TOWN OF ROTTERDAM

Diane M. Marco Town Clerk



John F. Kirvin Government Center • 1100 Sunrise Boulevard • Rotterdam, NY 12306 Telephone: 518-355-7575 Ext. 352 • Fax: 518-355-7837 • Website: www.rotterdamny.org Email * dmarco@rotterdamny.org

May 30, 2024

New York State Department of State Bureau of State Records and Law One Commerce Plaza 99 Washington Avenue Albany, NY 12231-0001

RE: Filing of Town of Rotterdam Local Law 8-2024 Zone Change

To Whom It May Concern:

Enclosed are forms required to file Local Law 8-2024, adopted by the Town Board of the Town of Rotterdam meeting held on May 22, 2024.

If you are in need of anything else please feel free to call my office.

MULL

Sincerely,

Diane M. Marco Town Clerk

Enclosure

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, May 22, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 222.24

TO ENACT INTRODUCTORY LOCAL LAW NO. 8 OF 2024; TO AMEND CHAPTER 270, ZONING, OF THE TOWN CODE RELATING TO A CHANGE OF ZONE FROM SINGLE FAMILY RESIDENTIAL (R-1) AND RETAIL BUSINESS (B-1) TO GENERAL BUSINESS (B-2) FOR PROPERTY LOCATED AT HIGHBRIDGE ROAD, MERCER AVENUE, AND SHERMAN STREET

THEREFORE, UPON MOTION OF Councilmember DODSON, seconded by Councilmember GALLUCCI,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board hereby enacts Introductory Local Law No. 8 of 2024.

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 May 22, 2024.

DATED: May 22, 2024

| NAME | AYES | NOES | ABSTAIN |
|-------------|------|------|---------|
| Dodson | X | | |
| Mastroianni | X | | |
| Gallucci | X | | |
| Schlag | | 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 Meeting of the Town of Rotterdam on May 22, 2024, 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 May 28, 2024.

Dians M. Warco

Diane M. Marco, Town Clerk



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. 8 of the year 20 ²⁴ |
| A local law TO AMEND CHAPTER 270, ZONING, OF THE TOWN CODE RELATING TO A CHANGE |
| (Insert Title) A CHANGE OF ZONE FROM SINGLE FAMILY RESIDENTIAL (R-1) AND RETAIL |
| BUSINESS (B-1) TO GENERAL BUSINESS (B-2) FOR PROPERTY LOCATED AT |
| HIGHBRIDGE ROAD, MERCER STREET, AND SHERMAN STREET |
| Be it enacted by the Town Board of the |
| □County □City ⊠Town □Village |
| of Rotterdam as follows: |

