



## Meeting Notice

**TO: Board Members**  
**FROM: Andrew Santillo**  
**DATE: October 6, 2020**  
**RE: Planning Board Meeting**

The regular meeting of the Montgomery County Planning Board is scheduled for Thursday, October 8, 2020 at 6:30 p.m., to be held via Zoom meeting teleconference.

To join the meeting from your computer, tablet or smartphone:  
Zoom Meeting ID: 899 574 5359  
Password: 081958

You can also dial in using your phone:  
Dial: 646-558-8656  
Enter Meeting Information: 8995745359#, 1#, 081958#

Please call Andrew at (518) 853-8334 between 8:30 a.m. and 4:00 p.m. if you have any questions.

cc: The Recorder  
Montgomery Co. Legislature  
DPW

The Leader Herald  
Daily Gazette



## **MONTGOMERY COUNTY PLANNING BOARD MEETING**

**Thursday, October 8, 2020**

**6:30 PM – Montgomery County Business Development Center (Digital Meeting via Zoom)**

- I. Pledge of Allegiance
- II. Role Call
- III. Adoption of Agenda
- IV. Approval of previous meeting minutes
- V. Public comments on agenda items (3 minute limit per person)
- VI. City of Amsterdam — Zoning Change
- VII. City of Amsterdam — Site Plan Review (Stewart's on Market St.)
- VIII. City of Amsterdam — Site Plan Review (Stewart's on East Main St.)
- IX. Town of Florida — Site Plan Review
- X. Any other business

**Montgomery County Planning Board**  
**Meeting Minutes**  
**September 10, 2020**  
**(digital meeting via Zoom)**

**MEMBERS PRESENT:**

Wayne DeMallie, Chairman  
Mark Hoffman, Vice Chair  
Ronald Jemmott, Member  
David Wiener, Member  
John Lyker, Member

Betty Sanders, Alternate

Angela Frederick, Member

Irene Collins, Member

**STAFF MEMBERS PRESENT:**

Alex Kuttesch, Senior Planner  
Vinnie Nicosia, Economic Dev. Specialist  
Andrew Santillo, Economic Dev. Assistant  
Karl Gustafson Jr., Grant Assistant

**ABSENT:**

Erin Covey, Member

**OTHERS PRESENT:**

John Hitchcock  
Jordan- BDL Construction

**I. Call to Order**

The meeting was called to order by Chairman Wayne DeMallie at 6:32 p.m.

**II. Role Call**

The roll call of board members was done by Vice Chairman Hoffman.

**III. Adoption of the Agenda**

Betty Sanders made a motion to accept the agenda, John Lyker seconded. All members present were in favor.

**IV. Approval of previous Minutes**

Mark Hoffman made a motion to accept previous meeting minutes, Betty Sanders seconded the motion. John Lyker abstained. The previous minutes were approved.

**V. Public Comment**

There was no public comment.

**VI. Town of Amsterdam- Albany Med.**

Senior Planner Alex Kuttesch explained to the board that this is a site plan review for a primary care facility operated by Albany med. It will be located behind the vacant Rite Aid in the Town of Amsterdam. John Hitchcock, the engineer on the project, stated that this particular site has been passed by the town board multiple times for multiple different projects but couldn't close the deal on the other projects. A traffic study was done recently and there will be no traffic impact to the area. Albany Med. Has gone through the town board and it was approved.

David Wiener asked John about run off and the wetlands that were on the property. John Hitchcock stated that the wetlands are off the site now. The lot was previously subdivided and the wetlands are on a different lot.

Mark Hoffman made the motion to approval the Town Of Amsterdam referral for the Albany Med. primary care facility, David Wiener seconded. All were in favor.

The referral was approved.

**VII. Town of Amsterdam- St. Mary's**

Alex Kuttesch explained that this will be a site plan review for an addition to a St. Mary's existing building. The building is roughly 17,000 square feet and will add additional parking to the existing lot and add a drive through component to the outpatient pavilion.

Betty Sanders asked if the building will be one story. Jordan replied that it will be one story.

John Lyker made a motion to approve the Town of Amsterdam referral for St. Mary's addition, Mark Hoffman seconded. All were in favor.

The referral was approved.



**VIII. Other Business**

There was no other business.

**IX. Adjournment**

Mark Hoffman made a motion to adjourn the meeting at 6:46 p.m., seconded by Betty Sanders. All were in favor.

Respectfully submitted,

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Karl Gustafson Jr.  
Economic Development Grant Assistant

# REFERRAL FORM

## MONTGOMERY COUNTY PLANNING BOARD

Referral Number \_\_\_\_\_  
assigned by the MCPB upon  
acceptance of referral for review

This Referral must be received **SEVEN CALENDAR DAYS** prior to the MCPB meeting date in order for it to be placed on the agenda.

**TO:** Montgomery County Planning Board,  
Old County Courthouse,  
PO Box 1500, Fonda, New York 12068  
Phone: 518-853-8334  
Fax: 518-853-8336

**FROM:** Municipal Board: Amsterdam Common Council  
Referring Officer: Michael Cinquanti  
Mail original resolution to: Stefanie Lenkiewicz  
61 Church Street, Amsterdam, NY 12010

1. Applicant: City of Amsterdam 2. Site Address: 9 Bunn Street  
3. Tax Map Number(s): 39.83-4-19 4. Acres: 0.08

5. Is the site currently serviced by public water? ☒ Yes ☐ No

6. On-site waste water treatment is currently provided by: ☒ Public Sewer or ☐ Septic System

7. Current Zoning: MDN 8. Current Land Use: residential housing

9. Project Description: Stewarts Shops is in the process of completing a substantial redevelopment of the store by acquiring 9 Bunn Street (previously acquired 14 Stone and 7 Bunn) for additional parking on site. The property is zoned MDN and they would like it to be rezoned to CC to match the now 4 other properties.

### 10. MCPB Jurisdiction:

- ☐ Text Adoption or Amendment ☒ Site is located within 500' of: NYS Route 30  
(Specify by Name)
- ☐ a municipal boundary.  
☒ a State or County thruway/highway/roadway  
☐ an existing or proposed State or County park/recreation area  
☐ an existing or proposed County-owned stream or drainage channel  
☐ a State or County-owned parcel on which a public building or institution is situated  
☐ a farm operation within an Agricultural District (Incl. Ag data Statement) (does not apply to area variances)
- Check All That Apply

11. PUBLIC HEARING: Date: 10/20/2020 Time: 5:50 pm Location: Council Chambers

### Referred Action(s)

If referring multiple, related actions, please identify the referring municipal board if different from above.

12. ☐ Text Adoption or ☐ Amendment Referring Board:

☐ Comprehensive Plan ☐ Local Law ☐ Zoning Ordinance ☐ Other \_\_\_\_\_

13. ☒ Zone Change Referring Board: Amsterdam Common Council

Proposed Zone District: From MDN to CC Number of Acres: 0.08

Purpose of the Zone Change: For redevelopment of Stewarts Shops

14. ☐ Site Plan ☐ Project Site Review Referring Board:

Proposed Improvements: \_\_\_\_\_

Proposed Use: \_\_\_\_\_

Will the proposed project require a variance? ☐ Yes ☐ No Type: ☐ Area ☐ Use

Specify: \_\_\_\_\_

Is a State or County DOT work permit needed? If Yes : ☐ State or ☐ County ☐ No

Specify: \_\_\_\_\_

**15. ☐ Special Permit****Referring Board:**

Section of local zoning code that requires a special permit for this use: \_\_\_\_\_

Will the proposed project require a variance? ☐ Yes ☐ No Type: ☐ Area ☐ Use**16. Variance****Referring Board:**☐ Area ☐ Use

Section(s) of local zoning code to which the variance is being sought: \_\_\_\_\_

Describe how the proposed project varies from the above code section: \_\_\_\_\_  
\_\_\_\_\_**SEQR Determination****Action:****Finding:**

- Check  
One
- ☐ Type I  
☐ Type II  
☒ Unlisted Action  
☐ Exempt

- ☐ Positive Declaration – Draft EIS  
☐ Conditional Negative Declaration  
☐ Negative Declaration  
☐ No Finding (Type II Only)

SEQR determination made by (Lead Agency): Amsterdam Common Council Date: \_\_\_\_\_**REQUIRED MATERIAL****Send 13 copies of a “Full Statement of the Proposed Action” which includes:**

All materials required by and submitted to the referring body as an application

- If submitting site plans, please submit only 1 large set of plans, and 12 11x17 packets.
- All material may be submitted digitally as well at <http://www.mcbdc.org/planning-services/montgomery-county-planning-board-referrals/>

This referral, as required by GML §239 l and m, includes complete information, and supporting materials to assist the Montgomery County Planning Board (MCPB) in its review. Recommendations by MCPB shall be made to the Referring Body within thirty days of receipt of the Full Statement.

\_\_\_\_\_  
Name, Title & Phone Number of Person Completing this Form\_\_\_\_\_  
Transmittal Date

This side to be completed by Montgomery County Planning.

## REFERRAL FORM

### MONTGOMERY COUNTY PLANNING BOARD

TO: \_\_\_\_\_

Receipt of 239-m referral is acknowledged on \_\_\_\_\_. Please be advised that the Montgomery County Planning Board has reviewed the proposal stated on the opposite side of this form on \_\_\_\_\_ and makes the following recommendation.

- ☐ Approves
  
- ☐ Approves (with Modification)
  
- ☐ Disapproves:
  
- ☐ No significant County-wide or inter-community input
  
- ☐ Not subject to Planning Board review
  
- ☐ Took no action

Section 239-m of the General Municipal Law requires that within thirty days after final action by the municipality is taken; a report of the final action shall be filed with the County Planning Board.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Kenneth F. Rose, Director  
Montgomery County Dept. of Economic  
Development and Planning





September 18, 2020

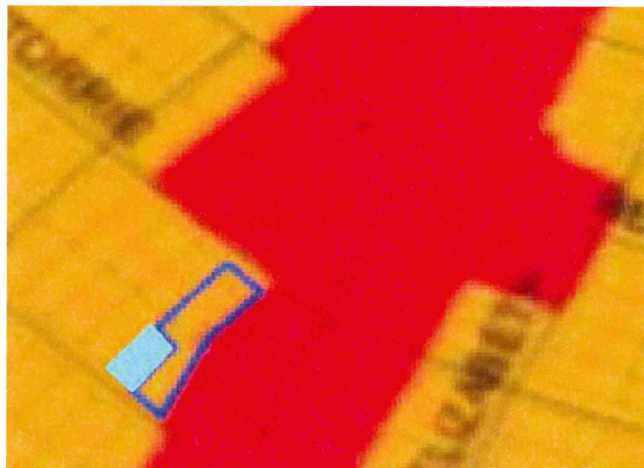
Honorable Michael Cinquanti, Mayor  
City of Amsterdam  
61 Church St.  
Amsterdam, New York 12010

Mayor Cinquanti and Members of the Common Council,

Stewart's Shops has operated its store on Market Street (SBL: 398.83-4-22) since 1976 and despite some slight remodels hasn't undertaken a substantial renovation. To support the redevelopment of the site, the Common Council adopted a Zoning Map Amendment in July for 7 Bunn and 14 Storrie Street. At that time, Stewart's did not control 9 Bunn Street (SBL: 39.83-4-19). Stewart's has now obtained contractual control of the property and wishes to incorporate it in our proposed project.

The zoning for 9 Bunn Street is currently Medium Density Neighborhood (MDN), while the Stewart's (building/gas), Citgo and properties recently changed are zoned Commercial Corridor (CC). Stewart's hereby requests a map amendment to the zoning code incorporating the 9 Bunn Street into the CC zone.

The map below shows the highlighted area from the Zoning Map. The blue perimeter represents the area in the July amendment and the solid fill area represents the 9 Bunn Street parcel for this request.



Highlight of Zoning Map with lots to be Included in CC Zone highlighted.

We are attaching a Short Environmental Assessment Form (SEAF) and request the Common Council circulate for lead agency status. Also attached are a potential layout and building elevations to understand the full scope of the project.

If you have any questions, please don't hesitate to reach me at (518) 581-1201 ext 4435.

Respectfully Requested,

*Chuck*

Charles "Chuck" Marshall  
Stewart's Shops Corp.

# 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.

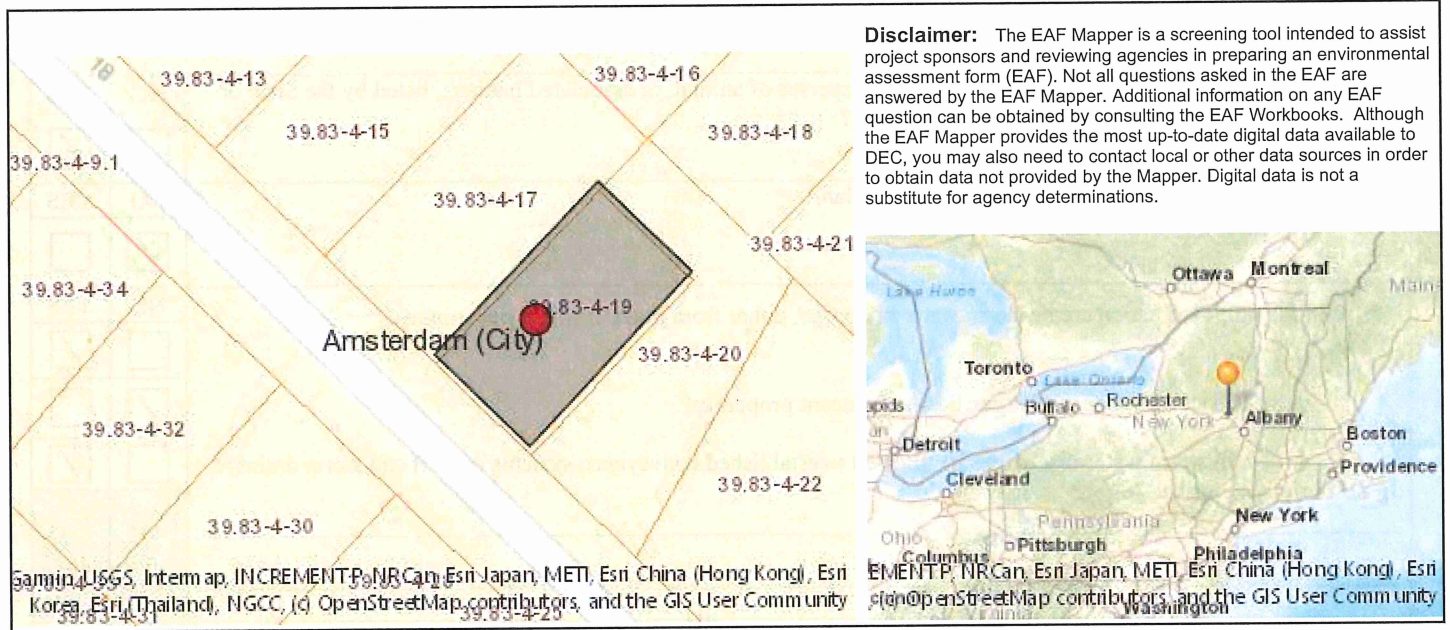
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Stewart's Shops Corp.			
Name of Action or Project: Stewart's Shops Redevelopment - Market St			
Project Location (describe, and attach a location map): Market St between Bunn and Storrie Streets			
Brief Description of Proposed Action:  Stewart's Shops had a zoning map amendment granted for 14 Storrie Street and 7 Bunn in July and is requesting 9 Bunn be added to accommodate the construction of a new Stewart's Shop (convenience store) with self-service gasoline. The siting of the new store will require a Special Use Permit and Site Plan approval granted by the Planning Board. The project will include the demolition of the existing buildings on site.			
Name of Applicant or Sponsor:  Stewart's Shops Corp.		Telephone: (518) 581-1201  E-Mail: cmarshall@stewartssshops.com	
Address:  P.O. Box 435			
City/PO: Saratoga Springs		State: New York	Zip Code: 12866
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: Zone Change- Common Council; Site Plan/Special Use - Planning Board; Area Variance - ZBA			NO  <input type="checkbox"/>
			YES  <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 0.66 acres b. Total acreage to be physically disturbed? _____ 0.66 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 0.66 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input 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): <input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" 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?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input checked="" 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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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?	<input type="checkbox"/>	<input checked="" 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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <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? Peregrine Falcon	NO	YES
	<input type="checkbox"/>	<input checked="" 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? If Yes, <div style="margin-left: 40px;">           a. Will storm water discharges flow to adjacent properties?            b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?         </div> If Yes, briefly describe:	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<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? If Yes, describe:	NO	YES
	<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? If Yes, describe:	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C429010 - 140 Market Street		
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>  Applicant/sponsor/name: <u>Stewart's Shops Corp</u> Date: <u>9/23/20</u> Signature: <u>Chris Maki (Charles Marshall)</u> Title: <u>Real Estate Rep</u>		





Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Peregrine Falcon
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes

# REFERRAL FORM

## MONTGOMERY COUNTY PLANNING BOARD

Referral Number \_\_\_\_\_  
 assigned by the MCPB upon  
 acceptance of referral for review

This Referral must be received **SEVEN CALENDAR DAYS** prior to the MCPB meeting date in order for it to be placed on the agenda.

**TO:** Montgomery County Planning Board,  
 Old County Courthouse,  
 PO Box 1500, Fonda, New York 12068  
 Phone: 518-853-8334  
 Fax: 518-853-8336

**FROM:** Municipal Board: City of Amsterdam *Planning Commission*  
 Referring Officer: Paul Gaurty - Chairman  
 Mail original resolution to: City of Amst.  
401 Church St  
Amsterdam, NY 12010  
ATTN: Robin Waldron

1. Applicant: Stewart's Shops Corp. 2. Site Address: Market Street, between Storie & Bunn
3. Tax Map Number(s): 39.83-4-18, 20, 21, 22 4. Acres: .666
5. Is the site currently serviced by public water? ☒ Yes ☐ No
6. On-site waste water treatment is currently provided by: ☒ Public Sewer or ☐ Septic System
7. Current Zoning: CC 8. Current Land Use: Commercial & Residential
9. Project Description: Build new store with self-serve gasoline canopy.

### 10. MCPB Jurisdiction:

- ☐ Text Adoption or Amendment ☒ Site is located within 500' of: Nys Route 30
- ☐ a municipal boundary.
- ☒ a State or County thruway/highway/roadway
- ☐ an existing or proposed State or County park/recreation area
- ☐ an existing or proposed County-owned stream or drainage channel
- ☐ a State or County-owned parcel on which a public building or institution is situated
- ☐ a farm operation within an Agricultural District (Incl. Ag data Statement) (does not apply to area variances)

11. PUBLIC HEARING: Date: 9/23/20 Time: 6:30PM Location: City Hall - Amsterdam  
401 Church St, Amst, NY  
12010

Referred Action(s)

If referring multiple, related actions, please identify the referring municipal board if different from above.

12. ☐ Text Adoption or ☐ Amendment Referring Board:

☐ Comprehensive Plan ☐ Local Law ☐ Zoning Ordinance ☐ Other \_\_\_\_\_

13. ☐ Zone Change Referring Board:

Proposed Zone District: \_\_\_\_\_ Number of Acres: \_\_\_\_\_

Purpose of the Zone Change: \_\_\_\_\_

14. ☒ Site Plan ☐ Project Site Review Referring Board: Planning Commission

Proposed Improvements: Demolition of current Stewart's / Fred's / res. homes for new Stewart's

Proposed Use: convenient store / self serve gas station

Will the proposed project require a variance? ☒ Yes ☐ No Type: ☒ Area ☐ Use

Specify: Proposing 6' tall fence behind bldg - neighboring res. properties

Is a State or County DOT work permit needed? If Yes : ☐ State or ☐ County ☐ No

Specify: \_\_\_\_\_



15. ☒ Special Permit

Referring Board: Planning Commission  
Section 16 B(3) Automobile Service Station  
Major

Section of local zoning code that requires a special permit for this use:

Will the proposed project require a variance?

