

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

September 20, 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 16-2024

To Whom It May Concern:

Enclosed are forms required to file Local Law **16-2024**, adopted by the Town Board of the Town of Rotterdam meeting held on September 11, 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 Rotterdam Junction Fire Department, 1215 Main Street, Rotterdam Junction, New York, 12150 on Wednesday, September 11, 2024, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 347.24

TO ENACT INTRODUCTORY LOCAL LAW NO. 16 OF 2024; TO AMEND CHAPTER 270, ZONING, OF THE TOWN CODE, RELATING TO A CHANGE OF ZONE FROM GENERAL BUSINESS (B-2) TO MULTI-FAMILY RESIDENTIAL (R-3) LOCATED AT 1725 TOWER STREET

THEREFORE, UPON MOTION OF Councilmember **MASTROIANNI**, seconded by Councilmember **SCHLAG**,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board hereby enacts Introductory Local Law No. 16 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 September 11, 2024.

DATED: September 11, 2024

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni	X		
Gallucci	X		
Schlag	X		
Collins (Absent)			

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 September 11, 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 September 16, 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. 16 of the year 2024

A local law to amend chapter 270, Zoning, of the Town Code, for a Change of Zone on a +/-6,816 sq. ft.
(Insert Title)
lot, from General Business (B-2) to Multi-Family Residential (R-3), for the conversion of two
existing retail tenant spaces on the first floor, into two apartments, located at 1725 Tower St.
Tax Map No. 59.9-7-6.2

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. 16 of 2024 of the (County)(City)(Town)(Village) of Rotterdam was duly passed by the Town Board on September 11 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.)

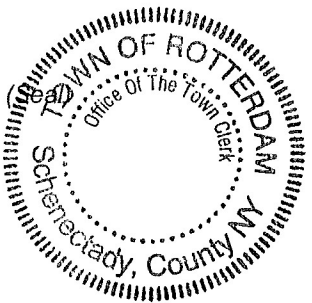
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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.



[Handwritten Signature]

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

Date: *9/20/2024*

DESCRIPTION OF LAND
PROPOSED ZONE CHANGE

BEGINNING at a point in the westerly road boundary of Tower Street at its intersection with the division line between Lands N/F of Home and City Savings Bank as described in Liber 954 of Deeds at Page 123 on the north and Lands N/F of Frank Audino and Carmine Petti as described in Liber 2073 of Deeds at Page 19 on the south; thence along said westerly road boundary of Tower Street South 00° 00' 00" East, 71.00 Feet to a point at its intersection with the division line between the aforementioned Lands of Audino and Petti on the north and other Lands N/F of Frank Audino and Carmine Petti on the south; thence along said division line South 90° 00' 00" West, 96.00 Feet to a point in the aforementioned division line between Lands of Home and City Savings Bank and Audino; thence along said division line the following two (2) courses and distances:

1. North 00° 00' 00" West, 71.00 Feet to a point; thence
2. South 90° 00' 00' East, 96.00 Feet to the point and place of beginning and containing 0.16 acres of land more or less.



TOWN OF ROTTERDAM CHANGE OF ZONE APPLICATION

Application Fee \$1,000

Existing Zone Classification: B-2

Proposed Zone Classification: R-3

PART II GENERAL INFORMATION

Legal Owner's Name: Carmine Petti and Frank Audino
Mailing Address: 524 Russel Road
City: Albany State: NY Zip: 12203
Daytime Phone: _____ E-mail: _____

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

Owner's Designated Contact: Luigi A. Palleschi, P.E., ABD Engineers & Surveyors, LLP

Mailing Address: 411 Union Street
City: Schenectady State: NY Zip: 12305
Daytime Phone: 518-377-0315 E-mail: luigi@abdeng.com
Project/Proposal Site Area: (Acres or sq. ft.) 6,816 SF
Assessor Tax Parcel No.(s) of Site: 59.09-7-6.2
Adjacent Parcels Owned or Controlled and Tax Map Parcel No: (Acres or sq. ft.) 22, 500 SF, 59.9-7-4.1

Street Address of Proposed Site (if any): 1725 Tower Street

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

The existing site is a mixed use commercial/residential building.

School District: Mohanasen

Fire District: 2

Water Supply: Rotterdam

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 170 feet down Tower Street from the intersection of Tower Street and Altamont Avenue.

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

Width of Property Fronting on the Existing Public Road in Linear Feet: 71 feet

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: (X) Yes () No

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

A copy of the most current deed(s) of the proposed site must be attached: (X) 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? N/A

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

The parcel is located on a side street that is zoned residential and not suited for heavy commercial traffic.

