



## Meeting Notice

**TO: Board Members**  
**FROM: Andrew Santillo**  
**DATE: December 7, 2020**  
**RE: Planning Board Meeting**

The regular meeting of the Montgomery County Planning Board is scheduled for Thursday, December 10, 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, December 10, 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. Town of Minden — Special Use Permit, Area Variance & Site Plan Review
- VII. City of Amsterdam — Zoning Code Adoption
- VIII. Any other business

**Montgomery County Planning Board**  
**Meeting Minutes**  
**November 12<sup>th</sup>, 2020**  
**(digital meeting via Zoom)**

**MEMBERS PRESENT:**

Wayne DeMallie, Chairman  
Mark Hoffman, Vice Chair  
Irene Collins, Member  
David Wiener, Member

Erin Covey, Member  
Betty Sanders, Alternate

**ABSENT:**

John Lyker, Member

Ronald Jemmott, Member

Angela Frederick, Member

**STAFF MEMBERS PRESENT:**

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

Ken Rose, Director

**OTHERS PRESENT:**

Jerry Leone, Drinkwater Solar

**I. Call to Order**

The meeting was called to order by Chairman Wayne DeMallie at 6:31 p.m.

**II. Roll Call**

The roll call of board members was done by Chairman DeMallie.

**III. Adoption of the Agenda**

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

**IV. Approval of previous Minutes**

Betty Sanders made a motion to accept previous meeting minutes, Erin Covey seconded the motion. The previous minutes were approved.

**V. Public Comment**

There was no public comment.

## **VI. Town of St. Johnsville -Site Plan Amendment**

Alex Kuttesch explained to the board that this referral is a site plan amendment from a referral that the board had passed in October of 2018. The only changes to the site plan were that Drinkwater Solar removed the battery storage system and will be putting in 2 basic power line poles on the site. Jerry Leone stated that this site plan amendment would result in a smaller footprint on the environment.

Erin Covey made the motion to approve the referral, seconded by Mark Hoffman.

Betty abstained, the rest of the board was in favor.

The referral was approved.

## **VII. Other Business**

There was no other business.

## **VIII. Adjournment**

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

Respectfully submitted,

---

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: Town of Minden Planning Board

Referring Officer: JR Welsh, Chair

Mail original resolution to: see attached resolution

1. **Applicant:** Helios Energy New York 12 LLC 2. **Site Address:** 810 Cooperstown Road (NYS Route 80), Minden, NY
3. **Tax Map Number(s):** 44.-3-1 and 44.-1-1 (portion of access road) 4. **Acres:** approximately 10 acres
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:** A 8. **Current Land Use:** Agricultural
9. **Project Description:** Proposed Helios Minden Solar Farm comprising a 2 MWAC solar array mounted to a tracking system on driven steel posts, access road, fencing, landscaping and ancillary electrical equipment.

### 10. MCPB Jurisdiction:

- ☐ Text Adoption or Amendment ☒ Site is located within 500' of: NYS Route 80
- ☐ 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: 12-14-20 Time: 7:00 p.m. Location: Town of Minden Town offices  
134 Highway 80, Fort Plain, NY 13339

### 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 Board

Proposed Improvements: solar panel array 2 MWAC

Proposed Use: solar panel array 2 MWAC

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

Specify: landscaping within 100' setback

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

Specify: Fordsbush Road for access

15. ☒ Special Permit

Referring Board: Town of Minden Planning Board

Section of local zoning code that requires a special permit for this use: Section 90-52.25

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 90-52.25(3)(d)

Describe how the proposed project varies from the above code section: Landscaping, a component of the utility-scale solar energy system, is within 100' of the parcel boundary line.

SEQR Determination

Action:

Finding:

☒ Type I

☐ Positive Declaration – Draft EIS

☐ Type II

☐ Conditional Negative Declaration

☐ Unlisted Action

☒ Negative Declaration

☐ Exempt

☐ No Finding (Type II Only)

SEQR determination made by (Lead Agency): Town of Minden Planning Board Date: 11-9-20

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 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.

Jim Welsh 518.858.6709  
Name, Title & Phone Number of Person Completing this Form  
JR Welsh  
Chair of Town of Minden Planning Board

11-10-20

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

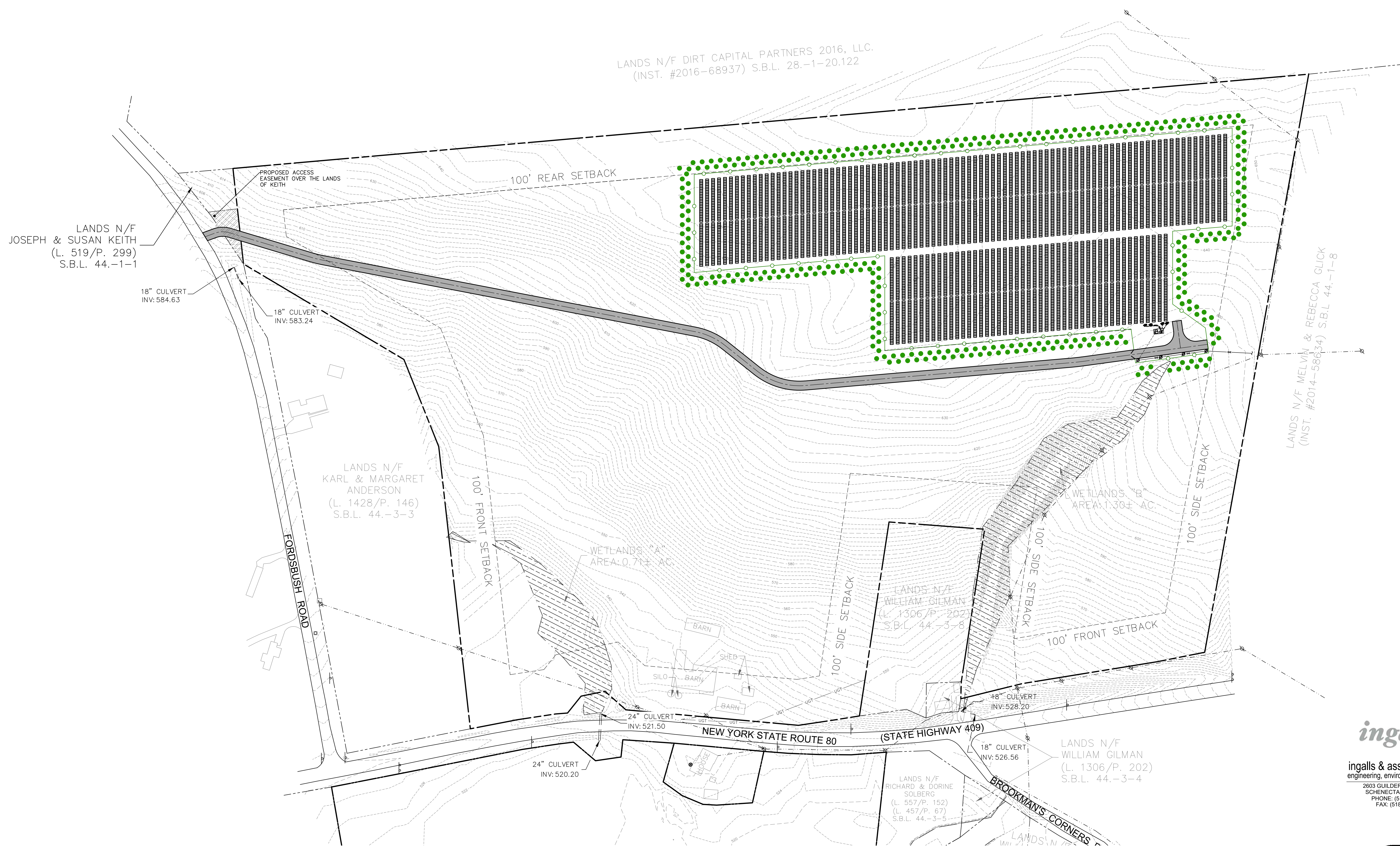
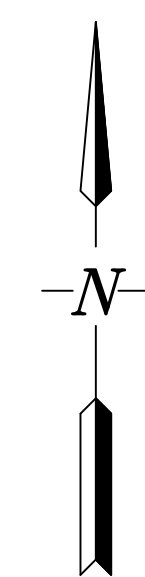
Section 239-m of the General Municipal Law requires that within thirty days after final action by the municipality is taken; a report of the final action shall be filed with the County Planning Board.

\_\_\_\_\_  
Date

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



**HELIOS MINDEN SOLAR FARM**  
810 COOPERSTOWN ROAD  
TOWN OF MINDEN  
MONTGOMERY COUNTY, STATE OF NEW YORK



**LAST REVISED**  
OCTOBER 26, 2020

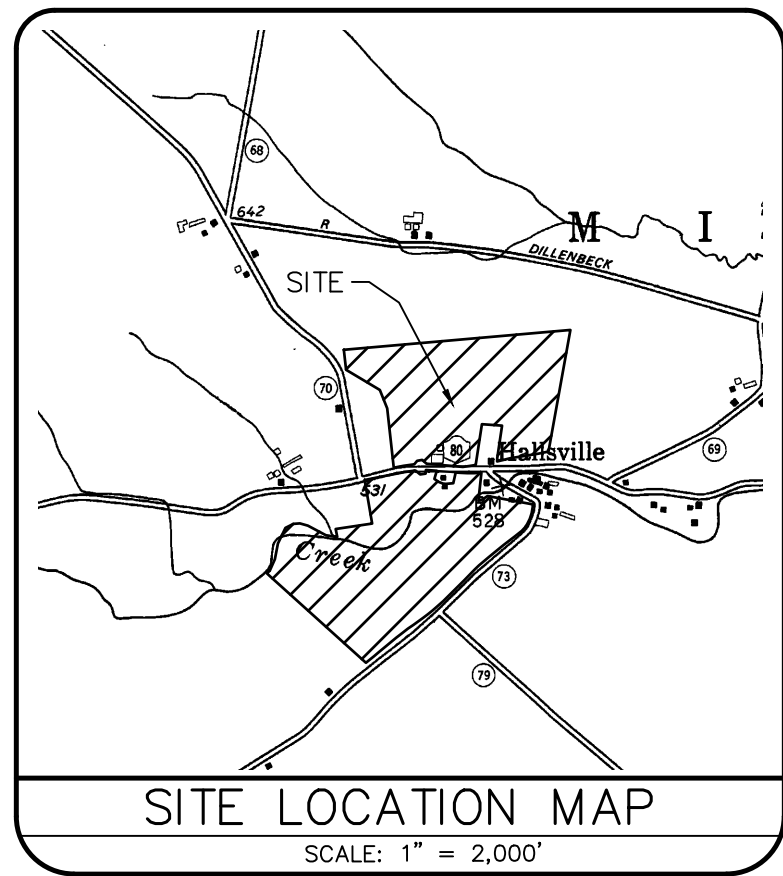
**TAX MAP ID:**  
44-3-1

**OWNER:**  
LUIS R. & SONIA M. LOPEZ

**APPLICANT:**  
HELIOS ENERGY NEW YORK 12, LLC  
411 SOUTH OLD WOODWARD, SUITE 807  
BIRMINGHAM, MI 48009

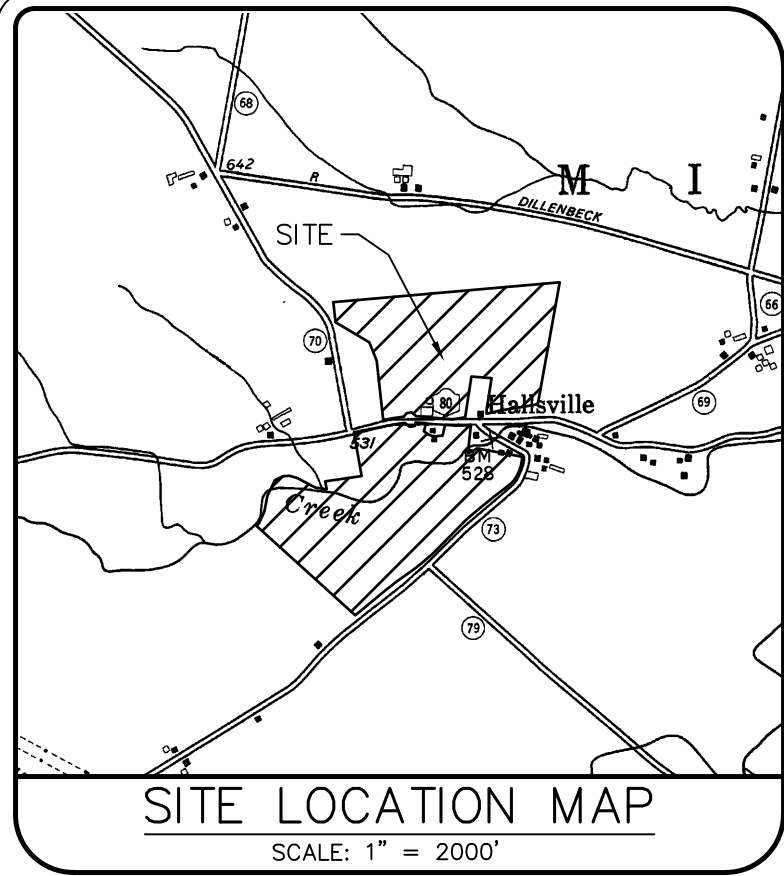
**ingalls**

ingalls & associates, LLP  
engineering, environmental, surveying  
2603 GUILDERLAND AVENUE  
SCHENECTADY, N.Y. 12306  
PHONE: (518) 393-7725  
FAX: (518) 393-2324



SCHEDULE OF DRAWINGS	
SHEET NO.	DRAWING TITLE
1	COVER SHEET
2	EXISTING CONDITIONS
3	SITE PLAN
4	ESC & GRADING PLAN
5	SITE & ESC DETAILS
6	LINE OF SIGHT PROFILE (1)
7	LINE OF SIGHT PROFILES (2,3,4)
8	ACCESS ROAD PROFILE





#### MAP REFERENCES:

- 1) MAP ENTITLED "SURVEY MAP OF LANDS OF WILLIAM GILMAN", AS PREPARED BY FERGUSON AND FOSS, PROFESSIONAL LAND SURVEYORS ON AUGUST 21, 2006.
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  - MAP 49 PARCEL 65
  - MAP 50 PARCELS 66, 67, 68, 69
  - MAP 62 PARCEL 88
  - MAP 66 PARCELS 92, 93
  - MAP 68 PARCELS 95, 96

#### NOTES:

- 1) SURVEYED PARCELS: TOWN OF MINDEN - TAX MAP 44.00, BLOCK 3, PARCELS 1 & 2.
- 2) SURVEY PREPARED BY INGALLS AND ASSOCIATES, LLP, FROM A NOVEMBER 2018 FIELD SURVEY. WETLANDS AREA SURVEY PREPARED BY INGALLS AND ASSOCIATES, LLP FROM AN NOVEMBER 15, 2018 FIELD DELINEATION BY MARK KIBURZ, PWS.
- 3) NORTH IS REFERENCED TO NAD 83 NEW YORK STATE PLANES, EAST ZONE. FIELD DATUM ELEVATION IS REFERENCED TO NAVD 1988.
- 4) NEW YORK STATE ROUTE 80 VARIES IN WIDTH DUE TO STATE HIGHWAY APPROPRIATIONS AS REFERENCED IN MAP REFERENCE NO. 3 AND ARE SHOWN AS SUCH. ORIGINAL WIDTH WAS BASED UPON FORT PLAIN-COOPERSTOWN PLANK ROAD, WHICH IN LIBER 58 OF DEEDS AT PAGE 429 HAVING A DATE OF AUGUST 1, 1849, AND THAT CALLED FOR ROAD RIGHT-OF-WAY TO BE 4 RODS WIDE.
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- 9) SUBJECT TO ANY STATEMENT OF FACT AN UP-TO-DATE ABSTRACT OF TITLE WOULD DISCLOSE.
- 10) UNDERGROUND UTILITIES IF SHOWN HEREON ARE BASED ON VISIBLE PHYSICAL EVIDENCE. THEY SHOULD BE CONSIDERED SCHEMATIC ONLY AND ARE SHOWN TO DEPICT GENERAL UTILITY LOCATIONS AND CONNECTIONS RATHER THAN EXACT UNDERGROUND LOCATIONS. INGALLS & ASSOCIATES, LLP MAKES NO CERTIFICATION AS TO THE ACCURACY OF THE UNDERGROUND UTILITY LOCATIONS AND OTHER UTILITIES MAY EXIST THAT ARE NOT SHOWN ON THIS MAP.
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- 13) OTSQUAGO CREEK AS SHOWN PER FIELD LOCATION AND BY INTERPOLATION OF AERIAL PHOTOGRAPHY.

LEGEND	
●	CAPPED IRON ROD FOUND
▲	TRIANGULAR CONCRETE MONUMENT FOUND
⋈	POWER/UTILITY POLE
⊙	IRON PIPE FOUND
⊗	WELL
▨	WETLAND FLAG LOCATION
▨	WETLANDS
---	PROPERTY LINE
-500-	EXISTING CONTOUR
---	OVERHEAD UTILITY LINE
---	EDGE OF STREAM

TAX MAP ID:  
44-3-1

OWNER:  
LUIS R. & SONIA M. LOPEZ

APPLICANT:  
HELIOS ENERGY NEW YORK 12, LLC  
411 SOUTH OLD WOODWARD, SUITE 807  
BIRMINGHAM, MI 48009

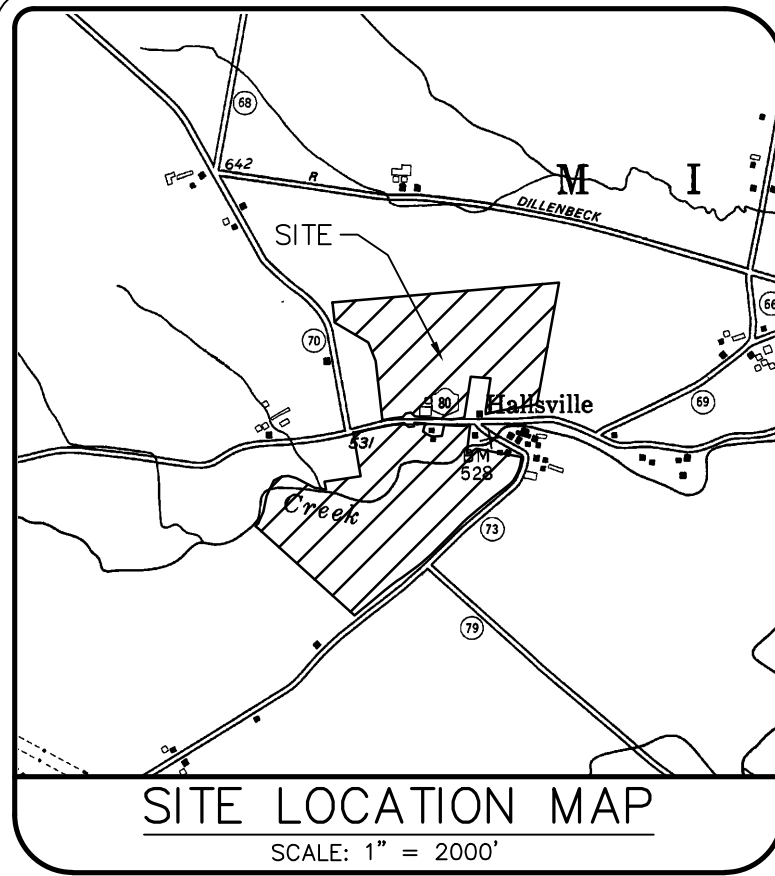
#### LINE TABLE

LABEL	BEARING	DISTANCE
1	N78°57'03"E	159.99'
2	N78°48'04"E	266.77'
3	N81°26'28"E	81.28'
4	N83°07'03"E	31.72'
5	S49°52'15"E	63.25'
6	N81°39'59"E	56.47'
7	N05°53'18"E	38.00'
8	S86°10'42"E	112.87'
9	S15°50'18"W	88.20'
10	S54°08'42"E	51.60'
11	S67°24'42"E	49.50'
12	S86°39'42"E	29.80'
13	N86°15'18"E	78.70'
14	N12°30'18"E	115.40'
15	N85°29'52"E	52.62'
16	S87°42'25"E	68.49'
17	S89°32'10"E	71.31'
18	N85°41'12"E	76.60'
19	S06°11'35"W	293.45'
20	N75°33'31"E	38.97'
21	N55°34'24"E	69.08'
22	S42°50'49"W	58.20'
23	S51°06'50"W	91.05'
24	S52°39'48"W	142.54'
25	S51°04'46"W	68.70'
26	S50°45'54"W	131.70'
27	S49°42'21"W	139.67'
28	S46°57'01"W	58.43'
29	S44°09'29"W	157.52'
30	S48°53'34"W	146.95'
31	S50°50'00"W	63.08'
32	S53°09'56"W	60.76'
33	S54°18'13"W	128.35'
34	S55°29'39"W	67.36'
35	S52°21'30"W	69.82'
36	S51°45'55"W	81.84'
37	S50°27'24"W	241.71'
38	S49°28'51"W	61.06'
39	S50°59'42"W	109.49'

NOTE: 48 HOURS PRIOR TO ANY CONSTRUCTION ACTIVITIES, THE CONTRACTOR SHALL CONTACT DIG SAFELY NEW YORK TO LOCATE ALL UNDERGROUND UTILITIES. 1-800-962-7962

UNAUTHORIZED ALTERATION OR ADDITION TO THIS DRAWING IS A VIOLATION OF SECTION 7009 SUBDIVISION 2, OF THE NEW YORK STATE EDUCATION LAW. ONLY COPIES MADE FROM THE ORIGINAL OF THIS DRAWING BEARING AN ORIGINAL INKED OR EMBOSSED SEAL AND SIGNATURE SHALL BE CONSIDERED TO BE VALID TRUE COPIES.		© Copyright 2020 - Ingalls & Associates, LLP - All rights reserved.	
5	10/26/20	ADDITIONAL INFORMATION ADDED PER BOARD REQUEST	PJY
4	09/03/20	REVISED PER TDE COMMENTS	JCH
3	08/07/20	REVISED PER TDE COMMENTS	JCH
2	03/24/20	REVISED PER TDE COMMENTS	JADP
1	03/12/20	REVISED PER TDE COMMENTS	JCH
NO.	DATE:	REVISIONS	BY:
DAVID F. INGALLS JR., P.E. N.Y.S. LIC. NO. 064993		ingalls & associates, LLP engineering, environmental, surveying 2003 GUILDERLAND AVENUE SCHENECTADY, N.Y. 12305 PHONE: (518) 393-2725 FAX: (518) 393-2524	
EXISTING CONDITIONS HELIOS ENERGY NEW YORK 12, LLC 810 COOPERSTOWN ROAD TOWN OF MINDEN COUNTY OF MONTGOMERY STATE OF NEW YORK		DATE: JULY 12, 2019 CHECKED BY: DFI JOB NO. 18-150 DRAWN BY: JCH CADD FILE: 18-150 DF.dwg	
SCALE: 1"=100'		SHEET 2 OF 8	





#### SITE STATISTICS:

ZONING DISTRICT A  
TAX MAP ID - 44.-3-1  
SETBACKS:  
FRONT - 100 FT.  
SIDE - 100 FT.  
REAR - 100 FT.

#### TOWN OF MINDEN SOLAR LAW

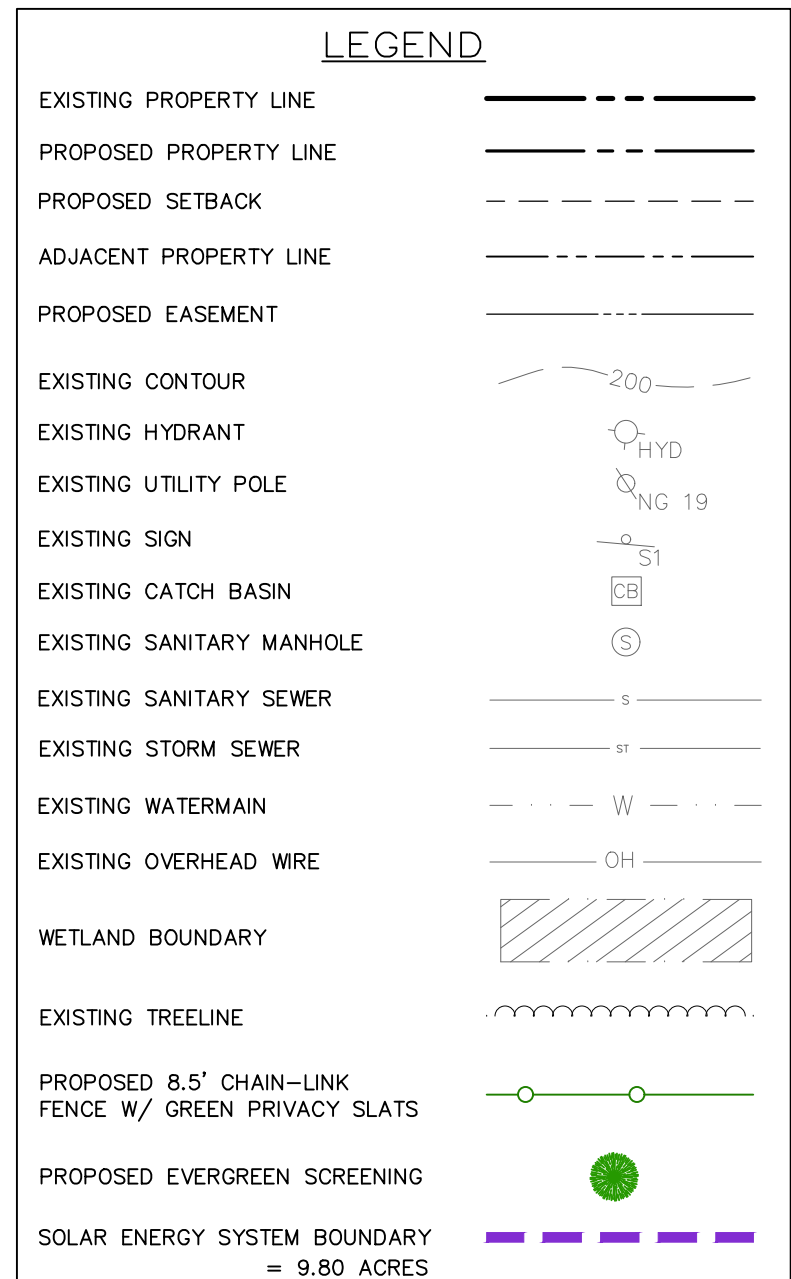
LARGE-SCALE SOLAR ALLOWED PER TOWN CODE SECTION 90-52.24  
PROPOSED: 2 MWAC SOLAR ARRAY  
MIN. PARCEL SIZE: REQUIRED: 20± AC  
PROVIDED: 120.3± AC  
MAX SOLAR FOOTPRINT: REQUIRED: 10 AC MAX  
(AREA WITHIN FENCE & ACCESS DRIVE)  
PROVIDED: 9.8± AC  
FENCING: REQUIRED: 8.5'  
PROVIDED: 8.5'  
HEIGHT: REQUIRED: 15' MAX  
PROVIDED: 9.8'

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TAX MAP ID:  
44.-3-1

OWNER:  
LUIS R. & SONIA M. LOPEZ

APPLICANT:  
HELIOS ENERGY NEW YORK 12, LLC  
411 SOUTH OLD WOODWARD, SUITE 807  
BIRMINGHAM, MI 48009

NOTE: 48 HOURS PRIOR TO ANY CONSTRUCTION ACTIVITIES, THE CONTRACTOR SHALL CONTACT DIG SAFELY NEW YORK TO LOCATE ALL UNDERGROUND UTILITIES. 1-800-962-7962

LANDS N/F DIRT CAPITAL PARTNERS 2016, LLC.  
(INST. #2016-68937) S.B.L. 28.-1-20.122

LANDS N/F  
JOSEPH & SUSAN KEITH  
(L. 519/P. 299)  
S.B.L. 44.-1-1

LANDS N/F  
KARL & MARGARET  
ANDERSON  
(L. 1428/P. 146)  
S.B.L. 44.-3-3

LANDS N/F  
LUIS R. & SONIA M. LOPEZ  
(L. 655/P. 226)  
S.B.L. 44.-3-1  
AREA: 120.33± ACRES

WETLANDS "A"  
AREA: 0.71± AC.

LANDS N/F  
LUIS R. & SONIA M. LOPEZ  
(L. 655/P. 226)  
S.B.L. 44.-3-2  
AREA: 0.53± ACRES

LANDS N/F  
JOSEPH & SUSAN KEITH  
(L. 519/P. 299)  
S.B.L. 44.-1-1

LANDS N/F  
WILLIAM GILMAN  
(L. 1306/P. 202)  
S.B.L. 44.-3-8

LANDS N/F  
RICHARD & DORINE  
SOLBERG  
(L. 557/P. 152)  
(L. 457/P. 67)  
S.B.L. 44.-3-5

LANDS N/F  
WILLIAM GILMAN  
(L. 1306/P. 202)  
S.B.L. 44.-3-4

LANDS N/F  
WILLIAM AGNEW  
(INST. #2011-42188)  
S.B.L. 44.-3-6

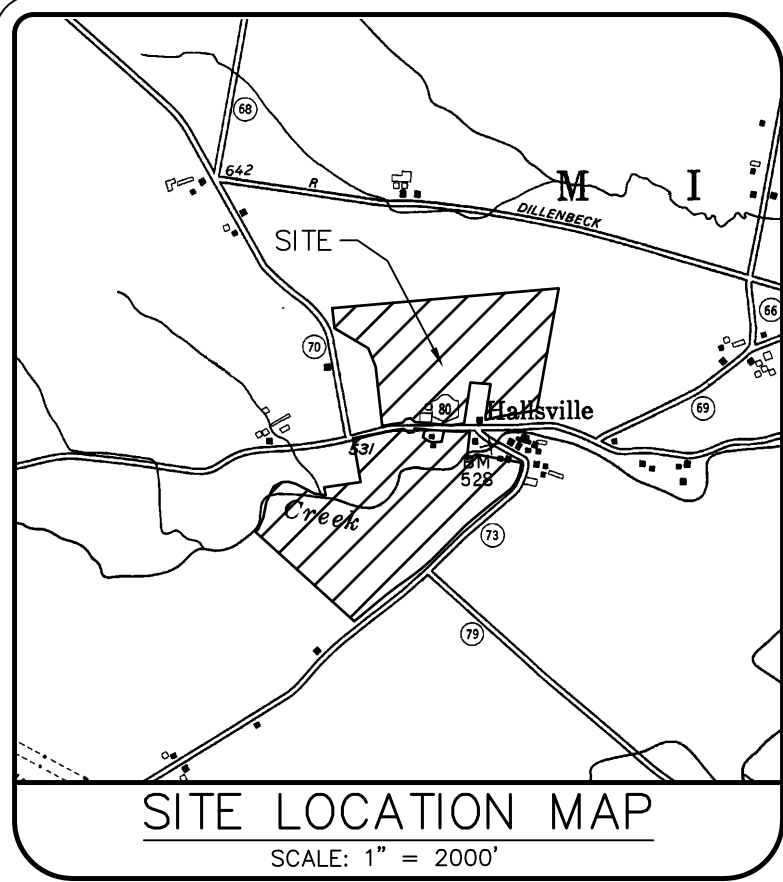
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1	03/12/20	REVISED PER TDE COMMENTS	JCH

DAVID F. INGALLS JR., P.E.  
N.Y.S. LIC. NO. 064993

**ingalls**  
ingalls & associates, LLP  
engineering, environmental, surveying  
2603 GUILDERLAND AVENUE  
SCHENECTADY, N.Y. 12305  
PHONE: (518) 393-7725  
FAX: (518) 393-2324

SITE PLAN	
HELIOS ENERGY NEW YORK 12, LLC 810 COOPERSTOWN ROAD	
TOWN OF MINDEN COUNTY OF MONTGOMERY STATE OF NEW YORK	
DATE: JULY 12, 2019	CHECKED BY: DFI JOB NO. 18-150
DRAWN BY: JCH CADD FILE: 18-150 DF.dwg	SCALE: 1"=100' SHEET 3 OF 8





TAX MAP ID:  
44-3-1

OWNER:  
LUIS R. & SONIA M. LOPEZ

APPLICANT:  
HELIOS ENERGY NEW YORK 12, LLC  
411 SOUTH OLD WOODWARD, SUITE 807  
BIRMINGHAM, MI 48009

## EROSION & SEDIMENT CONTROL NOTES

- EROSION AND SEDIMENT CONTROL MEASURES SHALL BE IMPLEMENTED IN ACCORDANCE WITH THE LATEST EDITION OF NEW YORK STANDARDS AND SPECIFICATIONS FOR EROSION AND SEDIMENT CONTROL. (aka: THE BLUE BOOK) EROSION CONTROL DEVICES SHALL BE INSTALLED PRIOR TO ANY CONSTRUCTION ACTIVITIES.
- IT IS THE INTENT OF THESE PLANS AND NOTES TO BE USED AS A GUIDE BY THE CONTRACTOR TO ENSURE THAT NO ERODED MATERIAL MIGRATES FROM THE SITE OR ENTERS ANY WATER COURSE. IT IS THE CONTRACTOR'S RESPONSIBILITY TO ENSURE THAT THIS GOAL IS MET, BY IMPLEMENTING THESE PLANS AND ANY ADDITIONAL MEANS THAT MAY BE NECESSARY. FURTHER MEASURES MAY BE REQUIRED BY THE CITY, VILLAGE, OR TOWN ENGINEER. WHILE MANY OF THE EROSION CONTROL DETAILS CONTAINED WITHIN THESE PLANS ARE TAKEN DIRECTLY FROM THE BLUE BOOK, THE CONTRACTOR SHOULD CONSIDER ANY OF THE DETAILS CONTAINED IN THE BLUE BOOK AS ACCEPTABLE PRACTICE IN THE APPROPRIATE APPLICATION.
- THE DEVELOPER/CONTRACTOR OR HIS BUILDER SHALL INSPECT AND MAINTAIN EROSION CONTROL MEASURES WEEKLY AND AFTER EACH RAINFALL EVENT THROUGH THE ENTIRE DEVELOPMENT PROCESS. TO ASSURE PROPER FUNCTION, SILTATION BARRIERS SHALL BE MAINTAINED IN GOOD CONDITION AND REINFORCED, EXTENDED, REPAIRED, RE-SEEDED AND PROTECTED FROM FURTHER EROSION. ALL SEDIMENT ACCUMULATED SHALL BE REMOVED AND CONTAINED IN APPROPRIATE SPOIL AREAS. WATER SHALL BE APPLIED TO NEWLY SEEDED AREAS AS NEEDED UNTIL GRASS COVER IS WELL ESTABLISHED. DURING THESE PERIODIC INSPECTIONS, THE FOLLOWING ITEMS SHOULD BE PAID PARTICULAR ATTENTION: A. SILT FENCING SHALL BE INSPECTED FOR UNDERMINING AND DETERIORATION. B. SEEDED/MULCHED AREAS SHALL BE INSPECTED TO SEE THAT A GOOD STAND IS MAINTAINED. AREAS SHALL BE REPAIRED AS NECESSARY.
- EROSION CONTROL DEVICES SHALL NOT BE REMOVED UNTIL THE MUNICIPAL ENGINEER HAS APPROVED FINAL STABILIZATION.
- SILT FENCE AND OTHER EROSION CONTROL DEVICES SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THESE DETAIL SHEETS AND THE BLUE BOOK.
- PRIOR TO ANY CONSTRUCTION ACTIVITY, THE STABILIZED CONSTRUCTION ENTRANCES SHALL BE INSTALLED.
- CONSTRUCTION TRAFFIC SHALL NOT CROSS STREAMS OR DITCHES EXCEPT AT SUITABLE CROSSING FACILITIES. EQUIPMENT SHALL NOT OPERATE, UNNECESSARILY, WITHIN WATERWAYS OR DRAINAGE DITCHES.
- EXISTING PAVEMENT AREAS SHALL BE CLEANED AT THE DIRECTION OF THE MUNICIPAL ENGINEER.
- WATER TRUCKS SHALL BE USED TO MINIMIZE DUST POLLUTION ON SITE, AND ON ADJACENT ROADWAY AREAS AS DIRECTED BY THE MUNICIPAL ENGINEER.
- ANY WATER PUMPED AS A RESULT OF DEWATERING ACTIVITIES SHALL BE PUMPED INTO A DEWATERING PIT.
- ALL AREAS DISTURBED IN THE CONSTRUCTION PROCESS SHALL BE STABILIZED WITH SEED AND MULCH NO MORE THAN (14) DAYS AFTER THE COMPLETION OF WORK IN THAT AREA. IF WORK IN AN AREA IS SUSPENDED, IT SHALL NOT REMAIN UNSTABILIZED FOR MORE THAN (21) DAYS. IT MAY BE NECESSARY TO SEED AND MULCH SOME AREAS SEVERAL TIMES TO MEET THIS REQUIREMENT.
- IT IS RECOMMENDED THAT ALL EROSION CONTROL DEVICES BE PLACED FOR THE ENTIRE PHASE AS SHOWN ON THE EROSION CONTROL PLAN.
- STOCK PILES SHALL BE PROTECTED BY SILT FENCE PER GP-0-20-001. THESE DEVICES SHALL BE MAINTAINED IN GOOD CONDITION UNTIL SAID STOCK PILES ARE REMOVED AND STOCK PILING AREAS ARE PERMANENTLY STABILIZED.
- STOCK PILES SHALL BE SEEDED UPON SUSPENSION OF WORK OR IF MATERIAL IS NOT TO BE USED WITHIN (14) DAYS, IN ACCORDANCE WITH GP-0-20-001.
- IN NO CASE SHALL ERODIBLE MATERIALS BE STOCKPILED WITHIN 25 FEET OF ANY DITCH, STREAM OR OTHER SURFACE WATER BODY.
- SILT FENCING SHALL BE INSTALLED AT THE PERIMETER OF ALL SLOPES TO BE GRADED, PRIOR TO GRADING OPERATIONS.
- CLEARING OPERATIONS SHALL BE LIMITED TO ACTIVE WORK AREAS.
- CARE SHALL BE TAKEN TO PRESERVE AS MUCH EXISTING VEGETATION AS POSSIBLE AND HEALTHY TREES OF DESIRABLE SPECIES SHALL BE PROTECTED.
- WHEN RUNOFF IS COLLECTED AND FLOW IS CONCENTRATED IN A SWALE OR DRAINAGE DITCH, THEN CHECK DAMS SHALL BE INSTALLED TO REDUCE VELOCITY UNTIL THE SWALE AND THE AREA DRAINING TO THE SWALE ARE STABILIZED. SEDIMENT SHALL BE REMOVED FROM THE DAM AS NEEDED TO ALLOW THE CHANNEL TO DRAIN THROUGH THE DAM AND PREVENT LARGE FLOWS FROM CARRYING SEDIMENT OVER THE DAM.

## LEGEND

EXISTING PROPERTY LINE	---
PROPOSED PROPERTY LINE	---
PROPOSED SETBACK	---
ADJACENT PROPERTY LINE	---
PROPOSED EASEMENT	---
EXISTING CONTOUR	200
EXISTING HYDRANT	HYD
EXISTING UTILITY POLE	UTG 19
EXISTING SIGN	SG
EXISTING CATCH BASIN	CB
EXISTING SANITARY MANHOLE	SM
EXISTING SANITARY SEWER	SS
EXISTING STORM SEWER	ST
EXISTING WATERMAIN	WM
EXISTING OVERHEAD WIRE	OW
WETLAND BOUNDARY	WETLAND BOUNDARY
EXISTING TREELINE	---
PROPOSED 8.5' CHAIN-LINK FENCE W/ GREEN PRIVACY SLATS	8.5' 8.5'
PROPOSED EVERGREEN SCREENING	8.5' 8.5'
PROPOSED SILT FENCE	8.5' 8.5'
LIMIT OF DISTURBANCE	---
SOIL BOUNDARY	---

## DISTURBANCE AREA

13.4 ± AC

## CONSTRUCTION SEQUENCING NOTES

- ESTABLISH EROSION & SEDIMENT CONTROL MEASURES (I.E. SILT FENCE & STABILIZED CONSTRUCTION ENTRANCE)
- ACCESS ROADS SHALL BE CONSTRUCTED INCLUDING STABILIZED CONSTRUCTION ENTRANCE.
- PANEL RACKING WILL BE INSTALLED ON DRIVEN POSTS, PER DETAIL.
- INSTALL SOLAR PANELS, ELECTRICAL EQUIPMENT, AND INTERCONNECTION POLES.
- INSTALL UNDERGROUND UTILITY CONNECTIONS / TRENCHING.
- INSTALL 8.5' HIGH CHAIN-LINK PERIMETER FENCING.
- REMOVE EROSION AND SEDIMENT CONTROL MEASURES.
- SEED ARRAY WITH POLLINATOR MIX.

## SOILS WITHIN PROPOSED PROJECT AREA

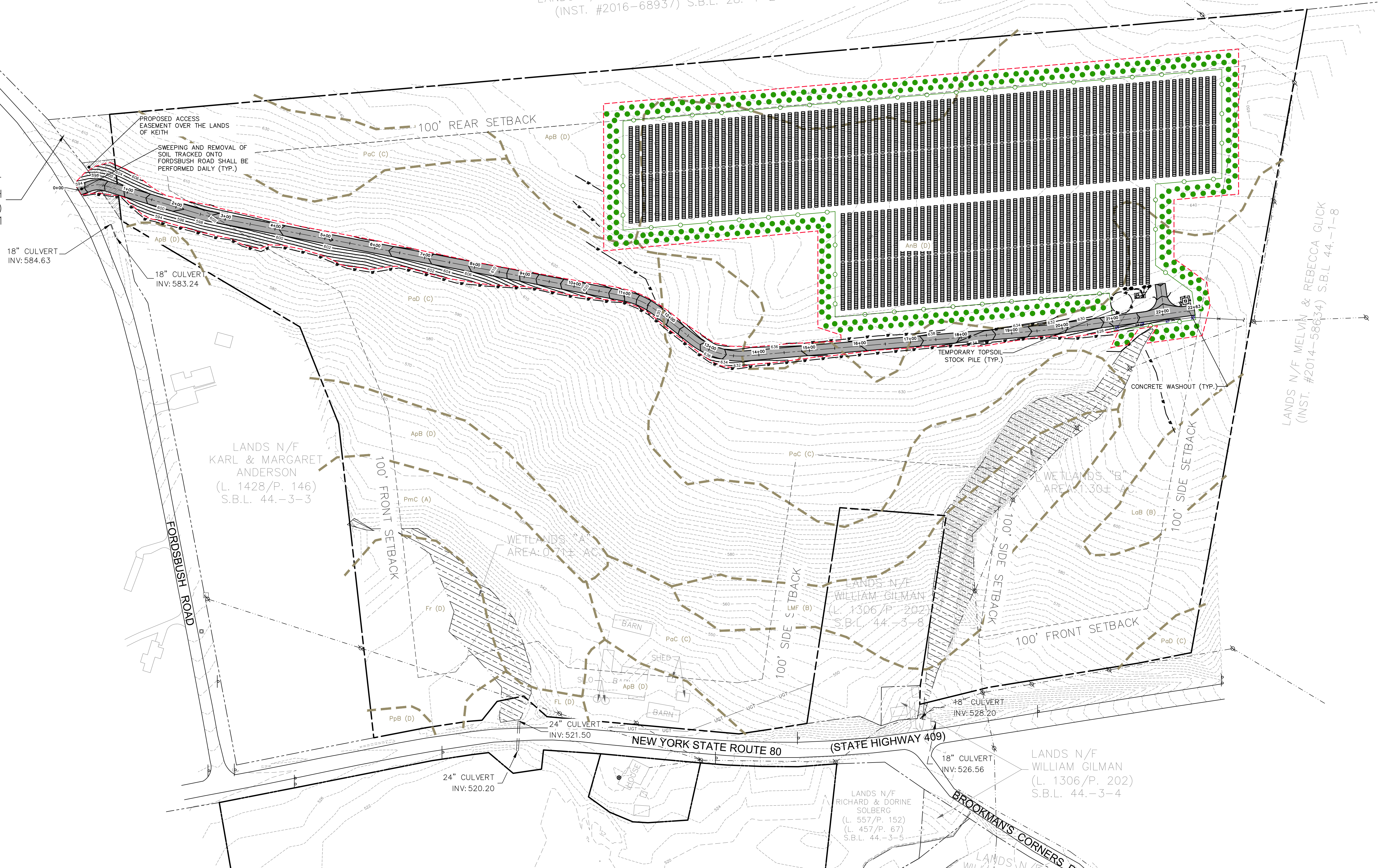
AhB - ANGOLA SILT LOAM, 3% TO 8% (CONSIDERED PRIME FARMLAND ONLY IF DRAINED)  
PaC - PALATINE SILT LOAM, 8%-15% (FARMLAND OF STATEWIDE IMPORTANCE)  
PaD - PALATINE SILT LOAM, 15%-25% (NOT CONSIDERED PRIME FARMLAND)  
ApB - APPELTON SILT LOAM, 3%-8% (CONSIDERED PRIME FARMLAND ONLY IF DRAINED)

IN REVIEW OF THE SUBJECT SITE EVIDENCE OF DRAINED FARMLAND WAS NOT OBSERVED.

NOTE: 48 HOURS PRIOR TO ANY CONSTRUCTION ACTIVITIES, THE CONTRACTOR SHALL CONTACT DIG SAFELY NEW YORK TO LOCATE ALL UNDERGROUND UTILITIES. 1-800-962-7962

LANDS N/F DIRT CAPITAL PARTNERS 2016, LLC.  
(INST. #2016-68937) S.B.L. 28.-1-20.122

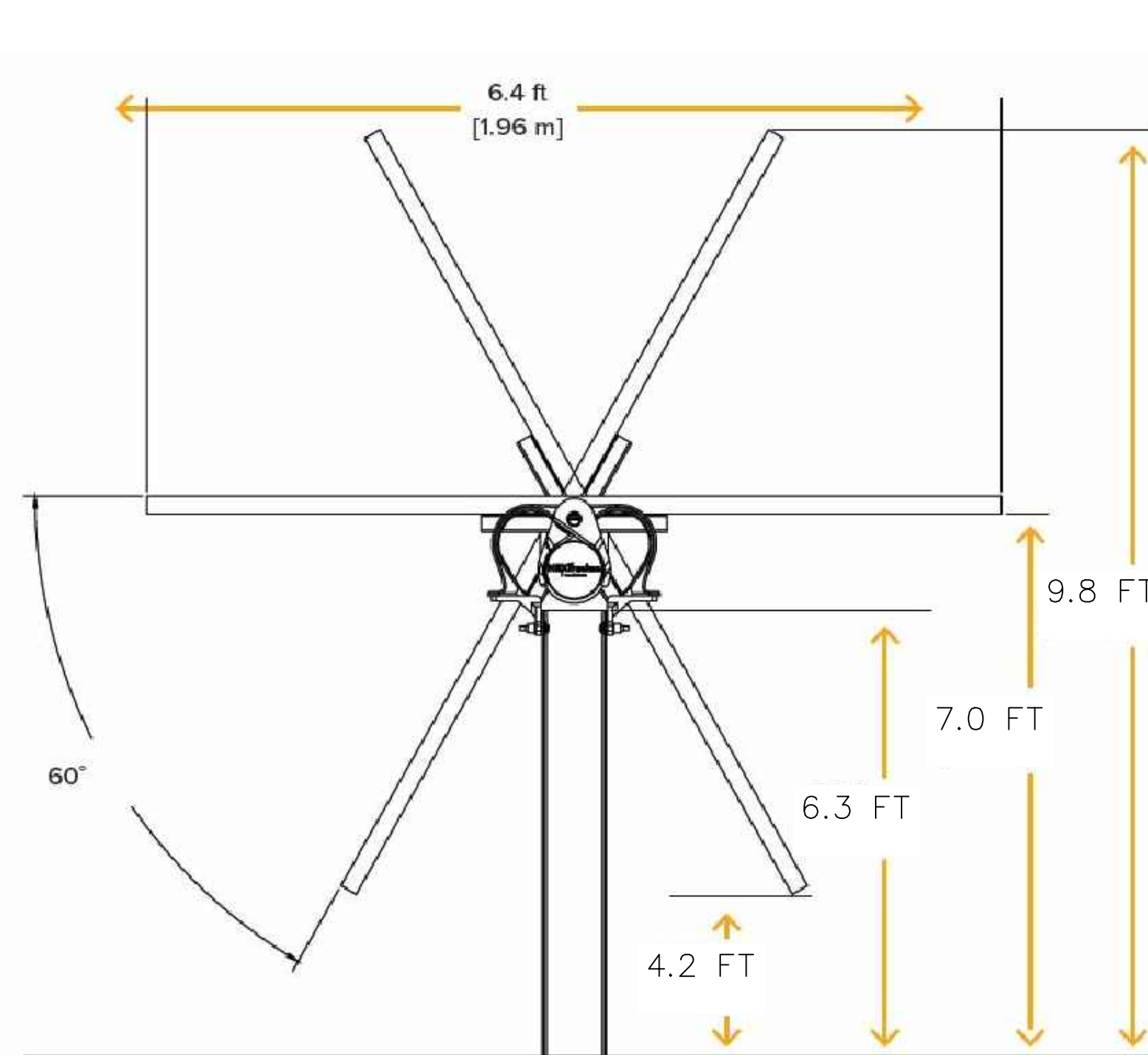
LANDS N/F  
JOSEPH & SUSAN KEITH  
(L. 519/P. 299)  
S.B.L. 44.-1-1



FOR INFORMATION ONLY  
NOT FOR CONSTRUCTION

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6 10/26/20 ADDITIONAL INFORMATION ADDED PER BOARD REQUEST	PJT	ingalls & associates, LLP engineering, environmental, surveying 2603 GUILDERLAND AVENUE SCHEENECTADY, N.Y. 12305 PHONE: (518) 393-7725 FAX: (518) 393-2324	
5 10/09/20 REVISED PER TDE COMMENTS	PJT	TOWN OF MINDEN COUNTY OF MONTGOMERY STATE OF NEW YORK	
4 09/03/20 REVISED PER TDE COMMENTS	JCH	DATE: JULY 12, 2019	
3 08/07/20 REVISED PER TDE COMMENTS	JCH	CHECKED BY: DFI JOB NO. 18-150	
2 03/24/20 REVISED PER TDE COMMENTS	JADP	SCALE: 1"=100'	
1 01/10/20 REVISED PER TOWN COMMENTS	JCH	DRAWN BY: JCH CADD FILE: 18-150 DF.dwg	
NO. DATE: REVISIONS	BY:	SHEET 4 OF 8	





**PROFILE**  
NOT TO SCALE

50' MIN.  
6' MIN.  
50' MIN.

