

**Town of Rotterdam  
Planning Commission  
November 19, 2024**

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

1. **Emad Al Hamdani (Lessee) - 2697 Hamburg Street.** The applicant requests a Waiver of Site Plan review to operate a smoke shop out of existing ±2,337 square foot building on a ±0.32-acre parcel.
2. **All American Entertainment LLC – 93 W. Campbell Road.** The applicant requests a Waiver of Site Plan review to operate a circus under two (2) tents from December 6, 2024 to December 15, 2024 parking Lot E (southern portion of former K-Mart lot) of ViaPort Rotterdam.
3. **Coexist Connections – 93 W. Campbell Road.** The applicant requests a Waiver of Site Plan review to operate a discount retail store in tenant space G-112, former Lids, ±1,250 square feet from December 1, 2024 to May 31, 2025 in ViaPort Rotterdam Mall.
4. **Nicola DiLeva – 93 W. Campbell Road.** The applicant requests a Waiver of Site Plan review to sell Paparazzi jewelry in tenant space F-114, former Shapiro's Formal Shop, ±1,194 square feet from July 1, 2024 to June 30, 2025 in ViaPort Rotterdam Mall.

**Agenda (V. Dalton Bambury Hearing Room 2<sup>nd</sup> Floor) – 7:30 pm**

*Approval of the Summary of Minutes Thursday, November 7, 2024*

1. **BDJ Capital, LLC – 2623 & 2611 Guilderland Avenue.** Site Plan/Special Use Permit Boundary Line Consolidation Subdivision Public Hearing to demolish and redevelop existing vacant structures for the location of 10 residential apartments and ±5,140 square feet of commercial space with up to four (4) commercial tenants on a consolidated ±0.62-acre parcel. Engineer: Empire Engineering PLLC.
2. **Tomra Recycling, LLC – 31 Opus Boulevard.** Sketch Site Plan review to construct a 36' x 100' addition for the location of an enclosed trailer tipper tower with a height of 70' on a ±4.33-acre parcel. Engineer: Delta Engineers.
3. **Peter Road LLC – Peter Road.** Report and Recommendation to the Town Board on a Change of Zone from Single Family Residential (R-1) to Multi-Family Residential (R-3) for the potential construction of up to 20 condominiums on ±2.41 acres. Engineers: Brett Steenburgh, P.E. PLLC.
4. **Ziggy Viscusi, CNZ, LLC – Ft. Hunter Road.** Report and Recommendation to the Town Board on a Change of Zone from Agriculture (A-1) to Two Family Residential (R-2) to facilitate a potential Three (3) Lot Subdivision on a ±1.82-acre parcel. Engineer: ABD Engineers & Surveyors.
5. **Mark & Deanna Nardini - 313 Old Mariaville Road, Mariaville Road & Old Mariaville Road.** Report and Recommendation to the Town Board on a Change of Zone from Agricultural (A-1) to General Business (B-2) for the potential construction of three (3) office/warehouse buildings. Engineers: ABD Engineers & Surveyors.
6. **Narendra Lachhman - 1826 Chrysler Avenue.** Sketch Site Plan/Two (2) Special Use Permit review to operate a poultry store and equipment storage business on a ±0.2-acre parcel. Engineer: JH Engineering & Land Development.

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

1. **Emad Al Hamdani (Lessee) - 2697 Hamburg Street.** The applicant requests a Waiver of Site Plan review to operate a smoke shop out of existing ±2,337 square foot building on a ±0.32-acre parcel.
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## WAIVER OF SITE PLAN REVIEW

Date: November 19, 2024

PC2024-W49

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: Emad Al Hamdani (Lessee)

ADDRESS: 1 Eagle Street  
Scotia, NY 12302

PROJECT ADDRESS: 2697 Hamburg Street

APPLICANT IDENTIFIED AS: Owner ☒ Lessee Contract Vendee

REQUEST: The applicant requests a Waiver of Site Plan review to operate a smoke shop out of existing  $\pm 2,337$  square foot building on a  $\pm 0.32$  acre parcel.

**Action Taken by Commission:**

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

1. Compliance with all NYS Building and Fire Codes.
2. Applicant shall obtain a Fire Inspection and/or Building Permit and be issued a Certificate of Occupancy from the Building Inspector/Code Enforcement Officer prior to operation.
3. The sale of cannabis and cannabis products is prohibited.
4. Dumpster enclosure needs to be installed per approved site plan.
5. Property has been connected to sanitary sewer, a water meter is installed, and Knox Box mounted on the front of the building.

The Commission action on the Waiver application took place at the Planning Commission meeting of November 19, 2024 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

---

Kimberly Ricker-Scannell, Chairman  
Planning Commission



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

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): Shahzad Khurram Pervezbutt

APPLICANT(S)/LESSEE: Emad Al Hamdani Lessee

MAILING ADDRESS: 1 Eagle Street Scotia NY 12302

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

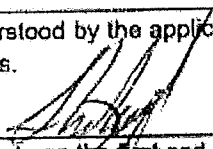
DAYTIME TELEPHONE: 518-832-6419 EMAIL ADDRESS sdb@bpsrlaw.com

PROJECT ADDRESS: 2697 Hamburg Street

APPLICANT IDENTIFIED AS: Owner ☒ Lessee ☐ Contract Vendor ☐ REQUEST:

Applicant is seeking to place a smoke shop at this location.

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

SIGNATURE OF APPLICANT  DATE 09/25/24

- \* 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.

ALAN R. RHODES  
PHILIP C. MCINTIRE  
J. LAWRENCE PALTROWITZ  
MALCOLM B. O'HARA  
PATRICIA E. WATKINS  
MARK E. CERASANO  
BRUCE O. LIPINSKI  
JONATHAN C. LAPPER  
JAMES R. BURKETT  
STEFANIE DiLALLO BITTER  
KARLA WILLIAMS BUETTNER  
JOHN D. WRIGHT  
ALEXANDRA C. ROZELL

**BARTLETT, PONTIFF, STEWART & RHODES, P.C.**

**ATTORNEYS AT LAW**  
P.O. BOX 2168  
ONE WASHINGTON STREET  
GLEN FALLS, NEW YORK 12801-2168

TELEPHONE (518) 792-2117  
FAX (518) 792-3309  
EMAIL [info@bpsrlaw.com](mailto:info@bpsrlaw.com)  
WEBSITE [www.bpsrlaw.com](http://www.bpsrlaw.com)

JEFFREY B. SHAPIRO  
MATTHEW J. MCAULIFFE  
ALEXANDRA D. FINOCCHIO  
BENJAMIN R. PRATT, JR.  
OF COUNSEL  
ROBERT S. MCMILLEN  
RETIRED  
RICHARD J. BARTLETT  
1926-2015  
PAUL E. PONTIFF  
1930-2021  
ROBERT S. STEWART  
1932-2001

SERVICE BY E-MAIL, FAX OR OTHER FORMS OF ELECTRONIC COMMUNICATION  
NOT ACCEPTED

November 1, 2024

Thomas Yuille, Chairman  
Planning Commission  
Town of Rotterdam  
John F. Kirvin Government Center  
1100 Sunrise Blvd  
Rotterdam NY 12306

RECEIVED

NOV 06 2024

TOWN OF ROTTERDAM  
PUBLIC WORKS

Re: Waiver of Site Plan Application- 2697 Hamburg Street  
Tax Map Parcel 59.15-5-35.1

Dear Chairman Yuille:

Please be advised that I have been retained by the owner of the above mentioned property Shahzad Khurram Pervezbutt. He has entered into a lease with Emad A. Hamdani for the subject property to utilize it as a smoke shop as part of the convenience store. The lease is for a five year term. This matter was reviewed by the Planning Commission as a convenience store in March of 2023. The matter received a Special Use Permit and a waiver of Site Plan Review. The Tenant will continue to not utilize the site for the sale of gasoline or diesel. The new proposed use of the property would operate with 3 employees and will be able to host 12 customers at a time. The hours of operation have yet to be determined but will reflect normal conforming retail business hours.

The property has the adequate utilities, access roads, and drainage provided already. The property has two access points on two different roads. The property also has proper drainage as well. The property also has more than adequate off- street parking for the proposed change of use.

Lastly, adequate measures have been taken to provide ingress and egress in order to minimize traffic congestion into the public street. The proposed change in use should not generate any additional increase in traffic. The entrance to the parking lot is over 90 feet wide which makes for easy ingress and egress without generating traffic.

The smoke shop will not engage in the sale of cannabis or cannabis products. The store will only sell tobacco products and will not offer vapes or similar products to its customers. The tenant is leasing the entire building and property, so there is no modifications to the site plan. The customers will enter using the main door, which is the same manner it has been used in the past.

Thomas Yuille, Chairman  
Planning Commission

Please advise if a waiver of Site Plan can be obtained with the information provided. I have enclosed the following

- (1) Waiver of Site Plan Review Application;
- (2) Special Use Approval;
- (3) Deed
- (4) Building Permit Plans and Application
- (5) This letter incorporates the narrative as to the proposed Use
- (6) \$100 fee

If anything further is needed, please contact me.

Sincerely,

Bartlett, Pontiff, Stewart & Rhodes, P.C.

A large, stylized handwritten signature in black ink, appearing to read 'Stefanie DiLallo Bitter', is written over the typed name and contact information.

Stefanie DiLallo Bitter

*Direct Line: (518) 832-6419*

*Direct E-mail: [sdb@bpsrlaw.com](mailto:sdb@bpsrlaw.com)*

ENCLOSURE  
821914

Google Maps

229 William St

Schenectady, New York

Google Street View

Oct 2024 See more dates

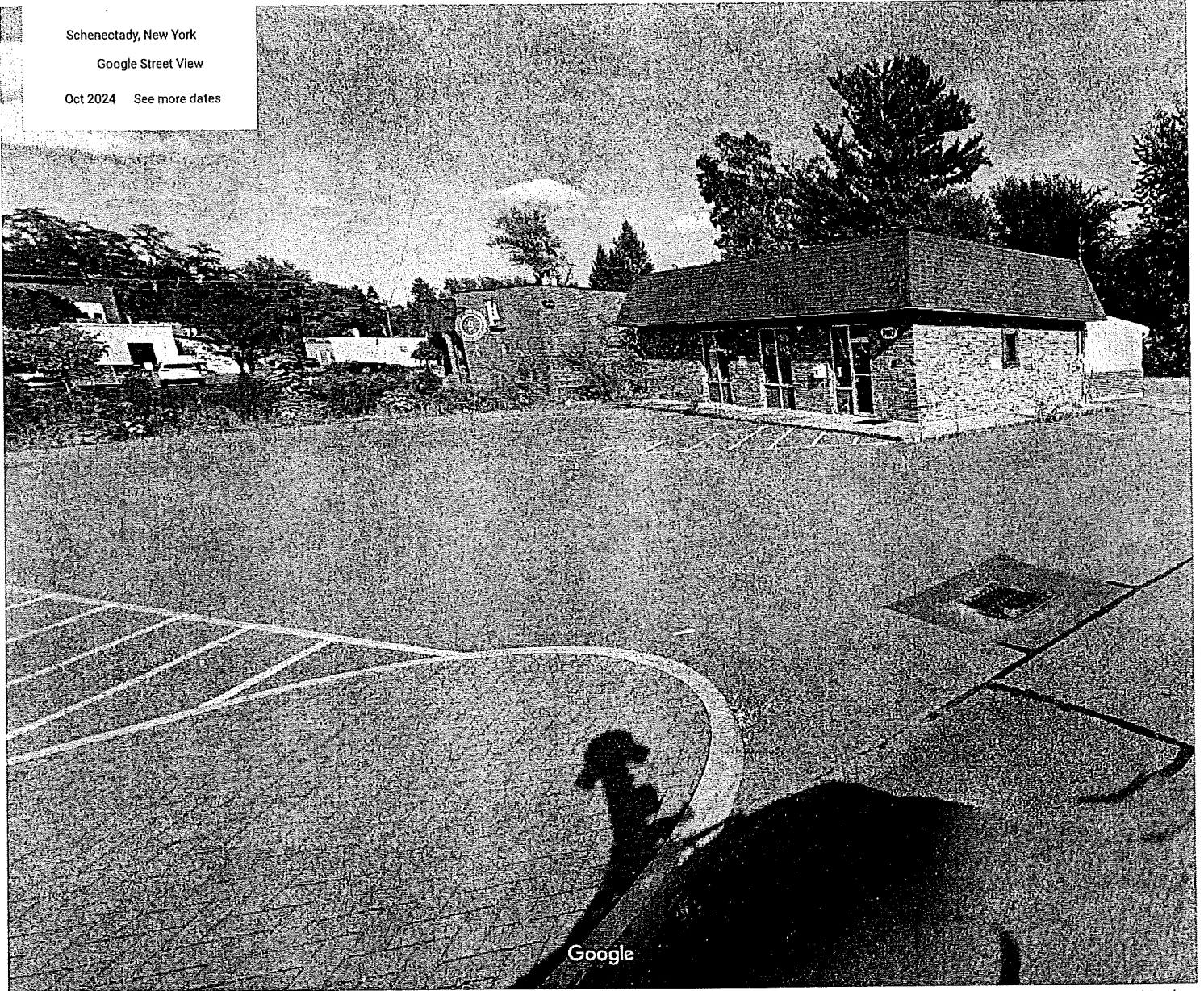


Image capture: Oct 2024 © 2024 Google



APR 16 2018

**DISTRIBUTION**  
 BUILDING DEPT. ENGINEERING DEPT.  
 ASSESSOR PLANNING ✓  
 APPLICANT

PROJECT  
SITE PLAN OR SUB DIVISION: MINOR MAJOR  
SKETCH HEARING HELD  
PRELIMINARY HEARING SCHEDULED  
PRELIMINARY HEARING HELD  
FINAL PH SCHEDULED 4/11/07

TOWN OF ROTTERDAM  
PUBLIC WORKS

NOTES (NUMBERS FROM TOWN REVIEWS):

1. SNOWFALL ACCUMULATIONS IN EXCESS OF FOUR (4) INCHES SHALL BE REMOVED FROM ALL PARKING AREAS/WALKWAYS WITHIN 48 HOURS.
13. DEVELOPMENT MUST MEET ALL NYS BUILDING AND FIRE CODES.

14. ZONING: B-1

5. OWNER WILL INSTALL KNOX BOX PER SPECS FROM FIRE DISTRICT #3.

6. EXISTING SEPTIC TO BE ABANDONED. PER TWP SPECS AND ALL TANKS TO BE FILLED WITH GRAVEL. BUILDING SHALL BE CONNECTED TO MUNICIPAL SANITARY SEWER SYSTEM WITH MIN. 100GAL/200# GREASE TRAP ON THE LINE.

7. FRONT PARKING AREA WILL BE SUBSTANTIALLY IMPACTED DURING CONSTRUCTION OF LANDSCAPED AREA AND REMOVAL/INSTALLATION OF UTILITIES. THIS AREA SHALL BE REPAIRED, REPAVED, AND STRIPPED IN ACCORDANCE WITH THE PLANS NEARLY LATER THAN SEPTEMBER 30, 2019.

8. LIGHTING FIXTURES (BOTH RECESSED AND ON BUILDING) SHALL BE REPLACED WITH LED LIGHTING AND SHIELDED DOWNWARD TO PREVENT OFF-SITE ILLUMINATION.

9. LANDSCAPING AREAS SHALL BE SPRINKLERED AND DEAD/ DYING PLANTS REPLACED IN KIND AND IN PERPETUITY.

DOUBLE SWING GATE

CONCRETE PAVING

GRASS

ASPHALT DRIVEWAY

10'-0"

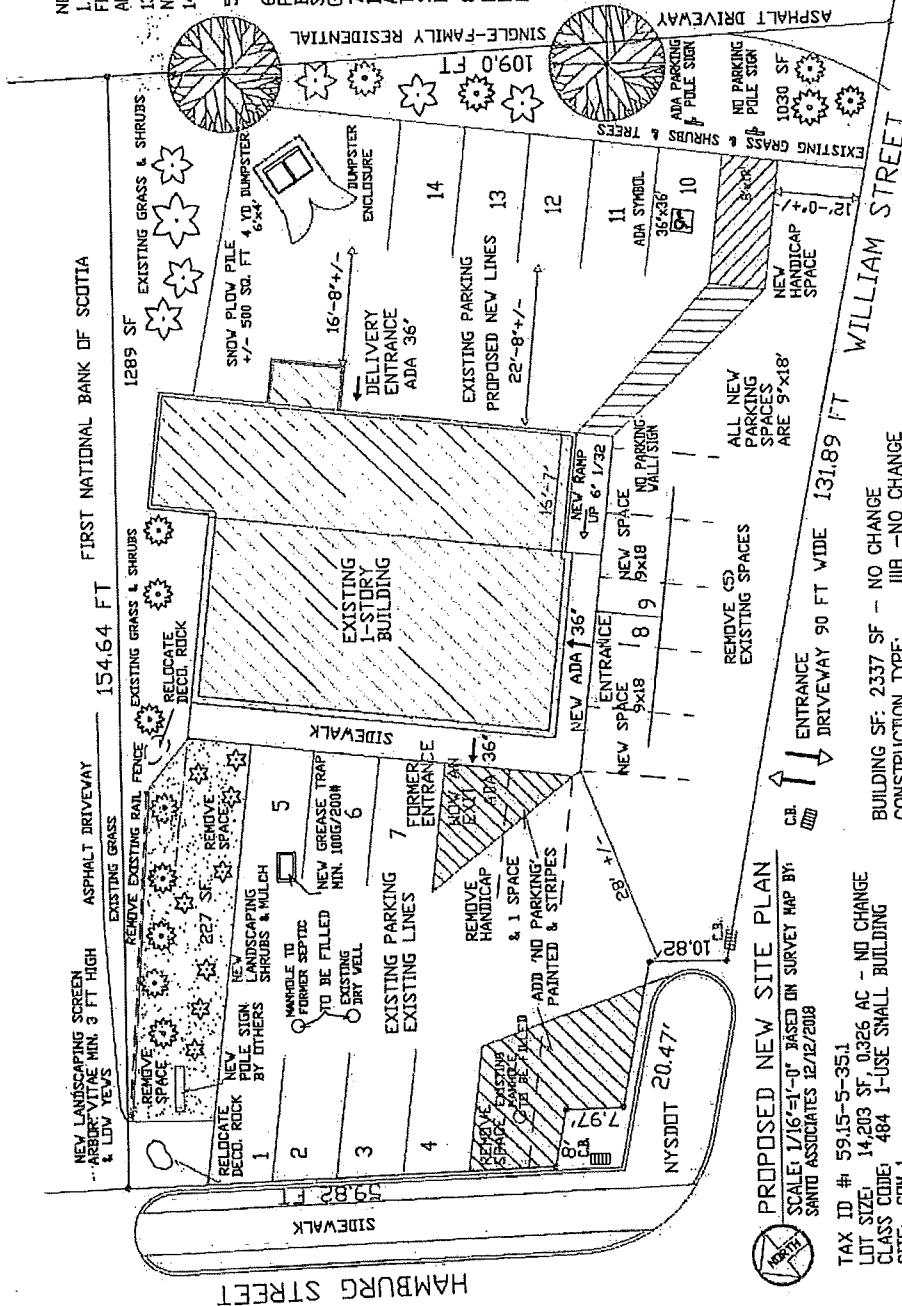
10'-0"

GATE MUST BE KEPT CLOSED AT ALL TIMES TO PREVENT ENTRY OF VEHICLES INTO ENCLOSURE.

**YUMMY YUMMY RESTAURANT**  
**2697 HAMBURG ST., ROTTERDAM, NY**  
**KEITH CREAMER, ARCHITECT (516) 438-8352**  
 cramerkeith@gmail.com  
 95 HURST AVE., ALBANY, NY 12208  
 SE. NO. 1 / OF: 5 DATE: JAN. 4, 2019  
 REVISED: 1/26/19; 2/6/19; 3/26/19; 4/4/19; 4/16/19

CHAIRMAN, ROTTERDAM PLANNING COMMISSION  
DATE: 20/10/1964

OWNER: CHU REN WANG  
209 WILLIAM STREET, ROTTERDAM, NY  
SCHOOL: MOHUNASEN  
EXISTING PARKING: 25 SPACES (INCLUDES 1 HANDICAP)  
PROPOSED NEW PARKING: 14 SPACES (INCLUDES 1 HANDICAP)  
TOWN WATER & SEWER



PROPOSED NEW SITE PLAN  
SCALE: 1/16"=1'-0" BASED ON SURVEY MAP BY:  
SANTU ASSOCIATES 12/12/2018

TAX ID # 5915-5-351  
LOT SIZE 14,203 SF, 0.326 AC - NO CHANGE  
CLASS CODE 484 1-USE SMALL BUILDING  
SITE COM 1

ZONING: B-1  
NEIGHBORHOOD: 00004  
SCHOOL: MOHONASEN  
OWNER: CHU REN WANG  
209 WILLIAM STREET,  
EXISTING PARKING: 25  
PROPOSED NEW PARKING:  
TOWN WATER & SEWER

## WAIVER OF SITE PLAN REVIEW

**Date:** November 19, 2024

**PC2024-W48**

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:** AllAmerican Entertainment LLC  
**ADDRESS:** Attn: John Davenport  
14969 Becket Road  
Seagoville, TX 75159

**PROJECT ADDRESS:** 93 W. Campbell Road (ViaPort Rotterdam)

**APPLICANT IDENTIFIED AS:** Owner ☒ Lessee ☐ Contractor

**REQUEST:** The applicant requests a Waiver of Site Plan review to operate a circus under two (2) tents from December 6, 2024 to December 15, 2024 parking Lot E (southern portion of former K-Mart lot) of ViaPort Rotterdam.

