

**Town of Rotterdam
Planning Commission
June 18, 2024**

Workshop (2nd Floor Conference Room) – 7:00pm

1. **Gary & Lalleta Rai & Guy Bassi – 1971 Hamburg Street and 1985 Hamburg Street.** The applicant requests a Waiver of Subdivision to Boundary Line Adjust ± 579 square feet from 1985 Hamburg Street (Tax Map No. 49.19-7-14) to 1971 Hamburg Street (Tax Map No. 49.19-7-15) and ± 86 square feet from 201 Schermerhorn Street (Tax Map No. 49.19-7-13) to 1971 Hamburg Street (Tax Map No. 49.19-7-15). Surveyor: Koch Land Surveyors.
2. **Damian Castro – 93 W. Campbell Road.** The applicant requests a Waiver of Site Plan review to hold a circus at the Rotterdam ViaPort Mall from August 2, 2024 – August 11, 2024 in parking Lot E (southern portion of former K-Mart lot).
3. **Benjamin Flower – 903 Old Mariaville Road & 1630 Mariaville Road.** The applicant requests a Waiver of Subdivision review to Boundary Line Adjust ± 0.58 acres from 903 Old Mariaville Road (Tax Map No. 37.-4-10) to 1630 Mariaville Road (Tax Map No. 37.-4-9).

Agenda (V. Dalton Bambury Hearing Room 2nd Floor) – 7:30pm

Approval of the Summary of Minutes May 21, 2024

1. **Gary Rai – 1971 Hamburg Street.** Waiver of Site Plan/Special Use Permit Public Hearing to install a 26.9' X 34.4' (± 925 square feet) garage on a ± 0.36 -acre parcel with an existing two-family residence and existing upholstery/canvas shop. Surveyor: Koch Land Surveyors PLS.
2. **Poentic Kill, LLC (Lessee) – 635 Mariaville Road.** Request for an extension to an approved Special Use Permit issued on June 20, 2024 for the location of a 5-megawatt battery storage facility on a ± 2.23 -acre parcel. Engineer: Empire Engineering, PLLC.
3. **Primax Properties, LLC (Contract Vendee) – 2945 Hamburg Street.** Final Site Plan review to construct a $\pm 10,640$ square foot Dollar General retail store on a ± 2.24 -acre parcel. Engineer: Bohler Engineering.
4. **Bernice & Earl Avery – 774 & 778 Duanesburg Road.** Report and Recommendation to the Town Board on a Change of Zone from Agricultural (A-1) to General Business (B-2) for the construction of a $\pm 22,000$ square foot retail store on a combined ± 14.02 -acre parcel. Engineer: Bohler Engineering.
5. **Carmine Petti & Frank Audino – 1725 Tower Avenue.** Report and Recommendation to the Town Board on a Change of Zone from General Business (B-2) to Multi-Family Residential (R-3) for the conversion of existing building containing two (2) businesses to two (2) apartments and two (2) existing apartments to remain for a total of four (4) apartments on a ± 0.156 -acre parcel. Engineer: ABD Engineers.
6. **Stewarts Shops Corp – Highbridge Road.** Conceptual Site Plan/Special Use Permit review for the construction of a $\pm 3,975$ square foot Stewarts with three (3) fueling islands on a consolidated ± 2.23 -acre parcel. Engineer: Scott Edward Kitchner PE.
7. **Town of Rotterdam – Code Amendment.** Report and Recommendation to the Town Board to amend Chapter 270, entitled “Zoning” to repeal Local Law #1 of the Year 2017 entitled Solar Energy Facilities with associated fees related to “green” energy and adopt an updated Solar Energy Facilities Code.

Workshop (2nd Floor Conference Room) – 7:00pm

1. **Gary & Lalleta Rai & Guy Bassi – 1971 Hamburg Street and 1985 Hamburg Street.** The applicant requests a Waiver of Subdivision to Boundary Line Adjust ± 579 square feet from 1985 Hamburg Street (Tax Map No. 49.19-7-14) to 1971 Hamburg Street (Tax Map No. 49.19-7-15) and ± 86 square feet from 201 Schermerhorn Street (Tax Map No. 49.19-7-13) to 1971 Hamburg Street (Tax Map No. 49.19-7-15). Surveyor: Koch Land Surveyors.
2. **Damian Castro – 93 W. Campbell Road.** The applicant requests a Waiver of Site Plan review to hold a circus at the Rotterdam ViaPort Mall from August 2, 2024 – August 11, 2024 in parking Lot E (southern portion of former K-Mart lot).
3. **Benjamin Flower – 903 Old Mariaville Road & 1630 Mariaville Road.** The applicant requests a Waiver of Subdivision review to Boundary Line Adjust ± 0.58 acres from 903 Old Mariaville Road (Tax Map No. 37.-4-10) to 1630 Mariaville Road (Tax Map No. 37.-4-9).

WAIVER OF SUBDIVISION REVIEW

Date: June 18, 2024

PC2024-SW3

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

APPLICANT: Gary & Lalleta Rai
1124 Owen Road
Schenectady, NY 12303

Guy Bassi
1985 Hamburg Street
Schenectady, NY 12303

PROJECT ADDRESS: 1971 Hamburg Street, 1985 Hamburg Street & 201 Schermerhorn Street

APPLICANT IDENTIFIED AS: ☒ Owner(s) ☐ Lessee ☐ Contract Vendee

REQUEST: The applicant requests a Waiver of Subdivision to Boundary Line Adjust ± 579 square feet from 1985 Hamburg Street (Tax Map No. 49.19-7-14) to 1971 Hamburg Street (Tax Map No. 49.19-7-15) and ± 86 square feet from 201 Schermerhorn Street (Tax Map No. 49.19-7-13) to 1971 Hamburg Street (Tax Map No. 49.19-7-15). Surveyor: Koch Land Surveyors.

Action Taken by Commission:

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

1. The final maps (with all necessary changes discussed at the Planning Commission) need to be submitted for signature and filing with Schenectady County.
2. The Planning Commission Chairman will sign up to two (2) Mylar's (One for Schenectady County and one for the applicant).
3. The signed Mylar's need to be filed with Schenectady County Clerk's office within ten (10) days.
4. After signature and filing with Schenectady County six paper copies shall be returned to the Planning Commission office.

The Commission action on the Waiver application took place at the Planning Commission meeting of June 18, 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 Subdivision.

Peter J. Comenzo
Senior Planner

Kimberly Ricker-Scannell, Chairman
Planning Commission



TOWN OF ROTTERDAM
OFFICE OF THE PLANNING COMMISSION

Town of Rotterdam Boundary Line Adjustment Application

100.00 Application Fee

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

Tax Map Number(s) #1 49.19-7-15 #2 #2 49.19-7-14 #3 49.19-7-13
these numbers will refer to specific questions relating to each parcel

#1 Property Owner's Name: #3: Gary and Lalleta Rai

Mailing Address: 1124 Owen Road, Schenectady 12303

Phone Number(s) and e-mail 518-495-2665 gary0616@icloud.com

#2 Property Owner's Name: Guy P. Bassi

Mailing Address: 1985 Hamburg Street

Phone Number(s) and e-mail *EIK 376@gmail.com 518 4870545

Contractor's/Agent/Representative's Name (if Applicable) _____

Address: _____

Phone Number(s) and e-mail _____

q

Parcel Size(s) (acreage or sq. ft): #1: 15,496sq.ft. before action, #2: #2: 22,661sq.ft. before/22,082sq.ft. after
16,161 sq.ft. after #3: 7,748sq.ft. before/ 7,662sq.ft. after

Location of Property(s) (911 address) #1: 1971 Hamburg Street

#2: 1985 Hamburg Street, #3 201 Schermerhorn Street

Zone Classification & Lot Size: #1: B-1 Retail Business #2 R-3 Mutiple Family, #3 R-1 Single Family

If parcel(s) is in multiple zones, indicate all zones.

Are the lots presently conforming lots? YES NO

IF NO, What lot(s) are not conforming: Building offset for garage on Lot #1, however will conform after lot line adjustment

Proposed lot size(s): #1: _____ #2 _____

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

IF NO, What lot(s) will not be conforming: _____

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

#1: 2 Family Residential Unit along with Upholstery shop

#2: Multi-unit apartment building #3: 2 Family residential (1985)

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

Make new garage built on #1 to conform with building line setbacks and to fix existing encroachments

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

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

Additional data on proposed boundary line adjustment. _____

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

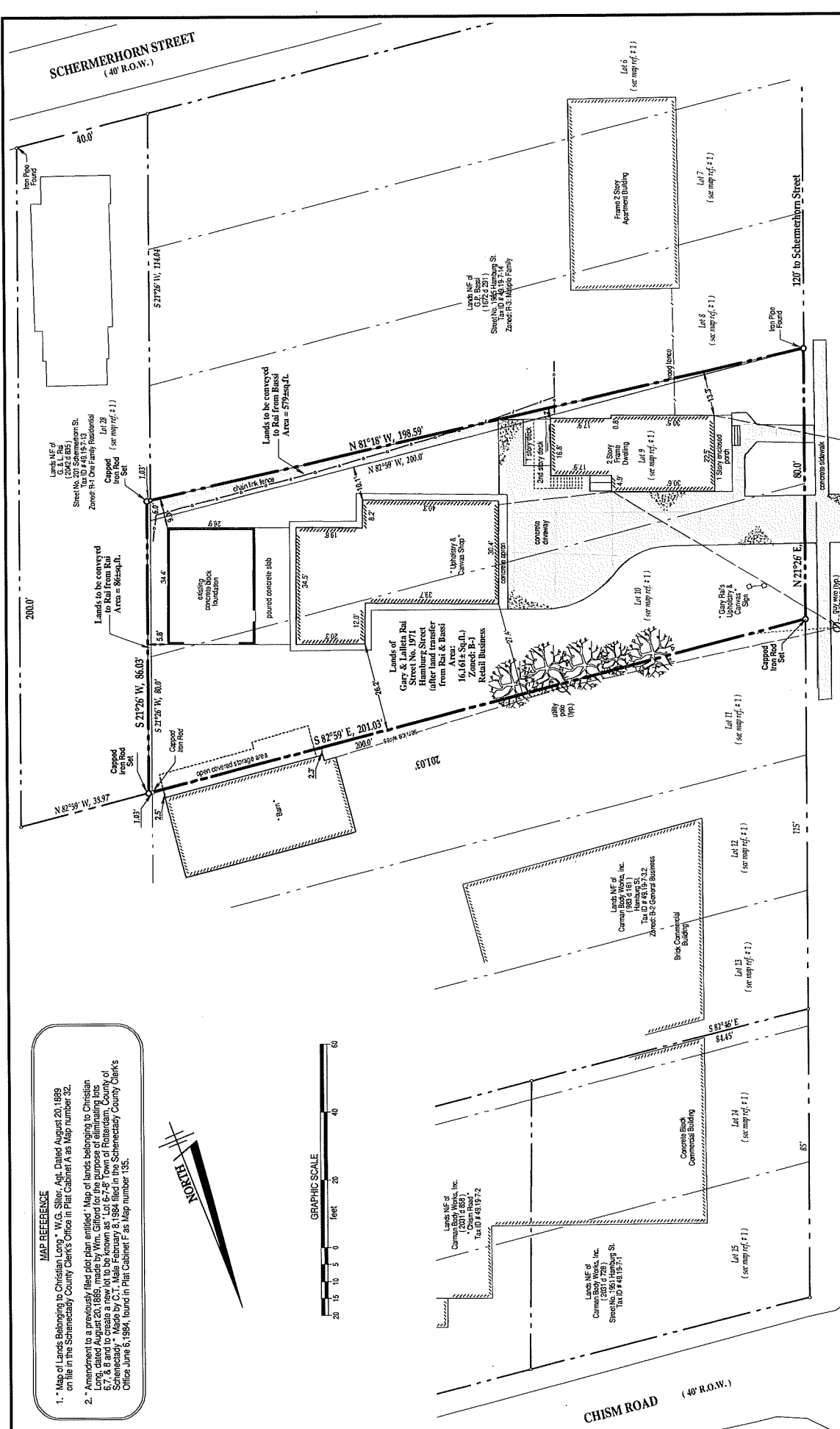
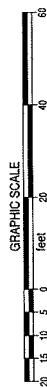
By signing the application, it is understood by the applicant that he/she must fully comply with the Town Code and obtain any required permits.

SIGNATURE OF PROPERTY OWNER PARCEL #1 #3 [Signature] DATE 5/24/24

SIGNATURE OF PROPERTY OWNER PARCEL #2 [Signature] DATE 5/24/24

MAP REFERENCE

1. Map of Lands Belonging to Christian Leno, W.G. Silver, Agt. Dated August 20, 1889 on file in the Schenectady County Clerk's Office in Plat Cabinet A as Map number 32.
2. Amendment to a previously filed plat plan entitled "Map of lands belonging to Christian Leno, dated August 20, 1889, made by Wm. Gifford for the purpose of eliminating lots 3, 7, 8 and 9 and of Messrs C.T. Male February 8, 1894 filed in the Schenectady County Clerk's Office June 6, 1894, found in Plat Cabinet F as Map number 135.



APPROVAL TOWN OF ROTTERDAM

TOWN OF ROTTERDAM CHAIRMAN

DATE

SCALE: 1" = 20'

TITLE:

STATE OF NEW YORK

ROTTERDAM

SCHENECTADY

COUNTY:

Only in New York State

Surveyor's Seal

RAYMOND A. KOECH

133 MOHAWK AVENUE
SCOTIA, NEW YORK, 12150

DATE

DESCRIPTION

NO.

REVISIONS & DATES

DATE

DESCRIPTION

NO.

DATE

DESCRIPTION

NO.

DATE

DESCRIPTION

NO.

DATE

SURVEY OF PREMISES KNOWN AS STREET NO. 1971 HAMBURG STREET
SHOWING LOT RE-ARRANGEMENT

Koeh LAND SURVEYORS

phone: (518) 393-0989 email: koehsurveyor@gmail.com

SURVEYOR'S NOTE: All visible improvements and/or use has been other physically located and/or shown herein, unless otherwise noted. Any underground utilities and/or underground improvements lying within the surveyed area are shown as they appear on the ground. The Surveyor is not responsible for the accuracy of any data or information provided by the client and/or third parties. The Surveyor is not responsible for the accuracy of any data or information provided by the client and/or third parties. The Surveyor is not responsible for the accuracy of any data or information provided by the client and/or third parties.

WAIVER OF SITE PLAN REVIEW

Date: June 18, 2024

PC2024-W24

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: Damian Castro
ADDRESS: 1225 N. Expressway C1-7
Brownsville, TX 78520

PROJECT ADDRESS: 93 W. Campbell Road (Via Port Rotterdam)

APPLICANT IDENTIFIED AS: Owner ☒ Lessee Contractor

REQUEST: The applicant requests a Waiver of Site Plan review to hold a circus at the Rotterdam ViaPort Mall from August 2, 2024 – August 11, 2024 in parking Lot E (southern portion of former K-Mart lot).

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 receive a carnival permit from the Town of Rotterdam Town Clerk prior to operation.
5. Applicant to comply fully with Town Sign Code and obtain a building permit for any signage.
6. All applicable NYS and CDC Guidelines shall be followed. Please visit [forward.ny.gov](https://www.forward.ny.gov) and www.cdc.gov.

The Commission action on the Waiver application took place at the Planning Commission meeting of June 18, 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



RECEIVED

MAY 28 2024

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

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): Damian Castro

ADDRESS: 1225 N Expressway c1-7 Brownsville, TX, 78520

DAYTIME TELEPHONE: 956-410-8344

(FAX) _____

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

REQUEST: Circos Show no animals

LICENSE AGREEMENT DATE: 07/29/2024 - 08/13/2024 AREA: _____

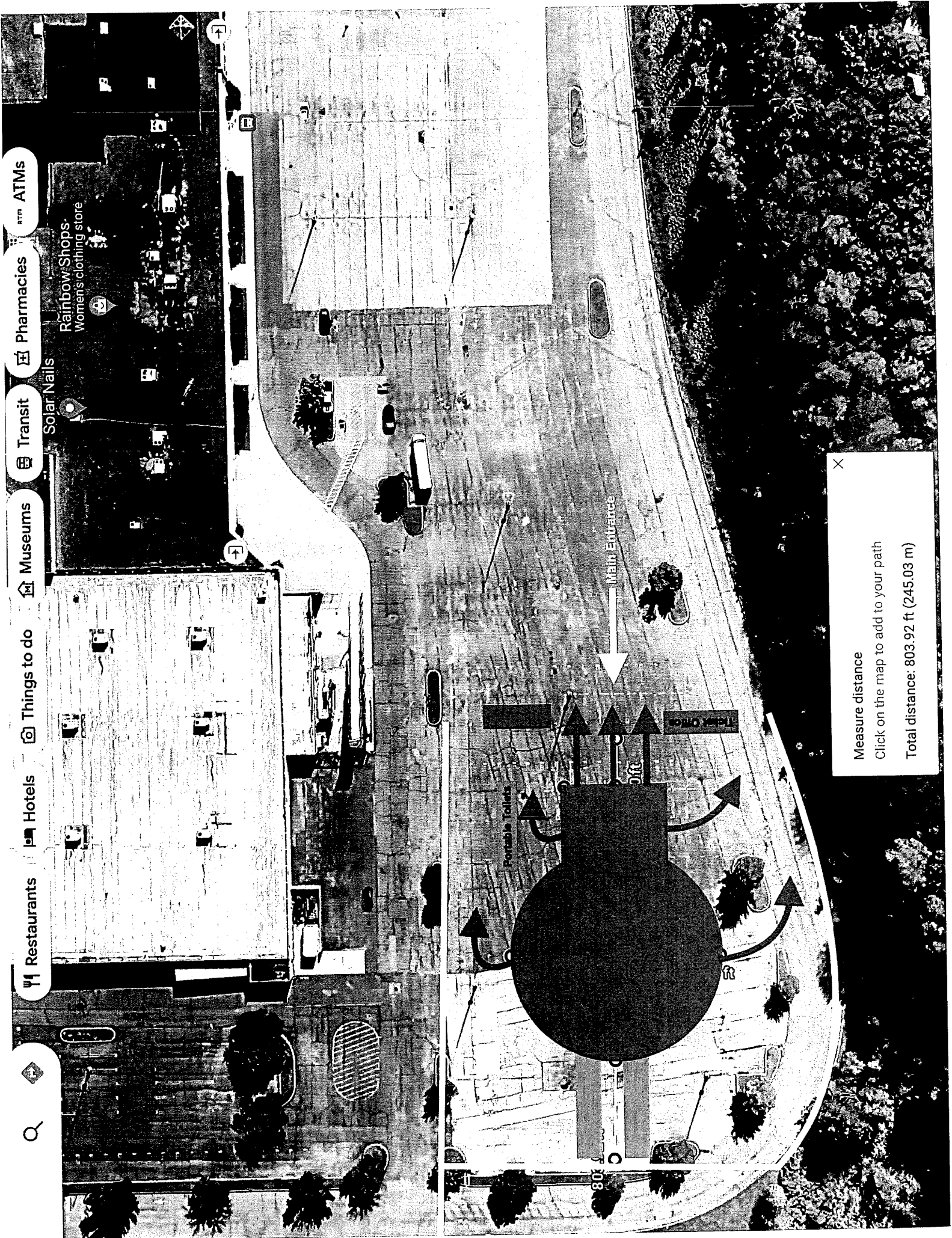
TERM: FROM 08/02 TO 08/11 KIOSK OR TENANT SPACE #: Parking lot

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 05/28/2024

* 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.



Measure distance

Click on the map to add to your path

Total distance: 803.92 ft (245.03 m)

Town of Rotterdam
Carnival Permit Application
Mail To: Town Clerk Diane Marco 1100 Sunrise Blvd. Rotterdam, NY 12306
518-355-7575 Ext 352

Application Fee: \$500.00 per event
Pursuant to Chapter 98 of the Code of the Town of Rotterdam

RECEIVED
MAY 28 2024
TOWN OF ROTTERDAM
PUBLIC WORKS

Sponsor Information

Name Danial Castro Title Business Director
Signature [Signature] Firm, Organization or Corporation _____
1225 N Expressway c1-7 Brownsville, Tx, 78520
Address _____
956-410-8344
Phone _____
Designation of agent for service of process _____

Company Information

Do Portugal Circus 956-410-8344
Name _____ Phone _____
1225 N Expressway c1-7 Brownsville, TX, 78530
Address _____
10/12/2018 Texas
Incorporation Date _____ State of Incorporation _____
Carlos Portugal
Name of Principals or Corporate Officers _____
Designation of agent for service of process _____
Address of agent for service of process _____
Number of similar events conducted _____

Description of Event

08/02/2024 - 08/11/2024
Dates of Event _____ Times of Event _____
Mon to fri 7:30pm, Sat 2, 5, 8 PM
SUN 2, 5, PM

93 W Campbell Rd, Rotterdam, NY 12306
Location where event will be held _____

Circus show inside a tent in the parking lot of Via Rotterdam Mall
Description of proposed event _____
No Animals, No fireworks, No Open fire involved in the show

Description of health and safety measures to be employed _____ Inspection to be conducted _____

Anticipated attendance _____ 100 per show _____ Description of parking plan _____ Parking lot of Via
Rotterdam Mall _____

I hereby approve of this application

Fire Chief, Fire District # _____

Date: _____

I hereby approve of this application

Chief, Rotterdam Police Department

Date: _____

We hereby approve of this application

Planning Commission

Date: _____

WAIVER OF SUBDIVISION REVIEW

Date: June 18, 2024

PC2024-SW4

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

APPLICANT: Benjamin Flower
651 Coplon Road
Schenectady, NY 12306

PROJECT ADDRESS: 903 Old Mariaville Road & 1630 Mariaville Road

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

REQUEST: The applicant requests a Waiver of Subdivision review to Boundary Line Adjust ± 0.58 acres from 903 Old Mariaville Road (Tax Map No. 37.-4-10) to 1630 Mariaville Road (Tax Map No. 37.-4-9).

