

**Town of Rotterdam
Planning Commission
October 18, 2022**

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

1. **1155 Princetown Road LLC – Pansy Street.** The applicant requests a Waiver of Site Plan review to operate RMB Heating & Cooling out of existing ±42,820 square foot building on a ±4.87-acre parcel.

Agenda (7:30pm):

1. **Rachel Lumbra (contract vendee) - 370 Mariaville Road.** Final Site Plan/Special Use Permit Public Hearing to convert an existing commercial building into two (2) tenant spaces: Tenant Space 1 = ±1,430 square feet for cat lounge and adoption center and Tenant Space #2 = ±2,729 square feet for lease on ±0.46-acre parcel. Engineer: ABD Engineers, LLP.

RECEIVED

SEP 30 2022



Town of Rotterdam
Waiver of Site Plan Review Application

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:
 - Number of employees
 - Exact nature of business, hours of operation and expected customers to the site.
4. A completed Commercial or Residential Building Permit Application and/or Fire Inspection Application.
5. \$75.00 application fee (cash or check – payable to the Town of Rotterdam). Fee in lieu of parkland for residential developments: \$600 per dwelling unit.

PRESENT OWNER(S): 17 Fern Acquisition, LLC - Michael Dura, Mgr.

APPLICANT(S): 1155 Princetown Road LLC - Brendan + Sue Brown

MAILING ADDRESS: 1155 Princetown Road 405 Steeple Way

CITY: Schenectady STATE: Ny ZIP: 12306

DAYTIME TELEPHONE: 518-378-9765 (FAX) 518-875-6214
(Brendan cell)

PROJECT ADDRESS: Fern Ave + Pansy St, Rotterdam NU ("17 fern")

APPLICANT IDENTIFIED AS: Owner Lessee Contract Vendee

REQUEST: Move RMB Heating/Cooling / Mechanical from
1155 to Fern Ave to do Business
-Princetown Rd

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 Susan Brown DATE 9/30/22

* 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.



BERKSHIRE HATHAWAY
HomeServices
Blake, REALTORS®
COMMERCIAL DIVISION

8 Airline Drive
Suite 104
Albany, New York 12205
T 518.464.0870
F 518.464.0876
www.bhhsblake.com

Date: September 22, 2022

Attn: 17 Fern Acquisition, LLC
Michael Dura, Managing Member
17 Fern Ave., Suite 207
Rotterdam, NY 12306

Re: 17 Fern Ave, Rotterdam, NY 12306

Letter of Intent

The purpose of this Letter of Intent is to identify a framework for cooperation in negotiating terms and conditions under which **1155 Princetown Road LLC** (“Tenant”, “Buyer”, “ or “Princetown”), having an address for the transaction of 1155 Princetown Road, Schenectady NY 12306, will lease with an option to purchase certain real Property from **17 Fern Acquisition, LLC** (“Landlord”, “Seller” or “17 Fern”), having an address of 17 Fern Ave., Suite 207, Rotterdam NY 12306, on terms summarized below.,

Notwithstanding anything herein to the contrary, this Letter of Intent is not and shall not be construed to be a binding agreement by and between the Parties. It is expressly acknowledged and agreed that such binding agreement will only arise when and if the Parties have executed definitive agreements.

The Parties intend to do the following:

- **Real Property.** 17 Fern Acquisition LLC is currently the Owner of certain real property located at 17 Fern Avenue, Rotterdam, NY which 1155 Princetown LLC intends to lease with an option to purchase. Tax records identify the subject property as “Parcel ID/Tax ID 422800 58.-1-6.1”,

comprised of approximately 4.87 acres of land and 2 buildings with 29,200 s/f and 2,400 s/f of rentable space, respectively (the "Property").

- **Project.** 1155 Princetown Road LLC intends to seek approvals for operations of fabrication and installation company for HVAC. 1155 Princetown Road LLC will purchase and install new heat and air conditioning units (estimated cost [REDACTED] not including increased power installation).