See attached

(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, de | signated as local law l | No. 8 | | of 20 <u>24</u> | of |
|---|--|-----------------------------------|----------------------------------|-----------------------------|--------------|
| the (Gounty)(Gity)(Town)(Village) of Rotterdam | N 00 | | wa | is duly passed by | y the |
| Town Board | on <u>May 22</u> | 20 <u>24</u> | _, in accordan | ce with the appli | cable |
| (Name of Legislative Body) | | | | | |
| provisions of law. | | | | | |
| 2. (Passage by local legislative body with appro | oval, no disapproval | or repassage | after disappr | | |
| I hereby certify that the local law annexed hereto, de | signated as local law | No. | | of 20 | |
| the (County)(City)(Town)(Village) of | | | Wa | as duly passed b | y the |
| | on | 20 | , and was (a | pproved)(not ap | proved |
| (Name of Legislative Body) | | | | | |
| (repassed after disapproval) by the(Elective Chief Exe | ecutive Officer*) | | and was | deemed duly add | opted |
| on 20, in accordance w ith | h the applicable provis | sions of law. | | | |
| 3. (Final adoption by referendum.) I hereby certify that the local law annexed hereto, dethe (County)(City)(Town)(Village) of (Name of Legislative Body) | | | Wa | as duly passed b | y the |
| (repassed after disapproval) by the (Elective Chief Exe | ecutive Officer*) | | on | 20 | · |
| Such local law was submitted to the people by reason vote of a majority of the qualified electors voting there | n of a (mandatory)(pe อon at the (general)(ระ | rmissive) refer pecial)(annual | endum, and re) election held | ceived the affirm | native —— |
| 20, in accordance with the applicable provision | ns of law. | | | | |
| 4. (Subject to permissive referendum and final a | doption because no signated as local law l | valid petition | n was filed red | uesting referer of 20 of | ndum.) |
| the (County)(City)(Town)(Village) of | | | | as duly passed b | y the |
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| (Name of Legislative Body) | on | 20 | , and was (ap | proved)(not appr | oved) |
| | | on | | 20 Such | local |
| (repassed after disapproval) by the | | | | | |
| law was subject to permissive referendum and no val | lid petition requesting | such referend | lum was filed a | .s of | |
| 20, in accordance with the applicable provision | ns 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 I hereby certify that the local law annexed hereto, designated as the City of having been submitted to the Municipal Home Rule Law, and having received the affirmation at the (special)(general) election held on | s local law No o referendum pursuant to the provisions of sec tive vote of a majority of the qualified electors o | tion (36)(37) | of |
|--|--|---|--------------|
| 6. (County local law concerning adoption of Charter.) I hereby certify that the local law annexed hereto, designated as the County ofState of New York, hav November 20, pursuant to subdivisions 5 received the affirmative vote of a majority of the qualified elector qualified electors of the towns of said county considered as a unique of the said | ing been submitted to the electors at the Gene and 7 of section 33 of the Municipal Home Ru ors of the cities of said county as a unit and a n | eral Election o le Law, and h najority of the | of laving |
| (If any other authorized form of final adoption has been foll I further certify that I have compared the preceding local law wire correct transcript therefrom and of the whole of such original local paragraph above. | th the original on file in this office and that the | same is a indicated in | or |



Kimberly Ricker Scannell, Chairman Peter J. Comenzo, Senior Planner Telephone (518) 355-7575 Facsimile (518) 355-2725

Resolution Number PC2024-10

Moved by Mr. Collins seconded by Mr. Miglucci Applicant: Stewart's Shops Corp.

Resolution Adopting a Report and Recommendation on the Change of Zone Request by Stewart's Shops Corp.

WHEREAS, the Town Board of the Town of Rotterdam ("Town Board") has received an application from Stewart's Shops Corp. ("Applicant") for a Change of Zone request on ±1.86 acres from Single Family Residential (R-1) and Retail Business (B-1) to General Business (B-2) to facilitate the construction of a ±3,975 square foot Stewart's Convenience Store with four (4) fueling islands. Property is located at Highbridge Road, Mercer Street, and Sherman Street and comprises 5 parcels of property known as Tax Map No. 59.16-2-10, 59.16-2-9.2, 59.16-2-9.1, 59.16-2-40.2 and 59.16-2-40.1; and

WHEREAS, the Town Board referred the Change of Zone application to the Planning Commission on January 24, 2024 for a report and recommendation thereon; and

WHEREAS, the Applicant, through its representative, Chuck Marshall, presented the Change of Zone application to the Planning Commission at its regularly scheduled meeting held on February 6, 2024; and

WHEREAS, the Planning Commission reviewed the proposed Change of Zone at its regularly scheduled meeting held on February 6, 2024; and

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

NOW, THEREFORE, upon motion of Member Collins, seconded by Member Miglucci,

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 total of ±1.86 acres consisting of five separate parcels located on the corner of Highbridge Road, Mercer Street, and Sherman Street. 106 Sherman Street is currently vacant, 102 Sherman Street surrounds Tax Parcel 59.16-2-9.2 which previously operated as a gas station/auto repair facility that has not been in operation for several years, 1100 Highbridge Road contains a dilapidated structure that was previously utilized as a convenience store and deli, and 101 Mercer Avenue which is currently a two-family residence. The Applicant seeks the change of zone to facilitate the construction of a new Stewart's Shop (convenience store) with fuel pumps. The property was previously developed with a motor vehicle fueling station and convenience store on separate properties. Over the last 40 years or so, modernization of these types of uses have evolved and the combining of these two uses into one building site is standard. The Town Zoning Code was

Resolution Number PC2024-10

Stewart's Shops Corp. February 6, 2024. Page 2

amended to recognize this and updates to the Town Code in regards to Convenience Stores was amended on April 11, 2001 by the Town Board.