Action Taken by Commission:

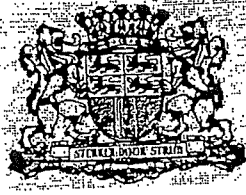
In accordance with Chapter 249 of the Town of Rotterdam Zoning Ordinance, entitled "Subdivision," Section 249-27(D) the Planning Commission waives the requirements set forth in Chapter 249, conditionally. Conditions imposed, if any, are as follows:

1. The final maps (with all necessary changes discussed at the Planning Commission) need to be submitted for signature and filing with Schenectady County.
2. The Planning Commission Chairman will sign up to two (2) Mylar's (One for Schenectady County and one for the applicant).
3. The signed Mylar's need to be filed with Schenectady County Clerk's office within ten (10) days.
4. After signature and filing with Schenectady County six paper copies shall be returned to the Planning Commission office.

The Commission action on the Waiver application took place at the Planning Commission meeting of June 18, 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 Subdivision.

Peter J. Comenzo
Senior Planner

Kimberly Ricker-Scannell, Chairman
Planning Commission



RECEIVED

MAY 29 2024

TOWN OF ROTTERDAM
PUBLIC WORKS

TOWN OF ROTTERDAM
OFFICE OF THE PLANNING COMMISSION

Town of Rotterdam Boundary Line Adjustment Application

100.00 Application Fee

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

Tax Map Number(s) #1 37-4-10 #2 37-4-9
these numbers will refer to specific questions relating to each parcel

#1 Property Owner's Name: Benjamin T. Flower

Mailing Address: 651 Coplan Rd Schdu NY 12306

Phone Number(s) and e-mail 518-374-6999 donna.aloisi@hallmarkrem.com

#2 Property Owner's Name: Benjamin T. Flower

Mailing Address: 651 Coplan Rd Schdu NY 12306

Phone Number(s) and e-mail 518-374-6999 donna.aloisi@hallmarkrem.com

Contractor's/Agent/Representative's Name (if Applicable) _____

Address: _____

Phone Number(s) and e-mail _____

Parcel Size(s) (acreage or sq. ft): #1: 1.67 #2: 3.15

Location of Property(s) (911 address) #1: 903 Old Mariaville Rd Schdu NY 12306

#2: 11637 Mariaville Rd Schdu NY 12306

Zone Classification & Lot Size: #1: 280 Multiples ^{1.67 acres} #2: 210 1 Family Res ^{3.15 acres}

7 If parcel(s) is in multiple zones, indicate all zones.

Are the lots presently conforming lots? ☒ YES ☐ NO

IF NO, What lot(s) are not conforming: _____

Proposed lot size(s): #1: _____ #2: _____

Will the boundary line adjustment leave all proposed lots conforming? ☒ YES ☐ NO

IF NO, What lot(s) will not be conforming: _____

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

#1: Rental House

#2: Rental House

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

sale of 903 Old Mariaville Rd

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

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

Additional data on proposed boundary line adjustment. _____

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

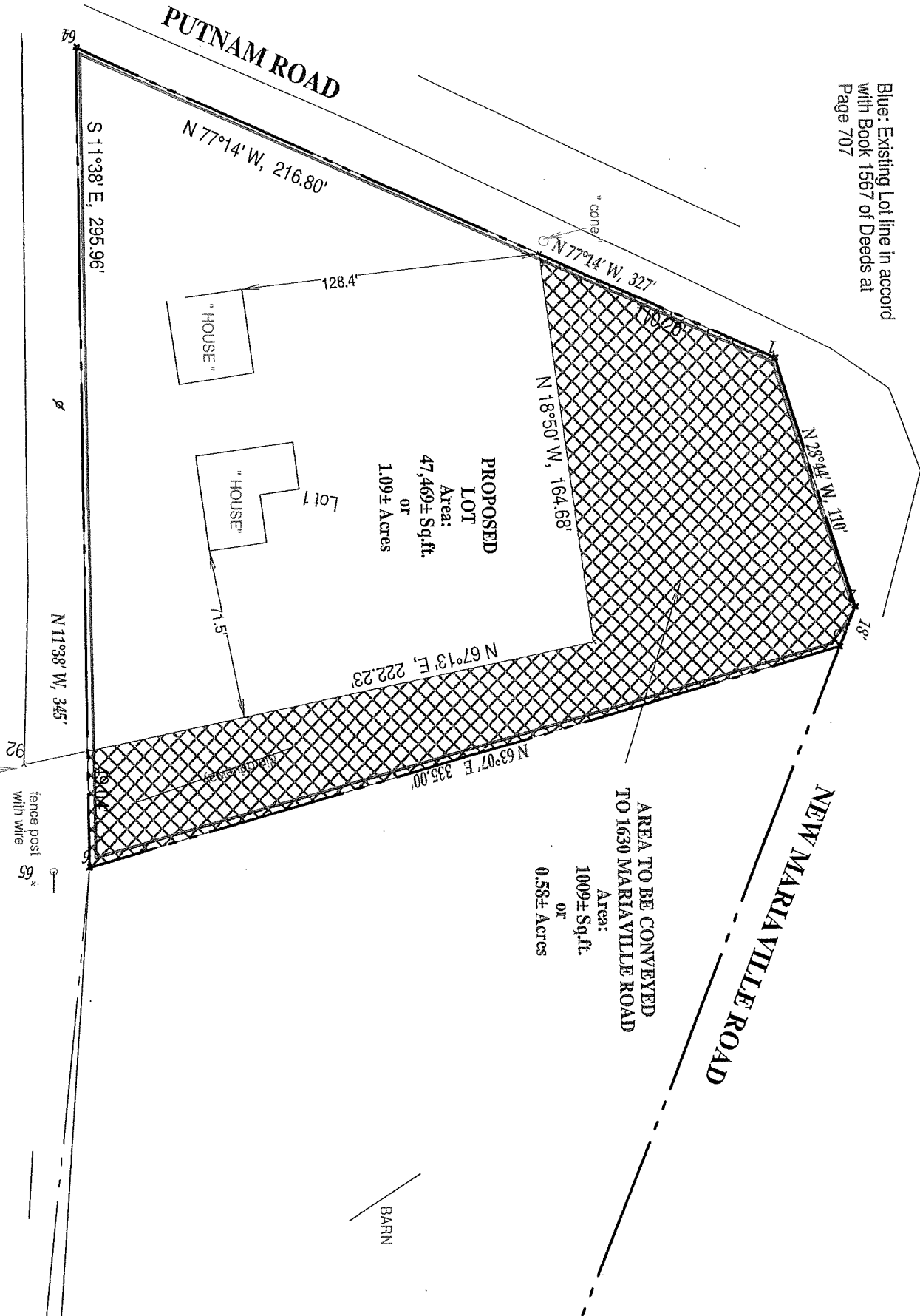
By signing the application, it is understood by the applicant that he/she must fully comply with the Town Code and obtain any required permits.

SIGNATURE OF PROPERTY OWNER PARCEL #1 Benjamin Flower DATE 5/24/24

SIGNATURE OF PROPERTY OWNER PARCEL #2 Benjamin Flower DATE 5/24/24

6-17 D

Blue: Existing Lot line in accord
with Book 1567 of Deeds at
Page 707

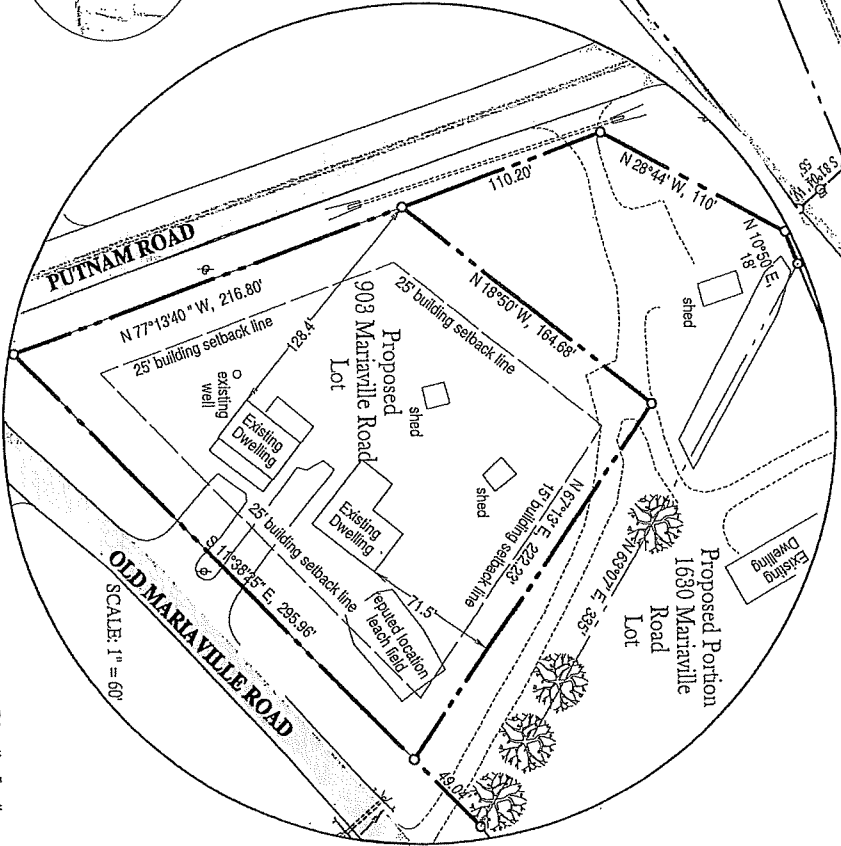
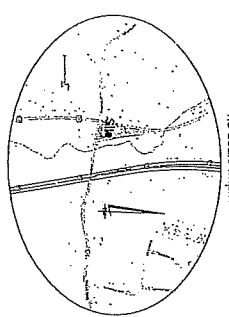
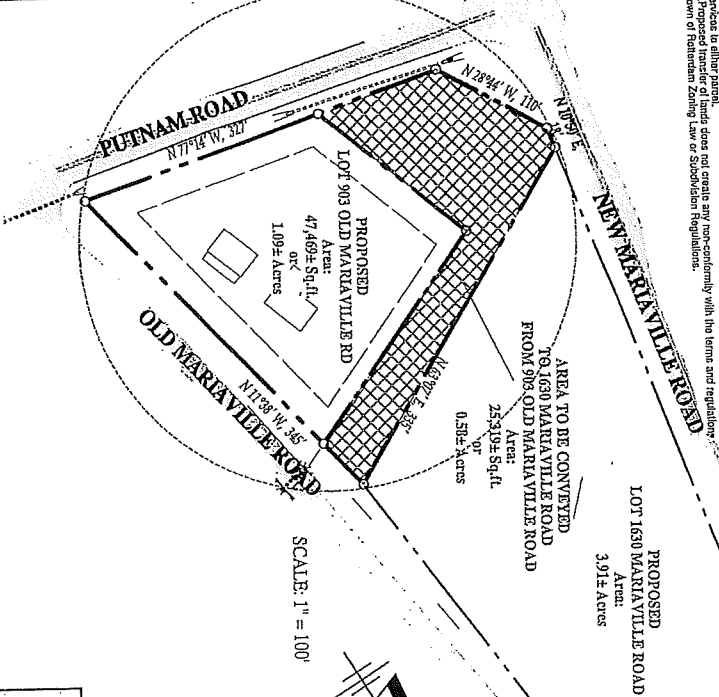


342

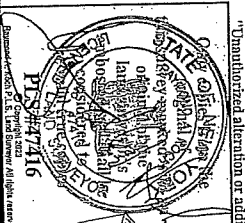
SITE STATISTICS:
Owner/Applicant: Benjamin T. Power
651 Caplan Road
Rochester, NY 14206
Address of Project:
1. 1630 Mariaville Road, Town of Rotterdam
2. 903 Old Mariaville Road, Town of Rotterdam
Tax Map Number: 37-00-4-9
Zoning: A-1 Agricultural

OBJECTIVE:
Both subject parcels are owned by Benjamin Power. The purpose of the map is to transfer a portion of 903 Old Mariaville Road to 1630 Mariaville Road, creating a new lot. No new lots will be created, no new structures will be built. All improvements shown are existing.

NOTES:
1. No additional lots will be created.
2. Proposed transfer of land does not create any non-conformity with the terms and conditions of the zoning ordinance.
3. Proposed transfer of land does not create any non-conformity with the terms and conditions of the zoning ordinance.
Town of Rotterdam, Albany, NY 12242



Surveyors Note:
All easements and/or use has been either physically located and/or shown hereon. All easements noted. Any underground utilities and/or underground improvements lying within the subject property have not been located or shown. This sketch or survey was prepared without benefit of an abstract title. RAYMOND A. KOCH Professional Land Surveyor and/or signing surveyor are in no way liable or responsible for right of ways, easements, or takings other than those provided by the client and/or shown on the record plat. Lands shown hereon may be subject to setbacks, easements and/or restrictions not shown on the record plat.



TITLE:
LOT LINE ADJUSTMENT OF LANDS BELONGING TO
SURVEY OF PREMISES KNOWN AS
STREET NO. 903
OLD MARIAVILLE ROAD
STATE OF NEW YORK
SCHEENECTADY
RAYMOND A. KOCH P.L.S.
LAND SURVEYOR
133 MOHAWK AVENUE
SCOTIA, NEW YORK, 12302
(518) 393-0989
DATE: NOVEMBER 21, 2022
WITNESSES:
ROTHSCHILD
STATE OF NEW YORK
RAYMOND A. KOCH
LAND SURVEYOR
133 MOHAWK AVENUE
SCOTIA, NEW YORK, 12302
(518) 393-0989

Co-Defendant Indemnified hereon
I hereby certify that this survey was prepared
in accordance with the existing
Code of Practice for Land Surveys
adopted by the New York State
Association of Professional Land
Surveyors and certified for filing
for the survey is actually prepared,
and no third party to the title
company, government agency
and lending institution listed hereon,
and to the assignee of the fee simple
interest in the land, shall be
liable for any loss or damage
resulting from the survey.

DPW Comments
June 18, 2024

1. **Gary Rai – 1971 Hamburg Street.** Waiver of Site Plan/Special Use Permit Public Hearing to install a 26.9' X 34.4' (± 925 square feet) garage on a ± 0.36 -acre parcel with an existing two-family residence and existing upholstery/canvas shop. Surveyor: Koch Land Surveyors PLS.
 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 Town of Rotterdam 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. Applicant shall file the Boundary Line Adjustment Subdivision of ± 579 square feet from 1985 Hamburg Street (Tax Map No. 49.19-7-14) to 1971 Hamburg Street (Tax Map No. 49.19-7-15) and ± 86 square feet from 201 Schermerhorn Street (Tax Map No. 49.19-7-13) to 1971 Hamburg Street (Tax Map No. 49.19-7-15). Proof of filing must be submitted to DPW.
 5. Final Fees Due: \$40.15

SEQR Requirement: 6 NYCRR 617.5(c)(9) Type 2 Action. No further review is required.

WAIVER OF SITE PLAN REVIEW

Date: June 18, 2024

PC2024-W13

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: Gary Rai
ADDRESS: 1124 Owen Road
Schenectady, NY 12303

PROJECT ADDRESS: 1971 Hamburg Street

APPLICANT IDENTIFIED AS: ☒ Owner ☐ Lessee ☐ Contract Vendee

REQUEST: Waiver of Site Plan/Special Use Permit Public Hearing to install a 26.9' X 34.4' ($\pm$ 925 square feet) garage on a $\pm$ 0.36 acre parcel with an existing two-family residence and existing upholstery/canvas shop. Surveyor: Koch Land Surveyors PLS.

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 Town of Rotterdam 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 #3 for specifics.
5. No outdoor sale or display of merchandise.

The Commission action on the Waiver application took place at the Planning Commission meeting of June 18, 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

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: GARY RAI
Mailing Address: 1124 Owen Road
City: Schenectady State: NY Zip: 12303
Daytime Phone: 518-495-2665 E-mail: gary.rai@cloud.com

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: N/A
Mailing Address: N/A
City: _____ State: _____ Zip: _____
Daytime Phone: _____ E-mail: _____

Project/Proposal Site Area (Acres or sq. ft.): 1300 SQ FT
Assessor Tax Parcel No.(s) of Proposal Site: 49-19-7-15

Adjacent Area Owned or Controlled (Acres or sq. ft.): N/A
Assessor Tax Parcel No.(s) of Adjacent Land Owned or Controlled: N/A

Street Address of Proposed Site (if any): 1971 Hamburg street

Describe Existing Use(s) on Proposed Site (Such as buildings, well, sewer drainfield and others): N/A

Existing Zoning Classification: B1

School District: Mohawgan

Fire District: Carmen

Water Supply _____

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: GARY RAI Date: 3/1/24
Address: 1124 Owen Road Phone: 518-495-2665
Schenectady Zip: 12303
Gary F. Rai Date: 3/1/24

*#1 Signature of Owner #1

Notary
(For Signature #1 Above)

STATE OF NEW YORK) ss:
COUNTY OF SCHENECTADY)

SUBSCRIBED AND SWORN to me this first day of March, 2024.
SHAELYN A. REAGAN
NOTARY SEAL, STATE OF NEW YORK
Registration No. 01RE6431304
Qualified in Albany County
Commission Expires 04/04/2026

Notary Signature [Signature]

Notary Public in and for the State of New York
My appointment expires: 4/4/26

Name: _____

Date: _____

Address: _____

Phone: _____

Zip: _____

*#2 Signature of Owner #2

Date: _____

Notary
(For Signature #2 Above)

STATE OF NEW YORK) ss:
COUNTY OF SCHENECTADY)

SUBSCRIBED AND SWORN to me this _____ day of _____, 20____.

NOTARY SEAL

Notary Signature _____

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

LEGAL INFORMATION

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

1971 Hamburg Street, Rear

Name of public road (s) providing access: Hamburg Street

Width of property fronting on public road: 100'

Attach deed or legal description.

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

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

New Const Garage

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 X. If yes, a statement disclosing the name, residence, nature and extent of this interest must be filed with this application.

FILL OUT FOR SPECIAL USE PERMIT APPROVAL ONLY (§ 270-167)

(Failure to answer all of these questions completely may result in denial of the special use permit)

- (1) Is the establishment, maintenance or operation of the special use detrimental to or an endangerment to the public health, safety, morals, convenience or general welfare? If not, please explain:

NO.

New Construction, Cold Storage Garage

- (2) Is the special use injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and does it substantially diminish and impair property values within the neighborhood? If not, please explain:

No.

New Construction Garage is typical at other structures in the neighborhood.

- (3) Does the establishment of the special use impede the normal and orderly development and improvement of the surrounding property? If not, please explain:

NO.

New Garage is located at Rear of property and does not Impede on any other property.

- (4) Have adequate utilities, access roads, drainage and/or necessary facilities been or are being provided? If yes, please explain:

NO.

Cold Storage Structure.

