

MEETING OF THE ROTTERDAM TOWN BOARD

May 8, 2024

7:00 PM

Agenda Review 6:30 PM

*Meeting is held at the Rotterdam Junction Volunteer Fire House
1215 Main St, Rotterdam Junction, NY 12150*

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

SUPERVISOR'S REMARKS: Supervisor Mollie A. Collins

EXECUTIVE SESSION

PROCLAMATIONS

PRESENTATIONS

- Jim Schaefer, Ph.D. Town Historian, "Yantaputchaberg -- New York's First Alpine (downhill) Ski Mountain 1930s" A short story about the Rotterdam Hills.

PUBLIC HEARING

- Order 1.24: In the Matter of the Joint Increase and Improvement of the Facilities of Water District No. 3 and Water District No. 4, each in the Town of Rotterdam, Schenectady County, New York.

PUBLIC COMMENT – PRIVILEGE OF THE FLOOR:

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

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

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

INTRODUCTION OF MOTIONS, ORDERS AND RESOLUTIONS RESOLUTIONS

190.24 Accepting Town Board meeting minutes. *Pg. 13*

191.24 To appoint Patrick Reedy to the position of Water & Sewer Maintenance Worker. *Pg. 44*

192.24 To approve budget transfers to the 2024 budget. *Pg. 53*

193.24 To adopt a Negative Declaration on a Change of Zone application from Single Family Residential (R-1) to Light Industrial (I-1) on tax parcel #59.7-10-1.12 located at the corner of Tower Avenue and Chrysler Avenue. *Pg. 56*

194.24 To Enact Introductory Local Law No. 3 of 2024; To amend chapter 270, Zoning, of the Town Code, for a Change of Zone of approximately ± 0.35 acres from Single Family Residential (R-1) to Light Industrial (I-1), located at the corner of Tower avenue and Chrysler Avenue (tax map no. 59.7-10-1.12), to facilitate the construction of a $\pm 2,000$ square foot storage garage. *Pg. 87*

195.24 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 Multi-Family Residential (R-3) to General Business (B-2) located at 676 Mariaville Road and refer to the Planning Commission for report and recommendation. *Pg. 92*

196.24 To recognize the Introduction of Introductory Local Law No. ____ of 2024; To adopt chapter 271 entitled Hotel Use Regulations, and scheduling a public hearing thereon. *Pg. 129*

197.24 To authorize the Supervisor to negotiate and execute a Memorandum of Agreement with the PBA, CSEA, and Rotterdam Chiefs' Association to observe Juneteenth as a holiday for the year 2024. *Pg. 135*

198.24 To authorize a release of retainage to VAD Contractors Inc. *Pg. 139*

199.24 To negotiate and execute an agreement with Colliers Engineering and Design for professional services in reviewing the Town Code §270 related to solar, wind & battery systems. *Pg. 152*

200.24 Authorize a Stipulation of Settlement with 1926 Curry Road LLC. *Pg. 162*

201.24 To authorize the Department of Environmental Conservation (DEC) to install a drop box at Kiwanis Park Boat Launch. *Pg. 168*

202.24 To negotiate and execute an agreement with Harmony Tree Service LLC for removal of trees at Kiwanis Park. *Pg. 171*

- 203.24** To call for a public hearing on the proposed Introductory Local Law ___ of 2024; To amend chapter 270, Zoning, of the Town Code, to reduce the allowable building height in the Main Street/Neighborhood Center (MS/NC) Overlay District. *Pg. 174*
- 204.24** To call for a public hearing on the proposed Introductory Local Law ___ of 2024; To amend chapter 270, Zoning, of the Town Code, to extend the existing Main Street/Neighborhood Center (MS/NC) Overlay District. *Pg. 182*
- 205.24** To negotiate and execute Amendment No. 2 with Barton and Logudice for professional engineering services for the Feasibility Study of the Town Court and Police Facility. *Pg. 202*
- 206.24** To negotiate and execute Amendment No. 3 with Barton and Logudice for professional engineering services for the Feasibility Study of the Town Court and Police Facility. *Pg. 221*
- 207.24** To negotiate and execute an agreement with Barton and Logudice for professional engineering services for Town Hall Renovations Phase Two. *Pg. 238*
- 208.24** To negotiate and execute an agreement with Siewert Equipment for the Wastewater Treatment Plant. *Pg. 264*
- 209.24** To accept revenue for the Town Clerk's office for April 2024. *Pg. 269*
- 210.24** Authorizing the execution and delivery of an amended and restated municipal cooperation agreement and related documents by and among the several municipal corporations, school district, fire districts and/or boards of cooperative educational services to provide for the cooperative temporary investment of public funds. *Pg. 275*
- 211.24** A Resolution authorizing the issuance of \$8,600,000 serial bonds of the Town of Rotterdam, Schenectady County, New York, to pay the cost of the joint increase and improvement of the facilities of Water District No. 3 and Water District No. 4, each in the Town of Rotterdam, Schenectady County, New York. *Pg. 352*

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

PUBLIC HEARING

5/8/24

In the Matter of
The Joint Increase and Improvement of the
Facilities of Water District No. 3 and Water
District No. 4, each in the Town of
Rotterdam, Schenectady County, New York

ORDER 1.24

51130-2-702

At a regular meeting of the Town Board of the Town of Rotterdam, Schenectady County, New York, held at the John F. Kirvin Government Center, Town Hall, in Rotterdam, New York in said Town on April 24, 2024, at 7:00 o'clock P.M., Prevailing Time.

PRESENT:

Supervisor

Councilman

Councilman

Councilman

Councilman

In the Matter of The Joint Increase and Improvement of the Facilities of Water District No. 3 and Water District No. 4, each in the Town of Rotterdam, Schenectady County, New York	ORDER CALLING PUBLIC HEARING
--	---------------------------------------

WHEREAS, the Town Board of the Town of Rotterdam, Schenectady County, New York, has had under consideration the joint increase and improvement of the facilities of Water District No. 3 and Water District No. 4, in said Town (together, the “Districts”), consisting of various water system improvements, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, as

further described in a map, plan and report, including estimate cost prepared by competent engineers and on file in the office of the Town Clerk where they may be inspected during regular office hours; and

WHEREAS, the maximum estimated cost to said Districts of such joint increase and improvement of facilities is determined to be \$8,600,000; and

WHEREAS, such cost shall be annually apportioned among such Districts by said Town Board, and the amounts so apportioned shall be annually apportioned and assessed upon the several lots and parcels of land within each said District in the manner provided by law, in an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not paid from such source, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds as the same shall become due; and

WHEREAS, it is expected that the apportionment of such cost between the Districts shall be as follows: Water District No. 3: 96.8% (\$8,324,800), and Water District No. 4: 3.2% (\$275,200), and

WHEREAS, said capital project is expected to be determined to be an “Unlisted Action” pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act (“SEQRA”), the implementation of which as proposed, is expected to be determined will not result in any significant adverse environmental effects, and the documentation relating to SEQRA is available in the office of the Town Clerk for inspection during normal office hours; and

WHEREAS, it is now desired to call a public hearing on the question of the joint increase and improvement of the facilities of said Districts, in the matter described above, and to

hear all persons interested in the subject thereof, concerning the same, in accordance with the provisions of Section 202-b of the Town Law; NOW,

THEREFORE, UPON MOTION OF Councilmember _____,
seconded by Councilmember _____,

IT IS HEREBY ORDERED, by the Town Board of the Town of Rotterdam, Schenectady County, New York, as follows:

Section 1. A public hearing will be held at the Rotterdam Junction Volunteer Fire Department #1, in Rotterdam Junction, New York, in said Town, on the 8th day of May, 2024, at 7:00 o'clock P.M., Prevailing Time, on the question of the proposed joint increase and improvement of the facilities of Water District No. 3 and Water District No. 4, in said Town, and the estimate of cost referred to in the preambles hereof, at which time and place said Town Board will hear all persons interested in the subject thereof concerning the same and to take such action thereon as is required or authorized by law.

Section 2. The Town Clerk is hereby authorized and directed to cause a notice of said public hearing to be published in the official newspaper of said Town, and also to cause a copy thereof to be posted on the signboard of the Town, such publication and posting to be made not less than ten, nor more than twenty days, before the date designated for the hearing.

Section 3. The notice of public hearing shall be in substantially the form attached hereto as Exhibit A and hereby made a part hereof.

Section 4. This Order shall take effect immediately.

The question of the adoption of the foregoing order was duly put to a vote on roll call,
which resulted as follows:

DATED: April 24, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

The order was thereupon declared duly adopted.

* * * * *

CERTIFICATION FORM

STATE OF NEW YORK)
) ss.:
COUNTY OF SCHENECTADY)

I, the undersigned Clerk of the Town of Rotterdam, Schenectady County, New York (the “Issuer”), DO HEREBY CERTIFY:

1. That a meeting of the Issuer was duly called, held and conducted on the 24th day of April, 2024.
2. That such meeting was a **special regular** (circle one) meeting.
3. That attached hereto is a proceeding of the Issuer which was duly adopted at such meeting by the Board of the Issuer.
4. That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said Board.
5. That all members of the Board of the Issuer had due notice of said meeting.
6. That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the “Open Meetings Law”.
7. That notice of said meeting (*the meeting at which the proceeding was adopted*) was caused to be given **PRIOR THERETO** in the following manner:

PUBLICATION (here insert newspaper(s) and date(s) of publication - should be a date or dates falling prior to the date set forth above in item 1)

POSTING (here insert place(s) and date(s) of posting- should be a date or dates falling prior to the date set forth above in item 1)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer this _____ day of April, 2024.

Town Clerk

(CORPORATE SEAL)

AFFIDAVIT OF POSTING

STATE OF NEW YORK)
) ss.:
COUNTY OF SCHENECTADY)

I, the undersigned Clerk of the Town of Rotterdam, Schenectady County, New York,
DEPOSE AND SAY:

That on the _____ day of April, 2024, I caused to be posted on the official signboard
maintained by me pursuant to subdivision 6 of Section 30 of the Town Law, a Notice of Public
Hearing which was a part of an Order adopted by the Town Board of said Town on April 24,
2024.

A true and correct copy of such Notice of Hearing is attached hereto.

Town Clerk

Sworn to before me this _____ day
of _____, 2024.

Notary Public

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Town Board of the Town of Rotterdam, Schenectady County, New York, will meet at the Rotterdam Junction Volunteer Fire Department #1, in Rotterdam Junction, New York, in said Town, on the 8th day of May, 2024, at 7:00 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a certain map, plan, report, including an estimate of cost in relation to the proposed joint increase and improvement of the facilities of Water District No. 3 and Water District No. 4, in said Town, being the various water system improvements, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$8,600,000, at which time and place said Town Board will hear all persons interested in the subject thereof concerning the same.

Such cost shall be annually apportioned among such Districts by said Town Board, and the amounts so apportioned shall be levied and collected in each District in the manner provided by law. It is expected that the apportionment of cost between the Districts shall be as follows: Water District No. 3: 96.8% (\$8,324,800) and Water District No. 4: 3.2% (\$275,200).

The improvements as described above are expected to be determined to be an "Unlisted Action" pursuant to the regulations promulgated under the State Environmental Quality Review Act ("SEQRA") as to which it is expected to be determined that same will not result in any significant adverse environmental effects. The map, plan and report for said improvements prepared by a competent engineer licensed by the State of New York and SEQRA compliance materials are available for inspection at the Office of the Town Clerk where they may be inspected during normal business hours.

At said public hearing said Town Board will hear all persons interested in the subject matter thereof.

Dated: Rotterdam, New York, April ___, 2024.

Daily Gazette: Please publish once on the ___ of ___, 2024

Town Clerk

Post

BY ORDER OF THE TOWN BOARD OF THE TOWN OF
ROTTERDAM, SCHENECTADY COUNTY, NEW YORK

/s/Diane M. Marco

Town Clerk

RESOLUTION 190.24
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 April 24, 2024 as attached.

SECTION 2. This resolution shall become effective May 8, 2024

DATED: May 8, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

TOWN OF ROTTERDAM

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



LEGISLATIVE REQUEST FORM

DATE: May 1, 2024

TO: Mollie A. Collins, Supervisor

FROM: Diane M. Marco, Town Clerk

TITLE OF LEGISLATIVE REQUEST: To adopt meeting minutes the Town Board Meeting of April 24, 2024.

TO BE PLACED ON TOWN BOARD AGENDA OF: May 8, 2024.

TO BE PLACED ON TOWN BOARD MEETING OF: May 8, 2024.

Background Information: Attached. To adopt the Town Board Meeting of April 24, 2024.

Evaluation/Analysis: N/A

Recommendation(s): To place on Town Board agenda and Town Board meeting of May 8, 2024.

Attachment/Document(s): Attached

Compliance with Purchasing Policy: N/A

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

LEGISLATION WAS PREPARED BY: Town Clerk Diane M. Marco



TOWN OF ROTTERDAM

DIANE M. MARCO

Town Clerk

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

April 26, 2024

Certified Resolutions: #179.24-#189.24 and Order #1-2024 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, April 24, 2024 at 7:00 p.m. The Town Board Agenda Meeting started at approximately 6:30 p.m. and was adjourned at approximately 6:50 p.m. by Councilmember Dodson 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 #36 was made by Councilmember Dodson and seconded by Councilmember Gallucci. The Town Board meeting adjourned at approximately 8:20 p.m. All agreed to adjourn the Town Board Meeting.

All Councilmembers were present

Diane M. Marco

Diane M. Marco, Town Clerk

MEETING OF THE ROTTERDAM TOWN BOARD

April 24, 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

- Jim Schaefer, Ph.D. Town Historian, "Yantaputchaberg -- New York's First Alpine (downhill) Ski Mountain 1930s" A short story about the Rotterdam Hills.

PUBLIC HEARING

- To recognize the introduction of Introductory Local Law No. __ of 2024; To amend section 266-46, entitled "Schedule VI: Stop Intersections" of the Code of the Town of Rotterdam, for the addition of Stop Signs along the Edgewood Avenue intersections of Kenmore Avenue, Marengo Street, and Delaware Avenue. **PUBLIC HEARING CLOSED**

PUBLIC COMMENT – PRIVILEGE OF THE FLOOR:

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

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

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

INTRODUCTION OF MOTIONS, ORDERS AND RESOLUTIONS RESOLUTIONS

MOTIONS

36.24 I make a motion to close the public hearing.

RESOLUTIONS

179.24 To accept Town Board meeting minutes. *Pg. 9*

180.24 To appoint Sarah Hunt to the position of Confidential Assistant to the Comptroller. *Pg. 43*

181.24 To amend Resolution 18.24 of the year 2024; Appoint Frederick Waller as a Senior Citizens Center backup bus driver. *Pg. 55*

182.24 To accept bid and award contract for On Call Maintenance Contract Services. *Pg. 62*

183.24 To appoint Joel Miller as the Director of the Town of Rotterdam's Jazz Band for the 2024 Summer Concert Series. *Pg. 72*

184.24 To appoint Michael Salamone as the Director of the Town of Rotterdam's Town Band for the 2024 Summer Concert Series. *Pg. 75*

185.24 To negotiate and execute an agreement with Labella Associates for the Philomena Apartments Sewer Connections Sewer District No. 7 Extension No. 2 Project. *Pg. 78*

186.24 To Enact Introductory Local Law No. 7 of 2024; To amend section 266-46, entitled "Schedule VI: Stop Intersections" of the code of the Town of Rotterdam, for the addition of stop signs along the Edgewood Avenue intersections of Kenmore Avenue, Marengo Street, and Delaware Avenue. *Pg. 91*

187.24 To authorize Change Order No. 7 and No. 8 with Bunkoff General Contractors Inc. for the Rotterdam Town Hall Renovations. *Pg.96*

188.24 To Enact Introductory Local Law No. 3 of 2024; To amend chapter 270, Zoning, of the Town Code, for a Change of Zone of approximately ± 0.35 acres from Single Family Residential (R-1) to Light Industrial (I-1), located at the corner of Tower Avenue and Chrisler Avenue (tax map no. 59.7-10-1.12), to facilitate the construction of a $\pm 2,000$ square foot storage garage. *Pg. 136*

189.24 To recognize the introduction of Introductory Local Law __ of 2024; To amend chapter 270, Zoning, of the Town Code, to reduce the allowable building height in the Main Street/Neighborhood Center (MS/NC) Overlay District; Declare Lead Agency and referring same to the Planning Commission for report and recommendation. *Pg. 168*

ORDERS

- 1.24** To approve an order calling a public hearing on the Joint Increase and Improvement of the Facilities of Water District No. 3 and Water District No. 4, each in the Town of Rotterdam, Schenectady County, New York. *Pg. 174*

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 the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, April 24, 2024, at 7:00 p.m., the following motion passed:

MOTION 36.24

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. I make a motion to close the Public Hearing.

SECTION 2. This motion shall become effective April 24, 2024.

DATED: April 24, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	X		
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 April 24, 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 April 26, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, April 24, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION 179.24

TO ACCEPT TOWN BOARD MEETING MINUTES

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

SECTION 1. The Town Board of the Town of Rotterdam hereby adopts the minutes of the Town Board Meeting of April 10, 2024 as attached.

SECTION 2. This resolution shall become effective April 24, 2024

DATED: April 24, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	X		
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 April 24, 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 tRotterdam this April 26, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, April 24, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 180.24

**TO APPOINT SARAH HUNT TO THE POSITION OF CONFIDENTIAL ASSISTANT
TO THE COMPTROLLER**

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. Sarah Hunt of Middleburgh, New York is hereby appointed to the position of Confidential Assistant to the Comptroller, full time, with full employee benefits, at an annual starting salary of \$63,000.00, with a yearly performance review, based upon a 35-hour work week, with ten and one half (10 ½) of those hours being off premises, commencing April 29, 2024.

SECTION 2. Sarah Hunt shall receive all of the benefits afforded CSEA members, excluding annual C.O.L.A.'s and the ability to earn overtime and/or compensatory time.

SECTION 3. This position is in the exempt classification. The appointment is by the Town Board and will serve at the pleasure of Town Board.

SECTION 4. The offer of employment is contingent upon the results of a background check.

SECTION 5. This resolution shall become effective April 24, 2024.

DATED: April 24, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	X		
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 April 24, 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 April 26, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, April 24, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION 181.24

**TO AMEND RESOLUTION 18.24 OF THE YEAR 2024;
APPOINT FREDERICK WALLER AS SENIOR CITIZENS CENTER BACKUP BUS
DRIVER**

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 18.24, as amended, is hereby amended, and restated to read as follows: The following individuals are hereby appointed/reappointed to various additional duties and/or part time positions at the indicated rates of pay, on an as needed basis as directed by the Supervisor or his/her designee, with no employee benefits for the year 2024 as follows:

ADA Compliance Officer/Safety Officer

James Keith Annual Stipend \$3,000

Grant Coordinator

Peter Comenzo Annual Stipend \$7,000

Wellness Compliance

Megan Griffin Annual Stipend \$2,000

Events/Social Media Coordinator

Megan Griffin Annual Stipend \$3,000

CDL Trainer

Steve Skoda Annual Stipend \$1,000

Stormwater Program Coordinator/Stormwater Management officer

Mary Barrie Hourly Rate \$35.00

Stormwater Management Officer

Daniel Marsello Annual Stipend \$3,500

DPW Records Management

Lisa Gallo Annual Stipend \$2,500

Deputy Comptroller – Part Time

Paul Sebesta Hourly Rate \$115.00

School Traffic Officer

Floyd Rorick Hourly Rate \$17.00
(Maximum of 4 hours daily)

Clerk- Part Time (Highway)

Donna Larsen Hourly Rate \$19.50

Clerk – Part Time (Police Dept)

Allison Kartner Hourly Rate \$24.38

Water Treatment Plant Operator (1st on call)

Ian Bonthron Hourly Rate \$35.00

Water Treatment Plant Operator (2nd on call)

Clark Collins Hourly Rate \$35.00

Building Inspector – Part Time

Lloyd Denny Hourly Rate \$40.00
(Maximum 3 days per week)

Bingo Inspector

William Purcell Hourly Rate \$17.00

Safety Inspector (FEMA)

Kathy Fisher Hourly Rate \$35.00

Accountant – Part Time

Sarah Morrison Hourly Rate \$50.00

Senior Citizens Center Bus Driver

Mark D'Alessandro Hourly Rate \$20.00

Project Coordinator, Office of the Aging– Part Time

Linda Testa Hourly Rate \$35.00
(Not to exceed \$32,000.00 dollars annually)

Fire Inspector-Part Time

Chris Amorosi Hourly Rate \$25.00
(Maximum 15 hours per week)

Dog Control Officers-Part Time

Darla Gullotta Annual Salary \$15,000.00

Heather Newell Annual Salary \$15,000.00

Clerk-Part Time

Jody Binkley Hourly Rate \$25.00

Senior Citizens Center Bus Driver (Backup Driver)

Frederick Waller Hourly Rate \$20.00

SECTION 2. This resolution shall become effective April 24, 2024.

DATED: April 24, 2024

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

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 April 24, 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 April 26, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, April 24, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 182.24

**TO ACCEPT BID AND AWARD CONTRACT FOR ON CALL MAINTENANCE
CONTRACT SERVICES**

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 April 5, 2024 posted an official report of all bid submissions received to the Empire State Purchasing Group on BidNet (<http://bidnetdirect.com/townofrotterdam>). Additionally, the official bid report and all bids were made available in the Office of the Town Clerk for public inspection upon request, for the purchase by the Town of Rotterdam of the following:

ON CALL MAINTENANCE CONTRACT SERVICES

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

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 On Call Maintenance Contract Services for the Town of Rotterdam to R & B Construction LLC, located at 1094 Bulls Head Road, Amsterdam, New York 12010, at the hourly rates, overhead and profit percentages per the attached spreadsheet.

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 April 24, 2024.

DATED: April 24, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	X		
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 April 24, 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 April 26, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, April 24, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 183.24

TO APPOINT JOEL MILLER AS THE DIRECTOR OF THE TOWN OF ROTTERDAM'S JAZZ BAND FOR THE 2024 SUMMER CONCERT SERIES

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. Joel Miller of Niskayuna, NY is hereby appointed to the position of Director of the Town of Rotterdam Jazz Band for the 2024 Summer Concert Series, with compensation upon completion of services, in the amount not to exceed one thousand two hundred and 00/100 (\$1,200.00) dollars, commencing June 3, 2024.

SECTION 2. This resolution shall become effective April 24, 2024.

DATED: April 24, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	X		
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 April 24, 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 April 26, 2024.

Diane M. Marco
Diane M. Marco, Town Clerk



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, April 24, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 184.24

TO APPOINT MICHAEL SALAMONE AS THE DIRECTOR OF THE TOWN OF ROTTERDAM'S TOWN BAND FOR THE 2024 SUMMER CONCERT SERIES

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. Michael Salamone of Schenectady, New York is hereby appointed to the position of Director of the Town of Rotterdam Town Band for the 2024 Summer Concert Series, with compensation upon completion of services, in the amount not to exceed one thousand eight hundred and 00/100 (\$1,800.00) dollars, commencing June 3, 2024.

SECTION 2. This resolution shall become effective April 24, 2024.

DATED: April 24, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	X		
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 April 24, 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 April 26, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, April 24, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 185.24

**TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH LABELLA ASSOCIATES
FOR THE PHILOMENA APARTMENTS SEWER CONNECTIONS SEWER DISTRICT
NO. 7 EXTENSION NO. 2 PROJECT**

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to negotiate and execute an agreement with Labella Associates, located at 4 British American Blvd, Latham, NY 12110, for professional engineering services for the Philomena Apartments Sewer Connections Sewer District No. 7, Extension No. 2 Project, in an amount not to exceed two thousand seven hundred fifty and 00/100 (\$2,750.00) dollars.

SECTION 2. This resolution shall become effective April 24, 2024.

DATED: April 24, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	X		
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 April 24, 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 April 26, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, April 24, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 186.24

TO ENACT INTRODUCTORY LOCAL LAW NO. 7 OF 2024; TO AMEND SECTION 266-46, ENTITLED "SCHEDULE VI: STOP INTERSECTIONS" OF THE CODE OF THE TOWN OF ROTTERDAM, FOR THE ADDITION OF STOP SIGNS ALONG THE EDGEWOOD AVENUE INTERSECTIONS OF KENMORE AVENUE, MARENGO STREET, AND DELAWARE AVENUE

THEREFORE, UPON MOTION OF Councilmember GALLUCCI, seconded by Councilmember DODSON,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board hereby enacts Introductory Local Law No. 7 of 2024.

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

SECTION 3. This resolution shall become effective April 24, 2024.

DATED: April 24, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	X		
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 April 24, 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 April 26, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, April 24, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 187.24

TO AUTHORIZE CHANGE ORDER NO. 7 AND NO. 8 WITH BUNKOFF GENERAL CONTRACTORS INC. FOR THE ROTTERDAM TOWN HALL RENOVATIONS

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to negotiate and execute Change Orders No. 7 and No. 8 with Bunkoff General Contractors Inc, located at 790 Watervliet Shaker Road, Latham, NY 12110, for the Rotterdam Town Hall Renovations, Contract 1 – General Construction, for the patching, repair, and painting of EIFS at the main entrance, and installation of sash lifts for a cost increase of \$5,048.00, and for the removal and replacement of flooring and base trim, including transition strips in waiting 217, open office 218 and storage 219 for a cost increase of \$12,262.00, for a new contract sum totaling one million, one hundred seventy one thousand, five hundred eight and 00/100 (\$1,171,508.00) dollars.

SECTION 2. This resolution shall become effective April 24, 2024.

DATED: April 24, 2024

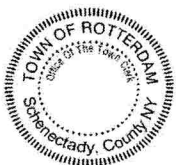
NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni	X		
Gallucci	X		
Schlag	X		
Collins	X		

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 April 24, 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 April 26, 2024.

Diane M. Marco
Diane M. Marco, Town Clerk



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, April 24, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 188.24

TO ENACT INTRODUCTORY LOCAL LAW NO. 3 OF 2024; TO AMEND CHAPTER 270, ZONING, OF THE TOWN CODE, FOR A CHANGE OF ZONE OF APPROXIMATELY ±0.35 ACRES FROM SINGLE FAMILY RESIDENTIAL (R-1) TO LIGHT INDUSTRIAL (I-1), LOCATED AT THE CORNER OF TOWER AVENUE AND CHRISLER AVENUE (TAX MAP NO. 59.7-10-1.12), TO FACILITATE THE CONSTRUCTION OF A ±2,000 SQUARE FOOT STORAGE GARAGE

WHEREAS, on March 27, 2024 by Resolution 148.24, Local Law 3 was proposed to be enacted, however the Town Board of the Town of Rotterdam TABLED Resolution 148.24, NOW

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board hereby enacts Introductory Local Law No. 3 of 2024.

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

SECTION 3. This resolution shall become effective April 24, 2024.

DATED: April 24, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	X		
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 April 24, 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 April 26, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, April 24, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 189.24

TO RECOGNIZE THE INTRODUCTION OF INTRODUCTORY LOCAL LAW __ OF 2024; TO AMEND CHAPTER 270, ZONING, OF THE TOWN CODE, TO REDUCE THE ALLOWABLE BUILDING HEIGHT IN THE MAIN STREET/NEIGHBORHOOD CENTER (MS/NC) OVERLAY DISTRICT; DECLARE LEAD AGENCY AND REFERRING SAME TO THE PLANNING COMMISSION FOR REPORT AND RECOMMENDATION

WHEREAS, the Town of Rotterdam Main Street/Neighborhood Center Zoning Overlay currently allows buildings to be three stories and up to 45 feet in height; and

WHEREAS, it is desired to reduce the allowable height to 2 stories up to 30 feet in height, to follow the December 2022 update to the Comprehensive Plan which contains recommended actions for the corridor mixed use area; NOW

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby recognizes the introduction of Introductory Local Law __ of 2024; To amend chapter 270, Zoning, of the Town Code to reduce the allowable building height in the Main Street/Neighborhood Center (MS/NC) Overlay District.

SECTION 2. The Town Board of the Town of Rotterdam hereby declares the Town Board as Lead Agency under 6NYCRR Part 617 SEQR (State Environmental Quality Review) in connection to the proposed change of zone to reduce the allowable building height in the Main Street/Neighborhood Center (MS/NC) Overlay District, and authorizes the Senior Planner to distribute all documents necessary to comply with 6 NYCRR Part 612.12 (State Environmental Quality Review).

SECTION 3. The Town Board hereby refers this Introductory Local Law of 2024 to the Planning Commission of the Town of Rotterdam for report and recommendation thereon.

SECTION 4. This resolution shall become effective April 24, 2024.

DATED: April 24, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	X		
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 April 24, 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 April 26, 2024.

Diane M. Marco
Diane M. Marco, Town Clerk



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, April 24, 2024, at 7:00 p.m., the following **ORDER** was duly adopted:

ORDER 1.24

51130-2-702

At a regular meeting of the Town Board of the Town of Rotterdam, Schenectady County, New York, held at the John F. Kirvin Government Center, Town Hall, in Rotterdam, New York in said Town on April 24, 2024, at 7:00 o'clock P.M., Prevailing Time.

PRESENT:

Mollie A. Collins
Supervisor

Charles Jack Dodson
Deputy Supervisor

Joseph Mastroianni
Councilmember

Ronald Schlag
Councilmember

Teri Gallucci
Councilmember

In the Matter of The Joint Increase and Improvement of the Facilities of Water District No. 3 and Water District No. 4, each in the Town of Rotterdam, Schenectady County, New York	ORDER CALLING PUBLIC HEARING
--	---------------------------------------

WHEREAS, the Town Board of the Town of Rotterdam, Schenectady County, New York, has had under consideration the joint increase and improvement of the facilities of Water District No. 3 and Water District No. 4, in said Town (together, the “Districts”), consisting of various water system improvements, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, as further described in a map, plan and report, including estimate cost prepared by competent engineers and on file in the office of the Town Clerk where they may be inspected during regular office hours; and

WHEREAS, the maximum estimated cost to said Districts of such joint increase and improvement of facilities is determined to be \$8,600,000; and

WHEREAS, such cost shall be annually apportioned among such Districts by said Town Board, and the amounts so apportioned shall be annually apportioned and assessed upon the several lots and parcels of land within each said District in the manner provided by law, in an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not paid from such source, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds as the same shall become due; and

WHEREAS, it is expected that the apportionment of such cost between the Districts shall be as follows: Water District No. 3: 96.8% (\$8,324,800), and Water District No. 4: 3.2% (\$275,200), and

WHEREAS, said capital project is expected to be determined to be an “Unlisted Action” pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act (“SEQRA”), the

implementation of which as proposed, is expected to be determined will not result in any significant adverse environmental effects, and the documentation relating to SEQRA is available in the office of the Town Clerk for inspection during normal office hours; and

WHEREAS, it is now desired to call a public hearing on the question of the joint increase and improvement of the facilities of said Districts, in the matter described above, and to hear all persons interested in the subject thereof, concerning the same, in accordance with the provisions of Section 202-b of the Town Law; NOW,

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

IT IS HEREBY ORDERED, by the Town Board of the Town of Rotterdam, Schenectady County, New York, as follows:

Section 1. A public hearing will be held at the Rotterdam Junction Volunteer Fire Department #1, in Rotterdam Junction, New York, in said Town, on the 8th day of May, 2024, at 7:00 o'clock P.M., Prevailing Time, on the question of the proposed joint increase and improvement of the facilities of Water District No. 3 and Water District No. 4, in said Town, and the estimate of cost referred to in the preambles hereof, at which time and place said Town Board will hear all persons interested in the subject thereof concerning the same and to take such action thereon as is required or authorized by law.

Section 2. The Town Clerk is hereby authorized and directed to cause a notice of said public hearing to be published in the official newspaper of said Town, and also to cause a copy thereof to be posted on the signboard of the Town, such publication and posting to be made not less than ten, nor more than twenty days, before the date designated for the hearing.

Section 3. The notice of public hearing shall be in substantially the form attached hereto as Exhibit A and hereby made a part hereof.

Section 4. This Order shall take effect immediately.

The question of the adoption of the foregoing order was duly put to a vote on roll call, which resulted as follows:

DATED: April 24, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni	X		
Gallucci	X		
Schlag	X		
Collins	X		

The order was thereupon declared duly adopted.

* * * * *

CERTIFICATION FORM

STATE OF NEW YORK)
) ss.:
COUNTY OF SCHENECTADY)

I, the undersigned Clerk of the Town of Rotterdam, Schenectady County, New York (the "Issuer"), DO HEREBY CERTIFY:

1. That a meeting of the Issuer was duly called, held and conducted on the 24th day of April, 2024.
2. That such meeting was a regular meeting.
3. That attached hereto is a proceeding of the Issuer which was duly adopted at such meeting by the Board of the Issuer.
4. That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said Board.
5. That all members of the Board of the Issuer had due notice of said meeting.
6. That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the "Open Meetings Law".
7. That notice of said meeting (*the meeting at which the proceeding was adopted*) was caused to be given **PRIOR THERETO** in the following manner:

PUBLICATION (here insert newspaper(s) and date(s) of publication - should be a date or dates falling prior to the date set forth above in item 1)

POSTING (here insert place(s) and date(s) of posting- should be a date or dates falling prior to the date set forth above in item 1)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer this _____ day of April, 2024.

Town Clerk

(CORPORATE SEAL)

AFFIDAVIT OF POSTING

STATE OF NEW YORK)
) ss.:
COUNTY OF SCHENECTADY)

I, the undersigned Clerk of the Town of Rotterdam, Schenectady County, New York,
DEPOSE AND SAY:

That on the 24th day of April, 2024, I caused to be posted on the official signboard
maintained by me pursuant to subdivision 6 of Section 30 of the Town Law, a Notice of Public
Hearing which was a part of an Order adopted by the Town Board of said Town on April 24, 2024.

A true and correct copy of such Notice of Hearing is attached hereto.

Diane M. Marco
Town Clerk

Sworn to before me this _____ day
of _____, 2024.

Notary Public

TOWN OF ROTTERDAM
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Town Board of the Town of Rotterdam, Schenectady County, New York, will meet at the Rotterdam Junction Volunteer Fire Department #1, in Rotterdam Junction, New York, in said Town, on the 8th day of May, 2024, at 7:00 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a certain map, plan, report, including an estimate of cost in relation to the proposed joint increase and improvement of the facilities of Water District No. 3 and Water District No. 4, in said Town, being the various water system improvements, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$8,600,000, at which time and place said Town Board will hear all persons interested in the subject thereof concerning the same.

Such cost shall be annually apportioned among such Districts by said Town Board, and the amounts so apportioned shall be levied and collected in each District in the manner provided by law. It is expected that the apportionment of cost between the Districts shall be as follows: Water District No. 3: 96.8% (\$8,324,800) and Water District No. 4: 3.2% (\$275,200).

The improvements as described above are expected to be determined to be an "Unlisted Action" pursuant to the regulations promulgated under the State Environmental Quality Review Act ("SEQRA") as to which it is expected to be determined that same will not result in any significant adverse environmental effects. The map, plan and report for said improvements prepared by a competent engineer licensed by the State of New York and SEQRA compliance materials are available for inspection at the Office of the Town Clerk where they may be inspected during normal business hours.

At said public hearing said Town Board will hear all persons interested in the subject matter thereof.

Dated: Rotterdam, New York, April 24, 2024.

Daily Gazette: Please publish once on the 26th of April 2024

Town Clerk

Post

BY ORDER OF THE TOWN BOARD OF THE TOWN OF
ROTTERDAM, SCHENECTADY COUNTY, NEW YORK

Diane M. Marco, Town Clerk

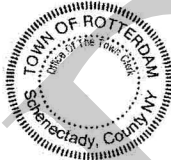
I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing **ORDER** was approved by the Town Board Meeting of the Town of Rotterdam on April 24, 2024, and that the foregoing **ORDER** is a true and correct transcript of the original **ORDER** and of the whole thereof and that said **ORDER** 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 April 26, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk



RESOLUTION NO. 191.24

**TO APPOINT PATRICK REEDY TO THE POSITION OF WATER & SEWER
MAINTENANCE WORKER**

THEREFORE, UPON MOTION OF Councilmember _____,
seconded by Councilmember _____,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. Patrick Reedy, of Schenectady, New York 12306, is hereby appointed to the position of Water & Sewer Maintenance Worker, full time, probationary, with full employee benefits, and subject to pre-employment background checks, at an annual salary of fifty-two thousand one hundred fifty and 61/100 (\$52,150.61) dollars, commencing May 20, 2024.