- **Terms:**

1. Princetown will lease the entire Property from 17 Fern at a rate of [REDACTED] /f for approximately 29,000 s/f of warehouse and office space. The gross lease amount will be [REDACTED] annually, paid monthly at a rate of [REDACTED] per month. Tenant will allow 17 Fern to maintain office and storage space at mutually agreed location(s) within the facility during its tenancy. The Lease Term will be for 36 months and will include an option to purchase the Property on terms more fully described in 2. below. Princetown's option to purchase will be exercisable at any time during the lease term at Princetown's sole discretion, subject to reasonable notice to 17 Fern. 17 Fern further agrees to waive rent for the first two months of Princetown's occupancy and, if the purchase option is elected, to credit to Princetown toward purchase equity fifty percent (50%) of each monthly rent payment made (excluding the waived rent months) by Princetown prior to exercising its purchase option, up to a maximum of 12 months.
2. Option purchase price will be [REDACTED] to be reduced by an equity credit for rent paid at a rate of [REDACTED] per month up to a maximum of 12 months or [REDACTED] (Rent credit will be adjusted based on when Tenant exercises option to purchase and closes on the Property); and a HVAC credit of [REDACTED]. Assuming that Princetown has made at least 12 monthly rent payments, the adjusted Purchase Price would be [REDACTED].
3. Tenant will renovate the facility to meet the operational needs of the Company during the first 60 days of its occupancy and Landlord will waive rent for that period. Tenant will, however, be responsible for its utilities and other normal costs of occupancy.
4. Tenant will maintain the property during the lease term, including snow removal and lawn maintenance.
5. Landlord will pay property and school taxes on the Property during lease term.

6. Landlord will continue to receive rent and pro rata tax payments from American Tower Corporation ("ATC") during Princetown's lease term and agrees not to sell the tower rent income stream during Princetown's tenancy. 17 Fern expressly acknowledges and agrees that the ATC lease is an integral and valuable part of the Property and is included in the sale of the Property if Princetown exercises its purchase option.
 7. Princetown will be responsible for building improvements to accommodate its operations at Princetown's sole expense, unless otherwise agreed in writing by 17 Fern. Princetown will provide to 17 Fern its renovation plans for 17 Fern's review and will obtain all appropriate town approvals for building improvements.
 8. Tenant shall be able to sublease space with approval from Landlord.
 9. Tenant will accept crane and compressor within the sale of building along with all office furniture that landlord does not need. Landlord will be responsible for disposal of all other equipment, including outside boiler, exitings cooling tower, along with associated piping and inside apparatus.
- **Responsibilities.** 1155 Princetown Road LLC, to acquire the property and obtain all governmental approvals for the Project. 17 Fern Acquisition, LLC to provide 1155 Princetown Road LLC complete copies of the following due diligence items in Owner's possession:
 - Site Plan(s)
 - Survey(s)
 - A legal description of the Premises
 - Environmental report(s)

BROKER /

- Purchaser and Seller agree that Berkshire Hathaway and CBRE Albany brought about the sales, and the Seller agrees to pay Brokers' Commission per separate agreement.

