



MONTGOMERY
C O U N T Y NY
BUSINESS DEVELOPMENT CENTER
Made of Something Stronger

Meeting Notice

TO: Board Members

FROM: Karl Gustafson Jr.

DATE: February 9th, 2026

RE: Planning Board Meeting

The regular meeting of the Montgomery County Planning Board is scheduled for Monday February 9th, 2026 at 5:30 p.m. at the Montgomery County Business Development Center, 113 Park Drive, Fultonville, 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
C O U N T Y NY
BUSINESS DEVELOPMENT CENTER
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MONTGOMERY COUNTY PLANNING BOARD MEETING

Monday February 9th, 2026

5:30 PM – Montgomery County Business Development Center

- I. Pledge of Allegiance
- II. Role Call
- III. Organizational Items
- IV. Adoption of Agenda
- V. Approval of previous meeting minutes
- VI. Public comments on agenda items (3 minute limit per person)
- VII. Town of Mohawk- Site Plan Review
- VIII. Town of Amsterdam- Site Plan Review
- IX. Any other business

Montgomery County Planning Board
Meeting Minutes
December 8th, 2025
(meeting held in MCBDC, 113 Park Drive, Fultonville)

MEMBERS PRESENT:

Mark Hoffman, Chairman
Peter Lyden, Member
Angela Frederick, Member
David Wiener, Vice Chairman
Frank Szykowski, Member
Frank Maphia, Member
Irene Collins, Member

STAFF MEMBERS PRESENT:

Alex Kuttesch, Senior Planner
Karl Gustafson Jr., Grant Assistant

ABSENT:

Erin Covey, Member
Wayne DeMallie, Alternate
Betty Sanders, Alternate

OTHERS PRESENT:

Stan Waddle- Town of Mohawk

I. Call to Order

The meeting was called to order by Chairman Mark Hoffman at 6:31 p.m.

II. Roll Call

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

III. Adoption of the Agenda

Angela Frederick made a motion to adopt the agenda, Irene Collins seconded. All members present were in favor.

IV. Approval of Previous Meeting's Minutes

Peter Lyden made a motion to accept previous meeting minutes; Angela Frederick seconded the motion. The previous minutes were approved.

V. Public Comment

No public comment.

VI. Town of Mohawk – Area Variance

Alex Kuttesch explained that this referral is an area variance in the Town of Mohawk. Current zoning in the Town of Mohawk states that the setback for a building must be 60 feet

from the center of the road, applicants are looking for relief of 16 feet for their garage. Stan Waddle stated that there were no complaints from the neighbors.

Frank Maphia made a motion to approve the referral, seconded by David Wiener. All were in favor.

The referral was approved.

VII. Town of Mohawk- Special Use Permit

Alex Kuttesch explained that this is a special use permit on Route 30A in the Town of Mohawk. Applicant is building a 1,800 square foot single story home, with a 900 square foot garage. There are existing dwellings on the lot, being that this is in an R-1 zone, they will need a special use permit to add another dwelling to the property.

David Wiener made a motion to approve, Seconded by Peter Lyden. All were in favor.

The referral was approved.

VIII. Town of Mohawk- Area Variance

Alex Kuttesch explained that this referral is an area variance in the Town of Mohawk. Current zoning in the Town of Mohawk states that the setback for a building must be 60 feet. Applicant is looking for 22 feet of relief.

Angela Frederick made a motion to approve, seconded by Irene Collins. All were in favor.

The referral was approved.

IX. Other Business

There was no other business.

X. Adjournment

Mark Hoffman made a motion to adjourn the meeting at 5:40 p.m., seconded by David Wiener. 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 Mohawk Planning Board
 Referring Officer: Patrick Clear; Chairman
 Mail original resolution to: Town of Mohawk
 Atten: Town Clerk; Kim Sullivan
PO Box 415, Fonda, New York 12068

1. Applicant: Herkimer Diamond Springs 2. Site Address: NYS Rt 5, Fonda, New York 12068
3. Tax Map Number(s): 49.-2-12 4. Acres: 106.10
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
P-1 PUD-Diamond Springs Fonda Project
7. Current Zoning: _____ 8. Current Land Use: Private Herkimer Diamond Mining
9. Project Description: Bulk Water Withdrawal Facility; including Spring box, underground Water Storage Tank and Conveyance Piping

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: 10/21/2025 Time: 6:00 pm Location: Town of Mohawk Town Hall
2-4 Park St, Fonda, NY 12068

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: Town of Mohawk Planning Board
- Construction of Bulk Water Withdrawal Facility; including Spring box, underground Water Storage
- Proposed Improvements: Tank and Conveyance Piping
- Proposed Use: Collect Spring Water and take to Bottling Plant to sell
- Will the proposed project require a variance? Yes No Type: Area Use
- Specify: _____
- Is a State of County DOT work permit needed? If Yes : State or County No
- Specify: NYS DOT Driveway Permit, Engineering is in progress.

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): TOM Planning Board Date: 12/16/2025

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.

Stanley F. Waddle; Building & Zoning Code Enforcement Official

1/27/2026

Name, Title & Phone Number of Person Completing this Form
Town of Mohawk (518)-774-0420 zoning@townofmohawk.net

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

Received Date: 10/9/2025

By: Stan Waddle

Application #: 2025-10-21#1

Date: 10/21/2025

Project Name: Herkimer

Diamond Springs
Water Extraction
Project

Page 1 of 4

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

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

Applicant: Herkimer Diamond Spring Water, LLC Property Owner: Diamond Springs Property

Address: PO Box 39, Reading, VT 05062 (if different) Address: State Highway 5, Fonda, NY

Phone: () _____ Phone: () _____

Email: _____ Email: _____

Professional Jacob Gordon, PE Other: _____

Advisor: C.T. Male Associates Engineering, Surveying, Architecture & Landscape Architecture, D.P.C. (if appropriate, please specify)

Address: 10 N. Perry Street, Suite 10 Address: _____

Johnstown, NY 12095

Phone: (518) 848-3531 Phone: () _____

Email: j.gordon@ctmale.co Email: _____

1) Property Location: Address: State Highway 5, Fonda, N

General Location: Approximately 4.5 miles west of Village of Fonda, North site of R

Zoning District: _____

Tax Parcel ID# (SBL): 49 - 2 - 12

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

- Sketch Presentation No Charge
- Major Subdivision/ \$500 Planned Unit Development \$ 500
- Minor Subdivision \$100
- Major Site Plan \$500
- Minor Site Plan \$100
- Special Permit \$100
- Lot Line Adjustment \$100
- Will Variance(s) be Required? Yes X No ___ Don't Know ___

3) Project Description: Installation of a spring box, conveyance piping, a buried storage tank, pump on site to allow for tanker trucks to fill up with spring water on the property

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

Applicant Signature: _____ Date: _____

Property Owner's Signature: _____ Date: _____

UPDATE – 10/20/2025 Additional Information

Herkimer Diamond Springs Site Plan Presentation Tuesday October 21, 2025

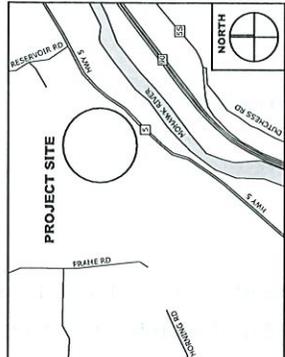
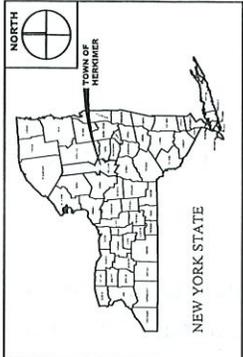
DOT: We have been in communication, and we will need to submit the PERM 33 for permit prior to construction. Understood this will be a part of the building permit. Overall, DOT is aware of the project and indicated to us that due to the daily traffic (1-2 trips per day) a traffic impact study won't be required. The met with the Owner onsite and spoke to me on the phone.

DEC: We will be withdrawing less than 100,000 GPD from this source, therefore a DEC water withdrawal permit will not be required. We submitted a Jurisdictional Determination Request to the DEC for the mapped wetlands. DEC has responded to us and scheduled a site visit with one of our biologists on October 23, 2025. We do not expect our site plan to be altered based on the visit.

DOH: We submitted an initial application to the NYSDOH for bulk withdrawal in 2024. The DOH returned the application to us as "Incomplete" due to the fact that the spring box/collection system were not installed, tested and certified as being constructed per the requirement of the NYS and Ten State Standards. **So we need to get site plan approval and a building permit to be able to submit application to the DOH for approval.**

HERKIMER DIAMOND SPRING WATER

OCTOBER 9, 2025 - FOR PLANNING BOARD REVIEW



SITE LOCATION MAP

SHEET LIST TABLE

Sheet Description	Sheet Title	Sheet Number
C-001	PROJECT SITE	01
C-002	EXISTING CONDITIONS	02
C-100	OVERALL SITE LAYOUT	03
C-101	SPRING BOX LAYOUT & DETAIL	04
C-201	WATERLINE PROFILE	05
		06

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C.T. MALE ASSOCIATES
 Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C.
 50 CENTURY HILL DRIVE, LATHAM, NY 12110 PH: 518.786.7400
 GLENS FALLS, NY • JOHNSTOWN, NY • POUGHKEEPSIE, NY • SYRACUSE, NY

www.ctmale.com

PROJECT NO. 23-514
 DRAWING NO. 25-0352

G-001
 SHEET 01 OF 06

GENERAL EROSION AND SEDIMENT CONTROL NOTES:

- ALL EROSION AND SEDIMENT CONTROL PRACTICES SHALL CONFORM TO THE "NEW YORK STATE STANDARDS AND SPECIFICATIONS FOR EROSION AND SEDIMENT CONTROL" (OS16 ISSUED) AND ANY ADDENDA THERETO.
- THE SEDIMENT CONTROL MEASURES DETAILED IN THESE CONTRACT DOCUMENTS SHALL BE IN PLACE PRIOR TO THE START OF EACH CONSTRUCTION ACTIVITY AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
- THROUGHOUT THE DURATION OF CONSTRUCTION, CONTRACTOR SHALL INSPECT THE EROSION AND SEDIMENT CONTROL AND MAINTAIN THEM IN EFFECTIVE OPERATING CONDITION AT ALL TIMES.
- BASED ON THE SITE CONDITIONS, THE EROSION AND SEDIMENT CONTROL MEASURES REFERRED TO IN THE CONTRACT DOCUMENTS MAY BE MODIFIED TO ACCOMMODATE THE ACTUAL SITE CONDITIONS. ANY SUCH MODIFICATIONS SHALL BE APPROVED BY THE ENGINEER PRIOR TO IMPLEMENTATION.
- THE EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED BY THE CONTRACTOR UNTIL THE FINAL SURFACE TREATMENT HAS BEEN INSTALLED AND VEGETATED AREAS HAVE ESTABLISHED A UNIFORM COVERAGE. AFTER THE CONSTRUCTION OF THE MEASURES, THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING THE EROSION AND SEDIMENT CONTROL SYSTEM(S). THE PROJECT SPOUNER SHALL ASSUME RESPONSIBILITY FOR MAINTAINING THE EROSION AND SEDIMENT CONTROL SYSTEM(S).
- THE EROSION AND SEDIMENT CONTROL MEASURES SHOWN ON THE CONTRACT DOCUMENTS WILL NEED TO BE SUPPLEMENTED WITH OTHER MEASURES PRIOR TO ADDRESSING FINAL COVER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN, INSTALLATION AND MAINTENANCE OF THESE MEASURES. THE DETAILS AND ENTRY OF THESE MEASURES ARE HIGHLY DEPENDENT ON THE CONTRACTOR'S MEASURES AND METHODS OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN, INSTALLATION AND MAINTENANCE OF THESE MEASURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN, INSTALLATION AND MAINTENANCE OF THESE MEASURES.
- CONSTRUCTION ACTIVITIES SHALL PROCEED IN ACCORDANCE WITH THE CONSTRUCTION SEQUENCING NOTES.
- TECHNICAL DRAWINGS SHALL BE CONDUCTED USING A PORTABLE PUMP AND HOSE, AS NECESSARY. WATER SHALL BE DISCHARGED TO A SEWERAGE TREATMENT PLANT OR TO A DESIGNATED RECEIVING WATER BODY. WATER SHALL NOT BE DISCHARGED TO ANY SURFACE WATER BODY OR TO A RECEIVING WATER BODY.
- PROPER VEGETATION SHALL BE RESEEDING TO THE MAXIMUM EXTENT PRACTICABLE. STEEL WORK ACTIVITIES SHALL BE PLANNED TO MINIMIZE THE AREA AND DURATION OF SOIL DISTURBANCE. REMOVAL OF WOODY VEGETATION SHALL BE KEPT TO THE MINIMUM EXTENT PRACTICABLE.

SILT FENCE NOTES:

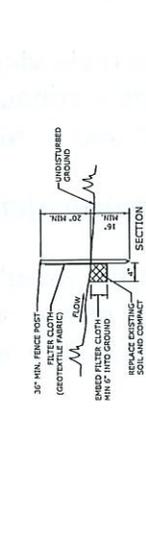
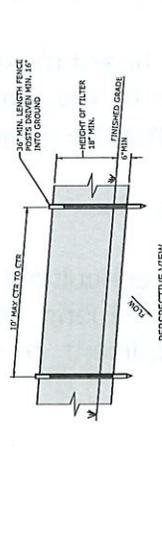
- SILT FENCE/ COMPOST FILTER SOCKS SHALL BE PLACED ON THE DOWNWIND SIDE OF DISTURBED AREAS AND AROUND THE PERIMETER OF SLOTTED PILES.
- SILT FENCE/ COMPOST FILTER SOCKS SHALL BE PLACED AT THE DOWNWIND SIDE OF STABILIZED AREAS.
- SILT FENCE/ COMPOST FILTER SOCKS SHALL BE REPAIRED OR REPLACED WHEN THE SOCKS ARE RIPPED OR WORN, AND WHEN THE FENCE IS NOT ANCHORED 2' INTO THE GROUND. WHEN THE ACCUMULATED SEDIMENT REACHES 30% OF THE SILT FENCE HEIGHT, THE SEDIMENT SHALL BE REMOVED AND DISPOSED OF IN AN APPROPRIATE URINAL AREA.

STABILIZED CONSTRUCTION ENTRANCE NOTES:

- PERMANENT TRAFFIC CORRIDORS SHALL BE ESTABLISHED AND "POTTED" OF CONTAMINANTS SHALL BE AVOIDED. CONTAMINANTS SHALL BE REMOVED FROM TRUCKS AND EQUIPMENT PRIOR TO ENTRY OF TRUCKS AND EQUIPMENT INTO TRAFFIC CORRIDORS. TRUCKS AND EQUIPMENT SHALL BE WASHED AT A WASHING STATION PRIOR TO ENTRY OF TRUCKS AND EQUIPMENT INTO TRAFFIC CORRIDORS.
- IF INTERNAL CONSTRUCTION ROADS ARE DETERMINED TO BE A SOURCE OF SEDIMENT-LADEN RUNOFF TO SENSITIVE AREAS, THEY SHALL BE STABILIZED AS SOON AS PRACTICABLE.

