

**Town of Rotterdam
Planning Commission
August 19, 2025**

Workshop 7:00 pm

Waivers:

1. **Stewarts Shops Corp & Elizabeth Knight – 1100 Highbridge Road & 107 Mercer Avenue.** The applicant requests a Waiver of Subdivision to Boundary Line Adjust ± 0.082 acres from 1841 Highbridge Road to 107 Mercer Avenue. Surveyor: Vincent P. Ausfeld P.L.S.
2. **The Board Room – 1002 Wedgewood Avenue.** The applicant requests a Waiver of Site Plan to have food vendors in area depicted on Site Plan submitted August 6, 2025 during league play and tournaments on a ± 2.46 -acre parcel.
3. **Giuseppe's Italian Kitchen – 93 W. Campbell Road.** The applicant requests a Waiver of Site Plan review to operate Giuseppe's Italian Kitchen in tenant space J-110, ± 814 SF, from August 1, 2025 to September 30, 2026 at the ViaPort Rotterdam Mall.

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

Approval of the Summary of Minutes July 15, 2025

Proclamation Marlo Carter Urowsky

1. **Lecce Senior Living Phase II – 2200 Helderberg Avenue/Helderberg Avenue.** Site Plan Public Hearing for the construction of Phase II of Whispering Pines Senior Living consisting of 119 independent living units, 108 memory care units and 144 assisted living units on a 13.71-acre parcel. Engineer: Steenburgh Consulting Engineering, PLLC.
2. **Peter Road, LLC – 759 Peter Road.** Sketch/Preliminary Site Plan Review to construct 16 condominiums (four building containing 4 units each) on a ± 2.41 -acre parcel. Engineer: Steenburgh Consulting Engineering, PLLC.
3. **Burdeck Street Ventures, LLC – 785 Burdeck Street & Princetown Road.** Concept/Sketch Site Plan/Special Use Permit review to construct nine (9) $\pm 12,000$ square foot flex warehouse buildings with two (± 2) acres of outdoor storage on a combined ± 14.6 -acre parcel. Engineer: Advance Engineering & Surveying PLLC.
4. **Moonwattie Lakeray – 2735 Broadway.** Sketch Site Plan review to allow the conversion of former audio store, $\pm 1,334$ square feet, into a restaurant on a ± 0.15 -acre parcel. Architect: SRG Architects.
5. **Town of Rotterdam – Battery Energy Storage Systems.** Report and Recommendation to the Town Board to amend Chapter 270 to include code on Battery Energy Storage Systems (BESS). (July 15, 2025)

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

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2. **The Board Room – 1002 Wedgewood Avenue.** The applicant requests a Waiver of Site Plan to have food vendors in area depicted on Site Plan submitted August 6, 2025 during league play and tournaments on a ± 2.46 acre parcel.
3. **Giuseppe's Italian Kitchen – 93 W. Campbell Road.** The applicant requests a Waiver of Site Plan review to operate Giuseppe's Italian Kitchen in tenant space J-110, ± 814 SF, from August 1, 2025 to September 30, 2026 at the ViaPort Rotterdam Mall.

WAIVER OF SUBDIVISION REVIEW

Date: August 19, 2025

PC2025-SW5

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: **Stewarts Shops Corp**
Attn : **Chuck Marshall**

Elizabeth Knight

PROJECT ADDRESS: **1100 Highbridge Road & 107 Mercer Avenue**

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

REQUEST: The applicant requests a Waiver of Subdivision to Boundary Line Adjust ± 0.082 acres from 1841 Highbridge Road to 107 Mercer Avenue. Surveyor: Vincent P. Ausfeld P.L.S.

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. Pin and cap new lot corners prior to Chairman's Signature.
3. The Planning Commission Chairman will sign up to two (2) Mylar's (One for Schenectady County and one for the applicant).
4. The signed Mylar's need to be filed with Schenectady County Clerk's office within ten (10) days.
5. After signature and filing with Schenectady County six (6) 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 August 19, 2025 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
JUL 30 2025
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 59.16-2-9.21 #2 59.16-2-39

these numbers will refer to specific questions relating to each parcel

#1 Property Owner's Name: Stewart's Shops Corp.

Mailing Address: P

Phone Number(s) and e-mail Chuck Marshall - .com

#2 Property Owner's Name: Tim Walters and Elizabeth Knight

Mailing Address: _____

Phone Number(s) and e-mail Tim Walters -

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

Address: _____

Phone Number(s) and e-mail _____

q

Parcel Size(s) (acreage or sq. ft): #1: 1.86 #2: 0.22

Location of Property(s) (911 address) #1: 1100 Highbridge Rd

#2: 107 Mercer Ave

Zone Classification & Lot Size: #1: B2 #2 B1

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

Are the lots presently conforming lots? YES ☐ NO ☒

IF NO, What lot(s) are not conforming: Lot 2 measures 0.22 acres and .33 required

Proposed lot size(s): #1: 1.78 #2 0.306

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

IF NO, What lot(s) will not be conforming: Lot 2

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

#1: Stewart's Shops convenience store

#2: Residence

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

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. _____

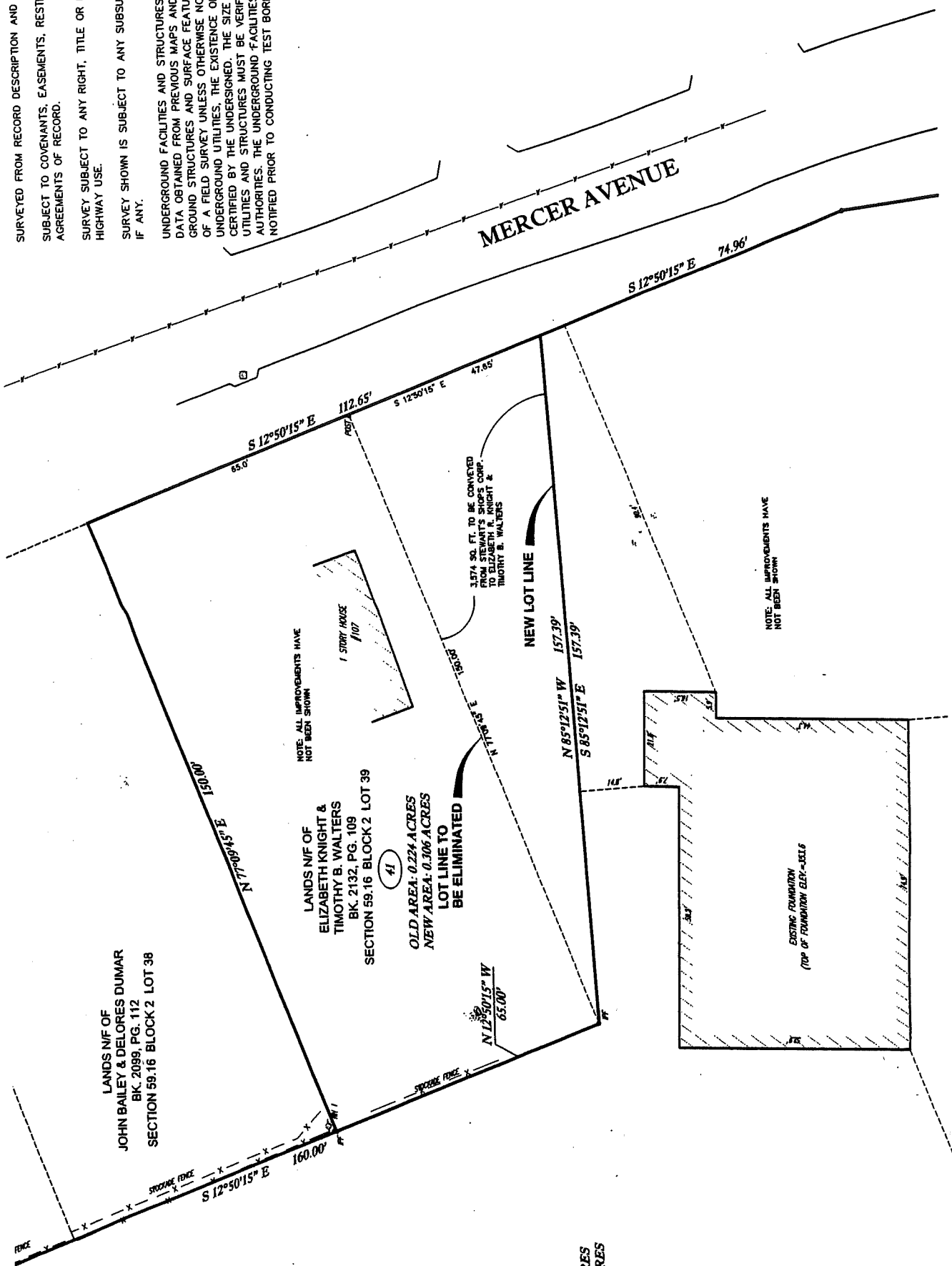
Notice is hereby given that in the event the Town of Rotterdam determines that technical assistance is needed to review the project, the reasonable and necessary expenses associated with such review shall be borne by the project applicant.

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 Chris Moore DATE 7/24/25

SIGNATURE OF PROPERTY OWNER PARCEL #2 Chyette Kye DATE 7-24-25

SURVEYED FROM RECORD DESCRIPTION AND AS IN POSSESSION.
 SUBJECT TO COVENANTS, EASEMENTS, RESTRICTIONS, CONDITIONS AND AGREEMENTS OF RECORD.
 SURVEY SUBJECT TO ANY RIGHT, TITLE OR INTEREST THE PUBLIC MAY HIGHWAY USE.
 SURVEY SHOWN IS SUBJECT TO ANY SUBSURFACE CONDITIONS THAT MAY EXIST.
 UNDERGROUND FACILITIES AND STRUCTURES SHOWN HEREON WERE TAKEN FROM PREVIOUS MAPS AND RECORD DRAWINGS. ALL DATA OBTAINED FROM PREVIOUS MAPS AND RECORD DRAWINGS ARE SUBJECT TO FIELD SURVEY UNLESS OTHERWISE NOTED. THERE MAY BE OTHER UNDERGROUND UTILITIES, THE EXISTENCE OF WHICH ARE NOT KNOWN OR LOCATED BY THE UNDERSIGNED. THE SIZE AND LOCATION OF ALL UTILITIES AND STRUCTURES MUST BE VERIFIED BY THE APPROPRIATE AUTHORITIES. THE UNDERSIGNED MUST FACILITIES PROTECTIVE ORGANIZATION NOTIFIED PRIOR TO CONDUCTING TEST BORINGS, EXCAVATION AND CORRECTIONS.



1: 1.861 ACRES
 1: 1.779 ACRES

WAIVER OF SITE PLAN REVIEW

Date Reviewed: August 19, 2025

PC2025-W038

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: Michael & Karie Countermine
The Board Room

ADDRESS:

PROJECT LOCATION: 1002 Wedgewood Avenue

APPLICANT IDENTIFIED AS: Owner ☒ Lessee ☐ Contract Vendee

REQUEST: The applicant requests a Waiver of Site Plan to have food vendors in area depicted on Site Plan submitted August 6, 2025 during league play and tournaments on a ±2.46 acre parcel.

Action Taken by Commission:

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

Conditions imposed, if any, are as follows:

1. 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.
2. Applicant shall obtain Schenectady County Health approvals prior to any sale of food items. All vendors shall have Schenectady County Health and/or NYS Department of Health approvals prior to operating on premises. If vendors are operating in the parking lot, a Waiver of Site Plan shall be obtained.

The Commission action on the Waiver application took place at the Planning Commission meeting of August 19, 2025 and authorized the Commission Chairman to execute the Waiver. The issuance of this Waiver is contingent upon the applicant complying with all conditions as stated above. Failure to adhere to conditions may result in revocation of Waiver by the Town of Rotterdam Planning Commission and requirement of a full Site Plan.

Peter J. Comenzo
Senior Planner

Kimberly Ricker Scannell, Chairman
Planning Commission



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

RECEIVED

AUG 06 2025

TOWN OF ROTTERDAM
PUBLIC WORKS

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

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

PRESENT OWNER(S): Hungry Holl Ventures

APPLICANT(S)/LESSEE: Michael and Karie Countermine

MAILING ADDRESS: 1002 Wedgewood Heights Suite 2

CITY: Summit STATE: NJ ZIP: 07901

DAYTIME TELEPHONE: 201-261-1234 EMAIL ADDRESS: Michael.Countermine@hungryholl.com

PROJECT ADDRESS: 1002 Wedgewood Heights Suite 2

APPLICANT IDENTIFIED AS: Owner ☐ Lessee ☒ Contract Vendee ☐

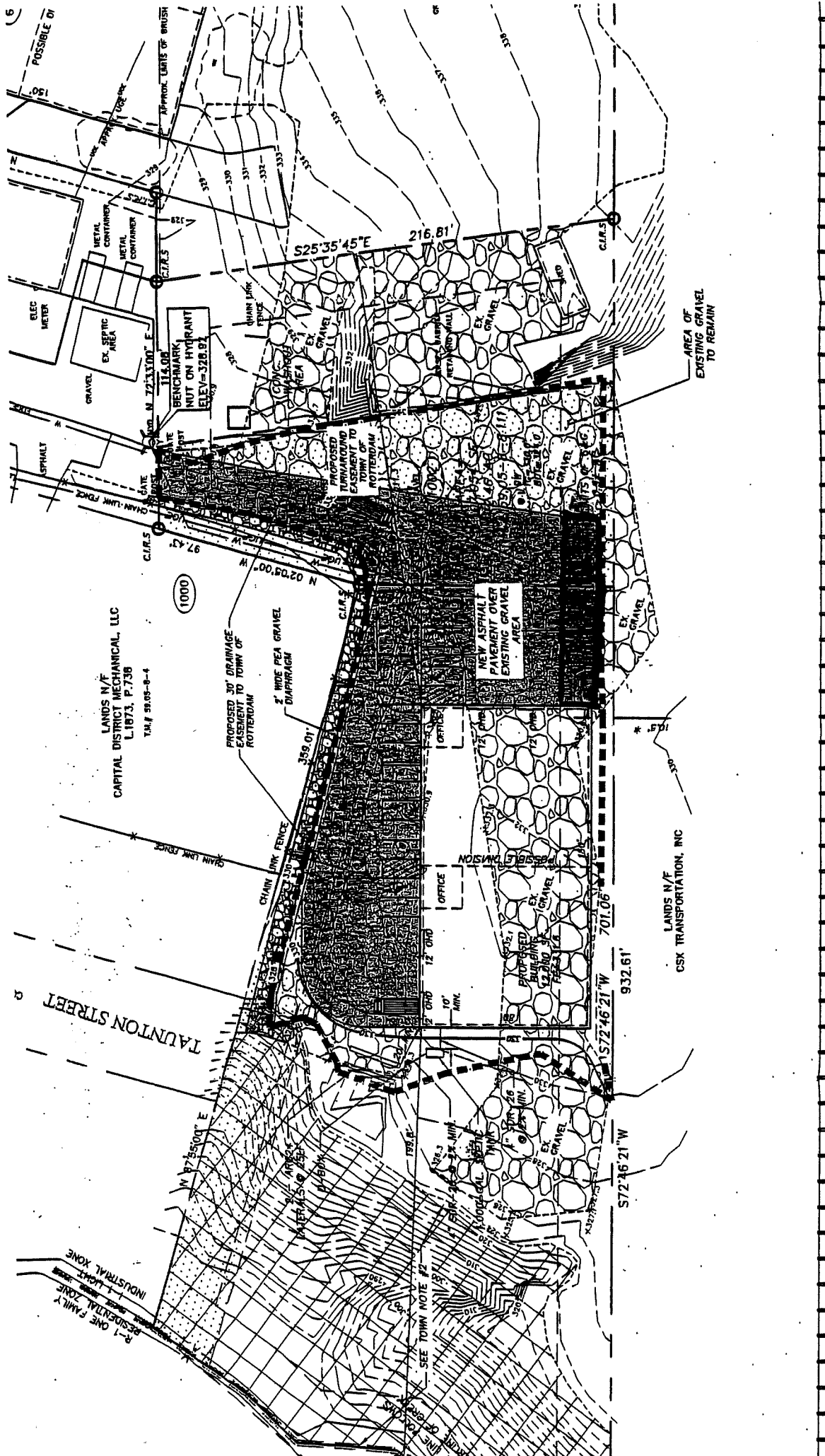
REQUEST: To have Food Vendor trucks in the parking lot during league play and tournaments

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 Karie Countermine DATE 8/6/25

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

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



WAIVER OF SITE PLAN REVIEW

Date: August 19, 2025

PC2025-W38

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: Joseph DeLorenzo

ADDRESS:

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

APPLICANT IDENTIFIED AS: Owner ☒ Lessee ☐ Contract Vendee

REQUEST: The applicant requests a Waiver of Site Plan review to operate Giuseppe's Italian Kitchen in tenant space J-110, #814SE from August 1, 2025 to September 30, 2026 at the ViaPort Rotterdam Mall.

Action Taken by Commission:

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

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

The Commission action on the Waiver application took place at the Planning Commission meeting of August 19, 2025 and authorized the Commission Chairman to execute the Waiver. The issuance of this Waiver is contingent upon the applicant complying with all conditions as stated above. Failure to adhere to conditions may result in revocation of Waiver by the Town of Rotterdam Planning Commission and requirement of a full Site Plan.

Peter J. Comenzo
Senior Planner

Kimberly Ricker-Scannell, Chairman
Planning Commission



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

RECEIVED

AUG 11 2025

**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): Joseph Dehorenzo

ADDRESS: 12308

DAYTIME TELEPHONE: _____ (FAX) _____

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

REQUEST: Giuseppe's Italian Kitchen

LICENSE AGREEMENT DATE: 6/16/25 AREA: 814 SF

TERM: FROM 8/1/25 TO 9/30/26 KIOSK OR TENANT SPACE #: J-110

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 8-11-25

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

** All businesses located in the Town of Rotterdam must receive Planning Commission approval and a Certificate of Compliance issued by Building Inspector prior to occupancy.
6-16-23

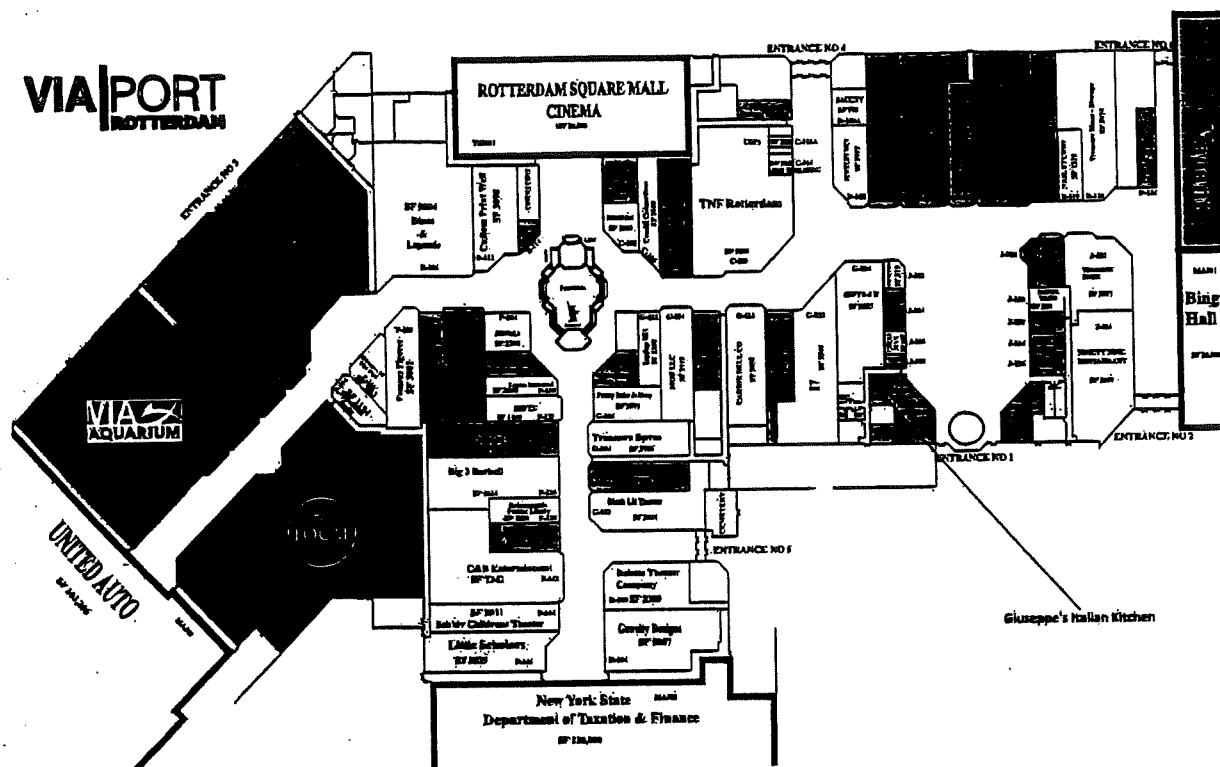
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AUG 11 2025

EXHIBIT A

Site Map

TOWN OF ROTTERDAM
PUBLIC WORKS



Description of Business

Seating - Food Court Area

Meals Per Day - 100

Employees - 2

Method of Food Service - All Carry Out. Served on Single Service Articles.

Garbage - Plastic Bags emptied daily. Outside dumpster emptied 2 times a week.

