A la Carte Hardware									
74056	AXON INTERVIEW - TOUCH PANEL WALL MOUNT	1			$245.55	$245.55	$245.55	$0.00	$245.55
50220	AXON INTERVIEW - POE SWITCH - 8 PORT	1			$1,137.03	$1,137.03	$1,137.03	$0.00	$1,137.03
50118	AXON INTERVIEW - MIC - WIRED (STANDARD MIC)	2			$243.31	$243.31	$486.62	$0.00	$486.62
74059	AXON INTERVIEW - ENCLOSURE - MOTION SENSOR	2			$244.01	$244.01	$488.02	$0.00	$488.02
50114	AXON INTERVIEW - CAMERA - COVERT SENSOR	2			$397.51	$397.51	$795.02	$0.00	$795.02
50218	AXON INTERVIEW - CAMERA - COVERT MAIN UNIT	2			$685.49	$685.49	$1,370.98	$0.00	$1,370.98
50322	AXON INTERVIEW - TOUCH PANEL PRO	1			$3,286.23	$3,286.23	$3,286.23	$0.00	$3,286.23
50294	AXON INTERVIEW - SERVER - LITE	2			$3,722.47	$3,722.47	$7,444.94	$0.00	$7,444.94
A la Carte Software									
50037	AXON INTERVIEW - CLIENT SOFTWARE - PER TOUCH PANEL-PC	1	60		$1,500.00	$1,500.00	$1,500.00	$0.00	$1,500.00
50039	AXON INTERVIEW - CLIENT SOFTWARE - MAINT. PER TOUCH PANEL	1	60		$28.21	$28.21	$1,692.60	$0.00	$1,692.60
50041	AXON INTERVIEW - STREAMING SERVER LICENSE - PER SERVER	2	60		$1,750.00	$1,750.00	$3,500.00	$0.00	$3,500.00
50043	AXON INTERVIEW - STREAMING SERVER MAINTENANCE - PER SERVER	2	60		$32.98	$32.98	$3,957.60	$0.00	$3,957.60
50045	AXON EVIDENCE - STORAGE - INTERVIEW ROOM UNLIMITED	2	60		$111.75	$111.75	$13,410.00	$0.00	$13,410.00
A la Carte Services									
85170	AXON INTERVIEW - INSTALLATION - STANDARD (PER ROOM)	1			$7,450.00	$7,450.00	$7,450.00	$0.00	$7,450.00
A la Carte Warranties									
50448	AXON INTERVIEW - EXT WARRANTY	1	49		$28.74	$28.74	$1,408.26	$0.00	$1,408.26
Total							**$48,172.85**	**$0.00**	**$48,172.85**

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Delivery Schedule

Hardware

Bundle	Item	Description	QTY	Shipping Location	Estimated Delivery Date
A la Carte	50114	AXON INTERVIEW - CAMERA - COVERT SENSOR	2		11/15/2024
A la Carte	50118	AXON INTERVIEW - MIC - WIRED (STANDARD MIC)	2		11/15/2024
A la Carte	50218	AXON INTERVIEW - CAMERA - COVERT MAIN UNIT	2		11/15/2024
A la Carte	50220	AXON INTERVIEW - POE SWITCH - 8 PORT	1		11/15/2024
A la Carte	50294	AXON INTERVIEW - SERVER - LITE	2		11/15/2024
A la Carte	50322	AXON INTERVIEW - TOUCH PANEL PRO	1		11/15/2024
A la Carte	74056	AXON INTERVIEW - TOUCH PANEL WALL MOUNT	1		11/15/2024
A la Carte	74059	AXON INTERVIEW - ENCLOSURE - MOTION SENSOR	2		11/15/2024

Software

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
A la Carte	50037	AXON INTERVIEW - CLIENT SOFTWARE - PER TOUCH PANEL-PC	1	12/15/2024	12/14/2029
A la Carte	50039	AXON INTERVIEW - CLIENT SOFTWARE - MAINT. PER TOUCH PANEL	1	12/15/2024	12/14/2029
A la Carte	50041	AXON INTERVIEW - STREAMING SERVER LICENSE - PER SERVER	2	12/15/2024	12/14/2029
A la Carte	50043	AXON INTERVIEW - STREAMING SERVER MAINTENANCE - PER SERVER	2	12/15/2024	12/14/2029
A la Carte	50045	AXON EVIDENCE - STORAGE - INTERVIEW ROOM UNLIMITED	2	12/15/2024	12/14/2029

Services

Bundle	Item	Description	QTY
A la Carte	85170	AXON INTERVIEW - INSTALLATION - STANDARD (PER ROOM)	1

Warranties

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
A la Carte	50448	AXON INTERVIEW - EXT WARRANTY	1	11/15/2025	12/14/2029

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Shipping Locations

Location Number	Street	City	State	Zip	Country
	101 Princetown Rd	Schenectady	NY	12306-1543	USA

Payment Details

Nov 2024

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Annual Payment 1	50037	AXON INTERVIEW - CLIENT SOFTWARE - PER TOUCH PANEL-PC	1	$724.17	$0.00	$724.17
Annual Payment 1	50039	AXON INTERVIEW - CLIENT SOFTWARE - MAINT. PER TOUCH PANEL	1	$817.15	$0.00	$817.15
Annual Payment 1	50041	AXON INTERVIEW - STREAMING SERVER LICENSE - PER SERVER	2	$1,689.72	$0.00	$1,689.72
Annual Payment 1	50043	AXON INTERVIEW - STREAMING SERVER MAINTENANCE - PER SERVER	2	$1,910.64	$0.00	$1,910.64
Annual Payment 1	50045	AXON EVIDENCE - STORAGE - INTERVIEW ROOM UNLIMITED	2	$6,474.05	$0.00	$6,474.05
Annual Payment 1	50114	AXON INTERVIEW - CAMERA - COVERT SENSOR	2	$795.02	$0.00	$795.02
Annual Payment 1	50118	AXON INTERVIEW - MIC - WIRED (STANDARD MIC)	2	$486.62	$0.00	$486.62
Annual Payment 1	50218	AXON INTERVIEW - CAMERA - COVERT MAIN UNIT	2	$1,370.98	$0.00	$1,370.98
Annual Payment 1	50220	AXON INTERVIEW - POE SWITCH - 8 PORT	1	$1,137.03	$0.00	$1,137.03
Annual Payment 1	50294	AXON INTERVIEW - SERVER - LITE	2	$7,444.94	$0.00	$7,444.94
Annual Payment 1	50322	AXON INTERVIEW - TOUCH PANEL PRO	1	$3,286.23	$0.00	$3,286.23
Annual Payment 1	50448	AXON INTERVIEW - EXT WARRANTY	1	$679.88	$0.00	$679.88
Annual Payment 1	74056	AXON INTERVIEW - TOUCH PANEL WALL MOUNT	1	$245.55	$0.00	$245.55
Annual Payment 1	74059	AXON INTERVIEW - ENCLOSURE - MOTION SENSOR	2	$488.02	$0.00	$488.02
Annual Payment 1	85170	AXON INTERVIEW - INSTALLATION - STANDARD (PER ROOM)	1	$7,450.00	$0.00	$7,450.00
Total				**$35,000.00**	**$0.00**	**$35,000.00**

Nov 2025

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Annual Payment 2	50037	AXON INTERVIEW - CLIENT SOFTWARE - PER TOUCH PANEL-PC	1	$258.61	$0.00	$258.61
Annual Payment 2	50039	AXON INTERVIEW - CLIENT SOFTWARE - MAINT. PER TOUCH PANEL	1	$291.82	$0.00	$291.82
Annual Payment 2	50041	AXON INTERVIEW - STREAMING SERVER LICENSE - PER SERVER	2	$603.43	$0.00	$603.43
Annual Payment 2	50043	AXON INTERVIEW - STREAMING SERVER MAINTENANCE - PER SERVER	2	$682.32	$0.00	$682.32
Annual Payment 2	50045	AXON EVIDENCE - STORAGE - INTERVIEW ROOM UNLIMITED	2	$2,311.98	$0.00	$2,311.98
Annual Payment 2	50448	AXON INTERVIEW - EXT WARRANTY	1	$242.79	$0.00	$242.79
Total				**$4,390.95**	**$0.00**	**$4,390.95**

Nov 2026

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Annual Payment 3	50037	AXON INTERVIEW - CLIENT SOFTWARE - PER TOUCH PANEL-PC	1	$258.61	$0.00	$258.61
Annual Payment 3	50039	AXON INTERVIEW - CLIENT SOFTWARE - MAINT. PER TOUCH PANEL	1	$291.82	$0.00	$291.82
Annual Payment 3	50041	AXON INTERVIEW - STREAMING SERVER LICENSE - PER SERVER	2	$603.43	$0.00	$603.43
Annual Payment 3	50043	AXON INTERVIEW - STREAMING SERVER MAINTENANCE - PER SERVER	2	$682.32	$0.00	$682.32
Annual Payment 3	50045	AXON EVIDENCE - STORAGE - INTERVIEW ROOM UNLIMITED	2	$2,311.98	$0.00	$2,311.98
Annual Payment 3	50448	AXON INTERVIEW - EXT WARRANTY	1	$242.79	$0.00	$242.79
Total				**$4,390.95**	**$0.00**	**$4,390.95**

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Nov 2027						
Invoice Plan	**Item**	**Description**	**Qty**	**Subtotal**	**Tax**	**Total**
Annual Payment 4	50037	AXON INTERVIEW - CLIENT SOFTWARE - PER TOUCH PANEL-PC	1	$258.61	$0.00	$258.61
Annual Payment 4	50039	AXON INTERVIEW - CLIENT SOFTWARE - MAINT. PER TOUCH PANEL	1	$291.82	$0.00	$291.82
Annual Payment 4	50041	AXON INTERVIEW - STREAMING SERVER LICENSE - PER SERVER	2	$603.43	$0.00	$603.43
Annual Payment 4	50043	AXON INTERVIEW - STREAMING SERVER MAINTENANCE - PER SERVER	2	$682.32	$0.00	$682.32
Annual Payment 4	50045	AXON EVIDENCE - STORAGE - INTERVIEW ROOM UNLIMITED	2	$2,311.98	$0.00	$2,311.98
Annual Payment 4	50448	AXON INTERVIEW - EXT WARRANTY	1	$242.79	$0.00	$242.79
Total				**$4,390.95**	**$0.00**	**$4,390.95**

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Tax is estimated based on rates applicable at date of quote and subject to change at time of invoicing. If a tax exemption certificate should be applied, please submit prior to invoicing.

Contract Sourcewell #101223-AXN is incorporated by reference into the terms and conditions of this Agreement. In the event of conflict the terms of Axon's Master Services and Purchasing Agreement shall govern.

Standard Terms and Conditions

Axon Enterprise Inc. Sales Terms and Conditions

Axon Master Services and Purchasing Agreement:

This Quote is limited to and conditional upon your acceptance of the provisions set forth herein and Axon's Master Services and Purchasing Agreement (posted at https://www.axon.com/sales-terms-and-conditions), as well as the attached Statement of Work (SOW) for Axon Fleet and/or Axon Interview Room purchase, if applicable. In the event you and Axon have entered into a prior agreement to govern all future purchases, that agreement shall govern to the extent it includes the products and services being purchased and does not conflict with the Axon Customer Experience Improvement Program Appendix as described below.

ACEIP:

The Axon Customer Experience Improvement Program Appendix, which includes the sharing of de-identified segments of Agency Content with Axon to develop new products and improve your product experience (posted at www.axon.com/legal/sales-terms-and-conditions), is incorporated herein by reference. By signing below, you agree to the terms of the Axon Customer Experience Improvement Program.

Acceptance of Terms:

Any purchase order issued in response to this Quote is subject solely to the above referenced terms and conditions. By signing below, you represent that you are lawfully able to enter into contracts. If you are signing on behalf of an entity (including but not limited to the company, municipality, or government agency for whom you work), you represent to Axon that you have legal authority to bind that entity. If you do not have this authority, please do not sign this Quote.

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Signature

Date Signed

6/20/2024



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RESOLUTION NO. 280.24

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:

We have accumulated obsolete technology as shown below:
HP OfficeJet Pro 8600 Scan/Print/Fax
HP OfficeJet Pro 6978 Scan/Print/Fax
HP Jetdirect 300x Ext Print Server J3263A with Serial cable and power cord
HP OfficeJet Pro 8600 Color printer with power cord
(6) Logitech fast RF Wireless mouse receiver
(2) Serial mouse
D-Link Ethernet Switch DES 1105
Linksys 10/100 4-port VPN Router
NETGEAR Verizon 4G LTE Router MBR1515L
SYBA SD-HUB20092 i-Powerbooster USB 3.0 Hub for internal or external Use and Apple Fast Charging
Speco Technologies MWLP-UHF TRANSMITTER-Wireless Microphone
Motorola SURFboard cable modem sb5101u
MED-PAT XL-88H Phone
Motorola SURFboard SB6121cable modem—Still in the box.
NETGEAR Nighthawk AC1750 Smart Wi-Fi Router Model R6700v3
Creative Modem Blaster V.92 Serial external modem Model DE5621--End of Service Life
Paradyne Model 6350-A4-200 Reach DSL Modem and power supply
(2) FAX LineShare module by CMP Inc.
Viking TBB-1B Talk Battery Booster
2-Port Video Splitter
Logitech wireless mouse—no dongle
Stand-alone DVR remote controller
HP Wired serial keyboard Model SK-1688
Monroe Model 4130 calculator/printer serial #V924911
Staples SPL-P500 12-digit 2 colors calculator/printer
Sharp model EL-1197PIII 12-digit serial #5D15332X
(8) Serial printer cables

SECTION 2. This resolution shall become effective July 10, 2024.

DATED: July 10, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

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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: July 2, 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: July 10, 2024

Background Information:

We have accumulated obsolete technology as shown below:
HP OfficeJet Pro 8600 Scan/Print/Fax
HP OfficeJet Pro 6978 Scan/Print/Fax
HP Jetdirect 300x Ext Print Server J3263A with Serial cable and power cord
HP OfficeJet Pro 8600 Color printer with power cord
(6) Logitech fast RF Wireless mouse receiver
(2) Serial mouse
D-Link Ethernet Switch DES 1105
Linksys 10/100 4-port VPN Router
NETGEAR Verizon 4G LTE Router MBR1515L
SYBA SD-HUB20092 i-Powerbooster USB 3.0 Hub for internal or external Use and Apple Fast Charging
Speco Technologies MWLP-UHF TRANSMITTER-Wireless Microphone
Motorola SURFboard cable modem sb5101u
MED-PAT XL-88H Phone
Motorola SURFboard SB6121cable modem—Still in the box.
NETGEAR Nighthawk AC1750 Smart Wi-Fi Router Model R6700v3
Creative Modem Blaster V.92 Serial external modem Model DE5621--End of Service Life
Paradyne Model 6350-A4-200 Reach DSL Modem and power supply
(2) FAX LineShare module by CMP Inc.
Viking TBB-1B Talk Battery Booster
2-Port Video Splitter
Logitech wireless mouse—no dongle

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Stand-alone DVR remote controller
HP Wired serial keyboard Model SK-1688
Monroe Model 4130 calculator/printer serial #V924911
Staples SPL-P500 12 digit 2 colors calculator/printer
Sharp model EL-1197PIII 12 digit serial #5D15332X
(8) Serial printer cables

Evaluation/Analysis: Research into each component has shown there is no useful purpose for the materials described.