EXISTING PAVEMENT  
MOUNTABLE BERM (OPTIONAL)

**PLAN VIEW**

12' MIN.  
10' MIN.  
10' MIN.

EXISTING PAVEMENT  
EXISTING PAVEMENT

Diagram illustrating the cross-section of a retaining wall structure with geotextile reinforcement and post placement. The diagram shows a vertical wall face on the right, with a horizontal line indicating the top of the filter cloth 16" from grade (minimum). The wall face is labeled "DIRECTION OF FLOW (MAX SLOPE LENGTH SHOWN BELOW)". The wall face is labeled "COMPACTED SOIL". The wall face is labeled "6" MIN. EMBED". The wall face is labeled "4" (MIN)". The wall face is labeled "1'-8" (MIN)". The wall face is labeled "POSTS SPACED AT 10'-0" SOME AREAS MAY REQUIRE CLOSER SPACING FOR POST STABILITY". The wall face is labeled "GEOTEXTILE BURIED IN PLACE".

1:2	25 FT
1:3	50 FT
1:4	75 FT
1:5 OR FLATTER	100 FT

POSTS: STEEL EITHER "T" OR "U"  
TYPE OR 2" HARDWOOD

FILTER CLOTH: FILTER "X",  
MIRAFI 100X, STABILINKA  
T140N OR APPROVED EQUAL

PREFABRICATED UNIT: GEOFAB,  
ENVIROCFENCE, OR APPROVED  
EQUAL

Diagram illustrating the installation of a 4"x4" pressure treated post driven into the soil, supporting an aluminum sign panel.

The sign panel is 24" wide and 24" high. The text on the sign reads:

- HELIOS ENERGY
- 810 COOPERSTOWN ROAD
- IN CASE OF EMERGENCY
- CONTACT:
- XXX-XXX-XXXX

The sign panel is labeled: ALUMINUM SIGN PANEL (WHITE WITH RED LETTERS).

The post is labeled: 4"x4" PRESSURE TREATED POST DRIVEN INTO SOIL.

The diagram shows the post passing through a 3" layer of FINISHED GRADE into the SOIL.

Diagram of the Emergency Calls Only sign. The sign is rectangular with rounded corners, measuring 20" wide by 14" high. The text on the sign reads: "EMERGENCY CALLS ONLY" and "IN CASE OF EMERGENCY DIAL 911". A label points to the sign: "ALUMINUM SIGN PANEL (WHITE WITH RED LETTERS)".



Diagram illustrating a tree staking system for a tree trunk.

**Labels and Dimensions:**


- GREEN TREE:** Ground line to be the same as existed at nursery.
- BACKFILL:** With topsoil & peat moss 3:1 by volume in 9" layers water each layer until settled.
- DEODUCOUS TREE:** Prune back 1/4" on site; spray with antidesiccant according to manufacturers instructions.
- FOLIAGE:** Present; double strand of 10 ga. galv. wire twisted for support.
- 2-1/2" - 10" LONG CEDAR STAKE WITH NOTCHED END (7 EXPOSED) 2 PER TREE.**
- FOLD BURLAP BACK FROM TOP OF BALL.**
- TURNBURSTOCK.**
- 3" MULCH.**
- 4" SOIL SAUCER.**
- 2" x 4" x 3'-0" STAKE DRIVEN FLUSH WITH FINISHED GRADE.**
- 6" MIN.** (Distance from ground line to top of stake)
- 12" MIN.** (Distance from ground line to bottom of stake)
- 12" MIN.** (Distance from stake to tree trunk)
- SOAKS TWICE BALL DIAMETER.**
- EQUALS TWICE.** (Referring to the 12" MIN. distance from stake to tree trunk)

#### 4 TYPICAL TREE PLANTING

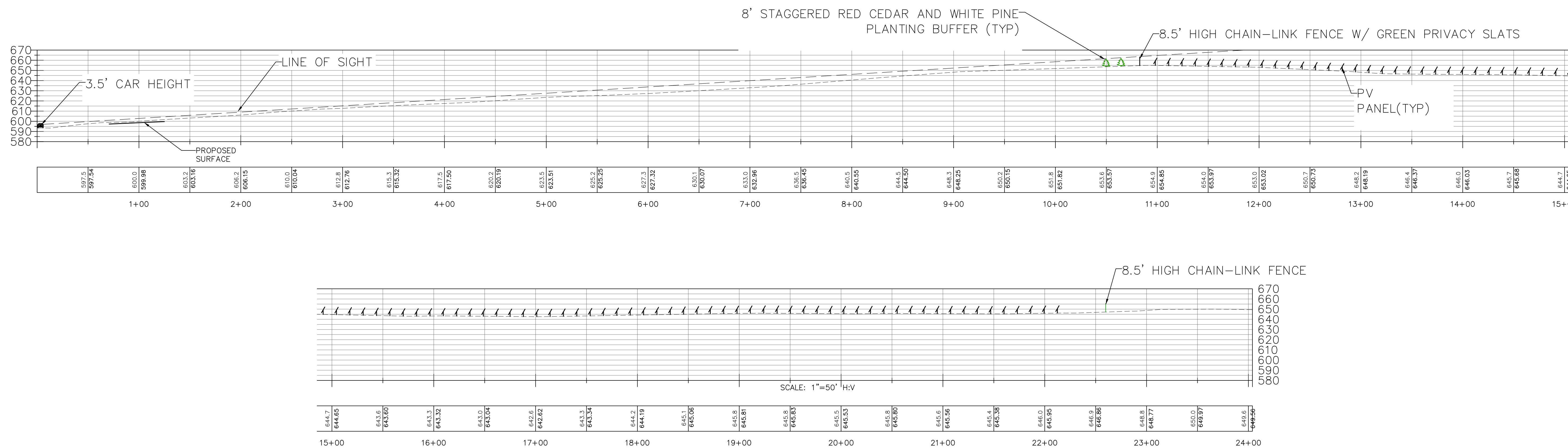
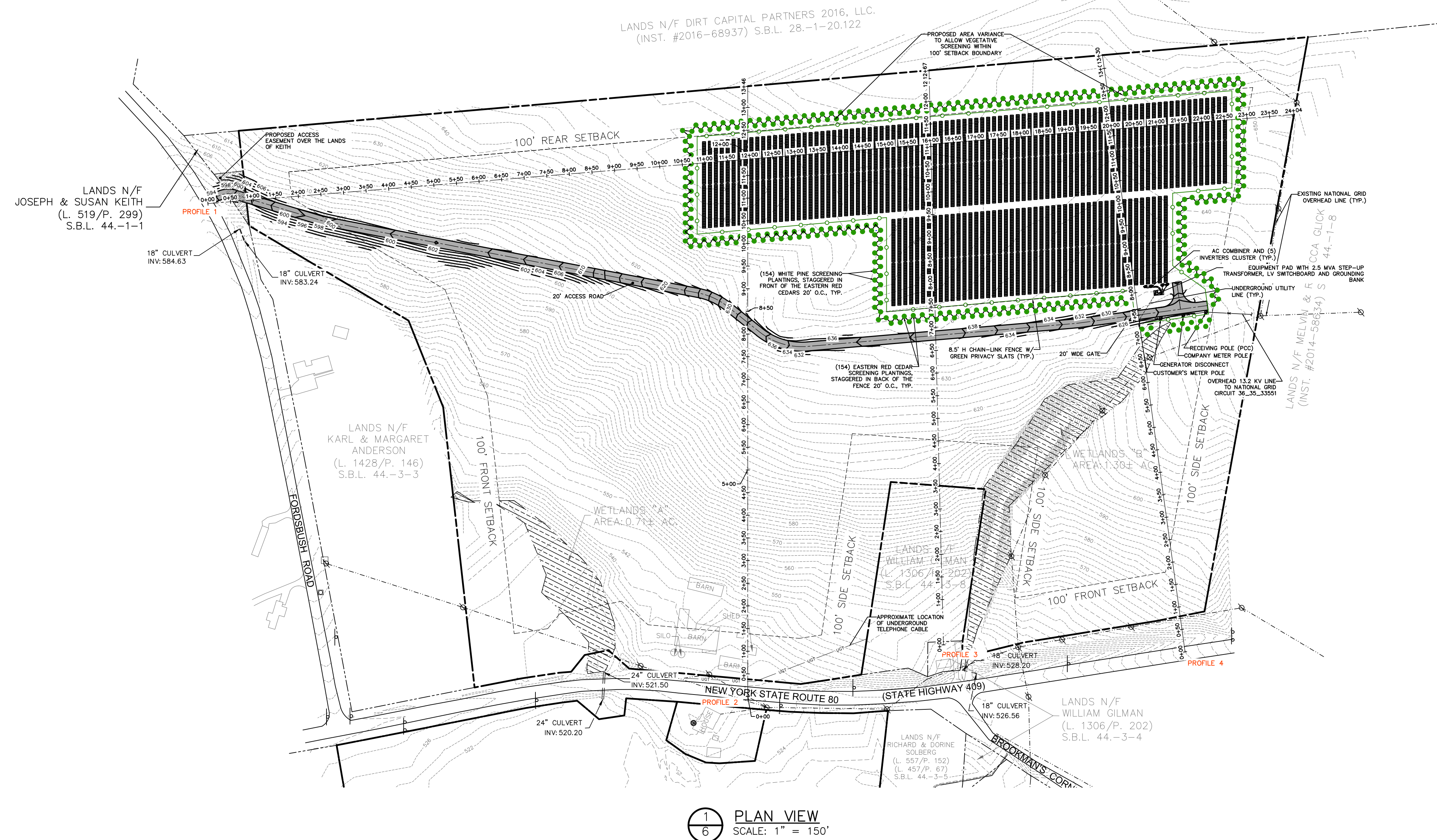
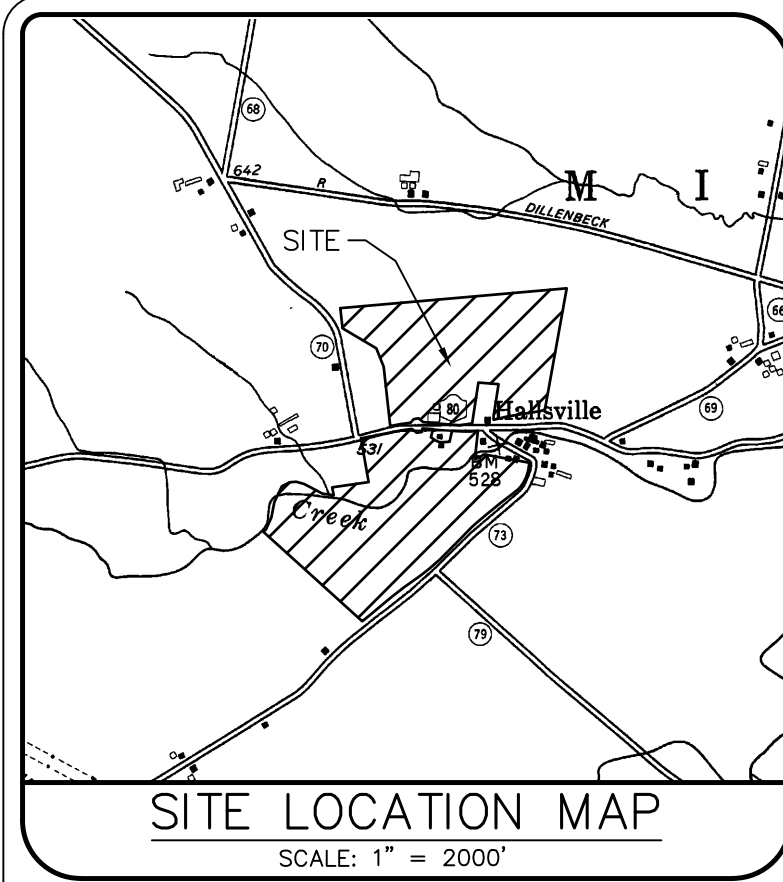
# SOIL STOCKPILE STABILIZATION DETAIL

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6	10/26/20	REVISD PER TOWN COMMENTS	PLY		
5	10/26/20	REVISD PER TOWN COMMENTS	PJT		
4	09/02/20	REVISD PER TOWN COMMENTS	PLH		
3	08/07/20	REVISD PER TOWN COMMENTS	PLH		
2	03/24/20	REVISD PER TOWN COMMENTS	JADP		
1	07/10/20	REVISD PER TOWN COMMENTS	JADP		
NO		REVISIONS			

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  ingalls & associates, LLP engineering, environmental, surveying  2603 GUILDERLAND AVENUE FARMINGTON, CT 06030 PHONE: (510) 393-7725 FAX: (510) 393-7524  DAVID F. INGALLS, JR., P.E.	<b>DETAILS</b> HELIOS ENERGY NEW YORK 12, LLC 810 COOPERSTOWN ROAD  TOWN OF MINDEN COUNTY OF MONTGOMERY STATE OF NEW YORK DATE: JULY 12, 2019 DRAWN BY: JCH CHECKED BY: DJF CADD FILE: 18-150 DF.dwg		SCALE: NTS  SHEET 5 OF 8
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NOTE: 48 HOURS PRIOR TO ANY CONSTRUCTION ACTIVITIES, THE CONTRACTOR SHALL CONTACT DIG SAFELY NEW YORK TO LOCATE ALL UNDERGROUND UTILITIES. 1-800-962-7962

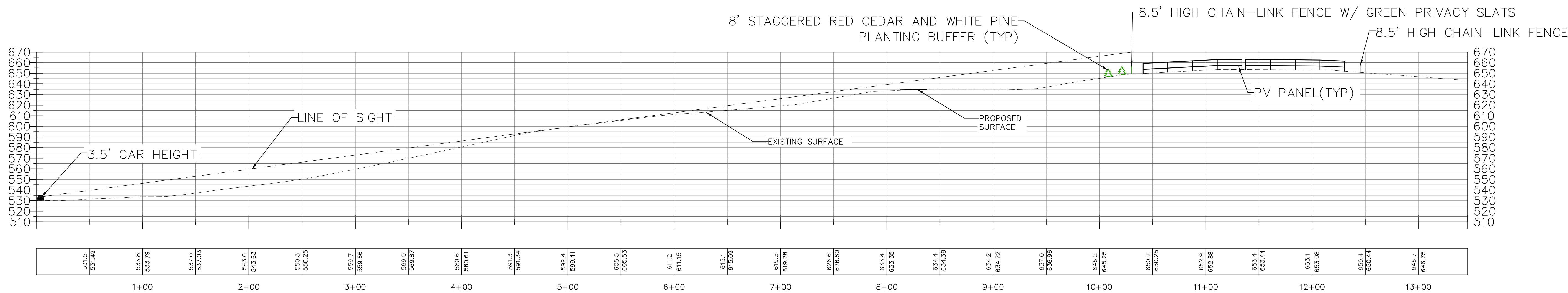
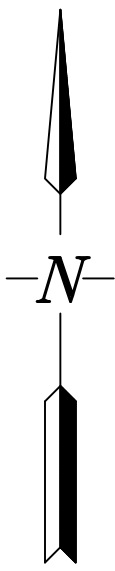
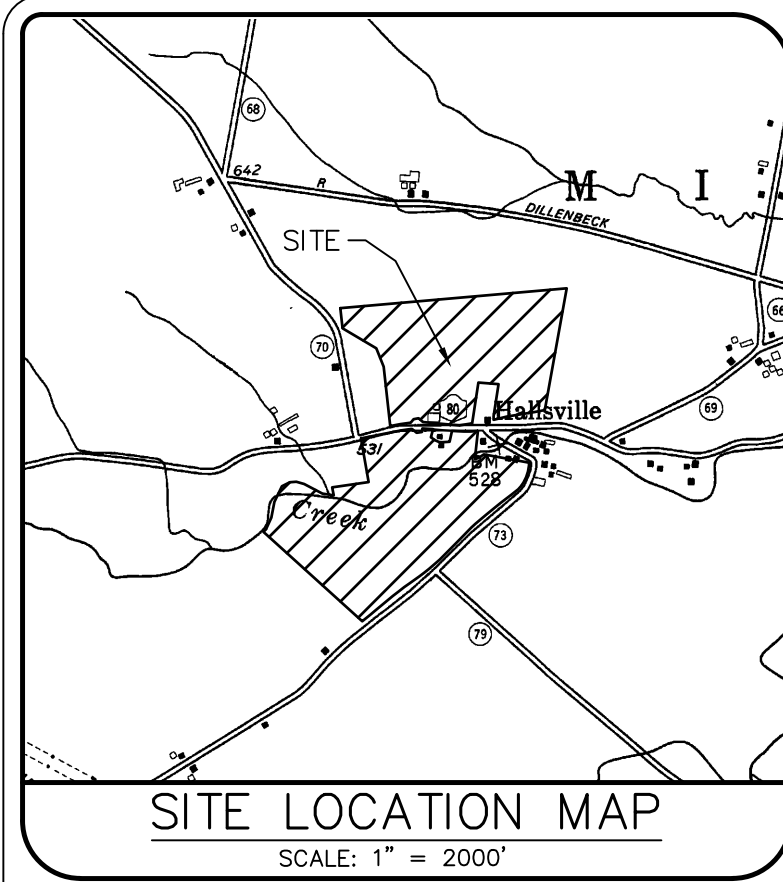
NO.	DATE	REVISIONS	BY
6	10/26/20	ADDITIONAL INFORMATION ADDED PER BOARD REQUEST	PJT
5	10/09/20	REVISED PER IDE COMMENTS	PJT
4	09/03/20	REVISED PER IDE COMMENTS	JCH
3	08/07/20	REVISED PER IDE COMMENTS	JADP
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1	03/12/20	REVISED PER IDE COMMENTS	JCH

DAVID F. INGALLS JR., P.E.  
N.Y.S. LIC. NO. 064993

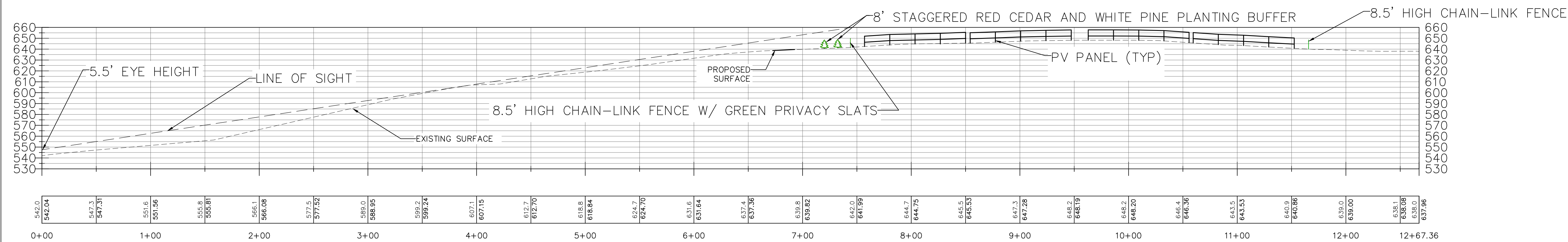
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engineering, environmental, surveys  
2603 GUILDERLAND AVENUE  
SCHEENECTADY, N.Y. 12305  
PHONE: (518) 393-7725  
FAX: (518) 393-2324

LINE OF SIGHT PROFILES (1)			
HELIOS ENERGY NEW YORK 12, LLC		810 COOPERSTOWN ROAD	
TOWN OF MINDEN		STATE OF NEW YORK	
DATE: JANUARY 10, 2020	CHECKED BY: DFI	SCALE: 1"=100'	
DRAWN BY: JCH		CADD FILE: 18-150 DF.dwg	
		SHEET 6 OF 8	

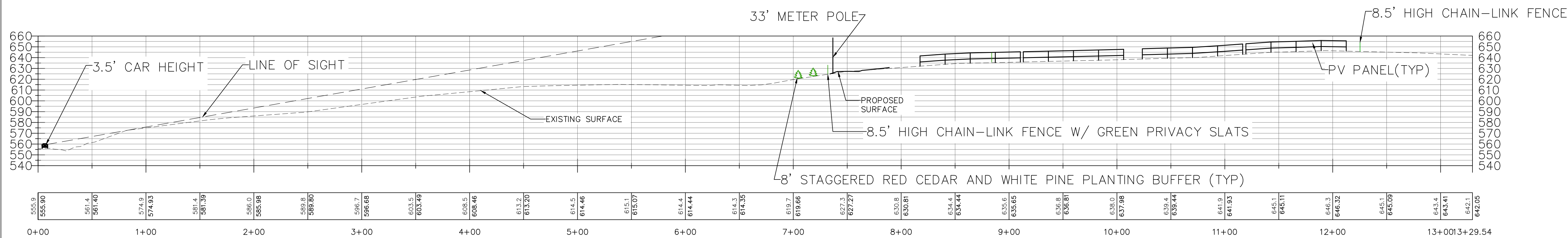




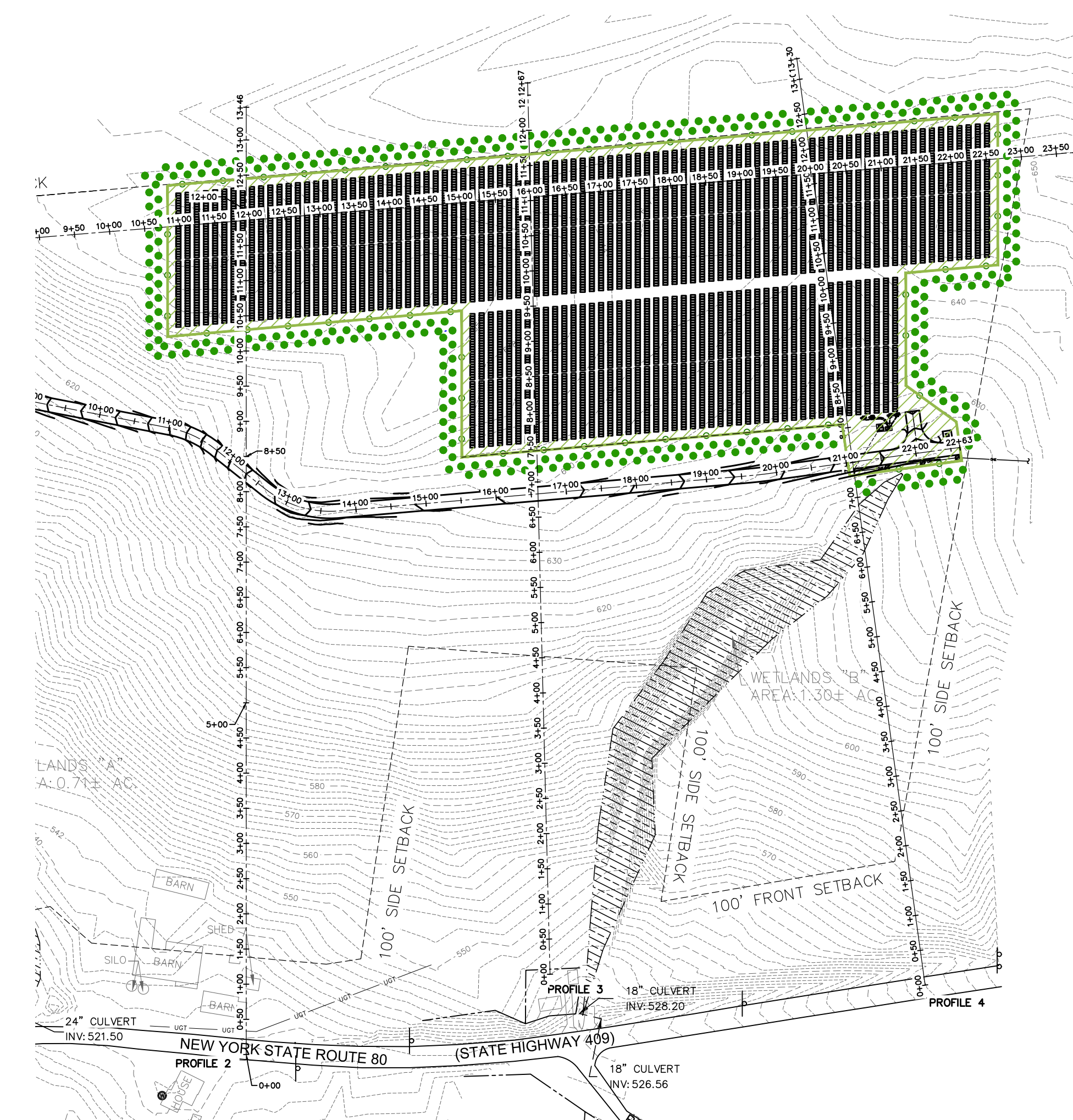
1  
7 LINE-OF-SIGHT PROFILE 2  
SCALE: 1" = 50'



2  
7 LINE-OF-SIGHT PROFILE 3  
SCALE: 1" = 50'



3  
7 LINE-OF-SIGHT PROFILE 4  
SCALE: 1" = 50'



4  
7 PLAN VIEW  
SCALE: 1" = 150'

NOTE: 48 HOURS PRIOR TO ANY CONSTRUCTION ACTIVITIES, THE CONTRACTOR SHALL CONTACT DIG SAFELY NEW YORK TO LOCATE ALL UNDERGROUND UTILITIES. 1-800-962-7962

NO.	DATE	REVISIONS	BY
6	10/26/20	ADDITIONAL INFORMATION ADDED PER BOARD REQUEST	PJT
5	10/09/20	REVISED PER IDE COMMENTS	JCH
4	09/23/20	REVISED PER IDE COMMENTS	JCH
3	08/07/20	REVISED PER IDE COMMENTS	JCH
2	03/24/20	REVISED PER IDE COMMENTS	JCH
1	03/12/20	REVISED PER IDE COMMENTS	JCH

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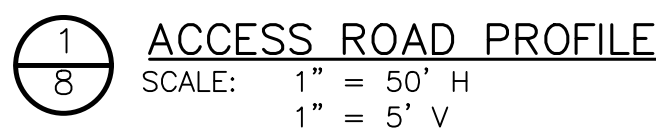
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DAVID F. INGALLS JR., P.E.  
N.Y.S. LIC. NO. 064993

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SCHEMENCTADY, N.Y. 12550  
PHONE: (518) 393-7725  
FAX: (518) 393-2324

LINE OF SIGHT PROFILES (2)  
HELIOS ENERGY NEW YORK 12, LLC  
810 COOPERSTOWN ROAD  
TOWN OF MINDEN  
COUNTY OF MONTGOMERY  
STATE OF NEW YORK  
DATE: JANUARY 10, 2020  
CHECKED BY: DFI  
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SCALE: 1"=100'  
SHEET 7 OF 8





ACCESS ROAD PROFILE		
HELIOS ENERGY NEW YORK 12, LLC		
810 COOPERSTOWN ROAD		
TOWN OF MINDEN		
COUNTY OF MONTGOMERY	STATE OF NEW YORK	
DATE: SEPTEMBER 3, 2020	CHECKED BY: DFI JOB NO. 18-150	SCALE: 1"=100'
DRAWN BY: JCH DD FILE: 18-150 DF.dwg		SHEET 8 OF 8










Approximate Array Location

Location 1 – Brookmans Corners Road  
4,930'± Away from Array

07 10 2020





Array Location

New Access Road

Location 2 – Cooperstown Road (RT 80)  
1,820' ± Away from Array

07 10 2020





Array Location

Evergreen Screening

New Access Road

Location 3 – Cooperstown Road (RT 80)  
950'± Away from Array

07 10 2020





Approximate Array Location

Location 4 – Fordsbush Road  
2,900'± Away from Array

07 10 2020





Array Location

Location 5 – Fordsbush Road  
975'± Away from Array

07 10 2020






Array Location

Location 6 – R. Dillenbeck Road  
750'± Away from Array

07 10 2020






Approximate Array Location

Location 7 - Brookmans Corners Road  
4,250' ± Away from Array





Approximate Array Location

Location 7 - Brookmans Corners Road  
4,250'± Away from Array  
10 Year Screening Growth (Leaf-Off)





Location 8 - Freysbush Road  
2,200'± Away from Array





Location 8 - Freysbush Road  
2,200'± Away from Array  
10 Year Screening Growth (Leaf-Off)






Approximate Array Location

Location 9 - Brookmans Corners Road  
2,500'± Away from Array





Approximate Array Location

Location 9 - Brookmans Corners Road  
2,500'± Away from Array  
10 Year Screening Growth (Leaf-Off)



**Full Environmental Assessment Form**  
**Part 1 - Project and Setting**

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** 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; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Applicant/Sponsor Information.**

Name of Action or Project: Helios Energy New York Minden Solar Farm		
Project Location (describe, and attach a general location map): 810 Cooperstown Road, Minden NY		
Brief Description of Proposed Action (include purpose or need): The installation of a 2 MWAC solar panel array and associated access road, fencing, and electrical equipment, located at 810 Cooperstown Road, in the Town of Minden, NY. An area variance is also required to place screening trees within the 100' setback.		
Name of Applicant/Sponsor: Helios Energy New York 12 LLC	Telephone: (248) 408-4898	
	E-Mail: michael@heliosen.com	
Address: 411 S. Old Woodward, Suite 807		
City/PO: Birmingham	State: Michigan	Zip Code: 48009
Project Contact (if not same as sponsor; give name and title/role): Michael Lossia	Telephone: (248) 08-4898	
	E-Mail: michael@heliosen.com	
Address: 411 S. Old Woodward, Suite 807		
City/PO: Birmingham	State: Michigan	Zip Code: 48009
Property Owner (if not same as sponsor): Luis & Sonia Lopez	Telephone:	
	E-Mail:	
Address: 91-23 120th Street		
City/PO: Richmond Hill	State: NY	Zip Code: 11418

## B. Government Approvals

<b>B. Government Approvals, Funding, or Sponsorship.</b> (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)		
<b>Government Entity</b>	<b>If Yes: Identify Agency and Approval(s) Required</b>	<b>Application Date (Actual or projected)</b>
a. City Counsel, Town Board, or Village Board of Trustees <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Special Use permit, Site Plan Review	December 2020
c. City, Town or Village Zoning Board of Appeals <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Area Variance, Tree Screening within 100' setback line	November 2020
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Minden Building Permit	Upon Approval
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	County Planning Review GML-239	November 2020
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSERDA, OPRHP, NYS Dept. of Ag. and Markets,	December 2020
h. Federal agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	ACOE No Permit Letter	April 2020
i. Coastal Resources. i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No iii. Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

## C. Planning and Zoning

<b>C.1. Planning and zoning actions.</b>	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No • <b>If Yes</b> , complete sections C, F and G. • <b>If No</b> , proceed to question C.2 and complete all remaining sections and questions in Part 1	
<b>C.2. Adopted land use plans.</b>	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, identify the plan(s): NYS Heritage Areas: Mohawk Valley Heritage Corridor _____ _____ _____	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, identify the plan(s): Montgomery County Agricultural and Farmland Protection Plan (October 2017) _____ _____ _____	

### C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☒ Yes ☐ No  
If Yes, what is the zoning classification(s) including any applicable overlay district?

Agricultural District (A)

b. Is the use permitted or allowed by a special or conditional use permit? ☒ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☒ No

If Yes,

i. What is the proposed new zoning for the site? \_\_\_\_\_

### C.4. Existing community services.

a. In what school district is the project site located? Fort Plain Central School District

b. What police or other public protection forces serve the project site?

Montgomery County Sheriff, NYS Trooper

c. Which fire protection and emergency medical services serve the project site?

South Minden Fire Department and Fort Plain Fire Department

d. What parks serve the project site?

Unity Park Fort Plain

### D. Project Details

#### D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Solar Farm

b. a. Total acreage of the site of the proposed action? 13.4 acres

b. Total acreage to be physically disturbed? 13.4 acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 120.3 acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☒ No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☒ No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed? ☐ Yes ☒ No

iii. Number of lots proposed? \_\_\_\_\_

iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☒ No

i. If No, anticipated period of construction: 4 months

ii. If Yes:

- Total number of phases anticipated \_\_\_\_\_

- Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year

- Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year

- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_

f. Does the project include new residential uses? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes,	
i. Total number of structures <u>272</u> ii. Dimensions (in feet) of largest proposed structure: <u>9.8</u> height; <u>6.4</u> width; and <u>188</u> length iii. Approximate extent of building space to be heated or cooled: _____ <u>0</u> square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes,	
i. Purpose of the impoundment: _____ ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify: _____ iii. If other than water, identify the type of impounded/contained liquids and their source. _____ iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____ _____	

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes:	
i. What is the purpose of the excavation or dredging? _____ ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site? • Volume (specify tons or cubic yards): _____ • Over what duration of time? _____ iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____ _____ iv. Will there be onsite dewatering or processing of excavated materials? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If yes, describe. _____ _____ v. What is the total area to be dredged or excavated? _____ acres vi. What is the maximum area to be worked at any one time? _____ acres vii. What would be the maximum depth of excavation or dredging? _____ feet viii. Will the excavation require blasting? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> ix. Summarize site reclamation goals and plan: _____ _____ _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____ _____	

*ii.* Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*iii.* Will the proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No  
If Yes, describe: \_\_\_\_\_

*iv.* Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No  
If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

*v.* Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

\_\_\_\_\_

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*c.* Will the proposed action use, or create a new demand for water? ☐ Yes ☒ No  
If Yes:

*i.* Total anticipated water usage/demand per day: \_\_\_\_\_ gallons/day

*ii.* Will the proposed action obtain water from an existing public water supply? ☐ Yes ☐ No  
If Yes:

- Name of district or service area: \_\_\_\_\_
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

*iii.* Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No  
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

*iv.* Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No  
If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

*v.* If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

\_\_\_\_\_

*vi.* If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ gallons/minute.

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*d.* Will the proposed action generate liquid wastes? ☐ Yes ☒ No  
If Yes:

*i.* Total anticipated liquid waste generation per day: \_\_\_\_\_ gallons/day

*ii.* Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

\_\_\_\_\_

*iii.* Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☐ No  
If Yes:

- Name of wastewater treatment plant to be used: \_\_\_\_\_
- Name of district: \_\_\_\_\_
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

<ul style="list-style-type: none"> <li>• Do existing sewer lines serve the project site? _____</li> <li>• Will a line extension within an existing district be necessary to serve the project? _____</li> </ul> <p>If Yes:</p> <ul style="list-style-type: none"> <li>• Describe extensions or capacity expansions proposed to serve this project: _____ _____</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____</p> <p>If Yes:</p> <ul style="list-style-type: none"> <li>• Applicant/sponsor for new district: _____</li> <li>• Date application submitted or anticipated: _____</li> <li>• What is the receiving water for the wastewater discharge? _____</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____ _____</p>	
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____ _____</p>	
<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?            <u>230</u> Square feet or _____ acres (impervious surface)            _____ Square feet or <u>120.3</u> acres (parcel size)</p> <p>ii. Describe types of new point sources. <u>The new point source of runoff is a 230 SF concrete equipment pad, used to house electrical equipment associated with the community solar farm.</u></p> <p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?  <u>Runoff from the equipment pad will be directed to a vegetated filter strip, then sheet flow to on-site wetlands.</u></p> <p>• If to surface waters, identify receiving water bodies or wetlands: _____  <u>Unnamed on-site federal wetlands</u></p> <p>• Will stormwater runoff flow to adjacent properties? _____</p>	
<p>iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____</p>	
<p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____</p>	
<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____</p> <p>If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> <li>• _____ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)</li> <li>• _____ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)</li> <li>• _____ Tons/year (short tons) of Perfluorocarbons (PFCs)</li> <li>• _____ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)</li> <li>• _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)</li> <li>• _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)</li> </ul>	

<p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Estimate methane generation in tons/year (metric): _____</p> <p>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p>			
<p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p>			
<p>j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. When is the peak traffic expected (Check all that apply): <input type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend  <input type="checkbox"/> Randomly between hours of _____ to _____.</p> <p>ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____</p> <p>iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____</p> <p>iv. Does the proposed action include any shared use parking? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____</p> <p>vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>			
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Estimate annual electricity demand during operation of the proposed action: _____</p> <p>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____</p> <p>iii. Will the proposed action require a new, or an upgrade, to an existing substation? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>			
<p>l. Hours of operation. Answer all items which apply.</p> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ 7:00am-5:00pm</li> <li>• Saturday: _____ 7:00am-5:00pm</li> <li>• Sunday: _____ None</li> <li>• Holidays: _____ None</li> </ul> </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ 7 am - 5 pm during maintenance</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul> </td> </tr> </table>		<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ 7:00am-5:00pm</li> <li>• Saturday: _____ 7:00am-5:00pm</li> <li>• Sunday: _____ None</li> <li>• Holidays: _____ None</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ 7 am - 5 pm during maintenance</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>
<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ 7:00am-5:00pm</li> <li>• Saturday: _____ 7:00am-5:00pm</li> <li>• Sunday: _____ None</li> <li>• Holidays: _____ None</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ 7 am - 5 pm during maintenance</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>		

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p style="margin-left: 20px;">Construction activities will increase noise levels. Noise from inverters during operation will provide 55 dB above existing ambient noise levels. This increase will not be noticable above existing ambient levels.</p>	
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>Describe: _____</p>	
<p>n. Will the proposed action have outdoor lighting? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: _____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>Describe: _____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p> <p>_____</p> <p>_____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p> <p>_____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe proposed treatment(s): _____</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> <li>• Construction: _____ tons per _____ (unit of time)</li> <li>• Operation : _____ tons per _____ (unit of time)</li> </ul> <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>• Operation: _____</li> </ul> <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>• Operation: _____</li> </ul>	



s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_

ii. Anticipated rate of disposal/processing:

- \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or
- \_\_\_\_\_ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: \_\_\_\_\_ years

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t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_

ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_

iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: \_\_\_\_\_

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: \_\_\_\_\_

## E. Site and Setting of Proposed Action

<b>E.1. Land uses on and surrounding the project site</b>			
<p>a. Existing land uses.</p> <p>i. Check all uses that occur on, adjoining and near the project site.</p> <div style="display: flex; flex-wrap: wrap;"> <div style="margin-right: 10px;"><input type="checkbox"/> Urban</div> <div style="margin-right: 10px;"><input type="checkbox"/> Industrial</div> <div style="margin-right: 10px;"><input type="checkbox"/> Commercial</div> <div style="margin-right: 10px;"><input type="checkbox"/> Residential (suburban)</div> <div style="margin-right: 10px;"><input checked="" type="checkbox"/> Rural (non-farm)</div> <div style="margin-right: 10px;"><input type="checkbox"/> Forest</div> <div style="margin-right: 10px;"><input checked="" type="checkbox"/> Agriculture</div> <div style="margin-right: 10px;"><input type="checkbox"/> Aquatic</div> <div style="margin-right: 10px;"><input type="checkbox"/> Other (specify): _____</div> </div> <p>ii. If mix of uses, generally describe: _____</p>			
b. Land uses and covertypes on the project site.			
Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.2	0.2	0
• Forested Screening Trees	0.0	3.0	3.0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0	0.6	+0.6
• Agricultural (includes active orchards, field, greenhouse etc.)	118.0	104.6	-13.4
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)	2.1	2.1	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: <u>Solar Farm - Access Drive, Fenced Area</u> (including Panels & Equipment Pads)	0	9.8	+9.8

<p>c. Is the project site presently used by members of the community for public recreation?  <i>i. If Yes: explain:</i> _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?          If Yes,  <i>i. Identify Facilities:</i>          _____          _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>e. Does the project site contain an existing dam?          If Yes:  <i>i. Dimensions of the dam and impoundment:</i></p> <ul style="list-style-type: none"> <li>• Dam height: _____ feet</li> <li>• Dam length: _____ feet</li> <li>• Surface area: _____ acres</li> <li>• Volume impounded: _____ gallons OR acre-feet</li> </ul> <p><i>ii. Dam's existing hazard classification:</i> _____  <i>iii. Provide date and summarize results of last inspection:</i>          _____          _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?          If Yes:  <i>i. Has the facility been formally closed?</i>              • If yes, cite sources/documentation: _____</p> <p><i>ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:</i>          _____          _____</p> <p><i>iii. Describe any development constraints due to the prior solid waste activities:</i> _____          _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No   <input type="checkbox"/> Yes <input type="checkbox"/> No
<p>g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?          If Yes:  <i>i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:</i>          _____          _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?          If Yes:  <i>i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:</i></p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Yes – Spills Incidents database  <input type="checkbox"/> Yes – Environmental Site Remediation database  <input type="checkbox"/> Neither database         </div> <div style="width: 50%;">           Provide DEC ID number(s): _____            Provide DEC ID number(s): _____         </div> </div> <p><i>ii. If site has been subject of RCRA corrective activities, describe control measures:</i>          _____          _____</p> <p><i>iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?</i>          If yes, provide DEC ID number(s): _____</p> <p><i>iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):</i>          _____          _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No   <input type="checkbox"/> Yes <input type="checkbox"/> No   <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

v. Is the project site subject to an institutional control limiting property uses? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>																																					
<ul style="list-style-type: none"> <li>• If yes, DEC site ID number: _____</li> <li>• Describe the type of institutional control (e.g., deed restriction or easement): _____</li> <li>• Describe any use limitations: _____</li> <li>• Describe any engineering controls: _____</li> <li>• Will the project affect the institutional or engineering controls in place? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></li> <li>• Explain: _____</li> </ul>																																					
<b>E.2. Natural Resources On or Near Project Site</b>																																					
a. What is the average depth to bedrock on the project site? _____ +/- 5 feet																																					
b. Are there bedrock outcroppings on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %																																					
c. Predominant soil type(s) present on project site: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;"><u>Palatine Silt Loam</u></td> <td style="width: 20%; text-align: right;"><u>51</u> %</td> </tr> <tr> <td><u>Angola Silt Loam</u></td> <td style="text-align: right;"><u>32</u> %</td> </tr> <tr> <td><u>Appleton Silt Loam</u></td> <td style="text-align: right;"><u>17</u> %</td> </tr> </table>		<u>Palatine Silt Loam</u>	<u>51</u> %	<u>Angola Silt Loam</u>	<u>32</u> %	<u>Appleton Silt Loam</u>	<u>17</u> %																														
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d. What is the average depth to the water table on the project site? Average: <u>5'-6.6'</u> feet																																					
e. Drainage status of project site soils: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;"><input checked="" type="checkbox"/> Well Drained:</td> <td style="width: 70%; text-align: right;"><u>51</u> % of site</td> </tr> <tr> <td><input type="checkbox"/> Moderately Well Drained:</td> <td style="text-align: right;">_____ % of site</td> </tr> <tr> <td><input checked="" type="checkbox"/> Poorly Drained</td> <td style="text-align: right;"><u>49</u> % of site</td> </tr> </table>		<input checked="" type="checkbox"/> Well Drained:	<u>51</u> % of site	<input type="checkbox"/> Moderately Well Drained:	_____ % of site	<input checked="" type="checkbox"/> Poorly Drained	<u>49</u> % of site																														
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f. Approximate proportion of proposed action site with slopes: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;"><input checked="" type="checkbox"/> 0-10%:</td> <td style="width: 70%; text-align: right;"><u>45</u> % of site</td> </tr> <tr> <td><input checked="" type="checkbox"/> 10-15%:</td> <td style="text-align: right;"><u>52</u> % of site</td> </tr> <tr> <td><input checked="" type="checkbox"/> 15% or greater:</td> <td style="text-align: right;"><u>3</u> % of site</td> </tr> </table>		<input checked="" type="checkbox"/> 0-10%:	<u>45</u> % of site	<input checked="" type="checkbox"/> 10-15%:	<u>52</u> % of site	<input checked="" type="checkbox"/> 15% or greater:	<u>3</u> % of site																														
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g. Are there any unique geologic features on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes, describe: _____																																					
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<p>m. Identify the predominant wildlife species that occupy or use the project site: _____</p> <p><u>Canadian Goose</u>                      <u>White Tailed Deer</u>                      <u>Gray Squirrel</u></p> <p>_____</p>	
<p>n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p style="margin-left: 20px;">ii. Source(s) of description or evaluation: _____</p> <p style="margin-left: 20px;">iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> <li>• Currently: _____ acres</li> <li>• Following completion of project as proposed: _____ acres</li> <li>• Gain or loss (indicate + or -): _____ acres</li> </ul>	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing (endangered or threatened): _____</p> <p><u>Henslow's Sparrow</u> is located .1 mile northwest of the proposed site.</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing: _____</p> <p>_____</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p>	
<p><b>E.3. Designated Public Resources On or Near Project Site</b></p>	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes, provide county plus district name/number: <u>MONT001</u></p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? <u>5.5</u></p> <p style="margin-left: 20px;">ii. Source(s) of soil rating(s): <u>2019 New York Agricultural Land Classification</u></p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p style="margin-left: 20px;">ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. CEA name: _____</p> <p style="margin-left: 20px;">ii. Basis for designation: _____</p> <p style="margin-left: 20px;">iii. Designating agency and date: _____</p>	

e. 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? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If Yes: <ul style="list-style-type: none"> <li>i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input checked="" type="checkbox"/> Historic Building or District</li> <li>ii. Name: Eligible property: Brookman Corners Road Bridge, Eligible property: Otsuquago Grange</li> <li>iii. Brief description of attributes on which listing is based: Historically eligible building / structure</li> </ul>	
f. 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? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>	
g. Have additional archaeological or historic site(s) or resources been identified on the project site? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If Yes: <ul style="list-style-type: none"> <li>i. Describe possible resource(s): Phase 1A/1B discovered 1 isolated pre-contact find. Project has received OPRHP Letter of No Effect 2/19/20</li> <li>ii. Basis for identification: NYS CRIS system</li> </ul>	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
If Yes: <ul style="list-style-type: none"> <li>i. Identify resource: _____</li> <li>ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____</li> <li>iii. Distance between project and resource: _____ miles.</li> </ul>	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
If Yes: <ul style="list-style-type: none"> <li>i. Identify the name of the river and its designation: _____</li> <li>ii. Is the activity consistent with development restrictions contained in 6 NYCRR Part 666? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></li> </ul>	

#### F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

#### G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Helios Energy New York 12, LLC Date Revised 10/26/2020

Signature  Title Engineer for Applicant



**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.



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas: Mohawk Valley Heritage Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	No

E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Henslow's Sparrow
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	Yes
E.3.a. [Agricultural District]	MONT001
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	Eligible property:Brookman Corners Road Bridge, Eligible property:Otsquago Grange
E.3.f. [Archeological Sites]	No
E.3.i. [Designated River Corridor]	No



October 26, 2020

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Schenectady  
New York 12306

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f.518.393.2324

info@ingallsllp.com  
www.ingallsllp.com

**Re: Helios Energy  
Response to Project Noise Comment  
NYS Route 80, Minden, New York**

### **Noise Assessment**

Please find the following response to Town inquiry regarding the anticipated sound levels associated with the construction and installation of the proposed Helios Energy solar project on NYS Route 80.

