

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

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

**Workshop/Waiver(s) (7:00pm)**

- 1. Retired in Place Holdings, LLC – 3128 & 3132 N. Thompson Street & 34 Glenville Road.**  
The applicant requests a Waiver of Subdivision to eliminate a ±1,611 square foot parcel (Tax Map No. 48.14-1-20.11) and Boundary Line Adjust ±2,625 square feet from 3128 N. Thompson Street to 3132 N. Thompson Street: Lot 1 = ±12,813 square feet (Tax Map No. 48.14-1-20.21(3128 N. Thompson)) and Lot 2 = ±10,497 square feet (Tax Map No. 48.14-1-20.12 (3132 N. Thompson)). Surveyor: Raymond A. Koch Land Surveyor
- 2. RMB Heating and Cooling - 1442 Fern Avenue.** The applicant requests a Waiver of Site Plan to construct a 60' x 120' storage building on a ±4.87-acre parcel. Engineer: ABD Engineers, LLP

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

- 1. GDP Lville Rotterdam, LLC (Contract Vendee) – 880 & 900 Duanesburg Road.** Report and Recommendation to the Town Board on a Change of Zone on ±17.30 acres from Agricultural (A-1) to General Business (B-2). Applicant is proposing construction of a ±102,500 square foot BJ's Wholesale Club with associated eight (8) island fueling station and a ±2,000 square foot retail building with drive thru. Engineer: ABD Engineers, LLP.
- 2. BD Upstate Construction, Inc. – 1696 Crane Street.** Report and Recommendation to the Town Board on a Change of Zone on ±71,003 square feet from Two Family Residential (R-2) to Multi-Family Residential (R-3). Applicant is proposing to convert an existing ±3,074 square foot three-unit residential building to a four (4) unit residential building. Engineer: Empire Engineering.

## WAIVER OF SUBDIVISION REVIEW

Date: September 19, 2023

PC2023-SW7

The Town Planning Commission Office has received the attached application and accompanying documents. The below-identified applicant requests a waiver of Section 249 as outlined in Section 249-27(D) entitled "Waiver for Lot Line Amendments."

APPLICANT(S): Retired in Place Holdings, LLC  
PO Box 617  
Schenectady, NY 12301

PROJECT ADDRESS: 3128, 3132 N. Thompson Street & 34 Glenville Road

APPLICANT IDENTIFIED AS: X Owner(s) Lessee Contract Vendee

**REQUEST:** The applicant requests a Waiver of Subdivision to eliminate a  $\pm 1,611$  square foot parcel (Tax Map No. 48.14-1-20.11) and Boundary Line Adjust  $\pm 2,625$  square feet from 3128 N. Thompson Street to 3132 N. Thompson Street. Lot 1 =  $\pm 12,813$  square feet (Tax Map No. 48.14-1-20.21(3128)) and Lot 2 =  $\pm 10,497$  square feet (Tax Map No. 48.14-1-20.12 (3132)). Surveyor: Raymond A. Koch Land Surveyor

### Action Taken by Commission:

In accordance with Chapter 249 of the Town of Rotterdam Zoning Ordinance, entitled "Subdivision," Section 249-27(D) the Planning Commission waives the requirements set forth in Chapter 249, conditionally. Conditions imposed, if any, are as follows:

1. The final maps (with all necessary changes discussed at the Planning Commission) need to be submitted for signature and filing with Schenectady County.
2. The Planning Commission Chairman will sign up to two (2) Mylar's (One for Schenectady County and one for the applicant).
3. The signed Mylar's need to be filed with Schenectady County Clerk's office within ten (10) days.
4. After signature and filing with Schenectady County six (6) paper copies shall be returned to the Planning Commission office.
5. Prior to Chairman's signature, pin and cap new lot corners.
6. Septic system and utility locations shall be added to final mylar prior to Chairman's signature.

The Commission action on the Waiver application took place at the Planning Commission meeting of September 19, 2023 and authorized the Commission Chairman to execute the Waiver. The issuance of this Waiver is contingent upon the applicant complying with all conditions as stated above. Failure to adhere to conditions may result in revocation of Waiver by the Town of Rotterdam Planning Commission and requirement of a full Subdivision.

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Peter J. Comenzo  
Senior Planner

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Thomas P. Yuille, Chairman  
Planning Commission



RECEIVED

SEP 08 2023

TOWN OF ROTTERDAM  
PUBLIC WORKS

**TOWN OF ROTTERDAM  
OFFICE OF THE PLANNING COMMISSION**

**Town of Rotterdam Boundary Line Adjustment Application**

**100.00 Application Fee**

The purpose of this application is to allow the property owner to adjust the  
boundary lines of said parcels:

Tax Map Number(s) #1 48.14-1-20.21 #2 48.14-1-20.12  
these numbers will refer to specific questions relating to each parcel #3 48.14-1-20.11

#1 Property Owner's Name: Retired in Place Holdings, LLC

Mailing Address: P.O. Box 617, Schenectady, NY 12301

Phone Number(s) and e-mail 518-986-2522 - Stephen

#2 Property Owner's Name: Retired in Place Holdings, LLC  
#3

Mailing Address: P.O. Box 617, Schenectady, NY 12301

Phone Number(s) and e-mail 518-986-2522

Contractor's/Agent/Representative's Name (if Applicable) \_\_\_\_\_

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

Phone Number(s) and e-mail 518-986-2522 Stephen Bantz@yahoo.com

q

Parcel Size(s) (acreage or sq. ft): #1: 100'x154'± - 15,438± sqft #2: 50'x123'± - 6,123± sqft  
#3: 50'x30'± - 1,611± sqft

Location of Property(s) (911 address) #1: 3128 N. Thompson St

#2: + #3: 3132 N. Thompson St.

Zone Classification & Lot Size: #1: R-1 - 100' x 154' #2: R-1 - 50' x 123'  
#3: 50' x 32' - R-1  
If parcel(s) is in multiple zones, indicate all zones.

Are the lots presently conforming lots? YES (NO)

IF NO, What lot(s) are not conforming: Lot # 2 + Lot # 3

Proposed lot size(s): #1: 12,813 sq ft #2: 10,497 sq ft.

Will the boundary line adjustment leave all proposed lots conforming? YES (NO)

IF NO, What lot(s) will not be conforming: #1 + #2

Current use of property: (What is present on this parcel today) list all structures:

#1: Residential Dwelling

#2: Tavern + parking lot #3: Garage

Proposed use (what are you proposing to accomplish with this application): (i.e. merge/sell lot(s) build home etc.)

Same

Are additional documents presented as part of this application? YES NO

\* if yes, then mark all additional documents as Exhibit A, Exhibit B, etc.

Additional data on proposed boundary line adjustment. \_\_\_\_\_

*Notice is hereby given that in the event the Town of Rotterdam determines that technical assistance is needed to review the project, the reasonable and necessary expenses associated with such review shall be borne by the project applicant.*

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

SIGNATURE OF PROPERTY OWNER PARCEL #1 [Signature] DATE 9/1/23

SIGNATURE OF PROPERTY OWNER PARCEL #2/3 [Signature] DATE 9/1/23

P

# NOTES

1. Owner of all parcels involved in boundary line adjustment:  
Retired in Place Holdings, LLC,  
P.O. Box 617  
Schenectady, New York 12301
2. All lots involved in the boundary line adjustment are located  
in the R-1 (one family residential) zoning district.
3. Proposed Street No. 3128 & 3132 are on private sewer.  
Water supply is from public.
4. Upon approval of this boundary line adjustment, surveyor  
will set capped iron rods at the established property corners.



Land of  
D. S. C. Sullivan  
(1281 & 351)  
Street No. 59 N. Thompson St.  
Tax ID # 4814-110  
Lot 160

- WATER SERVICE  
ORIGINAL SUBDIVISION  
ADJOINERS BOUNDARY  
SUBJECT BOUNDARY  
EXISTING BOUNDARY  
TO BE CHANGED  
PROPOSED BOUNDARY  
CORNER TO BE SET

NISKAYUNA STREET

MAP REFERENCE  
\* Map of Building Lots belonging to Robert Jay Timball, South Schenectady,  
Schenectady Co., N.Y. \* Made July 17, 1860 and filed in the Schenectady County  
Clerk's Office July 25, 1860 in Small drawer 18 as Map number 1.

TOWN OF ROTTERDAM CHAIRMAN

DATE

DATE  
JUNE 28, 2023

SCALE: 1" = 20'

ROTTERDAM

STATE OF NEW YORK

SCHEENECTADY

Only the  
Official Seal of the  
Schenectady County  
Clerk is valid for  
recording purposes.

RAYMOND A.  
Koch  
LAND SURVEYOR  
133 MOHAWK AVENUE  
SCOTIA, NEW YORK 12302  
phone: (518) 393-0989 email: kochsurvnyor@gmail.com

Certification: I have personally surveyed the land shown  
herein and the same is true and correct to the best of my  
knowledge and belief. I am a duly licensed and sworn  
Surveyor of the State of New York.

REVISIONS

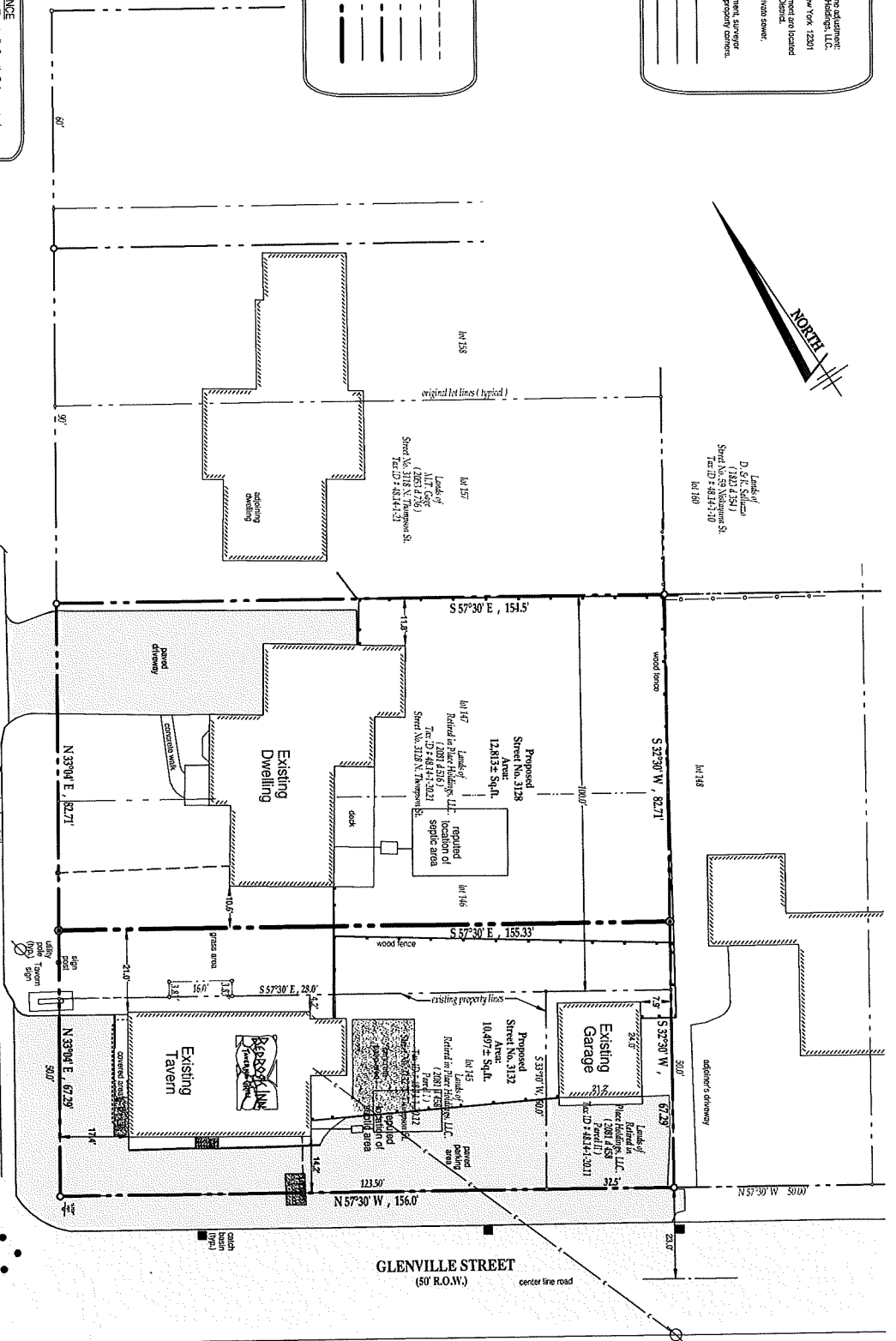
| NO. | DESCRIPTION               | BY | DATE   |
|-----|---------------------------|----|--------|
| 1   | Addition of specific area | js | 9/1/22 |
| 2   | water service location    | js | 9/1/22 |

DATE



NORTH THOMPSON STREET

GLENVILLE STREET  
(50' R.O.W.)