**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. Compliance with all applicable state and county laws and regulations, including as applicable, Department of Labor safety inspection/approval requirements and Department of Health inspection/approval requirements.
3. Applicant must obtain a Fire Inspection and/or Building Permit and be issued a Certificate of Occupancy from the Town of Rotterdam Building Inspector/Code Enforcement Officer prior to operation.
4. Applicant shall be in compliance with Chapter 98 of the Town Code and receive a carnival permit from the Rotterdam Town Clerk prior to operation.
5. Applicant shall obtain a Mass Gathering Permit, prior to operation, if the expected customers to the site will exceed 1000 people in a 12-hour period.
6. Applicant to comply fully with Town Sign Code and obtain a building permit for any signage.
7. Applicant and vendors to comply with all applicable state and county permitting/licensing requirements relating to food service, food truck operation, alcohol sales.
8. ViaPort Rotterdam Mall shall provide security for this venue.
9. Town staff shall notify the Rotterdam Police Department and Schenectady County Sheriff's office.

The Commission action on the Waiver application took place at the Planning Commission meeting of November 19, 2024 and authorized the Commission Chairman to execute the Waiver. The issuance of this Waiver is contingent upon the applicant complying with all conditions as stated above. Failure to adhere to conditions may result in revocation of Waiver by the Town of Rotterdam Planning Commission and requirement of a full Site Plan.

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**Peter J. Comenzo**  
Senior Planner

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**Kimberly Ricker-Scannell, Chairman**  
Planning Commission



Town of Rotterdam  
Waiver of Site Plan Review Application

RECEIVED

NOV 12 2024

TOWN OF ROTTERDAM  
PUBLIC WORKS

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

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

PRESENT OWNER(S): John Davenport

APPLICANT(S)/LESSEE: All American Entertainment LLC

MAILING ADDRESS: 14969 Beckett Rd

CITY: Seagoville

STATE: TX

ZIP: 75159

DAYTIME TELEPHONE: 206 423 2264

EMAIL ADDRESS shantal@aaeshows.com

PROJECT ADDRESS: 93 W Campbell Rd, Rotterdam, NY 12306

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

REQUEST: All American Entertainment LLC proudly presents a multicultural performance at Via Port Rotterdam

Two tents over 900sq. ft. will be set up from Dec 6th through Dec 15th. No flammable or gas equipment is being used  
under any circumstances.

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

SIGNATURE OF APPLICANT

DATE Nov 5th, 2024

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

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

**Lisa Gallo**

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**From:** Shantal Dominguez <Shantal@aaeshows.com>  
**Sent:** Tuesday, November 5, 2024 3:21 PM  
**To:** Nathan Craig  
**Cc:** James Keith; Peter Comenzo; Lisa Gallo; Donna Levasseur; Terri Emond  
**Subject:** Re: Great Benjamins Circus/ Rotterdam NY Permits  
**Attachments:** Waiver\_2\_23\_23\_fillable.pdf; 2023\_Fire\_Inspection\_App.pdf; Rotterdam:EngineeringGBC.pdf; KSI024217Issued forConstruction.pdf; InteriorLayoutSecondTent.pdf; InteriorTent1.pdf; GeneralLayout.pdf; 701Certification.pdf; Great Benjamins Circus Emergency Plan 2024.pdf; Schedule2024.pdf

Good afternoon,

I hope you're great! Please see files attached:

- Waiver of Site Plan Application
- Fire Inspection Application
- NY Engineering Stamp
- Engineering Drawings
- General Lay out.
- Interior Lay out Tent 1
- Interior Lay out Tent 2
- Flame Certificate NFPA 701
- Emergency Plan
- Schedule

General Comments:

- We use regular foldable chairs (Ground level)
- No flammable or gas equipment is being used under any circumstances.
- All exits are provided with exit signs and emergency lights.
- New York State Department of Labor is aware of all our performances in NY (Elmira, Dunkirk, Owego)

Please let me know if you require any further information on our side.

Respectfully,



**Shantal Dominguez**

All American Entertainment Productions LLC

M: +1 (206) 423 2264

E: [Shantal@aaeshows.com](mailto:Shantal@aaeshows.com)

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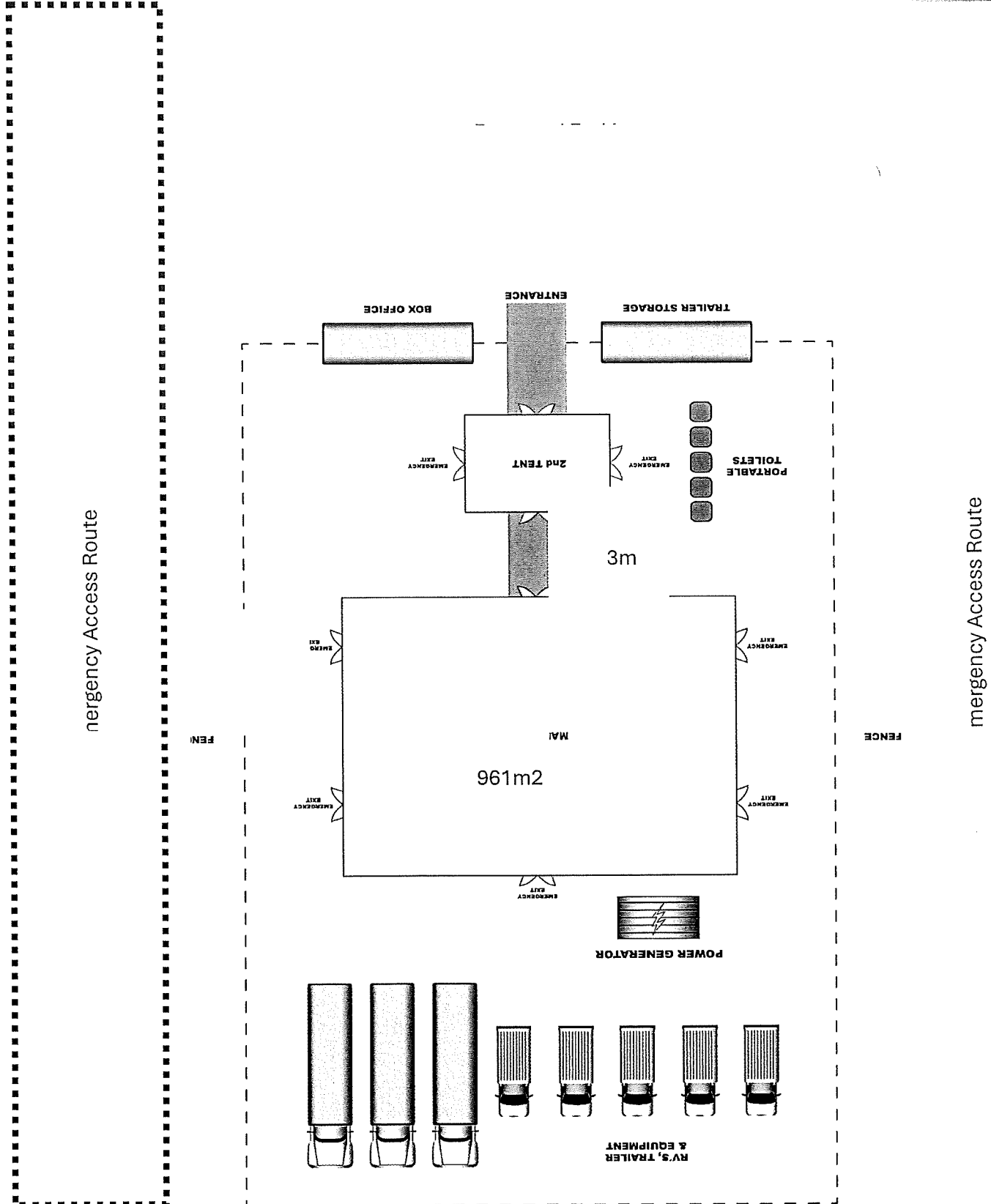
**From:** Nathan Craig <ncraig@rotterdamny.org>  
**Date:** Wednesday, October 30, 2024 at 1:09 PM  
**To:** Shantal Dominguez <Shantal@aaeshows.com>



Property Address:

93 W Campbell Rd. Rotterdam. NY 12306

## The Great Benjamin's Circus



# ALL AMERICAN ENTERTAINMENT LLC

ROTTERDAM, NY

## CONTACT

Shantal Dominguez  
14969 Beckett Rd.  
Seagoville, TX. 75159  
shantal@aeeshows.com  
+1 206 423 2264

November 5<sup>th</sup>, 2024

To whom it may concern:

All American Entertainment LLC- Great Benjamin's Circus proudly presents a diverse multicultural performance. To be held from December 6<sup>th</sup> through December 15<sup>th</sup> at Via Port Rotterdam Shopping Mall.

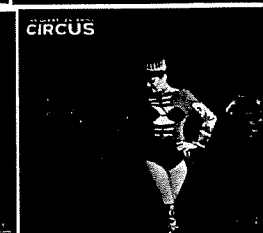
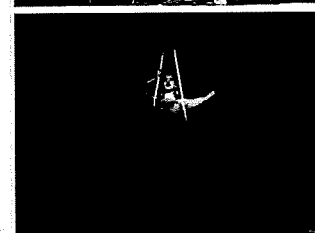
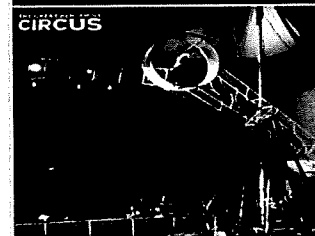
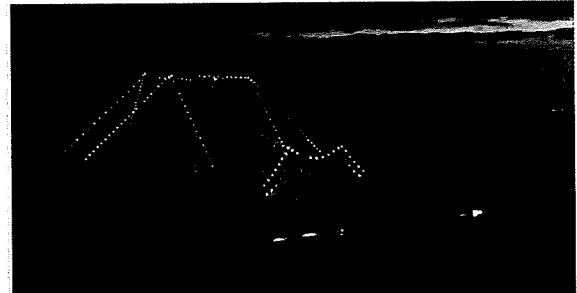
Please see weekly schedule below. (Duration: 90min each)

Friday, December 6<sup>th</sup>: 4:30pm & 7:30pm  
Saturday, December 7<sup>th</sup>: 1:30pm, 4:30pm & 7:30pm  
Sunday, December 8<sup>th</sup>: 1:30pm & 4:30pm  
Friday, December 13<sup>th</sup>: 4:30pm & 7:30pm  
Saturday, December 14<sup>th</sup>: 1:30pm, 4:30pm & 7:30pm  
Sunday, December 15<sup>th</sup>: 1:30pm & 4:30pm

At The Great Benjamin's Circus, we believe in the transformative power of entertainment to bring people together and create lasting memories.

Sincerely,

All American Entertainment LLC



## WAIVER OF SITE PLAN REVIEW

**Date:** November 19, 2024

**PC2024-W50**

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:** Robert Domalewicz Jr d/b/a Coexist Connections  
**ADDRESS:** 28 Elliot Road  
East Greenbush, NY 12061

**PROJECT ADDRESS:** 93 W. Campbell Road – ViaPort Rotterdam Mall

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

**REQUEST:** The applicant requests a Waiver of Site Plan review to operate a discount retail store in tenant space G-112, former Lids, ±1,250 square feet from December 1, 2024 to May 31, 2025 in ViaPort Rotterdam Mall.

### Action Taken by Commission:

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

1. Compliance with all NYS Building and Fire Codes.
2. Applicant must obtain a Fire Inspection and/or Building Permit and be issued a Certificate of Occupancy from the Building Inspector/Code Enforcement Officer prior to operation.
3. Applicant to comply fully with Town Sign Code and obtain a building permit for any signage.
4. Owner/applicant shall install Knox box for emergency personnel. Please contact Fire District #6 and/or #7 for specifics.

The Commission action on the Waiver application took place at the Planning Commission meeting of November 19, 2024 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

---

**Kimberly Ricker Scannell** Chairman  
Planning Commission



**Town of Rotterdam  
Waiver of Site Plan Review Application  
93 W. Campbell Road**

RECEIVED  
NOV 12 2024  
TOWN OF ROTTERDAM  
PUBLIC WORKS

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

1. Copy of Site Plan Map (8 X 11) that identifies:
  - Kiosk or tenant space (highlighted).
  - Clearly identified with space number
2. On a separate sheet of paper provide a descriptive narrative of use and activity occurring on the site including but not limited to:
  - Number of employees
  - Exact nature of business and hours of operation.
3. A completed Commercial Building Permit Application and/or Fire Inspection Application.
4. \$100.00 application fee (Checks to be made payable to the Town of Rotterdam).

APPLICANT(S): Robert Domagiewicz Jr

ADDRESS: 28 Elliot RD, East Greenbush NY 12061

DAYTIME TELEPHONE: 518-227-7142 (FAX) \_\_\_\_\_

PROJECT ADDRESS: 93 W. Campbell Road, Schenectady, NY 12306

REQUEST: Approved to move into store site G-112. No changes  
are being made structurally or cosmetically.

LICENSE AGREEMENT DATE: 12/1/24 AREA: G-112 1250 sf

TERM: FROM 12/1/24 TO 5/31/25 KIOSK OR TENANT SPACE #: G-112

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.

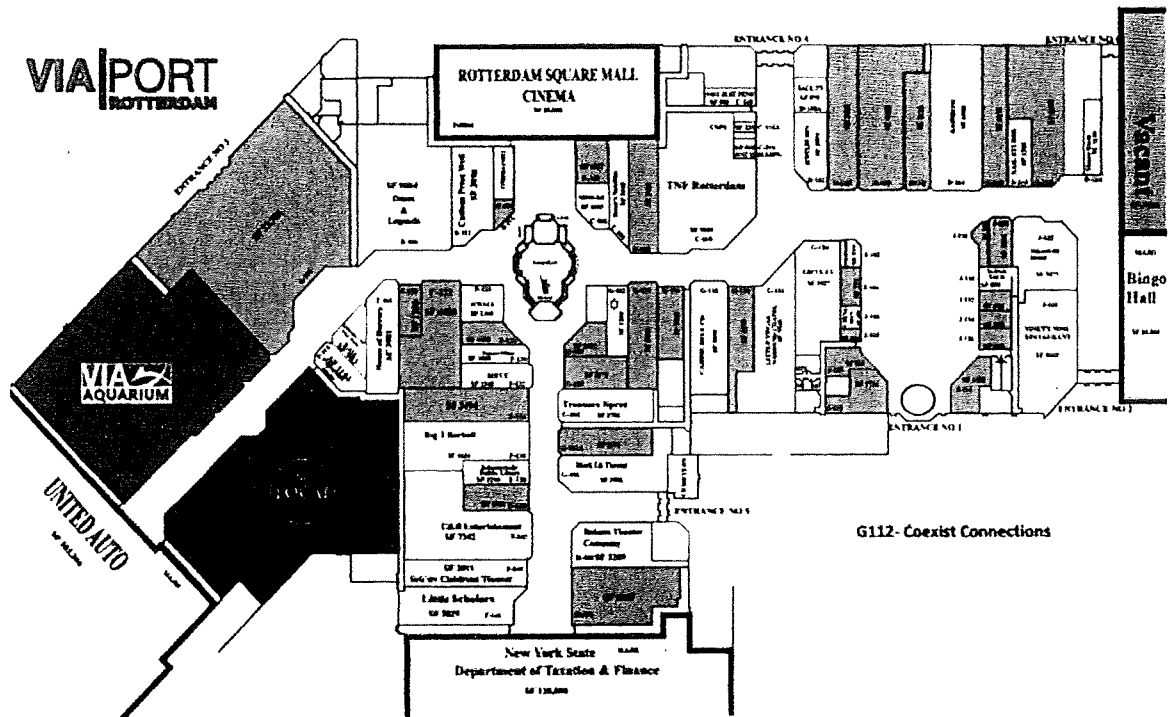
SIGNATURE OF APPLICANT [Signature] DATE 11/8/24

\* The Planning Commission meets on the first and third Tuesday of each month. All pertinent information and fee 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.  
6-16-23

I am Robert Domalewicz Jr and I am seeking approval for my company, coexist connections to move from our current position at a kiosk and to move into the site G112 at the Via Port. The store is the former Cutco store. We are a discount retailer who buys discontinued and overstock items. Our goal is to have a constant turnover of items so there is always something new to look at. We will also be selling our items online and shipping from the store. At anyone time there will be myself, one of my two daughters or my wife onsite. On average there will be one or two of us onsite. We are a family run company with a long background of popup market and internet sales and this is our first brick and mortar store. Our hours of operation will be Monday thru Thursday 11-3, Friday 11-5, Saturday 11-5 and Sunday 11-4. At this time the site is in, move in condition and the only addition not currently there will be grid wall hooks to display merchandise and the merchandise itself. Thank you for considering our application and we hope to be in the mall for a long time to come.

# Exhibit A



## WAIVER OF SITE PLAN REVIEW

**Date:** November 19, 2024

**PC2024-W51**

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:** Nicola DiLeva  
**ADDRESS:** 1006 Seminole Road  
Schenectady, NY 12302

**PROJECT ADDRESS:** 93 W. Campbell Road – ViaPort Rotterdam Mall

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

**REQUEST:** The applicant requests a Waiver of Site Plan review to sell Paparazzi jewelry in tenant space F-114, former Shapiro's Formal Shop, ±1,194 square feet from July 1, 2024 to June 30, 2025 in ViaPort Rotterdam Mall.

### Action Taken by Commission:

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

1. Compliance with all NYS Building and Fire Codes.
2. Applicant must obtain a Fire Inspection and/or Building Permit and be issued a Certificate of Occupancy from the Building Inspector/Code Enforcement Officer prior to operation.
3. Applicant to comply fully with Town Sign Code and obtain a building permit for any signage.
4. Owner/applicant shall install Knox box for emergency personnel. Please contact Fire District #6 and/or #7 for specifics.

The Commission action on the Waiver application took place at the Planning Commission meeting of November 19, 2024 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.

---

**Peter J. Comenzo**  
Senior Planner

---

**Kimberly Ricker Scannell** Chairman  
Planning Commission



**Town of Rotterdam  
Waiver of Site Plan Review Application  
93 W. Campbell Road**

RECEIVED

NOV 13 2024

TOWN OF ROTTERDAM  
PUBLIC WORKS

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

1. Copy of Site Plan Map (8 X 11) that identifies:
  - Kiosk or tenant space (highlighted).
  - Clearly identified with space number
2. On a separate sheet of paper provide a descriptive narrative of use and activity occurring on the site including but not limited to:
  - Number of employees
  - Exact nature of business and hours of operation.
3. A completed Commercial Building Permit Application and/or Fire Inspection Application.
4. \$100.00 application fee (Checks to be made payable to the Town of Rotterdam).