Rodent Control - Pest Control has been called.

Water Supply - Schenectady system

Sewage Supply - Schenectady system

Ventilation - Filtered hood to outside.

Floor Surface - Quarry Tile

RECEIVED

AUG 11 2025

**TOWN OF ROTTERDAM
PUBLIC WORKS**

Town of Rotterdam

Fire inspection / Assembly Inspection

dpw@rotterdamny.org

The applicant and/or owner agrees to comply with all applicable laws, ordinances, and regulations, and also will allow Inspectors access to the property for the required inspections

Office Use Only	
Application Number	_____
Cost of permit	_____
Approved by	_____
Fire District	_____

Property Address	93 W Campbell RD
Property Owner	VIA - Port
Property Owner address	VIA Port Mall Rotterdam, NY
Property Owner Phone number	
Property owner Email Address	
Applicant	Joseph DeLorenzo
Applicant Address	1696 Fork Ave, Schdx, NY 1230
Applicant Phone Number	518-470-2586
Applicant Email Address	jocbiz913@yahoo.com

Type of Business: please check the correct listing (see attached)

☒ Theatre/ Concert Halls/ Restaurants (A-1) ☐ Indoor Sporting Events (A-4)
☐ Outdoor Activity's (A-5) ☐ Bar, Restaurant, Banquet Hall, Casino, Night Club, Cafeteria (A-2) ☐ Other, Funeral Parlors, Worship, Recreation, Amusement, (A-3)

Dates of Last Inspection (please attach CURRENT inspection reports) see above email

Fire Alarm	
Fire Sprinkler	
Hood Cleaning	
Elevator	
Knox Box installed ?	Y / N please circle one
Fire District	

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AUG 11 2025

TOWN OF ROTTERDAM
PUBLIC WORKS

DPW Comments

August 19, 2025

1. **Lecce Senior Living Phase II – 2200 Helderberg Avenue/Helderberg Avenue.** Site Plan Public Hearing for the construction of Phase II of Whispering Pines Senior Living consisting of 119 independent living units, 108 memory care units and 144 assisted living units on a 13.71-acre parcel. Engineer: Steenburgh Consulting Engineering, PLLC.
 - 1) Public hearing was held on June 17, 2025 and left open.
 - 2) Applicant has responded to TDE and DPW comments and provided updated site plans and building elevations that incorporate changes to the project with the addition of the garages and modifications to the building footprints.
 - 3) See comment letter dated, August 12 from Ronald D. Treers, RLA, with CHA Solutions.

DPW Comments from June 17, 2025

1. Hearing was requested by the developer at the May 20, 2025 meeting to gather public comments. See attached letter from Ron Treers of CHA dated June 6, 2025 with updated TDE comments on the latest submittal. DPW comments from May 20th meeting below.

DPW Comments from May 20, 2025

1. Plans were last presented to the Planning Commission on October 3, 2023. TDE is currently reviewing revised plans and updated comments will be forthcoming.
2. Coordinate meeting with Fire District #2 and discuss updated site plan and draft emergency response plan. This should be finalized and formalized prior to scheduling for next meeting.
3. Access for emergency services and service vehicles should be created at the rear of the Assisted Living facility. Remove or relocate some of the spaces and create direct building access. Piazza area may be congested and serves as a main entryway for 224 living units.
4. Provide updated floor plans and updated architectural plans. These should be included in the next submission and should match proposed buildings and added to plan set.
5. Update Cree lighting plan dated 10/27/21 and add to plan set.
6. Proposed garage structures in the vicinity of clubhouse parking appear to be in the 50-foot setback of the SLD and should be modified to meet the zoning code.
7. Parking should be clearly delineated for residents, visitors, and staff with appropriate signage. This should be incorporated into the phasing plans. Residential independent parking should be directed away from prime spaces once the assisted and memory care units are constructed.
8. Number of proposed garages may be problematic given that residents of the independent living units may be downsizing and looking for covered storage rather than motor vehicle parking. Garage structures without doors may be a solution.
9. Provide building dimensions and elevations for proposed garages and add to site plan.
10. The independent living building should incorporate a convenient loading area(s) for residents to use.
11. Proposed phasing plan to stay under the 5-acre minimum for SWPPP compliance is not supported by a corresponding grading plan and appears to be unfeasible. Plan should be adjusted or grading plans and justification should be provided.
12. Bollards in the piazza appear to be a critical element to the safety and function of the outdoor space. Details should be added to the signage sheet. Applicant may want to vary style at different locations, but given their location they will need reflective material and/or lighting. Spacing distances of bollards should also be added to plan.

13. Add no parking/standing signs (MUTCD standard) along roadways and add to detail sheet.
There is a concern that residents/visitors in the independent living units will park along the roadway leading to Phase #1 and possibly on other access roadways in the facility.
14. Add signage details to signage layout sheet.
15. Add bollards to protect outdoor dining area on west side of Independent Living facility.
16. Add irrigation for landscaping around buildings and identify ground cover (grass, mulch, etc).
17. Vegetative protection area should be clearly noted on ESC and grading plans and protective construction fencing added to the plans to prevent disturbance in this area.

DPW Comments October 3, 2023

1. Applicant has revised building design, parking, and phasing plan to address comments from the August 15, 2023 meeting. Engineer is looking for comments from the Planning Commission on the revised layout prior to redesign.

DPW Comments August 15, 2023

1. Phase 2 was presented once to Planning Board during Caucus on April 20, 2021. No plans were received or distributed. Applicant has worked with CHA on technical engineering comments since that time.
2. Town of Rotterdam is not taking over ownership and maintenance of sewer and water lines in Phase #2, however, easements need to be provided in case emergency access is needed.
3. Add a north arrow to all maps in the plan set.
4. Cover Page should be amended to add reference to the DEIS and approval dates. Phase #1 project should also be referenced.
5. Typical parking formula 1.5 spaces per unit for multifamily dwellings which would call for 557 spaces. Per Senior Living District as written by the developer, the allowed parking was reduced and 305 spaces are required. Current proposal is for 263 spaces leaving a shortage of 42 spaces.
6. The spaces proposed along the north side of the memory care and assisted living portion of the project are in the rear of the building. These 33 parallel parking spaces are not dimensioned but need to meet MUTCD standard. They are very inconvenient to access and use should be identified as these may further reduce meaningful parking.
7. Applicant to provide estimated number of employees and shifts for employees. Large parking area is somewhat inconvenient with majority of parking several hundred feet from the entrance. Applicant should designate employee, visitor, and resident parking. Additional handicap parking should be discussed due to the nature of the facility and the age of the visitors.
8. Building plans are not included, however, it appears that the sidewalks in several locations along the building may be in the dripline for the roof. Accumulation of ice especially on the north side of the 3-story building is a concern. This should be verified and site plan modified if necessary.
9. An additional covered loading area not blocking main entryway should be added in addition to the proposed one. These types of facilities generate a substantial amount of outside transportation and delivery vehicles. Groceries, moving, visitors, senior service vehicles, and residents should have an additional protected area to provide refuge in inclement weather.

10. Doorways, access, and who has access needs to be identified on the site plan. Site circulation is difficult to decipher. Project sequencing in narrative should be depicted and better-defined on the site plan. A separate plan sheet that shows access, roadways, and utilities during construction and temporary facilities should be clearly shown.
11. Sanitary Sewer will be required to have a muffin monster with cleanouts. Final type and design will need to be reviewed and approved by the Town. These types of facilities typically have issues with non-flushable health related products in the waste stream.
12. Emergency BU generator? If so, these location(s) should be shown on plan. Landscaping may need to be required in vicinity of the equipment based on location.
13. Parking lot adjacent to eastern portion of the independent living units does not meet standards. Accessway is only 22' feet and needs to be widened as 24' is minimum standard. Additionally, a light pole is located directly behind the parking spaces in conflict with backing maneuvers and is unprotected.
14. Sidewalks along Helderberg Avenue need to be installed during first phase. Should be maintained by facility with potential agreement with Town and/or Schenectady County.
15. Show snow storage areas.
16. Piazza area is very difficult to plow, is heavily shaded in the winter, and is proposed to be the central hub of activity. The stamped concrete area should be heated to keep clear at all times and eliminate snow/ice.
17. Access and wayfinding signage is very important. A separate signage plan and details need to be provided as the existing proposed signage on the site plan is incomplete and difficult to decipher.
18. Bollards in the piazza appear to be a critical element to the outdoor space. They should be shown on the separate detail sheet (on signage sheet?). Applicant may want to vary style at different locations, but given their location they will need reflective material and/or lighting. Spacing distances of bollards should be added to plan.
19. Add no parking/standing signs (MUTCD standard) along roadways and add to detail sheet. There is a concern that residents/visitors in the independent living units will park along the roadway leading to Phase #1 and possibly on other access roadways in the facility.
20. Identify height of walkway bridge. Warning signage and protection is important especially if a box truck cannot fit underneath. If a vehicle is over height, how are they able to be turned around?
21. Landscaping plan should be updated to identify trees and species in the "to be preserved" area and identify protection method in this area during construction. Trees and vegetation also need to be identified in the required buffers and clearly delineated and shown on landscaping plan.
22. Identify all proposed ground cover on landscaping plan.
23. Renderings show more robust landscaping adjacent to the buildings especially in the area around the entrance/courtyard area. Planning Commission may want to consider requiring additional planting.
24. Rear of independent living building with associated decks are in very close proximity to the main roadway entrance to Whispering Pines Phase #1. Additional landscaping should be utilized to break-up the rear expanse of the building and potentially add some privacy to these units. If HVAC units are proposed at the rear of these buildings, landscaping around these elements should be used.
25. Applicant has supplied a draft emergency response plan for review.
26. Town to facilitate meeting with Fire District #2 to discuss site plan and draft emergency response plan. Need to finalize proposed hydrant layout and emergency vehicle access.

Lisa Gallo

From: Bakner, Teresa <TBakner@woh.com>
Sent: Friday, July 25, 2025 1:41 PM
To: Kimberly Ricker Scannell; Peter Comenzo; brett@scengpe.com; 'Treers, Ron'
Cc: 'Lou Lecce'; Stephen E. Valiquette; Lisa Gallo; Bakner, Teresa
Subject: RE: Updated Plans



CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Chair Scannell, Peter, and Ron,

Per Brett's discussion at the last Planning Commission meeting, the only rendering that would be changed from what the Planning Commission has received and previously reviewed would be the end building across from the Senior Independent Living apartments and nearest to the golf clubhouse. Based on that discussion, a rendering is being prepared.

Although Brett responded to all of the comments by DPW at the last Planning Board meeting he is also preparing a written response. As you know he was focusing on the phasing of the project and addressing all questions of CHA, the Board and DPW.

No additional or larger buildings have been proposed on the site since the DEIS, FEIS and SEQRA Statement of Findings. The buildings shown on the plans reflect the master plan attached to the zoning law prepared many years ago by ABD.

I just want to be sure that everyone understands that nothing different has been proposed other than the plan which has been under the Planning Board's review.

It is our hope that the public hearing can be continued and ended at the August meeting of the Planning Board, especially since no one appeared at the previous hearing date.

We understand that more time is needed for the development of a resolution on the project and just hope that the project review can be completed in September.

Thank you very much for your attention to this project.

Terresa

Terresa M. Bakner | Whiteman Osterman & Hanna LLP

Partner

One Commerce Plaza | Albany | New York | 12260

| o | 518.487.7615 | f | 518.487.7777

| e | TBakner@woh.com | w | www.woh.com

From: Kimberly Ricker Scannell <krscannell@rotterdamny.org>
Sent: Friday, July 25, 2025 12:57 PM
To: Peter Comenzo <pcomenzo@rotterdamny.org>; brett@scengpe.com; 'Treers, Ron' <RTreers@chasolutions.com>
Cc: 'Lou Lecce' <llecce@leccearcodia.com>; Bakner, Teresa <TBakner@woh.com>; Stephen E. Valiquette <svaliquette@rwgmlaw.com>; Lisa Gallo <lgallo@rotterdamny.org>
Subject: Re: Updated Plans

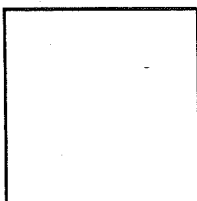
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Thanks, Peter! It's a lot of buildings in a very tight footprint and the planning commission will benefit greatly from updated building elevations and site renderings. Have a great weekend!

Best,
Kim

Kimberly Ricker Scannell

Planning Commission Chairman
Town of Rotterdam
1100 Sunrise Blvd
Schenectady, NY 12306
(518)355-7575 Ext. 339
krscannell@rotterdamny.org



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From: Peter Comenzo <pcomenzo@rotterdamny.org>
Sent: Friday, July 25, 2025 10:47 AM
To: brett@scengpe.com <brett@scengpe.com>; 'Treers, Ron' <RTreers@chasolutions.com>
Cc: 'Lou Lecce' <llecce@leccearcodia.com>; Bakner, Teresa <TBakner@woh.com>; Stephen E. Valiquette <svaliquette@rwgmlaw.com>; Kimberly Ricker Scannell <krscannell@rotterdamny.org>; Lisa Gallo <lgallo@rotterdamny.org>
Subject: RE: Updated Plans

Brett:

Ron mentioned that your meeting was productive and you both are still working through the engineering, sanitary and grading on the site.

Before you send hard copies for the next meeting, it doesn't look like you have addressed the DPW comments which also include updated building elevations.

Thanks
Peter

Peter Comenzo - Senior Planner

Town of Rotterdam
1100 Sunrise Boulevard
Rotterdam, NY 12306
Phone # 518-355-7575 Extension 338
Fax # 518-355-2725
e-mail: pcomenzo@rotterdamny.org
town website: www.rotterdamny.org

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From: brett@scengpe.com <brett@scengpe.com>
Sent: Wednesday, July 23, 2025 1:47 PM
To: 'Treers, Ron' <RTreers@chasolutions.com>
Cc: 'Lou Lecce' <llecce@leccearcodia.com>; Bakner, Terresa <TBakner@woh.com>; Peter Comenzo <pcomenzo@rotterdamny.org>
Subject: Updated Plans

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Ron,
The link below is to the updated plans based on our meeting on Monday. We will be delivering 12 copies to the Town tomorrow for the August PC meeting to hopefully close out the public hearing.

Let me know if you need anything additional.

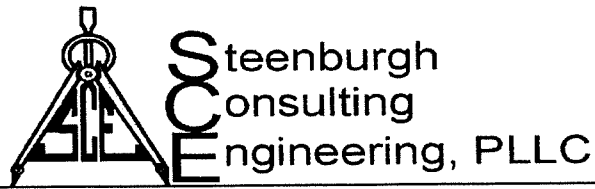
https://www.dropbox.com/scl/fo/emo19wbmdwtbs80x7bcop/AMORffkJFmSITSinpiVS_W0?rlkey=l7r7vdi2mnnyxakds0cipoz2n&st=9x4x7vpu&dl=0

Brett L. Steenburgh P.E.

Steenburgh Consulting Engineering, PLLC

2832 Rosendale Road
Niskayuna, NY 12309

(518) 365-0675
Brett@SCEngpe.com
www.facebook.com/SCEngpe



July 30, 2025

RECEIVED

Town of Rotterdam
1100 Sunrise Boulevard
Schenectady, NY 12306

AUG 06 2025

TOWN OF ROTTERDAM
PUBLIC WORKS

Attn: Mr. Peter Comenzo

Re: Whispering Pines – Senior Housing

Dear Peter,

Please find attached to this letter and electronic copy of the revised plans, SWPPP and NOI for the Whispering Pines Senior Project. The plans have been updated to address the TDE comments from CHA for the Whispering Pines Senior Housing Project dated June 17, 2025

CHA Comments Dated June 17, 2025

General Comments

1. The limits of disturbance for each of the 3 construction phases on the ESC Plan sheet is not clearly defined. Please utilize different line types, hatches, and/or enlarged areas of the map, and add labels to differentiate each phase. Add a note on the ESC Plan sheet that the contractor shall not disturb more than 5 acres of land at any time during the project, and that disturbed areas shall be stabilized before moving on the next phase. Interim grading plans for each phase should be developed to illustrate how the phasing will be executed to stay under five acres of disturbance. Temporary drainage provisions and additional erosion and sediment control measures may be necessary after reviewing the interim grading plans. Alternatively, a waiver to disturb more than five acres of soil at one time at the project site could be requested. This would require an update/amendment to the SWPPP and eNOI. The waiver request would need to be approved by the Town of Rotterdam (MS4). If a five-acre waiver is requested it should be developed based on the requirements of Construction General Permit GP-0-25-001 and include phasing/sequencing plans that will minimize the amount of time that greater than five acres of soil is disturbed.

It has been decided to pursue a 5 Acre waiver for this project due to the topography on the site. The site is mostly self-contained and will be easy to manage with full site disturbance during construction.

2. Provide updated floor plans that reflect the revised architectural footprints.

Updated block plans of the proposed floor plans have been provided.

3. Provide updated architectural elevations.

Main Office:
2832 Rosendale Road
Niskayuna, NY 12309
(518) 365-0675
Info@SCEngpe.com

Adirondack Office:
PO Box 437
Caroga Lake, NY 12032
(518) 365-0675
Info@SCEngpe.com

The elevations have not been specifically updated for the proposed new/reduced footprint; however, the architectural elevations finish and style will be in keeping with the previously approved larger buildings.

4. With the revised site layout, an updated site lighting plan should be submitted along with photometrics.

A revised photometric plan has been provided with the new layout.

SWPPP Comments

5. A copy of the NYS Office of Parks, Recreation and Historic Preservation (SHPO) sign-off letter should be provided in the SWPPP appendices (it is missing in Appendix F).

The (SHPO) sign off letter has been added.

6. The new DEC 2025 eNOI form should be completed and replace the old version in Appendix L of the SWPPP.

The 2025 NOI has been completed and included in the SWPPP.

7. The SWPPP narrative listed 14.0 acres of land will be disturbed and 14.2 acres will be stabilized. However, question #4 on the NOI in Appendix L listed 15 acres of total disturbance. Please clarify and make corrections as needed.

The NOI has been changed to match the SWPPP.

8. The SWPPP narrative stated that stormwater only leaves the site in 2 locations (Analysis Points B and D). However, Question #37 on the NOI listed only the peak flows for Point D for the existing and proposed conditions 10- and 100- year storms. Please revise and make corrections on the NOI.

The NOI isn't able to show 2 locations. The updated NOI has the runoff for the entire site not just one of the design points

9. Please add a description in the SWPPP narrative of how the 4 analysis points in existing conditions HydroCAD model becomes 2 analysis points in the proposed conditions model. The summary table in the Water Quantity Analysis section of the SWPPP narrative should include peak flow rates for all 4 of the analysis points (A,B,C, and D) for existing and proposed conditions.

While there are 4 design points under the existing conditions, analysis points A and C no longer exist in the post condition due to the proposed grades. Additionally, runoff under post construction conditions flows to analysis points B/D. All runoff generated under post construction conditions is contained onsite therefore reducing runoff across all existing analysis points

10. The existing conditions HydroCAD model calculated peak flows for total of 15.27 acres of contributing drainage area. However, the proposed conditions HydroCAD model has only calculated peak flows for $4.79 + 4.72 + 4.67 = 14.18$ acres of drainage area. Please clarify and make corrections as needed.

The HydroCAD model has been adjusted so existing and proposed net areas match.

11. Please change / reset the time span of all the existing conditions HydroCAD model from 0 to 48 or 72 hours for all the storm events. And for the proposed condition HydroCAD model, use a smaller "dt" such as 0.01 hours instead of 0.05 hours to get finer routing and smooth out the hydrographs and oscillations.

The time span and dt were changed in accordance with the comments.

12. The proposed condition "Whispering Pines 1" HydroCAD model indicated that CB-7 and YD-21 are flooded with water depths exceeding the inlet elevations during the 10-year and 100-year storms. Please clarify and make corrections as needed.

The 12" outlet pipes are receiving 1.47 cfs and 2.15 cfs respectively for the 10 year storm. This does not exceed the typical inlet capacity of 12" pipe of 2.5 cfs. The closed storm water management system is designed for the 10 year storm therefore the 100 year storm capacity is not evaluated.

13. The proposed 80 LF of 30" HDPE culvert with 0.01% slope connecting the 2 sediment basins near the entrance from Helderberg Avenue appears to be undersized. Please provide design calculations for the 30" HDPE culvert to show available pipe capacity and flow velocity within the culvert for the 10-, and 100-year storm events.

The mentioned pipe is an equalization pipe between the two forbay sections and thus has a negligible flow velocity

14. The proposed condition "Whispering Pines 2" HydroCAD model indicated that CB-15A and YD-11 are flooded with water depths exceeding the inlet elevations during the 10-year and 100-year storms. Please clarify and make corrections as needed.

The 12" outlet pipes are receiving 1.97 cfs and 0.27 cfs respectively for the 10 year storm. This does not exceed the typical inlet capacity of 12" pipe of 2.5 cfs. The closed storm water management system is designed for the 10 year storm therefore the 100 year storm capacity is not evaluated.

15. The proposed condition "Whispering Pines 3" HydroCAD model indicated that CB-6 and CB-8 are flooded with water depths exceeding the inlet elevations during the 10-year and 100-year storms. Please clarify and make corrections as needed.

The 12" outlet pipes are receiving 1.16 cfs and 0.78 cfs respectively for the 10 year storm. This does not exceed the typical inlet capacity of 12" pipe of 2.5 cfs. The closed storm water management system is designed for the 10 year storm therefore the 100 year storm capacity is not evaluated.

