

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
*(Select one.)*

of Rotterdam

Local Law No. 12 of the year 2023

A local law to amend chapter 270, Zoning, of the Town Code of the Town of Rotterdam for a change of  
*(Insert Title)*  
zone from Two Family Residential (R-2) to Multiple Family (R-3), to convert a three (3)  
unit building to a four (4) unit building.

Be it enacted by the Town Board of the  
*(Name of Legislative Body)*

County  City  Town  Village  
*(Select one.)*

of Rotterdam as follows:

TO AMEND CHAPTER 270, ZONING, OF THE TOWN CODE OF THE TOWN OF ROTTERDAM FOR A CHANGE OF ZONE FROM TWO FAMILY RESIDENTIAL (R-2) TO MULTIPLE FAMILY (R-3), KNOWN AS 1696 CRANE STREET, TAX MAP NO. 59.6-2-2

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 12 of 2023 of the (County)(City)(Town)(Village) of Rotterdam was duly passed by the Town Board on October 25 2023, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted *(Elective Chief Executive Officer\*)* on \_\_\_\_\_ 20    , in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. *(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

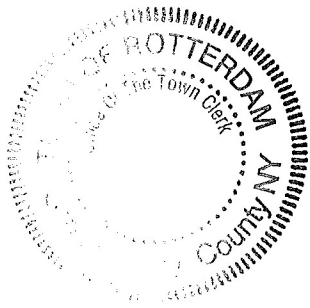
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_ above.

*[Handwritten Signature]*

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 10/31/2023

(Seal)



**RESOLUTION NO. 323.23**

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, October 25, 2023, at 7:00 p.m., the following resolution was duly adopted:

**TO ENACT INTRODUCTORY LOCAL LAW NO. 12 OF 2023; TO AMEND CHAPTER 270, ZONING, OF THE TOWN CODE OF THE TOWN OF ROTTERDAM FOR A CHANGE OF ZONE FROM TWO FAMILY RESIDENTIAL (R-2) TO MULTIPLE FAMILY (R-3), TO CONVERT A THREE (3) UNIT BUILDING TO A FOUR (4) UNIT KNOWN AS 1696 CRANE STREET, TAX MAP NO. 59.6-2-2**

**THEREFORE, UPON MOTION OF** Councilmember **MASTROIANNI**,  
seconded by Councilmember **CHRISTOU**,  
**BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:**

**SECTION 1.** The Town Board hereby enacts Introductory Local Law No. 12 of 2023.

**SECTION 2.** The Town Clerk is directed, following consultation with the Attorney to the Town, to file said Local Law in final form with the New York State Department of State.

**SECTION 3.** This resolution shall become effective October 25, 2023.

**DATED:** October 25, 2023

NAME	AYES	NOES	ABSTAIN
Christou	X		
Miller-Herrera	X		
Dodson	X		
Mastroianni	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board of the Town of Rotterdam on October 25, 2023, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk’s office.

**I DO FURTHER CERTIFY** that each of the members of the Town Board had due notice of the said Town Board meeting.

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the Town of Rotterdam this October 27, 2023.

*Diane M. Marco*  
\_\_\_\_\_  
Diane M. Marco, Town Clerk







\*\*\*\*\*

# TOWN OF ROTTERDAM CHANGE OF ZONE APPLICATION

Application Fee \$1,000

Existing Zone Classification: R-2

Proposed Zone Classification: R-3

## PART II GENERAL INFORMATION

Legal Owner's Name: BD UPSTATE Construction Inc - Byron Diaz  
Mailing Address: 3561 Guilderland  
City: Schenectady State: New York Zip: 12306  
Daytime Phone: 845-309-5223 E-mail: upstateconstruction@aol.com

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

Owner's Designated Contact: Byron Diaz

Mailing Address: 3561 Guilderland Avenue  
City: Schenectady State: NY Zip: 12306  
Daytime Phone: 845-309-5223 E-mail: upstateconstruction@aol.com  
Project/Proposal Site Area: (Acres or sq. ft.) 1.63  
Assessor Tax Parcel No.(s) of Site: 59.06-2-2  
Adjacent Parcels Owned or Controlled and Tax Map Parcel No: (Acres or sq. ft.) \_\_\_\_\_

Street Address of Proposed Site (if any): 1696 Crane St.