SECTION 2. This resolution shall become effective May 8, 2024.

DATED: May 8, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

TOWN OF ROTTERDAM

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



LEGISLATIVE REQUEST FORM

DATE: May 2, 2024

TO: Town Board

FROM: James Keith, Sr. Building Inspector

TITLE OF REQUEST: Appoint Patrick Reedy to the position of Water/Sewer Maintenance Worker

TOWN BOARD MEETING: May 8, 2024

Background Information: Mr. Reedy has been an employee of the Town of Rotterdam's Highway Department on a part time basis.

Evaluation/Analysis: Mr. Reedy has exhibited a strong work ethic and a willingness to learn. His prior experience with the Highway Department will be valuable in his transition to the Water/Sewer Department.

Recommendation(s): Appoint Mr. Reedy to the position of Water/Sewer Maintenance Worker.

Attachment/Document(s): Civil Service Application

Compliance with Purchasing Policy: N/A

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

LEGISLATION WILL BE PREPARED BY: Supervisor

Schenectady County is an Equal Opportunity Employer. Schenectady County does not unlawfully discriminate in employment because of age, race, creed, color, national origin, sex, sexual orientation, disability, marital status, arrest and/or criminal conviction record unless based on a bona fide occupational qualification or other exception, genetic predisposition, or domestic violence victim status.



Schenectady County

Human Resources & Civil Service

620 State Street

Schenectady, NY 12305-2114

APPLICATION FOR EXAMINATION OR EMPLOYMENT

FOR COUNTY OFFICES, TOWNS, VILLAGES, SCHOOL DISTRICTS
LIBRARIES AND SPECIAL DISTRICTS

Date Received _____ Approved _____

Conditional _____ Disapproved _____

RECEIVED

APR 11 2024

Town of Rotterdam
SUPERVISORS OFFICE

CIVIL SERVICE DEPT.
USE ONLY

1. _____
POSITION TITLE EXAM NUMBER

This application is part of your examination. Answer all questions fully. A resume, if submitted, cannot substitute for the application. You are encouraged to read the General Conditions and Instructions for more information.

2. Name and Legal Residence

Last Name: Reedy First Name: Patrick Middle Initial: M

Street Address or Road: _____ R.D. # or P.O. Box #: _____

County: Schenectady City, Town, Village: Rotterdam State: NY Zip: 12306

Home Phone Number: _____ Cell Phone: _____

Email Address: _____

If mailing address is different:

Street Address or Road: _____ R.D. # or P.O. Box #: _____

County: _____ City, Town, Village: _____ State: _____ Zip: _____

Social Security Number: _____

3. Police Officer & Firefighter Candidates Only:

Date of Birth (MM/DD/YYYY) ____/____/____

4. **Residency Requirements:** Candidates must meet the Residency Requirements as stated on the examination announcement. You must complete the following to determine if you meet these residency requirements. Indicate how long this has been your legal residence, up to the date of this application, showing that you meet the residency requirements as announced.

	Name	Years	Months
State of:	<u>New York</u>		
County of:			
Village of:			
Town of:	<u>Rotterdam</u>		
City of:	<u>Schenectady</u>		
School District	<u>Mohonasen</u>		

5. Citizenship

A. Are you currently a U.S. Citizen? YES ☒ NO ☐

B. If not, do you have the legal right to accept Employment in the United States? YES ☐ NO ☐
Please give alien registration number: _____

C. Are you a retiree from New York State or any civil division thereof? YES ☐ NO ☒

6. **Special Testing Arrangements** (Refer to General Conditions and Instructions). If you need Special Accommodations to take the examination, contact the Civil Service Office at (518) 388-4233.

Religious ☐ Military ☐ Disability ☐

7. **Crossfiler** - If you have filed or are filing SEPARATE applications for Civil Service Examinations being held on the same date, attach the CROSSFILER APPLICATION. Call to make arrangements no later than two weeks before the test date.

8. **Driver's License:** Complete the following if a license to operate a motor vehicle is required for the position that you are applying.

License #:	
Restrictions:	
Expiration Date:	
Endorsements:	
Class of License:	
Is this License Currently Valid	YES ☐ NO ☐

9. Veterans Credits: If you wish to apply for Veterans Credits, complete the following questions and complete the Application for Veterans Credits (Refer to General Conditions and Instructions).

	YES	NO
Have you ever served in the Armed Forces of the United States? (The Armed Forces means the Army, Navy, Marine Corps, Air Force, and Coast Guard, including all components thereof and the National Guard when in the service of the US pursuant to call as provided by Law on a full-time active duty basis other than active duty for training purposes).		☒
Have you ever used additional credits as a disabled or non-disabled veteran for appointment to any position in the public employment of New York State or any of its civil divisions?		☒
Do you have a service connected disability rated at 10% or more by the U.S. Department of Veterans Affairs? This disability must have been incurred during a Time of War period listed above.		☒
After you were permanently appointed using non-disabled veteran credits, were you subsequently certified as having a service connected disability rated at 10% or more by the U.S. Department of Veterans Affairs?		☒
Are you currently a resident of New York State? <i>Yes</i>	☒	

10. Additional Questions: Check the appropriate box to the right of each question.

	YES	NO
Were you dismissed or discharged from any employment for reasons other than lack of work or funds?		☒
Did you ever resign from any employment rather than face dismissal?		☒
Did you ever receive a discharge from the Armed Forces of the United States which was other than "Honorable" or which was issued under the other than honorable circumstances?		☒
Have you ever been convicted of any crime (felony or misdemeanor)?		☒
Are you now under charges for any crime?		☒
Have you ever forfeited bail bond posted to guarantee your appearance in court to answer any criminal charge?		☒

If you answered yes to any of the above questions, you may give specifics below. If you elect not to provide specifics, or if such explanation is insufficient, you may be required to submit further information. None of the above circumstances represents an automatic bar to employment. Each case is considered and evaluated on individual merits in relation to the position (s) for which you are applying.

REMARKS:

11. Licenses: If a license, certificate or other authorization to practice a trade or profession is listed as a requirement on the announcement of the examination (s) for which you are applying.

Name of Trade or Profession:		Specialty:	
License Number:			
Granted by (Licensing Agency):		City/State	
Date License First Issued:		Registered From:	Registered To:

12. Education: If credit is claimed for a partially completed college curriculum or correspondence course, attach a list of courses and credit or semester hours completed. Indicate how many credit hours or courses are required for graduation. If required to indicate specific course work, do so on an attached sheet.

High School						
Have you ever graduated from High School or do you have possession of a High School Equivalency Diploma?						YES ☒ NO ☐
If Yes, Name and Location of High School or Issuing Government Authority:				Mohonasen Senior High School		
Equivalency Diploma Number:						
College, University, Professional or Technical School						
Name of School	Number of College Credits	Degree Earned	Major Subject/ Courses	Did You Graduate?		Date Degree Expected or Received
				Yes	No	

13. Experience: All sections must be filled out completely even if you attach a resume. Begin with the most recent employment. List all employment or military service that shows that you meet the minimum qualifications for the examination. Omissions or vagueness will not be interpreted in your favor. Under *Description of Duties*, clearly describe the nature of work which you personally performed. Part-time experience will be prorated unless otherwise stated on the examination announcement. Verified and documented volunteer experience will only be credited when specifically stated on the examination announcement. If you move to a different position within the same organization, indicate so in a separate employment box. You may attach additional sheets if you need more space.

Length of Employment		Firm Name:	Highway Dept
From:		Firm Address:	
To:		Description of Duties:	
Employment Details		Labor around Rotterdam Lawn bags, general town care	
Your Exact Title:			
Name of Your Supervisor:			
Supervisor's Title:			
Hours worked / wk. (exclusive of overtime):			
Reason for Leaving:			
Seasonal			
Length of Employment		Firm Name:	Lowes
From:		Firm Address:	
To:		Description of Duties:	
Employment Details		Stock store receive : unload freight general maintenance around store	
Your Exact Title:			
Name of Your Supervisor:			
Supervisor's Title:			
Hours worked / wk. (exclusive of overtime):			
Reason for Leaving:			
Started seasonal job			

Length of Employment	Firm Name: <u>Downtown Custom Printwear</u>
From: [REDACTED]	Firm Address:
To: [REDACTED]	Description of Duties:
Employment Details	Print Screens
Your Exact Title <u>Warehouse</u>	Manage apparel orders
Name of Your Supervisor <u>Ben</u>	unload orders
Supervisor's Title	clean screens
Hours worked / wk. (exclusive of overtime) <u>40</u>	unload freight
Reason for Leaving <u>Started my Senior year</u>	
Length of Employment	Firm Name: <u>ITR</u>
From: [REDACTED]	Firm Address:
To: [REDACTED]	Description of Duties:
Employment Details	Band orders
Your Exact Title <u>Warehouse</u>	check inventory
Name of Your Supervisor <u>Nick</u>	Ship out orders
Supervisor's Title	unload freight
Hours worked / wk. (exclusive of overtime) <u>45</u>	
Reason for Leaving <u>Warehouse will be shutting down end of April</u>	

THIS AFFIRMATION MUST BE COMPLETED

I affirm, subject to the penalties of perjury, that the statements made in this application, including statements made in any accompanying papers, are true. I understand that all statements made by me in connection with this application are subject to investigation and verification and that a material misstatement or fraud may disqualify me from appointment and/or lead to revocation of my appointment. I give the employer the right to investigate all references and to secure additional job related information about me. I hereby release from liability the employer and its representatives for seeking such information and all other persons, corporations or organizations for furnishing such information. If the position I am applying for is covered by the employer's drug testing policy, I understand that as a condition of appointment to this position, I will be required to take and successfully pass a pre-employment drug test.

Patrick Reedy

Signature of Applicant

Patrick Reedy

Print Name

4/7/24

Date

(State below any other name by which you have been known)

Pat

NOTICE
(As of April 5, 2024)

POSITION OPENING

In accordance with the Agreement between the Town of Rotterdam and the Town of Rotterdam Unit of the Schenectady County Chapter of the CSEA, Inc., the following position is open:

Water & Sewer Maintenance Worker

<u>Compensation</u>	
Title	Salary
Water & Sewer Maintenance Worker	*(2023) \$52,150.61

**The Town is currently negotiating a cost-of-living increase for 2024 which will eventually be applied to the 2023 salary range above and any increase will be paid retroactively to all wages earned in 2024 prior to reaching an agreement.*

The above title is classified as a non-competitive position and does not require a competitive examination under Civil Service Law.

Location:

Town of Rotterdam Water & Sewer Department

Qualifications:

See attached Civil Service Job Description.

Permanent appointment to positions in Schenectady County is contingent upon the successful completion of a criminal background check. All interested parties should complete and submit a standard Civil Service application form available on the Town's website at <https://www.rotterdamny.org/whats-new/employment-opportunities>. Application forms must be filed with the Town Supervisor's Office no later than close of business on **Friday, April 19, 2024**. Applications can be sent via USPS to Town of Rotterdam, Supervisor's Office, 1100 Sunrise Boulevard, Schenectady, New York 12306 or by email to Supervisor@rotterdamny.org.

The Town of Rotterdam is an Equal Opportunity/Affirmative Action Employer. All qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, national origin or any other protected class or category.

cc: **Town Supervisor**
 Town Board
 Town Clerk
 Comptroller
 CSEA President
 All Departments

Post this notice in all Town Buildings and Departments

WATER AND SEWER MAINTENANCE WORKER

DISTINGUISHING FEATURES OF THE CLASS: This is manual work involving responsibility for performing a variety of preventative maintenance, repair and installation activities in the extension, maintenance and repair of the municipal water distribution and sewage collection system. Employees may also be assigned other duties in the department such as servicing, replacing and reading water meters, and inspecting and maintaining hydrants. The work is performed under the direct supervision of a higher level supervisor with leeway allowed for the exercise of independent judgment in carrying out the technical details of the job. Supervision over the work of others is not a responsibility of employees in this class. The incumbent does related work as required.

TYPICAL WORK ACTIVITIES:

- Makes taps on water mains for customer services and for installing valves, gates and fire lines;
- Locates leaks, installs clamps and sleeves and makes other emergency repairs;
- Cleans, checks, evaluates and maintains pumping station and equipment to ensure continuous operation;
- Installs, repairs and resets hydrants, valves, meters, pumps, related water distribution equipment, catch basins and storm drainage systems;
- Installs lines from water main to curb stop;
- Operates mechanical equipment including backhoe, loaders, air compressors, drills, pumps, generators, vacuums, rodders, jetters and welders torches;
- Digs trenches for service lines, water mains, drainage and catch basins;
- May read, replace and repair water consumption meters;
- Mows lawns, plows snow, collects rubbish and litter to keep clear access to pumping stations, hydrants, catch basins, storm drainage systems etc;
- May perform minor custodial duties;
- May clean sludge drying beds at sewage plant;
- Responds at all times to emergency repair calls;
- Raises or lowers manholes for paving purposes;
- Checks, cleans and repairs sewer lines;
- May climb water tower and tanks to inspect facilities and perform maintenance;
- May enter various permit required certified spaces to maintain, repair or replace facilities;
- Performs a variety of related duties as required.

FULL PERFORMANCE KNOWLEDGE, SKILLS, ABILITIES & PERSONAL CHARACTERISTICS:

Good knowledge of the common practices, principles, terminology and safety precautions used in the maintenance and extension of a municipal water distribution and sewage collection system; good knowledge of the use of tools and equipment required in the construction and repair of a municipal water and sewage system; ability to perform heavy manual labor for extended periods, occasionally under adverse weather conditions; willingness to report for emergencies; ability to understand and carry out oral and written instructions; dependability.

MINIMUM QUALIFICATIONS: One year of experience in plumbing work or in the maintenance of a public or private water distribution and sewage collection system.

SPECIAL REQUIREMENTS IN THE TOWN OF NISKAYUNA: Must possess a C DL at the time of appointment and must maintain such license throughout the tenure of appointment.

SPECIAL REQUIREMENT: Possession of a Commercial Driver's License at time of appointment.

Revised CSC 02/13/96
Revised CSC 02/21/06
Revised CSC 09/19/06
Revised CSC 02/21/19

JC: NON-COMPETITIVE-ALL

DRAFT

RESOLUTION NO. 192.24

TO APPROVE BUDGET TRANSFERS TO THE 2024 BUDGET

THEREFORE, UPON MOTION OF Councilmember _____,
seconded by Councilmember _____,

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:

<i>Fund</i>	<i>Account No.</i>	<i>Title</i>	<i>Amount</i>
General	A3620 4901	FROM: Building Insp. & Demolition	-7,000.00
General	A3620 4300	INTO: Safety Insp Conferences	+7,000.00

SECTION 2. This resolution shall become effective May 8, 2024.

DATED: May 8, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

TOWN OF ROTTERDAM

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



LEGISLATIVE REQUEST FORM

DATE: **May 3, 2024**

TO: **Mollie A. Collins, Supervisor**

FROM: **Comptroller's Office**

TITLE OF REQUEST: To approve budget transfers to the 2024 budget.

TOWN BOARD MEETING: To be placed on the Town Board Meeting of May 8, 2024

Background Information: Budget transfers are needed to correct lines.

Evaluation/Analysis: Lines with expenditures currently being appropriated to them need to be funded properly and budget transfers need to be made in order to do so.

Recommendation(s): To be placed on the Town Board meeting of May 8, 2024 and approve the transfer.

Attachment/Document(s): Memo: Jim Keith

Compliance with Purchasing Policy: N/A

Effect(s) on Existing Law(s): Town Law 102, 113 & 113

LEGISLATION WILL BE PREPARED BY: Supervisor's Office

Memorandum

To: Mollie Collins, Supervisor

From: James Keith, Senior Building Inspector *JK*

Subject: Budget Transfer

Date: April 26, 2024

Please transfer the following funds to cover expenses:

From A3620 4901 Building Insp. Building Demoltition

Amount \$ 7,000.00

To A3620 4300 Safety Inspection Conferences

Amount \$ 7,000.00

Safety Training

Thank you.

cc: Alison Grace
Paul Sebesta

RESOLUTION NO. 193.24

**TO ADOPT A NEGATIVE DECLARATION ON A CHANGE OF ZONE APPLICATION
FROM SINGLE FAMILY RESIDENTIAL (R-1) TO LIGHT INDUSTRIAL (I-1) ON
TAX PARCEL #59.7-10-1.12 LOCATED AT THE CORNER OF TOWER AVENUE AND
CHRISLER AVENUE**

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 Negative Declaration dated May 8, 2024, as prepared by the Senior Planner, for a Change of Zone request on approximately 0.35 acres of from Single Family Residential (R-1) to Light Industrial (I-1) to construct a ±2,000 square foot storage garage on the corner of Tower Avenue and Chrisler Avenue, Tax Map No. 59.7-10-1.12.

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 May 8, 2024.

DATED: May 8, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

TOWN OF ROTTERDAM

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



LEGISLATIVE REQUEST FORM

DATE: April 26, 2024

TO: Mollie Collins, Town Supervisor

FROM: Peter Comenzo, Senior Planner *PC*

TITLE OF REQUEST: Issuance of a Negative Declaration for a Change of Zone from Single Family Residential (R-1) to Light Industrial (I-1)

TOWN BOARD MEETING: May 8, 2024

Background Information:

Govin Sarju (Owner)
2175 Tower Street
Schenectady, NY 12304

Change of Zone Request on approximately 0.35 acres of from Single Family Residential (R-1) to Light Industrial (I-1). Property is located at the corner of Tower Avenue and Chrysler Avenue (Tax Map No. 59.7-10-1.12). Applicant is proposing to construct a 2,000 square foot storage garage.

Evaluation/Analysis: The proposal is a State Environmental Quality Review (SEQR) listed Action and requires environmental review prior to the Town Board making a decision on the request.

Recommendation(s): Town Board consider the issuance of a Negative Declaration on the proposed Change of Zone request.

Attachment/Document(s): Draft Negative Declaration
SEQR Full EAF Part 1 & 2

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

6NYCRR PART 617
State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Date: May 8, 2024

This notice has been prepared in accordance with Article 8 of the Environmental Conservation Law by the Town of Rotterdam Department of Public Works Department
(Reference: 6 NYCRR 617.5 Unlisted Action)

SEQRA Status: Type I ☐
Type II ☐
Unlisted ☒

Conditioned Negative Declaration: Yes ☐
No ☒

Owner: Govin Sarju (Owner)
2175 Tower Street
Schenectady, NY 12304

Tax Map Number(s): #59.7-10-1.12

Project Location: Corner of Tower Avenue and Chrisler Avenue.

Zoning: Change of Zone from Single-Family Residential (R-1) to Light Industrial (I-2)

Action: Change of Zone Request on approximately 0.35 acres of from Single Family Residential (R-1) to Light Industrial (I-1). Applicant is proposing to construct a ±2,000 square foot storage garage.

Reasons Supporting This Determination:
(See 617.7(a)-(c) for requirements of this determination)

This project is an Unlisted Action and the Town conducted as a SEQR coordinated review. The applicant has supplied an Environmental Assessment Form and the Town Board has or has caused to complete Part 2 of this checklist.

The Change of Zone request concerns approximately 0.35 acres being rezoned from Single Family Residential (R-1) to Light Industrial (I-1). Property is located at the corner of Tower Avenue and Chrisler Avenue (Tax Map No. 59.7-10-1.12). Applicant is proposing to construct a ±2,000 square foot storage garage.

The applicant received a positive report and recommendation from Planning Commission on the Change of Zone request on February 20, 2024.

The applicant would like the Town Board to approve a Change of Zone to allow for the construction of a ±2,000 square foot storage garage. Very little traffic is anticipated as a result of this use. The property is located with frontage on Crane Street and the property to the north and south are developed with commercial and industrial uses. The property on the west side of Chrysler Avenue is an active CSX Rail Line.

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
- (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 been 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 Rotterdam Fire District #1, 1215 Main Street, Rotterdam Junction, NY on the 8th day of May, 2024 hereby adopted this **NEGATIVE DECLARATION** pursuant to 6NYCRR PART 617, State Environmental Quality Review.

Mollie A. 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

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 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Change of Zone/Site Plan		
Project Location (describe, and attach a general location map): Tower Avenue, Rotterdam		
Brief Description of Proposed Action (include purpose or need): The applicant proposed a change of zone from the current R-1 One-Family district to the I-1 Light Industrial district for the construction of a proposed 2,000 sqft. storage garage.		
Name of Applicant/Sponsor: Govin Sarju		Telephone: 347-531-5124
		E-Mail:
Address: 2175 Tower Avenue		
City/PO: Schenectady	State: NY	Zip Code: 12304
Project Contact (if not same as sponsor; give name and title/role):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, ☒ Yes ☐ No or Village Board of Trustees	Rotterdam Town Board-Change of Zone	January 19, 2024
b. City, Town or Village Planning Board or Commission ☒ Yes ☐ No	Rotterdam Planning Commission-Site Plan	TBD
c. City, Town or Village Zoning Board of Appeals ☒ Yes ☐ No	Rotterdam Zoning Board of Appeals-Area and setback variance	TBD
d. Other local agencies ☐ Yes ☐ No		
e. County agencies ☐ Yes ☐ No		
f. Regional agencies ☐ Yes ☐ No		
g. State agencies ☐ Yes ☐ No		
h. Federal agencies ☐ Yes ☐ No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		☐ Yes ☒ No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		☐ Yes ☒ No
iii. Is the project site within a Coastal Erosion Hazard Area?		☐ Yes ☐ No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☒ Yes ☐ No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☐ Yes ☒ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐ Yes ☐ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☒ Yes ☐ No

If Yes, identify the plan(s):

NYS Heritage Areas: Mohawk Valley Heritage Corridor

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☒ No

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☒ Yes ☐ No

If Yes, what is the zoning classification(s) including any applicable overlay district?

The project site is located in the R-1 One-Family Residential District. A change of zone (I-1) is required to allow the construction of a storage garage.

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? A request for a change of zone from R-1 to I-1 is required for the construction of a storage garage

C.4. Existing community services.

a. In what school district is the project site located? Mohonasen

b. What police or other public protection forces serve the project site?

Rotterdam Police Department, City of Schenectady Police Department, Schenectady County Sheriff

c. Which fire protection and emergency medical services serve the project site?

Fire District #3

d. What parks serve the project site?

None

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? 0.35 acres

b. Total acreage to be physically disturbed? .1 acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 0.69 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:

f. Does the project include new residential uses? ☐ Yes ☒ No If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
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 _____ 1	
ii. Dimensions (in feet) of largest proposed structure: _____ 30 height; _____ 40 width; and _____ 50 length	
iii. Approximate extent of building space to be heated or cooled: _____ 2,000 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. _____	
iv. Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No If yes, describe. _____	
v. What is the total area to be dredged or excavated? _____ acres	
vi. What is the maximum area to be worked at any one time? _____ acres	
vii. What would be the maximum depth of excavation or dredging? _____ feet	
viii. Will the excavation require blasting? ☐ Yes ☐ No	
ix. Summarize site reclamation goals and plan: _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☒ No If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No
If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No
If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? ☐ Yes ☒ No
If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐ Yes ☐ No
If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No
If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐ Yes ☒ No
If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☐ No
If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

- Do existing sewer lines serve the project site? - Will a line extension within an existing district be necessary to serve the project? If Yes: - Describe extensions or capacity expansions proposed to serve this project: _____	☐ Yes ☐ No ☐ Yes ☐ No
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 (CO₂) _____ Tons/year (short tons) of Nitrous Oxide (N₂O) _____ Tons/year (short tons) of Perfluorocarbons (PFCs) _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)	

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐ Yes ☒ No If Yes: i. Estimate methane generation in tons/year (metric): _____ ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____			
i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐ Yes ☐ No If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____			
j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐ Yes ☐ No If Yes: i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐ Weekend ☐ Randomly between hours of _____ to _____. ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____ iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____ iv. Does the proposed action include any shared use parking? ☐ Yes ☐ No v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____ vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐ Yes ☐ No vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐ Yes ☐ No viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐ Yes ☐ No			
k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐ Yes ☒ No If Yes: i. Estimate annual electricity demand during operation of the proposed action: _____ ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____ iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐ Yes ☐ No			
l. Hours of operation. Answer all items which apply. <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> i. During Construction: • Monday - Friday: _____ 8AM to 5PM • Saturday: _____ 9AM to 3PM • Sunday: _____ None • Holidays: _____ None </td> <td style="width: 50%; vertical-align: top;"> ii. During Operations: • Monday - Friday: _____ 8AM to 5PM • Saturday: _____ 9AM to 4PM • Sunday: _____ None • Holidays: _____ None </td> </tr> </table>		i. During Construction: • Monday - Friday: _____ 8AM to 5PM • Saturday: _____ 9AM to 3PM • Sunday: _____ None • Holidays: _____ None	ii. During Operations: • Monday - Friday: _____ 8AM to 5PM • Saturday: _____ 9AM to 4PM • Sunday: _____ None • Holidays: _____ None
i. During Construction: • Monday - Friday: _____ 8AM to 5PM • Saturday: _____ 9AM to 3PM • Sunday: _____ None • Holidays: _____ None	ii. During Operations: • Monday - Friday: _____ 8AM to 5PM • Saturday: _____ 9AM to 4PM • Sunday: _____ None • Holidays: _____ None		

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? If yes: i. Provide details including sources, time of day and duration: _____ _____	☐ Yes ☒ No
ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? Describe: _____ _____	☐ Yes ☐ No
n. Will the proposed action have outdoor lighting? If yes: i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: <u>A building down mounted fixture above the door</u>	☒ Yes ☐ No
ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? Describe: _____ _____	☐ Yes ☒ No
o. Does the proposed action have the potential to produce odors for more than one hour per day? If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____ _____ _____	☐ Yes ☒ No
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? 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: _____ _____	☐ Yes ☒ No
q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? If Yes: i. Describe proposed treatment(s): _____ _____ _____	☐ Yes ☒ No
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)? 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: _____	☐ Yes ☒ No

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 covertsypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	.20	0	0.0
• Forested	0.0		
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0.15	0	0.0
• Agricultural (includes active orchards, field, greenhouse etc.)	0.0		
• Surface water features (lakes, ponds, streams, rivers, etc.)	0.0		
• Wetlands (freshwater or tidal)	0.0		
• Non-vegetated (bare rock, earth or fill)	0.0		
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☒ No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐ Yes ☒ No
If Yes,
i. Identify Facilities: _____

e. Does the project site contain an existing dam? ☐ Yes ☒ No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☒ No
If Yes:
i. Has the facility been formally closed? ☐ Yes ☐ No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____

iii. Describe any development constraints due to the prior solid waste activities: _____

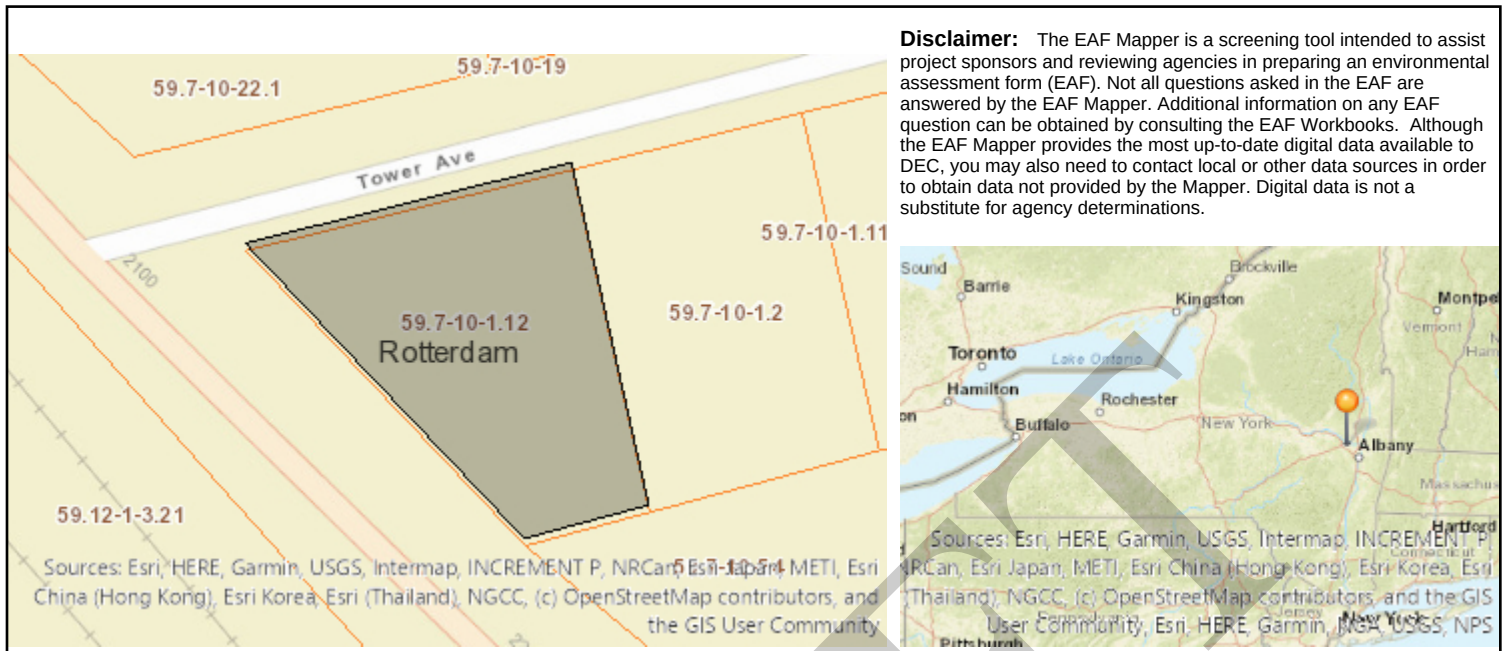
g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☒ No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☒ No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☐ No
☐ Yes – Spills Incidents database Provide DEC ID number(s): _____
☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
☐ Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐ Yes ☒ No
If yes, provide DEC ID number(s): _____
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☒ No	
- If yes, DEC site ID number: _____ - Describe the type of institutional control (e.g., deed restriction or easement): _____ - Describe any use limitations: _____ - Describe any engineering controls: _____ - Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No - Explain: _____	
E.2. Natural Resources On or Near Project Site	
a. What is the average depth to bedrock on the project site? _____ >5 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: Coloniae Loamy Fine Sand 100 % _____ _____ % _____ _____ %	
d. What is the average depth to the water table on the project site? Average: _____ 6 feet	
e. Drainage status of project site soils: ☒ Well Drained: 100 % of site ☐ Moderately Well Drained: _____ % of site ☐ Poorly Drained _____ % of site	
f. Approximate proportion of proposed action site with slopes: ☒ 0-10%: 100 % of site ☐ 10-15%: _____ % of site ☐ 15% or greater: _____ % of site	
g. Are there any unique geologic features on the project site? ☐ Yes ☒ No If Yes, describe: _____	
h. Surface water features.	
i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☐ Yes ☒ No	
ii. Do any wetlands or other waterbodies adjoin the project site? ☐ Yes ☒ No	
If Yes to either i or ii, continue. If No, skip to E.2.i.	
iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☐ Yes ☒ No	
iv. For each identified regulated wetland and waterbody on the project site, provide the following information:	
- Streams: Name _____ 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: Principal Aquifer, Sole Source Aquifer Names: Schenectady-Niskayuna SSA	

m. Identify the predominant wildlife species that occupy or use the project site: _____ <u>Squirrels Chinmonks</u> _____ _____	
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: _____	



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas: Mohawk Valley Heritage Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	No
E.2.h.iii [Surface Water Features]	No
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer, Sole Source Aquifer Names: Schenectady-Niskayuna SSA
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No

E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	No
E.3.i. [Designated River Corridor]	No

DRAFT

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Agency Use Only [If applicable]	
Project :	Sarju COZ - Tower Avenue
Date :	March 27, 2024

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) <i>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</i> ☐ NO ☒ YES			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	☒	☐
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	☒	☐
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	☒	☐
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	☒	☐
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	☒	☐
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	☒	☐
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	☒	☐
h. Other impacts: _____ _____		☐	☐

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

☒ NO☐ YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____ _____	E2g	☐	☐
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	☐	☐
c. Other impacts: _____ _____		☐	☐

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

☒ NO☐ YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	☐	☐
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	☐	☐
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	☐	☐
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	☐	☐
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	☐	☐
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	☐	☐
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	☐	☐
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	☐	☐
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	☐	☐
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	☐	☐
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	☐	☐

l. Other impacts: _____ _____		☐	☐
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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) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	☐	☐
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	☐	☐
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	☐	☐
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	☐	☐
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	☐	☐
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	☐	☐
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	☐	☐
h. Other impacts: _____ _____		☐	☐

5. Impact on Flooding The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in 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: _____ _____		☐	☐
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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) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>				☒ NO	☐ YES
	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 ₂ O)	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.) <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>				☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	☐	☐		
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	☐	☐		
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	☐	☐		
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	☐	☐		

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	☐	☐
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	☐	☐
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	☐	☐
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	☐	☐
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	☐	☐
j. Other impacts: _____		☐	☐

8. Impact on Agricultural Resources The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) ☒ NO ☐ YES <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	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, E1b	☐	☐
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.	E1 a, E1b	☐	☐
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	☐	☐
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	☐	☐
h. Other impacts: _____		☐	☐

9. Impact on Aesthetic Resources The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	☐	☐
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	☐	☐
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	☐ ☐	☐ ☐
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	☐ ☐	☐ ☐
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	☐	☐
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	☐	☐
g. Other impacts: _____ _____		☐	☐

10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	☐	☐
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	☐	☐
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	☐	☐

d. Other impacts: _____ _____		☐	☐
If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	☐	☐
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	☐	☐
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	☐	☐

11. Impact on Open Space and Recreation The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) If "Yes", answer questions a - e. If "No", go to Section 12.			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	☐	☐
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	☐	☐
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	☐	☐
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	☐	☐
e. Other impacts: _____ _____		☐	☐

12. Impact on Critical Environmental Areas The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) If "Yes", answer questions a - c. If "No", go to Section 13.			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
c. Other impacts: _____ _____		☐	☐

13. Impact on Transportation

The proposed action may result in a change to existing transportation systems.

☐ NO

☒ YES

(See Part 1. D.2.j)

If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	☒	☐
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	☒	☐
c. The proposed action will degrade existing transit access.	D2j	☒	☐
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	☒	☐
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	☒	☐
f. Other impacts: _____		☐	☐

14. Impact on Energy

The proposed action may cause an increase in the use of any form of energy.

☒ NO

☐ YES

(See Part 1. D.2.k)

If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	☐	☐
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	☐	☐
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	☐	☐
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	☐	☐
e. Other Impacts: _____		☐	☐

15. Impact on Noise, Odor, and Light

The proposed action may result in an increase in noise, odors, or outdoor lighting.

☐ NO

☒ YES

(See Part 1. D.2.m., n., and o.)