16. Provide a post construction stormwater operations and maintenance manual. Post construction operation and maintenance inspection forms for the proposed SMPs should be included. Use the standard forms in the 2024 NYS DEC Stormwater Management Design Manual or the DEC Maintenance Guidance for Stormwater Management Practices Manual (2017).

Updated on SWPPP

17. Provide design calculations and detail for the temporary sediment basins on the ESC plans and clarify how will runoff be discharge from the sediment basin (i.e. outlet device) in accordance with the NYS DEC Standards and Specifications for Erosion and Sediment Control Blue Book (2016).

The sediment basins have been removed from Erosion and Sediment Control Plan. The entire site is in a bowl will minimal to no discharge off site. The soils are extremely permeable and there will be no need for sediment basins during construction.

18. Provide culvert protections at all proposed and existing culvert locations and indicate on the ESC plan sheet that they should be protected during all construction phases.

Culvert protection was added to the outlet of each culvert.

19. The proposed "check dam" between the proposed sediment basin and Infiltration Basin I-1 is not a standard practice. We recommend replacing it with an earth berm and spillway similar to Plunge Pools 1 and 2 and Infiltration Basin I-2.

The Check dam was changed to an earthen berm as requested.

20. Please add the seasonal high ground water table elevations on the cross-sectional profile details of the proposed sediment/ plunge pools and infiltration basins.

The boring logs performed in the geotechnical report do not indicate the height of the ground water table just that they were not encountered in the location where the storm water management practice will be built. A test pit was excavated to elevation 331 in the existing basin in the front in June of 2025. No groundwater or evidence of seasonal high groundwater was encountered.

21. Provide post construction SMP sign(s) and detail(s) of each proposed stormwater management practice in accordance with the 2024 NYS DEC Stormwater Management Design Manual Section 3.5 page 3-8.

The signs and specifications are shown on the site plan item key number 18

Comments on Sheet SP-1 Site Plan

22. The numbers in the parking chart are not consistent with the spaces shown on the plan. I am counting 239 spaces in 2A (this includes 50 garage spaces and 25 accessible spaces). In Phase 2B I am counting 77 spaces (includes 4 accessible). This totals 316 total parking spaces (includes 29 accessible). The parking chart on sheet PH-1 has numbers that are not consistent with the chart on SP-1. Please review the parking numbers and reflect the correct number of spaces being provided in both charts.

The number of parking spaces has been updated

23. Define employee parking areas per phase.

The employee parking areas have been defined on the phasing plan.

24. Define visitor parking areas per phase. Some designated visitor parking should be provided for convenience.

Visitor spaces have been identified on the phasing plan as requested.

25. Add a line item to the parking chart illustrating the maximum number of anticipated employees per phase.

This has been added to the table.

26. Add a line item to the parking chart illustrating the number of accessible spaces per phase and show the total parking number with and without the accessible spaces included.

The requested line item was added to the table

27. The site statistics chart should be updated with the correct numbers.

The site statistics chart has been updated

28. The garages at the eastern side of the site are within the fifty-foot setback required in the zoning for the Senior Living District. The northwestern corner of assisted living Phase 2D is also within the fifty-foot setback required in the zoning for the Senior Living District.

29. Consider a walk connection from the south side of assisted living east to the walk along the roadway towards memory care (see plan markup).

The sidewalk has been extended so that it joins the sidewalk leading towards the memory care units

30. Consider a tangent alignment for the sidewalk at the east end of the memory care building. One parking space can be gained at the south side of the building (see plan markup). This eliminates several turning movements for users of the walkway (see plan markup).

Understood; however, it is our professional opinion that having the crosswalk at the entrance to the parking lot will improve pedestrian safety while crossing. The access aisle between two parking stalls has a tendency to be impeded by parked cars as well.

31. At the south side of Memory Care, align the center of the access aisle for the accessible spaces with the center of the doorway to provide more direct access and reduce the required number of turning movements (see plan markup).

The access aisle has been adjusted so that it is in line with the door

32. Provide a walk connection to the doors from the accessible spaces at the west side of Phase 2C. Align the center of an access aisle with the centerline of the doors/entry (see plan markup). If there are no doors on the west side define the access route to the door on the north side.

The access route would be along the sidewalk in the back if needed to the employee access.

33. Curb ramp detail references are missing for the accessible spaces at the west side of Phase 2C (see plan markup).

Reference to the detail has been added

34. Consider increasing the curb radius at the entry lane to the lot at the west side of independent living to help facilitate circulation in lot (see plan markup).

The radius is a 20' radius and will easily accommodate the anticipated box trucks backing into the loading dock and circulation throughout the parking lot.

35. If the columns for the bridge between independent living and assisted living are drawn to scale the walkway width at grade between the columns is to narrow at 5'-0"± clear.

The column sizes were shown as the foundation size and the been shown more accurately on the site plan.

36. Define the geometry of the stamped concrete areas including radii of the circular elements.

Dimensions have been added

Comments on Sheet SP-2 Road Geometry Plan

37. Provide radii for the road centerline curves.

Dimensions have been added

Comments on Sheet GP-1 Grading Plan

38. Garages are shown with slopes along the fronts of the units. They will be built level. Provide a finished floor for the entire row of garages at each location and revise the grading to work with one floor elevation for each group of garages. Individual garages could be at different elevations

but this would require a wall or landscape element between them to facilitate the change in grade. Grading in the areas of the garages needs to be developed and refined.

The finished floor elevation has been added to the garages

39. An accessible route should be provided to the garage locations as a number of the garages will need to be designed to be accessible based on the total number of garage spaces at each location.

An accessible space and route has been defined for each garage location.

40. For the garages at the east side of the site up to 6' of fill is being placed against the south side of the structures above what floor level is on the north side. This would require waterproofing and additional structural measures that would not be typical for garage construction. Suggest revising the grading in this area so that fill is not required above the floor level of the garages.

This is to preserve the existing trees requested by the town. The rear wall of the garage will be required to be a waterproofed retaining wall.

41. The pump station appears to be very close to the adjacent garage to the west. A minimum separation distance should be provided to allow maintenance of the garage and pump station.

The pump station has been relocated.

42. At the west side of assisted living, Phase 2C, provide grades at the accessible parking spaces and provide grades to define an accessible route to the doors. Additional grades are needed in this parking lot. Sheet flow across the lot to the west may result in long term erosion challenges on the basin side slope. An infiltration strip with an underdrain that could discharge to the basin could be considered if sheet flow is necessary. Runoff could also be directed to structures and a closed system.

Additional spot elevations have been added. A stone diagram has been added the EOP to reduce the risk of erosion.

43. Curb ramps should be designed with a maximum longitudinal slope of 7.50% and a maximum cross slope of 1.50% to allow for construction tolerance.

The curb ramps have been shown to meet code. There are no locations where the grades are that close that the contractor does not have room to meet these requirements.

44. Provide spot grades at all curb ramps and related landings. Additional grading enlargements are likely necessary.

Spot grades have been added to curbs and ramps

45. Provide spot grades at all accessible parking spaces and the related access aisles.

Spot grades have been added to curbs and ramps

46. Consider adding a catch basin on the east entrance drive, where shown the plan, just before the right turn to the block of 24 garages. The road is cross sloped to that side and a structure at this location would remove water from the intersection (see plan).

Catch Basin has been added

47. The 343 contour is missing in two places south of the Phase 2D assisted living building (see plan).

Correction to grading has been made

48. The proposed 341 contour north of the Phase 2B Building ties into an existing 39 contour. The 341 contour should continue east and southeast around the curve to tie in (see plan).

Correction to grading has been made

49. The proposed 343 contour is missing at the west side of independent living (see plan).

Correction to grading has been made

50. There is a 350 contour missing at the southeast side of independent living (see plan).

Correction to grading has been made

51. In the area of the first intersection on the approach from Helderberg Ave. clearly define the low point in the main road profile. Design a consistent profile grade in this area (see plan).

Additional spot elevations have been shown on the plan.

52. There are two locations where 3:1 slopes are immediately adjacent to a travel lane. Consider guide rail installation at these locations (see plan).

Guide rail has been added as requested.

53. Are the patios shown on the south side of independent living raised decks at elevation 253.00 with grades shown beneath the deck? More clarification of the grading is needed on this side of the building.

The decks will be raised either with retaining structures or platform decks.

54. The graphic quality and readability of this plan is poor. There are spot grades oriented in every direction and overlapping information that is challenging to read (at best). The scale is too large at 40 scale for the amount of information being presented.

Spot elevations have been replaced by leaders to increase the clarity

Comments on Sheet GP-2 Detailed Grading Plan

55. Provide a correct scale on the drawing.

A scale has been added

56. Provide a north arrow on the drawing.

A north arrow has been added

57. A spot grade appears to be at the wrong elevation in the parking lot east of independent living (see plan).

The spot elevation has been adjusted

58. At the main at grade crossing between assisted and independent living there are two spot grades that would create a cross slope on this walk that is too steep (see plan).

The spot elevations have been adjusted

59. See the notes on the plan in the area of the at grade crossing under the bridge.

The spot elevations have been adjusted

60. There is a spot grade of 342.7 in line with the 342 contour on the north side of independent living (see plan).

The spot elevations have been adjusted

61. The parking lot and roadway grading on the north side of the eastern end of the independent living building should be reviewed as there is conflicting information in this area (see plan).

The parking lot has been reviewed and the information has been added.

Comments on Sheet UP-1 Utility Plan

62. There are many upper branches to the storm system throughout the site that do not have sufficient cover over the pipes and are extremely shallow structures. In some cases, pipes have less than one foot of cover. The site design should provide a reasonable cover depth above the top of pipes. A number of these instances have been circled on the plan (see plan).

This has been discussed in previous iterations of comments. The areas you are referring to are yard drain locations in lawn areas. This can be accomplished easily using yard drain structures and will not have an adverse impact on the design.

63. There are two hydrants on the north side of assisted living; one is located in the road and one is located in a parking space. Adjust the hydrant locations.

Adjusted the plan

64. Will separate water service lines be required for the Phase 2C and 2D building additions?

Adjusted the plan

65. The Phase 2D building is missing the sanitary invert at the building.

Adjusted the plan

66. Sanitary discharge elevations from buildings 2B and 2C are quite deep. Are there lower floor elevations than the levels shown on the plans?

Adjusted the plan

67. The sanitary force main discharge tie in location point should be called out on the plan. Restoration of the force main route outside of the immediate project site should be addressed.

Adjusted the plan

Comments on Sheet UP-2 Utility Profiles

68. CB 10 is labeled CB 9.

Catch basin Label has been changed

Comments on Sheet L-1 Landscaping Plan

69. For shrub and perennial planting areas define the size limits of the plant beds and the edge treatment where adjacent to lawn areas.

Hatch patterns have been added to the landscaping plan identifying the beds and cover type.

70. For planting areas on the north side of assisted living the area between the building and sidewalk to be planted is 6'± in width. This is wide for one shrub as currently illustrated. Is the intent to make this whole area mulch or are half of these areas to be lawn? Define the limits of the planting beds and edge treatments throughout the site and place an appropriate number of plants for the space. Enlargements of these areas may be needed as these are difficult to detail at 40 scale.

71. There are nine Snowdrift Crabapple shown on the plan and a quantity of four is listed in the chart.

This has been updated.

72. The location of the *Malus sargentii* adjacent to the walkway will result in the crabapples being dropped on the sidewalk.

These have been changed to a different variety of tree.

73. On the west side of independent living there is a Birch and Hawthorne in very close proximity to each other.

The locations have been adjusted to provide more separation

74. The botanical name for the Endless Summer Hydrangea is missing.

This has been added to the plan.

Comments on Sheet E-1 Erosion and Sediment Control Plan

75. Erosion Control Blankets should be clearly shown and called out on the ESC Plan for all disturbed areas with proposed slopes of 3:1 or greater.

This has been noted on the plan.

Comments on Sheet SG-1 Proposed Signage Layout

76. Include a typical detail for each sign type illustrated on the plan.

Signage details will be provided by the architect as part of the architectural approval package to assure accuracy and compliance with the overall architecture of the site.

DPW Comments May 20, 2025

1. No response necessary
2. The applicant has met with Fire District #2 as requested.
3. A striped area in the rear of the ALU has been provided for emergency vehicles.
4. Updated floor plans have been provided. The applicant is working on updated elevations; however, it should be noted the ALU and MCU have been reduced in size and scale. The overall exterior appearances will be in keeping with the original elevations provided.
5. An updated Cree lighting plan has been submitted.
6. The garages have been reduced and pulled out of the 50' setback.
7. The staff parking and employee parking have been shown on the phasing plan. As stated during the meetings, we exceed the requirements of the zoning code for parking. There will be more than adequate available spaces for visitors and residents during each phase of construction.
8. The garages will be leased spaces and will be restricted to owner's vehicles only. This will be monitored and enforced by the operators of the facility.
9. The garages are currently under design; however, the size will be adequate to house the spaces provided. The elevations will be complementary to the facility building elevations.
10. The ILU loading area will be on the circle of the piazza. It has been designed to provide an adequate drop off and pick up for residents.
11. We will be pursuing a 5 Acre waiver as discussed.

12. We have provided a detail for the bollards. We are choosing not to vary the style to keep the aesthetic appearance through the piazza consistent. The piazza will be well lit with most areas along the edge of pavement exceeding 1.0 foot candles.
13. No parking signs have been added to the roads.
14. The sign details will be provided as part of the signage permit once the final architectural elevations have been completed to ensure complementary design.
15. The final plans will be revised to reflect the bollards in this location.
16. Ground cover has been identified on the landscaping plan as requested. Irrigation system will be designed and provided by the landscaping contractor to provide adequate irrigation to the facility as deemed necessary.
17. The final plans will be revised to reflect the orange construction fence around the trees to be preserved.



August 12, 2025

Mr. Peter Comenzo, Senior Planner
Town of Rotterdam
John F. Kirvin Government Center
1100 Sunrise Boulevard
Rotterdam, New York 12306

**RE: Whispering Pines Senior Housing – Phase 2
Site Plan and SWPPP Review
Helderberg Avenue, Town of Rotterdam, NY 12303
CHA File: 12669**

Dear Mr. Comenzo:

The project applicant, Lecce Senior Living, has submitted revised site plans and an updated Stormwater Pollution Prevention Plan (SWPPP) prepared by Brett L. Steenburgh, PE PLLC for the Phase 2 Whispering Pines development. A response to comments associated with CHA's 06/05/2025 review letter was also submitted along with an updated lighting plan and updated building floor plans.

The plans depict the buildings being constructed in four phases with a 119-unit Independent Living building being constructed first. Assisted Living and Memory Care will be developed in three separate phases on the northern portion of the property totaling 144 assisted living units and 108 memory care units upon complete construction of the three final building phases.

Previous review comments from CHA's 06/05/2025 review letter that have been adequately addressed have been removed from this letter. Comments from CHA's 06/05/2025 review letter that still require action are listed below, with additional notes in bold for clarification where necessary. Initial responses from the design engineer are shown in italics. New comments on the updated submission follows review of the previous comments. Please also review the comments on site plans attached at the end of the letter. Only drawings with comments have been included, not the entire set.

General Comments

1. CHA understands that a waiver to disturb more than five acres of soil at one time at the project site will be requested. This should be acknowledged in the SWPPP and the eNOI. The waiver request will need to be approved by the Town of Rotterdam (MS4). The five-acre waiver should be developed based on the requirements of Construction General Permit GP-0-25-001 and include phasing/sequencing plans that will minimize the amount of time that greater than five acres of soil is disturbed.
2. Provide updated architectural elevations.
Response: The elevations have not been specifically updated for the proposed new/reduced footprint; however, the architectural elevations finish and style will be in keeping with the previously approved larger buildings. Elevations should be provided as requested.

3. Provide interim grading plans to illustrate how grading and drainage will work in the three development stages that occur between the four separate phases of building construction. Currently grading is only shown for the final development stage/full build out.

Comments on the Site Lighting Plan

4. Light output from the existing lights along Whispering Pines Way should be added to the photometric plan. The footcandle readings for the sidewalk along the road are zero.
5. Footcandle readings in the parking lot north of the garages that are west of independent living, are zero. Some of the walkways on the west side of independent living the have footcandle readings of zero.
6. Light levels at the east side of the site between the rows of garages are zero.
7. There are many sidewalk areas on the lighting plan that fall below a .5 footcandle reading.

Remaining SWPPP Comments

8. The SWPPP narrative stated that stormwater only leaves the site in 2 locations (Analysis Points B and D). However, Question #37 on the NOI listed only the peak flows for Point D for the existing and proposed conditions 10- and 100- year storms. Please revise and make corrections on the NOI.

*Response: The NOI isn't able to show 2 locations. The updated NOI has the runoff for the entire site not just one of the design points. **The NOI states the pre-development 100-yr peak flow to be 6.51 cfs, however, the SWPPP narrative states 1.97 cfs.***

9. The existing conditions HydroCAD model calculated peak flows for total of 15.27 acres of contributing drainage area. However, the proposed conditions HydroCAD model has only calculated peak flows for $4.79 + 4.72 + 4.67 = 14.18$ acres of drainage area. Please clarify and make corrections as needed.

*Response: The HydroCAD model has been adjusted so existing and proposed net areas match. **The existing conditions HydroCAD model subcatchment areas have been updated, however, they do not match the Existing Drainage Area Map in Appendix B.***

10. The proposed condition "Whispering Pines 1" HydroCAD model indicated that CB-7 and YD-21 are flooded with water depths exceeding the inlet elevations during the 10-year and 100-year storms. Please clarify and make corrections as needed.

*Response: The 12" outlet pipes are receiving 1.47 cfs and 2.15 cfs respectively for the 10-year storm. This does not exceed the typical inlet capacity of 12" pipe of 2.5 cfs. The closed storm water management system is designed for the 10-year storm therefore the 100-year storm capacity is not evaluated. **Closed storm water conveyance systems are typically not designed for 100-year storm capacity, however grading in the area slopes north to the Swint property. During higher storm events runoff will flow into the neighbor's property to the north (Lands of Swint). Higher rainfall***



events should not create off site stormwater runoff.

Whispering Pines 1

Type II 24-hr 100-YEAR Rainfall=6.03"

Prepared by {enter your company name here}

Printed 2/6/2025

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Summary for Pond FORBAY: PLUNGE POOL PRE TREATMENT

[87] Warning: Oscillations may require smaller dt or Finer Routing (severity=251)

[63] Warning: Exceeded Reach CB-7 TO POND INLET depth by 1.68' @ 20.00 hrs

[63] Warning: Exceeded Reach YD-21 TO POND INLET depth by 2.10' @ 20.00 hrs

Inflow Area = 3.875 ac, 64.09% Impervious, Inflow Depth > 3.60" for 100-YEAR event
Inflow = 17.25 cfs @ 11.97 hrs, Volume= 1.161 af
Outflow = 13.23 cfs @ 12.03 hrs, Volume= 0.927 af, Atten= 23%, Lag= 3.5 min
Primary = 13.23 cfs @ 12.03 hrs, Volume= 0.927 af
Routed to Pond FORBAY B : PLUNGE POOL PRE TREATMENT

11. The proposed condition "Whispering Pines 2" HydroCAD model indicated that CB-15A and YD-11 are flooded with water depths exceeding the inlet elevations during the 10-year and 100-year storms. Please clarify and make corrections as needed.

Response: The 12" outlet pipes are receiving 1.97 cfs and 0.27 cfs respectively for the 10-year storm. This does not exceed the typical inlet capacity of 12" pipe of 2.5 cfs. The closed storm water management system is designed for the 10-year storm therefore the 100-year storm capacity is not evaluated. Ponding will occur at these inlet locations during higher storm events.

Whispering Pines 2

Type II 24-hr 100-YEAR Rainfall=6.03"

Prepared by {enter your company name here}

Printed 2/6/2025

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Summary for Reach CB-15A TO POND: CB-15A TO POND

[52] Hint: Inlet/Outlet conditions not evaluated

[82] Warning: Early inflow requires earlier time span

[55] Hint: Peak inflow is 136% of Manning's capacity

[76] Warning: Detained 0.082 af (Pond w/culvert advised)

[87] Warning: Oscillations may require smaller dt or Finer Routing (severity=1)

[63] Warning: Exceeded Reach CB-15 TO CB-15A INLET depth by 0.79' @ 12.20 hrs

[62] Hint: Exceeded Reach YD-11 TO 15A OUTLET depth by 1.58' @ 12.20 hrs

12. The proposed condition "Whispering Pines 3" HydroCAD model indicated that CB-6 and CB-8 are flooded with water depths exceeding the inlet elevations during the 10-year and 100-year storms. Please clarify and make corrections as needed.

Response: The 12" outlet pipes are receiving 1.16 cfs and 0.78 cfs respectively for the 10-year storm. This does not exceed the typical inlet capacity of 12" pipe of 2.5 cfs. The closed storm water management system is designed for the 10-year storm therefore the 100-year storm capacity is not evaluated. Closed storm water conveyance systems are typically not designed for 100-year storm capacity, however grading in the area slopes north to the Swint property. During higher storm events runoff will flow into the neighbor's property to the north (Lands of Swint). Higher rainfall events should not create off site stormwater runoff.