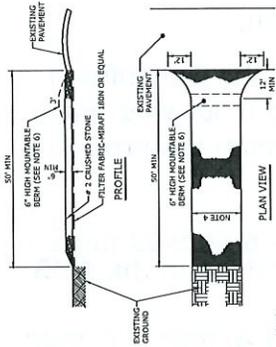
DUST CONTROL NOTES:

- DUST SHALL BE CONTROLLED ON THIS PROJECT BY USE OF A WATER TRUCK.
- THE QUALIFIED INSPECTOR WILL DETERMINE THE FREQUENCY OF WATER APPLICATION IN ORDER TO CONTROL DUST.
- ALL OTHER METHODS OF DUST CONTROL ARE PROHIBITED TO BE USED ON THIS PROJECT, UNLESS APPROVED BY THE REGIONAL INSPECTOR OFFICE.



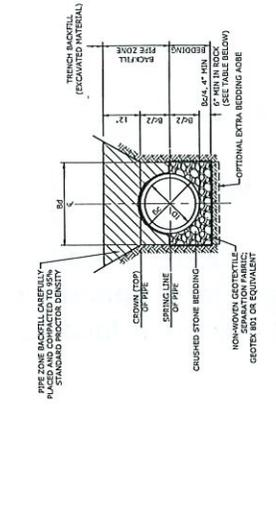
- NOTES:
- POSTS SHALL BE STEEL EITHER "1" OR "1 1/2" TYPE OR HARDWOOD.
 - FILTER CLOTH SHALL BE FASTENED SECURELY TO POSTS.
 - USE TWO SECTIONS OF FILTER CLOTH AROUND EACH OTHER THEY SHALL BE OVERLAPPED BY 6", COILED AND STAPLED.
 - FILTER CLOTH SHALL BE MIRAT 100X OR APPROVED EQUAL.
 - MAINTENANCE SHALL BE PERFORMED AS NEEDED AND MATERIAL SHALL BE REMOVED WHEN "BULGEST DEVELOP" IN THE SILT FENCE, WITH THE ACCUMULATED SEDIMENT REACHING 30% OF THE SILT FENCE HEIGHT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN, INSTALLATION AND MAINTENANCE OF THESE MEASURES.
 - PREPARED UNITS SHALL BE MIRAT SILT FENCE, MIRAT ENTRAPMENT OR APPROVED EQUIVALENT.

1. STANDARD SILT FENCE
 C-501
 CROSS REFERENCE: XX



- NOTES:
- USE HOSOT #2 STONE, RECLAIMED, OR RECYCLED CONCRETE OR APPROVED EQUAL.
 - THE LENGTH SHALL NOT BE LESS THAN 50 FEET (EXCEPT ON A SINGLE RESIDENCE LOT WHERE A 30 FOOT MINIMUM LENGTH WOULD APPLY).
 - CRUSHED STONE SHALL BE MAINTAINED AT A MINIMUM OF 6" IN DEPTH.
 - ENTRANCE SHALL HAVE A 12\"/>

3. STABILIZED CONSTRUCTION ENTRANCE DETAIL
 C-501
 CROSS REFERENCE: NONE



- NOTES:
- CRUSHED STONE BEDDING SHALL BE NO. 1 CRUSHED STONE CONFORMING WITH SECTION 902.01, COVER EQUIVALENT, OF THE NYSDOT STANDARD SPECIFICATIONS FOR HIGHWAY MATERIALS, LATEST EDITION, WITH ALL ADDENDAS.
 - OVER EXCAVATE AT BELLS TO PROVIDE FOR PLACEMENT OF THE REQUIRED DEPTH OF PIPE ZONE BEDDING.
 - PIPE ZONE BEDDING SHALL BE AS PROVIDED FOR IN NOTES NO. 2 AND 3 OF DETAIL.
 - ADRE, AS ORDERED BY ENGINEER.

APPROVAL	DR	PRESSURE RATING	PIPE SIZE (OD)	PIPE DIMENSIONS	TRENCH DIMENSIONS	SOFTENING
C-500	3014	225	4\"/>			

WATER MAIN - C300 PVC PIPE BEDDING AND BACKFILL
 C-501
 CROSS REFERENCE: NONE

DATE	REVISIONS RECORD DESCRIPTION	DRAWN	CHECKED	APPROVED
10/09/23	FOR PLANNING BOARD REVIEW	AW	BT	JSC

HERKIMER COUNTY, NEW YORK
 TOWN OF HOENSKANK
HERKIMER DIAMOND SPRING WATER
 C.T. MALE ASSOCIATES
 50 CENTURY HILL DRIVE, LATHAM, NY 12110 PH: 518.786.7400
 GLENVILLE, NY - BRISTOL, NY - HOENSKANK, NY - THROCKMORAN, NY
 SHEET 06 OF 06
 DWG. NO. 25-0352

PROCESSING AN AGRICULTURAL DATA STATEMENT
(Pursuant to Section 305-a of the Agriculture and Markets Law)

- Any application requiring:
 - Special use permit
 - Site plan approval
 - Use variance or
 - Subdivision approval

- Which requires approval by:
 - A Planning Board
 - Zoning Board of Appeals
 - Town Board or
 - Village Board of Trustees

Must submit an Agricultural Data Statement (ADS) if the proposed project occurs on property within an agricultural district containing a farm operation or on property with boundaries within 500 feet of a farm operation located within an agricultural district.

- Content of an Agricultural Data Statement requires:
 - Name and address of applicant,
 - Description of the proposed project and its location,
 - Name and address of any owner of land within the agricultural district, which land contains farm operations and is located within 500 feet of the boundaries of the property upon which the project is proposed
 - A tax map or other map showing the site of the proposed project relative to the location of the farm operations identified in the ADS.

- The Clerk of the appropriate governmental entity is required to mail a written notice containing a description of the proposed project and its location to owners of land as identified by the applicant in the ADS.

- The local reviewing board must evaluate and consider the ADS to determine the possible impacts of the proposed project may have on the functioning of farm operations within the subject agricultural district.

Procedural Considerations

- A map of the town's agricultural district(s) should be well displayed within the municipal office where land use applications are submitted. The map will benefit both the applicant and municipal review officer in determining the

location of the subject parcel. An Agricultural District map¹ can be obtained from either the County Planning Department or Clerk of the County Legislative Body.

- The local reviewing board should ascertain present and future farming conditions to ensure the proposed land use does not conflict with current or future farming activities. A farmer's knowledge of local agricultural conditions is fundamental for the local reviewing board's evaluation and determination of appropriate mitigation measures and whether the action proposed will conflict with farming practices.
- The County Agricultural and Farmland Protection Board may assist local reviewing boards in project evaluation. Members of the Board include the County Planning Directors, a County Cooperative Extension Agent and the Chair of the County Soil and Water Conservation District's Board of Directors.
- A copy of the completed ADS and action by the local reviewing board should be submitted to the County Agricultural and Farmland Protection Board for its records.

¹ Tax map identification numbers of all parcels within a district are listed and are on file at either the County Real Property Tax Office or the County Clerk's Office.

AGRICULTURAL DATA STATEMENT

1. Name and address of applicant:

Herkimer Diamond Spring Water, LLC

PO Box 39

Reading, VT 05062

2. Location of the proposed action:

Lands of Diamond Spring Properties, LLC (Parcel ID# 49.-2-12)

3. Description of the proposed action to include: (1) Size of parcel or acreage to be acquired and tax map identification number of tax parcel(s) involved; (2) The type of action proposed (e.g., single-family dwelling or subdivision, multi-family development, apartment complex, commercial or industrial facility, school, community or public service facility, airport, etc.) and (3) project density.

[Please provide this information on the reverse side of this application and attach additional description as necessary.]

4. Name, address, telephone number and type of farm of owner(s) of land within the agricultural district which land contains farm operation(s) and upon which the project is proposed or which is located within 500 feet of the boundary of the property upon which the project is proposed:

A. Name: Franklin D Jennings
Address & Telephone #: 125 Jennings Lane (Parcel ID# 49.-2-8.2)
Type of farm: Unknown

B. Name: LaVerne R Jones
Address & Telephone #: Multiple Parcel IDs #49.-2-9.2, #49.-2-11, #65.-2-10 & #65.-2-5
Type of farm: Unknown

C. Name: Charlie's FF Land Holdings LLC
Address & Telephone #: 65.-2-39
Type of farm: Unknown

D. Name: _____
Address & Telephone #: _____
Type of farm: _____

5. Tax map or other map showing the site of the proposed project relative to the location of farm operations identified in the ADS.

Proposed Action Description:

The property at Tax Parcel ID # 49.-2-12, which is owned by Diamond Spring Properties LLC is an approximately 106 acre property with access off of NYS Route 5.

Project to include the installation of a spring water collection line and water truck filling station at the southeast portion of the property. An estimated 8,000 gallons of water is projected to be collected from the site and transported off site for drinking water treatment and distribution.

The project area is planned to use approximately 0.7 acres of the property, which is approximately 0.6% of the property.

NYS Town Law

§ 283-a. Coordination with agricultural districts program.

1. Policy of local governments. Local governments shall exercise their powers to enact local laws, ordinances, rules or regulations that apply to farm operations in an agricultural district in a manner which does not unreasonably restrict or regulate farm structures or farming practices in contravention of the purposes of article twenty-five-AA of the agriculture and markets law, unless such restrictions or regulations bear a direct relationship to the maintenance of public health or safety.
2. Agricultural data statement; submission, evaluation. Any application for a special use permit, site plan approval, use variance, or subdivision approval requiring municipal review and approval by the town board, planning board, or zoning board of appeals pursuant to this article, that would occur on property within an agricultural district containing a farm operation or on property with boundaries within five hundred feet of a farm operation located in an agricultural district, shall include an agricultural data statement. The town board, planning board, or zoning board of appeals shall evaluate and consider the agricultural data statement in its review of the possible impacts of the proposed project upon the functioning of farm operations within such agricultural district. The information required by an agricultural data statement may be included as part of any other application form required by local law, ordinance or regulation.
3. Agricultural data statement; notice provision. Upon the receipt of such application by the planning board, zoning board of appeals, or town board, the clerk of such board shall mail written notice of such application to the owners of land as identified by the applicant in the agricultural data statement. Such notice shall include a description of the proposed project and its location, and may be sent in conjunction with any other notice required by state or local law, ordinance, rule or regulation for the said project. The cost of mailing said notice shall be borne by the applicant.
4. Agricultural data statement; content. An agricultural data statement shall include the following information: the name and address of the applicant; a description of the proposed project and its location; the name and address of any owner of land within the agricultural district, which land contains farm operations and is located within five hundred feet of the boundary of the property upon which the project is proposed; and a tax map or other map showing the site of the proposed project relative to the location of farm operations identified in the agricultural data statement.
5. Notice to county planning board or agency or regional planning council. The clerk of the town board, planning board, or zoning board of appeals shall refer all applications requiring an agricultural data statement to the county planning board or agency or regional planning council as required by sections two hundred thirty-nine-m and two hundred thirty-nine-n of the general municipal law.

Agriculture and Markets Law
Article 25 AA – Agricultural Districts

305-a. Coordination of local planning and land use decision-making with the agricultural districts program

1. Policy of local governments.
 - a. Local governments, when exercising their powers to enact and administer comprehensive plans and local laws, ordinances, rules or regulations, shall exercise these powers in such manner as may realize the policy and goals set forth in this article, and shall not unreasonably restrict or regulate farm operations within agricultural districts in contravention of the purposes of this article unless it can be shown that the public health or safety is threatened.
 - b. The commissioner, upon his or her own initiative or upon the receipt of a complaint from a person within an agricultural district, may bring an action to enforce the provisions of this subdivision.
2. Agricultural data statement; submission, evaluation. Any application for a special use permit, site plan approval, use variance, or subdivision approval requiring municipal review and approval by a planning board, zoning board of appeals, town board, or village board of trustees pursuant to article sixteen of the town law or article seven of the village law, that would occur on property within an agricultural district containing a farm operation or on property with boundaries within five hundred feet of a farm operation located in an agricultural district, shall include an agricultural data statement. The planning board, zoning board of appeals, town board, or village board of trustees shall evaluate and consider the agricultural data statement in its review of the possible impacts of the proposed project upon the functioning of farm operations within such agricultural district. The information required by an agricultural data statement may be included as part of any other application form required by local law, ordinance or regulation.
3. Agricultural data statement; notice provision. Upon the receipt of such application by the planning board, zoning board of appeals, town board or village board of trustees, the clerk of such board shall mail written notice of such application to the owners of land as identified by the applicant in the agricultural data statement. Such notice shall include a description of the proposed project and its location, and may be sent in conjunction with any other notice required by state or local law, ordinance, rule or regulation for the said project. The cost of mailing said notice shall be borne by the applicant.
4. Agricultural data statement; content. An agricultural data statement shall include the following information: the name and address of the applicant; a description of the proposed project and its location; the name and address of any owner of land within the agricultural district, which land contains farm operations and is located within five hundred feet of the boundary of the property upon which the project is proposed; and a tax map or other map showing the site of the proposed project relative to the location of farm operations identified in the agricultural data statement.

TOWN VILLAGE CITY OF Mohawk
(circle one)

Application # _____

Agricultural Data Statement

Date _____

Instructions: This form must be completed for any application for a special use permit, site plan approval, use variance or a subdivision approval requiring municipal review that would occur on property within 500 feet of a farm operation located in a NYS Dept. of Ag & Markets certified Agricultural District.

Applicant	Owner if Different from Applicant
Name: <u>Herkimer Diamond Spring Water, LLC</u> Address: <u>PO Box 39</u> <u>Reading, VT 05062</u>	Name: _____ Address: _____ _____

- Type of Application: Special Use Permit; Site Plan Approval ; Use Variance;
(circle one or more) Subdivision Approval
- Description of proposed project: Construction and operation of a bulk spring water withdrawal facility.
- Location of project: Address: Lands of Diamond Spring Properties, LLC - NYS Route 5
Tax Map Number (TMP) Parcel ID# 49.-2-12
- Is this parcel within an Agricultural District? NO YES (Check with your local assessor if you do not know)
- If YES, Agricultural District Number _____
- Is this parcel actively farmed? NO YES
- List all farm operations within 500 feet of your parcel. Attach additional sheets if necessary.