The site is also near condominiums and multifamily projects. The site has off stree parking and access to water, sewer, gas and other utilities.

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
- Septic Tank & Leachfield
- Other, please describe _____

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: *Luigi A. Palleschi*
 Address: 417 Union Street, Schenectady, NY 12305

Date: July 25, 2023
 Phone: 518-377-0315
 Zip: 12305

PLEASE AFFIX SURVEYOR/ARCHITECT/ENGINEER SEAL HERE



LEGAL OWNER SIGNATURE

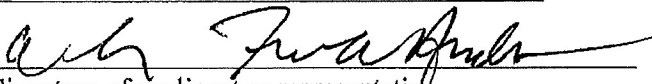
(Signature of legal owner or representative as authorized by legal owner)

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: Carmine Petti and Frank Audino
Address: 524 Russel Road, Albany, NY

Date: July 25, 2023
Phone: _____
Zip: 12203

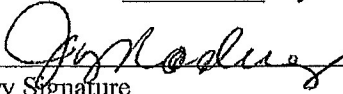

Signature of applicant or representative

7-26-23
Date

NOTARY

STATE OF NEW YORK) ss:
COUNTY OF Albany)

SUBSCRIBED AND SWORN to before me this 26th day of July, 2023

NOTARY SEAL 
Notary Signature

Notary Public in and for the State of New York
Residing at: 501 Newkammer, Colonie NY 12205
My appointment expires: 10/1/2024

JOYA A. RODRIGUEZ
Notary Public, State of New York
Rensselaer County #01RO6269501
Commission Expires Oct. 1, 2024

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, Carmine Petti and Frank Audino, being duly sworn declare that I am the
(PROPERTY OWNER)

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

Tax Parcel Number(s): 59.09-7-6.2

I hereby grant Luigi A. Palleschi, P.E., ABD Engineers & Surveyors, LLP 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): *Carmine Petti*

Date: 7-26-23

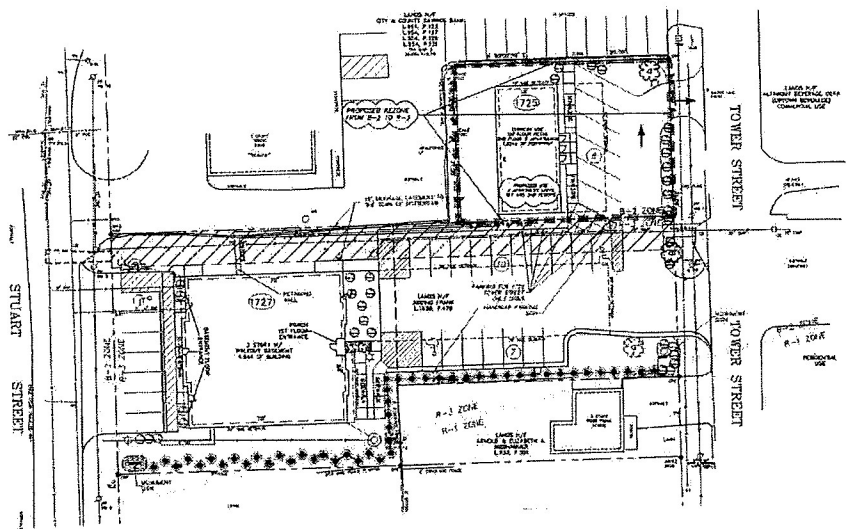
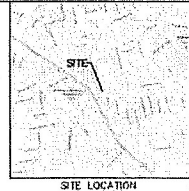
NOTARY

STATE OF NEW YORK) ss:
COUNTY OF Albany
SUBSCRIBED AND SWORN to before me this 26th day of July, 2023

NOTARY SEAL *Joey Rodriguez*
Notary Signature

Notary Public in and for the State of New York
Residing at: 501 New Kanner Rd, Colone NY 12205
My appointment expires: 10/1/24

MAP PROVIDED
 1. MAP OF LAND BEING REZONED TO MULTIFAMILY USE, AS SHOWN, PREPARED BY BARRY W. HARRIS, REGISTERED PROFESSIONAL SURVEYOR, LICENSE NO. 12345, AND FILED IN THE RECORDS OF THE COUNTY CLERK OF ST. LOUIS, MISSOURI, ON JULY 15, 2024.
 2. THE BOUNDARIES SHOWN ON THIS MAP OF LAND BEING REZONED TO MULTIFAMILY USE, AS SHOWN, ARE BASED ON THE SURVEY OF THE LAND BEING REZONED TO MULTIFAMILY USE, AS SHOWN, BY BARRY W. HARRIS, REGISTERED PROFESSIONAL SURVEYOR, LICENSE NO. 12345, ON JULY 15, 2024.
 3. THE PLANS, SPECIFICATIONS AND CONDITIONS PREPARED BY AND UNDER THE SUPERVISION OF BARRY W. HARRIS, REGISTERED PROFESSIONAL SURVEYOR, LICENSE NO. 12345, ON JULY 15, 2024.



