Town of Rotterdam
Planning Commission
November 19, 2019

Approval of the Summary of Minutes Thursday, November 7, 2019

1. Schalmont School District (Owner)/LSM Property Management, Inc. (Contract Vendee) - 99 Schermerhorn Road. Concept/Sketch Site Plan review of a nine (9) unit apartment building on a ±5.8 acre parcel formerly Schonow Pre-School. Engineer: William H. Smart Engineering, PLLC.

2. David Brown d/b/a Cyber Sales and Service (contract vendee) - 102 Old Mill Lane. Final Site Plan/Special Use Permit Public Hearing review to convert former car wash to an auto sales and service facility on a ± 0.87 acre parcel. Engineer: ABD Engineers, LLP.

3. Titan Valley Developers (Joseph Citone) – 2780 Hamburg Street. Concept Site Plan review to allow for the redevelopment of the formers Joe’s Pizza into a banquet facility with expanded parking and an 864 square foot outdoor patio on a 1.6 acre parcel. Engineer: Hershberg & Hershberg.
DPW Comments
November 19, 2019

1. Schalmont School District (Owner)/LSM Property Management, Inc. (Contract Vendee) - 99 Schermerhorn Road. Concept/Sketch Site Plan review of a nine (9) unit apartment building on a ±5.8 acre parcel formerly Schonowe Pre-School. Engineer: William H. Smart Engineering, PLLC.

1. Proposed project falls under the Adaptive Reuse legislation recently adopted by the Town Board on June 26, 2019.

2. Planning Commission should authorize a Town Designated Engineer to assist in the review of this project.

3. Proposed septic system will need to be reviewed by the TDE, Schenectady County Health, and the Building Inspector. Existing septic has not been used in many years.

4. Applicant should explain status and future use of gym area.

5. Applicant to further clarify existing/proposed site plan elements including pavement foundation, lighting, landscaping, signage etc...


Involved/Interested Agencies
Schenectady County Economic Development and Planning
Schenectady County Department of Health
Schenectady County Department of Public Works
New York State Department of Environmental Conservation – Region #4
Rotterdam Police Department
Fire District #7
Schalmont School District
2. David Brown d/b/a Cyber Sales and Service (contract vendee) - 102 Old Mill Lane. Final Site Plan/Special Use Permit Public Hearing review to convert former car wash to an auto sales and service facility on an ± 0.87 acre parcel. Engineer: ABD Engineers, LLP.

1. Final Fees Due: 
   - Special Use Permit (Auto Sales) $500.00
   - Special Use Permit (Auto Repair) 500.00
   - Final Site Plan 150.00
   - Advertising 44.46

2. Applicant shall comply with all NYS Building and Fire Codes and must obtain a Building Permit and be issued a Certificate of Occupancy from the Town of Rotterdam Building Inspector prior to operation.

3. Applicant to comply fully with Town Sign Code and obtain a building permit for any signage.

4. No dumpster area is proposed. How is waste being handled?

5. Outdoor vehicle sales areas should be labeled as paved. Area shall not be utilized for display until improvements are complete and is lighted and paved.

6. Proposed office location and handicapped parking and access isle area currently contains a drop in pavement and is not safe for office access nor ADA compliant. Prior to operation, this area must be addressed and regraded.

7. Septic needs to be separated from floor drains and cannot be combined. Review and approval of final septic design and abandonment of the former wash bay drainage will be conducted by DPW and discussed with the engineer. These changes must be shown and detailed on the site plan prior to Chairman’s Signature.

8. Provide a signature space for the Planning Commission Chairman with the following wording below the signature line.
   “Chairman, Rotterdam Planning Commission:
   Date:_______________”.

9. Change note #3 to read: “All paving/repairs shall be completed on site no later than November 15, 2019.”

10. Add note to plan: “Vehicle display shall be limited to areas as depicted on the site plan. Areas not designated on the site plan as outdoor vehicle sales shall not be utilized to display vehicles for sale.”