Recommendation(s): Non-working and "end-of-life/end-of-service" items should be scrapped or donated 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

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RESOLUTION NO. 281.24

TO ENACT INTRODUCTORY LOCAL LAW NO. 12 OF 2024 ENTITLED SCHOOL BUS STOP-ARM CAMERA PROGRAM

WHEREAS, an introductory local law entitled, "School Bus Stop-Arm Camera Program" was introduced to the Town Board of the Town of Rotterdam, and upon duly published and posted, a public hearing was held on July 10, 2024, at 7:00pm, before the Town Board; and

WHEREAS, public discussion was heard at such hearing concerning the merits and significance of said introductory local law; 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 does hereby adopt said introductory Local Law No. 12 of 2024, a copy of which is attached hereto and made part of this resolution.

SECTION 2. The Town Clerk is hereby directed to enter said local law in the minutes of this meeting and in the Code of the Town of Rotterdam, and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

SECTION 3. This resolution shall become effective July 10, 2024.

DATED: July 10, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

DRAFT

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: July 3, 2024

TO: Town Board

FROM: Ronald Schlag, Councilmember

TITLE OF LEGISLATIVE REQUEST: Local law for school bus stop arm program

TO BE PLACED ON TOWN BOARD AGENDA OF: July 10, 2024

Background Information: The Town attorney was asked to prepare legislation to implement a local law for a school bus stop arm program. Public Hearing is being held on July 10, 2024.

Evaluation/Analysis: Not stopping for a school bus with its stop arm and lighting enabled presents a safety risk to school age children and implementation of this program may be beneficial in addressing and analyzing the issue.

Recommendation(s): Adopt the new code, and then enter into an agreement with Bus Patrol.

Attachment/Document(s): Proposed introductory Local Law.

Compliance with Purchasing Policy: N/A

Effect(s) on Existing Law(s): See backup.

LEGISLATION WILL BE PREPARED BY: Supervisors office

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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. 12 **of the year 20**24

A local law School Bus Stop-Arm Camera Program
(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:

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(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. 12 of 2024 of the (County)(City)(Town)(Village) of Rotterdam was duly passed by the Town Board of the Town of Rotterdam on July 10 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.

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* 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: _____

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Introductory Local Law _____ of 2024

The current Chapter 266 of the Town Code of the Town of Rotterdam shall become Chapter 266A and a Chapter 266B entitled "School Bus Stop-Arm Camera Program" shall be added as follows:

Section 1. Chapter 266B, Section 266B-1 of the Town Code of the Town of Rotterdam entitled "Purpose" shall be added as follows:

The purpose of this article is to impose monetary liability on the owner of a motor vehicle under circumstances where the operator of the motor vehicle fails to stop for a school bus displaying a red visual signal and stop-arm. It is a well-known fact that vehicle operators often fail to stop for a school bus displaying a red visual signal and stop-arm, thus creating a hazardous and dangerous condition for passengers, especially children, who depart from a stopped school bus. The intent of this article involves the installation of cameras on the school bus stop-arm to increase safety for passengers departing the school bus by imposing financial liability on the owner of the vehicle which will serve as a deterrent.

Section 2. Chapter 266B, Section 266B-2 of the Town Code of the Town of Rotterdam entitled "Definitions" shall be added as follows:

TOWN

The Town of Rotterdam, New York.

OWNER

The registered owner of a motor vehicle.

PERSON

One or more individuals, a partnership, company, association, corporation, trust, trustee or receiver or limited liability company.

SCHOOL DISTRICT

The School District of the Town of Rotterdam, New York.

Section 3. Chapter 266B, Section 266B-3 of the Town Code of the Town of Rotterdam entitled "Demonstration program imposing monetary liability" shall be added as follows:

A. Pursuant to §1174-a of the New York State Vehicle and Traffic Law, the Town hereby establishes a demonstration program imposing monetary liability on the owner of a motor vehicle for the failure of an operator thereof to comply with §1174 of the New York State Vehicle and Traffic Law when meeting a school bus marked and equipped as provided in

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Subdivisions 20 and 21-(1)-(c) of Section 375 of the New York State Vehicle and Traffic Law and operated in the Town. This demonstration program empowers the Town to install and operate, or to cause to be installed and operated, school bus photo violation monitoring systems which may be stationary or mobile.

B. Such school bus photo violation monitoring systems may be installed on school buses owned and operated by the school district, or on the school buses privately owned and operated for compensation under contract with the school district, provided that no such stationary school bus photo violation monitoring system shall be installed and operated, or caused to be installed and operated, by the Town, except on roadways under the jurisdiction of the Town, and further provided that no such mobile school bus photo violation monitoring system shall be installed or operated on school buses unless the Town and the school district enter into an agreement for such installation and operation.

Section 4. Chapter 266B, Section 266B-4 of the Town Code of the Town of Rotterdam entitled "Handling and custody of photographs" shall be added as follows:

As part of the demonstration program, the Town will create procedures for the proper handling and custody of photographs, micro photographs, videotapes and other recorded images and data produced by such mobile school bus photo violation monitoring systems in place on school buses and for the forwarding of such photographs, micro photographs, videotapes and other recorded images and data to the Town. Any such agreement entered into between the Town and the school district must be approved by a majority vote of the Town Board of the Town of Rotterdam and also by resolution of the board of the school district.

Section 5. Chapter 266B, Section 266B-5 of the Town Code of the Town of Rotterdam entitled "Privacy Measures" shall be added as follows:

As part of the demonstration program, the Town shall adopt and enforce measures to protect the privacy of drivers, passengers, pedestrians and cyclists whose identity and identifying information may be captured by a school bus photo violation monitoring device. Such measures shall include:

A. Utilization of necessary technologies to ensure, to the extent practicable, that photographs produced by such school bus photo violation monitoring devices shall not include images that identify the driver, the passengers, the contents of the motor vehicle, pedestrians and cyclists; provided, however, that no notice of liability issued pursuant to this section shall be dismissed solely because a photograph or photographs allow for the identification of the contents of a motor vehicle, provided that the Town has made a reasonable effort to comply with the provisions contained herein.

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B. A prohibition on the use or dissemination of motor vehicles' license plate information and other information and images captured by such school bus photo violation monitoring systems, except: 1) as required to establish liability under this chapter or collect payment of penalties; 2) as required by court order; or 3) as otherwise required by law and oversight procedures to ensure compliance with the afore described privacy protection measures.

C. The Town shall install signage in conformance with standards established in the Manual on Uniform Traffic Control Devices (MUTCD), maintained by the Commission of Transportation, at each roadway entrance of the Town boundaries giving notice that school bus photo violation monitoring systems are used to enforce restrictions on motor vehicles violating § 1174 of the New York State Vehicle and Traffic Law. For purposes of this chapter, the term "roadway" shall not include state expressway routes or state interstate routes but shall include controlled access highway exit ramps that enter the Town boundaries of the Town.

Section 6. Chapter 266B, Section 266B-6 of the Town Code of the Town of Rotterdam entitled "Vehicle Owner Liability" shall be added as follows:

The owner of a motor vehicle shall be liable for a monetary penalty imposed pursuant to this chapter if such vehicle was used or operated with the permission of the owner, expressed or implied, in violation of § 1174 of the New York State Vehicle and Traffic Law if such violation is evidenced by information obtained from a school bus photo violation monitoring system; provided, however, that no owner of a motor vehicle shall be liable for a monetary penalty imposed pursuant to this chapter where the operator of such motor vehicle has been convicted of the underlying violation of § 1174 of the Vehicle and Traffic Law.

Section 7. Chapter 266B, Section 266B-7 of the Town Code of the Town of Rotterdam entitled "Owner liability for monetary penalties" shall be added as follows:

A. An owner of a motor vehicle liable for a violation of Subsection (a) of § 1174 of the New York State Vehicle and Traffic Law shall be liable for monetary penalties as provided herein. The liability of the owner pursuant to this chapter shall be $250 for a first violation; $275 for a second violation; provided the first and second were committed within a period of 18 months, and $300 for a third, or subsequent, violation, provided that all of which were committed within a period of 18 months. An additional penalty in the amount of $25 for each violation shall be due and payable resulting from the failure of the owner to respond to a notice of liability within the prescribed time period.

B. An imposition of liability pursuant to this chapter shall not be deemed a conviction as an operator and shall not be made part of the operating record of the person upon whom such liability is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.

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Section 8. Chapter 266B, Section 266B-8 of the Town Code of the Town of Rotterdam entitled "Notice of liability" shall be added as follows:

A. A notice of liability shall be sent by first-class mail to each person alleged to be liable as an owner for a violation of Subdivision (a) of § 1174 of the New York State Vehicle and Traffic Law pursuant to this chapter. Personal delivery on the owner shall not be required; a manual or automatic record of mailing prepared in the ordinary course of business shall be prima facie evidence of the facts contained therein.

B. The notice of liability shall contain the name and address of the person alleged to be liable as an owner for a violation of Subdivision (a) of § 1174 of the New York State Vehicle and Traffic Law pursuant to this chapter, the registration number of the vehicle involved in such violation, the location where such violation took place, the date and time of such violation and the identification number of the camera which recorded the violation or other document locator number.

C. The notice of liability shall include information advising the person charged of the manner and the time in which he or she may contest the liability alleged in the notice of liability. Such notice of liability shall also contain a warning to advise the persons charged that failure to contest in the manner and time provided shall be deemed an admission of liability and that a default judgment may be entered thereon.

D. The notice of liability shall be prepared and mailed by the Town or by such other entity authorized by the Town to prepare and mail such notice of liability and recover any such monetary penalty.

E. Adjudication of the liability imposed upon owners by this chapter shall be made by the Town Court of the Town of Rotterdam, New York.

Section 9. Chapter 266B, Section 266B-9 of the Town Code of the Town of Rotterdam entitled "Presumption of owner liability; defenses to notice of liability" shall be added as follows:

A. For purposes of this chapter, there shall be a presumption that the operator of such motor vehicle was operating such vehicle with the consent of the owner at the time such operator failed to comply with § 1174 of the New York State Vehicle and Traffic Law.

B. If an owner receives a notice of liability pursuant to this chapter for any time period during which the motor vehicle was reported to the police as having been stolen, it shall be a valid defense to the allegation of liability for a violation of Subdivision (a) of § 1174 of the New York State Vehicle and Traffic Law pursuant to this chapter that the motor vehicle had been reported to the police as stolen prior to the time the violation had occurred and had not been recovered by such time. For purposes of asserting a defense provided by this section, it shall be sufficient that

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a certified copy of the police report on the stolen motor vehicle be sent by first-class mail to the Town Court of the Town of Rotterdam, New York.

C. An owner who is a lessor of a vehicle to which notice of liability was issued shall not be liable for the violation of Subdivision (a) of § 1174 of the New York State Vehicle and Traffic Law, provided he or she sends to the Town Court of the Town of Rotterdam, New York, a copy of the rental, lease or other such contract document covering such motor vehicle on the date of the violation with the name and address of the lessee clearly legible, within 37 days after receiving notice from the court of the date and time of such violation, together with such other and further information contained in the original notice of liability. Failure to send such information within such thirty-seven-day time period shall render the owner liable for the monetary penalty prescribed by this chapter. Where the lessor complies with the provisions of this Subsection C, the lessee of such motor vehicle on the date of such violation shall be deemed to be the owner of such vehicle for purposes of this chapter, shall be subject to liability for the violation of Subdivision (a) of § 1174 of the Vehicle and Traffic Law pursuant to this section and shall be sent a notice of liability pursuant to this chapter.

D. No owner of a motor vehicle shall be subject to a monetary penalty imposed pursuant to this chapter if such owner can demonstrate by clear and convincing evidence that such school bus stop arms were malfunctioning at the time of the alleged violation.

E. No owner of a motor vehicle shall be subject to a monetary penalty imposed pursuant to this chapter if the operator of such motor vehicle was operating such motor vehicle without the consent of the owner at the time such operator failed to comply with § 1174 of the New York State Vehicle and Traffic Law and the owner of the motor vehicle is able to demonstrate to the court by clear and convincing evidence that the motor vehicle was operated at the time of the violation without the consent of the owner.

Section 10. Chapter 266B, Section 266B-10 of the Town Code of the Town of Rotterdam entitled "Reporting requirements" shall be added as follows:

The demonstration program established by the Town requires that it submit an annual report on the results of the use of a school bus photo violation monitoring system to the Governor, the President of the Senate and the Speaker of the Assembly on or before June 1, 2024, and on the same date in each succeeding year in which the demonstration program is operable. Such report shall include, but not be limited to, the following:

A. The number of buses and a description of the routes where stationary and mobile school bus photo violation monitoring systems were used.

B. The aggregate number, type and severity of accidents reported at locations where a school bus photo violation monitoring system is used for the year preceding the installation of such system,

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to the extent the information is maintained by the New York State Department of Motor Vehicles.

C. The number of violations recorded at each location where a school bus photo violation monitoring system is used and in the aggregate on a daily, weekly and monthly basis.

D. The number of convictions for violations of Subdivision (a) of § 1174 of the New York State Vehicle and Traffic Law recorded at each location where a school bus photo violation monitoring system is used on an annual basis, to the extent the information is maintained by the Department of Motor Vehicles of this state.

E. The total number of notices of liability issued for violations recorded by such systems.

F. The number of monetary penalties and total amount of monetary penalties paid after the first notice of liability issued for violations recorded by such systems.

G. The number of violations adjudicated and results of such adjudications, including breakdowns of dispositions made for violations recorded by such systems which shall be provided at least annually to such Town by the courts conducting such adjudications.

H. The total amount of revenue realized by the Town.

I. The expenses incurred by the Town in connection with the program.

J. The quality of the adjudication process and its results including the total number of hearings scheduled, rescheduled, and held; the total number of persons scheduled for such hearings; the total number of cases where monetary penalties were paid on or before the hearing date; and the total number of default judgments entered. Such information shall be provided at least annually to the Town by the court conducting such adjudications.

K. A description of public education activities conducted to warn motorists of the dangers of overtaking and passing stopped school buses.