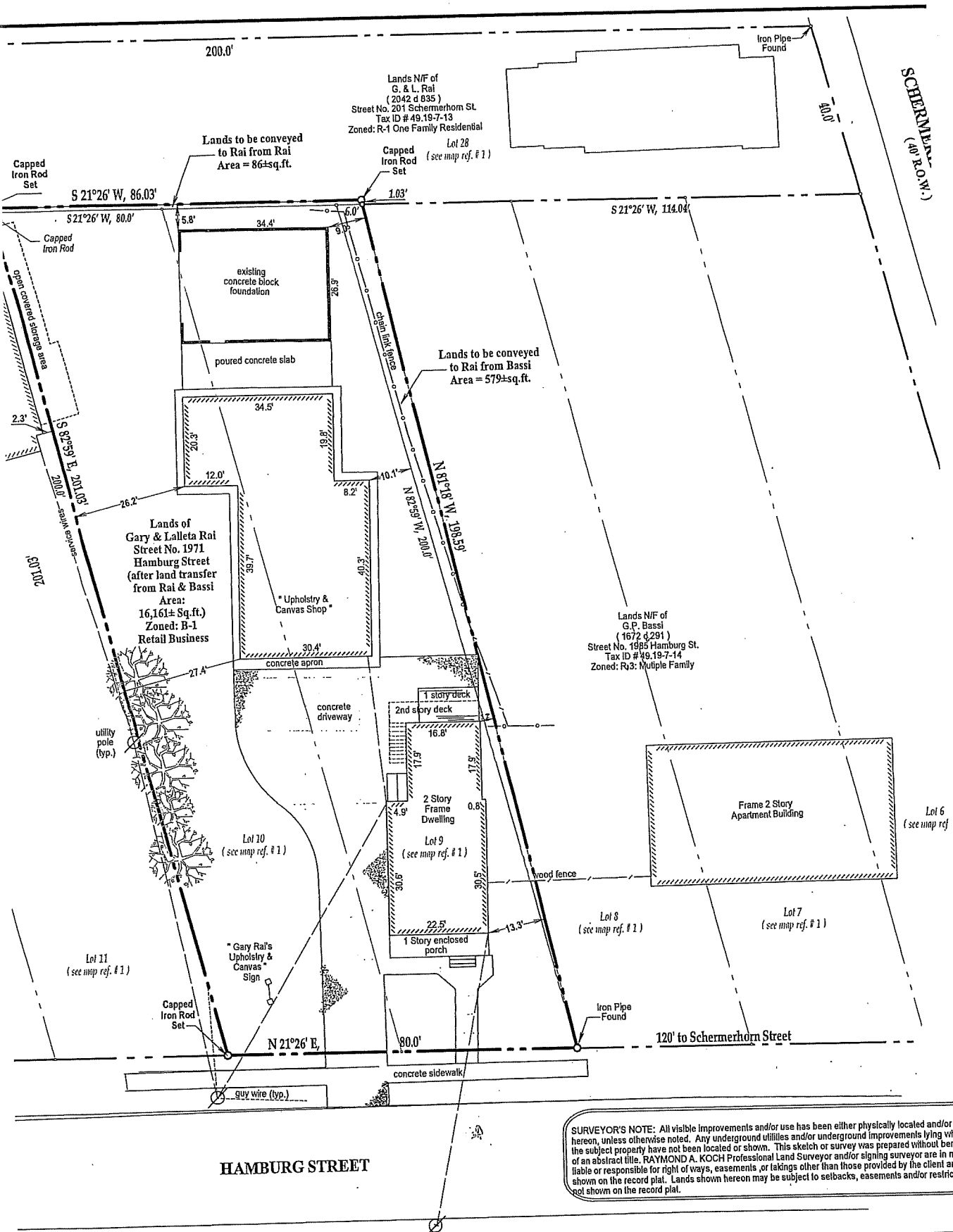
No Electrical, water, or sewer service

- (5) Have adequate measures been or will be taken to provide ingress or egress as to minimize traffic congestion in the public street? If yes, please explain:

NO

Not Applicable

If you have any additional comments, please attach them on a separate sheet of paper.



RAYMOND A. KOCH P.L.S. LAND SURVEYORS

133 MOHAWK AVENUE
SCOTIA, NEW YORK, 12302

phone: (518) 393-0989 email: kochsurveyor@gmail.com

Certifications indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors and certifications shall run only to the person for whom the survey is originally prepared, and on their behalf to the title company, governmental agency and lending institution listed hereon, and to the assignees of the lending institution. Certifications are not transferable to additional institutions or subsequent owners.



DPW Comments
June 18, 2024

2. **Poentic Kill, LLC (Lessee) – 635 Mariaville Road.** Request for an extension to an approved Special Use Permit issued on June 20, 2024 for the location of a 5-megawatt battery storage facility on a ±2.23-acre parcel. Engineer: Empire Engineering, PLLC.
 1. See attached letter dated June 11, 2024 from Blue Wave requesting a one-year extension to the Special Use permit issued by the Planning Commission on June 20, 2023.
 2. Applicant has discussed the potential use of Lithium based batteries as opposed to Zinc based ones.
 3. There are updates to the final site plan that have not been completed to date.
 4. National Grid has not issued permits for connection and has expressed concerns to the Town with the location of the facility.

DPW Comments June 20, 2023

1. Final Fees Due:

Final Site Plan	\$350.00
Special Use Permit	\$500.00
Legal Notice	\$39.04
2. The applicant conducted a meeting on June 6, 2023 with Fire District #6 to respond to questions raised at the February 16, 2023 meeting. Representatives from the battery manufacturer were also in attendance.
3. See attached letter from Bluewave dated June 9, 2023 responding to the Town Designated Engineer (TDE) review letter from Colliers Engineers dated June 1, 2023. Exhibits include a revised noise study, revised decommissioning plan, operations/maintenance plan, and updated visual/landscaping plan.
4. The applicant has revised both the noise study (June 19, 2023) prepared by Empire Engineering and decommissioning plan (June 16, 2023) prepared by Bluewave Energy, Inc.
5. See attached letter from Empire Engineering dated June 8, 2023 responding to the TDE review letter from Colliers Engineers dated June 1, 2023.
6. The applicant has modified the site plan to address noise and screening for the residential neighboring properties located to the east as presented in the Sound Study dated June 8, 2023 prepared by Empire Engineering. The TDE and DPW staff have requested that additional mitigation measures be implemented to further reduce noise based on the revised sound study. The applicant has provided an updated study dated June 19, 2023 that provides noise mitigation in the form of an acoustical fence sound barrier. Any additional mitigation will need to be addressed to the satisfaction of the TDE and Planning Commission prior to final site plan approval.
7. Prior to Chairman's Signature on the Final Site Plan, the applicant must receive full and final approvals by the Town Designated Engineer on all current and potential forthcoming technical comments on the project documents.
8. Prior to Chairman's Signature on the Final Site Plan, the applicant must receive full and final approvals by the Town Designated Engineer and Town Stormwater Manager of the Stormwater Operation and Maintenance Manual and Stormwater Pollution Prevention Plan as prepared by Empire Engineering.

9. Prior to the issuance of site development permits, the applicant shall be required to meet with the Town Stormwater Officer to revisit the SWPPP. An MS4 acceptance letter shall be required prior to the issuance of building permits. A deed covenant for the property is required for the post-construction maintenance of the stormwater management facilities in accordance with the approved Operation and Maintenance guide. These documents need to be established and submitted to the Town prior to a Certificate of Occupancy (CO) being issued.
10. Prior to the issuance of Building Permits for construction, funds in the amount of \$149,795 shall be provided to the Town of Rotterdam for financial surety to implement the decommissioning plan. This decommissioning number is only an estimate. Final amount and type of surety at the time the applicant is ready to construct the facility may differ. In any case, this surety must be deemed acceptable by the Town Designated Engineer and Attorney for the Town, then accepted by the Town Board prior to the issuance of building permits.
11. If the site access for this battery storage project is intended to be a shared driveway with the existing property owner. Applicant to provide documentation concerning maintenance of roadway prior to Chairman's Signature. Any maintenance agreement for the shared driveway must be submitted to the Attorney for the Town, approved as to form, and filed with Schenectady County prior to the issuance of a site development permits.
12. Project identification signage needs to be installed at the gate entrance to the facility and shall contain reflective material so that it can be easily read during the evening hours.
13. Prior to the issuance of Building Permit(s) by the Town of Rotterdam, an emergency response plan shall be developed and approved to the satisfaction of the Town Designated Engineer, DPW, and Fire District #6 prior to the issuance of a building permit.
14. Prior to operation, the applicant shall conduct a post construction study to verify that the Sound Study dated June 19, 2023 prepared by Empire Engineering is accurate and the predicted decibel levels are at or lower than the dB presented in the study. This shall be verified by a Town Designated Engineer. Further mitigation shall be required to the satisfaction of the Planning Commission if necessary. Facility shall be shut down until further mitigation is completed.
15. Prior to operation, the applicant shall conduct a meeting with the Town Designated Engineer, DPW, and Fire District #6 to discuss the emergency response plan, conduct training (if necessary) and to verify that all safety protocols are in place.

Poentic Kill, LLC (Lessee)
635 Mariaville Road
June 18, 2024
Page 3

16. 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.
17. 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 May 2, 2023

1. See attached TDE review letter from Colliers Engineering dated February 28, 2023.
2. See attached response letter and resubmission documents from the applicant dated April 21, 2023. TDE is currently reviewing this resubmission and comments will be forthcoming.
3. The applicant conducted a presentation at Fire District #6 offices on February 16, 2023 with town and fire officials in attendance. Modifications to the site plan were made as a result of this meeting. Additionally, the applicant has provided responses to questions raised at the February 26th meeting in their April 21, 2023 resubmission letter.
4. Applicant should consider additional buffering to lessen any equipment noise for the residents located to the east.

DPW Comments November 15, 2022

1. Update maps to reflect address of 635 Mariaville Road prior to Chairman's signature.
2. The Planning Commission should authorize the Chairman to enter into an agreement with the Town to retain the services of a TDE to assist in the review of this project.
3. DPW recommends additional fencing closer to the battery/electrical components to provide for additional security/barrier to the facility.

SEQR Requirement: 6 NYCRR 617 Unlisted Action. Rotterdam Planning Commission declared lead agency on November 15, 2022. A Draft Negative Declaration was issued on June 20, 2023.

Involved/Interested Agencies

Schenectady County Economic Development and Planning
Schenectady County Department of Health
New York State Department of Environmental Conservation – Region #4
New York State Department of Transportation
Rotterdam Police Department
Metroplex Development Authority
Fire District #6

BLUEWAVE

RECEIVED

JUN 12 2024

TOWN OF ROTTERDAM
PUBLIC WORKS

June 11, 2024

Town of Rotterdam
Office of the Planning Commission
1100 Sunrise Blvd
Rotterdam, NY 12306

RE: Site Plan/Special Use Permit Approval Extension Request – 635 Mariaville Rd
Poentic Kill, LLC – 5-Megawatt Battery Storage Facility

Dear Planning Commission Members:

Poentic Kill, LLC, an LLC under BlueWave Origination, LLC (“BlueWave”), respectfully requests an extension of the Final Site Plan and Special Use Permit approvals granted on June 20, 2023. Pursuant to Rotterdam Zoning Code Section 270-169, the Special Use Permit is valid for a period of one (1) year. BlueWave requires additional time, as outlined below, to secure necessary third-party approvals and funding, and therefore respectfully requests a one (1) year extension of its approvals.

The 635 Mariaville Rd project received unanimous Final Site Plan and Special Use Permit approvals on June 20, 2023, with conditions from the Department of Public Works (“DPW”). Since obtaining final approval last June, BlueWave has worked diligently towards an agreement to cross over National Grid property. As described during the review process, the project requires an agreement with National Grid to cross the utility corridor. The project cannot move forward until that Agreement is made. National Grid has a lengthy process in which the proposed crossing and intended use is reviewed and negotiated. Although all indications are that the crossing will be memorialized in a fully executed Agreement, we are still working with National Grid to finalize the details. In addition, we are monitoring the release of key funding from New York State Energy Research and Development Authority (NYSERDA). This funding has not yet been made available and is required for BlueWave to finance the project. Finally, prior to construction, there are conditions of approval from the Town that must and will be addressed. Please note that BlueWave is not proposing any changes to the approved site plan as part of this extension request.

Given our ongoing negotiation with National Grid to secure a crossing agreement and the reality that financing and constructing our project requires the implementation of supportive state policy with funding that will not be made available until the latter half of 2024, we respectfully request a one (1) year extension to our prior Site Plan and Special Use Permit approvals while we continue to work through these items in tandem with preparing documentation addressing the conditions of approval made by DPW. Battery energy storage is critical to both the Town of Rotterdam and the State of New York reaching its renewable energy mandates, and we look forward to continuing to pursue development of this project with the Town.

Sincerely,

Joshua Lariscy
Senior Director, Storage Development
jlarsicy@bluewave.energy



Town of Rotterdam
Office of the Planning Commission

Thomas P. Yuille, Chairman
Peter J. Comenzo, Senior Planner

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

Resolution Number Planning Commission 18-2023
Moved by Mr. Collins seconded by Mrs. Flansburg
Applicant: Poentic Kill, LLC (Lessee)

Applicant: Poentic Kill, LLC (Lessee)

Project Location: 635 Mariaville Road
Rotterdam, New York

Tax Number or Numbers: 48.17-1-1.112

Proposed Project: Special Use Permit for the location of a 5-megawatt battery storage facility on a ±2.23-acre parcel.

WHEREAS, public meetings were conducted by the Town of Rotterdam Planning Commission on November 15, 2022 and May 2, 2023 and a public hearing on June 20, 2023 to consider the above referenced Special Use Permit; and,

WHEREAS, this matter was discussed and approved, as meeting the standards for a Special Use Permit Review as set forth in Chapter 270 of the Code of the Town of Rotterdam entitled ZONING; and,

WHEREAS, the Town of Rotterdam Planning Commission after careful consideration of the application, testimony of the applicant and/or representative and members of the public in attendance at the hearing, and all other materials of record **HEREBY APPROVES THE SPECIAL USE PERMIT; NOW**

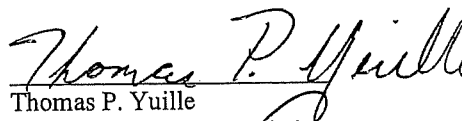
IT IS HEREBY RESOLVED THAT this Special Use Permit is approved with the following conditions as stipulated by the Planning Commission:

1. Final Fees Due:

Final Site Plan	\$350.00
Special Use Permit	\$500.00
Legal Notice	\$ 39.04
2. The applicant has modified the site plan to address noise and screening for the residential neighboring properties located to the east as presented in the Sound Study dated June 8, 2023, prepared by Empire Engineering. The TDE and DPW staff have requested that additional mitigation measures be implemented to further reduce noise based on the revised sound study. The applicant has provided an updated study dated June 19, 2023, that provides noise mitigation in the form of an acoustical fence sound barrier. This type of mitigation was deemed unacceptable by the Planning Commission. The applicant shall modify the final site plan to include an eight (8) foot high solid wood noise buffering fence along the eastern and southern portion of the site area currently shown as chain link fencing. If the solid wood fencing does not meet the electrical code, then this fence shall be in addition to the proposed chain link fence as depicted on the final site plan.
3. Prior to Chairman's signature on the Final Site Plan, the applicant must receive full and final approvals by the TDE on all current and potential forthcoming technical comments on the project documents.
4. Prior to Chairman's signature on the Final Site Plan, the applicant must receive full and final approvals by the TDE and Town Stormwater Manager of the Stormwater Operation and Maintenance Manual and Stormwater Pollution Prevention Plan as prepared by Empire Engineering.

5. Prior to the issuance of the site development permits, the applicant shall be required to meet with the Town Stormwater officer to revisit the SWPPP. An MS4 acceptance letter shall be required prior to the issuance of building permits. A deed covenant for the property is required for the post construction maintenance of the stormwater management facilities in accordance with the approved Operation and Maintenance guide these documents need to be established and submitted to the town prior to a Certificate of Occupancy (CO) being issued.
6. Prior to the issuance of building permits for construction, funds in the amount of \$149,795 shall be provided to the Town of Rotterdam for financial surety to implement the decommissioning plan. This decommissioning number is only an estimate. Final amount and type of surety at the time the applicant is ready to construct the facility may differ. In any case, this surety must be deemed acceptable by the TDE and Attorney for the Town then accepted by the Town Board prior to issuance of building permits.
7. If the site access for this battery storage project is intended to be a shared driveway with the existing property owner. Applicant to provide documentation concerning maintenance of roadway prior to Chairman's signature. Any maintenance agreement for the shared driveway must be submitted to the Attorney for the Town, approved as to form, and filed with Schenectady County prior to the issuance of a site development permits.
8. Project identification signage needs to be installed at the gate entrance to the facility. It shall contain reflective material so that it can be easily read during the evening hours.
9. Prior to issuance of Building Permit(s) by the Town of Rotterdam, an emergency response plan shall be developed and approved to the satisfaction of the TDE, DPW, and Fire District #6 prior to the issuance of a building permit.
10. Prior to operation, the applicant shall conduct a post construction study to verify that the sound study dated June 19th 2023, prepared by Empire Engineering is accurate and predicted decibel levels are at or lower than the dB presented in the study. This shall be verified by a TDE. Further mitigation shall be required to the satisfaction of the Planning Commission if necessary. Facility shall be shut down until further mitigation is completed.
11. Prior to operation, the applicant shall conduct a meeting with the TDE, DPW, and Fire District #6 to discuss the emergency response plan, conduct training (if necessary) and to verify that all safety protocols are in place.
12. The applicant shall provide the Town of Rotterdam DPW paper and electronic AutoCAD file copies as the utility "As-Built Record Drawings" upon completion and testing of the utilities.
13. 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.


Peter J. Comenzo
Senior Planner


Thomas P. Yuille
Planning Commission Chairman



PRIOR TO ANY EARTH DISTURBANCE THE CONTRACTOR SHALL CALL IN A TICKET TO DIG SAFE NY AND OBTAIN A CLEAR TO DIG



EMPIRE ENGINEERING, PLLC
1900 DUANESBURG ROAD
DUANESBURG, NY 12056
PH: (518) 858-4117
MAIL: CLONGOO@EMPIREENG.NET

SITE LAYOUT PLAN		Sheet 1 of 2
Date 09/13/2022	Sheet C101	
Scale 1"=40'	Job 17029	

OWNER: ANTHONY A FAZIO/NE
 PUCCANTE:
 BLUEWAVE SOLAR
 111 MONTGOMERY AVE.
 SUITE 250
 BOSTON, MA 02199
 OPPORTY TAX MAP NUMBER:
 4817-15-1.112
 OPPORTY DEED: 11931 P320
 TOTAL PROJECT AREA:
 223,640 SF = 5.182 AC
 MUNICIPALITY:
 TOWN OF ROTTERDAM, SCHUEN
 DISTRICT: GENERAL BUSINESS
 ZONING

RECORDED: 25 FT MAX
PROPOSED: 10 FT

T AREA:
RECORDED: 15,000 SF MIN
PROPOSED: 97,138 SF

IT WIDTH:
RECORDED: 100 FT MIN
EXISTING: 101 FT

REQUIREMENTS: 60% MAX (NON-RESIDENTIAL)
16,170 / 225,840 = 6%
PROPOSED: 6%

SETBACKS REQUIRED:
FRONT: 30 FT
SIDE: 10 FT (80 FT CORNER LOT)
REAR: 25 FT

SETBACKS PROPOSED:

REAR: 25/180 FT
 WIDENING:
 REQUIRED: N/A
 PROPOSED: 3 SPACES
 CHANGING:
 REQUIRED: 120 SF MAX
 PROPOSED: T.B.D

WATER: N/A
 PROPOSED USE:
 ENERGY STORAGE

GENERAL NOTES:

ALL SURVEY INFORMATION SHOWN HEREON IS FOR INFORMATION ONLY. NO WARRANTY IS MADE FOR THE ACCURACY OF THE INFORMATION SHOWN HEREON.

THIS MAP IS NOT A SURVEY. INFORMATION AND INFORMATION AND DESIGN PURPOSES ONLY. A SHOWN HEREON FOR THE ABOVE REFERENCED MAP AND AERIAL IMAGERY. ELEVATION DATUM FOR MAP REFERENCE. NORTH FOR MAP REFERENCE. THE POTENTIAL EXISTENCE OF JURISDICTION OF PARCEL WAS REVIEWED BY MORRIS CLUS.

DEVELOPMENT MUST MEET ALL NYS BUILDING CODES AND ALL LOCAL ORDINANCES. ALL SNOWFALL ACCUMULATIONS IN EXCESS OF FIVE FEET MUST BE REMOVED FROM ALL PARKING AREAS/WALKWAYS. ANY SEASONAL SALES PROPOSED FOR LOT 3 OF THE TOWN CODE CHAPTER 22B "SEASONAL SALES" ARE SUBJECT TO AN APPLICATION, FEE AND REVIEW BY THE TOWN BOARD. OUTDOOR STORAGE IS PERMITTED ONLY IN AREAS SHOWN ON THE PLAN.

2. HOURS OF OPERATION ARE TO BE DETERMINED BY THE COMMON OWNERS OF THE MOBILE HOME PARK.

3. EASEMENTS SHALL BE IN EFFECT AND BOUNDARIES SHALL BE CREATED OVER LOTS 1 OR 2 FOR THE SAID LOTS, THEIR MOBILE HOMES, SUCCESSIONS, ASSOCIATES, OWNERS OF SAID LOTS, EASEMENTS SHALL BE NEW DEEDS OF RECORD.

4. PRIOR TO ISSUANCE OF A DEED, OR PRIOR TO ANY WORK LOCATED IN THE AREA, THE COMMON OWNERS SHALL BE PROMPT FOR ANY WORK LOCATED IN THE AREA.

[illegible]

MAY 19, 2020

B. TOWN STORMWATER MANAGEMENT OFFICER SNA
OF THE STORMWATER POLLUTION PREVENTION
OFFSITE DISCHARGE TO THE TOWN OWNED THE
TO THE SOUTH

*Chairman, Rotterdam Planning

L.M.
VC-
32.1
AC



DPW Comments
June 18, 2024

3. **Primax Properties, LLC (Contract Vendee) – 2945 Hamburg Street.** Final Site Plan review to construct a ±10,640 square foot Dollar General retail store on a ±2.24-acre parcel. Engineer: Bohler Engineering.