SURVEYOR'S NOTE: All visible improvements and/or use has been either physically located and/or shown  
on the map. The surveyor is not responsible for any improvements or use not shown on the map. The surveyor  
is not responsible for any improvements or use not shown on the map. The surveyor is not responsible for any  
improvements or use not shown on the map. The surveyor is not responsible for any improvements or use  
not shown on the map. The surveyor is not responsible for any improvements or use not shown on the map.

## WAIVER OF SITE PLAN REVIEW

**Date:** September 18, 2023

**PC2023-W33**

The Town Planning Commission Office has received the attached application and accompanying documents. The below-identified applicant requests a waiver of Article XVII "Site Plan Approval", stating that a site plan review and approval is unnecessary and would not serve the purpose of the Article.

**APPLICANT:** RMB Heating and Cooling, LLC  
**ADDRESS:** 1442 Fern Avenue  
Schenectady, NY 12306

**PROJECT ADDRESS:** 1442 Fern Avenue

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

**REQUEST:** Applicant requests a Waiver of Site Plan Review to construct a 60' X 120' storage building on a ±4.87 acre parcel. Engineer: ABD Engineers, LLP

### **Action Taken by Commission:**

In accordance with Chapter 270 of the Town of Rotterdam Zoning Ordinance, Article XVII, "Site Plan Approval", Section 270-130(C) the Planning Commission waives the requirements set forth in said Article, conditionally. Conditions imposed, if any, are as follows:

1. Compliance with all NYS Building and Fire Codes.
2. No outdoor storage of vehicles, trailers, materials, or equipment on the north side of the building. All outdoor storage shall be conducted in the rear of the building.
3. Applicant must obtain a Building Permit and be issued a Certificate of Occupancy from the Town of Rotterdam Building Inspector/Code Enforcement Officer.
4. Owner/applicant shall install Knox box for emergency personnel. Please contact Fire District #2 for specifics.
5. Owner/applicant shall install buffering along the east side of the property for residential properties on Fern Avenue in a manner acceptable to the Planning Commission.
6. Stormwater and grading shall be addressed to the satisfaction of the Department of Public Works prior to the issuance of Building Permits.

The Commission action on the Waiver application took place at the Planning Commission meeting of September 18, 2023 and authorized the Commission Chairman to execute the Waiver. The issuance of this Waiver is contingent upon the applicant complying with all conditions as stated above. Failure to adhere to conditions may result in revocation of Waiver by the Town of Rotterdam Planning Commission and requirement of a full Site Plan.

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**Peter J. Comenzo**  
Senior Planner

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



**Town of Rotterdam  
Waiver of Site Plan Review Application**

**RECEIVED**

SEP 18 2023

**TOWN OF ROTTERDAM  
PUBLIC WORKS**

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

1. Copy of Deed and/or executed lease agreement or contract to purchase.
2. Copy of Site Plan that identifies:
  - All structures on site.
  - All parking areas on site (parking spaces 9' x 18').
  - Handicap parking and accessibility as required by New York State Building Code.
  - Interior floor plan of usable area by applicant.
  - Proposed site improvements including parking, structural additions, landscaping and other pertinent information as identified in Section 270-132 of Town Code.
3. On a separate sheet of paper provide a descriptive narrative of use and activity occurring on the site including but not limited to the number of employees, exact nature of business, hours of operation and expected customers to the site daily.
4. A completed Commercial or Residential Building Permit Application.
5. \$100.00 application fee (cash or check – payable to the Town of Rotterdam). Fee in lieu of parkland for residential developments: \$600 per dwelling unit.
6. Does any Town officer, employee or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application? YES \_\_\_\_ NO \_\_\_\_\_. If yes, a statement disclosing the name, residence, nature and extent of this interest must be filed with this application.

PRESENT OWNER(S): Michael Dura

APPLICANT(S)/LESSEE: RMB HEATING AND COOLING

MAILING ADDRESS: 1442 FERN AVE

CITY: Rotterdam STATE: NY ZIP: 12306

DAYTIME TELEPHONE: 518-875-9995 EMAIL ADDRESS: \_\_\_\_\_

PROJECT ADDRESS: 1442 FERN AVE

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

REQUEST: CONSTRUCT A 7200 SF COLN SPRAY BUILDING

ON EXISTING PAVEMENT AREA. MINIMAL LOSS OF GREENSPACE.

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

SIGNATURE OF APPLICANT [Signature] DATE 9/15/23

\* The Planning Commission meets on the first and third Tuesday of each month. All pertinent information and fee(s) must be submitted to the Planning Commission Office at least ten (10) days prior to the meeting.

\*\* All businesses located in the Town of Rotterdam must receive Planning Commission approval and a Certificate of Compliance issued by Building Inspector prior to occupancy.

# TOWN OF ROTTERDAM

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

RECEIVED

A COPY OF THIS LETTER MUST BE SUBMITTED FOR EACH PROPERTY OWNER INVOLVED SEP 18 2023

TOWN OF ROTTERDAM  
PUBLIC WORKS

I, 17 Fern Acquisition, LLC – Michael Dura, Manager, being duly sworn declare that I  
am the

(PROPERTY OWNER)

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

Parcel ID 422800 Tax ID 58.-1-6.1

I hereby grant 1155 Princetown Road LLC and/or their agent(s) to act on my behalf.

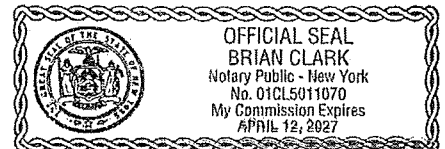
(contract vendee)

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: [Signature] Manager

Date: Sept 15, 2023

NOTARY



STATE OF NEW YORK ss:  
COUNTY OF Albany

SUBSCRIBED AND SWORN to before me this 15 day of September, 2023

NOTARY SEAL

Notary Signature

Notary Public in and for the State of New York  
Residing at:

1711 Western Ave Albany NY 12203

| REQUIRED   |                  | EXISTING   |                  | PROPOSED   |                  |
|------------|------------------|------------|------------------|------------|------------------|
| CEMENT     | 1-1 LOT 10000000 | CEMENT     | 1-1 LOT 10000000 | CEMENT     | 1-1 LOT 10000000 |
| LOT AREA   | 20000000 SQ. FT. | LOT AREA   | 20000000 SQ. FT. | LOT AREA   | 20000000 SQ. FT. |
| LOT WIDTH  | 10000000 FT.     | LOT WIDTH  | 10000000 FT.     | LOT WIDTH  | 10000000 FT.     |
| LOT DEPTH  | 10000000 FT.     | LOT DEPTH  | 10000000 FT.     | LOT DEPTH  | 10000000 FT.     |
| LOT CORNER | 10000000 FT.     | LOT CORNER | 10000000 FT.     | LOT CORNER | 10000000 FT.     |
| STORAGE    | 25'              | STORAGE    | 25'              | STORAGE    | 25'              |
| FRONT      | 25'              | FRONT      | 25'              | FRONT      | 25'              |
| REAR       | 25'              | REAR       | 25'              | REAR       | 25'              |

| EXISTING |                  | PROPOSED |                  |
|----------|------------------|----------|------------------|
| BUILDING | 20000000 SQ. FT. | BUILDING | 20000000 SQ. FT. |
| PAVEMENT | 20000000 SQ. FT. | PAVEMENT | 20000000 SQ. FT. |
| STREET   | 20000000 SQ. FT. | STREET   | 20000000 SQ. FT. |
| TOTAL    | 20000000 SQ. FT. | TOTAL    | 20000000 SQ. FT. |

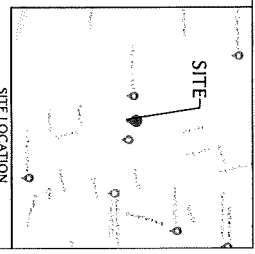
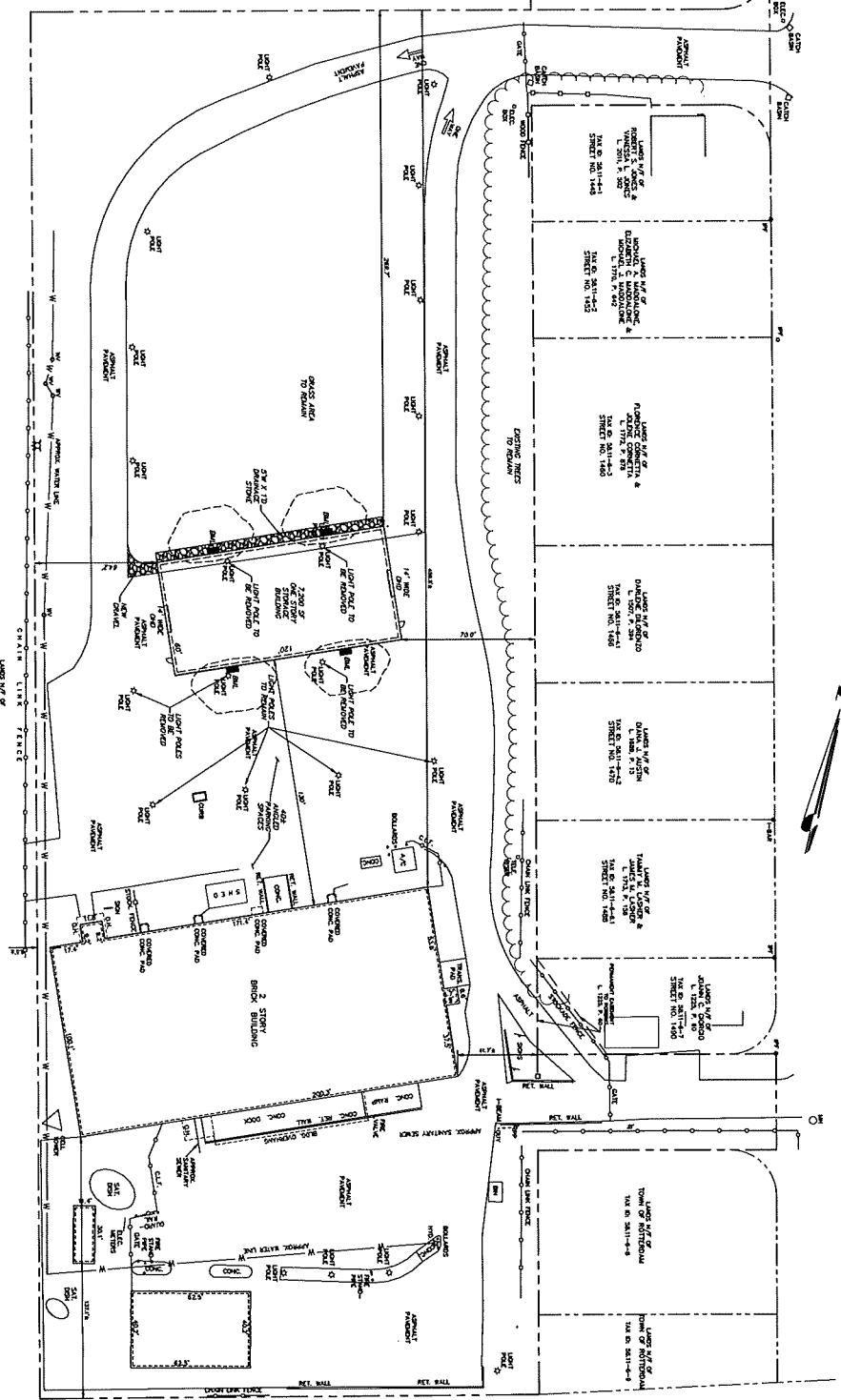
**7,200 SF STORAGE BUILDING**  
17 FERN ACQUISITION, LLC  
STREET NO. 1402 FERN AVENUE