APPLICANT(S): Nicola G. Dileon

ADDRESS: 1006 Seminole Road Schenectady NY 12302

DAYTIME TELEPHONE: 518-858-4996 (FAX) \_\_\_\_\_

PROJECT ADDRESS: 93 W. Campbell Road, Schenectady, NY 12306

REQUEST: Dazzling w/ Dileon Pappas & Family  
M-S

LICENSE AGREEMENT DATE: 7/24 AREA: F114 1194SF

TERM: FROM 7/24 TO 6/24 KIOSK OR TENANT SPACE #: Tenet

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 11/13/24

\* The Planning Commission meets on the first and third Tuesday of each month. All pertinent information and fee 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.  
6-16-23

## Wintertime Wonderland



**DPW Comments**  
**November 19, 2024**

1. **BDJ Capital, LLC – 2623 & 2611 Guilderland Avenue.** Site Plan/Special Use Permit Boundary Line Consolidation Subdivision Public Hearing to demolish and redevelop existing vacant structures for the location of 10 residential apartments and  $\pm 5,140$  square feet of commercial space with up to four (4) commercial tenants on a consolidated  $\pm 0.62$ -acre parcel. Engineer: Empire Engineering PLLC.

|                    |                          |              |
|--------------------|--------------------------|--------------|
| 1. Final Fees Due: | Site Plan                | \$350.00     |
|                    | Final Site Plan          | 350.00       |
|                    | Consolidated Subdivision | 100.00       |
|                    | <u>Advertising</u>       | <u>44.55</u> |
|                    | Total                    | \$844.55     |

2. See response letter from Empire Engineering dated November 8, 2024 in reply to DPW and TDE comments.
3. Dumpster enclosure has been modified and is now a masonry enclosure. Consideration should be given to adding a pedestrian door for the proposed apartment tenants and increasing size where sidewalk ends for better access.
4. Applicant has submitted a revised lighting plan on November 14, 2024. Prior to Chairman's Signature, the final lighting plan shall be deemed acceptable or modified to the satisfaction of DPW and the TDE and shall meet suggested lighting modifications as outlined in the letter from LaBella Engineering dated October 30, 2024.
5. Add bollards along the east side of the building in front of parking spaces. Detail in plan set appears to be sufficient.
6. Add detail for concrete planters proposed for patio on final plans.
7. Detail ground cover on final plan set. North, east, and west perimeter should be shown as grass areas.
8. Approval is conditioned upon applicant addressing all Rotterdam DPW and TDE comments and full and final approval of the DPW.
9. The applicant must receive Highway Work Permits from the Schenectady County DPW for grading, utility, sidewalk, and entryway work onto Guilderland Avenue. Copies of all correspondence with the Schenectady County shall be provided to the Town.
10. Prior to the issuance of building permits, the applicant shall file the two-lot consolidation subdivision with Schenectady County and provide a copy to DPW.
11. Prior to issuance of grading and/or building permits, the Town Stormwater Management Officer shall review and approve the Stormwater Erosion Control Plan.
12. Prior to the issuance of a certificate of occupancy, all work in the County right of way must be completed.
13. Add note to plan: "Existing water lines shall be decommissioned in accordance with town standards. Check with the Town of Rotterdam DPW for specifications."

14. Add note to plan: "No outdoor display of merchandise shall be permitted."
15. Add note to plan: "One water meter shall be installed on the service connection. Final type and location to be approved by DPW."
16. Add note to plan: "Owner/applicant shall install Knox Box for emergency personnel." Check with Fire District #2 for specifications.
17. Add note to plan: "Sign permits shall be obtained for the proposed project identification signage including any proposed pylon, monument and/or building mounted signage."
18. Add note to plan: "Building design shall be in substantial conformance to the proposed Exterior Elevations and prepared for BDJ Capital, LLC and presented to the Planning Commission on July 16, 2024."
19. Add note to Landscaping Plan: "Landscaped areas shall contain a sprinkler system."
20. Add note to plan: "No stockpiling or burying of construction debris, slash, stumps, or construction material is permitted."
21. Final approval is contingent upon the applicant receiving permits (site development and building) from the DPW Building Inspector.
22. Final approval is contingent upon Town DPW, Water and Sewer Department review and approval of the proposed water supply and sanitary sewer service for the project.
23. The applicant shall provide the Town of Rotterdam DPW paper and electronic AutoCAD file copies of the utility "As-Built Record Drawings" upon completion and testing of the utilities.
24. Prior to the issuance of Site Development and/or Building Permit(s) by the Town of Rotterdam, the applicant shall attend a pre-construction meeting with the Building Inspector and DPW staff to confirm the completion of the above stated conditions.

**DPW Comments from July 16, 2024**

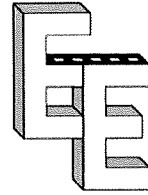
1. Provide a Subdivision/Boundary Line Adjustment application. Properties will need to be combined.
2. Applicant should discuss building location with the Planning Commission and access to commercial and residential units.
3. Corridor was recently added to the Main Street Neighborhood Commercial Overlay district that allows for mixed use development. Height in this overlay district has been limited to two story buildings.
4. Property is currently located in the Town of Rotterdam Multi-Modal Study area. Sidewalks will need to be provided. Planning Commission should utilize complete streets policy recently adopted by the Town Board.
5. Planning Commission should authorize the Chairman to enter into an agreement with a TDE to assist the Planning Commission in the review of the project.

**SEQR Requirement:** 6 NYCRR 617 Unlisted Action. A Negative Declaration has been prepared by the Town Planner and is attached for your consideration.

**Involved/Interested Agencies:**

Schenectady County Economic Development and Planning  
Schenectady County Department of Health  
Schenectady County Department of Public Works  
New York State Department of Environmental Conservation – Region #4  
Metropolplex Development Authority  
Fire District #2  
Mohonasen School District

# EMPIRE ENGINEERING, PLLC



November 8, 2024

Town of Rotterdam  
1100 Sunrise Boulevard  
Rotterdam, New York 12306  
Attn: Peter Comenzo, Senior Planner

RECEIVED  
NOV 12 2024  
TOWN OF ROTTERDAM

Dear Mr. Comenzo,

Empire Engineering, PLLC has received the letter from Labella Associates dated October 30<sup>th</sup>, received via email November 5<sup>th</sup>, 2024 regarding the Site Plan Application for **2623 Guilderland Avenue** in the Town of Rotterdam. Please find our responses to comments in **bold** and additional clarifications below:

Town Designated Engineer Comments:

SP 2-1. The applicant has submitted the maneuverability plan to District #2 for their review, documentation of fire department approval to be provided, upon receipt.

**To date no response has been received from the Fire District.**

SP 2-2. Applicant to provide detail for pavement transition between new asphalt parking lot section and existing on Route 158.

**A note has been added to sawcut existing pavement at the transition. All other pavements areas are per the standard pavement section.**

SP 2-3. Applicant to revise the site plan to indicate the repair/replacement of the existing fire hydrant north of the project site.

**The existing fire hydrant which was in disrepair may already be in the queue for replacement by the water department. In the event the currently non-working hydrant does not get repaired timely, the applicant will discuss options with the DPW prior to certificate of occupancy.**

SP 2-4. Applicant to provide notes and coordination for proposed gas line and confirm connection with local utility provider.

**A note regarding the gas and electric service has been added to the Utility Plan C103.**

SP 1-5. Applicant to revise the dumpster enclosure to be solid fence or wall and fully enclosed with gate(s).

**The dumpster enclosure detail has been revised to a masonry block wall with solid PVC gate.**

WW 2-1. The Applicant has provided Engineers Report documenting there is sufficient capacity for what is being proposed. Applicant to provide documentation of will serve letters from the Town of Rotterdam DPW upon Receipt.

**No response is necessary.**

WW 2-2. Per the attached Engineers Report, it mentions that the proposed uses will be a 15-seat restaurant and ten (10) 1-bedroom residential units. Applicant to provide oil-water separator for proposed restaurant if necessary and update the sewer lateral accordingly.

**The best guess scenario for a building tenant was identified as restaurant use. A dedicated plumbing line has been added to the plans along with an oil-water separator in the event a restaurant use does occupy the building. If no restaurant tenant use arises the dedicated line will remain capped inside the building.**

WW 2-3. It appears that there is an existing gas line is under the proposed 4" PVC water service lateral. Applicant to confirm with local utility provider for approximate depth and ensure there are no conflicts.

**A note has been added to remind the water main installer of coordination with the nearby utilities.**

LL 2-1. The Applicant notes the proposed action, reuse/redevelopment of the existing site and building, precludes compliance with referenced code requirements. We recommend that these conditions be documented in the site plan review determination

**No response is necessary.**

LL 2-2. We recommend the landscape area (percentage) be added to the site plan property information to document compliance with the referenced area requirement.

**The provided landscaped area is now listed on the site stats along with other zoning items.**

LL 2-3. Most existing fencing and plants will remain along the rear property lines abutting adjacent residential property. The applicant has indicated screen fencing will be added where gaps are created by redevelopment activity, specifically behind the proposed dumpster enclosure. We also understand that the Applicant will make outreach to the abutting property owners to evaluate replacement of the variety of existing fencing with a uniformly consistent fence.

**The additional fencing is now noted along the rear/west line, intended to match the existing fence along the rear/north property lines.**

LL 2-4. Proposed planting in the landscape bed at the front of the building are suitable. We recommend a compact variety of Ilex v be provided at installation time.

**The note for compact variety has been added to the winterberry plantings.**

LL 2-5. Applicant to revise plant selections to species that are hardy in this area. (USDA Plant hardiness zone 5b)

**The holly species has been revised to American Holly. Boxwood is the preferable species for the plantings in this location and remains unchanged.**

LL 2-6. Applicant to revise turfgrass seed application rate to appropriate value for specified seed mix. Suggested minimum rate is 4 lbs/1,000 sf; value per acre does not apply.

**The seed application rate has been revised.**

LL-2-7. Applicant to revise lighting design to reduce light spill greater than 1.0 fc at the south property line and along the northwest property lines around the parking lot, where possible.  
**The lighting plan is being revised and the final plan is forthcoming.**

LL 2-8. Revise the lighting plan to note that light fixtures will include control options, to dim or turn off lights during daytime hours and outside of business operating hours. We recommend the Applicant also note anticipated business operation hours.

**A note has been added to the lighting schedule. The anticipated business hours of each tenant are unknown at this time.**

LL 2-[9]. Proposed light levels in parking and walk areas vary from 1.03 to 15.81 fc, still exceeding suggested guidelines. Applicant to further refine the lighting design to achieve exterior light levels closer to the average value of guideline ranges for each use area. We recommend wall-mounted fixtures on the front of the building be integrated into architectural canopies, that additional wall-mount fixtures be used to replace lightpole fixtures, and the number of lightpoles be reduced, where possible.

**The lighting plan is being revised and the final plan is forthcoming. The front building lights will be revised to under canopy lights, the southern pole will be removed and the pole in the center island will be removed to reduce lighting levels.**

SW 2-1. Applicant has provided Erosion and sediment control notes and details but does not include where they will be applicable. Applicant to provide plan and associated details to ensure runoff does not leave the site.

**Erosion control details are provided on sheet C502. Specifically showing possible locations of these details will clutter the site plans and exact locations will vary depending on the construction sequencing and the currently active area. Runoff does leave the site, a condition which will remain unchanged post construction. In areas that have active disturbance from demolition, appropriate erosion control protections as specified, will be installed during active construction.**

SW 2-2. Applicant to provide spot elevations along proposed concrete sidewalk to ensure ADA accessible routes to the commercial access and residential. Based on the proposed plan the northwest sidewalk appears to be greater than 2% cross slope.

**Additional spot elevations have been added to the front sidewalk area to document compliance. The proposed plan shall also be verified with the existing building and renovated building finished floor to confirm compliance with walkway slopes during installation.**

TR 2-1. In order to confirm that the site-generated trips of the proposed development will be largely the same as what was previously generated by the subject site, please provide peak hour trip generation data of the previous development plan for comparison to the proposed development plan. This data can either be from prior quantitative observations or from estimates using the applicable ITE Land Use Codes.

**The building previously functioned as a strip retail plaza, with the same 5,410 sf of space along with a second building which functioned as a commercial office and two-family residential. The same ITE land use code and summary of peak hour trips as provided by the TDE in the first review would be the only data available to compare the trips generated from the previous use. We continue to state that the**

**future site will function with a similar traffic trip generation as when it was previously fully occupied.**

TR 2-2. LaBella understands that a waiver for the proposed number of parking spaces falling short of the required number of parking spaces is being requested. A shared parking analysis could be conducted in accordance with industry standards set forth in the ITE Parking Generation Manual, 5th Edition, and the Urban Land Institute's (ULI) Shared Parking, 3rd Edition.

**A shared parking analysis would be insignificant given the wide range of potential tenants within this type of strip retail plaza. The owner is requesting a waiver from the Town code requirement of 6 spaces per 1,000 sf and proposing 4.44 spaces per 1,000 sf. The deficiency from the code is minor and still provides ample space for potential tenants. Also, given the minor size of this plaza, the tenants who decide to occupy space will naturally select the location based on the available parking situation and compatibility with adjoining retail uses.**

TR 2-3. Please provide the vehicle template used for the delivery truck maneuvering plan.

**A detail has been added to Sheet C105 for the delivery/trash vehicle turning template.**

TR 2-4. The location of the loading zone is acceptable; however, garbage pickup should be scheduled for regular times and those times posted at the loading zone in order to ensure the enclosure is not blocked.

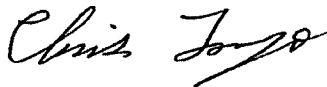
**A sign is proposed for no parking in the loading zone, a note has also been added to include the trash pick up hours so delivery drivers know when to not park in front of the dumpster.**

TR 2-5. Can the perimeter sidewalk be extended, and a ramp provided adjacent to the loading zone to allow for easier access by a delivery person with a dolly (see image)? Currently, the delivery person will have to circulate the parking lot to the ramp serving the ADA-accessible parking spaces along the east side of the building.

**The sidewalk has been extended from along the building to the proposed dumpster/loading area to allow for foot traffic in both directions.**

In addition to these responses please find the enclosed revised Plans. If there are any questions or comments, please feel free to contact me.

Sincerely,



Christopher Longo, PE  
Civil Engineer

Encl: Site Plan Set rev 11/8/24  
Cc: Byron Diaz, BD Upstate Construction  
Dan Gaudio

From: Peter Comenzo

Sent: Tuesday, November 12, 2024 12:09 PM

To: Christopher Longo <clongo@empireeng.net>

Cc: Kimberly Ricker Scannell <krscannell@rotterdamny.org>; dgaudio@nycap.rr.com; Byron Diaz <bdiaz0471@gmail.com>; Hull, Reuben <RHull@LaBellaPC.com>; Lisa Gallo <lgallo@rotterdamny.org>

Subject: RE: Guilderland Ave - Redevelopment

Chris:

I just spoke to Dean Ronca with FD #2. He is OK with the project as submitted and has no comments.

Thanks

Peter

*Peter Comenzo - Senior Planner*

*Town of Rotterdam*

*1100 Sunrise Boulevard*

*Rotterdam, NY 12306*

*Phone # 518-355-7575 Extension 338*

*Fax # 518-355-2725*

*e-mail: [pcomenzo@rotterdamny.org](mailto:pcomenzo@rotterdamny.org)*

*town website: [www.rotterdamny.org](http://www.rotterdamny.org)*

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

**Date:** November 19, 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:** BDJ Capital, LLC  
1035 Palazini Drive  
Schenectady, NY 12303

**Location:** 2611 & 2623 Guilderland Avenue  
Schenectady, NY 12306

**Tax Map Number(s):** 48.20-2-7 and 48.20-2-8

**Zoning:** Main Street Neighborhood Center (MS/NC)  
Overlay District.

**Action:** Site Plan/Special Use Permit and boundary line consolidation subdivision to demolish and redevelop existing vacant structures for the location of 10 residential apartments and 5,140 square feet of commercial space with up to 4 commercial tenants on a consolidated ±0.62-acre parcel.

**Reasons Supporting This Determination:**

(See 617.7(a)-(c) for requirements of this determination)

This project was conducted as a SEQR coordinated review. The applicant has supplied an Environmental Assessment Form and the Planning Commission has or has caused to complete Part 2 of this checklist.

The action is for Site Plan/Special Use Permit and boundary line consolidation subdivision to demolish and redevelop existing vacant structures for the location of 10 residential apartments and 5,140 square feet of commercial space with up to 4 commercial tenants on a consolidated  $\pm 0.62$ -acre parcel.

The existing commercial building on-site and is vacant and in poor shape. The adjoining parcel also contains an exist multi-tenant building that is proposed to be demolished. The applicant is proposing to rehabilitate, expand and convert the existing building into 10 residential apartments and 5,140 square feet of commercial space with up to 4 commercial tenants. The building is currently connected to municipal water and sanitary sewer. The existing parking area will be rehabilitated and new lighting installed which will be directed downward to reduce light impacts.

This site is located in the Main Street Neighborhood Commercial Zoning Overlay District which was recently designated by the Town Board. This proposed mixed use is in keeping with the implementation of the Comprehensive Plan. Since the proposal is to reuse the existing structure, it is not possible to push the building up to the street line. However, the applicant will be required to remove large areas of pavement and create distinctive entryways from Guilderland Avenue. In addition, sidewalks will be installed along the roadway and a bicycle rack provided to support multi modal transportation options.

After a review of the application materials, Environmental Assessment Form, and comments received on this proposal, the Planning Commission of the Town of Rotterdam has determined that this proposal will not have a significant adverse impact on the environment.

**The Planning Commission 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 Planning Commission 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

The environmental effects of the above-described action were discussed at the Planning Commission Public Hearing held on November 19, 2024 at the Rotterdam Town Hall, 1100 Sunrise Boulevard, Rotterdam, NY 12306. Adoption of this negative declaration was moved by XXXXX, seconded by XXXXX, and approved by the Rotterdam Planning Commission.

---

Kimberly Ricker-Scannell  
Planning Commission Chairman

**Short Environmental Assessment Form**  
**Part 1 - Project Information**

RECEIVED

JUL 08 2024

TOWN OF ROTTERDAM  
PUBLIC WORKS

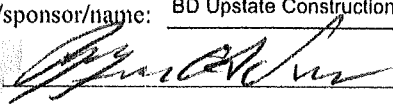
**Instructions for Completing**

**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.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  |                                                                                    |                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|------------------------------------------------------------------------------------|---------------------------------|
| <b>Part 1 – Project and Sponsor Information</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  |                                                                                    |                                 |
| 2623 Guilderland Avenue - BD Upstate Construction Inc.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  |                                                                                    |                                 |
| Name of Action or Project:<br>2623 Guilderland Avenue Town of Rotterdam - Schenectady City School District                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  |                                                                                    |                                 |
| Project Location (describe, and attach a location map):<br>2623 Guilderland Avenue (48.20-2-8) & 2611 Guilderland Avenue (48.20-2-7)                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |  |                                                                                    |                                 |
| Brief Description of Proposed Action:<br>This request is seeking approval for the expansion and total reconstruction of the existing structure located at 2623 Guilderland Avenue. This structure previously housed the Anabelle's Diner, two apartments and office space for the Greco Insurance Company. The project includes restructuring the first floor to include 1-4 mixed-use business spaces and add additional apartments (10-12) on the second floor of the structure.<br><br>The project also includes the demolition of 2611 Guilderland Ave to provide the required parking to support the project. |  |                                                                                    |                                 |
| Name of Applicant or Sponsor:<br>BD Upstate Construction Inc. (Byron Diaz)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  | Telephone: 845-309-5223 or 518-280-9284<br><br>E-Mail: upstateconstruction@aol.com |                                 |
| Address:<br>3561 Guilderland Avenue                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |  |                                                                                    |                                 |
| City/PO:<br>Schenectady                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  | State:<br>NY                                                                       | Zip Code:<br>12306              |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?<br>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<br><input checked="" type="checkbox"/>                                          | YES<br><input type="checkbox"/> |
| 2. Does the proposed action require a permit, approval or funding from any other government Agency?<br>If Yes, list agency(s) name and permit or approval:                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  | NO<br><input checked="" type="checkbox"/>                                          | YES<br><input type="checkbox"/> |
| 3. a. Total acreage of the site of the proposed action?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  | 0.37 acres                                                                         |                                 |
| b. Total acreage to be physically disturbed?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  | See site plan acres                                                                |                                 |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  | 0.25 acres                                                                         |                                 |
| 4. Check all land uses that occur on, are adjoining or near the proposed action:<br><br><input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)<br><input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): R2 Multi-Family<br><input type="checkbox"/> Parkland                                                                                       |  |                                                                                    |                                 |

|                                                                                                                                                                                                                                                                                                                                                                                      |                                     |                                     |                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------|--------------------------|
| 5. Is the proposed action,                                                                                                                                                                                                                                                                                                                                                           | NO                                  | YES                                 | N/A                      |
| a. A permitted use under the zoning regulations?                                                                                                                                                                                                                                                                                                                                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Consistent with the adopted comprehensive plan?                                                                                                                                                                                                                                                                                                                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?                                                                                                                                                                                                                                                                      | NO                                  | YES                                 |                          |
|                                                                                                                                                                                                                                                                                                                                                                                      | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |                          |
| 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: _____                                                                                                                                                                                                                                                                                                                                                              | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| 8. a. Will the proposed action result in a substantial increase in traffic above present levels?                                                                                                                                                                                                                                                                                     | NO                                  | YES                                 |                          |
|                                                                                                                                                                                                                                                                                                                                                                                      | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| b. Are public transportation services available at or near the site of the proposed action?                                                                                                                                                                                                                                                                                          | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |                          |
| c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?                                                                                                                                                                                                                                                                         | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |                          |
| 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:<br>_____<br>_____                                                                                                                                                                                                                                                                        | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |                          |
| 10. Will the proposed action connect to an existing public/private water supply?                                                                                                                                                                                                                                                                                                     | NO                                  | YES                                 |                          |
| If No, describe method for providing potable water: _____<br>_____                                                                                                                                                                                                                                                                                                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |                          |
| 11. Will the proposed action connect to existing wastewater utilities?                                                                                                                                                                                                                                                                                                               | NO                                  | YES                                 |                          |
| If No, describe method for providing wastewater treatment: _____<br>See site plan for engineered septic system                                                                                                                                                                                                                                                                       | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |                          |
| 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                                 |                          |
|                                                                                                                                                                                                                                                                                                                                                                                      | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| 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?                                                                                                                                                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| 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                                 |                          |
|                                                                                                                                                                                                                                                                                                                                                                                      | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?                                                                                                                                                                                                                                                                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____<br>_____<br>_____                                                                                                                                                                                                                                                                 |                                     |                                     |                          |

|                                                                                                                                                                                                                                                                                                                                                                                                                   |                                     |                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|
| 14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:<br><input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional<br><input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> 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                      |
|                                                                                                                                                                                                                                                                                                                                                                                                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 16. Is the project site located in the 100-year flood plan?                                                                                                                                                                                                                                                                                                                                                       | NO                                  | YES                      |
|                                                                                                                                                                                                                                                                                                                                                                                                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 17. Will the proposed action create storm water discharge, either from point or non-point sources?<br>If Yes,                                                                                                                                                                                                                                                                                                     | NO                                  | YES                      |
|                                                                                                                                                                                                                                                                                                                                                                                                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| a. Will storm water discharges flow to adjacent properties?                                                                                                                                                                                                                                                                                                                                                       | <input type="checkbox"/>            | <input type="checkbox"/> |
| b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?<br>If Yes, briefly describe:                                                                                                                                                                                                                                                                              | <input type="checkbox"/>            | <input type="checkbox"/> |
| _____                                                                                                                                                                                                                                                                                                                                                                                                             |                                     |                          |
| _____                                                                                                                                                                                                                                                                                                                                                                                                             |                                     |                          |
| 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)?<br>If Yes, explain the purpose and size of the impoundment:                                                                                                                                                                       | NO                                  | YES                      |
|                                                                                                                                                                                                                                                                                                                                                                                                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| _____                                                                                                                                                                                                                                                                                                                                                                                                             |                                     |                          |
| 19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?<br>If Yes, describe:                                                                                                                                                                                                                                                   | NO                                  | YES                      |
|                                                                                                                                                                                                                                                                                                                                                                                                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| _____                                                                                                                                                                                                                                                                                                                                                                                                             |                                     |                          |
| 20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?<br>If Yes, describe:                                                                                                                                                                                                                                                 | NO                                  | YES                      |
|                                                                                                                                                                                                                                                                                                                                                                                                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| _____                                                                                                                                                                                                                                                                                                                                                                                                             |                                     |                          |
| <b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b><br><br>Applicant/sponsor/name: <u>BD Upstate Construction Inc. (Byron Diaz)</u> Date: <u>06/29/24</u><br>Signature: <u></u> Title: <u>President</u>                                                                      |                                     |                          |