If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	☒	☐
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	☒	☐
c. The proposed action may result in routine odors for more than one hour per day.	D2o	☒	☐

d. The proposed action may result in light shining onto adjoining properties.	D2n	☒	☐
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	☒	☐
f. Other impacts: _____ _____		☐	☐

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)

☒ NO

☐ YES

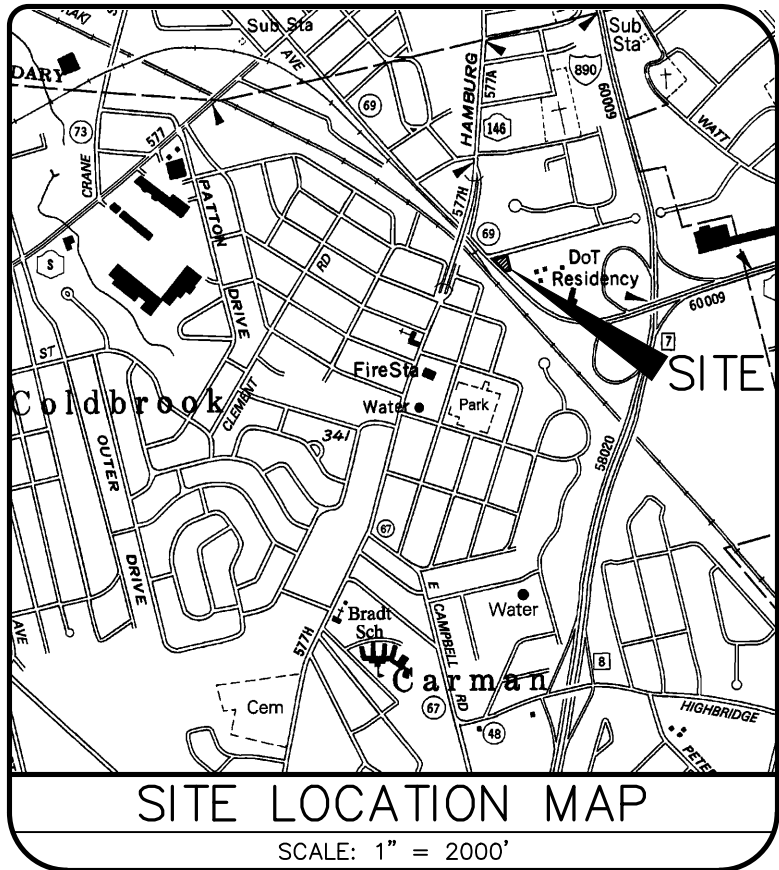
If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	☐	☐
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	☐	☐
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	☐	☐
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	☐	☐
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	☐	☐
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	☐	☐
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	☐	☐
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	☐	☐
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	☐	☐
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	☐	☐
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	☐	☐
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	☐	☐
m. Other impacts: _____ _____		☐	☐

17. Consistency with Community Plans The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) <i>If “Yes”, answer questions a - h. If “No”, go to Section 18.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action’s land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	☐	☐
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	☐	☐
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	☐	☐
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	☐	☐
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	☐	☐
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	☐	☐
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	☐	☐
h. Other: _____ _____		☐	☐

18. Consistency with Community Character The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) <i>If “Yes”, answer questions a - g. If “No”, proceed to Part 3.</i>			
		☒ NO	☐ YES
	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



SITE STATISTICS:			
ZONING CLASSIFICATION:	CURRENT ZONE	PROPOSED ZONE	
REQUIRE:	R-1	I-1	
MIN LOT AREA:	15,000 SQ. FT.	20,00 SQ. FT.	PROPOSED: 15,246 SQ. FT.*
MIN. LOT WIDTH:	100 FT.	100 FT.	146 FT.
MAX. LOT COVERAGE:	45%	60%	56%
MAX. BUILDING HEIGHT:	3 STORIES OR 40'	75 FEET	35 FEET
BUILDING SETBACKS:			
FRONT -	25 FT.	25 FT.	
SIDE -	10 FT.	25 FT.	
REAR -	25 FT.	25 FT.	12.5 FT.**
NOTE: GARAGE -	5 FT. FROM SIDE AND REAR YARD.		
*AREA VARIANCE REQUIRED FOR A RELIEF OF 4,754 SQ. FT.			
**SIDE YARD SETBACK VARIANCE REQUIRED FOR A RELIEF OF 12.5 FT.			

- NOTES:
- 1) SURVEYED PARCEL: TOWN OF ROTTERDAM - TAX MAP 59.07, BLOCK 10, PARCEL 1.12.
 - 2) SURVEY PREPARED BY INGALLS & ASSOCIATES, LLP FROM A NOVEMBER 2023 FIELD SURVEY.
 - 3) NORTH ORIENTATION SHOWN REFERS TO THE NAD83 STATE PLANE COORDINATE SYSTEM-NEW YORK EAST ZONE BASED ON GPS OBSERVATIONS TAKEN AT THE TIME OF THE FIELD SURVEY.
 - 4) ELEVATIONS REFER TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88), BASED ON GPS OBSERVATIONS TAKEN AT THE TIME OF THE FIELD SURVEY.
 - 5) SUBJECT TO ALL RIGHTS, EASEMENTS, COVENANTS OR RESTRICTION; RECORDED OR UNRECORDED.
 - 6) SUBJECT TO ANY STATEMENT OF FACT AN UP-TO-DATE ABSTRACT OF TITLE WOULD DISCLOSE.
 - 7) UNDERGROUND UTILITIES IF SHOWN HEREON ARE BASED ON VISIBLE PHYSICAL EVIDENCE. THEY SHOULD BE CONSIDERED SCHEMATIC ONLY AND ARE SHOWN TO DEPICT GENERAL UTILITY LOCATIONS AND CONNECTIONS RATHER THAN EXACT UNDERGROUND LOCATIONS. INGALLS & ASSOCIATES, LLP MAKES NO CERTIFICATION AS TO THE ACCURACY OF THE UNDERGROUND UTILITY LOCATIONS AND OTHER UTILITIES MAY EXIST THAT ARE NOT SHOWN ON THIS MAP.
 - 8) SURVEY IS PREPARED IN ACCORDANCE WITH THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS CODE OF PRACTICE FOR LAND SURVEYS AS ADOPTED IN OCTOBER OF 1966 AND LAST REVISED ON JULY 18, 1997.

- DEED REFERENCE:
- 1) CONVEYED BY KIMBERLY A. CONSTANTINO TO GOVIN SARJU BY DEED DATED NOVEMBER 19, 2019 AND RECORDED IN THE SCHENECTADY COUNTY CLERK'S OFFICE ON NOVEMBER 21 2019 IN LIBER 2025 OF DEEDS AT PAGE 283.

- MAP REFERENCE:
- 1) MAP ENTITLED "MAP SHOWING PROPOSED SUBDIVISION AS IT PERTAINS TO THE ELIMINATION OF ACREAGE AND THE CREATION OF THREE NEW LOTS TO BE KNOWN AS LOT 1, LOT 2 AND LOT 3 LANDS OF JAY RENTAL COMPANY, TOWN OF ROTTERDAM, SCHENECTADY COUNTY, N.Y." AS PREPARED BY BLACKSTONE LAND SURVEYORS ON APRIL 22, 1993 AND FILED IN THE SCHENECTADY COUNTY CLERK'S OFFICE ON JULY 28, 1993 IN PLAT CABINET I AS MAP NO. 267.

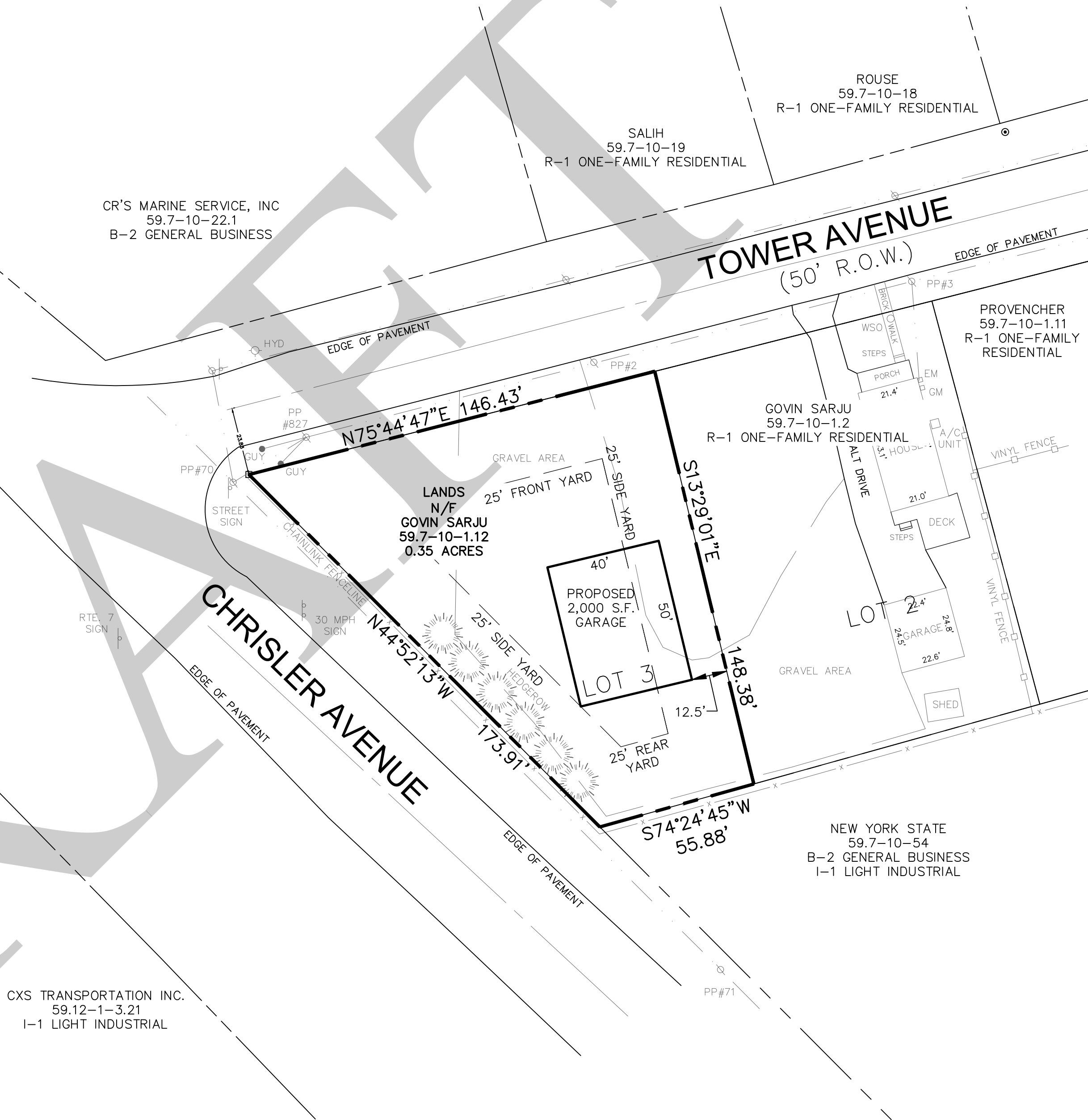
LEGEND	
EXISTING PROPERTY LINE	---
PROPOSED PROPERTY LINE	---
PROPOSED SETBACK	---
ADJACENT PROPERTY LINE	---
PROPOSED EASEMENT	---
EXISTING CONTOUR	200
EXISTING TREELINE	---
EXISTING HYDRANT	HYD
EXISTING UTILITY POLE	NG 19
EXISTING SIGN	SI
EXISTING CATCH BASIN	CB
EXISTING SANITARY MANHOLE	S
EXISTING SANITARY SEWER	S
EXISTING STORM SEWER	ST
EXISTING WATERMAIN	W
EXISTING OVERHEAD WIRE	OH

TAX MAP ID:
59.7-10-1.12

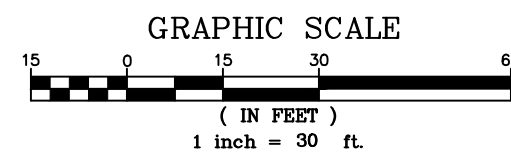
SITE AREA:
0.35± ACRES

OWNER/APPLICANT:
GOVIN SARJU
2175 TOWER AVENUE
SCHENECTADY, NY 12304

NOTE: 48 HOURS PRIOR TO ANY CONSTRUCTION ACTIVITIES, THE CONTRACTOR SHALL CONTACT 811 UDIG NY TO LOCATE ALL UNDERGROUND UTILITIES.



CXS TRANSPORTATION INC.
59.12-1-3.21
I-1 LIGHT INDUSTRIAL



FOR MUNICIPAL APPROVAL ONLY
NOT FOR CONSTRUCTION

				UNAUTHORIZED ALTERATION OR ADDITION TO THIS DRAWING IS A VIOLATION OF SECTION 7209 SUBDIVISION 2, OF THE NEW YORK STATE EDUCATION LAW. ONLY COPIES MADE FROM THE ORIGINAL OF THIS DRAWING BEARING AN ORIGINAL INKED OR EMBOSSED SEAL AND SIGNATURE SHALL BE CONSIDERED TO BE VALID TRUE COPIES.		ingalls ingalls & associates, LLP engineering, environmental, surveying 116 WEST AVENUE UNIT 102 SARATOGA SPRINGS, N.Y. 12866 PHONE: (518) 383-7725 FAX: (518) 393-2324		SITE PLAN LANDS OF SARJU TOWER AVENUE TOWN OF ROTTERDAM COUNTY OF SCHENECTADY STATE OF NEW YORK DATE: JANUARY 19, 2024 CHECKED BY: D.F.I. JOB NO. 23-095 DRAWN BY: CWP CADD FILE: 23-095 DF		SCALE: 1" = 30'	
NO. DATE: REVISIONS BY:				© Copyright 2024 - Ingalls & Associates, LLP - All rights reserved		DAVID F. INGALLS JR., P.E. N.Y.S. LIC. NO. 064993				SHEET 1 OF 1	

RESOLUTION NO. 194.24

TO ENACT INTRODUCTORY LOCAL LAW NO. 3 OF 2024; TO AMEND CHAPTER 270, ZONING, OF THE TOWN CODE, FOR A CHANGE OF ZONE OF APPROXIMATELY ±0.35 ACRES FROM SINGLE FAMILY RESIDENTIAL (R-1) TO LIGHT INDUSTRIAL (I-1), LOCATED AT THE CORNER OF TOWER AVENUE AND CHRISLER AVENUE (TAX MAP NO. 59.7-10-1.12), TO FACILITATE THE CONSTRUCTION OF A ±2,000 SQUARE FOOT STORAGE GARAGE

WHEREAS, on March 27, 2024 by Resolution 148.24, Local Law 3 was proposed to be enacted, however the Town Board of the Town of Rotterdam TABLED Resolution 148.24, NOW

THEREFORE, UPON MOTION OF Councilmember _____,
seconded by Councilmember _____,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board hereby enacts Introductory Local Law No. 3 of 2024.

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

SECTION 3. This resolution shall become effective May 8, 2024.

DATED: May 8, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

TOWN OF ROTTERDAM

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



LEGISLATIVE REQUEST FORM

DATE: April 26, 2024

TO: Mollie Collins, Town Supervisor

FROM: Peter Comenzo, Senior Planner *PC*

TITLE OF REQUEST: Town Board to make a decision on Change of Zone from Single Family Residential (R-1) to Light Industrial (I-1)

TOWN BOARD MEETING: May 8, 2024

Background Information: Govin Sarju (Owner)
2175 Tower Street
Schenectady, NY 12304

Change of Zone Request on approximately 0.35 acres of from Single Family Residential (R-1) to Light Industrial (I-1). Property is located at the corner of Tower Avenue and Chrisler Avenue (Tax Map No. 59.7-10-1.12). Applicant is proposing to construct a 2,000 square foot storage garage.

Evaluation/Analysis: Town Board referred to Planning Commission for Report and Recommendation February 14, 2024. The Planning Commission issued a positive recommendation on February 20, 2024. The Town Board held a Public Hearing on March 13, 2024. The Town Board discussed the project at the March 27, 2024 meeting. Town Board approved the Change of Zone on April 24, 2024. SEQR needs to be completed prior to decision.

Recommendation(s): Decision on Change of Zone request from Single family Residential (R-1) to Light Industrial (I-1).

Attachment/Document(s): County 239m response.
Application materials.

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

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. 3 of the year 2024

A local law To amend chapter 270, Zoning, of the Town Code, for a Change of Zone of approximately
(Insert Title)
+/-0.35 acres from Single Family Residential (R-1) to Light Industrial (I-1), located at the
corner of Tower Avenue and Chrisler Avenue (Tax Map No. 59.7-10-1.12), to facilitate the
construction of a +/-2,000 square foot storage garage.

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

☐ County ☐ City ☒ Town ☐ Village

(Select one:)

of Rotterdam

as follows:

See Attached

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

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2024 of the (County)(City)(Town)(Village) of Rotterdam was duly passed by the Town Board on May 8 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 with the applicable provisions of law.

3. (Final adoption by referendum.)

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

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

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

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

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

5. (City local law concerning Charter revision proposed by petition.)

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

6. (County local law concerning adoption of Charter.)

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

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

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

Date: _____

(Seal)

RESOLUTION NO. 195.24

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 MULTI-FAMILY RESIDENTIAL (R-3) TO GENERAL BUSINESS (B-2) LOCATED AT 676 MARIAVILLE ROAD AND REFER TO THE PLANNING COMMISSION FOR REPORT AND RECOMMENDATION

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

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

SECTION 3. This resolution shall become effective May 8, 2024.

DATED: May 8, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

TOWN OF ROTTERDAM

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



LEGISLATIVE REQUEST FORM

DATE: April 26, 2024

TO: Mollie Collins, Town Supervisor

FROM: Peter Comenzo, Senior Planner

TITLE OF REQUEST: Refer to Planning Commission for Report and Recommendation for Change of ☐one from Multi-Family Residential (R-3) to General Business (B-2).

TOWN BOARD MEETING: May 8, 2024

Background Information: The BDC Group (Owner)
c/o Advanced Engineering ☐ Surveying PLLC
Nicholas Costa
11 Herbert Drive
Latham, NY 12110

Change of ☐one request on ☐16.19 acres of a ☐65.8-acre parcel from Multi-Family Residential (R-3) to General Business (B-2) to facilitate the construction of two (2) 12,000 square foot warehouse buildings plus five (5) 10,000 square foot warehouse buildings and two (2) 7,500 square foot warehouse buildings. Property is known as 676 Mariaville Road and is a portion of Tax Map No. 47.00-8.13.5.

Evaluation/Analysis: Rotterdam Town Code 270-174 states that Change of ☐one applications shall be referred to the Planning Board for a report and recommendation prior to a public hearing.

Recommendation(s): Refer to Planning Commission for Report and Recommendation.

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



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

Revised February 23, 2023



TOWN OF ROTTERDAM CHANGE OF ZONE APPLICATION

Application Fee \$1,000

Existing Zone Classification: R3 Multiple Family District

Proposed Zone Classification: B-2 General Business District

PART II GENERAL INFORMATION

Legal Owner's Name: The BDC Group
Mailing Address: 11 Herbert Drive
City: Latham 47.-8-13.5 State: NY Zip: 12110
Daytime Phone: 914 424 0359 E-mail: cmarfione@thebdcgroup.com

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

Owner's Designated Contact: Nicholas Costa-Advance Engineering & Surveying, PLLC

Mailing Address: 11 Herbert Drive
City: Latham State: NY Zip: 12110
Daytime Phone: 518 698 3772 E-mail: ncostape@gmail.com
Project/Proposal Site Area: (Acres or sq. ft.) 65.8+/- Acres (16.19+/- Ac. to be rezoned)
Assessor Tax Parcel No.(s) of Site: 47.-8-13.5
Adjacent Parcels Owned or Controlled and Tax Map Parcel No: (Acres or sq. ft.) 3.88+/- Ac.

Street Address of Proposed Site (if any): 676 Mariaville Road

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

Existing parcel is vacant. The adjacent parcel (3.88+/- Ac.) was subdivided by the applicant and is developed with a 3-story Climate

Control building. Access and circulation drive to support the new building have also been constructed.

School District: Schalmont

Fire District: Fire District 6

Water Supply: CW 500

LEGAL INFORMATION

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

The parcel is located on the north side of Mariaville Road with an address of 676 Mariaville Road.

It also has frontage along Cimino Lane which is located just to the east of the subject parcel.

The NYS Thruway is located just to the West of the site of the subject parcel.

Name of Public Road(s) Providing Access: Mariaville Road (NYS Route) & Cimino Lane

Width of Property Fronting on the Existing Public Road in Linear Feet: 541+/-

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

Name(s) of Arterial Road(s): Mariaville Road

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

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

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

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

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

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

The Mariaville Road corridor in this section is developed with a mix use of Commercial, Industrial & Residential development and this area is very convenient for traveling to multiple locations. This parcel is located on this corridor and it is very attractive to potential tenants that want to locate where access is facilitated.

Does any City officer, employee or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application? YES _____ NO X . If yes, a statement disclosing the name, residence, nature and extent of this interest must be filed with this application.

UTILITIES

Proposed Source of Water:

() Individual Wells (X) Public System () Private Community System
() Other, please describe _____

Proposed Means of Sewage Disposal:

() Public Sewer () Dry Sewer () Community System (X)
Septic Tank & Leachfield () Other, please describe _____

PART III

SURVEYOR/ARCHITECT/ENGINEER VERIFICATION

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

Signed: N. COSTA
Address: 11 Herbert Drive
Latham, NY

Date: 02-16-24
Phone: 518 698 3772
Zip: 12110

PLEASE AFFIX SURVEYOR/ARCHITECT/ENGINEER SEAL HERE

LEGAL OWNER SIGNATURE

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

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

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

Name: Cosmo Marfione
Address: 11 Herbert Drive
Latham, NY

Date: 02-16-24
Phone: 914 424 0359
Zip: 12110

Cosmo A Marfione
Signature of applicant or representative

2/16/24
Date

NOTARY

47-8-13.5

STATE OF NEW YORK) ss:
COUNTY OF Westchester

SUBSCRIBED AND SWORN to before me this 16 day of February, 2024

NOTARY SEAL

Erin Daly
Notary Signature

Notary Public in and for the State of New York
Residing at: New York, NY
My appointment expires: 01-28-2027

ERIN DALY
NOTARY PUBLIC-STATE OF NEW YORK
No. 01DA6386531
Qualified in Westchester County
My Commission Expires 01-28-2023-2027

PLEASE AFFIX NOTARY SEAL HERE

TOWN OF ROTTERDAM



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

LETTER FROM PROPERTY OWNER GRANTING AUTHORIZATION TO ACT

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

I, Cosmo Marfione, being duly sworn declare that I am the
(PROPERTY OWNER)

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

Tax Parcel Number(s): 47-8.13.5

I hereby grant Nicholas Costa-Advance Engineering & Surveying, PLLC
and/or their agent(s) to act on my behalf.

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

Signature (Authorized Representative): Cosmo A Marfione

Date: 2/16/24

NOTARY

STATE OF NEW YORK) ss:

COUNTY OF Westchester

SUBSCRIBED AND SWORN to before me this 16 day of February, 2024

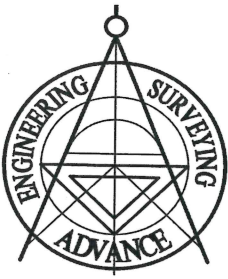
NOTARY SEAL

[Signature]
Notary Signature

Notary Public in and for the State of New York

Residing at: New York, NY

My appointment expires: 02-28-2027



Advance Engineering & Surveying, PLLC

Consulting in: Civil & Environmental Engineering • Land Surveying • Land Development
11 Herbert Drive
Latham, N.Y. 12110
Phone: (518) 698-3772
Email:ncostape@gmail.com

Nicholas Costa, PE

April 17, 2024

Mr. Peter Comenzo, Senior Planner
Town of Rotterdam
Department of Public Works
Planning/Zoning Department
1100 Sunrise Boulevard
Rotterdam, NY 12306

Re: Submittal for Proposed Zone Change at
676 Mariaville Road, Rotterdam, NY

Dear Mr. Comenzo:

On behalf of the applicant, The BDC Group we are herein enclosing the Proposed Zone Change Package for the above project for your review and comment. This package is inclusive of the following items:

1. 22 Change of Zone Site Plan & Concept Site Plan;
2. 22 Change of Zone Application with attachments;
3. Application Fee in the amount of \$1,000;
4. 22 Current Deed;
5. 22 Legal Description of parcel to be rezoned;
6. 22 Long Environmental Assessment Form; and
7. 1 DVD with all files in PDF format.

We trust that the enclosed package is complete and will allow you to commence the review of the requested zone change. If there are any questions or you require additional information, please do not hesitate to contact our office. Thank you for your assistance on this project.

Sincerely,

Nicholas Costa
Advance Engineering & Surveying, PLLC

NC/dac
Enclosures

corres.comenzo.04.17.24.docx



Advance Engineering & Surveying, PLLC

Consulting in: Civil & Environmental Engineering • Land Surveying • Land Development
11 Herbert Drive
Latham, N.Y. 12110
Phone: (518) 698-3772
Email:ncostape@gmail.com

Nicholas Costa, PE

DESCRIPTION FOR PROPOSED LOT 3

676 MARIAVILLE ROAD

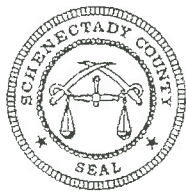
ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND situate, lying and being in the Town of Rotterdam, County of Schenectady, and State of New York, being a portion of Lot No. 2, as shown on a map entitled "676 Mariaville Road Subdivision, LTD., Street No. 676 Mariaville Road, Tax Id's: 47.00-8-13.111 & 13.311, Town of Rotterdam, County of Schenectady, New York", prepared by Advance Engineering & Surveying PLLC, dated August 31, 2020, last revised October 29, 2021 and filed in the Schenectady County Clerk's Office on December 20, 2021 as Map P - 167 and being more particularly bounded and described as follows:

BEGINNING at the point of intersection of the division line the lands, now or formerly, owned by Stack N Stor Rotterdam LLC, as described in liber 2074 page 442, also being Lot No. 1 as shown on aforesaid filed subdivision map, on the west, and the lands, now or formerly, owned by Acorn Milton Self Storage, LLC, as described in liber 2073 page 683, also being Lot No. 2 as shown on aforesaid filed subdivision map, on the east, with the northerly boundary of Mariaville Road. Thence, from said point of beginning and along said division line on a bearing of N 28°16'23" E, a distance of 379.58 feet, to a point. Said point being the northeasterly corner of the aforesaid Lot No. 1. Thence, on a bearing of N 52°32'19" W, a distance of 178.40 feet, to a point. Thence, on a bearing of N 42°16'53" W, a distance of 288.25 feet, to the point of intersection of said division line with the easterly boundary of the lands, now or formerly, owned by Kenneth Bobar, as described in liber 1892 page 719. Said point of intersection also being the northwesterly corner of the aforesaid Lot No. 1. Thence, along said division line of Bobar, on the west and the herein described parcel, on the east, on a bearing of N 47°08'26" E, a distance of 38.38 feet, to a point. Thence, on a bearing of N 68°18'00" E, a distance of 254.16 feet to the point of intersection of the lands of Bobar, on the southwest, and the lands, now or formerly, owned by A. Joseph Fazzone and Susan Ann Gallo, as described in liber 1536 page 232, on the northeast, with the northwesterly boundary of the herein described parcel. Thence, along the boundary of the lands of Fazzone and Gallo, on a bearing of N 69°57'59" E, a distance of 171.41 feet, to a point. Thence, on a bearing of S 72°27'01" E, a distance of 289.78 feet, to a point. Thence, through the lands of Acorn Milton Self Storage, LLC, on a bearing of S 58°11'24" E, a distance of 759.97 feet, to a point being the northwesterly corner of a subdivision entitled "Subdivision of Lands of Frank Santoro, Cimino Lane, Final Subdivision Plan", made by Environmental Design Partnership, dated February 14, 1984 and filed in the Schenectady County Clerk's Office on August 20, 1984 in Drawer 64, Map 184. Said point also being the intersection of the northeasterly corner of the herein described parcel with the northwesterly corner of Lot No. 5 Cimino Lane, as described in liber 1820 page 697 and the northerly corner of Lot No. 6 Cimino Lane, as described in liber 1624 page 950. Thence, along the westerly division line of Lot No. 6, Cimino Lane, on a bearing of S 37°29'25" W, a distance of 188.04 feet, to a point. Thence, S 40°24'53" W, a distance of 514.02 feet to the point of intersection of Lot No. 6, Cimino Lane with the northeasterly corner of Lot No. 7, Cimino Lane, also being the

northerly boundary of Cimino Lane, as described in liber 1685 page 892, and also being shown on the previously mentioned filed Map #184. Thence, along the northerly boundary of Cimino Lane, on a bearing of N 60°33'00" W, a distance of 6.40 feet. Thence, continuing along the northerly boundary of Cimino Lane, on a bearing of S 78°19'30" W, a distance of 2.37 feet to a point. Thence, continuing along the northerly boundary of Cimino Lane on a curve to the right, having a radius of 190.00 feet, an arc length of 51.97 feet, a chord bearing of S 86°09'40" W, and a chord distance of 51.81 feet to a point of a compound curve. Thence, continuing along the northerly boundary of Cimino Lane on a curve to the right, having a radius of 106.85 feet, an arc length of 47.26 feet, a chord bearing of N 73°20'00" W and a chord distance of 46.87 feet. Thence continuing along the northerly boundary of Cimino Lane on a bearing of N 60°39'40" W, a distance of 47.25 feet. Thence, continuing along the northerly and westerly boundary of Cimino Lane, on a curve to the left, having a radius of 130.00 feet, an arc length of 207.92 feet, a chord bearing of S 73°31'10" W and a chord length of 186.46 feet. Thence, continuing along the westerly boundary of Cimino Lane, on a bearing of S 27°42'00" W, a distance of 17.13 feet, to the point of intersection of the westerly boundary of Cimino Lane with the northerly boundary of Mariaville Road. Thence, along the northerly boundary of Mariaville Road, on a bearing of N 60°16'26" W, a distance of 51.01 feet to the point of intersection of the division line of Lot 7, Cimino Lane, on the east and the lands, now or formerly owned by Roger Patrick Cuomo, as described in Liber 1846, Page 673, on the west, with the northerly boundary of Mariaville Road. Thence, along said division line on a bearing of N 30°31'32" E, a distance of 161.34 feet. Thence, along the division line of Lot 7, Cimino Lane, on the south, and the lands of Cuomo, on the north, on a bearing of S 60°33'00" E, a distance of 65.00 feet to the point of intersection of said division line with the division line of Cuomo, on the west, and the herein described parcel on the east. Thence, along said division line, on a bearing of N 22°38'50" E, a distance of 243.79 feet, to a point. Said point being the northeast corner of the lands of Cuomo. Thence, along the division line of the lands of Cuomo, on the south, and the herein described parcel on the north, on a bearing of N 71°12'20" W, a distance of 295.00 feet, to a point. Thence, on a curve to the right, having a radius of 250.00 feet, an arc length of 41.74 feet, a chord bearing S 62°55'20" W and a chord length of 41.69 feet, to a point. Thence, on a bearing of S 67°42'10" W, a distance of 52.31 feet, to a point. Thence, on a curve to the left, having a radius of 107.00 feet, an arc length of 110.90 feet, a chord bearing S 38°00'40" W and a chord length of 106.00 feet, to a point. Thence, on a curve to the right, having a radius of 143.00 feet, an arc length of 61.47 feet, a chord bearing S 20°38'10" W and a chord length of 61.00 feet, to a point. Thence, on a bearing of S 32°57'00" W, a distance of 100.00 feet, to a point. Thence, on a curve to the left, having a radius 20.00 feet, an arc length of 31.42 feet, a chord bearing S 12°03'00" E and a chord length of 28.28 feet, to a point on the northerly boundary of Mariaville Road. Thence, along the northerly boundary of Mariaville Road, on a bearing of N 57°02'58" W, a distance of 118.74 feet, to the place or point of beginning, containing 16.19 acres of land, being more or less.

Being a portion the same premises conveyed to Acorn Milton Self Storage, LLC by Traditional Builders, LTD., by a deed dated December 3, 2021 and filed in the Schenectady County Clerk's Office on December 14, 2021 in liber 2073 page 683.

Subject to all exceptions, reservations, rights-of-ways, easements, covenants, restrictions and rights of record.



OFFICE OF THE SCHENECTADY COUNTY CLERK

620 STATE STREET
SCHENECTADY, NY 12305-2114
PHONE (518) 388-4220
FAX (518) 388-4224

Cara M. Ackerley
County Clerk

Instrument Number - 202163021
Recorded On 12/14/2021 At 9:48:50 AM
* Instrument Type - DEED
* Book/Page - DEED/2073/683
* Total Pages - 9
Invoice Number - 1109378 User ID: LPD
* Document Number - 2021-5866
* Grantor - TRADITIONAL BUILDERS LTD
* Grantee - ACORN MILTON SELF STORAGE LLC

*RETURN DOCUMENT TO:
BARTLETT PONTIFF STEWART & RHODES
1 WASHINGTON ST
GLENS FALLS, NY 12801
ATTN: PPE

* FEES

TRANSFER TAX

NY REALTY TRANSFER TAX	\$3,240.00
NY LAND SUR	\$4.75
NY E & A FEES	\$241.00
NY LAND COMP SUR	\$14.25
CO GENERAL REVENUE	\$70.00
CO LAND SUR	\$0.25
CO E & A FEES	\$9.00
CO LAND COMP SUR	\$0.75
CONVEYANCE NOTIFICATION	\$10.00
TOTAL PAID	\$3,590.00

Real Estate Transfer Tax Num - 1978
Transfer Tax Amount - \$ 3,240.00

I hereby CONFIRM that this document is
Recorded in the Schenectady County Clerk's Office
in Schenectady, New York

C. Ackerley
Cara M. Ackerley

Schenectady County Clerk

THIS IS AN ENDORSEMENT PAGE

Do Not Detach

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

* - Information denoted by an asterisk may change during the verification process and may not be reflected on this page.

WARRANTY DEED

THIS INDENTURE, Made this 3rd day of December, Two Thousand Twenty-One.

BETWEEN **TRADITIONAL BUILDERS, LTD.**, a corporation organized under the laws of the State of New York, with an address of 1363 Giffords Church Road, Schenectady, New York 12306, party of the first part, and

ACORN MILTON SELF STORAGE, LLC, a New York limited liability company, with an address of 222 Bloomingdale Road, Suite 404, White Plains, New York 10605, party of the second part,

WITNESSETH that the party of the first part, in consideration of ----ONE AND 00/100---- DOLLAR (\$1.00) lawful money of the United States, and other good and valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, its successors and assigns forever,

ALL the real property and improvements thereon located in the Town of Rotterdam, County of Schenectady and State of New York and as more particularly described on Schedule "A" attached hereto and made a part hereof.

BEING a the same premises conveyed to party of the first part, by two deeds: one from Frank Santoro, dated August 2, 2004 and recorded in the Schenectady County Clerk's Office on August 20, 2004, in Book 1685 at Page 892 (SBL Number 47.16-1-1.11); and, the second from Emilio Fusco, David Fusco and Rudy Eignor, dated May 24, 2005 and recorded in the Schenectady County Clerk's Office on May 27, 2005, in Book 1706 at Page 801 (SBL Numbers 47-8-13.111 and 13.311).

This conveyance is made subject to all enforceable easements, covenants and restrictions of record and any state of facts which an inspection and/or accurate survey may show.

This conveyance is made with unanimous consent of the Grantor's Board of Directors, in its normal course of business and does not constitute all or substantially all of the assets of the corporation.

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, its successors and assigns forever.

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises.

And the party of the first part covenants as follows:

First, That the party of the second part shall quietly enjoy the said premises.

Second, That the party of the first part will forever Warrant the title to said premises.

Community Title Agency, Inc.
One Washington Street, S.A.
Schenectady, NY 12306
R 47.16-1-1.11
SEC 518-76-1111
LOT 8
140-56-1440

R 47.16-1-1.11
SEC 518-76-1111
LOT 8
140-56-1440

DEED BOOK 2013 Page 684
Doc No 2021-5866

May 8, 2024

Third, That, in Compliance with Sec. 13 of the Lien Law, the grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

IN PRESENCE OF

IN WITNESS WHEREOF, the party of the first part has caused these presents to be signed by its duly authorized officer this 3rd day of December, 2021.

TRADITIONAL BUILDERS, LTD.