17 Fern Acquisitions LLC

Michael Dura

dotloop verified
09/28/22 9:25 PM EDT
ZT4D-VWOW-08KQ-IGLI

Signature

Michael Dura

Print Name

1155 Princetown Road LLC

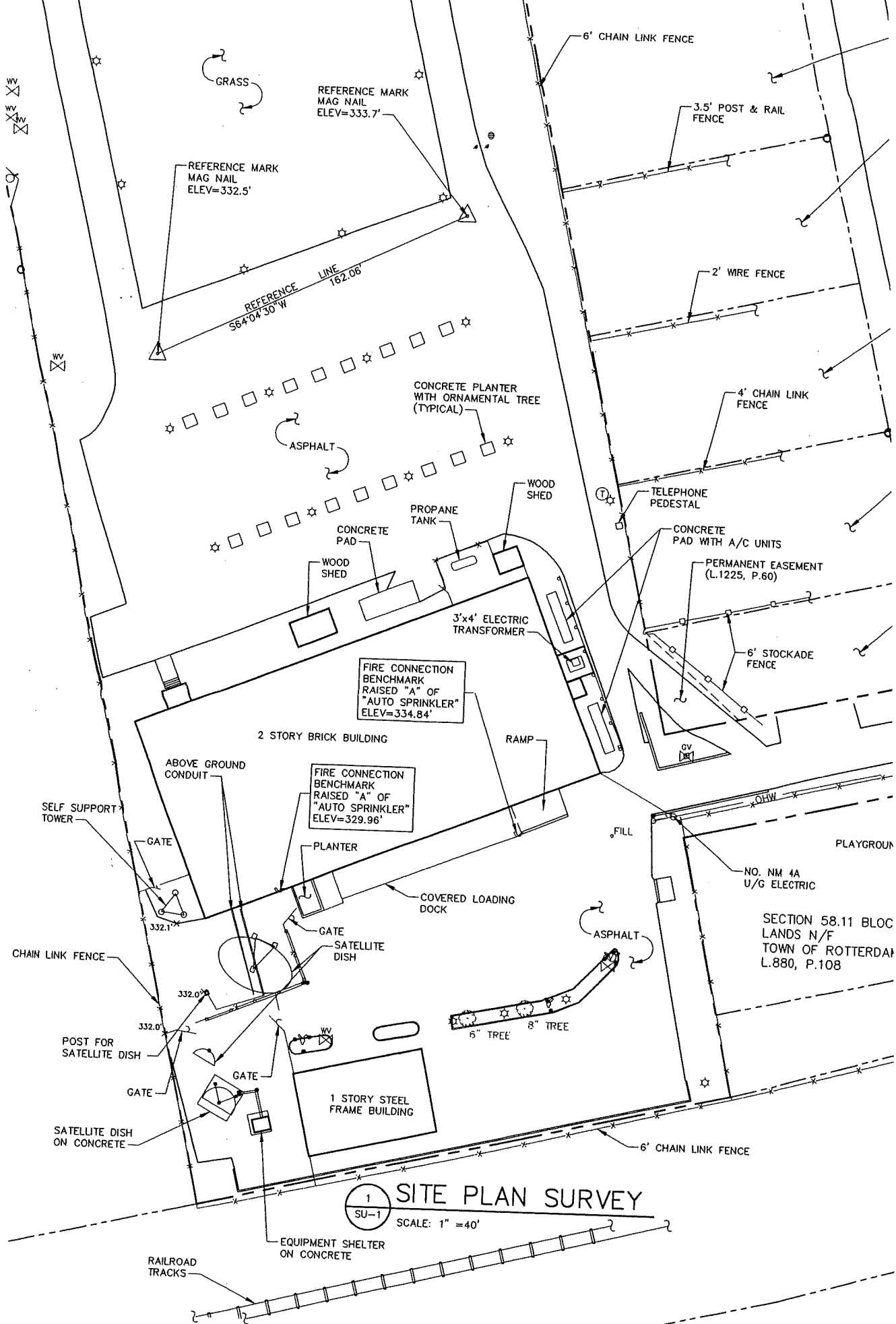
Brendan Brown

dotloop verified
09/29/22 7:10 AM EDT
MNHT-A53Y-HDDZ-6ZBU

Signature

Brendan Brown

Print Name



1
SU-1

SITE PLAN SURVEY

SCALE: 1" = 40'

**DPW Comments
October 18, 2022**

Agenda (7:30pm):

1. **Rachel Lumbra (contract vendee) - 370 Mariaville Road.** Final Site Plan/Special Use Permit Public Hearing to convert an existing commercial building into two (2) tenant spaces: Tenant Space 1 = ±1,430 square feet for cat lounge and adoption center and Tenant Space #2 = ±2,729 square feet for lease on ±0.46-acre parcel. Engineer: ABD Engineers, LLP.
 1. See letter from Joseph Bianchine dated October 7, 2022 addressing the DPW Comments from October 4, 2022.
 2. See 239-m response from County Economic Development and Planning dated October 11, 2022. Applicant should revisit proposed handicap parking and isle placement for conformance with ADA Code as well as use and accessibility for both tenant spaces.
 3. Dumpster is located along Mariaville Road. The Planning Commission may wish to consider requiring a solid masonry or solid composite/Trex-type enclosure for aesthetics and durability.
 4. Approvals are contingent upon compliance with all NYS Building and Fire Codes.
 5. 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.
 6. Applicant to comply fully with Town Sign Code and obtain a building permit for any signage.
 7. Owner/applicant shall install Knox box for emergency personnel. Please contact Fire District #6 for specifications.
 8. Applicant shall obtain Schenectady County Health Department approval and/or New York State Department of State licensing if required.
 9. Handicapped parking and access isles shall be reestablished prior to operation.
 10. Parking lot and sidewalks are in poor shape. Applicant will need to install sidewalks, patch, seal coat, and stripe no later than June 30, 2023.