Name: <u>Franklin D Jennings</u> Address: <u>125 Jennings Lane (Parcel ID# 49.-2-8.2)</u> <u>Unknown</u> Is this parcel actively farmed? <input type="checkbox"/> NO <input type="checkbox"/> YES	Name: <u>LaVerne R Jones</u> Address: <u>Multiple Parcel IDs #49.-2-9.2, #49.-2-11, #65.-2-10 & #65.-2-5</u> Is this parcel actively farmed? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES
Name: <u>Charlie's FF Land Holdings LLC</u> Address: <u>Parcel ID# 65.-2-39</u> <u>Unknown</u> Is this parcel actively farmed? <input type="checkbox"/> NO <input type="checkbox"/> YES	Name: _____ Address: _____ Is this parcel actively farmed? <input type="checkbox"/> NO <input type="checkbox"/> YES

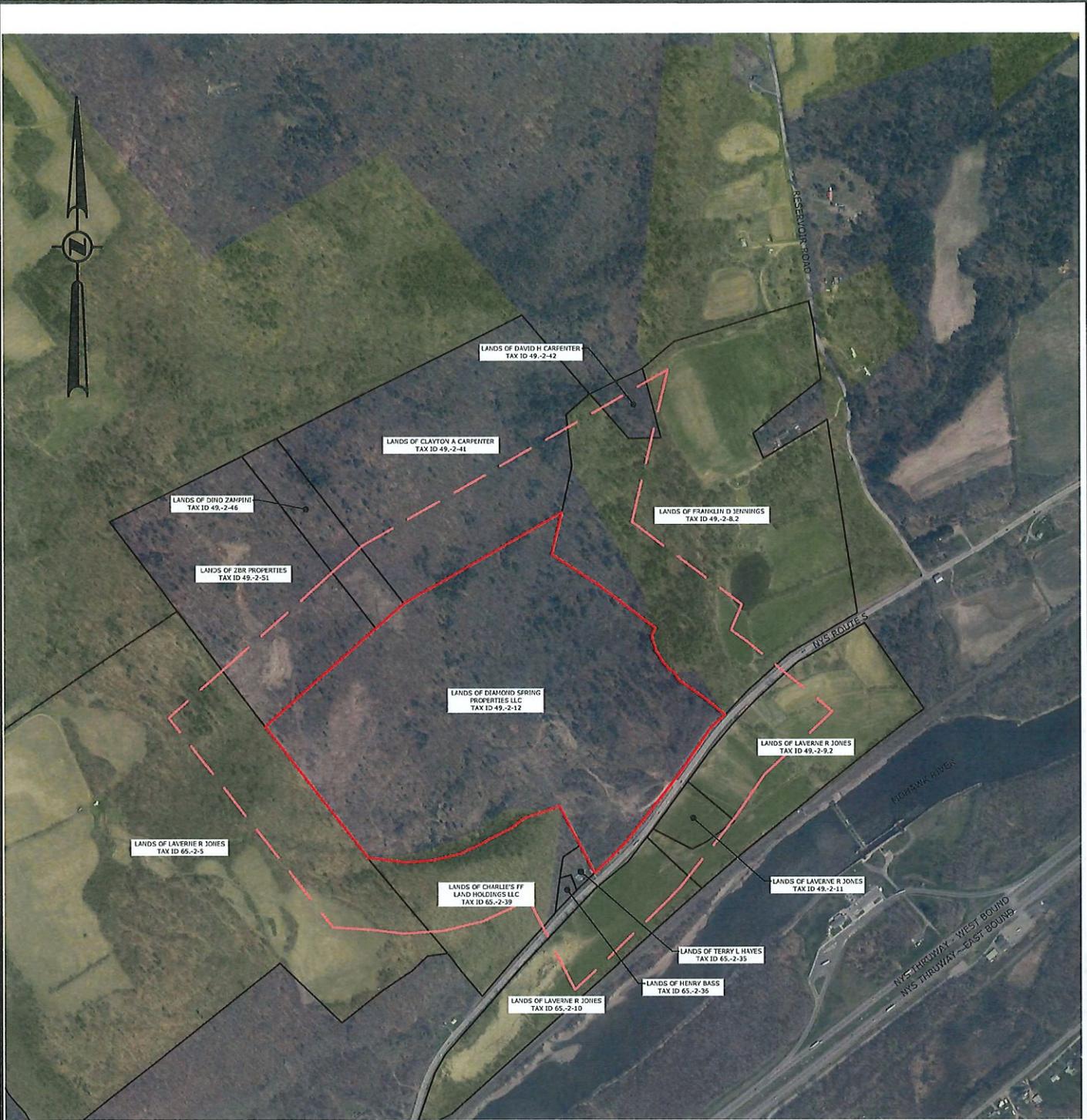
Signature of Applicant

Signature of Owner (if other than applicant)

Reviewed by: _____
Signature of Municipal Official

Date

NOTE TO REFERRAL AGENCY: County Planning Board review is required. A copy of the Agricultural Data Statement must be submitted along with the referral to the County Planning Department.



LEGEND

- PROJECT PARCEL ———
- 500' OFFSET - - - - -
- ABUTTING PROPERTY PARCEL ———
- NYS AGRICULTURAL DISTRICT ■

C.T. MALE ASSOCIATES
 Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C.
 50 CENTURY HILL DRIVE, LATHAM, NY 12110 PH: 518.786.7400
 GLENS FALLS, NY • JOHNSTOWN, NY • POUGHKEEPSIE, NY • SYRACUSE, NY
www.ctmale.com



SITE LOCATION MAP

**HERKIMER DIAMOND SPRING WATER
 NYS ROUTE 5 - TAX ID 49.-2-12**

PROJ. NO.: 23.3416

DRAFTED: BFJ

SCALE: 1" = 1000'

DATE: 07/23/2025

TOWN OF MOHAWK

MONTGOMERY COUNTY, NEW YORK

Dino Zampini
PO Box 39
Reading, VT 05062

Jones, LaVerne R
347 Reservoir Rd
fonda, NY 12068

ZBR Properties
PO Box 39
Reading, VT 05062

Bass, Henry
11350 Old Crysall River Rd
Brooksville, FL 34601

Diamond Spring Properties LLC
PO Box 39
Reading, VT 05062

Project Property



Jones, LaVerne R
347 Reservoir Rd
fonda, NY 12068

Parcels within NYS
Agricultural District,
500' from boundary
of property parcel

Jennings, Franklin D
125 Jennings Ln
Fonda, NY 12068

Jones, LaVerne R
347 Reservoir Rd
fonda, NY 12068

Charlie's FF Land Holdings LLC
490 Persse Rd
Fonda, NY 12068

Hayes, Terry L
4424 Sthwy 5
Fonda, NY 12068

Carpenter, Clayton A
230 Oswegatchie Rd
Fonda, NY 12068

Jones, LaVerne R
347 Reservoir Rd
Fonda, NY 12068

Town of Mohawk Planning Board Agenda

December 16, 2025

Public hearings 6:00

Planning board meeting to follow public hearings.

Public Hearings

1. **Hillside Greenhouse – Shed Building Sales/ Greenhouse Plant Sales**
2. **Clay Carpenter Subdivision of property on Veeder Rd.**

- I. Call to Order
- II. Motion to approve November minutes
- II. Public comment- 5 minute time limit
- III. Old business

Hillside Greenhouse Site Plan Presentation for Shed Building Sales / Greenhouse Plant Sales located at former "Wood Stuff Sales" location at the corner of Old Trail Rd and NYS Rt 30A

Clay Carpenter; Site Plan Presentation for Subdivision of property on Veeder Rd.

Town of Mohawk Comprehensive Plan Review

Solar Law Moratorium for 3 and 4 Tier - Discussion Regarding Solar Use Variance Update.

Short Updates:

CS Energy/Mn8 Grissom Solar Project

Cipriani Albany Bush and Stoner Trail Solar Project.

Air B&B Short Term Rental Law

Resolved Tribes Hill Deli propane Filling Station

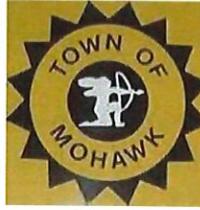
IV. **New Business.**

Herkimer Diamond Spring Water - Bulk Water Withdrawal. Continue Site Plan Presentation. SEQR review Part 2 and 3 continued.

Checkers Out Speedway – Sketch Presentation for Classification as Event Center.

- V. Any other further business from members
- VI. Motion to adjourn meeting

Members of the public should take note that: (i) extraordinary circumstances may necessitate the use of videoconferencing for this meeting, (ii) the public can view and/or participate in such meeting remotely by contacting the Town Supervisor at Supervisor@townofmohawk.net, (iii) documents and records will be posted online or available by contacting Town Hall, and (iv) the physical location for the meeting where the public can attend in person is Town Hall, 2-4 Park Street, Fonda, New York



Town of Mohawk Planning Board Meeting

October 21, 2025

Member Attendance:

Planning Board Chair: Patrick Clear

Planning Board Members: Mark Hoffman, David Dumar, Jessica Cyr and Scott Parslow

Code Enforcer: Stan Waddle

TOM Attorney: Claudia Braymer (via Zoom)

Public Attendance:

Michael Quinn

Jake Gordon

Ralanda Stipe

Scott Stipe

Franklin Jennings

Janet DePalma

Reason for Attendance

Solar Project

Site Plan/Public Hearing

Deli

Deli

Herkimer Diamond Springs

The Public Hearing was called to order at 6:00 pm for the Diamond Spring Water for Site Plan Application for Bulk Water Withdrawal. Chairman Patrick Clear asked if there were any questions from the public. Franklin Jennings questioned the 500 foot setback. Code Enforcer Stan Waddle stated that any property within 500 feet of a proposed project the residents have to be notified. Mr. Jennings was concerned that the proposed project would be on his property. No further comments or questions. The Public Hearing was closed.

The Planning Board was called to order at 6:04 pm. David Dumar made a motion to accept the minutes of the September 16, 2025 Planning Board Meeting and Mark Hoffman seconded the motion. All were in favor. None opposed.

Public Comment:

None

Old Business:

Items 1-4 on the agenda will be reviewed and resolutions will be signed by Chairman Patrick Clear.

Herkimer Diamond Springs

DOT is good with the project. DEC will be visiting the site on October 23, 2025. The DOH stated that they may need a permit from the Army Corps in regard to the wetlands. Jake Gordon reported that biologists from both sides will review where the wetlands are located and the box may need to be moved. This will be settled when the DEC visits the site on October 23rd. Atty. Braymer asked if anyone did a study to see if there are any Northern Long-Ear Bats or Timber Rattle Snakes on the proposed project site. Code Enforcer Waddle stated that the biologists will also be looking at this on October 23rd. Part 1 - Project Information was reviewed. Started completing Part 2 - Impact Assessment. The Planning Board will finish completing this at next month's meeting once a report is received from DEC. Atty. Braymer noted that she did not feel it was necessary for DOT to put something in writing stating that they weren't requiring a Traffic Study..

Town of Mohawk Comprehensive Plan

Janet DePalma, Town Supervisor, stated that there was nothing to report at this time.

Town of Mohawk Solar Moratorium for 3 and 4 Tiers

Janet DePalma, Town Supervisor, reported that the Town Board extended the Solar Moratorium for another six months. The Planning Board sent items to Atty. Braymer that they would like included in the Zoning Code after the Town Board approves them.

Updates:

CS Energy/Mn8 Grissom Solar Project - Nothing has changed.. Sheep are on site.

Catalyze Solar Project - Code Enforcer Waddle stated that he has received all information from them and they are ready for a Certificate of Completion.

Nexamp Solar Project - The Town of Mohawk Fire Chief and Code Enforcer Waddle walked the site. There is plenty of room for fire equipment to drive around. Sheep are on site. Seed growth has been planted. They are doing more testing. Waiting for final paperwork from Nation Grid.

Cipriani Solar Project - Chairman Patrick Clear recused himself from chairing this portion of the meeting. Mark Hoffman took over as chairman. Michael Quinn reported that some habitats were found after the SEQR was completed. DEC helped with the location of a mitigation area which is approximately 40 acres (???). Code Enforcer Waddle stated that a fence will be put up to keep cows out and will be brush hogged every 3 to 5 years. Cipriani Solar will be leasing land for this for 18 years in which no development will take place. David Dumar made a motion to ratify the Planning Board's prior SEQR determination (negative declaration) subject to applicant's receipt of Incidental Take Permit from DEC. Jessica Cyr seconded the motion. All in favor. Chairman Patrick Clear abstained.

Air B&B - Code Enforcer Waddle reported that he is still working on the law for this.

Martin Skotarsake Lot Line Adjustment - An easier way was found instead of doing a Lot Line Adjustment. A Delete and Combine Request needs to be completed and brought to the Town of Mohawk's Assessor with signatures.

New Business:

Ralanda Stipe - Deli

A letter from Ralanda Stipe was given to the Planning Board stating her proposed deli plans. Mrs. Stipe stated that she would like to open the store at 8:00 am instead of the 10:00 am time the bulk food store currently opens. She reported that there would be a few more deliveries, but no changes in delivery times. It was noted in the letter that the store has not produced near the traffic flow originally planned for. Code Enforcer Waddle asked if there would be any structural changes. Mrs. Stipe stated that the utility room on the second floor would house the large water filtration tanks. This will need to be insulated and the floor reinforced. Code Enforcer Waddle asked that they apply for a building permit. Jessica Cyr made a motion to amend the previously submitted Site Plan to include the deli and Mark Hoffman seconded the motion. All were in favor.

Any Further Business from Members:

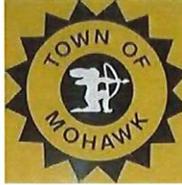
Agricultural Rollbacks

Town Supervisor Janet DePalma advised the board that the county is now enforcing penalties on land that previously received an agricultural exemption if the land ceases to be used for agricultural purposes. Examples of this would be leasing land to solar or subdividing to allow a house to be built. Once the land comes off the ag rolls there is a formula that includes going back 5 years on the exemptions and the penalty will be assessed. To avoid penalties it was suggested that land owners intending to do something that isn't agricultural take those parcels/acres off the ag exemption 5 years in advance if possible so as not to have the penalty. Montgomery County intends to create a fund and will put the county's portion collected into grants for farmers.

Scott Parslow made a motion to adjourn the meeting and Mark Hoffman seconded the motion. All were in favor. The meeting was adjourned at 7:06 pm.