☒ Yes

☐ No

Type: ☒ Area

☐ Use

16. Variance

Referring Board:

☒ Area

☐ Use

Section(s) of local zoning code to which the variance is being sought:

Section 41

Describe how the proposed project varies from the above code section:

Fence exceeding height req.  
in rear yard - buffer between commercial business and residence

SEQR Determination

Action:

Finding:

☐ Type I

☐ Type II

☒ Unlisted Action

☐ Exempt

☐ Positive Declaration – Draft EIS

☐ Conditional Negative Declaration

☐ Negative Declaration

☐ No Finding (Type II Only)

SEQR determination made by (Lead Agency):

Date:

REQUIRED MATERIAL

Send 3 copies of a "Full Statement of the Proposed Action" which includes:

All materials required by and submitted to the referring body as an application

- If submitting site plans, please submit only 1 large set of plans, and 12 11x17 packets.
- All material may be submitted digitally as well at <http://www.mcfdc.org/planning-services/montgomery-county-planning-board-referrals/>

This referral, as required by GML §239 I and m, includes complete information, and supporting materials to assist the Montgomery County Planning Board (MCPB) in its review. Recommendations by MCPB shall be made to the Referring Body within thirty days of receipt of the Full Statement.

Name, Title & Phone Number of Person Completing this Form

Paul Conway Plan Comm Chair  
515 866 4999

Transmittal Date

9/24/20

This side to be completed by Montgomery County Planning.

**REFERRAL FORM**  
**MONTGOMERY COUNTY PLANNING BOARD**

TO: \_\_\_\_\_

Receipt of 239-m referral is acknowledged on \_\_\_\_\_. Please be advised that the Montgomery County Planning Board has reviewed the proposal stated on the opposite side of this form on \_\_\_\_\_ and makes the following recommendation.

- ☐ Approves
- ☐ Approves (with Modification)
- ☐ Disapproves:
- ☐ No significant County-wide or inter-community input
- ☐ Not subject to Planning Board review
- ☐ Took no action

Section 239-m of the General Municipal Law requires that within thirty days after final action by the municipality is taken; a report of the final action shall be filed with the County Planning Board.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Kenneth F. Rose, Director  
Montgomery County Dept. of Economic  
Development and Planning

CITY OF AMSTERDAM  
ENGINEERING DEPARTMENT  
CITY HALL, RM. 201  
AMSTERDAM, NY 12010

APPLICATION FOR PERMIT DENIED: Case #

Official Use Only

This is the decision of the Zoning Officer of the City of Amsterdam.

REFERRAL TO PLANNING COMMISSION FOR SITE PLAN REVIEW (P)

X \*SITE PLAN X SPECIAL USE PERMIT SUBDIVISION of LAND

And/or OFFICIAL DECISION FOR DENYING APPLICATION FOR PERMIT (Z)

USE VARIANCE AREA VARIANCE USE/TEXT/MAP INTERPRETATION

LOCATION of SUBJECT PROPERTY: Market Street between Storrie and Bunn

Subject property is in a CC Zoning District. SBL# 39.83-4-18, 20, 21, 22

Proposed use or construction or installation:  
Stewart's Shop Convenience Store with Self-Serve Gasoline Canopy

The undersigned, having examined the plans and specifications and plot or site plan submitted by the applicant(s), makes the following findings:

- ( ) Prior approval of a special permit is required by the provisions of the Zoning Ordinance of the City of Amsterdam.
- ( ) Prior approval of a \*Site Plan is required by the provisions of the Zoning Ordinance of the City of Amsterdam.
- ( ) Proposed use, construction or installation is in violation of Section(s) of the Zoning Ordinance of the City of Amsterdam, in that

Dated: Zoning Officer/Building Official

- Copied to Engineering Aid
- Copied to Corporation Counsel Office

APPLICANT(S): Stewart's Shops Corp.

Mailings to: Legal Address P.O. Box 435  
Saratoga Springs, NY 12866

Contact Phone #: (518) 581-1201 ext 4435

Dated: 9/4/20 Email: cmarshall@stewartsshops.com

Applicant Signature Co-Applicant Signature



**CITY OF AMSTERDAM**  
**BOARD OF APPEALS**  
CITY HALL  
61 CHURCH ST.  
AMSTERDAM, NY 12010

ZONING OFFICE  
CITY HALL  
RM. 201

## APPLICATION TO BOARD OF APPEALS

The under signed hereby makes application for appeal with the attached application, plans and specifications: **Attention all pertinent information below shall be filled in or application will be denied.**

Pg. 1 of 3

### A. NATURE OF APPLICATION

Application is hereby made to the Board of Appeals for (check appropriate item):

- ( ) Prior approval of subdivision is required by the provisions of Chapter 210, Code of the City of Amsterdam **(Complete Block E)**
- ( ) Approval of a Special Permit as required by the provisions of the Zoning Ordinance. **(Complete Blocks B and E)**
- ( ) Approval of a Site Plan as required by the provisions of the Zoning Ordinance. **(Complete Blocks B and E)**
- ( ) Review of a decision of the Zoning Officer in denying a Building Permit or Certificate of Occupancy. **(Complete Blocks C and E)**
- ( ) Zoning Officer request for an interpretation of the Zoning Law, Use/Text/Map. **(Complete Blocks D and E)**

**Description of Premises Involved:** Applicant shall fill in below.

The property or properties involved are identified as follows \_\_\_\_\_

### B. IF APPLICATION IS FOR A SPECIAL USE PERMIT OR SITE PLAN APPROVAL

The applicant proposes to use the premises for the following purposes (give details) \_\_\_\_\_

### C. IF APPLICATION IS FOR A REVIEW, OF DECISION OF THE ZONING OFFICER

1. The applicant requests relief from the decision of the Zoning Officer with respect to the following section(s) of Zoning Ordinance \_\_\_\_\_
2. The applicant proposes to use the premises for the following purposes (give details) \_\_\_\_\_
3. The applicant certifies that the following special circumstances apply to his or her property but do not apply generally to land or buildings in the neighborhood \_\_\_\_\_

see pg. 2



**APPLICATION TO BOARD OF APPEALS**

pg. 2 of 3

4. The applicant certifies that no permissible use of his property will produce a reasonable return for the following reasons \_\_\_\_\_  
\_\_\_\_\_
5. The applicant certifies that the relief requested is the minimum variance which will enable reasonable use of his property for the following reasons \_\_\_\_\_  
\_\_\_\_\_
6. The applicant certifies that the proposed use will not be injurious to the character of the neighbor for the following reasons \_\_\_\_\_  
\_\_\_\_\_
7. The applicant has owned the subject property since \_\_\_\_\_  
The applicant certifies that he owns the following adjoining property \_\_\_\_\_  
\_\_\_\_\_

**D. IF APPLICATION IS FOR AN INTERPRETATION TO THE USE/TEXT/MAP**

The interpretation is as follows \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**E. MAPS, PLANS OR INFORMATION SUBMITTED HEREWITH**

The following are submitted herewith (list and identify accurately) \_\_\_\_\_  
Site Plan and Elevations are attached  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\* Applicant must fill in all information below and sign application and if the applicant is not the owner of the for-mentioned premises then the Owner must also sign application.

\* Applicant Name (Please Print): \_\_\_\_\_ Stewart's Shops Corp.

Mailings to Legal Address: \_\_\_\_\_ P.O. Box 435  
\_\_\_\_\_ Saratoga Springs, NY 12866  
\_\_\_\_\_

Applicant's Contact Telephone Number: \_\_\_\_\_

\* Owner Name (If other than applicant): \_\_\_\_\_ Stewart's Per Contract

Owner Address: \_\_\_\_\_

\* Owner Signature: \_\_\_\_\_

\* Applicant Signature: Charles Marshall  
Charles Marshall

Date: 9/4/20

OFFICE USE ONLY

**Building Department:** 1 copy needed

Date Received \_\_\_\_\_

Case No. \_\_\_\_\_

Is property situated in 500 feet of Montgomery County referral buffer zone?

\_\_\_\_ YES – Preliminary review for Montgomery County Planning Board  
\_\_\_\_ NO

**City Clerk:** original needed

Date Received \_\_\_\_\_

Fee Paid \_\_\_\_\_

**Zoning Board of Appeals:** 6 copies needed

Date Received \_\_\_\_\_

Fee Paid \_\_\_\_\_

**Planning Commission:** 7 copies needed

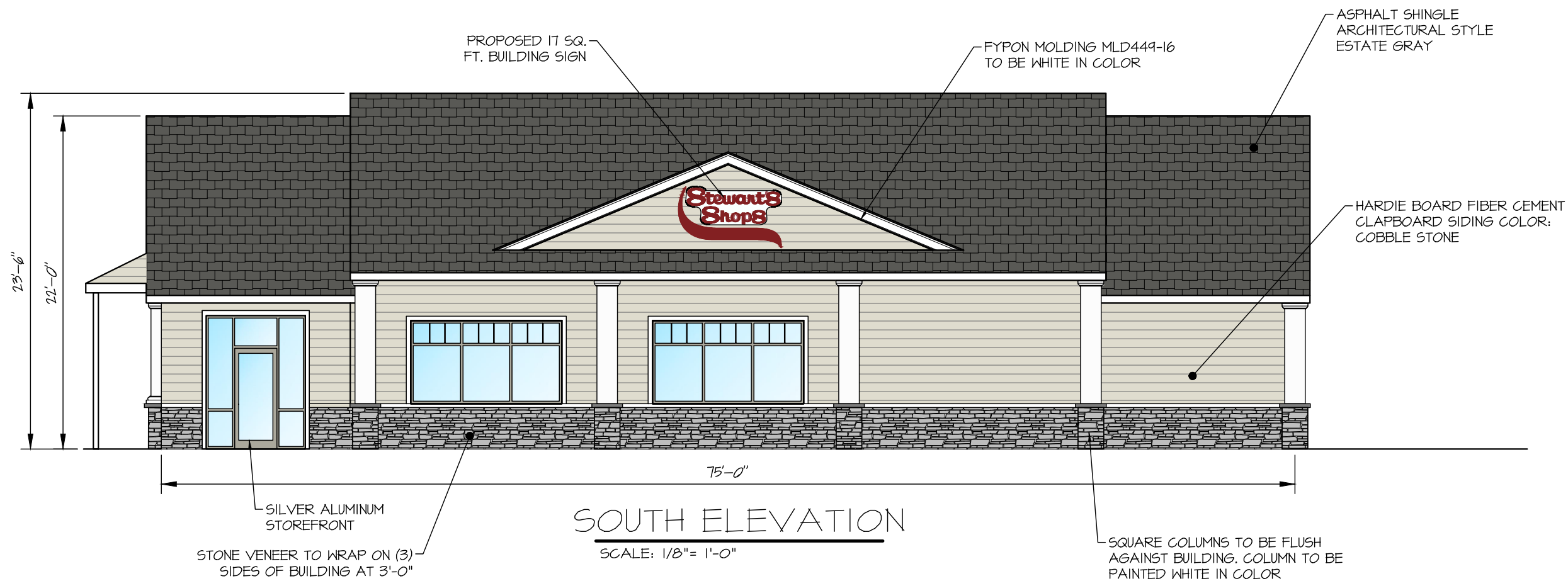
Date Received \_\_\_\_\_

Fee Paid \_\_\_\_\_

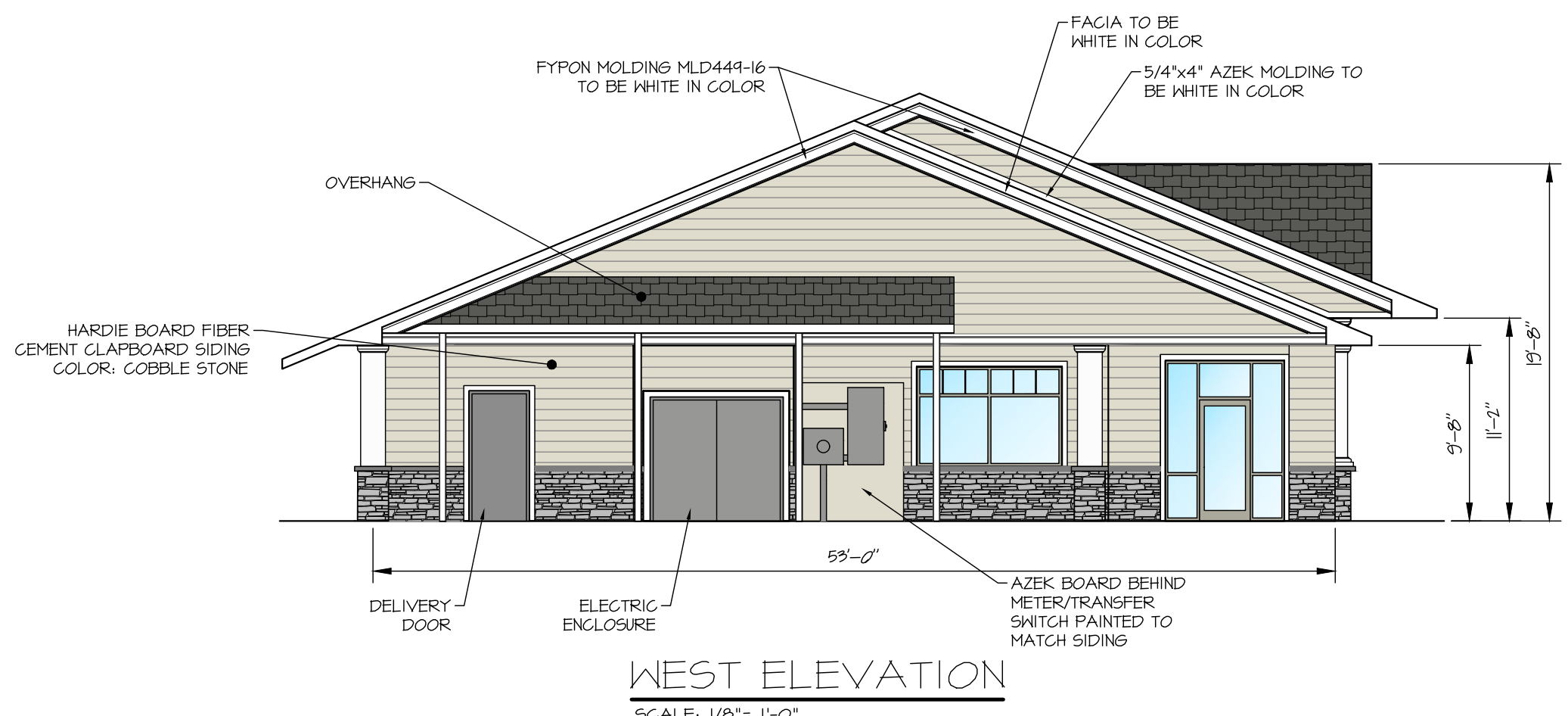
**Applicant:** 1 copy



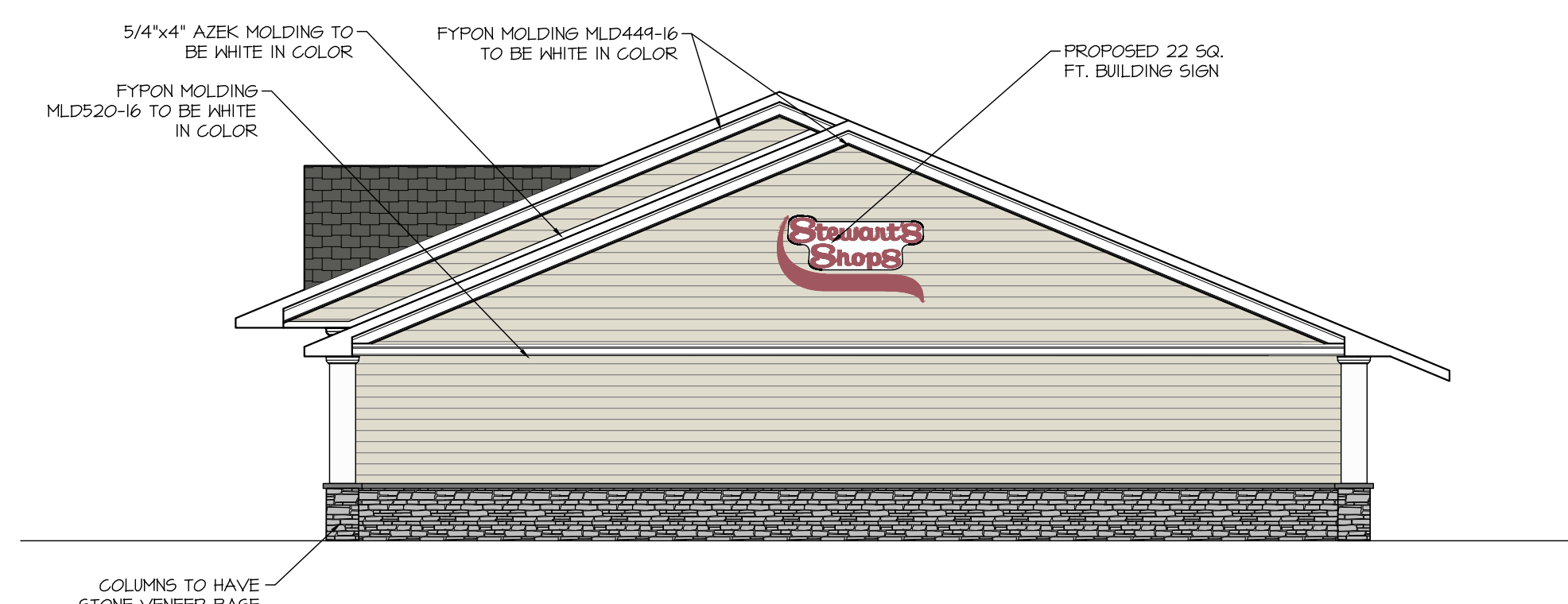
PROPOSED STEWART'S SHOP  
132 MARKET STREET  
AMSTERDAM, NY 12010



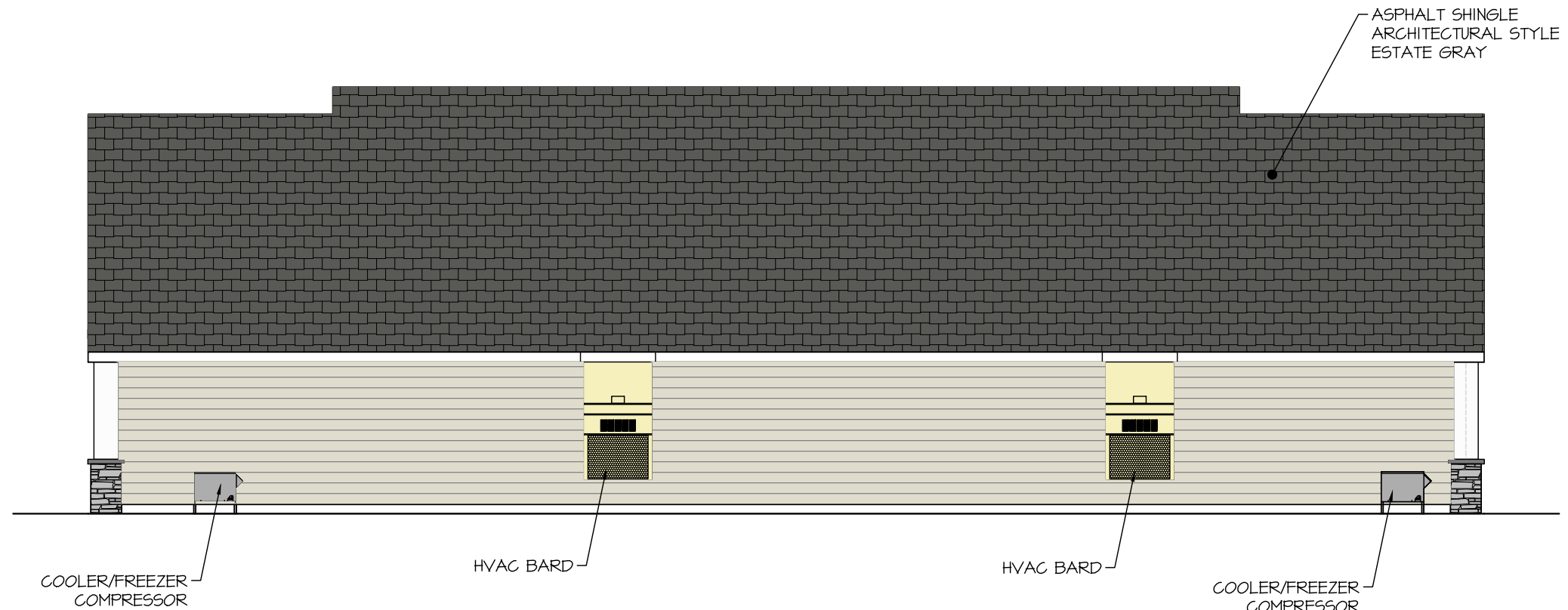
SOUTH ELEVATION  
SCALE: 1/8" = 1'-0"