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

Site had 3 units: 1 office in building  
The original building was built in the  
1850's - 1 garage on site  
See Attachment #1

School District: Schenectady

Fire District: District 2

Water Supply: Public

### LEGAL INFORMATION

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

The site is approximately 1500 to 2000  
feet from Altamont Avenue  
See attached map of area

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

Width of Property Fronting on the Existing Public Road in Linear Feet: 220'

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

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

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

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

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

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

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

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

Please see Attachment #1

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

**UTILITIES**

Proposed Source of Water:

- Individual Wells
- Public System
- Private Community System
- Other, please describe \_\_\_\_\_

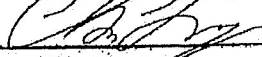
Proposed Means of Sewage Disposal:

- Public Sewer
- Dry Sewer
- Community System
- Other, please describe \_\_\_\_\_
- Septic Tank & Leachfield

**PART III**

\*\*\*\*\*  
**SURVEYOR/ARCHITECT/ENGINEER VERIFICATION**  
 \*\*\*\*\*

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

Signed:  Christopher Longo, PE Date: 8/7/23  
 Address: 1800 Duanesburg Road Phone: 518-280-1371  
Duanesburg, NY 12058 Zip: 12050

**PLEASE AFFIX SURVEYOR/ARCHITECT/ENGINEER SEAL HERE**

\*\*\*\*\*  
**LEGAL OWNER SIGNATURE**  
\*\*\*\*\*  
(Signature of legal owner or representative as authorized by legal owner)

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

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

Name: Burton Diaz  
Address: 3561 Guilderland Avenue  
Scheny NY 12306  
[Signature]  
Signature of applicant or representative

Date: 09/07/23  
Phone: 845-309-5223  
Zip: 12306  
09/07/23  
Date

**NOTARY**

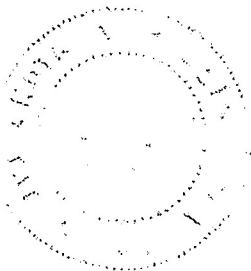
STATE OF NEW YORK) ss:  
COUNTY OF Schenectady

SUBSCRIBED AND SWORN to before me this 7 day of September, 2023

NOTARY SEAL

Frances Nan Lawyer  
Notary Signature

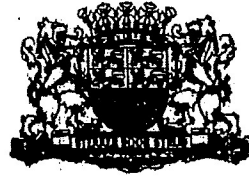
Notary Public in and for the State of New York  
Residing at: 1109 Outer Drive  
My appointment expires: 10/31/25



FRANCES NAN LAWYER  
Notary Public, State of New York  
Qualified in Schenectady County  
4605144  
My Commission Expires: Oct 31, \_\_\_\_\_

PLEASE AFFIX NOTARY SEAL HERE

# TOWN OF ROTTERDAM



John F. Kirvin Government Center • 1100 Sunrise Boulevard • Rotterdam, NY 12306  
Telephone: 518-355-7575 • Fax: 518-355-7976 • Website: www.rotterdamny.org

## LETTER FROM PROPERTY OWNER GRANTING AUTHORIZATION TO ACT

A COPY OF THIS LETTER MUST BE SUBMITTED FOR EACH PROPERTY OWNER  
INVOLVED

I, Byron Diaz, being duly sworn declare that I am the  
(PROPERTY OWNER)

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

Tax Parcel Number(s): \_\_\_\_\_

I hereby grant Chris Longo 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: 09/07/23

NOTARY

STATE OF NEW YORK) ss:  
COUNTY OF Schenectady  
SUBSCRIBED AND SWORN to before me this 7 day of September, 2023

NOTARY SEAL

Frances Nan Lawyer  
Notary Signature

Notary Public in and for the State of New York  
Residing at: 1109 Outer Drive  
My appointment expires: 10/31/25

Page 6 of 6

Rotterdam Change of Zone Application  
2 23 23

FRANCES NAN LAWYER  
Notary Public, State of New York  
Qualified in Schenectady County  
4605144  
My Commission Expires: Oct 31, \_\_\_\_\_