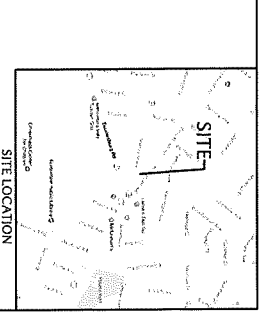
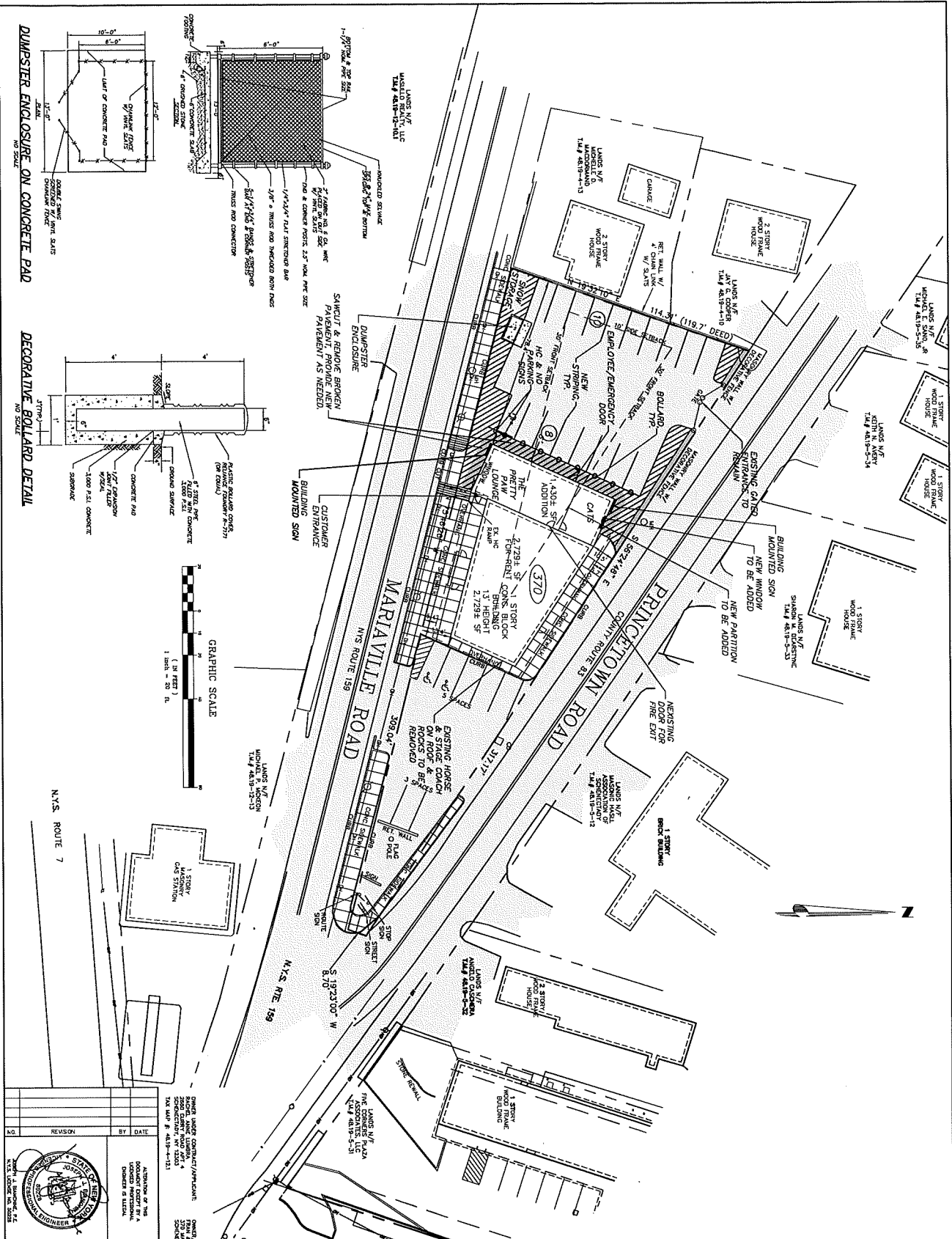
DPW Comments from October 4, 2022