11. Add note to plan on new paved area along Burdeck Street: “Area shall not contain any banners, balloons, or any other types of temporary signage and is limited to vehicles on display for sales purposes only.”
12. **Add note to plan:** “All storage of materials and equipment shall be within the principal building, with the exception of refuse and trash, which shall be stored in closed containers and in an area screened from view at all points on any public or private property or street when viewed from the ground level.”

13. **Add note to plan:** “No vehicles shall be parked less than 10 feet from any property line.”

14. **Add note to plan:** “Motor vehicle repairs are limited to vehicles being sold by the owner/operator of the facility and is not open to the public.”

15. **Add note to plan:** “All repairs shall be performed within the principal building on the premises in the areas designated as service bays only.”

16. **Add note to plan:** “No body work or auto painting shall be performed on-site.”

17. **Add note to plan:** “Landscaping shall be maintained in perpetuity and all dead/dying plants replaced in kind.”

18. **Add note to plan:** “Approvals are for one tenant only. Any additional tenants will require Planning Commission review and approval.”

19. **Add note to plan:** “A water meter must be installed prior to occupancy. Check with DPW for specifications on meter prior to installation.”

20. **Add note to plan:** “All lighting shall be shielded and/or placed in such a manner as to prevent off-site illumination.”

21. **Add note to plan:** “Snowfall accumulations in excess of four (4) inches shall be removed from all parking areas/walkways within 48 hours.”

**DPW Comments from September 3, 2019**

1. Applicant will need 2 special use permits (auto sales and auto repair).
2. Existing drainage and drywell system needs to be evaluated. It appears that there is a drainage system associated with the car wash that is not shown on the mapping. Use of the property for auto repair may require modifications to this system.
3. Existing asphalt is in rough shape and should be patched/replaced.
4. Provide a floor plan showing public access and floor plan depicting the various uses both sales, showroom, and service area. There are currently no known bathroom facilities and septic area as identified on the plan should be evaluated.
5. Lighting is currently limited to wall-packs at the entrance to the car wash bays and will need to be updated. Provide a lighting plan and show any lighting proposed for display area.
**SEQR Requirement:** 6 NYCRR 617 Unlisted Action. Rotterdam Planning Commission declared lead agency on September 3, 2019. A Draft Negative Declaration has been prepared by the Town Planner for your consideration.

**Involved/Interested Agencies**
Schenectady County Economic Development and Planning
Schenectady County Department of Health
New York State Department of Environmental Conservation – Region #4
Rotterdam Police Department
Fire District #5 (Pine Grove)
6NYCRR PART 617
State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Date: November 19, 2019

This notice has been prepared in accordance with Article 8 of the Environmental Conservation Law by the Town of Rotterdam Department of Public Works Department (Reference: 6 NYCRR 617.5 Unlisted Action)

SEQRA Status:
- Type I ( )
- Type II ( )
- Unlisted (X)

Conditioned Negative Declaration:
- Yes ( )
- No (X)

Contract Vendee:
- David Brown
- Cyber Sales & Service
- 634 Scotch Ridge Road
- Schenectady, NY 12306

Location:
- 102 Old Mill Lane
- Schenectady, NY 12306

Tax Map Number(s):
- 48.13-2-29

Zoning: Light Industrial (I-1) Zoning District.

Action: Special Use Permits to allow for the location of a motor vehicle sales and service establishment in an existing ±3,780 square foot building on a ±38,033 square foot parcel.
Reasons Supporting This Determination:
(See 617.7(a)-(c) for requirements of this determination)

This project was conducted as a SEQR coordinated review. The site plan was sent to all interested/involved agencies on September 4, 2019. The applicant has supplied an Environmental Assessment Form and the Planning Commission has or has caused to complete Part 2 of this checklist.