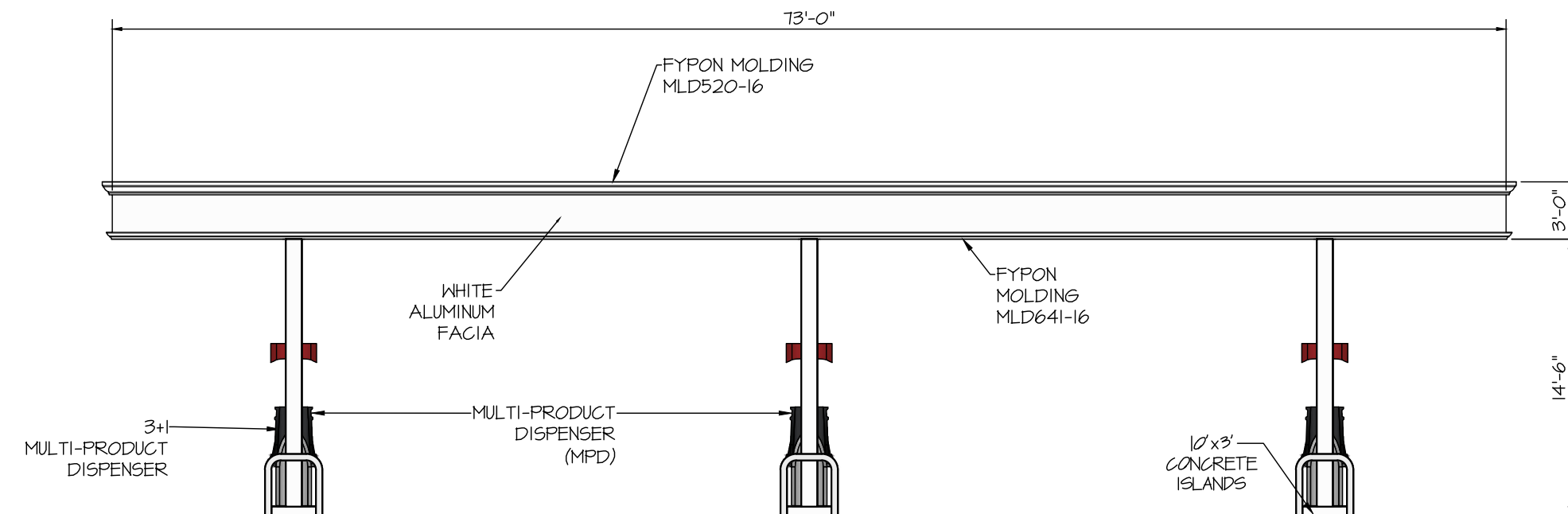
WEST ELEVATION  
SCALE: 1/8" = 1'-0"



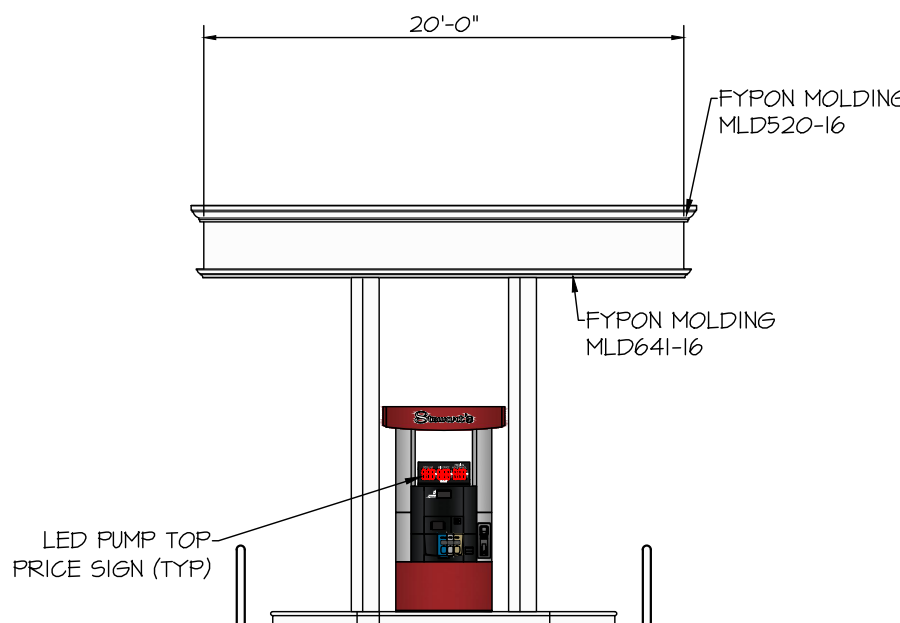
EAST ELEVATION  
SCALE: 1/8" = 1'-0"



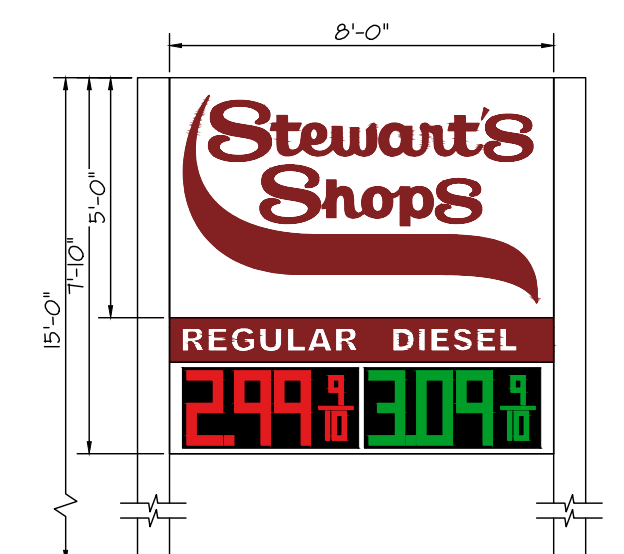
NORTH ELEVATION  
SCALE: 1/8" = 1'-0"



GAS CANOPY FRONT ELEVATION  
SCALE: 1/8" = 1'-0"



GAS CANOPY SIDE ELEVATION  
SCALE: 1/8" = 1'-0"



PROPOSED FREESTANDING SIGN  
SCALE: 1/4" = 1'-0"

- SIZE: - 1'-10"x8' = 63 SQ. FT.  
LETTERS: - 1/8" FLEXIGLASS FACE ON 4-1/2" THICK CAN  
ILLUMINATION: - INTERNALLY ILLUMINATED WITH LED LIGHTING  
- BURGUNDY LETTERS  
- WHITE COLOR BACKGROUND  
- 16" RED LED GAS PRICE NUMBERS  
- 16" GREEN LED DIESEL PRICE NUMBERS



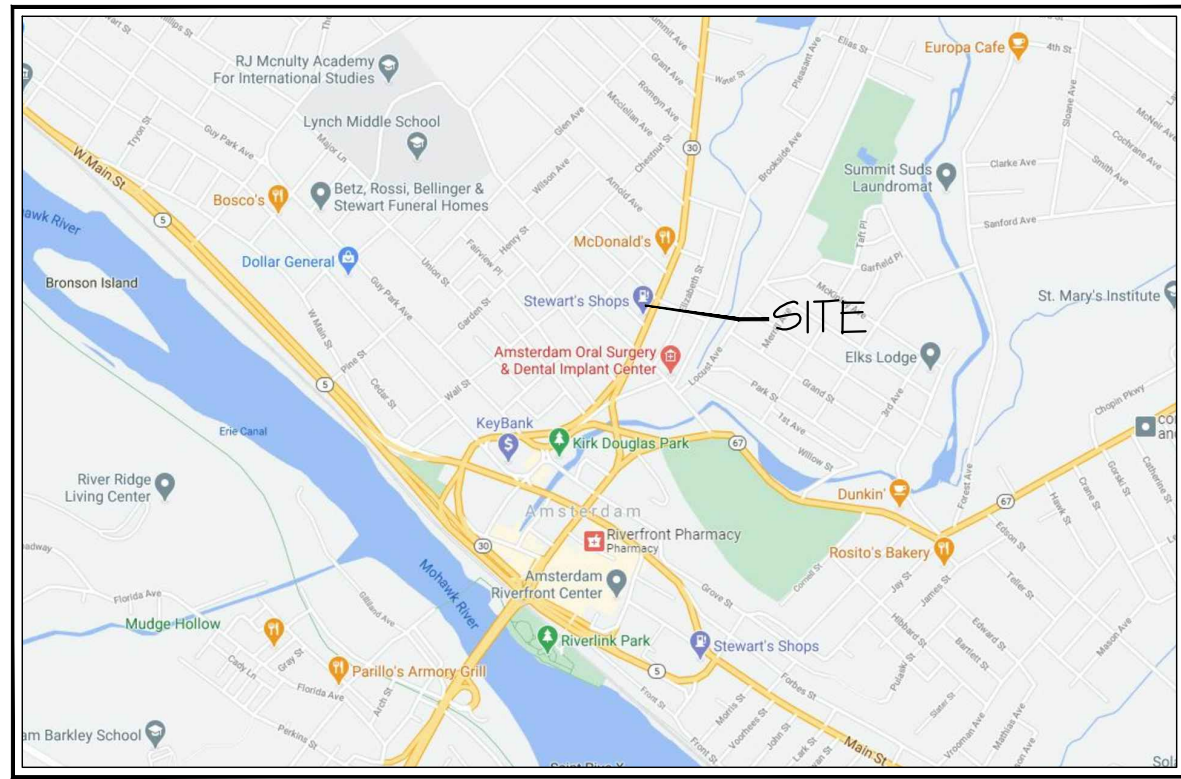
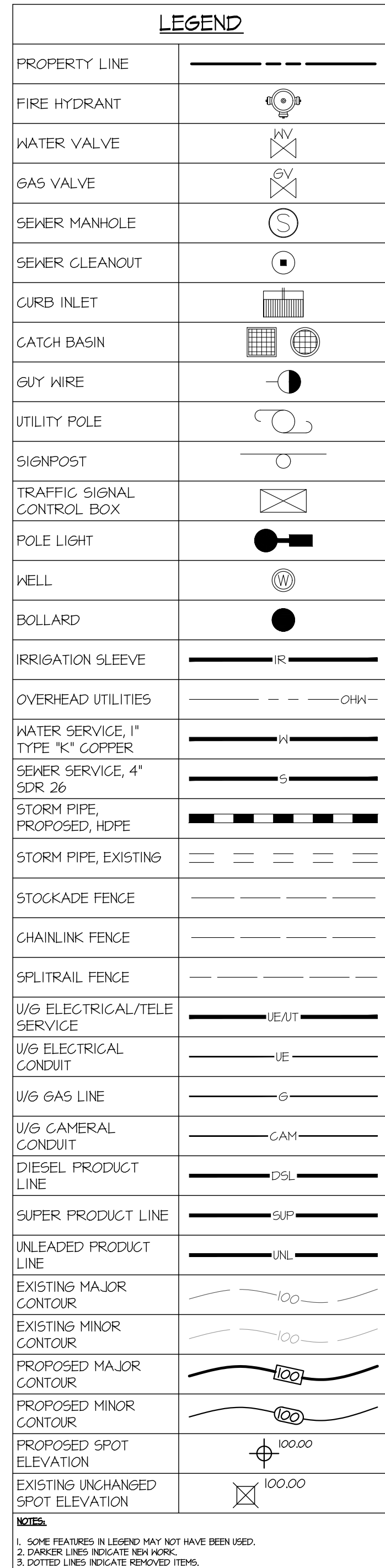
TYPICAL BUILDING SIGN  
SCALE: 1/8" = 1'-0"



TYPICAL BUILDING SIGN  
SCALE: 1/8" = 1'-0"

	STORE NAME, ABBREVIATION & NO.		MARKET STREET - MKT - 233		
	SITE LOCATION		132 MARKET STREET - AMSTERDAM, NY 12010		
	DATE	NO.	REVISIONS		
	DRAWN BY: MA SCALE: 1" = 20' DATE: 9-4-2020		DRAWING NO. T-1		
ALTERATIONS TO THIS DOCUMENT BY OTHER THAN AN AUTHORIZED LICENSED PROFESSIONAL ENGINEER IS ILLEGAL AND A VIOLATION OF THE NEW YORK STATE EDUCATION LAW		SARATOGA SPRINGS, NY 12866 TEL. (518)581-1200 FAX (518)581-1205		TITLE SHEET	







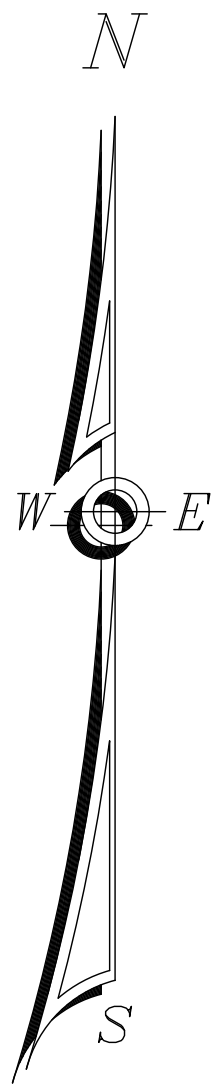
**Notes:**

1. This survey was prepared without benefit of an up-to-date abstract of title and is therefore subject to any and all rights-of-way and/or easements of record, particularly for underground utilities.
2. Elevations shown herein conform to N.A.V.D. 1988 as determined by G.P.S. observations conducted on site by Santo Associates personnel on June 10, 2020.

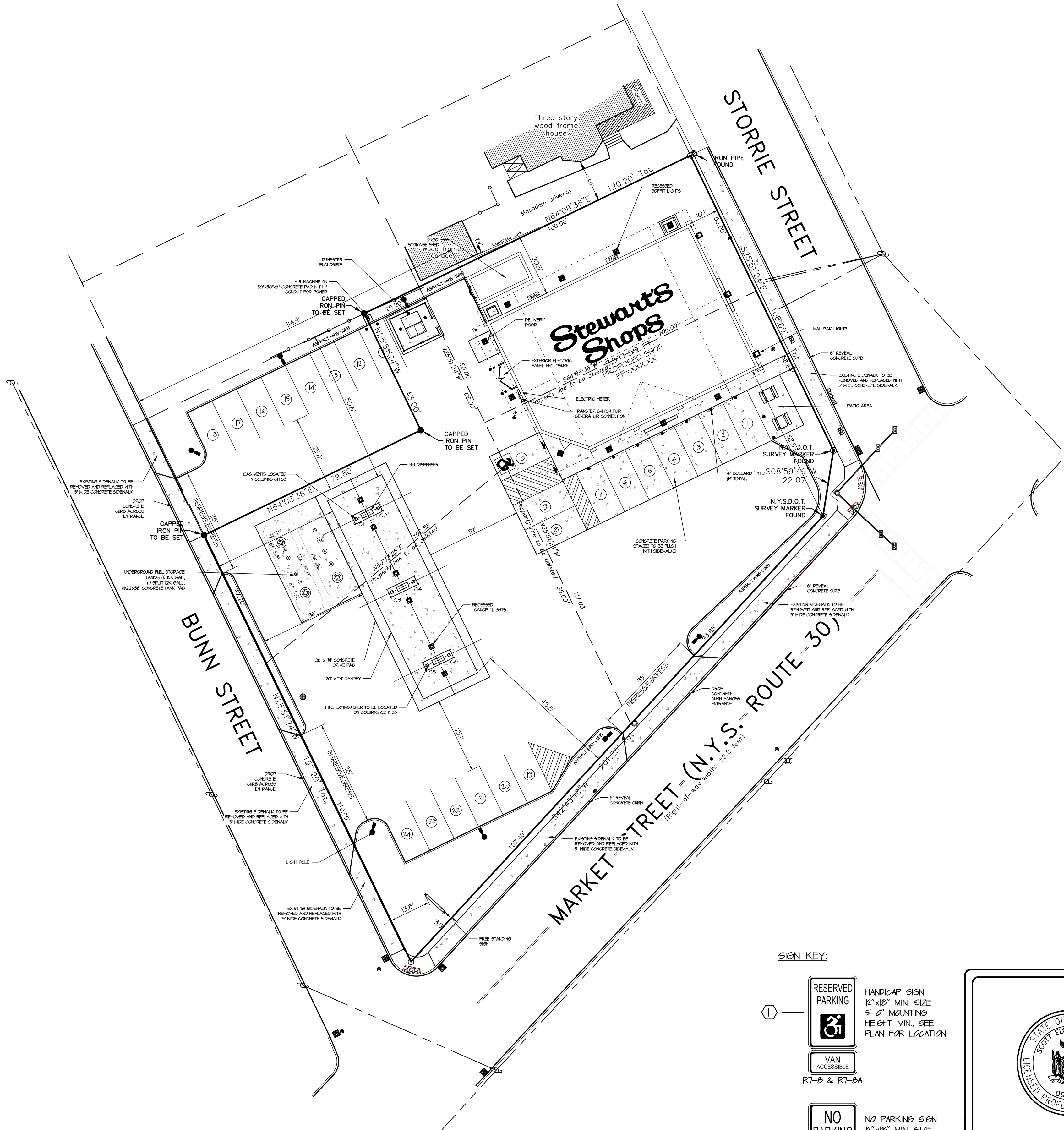
1. Texaco, Inc. to Alfred T. Baranello, Jr., dated April 4, 1980 and recorded in the Montgomery County Clerk's Office in Liber 425 of Deeds at page 527.
2. Van Voast Properties, Inc. to Stewart's Ice Cream Company, Inc., dated November 9, 1992 and recorded in the Montgomery County Clerk's Office on November 12, 1992 in Liber 558 of Deeds at page 141.
3. William B. Gibson, Jr. to William B. Gibson, Jr. and Brenda Lee Gibson-DelCostello, dated January 19, 1994 and recorded in the Montgomery County Clerk's Office on January 21, 1994 in Liber 574 of Deeds at page 195.
4. Frances Martuscello, as Executrix of the Last Will and Testament of Joseph J. Martuscello, to Stewart's Shops Corp., dated April 21, 2005 and recorded in the Montgomery County Clerk's Office on May 17, 2005 in Liber 1266 of Deeds at page 13.
5. Notice of Appropriation by The People of the State of New York from Alfred T. Baranello, Jr., dated August 2, 2011 and recorded in the Montgomery County Clerk's Office on September 9, 2011 as Instrument number 2011-43734.