**ABO ENGINEERS**  
SURVEYORS

DATE: SEPTEMBER 11, 2023  
SHEET: 1 OF 1

OWNER/CLIENT: 17 FERN ACQUISITION, LLC  
ADDRESS: 17 FERN AVENUE, SUITE 100  
ALBANY, NY 12203  
TEL: 518-486-1141

DESIGNER: ABO ENGINEERS  
17 FERN AVENUE, SUITE 100  
ALBANY, NY 12203  
TEL: 518-486-1141

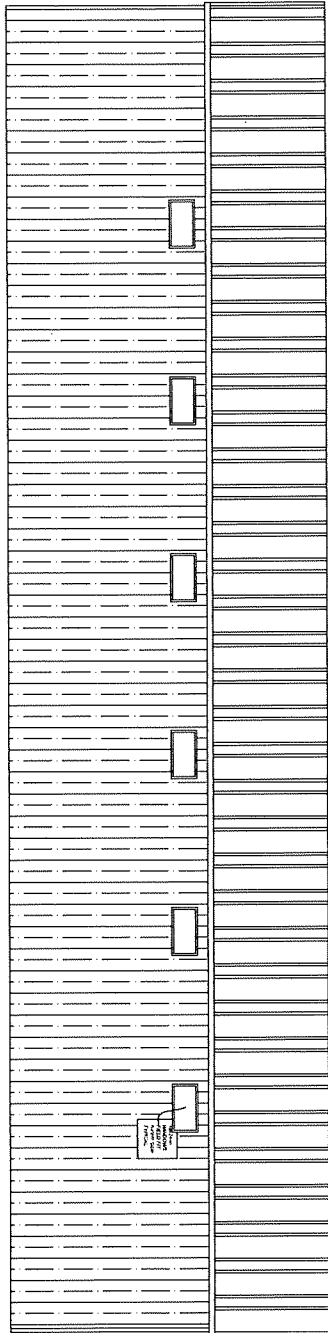


- NOTES:**
1. BASE MAPING PROVIDED FROM A SEPTEMBER 2023 FIELD SURVEY.
  2. THE PLANS SHOW EXISTING STRUCTURES, ADJACENT STRUCTURES, AND LOT LINES. THE LOCATION INDICATED IS APPROXIMATE. THE LOCATION OF THE STRUCTURES IS APPROXIMATE. THE LOCATION OF THE STRUCTURES IS APPROXIMATE. THE LOCATION OF THE STRUCTURES IS APPROXIMATE.

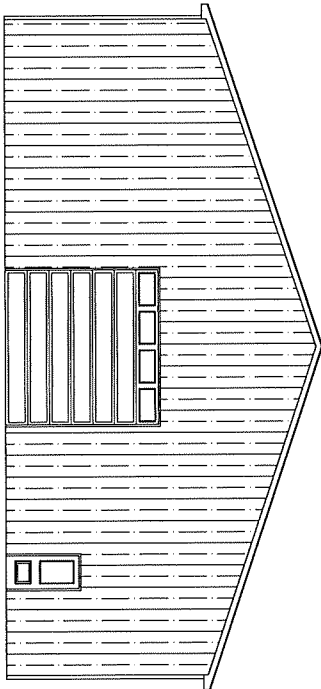
LANDS OF THE  
NOTES: SEE SHEET NO. 1402

LANDS OF THE  
NOTES: SEE SHEET NO. 1403

LANDS OF THE  
NOTES: SEE SHEET NO. 1404



ES) Typical Side Elevation  
Scale: 1/8" = 1'-0"

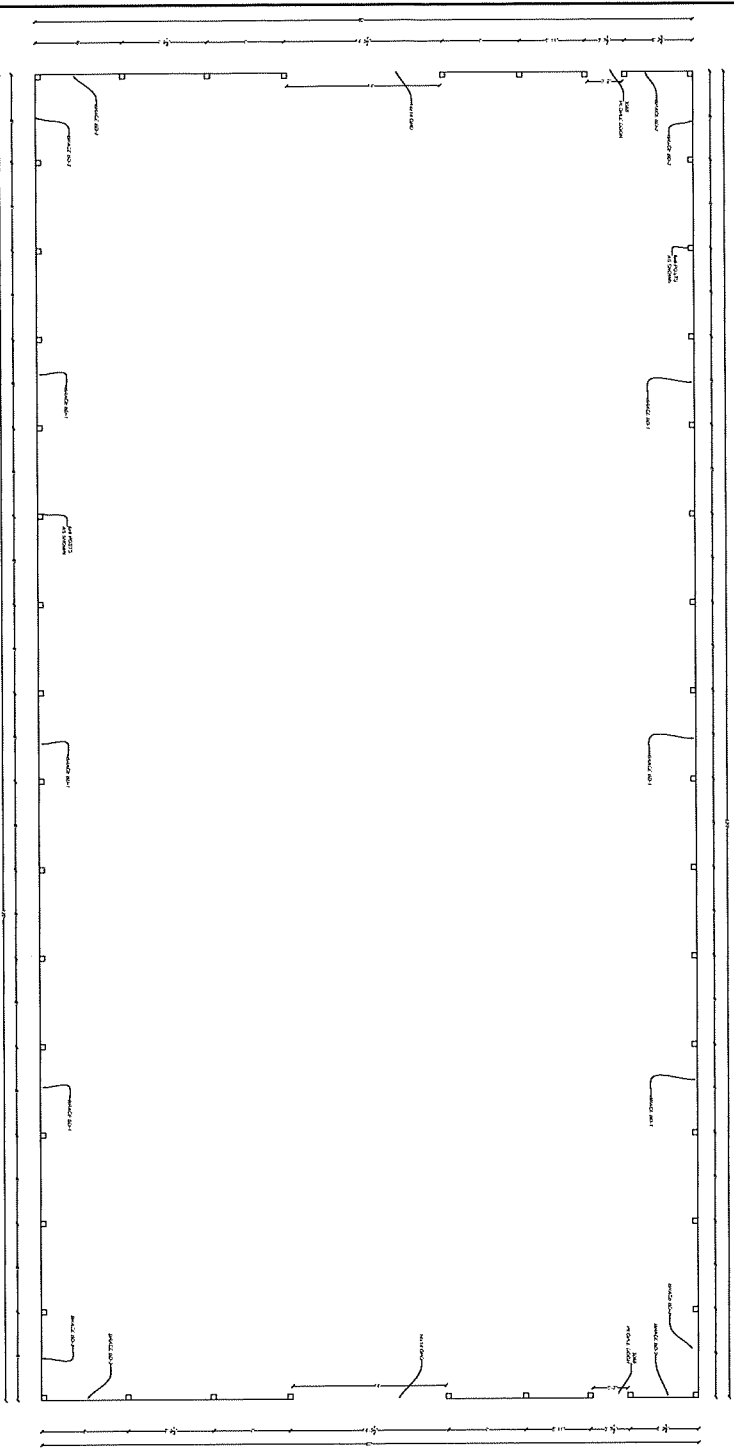


EFB) Typical Front & Back Elevations  
Scale: 1/8" = 1'-0"

- NOTES**
1. General Notes: See the General Notes on the title sheet.
  2. Materials: See the Materials section on the title sheet.
  3. Foundation: See the Foundation section on the title sheet.
  4. Roofing: See the Roofing section on the title sheet.
  5. Siding: See the Siding section on the title sheet.
  6. Windows: See the Windows section on the title sheet.
  7. Doors: See the Doors section on the title sheet.
  8. Finishes: See the Finishes section on the title sheet.
  9. Other: See the Other section on the title sheet.

100% Drawings  
For Construction  
Elevations  
Scale: 1/8" = 1'-0"

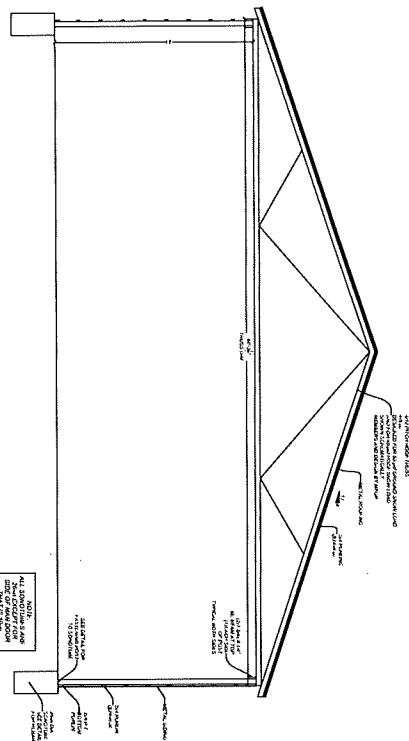
RECEIVED  
SEP 18 2023  
TOWN OF ROTTERDAM  
PUBLIC WORKS



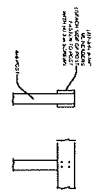
FP Floor/Post Layout Plan  
Scale: 1/8" = 1'-0"

100% Drawings  
For Construction  
Floor Plan  
Scale: 1/8" = 1'-0"

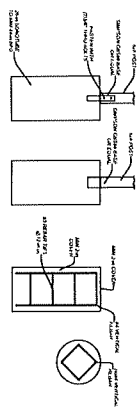
Project No. 2010-046  
Sheet No. A-2



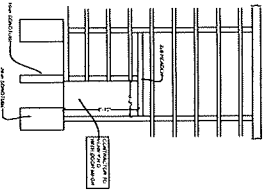
**S1**  
Typical Section  
Scale: 1/8" = 1'-0"



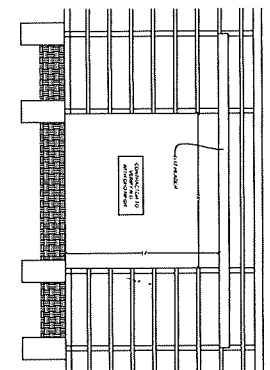
**P4J**  
Typical Post-Header Connect.  
Scale: 1/2" = 1'-0"



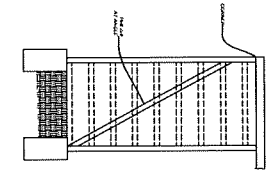
**S7**  
Typical Scantube  
Scale: 1/2" = 1'-0"



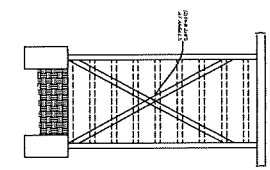
**3D**  
3-ft Door Framing  
Scale: 1/4" = 1'-0"



**14D**  
14-ft Door Framing  
Scale: 1/4" = 1'-0"



**BD-2**  
Brace Detail - 2  
Scale: 1/4" = 1'-0"



**BD-1**  
Brace Detail - 1  
Scale: 1/4" = 1'-0"

100% Drawings  
For Construction  
Details  
Scale: 1/4" = 1'-0"

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

**DPW Comments  
September 19, 2023**

1. **GDP Lville Rotterdam, LLC (Contract Vendee) – 880 & 900 Duanesburg Road.** Report and Recommendation to the Town Board on a Change of Zone on ±17.30 acres from Agricultural (A-1) to General Business (B-2). Applicant is proposing construction of a ±102,500 square foot BJ's Wholesale Club with associated eight (8) island fueling station and a ±2,000 square foot retail building with drive thru. Engineer: ABD Engineers, LLP.