- NOTES:
- THE BOUNDARIES SHOWN ON THIS MAP OF LAND BEING REZONED TO MULTIFAMILY USE, AS SHOWN, ARE BASED ON THE SURVEY OF THE LAND BEING REZONED TO MULTIFAMILY USE, AS SHOWN, BY BARRY W. HARRIS, REGISTERED PROFESSIONAL SURVEYOR, LICENSE NO. 12345, ON JULY 15, 2024.
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EXISTING USE	PROPOSED
RESIDENTIAL	MULTIFAMILY
COMMERCIAL	MULTIFAMILY
INDUSTRIAL	MULTIFAMILY
OFFICE	MULTIFAMILY
RETAIL	MULTIFAMILY
RECREATION	MULTIFAMILY
UTILITY	MULTIFAMILY
TRANSPORTATION	MULTIFAMILY
OTHER	MULTIFAMILY

SITE DATA		
EXISTING	PROPOSED	REMARKS
20000	20000	AREA OF SITE (SQ. FT.)
10000	10000	AREA OF IMPROVEMENT (SQ. FT.)
10000	10000	AREA OF PAVEMENT (SQ. FT.)
10000	10000	AREA OF CURB (SQ. FT.)
10000	10000	AREA OF SIDEWALK (SQ. FT.)
10000	10000	AREA OF DRIVEWAY (SQ. FT.)
10000	10000	AREA OF PARKING (SQ. FT.)
10000	10000	AREA OF LOADING DOCK (SQ. FT.)
10000	10000	AREA OF STORAGE (SQ. FT.)
10000	10000	AREA OF OFFICE (SQ. FT.)
10000	10000	AREA OF RETAIL (SQ. FT.)
10000	10000	AREA OF RECREATION (SQ. FT.)
10000	10000	AREA OF UTILITY (SQ. FT.)
10000	10000	AREA OF TRANSPORTATION (SQ. FT.)
10000	10000	AREA OF OTHER (SQ. FT.)

REZONING MAP B-2 TO R-3
 MULTIFAMILY
 1725 TOWER STREET

DATE: APR 15, 2024

SCALE: 1" = 20'

BY: BARRY W. HARRIS, REGISTERED PROFESSIONAL SURVEYOR, LICENSE NO. 12345

FOR: [Client Name]

ZONING COORDINATION REFERRAL

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

For Use By SCDEDP

Received 7-16-24
Case No. R-19-24
Returned 8-21-24

FROM: Legislative Body
 Zoning Board of Appeals
 Planning Board

Municipality:
Town of Rotterdam

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

(tel.) 386-2225
(fax) 382-5539
Received
Schenectady County

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

JUL 16 2024
Economic Development
and Planning Dept.

PUBLIC HEARING OR MEETING DATE: August 14, 2024

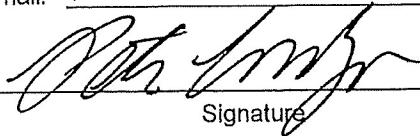
SUBJECT: Carmine Petti & Frank Audino – 1725 Tower Avenue. Change of Zone from General Business (B-2) to Multi-Family Residential (R-3) for the conversion of existing building containing two (2) businesses to two (2) apartments and two (2) existing apartments to remain for a total of four (4) apartments on a ±0.156-acre parcel. Engineer: ABD Engineers.

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.

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

SUBMITTED BY:

Name: Peter Comenzo Title: Senior Planner
Address: 1100 Sunrise Boulevard, Schenectady, NY 12306
E-mail: pcomenzo@rotterdamny.org Phone: 518-355-7575 Ext 338


Signature

Date: 7 11 24



PLANNING & ZONING COORDINATION REFERRAL

Case No. R-19-24

Applicant Carmine Petti/Frank Audino

Referring Officer Peter Comenzo

Municipality Rotterdam

Considerations: Regarding a 6,800 SF parcel containing a 1,624 SF structure with two apartments and a retail use, requesting a change in zone from General Business (B-2) to Multi-Family Residential (R-3) to allow the conversion of retail use to two additional apartments. Located on the west side of Tower Street approximately 100' south of Altamont Avenue.

RECOMMENDATION

Receipt of zoning referral is acknowledged on July 16, 2024. 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.

8/5/24

Date

[Signature]
Ray Giller, Commissioner
Economic Development and Planning