BY: *Joseph Lucarelli*
JOSEPH LUCARELLI, PRESIDENT

STATE OF NEW YORK }
COUNTY OF ALBANY }ss.:

On the 3rd day of December, in the year 2021, before me, the undersigned, personally appeared **Joseph Lucarelli**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Cheri Ann McGeary
NOTARY PUBLIC

RECORD AND RETURN
=====

Bartlett, Pontiff, Stewart & Rhodes
One Washington St.
Glen Falls, NY 12801
ATT: JCL

CHERI ANN MCGEARY
Notary Public, State of New York
No. 01MC6038407
Qualified in Albany County
Commission Expires March 13, 2022

NEW YORK COMMITMENT

Title No. 1140-MG-1990

Schedule A -- Description

Section 47 Block 8 Lots 13.111 and 13.311

All that parcel of land situated in the Town of Rotterdam, County of Schenectady and State of New York and being more particularly bounded and described as follows:

BEGINNING at a point located on the northerly boundary of New York State Route 159 (Mariaville Road) at its intersection with the division line between lands now or formerly James Bobar (L.987, P.473 & L.1054, P.910) on the west and lands now or formerly David Fusco (L.1076, P.255) on the east; thence along said division line and lands now or formerly Joseph Fazzone and Susan Gallo the following twenty one (21) courses and distances:

1. North 32°-08'-25" East a distance of 161.18 feet to a point;
2. North 49°-34'-00" West a distance of 52.20 feet to a point;
3. North 31°-37'-10" East a distance of 213.16 feet to a point;
4. North 47°-08'-26" East a distance of 38.38 feet to a point;
5. North 68°-18'-00" East a distance of 254.16 feet to a point;
6. South 65°-28'-03" East a distance of 65.68 feet to a point;
7. South 77°-42'-05" East a distance of 55.32 feet to a point;
8. North 79°-14'-28" East a distance of 87.55 feet to a point;
9. South 88°-02'-28" East a distance of 26.77 feet to a point;
10. South 31°-46'-58" East a distance of 38.70 feet to a point;
11. South 01°-21'-51" West a distance of 197.72 feet to a point;
12. South 33°-05'-51" East a distance of 33.91 feet to a point;
13. North 84°-18'-29" East a distance of 73.31 feet to a point;
14. North 53°-39'-39" East a distance of 43.00 feet to a point;
15. North 29°-52'-46" East a distance of 108.58 feet to a point;
16. North 10°-49'-20" West a distance of 34.24 feet to a point;
17. North 12°-51'-25" East a distance of 95.81 feet to a point;
18. North 13°-06'-00" West a distance of 237.25 feet to a point;
19. North 14°-43'-08" West a distance of 388.43 feet to a point;
20. North 63°-29'-48" East a distance of 495.00 feet to a point;
21. North 70°-32'-30" East a distance of 868.00 feet to a point located at its intersection with the division line between lands now or formerly James and Mary Jo Pardus on the north and lands now or formerly Fusco on the south;

thence along said division line and lands now or formerly Albertine and Norma Coffenberg the following four (4) courses and distances:

1. North 75°-25'-24" East a distance of 40.16 feet to a point;
2. South 43°-39'-36" East a distance of 947.10 feet to a point;
3. South 51°-58'-04" West a distance of 494.51 feet to a point;

NEW YORK COMMITMENT

Title No. 1140-MG-1990

Schedule A -- Description

Section 47 Block 8 Lots 13.111 and 13.311

4. South $11^{\circ}-59'-36''$ East a distance of 332.83 feet to a point located at its intersection with lands now or formerly Niagara Mohawk Power Corporation on the east and said lands now or formerly Fusco on the west; thence along said division line the following two (2) courses and distances:

1. South $27^{\circ}-28'-36''$ West a distance of 625.04 feet to a point;
2. South $06^{\circ}-26'-24''$ East a distance of 90.64 feet to a point located at its intersection with the division line between lands now or formerly David Bruce (L.1562, P.768) on the south and lands now or formerly Fusco on the north;

thence North $52^{\circ}-11'-00''$ West along said division line and lands now or formerly DWB Apartments, LLC (L.1578, P.835) a distance of 705.43 feet to a point; thence along the division line between lands now or formerly Six Clmino Lane, LLC (L.1624, P.950) on the east and said lands now or formerly Fusco on the west the following two (2) courses and distances:

1. South $37^{\circ}-29'-25''$ West a distance of 188.04 feet to a point;
2. South $40^{\circ}-24'-53''$ West a distance of 514.02 feet to a point located at its intersection with the division line between lands now or formerly Frank Santoro (L.1063, P.210) on the south and said lands now or formerly Fusco on the north;

thence along said division line the following three (3) courses and distances:

1. North $60^{\circ}-33'-00''$ West a distance of 51.07 feet to a point;
2. South $30^{\circ}-27'-00''$ West a distance of 30.00 feet to a point;
3. North $60^{\circ}-33'-00''$ West a distance of 205.00 feet to a point located at its intersection with the division line between lands now or formerly Patrick and Gwendolyn Cuomo (L.1047, P.400) on the west and said lands now or formerly Fusco on the east;

thence along said division line the following eight (8) courses and distances:

1. North $22^{\circ}-38'-50''$ East a distance of 243.79 feet to a point;
2. North $71^{\circ}-12'-20''$ West a distance of 295.00 feet to a point;
3. Along a curve to the right having a radius of 250.00 feet, a distance of 41.74 feet to a point, said curve containing a chord of South $62^{\circ}-55'-20''$ West, 41.69 feet;
4. South $67^{\circ}-42'-10''$ West a distance of 52.31 feet to a point;
5. Along a curve to the left having a radius of 107.00 feet, a distance of 110.90 feet to a point, said curve containing a chord of South $38^{\circ}-00'-40''$ West, 106.00 feet;
6. Along a curve to the right having a radius of 143.00 feet, a distance of 143.00 feet, said curve containing a chord of South $20^{\circ}-38'-10''$ West, 61.00 feet;
7. South $32^{\circ}-57'-00''$ West a distance of 100.00 feet to a point;
8. Along a curve to the left having a radius of 20.00 feet, a distance of 31.42 feet to a point, said curve containing a chord of South $12^{\circ}-03'-00''$ East

NEW YORK COMMITMENT

Title No. 1140-MG-1990

Schedule A – Description

Section 47 Block 8 Lots 13.111 and 13.311

28.28 feet to a point located on said northerly boundary of Mariaville Road;

thence along said northerly boundary the following four (4) courses and distances;

1. North 57°-02'-58" West a distance of 200.61 feet to a point;
2. North 53°-28'-22" West a distance of 100.00 feet to a point;
3. North 45°-26'-22" West a distance of 136.00 feet to a point;
4. North 32°-50'-22" West a distance of 124.59 feet to the POINT OF BEGINNING containing 66.7 acres.

Also all that parcel of land situated in the Town of Rotterdam, County of Schenectady and State of New York and being more particularly bounded and described as follows:

BEGINNING at a point located on the northerly boundary of Mariaville Road NYS Route 159 at its intersection with the division line between lands now or formerly David Fusco (L.1158, P.227) on the west and lands now or formerly John and Marilyn Case (L.976, P.878) on the east; thence North 61°-35'-07" West along said boundary a distance of 1.13 feet to a point located at its intersection with the division line between lands now or formerly Niagara Mohawk Power Corporation on the west and said lands now or formerly Fusco on the east; thence North 05°-26'-24" West along said division line a distance of 582.72 feet to a point located at its intersection with the division line between lands now or formerly Delaware and Hudson Railway on the north and said lands now or formerly Fusco on the south; thence along said division line the following three (3) courses and distances:

1. South 66°-13'-20" East a distance of 15.26 feet to a point;
2. South 57°-45'-00" East a distance of 220.96 feet to a point;
3. South 14°-26'-47" West a distance of 119.54 feet to a point located at its intersection with the division line between lands now or formerly Richard and Marilyn Bikowitz on the east and said lands now or formerly Fusco on the west;

thence South 14°-20'-41" West along said division line a distance of 205.43 feet to a point located at its intersection with the first mentioned division line; thence South 20°-54'-48" West along said division line a distance of 150.65 feet to the POINT OF BEGINNING containing 1.31 acres.

Also all that parcel of land situated in the Town of Rotterdam, County of Schenectady and State of New York and being more particularly bounded and described as follows:

BEGINNING at a point located on the northerly boundary of lands now or formerly Delaware and Hudson Railway at its intersection with the division line between lands now or formerly David Fusco (L.1158, P.227) on the west and lands now or formerly Bradley and Andrea Strang (L.1073, P.428) on the east; thence South 67°-37'-57" West along said northerly boundary a distance of 105.32 feet to a point located at its

NEW YORK COMMITMENT

Title No. 1140-MG-1990

Schedule A – Description

Section 47 Block 8 Lots 13.111 and 13.311

Intersection with the division line between lands now or formerly Niagara Mohawk Power Corporation on the west and lands now or formerly Fusco on the east; thence North 09°-21'-06" East along said division line a distance of 255.80 feet to a point; thence North 27°-23'-36" East continuing along said division line a distance of 15.44 feet to a point located at its intersection with the division line between said lands now or formerly Fusco on the west and said lands now or formerly Strang on the east; thence South 12°-09'-39" East along said division line a distance of 231.21 feet to the POINT OF BEGINNING containing 0.29 acres.

NOTE: Valid as a Commitment for an ALTA Policy only if attached to a countersigned Commitment for Title Insurance containing Schedules A and B with matching Commitment Numbers.

NEW YORK COMMITMENT

Title No. 1140-MG-1990

Schedule A -- Description

Section 47.16 Block 1 Lot 1.11

All that parcel of land situated in the Town of Rotterdam, County of Schenectady and State of New York and being more particularly bounded and described as follows:

BEGINNING at a point located at the intersection of the northeasterly bounds of Mariaville Road (State Road #159) with the northwesterly bounds of Cimino Lane; then North $60^{\circ}-16'-26''$ West, along said northwesterly bounds of Mariaville Road (State Road #159) a distance of 51.01 feet to a point located at the intersection with the northwesterly bounds of said Lot 7 Cimino Lane; thence northeasterly and southeasterly along said Lot 7 Cimino Lane the following two (2) courses and distances:

- 1.) North $30^{\circ}-31'-32''$ East, a distance of 164.01 feet to a point;
- 2.) South $60^{\circ}-33'-00''$ East, a distance of 270.00 feet to a point located in the northerly bounds of said Cimino Lane;

thence westerly and southwesterly along said Cimino Lane the following four (4) courses and distances:

- 1.) along a curve to the right having a radius of 106.85 feet an arc distance of 47.26 feet to a point, said curve containing a chord of south $73^{\circ}-20'-00''$ East, a distance of 46.87 feet;
- 2.) North $60^{\circ}-39'-40''$ West, a distance of 47.25 feet to a point;
- 3.) along a curve to the left having a radius of 130.00 feet an arc distance of 207.92 feet to a point, said curve containing a chord of South $73^{\circ}-31'-10''$ West, 186.46 feet;
- 4.) South $27^{\circ}-42'-00''$ West, a distance of 17.13 feet to the **POINT OF BEGINNING**, being 13,747 square feet, more or less.

Also all that parcel of land situated in the Town of Rotterdam, County of Schenectady and State of New York and being more particularly bounded and described as follows:

COMMENCING at a point located at the intersection of Mariaville Road (State Road #159) with the northwesterly bounds of Cimino Lane; thence along said bounds of Cimino Lane the following four (4) courses and distances:

- 1.) North $27^{\circ}-41'-58''$ East, a distance of 17.13 feet to a point;
- 2.) along a curve to the right having a radius of 130.00 feet an arc distance of 207.92 feet to a point, said curve containing a chord of North $73^{\circ}-31'-10''$ East, 186.46 feet;
- 3.) South $60^{\circ}-39'-40''$ East, a distance of 47.25 feet to a point;
- 4.) along a curve to the left having a radius of 106.85 feet an arc distance of 47.26 feet to the **POINT OF BEGINNING**, said curve containing a chord of South $73^{\circ}-20'-00''$ East, 46.87 feet;

NEW YORK COMMITMENT

Title No. 1140-MG-1990

Schedule A – Description

Section 47.16 Block 1 Lot 1.11

thence from said point of beginning and along said Lot 7 Cimino Lane the following two (2) courses and distances;

- 1.) North $30^{\circ}-27'-00''$ East, a distance of 30.00 feet to a point;
- 2.) South $60^{\circ}-33'-00''$ East, a distance of 44.57 feet to a point located in the northwesterly bounds of said Cimino Lane;

thence southwesterly along said Cimino Lane, the following two (2) courses and distances:

- 1.) South $78^{\circ}-19'-30''$ West, a distance of 2.37 feet to a point;
- 2.) along a curve to the right having a radius of 190.00 feet an arc distance of 51.97 feet to the POINT OF BEGINNING, said curve containing a chord of South $86^{\circ}-09'-40''$ West, 51.81 feet.

The above described Parcel 2 contains 738 square feet, more or less.

Subject to any easements, restrictions, and/or covenants of record, if any.

NOTE: Valid as a Commitment for an ALTA Policy only if attached to a countersigned Commitment for Title Insurance containing Schedules A and B with matching Commitment Numbers.

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 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Re-zoning of a portion of the parcel located at 676 Mariaville Road		
Project Location (describe, and attach a general location map): 676 Mariaville Road		
Brief Description of Proposed Action (include purpose or need): Applicant is requesting that a portion of the existing parcel be Rezoned from the current zone, R3 Multiple Family zone to B-2 General Business District. The Rezone parcel is approximately 16.19 Acres. The parcel is owned by the applicant.		
Name of Applicant/Sponsor: The BDC Group	Telephone: 914 424 0359 E-Mail: cmarfione@thebdcgroup.com	
Address: 11 Hebert Drive, Suite 3		
City/PO: Latham	State: NY	Zip Code: 12110
Project Contact (if not same as sponsor; give name and title/role):	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, ☒ Yes ☐ No or Village Board of Trustees	Town Board - Change in zone	January 2024
b. City, Town or Village Planning Board or Commission ☒ Yes ☐ No	Town Planning Board - Recommendation for Zone Change	January 2024
c. City, Town or Village Zoning Board of Appeals ☐ Yes ☒ No		
d. Other local agencies ☐ Yes ☒ No		
e. County agencies ☐ Yes ☒ No		
f. Regional agencies ☐ Yes ☒ No		
g. State agencies ☐ Yes ☒ No		
h. Federal agencies ☐ Yes ☒ No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		☐ Yes ☒ No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		☐ Yes ☒ No
iii. Is the project site within a Coastal Erosion Hazard Area?		☐ Yes ☒ No

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☒ Yes ☐ No	
- If Yes, complete sections C, F and G. - If No, proceed to question C.2 and complete all remaining sections and questions in Part 1	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☒ Yes ☐ No	
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☒ Yes ☐ No	
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☒ Yes ☐ No	
If Yes, identify the plan(s): NYS Heritage Areas: Mohawk Valley Heritage Corridor	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☒ No	
If Yes, identify the plan(s):	

C.3. Zoning	
a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. If Yes, what is the zoning classification(s) including any applicable overlay district?	☒ Yes ☐ No
R3- Multiple Family	
b. Is the use permitted or allowed by a special or conditional use permit?	☐ Yes ☒ No
c. Is a zoning change requested as part of the proposed action? If Yes,	☒ Yes ☐ No
i. What is the proposed new zoning for the site? B-2 General Business District.	
C.4. Existing community services.	
a. In what school district is the project site located?	Schalmont School District
b. What police or other public protection forces serve the project site?	Town of Rotterdam
c. Which fire protection and emergency medical services serve the project site?	Town of Rotterdam Fire District #6
d. What parks serve the project site?	Carman Road Park

D. Project Details

D.1. Proposed and Potential Development							
a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Change in Zone							
<table style="width: 100%; border: none;"> <tr> <td style="width: 60%;">b. a. Total acreage of the site of the proposed action?</td> <td style="width: 40%; text-align: right;">16.19+/- acres</td> </tr> <tr> <td>b. Total acreage to be physically disturbed?</td> <td style="text-align: right;">0 acres</td> </tr> <tr> <td>c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?</td> <td style="text-align: right;">68.5+/- acres</td> </tr> </table>		b. a. Total acreage of the site of the proposed action?	16.19+/- acres	b. Total acreage to be physically disturbed?	0 acres	c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	68.5+/- acres
b. a. Total acreage of the site of the proposed action?	16.19+/- acres						
b. Total acreage to be physically disturbed?	0 acres						
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	68.5+/- acres						
c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☒ No							
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____							
d. Is the proposed action a subdivision, or does it include a subdivision? ☒ Yes ☐ No							
If Yes,							
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)							
Industrial							
ii. Is a cluster/conservation layout proposed? ☐ Yes ☒ No							
iii. Number of lots proposed? _____							
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____							
e. Will the proposed action be constructed in multiple phases? ☐ Yes ☒ No							
i. If No, anticipated period of construction: _____ months							
ii. If Yes:							
• Total number of phases anticipated _____ • Anticipated commencement date of phase I (including demolition) _____ month _____ year • Anticipated completion date of final phase _____ month _____ year • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____							

f. Does the project include new residential uses? ☐ Yes ☒ No				
If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? ☐ Yes ☒ No	
If Yes,	
i. Total number of structures _____	
ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length	
iii. Approximate extent of building space to be heated or cooled: _____ square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐ Yes ☐ No	
If Yes,	
i. Purpose of the impoundment: _____	
ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify: _____	
iii. If other than water, identify the type of impounded/contained liquids and their source. _____	
iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres	
v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length	
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) ☐ Yes ☒ No	
If Yes:	
i. What is the purpose of the excavation or dredging? _____	
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?	
• Volume (specify tons or cubic yards): _____ • Over what duration of time? _____	
iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____	
iv. Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No	
If yes, describe. _____	
v. What is the total area to be dredged or excavated? _____ acres	
vi. What is the maximum area to be worked at any one time? _____ acres	
vii. What would be the maximum depth of excavation or dredging? _____ feet	
viii. Will the excavation require blasting? ☐ Yes ☐ No	
ix. Summarize site reclamation goals and plan: _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☒ No	
If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No
If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No
If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? ☐ Yes ☒ No
If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐ Yes ☐ No
If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No
If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐ Yes ☒ No
If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☐ No
If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

• Do existing sewer lines serve the project site? _____ • Will a line extension within an existing district be necessary to serve the project? If Yes: • Describe extensions or capacity expansions proposed to serve this project: _____	☐ Yes ☐ No ☐ Yes ☐ No	
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? If Yes: • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____	☐ Yes ☐ No	
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? 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)? _____ _____	☐ Yes ☒ No	
• If to surface waters, identify receiving water bodies or wetlands: _____ • Will stormwater runoff flow to adjacent properties? _____		
iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?		
☐ Yes ☐ No ☐ 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? 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) _____	☐ Yes ☒ No	
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? 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) _____ ii. In addition to emissions as calculated in the application, the project will generate: • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)		☐ Yes ☒ No ☐ Yes ☐ No

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. <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> i. During Construction: • Monday - Friday: _____ na _____ • Saturday: _____ na _____ • Sunday: _____ na _____ • Holidays: _____ na _____ </td> <td style="width: 50%; vertical-align: top;"> ii. During Operations: • Monday - Friday: _____ na _____ • Saturday: _____ na _____ • Sunday: _____ na _____ • Holidays: _____ na _____ </td> </tr> </table>		i. During Construction: • Monday - Friday: _____ na _____ • Saturday: _____ na _____ • Sunday: _____ na _____ • Holidays: _____ na _____	ii. During Operations: • Monday - Friday: _____ na _____ • Saturday: _____ na _____ • Sunday: _____ na _____ • Holidays: _____ na _____
i. During Construction: • Monday - Friday: _____ na _____ • Saturday: _____ na _____ • Sunday: _____ na _____ • Holidays: _____ na _____	ii. During Operations: • Monday - Friday: _____ na _____ • Saturday: _____ na _____ • Sunday: _____ na _____ • Holidays: _____ na _____		

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☐ Yes ☒ No If yes: i. Provide details including sources, time of day and duration: _____	
ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☐ No Describe: _____ _____	
n. Will the proposed action have outdoor lighting? ☐ Yes ☒ No If yes: i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: _____	
ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☐ No Describe: _____ _____	
o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☒ No If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____ _____	
p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☒ No If Yes: i. Product(s) to be stored _____ ii. Volume(s) _____ per unit time _____ (e.g., month, year) iii. Generally, describe the proposed storage facilities: _____ _____	
q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☒ No If Yes: i. Describe proposed treatment(s): _____ _____	
ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No	
r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☒ No If Yes: i. Describe any solid waste(s) to be generated during construction or operation of the facility: • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste: • Construction: _____ • Operation: _____ iii. Proposed disposal methods/facilities for solid waste generated on-site: • Construction: _____ • Operation: _____	

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☒ Industrial ☒ Commercial ☒ Residential (suburban) ☐ Rural (non-farm)

☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and coverts on the project site.

Land use or Covert	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0	0	0
• Forested	0	0	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	15.47	15.47	0
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	0.72	0.72	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: _____	0	0	0

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☒ No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐ Yes ☒ No
If Yes,
i. Identify Facilities: _____

e. Does the project site contain an existing dam? ☐ Yes ☒ No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☒ No
If Yes:
i. Has the facility been formally closed? ☐ Yes ☐ No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____

iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☒ No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☒ No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☐ No
☐ Yes – Spills Incidents database Provide DEC ID number(s): _____
☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
☐ Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐ Yes ☒ No
If yes, provide DEC ID number(s): _____
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☒ No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ over 10+ feet

b. Are there bedrock outcroppings on the project site? ☐ Yes ☒ No
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site:

Howard gravelly silt loam	_____	55 %
Phelps gravelly loam	_____	11 %
Teel silt loam	_____	21 %

d. What is the average depth to the water table on the project site? Average: _____ 6+ feet

e. Drainage status of project site soils: ☒ Well Drained: _____ 55 % of site
☒ Moderately Well Drained: _____ 45 % of site
☒ Poorly Drained: _____ 0 % of site

f. Approximate proportion of proposed action site with slopes: ☒ 0-10%: _____ 100 % of site
☐ 10-15%: _____ % of site
☐ 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? ☐ Yes ☒ No
If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☒ Yes ☐ No

ii. Do any wetlands or other waterbodies adjoin the project site? ☒ Yes ☐ No
If Yes to either i or ii, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☒ Yes ☐ No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name 876-99 Classification B
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name Federal Waters, Federal Waters, Federal Waters,... Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ☒ No
If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? ☐ Yes ☒ No

j. Is the project site in the 100-year Floodplain? ☒ Yes ☐ No

k. Is the project site in the 500-year Floodplain? ☐ Yes ☒ No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☒ Yes ☐ No
If Yes:

i. Name of aquifer: Principal Aquifer, Sole Source Aquifer Names: Schenectady-Niskayuna SSA

m. Identify the predominant wildlife species that occupy or use the project site: _____ Rabbits, Squirrels, Deer, Raccoon, Mice _____ Birds, frogs _____	
n. Does the project site contain a designated significant natural community? ☐ Yes ☒ No If Yes: i. Describe the habitat/community (composition, function, and basis for designation): _____ ii. Source(s) of description or evaluation: _____ iii. Extent of community/habitat: • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres	
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐ Yes ☒ No If Yes: i. Species and listing (endangered or threatened): _____ _____ _____	
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐ Yes ☒ No If Yes: i. Species and listing: _____ _____ _____	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☒ No If yes, give a brief description of how the proposed action may affect that use: _____ _____ _____	
E.3. Designated Public Resources On or Near Project Site	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☒ No If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☐ No i. If Yes: acreage(s) on project site? _____ ii. Source(s) of soil rating(s): _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☒ No If Yes: i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____ _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☒ No If Yes: i. CEA name: _____ ii. Basis for designation: _____ iii. Designating agency and date: _____	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? ☐ Yes ☐ No

If Yes:

i. Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District

ii. Name: _____

iii. Brief description of attributes on which listing is based: _____

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☒ Yes ☐ No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☐ No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within five 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 6 NYCRR Part 666? ☐ Yes ☐ No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name THE BDC GROUP Date 02.16.24

Signature Cosmo A. Morfione Title PRESIDENT

On the 16th day of February, 2024, Cosmo A. Morfione, personally known to me to be the individual whose name is subscribed to the within instrument.

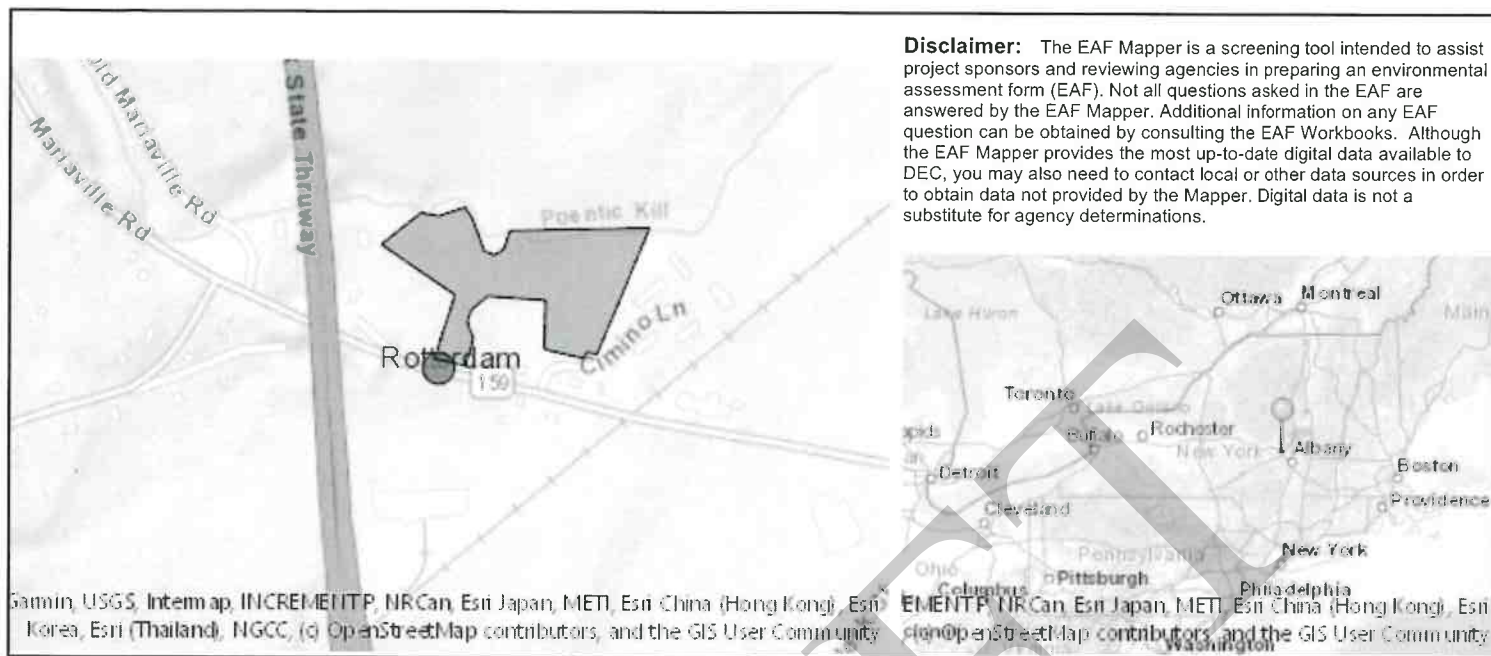
Erin Daly

ERIN DALY
NOTARY PUBLIC STATE OF NEW YORK
No. 01DA6386531
Qualified in Westchester County
My Commission Expires 01-28-2023

ERIN DALY
NOTARY PUBLIC STATE OF NEW YORK
No. 01DA6386531
Qualified in Westchester County
My Commission Expires 01-28-2023

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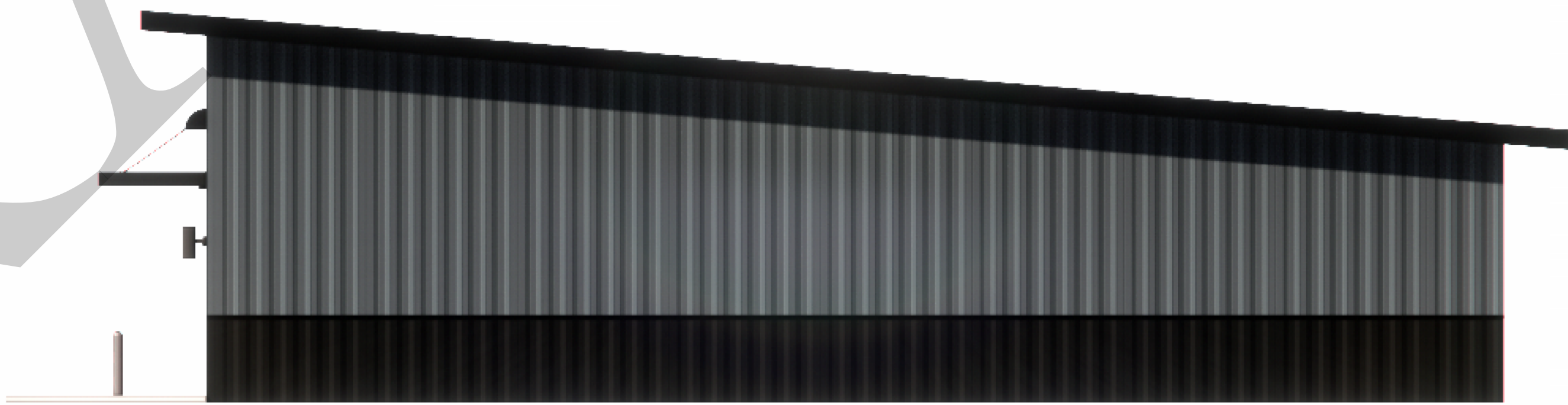
PRINT FORM



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas: Mohawk Valley Heritage Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	876-99
E.2.h.iv [Surface Water Features - Stream Classification]	B
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	Yes

E.2.k. [500 Year Flooding]	No
E.2.l. [Aquifers]	Yes
E.2.i. [Aquifer Names]	Principal Aquifer, Sole Source Aquifer Names:Schenectady-Niskayuna SSA
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

DRAFT



SIDE ELEVATION



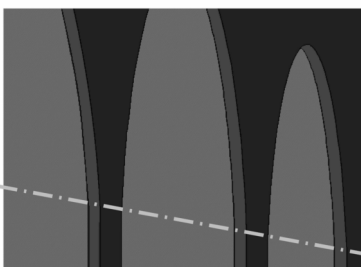
FRONT ELEVATION

© COPYRIGHT 2023 SPRING LINE DESIGN "ALL RIGHTS RESERVED" AND "UNAUTHORIZED DUPLICATION IS A VIOLATION OF APPLICABLE LAWS"

CONSULTANTS

STAMP

PROGRESS PRINT
NOT FOR
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SPRING LINE DESIGN
ARCHITECTURE + ENGINEERING

73 troy road
suite 2h
east greenbush
n y 12061

518.487.4755 telephone
518.670.0122 facsimile
springlinedesign.com

PROJECT NAME

FLEX WAREHOUSES
ROTTERDAM, NY

DRAWING TITLE

CONCEPT
ELEVATIONS AND
RENDERINGS

DRAWING DATE	DRAWING SCALE
2024-03-18	
PROJECT NUMBER	DRAWN BY
18124002	CDS
REVISIONS	

DRAWING NUMBER

A-901

RESOLUTION NO. 196.24

TO RECOGNIZE THE INTRODUCTION OF INTRODUCTORY LOCAL LAW NO. __ OF 2024; TO ADOPT CHAPTER 271 ENTITLED HOTEL USE REGULATIONS, 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 adopt Chapter §271 entitled ‘Hotel Use Regulations’, of the Town Code of the Town of Rotterdam.

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 22nd day of May, 2024 for the following purpose:

For receipt of comment on the proposed Introductory Local Law No. __ of 2024;
To adopt Chapter §271 entitled ‘Hotel Use Regulations’, of the Town Code of the Town of Rotterdam.

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

DATED: May 8, 2024

Daily Gazette: Please publish once on May 10, 2024

Town Clerk

Post

SECTION 3. This resolution shall become effective May 8, 2024.

DATED: May 8, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

TOWN OF ROTTERDAM

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



LEGISLATIVE REQUEST FORM

DATE: April 30, 2024

TO: Town Board

FROM: Mollie Collins, Supervisor

TITLE OF REQUEST: To enact Local Law No. ____ of 2024; To adopt Chapter 271 entitled Hotel Use Regulations

TOWN BOARD MEETING: May 8, 2024

Background Information: The Town's current code does not address specific issues regarding the health, safety and general welfare of guests of transient lodging providers within the Town of Rotterdam.

Evaluation/Analysis: The Town Board of the Town of Rotterdam should adopt the new code – Chapter 271.

Recommendation(s): Following a Public Hearing on May 22, 2024, adopt Introductory Local Law No. ____ of 2024; to adopt Chapter 271 entitled Hotel Use Regulations into the Town Code.

Attachment/Document(s): Proposed Chapter 271 entitled Hotel Use Regulations and Introductory Local Law No. ____ of 2024.

Compliance with Purchasing Policy: N/A

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

LEGISLATION WILL BE PREPARED BY: Supervisor

Proposed New Chapter 271 – Hotel Use Regulations

Article I - **Hotel Occupancy**

S271-1 – **Purpose**

It is the purpose of this article to promote the health, safety, and general welfare of guests of transient lodging providers located within the Town of Rotterdam, and to ensure the continued availability of safe, sanitary, and code-compliant transient lodging within the Town.

S271-2 – **Definitions**

Extended Stay Unit – a hotel or motel unit with accommodations for sleeping which contains a kitchenette.

S271-3 – **Occupancy Limits**

- A. Occupancy of any hotel/motel, bed-and-breakfast, inn, or boardinghouse by any individual shall be limited to no more than twenty-eight (28) consecutive days unless such hotel/motel, bed-and-breakfast, inn, or boardinghouse has an attached restaurant; provided that such occupancy shall be allowed for more than twenty-eight (28) days within an extended stay unit (as defined in S271-2), which complies with all applicable New York State and Town of Rotterdam codes.
- B. Occupancy of any hotel/motel, bed-and-breakfast, inn, or boardinghouse by any individual shall be limited to no more than sixty (60) days in any one hundred eighty (180) day period, except that such occupancy shall be allowed within an extended stay unit.
- C. Re-registering any guest or any person sharing or staying in the same room as a guest in the same or a different room in the same hotel/motel, bed-and-breakfast, inn, or boardinghouse or in a hotel/motel, bed-and-breakfast, inn, or boardinghouse owned and operated by the same entity or an entity with any of the same member having an interest of 5% or more shall be considered a single occupancy for the purpose of these limits.
- D. The occupancy limitations set forth in S271-A shall not apply if an individual provides photo identification as required by S271-4 that shows that the individual has a permanent place of residence other than the hotel/motel, bed-and-breakfast, inn, or boardinghouse at which the individual is registering. The owner or operator of any hotel/motel, bed-and-breakfast, inn, or boardinghouse shall photocopy the identification required by S271-4 and shall keep such record for a minimum of one year. This record must be available for inspection by member of the Town of Rotterdam Police Department and or Building/Code Enforcement Department, or any of them or their designees, who shall have the authority to inspect the records from time to time, without prior notice.
- E. No person or entity owning, leasing, or operating or managing any hotel/motel, bed-and-breakfast, inn, or boardinghouse shall charge or accept money or other consideration by an hourly rate or any increment less than one full day's room rental.

- F. In extraordinary circumstances, a person or entity owning, leasing, operating or managing any hotel/motel, bed-and-breakfast, inn, or boardinghouse, together with the occupant at issue, may apply to the Town Board of Rotterdam in writing, by submitting a written request to the Town Clerk of Rotterdam, for an extension of the twenty-eight (28) day limitation period upon a showing by clear and convincing evidence that a time extension is required for humanitarian reasons. The application must show not only that an extraordinary circumstance exists by clear and convincing evidence, but also must show all steps that have been taken to find the occupant suitable permanent housing elsewhere.

S271-4 – Photo Identification Required

Every hotel/motel, bed-and-breakfast, inn, or boardinghouse must require all adult guests to produce government-issued photo identification at the front desk immediately upon arrival.

S271-5 – Age Restrictions

Any individual occupying any hotel/motel, bed-and-breakfast, inn, or boardinghouse for any length of time must be at least 18 years of age, unless accompanied by a parent or legal guardian. However, a hotel/motel, bed-and-breakfast, inn, or boardinghouse may rent, lease or sign a contract for the use of the unit, room, or suite to a person under the age of 18 if the individual is part of a school group, sports or extracurricular team, convention, corporate meeting, pageant or other similar major contracted booking at the hotel/motel, bed-and-breakfast, inn, or boardinghouse and a copy of the contract is on file at the establishment available for inspection by the members of the Town of Rotterdam Police Department and Building/Code Enforcement Department, or any of them or their designees.