### **Background**

The range of pressures that can cause the vibrations that create noise is broad. Noise is measured on a logarithmic scale, expressed in decibels, (dB). The frequency of sound is the “pitch”, which correlates to the rate of vibration of an object in air. The unit of frequency is hertz (Hz). Most sounds are comprised of multiple frequencies, and of these frequencies, the normal human ear can detect range from 20 Hz to 20,000 Hz, although most people are sensitive to frequencies between 500 and 4,000 Hz. These individual frequencies can be combined into one overall dB level.

According to the NYSDEC Program Policy, “Assessing and Mitigating Noise Impacts”, dated February 2, 2001. “The environmental effects of sound and human perceptions of sound can be described in terms of four characteristics:

1. Sound Pressure Level (SPL may also be designated by the symbol  $L_p$ ) or perceived loudness is expressed in dB or A-weighted decibel scale dB(A) which is weighted towards those portions of the frequency spectrum, between 20 and 20,000 Hertz, to which the human ear is most sensitive. Both measure sound pressure in the atmosphere.
2. Frequency (perceived as pitch), the rate at which a sound source vibrates or makes the air vibrate.
3. Duration i.e., recurring fluctuation in sound pressure or tone at an interval; sharp or startling noise at recurring interval; the temporal nature (continuous vs. intermittent) of sound.
4. Pure tone which is comprised of a single frequency. Pure tones are relatively rare in nature but, if they do occur, they can be extremely annoying.

Another term, related to the average of the sound energy over time, is the Equivalent Sound Level or  $L_{eq}$ . The  $L_{eq}$  integrates fluctuating sound levels over a period of time to express them as a steady state sound level. As an example, if two sounds are measured and one sound has twice the energy but lasts half as long, the two sounds would be characterized as having the same equivalent sound level. Equivalent Sound Level is directly related to the effects of sound on people since it expresses the equivalent magnitude of the sound as a function of frequency of occurrence and time.”



# *ingalls*

Sound is typically measured on the A weighted scale, commonly denoted as dB(A). The A weighted scale provides a good correlation with the human auditory response to sound pressure and is the most widely used descriptor for noise assessments. The lowest sound detectable to the human ear is 0 dBA, while conversely a sound level of 120 dBA typically causes pain. Some common sound levels are provided below.

Figure 1: Common Sound Levels (dB)

Source	Sound Level (dB)
Jet aircraft, 150 feet away	140
Threshold of pain	130
Threshold of discomfort	120
Chainsaw, 3 feet away	110
Disco, 3 feet from speaker	100
Diesel truck, 3 feet away	90
Curbside of busy road, 15 feet	80
Vacuum cleaner, 3 feet away	70
Conversational speech, 3 feet	60
Average home	50
Quiet library	40
Quiet bedroom at night	30
Background in TV studio	20
Rustling leaf	10

## **Findings**

Since the project involves both construction and operation phases, both have been evaluated relative to potential noise impacts. Ingalls has examined prior research of tools and equipment that are commonly used for the construction and installation of solar generation facilities for the purpose of determining the potential noise that may be caused by the project during the construction and installation process. The required tools and equipment to be used in each phase of construction/installation have been evaluated and it has been determined that the equipment with the highest sound pressure level is the pile driving equipment with an instantaneous pressure level of approximately 85-90 dBA.

## **Sound Levels at nearest residence 800+/- feet**

### Equipment Noise

- Pile driving machine at 50' produces  $L_p$  between 85-90± dBA\*

The closest panels and pile installation to nearest residences are 800'± away:

- Pile driver at 800' produces  $L_p$  between 61-66± dBA

The average center of panels is 1500'± away from the residences:

- Pile driver at 1500' produces  $L_p$  between 55-60± dBA

# *ingalls*

It is noted that these proposed construction activities for pile driving are short duration and anticipated to only last 4-6 weeks. The pile driving is not continuous for the entire day or time period of monitoring; while setting up pile driving locations or moving between piles the equivalent sound levels, therefore, Leq will be at lower pressures. It should also be noted that the pile driver is a smaller, track driven piece of equipment (Vermeer PD10 or equivalent) typically operated by two (2) workers and is much smaller than a diesel-powered pile driver used for larger construction projects. An image of a typical construction site and pile driver is provided below:



*Image 1: Vermeer Pile Driver and construction crew installing solar piles*

At the modeled level of 60 dBA the construction noise will be equivalent or less than conversational speech. Based on these noise levels, potential impacts to neighboring properties will be negligible. These noise levels are also below Town of Minden Noise Standards per the Town's zoning ordinance.

## **References:**

Dudek (January 2015) *Final Program Environmental Impact Report, Soitec Solar Development Project*  
[https://www.sandiegocounty.gov/content/dam/sdc/pds/ceqa/Soitec-Documents/Final-EIR-Files/2.6\\_Noise\\_Part1.pdf](https://www.sandiegocounty.gov/content/dam/sdc/pds/ceqa/Soitec-Documents/Final-EIR-Files/2.6_Noise_Part1.pdf)

**Full Environmental Assessment Form**  
**Part 2 - Identification of Potential Project Impacts**

**Part 2 is to be completed by the lead agency.** Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency and the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

**Tips for completing Part 2:**

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

<b>1. Impact on Land</b> Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>



<b>2. Impact on Geological Features</b> The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - c. If "No", move on to Section 3.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>3. Impacts on Surface Water</b> The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - l. If "No", move on to Section 4.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input type="checkbox"/>	<input type="checkbox"/>

1. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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<b>4. Impact on groundwater</b> The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>5. Impact on Flooding</b> The proposed action may result in development on lands subject to flooding. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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<b>6. Impacts on Air</b> The proposed action may include a state regulated air emission source. <span style="float: right;"><input checked="" type="checkbox"/> NO <input type="checkbox"/> YES</span> (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO <sub>2</sub> ) ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> ) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>7. Impact on Plants and Animals</b> The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <span style="float: right;"><input checked="" type="checkbox"/> NO <input type="checkbox"/> YES</span> <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>8. Impact on Agricultural Resources</b> The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>



<b>9. Impact on Aesthetic Resources</b> The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>10. Impact on Historic and Archeological Resources</b> The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places.	E3e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
e. If any of the above (a-d) are answered "Yes", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>11. Impact on Open Space and Recreation</b> The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) If "Yes", answer questions a - e. If "No", go to Section 12.			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>12. Impact on Critical Environmental Areas</b> The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) If "Yes", answer questions a - c. If "No", go to Section 13.			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**13. Impact on Transportation**

The proposed action may result in a change to existing transportation systems.

☒ NO☐ YES

(See Part 1. D.2.j)

*If "Yes", answer questions a - g. If "No", go to Section 14.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**14. Impact on Energy**

The proposed action may cause an increase in the use of any form of energy.

☒ NO☐ YES

(See Part 1. D.2.k)

*If "Yes", answer questions a - e. If "No", go to Section 15.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____			

**15. Impact on Noise, Odor, and Light**

The proposed action may result in an increase in noise, odors, or outdoor lighting.

☐ NO☒ YES

(See Part 1. D.2.m., n., and o.)

*If "Yes", answer questions a - f. If "No", go to Section 16.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

#### 16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)

☒ NO

☐ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____			



**17. Consistency with Community Plans**

The proposed action is not consistent with adopted land use plans.  
(See Part 1. C.1, C.2. and C.3.)

☐ NO☒ YES

If "Yes", answer questions a - h. If "No", go to Section 18.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**18. Consistency with Community Character**

The proposed project is inconsistent with the existing community character.  
(See Part 1. C.2, C.3, D.2, E.3)

☐ NO☒ YES

If "Yes", answer questions a - g. If "No", proceed to Part 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**PRINT FULL FORM**

Project :

Date :

**Full Environmental Assessment Form**  
**Part 3 - Evaluation of the Magnitude and Importance of Project Impacts**  
**and**  
**Determination of Significance**

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

**Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

See attached.

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status:

☒ Type 1

☐ Unlisted

Identify portions of EAF completed for this Project: ☒ Part 1

☒ Part 2

☒ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the  
Planning Board of the Town of Minden as lead agency that:

☒ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Helios Energy New York 12 LLC - Minden Solar Farm, 810 St Hwy 80 (Cooperstown Rd), Fort Plain, NY 13339

Name of Lead Agency: Town of Minden Planning Board

Name of Responsible Officer in Lead Agency: James R. Welch

Title of Responsible Officer: Planning Board, Chair

Signature of Responsible Officer in Lead Agency:

Date: 11-9-2020

Signature of Preparer (if different from Responsible Officer)

Date:

**For Further Information:**

Contact Person: James R. Welch

Address: 134 Highway 80 Fort Plain NY 13339

Telephone Number: 518-858-6709

E-mail: jrwelch@wildblue.net

**For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:**

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

**PRINT FULL FORM**

The Project's environmental impacts have been evaluated in accordance with the SEQRA Full Environmental Assessment Form, Part 2 - Identification of Potential Project Impacts. A majority of the potential project impacts have been identified as "no or small impact may occur". However, the following potential project impacts were deemed by the Town of Minden Planning Board to have "Moderate to Large" Impacts: Agricultural Resources, Aesthetic Resources, Historic and Archeological Resources, Noise, Odor, and Light, and Consistency with Community Plans and Community Character. These items all relate to the impact of the proposed PV Solar Project located at 810 St Hwy 80 (Cooperstown Road), Fort Plain NY on existing agricultural lands. Specifically, the difference in the appearance of the solar panels from typical agricultural land, and the potential construction-related noise impacts that will occur during the installation of the solar panel support posts. Because the proposed landscape screening of the solar facility is located within the 100-foot property boundary setback zone, a variance will be required from the Town of Minden Zoning Board of Appeals (ZBA).

However, the Planning Board does not believe that the identified potential impacts associated with the proposed solar facility are of such significance that the preparation of an Environmental Impact Statement (EIS) is required. The proposed solar facility will occupy approximately 9.8 acres of a 120.3 acre parcel land that is actively farmed. However, the proposed solar facility is located in the northeast corner of the site, and the remainder of the parcel will continue to be actively farmed. From a community character perspective, the Applicant has proposed as part of the project to screen the views into the property with landscaped buffers, and has shown through simulations what those views will look like before and after the landscape screening is in place.

Two historical sites that are eligible for listing on the State Register of Historic Places are located to the south of the subject property in the vicinity of the intersection of State Highway 409 and Brookman Corners Road. The two historical sites are referred to as the Brookman Corners Road Bridge that crosses over Otsquago Creek, and the Otsequago Grange building. However, the proposed solar facility will not be visible from either location, and therefore these two sites will not be affected by this undertaking.

A Phase 1A/1B Archeological Survey conducted at the site revealed the presence of one (1) isolated pre-contact find. However, the NYS Office of Parks, Recreation, and Historic Preservation (OPRHP) issued a letter of No Effect on February 19, 2020. Therefore, the proposed solar facility will not impact any archeologically sensitive areas at the subject property.

At the request of the Planning Board, the Applicant performed a noise assessment of the sound levels that are anticipated to be generated during the installation of the solar panel support posts with the use of a pile driving machine. According to the noise assessment report, the sound levels that may be experienced by the nearest residence (which is located approximately 800 feet from the solar arrays) are estimated to be between 61 to 66 decibels on the A weighted scale (dBA). The



projected noise levels at the nearest residence slightly exceeds the Town established noise nuisance limit of 55 dB as measured at the property line. However, the installation of the solar panels is expected to be completed within a period of 4 to 6 weeks, and therefore the noise impacts associated with the proposed solar project are of a short duration.

Moreover, the proposed solar facility is consistent with the Town Comprehensive Plan, and generally complies with the goal of the Town Solar Facilities Law which is to encourage the development of renewable energy sources such as solar. The project is not proposed to be located in an Environmentally Sensitive Area, Hazardous Waste Remediation Site or within the 100 year Flood Plain.

A portion of the tax map parcel will be leased and used for the construction of the PV Solar Panels and associated equipment. The project will not require the drilling of a well or a septic system. A pervious gravel access road is proposed to provide access to the fenced-in solar arrays. There are federally regulated wetlands identified on the subject property, and a wetland delineation has been performed by the Applicant. However, the federally regulated wetlands will not be impacted by the project. There are no NYSDEC regulated wetlands or streams located on the subject property. Temporary soil erosion control and stormwater quality measures will be installed and maintained during the construction and operation of the proposed solar facility in accordance with the NYSDEC Stormwater Management Design Manual and NYSDEC solar guidance.

One threatened or endangered Species, the Henslow's sparrow, has been identified as being present in the vicinity of the project site. Therefore, the Applicant conducted several field surveys in an attempt to observe the presence of Henslow's sparrows at the project site. However, none were observed to exist the site. Furthermore, a NYSDEC Wildlife Biologist visited the site and confirmed that the site did not appear to present a high quality habitat for threatened or endangered bird species. Therefore, the proposed project will not have an impact on threatened or endangered species.

All construction with the existing vegetation and the proposed installation of tree plantings will screen and minimize views of the solar panel arrays to make the views consistent with the character of existing views in the community and surrounding areas. No significant adverse aesthetic impacts are anticipated by the proposed solar project, as the project area will be largely screened from view by natural vegetation and the tree plantings.

Based on a review of all available information, the Planning Board has determined that the solar project will not have any significant adverse impacts on the environment and a Negative Declaration is made for the purposes of Article 8 of the Environmental Conservation Law.



October 26, 2020

2603 Guiderland Avenue  
Schenectady  
New York 12306

t.518.393.7725  
f.518.393.2324

info@ingallsllp.com  
www.ingallsllp.com

**Re: Helios Energy  
Response to Project Visual Comments  
NYS Route 80, Minden, New York**

### **Visual Assessment**

Please find the following response to Town inquiry regarding the anticipated visual impacts associated with the installation of the proposed Helios Energy solar project on NYS Route 80.

#### **Glare**

Ingalls uses the industry standard program Forge Solar to provide an estimate of potential glare effects from the proposed solar farm. This application uses the FAA Solar Flare Analysis Tool (SGHAT) and Google Earth imagery to create a model of array and any discrete observer locations. This tool then simulates the location of the sun throughout the year during daylight hours and provides an estimate of potential glare occurrence and intensity for the various selected locations.

In the initial glare analysis Ingalls provided (3) observation points around the site. These points represent existing residences at 812 Cooperstown Road, 130 Fordsbush Road, and 716 Pickle Hill Road. Potential traffic routes along Fordsbush Road, R. Dillenbeck Road, and Cooperstown Road were also analyzed for potential glare. Per the Forge Solar model, no glare was indicated at any of these locations. At the request of the Town and their engineer additional routes and points were analyzed on Freysbush Road and Brookmans Corners Road. The furthest point was over 4,000 feet, nearly 1 mile, away from the array. None of these additional points had any potential for glare per the model.

#### **Line of Sight Diagrams**

To assess the visibility of the proposed project from the adjacent points on Fordsbush and Cooperstown Road *Ingalls* had previously provided to the Planning Board for review four (4) "line-of-sight" diagrams as part of the project plan set. These profiles show a vertical slice of the property from the selected locations to show the height of the proposed array and associated structures in relation to the existing elevation, proposed screening, and eye height of the observers. Based on this information the array is not visible from any of the selected locations due to the elevation change between the observer and the array, as well as the proposed evergreen screening around the perimeter of the array.

#### **Renderings**

Additional visual assessment of the site was previously provided in a rendering package prepared by Ingalls. These renderings are created using Autodesk Infraworks. The site layout is imported into this software to create a 3D rendering. This rendering is placed on a model of the existing topography using surface data from the

# *ingalls*

Ingalls field survey and Google Earth. As a supplement to this model existing site photos were taken. Prior to taking pictures the location of the array and height of the panels were marked in the field using large balloons to accurately show the array's location and any screening provided by existing topography or vegetation.



*Image 1: Siting photo (top left), Infraworks rendering (top right) and composite rendering (below)*

Using the existing site photos and Infraworks renderings a composite image was created for each location. Per these images the site is screened from immediately adjacent sites by existing topography and vegetation. Further away from the site, along Brookmans Corners Road, the visual impact of the site is further diminished by the relatively small size of the proposed array in the context of the much larger surrounding area.



### **Conclusions**

Per the previously prepared glare analysis, line of sight diagrams, and site renderings, the visual impact of the proposed solar energy facility is minimal. As requested by members of the planning board additional renderings showing “leaf off conditions” and 10-year growth were added for locations along Brookmans Corners Road and Freysbush Road. As the additional renderings show, given the considerable distance the array is not noticeable in the context of the full landscape.



# 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: Mayor Michael Cingolanti  
Mail original resolution to: Stefanie Lenkiewicz,  
161 Church Street, Amsterdam, NY 12010

1. Applicant: City of Amsterdam 2. Site Address: partial DC district  
3. Tax Map Number(s): na 4. Acres: na

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: ---

9. Project Description: The city has been working on the development and adoption of a Form-Based Code for downtown Amsterdam. The FBC is a tool that enables the city to regulate the physical form of the built environ. in order to improve the aesthetics of future development, promote walkability, and multi-modal access for future development.

10. MCPB Jurisdiction:

☒ Text Adoption or Amendment ☐ Site is located within 500' of: \_\_\_\_\_

- ☒ 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: 12/1/2020 Time: 5:50pm Location: Common Council

### 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 Ordinance Amending Code

13. ☒ Zone Change

Referring Board: Section 250 Article IV  
Common Council

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

Purpose of the Zone Change: Form-Based Code

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:

☒ Type I

☐ Positive Declaration – Draft EIS

☐ Type II

☐ Conditional Negative Declaration

☐ Unlisted Action

☒ Negative Declaration

☐ Exempt

☐ No Finding (Type II Only)

SEQR determination made by (Lead Agency): Common Council Date: 11/17/2020

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

\_\_\_\_\_  
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

**COMMON COUNCIL MEETING**

**November 17, 2020**

**6:00pm**

**RESOLUTION #20/21-99**

**RESOLUTION MAKING REFERRAL TO MONTGOMERY COUNTY PLANNING BOARD  
PURSUANT TO GENERAL MUNICIPAL LAW 239-M REGARDING PROPOSED CITY OF  
AMSTERDAM FORM-BASED CODE**

**BY: ALDERMAN S. GOMULA**

**WHEREAS**, the City of Amsterdam having declared itself as lead agency for SEQRA review purposes for a proposed Form-Based Code regulation through the city's 2018 awarded Downtown Revitalization Initiative (DRI); and

**WHEREAS**, the proposed City of Amsterdam Form-Based Code herein having been introduced as Ordinance K of 2020 at the Amsterdam Common Council Meeting held on November 17, 2020; and

**WHEREAS**, referral of this matter to the Montgomery County Planning Board being required pursuant to General Municipal Law, Section 239-m; be it

**NOW THEREFORE, BE IT RESOLVED** that referral of this matter is hereby respectfully made to the Montgomery County Planning Board pursuant to General Municipal Law 239-m.

**RESOLUTION ADOPTED UNANIMOUSLY**

Common Council  
City of Amsterdam, NY

	Aye	Nay
Alderman Russo	√	
Alderman D. Gomula	√	
Alderman Collins	√	
Alderman S. Gomula	√	
Alderman Martuscello	√	

  
MICHAEL CINQUANTI, MAYOR

DATED: Nov. 18, 2020

This is to certify that I, Stefanie Lenkiewicz City Clerk of the City of Amsterdam, County of Montgomery, State of New York, that the above is the original Resolution, passed by the City of Amsterdam Common Council on November 17, 2020 a majority of all members elected to the Council voting in favor.

I have set my hand and the official seal of the City of Amsterdam this 18<sup>th</sup> day of November 2020

CITY SEAL

Received & Filed in the Office of the City Clerk: 11-18-2020

  
CITY CLERK

Received by: SC

NOVEMBER 10, 2020

CITY OF AMSTERDAM, NY

# FORM-BASED CODE

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# CITY OF AMSTERDAM, NY • FORM-BASED CODE

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## SECTION 1:

# INTRODUCTION

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This Section provides an overview of the Form-Based Code, including where the Code applies and to which types of actions different regulations apply. Specifically this Section:

- Describes the purpose of the Form-Based Code;
- Describes the relationship between the Form-Based Code and City and State laws, ordinances, and codes, including the City's Zoning Code;
- Defines all areas where the Form-Based Code applies;
- Establishes compliance thresholds for different types of development actions; and,
- Defines exemptions, nonconformities, and general performance standards.

# 1.1. OVERVIEW OF THE FORM-BASED CODE (FBC)

## 1.1.1. PURPOSE

The purpose of this Form-Based Code is to improve the physical character and aesthetics of the downtown, promote walkability and multi-modal access, protect historic resources where appropriate, and streamline permitting and approval processes of future development in downtown Amsterdam by regulating the physical form of the built environment.

This Form-Based Code builds upon the vision established in the City of Amsterdam's Downtown Revitalization Initiative (DRI) Strategic Investment Plan<sup>1</sup> and lays the foundation to establish a high quality, cohesive, and welcoming downtown environment and experience.

### A. Cohesion and Aesthetics

To ensure future development is cohesive, attractive, and compatible with the architectural character of the City's downtown, as well as the City's vision for future development (as defined in the Amsterdam DRI Strategic Investment Plan), this Form-Based Code establishes regulations related to building facade design and materials, transparency, signage, and site design.

### B. Multi-Modal Access

To ensure a walkable, connected, and accessible downtown that prioritizes the safety of all modes of transportation, this Form-Based Code establishes regulations related to building siting and articulation, pedestrian access, signage, parking, landscaping, lighting, and public realm improvements.

<sup>1</sup> Vision statement contained in Amsterdam's DRI Strategic Investment Plan, "Amsterdam seeks to strategically build a diverse, accessible and sustainable downtown encompassing both sides of the Mohawk River. This new City center will offer a variety of opportunities to enhance quality of life now and in the future, including retail enterprises, community services, transportation, housing, recreation, education, employment, and inclusive community facilities.

## C. Historic Resources

To ensure the protection, enhancement and perpetuation of existing historic resources as well as the compatibility of future development with existing historic resources, where appropriate, this Form-Based Code establishes regulations related to building form, transparency, construction materials, colors, and siting. See Appendix A for an overview of the existing historic resources in downtown Amsterdam.

## 1.1.2. HOW TO USE THE FBC

To determine which regulations apply to a particular lot and to understand how these regulations affect proposed development actions please reference:

- Section 1.3 for a map of all lots contained in the Form-Based Code District and to identify the Subarea within which a lot is located;
- Section 1.4 for a description of development actions and the corresponding regulations with which each type of development action must comply;
- Section 3 for a glossary of terms used throughout the Code and descriptions of required measurements
- Section 4 for building, signage, and site design regulations applicable to all lots in the Form-Based Code District
- Section 5 for regulations applicable to government agencies modifying existing or creating new public space;
- Section 6 for regulations applicable to lots in the North Amsterdam Subarea
- Section 7 for regulations applicable to lots in the South Amsterdam Subarea
- Section 8 for regulations applicable to lots in the Waterfront Subarea

## 1.2. RELATIONSHIP TO OTHER ORDINANCES, LAWS, & REGULATIONS

### 1.2.1. RELATIONSHIP TO CITY ZONING CODE

This Form Based Code is intended for adoption as a standalone ordinance, independent of the City of Amsterdam's Zoning Code. Upon adoption, it will supersede and replace all existing Zoning Code provisions contained in Chapter 250 of the City Code for the lots and land area included within the Form Based Code District, as defined in Section 1.3 Applicable Areas.

### 1.2.2. INTERPRETATION AND APPLICATION OF THE FBC

In their interpretation and application, the provisions of this Form-Based Code shall be held to be the minimum requirements, as adopted for the protection of the public health, safety and general welfare. Whenever the requirements of this Form-Based Code are in conflict with the requirements of any other lawfully adopted rules, regulations, ordinances or chapters, the more restrictive provisions, or those imposing the higher standards, shall govern.

## 1.3. APPLICABLE AREAS

### 1.3.1. FORM-BASED CODE DISTRICT

The Form-Based Code District encompasses all land area included in the City's Downtown Revitalization Initiative (DRI) boundary, as well as lots immediately adjacent to this boundary to ensure cohesion and appropriate transitions from downtown to the surrounding areas.

### 1.3.2. SUBAREAS

This Form-Based Code establishes three Subareas. Each Subarea defines a vision for future development and contains customized regulations related to prohibited uses, building form and siting, site design, and signage to achieve this vision.

#### A. North Amsterdam Subarea

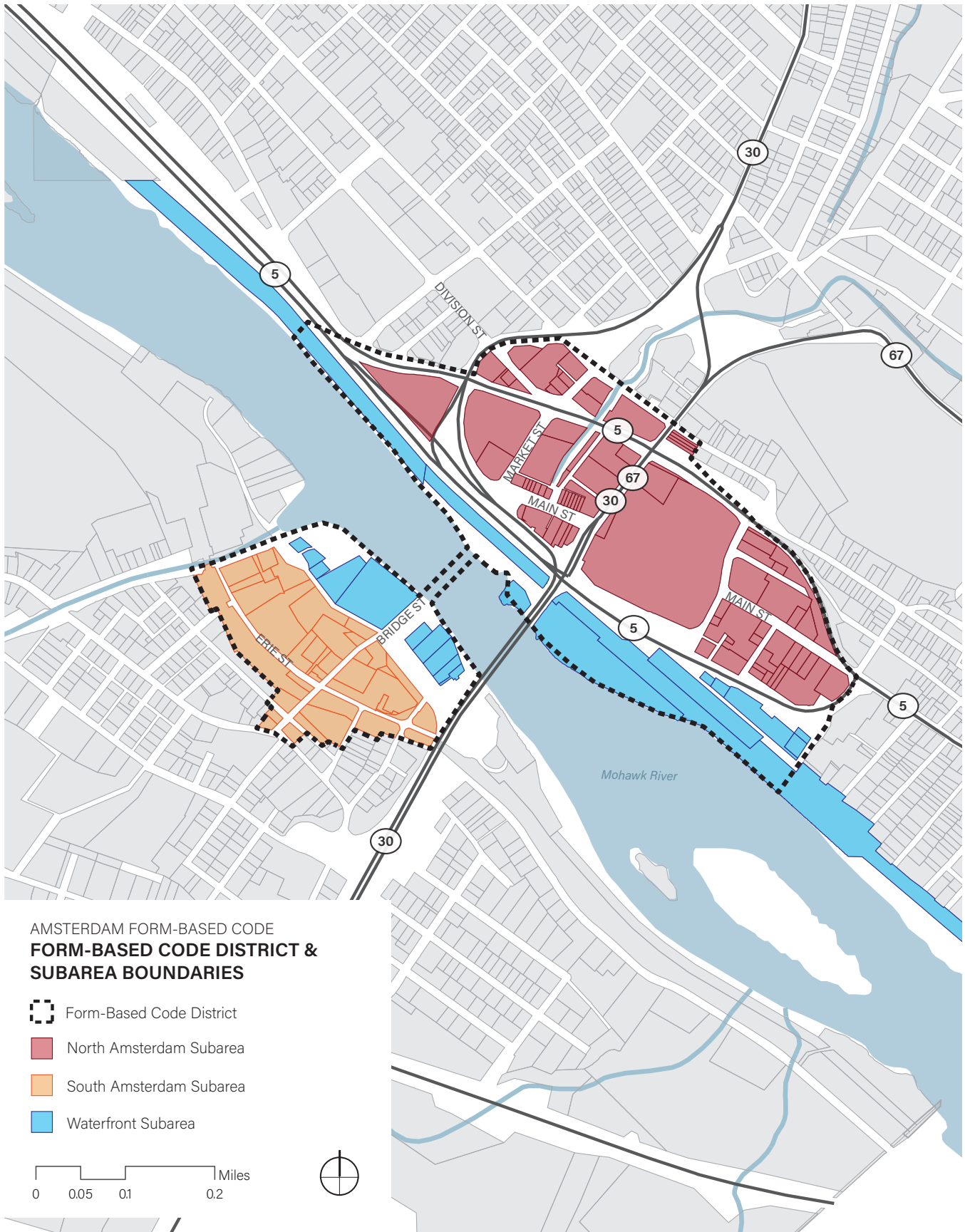
The North Amsterdam Subarea is bound to the southwest by New York State Route 5 (eastbound) and to the northeast by the Form-Based Code District boundary. Development in this Subarea shall prioritize infill development and adaptive reuse of historic structures, build upon and ensure compatibility with the urban fabric and rich historic resources located along Main Street, between Church Street and Market Street, encourage walkability and multi-modal connectivity, promote a unique sense of place, and advance a cohesive, welcoming aesthetic.

#### B. South Amsterdam Subarea

The South Amsterdam Subarea is bound to the northeast by Gilliland Avenue and Bridge Street and to the southeast by the Form-Based Code District boundary. Development in this Subarea shall build upon the vibrant, quaint character of Bridge Street, engage the Empire State Trail system, encourage walkability and multi-modal connectivity, and promote a mix of uses.

#### C. Waterfront Subarea

The Waterfront Subarea includes all lots and land area bound to the southwest by Gilliland Avenue and Bridge Street and to the northeast by New York State Route 5 (eastbound). Development in this Subarea shall provide a cohesive transition between the North Amsterdam and South Amsterdam Subareas, engage the waterfront by providing public access and preserving views, encourage a mix of uses, and improve multi-modal connectivity locally and regionally.





## 1.4. COMPLIANCE THRESHOLDS

### 1.4.1. OVERVIEW

The provisions in this Section establish which Form-Based Code regulations shall apply to applicable actions conducted on property within the Form-Based Code District.

### 1.4.2. APPLICABLE ACTIONS

The following actions require compliance with the regulations contained in this Form-Based Code. See Table 1.1 for the specific regulations with which each applicable action must comply.

1. **New Development:** The construction of new buildings (principal and accessory), balconies, building-mounted lighting or infrastructure, loading or service areas, or motor vehicle parking lots or structures.
2. **Change in Use:** Any redevelopment that results in a change of land use and/or requires a use variance to be granted by the Zoning Board of Appeals.
3. **Minor Building Alteration:** The alteration of a building up to 50% of the existing building's gross square footage.
4. **Major Building Alteration:** The alteration of a building over 50% of the existing building's gross square footage.
5. **Minor Exterior Renovation:** Reconstruction, rehabilitation, or modifications, including additions, removals, or changes to an existing building's facade, that comprise up to 50% of the existing building's facade surface area.
6. **Major Exterior Renovation:** Reconstruction, rehabilitation, or modifications, including additions, removals, or changes to an existing building's facade, that comprise over 50% of the existing building's facade surface area.
7. **Parking Lot Modifications:** Any expansion, reconstruction, or reconfiguration of an existing motor vehicle parking lot.
8. **Site Improvements:** The construction of new or modification to existing pedestrian or bicycle facilities, fences, walls, small scale solar collectors, personal wireless service facilities, stormwater management facilities, landscaping, lighting, or sidewalk dining.
9. **New Sign Installation:** The installation of a new sign, not accompanied by any other development action.
10. **Existing Sign Modification:** Any modification, including addition, expansion, removal, replacement, or relocation, of an existing sign, not accompanied by any other development action.
11. **Public Space Improvements:** The construction of new or modification to existing facilities and/or infrastructure within the public right-of-way.

### 1.4.3. EXEMPTIONS FROM COMPLIANCE WITH FORM-BASED CODE REGULATIONS

Routine maintenance and repair of materials to prevent degradation and/or a hazard to the health, welfare, and safety of the public is exempt from compliance with this Form Based Code. A building expansion that is solely designed and constructed to provide accessibility for the disabled is also exempt from compliance with this Code.

TABLE 1.1. COMPLIANCE THRESHOLDS

● Development action must comply with all regulations in this Section or Subsection

		APPLICABLE ACTIONS										
		New Development	Change in Use	Minor Building Alteration	Major Building Alteration	Minor Exterior Renovation	Major Exterior Renovation	Parking Lot Modification	Site Improvements	New Sign Installation	Existing Sign Modification	Public Space Improvements
APPLICABLE TO ALL SUBAREAS	SECTION 2.1. SITE PLAN REVIEW	●	●	●	●	●	●	●	●			
	SECTION 2.2. SIGN PERMIT									●	●	
	SECTION 3.2. MEASUREMENTS	●	●	●	●	●	●					
	SECTION 4.1. BUILDING	●	●	●	●	●	●					
	SECTION 4.2. SIGNAGE	●	●	●	●	●	●		●	●	●	
	SECTION 4.3. SITE	●	●	●	●		●	●	●			●
	SECTION 5. PUBLIC SPACE											●
SUBAREA REGULATIONS (SECTIONS 6, 7, 8)	BUILDING HEIGHT	●	●	●	●							
	BUILDING SETBACK	●	●	●	●							
	LOT FRONTAGE	●	●	●	●							
	FACADE MATERIALS & COLORS	●	●	●	●	●	●					
	TRANSPARENCY	●	●	●	●		●					
	SIGNAGE	●	●	●	●	●	●		●	●	●	
	LOT DIMENSIONS	●	●	●	●							
	LOT COVERAGE	●	●	●	●			●	●			
	MOTOR VEHICLE PARKING	●	●		●		●	●				
	BICYCLE PARKING	●	●	●	●	●	●	●	●			
	BUFFER YARD	●	●	●	●		●	●	●			

## 1.5. NONCONFORMITIES

### 1.5.1. PURPOSE

The purpose of this Section is to establish regulations and limitations on the continued existence of structures, uses, and lots established prior to the effective date of this Form-Based Code that do not conform to the provisions of this Code. This Section will also provide for the gradual replacement of nonconformities with structures, uses, and lots that conform to the provisions of this Code. Nonconformities may continue, but the provisions of this Subsection are designed to limit investment in nonconformities and to bring about their eventual elimination, where appropriate, in order to preserve the integrity of the regulations established in this Form-Based Code.

### 1.5.2. APPLICABILITY

The provisions of this Section shall apply to all existing structures, uses, and lots that may become nonconforming or noncomplying after the adoption of or amendment to this Form-Based Code.

### 1.5.3. CONTINUATION OF USE

Except as otherwise provided in this Section, the lawful use of any building, structure, or land existing at the time of the adoption of this Form-Based Code or any applicable amendment thereto may be continued.

### 1.5.4. REGULATION OF NONCONFORMING USES

No existing building or structure, whether a noncomplying building or structure or devoted to a nonconforming use, shall be enlarged, extended, reconstructed or structurally altered except as follows:

1. Restoration. Any noncomplying building or structure or building or structure housing a nonconforming use which as a result of fire, explosion or other casualty has less than 50% of its existing floor area made unsafe and/or unusable may be restored, reconstructed or used as before, provided that the bulk, height and area requirements shall not be in excess of that which existed prior to said damage. Such restoration must be commenced within six calendar months and completed within two calendar years of such occurrence or the use of such building, structure or land as a legal nonconforming use shall thereafter be terminated. Abandonment shall only apply to nonconforming uses that were carried on in structures that are architecturally designed to be consistent with a permitted use.
2. Extension and displacement. A nonconforming use shall not be extended, but the extension of a lawful use to any portion of a noncomplying building or structure which existed prior to the enactment of this Form-Based Code shall not be deemed the extension of such nonconforming use. No nonconforming use shall be extended to displace a conforming use.
3. Unsafe structures. Any noncomplying building or structure or portion thereof or building or structure housing a nonconforming use, declared unsafe by a proper authority, may be restored to a proper condition within the time period provided by such authority.



See Section 4.2.10.  
for nonconforming sign provisions

#### 4. Alterations and repairs.

- a. A noncomplying building or structure for other than residential purposes or a building or structure housing a nonconforming use may not be reconstructed or structurally altered during its life to an extent that such alterations exceed in aggregate cost 50% of the full valuation of the building or structure, exclusive of the value of land, unless said building or structure is changed to a conforming use. A nonconforming building or structure containing residential use may be altered in any way to improve interior livability, provided that no structural alteration shall be made which would increase the nonconformity with regard to the bulk of the building or structure. Within the Waterfront Subarea, modifications, alterations, and repairs to incorporate floodproofing measures shall be permitted, provided such measures do not raise the water level of the one-hundred-year flood.
- b. Normal maintenance repairs and incidental alteration of a noncomplying building or structure containing a nonconforming use shall be permitted, provided that said repairs and alterations do not extend the volume or area of space occupied by the nonconforming use.

#### 5. Change in use. A nonconforming use shall only be changed to a conforming use. A nonconforming use shall not be changed to another nonconforming use, and a nonconforming use that is changed to a conforming use shall not revert back to any nonconforming use.

#### 6. Prior approval. Nothing herein contained shall require any change in the plans, construction, or designated use of a building complying with existing laws, a building permit for which had been duly granted before the date of enactment of this Form-Based Code or any applicable amendment

thereto, provided that said building shall be completed according to such plans as filed within two calendar years from the effective date of this Form-Based Code. Further, nothing contained herein shall abrogate any area variance or use variance issued by the Zoning Board of Appeals, as superseded by this Form-Based Code, provided that:

- a. The specific dimensional relief granted through area variance is vested through either incorporation in building plans heretofore filed with the City Building Inspector or which shall be so incorporated within nine calendar months from the effective date of this Form-Based Code and related construction is completed in conformance with other applicable laws, rules and regulations within two calendar years from the effective date of this Form-Based Code.
  - b. The specific relief granted through the use variance is vested through initiation of the designated use of a building, buildings, and/or land within two calendar years from the effective date of this Form-Based Code, such use or occupancy occurring in conformance with all other applicable laws, rules, and regulations.
- #### 7. Relief from the restrictions of this Section may be granted by the Planning Commission through the site plan review process (see Section 2.1) made with notice to all surrounding property owners of the land involved in the site plan review within 200 feet or such additional distances as the Planning Commission may deem advisable. Relief shall be granted if the proposed activity will enhance property value in the area, including the value of the improvement to the nonconforming property, and/or provide increased economic activity that will not significantly burden the surrounding area.

### 1.5.5. TERMINATION OR REQUIRED MODIFICATION OF NONCONFORMITIES

1. Abandonment. The discontinuance of a nonconforming use for a period of one calendar year and/or the change of use to a more restrictive or conforming use for any period of time shall be considered an abandonment thereof and such nonconforming use shall not thereafter be reestablished. Intent to resume active operations shall not constitute continuance of a nonconforming use nor confer the right to do so.
2. Partial destruction. Should any noncomplying building or structure as a result of fire, explosion or other casualty have 50% or more of its existing floor area destroyed, the use of such building or structure as a noncomplying building or structure shall thereafter be terminated and any new construction shall be in full accordance with the regulations of this Form-Based Code.
3. Termination or required modification of certain uses. Each of the nonconforming structures or uses specified below is deemed sufficiently objectionable, undesirable, and out of character in the Form-Based Code District, in which such use or structure is located, as to depreciate the value of the property and uses permitted in the District and otherwise inhibit the proper and orderly development of the District. Therefore, each such nonconforming use or structure must be and shall be terminated on or before the expiration of the specified period of time after the effective date of this Form-Based Code. Said period of time is specified for the purpose of permitting the amortization of the remaining value, if any, of such use.
  - a. Any nonconforming use of open land, including, but not limited to, such uses as junkyards, motor vehicle junkyards or open storage yards for material or equipment, may be continued for three years after the effective date of this

Form-Based Code, provided that, after the expiration of such period, such nonconforming use shall be terminated. As an alternative to termination, continuation of the use, if legally existing, may be authorized by the Planning Commission through site plan review and approval in accordance with the procedures and standards established within Section 2.1. of this Form-Based Code. Special attention shall be directed by the Planning Commission to the screening and buffer yard requirements set forth in this Form-Based Code.



## 1.6. GENERAL PERFORMANCE STANDARDS

No use shall be permitted that does not conform to the following standards of use, occupancy, and operation in addition to all relevant provisions of other local, state, and federal laws, rules, or regulations.

1. Noise. No noise shall exceed the intensity, as measured from the boundaries of the lot where such use is situated, of the average intensity, occurrence and duration of the noise of street traffic at adjoining streets.
2. Atmospheric effluence. No dust, dirt, smoke, odor or noxious gases that would not normally be associated with residential or agricultural premises shall be disseminated beyond the boundaries of the lot where such use is located.
3. Glare and heat. No unreasonable glare or heat shall be produced that is perceptible beyond the boundaries of the lot on which such use is situated. Special efforts shall be required, such as the planting of vegetation and the installation of light shields, to alleviate the impact of objectionable or offensive light and glare produced by exterior sources on neighboring residential properties or public thoroughfares.
4. Industrial wastes. No solid or liquid wastes shall be discharged into any public sewer, common or private sewage disposal system, stream or on or into the ground, except in strict conformance with the standards approved by the New York State Department of Health or other duly empowered agency.
5. Radioactivity or electromagnetic disturbance. No activities shall be permitted which emit dangerous radioactivity beyond the building in which such activity is located or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.
6. Fire and explosion hazards. All activities involving and all storage of inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate firefighting and fire-suppression equipment and devices standard in the industry. All applicable requirements of the New York State Uniform Fire Prevention and Building Code, as well as the provisions of the National Fire Protective Association (NFPA) Code, shall be fully observed.
7. Maintenance of developed lots. All open portions of any developed lot shall have adequate grading and drainage and shall be continuously maintained in a dust-free and erosion-resistant condition by suitable landscaping with trees, shrubs, grasses or other planted ground cover or by paving with permeable materials, asphalt, concrete, washed stone or other suitable material as long as impervious coverage requirements for each Subarea are not exceeded (see Sections 6, 7, and 8). Required yard areas shall be planned and maintained in such a manner as to provide an inoffensive setting which is consistent with the general use of the area.

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## SECTION 2:

# ADMINISTRATION & ENFORCEMENT

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This Section describes the required permitting and approval procedures for proposed development actions and changes in use, defines the variance procedure, and establishes the framework for enforcing and amending this Form-Based Code. Specifically, this Section addresses the:

- Site plan review and approval procedure;
- Sign permit and approval procedure;
- Interpretation of the Form-Based Code and Variances;
- Enforcement of the Form-Based Code; and,
- Amendments to the Form-Based Code.

## 2.1. SITE PLAN REVIEW AND APPROVAL PROCEDURE

### 2.1.1. SITE PLAN REVIEW PRE-APPLICATION

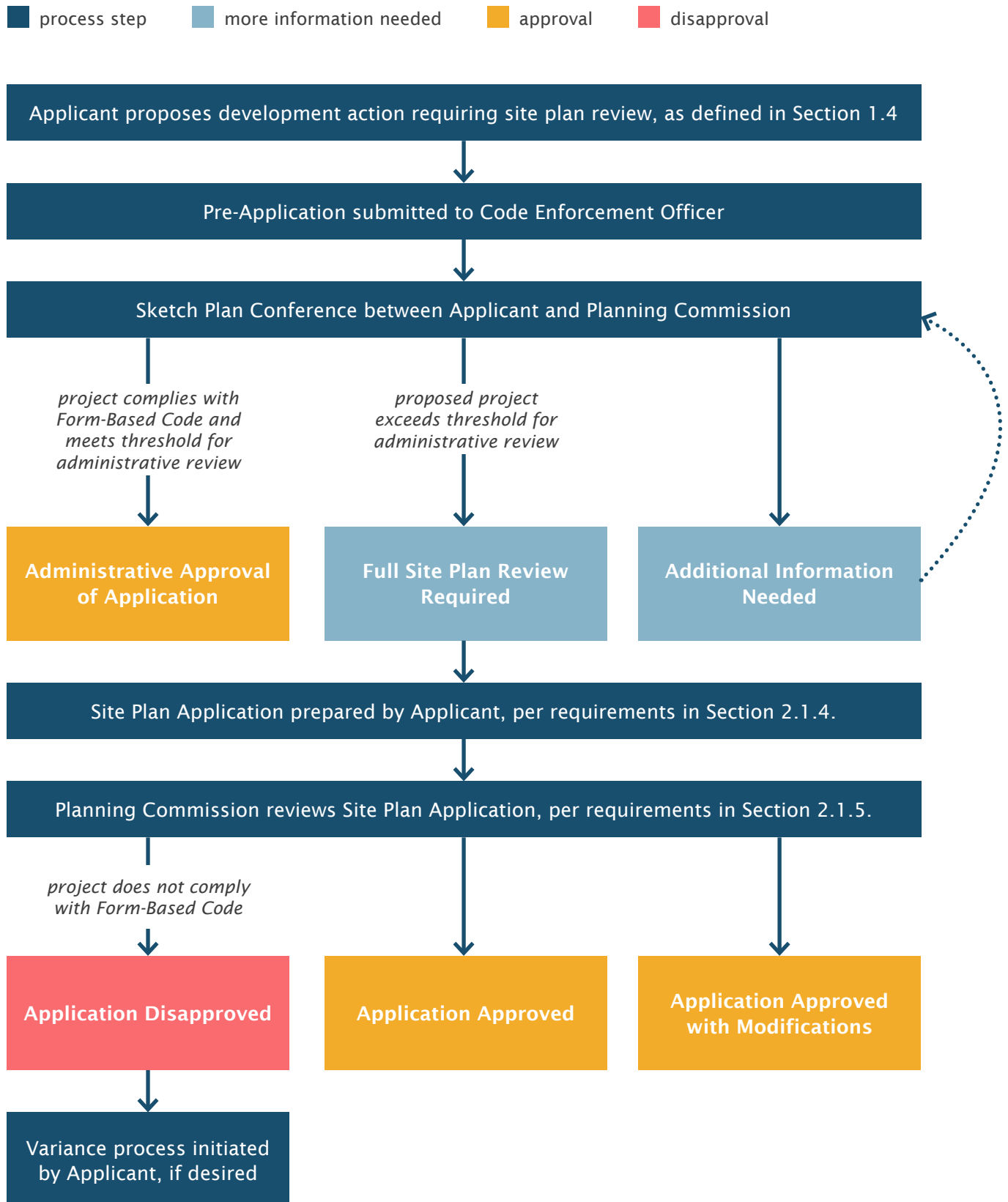
1. A site plan review pre-application is required for all proposed development actions or changes of use, as defined in Section 1.4, in the Form-Based Code District.
  - a. The site plan review procedure is not required for the sole action of installing a new sign or modifying or replacing an existing sign. For the sign permitting and approval procedure, see Section 2.2.
2. The pre-application shall include:
  - a. A sketch plan drawn to scale illustrating the project's scope and the basic land use and site design concept.
  - b. Accompanying statements provided by the applicant, which describe at a reasonable level of detail what is proposed.
  - c. A description of all proposed signs, including sign type, location, size, design, and construction materials.
  - c. An area map keyed to the real property Tax Maps, showing the parcel under consideration and all surrounding properties.
  - d. All existing and proposed structures, subdivisions, streets and easements within 200 feet of the boundaries thereof.
3. If seeking administrative review and approval for site or utility improvements or modifications, per Subsection 2.1.3., the pre-application shall also include:
  - a. Site plan drawn to scale showing existing site conditions, including: lot lines, easements and right-of-way boundaries; all existing buildings and/or structures;

contours at 2-foot intervals, parking areas; existing vegetation; existing signage; existing utilities and access points; roadways, walkways, sidewalks, and/or driveways; light fixtures; bicycle infrastructure; and, any other man-made features on and immediately adjacent to the site.

- b. Site plan of proposed changes, drawn to scale and overlaid on existing conditions.
4. One hard copy and one electronic copy of all pre-applications materials shall be submitted to the Code Enforcement Officer.
5. Prior to submittal of the pre-application, an applicant may schedule a meeting with the Code Enforcement Officer to discuss application requirements and procedures and review pre-application materials.

