

# 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](http://www.rotterdamny.org)  
Email \* [dmarco@rotterdamny.org](mailto: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 9-2024 To Amend Chapter 270

To Whom It May Concern:

Enclosed are forms required to file Local Law 9-2024, 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.

Sincerely,

A handwritten signature in cursive script that reads "Diane M. Marco".

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. 224.24**

**TO ENACT INTRODUCTORY LOCAL LAW NO. 9 OF 2024; TO AMEND CHAPTER 270, ZONING, OF THE TOWN CODE, TO REDUCE THE ALLOWABLE BUILDING HEIGHT IN THE MAIN STREET/NEIGHBORHOOD CENTER (MS/NC) OVERLAY DISTRICT**

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

**SECTION 1.** The Town Board hereby enacts Introductory Local Law No. 9 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.

*Diane M. Marco*  
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. 9 of the year 2024

A local law TO AMEND CHAPTER 270, ZONING, OF THE TOWN CODE RELATING TO REDUCE  
(Insert Title)

THE ALLOWABLE BUILDING HEIGHT IN THE MAIN STREET/NEIGHBORHOOD

CENTER (MS/NC) OVERLAY DISTRICT

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

County  City  Town  Village  
(Select one:)

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, designated as local law No. 9 of 2024 of the (County)(City)(Town)(Village) of Rotterdam was duly passed by the Town Board on May 22 2024, 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) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

**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) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.  
*(Name of Legislative Body)*  
*(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) (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.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

\* 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.)

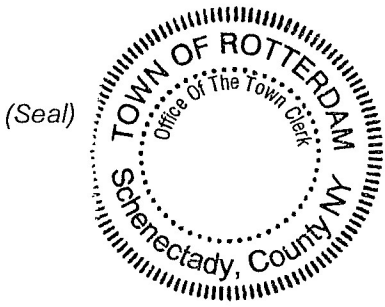
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the 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.

*Ray M. New*  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 5/31/24



Town of Rotterdam, NY  
Monday, April 22, 2024

## Chapter 270. Zoning

### Article VIII B. MS/NC Main Street/Neighborhood Center Overlay District

#### § 270-53.25. Maximum building height.

Where an election has been made to proceed under this article in accordance with § 270-53.21, the maximum building height shall be ~~three~~ stories, not exceeding ~~45~~ feet.

two

30



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

Kimberly Ricker Scannell, Chairman  
Peter J. Comenzo, Senior Planner

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

**Resolution Number PC 30-2024**

Moved by Mr. D'Alessandro seconded by Mr. Calder

Applicant: Town of Rotterdam

**Resolution Adopting a Report and Positive Recommendation on an Amendment to the Height Allowances in the Main Street/Neighborhood Center Overlay District**

**WHEREAS**, the Town Board of the Town of Rotterdam ("Town Board") has forwarded a proposed amendment to Chapter 270, entitled "Zoning" to limit allowable building height the Main Street/Neighborhood Center Overlay District; and

**WHEREAS**, the Town Board referred the proposed amendment to the Town of Rotterdam ("Town") zoning code to the Planning Commission on April 24, 2024, for a report and recommendation thereon; and

**WHEREAS**, the Town Senior Planner presented the proposed amendment to the Planning Commission at its regularly scheduled meeting held on May 7, 2024; and

**WHEREAS**, the Planning Commission reviewed the proposed amendment at its regularly scheduled meeting held on May 7, 2024; and

**WHEREAS**, the Planning Commission has deliberated on the proposed amendment;

**NOW, THEREFORE**, upon motion of Member D'Alessandro, seconded by Member Calder,

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

The Planning Commission hereby adopts the following as its report on the proposed Zoning Code Amendment:

1. The amendment is to Chapter 270, entitled "Zoning" to modify the allowable height in the Main Street/Neighborhood Center (MS/NC) Overlay District.

The MS/NC district was adopted in 2017 as part of an effort that the Town conducted to analyze properties in the existing commercial corridors and gateway areas to the Town and encourage redevelopment. The MS/NC encompasses areas along Hamburg Street, in Rotterdam Junction, the five corners area, and four corners area of Guilderland Avenue and Curry Road.


The current MS/NC zoning overlay district allows for building to be 3 stories up to 45 feet in height. The existing development patterns in the MS/NC overlay district are one and two-story buildings. The allowance for construction of structures up to 45 feet could potentially have a negative effect on these very important mixed use commercial nodes in the Town.

The existing height allowance of 45 feet is in conflict with the updated Comprehensive Plan as does not maintain the land use patterns of existing residential neighborhoods and preserve the character of established neighborhoods. As the Town moves forward with the implementation of the Comprehensive Plan, new guidelines will be focused on scale, design, and density to ensure that new housing is sensitive to surrounding neighborhood context. Amending the height allowances in the MS/NC Overlay district now will give the Town time to implement the recommendations of the Comprehensive Plan.

2. Subject to the considerations set forth in Paragraph 3, below, the Planning Commission hereby adopts a positive recommendation on the proposed request to lower the allowable height from 3 stories and 45 feet to 2 stories and 30 feet in the existing MS/NC overlay district.
3. 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. 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>
Kimberly Ricker Scannell	X	
Mark D'Alessandro	X	
Wayne Calder	X	
Clark Collins	X	
Joseph Signore	X	
Lynn Flansburg	X	
Joseph Miglucchi	X	

  
Peter J. Comenzo  
Senior Planner

  
Kimberly Ricker Scannell  
Planning Commission Chairman