	STORE NAME, ABBREVIATION & NO.		MARKET STREET - MKT - 233							
	SITE LOCATION									
	132 MARKET STREET - AMSTERDAM, NY 12010									
<p style="font-size: 0.8em;">ALTERATIONS TO THIS DOCUMENT BY OTHER THAN AN AUTHORIZED LICENSED PROFESSIONAL ENGINEER IS ILLEGAL, AND A VIOLATION OF THE NEW YORK STATE EDUCATION LAW.</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">DATE</th> <th style="width: 10%;">NO.</th> <th style="width: 80%;">REVISIONS</th> </tr> </thead> <tbody> <tr> <td style="vertical-align: top;">4-21-2020</td> <td style="vertical-align: top;"></td> <td style="vertical-align: top;">ADDITIONAL PARCEL.</td> </tr> </tbody> </table>		DATE	NO.	REVISIONS	4-21-2020		ADDITIONAL PARCEL.	 <p style="font-size: 0.8em;">SARATOGA SPRINGS, NY 12866 TEL. (518) 581-1200 FAX (518) 581-1209</p>	
	DATE	NO.	REVISIONS							
	4-21-2020		ADDITIONAL PARCEL.							
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">DRAWN BY: MA</td> <td style="width: 50%;">SCALE: 1" = 20'</td> </tr> <tr> <td style="width: 50%;">DATE: 4-4-2020</td> <td style="width: 50%;"></td> </tr> </table>		DRAWN BY: MA	SCALE: 1" = 20'	DATE: 4-4-2020		<p style="font-size: 0.8em;">DRAWING NO.</p> <p style="font-size: 1.5em;">S-1</p>				
DRAWN BY: MA	SCALE: 1" = 20'									
DATE: 4-4-2020										
TITLE:		EXISTING SITE PLAN								





LEGEND	
PROPERTY LINE	---
FIRE HYDRANT	
WATER VALVE	
GAS VALVE	
SEWER MANHOLE	
SEWER CLEANOUT	
CURB INLET	
CATCH BASIN	
GUY WIRE	
UTILITY POLE	
SIGNPOST	
TRAFFIC SIGNAL CONTROL BOX	
POLE LIGHT	
WELL	
BOLLARD	
IRRIGATION SLEEVE	
OVERHEAD UTILITIES	--- OHW ---
WATER SERVICE, 1" TYPE "K" COPPER	--- W ---
SEWER SERVICE, 4" SDR 26	--- S ---
STORM PIPE, PROPOSED, HDPE	--- ST ---
STORM PIPE, EXISTING	--- ST ---
STOCKADE FENCE	---
CHAINLINK FENCE	---
SPLITRAIL FENCE	---
U/G ELECTRICAL/TELE SERVICE	--- UE/UT ---
U/G ELECTRICAL CONDUIT	--- UE ---
U/G GAS LINE	--- G ---
U/G CAMERAL CONDUIT	--- CAM ---
DIESEL PRODUCT LINE	--- DSL ---
SUPER PRODUCT LINE	--- SUP ---
UNLEADED PRODUCT LINE	--- UNL ---
EXISTING MAJOR CONTOUR	--- 100 ---
EXISTING MINOR CONTOUR	--- 100 ---
PROPOSED MAJOR CONTOUR	--- 100 ---
PROPOSED MINOR CONTOUR	--- 100 ---
PROPOSED SPOT ELEVATION	100.00
EXISTING UNCHANGED SPOT ELEVATION	100.00
NOTES: 1. SOME FEATURES IN LEGEND MAY NOT HAVE BEEN USED. 2. DARKER LINES INDICATE NEW WORK. 3. DOTTED LINES INDICATE REMOVED ITEMS.	



**SIGN KEY:**

① RESERVED PARKING  
12" x 18" MIN. SIZE  
5'-0" MOUNTING HEIGHT MIN. SEE PLAN FOR LOCATION

VAN ACCESSIBLE  
RT-B & RT-BA

② NO PARKING ANY TIME  
12" x 18" MIN. SIZE  
5'-0" MOUNTING HEIGHT MIN. SEE PLAN FOR LOCATION  
RT-1

ALTERATIONS TO THIS DOCUMENT BY OTHER THAN AN AUTHORIZED LICENSED PROFESSIONAL ENGINEER IS ILLEGAL AND A VIOLATION OF THE NEW YORK STATE EDUCATION LAW

STORE NAME, ABBREVIATION & NO. MARKET STREET - MKT - 233

SITE LOCATION 132 MARKET STREET - AMSTERDAM, NY 12010

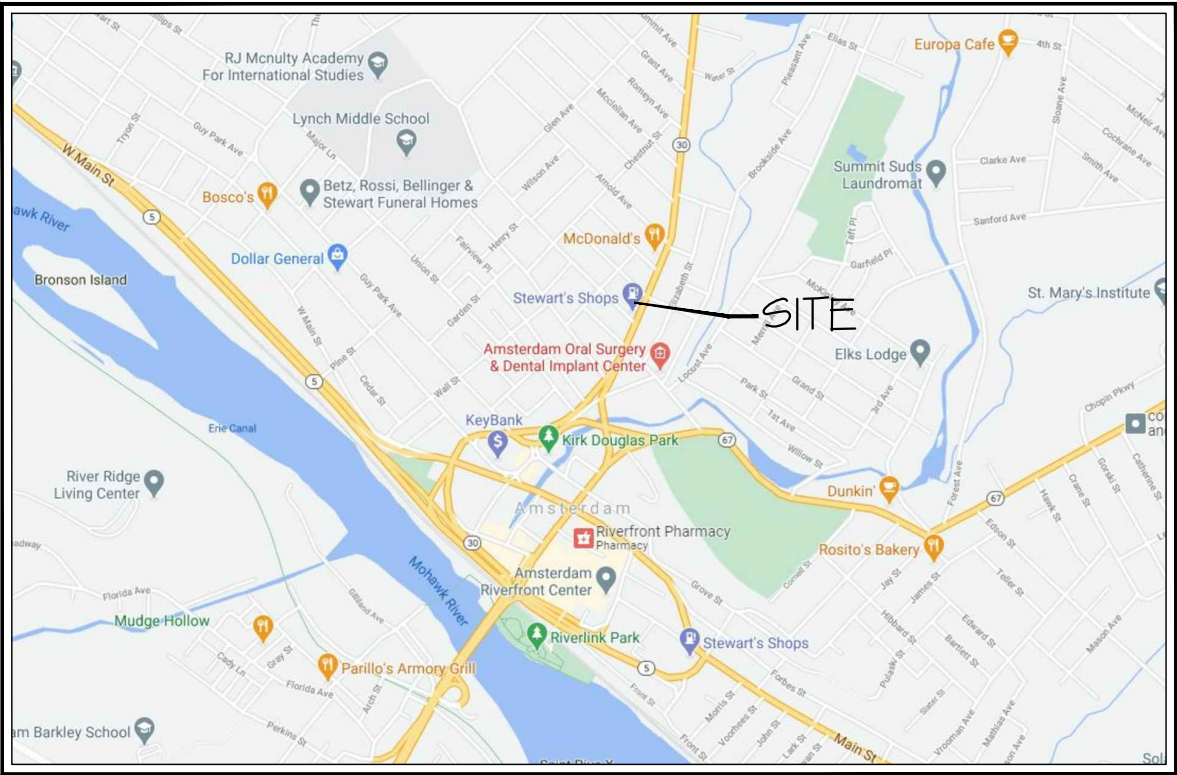
DATE	NO.	REVISIONS
4-21-2020		ADDITIONAL PARCEL

SARATOGA SPRINGS, NY 12866  
TEL. (518) 581-1200 FAX (518) 581-1201

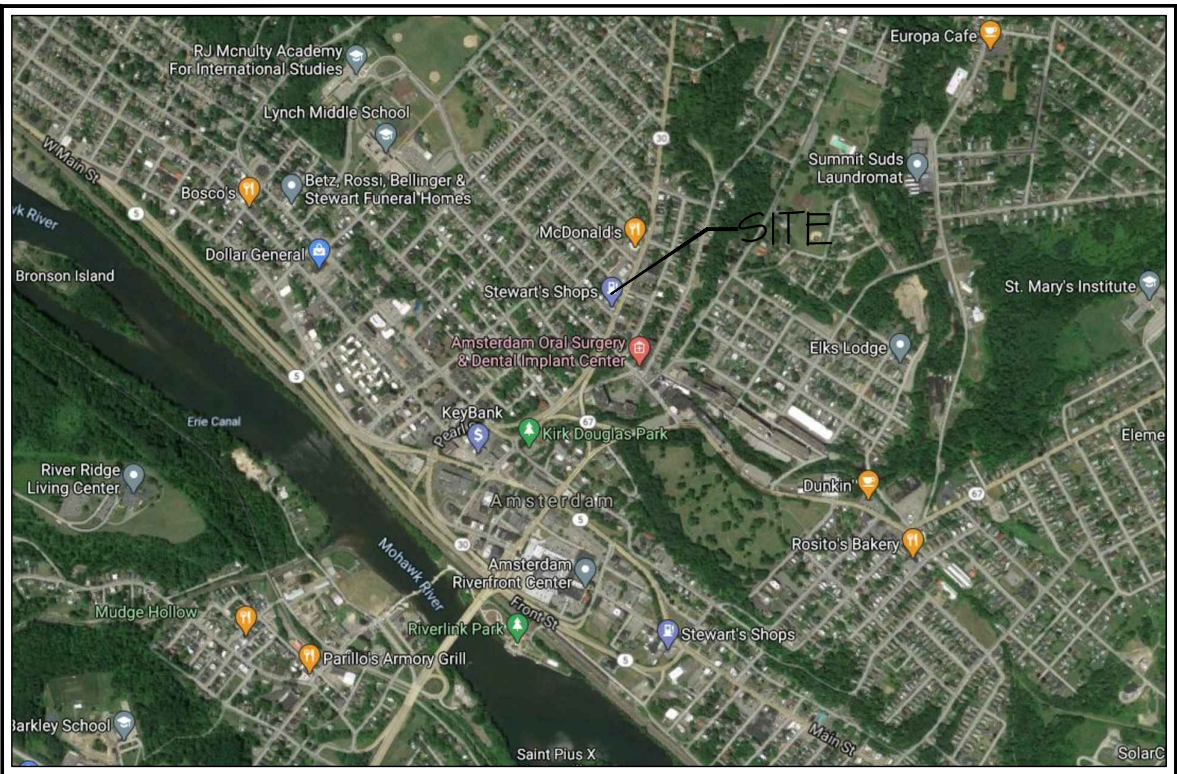
DRAWN BY: MA  
SCALE: 1" = 20'  
DATE: 4-4-2020

DRAWING NO. 5-2

TITLE: PROPOSED SITE PLAN



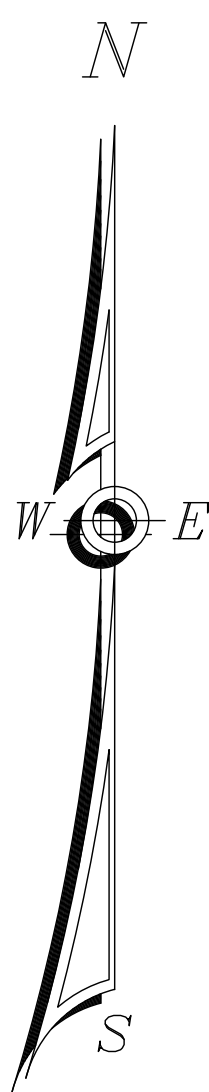
SITE LOCATION MAP



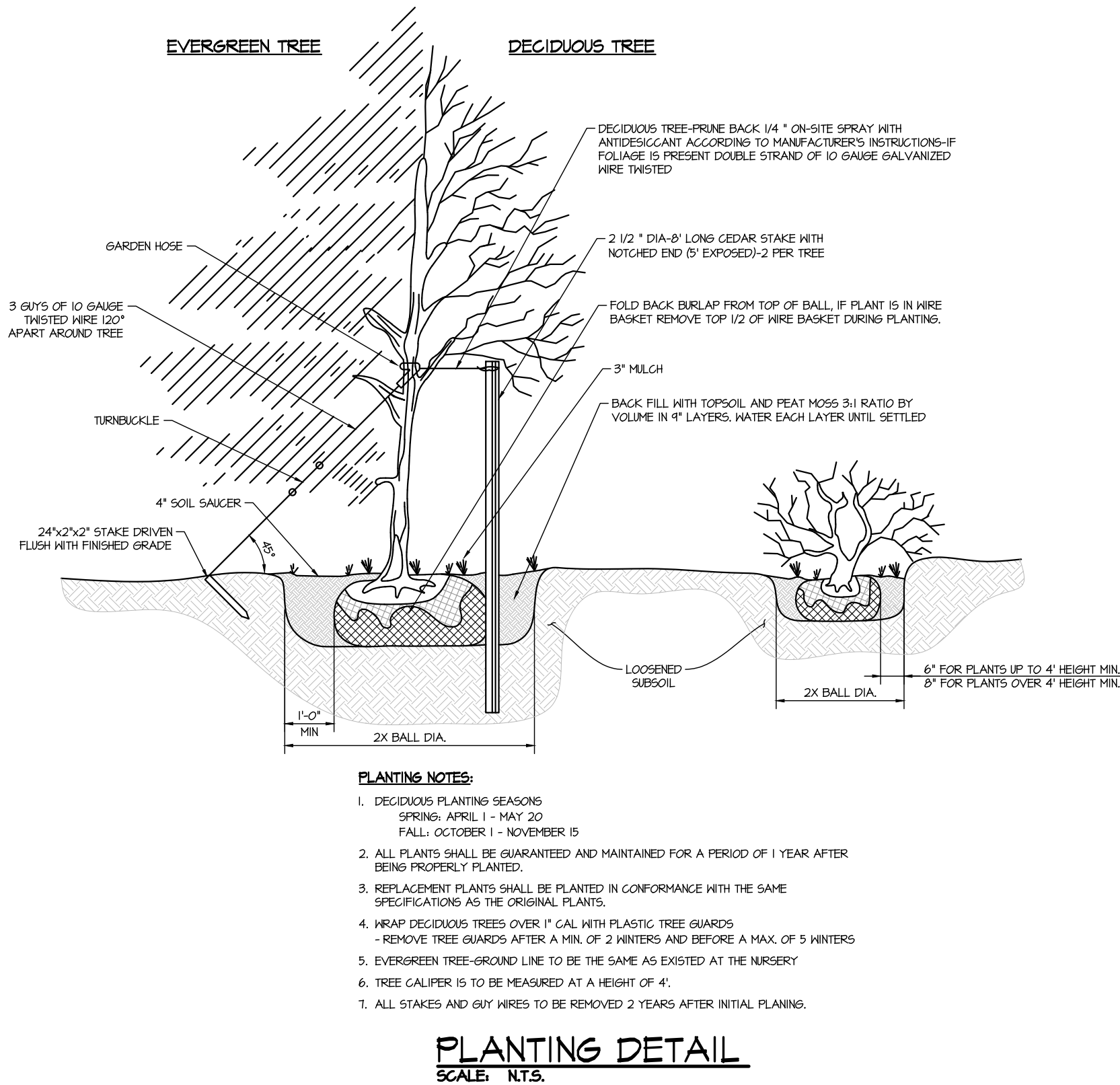
SITE AERIAL MAP

CITY OF AMSTERDAM			
MONTGOMERY COUNTY TAX PARCEL: 5.B.L.#s 34.83-4-18, 20, 21 & 22 ZONE: CC - COMMERCIAL CORRIDOR			
	REQUIRED	EXISTING	PROPOSED
LOT AREA	5,000 SQ. FT.	32,123 SQ. FT. (0.14 AC)	32,123 SQ. FT. (0.14 AC)
MINIMUM LOT WIDTH	50 FT	201.25 FT	201.25 FT
MINIMUM LOT DEPTH	100 FT	108.64 FT	108.64 FT
FRONT BLDG SETBACK (MARKET)	10 FT	38.2 FT	53.5 FT
FRONT BLDG SETBACK (STORRIE)	10 FT	6.5 FT	10.1 FT
SIDE BLDG SETBACK (BUNN)	10 FT	28.4 FT	114.4 FT
REAR BLDG SETBACK	20 FT	0.0 FT	20.3 FT
FRONT CANOPY SETBACK (MARKET)	10 FT	0.4 FT	48.8 FT
SIDE CANOPY SETBACK (STORRIE)	10 FT	40.4 FT	138.3 FT
SIDE CANOPY SETBACK (BUNN)	10 FT	8.4 FT	41.7 FT
REAR CANOPY SETBACK	20 FT	107.0 FT	50.6 FT
MAX. BUILDING COVERAGE	60%	21%	12%
MAX. BUILDING HEIGHT	70 FT	-	23' +/-
PARKING SPACES (1/150)	26 SPACES	-	24 SPACES
BUILDING SIGN	-	-	1 @ 17.50 FT 1 @ 22.50 FT 1 @ 63.50 FT
FREESTANDING SIGN	-	-	-
EXISTING SITE USAGE DATA		PROPOSED SITE USAGE DATA	
TOTAL SITE	32,123 SQ. FT. (100%)	TOTAL SITE	32,123 SQ. FT. (100%)
GREENSPACE	5,616 SQ. FT. (18%)	GREENSPACE	5,246 SQ. FT. (16%)
BUILDING	7,981 SQ. FT. (25%)	BUILDING	3,841 SQ. FT. (12%)
CONCRETE	3,288 SQ. FT. (10%)	CONCRETE	5,161 SQ. FT. (16%)
PAVEMENT	15,112 SQ. FT. (47%)	PAVEMENT	11,213 SQ. FT. (34%)





LEGEND	
PROPERTY LINE	---
FIRE HYDRANT	
WATER VALVE	
GAS VALVE	
SEWER MANHOLE	
SEWER CLEANOUT	
CURB INLET	
CATCH BASIN	
GUY WIRE	
UTILITY POLE	
SIGNPOST	
TRAFFIC SIGNAL CONTROL BOX	
POLE LIGHT	
WELL	
BOLLARD	
IRRIGATION SLEEVE	---IR---
OVERHEAD UTILITIES	---OHN---
WATER SERVICE, 1" TYPE "K" COPPER	---WK---
SEWER SERVICE, 4" SDR 26	---SK---
STORM PIPE, PROPOSED, HDPE	---SHP---
STORM PIPE, EXISTING	---SXP---
STOCKADE FENCE	---
CHAINLINK FENCE	---
SPLITRAIL FENCE	---
U/G ELECTRICAL/TELE SERVICE	---UE/UT---
U/G ELECTRICAL CONDUIT	---UE---
U/G GAS LINE	---G---
U/G CAMERAL CONDUIT	---CAM---
DIESEL PRODUCT LINE	---DSL---
SUPER PRODUCT LINE	---SUP---
UNLEADED PRODUCT LINE	---UNL---
EXISTING MAJOR CONTOUR	---100---
EXISTING MINOR CONTOUR	---100---
PROPOSED MAJOR CONTOUR	---100---
PROPOSED MINOR CONTOUR	---100---
PROPOSED SPOT ELEVATION	
EXISTING UNCHANGED SPOT ELEVATION	
NOTES: 1. SOME FEATURES IN LEGEND MAY NOT HAVE BEEN USED. 2. DARKER LINES INDICATE NEW WORK. 3. DOTTED LINES INDICATE REMOVED ITEMS.	