## 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.

<b>Part 1 – Project and Sponsor Information</b>			
1696-1698 Crane Street - BD Upstate Construction Inc.			
Name of Action or Project: 1698 Crane Street Town of Rotterdam - Schenectady City School District			
Project Location (describe, and attach a location map): 1696-1698 Crane Street			
Brief Description of Proposed Action: Improve the 1.63 acre site which includes a total rebuild of the 1850 Original structure which contained a 3 unit apartment and small real estate office. The project is a continuation/completion of the new building on the original 1850 foot print. The newly constructed building "only" consists of 3 completed units. The 4th unit is unfinished used as storage and is waiting on the R2 to R3 zoning approval.  See attached narrative for recent time lines of town submittals..			
Name of Applicant or Sponsor: BD Upstate Construction Inc. (Byron Diaz)		Telephone: 845-309-5223 or 518-280-9284 E-Mail: upstateconstruction@aol.com	
Address: 3561 Guilderland Avenue			
City/PO: Schenectady		State: NY	Zip Code: 12306
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 <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		1.63 acres	
b. Total acreage to be physically disturbed?		See site plan acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1.63 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): R2 Multi-Family			
<input type="checkbox"/> 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
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ See site plan for engineered septic system	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  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	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? 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	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain the purpose and size of the impoundment: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> Applicant/sponsor/name: <u>BD Upstate Construction Inc. (Byron Diaz)</u> Date: <u>09/07/23</u> Signature: <u><i>[Signature]</i></u> Title: <u>President</u>		

**PRINT FORM**



## Attachment #1

### Timeline of Town Submittals:

- August 3, 2022, Request for Town approval R2 To R3 Zoning Change.
- August 10, 2022, Town of Rotterdam Department of Public Works response letter citing Local Law No. 1 of year 2022, Apartment Moratorium, returning the application.
- August 22, 2022, Re-submittal of R2 to R3 zoning change request based on requirements of the "Waiver" exception process as defined in Section 5 of Local Law No. 1 of the year 2022. (No Town action taken on this request).

### Discussion:

The current zoning for this 1.6-acre parcel is R2. The original dwelling consisted of 3 (1) bedroom apartments along with a small Real Estate office (American Realty) and had a property type of 230 - 3 Family according to the town's assessment database. To correct the non-conforming state of the building an R3 zoning is required to allow a 4-unit dwelling. This section of Crane Street and this parcel is the second to the last parcel (on the left) in the Town of Rotterdam within the City of Schenectady School district.

This section of Crane street is comprised of several non-conforming dwellings. The parcel to the left 1704 consists of 5 units (see mail boxes), 1691 consists of 4 units and several other parcels on the street consist of 4-5-unit dwellings. The parcel to the right of 1696 Crane, 1690 Crane is an auto repair business (formally Marco Crane) service. The parcel at 1671 Crane (formally Knickerbocker Furniture) is currently used as an auto repair business and auto salvage yard, and an eye sore.

This entire stretch of Crane Street in the town of Rotterdam currently consists of the following zoning types: R1, R2, B2 and I1. The only vacant land parcel is zoned R1 and the remaining parcels are all R2, B2 and I1 zoned according to the town's assessment database.

By approving this request for R3 zoning it will allow the parcel to come in compliance with its previous use as a 3 unit+ building and potentially allow completion of fourth and final unit in the existing newly constructed building. Approval of R3 zoning will not adversely affect the health, safety, and general welfare of the immediate neighborhood, Town of Rotterdam, or the Mohonasen School District.

The previous building was an eyesore and could not be remodeled to meet current building codes and had to be removed and a new building constructed. This was determined by the orderly de-construction of the top floor and determination that the first-floor wall structure could not support the new 2x6 construction of the second floor and roof trusses. Once the first-floor walls were exposed it showed that there was not consistent 16" on center framing wall structure. An engineering review of the basement walls consisted of (stacked stones) and could not meet current standards for total reconstruction of the building. At this point and with consultation with the Town of Rotterdam building department the decision was made to remove the building.

The new building is completed minus the completion of the now un-finished 4<sup>th</sup> unit. A "CO" has been received from the town for the existing 3 units. This request for approval from R2 to R3 will allow completion of the 4<sup>th</sup> unit.

The existing new building will more than double the assessed value of the previously assessed building and provide an incentive for other property owners to improve their properties. The Town comprehensive plan modifications should consider a rezoning to R3 of this upper section of Crane street to bring non-conforming parcels into compliance, allow future construction of new dwellings and "clean-up" the parcels in this section of Crane street. This will help to increase the tax base for the town and provide an incentive for other property owners to better maintain their properties.