Project:

BDJ Capital, LLC - 2623 Guilderland

Date:

November 19, 2024

***Short Environmental Assessment Form***  
***Part 2 - Impact Assessment***

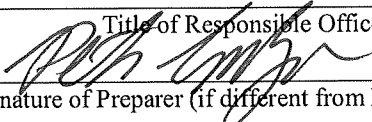
**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

|                                                                                                                                                                            | No, or<br>small<br>impact<br>may<br>occur | Moderate<br>to large<br>impact<br>may<br>occur |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|------------------------------------------------|
| 1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?                                                                | <input checked="" type="checkbox"/>       | <input type="checkbox"/>                       |
| 2. Will the proposed action result in a change in the use or intensity of use of land?                                                                                     | <input checked="" type="checkbox"/>       | <input type="checkbox"/>                       |
| 3. Will the proposed action impair the character or quality of the existing community?                                                                                     | <input checked="" type="checkbox"/>       | <input type="checkbox"/>                       |
| 4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?                      | <input checked="" type="checkbox"/>       | <input type="checkbox"/>                       |
| 5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?            | <input checked="" type="checkbox"/>       | <input type="checkbox"/>                       |
| 6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? | <input checked="" type="checkbox"/>       | <input type="checkbox"/>                       |
| 7. Will the proposed action impact existing:                                                                                                                               | <input checked="" type="checkbox"/>       | <input type="checkbox"/>                       |
| a. public / private water supplies?                                                                                                                                        | <input checked="" type="checkbox"/>       | <input type="checkbox"/>                       |
| b. public / private wastewater treatment utilities?                                                                                                                        | <input checked="" type="checkbox"/>       | <input type="checkbox"/>                       |
| 8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?                                   | <input checked="" type="checkbox"/>       | <input type="checkbox"/>                       |
| 9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?                     | <input checked="" type="checkbox"/>       | <input type="checkbox"/>                       |
| 10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?                                                            | <input checked="" type="checkbox"/>       | <input type="checkbox"/>                       |
| 11. Will the proposed action create a hazard to environmental resources or human health?                                                                                   | <input checked="" type="checkbox"/>       | <input type="checkbox"/>                       |

### *Short Environmental Assessment Form* *Part 3 Determination of Significance*

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

|                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required. |                                                                                                                                                                                          |
| <input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.                                                  |                                                                                                                                                                                          |
| Rotterdam Planning Commission                                                                                                                                                                                                                                                                         | November 19, 2024                                                                                                                                                                        |
| Name of Lead Agency                                                                                                                                                                                                                                                                                   | Date                                                                                                                                                                                     |
| Kimberly Ricker Scannell                                                                                                                                                                                                                                                                              | Planning Commission Chairman                                                                                                                                                             |
| Print or Type Name of Responsible Officer in Lead Agency                                                                                                                                                                                                                                              | Title of Responsible Officer                                                                                                                                                             |
| <div style="border-bottom: 1px solid black; height: 20px; width: 100%;"></div>                                                                                                                                                                                                                        | <div style="border-bottom: 1px solid black; height: 40px; width: 100%; text-align: center;">  </div> |
| Signature of Responsible Officer in Lead Agency                                                                                                                                                                                                                                                       | Signature of Preparer (if different from Responsible Officer)                                                                                                                            |

**DPW Comments**  
**November 19, 2024**

2. **Tomra Recycling, LLC – 31 Opus Boulevard.** Sketch Site Plan review to construct a 36' x 100' addition for the location of an enclosed trailer tipper tower with a height of 70' on a ±4.33-acre parcel. Engineer: Delta Engineers.
  1. Ongoing maintenance and site plan issues should be addressed.
  2. Applicant should explain proposed operation of the new addition.
  3. The Planning Commission should consider retaining the services of a TDE to assist in the review of this application.

**SEQR Requirement:** 6 NYCRR 617 Unlisted Action. Rotterdam Planning Commission should 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  
Rotterdam Highway Department  
Fire District #6 (South Schenectady)

**DEED REFERENCE:**  
31 OPUS Boulevard, LLC  
to  
31 OPUS Rotterdam LLC  
Urgain And Sale Deed - Dated: August 23, 20  
Libor 1880 of Deeds at Page 391  
Being Tax Parcel No. 43.19-2-40  
Subject To any easements, rights of way,  
covenants or restrictions of record.

**DEED REFERENCE:**  
31 OPUS Boulevard, LLC  
to  
31 OPUS Rotterdam LLC  
Urgain And Sale Deed - Dated: August 23, 20  
Libor 1880 of Deeds at Page 391  
Being Tax Parcel No. 43.19-2-40  
Subject To any easements, rights of way,  
covenants or restrictions of record.

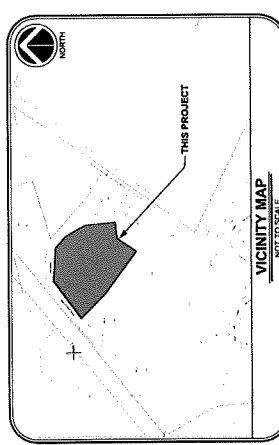
|                 |               |
|-----------------|---------------|
| Designed by:    | N/A           |
| Drawn by:       | S. Tindor     |
| Reviewed by:    | T. Langdon    |
| Date:           | July 23, 2024 |
| Last Revised:   |               |
| Scale:          | 1" = 20 Feet  |
| Project Number: | 2024-215.001  |

**DELTA**  
ENGINEERS, ARCHITECTS, & LAND SURVEYORS  
860 Hooper Road, Endwell, NY 13760  
Tel: 607.231.6600  
Fax: 607.231.6650  
Website: [www.della-eas.com](http://www.della-eas.com)

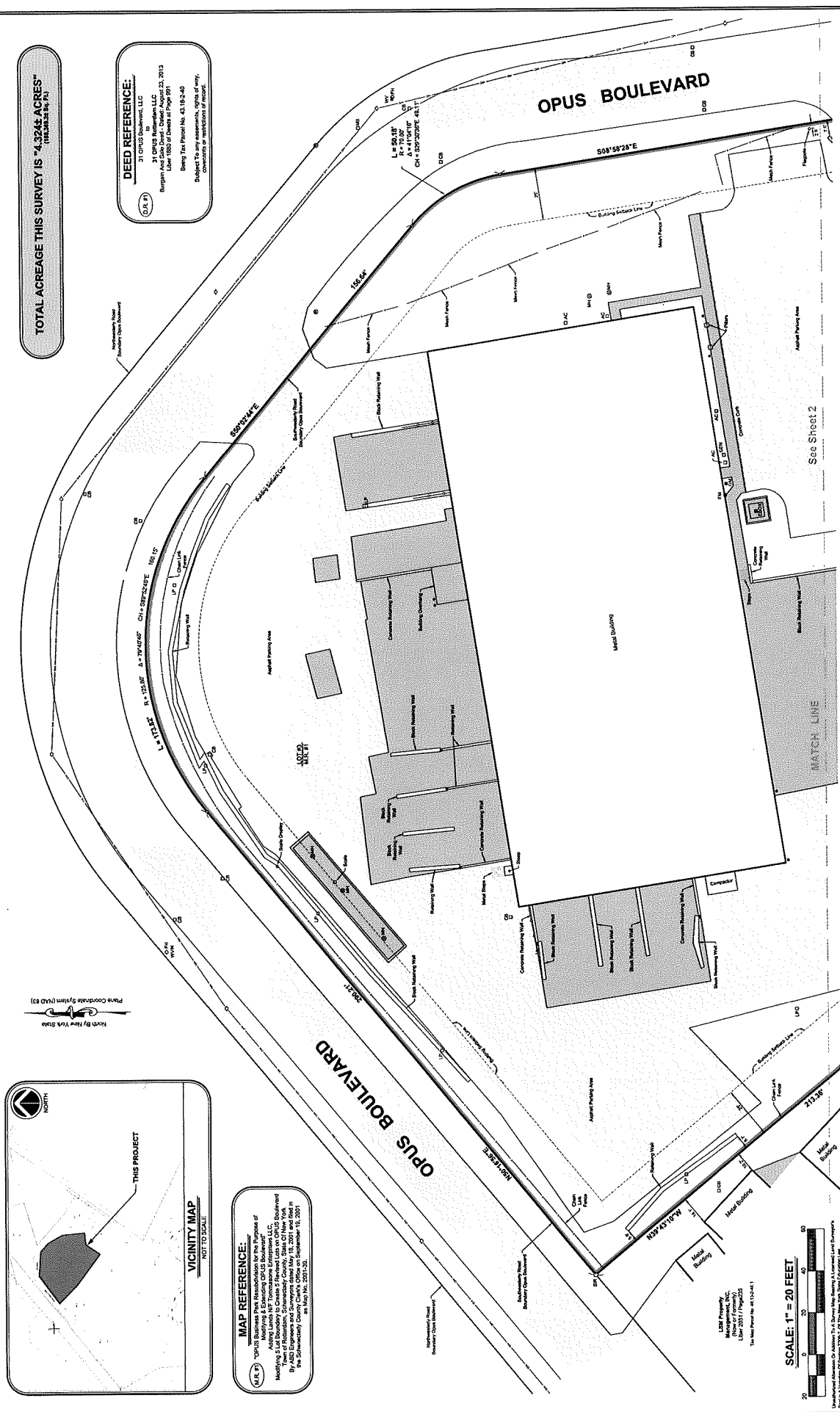
**"BOUNDARY SURVEY"**  
Lands Of  
**31 OPUS Rotterdam LLC**  
OPUS Boulevard  
Town of Rotterdam - Schenectady County  
State Of New York



WE UNDERSIGNED HEREBY CERTIFIES THAT THIS IS  
AN ACCURATE MAP OF AN ACTUAL FIELD SURVEY  
DATED July 23, 2024 AND  
THAT BOTH MAP AND SURVEY ARE CORRECT.

[illegible]

**MAP REFERENCE:**  
 OPUS Business Park Rehabilitation for the Purpose of  
 Mediating & Extending OPUS Enrichment  
 Aiding Landscapes & Water Treatment  
 Mediating 5 Land Remediation to Create 5 Recreational Units on OPUS Boulevard  
 Town of Roseland, Schenectady County, State of New York  
 By ASID Engineers and Surveyors dated May 13, 2001 and filed in  
 the Schenectady County Clerk's Office on September 10, 2001



SCALE: 1" = 20 FEET



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

### PART III

#### SPECIAL USE PERMIT/SITE PLAN APPLICATION General Information

Legal Owner's Name: 31 OPUS ROTTERDAM LLC

Mailing Address: 804 A STREET

City: BELMAR State: N.J. Zip: 07719

Daytime Phone: 732-239-1364 E-mail: VICTOR AFONSO@OPTONLINE.NET

If applicant is not the owner, include the written owner authorization form below (See Part IV) designating the contact to serve as representative.

Owner's Designated Contact: MICHAEL LEUSCH

Mailing Address: 5923 LOOMIS RD.

City: FARMINGTON State: N.Y. Zip: 14425

Daytime Phone: 585-455-6157 E-mail: MICHAEL.LEUSCH@TOMRA.COM

Project/Proposal Site Area (Acres or sq. ft.): 36,400 SQFT / 4.33 ACRES

Assessor Tax Parcel No.(s) of Proposal Site: 422800 48.13-2-40

Adjacent Area Owned or Controlled (Acres or sq. ft.): \_\_\_\_\_

Assessor Tax Parcel No.(s) of Adjacent Land Owned or Controlled: \_\_\_\_\_

Street Address of Proposed Site (if any): 31 OPUS BLVD.

Describe Existing Use(s) on Proposed Site (Such as buildings, well, sewer drainfield and others): \_\_\_\_\_

RECYCLING FACILITY

Existing Zoning Classification: INDUSTRIAL

School District: \_\_\_\_\_

Fire District: \_\_\_\_\_

Water Supply \_\_\_\_\_

## LEGAL INFORMATION

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

PROPOSED STRUCTURE IS OFF OF 3100US BLVD  
AND OTHER PROPERTIES PREDOMINANTLY COMMERCIAL

Name of public road (s) providing access: 3100US BLVD.

Width of property fronting on public road: \_\_\_\_\_

Attach deed or legal description.

Attach a lease agreement of the proposed site (if applicable).

Purpose for the requested site plan approval (and special use permit if applicable):

USE OF TRAILER TIPPER ON WESTERN FACADE  
OF BUILDING

Is the proposed use to be temporary or permanent? If temporary, please explain:

PERMANENT.

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.

PART IV

LEGAL OWNER SIGNATURE

(Signature of legal owner(s))

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) (we) (am)(are) the owner(s) of record of the area proposed for the previously identified land use action

Name: VICOR AFONSO

Date: 11/4/24

Address: 804 A STREET

Phone: 732-239-1364

BOULMAR N.J.

Zip: 07719

\*#1 Signature of Owner #1

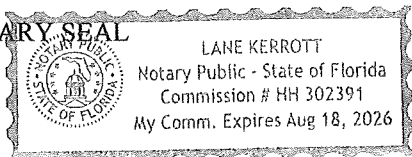
Date: 11/4/24

Notary  
(For Signature #1 Above)

Florida  
STATE OF NEW YORK) ss:  
COUNTY OF SCHENECTADY)  
Palm Beach

SUBSCRIBED AND SWORN to me this 4 day of November, 2024.

NOTARY SEAL



Notary Signature

Notary Public in and for the State of New York  
My appointment expires: August 18, 2026

Name: \_\_\_\_\_

Date: \_\_\_\_\_

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

Phone: \_\_\_\_\_

Zip: \_\_\_\_\_

\*#2 Signature of Owner #2

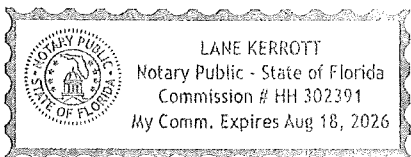
Date: \_\_\_\_\_

Notary  
\*(For Signature #2 Above)

Florida  
STATE OF NEW YORK) ss:  
COUNTY OF SCHENECTADY)  
Palm Beach

SUBSCRIBED AND SWORN to me this 4 day of November, 2024.

NOTARY SEAL



Notary Signature

Florida  
Notary Public in and for the State of New York  
My appointment expires: August 18, 2026



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, VICTOR AFONSO, being duly sworn declare that I am the  
(PROPERTY OWNER)

owner of the property involved in a proposed SPECIAL USE/SITE PLAN application request  
before the Town of Rotterdam for property known as parcel number (s):

Tax Parcel Number(s): 422800 48.13-2-40

I hereby grant MICHAEL LEUSCH 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):

Date:

11/4/24

NOTARY

Florida

STATE OF ~~NEW YORK~~ ss:

COUNTY OF Palm Beach

SUBSCRIBED AND SWORN to before me this 4 day of November, 2024

NOTARY SEAL

Notary Signature

Notary Public in and for the State of Florida

Residing at:

Delray Beach

My appointment expires:

August 18, 2026

LANE KERROTT

Notary Public - State of Florida

Commission # HH 302391

My Comm. Expires Aug 18, 2026

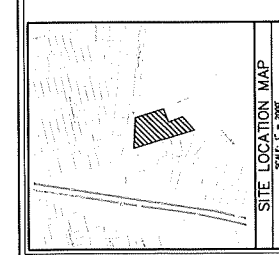
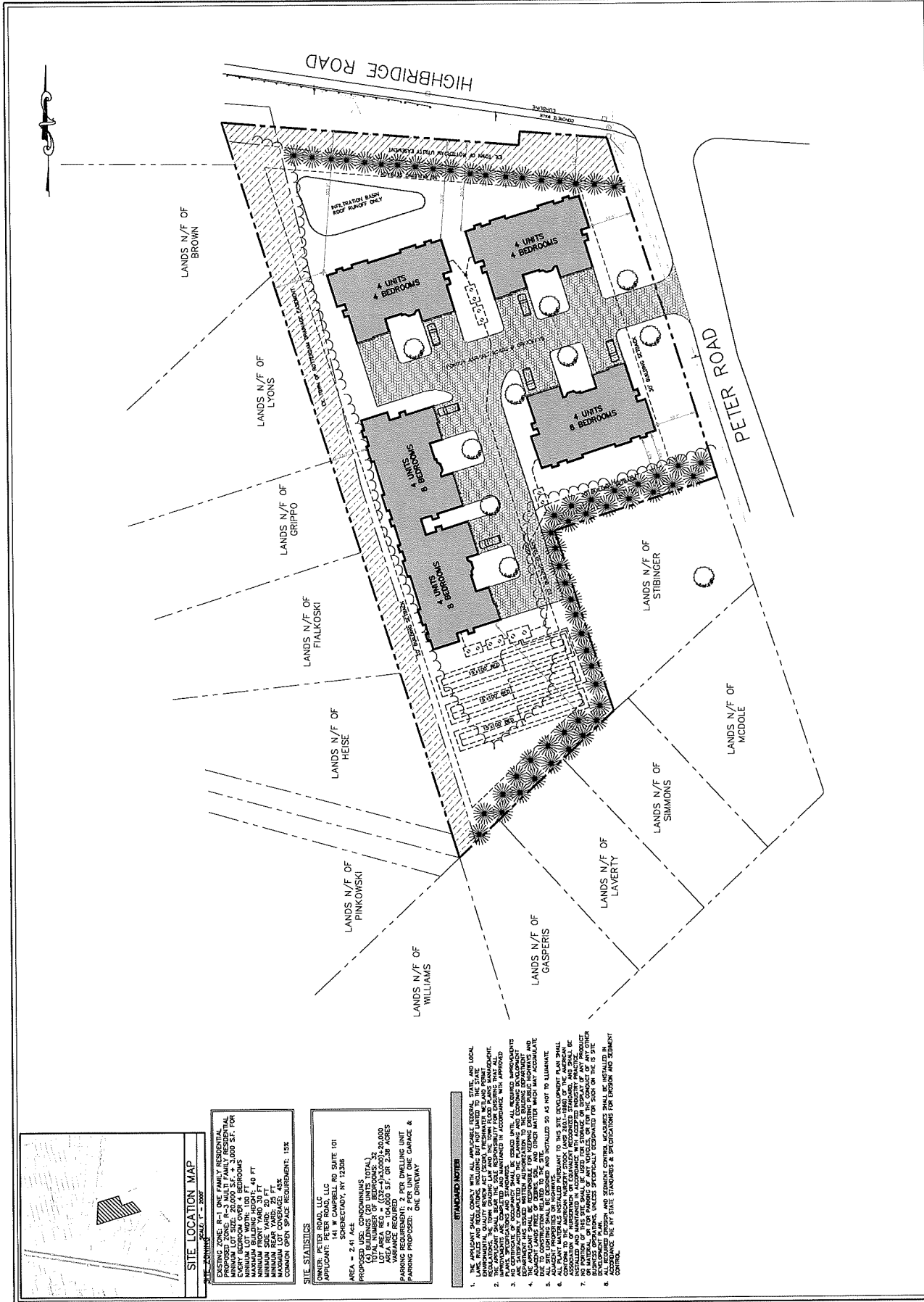
**DPW Comments**  
**November 19, 2024**

3. **Peter Road LLC – Peter Road.** Report and Recommendation to the Town Board on a Change of Zone from Single Family Residential (R-1) to Multi-Family Residential (R-3) for the potential construction of up to 20 condominiums on ±2.41 acres. Engineers: Brett Steenburgh, P.E. PLLC.
  1. The Rotterdam Town Board referred this Change of Zone to the Rotterdam Planning Commission on November 13, 2024 for a report and recommendation.