1. Final Fees Due: Final Site Plan \$350.00
2. See response letter from Bohler Engineering dated June 4, 2024 in reply to DPW and TDE comments.
3. See final comment letter from LaBella Engineering dated June 13, 2024.
4. Prior to Chairman's Signature, the final lighting plan shall be modified to the satisfaction of DPW and the TDE and shall meet the suggested lighting modifications as outlined in the letter from LaBella Engineering dated May 7, 2024 and restated June 13, 2024.
5. Approval is conditioned upon applicant addressing all Rotterdam DPW and TDE comments and full and final approval of the DPW.
6. The applicant must receive Highway Work Permits from the New York State DOT for grading, utility, sidewalk, and entryway work onto Hamburg Street (SR 156). Copies of all correspondence with the NYSDOT should be provided to the Town.
7. Prior to issuance of grading and/or building permits, the Town Stormwater Management Officer shall review and approve the Stormwater Pollution Prevention Plan. Applicant must then be issued a NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity before any earthwork can commence on site.
8. Prior to the issuance of a certificate of occupancy, all work in the NYSDOT right of way must be completed.
9. Add note to plan: "No outdoor display of merchandise shall be permitted."
10. Add note to plan: "Utility carts, boxes, and refuse shall not be stored outside."
11. Add note to plan: "One water meter shall be installed on the service connection. Final type and location to be approved by DPW."
12. Add note to plan: "Owner/applicant shall install Knox Box for emergency personnel." Check with Fire District #3 for specifications.
13. 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."
14. Add note to plan: "Building design shall be in substantial conformance to the proposed Exterior Elevations dated May 7, 2024 and prepared for Primax and Dollar General and presented to the Planning Commission on June 18, 2024."
15. Add note to Landscaping Plan: "Landscaped areas shall contain a sprinkler system."

16. Add note to Landscaping Plan: "Landscaping shall be maintained in perpetuity and dead/dying plant materials shall be replace in-kind."
17. Add note to plan: "No stockpiling or burying of construction debris, slash, stumps, or construction material is permitted."
18. Add note to plan: "Banked parking spaces shall be installed according to the approved specifications and plan details for parking and pavement within 60 days of a either a written determination by the building inspector or an order of the Planning Commission that improvement of the banked parking spaces appears to be necessary or desirable to provide for sufficient off-street parking and loading."
19. Final approval is contingent upon the applicant receiving permits (site development and building) from the DPW Building Inspector.
20. 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.
21. 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.
22. 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 May 7, 2024

1. See response letter from Bohler Engineering dated April 24, 2024 in reply to DPW and TDE comments.
2. Building elevation and color scheme is much improved and blends in with the surrounding area.
3. Bollards should be installed (add to detail sheet) in parking areas abutting the building as well as added near the electrical box on the exterior of the building.
4. Detail lighting fixtures and poles. Pole lighting height should be reduced and may need additional poles and shielding for adjoining residential apartments to the north. LED lighting should have a lower kelvin rating in the 3000 to 4000 range.
5. Building mounted lights should be lowered and eliminated where possible.
6. Proposed internally lit sign should be replaced with signage that is illuminated from building mounted fixtures such as goose neck or other similar types of illumination to reduce glare.
7. Detail dumpster enclosure. A similar enclosure that was utilized for the Rotterdam Junction Dollar General should be considered.
8. Label ground cover in all locations. Planning Commission prefers grass.

9. Applicant should consider eliminating shrub planting areas along Hamburg Street and replace with additional flowering trees such as dogwood. Planting beds are more difficult to maintain.
10. Applicant should consider eliminating split rail fencing around stormwater basin. Based upon percolation rates it is highly unlikely that these basins will retain water for any length of time.
11. Applicant should consider installing decorative fencing and brick pilasters every 8-10 feet along Hamburg Street.
12. Proposed 6' stockade fence along northern property line should be replaced with either white or gray vinyl.
13. Cover Sheet index should be amended (C-803 should be labeled C-802).

DPW Comments from February 20, 2024

1. Applicant should provide a traffic and site distance analysis for impacts to the existing roadway system.
2. Applicant should provide building elevations for Planning Commission review.
3. Building shall be required to connect to the existing sanitary sewer along Hamburg Street, lateral(s) have been installed to property boundary, check with DPW for specific location.
4. Applicant should use concrete pavement for the 13 parking spaces along the north side of the building.
5. Bollards should be shown and detailed.
6. The Town Designated Engineer has been retained and should begin technical review, plans to be sent to involved/interested agencies for their feedback.

DPW Comments January 23, 2024

1. What is the use and functionality of the existing 3 drywells located on the northern side of the property?
2. The secondary curb cut onto Hamburg Street is proposed to be removed.
3. Applicant should provide a pedestrian crossing across Hamburg Street in the vicinity of the Valentine Meadows development located on the east side of Hamburg Street. Additionally, the proposed concrete entryway sidewalk should be extended the length of the building frontage and a connection made to existing sidewalk in the vicinity of the new pedestrian crossing.
4. A 3' high metal ornamental fence with brick piers every 6' should be considered for the frontage along Hamburg Street.
5. Dumpster enclosure should be changed from stockade fence to composite material similar to the recently constructed enclosure at the Dollar General in Rotterdam Junction.
6. The Planning Commission should authorize the Chairman to execute an agreement to retain the services of a Town Designated Engineer (TDE) to assist in the review of this project.
7. Adjoining building located at 2933 Hamburg Street is close to the property line and contains several apartments. Lighting plan should take this into consideration.
8. Soils should be very porous in this area and the lot appears to be large enough to utilize surface stormwater retention. The design should incorporate ground cover and materials that will be easy to maintain.

9. Town code call for 54 parking spaces. The applicant is requesting a waiver to construct 33 spaces which seems reasonable and provides for additional greenspace.

SEQR Requirement: 6 NYCRR 617 Unlisted Action. Rotterdam Planning Commission declared lead agency on January 23, 2024. Application materials circulated to involved/interested agencies February 21, 2024. A Draft Negative Declaration prepared by the Town Planner is attached for your consideration.

Involved/Interested Agencies

Schenectady County Economic Development and Planning
Schenectady County Department of Health
New York State Department of Environmental Conservation – Region #4
New York State Department of Transportation – Audrey Burneson
Rotterdam Police Department
Metroplex Development Authority
Fire District #3

DEVELOPMENT MUST MEET ALL NYS
BUILDING AND FIRE CODES

SNOWFALL ACCUMULATIONS IN
EXCESS OF FOUR (4) INCHES SHALL BE
REMOVED FROM ALL PARKING
AREAS/WALKWAYS WITHIN 48 HOURS



0 5 10 15 20
FEET
SCALE 1" = 20'

LANDS WE 02
BALENGBA 4, NANGSAM DIANRAJ
SECTION 25, 26, 27, 28, 29, 30, 31
LOT 1, LOT 1.1, LOT 1.2, LOT 1.3

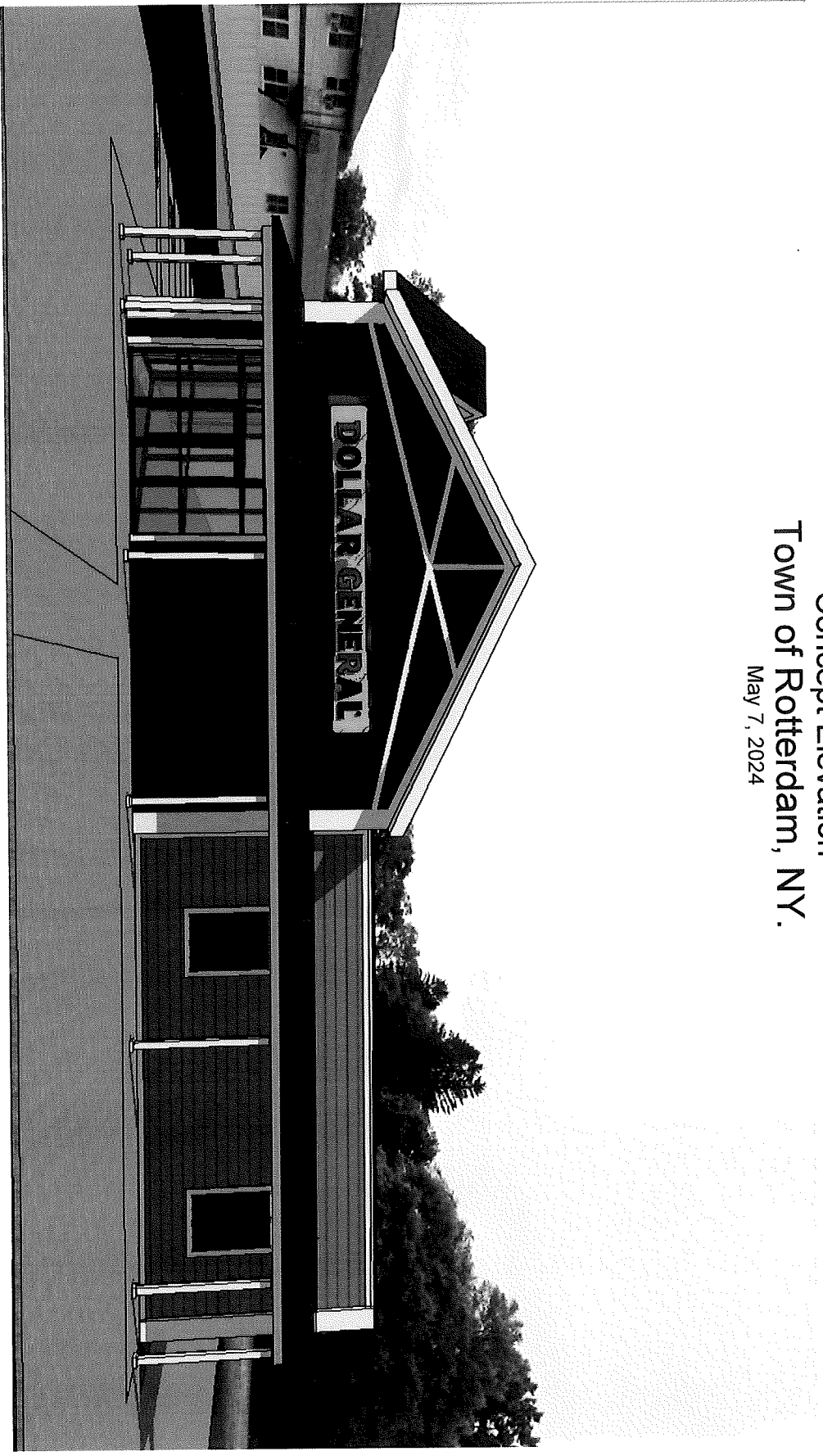
LANDS W/ OF

STREET

NEW DRIVEWAY

SECTION 26, 18 BLOCK 1 LOT 21

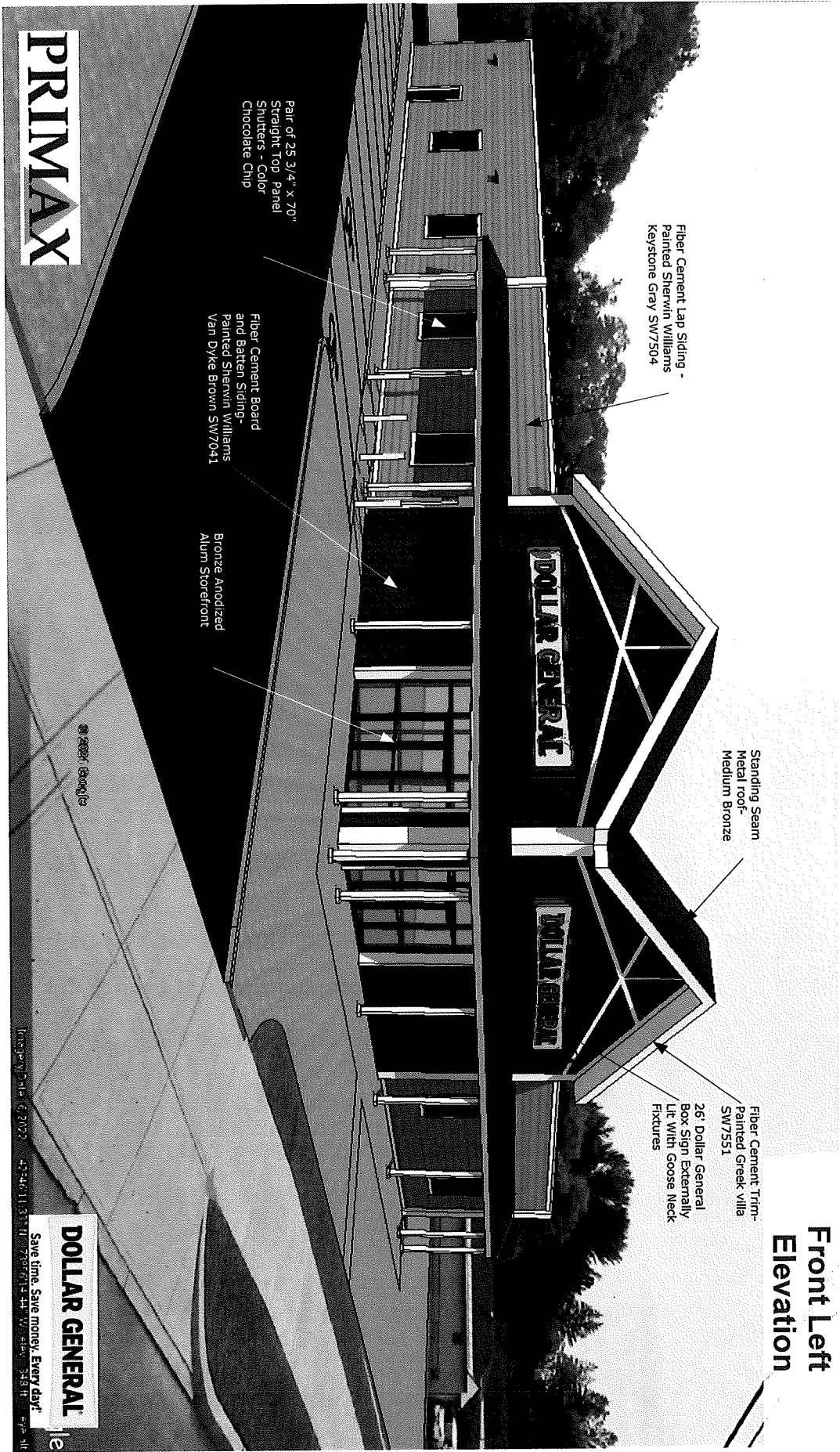
Concept Elevation
Town of Rotterdam, NY.
May 7, 2024



PRIMAX

DOLLAR GENERAL
Save time. Save money. Every day.®

Front Left
Elevation



PRIMAX

DOLLAR GENERAL
Save time. Save money. Every day!



June 13, 2024

Kimberly Ricker Scannell, Planning Commission Chair
Town of Rotterdam
1100 Sunrise Boulevard
Rotterdam, NY 12306

RECEIVED

JUN 14 2024

TOWN OF ROTTERDAM
PUBLIC WORKS

**RE: Proposed Development
2945 Hamburg Street
Rotterdam, NY 12306
Labella Project # 2241303.01**

Ms. Ricker Scannell,

As requested by the Town of Rotterdam, LaBella Associates (LaBella) has received the submission package for the above referenced project. The Applicant is proposing to develop a retail store approximately 10,640 sf +/- building on a vacant lot. This is LaBella's third review of the plan material submitted by the Applicant. Documents of record that were submitted include the following:

- Comment to Response Letter dated 06/04/2024.
- Proposed Site Plan Documents for Primax Properties, LLC, Prepared by Bohler. Dated 1/12/24, last revised 06/04/2024.
- ALTA/NSPS Land Title Survey of the Lands of Emilio & Lynn Pennacchia, prepared by Ausfeld & Waldruff Land Surveyors, LLP, last revised 11/28/2023.
- Stormwater Pollution Plan for Primax Properties, LLC, prepared by Bohler dated 04/24/2024 last revised 06/04/2024.

At the Town's request, we have received the technical aspects of this application including SEQRA & Zoning conformance review, etc. Based on our review of the information submitted we offer the following comments for the Town's Consideration:

General Comments

GC 1-1. Applicant to satisfactorily address DPW comments. Reference is made to DPW comments dated May 6, 2024, provided via separate correspondence, and which may overlap with comments in this letter, but are not replicated herein.

Site Plans

SP 1-4. As stated in the Town comments and town code, 54 parking spaces are required. We agree with the Town that the provided 35 spaces is reasonable for greenspace based on the code.

SP 3-1. Please attach correspondence from Fire Department to confirm coordination.

SP 3-2. Provide plan and details for the ground mounted monument sign, including sign style, size, location, and lighting.



Landscaping and Lighting

- LL 3-1. Applicant has indicated the Lighting Plan will be submitted under separate cover. Refer to our letter dated May 7, 2024 for items to be included with the Lighting Plan.

Traffic and Circulation

- TR 2-1. Applicant has provided a site distance table and stage 1 of NYSDOT Permit 33 for Commercial Access has been accepted. Continued documentation shall be provided upon receipt. As stated in the Town comments previously, the applicant should provide a traffic study for an increase in traffic.
- TR 3-1. The provided Work Zone Traffic Control Plan is not applicable to the site. Please provide updated site-specific plans and details.

Stormwater Pollution Prevention Plan & Erosion and Sediment Control Plans

- SW 3-1. The SWPPP Shall be signed and stamped by a licensed Professional Engineer. Applicant to provide in future submission. Applicant has indicated a signed and sealed copy will follow conclusion of technical review.
- SW 3-2. Provide details and specifications for impermeable liner.
- SW 3-3. The invert into the forebay (EL. 344.0) is below the invert out of the overflow weir (346.0). The inlet pipe will be constantly inundated as it is below the permanent water surface elevation.
- SW 3-4. Water storage in the forebay between elevations 344 and 346 need to be model as 0% voids, as this space would be occupied by the permanent water surface.

Conclusions and Recommendations

Based upon our review of the material submitted, the applicant should revise the plans and reports to address our comments as well as addressing all comments from the Town.

In the event the Town staff have any questions or require additional information, please do not hesitate to contact me at (518) 903-8388 x7726

Respectfully submitted,

LaBella Associates

Reuben Hull, PE PMP, M. ASCE
Regional Discipline Lead – Municipal
Sr. Civil Engineer

cc: Peter Comenzo, Town of Rotterdam Senior Planner (via email only)



17 Computer Drive West
Albany, NY 12205
518.438.9900

70 Linden Oaks, Third Floor, Suite 15
Rochester, NY 14625
585.866.1000

Via Overnight Delivery

June 4, 2024

Town of Rotterdam
Planning Commission
1100 Sunrise Boulevard
Rotterdam, NY 12306

Attention: Kimberly Ricker Scannell

**Re: Response to Comments Summary
Proposed Retail Store
2945 Hamburg Street**

Dear Chairwoman Scannell and Members of the Planning Commission,

On behalf of our client, Primax Properties, LLC, we are pleased to submit this response to comments summary to the Town of Rotterdam Planning Commission for the above referenced project. This summary is in response to the various comments received in the May 7, 2024 letter from the Town of Rotterdam Department of Public Works and the comments received in the May 7, 2024 from LaBella Associates. We've also incorporated the comments reviewed at the 5/7/24 Planning Commission Meeting. Please find the following items in support of our application:

- A. Proposed Site Plan Documents for Primax Properties, LLC, prepared by this office, last revised 06/04/2024.
- B. ALTA/NSPS Land Title Survey of the Lands of Emilio & Lynn Pennacchia, prepared by Ausfeld & Waldruff Land Surveyors, LLP, last revised 11/28/2023.
- C. Stormwater Pollution Prevention Plan for Primax Properties, LLC, prepared by this office, last revised 06/04/2024.

Response to various comments summary in response to the DPW Comments dated May 7, 2024 as follows:

1. See response letter from Bohler Engineering dated April 24, 2024 in reply to DPW and TDE comments.

Comment acknowledged.

2. Building elevation and color scheme is much improved and blends in with the surrounding area.

Comment acknowledged.

3. Bollards should be installed (add to detail sheet) in parking areas abutting the building as well as added near the electrical box on the exterior of the building.

The Site Plan has been revised to show bollards in front of parking spaces adjacent to the electrical box, as well as parking spaces where there is no full 6" curbing. A bollard detail is shown on Sheet C-901.

4. Detail lighting fixtures and poles. Pole lighting height should be reduced and may need additional poles and shielding for adjoining residential apartments to the north. LED lighting should have a lower kelvin rating in the 3000 to 4000 range.

The site lighting photometric is currently being revised by the lighting vendor/designer and will be provided under a separate cover.

5. Building mounted lights should be lowered and eliminated where possible.

The site lighting photometric is currently being revised by the lighting vendor/designer and will be provided under a separate cover.

6. Proposed internally lit sign should be replaced with signage that is illuminated from building mounted fixtures such as gooseneck or other similar types of illumination to reduce glare.

The site lighting photometric is currently being revised by the lighting vendor/designer and will be provided under a separate cover.

7. Detail dumpster enclosure. A similar enclosure that was utilized for the Rotterdam Junction Dollar General should be considered.

The proposed dumpster enclosure has been revised to callout Trex Fencing with the color to match the proposed building, which is the same enclosure utilized at the Rotterdam Junction Dollar General.