Section 11. Chapter 266B, Section 266B-11 of the Town Code of the Town of Rotterdam entitled "Expiration" shall be added as follows:

This demonstration program shall expire on December 1, 2024, unless extended further by act of the New York State Legislature. In the event of an extension by the New York State Legislature, the demonstration program set forth herein shall not otherwise expire unless this local law is repealed.

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RESOLUTION NO. 282.24

TO ADOPT A SEQR NEGATIVE DECLARATION TO AMEND CHAPTER 270, ZONING, OF THE TOWN CODE, TO REPEAL THE EXISTING SOLAR ENERGY FACILITIES LAW, LOCAL LAW NO. 1 OF THE YEAR 2017 AND RELATED SITE PLAN FEES CHAPTER 270-137.1 (A)(1) AND FOR THE ADOPTION OF AN UPDATED SOLAR ENERGY FACILITIES LAW

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 herby adopts the Negative Declaration dated July 10, 2024, as prepared by the Senior Planner to amend Chapter 270, Zoning, of the Town Code, to repeal the existing Solar Energy Facilities Law, Local Law No. 1 of the year 2017 and related site plan fees Chapter 270-137.1 (A)(1) and for the adoption of an updated Solar Energy Facilities Law.

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 July 10, 2024.

DATED: July 10, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

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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: June 24, 2024

TO: Mollie Collins, Town Supervisor

FROM: Patricia Matelitz, Chair – Energy Advisory Committee

TITLE OF REQUEST: Adoption of a SEQR Negative Declaration on amendments to the Zoning Code to repeal the existing Solar Energy Facilities Law and related site plan fees and the adoption of an updated Solar Energy Facilities Law.

TOWN BOARD MEETING: July 10, 2024

Background Information: On February 22, 2017 the Town Board adopted Local Law #1 of the Year 2017 entitled Solar Energy Facilities. Since that time, new technologies, changes to state regulations, and larger more complex projects have emerged that necessitated update to the existing Town Zoning Code. In addition, Chapter 270-137.1 (A)(1) that relates to the exemption of site plan fees should be repealed.

Evaluation/Analysis: On Wednesday, March 8, 2023 the Town Board established and appointed various members to the Town of Rotterdam Energy Advisory Committee. Since that time, the Energy Advisory Committee has worked diligently to meet with various stakeholders in the State of New York, County of Schenectady, and Town of Rotterdam, including Town Designated Engineer, first responders, NYSERDA, Town Board members, County Legislators, and others. The Committee has put forth a recommended Solar Energy Facilities law and is requesting that the Town Board repeal the existing outdated code and adopt the new code which is attached.

Recommendation(s): Issuance of a SEQR Negative Declaration

Attachment/Document(s): SEQR Long Environmental Assessment Form

Compliance with Purchasing Policy: N/A

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

LEGISLATION WILL BE PREPARED BY: Supervisor's Office

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6NYCRR PART 617
NEGATIVE DECLARATION
Notice of Determination of Non-Significance
State Environmental Quality Review

Date: July 10, 2024

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)
Description of Action:	To modify Chapter 270 of the Town Code and adopt a Solar Energy Facilities Law.	
Petitioner:	Town Board of the Town of Rotterdam John F. Kirvin Government Center 1100 Sunrise Boulevard Rotterdam, New York 12306	

Reasons Supporting This Determination:
(See 617.7(a)-(c) for requirements of this determination)

This non-project action concerns amending Chapter 270 of the Code of the Town of Rotterdam to adopt rules and regulations regarding both residential and commercial solar energy facilities located in the Town of Rotterdam. The Town of Rotterdam last addressed solar technologies in 2017 within its municipal boundaries. The updated town code establishes a system whereby solar technologies can be allowed while enhancing and refining performance standards to provide uniformity as well as providing a mechanism to better regulate larger facilities through review by the Planning Commission.

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The Rotterdam Town Board appointed an Energy Advisory Committee that held once a month meeting beginning March 16, 2023 and worked diligently to meet with various stakeholders in State, County, and local government. Reviewing entities also included first responders, NYSERDA, Town Board members, County Legislators, Planning Commission members, and Town Staff in order to develop a comprehensive code that allows for development of Solar Energy facilities within the Town while protecting the environment. The Town also retained the services of an engineering firm familiar with solar technologies and site plans to assist in the development, review, and adoption of this updated code. The Energy Advisory Committee familiarized themselves with Solar Code of at least ten other comparable municipalities, and created a side-by-side comparison of important factors. The committee also reviewed and familiarized itself with NYS Model Energy Guide and NYS ORES Regulations.

After a review of the applicable modifications, 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

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(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 10th day of July, 2024 hereby adopted this NEGATIVE DECLARATION pursuant to 6NYCRR PART 617, State Environmental Quality Review.

_____

Mollie Collins
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
pcomenzo@rotterdamny.org

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Full Environmental Assessment Form
Part 1 - Project and Setting

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: Amendments to Town of Rotterdam Zoning Code to repeal existing Solar Energy Facilities Law and adopt a new Solar Energy Facilities Law.		
Project Location (describe, and attach a general location map): Townwide		
Brief Description of Proposed Action (include purpose or need): On February 22, 2017 the Town Board adopted Local Law #1 of the Year 2017 entitled Solar Energy Facilities. Since that time, new technologies, changes to state regulations, and larger more complex projects have emerged that necessitated updates to the existing Town Zoning Code.		
Name of Applicant/Sponsor: Town of Rotterdam Energy Advisory Committee	Telephone: 518-355-7575 x-325 E-Mail: mcollins@rotterdamny.org	
Address: 1100 Sunrise Boulevard		
City/PO: Rotterdam	State: NY	Zip Code: 12306
Project Contact (if not same as sponsor; give name and title/role): Peter Comenzo -Senior Planner	Telephone: 518-355-7575 x-338 E-Mail: pcomenzo@rotterdamny.org	
Address: 1100 Sunrise Boulevard		
City/PO: Rotterdam	State: NY	Zip Code: 12306
Property Owner (if not same as sponsor):	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:

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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	Town Board	May 2024
b. City, Town or Village Planning Board or Commission ☐Yes ☑No	Planning Commission Report and Recommendation	
c. City, Town or Village Zoning Board of Appeals ☐Yes ☑No		
d. Other local agencies ☐Yes ☑No		
e. County agencies ☐Yes ☑No	County 239-m Review	
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):

Rotterdam Junction BOA, Mohawk River, Schenectady Intermunicipal Watershed

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):

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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?
All Zones in the Town will be affected by this local law. This updated code will also permit the Town Board to create a solar overlay district in areas that are not currently zoned I-1 or I-2.

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? Updates to the Town of Rotterdam Solar Energy Facilities Law

C.4. Existing community services.

a. In what school district is the project site located? Schalmont & Mohonasen

b. What police or other public protection forces serve the project site?
State Police, Schenectady County Sherriff, and Rotterdam Police Department

c. Which fire protection and emergency medical services serve the project site?
All Town of Rotterdam Volunteer Fire Departments, Rotterdam EMS, and Mohawk Ambulance

d. What parks serve the project site?
N/A

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)?

b. a. Total acreage of the site of the proposed action? _____ acres
b. Total acreage to be physically disturbed? _____ 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: _____

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? _____
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: _____

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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? ☐Yes ☐No
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)

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.

_____

_____

i*v.* 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): _____

_____

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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

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- Do existing sewer lines serve the project site? ☐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)

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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: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

ii. During Operations:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

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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: _____

  _____

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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			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____ _____			

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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):

_____

_____

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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? _____ 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: _____ _____%
_____ _____%
_____ _____%

d. What is the average depth to the water table on the project site? Average: _____ feet

e. Drainage status of project site soils: ☐ Well Drained: _____% of site
☐ Moderately Well Drained: _____% of site
☐ Poorly Drained _____% of site

f. Approximate proportion of proposed action site with slopes: ☐ 0-10%: _____% 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 _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ 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: _____

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m. Identify the predominant wildlife species that occupy or use the project site: _____

_____ _____ _____

_____ _____ _____

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: _____

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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 Town of Rotterdam Date May 16, 2024

Signature Peter Comenzo Title Senior Planner

PRINT FORM

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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: _____ _____		☐	☐

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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	☑	☐

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l. Other impacts: Proposed local law amendment may decrease impacts to wetlands by increasing protection.		☑	☐

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: Well testing and monitoring is proposed in local law		☑	☐

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: Local law will decrease potential for construction on lands subject to flooding		☑	☐

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	☐	☐

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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: Proposed local law will decrease potential impacts to agriculture resources.		☑	☐

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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.) ☐ NO ☑ YES

If "Yes", answer questions a - g. If "No", go to Section 10.

	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: Proposed local law provides additional review and mitigation for aesthetic resources.		☑	☐

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.) ☐ NO ☑ YES

If "Yes", answer questions a - e. If "No", go to Section 11.

	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	☑	☐

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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. ☐ NO ☑ YES

(See Part 1. C.2.c, E.1.c., E.2.q.)

If "Yes", answer questions a - e. If "No", go to Section 12.

	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: Local law will require payment of fees that will be put towards open space and recreation. _____		☑	☐

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) ☐ NO ☑ YES

If "Yes", answer questions a - c. If "No", go to Section 13.

	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	☐	☐

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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 cccur	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: _____ _____		☐	☐

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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, Elb	☐	☐
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

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RESOLUTION NO. 283.24

A RESOLUTION FOR ADOPTION OF AMENDMENTS TO THE ZONING CODE TO REPEAL LOCAL LAW NO. 1 OF 2017 ENTITLED SOLAR ENERGY FACILITIES AND TO ENACT LOCAL LAW NO. 13 OF 2024 ENTITLED SOLAR ENERGY FACILITIES LAW WITH AMENDMENT TO SITE PLAN FEES

WHEREAS, a local law entitled, "Solar Energy Facilities" was introduced to the Town Board of the Town of Rotterdam, and upon duly published and posted, a public hearing was held on June 12, 2024, and continued on July 10, 2024, before the Town Board; and

WHEREAS, public discussion was heard at such hearing concerning the merits and significance of said introductory local law; and

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 repeal Local Law No. 1 of 2017.

SECTION 2. The Town Board of the Town of Rotterdam does hereby adopt said Introductory Local Law No. 13 of 2024, a copy of which is attached hereto and made part of this resolution.

SECTION 3. The Town Board of the Town of Rotterdam does hereby amend Chapter 270-137.1(A)(1) of the Code of the Town of Rotterdam, a copy of which is attached hereto and made a part of this resolution, and be it further

SECTION 4. The Town Clerk is hereby directed to enter said Local Law in the minutes of this meeting and in the Code of the Town of Rotterdam, and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

SECTION 5. This resolution shall become effective July 10, 2024.

DATED: July 10, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

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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: June 24, 2024

TO: Mollie Collins, Town Supervisor

FROM: Patricia Matelitz – Chair, Energy Advisory Committee

TITLE OF REQUEST: Adoption of amendments to the Zoning Code to repeal the existing Solar Energy Facilities Law and adopt a new updated Solar Energy Facilities Law with amendment to site plan fees under Chapter 270-137.1 (A)(1)

TOWN BOARD MEETING: July 10, 2024

Background Information: On February 22, 2017 the Town Board adopted Local Law #1 of the Year 2017 entitled Solar Energy Facilities. Since that time, new technologies, changes to state regulations, and larger more complex projects have emerged that necessitated update to the existing Town Zoning Code. In addition, Chapter 270-137.1 (A)(1) that relates to the exemption of site plan fees should be repealed.

Evaluation/Analysis: Town Board declared lead agency on May 16, 2024 and called for a public hearing to be held on June 12, 2024. Public hearing was held on June 12, 2024 and continued to July 10, 2024. Town Board referred the local law to the Planning Commission on May 16, 2024 and the Planning Commission reviewed the local law at the May 21, 2024 meeting, conducted a workshop with members of the Energy Advisory Committee, Town Designated Engineer, and Planning Staff on June 11, 2024, and made a positive recommendation to the Town Board on June 18, 2024. Energy Advisory Committee prepared some minor revisions to the code to address comments from the Planning Commission and Town Planner on the proposed local law.

Recommendation(s): Town Board to consider repeal of Local Law #adoption of the revised Solar Energy Facilities Local Law.

Attachment/Document(s): Proposed Solar Energy Facilities Law

Compliance with Purchasing Policy: N/A

Effect(s) on Existing Law(s): Updates to Zoning Code Chapter 270

LEGISLATION WILL BE PREPARED BY: Supervisor's Office

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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. 13 **of the year 20**24

A local law to repeal and replace Local Law No. 1 of 2017 entitled Solar Energy Facilities
(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:

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(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. 13 of 2024 of the (County)(City)(Town)(Village) of Rotterdam was duly passed by the Town Board on July 10 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.

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* 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: _____

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SOLAR ENERGY FACILITIES LAW

TOWN OF ROTTERDAM

LOCAL LAW No. _____ of 20____

BE IT ENACTED by the Town Board of the Town of Rotterdam, in the County of Schenectady, as follows:

I. SECTION ONE – TITLE

This local law shall be known as the "Solar Energy Facilities Law," and shall repeal and replace Local Law No. _____ of the year _____.

II. SECTION TWO – PURPOSE, INTENT AND OBJECTIVES

The purpose of this law shall be to provide for the siting, development, and decommissioning of solar energy systems subject to reasonable conditions to reduce potential impacts on adjoining properties, while promoting the effective and efficient use of solar energy resources.

The town finds that well-planned and suitably located solar energy systems can be beneficial. This law seeks to foster, thorough project planning and appropriate siting, the following objectives:

A. Protecting the health, safety, and well-being of our 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.

B. Allowing Town of Rotterdam residents, landowners, farms, and government to safely take advantage of solar energy resources in a way that is consistent with the nature and character of the Town in accordance with the Town of Rotterdam Comprehensive Plan.

C. Promoting and supporting our Town's Open Space Plan with solar code that protects and preserves open space, agricultural lands, and environmentally significant areas of Town as designated by our Comprehensive Plan and Conservation Plan.

D. Protecting the Town's unique ecosystem of plants, wildlife, and habitats, particularly in the western upland and rural areas of Town.

E. Recognizing the importance of Agriculture and protecting water and soils conducive to farming. If agricultural lands are to be used for solar siting, the Town encourages consideration of dual-use projects/agrivoltaics, a mixed land use production system combining the agricultural use of the land with solar energy production.

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F. Protecting and ensuring farmland, agricultural land, and forested land are put to their highest and best use.

G. Protecting and promoting scenic and environmental resources by minimizing large scale solar energy facilities' impacts on these resources as outlined in the Rotterdam Comprehensive Plan including, but not limited to, fresh watersheds, floodplains, historic sites, conservation easements, trails, parklands, wetlands, wildlife, and scenery, and areas for recreational and outdoor activities.

