



## Meeting Notice

**TO: Board Members**  
**FROM: Andrew Santillo**  
**DATE: March 12, 2019**  
**RE: Planning Board Meeting**

The regular meeting of the Montgomery County Planning Board is scheduled for Thursday, March 14, 2019 at 6:30 p.m. at the Montgomery County Business Development Center, 9 Park Street, Fonda, NY.

Please call Karl 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, March 14, 2019**

**6:30 PM – Montgomery County Business Development Center, 9 Park Street Fonda, NY**

- I. Organizational Meeting
- II. Pledge of Allegiance
- III. Role Call
- IV. Adoption of Agenda
- V. Approval of previous meeting minutes
- VI. Public comments on agenda items (3 minute limit per person)
- VII. Referral City of Amsterdam — 171 E. Main Street
- VIII. Referral Town of Amsterdam — Zoning Change
- IX. Referral Town of Canajoharie — Budd St. Designation
- X. Any other business

**Montgomery County Planning Board**  
**Meeting Minutes**  
**December 20<sup>th</sup>, 2018**

**MEMBERS PRESENT:**

Wayne DeMallie, Chairman  
Irene Collins, Member  
Mark Hoffman, Member  
Erin Covey, Member  
Robert DiCaprio, Member  
David Wiener, Member  
Jim Post, Alternate  
Betty Sanders, Alternate

**STAFF MEMBERS PRESENT:**

Ken Rose, Director  
Andrew Santillo, Eco. Dev. Staff Assistant  
Karl Gustafson Jr., Eco. Dev. Grant Assistant

**ABSENT:**

John Lyker, Member  
Ronald Jemmott, Vice-Chair

**OTHERS PRESENT:**

Winnie Blackwood, the Recorder  
Gerald Skrocki, Amsterdam Resident  
Roger Sohn, Resident  
Tori Gonputh, Resident  
Devin Senecal, Resident  
Chad Pagan, Ingalls & Associates

**I. Call to Order**

The meeting was called to order by Chairman DeMallie at 6:30pm.

**II. Adoption of Agenda**

A motion was made by Robert DiCaprio, seconded by Mark Hoffman to adopt the agenda for the December Planning Board meeting.

**III. Minutes**

A motion was made by Erin Covey, Seconded by Robert DiCaprio to accept the November Planning Board meeting minutes.

**IV. Public Comment**

Iris Ge from Tri-Halo Construction explained that her project on East Main St. in the City of Amsterdam will be a public restaurant with two front entrances facing East Main Street, a kitchen area and a set of bathrooms in the restaurant. Iris also explained that there are three apartments above the restaurant. Irene Collins asked if they plan on renting these apartments out, Iris said they will be renting them out. Iris concluded that

they will be the first restaurant on the east side of the city and would be a nice touch to the neighborhood if project is passed.

David Wiener made a recommendation to the owners that they should install a door cut in one of the front walls of the restaurant. He explained that without the door cut, customers would have to run back toward the kitchen where most restaurant fires occur. With the door cut, it will allow a better flow of customer traffic in case of an emergency. Iris noted the changes and said she will adjust the floor plan.

## **V. Referral Town of Florida- Vida Blend**

Chad Pagan from Ingalls & Associates explained that Vida Blend had gone to the Town of Florida's planning board and was approved and sent to the county. Chad iterated that Vida Blend is out growing their current facility. The new facility is in the Florida Business Park, across the street from Dollar General. There is plenty of proposed parking and the building also has some loading docks. Wayne DeMallie asked how many new jobs will be created. Chad stated there will be 18 new jobs being created with this expansion.

Erin Covey made a motion, seconded by Mark Hoffman to approve the referral. All were in favor, the referral passed.

## **VI. Referral Town of Amsterdam- Zoning Change**

Ken rose explained to the board that is referral is an amendment to zoning law adding maximum size for utility-scale solar energy systems in residential zoning districts. The town planning board decided at their meeting on December 19<sup>th</sup> that they were restricting the solar acreage from 150 to 100.

Robert DiCaprio asked why the Town decided to shorten the acreage up for solar farms. Ken Rose stated that he was unsure why they decided on 100 instead of 150.

David Wiener asked if one solar company is dominating the market. Ken Rose stated that there is not just one solar company interested in Montgomery County land. There are multiple.

Robert DiCaprio made a motion, seconded by Mark Hoffman. All were in favor, the referral was approved.

## **VII. Referral City of Amsterdam-235-237 East Main St.**

There was no further discussion about the referral after the initial public comments.

David Wiener made a motion with a modification to add a door cut inside the restaurant to accommodate customers during an emergency, seconded by Robert DiCaprio. Irene Collins abstained, the referral was approved.

#### **VIII. Referral Town of Amsterdam- Housing Development**

Ken Rose explained that the referral is for site plan review for the construction of buildings for mental health residents and affordable housing. Its 48 unit, 3 story complex's that sits on a 70 acre parcel. Ken did talk to the Town Planning Board chair, the developer is avoiding all wetlands on the site, and Ken also stated they will be using public water and sewer.

Wayne DeMallie asked who will be housed in the complex. Ken Rose stated that the housing complex will house mental health patients.

Betty Sanders asked if the building will have security/ alarm systems. Ken Rose answered that they will have both security and alarm systems.

Erin Covey made a motion, seconded by Irene Collins. All were in favor of approving the referral.

#### **IX. Other Discussion**

None

#### **X. Adjournment**

A motion was made by Erin Covey, seconded by Irene Collins to adjourn December 20<sup>th</sup>, 2018 Planning Board Meeting at 7:03 pm.