21-6805

RTR

Meridian Title Company  
12 Cornhill Bld.  
Latham, NY 12110

**TRUSTEE'S DEED**

**THIS INDENTURE** made the 17<sup>th</sup> day of December, Two Thousand and Twenty-One between Howard J. Spink, as Trustee of the Crane St. Associates Trust dated September 1, 2002 with an address of 2488 W Old State Road, Schenectady, NY 12306, party of the first part,

and

BD Upstate Construction, Inc., a New York Corporation with offices at 3561 Guilderland Avenue, Schenectady, NY 12306,

party of the second part,

**WITNESSETH** that the Trustees, in consideration of ONE HUNDRED AND THIRTY THOUSAND and no/100 Dollars (\$130,000.00) lawful money of the United States, and other good and valuable consideration paid by the party of the second part, do hereby grant and release unto the party of the second part, its heirs and assigns all of the Trustees right, title and interest, if any, in and to:

**ALL THAT CERTAIN PIECE OR PARCEL OF LAND**, with the buildings thereon, bounded and described as follows:

**BEGINNING** at a point in the Town of Rotterdam, County of Schenectady and State of New York, in the Westerly line of Crane Street at a distance of 827.43 feet from the Northerly line of Altamont Avenue, and proceeding thence N 84 degrees - 29' W and along the Northerly line of lands of the Town of Rotterdam a distance of 323.5 feet to a point; thence N 60 degrees 09' E and along the Southerly line of lands of Marco and Dominick a distance of 380.0 feet to a point; thence S 85 degrees - 48' E and continuing along the lands of Marco and Dominick a distance of 33.5 feet to a point; thence S 10 degrees - 34' W and along the Westerly line of Crane Street a distance of 220.0 feet to the point of beginning.

**SUBJECT** to any enforceable covenants, conditions, restrictions and easements of record.

**BEING THE SAME PREMISES** conveyed in a deed from Howard Spink to the Crane St. Associates Trust dated September 1, 2002, Howard J. Spink as Trustee, dated December 4, 2012 and recorded December 7, 2012 in the Schenectady County Clerk's Office in Book 1866 of Deeds at Page 422.

**TOGETHER** with the appurtenances and also all the estate and rights of the said Trustees in and to said premises.

**TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, its survivors, heirs and assigns of such survivors forever.

**AND** said party of the first part covenant that they have not done or suffered anything whereby the

2  
2  
59.06  
R

said premises have been encumbered in any way whatsoever.

**SUBJECT** to the provisions of Section 13 of the Lien Law of the State of New York.

**IN WITNESS WHEREOF**, the party of the first part have hereunto set their hands and seals the day and year first above written.

**IN PRESENCE OF**

**CRANE ST. ASSOCIATES TRUST**

By: Howard J. Spink  
**Howard J. Spink, Trustee**

STATE OF NEW YORK )  
COUNTY OF SCHENECTADY ) ss.:

On the 21 day of December in the year 2021, before me, personally appeared, Howard J. Spink, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Tracy T. Brundege  
Notary Public

**TRACY T. BRUNDEGE**  
Notary Republic State of New York  
01BR6114265  
Qualified in Schenectady County  
My Commission Expires 8-09-2024





*Town of Rotterdam*  
*Office of the Planning Commission*

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

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

**Resolution Number PC29-2023**

Moved by Mr. Collins seconded by Mr. Miglucchi  
Applicant: BD Upstate Construction, Inc.

**Resolution Adopting a Report and Recommendation on  
the Change of Zone Request by BD UPSTATE CONSTRUCTION, INC.**

**WHEREAS**, the Town Board of the Town of Rotterdam ("Town Board") has received an application from BD Upstate Construction, Inc. ("Owner") for a Change of Zone from Two-Family Residential (R-2) to Multiple-Family (R-3) to convert a three (3) unit building into a four (4) unit. Currently the parcel is known as 1696 Crane Street, Tax Map No. 59.6-2-2; and,

**WHEREAS**, the Town Board referred the Change of Zone application to the Planning Commission on September 13, 2023 for a report and recommendation thereon; and

**WHEREAS**, the Applicant, through its representative, Christopher Longo, with Empire Engineering, presented the Change of Zone application to the Planning Commission at its regularly scheduled meeting held on September 19, 2023; and

**WHEREAS**, the Planning Commission reviewed the proposed Change of Zone at its regularly scheduled meetings held on September 19, 2023; and