S271-6 – Keeping and Inspection of Register

Every hotel/motel, bed-and-breakfast, inn, or boardinghouse shall keep for a period of one year a register which shall show the name, residence, date of arrival and departure of all persons provided with lodging at the premises. This register must be available for inspection by the members of the Town of Rotterdam Police Department and Building/Code Enforcement Department, or any of them or their designees, who shall have the authority to inspect the register from time to time, without prior notice.

S271-7 – Sanitary Conditions; General Maintenance

- A. Bathroom and water closet facilities are required.
- a. Bathroom or bathrooms, which affords privacy to a person inside said room; contains a bathtub or shower, wash basin and flush water closet; and complies with such other requirements as are set forth elsewhere in the Code of the Town of Rotterdam shall be supplied for each six (6) persons or fraction thereof residing within a hotel/motel, bed-and-breakfast, inn, or boardinghouse.
 - b. All such facilities shall be located within the dwelling as to be directly accessible from a common hall or passageway which is either on the same floor as, or is one (1) floor

above or below, all rooming units it is designed to serve and which hallway is directly accessible to the occupants of all such rooming units without passing through any part of any other rooming unit or dwelling unit.

- c. All bathrooms and water closet compartments shall be provided with inside locks.
- B. Bedding, bed linen, towels and soap are required. Every person or entity owning, leasing, or operating or managing any hotel/motel, bed-and-breakfast, inn, or boardinghouse shall provide for all occupants' bedding, mattresses, mattress covers, bed linens, blankets, pillows, towels, and soap. All such items shall be kept in clean and sanitary condition at all times. Fresh, clean bed linens and towels shall be supplied for each new occupant at the commencement of the term of occupancy and fresh, clean bed linens and towels shall be supplied at least once a week. Unless laundry service is provided for all occupants, a laundry tub or washing machine shall be accessible to and available for use by all occupants.
- C. All furniture and furnishings shall be maintained in safe and sound condition, in good repair, and upholstery and coverings shall be kept clean and free of rips and tears. Windows shall be provided, where necessary, with blinds, drapes, curtains, or shades to provide occupants with privacy.
- D. There shall be present and in charge of every hotel/motel, bed-and-breakfast, inn, or boardinghouse subject to licensing a person who is mentally and physically competent to maintain the same in safe and sanitary condition, who shall keep the exterior of the premises and all common interior areas, including but not limited to the landings, stairways, hallways, and bathrooms, clean free from garbage and other refuse and free of infestation and who shall attend to the daily removal of garbage.

S271-8 – Infestation

- A. All grounds, buildings and structures of any hotel/motel, bed-and-breakfast, inn, or boardinghouse shall be maintained free of insects, vermin and rodent harborage and infestation. Methods used for exterminating insects, vermin and rodents shall meet the generally accepted practices of the industry and shall be in accordance with the manufacturer's specifications.
- B. Where the potential for rodent infestation exists, windows and other openings in basements and cellars shall be appropriately rodent proofed with wire or other suitable materials.
- C. The exterior of every structure of any hotel/motel, bed-and-breakfast, inn, or boardinghouse used for human habitation shall be so maintained as to be vermin and rodent free. Where rodent or vermin problems exist, all exterior windows, doors and other opening two feet above ground level shall be screened or protected with acceptable wire mesh or other suitable materials. Defects, cracks, or holes shall be tightly sealed to prevent the entrance of insects, vermin, and rodents.
- D. When a pest, bedbug, or other insect or rodent infestation, as defined in Section 308 of the New York State Property Maintenance Code, has been identified in a hotel/motel, bed-and-breakfast, inn, or boardinghouse by the Building/Code Enforcement Department after a

routine inspection by such Department, or inspection after the Department receives a complaint of an infestation, the Department shall contact the premises owner and require the owner to provide proof of extermination/pest control services. When determined by a professional exterminator, the dwelling units in direct proximity to the affected unit and common areas shall also be treated if evidence of infestation in these areas is found. The person or entity owning such hotel/motel, bed-and-breakfast, inn, or boardinghouse shall provide a copy of any report for the services rendered to the Building/Code Enforcement Department.

S271-9 – Penalties for Offenses

- A. A violation of this article shall be punishable by a fine of not less than \$100.00 nor more than \$500.00, or 15 days in jail, or both, except that where the owner, lessor, operator, or agent was found to have violated this article within the preceding five years, the fine may not be more than \$1,000.00. Each day that a violation continues shall be deemed a separate offense.
- B. Town of Rotterdam Police Department and Building/Code Enforcement Department are authorized to issue appearance tickets for any violation of this section, and shall be primarily responsible for the enforcement of these provisions.

S271-10 – Severability

If any clause, sentence, paragraph, section, article, or part of this article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered.

RESOLUTION NO. 197.24

**TO AUTHORIZE THE SUPERVISOR TO NEGOTIATE AND EXECUTE A
MEMORANDUM OF AGREEMENT WITH THE PBA, CSEA, AND ROTTERDAM
CHIEFS' ASSOCIATION TO OBSERVE JUNETEENTH AS A HOLIDAY FOR THE
YEAR 2024**

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 observes Juneteenth, a federal and state holiday, by closing Town offices on Wednesday, June 19, 2024, and granting same as a paid holiday for the 2024 calendar year for the PBA, CSEA, and Rotterdam Chiefs Association members upon the receipt of the consent of the PBA and CSEA to same.

SECTION 2. This resolution shall become effective May 8, 2024.

DATED: May 8, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

MEMORANDUM OF AGREEMENT

The Town of Rotterdam (the “Town”) and the Rotterdam Patrolmen’s Benevolent Association, Inc. (the “Union”) are parties to a Collective Bargaining Agreement (the “Agreement”);

Article XI of the Agreement addresses “Holiday Leave” and the agreed upon days that will constitute a holiday. This detailing does not include Juneteenth.

The Union and the Town wish to modify the Agreement and agree as follows:

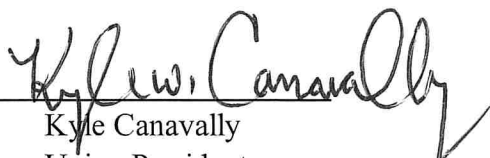
1. For 2024 only, Juneteenth will be designated as a Holiday under the Agreement.
2. All of the terms and conditions currently detailed in Article XI of the Agreement shall remain applicable to the Juneteenth holiday.
3. The understanding to add Juneteenth as a 2024 holiday sets no precedent; any modifications in the future, to Article XI, must be negotiated by the parties.
4. All other terms of the Agreement remain in full force and effect.

Agreed to this __ day of May, 2024.

Town of Rotterdam

By: _____
Mollie A. Collins
Town Supervisor

Rotterdam PBA

By: 

Kyle Canavally
Union President

MEMORANDUM OF AGREEMENT

The Town of Rotterdam (the "Town") and the CSEA, Town of Rotterdam Unit# 8504, Schenectady County Local 886 (the "Union") are parties to a Collective Bargaining Agreement (the "Agreement");

Article X of the Agreement addresses Holidays and the agreed upon days that would constitute a Holiday. This detailing does not include Juneteenth.

The Union and Town wish to modify the Agreement and agree as follows:

1. For 2024 only, Juneteenth will be designated as a Holiday under the Agreement.
2. All of the terms and conditions currently detailed in Article X of the Agreement shall remain applicable to this Juneteenth holiday.
3. The understanding to add Juneteenth as a 2024 holiday sets no precedent; any modification in the future, to Article X, must be negotiated by the parties.
4. All other terms of the Agreement remain in full force and effect.

Agreed to this ____ day of May 2024.

Town of Rotterdam

By: _____
Mollie A. Collins
Town Supervisor

CSEA, Local 8504

By: 
Daniel Marsello, Union President

By: _____
Angelique Bywater, LRS CSEA

MEMORANDUM OF AGREEMENT

The Town of Rotterdam (the "Town") and the Rotterdam Police Chief's Association (the "Association") are parties to a Collective Bargaining Agreement (the "Agreement");

Holiday Leave, Section 1, on page two of the Agreement addresses Holidays and the agreed upon days that would constitute a Holiday. This section does not include Juneteenth as an agreed upon Holiday.

The Association and the Town wish to modify the Agreement and stipulate as follows:

1. Juneteenth will be designated as a Holiday under the Agreement for calendar year 2024 only.
2. All of the terms and conditions set forth under "Holidays Leave" of the Agreement shall remain applicable to this Juneteenth Holiday.
3. It is understood and agreed upon by both the Town and the Association that adding Juneteenth as a 2024 Holiday will be non-precedent setting; and further agree that any modification in the future, to "Holidays Leave", must be negotiated by the parties.
4. All other terms of the Agreement remain in full force and effect.

Agreed to this ___ day of April 2024.

Town of Rotterdam

By: _____

Mollie A. Collins

Town Supervisor

Rotterdam Chief's Association

By: _____

Michael Brown

Chief of Police

RESOLUTION NO. 198.24

TO AUTHORIZE A RELEASE OF RETAINAGE TO VAD CONTRACTORS 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 No. 3 to VAD Contractors, Inc., located at 1885 Hyland Boulevard #1059 Staten Island, New York 10305, in the total amount of twenty-six thousand five hundred fifty-eight and 20/100 (\$26,558.20) dollars, for the Senior Center Roof Replacement Project.

SECTION 2. This resolution shall become effective May 8, 2024.

DATED: May 8, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

TOWN OF ROTTERDAM

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



LEGISLATIVE REQUEST FORM

DATE: April 24, 2024

TO: Mollie Collins – Town Supervisor

FROM: Charles Jack Dodson – Deputy Supervisor

TITLE OF REQUEST: Authorize the release of final payment of retainage and close out paper work for Rotterdam Senior Center Roof Replacement Project.

TOWN BOARD MEETING: May 8, 2024

Background Information: VAD Contractors, Inc. is the contractor for the Senior Center Roof Replacement Project and are requesting release of retainage.

Evaluation/Analysis: Project is substantially complete. Retainage release needs to be authorized by the Town Board in order to issue final payment to the contractor.

Recommendation(s): Authorize the Supervisor and/or the Town Comptroller to execute all documents necessary to release retainage and issue Final Payment #3 to VAD Contractors Inc. in the amount of \$26,558.20.

Attachment/Document(s): Letter dated April 22, 2024 from Barton & Loguidice and VAD Contractors, Inc. Invoice and Voucher.

Compliance with Purchasing Policy:

Effect(s) on Existing Law(s): None

LEGISLATION WILL BE PREPARED BY: Supervisors Office



443 ELECTRONICS PARKWAY, LIVERPOOL, NY 13088

PHONE 315-457-5200 • FAX 315-451-0052

TO: Town of Rotterdam

1100 Sunrise Boulevard

Rotterdam, New York 12306

LETTER OF TRANSMITTAL

DATE: 4/22/2024

JOB NO.: 904.054.001

ATTENTION: **James Keith, Senior Building Inspector/
Code Enforcement**

RE: Town of Rotterdam

Rotterdam Senior Center Roof Replacement Project

Contract No. 1 - General Construction

WE ARE SENDING YOU

☒ Attached

☐ Under separate cover via _____ the following items:

☐ Shop Drawings

☐ Prints

☐ Plans

☐ Samples

☐ Specifications

☐ Copy of Letter

☐ Change order

☒ Payment Application

COPIES	DATE	NO.	DESCRIPTION
1	2/13/24		Contractor's Payment Application No. 3 - Final
1			Contractor's Certified Payrolls w/e 12/4, 2/11/2024

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

☐ Returned for corrections

☐ Return _____ corrected prints

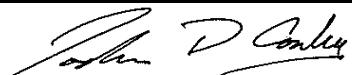
☐ For review and comment

☐

☐ FOR BIDS DUE _____ 20____ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS

cc: VAD Contractors Inc.

SIGNED: 

Joshua D. Conley, RA

Sr. Project Architect

If enclosures are not as noted, kindly notify us at once.



904.054.001
JDC
4/22/2024

Town of Rotterdam
Rotterdam Senior Center Roof Replacement Project
Contract No. 1 - General Construction
Estimate No. 3

TO THE TOWN OF ROTTERDAM:

Pursuant to the terms of the Contract dated August 8, 2023 by and between VAD Contractors Inc., Contractor and the Town of Rotterdam, Owner, for the Rotterdam Senior Center Roof Replacement Project, Contract No. 1 - General Construction we submit herewith the Third Estimate for work completed through February 2, 2024.

Item	Description	Contract Amount	Quantity To Date	Amount To Date
1	General Construction	\$195,800.00	100.00%	\$195,800.00
	Change Orders	\$618.20	100.00%	\$618.20
Total Amount of Work Done to Date & Stored Materials				\$196,418.20
Less Retainage (0% of completed work)				\$ -
				\$ 196,418.20
Less Amount Certified - Previous Estimate				\$ 169,860.00
AMOUNT DUE CONTRACTOR - Estimate No. 2				\$ 26,558.20

We hereby certify that the work listed above has been completed to the best of our knowledge and belief in accordance with the Contract Documents and Specifications.

BARTON & LOGUIDICE, D.P.C.

By:

Joshua D. Conley, RA
Sr. Project Architect

Date: 4/22/2024

APPLICATION AND CERTIFICATE FOR PAYMENT

PAGE ONE OF 1 PAGES

TO OWNER:
Town of Rotterdam
1100 Sunrise Blvd, Rotterdam, NY 12306

PROJECT:
Town of Rotterdam Senior Center Roof Replacement
2639 Hamburg St, Schenectady, NY 12303 US

APPLICATION #: 3 - Final
PERIOD TO: 02/02/24
PROJECT NOS:

Distribution to:

☒ Owner
☐ Const. Mgr
☒ Architect
☐ Contractor

FROM CONTRACTOR:
VAD Contractors INC
1885 Hylan Blvd # 1059
Staten Island NY 10305

VIA ARCHITECT:
Barton & Loguidice - Albany
10 Airline Drive #200, Albany, NY 12205

CONTRACT DATE:

CONTRACT FOR: Roof Replacement at Town of Rotterdam

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract.
Continuation Sheet is attached.

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown therein is now due.

1. ORIGINAL CONTRACT SUM-----	\$	195,800.00
2. Net change by Change Orders-----	\$	618.20
3. CONTRACT SUM TO DATE (Line 1 +/- 2)	\$	196,418.20
4. TOTAL COMPLETED & STORED TO DATE-\$ (Column G on Continuation Sheet)		196,418.20
5. RETAINAGE:		
a. of Completed Work (Columns D+E on Continuation Sheet)	\$	
b. of Stored Material (Column F on Continuation Sheet)	\$	
Total Retainage (Line 5a + 5b or Total in Column I of Continuation Sheet-----)	\$	
6. TOTAL EARNED LESS RETAINAGE----- (Line 4 less Line 5 Total)	\$	196,418.20
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)-----	\$	169,860.00
8. CURRENT PAYMENT DUE-----	\$	26,558.20
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6)	\$	

CONTRACTOR:

By: Venera Krasniqi Date: February 13, 2024

State of: New York
County of: QueensSubscribed and sworn to before
me this 13 day of February 2024Notary Public: Michelle Ortiz
My Commission expires: 03/15/2025

CERTIFICATE FOR PAYMENT

In accordance with Contract Documents, based on on-site observations and the data comprising application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED \$ 26,558.20

(Attach explanation if amount certified differs from the amount applied for. Initial all figures on this application and on the Continuation Sheet that are changed to conform to the amount certified.)

ARCHITECT:

By: Date: 04/22/2024

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner of Contractor under this Contract.

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner		
Total approved this Month		
TOTALS		
NET CHANGES by Change Order		

CONTINUATION SHEET

Page 2 of 1 Pages

ATTACHMENT TO PAY APPLICATION

APPLICATION NUMBER: 3 - Final

PROJECT:

APPLICATION DATE: 02/02/24

Town of Rotterdam

PERIOD TO:

1100 Sunrise Blvd, Rotterdam, NY 12306

ARCHITECT'S PROJECT NO:

A Item No.	B Description of Work	C Scheduled Value	D Work Completed		F Materials Presently Stored (Not In D or E)	G		H Balance To Finish (C - G)	I Retainage (If Variable Rate)
			From Previous Application (D + E)	This Period		Total Completed And Stored To Date (D + E + F)	% (G/C)		
1	General Condition	9,000.00	9,000.00			9,000.00	100%		450.00
2	Mobilization	10,000.00	10,000.00			10,000.00	100%		500.00
3	Bonds and insurances	6,000.00	6,000.00			6,000.00	100%		300.00
4	Submittals and Shop Drawings	8,000.00	8,000.00			8,000.00	100%		400.00
5	Roof demolition - Materials and containers	9,000.00	9,000.00			9,000.00	100%		450.00
6	Roof demolition - Labor	19,000.00	19,000.00			19,000.00	100%		950.00
7	Roof installation - Materials	23,000.00	23,000.00			23,000.00	100%		1,150.00
8	Roof installation - Labor	32,800.00	32,800.00			32,800.00	100%		1,640.00
10	Masonry Work - Materials	20,000.00	20,000.00			20,000.00	100%		1,000.00
11	Masonry Work - Labor	42,000.00	42,000.00			42,000.00	100%		2,100.00
12	Puch List	7,000.00		7,000.00		7,000.00	100%		350.00
13	Close Outs	5,000.00		5,000.00		5,000.00	100%		250.00
14	Warranties/Guarantees	5,000.00		5,000.00		5,000.00	100%		250.00
15	Change Order Nr. 1 - Extra Wood Sheeting	1,843.20		1,843.20		1,843.20	100%		92.16
16	Change Order Nr. 2 - Crdit for Wire Damages	(1,225.00)		(1,225.00)		(1,225.00)			(61.25)
17									
18									
20									
21									
22									
23									
24									
25									
26									
27									
28									
	SUBTOTALS PAGE 2	196,418.20	178,800.00	17,618.20		196,418.20	100%		9,820.91

Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Rev. Dec. 2008

NAME OF CONTRACTOR ☒ OR SUBCONTRACTOR ☐		ADDRESS		OMB No.: 1235-0008 Expires: 07/31/2024	
VAD Contractors INC		1885 Hylan Blvd # 1059 Staten Island NY 10305			

PAYROLL NO. 6	FOR WEEK ENDING 2/4/24	PROJECT AND LOCATION 2639 Hamburg St, Schenectady, NY 12303	PROJECT OR CONTRACT NO. n/a
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(1) NAME AND INDIVIDUAL IDENTIFYING NUMBER (e.g., LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER) OF WORKER	(2) NO OF WITHHOLDING EXEMPTIONS	(3) WORK CLASSIFICATION	OT OR ST.	(4) DAY AND DATE							(5) TOTAL HOURS	(6) RATE OF PAY	(7) GROSS AMOUNT EARNED	(8) DEDUCTIONS						(9) NET WAGES PAID FOR WEEK
				M	T	W	Th	F	Sa	Su				FICA	WITH- HOLDING TAX			OTHER	TOTAL DEDUCTIONS	
				1/29	1/30	1/31	2/1	2/2	2/3	2/4										
Blerim Sejid		Roofer	O									\$368.44	\$22.84	\$25.08			\$16.09	\$64.10	\$313.19	
			S				4			4	\$92.11									
Ujkan Kurti		Roofer	O									\$368.44	\$22.84	\$25.08			\$16.09	\$64.10	\$313.19	
			S				4			4	\$92.11									
Shefqet Krasniqi		Roofer	O									\$1,105.32	\$68.53	\$181.27			\$20.75	\$270.55	\$834.77	
			S			4	8			12	\$92.11									
			O																	
			S																	
			O																	
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While completion of Form WH-347 is optional, it is mandatory for covered contractors and subcontractors performing work on Federally financed or assisted construction contracts to respond to the information collection contained in 29 C.F.R. §§ 3.3, 5.5(a). The Copeland Act (40 U.S.C. § 3145) contractors and subcontractors performing work on Federally financed or assisted construction contracts to "furnish weekly a statement with respect to the wages paid each employee during the preceding week." U.S. Department of Labor (DOL) regulations at 29 C.F.R. § 5.5(a)(3)(ii) require contractors to submit weekly a copy of all payrolls to the Federal agency contracting for or financing the construction project, accompanied by a signed "Statement of Compliance" indicating that the payrolls are correct and complete and that each laborer or mechanic has been paid not less than the proper Davis-Bacon prevailing wage rate for the work performed. DOL and federal contracting agencies receiving this information review the information to determine that employees have received legally required wages and fringe benefits.

Public Burden Statement

We estimate that it will take an average of 55 minutes to complete this collection, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding these estimates or any other aspect of this collection, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S3502, 200 Constitution Avenue, N.W. Washington, D.C. 20210

Date 1/6/2024

I, Venera Krasniqi President
(Name of Signatory Party) (Title)

do hereby state:

(1) That I pay or supervise the payment of the persons employed by
VAD Contractors INC on the
(Contractor or Subcontractor)
2639 Hamburg St, Schenectady, NY 12303; that during the payroll period commencing on the
(Building or Work) day of
29th January 24, and ending the 4th day of February, 24,
all persons employed on said project have been paid the full weekly wages earned, that no rebates have
been or will be made either directly or indirectly to or on behalf of said

VAD Contractors INC from the full
(Contractor or Subcontractor)
weekly wages earned by any person and that no deductions have been made either directly or indirectly
from the full wages earned by any person, other than permissible deductions as defined in Regulations, Part
3 (29 C.F.R. Subtitle A), issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat. 948,
63 Stat. 108, 72 Stat. 967; 76 Stat. 357; 40 U.S.C. § 3145), and described below:

(2) That any payrolls otherwise under this contract required to be submitted for the above period are
correct and complete; that the wage rates for laborers or mechanics contained therein are not less than the
applicable wage rates contained in any wage determination incorporated into the contract; that the classifications
set forth therein for each laborer or mechanic conform with the work he performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship
program registered with a State apprenticeship agency recognized by the Bureau of Apprenticeship and
Training, United States Department of Labor, or if no such recognized agency exists in a State, are registered
with the Bureau of Apprenticeship and Training, United States Department of Labor.

(4) That:
(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

- ☒ — in addition to the basic hourly wage rates paid to each laborer or mechanic listed in
the above referenced payroll, payments of fringe benefits as listed in the contract
have been or will be made to appropriate programs for the benefit of such employees,
except as noted in section 4(c) below.

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

- ☒ — Each laborer or mechanic listed in the above referenced payroll has been paid,
as indicated on the payroll, an amount not less than the sum of the applicable
basic hourly wage rate plus the amount of the required fringe benefits as listed
in the contract, except as noted in section 4(c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION

REMARKS:

NAME AND TITLE Venera Krasniqi	SIGNATURE 
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THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR
SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE SECTION 1001 OF TITLE 18 AND SECTION 3729 OF
TITLE 31 OF THE UNITED STATES CODE.



Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Rev. Dec. 2008

NAME OF CONTRACTOR ☒ OR SUBCONTRACTOR ☐		ADDRESS		OMB No.:1235-0008 Expires: 07/31/2024	
VAD Contractors INC		1885 Hylan Blvd # 1059 Staten Island NY 10305			

PAYROLL NO.	FOR WEEK ENDING	PROJECT AND LOCATION	PROJECT OR CONTRACT NO.
7	2/11/24	2639 Hamburg St, Schenectady, NY 12303	n/a

(1) NAME AND INDIVIDUAL IDENTIFYING NUMBER (e.g., LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER) OF WORKER	(2) NO. OF WITHHOLDING EXEMPTIONS	(3) WORK CLASSIFICATION	OT. OR ST.	(4) DAY AND DATE							(5) TOTAL HOURS	(6) RATE OF PAY	(7) GROSS AMOUNT EARNED	(8) DEDUCTIONS					(9) NET WAGES PAID FOR WEEK	
				M	T	W	Th	F	Sa	Su				FICA	WITH- HOLDING TAX			OTHER		TOTAL DEDUCTIONS
				2/5	2/6	2/7	2/8	2/9	2/10	2/11										
Blerim Sejid		Roofer	O									\$736.88	\$45.69	\$101.51			\$14.03	\$161.23	\$575.65	
			S	8							8									\$92.11
Ujkan Kurti		Roofer	O									\$736.88	\$45.69	\$101.51			\$14.03	\$161.23	\$313.19	
			S	8							8									\$92.11
Shefqet Krasniqi		Roofer	O									\$1,105.32	\$68.53	\$181.27			\$20.75	\$270.55	\$575.65	
			S	8	4						12									\$92.11
			O																	
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Date 2/13/2024

I, Venera Krasniqi President
(Name of Signatory Party) (Title)

do hereby state:

(1) That I pay or supervise the payment of the persons employed by
VAD Contractors INC on the
(Contractor or Subcontractor)
2639 Hamburg St, Schenectady, NY 12303; that during the payroll period commencing on the
(Building or Work) day of
5th day of Feb 24, and ending the 11th day of February, 24,
all persons employed on said project have been paid the full weekly wages earned, that no rebates have
been or will be made either directly or indirectly to or on behalf of said

VAD Contractors INC from the full
(Contractor or Subcontractor)
weekly wages earned by any person and that no deductions have been made either directly or indirectly
from the full wages earned by any person, other than permissible deductions as defined in Regulations, Part
3 (29 C.F.R. Subtitle A), issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat. 948,
63 Stat. 108, 72 Stat. 967; 76 Stat. 357; 40 U.S.C. § 3145), and described below:

(2) That any payrolls otherwise under this contract required to be submitted for the above period are
correct and complete; that the wage rates for laborers or mechanics contained therein are not less than the
applicable wage rates contained in any wage determination incorporated into the contract; that the classifications
set forth therein for each laborer or mechanic conform with the work he performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship
program registered with a State apprenticeship agency recognized by the Bureau of Apprenticeship and
Training, United States Department of Labor, or if no such recognized agency exists in a State, are registered
with the Bureau of Apprenticeship and Training, United States Department of Labor.

(4) That:

(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

- ☒ — in addition to the basic hourly wage rates paid to each laborer or mechanic listed in
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in the contract, except as noted in section 4(c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION

REMARKS:

NAME AND TITLE Venera Krasniqi	SIGNATURE 
-----------------------------------	--

THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR
SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE SECTION 1001 OF TITLE 18 AND SECTION 3729 OF
TITLE 31 OF THE UNITED STATES CODE.

NOTICE OF SUBSTANTIAL COMPLETION

CONTRACTOR: VAD Contractors Inc.

DATE: March 26, 2024

ADDRESS: 1885 Hyland Boulevard □1059
Staten Island, New York 10305

PROJECT: Town of Rotterdam
Rotterdam Senior Center
Roof Replacement Project

FILE NO.: 904.054.001

Gentlemen:

On this date, we conducted an inspection of the work of the Contract. We find the work to be substantially complete as defined in Article 00759.08 of the Contract with the exception of the minor punch list items as listed below:

<u>ITEMS</u>	<u>VALUES</u>
N/A	N/A

Twice the value of the above punch list items will be withheld from the Certificate of Substantial Completion until all work of the Contract is complete.

Please provide the following information so that we can process your remaining payments.

- ☒ "... 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..." (Spec. Sect. 00759.09)
- ☒ "... procure and maintain until one year after the date of the Notice of Certificate of Substantial Completion or one year after the Contractor or any Subcontractor last performed any work under the Contract if the Project is abandoned or deferred, insurance for liability for damage required by law of the kinds and in the amounts stated herein and as may be modified by provisions in the Additional Instructions, through insurance companies authorized to operate in the State..."
- ☒ Furnish all product warranty information.
- ☒ For Final Payment "... acceptable affidavits, certificates or waivers as evidence that no right to any claim or lien exists..." (Spec. Sect. 00759.11). B□L Form 66 enclosed for this purpose.
- ☒ For Final Payment, Statements (a) certifying Subcontractors have received all schedules of wages and supplements; (b) certifying to all amounts due laborers for wages or supplements from Contractor and all Subcontractors (regardless of tier), or certify that Contractor has no knowledge of such amounts owing (Spec. Sect. 00150.05).

Joshua D. Coley, R.A.
Senior Project Architect

**CONTRACTOR'S AFFIDAVIT THAT ALL LIENS
AND CLAIMS HAVE BEEN PAID**

STATE OF New York) ss.:

COUNTY OF Queens)

Shaf Krasniqi Being duly sworn deposes and says:

1. That he/she resides at 14 Meadow Ave Staten Island NY 10304

2. That he/she is the Contractor who entered into a certain agreement dated
07-07-2023 with the Town of Rotterdam
of Town of Rotterdam for construction of Roof replacement
facilities in the 2639 Hamburg St. Schenectady, NY 12303 in said Senior Center
of Town of Rotterdam; or

3. That he/she is the Vice President of
VAD Contractors Inc., the Corporation which entered into a certain agreement dated
August 8, 2023 with the Town of Rotterdam for construction of Rotterdam Senior Center Roof
Replacement facilities in the Town of Rotterdam in said County of Schenectady.

4. That for the purpose of furnishing evidence acceptable to the said Town of Rotterdam as to the satisfaction of all claims against the undersigned Contractor within the meaning of "Section 00 07 59.11 "Final Payment" of the Contract Documents relating to the aforementioned contract and for purposes of reliance hereon by said Town of Rotterdam and for all intents and purposes specified in the Lien Law and the Penal Law of the State of New York and other applicable State and Federal Laws and Regulations, the undersigned hereby declares that the claims of all subcontractors, material men, laborers and all other persons and parties furnished labor and materials with respect to the above mentioned contract have been paid in full except as follows: (If none, then write word "none"; otherwise list) None and that the above exceptions will be paid in full from the proceeds of the Final Payment made by the said Town of Rotterdam in reliance of this statement.

Shaf Krasniqi

Subscribed and sworn to before me

This 26 day of March, 20 24
Notary Public

Michelle Ortiz



1 YEAR LIMITED WARRANTY
CONTRACT NO: TOWN OF ROTTERADAM FILE: 904.054.001

This limited warranty is between the Contractor known as **VAD Contractors INC.** located at 1831 83rd street Unit #1A Brooklyn NY 11214 and the **OWNER** of the premises for **Rotterdam Senior Center**

The Contractor, **VAD Contractors INC.**, is not responsible for negligence by the owner occurred on the waterproofing area after installation is performed.
This warranty excludes the following damages arising by:

- 1- Natural disasters including but not limited to floods, lightening, fire, hail, earthquakes or windstorm damage.
- 2- Structural movement by others or by the owner, failure or movement of any substrate underlying the membrane, or around the new roof repairs.
- 3- Building design or construction by others.
- 4- Traffic, storage of materials, negligence by the owner, abuse misuse or vandalism by others, unkept maintenance by the owner.
- 5- Defects of the material due to manufacturer’s production.

VAD Contractors INC., sole responsibility of this warranty is effect a repair of our work to return to a watertight condition if occurred due to our installation.
This warranty is assignable to another owner of the building as long as a request is made to the Contractor and the Contractor, **VAD Contractors INC.** This warranty is not otherwise assignable, directly or indirectly.

Under no circumstances shall **VAC Contractors INC.**, be liable for any incidental or consequential damages occurred by the owner or by others and the responsibility of **VAD Contractors INC** shall not extend beyond the terms or period of this warranty.

If any leaks occur after the installation due to our performance of work, owner must notify the Contractor upon discovery and allow the Contractor, **VAD Contractors INC.**, access to the premises within five (5) business days after notice.
The Owners sole and exclusive right and remedy and **VAD Contractors INC.**, sole obligation for any failure of the roofing repair or material shall be as provided in this warranty.

Shingle Roof - A. Contractor shall provide a 1-year written warranty, covering roof, sheet metal and accessories. The warranty shall include but not be limited to, repair of leakage caused by defects in materials or workmanship. Should defects occur during the stated period, they shall be corrected immediately, and all damage caused by such defects shall be corrected. All corrective work expense shall be borne by Contractor. B. Finish Warranty:

This warranty is effective date: 01/07/2024 to 01/07/2025

	<u>04/04/2024</u>
VAD Contractors INC. Shef Krasniqi	DATE

	
OWNERS SIGNATURE & ADDRESS	DATE

ROOF, SHEET METAL AND ACCESSORIES.

=====

ADDRESS OF PROJECT LOCATION IF OTHER THAN OWNER’S ADDRESS:
2639 HAMBURG ST, SCHENECTADY, NY 12303

RESOLUTION NO. 199.24

**TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH COLLIERS
ENGINEERING AND DESIGN FOR PROFESSIONAL SERVICES IN REVIEWING
THE TOWN CODE §270 RELATED TO SOLAR, WIND & BATTERY SYSTEMS**

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 Colliers Engineering and Design, located at 18 Corporate Woods Blvd, Suite 400, Albany, New York 12211, for professional engineering services for reviewing the Town Code §270 related to solar, wind & battery systems, in an amount not to exceed fourteen thousand and 00/100 (\$14,000.00) dollars.

SECTION 2. This resolution shall become effective May 8, 2024.

DATED: May 8, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

TOWN OF ROTTERDAM

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



LEGISLATIVE REQUEST FORM

DATE: May 1, 2024

TO: Mollie Collins – Town Supervisor

FROM: Peter Comenzo – Senior Planner *PC*

TITLE OF REQUEST: Authorize the Supervisor to sign contract agreement with Colliers Engineering.

TOWN BOARD MEETING: May 8, 2024

Background Information: In February 2017, the Town of Rotterdam adopted updates to the Zoning Code to address small scale and large-scale solar energy projects.

Evaluation/Analysis: Professional services for reviewing the Town Code §270 for Solar, Wind & Battery Systems, and related code sections for potential changes. Colliers Engineering has exhausted previous contract budget, having assisted the Energy Committee for the past 13 months on various occasions. We anticipate further services will be requested in 2024.

Recommendation(s): Town Board Resolution needs to be prepared to authorize Supervisor to sign contract agreement from Colliers Engineers dated May 1, 2024 in the amount of \$14,000.

Attachment/Document(s): Contract agreement Colliers Engineering for 2024.

Compliance with Purchasing Policy: Yes.

Effect(s) on Existing Law(s): None

LEGISLATION WILL BE PREPARED BY: Supervisors Office

VIA Email - pcomenzo@rotterdamny.org
May 01, 2024

Peter Comenzo - Senior Planner
Town of Rotterdam
1100 Sunrise Boulevard
Rotterdam, NY 12306

Proposal for Professional Services
Town Solar Code Review - Supplemental
Town of Rotterdam, Schenectady County, New York
Colliers Engineering & Design Proposal No.: 21002349P

Dear Mr. Comenzo,

Colliers Engineering & Design CT, PC (DBA Maser Consulting Engineering & Land Surveying) (CED herein) is pleased to submit this proposal to provide professional services for in the effort of reviewing the Town Code §270 for Solar, Wind & Battery Systems, and related code sections for potential changes the Town may pursue. CED has exhausted over previous contract budget, having assisted the Energy Committee for the past 13 months on various occasions. We anticipate further services will be requested in 2024.

Our primary focus in providing these services will be to ensure the citizens of the Town of Rotterdam have a safe and sound code for solar and battery developments. While also meeting any of their desired goals/protections for these types of projects.

This proposal is divided into four sections as follows:

- Section I** – Scope of Services
- Section II** – Business Terms and Conditions
- Section III** – Technical Staff Hourly Rate Schedule and Reimbursable Expenses
- Section IV** – Client Contract Authorization

The order in which the following scope of services are presented generally follows the sequence in which the project will be accomplished; however, depending on the project, the various authorized services contained in this proposal may be performed in a sequence as deemed appropriate by Colliers Engineering & Design to meet project schedules.

Section I – Scope of Services

Colliers Engineering & Design will provide technical review and comment on Town Code §270 for Solar, Wind & Battery Systems. The code will be compared to similar codes used throughout New York State, and suggested guidelines from NYSERDA's "Model Solar Energy Local Law". We will work closely with Energy Committee and DPW regarding all items that must be reviewed.

We envision our services to include:

1. Technical review of Town Code associated model codes/local laws, similar local laws implemented by nearby municipalities, and other resources available online through various New York State agencies.
2. Attending in-person meetings and workshops.
3. Correspondence with various Town Departments and Committees.
4. When requested, writing and/or editing of Draft Local Law and code sections for Solar, Wind, and Battery uses.

Deliverables:

1. Technical guidance as deemed necessary during the course of these services.
2. Draft Local Law and code sections, if requested to write.

Schedule of Fees

The work described will be performed on an hourly basis for the staff required for review of specific components. For your convenience, we have broken down the total estimated cost of the project into the categories identified within the scope of services.