**SEQR Requirement:** 6 NYCRR 617 Unlisted Action. The Town Board should establish lead agency.

**Involved/Interested Agencies:**

Schenectady County Economic Development and Planning  
Schenectady County Department of Health  
Schenectady County Department of Public Works  
New York State Department of Environmental Conservation – Region #4  
Rotterdam Highway Department  
Rotterdam Police Department  
Fire District #3 (Carman)  
Mohonasen School District



**SITE STATISTICS**

OWNER: PETER ROAD, LLC  
 APPLICANT: PETER ROAD, LLC 80 SITE 01  
 SCHENECTADY, NY 12306

AREA = 2.41 ACRES  
 PROPOSED USE: RESIDENTIAL  
 TOTAL NUMBER OF RESIDUALS: 32  
 AREA REQ = 104,000 S.F. OR 2.38 ACRES  
 PARKING REQUIREMENT: 2 PER DWELLING UNIT  
 ONE DRIVEWAY

- STANDARD NOTES**
1. THE APPLICANT SHALL COMPLY WITH ALL APPLICABLE FEDERAL, STATE AND LOCAL LAWS, RULES AND REGULATIONS, INCLUDING BUT NOT LIMITED TO, THE ZONING REGULATIONS, THE TOWN BOARD LAWS AND THE TOWN BOARD RESOLUTIONS.
  2. THE APPLICANT SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
  3. THE APPLICANT SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
  4. THE APPLICANT SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
  5. THE APPLICANT SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
  6. THE APPLICANT SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
  7. THE APPLICANT SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
  8. THE APPLICANT SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.

RECEIVED

NOV 01 2024

TOWN OF ROTTERDAM  
PUBLIC WORKS



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

Application Fee \$1,000

Existing Zone Classification: R-1 One Family Residential

Proposed Zone Classification: R-3 Multi-family Residential

**PART II  
GENERAL INFORMATION**

Legal Owner's Name: Peter Road LLC  
Mailing Address: 141 W. Campbell Rd  
City: Schenectady State: NY Zip: 12306  
Daytime Phone: (518) 355-9093 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: Brett Steenburgh, PE.

Mailing Address: 2832 Rosendale Rd  
City: Niskayuna State: NY Zip: 12309  
Daytime Phone: (518) 365-0675 E-mail: bsteenburgh.pe@gmail.com  
Project/Proposal Site Area: (Acres or sq. ft.) 2.41 Ac ±  
Assessor Tax Parcel No.(s) of Site: 59.20-1-1  
Adjacent Parcels Owned or Controlled and Tax Map Parcel No: (Acres or sq. ft.) 0

Street Address of Proposed Site (if any): 759 Peter Road

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

The parcel is currently vacant residential land.  
The majority of the parcel is cleared of mature  
vegetation

School District: Mohonasen

Fire District: Fire Dist #3 T of Rotterdam  
Volunteer

Water Supply: T of Rotterdam

#### 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 at 759 Peter Road at the  
Southwest intersection of Peter Road and  
Highbridge Rd.

Name of Public Road(s) Providing Access: Peter Road & Highbridge Road

Width of Property Fronting on the Existing Public Road in Linear Feet: 286 L.F. on Highbridge and  
259 L.F. on Peter Rd for a  
Total of 545 L.F.

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

( ) Yes (X) No

Name(s) of Arterial Road(s): N/A

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

see attached

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                      ☒ 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: \_\_\_\_\_  
Address: 2832 Rosendale Rd  
Niskayuna, NY 12306

Date: 10/25/2024  
Phone: (518) 365-0675  
Zip: 12309

PLEASE AFFIX SURVEYOR/ARCHITECT/ENGINEER SEAL HERE



### **Peter Road Re-zoning factors:**

The parcel at Peter Road known as 759 Peter Road has been under the ownership of Peter Road LLC for approximately 10 years. It has been investigated for several types of developments including but not limited to commercial, single family and transient multi-family developments. Due to the configuration of the parcel, proximity to Highbridge Road, neighboring commercial parcels and Interstate 890 single family development of the parcel is cost prohibitive and offers minimal sale value. It is proposed to re-zone the parcel to R-3 multi-family residential to permit to the development of ownership based condominiums. This would allow the density necessary to provide affordable housing units geared towards young professionals and senior citizens. This location would be very attractive to both demographics due to its close proximity to Interstate 890 and the re-development of goods and services along the Hamburg Street Corridor. This development will also offer an excellent buffer between the single family residential structures and the commercial parcel on the west side of Highbridge Road. Additionally, the condominiums would include a homeowner's association (HOA) which would be responsible for all exterior maintenance and upkeep of the parcel. The HOA will provide peace of mind and comfort to the surrounding single family residences that the parcel will be maintained to highest standards.

\*\*\*\*\*

**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: Peter Road, LLC  
Address: 2 Computer Drive, West State 110  
Albany, NY 12205

Date: 10/29/24  
Phone: 518-365-3292  
Zip: 12205

By: [Signature]  
Signature of applicant or representative  
Corey J. Lewickowski, Member

10/29/24  
Date

**NOTARY**

STATE OF NEW YORK ss:  
COUNTY OF Albany )

SUBSCRIBED AND SWORN to before me this 29<sup>th</sup> day of October, 2024

NOTARY SEAL

[Signature]  
Notary Signature

Notary Public in and for the State of New York  
Residing at: 35 Old Birch Lane, Colonie, NY 12045  
My appointment expires: 03-13-2026

**CHEER ANN MCGEARY**  
Notary Public, State of New York  
No. 01MC6030407  
Qualified in Albany County  
Commission Expires March 13, 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](http://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, Corey J. Lewandowski, being duly sworn declare that I am the sole member + manager of  
(PROPERTY OWNER) Pete Road, LLC

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

Tax Parcel Number(s): 59.20 - 1 - 1

I hereby grant Brett Steenburgh 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] Member

Date: 10/29/24

NOTARY

STATE OF NEW YORK) ss:

COUNTY OF Albany)

SUBSCRIBED AND SWORN to before me this 29th day of October, 2024

NOTARY SEAL

[Signature]  
Notary Signature

Notary Public in and for the State of New York

Residing at: 39 Old Birch Lane, Colonie, NY 12205

My appointment expires: 03-13-2026

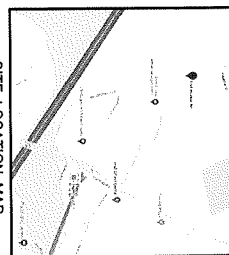
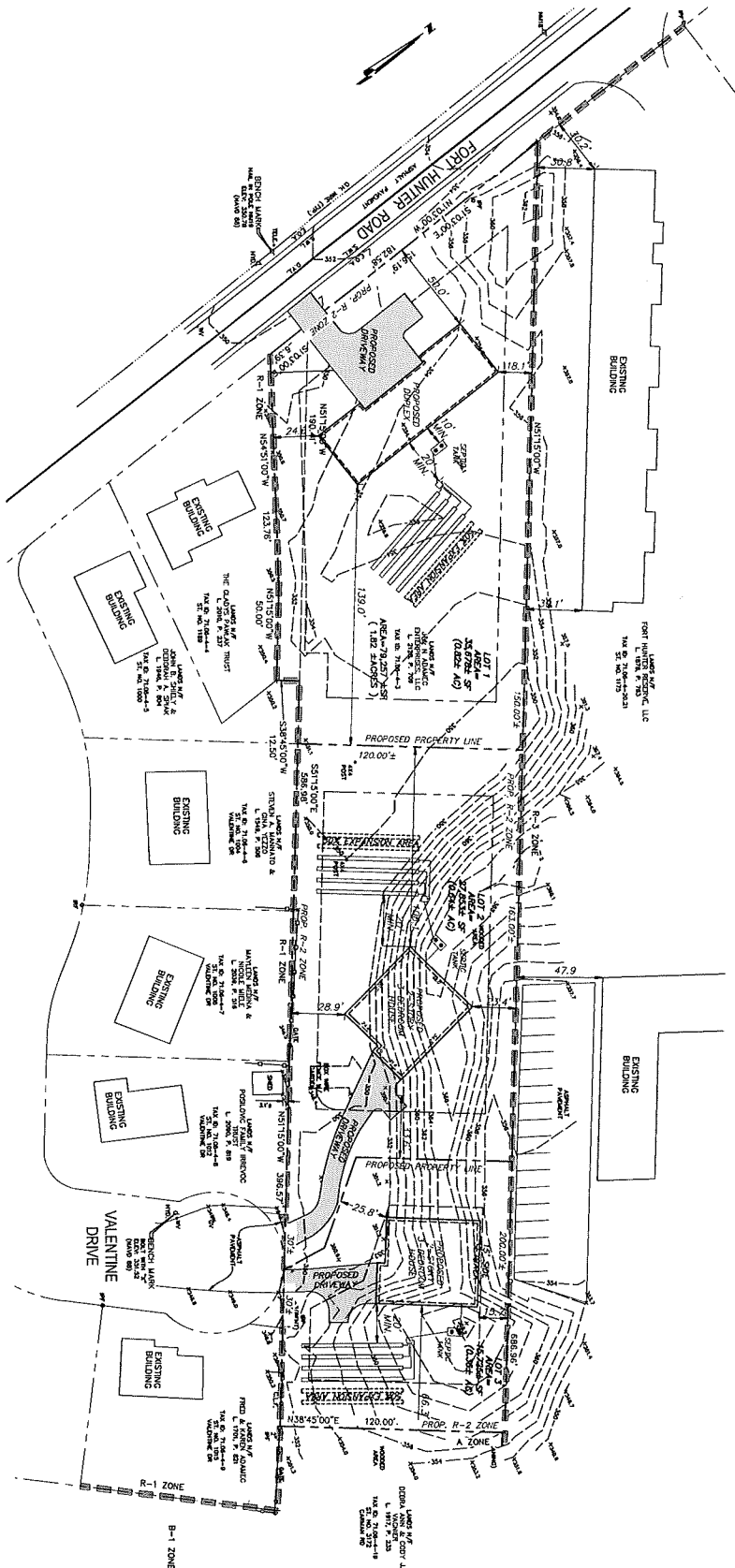
**DPW Comments**  
**November 19, 2024**

4. **Ziggy Viscusi, CNZ, LLC – Ft. Hunter Road.** Report and Recommendation to the Town Board on a Change of Zone from Agriculture (A-1) to Two Family Residential (R-2) to facilitate a potential Three (3) Lot Subdivision on a ±1.82-acre parcel. Engineer: ABD Engineers & Surveyors.
  1. The Rotterdam Town Board referred this Change of Zone to the Rotterdam Planning Commission on November 6, 2024 for a report and recommendation.

**SEQR Requirement:** 6 NYCRR 617 Unlisted Action. The Town Board should establish lead agency.

**Involved/Interested Agencies:**

Schenectady County Economic Development and Planning  
Schenectady County Department of Health  
Schenectady County Department of Public Works  
New York State Department of Environmental Conservation – Region #4  
Rotterdam Highway Department  
Fire District #3 (Carman)



**SITE LOCATION MAP**  
N.T.S.

**SURVEY NOTES**

1. EXISTING BUILDING AND LAND AREA ARE SHOWN ON THE MAP. THE EXISTING BUILDING IS A 10,000 SQ. FT. BUILDING. THE LAND AREA IS 1.00 AC. (43,560 SQ. FT.).
2. THE MAP IS BASED ON THE 1985 SURVEY. THE 1985 SURVEY WAS CONDUCTED BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION. THE 1985 SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE 1985 SURVEYING ACT.
3. THE MAP IS BASED ON THE 1985 SURVEY. THE 1985 SURVEY WAS CONDUCTED BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION. THE 1985 SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE 1985 SURVEYING ACT.
4. THE MAP IS BASED ON THE 1985 SURVEY. THE 1985 SURVEY WAS CONDUCTED BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION. THE 1985 SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE 1985 SURVEYING ACT.
5. THE MAP IS BASED ON THE 1985 SURVEY. THE 1985 SURVEY WAS CONDUCTED BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION. THE 1985 SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE 1985 SURVEYING ACT.
6. THE MAP IS BASED ON THE 1985 SURVEY. THE 1985 SURVEY WAS CONDUCTED BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION. THE 1985 SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE 1985 SURVEYING ACT.
7. THE MAP IS BASED ON THE 1985 SURVEY. THE 1985 SURVEY WAS CONDUCTED BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION. THE 1985 SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE 1985 SURVEYING ACT.
8. THE MAP IS BASED ON THE 1985 SURVEY. THE 1985 SURVEY WAS CONDUCTED BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION. THE 1985 SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE 1985 SURVEYING ACT.
9. THE MAP IS BASED ON THE 1985 SURVEY. THE 1985 SURVEY WAS CONDUCTED BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION. THE 1985 SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE 1985 SURVEYING ACT.
10. THE MAP IS BASED ON THE 1985 SURVEY. THE 1985 SURVEY WAS CONDUCTED BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION. THE 1985 SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE 1985 SURVEYING ACT.

**MAP REFERENCE**

THE MAP IS BASED ON THE 1985 SURVEY. THE 1985 SURVEY WAS CONDUCTED BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION. THE 1985 SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE 1985 SURVEYING ACT.

| ZONE            | A (PERCENTAGE POINT) | R-2 (WORTH)        |
|-----------------|----------------------|--------------------|
| LOT AREA        | EXCLUDED             | EXCLUDED           |
| LOT WIDTH       | 1/2 AC. MIN.         | 12,000 SF          |
| BUILDING HEIGHT | 1/2 AC. MIN.         | 100' MAX *         |
| LOT COVERAGE    | 3 STORY/2 AC. MAX.   | 3 STORY/2 AC. MAX. |
| SETBACKS        | 300' MIN.            | 425' MIN.          |
| FLOOR           | 20' MIN.             | 34' MIN.           |
| SEAL            | 17' MIN.             | 17' MIN.           |
| FLOOD           | 20' MIN.             | 20' MIN.           |

|                                                                                                 |          |    |      |
|-------------------------------------------------------------------------------------------------|----------|----|------|
| NO.                                                                                             | REVISION | BY | DATE |
| 1                                                                                               |          |    |      |
| <p>ADDITION OF THE<br/>EXISTING BUILDING<br/>DEPICTION IS INTEND.</p>                           |          |    |      |
| <p>REZONE PLAN<br/>FOR<br/>CNZ LLC<br/>FORT HUNTER ROAD</p>                                     |          |    |      |
| <p>STATE OF NEW YORK<br/>COUNTY OF SHERIDAN</p>                                                 |          |    |      |
| <p>ABO ENGINEERS<br/>SURVEYORS<br/>1000<br/>1000<br/>1000</p>                                   |          |    |      |
| <p>DATE: OCTOBER 18, 2024<br/>SCALE: 1" = 30'<br/>PROJECT: CNZ LLC (P21) AND BAYVIEW RESID.</p> |          |    |      |

RECEIVED

OCT 22 2024

TOWN OF ROTTERDAM  
PUBLIC WORKS



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## TOWN OF ROTTERDAM CHANGE OF ZONE APPLICATION

Application Fee                      \$1,000

Existing Zone Classification: Agricultural

Proposed Zone Classification: R-2

### PART II GENERAL INFORMATION

Legal Owner's Name: Ziggy Viscusi, CNZ, LLC  
Mailing Address: 2794 West Lydius Street  
City: Schenectady                      State: NY                      Zip: 12306  
Daytime Phone: 518-857-1000                      E-mail: soccer12349@hotmail.com

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.) 1.82± acres  
Assessor Tax Parcel No.(s) of Site: 71.6-4-3  
Adjacent Parcels Owned or Controlled and Tax Map Parcel No: (Acres or sq. ft.) 1.82± acres

Street Address of Proposed Site (if any): Fort Hunter Road (no address assigned yet).

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

The existing site is vacant.

School District: Mohonasen Central School District (CSD) Fire District: 2

Water Supply: Rotterdam

### LEGAL INFORMATION

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

The site is 150 feet north of Valentine Drive.

Name of Public Road(s) Providing Access: Fort Hunter Road and Valentine Drive

Width of Property Fronting on the Existing Public Road in Linear Feet: 183± feet

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

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

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

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

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

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

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

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

The site is near multifamily projects, duplexes, and single family. This provides a different style homes for the community.

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 \_\_\_\_\_

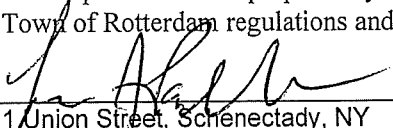
#### PART III

\*\*\*\*\*

#### 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:   
Address: 411 Union Street, Schenectady, NY

Date: October 16, 2024  
Phone: 518-377-0315  
Zip: 12305

PLEASE AFFIX SURVEYOR/ARCHITECT/ENGINEER SEAL HERE



\*\*\*\*\*

**LEGAL OWNER SIGNATURE**

\*\*\*\*\*

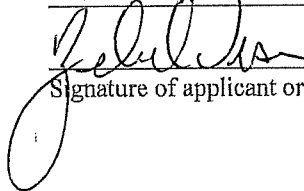
(Signature of legal owner or representative as authorized by legal owner)

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: Ziggy Viscusi, CNZ, LLC  
Address: 2794 West Lydius Street  
Schenectady, NY

Date: \_\_\_\_\_  
Phone: 518-858-3504  
Zip: 12306

  
\_\_\_\_\_  
Signature of applicant or representative

10/16/24  
\_\_\_\_\_  
Date

**NOTARY**

STATE OF NEW YORK ss:  
COUNTY OF Schenectady

SUBSCRIBED AND SWORN to before me this 19th day of October, 2024

NOTARY SEAL

\_\_\_\_\_  
Notary Signature

Notary Public in and for the State of New York

Residing at:

MELANIE EFAW

My appointment expires: Notary Public, State of New York

Qualified in Montgomery County

Reg. No. 01EF6336694

Commission Expires February 8, 2028

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, Zlggy Viscusi, CNZ, LLC, being duly sworn declare that I am the  
(PROPERTY OWNER)

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

Tax Parcel Number(s): 71.6-4-3

I hereby grant Luigi A. Palleschi, P.E., ABD Engineers & Surveyors, LLP  
and/or their agent(s) to act on my behalf.

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

Signature (Authorized Representative):

Date:

10/19/24

NOTARY

STATE OF NEW YORK ss:

COUNTY OF Schenectady

SUBSCRIBED AND SWORN to before me this

19<sup>th</sup>

day of

October

, 2024

NOTARY SEAL

Notary Signature

Notary Public in and for the State of New York

Residing at:

MELANIE EFAW

My appointment expires

Notary Public, State of New York

Qualified in Montgomery County

Reg. No. 01EF6336694

Rotterdam Change of Zoning Expires February 8, 2028

**DPW Comments**  
**November 19, 2024**

5. **Mark & Deanna Nardini - 313 Old Mariaville Road, Mariaville Road & Old Mariaville Road.**  
Report and Recommendation to the Town Board on a Change of Zone from Agricultural (A-1) to General Business (B-2) for the potential construction of three (3) office/warehouse buildings.  
Engineers: ABD Engineers & Surveyors.

1. The Rotterdam Town Board referred this Change of Zone to the Rotterdam Planning Commission on November 13, 2024 for a report and recommendation.

**SEQR Requirement:** 6 NYCRR 617 Unlisted Action. The Town Board should establish 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

Rotterdam Highway Department

Rotterdam Police Department

Fire District #6 (South Schenectady)



RECEIVED

OCT 30 2024

TOWN OF ROTTERDAM  
PUBLIC WORKS



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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 Business

### PART II GENERAL INFORMATION

Legal Owner's Name: Mark & Deanna Nardini  
Mailing Address: 596 Scotch Ridge Road  
City: Schenectady                      State: NY                      Zip: 12306  
Daytime Phone: 518-857-0781                      E-mail: marknardini@icloud.com

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

Owner's Designated Contact: Joseph J. Bianchine, P.E., ABD Engineers & Surveyors, LLP

Mailing Address: 411 Union Street  
City: Schenectady                      State: NY                      Zip: 12306  
Daytime Phone: 518-377-0315                      E-mail: joe@abdeng.com  
Project/Proposal Site Area: (Acres or sq. ft.) \_\_\_\_\_  
Assessor Tax Parcel No.(s) of Site: 47.-4-8, 9, 10, & 11  
Adjacent Parcels Owned or Controlled and Tax Map Parcel No: (Acres or sq. ft.) \_\_\_\_\_

194-6 Old Mariaville Road, TM# 47.-4-6.1, 1.55 acres

Street Address of Proposed Site (if any): To be determined

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

Vacant with parking area and well.