### 2.1.2. SKETCH PLAN CONFERENCE

1. Upon review of the pre-application for completeness, the Code Enforcement Officer will make arrangements to place the applicant on the Planning Commission agenda for a sketch plan review.
2. A sketch plan conference between the Planning Commission and the applicant shall be held to discuss the applicant's pre-application and the applicability of the site plan review and approval procedure to the intended development or proposed use for which the building permit or certificate of occupancy or use is sought.
3. At the sketch plan conference, the Planning Commission shall take one of three actions:

**SITE PLAN REVIEW AND APPROVAL PROCEDURE: Process Diagram**



- a. Administratively determine that the project requires no further review under this Section, as it is limited in scope, conforms to the Form-Based Code regulations, and falls within the established thresholds for administrative review (see Subsection 2.1.3.).
- b. Administratively determine that the project requires full site plan review under this Section due to its proposed scope. The applicant must then proceed with site plan submission requirements in accordance with Subsection 2.1.4.
- c. Require additional sketch plan information prior to making a determination regarding the applicability of the site plan review and approval procedure.

### 2.1.3. THRESHOLDS FOR ADMINISTRATIVE REVIEW

The development actions listed below shall be processed and reviewed by the Planning Commission and are exempt from the full site plan review and approval procedure, as long as all applicable regulations in the Form-Based Code are met:

1. Site improvements that do not include expansion of an existing building or new construction and comply with all applicable regulations in this Form-Based Code.
2. Utility improvements and modifications.

### 2.1.4. APPLICATION REQUIREMENTS FOR SITE PLAN REVIEW

If the Planning Commission administratively determines that a project requires full site plan review, a complete application for site plan approval shall be made to the Planning Commission. The site plan application shall include all pertinent information from the checklist of items listed in Subsection 2.1.4.A. and any other information determined necessary

by the Planning Commission during the sketch plan conference. The site plan drawings shall be certified by a licensed engineer, architect, landscape architect and/or land surveyor, in accordance with provisions of the New York State Education Law.

## A. Application Checklist

### General Requirements:

1. Name, address, telephone number, and email address of the applicant and person(s) or firm responsible for preparation of the site plan drawings.
2. Statement of intent that describes the proposed project at a reasonable level of detail.
3. Evidence of site control and name of property owner.
4. An area map keyed to the real property Tax Maps, showing the parcel under consideration and all surrounding properties, existing and proposed structures, subdivisions, streets, and easements within 200 feet of the boundaries thereof.
5. Each drawing contained in the application shall include a title, north arrow, scale, and date of preparation.
6. Four hard copies and one electronic copy of all application materials shall be submitted to the Planning Commission.

### Existing Conditions On the Lot(s) Under Consideration for Site Plan Review:

1. The boundaries and nature of all existing easements, deed restrictions, and other encumbrances.
2. Sufficient data to determine the location, bearing, and dimensions of every existing street, easement, lot, and boundary line.
3. Existing contours at vertical intervals specified by the Planning Commission at the sketch plan conference.

4. Existing soils on the lot(s), with data source specified.
  5. Land exceeding a slope of 15%.
  6. Existing watercourses, wetlands regulated by the New York State Department of Environmental Conservation or the federal government, and FEMA special flood hazard zone boundaries and designations, including the Community Map Panel number and the effective date of the flood insurance mapping as shown.
  7. Existing vegetative land cover.
  8. Required building setback lines on the lot(s) under review.
  9. All significant existing man-made features on the lot(s) under review, including but not limited to: buildings with property line setbacks labeled; width, location, and sight distances for all private driveways; limits of pavement and parking lotss; existing streets on or adjacent to the subject lot(s), including names, right-of-way widths and pavement widths; sanitary and storm sewers and sewer access points; wastewater treatment systems; public and private wells; water mains and fire hydrants; drainage features, including stormwater ponds, swales, drains, and culverts; and location of all other existing utility lines, access points, and related facilities, including, gas, electric, and telecommunications.
- Proposed Conditions On the Lot(s) Under Consideration for Site Plan Review:**
1. Delineations of all proposed phases, as applicable.
  2. Delineation of limits of any land to be disturbed in any manner including areas to be cleared of vegetation, cut, filled, excavated, or graded. The delineation shall include dimensions and other references needed to allow efficient field verification.
  3. Location and dimension of all areas to be protected as open space.
  4. Grading and drainage plan, showing existing and proposed contours at an appropriate interval to be specified by the Planning Commission at the sketch plan conference. Typically, two-foot contour intervals are required where general site grades exceed 5% or there may be susceptibility to erosion, flooding, or ponding.
  5. Preliminary drawings showing location, proposed use and height of all buildings, including general floor plans, exterior elevations, overall dimensions, locations and dimensions of all windows, exterior materials, and proposed transparency percentages for each building floor fronting on primary and secondary streets and the waterfront, where applicable.
  6. Location, design and construction materials of all parking and truck-loading areas, with access and egress drives thereto.
  7. Provision for pedestrian and handicapped access.
  8. Location of outdoor storage for equipment and materials, if any.
  9. Location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences.
  10. Description of the method of stormwater management and the location, design, and construction materials of such facilities, including: calculation of water quality volume for the site; the location, size, and invert elevations of all proposed storm sewers; and the proposed location of all manholes, inlets, and culverts.
  11. Description of the method of sewage disposal and the location, design and construction materials of such facilities, including the location and size of all proposed laterals and intended municipal connections.

12. Description of the method of securing water supply and the location, design and construction materials of such facilities, including the location and size of all proposed water mains, laterals, hydrants, meters, valves, and intended municipal connections.
13. Location of fire and other emergency zones, including the location of fire hydrants or of the nearest alternative water supply for fire emergencies.
14. Location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy.
15. Location, size, design, and construction materials of all proposed signage, whether a sign permit is required or not (see Section 4.2).
16. Location and proposed development of all buffer and screening areas, including all existing vegetative cover to be preserved and to be removed, buffer yard dimensions, spacing of trees, spacing of shrubs, proposed size of all plant material at time of installation, species of all proposed and existing plants, fencing and/or wall locations, and the height, transparency, and construction materials of any fencing or walls.
17. Location and design of outdoor lighting facilities, including data regarding, lighting direction and levels (lumens) and backlighting, uplighting, and glare ratings.
18. A description of the proposed uses to the extent known, the amount of building area proposed to be designated to each use, expected volume of business and type and volume of traffic expected to be generated, and projected water demand and sewage load.
19. General landscaping plan and planting schedule.

20. Other elements integral to the proposed development as considered necessary by the Planning Commission during the sketch plan conference, including the identification of any state or county permits required for the project's execution.

## **B. Required Fee**

An application for site plan review and approval shall be accompanied by the applicable fee in accordance with the fee schedule established and annually reviewed by the Common Council.

## **C. Environmental Assessment Form (EAF)**

An application for site plan review and approval shall also be accompanied by a short or full EAF as required by SEQRA, Article 8 of the Environmental Conservation Law and Title 6 Part 617 NYCRR and as determined by the Planning Commission at the sketch plan conference.

## **2.1.5. PLANNING COMMISSION REVIEW OF SITE PLAN**

The Planning Commission's review of a site plan shall include, but is not limited to, the following:

### **A. General Considerations**

1. Compliance with all applicable Form-Based Code regulations.
2. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers, channelization structures and other traffic controls.
3. Adequacy and arrangement of pedestrian sidewalks, traffic access and circulation, walkways, control of intersections with vehicular traffic and overall pedestrian convenience and safety, including access to public transportation if applicable.
4. Location, arrangement, appearance and sufficiency of off-street parking and loading facilities.

5. Location, arrangement, size, design and general site compatibility to the surrounding area of principal and accessory buildings, lighting and signage.
6. Adequacy of stormwater and drainage facilities.
7. Adequacy of water supply and sewage disposal facilities.
8. Adequacy, type, and arrangement of trees, shrubs, and other landscaping constituting a visual and/or noise-detering buffer between the applicant and adjoining lands, including the maximum retention of existing vegetation.
9. In the case of an apartment complex or other multiple dwelling, the adequacy of usable open space or play areas and informal recreation.
10. Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features.
11. Adequacy of fire lanes and other emergency zones and water supply for fire emergencies.
12. Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion or in the vicinity of wetlands or similar natural features.
13. Compatibility of building design with existing characteristics of the neighborhood.

## B. Additional Review

In its review, the Planning Commission may consult with the City Building Inspector, the City Engineer, other City and county officials and its designated private consultants, in addition to representatives of state agencies, including but not limited to the State Department of State, Department of Transportation, the State Health Department and the Department of Environmental Conservation.

## C. Public Hearing

The Planning Commission shall conduct a public hearing on the application for site plan approval. The public hearing shall be conducted within 45 days of the receipt of the application and shall be advertised in the official newspaper of the City not less than twice, with the initial notice occurring at least five calendar days prior to the public hearing and the final notice occurring not more than three days prior to the public hearing. A notice of said public hearing shall be mailed to the owners of all property abutting that held by the applicant and all other owners of property within 200 feet, or such additional distance as the Planning Commission may deem advisable, of the boundaries of the property for which application has been made.

## D. Required Referral

Prior to taking action on the site plan, the Planning Commission shall refer the site plan, when applicable<sup>1</sup>, to the Montgomery County Planning Board for advisory review and a report in accordance with § 239-m of the General Municipal Law.

## 2.1.6. PLANNING COMMISSION ACTION ON SITE PLAN

Within 45 calendar days of the receipt of an application for site plan approval or within 45 calendar days of the conduct of a public hearing, whichever shall last occur, the Planning Commission shall act on the site plan application.

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<sup>1</sup> Referral of a project to the Montgomery County Planning Board is required when the property affected is located within 500 feet of a:

- Municipal boundary (including the creation or updates of a local plan or code).
- Boundary of any existing or proposed County or State park or other recreation area.
- Right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway.
- Existing or proposed right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines.
- Existing or proposed boundary of any County or State-owned land on which a public building or institution is situated.
- Farm operation within an Agricultural District (does not apply to area variances.)

### A. Action by Resolution

1. The Planning Commission shall act by resolution to either approve, disapprove, or approve with modifications to the site plan application. A copy of the resolution shall be filed in the City Clerk's office and mailed to the applicant within 10 calendar days of the Planning Commission's action. A resolution of either approval or approval with modifications shall include authorization to the Planning Commission Chairman to stamp and sign the site plan upon the applicant's compliance with the submission requirements stated below in Subsection B.
2. If the Planning Commission's resolution includes a requirement that modifications be incorporated in the site plan, conformance with said modifications shall be considered a condition of approval. If the site plan is disapproved, the Planning Commission's resolution shall state specific reasons for such decision. In such a case, the Planning Commission may recommend further study of the site plan and resubmission to the Planning Commission after it has been revised or redesigned.

### B. Submission Requirements for Stamping

After receiving site plan approval, with or without modifications, from the Planning Commission, the applicant shall, within six months, submit six prints and one reproducible Mylar of the site plan to the Planning Commission for stamping and signature by the Chairman. The site plan submitted for stamping shall conform strictly to the site plan approved by the Planning Commission except that it shall further incorporate any revisions or other modifications required by the Planning Commission and shall be accompanied by the following additional information:

1. Record of application for and approval status of all necessary permits from federal, state and county officials.
2. Detailed sizing and final material specification of all required improvements.

3. An estimated project construction schedule and, if a performance guarantee is to be provided by the applicant for all or some portion of the work, a detailed site improvements cost estimate.

### C. Effect of Stamping by Planning Commission

Upon stamping and signature by the Chairman, the Planning Commission shall forward a copy of the approved site plan to the Building Inspector and the applicant. The Code Enforcement Officer may then issue a building permit or certificate of occupancy or use if the project conforms to all other applicable requirements, including those stated within the New York State Uniform Fire Prevention and Building Code. The Planning Commission Chairperson shall simultaneously file a stamped copy of the approved site plan in the office of the City Clerk.

### 2.1.7. REIMBURSABLE COSTS

Reasonable costs incurred by the Planning Commission for private consultation fees or other extraordinary expense in connection with the review of a proposed site plan shall be charged to the applicant. Such reimbursable costs shall be in addition to the fee required in Subsection 2.1.4. herein. Maximum amounts for such reimbursable costs by project type and size shall be in accordance with the fee schedule established and annually reviewed by the Common Council.

### 2.1.8. PERFORMANCE GUARANTEE

No certificate of occupancy or use shall be issued until all improvements shown on the site plan are installed and an as-built drawing submitted to the Code Enforcement Officer or a sufficient performance guarantee has been posted for improvements not yet completed. The amount and sufficiency of such performance guarantee shall be determined by the Planning Commission after consultation with the Corporation Counsel, the Code Enforcement Officer, other local



officials or its designated private consultants. The performance guarantee shall be posted in accordance with the procedures specified by law and shall not be released until an as-built drawing has been submitted.

### **2.1.9. INSPECTION OF IMPROVEMENTS**

The Code Enforcement Officer shall be responsible for the overall inspection of site improvements, including coordination with the Planning Commission's private consultants and other local officials and agencies, as may be appropriate.

### **2.1.10. INTEGRATION OF PROCEDURES**

Whenever particular circumstances of a proposed development require compliance with either the requirements of the City's Land Subdivision Regulations or the requirements of the State Environmental Quality Review Act, the Planning Commission may integrate, if it deems appropriate and to the extent of its authority under law, site plan review, as required by this Section, with the procedural and/or submission requirements for such other compliance. Such integration of procedures may require, upon mutual written consent of the Planning Commission and the applicant, reasonable modification of the time schedules otherwise stated in this Section or in said related regulations or requirements.

### **2.1.11. EXPIRATION OF APPROVAL**

Unless construction or use is commenced within one calendar year of the date of the granting of site plan approval, such site plan approval shall become null and void.

### **2.1.12. RELIEF FROM DECISIONS**

Any person or persons jointly or severally aggrieved by any decision of the Planning Commission on a site plan approval application may apply to the Supreme Court of the State of New York for relief through a proceeding under Article 78 of the Civil Practice Law and Rules of the State of New York. Such proceeding shall be governed by the specific provisions of Article 78, except that the action must be initiated as therein provided within 30 calendar days after the filing of the Commission's decision in the office of the City Clerk.

## 2.2. SIGN PERMIT AND APPROVAL PROCEDURE

### 2.2.1. APPLICABLE ACTIONS

1. Actions that include only the placement of a new sign(s) or modification to or replacement of existing sign(s) shall follow the application and approval procedure described below.
2. The placement of a new sign(s) or modification to or replacement of existing sign(s) accompanied with a development action that requires site plan review shall follow the permit and approval procedure in Section 2.1.

### 2.2.2. APPLICATION REQUIREMENTS

1. One hard copy and one electronic copy of the application shall be submitted to the Code Enforcement Officer and shall include the following information:
  - a. Name and address of the applicant and, where the applicant is not the owner, the name and address of the owner of the land upon which the sign is to be erected. Written consent of the owner of the building, structure, or land to which or on which the sign is to be erected, in the event the applicant is not the owner thereof is required.
  - b. Location of the building, structure, or land to which or upon which the sign is to be erected.
  - c. Subarea in which the proposed sign(s) is to be placed.
  - d. A description of the number and type of sign(s) proposed.
  - e. A description of the purpose to be served by the sign(s) and a description of the existing uses of the lot upon which the sign(s) is to be located.
  - f. Tape location or instrument survey indicating the location and setbacks of any existing signs and buildings on the lot. Each existing sign shall be identified as conforming or legally nonconforming.
  - g. Location plan drawn to scale not exceeding one inch equals 20 feet showing the position of the proposed sign(s), including a depiction of the building front view or elevation for any building-mounted signs.
  - h. Detailed drawing(s) showing the construction details of the proposed sign(s), the lettering and/or pictorial matter and color of each, and the position of lighting, electrical conduits, and any other related devices.
  - i. The property owner's signature attesting to the accuracy of the application.

### 2.2.3. REVIEW AND APPROVAL

1. The Code Enforcement Officer shall review the application to determine compliance with all applicable Form-Based Code regulations.
2. Upon a determination of compliance, a sign permit shall be issued by the Code Enforcement Officer. The applicant shall have 120 days from the date of issuance to install the sign and submit a request for a certificate of sign compliance or the sign permit will expire.

3. Within five business days of the placement of any approved sign, the applicant shall request a certificate of sign compliance and provide two sets of photographs of the site and the sign to the Code Enforcement Officer. Upon verification of compliance with this Form-Based Code, the Code Enforcement Officer shall issue a certificate of sign compliance.
4. Should the Code Enforcement Officer, upon inspection, find the sign not to be in compliance with this Form-Based Code, the applicant shall be so notified by certified mail. The applicant shall, within 30 days from the date of the notification letter, correct the cited deficiencies and notify the Code Enforcement Officer of the corrections. In no event shall said 30 day period extend the 120 day validation period for the sign permit prescribed within this Subsection.



## 2.3. INTERPRETATION OF THE FORM-BASED CODE AND VARIANCES

### 2.3.1. POWERS AND DUTIES OF THE ZONING BOARD OF APPEALS

The Zoning Board of Appeals, as established in Article XI of Chapter 250 of the City Code, shall have all the powers and duties prescribed by law and by this Form-Based Code, which are more particularly specified as follows:

1. Interpretation. On appeal from an order, requirement, decision or determination made by the Code Enforcement Officer or on request by an official, board or agency of the City to decide any of the following questions:
  - a. Determination of the meaning of any portion of the text of this Form-Based Code or any conditions or requirement specified or made under the provisions of this Form-Based Code.
  - b. Determination of the exact location of any District or Subarea boundary shown on the Form-Based Code District map.
2. Variances. To authorize, upon appeal in specific cases, such variances from the terms of this Form-Based Code as will not be contrary to the public interest where, owing to exceptional and extraordinary circumstances, there are unnecessary hardships or practical difficulties in the way of carrying out the strict letter of this Code subject to terms and conditions to be fixed by the Board; provided, however, that no such variance shall be granted unless the Board finds:
  - a. That there are physical conditions, such as the case of an exceptionally irregular, narrow, shallow or steep lot, fully described in the findings of the Board, applying to the land or building for which the variance is sought, which conditions

are to such land or building and have not resulted from any act of the applicant or any predecessor in title.

- b. That, for reasons fully set forth in the findings of the Board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this Form-Based Code would deprive the applicant of the reasonable use of such land or building and the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board is the minimum variance that will accomplish this purpose.
- c. That the granting of the variance under such conditions as the Board may deem necessary or desirable to apply thereto will be in harmony with the general purpose and intent of this Form-Based Code, will not represent a radical departure therefrom, will not be injurious to the neighborhood, will not change the character thereof and will not be otherwise detrimental to the public welfare.

### 2.3.2. APPEAL AND VARIANCE PROCEDURE

#### A. Meetings

Meetings shall be held at the call of the Chairman or at such other times as the Board of Appeals may determine. A quorum shall consist of three members, but in order to issue an interpretation, reverse a decision of the Code Enforcement Officer or authorize a variance, an affirmative vote of at least four members, as prescribed by General City Law shall be required. The Board shall keep minutes of its proceedings showing

the vote of each member upon each question and shall keep records of its examination and other official actions

## **B. Application and Fee**

1. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board, and shall be accompanied by the applicable fee in accordance with the fee schedule established and annually reviewed by the Common Council.
2. Every appeal or application shall refer to the specific provision of this Form-Based Code that is involved and shall precisely set forth either the interpretation that is claimed or the details of the variance that is applied for and the grounds, which it is claimed that such variance should be granted.

## **C. Public Notice and Hearing**

The Board shall fix a time and place for a public hearing on any such appeal of application, and shall provide notice as follows:

1. By publishing a notice thereof in the official newspaper of the City not less than twice, with the initial notice occurring not less than 10 calendar days prior to the date of the public hearing and the final notice occurring not more than three calendar days prior to the public hearing.
2. By requiring the Secretary of the Zoning Board of Appeals to give notice at least five calendar days prior to the date thereof of the substance of every appeal for a variance together with a notice of hearing thereon by mailing such to the owners of all property abutting that held by the applicant and all other owners within 200 feet or such additional distances as the Board of Appeals may deem advisable from the boundaries of the land involved in such appeal. Compliance with this notification procedure shall be certified to by the Secretary.
  - a. The names of owners notified shall be taken as such appear on the last completed tax roll of the City.

- b. Provided that there shall have been substantial compliance with these provisions, the failure to give notice in exact conformance herewith shall not be deemed to invalidate action taken by the Board of Appeals in connection with granting or denying of an appeal for a variance.

3. By requiring the Secretary of the Board of Appeals to transmit to the Secretary of the Planning Commission a copy of the notice of such hearing at least 20 calendar days prior to the date thereof. The Board of Appeals shall request that the Planning Commission submit to the Board of Appeals an advisory opinion prior to the date of such hearing. Upon failure of the Planning Commission to submit such report, said Commission shall be deemed to have recommended approval of the application or appeal.
4. If the land involved in the appeal lies within 500 feet of the boundary of any other municipality, the Secretary of the Board of Appeals shall also submit at least 10 calendar days prior to the public hearing to the municipal Clerk of such other municipality or municipalities a copy of the notice of the substance of every appeal together with a copy of the official notice of such public hearing.

## **D. Required Referral**

A full statement of any appeal that meets the referral requirements of §§ 239-l and 239-m of the General Municipal Law shall also be referred to the Montgomery County Planning Board for its review. No action shall be taken by the Board of Appeals on such appeal until an advisory recommendation has been received from the County Planning Board or 30 calendar days have elapsed since the Board received such full statement.

## E. Decisions

Every decision of the Board of Appeals shall be recorded in accordance with standard forms adopted by the Board and shall fully set forth the circumstances of the case and shall contain a full record of the findings on which the decision is based. Every decision shall be by resolution of the Board, with each such decision being filed in the Office of the City Clerk within 10 calendar days thereof. The Board shall notify the Code Enforcement Officer, the Secretary of the Planning Commission and the municipal Clerk of any affected municipality given notice of hearing of its decision in each case.

## F. Attachment of Conditions

In all cases where the Board of Appeals grants a variance from the strict application of the requirements of this Form-Based Code, it shall be the duty of such Board to attach conditions and safeguards as may be required in order that the result of its action shall be as nearly as possible in accordance with the spirit and intent of this Form-Based Code.

## G. Expiration of Approval

Unless construction or use is commenced and diligently pursued within one calendar year from the date of granting of the variance, such variance shall not become vested and shall be considered null and void without further hearing or action by the Zoning Board of Appeals. Upon specific application, in writing, by the owner of the affected property prior to the date of such expiration, the Zoning Board of Appeals may, however, extend, in its discretion, the expiration date for a maximum of two periods, not to exceed six calendar months each, provided that the circumstances and facts relied upon in the granting of the variance have not materially changed.

## H. Strict Construction

All the provisions of this Form-Based Code relating to the Board of Appeals shall be strictly construed. The Board, as a body of limited jurisdiction, shall act in full conformity with all provisions of law and of this Form-Based Code and in strict compliance with all limitations contained therein; provided, however, that if the procedural requirements set forth in this Form-Based Code have been substantially observed, no applicant or appellant shall be deprived of the right of application or appeal.

### 2.3.3. EFFECT OF APPEAL

An appeal stays all proceedings in furtherance of the action appealed from unless the Code Enforcement Officer from whom the appeal is taken certifies to the Board of Appeals after the notice of appeal shall have been filed with him that by reason of acts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice of the officer from whom the appeal is taken and on due cause shown.

### 2.3.4. RELIEF FROM DECISIONS

Any person or persons jointly or severally aggrieved by any decision of the Board of Appeals may apply to the Supreme Court of the State of New York for relief through a proceeding under Article 78 of the Civil Practice Law and Rules of the State of New York. Such proceeding shall be governed by the specific provisions of Article 78, except that the action must be initiated as therein provided within 30 calendar days after the filing of the Board's decision in the office of the City Clerk.



## 2.4. ENFORCEMENT

### 2.4.1. ENFORCING OFFICIAL

1. The Code Enforcement Officer and duly authorized representatives shall administer and enforce all provisions of this Form-Based Code except where otherwise specifically provided herein. Whenever any permit or other approval is required herein, the same shall be applied for and shall be issued in the first instance from the Code Enforcement Officer in accordance with the requirements of this Form-Based Code and applicable City regulations governing building construction and the issuance of building permits.
2. The Code Enforcement Officer and duly authorized representatives shall have the right to enter upon, examine, inspect or cause to be entered, examined and inspected any building or property at any reasonable time for the purpose of carrying out authorized duties and to determine compliance with the provisions of this Code. A written report of each such examination and inspection shall be prepared on an appropriate form and kept on file in the offices of the Code Enforcement Officer.

### 2.4.2. POWERS AND DUTIES OF CODE ENFORCEMENT OFFICER

In addition to all other authority conferred by law, the Code Enforcement Officer shall have the following powers and duties with respect to this Form-Based Code:

#### A. Issuance of Building Permits

No building or structure shall be erected, altered, reconstructed or enlarged until the Code Enforcement Officer has issued a building permit stating that the proposed use and structure comply fully with all applicable provisions of this Form-Based Code. More particularly, no building permit shall be issued for any building where the site plan of such building is subject

to approval by the Planning Commission, except in strict conformity with the plans approved by said Commission.

#### B. Issuance of Certificates of Occupancy

No use shall be established on land or structure occupied nor shall any existing use of land or structure be changed until the Code Enforcement Officer has issued a certificate of occupancy stating that the use, land, and structure comply with all applicable provisions of this Form-Based Code. More particularly, no certificate of occupancy shall be issued for any action requiring site plan approval by the Planning Commission unless and until such approval has been granted by the Planning Commission. Every certificate of occupancy for which site plan approval has been granted or in connection with a variance granted by the Zoning Board of Appeals shall also contain a detailed statement of any condition(s) to which the same is subject and include, by attachment, a copy of such Planning Commission or Zoning Board of Appeals decision.

#### C. Issuance of Notices of Violation

Whenever, in the opinion of the Code Enforcement Officer, after proper examination and inspection, a violation appears to exist with any provision of this Code or of any rule or regulation adopted pursuant thereto, the Code Enforcement Officer shall serve a written notice upon the appropriate person responsible for such alleged violation. Such notices shall be served in accordance with the requirements of Subsection 2.4.3.

#### D. Issuance of Stop Orders

Whenever the Code Enforcement Officer has reasonable grounds to believe that work on any building or structure or any use of land is occurring either in violation of the provisions of this Form-Based Code, not in conformity

with any application made, permit granted, or other approval issued or in an unsafe or dangerous manner, the Code Enforcement Officer shall promptly notify the appropriate person responsible to suspend the work on any such building or structure or the use of any such land. A notice of violation shall be served upon the person whom it is directed either by delivering it personally to him/her or by posting the same upon a conspicuous portion of the building under construction or premises in use and additionally sending a copy of the same by certified mail. Upon receipt of the notice of violation, such persons shall suspend all work immediately and may not resume until the stop order has been rescinded.

### **E. Emergency Action**

If, in the opinion of the Code Enforcement Officer, a violation exists which requires immediate action to avoid a direct hazard or imminent danger to the health, safety, morals, or welfare of occupants of a building or to other persons, the Code Enforcement Officer may direct such violation immediately remedied or may take direct action on his own initiative to abate the hazard and danger. Any costs incurred by such action shall be paid for by the owner, occupant, or person responsible for the violation. The Code Enforcement Officer shall keep on file an affidavit stating with fairness and accuracy the items of expense and date of execution of action taken and is furthermore authorized to institute a suit, if necessary, against the person liable for such expense or place a lien against property in order to recover said costs.

### **2.4.3. NOTICE OF VIOLATIONS**

A notice of violation of any provision of this Form-Based Code or of any rule or regulation adopted pursuant thereto shall inform the recipient of:

1. The nature and specific details of such violation.

2. Recommended remedial action, which, if taken, will effect compliance with the provisions of this Form-Based Code and with rules and regulations adopted pursuant thereto.

3. The date of compliance by which the violation must be remedied or removed.

### **2.4.4. PENALTIES FOR OFFENSES**

Violation of any provision or requirement of this Form-Based Code or violation of any statement, plan application, permit, or certificate approved under the provisions of this Form-Based Code shall be considered an offense punishable by a fine of not more than \$350 and/or imprisonment for not more than six months for each such offense. The owner, general agent, or contractor of a building premises or part thereof where such a violation has been committed or does exist and any agent, contractor, architect, building, corporation, or other person who commits, takes part, or assists in such violation shall be liable for such an offense. All such penalties shall be collectible by and in the name of the City; each and every day that any such violation continues after notification that such violation exists shall constitute a separate offense. Such initial notice and subsequent weekly notice shall be given, in writing, by the Building Inspector and shall be served by certified mail or personal service.

### **A. Court Action**

The imposition of penalties herein prescribed shall not preclude the City or any person from instituting appropriate legal action or proceedings to prevent an unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use or to restrain, correct, or abate a violation or to prevent the illegal occupancy of a building, land, or premises.

## **B. Taxpayer Action**

If the Code Enforcement Officer fails or refuses to act upon or refer a violation of this Form-Based Code to the Corporation Counsel for legal action in accordance with the provisions contained herein within a ten-calendar-day period following written request by any taxpayer to so proceed, then any three or more taxpayers of the City of Amsterdam may institute appropriate legal action in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this Form-Based Code.

## **C. Individual Action**

Nothing contained herein shall in any way restrict the right of an aggrieved individual to institute an appropriate legal action or proceeding on his own behalf for equitable relief or for damages alleged to have been suffered as a result of the violation of this Form-Based Code.



## 2.5. AMENDMENT PROCEDURE

### 2.5.1. AMENDMENT OF PROVISIONS

This Form-Based Code, including the Form-Based Code District and Subarea boundaries defined in Section 1.3, may from time to time be amended, supplemented, changed, modified, or repealed by the Common Council in the manner provided by §§ 20 and 83 of the General City Law. Every proposed amendment or change shall be referred by the Common Council to the Planning Commission for its review and recommendation pursuant to the specific provisions of this Form-Based Code.

### 2.5.2. REPORT OF THE PLANNING COMMISSION

In undertaking such review and making such recommendation on a proposed amendment, the Planning Commission shall make inquiry and determination concerning the items specified below:

#### A. Concerning a Proposed Amendment or Change in the Text of This Form-Based Code

1. Whether such change is consistent with the purposes embodied in this Form-Based Code as applied to the particular Subarea concerned.
2. Which areas and establishments in the City will be directly affected by such change and in what way will they be affected.
3. The indirect implications of such change in its effect on other regulations.
4. Whether such proposed amendment is consistent with the underlying objectives of the City's Master Plan, Downtown Revitalization Initiative Strategic Investment Plan, Brownfield Opportunity Area Nomination Study, and Local Waterfront Revitalization Program.

#### B. Concerning a Proposed Amendment Involving a Change in the Form-Based Code District or Subarea Boundaries

1. Whether the uses permitted by the proposed change would be appropriate in the Subarea concerned.
2. Whether adequate public school facilities and other public services exist or can be created to serve the needs of any additional residences likely to be constructed as a result of such a change.
3. Whether the proposed change is in accord with any existing or proposed plans in the vicinity.
4. The effect of the proposed amendment upon the development of the City as foreseen by the City's Master Plan, Downtown Revitalization Initiative Strategic Investment Plan, Brownfield Opportunity Area Nomination Study, and Local Waterfront Revitalization Program.
5. Whether the proposed amendment is likely to result in an increase or decrease in the total zoned residential capacity of the City and the probable effect thereof.

### 2.5.3. COMMON COUNCIL PROCEDURE

#### A. Public Notice and Hearing

The Common Council by resolution adopted at a stated meeting shall fix the time and place of a public hearing on the proposed amendment and cause notice thereof to be given as follows in accordance with the General City Law:

1. By publishing notice in the official newspaper of the City not less than twice, with the initial notice occurring at least 10 calendar days prior to the public hearing and the final notice occurring not more than three calendar days prior to the public hearing, with the notice specifying:
  - a. The nature of the proposed amendment.
  - b. The land or Subarea affected.
  - c. The date, time, and place where the public hearing shall take place.
2. By providing a copy of such notice of any proposed change or amendment affecting property within 500 feet of any other municipality to the Clerk of such municipality at least 10 calendar days prior to the date of such public hearing.
3. In the case of an amendment to the Zoning Map, all owners of property within the area to be affected by said amendment and all owners of property within 200 feet, or such additional distance as the Common Council may deem advisable, of the boundaries of said area shall be mailed a notice of any public hearing to be held concerning the adoption of said amendment.

## **B. Mandatory Referral**

The Common Council shall transmit a full statement of any proposed amendment that meets the referral requirements of §§ 239-l and 239-m of the General Municipal Law to the Montgomery County Planning Board for its review. No action shall be taken by the Common Council on such proposed amendment until a recommendation has been received from the County Planning Board or 30 calendar days have elapsed since the Board received such full statement.

## **C. Action**

The Common Council may approve any such proposed amendment by a majority vote of said Council, except that:

1. A favorable vote of at least four members of the Common Council, a majority plus one, shall be required if the action being taken is contrary to the recommendation received from the Montgomery County Planning Board under the provisions of §§ 239-l and 239-m of the General Municipal Law.
2. A favorable vote of at least four members of the Common Council, three-fourths vote, shall be required if a protest against such amendment has been signed by the owners of at least 20% of the land area included in such proposed change or of that immediately adjacent extending 100 feet therefrom or that directly opposite.

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## SECTION 3:

# DEFINITIONS AND MEASUREMENTS

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This Section defines key words, phrases, and measurements used throughout the Form-Based Code in order to clarify the meaning and intent of regulations and facilitate compliance.

## 3.1. GLOSSARY OF TERMS

The glossary of terms defines key words or phrases used within this Form-Based Code to clarify the meaning and intent of regulations. All other words or terms used are consistent with commonly accepted definitions or meanings.

For the purposes of the Form-Based Code, the listed terms shall be defined as follows:

**ACCESSORY STRUCTURE OR USE:** A structure or use customarily incidental and subordinate to the principal building or use and located on the same lot with such principal building or use.

**ADULT ESTABLISHMENT:** A business that sells, rents, displays, or disseminates explicit sexual material, and at which access to the public display of explicit sexual material is restricted by law to persons 18 years of age or older.

**ALTERATION:** As applied to a building or structure, a change or rearrangement in the structural parts of a building or an enlargement, whether by extending on the front, rear or on a side, or by increasing the height or the moving of such structure from one location or position to another.

**AREA AND BULK REGULATIONS:** The combination of controls, which establish the minimum size of a lot and the maximum size of a building and its location on such lot.

**AUTOMOBILE BODY SHOP:** A facility for vehicular body work, including painting thereof by any means; any rebuilding, reconditioning or collision services involving frame and fender straightening or repair, or any dismantling or disassembly of frame or exterior parts is not an automobile service station.

**AUTOMOBILE SALES:** Storage and display for sale of more than two motor vehicles or any type of trailer, provided the trailer is unoccupied.

**AUTOMOBILE SERVICE STATION (MAJOR):** A facility that is used for major vehicular repairs, rebuilding, removal of parts and the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including the sale of motor vehicle accessories, and which include facilities for lubricating.

**AUTOMOBILE SERVICE STATION (MINOR):** A facility for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including the sale of motor vehicle accessories, and which may include facilities for lubricating and other minor servicing of motor vehicles.

**BASEMENT:** A story partly underground but having at least 1/2 of its height above the average level of the adjoining ground.

**BILLBOARD (SIGN ADVERTISING):** A sign or structure which directs attention to a product, business activity, service or entertainment which is primarily conducted, sold or offered elsewhere than upon the premises on which such sign is located, or to which it is affixed.

**BOAT REPAIR FACILITY:** A facility where boats are repaired and stored until repairs are complete.

**BOAT SALES/RENTALS:** A marine retail sales use in which boats are rented or sold.

**BOARD OF APPEALS:** The Zoning Board of Appeals of the City of Amsterdam as provided for in Article XI of Chapter 250 of the City Code.

**BUFFER YARD:** A landscaped strip of land established to protect one type of land use from another with which it is incompatible.

**BUILDING:** Any structure of more or less permanent construction, which is permanently affixed to the land, wholly or partially enclosed within exterior walls and a roof affording shelter to persons, animals, property or business activity and requires a building permit.

**BUILDING COVERAGE:** The amount of land covered or permitted to be covered by a building or buildings, measured in terms of a percentage of total lot area. Such coverage shall be measured on a horizontal plane at mean grade level and excludes uncovered porches, terraces and steps.

**BUILDING INSPECTOR:** That City employee(s) appointed by the Mayor and charged with the responsibility of administering and enforcing the Form-Based Code as well as the zoning in Chapter 250 of the City Code, the New York State Uniform Fire Prevention and Building Code, related § 7302 of the New York State Education Law<sup>1</sup> and other related regulations pertaining to the development of structures and use of land within the City of Amsterdam, which employee shall be certified as a Building Official by the New York State Building Codes Council.

**BUILDING FRONTAGE:** The length, in feet, of the side of a building adjacent to and most nearly parallel to a street or public parking lot.

**CANOPY:** Any permanent awning or rigid shelter that projects from a building's or structure's façade and extends for all or a portion of the building or structure's frontage.

**CANOPY, PARKING:** A rigid, permanently affixed, elevated structure with a roof and no walls that provides shade for a parking lot.

**CELLAR:** A story partly or entirely below grade, which has more than 1/2 of its height, measured from floor to ceiling, below the average level of the adjoining ground.

**CEMETERY:** Land used or dedicated to the burial of the dead, including crematoriums, mausoleums, necessary sales, and maintenance facilities.

**CERTIFICATE OF OCCUPANCY:** Official certification that a premise conforms to the provisions of the Form-Based Code, Chapter 250 of the City Code, the Building Code,<sup>2</sup> and other applicable regulations and may be used or occupied.

**COMMERCIAL:** Any activity conducted with the intent of realizing a profit from the sale of goods and services to others.

**COMPLETE STREET:** A public right-of-way planned, designed, operated, and maintained to provide safe, convenient access and mobility to users of all ages, modes, and abilities.

**COMPREHENSIVE PLAN:** A document or series of documents prepared and adopted by the Planning Commission setting forth policies for the future growth and development of the City. Such plan may be endorsed or adopted by the Common Council. Formerly referred to as the "master plan."

**CONTRACTOR'S STORAGE YARD:** Any space, whether inside or outside a building, used for the storage or keeping of construction equipment, machinery or vehicles or parts thereof which are in active use by a construction contractor.

**CONVERSION:** A change in use or occupancy of a building, generally by alteration or by other reorganization, as to increase the number of families or dwelling units within a structure.

**CORNICE:** A projecting horizontal molding that emphasizes the top edge of a facade.

**DARK SKY FRIENDLY LIGHTING:** Lighting that, according to the International Dark Sky Association, minimizes glare, reduces light trespass, and doesn't pollute the night sky.

**DEMOLITION:** Complete or partial destruction, razing, or dismantling of an existing property, site, building, or structure.

<sup>1</sup> Editor's Note: See NY Educ § 7302.

<sup>2</sup> Editor's Note: See Chapter 90 of the City Code, Building Construction Code.



**DETERIORATION:** The process of falling into a state of serious disrepair.

**DEVELOPMENT:** The establishment of a use on a lot or in relation to a structure or the erecting or structural alteration of a structure.

**DISPLAY WINDOW:** Primary ground floor window on a storefront facade where goods are displayed.

**DWELLING:** A permanent building designed or used principally as the independent living quarters for one or more families.

**DWELLING UNIT:** A building or entirely self-contained portion thereof containing complete, separate, independent housekeeping facilities for only one family, including any domestic servants employed on the premises and having no enclosed space (other than vestibules, entrance or other hallways or porches) or cooking or sanitary facilities in common with any other dwelling unit. A boardinghouse, dormitory, motel, inn, nursing home, fraternity, sorority or other similar building shall not be deemed to constitute a dwelling unit.

**DWELLING, MULTIPLE-FAMILY:** A detached, semidetached or attached building or portion thereof, which contains three or more dwelling units.

**DWELLING, SINGLE-FAMILY:** A detached building containing one dwelling unit only.

**DWELLING, TWO-FAMILY:** A detached or semidetached building containing two dwelling units only.

**FACADE:** Any exterior side or face of a building.

**FAMILY:** One or more than one person occupying a dwelling unit and living as a single nonprofit housekeeping unit with not more than four roomers, boarders or lodgers. A roomer, lodger or boarder residing with a family shall mean a person or group of persons residing within a household, not related by blood, marriage or adoption to the nonprofit housekeeping unit who pay a valuable consideration for such residence and who do not occupy such space within the household as an incident of employment herein.

**FENCE:** An unroofed, enclosing structure erected for the purpose of preventing passage or view.

**FLOOD, ONE-HUNDRED-YEAR:** The highest level of flood that, on the average, is likely to occur once every 100 years (i.e., that has a one-percent chance of occurring each year). The official source of the one-hundred-year flood information shall be the Flood Insurance Rate (F.I.R.M.) Map.

**FLOODPLAIN AREA WITH SPECIAL FLOOD HAZARDS:** Maximum area of the floodplain that, on the average, is likely to be flooded once every 100 years (i.e., that has a one-percent chance of being flooded every year). The official source of the special flood hazard area information shall be the Flood Insurance Rate Map (F.I.R.M.).

**FLOODPROOFING:** Any combination of structural and nonstructural additions, changes or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures and contents of buildings.

**FLOODWAY:** The channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of a given magnitude.

**FLOOR AREA:** The sum of the gross horizontal area of the floor or floors of a building as measured from the exterior faces of exterior walls or from the center line of walls separating two buildings. Floor space shared in common with other dwelling units or used for storage purposes or the operation and maintenance of the building shall not be included in computing floor area.

**FLOOR AREA, LIVABLE:** The sum of the gross horizontal area of a dwelling unit measured from the exterior walls or from the center of a party wall, excluding roof, cellar and garage. Livable floor area shall include spaces such as utility rooms, bathrooms, closets, hallways and attic space having a clear height of at least six feet from the finished floor level to pitch of roof rafter, with a clear height of seven feet six inches from the finished floor level to the ceiling level over 50% of the area of such attic space.

**FLUSH-MOUNTED SOLAR PANEL:** Solar collector systems, panels, and tiles that are installed flush to the surface of a roof or wall of a principal and/or an accessory structure and which cannot be angled or raised for the direct conversion of solar energy into electricity.

**FORM-BASED CODE MAP:** The map delineating the boundaries of the Form-Based Code District and Subareas which, along with the Form-Based Code text, defines where specific regulations are applicable.

**FREESTANDING OR GROUND-MOUNTED SOLAR COLLECTOR SYSTEM:** A solar collector system that is directly installed on the ground and is not attached or affixed to an existing structure and used for the direct conversion of solar energy into electricity.

**FRONTAGE:** That side of the lot nearest the street right-of-way. A corner lot shall be considered to have two such frontages.

**FUEL STORAGE TANK:** A permanently affixed or mobile aboveground storage container used solely for the purpose of storing oil, natural gas, or other fuel prior to its use, while it is being used, or prior to its further distribution in commerce.

**GABLE ROOF:** A roof with two sides sloping in opposite directions.

**GAMBREL ROOF:** A roof with two sides sloping in opposite directions with each side having two slopes, an upper slope that is shallower than the lower slope.

**GARAGE, DETACHED:** A detached structure not to exceed 500 square feet, which is accessory to a single detached dwelling unit to which there is legal vehicular access from a public right-of-way, designed for the storage of motor vehicles or boats of the residents of the single detached dwelling.

**GARAGE, PRIVATE:** An enclosed space for the storage of one or more vehicles, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one car is leased to a nonresident of the premises.

**GLAZING:** The parts of a wall made of glass.

**GRADE, FINISHED:** The elevation at which the finished surface of the surrounding lot intersects the walls and supports of a structure.

**GROUND FLOOR:** The floor or level of a building that is at street level.

**HEIGHT, BUILDING:** The vertical distance measured from the mean elevation of the finished grade along the side of the building with the lowest finished grade to the highest point on the coping of a flat roof, to the highest point on a domed roof, to the deck line of mansard roofs, and to the average height between eaves and ridge for gable, hip, and gambrel roofs, but not including chimneys, spires, parapets, towers, elevator penthouses, tanks and similar projections.

**HIPPED ROOF:** A roof that is sloped on all sides.

**HISTORIC RESOURCE:** A property, building, or structure that is designated as or eligible for listing due to its historic significance at the local, state, or national level.

**IMPERVIOUS COVERAGE:** The amount of land covered or permitted to be covered by impermeable surfaces, measured in terms of a percentage of total lot area. Such coverage shall be measured on a horizontal plane at mean grade level.

**LOT:** A portion or parcel of land having defined boundaries and considered as a unit, devoted to a specific use or occupied by a structure or group of structures that are united by a common interest, use or ownership and including customary accessory structures, uses, open spaces and yards.

**LOT AREA:** The total area of a lot within lot lines.

**LOT DEPTH:** The minimum horizontal distance from the street line of a lot to the rear lot line of such lot, measured in the general direction of the side lot lines.

**LOT OF RECORD:** A legally existing lot at the time of adoption of the Form-Based Code duly filed and recorded in the Montgomery County Clerk's office as either an individual parcel of land or part of an approved subdivision.

**LOT WIDTH:** The minimum horizontal distance between the side lot lines measured at right angles to the lot depth.

**LOT, CORNER:** A lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135°. The point of intersection of the street right-of-way lines is the corner.

**LOT, INTERIOR:** A lot other than a corner lot.

**LUMBERYARD:** An establishment where lumber and other building materials, such as brick, tile, cement, insulation, roofing materials, and the like, are sold at retail.

**MACHINE SHOP:** Shops where lathes, presses, grinders, shapers, and other wood- and metal-working machines are used such as blacksmith, tinsmith, welding, and sheet metal shops; plumbing, heating, and electrical repair shops; and overhaul shops.

**MARQUEE:** A permanent roof-like structure attached to and supported by a building and projected therefrom.

**MEAN HIGH WATER LINE:** The average elevation of all high waters recorded at a particular point or station over a considerable period of time, as determined by the U.S. Army Corps of Engineers.

**MINING AND MINERAL EXTRACTION:** Underground excavation of materials used for sale, exchange, or commercial usage. A permit from NYS DEC is required for any proposed excavation exceeding 1,000 tons or 750 cubic yards, whichever is greater, within a twelve-month period.

**NONCONFORMING BUILDING, STRUCTURE, FEATURE, OR USE:** An existing building, structure, or feature which does not conform to the regulations for lot area, width or depth; setbacks; front, side or rear yards; maximum height; lot coverage;

signage requirements; or, other regulations after the adoption or amendment of the Form-Based Code or an existing use which does not conform to the applicable use regulations for the Subarea in which such use is located after the adoption or amendment of the Form-Based Code.

**PARAPET:** An extension of the facade above the edge of the roof.

**PARKING LOT:** Land which is open and used to provide four or more off-street parking spaces.

**PARKING SPACE, OFF-STREET:** A space which is out of the public right-of-way and is available and adequate for the parking of one motor vehicle.

**PARKING STRUCTURE:** A structure or portion thereof composed of one or more levels or floors used exclusively for the parking or storage of motor vehicles. A parking structure may be totally below grade (as in an underground parking garage) or either partially or totally above grade with those levels being either open or enclosed.

**PEDIMENT:** A crowning architectural feature placed above a cornice, door, window, or portico.

**PERSONAL WIRELESS SERVICES (PWS):** Commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services as defined by Section 704 of the Federal Telecommunications Act.

**PLANNING COMMISSION:** The Planning Commission of the City of Amsterdam.

**PORTICO:** A porch structure consisting of a roof supported by columns often with a pediment.

**PREMISES:** A lot together with all the structures and uses thereon.

**PRINCIPAL BUILDING OR USE:** The main or primary building or use on a lot.

**PRINCIPAL FACADE:** The side or face of the building that is the front, typically contains the main entrance, and may be distinguished by decorative architectural features.



**PROHIBITED USE:** Any use which is listed as not permitted in the use regulations for each Subarea, as defined in Sections 6, 7, and 8 of this Form-Based Code, shall be considered a prohibited use.

**PUBLIC UTILITY:** Any person, firm, corporation or governmental agency, duly authorized to furnish the public, under governmental regulation electricity, gas, water sewage treatment, steam, cable television, or related communication service. This definition shall not bestow any special status or standing not already provided by state or federal law.

**MANSARD ROOF:** A roof with two slopes on all sides, the lower of which has a steeper slope.

**MANUFACTURING, LIGHT:** Establishments engaged in the product assembling, mixing or treatment of raw material or agricultural commodities, or manufacturing of products to form a non-combustible and non-explosive product. Product packaging, including bottling, canning, packing, wrapping, and boxing of products assembled or manufactured off-site. The assembling or packaging shall not produce noise, vibration, hazardous waste materials, or particulate that creates significant negative impacts to adjacent land uses. Odors produced on-site shall not negatively affect other businesses or properties in the area. Examples of assembling include but are not limited to the production of the following: clothes, furniture (where wood is milled off-site); pharmaceuticals; hardware; toys; mechanical components; electric or electrical components; small vehicle assembly; agricultural commodities, and computer software. Examples of packaging include facilities for bottling beverages, canning and wrapping foods and agricultural commodities, and boxing electrical components.