Task Name	Fee
Technical Review & Letters, Recommendations	\$14,000

We estimate a budget of = \$14,000

This Contract and Fee Schedule are based upon the acceptance of Colliers Engineering & Design's Business Terms and Conditions contained in Section II of this Contract. Delivery, mileage, printing and reproduction, overnight mail service and postage costs are not included in the lump sum fees and will be added to each monthly invoice. **Payment terms are NET30 of receipt of invoice.**

Exclusions and Understandings

Services relating to the following items are not anticipated for the project or cannot be quantified at this time. Therefore, any service associated with the following items is specifically excluded from the scope of professional services within this agreement.

- Services not specifically outlined above in Section I;
- If further time is required, it will be under supplemental agreement.

If an item listed herein, or otherwise not specifically mentioned within this agreement, is deemed necessary, Colliers Engineering & Design may prepare an addendum to this agreement for your review, outlining the scope of additional services and associated professional fees regarding the extra services.

Section II – Business Terms and Conditions

Colliers Engineering & Design agrees to provide professional services under the following terms and conditions:

The term Client referenced herein is the person, persons, corporation, partnership, or organization referenced in the proposal between Colliers Engineering & Design and said Client.

1.0 SCOPE OF SERVICES:

Services not set forth in the Scope of Services, are excluded from the Scope of Services, and Colliers Engineering & Design will assume no responsibility to perform such services under the base contract. In situations where a written contract is not executed or where additional services becomes necessary during the course of the project, Colliers Engineering & Design may provide such services using our Technical Staff Hourly Rate Schedule in effect at the time of services. The hourly rates listed in our Technical Staff Hourly Rate Schedule are adjusted semi-annually and the Client shall be billed at the rates that are in effect at the time of service.

Since there are substantial costs to stop and restart a project once it is underway, should a project's progress be halted at any time by the client, for any reason, Colliers Engineering & Design reserves the right to charge a restart fee and/or to renegotiate the remaining fees within the contract.

These Business Terms and Conditions are applicable for any additional professional services rendered for this project including, but not limited to, change orders, client service authorization forms, etc.

2.0 STANDARD OF CARE:

In performing services, we agree to exercise professional judgment, made on the basis of the information available to us, and to use the same degree of care and skill ordinarily exercised in similar circumstances and conditions by reputable consultants performing comparable services in the same locality. This standard of care shall be judged as of the time the services are rendered, and not according to later standards. Reasonable people may disagree on matters involving professional judgment and, accordingly, a difference of opinion on a question of professional judgment shall not excuse a Client from paying for services rendered. NO OTHER REPRESENTATION OR WARRANTY, EXPRESSED OR IMPLIED, IS MADE.

3.0 INVOICES:

Colliers Engineering & Design bills its Clients on a monthly basis using a standard invoice format. This format provides for a description of services performed and a summary of professional fees, expenses, and other charges. For more detailed invoicing requests, Colliers Engineering & Design reserves the right to charge for invoice preparation time by staff members. Monthly invoices will be submitted based upon percentage of services completed and reimbursable expenses. Any comments or discrepancies, relative to invoices shall be submitted in writing within fourteen (14) days or the account will be considered correct.

For professional services billed on an hourly basis, Colliers Engineering & Design reserves the right to invoice all overtime services performed by our employees using our Technical Staff Hourly Rate Schedule in effect at the time of services at ONE AND ONE-HALF TIMES our standard hourly rate for those employees.

Expenses incurred for services, equipment, and facilities not furnished by Colliers Engineering & Design are charged to the Client at cost plus an up-charge not to exceed 15 percent of the invoice for said services.

Client shall pay Colliers Engineering & Design for reimbursable expenses, including, but not limited to, application fees, printing and reproduction, mileage, courier and express delivery service, special/overnight mailings, facsimile transmissions, specialized equipment and laboratory charges, and costs of acquiring materials specifically for the Client. Reimbursable charges will be added to each monthly invoice and are part of Client's responsibility.

4.0 PAYMENT:

Colliers Engineering & Design bills are payable in full UPON RECEIPT and **payment is expected within thirty (30) days**. We reserve the right to assess a late charge of 1.5 percent per month for any amounts not paid within 45 days of the billing date. In the event payment is not made according to the terms and conditions herein, the matter may proceed to a collections agency or to an attorney for collection. Client shall be responsible for fees charged by the collections agency and/or attorney's fees incurred to collect the monies owed. Should the matter proceed to court, client shall also be responsible for court costs.

In addition, where payment is not received in accordance with the terms of this contract, Colliers Engineering & Design reserves the right to withdraw any applications to federal, state, or local regulatory agencies / boards filed on behalf of the client with the understanding that these applications are the property of Colliers Engineering & Design. Colliers Engineering & Design will provide you with written notification two (2) weeks prior to taking any action to withdraw an application submitted on behalf of the client. If payment of all outstanding invoices is not received within two (2) weeks of receipt of this letter, Colliers Engineering & Design will withdraw all pending applications for the project.

5.0 RETAINER:

Colliers Engineering & Design reserves the right to request a retainer from the Client prior to the commencement of services on a project. While retainers are collected prior to the start of a project, the retainer is held to the end of the project, and will be applied to the final invoices. Retainers are not applied to the beginning of the project.

6.0 RIGHT OF ENTRY/JBSITE:

Client will provide for right of entry for Colliers Engineering & Design personnel and equipment necessary to complete our services. While Colliers Engineering & Design will take all reasonable precautions to minimize any damage to the property, it is understood by the Client that in the normal course of our services some damage may occur, the correction of which is not part of this Agreement.

Client shall furnish or cause to be furnished to Colliers Engineering & Design all documents and information known to the Client that relate to the identity, location, quantity, nature or characteristics of any hazardous or toxic substances at, on, or under the site. In addition, the Client will furnish or cause to be furnished such other information on surface and subsurface site conditions required by Colliers Engineering & Design for proper performance of its services. Colliers Engineering & Design shall be entitled to rely on the accuracy and completeness of Client provided documents and information in performing the services required under this Agreement and Colliers Engineering & Design assumes no responsibility or liability for their accuracy or completeness.

Colliers Engineering & Design will not direct, supervise, or control the work of Client's contractors or their subcontractors. Colliers Engineering & Design shall not have authority over or responsibility for the construction means, methods, techniques, sequences, or procedures and Colliers Engineering & Design's services will not include a review or evaluation of the contractors (or subcontractor's) safety precautions, programs or measures.

Colliers Engineering & Design shall be responsible only for its activities and that of its employees on any site. Neither the professional activities nor the presence of Colliers Engineering & Design or its employees or subcontractors on a site shall imply that Colliers Engineering & Design controls the operations of others, nor shall this be construed to be an acceptance by Colliers Engineering & Design of any responsibility for jobsite safety.

7.0 UTILITIES:

In the execution of our services, Colliers Engineering & Design will take reasonable precautions in accordance with the professional standard of care to avoid damage or injury to subterranean structures or utilities. The Client agrees to hold Colliers Engineering & Design harmless and defend and indemnify Colliers Engineering & Design for any claims or damages to subterranean structures or utilities, which have not been marked-out under the One-Call system or are not shown or are incorrectly shown on the plans furnished.

8.0 TERMINATION OR SUSPENSION OF SERVICES:

Should Client fail to make payments when due or is otherwise in material breach of this Agreement, Colliers Engineering & Design at their election may suspend services at any time after PROVIDING WRITTEN NOTICE TO THE CLIENT until payments are brought current. Colliers Engineering & Design shall have no liability whatsoever to the Client for any costs or damages as a result of such suspension and the Client agrees to indemnify and hold Colliers Engineering & Design harmless from any claim or liability resulting from such suspension.

This Agreement may be terminated by either party upon seven (7) days written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof. Such termination shall not be effective if that substantial failure has been remedied before expiration of the period specified in the written notice. In the event of termination, Colliers Engineering & Design shall be paid for service performed to the termination notice date plus reasonable termination expenses.

In the event of termination, or suspension for more than three (3) months, prior to completion of all services contemplated by the Agreement, Colliers Engineering & Design may complete such analyses and records as are necessary to complete its files and may also complete a report on the services performed to the date of notice of termination or suspension. The expenses of termination or suspension shall include all direct costs of Colliers Engineering & Design in completing such analyses, records and reports.

9.0 SUBCONSULTANTS/SUBCONTRACTORS:

Colliers Engineering & Design prefers that its Clients directly retain others whose services are required in connection with a project (e.g., drillers, analytical laboratories, transporters, other experts, etc.), except in unusual circumstances. As a service, we will advise Clients with respect to selecting other such subconsultants/subcontractors and will assist Clients in coordinating and monitoring their performance. In no event will we assume any liability or responsibility for the work performed by other subconsultants/subcontractors, or for their failure to perform any work, regardless of whether we hire them directly as subconsultants/subcontractors, or only coordinate and monitor their work. When Colliers Engineering & Design does engage a subconsultant/subcontractor on behalf of the Client, the expenses incurred, including rental of special equipment necessary for the work, will be billed as they are incurred, at cost plus an up-charge not to exceed 20 percent of the invoice. By engaging us to perform services, you agree to defend, indemnify and hold Colliers Engineering & Design its directors, officers, employees, and other agents harmless from and against any and all claims, losses, liabilities, damages, demands, costs, or judgments arising out of or relating in any way to the performance or non-performance of work by another subconsultant/subcontractor. In addition, Client agrees to pursue recovery of and assert any claims based upon its loss, expenses and/or damages solely and directly against those subconsultants/subcontractors. In consideration of such indemnity and waiver, Colliers Engineering & Design agrees to assign its rights and/or claims against those subconsultants/subcontractors pursuant to the subconsultants/subcontractors agreements with Colliers Engineering & Design to the Client.

10.0 AGREED REMEDY:

Colliers Engineering & Design shall be liable to the Client only for direct damages to the extent caused by Colliers Engineering & Design's negligence in the performance of its services. UNDER NO CIRCUMSTANCES SHALL COLLIERS ENGINEERING & DESIGN BE LIABLE FOR INDIRECT, CONSEQUENTIAL, PUNITIVE, SPECIAL, OR EXEMPLARY DAMAGES, OR FOR DAMAGES CAUSED BY THE CLIENT'S FAILURE TO PERFORM ITS OBLIGATIONS. With regard to services involving hazardous substances, Colliers Engineering & Design has neither created nor contributed to the creation or existence of any actually or potentially hazardous, radioactive, toxic, or otherwise dangerous substance or condition at any site, and its compensation is in no way commensurate with the potential liability that may be associated with a substance or site.

To the fullest extent permitted by law, the total liability, in the aggregate, of Colliers Engineering & Design and Colliers Engineering & Design's officers, directors, employees, agents and consultants to Client and anyone claiming by, through or under Client, for any and all injuries, claims, losses, expenses, or damages whatsoever arising out of in any way related to Colliers Engineering & Design's services, the Project or this Agreement, from any cause or causes whatsoever, including but not limited to, negligence, strict liability, breach of contract or breach of warranty shall not exceed the total compensation received by Colliers Engineering & Design under this Agreement, not including reimbursable expenses and any subconsultant/contractor fees rendered on the project.

It is intended by the parties to this Agreement that Colliers Engineering & Design's services in connection with the project shall not subject Colliers Engineering & Design's individual employees, officers or directors to any personal legal exposure for the risks associated with this project. Therefore, the Client agrees that as the Client's sole and exclusive remedy, any claim, demand or suit shall be directed and/or asserted only against Colliers Engineering & Design, a New Jersey corporation, and not against any of Colliers Engineering & Design's employees, officers or directors.

11.0 LIABILITY TO THIRD PARTIES:

The Client agrees to be solely responsible for, and to defend, indemnify, and hold Colliers Engineering & Design harmless from any and all liabilities, claims, damages and costs (including reasonable attorney's fees and defense costs) by third parties arising out of, or in any way related to, our performance or non-performance of services, except claims for personal injury, death, or personal property damage to the extent caused by the sole negligence, gross negligence or willful misconduct of employees of Colliers Engineering & Design.

12.0 INDEMNIFICATION:

Colliers Engineering & Design shall maintain, at its own expense, Workers Compensation Insurance, Comprehensive General Liability Insurance and Professional Liability Insurance at all times and will, upon request, furnish insurance certificates to the Client.

To the fullest extent permitted by law, Client shall indemnify, defend and hold harmless Colliers Engineering & Design and its agents, officers, directors and employees, subcontracts or consultants (herein for the remainder of this section collectively referred to as Colliers Engineering & Design) from and against all claims, damages, losses and expenses, whether direct, indirect or consequential or punitive, including but not limited to fees and charges of attorneys and court and arbitration costs, arising out of or resulting from the services of Colliers Engineering & Design or any claims against Colliers Engineering & Design arising from the acts, omissions or work of others, unless it is proven in a court of competent jurisdiction that Colliers Engineering & Design is guilty of negligence, gross negligence, or willful misconduct in connection with the services and such negligence, gross negligence, or willful misconduct was the sole cause of the damages, claims, and liabilities.

Client agrees to defend, indemnify and hold harmless Colliers Engineering & Design from and against all claims, damages, losses and expenses, direct or indirect, and consequential damages, including but not limited to fees and charges of attorneys and court, and arbitration costs, brought by any person or entity, or claims against Colliers Engineering & Design which arise out of, are related to, or are based upon, the actual or threatened dispersal, discharge, escape, release, or saturation of smoke, vapors, soot, fumes, acids, alkalis, toxic chemical, radioactive materials, liquids, gases, or any other material, upon it or into the surface or subsurface soil, water or watercourse, objects, or any tangible or intangible matter.

To the fullest extent permitted by law, such indemnification shall apply regardless of the fault, negligence breach of warranty or contract, or strict liability of Colliers Engineering & Design. This indemnification shall not apply to claims, damages, losses, or expenses which are determined by a court of competent jurisdiction to be the sole result of negligence or willful misconduct by Colliers Engineering & Design of obligations under this Agreement.

13.0 ASSIGNS:

The Client may not delegate, assign, sublet, or transfer his duties or interest in the Agreement without written consent of Colliers Engineering & Design. Colliers Engineering & Design shall not, in connection with any such assignment by the Client, be required to execute any documents that in any way might, in the sole judgment of Colliers Engineering & Design, increase Colliers Engineering & Design's contractual or legal obligations or risks, or the availability or costs of its professional or general liability insurance.

The Agreement shall not create any rights or benefits to parties other than the Client and Colliers Engineering & Design, and nothing contained in this Agreement shall create a contractual relationship with, or a cause of action in favor of, a third party against either the Client or Colliers Engineering & Design. Colliers Engineering & Design's services hereunder are being performed solely for the benefit of the Client, and no other entity shall have any claim against Colliers Engineering & Design because of this Agreement of Colliers Engineering & Design's performance or nonperformance of services hereunder.

14.0 OWNERSHIP AND RESTRICTION ON REUSE OF DOCUMENTS:

All drawings, calculations, reports, plans, specifications, computer files, field data, notes, and other documents and instruments ("Documents") prepared by Colliers Engineering & Design are and remain the property of Colliers Engineering & Design as instruments of service. The Documents may not be copied by the Client or others on extensions of this project or on any other project. The Client agrees not to use Colliers Engineering & Design's Documents for marketing purposes, for projects other than the project for which the Documents were prepared by Colliers Engineering & Design, or for future modifications to this project, without Colliers Engineering & Design's express written permission. Any reuse or distribution to third parties without such express written permission or project-specific adaptation by Colliers Engineering & Design will be at the Client's sole risk and without liability to Colliers Engineering & Design or its employees, subsidiaries, independent professional associates, sub consultants, and subcontractors. The Client shall, to the fullest extent permitted by law, indemnify, defend, and hold harmless Colliers Engineering & Design from and against any and all expenses, fees, demands, liabilities, suits, actions, claims, damages or losses including attorneys' fees and costs, arising out of or resulting from such unauthorized distribution or reuse of Documents.

Computer files are not considered part of deliverables unless specifically requested or required by the signed contract. If computer files are required, Colliers Engineering & Design shall provide Client files subject to the following conditions:

The Client must execute our standard Electronic Media Release form prior to any distribution of files. The Client recognizes that data, plans, specifications, reports, documents or other information recorded on or transmitted as electronic media are subject to undetectable alteration, either intentional or unintentional due to, among other causes, transmission, conversion, media degradation, software error, or human alteration. Accordingly, it is understood that electronic files provided to the Client are for informational purposes only and are not intended as an end-product. Colliers Engineering & Design makes no representation of any warranties, either expressed or implied, regarding the fitness or suitability of the electronic documents. Accordingly, the Client agrees to waive any and all claims against Colliers Engineering & Design and Colliers Engineering & Design's consultants relating in any way to the unauthorized use, reuse or alteration of the electronic documents. Any unlicensed use or reuse of the documents without our written consent will constitute a violation of our copyright. Only original plans and reports of the most recent date bearing the signature and the embossed seal of the professional will be considered documents of record.

Colliers Engineering & Design, shall maintain in its storage facility, samples collected as part of their services provided for a period of three (3) months after issuance of final reports. After the three (3) month time limit, all samples will be disposed of in accordance with appropriate regulations at the time. Extended storage of samples can be arranged at an additional cost to be established on a project by project basis.

15.0 GENERAL CONDITIONS:

Colliers Engineering & Design shall not be responsible for the delays caused by factors beyond its reasonable control, including but not limited to delay due to accidents, an act of God, fire, hurricane, flood, explosions, strike, boycott or other labor dispute, failure of the Client to furnish timely information or approve or disapprove of Colliers Engineering & Design's services or work product, delays caused by faulty performance by the Client or contractors of any level, or by acts of Government, which, in the opinion of Colliers Engineering & Design, could not have been reasonably foreseen and provided for, such delay will entitle Colliers Engineering & Design to an extension of time in performing its Services. If there is any increase in the total cost of providing Services by reason of any such delay, Colliers Engineering & Design will notify Client of particulars, and Client will pay for such increase. When such delays beyond Colliers Engineering & Design's reasonable control occur, the Client agrees that Colliers Engineering & Design shall not be responsible for damages, nor shall Colliers Engineering & Design be deemed in default of this Agreement.

The fees quoted in this proposal assume that upon authorization, this project will commence through to completion without a stop work order from the Client. Should a stop work order be received from the Client before completion of the project or any task, additional fees may be required to restart the project.

16.0 ENTIRE AGREEMENT:

This Agreement comprises the final and complete Agreement between the Client and Colliers Engineering & Design. It supersedes all prior or contemporaneous communications, representations, or Agreements, whether oral or written, relating to the subject matter of this Agreement. Execution of this Agreement signifies that each party has read the document thoroughly, has had the opportunity to have questions explained by independent counsel and is satisfied with the terms and conditions contained herein. Amendments to this Agreement shall not be binding unless made in writing and signed by both the Client and Colliers Engineering & Design.

To the extent Client provides its own Agreement and that Agreement conflicts with or is silent with respect to any term or condition expressed herein, these conditions shall prevail and shall be binding upon the parties.

Section III – Rate Schedule

Technical Staff Rates 2024

Billing Titles	Hourly Rates
Executive Principal	195.00
Senior Principal	195.00
Principal	195.00
Senior Technical Director	195.00
Senior Project Manager	195.00
Technical Director	195.00
Project Manager	195.00
Senior Project Specialist	195.00
Project Specialist	185.00
Technical Professional	175.00
Technical Specialist	165.00
Specialist	155.00
Senior Data Technician	145.00
Senior Technical Assistant	135.00
Technical Assistant	120.00
Field Technician	115.00
Data Technician	110.00
Survey Crew – 1 Person w/Robotic Equipment	190.00
Additional Survey Crew Member	80.00
SUE Crew (designating) – 1 Person	155.00
Additional (designating) Member	80.00
SUE Crew (locating) – 2 Person	210.00
Additional (locating) Member	80.00
Expert Witness	425.00
Sr. LSRP	320.00
LSRP	275.00

Reimbursable Expenses

General Expenses	Cost + 20%
Travel (Hotel, Airfare, Meals)	Cost + 20%
Sub-Consultants/Sub-Contractors	Cost + 20%
Plotting	4.50 / Each
Computer Mylars / Color Plots	100.00 / Each
Photocopies	0.19 / Each
Color Photocopies	2.05 / Each
Document Binding	4.05 / Each
Portable Media	100.00 / Each
Exhibit Lamination (24" x 36" or larger)	90.00 / Each
Initial Digital Signature	300.00
Additional Digital Signatures	75.00 / Each
Mileage Reimbursement*	0.655 / Per Mile
	Field Vehicle 0.75 / Per Mile

*Mileage reimbursement subject to change based upon IRS standard mileage rate.

Section IV – Client Contract Authorization

I hereby declare that I am duly authorized to sign binding contractual documents. I also declare that I have read, understand, and accept this contract.

Signature

Date

Printed Name

Title

If you find this proposal acceptable, please sign where indicated above in Section IV, and return one signed copy to this office. This proposal is valid until 60 days per business terms.

We very much appreciate the opportunity of submitting this proposal and look forward to performing these services for you.

Sincerely,

Colliers Engineering & Design CT, PC
(DBA Maser Consulting Engineering & Land Surveying)



Daniel Farnan, PE, CPESC, CPSWQ
Department Manager

DF/CF

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RESOLUTION NO. 200.24

AUTHORIZE STIPULATION OF SETTLEMENT WITH 1926 CURRY ROAD LLC

WHEREAS, the Town of Rotterdam has litigated this Article 7, Real Property Tax Certiorari proceeding with 1926 Curry, LLC, regarding real property taxes upon premises located at 1926 Curry Rd., SBL 59.9-6-18.13 for 2021, 2022 and 2023; and

WHEREAS, the Town's tax certiorari defense counsel, the attorney for the Petitioner, and the Assessor have conferenced this matter and agreed, subject to Town Board approval, to a reduction of assessed value for the above-referenced years, from one million five hundred thousand and 00/1100 dollars (\$1,500,00) to one million one hundred thousand and 00/100 dollars (\$1,100,000) for the property located at 1926 Curry Rd., SBL 59.9-6-18.13 for 2021, 2022 and 2023, with RPTL 727 to apply in accordance with its terms to the 2021, 2022, 2023 tax roll assessed value established hereunder; and

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 _____,
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 Beebe Law Firm to enter into a stipulation of settlement on behalf of the Town of Rotterdam, in the matter 1926 Curry, LLC v. Town of Rotterdam, et al., Index Number 2021-1523, 2022-1135 & 2023-1224, Article 7 Real Property Tax Certiorari proceedings for the tax years 2021, 2022 & 2023 consistent with the terms set forth above.

SECTION 2. This resolution shall become effective May 8, 2024

DATED: May 8, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

TOWN OF ROTTERDAM

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



LEGISLATIVE REQUEST FORM

DATE: May 1, 2024

TO: Town Board

FROM: Brad Canning, Assessor

TITLE OF LEGISLATIVE REQUEST: 1926 Curry, LLC Article 7

TO BE PLACED ON TOWN BOARD AGENDA OF: May 8, 2024

TO BE PLACED ON TOWN BOARD MEETING OF: May 8, 2024

Background Information: Applicants had filed an Article 7 tax certiorari for the property located at 1926 Curry Rd., SBL 59.9-6-18.13 for 2021, 2022 and 2023.

Evaluation/Analysis: Offers to settle have been submitted by petitioner. Discussions between the Town Assessor and Counsel support offer based on subject purchase price in relation to the Town's equalization rate(s).

Recommendation(s): Approval.

Attachment/Document(s): Offer of Settlement from petitioner.

Compliance with Purchasing Policy: n/a

Effect(s) on Existing Law(s): RPL 727 shall be enforced.

LEGISLATION WILL BE PREPARED BY: Town Attorney

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SCHENECTADY

In the Matter of the Application of

1926 CURRY, LLC,

Petitioner,

**STIPULATED FINAL
JUDGMENT**

-against-

THE ASSESSOR AND THE BOARD OF ASSESSMENT
REVIEW OF THE TOWN OF ROTTERDAM and THE
TOWN OF ROTTERDAM,

Index No. 2023-1224
Index No. 2022-1135
Index No. 2021-1523

Respondents,

For Review, Under Article 7 of the Real Property Tax Law,
of the Assessment of certain Real Property in the said
Town of Rotterdam, New York.

The above-named Petitioner has duly brought these proceedings to review the tax assessment made against certain premises of the Petitioner located in the Town of Rotterdam, County of Schenectady, State of New York for the assessment year 2021, assessment year 2022 and assessment year 2023, in which such premises are identified as Town of Rotterdam SBL No. 59.9-6-18.13 (the “Parcel”).

WHEREAS, the Parcel is the real property mentioned and more fully described in the Verified Petition made and filed herein, and the Petitioners having appeared by Whiteman Osterman & Hanna, LLP (Daniel T. Hubbell, Esq. of counsel) and Respondents Assessor of the Town of Rotterdam (the “Assessor”), the Board of Assessment Review of the Town of Rotterdam (the “BAR”), and the Town of Rotterdam (collectively with the Assessor and BAR, the “Town”), represented by the Beebe Law Firm (Scott Ronda, Esq. of counsel) and the Mohonasen Central School District (the “School District”) having appeared by Tabner, Ryan & Keniry, LLP (William

F. Ryan, Jr., Esq. of counsel) and the parties having entered into and consented to this Stipulated Final Judgment (this “Judgment”);

NOW, by stipulation of the parties, it is hereby,

ORDERED, ADJUDGED and DECREED, that the 2021, 2022, and 2023 proceedings are consolidated for the purpose of disposition by this Judgment, and it is further,

ORDERED, ADJUDGED and DECREED, that the 2021, 2022 and 2023 final assessment rolls for the Parcel are adjusted, corrected, and reduced as follows:

YEAR	ORIGINAL MARKET VALUE	ORIGINAL ASSESSED VALUE	CORRECTED ASSESSED VALUE	REDUCTION IN ASSESSED VALUE
2021	\$1,578,900	\$1,500,000	\$1,100,000	\$400,000
2022	\$1,807,200	\$1,500,000	\$1,100,000	\$400,000
2023	\$1,973,700	\$1,500,000	\$1,100,000	\$400,000

ORDERED, ADJUDGED and DECREED, that Respondent Assessor or other officers having custody of the assessment rolls for the Town of Rotterdam for the 2021, 2022, and 2023 assessment years shall forthwith correct, revise or establish the entries recognizing the corrected assessed value herein recited by making appropriate notations thereon, and it is further,

ORDERED, ADJUDGED and DECREED, that the Town shall refund any excess Town taxes, Town chargebacks and all other Town tax levies, if any, paid on the uncorrected 2021, 2022 and 2023 assessments of the Parcel, as well as correct the assessment on the assessment rolls in their custody and revise and reissue any tax bills in accordance with the reductions in assessments, and it is further,

ORDERED, ADJUDGED and DECREED, that the County of Schenectady (the “County”) shall refund any excess County taxes, County chargebacks and all other County tax levies, if any, paid on the uncorrected 2021, 2022 and 2023 assessments of the Parcel, as well as correct the

assessment on the assessment rolls in their custody and revise and reissue any tax bills in accordance with the reductions in assessments, and it is further,

ORDERED, ADJUDGED and DECREED, that the School District shall refund any excess School District, library and special district charges paid, if any, on the uncorrected 2021, 2022 and 2023 assessments of the Parcel, as well as correct the assessment on the assessment rolls in their custody and revise and reissue any tax bills in accordance with the reductions in assessments, and it is further,

ORDERED, ADJUDGED and DECREED, that the refunds, if any, set forth above, shall be paid to Whiteman Osterman & Hanna LLP, attorneys for the Petitioner, One Commerce Plaza, Albany, New York 12260, with interest thereon waived provided any such refunds are made within sixty (60) days of the service of this Judgment with notice of entry thereof or an application for audit and payment under Real Property Tax Law (“RPTL”) § 726(3) on the Town, the County and the School District, and it is further,

ORDERED, ADJUDGED and DECREED, that the provisions of RPTL §727 shall be applicable to the revised 2023 assessment of the Parcel for the 2024, 2025 and 2026 assessment rolls, and the Assessor shall not modify, nor the Petitioner challenge, the assessment herein for the Parcel while the provisions of RPTL §727(1) are in effect except for reasons enumerated in subdivision 2 thereof.

Dated: _____, 2024
Schenectady, NY

Hon. Michael Cuevas J.S.C.

STIPULATION

The Attorneys for the respective Parties do hereby consent to this Order and Judgment.

Dated: _____, 2024

WHITEMAN OSTERMAN & HANNA, LLP.

Daniel T. Hubbell, Esq.
Attorneys for Petitioner
1926 Curry, LLC
One Commerce Plaza
Albany, NY 12260
(518) 487-7622

Dated: _____, 2024

THE BEEBE LAW FIRM

Scott Ronda, Esq.
Attorneys for Respondents
Assessor of the Town of Rotterdam, The Board of
Assessment Review of the Town of Rotterdam, and
the Town of Rotterdam
514 Vischers Ferry Road
Clifton Park, New York 12065
(518) 373-1500

Dated: _____, 2024

TABNER, RYAN & KENIRY, LLP

William F. Ryan, Jr., Esq.
Attorneys for Respondent-Intervenor
Mohonasen Central School District
18 Corporate Woods Blvd.
Clifton Park, New York 12211
(518) 465-9500

RESOLUTION NO. 201.24

**TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
(DEC) TO INSTALL A DROP BOX AT KIWANIS PARK BOAT LAUNCH**

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 approves the request of the Department of Environmental Conservation (DEC), to install a drop box to conduct a Mohawk River-canal creel angler survey at Kiwanis Park boat launch from May 1, 2024 through October 31, 2024, at no cost to the Town.

SECTION 2. This resolution shall become effective May 8, 2024.

DATED: May 8, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

TOWN OF ROTTERDAM

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



LEGISLATIVE REQUEST FORM

DATE: April 25, 2024

TO: Mollie Collins, Town Supervisor

FROM: Peter Comenzo, Senior Planner

TITLE OF REQUEST: Permission to post a drop box at the Kiwanis Park boat launch.

TOWN BOARD MEETING: May 8, 2024

Background Information: DEC is conducting a Mohawk River-Canal creel angler survey from May to October.

Evaluation/Analysis: DEC would like to post a labeled drop box for catch cards at near the corner of the ramp on an existing sign post at the boat launch at Kiwanis Park. Boxes will be checked on each workday by a Creel Agent.

Recommendation(s): Authorize the Supervisor to give DEC permission to install a drop box at the Kiwanis Park boat launch.

Attachment/Document(s): email from DEC dated April 12, 2024

Compliance with Purchasing Policy: N/A

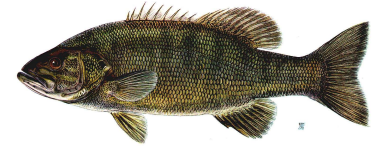
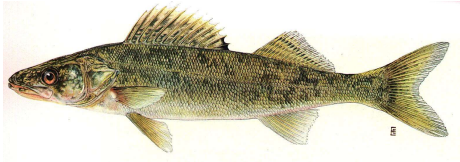
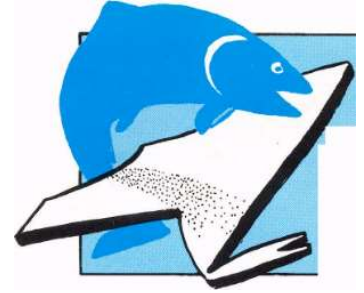
Effect(s) on Existing Law(s): N/A

LEGISLATION WILL BE PREPARED BY: Supervisors Office

2024 Mohawk River / Barge Canal Angler Creel Survey



- Duration of Survey = May 1 to Oct 31
- To be conducted by 2 NYSDEC creel agents
- Using unmarked Rental Cars, 4 days/week
- Angler Interviews at ~40 access sites
- Extending from Rome to Waterford, NY
- Many sites need a Drop Box (as shown)
- To collect Catch Cards from anglers



- Drop boxes to be installed and removed by DEC
- With permission from each site landowner
- All boxes to be labeled and locked by DEC
- Boxes checked each workday by creel agents
- Survey goals = to assess fishing use, catch rates



Survey Qs? contact Scott Wells, R4 Stamford Fisheries Office #607-652-7366, scott.wells@dec.ny.gov



RESOLUTION NO. 202.24

**TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH HARMONY TREE
SERVICE LLC FOR REMOVAL OF TREES AT KIWANIS PARK**

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 Harmony Tree Service LLC, located at 350 Mariaville Road, Schenectady, NY 12306, for the removal and stump grinding of approximately ten (10) trees at Kiwanis Park, in an amount not to exceed six thousand and 00/100 (\$6,000.00) dollars.

SECTION 2. This resolution shall become effective May 8, 2024.

DATED: May 8, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

TOWN OF ROTTERDAM

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



LEGISLATIVE REQUEST FORM

DATE: April 24, 2024

TO: Mollie Collins, Town Supervisor

FROM: James Keith-Senior Building Inspector

TITLE OF REQUEST: Appropriation of Parkland Fees

TOWN BOARD MEETING: May 8, 2024

Background Information: Kiwanis Park is in need of having 10 trees removed.

Evaluation/Analysis: The Town needs to remove and stump approximately 10 trees at the Kiwanis Park. Several of the targeted trees have been infested with the Emerald Ash borer an invasive wood boring beetle that will ultimately destroy the trees. Several are impacting the pavilion and have caused some deterioration of the roof panels. The roof is scheduled to be replaced this year so it is necessary to eliminate the trees before this work is conducted. The replanting of apple trees will be in areas that will not impact the structure. The services of Harmony Tree Service, LLC is necessary due to the size and location of the trees.

Recommendation(s): Appropriate Parkland Fees (A2001.200100) and increase appropriations (A960) and the subsidiary account entitled "Parkland Improvements" (A7110.4153) in an amount not to exceed six thousand dollars (\$6,000.00) to pay Harmony Tree Service LLC for services rendered.

Attachment/Document(s): Harmony Tree Service LLC quote for \$6,000.00.

Compliance with Purchasing Policy: Yes

Effect(s) on Existing Law(s): None

LEGISLATION WILL BE PREPARED BY: Supervisors Office



Harmony Tree Service LLC

350 Mariaville Rd.
Schenectady, NY 12306
(518) 355-4700

Date: 04/24/24

Estimate Ref #:

Customer: Town of Rotterdam Parks Dept

Address:

City:

State: NY **Zip:**

Telephone #

Fax: mbarrie@rotterdamny.org

Description of Work

Remove about 10 trees at Kiwanis Park.

Grind the stumps.

Remove all debris.

***PLEASE BE ADVISED THIS PRICE IS A ROUGH ESTIMATE, AS WE MUST
BILL BY THE MAN HOUR***

Subtotal: \$6,000.00

Tax Exempt

Total: \$6,000.00

Thank you for your business!

Trevor W Stanton

RESOLUTION NO. 203.24

TO CALL FOR A PUBLIC HEARING ON THE PROPOSED INTRODUCTORY LOCAL LAW __ OF 2024; TO AMEND CHAPTER 270, ZONING, OF THE TOWN CODE, TO REDUCE THE ALLOWABLE BUILDING HEIGHT IN THE MAIN STREET/NEIGHBORHOOD CENTER (MS/NC) OVERLAY DISTRICT

WHEREAS, the Town Board passed Resolution No. 189.24 to recognize the introduction of Introductory Local Law __ of 2024; To amend chapter 270, Zoning, of the Town Code to reduce the allowable building height in the Main Street/Neighborhood Center (MS/NC) Overlay District; and

WHEREAS, the Town Board Declared Lead Agency on the Change of Zone application under 6NYCRR Part 617 State Environmental Quality Review (SEQR) on April 24, 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 22nd day of May for the following purpose:

For receipt of comment on the proposed Introductory Local Law No. __ of 2023; To amend chapter 270, Zoning, of the Town Code to reduce the allowable building height to 2 stories up to 30 feet in height in the Main Street/Neighborhood Center (MS/NC) Overlay District.

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

DATED: May 8, 2024

Daily Gazette: Please publish once on May 10, 2024

Town Clerk

Post

SECTION 2. This resolution shall become effective May 8, 2024.