School District: Schalmont

Fire District: South Schenectady

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)

North west corner of intersection of Mariaville Road and Old Mariaville Road

Name of Public Road(s) Providing Access: Old Mariaville Road

Width of Property Fronting on the Existing Public Road in Linear Feet: 1,326±

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

Name(s) of Arterial Road(s): Mariaville Road (will not be used)

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 owner

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

Adjacent similar development by Nardini and in a B-2 zone. Site is not conducive to single family homes or agricultural uses because of location between two roads and the Poentic Kill flows through the site with a flood area and portions of the site have steep slopes.

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

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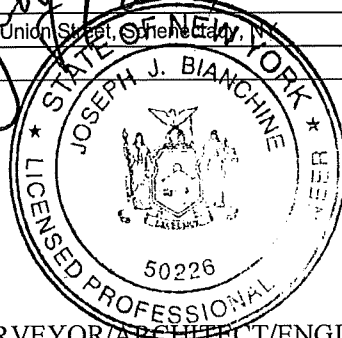
#### SURVEYOR/ARCHITECT/ENGINEER VERIFICATION

\*\*\*\*\*

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: \_\_\_\_\_  
Address: 411 Union Street, Rotterdam, NY \_\_\_\_\_

Date: October 25, 2024  
Phone: 518-377-0315  
Zip: 12305



PLEASE AFFIX SURVEYOR/ARCHITECT/ENGINEER SEAL HERE

\*\*\*\*\*

**LEGAL OWNER SIGNATURE**

\*\*\*\*\*

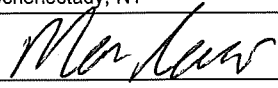
(Signature of legal owner or representative as authorized by legal owner)

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: Mark Nardini  
Address: Scotch Ridge Road  
Schenectady, NY

Date: October 3, 2024  
Phone: 518-857-0781  
Zip: 12306

  
Signature of applicant or representative

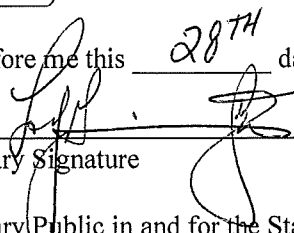
10/28/24  
Date

**NOTARY**

STATE OF NEW YORK) ss:  
COUNTY OF Schenectady)

SUBSCRIBED AND SWORN to before me this 28<sup>TH</sup> day of OCTOBER, 2024

NOTARY SEAL

  
Notary Signature

Notary Public in and for the State of New York

Residing at:

Schenectady County

My appointment expires:

July 10, 2027

LOUIS J. GIAMMATTEO  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01GI4953244  
Qualified in Schenectady County  
Commission Expires July 10, 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, Mark Nardini, 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):** 47.-4-8, 9, 10, & 11

I hereby grant Joseph J. Bianchine, P.E., ABD Engineers & Surveyors, LLP and/or their agent(s) to act on my behalf.

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

Signature (Authorized Representative): *Mark Nardini*

Date: 10/28/2021

**NOTARY**

STATE OF NEW YORK) ss:

COUNTY OF Schenectady

SUBSCRIBED AND SWORN to before me this 28<sup>TH</sup> day of OCTOBER, 2021

NOTARY SEAL

*Joseph J. Bianchine*  
Notary Signature

Notary Public in and for the State of New York

Residing at:

My appointment expires:

Schenectady County  
JULY 10, 2027

LOUIS J. GIAMMATTEO  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01GI4953244  
Qualified in Schenectady County  
Commission Expires July 10, 2027

Page 6 of 6

Rotterdam Change of Zone Application

2 23 23

**DPW Comments**  
**November 19, 2024**

6. **Narendra Lachhman - 1826 Chrisler Avenue.** Sketch Site Plan/Two (2) Special Use Permit review to operate a poultry store and equipment storage business on a ±0.2-acre parcel. Engineer: JH Engineering & Land Development.
1. See previous minutes from the July 16, 2024 meeting.
  2. Revised plan eliminates existing garage to assist in parking/access revisions.
  3. Add standard notes.
  4. Provide a lighting plan.
  5. Updated site plan lacks dimensions and details.
  6. Is additional privacy fencing proposed?
  7. Drainage? Proposed catch basins have been removed from updated plan.
  8. Proposed septic needs be reviewed by Schenectady County Department of Health for adequacy.
  9. Turning templates to be provided. Backing onto Chrisler Avenue is problematic.

***DPW Comments from July 16, 2024***

1. Project requires two (2) Special Use Permits (Multiple Use and Poultry).
2. Site is narrow and parking is awkward. Access does not appear to meet standards.
3. Address handling of animals, operations, and waste disposal.
4. Adequacy of proposed septic system should be evaluated.
5. Lighting should be addressed.
6. Planning Commission should authorize the Chairman to enter into an agreement with a TDE to assist the Planning Commission in the review of the project.

**SEQR Requirement:** 6 NYCRR 617 Unlisted Action. Rotterdam Planning Commission declared Lead Agency on July 16, 2024.

**Involved/Interested Agencies:**

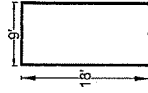
Schenectady County Economic Development and Planning  
Schenectady County Department of Health  
Schenectady County Department of Public Works  
New York State Department of Environmental Conservation – Region #4  
New York State Department of Agriculture and Markets  
Fire District #3  
City of Schenectady (239nn)

Updated Plan 11/19/24

RECEIVED

NOV 04 2024

TOWN OF ROTTERDAM  
PUBLIC WORKS



#### NOTES:

1. THE SOUTHWESTERN BUILDING WILL BE DEMOLISHED TO ALLOW SPACE FOR PARKING LAYOUT AS SHOWN IN DRAWING.
2. SEPTIC SYSTEM WAS DESIGNED BY OTHERS, SHOWN ON THIS SITE PLAN FOR REFERENCE.

#### GENERAL INFORMATION

CURRENT PROPERTY OWNER  
NARENDRA LACHMAN  
2706 TURNER AVENUE  
SCHENECTADY, NY 12306

PROPERTY INFORMATION  
TAX ID: 48-19-3-18

ADDRESS: 1826 CHRISLER AVENUE, ROTTERDAM, NY 12305

SITE CHARACTERISTICS  
ZONING DISTRICT: H1 LIGHT INDUSTRIAL DISTRICT  
LOT SIZE: 0.28 ACRES (12,015 +/- Sq.ft.)  
EXISTING BUILDINGS: 2,000 Sq.ft.

PROPOSED USE: POULTRY, KILLING AND DRESSING (2,000 Sq.ft.)  
DEMOLITION: EXISTING GARAGE (500 Sq.ft.)

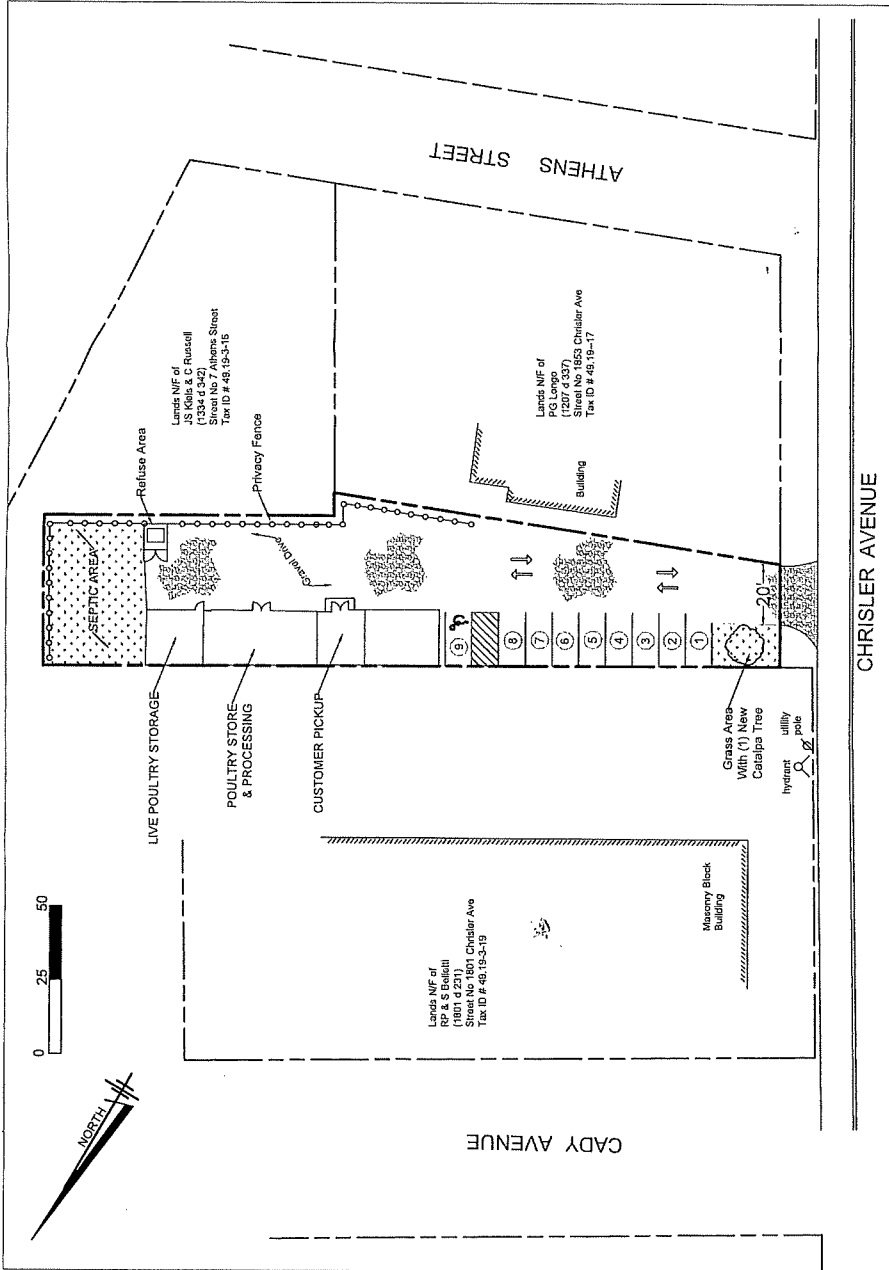
BUILDING SETBACKS  
FRONT YARD: MAXIMUM 10'-0" ALLOWED  
REAR YARD: MINIMUM 5'-0" REQUIRED  
SIDE YARDS: MINIMUM 5'-0" REQUIRED  
MAX BLDG HT: 7'-0"  
MAX LOT COVERAGE - 60%

BUILDINGS DEPT.  
APPLICANT

ENGINEERING DEPT.  
PLANNING

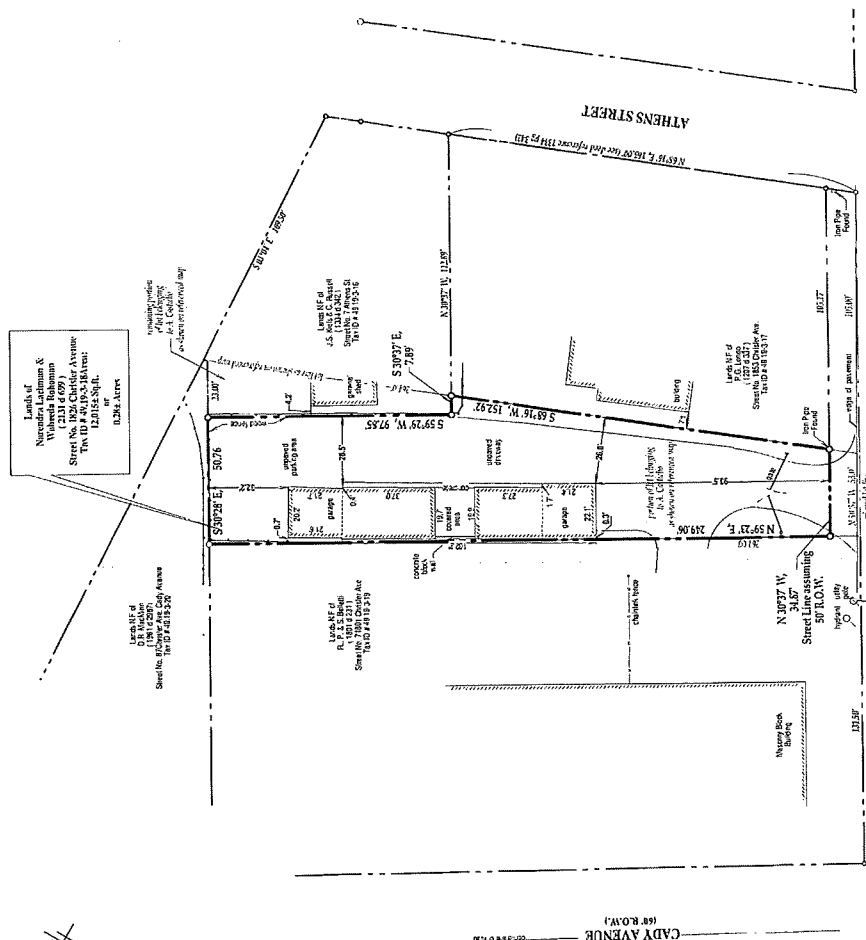
SITE PLAN OR SUBDIVISION MINOR MAJOR  
SKETCH REARER'S FIELD  
PRELIMINARY REARER'S FIELD  
PRELIMINARY REARER'S FIELD  
FINAL PREPARED

11/19/24



|                                                                                                |  |                                                                                                     |             |      |
|------------------------------------------------------------------------------------------------|--|-----------------------------------------------------------------------------------------------------|-------------|------|
| DATE:                                                                                          |  | Revisions                                                                                           |             | Date |
| JH Engineering & Land Development                                                              |  | No.                                                                                                 | Description |      |
| 1826 Chrisler Avenue<br>Rotterdam, NY 12305<br>Poultry Processing & Dressing Shop<br>Site Plan |  |                                                                                                     |             |      |
| DWG By:                                                                                        |  |                                                                                                     |             |      |
| JHENG                                                                                          |  |                                                                                                     |             |      |
| Title:<br>Site Plan<br>Sheet No.<br>C-1                                                        |  | Unauthorized Alterations or Additions to this Document is a Violation of the NY State Education Law |             |      |

MAP REFERENCE: Cortland Manor, Revised Map of property of Henry Chrysler now belonging to F. Palma, Town of Rotterdam, Schenectady Co., N.Y. - Made by W.E. Maxwell July 12, 1941, filed in the Schenectady County Clerk's Office December 23, 1941, found in Flat Cabinet F as Map number 177.

[illegible]

CHRISLER AVENUE

|              |                          |           |                   |             |
|--------------|--------------------------|-----------|-------------------|-------------|
| MAY 30, 2024 | 1055 1 121<br>1 30 50 AM | BOTTERHAM | STATE OF NEW YORK | SCHENECTADY |
|--------------|--------------------------|-----------|-------------------|-------------|

### FILE:

STREET No. 1826  
CHRISLER AVENUE

RAYMOND A.

**Koch**<sup>P.L.S.</sup>

LAND SURVEYOR  
133 MOHAWK AVENUE

phone: (518) 393-0989 email: koetsurveyor@gmail.com  
SCOTIA, NEW YORK 12302

Previous Plan Presented 7/16/24

**GENERAL INFORMATION**  
OWNER: MARGARET LACHMAN  
PROJECT: 433 - AUTO BODY REPAIR & MAINTENANCE  
ADDRESS: 433 - AUTO BODY REPAIR & MAINTENANCE  
DATE: 07/16/24

**PROPOSED LOT USE**  
PROPOSED LOT USE: AUTO BODY REPAIR & MAINTENANCE  
PROPOSED LOT USE: AUTO BODY REPAIR & MAINTENANCE  
PROPOSED LOT USE: AUTO BODY REPAIR & MAINTENANCE

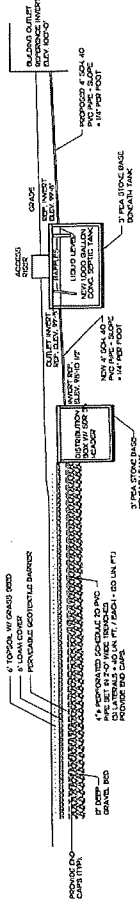
**SITE STATISTICS**  
ZONING DISTRICT: H-1 LIGHT INDUSTRIAL DISTRICT  
LOT SIZE: 0.10 ACRES APPROX. 5,320 SQ. FT.  
EXISTING BUILDINGS: 2,000 SQ. FT.  
PROPOSED USE: VACANT  
PROPOSED LOT: POLITY BUSINESS FOR 1826 CHRISLER AVENUE  
PROPOSED LOT: POLITY BUSINESS FOR 1826 CHRISLER AVENUE  
PROPOSED LOT: POLITY BUSINESS FOR 1826 CHRISLER AVENUE

**MAINTENANCE**  
MAINTENANCE: MAINTENANCE  
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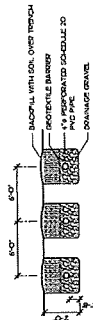
**PROPOSED PAVEMENT & GREENSPACE TABULATIONS**  
EXISTING PAVEMENT: 2,000 SQ. FT.  
PROPOSED PAVEMENT: 2,000 SQ. FT.  
EXISTING GREENSPACE: 0.00 ACRES  
PROPOSED GREENSPACE: 0.00 ACRES  
TOTAL: 2,000 SQ. FT.

**PARKING REQUIREMENTS**  
ALL ASPECTS OF THIS PROJECT SHALL COMPLY WITH SECTION 2200 OF THE  
TOWN OF ROTTERDAM ZONING LAW FOR LIGHT INDUSTRIAL DISTRICTS.  
PROPOSED PARKING: 0.00 ACRES  
PROPOSED TOTAL: 0.00 ACRES

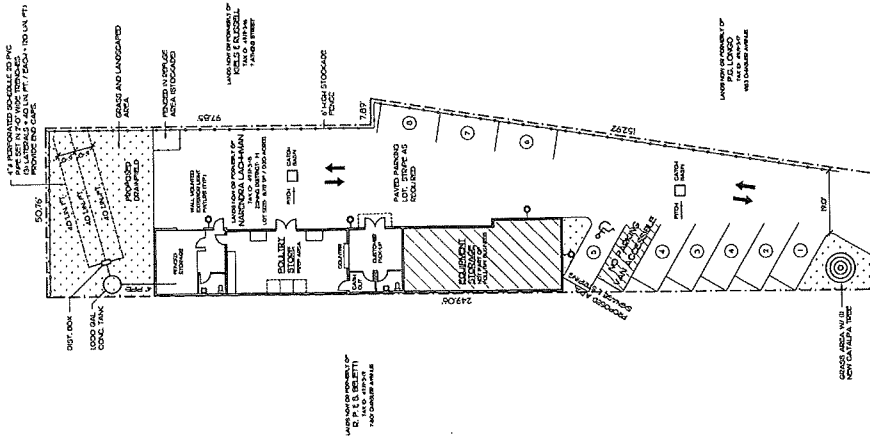
**MISCELLANEOUS REQUIREMENTS**  
1. ALL ASPECTS OF THIS PROJECT SHALL COMPLY WITH SECTION 2200 OF THE  
TOWN OF ROTTERDAM ZONING LAW FOR LIGHT INDUSTRIAL DISTRICTS.  
2. PROPOSED STRUCTURES AND BUILDINGS SHALL BE CONSTRUCTED IN ACCORDANCE  
WITH THE TOWN OF ROTTERDAM ZONING LAW FOR LIGHT INDUSTRIAL DISTRICTS.  
3. PROPOSED PARKING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE  
TOWN OF ROTTERDAM ZONING LAW FOR LIGHT INDUSTRIAL DISTRICTS.  
4. NEW SITE LIGHTING SHALL BE INSTALLED ON THE FRONT AND SIDE OF THE EXISTING  
STRUCTURES AND BUILDINGS WITH SECTION 2200 OF THE TOWN OF ROTTERDAM  
ZONING LAW FOR LIGHT INDUSTRIAL DISTRICTS.  
5. ALL SPACES SHALL COMPLY WITH SECTION 2200 OF THE TOWN OF ROTTERDAM  
ZONING LAW FOR LIGHT INDUSTRIAL DISTRICTS.  
6. PROPOSED FENCING SHALL BE INSTALLED ALONG THE FRONT AND SIDE OF THE PROPERTY  
WITH SECTION 2200 OF THE TOWN OF ROTTERDAM ZONING LAW FOR LIGHT INDUSTRIAL  
DISTRICTS.  
7. ALL EXISTING OPERATIONS SHALL BE MAINTAINED UNLESS OTHERWISE INDICATED  
ON THE PAVEMENT AREA SHALL BE RE-SURFACED, STOPPED, AND LANDSCAPED PER SECTION  
2200 OF THE TOWN OF ROTTERDAM ZONING LAW.