1. Planning Commission should consider adoption of a Report and Recommendation to the Town Board.
2. See attached verbatim minutes from the September 5, 2023 meeting.

***DPW Comments from September 5, 2023***

1. The Rotterdam Town Board referred application to Planning Commission for a report and recommendation on August 9, 2023.
2. Proposed 2,000 s.f. retail building will need to be relocated. After discussions with NYSDOT, the access point will need to be moved to the easternmost portion of the property as the proposed location.
3. A Town Designated Engineer (TDE) will be necessary to assist in SEQR review. Planning Commission should authorize the Chairman to enter into an agreement with a TDE to begin the process.

**SEQR Requirement:** 6 NYCRR 617 Type 1 Action. Town Board to declare lead agency.

**Involved/Interested Agencies**

Schenectady County Economic Development and Planning  
Schenectady County Department of Health  
New York State Department of Environmental Conservation – Region #4  
New York State Department of Transportation  
New York State Thruway Authority  
United States Department of Army, Corps of Engineers  
United State Fish and Wildlife Service  
Rotterdam Highway Department  
Rotterdam Police Department  
Rotterdam Planning Commission  
Metroplex Development Authority  
Fire District #6  
Schalmont School District



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## TOWN OF ROTTERDAM CHANGE OF ZONE APPLICATION

Application Fee \$1,000

Existing Zone Classification: A-1 Agricultural

Proposed Zone Classification: B-2 General Business

### PART II GENERAL INFORMATION

Legal Owner's Name: Flying J, Inc. (AKA FJ Management, Inc.)  
Mailing Address: 185 S State Street, Suite 1300  
City: Salt Lake City State: Utah Zip: 84111  
Daytime Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

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

Owner's Designated Contact: Luigi A. Palleschi, P.E., ABD Engineers & Surveyors, LLP

Mailing Address: 411 Union Street  
City: Schenectady State: NY Zip: 12305  
Daytime Phone: 518-377-0315 E-mail: luigi@abdeng.com  
Project/Proposal Site Area: (Acres or sq. ft.) 17.3± Acres  
Assessor Tax Parcel No.(s) of Site: 57-3-7.112 & 57-7-1-1.2  
Adjacent Parcels Owned or Controlled and Tax Map Parcel No: (Acres or sq. ft.) N/A

Street Address of Proposed Site (if any): 900 and 880 Duanesburg Road (NYS Route 7)

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JUL 28 2023  
TOWN OF ROTTERDAM  
PUBLIC WORKS

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

The land previously contained a barn structure. The remainder of the land (two parcels) is vacant.

School District: Schalmont

Fire District: 6

Water Supply: Rotterdam

### LEGAL INFORMATION

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

On NYS Route 7 just east of I-88 on ramp.

Name of Public Road(s) Providing Access: NYS Route 7

Width of Property Fronting on the Existing Public Road in Linear Feet: 700±

Does the Proposal Have Access to an Arterial or Planned Arterial?

☒ Yes ( ) No

Name(s) of Arterial Road(s): NYS Route 7 - Duanesburg 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? Contract Vendee

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

The site fronts on NYS Route 7, which is a commercial corridor and is not suitable for agricultural use or those residential uses that are allowed. The site has access to water, gas, and other utilities. No public sewer available at this time so onsite septic system will be needed.

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: [Signature]  
Address: 411 Union Street, Schenectady, NY

Date: July 25, 2023  
Phone: 518-377-0315  
Zip: 12305

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: Flying J, Inc.  
Address: 185 S State Street, Suite 1300  
Salt Lake City, UT

Date: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Zip: 84111

*Cherill W. Jones, CFO*  
Signature of applicant or representative

July 25, 2023  
Date

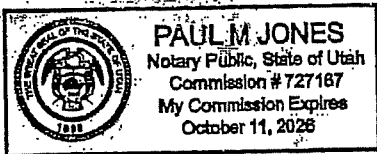
**NOTARY**

STATE OF NEW YORK) ss:  
COUNTY OF \_\_\_\_\_)

SUBSCRIBED AND SWORN to before me this 26 day of July, 2023

NOTARY SEAL

*[Signature]*  
Notary Signature



Notary Public in and for the State of Utah  
Residing at: Cottonwood Heights, UT  
My appointment expires: 10/11/2026

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, Flying J, Inc., 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):** 57-3-7.112 & 57.7-1-1.2

I hereby grant Luigi A. Paleschi, P.E., ABD Engineers & Surveyors, LLC 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): *Luigi A. Paleschi*

Date: July 26, 2023

NOTARY

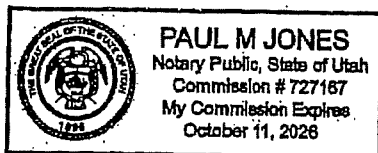
STATE OF NEW YORK) ss:

COUNTY OF \_\_\_\_\_

SUBSCRIBED AND SWORN to before me this 26th day of July, 2023.

NOTARY SEAL

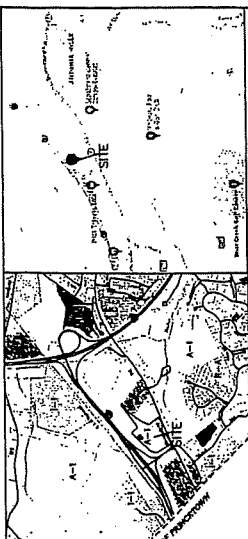
*Luigi A. Paleschi*  
Notary Signature



Notary Public in and for the State of Utah

Residing at: Cottonwood Heights, UT

My appointment expires: 10/11/2028



SITE LOCATION MAP

ZONING MAP

- NOTES:
1. BASE MAPS PREPARED BY AND ENGINEER, L.P. FROM MAP ATTACHED AND 2003 SOURCE.
  2. THE PLANS SHOW SOME EXISTING STRUCTURES, UNDEVELOPED AREAS, AND EXISTING UTILITIES. THE EXISTING UTILITIES ARE SHOWN AS THEY ARE LOCATED ON THE EXISTING MAPS. THE EXISTING UTILITIES ARE NOT SHOWN AS THEY ARE LOCATED ON THE EXISTING MAPS. THE EXISTING UTILITIES ARE NOT SHOWN AS THEY ARE LOCATED ON THE EXISTING MAPS.

| EXISTING: TOWN OF ROTTERDAM |                 |
|-----------------------------|-----------------|
| STRECHER:                   | AS-1: AMBULANCE |
| FRONT:                      | 15'             |
| REAR:                       | 15'             |
| MINIMUM LOT AREA:           | 1 ACRE          |
| MINIMUM LOT COVERAGE:       | 20%             |

| PROPOSED: TOWN OF ROTTERDAM |                 |
|-----------------------------|-----------------|
| STRECHER:                   | AS-1: AMBULANCE |
| FRONT:                      | 25'             |
| REAR:                       | 15'             |
| MINIMUM LOT AREA:           | 1 ACRE          |
| MINIMUM LOT COVERAGE:       | 20%             |

| EXISTING: TOWN OF ROTTERDAM |                 |
|-----------------------------|-----------------|
| STRECHER:                   | AS-1: AMBULANCE |
| FRONT:                      | 25'             |
| REAR:                       | 15'             |
| MINIMUM LOT AREA:           | 1 ACRE          |
| MINIMUM LOT COVERAGE:       | 20%             |

| EXISTING: TOWN OF ROTTERDAM |                 |
|-----------------------------|-----------------|
| STRECHER:                   | AS-1: AMBULANCE |
| FRONT:                      | 25'             |
| REAR:                       | 15'             |
| MINIMUM LOT AREA:           | 1 ACRE          |
| MINIMUM LOT COVERAGE:       | 20%             |

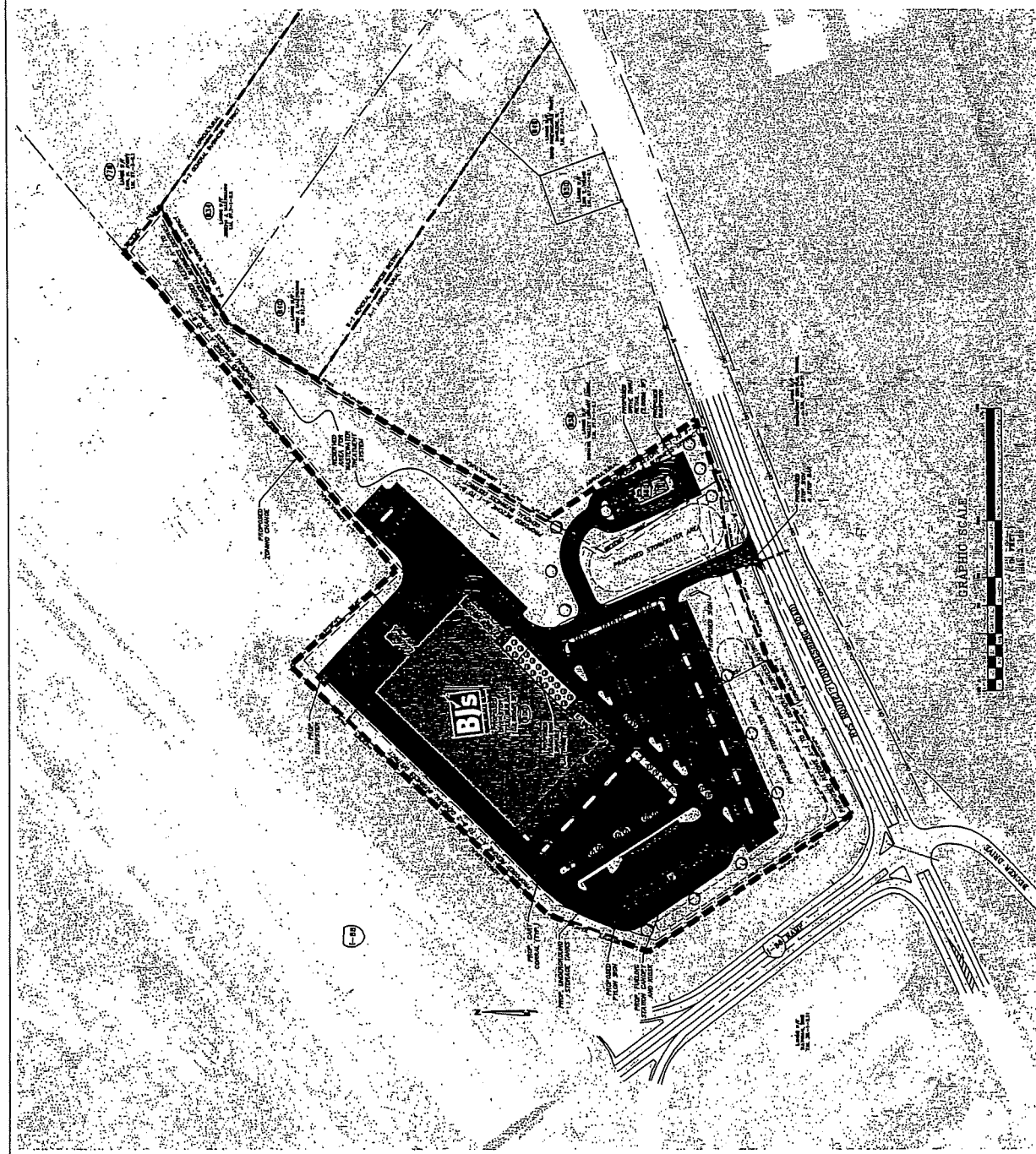
OWNER: JMC (MGT. MANAGEMENT INC.)  
 100 N. MAIN STREET, SUITE 100  
 ROTTERDAM, NY 14601  
 ATTORNEY: ROTTERDAM, L.L.C.  
 100 N. MAIN STREET, SUITE 100  
 ROTTERDAM, NY 14601  
 THE MAP & 20-2-212 & 217-1-12