DATED: May 8, 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
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LEGISLATIVE REQUEST FORM

DATE: May 1, 2024

TO: Mollie Collins, Town Supervisor

FROM: Peter Comenzo – Senior Planner

TITLE OF REQUEST: Call for Public Hearing to amend the Zoning Code for the Town of Rotterdam and reduce the allowable building height in the Main Street/Neighborhood Center (MS/NC) Overlay District.

TOWN BOARD MEETING: May 8, 2024

Background Information: Town of Rotterdam Main Street/Neighborhood Center Zoning Overlay currently allows buildings to be three stories and up to 45 feet in height. Proposed amendment would reduce the allowable height to 2 stories up to 30 feet in height.

Evaluation/Analysis: Mixed Use Zoning was developed in 2017 as part of the land use update and created the overlay district in areas of the town that contain underutilized and vacant properties to foster redevelopment opportunities. The December 2022 update to the Comprehensive Plan contains recommended actions for the corridor mixed use area. Limiting building heights Main Street/Neighborhood Center Zoning to two stories would help to implement these recommendations in the Comprehensive Plan. Request from the Town Board for a Report and Recommendation was sent to the Planning Commission on April 24, 2024. Town Board declared lead agency on April 24, 2024.

Recommendation(s): Call for a Public Hearing to be held on May 22, 2024

Attachment/Document(s): Proposed Amendment Main Street/ Neighborhood Center Overlay
Town Board Resolution
SEQR Short Environmental Assessment Form

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

Town of Rotterdam, NY
Monday, April 22, 2024

Chapter 270. Zoning

Article VIIIB. MS/NC Main Street/Neighborhood Center Overlay District

§ 270-53.25. Maximum building height.

Where an election has been made to proceed under this article in accordance with § **270-53.21**, the maximum building height shall be ~~three~~ ^{two} stories, not exceeding ~~45~~ ³⁰ feet.

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, April 24, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 189.24

TO RECOGNIZE THE INTRODUCTION OF INTRODUCTORY LOCAL LAW __ OF 2024; TO AMEND CHAPTER 270, ZONING, OF THE TOWN CODE, TO REDUCE THE ALLOWABLE BUILDING HEIGHT IN THE MAIN STREET/NEIGHBORHOOD CENTER (MS/NC) OVERLAY DISTRICT; DECLARE LEAD AGENCY AND REFERRING SAME TO THE PLANNING COMMISSION FOR REPORT AND RECOMMENDATION

WHEREAS, the Town of Rotterdam Main Street/Neighborhood Center Zoning Overlay currently allows buildings to be three stories and up to 45 feet in height; and

WHEREAS, it is desired to reduce the allowable height to 2 stories up to 30 feet in height, to follow the December 2022 update to the Comprehensive Plan which contains recommended actions for the corridor mixed use area; NOW

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby recognizes the introduction of Introductory Local Law __ of 2024; To amend chapter 270, Zoning, of the Town Code to reduce the allowable building height in the Main Street/Neighborhood Center (MS/NC) Overlay District.

SECTION 2. The Town Board of the Town of Rotterdam hereby declares the Town Board as Lead Agency under 6NYCRR Part 617 SEQR (State Environmental Quality Review) in connection to the proposed change of zone to reduce the allowable building height in the Main Street/Neighborhood Center (MS/NC) Overlay District, and authorizes the Senior Planner to distribute all documents necessary to comply with 6 NYCRR Part 612.12 (State Environmental Quality Review).

SECTION 3. The Town Board hereby refers this Introductory Local Law of 2024 to the Planning Commission of the Town of Rotterdam for report and recommendation thereon.

SECTION 4. This resolution shall become effective April 24, 2024.

DATED: April 24, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni	X		
Gallucci	X		
Schlag	X		
Collins	X		

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: Town of Rotterdam Zoning Code Amendment			
Project Location (describe, and attach a location map): Town of Rotterdam			
Brief Description of Proposed Action: Amend the Zoning Code for the Town of Rotterdam and reduce the allowable building height in the Main Street/Neighborhood Center (MS/NC) Overlay District. Town of Rotterdam Main Street/Neighborhood Center Zoning Overlay currently allows buildings to be three stories and up to 45 feet in height. Proposed amendment would reduce the allowable height to 2 stories up to 30 feet in height.			
Name of Applicant or Sponsor: Town of Rotterdam - c/o Peter Comenzo - Senior Planner		Telephone: 518-355-7575 x-338 E-Mail: pcomenzo@rotterdamny.org	
Address: 1100 Sunrise Boulevard			
City/PO: Rotterdam		State: New York	Zip Code: 12306
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO ☐
			YES ☒
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:			NO ☐
			YES ☐
3. 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			
4. Check all land uses that occur on, are adjoining or near the proposed action: ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify): ☐ Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☐	☐	☐
b. Consistent with the adopted comprehensive plan?	☐	☐	☐
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?	NO	YES	
If Yes, identify: _____	☐	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
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?	☐	☐	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	☐	☐	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	☐	☐	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	☐	☐	
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?	NO	YES	
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?	☐	☐	
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?	NO	YES	
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: _____ _____ _____			

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		
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?	NO	YES
	☐	☐
16. Is the project site located in the 100-year flood plan?	NO	YES
	☐	☐
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:	NO	YES
	☐	☐
	☐	☐
	☐	☐
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:	NO	YES
	☐	☐
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:	NO	YES
	☐	☐
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:	NO	YES
	☐	☐
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Peter Comenzo</u> Date: <u>April 24, 2024</u> Signature: <u>Peter Comenzo</u> Title: <u>Senior Planner</u>		

RESOLUTION NO. 204.24

TO CALL FOR A PUBLIC HEARING ON THE PROPOSED INTRODUCTORY LOCAL LAW __ OF 2024; TO AMEND CHAPTER 270, ZONING, OF THE TOWN CODE, TO EXTEND THE EXISTING MAIN STREET/NEIGHBORHOOD CENTER (MS/NC) OVERLAY DISTRICT

WHEREAS, the Town Board passed Resolution No. 154.24 to recognize the introduction of Introductory Local Law __ of 2024; To amend Chapter 270, Zoning, of the Town Code, to extend the existing Main Street/Neighborhood Center (MS/NC) Overlay District; and

WHEREAS, the Town Board Declared Lead Agency on the Change of Zone application under 6NYCRR Part 617 State Environmental Quality Review (SEQR) on March 27, 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 22nd day of May for the following purpose:

For receipt of comment on the proposed Introductory Local Law No. __ of 2024; To amend Chapter 270, Zoning, of the Town Code, to extend the Existing Main Street/Neighborhood Center (MS/NC) Overlay District from the intersection of Curry Road and Guilderland Avenue north to the boundary with the City of Schenectady.

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

DATED: May 8, 2024

Daily Gazette: Please publish once on May 10, 2024

Town Clerk

Post

SECTION 2. This resolution shall become effective May 8, 2024.

DATED: May 8, 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: May 1, 2024

TO: Mollie Collins, Town Supervisor

FROM: Peter Comenzo – Senior Planner *PC*

TITLE OF REQUEST: Call for Public Hearing to amend the Zoning Code for the Town of Rotterdam to extend the existing Main Street/Neighborhood Center (MS/NC) overlay district from the intersection of Curry Road and Guilderland Avenue north to the boundary with the City of Schenectady.

TOWN BOARD MEETING: May 8, 2024

Background Information: Town of Rotterdam does not currently adequately address Mixed Use Developments in the Guilderland Avenue Corridor north of Curry Road

Evaluation/Analysis: Mixed Use Zoning was developed in 2017 as part of the land use update and created the overlay district in a very limited portion of the four corners area. The existing Retail Business (B-1) zone in the Guilderland Avenue corridor limits redevelopment opportunities. Several underutilized and vacant properties in this corridor exist that could benefit from additional flexibility afforded by mixed use zoning. Extending the MS/NC overlay would help to implement these recommendations in the Comprehensive Plan. Request from the Town Board for a Report and Recommendation was sent to the Planning Commission on March 27, 2024. Town Board declared lead agency on March 27, 2024.

Recommendation(s): Call for a Public Hearing to be held on May 22, 2024

Attachment/Document(s): Resolution PC2024-25 Report and Recommendation
Verbatim Minutes April 16, 2024 Planning Commission Meeting
Map Main Street/ Neighborhood Center Overlay District.
Main Street/ Neighborhood Center Zoning

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



Town of Rotterdam
Office of the Planning Commission

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

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

Resolution Number PC 25-2024

Moved by Mrs. Flansburg seconded by Mr. Calder

Applicant: Town of Rotterdam

**Resolution Adopting a Report and Positive Recommendation on
the Extension of the Main Street/Neighborhood Center Overlay District**

WHEREAS, the Town Board of the Town of Rotterdam ("Town Board") has forwarded a proposed amendment to Chapter 270, entitled "Zoning" to extend the Main Street/Neighborhood Center Overlay District from the intersection of Curry Road and Guilderland Avenue north to the boundary with the City of Schenectady. Area encompasses ± 11.5 acres; and

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

WHEREAS, the Town Planner presented the proposed amendment to the Planning Commission at its regularly scheduled meeting held on April 16, 2024; and

WHEREAS, the Planning Commission reviewed the proposed amendment at its regularly scheduled meeting held on April 16, 2024; and

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

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

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. The amendment is to Chapter 270, entitled "Zoning" to extend the Main Street/Neighborhood Center (MS/NC) Overlay District from the intersection of Curry Road and Guilderland Avenue north to the boundary with the City of Schenectady. The area encompasses ± 11.5 acres.

The MS/NC district was adopted back in 2017 as part of the effort that Town was conducted was to look at the properties in the existing commercial corridors and gateway areas to the town and encourage redevelopment. So, when the MS/NC was adopted, areas were added along Hamburg Street, in Rotterdam Junction, the five corners area, and four corners area of Guilderland Avenue and Curry Road.

The overlay district is not changing the underlying zoning. The underlying zoning will remain B-1 but the overlay district is encouraging redevelopment. It is another tool that allows the Town and developers can utilize and allows for additional options in redevelopment efforts. The MS/NC overlay district allows for retail on the first floor and residential on the second floor. This type of mixed-use development meets the objectives of the Comprehensive Plan for these commercial areas in Town.

Guilderland Avenue is a gateway. There are several vacant properties in this corridor and additional options for mixed residential and commercial use supports several objectives of the Comprehensive Plan.

2. Subject to the considerations set forth in Paragraph 3, below, the Planning Commission hereby adopts a positive recommendation on the proposed request to extend the existing MS/NC overlay district.
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.

<u>Member</u>	<u>Aye</u>	<u>Nay</u>
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

3. Town of Rotterdam – Code Amendment. Report and Recommendation to the Town Board to amend Chapter 270, entitled “Zoning” to extend the Main Street/Neighborhood Center Overlay District from the intersection of Curry Road and Guilderland Avenue north to the boundary with the City of Schenectady. Area encompasses ±11.5 acres

Ms. Scannell: Next up on our agenda is Peter is going to give us a little presentation. We have been asked to have a report and recommendation to the Town Board to amend Chapter 270 entitled “Zoning”.

Mr. Comenzo: Peter Comenzo – Town Planner. If you look at the back of the agenda there in your packets you will see the Main Street Neighborhood Center Overlay District. Just for a little background, this district was adopted back in 2017 as part of the effort that we had on Hamburg Street to look at the properties on Hamburg Street and encourage redevelopment. So, when this was adopted, we added areas also in Rotterdam Junction and we added some property in the five corners area and we added property at the four corners area of Guilderland Avenue and Curry Road.

The overlay district is not changing the underlying zoning. The underlying zoning will remain B-1 but what the overlay district does is it encourages redevelopment in getting the developers to look at some of these guidelines that are in here and you can see that in the Code in trying to get them to push the building up to the roadway. If you look at both Hamburg Street and Guilderland Avenue there are a lot of similarities of the two where the buildings were constructed in the ‘50’s and a lot of them are really close to the roadway and it gives a little better of connectivity for pedestrians as opposed to having a parking lot in the front and building in the back. It encourages that. It’s not required but it tries to encourage that especially if someone is taking a building down and we encourage them to push it up to the roadway. It’s really just another tool that allows the Town and developers to look at redevelopment options. It does allow for primarily for retail on the first floor and for residential on the second floor. Similar to the projects that you have seen in Saratoga where you invite folks, pedestrians to walk up and down the street and utilize the commercial tenants there and then on the second floor it would be residential.

In my mind, it’s a good thing for Rotterdam to move towards this and address that area. As you know, there’s several vacant properties such as an insurance agency that was in there and that is empty right now and that is boarded up, the old Napa was/is a recycling a center and it’s vacant now. The old Draper Pharmacy is vacant. The old library is vacant. Sliders, I’m not sure if they are still open but there is obviously opportunities for redevelopment in that area and this would give folks the opportunity to redevelop and any project would have to come before the Planning Commission but it does open that up for potential redevelopment and going through the Planning Commission rather than having going to the Town Board. It makes the process is a little bit easier.

Ms. Scannell: I think redevelopment is a wonderful thing. I personally support this overlay expansion. I believe it meets the metrics for our comprehensive plan. I think additionally, with the recent passing of complete streets, this just adds a little bit more credence to that as well. It kind of shows that we are moving as a town in that direction of more accessibility. I think it’s a great idea and I would personally entertain a positive recommendation to the Board.

What do you think Mr. D’Alessandro?

Mr. D’Alessandro: I think it’s a great idea and any way we can entice businesses and developers to come in and help our tax base, I think that’s great. I really do. I would definitely give a positive recommendation.

Ms. Scannell: Thank you. Mr. Calder?

Mr. Calder: I’m just curious because it’s a special project that we’re doing now, that area, does that give people that want to come in there a way to get some help getting projects started like Metroplex or something else to work these corridors and to make them work?

Mr. Comenzo: I believe it would bring, I know one of the biggest things is we have sewers there. They can make their properties more developable and more compact as opposed to having to take up a large area for your septic system. I guess Hamburg Street and Guilderland Avenue, there are areas that could really benefit from redevelopment and we are seeing it.

Altamont Avenue as well. We are seeing some positive changes. Altamont Avenue obviously different than Guilderland Avenue and Hamburg Street, but those are the areas we have the infrastructures and the state roads so, there is a potential for redevelopment and I think our current zoning to just have retail business there I don't necessarily see there being the investment in somebody going in...

Mr. Calder: No tax investment or tax possible?

Mr. Comenzo: I think the addition of them being able to put a couple of residential units above retail offsets the costs. There is a lot of small businesses and it's interesting to look at the dynamics of the town and you start looking at Hamburg Street and there is a lot of small businesses on Hamburg Street and they are doing well. A lot of them have been there for a while and they have a very good, tight-knit community. DOT made the investment and the Town made the investment to put the sewer line and we're starting to see projects there and over the next 10 years...

Mr. Calder: I think it's a good thing. I really do.

Mr. Comenzo: ...the association is back active again they are having on May 4th, I think it is where the businesses is setting things up. "Inaudible..." he stopped in today and he's very excited and the whole neighborhood has been reaching out to him and knocking on the door when he's there at Joe's Pizza.

Mr. Calder: At Joe's old place?

Mr. Comenzo: Yes.

Mr. Calder: Is he finally going to do something?

Mr. Comenzo: He stopped in today and he's going to open shortly and he also purchased the property where Stewart's is for additional parking. He will be back with that project.

Mr. Calder: Next to Stewart's....

Mr. Collins: Across from the Stewart's.

Mr. Calder: It would be nice to see him finish that up. He's been working on that for many years. Thank you, that is all that I have Peter.

Ms. Scannell: Thank you. Mr. Collins?

Mr. Collins: I agree with everybody. I would give a positive recommendation and we really need it. So, I'm good with it.

Ms. Scannell: Mrs. Flansburg?

Mrs. Flansburg: I would give a positive recommendation as well. Just in reading through it the things that stuck out to me were that promoting a mixture of complementary land uses and including retailers, retail office, commercial uses and it just sounds like this fit with that and just having the flexibility to be able to redevelop what is there or establish something new and use the design guidelines that are in here. I would give it a positive recommendation as well.

Ms. Scannell: Mr. Signore?

Mr. Signore: I'm good.

Ms. Scannell: Mr. Miglucci?

Mr. Miglucci: I think it looks pretty good. It's a great project and the main reason is I want people to know that coming into Rotterdam that they are in the City of Schenectady and driving into Rotterdam. I want Rotterdam to shine above the City of Schenectady, just a personal thing with me, but I take pride in our town and I want people to know that when they are coming into Rotterdam.

Ms. Scannell: I like that. As you know, I think the gateways are important and you are right, that is actually a gateway when people from Schenectady so recognizing that we are in Rotterdam and having businesses to come to and places to live above those business kind of is a great idea.

Do you have any comments or questions about this that we should be paying attention to?

Mr. Valiquette: No, I think Peter already mentioned that we don't need the additional public hearing since we are not changing the underlying zoning itself so, I have no additional comments.

Ms. Scannell: Is there a motion for a positive recommendation on this matter?

Mrs. Flansburg: I'll make that motion.

Ms. Scannell: Is there a second?

Mr. Calder: I'll second it.

Ms. Scannell: Marlo, could you please call the roll.

Ms. Carter: Mr. Collins?

Mr. Collins: Yes.

Ms. Carter: Mrs. Flansburg?

Mrs. Flansburg: Yes.

Ms. Carer: Mr. D'Alessandro?

Mr. D'Alessandro: Yes.

Ms. Carter: Mr. Calder?

Mr. Calder: Yes.

Ms. Carter: Mr. Signore?

Mr. Signore: Yes.

Ms. Carter: Mr. Miglucci?

Mr. Miglucci: Yes.

Ms. Carter: Ms. Scannell?

Ms. Scannell: Yes.

Motion is carried. Before we make a motion to adjourn, the next Planning Commission meeting will be May 7th.

Is there a motion to adjourn?

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

Ms. Scannell: Is there a second?

Mr. D'Alessandro: Second.

Ms. Scannell: All in favor. Motion carried.

Meeting adjourned at 8:02 p.m.

Respectfully Submitted,

Marlo L. Carter
Planning Commission Secretary

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, March 27, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 154.24

**TO RECOGNIZE THE INTRODUCTION OF INTRODUCTORY LOCAL LAW __ OF 2024;
TO AMEND CHAPTER 270, ZONING, OF THE TOWN CODE, TO EXTEND THE EXISTING
MAIN STREET/NEIGHBORHOOD CENTER (MS/NC) OVERLAY DISTRICT; DECLARE
LEAD AGENCY AND REFERRING SAME TO THE PLANNING COMMISSION FOR
REPORT AND RECOMMENDATION**

WHEREAS, the Town of Rotterdam does not currently adequately address Mixed Use Developments in the Guilderland Avenue Corridor north of Curry Road; and

WHEREAS, it is desired to extend the existing Main Street/Neighborhood Center (MS/NC) overlay district from the intersection of Curry Road and Guilderland Avenue north to the boundary with the City of Schenectady, and will coincide with the existing Retail Business (B-1) zoning.; 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 recognizes the introduction of Introductory Local Law __ of 2024; To amend chapter 270, Zoning, of the Town Code to extend the existing Main Street/Neighborhood Center (MS/NC) overlay district from the intersection of Curry Road and Guilderland Avenue north to the boundary with the City of Schenectady.

SECTION 2. The Town Board of the Town of Rotterdam hereby declares the Town Board as Lead Agency under 6NYCRR Part 617 SEQR (State Environmental Quality Review) in connection to the proposed change of zone to extend the existing Main Street/Neighborhood Center (MS/NC) overlay district from the intersection of Curry Road and Guilderland Avenue north to the boundary with the City of Schenectady, and authorizes the Senior Planner to distribute all documents necessary to comply with 6 NYCRR Part 612.12 (State Environmental Quality Review).

SECTION 3. The Town Board hereby refers this Introductory Local Law of 2024 to the Planning Commission of the Town of Rotterdam for report and recommendation thereon.

SECTION 4. This resolution shall become effective March 27, 2024.

DATED: March 27, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	X		
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 March 27, 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 April 1, 2024.

Diane M. Marco

Diane M. Marco, Town Clerk



DRAFT

ARTICLE VIIIB
MS/NC Main Street/Neighborhood Center Overlay District
[Added 9-27-2017 by L.L. No. 4-2017]

§ 270-53.20. Purpose.

A. The purpose of the Main Street/Neighborhood Center Overlay District (MS/NC) is to:

- (1) In certain specified areas, transition existing land uses and site designs that are permitted in underlying existing zoning districts to land uses and site designs that are consistent with the provisions of this article, without adversely affecting existing use and development rights;
- (2) Promote a mixture of complementary land uses that includes housing, retail, offices, commercial services, and civic uses, to create economic and social vitality and to encourage the linking of trips.
- (3) Develop commercial and mixed-use areas that are safe, comfortable, and attractive to pedestrians.
- (4) Provide flexibility in the siting and design of new developments and redevelopment to anticipate changes in the marketplace.
- (5) Reinforce streets as public places that encourage pedestrian and bicycle travel.
- (6) Provide roadway and pedestrian connections to residential areas.
- (7) Encourage efficient land use by facilitating compact, high-density development and minimizing the amount of land that is needed for surface parking.
- (8) Facilitate development (land use mix, density, and design) that supports public transit, where applicable.
- (9) Maintain mobility along traffic corridors and state highways.

§ 270-53.21. When regulations apply.

A. Applicability of this article. The provisions of this article shall apply to any property within the MS/NC Districts with respect to which an applicant elects to proceed with development or use of such property in accordance with the provisions of this article.

- (1) Such election shall be made in writing on a form prescribed by the Planning Board, signed by the owner of the property.
- (2) Once such election is made and the property is used or developed in accordance with the provisions of this article, such election shall be irrevocable, and the provisions of this article shall be deemed to have superseded any inconsistent provisions applicable in the underlying zoning district with respect to such property.

B. Inapplicability of this article. Except to the extent a previous election has become irrevocable pursuant to § 270-53.21A(2), above, the provisions of this article shall not apply to any

property within the MS/NC Districts with respect to which an applicant does not elect to proceed in accordance with the provisions of this article. In such cases, the provisions of the underlying zoning district shall remain in effect.

§ 270-53.22. Permitted uses.

Where an election has been made to proceed under this article in accordance with § 270-53.21, the following principal uses are permitted as of right in the MS/NC District subject to site plan approval by the Planning Board:

- A. Mixed-use developments containing a nonresidential use listed in this section and upper-story residential unit(s).
- B. Retail sales and service under 5,000 square feet gross floor area.
- C. Sit-down restaurants and taverns.
- D. Professional offices.
- E. Professional clinics.
- F. Indoor theaters, dance studios, assembly halls, game rooms, billiard/pool parlors, bowling alleys and similar establishments.
- G. Personal service shops, including but not limited to barbershops, shoeshine shops, beauty parlors, dry-cleaning and laundry pickup, delivery shops, and card shops.
- H. Public parks, playgrounds and other municipal recreational uses.
- I. Public libraries and museums.

§ 270-53.23. Special uses.

Where an election has been made to proceed under this article in accordance with § 270-53.21, the following special uses may be permitted in the MS/NC District:

- A. Public and private schools.
- B. Preschools and day-care centers.
- C. Retail sales over 5,000 square feet and less than 10,000 square feet gross floor area.
- D. Hotels/motels.
- E. Private clubs and religious institutions.
- F. Operations involving the repair, reconstruction, analysis or inspection of computers, electronic and communications equipment and similar components, provided that no manufacturing is performed and all operations are conducted within a completely enclosed building.
- G. Disturbance on a wetland or watercourse area of any class or in a wetland or watercourse buffer area as defined in this chapter.

H. Brewpubs, microbreweries, microcideries, microwineries and microdistilleries. Brewpubs, microbreweries, microcideries, microwineries and microdistilleries, however, must comply with the following: **[Added 5-24-2023 by L.L. No. 5-2023]**

- (1) Each brewpub, microbrewery, microwinery, or microdistillery shall manufacture and sell alcoholic beverages in accordance with the provisions of the New York State Liquor Authority and shall maintain current licenses as required by said agency.
- (2) No outdoor storage shall be permitted.
- (3) All malt, vinous or distilled liquor production shall be within completely enclosed structures.
- (4) By-products or waste from the production of malt, vinous or distilled liquor shall be properly disposed of off the property.
- (5) The emission of odors or smells in such quantities as to produce a public nuisance or hazard is not permitted.
- (6) Excessive noise in violation of Chapter 188 is prohibited and may result in revocation of the special use permit.
- (7) Food cart vendors are permitted on-site only by permission of the Planning Board.
- (8) Hours of operation shall be addressed during site plan review.

§ 270-53.24. Accessory uses.

Where an election has been made to proceed under this article in accordance with § 270-53.21, accessory uses in the MS/NC District shall be limited to following:

- A. Parking and loading.
- B. Bus shelters and loading areas.
- C. Permitted signs.
- D. Storage and buildings accessory to the principal use.
- E. Rooftop-mounted solar collectors that constitute small-scale solar energy systems.

§ 270-53.25. Maximum building height.

Where an election has been made to proceed under this article in accordance with § 270-53.21, the maximum building height shall be three stories, not exceeding 45 feet.

§ 270-53.26. Lot area.

Where an election has been made to proceed under this article in accordance with § 270-53.21, the minimum lot area required for each principal use is 15,000 square feet, with a minimum lot width of 100 feet.

§ 270-53.27. Lot coverage.

Where an election has been made to proceed under this article in accordance with § 270-53.21, lot coverage shall not exceed 60% for principal and accessory buildings.

§ 270-53.28. Yard requirements.

Where an election has been made to proceed under this article in accordance with § 270-53.21, the following shall apply:

- A. Front depth shall be a maximum of 10 feet.
- B. Side yard width shall not be less than five feet.
- C. Rear yard depth shall not be less than 25 feet.

§ 270-53.29. Parking.

The intent of the MS/NC District is to encourage shared parking, to reduce vehicular trips, and to reduce the impact on the primary road network. Where an election has been made to proceed under this article in accordance with § 270-53.21, the following shall apply:

- A. On-street parking where permitted is encouraged.
- B. Off-street parking requirements applicable in the MS/NC District are set forth in § 270-149 of this chapter.
- C. Parking is prohibited in the front yard.

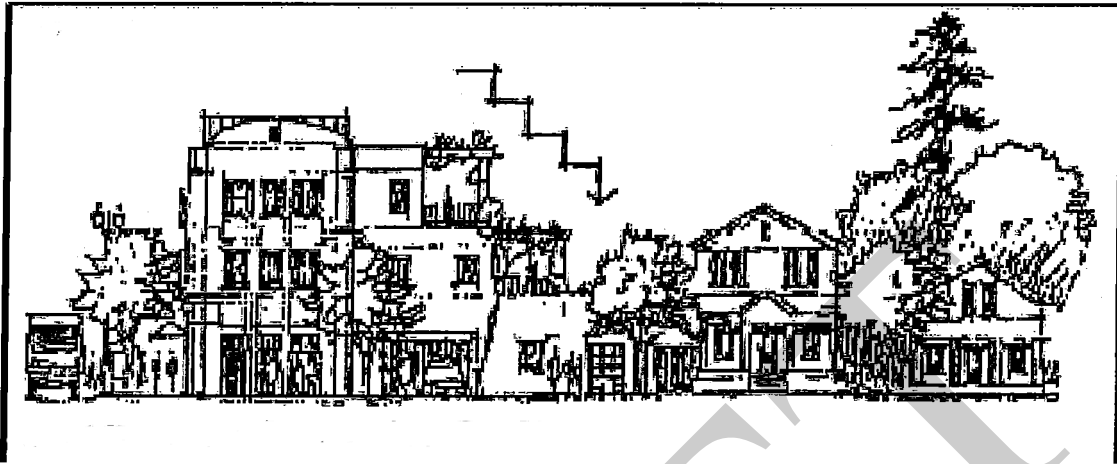
§ 270-53.30. Landscaping.

Where an election has been made to proceed under this article in accordance with § 270-53.21, street trees shall be planted in sidewalk cutouts where on-street parking is provided and shall be protected by tree grates or granite tree surrounds. Street tree spacing shall be determined through site plan review.

§ 270-53.31. Design guidelines.

Where an election has been made to proceed under this article in accordance with § 270-53.21, the following design guidelines shall apply;

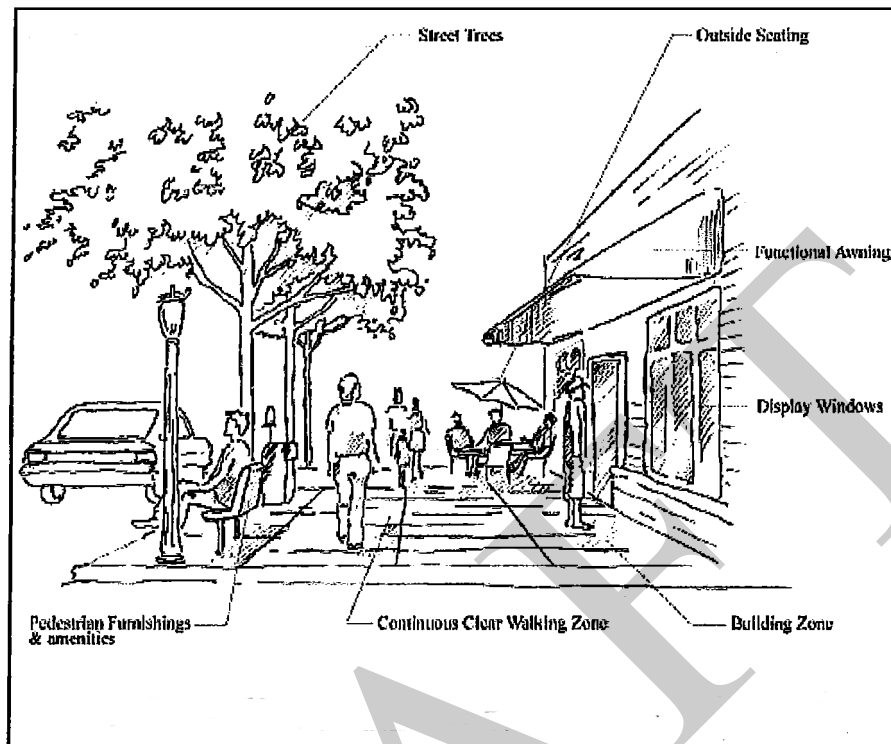
- A. Where applicable, cornices (e.g., building tops or first-story cornices) shall be aligned to generally match the height(s) of those on adjacent buildings.
- B. Building height transitions or step-downs shall be provided when adjacent to residential or small-scaled uses, as shown in the figure below.

FIGURE 1**BUILDING HEIGHT TRANSITION**

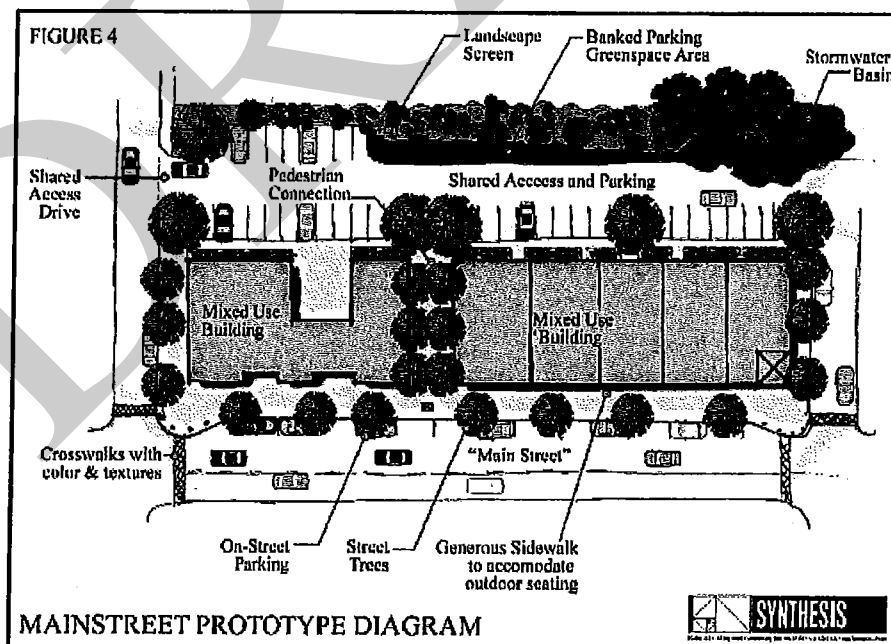
- C. All building entrances, pathways, and other pedestrian areas shall be lit using pedestrian-scale lighting to two footcandles measured at ground level (e.g., wall-mounted lighting, sidewalk lamps, landscape up-lighting, and similar features).
- D. The building(s) shall have at least one primary entrance facing a street.
- E. Building entrances shall open directly to the outside; every building shall have at least one entrance that does not require passage through a parking lot or garage to gain public access; corner buildings shall have corner entrances whenever possible.
- F. Windows shall be provided along at least 60% of the building's facade.
- G. Pedestrian facilities shall connect the development to adjacent land uses and provide connections through the development to the public street right-of-way.
- H. Public entrances shall be provided with weather protection (e.g., awnings, canopies, or similar features). During site plan review, consideration shall be given to appropriate pedestrian amenities (e.g., street tree well cutouts, space for outdoor seating, bus waiting areas, trash receptacles, newspaper vending machines, benches, mailboxes, sidewalk displays, public art, and similar features).
- I. To the extent practicable, all electric, telephone, cable, and similar utility lines servicing a site shall be located underground.
- J. Parking and vehicle drives shall be located away from building entrances to the maximum extent practicable and generally not between a building entrance and the street.
- K. Drive-through facilities are prohibited.
- L. Surface parking shall be oriented behind or to the side of a building when possible, and parking shall not be located on street corners.
- M. Landscape buffering shall be provided between parking lots and all adjacent sidewalks.

- N. Credit for on-street parking. The amount of required off-street parking shall be reduced by one off-street parking space for every on-street parking space adjacent to the development. On-street parking shall follow the established configuration of existing on-street parking, subject to Town, county, and NYSDOT standards, except that angled parking may be allowed for some streets, as approved by the Planning Board. The configuration of on-street parking and allowable credit toward off-street parking requirements shall be addressed during site plan review. The Town shall maintain a written record of credits granted for each use.
- O. Reduce or waive minimum off-street parking standards. The applicant may request a reduction to or waiver of parking standards based on a parking impact study. The study allows the applicant to propose a reduced parking standard based on estimated peak use, reductions due to easy pedestrian accessibility, availability of transit service, likelihood of car pool use, adjacent on-street parking, and potential for shared parking. Shared parking means that multiple uses share one or more parking facilities. Parking demands must peak during different times of the day. The parking study is subject to review and approval or modification by the Planning Board.
- P. Maximum parking ratio. Surface parking shall not exceed 125% of the minimum parking requirement for the subject land use(s). Exemptions to the standard can be approved through site plan review for developments that provide parking structures or shared parking that is intended to be available for public use.
- Q. Bicycle parking. Bicycle parking shall be provided in an amount and in location(s) determined by the Planning Board during site plan review.
- R. The figures below depict a streetscape and neighborhood plan consistent with the aims of the MS/NC District.