Rezoning the parcel would expand the allowable uses to include, in addition to uses allowed in the B-1 zoning district, the following:

- Establishments for making, assembling or repairing articles, with all such activities and Storage located entirely within an enclosed building;
- Commercial health and recreation establishments;
- Wholesale business and storage conducted entirely within an enclosed building;
- Data processing and computer services;
- Motor vehicle repair shops (special use permit);
- Propane gas filling stations (special use permit);
- · Car washes (special use permit);
- Dry-cleaning laundry facilities (special use permit);
- Mass transportation facilities (special use permit);
- Drive-in establishments (special use permit);
- Public utility or communications installations (special use permit);
- Hotels and motels (special use permit);
- Contractor's shops and equipment storage yards (special use permit);
- Veterinary hospitals (special use permit);
- Motor vehicle sales and rental establishments (special use permit);
- Motor vehicle fuel filling stations (special use permit); and
- Convenience stores (special use permit).

There would be no change in the required lot area or lot frontage; the B-1 and B-2 zoning districts both require a minimum lot area of 15,000 square feet, with a minimum lot width of 100 feet.

- 2. Subject to the considerations set forth below in Paragraph 3, the Planning Commission hereby adopts a positive recommendation on the Stewart's Shops Corp. Change of Zone request for the following reasons: The proposed Change of Zone would permit the existing abandoned motor vehicle repair facility and deli located on the site to be demolished and the site redeveloped, modernized, and expanded. Pursuant to the Town's Comprehensive Plan, this property is in/near a Key Regional Access point which promotes the accessibility of the Town in the Capital Region and beyond. Enhancing regional connections and gateways creates a sense of place and creates opportunities to attract future business, industry, employers, and residents and provides an opportunity for marketing the Town. The property is in the "gateway" to the Highbridge neighborhood and currently an eyesore. Permitting a redevelopment/expansion of this property into a Stewart's Shop would be an asset to the community and would align with the goals set forth in the Comprehensive Plan.
- 3. This recommendation is subject to the following considerations:
 - a. The various lots should be consolidated into one parcel if and when the Applicant seeks approval to redevelop the parcels for a new Stewart's Shop.

Resolution Number PC2024-10

Stewart's Shops Corp. February 6, 2024 Page 3

b. 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> | Aye | <u>Nay</u> |
|--------------------------|--------------|--------------|
| Kimberly Ricker Scannell | X | |
| Mark D'Alessandro | | \mathbf{X} |
| Wayne Calder | \mathbf{X} | |
| Clark Collins | \mathbf{X} | |
| Joseph Miglucci | \mathbf{X} | |
| Lynn Flansburg | X | |
| Joseph Signore | X | |

Peter J. Comenzy Senior Planner Kimberly Ricker Scannell Planning Commission Chairman



April 30, 2024

Mr. Peter Comenzo, Senior Planner Town of Rotterdam 1100 Sunrise Blvd. Rotterdam, New York 12306

Mr. Comenzo,

Stewart's received the following comments from Greenman-Pedersen, Inc. (GPI) regarding the submitted Full Environmental Assessment (FEAF) along with the concept plans and traffic study developed by Creighton Manning Engineering (CME). Highlighted below each comment is Stewart's response.

General Review Notes and Comments:

- 1. An 8' high fence seems excessive given the location and setting. This should be discussed and reviewed by the Planning Board during site plan review.

 Stewart's Response: The inclusion of the 8' fence stemmed from an onsite meeting with the owners of 107 Mercer Ave. The only portion of the fence intended to be 8' would extend along the common property boundary with those property owners. We believe it appropriate to provide shielding for these residents.
- 2. Additional screening plantings are recommended along Mercer Ave.
 Stewart's Response: Comment acknowledged. Potential modifications achievable if
 Stewart's seek appropriate zoning where modification can occur with Planning
 Commission guidance.
- 3. The gross floor area was calculated to be approximately 5,200 SF based on the definition in the zoning code. This would require 42 parking stalls base on the code required 8 per 1,000 sf.

 Stewart's Response: we believe GPI has included the gas canopy, with the parking at the pumps we are deficient 5 spaces and should Site Plan proceed, we will incorporate those additional spaces.
- 4. Ensure that all signage meets the requirement of section 270-151. The sign face area should be calculated based on the code requirements. The free-standing sign must be at least 5' from the property line.