	STORE NAME, ABBREVIATION & NO.		MARKET STREET - MKT - 233	
	SITE LOCATION		132 MARKET STREET - AMSTERDAM, NY 12010	
	DATE	NO.	REVISIONS	
	4-21-2020		ADDITIONAL PARCEL	
		DRAWN BY: MA		
		SCALE: 1" = 20'		
SARATOGA SPRINGS, NY 12866		DATE: 4-4-2020		
TEL: (518)581-1200		FAX (518)581-1201		
TITLE:		LANDSCAPE PLAN		
ALTERATIONS TO THIS DOCUMENT BY OTHER THAN AN AUTHORIZED LICENSED PROFESSIONAL ENGINEER IS ILLEGAL AND A VIOLATION OF THE NEW YORK STATE EDUCATION LAW				

# *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.

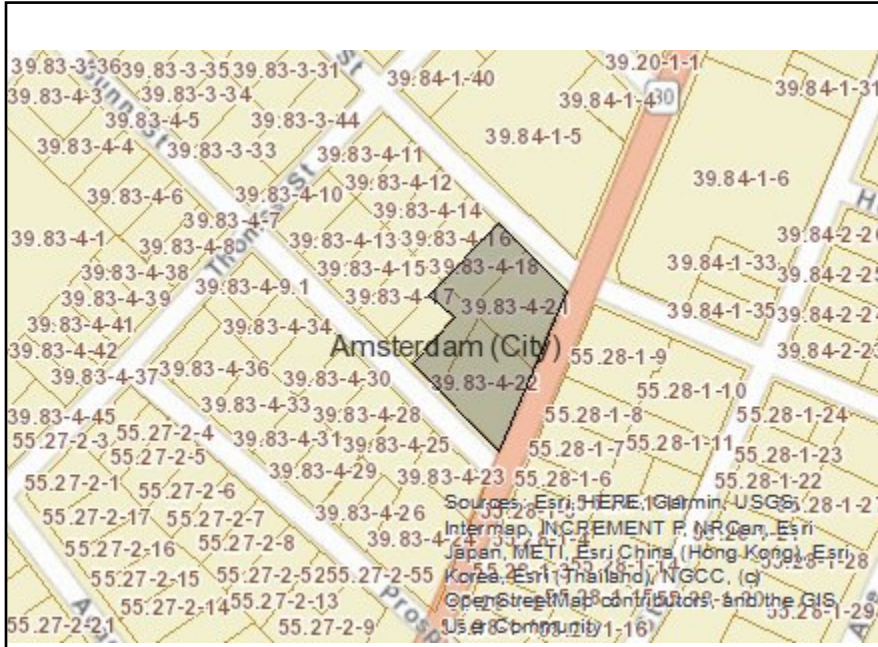
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>				
Name of Action or Project:				
Project Location (describe, and attach a location map):				
Brief Description of Proposed Action:				
Name of Applicant or Sponsor:			Telephone:	
			E-Mail:	
Address:				
City/PO:			State:	Zip Code:
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO	YES
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.			<input type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO	YES
If Yes, list agency(s) name and permit or approval:			<input type="checkbox"/>	<input type="checkbox"/>
3.   a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned _____ acres or controlled by the applicant or project sponsor?				
4. Check all land uses that occur on, are adjoining or near the proposed action: 5.     Urban       Rural (non-agriculture)       Industrial       Commercial       Residential (suburban) <input type="checkbox"/> Forest     Agriculture                   Aquatic       Other(Specify): <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  <input type="checkbox"/>  <input type="checkbox"/>	YES  <input type="checkbox"/>  <input type="checkbox"/>	N/A  <input type="checkbox"/>  <input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO  <input type="checkbox"/>	YES  <input 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  <input type="checkbox"/>	YES  <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  <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>	YES  <input type="checkbox"/>  <input type="checkbox"/>  <input 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  <input type="checkbox"/>	YES  <input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO  <input type="checkbox"/>	YES  <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO  <input type="checkbox"/>	YES  <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  <input type="checkbox"/>  <input type="checkbox"/>	YES  <input 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  <input type="checkbox"/>  <input type="checkbox"/>	YES  <input 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: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <span><input type="checkbox"/> Shoreline</span> <span><input type="checkbox"/> Forest</span> <span>Agricultural/grasslands</span> <span>Early mid-successional</span> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <span>Wetland</span> <span><input type="checkbox"/> Urban</span> <span>Suburban</span> </div>		
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 type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, <div style="margin-left: 20px; margin-top: 10px;">           a. Will storm water discharges flow to adjacent properties?         </div> <div style="margin-left: 20px; margin-top: 10px;">           b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?         </div> If Yes, briefly describe: <div style="border-bottom: 1px solid black; margin-top: 5px; height: 1.2em;"></div> <div style="border-bottom: 1px solid black; margin-top: 5px; height: 1.2em;"></div>	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
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)? If Yes, explain the purpose and size of the impoundment: <div style="border-bottom: 1px solid black; margin-top: 5px; height: 1.2em;"></div> <div style="border-bottom: 1px solid black; margin-top: 5px; height: 1.2em;"></div>	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
49. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: <div style="border-bottom: 1px solid black; margin-top: 5px; height: 1.2em;"></div> <div style="border-bottom: 1px solid black; margin-top: 5px; height: 1.2em;"></div>	NO	YES
	<input 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? If Yes, describe: <div style="border-bottom: 1px solid black; margin-top: 5px; height: 1.2em;"></div> <div style="border-bottom: 1px solid black; margin-top: 5px; height: 1.2em;"></div> <div style="margin-left: 40px; margin-top: 5px;">C429010 - 140 Market Street</div>	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor/name: _____ Date: _____</p> <p>Signature: <u>Charles Marshall</u> Title: _____</p>		



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



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	Yes
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Peregrine Falcon
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes



# REFERRAL FORM

## MONTGOMERY COUNTY PLANNING BOARD

Referral Number \_\_\_\_\_  
assigned by the MCPB upon  
acceptance of referral for review

This Referral must be received **SEVEN CALENDAR DAYS** prior to the MCPB meeting date in order for it to be placed on the agenda.

**TO:** Montgomery County Planning Board,  
Old County Courthouse,  
PO Box 1500, Fonda, New York 12068  
Phone: 518-853-8334  
Fax: 518-853-8336

**FROM:** Municipal Board: City of Amst Planning  
Referring Officer: Paul Garry-Chapman  
Mail original resolution to: City of Amst  
41 Church St  
Amst, NY 12010 Attn: Robin  
Wrobleman

1. **Applicant:** Stewart's Shops Corp 2. **Site Address:** 185 East Main St  
3. **Tax Map Number(s):** 55-44-4-9 4. **Acres:** .59  
5. **Is the site currently serviced by public water?** ☒ Yes ☐ No  
6. **On-site waste water treatment is currently provided by:** ☒ Public Sewer or ☐ Septic System  
7. **Current Zoning:** DC 8. **Current Land Use:** Commercial  
9. **Project Description:** addition on rear of store

### 10. MCPB Jurisdiction:

☐ Text Adoption or Amendment

☒ Site is located within 500' of: NYS Route 5

- ☐ a municipal boundary.  
☒ a State or County thruway/highway/roadway  
☐ an existing or proposed State or County park/recreation area  
☐ an existing or proposed County-owned stream or drainage channel  
☐ a State or County-owned parcel on which a public building or institution is situated  
☐ a farm operation within an Agricultural District (Incl. Ag data Statement) (does not apply to area variances)

11. **PUBLIC HEARING:** Date: 9/23/2020 Time: 6:30 pm Location: City Hall - Council Chambers

### Referred Action(s)

If referring multiple, related actions, please identify the referring municipal board if different from above.

12. ☐ Text Adoption or ☐ Amendment **Referring Board:**  
☐ Comprehensive Plan ☐ Local Law ☐ Zoning Ordinance ☐ Other \_\_\_\_\_

13. ☐ Zone Change **Referring Board:**  
Proposed Zone District: \_\_\_\_\_ Number of Acres: \_\_\_\_\_

Purpose of the Zone Change: \_\_\_\_\_

14. ☒ Site Plan ☐ Project Site Review **Referring Board:** Planning Commission

Proposed Improvements: Addition on rear of existing store

Proposed Use: Convenience store

Will the proposed project require a variance? ☐ Yes ☒ No Type: ☐ Area ☐ Use

Specify: \_\_\_\_\_

Is a State or County DOT work permit needed? If Yes : ☐ State or ☐ County ☐ No

Specify: \_\_\_\_\_

15. ☒ Special Permit

Referring Board: Planning Commission

Section of local zoning code that requires a special permit for this use: Section 14 B (3) d

Will the proposed project require a variance?

☐ Yes

☒ No

Type: ☐ Area

☐ Use

16. Variance

Referring Board:

☐ Area

☐ Use

Section(s) of local zoning code to which the variance is being sought: \_\_\_\_\_

Describe how the proposed project varies from the above code section: \_\_\_\_\_

SEQR Determination

Action:

☐ Type I

☐ Type II

☒ Unlisted Action

☐ Exempt

Finding:

☐ Positive Declaration – Draft EIS

☐ Conditional Negative Declaration

☐ Negative Declaration

☐ No Finding (Type II Only)

SEQR determination made by (Lead Agency): \_\_\_\_\_

Date: \_\_\_\_\_

REQUIRED MATERIAL

Send 3 copies of a “Full Statement of the Proposed Action” which includes:

All materials required by and submitted to the referring body as an application

- If submitting site plans, please submit only 1 large set of plans, and 12 11x17 packets.
- All material may be submitted digitally as well at <http://www.mcbdc.org/planning-services/montgomery-county-planning-board-referrals/>

This referral, as required by GML §239 l and m, includes complete information, and supporting materials to assist the Montgomery County Planning Board (MCPB) in its review. Recommendations by MCPB shall be made to the Referring Body within thirty days of receipt of the Full Statement.

Name, Title & Phone Number of Person Completing this Form

Donna Plaz Comm Chair

578 866 4999

Transmittal Date

9/24/20

This side to be completed by Montgomery County Planning.

## **REFERRAL FORM**

### **MONTGOMERY COUNTY PLANNING BOARD**

TO: \_\_\_\_\_

Receipt of 239-m referral is acknowledged on \_\_\_\_\_. Please be advised that the Montgomery County Planning Board has reviewed the proposal stated on the opposite side of this form on \_\_\_\_\_ and makes the following recommendation.

- ☐ Approves
  
- ☐ Approves (with Modification)
  
- ☐ Disapproves:
  
- ☐ No significant County-wide or inter-community input
  
- ☐ Not subject to Planning Board review
  
- ☐ Took no action

Section 239-m of the General Municipal Law requires that within thirty days after final action by the municipality is taken; a report of the final action shall be filed with the County Planning Board.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Kenneth F. Rose, Director  
Montgomery County Dept. of Economic  
Development and Planning

# 266

CITY OF AMSTERDAM  
ENGINEERING DEPARTMENT  
CITY HALL, RM. 201  
AMSTERDAM, NY 12010

APPLICATION FOR PERMIT DENIED:

Case #

Official Use Only

This is the decision of the Zoning Officer of the City of Amsterdam.

REFERRAL TO PLANNING COMMISSION FOR SITE PLAN REVIEW (P)

☒ \*SITE PLAN    ☐ SPECIAL USE PERMIT    ☐ SUBDIVISION of LAND

And/or OFFICIAL DECISION FOR DENYING APPLICATION FOR PERMIT (Z)

☐ USE VARIANCE    ☐ AREA VARIANCE    ☐ USE/TEXT/MAP INTERPRETATION

LOCATION of SUBJECT PROPERTY: 185 East Main St

Subject property is in a DC Zoning District.    SBL# 55.44-4-9

Proposed use or construction or installation:

Proposed addition on rear of store 8

The undersigned, having examined the plans and specifications and plot or site plan submitted by the applicant(s), makes the following findings:

- ( ) Prior approval of a special permit is required by the provisions of the Zoning Ordinance of the City of Amsterdam.
- (X) Prior approval of a \*Site Plan is required by the provisions of the Zoning Ordinance of the City of Amsterdam.
- ( ) Proposed use, construction or installation is in violation of Section(s) \_\_\_\_\_ of the Zoning Ordinance of the City of Amsterdam, in that

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
Zoning Officer/Building Official

- ☐ Copied to Engineering Aid
- ☐ Copied to Corporation Counsel Office

APPLICANT(S): Stewart's shops Corp-

Mailings to: Legal Address PO Box 435  
Saratoga Springs, NY 12866

Contact Phone #: 518-581-1201 x 4415

Dated: 9/8/20

Email: jhoward@stewartsshops.com

Jennifer Howard  
Applicant Signature

\_\_\_\_\_  
Co-Applicant Signature



**CITY OF AMSTERDAM**  
**BOARD OF APPEALS**  
CITY HALL  
61 CHURCH ST.  
AMSTERDAM, NY 12010

ZONING OFFICE  
CITY HALL  
RM. 201

## APPLICATION TO BOARD OF APPEALS

The under signed hereby makes application for appeal with the attached application, plans and specifications: **Attention all pertinent information below shall be filled in or application will be denied.**

Pg. 1 of 3

### A. NATURE OF APPLICATION

Application is hereby made to the Board of Appeals for (check appropriate item):

- ( ) Prior approval of subdivision is required by the provisions of Chapter 210, Code of the City of Amsterdam **(Complete Block E)**
- ( ) Approval of a Special Permit as required by the provisions of the Zoning Ordinance. **(Complete Blocks B and E)**
- (X) Approval of a Site Plan as required by the provisions of the Zoning Ordinance. **(Complete Blocks B and E)**
- ( ) Review of a decision of the Zoning Officer in denying a Building Permit or Certificate of Occupancy. **(Complete Blocks C and E)**
- ( ) Zoning Officer request for an interpretation of the Zoning Law, Use/Text/Map. **(Complete Blocks D and E)**

**Description of Premises Involved:** Applicant shall fill in below.

The property or properties involved are identified as follows \_\_\_\_\_

### B. IF APPLICATION IS FOR A SPECIAL USE PERMIT OR SITE PLAN APPROVAL

The applicant proposes to use the premises for the following purposes (give details) \_\_\_\_\_

convenience store with self serve gas

### C. IF APPLICATION IS FOR A REVIEW, OF DECISION OF THE ZONING OFFICER

1. The applicant requests relief from the decision of the Zoning Officer with respect to the following section(s) of Zoning Ordinance \_\_\_\_\_
2. The applicant proposes to use the premises for the following purposes (give details) \_\_\_\_\_
3. The applicant certifies that the following special circumstances apply to his or her property but do not apply generally to land or buildings in the neighborhood \_\_\_\_\_

# APPLICATION TO BOARD OF APPEALS

pg. 2 of 3

4. The applicant certifies that no permissible use of his property will produce a reasonable return for the following reasons \_\_\_\_\_
5. The applicant certifies that the relief requested is the minimum variance which will enable reasonable use of his property for the following reasons \_\_\_\_\_
6. The applicant certifies that the proposed use will not be injurious to the character of the neighbor for the following reasons \_\_\_\_\_
7. The applicant has owned the subject property since \_\_\_\_\_  
The applicant certifies that he owns the following adjoining property \_\_\_\_\_

## D. IF APPLICATION IS FOR AN INTERPRETATION TO THE USE/TEXT/MAP

The interpretation is as follows \_\_\_\_\_

## E. MAPS, PLANS OR INFORMATION SUBMITTED HEREWITH

The following are submitted herewith (list and identify accurately) Site plan elevation  
for a 20'x50' building addition Relocate  
bottle return machine and shed.

\* Applicant must fill in all information below and sign application and if the applicant is not the owner of the for-mentioned premises then the Owner must also sign application.

\* Applicant Name (Please Print): Stewart's Shops Corp.

Mailings to Legal Address: PO Box 435, Saratoga Springs NY 12866

Applicant's Contact Telephone Number: 518-581-1201 x 4415

\* Owner Name (If other than applicant): \_\_\_\_\_

Owner Address: \_\_\_\_\_

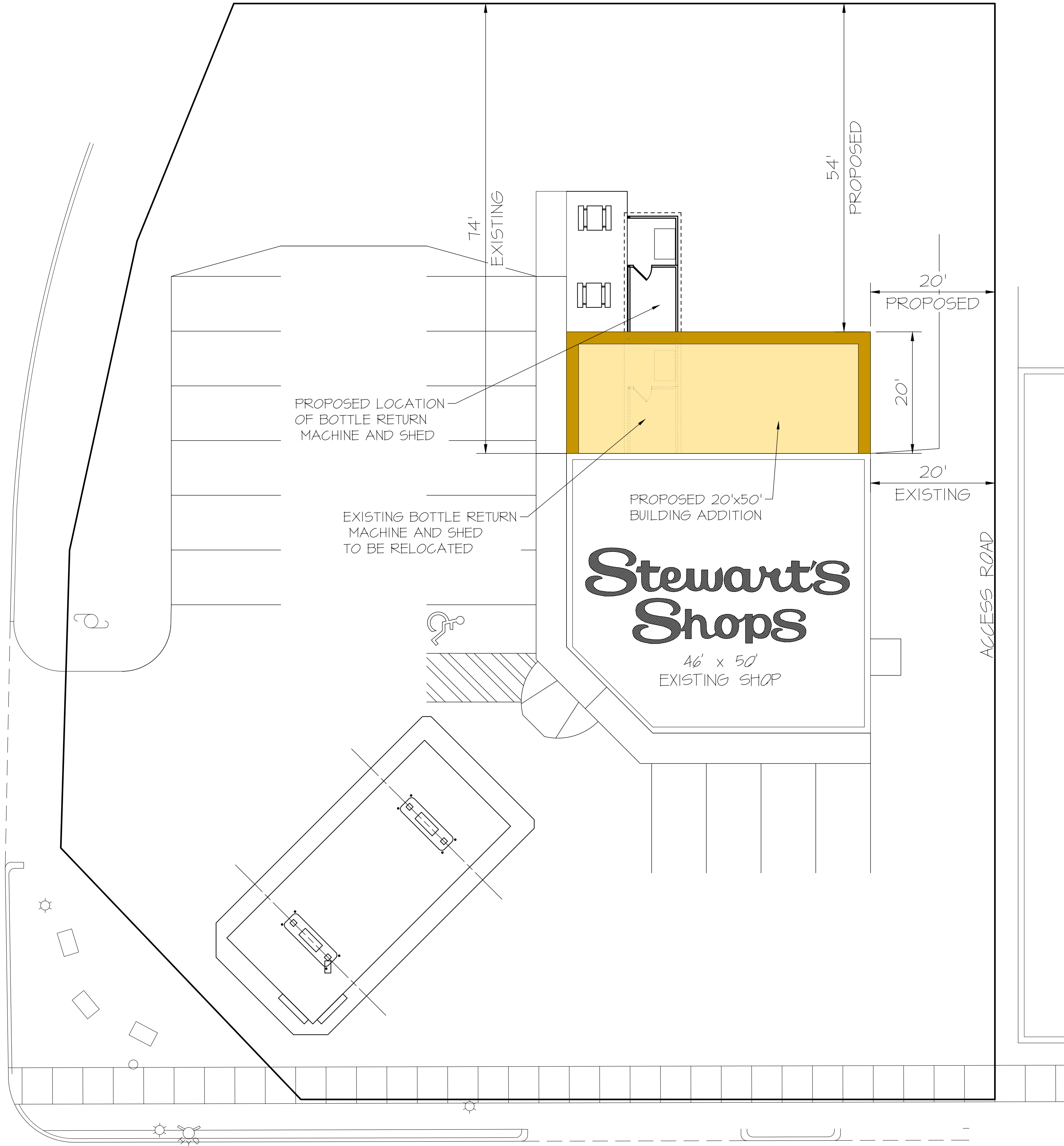
\* Owner Signature: \_\_\_\_\_

\* Applicant Signature: \_\_\_\_\_

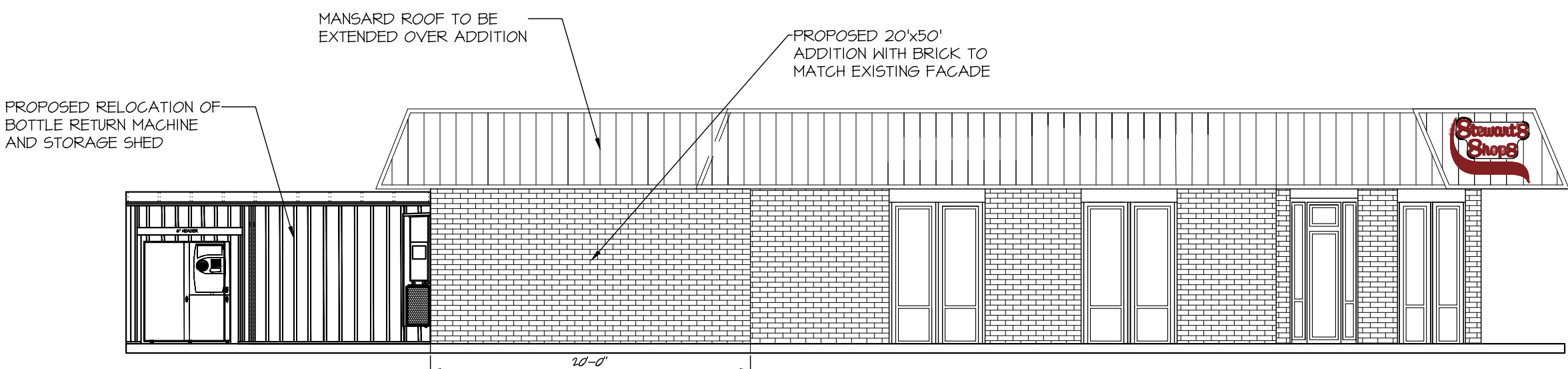
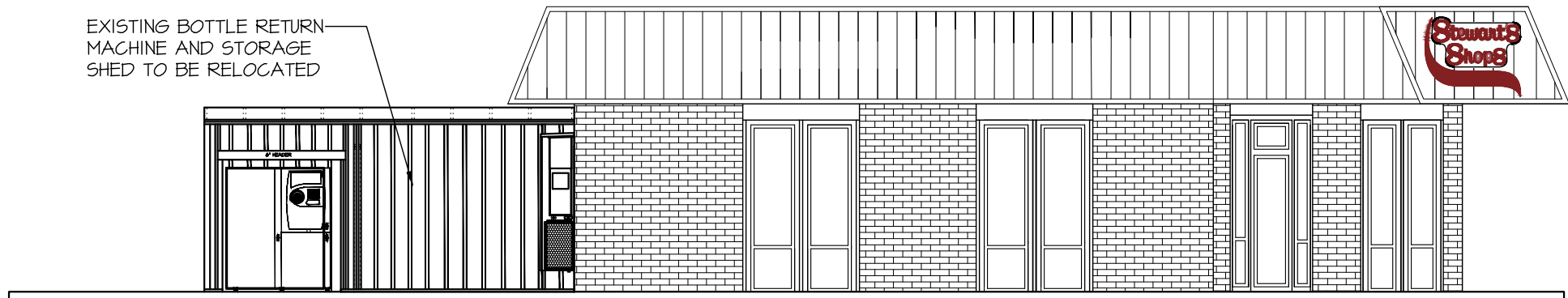
Date: 9/8/20