CONCEPT PLAN

|                                                                                                                                              |               |
|----------------------------------------------------------------------------------------------------------------------------------------------|---------------|
|                                                                                                                                              |               |
| WITH FUELING STATION PLAZA<br>900 & 850 DUNDASBURG ROAD<br>TOWN OF ROTTERDAM<br>COUNTY OF SCHENECTADY<br>STATE OF NEW YORK                   |               |
| A.D. ENGINEERS<br>SURVEYORS<br>100 N. MAIN STREET, SUITE 100<br>ROTTERDAM, NY 14601<br>516-231-1111 FAX 516-231-1112<br>www.ad-engineers.com |               |
| DATE:                                                                                                                                        | JULY 18, 2023 |
| SCALE:                                                                                                                                       | 1" = 100'     |
| SHEET OF:                                                                                                                                    | 25/27-1-12    |



ALTERNATION OF THIS DOCUMENT EXCEPT BY A LICENSED PROFESSIONAL ENGINEER IS ILLEGAL.



**DESCRIPTION OF LAND**  
**PROPOSED ZONE CHANGE**

**BEGINNING** at a point in the northerly highway boundary of the Schenectady/Duanesburg state highway at its intersection with the division line between Lands Now or Formerly of Collier as described in Liber 1068 of Deeds at Page 832 on the east and Lands herein described on the west; thence running westerly along said northerly highway boundary of the Schenectady/Duanesburg state highway 716 Feet more or less to a point in the southeasterly highway boundary of Route 7 to Route 7 connector; thence northerly, easterly, southerly and easterly 2,527 Feet more or less to a point in the division line between the Lands Now or Formerly of Avery as described in Liber 1506 of Deeds at Page 256 on the east and the herein described parcel on the west; thence along said division line 113 Feet more or less to a point at the northeasterly corner of Lands Now or Formerly of Mastrianni as described in Liber 608 of Deeds at Page 478; thence westerly and southwesterly 1,022 Feet more or less to a point; thence southerly 349 Feet more or less to a point in the aforementioned northerly highway boundary of the Schenectady/Duanesburg state highway; thence along said northerly highway boundary of the Schenectady/Duanesburg state highway 124 Feet more or less to the point and place of beginning and containing 17.3 acres of land more or less.

RECEIVED

JUL 28 2023

TOWN OF ROTTERDAM  
PUBLIC WORKS

4. **GDP Lville Rotterdam, LLC (Contract Vendee) – 880 & 900 Duanesburg Road. Discussion on Report and Recommendation to the Town Board on a Change of Zone on ±17.30 acres from Agricultural (A-1) to General Business (B-2). Applicant is proposing construction of a ±102,500 square foot BJ's Wholesale Club with associated eight (8) island fueling station and a ±2,000 square foot retail building with drive thru. Engineer: ABD Engineers, LLP**

**Mr. Palleschi:** Good evening, Luigi Palleschi with ABD Engineers and Surveyors. Also with me tonight is the applicant with GDP and representative of the applicant as well.

We are here tonight to discuss 900 Duanesburg Road as well as 880 Duanesburg Road. I think most of you are familiar with this site. It is right at the intersection of the I-88 on ramp. To the east you have the library, to the southeast you have Schalmont Schools, over to the west you have the Pilot Truck Stop and across from that is the 7-11 Truck Stop. It is a good commercial corridor here for this property and for BJ's. We all know BJ's is currently in the Town of Rotterdam on Campbell Avenue. That site is over an Aquifer and cannot have gas and that has always been BJ's goal is to also provide gas to its members. When this property came up, they were interested not only to stay in Rotterdam and see if this site could work so, when they brought it to us, we prepared a conceptual site plan as you can see. This will allow them to not only to have gas but build a newer, bigger building and be in this area where you still have visibility being that you are at an intersection with commercial corridor that this has become.

880 is another parcel that is under contract. Both of these parcels are owned by Flying J. So, 880 is the smaller parcel and that would be proposed drive-thru fast-food establishment there. That would be coming off of the main drive off of Route 7. So, what we are proposing here is 102,500 square foot building. It will have the tire center, it will have the gas as I mentioned and it will have propane filling, everything you could ever need or want and similar to what is at the Campbell Avenue site. We are proposing a full curb cut off of Route 7 and we have over 500 parking spaces as laid out with landscaped islands and trees. There is municipal water on Route 7, so we would come in with a new water lateral to serve this. Obviously, the building would be fire sprinklered and we would have access around the entire building for Fire Protection and emergency vehicles. There is no public sewers near this site, as we all know, so we do have areas where we are proposing a wastewater treatment facility. So, BJ's has several facilities like this in all parts of the country and in New York of course and last week I was on a call with their engineer who designs these wastewater treatment facilities and they are pretty sophisticated and they are underground for the most part, but they will have a building structure because of how they aerate under the ground and then they need these blower systems and that building will be sort of back in this location here closer to I-88. We can always provide you the details on that. The facility would probably be around 10,000 gallons per day is our proposed use based on the New York State DEC standards for this size facility.

Storm water, so if you know the lay of the land the site does sit up higher on the easterly side of the site and it all rolls to the West towards the ramp. It is our vision to keep the building up high. Our driveway coming in off of Route 7 and the parking as close to the main entrances the building. And then on the low side we are proposing the storm water management system. Knowing the soils out there we are anticipating a bioretention stormwater practice so, I don't know if most of you are familiar with them but that provides additional plantings within the stormwater area which will obviously meet the DEC stormwater regulations. We do have some street trees lining the I-88 ramp as well as Route 7 to try to beautify this site.

Signage we are proposing 2 signs. It is important to have one right at the ramp in the northwest corner of the site. That would be a pylon sign you know to what you have across the way at the other truck stop facilities. Obviously with gas it is important to display the prices and then there is another one right on Route 7 right next to the main entrance and that would be a smaller sign. We can certainly provide those details as we move forward.

In the back is the loading dock for deliveries. Again, Providing ample turning movement for the tractor trailers and emergency vehicles to get all the way around the building. This has plenty of parking spaces and circulation throughout the site. It was brought to my attention with the team that where we had originally picked and proposed the main entrance, it was considered to possibly move that entrance further east as far away from the intersection as possible. So, late last week I was able to do some sketches and I do think I can move that entrance as far east as possible. We know we have to work with DOT of course, because Route 7 is a state highway.

So, we can propose and show different sketches and work with DOT to get that driveway as far east as possible, however, what it will do is the drive-thru and restaurant would have to flip flop which isn't the end of the world. It does allow us to be more flexible with that tenant space because we really do not know what is going to go there yet but the vision is to have some sort of drive-thru establishment. So, looking at moving, that driveway east opens up a bigger pad for that out parcel as I call it and provide different connectivity between BJ's parking lot and that drive-thru facility.

**Chairman Yuille:** You would probably have to consolidate those two lots too.

**Mr. Palleschi:** either a consolidation or a lot line adjustment is what I was thinking. The first goal was can we fit it just on that parcel 880 and we did keeping it nice and narrow but with this consideration I think we can just flip flop and move the lines if that is what we want to do.

We are here tonight as you know we made application to the town board for a change of zone because this parcel is in an agricultural zone and like the other parcels for the truck stops that those were converted from this agricultural zone to a B-2 zone which allows the gas. We made the application to the town board so we are here to discuss this project with the Planning Commission And hope for that positive recommendation back to the town board but not only talking about the site plan stuff here, I think hopefully we all agree that it is very important to state that BJ's would love to stay in Rotterdam and only going from one location to the other for the gas and be part of this community still.

Just to kind of give you everything that I know, as far as traffic goes, we know that is going to be an item here to discuss VHB has been retained to do the traffic study. They have not done it yet because school is out. School starts this week so they are ready to go next week and get all the traffic data that they need with the school buses and we have copies of the traffic report that was done for the 7-11. So, they will be reviewing that and kind of coordinating it all together. It is a busy intersection but a lot of the residents that travel this would be happy that the BJ's is there and a lot of those trips would be pass by trips. Some would be new trips but a lot of pass by as well because of what is there on Route 7 already.

Further to the east there are two properties that area already zoned B-2, I don't know if most of you are familiar with that, but the one building there is the AAC Chiropractor and For the Love of Bacon. So, that property does go all the way back and it is B-2 zone and it does touch this property. So, as far as you know, the zoning in this area as B-2, you can see the trend from Pilot to 7-11 and what was already done on the easterly side of the site.

That is, it for right now and I will turn it over to the Board, if you have any questions, we are here to answer them.

**Chairman Yuille:** Mrs. Flansburg?

**Mrs. Flansburg:** For point of reference, do you happen to know the size of the current BJ's to know the difference between the current one.

**Ms. Marsh:** I'm going to see if I can find it really quick.

**Mr. Palleschi:** It's very similar. She is going to look up the square footage.

**Mrs. Flansburg:** Just so it kind of gives us an idea.

**Mr. Palleschi:** It's not doubling in size.

**Mrs. Flansburg:** Would it be similar to the store that is in Colonie, it seems like it's bigger but maybe it's just laid out differently.

500 parking spaces makes me say wow. Can we talk about banking spots for later? Does BJ's need 500 or is it based on just the way our code is and the size of the building.

**Mr. Palleschi:** It is per code and I am always in favor of banking these parking spaces.

**Mrs. Flansburg:** If you need them, they can be made available but that is a whole lot of gray area that may not be necessary.

**Mr. Palleschi:** We would definitely love to consider that if we can save pavement now and bank them for later, if they ever need them.

**Mrs. Flansburg:** Especially because you are converting, when we make our recommendation to the town board should it move from agricultural to B-2. Fueling station will there be diesel? Is it just regular people coming through?

**Mr. Palleschi:** It is my understanding it is only geared through the members. I do think there will be diesel because pick up trucks today are diesel.

**Mrs. Flansburg:** Will tractor trailers...

**Mr. Palleschi:** No tractor trailers. We need to get tractor trailers through the site for deliveries and also delivery the fuel but right by the station you will see the underground tanks that are proposed.