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- Stewart's Response: Comment acknowledged. Sizing and placement can be discussed during Site Plan review.
- 5. The underground petroleum tanks are required to be at least 25' from the property line per section 270-145.1
 Stewart's Response: Comment acknowledged and compliance upon formal Site Plan approval.
- 6. The northwest corner of the parking lot does not provide adequate turning movement consider revising.

 Stewart's Response: Comment acknowledged and will be reviewed.
- 7. An off-street loading space is required per section 270-150. The minimum dimensions are 15' by 40'.

 Stewart's Response: Comment acknowledged and will be added to future plans.
- 8. Sidewalk improvements should be shown along Highbridge Road including a connection across Mercer Ave.

 Stewart's Response: Comment acknowledged and to be included upon formal Site Plan submission.
- 9. The proposed project will disturb more than 1-acre so a SWPPP with post-construction stormwater management will be required and the proposed treatment practice should be shown on the plans.

 Stewart's Response: Comment acknowledged and anticipated upon further submission.

Short Environmental Assessment Form Comments:

Stewart's Response: Full Environmental Assessment Form (FEAF) was submitted and comments based off the FEAF.

- 10. GENERAL: The following comments assume that the two actions (change of zone and site plan review) will be simultaneously assessed under the SEQR process.
- 11. Part B.e: The septic system is anticipated to require Schenectady County DOH Approval. Stewart's Response: Entry changed
- 12. Part B.g: A SWPPP will be required for the project and require NYSDEC Review. Stewart's Response: Entry changed
- Part D.1.b.a: The total acreage of the site should be updated to match the surveyed area. Stewart's Response: Entry changed
- 14. Part D.1.b.b: The total acreage to be disturbed should be updated to match what is shown on the proposed site plan.

 Stewart's Response: Entry changed
- 15. Part D.1.b.c: The total acreage owned or controlled by the applicant should be updated. Stewart's Response: Entry changed

- 16. Part D.2.e: Additional info needed for part i, ii and iii. Stewart's Response: Information added
- 17. Part D.2.n: Part ii needs to be answered and described. Stewart's Response: Information added
- 18. Part D.2.r: Part ii needs to be answered. Stewart's Response: Answers altered
- 19. Part E.1.a: Check all uses that occur on or near project site and provide description. Stewart's Response: Commercial added as additional activity
- 20. Part E.1.b: Update land use and cover types to include the entire project area including work within the ROW.Stewart's Response: We don't understand what's missing and no revision made
- 21. Part E.2.c: Predominant soil types should be provided.

 Stewart's Response: Answer altered. According to Web Soil Survey the site consists of 100% Colonie Loamy Fine Sand.
- Part E.2.d: Average depth to water table should be provided.
 Stewart's Response: According to Web Soil Survey, groundwater is at approximately 80".
 Deep hole and perc tests have not been completed because of contamination concern.
 Should Change of Zone be granted, this is included in Site Plan development.
- 23. Part E.2.m: Predominant wildlife species should be provided.

 Stewart's Response: No known habitat on site, grey squirrel added as common tree dweller.
- 24. Part E.3.b: Are agricultural lands consisting of highly productive soils present? This needs to be answered.

 Stewart's Response: Answer updated to "no" as agricultural use is not permitted in B-1 zone.

GPI generally conformed to all CME traffic study comments and Stewart's did not address.

The information requested has been revised where appropriate. As the initial comment letter indicated the SEQRA review has elements of the Site Plan included where it has not been fully designed or developed and only a concept level done for contemplation of the Change of Zone.

If there are additional questions or you need additional information, please reach me at (518) 581-1201 ext 4435.

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Respectfully submitted,

Charles "Chuck" Marshall Stewart's Shops Corp.

Clus Mell

May 22 2024



May 1st, 2024

SENT VIA E-MAIL

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

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

Dear Mr. Comenzo,

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

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

General Review Notes and Comments:

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

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

Full Environmental Assessment Form Comments:

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

Please feel free to contact us with any questions.

Regards,

GPI/GREENMAN-PEDERSEN, INC.