H. Protecting the property values of those properties neighboring and within the viewshed and soundshed of a large-scale solar energy facility.

I. Conserving the rural character of western Rotterdam and rural hamlets, including Rotterdam Junction and Pattersonville.

III. SECTION THREE – AUTHORITY

This local law is adopted pursuant to Sections 10 and 22 of the Municipal Home Rule Law.

IV. SECTION FOUR – DEFINITIONS

The following definitions are as they relate to this Solar Energy Facilities Law:

ANSI – American National Standards Institute.

ATIMA – As Their Interests May Appear.

Ambient Noise: All-encompassing sound that is associated with a given environment, usually a composite of sounds from many sources near and far.

Battery Energy Storage System (BESS) – One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time (not to include a stand-alone 12-volt car battery or an electric motor vehicle).

Battery Management System - An electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are identified.

Building-Integrated Photovoltaic System – A combination of photovoltaic building components integrated into any building envelope system, such as vertical facades,

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including glass and other façade material, semitransparent skylight system, roofing materials, and shading over windows. Building-Integrated Photovoltaic System are Tier 1 solar energy systems.

Commissioning –A systematic process that provides documented confirmation that a solar energy system functions according to the intended design criteria and complies with applicable code requirements.

Comprehensive Plan – The Town of Rotterdam's Comprehensive Plan, adopted on December 14, 2022, and as amended.

Decommissioning Plan –a plan to retire the physical facilities of the Project, including but not limited to decontamination, dismantlement, rehabilitation, landscaping, and monitoring.

Facility Area – The cumulative land area occupied during the operation of the solar energy facility. This shall include all areas and equipment within the facility's fenced perimeter boundary, including the solar energy system, onsite interconnection equipment, onsite electrical energy storage equipment, fencing, and any other associated equipment – as well as any site improvements beyond the facility's fenced perimeter boundary such as access roads, permanent parking areas, or other permanent improvements. The facility area shall not include site improvements established for impact mitigation purposes, including but not limited to vegetative buffers and landscaping features.

Fenced Perimeter – Any section(s) of Facility Area that is required by regulation or by the Planning Commission to be surrounded by security fencing that meets NEC requirements.

Forest and Woods – for the purpose of this Law, the terms forest, woods, woodlands, timberlands, wood lot and other reasonably synonymous terms shall describe any contiguous land-area where the dominant cover-type of the land is trees, covering at least 25% of the area. Forests and woods typically have thirty (30) years of uninterrupted growth or has surpassed the shrubland stage of primary succession.[1]

Glare - The effect by reflections of light with intensity sufficient as determined in a commercially reasonable manner to cause annoyance, discomfort or loss in visual performance and visibility in any material respects.

Ground-Mounted Solar Energy System - A Solar Energy System which is secured to the ground via a pole, ballast system, or other mounting system; is detached from any other structure; and which generates electricity for onsite or offsite consumption. For the

[1] Combination of the definition of "shrubland" from University of New Hampshire and definition of "forest" from The Society of American Foresters.

purposes of this Solar Energy Facility law, systems affixed to canopies, such as carports in parking lots or driveways, shall be considered a ground-mounted system.

Immaterial Modifications - Changes in the location, type of material or method of construction of a solar energy system that will not: (1) increase the system's area by more than 5 percent (exclusive of moving any fencing) from original approval, (2) result in any new or additional adverse environmental impact not already reviewed and accepted for the project by the Town Planning Commission; (3) cause the project to violate any applicable setbacks or other requirements of this Law; or (4) cause the project not to conform to the State Environmental Quality Review determination or findings issued by the Planning Commission.

ISAOA – Its Successors and Or Assigns.

Kilowatt (kW): A unit of power equal to 1,000 watts. The nameplate capacity of solar energy systems may be described in terms of kW.

Material Safety Data Sheet (MSDS) – is a document that contains information on the potential hazards (health, fire, reactivity and environmental) and how to work safely with the chemical product.

Megawatt (MW): A unit of power equal to 1,000 kW. The nameplate capacity of solar energy systems may be described in terms of MW.

Mineral Soil Groups 1-4 (MSG 1-4): Soils recognized by the New York State (NYS) Department of Agriculture and Markets as having the highest value based on soil productivity and capability, in accordance with the uniform statewide land classification system developed for the NYS Agricultural Assessment Program.

Nameplate Capacity: A solar energy system's maximum electric power output under optimal operating conditions. Nameplate Capacity may be expressed in terms of Alternating Current (AC) or Direct Current (DC).

Nationally Recognized Testing Laboratory - A U.S. Department of Labor designation recognizing a private sector organization to perform certification for certain products to ensure that they meet the requirements of both the construction and general industry OSHA electrical standards.

NEC - National Electrical Code (NEC), also known as NFPA 70, and as amended or revised.

Non-Participating Property - A property not owned or leased by the solar energy system operator, nor having any land use agreement or easement related to the system.

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Participating Property - A property owned or leased by the solar energy system operator, or a property having any land use agreement or easement related to the system. Where multiple adjacent properties under single ownership are participating in a solar energy system, the combined lots shall be considered as one for the purposes of applying setback requirements.

Point of Interconnection (POI) – the point at which power is delivered to an electrical distribution or transmission system and usually represents demarcation between the Solar Energy System and utility owned electrical infrastructure.

Renewable Energy Substation – An electrical substation used in the generation, transmission, and/or distribution system directly associated with and constructed for a Solar Energy System. Not including utility owned electrical substations already in existence prior to Solar Energy System construction, unless said substation is within the solar Facility Area, and, modified for the Solar Energy System's use, and owned by the Solar Energy System legal entity.

Roof-Mounted Solar Energy System – A series of solar panels on the roof of any legally permitted building and/or structure for the purpose of producing electricity for on-site and/or off-site consumption.

Severe Weather Event: As defined by the National Weather Service, events such as: floods, tornados and thunderstorm that produces a tornado, winds of at least 58 mph, and/or hail at least 1" in diameter.

Shrubland: For the purpose of this law the terms Shrubland, Brushland, Brush, Scrub Brush, Overgrown, other reasonably synonymous terms shall describe lands with thickets of shrubs and young trees mixed with scattered grasses and wildflowers. Shrubland are areas where open space has been left alone, unmaintained and unmowed for approximately twenty-five to thirty years before becoming early successional forest.[2]

Solar Access - Space open to the Sun and clear of overhangs or shade so as to permit the use of active and/or passive solar energy systems on individual properties.

Solar Collector - A solar or photovoltaic cell, plate, panel, film, array, reflector, or other structure affixed to the ground, a building, or other structure that harnesses solar radiation to directly or indirectly generate thermal, chemical, electrical, or other usable energy, or that reflects or concentrates solar radiation to a solar or photovoltaic cell, plate, panel, film, array, reflector, or other structure that directly or indirectly generates thermal, chemical, electrical, or other usable energy.

[2] Definition from University of New Hampshire. https://extension.unh.edu/resource/shrublands

Solar Energy Equipment - Electrical material, hardware, inverters, conduit, storage devices, or other electrical and photovoltaic equipment associated with the production of electricity.

Solar Energy System – Also called solar energy facilities, components and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, Solar Panels and Solar Energy Equipment. A Solar Energy System is classified as a Tier 1, Tier 2, Tier 3, Tier 4, or Tier 5 Solar Energy System as follows.

A. Tier 1 Solar Energy Systems include the following:
    a. Roof-Mounted Solar Energy Systems.
    b. Building-Integrated Solar Energy Systems.
    c. Roof mounted Solar Water Heater systems for the purpose of supplying domestic hot water to the property it is located on, and for no other purpose.

B. Tier 2 Solar Energy Systems include the following:
    a. Ground-Mounted Solar Energy Systems not included under Tier 1 with a Nameplate Capacity of up to 1.0 MW AC and which generates no more than 110% of the electricity consumed on the site over the previous 12 months.
    b. Ground mounted Solar Water Heater systems for the purpose of supplying domestic hot water to the property it is located on, and for no other purpose.

C. Tier 3 Solar Energy Systems include the following:
    a. Ground Mounted Solar Water Heater systems not included under Tier 1 or Tier 2.
    b. Ground-Mounted Solar Energy Systems not included under Tier 1 or Tier 2 Solar Energy Systems with a Nameplate Capacity of up to 5 MW AC.

D. Tier 4 Solar Energy Systems include the following:
    a. Ground-Mounted Solar Energy Systems not included under Tier 1, 2 or 3 Solar Energy Systems with a Nameplate Capacity of up to 25 MW AC.

E. Tier 5 Solar Energy Systems are Solar Energy Systems and Solar-Thermal Systems which are not defined under Tier 1, 2, 3 or 4.

Solar-thermal systems – Solar thermal power/electric generation systems collect and concentrate sunlight to produce the high temperature heat needed to generate electricity. Including but not limited to linear concentrating systems, solar power towers, solar dish, solar engine, and similar systems.

Solar Water Heaters – Systems which use solar energy to generate domestic hot water typically for, but not limited to residential use. Systems may be roof or ground mounted.

TDE –Town Designated Engineer.

UL - Underwriters Laboratory, an accredited standards developer in the United States.

Uniform Code - The New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

V. SECTION FIVE – APPLICABILITY

a. The requirements herein shall apply to all solar energy system and equipment installations modified or installed after the effective date of this law, excluding general maintenance and repair.

b. Solar energy system installations for which a valid building permit has been issued, or, if no building permit is presently required, for which installation has commenced before the effective date of this law shall not be required to meet the requirements of this law.

c. Modifications to an existing solar energy system that increase the system's area by more than 5 percent (exclusive of moving any fencing) from original approval shall be subject to this law.

d. A building permit shall be required for installation of all solar energy systems. All solar energy systems may require evaluation and approval of a Town Designated Engineer. Any Type I or unlisted actions under NYCRR Part 617 Stat Environmental Quality Review Act shall require TDE review, at the discretion of the lead agency.

e. All solar energy systems shall be designed, erected, and installed in accordance with all applicable codes, regulations, and industry standards as referenced in the NYS Uniform Fire Prevention and Building Code ("Building Code") the NYS Energy Conservation Code, and the Town of Rotterdam Code.

f. To the extent that any other town law, rule or regulation, or parts thereof, are inconsistent with the provisions of this law, the provisions set forth in this law shall control only as they pertain to solar energy systems.

g. Any proposed solar energy system subject to review by the New York Board on Electric Generation and Siting and the Environment pursuant to Article 10 of the New York State Public Service Law, or the Office of Renewable Energy Siting pursuant to Article 94-c of the Executive Law, shall be subject to all substantive provisions of this law and any other applicable laws, codes, ordinances and

regulations of the Town of Rotterdam, and any other applicable state or federal laws. For the purposes of this provision, such systems shall be classified as Tier 4 herein.

VI. SECTION SIX – PROHIBITIONS AND EXCEPTIONS

a. Installation of any sized solar energy systems on bodies of water or within NYSDEC and/or ACOE regulated wetlands is prohibited.

b. No solar energy system shall be installed within a 100-year flood zone, defined as "A", or "AE" on FEMA Flood Maps.

c. Solar collectors that are integrated directly into building materials, such as roof shingles, and that are a permanent and integral part of and not mounted on the building or structure are exempt from the requirements of this law. However, all applicable building codes shall be met, and necessary permits obtained.

d. Portable solar collectors as part of vehicles, such as campers and similar, or other small, foldable systems meant for temporary use and not in place for longer than 30 calendar days are exempt from the requirements of this article. However, all applicable codes for their operation shall be met, and necessary permits obtained.

e. Tier 5 facilities, as defined above, are prohibited in all Zoning Districts in the Town of Rotterdam.

    i. Rationale: Pursuant to the Town of Rotterdam Comprehensive Plan, The Town of Rotterdam can generally be separated into two distinct areas. The eastern part of Town is mostly developed and urbanized and is the location of most of the Town's infrastructure. The western portion of the Town, however, is distinctly unique in its low level of development, rural character, agricultural lands, and diversity of natural resources. Rotterdam has established an overall policy establishing its desire to maintain its predominantly rural character in the western portion of our Town. Maintaining the rural character shall be accomplished by preserving agricultural landscapes, open space, important scenic views, fresh watersheds, floodplains, historic sites, conservation easements, trails, parklands, wetlands, wildlife, and appropriately sized infrastructure.

    ii. The Rural, Agriculture and Natural resources component of the Plan's Vision Map focuses on maintaining and protecting these key resources while supporting agricultural businesses and preserving natural resources.

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iii. Local laws which apply to major renewable energy facilities are considered to be important by New York State (NYS) Public Service (PBS) CHAPTER 48, ARTICLE 8, § 142 which expressly states that:

"A final siting permit may only be issued if ORES makes a finding that the proposed project, together with any applicable uniform and site-specific standards and conditions, would comply with applicable laws and regulations."

iv. The importance of local laws is manifest from this statement. In choosing to make this statement in the law, the State Legislature explicitly expresses the intent that the content of local laws shall be a very important consideration for the New York State Office of Renewable Energy Siting (Siting Office) in deciding whether to grant or deny permits for major renewable energy facilities.

ARTICLE 8, § 142 continues to state that in making a final siting permit determination with respect to a major renewable energy facility, ORES *may* elect not to apply, in whole or in part, any local law or ordinance that would otherwise be applicable if it makes a finding that, as applied to the proposed facility, if is unreasonably burdensome in view of the CLCPA targets, and the environmental benefits.

The Town of Rotterdam specifically requests that, with regard to any proposed major renewable energy facility having a nameplate capacity of twenty (25) MW or greater or any others being reviewed under NYS Public Service Law Article 8 that the NYS Office of Renewable Energy Siting honor and enforce the local laws of the Town of Rotterdam as set forth herein. Local decision-making is enshrined in the New York State Constitution, Local Government Bill of Rights, Statute of Local Governments, and Municipal Home Rule law. As important as CLCPA goals are, local laws are adopted with the best interest of the community overall in mind, and CLCPA goals should not be the primary metric for determining whether carefully crafted local legislation should be overturned.