Whispering Pines 3

Type II 24-hr 100-YEAR Rainfall=6.03"

Prepared by (enter your company name here)

Printed 2/6/2025

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Summary for Reach CB8 TO POND: CB8 to Plunge 1

[52] Hint: Inlet/Outlet conditions not evaluated
[82] Warning: Early inflow requires earlier time span
[55] Hint: Peak inflow is 167% of Manning's capacity
[76] Warning: Detained 0.038 af (Pond w/culvert advised)
[63] Warning: Exceeded Reach CB9 TO CB8 INLET depth by 0.67' @ 12.40 hrs

13. Provide a post construction stormwater operations and maintenance manual. Post construction operation and maintenance inspection forms for the proposed SMPs should be included. Use the standard forms in the 2024 NYS DEC Stormwater Management Design Manual or the DEC Maintenance Guidance for Stormwater Management Practices Manual (2017).

Response: Updated on SWPPP. Old forms are still being utilized in App. M of the SWPPP.

14. Provide design calculations and details for the temporary sediment basins on the ESC plans and clarify how runoff will be discharged from the sediment basin (i.e. outlet device) in accordance with the NYS DEC Standards and Specifications for Erosion and Sediment Control Blue Book (2016).

Response: The sediment basins have been removed from Erosion and Sediment Control Plan. The entire site is in a bowl with minimal to no discharge off site. The soils are extremely permeable and there will be no need for sediment basins during construction. Temporary sediment basins should be included as part of the stormwater design.

15. The proposed "check dam" between the proposed sediment basin and Infiltration Basin I-1 is not a standard practice. We recommend replacing it with an earth berm and spillway similar to Plunge Pools 1 and 2 and Infiltration Basin I-2.

Response: The Check dam was changed to an earthen berm as requested. There is a call-out for a "22" stone check dam" at Basin I-1 on sheet UP-1.

Remaining Comments on Sheet SP-1 Site Plan

16. The numbers in the parking chart are not consistent with the spaces shown on the plan. I am counting 245 spaces in 2A (this includes 48 garage spaces and 25 surface parking accessible spaces). In Phase 2B I am counting 60 spaces (includes 4 accessible). This totals 305 total parking spaces (includes 29 accessible). The parking chart on sheet PH-1 has numbers that are not consistent with the chart on SP-1. Please review the parking numbers and reflect the correct number of spaces being provided in both charts.

Response: The number of parking spaces has been updated. The numbers listed in the original comment have been updated. There are two charts with parking numbers on SP-1 and the parking number chart on the phasing plan PH-1. All charts have different numbers and none match the actual space count on the plan.



17. Define employee parking areas per phase.

Response: The employee parking areas have been defined on the phasing plan. Will these spaces be signed as employee parking only? In the full build out there are 70 employees and 53 designated employee spaces.

18. Define visitor parking areas per phase. Some designated visitor parking should be provided for convenience.

Response: Visitor spaces have been identified on the phasing plan as requested. Provide signage designating visitor parking only.

19. The site statistics chart should be updated with the correct numbers.

Response: The site statistics chart has been updated. Update the site statistics chart with the correct parking numbers.

20. The garages at the eastern side of the site are within the fifty-foot setback required in the zoning for the Senior Living District. The northwestern corner of assisted living Phase 2D is also within the fifty-foot setback required in the zoning for the Senior Living District.

The Phase 2D Assisted Living building is still within the fifty-foot setback.

21. Consider increasing the curb radius at the entry lane to the lot at the west side of independent living to help facilitate circulation in lot (see plan markup).

Response: The radius is a 20' radius and will easily accommodate the anticipated box trucks backing into the loading dock and circulation throughout the parking lot. The comment was referencing the radius interior to the lot, to help facilitate right turn movements when entering the parking lot.

New Comments on Sheet SP-1 Site Plan

22. Align the center of the access aisle for the accessible parking spaces at the east end of the Phase 2D building with the center of the walkway that leads to the building and door location.
23. The stamped concrete section for traffic locations should carry through the entire roadway area where vehicles will be traveling. The pedestrian stamped concrete pattern and color can be carried through this area to designate where pedestrian crossings occur, but the section should be the heavier section to support the vehicle loads.
24. Align one of the access aisles for the accessible spaces with the walk to the doors at the west side of Phase 2C.
25. At the garages east of phase 2D the driveway width at the south side of the double garage row should be a two-way minimum width of 24'. This edge of pavement should be perpendicular to the south corner of the single garage row. Currently this edge of pavement wavers.



Comments on Sheet GP-1 Grading Plan

26. Garages are shown with slopes along the fronts of the units. They will be built level. Provide a finished floor for the entire row of garages at each location and revise the grading to work with one floor elevation for each group of garages. Individual garages could be at different elevations but this would require a wall or landscape element between them to facilitate the change in grade. Grading in the areas of the garages needs to be developed and refined.

Response: The finished floor elevation has been added to the garages. Grading in both proposed garage areas of the site needs further study, refinement and development. See plan notes; stepping the floor elevation of the double row of garages between the units may be helpful. Trench drains typically are installed with a level grate. The grading is not functioning or constructable in these areas.

27. For the garages at the east side of the site up to 6' of fill is being placed against the south side of the structures above what floor level is on the north side. This would require waterproofing and additional structural measures that would not be typical for garage construction. Suggest revising the grading in this area so that fill is not required above the floor level of the garages.

Response: This is to preserve the existing trees requested by the town. The rear wall of the garage will be required to be a waterproofed retaining wall. Comment remains. This should be reviewed with the architect for acceptance of the design intent and to review the feasibility of this approach as this is not typical for this type of construction.

28. At the west side of assisted living, Phase 2C, provide grades at the accessible parking spaces and provide grades to define an accessible route to the doors. Additional grades are needed in this parking lot. Sheet flow across the lot to the west may result in long term erosion challenges on the basin side slope. An infiltration strip with an underdrain that could discharge to the basin could be considered if sheet flow is necessary. Runoff could also be directed to structures and a closed system.

Response: Additional spot elevations have been added. A stone diagram has been added the EOP to reduce the risk of erosion. Align one of the access aisles with the walkway to the doors. Provide grades on the curb ramps and along the accessible routes to the doors.

29. Provide spot grades at all curb ramps and related landings. Additional grading enlargements are likely necessary.

Response: The curb ramps have been shown to meet code. There are no locations where the grades are that close that the contractor does not have room to meet these requirements. Comment remains. There are areas where the curb ramps and landings need review.

30. Provide spot grades at all accessible parking spaces and the related access aisles.

Response: Spot grades have been added to curbs and ramps. Comment remains. There are areas where the accessible parking spaces and access aisles need review.

31. The 343 contour is missing in two places south of the Phase 2D assisted living building (see plan).



Response: Correction to grading has been made. The 343 contour will need to be adjusted in this area. Adjust the parking lot slope at the accessible spaces to be 2.0% or less.

32. The proposed 341 contour north of the Phase 2B Building ties into an existing 39 contour. The 341 contour should continue east and southeast around the curve to tie in (see plan).

Response: Correction to grading has been made. Comment remains. The 341 proposed contour is missing on the curve near the property line between the 2B and 2D building.

33. In the area of the first intersection on the approach from Helderberg Ave., clearly define the low point in the main road profile. Design a consistent profile grade in this area (see plan).

Response: Additional spot elevations have been shown on the plan. A low point is being created south of 2C Assisted Living contained within the 242 contour along the curb.

34. Are the patios shown on the south side of independent living raised decks at elevation 253.00 with grades shown beneath the deck? More clarification of the grading is needed on this side of the building.

Response: The decks will be raised either with retaining structures or platform decks. Comment remains. Coordinate with architecture to determine what the design intent is. See additional comments on the plan in this area. Why is there a one-foot slope shown across some of the patio areas? Review the relationship of the finished floor elevation to the patio elevation at each end of the building.

New Comments on Sheet GP-1 Grading Plan

35. See comments on the attached plan drawing.
36. Provide grades along the accessible route from the accessible spaces at the west side of Phase 2C to the entry doors.

Comments on Sheet GP-2 Detailed Grading Plan

37. Provide a north arrow on the drawing.
Comment remains.
38. At the main at grade crossing between assisted and independent living there are two spot grades that would create a cross slope on this walk that is too steep (see plan).

Response: The spot elevation has been adjusted. Comment remains. The proximity of the 343.20 spot grade to 343 contour on each side of the spot elevation creates a steep slope. The high point elevation is above floor level. This area needs refinement.

39. See the notes on the plan in the area of the at grade crossing under the bridge.

Response: The spot elevations have been adjusted. Comment remains; this area needs refinement.



40. There is a spot grade of 342.7 in line with the 342 contour on the north side of independent living (see plan).

Response: The spot elevations have been adjusted. Comment remains, see plan notes in this area. Grading requires revisions in this area.

41. The parking lot and roadway grading on the north side of the independent living building (western end) should be reviewed as there is conflicting information in this area (see plan).

Response: The parking lot has been reviewed and the information has been added. Comment remains. See the notes on the plan; grading in this area needs refinement.

New Comments on Sheet GP-1 Detailed Grading Plan

42. See comments on the attached plan drawing.

Comments on Sheet UP-1 Utility Plan

43. There are many upper branches to the storm system throughout the site that do not have sufficient cover over the pipes and are extremely shallow structures. In some cases, pipes have less than one foot of cover. The site design should provide a reasonable cover depth above the top of pipes. A number of these instances have been circled on the plan (see plan).

Response: This has been discussed in previous iterations of comments. The areas you are referring to are yard drain locations in lawn areas. This can be accomplished easily using yard drain structures and will not have an adverse impact on the design. Comment remains. Provide a detail for the yard drain that is to be utilized. Cover in some areas is one foot, and in some cases, less than one foot, which is not standard or sufficient cover on the closed storm system piping.

44. Will separate water service lines be required for the Phase 2C and 2D building additions?

Response: Adjusted the plan. Comment remains. Water service is only shown to the 2B building currently on the plan.

New Comments on Sheet UP-1 Utility Plan

45. The water line on the north side of Phase 2D does not stay parallel with the curb line but ends up under the curb line as it proceeds west. The line is less than 10' from the building wall at the western end of the building. Depending on the foundation type the line could be very close to the foundation. Suggest keeping the water line clear of the curb a consistent distance.

46. Yard drain 26 at the west side of Phase 2C is close to the walk. Consider shifting the basin east. This enters the basin quite low and may surcharge during longer duration infiltration events.

Comments on Sheet L-1 Landscaping Plan



47. For shrub and perennial planting areas define the size limits of the plant beds and the edge treatment where adjacent to lawn areas.

Response: Hatch patterns have been added to the landscaping plan identifying the beds and cover type. What is the edge treatment where planting beds are adjacent to lawn areas? Not all beds have a defined width, like the beds on the south side of independent living.

48. For planting areas on the north side of assisted living the area between the building and sidewalk to be planted is 6'± in width. This is wide for one shrub as currently illustrated. Is the intent to make this whole area mulch or are half of these areas to be lawn? Define the limits of the planting beds and edge treatments throughout the site and place an appropriate number of plants for the space. Enlargements of these areas may be needed as these are difficult to detail at 40 scale.

Comment remains.

Comments on Sheet SG-1 Proposed Signage Layout

49. Include a typical detail for each sign type illustrated on the plan.

Response: Signage details will be provided by the architect as part of the architectural approval package to assure accuracy and compliance with the overall architecture of the site. Comment remains. Site signage details should be developed as part of the site plan package.

Comments on Sheet PH-1 Proposed Phasing Plan

50. Update the parking chart with the correct numbers. Under MCU units the 2C phase previously had 84 listed as the number (not 108). Please verify.

Should you have any questions or need anything further, please do not hesitate to contact me at (518) 453-4787 or rtreers@chasolutions.com

Sincerely,



Ronald D. Treers RLA, LEED AP BD+C

cc: Kimberly Scannell
Lou Lecce
Brett Steenburgh
Attach: (2) 36x48 plans

LEGEND

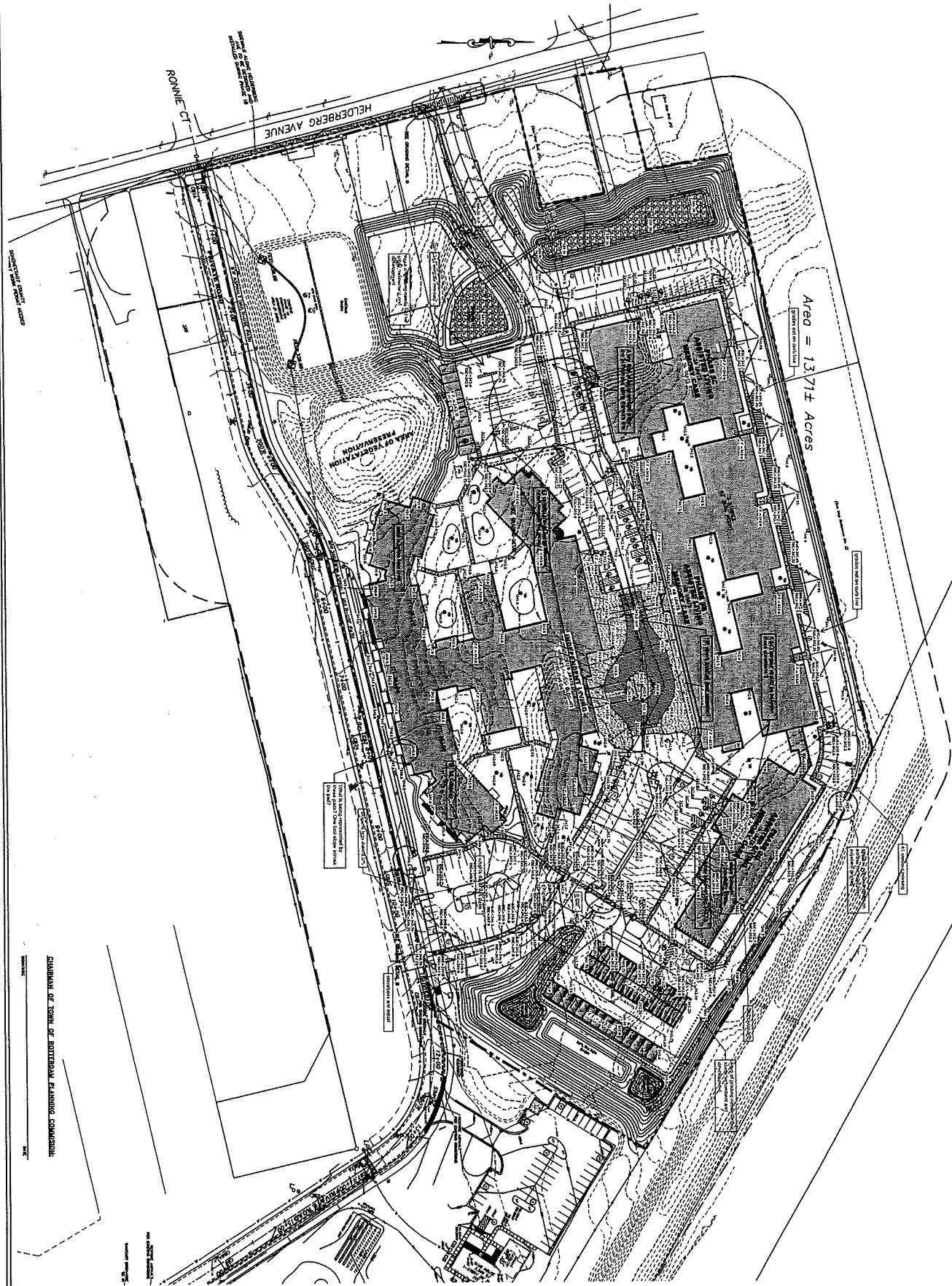
PROPERTY LINE

PROPOSED CONTAINMENT

EXISTING CONTAINMENT

PROPOSED SPOT ELEVATION

PROPOSED GRADE ADJUST



DPW Comments
August 19, 2025

- 2. Peter Road, LLC – 759 Peter Road.** Sketch/Preliminary Site Plan Review to construct 16 condominiums (four building containing 4 units each) on a ±2.41-acre parcel. Engineer: Steenburgh Consulting Engineering, PLLC.

1. Perc and soil tests were conducted on 8/26/24. Additional testing should be coordinated with the Town and TDE based on updated layout and include all septic and stormwater areas.
2. Applicant should explore matching stone wall & “Welcome to Highbridge” sign similar to newly installed one on north side of Highbridge. Wall may need to be substantially shorter in length due to the existing utility easement along Highbridge but could wrap around the Peter Road/Highbridge corner and be incorporated into proposed aluminum fence with pilasters along Peter Road.
3. Internal sidewalks along both the north and south side of entrance road should be provided. There are no sidewalks internally amongst buildings.
4. Provide sidewalk along Peter Road and connect into existing sidewalk on Highbridge Road.
5. Show location of homes on lots abutting the site.
6. Building elevations are needed. Are patios and second floor decks proposed? Small privacy walls should be incorporated in any proposed outdoor space.
7. Proposed hydrant location should be reviewed by Carman Fire District.
8. Fire flow testing needs to be performed and coordinated with TDE and DPW.
9. Existing grade CAD layer should be removed from septic plan. Site is relatively flat and no substantial cut/fill is proposed.
10. Provide all signage (project, wayfinding, traffic control) and add to detail sheet.
11. Provide lighting plan.
12. Add standard Town notes regarding snow, lighting, ect....

DPW Comments from May 20, 2025

1. Planning Commission should authorize the Chairman to enter into an agreement to retain the services of a Town Designated Engineer (TDE) to assist in the review of this application.
2. Add internal concrete sidewalks and add sidewalk along frontage on Peter Road to connect into existing sidewalk along Highbridge Road.
3. Radiuses should be increased to allow for emergency vehicles.
4. Are basements proposed? Number of bedrooms.
5. Provide elevations and floor plans for the proposed building.
6. Buffering of adjoining single family residential homes and additional landscaping at the entry should be discussed with the applicant.
7. Add site statistics table.

SEQR Requirement: 6 NYCRR 617 Unlisted Action. Rotterdam Town Board issued a Negative Declaration on February 12, 2025.

Peter Comenzo

From: Kathleen Pierone <kpierone@rosewoodfanning.com>
Sent: Friday, August 15, 2025 1:58 PM
To: Peter Comenzo
Subject: Reports/ Info Supplement DPW Notes 8/19/25 PC Mtg

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Peter,

Are there any detailed DPW reports such as septic system and specific recent environmental concerns esp the slope on the St. Jude cul-de-sac?

Also, Natasha McDole advised me that her adjoining property on Angelina Road continues to be misrepresented on the 759 maps.

Plus, the architect told Ms. McDole that the plan for shrubbery border was to purchase evergreens from a Christmas tree farm.

Do you know what the intent is for the trees there now on St. Jude's cul-de-sac? Those adjoining properties are very concerned about their back yards being flooded with roof rain and snow melt run off. That could mean their cellars get flooded and for those with pumps, where will that water be dumped if their yards are already saturated?

All the St. Jude residents (including those halfway down the road) who attended our library meeting in June, have some form of basement water issue now arranging from inability to use cellars due to mold to the need to use sub pumps to keep cellars dry. Even up in the "Estates" at the end of St. Jude with their very high foundations need to run pumps despite the Town drainage hole b/c they claim that the Town does not remove it enough to prevent water getting into their basements.

To be honest, I have been entertaining visiting relatives and going to SPAC tonight, so I have not had the time to scrutinize the plans.

FYI: the property plans were not part of the Aug PC meeting agenda. At least I didn't see them with my quick review.

Thanks,
Kathy

Lisa Gallo

From: D D <darlenedegonza@gmail.com>
Sent: Saturday, April 5, 2025 10:10 AM
To: Lisa Gallo
Subject: Fwd: Peter Road LLC Zoning Change Approval

You don't often get email from darlenedegonza@gmail.com. [Learn why this is important](#)

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Per the out of office message for Mr. Comenzo, I just wanted to forward my communication to the Planning Commission.

Thank you,
Darlene DeGonza

----- Forwarded message -----

From: D D <darlenedegonza@gmail.com>
Date: Sat, Apr 5, 2025 at 10:04 AM
Subject: Peter Road LLC Zoning Change Approval
To: <pcomenzo@rotterdamny.org>
Cc: Rich DeGonza {ICE} <rdegonza1080@nycap.rr.com>

Good morning Mr. Comenzo,

Since the Town Board approved a zoning change for Peter Road LLC to move forward with their planned condominium project, it's my understanding the builder will continue working with your department for the duration of their project. Is that correct?

If so, would the public be invited to attend Planning Commission meetings when the Peter Road LLC project is on the agenda?

As the Planning Commission is already aware, Peter Road LLC representatives cited community improvement as one of the reasons the Town Board should pass their zoning change request.

Quite frankly, the builders representatives did not make a strong case for how or what they would do to improve our community. I'd like to propose a few reasonable requests that truly would improve our

community and possibly make Peter Road itself safer for our residents. Such as:

Park Creations - locations in our community:

St. Jude Drive cul-de-sac, directly behind the Peter Road LLC condominiums. This could be a combination park, primarily for children with a portion fenced and dedicated to the many dogs who live in our community.

Devendorf Rd, Dudley, Rd and Louis Rd area off Peter Road. This is a large, wooded area perfect for a park similar to Boxwood Park located in the neighboring community across Highbridge Road.

"Local Traffic Only" signs on Peter Road - multiple signs are needed from the intersection of Highbridge Rd and Peter Rd to the intersection of Peter Rd and Kings Rd.