8. Label ground cover in all locations. Planning commission prefers grass.

The Landscape Plan has been revised to indicate sod in the front of the property, and hydroseed everywhere else.

9. Applicant should consider eliminating shrub planting areas along Hamburg Street and replace with additional flowering trees such as dogwood. Planting beds are more difficult to maintain.

The design has a mix of trees and shrubs to maintain visibility to the business, while providing a visually aesthetic streetscape.

10. Applicant should consider eliminating split rail fencing around stormwater basin. Based upon percolation rates it is highly unlikely that these basins will retain water for any length of time.

The proposed split rail fencing has been removed around the proposed stormwater basins.

11. Applicant should consider installing decorative fencing and brick pilasters every 8-10 feet along Hamburg Street.

We are maintaining the proposed post and rail fencing to match and tie into the proposed stormwater management fencing.

12. Proposed 6' stockade fence along northern property line should be replaced with either white or gray vinyl.

The proposed 6' stockade fence has been updated to be 6' tall white vinyl fencing.

13. Cover sheet index should be amended (C-803 should be labeled C-802).

The cover sheet index has been updated accordingly.

Response to comments received in the May 7, 2024 letter from LaBella Associates:

General Comments

- GC 1-1. Applicant to satisfactorily address DPW comments. Reference is made to DPW comments dated May 6, 2024, provided via separate correspondence, and which may overlap with comments in this letter, but are not replicated herein.

Comment acknowledged.

Site Plans

- SP 1-4. As stated in the Town comments and town code, 54 parking spaces are required. We agree with the Town that the provided 35 spaces is reasonable for greenspace based on the code.

Comment acknowledged.

- SP 2-1. Applicant to indicate sawcut limits for sidewalk asphalt removal locations.

Sawcut limits have been added. Refer to the Sheets C-201 Demolition Plan and C-301 Site Layout Plan for reference.

- SP 2-2. Applicant to include fence to be removed into the limits of disturbance line.

The limit of disturbance has been updated to include the fence.

- SP 2-3. Coordination with the Fire department on the maneuverability plan is ongoing and shall be documented upon receipt.

Review of the Site Layout Plan by the Fire Department is complete. Please see attached correspondence indicating no issues with the emergency fire truck maneuverability.

SP 2-4. Applicant to provide details/specifications for all proposed fencing, as mentioned by Town Comments.

Details of the post and rail fence and white vinyl fencing are shown on Sheet C-901.

SP 2-5. The fence gate at the infiltration basin should be rotated to open outwards to avoid slips/falls.

The proposed split rail fencing around the infiltration basin has been removed, therefore the fence gate has also been removed.

SP 2-6. Applicant to provide detail for site bollards.

A bollard detail is shown on sheet C-901.

SP 2-7. Applicant to provide Dumpster enclosure details, as stated by Town comments.

The proposed dumpster enclosure detail has been revised to indicate Trex Fencing.

SP 2-8. In the proposed sidewalk along Hamburg Street, per the Spot elevations it appears that the sidewalk (El. 348.00) is higher than the Top of curb elevation (347.96). Please address.

The proposed sidewalk grades along Hamburg Street have been revised. See sheet C-401.

Landscaping and Lighting

LL 1-1. Applicant to provide details for plant bed preparation.
Addressed by Applicant.

Comment acknowledged.

LL 1-2. Applicant to provide details for tree planting.
Addressed by Applicant.

Comment acknowledged.

LL 1-3. Per Town Code Section 270-53.47(H): There shall be a minimum five-foot landscaped planting strip between the sidewalk and the primary road network." Applicant to revise plans to meet his requirement.
Addressed by Applicant, see LL 2-2.

Comment acknowledged.

- LL 1-4. Provide construction details for trees, shrubs, and perennial plantings.
Addressed by Applicant.

Comment acknowledged.

- LL 1-5. Provide industry standard notes covering planting excavation (field locating plants, utilities), debris clean up, quality assurance (plant sizes, nurse sources, substitutions), lawn seeding mixes, site prep and execution, seed type & plant warranty, and replacement information. Revise the landscape specifications to remove any planting work scope items that may not be included in the project such as tree protection or sod. Revise references to fertilizer formulations and applications to comply with NYS Nutrient Runoff law governing the use of phosphorous-containing fertilizers.
Otherwise, addressed by Applicant.

The Landscape Plan has been revised to indicate areas for proposed sod and for proposed hydroseeding. The Landscape Notes and Details sheet has been revised to remove the tree protection notes, and updated the fertilizer notes to comply with the NYS Nutrient Runoff law.

- LL 2-1. Per the town comments ground treatment for all areas not paved, planted or covered by building areas should be labeled. Planting or seeding surface treatment for stormwater management facilities and other areas of the site must be labeled.

The Landscape Plan has been revised to indicate areas for proposed sod and areas for proposed hydroseeding.

- LL 2-2. Landscaping and proposed fencing appear to generally meet the requirements of §270.108.9, A. Street trees, B. Landscape Buffer, and §270-149 C. Screening, and D. Landscaping. We recommend the following items for further consideration by the Town:

- a. Planting bed around the in-ground sign be extended to meet the surrounding pavement edges or alternatively reconfigured to provide more than a one- to two-foot wide strip of grass to maintain between planting bed and pavement.

The planting bed around the in-ground sign has been revised to meet the surrounding pavement edges. See sheet C-701 Landscape Plan.

- b. Grouped shrubs planted along the fence should be in a continuous mulched planting bed; a spade cut bed edge may be used rather than landscape edging.

The grouped shrubs planted along the fence have been revised to be shown in mulched planting bed. See sheet C-701 Landscape Plan.

- c. Adjust the location of the northernmost shrub planting to the south or enlarge it to provide better/additional screening of parking.

The northernmost shrub plantings have been shifted to provide better screening of the parking lot.

- d. Fencing (3' ht.) be added along the north side yard setback, extending from post and rail fence to meet the 6' ht. stockade screen fence, eliminating the potential for pedestrians to cut through the parking lot rather than to use the sidewalk.

The proposed 6' tall vinyl fence has been extended to the 4' post and rail fencing.

- e. Revise the perimeter fence alignment around the infiltration basin to square it off and extend fence to the southwest and southeast building corners. Confirm gate width is adequately sized to admit maintenance equipment.

The proposed perimeter fencing around the infiltration basin has been revised to be squared off. There are two (2) – 5' wide gates proposed, for a total opening of 10' in width.

- f. Provide details or representative elevations for fencing.

A Post and Rail Fence & Gate Detail has been added to the plans. See sheet C-901 Construction Details.

LL 2-3.

Exterior lighting levels proposed for the parking lot are excessively high for the proposed retail use in a suburban land use setting. We recommend the lighting plan be revised to follow Illuminating Engineering Society (IES) guidelines for lighting exterior environments, as follows:

- a. Parking (uncovered): 0.5-3.0 footcandles (fc)
- b. Walkways: 0.5 fc-2.0 fc; 5.0 fc maximum
- c. Safety (building exterior): 0.5-2.0 fc
- d. LED luminaires shall have a correlated color temperature (CCT) of 3000K- 4000K

The site lighting photometric is currently being revised by the lighting vendor/designer and will be provided under a separate cover.

LL 2-4.

The lighting plan indicates there will be light spill along the north property line of up to 1.3fc immediately adjacent to the neighboring two-story residential structure. The lighting design shall be revised to prevent light spill no greater than 0.1 fc over side and rear property lines. Shielding may be needed for parking lot lights to block light spill over the property line.

The site lighting photometric is currently being revised by the lighting vendor/designer and will be provided under a separate cover.

LL 2-5.

Additionally, all exterior light fixtures should be cutoff or downlight type to reduce off-site light spill and the potential for glare conditions. Provide cutsheets or manufacturer's data for each type of exterior light fixture. Provide light pole base (foundation) details.

The site lighting photometric is currently being revised by the lighting vendor/designer and will be provided under a separate cover.

- LL 2-6. We recommend the lighting system include controls to dim or shut off exterior lights outside of normal business hours.

The site lighting photometric is currently being revised by the lighting vendor/designer and will be provided under a separate cover.

- LL 2-7. The concept building elevations show internally lit box signs on the north and west building faces. Elevations indicate a covered walkway along the north and west building faces. The building-mounted signs, any lighting proposed for the covered walkway, and lighting for the ground-mounted sign by others shall be included on the lighting plan.

The site lighting photometric is currently being revised by the lighting vendor/designer and will be provided under a separate cover.

Traffic and Circulation

- TR 2-1. Applicant has provided a site distance table and stage 1 of NYSDOT Permit 33 for Commercial Access has been accepted. Continued documentation shall be provided upon receipt. As stated in the Town comments previously, the applicant should provide a traffic study for an increase in traffic.

Comment acknowledged.

Stormwater Pollution Prevention Plan & Erosion and Sediment Control Plans

- SW 2-1. The SWPPP Shall be signed and stamped by a licensed Professional Engineer. Applicant to provide in future submission.

The SWPPP has been included within the submission for technical review, and a signed and sealed copy will follow.

- SW 2-2. Applicant to identify the project will not adversely affect an endangered or threatened species.

The site is not mapped within an endangered or threatened species per the U.S. Fish and Wildlife Services mapping. Refer to Appendix H of the SWPPP. The site is an open grass area with little other vegetation/habitat.

- SW 2-3. In Section X Applicant has indicated a receiving water is lake Flower, please clarify.

The SWPPP has been revised to remove this reference. Stormwater is designed to fully infiltrate within the proposed onsite stormwater management practice.

SW 2-4. In Section XI the project indicates the operator is Aubuchon Realty Company, Inc. but the plans and NOI indicate Primax Properties, LLC please clarify.

The SWPPP has been revised accordingly to reflect Primax Properties, LLC as the owner/operator.

SW 2-5. In the Applicants O&M Plan a bioretention is being called out, please revise.

The O&M Plan has been updated to indicate infiltration basin.

SW 2-6. Please include operation, maintenance and Management inspection checklist as indicated in the O&M Plan note 1.

The operation, maintenance, and management inspection checklist for Infiltration Basins has been included.

SW 2-7. It appears that in Section II of the Stormwater Management Report (SMR) the acreage for existing Watershed Area A does not match the value in the existing watershed Map. Please address.

The Stormwater Management Report has been updated to match the Existing Watershed Area A as shown on the watershed map.

SW 2-8. Applicant to provide flow paths/routings and design points to justify the 6-minute time of concentration for both existing and proposed watershed maps.

The Existing and Proposed Watershed Maps has been revised to show flow paths/routings and design points, as well as updated time of concentration values on the HydroCAD model. However, a 6-minute time of concentration value has been maintained for the Proposed Watershed Map and HydroCAD model as this is the required minimum value.

SW 2-9. In Section III of the SWR, the acreage for Watershed A-1 does not match the acreage in the watershed maps. Please address.

Watershed A-1 has been updated to match in the Stormwater Report and watershed map.

SW 2-10. The acreage for Subcatchment A-2 does not correspond with the Green Infrastructure sheet. Please update WQv value and corresponding locations throughout the report.

The acreage for Subcatchment A-2 (PR Watershed A-2) has been revised on the Green Infrastructure sheet to reflect the total watershed area. The WQv values have been updated accordingly as well.

SW 2-11. It appears that PR Watershed A-1 is not reflective based on the grades of what is flowing to the infiltration basin. Please update and revise accordingly.

PR Watershed A-1 is approximately 1.534 acres, which consists of the parking lot areas, sidewalk, landscaped areas such as the grassed swale and stormwater management basins. Stormwater runoff that drains north enters a grassed swale, which is then conveyed through a 12" HDPE culvert that enters the proposed stormwater management facilities.

SW 2-12. Per Chapter 6.3.1 of the NYS SMDM, infiltration basins must be setback 25 feet away from any structure, please address.

The infiltration basin has been revised to be 25' away from any structure. Refer to sheet C-401 Grading and Drainage Plan.

SW 2-13. Per chapter 6.3.3 of the NYS SMDM, a gravel strip is not included as a pretreatment device for an infiltration basin. Please address.

The proposed gravel strip has been removed. The intent for the gravel strip was to prevent erosion at the point discharge from the roof leaders. Roofwater does not contain sediment, debris, or trash and therefore does not require pretreatment. However, in lieu of removing the gravel strip, riprap has been added at each roof drain to prevent erosion as stormwater sheet flows into Infiltration Basin #2.

SW 2-14. Applicant to provide emergency overflow for proposed infiltration systems associated with the 10 year-design storm event as per Chapter 6.3.2 of the NYS SMDM.

The proposed Infiltration Basins have been designed so that stormwater runoff fully infiltrates within the infiltration basin and does not exceed the top of basin. Based on the HydroCAD design, for Infiltration Basin #1 – the 10-year storm event elevation is 345.00, while the top of the basin is 347.00. For Infiltration Basin #2, the 10-year storm event elevation is at 345.63, while the top of basin is 347.00. Based on this, stormwater is not anticipated to overtop the basins. As an additional measure we have added an overflow pipe from Basin #1 to Basin #2, and an emergency spillway on Basin #2.

SW 2-15. Per the NYS SWDM the forebay for the infiltration basin must be lined to demonstrate 100% pretreatment. Storage up to Elevation 346 must be counted as zero storage to demonstrate 100% pretreatment to entering infiltration basin. SW 2-16. It appears that a time of concentration of 0 minutes was used for Watershed A-2. Please advise, as the minimum concentration for all subcatchments is 6 minutes.

The proposed Sediment Basin has been updated to be lined to demonstrate 100% pretreatment. The time of concentration has been updated to 6 minutes for PR Watershed A-2.

BOHLER //

Town of Rotterdam
1100 Sunrise Boulevard
Rotterdam, NY 12306

June 4, 2024
Page 10 of 10

SW 2-17. Please update the Green Infrastructure worksheet based on the
aforementioned comments.

The Green Infrastructure worksheets have been revised accordingly.

SW 2-18. In sheet 4 of the Green Infrastructure worksheet calculation for RRV, it appears
that soils were indicated as C and D soils while the report expresses A soils.
Please revise.

**The Green Infrastructure worksheet calculate for RRV has been revised to indicate
HSG A soils.**

SW 2-19. Applicant to provide location, size and calculations for temporary sediment
basins as indicated in SWPPP Report.

**Temporary sediment basins calculations have been added to sheet C-801, Soil
Erosion and Sediment Control Plan.**

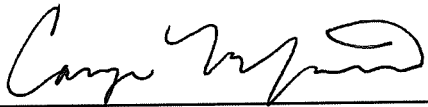
Conclusions and Recommendations

Based upon our review of the material submitted, the applicant should revise the plans and
reports to address our comments as well as addressing all comments from the Town.

Should you have any questions or any additional needs please do not hesitate to contact us at (518) 438-
9900.

Sincerely,

BOHLER



Caryn Mlodzianowski

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

Date: June 12, 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:	Emilio and Lynn Pennacchia 310 Trinacria Court Schenectady, NY 12303
---------------	--

Contract Vendee:	Primax Properties, LLC c/o Caryn Mlodzianowski Bohler Engineering 17 Computer Drive West Albany, NY 12205
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Location:	2945 Hamburg Street Rotterdam, NY 12303
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Tax Map Number(s):	59.19-1-7.1
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Action:	Site Plan review to construct a ±10,640 square foot Dollar General retail store on a ±2.24-acre parcel.
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Reasons Supporting This Determination:

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

The Department of Public Works for the Town of Rotterdam transmitted the application information to all involved and interested agencies for review on February 20, 2024. All comments and concerns have been addressed. The applicant has supplied an Environmental Assessment Form and the Planning Commission has or has caused to complete Part 2 of this checklist.

Primax Properties, LLC are working with Dollar General and proposing the redevelopment of land located at 2945 Hamburg Street in the Town of Rotterdam, Schenectady County, New York. The total property area is approximately ± 2.24 acres. The general area surrounding the site consists of both commercial and residential properties. The project site is currently vacant. The site was formerly occupied by a bowling alley that was demolished approximately 24 years ago. The existing site is currently cleared with an existing vegetative buffer in the rear of the property that is proposed to remain. Associated site improvements include grading, drainage, utilities, pavement, landscaping, fencing, access, and parking improvements.

The developer and the Town of Rotterdam entered into an agreement in March of 2024 to provide the town with funds for the appointment of a Town Designated Engineer (TDE) to assist the Planning Commission with the technical review of this project pursuant to 6 NYCRR 617 and Local Law. The project engineer completed additional investigative work and site design modification as requested by the Planning Commission, the NYS Department of Transportation, and the Town Designated Engineer. As set forth below, the Planning Commission has determined that the project will not result in significant adverse environmental impacts and that the preparation of an Environmental Impact Statement is therefore not necessary.

The Town of Rotterdam Planning Commission, as lead agency, has reviewed the Short Environmental Assessment Form Part One completed by the Project Sponsor along with supporting reports, studies and plans. The submitted plans, reports and studies include the following:

Plan sheets entitled, "Primax Properties LLC – 2945 Hamburg Street," dated November 21, 2023 and last revised June 4, 2024. The plans were reviewed by the Town Department of Public Works and the Town Designated Engineers with modifications made addressing any potential environmental impacts that were raised.

STORMWATER

A Stormwater Pollution Prevention Plan (SWPPP) and narrative dated was prepared by Bohler Engineering and submitted to the Town of Rotterdam describing the proposed on-site stormwater management facilities and their ability to convey, store, and recharge runoff.

Based upon comments from the TDE, a revised SWPPP report and narrative was submitted to the Town of Rotterdam on June 4, 2024 the TDE has determined that this report sufficiently addresses stormwater impacts associated with the redevelopment of this project site. The applicant will file a Notice of Intent with the New York State Department of Environmental

Conservation in order to gain coverage under the SPDES General Permit for stormwater discharges from construction activities for the project.

TRAFFIC

The property is located in the commercial corridor of State Route 146 (Hamburg Street) which was recently reconstructed with new sidewalks on both sides of the roadway. In addition, this property was provided with two curb cuts for access. NYSDOT commented on the proposed project in a letter dated March 19, 2024.

Vehicular Access:

1. The proposed development will close the existing southern curb cut and create one access point onto Hamburg Street. This action will improve safety in the area by reducing potential conflict points for both vehicles and pedestrians.

Pedestrian Access:

1. New sidewalk will be constructed on site with a pedestrian connection to the existing sidewalk on Hamburg Street. Sidewalks and pedestrian crosswalks will be provided throughout the site as shown on the site plan. At the request of the Planning Commission and NYSDOT a mid-block crosswalk shall be constructed crossing Hamburg Street which will assist in improving pedestrian safety and multi-modal connectivity.

The existing entrance at onto Hamburg Street has received conceptual approval from the New York State Department of Transportation and a permit for Utility/Non-Utility work will be issued prior to construction.

LIGHTING AND VISUAL IMPACTS

The project proposes to redevelop a site that has sat vacant for several years in the Hamburg Street commercial district of Rotterdam. The project will change the existing site into a newly constructed retail business with appropriate access drives, parking, sidewalks, and landscaping. In this respect, the project will have a positive visual impact.

In addition, based upon comments received on the initial proposed site lighting plan, the applicant reduced the site lighting on the site which is adjacent to residential units. After review at the May 7, 2024 Planning Commission meeting, the applicant was asked to revise the lighting plan and look to reduce the height and the kelvins of the proposed. A revised Site Illumination Plot Plan prepared by US LED and dated June 12, 2024 was submitted. This illumination plan was reviewed by the Planning Commission, TDE, and DPW to evaluate the proposed site lighting and any potential off-site impacts. This plan has been deemed acceptable and the Planning Commission has determined that the project will not result in significant adverse environmental impacts.

After a review of the modified application materials, Short Environmental Assessment Form, Stormwater Management Plan and comments received on this proposal, the Town of Rotterdam

Planning Commission 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 regularly scheduled Planning Commission Public Meeting held on June 18, 2024 at the Rotterdam Town Hall, 1100 Sunrise Boulevard, Rotterdam, NY 12306. Adoption of this negative declaration was moved by XXXXXXXXXXXX, seconded by XXXXXXXXXXXX and approved by the Rotterdam Planning Commission.