VII. SECTION SEVEN – GENERAL REQUIREMENTS

The installation of a solar collector or panel, whether attached to the main structure, an accessory structure, or as a detached, freestanding or ground-mounted solar collector, shall meet all requirements of this section.

a. All proposed solar energy systems shall submit a Town of Rotterdam Solar Development Application and other associated items outlined herein.

b. All solar energy systems shall adhere to all applicable NYS and Town of Rotterdam building, plumbing, electrical, and fire codes. Except for conditions specified in this law, all systems shall comply with the provisions of the Town zoning ordinance for the zoning district in which they are located.

c. All solar collectors and their associated support elements shall, at the time of installation, be designed according to generally accepted engineering practice to withstand heavy snow loads and wind pressures applied to exposed areas by wind from any direction, to minimize the migration of light or sound from the installation and to minimize sight obstructions for adjacent structures or land parcels.

d. All solar collectors shall have anti-reflective coating(s) to reduce glare to the maximum extent practicable. All solar collectors and related equipment shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent properties or public roadways. Panels shall not reflect more than 2% of incoming sunlight.

e. All solar collectors and their associated support elements shall have a non-reflective finish and be of neutral paint colors to achieve visual harmony with the surrounding area.

f. All participating properties for solar energy systems shall have a single landowner. Solar energy system projects shall not be sited on more than one side of a public road, regardless of property ownership or municipality.

g. Ground-mounted solar energy system height shall not exceed 15 feet when oriented at maximum tilt.

h. When required, solar energy systems applicant shall pay all associated costs for application review, including but not limited to engineering, legal, environmental, planning, and review required under SEQRA. When the Planning Commission determines that a review will require such costs, it shall provide an estimate to the applicant. Subsequently, such payment shall be made prior to commencement of full Planning Commission review after an initial meeting.

i. When solar energy systems are paired with BESS, it shall be noted in the Solar Development Application and be subject to applicable requirements of Town of Rotterdam's BESS code.

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j. Visual Impact: A solar energy system shall not be installed in any location that would substantially detract from or block the view(s) of all or a portion of a recognized scenic viewshed, as viewed from any public road, right-of-way, or publicly owned land within the Town or that extends beyond the border of the Town.

k. Landscaping and Screening: Landscaping buffer areas shall be required between the Facility Area and adjacent property lines to screen the view of Tier 2 and larger systems. Buffer widths shall be as follows:

   i. Tier 2: 25 feet and may be increased to a maximum of 100-ft by the Code Enforcement officer. If a Tier 2 system is reviewed by the Planning Commission, they may alter or waive this requirement in the case of carport or canopy systems in parking lots.
   ii. Tier 3: 50 feet and may be increased to a maximum of 100-ft by the Planning Commission.
   iii. Tier 4: 200 feet. If the project is located in zones I-1 or I-2 the buffer width may be reduced to 100-feet or other reasonable width determined by the Planning Commission.

   Buffers shall use existing vegetation to the fullest extent practicable. If existing vegetation does not provide the desired screening or buffer width it shall be supplemented with new landscaping to form a continuous hedge at least ~~14~~ 8 feet in height at planting shall be required and maintained for the life of the project. Berms, solid fencing, and opaque enclosures are the least desirable method of screening but may be proposed in situations where existing or new landscaping for screening is not practical. New landscaping proposed for the project shall be species native to the region and selected by a Registered Landscape Architect. All landscaping and screening methods shall be maintained and replaced as necessary during the life of the project.

l. Lighting: Where lighting is required for solar energy systems, it shall be limited to lighting required for safety and operational purposes and shall be cast downward and shielded from all neighboring properties and public roads. Lighting shall be capable of manual or auto-shut off switch rather than motion detection. All lighting sources and fixtures shall fully shield and comply with International DarkSky lighting standards. No light source may exceed a maximum Correlated Color Temperature (CCT) of 3,000K. “Dusk to Dawn” lighting is prohibited.

m. Fencing: Where fencing is required per this law or section 110.31 of NEC code and as revised, it shall encompass all solar collectors, electrical and control equipment, substations, batteries, and shall be labeled, and secured to prevent unauthorized access. Such equipment shall be enclosed with a seven (7) foot high fence or per

most current NEC requirements. Fencing shall have a self-locking gate to prevent unauthorized access and shall be wildlife permeable/friendly by including one way wildlife gates every 1,000 linear feet of perimeter fencing (minimum of two). Fixed-knot woven wire or other wildlife friendly fencing and mixed used fencing is preferred and shall include areas that shall allow small-to-medium sized animals (e.g., turtles, racoons, birds, etc.) areas which to easily pass through. Fencing shall be located inside any landscaping buffer area required by this Law. Barbed wire fencing is prohibited.

n. Signage: Warning signage shall be placed on solar equipment to the extent appropriate. All signs, streamers, or similar items, both temporary and permanent, are prohibited on solar equipment except the following, which must be posted at all points of Facility Area ingress/egress and any substation fencing:

    i. Manufacturers or installer's identification;
    ii. Appropriate warning signs and placards;
    iii. Signs that may be required by a federal or state agency;
    iv. Signs that provide a 24-hour emergency contact phone number and warn of any danger and signs that direct Fire department and Hazmat to emergency safety protocols. Said information shall be depicted within an area of no more than eight square feet.
    v. As required by the NEC, disconnect and emergency shut off information shall be clearly displayed on a light-reflective surface.
    vi. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.
    vii. No advertising signage is permitted.

o. Access Roads and Parking: Where required, roadways and parking will be provided to assure adequate operational and emergency access. Access roads will be reviewed for operational and fire safety purposes by the TDE, who may ask for the Local Fire Department's opinion of the proposed roads. Access roads shall be a minimum of width of 20 feet, and no greater than 26 feet wide. Adequate turnarounds shall be provided as determined applicable codes and the TDE. All roadways and parking areas associated with the solar energy system shall remain unpaved and, to the greatest extent practical, of pervious surfaces.

p. Site access: The fire break around the Facility Area fencing shall be accessible at all times and maintained at a level acceptable to the Town of Rotterdam, including snow removal. Snow removal on access roads shall be performed within 24 hours of a more than 6 inches snowfall, and at no point shall there be more than 6 inches of snow accumulation on the access roads through the course of winter season.

q. Slopes: Ground-Mounted Solar Energy Systems and associated equipment shall not be placed on slopes greater than 15 percent covering a minimum horizontal area of ¼ of an acre or 10.890 square feet and a minimum horizontal dimension of 10 feet. No earthwork may be done to for the sole purpose of altering natural slopes for placement of panel arrays to meet this requirement.

r. Site disturbance, including but not limited to, grading, soil removal, excavation, and soil compaction in connection with installation Facility Area shall be minimized to the greatest extent practical.

s. Agricultural Areas: Solar energy systems shall limit the use of agricultural areas within their project limits to no more than 10 percent of soils classified by the NYS Department of Agriculture and Markets' Agricultural Land Classification as mineral soils groups 1 through 4. All solar energy systems shall adhere to the Department of Agriculture and Markets' Guidelines for Construction Mitigation for Agricultural Lands. Tier 4 solar energy systems shall not be sited on lands shown on the Schenectady County Agriculture District Map.

t. Blasting is prohibited for the construction of all solar energy facilities.

u. There shall be no drilling within 500 feet of active wells for construction of Tier 3 and larger solar energy systems.

v. No pesticides or herbicides are to be used within the Facility Area for the lifetime of the project.

w. All electrical lines and wiring associated with solar energy systems shall be buried to the greatest extent practical and include necessary encasements in accordance with the NEC. For Tier 3 and 4 systems, the applicant is encouraged to use ground mounted equipment at the POI to avoid viewsheds impacts to sensitive receptors. The Planning Commission may waive this requirement if sufficient engineering data is submitted, which demonstrates that underground lines are not feasible or practical. The applicant is required to show the locations of all proposed overhead and underground electrical lines including substations, switchyards, junction boxes and other electrical components for the project on the site plan.

x. Where required and prior to final approval of a solar energy system, all engineering documents, including site plan, Stormwater Pollution Prevention Plan and Decommissioning Plan, etc., shall be signed and sealed by a New York State-licensed professional engineer. The solar energy system shall comply with all requirements of Article XXVI Erosion and Sediment Control of Town Code, and applicable New York State laws periodically amended over time. The site shall be

designed to avoid adverse changes to drainage, runoff, and overall site hydrology, which could impact both participating and other non-participating properties.

y. The Planning Commission or Town Code Enforcement Office may request any other information or documentation reasonably required for review or approval of an application, as applicable.

VIII. SECTION EIGHT – TIER 1 SOLAR ENERGY SYSTEMS PERMITTING REQUIREMENTS

a. Zones Allowed: Allowed in all zones.

b. Applications, Approvals, Fees, and Permits: Solar Development Application and Building Permit. Fees in accordance with the most current version of the Town of Rotterdam Fee Schedule. Non-residential systems may require site plan reviews under other sections of town code.

c. Setbacks:

1. Tier 1 systems are affixed to structures that shall conform to the setbacks in the subject zoning district. If the structure is existing and nonconforming with its zone requirements, setbacks shall be to the extent the structure remains lawful under other provisions of Town Code.

d. Specific Requirements:

1. Tier 1 systems shall not exceed the maximum allowed height of the principal use in any zoning district.

2. Tier 1 systems shall be mounted as flush as possible to the roof. Solar panels on flat roofs shall not extend above the top of the surrounding parapet, or more than 24 inches above the flat surface of the roof, whichever is higher. Solar panels on pitched roofs shall be installed at the same angle as the roof's surface with a maximum distance of eight inches between the roof and the highest edge of the system. Solar panels on pitched roofs shall be installed parallel to the roof surface on which they are mounted or attached. To achieve proper solar orientation, panels may exceed the roofline by five feet.

3. In order to ensure firefighter and other emergency responder safety, except in the case when solar panels are installed on an accessory structure less than 1,000 square feet in area, there shall be a minimum perimeter provides a 36 inches wide access pathways area around the edge of the roof to provide space on the roof for walking around all solar collectors and panels.

4. All Tier 1 systems shall be required to display a permanent plaque or directory placed in an exterior location near the main or front entry of a residence or other structure that is readily visible to firefighters to identify system disconnect(s) location. The plaque or directory shall meet all New York State Building Code standards for reflection, lettering, and color for easy visibility.

IX. SECTION 9 – TIER 2 SOLAR ENERGY SYSTEMS PERMITTING REQUIREMENTS

a. Zones Allowed: Allowed in all zones.

b. Applications, Approvals, Fees, and Permits: Solar Development Application and Building Permit. Fees in accordance with the most current version of the Town of Rotterdam Fee Schedule. Non-residential systems may require site plan reviews under other sections of town code.

c. Setbacks:
   1. All Tier 2 systems shall be set back from the property line by the greater of 25 feet or the otherwise applicable setback in the subject zoning district.

d. Specific Requirements:

   1. All applicable requirements listed under Section 7 of this Law.

   2. Tier 2 systems shall only be permitted in the side or rear yards of properties. In the case of carport or canopy systems, the applicant may apply to the Planning Commission for consideration of Tier 2 systems in front yards for parking lots and commercial use.

   3. The area beneath Tier 2 systems shall be included in calculating lot coverage requirements for the subject zone. Systems, in combination with all other existing or proposed structures contributing to lot coverage calculation, may not exceed the maximum lot coverage for subject zone.

   4. The installation of Tier 2 systems shall be considered a land development activity for purposes of Article XXVI of Town Code.

   5. Ground-mounted solar energy system shall have views minimized from adjacent properties to the extent reasonably practical. Solar energy equipment shall be located in a manner to reasonably avoid and/or minimize blockage of views from surrounding properties and shading of other properties.

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6. All Tier 2 systems shall be required to display a permanent plaque or directory placed in an exterior location near the main or front entry of the property or other structure that is readily visible to firefighters to identify system disconnect(s) location. The plaque or directory shall meet all New York State Building Code standards for reflection, lettering, and color for easy visibility.

X. SECTION 10 – TIER 3 SOLAR ENERGY SYSTEMS PERMITTING REQUIREMENTS

a. Zones Allowed: Allowed in all zones.

b. Applications, Approvals, Fees, and Permits: Solar Development Application; Site Plan, Special Use Permit approval process; Building Permit. Fees in accordance with the most current version of the Town of Rotterdam Fee Schedule.

c. Setbacks:

1. All Tier 3 systems shall be set back from the property line by 100 feet as measured to the fenced perimeter of the Facility Area.

2. The following may not be subject to required property line setback herein unless otherwise directed by the Planning Commission.
    i. Access roads proposed from a public road to the fence of a solar energy system, including any stormwater management, or other necessary infrastructure installed for the purpose of this access road.
    ii. POI connections to electrical distribution systems on public roads or utility right of ways.

d. Specific Requirements:

1. All applicable requirements listed under Section 7 of this Law.

2. Facility Area shall not exceed 50 percent lot coverage, except in Agricultural Districts which shall not exceed 30 percent lot coverage.

3. All requirements of Article XVII Site Plan Approval and Article XIX Special Use Permit. In addition to these sections, Site Plans for the application shall also contain the following:
    a. Location map showing types of existing structures and uses on the site, public roads, and other properties within 2,500 feet of the boundaries of the site including any bordering municipalities.
    b. Site plan shall provide surveyed data of abutting properties to the Participating Property parcel(s) showing all principal and accessory

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buildings (residential and commercial), roads, utilities and private or public wells; and labeling distances from those features to the Participating Property boundary;

c. Location and description of all solar energy system components, whether on site or off site, all above and below-ground utility lines on the site, transformers, POI, Renewable Energy Electrical Substations when required for project, fencing, laydown, and storage areas to be used as part of construction and other ancillary facilities or structures;
d. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.
e. Label all setback distances as required by Town laws;

4. Part 1 of a full a Full Environmental Assessment Form for SEQRA.

5. Upon receipt of an application, the Town requires proof of mailing, at the Applicant's expense, a notice of the proposed project to all owners of property within a one (1) mile radius of the Participating Property boundaries regardless of municipality. Notices shall contain a summary of the project, a designated contact person, with telephone number, e-mail address, and mailing address from whom information will be available on a going forward basis.

6. An electrical diagram detailing the solar energy system installation, associated components, and electrical interconnection methods, with all disconnects and over-current devices identified.

7. Manufacturer data on all proposed solar energy system components.

8. Documentation of access to the Facility Area via a lease agreement or other instrument to show the landowner's consent to the project.

9. Documentation of utility notification, including proof of interconnection agreement. Projects not viable to the utility company shall not be considered by the Planning Commission.

10. Decommissioning plan, including cost estimate and description and form of financial surety as described in other sections of this law.

11. Deforestation: Previously cleared or disturbed areas are preferred locations for solar projects.

    a. Forested lands and woodlands shall not be deforested to construct solar energy facilities.

DRAFT

b. Shrubland, isolated trees or stand of trees in otherwise open space may be cut. However, clearcutting of trees more than six inches in diameter at breast height[3] (DBH) in a single contiguous area exceeding 20,000 square feet is prohibited. This clearing restriction shall apply to trees cleared for entire facility area, in and outside fenced perimeter of facility area, and on the participating properties.

c. The applicant will be required to retain the services of a qualified arborist and/or forester to define, delineate and certify in writing the limits of forest, shrubland, and tree stands. if there is uncertainty in the participating properties' land covers.

d. Removing trees beyond what is deemed necessary by the Planning Commission to install and maintain the solar energy systems shall be prohibited.

e. Unless waived or altered by the Planning Commission, trees more than three inches in diameter at breast height that are removed from shall be replaced at a 1:1 ratio on the participating properties, or at other locations within the Town of Rotterdam agreed to by the Planning Commission and involved landowners.