Respectfully submitted

Lisa Telfer



**Town of Mohawk Planning Board Meeting
November 18, 2025**

Member Attendance:

Planning Board Chair: Patrick Clear

Planning Board Members: Mark Hoffman, David Dumar, Scott Parslow, Jessica Cyr

Town of Mohawk Attorney: Claudia Braymer (via Zoom)

Code Enforcer: Stan Waddle

Public Attendance:

Clay Carpenter

Robert Varin

Ealine Varin

Peter Bach

Robert Mason

Laura Mason

Chris Stoltzfus

Deb Parslow

Janet DePalma

Reason for Attendance:

Sketch Presentation

Event Center

Event Center

Event Center

Tribes Hill Deli -Propane

Tribes Hill Deli -Propane

Greenhouse/Shed Business

Town Board Representative

Town Supervisor

The Planning Board Meeting was called to order at 6:30 pm. Motion to accept the minutes of the October 21, 2025 meeting was made by Mark Hoffman and seconded by Scott Parslow. All were in favor.

Public Comment:

None

Old Business:

Item #1: Herkimer Diamond Spring Water-Bulk Water Withdrawal. This was tabled.

Item #2: Ralanda Stipe Resolution Approval of Amended Site Plan to Add Deli- The board had no questions, comments or concerns. The motion from last month is fine so this is approved.

Item #3: Town of Mohawk Comprehensive Plan Review- no updates.

Item #4: Solar Law Moratorium for 3 and 4 Tier – Discussion Regarding Solar Use Variance Update.- Moratorium has been extended for another 6 months. Patrick and Claudia have discussed updates. Stan still has some comments to add. Once language is updated will come back to Planning Board to make recommendation to Town Board.

Item #5: Short Updates: Stan

- CS energy/Mn8 Grissom Solar Project-Stan has spoken with DEC. We have not provided a Cert of Completion because the solar company has not done what has been asked for mitigation.
- Catalyze Solar-Boshart/Kane Rd- They have given us everything we have asked for. Stan will be issuing Cert of Completion this week.
- Nexamp Solar Project- NYS Route 67- same as Catalyze-they have given us everything we have asked for.
- Cipriani-Albany Bush Stoner Trail Solar Project- Being sold to another company. New owner is looking for assurances that what they are planning to do is approved. Claudia recommends we go back to DEC and ensure they have approved and then it will come back to the Planning Board.
- Air B&B Short Term Rental Law- Stan has this about $\frac{3}{4}$ done

New Business:

Item #1: Varin Enterprises/ Supply Wagon event Center Discussion and review of new applications. Robert Varin had submitted applications for Breakfast with Santa and with the Easter Bunny. He would also like to have a Farm to Table Event and also a Stock Car Racing Seminar but has not submitted applications for those yet. The Christmas Market he had a couple weeks ago had 135 people at most. Stan has been very helpful, and given them advice about safety regulations. They are planning to install a sprinkler system and hope to begin work next fall. Chairman Clear emphasized the importance of getting that installed- the fire watch was only intended to be temporary to get them up and running. The longer the sprinkler system is delayed the less likely events will be approved. Mr. Verin said he understood. Scott Parslow asked if generator used for the sprinkler system would be dedicated to only that and Mr. Verin said yes. Board had no concerns about events on the applications for Santa and The Easter Bunny and Stan has the authority to approve them.

Item #2: Hillside Greenhouse Sketch Presentation for Shed Building Sales/Greenhouse Plant Sales located at former "Wood Stuff Sales" location on the corner of Old Trail Rd and NYS Rte 30A. Chris Stoltzfus – he has leased property for 2 years from Mr. Hayes-will have shed and playhouse displays. No construction on site. He plans to have at most 6-10 play sets and max 16 sheds. Plans on just displays here and no actual playsets or sheds coming in and out. Primary source of business will be flower and plant sales. Stan spoke with DEC they want to eliminate one of the driveways on 30A. Patrick spoke to Mr. Stoltzfus about regulations for parking, lighting, signs. Mr. Stoltzfus stated he may rent the existing building on the property to another business. Patrick advised that business would need to come to the board for proper vetting. Mark Hoffman made a motion to wave the Ag Statement and Neighbor Notification requirements for Mr. Stoltzfus due to a similar business existing here previously and Jessica Cyr seconded. All in favor motion carried.

Item #3 Clay Carpenter , Sketch Presentation for Subdivision of Property on Veeder Rd. Clay Carpenter is requesting to subdivide 5 acres for a building lot. Stan confirms there is enough road frontage and acreage. Will need Ag Statement and Neighbor Notification. Will also need Public Hearing once subdivision application has been received. This will not need to go to the County.

Item #4 Tribes Hill Deli-Propane Filling Station Sketch Presentation. Robert and Laura Mason are also owners of Mac Factor Food Trucks and use a lot of propane on their trucks. They also would like to offer a service to the community to fill propane tanks. They will not be doing exchanges just selling

new tanks and also filling customers' existing tanks. Stan received a call that there was already a tank in place-advised the Mason's to "Cease and Desist" all work- its actually 98% done. 500 gallon fill tank is full, they have cages with new tanks in them, scale is in place and electrical lines have been buried. The Mason's stated they were not aware they needed approval or permits, inspections. Stan advised this is a residential area and propane filling is not allowed. They need to apply for use variance with the ZBA and if that is approved then will need to come back to the Planning Board. Attorney Braymer re-iterated they are not to be using the fill tank because they do not have a permit. A motion was made by Mark Hoffman to wave the Ag Statement requirement and seconded by Scott Parslow-all in favor motion carried. The Mason's will need to notify all neighbors within 500 ft of their property.

Other Business:

None

Mark Hoffman made a motion to adjourn the meeting. Scott Parslow seconded the motion. All were in favor. The meeting was adjourned at 7:44 pm.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

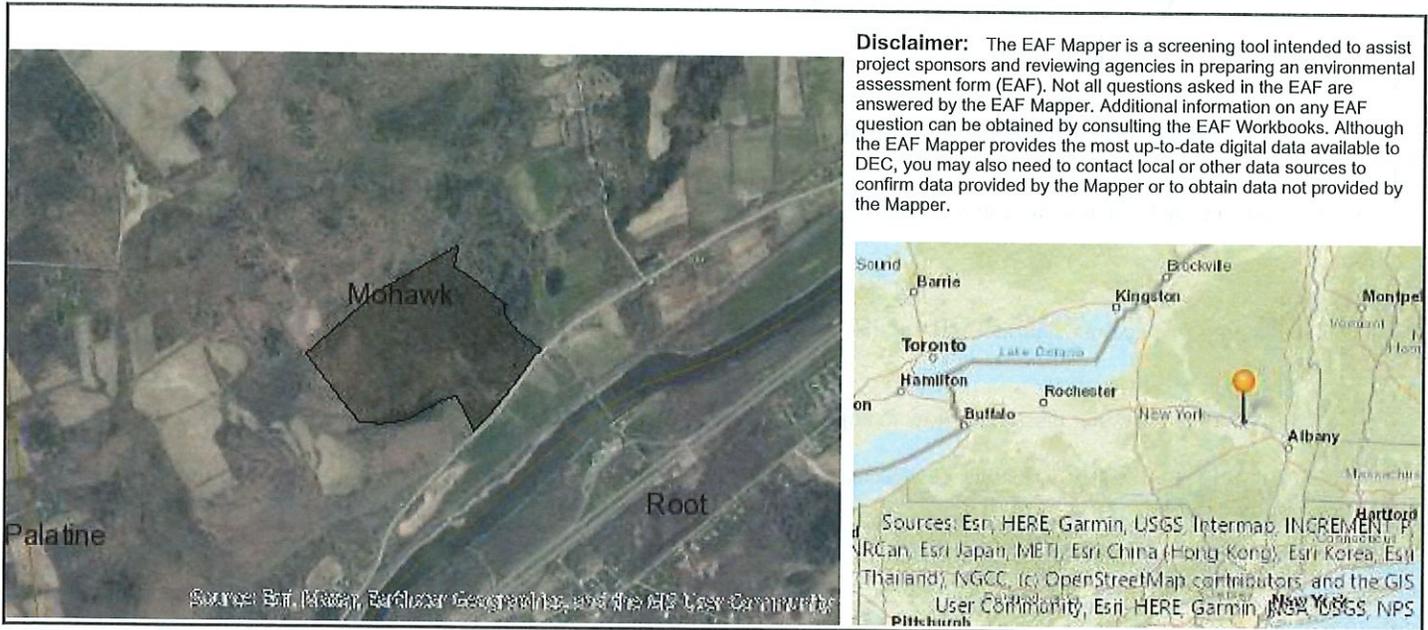
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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.

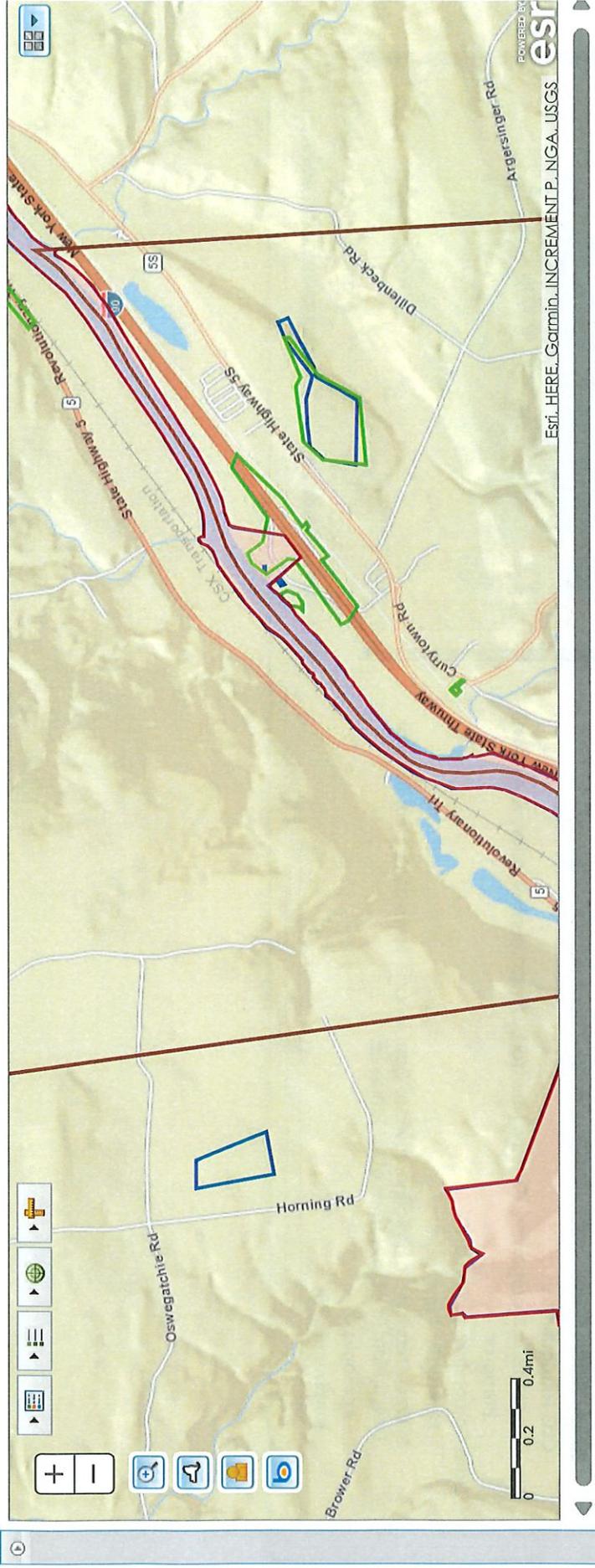
Part 1 – Project and Sponsor Information			
Name of Action or Project: Herkimer Diamond Spring Water Filling Station			
Project Location (describe, and attach a location map): NYS Route 5, Town of Mohawk - Tax Parcel ID# 49.-2-12			
Brief Description of Proposed Action: bulk water withdrawal facility, including springbox, underground water storage and conveyance piping			
Name of Applicant or Sponsor: Herkimer Diamond Spring Water, LLC		Telephone:	
		E-Mail:	
Address: PO Box 39			
City/PO: Reading		State: VT	Zip Code: 05062
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 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: Town of Mohawk Planning Board Application, Town Building Department, NYSDOH, NYSDOT			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? 106.10 acres			
b. Total acreage to be physically disturbed? 0.71 acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 106.10 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input checked="" 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	YES
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	YES
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	YES
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	YES
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	YES
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	YES
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	YES
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	YES
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 checked="" type="checkbox"/> Forest Agricultural/grasslands Early mid-successional <input checked="" type="checkbox"/> Wetland <input type="checkbox"/> Urban Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
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)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: _____ Date: _____		
Signature: _____ Title: _____		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Northern Long-eared Bat, Timber Rattlesnake
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	No



Building Survey (18SR56193)

Survey Type: Reconnaissance

Close

Survey: Western Montgomery County Historic Resources Survey

Overview

USNs (1008)

MCDs (1)

Attachments (8)

Projects (1)

Building Survey Overview

Survey Number: 18SR56193

Survey Type: Building

Building Survey Reconnaissance Type:

Survey Name: Western Montgomery County Historic Resources Survey

CLG Funded: false

Sponsor: Montgomery County, New York, Department of History & Archives

Preparer:

Date Completed: 12/31/2017

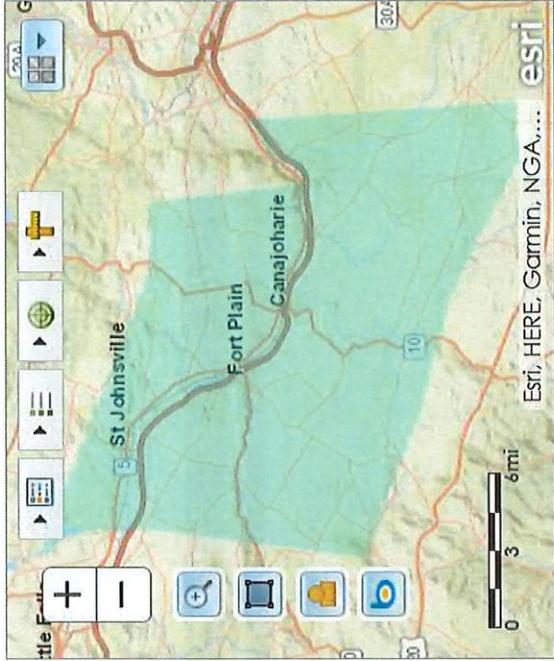
Statewide: false

Survey Area: Town of Palatine, Town of Canajoharie, Town of Minden, Town of

Description: Root and Town of St. Johnsville

Acreage:

Number of 575



The screenshot displays a web-based GIS application interface. At the top, a navigation bar contains the text "Welcome Guest User | Contact Us | FAQ | Help | Sign Out". Below this, a secondary navigation bar features the "CRS" logo, "NYS Cultural Resource Information System", and a menu with "HOME", "SUBMIT", "SEARCH", and "COMMUNICATE". The main area is a map showing a rural landscape with roads, fields, and water features. A popup window titled "Building Surveys" is open, displaying the following information:

- Building Surveys**
- Survey Number:** [Redacted]
- Name:** Western Montgomery County Historic Resources Survey

The popup window includes "View" and "Close" buttons. The map interface includes a toolbar with standard GIS controls (pan, zoom, home, layers, search, etc.), a scale bar (0 to 1 mile), and the ESRI logo. The map shows several colored overlays: a red outline around a central area, a green outline around a larger area to the right, and a blue outline around a smaller area to the left. Roads labeled include "State Highway 50", "McKinley Rd", "Anderson Rd", "Hall Rd", "Fisher Creek", and "Bo". The text "Esri, HERE, Garmin, INCREMENT P, NGA, USGS" is visible in the bottom right corner of the map area.