FIGURE 2



STREETSCAPE WITH BUILDING ENTRIES, WINDOWS, WEATHER PROTECTION, STREET FURNISHINGS AND TREES



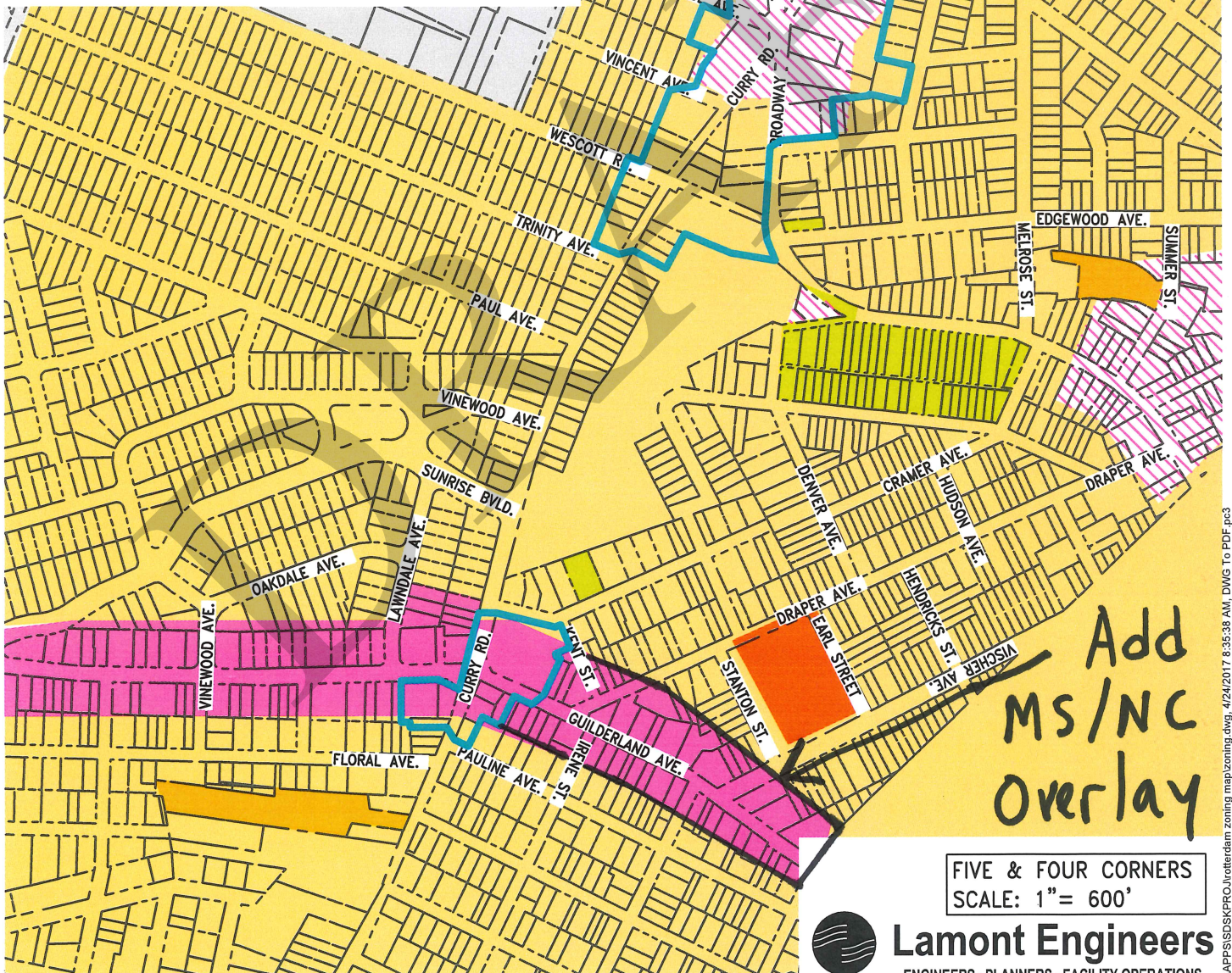
§ 270-53.32. through § 270-53.39. (Reserved)

DRAFT

Appendix C

LEGEND

- RETAIL BUSINESS
- GENERAL BUSINESS
- LIGHT INDUSTRIAL
- ONE FAMILY RESIDENTIAL
- TWO FAMILY RESIDENTIAL
- MULTIPLE FAMILY RESIDENTIAL
- SMALL ONE FAMILY AND TOWNHOUSE
- PROPOSED MAIN STREET/NEIGHBORHOOD OVERLAY DISTRICT



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RESOLUTION NO. 205.24

**TO NEGOTIATE AND EXECUTE AMENDMENT NO. 2 WITH BARTON AND
LOGUDICE FOR PROFESSIONAL ENGINEERING SERVICES FOR THE
FEASIBILITY STUDY OF THE TOWN COURT AND POLICE FACILITY**

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 Amendment No. 2 with Barton & Loguidice, located at 10 Airline Drive, Suite 200, Albany, NY 12205, for a Phase II Sampling Environmental Due Diligence, for the Town Court and Police Facility Feasibility Study, in the amount not to exceed fourteen thousand five hundred and 00/100 dollars (\$14,500.00).

SECTION 2. This resolution shall become effective May 8, 2024.

DATED: May 8, 2024

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

TOWN OF ROTTERDAM

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



LEGISLATIVE REQUEST FORM

DATE: May 2, 2024
TO: Town Board
FROM: Mollie Collins, Supervisor

TITLE OF REQUEST: Authorize the Supervisor to negotiate and execute Amendment No. 2 Sampling - Environmental Due Diligence for the Town Court and Police Facility Feasibility Study with Barton and Loguidice.

TOWN BOARD MEETING: May 8, 2024

Background Information: The Town of Rotterdam has entered into a contract with Barton and Loguidice for professional engineering services related to the proposed Town Court and Police Facility. Barton & Loguidice is performing due diligence tasks to allow the town to make an informed decision regarding purchasing of the property for this new facility.

Evaluation/Analysis: To facilitate the due diligence tasks, soil borings will be conducted at the site to determine if petroleum products exist from local documented spills on properties adjacent to the site.

Recommendation(s): Authorize the Supervisor negotiate and execute Amendment No. 2 for Soil Borings and Sampling required for the due diligence review for the proposed Town Court and Police Facility.

Attachment/Document(s): Amendment No. 2 Sampling Environmental Due Diligence for the Town Court and Police Facility Feasibility Study from Barton and Loguidice.

Compliance with Purchasing Policy: N/A

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

LEGISLATION WILL BE PREPARED BY: Supervisor

April 30, 2024

Mollie A. Collins, Town Supervisor
Town of Rotterdam
1100 Sunrise Blvd
Rotterdam, NY 12306

Re: Town Court and Police Facility Feasibility Study
Phase II Sampling / Environmental Due Diligence
Zampino Property - 369 Duanesburg Road

File: 904.053.001

Dear Supervisor Collins:

In accordance with our recent discussions, Barton & Loguidice, D.P.C. (B&L) has prepared this supplemental to conduct a limited Phase II Investigation at the 3.67 acres located at 369 Duanesburg Road, Town of Rotterdam, Schenectady County, NY. It is our understanding that the parcel has a tax identification of 48.19-13-16, owned by Leslie J. Zampino and had been developed with a small commercial building, most recently housing a martial arts business.

B&L completed a Phase I Environmental Site Assessment (ESA) on the property, dated April 2024. The Phase I ESA identified one recognized environmental condition (REC) in connection with the property that may have implications on future development. The REC relates to over 10 petroleum releases within 400 feet of the subject property, with various reported magnitude, impacted media, and regulatory status. There is a potential that contaminants in groundwater may be present and could impact the subject property groundwater and/or soil gas resulting in indoor vapor intrusion. An evaluation of groundwater quality at the property was considered warranted based on the Phase I ESA findings. B&L proposes the following scope of services.

Scope of Services

Soil Borings

B&L will procure a drilling subcontractor to advance soil borings at the site. Borings will be advanced using a direct-push drilling rig for the purposes of collecting samples (geotechnical data will not be obtained). Dig Safely New York will be contacted by the selected drilling subcontractor to have public underground utilities located and marked. Dig Safely New York does not mark private utilities or subsurface structures. Marking of private utilities, including but not limited to UST piping/system, lighting electrical lines and water/sewer service lines, will be the responsibility of the owner.

Borings will be advanced to an approximate depth of 16 to 20 feet bgs, 4 feet into the saturated zone, or to drilling refusal, whichever is encountered first. Each boring will be sampled continuously throughout the depth of the boring. Subsurface soil samples will be field screened utilizing a PID for the presence of volatile organic vapors. Soil characteristics will be logged by a B&L environmental scientist noting

observed staining, odor, depth to saturation, and other distinguishing features. Upon completion of each boring, the drilling spoils from each boring will be returned to the borehole as backfill, along with driller provided bentonite as necessary, to original grade. A cold patch asphalt surface seal or concrete seal will be installed in the borings advanced in paved/concrete areas to closely match existing grade and conditions. It is anticipated that 3 borings and 3 groundwater sampling points can be completed during one 8-hour field day.

One soil sample per boring is proposed to be collected for analyses (3 soil samples). Representative grab soil samples will be collected for the following laboratory analyses suite that includes common petroleum compounds and chlorinated solvents:

- Volatile Organic Compounds (VOCs) TCL by EPA Method 8260
- Semi-VOCs (SVOCs) Base Neutrals & Acid Extractables by EPA Method 8270

The decision on which samples to submit for laboratory analyses will be made in the field based on observed conditions. VOC/SVOC samples submitted will correspond to intervals with the highest PID field readings or will be chosen for spatial coverage across the area. Samples will be submitted under chain of custody to a certified laboratory for the analyses presented above.

Groundwater Sampling

Temporary groundwater sampling points will be installed in each of the three borings using 1" diameter PVC screens and riser pipe. These sampling points will be driven into soil borings noted above. Sampling points will be an estimated 14 to 20 feet bgs to penetrate into groundwater unless drilling refusal is encountered above the saturated zone. Samples collected will be submitted for the following laboratory analyses from each groundwater sampling point location:

- VOCs TCL by EPA Method 8260
- SVOCs Base Neutrals and Acid Extractables by EPA Method 8270

The groundwater sampling points will be purged and sampled using a peristaltic pump and dedicated tubing. It is assumed that purge water will be discharged to ground surface and will not require containerization.

Subsurface Investigation Report

Upon receipt of the laboratory results, B&L will prepare a report summarizing the observations and analytical results for the investigation event. Soil quality data will be tabulated compared to NYSDEC 6 NYCRR Part 375 Soil Cleanup Objectives and CP-51 Soil Cleanup Objectives. Groundwater concentrations will be tabulated compared to 6 NYCRR Part 703 Groundwater Quality Standards. The report will contain figures depicting boring/sample locations, laboratory analytical reports, and subsurface boring logs. Recommended additional investigation, waste material handling and disposal, and/or remedial actions will be included in the report based on the data obtained. One conference call to discuss subsurface investigation results will be conducted.



Anticipated Schedule

B&L anticipates mobilizing to complete field work with a drilling subcontractor within 15 working days of receiving written authorization to proceed. Laboratory results will be available 10 working days after sampling, and a Subsurface Investigation Report can be issued 10 working days after receipt of laboratory results.

Fee Summary

B&L proposes to provide the above described Scope of Services for a lump sum fee of \$14,500.

Drilling subcontractor fees include prevailing wage rates. Laboratory analytical results will be requested on a standard 10 business day turnaround time. If any additional information is required or tasks performed beyond the scope as set forth herein and requested by the Town, those items will be estimated separately and will be in addition to the lump sum fee indicated above.

If this proposal meets with your approval, please countersign below and return one copy for our records.

Thank you for the opportunity to continue to provide services on this important project. If you should have any questions, please feel free to contact me.

Sincerely,

BARTON & LOGUIDICE, D.P.C.

A handwritten signature in blue ink, appearing to read 'Donald H. Fletcher', is placed over a light blue rectangular background.

Donald H. Fletcher, P.E.
Principal

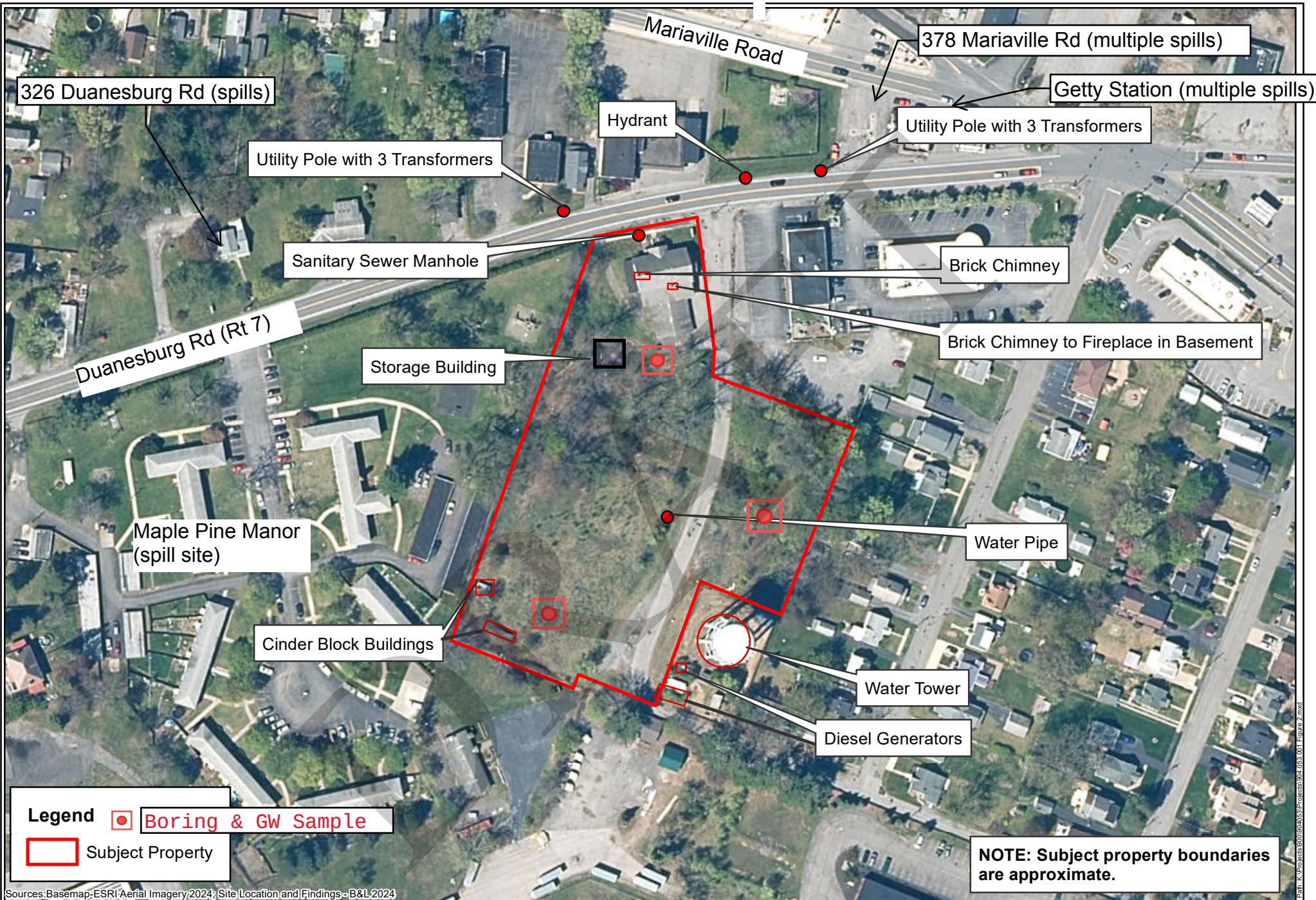
GVL/

Authorization

Barton & Loguidice, D.P.C. is hereby authorized by the Town of Rotterdam to proceed with the services described herein in accordance with the Original Agreement Terms and Conditions.

Mollie A. Collins, Town Supervisor

Date



Sources: Basemap-ESRI/Aerial Imagery/2024; Site Location and Findings-B&L 2024



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, January 10, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 66.24

TO NEGOTIATE AND EXECUTE AMENDMENT #1 WITH BARTON AND LOGUDICE FOR PROFESSIONAL ENGINEERING SERVICES FOR THE FEASIBILITY STUDY OF THE TOWN COURT AND POLICE FACILITY

THEREFORE, UPON MOTION OF Councilmember **DODSON**, 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 Amendment #1 with Barton & Loguidice, located at 10 Airline Drive, Suite 200, Albany, NY 12205, for a Phase I Environmental Site Assessment/Hazardous Materials Investigation/Project Development Services, for the Town Court and Police Facility Feasibility Study, in the amount not to exceed twenty thousand five hundred and 00/100 dollars (\$20,500.00).

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

DATED: January 10, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	X		
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 January 10, 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.

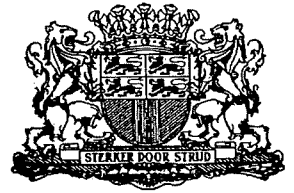
IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this January 12, 2024.

Diane M. Marco
Diane M. Marco, Town Clerk



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: January 8, 2024

TO: Mollie Collins – Town Supervisor

FROM: Peter Comenzo -Senior Planner

TITLE OF REQUEST: To authorize the Supervisor to enter an Agreement with Barton & Loguidice (B&L) to provide additional engineering services for the potential purchase of property located at 369 Duanesburg Road.

TOWN BOARD MEETING: January 10, 2024

Background Information: The Town would like to amend the existing contract with Barton and Loguidice to conduct a hazardous materials investigation on the existing structure. Additionally, B & L will provide limited project development services so that the Town Board can make an informed decision on the potential location of the Town's Police and Court facility comprising 3.67-acres of property located at 369 Duanesburg Road in the vicinity of Five Corners.

Evaluation/Analysis: Amendment #1 provided by Barton and Loguidice appears to be reasonable for the level of effort needed to perform the work.

Recommendation(s): Town Board should consider authorizing the Town Supervisor to amend the existing agreement with Barton and Loguidice to provide additional engineering services in the amount of \$20,500.00.

Attachment/Document(s): See proposed Amendment #1 from B & L dated January 5, 2024

Compliance with Purchasing Policy: N/A

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

LEGISLATION WILL BE PREPARED BY: Supervisor's Office

January 5, 2024

Mollie A. Collins, Town Supervisor
Town of Rotterdam
1100 Sunrise Blvd
Rotterdam, NY 12306

Re: Town Court and Police Facility Feasibility Study
Amendment #1 – Due Diligence at Zampino Property - 369 Duanesburg Road
Phase I Environmental Site Assessment/Hazardous Materials Investigation/Project Development
Services

File: 704.4610

Dear Supervisor Collins:

In accordance with our recent discussions, Barton & Loguidice, D.P.C. (B&L) has prepared this amendment #1 to conduct a Phase I Environmental Site Assessment (Phase I ESA) and hazardous materials investigation of the existing structure for a property comprising of 3.67 acres located at 369 Duanesburg Road, Town of Rotterdam, Schenectady County, NY. It is our understanding that the parcel has a tax identification of 48.19-13-16, owned by Leslie J. Zampino and had been developed with a small commercial building, most recently housing a martial arts business.

We are also including project development services to assist the Town with transitioning from the previously authorized feasibility study phase into the above noted due diligence phase so the Town can then make an informed decision on the path forward for the Town Court & Police Facility project.

Scope of Services – B&L proposes the following scope of services:

Task 1 - Phase I Environmental Site Assessment/EPA AAI Report

B&L will conduct a Phase I ESA of the subject property in general accordance with the American Society For Testing and Materials (ASTM) *"Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process"* (ASTM E1527-21) to identify 1) the presence of hazardous substances or petroleum products in, on, or at the subject property due to a release to the environment; 2) the likely presence of hazardous substances or petroleum products in, on, or at the subject property due to a release or likely release to the environment; or 3) the presence of hazardous substances or petroleum products in, on, or at the subject property under conditions that pose a material threat of a future release to the environment. The USEPA approved that ASTM E1527-21 meets "Standards and Practices for All Appropriate Inquiries" under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) constituting one of the requirements necessary for CERCLA liability protection.

The four major components of the ESA/AAI investigation are described below.

1. **Records Review.** Practically reviewable Federal, State, and local environmental records and related site-specific records will be reviewed for information on environmental compliance and

environmental violations. The records to be reviewed include State and Federal lists of hazardous waste treatment, storage, and disposal facilities; aboveground and underground storage tanks; hazardous waste, chemical, and petroleum spills; obtained through environmental data research services. Local environmental records may be obtained via records review requests at municipal departments such as assessors, building, engineering, fire, and health departments.

A Freedom of Information Law (FOIL) request will be submitted to the State environmental agencies. It is assumed that identified records maintained by the State will be transmitted to B&L in a digital format and an in-person file review is not required.

Past uses of the site and adjoining properties will be identified through a review of available fire insurance maps, topographic maps, street atlas maps, aerial photographs, and/or street directories.

2. **Site Reconnaissance.** B&L will conduct a site reconnaissance to observe potential environmental concerns and for visual indications that may suggest hazardous substances or petroleum products (as defined by ASTM) have been released into the ground, groundwater, or surface water. The property, peripheries of the property, and structures on the property will be visually examined during site reconnaissance. It is assumed that B&L will be provided with full access to the site to conduct the reconnaissance, and that property survey maps, legal descriptions of the properties, and site/building plans (if available) will be provided for our use. Observations regarding offsite uses or activities will be made from the subject site and public right-of-ways.
3. **Interviews.** We will conduct in-person and/or telephone interviews with current property owners and/or occupants, as well as former property owners, operators, lessees, occupants and other individuals familiar with the site as necessary to obtain information pertaining to environmental issues and to request available documentation needed to complete the Phase I ESA. We will also conduct interviews with various state and local agencies as necessary to further identify issues of potential environmental concern at the site.
4. **Report.** A report detailing the findings and conclusions of the Phase I ESA will be prepared for the site in accordance with ASTM E1527-21. The report will include documentation supporting our findings and conclusions, and will include photographs taken during the site reconnaissance. B&L will list identified recognized environmental conditions from the Phase I ESA (if any), with recommended additional investigations. The credentials of key personnel involved in completing the Phase I ESA also will be included in the report. B&L will furnish an electronic PDF version of the final document.

Optional Environmental Lien Search Report: ASTM E1527-21 compliant environmental lien search reports attesting that Activities & Use Limitations (AULs) or Environmental Liens are recorded for the properties can be obtained from a professional title firm for the property as an optional task. The lien search reports will date back to 1980. This task is listed as optional as ASTM E1527-21 states that the

User is responsible for reporting to the environmental professional if AULs and environmental liens are present, and this action may likely have been completed by others during property acquisition deed and title review process.

Assumptions

1. **Reliance.** Only the Town of Rotterdam, as signatory to this proposal, may rely on B&L's professional work product. Others who may come to seek reliance are required to sign liability waiver letters issued by B&L.
2. **Sampling, Analytical and Remedial Services.** The scope of services does not include sampling or analyses of environmental media of any kind.
3. **Site Accessibility.** We assume that seller and tenant representatives will cooperate with our work. We also assume that doors and gates, if any, will be unlocked at the time of our site visit. Areas of the site involving confined space entry, deep water, dense thickets, unusual heights and other reasonable concerns will be excluded for safety. Areas that are inaccessible for any reason, including safety concerns, will be noted in the report.
4. **Full Disclosure of Related Information.** Town of Rotterdam will forward to B&L knowledge of environmental liens, activity & use limitations, and other known environmental conditions that may affect the value and use of the site. This includes information on the provided ASTM questionnaire by the Client and Owner/Operator.

Task 2 - Hazardous Materials Investigation and Sampling

- B&L will perform an investigation and sampling for asbestos-containing materials, lead-based paint and PCBs (polychlorinated biphenyls) in caulking identified within the subject building.
- NYSDOL accredited Building Inspectors will schedule and coordinate access to the subject property. We anticipate providing a single survey team for completion of the hazardous materials investigations and sampling. Complete access to the interior and exterior of the building will be required for the duration of work. This includes access to the roof.
- The investigation/assessment will be conducted in accordance with the New York State Industrial Code Rule 56 and U.S. EPA requirements for the identification of asbestos.
- Sampling, as necessary, to clarify the extent of materials will be at the discretion of the inspector. Triplicate sets of samples from friable materials will be collected and analyzed for the presence of asbestos from those systems not previously sampled. A minimum of two samples will be collected for analysis from non-friable organically bound materials (NOBs). If necessary, follow up transmission electron microscopy (TEM) will be performed on those samples determined to be negative for asbestos by PLM.
- Lead inspectors will perform a thorough review of building components for suspect lead-based paint (LBP). These components shall include, but not be limited to walls, ceilings, door components, window components, mechanical equipment, cabinets, structural members, and

exterior finishes. Paint chip samples will be collected from all accessible components within the renovation area in accordance with EPA HUD requirements. The samples will be submitted for laboratory analysis to determine the presence or absence of lead.

- There is a potential for PCBs to be present in exterior caulking. As a precaution, we will sample exterior caulking for laboratory analysis. The purpose of the sampling will only be informational and precautionary to avoid potential improper handling in the event that PCB caulking is present.
- We will provide a report summarizing the sampling results and the impact of ACM, lead-based paint and PCB caulking identified within the subject building. The data collected during the survey will be compiled in tabular form for reporting. Our report will include a summary of our review, materials sampled, sample location information, and condition of each material sampled.

Assumptions

1. Any field investigations will be performed in coordination with the Town. We assume that seller and tenant representatives will cooperate with our work and provide full access to all building spaces at the time of the scheduled investigation.
2. Invasive methods will be required to clearly identify materials and existing conditions. Generic repairs will be made utilizing suitable non-ACM materials.
3. Our lump sum fee for the investigation includes the sampling and analysis of up to 21 samples by standard PLM, up to 24 samples by PLM-Gravimetric reduction, up to 24 samples by NOB/TEM follow-up analysis, up to 8 samples for lead in paint analysis, and up to 4 samples for PCB analysis. Additional sampling and analysis shall be reimbursable at the following unit rates: \$12 for standard PLM analysis, \$22 for PLM-Gravimetric reduction, \$37 for TEM follow-up, \$28 for lead-based paint and \$85 per caulk sample for PCB analysis.
4. Roof sampling will be performed. At sample locations, generic repairs will be made utilizing suitable non-ACM materials. B&L cannot be held responsible for any subsequent leakage. The Owner is encouraged to hire a commercial roofing contractor to preform patching if possible.

Task 3 – Project Development Services

B&L will assist the Town through the due diligence phase as noted above by providing miscellaneous services/tasks as requested by the Town. These tasks would include updating the matrix, updating costs based on public input, attending meetings, making future presentations to the Town and public, answering questions about the various alternatives etc.



Fee Summary

B&L proposes to provide the above described Scope of Services for the fees indicated below.

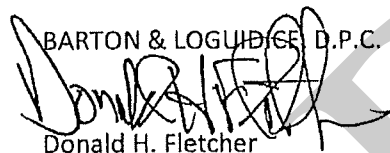
Service	Fee	Fee Type
Phase I Environmental Site Assessment/EPA AAI Report	\$ 4,500	Lump Sum
Environmental Lien Search Report (Optional)	\$ 500	Lump Sum
Hazardous Material Investigation and Sampling	\$ 5,500	Lump Sum
Project Development Services	<u>\$10,000</u>	Time & Expense
Total	\$20,500	

If any additional information is required or tasks performed beyond the scope as set forth herein, those items will be estimated separately and will be in addition to the lump sum fee indicated above. Please note that if any third-party reliance letters are required they will be in addition to the lump sum fee indicated above.

If this proposal meets with your approval, please countersign below and return one copy for our records.

Thank you for the opportunity to continue to provide services on this important project. If you should have any questions, please feel free to contact me.

Sincerely,

BARTON & LOGUIDICE, D.P.C.

Donald H. Fletcher
Principal

TRB/GVL/PJC/DJR/jms
Encl. 2024 Standard Billing Rate Schedule

Authorization

Barton & Loguidice, D.P.C. is hereby authorized by the Town of Rotterdam to proceed with the services described herein in accordance with the Original Agreement Terms and Conditions.


Mollie A. Collins, Town Supervisor


Date

RESOLUTION NO. 88.23

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 8, 2023, at 7:00 p.m., the following resolution was duly adopted:

**TO AUTHORIZE AN AGREEMENT WITH BARTON AND LOGUIDICE FOR
PROFESSIONAL ENGINEERING SERVICES FOR A FEASIBILITY STUDY OF THE TOWN
COURT AND POLICE FACILITY**

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

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to negotiate and execute an agreement with Barton and Loguidice, located at 10 Airline Drive, Suite 200, Albany New York 12205, for a feasibility study to be conducted at the Town Court and Police Facility, located at 101 Princetown Road, Rotterdam New York 12306, for a lump sum not to exceed fifty thousand and 00/100 (\$50,000.00) dollars.

SECTION 2. This resolution shall become effective February 8, 2023.

DATED: February 8, 2023

NAME	AYES	NOES	ABSTAIN
Christou (Absent)			
Miller-Herrera		X	
Dodson	X		
Mastroianni	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board of the Town of Rotterdam on February 8, 2023, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this February 10, 2023.

Diane M. Marco

Diane M. Marco, Town Clerk



TOWN OF ROTTERDAM

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LEGISLATIVE REQUEST FORM

DATE: February 2, 2023
TO: Mollie Collins, Town Supervisor
FROM: Charles Jack Dodson, Deputy Supervisor
TITLE OF REQUEST: Proposal for Engineering Services- Town Court and Police Station Feasibility Study
TOWN BOARD MEETING: February 8, 2023

Background Information:

The existing Town Courts and Police facility is outdated, undersized, it does not meet current handicapped accessible requirements, and lacks the program needs for the intended services and functions of these departments.

Evaluation/Analysis:

Barton & Loguidice will prepare a feasibility study to evaluate the Town Court and Police programs, based on three potential options consisting of the following: (1) renovation of the existing Town Court and Police facility with a building addition, on the current site, (2) Relocation of the Town Court and Police services to ViaPort Mall property, and (3) construction of an entirely new facility for the Town Court and Police services on a new suitable undetermined site, which would be purchased/acquired by the Town.

Recommendation(s):

Authorize the Supervisor to enter into an agreement with Barton & Loguidice for an amount not to exceed \$50,000.00 for the feasibility study.

Attachment/Document(s):

Barton & Loguidice proposal dated January 23, 2023.

Compliance with Purchasing Policy:

Yes

Effect(s) on Existing Law(s):

N/A

LEGISLATION WILL BE PREPARED BY:

Supervisors Office

151

February 8, 2023

553

January 10, 2024

216

May 8, 2024

Barton & Loguidice

January 23, 2023
Rev #1 02/02/23

Ms. Mollie Collins, Town Supervisor
Town of Rotterdam
1100 Sunrise Boulevard
Rotterdam, New York 12306

Re: Town of Rotterdam
Town Court and Police Facility Feasibility Study
File: 704.4339

Dear Ms. Collins:

In accordance with your request, Barton & Loguidice, D.P.C. (B&L), is pleased to provide the Town of Rotterdam (Town) this proposal for professional services related to the feasibility study of the Rotterdam Town Court and Police facility.

This proposal is a result of our conversations and meetings with you and various personnel from the Town. The Town has indicated that the existing Town Courts and Police facility is outdated, undersized, it does not meet current handicapped accessible requirements, and lacks the program needs for the indent services and functions of these departments.

The Town has requested the services of B&L to prepare a feasibility study to evaluate the Town Court and Police programs, based on three potential options consisting of the following: (1) renovation of the existing Town Court and Police facility with a building addition, on the current site, (2) Relocation of the Town Court and Police services to ViaPort Mall property, and (3) construction of an entirely new facility for the Town Court and Police services on a new suitable undetermined site, which would be purchased/acquired by the Town.

Our methodology during the feasibility study will be interactive and will incorporate the Town as an important part of the team. This will create a fully integrated approach that ensures that all options will be developed in accordance with the needs of the department's end users, and the Town's values, needs, and economic goals.

Scope of Services

B&L offers the following Scope of Services for your consideration:

1. Attend a project kick-off meeting with the Town to review the previously approved space programming (which was developed for the Viaport project), and establish lines of communication for general coordination of the project.



2. Utilizing the existing personnel data with existing space needs for each department, B&L will define the overall project programming. This will then be combined with forecasted personnel and operational requirements to determine spatial needs. Considerations for special equipment, interviewing, conferencing and meeting rooms, evidence and record storage, staff areas and functional requirements, and other specific space needs for the facility will also be incorporated to define the total project requirements.
3. B&L will summarize a study for evaluation of the three options indicated above that will meet the identified space and physical requirements.
4. The study will review project alternatives, future flexibility, cost effectiveness and pragmatic sustainability, as key factors for consideration.
5. B&L will provide necessary coordination and review meetings with the Town during development of the study.
6. B&L will prepare an estimate of probable construction costs for each of the three options, including costs for potential design alternatives. A summary matrix will be prepared, similar to the prior ViaPort project.
7. The Feasibility Study will be prepared in the following format:
 - Executive Summary
 - Introduction
 - Existing Building Facilities Assessment
 - Space Programming Assessment
 - Conceptual Design Options
 - Cost Analysis
8. B&L will submit a "draft" Feasibility Study to the Town and attend one (1) meeting at the Town to discuss and review the feasibility study.
9. Based on comments received from the "draft" Feasibility Study review meeting, B&L will make final modifications and updates to the study.
10. B&L will provide (1) meeting with Town to present the final Feasibility Study.

Fee Summary

Barton & Loguidice, D.P.C. proposes to provide the above-described Scope of Professional Services for the fees indicated below. Services will be provided in accordance with the Terms and Conditions as specified herein:

<u>Service</u>	<u>Fee</u>	<u>Fee Type</u>
Feasibility Study	\$50,000	Lump Sum



Exclusions and Assumptions

1. All field work and investigations will be performed in coordination with the Town.
2. Review meetings will be conducted via Zoom video conferencing or similar platform, unless indicated otherwise.
3. The Town will provide building construction documents of the existing building(s) to B&L for the purpose of evaluating the feasibility study and studying potential renovations and additional to the building.
4. Based on discussions with the Town, no coordination services with the Office of Court Administration (OCA) is included. Should these services be required and requested by the Town, B&L will prepare a separate letter at such time these services are requested.
5. This proposal is based on the assumption that any changes resulting from the review submission will not require the wholesale redesign of previously completed programming work. In the event that significant changes become necessary during the design process, B&L will notify the Town and negotiate an appropriate adjustment in fee and schedule at that time.
6. Any additional services provided, including, but not limited to, additional survey work for non-identified areas as stated above, or revisions beyond that stated, or any other service not described herein shall be provided following negotiation/acceptance of additional fees.
7. Schematic design, design development, preparation of final construction documents, bidding assistance, and construction contract administration services are not included at this time. Should these services be desired and requested by the Town, B&L will prepare a separate proposal at such time these services are requested.
8. No subconsultant or subcontractor services are included. If determined necessary, and requested, these services will be provided by a subsequent proposal once the scope of services is established.
9. No site survey or assistance with regulatory permitting is included. If determined necessary, and requested, these services will be provided by a subsequent proposal once the scope of services is established.
10. Services associated with the identification, design or remediation of lead, asbestos, mold or other hazardous environmental aspects are excluded from this scope of work.
11. If requested, the Town shall provide decisions and furnish required information as expeditiously as necessary for the orderly progress of the work. B&L shall be entitled to rely on the accuracy and completeness of the Town's Information.
12. Items that are excluded from our proposal, or which may be considered additional services, or are considered expenses, shall include, but not be limited to:
 - a. Fees paid for securing approval of State & Federal authorities having jurisdiction over the project.
 - b. Postage and mailing related to the project.
 - c. Life Cycle Cost Analysis and systems alternatives.
 - d. FF&E and moveable equipment selections and specifications.
 - e. Special inspections are by others.
 - f. ComCheck, energy modeling, commissioning and testing of systems is excluded.



- g. Evaluations for and development of LEED certification.

Additional Services

In the event additional services should be requested on this project, beyond the above outlined scope, we shall perform such services based on our Billing Rates for Calendar Year 2023, and/or B&L will prepare an itemized cost proposal for authorization by the Town.

If B&L is requested by the Town to obtain the services of a consultant(s), or provide work as an additional service in connection with the project, B&L shall be reimbursed for Consultant's fee expenses incurred in the interest of the project, plus profit of ten percent (10%).

Please indicate your acceptance to this proposal by signing in the space provided below, and returning one copy of this letter to my attention by mail, or email, at your earliest convenience. We appreciate the opportunity to provide continued service to the Town of Rotterdam.

If you have any questions, or wish to discuss any item within this proposal, please feel free to contact our office.

Sincerely,

BARTON & LOGUIDICE, D.P.C.

A handwritten signature in black ink, appearing to read 'Donald H. Fletcher', is written over a large, light gray 'DRAFT' watermark.

Donald H. Fletcher, P.E.
Senior Vice President

TRB/MCF/jms

Authorization

Barton & Loguidice, D.P.C., is hereby authorized by Town of Rotterdam ("Owner") to proceed with the services described herein in accordance with the attached Terms and Conditions.

A handwritten signature in black ink, appearing to read 'Mollie A. Collins', is written over a large, light gray 'DRAFT' watermark.

Ms. Mollie Collins, Town of Rotterdam Supervisor

A handwritten signature in black ink, appearing to read 'Mollie A. Collins', is written over a large, light gray 'DRAFT' watermark.

Date