Kimberly Ricker Scannell
Planning Commission Chairman

Short Environmental Assessment Form
Part 1 - Project Information

RECEIVED

FEB 12 2024

Instructions for Completing

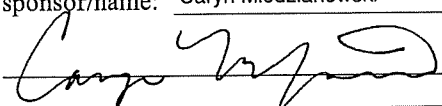
TOWN OF ROTTERDAM

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information				
Name of Action or Project: Proposed 10,640+/- square-foot Retail Store				
Project Location (describe, and attach a location map): 2945 Hamburg Street, Schenectady NY (Sec. 59.19, Block 1, Parcel 7.1)				
Brief Description of Proposed Action: A retail store is proposed on the 2.235-acre parcel along with an access to Hamburg Street, parking, landscaping, utilities, lighting, and stormwater management.				
Name of Applicant or Sponsor: Primax Properties, LLC c/o Bohler Engineering and Landscape Architecture NY, PLLC		Telephone: (518)-438-9900 E-Mail: cmlodzianowski@bohlereng.com		
Address: 17 Computer Drive West				
City/PO: Albany		State: NY	Zip Code: 12205	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO ☒	YES ☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Town Planning Board, Building Department, NYSDOT, Town water & sewer			NO ☐	YES ☒
3. a. Total acreage of the site of the proposed action? <u>2.235</u> acres b. Total acreage to be physically disturbed? <u>+/-1</u> acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? <u>2.235</u> acres				
4. Check all land uses that occur on, are adjoining or near the proposed action: 5. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☒ Commercial ☒ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☒ Other(Specify): Cemetery ☐ Parkland				

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	☐	☐	☒
b. Consistent with the adopted comprehensive plan?	☐	☐	☒
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO ☐	YES ☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO ☒	YES ☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO ☒	YES ☐	
b. Are public transportation services available at or near the site of the proposed action?	☐	☒	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☐	☒	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO ☐	YES ☒	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO ☐	YES ☒	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO ☐	YES ☒	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO ☒	YES ☐	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☒	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO ☒	YES ☐	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☒	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☒ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	☒	☐
16. Is the project site located in the 100-year flood plan?	NO	YES
	☒	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	☐	☒
a. Will storm water discharges flow to adjacent properties?	☒	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	☒	☐
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	☒	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	☒	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	☒	☐
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Caryn Mlodzianowski</u> Date: <u>02/08/2024</u> Signature: <u></u> Title: <u>Project Manager</u>		

Agency Use Only [If applicable]	
Project:	2945 Hamburg Street Dollar General
Date:	June 18, 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 small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	☒	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☒	☐
3. Will the proposed action impair the character or quality of the existing community?	☒	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☒	☐
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?	☒	☐
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?	☒	☐
7. Will the proposed action impact existing:	☒	☐
a. public / private water supplies?	☒	☐
b. public / private wastewater treatment utilities?	☒	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☒	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☒	☐
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☒	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☒	☐

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.

- ☐ 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.
- ☒ 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

June 18, 2024

Name of Lead Agency

Date

Kimberly Ricker Scannell

Chairman

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Peter Comenzo

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

ZONING COORDINATION REFERRAL

For Use By SCDEDP

SCHENECTADY COUNTY DEPT. OF ECONOMIC DEVELOPMENT & PLANNING

Recommendations shall be made within 30 days after receipt of a full statement of the proposed action.

Received 2-27-24
Case No. 15-7-24
Returned 3-13-24

FROM: ☐ Legislative Body
☐ Zoning Board of Appeals
☒ Planning Board

Municipality:
Town of Rotterdam

TO: Schenectady County Department of Economic Development and Planning
Schaffer Heights, 107 Nott Terrace, Suite 303
Schenectady, NY 12308

(tel.) 386-2225
(fax) 382-5539
Received
Schenectady County

ACTION: ☐ Zoning Code/Law Amendment
☐ Zoning Map Amendment
☐ Subdivision Review
☒ Site Plan Review

☐ Special Permit
☐ Use Variance
☐ Area Variance
☐ Other (specify) _____

FEB 27 2024

Economic Development
and Planning Dept.

PUBLIC HEARING OR MEETING DATE: March 19, 2024

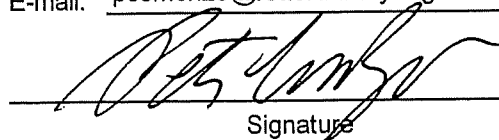
SUBJECT: Primax Properties, LLC (Contract Vendee) – 2945 Hamburg Street. Site Plan review to construct a ±10,640 square foot retail Dollar General store on a ±2.24-acre parcel. Engineer: Bohler Engineering.

REQUIRED ENCLOSURES: 1. Public hearing notice & copy of the application.
2. Map of property affected. (Including Tax Map I.D. number if available)
3. Completed environmental assessment form and all other materials required by the referring body in order to make its determination of significance pursuant to the state environmental quality review act.

1. This zoning case is forwarded to your office for review in compliance with Sections 239-l, 239-m and 239-n of Article 12-B of the General Municipal Law, New York State.
2. This material is sent to you for review and recommendation because the property affected by the proposed action is located within 500 feet of the following:
 - ☐ the boundary of any city, village or town;
 - ☐ the boundary of any existing or proposed County or State park or other recreation area;
 - ☐ the right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway;
 - ☐ the existing or proposed right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines;
 - ☐ the existing or proposed boundary of any County or State-owned land on which a public building or institution is situated;
 - ☐ the boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the agriculture and markets law. The referral requirement of this subparagraph shall not apply to the granting of area variances.

SUBMITTED BY:

Name: Peter Comenzo Title: Sr. Planner
Address: 1100 Sunrise Boulevard Schenectady, NY 12306
E-mail: pcomenzo@rotterdamny.org Phone: 518-355-7575 Ext 338


Signature

Date: 2 21 24



PLANNING & ZONING COORDINATION REFERRAL

Case No. R-07-24

Applicant Primax Properties, LLC

Referring Officer Peter Comenzo

Municipality Rotterdam

Considerations: Regarding a vacant 2.24 acre parcel, requesting site plan approval to construct a 10,640 SF retail Dollar General Store with 35 parking spaces plus 19 banked spaces. Located on the east side of Hamburg Street (SR 146) approximately .3 miles north of Curry Road and across from Fasula Blvd. Municipal water and sewer is proposed.

RECOMMENDATION

Receipt of zoning referral is acknowledged on February 27, 2024. Please be advised that the undersigned Commissioner of Economic Development and Planning of the County of Schenectady (having under the Schenectady County Charter the powers and duties of a County Planning Board) has reviewed the proposed action stated on the opposite side of this form and makes the following recommendations:

- ☐ *Approve of the proposal.
- ☒ Defer to local consideration (No significant county-wide or inter-community impact)
- ☐ Modify/Conditionally Approve. Conditions:

☒ **Advisory Note:**

The applicant should provide an elevation drawing of the building including exterior lighting, signage, siding, and exterior color details, to ensure that the buildings architecture is more residential in character and less of a boxy, blank appearance with breaks in the wall plane, varying roof lines, windows, etc. Any outdoor storage/display areas should be identified. Generally, the proposed landscaping seems sparse.

☐ Disapprove. Reason:

*A recommendation of approval should not be interpreted that the County has reviewed all local concerns and/or endorses the project; rather the proposed action has met certain County considerations.

Section 239-m of the general Municipal Law requires that within 30 days after final action, the referring body shall file a report of the final action it has taken with the Schenectady County Department of Economic Development and Planning. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.

3/11/24
Date

[Signature]
Ray Gillen, Commissioner
Economic Development and Planning



Department of Transportation

KATHY HOCHUL
Governor

MARIE THERESE DOMINGUEZ
Commissioner

MICHAEL G. ARTHUR, P.E.
Regional Director

March 19, 2024

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

RECEIVED

MAR 15 2024

TOWN OF ROTTERDAM
PUBLIC WORKS

Re: **SEQR: Ref number N/A**
Rotterdam Retail Space NY Route 146
294 Hamburg Street
Rotterdam, NY

Dear Mr. Comenzo:

The New York State Department of Transportation has reviewed the SEQR documentation received per the correspondence dated **February 12, 2024**, and offers the following:

1. The NYSDOT acknowledges the **Town of Rotterdam Planning Board** will be designated as the Lead Agency for this environmental review. NYSDOT believes we are an **Involved** agency under SEQR as the project abuts NYS Route 146.
2. The Town's 2022 Comprehensive Plan considers Route 146 a "key transportation corridor", which the proposed project is adjacent to. The Plan further identifies the Route 146 corridor as having "opportunities for infill development." The proposed project includes adding a retail store on a 2.23-acre parcel in a compact mixed-use area of the Town. We concur that the project is consistent with the Town's Comprehensive Plan and current mixed-use development pattern. The project area has sidewalks on either side of the state route.
3. In the Route 146 corridor between Curry Road and Alpine Street there is a roughly 0.6-mile gap between the two nearest crosswalks. As the southern curb cut for the parcel will be eliminated, there exists an opportunity to examine the potential for a mid-block crosswalk at this location. As there are several CDTA bus stops serving the area, a mid-block crosswalk could potentially assist in improving pedestrian safety and multimodal connectivity.

4. NYSDOT has received the site plan application, letter to NYSDOT, site plan checklist, property covenant, and SEQR application.
5. Please note that NYSDOT does not allow new development to discharge stormwater into the highway stormwater management system.
6. A NYSDOT Highway Work Permit (PERM 33-com) will be necessary for any work within the State right-of-way along Route 146.
7. In anticipation of the Highway Work Permit, a Traffic Impact Study may be required.
8. A PERM 32 NYSDOT permit application will be required for any utility work in the NYSDOT right-of-way. Please submit documentation the Town will take ownership of any proposed utilities in NYSDOT right-of-way.

If you have any questions pertaining to the Utility Permit process or requirements, please contact Matt Haggerty at Matt.Haggerty@dot.ny.gov or 518-461-3669. For questions about the Highway Work Permit process and requirements, contact Guy Tedesco, Regional Permit Engineer Gaetano.Tedesco@dot.ny.gov or 518-457-9934).

Sincerely,



Robert E. Rice Jr, P.E.
Regional Program and Planning Manager

cc: Guy Tedesco, Region 1 Traffic
Matt Haggerty, Region 1 Construction
Chad Corbett, Region 1 Schenectady County
Tanya Thorne, Region 1 Design

DPW Comments
June 18, 2024

4. **Bernice & Earl Avery – 774 & 778 Duanesburg Road.** Report and Recommendation to the Town Board on a Change of Zone from Agricultural (A-1) to General Business (B-2) for the construction of a ±22,000 square foot retail store on a combined ±14.02-acre parcel. Engineer: Bohler Engineering.
1. This Change of Zone request was forwarded by the Town Board to the Planning Commission for a report and recommendation on June 12, 2024.

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
New York State Department of Transportation – Audrey Burneson (cc Guy Tedesco & Chad Corbett on notice)
United States Department of Army, Corps of Engineers
Metrolplex Development Authority
Fire District #6
Schalmont School District



TOWN OF ROTTERDAM CHANGE OF ZONE APPLICATION

Application Fee \$1,000

Existing Zone Classification: A-1 Agricultural Zone

Proposed Zone Classification: B-2 General Business Zone

PART II GENERAL INFORMATION

Legal Owner's Name: Bernice V. & Earl B. Avery
Mailing Address: 774 Duanesburg Road
City: Rotterdam State: NY Zip: 12306
Daytime Phone: _____ E-mail: _____

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

Owner's Designated Contact: Adam Sellner - Primax Properties, LLC

Mailing Address: 1100 East Morehead St
City: Charlotte State: NC Zip: 28204
Daytime Phone: 704-954-7224 E-mail: asellner@primaxproperties.com
Project/Proposal Site Area: (Acres or sq. ft.) 14.02 acres
Assessor Tax Parcel No.(s) of Site: 57-3-6.1 & 57.7-1-14
Adjacent Parcels Owned or Controlled and Tax Map Parcel No: (Acres or sq. ft.) _____

Street Address of Proposed Site (if any): 774-778 Duanesburg Road, Rotterdam, NY

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

Lot 57-3-6.1 is vacant containing one existing vacant dwelling;

while Lot 57.7-1-14 contains a single family home

School District: Schalmont

Fire District: FD600 - Fire District 6

Water Supply: CW500 Water District 5

LEGAL INFORMATION

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

The site is located approximately ±2,660 feet east from the Becker Road and
Duanesburg Road intersection, and ±800 feet west of where Duanesburg Road
crosses over I-90

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

Width of Property Fronting on the Existing Public Road in Linear Feet: 381 ft

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

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

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

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

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

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

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

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

The subject parcel is adjacent to the existing B-2 General Business zone and would be a continuation of that zone to fit in. This parcel is within the New York State Route 7 Gateway, and a change of zone would help support the development in line with the goals of the comprehensive plan.

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

UTILITIES

Proposed Source of Water:

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

Proposed Means of Sewage Disposal:

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

PART III

SURVEYOR/ARCHITECT/ENGINEER VERIFICATION

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

Signed: [Signature]
Address: 323 CLINTON ST
SCHENECTADY NY 12305

Date: 5/16/24
Phone: 518 346 1595
Zip: 12305

Signed: [Signature]
Address: 17 Computer Drive West
Albany, NY 12205

Date: 05/17/24
Phone: 518-438-9900
Zip: 12205

PLEASE AFFIX SURVEYOR/ARCHITECT/ENGINEER SEAL HERE



LEGAL OWNER SIGNATURE

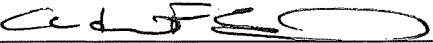
(Signature of legal owner or representative as authorized by legal owner)

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.

Primax Properties, LLC c/o Bohler Engineering
Name: and Landscape Architecture NY, PLLC
Address: 17 Computer Drive West
Albany, NY

Date: 05/14/2024
Phone: 518-438-9900
Zip: 12205


Signature of applicant or representative

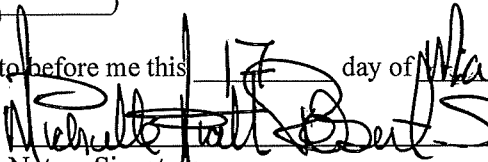
05/14/2024
Date

NOTARY

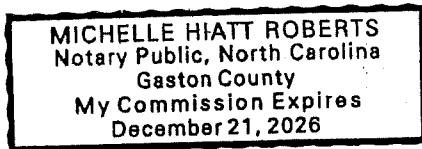
North Carolina
STATE OF ~~NEW YORK~~ ss:
COUNTY OF Gaston

SUBSCRIBED AND SWORN to before me this 17 day of May, 2024

NOTARY SEAL


Notary Signature

Notary Public in and for the State of ~~New York~~ North Carolina
Residing at: 689 Tracy Lane, Gastonia NC 28056
My appointment expires: 5/6/26



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, Gail Hanna, Executive, being duly sworn declare that I am the

(PROPERTY OWNER)

Change of Zone
and

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

Tax Parcel Number(s): 57-3-6.1 & 57.7-1-14

I hereby grant Primax Properties, LLC and/or their agent(s) to act on my behalf.

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

Signature (Authorized Representative): Primax Properties, LLC c/o Bohler Engineering
and Landscape Architecture NY, PLLC

Gail Hanna,
Executive

Date: 05/14/2024

NOTARY

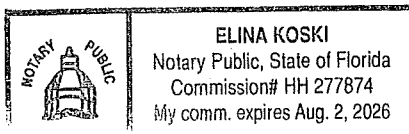
STATE OF ~~NEW YORK~~ ss:

COUNTY OF St. Lucie

SUBSCRIBED AND SWORN to before me this 30 day of May, 2024

NOTARY SEAL

[Signature]
Notary Signature



Notary Public in and for the State of New York Florida
Residing at: St. Lucie
My appointment expires: 8/2/26

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

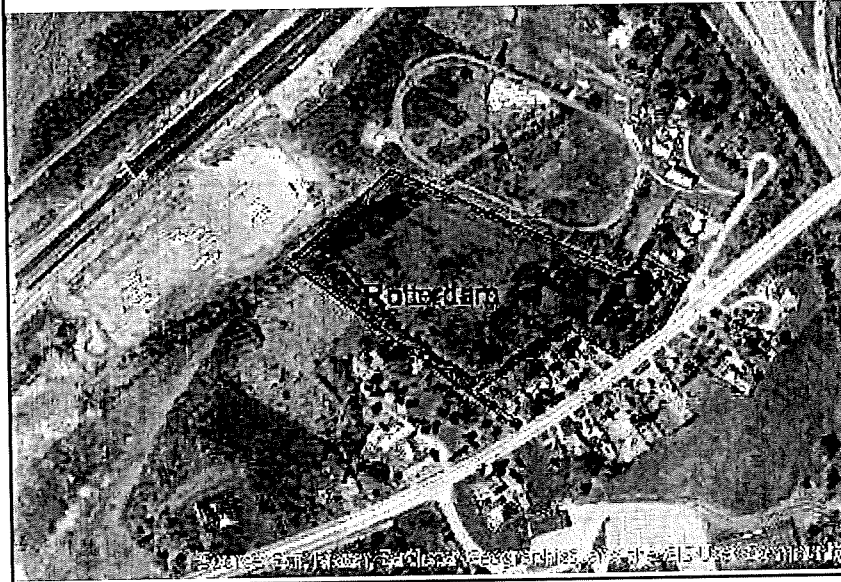
Part 1 – Project and Sponsor Information			
Name of Action or Project: Proposed Change of Zone & Retail Store			
Project Location (describe, and attach a location map): 774-778 Duanesburg Road, Town of Rotterdam, Schenectady County, NY			
Brief Description of Proposed Action: The site is currently zoned as A-1 Agricultural zone, and a change of zone to B-2 General Business Zone is proposed. The proposed development consists of a retail building of approximately 22,000 SF±. Associated car parking, landscaping, lighting, utilities, stormwater management facilities, and other site appurtenances are also proposed.			
Name of Applicant or Sponsor: Primax Properties, LLC c/o Bohler Engineering and Landscape Architecture NY, PLLC		Telephone: 518-438-9900 E-Mail: cmlodzianowski@bohlereng.com	
Address: 17 Computer Drive West			
City/PO: Albany		State: NY	Zip Code: 12205
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO ☒	YES ☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Town Planning Board, Town Board, Building Dept, NYSDOT, Town Water & Sewer, NYSDEC, Schenectady County Environmental Health		NO ☐	YES ☒
3. a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		14.02 acres ±5.00 acres 14.02 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☒ Commercial ☒ Residential (suburban) ☐ Forest ☒ Agriculture ☐ Aquatic ☐ Other(Specify): ☐ Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☒	☐	☐
b. Consistent with the adopted comprehensive plan?	☐	☒	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	☒	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	☒	☐	
b. Are public transportation services available at or near the site of the proposed action?	☒	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☒	☐	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	☐	☒	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	☐	☒	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ septic system _____	☒	☐	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	☒	☐	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☐	☒	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	☐	☒	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☒	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

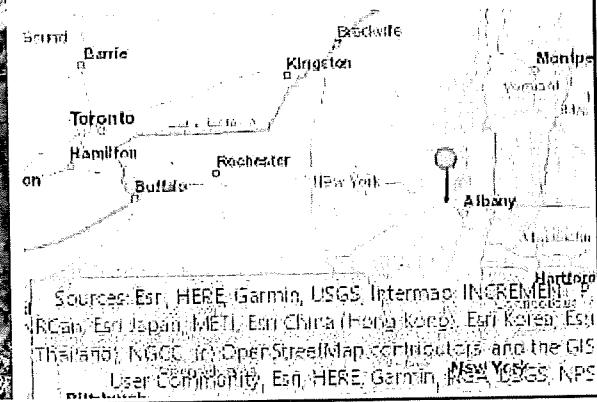
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☒ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☒ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	☒	☐
16. Is the project site located in the 100-year flood plan?	NO	YES
	☒	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
a. Will storm water discharges flow to adjacent properties?	☒	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	☐	☒
If Yes, briefly describe: _____ On-site stormwater management area and storm drains along the road _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ retention pond	NO	YES
	☐	☒
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	☒	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	☒	☐
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Caryn Młodzianowski</u> Date: <u>05/17/2024</u> Signature: <u></u> Title: <u>Project Manager</u>		

EAF Mapper Summary Report

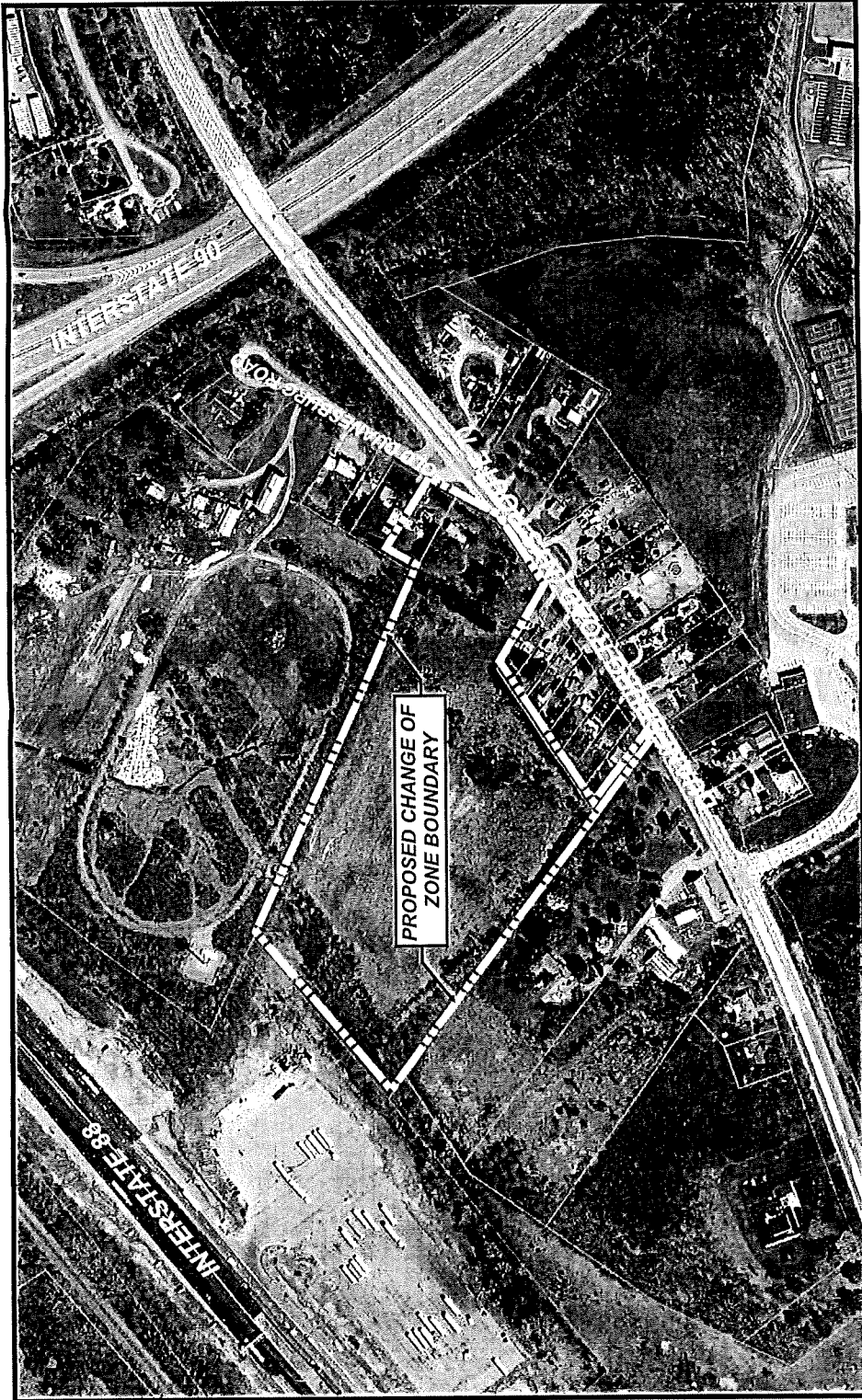
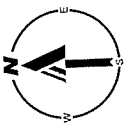
Friday, May 17, 2024 1:31 PM



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No



**774-778 DUANESBURG ROAD (NYS ROUTE 7)
TOWN OF ROTTERDAM
SCHENECTADY COUNTY, NEW YORK**

PREPARED BY

BOHLER //

17 COMPUTER DRIVE WEST
ALBANY, NY 12205
Phone: (518) 438-8900
Fax: (518) 438-0900
www.bohlerengineering.com

DPW Comments
June 18, 2024

5. **Carmine Petti & Frank Audino – 1725 Tower Avenue.** Report and Recommendation to the Town Board on a Change of Zone from General Business (B-2) to Multi-Family Residential (R-3) for the conversion of existing building containing two (2) businesses to two (2) apartments and two (2) existing apartments to remain for a total of four (4) apartments on a ±0.156-acre parcel. Engineer: ABD Engineers.
1. This Change of Zone request was forwarded by the Town Board to the Planning Commission for a report and recommendation on June 12, 2024.