The image shows a screenshot of a web-based map application. A popup window is centered on the map, displaying information for a specific National Register of Historic Places (NR) building listing. The popup has a title 'NR Building Listings' and contains the following text: 'NR Number: 14NR06559', 'Name: New York State Barge Canal Historic District', 'City Town: Waterford to Tonawanda, Whitehall, Oswego and Waterloo - see detailed list', and 'County: Albany'. Below the text are 'View' and 'Close' buttons. The map background shows a topographic view with roads, water bodies, and various colored overlays. A toolbar with navigation and search icons is visible in the bottom-left corner of the map area. The Esri logo and 'HERE, Garmin, INCREMENT P, NGA, USGS' are visible in the bottom-right corner of the map area.

NR Building Listings

NR Number: 14NR06559
Name: New York State Barge Canal Historic District
City Town: Waterford to Tonawanda, Whitehall, Oswego and Waterloo - see detailed list
County: Albany

View Close

Building Surveys

Survey Number: [redacted]

Name: Western Montgomery County Historic Resources Survey

View Close

McKintley Rd
State Highway 5
Spinkers
Anderson Rd
Bo...
0 0.5 mi
Esri

Agency Use Only [If applicable]

Herkimer Project: Diamond Spring Water Cst

Date: XXXXXXXXXXXXXX

12/16/2025

**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 (c.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"/>

PRINT FORM

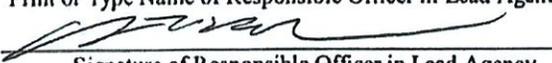
Agency Use Only [If applicable]

Herkimer Project: Diamond Spring Water ET

Date: ~~XXXXXXXXXX~~
 12/16/2025

**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.	
<u>Town of Mohawk Planning Bd</u> Name of Lead Agency	<u>12/16/2025</u> Date
<u>Patrick Clear</u> Print or Type Name of Responsible Officer in Lead Agency	<u>Town of Mohawk Planning Bd Chairman</u> Title of Responsible Officer
 Signature of Responsible Officer in Lead Agency	_____ Signature of Preparer (if different from Responsible Officer)

PRINT FORM

C.T. MALE ASSOCIATES

Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C.

50 Century Hill Drive, Latham, NY 12110
518.786.7400 FAX 518.786.7299 www.ctmale.com



November 18, 2025

Mr. Bob Borofsky
Herkimer Diamond Spring Water, LLC.
234 Court Street
Keene, NH 03431

Re: *T&E Species Habitat Summary*
Herkimer Diamond Spring Water LLC Site
Town of Mohawk, Montgomery County, New York
C.T. Male Project No. 23.3146

Dear Mr. Borofsky:

On October 23, 2025, a field review was conducted at the Herkimer Diamond Spring Water Site on Route 5 in the Town of Mohawk to determine if suitable habitat for NYS listed Threatened & Endangered species was present on the project site (within the proposed limit of disturbance). The following species are listed by the New York State Department of Environmental Conservation (NYSDEC) in the site vicinity, with range overlapping the project site:

Listed Species	NYS Protection Status
Timber Rattlesnake (<i>Crotalus horridus</i>)	Threatened
Northern Long-eared Bat (<i>Myotis septentrionalis</i>)	Endangered

Timber Rattlesnake

The Timber Rattlesnake typically dwells in steep forested uplands with cliffs, rocky outcrops, or talus slopes with a southern exposure. The project site does contain steep upland areas, however no exposed cliffs or outcrops were observed within the proposed limit of disturbance. Areas within the project limit of disturbance consist of an upland terrace dominated by shrubs, herbaceous vegetation, and small trees, with evidence of prior ground disturbance. Based on our observations, areas within the proposed limit of disturbance are unlikely to provide suitable habitat for foraging and overwintering for Timber Rattlesnakes.

Northern Long-eared Bat

Suitable summer habitat for Northern Long-eared Bat consists of mostly intact forested areas with potential roosts – live trees and/or snags ≥ 3 inches diameter at breast height (dbh) that have exfoliating bark, cracks, crevices, and/or cavities. Linear features such as

C.T. MALE ASSOCIATES

*T&E Species Habitat Review
Herkimer Diamond Springwater LLC Site, Mohawk, NY
Page - 2*

fencerows, riparian forests, and other wooded corridors are suitable for the species if they contain potential roost trees. Individual trees may be considered suitable habitat when they exhibit characteristics of suitable roost trees and are within 1,000 feet of other forested/wooded habitat.

Trees with roost tree characteristics were observed on the project site and the site is at the edge of a larger forest tract to the north. As such, suitable summer habitat was observed in some of the trees on the site. Overwintering habitat was not observed on the site. A typical conservation measure to avoid interaction with the protected bats is to remove trees that are ≥ 3 inches dbh between November 1 and March 31 while the animals are hibernating. Based on the project scope, including the lack of tree clearing or clear cutting inside or outside the hibernation season, impacts to NLEB are not expected.

Respectfully Submitted,

C.T. MALE ASSOCIATES



Jorel Spain PWS
Wetland Scientist



Chris Koenig
Project Manager
Environmental Services

Attachments:
Representative Photographs (October 2025)



1. Upland forested hillslope viewed southwest



2. Upland field viewed west



3. Stream at base of hill viewed southwest



4. Emergent wetland area along stream viewed southwest



LETTER OF NO JURISDICTION – FRESHWATER WETLANDS

October 27, 2025
Chris Koenig
50 Century Hill Drive
Latham, NY 12110
Sent via email to: c.koenig@ctmale.com

Re: DEC Freshwater Wetlands Parcel Jurisdictional Determination for
49.-2-12, NYS Route 5, Mohawk, NY 12068

Dear Mr. Koenig,

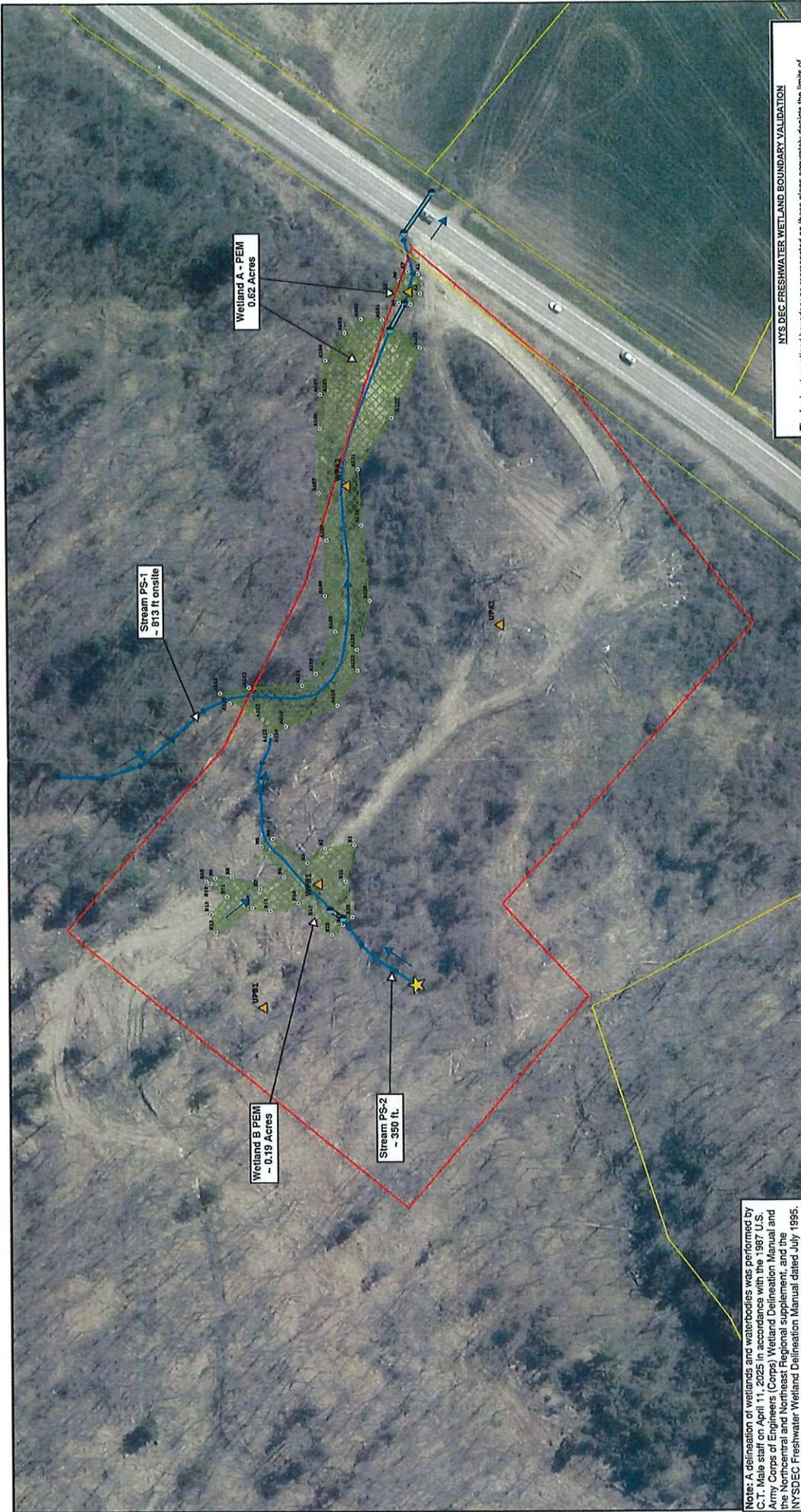
Based on the parcel identified in your request, the New York State Department of Environmental Conservation (DEC) has determined that there are no DEC regulated freshwater wetlands and/or adjacent areas identified on the parcel referenced above. Therefore, in accordance with Article 24 of the Environmental Conservation Law (ECL) and 6 NYCRR Part 663, no freshwater wetlands permit is required. Pursuant to ECL section 24-0703, this letter shall remain valid for a period of five years from the date it is issued (through 10 / 27 / 2030)

Please note that this letter does not relieve you of the responsibility of obtaining any necessary permits or approvals from other agencies or local municipalities.

If you have questions regarding this determination, please email FWWjurisdiction@dec.ny.gov.

Sincerely,

Ron Kichurchak-Ecologist
NYSDEC Region 4
1130 North Westcott Road
Schenectady, NY 12306



NYS DEC FRESHWATER WETLAND BOUNDARY VALIDATION

The freshwater wetland boundary as represented on these plans accurately depicts the limits of Freshwater Wetland as delineated by Joel Spain, P.W.S.

DEC Staff: Joel Spain Surveyor/Engineer: C.T. Male SEAL

Date: 10/27/2023

Wetland boundaries validated by DEC remain valid for five years from date of flagging or revalidation. For official use of wetland boundary after this five-year period, the boundary must be revalidated by DEC staff. This may include reflagging and survey of the wetland boundary if changes are noted.

Any proposed construction, grading, filling, excavating, clearing or other regulated activity in the freshwater wetland or within 100 feet of the wetland boundary as depicted on this plan requires a permit from the NYS Department of Environmental Conservation under Article 24 of the Environmental Conservation Law (Freshwater Wetlands Act) prior to commencement of work.

Legend

- Stream Centerpoint
- Wetland_Flag_Point
- Wetland Data Plot
- Culvert Inlet/Outlet
- NYS_760_Parcel_Public
- Subject Property
- Delineated Wetlands
- Delineated Streams
- Culvert Pipe
- Sprng Outlet
- Photo Location

US Feet

0 50 100 200

1 inch = 100 ft

North Arrow

Project Number: 22-2476
 Project Name: Herkimer Diamond Spring Water
 Project Location: State Route 148/149 (Rte 148)
 Date: April 2023
 DSC: J. J. J.

Note: A delineation of wetlands and waterbodies was performed by C.T. Male staff on April 11, 2023 in accordance with the 1987 U.S. Army Corps of Engineers (Corps) Wetland Delineation Manual and the Noncentral and Northeast Regional Supplemental Manual. The NYSDEC Freshwater Wetland Delineation was performed on July 1, 1995. Wetland flags were surveyed using a Trimble T106 GPS unit.

**Herkimer Diamond Spring Water
Wetland Delineation Map**

Town of Mohawk
Montgomery County, NY

C.T. MALE ASSOCIATES
 Engineers, Surveyors, Architects, Landscape Architects & Geology, P.C.
 10 CENTURY HILL DRIVE, LATHAM, NY 12110
 518.785.1000 • FAX 518.785.1200

Stan Waddle

From: Phillips, Lena M (DEC) <lena.phillips@dec.ny.gov>
Sent: Tuesday, November 18, 2025 1:15 PM
To: Stan Waddle
Cc: Kichurchak, Ronald J (DEC); Bakerian, Rachel E (DEC); Welch, Maranda E (DEC)
Subject: Lead Agency Coordination Response - Herkimer Diamond Spring Water, LLC
Attachments: 2025.11.18 LA Coord Response_Herkimer Diamond Springs.pdf

Good afternoon:

Please see the attached response for Lead Agency Request and Coordination for the Herkimer Diamond Spring Water Filling Station located at NYS Route 5, Tax Parcel ID# 49.-2-12.

The NYSDEC has no objections to your agency assuming lead for this action.

Reach out if you have any questions.

Lena Phillips

Environmental Analyst

New York State Department of Environmental Conservation

Region 4 | Division of Environmental Permits

1130 North Westcott Road, Schenectady, NY 12306

518-357-2447 | lena.phillips@dec.ny.gov

dec.ny.gov



November 18, 2025

Stanley F. Waddle
Town of Mohawk
Building & Zoning Code Enforcement
PO Box 415
2-4 Park Street
Fonda, NY 12068
Emailed to: zoning@townofmohawk.net

**Re: Lead Agency Coordination Response
Herkimer Diamond Spring Water, LLC
Herkimer Diamond Spring Water Filling Station
NYS Route 5, Tax Parcel ID#49.-2-12
Town of Mohawk, Montgomery County**

Dear Mr. Waddle:

This letter responds to your correspondence of October 14, 2025, regarding lead agency coordination for the project referenced herein, under Article 8 (State Environmental Quality Review – SEQR) of the Environmental Conservation Law and 6 NYCRR Part 617. The New York State Department of Environmental Conservation (the DEC) has the following interest in this project:

Name of Action: Herkimer Diamond Spring Water Filling Station

DEC Contact Person: Maranda Welch, Environmental Analyst

SEQR Classification: Unlisted

DEC Position: Based on the information provided DEC has no objection to your agency assuming lead agency status for this action.