As a gesture of good will, Peter Road LLC representatives should already be engaging with residents whose properties border theirs as well as the residents in the Peter Road area to hear their thoughts and suggestions for true community improvements.

I appreciate your time and thank the Rotterdam Town Planning Commission for their continued efforts in keeping our community a "Nice Place to Live."

Respectfully,

Darlene DeGonza
Resident of St Jude Drive

DPW Comments
August 19, 2025

3. Burdeck Street Ventures, LLC – 785 Burdeck Street & Princetown Road. Concept/Sketch Site Plan/Special Use Permit review to construct nine (9) ±12,000 square foot flex warehouse buildings with two (±2) acres of outdoor storage on a combined ±14.6-acre parcel. Engineer: Advance Engineering & Surveying PLLC.

- 1) Applicant has purchased the property and would like propose a similar industrial warehouse development that was last reviewed in 2019.
- 2) SEQR will need to be revisited and Planning Commission should declare lead agency and circulate latest proposal to involved/interested agencies.
- 3) Planning Commission should authorize the Chairman to enter into a contract for a TDE. Previous TDE on prior project was GPI.
- 4) Tractor Trailers should be prohibited from utilizing proposed secondary entrance onto Princetown Road.
- 5) A phasing plan will need to be prepared.
- 6) Applicant should consider reserving portion of the property that would be conducive to an industrial building or use that may require a rail siding in the overall layout. This opportunity is scarce in Rotterdam and historic use of this property included this use.
- 7) Project layout should be reviewed by TDE prior to proceeding with detailed engineering.
- 8) Proposed layout of Building 1-5 should be reviewed. Proposed parking plan does not match warehouse use and is not consistent with project narrative provided.

SEQR Requirement: 6 NYCRR 617 Unlisted Action. Rotterdam Planning Commission should declare Lead Agency.

Involved/Interested Agencies:

Schenectady County Economic Development and Planning

Schenectady County Department of Health

Schenectady County Department of Public Works

New York State Department of Environmental Conservation – Region #4

New York State Department of Transportation – Audrey Burneson (Guy Tedesco & Chad Corbett)

Rotterdam Police Department

Metroplex Development Authority

Fire District #6



Advance Engineering & Surveying, PLLC

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

Nicholas Costa, PE

Project Narrative Proposed Warehouse Flex Space Buildings & Outdoor Storage Burdeck Street/Princetown Road, Town of Rotterdam, N.Y.

Town of Rotterdam, County of Schenectady
July 2025

Site Address: Burdeck Street/Princetown Road
Applicant: Burdeck Street Ventures LLC
Contact: Michael Floccuzio
Engineer: Advance Engineering & Surveying PLLC
Nicholas Costa
518-698-3772
Proposed use: Warehouse
Zoning: I-1 Light Industrial
Area of Property: 14.6± acres

RECEIVED

JUL 31 2025

TOWN OF ROTTERDAM
PUBLIC WORKS

Description of Existing Site and Use

The project site lies in an I-1 Light Industrial zone and is composed of two parcels identified as tax map parcels 48.00-3-6.12 & 6.2. The subject property is vacant. The parcels encompass an approximate area of 14.6 acres. The site is adjacent to an active railroad and existing tracks border the westerly boundaries of the project site. The parcels have frontage along Burdeck Street (164.91+/- feet) and Princetown Road (697.78+/- feet). A gravel driveway currently exists along Burdeck Street that provides access to the parcel. The parcels are bounded by the railroad tracks owned by New York Central Lines LLC on the west, a metal building owned by 498 Princetown Road, LLC and a residential lot owned by Ralph & Susan Caprara on the south; the Right-of-Way of Princetown on the east and the Right-of-Way of Burdeck Street on the north. Municipal water is available to service the proposed buildings. However, municipal sanitary sewer is not available and the site will have to utilize on-site subsurface sanitary sewer systems to manage the sanitary sewage from the development until such time that municipal sanitary sewer service becomes available.

PROPOSED DEVELOPMENT

The applicant proposes to develop the project site with Warehouse Flex-space buildings as shown on the Concept Plan. As shown on the Concept Plan, a total of nine (9) warehouses are proposed with each having an area of 12,000+/- square feet (SF). Also an outdoor storage area of approximately 2 acres is proposed. Associated access and circulation roadways and parking are shown on the Concept Plan to be developed to support the proposed development. The applicant does not currently have specific

tenants for the site. The property is currently owned by the applicant/developer. The applicant is requesting approval for the construction of the proposed buildings to satisfy the demand for smaller warehouse space

The proposed use of the site for warehouse buildings is fully consistent with adjacent development and property zoning and will not create a source of noise, visual incompatibility or other impact. The project site is located in the Light Industrial Zoning District of the Town of Rotterdam and the applicant intends to comply and follow the requirements presented in the Town of Rotterdam Zoning Code for the development of the proposed project.

Total site coverage statistics for this new development are as follows and are shown on the Concept Plan:

<u>Site Coverage:</u>	<u>Existing Coverage:</u>	<u>Proposed Coverage:</u>	<u>Difference:</u>
Building Coverage	0 ± S.F. or 0%	108,000 ± S.F. or 17.0%	+108,000 ± S.F. or +17.0%
Pavement, Sidewalk	636 ± S.F. or 0.1%	272,981± S.F. or 42.8%	+272, 345 ± S.F. or +42.7%
Green Space:	636,473 ± S.F. or 99.9%	256,128 ± S.F. or 40.2%	-380,345± S.F. or -59.7%

The proposed area of site development does not have existing NYS or US ACOE jurisdictional wetlands.

Impact on Adjoining Property

Noise

The proposed project may have some noise impacts since it will be an industrial type use but it is no different than the noises that currently are generated at the adjacent areas. The project layout was sensitive to the residential neighbors that are located along Princetown Road and has maintained large green buffer from Princetown Road.

Visual

The proposed buildings will have exterior features that will blend into the existing environment. The proposed buildings will be commercial in appearance and be consistent with the surrounding commercial properties and land use.

Drainage

The drainage from the site currently is managed on-site by the very pervious soils that exist.

The project drawings show that the proposed development will utilize on-site stormwater management practices to mitigate any additional flows that are generated from the proposed site development. The stormwater management practices will be in accordance with the Town of Rotterdam Stormwater Regulations and the NYSDEC Stormwater Management Design Manual. Since the project will be disturbing more than one-acre a

Stormwater Pollution Prevention Plan (SWPPP) will be prepared to show how the project is fully in conformance with the previously cited regulations.

Impact on Services

Traffic

The proposed Warehouse Flex space buildings, in accordance with the ITE Trip Generation Manual, 9th edition it is estimated that PM peak trip generation will be 0.47 trips per 1000 SF, therefore the estimated PM peak trips generated will be approximately 51 trips. This amount of additional trips can be managed by the existing Burdeck Street roadway corridor.

Sanitary Sewer

The proposed development will generate approximately 525 Gallons per Day (GPD) based on maximum of 35 employees. The laterals from the buildings will be connected to on-site subsurface systems that will be designed for each building until such time that municipal sanitary sewer becomes available to the site. The on-site soils are pervious and should have sufficient capacity to manage the estimated flows generated from the proposed development.

Water

The proposed development will require the provisions of domestic water with an estimated demand of 525 GPD. There are existing water mains near the site that can provide this demand. The existing municipal water system has the capacity to meet the water demand from the proposed development.

The proposed development facility will not involve the use, storage or disposal of hazardous chemicals and materials. Lawn and grounds maintenance will be performed by contract firms using licensed and permitted pesticides and fertilizers. Winter solvents (rock salt and calcium chloride) will be brought to and applied to the site by contract firms on an as-needed basis. If a tenant is involved with the use, storage or disposal of hazardous chemicals and materials it will comply with all State and Federal permitting regulations.

The proposed site is located within the Light Industrial (I-1) zone as shown on the Town of Rotterdam Zoning Map. The proposed use within this zone is allowed and is a compatible use with existing uses and facilities located in the project vicinity. This proposed use is consistent with land uses permitted in the Town of Rotterdam Zoning Code.

proj.narrative.07.30.25.docx

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: Michael E. Floccuzio

Mailing Address: _____

City: Duanesburg State: NY Zip: 12056

Daytime Phone: _____ E-mail: _____

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: Nicholas Costa-Advance Engineering & Surveying, PLLC

Mailing Address: _____

City: Latham State: NY Zip: 12110

Daytime Phone: 518 698 3772 E-mail: _____

Project/Proposal Site Area (Acres or sq. ft.): 14.6+/-
Assessor Tax Parcel No.(s) of Proposal Site: 48.00-3-6.12 & 6.2

Adjacent Area Owned or Controlled (Acres or sq. ft.): 0
Assessor Tax Parcel No.(s) of Adjacent Land Owned or Controlled: _____

Street Address of Proposed Site (if any): _____

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

Existing Zoning Classification: I-1 (Light Industrial)

School District: Schalmont School District

Fire District: Rotterdam Fire District

Water Supply District #5

LEGAL INFORMATION

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

Burdeck Street and Princetown Road and has frontage along both streets.

Name of public road (s) providing access: Burdeck Street & Princetown Road

Width of property fronting on public road: 164.91 feet along Burdeck & 697.78 feet along Princetown Road

Attach deed or legal description.

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

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

Proposed development of nine (9) warehouse buildings with an approximate building area of 12,000 square feet each and associated circulation and access roadways. Development of 2.01 acre outdoor storage area.

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:

The proposed special use for this parcel would not be detrimental to or an endangerment to the public health, safety, morals, convenience or general welfare. The neighboring parcels have a mix use that compliment the proposed use of flex space. There are already existing warehouse and mechanical contractor operations immediately adjacent to the parcel.

- (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:

The special use of the parcel is not injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and does not substantially diminish and impair property values within the neighborhood. As noted above the immediate parcels adjacent to the project site are already being utilized for warehousing and contractor's operations.

- (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 establishment of the special use permit does not impede the normal and orderly development and improvement of the surrounding property. The development of the subject parcel will only enhance and complement the neighboring properties.

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

The proposed development has adequate utilities, access roads, drainage and the necessary facilities for the proposed development. The parcel fronts on two roadways which can access the proposed development; there is municipal water along the property. Soil investigations have shown that the site soils are gravelly and can accommodate on-site wastewater and can also be utilized for managing the stormwater runoff generated at the proposed development.

- (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 proposed development will circulate within the parcel and have two means of access locations which will minimize the traffic congestion on the public streets.

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

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, Michael Flocuzio, being duly sworn declare that I am the
(PROPERTY OWNER)

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

Tax Parcel Number(s): 48.00-3-6.12 & 6.2

I hereby grant NICHOLAS COSTA and/or their agent(s) to act on my behalf.
ADVANCE ENGINEERING & SURVEYING, INC

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): Michael Flocuzio
Date: 7/31/25

NOTARY

STATE OF NEW YORK) ss:

COUNTY OF Albany

SUBSCRIBED AND SWORN to before me this 31st day of July, 2025

NOTARY SEAL

Tera L. Dutkiewicz
Notary Signature

TERA L DUTKIEWICZ
Notary Public, State of New York
No. 01DU6441124
Qualified in Albany County
Commission Expires 09/19/2027

Notary Public in and for the State of New York

Residing at:

2029 New Scotland Rd Slingerlands

My appointment expires:

9/19/2027

NY, 12152

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: Michael Flocunno

Date: _____

Address: _____

Phone: 7131125

Zip: 12056

Michael Flocunno
*#1 Signature of Owner #1

7/31/25

Date

Notary
(For Signature #1 Above)

STATE OF NEW YORK) ss:
COUNTY OF SCHENECTADY)

SUBSCRIBED AND SWORN to me this 31st

day of

July, 2025

NOTARY SEAL
JAN L DUTKIEWICZ
Notary Public, State of New York
No. 01DU6441124
Qualified in Albany County
Commission Expires 09/19/2027

Jan L. Dutkiewicz
Notary Signature

Notary Public in and for the State of New York

My appointment expires: 9/19/2027

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: _____

Part II
TOWN OF ROTTERDAM
PLANNING COMMISSION SITE PLAN CHECKLIST

The following is a list of Site Plan Requirements as outlined in § 270-132 of the Town of Rotterdam Zoning Code. All required information should be contained in the application unless specifically waived by the Planning Commission. Failure to submit will cause delay.

Section A *Preliminary plans. Application for preliminary site plan approval shall be accompanied by the following information located on the site plan. Failure to complete this information will result in a determination of "incomplete" and the application will be held in abeyance pending receipt of all required information.*

1. ☒ A map of the applicant's entire lot, plot or parcel of land at the scale of one inch equals 40 feet, unless the Planning Board determines a different scale more appropriate, showing all properties, subdivisions, streets, watercourses and easements which pass through the property or are known to abut the applicant's property.
2. ☒ The name and address of the applicant, contract vendee or owner and title of drawing.
3. ☒ The North symbol, date and scale.
4. ☒ The name, address, title and license number of the person or firm responsible for the preparation of the map.
5. ☒ Structures and circulation: twelve (12) sets of preliminary plans, electronic copy, elevations and sections of proposed structures and roads, showing the proposed location, use and design of all buildings and structures, dimensions, square footage, including any proposed division of buildings into units of separate occupancy and location of driveways thereto, and showing the proposed location of all roads, pedestrian walkways and fire lanes.
6. ☒ Landscaping: Show location, dimension, type, and condition of existing landscaping, and location, dimension and type of proposed landscaping.
7. ☐ Cut and fill: extent and amount of cut and fill for all disturbed areas, including before and after profiles of typical development areas, parking lots and roads.
8. ☒ Stormwater retention: provisions for on-site stormwater retention basins during and after construction, designed to handle any increased rate of runoff.
9. ☐ N.A. Wells: location and test yields in gallons per minute of all proposed on-site wells.
10. ☒ Drainage fields or dry wells: location and percolation test results of all proposed drainage fields or dry wells.
11. ☒ Water supply and sewage disposal: description of method of water supply and sewage disposal and location of such facilities.
12. ☒ Location of existing wetlands and floodplains.
13. ☐ Lighting, power and communication facilities: location and design of lighting, power, fiber optic, and communication facilities.
14. ☒ Signs: location, design and size of all signs.
15. ☐ Site improvements: location of all existing and proposed drains, culverts, retaining walls and fences.
16. ☒ Outdoor storage: location of any outdoor storage and other accessory uses.
17. ☒ Uses: detailed breakdowns of all proposed floor space by type of use.
18. ☒ Other industrial uses: In an industrial district, specific uses proposed, number of employees for which buildings are designed, type of power to be used for any manufacturing process and the proposed method of disposal of such wastes or by-products shall also be shown.
19. ☒ State Environmental Quality Review (SEQR): No application shall be deemed complete without compliance with SEQR www.dec.ny.gov/docs/permits_ej_operations_pdf/seafpartone.pdf

RECEIVED

JUL 31 2025

Section B The Planning Commission often requests these additional information items during the preliminary meeting. The applicant is typically requested to modify the site plan or explain this information in more detail at the meeting. This usually involves the expenditure of additional time and expense to the applicant.

If these additional information items are included with the initial submittal, it may be possible to skip over the initial sketch plan review meeting and proceed directly to preliminary plan review. Answering these information items now may reduce the review time by a minimum of two (2) to four (4) weeks. The decision to allow the applicant to waive the sketch meeting shall reside with the Planning Commission Chairman after consultation with the Town of Rotterdam Department of Public Works.

1. ☒ Show location of snow storage area or indicate if it will be removed off site. In addition, provide a note on the site plan that reads "Snowfall accumulations in excess of four (4) inches shall be removed from all parking areas/walkways within 48 hours."
2. ☒ Provide a signature space for the Planning Commission Chairman with the following wording below the signature line "Chairman, Rotterdam Planning Commission:
Date: _____".
3. ☒ Show location and dimension of all entrances and exits to all building(s), specify which are handicap accessible, and indicate the primary exit(s) and emergency exits.
4. ☒ Show location and dimension of all entrances and exits to the site, and indicate the primary entrance/exit.
5. ☒ Show handicap parking space(s) and striping from the space(s) to the handicap entrance(s).
6. ☒ Show location, dimension, type, and condition of all existing and proposed paved areas, parking areas with striping, and sidewalks. Indicate which exist and which are proposed.
7. ☒ Show location, dimension, type, and condition of refuse/dumpster area and any existing/proposed screening.
8. ☐ Show location of all external vents, propane tanks, HVAC units, and other accessory external structural features.
9. ☐ N.A. Show location of drive-thru window and corresponding traffic circulation pattern(s) if applicable.
10. ☐ Provide documentation from the Town of Rotterdam Water Department that a consultation has occurred and provide water meter with current reading.
11. ☐ Show location of all outdoor lighting fixtures and provide a note on the face of the plan that states: "All lighting shall be shielded and/or placed in such a manner as to prevent off-site illumination"
12. ☐ Show location, type, and size of existing and proposed fencing and buffer screening.
13. ☐ Add note on the face of the site plan that reads "Development must meet all NYS Building and Fire Codes."
14. ☒ Add note on the face of the site plan that identifies the zoning of the subject property.

☒ I have completed all of the above requested items which apply to this site plan under Section A and request that this application be placed on the next available Planning Commission meeting for sketch plan review.

☐ I have completed all of the above requested items which apply to this site plan under Section A and Section B and request that this application be placed on the next available Planning Commission meeting for preliminary review.

Nicholas Costa

Print Name

07-30-28

Date

Type text here

Signature

Short Environmental Assessment Form
Part 1 - Project Information

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JUL 31 2025

Instructions for Completing

TOWN OF ROTTERDAM
PUBLIC WORKS

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 Flex Space

Project Location (describe, and attach a location map):

Burdeck Street & Princetwon Road

Brief Description of Proposed Action:

Applicant is proposing the development of nine (9) buildings with each building having an approximate area of 12,000 square feet. Also developed with the buildings will be circulation and access roadways and parking to support the proposed development. Development will also involve a 2.01 acre outdoor storage area.

Name of Applicant or Sponsor:

Burdeck Street Ventures LLC

Telephone: [REDACTED]

E-Mail: [REDACTED]

Address:

250 Suits Road

City/PO:

Duanesburg

State:

NY

Zip Code:

12056

1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?

NO

YES

If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.

☒

☐

2. Does the proposed action require a permit, approval or funding from any other government Agency?

NO

YES

If Yes, list agency(s) name and permit or approval: Town of Rotterdam Planning Commission - Site Plan & Special Use;
Town of Rotterdam Building Department-Building Permit

☐

☒

3. a. Total acreage of the site of the proposed action?

14.6+/- acres

b. Total acreage to be physically disturbed?