**Mrs. Flansburg:** Also, where the fuel is, it seems odd that it is in the back corner but that is how the one is in Colonie too. You have to get all the way into the site and all the way into the back. If you are banking some spaces having it be less dense with parking where cars are going to be fueling and driving off. That is my two cents worth. I think this is a great project. I'm glad they want to stay in Rotterdam. I think they tried do a fueling station at the top of the hill where the car wash is now years ago and it didn't work out and I'm glad this is a solution that hopefully will.

**Chairman Yuille:** Mr. Signore?

**Mr. Signore:** I think it's great. This is the type of development that I like to see. It's big in square footage and less impact on the infrastructure. For instance, an area like that I would rather see something like this then 300 homes in addition to the impact on the school with children. This is ideal when you have a big building that come in with a lot of square footage and pays a lot of taxes.

**Chairman Yuille:** Mr. Miglucchi?

**Mr. Miglucchi:** The trucks coming off of I-88 there, they will not have far to travel and we are not taking delivery trucks through the streets of Rotterdam. How many more employees will be hired for this? It looks like it's going to be a bigger operation.

**Ms. Marsh:** Tiffany Marsh with GDP Lville. There are 75 part-time employees in the store this size and 75 full-time so it's 150 altogether.

**Mr. Miglucchi:** The BJ's that is here now, you're adding on a gas station and a tire facility so it's going to be more people.

**Ms. Marsh:** There is tire existing now. So, we are adding the gas station. So, for this size it is 75 and I will confirm the square footage, I'm sorry I can't find it quick enough, but I will confirm the square footage of the current and the employee count on the current store for you tomorrow.

**Mr. Miglucci:** I'm all set.

**Chairman Yuille:** Mr. Collins?

**Mr. Collins:** The only question that I have is on the fueling station is there enough room if someone comes in with a big fifth wheel to get around to get gas. That would be my only concern if they could swing the trailer around to get gas and we don't want them to get there and not be able to get gas and get out.

**Mr. Palleschi:** We are providing like 50' as your approach coming in and this is all geared up, it's all one-way. So, you would come in and you would exit facing the ramp and then you would move around.

**Mr. Collins:** There is enough room to make the loop?

**Mr. Palleschi:** Yes, 50' in the front and it looks like 35' on the back side to make that swing out.

**Mr. Collins:** That was my concern because I have a big fifth wheel.

**Mr. Palleschi:** The intent would be to get those fifth wheels through here and then back out.

**Mr. Collins:** I think it's a great project. I'm excited about it. That was my only concern, Mr. Chairman.

**Chairman Yuille:** Mr. Calder?

**Mr. Calder:** I hope it works out. Not only does it give us some more tax base over there but it also adds tax base to the building that is being left vacant down there where the BJ's is now. I think that is a plus for the town. I know that that corridor was really busy for a while because they are trying to enforce to keep the tractor trailers off of Route 7 because they were parking out there for the longest time and I know that they are enforcing it and making them move on so it's getting less and less congested which is good. That will add more but there is always a cost when it comes to getting something changed and something new. I like the project and I hope it works out. I really do. That is all that I have.

**Chairman Yuille:** Mr. D'Alessandro?

**Mr. D'Alessandro:** You answered the question about the gas and diesel and the store. Are you going to be selling that store. There is a lot of blight down there with Office Max closed up, Average Joe's going, the rental store next door gone, the mall being dead, that is all we are going to need is another empty store down there. Are you selling that?

**Mr. Palleschi:** BJ's doesn't own that building. It's owned by, I don't know who owns it, it's not owned by BJ's. They are just leasing that building and that land and that would be the same here when they move here.

**Mr. D'Alessandro:** That is all that I have.

**Chairman Yuille:** Are you sure about that Luigi? I thought Iovinella sold building a few years ago.

**Mr. Palleschi:** You are right, Iovinella sold it, but it is my understanding that they sold it to another company.

**Chairman Yuille:** Okay because they are not going to own this building either, this is going to be owned by your company, right?

**Mr. Palleschi:** Correct.

**Chairman Yuille:** Do you have anything else, Mr. D'Alessandro?

**Mr. D'Alessandro:** That's all that I have.

**Chairman Yuille:** That was one of the questions that I had is what they were going to do with the building but another company that has it.

Looking at this site would have been a better location for BJ's from day one, if it was available. At that time, it wasn't available. It's much better location for you and I think you will draw more traffic in off of the Thruway and I-88 and people going out that way. The one down next to the mall is tough and we looked at that for years.

The other question that I had was if you flip flop that restaurant to the other side then you are going to have to move that proposed stormwater area, correct?

**Mr. Palleschi:** Yes, we would. What that will do, I still need a certain surface area for the stormwater bioretention and then the rest may have to go underground, under the parking lot. That is something that is a tradeoff.

**Chairman Yuille:** I saw this note on the plan that said reserve area for water treatment system. I didn't realize you were going to have a water treatment system.

**Mr. Palleschi:** I didn't either until last week. So, BJ's and GDL, they use a company called Stantec which manufactures these types of systems and when I was on a conference call with them, it was interesting, I have some documents that I can share with everyone and they will design up to 100,000 per day or 50,000 gallons and one that they shared with me was about 10,000 gallons a day which is about what this is going to use. So, some of these facilities that they have used they have put in the middle of golf courses that not only serve the golf course but a bunch of homes that are surrounding the golf course where odor is important and you don't want it to smell. They have this unit and those are the questions that I asked and when he shared the details with me over the phone, I was actually impressed. Obviously, they have to work with DEC and get it approved and I reserved that area in case they need to pump it to some sort of leach field system. It will get treated and then there are 2 options, if you have the soils to let it go back in the ground or you have to treat it further it would be discharge. So, you could literally discharge it because what he is saying is after it goes through this treatment it is river quality. So, it was interesting as to how they were describing it and the information he sent so far. I have to get some more info from them but they do this all over for a lot of facilities for BJ's.

**Chairman Yuille:** When you think about Mohonasen for years up until a few years ago, they were always on septic and I believe Schalmont is on septic. They may be coming over and looking at your sites.

**Mr. Collins:** Will they have a grinder pump in there and everything?

**Mr. Palleschi:** There will be pumps to pump it into the system and then there is aerators, again, they are underground.

**Mr. Collins:** It is like a little treatment plant basically.

**Mr. Palleschi:** It is and these systems need to be in a grassed area because they will sit above grade and it's like a metal lid that you will see and then all of those are interconnected and it goes through, like the only unit you will really see is it looks like a little shed. Just a standard shed and that is where the blowers are.

**Mr. Collins:** The town has a lot of sewer and they don't really smell. They are odor controlled and you don't really know they are there.

**Chairman Yuille:** That is like what the Orenco systems were supposed to be like that at one point. They used them at ski resorts and that type of place.

Steve, do you have any questions or comments?

**Mr. Valiquette:** No, I think I will wait for the review of the traffic study before to making comments and same for the review of the wastewater treatment. That is, it.

**Chairman Yuille:** Mr. Comenzo?

**Mr. Comenzo:** No questions and just some comments that need to be coordinated with the attorney to discuss SEQR and some of the issues regarding the timing. So, this Board is going to obviously be making a report and recommendation and we are getting a little bit into the site plan and it sounds like some redesign that is going to have to occur. I did speak with folks at DOT yesterday and sent them the conceptual plan and they said basically the current access would not fly because the proposed the entrance right now is really where the turn lane to get onto I-88 starts and then the further we get away from that intersection obviously, will be looking for a left turn lane and I believe there is one right now that is kind of useless since there are no curb cuts in that area. The fact that they have VHB doing the traffic analysis and they are waiting for school to start, those will get addressed. Lynn brought up the issue with the parking so, our code when it was originally adopted there was not a BJ's where you had these warehouse clubs so there are 500 parking spots proposed. I'm sure BJ's knows how many parking spots based on the current facilities they have in the northeast, how many spots they actually need. So, the Planning Commission has the ability to waive those requirements obviously if you can demonstrate that you only need 300 or whatever the number is, you could work that into the redesign with the building.

You are not constrained by lot lines obviously so if you wanted to flip flop the other commercial building or they wanted to put it on the corner or wherever that would work those design issues you can get to now because there is no engineering right now at this point. The other thing is and this is just from utilizing the BJ's in Colonie there are a lot of people that go just for gas. When you look at this you really want to separate the traffic of people walking in and out with their carts and going into BJ's or possibly this fast-food restaurant and folks that are just going in for gas. I don't think you would want that traffic crossing the pedestrians that are coming in and out of the facility. I know the one in Colonie they have it in the far end but there is no main entrance nearby. I'm looking at this now and wondering how you get back there without getting into the mix with the folks with the carts. So, when you go back in and redesign the site, you might want to look at separating the traffic for the fast-food restaurant and then the gas pumps and try to separate it from the folks that utilize BJ's warehouse. You might be able to do that a lot easier with landscaped islands or something.

**Mr. Palleschi:** I've already played with shifting that driveway to the east and flip flopping so, with that in mind I'm sure we can come up with something.

**Mr. Comenzo:** It's early at this point and you still have to go to the Town Board and public hearing and SEQR and there will be some changes between now and when this Board sees it again. But I'm assuming you are looking to come back fairly quickly for a report and recommendation to get the ball rolling.

**Mr. Signore:** When are you looking to put a shovel in the ground? Spring?

**Mr. Palleschi:** Probably spring.

**Chairman Yuille:** They need to get a recommendation first, Joe, they need a zone change.

**Mr. Palleschi:** We can't start now.

**Chairman Yuille:** One thing that I have seen that they do and its hard to tell on that but they take those gas pumps and angle them. Like Stewart's did on theirs. It makes it a little easier, especially if you are going in one way and coming out. It might make them easier to get into, but with 50' you might have plenty of room.

**Mr. Palleschi:** I think we can massage that a little bit.

**Chairman Yuille:** We will not be doing a motion on that tonight, but we will get some of the information that we need.

**Mr. Palleschi:** So, what are the next steps. Obviously, we'll keep going with some of these edits to shifting the driveway easterly, work with VHB on the traffic data and then resubmit. This Board would like to hear that before making that recommendation to the Town Board.

**Chairman Yuille:** Yeah, but you wouldn't have to go through the whole presentation but...

**Mr. Comenzo:** I guess the question is how comfortable are you moving forward with a report and recommendation. You are not going to be the lead agency. That is going to be the Town Board. You will be an involved agency for SEQR but as far as what is required for traffic study and for all the other studies that will have to be done in terms of the SEQR review, it will not come back to you for a while. I think they are looking for a report and recommendation so that we can get that ball rolling.

**Chairman Yuille:** So are you suggesting we do that...

**Mr. Comenzo:** I don't know how long you want to wait. You'll get the traffic and study eventually and if you are not comfortable in making a report and recommendation until the board sees traffic data or if your comfortable deferring and then commenting on the SEQR process and getting the Town Board to do that work. Typically, the Planning Commission is the lead agency but, in this case, there is a change of zone involved and the Town Board needs to look at all those things. The one thing that I do want to mention and it's probably on your list is you probably want to get a TDE on board sooner rather than later because with SEQR component.

**Ms. Slevin:** Mary Beth Slevin here again, counsel for the applicant. What we would hope to be able to do is to focus on the issue before the Board right now which is the recommendation for the zoning change and that really focuses on the comprehensive plan and how the comprehensive plan contemplates what's being requested by the applicant. With respect to SEQR what we would hope to do is really separate that issue and make sure that the Board has the information that it needs to remain involved as an involved agency while we go through that process with the Town Board. To move forward with the recommendation on the zone change when the Board is comfortable and then to continue on with the work that needs to be done for SEQR to make sure that gets submitted to the Planning Commission, the Town Board and all other involved agencies and make sure we solicit everyone's comments on the data that is developed so it's a comprehensive review and that all comments are considered in the context of a final SEQR review. Just to give it some context.