****The DEC must be notified immediately if the project/proposed action scope changes, or the Environmental Assessment Form (EAF) is revised.***

Possible DEC Permitting Requirements A review of NYS protected resources near or within the project site was performed using existing GIS data (see enclosed Project Location and NYS Resources Map). Please note that jurisdictional maps are meant to provide approximate sizes and locations of resources. Actual field conditions may vary from those depicted on the maps. The following provides a summary of potential State permitting requirements for the project

based on the results of the protected resources review and project information submitted with your correspondence.

Timber Rattlesnake

The proposed project is located within mapped habitat for Timber Rattlesnake. The timber rattlesnake is listed as a threatened species in New York and is protected by Environmental Conservation Law (ECL) section 11-0535 and the New York Code of Rules and Regulations (6 NYCRR Part 182). The proposed project area has been determined to be within the vicinity of several timber rattlesnake hibernacula, basking and gestating areas. Currently, the project site is known to contain transient foraging habitat. Impacts to transient habitat will be avoided if all allowable disturbance activities, including movement of construction vehicles, excavation, and alteration of vegetation, are conducted during the period when the snakes are expected to be hibernating and are less likely to be directly impacted by above-ground disturbances. The acceptable work period is November 1st through March 31st.

In addition to transient habitat, non-transient habitat types including denning, basking, and/or gestating areas may be present within the proposed project area. To assist in the review of potential impacts to timber rattlesnakes a habitat assessment is required (please see attached guidelines), and once received, must be approved by NYSDEC. Habitat assessments must be conducted by individuals that have knowledge and experience with timber rattlesnake ecology. A CV, resume, or similar document defining the surveyor's relevant experience, qualifications, and licenses should be provided to NYSDEC for review prior to the assessment.

If the project site contains suitable habitat(s) types, it may be assumed rattlesnakes utilize these areas during some stage of their annual cycle and the potential impacts to the species and their habitats will be assessed and mitigation measures should be incorporated into the project design. In addition to the seasonal restrictions applied to vegetation management practices and timber harvest to protect transient foraging habitat, disturbance to non-transient habitats must be avoided at all times unless the applicant obtains an Incidental Take Permit pursuant to 6 NYCRR Part 182. The project design will need to avoid alteration of suitable habitats and incorporate mitigation measures to prevent impacts to the snakes that would constitute a take under ECL Section 11-0535.

If use is not assumed, further surveys may be required, including presence/probable absence surveys to determine the degree to which timber rattlesnakes utilize the project location. Habitat assessments and presence/absence surveys can be conducted concurrently if completed at an appropriate time of year and under suitable weather conditions (see presence/absence surveys in TR Guidelines for detailed information on presence/absence survey requirements).

Northern Long-eared Bats

The proposed project location falls within occupied habitat for Northern long-eared bat (State and Federally Endangered). In addition to federal protections, Northern long-eared bat and the habitat it occupies is protected by state law and regulation: Environmental Conservation Law §11-0535 and 6 NYCRR Part 182. To avoid any potential take of Northern long-eared bat and the need for an Incidental Take Permit, all tree (≥ 3 inches DBH) clearing activities must occur between November 1st and March 31st when the bats are in hibernation underground, and no tree clearing may occur within 150 feet of a known roost tree. If the proposed project cannot follow this time-of-year restriction for tree clearing, then further coordination with the NYSDEC is required before any tree clearing is performed. The following voluntary measures are also recommended: leave snag and cavity trees uncut where possible. Snag and cavity trees are defined under DEC Program Policy ONR-DLF-2 Retention on State Forests.

Northern long-eared bats are also protected under federal law. In addition to DEC requirements, coordination with U.S. Fish and Wildlife Service's New York Field Office in Cortland, NY (607-753-9334, FW5ES_NYFO@fws.gov) is also required. The U.S. Fish and Wildlife Service (USFWS) offers an Information for Planning and Consultation online tool called IPaC for use in screening projects for environmental review. It can be found at the following link <https://ipac.ecosphere.fws.gov>. Coordination with DEC does not replace consultation with USFWS. The project sponsor is responsible for coordinating directly with USFWS.

Please confirm if the project is able to abide by the above take- avoidance measures for Northern long-eared bats.

Protection of Waters Program

A stream with a water quality classification of AA, A or B, or with a classification of C with a standard of (T) or (TS), meaning trout or trout-spawning waters, is a protected stream under 6 NYCRR Part 608 - Use and Protection of Waters. If disturbance to the bed and/or banks of a protected stream will result from the proposed project, a Stream Disturbance Permit must first be obtained from the DEC. If the proposed project involves excavation or fill below the mean high water (MHW) level in a Class C stream that is considered navigable according to 6 NYCRR Part 608.1(u), an Excavation and Fill Permit is required from the DEC prior to commencing any work.

Although a Protection of Waters permit is not required for this project, please keep in mind that water quality standards of the stream should be maintained at all times. Activities which result in sedimentation and/or turbid waters may constitute a violation of water quality standards and the Environmental Conservation Law (ECL).

All necessary precautions should be taken to prevent contamination of the stream by silt, sediment, fuels, solvents, lubricants, or any other pollutant associated with the project. All disturbed areas should be stabilized promptly after construction and all soils and debris resulting from the project should be moved to a location where they cannot enter the stream during periods of heavy rain.

General information on streams and the permitting process can be located on our website at www.dec.ny.gov/permits/6042.html

Water Quality Certification

It appears that federally regulated wetlands and/or waterbodies may be located on the subject property. Work within certain wetlands and other waters of the U.S. may require a permit from the US Army Corps of Engineers (USACE). A Water Quality Certification, pursuant to Section 401 of the Federal Clean Water Act, may be required from the DEC when a USACE permit is issued. The DEC recommends you contact the USACE directly regarding federal wetlands and waters of the U.S. regulatory jurisdictions and permitting requirements. The USACE NY District regulatory program for this area is handled out of the USACE Upstate Regulatory Field Office in Watervliet NY. The Regulatory Field Office general phone number is (518) 266-6351 and the general email address is cenan-r-permit-app@usace.army.mil. Please refer to this DEC website link <http://www.dec.ny.gov/permits/6546.html> for more information on Water Quality Certifications, including state procedures instituted in response to new USEPA rules.

Water Withdrawal Program

If this project requires a new potable water supply system with a limiting maximum capacity of 100,000 gallons or more per day, a Water Withdrawal Permit may be required, pursuant to 6 NYCRR Part 601. For agricultural withdrawals, a Water Withdrawal Permit may be required for withdrawals in excess of an average of 100,000 gallons per day in any consecutive 30-day period. Please refer to the DEC's water withdrawal permit program information page located on our website at <https://www.dec.ny.gov/permits/6036.html> for more information.

SPDES General Permit for Construction Activities Stormwater Discharge

Any project which results in a disturbance of one acre or more of land, must be in compliance with the State Pollutant Discharge Elimination System (SPDES) Phase II regulations for Stormwater Discharges Associated with Construction Activities. Information regarding the SPDES General Permit for Stormwater Discharges can be found on the DEC's website at <http://www.dec.ny.gov/chemical/8468.html>.

Additional Information

Cultural Resources

Your project site appears to be located within an area of potential historical or archeological significance. If approvals/permits are ultimately needed from this DEC, consultation with the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) will likely be required in order to better evaluate this project's impacts on these resources. To initiate consultation with OPRHP, please visit their project submission website at <https://cris.parks.ny.gov/>.

Please note that construction activities that have the potential to affect historic and/or archeological resources are not eligible for coverage under the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-25-001) unless documentation of satisfactory compliance with Section 106 of the National Historic Preservation Act is received from OPRHP for the project site.

Federal Emergency Management Agency's National Flood Insurance Program

The proposed project appears to be located within a mapped floodplain or floodway. A floodplain is the land area that is susceptible to being inundated by water from any source during the one percent-annual chance flood. Encroachments in floodplains, such as the construction or modification of structures, mining, dredging, filling, grading, paving, excavation, drilling, storage of materials, or projects that change the waterbody such as stream bank or channel work, can potentially increase flood water heights. Please contact your municipal floodplain administrator (usually the Code Enforcement Office or Building Inspector) as this proposal may require a municipal floodplain development permit.

Please feel free to contact Maranda Welch by e-mail at maranda.welch@dec.ny.gov or by telephone at (518) 357-2446 if you have any questions.

Sincerely,



Lena Phillips
Environmental Analyst Trainee II

Encl.: Project Location & NYS Resources Map
Timber Rattlesnake Guidelines

ecc: Ron Kichurchak, R4 Habitat
Rachel Bakerian, R4 Wildlife
Maranda Welch, R4 Permits

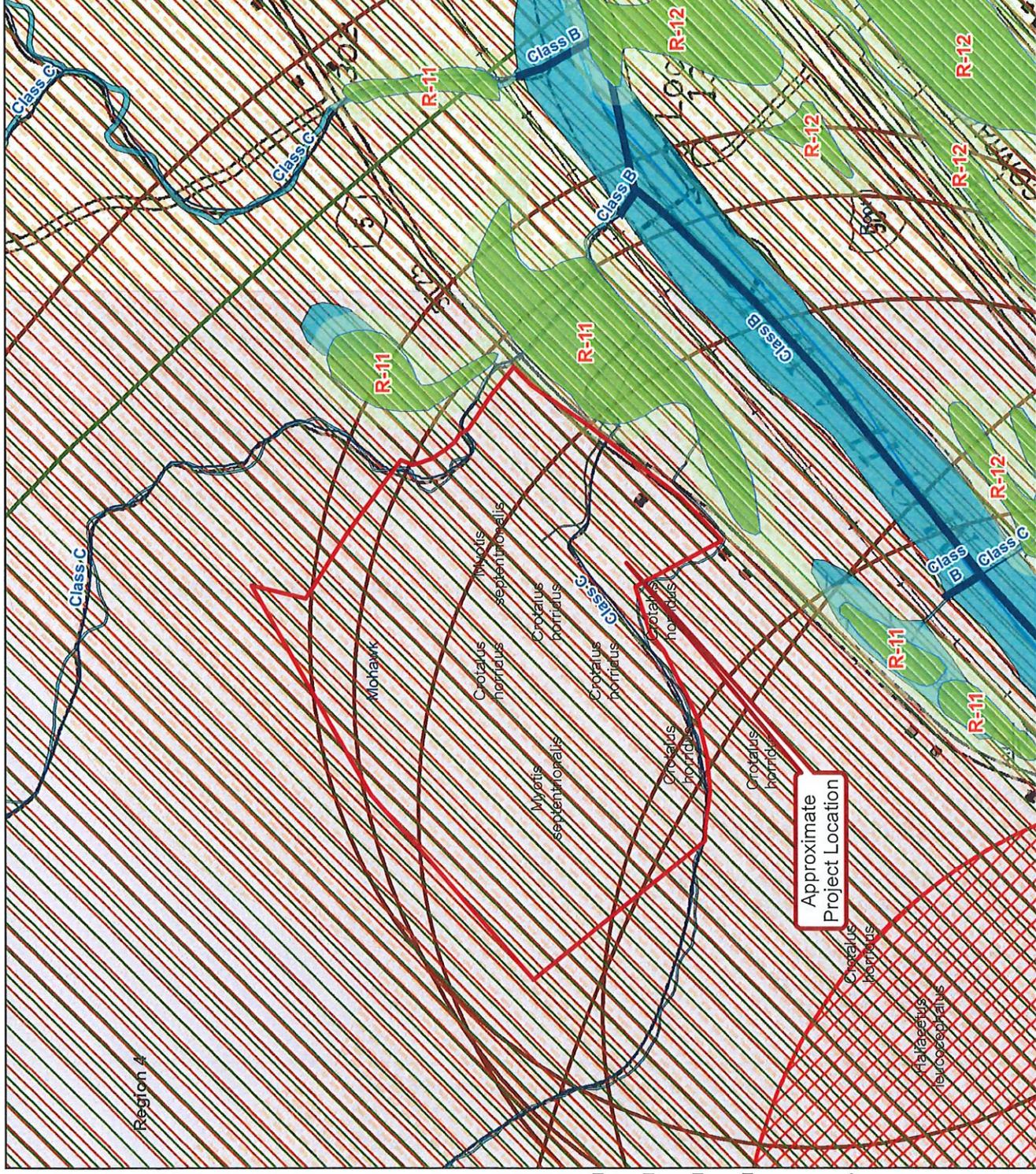
NYS RESOURCES AND PROJECT LOCATION MAP

Diamond Spring Properties, LLC
 Herkimer Diamond Spring Water Filling Station
 NYS Route 5
 Tax ID 49.-2-12
 Town of Mohawk
 Montgomery County
 November 14, 2025



Legend

- Tax Parcel ID 49.-2-12
- Regulated Freshwater Wetlands**
 - Class 1 Wetland
 - Class 2 Wetland
 - Class 3 Wetland
 - Class 4 Wetland
- FW AA
- Water Quality Classifications**
 - Unprotected
 - Protected
- National Wetlands Inventory - Color**
 - Emergent, Forested/Shrub
 - Riverine, Lake, Pond
 - Other
- E&T Species**
 - Mammals
 - Birds
 - Reptiles and Amphibians
 - Insects and Snails
 - BBA_Grassland_Birds_ET
- Cultural Resources**
 - Cultural Resources



Approximate Project Location

Disclaimer: This map was prepared by the NYSDEC Division of Environmental Permits using the most current data available. It is deemed accurate but is not guaranteed. NYSDEC is not responsible for any inaccuracies in the data and does not necessarily endorse any interpretations or products derived from the data.