Respectfully submitted

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Karl Gustafson Jr.  
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: C. AMSTERDAM <sup>Planning</sup> <sub>Commission</sub>  
Referring Officer: Paul GAVAY  
Mail original resolution to: 61 Church St  
AMSTERDAM, NY 12010

1. Applicant: HARLEY BEERMAN 2. Site Address: 171 EAST MAIN ST.  
3. Tax Map Number(s): 35.44-4-7 4. Acres: 0.21  
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: DOWNTOWN CORE 8. Current Land Use: VACANT  
9. Project Description: Fitness Center

### 10. MCPB Jurisdiction:

<input type="checkbox"/> Text Adoption or Amendment	<input checked="" type="checkbox"/> Site is located within 500' of: <u>Route 5</u> (Specify by Name)
<input type="checkbox"/> a municipal boundary.	
<input checked="" type="checkbox"/> a State or County thruway/highway/roadway	
<input type="checkbox"/> an existing or proposed State or County park/recreation area	
<input type="checkbox"/> an existing or proposed County-owned stream or drainage channel	
<input type="checkbox"/> a State or County-owned parcel on which a public building or institution is situated	
<input type="checkbox"/> a farm operation within an Agricultural District (Incl. Ag data Statement) (does not apply to area variances)	

11. PUBLIC HEARING: Date: 2/14/19 Time: 7 PM Location: CITY HALL

### Referred Action(s)

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

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

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

14. ☒ Site Plan ☐ Project Site Review Referring Board: \_\_\_\_\_  
Proposed Improvements: None - Change of Use.  
Proposed Use: Fitness Center  
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: \_\_\_\_\_

This side to be completed by Montgomery County Planning.

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

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

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

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

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

\_\_\_\_\_  
Date

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

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

**APPLICATION FOR PERMIT DENIED:**

Case # 19. 01 P

Official Use Only

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

**REFERRAL TO PLANNING COMMISSION FOR SITE PLAN REVIEW (P)**

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

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

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

**LOCATION of SUBJECT PROPERTY:** 171 EAST Main St.

Subject property is in a DC Zoning District.

SBL# 55.44-4-7

Proposed use or construction or installation:

Fitness Studio

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

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

Dated: 1.4.2019

  
Zoning Officer/Building Official

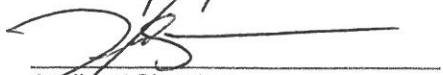
- ☐ Copied to Engineering Aid
- ☐ Copied to Corporation Counsel Office

**APPLICANT(S):** Harley Beckman

**Mailings to:** Legal Address 18 Woodridge Rd Amsterdam, NY 12010

Contact Phone #: (518)-842-1430

Dated: 1/4/2019

  
Applicant Signature

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





# CITY OF AMSTERDAM

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

ZONING OFFICE  
CITY HALL  
RM. 201

## APPLICATION TO BOARD OF APPEALS

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

Pg. 1 of 3

### A. NATURE OF APPLICATION

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

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

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

The property or properties involved are identified as follows 171 1/2 East Main St  
Amsterdam, NY 12010

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

The applicant proposes to use the premises for the following purposes (give details) The location  
will be used as boutique fitness studio that focuses on single and Group training. (\* Attached  
a letter)

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

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

# APPLICATION TO BOARD OF APPEALS

pg. 2 of 3

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

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

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

## E. MAPS, PLANS OR INFORMATION SUBMITTED HEREWITH

The following are submitted herewith (list and identify accurately) (\* Attached B.L.F FLOOR PLAN)

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

\* Applicant Name (Please Print): Harley Beekman

Mailings to Legal Address: 18 Woodridge Rd Amsterdam, NY 12010

Applicant's Contact Telephone Number: (518) - 842 - 1430

\* Owner Name (If other than applicant): SENNARATNE SURESH

Owner Address: 2 CARNEVALE DR, COLONIE NY 12205

\* Owner Signature: [Signature]

\* Applicant Signature: [Signature]

Date: 1/2/2019

1/2/2019

Amsterdam City Council

61 Church St, Amsterdam, NY 12010

Dear Members of the Amsterdam City Council,

Hello my name is Harley Beekman I am writing in support of my business Black Lotus Fitness located at 171 ½ E. Main St Amsterdam, NY 12010. The Location will be used as boutique fitness studio that focuses on single and group training exercises specializing in the areas of Boxing, Grappling, Muay Thai, and Mixed Material Arts.

Our Hours of Operation will be (**MONDAY – FRIDAY:** 5am – 10pm, **SATURDAY:** 5am – 12pm, **SUNDAY:** Closed)

**\*H.O.O may be subject to change**

The number of individual's in a training session will be (1 – 8 **Individuals per class**)

We have parking in the front of the building.

The restroom is located in the rear of the building.

Our signage will be a vinyl banner.

I have included a (**B.L.F FLOOR PLAN**) with this letter.

Thank you so much for your time and help.