1. Proposed Tenant Space #1 was approved by the Planning Commission as an addition to the existing gun shop. Project began construction however the addition and site plan were never completed and the site currently is vacant and unfinished.
2. Applicant should submit a floor plan indicating layout. Bathrooms and Fire exits may be an issue and compliance with NYS Building Codes should be confirmed prior to resubmittal.
3. How is cat waste being handled? Dumpster location and enclosure should be evaluated.
4. Applicant needs to consult with Schenectady County Health to discuss operations and provide comments to the Planning Board.

DPW Comments
October 18, 2022

5. Tenant Space #2 is large and there is limited parking. Prior to occupancy/use of the site by any new tenant, such new tenant shall be required to first obtain approval of a special use permit amendment for its proposed use, as well as site plan approval or a waiver of site plan. Parking is limited, and the Planning Commission reserves the right to approve, approve with modifications, or disapprove any such special use permit amendment application for any proposed tenant use.
6. Parking lot is in poor shape. Applicant will need to patch, seal coat, and stripe with handicap parking reestablished.

SEQR Requirement: 6 NYCRR 617 Listed Type 2 Action.



- NOTES**
1. THE PLANS SHOW SOME ASSUMED STRUCTURAL, ARCHITECTURAL SPECIFICATIONS AND/OR FINISHES RELATED TO EXISTING BUILDINGS. THE ASSUMED ARE NOT GUARANTEED. THE CONTRACTOR IS ADVISED THAT THE EXISTING BUILDING FINISHES AND/OR UTILITIES IN THE AREA MAY BE DIFFERENT FROM THAT SHOWN ON THIS PLAN. THE CONTRACTOR SHALL VERIFY THE EXISTING FINISHES AND/OR UTILITIES PRIOR TO CONSTRUCTION AND REPORT ANY DISCREPANCIES TO THE ARCHITECT IMMEDIATELY.
 2. THE CONTRACTOR SHALL VERIFY THE EXISTING FINISHES AND/OR UTILITIES PRIOR TO CONSTRUCTION AND REPORT ANY DISCREPANCIES TO THE ARCHITECT IMMEDIATELY.
 3. THE CONTRACTOR SHALL VERIFY THE EXISTING FINISHES AND/OR UTILITIES PRIOR TO CONSTRUCTION AND REPORT ANY DISCREPANCIES TO THE ARCHITECT IMMEDIATELY.
 4. DEVELOPMENT MUST MEET ALL CITY BUILDING AND FIRE CODES.
 5. SCHEDULED UTILITIES (UNDER OR OVER GROUND) SHALL BE RECORDED PRIOR TO CONSTRUCTION AND SHALL BE SHOWN ON THE PLANS.

- MAP REFERENCES**
1. THE PLANS SHOW THE STRUCTURE PROPOSED BY THE USER.
 2. THE PLANS SHOW THE STRUCTURE PROPOSED BY THE USER.
 3. THE PLANS SHOW THE STRUCTURE PROPOSED BY THE USER.
 4. THE PLANS SHOW THE STRUCTURE PROPOSED BY THE USER.
 5. THE PLANS SHOW THE STRUCTURE PROPOSED BY THE USER.