**RECYCLING FACILITY** Any location whose primary use is where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled, or handled, including, but not limited to, scrap metals, paper, bottles, and other such materials.

**RENOVATION:** Reconstruction, rehabilitation, or other modification to an existing building or structure.

**ROOFTOP- OR BUILDING-MOUNTED SOLAR COLLECTOR SYSTEM:** A solar collector in which solar panels are mounted on top of a roof of a principal and/or an accessory structure either as a flush-mounted system for the direct purpose of converting solar energy into electricity.

**SETBACK:** The minimum perpendicular distance from the front, side or rear property line to any structure, roadway, parking area, accessory building or other such improvement except necessary driveways.

**SETBACK, WATERFRONT:** The minimum perpendicular distance between a structure and the regulatory floodway, as determined by the Federal Emergency Management Agency's Flood Insurance Risk Maps.

**SHARED PARKING:** When adjacent property owners share their parking lots to reduce the total number of parking spaces each property owner needs to provide. Participating property owners must develop and sign a legally-binding agreement to establish shared parking.

**SHED:** An accessory building which is no larger than 12 feet by 12 feet by 12 feet.

**SIDEWALK DINING:** An area adjacent to and directly in front of a street-level eating or drinking establishment located within the sidewalk area or pedestrian plaza area of the public right-of-way and used exclusively for dining, drinking, and pedestrian circulation.

**SIGN:** Any material, structure or device or part thereof composed of lettered or pictorial matter which is located out-of-doors or on the exterior of any building, including illuminated window signs over two square feet in area located within three feet of the window surface and intended to be viewed from the exterior of the building, displaying an advertisement, announcement, notice or name, and includes sign frames, billboards, signboards, painted wall signs, hanging signs, illuminated signs, canopies, awnings, pennants, fluttering devices, projecting signs or ground signs and shall include

any declaration, demonstration, display, illustration or insignia used to advertise or promote the interests of any person or business or cause when the same is placed in view of the general public. However, a sign shall not include any display of official court or public office notices or any official traffic control device, nor shall it include the flag, emblem or insignia of a nation, political unit, school or religious group.

**SIGN, ACCESSORY:** A sign which directs attention to a business or profession conducted or to a commodity, service or entertainment sold or offered upon the premises where such sign is located or to which it is affixed.

**SIGN COPY:** The graphic content or message of a sign.

**SIGN, ILLUMINATED:** A sign illuminated by electricity, gas or other artificial light either from the interior or exterior of the sign, and including reflective and phosphorescent light.

**SIGN FACE:** The surface upon, against, or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural thematic or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.

**SIGN, NONACCESSORY:** A sign or structure, including, but not restricted to, billboards, which directs attention to any product, business activity, service or entertainment which is primarily conducted, sold or offered elsewhere than upon the premises where such sign is located or to which it is affixed.

**SIGN, OBSOLETE:** A sign that advertises a nonexistent product, place, or event.

**SIGN, SURFACE AREA OF:** The entire area within a single, continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of the same. However, such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display. Only one side of a double-faced sign shall be included as surface area of such sign.

**SITE PLAN:** That map or drawing and related development information submitted for review to the Planning Commission in accordance with the requirements and procedures specified in Section 2.1. of this Form-Based Code.

**SMALL-SCALE SOLAR COLLECTOR SYSTEM:** A solar energy system that is designed and/or built to provide power for use by owners, lessees, tenants, residents, or other occupants of the premises on which they are erected, and is constructed for the sale of excess power through an arrangement in accordance with New York Public Service Law § 66-j or similar state or federal law or regulation.

**STORY:** That part of any building, exclusive of cellars but inclusive of basements, comprised between the levels of one finished floor and the level of the next highest finished floor or, if there be no higher finished floor, then that part of the building comprised between the level of the highest finished floor and the top of the roof beams.

**STREET:** A public or private way, which affords the principal means of access to abutting properties.

**STREET LINE:** The dividing line between a lot and a street right-of-way.

**STREET, PRIMARY:** Where only one street abuts a lot, that street is designated the primary street. Where a lot has multiple frontages, the street(s) clearly associated with the front facades of primary buildings is designated the primary street. Up to two streets may be designated as the primary street for any lot with multiple frontages. If the primary street designation is unclear for lots with multiple frontages, the Code Enforcement Officer will determine the primary street(s) based on the following criteria:

- **The orientation of principal buildings at the intersection.** Where the front facades of principal buildings are oriented toward a particular street, this street will typically be designated the primary street.
- **The width of sidewalks.** The street with the widest sidewalk will typically be designated the primary street.
- **The width of streets.** The street with the widest right-of-way will typically be designated the primary street.

**STREET, SECONDARY:** All streets fronting a lot that are not designated as the primary street are considered to be secondary streets.

**STRUCTURE:** A static construction of materials, the use of which requires a fixed location on the ground or attachment to an object having such fixed location. Structures shall include, among others, buildings, stadiums, sheds, storage bins, reviewing and display stands, platforms, towers, walls, fences, swimming pools, gasoline pumps, billboards, signs and mobile dwellings.

**TRANSOM WINDOW:** A rectangular horizontal window above a door or display window of a storefront.

**TRANSPORTATION FACILITY:** Individual modal or multi-modal conveyances and terminals; within a corridor, facilities may be of local, regional, or statewide importance. Examples of facilities are highways, rail transit lines, transit stations, bicycle paths, and river ports.

**TREE, CANOPY:** A large tree that reaches a height of at least 35-feet at maturity.

**TREE, UNDERSTORY:** A small to medium tree that reaches a maximum height of 35-feet at maturity.

**TRUNK CALIPER SIZE:** The diameter of a tree trunk measured six inches above the soil surface.

**UPPER STORIES:** The floors or levels of a building above the ground floor.

**UTILITY-SCALE SOLAR COLLECTOR SYSTEM:** A solar energy system that is designed and/or built to provide energy as an ongoing commercial enterprise, or for commercial profit, or designed to distribute energy generated to a transmission system for distribution to customers rather than for use on the site. A utility-scale solar use may include solar energy system equipment and uses, such as, but not limited to, supporting posts and frames, buildings and/or other structure(s), access drives, inverter equipment, wires, cables and other equipment for the purpose of supplying electrical energy produced from solar technologies, whether such use is a principal use, a part of the principal use or an accessory use or structure.

**USE:** The specific purpose or activity, for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.

**VARIANCE:** A modification of the regulations of the Form-Based Code, subject to review by the Zoning Board of Appeals and to the specific requirements of Section 2.3. of this Form-Based Code.

**VARIANCE, AREA:** A variance from the area and bulk requirements or supplementary regulations of a Subarea defined in this Form-Based Code (such as amount, size, location or design of access, off-street parking, landscaping, signs) to authorize on a specific lot a permitted use which could not feasibly be established without relief from one or more of the dimensional requirements. Subject to review by the Zoning Board of Appeals and to the specific requirements of Section 2.3. of this Form-Based Code.



**VARIANCE, USE:** A variance from the use regulations to allow the establishment of a land use on a specific lot of a use otherwise prohibited in the Subarea. Subject to review by the Zoning Board of Appeals and to the specific requirements of Section 2.3. of this Form-Based Code.

**WAREHOUSE, RETAIL:** An off-price or wholesale retail/warehouse establishment exceeding 30,000 square feet of gross floor area and offering a limited range of merchandise, serving both wholesale and retail customers.

**WINDOW LINTEL:** A horizontal block that spans across the top of a window that may be decorative and/or structural.

**YARD:** An open space on the same lot with a building or building group lying between the closest point of the front, rear or side wall of a building and the nearest lot line, unoccupied and fully open to the sky, except as otherwise provided by the specific provisions of the Form-Based Code.

**YARD, FRONT:** A yard extending across the principal street side of a lot measured between the side yard lines, the depth of which yard is the minimum horizontal distance between the street line and the main building.

**YARD, REAR:** A yard extending across the full width of a lot measured between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the principal building.

**YARD, SIDE:** A yard between any lot line other than a street line or rear lot line and a line drawn parallel thereto and between the front and rear yards.

**YARD, WATERFRONT:** A yard extending along the Mohawk River shoreline measured between the side lot lines and being the minimum horizontal distance between the regulatory floodway and the principal building.

## 3.2. MEASUREMENTS

This section provides graphic descriptions of measurement-based design requirements. These measurements should be referenced when interpreting and applying the regulations applicable across all Subareas (Sections 4 and 5) and Subarea-specific regulations (Section 6, 7, 8).

### 3.2.1. BUILDING PARAMETERS

#### A. Establishment of Primary and Secondary Streets

1. Where only one street abuts a lot, that street is designated the primary street.
2. Where a lot has multiple street frontages, the street(s) clearly associated with the front facade of a primary building is designated the primary street. Up to two streets may be designated as the primary street for any lot with multiple frontages. If the primary street designation is unclear, the Code Enforcement Officer will determine the primary street(s) based on the following criteria:
  - a. **The orientation of principal buildings at the intersection.** Where the front facades of principal buildings are oriented toward a particular street, this street(s) will typically be designated the primary street.
  - b. **Multi-modal orientation.** The street with the widest sidewalk and/or greatest number of multi-modal facilities will typically be designated the primary street.
  - c. **The width of streets.** The street with the widest right-of-way will typically be designated the primary street.
3. All streets fronting a lot that are not designated as the primary street are considered to be secondary streets.

#### B. Setbacks

1. Building setbacks apply to principal and accessory buildings or structures.

#### C. Lot Frontage

1. Lot frontage is the required percentage of lot width that must be occupied by building facade between the minimum and maximum setback range (also known as the build-to-zone).
2. Sections 6,7, and 8 specify the required lot frontage for each Subarea. To determine compliance with lot frontage requirements, the total linear width of building facade located in the build-to zone is divided by the total lot width.

## BUILDING PARAMETERS





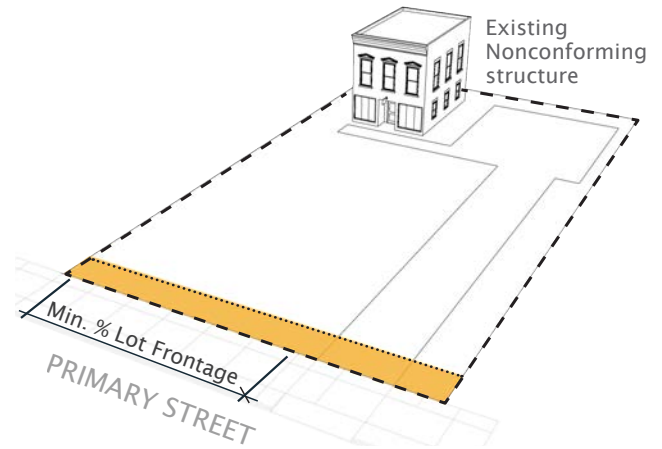
### D. Lot Frontage: New Builds

1. All new buildings must be placed in the build-to-zone until the specified lot frontage for the entire site has been met.
2. Once the required lot frontage has been met for the site, new buildings may be placed outside of the build-to-zone, if space permits.
3. New buildings outside of the minimum and maximum setback range are not allowed until the minimum required lot frontage has been met.

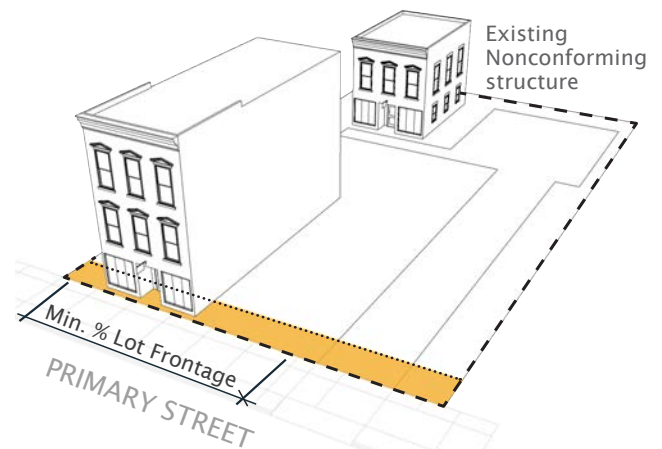
### E. Lot Frontage: Additions

1. Any addition to the front of the building must be placed in the build-to-zone (between the minimum and maximum setback range) until the minimum required lot frontage has been met.

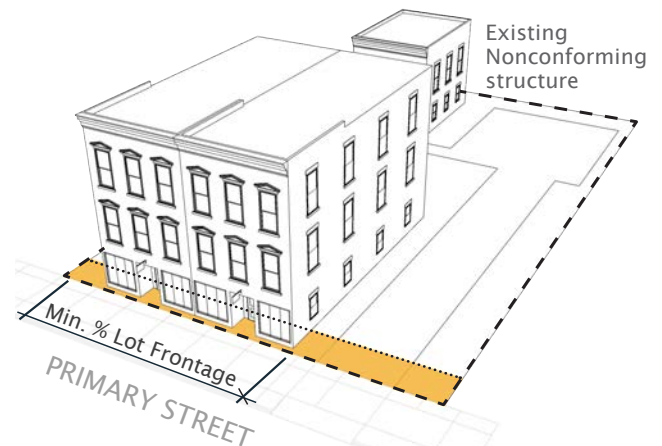
#### Existing Nonconforming Structure Placement



#### Compliant Building Placement

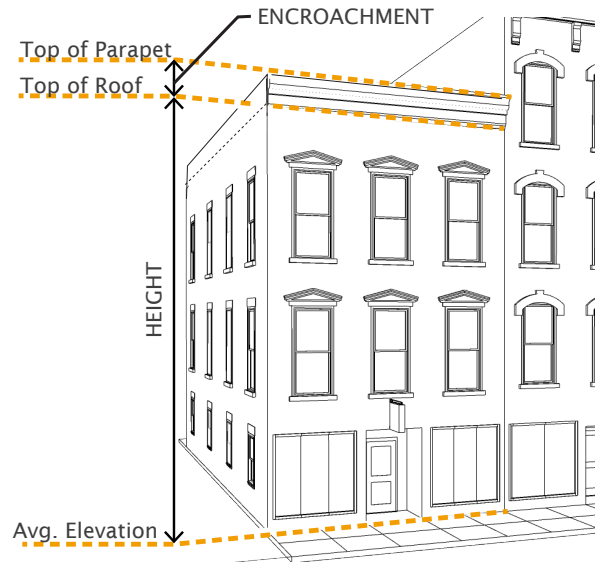


#### Compliant Building Addition



## F. Building Height

1. Building height is the vertical distance measured from the mean elevation of the finished grade along the side of the building with the lowest finished grade to the highest point on the coping of a flat roof, to the highest point on a domed roof, to the deck line of mansard roofs, and to the average height between eaves and ridge for gable, hip, and gambrel roofs, but not including chimneys, spires, parapets, towers, elevator penthouses, tanks and similar projections.
2. New buildings and building alterations must conform to minimum and maximum building height parameters specified in Subarea-specific regulations (Sections 6, 7, and 8).



Building Height

## G. Building Articulation

1. For every 60 feet of building length, at least two portions of the street-facing building facade must have a variation in setback between 2 and 4 feet.



Building Articulation

## H. Transparency

1. Transparency is the minimum percent of windows and doors that must cover a building façade.
2. Transparency requirements apply to the portions of the building facing primary and secondary streets and the waterfront.
3. Glass is considered transparent where it has transparency higher than 80%.
4. Ground story transparency is measured between 2 and 10 feet above the abutting sidewalk.
5. Upper story transparency is measured from the top of the finished floor to the top of the finished floor above. When there is not a floor above, upper story transparency is measured from the top of the finished floor to the top of the wall.

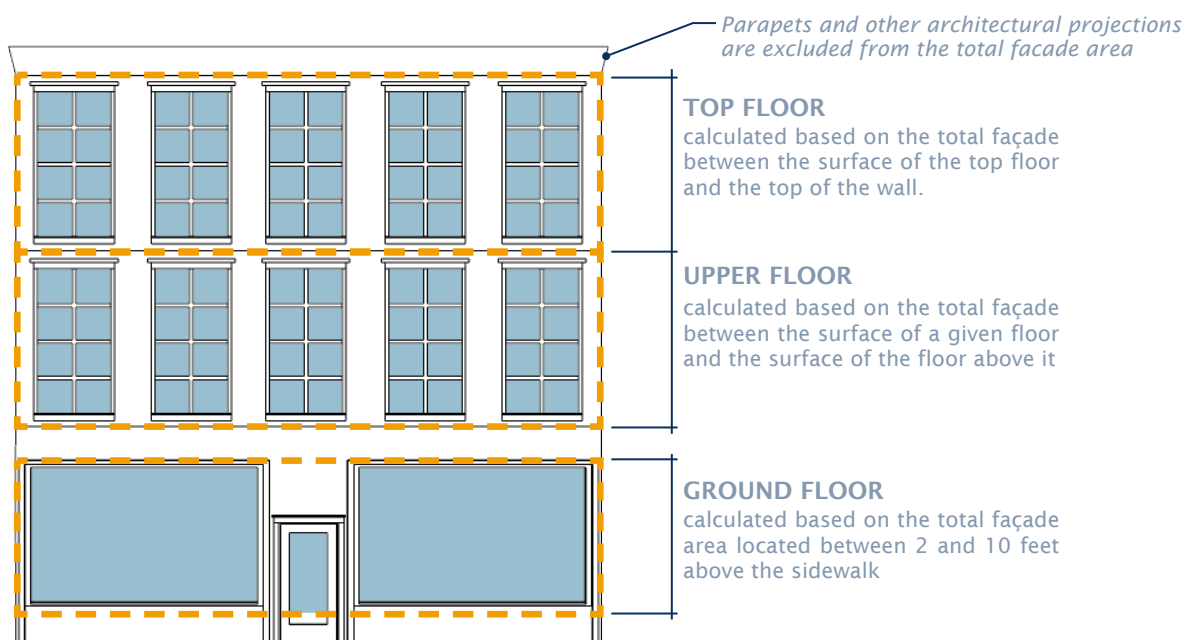
## 3.2.2. LOT PARAMETERS

### A. Lot Depth and Width

1. Lot depth is the minimum horizontal distance from the street line of a lot to the rear lot line of such lot, measured in the general direction of the side lot lines.
2. Lot width is the minimum horizontal distance between the side lot lines measured at right angles to the lot depth.

## TRANSPARENCY

 Total Façade Area  Transparent Portions of the Building\*



*\*Opaque elements of a window (e.g., panes, frosted or tinted areas, opaque portions of window signs) cannot be used to meet transparency requirements.*



## B. Building Coverage

1. The amount of land covered or permitted to be covered by a building or buildings, measured in terms of a percentage of total lot area. Such coverage shall be measured on a horizontal plane at mean grade level and excludes uncovered porches, terraces and steps.

- a. Where public rights of way and/or easements prohibit structures within a lot, these areas shall be deducted from the total lot area.

## C. Impervious Coverage

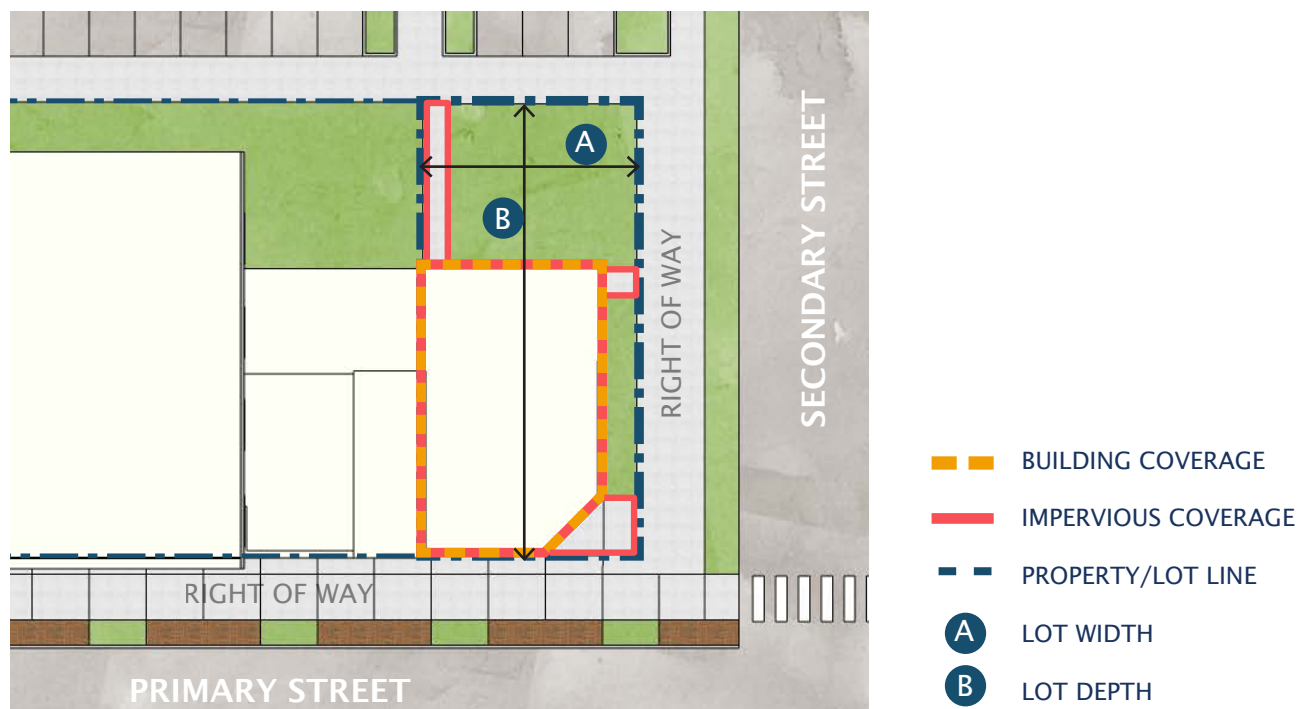
1. The amount of land covered or permitted to be covered by impervious surfaces measured in terms of a percentage of total lot area.

- a. Where public rights of way and/or easements prohibit structures within a lot, these areas shall be deducted from the total lot area.

2. Permeable paving systems, such as permeable pavers and porous asphalt, shall be calculated as 50% impervious cover. To qualify for this reduced percentage, permeable paving systems:

- a. Shall be applied on suitable sites, as described in the New York State Stormwater Management Design Manual.
- b. Shall not include subsurface barriers to water infiltration, such as impervious liners, and shall not compact the system's subgrade soils during construction.
- c. Shall be designed, sized, and routinely maintained based on the guidance in the New York State Stormwater Management Design Manual.

## LOT PARAMETERS



## SECTION 4:

# REGULATIONS

# APPLICABLE TO ALL SUBAREAS

---

This Section establishes building regulations that are applicable to all Subareas within the Form-Based Code District. These regulations should be used in tandem with the bulk, use, and site design requirements specified for each Subarea in Sections 6, 7, and 8.

The regulations in this Section are organized into three main categories:

1. Buildings
2. Signage
3. Sites

## 4.1. BUILDINGS

This section establishes regulations that are applicable to all buildings within the Form-Based Code District. These regulations should be considered in tandem with Subarea-specific regulations defined in Sections 6, 7, and 8 of this Form-Based Code.

### 4.1.1. BUILDING ARTICULATION

1. Structures shall incorporate fascias, recesses, projections, or other architectural features to avoid homogeneous walls along the street.
2. For buildings with multiple storefronts, there shall be a direct correlation between the delineations of interior tenant spaces and the exterior facade.
3. In instances where the front facade of a building is greater than 60-feet in width, delineations and treatments shall be used to break up the building's appearance and add visual interest to the streetscape, as defined in Section 3.2.
4. Commercial and mixed-use buildings shall provide a visual distinction between the ground floor and upper floors through the use of appropriate architectural features, materials, and/or color in order to reinforce a pedestrian-scale environment on the adjacent streetscape.

### 4.1.2. PEDESTRIAN ACCESS

#### A. Accessibility

1. All pedestrian entrances must comply with the Americans with Disabilities Act (ADA) requirements.
2. All sidewalk connections between a building and a public right-of-way must comply with ADA requirements and the Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG).
  - a. Sidewalks must be constructed of poured concrete, brick, or concrete pavers.
  - b. Permeable materials are strongly encouraged.
  - c. Asphalt is prohibited

### VISUAL DISTINCTION BETWEEN GROUND AND UPPER FLOORS

Building facade elements, such as large windows, changes in materials and colors, awnings, and window signs, help distinguish ground floors of mixed-use buildings from the upper floors and reinforce a pedestrian-scale streetscape.





## B. Pedestrian Entrances

1. A pedestrian entrance providing both ingress and egress and operable to residents at all times and customers during business hours shall be provided along the primary street.
2. Corner buildings located at the intersection of two primary streets must provide a pedestrian entrance on each primary street and/or a single entrance at the corner.
3. Additional pedestrian entrances adjacent to other streets or pedestrian areas are allowed.
4. All pedestrian entrances must be connected to the nearest public sidewalk via an accessible pedestrian route. If a sidewalk is not present, an accessible pedestrian route between the pedestrian entrance and nearest public street shall be provided.
5. If off-street parking is provided on-site, an accessible pedestrian route must be provided between the parking area and a pedestrian entrance.
6. If a building is located along a multi-modal trail, an accessible pedestrian route must be provided between the multi-modal trail and a pedestrian entrance.
7. Pedestrian entrances shall be detailed and highlighted through the use of trim, moldings, overhangs, pediments, and/or other defining architectural features such that its purpose as an entrance is evident to pedestrians independent of site or building signage.

## 4.1.3. MATERIALS AND DETAILING

### A. Historic Resources

1. Any renovations undertaken on historic resource buildings shall retain and preserve as much of the original detail and materials as possible.
2. The distinguishing original details of historic resource buildings shall be retained, maintained, and treated with sensitivity. Cladding or covering these original details is not permitted.
3. The facade of any new development or existing buildings located on a street block where a historic resource building(s) is located shall complement the character of these historically important buildings.

### B. Materials

1. All sides of a building shall be architecturally consistent. Building materials, architectural style, and exterior detailing shall reflect the main facade of the building.
2. Changes in materials and/or color shall only occur at building corners.
3. All exterior wood shall be finished using paint or stain.

### C. Details

1. The choice of architectural details and the scale, height, proportion and mass shall draw from design cues provided neighboring historic resources as well as the vision defined for each Subarea.
2. Parapets, cornices, and/or roof overhangs are encouraged in order to reinforce the line of the line of the building wall and increase architectural interest for pedestrians.
3. Building stories, cornice lines, and other horizontal trimlines of infill development shall have continuity with adjacent buildings to the extent practicable.



See Sections 6, 7, and 8  
for Subarea material regulations

#### 4.1.4. COLORS

1. Exterior colors shall be consistent, complimentary, and harmonious with historic resources located on the same street block and/or the defined character of each Subarea.
2. Historically appropriate exterior paint colors may be determined using photographs, books, and/or color palettes from commercial paint manufacturers.



See Sections 6, 7, and 8  
for Subarea color regulations

#### 4.1.5. WINDOWS

1. Windows shall be of a scale and proportion compatible with the overall architectural style of the principal building.
2. Windows shall be consistent in style and material across the entire exterior of the building.
3. Existing windows shall not be covered unless the proposed change is part of an effort to restore the original appearance of a historic resource.
4. At the intersection of primary streets, public spaces, or along multi-modal trails, storefronts windows shall wrap around the corner of the building facade at the ground level to provide increased transparency and architectural interest.



See Sections 6, 7, and 8  
for Subarea transparency regulations

#### WINDOW PLACEMENT REQUIREMENTS

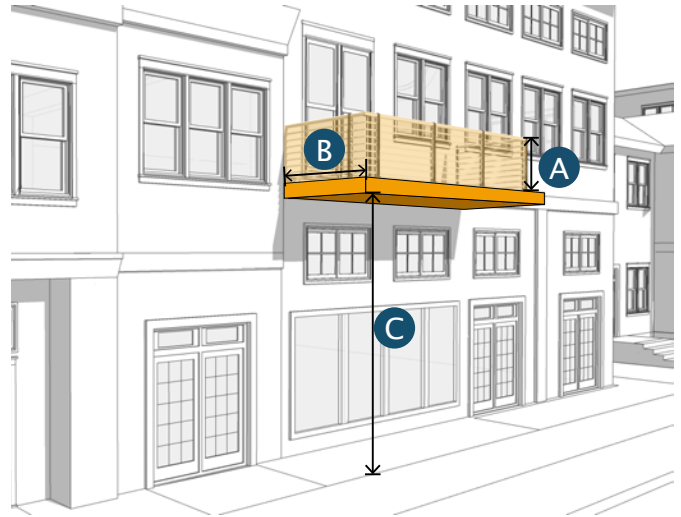


All exterior walls shall have windows facing public areas, streets, driveways, and parking lots.

### 4.1.6. BALCONIES

1. Balconies shall be designed and constructed in accordance with all applicable codes and requirements referenced in the New York State Building Code.
2. Balconies must be fully supported by the building, with no posts or other support elements extending to the ground.
3. Balconies shall match the architectural design of the principal building, using similar details and materials.
4. Balconies may not be enclosed by opaque materials on any side, with the exception of the side that is attached to the building wall.
5. A balcony may not encroach on the public right-of-way.

#### BALCONY DIMENSIONAL REQUIREMENTS



**A** RAILING HEIGHT (MAX.):  
5 feet

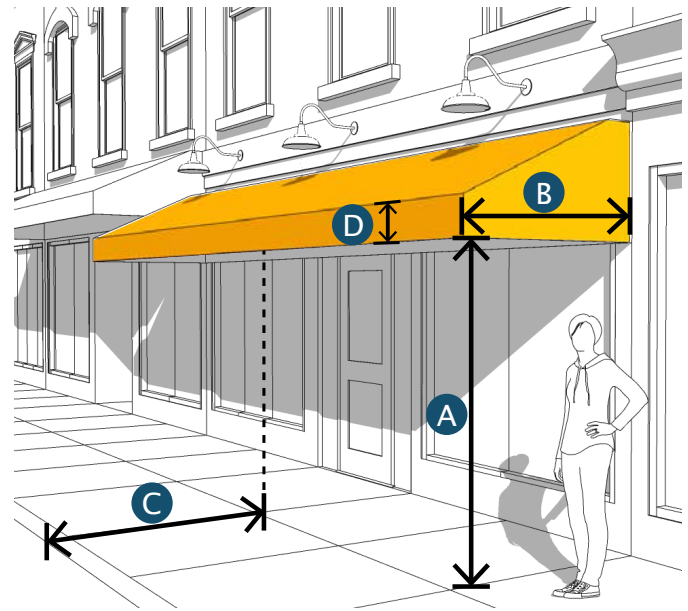
**B** PROJECTION FROM WALL (MAX.):  
6 feet

**C** CLEAR HEIGHT (MIN.):  
15 feet

### 4.1.7. AWNINGS

1. Awnings shall be continuous above building entrances, doors, windows, or outdoor service areas.
2. Breaks in awnings shall coincide with breaks in facade openings.
3. Awning construction and shape shall reflect the opening over which it is installed.
4. The color and pattern of an awning must be compatible with the style of the building to which it is attached.
5. Awning materials shall be heavy-duty canvas or fabric. High-gloss or plasticized fabrics are prohibited.
6. Awnings shall be self-supporting and shall not have any poles encroaching on the public right-of-way.
7. Operable awnings are permitted.
8. Awnings shall be lit from above with light fixtures that comply with the Building-Mounted lighting requirements in Section 4.1.8.
9. Backlighting or internal illumination of awnings is prohibited.
10. Text and/or graphics on awnings shall comply with Awning Sign requirements specified in Section 4.2.3.
11. All applicants must provide an indemnity agreement, in a form acceptable to the City, holding harmless and indemnifying the City, its officers and employees, from and against any and all claims and liability resulting from encroachment into the public right-of-way. Applicants must also provide proof of insurance acceptable to the City and naming the City as an additional insured on a primary, non-contributory basis.

#### AWNING DIMENSIONAL REQUIREMENTS



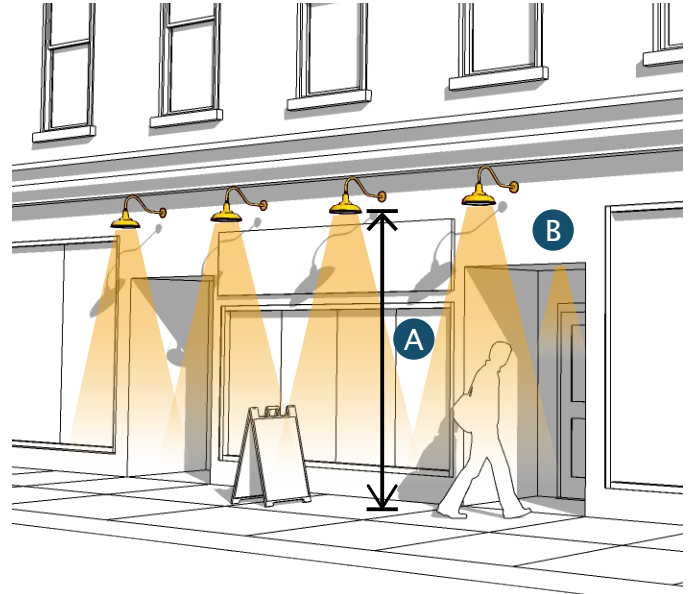
- A CLEAR HEIGHT ABOVE SIDEWALK (MIN.):**  
8 feet
- B DEPTH (MAX.):**  
6 feet
- C SETBACK FROM CURBLINE (MIN.):**  
2 feet
- D VALENCE HEIGHT (MAX.):**  
8 inches



### 4.1.8. BUILDING-MOUNTED LIGHTING

1. Building-mounted lighting shall complement the architectural character of the principal building and the defined character of the Subarea in which its located.
2. Building-mounted lighting intended to illuminate building entrances, utility and loading areas, and public and private right-of ways shall be fully shielded and minimize light trespass and glare. This requirement does not apply to building-mounted lighting installed for the sole purpose of highlighting architectural details.
3. Building-mounted lighting shall reinforce, not replace, pole-mounted lighting along public and private right-of-ways and in parking lots.
4. Building-mounted lighting shall emit a light of constant intensity and color and meet the required illumination levels specified in Table 4.1.1.

#### DIMENSIONAL & SITING REQUIREMENTS



- A HEIGHT:**  
Between 8 and 15 feet above grade when illuminating entrances, utility and loading areas, and rights-of-way
- B SITING:**  
Lighting shall be sited in to improve safety and security at all building entrances and utility and loading areas.

TABLE 4.1.1.

#### REQUIRED ILLUMINATION LEVELS FOR BUILDING ENTRANCES

Entrance More Than Two Times Per Day (recommended / maximum)	2 footcandles / 5 footcandles
Entrance Used Less Than Two Times Per Day (recommended / maximum)	0.2 footcandles / 1 footcandles

## 4.1.9. BUILDING-MOUNTED INFRASTRUCTURE

### A. Rooftop Mechanical Equipment

1. If visible from ground level on the opposite side of the primary street, rooftop mechanical equipment shall be screened by parapets or false roofs.
2. The use of fencing, lattice, and other similar materials to screen rooftop mechanical equipment is prohibited.

### B. Wall-Mounted Equipment

1. Wall-mounted equipment must be screened by landscaping or an opaque screen and is prohibited on any surface that directly faces a primary or secondary street.

### C. Small-Scale Solar Collector Systems

1. Rooftop- and flush-mounted solar collectors are allowed in all Subareas, subject to the following conditions:
  - a. Solar collector systems shall be designed, erected and installed in accordance with all applicable codes, regulations and industry standards as referenced in the New York State Building Code.
  - b. Building permits shall be required for the installation of all rooftop- and flush-mounted solar collectors.
  - c. Solar collector systems shall meet the building height requirements defined for each Subarea (see Sections 6, 7, and 8).
  - d. Rooftop- and flush-mounted solar collector systems are allowed on all principal structures. If the principal structure is a historic resource, careful consideration of the design and potential impacts to the historic resource will be given by the Planning Commission during site plan review.

- e. Rooftop- and flush-mounted solar collector systems are allowed on all accessory structures that meet the building setback requirements for each Subarea (see Sections 6, 7, and 8).

- f. Solar collector systems must be three feet from any chimney and are prohibited on any roof overhangs.

- g. Any solar collector system attached to a pitched roof shall not extend more than three feet from the surface of the angle of the roof.

### D. Personal Wireless Service Facilities (PWSF)

1. No personal wireless service facility shall be erected, constructed, installed, operated or modified except as set forth in § 250-38 of the City Code and upon issuance of site plan approval by the Planning Commission pursuant to Section 2.1 of this Form-Based Code.

## 4.2. SIGNAGE

This section establishes regulations that are applicable to all signage within the Form-Based Code District. These regulations should be considered in tandem with regulations established for each Subarea in Sections 6, 7, and 8 of this Form-Based Code.

### 4.2.1. PURPOSE

The purpose of these regulations is to facilitate efficient identification of all types of uses and structures through the use of signage. The regulations ensure signage is legible to all types of users and modes of transportation and well-coordinated with the aesthetic of downtown Amsterdam. The regulations also distinguish between commercial speech and noncommercial speech and make adequate provisions for both in order to promote and protect the health, safety, and welfare of the public.

### 4.2.2. SIGNS REQUIRING A PERMIT

All applicants proposing to install, reconstruct, or alter a sign within the Form Based Code District must obtain a permit, pursuant to Section 2.2 for the following sign types:

1. Awning signs
2. Ground-mounted signs
3. Multi-tenant directory signs
4. Projecting signs
5. Wall signs
6. Window signs

Design requirements for all sign types requiring a permit are specified in Subsection 4.2.3.

### 4.2.3. DESIGN REGULATIONS FOR SIGNS REQUIRING A PERMIT

#### A. General Requirements

1. Table 4.2.1 specifies the sign types allowed in each Subarea and the maximum number of signs allowed per lot.
2. If a building has frontage on two primary streets, the building may have the maximum number of allowable signs on each primary street frontage (4 signs total).
3. If a building has frontage on a primary street and a multi-modal trail, the building may have one additional sign along its trail frontage (3 signs total).



See Sections 6, 7, and 8  
for Subarea-specific sign  
regulations

TABLE 4.2.1.  
SIGN TYPES AND QUANTITIES ALLOWED IN EACH SUBAREA

SIGN TYPE	NORTH AMSTERDAM (2 signs max. per lot)	SOUTH AMSTERDAM (2 signs max. per lot)	WATERFRONT (2 signs max. per lot)
Awning Sign	Allowed	Allowed	Allowed
Ground-Mounted Sign*	Prohibited	Prohibited	Allowed
Ground-Mounted Multi-Tenant Directory Sign*	Prohibited	Prohibited	Allowed
Projecting Sign	Allowed	Allowed	Allowed
Wall Sign	Allowed	Allowed	Allowed
Window Sign	Allowed	Allowed	Allowed

*\*Only one ground-mounted sign is allowed per lot. Even though both ground-mounted and ground-mounted multi-tenant directory signs are allowed in the Waterfront Subarea, only one type of ground-mounted sign may be installed on a given lot.*



## B. Awning Sign

1. An awning shall be considered to be a sign when displaying letters, numbers or symbols that advertise or announce a place, person, product, service or concept, except that a street address shall not be considered to be a sign.
2. Awning signs shall not extend beyond the awning.
3. Signs shall be constrained to the valence portion of the awning only.
4. Signs are only permitted on ground floor awnings.
5. Awning signs may be externally illuminated only.
6. See Section 4.1.7 for awning regulations and dimensional requirements.

### AWNING SIGN MEASUREMENTS



**A** SIGN AREA

**B** LETTERING HEIGHT

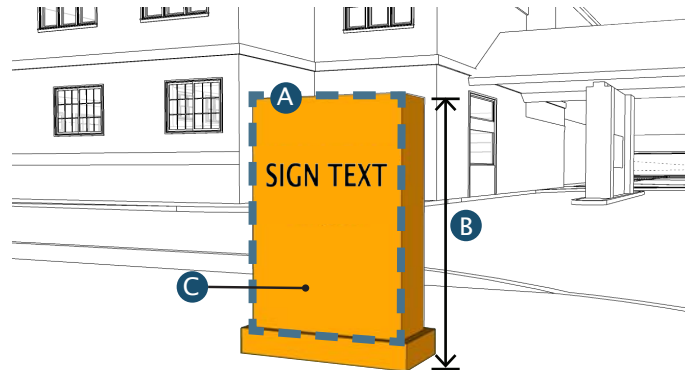


See Sections 6, 7, and 8  
for Subarea-specific awning sign  
regulations

### C. Ground-Mounted Sign

1. A ground-mounted sign is any sign attached to the ground along its entire length upon a continuous pedestal.
2. In Subareas where ground-mounted signs are permitted, only one ground-mounted sign or multi-tenant directory sign is allowed per parcel.
3. No ground-mounted sign shall be erected within 10 feet of any boundary of any street, highway, or public right-of-way nor within 10 feet of any parcel boundary.
4. Ground-mounted signs must be constructed of materials and colors that are consistent with the building that is associated with the sign and the character of the Subarea in which it is located.
5. The base of a ground-mounted sign must run the entire horizontal length of the sign and shall contain no sign copy.
6. Sign copy must be located at least 18 inches above grade.
7. All sign copy area must be comprised of the same material.
8. No more than two different font sizes and two different fonts may be used to ensure consistency.
9. Ground-mounted signs may be externally illuminated only.

#### GROUND-MOUNTED SIGN MEASUREMENTS



**A** Sign Area

**B** Height

**C** Sign Face

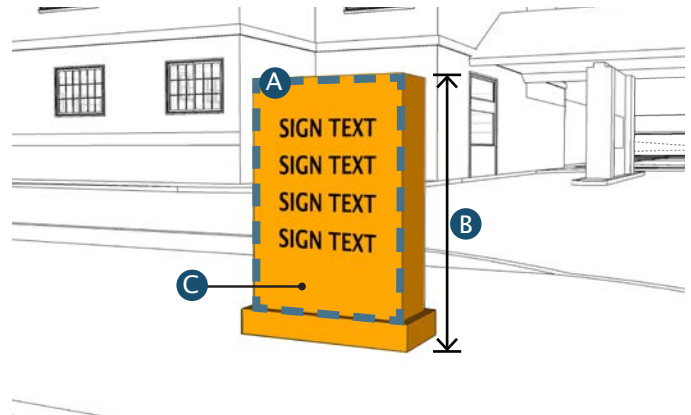


**See Section 7**  
for Subarea-specific ground-mounted sign regulations

### D. Ground-Mounted Multi-Tenant Directory Sign

1. This sign type is a ground-mounted sign used to indicate the name of multiple occupants or businesses within one or more buildings.
2. Each occupant or business may only have one sign within the multi-tenant directory.
3. Ground-mounted multi-tenant signs shall comply with all regulations specified for ground-mounted signs in Subsection 4.2.3.C.
4. In Subareas where ground-mounted signs are allowed, only one ground-mounted sign type is allowed per parcel.

#### GROUND-MOUNTED MULTI-TENANT DIRECTORY SIGN MEASUREMENTS



**A** Sign Area

**B** Height

**C** Sign Face



**See Section 7**

for Subarea-specific ground-mounted multi-tenant sign regulations





## F. Wall Sign

1. A wall sign is any sign attached to or painted on the exterior wall of a building so that the display surface is parallel with the plane of the building wall.
2. No wall sign may extend above the ground story, unless the establishment extends to the second story or above.
3. No portion of a wall sign may project above the roof line or above the parapet wall of a building with a flat roof.
4. No portion of a wall sign may project above the lower eave of a building with a pitched roof.
5. A wall sign may not cover windows or architectural details, such as window sills, cornices, lintels, or arches.
6. Any wall sign used as a multi-tenant directory, where the names of multiple occupants or businesses within a building are listed, shall meet the following requirements:
  - a. All sign copy area must be comprised of the same material.
  - b. No more than two different font sizes and two different font types may be used to ensure consistency.
7. Wall signs may be internally or externally illuminated.

### WALL SIGN MEASUREMENTS



**A** Sign Area

**B** Projection From Building

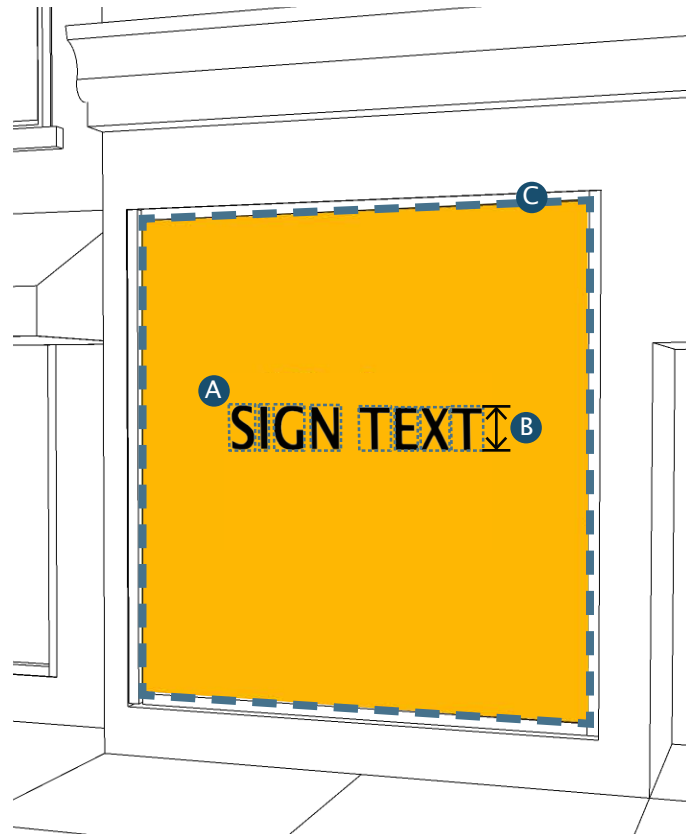


See Sections 6, 7, and 8  
for Subarea-specific wall sign  
regulations

## G. Window Sign

1. A window sign is any sign affixed to or painted onto the inside of a window or door, or any sign placed inside of a building within 12-inches of the window or door so that it is visible and legible through such window or door.
2. Window signs shall not obstruct visual access into the interior of the building.
3. The maximum sign area is calculated by summing the opaque sign components, including letters, graphics, and any other sign features, dividing by the total cumulative surface area of all ground floor windows, and multiplying the dividend by 100.
4. Window signs may be illuminated by neon, provided the requirements specified in this Section and the Subarea sign regulations specified in Sections 6, 7, and 8 are met.
5. Flashing neon lights are prohibited.

### WINDOW SIGN MEASUREMENTS



**A** Sign Area

**B** Lettering Height

**C** Total Window Surface Area



See Sections 6, 7, and 8  
for Subarea-specific window sign  
regulations

#### 4.2.4. SIGN PLACEMENT

1. All signs must be located on the same parcel of real estate as the business to which it relates and be clearly incidental, customary, and commonly associated with the operation of the business.
2. Signs may not encroach onto any streets or alleys. Awning, Projecting, and Sidewalk signs may encroach over the public sidewalk and must be located a minimum of 18 inches inside the curb line or edge of pavement, whichever is greater.
3. Signage may not be placed in a location that interferes with accessibility requirements established by the American Disabilities Act or obscures motor vehicle sight triangles or site distances.
4. Signs shall not be placed in a location that obscures or damages defining architectural details contributing to a building's character.
5. Signs may not project above the roof of any building and are in no case permitted as building height encroachments.

#### 4.2.5. SIGN ILLUMINATION

1. Any illuminated sign or lighting device shall only employ lights that emit a light of constant intensity and color.
2. No sign shall be illuminated by flashing, intermittent, rotating, or moving light or lights.
3. No sign shall contain string lights.
4. The intensity of light illuminating a sign shall not exceed that necessary to make the sign visible from the nearest public right-of-ways.
5. In no event shall an illuminated sign or lighting device be so placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public street, highway, sidewalk and/or adjacent premises.

6. All sign lighting fixtures shall be fully shielded and directed to minimize glare and eliminate light trespass and skyglow. Light fixtures certified as Dark Sky Friendly by the International Dark-Sky Association are encouraged.
7. Neon may only be used to illuminate window signs. All window signs must comply with the requirements in Subsection 4.2.3.G. and applicable Subarea regulations (see Sections 6, 7, and 8).
8. Sign conduits, wiring, or other utility components shall be fully concealed from public view.