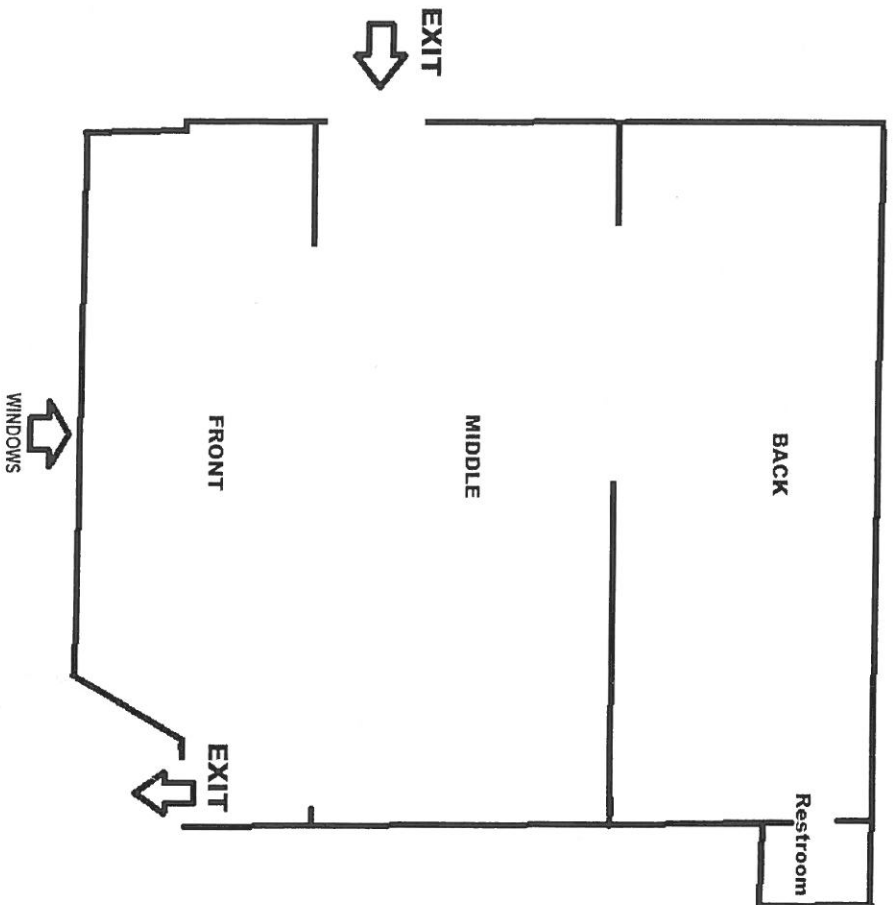
Sincerely,

Harley Beekman

Owner of Black Lotus Fitness

(518)-842-1430

# FLOOR PLAN OF B.L.F GYM



## BACK ROOM

- Room Dimensions: W:15' x L:18 1/2'
- Storage
  - Restroom is located in this area
  - Cardiovascular equipment
  - Weights
  - Smoke and Carbon Monoxide Detector

## MIDDLE ROOM

- Room Dimensions: W:14' x L:16'
- Grappling
  - Technique demonstrations
  - Exit - Side Door

## FRONT ROOM

- Room Dimensions: W:18' x L:20'
- Front Desk
  - Will be used Workout area
  - Smoke Detector
  - Fire Extinguisher
  - Windows
  - Exit - Front Entrance







OFFICE USE ONLY

Building Department:

Date Received 1.4.2019

Case No. 19.01 P



1 copy needed

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

X YES – Preliminary review for Montgomery County Planning Board  
       NO

City Clerk:

Date Received 1.4.2019

Fee Paid \$75-

original needed

Zoning Board of Appeals:

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

6 copies needed

Planning Commission:

Date Received 1.4.2019

7 copies needed

Applicant:

1 copy

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

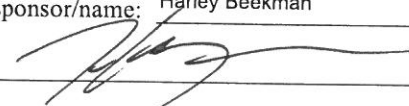
**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

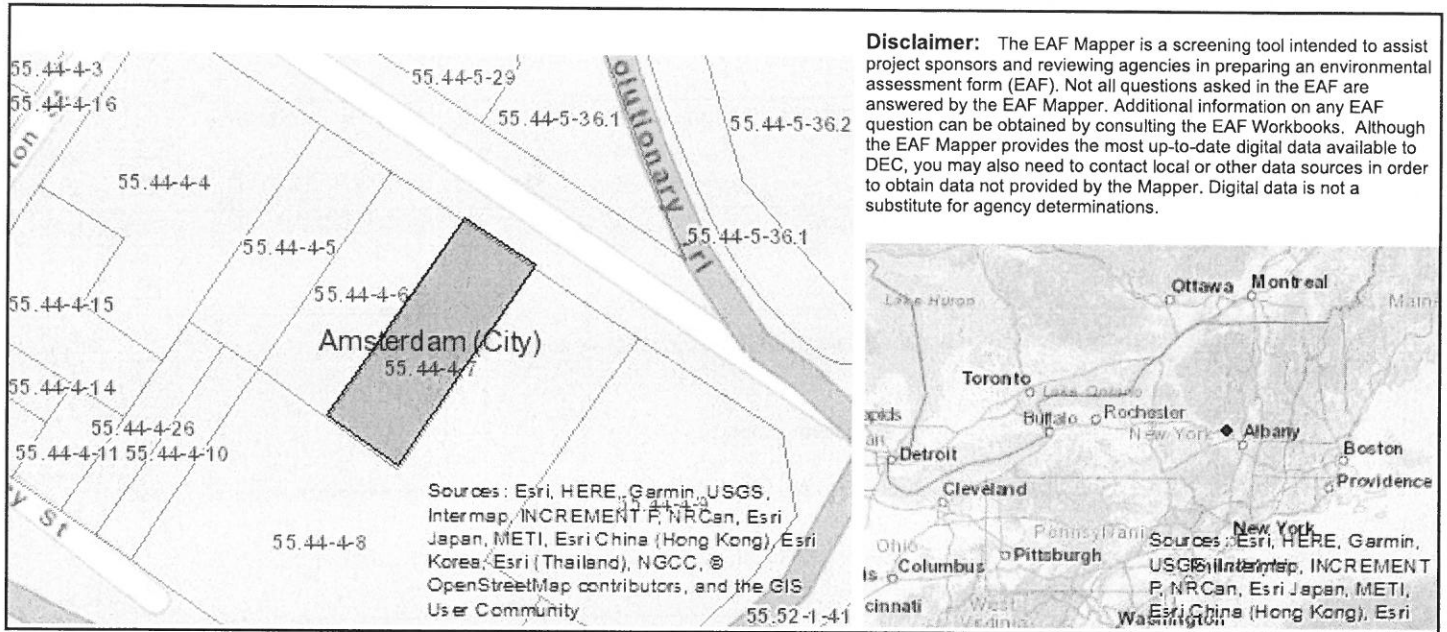
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>							
Black Lotus Fitness - Harley Beekman							
Name of Action or Project: Fitness Center							
Project Location (describe, and attach a location map): 171 East Main Street							
Brief Description of Proposed Action: Boutique fitness studio.							
Name of Applicant or Sponsor: Harley Beekman		Telephone: (518)842-1430					
		E-Mail:					
Address: 18 Woodridge Rd							
City/PO: Amsterdam		State: NY	Zip Code: 12010				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; text-align: center;"> <tr> <td>NO</td> <td>YES</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; text-align: center;"> <tr> <td>NO</td> <td>YES</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
3. a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			<table style="width: 100%;"> <tr> <td style="text-align: right;">0.21 acres</td> </tr> <tr> <td style="text-align: right;">0 acres</td> </tr> <tr> <td style="text-align: right;">0.21 acres</td> </tr> </table>	0.21 acres	0 acres	0.21 acres	
0.21 acres							
0 acres							
0.21 acres							
4. Check all land uses that occur on, are adjoining or near the proposed action:							
5. <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland							