The applicants have requested approvals for Special Use Permits to allow for the location of a motor vehicle sales and service establishment in an existing ±3,780 square foot building on a ±38,033 square foot parcel. The existing site is a former self-serve car wash and is currently vacant. Changes to the site will be minimal with the addition of a paved outdoor vehicle display area along Burdeck Street. Access to the site will still remain on Old Mill Lane and no access to Burdeck Street is proposed. The applicant is proposing to convert three (3) of the existing wash bays and mechanical area to an office/showroom area with bathroom facilities, convert two (2) of the bays to service areas, and leave one (1) bay for a wash area. Applicant also proposes to leave the existing outdoor wash bay. Enhanced landscaping and lighting will be added to the site. Additional improvements include with removal and/or patching of existing asphalt areas.

The Planning Commission has considered the following criteria to determine if this proposal has significant adverse impacts on the environment:

(i) a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;
(ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;
(iii) the impairment of the environmental characteristics of a Critical Environmental Area.
(iv) the creation of a material conflict with a community's current plans or goals as officially approved or adopted;
(v) the impairment of the character or quality of important historical, archaeological, architectural, or aesthetic resources or of existing community or neighborhood character;
(vi) a major change in the use of either the quantity or type of energy;
(vii) the creation of a hazard to human health;
(viii) a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;
(ix) the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;
(x) the creation of a material demand for other actions that would result in one of the above consequences;
(xi) changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or
(xii) two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

The Planning Commission has also considered the reasonably related long-term, short-term, direct, indirect and cumulative impacts, including other simultaneous or subsequent actions, which are:
(i) included in any long-range plan of which the action under consideration is a part;
(ii) likely to be undertaken as a result thereof; or
(iii) dependent thereon.
(3) The significance of a likely consequence (i.e., whether it is material, substantial, large or important) has been assessed in connection with:
(i) its setting (e.g., urban or rural);
(ii) its probability of occurrence;
(iii) its duration;
(iv) its irreversibility;
(v) its geographic scope;
(vi) its magnitude; and
(vii) the number of people affected.

The environmental effects of the above described action were discussed at regularly scheduled Planning Commission Public Hearing held on April 16, 2019 at the Rotterdam Town Hall, 1100 Sunrise Boulevard, Rotterdam, NY 12306. Adoption of this Negative Declaration was moved by Mr. DiLallo, seconded by Mr. D’Alessandro, and approved by the Rotterdam Planning Commission.

John Denny III
Planning Commission Chairman
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

<table>
<thead>
<tr>
<th>Name of Action or Project:</th>
<th>Redevelopment Site for Auto Sales and Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Location (describe, and attach a location map):</td>
<td>102 Old Mill Lane</td>
</tr>
<tr>
<td>Brief Description of Proposed Action:</td>
<td>Redevelopment of an existing vacant car wash site and conversion to an auto sales and service facility. Building, pavement, curb cuts and utilities will remain the same. Additional pavement and stormwater basin will be added for outdoor Auto Sales area.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name of Applicant or Sponsor:</th>
<th>Telephone: 518-417-4292</th>
</tr>
</thead>
<tbody>
<tr>
<td>David Brown</td>
<td>E-Mail:</td>
</tr>
<tr>
<td>Address:</td>
<td>634 Scotch Ridge Road</td>
</tr>
<tr>
<td>City/PO:</td>
<td>Schenectady</td>
</tr>
<tr>
<td>State:</td>
<td>NY</td>
</tr>
<tr>
<td>Zip Code:</td>
<td>12306</td>
</tr>
</tbody>
</table>

1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?  
   If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.  
   NO YES

2. Does the proposed action require a permit, approval or funding from any other governmental Agency?  
   If Yes, list agency(s) name and permit or approval: Building Permit an Special Use Permit  
   NO YES

3. Total acreage of the site of the proposed action?  
   a. Total acreage to be physically disturbed?  
   b. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?  
   c. 0.87 acres  
   d. 0.3 acres  
   e. 0.87 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

Page 1 of 3
5. Is the proposed action,
   a. A permitted use under the zoning regulations?  [ ] NO  [ ] YES  [ ] N/A
   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?  [ ] 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?  [ ] NO  [ ] YES
   c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?  [ ] NO  [ ] YES