#### 4.2.6. SIGN MATERIALS

1. All signs must be of professional quality and shall be constructed of wood, metal or other durable, weather resistant material approved by the Code Enforcement Officer.
2. All wood signage components must be sealed and protected from the elements. Unpainted or unfinished treated or untreated lumber are not permitted.
3. Signage materials must be of complementary color, character, type, and quality to those found on the related principal structure.
4. No sign shall consist, in whole or in part, of banners, balloons, pennants, ribbons, streamers, spinners, or similar fluttering devices, string lights, or animated or moving parts.

## 4.2.7. TEMPORARY SIGN REQUIREMENTS

### A. General

1. Temporary signs that comply with all of the regulations contained in this subsection are allowed within the Form-Based Code District and do not require a permit unless stated otherwise.
1. Temporary signs shall not be attached to fences or trees.
2. The placement of temporary signs shall not:
  - a. Obstruct or impair motor vehicle site lines or site triangles;
  - b. Interfere with accessibility requirements established by the American Disabilities Act; or
  - c. Create a hazard or disturbance to the health and welfare of the general public or the environment.
3. Temporary signs shall be maintained and replaced as necessary to maintain an attractive and safe condition.

### B. Political and Event Advertisement

1. Temporary signs advertising any political, educational, charitable, civic or religious event or the sale of property other than real estate may be erected for a consecutive period not to exceed 60 days in any calendar year for a single event. Said signs shall be removed within three days following the event or sale.
2. For purposes of this Section, each general election, referendum, primary election or caucus shall be considered to be a separate political event. Other types of events which are held more frequently than once annually, but which are substantially similar in nature, held in a substantially identical location, and customarily held on the same day of the week or same monthly date shall be considered to be a single ongoing event for which temporary signs may not be displayed in excess of 60 cumulative days within any calendar year.

### C. Real Estate Advertisement

1. One sign per parcel of real estate advertising the sale, lease, or rental of the premises upon which the sign is located shall be allowed, as long as the following requirements are met:
  - a. The sign does not exceed 24 square feet per sign face in sign area.
  - b. The sign does not extend higher than six feet above the adjacent ground level.
2. Should the parcel of real estate advertised have no common boundary with a public road, an additional sign may also be located upon the parcel that provides access from the nearest public right-of-way.
3. Should the parcel of real estate advertised have a boundary in common with two public roads, then two such signs shall be permitted, one adjacent to each such road.

### D. Business Advertisement

1. Temporary business signs shall be permitted in the following situations:
  - a. New businesses awaiting the erection of a permanent sign, not to exceed a period of 60 days in duration.
  - b. A business which has lost the use of an existing sign by reason of fire or other catastrophe, not to exceed a period of 60 days in duration.
2. A temporary business identification sign may be erected and maintained by a new business, provided the following standards are met:
  - a. Such signs shall only be erected and maintained by owners or tenants who have submitted a sign permit application and received approval from the Code Enforcement Officer pursuant to Section 2.2. The sign permit application must include a description of the proposed temporary sign and a conforming permanent business identification sign to be erected and maintained on the parcel;



- b. Such signs shall only be allowed to continue for 60 days from the date the temporary sign was first placed;
- c. Such signs shall conform to the same dimensional requirements of this Section which define the sign area, height, and/or location requirements of any permanent sign which might be lawfully erected in the same location to permanently identify the same business; and
- d. Should no sign permit be issued by the Code Enforcement Officer, then the proposed sign shall continue to be subject to those provisions which would otherwise prohibit its use.

## E. Identification of Active Development Sites

1. A single temporary sign may be erected and maintained for the duration of an approved development project without approval by the City. Such sign may identify the primary contractor or owner of the premises and the street identification number, provided such sign meets the following requirements:
  - a. The sign does not exceed twenty square feet in sign area per face.
  - b. The sign does not exceed eight feet in height above the adjacent ground.

## F. Window Signs

1. Temporary non-illuminated window signs of no more than four square feet in sign area may be displayed for a cumulative duration of sixty (60) days within any given calendar year without issuance of a permit or approvals from any board. Such signs shall not obstruct visual access into the interior of the building.

## G. Attention-Getting Devices

1. Banners, streamers, flags, balloons, and other attention-getting devices, which would otherwise be prohibited by the provisions of this section, may be temporarily erected and maintained on subject sites within the Form-Based Code District, provided that the following standards are met:
  - a. Such displays shall only be erected and maintained for a maximum cumulative duration of 30 days within any given calendar year.
  - b. Although no permit shall be required to be issued for such displays, an informational form briefly describing the display and the dates thereof shall be filed with the Code Enforcement Officer. Should no such form be provided or should the maximum cumulative duration of 30 days be exceeded, such display shall be considered to be in violation of this section.

## 4.2.8. SIGNS AND ACTIONS NOT REQUIRING A PERMIT

The following types of signs may be erected and actions may be conducted in the Form-Based Code District without obtaining a permit. Although permits are not required for these signs, the signs shall conform to relevant placement, illumination, material, height, setback, and size requirements detailed in this Section.

1. **Government Signs.** Any official sign, public notice sign, warning sign, permit, license, or placard required to be displayed, or other sign erected and maintained pursuant to and in discharge of any government function. There are no bulk requirements for government signs.
2. **Utility Identification.** Signs identifying the location of underground utility lines (e.g., gas, electric, cable).
3. **Non-Commercial Speech Signs.** The installation or maintenance of non-commercial speech signs that conform to the regulations in this section.

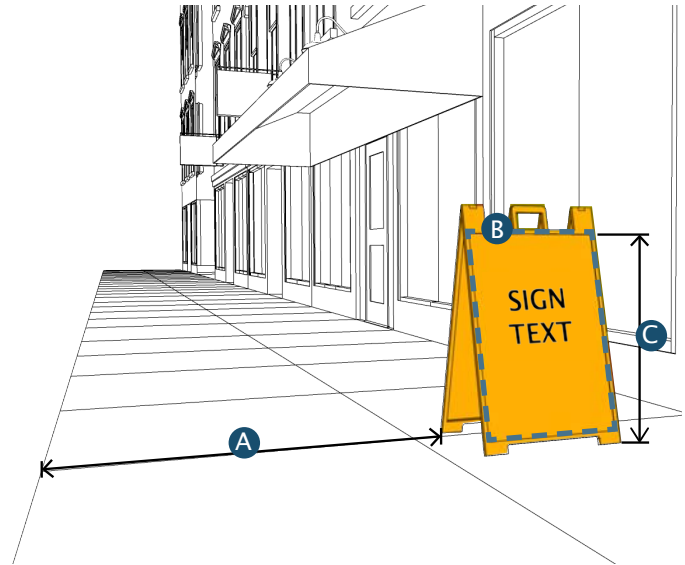
**4. Non-Commercial Banners.** Banners not displaying a commercial message.

**5. Civic or Community Service Signs.** The regulations specified herein shall not apply to any sign found by the City of Amsterdam Common Council to be necessary to a civic or community service or otherwise necessary to serve the public interest (e.g., public event advertisement), provided the findings of the Common Council describe the nature of any such sign found to be necessary, including: size, location, design, illumination, and duration of installation.

**6. Sidewalk Signs.** Sidewalk signs that meet all of the following requirements do not require a permit or approvals from any board:

- a. Each ground floor tenant is permitted to have one sidewalk sign.
- b. The minimum required spacing between sidewalk signs is 15 feet.
- c. Sidewalk signs must be placed indoors at the close of each business day.
- d. Sidewalk signs cannot obstruct vehicular, bicycle, or pedestrian traffic and must provide at least 5 feet of clear space to allow for unimpeded pedestrian movement, as measured perpendicular to the line of travel.
- e. Sidewalk signs shall be located a minimum of 18 inches from the curb line or edge of pavement, whichever is greater.
- f. Each sign may have up to two sign faces. The maximum sign area per face is six square feet.
- g. Sidewalk signs may not exceed a height of three feet above the sidewalk surface.
- h. Sidewalk signs made of plastic, coroplast, or foam core are prohibited.
- i. Sidewalk signs may not have a dedicated light source, used solely for the purpose of illuminating the sidewalk sign.

#### SIDEWALK SIGN MEASUREMENTS



- A** Clear space for unimpeded pedestrian movement
- B** Sign Area
- C** Height

- 7. Works of Art.** Art installations, including murals, sculptures, and other public art, not displaying a commercial message shall be reviewed and approved by the City's Public Art Commission and do not require a sign permit.
- 8. Memorial Signs.** Memorial signs include the names of buildings and date of erection, when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other similar noncombustible material and historical markers erected by any government body or with a government permit. There are no bulk requirements for memorial signs.
- 9. Flags.** Flags of any nation, state, municipality, or political subdivision, flags officially designated as a national, state, or local symbol, flags of fraternal, religious, and civic organizations, or flags displaying non-commercial speech may be displayed. Flags may be freestanding or wall-mounted and must meet the following requirements:
- a. Poles for freestanding flags are limited to a maximum height of 30 feet.
  - b. Poles for freestanding flags must be setback a minimum of five feet from any lot line and may be within front yard areas.
  - c. Wall-mounted flags may not extend over the public right-of-way.
- 10. Seasonal Decorations.** Seasonal and holiday decorations not displaying a commercial message.
- 11. Credit Card Signs.** Credit card advertisements or trade association emblems which are displayed together in an area which does not exceed one square foot may be displayed. Such signs shall be displayed flat on window or door surfaces. The purpose of these signs shall be solely to offer a service and not to advertise the business.
- 12. Vehicular Signs.** Commercial speech signs displayed on licensed and registered motor vehicles which are used in conjunction with a business, provided that:
- a. The primary use of such vehicle is the transportation of people or material for such business or for the provision of food services (e.g., food trucks);
  - b. The primary effect of such sign is to identify the vehicle as being used for such purpose; and
  - c. The vehicle is not parked or stored in a manner primarily intended to display the sign to passersby.
- 13. Directional Signs.** Signs which provide direction and are located entirely on the property to which they pertain and, with the exception of a logo, do not advertise a business, have a maximum of two sign faces, and do not exceed four square feet in sign area per sign face. Directional signs include signs identifying public rest rooms, public telephones, walkways or signs providing direction, such as parking lot entrance and exit signs, and those of a similar nature. Such directional signs shall be allowed within the street setbacks and side and rear yards.
- 14. Sign Copy Substitution.** Substituting speech copy on a commercial speech sign which otherwise conforms to the regulations in this section.
- 15. Sign Maintenance.** Repainting, repairing, or otherwise maintaining a commercial speech sign, provided the location, size, design, copy or logo is not changed and the sign is in no way made nonconforming thereby or existing nonconformities are not increased.

### 4.2.9. PROHIBITED SIGNS

- 1. Signs Without Permit or Approval.** All signs required to have a permit, but for which no permit or approval has been granted or for which the permit has been revoked, shall not be allowed to continue and shall be removed within 30 days of issuance of a written notice from the Code Enforcement Officer.
- 2. Signs Not Pertinent to Use.** Commercial speech signs which no longer advertise a product or service available on the same parcel of real estate upon which the sign is located shall not be allowed to continue and shall be removed within 30 days of issuance of a written notice from the Code Enforcement Officer.
- 3. Abandoned Signs.** Failure to restore a sign to a condition of good repair within 30 days of receiving written notification from the Code Enforcement Officer documenting a sign's deficient condition shall constitute abandonment of the sign. Abandoned signs shall not be permitted to continue and shall be removed within 30 days of issuance of a written notice from the Code Enforcement Officer.
- 4. Off-Site Advertising Signs.** No sign advertising a business, use, or service other than that which is available on the parcel of real estate on which the sign is located shall be permitted.
- 5. Moving Signs or Sign Parts.** No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners or other similar moving, fluttering or revolving devices unless requirements specified in Section 4.2.8 are met. Signs which are mechanically animated, such as moving, rotating or revolving signs, are prohibited.
- 6. Portable and Temporary Signs.** Portable and temporary signs are not allowed, unless requirements specified in Subsection 4.2.3.8. and 4.2.8 are met.
- 7. Roof Signs.** No signs, banners, flags or other like advertising devices shall be permitted above the peak of the roof of any building or structure.
- 8. Pole-Mounted Signs.** Freestanding signs not attached to a building and supported by one or more poles are prohibited.
- 9. Reflective Surfaces.** Signs having glaring reflective surfaces are prohibited, except for street identification numbers.
- 10. Electronic Message Signs.** Electronic message signs are prohibited.
- 11. Traffic Hazard.** Any permanent or temporary signs erected or placed at or near the intersection of any streets in such a manner as to cause a traffic hazard or at any location where the position, shape, color, and/or illumination of the sign interferes with, obstructs the view of, or otherwise misleads or confuses vehicle operators, shall be not be permitted to continue and shall be removed.

### 4.2.10. REMOVAL OF SIGNS

- 1. Prohibited Signs.** The owner of any sign that is prohibited, does not serve the purpose for which a permit was originally issued, or is otherwise in violation of the provisions of this Section shall remove the sign within 30 days of written notice from the Code Enforcement Officer or otherwise correct the specified unsatisfactory condition in a manner approved by the Code Enforcement Officer. If the Code Enforcement Officer's notice is not appealed within 30 days of the date of the written notice, the notice automatically becomes an order to remove and shall be enforced in accordance with this section.
- 2. Hazardous Signs.** The Code Enforcement Officer shall notify, in writing, the owner of any sign which is unsafe, insecure, or a menace to the public to remove or correct the unsatisfactory condition of said sign within 30 days from the date of such notice. If the Code Enforcement Officer's notice is not appealed within 30 days of the date of the written notice, the notice automatically becomes an order to remove and shall be enforced in accordance with this section.



**3. Failure to Comply.** Upon failure to comply with any order to remove or any order to correct or remove within the prescribed time, the Code Enforcement Officer shall cause the removal of such sign. All costs and expenses incurred with said removal shall be charged to the owner of the land or building upon which the sign is located.

**4. Signs Causing Immediate Peril.** The Code Enforcement Officer may require any sign which is a source of immediate peril to people or property to be removed summarily upon written notice to that effect. Failure to comply immediately upon receipt of such notice will serve as an authorization to the Code Enforcement Officer to immediately remove or cause removal of such sign with all costs and expenses charged to the owner of the land or building upon which the sign is erected.

#### 4.2.11. NONCONFORMING SIGNS

1. Any sign erected prior to the adoption of this Form-Based Code which does not conform to the provisions of this Section is permitted to remain as a nonconforming sign, provided that:
  - a. The sign was erected under an approved sign permit prior to the adoption of this Form-Based Code; and,
  - b. The sign advertises an existing business still in operation.
2. A sign characterized as a nonconforming sign shall lose its nonconforming status if any of the following actions occur:
  - a. A change in use;
  - b. A change in ownership of the parcel of land on which the sign is located;
  - c. A change in lessee if the sign is included as part of the leasehold;
  - d. The sign poses a hazard or disturbance to the health, safety and welfare of the general public, as determined by the Code Enforcement Officer;

e. The sign is relocated; or

f. The sign structure is replaced in its entirety.

3. Nonconforming signs may not be structurally or electrically expanded or altered unless such alteration brings the sign into conformance with the provisions of this Section.

4. Nonconforming signs may not be re-established after discontinuance for 30 consecutive days.

#### 4.2.12. INDEMNITY

1. All applicants must provide an indemnity agreement, in a form acceptable to the City, holding harmless and indemnifying the City, its officers and employees, from and against any and all claims and liability resulting from encroachment into the public right-of-way. Applicants must also provide proof of insurance acceptable to the City and naming the City as an additional insured on a primary, non-contributory basis.

## 4.3. SITES

This section establishes regulations related to site access, parking, screening, landscaping, and lighting for all parcels contained within the Form-Based Code District. These regulations should be considered in tandem with regulations established for each Subarea in Sections 6, 7, and 8 of this Form-Based Code.

### 4.3.1. SITE ACCESS

#### A. Sidewalks

1. Sidewalks must be provided connecting main building or site entrances to parking, adjacent public rights-of-way, and all other uses on a site that allow for public access.
2. Where sidewalks do not exist on adjacent primary or secondary streets, applicable development actions (see Section 1.4) shall provide a sidewalk in the public right-of-way, along the full length of the lot boundary that meet the criteria specified in this Section. If a sidewalk already exists, but does not meet the criteria specified in this Section, the sidewalk shall be replaced as part of the proposed project.
3. All sidewalks provided on a site and/or in the public right-of-way must comply with the Americans with Disabilities Act (ADA) and the Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG).
4. All sidewalks provided on a site and/or in the public right-of-way, must be constructed of poured concrete, brick, or concrete pavers.
  - a. Permeable materials are strongly encouraged.
  - b. Asphalt is prohibited
5. Sidewalks must be maintained in a state of good repair by the property owner fronting the public right-of-way.

#### B. Driveways

1. Driveways must meet the dimensional requirements specified in Table 4.3.1.
  - a. A driveway flare may exceed the allowable driveway dimensions by up to 18 inches on either side.
  - b. Exceptions to the dimensional requirements specified in Table 4.3.1. include necessary accommodations for emergency vehicles and the turning radii of large vehicles.
2. Driveways shall be comprised of a fixed, firm surface.
3. Shared driveways shall be provided wherever possible to reduce the number of curb cuts along the street. Shared driveways must meet the dimensional requirements specified in Table 4.3.1.
4. Driveways shall be set back from the side lot line a minimum distance of 5 feet and from principal buildings a minimum distance of 5 feet, or as required for safe sight distances.
5. Shared drives are not required to provide the 5-foot side yard setback.

TABLE 4.3.1.

**DRIVEWAY DIMENSIONAL REQUIREMENTS**

Single Lane Driveway	<b>8 feet wide (min.)</b> <b>11 feet wide (max.)</b>
Double Lane Driveway	<b>18 feet wide (min.)</b> <b>20 feet wide (max.)</b>

**C. Curb Cuts**

1. Curb cuts must be located to minimize conflict with pedestrian, bicyclist, and motor vehicle traffic on the abutting public right-of-way.
2. Curb cuts shall be located at least 60 feet from any intersection unless otherwise approved by the City Engineer.
3. The number and width of curb cuts must be the minimum needed to provide reasonable access to the site.

**D. Loading Areas**

1. Loading areas must be located on the parcel occupied by the use being served and must be accessible from a public right-of-way.
2. Loading areas shall be located in the rear or side yard and may not be placed between a principal building and a primary street or a principal building and the waterfront.
  - a. Lots with constrained side yards and frontage along both Front Street and the Mohawk River may locate loading areas between a principal building and Front Street.
3. Loading areas shall meet the screening requirements specified in Section 4.3.6.



**See Sections 6, 7, and 8**  
for Subarea buffer yard requirements for loading areas

**4.3.2. OFF-STREET MOTOR VEHICLE PARKING**

**See Sections 6, 7, and 8**  
for Subarea motor vehicle parking regulations and buffer yard requirements

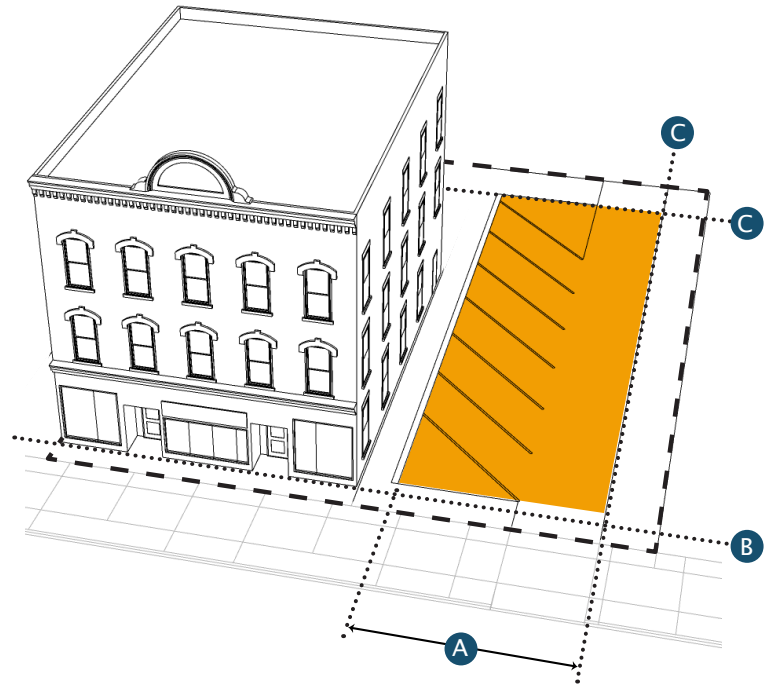
**A. Location and Access**

1. Off-street vehicle parking is not permitted between a building facade and a primary street or a building facade and the waterfront.
2. Existing parking lots located between a building facade and a primary street or a building facade and the waterfront may not be expanded.
3. Parking lots must be located in the rear yard behind the principal building.
4. Parking lots may be located in the side yard for lots with waterfront frontage or corner lots as long as the following requirements are met:
  - a. Side yard parking lots shall be located behind a line extended from the primary building facade, parallel to the primary street or the waterfront.
  - b. Side yard parking lots shall be setback a minimum of 10-feet from a primary street.
  - c. For corner lots, side yard parking lots shall be located in the side yard fronting a secondary street, if possible.
  - d. Side yard lots shall not constitute more than 25% of the total lot frontage along a primary street or the waterfront.
  - e. Side yard lots shall be screened from the side and rear lot lines and, if applicable, the primary street and/or waterfront. See Section 4.3.6. for screening requirements.
5. All off-street parking lots must have access to a public right-of-way through an alley, driveway, or permanent easement.
6. All parking lots must comply with the buffer yard requirements defined in Sections 6, 7, and 8 for each Subarea.

## SIDE YARD OFF-STREET PARKING REQUIREMENTS

[- -] property line

- A** Parking lot width shall not exceed 25% of total lot frontage along a primary street or the waterfront
- B** Side parking lot to be located behind a line extended from the primary building facade, parallel to the primary street or the waterfront and setback a minimum of 10' from a primary street
- C** See Subarea-specific regulations in Sections 6, 7, and 8 for buffer yard requirements.



## B. Massing and Orientation

1. Parking lots shall be arranged such that long, uninterrupted views across large areas of parking are not visible from any street or adjacent properties.
2. Parking lots must be designed in “rooms” containing no more than 40 vehicles each.
  - a. Where present, multiple rooms shall be broken up by landscaped medians or islands per requirements in Section 4.3.8.
  - b. Circulatory drive aisles and landscape medians or islands shall be installed such that a maximum of 10 parking stalls are clustered together along the parking lot perimeter and double loaded aisles do not exceed a length of 10 stalls.

## C. Design and Construction

1. Off-street parking lots must conform with ADA and PROWAG requirements.
2. Parking lots shall be surfaced with fixed, firm and non-slop material. Permeable surfaces are encouraged.
3. Parking lots shall not exceed a 10% slope.
4. Parking spaces shall be delineated with paint or similar method approved by the City Engineer.
5. On-site motor vehicle circulation patterns shall be designed to minimize potential conflicts between motor vehicles, pedestrians, and bicyclists.



## D. Parking Stalls and Drive Aisles

- Parking stalls and drive aisles shall meet the dimensional requirements specified in Table 4.3.2. with the following exceptions:
  - Motorcycle and scooter parking
  - Mechanical and loading access parking
- Each off-street parking stall shall be designed, maintained, and regulated so that no parking or maneuvering incidental to parking encroaches on the public right-of-way and so that any motor vehicle may be parked and unparked without moving or damaging another.

## E. Internal Pedestrian Routes

- All developments must provide safe, direct and convenient pedestrian walkways that connect public rights-of-way and parking lots to building entrances.
- Pedestrian walkways must be at least 5 feet in width and meet the design requirements for sidewalks in Subsection 4.3.1.

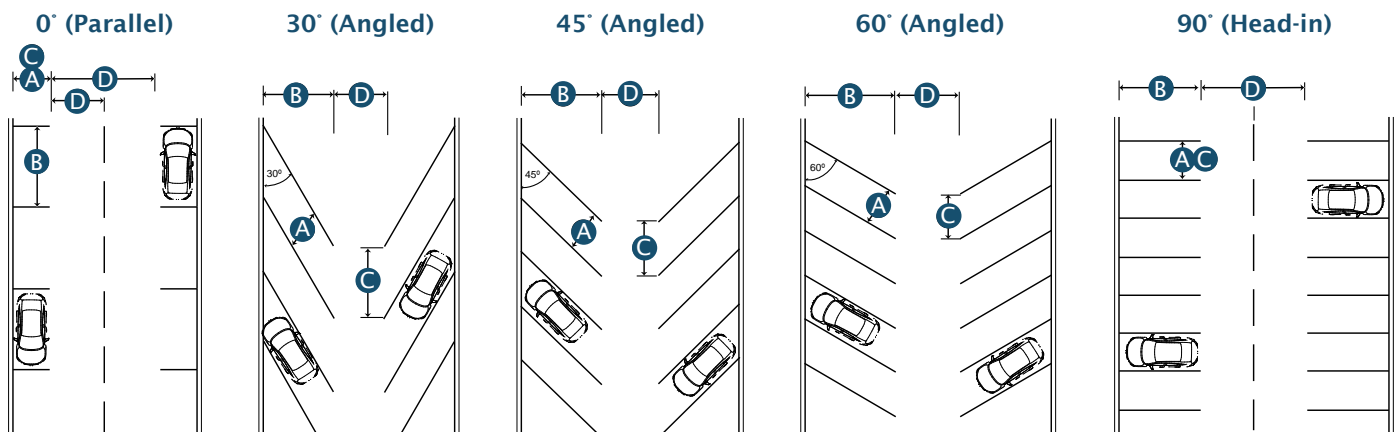


TABLE 4.3.2.  
PARKING STALL AND DRIVE AISLE DIMENSIONAL REQUIREMENTS

STALL ANGLE	STALL WIDTH (MIN.) <b>A</b>	STALL DEPTH (MIN.) <b>B</b>	SKEW WIDTH (MIN.) <b>C</b>	DRIVE AISLE LANE WIDTH (MIN.) <b>D</b>
0 degrees (parallel)	8'	18'	8'	11' * / 22' **
30 degrees	8'-6"	15'	16'-6"	11' *
45 degrees	8'-6"	17'-9"	11'-8"	12' *
60 degrees	8'-6"	19'	9'-6"	13'-6" *
90 degrees	8'-6"	18'	8'-6"	23' **

\* one-way drive aisle ; \*\*two-way drive aisle

3. Off-street parking lots with two or more double loaded aisles shall provide shared-use facilities to accommodate internal pedestrian and bicycle circulation. Shared-use facilities shall be:
  - a. Designed to serve pedestrians and bicyclists;
  - b. A minimum width of 8-feet and buffered by vegetation on either side;
  - c. Constructed of poured concrete, brick, or concrete pavers. Permeable materials are encouraged and asphalt is prohibited;
  - d. Located within the parking lot;
  - e. Sited to serve as many parking stalls as possible and provide a direct connection between the building entrance, the farthest parking stalls, and adjacent public rights-of-way;
4. Where shared-use facilities cross a drive aisle or public right-of-way, a high-visibility crosswalk shall be installed to clearly mark the crossing.

## F. Cross-Lot Access

1. Cross-lot access is required between abutting off-street parking lots.
2. Cross-lot access may be provided as a roadway, as a sidewalk that meets the requirements in Subsection 4.3.1., or as a shared-use facility that meets the requirements in Subsection 4.3.2.E.
3. Property owners who establish cross-access must record an easement allowing cross-access to and from properties served by the access easement and record a joint maintenance agreement defining the maintenance responsibilities of each owner.

## G. Landscaping

1. All off-street parking lot landscaping must comply with the requirements in Section 4.3.8.

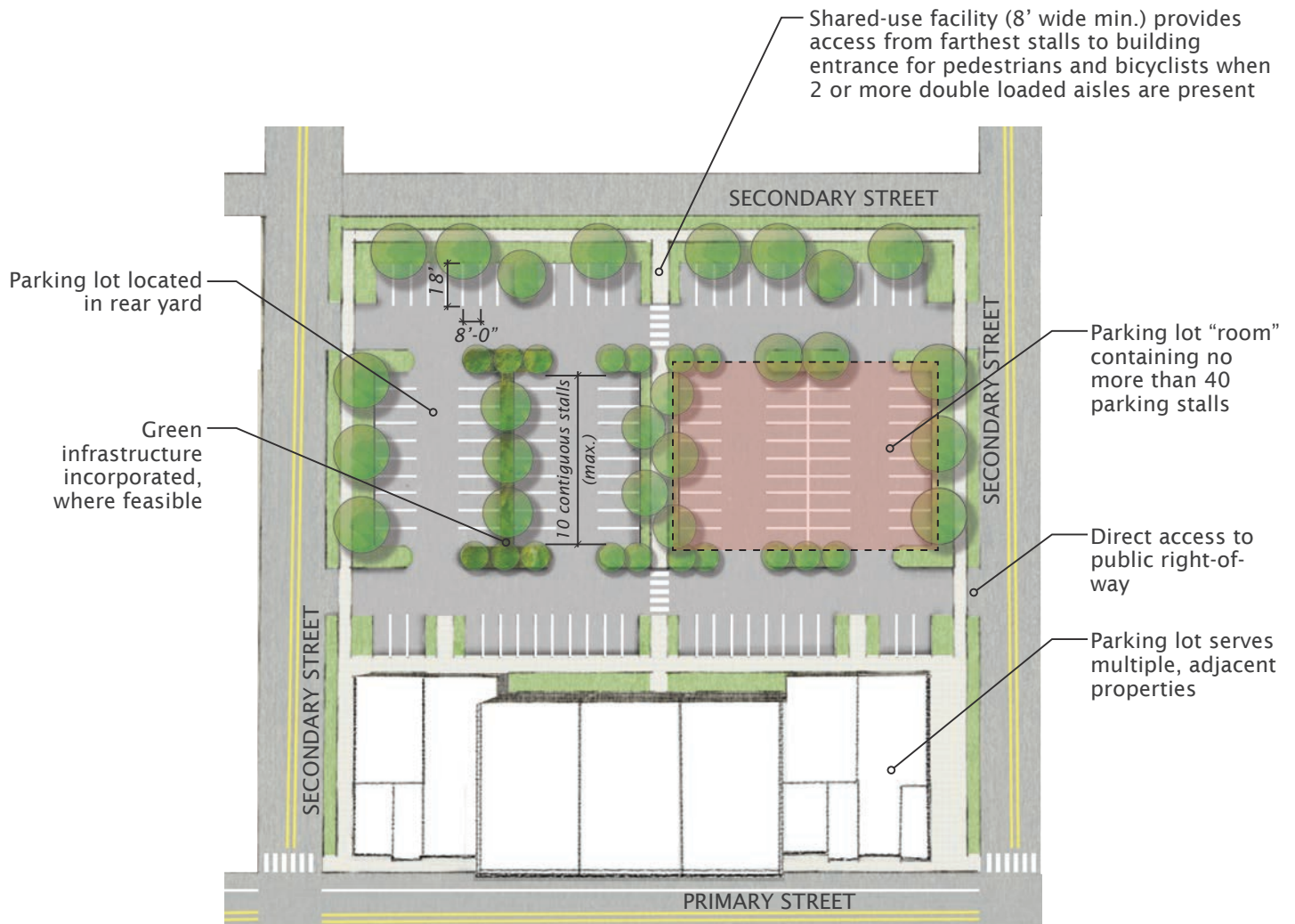
## H. Lighting

1. All off-street parking lot lighting must comply with the requirements in Section 4.3.9.

## I. Transportation Demand Management (TDM) Plan

1. If required within a Subarea (see Sections 6, 7, and 8), a transportation demand management (TDM) plan must be prepared for new development where the principal building exceeds 10,000 square feet or major renovation that includes a change of use where the principal building exceeds 10,000 square feet.
2. A TDM plan must be reviewed and approved by the City Planning Commission as part of the site review process, per Section 2.1.
3. A TDM plan must be prepared by a qualified professional with demonstrated experience in transportation planning, traffic engineering, or comparable field.
4. The TDM Plan must describe and quantify the anticipated travel demand for the project.
5. The TDM Plan must describe how the anticipated travel demand for the project will be met on-site and off-site, including:
  - a. Number of on-street vehicle parking spaces needed, off-street vehicle parking spaces provided, and/or shared vehicle parking arrangements;
  - b. Number of bicycle parking spaces provided;
  - c. Accommodations to ensure the needs of pedestrians, cyclists, motorists, transit riders, and the mobility-impaired are met.
  - d. Strategies that will be employed to reduce single-occupancy vehicle trips and promote transportation alternatives such as walking, cycling, carpooling, ridesharing, and transit.

## OFF-STREET PARKING LOT DESIGN REQUIREMENTS



### 4.3.3. BICYCLE PARKING

1. Bicycle parking must be publicly accessible and located no more than 100 feet from the primary entrance of a building that the bicycle parking space is intended to serve.
2. Each space must be at least 1.5 feet in width and 6 feet in length.
3. Each space must be located on a firm, paved, and dust free surface.
4. Bicycle parking shall be securely anchored and provided in a well-lit location, separated from motor vehicles by a physical barrier.
5. All bicycle parking must have the ability to accommodate cable locks and “U-locks” and provide for two-points of lock attachment.
6. Bicycle parking shall not impede pedestrian or vehicular circulation and shall be harmonious in color and design with the surrounding environment.



See Sections 6, 7, and 8  
for Subarea bicycle parking regulations

### 4.3.4. STORMWATER MANAGEMENT

1. Any direct or indirect discharge of wastewater, including stormwater, into the City’s publicly owned treatment works must comply with Chapter 195 (Sewers) of the City Code.
2. Any construction project that involves the soil disturbance of one or more acres must obtain the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity prior to commencing construction activity.
3. The use of green infrastructure and/or subterranean storage systems are required for managing stormwater runoff on any site where impervious cover is increased. Green infrastructure includes:
  - a. Conservation or restoration of natural areas;
  - b. On-site infiltration practices, such as bioswales, rain gardens, bioretention cells, permeable pavement, green roofs, green walls, and engineered tree pits;
  - c. Capture and reuse practices, such as rain barrels, cisterns, and rooftop catchments storage systems.
4. Fencing around stormwater facilities is prohibited, unless the Code Enforcement Officer determines that such fencing provides a positive design element and/or a necessary safety feature.
5. Stormwater management facilities, including green infrastructure, shall be regularly inspected and maintained to ensure their proper and intended function and appearance.



### 4.3.5. SMALL SCALE SOLAR COLLECTOR SYSTEMS

1. Ground-mounted racks and freestanding solar collectors are prohibited in all Subareas within the Form-Based Code District.
2. Rooftop- and flush-mounted solar collectors are allowed on the roof or wall surface of principal buildings and accessory structures, including parking lot canopies, in all Subareas. See Section 4.1.9.C. for regulations for small-scale solar collector systems mounted on buildings and structures.
3. Solar collectors and energy equipment shall be located in a manner that reasonably minimizes shading of adjacent property and blockage for surrounding properties while still providing adequate solar access for collectors.

### 4.3.6. SCREENING

#### A. General

1. For new development, plans and site design for the installation of required fences, screening, or landscaping shall be reviewed by the Planning Commission prior to issuance of a building permit or certificate of occupancy for such uses.
2. Any required fencing, walls, or landscaping installed in accordance with this Section shall be maintained in good order to achieve the objectives of this section. Failure to maintain fencing and walls and to replace dead or diseased landscaping shall be considered a violation of this Section.
3. All fencing and walls shall comply with requirements in Section 4.3.7.
4. All landscaping shall comply with requirements in Section 4.3.8.

#### B. Service, Storage, Staging, and Loading Areas

1. All loading areas shall be screened from view of the primary street and the waterfront and shall meet the buffer yard requirements specified in this Section and the applicable Subarea regulations (See Sections 6, 7, and 8).
  - a. Loading areas shall be located in the rear or side yard and may not be placed between a principal building and a primary street or a principal building and the waterfront.
  - b. Lots with constrained side yards and frontage along both Front Street and the Mohawk River may locate loading areas between a principal building and Front Street.
2. The staging, storage and parking of vehicles, equipment, or materials as part of a commercial enterprise such as, but not limited to, vehicle/equipment rentals, automotive repair and construction, shall be screened from view of the primary street, secondary street, and the waterfront and shall meet the buffer yard

requirements specified in this Section and the applicable Subarea regulations (See Sections 6, 7, and 8).

- a. The staging, storage and parking of vehicles, equipment, or materials as part of a commercial enterprise may only be located in the rear yard. Such uses are prohibited in front, side, and waterfront yards.
3. All refuse, recycling, and composting appurtenances, equipment, and containers shall be located in the side or rear yard within a four-sided enclosure.
  - a. The enclosure shall be constructed of the same or complementary materials found in the principal building on the site.
  - b. The height of the enclosure shall be a minimum of 1-foot above the height of all elements within the enclosure.
  - c. Gate access to the enclosure shall be located out of direct view from principal building entrances and adjacent residences. Gates shall remain in a closed position at all times other than during refuse pick-up or delivery.

## B. Utilities and Ground-Mounted Equipment

1. Where feasible, utility service connections from public rights-of-way or easements shall provide subterranean connections to site structures and appurtenances, including, but not limited to: principal structures, garages, storage buildings, and site lighting.
2. Above ground utility service connections, appurtenances, and other mechanical equipment shall be located in side yards or rear yards and shall be screened from view from the street and surrounding properties using a combination of evergreen vegetation and fences and walls that are complementary to the materials found in the principal building on site.

- a. This includes, but is not limited to: generators, transformers, vaults, fuel pumps, 'hot-boxes,' switch-gear, meters, valves, compressors, pumps, control or service panels, or any heating, ventilation and cooling equipment.

## C. Buffer Yards

1. Buffer yards shall be landscaped and located along the side and rear lot lines. The design and installation of landscaping shall comply with Section 4.3.8.
  - a. In the rare event a service, storage, staging, or loading area is allowed in the front yard (e.g., lots with constrained side yards with frontage along Front Street and the Mohawk River), these areas must be screened from view of the primary street and shall provide at least a 10-foot deep front buffer yard that is planted in compliance with Subarea-specific regulations (see Sections 6, 7, and 8).
2. Buffer yards may be located within required setback areas, but may not be located within the public right-of-way.
3. Principal buildings, accessory structures, off-street parking lots, and loading, staging, storage, and service areas may not encroach upon a buffer yard, with the exception of site access points.
4. Pre-existing site vegetation located in a buffer yard that is healthy and not overgrown by invasive species may be preserved.
5. Buffer yards shall be integral to stormwater management on the site.



See Sections 6, 7, and 8  
for Subarea buffer yard regulations

### 4.3.7. FENCES AND WALLS

1. No fence or wall may encroach upon the public right-of-way, interfere with intersection site triangles or utility lines, or obstruct legal points of ingress or egress.
2. Fences and walls shall be measured from the ground level at the base of the fence or wall, except that if there is a retaining wall, the height shall be measured from the average of the ground levels at each end of said retaining wall.
3. Fences and walls shall not exceed four feet in height.
  - a. An additional one foot of height is allowed, above the maximum permitted height, for posts, columns, light fixtures, or other decorative details.
  - b. If these height requirements impede the ability of a fence or wall to effectively screen uses as required by Section 4.3.6. or function as a retaining wall, the Planning Commission may approve a fence or wall that exceeds four feet in height during the site plan review procedure (see Section 2.1).
4. Walls may not be located in a front yard, unless serving as a retaining wall.
5. All fences located in a front yard must be at least 50% transparent. Transparency may be achieved with construction materials and/or material spacing.
6. At all street intersections, fences or walls shall not exceed three feet in height, as measured from the top of the curb, on any lot within the triangle formed by the intersecting street lines, or their projections where corners are rounded, and a straight line joining said street lines at points which are 30 feet distant from their point of intersection measured along said street lines and/or projections.
7. When replacing a portion of a fence or wall, in-kind materials shall be used and the height and detailing shall match existing portions of the fence or wall.
8. Fences and walls shall be constructed of high-quality, durable materials, such as brick, wood, decorative blocks, split-faced block, stone, iron, or steel.
  - a. Selected materials shall be consistent with the associated building façade.
  - b. Vinyl fences are appropriate only if they appear to be indistinguishable from wood or iron fencing from 2- feet away.
  - c. Chain-link fences and exposed standard concrete block walls shall not be installed where visible from the public right-of-way.
  - d. Barbed wire, concertina wire, razor wire, electrically charged wire, scrap metal, and tarps are prohibited.
9. Fences, walls, and associated hardware must be maintained in good condition. Any damage or deterioration must be repaired as soon as practicable.

### 4.3.8. LANDSCAPING

#### A. Plant Selection

1. Existing native vegetation and other natural features shall be preserved on a site.
2. The use of native plant materials is strongly encouraged to ensure selected plants are well-adapted to the regional climate.
3. Plant materials must be hardy to the regional climate, per the USDA Plant Hardiness Zone Map. The selection and installation of plants with a USDA Hardiness Zone range that is at least one zone above and one zone below the current Hardiness Zone for the City of Amsterdam is recommended to account for variable climatic conditions. For example, Amsterdam's current Hardiness Zone is 5a. Therefore, plants with a USDA Hardiness Zone range of at least 4 to 6 would be appropriate.
4. The use of invasive plant species listed by the New York State Department of Environmental Conservation as prohibited or regulated is not permitted.
5. Plant selection shall also consider the following factors to ensure plantings are appropriate for the site's microclimate and do not create a safety hazard or obstruct the public right-of-way:
  - a. Mature form, habit, and size;
  - b. Soil, water, and solar requirements;
  - c. Urban and pollution tolerance;
  - d. Salt tolerance;
  - e. Seasonal interest; and,
  - f. Maintenance requirements

TABLE 4.3.3.  
RECOMMENDED TREE SPECIES

CANOPY TREES	American Linden ( <i>Tilia americana</i> )
	Blackgum / Black Tupelo ( <i>Nyssa sylvatica</i> )
	Canadian Hemlock ( <i>Tsuga canadensis</i> )
	Eastern White Pine ( <i>Pinus strobus</i> )
	Hackberry ( <i>Celtis occidentalis</i> )
	Honeylocust ( <i>Gleditsia triacanthos</i> 'inermis')
	Red Maple ( <i>Acer rubrum</i> )
	Red Oak ( <i>Quercus rubrum</i> )
	Sweet Gum ( <i>Liquidambar styraciflua</i> )
	Tulip Tree ( <i>Liriodendron tulipifera</i> )
UNDERSTORY TREES	White Spruce ( <i>Picea glauca</i> )
	American Hornbeam ( <i>Carpinus caroliniana</i> )
	Alternate-Leaved Dogwood ( <i>Cornus alternifolia</i> )
	Canada Red Chokecherry ( <i>Prunus virginiana</i> )
	Eastern Redbud ( <i>Cercis canadensis</i> )
	Serviceberry ( <i>Amelanchier canadensis</i> )
	Witchhazel ( <i>Hamamelis virginiana</i> )



## B. Installation

1. All plantings shown on an approved site plan must be installed within six months of the related improvements.
2. A minimum volume of 750 cubic feet of soil shall be provided for each tree planted in an individual planter.
3. A minimum volume of 500 cubic feet of soil shall be provided for each tree planted in a shared planter.
4. Plantings shall not obstruct site triangles at intersections.
5. Plantings shall not compromise site security by creating tall, opaque barriers that completely prevent the site from being surveilled from adjacent public rights-of-way.
6. No permanent impervious surfacing shall be located around the base of any plant which may impede the growth of that plant.
7. All plants shall be protected from possible damage inflicted by vehicles using the parking lot or access drives by means of a raised curb placed at the edge of the pavement or other methods as approved.
8. To the extent practicable, the integration of green infrastructure and/or structural soil systems is encouraged wherever possible to manage stormwater runoff, increase the tree's rooting space, and promote tree survivorship.

## C. Maintenance

1. All plant materials located on a site shall be maintained by the property owner in a healthy condition throughout their lifespan. Deceased plant material shall be removed and replaced as soon as possible.

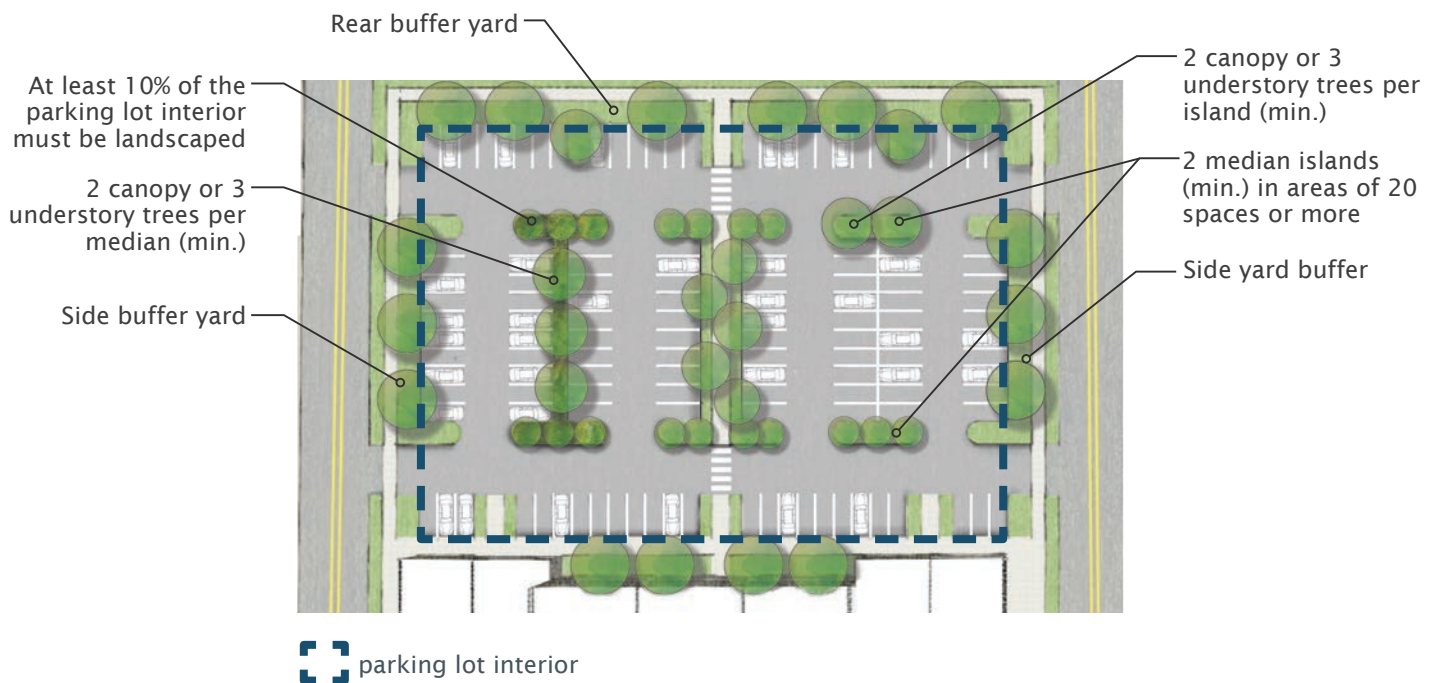
## D. Site Landscaping

1. Live vegetation is required on all unpaved and unbuilt portions of a site, with exception of the following areas:
  - a. Waterways and water features;
  - b. Naturally occurring landscape features that are typically devoid of vegetation (e.g., rock outcrop);
  - c. Trails;
  - d. Gravel, wood chips, bark, and other non-living material used as landscape ornamentation;
  - e. Recreational fields and playgrounds;
  - f. Agricultural fields, community gardens, and other seasonally tilled areas; and,
  - g. Sites undergoing construction.
2. Landscaped areas shall be diverse in terms of species and structure (e.g., canopy trees, understory trees, shrubs, and groundcovers).
3. Landscape beds shall have a defined edge, at least 2 inches of mulch, and a sufficient surface area and volume given the selected plant species.
4. Where space is available, canopy trees shall be planted along the lot frontage in accordance with requirements defined for Street Trees in this Section.
5. For non-residential uses, front yards less than 3-feet in width shall be paved with hardscape materials to extend the public realm to the building façade.
  - a. Durable containers and/or landscape planters shall be incorporated into the front yard to provide the aesthetic and environmental benefits of vegetation in these space-constrained areas. The design and material selection for containers and landscape planters shall complement the architectural style of the principal building.