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			



14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<hr/> <hr/>		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
<hr/> <hr/>		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
<hr/> <hr/>		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
<hr/> <hr/>		
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor/name: <u>Harley Beekman</u> Date: <u>2/15/19</u>		
Signature: <u></u> Title: _____		



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

Project: Date: 

## *Short Environmental Assessment Form*

### *Part 2 - Impact Assessment*

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

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

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

Project:

Date:

### Short Environmental Assessment Form

#### Part 3 Determination of Significance

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

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
City of AMSTERDAM - Planning Commission	2/14/19
Name of Lead Agency	Date
PAUL GAVRY	CHAIRMAN
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
pm / Gavry	
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

# 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: \_\_\_\_\_  
Referring Officer: \_\_\_\_\_  
Mail original resolution to: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1. **Applicant:** Town of Amsterdam 2. **Site Address:** N/A
3. **Tax Map Number(s):** N/A 4. **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:** \_\_\_\_\_ 8. **Current Land Use:** \_\_\_\_\_
9. **Project Description:** amendment to zoning law adding a maximum size for utility-scale solar energy systems in residential zoning districts.

### 10. MCPB Jurisdiction:

<input checked="" type="checkbox"/> <b>Text Adoption or Amendment</b>	<input type="checkbox"/> <b>Site is located within 500' of:</b> _____ (Specify by Name)
<input checked="" type="checkbox"/> a municipal boundary.	
<input checked="" type="checkbox"/> a State or County thruway/highway/roadway	
<input type="checkbox"/> an existing or proposed State or County park/recreation area	
<input type="checkbox"/> an existing or proposed County-owned stream or drainage channel	
<input type="checkbox"/> a State or County-owned parcel on which a public building or institution is situated	
<input type="checkbox"/> a farm operation within an Agricultural District (Incl. Ag data Statement) (does not apply to area variances)	

11. **PUBLIC HEARING:** Date: 12/19/2018 Time: 6:55 p.m. Location: Amsterdam Town Hall

### Referred Action(s)

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

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

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

14. ☐ **Site Plan** ☐ **Project Site Review** **Referring Board:** \_\_\_\_\_  
Proposed Improvements: \_\_\_\_\_  
Proposed Use: \_\_\_\_\_  
Will the proposed project require a variance? ☐ Yes ☐ No Type: ☐ Area ☐ Use  
Specify: \_\_\_\_\_  
Is a State or County DOT work permit needed? If Yes : ☐ State or ☐ County ☐ No  
Specify: \_\_\_\_\_

15. ☐ Special Permit

Referring Board:

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

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

16. Variance

Referring Board:

☐ Area ☐ Use

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

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

SEQR Determination

Action:

Finding:

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

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

SEQR determination made by (Lead Agency): Town of Amsterdam Town Board Date: Anticipated 12/19/18

REQUIRED MATERIAL

Send 13 copies of a "Full Statement of the Proposed Action" which includes:

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

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

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

Linda Bartone Hughes, Town Clerk 518-842-7961

December 14, 2018

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



**DRAFT  
TOWN OF AMSTERDAM**

**PROPOSED LOCAL LAW NO. 3 OF THE YEAR 2018**

**A LOCAL LAW TO AMEND THE TOWN OF AMSTERDAM ZONING LAW  
BY ADDING A MAXIMUM SIZE FOR UTILITY-SCALE SOLAR ENERGY SYSTEMS  
IN RESIDENTIAL ZONING DISTRICTS**

**BE IT ENACTED** by the Town Board of the Town of Amsterdam as follows:

**Article VIII Section 35.2.B of the Town of Amsterdam Zoning Law regulating bulk and area requirements for utility-scale solar energy systems is hereby amended by the addition of the following:**

5. Maximum size

The maximum permitted size of a utility-scale solar energy project in a Residential Zoning District (R-1, R-2, and R-M) is 150 acres, measured to the exterior lot lines.