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 archaeological sensitive area?  [ ] 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?  [ ] NO  [ ] YES
    b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?  [ ] NO  [ ] YES
    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
   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
      on-site storm basins
<table>
<thead>
<tr>
<th>Question</th>
<th>NO</th>
<th>YES</th>
</tr>
</thead>
<tbody>
<tr>
<td>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)? If Yes, explain purpose and size:</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>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:</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>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:</td>
<td>✔</td>
<td></td>
</tr>
</tbody>
</table>

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: Luigi A. Palleschi P.E. Date: 9/6/19
Signature: [Signature]
Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

| Part 1 / Question 7 [Critical Environmental Area] | No |
| Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites] | No |
| Part 1 / Question 12b [Archaeological Sites] | Yes |
| Part 1 / Question 13a [Wellands or Other Regulated Waterbodies] | No |
| 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 |
Short Environmental Assessment Form
Part 2 - Impact Assessment

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

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

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

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

☑ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Rotterdam Planning Commission

John Denny III

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Signature of Responsible Officer in Lead Agency

November 19, 2019

Date

Planning Commission Chairman

Title of Responsible Officer

Signature of Preparer (if different from Responsible Officer)
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.

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

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

Municipality: Town of Rotterdam
(tel.) 386-2225
(fax) 382-5539

ACTION: ☐ Zoning Code/Law Amendment
☐ Zoning Map Amendment
☐ Subdivision Review
☑ Site Plan Review
☐ Special Permit
☐ Use Variance
☐ Area Variance
☐ Other (specify)

PUBLIC HEARING OR MEETING DATE: September 3, 2019

SUBJECT: David Brown d/b/a Cyber Sales and Service (contract vendee) - 102 Old Mill Lane. Site Plan/Special Use Permit review to convert former car wash to an auto sales and service facility on ± 0.87 acre parcel. Engineer: ABD Engineers, LLP.

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-I, 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
Address: 1100 Sunrise Boulevard Schenectady, NY 12306
E-mail: pcomenzo@rotterdamny.org

Title: Sr. Planner
Phone: 518-355-7575 Ext 338

Date: 9-18-19

Signature: [Signature]
Case No. R-21-19

Applicant: Cyber Sales & Service

Referring Officer: Peter Comenzo

Municipality: Rotterdam

Considerations: Located on the westerly side of Burdeck St. approximately 500' north of Mariaville Road.

RECOMMENDATION

Receipt of zoning referral is acknowledged on September 20, 2019. 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:

☐ 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.

Date: 10/7/20

Ray Gillen, Commissioner
Economic Development and Planning
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 4
1130 North Westcott Road, Schenectady, NY 12306-2014
P: (518) 357-2069 F: (518) 357-2460
www.dec.ny.gov

September 26, 2019

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

RE: LEAD AGENCY COORDINATION RESPONSE
David J. Brown
102 Old Mill Lane
Town of Rotterdam, Schenectady County

Dear Mr. Comenzo:

This letter responds to your correspondence of September 18, 2019, regarding lead agency coordination for the project referenced herein, under Article 8 (State Environmental Quality Review – SEQR) of the Environmental Conservation Law and 6 NYCRR Part 617. The New York State Department of Environmental Conservation ("DEC" or "Department") has the following interest in this project:

Name of Action: 102 Old Mill Lane
DEC Contact Person: Trish Gabriel

**DEC Position:** Based on the information provided, DEC has no objection to your agency assuming lead agency status for this action. *If the scope of the project changes, or the EAF is revised, the Department requests to be copied on the proposed changes.*

**Possible DEC Permits:**

- **Section 401 Water Quality Certification** – If this project will impact federally-regulated wetlands or waterbodies, which require a Section 404 Permit (Individual or Nationwide Permit) from the U.S. Army Corps of Engineers, a Section 401 Water Quality Certification may be required from the Department.