CONCRETE STATISTICS

BUILDINGS	4,130 SF	22.00
PARKING	14,790 SF	78.00
GREEN SPACE	0 SF	0%
TOTAL	18,920 SF (4.3 ACRE)	100%

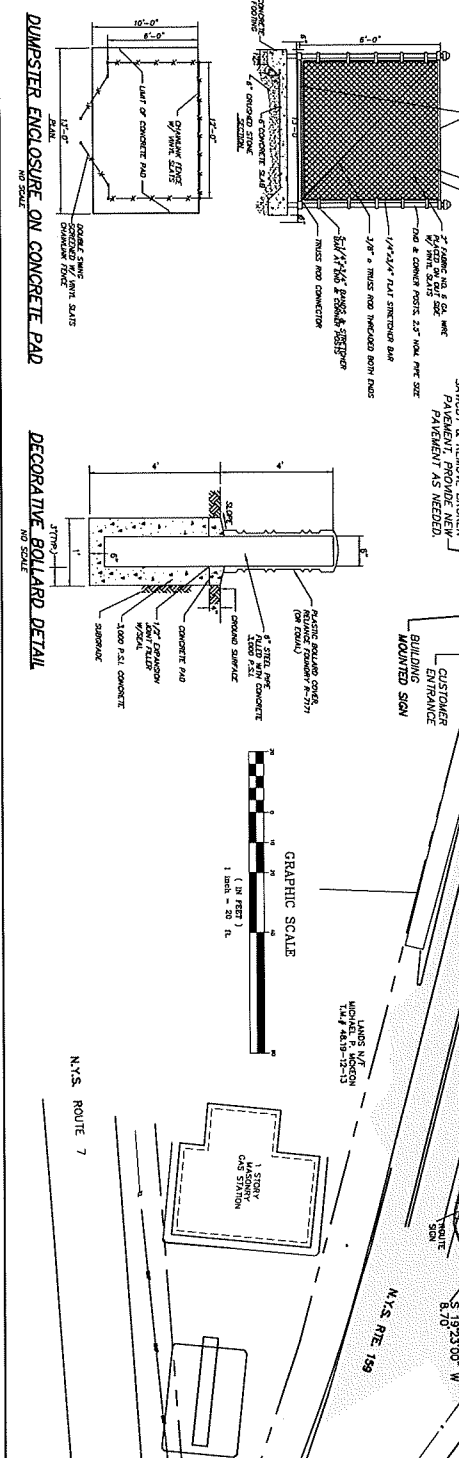
THE PRETTY PAW LOUNGE
370 MARIAVILLE ROAD

ENGINEERS, LLP
411 Union Street
Princeton, NJ 08540
518.270.1515 FAX 518.270.7439
www.johneng.com

DATE: 07/20/2018
SCALE: 1" = 20'
SHEET: 1 OF 1

REVISION

NO.	REVISION	DATE	BY
1	ISSUE FOR PERMIT	07/20/2018	JW



PARTNERS
JOSEPH J. BIANCHINE, P.E.
LUIGI A. PALLESCHI, P.E.
MARK C. BLACKSTONE, P.L.S.

ABD ENGINEERS, LLP.
411 Union Street
Schenectady, NY 12305
518-377-0315 Fax 518-377-0379
www.abdeng.com

DEDICATED
RESPONSIVE
PROFESSIONAL

October 7, 2022

Re: **Site Plan Review/SUP**
370 Mariaville Road
Town of Rotterdam
ABD Project #5296A

Mr. Peter Comenzo, Town Planner
Town of Rotterdam
1100 Sunrise Boulevard
Schenectady, NY 12306

RECEIVED

OCT 07 2022

TOWN OF ROTTERDAM
PUBLIC WORKS

Dear Peter:

In response to the comments (*in italics*) of DPW memo of October 4, 2022, we respond as follows (**in bold**):

1. *Proposed Tenant #1 was approved by the Planning Commission as an addition to the existing gun shop. Project began construction however the addition and site plan were never completed and the site is currently vacant and unfinished.*

Agreed.

2. *Applicant should submit a floor plan indicating layout. Bathrooms and Fire exits may be an issue and compliance with NYS Building Codes should be confirmed prior to resubmittal.*

This is a Building Department issue and will be dealt with by the Architect/Engineer. This work is in process and will be submitted to the Building Department for a building permit.

3. *How is cat waste being handled? Dumpster location and enclosure should be evaluated.*

Cat waste is handled inside in an enclosed closet area with a cat door for entrance. The area will have litter boxes with an air purifier and enclosed self-cleaning litter removal. Waste will be emptied daily into the dumpster in sealed bags at the location shown on the plans.