**617.20**  
**Appendix B**  
**Short Environmental Assessment Form**

**Instructions for Completing**

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

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

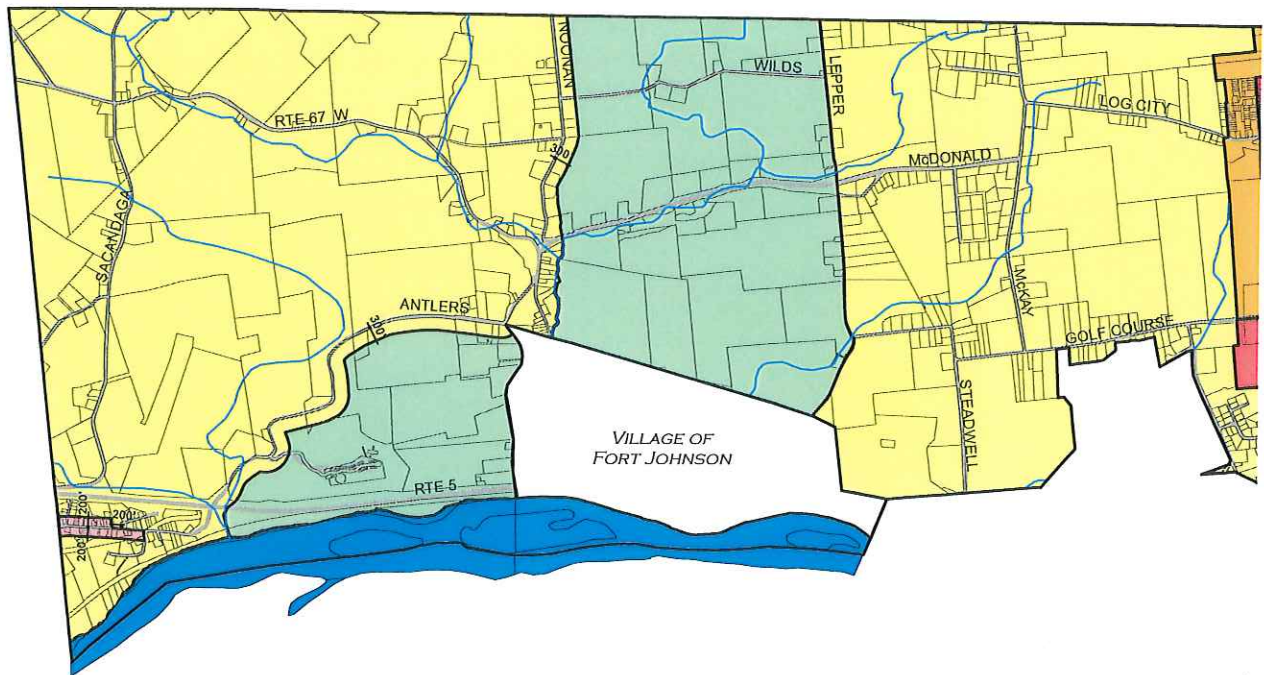
<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: Town of Amsterdam Solar Zoning Amendment			
Project Location (describe, and attach a location map): Town of Amsterdam Residential Zoning Districts (R-1, R-2 and R-M)			
Brief Description of Proposed Action: The Town of Amsterdam is amending their zoning regulations to limit the size of utility-scale solar energy projects permitted in residential zoning districts to 150 acres. The intent of this amendment is to protect the community character of residential areas. The proposed action will have no impact on the environmental resources of the Town.			
Name of Applicant or Sponsor: Town of Amsterdam		Telephone: 518-842-1271 E-Mail: lhughes@townofamsterdam.org	
Address: 283 Manny's Corners Road			
City/PO: Amsterdam		State: NY	Zip Code: 12010
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		NO <input type="checkbox"/>	YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	N/A <input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	<input type="checkbox"/> NO <input type="checkbox"/> YES		

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p><b>NO</b></p> <p><input type="checkbox"/></p>	<p><b>YES</b></p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p><b>NO</b></p> <p><input type="checkbox"/></p>	<p><b>YES</b></p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p><b>NO</b></p> <p><input type="checkbox"/></p>	<p><b>YES</b></p> <p><input type="checkbox"/></p>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor name: <u>Town of Amsterdam Town Board</u> Date: _____</p> <p>Signature: _____</p>		

# TOWN OF AMSTIS

## AMENDED I



A.

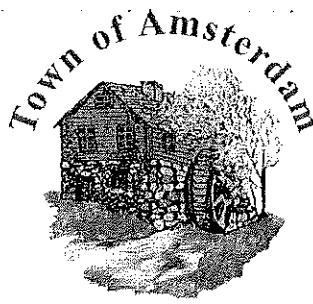
### LEGEND

#### ZONING DISTRICTS

	A AGRICULTURE
	B-1 BUSINESS
	B-2 RESTRICTED BUSINESS
	M-1 MANUFACTURING/MIXED USE
	R-1 RESIDENTIAL
	R-2 RESIDENTIAL
	R-M MOBILE HOME RESIDENTIAL
	PUD PLANNED UNIT DEVELOPMENT
	H HISTORIC OVERLAY DISTRICT



Adopted: August 19, 2009, Amended: December 15, 2010  
 Prepared by: Delaware Engineering, P.C., June 2009, Rev. Dec 2010  
 Source: Montgomery County Real Property Tax Service Agency, 20010



283 Manny's Corners Road  
Amsterdam, New York 12010

Telephone: (518) 842-7961  
Fax No. (518) 843-6136

**TOWN OF AMSTERDAM  
NOTICE OF PUBLIC HEARING  
PROPOSED LOCAL LAW NO. 3 of 2018**

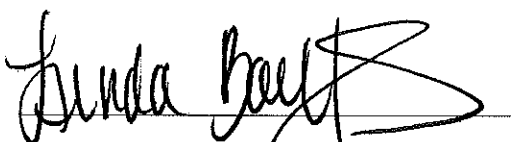
NOTICE IS HEREBY GIVEN that the Amsterdam Town Board will hold a public hearing on Local Law No. 3 of 2018 on December 19, 2018 at 6:55 p.m. at the Amsterdam Town Hall, 283 Manny's Corners Road, Amsterdam, NY 12010.

The proposed Local Law amends the Town of Amsterdam Zoning Law by adding a maximum permitted size of 150 acres for utility-scale solar energy systems located in residential zoning districts.

Any resident of the Town of Amsterdam shall be entitled to be heard upon the proposed Local Law at the public hearing. Copies of the proposed Local Law are available for review at the office of the Amsterdam Town Clerk, 283 Manny's Corners Road, Amsterdam, NY.