Any portion of a property that has been clear-cut in excess of the area described in the paragraphs above shall not be included in an application for a solar energy facility for a period of three (3) years following such clear-cutting. The applicant shall submit aerial imagery of the participating properties for a period of three (3) years prior to the date of application.

12. Renderings: Applicant shall provide a photo simulation by an independent third-party vendor, with scaled color visual renderings to demonstrate the adequacy of proposed buffering/screening at the completion of construction of the solar energy system, and similar visual renderings of the projected maturation of the buffering/screening at five years and 10 years after completion of the solar energy system. The Planning Commission may require the above renderings from multiple angles or perspectives as they deem appropriate.

13. Acoustical noise studies by an independent third-party vendor shall be submitted with the application, which provide analysis of all noise-generating equipment that may be included in the project, including for construction. Noise

[3] Reference to Adirondack Park Agency's definition of "Clearcutting" which uses a threshold of 6" DBH for trees.

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generated from the solar energy system's components and associated ancillary equipment, including but not limited to transformers, inverters, storage devices, substations, and tracking motors shall provide for no discernable difference from existing noise levels at property lines. The study shall contain:

a. Actual measurements of existing daytime and nighttime ambient noise at the boundary of the participating properties. Ambient noise testing locations and schedule shall be discussed with the Planning Commission before testing takes place.
b. Proposed noise model to predict potential increase in noise from the project for pre-construction and post-construction conditions at both the project boundaries and nearest adjacent receptors (neighboring houses, etc.).
c. Nosie studies shall follow industry norms and report their findings using A-weighted methodologies.

The Planning Commission may require additional analysis as they deem appropriate and may require noise mitigation or additional setbacks as needed to meet this requirement.

14. Glare studies prepared by an independent third-party vendor shall be submitted with the application, which shall demonstrate that any glare or heat to be produced by the solar project does not have a significant adverse impact on neighboring properties or roadways. The study shall:
    a. Be prepared to determine predicted glare caused by the proposed solar energy system or facility that may affect off-site property locations and effecting residences and view sheds, which shall be referred to as solar equipment glare.
    b. Include a statement of projected glare impact, certified, and signed by a qualified specialist or Professional Engineer, stating the proposed glare impact analysis is accurate.
    c. A post-construction glare monitoring plan shall be submitted, which at a minimum, requires annual certification by a qualified specialist or Professional Engineer of the applicant or facility owner that the solar energy system or facility conforms to the requirements of this section. If the town determines after the two-year period once the system or facility becomes operational, the applicant/ facility owner may request that the annual certification be suspended.

15. A storm water pollution prevention plan in accordance with all requirements of Article XXVI Erosion and Sediment Control, and applicable New York State laws periodically amended over time, shall be submitted for review and approval by the Town’s MS4 office and the TDE.

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16. A 15-foot-wide fire break, in accordance with NYS Fire Code, shall be maintained around the immediately outside the fenced perimeter of the Facility Area.

17. As part of the Operation, Safety and Maintenance Plan in Section 13 of this Law, the applicant shall document existing firefighting resources near or on the Participating Properties that may include, but not limited to: distance to nearest fire hydrant, dry hydrants, ponds, or other waterbodies sufficient for drawing water in emergency situations. If firefighting resources do not exist within a reasonable distance to the project, the Planning Commission, in consultation with the local fire department and TDE may require retention ponds and dry hydrant construction to meet firefighting needs.

18. Construction Hours and Guidelines: Drilling or pile driving for racking foundations or other equipment, truck idling and deliveries shall be limited to Monday through Friday between the hours of 8 a.m. and 6 p.m. and shall not be conducted outside these hours, or on Saturdays, Sundays, and Federal holidays recognized by New York State. Truck idling in excess of 5 minutes is prohibited by State Law, and when it is to legally occur, shall only take place during construction hours listed above. All other activities may follow construction hours guidelines in other sections of Town Code. If, due to safety, emergency or continuous operation requirements, construction activities are required to occur beyond the allowable work hours, the applicant shall notify the Town Code Enforcement Office with forty-eight (48) hours advanced notice, unless such construction activities are required to address emergency situations. In such cases, as much advance notice as is practical shall be provided. Violations and penalties of this provision shall be in accordance with other sections of Town Code concerning noise violations.

19. Construction Equipment Noise: Construction equipment and all trucks delivering to the site shall use alternatives to back-up beepers such as warning alarms, white noise systems, flaggers/spotters, and other OSHA approved systems. Violations and penalties of this provision shall be in accordance with other sections of Town Code concerning noise violations.

20. Within 30 days after completion of the solar energy system, the applicant shall file in the Code Enforcement Office a post-construction certification from a professional engineer registered in New York State stating that the project complies with applicable codes and industry practices and has been constructed and is operating according to the design plans. The applicant shall further provide certification from the utility that the facility has been inspected and connected.

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XI. SECTION 11 – TIER 4 SOLAR ENERGY SYSTEMS PERMITTING REQUIREMENTS

a. Zones Allowed: Allowed by right in Zones I-1 and I-2. Allowed by Solar Energy Overlay District in any other zone pending approvals listed below.

b. Applications, Approvals, Fees, and Permits: Solar Development Application; Site Plan, Special Use Permit approval process; Solar Energy Overlay District Approval; Building Permit. Fees in accordance with the most current version of the Town of Rotterdam Fee Schedule.

    i. A pre-submission conference with the Town is required. The applicant shall provide the opportunity for an on-site visit by any interested Town committee or board members.

c. Setbacks:

    1. Tier 4 systems located in zones I-1 and I-2 shall be set back from the property line by 100 feet as measured to the fenced perimeter of the Facility Area. The setback shall be increased to 500 feet for all other zones.

    2. Renewable Energy Substations systems shall be set back 750 feet from property lines and 900 feet from active water wells.

    3. Tier 4 Facility Areas shall be setback at a minimum of 200 feet from regulated wetlands, ponds, and streams, unless otherwise waived from this requirement by the Planning Commission upon receiving proper permit from regulatory agency.

    4. The following may not be subject to required property line setback herein unless otherwise directed by the Town of Rotterdam Planning Commission.

        a. Access roads proposed from a public road to the fence of a solar energy facility, including any stormwater management, or other necessary infrastructure installed for the purpose of this access road.

d. Solar Energy Overlay District: In order for Tier 4 systems to be sited in areas of the Town outside of Zones I-1 and I-2, the applicant must petition the Town Board to amend the Town of Rotterdam Zoning Code and Map to include a Solar Energy Overlay District over the Participating Properties. The purpose of the overlay district is to preserve existing zoning where a Tier 4 project is proposed and add to it a use for such a facility, with any condition(s) the Town Board deems necessary to include. Petitioning

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for this overlay district shall follow all procedures for such process under State and Town law.

e. Escrow for Review and Operations: Tier 4 projects will require more oversight and services by the Town and their selected consultants. In addition to the normal escrow requirements of section 7, the account shall also include adequate funding for any necessary mailings by the Town, construction inspection, annual inspections, and for monitoring during operation of the facility. The escrow account shall be replenished when required by the Town and shall be maintained for the life of the project. Failing to replenish the account may result in enforcement action by the Town or activating the Decommissioning Agreement.

f. Specific Requirements:

1. All applicable requirements listed under Section 7, and all requirements of Section 10 (d) of this Law.

2. Application materials must contain a statement clearly indicating how the proposed facility is consistent with Comprehensive Plan and any other plans or inventory in existence at the date of application.

3. The Applicant shall disclose the full scope of the planned size of the project, including any other involved municipalities, and shall not segment the application for purposes of reducing the apparent significance of proposed plans. Where the Planning Commission or Lead Agency has substantial proof that the ultimate scope of the project may exceed that which is actually being proposed by the Applicant, it shall conduct its review and base its findings on the larger potential scope.

4. Solar Energy Systems shall not be placed on properties included on or in the viewshed of New York State or Natural Register of Historic Places.

5. Solar Energy Systems shall not exceed a maximum project size of 100 contiguous acres.

6. No solar energy systems of Tier 4 and greater may be within a 2.5-mile radius of any other facility of Tier 4 size or greater, regardless of municipality.

7. Solar energy systems of Tier 4 and greater shall not be located above the elevation of 1,000 feet (NAVD 88), or along ridgelines and on hilltops.

8. In addition to Section 10(d)(5) of this Law, required notice to surrounding landowners shall contain a link to a project website, created and paid for by the applicant, which is meant to disseminate information to the public. At the

DRAFT

Applicant's expense, publication of notice of application shall be made in newspapers designated by the County of Schenectady and Town of Rotterdam for same. Notice shall also be provided to each member of the State and County Legislature in whose district any portion of the proposed solar facility is located in, or which district the project abuts upon.

9. Upon submission of an application, the Applicant shall conspicuously post signage on the frontage of participating properties at all roads abutting the proposed project and at the proposed entryways/exits to the project. Signage must be at of sufficient size to contain the name of the proposed project, the application number, a rough concept map of the project, and contact information for the developer as well as a proposed project website address. Signage shall be sized and placed at a safe distance from the public roadway as to not interfere with sight distance on the roadway or any adjacent driveways.

10. In addition to Noise Studies requirements under Section 10(d) of this law, within 90-days of project completion the applicant or facility owner shall conduct a post-construction noise sampling shall at locations and schedule discussed with the Planning Commission prior to testing. If noise sampling is found to be greater than predictions the Applicant may be required to mitigate the sound to a level sufficient to the Planning Commission. Failure to implement mitigation measures within 90-days of notice will result in enforcement procedures by the Town. The applicant may request one (1) 90-day extension if reasonable evidence that the requested measures cannot be completed in 90-days. Further, violations and penalties of this provision shall be in accordance with other sections of Town Code concerning noise violations. The town may use the project's escrow account to hire an independent, third-party engineer/noise monitor to oversee compliance with noise requirements and the ongoing obligation of same for the lifetime of the project.

11. A GIS viewshed analysis of the Zone of Visual Impact (ZVI) prepared by an independent third-party vendor; defined as the area from which the proposed undertaking may be visible within a one-half mile (0.5) buffer around solar fields covering 4 to 39 acres in size, a one-mile buffer around solar fields covering 40 to 60 acres, a three-mile buffer for solar fields covering 61-80 acres, and a four-mile buffer for solar fields covering 81-100 acres. Positive visibility of the solar field must be based upon bare-earth topography only (do not factor in vegetation). Forested lands shall be assigned a height of 30 feet unless otherwise factually disputed. The analysis should be presented as an orthorectified aerial base map with the buffer boundary and project area indicated and ZVA highlighted. A visual analysis shall be provided from all property owners immediately adjacent to the proposed solar energy system. The analysis shall be for each season and from the building face at eye level from grade. The visual analysis will quantify the severity of the visual impact. A balloon study which provides aerial viewshed maps,

model-massing, and photorealistic simulations shall be performed if deemed necessary by the Planning Commission. All required tests must comply with specific balloon test performance criteria and simulation guidelines of the National Park Service and the Bureau of Land Management.

12. In addition to landscaping requirements within this law, the applicant shall prepare a vegetation management plan that includes a list of all proposed plantings and seeding mixes, summarizes clearing operations, discusses the location of offset plannings if offsets are required, provides information on protection of pollinators and perennial vegetation, and lists the methods and frequency of vegetation maintenance.

13. Wildlife: Development and operation of solar energy systems shall have no significant impact on fish, wildlife, or plant species or their critical habitats, or other significant habitats identified by the Town or other federal or state regulatory agencies. To assure this condition the following must be provided:

    a. Environmental Resource Map: The Applicant shall generate a site map delineate sensitive environmental features (wetlands, slopes, soils, land covers, etc.) along with other site information to identify and describe how the proposed solar energy system shall avoid or mitigate adverse impacts to these resources. Lands that have the highest ecological value as evidenced by large, continuous areas of forest, undisturbed drainage areas, wetlands or NYSDEC identified critical habitats or rare plant and animal populations shall be avoided.
    b. Wildlife Habitat Assessment: The Applicant shall employ an independent third-party with qualifications as an ecologist to generate a habitat assessment. The assessment shall include:
        i. A sketch map (e.g., drawn on an aerial photo image) depicting the habitats and watercourses on and near the property along with roads, existing structures, and other features that would help the applicant and the town understand the spatial relationships of existing natural and cultural features.
        ii. Describe the habitats and ecological communities on and near the site, using classifications from standard references relevant to this region.
        iii. Summarize species evident to ecologist that may inhabit the participating properties and surrounding areas.
        iv. Note any species of concern, threatened, endangered or otherwise.
        v. Address on-site bird and bat migration, nesting, and habitat surveys and recommend or conduct surveys for such species

during the appropriate seasonal windows during the year prior to submittal of an application.

vi. Discuss potential impacts due to the proposed Solar Energy System, and potential mitigation if required,

vii. Cite all sources and references, including using the most recent New York State Department of Environmental Conservation survey protocols for grassland birds and winter raptors. For other wildlife, applicants shall follow NYSDEC guidance on appropriate survey methods.

c. Provide additional wildlife surveys as required based on the findings of the Habitat Assessment, or as required by federal, state, and local agencies.

d. The applicant shall hire an independent, third-party environmental monitor to oversee compliance with environmental commitments and siting requirement, and the ongoing obligation of same for the lifetime of the project. The environmental monitor shall perform regular site inspections of construction work sites and provide annual inspections of the completed solar energy system at the expense of the developer, ATIMA, ISAOA.

14. Designated traffic routes for construction and delivery vehicles to minimize traffic impacts, wear, and tear on local roads, and impacts on local business operations shall be proposed by the applicant and reviewed by the Planning Commission. At the Planning Commission discretion, a Road-Use Agreement may be required for the desired traffic route.