5+/- acres

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

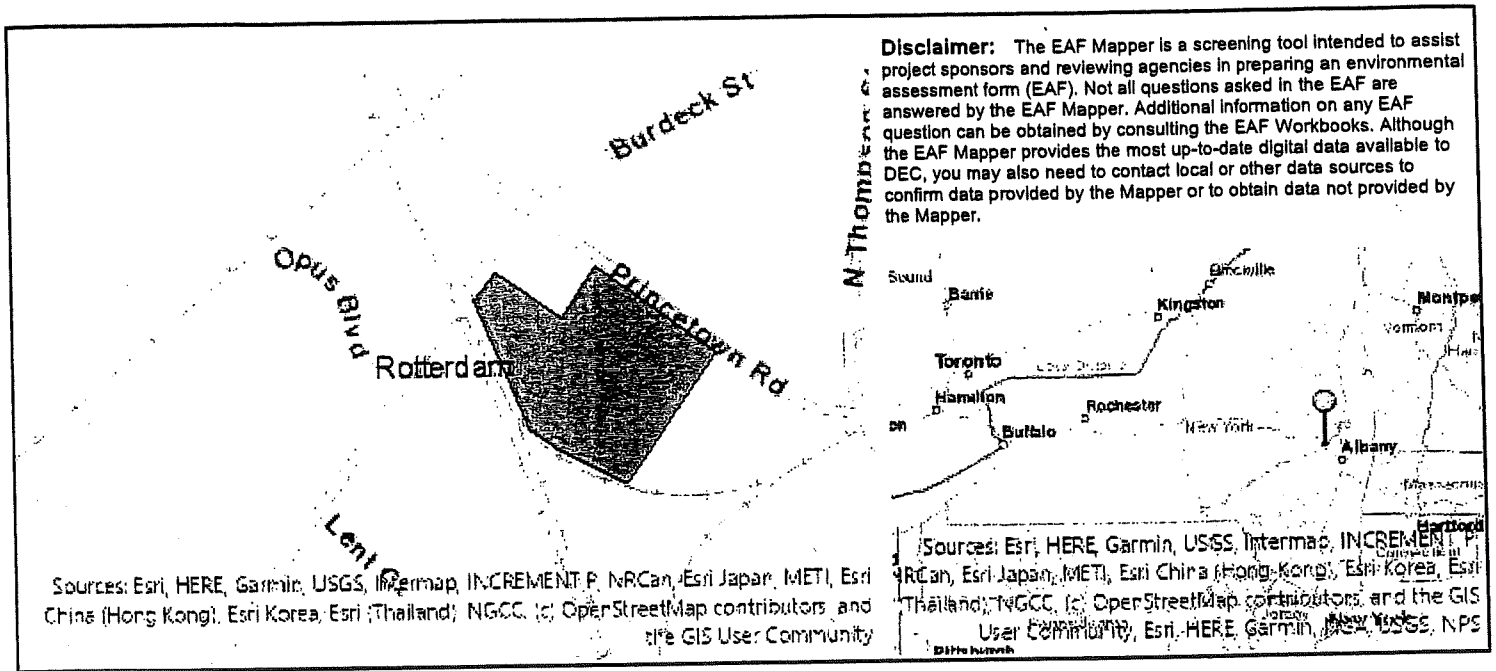
14.6+/- acres

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

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☒ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	☒	☐
16. Is the project site located in the 100-year flood plan?	NO	YES
	☒	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	NO	YES
	☐	☒
	☒	☐
	☐	☒
Stormwater runoff will be managed on-site and in accordance with the Town of Rotterdam and the NYSDEC Stormwater Regulations.		
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>Bulbeck Street Ventures LLC</u> Date: <u>07.30.25</u> Signature: <u>N. GSA</u> Title: <u>AGENT FOR APPLICANT</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

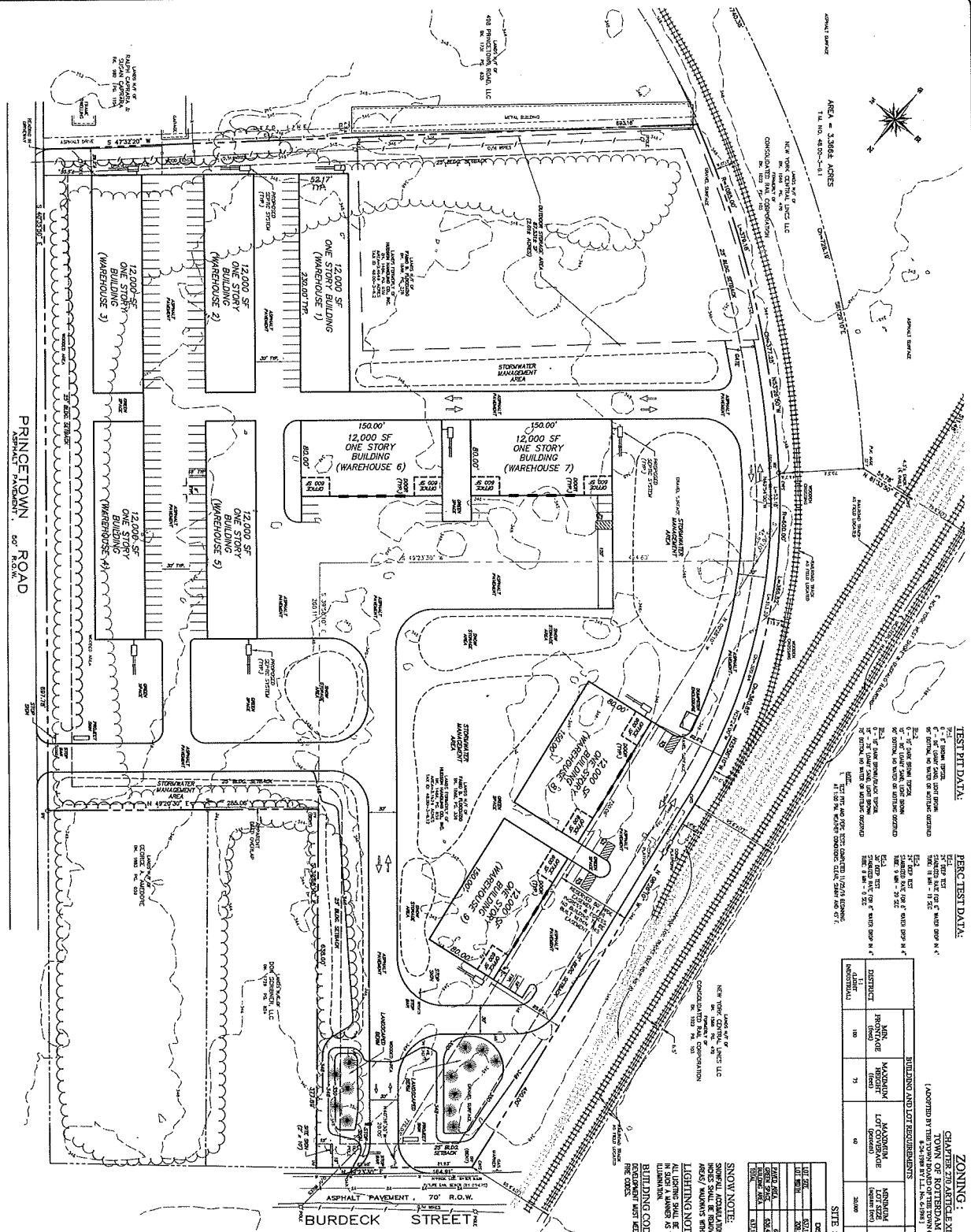
Part 1 / Question 12b [Archeological Sites] Yes

Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies] Digital mapping data are not available or are 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



TEST PIT DATA:

TEST PIT NO. 1
 DATE: 11/11/2021
 LOCATION: 10' WIDE SPOT M.F.
 TEST: 11.1 - 11.25

PERC TEST DATA:

TEST PIT NO. 2
 DATE: 11/11/2021
 LOCATION: 10' WIDE SPOT M.F.
 TEST: 11.1 - 11.25

ZONING:

CHARTERED BY THE TOWN OF ROTTERDAM
 TOWN OF ROTTERDAM
 (ADOPTED BY THE TOWN BOARD OF THE TOWN OF ROTTERDAM
 8-24-1988 BY L.L.M. 8-1988)

MIN. PLOT AREA (sq. ft.)	MIN. PLOT FRONTAGE (ft.)	MIN. PLOT DEPTH (ft.)	MIN. PLOT WIDTH (ft.)	MIN. PLOT AREA (sq. ft.)	MIN. PLOT FRONTAGE (ft.)	MIN. PLOT DEPTH (ft.)	MIN. PLOT WIDTH (ft.)
100	75	40	20	20	20	20	20

SITE STATISTICS

DATE	DATE	DATE	DATE	DATE	DATE	DATE	DATE
11/11/2021	11/11/2021	11/11/2021	11/11/2021	11/11/2021	11/11/2021	11/11/2021	11/11/2021

CONCEPT PLAN

PROPOSED WAREHOUSE USE

BURDECK STREET / PRINCETOWN ROAD
 TOWN OF ROTTERDAM, COUNTY OF SCHENECTADY, NEW YORK

DATE: JUNE 27, 2025

SCALE: 1" = 50'

APPLICANT: BURGESS STREET DEVELOPMENT LLC
 12000

OWNER: BURGESS STREET DEVELOPMENT LLC
 12000

DESIGNER: ADVANCE ENGINEERING & SURVEYING, LLC
 11 HERBERT DRIVE, LATHAM, NY 12110
 PHONE: (518) 655-3772

1 OF 1

11/11/2021

CONCEPT PLAN

Design of:

ADVANCE ENGINEERING & SURVEYING, LLC

CONSULTING IN -

CIVIL & ENVIRONMENTAL ENGINEERING

LAND SURVEYING & DEVELOPMENT

COMMERCIAL AND RESIDENTIAL

11 HERBERT DRIVE, LATHAM, NY, 12110

PHONE: (518) 655-3772

E-MAIL: info@advance-es.com

NO. 1

NO. 2

NO. 3

NO. 4

NO. 5

NO. 6

NO. 7

NO. 8

NO. 9

NO. 10

NO. 11

NO. 12

NO. 13

NO. 14

NO. 15

NO. 16

NO. 17

NO. 18

NO. 19

NO. 20

NO. 21

NO. 22

NO. 23

NO. 24

NO. 25

NO. 26

NO. 27

NO. 28

NO. 29

NO. 30

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NO. 32

NO. 33

NO. 34

NO. 35

NO. 36

NO. 37

NO. 38

NO. 39

NO. 40

NO. 41

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NO. 94

NO. 95

NO. 96

NO. 97

NO. 98

NO. 99

NO. 100

DPW Comments
August 19, 2025

4. **Moonwattie Lakeray – 2735 Broadway.** Sketch Site Plan review to allow the conversion of former audio store, ±1,334 square feet, into a restaurant on a ±0.15-acre parcel. Architect: SRG Architects.
1. Proposed use may be difficult due to the amount of parking available. Describe planned operations of restaurant.
 2. Is the new deck proposed for public use? Issues with construction of the deck have been resolved with the Rotterdam Building Inspector.
 3. Parking area is in poor shape and should be repaved. Consideration should be given to paving the rear yard and reconfiguring the layout.

SEQR Requirement: 6 NYCRR 617 Unlisted Action. Rotterdam Planning Commission should declare Lead Agency.

Involved/Interested Agencies:

Schenectady County Economic Development and Planning
Schenectady County Department of Health
Schenectady County Department of Public Works
Rotterdam Highway Department
Rotterdam Police Department
Fire District #6

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: Moonwattre Lakeray (N & M Homes, LLC)

Mailing Address: 2735 Broadway Schenectady NY 12302

City: Schenectady State: NY Zip: 12302

Daytime Phone: 214-333-1111 E-mail: M. Lakeray

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: Dan Morelli (SKG Architects)

Mailing Address: 2735 Broadway Schenectady NY 12302

City: Schenectady State: NY Zip: 12302

Daytime Phone: 518-333-1111 E-mail: dan.morelli@skgarchitects.com

Project/Proposal Site Area (Acres or sq. ft.): 6547 sq. ft (0.15 acres)

Assessor Tax Parcel No.(s) of Proposal Site: 48.15-11-4

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): 2735 Broadway Schenectady NY 12302

Describe Existing Use(s) on Proposed Site (Such as buildings, well, sewer drainfield and others): existing vacant structure, public sewer, public water

Existing Zoning Classification: B-2 (general Business District)

School District: Mohandeen

Fire District: District 12

Water Supply: CWSO

LEGAL INFORMATION

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

2735 Broadway
corner of Broadway and Summer Street.

Name of public road (s) providing access: Broadway and Summer Street

Width of property fronting on public road: 45 Ft along Broadway and 145 Ft along
Summer Streets

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):

To convert an existing structure to a Buffet style and take-
out restaurant. (Permitted by Right)

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.

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: Monawattie Lakerig

Date: 7/1/2025

Address: Si. ... 2200

Phone: 2 ...

Zip: 12306

Monawattie Lakerig
*#1 Signature of Owner #1

7/2/2025
Date

Notary
(For Signature #1 Above)

STATE OF NEW YORK) ss:
COUNTY OF SCHENECTADY)

SUBSCRIBED AND SWORN to me this 2nd day of July, 2025

NOTARY SEAL
L. JAMES MARCO
Notary Public, State of New York
Qualified in Schenectady County
Reg. No. 01MA6382147
My Commission Expires Oct. 22, 2026

L. James Marco
Notary Signature
Notary Public in and for the State of New York
My appointment expires: 10/22/26

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: _____

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, Moonuatie LaKeraj, being duly sworn declare that I am the
(PROPERTY OWNER)

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

Tax Parcel Number(s): 48-15-11-4

I hereby grant Dan Morelli (Skapichuk) and/or their agent(s) to act on my behalf.

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

Signature (Authorized Representative): [Signature]

Date: 7/2/2025

NOTARY

STATE OF NEW YORK) ss:

COUNTY OF Schenectady

SUBSCRIBED AND SWORN to before me this 2nd day of July, 2025

NOTARY SEAL

[Signature]
Notary Signature

L. JAMES MARCO
Notary Public, State of New York
Qualified in Schenectady County
Reg. No. 01MA6382147
My Commission Expires Oct. 22, 2026

Notary Public in and for the State of New York
Residing at: 416 Eastman Rd, Niskayuna NY
My appointment expires: 10/22/26

Short Environmental Assessment Form

Part 1 - Project Information

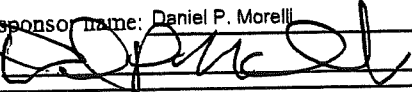
Instructions for Completing

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 in Tenancy for 2735 Broadway							
Project Location (describe, and attach a location map): 2735 Broadway - Rotterdam, New York 12306							
Brief Description of Proposed Action: Change of Tenancy to convert an existing vacant single-story structure into a Buffet Style Take-Out Restaurant with minimal seating.							
Name of Applicant or Sponsor: Daniel P. Morelli		Telephone: _____					
		E-Mail: _____					
Address:							
City/PO: Schenectady		State: New York	Zip Code: 12305				
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.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">NO</td> <td style="text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;">☒</td> <td style="text-align: center;">☐</td> </tr> </table>	NO	YES	☒	☐
NO	YES						
☒	☐						
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Site plan approval and required building permits.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">NO</td> <td style="text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;">☐</td> <td style="text-align: center;">☒</td> </tr> </table>	NO	YES	☐	☒
NO	YES						
☐	☒						
3.a. Total acreage of the site of the proposed action?		0.15 acres					
b. Total acreage to be physically disturbed?		0.03 acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.15 acres					
4. Check all land uses that occur on, adjoining and near the proposed action.							
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☒ Commercial ☒ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____ ☐ Parkland							

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☐	☒	☐
b. Consistent with the adopted comprehensive plan?	☐	☒	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	☒	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	☒	☐	
b. Are public transportation service(s) available at or near the site of the proposed action?	☐	☒	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	☐	☒	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____	☐	☒	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____	☐	☒	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____	☐	☒	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	☒	☐	
b. Is the proposed action located in an archeological sensitive area?	☒	☐	
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 plain?	NO	YES	
	☒	☐	
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES	
If Yes,	☐	☒	
a. Will storm water discharges flow to adjacent properties? ☒ NO ☐ YES			
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? ☐ NO ☒ YES			
If Yes, briefly describe: _____			
Existing municipal storm water system: _____			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain purpose and size: _____ _____	☒	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe: _____ _____	☒	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe: _____ _____	☒	☐
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: Daniel P. Morelli		Date: 07-02-25
Signature: 		

JUL 03 2025

Part II
TOWN OF ROTTERDAM
PLANNING COMMISSION SITE PLAN CHECKLIST

TOWN OF ROTTERDAM
PUBLIC WORKS

The following is a list of Site Plan Requirements as outlined in § 270-132 of the Town of Rotterdam Zoning Code. All required information should be contained in the application unless specifically waived by the Planning Commission. Failure to submit will cause delay.

Section A *Preliminary plans. Application for preliminary site plan approval shall be accompanied by the following information located on the site plan. Failure to complete this information will result in a determination of "incomplete" and the application will be held in abeyance pending receipt of all required information.*

1. ☒ A map of the applicant's entire lot, plot or parcel of land at the scale of one inch equals 40 feet, unless the Planning Board determines a different scale more appropriate, showing all properties, subdivisions, streets, watercourses and easements which pass through the property or are known to abut the applicant's property.
2. ☒ The name and address of the applicant, contract vendee or owner and title of drawing.
3. ☒ The North symbol, date and scale.
4. ☒ The name, address, title and license number of the person or firm responsible for the preparation of the map.
5. ☒ Structures and circulation: twelve (12) sets of preliminary plans, electronic copy, elevations and sections of proposed structures and roads, showing the proposed location, use and design of all buildings and structures, dimensions, square footage, including any proposed division of buildings into units of separate occupancy and location of driveways thereto, and showing the proposed location of all roads, pedestrian walkways and fire lanes.
6. ☒ Landscaping: Show location, dimension, type, and condition of existing landscaping, and location, dimension and type of proposed landscaping.
7. ☐ Cut and fill: extent and amount of cut and fill for all disturbed areas, including before and after profiles of typical development areas, parking lots and roads.
8. ☐ Stormwater retention: provisions for on-site stormwater retention basins during and after construction, designed to handle any increased rate of runoff.
9. ☐ Wells: location and test yields in gallons per minute of all proposed on-site wells.
10. ☐ Drainage fields or dry wells: location and percolation test results of all proposed drainage fields or dry wells.
11. ☒ Water supply and sewage disposal: description of method of water supply and sewage disposal and location of such facilities.
12. ☐ Location of existing wetlands and floodplains.
13. ☒ Lighting, power and communication facilities: location and design of lighting, power, fiber optic, and communication facilities.
14. ☐ Signs: location, design and size of all signs.
15. ☒ Site improvements: location of all existing and proposed drains, culverts, retaining walls and fences.
16. ☒ Outdoor storage: location of any outdoor storage and other accessory uses.
17. ☒ Uses: detailed breakdowns of all proposed floor space by type of use.
18. ☐ Other industrial uses: In an industrial district, specific uses proposed, number of employees for which buildings are designed, type of power to be used for any manufacturing process and the proposed method of disposal of such wastes or by-products shall also be shown.
19. ☒ State Environmental Quality Review (SEQR): No application shall be deemed complete without compliance with SEQR www.dec.ny.gov/docs/permits_ej_operations_pdf/seafpartone.pdf

Section B

The Planning Commission often requests these additional information items during the preliminary meeting. The applicant is typically requested to modify the site plan or explain this information in more detail at the meeting. This usually involves the expenditure of additional time and expense to the applicant.

If these additional information items are included with the initial submittal, it may be possible to skip over the initial sketch plan review meeting and proceed directly to preliminary plan review. Answering these information items now may reduce the review time by a minimum of two (2) to four (4) weeks. The decision to allow the applicant to waive the sketch meeting shall reside with the Planning Commission Chairman after consultation with the Town of Rotterdam Department of Public Works.

1. ☒ Show location of snow storage area or indicate if it will be removed off site. In addition, provide a note on the site plan that reads "Snowfall accumulations in excess of four (4) inches shall be removed from all parking areas/walkways within 48 hours."
2. ☐ Provide a signature space for the Planning Commission Chairman with the following wording below the signature line "Chairman, Rotterdam Planning Commission:
Date: _____".
3. ☒ Show location and dimension of all entrances and exits to all building(s), specify which are handicap accessible, and indicate the primary exit(s) and emergency exits.
4. ☒ Show location and dimension of all entrances and exits to the site, and indicate the primary entrance/exit.
5. ☒ Show handicap parking space(s) and striping from the space(s) to the handicap entrance(s).
6. ☒ Show location, dimension, type, and condition of all existing and proposed paved areas, parking areas with striping, and sidewalks. Indicate which exist and which are proposed.
7. ☒ Show location, dimension, type, and condition of refuse/dumpster area and any existing/proposed screening.
8. ☐ Show location of all external vents, propane tanks, HVAC units, and other accessory external structural features.
9. ☐ Show location of drive-thru window and corresponding traffic circulation pattern(s) if applicable.
10. ☐ Provide documentation from the Town of Rotterdam Water Department that a consultation has occurred and provide water meter with current reading.
11. ☒ Show location of all outdoor lighting fixtures and provide a note on the face of the plan that states: "All lighting shall be shielded and/or placed in such a manner as to prevent off-site illumination"
12. ☒ Show location, type, and size of existing and proposed fencing and buffer screening.
13. ☐ Add note on the face of the site plan that reads "Development must meet all NYS Building and Fire Codes."
14. ☐ Add note on the face of the site plan that identifies the zoning of the subject property.

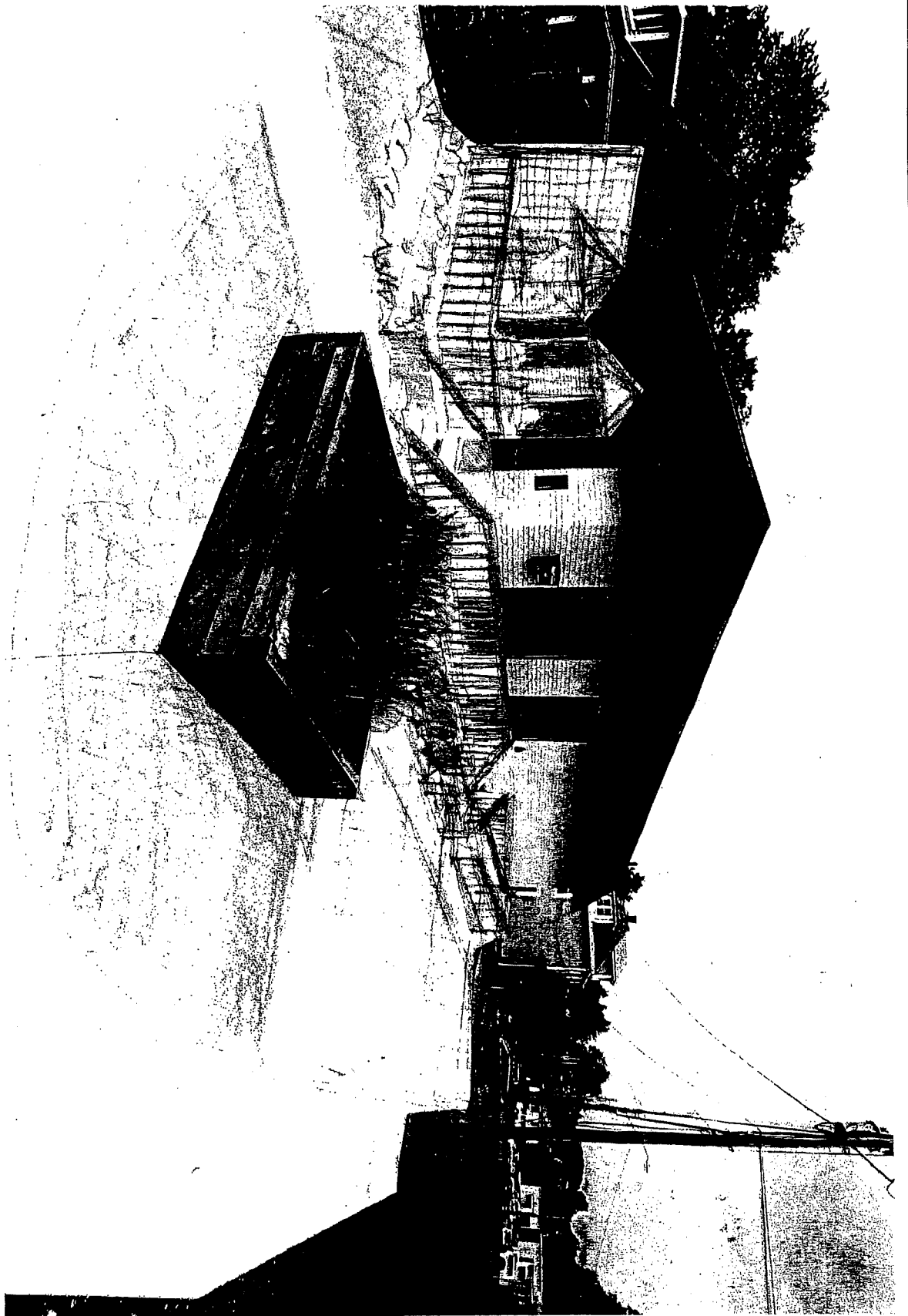
_____ I have completed all of the above requested items which apply to this site plan **under Section A** and request that this application be placed on the next available Planning Commission meeting for sketch plan review.