Dated: November 28, 2018

BY ORDER OF THE TOWN BOARD

  
Linda Bartone Hughes, Town Clerk  
Town of Amsterdam



# Town of Canajoharie

12 Mitchell Street, Canajoharie, New York 13317

Phone: (518) 673-3112 ♦ Fax: (518) 673-3031

February 15, 2019

Kenneth Rose  
Montgomery County Economic Development and Planning  
Old County Courthouse  
9 Park Street, PO Box 1500  
Fonda, New York 12068

Re: Town of Canajoharie proposed designation of Budd Street as a minimum maintenance road

Dear Mr. Rose/Montgomery County Planning Board:

Enclosed please find a copy of the Town of Canajoharie's resolution and findings accepting the Town Highway Superintendent's recommendation to designate a portion of Budd Street as a minimum maintenance road, as well a copy of the Highway Superintendent's letter.

A resolution from your board agreeing, or not agreeing, to the proposed designation must be received by the Town within 45 days.

Truly,

Laurie M. Vroman  
Canajoharie Town Clerk

Encs.

JANUARY 15, 2019

To the Town Board of the Town of Canajoharie:

As Highway Superintendent, pursuant to Section 2 of Local Law 1 of 1997, I find that it is in the best interests of the Town of Canajoharie to classify Budd Street, from Null Road to the Town of Sharon town line, as a minimum maintenance road for the reasons set forth herein.

The classification of this portion of Budd Street is consistent with the definition for minimum maintenance roads set forth in Section 9 of Local Law 1 of 1997. Among other things, the traffic volume is less than 50 motor vehicles per day and principally or exclusively provides agricultural or recreational land access. It does not provide farm access or access to an individual year-round residence. All lots for potential development adjacent to this portion of Budd Street have ingress and egress as approved by the Town Planning Board.

The Subdivision Plan entitled "Ten Lot Subdivision" was approved by the Town Planning Board on January 23, 2007, showing the ingress and egress to such lots. A copy of the Subdivision Plan is attached hereto for your reference (the "Subdivision Plan"). The Subdivision Plan approved ingress and egress for Lots 7, 8, 9 and 10 through a 50-foot wide permanent easement as a common driveway (See Plan Note 2) and labelled on the Subdivision Plan as "Proposed 50' Road". Construction of the proposed 50-foot wide road will provide suitable access to these lots as it will be built to appropriate specifications.

Pursuant to Section 3 of Local Law 1 of 1997, I recommend that this portion of Budd Street be designated as a minimum maintenance road.

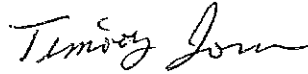
I determine and make the following comprehensive findings concerning the designation of Budd Street, from Null Road to the Town of Sharon town line, as a minimum maintenance road:

1. The traffic volume is less than 50 motor vehicles per day.
2. It is an agricultural land access road or recreational land access road, and it does not provide farm centers of operation and/or year round residences with principal motor vehicle access to goods and services necessary for the effective support of such farms or year round residences. All lots for potential development adjacent to this portion of Budd Street have ingress and egress as approved by the Town Planning Board.
3. It does not constitute access to a year-round residence. All lots for potential development adjacent to this portion of Budd Street have ingress and egress as approved by the Town Planning Board.
4. The abutting property owners shall continue to have reasonable access to their property. All lots for potential development adjacent to this portion of Budd Street have ingress and egress as approved by the Town Planning Board.

5. Users of this road segment, traveling at a reasonable rate and prudent speed under the circumstances, will not be placed in a hazardous situation.
6. It does not constitute a farm access road.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in cursive script that reads "Timothy Jones".