### E. Off-Street Parking Lot Landscaping

1. All parking lot perimeters, medians, and islands, shall be landscaped. Landscaping shall screen views, but shall not compromise site security by completely preventing site surveillance from the streetscape.
2. All areas planted with trees shall meet the requirements specified in Section 4.3.8. A and B, Plant Selection and Installation.
3. The parking lot perimeter shall meet all buffer yard requirements specified in Section 4.3.6. and Subarea regulations in Sections 6, 7, and 8.
4. The following regulations apply for all parking lots of 20 spaces or more:
  - a. At least 10% of the parking lot interior — calculated as the total surface area of parking stalls, drive aisles, and interior landscape, but excluding buffer yards — must be landscaped.
  - b. At least two median islands shall be installed.
  - c. At least two canopy trees shall be installed per median island. In lieu of two canopy trees, three understory trees may be planted.
  - d. The ground surface of landscaped areas must be planted with shrubs, grasses, or perennials or a combination of all. Landscaping of the ground surface shall not exceed 4-feet in height.
5. Green infrastructure for on-site stormwater management shall be integral to parking lot landscaping.

### OFF-STREET PARKING LANDSCAPING REQUIREMENTS



## F. Street Trees

1. Street trees shall be planted along the entire length of a lot adjacent to a public right-of-way. A minimum of one street tree shall be installed for every 30-feet of public right-of-way frontage. The following conditions are exempt from this requirement:
  - a. Frontages along alleys;
  - b. Where the minimum required number of street trees is already installed and in healthy condition;
  - c. Where the planting of new trees would overcrowd and compromise the health of existing trees;
  - d. Where a utility, driveway, or other feature interferes with the placement of a tree; or
  - e. Where the planting of a tree would result in less than 5-feet of sidewalk width for unobstructed pedestrian movement.
2. Tree selection and installation must comply with requirements specified in this Section.

### SOIL VOLUME REQUIREMENTS AND STREET TREE SPACING



### 4.3.9. OUTDOOR LIGHTING

#### A. General

1. Outdoor lighting should be designed for safe pedestrian passage and property and building entrance identification.
2. All outdoor light fixtures and accent lighting shall be shielded, directed downward, and designed, installed, located, and maintained such that light trespass and glare is minimized to the greatest extent possible.
3. Fixture location, direction, and intensity shall be determined based on the minimum requirements necessary to efficiently and safely illuminate a given area.
4. Outdoor light fixtures shall be turned off after close-of-business, unless needed for safety or security, in which case the lighting shall be reduced to the minimum level necessary and may operate on motion detectors/sensors. Outdoor lighting illuminating a public right-of-way is exempt from this requirement.
5. Site design shall establish a hierarchy of lighting to ensure a smooth transition from bright areas to those with subdued lighting.
6. Outdoor lighting fixtures and accent lighting shall not directly illuminate public waterways, unless it is a navigational light subject to state or federal regulations.

#### B. Prohibited Light Sources and Fixtures

1. Cobra-head style fixtures having dished or drop lenses or refractors.
2. Temporary search lights and other high intensity, narrow beam lights.
3. High pressure sodium, metal halide, and mercury vapor lights sources, as well as light sources rated over 3000 Kelvin.
4. Laser source lighting or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizon.
5. Roof-mounted area lighting.

#### C. Total Site Lumens

1. Total site lumens shall not exceed 100,000 lumens per acre (approximately 2.3 lumens per square foot).
2. For lots adjacent to commercial or industrial uses, light levels shall not exceed 0.1 lumens per square foot at the property line.
3. For lots adjacent to residential uses, light levels shall not exceed 0.05 lumens per square foot at the property line.

#### D. Off-Street Parking Lighting

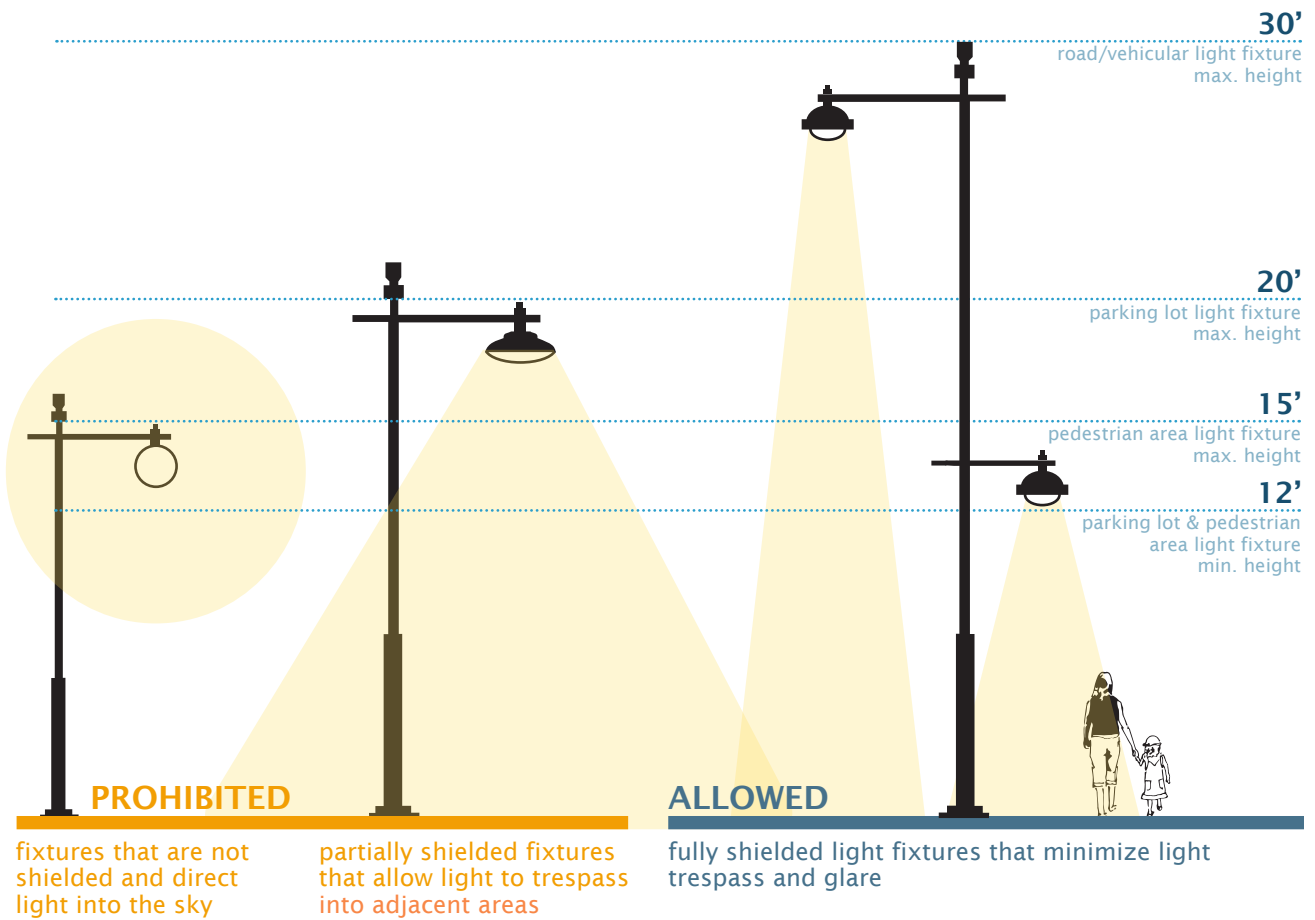
1. Lighting in conformance with this Section is required for all off-street parking lots with four or more parking stalls.
2. Fixtures within parking lots must be a minimum height of 12 feet and a maximum height of 20-feet.

#### E. Public Right-of-Way Lighting

1. Where street lights do not currently exist, street lights shall be installed along the entire length of a lot adjacent to a public right-of-way.
2. Street lights shall be selected based on the mode of transportation they are primarily serving.
  - a. Street lighting intended to illuminate the road for vehicles shall not exceed 30-feet in height.
  - b. Street lighting intended to illuminate sidewalks and seating areas shall be between 12 and 15 feet in height.
3. Specifications for street lights, such as fixture style, height, and spacing, shall be provided by the City Engineer.



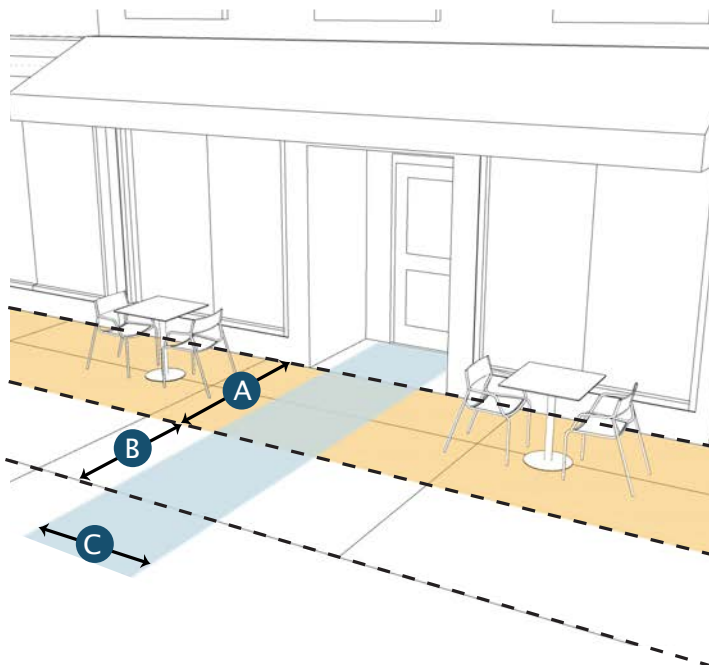
## LIGHTING FIXTURE SHIELDING AND HEIGHT REQUIREMENTS



### 4.3.10. SIDEWALK DINING

1. Sidewalk dining refers to an area adjacent to and directly in front of a street-level eating or drinking establishment located within the sidewalk area or pedestrian plaza area of the public right-of-way and used exclusively for dining, drinking, and pedestrian circulation.
2. All sidewalk dining elements (e.g., chairs, tables, fences, railing, planters) shall be removed from the public right-of-way when not in use for two or more consecutive days.
3. In addition to maintaining 5 feet of unobstructed space for pedestrian travel along the sidewalk, at least 6 feet of space must be provided for the sidewalk dining area, measured perpendicularly from the curb line.
4. An aisle of at least 44 inches of unobstructed space shall be maintained between any restaurant doorway and the sidewalk.
5. Food preparation shall not be permitted in the sidewalk dining area.
6. Loudspeakers shall not be permitted in the sidewalk dining area.
7. Free standing planters, fences, or railings may be installed to clearly delineate the sidewalk dining area and/or for purposes of compliance with the New York State Liquor Authority and must be:
  - a. Self-supporting;
  - b. No taller than 30-inches; and,
  - c. Easy to remove from the sidewalk.

#### SIDEWALK DINING REQUIREMENTS



- A** 6' min. dining area
- B** 5' min. sidewalk/pedestrian area
- C** 44" min. unobstructed aisle between doorway & sidewalk

## SECTION 5:

# PUBLIC SPACE REGULATIONS APPLICABLE TO ALL SUBAREAS

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This Section establishes regulations intended for use by government entities when modifying or creating new public space in all Subareas within the Form-Based Code District and should be used in tandem with regulations contained in Section 4.

## 5.1. PUBLIC SPACE

This section establishes regulations for roadway, sidewalk, and open space design for all public spaces and public rights-of-way located within the Form-Based Code District.

### 5.1.1. ROADWAYS AND SIDEWALKS

#### A. Accessibility

1. All roadway and sidewalk facilities must comply with the Americans with Disabilities Act (ADA) and the Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG).
2. All roadways and sidewalks shall be designed as complete streets to provide safe, comfortable, and convenient travel for all modes of transportation and for all ages and abilities.

#### B. Sidewalks

1. Sidewalks shall be a minimum width of 5 feet.
2. Sidewalks that do not provide an accessible corridor shall be repaired as soon as practicable.
3. Sidewalks may be constructed of poured concrete, brick, or concrete pavers.

- a. Permeable materials are strongly encouraged.
- b. Asphalt is prohibited.

4. Where sidewalks cross driveways, the sidewalk must remain level and the sidewalk's appearance, surface, and material shall remain the same to indicate to drivers that the area is part of the pedestrian right-of-way.

#### C. Street Furnishings

1. All street furnishings must meet the available space requirements specified in Table 5.1.1., while still maintaining 5 feet of clear space for unobstructed pedestrian movement. All distances are measured perpendicular to the curbline.
2. All street trees and landscaping must meet the requirements specified in Section 4.3.8.
3. All lighting must meet the requirements specified in Section 4.3.9.

TABLE 5.1.1.  
SPACE REQUIREMENTS FOR SIDEWALK ELEMENTS

SIDEWALK ELEMENT	MINIMUM WIDTH
Lighting	1 foot
Planter, Moveable	2 feet
Seating (e.g., benches, chairs)	3 feet
Sidewalk Dining	6 feet
Street Tree	4 feet
Trash/Recycling Receptacles	2 feet



## 5.1.2. PARKS, PLAZAS, AND OPEN SPACE

### A. Size and Location

1. The minimum area for a plaza is 400 square feet. This minimum size provides adequate space for circulation and some pedestrian amenities.
2. The minimum area for a park or open space is 5,000 square feet. The preferred minimum for a park or open space is 20,000 square feet (approximately 0.5 acre). This minimum size provides adequate space for circulation and some recreational amenities.
3. When located on a parcel that is adjacent to the waterfront, the plaza, park, or open space shall be developed in a manner that maximizes public access to the waterfront.
4. At least one side of the plaza, park, or open space shall be bordered by a well-traveled public right-of-way, such as a sidewalk or a waterfront trail (e.g., Riverlink Park Trail).

### B. Orientation

1. To the extent practicable, plazas shall be south-facing to maximize solar radiation and natural light.
2. Where applicable development occurs on a parcel adjacent to the waterfront, the plaza, park, or open space shall be oriented to maximize views of the Mohawk River.

### C. Visibility

1. All portions of the plaza, park, or open space shall be visible from an adjacent, well-traveled public right-of-way to promote a sense of safety and openness.
2. Where a plaza, park, or open space is located at a street corner, the plaza, park, or open space shall be visible from each adjacent street.

### D. Accessibility for All Ages and Abilities

1. Plaza, park, and open space design shall strive to accommodate the needs and preferences of the local community and anticipate the needs of future residents.
2. Universal Design concepts shall be employed throughout the plaza, park, or open space to ensure access for a diversity of ages and abilities.
3. Where space allows, separate areas shall be provided for active and passive recreational uses to minimize conflict between user groups and meet the needs of a wide variety of uses.

### E. Elevation Changes & Steps

1. To improve the attractiveness, accessibility, and perception of safety, elevation changes between the adjacent public right-of-way and a plaza, park, or open spaces is discouraged.
2. Minor elevation changes are permitted. Plazas, parks, and open spaces may be elevated a maximum of 2-feet above the adjacent public right-of-way. Where steep slopes occur (5% or greater), elevation changes greater than 2-feet may be permitted.
3. Plazas, parks, and open spaces shall not be sunken below the grade of the adjacent public right-of-way, unless the plaza, park, or open space fronts a steeply sloping street (2.5% to 5% grade change along the length of the plaza) or is intended to provide access to the waterfront.

## F. Obstructions & Structures

1. In general, plazas, parks, and open spaces shall be open to the sky and unobstructed in order to maximize public access to views, fresh air, and nature.
2. Pedestrian and recreational amenities, such as landscaping, seating, lighting, play equipment, and public art, are permitted, but must meet requirements specified in this Section.
3. In plazas, overhead structures, such as canopies, marquees, and awnings, are limited to a maximum projection of 15-feet and a minimum height of 15-feet to maintain a sense of openness.
4. In parks and open spaces, structures and facilities that serve the recreational, educational, cultural, and/or natural resource preservation purpose of the park or open space are permitted, such as pavilions, restroom facilities, and interpretive centers.
  - a. Structures and facilities must be open and welcoming to the public, harmonious with the design of the park or open space, compatible with natural processes, and universally accessible.

## G. Circulation Paths

1. Circulation paths connecting the plaza, park, or open space to a public right-of-way are required.
2. Circulation paths shall be a minimum of 8-feet wide and universally accessible.
3. Trees planted flush-to-grade, light fixtures, and trash recycling receptacles are permitted within circulation paths as long as 5-feet of unobstructed space is preserved for pedestrian movement.
4. Where space allows, bicycle and pedestrian facilities shall be separated.

## H. Seating

1. The type, location, dimensions, variety, and convenience of seating shall be carefully considered in the design of the plaza, park, or open space to enhance social interaction and meet the needs of users of all ages and abilities.
2. A minimum of one linear foot of seating shall be provided for every 50 square feet of plaza, park, or open space.

## I. Litter/Recycling Receptacles

1. Litter and recycling receptacles shall be provided in plazas, parks, and open spaces.
2. Litter and recycling receptacles shall be conveniently located to serve plaza, park, and open space users.

## J. Hardscape

1. All hardscaping shall consist of non-skid, durable materials that are compatible in color and pattern with the overall plaza, park, or open space design.
2. Permeable surfaces are encouraged wherever practicable.

## K. Bicycle Parking

1. All bicycle parking shall meet the requirements specified in Section 4.3.3.
1. In parks and open spaces, two bicycle parking spaces per acre are required.
2. If the park or open space is less than one acre, a minimum of 2 bicycle parking spaces must be provided.

## **L. Landscaping**

1. To the extent possible, existing native vegetation and other natural features shall be preserved.
2. Plant selection and installation shall meet the requirements specified in Section 4.3.8.
3. All plant materials shall be maintained in a healthy condition throughout their lifespan. Deceased plant material shall be removed and replaced as soon as practicable.
4. In plazas, a minimum of one tree shall be installed for every 400 square feet of plaza space.
5. The integration of natural features and systems throughout parks and open spaces is strongly encouraged, such as in play areas, in order to create a comfortable, attractive, and welcoming environment. Natural features and systems include, but are not limited to: water features, plants, logs, boulders, and green infrastructure for stormwater management.

## **M. Lighting**

1. Lighting installed in public spaces shall meet all requirements specified in Section 4.3.9.
2. All circulation routes and seating areas shall maintain two horizontal foot candles of illumination.

## SECTION 6:

# NORTH AMSTERDAM SUBAREA REGULATIONS

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This Section defines prohibited uses within the North Amsterdam Subarea and establishes building, signage, and site design regulations applicable to all parcels within the North Amsterdam Subarea. These regulations should be used in tandem with the requirements specified in Section 4: Regulations Applicable to All Subareas.



### NORTH AMSTERDAM SUBAREA VISION:

*Future development will prioritize infill and adaptive reuse of vacant structures. New development and redevelopment will build upon and complement the urban fabric and rich historic resources located along Main Street, between Church Street and Market Street, through the use of brick and masonry, architectural detailing, and high levels of transparency on the ground floor. Walkability, multi-modal connectivity, and the creation of a unique, welcoming sense of place will be primary goals driving public and private investments.*





AMSTERDAM FORM-BASED CODE  
**NORTH AMSTERDAM SUBAREA**

-  Form-Based Code District
-  North Amsterdam Subarea

0 0.05 0.1 0.2 Miles



## 6.1. PROHIBITED USES

This section defines all land uses that are not permitted within the North Amsterdam Subarea. For all existing uses that do not comply with this Section, please see Section 1.5: Nonconformities.

1. Adult establishment
2. Automobile body shop
3. Automobile sales
4. Automobile service station (major)
5. Automobile service station (minor)
6. Boat repair facility
7. Boat sales/rentals
8. Cemetery
9. Contractor's storage yard
10. Light manufacturing
11. Lumberyard
12. Machine shop
13. Mining and mineral extraction
14. Public utility
15. Recycling facility
16. Retail warehouse
17. Single-family dwelling (detached)

## 6.2. BUILDINGS

This section establishes building height, setback, transparency, and facade material and color requirements for all structures within the North Amsterdam Subarea.



permitted height encroachments

build-to-zone [ ] property line

### BUILDING HEIGHT

Maximum	80'
Minimum	25'

### PERMITTED HEIGHT ENCROACHMENTS (max.)

Chimney, flue, vent	5'
Elevator/stairway access to roof	12'
Mechanical Equipment	6'
Parapet Wall	4'
Vegetation on Green Roof	no max.

### BUILDING SETBACKS (min. / max.)

A Primary Street	0' / 10'
B Secondary Street	0' / 10'
C Side Interior	0' / no max.
D Rear	0' / no max.

### LOT FRONTAGE (min.)

Primary Street	75%
Secondary Street	50%

### PROHIBITED MATERIALS FOR BUILDING FACADES

Cinder Block Wall Finishes

Corrugated Metal Paneling

Faux Stone

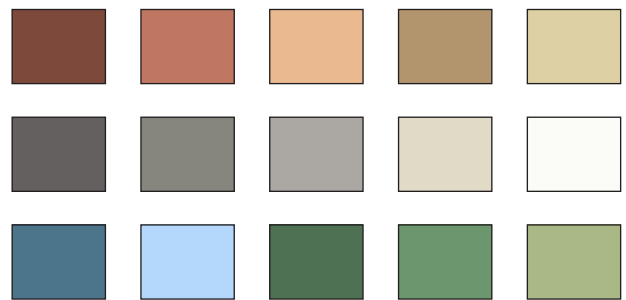
T1-11, Plywood Siding, or Other Similar Materials

Vinyl Siding

### COLORS

Earth tones and muted hues are required for the main body of the building. The use of bright colors is prohibited.

A palette of sample colors compatible with the vision for the North Amsterdam Subarea is displayed below.



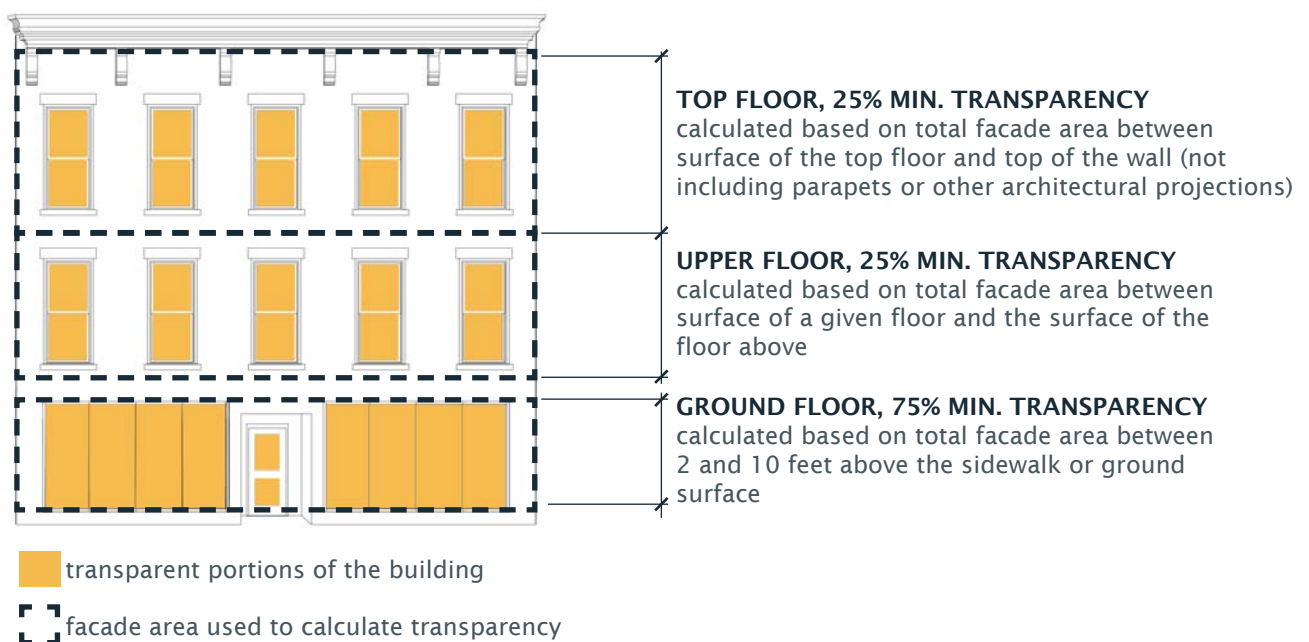
### TRANSPARENCY ALONG PRIMARY AND SECONDARY STREETS (min.)

Ground Floor

75%

Upper and Top Floors

25%





## 6.3. SIGNAGE

This section establishes dimensional requirements for all signs that require a permit within the North Amsterdam Subarea.

### Signs Requiring a Permit

A maximum of two signs that require a permit are allowed per parcel. If a building has frontage on two primary streets, the building may have up to two signs that require a permit on each primary street frontage (4 signs total). If a building has frontage on a primary street and a multi-modal trail, the building may have one additional sign that requires a permit along its trail frontage (3 signs total).

The following sign types that require a permit are allowed within the North Amsterdam Subarea and must meet the dimensional requirements specified in this Section:

1. Awning Sign
2. Projecting Sign
3. Wall Sign
4. Window Sign



See Sections 4.2.3.  
for sign measurements

#### 1. AWNING SIGN

Lettering Height (max.)	6"
Sign Area (max.)	60% of valance surface area

#### 2. PROJECTING SIGN

Sign Area per Face (max.)	12 SF
Projection from Building (max.)	3'
Depth (max.)	6"
Clear Height Above Sidewalk (min. / max.)	8' / 12'
Space Between Projecting Signs (min.)	12'
Setback from Curb Line (min.)	18"

#### 3. WALL SIGN

Sign Area (max.)	1 SF per foot of primary building frontage, up to 50 SF
Projection from Building (max.)	6"

#### 4. WINDOW SIGN

Sign Area (max.)	20% of the cumulative window surface area
Lettering Height (max.)	6"

## 6.4. SITES

This section establishes lot parameters and parking and screening requirements for all parcels in the North Amsterdam Subarea.

### LOT DIMENSIONS (min. / max.)

Depth	60' / 200'
-------	------------

Width	15' / 180'
-------	------------

### LOT COVERAGE (max.)

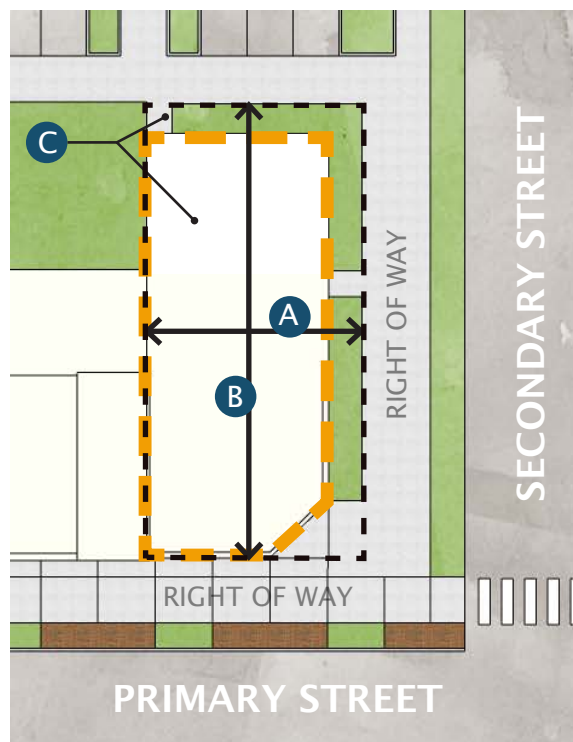
Building Coverage	90%
-------------------	-----

Impervious Coverage	90%
---------------------	-----

#### LOT PARAMETERS

#### DEPTH, WIDTH, & COVERAGE:

- — — BUILDING COVERAGE
- - - PROPERTY LINE
- A LOT WIDTH
- B LOT LENGTH
- C IMPERVIOUS COVER



### MOTOR VEHICLE PARKING SPACES REQUIRED (min.)

There is no minimum number of motor vehicle parking spaces required in the North Amsterdam Subarea.

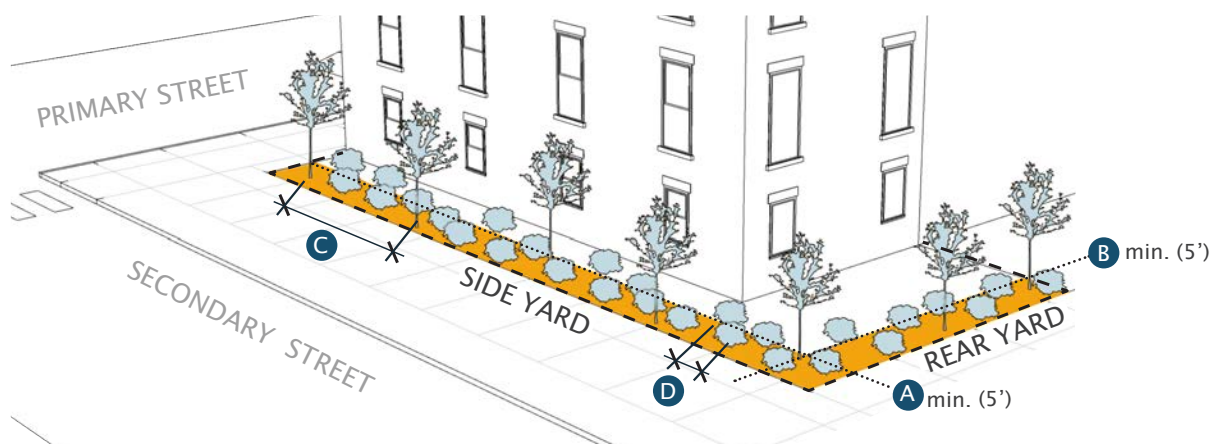
For new development or major renovation that includes a change of use where the principal building exceeds 10,000 square feet, a transportation demand management plan must be prepared and approved by the Planning Commission, per the requirements in Section 4.3.2.1.

### BICYCLE PARKING SPACES REQUIRED (min.)

Residential Use	1 space per 5 dwelling units
Mixed-Use	1 space per 2,000 sq. ft. of gross floor area
Food Service Use	1 space per 2,000 sq. ft. of gross floor area

### BUFFER YARD REQUIREMENTS

<b>A</b> Side Yard Depth (min.)	5'
<b>B</b> Rear Yard Depth (min.)	5'
Size of Trees at Installation (min. trunk caliper size)	2"
Size of Shrubs at Installation (min. container size)	5 gallon
<b>C</b> Number of Deciduous or Evergreen Trees (min.)	1 per 20' linear feet
<b>D</b> Number of Evergreen Shrubs (min.)	1 per 5' linear feet



## SECTION 7:

# SOUTH AMSTERDAM SUBAREA REGULATIONS

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This Section defines prohibited uses within the South Amsterdam Subarea and establishes building, signage, and site design regulations applicable to all parcels within the South Amsterdam Subarea. These regulations should be used in tandem with the requirements specified in Section 4: Regulations Applicable to All Subareas.



### SOUTH AMSTERDAM SUBAREA VISION:

*New development and redevelopment will build upon the vibrant, quaint character of Bridge Street through the use of complementary construction materials and building siting and orientation that engages the streetscape and activates the public realm. Future investment will engage the Empire State Trail system, encourage walkability and connectivity, and promote a mix of uses.*





AMSTERDAM FORM-BASED CODE  
**SOUTH AMSTERDAM SUBAREA**

-  Form-Based Code District
-  South Amsterdam Subarea

0 0.05 0.1 0.2 Miles



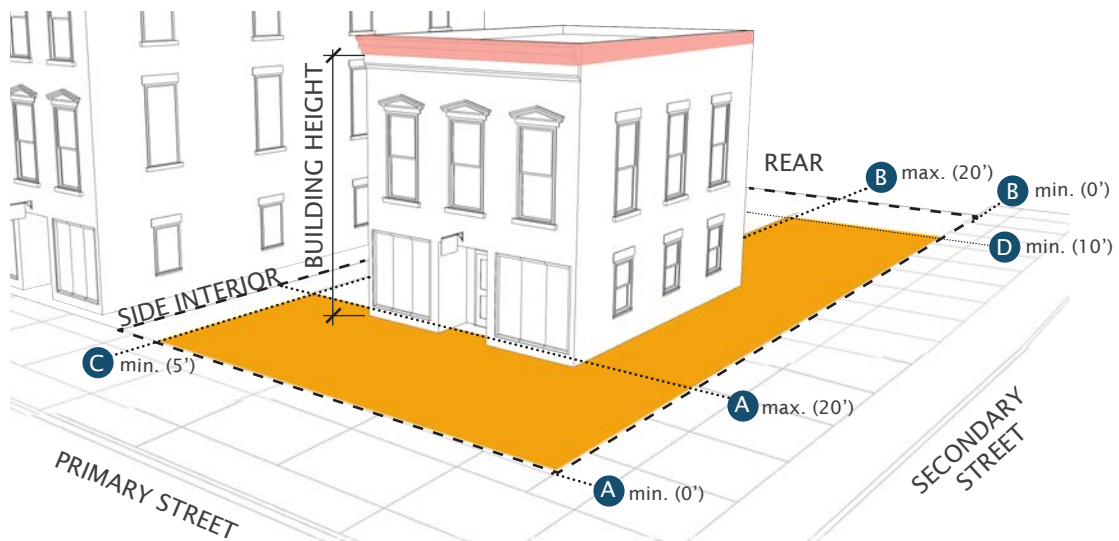
## 7.1. PROHIBITED USES

This section defines all land uses that are not permitted within the South Amsterdam Subarea. For all existing uses that do not comply with this Section, please see Section 1.5: Nonconformities.

1. Adult establishment
2. Automobile sales
3. Automobile service station (major)
4. Automobile service station (minor)
5. Boat repair facility
6. Boat sales/rentals
7. Cemetery
8. Contractor's storage yard
9. Light manufacturing
10. Lumberyard
11. Mining and mineral extraction
12. Public utility
13. Recycling facility
14. Retail warehouse
15. Single-family dwelling (detached)

## 7.2. BUILDINGS

This section establishes building height, setback, transparency, and facade material and color requirements for all structures within the South Amsterdam Subarea.



■ permitted height encroachments

■ build-to-zone    property line

### BUILDING HEIGHT

Maximum	50'
Minimum	15'

### PERMITTED HEIGHT ENCROACHMENTS (max.)

Chimney, flue, vent	5'
Elevator/stairway access to roof	12'
Mechanical Equipment	6'
Parapet Wall	4'
Vegetation on Green Roof	no max.

### BUILDING SETBACKS (min. / max.)

<b>A</b> Primary Street	0' / 20'
<b>B</b> Secondary Street	0' / 20'
<b>C</b> Side Interior	0' / no max.
<b>D</b> Rear	10' / no max.

### LOT FRONTAGE (min.)

Primary Street	50%
Secondary Street	25%

### PROHIBITED MATERIALS FOR BUILDING FACADES\*

Cinder Block Wall Finishes

Faux Stone

T1-11, Plywood Siding, or Other Similar Materials

Vinyl Siding

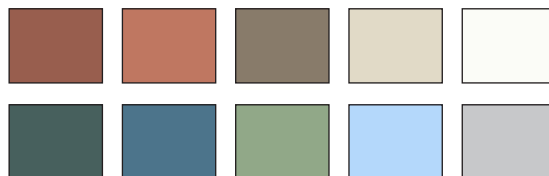
*\*Buildings with frontage along Bridge Street shall utilize construction materials consistent with the existing buildings along this street, such as brick and masonry.*

### COLORS

Earth tones and muted hues are required for the main body of the building. Bright colors may only be used as an accent.

A palette of sample colors compatible with the vision for the South Amsterdam Subarea is displayed below.

#### MAIN BODY OF BUILDING:



#### ACCENTS:



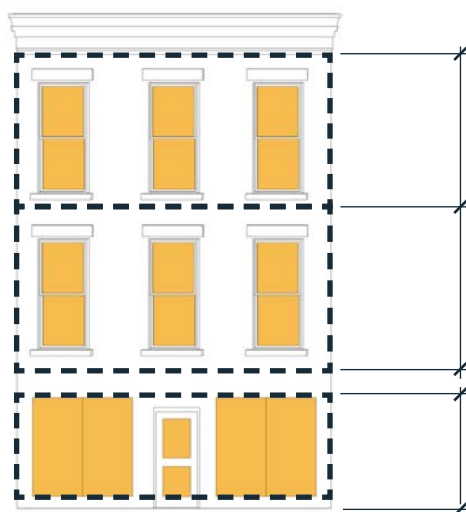
### TRANSPARENCY ALONG PRIMARY AND SECONDARY STREETS (min.)

Ground Floor

65%

Upper and Top Floors

25%



#### TOP FLOOR, 25% MIN. TRANSPARENCY

calculated based on total facade area between surface of the top floor and top of the wall (not including parapets or other architectural projections)

#### UPPER FLOOR, 25% MIN. TRANSPARENCY

calculated based on total facade area between surface of a given floor and the surface of the floor above

#### GROUND FLOOR, 65% MIN. TRANSPARENCY

calculated based on total facade area between 2 and 10 feet above the sidewalk or ground surface

 transparent portions of the building

 facade area used to calculate transparency



## 7.3. SIGNAGE

This section establishes dimensional requirements for all signs that require a permit within the South Amsterdam Subarea.

### Signs Requiring a Permit

A maximum of two signs that require a permit are allowed per parcel. If a building has frontage on two primary streets, the building may have up to two signs that require a permit on each primary street frontage (4 signs total). If a building has frontage on a primary street and a multi-modal trail, the building may have one additional sign that requires a permit along its trail frontage (3 signs total).

The following sign types that require a permit are allowed within the South Amsterdam Subarea and must meet the dimensional requirements specified in this Section:

1. Awning Sign
2. Projecting Sign
3. Wall Sign
4. Window Sign



See Sections 4.2.3.  
for sign measurements

#### 1. AWNING SIGN

Lettering Height (max.)	8"
Sign Area (max.)	75% of valance surface area

#### 2. PROJECTING SIGN

Sign Area per Face (max.)	15 SF
Projection from Building (max.)	3'
Depth (max.)	6"
Clear Height Above Sidewalk (min. / max.)	8' / 15'
Space Between Projecting Signs (min.)	15'
Setback from Curb Line (min.)	18"

#### 3. WALL SIGN

Sign Area (max.)	1 SF per foot of primary building frontage, up to 60 SF
Projection from Building (max.)	6"

#### 4. WINDOW SIGN

Sign Area (max.)	20% of the cumulative window surface area
Lettering Height (max.)	8"

## 7.4. SITES

This section establishes lot parameters and parking and screening requirements for all parcels in the South Amsterdam Subarea.

### LOT DIMENSIONS (min. / max.)

Depth	80' / no max.
Width	20' / 200'

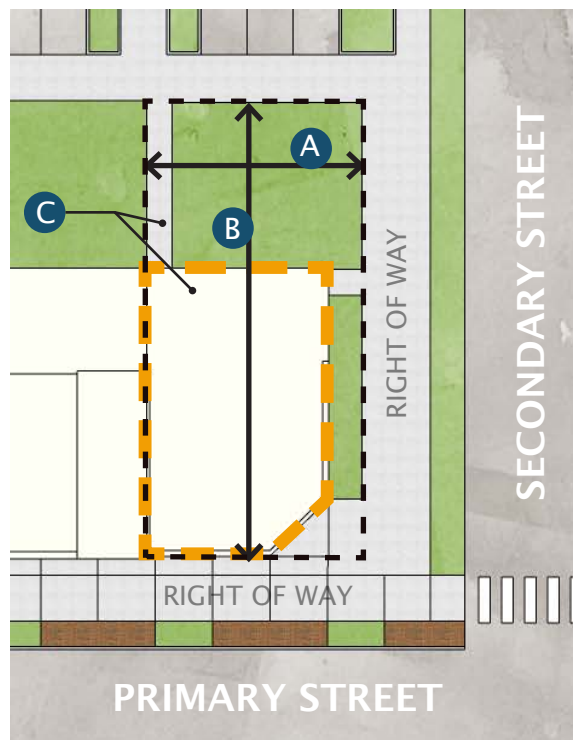
### LOT COVERAGE (max.)

Building Coverage	60%
Impervious Coverage	80%

#### LOT PARAMETERS

#### DEPTH, WIDTH, & COVERAGE:

- BUILDING COVERAGE
- PROPERTY/LOT LINE
- A LOT WIDTH
- B LOT LENGTH
- C IMPERVIOUS COVER



**MOTOR VEHICLE PARKING SPACES  
REQUIRED (min.)\***

Residential, Multifamily	<b>1 space per 2 dwelling units</b>
Mixed-Use	<b>1 space per 2 dwelling units or 1 space per 500 sq. ft. of gross floor area, whichever is less</b>
Food Service Use	<b>1 space per 500 sq. ft. of gross floor area</b>

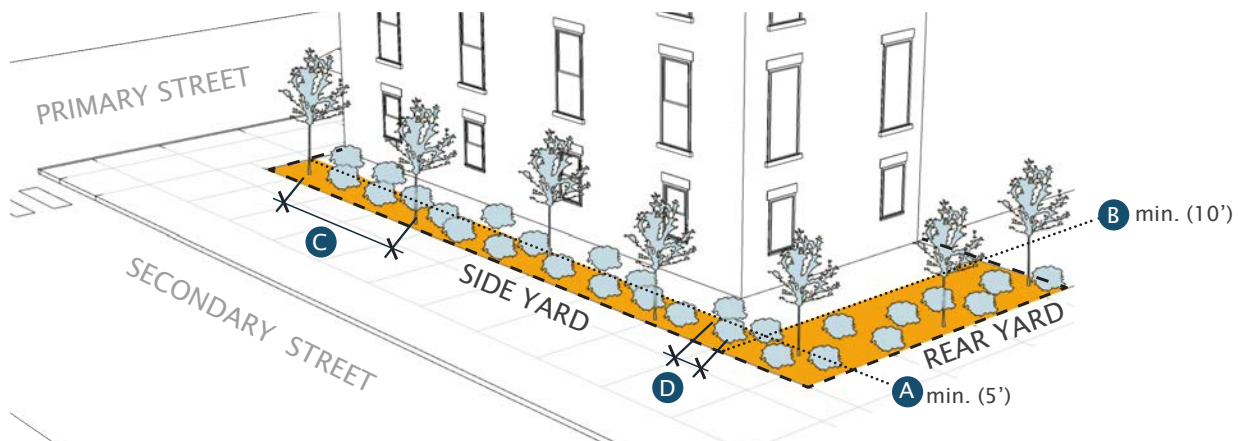
*\*If a use is not listed, there is no minimum off-street parking requirement. Depending on the proposed use, the Planning Commission may require a Transportation Demand Management Plan, pursuant to the requirements in 4.3.2.1., during site plan review.*

**BICYCLE PARKING SPACES REQUIRED  
(min.)**

Residential Use	<b>1 space per 5 dwelling units</b>
Mixed-Use	<b>1 space 2,000 sq. ft. of gross floor area</b>
Food Service Use	<b>1 space 2,000 sq. ft. of gross floor area</b>

**BUFFER YARD REQUIREMENTS**

<b>A</b> Side Yard Depth (min.)	<b>5'</b>
<b>B</b> Rear Yard Depth (min.)	<b>10'</b>
Size of Trees at Installation (min. trunk caliper size)	<b>2"</b>
Size of Shrubs at Installation (min. container size)	<b>5 gallon</b>
<b>C</b> Number of Deciduous or Evergreen Trees (min.)	<b>1 per 20' linear feet</b>
<b>D</b> Number of Evergreen Shrubs (min.)	<b>1 per 5' linear feet</b>



## SECTION 8:

# WATERFRONT SUBAREA REGULATIONS

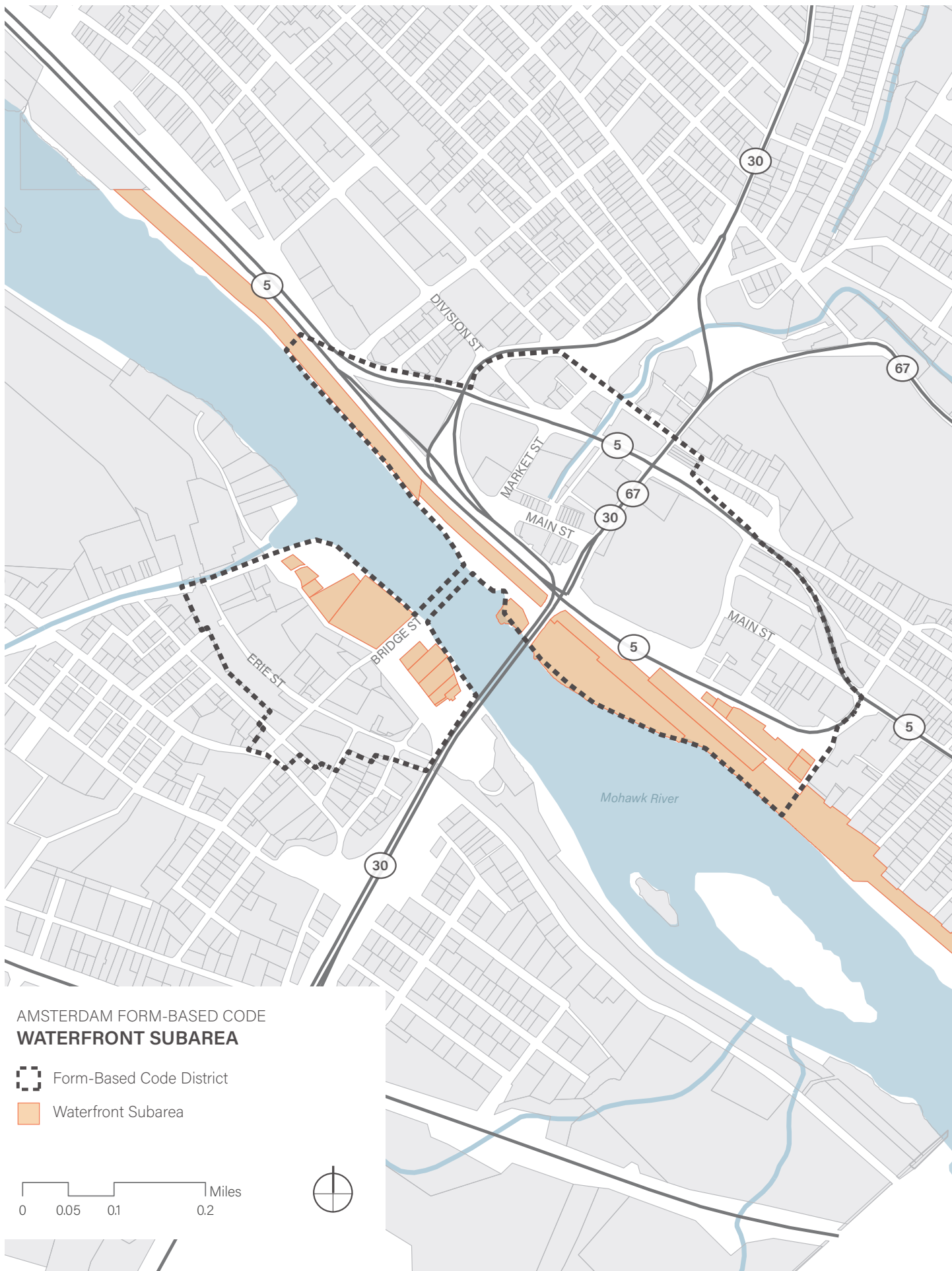
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This Section defines prohibited uses within the Waterfront Subarea and establishes building, signage, and site design regulations applicable to all parcels within the Waterfront Subarea. These regulations should be used in tandem with the requirements specified in Section 4: Regulations Applicable to All Subareas.

### WATERFRONT SUBAREA VISION:

*New development and redevelopment in this Subarea will engage the riverfront, improve walkability, and increase multi-modal connectivity. This Subarea will serve as an important transition between the North and South Amsterdam Subareas, promoting cohesion throughout the downtown, while also creating opportunities for new mixed-use development and public spaces that improve access to the Mohawk River.*





## 8.1. PROHIBITED USES

This section defines all land uses that are not permitted within the Waterfront Subarea. For all existing uses that do not comply with this Section, please see Section 1.6: Nonconformities.

1. Adult establishment
2. Automobile body shop
3. Automobile sales
4. Automobile services station (major)
5. Automobile service station (minor)
6. Cemetery
7. Contractor's storage yard
8. Fuel storage tanks
9. Light manufacturing
10. Lumberyard
11. Mining and mineral extraction
12. Public utility
13. Recycling facility
14. Retail warehouse
15. Single-family dwelling (detached)

## 8.2. BUILDINGS

This section establishes building height, setback, transparency, and facade material and color requirements for all structures within the Waterfront Subarea.



permitted height encroachments

build-to-zone  property line

### BUILDING HEIGHT

Maximum	75'
Minimum	25'

### PERMITTED HEIGHT ENCROACHMENTS (max.)

Chimney, flue, vent	5'
Elevator/stairway access to roof	12'
Mechanical Equipment	6'
Parapet Wall	4'
Vegetation on Green Roof	no max.