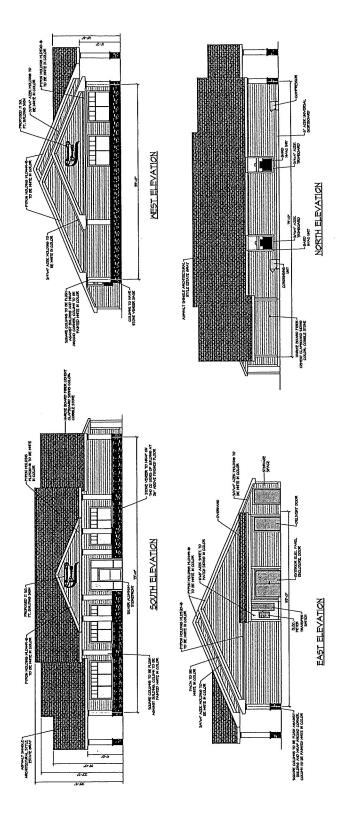
Ryan Trunko, PE Project Manager

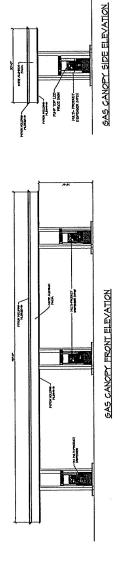
80 Wolf Road, Suite 600, Albany, NY 12205

518-898-9551 | rtrunko@gpinet.com

PROPOSED STEMART'S SHOP

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



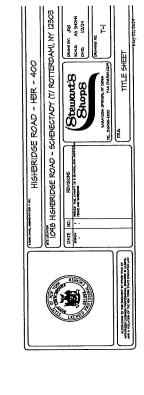


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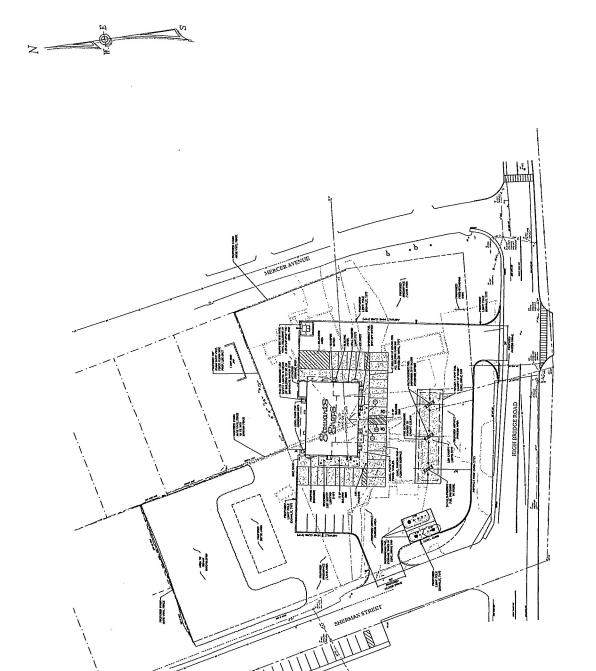
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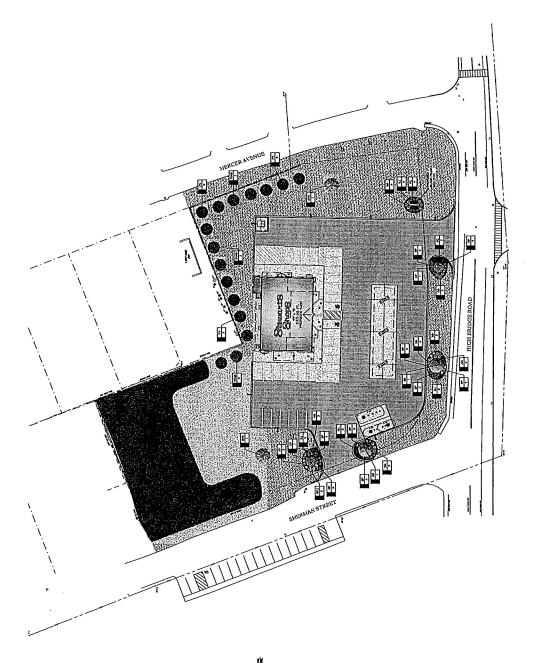