EAST-WEST ARTARIAL HIGHWAY



EAST MAIN STREET



	STORE NAME, ABBREVIATION & NO. EAST MAIN STREET - EMS - 266		
	SITE LOCATION 185 EAST MAIN STREET - AMSTERDAM, NY 12010		
	DATE	NO.	REVISIONS
ALTERATIONS TO THIS DOCUMENT BY OTHER THAN AN AUTHORIZED LICENSED PROFESSIONAL ENGINEER IS ILLEGAL AND A VIOLATION OF THE NEW YORK STATE EDUCATION LAW			 SARATOGA SPRINGS, NY 12866 TEL. (518)581-1200 FAX (518)581-1209
DRAWING NO. 5-1			TITLE: SITE PLAN

# *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.

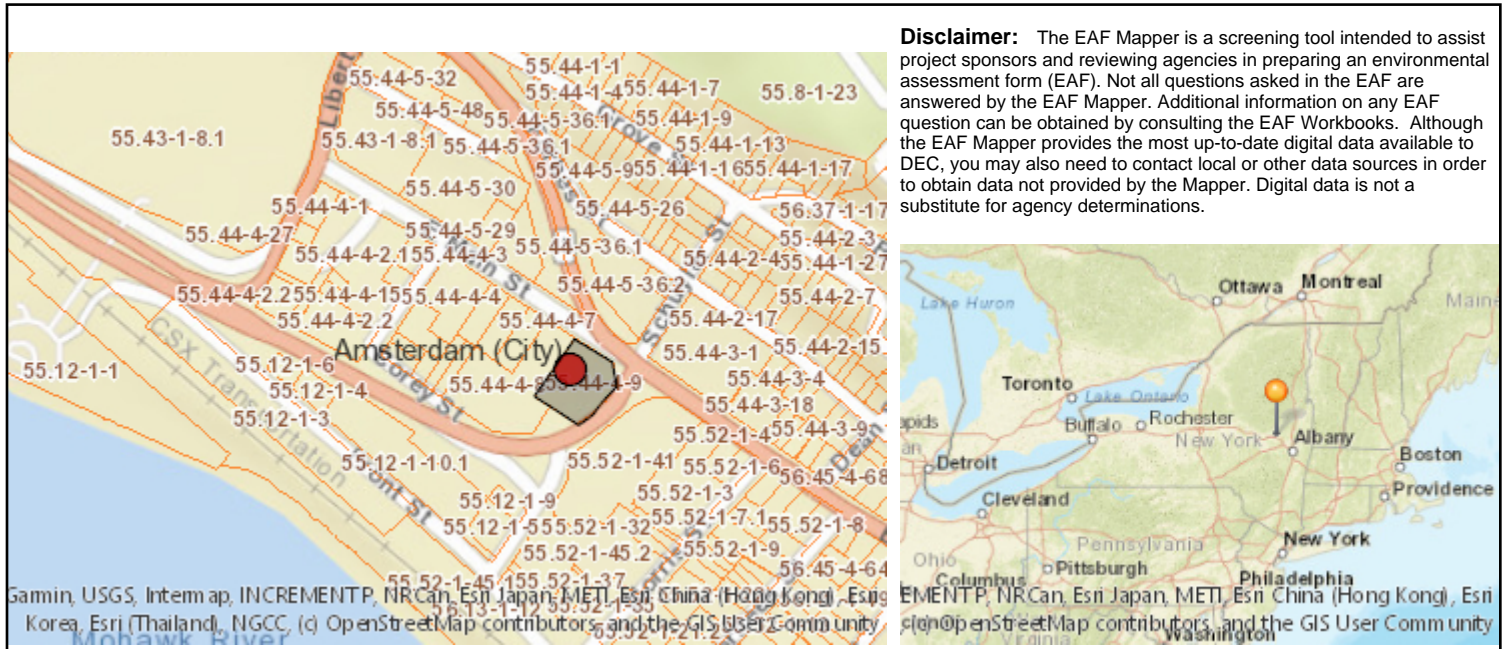
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>				
Name of Action or Project:				
Project Location (describe, and attach a location map):				
Brief Description of Proposed Action:				
Name of Applicant or Sponsor:			Telephone:	
			E-Mail:	
Address:				
City/PO:		State:		Zip Code:
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO	YES
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.			<input type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO	YES
If Yes, list agency(s) name and permit or approval:			<input type="checkbox"/>	<input type="checkbox"/>
3.   a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned _____ acres or controlled by the applicant or project sponsor?				
4. Check all land uses that occur on, are adjoining or near the proposed action: 5.       Urban       Rural (non-agriculture)       Industrial       Commercial       Residential (suburban) <input type="checkbox"/> Forest       Agriculture       Aquatic       Other(Specify): <input type="checkbox"/> Parkland				



5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input 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 type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input 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?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
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?	<input 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?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest    Agricultural/grasslands    Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban    Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input type="checkbox"/>	YES <input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO <input type="checkbox"/>	YES <input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	NO <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
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)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
49. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO <input type="checkbox"/>	YES <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? If Yes, describe: _____ _____	NO <input type="checkbox"/>	YES <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: _____ Date: _____  Signature: _____ Title: _____		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	Yes
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Peregrine Falcon
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes

# REFERRAL FORM

## MONTGOMERY COUNTY PLANNING BOARD

Referral Number \_\_\_\_\_

assigned by the MCPB upon  
acceptance of referral for review

This Referral must be received **SEVEN CALENDAR DAYS** prior to the MCPB meeting date in order for it to be placed on the agenda.

**TO:** Montgomery County Planning Board,  
Old County Courthouse,  
PO Box 1500, Fonda, New York 12068  
Phone: 518-853-8334  
Fax: 518-853-8336

**FROM:** Municipal Board: Town of Florida Planning Board  
Referring Officer: Michael Taylor - Chairman  
Mail original resolution to: Town of Florida Planning Board  
214 Fort Hunter Road  
Amsterdam, NY 12010

1. **Applicant:** Charles Dumblewski 2. **Site Address:** 1961 State Highway 5S
3. **Tax Map Number(s):** 54.-1-9.1 4. **Acres:** 7.4
5. **Is the site currently serviced by public water?** ☐ Yes ☒ No
6. **On-site waste water treatment is currently provided by:** ☐ Public Sewer or ☐ Septic System
7. **Current Zoning:** C-1 8. **Current Land Use:** Vacant - unused
9. **Project Description:** NAPA Auto Parts Store

### 10. MCPB Jurisdiction:

- ☐ **Text Adoption or Amendment** ☒ **Site is located within 500' of:** State Highway 5S  
(Specify by Name)
- ☒ a municipal boundary.
- ☒ a State or County thruway/highway/roadway
- Check All That Apply
- ☐ an existing or proposed State or County park/recreation area
- ☐ an existing or proposed County-owned stream or drainage channel
- ☐ a State or County-owned parcel on which a public building or institution is situated
- ☐ a farm operation within an Agricultural District (Incl. Ag data Statement) (does not apply to area variances)

11. **PUBLIC HEARING:** Date: 09/14/2020 Time: 6:45pm Location: Town of Florida

### Referred Action(s)

If referring multiple, related actions, please identify the referring municipal board if different from above.

12. ☐ **Text Adoption or** ☐ **Amendment** **Referring Board:**

☐ Comprehensive Plan ☐ Local Law ☐ Zoning Ordinance ☐ Other \_\_\_\_\_

13. ☐ **Zone Change** **Referring Board:**

Proposed Zone District: \_\_\_\_\_ Number of Acres: \_\_\_\_\_

Purpose of the Zone Change: \_\_\_\_\_

14. ☒ **Site Plan** ☐ **Project Site Review** **Referring Board:**

Proposed Improvements: \_\_\_\_\_

Proposed Use: NAPA Auto Parts Store

Will the proposed project require a variance? ☐ Yes ☒ No Type: ☐ Area ☐ Use

Specify: \_\_\_\_\_

Is a State of County DOT work permit needed? If Yes : ☒ State or ☐ County ☐ No

Specify: see included letter from DOT

**15. ☐ Special Permit****Referring Board:**

Section of local zoning code that requires a special permit for this use: \_\_\_\_\_

Will the proposed project require a variance? ☐ Yes ☐ No Type: ☐ Area ☐ Use**16. Variance****Referring Board:**☐ Area ☐ Use

Section(s) of local zoning code to which the variance is being sought: \_\_\_\_\_

Describe how the proposed project varies from the above code section: \_\_\_\_\_

**SEQR Determination****Action:****Finding:**

- Check  
One
- ☐ Type I  
☐ Type II  
☒ Unlisted Action  
☐ Exempt

- ☐ Positive Declaration – Draft EIS  
☐ Conditional Negative Declaration  
☐ Negative Declaration  
☐ No Finding (Type II Only)

SEQR determination made by (Lead Agency): \_\_\_\_\_ Date: \_\_\_\_\_

**REQUIRED MATERIAL****Send 13 copies of a “Full Statement of the Proposed Action” which includes:**

All materials required by and submitted to the referring body as an application

- If submitting site plans, please submit only 1 large set of plans, and 12 11x17 packets.
- All material may be submitted digitally as well at <http://www.mcbdc.org/planning-services/montgomery-county-planning-board-referrals/>

This referral, as required by GML §239 1 and m, includes complete information, and supporting materials to assist the Montgomery County Planning Board (MCPB) in its review. Recommendations by MCPB shall be made to the Referring Body within thirty days of receipt of the Full Statement.

Emily Staley - Town Clerk 518-843-6372 ext 1

Name, Title &amp; Phone Number of Person Completing this Form

09/28/2020

Transmittal Date



This side to be completed by Montgomery County Planning.

## **REFERRAL FORM**

### **MONTGOMERY COUNTY PLANNING BOARD**

TO: \_\_\_\_\_

Receipt of 239-m referral is acknowledged on \_\_\_\_\_. Please be advised that the Montgomery County Planning Board has reviewed the proposal stated on the opposite side of this form on \_\_\_\_\_ and makes the following recommendation.

- ☐ Approves
  
- ☐ Approves (with Modification)
  
- ☐ Disapproves:
  
- ☐ No significant County-wide or inter-community input
  
- ☐ Not subject to Planning Board review
  
- ☐ Took no action

Section 239-m of the General Municipal Law requires that within thirty days after final action by the municipality is taken; a report of the final action shall be filed with the County Planning Board.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Kenneth F. Rose, Director  
Montgomery County Dept. of Economic  
Development and Planning

Application #: \_\_\_\_\_

Date: \_\_\_\_\_

Project Name: \_\_\_\_\_

Page 1 of 2

**Town of Florida  
Planning Board  
Application to the Planning Board**

A completed Application must be filed at least ten (10) days prior to the meeting at which it is to be considered by the Planning Board, including all applicable attached information.

Applicant: CHARLES DUMBREUX Property Owner: \_\_\_\_\_  
(if different)

Address: 232 VIOLET Address: \_\_\_\_\_

Phone: 918 8180037 Phone: ( ) \_\_\_\_\_

Professional Advisor: CHARLIE ADEBAH Other: \_\_\_\_\_  
(if appropriate, please specify)

Address: \_\_\_\_\_ Address: \_\_\_\_\_

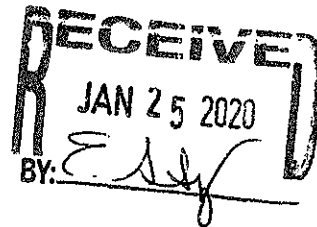
Phone: ( ) \_\_\_\_\_ Phone: ( ) \_\_\_\_\_

1) Property Location:  
Address: 1961 ST HWY RTE 30-S  
General Location: \_\_\_\_\_

Zoning District: \_\_\_\_\_  
Tax Parcel ID# (SBL): 54-1-9.1

2) Type of Application (please check appropriate box(s)):

- |   |       |
|---|-------|
| <input type="checkbox"/> Major Subdivision          | \$500 |
| <input type="checkbox"/> Minor Subdivision          | \$100 |
| <input checked="" type="checkbox"/> Minor Site Plan | \$100 |
| <input type="checkbox"/> Special Permit             | \$100 |
| <input type="checkbox"/> Lot Line Adjustment        | \$100 |



3) Project Description: TRUCK PARTS TRUCK SHOP

For each type of application a checklist detailing the required information has been attached. These checklists are only intended to be a guide to the applicant, for specifics on submission requirements, procedures, timeframes, etc., the applicant should refer to the applicable Town Ordinance (Zoning, Subdivision, etc.), and or State Law (SEQR, Ag & Markets, etc.)

Applicant Signature: \_\_\_\_\_  
Property Owner's Signature: \_\_\_\_\_

Date: 1-25-2019  
Date: 1-25-2019

**Town of Florida  
Planning Board  
Monday, September 14, 2020  
7:00PM**

**Public Hearing for NAPA Auto Parts/Dumblewski Property @ 6:45pm**

Chairman, Michael Taylor called the Public Hearing to order at 6:45pm.

Present for the Public Hearing were Bernard and Kristin Mars, 1962 State Hwy 5S, Amsterdam. They asked Mr. Auckerbauer if they could see the drawings of the proposed building site plan. Mr. Auckerbauer did show them the most recent updated site plan. Questions were asked about lighting; the type and placement, what time of day/night any delivery trucks would be running on site. Chuck Dumblewski stated that there would be no pole lighting only lighting on the building and deliveries would be during the day. The Mars' asked what Phase II would entail and Chuck Dumblewski explained that Phase II is a truck repair business. The Mars' were satisfied with the information given.

Public Hearing was closed at 6:52pm

**MEMBERS PRESENT:**

Mike Taylor, Chairman  
Charles Saul, Member  
Don Perretta, Member  
Rudy Horlbeck, Member  
Kim Graff, Member  
Richard Romeo, Member  
Deborah Slezak, Attorney

**ABSENT:**

Christopher Holloway, Member

**I. Call to Order**

A meeting of the Town of Florida Planning Board was called to order at 7:00pm by Chairman Mike Taylor.

**I. Adoption of the Agenda**

Motion was made by Rudy Horlbeck and seconded by Rich Romeo to adopt the agenda. All other members present were in favor.

**II. Adoption of Minutes**

Motion was made by Kim Graff and seconded by Rudy Horlbeck to accept the minutes from August 3, 2020. All other members present were in favor.

### III. Correspondence

Mike Taylor reviewed three (3) letters received from DEC, DOT and Fish & Wildlife regarding their comments and suggestions for moving forward. He also reviewed Doug Cole's comments as TDE for the Town of Florida.

### IV. NAPA Auto Parts/Dumblewski Property

Doug Cole met with Chuck Dumblewski and Charles Auckerbauer to go over the September 4 comment letter. The setback lines need to be added to the site plan. With 2.2 acres of disturbance Part I of the EAP needs to be revised to reflect this and a SWPP needs to be done. Doug shared with the board a draft of his conditions for approval of the project. He will send this out this week.

Rudy Horlbeck asked about sending the site plan etc to the County Planning Board for their approval and comments and Doug said that project is approximately 90% complete from a planning stand point and it can be sent to the County Planning Board. Rich Romeo asked about the pond requirements and Doug said they will be met and that some things have changed and been updated in the site plan.

Doug looked over the new site plan and noted that all of his previous comments for changes were added into the site plan. He recommended sending it on to the County Planning Board for comments and approval. SEQRA will be done at the October 5<sup>th</sup>, 2020 Planning Board meeting.

Motion by Kim Graff and seconded by Don Peretta to refer the NAPA Auto Parts project to the Montgomery County Planning Board for their comments and approval. All other members present were in favor.

Michael Taylor, Chair	Yes	No	Abstain	Absent	_____
Charles Saul	Yes	No	Abstain	Absent	_____
Donald Perretta	Yes	No	Abstain	Absent	_____
Christopher Holloway	Yes	No	Abstain	Absent	_____
Richard Romeo	Yes	No	Abstain	Absent	_____
Rudy Horlbeck	Yes	No	Abstain	Absent	_____
Albert Graff	Yes	No	Abstain	Absent	_____

DATED: Town of Florida, New York

September 22, 2020

Emily Staley

Emily Staley, Clerk  
Town of Florida, New York

Motion by Don Peretta and seconded by Rudy Horlbeck to adjourn @ 7:18pm. All other members present were in favor.

**Town of Florida  
Planning Board Meeting  
Monday, August 3, 2020  
7:00 PM**

**MEMBERS PRESENT:**

Mike Taylor, Chairman  
Rudy Horlbeck, Member  
Kim Graff, Member  
Richard Romeo, Member  
Charles Saul, Member  
Deborah Slezak, Attorney

**ABSENT:**

Chris Holloway, Member  
Don Perretta, Member

**I. Call to Order**

A meeting of the Town of Florida Planning Board was called to order at 7:00pm by Chairman Mike Taylor.

**I. Adoption of the Agenda**

Motion was made by Charles Saul and seconded by Richard Romeo to accept the Agenda. All other members present were in favor.

**II. Adoption of Minutes**

Motion was made by Kim Graff and seconded by Rudy Horlbeck to approve the minutes of the July 6 meeting. All other members present were in favor.

**III. Correspondence**

There was no correspondence.

**IV. NAPA Auto Parts/Dumblewski Property**

Mike Taylor stated that the board does have some letters from Prime AE about the project. Chuck Dumblewski was present to discuss that COVID had delayed the project a little and they are ready to move forward at the board's direction to try and get going before the cold weather hits. Mr. Dumblewski's attorney spoke briefly on the issues that Prime AE had stated in their letter in regards to the SWPP. Rudy Horlbeck wanted to know if there would be a retention pond on site. They stated that there would be one so nothing would drain down to NYS 5s. Richard Romeo wanted to know if this would be considered a redevelopment project or a new development project. The attorney stated that they first considered this to be a redevelopment, but after further consideration changed it to new development. The attorney also stated that they would like to schedule a public hearing for the September meeting as long as they get all the material to the Town Engineer. Ms. Bearcroft had a question about the SEQR process for the project and if letters were sent out to involved agencies by the applicant. The applicant stated that they were and Ms. Bearcroft stated that she would check with the Town Clerk as the thirty-day deadline would be up at this point. Ms. Slezak wanted to know if the site plan was at a point to be viewed by the public. Ms. Bearcroft stated that based on the Town Engineer's comments and what is in front of the board the board could schedule a public hearing.



A **motion** was made by Kim Graff and seconded by Richard Romeo to schedule a public hearing at 6:45pm on September 14, 2020.

**V. VI. Public Comment:**

No public comment.

**VI. Other Business**

Deb Slezak brought up the issue of the sign language again. Ms. Bearcroft wanted to know if Ms. Slezak received the language, she had emailed over to her. It was language that the Town of Amsterdam uses in their zoning code and thought we could use. Mike Taylor wanted to know if this language was something we could forward to the board for review. Ms. Slezak stated that she could write something up and submit to the board.