**Chairman Yuille:** Let me see how the Board feels about voting on that tonight. Mark?

**Mr. D'Alessandro:** I'm fine.

**Chairman Yuille:** Mr. Calder?

**Mr. Calder:** Yes.

**Mr. Comenzo:** Tom, I don't think we are at that point yet. We don't have anything prepared.

**Chairman Yuille:** I thought that is what you just said.

**Mr. Comenzo:** What I am saying is do you want to see them in 2 weeks or in 2 months.

**Chairman Yuille:** "Inaudible..."

**Mr. Collins:** I thought you wanted to know if we were comfortable making the recommendation, Peter.

**Mr. Comenzo:** Would you be comfortable making a recommendation without them completing a traffic study that has been reviewed by DOT?

**Mrs. Flansburg:** Yes, but it sounds like there is going to be significant changes.

**Mr. Palleschi:** We are not here for site plan approval tonight. We understand that we have to make some modifications and we have to address DOT with whatever traffic comments that might come before this but I think the goal tonight would be to get back to the Town Board for the recommendation and if the Board feels comfortable with saying, from my understanding from every Board Member tonight is that you are in favor of this project which requires the change of zone, so, if you are would you feel comfortable to making that recommendation tonight and then we will go to the Town Board. Obviously, with the Town Board...

**Chairman Yuille:** We do not have the resolution to vote on it tonight. We can hold it for the next meeting.

**Mr. Comenzo:** If you are comfortable moving forward without having a completed traffic study, which is the biggest issue that I'm looking at, and making a report and recommendation, we can prepare something in the next 2 weeks and have them back in 2 weeks to vote on the draft report and recommendation. I do not have anything drafted tonight and that is why I wrote it up as a discussion on the report and recommendation. I think we wanted to figure out where the Board was on this and it sounds like the Board is favorable with the recommendation so we can work with the attorney and draft some custom language for you to look at prior to the next meeting.

**Mr. Palleschi:** The sooner the better. 2 weeks would be great.

**Chairman Yuille:** 2 weeks would be the 19<sup>th</sup> is our next meeting.

**Mrs. Flansburg:** Would you like a motion for the TDE.

**Chairman Yuille:** Yes. At this point, I would entertain a motion to allow the Chairman enter into an agreement for a TDE for this project.

**Mrs. Flansburg:** I will make that motion.

**Chairman Yuille:** Mrs. Flansburg made the motion. Do I have a second?

**Mr. Signore:** I'll second.

**Chairman Yuille:** Mr. Signore seconds the motion. Are there any questions? Please call the vote.

**Marlo Carter:** Mr. Collins?

**Mr. Collins:** Yes.

**Marlo Carter:** Mrs. Flansburg?

**Mrs. Flansburg:** Yes.

**Marlo Carter:** Mr. D'Alessandro?

**Mr. D'Alessandro:** Yes.

**Marlo Carter:** Mr. Calder?

**Mr. Calder:** Yes.

**Marlo Carter:** Mr. Signore?

**Mr. Signore:** Yes.

**Marlo Carter:** Mr. Miglucci?

**Mr. Miglucci:** Yes.

**Marlo Carter:** Chairman Yuille?

**Chairman Yuille:** Yes.

Motion carried.

Meeting adjourned at 9:06 p.m.

Motion to adjourn the meeting was made by Mr. Collins and Mr. Signore seconded the motion.

Next meeting scheduled for September 19, 2023

Respectfully Submitted,

Marlo L. Carter  
Planning Commission Secretary

**DPW Comments**  
**September 19, 2023**

2. **BD Upstate Construction, Inc. – 1696 Crane Street.** Report and Recommendation to the Town Board on a Change of Zone on ±71,003 square feet from Two Family Residential (R-2) to Multi-Family Residential (R-3). Applicant is proposing to convert an existing ±3,074 square foot three-unit residential building to a four (4) unit residential building. Engineer: Empire Engineering.
  1. Town Board referred to the Planning Commission for a Report and Recommendation on September 13, 2023.
  2. Applicant rebuilt an existing non-conforming building that contained a commercial space and residential units in 2022. Change of Zone request is proposed to facilitate the conversion of an existing storage area of the structure into a 4<sup>th</sup> residential dwelling unit and bring the property into compliance with existing allowed uses in the Town zoning code.

**SEQR Requirement:** 6 NYCRR 617 Unlisted Action. Town Board to declare lead agency.

**Involved/Interested Agencies**

Rotterdam Planning Commission  
Schenectady County Economic Development and Planning  
Schenectady County Department of Health  
New York State Department of Environmental Conservation – Region #4  
Fire District #2  
Mohonasen School District  
City of Schenectady (239nn)



\*\*\*\*\*  
**TOWN OF ROTTERDAM CHANGE OF ZONE APPLICATION**

Application Fee **\$1,000**

Existing Zone Classification: R-2

Proposed Zone Classification: R-3

**PART II  
GENERAL INFORMATION**

Legal Owner's Name: BD UPSTATE Construction Inc - Byron Diaz  
Mailing Address: 3561 Guilderland  
City: Schenectady State: New York Zip: 12306  
Daytime Phone: 845-309-5223 E-mail: upstateconstruction@aol.com

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

Owner's Designated Contact: Byron Diaz

Mailing Address: 3561 Guilderland Avenue  
City: Schenectady State: NY Zip: 12306  
Daytime Phone: 845-309-5223 E-mail: upstateconstruction@aol.com  
Project/Proposal Site Area: (Acres or sq. ft.) 1.63  
Assessor Tax Parcel No.(s) of Site: 59.06-2-2  
Adjacent Parcels Owned or Controlled and Tax Map Parcel No: (Acres or sq. ft.) \_\_\_\_\_

Street Address of Proposed Site (if any): 1696 Crane St.

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

Site had 3 units : 1 office in building  
The original building was built in the  
1850's - 1 garage on site  
See Attachment #1

School District: Schenectady

Fire District: District 2

Water Supply: Public

#### LEGAL INFORMATION

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

The site is approximately 1500 to 2000  
feet from Altamont Avenue  
See attached map of area

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

Width of Property Fronting on the Existing Public Road in Linear Feet: 220'

Does the Proposal Have Access to an Arterial or Planned Arterial? ( ) Yes (X) No

Name(s) of Arterial Road(s): \_\_\_\_\_

A legal description of the proposed site must be attached: (X) Yes ( ) No

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

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

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

If you do not hold title to property, what is your interest in it? \_\_\_\_\_

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

Please see Attachment #1

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

#### UTILITIES

Proposed Source of Water:

( ) Individual Wells                      ☒ Public System                      ( ) Private Community System  
( ) Other, please describe \_\_\_\_\_

Proposed Means of Sewage Disposal:

( ) Public Sewer                      ( ) Dry Sewer                      ( ) Community System                      ( )  
Septic Tank & Leachfield                      ( ) Other, please describe \_\_\_\_\_

#### PART III

##### SURVEYOR/ARCHITECT/ENGINEER VERIFICATION

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

Signed:  Christopher Longo, PE  
Address: 1900 Duaneburg Road  
Duaneburg, NY 12056

Date: 8/7/23  
Phone: 518-280-1371  
Zip: 12056

**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: Bryan Diaz  
Address: 3361 Guilderland Avenue  
Schenectady NY 12306

Date: 09/07/23  
Phone: 845-309-5773  
Zip: 12306

[Signature]  
Signature of applicant or representative

09/07/23  
Date

**NOTARY**

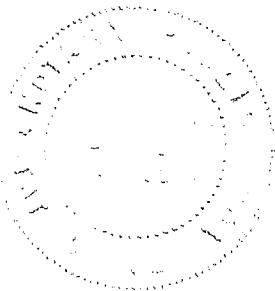
STATE OF NEW YORK) ss:  
COUNTY OF Schenectady

SUBSCRIBED AND SWORN to before me this 7 day of September, 2023

NOTARY SEAL

Frances Nan Lawyer  
Notary Signature

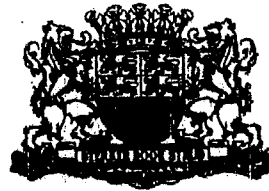
Notary Public in and for the State of New York  
Residing at: 1109 Outer Drive  
My appointment expires: 10/31/25



PLEASE AFFIX NOTARY SEAL HERE

FRANCES NAN LAWYER  
Notary Public, State of New York  
Qualified in Schenectady County  
4605144  
My Commission Expires: Oct 31, \_\_\_\_\_

# 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, Byron Diaz, being duly sworn declare that I am the  
(PROPERTY OWNER)

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

Tax Parcel Number(s): \_\_\_\_\_

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

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

Signature (Authorized Representative): [Signature]

Date: 09/07/23

NOTARY

STATE OF NEW YORK) ss:

COUNTY OF Schenectady

SUBSCRIBED AND SWORN to before me this 7 day of September, 2023

NOTARY SEAL

Frances Nan Lawyer  
Notary Signature

Notary Public in and for the State of New York

Residing at: 1109 Outer Drive

My appointment expires: 10/31/25

Page 6 of 6

Rotterdam Change of Zone Application  
2 23 23

FRANCES NAN LAWYER  
Notary Public, State of New York  
Qualified in Schenectady County  
4605144  
My Commission Expires: Oct 31, \_\_\_\_\_

## **Attachment #1**

### **Timeline of Town Submittals:**

- August 3, 2022, Request for Town approval R2 To R3 Zoning Change.
- August 10, 2022, Town of Rotterdam Department of Public Works response letter citing Local Law No. 1 of year 2022, Apartment Moratorium, returning the application.
- August 22, 2022, Re-submittal of R2 to R3 zoning change request based on requirements of the "Waiver" exception process as defined in Section 5 of Local Law No. 1 of the year 2022. (No Town action taken on this request).

### **Discussion:**

The current zoning for this 1.6-acre parcel is R2. The original dwelling consisted of 3 (1) bedroom apartments along with a small Real Estate office (American Realty) and had a property type of 230 - 3 Family according to the towns assessment database . To correct the non-conforming state of the building an R3 zoning is required to allow a 4-unit dwelling. This section of Crane Street and this parcel is the second to the last parcel (on the left) in the Town of Rotterdam within the City of Schenectady School district.

This section of Crane street is comprised of several non-conforming dwellings. The parcel to the left 1704 consists of 5 units (see mail boxes) , 1691 consists of 4 units and several other parcels on the street consist of 4–5-unit dwellings. The parcel to the right of 1696 Crane, 1690 Crane is an auto repair business (formally Marco Crane) service. The parcel at 1671 Crane (formally Knickerbocker Furniture) is currently used as an auto repair business and auto salvage yard, and an eye sore.

This entire stretch of Crane Street in the town of Rotterdam currently consists of the following zoning types: R1, R2, B2 and I1. The only vacant land parcel is zoned R1 and the remaining parcels are all R2, B2 and I1 zoned according to the town's assessment database.