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
Rotterdam Highway Department
Rotterdam Police Department
Fire District #2
Mohonasen School District

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MAY 23 2024

TOWN OF ROTTERDAM
PUBLIC WORKS



TOWN OF ROTTERDAM CHANGE OF ZONE APPLICATION

Application Fee \$1,000

Existing Zone Classification: B-2

Proposed Zone Classification: R-3

PART II GENERAL INFORMATION

Legal Owner's Name: Carmine Petti and Frank Audino
Mailing Address: 524 Russel Road
City: Albany State: NY Zip: 12203
Daytime Phone: _____ E-mail: _____

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

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

Mailing Address: 411 Union Street
City: Schenectady State: NY Zip: 12305
Daytime Phone: 518-377-0315 E-mail: luigi@abdeng.com
Project/Proposal Site Area: (Acres or sq. ft.) 6,816 SF
Assessor Tax Parcel No.(s) of Site: 59.09-7-6.2
Adjacent Parcels Owned or Controlled and Tax Map Parcel No: (Acres or sq. ft.) 22, 500 SF, 59.9-7-4.1

Street Address of Proposed Site (if any): 1725 Tower Street

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

The existing site is a mixed use commercial/residential building.

School District: Mohanasen

Fire District: 2

Water Supply: Rotterdam

LEGAL INFORMATION

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

The site is 170 feet down Tower Street from the intersection of Tower Street and Altamont Avenue.

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

Width of Property Fronting on the Existing Public Road in Linear Feet: 71 feet

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

() Yes

(☒) No

Name(s) of Arterial Road(s):

A legal description of the proposed site must be attached:

(X) Yes

() No

A copy of the assessor's map of the proposed site must be attached:

(X) Yes

() No

A copy of the most current deed(s) of the proposed site must be attached:

(X) Yes

() No

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

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

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

The parcel is located on a side street that is zoned residential and not suited for heavy commercial traffic.

The site is also near condominiums and multifamily projects. The site has off street parking and access to water, sewer, gas and other utilities.

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

UTILITIES

Proposed Source of Water:

☐ Individual Wells ☒ Public System ☐ Private Community System
☐ Other, please describe _____

Proposed Means of Sewage Disposal:

☒ Public Sewer ☐ Dry Sewer ☐ Community System ☐
Septic Tank & Leachfield ☐ Other, please describe _____

PART III

SURVEYOR/ARCHITECT/ENGINEER VERIFICATION

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

Signed: *Luigi A. Palleschi*
Address: 411 Union Street, Schenectady, NY 12305

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

PLEASE AFFIX SURVEYOR/ARCHITECT/ENGINEER SEAL HERE



LEGAL OWNER SIGNATURE

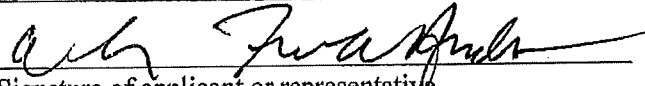
(Signature of legal owner or representative as authorized by legal owner)

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

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

Name: Carmine Petti and Frank Audino
Address: 524 Russel Road, Albany, NY

Date: July 25, 2023
Phone: _____
Zip: 12203


Signature of applicant or representative

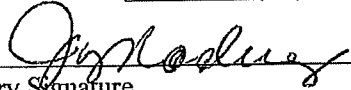
7-26-23
Date

NOTARY

STATE OF NEW YORK) ss:
COUNTY OF Albany)

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

NOTARY SEAL


Notary Signature

Notary Public in and for the State of New York
Residing at: 501 Newkammer, Colonie NY 12205
My appointment expires: 10/1/2024

JOYA. RODRIGUEZ
Notary Public, State of New York
Rensselaer County #01RO6269591
Commission Expires Oct. 1, 2024

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, Carmine Petti and Frank Audino, being duly sworn declare that I am the
(PROPERTY OWNER)

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

Tax Parcel Number(s): 59.09-7-6.2

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

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

Signature (Authorized Representative): C. Petti Frank Audino

Date: 7-26-23

NOTARY

STATE OF NEW YORK ss:

COUNTY OF Albany

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

NOTARY SEAL

Joy Rodriguez
Notary Signature

Notary Public in and for the State of New York

Residing at:

My appointment expires:

501 New Parnell Rd, Colton NY 12205
10/1/24

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MAY 23 2024

DESCRIPTION OF LAND
PROPOSED ZONE CHANGE

TOWN OF ROTTERDAM
PUBLIC WORKS

BEGINNING at a point in the westerly road boundary of Tower Street at its intersection with the division line between Lands N/F of Home and City Savings Bank as described in Liber 954 of Deeds at Page 123 on the north and Lands N/F of Frank Audino and Carmine Petti as described in Liber 2073 of Deeds at Page 19 on the south; thence along said westerly road boundary of Tower Street South 00° 00' 00" East, 71.00 Feet to a point at its intersection with the division line between the aforementioned Lands of Audino and Petti on the north and other Lands N/F of Frank Audino and Carmine Petti on the south; thence along said division line South 90° 00' 00" West, 96.00 Feet to a point in the aforementioned division line between Lands of Home and City Savings Bank and Audino; thence along said division line the following two (2) courses and distances:

1. North 00° 00' 00" West, 71.00 Feet to a point; thence
2. South 90° 00' 00" East, 96.00 Feet to the point and place of beginning and containing 0.16 acres of land more or less.

SCHEDULE A - LEGAL DESCRIPTION

1725 Tower Street - SBL # 59.9-7-6.2

ALL that tract, piece or parcel of land situate in the Town of Rotterdam, Schenectady County, New York lying along the westerly margin of Tower Avenue, Southerly of Altamont Avenue and being more particularly bounded and described as follows:

BEGINNING at a point on the Westerly margin of Tower Avenue; said point being in the division line between Lot No. 274 and 275 as shown on a map entitled "Map of Lots Belonging to Martin Hamm, Hamm's Corners, Town of Rotterdam, Schenectady County, State of New York", dated July 1, 1903, by William Gifford and filed in the office of Schenectady County Clerk and runs thence along said division line, North 90 deg. 00 min. 00 sec. West 96.00 feet to a point; thence through Lots Nos. 274 and 273 as shown on said map the following two (2) courses: 1) North 00 deg. 00 min. 00 sec. East 71 feet to a point; and thence 2) South 90 deg. 00 min. 00 sec. East 96.00 feet to a point in the Westerly margin of Tower Avenue; thence along said westerly margin, South 00 deg. 00 min. 00 sec. West 71.00 feet to the point or place of beginning, containing 0.16 +/- acres of land.

1727 Tower Street Parcel - SBL # 59.9-7-4.1

ALL THOSE CERTAIN LOTS, PIECES OR PARCELS OF LAND, with the buildings thereon, if any, situate, lying and being in the Town of Rotterdam, County of Schenectady and State of New York; known and distinguished on a map entitled "Map of Lots belonging to Martin Ham, Hams Corners, Town of Rotterdam, County of Schenectady, State of New York, July 1st, 1903" and filed in the office of the Clerk of Schenectady County as Lots Nos. 275 and 276, together bounded and described as follows: EASTERLY and in front by Tower Street, as designed on said map, Seventy-two (72) feet along the same; NORTHERLY by Lot No. 274, as designated on said map, One Hundred Twenty-five (125) feet along the same; SOUTHERLY by Lot No. 277, as designated on said map, One Hundred Twenty-five (125) feet along the same; and WESTERLY by Lots Nos. 327 and 328, as designated on said map, Seventy-two (72) feet along the same.

ALSO, ALL THOSE CERTAIN LOTS, PIECES OR PARCELS OF LAND, situate in the Town of Rotterdam, County of Schenectady and State of New York, known and distinguished on Map of building lots made by William Gifford, Surveyor, for Martin Ham, dated July 1st, 1903 and filed in the Schenectady County Clerk's Office on July 1st, 1903, and known and distinguished as Lots Nos. 327 and 328 and 329, on said map, to which said map reference is hereby made for a more particular description.

RECEIVED

MAY 23 2024

TOWN OF ROTTERDAM
PUBLIC WORKS

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: 1725 Tower Street Multifamily Conversion			
Project Location (describe, and attach a location map): 1725 Tower Street, Rotterdam, NY 12306			
Brief Description of Proposed Action: The Applicant is proposing to convert the existing building to entirely apartments. The existing structure would than contain 4 apartments. No site improvements are needed. Public sewer and water connections exist as well as a parking lot to accommodate it's needs.			
Name of Applicant or Sponsor: Carmine Petti and Frank Audino		Telephone: E-Mail:	
Address: 524 Russell Road			
City/PO: Albany		State: NY	Zip Code: 12203
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO ☒	YES ☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Planning Commission		NO ☐	YES ☒
3. a. Total acreage of the site of the proposed action?		0.15 acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.52 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. ☒ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☒ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify): ☐ Parkland			

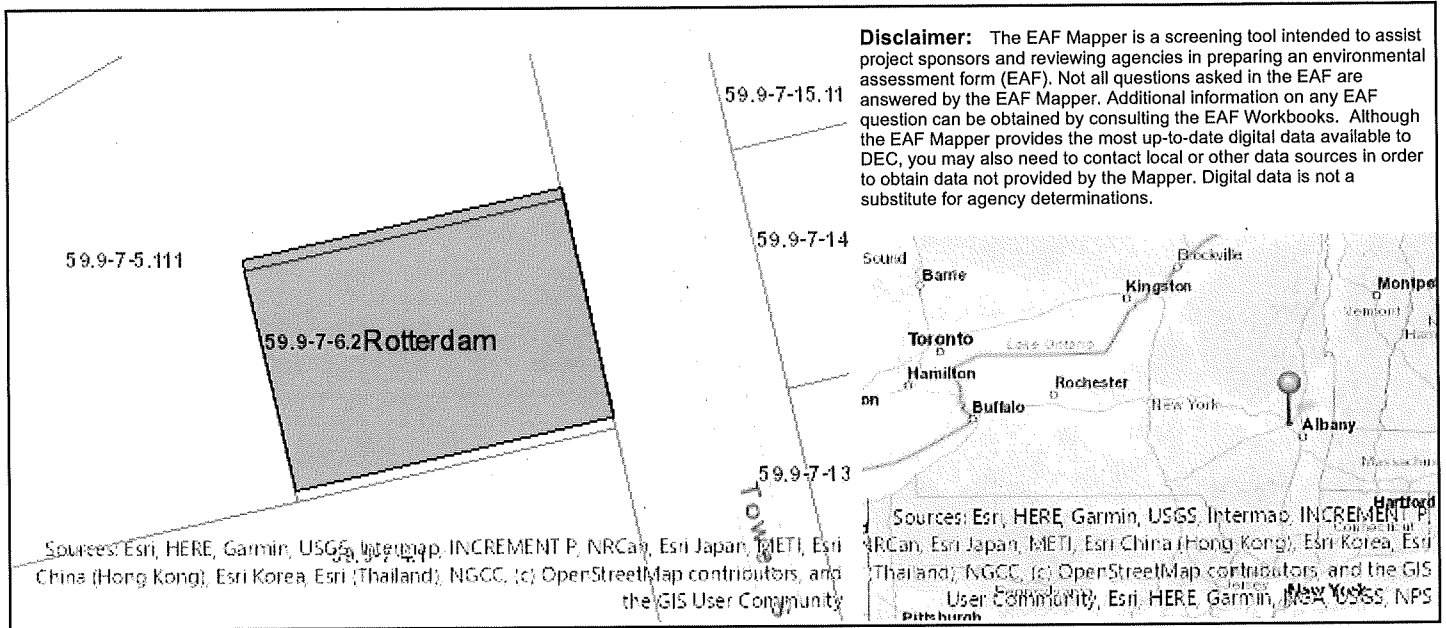
5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☐	☒	☐
b. Consistent with the adopted comprehensive plan?	☐	☒	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO ☐	YES ☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO ☒	YES ☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO ☒	YES ☐	
b. Are public transportation services available at or near the site of the proposed action?	☐	☒	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☐	☒	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO ☐	YES ☒	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO ☐	YES ☒	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO ☐	YES ☒	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO ☒	YES ☐	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☒	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO ☐	YES ☒	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☒	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☒ Urban ☐ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	☒	☐
16. Is the project site located in the 100-year flood plan?	NO	YES
	☒	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	☒	☐
a. Will storm water discharges flow to adjacent properties?	☐	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	☐	☐

18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	☒	☐

19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	☒	☐

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	☐	☒
V00649, 447031 1911 Curry Road currently is used as a gas station and is being monitored.		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Luigi A. Palleschi, P.E., ABD Engineers & Surveyors, LLP</u> Date: <u>May 28, 2024</u>		
Signature: _____ Title: <u>Professional Engineer</u>		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes

DPW Comments
June 18, 2024

6. **Stewarts Shops Corp – Highbridge Road.** Conceptual Site Plan/Special Use Permit review for the construction of a ±3,975 square foot Stewarts with three (3) fueling islands on a consolidated ±2.23-acre parcel. Engineer: Scott Edward Kitchner PE
1. Change of Zone to General Business (B-2) was granted by the Town Board on May 22, 2024.
 2. The Town has been utilizing GPI as the TDE to assist with the review of this project.
 3. Explain the elimination of the 4th fueling island from the original sketch plan. DPW has concerns for the elimination of these spaces and potential back-up at the pumps if customers choose to go into the store.
 4. DPW has previously recommended relocating the store to the corner of Sherman and Highbridge to eliminate the pumps, canopy, and parking being the dominant feature of the site (See attached).
 5. Canopy and pump islands should be detailed and suggest that they match the stone veneer on the building.
 6. Fencing along Sherman and Highbridge should match the Stewarts recently constructed on Guilderland Avenue with decorative fence and pilasters matching the building.
 7. Fencing along Mercer should be changed from stockade to white vinyl.
 8. Planning Commission should discuss the proposed undeveloped area on Sherman Street. Lot is very overgrown with some less than desirable species of trees, some that are very large.
 9. Need to coordinate the curb cut location and pedestrian improvements onto Highbridge Road with Schenectady County.

SEQR Requirement: 6 NYCRR 617 Unlisted Action. Rotterdam Town Board issued a Negative Declaration on May 22, 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
Rotterdam Highway Department
Rotterdam Police Department
Metroplex Development Authority
Fire District #3
Mohonasen Central School District

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: Estate of Benjamin and Philomena Valentine

Mailing Address: 3013 Kirvin Lane

City: Schenectay State: New York Zip: 12306

Mike Mullaney, Esq.
Daytime Phone: (518) 459-2100 E-mail: mmullaney@pierrolaw.com

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: Stewart's Shops Corp.

Mailing Address: P.O. Box 435

City: Saratoga Springs State: NY Zip: 12866

Daytime Phone: (518) 581-1201 ext 4435 E-mail: cmarshall@stewartsshops.com

Project/Proposal Site Area (Acres or sq. ft.): _____

Assessor Tax Parcel No.(s) of Proposal Site: 59.16-2-40.1,40.2,9.1,9.2,10

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): 1100 Highbridge Road

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

Stewart's Shop convenience store with self-serve gasoline filling

Existing Zoning Classification: B-2

School District: Mohonasen

Fire District: Rotterdam 3

Water Supply Public

LEGAL INFORMATION

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

Name of public road (s) providing access: Highbridge Road and Sherman

Width of property fronting on public road: Highbridge: 250' Sherman St: 259' Mercer: 122'

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):

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

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.

FILL OUT FOR SPECIAL USE PERMIT APPROVAL ONLY (§ 270-167)

(Failure to answer all of these questions completely may result in denial of the special use permit)

- (1) Is the establishment, maintenance or operation of the special use detrimental to or an endangerment to the public health, safety, morals, convenience or general welfare? If not, please explain:

The Rotterdam Town Board recently undertook a SEQRA evaluation which and zone change which evaluated similar criteria and it was determined that there was no endangerment to public welfare. Additionally, Stewart's operates several other stores with in similar instances throughout the town with no adverse impacts.

- (2) Is the special use injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and does it substantially diminish and impair property values within the neighborhood? If not, please explain:

Because of the other locations throughout the town, use is unlikely to be injurious.

- (3) Does the establishment of the special use impede the normal and orderly development and improvement of the surrounding property? If not, please explain:

The land surrounding the property is already developed and will not alter the essential character of the neighborhood.

- (4) Have adequate utilities, access roads, drainage and/or necessary facilities been or are being provided? If yes, please explain:

The septic system has not been design but other infrastructure components analyzed.

- (5) Have adequate measures been or will be taken to provide ingress or egress as to minimize traffic congestion in the public street? If yes, please explain:

The access configuration would have to be discussed with Schenectady County as Highbridge Rd is a county highway, otherwise the access seems appropriate with findings in submitted traffic study.

If you have any additional comments, please attach them on a separate sheet of paper.

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.