Timothy Jones  
Highway Superintendent

Enclosure



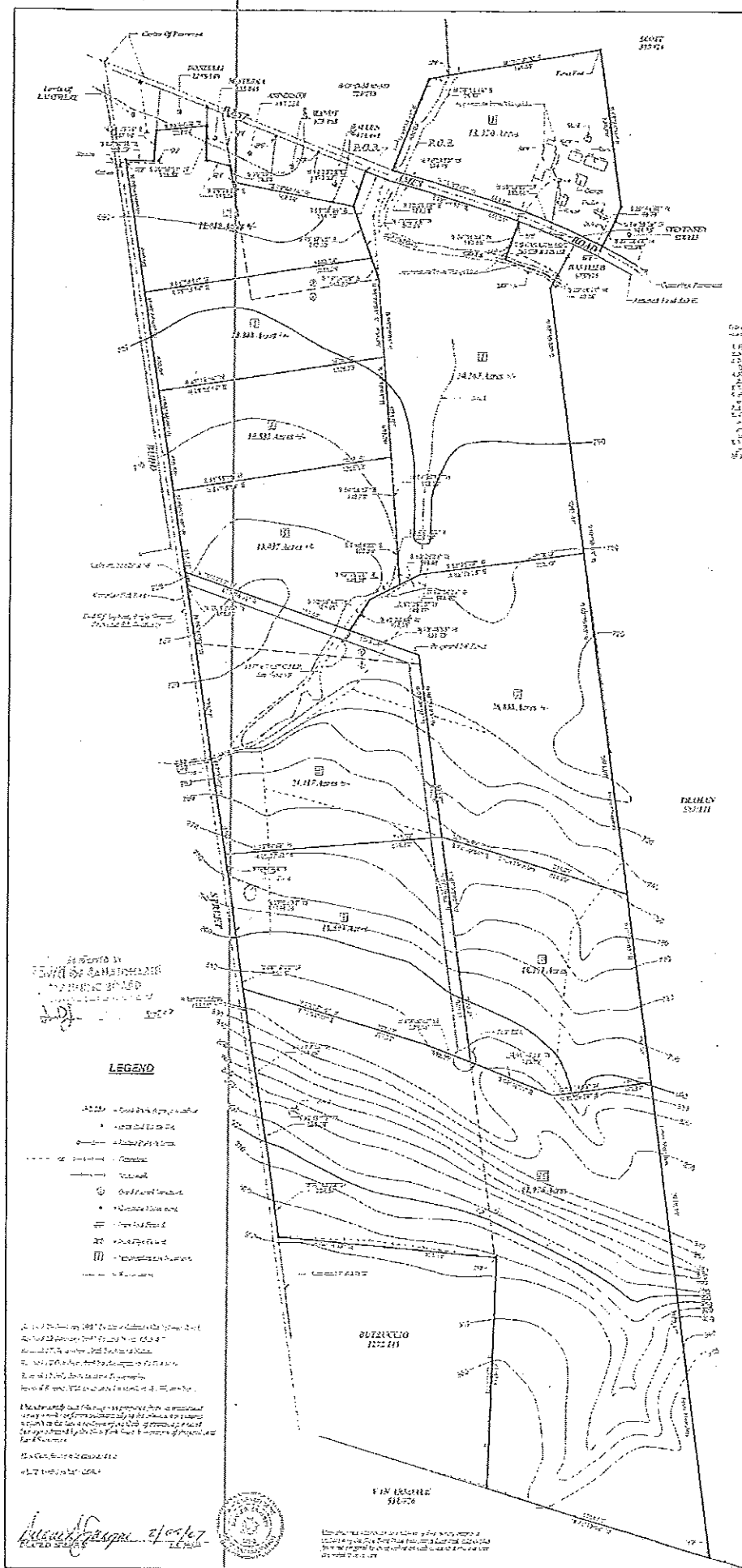
## Addendum

On October 9, 2018, the Supreme Court issued a decision in Humphrey v. Town of Canajoharie, Index No.:2018-220 (the "Decision") finding that because no local law was produced as part of the Town's motion to dismiss, the Petitioner "has not been affected by such a final determination... as required for review under CPLR Article 78..." and the Town Board's determination upon which "Petitioner asserts she is aggrieved is outside the scope of CPLR Article 78 and unable to be reviewed". The Decision also found that the Petitioner "seeks an impermissible advisory opinion".

The Decision, however, proceeded to grant relief "only to the extent that the [Town], by the highway superintendent, are hereby compelled, pursuant to Highway Law 140(2), to keep the entire length of Budd Street in repair, and free from obstructions caused by snow and give necessary directions therefor..."

While the Highway Superintendent disagrees with the Decision, and has filed a Notice of Appeal, in order to address issues raised in the Decision, and without prejudice and by no means acquiescence to Petitioner's arguments in the pending lawsuit and appeal, the action being taken herein is undertaken without prejudice to any of the Town's and Highway Superintendent's rights, claims, or defenses, all of which are expressly reserved.

Received 2/6/2019  
Town clerk's office



This map is a reproduction of a map of the land shown in the subject deed, and is not a survey. It is intended to show the general location of the land shown in the subject deed, and is not intended to show the exact boundaries of the land shown in the subject deed. The map is not a survey, and is not intended to show the exact boundaries of the land shown in the subject deed. The map is not a survey, and is not intended to show the exact boundaries of the land shown in the subject deed.

**REFERENCE MAP**

Map of the Town of Canaan, New York, showing the location of the land shown in the subject deed, and is not intended to show the exact boundaries of the land shown in the subject deed.

**NOTES**

1. The land shown in the subject deed is located in the Town of Canaan, New York, and is not intended to show the exact boundaries of the land shown in the subject deed.
2. The land shown in the subject deed is located in the Town of Canaan, New York, and is not intended to show the exact boundaries of the land shown in the subject deed.
3. The land shown in the subject deed is located in the Town of Canaan, New York, and is not intended to show the exact boundaries of the land shown in the subject deed.
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10. The land shown in the subject deed is located in the Town of Canaan, New York, and is not intended to show the exact boundaries of the land shown in the subject deed.

**SUBJECT DEED**

Map of the land shown in the subject deed, and is not intended to show the exact boundaries of the land shown in the subject deed.

**PLAN OF A SURVEY FOR  
WEST AMES ROAD CORP.**

**TEN LOT SUBDIVISION**

Village of Canaan  
Town of Canaan  
County of Montgomery  
State of New York

Map of the land shown in the subject deed, and is not intended to show the exact boundaries of the land shown in the subject deed.

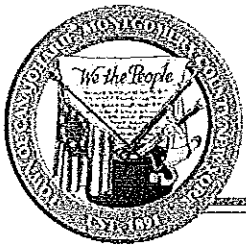
Map of the land shown in the subject deed, and is not intended to show the exact boundaries of the land shown in the subject deed.

**LEGEND**

- 1. Contour lines
- 2. Lot boundaries
- 3. Roads
- 4. Water bodies
- 5. Other features

Map of the land shown in the subject deed, and is not intended to show the exact boundaries of the land shown in the subject deed.

Map of the land shown in the subject deed, and is not intended to show the exact boundaries of the land shown in the subject deed.



Received 2/15/2019 - Town Clerk's office

# Town of Canajoharie

12 Mitchell Street, Canajoharie, New York 13317

Phone: (518) 673-3112 ♦ Fax: (518) 673-3031

## TOWN BOARD TOWN OF CANAJOHARIE

### RESOLUTION #4 of 2019 ACCEPTING HIGHWAY SUPERINTENDENT RECOMMENDATION TO DESIGNATE A PORTION OF BUDD STREET AS A MINIMUM MAINTENANCE ROAD

FEBRUARY 14, 2019

SPONSOR: Supervisor Peter Vroman  
SECOND: Councilman John Toomey, Jr.