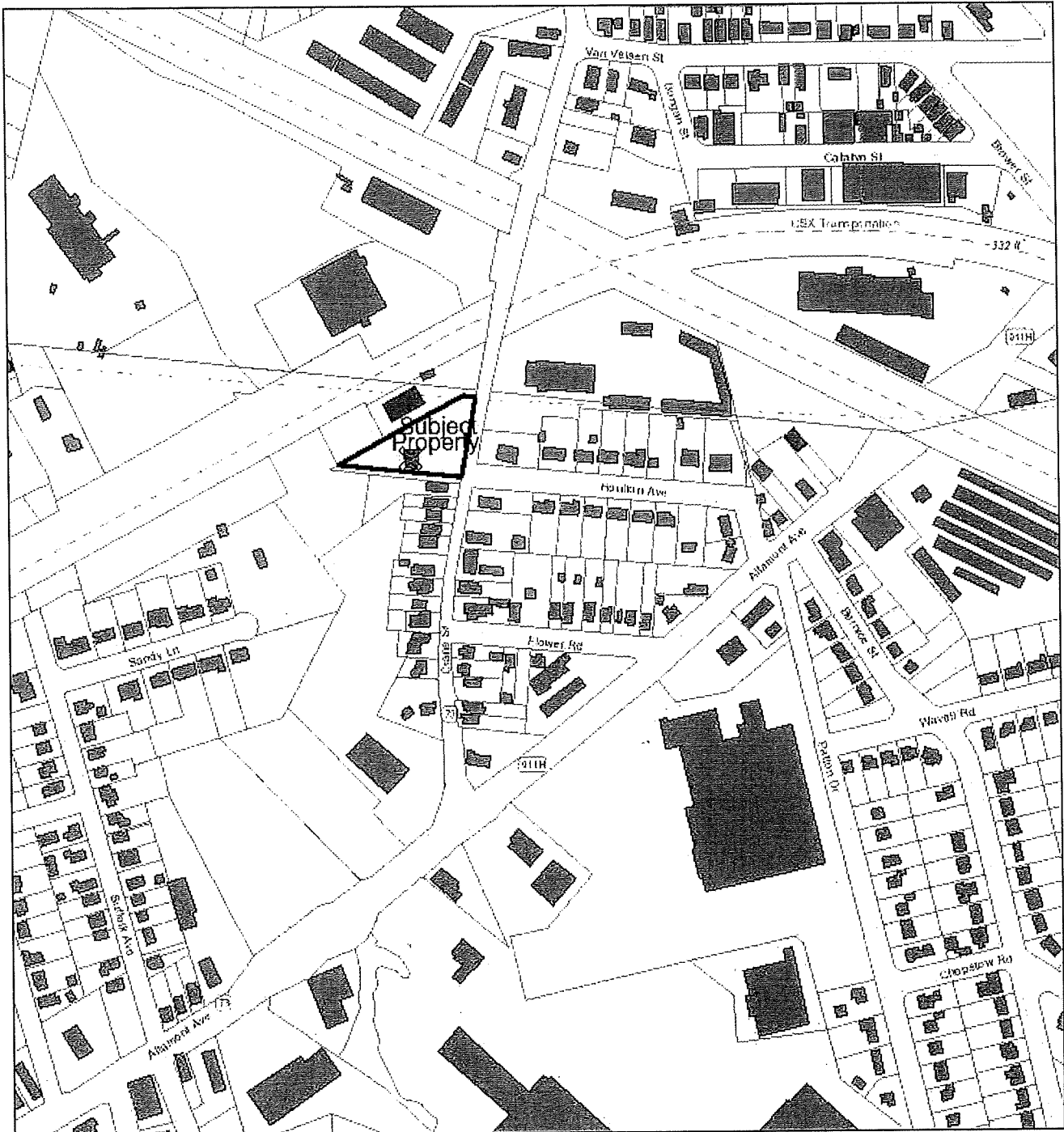
By approving this request for R3 zoning it will allow the parcel to come in compliance with its previous use as a 3 unit+ building and potentially allow completion of fourth and final unit in the existing newly constructed building. Approval of R3 zoning will not adversely affect the health, safety, and general welfare of the immediate neighborhood, Town of Rotterdam, or the Mohonasen School District.

The previous building was an eyesore and could not be remodeled to meet current building codes and had to be removed and a new building constructed. This was determined by the orderly de-construction of the top floor and determination that the first-floor wall structure could not support the new 2x6 construction of the second floor and roof trusses. Once the first-floor walls were exposed it showed that there was not consistent 16" on center framing wall structure. An engineering review of the basement walls consisted of (stacked stones) and could not meet current standards for total reconstruction of the building. At this point and with consultation with the Town of Rotterdam building department the decision was made to remove the building.

The new building is completed minus the completion of the now un-finished 4<sup>th</sup> unit. A "CO" has been received from the town for the existing 3 units. This request for approval from R2 to R3 will allow completion of the 4<sup>th</sup> unit.

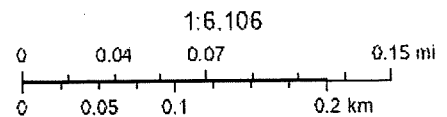
The existing new building will more than double the assessed value of the previously assessed building and provide an incentive for other property owners to improve their properties. The Town comprehensive plan modifications should consider a rezoning to R3 of this upper section of Crane street to bring non-conforming parcels into compliance, allow future construction of new dwellings and "clean-up" the parcels in this section of Crane street. This will help to increase the tax base for the town and provide an incentive for other property owners to better maintain their properties.

# 1696 Crane Street

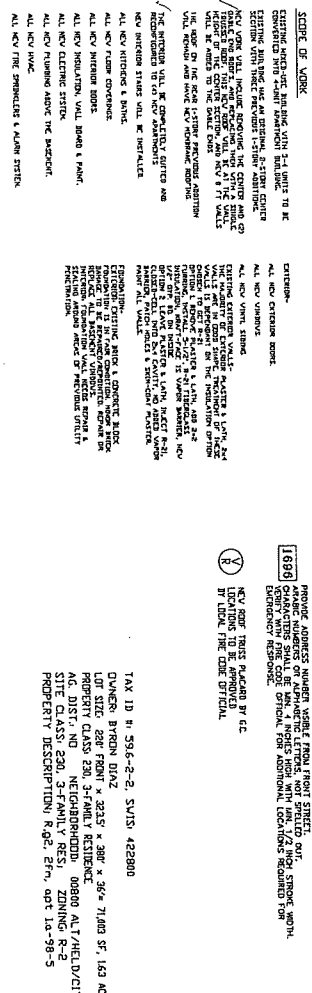


September 14, 2023

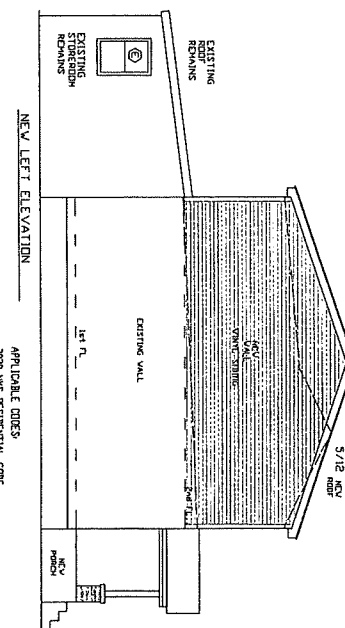
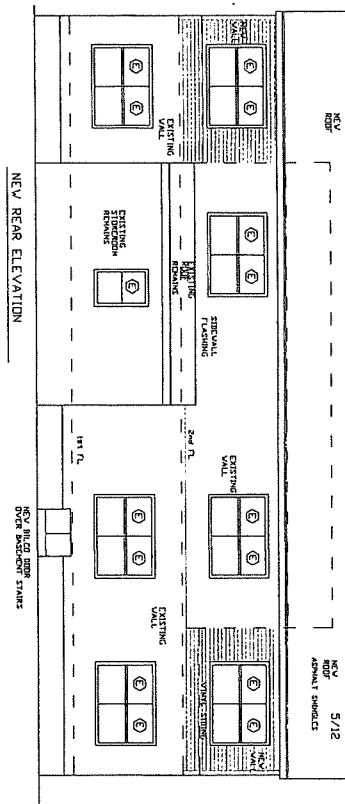
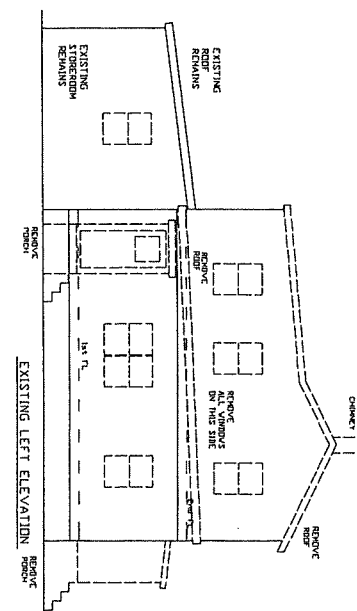
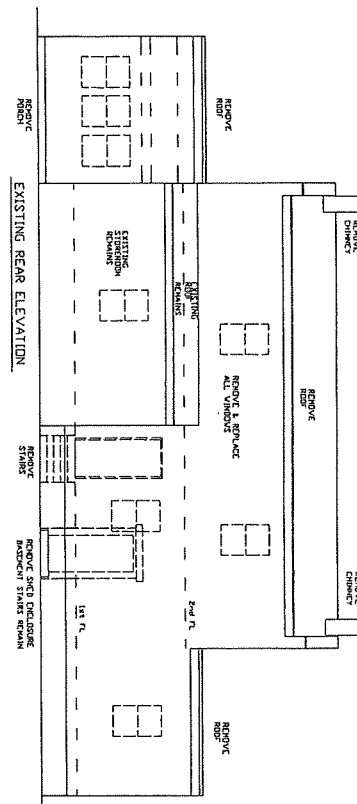
- ✕ Override 1
- Override 1
- Parcels
- Building Footprints



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



|                               |                    |                                      |                                                              |                                                                                      |                                                                                                       |
|-------------------------------|--------------------|--------------------------------------|--------------------------------------------------------------|--------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
| FILED<br>2022 APARTMENTS<br>7 | SHEET<br>1<br>OF 7 | DATE<br>MAY 11, 2022<br>1/8" = 1'-0" | RENOVATION & ADDITION:<br>1696 CRANE STREET<br>ROTTERDAM, NY |  | KEITH A. CRAMER, ARCHITECT<br>95 HURST AVE, ALBANY, NY 12208<br>(518) 438-8352<br>cramerkeith@msn.com |
|                               |                    |                                      |                                                              |                                                                                      | 7                                                                                                     |

[illegible]

EXISTING 2-STORY, WOOD-FRAMED RESIDENCE.  
BUILDING AGE, 100+ YEARS  
OCCUPANCY CLASS, R-2 APARTMENTS  
BUILDING HEIGHT, 4-26 FT.  
CONSTRUCTION CLASS, TYPE V-B, WITH TRUSSES  
NEW FIRE SPRINKLER AND ALARM  
SYSTEM THROUGHOUT ENTIRE BUILDING.

APPROXIMATE CODES:  
2000 W/TS RESIDENTIAL CODE  
2000 W/TS ENERGY CONSERV. CONST. CODE  
2000 W/TS FINE CODE  
2000 W/TS PLUMBING CODE  
2000 W/TS MECHANICAL CODE  
2000 W/TS ELECTR. GAS CODE  
MFA 70 F/TECHNICAL CODE

CODE REVIEW STUDY LOAD = 50 PSF  
ROOFING, CEILING, SLEEPING STAIRS, DECKS - 40 PSF  
SLEEPING ROOMS - 30 PSF  
BATHS - 40 PSF  
ATTIC FLOORS, V. STORAGE - 20 PSF  
GARAGES & HANDMAIDS - 200 PSF  
CLOSET, V. STORAGE - 15 PSF  
BASIC VIBRATION CAT. - 3 SITE CLASS - D

RENOVATION & ADDITION:  
1696 CRANE STREET  
ROTTERDAM, NY

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