15. Well water and ground contamination testing shall be required for all Tier 4 and greater projects.

a. The applicant, Town, and TDE shall develop a list of potential contaminants that will be tested for, and the location of testing based on the proposed equipment for the Tier 4 facility prior to testing.

viii. List of contaminants that may be tested for includes but is not limited to: sulfuric acid, mercury, nickel, cadnmium (known Carcinogen), cadnium telluride, lead, lithium, cobalt, lithium, iron, arsenic, silicon, copper, silver, selenium, copper indium selenide, copper indium gallium, diselenide, (di)selenide, hexafluoroethane, polyvinalm fluoride, PFAS, and any other contaminant required for testing by the Town, County or State for this type of facility at the time testing takes place.

b. At the applicant's cost, a escrow account with the Town shall be established to provide an independent third-party testing agency that

DRAFT

may provide testing of the Facility Area and of water wells on properties within 1000-ft of the facility area.

c. At the applicant's expense, notice shall be given to all property owners within 1000-ft that water well testing is available.
d. Pre-construction testing: Initial testing shall take place within 12-months of establishing special escrow account. Test results for the Participating Properties shall be furnished to the Town. Results for adjacent properties will be given to the property owner to be shared at their discretion.
e. Post-construction testing: Post-construction testing shall take place within 24-months of final construction of the Tier-4 facility. Test results for the Participating Properties shall be furnished to the Town. Results for adjacent properties will be given to the property owner to be shared at their discretion.

XII. SECTION TWELVE – REQUIRED AGREEMENTS

The following applies to Tier 3 and greater solar energy systems, unless waived or altered by the Planning Commission.

a. Road Use Agreement: The applicant shall execute a road use agreement with the Town if town roads are to be used for the project. Prior to the issuance of the building permit and commencement of construction, an existing condition assessment of the proposed hauling routes using town roads shall be undertaken by the applicant at the applicant's expense. Any damage to a Town road during construction caused by the operator or its subcontractors shall be repaired or reconstructed to the satisfaction of the Town Highway Superintendent at the operator's expense.

b. Performance Guarantees: The Town will require the applicant or facility owner to provide, prior to construction, a performance bond or cash escrow that names the Town of Rotterdam as the beneficiary, to ensure proper operation and maintenance of all below noted facilities, both during and after construction and until the solar energy facility is removed from operation. If the applicant or facility owner fails to properly operate and maintain below noted facilities, the Town, after giving reasonable notice for non-emergencies, may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs. After which, the account shall be replenished by the applicant or facility owner within 90 days, or else the facility will be considered abandoned, and decommissioning shall be enacted.

    i. Facilities for performance guarantees:
        1. All proposed landscaping and screening for the project in the amount of 50 percent the installed cost.

2. Stormwater management and erosion and sediment control facilities required for the project in the amount of 50 percent the installed cost.
3. Any other facility as part of the proposed project, deemed necessary for inclusion to this section by the Planning Commission.

c. Decommissioning: The applicant shall execute a decommissioning agreement and financial surety as described in Section Fourteen of this law.

d. Indemnification: The applicant system shall execute an indemnification agreement with the Town. The agreement shall require the applicant/owner/operator to at all times defend, indemnify, protect, save, hold harmless and exempt the Town and its officers, councils, employees, attorneys, agents and consultants from any and all penalties, damages, costs or charges arising out of any and all claims, suits, demands, causes of action or award of damages whether compensatory or punitive, or expenses arising therefrom either at law or in equity, which might arise out of or be caused by the placement, construction, erection, modification, location, equipment's performance, use, operation, maintenance, repair, installation, replacement, removal or restoration of said solar energy system, excepting however any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the Town or its employees or agents. With respect to the penalties, damages or changes referenced herein, reasonable attorneys' fees, consultant fees and expert witness fees are included in those costs that are recoverable by the Town.

e. Payment in-lieu of Taxes: The applicant shall enter into an agreement for a payment in lieu of taxes (PILOT) with the Town Board pursuant to Real Property Tax Law Section 487. This PILOT agreement shall be reviewed and approved by the Town Board. A PILOT agreement executed with the county IDA, acceptable to the Town Board, in its sole discretion, for the solar energy system may serve to meet the requirements of this section.
   i. No building permit shall be issued, or construction commenced for a solar energy system until such time as the PILOT agreement has been executed by all parties and recorded at the Office of the County Clerk.
   ii. The PILOT shall run to the benefit of the Town and School District, and be executed by the operator and the owners of the real property upon which the solar energy system is to be located and such signatures be notarized in such a way that allows the PILOT agreement to be recorded at the Office of the County Clerk. Prior to commencement of construction, the PILOT agreement shall be recorded at the Office of the County Clerk as a lien on the property and indexed against the property/properties upon which the solar energy system is to be constructed. The intent of this provision is so that should the operator of the solar energy system default with regard to the PILOT agreement, such obligation will become the responsibility of the

then owner of the property upon which the solar energy system is sited and failure to satisfy the terms of such agreement will permit the Town to enforce such agreement against the owner.

f. Community Host: Applicable to only Tier 4 and 5 systems, an Open Space Public Benefit Fee shall be paid to the Town as part of site plan approval. Tier 4 Solar Energy Systems constitute a unique land use that impacts the Town's ability to retain its suburban and rural aesthetic and occupies large swaths of green space while converting open and/or agricultural lands with potential for more suitable development.
    i. The Planning Commission, as part of its site plan approval for any Tier 4 and 5 Solar Energy System, will require a Fee of seven thousand dollars ($7,000) per acre, or portion thereof; amount to be based upon all land occupied within the fenced area, as described in Section 7, 2, B, including all solar panels, storage, and related equipment.
    ii. Fees collected pursuant to this section shall be allocated at 50% to parkland and 50% to open space funds.
    iii. Open Space shall have the following meaning; any space or area characterized by natural scenic beauty whose existing openness, natural condition, or present state of use, if retained, would enhance the present or potential value of abutting or surrounding development or would maintain or enhance conservation of natural or scenic resources. For the purposes of this definition, "natural resources" shall include, but not be limited to, agricultural lands defined as open lands actually used in bona fide agricultural production.

XIII. SECTION THIRTEEN – SYSTEM OPERATIONS AND SAFETY

The following applies to Tier 3 and greater solar energy systems, unless waived by the Planning Commission.

a. Operation, Safety and Maintenance Plan: The applicant shall submit a comprehensive operation, safety and maintenance plan that addressing the following:
    i. Contains an executive summary sheet at the front of the document which clearly shows the following:
        1. Facility owner information and contact, both phone and current email address.
        2. Landowner information and contact, both phone and current email address.
        3. An emergency contact phone number for a competent person who can be to the facility within one (1) hour or less notice. The individual shall have access to the facility gates, knowledge of the site and able to quickly identify electrical disconnect locations.

4. An emergency contact at the Utility Company associated with the solar energy system POI.
5. Contact information for company or individual responsible for regular maintenance and landscaping of the site.

ii. Describes continuing maintenance and upkeep, as well as design, construction, installation, testing and commissioning information and shall meet all requirements set forth in the Uniform Code and all applicable codes. Shall address the following:

1. Broken panels and any other damaged or malfunctioning equipment shall be removed, replaced, or repaired from the site within 30 days of discovery or notification of problem at the expense of the developer, ATIMA/ISAOA.
2. System equipment, grounds, fencing and buffer areas shall be maintained in good condition by the operator.
3. Plant growth shall be controlled by mowing or grazing.
4. The use of herbicides and pesticides within the Facility area is prohibited.
5. Only DEC approved cleaning products applied by DEC approved applicators are allowed.

iii. The applicant shall prepare an Emergency Operations Plan in cooperation with town emergency service providers, which will become part of the Operation, Safety and Maintenance Plan. A copy of the approved plan shall be given to the system owner, the local fire department, and local fire code official. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials and emergency responders. The emergency operations plan shall include the following information:

1. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.

2. Procedures for inspection and testing of associated alarms, interlocks, and controls.

3. Procedures to be followed in response to notifications from the solar energy system that, when provided, could signify potentially dangerous conditions, including shutting down equipment, summoning service, and repair personnel, and providing agreed

upon notification to fire company personnel for potentially hazardous conditions in the event of a system failure. All means of shutting down the solar energy system shall be clearly marked.

4. The property must be inspected after a National Weather Service designation of a Severe Weather event to ensure that the property did not sustain damage. Reports of said inspection shall be filed with the Town Building Inspector.

5. Emergency procedures to be followed in case of fire, explosion, release of liquids, oils, or vapors, damage to critical moving parts, or other potentially dangerous conditions.

6. Response considerations similar to a material safety data sheet (MSDS) that will address response safety concerns and extinguishment when an MSDS is not required.

7. Procedures for dealing with solar energy system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged equipment from the facility. System owner shall provide guaranteed non-emergency and emergency response times of a qualified subject matter expert to the DPW and local emergency responders.

8. Other procedures as determined necessary by the Town to provide for the safety of occupants, neighboring properties, and emergency responders.

9. Procedures and schedules for conducting drills of these procedures and for training local (all agencies within 15 miles) emergency responders on the contents of the plan and appropriate response procedures. Training shall be taught by a New York State certified instructor, performed annually, and shall include local and mutual aid emergency responders. Training and specialty equipment shall be paid for by the developer, ATIMA/ISAOA.

10. The system owner shall notify the local fire department, county emergency management office and the town building inspector at least one week prior to any scheduled maintenance or equipment swap out.

DRAFT

11. In the event of a fire, all contaminated soil must be removed and disposed of properly, in accordance with all applicable laws.

b. Consultation with Town Emergency Services: The applicant shall arrange an on-site meeting with the fire department having primary coverage of the project area and any other associated emergency service provider or Town department, to review the components of the system, safety issues and procedures for emergency response. This shall include details on the location of labeled warnings, access to the site, and emergency disconnection of the system. A draft version of the Operation, Safety and Maintenance Plan described above shall be made available to attendees of this meeting at least seven (7) calendar days before. The applicant shall take feedback from attendees and amend the Operation, Safety and Maintenance Plan as needed.

c. Ownership Changes: If the owner or operator of the solar energy system changes or the owner of the property changes, all requirements of the special use permit shall remain in effect. Approval to operate the system shall continue, provided that the successor owner or operator assumes in writing all of the obligations of the special use permit, site plan approval, decommissioning plan, security, escrow, and any other binding agreements. A new owner or operator of the solar energy system shall notify the Code Enforcement Officer and the Town Supervisor of such change in ownership or operator 30 days prior to the ownership change. All the terms set forth herein shall be binding on developers, ATIMA/ISAOA.

d. Annual Report/Inspection: On a yearly basis, the solar energy system owner shall provide the Town a report showing the rated capacity of the system and the amount of electricity that was generated by the system and transmitted to the grid. The report shall be submitted no later than 30 days after the end of the calendar year. Additionally, an applicant/operator shall hire an independent, third-party engineer/inspector approved by the Town to oversee compliance with site and operational requirements and the ongoing obligation of same for the lifetime of the project. The engineer/inspector shall perform a site inspection if a complaint regarding the solar energy system and any of its components is made to the Town of Rotterdam Code Enforcement Officer. Annual inspections of the completed solar energy system shall be performed at the expense of the developer, ATIMA, ISAOA.

e. Project Changes: Any changes to the solar energy system that occur after final approval from the Planning Commission, except for immaterial modifications as defined herein, shall be done by amendment to the special use permit only and shall be subject to the requirements of this law.

Unless expressly limited by a condition imposed in the permit, the Code Enforcement Officer, or other Town designee may, during project construction, allow immaterial modifications to the design of the project as represented in the final set of site plans reviewed by the Planning Commission. Such immaterial modifications shall only be allowed in response to a written request by the applicant. All such requests shall be addressed to the authorized Town designee, with copies to the Chairman of the Planning Commission, and the TDE.

f. Insurance:

i. Unless waived by the Town, the applicant or facility owner shall agree to secure and maintain for the duration of the project, public liability insurance as follows:

1. Commercial general liability covering personal injuries, death and property damage: $5,000,000 per occurrence, $10,000,000 aggregate, which shall specifically include the Town and its officers, councils, employees, attorneys, agents and consultants as additional named insured;

2. Umbrella coverage: $10,000,000.

ii. Insurance Company: The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the State and with at least a Best's rating of "A".

iii. Insurance Policy Cancellation: The insurance policies shall contain an endorsement obligating the insurance company to furnish the Town with at least 30 days prior written notice in advance of cancellation.

iv. Insurance Policy Renewal: Renewal or replacement policies shall be delivered to the Town at least 15 days before the expiration of the insurance that such policies are to renew or replace.

v. Copies of Insurance Policy: No more than 15 days after the grant of the permit and before construction is initiated, the permit holder shall deliver to the Town a copy of each of the policies or certificates representing the insurance in the required amounts.

vi. Certificate of Insurance: A certificate of insurance that states it is for information purposes only and does not confer sufficient rights upon the Town shall not be deemed to comply with this law.

DRAFT

g. Construction Inspection: The escrow account required herein shall be used to provide inspection by a town engineering consultant during construction of the solar energy system. Work shall remain accessible and exposed until inspected and accepted by the town's consultant. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the permit holder shall be notified as to how the work fails to comply with the Uniform Code or conditions of the special use permit. Work not in compliance shall remain exposed until brought into compliance, reinspected, and found satisfactory as completed. During construction, the Town Building Inspector/Code Enforcement Officer can issue a stop order at any time for violations of the special use permit.

h. Operational Inspection: Upon 24 hours advance notice to the owner/operator or designated contact person, the Town of Rotterdam Code Enforcement Officer/Building Inspector or his or her designee may enter the solar energy facility to verify compliance with any requirements or conditions. The solar energy system shall be inspected by a New York State licensed professional engineer, under contract with the town and paid by the escrow account required herein, to ensure that it is operating according to the conditions of the special use permit. Such inspections shall be done annually, and at any other time, upon a determination by the Town's Building Inspector that damage may have occurred. The engineer shall file an inspection report with the Town Code Enforcement Officer/Building Inspector. All recommendations for maintenance and repair contained in said report shall be completed by the operator within a written schedule agreed on by the Code Enforcement Officer/Building Inspector.

i. Groundwater Testing: For Teir 4 or larger facilities, Unadulterated soil samples shall be taken at 4 corners of the proposed site. Testing shall utilize 4-foot-deep holes, with testing at 2-foot increments. One monitoring test well shall be at the lowest elevation on the site. In the event groundwater contamination occurs as a result of the solar facility, the operator, at its sole expense, shall provide a reliable alternative water source and address the contamination in accordance with all legal requirements.