☒ I have completed all of the above requested items which apply to this site plan **under Section A and Section B** and request that this application be placed on the next available Planning Commission meeting for preliminary review.

Moonwattie Lakeraj
Print Name

6/16/25
Date

Moonwattie Lakeraj
Signature



NOTHING HEREIN SHALL BE CONSIDERED AS A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE CLIENT ASSUMES ALL RESPONSIBILITY FOR THE INFORMATION CONTAINED HEREIN.

SK2 SHEET 2 OF 2	SRG Structural Research Group 1111 1st Avenue New York, NY 10013 Tel: 212-398-1111 Fax: 212-398-1111	PROJECT TITLE PROPOSED CHANGE IN TENACY 2735 BROADWAY BROTHERDALE, NEW YORK 10001	DATE 06-06-05 SCALE NOTED DESIGNED BY DPA CHECKED BY MLE IN CHARGE DATE 06-06-05 SCALE NOTED DESIGNED BY DPA CHECKED BY MLE IN CHARGE
	EXTERIOR BUILDING ELEVATIONS	PROJECT TITLE PROPOSED CHANGE IN TENACY 2735 BROADWAY BROTHERDALE, NEW YORK 10001	DATE 06-06-05 SCALE NOTED DESIGNED BY DPA CHECKED BY MLE IN CHARGE

DPW Comments
August 19, 2025

5. **Town of Rotterdam – Battery Energy Storage Systems.** Report and Recommendation to the Town Board to amend Chapter 270 to include code on Battery Energy Storage Systems (BESS).
 1. The BESS Code was introduced to the Planning Commission on July 17, 2025.

DPW Comments from July 17, 2025

1. The Rotterdam Town Board referred to the Rotterdam Planning Commission on July 9, 2025 for a report and recommendation.

Town of Rotterdam

PROPOSED LOCAL LAW NO. OF THE YEAR 2025

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

I. SECTION ONE – TITLE

This Local Law shall be known as the “Battery Energy Storage System”.

II. SECTION TWO - LEGISLATIVE INTENT AND PURPOSE

It is the intent of this local law to amend the Town of Rotterdam Zoning Law, as the same may have been amended from time to time, to enact provisions providing for Small-scale Battery Energy Storage System (S-BESS), Large-Scale Battery Energy Storage System (L-BESS) and Utility-Scale Battery Energy Storage Systems (U-BESS) installations in the Town, as defined in this local law through addition of a new Section, Section 270 Battery Energy Storage Systems, to Article VIII (Supplementary Regulations) of the Town of Rotterdam Zoning Law. It is further the intent and purpose of this local law to, in accordance with the Town of Rotterdam Comprehensive Plan, to responsibly locate Large Scale Battery Energy Storage Systems (L-BESS) and Utility-Scale Battery Energy Storage Systems (U-BESS) within the Town. Accordingly, this local law modifies certain use definitions relating to prohibited uses, energy storage systems, and public utilities.

The Town finds that well-planned, suitably sized, and located Battery Energy Storage Systems can be beneficial. This law seeks to foster thorough project planning and appropriate siting.

- A. Protecting the health, safety, and well-being of our First Responders through responsible siting, pre-incident planning and education, continuing education and training, adequate protection and equipment, and the implementation of best practices to reduce potential hazards.
- B. Allowing Town of Rotterdam residents, landowners, farms, and government to safely locate Battery Energy Storage Systems resources in a way that is consistent with the nature and character of the Town in accordance with the Town of Rotterdam Comprehensive Plan and the Natural Resource Inventory.
- C. Promoting and supporting our Town’s Open Space Plan with Battery Energy Storage Systems zoning that protects and preserves open space, agricultural lands, and

environmentally significant areas of Town as designated by our Comprehensive Plan and Natural Resource Inventory.

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

- D. Recognizing the importance of Agriculture and protecting water and soils conducive to farming. Agricultural areas and surrounding areas should not be used for Utility-Scale Battery Energy Storage Systems (U-BESS).
- E. Protecting and ensuring farmland, agricultural land, and forested land are put to their highest and best use.
- F. Protecting and promoting scenic and environmental resources by minimizing Utility-Scale Battery Energy Storage Systems (U-BESS) facilities' impacts on these resources as outlined in the Rotterdam Comprehensive Plan including, but not limited to, fresh watersheds, floodplains, historic sites, conservation easements, trails, parklands, wetlands, wildlife, and scenery, and areas for recreational and outdoor activities.
- G. Protecting the property values of those properties neighboring and within the viewshed and sound shed of a Utility-Scale Battery Energy Storage Systems (U-BESS).
- H. Conserving the rural character of western Rotterdam and rural hamlets, including Rotterdam Junction and Pattersonville.

III. SECTION THREE - AUTHORITY

This local law is adopted by the Town Board of Town of Rotterdam (hereinafter referred to as the "Town Board") pursuant to its authority to adopt local laws under Article IX of the New York State Constitution; Articles 2 and 3 of the Municipal Home Rule Law; Article I of the Town Zoning Law, particularly Section 2 which authorize the Town to adopt zoning provisions that promote health and general welfare, encourage the most appropriate use of land throughout the Town, encourage development in accordance with a comprehensive plan and professional planning techniques, and improve the quality of life throughout the Town.

IV. SECTION FOUR - DEFINITIONS

Article II- Definitions Section 270-5 of the Town of Rotterdam Zoning Law is hereby amended to add the following definitions:

BATTERY(IES): A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store

energy electrochemically. For the purposes of this law, batteries utilized in consumer products are excluded from these requirements.

BATTERY ENERGY STORAGE SYSTEM: One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery, an electric motor vehicle, uninterruptible power supply systems, or a energy storage system for temporary use. A Battery Energy Storage System is classified as follows:

- A. Small-Scale Battery Energy Storage Systems (S-BESS) have an aggregate energy capacity less than or equal to 150kWh. Designed to produce energy for onsite consumption.
- B. Large-Scale Battery Energy Storage Systems (L-BESS) have an aggregate energy capacity greater than 150kWh and less than or equal to 600kWh and, if in a room or enclosed area, consist of only a single energy storage system technology. Ground-Mounted Large Scale Battery Energy Storage Systems are further defined as those which may be installed in a dedicated use building, within a cabinet, and/or a walk-in unit. Designed to produce energy for onsite consumption.
- C. Utility-Scale Battery Energy Storage Systems (U-BESS) have an aggregate energy capacity greater than 600kWh, are comprised of more than one storage battery technology in a room or enclosed area or are co-located with Solar Energy Systems and other energy generation facilities designed to produce energy for onsite consumption and/or released into the energy grid.

BATTERY SYSTEM'S AREA: Area of battery including required local and state safe operating clearances.

ENERGY CODE: The New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law, as currently in effect and as hereafter amended from time to time.

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

HAMLET OF PATTERSONVILLE-ROTTERDAM JUNCTION: A census designated place in Schenectady County, New York, United States.

TOWN OF ROTTERDAM BATTERY ENERGY STORAGE SYSTEM PERMIT: The Town's minimum submittal requirements for electrical and structural plan review applicable to small-scale Battery Energy Storage Systems with an aggregate energy

capacity less than or equal to 600kWh, based on the 2020 NYSERDA Battery Energy Storage System Model Permit, as may be amended.

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

The following definition is hereby replaced in entirety and amended, as follows:

SOLAR ENERGY EQUIPMENT AND SYSTEMS: Solar collectors, controls, heat pumps, heat exchangers, and or other materials, hardware or equipment necessary to the process by which solar radiation is collected, converted into another form of energy, stored, protected from unnecessary dissipation and distributed. Solar systems include solar thermal, photovoltaic and concentrated solar. For energy storage devices, refer to Battery Energy Storage System in this Section.

V. SECTION FIVE - APPLICABILITY

- A. The requirements herein shall apply to all Battery Energy Storage Systems and equipment installations modified or installed after the effective date of this law, excluding general maintenance and repair.
- B. Modifications to an existing Battery Energy Storage System that increases the battery system's area by more than 5 percent (exclusive of moving any fencing) from original approval shall be subject to this law.
- C. All Battery Energy Storage Systems shall be designed, erected, and installed in accordance with all applicable codes, regulations, and industry standards as referenced in the NYS Uniform Fire Prevention and Building Code ("Building Code") the NYS Energy Conservation Code, and the Town of Rotterdam Code. Whichever code is more stringent shall govern.
- D. To the extent that any other Town law, rule or regulation, or parts thereof, are inconsistent with the provisions of this law, the provisions set forth in this law shall control only as they pertain to Battery Energy Storage Systems.
- E. Any proposed Battery Energy Storage Systems subject to review by the New York Board on Electric Generation and Siting and the Environment pursuant to Article 10 of the New York State Public Service Law, or the Office of Renewable Energy Siting pursuant to Article 94-c of the Executive Law, shall be subject to all substantive provisions of this law and any other applicable laws, codes, ordinances and regulations of the Town of Rotterdam, and any other applicable state or federal laws.

VI. SECTION SIX - PROHIBITED USE –UTILITY-SCALE BATTERY ENERGY STORAGE SYSTEMS

A. U-BESS failure has the potential to undermine public health, safety and welfare, will potentially be situated in locations without access to water supply for fire suppression, and will overtax the Town's first responders. U-BESS failure resulting in fire can produce a range of toxic gasses and particulates, including several highly toxic compounds including benzene, toluene, styrene, biphenyl, hydrogen fluoride and many others.

U-BESS is a permitted use in the I-2 zoning districts.

U-BESS is not permitted in the aquifer recharge zone and tributary areas.

U-BESS is not permitted in the Hamlet of Pattersonville-Rotterdam Junction.

Section 6(b). In accordance with the findings set forth in this Section, Article II- Definitions Section 270-5 of the Town of Rotterdam Zoning Law is hereby added, as follows:

USE, PROHIBITED: Within a district, a use that is not listed as a permitted or a special use is a prohibited use. In addition, development within non-conforming uses that are detrimental to the natural environment are specifically prohibited within the Town, including landfills, open mining, strip mining, open composting, salvage or junkyards, debris dumping, open petroleum or chemical tank farms, Tier 3 or Tier 4 Scale Solar systems, and utility-scale Battery Energy Storage Systems.

VII. SECTION SEVEN - LARGE-SCALE BATTERY ENERGY STORAGE SYSTEMS AS AN SPECIAL USE

A. Allowing L-BESS for onsite power consumption in existing districts for B-1, B-2, C-1, and I-1 is permitted as a special use with the understanding that all existing zoning and planning requirements are met as well as the guidelines in this law.

SECTION EIGHT - UTILITY-SCALE BATTERY ENERGY STORAGE SYSTEMS AS AN ALLOWABLE USE

A. Allowing U-BESS in existing I-2 is permitted with the understanding that all existing zoning and planning requirements are met as well as the guidelines in this law.

IX. SECTION NINE - GENERAL REQUIREMENTS

A. Applicability:

1. The requirements of this Zoning Law shall apply to all Battery Energy Storage Systems permitted, installed, or modified in the Town of Rotterdam after the effective date of applicable amendments to this Section, excluding general maintenance and repair.
2. Battery Energy Storage Systems constructed or installed prior to the effective date of applicable amendments to this Zoning Law shall not be required to meet the requirements of this Section.
3. Modifications to, augmentations, retrofits or replacements of an existing Battery Energy Storage System that increase the total Battery Energy Storage System designed discharge duration or power rating shall be subject to this Section.

B. General Requirements:

1. A building permit and an electrical permit shall be required for installation of all Battery Energy Storage Systems. The building permit shall be administered in accordance with Town requirements, including this Zoning Law.
0. Issuance of permits and approvals under this Zoning Law shall include review pursuant to the State Environmental Quality Review Act, as appropriate.
1. All Battery Energy Storage Systems and all other buildings or structures that (1) contain or are otherwise associated with a Battery Energy Storage System and (2) are subject to the Uniform Code and/or the Energy Code shall be designed, erected, installed, and operated in accordance with all applicable provisions of the Uniform Code.
2. Application fees. Application for construction of a Battery Energy Storage System shall be subject to the payment of fees in amounts indicated in the Town Schedule of Fees as adopted by the Town Board.

X. SECTION TEN - SMALL-SCALE BATTERY ENERGY STORAGE SYSTEMS – PERMITTING REQUIREMENTS

A. Zones Allowed: Allowed by right in all zones.

B. Applications, Approvals, Fees, and Permits: S-BESS Application and Building Permit. Fees in accordance with the most current version of the Town of Rotterdam Fee Schedule. Systems in a non-residential zone may require site plan reviews under other Sections of Town code.

C. Setbacks:

1. S-BESS shall conform to the setbacks in the subject zoning district. If there is an existing structure which is nonconforming with its zone requirements, setbacks for new structures shall conform to the current Town Code.

D. Specific Requirements:

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

**XI. SECTION ELEVEN - LARGE-SCALE BATTERY ENERGY STORAGE SYSTEMS
- PERMITTING REQUIREMENTS**

A. Zones Allowed: Allowed by special use in Zones B-1, B-2, C-1, I-1 and I-2.

B. Applications, Approvals, Fees, and Permits: L-BESS Application and Building Permit. Fees in accordance with the most current version of the Town of Rotterdam Fee Schedule. Non-residential systems may require site plan reviews under other Sections of Town code.

C. Setbacks:

1. L-BESS located by special use shall be set back from the property line at a minimum of 100 feet.
2. L-BESS Facility Areas shall be setback at a minimum of 150 feet from wetlands, ponds, and streams, unless otherwise waived from this requirement by the Planning Commission upon receiving any required permit from a state or federal regulatory agency.
3. The following will not be subject to the required property line setback herein unless otherwise directed by the Town of Rotterdam Planning Commission.
 - a. Access roads proposed from a public road to the fence of a L-BESS facility, including any stormwater management, or other necessary infrastructure installed for the purpose of this access road.

D. Specific Requirements:

1. When located outside of a building or structure the L-BESS shall be in a side or rear yard.
2. L-BESS shall be required to display a permanent plaque or directory placed in an exterior location near the main or front entry of the building or structure that is readily visible to firefighters to identify the system disconnect(s) location. The plaque or directory

shall meet all New York State Building Code standards for reflection, lettering, and color for easy visibility.

3. L-BESS shall be required to be self-contained and have a built-in fire extinguishing system supplied by the L-BESS manufacturer.
4. L-BESS shall be allowed only in zoning districts where there are fire hydrants fed from a municipal water supply within 500 feet of the L-BESS batteries. L-BESS are not allowed in any zoning district without municipal water. L-BESS is prohibited in the Hamlet of Pattersonville-Rotterdam Junction.
5. Where site plan approval is required elsewhere in the regulations of the Town for the principal use, the L-BESS shall be subject to site plan review. In its review of the site plan, the Planning Commission shall apply the standards and procedures set forth in Section 11 of this Local Law. Site plan review of L-BESS development shall include review of the adequacy, location, arrangement, size, design, screening, accessibility for emergency response, and general site compatibility of proposed L-BESS.
6. The Planning Commission may require a submission of a noise analysis, an emergency response plan as part of the site plan application, and/or a decommissioning plan. The Planning Commission may require a performance guarantee, in accordance with the provisions of this Local Law, Section 13.
7. The Planning Commission may require after consultation with the responding fire district that the Applicant and/or Operator of the L-BESS provide safety and first responder training. The Town may, from time to time, require training of new personnel, and funding, or other mechanisms to cause such training to be provided, which shall be provided by the owner/operator upon request by the responding fire district.
8. Only (1) L-BESS may be located on a single parcel with a minimum of 2 acres.
9. Pre construction for L-BESS projects shall include well water and ground contamination testing.
 - a. The Applicant, Town, and TDE shall develop a list of potential contaminants that will be tested for, and the location of testing based on the proposed equipment for the L-BESS facility prior to testing.
 - i. List of contaminants that may be tested for includes but is not limited to: sulfuric acid, mercury, nickel, cadmium (known Carcinogen), cadmium telluride, lead, lithium, cobalt, lithium, iron, arsenic, silicon, copper, silver, selenium, copper indium selenide, copper indium gallium, diselenide, (di)selenide, hexafluoroethane, polyvinyl fluoride, PFAS, and any other contaminant required for testing by the Town, County or State for this type of facility at the time testing takes place.

- b. At the Applicant's cost, an escrow account with the Town shall be established to provide an independent third-party testing agency which will provide testing of the Facility Area and of water wells on properties within 1000-ft of the Facility Area.
 - c. At the Applicant's expense, notice shall be given to all property owners within 1000-ft that water well testing is available prior to L-BESS construction at the cost of the L-BESS Applicant.
 - d. Pre-construction testing: Initial testing shall take place within 12-months of establishing the escrow account. Test results for the Participating L-BESS Properties shall be furnished to the Town.
10. L-BESS must have a continuously maintained connection to the municipal water supply, where municipal water is available. The L-BESS application must obtain in writing from the local fire department the type of fire department connection.
11. L-BESS shall not be located within one half mile of public structures that are or can be designated as follows under the NYS Building Code:
- a. Category III – structures that represent substantial hazard to human life.
 - b. Category IV – structures designated as essential facilities. **XII.**

SECTION TWELVE - UTILITY-SCALE BATTERY ENERGY STORAGE

SYSTEMS – PERMITTING REQUIREMENTS

A. Zones Allowed: Allowed by right in Zone I-2.

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

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

C. Setbacks:

- 1. U-BESS located in zones I-2 shall be set back from the property line at a minimum of 100 feet.
- 12. U-BESS Facility Areas shall be setback at a minimum of 150 feet from wetlands, ponds, and streams, unless otherwise waived from this requirement by the Planning Commission upon receiving the proper permit from a state or federal regulatory agency, where required by such agency.
- 13. The following may not be subject to the required property line setback herein unless otherwise directed by the Town of Rotterdam Planning Commission.

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

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

E. Specific Requirements:

1. All applicable requirements listed under Section 9, and all requirements of Section 12 of this Law.
2. The Applicant shall disclose the full scope of the planned size of the project, including any other involved municipalities, and shall not segment the application for purposes of reducing the apparent significance of proposed plans. Where the Planning Commission or Lead Agency has substantial proof that the ultimate scope of the project may exceed that which is being proposed by the Applicant, it shall conduct its review and base its findings on the larger potential scope.
3. All requirements of Site Plan Approval. In addition, Site Plans for the application shall also contain the following:
 - a. Location map showing types of existing structures and uses on the site, public roads, and properties with abutting boundaries of the site including any bordering municipalities.
 - b. The Site plan shall provide the surveyed data of abutting properties to the Participating Property parcel(s) showing all principal and accessory buildings (residential and commercial), roads, utilities and private or public wells; and labeling distances from those features to the Participating Property boundary;
 - c. Location and description of all U-BESS components, whether on site or off site, all above and below-ground utility lines on the site, transformers, POI, Renewable Energy Electrical Substations when required for project, fencing, laydown, and storage areas to be used as part of construction and other ancillary facilities or structures;
 - d. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.
 - e. Label all setback distances as required by Town Laws; 2. Part 1 of a Full Environmental Assessment Form for SEQRA.