1. PROPOSED SEPTIC SYSTEM DETAIL - PROFILE VIEW  
NOT TO SCALE



2. PROPOSED SEPTIC SYSTEM DETAIL - LATERAL SECTION  
NOT TO SCALE



CHRISLER AVENUE

PROPOSED SITE PLAN  
1. 10' SETBACK

POULTRY BUSINESS FOR 1826 CHRISLER AVENUE  
TOWN OF ROTTERDAM  
COUNTY OF SCHENECTADY  
STATE OF NEW YORK  
PROPOSED SITE PLAN

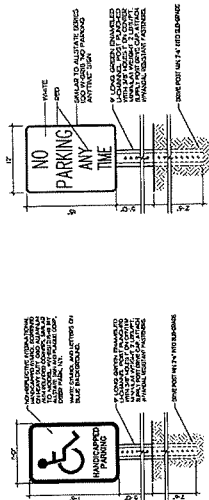
*North Design Construction*  
Tel: (518) 253-9908  
Fax: (518) 256-2230  
5159 Western Avenue  
Albany, New York 12209

SK1

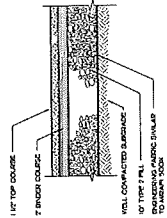
1 of 2

Previous Detail Sheet Presented

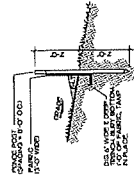
7/16/24



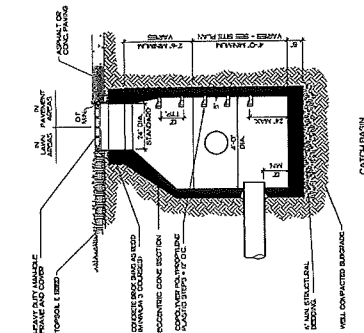
2 SIGNAGE DETAILS  
NOT TO SCALE



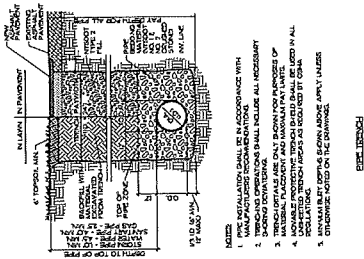
4 ASPHALT PAVING DETAIL  
NOT TO SCALE



3 SILT FENCE DETAIL  
NOT TO SCALE



1 CATCH BASIN AND PIPE TRENCH DETAILS  
NOT TO SCALE



2 PLANTING DETAIL  
NOT TO SCALE

*North Design Construction*  
Tel: (518) 253-8465  
Fax: (518) 356-2220  
5129 Western Avenue  
Albany, New York 12209

POULTRY BUSINESS for 1826 CHRISLER AVENUE  
TOWN of ROTTERDAM COUNTY of SCHENECTADY STATE of NEW YORK  
PROPOSED SITE DETAILS

SK2

2 of 2

**6. Dan Morelli (Designated Contact) – 1826 Chrisler Avenue. Sketch Site Plan/Two (2) Special Use Permit review to operate a poultry store and equipment storage business on a ±0.2-acre parcel. Surveyor: Koch Land Surveyor.**

**Ms. Scannell:** 1826 Chrisler Avenue a sketch site plan and two special use permit review to operate a poultry store and equipment storage business on a plus or minus .2-acre parcel. Hi there.

**Mr. Morelli:** This isn't the first time I've been last, it won't be the last time I've been last, and I just had to wake my legs up a little bit to get up here other than that we're doing good, how are you?

So, my name is Dan Morelli of Morelli Design and Construction and I'm here representing Narendra Lachhman and his request for sketch plan review and special use permit to operate a poultry killing and dressing facility at 1826 Chrisler Avenue. Tough lot, a little tough lot. We've gone through this a few times to get the work to the best of our ability one thing I did notice on the notes, on the DPW notes that there are two (2) special use permits listed and I guess I had a question as to what that is, I know we're going to need one (1) for the poultry business. Are you thinking we're going to need one (1) for the front business too?

**Mr. Comenzo:** Is that a separate business?

**Mr. Morelli:** So, it's two buildings, there's actually a building here, a building here and this is just a covered walkway. It's a three sided...the owner intends on operating the poultry business, he also runs a construction company, Bob's Construction and he would like to just store his own personal construction equipment in that building. So, I don't know...

**Mr. Comenzo:** That is the second permit because it's multiple principal uses.

**Mr. Morelli:** Even though that would be, even though that's a permitted right, the construction storage.

**Mr. Comenzo:** Yes, it's the fact that there's more than one (1) business on the lot.

**Mr. Morelli:** Okay. Perfect just wanted to clarify that. Alright it's been a while since I've been in Rotterdam, going back to the Mallozzi compound days so I haven't been here, although I'm in Schenectady every single month in Troy and Rotterdam, Troy and Saratoga so, anyway so it's a tight lot in front, there's only about 35 feet at the entry point widens out to about 50 feet in the back and this is the widest point right here with about 58 feet. The buildings are existing they're basically warehouse buildings and the owner intends to, the orange part of the building would be the poultry business he'd redefine the building, spruce the building up, do any repairs to the building to make it presentable the front building is just a warehouse space, it's a metal building, basically a sided building we will do some improvements to that building also. This back area right here, right now it's just a gravel lot throughout, we need a spot for a septic system, the best spot in the open area to get it would be this back section. We're proposing a 1,000-gallon septic tank with three lateral 40-foot lines that'll fit on an angle in this area and grass over it to give us some green space in the back not ideal, we'd like to have the green space in the front, but it just won't work with this site. We were able to get a little bit of green space up in front there's some green space along the edge of the properties. There's an existing fence to a certain extent that we will replace with a stockade fence on the rear and the side of the lot for screening. We're able to get some parking spaces in there for the size of the building. We're looking at, I think we're required to have about nine (9) spaces, we're able to get eight (8) comfortably in here and two-way traffic we've got close to a 20 foot it's slightly less than a 20-foot opening at the front area. We propose to park vehicles on a 30 degree angle on the front of the property. We've got room for three (3) additional spaces here without impeding traffic flow. We've got a couple of catch basins inside the lot which will be repaved and restriped and the function of the business all around, the business owners here and his representatives here so we'll get more into detail of how the business is going to operate after I present the site plan, because I'm sure you're going to have a lot of questions.

**Ms. Scannell:** I'm sure you're right,

**Mr. Morelli:** They did present with an explanation of a lot of the questions you're going to ask about the operations.

**Ms. Scannell:** You can hand them along and we'll figure it out.

**Mr. Morelli:** In addressing the DPW comments we just addressed the special use permits for both, that's not an issue. The site is narrow, parking is awkward, don't disagree at all about that. An ideal site would be to just have an open lot with no buildings on it and reconfigure everything, but the budget doesn't allow that to happen. So, we're going to the owner bought the property based on he was going to use what was there. Again, the orange portion would be the poultry business and the poultry business has some very defined hours of operation. The poultry would be brought in on a daily basis for what was ordered the day before. It would be dressed on site to order. The clientele would come park, spend about five (5) minutes picking up, they come through a customer pickup area in the front of the building which is this little area here there's a public bathroom there, if needed, they would pick up their product at the counter, pay for it at the cashier, leave, get in their car and go home with the product. So, it's probably about a 10–15-minute transaction at best, maybe even less than that. These back areas are basically the poultry store where they do the processing and the storage and again the poultry would be brought in on a daily basis it wouldn't be kept in the building.

**Ms. Scannell:** I'm going to stop you for just one quick second because we're talking an awful lot about poultry, but then the handout that we received also mentions lamb, different than poultry.

**Mr. Morelli:** Correct. That was an add-on, we originally and I'll let Bob talk about that when it comes to that portion of it when we originally presented the project it was not going to be lamb, it was just going to be poultry so that was an add-on as of tonight which we can discuss but you are correct.

**Ms. Scannell:** Okay, I'm sorry go ahead, I just wanted to make sure that we were all and I'm actually having Attorney Valiquette, just look up something with regard to what our code says because I don't know the right answer, so please go ahead.

**Mr. Morelli:** The product would be picked up at the counter checked out, the back area is where the storage would be of the product, live product prior to the dressing and from here back would be employee only this little space in front would be for public access. Sight lighting would be put on the building because there are neighbors there's some commercial space here, there's some residential space in the back, so we put sight lighting on a building unless the board determined that maybe some pole lighting would be advantageous. It's such a small lot, we think that building lighting would cover it. It would be more indirect on the lot itself as opposed to neighboring properties. I have fire department access, there's a fire hydrant on the street which is going to be helpful because it's such a narrow lot, so to get trucks in and out of there and turning radiuses, we just can't achieve it with a lot that's there, even if there was nothing on the lot, a truck could pull in but with the fire hydrant out in front of the building, that would probably be more feasible.

As far as operations, I'll bring Bob up, he can talk about the operations of the business, or his representative will talk about that. As a matter of fact, I might as well do that now before we move forward and then we can answer all the questions at once.

**Mr. Radsing:** Good evening, everybody.

**Ms. Scannell:** Hi there.

**Mr. Radsing:** My name is Dan Radsing and I'm a friend, a colleague and an advisor to the client Narendra Lachhman and we will probably do a statement so I'm just basically going to read through that. The statement that will be provided basically says that my name is Narendra Lachhman. I'm the owner of the property located at 1826 Chrisler Avenue Schenectady 12303, and I reside at 2706 Turner Avenue, Schenectady 12306. Thank you for the opportunity to present my business proposal to the board and to answer your questions you may have. My business proposal is for poultry killing and dressing meat shop and also the storage component that the engineer referenced earlier. In the DPW comments there was number three bullet talks about address handling of the animals, operation and waste disposal and

just to provide an overview when it comes to handling of the animals, the animals involved in the business is limited to meat birds chicken, duck and turkey and again like was mentioned earlier lamb was contemplated the idea is not to go above animal size that has to do with lamb but again the board would advise on the necessities if there needs to be different accommodations for those. The live animals will be delivered by my suppliers on the morning of each operation day. The animals will be staged in enclosed cages in a room attached at the back of the killing room for the engineering plan and so again this is on every day that we're open this is going to be done on a daily basis. In terms of waste disposal, animal waste will be properly bagged and contained and dumped at the county waste and recycling facility located at Weaver Street, Schenectady 12305. The facility's name is Schenectady Transfer Station and I have already confirmed that the facility accepts animal waste. On days when the business will be open, but when the waste and dump facilities is closed animal waste will be properly bagged, frozen and stored in a dedicated freezer at the back of the killing room. The stored animal waste will be delivered to the county's waste and dump facility the following day or the next day that the facility is open.

In terms of operation the business will be closed on Mondays to the public on Mondays, Tuesdays and Wednesdays unless there is a special order that requires processing or there is a public holiday that needs to be accommodated. The intent would be that the business would be open to the public on Thursdays, Fridays, Saturdays and Sundays generally on weekends is when the demand for the products tend to be up from 7am to 2pm. Just as a matter of full transparency in our conversations with the State Department of Ag and Markets, there was an advice that in the longer term planning or thinking about this if there is more space and facility for storage and waste that is available that should be something that is contemplated and I'm actually in the process of purchasing farmland which will provide some additional space for the meat boards and waste disposal if the needs arise, obviously. But I'm just again, for full disclosure just mentioning that. I've taken the advice of Ag and Markets seriously in terms of looking ahead. So, I'm happy to take your questions and thank you for your kind consideration, guidance and support on the business proposal.

**Ms. Scannell:** Thank you, thank you very much and thank you for wanting to do business in Rotterdam. We do really appreciate that. With regard to a special use permit for that particular property, I'm going to actually turn it over to our attorney, Attorney Valiquette, with regard to what a special use could be.

**Mr. Valiquette:** So, I'm seeing here because I believe the property is I-1 zoned looks like poultry, killing and dressing is permitted for a special use review. I'm not seeing anything for like a slaughterhouse, like anything four legged for the I-1. So, I don't see that as a potential permitted use or anything in the special use here for just the way it's zoned. So, I mean you could try for use variance I think but that's...

**Mr. Morelli:** So, that means as far as the lamb goes but not for the poultry?

**Mr. Valiquette:** Correct.

**Ms. Scannell:** Poultry killing and dressing is allowed as a special use permit.

**Mr. Valiquette:** It looks like anything four-legged kind of gets you into like slaughterhouse regulation which is above and beyond what the I-1 designation gets you. At least that's what I'm seeing so far. If I do find something else though, I'll make sure to get in contact with you and let you know right away.

**Ms. Scannell:** Alright, I'm just going to go ahead and ask the question that's on everyone's mind. You've got residential neighbors in the back, you've got ladies getting pedicures on the other side. How loud is the process of having the meat birds delivered and how loud are they while they're waiting to be slaughtered and how loud is that process? Is there a special soundproof area that they're going to be kept in.

**Mr. Lachhman:** Good evening, everyone. My name is Narendra Lachhman.

**Ms. Scannell:** Hi.

**Mr. Lachhman:** The whole area of the storage is going to be enclosed and the access is going to be from the killing room to the enclosed area where they're kept. When the truck or the small truck pull in to discharge the birds they're going to go in straight there and from there it's going to go to the processing. So, it's going to be not outside, it's not going to be outside the public scene of public.

**Ms. Scannell:** Is this soundproofed? What is a truck like? I mean, when you're taking them off the truck, how are they contained? Are they in...

**Mr. Lachhman:** Yeah, poultry they usually store in a tray when moving in trucks.

**Ms. Scannell:** Before they're slaughter?

**Mr. Lachhman:** Yes, before. They always come in a container like a tray and that's when you take the tray and you put them into the room.

**Ms. Scannell:** Okay, so when they're on the truck, it's like a regular tractor trailer kind of a truck that brings it in? Is it like a farm truck?

**Mr. Lachhman:** It's like a farm truck, it's a more enclosed truck.

**Ms. Scannell:** So, they're not just on a tray though, right? Because if they're just on a tray, they're going to fly away.

**Mr. Lachhman:** No, they're in a cage. It's a small cage.

**Ms. Scannell:** So, there's a small cage.

**Mr. Lachhman:** Yeah, like three (3) foot by three (3) foot by 12 inches high.

**Ms. Scannell:** Are they making noise when you're taking them off the truck and bringing them through the back door?

**Mr. Lachhman:** Usually when you transport poultry they have a way that they kind of damp their feathers, like spray water on them so they keep quiet and keep less noise in that manner.

**Ms. Scannell:** So, when you say less noise, when they're coming off the truck and again, I just know it's something that we need to take into consideration. It's probably one of the most important things we have to take into consideration. When they're coming off the truck and that happens, how regular are the deliveries? Are they every day?

**Mr. Lachhman:** "Inaudible."

**Ms. Scannell:** Every business day.

**Mr. Morelli:** Some amount of clucking, yes.

**Ms. Scannell:** How early does a truck come?

**Mr. Lachhman:** On our time so we were looking at 7am, when we open.

**Ms. Scannell:** So, 7 o'clock in the morning, every morning a truck is going to pull in and are the neighbors going to be, will there be a sound associated with the removal of the trays of chickens from the truck moving them from the truck being point A into your building being point B. Will there be noise?

**Mr. Radsing:** There is expected to be some amount of that. I mean this is an automobile machine that is going to be pulling up. You open up the...

**Ms. Scannell:** I'm more worried not about the automobile noise, but about the chicken noise.

**Mr. Radsing:** There is reasonable expectation that there will be some amount of birds heckling. But we don't think that rises to the level that it becomes a nuisance because the act of just moving them out of the truck and putting them in an enclosed area which would be something I mean we're talking about a couple of minutes here at max.

**Ms. Scannell:** How many trays are we talking about? How many chickens per tray? Is it one truck driver? Are there people from your business that are going to be greeting the chickens and helping with the movement from the truck to the soundproof room or is it going to just be the truck driver's responsibility to unload the poultry by himself. How many chickens are we expecting every day?

**Mr. Lachhman:** We're expecting between 50 to 100 chickens a day which would roughly be between five (5) and eight (8) trays.

**Ms. Scannell:** Okay, so for five (5) to eight (8) trays can one (1) person move a tray by themselves?

**Mr. Lachhman:** I think two (2) people are going to need to move a tray.

**Ms. Scannell:** So, it's a two (2) person job and eight (8) of them you said?

**Mr. Lachhman:** Yes.

**Ms. Scannell:** So, it would be a person that drives the truck that does it or two (2) people from the business?

**Mr. Lachhman:** Two (2) people from the business.

**Ms. Scannell:** What's the truck doing while you're unloading the truck? Is it idling?

**Mr. Lachhman:** It's usually a short process. It's a couple of minutes process.

**Ms. Scannell:** Well, if it takes two (2) people to move something, in my mind I moved a floor air conditioner last night. We're going to say to go from point A to point B, it's going to be at least a couple of minutes I think per tray, right? You're going to have to go open the truck doors get the chickens, get the other guy, you're going to move them the doors open, you bring them into the quiet area you put them down where they belong. Now you have to go walk back outside. So, it's not going to take two (2) minutes for the whole thing, it's going to take two (2) to three (3) minutes minimum, I'm guessing per tray, so two (2) to three (3) minutes, right? I think. Is that fair?

**Mr. Lachhman:** I think that's too long because we're not going to have a man door to where we're going to store the parts, it's going to be an overhead door. So, the truck can come straight to it, and you just take it out from the truck and put it into the storage facility.

**Ms. Scannell:** So, I think two (2) or three (3) minutes total I don't think is possible.

**Mr. Morelli:** You're looking at probably from the time the truck pulls in to the time the truck leaves, at least a 20-minute process with two (2) men handling, two (2) employees handling the poultry. They get it off the truck into the building. The trucks typically do idle, obviously.

**Ms. Scannell:** So, every morning, Monday through Friday at 7am, I just want to make sure that we're understanding this.

**Mr. Morelli:** Thursday through Sunday.

**Ms. Scannell:** Thursday through Sunday. Thursday, Friday, Saturday, Sunday. So, weekends included at 7 o'clock in the morning the chicken truck pulls in and we should anticipate approximately 20 minutes of maneuvering while a truck is idling and also what is going on with the rest of the chickens in the truck. Even if you're not moving them, are they exposed? Will we be able to hear those chickens for that whole 20 minutes? Probably.

**Mr. Morelli:** Yeah, I don't know, but most likely. Now the good news is the salon on the right doesn't open up that early and the business on the left doesn't open up that early. So, we have that little window.

**Ms. Scannell:** How about the residents that are right behind you?

**Mr. Morelli:** So, the residents are going to be in the back. I think there's three (3) houses back there set off the property line quite a bit because that's the rear yards for them, so they're quite a distance away and we will have screen buffers in that grassed area in the back.

**Mrs. Flansburg:** Can I ask a question? On the site plan that you provided you showed the edge of a building, the edge of a garage or shed, and I think those are for business property, well at least one (1) of them is a business property. Could you on the next plan show us the distance to the residential ones that are in the rear part?

**Mr. Morelli:** Yes.

**Mrs. Flansburg:** So that we can kind of visualize that.

**Ms. Scannell:** After you get the chickens when a person comes to get a chicken, it's not like a lobster, right?

**Mr. Morelli:** It's a tricky business.

**Ms. Scannell:** Do I pick my own chicken?

**Mr. Morelli:** No, they're ordered beforehand, and the bird is gotten from the back, processed and then passed through a cashier window dressed to the purchaser.

**Mrs. Flansburg:** The product is like you would see at a store?

**Mr. Morelli:** Correct.

**Mrs. Flansburg:** It's fresh. It's like going to Sahr's, only they're doing business in the back.

**Mr. Morelli:** Correct

**Mr. Collins:** And Sahr's was for years a slaughterhouse for chickens.

**Mr. Morelli:** Correct.

**Mr. Collins:** And there was never any noise I used to go past it for Mohonasen High School and they electrocuted it or whatever they did, I don't know how they did it, but you never heard any noise, you never heard any smell and they were there for years and years and they did actual what you propose to do.

**Mr. Morelli:** The killing process here is not so bad as Sahrs was.

**Mr. Collins:** No, I understand it was a long time ago and things have changed. Things are more humane. We have had it in Rotterdam before and they were there for many, many years.

**Ms. Scannell:** Well and again it certainly isn't an allowed use for a special use permit, no lambs.

**Mr. Morelli:** Correct.

**Ms. Scannell:** Alright, so my only concern is if I were a neighbor at 7 o'clock in the morning and you make a very good point the business is not open at 7 o'clock in the morning but on Saturday and Sunday, you know, at 7 o'clock in the morning that would be my concern for adjoining property owners that this is what they're waking up to every weekend.

Mr. Miglucci, questions comments, concerns.