**WHEREAS**, the Planning Commission has deliberated on the proposed Change of Zone;

**NOW, THEREFORE**, upon motion of Member Collins, seconded by Member Miglucchi,

**BE IT RESOLVED**, by the Planning Commission of the Town of Rotterdam as follows:

1. The Planning Commission hereby adopts the following as its report on the proposed Change of Zone:

The Change of Zone request concerns a parcel known as 1696 Crane Street, Tax Map No. 59.6-2-2. The building was previously in disrepair and originally contained three (3) residential units and plus one (1) office space previously utilized by a real estate agency. During reconstruction efforts by the current owner, it was determined that the existing stone foundation was compromised, the structure was unstable, and demolition was necessary. When the building was reconstructed, it was determined by the Town of Rotterdam Building and Code Enforcement personnel that the applicant could replace the preexisting non-conforming structure with three (3) residential units. The applicant comes before the Planning Commission seeking a report and recommendation to the Town Board to allow for an existing 714 s.f. storage space to be converted into a fourth (4<sup>th</sup>) residential unit. Numerous parcels surrounding the property contain multi-family dwelling units despite the R-2 and B-2 zoning. For example, the property known as 1704 Crane Street has five (5)

residential units and 1691 Crane Street has four (4) residential units. The property directly adjacent to the applicant's parcel has at least two (2) residential units. The property is served by public water and an on-site septic system. There is sufficient land area to upgrade the existing septic system, if necessary to accommodate the fourth residential unit.

Rezoning the parcel would change the allowable uses to include, the following:

- Multiple-family dwellings;
- Two-family dwellings;
- Churches or similar places of worship, parish houses, convents and community houses;
- Public and private schools;
- Firehouses;
- Public parks, playgrounds and other municipal recreational uses;
- Public libraries and museums;
- Child and infant day-care centers;
- Disturbance on a wetland or watercourse area of any class or in a wetland or watercourse buffer area as defined in this chapter (special use permit);

There would be a change in the required lot area and lot frontage; the current zoning requires not less than 15,000 square feet, with a lot width of not less than 100 feet. The proposed R-3 zoning district would require a minimum lot area of 15,000 square feet, with a minimum lot area of 20,000 square feet, except that buildings or structures with more than four bedrooms shall increase the total lot area by a minimum of 3,000 square feet for each additional bedroom over four.

There would be a change in the yard requirements; the current zoning requires the side yard width to be not less than 10 feet. The proposed R-3 zoning district would require the side yard depth to be not less than 20 feet.

2. Subject to the considerations set forth below in Paragraph 3, the Planning Commission hereby adopts a **positive recommendation** on the BD Upstate Construction, Inc. Change of Zone request for the following reasons:

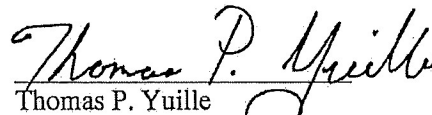
- The proposed Change of Zone would permit the use of the existing 714 square foot storage space as a fourth residential unit.
- In large part, the surrounding neighborhood is zoned General Business (B-2), and Two-Family Residential (R-2) however, most of the area is developed with multi-family residential properties.
- The proposed Change of Zone would be consistent with the neighborhood and existing land use development in the area.
- The property has retained its character, the new building occupies the previous footprint after reconstruction, and the property is in keeping with the character of the surrounding properties.

3. This recommendation is subject to the following considerations:

- a. Neither a positive recommendation by the Planning Commission, nor any rezoning action taken by the Town Board, should be construed as an approval or other favorable position concerning any proposed conceptual development plan. Any proposed development shall remain subject to full review by the Planning Commission and, as necessary, by the Zoning Board of Appeals.

<u>Member</u>	<u>Aye</u>	<u>Nay</u>
Thomas Yuille	X	
Mark D'Alessandro	X	
Wayne Calder		
Clark Collins	X	
Joseph Miglucci	X	
Lynn Flansburg	X	
Joseph Signore	X	

  
Peter J. Comenzo  
Senior Planner

  
Thomas P. Yuille  
Planning Commission Chairman



"A Nice Place to Live"

"A Nice Place to Do Business"

**COPY**



*Town of Rotterdam  
Zoning Board of Appeals*

Philip Eats, Chairman  
Peter J. Cornenzo, Senior Planner

Telephone (518) 355-7575 Ext. 338  
Facsimile (518) 355-2725

October 17, 2023

Mr. Ray Gillen, Commissioner  
Schenectady County Dept. of Economic Development & Planning  
Schaeffer Heights  
107 Nott Terrace – Suite 303  
Schenectady, NY 12308

Dear Mr. Gillen:

Enclosed please find the application and associated documents relating to the following:

BD Upstate Construction, Inc. (Byron Diaz) – 1696 Crane Street (COZ)

Please review and forward your comments to this office at your earliest convenience. If you have any questions concerning this matter, please contact me at 355-7575 Ext. 332.