Estate of Benjamin Valentine
Name: Anthony Valentine, Executor
Address: 3013 Kirvin Lane
Schenectady, NY 12306

Date: January 4, 2024
Phone: 518-356-3781
Zip: 12306

Anthony Valentine EXEC
Signature of applicant or representative

January 4, 2023
Date

NOTARY

STATE OF NEW YORK ss:
COUNTY OF Schenectady

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

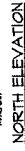
NOTARY SEAL

Michael P. Mullaney
Notary Signature

Notary Public in and for the State of New York MICHAEL P. MULLANEY
Residing at: _____ Notary Public, State of New York
My appointment expires: _____ Qualified in Schenectady County
Reg. No. #607603
Commission Expires Jan. 31, 2026

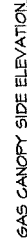
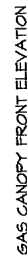
PLEASE AFFIX NOTARY SEAL HERE

1098 HIGHBRIDGE ROAD - SCHENECTADY (T/ ROTTERDAM), NY 12303

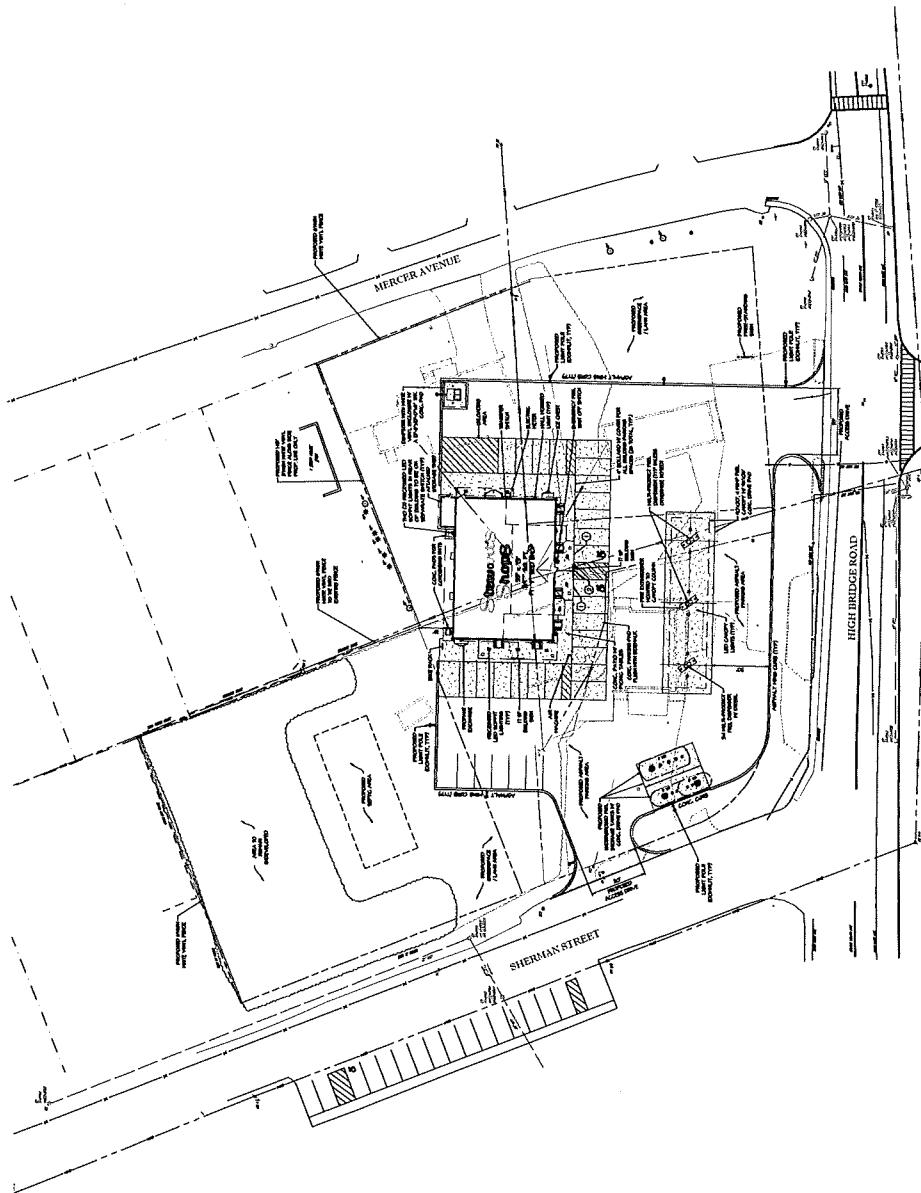


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- SIZE:
 - 17 1/2" HT.
- LETTERS:
 - 18" MESSALAS FACE ON 4-1/2" THICK CAN
- ILLUMINATION:
 - INTERNALLY ILLUMINATED WITH LED LIGHTING
 - BURGUNDY LETTERS
 - WHITE COLOR BACKGROUND

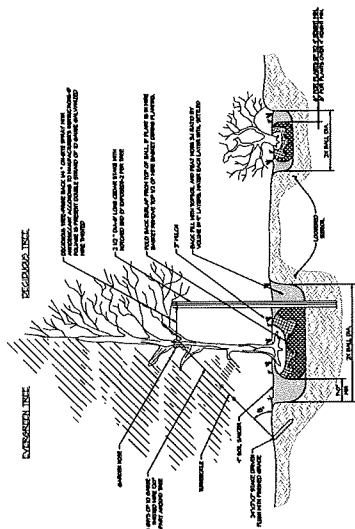
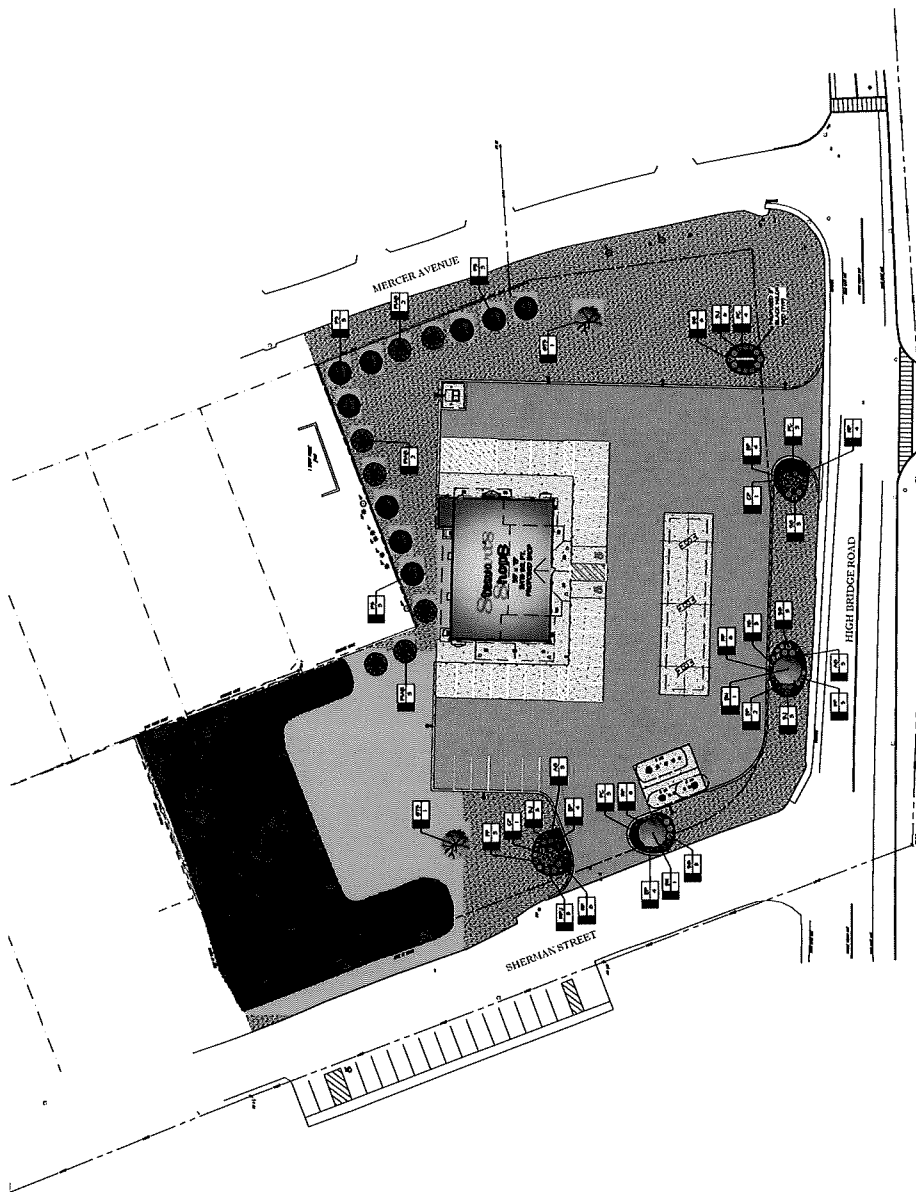


		ATTENTION: To be successful, you must be a resident of the City of New York, and must be a member of the Chamber of Commerce.	
NEW YORK, CHAMBER OF COMMERCE, INC. 1010 HIGHERIDGE ROAD - HERB - 400		HIGH RIDGE ROAD - SENECACTADY (NY) ROTTERDAM, NY 12503	
DATE MONTH DAY	RECEIVED FROM THE NEW YORK CHAMBER OF COMMERCE	 STEWART'S SHOPS INC. 170 SENECACTADY RD. ROTTERDAM, NY 12503	
FROM NAME, ADDRESS AND NO.		TO NAME, ADDRESS AND NO.	
TITLE		TITLE	
SIGNATURE		SIGNATURE	
PRINTED NAME		PRINTED NAME	
ADDRESS		ADDRESS	
CITY		CITY	
STATE		STATE	
ZIP CODE		ZIP CODE	
PHONE NO.		PHONE NO.	
FAX NO.		FAX NO.	
E-MAIL ADDRESS		E-MAIL ADDRESS	
COMMENTS		COMMENTS	

[illegible]

1. **RECEIVED** (OPTIONAL) This is a standard 100 MHz VHF receiver with a 100 kHz bandwidth. It is used to receive the 100 MHz VHF signal from the transmitter. It is also used to receive the 100 MHz VHF signal from the receiver.
2. **RECEIVED** (OPTIONAL) This is a standard 100 MHz VHF receiver with a 100 kHz bandwidth. It is used to receive the 100 MHz VHF signal from the transmitter. It is also used to receive the 100 MHz VHF signal from the receiver.

PERMIT NO. <u> </u> DATE <u> </u>	
	
PROJECT NO. <u> </u> PROJECT NAME <u> </u> PROJECT ADDRESS <u> </u> PROJECT CITY <u> </u> PROJECT STATE <u> </u> PROJECT ZIP <u> </u> PROJECT PHONE <u> </u> PROJECT FAX <u> </u> PROJECT E-MAIL <u> </u> PROJECT WEBSITE <u> </u> PROJECT DESCRIPTION <u> </u> PROJECT STATUS <u> </u> PROJECT TYPE <u> </u> PROJECT CLASS <u> </u> PROJECT SUBCLASS <u> </u> PROJECT CATEGORY <u> </u> PROJECT SUBCATEGORY <u> </u> PROJECT DIVISION <u> </u> PROJECT SUBDIVISION <u> </u> PROJECT TRADE <u> </u> PROJECT SUBTRADE <u> </u> PROJECT SPECIALTY <u> </u> PROJECT SUBSPECIALTY <u> </u> PROJECT EQUIPMENT <u> </u> PROJECT SUBEQUIPMENT <u> </u> PROJECT MATERIAL <u> </u> PROJECT SUBMATERIAL <u> </u> PROJECT FINISH <u> </u> PROJECT SUBFINISH <u> </u> PROJECT COLOR <u> </u> PROJECT SUBCOLOR <u> </u> PROJECT PATTERN <u> </u> PROJECT SUBPATTERN <u> </u> PROJECT TEXTURE <u> </u> PROJECT SUBTEXTURE <u> </u> PROJECT GLASS <u> </u> PROJECT SUBGLASS <u> </u> PROJECT METAL <u> </u> PROJECT SUBMETAL <u> </u> PROJECT WOOD <u> 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SCALE K75

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Provide Vinyl Privacy Fencing

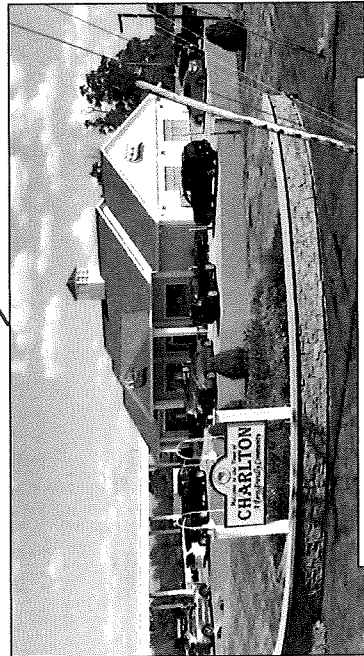
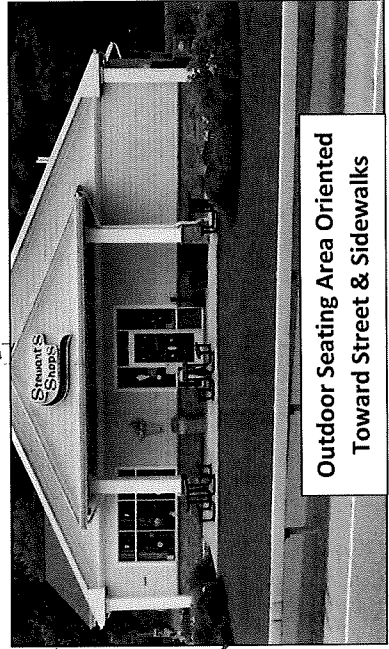
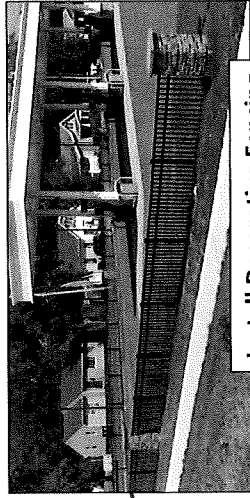
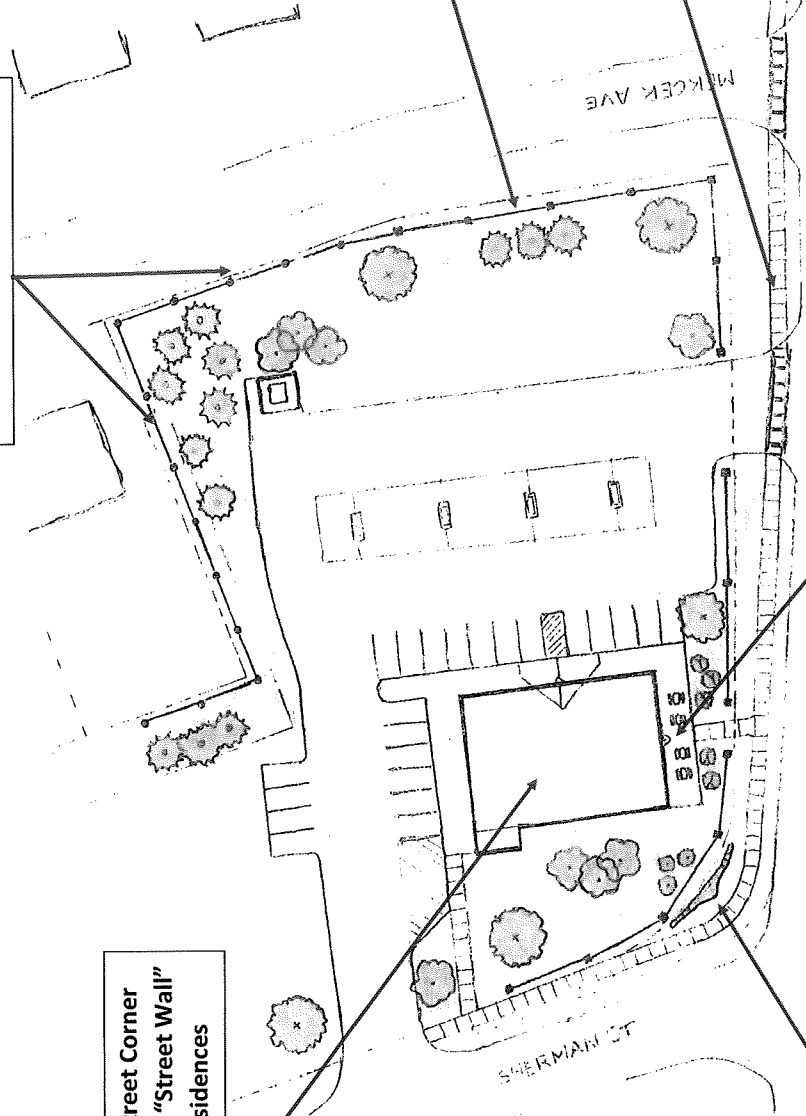
Reorient Building to the Street Corner
Maintain Existing Building "Street Wall"
Increase Distance from Residences

Install Decorative Fencing

Install Sidewalks & Direct
Connection to Building

Outdoor Seating Area Oriented
Toward Street & Sidewalks

Provide Neighborhood Gateway Feature?





May 1st, 2024

SENT VIA E-MAIL

Peter Comenzo, Senior Planner
Town of Rotterdam
1100 Sunrise Blvd.
Rotterdam, NY 12306

**RE: TDE Review – Stewart’s Shops Highbridge Road
1098 Highbridge Road, Rotterdam, NY**

Dear Mr. Comenzo,

GPI has received a comment response letter provided by Stewart’s Shops Corp dated Apr 30, 2024 with an updated EAF Long Form dated Apr 26, 2024

GPI has reviewed the submitted materials and compiled comments on the materials submitted. Previous comments that have not been adequately addressed are included and begin with a P# to indicate they are from the prior review. Additional information has been added in **bold** to the end of the original comment for any clarification that could be provided. The applicant’s responses to the comments have been included as *italicized* text below the comments. Listed comments below are only the issues identified during the review, the applicant will need to review all of the materials produced for the submission for any related issues or conflicts in other reports/documents.

General Review Notes and Comments:

1. P#1: An 8’ high fence seems excessive given the location and setting. This should be discussed and reviewed by the Planning Board during site plan review. **An 8’ high fence will require a variance from the zoning board. This will be addressed during site plan review.**
 - *RESPONSE: The inclusion of the 8’ fence stemmed from an onsite meeting with the owners of 107 Mercer Ave. The only portion of the fence intended to be 8’ would extend along the common property boundary with those property owners. We believe it appropriate to provide shielding for these residents.*
2. P#2: Additional screening plantings are recommended along Mercer Ave. **This will be addressed during site plan review.**
 - *RESPONSE: Comment acknowledged. Potential modifications achievable if Stewart’s seek appropriate zoning where modification can occur with Planning Commission guidance.*

3. P#3: The gross floor area was calculated to be approximately 5,200 SF based on the definition in the zoning code. This would require 42 parking stalls base on the code required 8 per 1,000 sf. **The definition for gross floor area from the zoning code is "For computing off-street parking requirements, the sum of the gross horizontal area(s) of the floor(s) of the building(s) measured from the interior faces of the walls. All roofed areas, except porches, terraces, cellars, basements, enclosed off-street parking areas and pedestrian walkways in an enclosed mail, shall be included in calculation of floor areas."** GPI scaled the areas from the site plans which included 3,975 sf for the proposed shop, 1,400 sf for roof overhangs and building canopies, and 110 sf for the attached shed. This would be a total of 5,485 sf of gross floor area which would require 44 parking stalls. This can be addressed during site plan review.
- *RESPONSE: we believe GPI has included the gas canopy, with the parking at the pumps we are deficient 5 spaces and should Site Plan proceed, we will incorporate those additional spaces.*
4. P#4: Ensure that all signage meets the requirement of section 270-151. The sign face area should be calculated based on the code requirements. The free-standing sign must be at least 5' from the property line. **This will be addressed during site plan review.**
- *RESPONSE: Comment acknowledged. Sizing and placement can be discussed during Site Plan review.*
5. P#5: The underground petroleum tanks are required to be at least 25' from the property line per section 270-145.1. **This will be addressed during site plan review.**
- *RESPONSE: Comment acknowledged and compliance upon formal Site Plan approval.*
6. P#6: The northwest corner of the parking lot does not provide adequate turning movement consider revising. **This will be addressed during site plan review.**
- *RESPONSE: Comment acknowledged and will be reviewed.*
7. P#7: An off-street loading space is required per section 270-150. The minimum dimensions are 15' by 40'. **This will be addressed during site plan review.**
- *RESPONSE: Comment acknowledged and will be added to future plans.*
8. P#8: Sidewalk improvements should be shown along Highbridge Road including a connection across Mercer Ave. **This will be addressed during site plan review.**
- *RESPONSE: Comment acknowledged and to be included upon formal Site Plan submission.*
9. P#9: The proposed project will disturb more than 1-acre so a SWPPP with post-construction stormwater management will be required and the proposed treatment practice should be shown on the plans. **This will be addressed during site plan review.**
- *RESPONSE: Comment acknowledged and anticipated upon further submission.*

Full Environmental Assessment Form Comments:

All previous comments have been sufficiently addressed and GPI confirms the application is complete. We recommend the Town Board consider approval of the SEQR Full EAF form.

Please feel free to contact us with any questions.

Regards,
GPI/GREENMAN-PEDERSEN, INC.

A handwritten signature in black ink that reads "Ryan Trunko". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Ryan Trunko, PE
Project Manager
80 Wolf Road, Suite 600, Albany, NY 12205
518-898-9551 | rtrunko@gpinet.com

DPW Comments
June 18, 2024

7. **Town of Rotterdam – Code Amendment.** Report and Recommendation to the Town Board to amend Chapter 270, entitled “Zoning” to repeal Local Law #1 of the Year 2017 entitled Solar Energy Facilities with associated fees related to “green” energy and adopt an updated Solar Energy Facilities code.
 1. Planning Commission tabled a report and recommendation on May 21, 2024 to allow more time to review the proposed code amendment.
 2. Planning Commission conducted a workshop to discuss the proposed code amendment on June 11, 2024.
 3. Town Board conducted a public hearing on June 12, 2022 and continued the public hearing to July 10, 2024

DPW Comments from May 21, 2024

1. The Rotterdam Town Board referred to the Rotterdam Planning Commission and declared lead agency on May 16, 2024.

SEQR Requirement: 6 NYCRR 617 Unlisted Action.

Involved/Interested Agencies

Schenectady County Economic Development and Planning (239m & 239nn)

239nn to the following municipalities

City of Schenectady

Albany County Town Clerk

Colonie Town Hall

Glenville Municipal Center

Guilderland Town Hall

Montgomery County Town Clerk

Niskayuna Town Hall

Town of Princetown

Town of Florida