4. *Applicant needs to consult with Schenectady County Health to discuss operations and provide comments to the Planning Board.*

Both the applicant and I have done this separately and no special permits are needed as long as no food is prepared onsite.

5. *Tenant Space #2 is large and there is limited parking. Prior to occupancy/use of the site by any new tenant, such new tenant shall be required to first obtain approval of a special use permit amendment for its proposed use, as well as site plan approval or a waiver of site plan. Parking is limited, and the Planning Commission reserves the right to approve, approve with modifications, or disapprove any such special use permit amendment application of any proposed tenant use.*

Understood.

6. *Parking lot is in poor shape. Applicant will need to patch, seal coat, and stripe with handicap parking reestablished.*

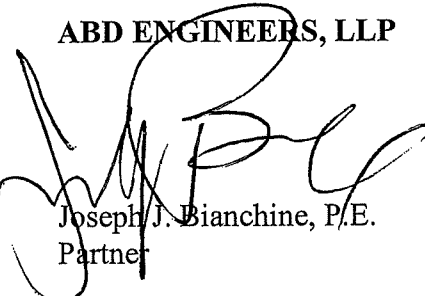
Already called for on the plans.

Enclosed are 12 copies of the site plan. Could we please be scheduled for the October 18th meeting of the Planning Commission?

Should you have any questions or need anything further, please do not hesitate to contact me.

Very truly yours,

ABD ENGINEERS, LLP



Joseph J. Bianchine, P.E.
Partner

JJB:clv
encl.

cc: Rachel Lumbra w/encl.
5296A-10062022

ABD ENGINEERS, LLP

ZONING COORDINATION REFERRAL

SCHENECTADY COUNTY DEPT. OF ECONOMIC DEVELOPMENT & PLANNING
Recommendations shall be made within 30 days after receipt of a full statement of the proposed action.

For Use By SCDEDP

Received 10-11-22
Case No. R-19-22
Returned _____

FROM: Legislative Body
 Zoning Board of Appeals
 Planning Board

Municipality:
Town of Rotterdam

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

(tel.) 386-2225
(fax) 382-5539

Received

Schenectady County

OCT 11 2022

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

Special Permit
 Use Variance
 Area Variance
 Other (specify) _____

Economic Development
and Planning Dept.

PUBLIC HEARING OR MEETING DATE: November 1, 2022

SUBJECT: Rachel Lumbrá (contract vendee) - 370 Mariaville Road. Site Plan/Special Use Permit review to convert existing building into two (2) tenant spaces (TS): TS #1 = ±1,430 square feet for cat lounge and adoption center and TS #2 = ±2,729 square feet future tenant on ±0.46-acre parcel. Engineer: ABD Engineers, LLP.

OCT 11 2022

REQUIRED ENCLOSURES:

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

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

SUBMITTED BY:

Name: Peter Comenzo

Title: Sr. Planner

Address: 1100 Sunrise Boulevard Schenectady, NY 12306

E-mail: pcomenzo@rotterdamny.org

Phone: 518-355-7575 Ext 338

Date: 10 5 22

Signature



PLANNING & ZONING COORDINATION REFERRAL

Case No. R-19-22

Applicant Rachel Lumbra

Referring Officer Peter Comenzo

Municipality Rotterdam

Considerations: Site plan approval for two tenant spaces (1,430 SF cat adoption center and a 2,729 SF vacant space) in an existing building. Located on the northwesterly corner of the Princetown Road (CR 83) and Mariaville Road (SR 159) intersection.

RECOMMENDATION

Receipt of zoning referral is acknowledged on October 11, 2022. Please be advised that the undersigned Commissioner of Economic Development and Planning of the County of Schenectady (having under the Schenectady County Charter the powers and duties of a County Planning Board) has reviewed the proposed action stated on the opposite side of this form and makes the following recommendations:

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

Advisory Note:
 The town should review the proposed handicapped spaces for compliance with ADA requirements. It does not appear that the handicapped spaces in the front have an appropriate accessible aisle.

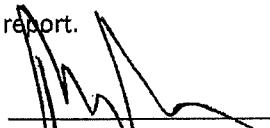
Disapprove. Reason:

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

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

10/11/22

Date



 Ray Gillen, Commissioner
 Economic Development and Planning