**WHEREAS**, on July 3, 1997, the Town Board adopted Local Law 1 of 1997 providing for the classification and designation of roads within the Town as minimum maintenance roads ("Local Law 1"); and

**WHEREAS**, thereafter, following a public hearing, the Town Board designated certain roads as minimum maintenance roads, including a portion of Budd Street, from Null Road to the Town of Sharon town line; and

**WHEREAS**, on January 23, 2007, the Town Planning Board granted Subdivision approval for a 10-Lot subdivision entitled "Ten Lot Subdivision" a portion of which was adjacent to the designated minimum maintenance portion of Budd Street (the "Subdivision Plan"); and

**WHEREAS**, on April 17, 2007, the Chairman of the Planning Board stamped and signed the Ten Lot Subdivision Plan as approved, a copy of which is attached hereto; and

**WHEREAS**, the Subdivision Plan approved ingress and egress for Lots 7, 8, 9 and 10 through a 50-foot wide permanent easement as a common driveway (See Plan Note 2) and labelled it on the Subdivision Plan as "Proposed 50' Road"; and

**WHEREAS**, the Subdivision Plan restricts transfer of title to Lots 7, 8, 9 and 10 upon construction of the proposed common driveway designated for use as ingress and egress, as shown on the Subdivision Plan (See Plan Note 6); and

**WHEREAS**, in 2016, Lot 10 was sold prior to the construction of the 50-foot wide common driveway; and

**WHEREAS**, the property owner sought and obtained a building permit to construct a building on Lot 10; and

**WHEREAS**, the building permit was initially denied on September 8, 2016, however, at the property owner's insistence, was issued on March 22, 2017, which was labelled that such construction would be on the minimum maintenance section of Budd Street, and that the property owner's minimum maintenance acknowledgement was on file with the Town; and

**WHEREAS**, in April 2018, the property owner commenced litigation in a combined petition/action to, among other things, challenge the prior procedures taken by the Town Board to adopt Local Law 1, including the designation of a portion of Budd Street as a minimum maintenance road, and seeking to compel the Town Highway Superintendent to maintain this minimum maintenance portion of Budd Street during the winter months; and

**WHEREAS**, the Town moved to dismiss the matter, and

**WHEREAS**, on October 9, 2018, the Supreme Court issued a decision (the "Decision") finding that because no local law was produced as part of the Town's motion to dismiss, the Petitioner "has not been affected by such a final determination... as required for review under CPLR Article 78..." and the Town Board's determination upon which "Petitioner asserts she is aggrieved is outside the scope of CPLR Article 78 and unable to be reviewed"; and

**WHEREAS**, the Decision also found that the Petitioner "seeks an impermissible advisory opinion"; and

**WHEREAS**, the Decision, however, proceeded to grant relief "only to the extent that the [Town], by the highway superintendent, are hereby compelled, pursuant to Highway Law 140(2), to keep the entire length of Budd Street in repair, and free from obstructions caused by snow and give necessary directions therefor..."; and

**WHEREAS**, while the Town Board disagrees with the Decision, and has filed a Notice of Appeal, in order to address issues raised in the Decision, and without prejudice and by no means acquiescence to Petitioner's arguments in the pending lawsuit and appeal, the action being taken by the Town Board herein is undertaken without prejudice to any of the Town's rights, claims, or defenses, all of which are expressly reserved; and

**WHEREAS**, pursuant to Section 2 and 3 of Local Law 1 of 1997, the Highway Superintendent has submitted to the Town Board his recommendation that a portion of Budd Street be classified and designated as a minimum maintenance road; and

**WHEREAS**, the Town Board desires to accept the Highway Superintendent's designation that a portion of Budd Street be classified and designated as a minimum maintenance road.

**NOW, THEREFORE, BE IT RESOLVED, that:**

1. Pursuant to Section 2 of Local Law 1 of 1997, the Town Board hereby accepts the designation of the Highway Superintendent designating a portion of Budd Street, from Null Road to the Town of Sharon town line as a minimum maintenance road.
2. Pursuant to Section 3 of Local Law 1 of 1997, the Town Board hereby approves the recommendation Highway Superintendent designating a portion of Budd Street, from Null Road to the Town of Sharon town line as a minimum maintenance road.
3. Pursuant to Section 3 of Local Law 1 of 1997, the Town Board hereby adopts the following findings:
  - The volume of motor vehicle traffic on such road (passenger and farm vehicles) is less than fifty (50) vehicles per day;
  - The Town Board accepts the determination of the Highway Superintendent, and finds that the property owners of land abutting the road shall continue to have reasonable access to their property;
  - The Town Board accepts the determination of the Highway Superintendent, and finds that the users of the road or portion thereof, traveling at a reasonable rate and prudent speed under the circumstances, shall not be placed in a hazardous situation;
  - The Town Board accepts the determination of the Highway Superintendent, and finds that such portion of road does not constitute a farm access road as defined pursuant to section nine (9) of Local Law 1 of 1997, and
  - The Town Board accepts the determination of the Highway Superintendent, and finds that that such portion of the road does not constitute access to a year-round residence.
4. The Town Board further finds that all lots on the Subdivision Plan, approved by the Planning Board, for development abutting this portion of Budd Street, have, or will have ingress and egress as approved by the Town Planning Board. A copy of the approved Subdivision Plan is attached hereto. Upon proper completion of construction of the required 50-foot access road, pursuant to the approved Subdivision Plan, suitable and lawful ingress and egress to the properties will be provided.

5. The Town Board schedules a public hearing for April 18, 2019 at 7:30 PM to consider a Local Law designating a portion of Budd Street, from Null Road to the Town of Sharon town line as a minimum maintenance road.
6. The action being taken by the Town Board herein is undertaken without prejudice to any of the Town's rights, claims, or defenses, all of which are expressly reserved.

VOTING:

AYE

NAY

ABSENT

Supervisor Peter A. Vroman

X

Councilman William Armitstead

X

Councilman John Toomey, Jr.

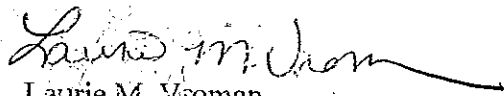
X

Councilman Rodney Young

X

Councilman John Peruzzi

X



Laurie M. Vroman

Town Clerk

Dated February 14, 2019

THIS IS TO CERTIFY THAT THIS IS A TRUE  
COPY OF Resolution # 4 of 2019  
ON FILE WITH THE TOWN CLERK  
SIGNED Laurie M. Vroman  
TOWN CLERK, Town of Canajoharie  
County of Montgomery, State of New York  
DATE 2/15/2019