**VII. Adjournment**

A **Motion** was made by Rudy Horlbeck and seconded by Charles Saul to adjourn at 7:33pm. All in favor.

Respectfully Submitted  
Amanda Bearcroft  
Consultant/Secretary



**LED WALL PACK**  
Lights to be located along upper periphery of the building at intervals of 16 feet.  
35 Watts  
4200 Lumens

**PARKING SPACES:**  
Parking spaces shall be 10' x 20'  
One handicapped space  
Ten customer spaces  
Twenty employee spaces  
Five service vehicle spaces

**NEW BUILDING**

Occupancy areas:  
Retail - 1500 SF  
Storage/Inventory - 1000 SF  
Service - 5000 SF  
Employees  
3 - 5 Full time  
Seating Capacity  
n/A  
Parking Spaces  
Retail - 18 Required ; 18 Provided  
Storage/Inventory - 6 Required 20 Provided

**EXISTING GARAGE**  
Occupancy areas:  
Storage - 900 SF

**CONSTRUCTION SCHEDULE**

The Owners wish to construct the building upon approval by the Town of Florida Planning Board

Proposed hours of operation are as follows:  
Monday - Friday 7:00 AM TO 7:00 PM  
Saturday 7:00 AM to 5:00 PM  
Sunday 7:00 AM to 4:00 PM

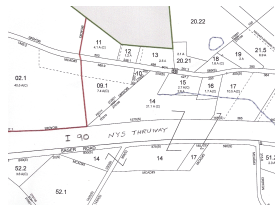
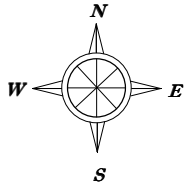
This survey has been prepared without the benefit of an on-site inspection of the area to which it applies.

ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MAP PRINTED WITH AN ORIGINAL OF THE LAND SURVEYORS' PROFESSIONAL SEAL ARE BE CONSIDERED TO BE VALID FOR RECORD.

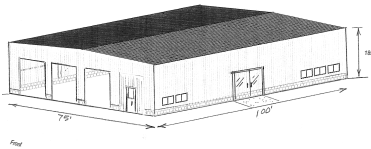
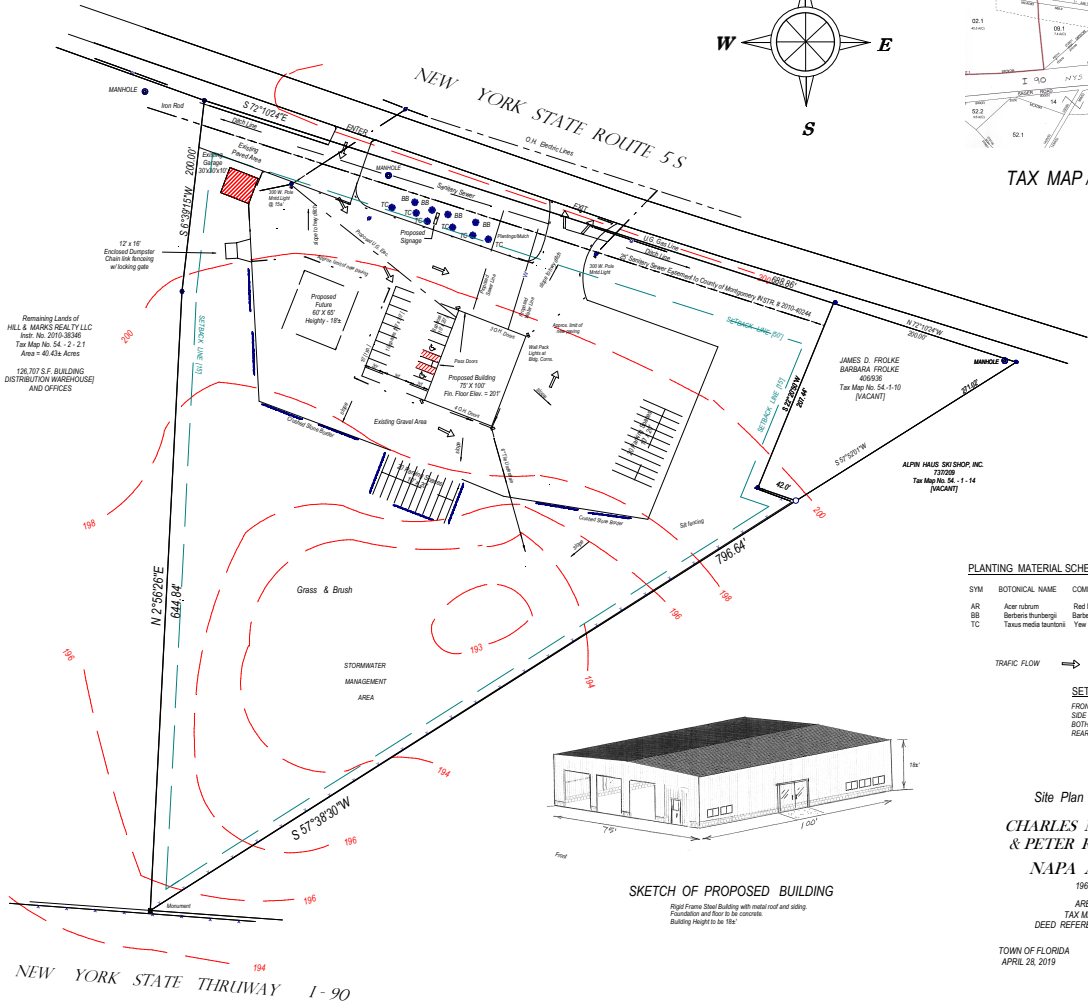
UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP VIOLATES THE SEAL OF A LICENSED LAND SURVEYOR AS A VIOLATION OF SECTION 2208, SUB-SECTION 2, OF THE NEW YORK STATE EDUCATION LAW.

CERTIFICATIONS INDICATED HEREON DENY THAT THIS SURVEY HAS BEEN PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYING ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS, INC. AND ON THE BEHALF OF THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LATTER PARTIAL, AND TO THE ASSURANCE OF THE RECORDING INSTITUTION, CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR TO SUBSEQUENT OWNERS.

**NOTE:**  
This plat depicts the existing conditions of the pavement and right of way limits of NYS Route 5 S. A widening and taking by NYSOT is anticipated for the near future and may affect the proposed improvements as shown hereon. This site plan may be amended to reflect any roadway changes.



TAX MAP / LOCATION MAP



SKETCH OF PROPOSED BUILDING

Right Frame Steel Building with metal roof and siding.  
Foundation and floor to be concrete.  
Building Height to be 18'±

**PLANTING MATERIAL SCHEDULE**

SYM	BOTANICAL NAME	COMMON NAME	SIZE	AMT	COMMENTS
AR	Acer rubrum	Red Maple	2" CAL	2	SPACE 12' o/c
BB	Betula pumila	Belted Birch	2" CAL	4	SPACE 12' o/c
TC	Taxus media laurata	Yew	18" HT	6	SPACE 38' o/c

TRAFFIC FLOW



**SETBACK LINES**

FRONT YARD: 30 FT.  
SIDE YARD: 15 FT.  
BOTH SIDES: 25 FT. (combined)  
REAR: 30 FT.

Site Plan Map of Lands of  
**CHARLES N. DUMBLEWSKI  
& PETER R. DUMBLEWSKI**  
**NAPA AUTO PARTS**

1961 State Hwy 55  
AREA = 7.67± ACRES  
TAX MAP NO. 54 - 1 - 3.1  
DEED REFERENCE: Instr. No. 2017-74932

TOWN OF FLORIDA  
APRIL 28, 2019

MONTGOMERY COUNTY  
SCALE 1" = 60'

CHARLES R. ACKERBAUER, PELS  
P.O. BOX 527  
JOHNSTOWN, NY 12095  
518.762.4831  
Email: cackerb@nycap.it.com

REVISOR SEPTEMBER 17, 2020  
REVISOR MARCH 27, 2020  
REVISOR FEBRUARY 28, 2020  
REVISOR OCTOBER 21, 2019



KB Group of NY, Inc. dba PRIME AE Group of NY

**Albany Office**

100 Great Oaks Boulevard | Suite 114 | Albany, New York 12203  
P: 518.382.1774

September 4, 2020

Mr. Michael Taylor, Chairman  
Town of Florida Planning Board  
214 Fort Hunter Road  
Amsterdam, NY 12010

**Re: Town of Florida  
NAPA Auto Parts / Dumblewski Property  
1961 State Route 5S  
Project No. 47-2001**

Dear Mr. Taylor:

We are in receipt of the Stormwater Management Plan revised August 31, 2020 and letter titled "Firsthand Development Comments" as prepared by Charles R. Ackerbauer, PELS that was delivered as of September 2, 2020. Our Comments are as follows:

Stormwater Management Plan

1. The stormwater management area is labeled with "forebay" and "micropool" on the drawing, so we have reviewed the stormwater management practice as a Micropool Extended Detention Pond (P-1) as per the 2015 version of the NYS Stormwater Design Manual (SDM).
2. It is unclear how water will be directed into the forebay first, as all areas are shown down grade. There does not seem to be a direct conveyance system. Plan should be revised accordingly. Inverts should be provided for the 6" foundation drain and finished floor elevation of the proposed building should be labeled.
3. It is recommended that existing and proposed contours be clearly identified. There seems to be a conflict of elevations at pond side slopes. Proposed grading should be "blended" into existing.
4. Proposed contours show two lines both identified as 196' consecutively, one of which seems to be blended into what appears to be an existing 194' contour. It is recommended that contours be more clearly identified.
5. Size of rip-rap material at inflow of forebay and outfall of micropool and bench between the two areas should be specified.
6. We recommend that the materials making up the bottom of both the forebay and micropool be clearly identified. A construction detail specifying thicknesses of materials and prepared subgrade should be provided.
7. Soil tests need to be performed to determine if there is a need for a pond liner to contain the pool for 24 hours. Additionally, the applicant should double check if the forebay and/or pond bottom is allowed within the existing groundwater table. NYSDEC requires a 2' separation from the pond bottom to groundwater if located within a sole source aquifer recharge area.
8. Side slopes of forebay and micropool should be specified.



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[www.primeeng.com](http://www.primeeng.com)

9. The conveyance method of water into forebay, out of the forebay and into micropool, and out of micropool to the outfall should be clearly identified. Section view shows hatching, but materials or piping are not identified.
10. It appears that pond is to be deeper than 4' based on the quantity of contours shown and the Profile elevation labels for the Pocket Pond, which are incorrect. If true – two benches shall surround the pond, unless side slopes are 4H:1V or flatter according to NYSDEC Stormwater Management Design Manual.
11. Pond should incorporate both a safety bench and an aquatic bench, slopes of each should be specified in a detail.
12. A landscaping plan for the pond should be provided to indicate the vegetated stabilization of the pond.
13. An operation and maintenance manual should be developed and made available to ensure proper stormwater maintenance is being conducted.
14. The pond should come equipped with a drain that can drain the pond within 24 hours.
15. The pond outlet should have an adjustable gate valve or a weir to control flow.
16. WQv calculations shall be provided as to determine proper sizing of pond system. Per NYSDEC, 24 hours of water quality detention in the P-1 micro pool is required with 20% of the volume being a permanent pool and 80% for extended detention.
17. The Micropool Profile should incorporate the elevations and volume labels for the water quality, channel protection, overbank protection and flood control volume, as appropriate based on the calculations to be provided for review.
18. The total area of construction disturbance needs to be stated. Section 10. Temporary Practices has a sentence that reads "It is anticipated that there will be less than one acre of disturbance.", which is not sufficient to show that a full SWPPP does not need to be prepared.
19. Statements contained in the letter need to be backup up with calculations, not just declarations to the effect "I believe this to be the case."
20. We have enclosed a copy of the NYS SDM Summary page for Stormwater Pond Design for your information.

If you have any questions, please feel free to contact me.

Sincerely,  
**KB Group of NY, Inc. dba PRIME AE Group of NY**



Douglas P. Cole, PE  
Senior Director of Engineering

cc: Eric Mead, Supervisor  
Applicant



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[www.primeeng.com](http://www.primeeng.com)





**Albany Office**

100 Great Oaks Boulevard | Suite 114 | Albany, New York 12203  
P: 518.382.1774

September 16, 2020

Mr. Michael Taylor, Chairman  
Town of Florida Planning Board  
214 Fort Hunter Road  
Amsterdam, NY 12010

**Re: Town of Florida  
NAPA Auto Parts / Dumblewski Property  
1961 State Route 55  
Project No. 47-2001**

Dear Mr. Taylor:

We are in receipt of the Short Environmental Assessment Form (SEAF) Part 1 dated January 23, 2020, the Site Plan Map dated February 25, 2020, the Stormwater Pollution Prevention Plan dated July 1, 2020 and the Stormwater Management Plan revised September 12, 2020 as prepared by Charles R. Ackerbauer, PELS and the Site Plan Map. Our Comments are as follows:

Short Environmental Assessment Form

1. Part 1, Item 3 of the SEAF has been revised to show the total area disturbed is 2.2 acres.
2. Part 1, Item D.2.I.ii needs to have the hours of operation listed.
3. The revised Part 1 needs to be signed by applicant.

Site Plan

1. Setback lines should be shown on the drawing as follows:
  - a. Front yard: 50 feet
  - b. Each Side: 10 feet
  - c. Both Sides: 25 feet (combined)
  - d. Rear: 30 feet

Stormwater Management Plan

1. The stormwater management practice has been evaluated as a Pocket Pond (P-5) as per the applicant's engineer and in accordance with the 2015 version of the NYS Stormwater Design Manual (SDM).
2. Inverts should be provided for the 6-inch foundation drain.
3. We recommend that the materials making up the bottom of both the forebay and micropool be clearly identified. A construction detail specifying thicknesses of materials and prepared subgrade should be provided.
4. Side slopes of pond are specified as 1:4 but based on horizontal and vertical measurements, the slope looks to be closer to 1.5:4. This slope would require a safety bench.
5. Slope of aquatic bench should be specified.
6. Elevations on the plan should match that of the profile and section. Profile and section drawings show a bottom elevation just below 192 feet, therefore based on 2-foot contours, there should be another contour in the micropool and forebay areas. The 193-foot elevation identified in the micropool should be removed.



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7. A landscaping plan for the pond should be provided to indicate the vegetated stabilization of the pond.
8. An operation and maintenance manual should be developed and made available to ensure proper stormwater maintenance is being conducted. This is typically included as section in the full SWPPP.
9. The pond should come equipped with a drain that can drain the pond within 24 hours. Otherwise a portable pump shall be specified.
10. WQv calculations shall be provided as to determine proper sizing of stormwater management system.
11. The Micropool Profile should incorporate the elevations and volume labels for the water quality, channel protection, overbank protection and flood control volume, as appropriate based on the calculations to be provided for review. Water quality elevation has been provided, however, additional elevations should be provided.
12. Based on a proposed construction disturbance area of 2.2 acres, a full SWPPP will need to be prepared.

Conditions of Approval

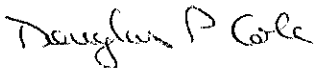
Our review of the submitted materials is complete, except for the Full SWPPP and NOI that the applicant is working to update, and we propose that the following conditions of approval be considered by the Planning Board:

1. Approval is conditioned upon applicant addressing all Town Designated Engineer (TDE), Montgomery County Planning and Town Planning Board comments.
2. Prior to the issuance of site development and/or building permits for the building, the applicant shall:
  - a) Revise NOI and NYSDEC permit application to represent changes made to site plan and SWMP since original submission including, but not limited to, full area of disturbance and Water Quality Volume.
  - b) Develop full SWPP, including O&M section and submit for review and approval
3. Prior to the issuance of site development and/or building permits for the building, the applicant shall have the following:
  - a) Permits from the New York State Department of Transportation (NYSDOT) for access and utility installation on NYS Route 5S, and
  - b) SPDES General Permit for Stormwater Discharges from Construction Activity from the New York State Department of Environmental Conservation (NYSDEC GP-0-15-002).
4. Prior to the issuance of Site Development and/or Building Permit(s) by the Town of Florida, the applicant shall receive NYSDEC and TDE approval of the Stormwater Plan, SWPPP and associated SPDES permit.
5. Prior to the issuance of Site Development and/or Building Permit(s) by the Town of Florida, the applicant shall attend a pre-construction meeting with the Building Inspector and the TDE to confirm the completion of the above stated conditions.

If you have any questions, please feel free to contact me.

Sincerely,

**KB Group of NY, Inc. dba PRIME AE Group of NY**



Douglas P. Cole, PE  
Senior Director of Engineering

cc: Eric Mead, Supervisor  
Applicant





**Department of  
Transportation**

**ANDREW M. CUOMO**  
Governor

**MARIE THERESE DOMINGUEZ**  
Commissioner

**LINDA A. LUBEY, P.E.**  
Regional Director

April 6, 2020

Mr. Michael Taylor, Chairman  
Town of Florida Planning Board  
214 Fort Hunter Road  
Amsterdam, NY 12010

**RE: SEQR – NAPA Auto Parts  
NY 5S, Town of Florida**

Dear Mr. Taylor:

As requested, the New York State Department of Transportation (NYSDOT) has reviewed the request for the Town of Florida Planning Board to serve as Lead Agency for purposes of the State Environmental Quality Review Act (SEQRA) in relation to the proposed NAPA Auto Parts store to be located at 1961 State Route 5S.

Upon review of the information provided, the NYSDOT concurs with this request and offers the following comments:

1. A NYSDOT Highway Work Permit will be required for any work performed within the highway right-of-way. This permit is required prior to the start of work.
2. Access to the subject property will require that the entrance conforms to NYSDOT standards for a Minor Commercial Driveway.
3. Any proposed signage, parking, advertising, service poles, plantings and landscaping will need to be located on private property and not on NYSDOT right-of-way.
4. A Stormwater Management Plan may be required as part of the highway work permit application.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink that reads "Deborah S. Windecker".

Deborah S. Windecker  
Regional Planning and Program Manager

cc: Bob Gaffney, Acting Regional Permit Engineer  
Clint King, Assistant Resident Engineer

## NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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

March 9, 2020

Michael Taylor  
Town of Florida Planning Board  
214 Ft. Hunter Road  
Amsterdam, NY 12010

RE:           **LEAD AGENCY COORDINATION RESPONSE**  
                  **NAPA Auto Parts**  
                  1961 State Highway 5S  
                  Town of Florida, Montgomery County

Dear Mr. Taylor:

This letter responds to your correspondence of March 2, 2020, regarding lead agency coordination for the project referenced herein, under Article 8 (State Environmental Quality Review – SEQR) of the Environmental Conservation Law and 6 NYCRR Part 617. The New York State Department of Environmental Conservation (“DEC” or “Department”) has the following interest in this project:

**Name of Action:**                   NAPA Auto Parts, 1961 State Highway 5S

**DEC Contact Person:**           Nancy M. Baker

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

**Possible DEC Permits:**

- **Section 401 Water Quality Certification** – If this project will impact federally-regulated wetlands or waterbodies, which require a Section 404 Permit (Individual or Nationwide Permit) from the U.S. Army Corps of Engineers, a Section 401 Water Quality Certification may be required from the Department.
- **State Pollutant Discharge Elimination System (SPDES) Wastewater Permit** – A SPDES permit is required for any facility which has a surface discharge or discharges more than 1,000 gallons per day of sewage-wastewater into ground waters of the state.



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

**Additional Comments:**

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

To initiate consultation with OPRHP, please visit their project submission website at <https://cris.parks.ny.gov/>. Please add Nancy Baker at [nancy.baker@dec.ny.gov](mailto:nancy.baker@dec.ny.gov) to the list of contacts for your project.

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

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

Mr. Taylor  
March 9, 2020  
Page 3

If an extension of any existing public sanitary sewer service is deemed necessary, the Department may require review/approval before the extension is constructed, particularly if it is intended to convey 2,500 gallons per day or more of residential sewage alone or in combination with stormwater, as required by 6 NYCRR Part 750. Please submit plans for the Department's review if this situation applies to your project.