3. Upon receipt of an application, at the Applicant's expense, a notice of the proposed project to all abutting owners of property to the Participating Property boundaries regardless of municipality shall be required. The Applicant shall provide proof of mailing to the Town. Notices shall contain a summary of the project, a designated contact person, with telephone number, e-mail address, and mailing address from whom information will be available on a going forward basis.
4. An electrical one-line diagram detailing the associated components, and electrical interconnection methods, with all disconnects and overcurrent devices identified.
5. Manufacturer data on all proposed U-BESS components.
6. Documentation of access to the Facility Area via a lease agreement or other instrument to show the landowner's consent to the project.
7. Documentation of utility notification, including proof of interconnection agreement. Projects not viable to the utility company shall not be considered by the Planning Commission.
8. Decommissioning plan, including cost estimate and description and form of financial surety as described in other Sections of this Law.
9. Deforestation: Previously cleared or disturbed areas are preferred locations for U-BESS projects.
0. Acoustical noise studies by an independent third-party vendor shall be submitted with the application, which provide analysis of all noise-generating equipment that may be included in the project, including for construction. Noise generated from the U-BESS components and associated ancillary equipment, including but not limited to transformers, inverters, storage devices and substations shall provide for no discernable difference from existing noise levels at property lines. The study shall contain:
 - a. Actual measurements of existing daytime and nighttime ambient noise at the boundary of the participating properties. Ambient noise testing locations and schedule shall be discussed with the Planning Commission before testing takes place.
 - b. Proposed noise model to predict the potential increase in noise from pre-construction to post-construction conditions at both the project boundaries and nearest adjacent receptors (neighboring houses, etc.).
 - c. Noise studies shall follow industry norms and report their findings using A-weighted methodologies. The Planning Commission may require additional

analysis as they deem appropriate and may require noise mitigation or additional setbacks as needed.

11. As part of the Operation, Safety and Maintenance Plan in Section 14 of this Law, the Applicant shall document existing firefighting resources near or on the Participating Properties that may include, but not be limited to: the distance to nearest fire hydrant, dry hydrants, ponds, or other waterbodies for drawing water in emergency situations.
12. U-BESS shall not exceed a maximum project size of 5 contiguous acres.
13. In addition to Section 12(f)(6) of this Law, the required notice to surrounding landowners shall contain a link to a project website, created and paid for by the Applicant, which is meant to disseminate information to the public. At the Applicant's expense, publication of notice of application shall be made in newspapers designated by the County of Schenectady and Town of Rotterdam for the same. Notice shall also be provided to each member of the State and County Legislature in whose district any portion of the proposed U-BESS is in, or which district the project abuts upon.
14. Upon submission of an application, the Applicant shall conspicuously post signage on the frontage of participating properties at all roads abutting the proposed project and at the proposed entryways/exits to the project. Signage must be of sufficient size to contain the name of the proposed project, the application number, a rough concept map of the project, and contact information for the developer as well as a proposed project website address. Signage shall be sized and placed at a safe distance from the public roadway so as not to interfere with sight distance on the roadway or any adjacent driveways.
15. In addition to the Noise Studies requirements under Section 12 of this law, within 90-days of project completion the Applicant or facility owner shall conduct a post-construction noise sampling at locations and schedule discussed with the Planning Commission prior to testing. If noise sampling is found to be greater than predictions the Applicant may be required to mitigate the sound to a level sufficient to the Planning Commission. Failure to implement mitigation measures within 90-days of notice will result in enforcement procedures by the Town. The Applicant may request one (1) 90-day extension if reasonable evidence that the requested measures cannot be completed in 90-days are established. Further, violations and penalties of this provision shall be handled in accordance with other Sections of Town Code concerning noise violations. The Town may use the project's escrow account to hire an independent third-party engineer/noise monitor to oversee compliance with noise requirements and the ongoing obligation of the same for the lifetime of the project.

14. At the Planning Commissions discretion, a Road-Use Agreement may be required for the desired traffic route.
15. Pre construction for U-BESS projects shall include well water and ground contamination testing.
 - a. The Applicant, Town, and TDE shall develop a list of potential contaminants that will be tested for, and the location of testing based on the proposed equipment for the U-BESS facility prior to testing.
 - i. List of contaminants that may be tested for includes but is not limited to: sulfuric acid, mercury, nickel, cadmium (known Carcinogen), cadmium telluride, lead, lithium, cobalt, lithium, iron, arsenic, silicon, copper, silver, selenium, copper indium selenide, copper indium gallium, diselenide, (di)selenide, hexafluoroethane, polyvinyl fluoride, PFAS, and any other contaminant required for testing by the Town, County or State for this type of facility at the time testing takes place.
 - b. At the Applicant's cost, an escrow account with the Town shall be established to provide an independent third-party testing agency that may provide testing of the Facility Area and of water wells on properties within 1000-ft of the Facility Area.
 - c. At the Applicant's expense, notice shall be given to all property owners within 1000-ft that water well testing is available prior to U-BESS construction at the cost of the U-BESS Applicant.
 - d. Pre-construction testing: Initial testing shall take place within 12-months of establishing the escrow account. Test results for the Participating U-BESS Properties shall be furnished to the Town.
18. Landscape and Screening: Buffers shall use existing vegetation to the fullest extent practicable. If existing vegetation does not provide the desired screening or buffer width it shall be supplemented with new landscaping to form a continuous hedge at least 14 feet in height at planting shall be required and maintained for the life of the project. Berms, solid fencing, and opaque enclosures are the least desirable method of screening but may be proposed in situations where existing or new landscaping for screening is not practical. New landscaping proposed for the project shall be species native to the region and selected by a Registered Landscape Architect. All landscaping and screening methods shall be maintained and replaced as necessary during the life of the project.
19. U-BESS must have a continuously maintained connection to the municipal water supply, where municipal water is available. The U-BESS application must obtain in writing from the local fire department the type of fire department connection.

20. U-BESS shall not be located within one half mile of public structures that are or can be designated as follows under the NYS Building Code:
- a. Category III – structures that represent substantial hazard to human life.
 - b. Category IV – structures designated as essential facilities.

XIII. SECTION THIRTEEN – REQUIRED AGREEMENTS

The following applies to Utility-Scale Battery Energy Storage Systems (U-BESS), unless waived or altered by the Planning Commission.

- A. Road Use Agreement:** The Applicant shall execute a road use agreement with the Town if Town roads are to be used for the project. Prior to the issuance of the building permit and commencement of construction, an existing condition assessment of the proposed hauling routes using Town roads shall be undertaken by the Applicant at the Applicant's expense. Any damage to a Town during construction caused by the operator or its subcontractors shall be repaired or reconstructed to the satisfaction of the Town Highway Superintendent at the operator's expense.
- B. Performance Guarantees:** The Town will require the Applicant or facility owner to provide, prior to construction, a performance bond or cash escrow that names the Town of Rotterdam as the beneficiary, to ensure proper operation and maintenance of all below noted facilities, both during and after construction and until the U-BESS is removed from operation. If the Applicant or facility owner fails to properly operate and maintain below noted facilities, the Town, after giving reasonable notice for non-emergencies, may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs. After which, the account shall be replenished by the Applicant or facility owner within 90 days, or else the facility will be considered abandoned, and decommissioning shall be enacted.
1. Facilities for performance guarantees:
 - a. All proposed landscaping and screening for the project in the amount of 50 percent the installed cost.
 - b. Stormwater management and erosion and sediment control facilities required for the project in the amount of 50 percent the installed cost.
 - c. Any other facility as part of the proposed project, deemed necessary for inclusion to this Section by the Planning Commission.
- C. Decommissioning:** The Applicant shall execute a Decommissioning Agreement and financial surety as described in Section Fourteen of this Law.
- D. Indemnification:** The Applicant system shall execute an Indemnification Agreement with the Town. The agreement shall require the Applicant/owner/operator to at all times defend, indemnify, protect, save, hold harmless and exempt the Town and its

officers, councils, employees, attorneys, agents and consultants from any and all penalties, damages, costs or charges arising out of any and all claims, suits, demands, causes of action or award of damages whether compensatory or punitive, or expenses arising there from either at law or in equity, which might arise out of or be caused by the placement, construction, erection, modification, location, equipment's performance, use, operation, maintenance, repair, installation, replacement, removal or restoration of said U-BESS, excepting however any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the Town or its employees or agents. With respect to the penalties, damages or changes referenced herein, reasonable attorneys' fees, consultant fees and expert witness fees are included in those costs that are recoverable by the Town.

E. Payment in-lieu of Taxes: The Applicant shall enter into an agreement for a payment in lieu of taxes (PILOT) Agreement with the Town Board pursuant to Real Property Tax Law Section 487. This PILOT agreement shall be reviewed and approved by the Town Board. A PILOT agreement executed with the county IDA, acceptable to the Town Board, in its sole discretion, for the U-BESS may serve to meet the requirements of this Section.

1. No building permit shall be issued, or construction commenced for a U-BESS until such time as the PILOT agreement has been executed by all parties and recorded at the Office of the County Clerk.
2. The PILOT shall run to the benefit of the Town and School District and be executed by the operator and the owners of the real property upon which the U-BESS is to be located and such signatures be notarized in such a way that allows the PILOT agreement to be recorded at the Office of the County Clerk. Prior to commencement of construction, the PILOT agreement shall be recorded at the Office of the County Clerk as a lien on the property and indexed against the property/properties upon which the U-BESS is to be constructed. The intent of this provision is so that should the operator of the U-BESS default with regard to the PILOT agreement, such obligation will become the responsibility of the then owner of the property upon which the U-BESS is sited and failure to satisfy the terms of such agreement will permit the Town to enforce such agreement against the owner.

XIV. SECTION FOURTEEN – SYSTEM OPERATIONS AND SAFETY

The following applies to Large-Scale Battery Energy Storage Systems (L-BESS) and Utility-Scale Battery Storage Systems (U-BESS), unless waived by the Planning Commission or noted otherwise in this document.

- A. Operation, Safety and Maintenance Plan:** The Applicant shall submit a comprehensive operation, safety and maintenance plan that addressing the following:
1. An executive summary sheet at the front of the document which clearly shows the following:
 - a. Facility owner information and contact, both phone and current email address.

- i. Landowner information and contact, both phone and current email address.
 - ii. An emergency contact phone number for a competent person who can be to the facility within one (1) hour or less notice. The individual shall have access to the facility gates, knowledge of the site and be able to quickly identify electrical disconnect locations.
 - iii. An emergency contact at the Utility Company associated with the L-BESS or U-BESS.
 - iv. Contact information for the company or individual responsible for regular maintenance and landscaping of the site.
2. Descriptions of continuing maintenance and upkeep for L-BESS or U-BESS, as well as design, construction, installation, testing and commissioning information and shall meet all requirements set forth in the Uniform Code and all applicable codes and the additional items below:
 - a. Procedure for how damaged or malfunctioning equipment shall be identified, isolated, removed, replaced, or repaired from the site within 30 days of discovery or notification of problem at the expense of the developer, ATIMA/ISAOA.
 - b. Description of internally located components for temperature monitoring, self-extinguishing fire system and off gassing monitoring. Method for how this equipment will be maintained, tested and inspected yearly or more frequently if required by the manufacturer.
 - c. System equipment, grounds, fencing and buffer areas shall be maintained in good condition by the operator.
 - d. Only DEC approved cleaning products applied by DEC approved applicators are allowed.
3. The Applicant shall prepare an Emergency Operations Plan in cooperation with Town emergency service providers, which will become part of the Operation, Safety and Maintenance Plan. A copy of the approved plan shall be given to the system owner, the local fire department, and local fire code official. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials and emergency responders. The emergency operations plan shall include the following information:
 - a. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.

- b. Procedures for inspection and testing of associated alarms, interlocks, controls, temperature monitoring, self-extinguishing fire suppression system and off gassing monitoring.
- c. Procedures to be followed in response to notifications from the L-BESS or U-BESS that, when provided, could signify potentially dangerous conditions, including shutting down equipment, summoning service, and repair personnel, and providing agreed upon notification to fire company personnel for potentially hazardous conditions in the event of a system failure. All means of shutting down the L-BESS or U-BESS shall be clearly marked.
- d. The property must be inspected after a National Weather Service designation of a Severe Weather event to ensure that the property did not sustain damage. Reports of said inspection shall be filed with the Town Building Inspector.
- e. Emergency procedures to be followed in case of fire, explosion, release of liquids, oils, or vapors, damage to critical moving parts, or other potentially dangerous conditions.
- f. Response considerations similar to a material safety data sheet (MSDS) that will address response safety concerns and extinguishment when an MSDS is not required.
- g. Procedures for dealing with L-BESS or U-BESS equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged equipment from the facility. System owner shall provide guaranteed non-emergency and emergency response times of a qualified subject matter expert to the DPW and local emergency responders.
- h. Other procedures as determined necessary by the Town to provide for the safety of occupants, neighboring properties, and emergency responders.
 - 1. Procedure to the Town officials and emergency responders on how to inspect components that perform the temperature monitoring, self-extinguishing fire suppression system and off gassing monitoring.
- i. Procedures and schedules for conducting drills of these procedures and for training local (all agencies within 15 miles) emergency responders on the contents of the plan and appropriate response procedures. Training shall be taught by a New York State certified instructor, performed annually, and shall include local and mutual aid emergency responders. Training and specialty equipment shall be paid for by the developer, ATIMA/ISAOA.
- j. The system owner shall notify the local fire department, County emergency management office and the Town building inspector at least one week prior to any scheduled maintenance or equipment swap out.

k. In the event of a fire, all contaminated soil must be removed and disposed of properly, in accordance with all applicable laws. After 72 hours and every month for a minimum of 12 months after an emergency event the test wells on the site shall be tested for contaminants. If contaminants are detected testing will continue until the test results return back to predevelopment test well levels.

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

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

D. Annual Report/Inspection: On a yearly basis, the L-BESS or U-BESS owner shall provide the Town reports showing the following information: rated capacity of the energy charges and discharge (kWh) totals provided to the grid or end user and a report of the inspection of the components that perform the temperature monitoring, self-extinguishing fire suppression system and off gassing monitoring. The reports shall be submitted no later than 30 days after the end of the calendar year. Additionally, an Applicant/operator shall hire an independent, third-party engineer/inspector approved by the Town to oversee compliance with site and operational requirements and the ongoing obligation of the same for the lifetime of the project. The engineer/inspector shall perform a site inspection if a complaint regarding the U-BESS and any of its components is made to the Town of Rotterdam Code Enforcement Officer. Annual inspections of the completed U-BESS shall be performed at the expense of the developer, ATIMA, ISAOA.

E. Project Changes: Any changes and/or augmentation to the U-BESS that occur after final approval from the Planning Commission, except for immaterial modifications as defined herein, shall be done by amendment to the special use permit only and shall be subject to the requirements of this law.

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

F. Insurance:

1. Unless waived by the Town, the Applicant or facility owner shall agree to secure and maintain for the duration of the project, public liability insurance as follows:
 - a. Commercial general liability covering personal injuries, death and property damage: \$10,000,000 per occurrence, \$20,000,000 aggregate, which shall specifically include the Town and its officers, councils, employees, attorneys, agents and consultants as additional named insured;
 - b. Umbrella coverage: \$300,000,000.
2. Insurance Company: The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the State and with at least a Best's rating of "A".
3. Insurance Policy Cancellation: The insurance policies shall contain an endorsement obligating the insurance company to furnish the Town with at least 30 days prior written notice in advance of cancellation.
4. Insurance Policy Renewal: Renewal or replacement policies shall be delivered to the Town at least 15 days before the expiration of the insurance that such policies are to renew or replace.
5. Copies of Insurance Policy: No more than 15 days after the grant of the permit and before construction is initiated, the permit holder shall deliver to the Town a copy of each of the policies or certificates representing the insurance in the required amounts.
6. Certificate of Insurance: A certificate of insurance that states it is for information purposes only and does not confer sufficient rights upon the Town shall not be deemed to comply with this law.
7. Construction Inspection: The escrow account required herein shall be used to provide inspection by a Town engineering consultant during construction of the U-BESS. Work shall remain accessible and exposed until inspected and accepted by the Town's consultant. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the permit holder shall be notified as to how the work fails to comply with the Uniform Code or conditions of the special use permit.

Work not in compliance shall remain exposed until brought into compliance, reinspected, and found satisfactory as completed. During construction, the Town Building Inspector/Code Enforcement Officer can issue a stop order at any time for violations of the special use permit.

3. Operational Inspection: Upon 24 hours advance notice to the owner/operator or designated contact person, the Town of Rotterdam Code Enforcement Officer/Building Inspector or his or her designee may enter the U-BESS to verify compliance with any requirements or conditions. The U-BESS shall be inspected by a New York State licensed professional engineer, under contract with the Town and paid by the escrow account required herein, to ensure that it is operating according to the conditions of the special use permit. Such inspections shall be done annually, and at any other time, upon a determination by the Town's Building Inspector that damage may have occurred. The engineer shall file an inspection report with the Town Code Enforcement Officer/Building Inspector. All recommendations for maintenance and repair contained in said report shall be completed by the operator within a written schedule agreed on by the Code Enforcement Officer/Building Inspector.
4. Groundwater Testing: For U-BESS, Unadulterated soil samples shall be taken at 4 corners of the proposed site. Testing shall utilize 4-foot-deep holes, with testing at 2-foot increments. One monitoring test well hole shall be at the lowest elevation on the site. In the event groundwater contamination occurs because of the U-BESS, the operator, at its sole expense, shall provide a reliable alternative water source and address the contamination in accordance with all legal requirements.

XV. SECTION FIFTEEN – ABANDONMENT OR DECOMMISSIONING OF SYSTEMS

The following applies to Utility-Scale Battery Energy Storage Systems (U-BESS). A proposed Decommissioning Agreement shall be provided by the Applicant and approved by the Town Board. No building permit shall be issued for a U-BESS until the Decommissioning Agreement has been executed and financial surety provided as set forth below.

A. Cause to implement decommissioning plan.

1. If a U-BESS ceases to perform its originally intended function for more than 12 months or is considered abandoned by the Code Enforcement Officer for lack of maintenance and other provisions of this law, the Code Enforcement Officer shall notify the owner and/or operator of the facility to implement the decommissioning plan. Within 180 days of notice being served, the facility owner shall either restore operation or complete implementation of the decommissioning plan. If the owner and/or operator fails to fully implement the decommissioning plan within the 180-day time period and restore the site to original conditions as required, the Town may implement the decommissioning plan in accordance with the law, and recover

all expenses incurred for such activities from the financial surety described in other Sections of this law, and if required, from the defaulted facility owner.

2. If the Applicant begins and does not complete construction within eighteen (18) months after receiving final site plan approval, the decommissioning plan may be implemented unless the facility owner can show to the satisfaction of the Code Enforcement Officer good cause as to why this time should be extended for a maximum of 6 months. At which time if the facility is not fully constructed and operating, the Code Enforcement Officer may implement the decommissioning plan in accordance with this law.
- B. Decommissioning Plan: The plan shall be submitted as part of the application to the Planning Commission. The decommissioning plan that ensures that the site will be restored to a useful, nonhazardous condition without delay, including but not limited to the following provisions:
1. The removal of the U-BESS within the from the Facility Area, including but not limited to all above and subsurface structures, electrical equipment, wires, footings, ground anchors, cables, utility poles, point of interconnection, concrete, switch gears, transformers, fencing, renewable energy electrical substations, inverters, roadways, stormwater management features, roadways, etc.
 2. Compacted portions of the site shall be decompacted and excavations shall be backfilled to restore the site. Restoration of the original surface grade and topsoil installation after removal of the facility.
 3. Revegetation of restored topsoil areas with native seed mixes, excluding any invasive species.
 4. The cost of removing the entire U-BESS based upon prevailing wages and any other requirements applicable to municipalities under state or federal law.
 5. No salvage value shall be attributed to any of the components of the U-BESS.
 6. A schedule and methods for the removal of the U-BESS, including any ancillary structures.
 7. A plan for restoring the property to its pre-installed condition, including grading and vegetative stabilization to eliminate any negative impacts to surrounding properties, and, where if it was previously used for farming, with vegetation suitable for farming purposes, i.e. a hay field, crops, or grazing.
- C. Financial Surety
1. Financial Surety shall be in an amount sufficient to ensure the good faith performance of the terms and conditions of the permit issued pursuant hereto and to provide for the removal of the U-BESS and restoration of the site subsequent to removal.

2. Prior to the issuance of a building permit and every five (5) years thereafter, the U-BESS owner shall file with the Town evidence of financial security to provide for the full cost of decommissioning and removal of the U-BESS in the event the system is not removed by the system owner. Evidence of financial surety shall be in effect throughout the life of the system and shall be in the form of an irrevocable letter of credit or other security acceptable to the Town Board. The irrevocable letter of credit shall include an automatic extension provision, to be issued by an A-rated institution solely for the benefit of the Town, substantially in the form attached hereto as Exhibit A.
3. The amount of the financial surety shall be 150 percent of the estimated cost of removal of the U-BESS and restoration of the property, with an escalator of 2 percent annually (or Consumer Price Index change if more than the annual escalator of 2 percent) for the life of the Utility-Scale Battery Energy Storage Systems and shall not consider the net salvage value of any such project components. The financial surety established by the Agreement shall not be subject to disclaimer or rejection in a bankruptcy proceeding. The amount of the surety shall be determined and certified by the Applicant's engineer and shall be reviewed by the TDE. The amount of the surety may be adjusted by the Town during each five (5) year review as required.
4. In the event of default upon performance of such conditions, after proper notice and expiration of any cure periods, the security shall be forfeited to the Town, which shall be entitled to maintain an action thereon. The financial surety shall remain in full force and effect until 90 days after the restoration of the property, as set forth in the decommissioning plan, is completed.
5. Any cost incurred by the Town that exceeds funding available to them from financial surety, which cannot be recovered from the defaulted facility owner, shall be assessed against the property, in a manner appropriate by law, and in the form of tax, lien or other available method enforceable by the Town.

XVI. SECTION SIXTEEN – PUBLIC USE

A Battery Energy Storage System shall not be considered a Public Utility Use.

SECTION SEVENTEEN - SEVERABILITY

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

XVII. SECTION EIGHTEEN – EFFECTIVE DATE

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