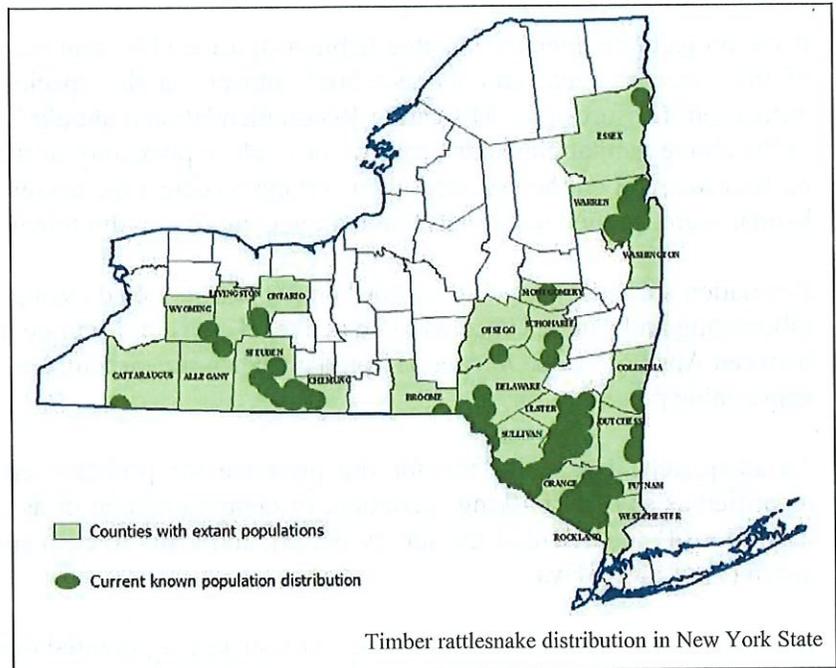


Guidelines for Reviewing Projects for Potential Impacts to the Timber Rattlesnake



The timber rattlesnake (*Crotalus horridus*) is listed as a *threatened* species in New York and is protected by Environmental Conservation Law (ECL) section 11-0535 and the New York Code of Rules and Regulations (6 NYCRR Part 182). A permit is required for any proposed project that may result in a “take”, which includes, but is not limited to, adverse modification, degradation or destruction of occupied habitat of any species listed as endangered or threatened pursuant to the above laws and regulations. In New York, timber rattlesnakes are

typically associated with steep-slopes and rocky terrain of deciduous or mixed deciduous/coniferous forest. They are, however, known to use and/or move through a wide variety of land types (e.g. wetlands and early successional habitats) during a typical seasonal activity cycle. In areas where movement is not impeded by artificial barriers (e.g. major roads and urban areas) timber rattlesnakes may migrate three miles or more from their den each summer in search of essential summer habitats (e.g. basking and gestating areas), food, and mating partners. Human-rattlesnake interactions are most likely to occur during the summer and early autumn when movement rates peak and snakes are typically at their maximum distance from the den; in some locations, migration routes may require snakes to pass through



residential developments or other areas of intensive land use. Where multiple den sites are clustered in relatively close proximity, areas of potential range overlap between snakes from different dens may be particularly important locations for continued gene flow. Thus, avoiding fragmentation of these areas of genetic exchange is critical for the long-term viability of a local population.

Impact Assessment Requirements

For projects that have been determined to be in close proximity to a known timber rattlesnake den, the project design will need to avoid alteration of suitable habitats and incorporate mitigation measures to prevent impacts to the snakes that would constitute a take under ECL Section 11-0535. Where the landscape will be significantly altered, mitigation is difficult and avoiding impacts may require detailed information about timber rattlesnakes on and around the project site. Therefore, if it has been determined that a potential taking could result from the project, the following information may be required to assess the potential project-related impacts on timber rattlesnakes: 1) habitat assessment [identify all suitable hibernacula, transient habitat, and summer range, 2) site usage, and 3) movement between summer and winter habitats.

Habitat Assessment

Due to the species' large home range and multiple habitat requirements a habitat assessment (PFBC-NDS, 2004) should be conducted to determine the presence of suitable basking, foraging, gestating and denning habitat or potential travel corridors within the project boundaries. Information collected for each area identified as potentially suitable habitat should include, at minimum, a habitat description and geographic location (i.e. GPS coordinates). Results of the habitat assessment will determine what additional information and/or mitigation may be required. Locations identified as potential habitat will also be used as the primary focus areas of presence-absence surveys, if necessary. Habitat assessments must be conducted by individuals that have knowledge of timber rattlesnake ecology.

Population Surveys

If the project site contains suitable habitat(s), it may be assumed rattlesnakes utilize the site during some stage of their annual cycle and the potential impacts to the species and their habitats should be assessed and mitigation measures (see Mitigation Recommendations) should be incorporated into the project design. If any of the above habitat elements occur on or in close proximity to the project site **AND** usage of the site by timber rattlesnakes will not be assumed, then surveys to detect the presence (e.g. den emergence, basking and gestating habitat searches) and site usage/snake movement (e.g. radio telemetry) should be conducted.

Population surveys (Casper *et al.* 2001) must be conducted during the time when timber rattlesnakes are not hibernating and can be expected to be active. To ensure accurate results, surveys should only be conducted between April 15th and October 31st on days when the air temperatures is 66° F or greater **AND** there is no appreciable precipitation.

To adequately assess the site for the presence (or probable absence) of timber rattlesnakes, each location identified as suitable basking, gestating, or denning habitat or as a potential travel corridor should be visited at least four (4) times within the survey period, and visits to each suitable habitat location should be separated by seven (7) or more days.

Survey to detect the presence of timber rattlesnakes at potential den habitats are confined to the beginning and end of the active season when snakes are most likely to be detected at or near den sites. Thus, two (2) visits per potential den should occur post den emergence between April 15th and May 15th, and an additional two (2) visits per potential den should occur between September 15th and October 25th when the snakes are congregating around dens prior to den ingress for winter hibernation.

The collection of site usage and snake movement data may require telemetric monitoring (via external and/or internal radio transmitters) to record the location and behavior of a representative sample of snakes throughout their annual cycle. In order to assess movement patterns, or to be reasonably certain that rattlesnakes do not use specific areas of a proposed project site, up to three field seasons of data collection may be required (a minimum of two full activity cycles of data are recommended). Contingent upon the data collection requirements of the project, a detailed scope of work should be developed by the project sponsor (in consultation with Department staff) and approved by the Department prior to the initiation of any field work.

All timber rattlesnake population surveys should be conducted by individuals that have knowledge of the species' ecology, and surveys that may involve handling snakes (e.g. marking, radio telemetry) must be conducted by individuals that have experience with such techniques and are licensed by New York State to handle timber rattlesnakes.

Threats

- Loss and/or degradation of habitat - residential and commercial development and mining operations eliminate available habitat and may degrade that which is not destroyed (e.g. stormwater runoff, use of residential chemicals).
- Persecution and illegal collection - increased human activity in timber rattlesnake habitats increases the potential for snake mortality from intentional killing of snakes by humans. A higher rate of illegal collection (effective mortality) for the pet trade is also often a result of increased human presence near timber rattlesnake populations.
- Fragmentation and road mortality - the species' large home range and a high degree of site fidelity result in timber rattlesnakes typically following the same route each year during long-distance migrations between habitats. Thus, any newly-constructed road that intersects a snake's traditional travel route will become either an impassable barrier to migration or an annual road-mortality hazard.

Mitigation Recommendations

The following is a list of potential mitigation methods that may be used to avoid or minimize certain project-related impacts; however, not all methods are appropriate for all projects.

- Seasonal restrictions

All allowable disturbance activities, including movement of construction vehicles, excavation, and alteration of vegetation, should be conducted during the period when the snakes would be expected to be hibernating and are less likely to be directly impacted by above-ground disturbances. The acceptable work period is November 1st through March 31st.

Habitat management (including timber harvesting) and trail maintenance activities should also be timed to minimize the potential for injury/death of snakes. Habitats that are actively managed (e.g. mowing and prescribed burning) and trailsides that are cleared using a brush hog may increase mortality as snakes are killed by machinery or incinerated by fire (Means and Campbell, 1982b)

In addition to the seasonal restrictions applied to vegetation management practices, disturbance to non-transient habitats should be avoided at *ALL* times. Roads, skid trails and landings should be kept at least 330 feet from all known or potentially suitable basking and gestating habitats, and to minimize the potential for collapse or disturbance of dens, heavy equipment and site preparation work (e.g. disk-harrowing, shearing, root-raking) should be prohibited within 660 feet of any known hibernacula.

- Timber rattlesnake monitor

If any project-related work is to occur (in whole or in part) during April 1st through October 31st, the project sponsor should retain the services of a snake monitor. The snake monitor must be a qualified biologist that has knowledge of timber rattlesnake ecology and relocation procedures. The monitor must also have experience handling rattlesnakes and be licensed by New York State to do so.

The snake monitor should be on site during all construction activities and would be responsible for: 1) conducting reconnaissance surveys for timber rattlesnakes within the work area prior to the initiation of any disturbance activities, and 2) relocating snakes as required.

➤ Temporary barrier

When disturbance is likely to occur from actions occurring outside of the acceptable work periods, a temporary restrictive (Stechert, 2001) barrier may help to avoid impacts if installed around the perimeter of the disturbance footprint of small projects (< 1 acre). The barrier should be: 1) installed before the end of the acceptable work period and maintained until the end of the construction phase of the project or until the beginning of the next acceptable work period, whichever occurs first, 2) inspected daily and, if necessary, repaired immediately to a fully functional condition*, and 3) constructed in accordance with the following design specifications:

- made of ¼ inch square hardware cloth or wire mesh
- a minimum of 48” high
- anchored into the ground with reinforcement bars placed on the “disturbance side” of the barrier and spaced between 6 – 8 feet apart.
- secured at the base (barrier/ground interface) with at least 6” of fence material covered with soil backfill

* The effectiveness of the barrier will be diminished and snakes may be able to gain access to the disturbance area if debris (e.g. tree limbs, soil) is allowed to overtop or pile up along side of the barrier.

➤ Education

Persecution by humans is a significant source of timber rattlesnake mortality and is thought to be a major contributing factor to the population declines experienced by the species over the past 100 years. Misconceptions about the actual versus perceived threat posed by timber rattlesnakes often leads to the snakes being injured or killed by humans who, when encountering a timber rattlesnake, are fearful of being attacked. Prospective residents in subdivisions located near known den sites should be provided with educational materials that help identify timber rattlesnakes and accurately describe the snakes’ non-aggressive behavior. Educational materials should also include information about the Department’s nuisance rattlesnake relocation program. The subdivision’s prospectus could also be required to disclose the potential for the presence of timber rattlesnakes on the property. Homeowners and local law enforcement agencies should be provided with phone numbers of nuisance rattlesnake responders in the area.

➤ Habitat creation/enhancement

In some locations, natural succession may cause shading-over of hibernacula or essential summer habitats. Such habitat suitability changes, particularly that of gestating and birthing areas, can decrease the long-term viability of the location’s timber rattlesnake population. Vegetation thinning to reclaim the site or the establishment of open stone piles to create escape cover and basking areas may mitigate some of habitat lost to successional changes. In such cases, the development of a site management plan, along with a long-term commitment by the landowner, may more than offset the loss of non-essential habitat resulting from project-related actions.

➤ Herp tunnel

Where roads and highways separate summer and winter habitats, it may be possible to maintain migration corridors via herp tunnels.

References

- Brown, W. S. 1993. Biology, status, and management of the timber rattlesnake (*Crotalus horridus*): a guide for conservation. SSAR Herp. Circ. No. 22. vi + 78 pp.
- Casper et al. 2001. *Recommended Standard Survey Protocol For the Eastern Massasauga, Sistrurus catenatus catenatus*. Unpublished.
- Means, D. Bruce and Howard W. Campbell. 1982b. Effects of prescribed burning on amphibians and reptiles. Pages 89-97 in G. W. Wood, editor. Prescribed fire and wildlife in Southern forests. Proceedings of a symposium. Belle W. Baruch Forest Science Institute, Clemson University, Clemson, South Carolina, USA.
- PFBC-NDS. 2004. Pennsylvania Fish and Boat Commission Natural Diversity Section Timber Rattlesnake Presence-Absence Survey Guidelines (Form-06, revised 3/9/04).
- Stechert, R. 2001. Effectiveness of an experimental timber rattlesnake (*Crotalus horridus*) exclusion fence at Schunemunk Mountain, Town of Woodbury, Orange County, New York. Report to the Eastern Chapter of the New York Natural Conservancy and the New York State Department of Environmental Conservation. 23p.

Related Resources and Links

New York Natural Heritage Program

New York Natural Heritage Program. 2008. Online Conservation Guide for *Crotalus horridus*. Available from: <http://www.acris.nynhp.org/guide.php?id=7536>

NatureServe Explorer

NatureServe. 2009. NatureServe Explorer: An online encyclopedia of life [web application]. Version 7.1. NatureServe, Arlington, Virginia. Available <http://www.natureserve.org/explorer>

NYSDEC

New York State Department of Environmental Conservation, Division of Fish, Wildlife and Marine Resources. 2006. Timber Rattlesnake Fact Sheet. <http://www.dec.ny.gov/animals/7147.html>

UPDATE – 10/20/2025 Additional Information

Herkimer Diamond Springs Site Plan Presentation Tuesday October 21, 2025

DOT: We have been in communication, and we will need to submit the PERM 33 for permit prior to construction. Understood this will be a part of the building permit. Overall, DOT is aware of the project and indicated to us that due to the daily traffic (1-2 trips per day) a traffic impact study won't be required. The met with the Owner onsite and spoke to me on the phone.

DEC: We will be withdrawing less than 100,000 GPD from this source, therefore a DEC water withdrawal permit will not be required. We submitted a Jurisdictional Determination Request to the DEC for the mapped wetlands. DEC has responded to us and scheduled a site visit with one of our biologists on October 23, 2025. We do not expect our site plan to be altered based on the visit.

DOH: We submitted an initial application to the NYSDOH for bulk withdrawal in 2024. The DOH returned the application to us as "Incomplete" due to the fact that the spring box/collection system were not installed, tested and certified as being constructed per the requirement of the NYS and Ten State Standards. **So we need to get site plan approval and a building permit to be able to submit application to the DOH for approval.**

From: Morrone, Samantha (DOT) <Samantha.Morrone@dot.ny.gov>
Sent: Friday, November 21, 2025 2:43 PM
To: Stan Waddle <zoning@townofmohawk.net>
Cc: Papendick, Claire M (DOT) <Claire.Papendick@dot.ny.gov>
Subject: SEQR- Herkimer Diamond Springs - Mohawk - NY 5

Good afternoon,

As requested, the New York State Department of Transportation (NYSDOT) has reviewed the site plan and SEQR information related to the proposed bulk spring water withdrawal facility to be located off NY 5 near Reservoir Road in the Town of Mohawk.

Upon review of the information provided, the NYSDOT does not have issue with the development as proposed.