XIV. SECTION FOURTEEN – ABANDONMENT OR DECOMMISSIONING OF SYSTEMS

The following applies to Tier 3 and larger solar energy systems. A proposed Decommissioning Agreement shall be provided by the applicant and approved by the Town Board. No building permit shall be issued for a solar energy system until the Decommissioning Agreement has been executed and financial surety provided as set forth below.

a. Cause to implement decommissioning plan.
   i. If a solar energy system ceases to perform its originally intended function for more than 12 months or is considered abandoned by the Code Enforcement Officer for lack of maintenance and other provisions of this law, the Code Enforcement Officer shall notify the owner and/or operator of the facility to implement the decommissioning plan. Within 180 days of notice being served, the facility owner shall either restore operation or complete implementation of the decommissioning plan. If the owner and/or operator fails to fully implement the decommissioning plan within the 180-day time period and restore the site to original conditions as required, the Town may implement the decommissioning plan in accordance with the law, and recover all expenses incurred for such activities from the financial surety described in other sections of this law, and if required, from the defaulted facility owner.
   ii. If the applicant begins and does not complete construction within eighteen (18) months after receiving final site plan approval, the decommissioning plan may be implemented unless the facility owner can show to the satisfaction of the Code Enforcement Officer good cause as to why this time should be extended for a maximum of 6 months. At which time if the facility is not fully constructed and operating, the Code Enforcement Officer may implement the decommissioning plan in accordance with this law.

b. Decommissioning Plan: The plan shall be submitted as part of the application to the Planning Commission. The decommissioning plan that ensures that the site will be restored to a useful, nonhazardous condition without delay, including but not limited to the following provisions:

   i. The removal of the solar energy system within the from the facility area, including but not limited to all above and subsurface structures, electrical equipment, wires, footings, ground anchors, cables, utility poles, point of interconnection, concrete, switch gears, transformers, fencing, renewable energy electrical substations, inverters, roadways, stormwater management features, roadways, etc.

   ii. Compacted portions of the site shall be decompacted and excavations shall be backfilled to restore the site. Restoration of the original surface grade and topsoil installation after removal of facility.

   iii. Revegetation of restored topsoil areas with native seed mixes, excluding any invasive species.

   iv. The cost of removing the entire solar energy system based upon prevailing wages and any other requirements applicable to municipalities under state or federal law.

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v. No salvage value shall be attributed to any of the components of the solar energy system and/or the solar energy equipment.

vi. A schedule and methods for the removal of the solar energy system and/or the solar energy equipment, including any ancillary structures.

vii. A plan for restoring the property to its pre-installed condition, including grading and vegetative stabilization to eliminate any negative impacts to surrounding properties, and, where if it was previously used for farming, with vegetation suitable for farming purposes, i.e. a hay field, crops or grazing. Such restoration shall follow NYS Department of Agriculture & Markets Guidelines for Solar Energy Projects — Construction Mitigation for Agricultural Lands, as updated.

c. Financial Surety

i. Financial Surety shall be in an amount sufficient to ensure the good faith performance of the terms and conditions of the permit issued pursuant hereto and to provide for the removal of the solar energy system and restoration of the site subsequent to removal.

ii. Prior to the issuance of a building permit and every five (5) years thereafter, the solar energy system owner shall file with the Town evidence of financial security to provide for the full cost of decommissioning and removal of the solar system in the event the system is not removed by the system owner. Evidence of financial surety shall be in effect throughout the life of the system and shall be in the form of an irrevocable letter of credit or other security acceptable to the Town Board. The irrevocable letter of credit shall include an automatic extension provision, to be issued by an A-rated institution solely for the benefit of the Town, substantially in the form attached hereto as Exhibit A.

iii. The amount of the financial surety shall be 150 percent of the estimated cost of removal of the solar energy system and restoration of the property, with an escalator of 2 percent annually (or Consumer Price Index change if more than the annual escalator of 2 percent) for the life of the solar energy system and shall not consider the net salvage value of any such project components. The financial surety established by the agreement shall not be subject to disclaimer or rejection in a bankruptcy proceeding. The amount of the surety shall be determined and certified by the applicant's engineer and shall be reviewed by the TDE. The amount of the surety may be adjusted by the Town during each five (5) year review as required.

iv. In the event of default upon performance of such conditions, after proper notice and expiration of any cure periods, the security shall be forfeited to the Town, which shall be entitled to maintain an action thereon. The financial surety shall remain in full force and effect until 90 days after the restoration of the property, as set forth in the decommissioning plan, is completed.

v. Any cost incurred by the Town that exceeds funding available to them from financial surety, which cannot be recovered from the defaulted facility owner, shall be assessed against the property, in a manner appropriate by law, and in the form of tax, lien or other available method enforceable by the Town.

XV. SECTION FIFTEEN – PUBLIC UTILITY USE

A solar energy facility shall not be considered a Public Utility Use.

XVI. SECTION SIXTEEN – SEVERABILITY

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be impaired, illegal, invalid, unenforceable, or unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect, and shall be fully severed from this Code, and there shall be automatically added in lieu thereof a provision as similar in terms and intent to such severed provision as may legal, valuable, and enforceable.

XVII. SECTION SEVENTEEN – EFFECTIVE DATE

This local law shall take effect immediately upon the filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

DRAFT

EXHIBIT A

EXAMPLE FORM OF LETTER OF CREDIT
TO BE DETERMINED BY TOWN BOARD, TOWN ATTORNEY
[*ISSUING BANK]* IRREVOCABLE STANDBY LETTER OF CREDIT

DATE OF ISSUANCE:
[Date of issuance]

Town of Rotterdam ("**Beneficiary**")

Rotterdam, New York 12306
Attention: Town Supervisor

Re: [ISSUING BANK] Irrevocable Standby Letter of Credit No._____

Sir/Madam:

We hereby establish in favor of Beneficiary (sometimes alternatively referred to herein as "**you**") this Irrevocable Standby Letter of Credit No. _____ (the "**Letter of Credit**") for the account of _____ on behalf of _____located at _____ ("**Account Parties**"), effective immediately and expiring on the date determined as specified in numbered paragraph 5 below.

We have been informed that this Letter of Credit is issued pursuant to the terms and conditions of the Decommissioning Agreement to be executed by the Account Parties.

1. **Stated Amount.** The maximum amount available for drawing by you under this Letter of Credit shall be _____ United States Dollars (US$_____) (such maximum amount referred to as the "**Stated Amount**").

2. **Drawings.** A drawing hereunder may be made by you on any Business Day on or prior to the date this Letter of Credit expires by delivering to *[ISSUING BANK]*, at any time during its business hours on such Business Day, at *[bank address]* (or at such other address as may be designated by written notice delivered to you as contemplated by numbered *paragraph 8* hereof), a copy of this Letter of Credit together with (i) a Draw Certificate executed by an authorized person substantially in the form of *Attachment A* hereto (the "**Draw Certificate**"), appropriately completed and signed by your authorized officer (signing as such) and (ii) your draft substantially in the form of *Attachment B* hereto (the "**Draft**"), appropriately completed and signed by your authorized officer (signed as such). Partial drawings and multiple presentations may be made under this Letter of Credit. Draw Certificates and Drafts under this Letter of Credit may be presented by Beneficiary by means of facsimile to our fax no. **[insert fax number]** or original documents sent by overnight delivery or courier to *[ISSUING BANK]* at our address set forth above, *Attention*: _____ (or at such other address as may be designated by written notice delivered to you as contemplated by numbered *paragraph 8* below). If presentation is made by facsimile transmission, you

must contact us at **[insert phone number]** to confirm our receipt of the transmission. In the event of a presentation by facsimile transmission, the original of such documents need not be sent to us.

3. **Time and Method for Payment.** We hereby agree to honor a drawing hereunder made in compliance with this Letter of Credit by transferring in immediately available funds the amount specified in the Draft delivered to us in connection with such drawing to such account at such bank in the United States as you may specify in your Draw Certificate. If the Draw Certificate is presented to us at such address by 12:00 noon, (Eastern Standard Time) time on any Business Day, payment will be made not later than our close of business on the third succeeding Business Day and if such Draw Certificate is so presented to us after 12:00 noon, (Eastern Standard Time) time on any Business Day, payment will be made on the fourth succeeding Business Day.

In clarification, we agree to honor the Draw Certificate as specified in the preceding sentences, without regard to the truth or falsity of the assertions made therein.

4. **Non-Conforming Demands.** If a demand for payment made by you hereunder does not, in any instance, materially conform to the terms and conditions of this Letter of Credit, we shall give you prompt notice not later than two (2) Business Days that the demand for payment was not effectuated in accordance with the terms and conditions of this Letter of Credit, stating the reasons therefor and that we will upon your instructions hold any documents at your disposal or return the same to you. Upon being notified that the demand for payment was not effectuated in conformity with this Letter of Credit, you may correct any such non-conforming demand and re-submit on or before the then current expiry date.

5. **Expiration, Initial Period and Automatic Extension.** The initial period of this Letter of Credit shall terminate on [*one year from the issuance date*] (the "**Initial Expiration Date**"). The Letter of Credit shall be automatically extended without amendment for one (1) year periods from the Initial Expiration Date or any future expiration date, unless at least sixty (60) days prior to any such expiration date we send you notice by registered mail or courier at your address first shown (or such other address as may be designated by you as contemplated by numbered *paragraph 8*) that we elect not to consider this Letter of Credit extended for any such additional one year period. Notwithstanding the foregoing extension provision, this Letter of Credit shall automatically expire at the close of business on the date on which we receive a Cancellation Certificate in the form of *Attachment C* hereto executed by your authorized officer and sent along with the original of this Letter of Credit and all amendments (if any). Upon receipt by you of such notice of non-extension, you may draw hereunder up to the available amount, on or before the then current expiry date, against presentation to us of your draft substantially in the form of *Attachment B* hereto (the "**Draft**"), appropriately completed and signed by your authorized officer (signed as such).

6. **Business Day.** As used herein, "**Business Day**" shall mean any day on which commercial banks are not authorized or required to close in the State of New York, and inter-bank payments can be effected on the Fedwire system.

7. **Governing Law.** THIS LETTER OF CREDIT IS GOVERNED BY, AND CONSTRUED IN ACCORDANCE WITH THE INTERNATIONAL STANDBY PRACTICES, ICC PUBLICATION NO. 590 (THE "ISP98"), AND AS TO MATTERS NOT ADDRESSED IN ISP98, BY THE LAWS OF THE

STATE OF NEW YORK.

8. **Notices.** All communications to you in respect of this Letter of Credit shall be in writing and shall be delivered to the address first shown for you above or such other address as may from time to time be designated by you in a written notice to us. All documents to be presented to us hereunder and all other communications to us in respect of this Letter of Credit, which other communications shall be in writing, shall be delivered to the address for us indicated above, or such other address as may from time to time be designated by us in a written notice to you.

9. **Irrevocability.** This Letter of Credit is irrevocable.

10. **Bankruptcy.** This Letter of Credit and the proceeds thereof shall not be subject to any claims or encumbrances of secured or unsecured creditors of the Applicant and shall not be considered to be property of the estate of the Applicant involving a bankruptcy or insolvency of the Applicant.

11. **Complete Agreement.** This Letter of Credit sets forth in full our undertaking, and such undertaking shall not in any way be modified, amended, amplified or limited by reference to any document, instrument or agreement referred to herein, except for the ISP98 and *Attachment A*, *Attachment B*, and *Attachment C* hereto and the notices referred to herein and any such reference shall not be deemed to incorporate herein by reference any document, instrument or agreement except as set forth above.

* * *

Sincerely,
[ISSUING BANK]

_____

By: _____

Title: _____

Address:

DRAFT

EXHIBIT B

FORM OF DRAW CERTIFICATE
TO BE DETERMINED BY TOWN BOARD, TOWN ATTORNEY

TO: [ISSUING BANK]
[Address]
The undersigned hereby certifies to [*ISSUING BANK*] ("**Issuer**"), with reference to Irrevocable Letter of Credit No. _____ (the "**Letter of Credit**") issued by Issuer in favor of the undersigned ("**Beneficiary**"), as follows:

(1) The undersigned is the _____ of Beneficiary and is duly authorized by Beneficiary to execute and deliver this Certificate on behalf of Beneficiary.

(2) Beneficiary hereby makes demand against the Letter of Credit by Beneficiary's presentation of the draft accompanying this Certificate, for payment of _____ U.S. dollars (US$_____), which amount, when aggregated together with any additional amount that has not been drawn under the Letter of Credit, is not in excess of the Stated Amount (as in effect of the date hereof).

(3) The reasons for a drawing by Beneficiary are pursuant to the terms and conditions of the Decommissioning Agreement.

(4) You are hereby directed to make payment of the requested drawing to: (insert wire instructions)

Beneficiary Name and Address:

Town of Rotterdam ("**Beneficiary**")
Rotterdam, New York 12056
Attention: Town Supervisor

By: _____
Title: _____
Date: _____

(5) Capitalized terms used herein and not otherwise defined herein shall have the respective meanings set forth in the Letter of Credit.

[*BENEFICIARY*]
By: _____
Title: _____

Date: _____

DRAFT

DRAWING UNDER IRREVOCABLE LETTER OF CREDIT NO. _____

TO: [ISSUING BANK]
[Address]

Date:

PAY TO: [*BENEFICIARY*]

U.S.$ _____

FOR VALUE RECEIVED AND CHARGE TO THE ACCOUNT OF LETTER OF CREDIT NO. _____.

[*BENEFICIARY]*

By: _____

Title: _____

Date: _____

DRAFT

EXHIBIT C
ESCROW AGREEMENT

TO BE DEVELOPED BY TOWN ATTORNEY, TOWN BOARD, ASSESSOR, COMPTROLLER

DRAFT

EXHIBIT D
SUCCESSORS IN INTEREST AGREEMENT

TO BE DEVELOPED BY TOWN ATTORNEY, TOWN BOARD, ASSESSOR, COMPTROLLER

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Modifications to Chapter 270-133.1

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§ 270-137.1**Application and fees.**

[Added 12-9-1992 by L.L. No. 37-1992; amended 8-8-2007 by L.L. No. 9-2007; 2-25-2009 by L.L. No. 1-2009]

A.

~~Except as noted below,~~ all site plan applications shall be accompanied by a fee as affixed by the Rotterdam Town Board and designated in Chapter **126** of the Town Code, entitled "Fees."

~~(1)~~

~~There shall be no fee required to accompany a site plan approval application for any person, firm, corporation, association or partnership that has as the primary purpose of said application to install "green" energy production on improved property or if said application contains the construction or implementation of at least 10% of "green" energy production for the proposed site plan for any new construction. For purposes of this subsection, "green energy production" shall include but is not limited to power obtained through wind, solar, geothermal, hydroelectric, and/or solar voltaic (electric).~~

B.

Administrative fees. The costs incurred for the review of a site plan application by the Town Engineer, for consulting engineering fees or other consulting fees in conjunction with the Planning Board's review for a proposed application, including reviews required under the New York State Environmental Quality Review Act,[1] shall be charged to the applicant. The Planning Board shall obtain an estimate from any designated consultant for an amount sufficient to defray the costs of such services. The applicant shall enter into an escrow agreement with the Town of Rotterdam Planning Board, and said agreement shall be executed by the Rotterdam Planning Board Chairman, upon authorization from the Rotterdam Planning Board. The Rotterdam Planning Board Attorney shall prescribe the terms and appropriate form of the escrow agreement. Any portion of the estimated charges so collected by escrow agreement which is not expended by the Town shall be returned to the applicant.

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