### BUILDING SETBACKS (min. / max.)

<b>A</b> Primary Street	5' / 20'
<b>B</b> Secondary Street	5' / 25'
<b>C</b> Side Interior	0' / no max.
<b>D</b> Waterfront	30' / no max.
<b>E</b> Rear	10' / no max.

### LOT FRONTAGE (min.)

Primary Street / Waterfront	50%
Secondary Street	25%

### PROHIBITED BUILDING MATERIALS

Faux Stone

T1-11, Plywood Siding, or Other Similar Materials

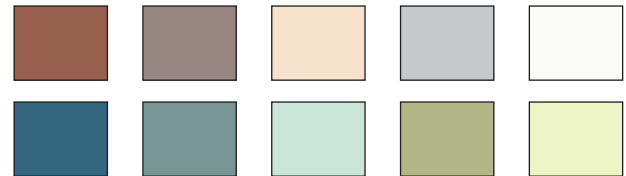
Vinyl Siding

### COLORS

Muted hues are required for the main body of the building, and bright colors may only be used as accents. The use of bright colors on the main body of the building requires review and approval from the Planning Commission.

A palette of sample colors compatible with the vision for the Waterfront Subarea is displayed below.

#### MAIN BODY OF BUILDING:



#### ACCENTS:



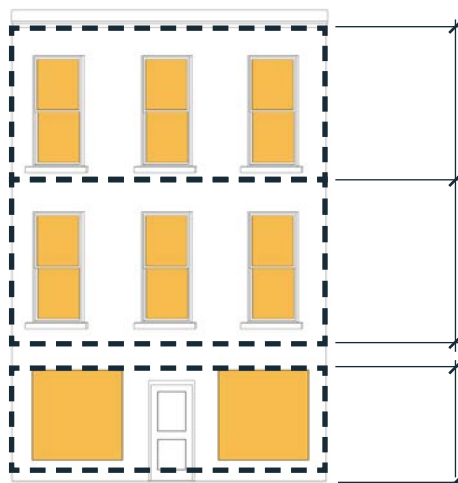
### TRANSPARENCY ALONG PRIMARY AND SECONDARY STREETS AND WATERFRONT (min.)

Ground Floor

50%

Upper Floors

25%



#### TOP FLOOR, 25% MIN. TRANSPARENCY

calculated based on total facade area between surface of the top floor and top of the wall (not including parapets or other architectural projections)

#### UPPER FLOOR, 25% MIN. TRANSPARENCY

calculated based on total facade area between surface of a given floor and the surface of the floor above

#### GROUND FLOOR, 50% MIN. TRANSPARENCY

calculated based on total facade area between 2 and 10 feet above the sidewalk or ground surface

 transparent portions of the building

 facade area used to calculate transparency



# 8.3. SIGNAGE

This section establishes dimensional requirements for all signs that require a permit within the Waterfront Subarea.

## Signs Requiring a Permit

A maximum of two signs that require a permit are allowed per parcel. If a building has frontage on two primary streets, the building may have up to two signs that require a permit on each primary street frontage (4 signs total). If a building has frontage on a primary street and a multi-modal trail, the building may have one additional sign that requires a permit along its trail frontage (3 signs total).

Only one ground-mounted or multi-tenant directory sign is permitted per parcel. No parcel may have two ground-mounted signs, two multi-tenant directory signs, nor a ground-mounted sign and a multi-tenant directory sign.

The following sign types that require a permit are allowed within the Waterfront Subarea and must meet the dimensional requirements specified in this Section:

- 1. Awning Sign
- 2. Ground-Mounted Sign
- 3. Multi-Tenant Directory
- 4. Projecting Sign
- 5. Wall Sign
- 6. Window Sign

### 1. AWNING SIGN

Lettering Height (max.)	8"
Sign Area (max.)	75% of valance surface area

### 2. GROUND-MOUNTED SIGN

Sign Area Per Face (max.)	18 SF
Height (max.)	6'
Number of Sign Faces (max.)	2

### 3. MULTI-TENANT DIRECTORY SIGN

Sign Area Per Face (max.)	5 SF for each business, up to 50 SF.
Height (max.)	6'
Number of Sign Faces (max.)	2



See Sections 4.2.3 for sign measurements

#### 4. PROJECTING SIGN

Sign Area per Face (max.)	15 SF
Projection from Building (max.)	3'
Depth (max.)	6"
Clear Height Above Sidewalk (min. / max.)	8' / 15'
Space Between Projecting Signs (min.)	15'
Setback from Curb Line (min.)	18"

#### 5. WALL SIGN

Sign Area (max.)	1 SF per foot of primary building frontage, up to 80 SF
Projection from Building (max.)	12"

#### 6. WINDOW SIGN

Sign Area (max.)	25% of the cumulative window surface area
Lettering Height (max.)	8"

# 8.4. SITES

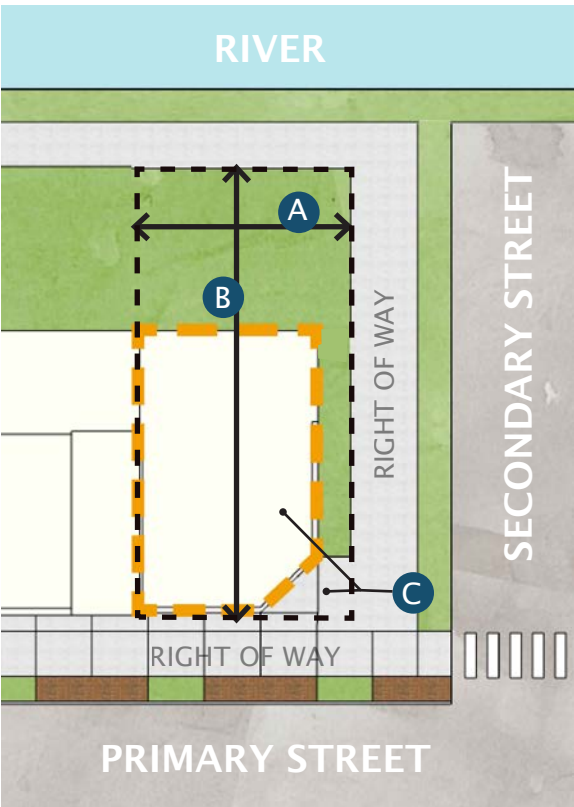
This section establishes lot parameters and parking and screening requirements for all parcels in the Waterfront Subarea.

LOT DIMENSIONS (min. / max.)	
Depth	80' / no max.
Width	25' / no max.

LOT COVERAGE (max.)	
Building Coverage	60%
Impervious Coverage	65%

LOT PARAMETERS  
DEPTH, WIDTH, & COVERAGE:

-  BUILDING COVERAGE
-  PROPERTY LINE
-  LOT WIDTH
-  LOT LENGTH
-  IMPERVIOUS COVER



### MOTOR VEHICLE PARKING SPACES REQUIRED (min.)

There is no minimum number of motor vehicle parking spaces required in the Waterfront Subarea.

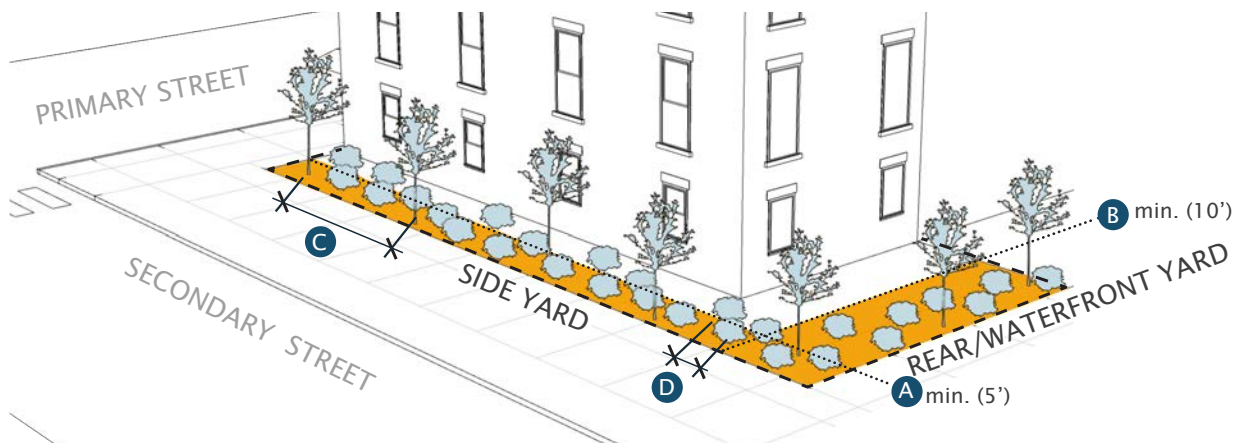
For new development or major renovation that includes a change of use where the principal building exceeds 10,000 square feet, a transportation demand management plan must be prepared and approved by the Planning Commission, per the requirements in Section 4.3.2.1.

### BICYCLE PARKING SPACES REQUIRED (min.)

Residential Use	1 space per 5 dwelling units
Mixed-Use	1 space per 2,000 sq. ft. of gross floor area
Food Service Use	1 space per 2,000 sq. ft. of gross floor area

### BUFFER YARD REQUIREMENTS

<b>A</b> Side Yard Depth (min.)	5'
<b>B</b> Rear / Waterfront Yard Depth (min.)	10'
Size of Trees at Installation (min. trunk caliper size)	2"
Size of Shrubs at Installation (min. container size)	5 gallon
<b>C</b> Number of Deciduous or Evergreen Trees (min.)	1 per 20' linear feet
<b>D</b> Number of Evergreen Shrubs (min.)	1 per 5' linear feet





## APPENDIX A

# HISTORIC CONTEXT

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This Appendix provides historic context related to the development of downtown Amsterdam and defining historic and architectural characteristics that influence the City's character today. This Appendix also includes a map of existing historic resources in downtown.

## HISTORIC BACKGROUND

The existing historic buildings and urban form of the City of Amsterdam illustrate the industrial and cultural development of the community. This context is linked to the identity of the downtown and a sense of place that is uniquely Amsterdam.

### Industrial Beginnings

A natural feature which attracted early industry to the northern bank of the Mohawk River was the Chuctanunda Creek. The creek, which plunges almost 400 feet in a mile, was used as locally significant source of water power.<sup>1</sup> After the American Revolution, a small mill community grew up around the creek and was known as Vedder's Mills or Veddersburg, but was renamed Amsterdam in 1804.

Across the Mohawk River, the southern bank consisted of a collection of houses with a few stores centered around a ferry that connected the two sides of the river. By 1825, with the completion of the Erie Canal through the southern bank, the small collection of buildings became an active village. In 1852, the village was incorporated as Port Jackson and was home to two churches, a hotel, numerous stores, a school and several houses.<sup>2</sup>

Although the areas north and south of the Mohawk River began as individual communities, they had long standing economic and transportation ties. In 1821, the communities were joined by a bridge across the Mohawk River. On the southern side, Port Jackson was a center for trade and light industry during its rapid development as a canal port. On the northern side, Amsterdam was fueled by available water power and transportation access for people and goods along the Erie Canal.<sup>3</sup> The

relationship between the two communities was furthered with the development of the West Shore Railroad in the 1880s which, just as the Erie Canal, was constructed through Port Jackson.<sup>4</sup> Then in 1888, the connection of the communities was formalized when Port Jackson was annexed to Amsterdam, which had become a village in 1831 and a city in 1884.<sup>5</sup>

Together the communities grew at a dramatic pace and by the early twentieth century, Amsterdam was the seventh largest industrial city in New York State.<sup>6</sup> Supporting a wide variety of industry, the city was particularly known for brooms, buttons, carpet mills, knitting mills and linseed oil.<sup>7</sup> Said to be a carpet city, Amsterdam was second only to Philadelphia in manufacturing of carpets in 1907.<sup>8</sup> Amsterdam's industries also had the distinction of leading the world in the manufacture of brooms.<sup>9</sup> It's during this period of economic prosperity that the built form of the commercial districts grew. Many of today's historic buildings along East Main Street were constructed around the late 19<sup>th</sup> century to early 20<sup>th</sup> century, with building facades showing construction dates ranging from 1867 to 1928.

The population of the city and town of Amsterdam reached its height in 1930, with a total population of 38,635.<sup>10</sup> Yet, after the economic decline of the Great Depression, the heyday of industrial development in Amsterdam passed and both industry and

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*Register of Historic Places Registration Form, 2008.* United States Department of the Interior, National Park Service. Section 8, Page 1.

4 Ardito, Anthony and Jettner, Alicia. "Samuel Sweet Canal Store." *National Register of Historic Places Registration Form, 1989.* United States Department of the Interior, National Park Service. Section 8, Page 2.

5 Naple, John. "Amsterdam Free Library." *National Register of Historic Places Registration Form, 2019.* United States Department of the Interior, National Park Service. Page 16.

6 Ibid.

7 Bowman, Travis. "Chalmers Knitting Mills." *National Register of Historic Places Registration Form, 2008.* United States Department of the Interior, National Park Service. Section 8, Page 2.

8 Ibid.

9 Naple, John. "Amsterdam Free Library." *National Register of Historic Places Registration Form, 2019.* United States Department of the Interior, National Park Service. Page 16.

10 Naple, John. "Amsterdam Free Library." *National Register of Historic Places Registration Form, 2019.* United States Department of the Interior, National Park Service. Page 16.

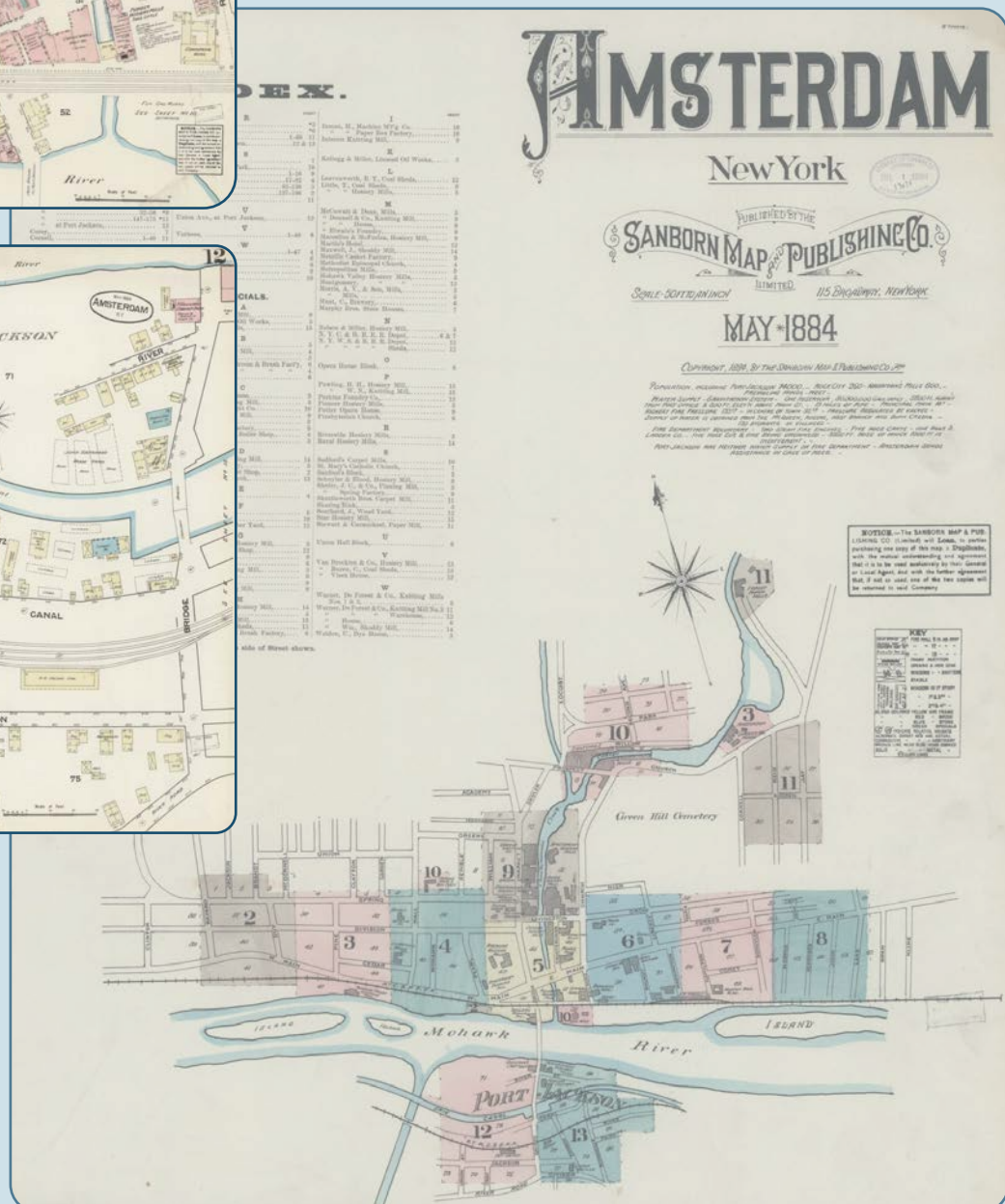
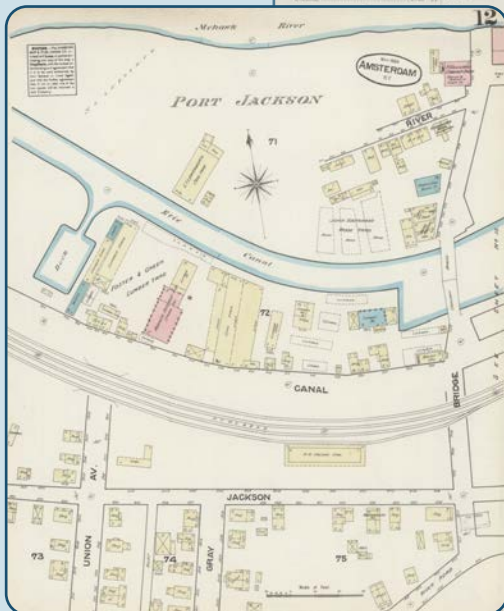
1 Naple, John. "Amsterdam Free Library." *National Register of Historic Places Registration Form, 2019.* United States Department of the Interior, National Park Service. Page 4.

2 Ardito, Anthony and Jettner, Alicia. "Samuel Sweet Canal Store." *National Register of Historic Places Registration Form, 1989.* United States Department of the Interior, National Park Service. Section 8, Page 2.

3 Bowman, Travis. "Chalmers Knitting Mills." *National*

**Sanborn Fire Insurance Map from Amsterdam, Montgomery County, New York:**

These maps from May of 1884, show development along the Chuctanunda Creek and Main Street north of the Mohawk River as well as development around the Erie Canal and the railroad south of the Mohawk River.



Sanborn Fire Insurance Map from Amsterdam, Montgomery County, New York. Sanborn Map Company, May, 1884. Map. [https://www.loc.gov/item/sanborn05739\\_001/](https://www.loc.gov/item/sanborn05739_001/).



people moved away from the city. Reflecting widespread changes in transportation, industry and culture, the advantages that once spurred development were no longer as relevant. In addition, the City's Master Plan from 1960 made recommendations for urban renewal and traffic that changed the structure of the city. The implementation of the plan led to the removal of historic buildings to reduce blight and make way for new development and highway access. The result was a shift toward the automobile and a loss of the historic urban fabric.

In more recent years, the city has begun to reinvent itself with the revitalization of the waterfront at Riverlink Park, which serves as a destination for various events and festivals. From the park, pedestrians can access the newly constructed Mohawk Valley Gateway Overlook (MVGO) bridge. Opened in 2016, the MVGO bridge connects the two sides of the Mohawk River and acts as

a park-like structure that features the area's cultural heritage through interpretation and public art.

Recognizing the potential to improve its urban center, the City of Amsterdam was awarded \$10 million as part of Governor Cuomo's New York State Downtown Revitalization Initiative (DRI). As part of this initiative a variety of projects were funded, including the Form-Based Code (FBC) for the DRI Area. The Code promotes new development that is reflective of the unique heritage of Amsterdam.

### Listed & Eligible Historic Resources

The DRI Area is home to a collection of historically significant buildings and features that represent the story of Amsterdam. These resources include a National Historic Landmark, three buildings listed on the National and State Register of Historic Places, the site of a former historic resource,

Historic Post Card of Market Street



Market Street, Amsterdam, New York; from a c. 1908 postcard.

[https://commons.wikimedia.org/wiki/File:Market\\_Street,\\_Amsterdam,\\_NY.jpg](https://commons.wikimedia.org/wiki/File:Market_Street,_Amsterdam,_NY.jpg)



and a collection of buildings eligible for the Register of Historic Places. In addition, surrounding the DRI Area are several historic resources that help to demonstrate the local heritage of the community.

### **New York State Barge Canal**

Central to the City of Amsterdam is an area recognized for its ability to illustrate United States heritage: the New York State (NYS) Barge Canal Historic District. Listed on the State and National Registers of Historic Places in 2014 and designated as a National Historic Landmark in 2016, the NYS Barge Canal is a network of canals, canalized rivers, and lakes built between 1905

and 1918. Comprising four branches, the Barge Canal allows commercial and pleasure vessels to pass from the Atlantic Ocean to the Great Lakes. The City of Amsterdam is along the Erie Canal branch of the Historic District and follows the Mohawk River. A successor to the canals built in the 1820s, the Barge Canal was designed for self-propelled vessels and did not require towpaths to pull boats. Within the DRI Area the canal diverges from the original Erie Canal, which was just south of the Mohawk River and is now filled-in.

Overlook View of the MVGO Bridge



Within the DRI Area is the site of a contributing structure, Riverlink Park. This location was once home to two timber freighthouses and an electric derrick of the Barge Canal's Amsterdam Terminal. Yet, in the 1950's the shop operations were moved to higher ground as the site was prone to flooding. In the 1980s the land was transformed into Riverlink Park.

## Amsterdam Free Library

Located at 28 Church Street, the Amsterdam Free Library was listed on the National and State Registers of Historic Places in 2019. A Beaux Arts-style public building, it was opened in 1903 in an effort to

provide public education for all. The building was constructed into the sloping grade of Church Street along the east bank of the North Chuctanunda Creek. Key architectural features of the building include bilateral symmetry, receding and projecting wall planes, sculptural enrichment and distinctive classical detailing that is characteristic of the Beaux Arts-style.<sup>11</sup>

Today, the library continues to serve the community and is engaged in a DRI project to renovate and expand the building.

## Amsterdam Post Office

Located at 10 Church Street, the Amsterdam Post Office was listed on the National and State Registers of Historic Places in 1988. A Colonial Revival-style public building in the central business district, it was authorized by Congress in 1926 and was built between 1935 and 1936. The construction of the post office was one of many public works programs instituted in the 1930s. Key architectural features of the building include a symmetrical principal facade with a central entrance, steel frame and masonry construction with brick facades, limestone decoration, multi-paned sash and standardized

Riverlink Park Along the Barge Canal



<sup>11</sup> Naple, John. "Amsterdam Free Library." *National Register of Historic Places Registration Form, 2019*. United States Department of the Interior, National Park Service. Page 26.



floor plan. In addition, the building is distinguished by unusually decorative details for this style post office as well as the pair of murals inside the building that were painted in 1939. The building continues to serve as the post office for downtown Amsterdam.

### Samuel Sweet Canal Store

Located at 65 Bridge Street, Samuel Sweet Canal Store was listed on the National and State Registers of Historic Places in 1989. It was built circa 1847 as a small utilitarian building directly associated with transportation and commerce along the Erie Canal. This canal era building features double loft doors on the building's north elevation and a clear orientation to the former canal and basin that once bordered the building but is now filled-in. The building is also an example of local limestone building traditions with its finely dressed quoins, lintels, sills and

*The inscription “OPEN TO ALL” over the principal entrance of the Amsterdam Free Library writes into the building’s architectural identity its significance as a community resource.*



### Amsterdam Free Library



Hemsley, Nicole and Naple, John. *Amsterdam Free Library*, National Register of Historic Places Registration Form, 2019. United States Department of the Interior, National Park Service.

thin mortar joints.<sup>12</sup>

A project to renovate the Canal Store was recently funded through the DRI and includes the complete conversion of the second floor into a tavern and the first floor into a retail space.

### Site of the Chalmers Knitting Mills

Listed on the National and State Registers of Historic Places in 2011 and 2009, the former Chalmers Knitting Mills was demolished between 2011 and 2013. Still, the site is significant because it represents the changes in industry and culture in Amsterdam.

Located along the southern bank of the Mohawk River, the building was constructed proximate to the Erie Canal rather than the Chuctanunda Creek, which had provided water power for early industries in Amsterdam. Built in 1913, with an addition in 1916, the building was a typical example of a daylight factory. The Chalmers Knitting Mills company was also one of the last major knitting operations to start up in Amsterdam. As is stated in the registration form for the National Register of Historic Places, "Their new mill was built during a time of economic optimism when the economy and population of Amsterdam was growing dramatically, but neither the city nor its thirty knitting mills could sustain that spectacular success."<sup>13</sup>

The site continues to represent change in the community as it is located at the entrance to the MVGO bridge and is the planned home of the Chalmers Mills Loft. This new development will be a mixed-use project that will also feature public realm enhancements funded by the New

Amsterdam Post Office



Samuel Sweet Canal Store



City of Amsterdam, Mohawk Valley Region. *Strategic Investment Plan, Downtown Revitalization Initiative, 2019.*

<sup>12</sup> Ardito, Anthony and Jettner, Alicia. "Samuel Sweet Canal Store." *National Register of Historic Places Registration Form, 1989.* United States Department of the Interior, National Park Service. Section 8, Page 3.

<sup>13</sup> Bowman, Travis. "Chalmers Knitting Mills." *National Register of Historic Places Registration Form, 2008.* United States Department of the Interior, National Park Service. Section 8, Page 7.



York State Downtown Revitalization Initiative (DRI).

### Other Historic Resources

In addition to the historic buildings within the DRI Area, there are several buildings just outside of the boundary that play a role in the historic character of the downtown, which are listed or eligible for the National Register of Historic Places.

These historic buildings include:

- **Amsterdam City Hall:** Located at 61 Church Street, City Hall was once known as the Sanford Mansion. This national and state registered property includes the Sanford Mansion, a laundry building, carriage house and the remains of a formal garden. Originally constructed in 1869 as a Second Empire-style residence, the house was extensively remodeled and enlarged in a Classical Revival-style between 1913 and 1917. The property was the former home of the locally prominent Sanford family, Amsterdam's leading carpet mill owners and manufacturers. The building was deeded to the city of Amsterdam for use

as a City Hall in 1932.

- **Amsterdam Armory:** Located along Florida Avenue at DeWitt Street is the national and state registered Amsterdam Armory. A landmark building that stands at the southern end of Bridge Street, atop the highest point of the sloping lot. Built in a castellated-style, the building was completed in 1895 to house the

*The images below show the former Chalmers Knitting Mills site, and the approach to it from Bridge Street, which sits at the entrance to the MVGO bridge.*



## East Main Street

Along East Main Street are a collection of commercial buildings that characterize the period of growth between the late 19<sup>th</sup> and early 20<sup>th</sup> century. Many of the commercial buildings along East Main Street have been identified as eligible for the State and National Register including the following properties:

- ❑ First National Bank Building at 27-31 East Main Street,
- ❑ 41 - 43 East Main Street,
- ❑ 45 East Main Street,
- ❑ Farmers' National Bank at 49 East Main Street,
- ❑ 44 - 46 East Main Street,
- ❑ 42 East Main Street,
- ❑ First National Bank Building at 34 East Main Street,
- ❑ Former Wrestling Hall of Fame at 30 - 32 East Main Street,
- ❑ 24 East Main Street,
- ❑ 16 East Main Street, and
- ❑ McClumpha Block at 2-10 East Main Street.

Farmers' National Bank



44-46 East Main Street



North Side of East Main Street



local unit of the New York State Army National Guard. The building is now home to Amsterdam Castle NY Inc., a boutique hotel and restaurant.

- **Gray-Jewett House:** Located at 80 Florida Avenue, the Gray-Jewett House is a transitional Queen Anne/ Colonial Revival-style residential building that is listed on the National and State Registers of Historic

Places. Constructed in 1890, the 2 1/2 story red brick building was home to the locally prominent Gray and Jewett families.

- **Green Hill Cemetery:** Located at Church and Cornell Streets, the Green Hill Cemetery is approximately 41 acres near the center of Amsterdam. The property is significant for its picturesque rural cemetery design and construction and was listed on the National and State Registers of Historic Places in 2005 and 2004. Situated on a hilltop overlooking the City, the cemetery was opened for burials in 1859. With a park-like setting, the cemetery features carriage drives, winding footpaths, shady groves, ornamental plantings and panoramic views.

- **Greene Mansion:** Located at 92 Market Street, the Greene Mansion is an example of Victorian residential architecture that was listed on the National and State Registers of Historic Places. The house was built circa 1880 and 1881 for the Greene family, a leading industrialist family in the city of Amsterdam.

- **Sanford Mills Historic District:** Identified as eligible for the State and National Register in 2018, Sanford Mills Historic District highlights the industrial heritage of Amsterdam. In

#### Amsterdam City Hall



Smith, Raymond W. *Amsterdam City Hall*, National Register of Historic Places Registration Form, 2000. United States Department of the Interior, National Park Service.

#### Amsterdam Armory



Todd, Nancy L. *Amsterdam Armory*, National Register of Historic Places Registration Form, 1994. United States Department of the Interior, National Park Service.

***Historic Residential Architecture:*** Along with the grand homes of prominent families, the surrounding area boasts a variety of Victorian-style single and two-family homes that characterize the community.



addition, the collection of buildings within this district showcase the impact of Sanford Mills on the city as well as the commercial and industrial architectural styles of the time. Key buildings include the Clock Tower Building constructed in 1821 and the former Sanford Carpet Mills Office Building constructed circa 1870.

#### Gray-Jewett House



Smith, Raymond W. *Gray-Jewett House*, National Register of Historic Places Registration Form, 2005. United States Department of the Interior, National Park Service.

#### Greene Mansion



Dunn, Shirley W. *Greene Mansion*, National Register of Historic Places Registration Form, 1979. United States Department of the Interior, National Park Service.

#### Sanford Mills Postcard



#### Clock Tower



#### Office Building



Sanford Mills Historic District Application for Eligibility. *Cultural Resource Information System (CRIS)*, New York State Historic Preservation Office.



# Historic Resources Map



**COMMON COUNCIL MEETING**

**November 17, 2020**

**6:00pm**

**RESOLUTION #20/21-98**

**RESOLUTION DESIGNATING THE CITY OF AMSTERDAM LEAD AGENCY FOR SEQRA REVIEW PURPOSES FOR PROPOSED CITY OF AMSTERDAM FORM-BASED CODE**

**BY: ALDERMAN S. GOMULA**

**WHEREAS**, the proposed City of Amsterdam Form-Based Code having been introduced as Ordinance K of 2020 at the Amsterdam Common Council Meeting held on November 17, 2020; and

**WHEREAS**, the prospective adoption of said Form-Based Code requires review pursuant to the State Environmental Quality Review Act (6 NYCRR Part 617); and

**NOW THEREFORE, BE IT RESOLVED** that the City of Amsterdam hereby declares itself lead agency for SEQRA review purposes of said Type I action; and be it further

**RESOLVED**, that the City of Amsterdam declares a negative declaration to SEQR on the City of Amsterdam Form-Based Code project; and

**RESOLVED**, that a Full Environmental Assessment Form be completed for consideration by the City of Amsterdam; and be it further

**RESOLVED**, that a public hearing be held on December 1, 2020 at 5:50 p.m.

**RESOLUTION ADOPTED UNANIMOUSLY**

Common Council  
City of Amsterdam, NY

	Aye	Nay
Alderman Russo	√	
Alderman D. Gomula	√	
Alderwoman Collins	√	
Alderman S. Gomula	√	
Alderman Martuscello	√	



MICHAEL CINQUANTI, MAYOR

DATED: Nov. 18, 2020

This is to certify that I, Stefanie Lenkowitz City Clerk of the City of Amsterdam, County of Montgomery, State of New York, that the above is the original Resolution, passed by the City of Amsterdam Common Council on November 17, 2020 a majority of all members elected to the Council voting in favor.

I have set my hand and the official seal of the City of Amsterdam this 18<sup>th</sup> day of November 2020

CITY SEAL

Received & Filed in the Office of the City Clerk: 11-18-2020



CITY CLERK

Received by: SC

**Full Environmental Assessment Form**  
**Part 1 - Project and Setting**

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** 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; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Applicant/Sponsor Information.**

Name of Action or Project:		
Project Location (describe, and attach a general location map):		
Brief Description of Proposed Action (include purpose or need):		
Name of Applicant/Sponsor:		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Project Contact (if not same as sponsor; give name and title/role):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

## B. Government Approvals

**B. Government Approvals, Funding, or Sponsorship.** (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, or Village Board of Trustees <input type="checkbox"/> Yes <input type="checkbox"/> No		
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input type="checkbox"/> No		
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources. <i>i.</i> Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input type="checkbox"/> No  <i>ii.</i> Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>iii.</i> Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input type="checkbox"/> No		

## C. Planning and Zoning

### C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐ Yes ☐ No

- **If Yes**, complete sections C, F and G.
- **If No**, proceed to question C.2 and complete all remaining sections and questions in Part 1

### C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☐ Yes ☐ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐ Yes ☐ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☐ Yes ☐ No

If Yes, identify the plan(s):

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c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☐ No

If Yes, identify the plan(s):

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### C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☐ Yes ☐ No  
If Yes, what is the zoning classification(s) including any applicable overlay district?

\_\_\_\_\_

\_\_\_\_\_

b. Is the use permitted or allowed by a special or conditional use permit? ☐ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☐ No

If Yes,

i. What is the proposed new zoning for the site? \_\_\_\_\_

### C.4. Existing community services.

a. In what school district is the project site located? \_\_\_\_\_

b. What police or other public protection forces serve the project site?

\_\_\_\_\_

c. Which fire protection and emergency medical services serve the project site?

\_\_\_\_\_

d. What parks serve the project site?

\_\_\_\_\_

\_\_\_\_\_

### D. Project Details

#### D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

\_\_\_\_\_

b. 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  
or controlled by the applicant or project sponsor? \_\_\_\_\_ acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☐ No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☐ No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

\_\_\_\_\_

ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No

iii. Number of lots proposed? \_\_\_\_\_

iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☐ No

i. If No, anticipated period of construction: \_\_\_\_\_ months

ii. If Yes:

- Total number of phases anticipated \_\_\_\_\_

- Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year

- Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year

- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

f. Does the project include new residential uses? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes,	
i. Total number of structures _____ ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length iii. Approximate extent of building space to be heated or cooled: _____ square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes,	
i. Purpose of the impoundment: _____ ii. If a water impoundment, the principal source of the water: <span style="float: right;"><input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify:</span> _____ iii. If other than water, identify the type of impounded/contained liquids and their source. _____ iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) If Yes:	
i. What is the purpose of the excavation or dredging? _____ ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site? • Volume (specify tons or cubic yards): _____ • Over what duration of time? _____ iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____ _____ iv. Will there be onsite dewatering or processing of excavated materials? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If yes, describe. _____ _____ v. What is the total area to be dredged or excavated? _____ acres vi. What is the maximum area to be worked at any one time? _____ acres vii. What would be the maximum depth of excavation or dredging? _____ feet viii. Will the excavation require blasting? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> ix. Summarize site reclamation goals and plan: _____ _____ _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____ _____	

*ii.* Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*iii.* Will the proposed action cause or result in disturbance to bottom sediments? Yes ☐ No ☐  
 If Yes, describe: \_\_\_\_\_

*iv.* Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No ☐  
 If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

*v.* Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

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*c.* Will the proposed action use, or create a new demand for water? ☐ Yes ☐ No ☐  
 If Yes:

*i.* Total anticipated water usage/demand per day: \_\_\_\_\_ gallons/day

*ii.* Will the proposed action obtain water from an existing public water supply? ☐ Yes ☐ No ☐  
 If Yes:

- Name of district or service area: \_\_\_\_\_
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No ☐
- Is the project site in the existing district? ☐ Yes ☐ No ☐
- Is expansion of the district needed? ☐ Yes ☐ No ☐
- Do existing lines serve the project site? ☐ Yes ☐ No ☐

*iii.* Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No ☐  
 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

*iv.* Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No ☐  
 If, Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

*v.* If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

*vi.* If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ gallons/minute.

---

*d.* Will the proposed action generate liquid wastes? ☐ Yes ☐ No ☐  
 If Yes:

*i.* Total anticipated liquid waste generation per day: \_\_\_\_\_ gallons/day

*ii.* Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

\_\_\_\_\_

*iii.* Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☐ No ☐  
 If Yes:

- Name of wastewater treatment plant to be used: \_\_\_\_\_
- Name of district: \_\_\_\_\_
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No ☐
- Is the project site in the existing district? ☐ Yes ☐ No ☐
- Is expansion of the district needed? ☐ Yes ☐ No ☐

<ul style="list-style-type: none"> <li>• Do existing sewer lines serve the project site? _____</li> <li>• Will a line extension within an existing district be necessary to serve the project? _____</li> </ul> <p>If Yes:</p> <ul style="list-style-type: none"> <li>• Describe extensions or capacity expansions proposed to serve this project: _____            _____            _____</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____</p> <p>If Yes:</p> <ul style="list-style-type: none"> <li>• Applicant/sponsor for new district: _____</li> <li>• Date application submitted or anticipated: _____</li> <li>• What is the receiving water for the wastewater discharge? _____</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____            _____            _____</p>		
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____            _____            _____</p>		
<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p style="margin-left: 40px;">_____ Square feet or _____ acres (impervious surface)</p> <p style="margin-left: 40px;">_____ Square feet or _____ acres (parcel size)</p> <p>ii. Describe types of new point sources. _____            _____</p> <p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____            _____</p> <ul style="list-style-type: none"> <li>• If to surface waters, identify receiving water bodies or wetlands: _____              _____</li> <li>• Will stormwater runoff flow to adjacent properties? _____</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____</p>		
<p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____            _____</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____</p> <p>If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> <li>• _____ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)</li> <li>• _____ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)</li> <li>• _____ Tons/year (short tons) of Perfluorocarbons (PFCs)</li> <li>• _____ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)</li> <li>• _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)</li> <li>• _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)</li> </ul>		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No



<p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Estimate methane generation in tons/year (metric): _____</p> <p>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p>			
<p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p>			
<p>j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. When is the peak traffic expected (Check all that apply): <span style="margin-left: 20px;"><input type="checkbox"/> Morning</span> <span style="margin-left: 20px;"><input type="checkbox"/> Evening</span> <span style="margin-left: 20px;"><input type="checkbox"/> Weekend</span>  <input type="checkbox"/> Randomly between hours of _____ to _____.</p> <p>ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____</p> <p>iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____</p> <p>iv. Does the proposed action include any shared use parking? <span style="float: right;">Yes <input type="checkbox"/> No <input type="checkbox"/></span></p> <p>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____</p> <p>vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>			
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Estimate annual electricity demand during operation of the proposed action: _____</p> <p>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____</p> <p>iii. Will the proposed action require a new, or an upgrade, to an existing substation? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>			
<p>l. Hours of operation. Answer all items which apply.</p> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul> </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul> </td> </tr> </table>		<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>
<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>		

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>Describe: _____</p> <p>_____</p>	
<p>n. Will the proposed action have outdoor lighting? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>Describe: _____</p> <p>_____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p> <p>_____</p> <p>_____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p> <p>_____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> <li>• Construction: _____ tons per _____ (unit of time)</li> <li>• Operation : _____ tons per _____ (unit of time)</li> </ul> <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>_____</li> <li>• Operation: _____</li> <li>_____</li> </ul> <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>_____</li> <li>• Operation: _____</li> <li>_____</li> </ul>	

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☐ No  
 If Yes:  
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_  
 ii. Anticipated rate of disposal/processing:  
     • \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or  
     • \_\_\_\_\_ Tons/hour, if combustion or thermal treatment  
 iii. If landfill, anticipated site life: \_\_\_\_\_ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☐ No  
 If Yes:  
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_  
 \_\_\_\_\_  
 ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month  
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_  
 \_\_\_\_\_  
 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No  
 If Yes: provide name and location of facility: \_\_\_\_\_  
 \_\_\_\_\_  
 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:  
 \_\_\_\_\_  
 \_\_\_\_\_

## E. Site and Setting of Proposed Action

<b>E.1. Land uses on and surrounding the project site</b>			
a. Existing land uses. i. Check all uses that occur on, adjoining and near the project site. <input type="checkbox"/> Urban <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Rural (non-farm) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ ii. If mix of uses, generally describe: _____ _____			
b. Land uses and coverytypes on the project site.			
Land use or Coverytype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____ _____			

<p>c. Is the project site presently used by members of the community for public recreation? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p><i>i. If Yes: explain:</i> _____</p>	
<p>d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes,</p> <p><i>i. Identify Facilities:</i></p> <p>_____</p> <p>_____</p>	
<p>e. Does the project site contain an existing dam? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p><i>i. Dimensions of the dam and impoundment:</i></p> <ul style="list-style-type: none"> <li>• Dam height: _____ feet</li> <li>• Dam length: _____ feet</li> <li>• Surface area: _____ acres</li> <li>• Volume impounded: _____ gallons OR acre-feet</li> </ul> <p><i>ii. Dam's existing hazard classification:</i> _____</p> <p><i>iii. Provide date and summarize results of last inspection:</i></p> <p>_____</p> <p>_____</p>	
<p>f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p><i>i. Has the facility been formally closed?</i> <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <ul style="list-style-type: none"> <li>• If yes, cite sources/documentation: _____</li> </ul> <p><i>ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:</i></p> <p>_____</p> <p>_____</p> <p><i>iii. Describe any development constraints due to the prior solid waste activities:</i> _____</p> <p>_____</p>	
<p>g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p><i>i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:</i></p> <p>_____</p> <p>_____</p>	
<p>h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p><i>i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:</i> <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p><input type="checkbox"/> Yes – Spills Incidents database</p> <p><input type="checkbox"/> Yes – Environmental Site Remediation database</p> <p><input type="checkbox"/> Neither database</p> </div> <div style="width: 50%;"> <p>Provide DEC ID number(s): _____</p> <p>Provide DEC ID number(s): _____</p> </div> </div> <p><i>ii. If site has been subject of RCRA corrective activities, describe control measures:</i> _____</p> <p>_____</p> <p><i>iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?</i> <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes, provide DEC ID number(s): _____</p> <p><i>iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):</i></p> <p>_____</p> <p>_____</p>	



v. Is the project site subject to an institutional control limiting property uses? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> <ul style="list-style-type: none"> <li>If yes, DEC site ID number: _____</li> <li>Describe the type of institutional control (e.g., deed restriction or easement): _____</li> <li>Describe any use limitations: _____</li> <li>Describe any engineering controls: _____</li> <li>Will the project affect the institutional or engineering controls in place? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></li> <li>Explain: _____  _____</li> </ul>	
<b>E.2. Natural Resources On or Near Project Site</b>	
a. What is the average depth to bedrock on the project site? _____ feet	
b. Are there bedrock outcroppings on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %	
c. Predominant soil type(s) present on project site: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div>_____</div> <div>_____ %</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div>_____</div> <div>_____ %</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div>_____</div> <div>_____ %</div> </div>	
d. What is the average depth to the water table on the project site? Average: _____ feet	
e. Drainage status of project site soils: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <input type="checkbox"/> Well Drained: _____ % of site <input type="checkbox"/> Moderately Well Drained: _____ % of site <input type="checkbox"/> Poorly Drained: _____ % of site </div>	
f. Approximate proportion of proposed action site with slopes: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <input type="checkbox"/> 0-10%: _____ % of site <input type="checkbox"/> 10-15%: _____ % of site <input type="checkbox"/> 15% or greater: _____ % of site </div>	
g. Are there any unique geologic features on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes, describe: _____ _____	
h. Surface water features. <div style="margin-top: 10px;"> i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> </div> <div style="margin-top: 5px;"> ii. Do any wetlands or other waterbodies adjoin the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> </div> <div style="margin-top: 5px;"> If Yes to either <i>i</i> or <i>ii</i>, continue. If No, skip to E.2.i. </div> <div style="margin-top: 5px;"> iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> </div> <div style="margin-top: 5px;"> iv. For each identified regulated wetland and waterbody on the project site, provide the following information: <ul style="list-style-type: none"> <li>Streams: Name _____ Classification _____</li> <li>Lakes or Ponds: Name _____ Classification _____</li> <li>Wetlands: Name _____ Approximate Size _____</li> <li>Wetland No. (if regulated by DEC) _____</li> </ul> </div>	
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If yes, name of impaired water body/bodies and basis for listing as impaired: _____ _____	
i. Is the project site in a designated Floodway? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
j. Is the project site in the 100-year Floodplain? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
k. Is the project site in the 500-year Floodplain? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: <div style="margin-top: 5px;"> i. Name of aquifer: _____ </div>	

<p>m. Identify the predominant wildlife species that occupy or use the project site: _____</p> <p>_____</p> <p>_____</p>	
<p>n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p style="margin-left: 20px;">ii. Source(s) of description or evaluation: _____</p> <p style="margin-left: 20px;">iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> <li>• Currently: _____ acres</li> <li>• Following completion of project as proposed: _____ acres</li> <li>• Gain or loss (indicate + or -): _____ acres</li> </ul>	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing (endangered or threatened): _____</p> <p>_____</p> <p>_____</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing: _____</p> <p>_____</p> <p>_____</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p> <p>_____</p>	
<p><b>E.3. Designated Public Resources On or Near Project Site</b></p>	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? _____</p> <p style="margin-left: 20px;">ii. Source(s) of soil rating(s): _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <span style="margin-left: 20px;"><input type="checkbox"/> Biological Community</span> <span style="margin-left: 20px;"><input type="checkbox"/> Geological Feature</span></p> <p style="margin-left: 20px;">ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p> <p>_____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. CEA name: _____</p> <p style="margin-left: 20px;">ii. Basis for designation: _____</p> <p style="margin-left: 20px;">iii. Designating agency and date: _____</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.



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	Remediation Sites:429008, Remediation Sites:E429011, Remediation Sites:V00367, NYS Heritage Areas:Mohawk Valley Heritage Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Yes - Digital mapping data for Spills Incidents are not available for this location. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Yes
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Yes
E.1.h.i [DEC Spills or Remediation Site - DEC ID Number]	429008, E429011, V00367
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	429008, E429011, V00367, C429010
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	876-9, 876-128
E.2.h.iv [Surface Water Features - Stream Classification]	C



E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	Yes
E.2.j. [100 Year Floodplain]	Yes
E.2.k. [500 Year Floodplain]	Yes
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Peregrine Falcon
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	Eligible property:ST. ANN'S CHURCH; 1851/1888 add; Gothic Rev., Eligible property:FIRST NATIONAL BANK BLDG, Eligible property:First National Bank Bldg, Eligible property:McClumpha Block, 3 story, Italiante, brick, commer, Eligible property:[Former Wrestling Hall of Fame], Eligible property:Stephen Sanford Apartments, late 19th, brick; Q Anne, Eligible property:late 19th c, 3 bay, 6 story comm/resd. Italianate cornice, Eligible property:Amsterdam Savings Bank; 1913; sandstone; neoclassical; columned porch, Eligible property:YMCA; 1913; Renaiss. Rev.; brick, 3.5 story, Eligible property:Farmers' National Bank. 1875. Italianate., Eligible property:Trinity Lutheran Church & Parsonage; 1887; brick, Gothic Revival, 3 story comm/resd. Italiante cornice, 3 story comm/resd. Italianate cornice, Eligible property:2 story, side gable, 1950 Colonial Revial; brick, Eligible property:2.5 story; late 19thc; shingle style; cross gable; diamond trace windows, Enlarged Erie Barge Canal Nominated by NPS (2014), Amsterdam (46th Separate Company) Armory, Gray-Jewett House, Sweet, Samuel, Canal Store, Chalmers Knitting Mill, Temple of Israel, US Post Office--Amsterdam, Amsterdam City Hall (Sanford Mansion), Amsterdam Free Library, Greene Mansion, Green Hill Cemetery
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No