Enclosed is a copy of the Department's jurisdictional map for your reference. Please note that the map is intended to provide an idea as to the approximate size and location of resources; actual field conditions may vary from those depicted on the map. The project area is outlined in (insert color).

Please feel free to contact me by telephone at (518) 357-2452 or by e-mail at [nancy.baker@dec.ny.gov](mailto:nancy.baker@dec.ny.gov) if you have any questions.

Sincerely,



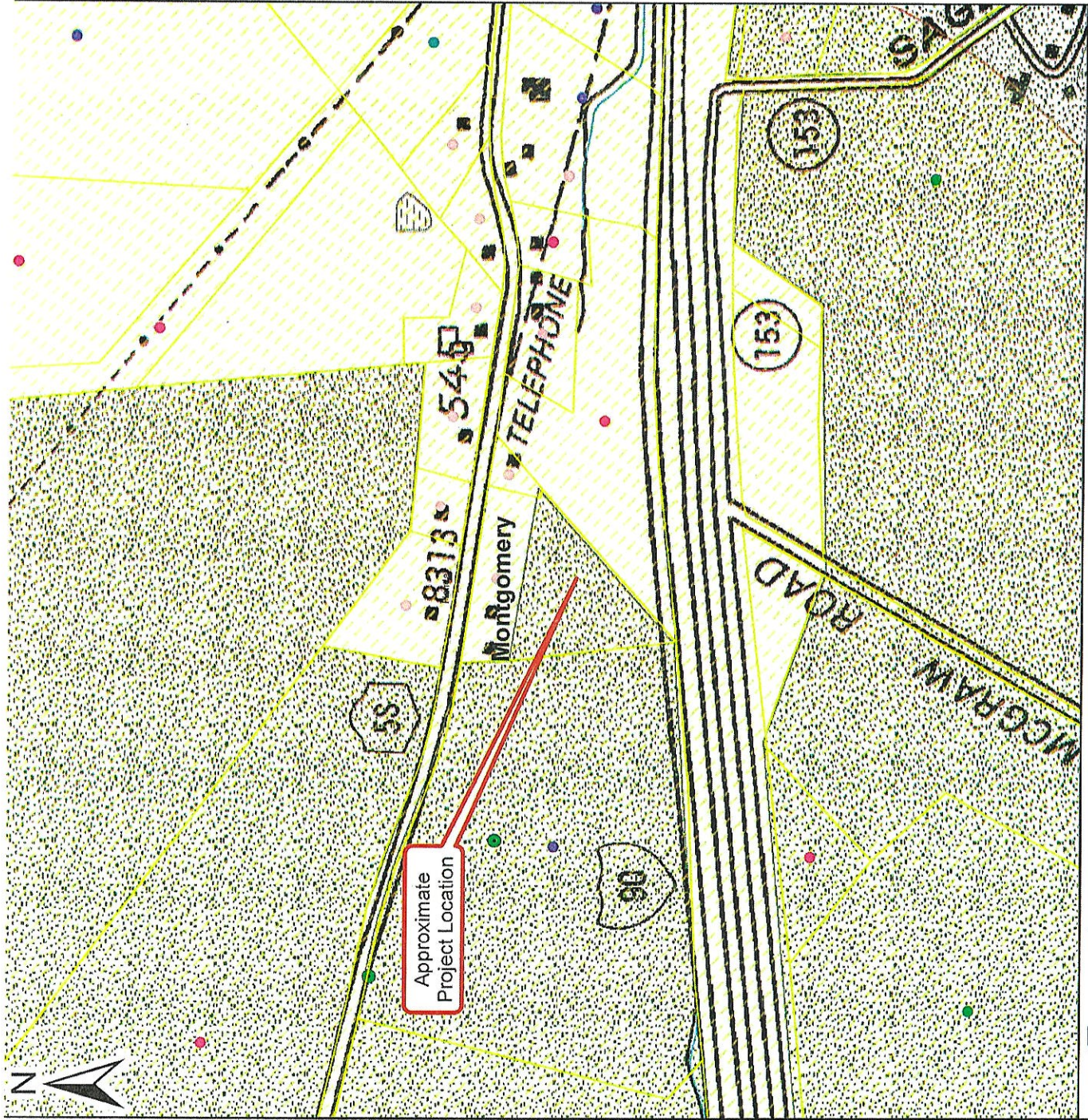
Nancy M. Baker  
Regional Permit Administrator

Enclosure: Jurisdictional Map  
cc: file



Department of  
Environmental  
Conservation





Division of Environmental Permits NAD 1983 UTM Zone 18N



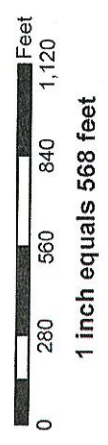
**Department of  
Environmental  
Conservation**

*Disclaimer: This map was prepared by Region 4 NYSDC Division of Environmental Permits using the most current data available. It is deemed accurate but is not guaranteed. NYSDC is not responsible for any inaccuracies in the data and does not necessarily endorse any interpretations or products derived from the data. This map may contain information that is considered sensitive and therefore the distribution of this map is strictly prohibited. Additional resources may be present but not depicted on this map.*

# **NYS RESOURCES MAP**

**NAPA Auto Parts  
1961 State Highway 5S  
Florida, Montgomery County**

March 9, 2020



## **Legend**

- Class 1 Freshwater Wetland
- Class 2 Freshwater Wetland
- Class 3 Freshwater Wetland
- Class 4 Freshwater Wetland
- Regulated Adjacent Area Boundary
- Dead Restrictions
- Protected Streams (C(t) and higher)
- Non-protected Streams (C and D)
- Water Quality Classifications (Polygon)

## **National Wetlands Inventory**

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other

## **Other Resources**

- Archaeologically Sensitive Area
- National/State Register Site
- State Historic Site or Historic Park
- Primary Aquifers
- Agricultural Districts
- Critical Environmental Areas
- Potential EJ area
- Scenic Areas of Statewide Significance
- State Park
- Wetland/Aquatic Community
- Upland/Terrestrial Community
- T&E (except fish)
- Freshwater Mussels
- Fish





## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

New York Field Office

3817 Luker Road

Cortland, NY 13045

Phone: (607) 753-9334 Fax: (607) 753-9699

<http://www.fws.gov/northeast/nyfo>



Document Control Number: \_\_\_\_\_

To: Eric Mead

Date: March 20, 2020

Regarding: NAPA Auto Parts store

Town/County: Town of Florida, Montgomery County

We have received your request for information regarding occurrences of federally-listed threatened and endangered species within the vicinity of the above-referenced project/property. In an effort to streamline project reviews, species lists may now be obtained from our website at <http://www.fws.gov/northeast/nyfo/es/section7.htm>. Please go to this site and follow the instructions to obtain: an official list request response; information about listed, proposed, and candidate species; and steps to complete initial assessments of whether a species may be present and impacted by a proposed action. Please note that this process involves two parts: (1) visiting the U.S. Fish and Wildlife Service's IPaC website to obtain an official species list; and (2) returning to the New York Field Office's website to complete the remaining steps in determining your project's potential impacts.

As a reminder, Section 9 of the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) prohibits unauthorized taking\* of listed species and applies to federal and non-federal activities. Additionally, threatened and endangered species and their habitats are protected by Section 7(a)(2) of the ESA, which requires federal agencies, in consultation with the Service, to ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of designated critical habitat. An assessment of the potential direct, indirect, and cumulative impacts is required for all federal actions that may affect listed species.

For projects not authorized, funded, or carried out by a federal agency, we provide technical assistance to individuals and other non-federal entities to assist with project planning to avoid the potential for "take," or when appropriate, to provide assistance with their application for an incidental take permit pursuant to Section 10(a)(1)(B) of the ESA.

Project construction or implementation should not commence until all requirements of the ESA have been fulfilled. If you have any questions or require further assistance regarding threatened or endangered species, please contact the Endangered Species Program at (607) 753-9334. Please refer to the above document control number in any future correspondence.

\*Under the ESA and regulations, it is illegal for any person subject to the jurisdiction of the United States to *take* (includes harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect; or to attempt any of these), import or export, ship in interstate or foreign commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce any endangered fish or wildlife species and most threatened fish and wildlife species. It is also illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. "Harm" includes any act which actually kills or injures fish or wildlife, and case law has clarified that such acts may include significant habitat modification or degradation that significantly impairs essential behavioral patterns of fish or wildlife.

## New York State Stormwater Management Design Manual

Chapter 6: Performance Criteria

Section 6.1 Stormwater Ponds

### Stormwater Ponds



**Description:** Constructed stormwater retention basin that has a permanent pool (or micropool). Runoff from each rain event is detained and treated in the pool through settling and biological uptake mechanisms.

**Design Options:** Micropool Extended Detention (P-1), Wet Pond (P-2), Wet Extended Detention (P-3), Multiple Pond (P-4), Pocket Pond (P-5)

<u>KEY CONSIDERATIONS</u>	<u>STORMWATER MANAGEMENT SUITABILITY</u>
<b>FEASIBILITY</b> <ul style="list-style-type: none"><li>Contributing drainage area greater than 10 acres for P-1, 25 acres for P-2 to P-4.</li><li>Follow DEC Guidelines for Design of Dams.</li><li>Provide a minimum 2' separation from the groundwater in sole source aquifers.</li><li>Do not locate ponds in jurisdictional wetlands.</li><li>Avoid directing hotspot runoff to design P-5.</li></ul>	<input checked="" type="checkbox"/> Water Quality <input checked="" type="checkbox"/> Channel Protection <input checked="" type="checkbox"/> Overbank Flood Protection <input checked="" type="checkbox"/> Extreme Flood Protection
<b>CONVEYANCE</b> <ul style="list-style-type: none"><li>Forebay at each inlet, unless the inlet contributes less than 10% of the total inflow, 4' to 6' deep.</li><li>Stabilize the channel below the pond to prevent erosion.</li><li>Stilling basin at the outlet to reduce velocities.</li></ul>	<b>Accepts Hotspot Runoff:</b> <i>Yes</i> <i>(2 feet minimum separation distance required to water table)</i>
<b>PRETREATMENT</b> <ul style="list-style-type: none"><li>Forebay volume at least 10% of the WQ<sub>v</sub></li><li>Forebay shall be designed with non-erosive outlet conditions.</li><li>Provide direct access to the forebay for maintenance equipment</li><li>In sole source aquifers, provide 100% pretreatment for hotspot runoff.</li></ul>	<b><u>FEASIBILITY CONSIDERATIONS</u></b> <input type="checkbox"/> Cost <input type="checkbox"/> Maintenance Burden
<b>TREATMENT</b> <ul style="list-style-type: none"><li>Provide the water quality volume in a combination of permanent pool and extended detention (Table 6.1 in manual provides limitations on storage breakdown)</li><li>Minimum length to width ratio of 1.5:1</li><li>Minimum surface area to drainage area ratio of 1:100</li></ul>	<b>Key:</b> L=Low M=Moderate H=High  <b>Residential Subdivision Use:</b> <i>Yes</i> <b>High Density/Ultra-Urban:</b> <i>No</i> <b>Soils:</b> <i>Hydrologic group 'A' soils may require pond liner</i> <i>Hydrologic group 'D' soils may have compaction constraints</i>
<b>LANDSCAPING</b>	<b>Other Considerations:</b> <ul style="list-style-type: none"><li><i>Thermal effects</i></li></ul>

# New York State Stormwater Management Design Manual

## Chapter 6: Performance Criteria

### Section 6.1 Stormwater Ponds

- Provide a minimum 10' and preferably 15' safety bench extending from the high water mark, with a maximum slope of 6%.
- Provide an aquatic bench extending 15 feet outward from the shoreline, and a maximum depth of 18" below normal water elevation.
- Develop a landscaping plan.
- Provide a 25' pond buffer.
- No woody vegetation within 15 feet of the toe of the embankment, or 25 feet from the principal spillway.

#### MAINTENANCE REQUIREMENTS

- Legally binding maintenance agreement
- Sediment removal from forebay every five to six years or when 50% full.
- Provide a maintenance easement and right-of-way.
- Removable trash rack on the principal spillway.
- Non-clogging low flow orifice
- Riser in the embankment.
- Pond drain required, capable of drawing down the pond in 24 hours.
- Notification required for pond drainage.
- Provide an adjustable gate valve on both the WQV-ED pipe, and the pond drain.
- Side Slopes less than 3:1, and terminate at a safety bench.
- Principal spillway shall not permit access by small children, and endwalls above pipes greater than 48" in diameter shall be fenced.

- *Outlet clogging*
- *Safety bench*

#### POLLUTANT REMOVAL

- ☒ Phosphorus
- ☒ Nitrogen
- ☒ Metals - Cadmium, Copper, Lead, and Zinc removal
- ☒ Pathogens Coliform, E.Coli, Streptococci removal

**Key: G=Good F=Fair P=Poor**

# 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>			
Name of Action or Project: First Hand Development Site Plan			
Project Location (describe, and attach a location map): South side of New York State Route 5S ,Town of Florida, Montgomery County			
Brief Description of Proposed Action: The Owners are proposing to develop the site with one existing building and one proposed building. The proposed use of the property will be for commercial development.			
Name of Applicant or Sponsor: Charles N. Dumblewski		Telephone: 518 848 0037	
		E-Mail:	
Address: 232 Voorhees Road			
City/PO: Amsterdam		State: NY	Zip Code: 12010
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 checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Town of Florida			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		7.87± acres	
b. Total acreage to be physically disturbed?		2.2± acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		7.87±± acres	
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			



5. Is the proposed action, a. A permitted use under the zoning regulations?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" type="checkbox"/>	<input 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 <input type="checkbox"/>	YES <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 <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input type="checkbox"/>	<input checked="" 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?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
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: _____	<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 checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input 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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES		

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ <u>Storm water pocket pond. Design to be finalized after Town review.</u>	NO <input type="checkbox"/>	YES <input checked="" 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? If Yes, describe: _____	NO <input checked="" type="checkbox"/>	YES <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? If Yes, describe: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> Applicant/sponsor name: <u>Charles N. Dumblewski</u> Date: _____ Signature: _____		

# Short Environmental Assessment Form

## Part 1 - Project Information

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5. Is the proposed action, a. A permitted use under the zoning regulations?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
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6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
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<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> Applicant/sponsor name: Charles N. Dumblewski Date: _____ Signature: _____		

Project:

Date:

***Short Environmental Assessment Form***  
***Part 2 - Impact Assessment***

**Part 2 is to be completed by the Lead Agency.**

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

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

Project:

Date:

### ***Short Environmental Assessment Form***

#### ***Part 3 Determination of Significance***

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

No moderate to large impacts from this project have been identified.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
Town of Florida Planning Board	September 14, 2020
Name of Lead Agency	Date
Michael Taylor	Chairman
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)





Erosion and Sediment Control Plan  
for  
CHARLES N. DUMBLEWSKI &  
PETER R. DUMBLEWSKI

First Hand Development  
1961 State Hwy 5 S  
Amsterdam, NY 12010

Town of Florida, Montgomery County  
March 29, 2020  
Revised July 7, 2020

Prepared by:

Charles R. Ackerbauer, PE/LS  
P.O. Box 927  
Johnstown, NY 12095  
518 762 4831

List of contents:

1. Background information
2. Site Map
3. Soil Description
4. Construction phasing
5. Pollution prevention measures
6. Construction waste materials
7. Soil stabilization
8. Erosion and sediment control practices
9. Installation details
10. Temporary practices
11. Endangered Species
12. Schedule
13. Maintenance schedule
14. Receiving waters
15. SWPP implementation responsibilities
16. Certification

## 1. BACKGROUND

The owners of the property proposed to construct a new 7500 square foot building on the existing developed site along the south side of New York State Route 5S in the Town of Florida, Montgomery County, New York. At present a building exists on the property and the new building is proposed to replace one that was razed. There are two existing entrance and exits on to the highway and the owners propose to improve them in accordance with New York State DOT standards. It is anticipated that the pavement and right of way limits of the state highway will be altered in the near future and may affect the project site plan. The site plan and this report may have to be amended to comply with any NYSDOT requirements. Much of the site has been improved over the years and excavation and filling of some areas will be at a minimum.

## 2. SITE MAP

See attached Site Plan

## 3. SOIL DESCRIPTION

The predominant soils on site to be developed are classified as follows:

ChA Churchville silty clay loam; slope 3%; somewhat poorly drained

Ma Madalin silty clay loam; slope 0-3%, somewhat poorly drained

## 4. CONSTRUCTION PHASING

Since the site has been prepared for construction and entrances are in place, the building will be constructed once the silt fencing has been installed at any critical area. Once the building shell is completed work will be done on the parking areas in preparation of paving which will be scheduled for later in the fall or next spring.

## 5. POLLUTION CONTROL MEASURES

No pollutants are expected to enter any drainage way. All litter and construction debris will be removed from the site by the contractor at the end of each day of deposited in a covered, secure enclosure i.e. dumpster.

Disturbance to vegetated areas will be kept to a minimum.

Cuts and fills will be minimized and limited to areas of clearing.

On site fueling of equipment will be kept away from runoff areas. Contractors will use off-site facilities for maintenance of vehicles and equipment.

All materials on site will be covered and stored away from runoff areas. Dry chemicals and bagged material will be stored on pallets.

Frequent inspections to check for damaged or leaking containers will be done by owner and contractor.

## 6. CONSTRUCTION WASTE MATERIALS

No material will be removed from the site. Any topsoil or subsoil scraped from the disturbed area will be stockpiled and used later. Waste materials will be segregated for disposal or recycling.

## 7. SOIL STABILIZATION

The only vegetation to be removed during construction will be in the bio retention area. All other vegetation will be left in place. Any area that has been disturbed will be seeded and mulched to prevent any scouring into the swales.

## 8. EROSION AND SEDIMENT CONTROL PRACTICES

Construction entrances and on-site parking/staging areas will be stabilized. The location of silt fence is shown on the attached drawings. No activity will be conducted nor ground disturbed within 100 feet of any wetlands. The bio retention area is design to capture and storm water that may flow to the rear of the property. It is anticipated that no additional runoff from the site will occur other than what already drains toward Route 5S. Calculations have be done in accordance with standard practice as outlined in the New York State Storm Water Design Manual.

## 9. INSTALLATION DETAILS

Standard installation details are attached for silt fence installation, stabilized construction entrance and vegetated swales.

## 10. TEMPORARY PRACTICES

Upon completion of construction and final grading and seeding, silt fencing may be removed. It is anticipated that there will be less than one acre of disturbance.

## 11. PROTECTON OF ENDANGERED SPECIES.

No listed endangered or threatened species or critical habitat has been found at the site.

## 12. SCHEDULE

Prior to any construction the owners shall comply with all state and federal regulations with regard to including implementation of this storm water pollution prevention plan and



the filing of a NOTIC OF INTENT with the New York State Department of Environmental Conservation in the Albany Office.

All silt fences shall be installed prior to grubbing and clearing and shall be maintained in place until driveways and parking areas are completed and adjacent areas are stabilized and the seeded area is established. All seeding shall take place soon after final grading is complete

### 13. MAINTENANCE SCHEDULE

The silt fence will be maintained on a daily basis to ensure its continued protection. Any section that may be clogged will be cleaned and the material placed in the stockpile area with the other topsoil.

### 14. RECEIVING WATERS

There are no receiving waters except for the existing drainage to the highway ditches along Rout 5S.

### 15. SWPP IMPLEMENTATION RESPONSIBILITIES

The owners will be responsible for much of the site work and they and any contractor that is employed by them, shall be responsible to install and maintain all erosion and control measures in accordance with the plans provided.

## 16. CERTIFICATION

I certify under penalty of law that I understand and agree to comply with the terms and conditions of the SWPP for the construction site identified in such SWPP as a condition of authorization to discharge stormwater. I also understand that the operator must comply with the terms and conditions of the New York State Pollutant Discharge Elimination System (SPDES) general permit for stormwater discharges from construction activities and that it is unlawful for any person to cause or contribute to a violation of water quality standards.

---

Contractor

---

Title

---

Date