**Mr. Miglucci:** This is right this is the one right next to Ren Tool?

**Mr. Morelli:** That's correct.

**Mr. Miglucci:** If they don't make noise, I mean they're not going to cock-a-doodle-doo and wake up the neighborhood.

**Mr. Lachhman:** That is why we want to bring them in on a daily basis not to store them there long term.

**Mr. Miglucci:** And you have a green space before you get to other homes too, so it is kind of out of the...

**Mr. Morelli:** We can put a row of arborvitae in the back if needed for additional buffer.

**Mr. Miglucci:** I don't see a problem with it. You're not going to do any like cows or pigs.

**Mr. Morelli:** No.

**Mr. Miglucci:** I understand it's probably like a Muslim type thing or something like that I get you.

**Ms. Scannell:** Is this considered I'm just curious, is this like what Halal is? Is this Halal or no?

**Mr. Lachhman:** We definitely are going to Halal it but we're not going to do large animals because it's more like what we want to do.

**Ms. Scannell:** Right, because it's prohibited. That's why.

**Mr. Radsing:** To your question, when there would be much humane process in the way animals are killed that's where the Halal component comes in, we're not going to be electrocuting anything, it's going to be much more humane.

**Ms. Scannell:** Could you explain Halal to us, especially if this would be considered a Halal business.

**Mr. Lachhman:** Halal is just that you give whatever animal or birds you're going to take their lives, you give them water to drink and you just, you have to say a small prayer, a short prayer and then you kill them, you just don't be cruel to whatever you kill.

**Ms. Scannell:** I think that's a very important component. So, Halal, you would not want a lot of distress.

**Mr. Lachhman:** Correct.

**Ms. Scannell:** For the animals.

**Mr. Lachhman:** You can't stress the animals before you kill them the birds or whatever, you can't do that. That's like a religious, respectful way. You have to give them water.

**Ms. Scannell:** We should have led with this fella. This is a good component to it so you're not going to prolong the movement from the truck to the, you know you're going to do it as quickly and as humanely not just for the neighbors but for the chickens themselves.

**Mr. Morelli:** I think if I could just add we know that slaughterhouses are not permitted in a lot of locations throughout the Capital District. We've tried, not us but people have come to me to present in Albany, to present in Schenectady. People are quite frankly, they're grossed out by a slaughterhouse. So, it's the bottom line, it's what it is. The poultry killing and dressing is being allowed and it's simply poultry killing and dressing because it's a more gentle process. It's exactly what they just explained, and the process is not to put it bluntly but quick and easy. As they say in Schenectady, if they don't have a place to do it, they're going to do it in their backyard.

**Ms. Scannell:** And again, I think we're very clear on what the special use permit is. I'm looking at your designs and it's saying poultry. Again, this was the first time we heard lamb was tonight. Rotterdam used to have a slaughterhouse too. My mother drove us there. It was on Old Mariaville Road. I can still smell it in my mind. We used to go get meat when I was a little girl and I completely understand and respect what you're doing. It just has to be within the confines of what the Town of Rotterdam allows. And while the meat birds, chicken, duck, turkey, etc. would be allowed, a lamb would be prohibited. We just all need to be on the same page.

**Mr. Morelli:** Our initial synopsis somehow that got slipped in, I apologize, I didn't issue the initial synopsis to you, but I have it here. That lamb was never listed until I just saw it for the first time.

**Ms. Scannell:** That's what I'm saying.

**Mr. Morelli:** That's not allowed. Scratch that right out.

**Ms. Scannell:** Mr. Signore, do you have any questions, concerns, comments?

**Mr. Signore:** A couple things, you bring your birds in, and you get ready to slaughter them. Where does all the blood go?

**Mr. Morelli:** It's not defined very clearly. So, this is a two-part map...

**Mr. Signore:** I mean what I'm saying is does it go into the septic tank?

**Mr. Morelli:** No.

**Mr. Signore:** A separate tank. Here's a catch tray back here with water flowing through it that drains it, it's bagged and disposed of properly off site.

**Mr. Scannell:** Who keeps an eye on that? Who permits it?

**Mr. Morelli:** I think Ag and Market regulates this whole process.

**Mr. Lachhman:** I spoke to them a couple of times. They sent me the layout of the specs and that's what I'm working towards.

**Mr. Morelli:** So, we can't go to them until we get a town approval for obvious reasons. They don't want to waste time because a lot of towns won't approve it. So, once we get the approval from the town and we're hoping the Town of Rotterdam does it because not too many towns do. We're allowed to go to them and present this and then it's a whole other process to get licensed because they can't even do it until they get licensed and it's highly regulated.

**Mr. Signore:** And you are going to have enough freezer for all these renderings?

**Mr. Morelli:** Yes. So, this whole section right here is basically a freezer. It's basically a prep area and dressing area. This section back here is for storage, and you can see it's not a very large area. It's enough to hold birds for an 8-hour period and when they're gone, they're gone. If 50 people order birds there's going to be 50 birds in the shed.

**Mrs. Flansburg:** And if you have 50 but you only have orders for 30, what happens to the 20? Do they get prepped because they'll still be fine the next day or do they stay overnight in their cages in your place?

**Mr. Lachhman:** That's one of the advices from the Ag and Market that having one of these poultry dressing place, I should have a farm so it's going to help me with storing extra birds if by chance and if then I'm going to make an "Inaudible" to burn remains in the future offsite at the farm.

**Ms. Scannell:** So, like a crematorium for the birds.

**Mr. Radsing:** With more direct to the question, I think for now at least the immediate term would be what is not used per day would be slaughtered and frozen, right? So, there would be no live animal remaining on the property overnight. In the future going forward as we're looking ahead with the Ag and Market's advice is that even if you don't want to do that and you have facilities later on where you can move them offsite then that's something that you can think about as well which is an advice that we're paying careful attention to.

**Ms. Scannell:** If you order too many at the end of the day you can do what they do at the bakery shop, it's like buy one get one, right?

**Mrs. Flansburg:** How many employees for it? I'm just thinking parking, coming in, you have the other storage of construction stuff so that's really not an in out parking sort of situation. How many employees? Obviously, you have to have a counter person.

**Mr. Lachhman:** It's going to be between three (3) and four (4). Four (4) is the max for the business. I'm going to own and operate it. I'm going to be there with my wife and myself are going to be operating the business.

**Ms. Scannell:** Is there enough room? How are we getting a truck in there and turning around?

**Mr. Morelli:** Back it in. They're going to come in, pull in, back in unload to the overhead, pull out and that will clear the parking lot for the customers.

**Mrs. Flansburg:** Because it will be before they're there.

**Ms. Scannell:** And it will be on days that school buses and children, well at least two (2) of the days, we've heard for other projects on Chrisler Avenue in that general vicinity about traffic conditions so as long as it's going to be backing in Mr. Collins, questions, comments, concerns?

**Mr. Collins:** We do have chickens are not going to make a lot of noise anyway so I'm just saying that. This has always been a tough spot. It really has. I had to go back a couple times because you can go right past it. Like I said, we had Sahrs for years. It's zoned right so I'm okay with it. It's something that's maybe needed and for certain ethnic groups or whatever, I don't know what the proper word is, and I don't want to get myself jammed up here, but I think it serves a purpose so I'm okay with it. Like I say, when you come back maybe show us where the snow removal will be and how you're going to handle that and so forth and maybe some screening in the back and maybe some plans of how you're going to do the insulation so we can just take a look at that.

**Mr. Morelli:** We figured we were on a kind of short timeline to get it in based on the purchase of the property and talking to Mr. Comenzo and getting it on time. We knew there would be a lot of discussion. We expected good discussion. We'll obviously take comments, concerns and advice. This is a tricky site. We could make it work and I think the main, first of all, to get in an industrial zone in any municipality to do something like this is a stretch in itself. Unfortunately, Rotterdam's only allows it. So, then we have to prep the site, prep the building and make it work.

**Mr. Collins:** I mean I think parking should work because people are just in and out. They're not shopping.

**Mr. Lachhman:** A lot of people call and order.

**Mr. Morelli:** As you know this area is built up and it really helps the community, but the community's community. This is what they do, and I just want to make sure I'm not crossing a line. I can tell you this, you can check with Christine for me on how many police calls she's got about people who live in the backyard because they don't have a place like this. So, let's prevent that from happening. Now granted they've had calves and lamb running up the street, but we don't do that here. But I think we'll allow it in a zoned area regulated by the state agency and run properly with the owner of the property running the business itself because the license will be in his name makes it work. I think it's a yearly renewal. So, if it doesn't work they're going to yank it before the Town can do anything. So, all they need is not even a handful of complaints, if they don't have a license.

**Mrs. Flansburg:** I believe the answer is no, but I just want to check. Because we allow chickens now people can't bring theirs to you because you're licensed so you have to purchase them from a particular process like a department of health.

**Mr. Lachhman:** Yes.

**Mr. Morelli:** The state regulation "Inaudible."

**Mrs. Flansburg:** Oh, I don't doubt it.

**Mr. Morelli:** We've tried this process before in Albany. We haven't gotten this far but, we've tried this process in Albany with different groups and in Schenectady and I read through the regs of the State Ag and Market. This is a cakewalk. Trust me on that.

**Mr. Radsing:** Mr. Collins just for me to share probably this perspective on it, you did touch on the community. This is something that we have heard even our colleagues so we're very connected with the communities and in sporting events and all of that and we hear from time to time the demand and frustration from community and when the idea was conceptualized by Mr. Narendra, even folks from Schenectady are saying we'd be happy to have a facility that provides

this kind of humane place that we feel good about and his immediate comment was bring Schenectady tax dollars to Rotterdam, we're okay with that.

**Ms. Scannell:** We are definitely okay with that. A little louder for the record.

**Mr. Radsing:** So, I mean there is certainly an economic development aspect to this, and we really take whatever guidance you guys would provide to make this work. We appreciate that.

**Ms. Scannell:** And I think a lot of it is your community educating us, right? I mean, I have seen the word halal. I truly had no idea what it meant, and I think getting that message out to all communities is important. I think that, you know, it is a special use. What kind of signage are you guys thinking about?

**Mr. Morelli:** We haven't gotten that far.

**Ms. Scannell:** We'll probably be asking questions about that too, just because, I mean, obviously it would have to conform, but again we, you know.

**Mr. Morelli:** It's going to be as simple as Sahr's. Bob's Poultry Farm. Adam's Poultry Farm. It's not going to be...

**Mr. Collins:** Not going to have flashing lights and neon.

**Mrs. Flansburg:** More like, is it going to be out at the road in your small little green space or is it going to be a building sign, you know, building mounted. Just, not for today, but for future that's all questions we'll have.

**Mr. Radsing:** I don't know if we're going to need a sign.

**Mrs. Flansburg:** Well, you'll need something at the building.

**Ms. Scannell:** There's definitely a demand in the community, right, and you're going to need something.

**Mrs. Flansburg:** And you don't want them going to the construction spot. You want them going to the service.

**Mr. Collins:** You can get those regulations from Peter for signs.

**Mr. Lachhman:** I actually have those.

**Mr. Morelli:** We just didn't get that far.

**Ms. Scannell:** Mr. Collins, were you finished?

**Mr. Collins:** Yes, I was.

**Ms. Scannell:** Thank you very much. Mr. Calder?

**Mr. Calder:** Well, if you're going to ask me if I have many questions, I've got too many.

**Ms. Scannell:** Questions, comments, concerns, all of those things.

**Mr. Calder:** Obviously, you understand that this is something we don't do every day. And I do have a ton of questions to be honest with you. Some have to do with the parking, some have to do with backing up and pulling around Chrisler

Avenue. The ones about the chicken, I don't understand at all. So, I think that the parking right now, if I could get away from the chickens a minute. The parking right now, somebody that pulls in there to a customer, not the truck, but the customer, how are they going to turn around to get back out?

**Mr. Morelli:** It's possible, but not easy.

**Mr. Calder:** It's possible, but not easy. That's quite an answer. Item number two here says access does not appear to meet standards. I'm not sure what that exactly means. Does it meet the standards because of the footage and the layout or does it not? Now that's a question for the town, not so much for you guys. I don't know the answer to that. Peter?

**Mr. Comenzo:** So, we're showing 19 feet from the edge of the back of that parking space, so I'm assuming that the parking spaces are nine (9) by 18 which is what the town requires so part of the concern I guess is if there's that space number one (1) if the car is sticking out are you down to what, 15 feet or something, so a typical parking space is nine (9) feet wide and 19 feet is pretty tight to be passing two (2) vehicles next to each other. Twenty-four (24) is the typical access aisle width, so that's what brought the comment up.

**Mr. Calder:** But we have no standard written Peter, that gives us an exact.

**Mr. Comenzo:** Well, there is and there's also...

**Mr. Calder:** That's just one of the questions...

**Mr. Comenzo:** There's a book that the transportation standard 24 foot is typically a minimum width in between parking spaces.

**Mr. Calder:** And that's only one (1) car going in and out, what about two (2) or three (3) at the same time? What do you do in there? I mean, I don't even know how you do this, to be honest with you. I mean I'm not against the project, but I don't understand how it could fit in there. I mean, you've got to admit it's tough.

**Mr. Morelli:** It's very tough. The parking space do meet the standard requirements which is why we had an angle. I wish I didn't have to, but I had to. We've got the 19-foot width up front which is a little tight.

**Mr. Calder:** Well, you're worried about the green space up front, that's going to get run over all the time anyways. That ain't going to be there after a while.

**Mr. Morelli:** We're trying not to get involved with but if we have to, we will because we really would like this project to fly. This building doesn't need to be here. It can come down.

**Mr. Calder:** I don't know. I don't know what else to talk about right now, because there's a lot here. I know we need a TDE as obviously mentioned.

**Mr. Comenzo:** I think that was part of it. In terms of the conceptual plan, we really wanted to get this presented to the board and I think the fact that you guys are last I know it is late, but this works out well because you are going to have a frank discussion with the board and see whatever their concerns are. Part of it, that may be the only option if the engineer looks at this and says this is not viable, it's not going to work if you take the building down then maybe there's a way to reconfigure the parking to make it work.

**Mr. Morelli:** "Inaudible..."

**Mr. Comenzo:** That may be the best option. Like I said, I wanted to at least get you in front of the board here and get their comments and thoughts.

**Mr. Morelli:** If the budget didn't matter, no budget constraints whatsoever it would be a clear lot and redevelop the whole thing. It would certainly work with everything because we put green space up front the building in the middle, more green space in the back. We'd meet every requirement possible but it's just not feasible to do that.

**Mr. Calder:** I do wish it was bigger for you guys' sake, I really do. I'm going to have trouble dealing with this one just so you know.

**Ms. Scannell:** If they were to take the equipment storage building part down and we had a town designated engineer they were able to get 1,000 square feet more for parking.

**Mr. Calder:** That might help, yes. That would help. And then you're going to see somebody buys the chicken or whatever, and then they want to get out and like I said, two (2) people maybe try to get out together, then you've got a car coming in. God knows how you're going to do that I don't think it's possible.

**Mr. Morelli:** There's a lot of different ways to do it.

**Ms. Scannell:** If that building comes down, for sure there's a lot of different ways.

**Mr. Calder:** Then you've got cars backed up on Chrisler Avenue which, as our chairman said that's an issue sometimes anyway that we try to avoid over there. So, I have a lot of questions to be honest. That's enough from me for now I just need to know a lot more.

**Mr. Morelli:** And I think the next time we come back with more, we put the time and thought into this presentation. The fact is we knew it was a tough site to work with. We were trying to make it an easy site to work with, but we didn't want to take the building down. The fact is really it's a three-sided building. It's a storage shed. We can take it out.

**Ms. Scannell:** So, you know I think Mr. Calder's concerns, I think all of our concerns are very valid and I think if we were looking at a perfectly rectangular lot with all the I don't think we'd I think we'd actually all be in our cars right now going home.

**Mr. Morelli:** I agree and that's why I open with this is a really tough site.

**Ms. Scannell:** It is.

**Mr. Morelli:** If this wasn't the entry it wouldn't be so bad.

**Ms. Scannell:** Mr. D'Alessandro?

**Mr. Miglucci:** I don't have any questions. Everything that I was going to ask has already been answered. So, I'm all set.

**Mr. Radsing:** Just a quick response to Mr. Calder on one of the things that when we recognize the compressed nature of the parking in addition to the consideration that perhaps we could tear down the garage that is there and use it, we've also considered the way the operation of the business is going to be done to alleviate pressure points on traffic. So, you can't just drive in here and come and just go and buy something. You call up front and you order. So, our scheduling system would also consider that we're not scheduling 50 customers to come at 7 o'clock when I'm going to be open from 7 to 2. So, scheduling would also alleviate some of the pressure. Again, it is a tight spot, but we've also factored that into the operational model to take some of the immediate pressures off.

**Ms. Scannell:** I don't know if I'm asking this question the right way, as part of the halal process would you be able to deliver the chicken to people or do they come and get it?

**Mr. Lachhman:** That's part of it that you can call, and order and you can pick up or we can even deliver it to you.

**Ms. Scannell:** Okay.

**Mr. Lachhman:** It depends on a large amount.

**Ms. Scannell:** So, the possibility exists that people that are having a need for more than one (1) or two (2) chickens could say, oh I'd like to have 10 chickens and that person wouldn't be driving there you'd be bringing them to them?

**Mr. Lachhman:** Correct.

**Mr. Miglucci:** But you're going to schedule pick-ups so you can say your order will be ready at quarter to 10. That alleviates a lot of problems.

**Mr. Morelli:** Basically, there won't be 50 people at a time.

**Mrs. Flansburg:** There's nothing to shop. You're not looking around a store and getting other things with it.

**Mr. Miglucci:** You're just coming in to pick up your pizza is all you're doing.

**Mrs. Flansburg:** I don't think that the parking will be as much of an issue as it sounds.

**Ms. Scannell:** I think that you guys have been very helpful. Thank you for sitting through all of everything. Thank you for being able to answer all of our questions. I would entertain a motion, if there is one.

**Mr. Calder:** I'll make the motion.

**Mrs. Flansburg:** 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. Carter:** Mr. D'Alessandro?

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

**Ms. Carter:** Mr. Calder?

**Mr. Calder:** Yes.

**Ms. Carter:** Mr. Signore?

**Mr. Signore:** Yes.

**Ms. Carter:** Mr. Miglucci?

**Mr. Miglucci:** Yes.

**Ms. Carter:** Ms. Scannell?

**Ms. Scannell:** Yes.

Motion carried. I will now entertain a motion to authorize me to enter into an agreement to retain the services of a TDE to assist in the review of this project and I would like to make it clear that we are not going to step in where Ags and Markets is. We don't need oversight for that. It's parking and getting in and out of there. That's really the scope of it. As far as what goes on with Ags and Markets, that is what goes on Ags and Markets. I would like to see some of the soundproofing, definitely noted on the plans when you come back so that we have that consideration as well. I would entertain a motion for that.

**Mr. Collins:** I will make a motion for a TDE.

**Ms. Scannell:** Thank you, Mr. Collins. Do I have a second?

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

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

**Ms. Carter:** Mr. Calder?

**Mr. Calder:** Yes.

**Ms. Carter:** Mr. Signore?

**Mr. Signore:** Yes.

**Ms. Carter:** Mr. Miglucci?

**Mr. Miglucci:** Yes.

**Ms. Carter:** Ms. Scannell?

**Ms. Scannell:** Yes.

Motion carried.

**Mr. Morelli:** Is Luigi on that list?

**Ms. Scannell:** No, he's not a town engineer. We have a town, a part-time town engineer. His name is Mr. Fred Mastriani. But when we have developers that come, we have different agencies that like five (f5) or six (6) or however many engineering firms and we kind of pull from that so there could be I don't know whose card is getting pulled by Peter for this one.

**Mr. Miglucci:** Can I say something real quick? Are you guys going to do like Thanksgiving turkeys and things like that? For turkeys, like, do you see a market in that? Like are you going to have fresh turkeys for Thanksgiving?

**Mr. Lachhman:** Yes.

**Mr. Miglucci:** You're still going to do it by schedule I'm just thinking like Ramadan, whatever it may be.

**Ms. Scannell:** Get in touch with Peter, we'll get that agreement together, we'll get that over to you, so this is the first stop and a few more stops, but we look forward to working with you and thank you for choosing Rotterdam, we really look forward to learning more about this project. We appreciate your willingness; I mean you're willing to lose part of a building. It's just to help us know what you're doing, I mean a lot of times things are complicated and it's, we have to do our due diligence, and so a TDE is the best way to do that.

**Mr. Radsing:** Thank you very much everybody.

**Ms. Scannell:** Thank you and have a great night. Please note that the next Planning Commission meeting is August 20, 2024, and I would entertain a motion to adjourn.

**Mr. Collins:** I'll make that motion to adjourn.

**Mr. Signore:** I will second.

**Ms. Scannell:** All in favor.

**Planning Commission Members:** I.

Meeting adjourned at 10:04 p.m.

Respectfully Submitted,

Marlo L. Carter  
Planning Commission Secretary