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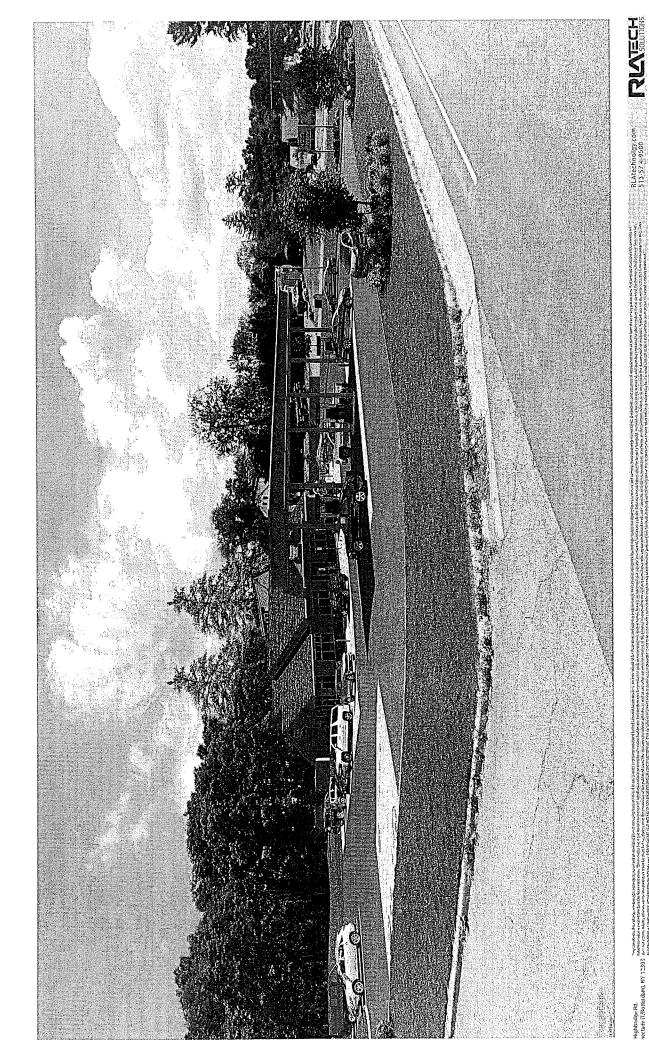


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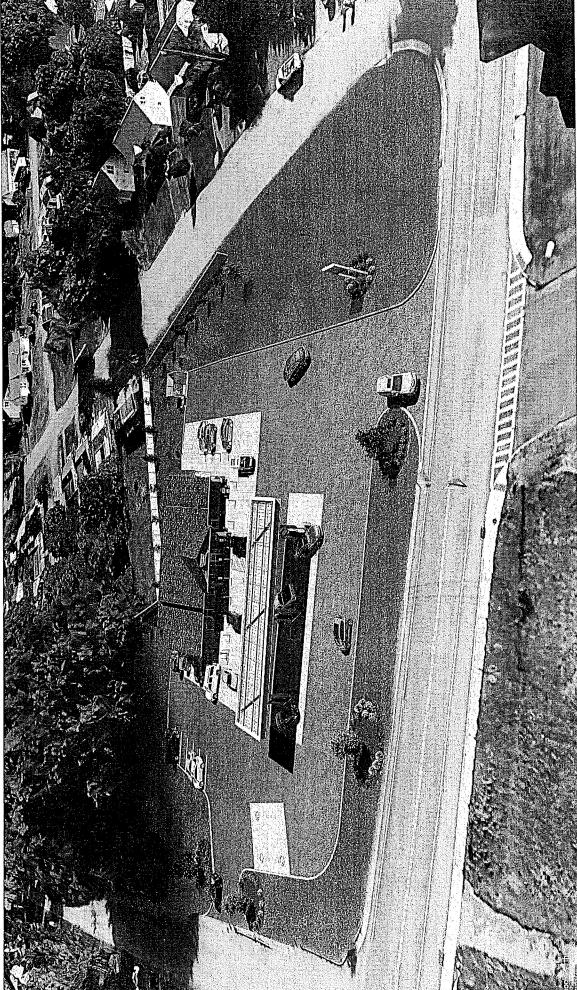
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