- **State Pollutant Discharge Elimination System (SPDES) Wastewater Permit** – A SPDES permit is required for any facility which has a surface discharge or discharges more than 1,000 gallons per day of sewage-wastewater into ground waters of the state.

- **SPDES General Permit for Stormwater Discharges from Construction Activity** – If this project will disturb one acre of land or more, the applicant must comply with the State Pollutant Discharge Elimination System (SPDES) Phase II regulations for Stormwater Discharges Associated with Construction Activities.
* Article 15, Title 15 - Water Withdrawal Permit – If this project will require the installation of a new water supply system, the extension of a water district or an increase in take, a Water Withdrawal Permit or permit modification may be required.

**Additional Comments:**

The project appears to be located within an area of potential historical or archeological significance. If approvals/permits are ultimately needed from this Department, we may need to consult with the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) in order to better evaluate this project's impact on these resources. You may wish to inform the applicant/project sponsor of this potential requirement.

The information available in the New York Natural Heritage Program database regarding known occurrences of rare or state-listed animals and plants, significant communities and other significant habitats has been reviewed. No records of known occurrences were found in the (immediate) vicinity of the project/site. However, the absence of data does not necessarily mean that rare or state-listed species, natural communities or other significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain information which indicates their presence. For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

**NOTE:** While no specific habitat was identified on the subject parcel, the northern long-eared bat may be found in virtually any county in New York State. Although this project site falls outside of the currently-recognized occupied habitat for this federally-threatened species, the Department recommends that removal of any trees greater than 3 inches in diameter at breast height (dbh) take place between November 1 and March 31 each year, if possible, in order to protect potential bat habitat. Further, if this project involves any federal funding and/or federal permitting, consultation with the United States Fish & Wildlife Service (USFWS) New York Field Office in Cortland, New York, is required in order to determine if there are any further federal requirements with regard to the Northern long-eared bat.

If an extension of any existing public sanitary sewer service is deemed necessary, the Department may require review/approval before the extension is constructed, particularly if it is intended to convey 2,500 gallons per day or more of residential sewage alone or in combination with stormwater, as required by 6 NYCRR Part 750. Please submit plans for the Department's review if this situation applies to your project.
Enclosed is a copy of the Department's jurisdictional map for your reference. Please note that the map is intended to provide an idea as to the approximate size and location of resources; actual field conditions may vary from those depicted on the map.

Please feel free to contact me by telephone at (518) 357-2452 or by e-mail at nancy.baker@dec.ny.gov if you have any questions. Trish Gabriel may be reached by telephone at (518) 357-2445 or by e-mail at trish.gabriel@dec.ny.gov.

Sincerely,

Nancy M. Baker
Regional Permit Administrator

Enclosure: Jurisdictional Map
cc: Luigi Palleschi, ABD Engineers, 411 Union Street, Schenectady, NY. 12305
3. **Titan Valley Developers (Joseph Citone) – 2780 Hamburg Street.** Concept Site Plan review to allow for the redevelopment of the former Joe's Pizza into a banquet facility with expanded parking and an 864 square foot outdoor patio on a 1.6 acre parcel. Engineer: Hershberg & Hershberg.

1. Property is a pre-existing nonconforming use that the applicant is attempting to redevelop and bring into conformance. Property contains two (2) existing buildings totaling 4,720 square feet: Building 1 - two (2) story mixed use with proposed redeveloped banquet facility on the first floor and six (6) apartment units on the second floor and Building 2 – three (3) apartment units.

2. Property is located in the Retail Business (B-1) and Single Family Residential (R-1) zoning districts. The overlay zone is currently Corridor Commercial. DPW is suggesting that the applicant apply for a Change of Zone to the Main Street Neighborhood Center Zoning District (MS/NC) to bring the property into zoning conformance.

3. Proposed parking area in the rear should be lighted and paved.

4. Conceptual site plan has been modified by the applicant for illustrative/discussion purposes only.