Regards,

A handwritten signature in cursive script that reads "Joanne Schillaci".

Joanne Schillaci  
Zoning Officer

<p><b>ZONING COORDINATION REFERRAL</b></p> <p><b>SCHENECTADY COUNTY DEPT. OF ECONOMIC DEVELOPMENT &amp; PLANNING</b></p> <p>Recommendations shall be made within 30 days after receipt of a full statement of the proposed action.</p>	<p>For Use By SCDEDP</p> <p>Received <u>10-17-23</u></p> <p>Case No. <u>R-15-23</u></p> <p>Returned _____</p>
<p><b>FROM:</b> <input checked="" type="checkbox"/> Legislative Body  <input type="checkbox"/> Zoning Board of Appeals  <input type="checkbox"/> Planning Board</p>	<p>Municipality: _____</p>
<p><b>TO:</b> Schenectady County Department of Economic Development and Planning          Schaffer Heights, 107 Nott Terrace, Suite 303          Schenectady, NY 12308</p>	<p>(tel.) 386-2225          (fax) 382-5539</p> <p>Received _____          Schenectady County</p>
<p><b>ACTION:</b> <input type="checkbox"/> Zoning Code/Law Amendment  <input type="checkbox"/> Zoning Map Amendment  <input type="checkbox"/> Subdivision Review  <input type="checkbox"/> Site Plan Review</p>	<p><input type="checkbox"/> Special Permit  <input type="checkbox"/> Use Variance  <input type="checkbox"/> Area Variance  <input checked="" type="checkbox"/> Other (specify) <u>COZ</u></p> <p style="text-align: right;">OCT 17 2023</p> <p style="text-align: right;">Economic Development and Planning Dept.</p>
<p><b>PUBLIC HEARING OR MEETING DATE:</b> <u>October 25, 2023</u></p>	
<p><b>SUBJECT:</b></p> <p>BD Upstate Construction, Inc. (Byron Diaz) 1696 Crane Street, Schenectady, N.Y. 12303. Report and Recommendation to the Town Board on a Change of Zone request on ±71,003 square feet from Two Family Residential (R-2) to Multiple Family (R-3) to facilitate the construction of an additional four-unit building. Currently, the parcel is known as 1696 Crane Street, Tax Map No. 59.6-2-2.</p> <p><b>REQUIRED ENCLOSURES:</b></p> <ol style="list-style-type: none"> <li>1. Public hearing notice &amp; copy of the application.</li> <li>2. Map of property affected. (Including Tax Map I.D. number if available)</li> <li>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.</li> </ol>	
<p>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.</p> <p>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:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> the boundary of any city, village or town;</li> <li><input type="checkbox"/> the boundary of any existing or proposed County or State park or other recreation area;</li> <li><input type="checkbox"/> the right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway;</li> <li><input type="checkbox"/> 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;</li> <li><input type="checkbox"/> the existing or proposed boundary of any County or State-owned land on which a public building or institution is situated;</li> <li><input type="checkbox"/> 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.</li> </ul>	
<p><b>SUBMITTED BY:</b></p> <p>Name: <u>Joanne Schillaci</u> Title: <u>Zoning Officer</u></p> <p>Address: <u>1100 Sunrise Blvd., Schenectady, New York 12306</u></p> <p>E-mail: <u>jshillaci@rotterdamny.org</u> Phone: <u>518-355-7575 ext. 332</u></p> <p style="text-align: center;"><u>Joanne Schillaci</u> Date: <u>10/17/23</u> RECEIVED</p> <p style="text-align: center;">Signature</p>	
<p>OCT 23 2023</p>	

TOWN OF ROTTERDAM  
PUBLIC WORKS



# PLANNING & ZONING COORDINATION REFERRAL

Case No. R-15-23

Applicant BD Upstate Construction

Referring Officer Peter Comenzo

Municipality Rotterdam

Considerations: Regarding a 1.6 acre parcel with a multi-family structure requesting a change in zone from Residential (R-2) to Residential (R-3) to permit the conversion of the structure from a three-unit building to a four-unit building. Located on the west side of Crane Street (CR 73) immediately south of the City line.

## RECOMMENDATION

Receipt of zoning referral is acknowledged on October 17, 2023. 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.

10/23/23  
Date

Ray Gillen / SJE  
Ray Gillen, Commissioner  
Economic Development and Planning