We offer the following comments for Herkimer Diamond Springs:

1. A NYSDOT Highway Work Permit will be required for any work performed within the highway right-of-way. This permit is required prior to the start of work.
2. No equipment or materials shall be staged in the NYSDOT right-of-way.
3. Provide future forecast for expected trips. Recommend providing details regarding hours of operation and typical volumes entering/exiting the site.
4. Driveway must be paved for the edge of traveled way to the Right-of-Way Line.
5. Pavement items are as follows:
 - a. Top 404.0982
 - b. Binder 404.1989
 - c. Base 404.3789
 - d. Subbase 304.12
 - e. Tack Coat 407.0102
 - f. Joint adhesive for vertical joints 418.7603
6. Any paving operations performed the Thursday prior Labor Day will require the pavement to winter over.
7. Any paving operations shall require an emergency contact that can performs repairs within 24 hours of notifications.
8. No open pits to be left unattended or left open overnight.
9. Provide culvert sizing calculations.
10. See PERM 33-COM for permissible widths for the culvert opening.
11. Remove or restore gravel drive.
12. Site plans shall include:
 - a. Existing travel lane and shoulder widths for NY 5 in plans.
 - b. Specific site plan for the work zone traffic control plan.
 - c. Show utility connections on site plan.
 - d. Erosion and sediment control plan.
 - e. Grading plan.
 - f. Indicate Right-of-Way Line on plans.
 - g. Show existing signage.
 - h. Provide details for the paved entrance with grade and materials.

13. Provide this office with a drainage report showing no additional discharge to the NYSDOT system.
14. Shoulder shall be reconstructed to match the existing travel lane thickness.
15. Include turning path templates (ingress and egress) for the largest design vehicle.
16. Label sight distance values for each direction- recommend indicating vegetation clearing to improve sight distance.
17. Re-align driveway to have a Tee-Intersection with Route 5 to allow a full-access (two-way driveway).
18. Indicate a driveway culvert with a 1V:6H slope from the invert of the culvert to the finish grade of the driveway.

NYSDOT Standard Notes:

1. NYSDOT Highway work permit shall be issues and present at the job location at all times with the stamped NYSDOT approved plans. Contractor shall comply with all requirements and conditions attached to the NYSDOT work permit.
2. Details are intended to show end result of design. Modifications may be required to suite field dimensions or conditions, and such modifications shall be included as part of the required work.
3. Any and all variation from the permitted plans shall be submitted to the Regional Permit Engineer for final approval prior to construction.
4. All work within or that may potentially impact NYSDOT Right-of-Way shall be constructed to the current NYSDOT Standards and Specifications.
5. The work zone traffic control plan is a very critical item of the permit and shall be provided in accordance with the most current 619 NYSDOT Standard Series Specification, The National Manual of Uniform Traffic Control Devices, and NYS Supplement.
6. Any work zone intrusion shall be immediately reported to the appropriate law enforcement agency and the Mohawk Valley Transportation Management Center (MVTMC) @ 315-733-2111
7. No equipment or materials shall be staged in the NYSDOT Right-of-Way
8. A roadwork reporting form shall be provided 7 days prior to any work within NYSDOT Right-of-Way to the MVTMC via email tmc-r02@dot.ny.gov
9. No work shall occur within NYSDOT Right-of-Way during active Snow &Ice Operations
10. As built plans are to be supplied to the regional permit office upon final inspection of the permitted work.
11. Any tree cutting or trimming shall be coordinated with the Residency as well as an Environmental specialist listed below to ensure the necessary approvals.
12. NYSDOT reserves the right to cancel any work operations at any point during the project
13. Emergency Contact listed within the final issues permit must respond to any issues for the permitted work within 24 hours or the permit will be revoked and a new permit must be issued
14. Any pavement markings that are removed or disturbed shall be replaced within the permitted work area consistent with the current MUTCD & NYSDOT Standards. Adjacent pavement markings may be replaced at the discretion of NYSDOT (Region 2).
15. Any and all material tickets shall be submitted to the Regional Permitting Office

16. Restore all surfaces to as good or better condition than before construction as soon as possible following completion of work in any area within NYSDOT Right-of-Way and applicable work areas. Temporary seeding or mulch shall be used within 24 hours on all disturbed areas where additional work is not scheduled within 5 days.
17. Any work near a traffic signal, pedestrian buttons, pull boxes, detector loops, flashing signs or beacons, or railroad with preemption will require coordination with the NYSDOT Region 2 Signal Engineer-In-Charge (EIC) 7 days prior to work
18. Contractor shall coordinate with the residency and notify them 7 days prior to the start of work.

Signal Engineer-In-Charge:

Email: Jessica.Muller@dot.ny.gov

Phone: 315-939-0411

Environmental Specialist

Email: Rebecca.Miller@dot.ny.gov

Desk: 315-793-5361

Cell: 315-783-0270

Fulton/Montgomery Residency

Assistant Resident Engineer: Josh Kleist (Josh.Kleist@dot.ny.gov)

Resident Engineer: Scott Nowalk (Scott.Nowalk@dot.ny.gov)

Phone: 518-853-3441

Thank you for the opportunity to comment.

SAMANTHA MORRONE

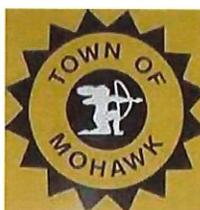
Senior Transportation Analyst

New York State Department of Transportation, Region 2

207 Genesee Street, Utica, NY 13501

(315) 793-2286 | Samantha.Morrone@dot.ny.gov

dot.ny.gov



Town of Mohawk Planning Board Meeting

December 16, 2025

Member Attendance:

Planning Board Chair: Patrick Clear

Planning Board Members: Mark Hoffman, David Dumar, Jessica Cyr and Scott Parslow

Code Enforcer: Stan Waddle

TOM Attorney: Claudia Braymer (via Zoom)

Public Attendance:

Debbie Parslow

Clay Carpenter

Donald A. Greco

Janet DePalma

Jake Gordon, PE

Reason for Attendance

Town Board Representative

Subdivision

Sketch Presentation - Checkers Out Speedway

Town Supervisor

Herkimer Diamond Spring Water (via Zoom)

Public Hearings were opened at 6:02 pm for Hillside Greenhouse and Clay Carpenter Subdivision. There were no questions or concerns for either of these, but the Public Hearings were left open.

The regular Planning Board Meeting was called to order at 6:04 pm. Mark Hoffman made a motion to accept the minutes of the November 18, 2025 Planning Board Meeting and David Dumar seconded the motion. All were in favor. None opposed.

Public Comment:

None

Old Business:

Item #1: Clay Carpenter Subdivision - Mr. Carpenter reported that the property which is located on Veeder Road has to be surveyed and it's on the surveyor's calendar. It could be a month or two before it takes place. Code Enforcer Waddle noted that the property across the road has been surveyed, but the whole parcel hasn't been. There were no questions or concerns from Planning Board Members. Chairman Clear noted the possibility of Native American Artifacts. Once the Site Plan is completed Park and Recs

will look just where they are building any artifacts. All members present were okay going ahead without the survey being done. Part 2 - Impact Assessment was completed. Mark Hoffman made a motion for Negative Declaration and Scott Parslow seconded the motion. All were in favor. None opposed. Mark Hoffman made a motion to approve the subdivision pending the survey being completed. Scott Parslow seconded the motion. All were in favor. None opposed.

Item #2: Hillside Greenhouse - Code Enforcer Waddle reported that they will be doing away with the driveway closest to Old Trail Road. They will keep the existing building for storage. At this time they are unsure of what they will be doing with the store front building. The sign will be kept, but Hillside Greenhouse will be put on it and have a sandwich board to put additional things on. There will be no additional lighting since they will not be open after dark. Jessica Cyr made a motion to approve the Site Plan Application with the condition that if they rent out any other buildings they will need to come before the Planning Board for approval (discussed at the November 18, 2025 meeting). Mark Hoffman seconded the motion. All were in favor. None opposed. Code Enforcer Waddle noted that the Montgomery County Planning Board indicated that they do not need to review this application since it's an existing business.

Item #3: Town of Mohawk Comprehensive Plan Review - Supervisor Janet DePalma reported that the Town will hopefully hear soon if they will be receiving grant money to offset the cost of having this completed. Also, looking to put a committee together for this. Any village residents if interested could serve on the committee.

Item #4: Solar Law Moratorium for 3 and 4 Tier - Atty. Claudia Braymer is reviewing the changes that Code Enforcer Waddle made to the Town's Solar Law. The moratorium is extended until May.

Updates:

Item #1: CS Energy/Mn8 Grissom Solar Project - Nothing has changed. They are still dealing with DEC.

Item #2: Cipriani Albany Bush and Stoner Trail Solar Project - This project will be moving under new ownership. They are asking that all permits for the project are ratified with the exception of the Incidental Take Permit. Discussion took place. Chairman Patrick Clear recused himself and Mark Hoffman took over this portion of the meeting. David Dumar made a motion ratifying the Planning Board's prior permit approvals except for the Incidental Take Permit. Scott Parslow seconded the motion. Four members approved and Chairman Patrick Clear abstained.

Item #3: Air B&B Short Term Rental Law - Code Enforcer Waddle reported that he is still in the process.

Item #4: Tribes Hill Deli - Code Enforcer Waddle reported that the issue with the propane filling station at the Tribes Hill Deli has been resolved. The propane filling station is considered an accessory use to the deli. The tanks will be blocked with barriers and a fence will be placed around it. Accessory uses are allowed in this area.

New Business:

Item #1: Herkimer Diamond Spring Water - Code Enforcer Waddle reported that DEC has no wetland concerns. Jake Gordon, noted that concerning the Northern Long-eared Bats and Timber Rattlesnakes they will work with DEC during the timeframe of April 15 to October 31st. The population for these will be checked in the Spring. Part 2 - Impact Assessment completed. Mark Hoffman made a motion of Negative Declaration and Scott Parslow seconded the motion. All were in favor. None opposed. David Dumar made a motion to refer to the Montgomery County Planning Board and Jessica Cyr seconded the motion. All were in favor. None opposed.

Item #2: Checkers Out Speedway - Mr. Greco reported that he would like to do additional events two times a year (1 summer and 1 winter). Code Enforcer Waddle reported that these events would fit into an A4. Currently the go cart track and the restaurant are in A2 and A3. The Department of Labor and Amusements oversees all these. Code Enforcer Waddle reported that an event that was held there this past weekend went well. The go cart track and restaurant are in B2 where events like were held that weekend are not allowed. Discussion took place. Town Supervisor, Janet DePalma, asked that Mr. Greco come to the next Planning Board Meeting with anything he thinks he may want to hold inside and/or outside. Chairman Clear stated that it could be his vision/wish list and include the number of people that may attend the events. Chairman Clear noted that the Planning Board does not handle building and fire codes. The State determines these laws.

Mark Hoffman made a motion to close the Public Hearings and Scott Parslow seconded the motion. All were in favor. None opposed.

Any Further Business from Members:

None

Mark Hoffman made a motion to adjourn the meeting and David Dumar seconded the motion. All were in favor. The meeting was adjourned at 7:07 pm.

Respectfully submitted
Lisa Telfer

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: PLANNING BOARD
Referring Officer: PLANNING BOARD SECRETARY
Mail original resolution to: TOWN OF AMSTERDAM
283 MANNY'S CORNER ROAD
AMSTERDAM NY 12010

1. Applicant: 280 RT 67 LLC 2. Site Address: 280 RT 67, AMSTERDAM NY

3. Tax Map Number(s): 40.4-1-16 4. Acres: 3.1

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: B-1 8. Current Land Use: VACANT

9. Project Description: BUILD A 16,000 SF BUILDING FOR RV/BOAT STORAGE
CONTRACTOR WAREHOUSING.

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: NOT SCHEDULED YET Time: _____ Location: _____

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: _____

Proposed Use: RV/BOAT STORAGE & CONTRACTOR WAREHOUSE

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

Specify: _____

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

Specify: _____



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): Town of Amsterdam Planning Board Date: 1/7/26

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 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.

Dorene Philpott

Name, Title & Phone Number of Person Completing this Form

Planning Board Secretary

518-842-1217

1/28/26

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



TOWN OF AMSTERDAM

283 Manny's Corner
Amsterdam, NY 12
Phone: 518-842-7961 • Fax:
www.townofamsterda

ABD ENGINEERS SURVEYORS
411 Union Street Schenectady, N.Y. 12305
www.abdeng.com

John Hitchcock, Jr.
Project Manager
Phone: 518-377-0315 Fax: 518-377-0379
Email: John@abdeng.com Mobile: 518-605-8994

APPLICATION FOR ZONING/USE PERMIT

APPLICATION DATE: 12 / 10 / 25

APPLICATION # 2025-119

FEE PD: \$25 CL # 150

ZONE: B-1

TAX MAP NO.: 40.4-1-16

\$100 special use / \$180 site plan fee

1.) PROPERTY/BUILDING LOCATION: 280 State Highway 67 - approximately 450' west of NYS Route 67 and Manny Corners / Truax Road intersection

2.) PROPERTY OWNER'S NAME: 280 NYS Rte 67 LLC TELEPHONE: 518-728-3768

ADDRESS: 1406 Cosgrove Dr. Schenectady NY 12302

3.) APPLICATION IS HEREBY MADE FOR: (Check ALL that are applicable),

- NEW CONSTRUCTION: RESIDENTIAL (1, 2, MULTIPLE), COMMERCIAL, MOBILE HOME INSTALLATION, MODULAR HOME INSTALLATION, GARAGE, ATTACHED GARAGE, ACCESSORY BUILDING/STORAGE SHED, CHIMNEY CONSTRUCTION, SOLID FUEL BURNING DEVICE, STOVE INSERT, PLANNED UNIT DEVELOPMENT, KENNEL/STABLES, HOME OCCUPATION, OUTDOOR FURNANCES, SOLAR COLLECTORS + INSTALLATIONS, WIND ENERGY FACILITIES, RENOVATION, ALTERATION, CONVERSION (RESIDENTIAL, COMMERCIAL), POOL (IN GROUND, ABOVE GROUND), SEPTIC SYSTEM, WELL, OTHER.

COMMERCIAL OCCUPANCY (WITH NO RENOVATIONS) INSPECTION ONLY.

DEMOLITION: COMMERCIAL OR RESIDENTIAL (CHECK ONE)

METHOD OF DEMOLITION:

PLACE OF DEBRIS DISPOSAL:

DISCONNECTION DATE OF UTILITIES:

4.) THE FOLLOWING DESCRIPTION OF THE USE FOR THIS PROPERTY, FOR WHICH APPLICATION IS MADE HEREWITH, IS SUBMITTED: 12,000 sf RV/Boat & contractor warehousing

5.) SITE INFORMATION (THE FOLLOWING INFORMATION MUST BE PROVIDED ALONG WITH DETAILED PLOT PLAN)

A.) DIMENSIONS OF LOT: FRONTAGE 167± REAR 180± RIGHT SIDE 775± LEFT SIDE 800±
ACREAGE 3.1±

B.) IS THIS A CORNER LOT? YES OR NO

C.) WILL THE GRADE OF THIS LOT BE CHANGED AS A RESULT OF THIS CONSTRUCTION? YES OR NO

IF "YES", DESCRIBE AND SHOW ON PLOT PLAN

D.) PUBLIC WATER OR PRIVATE WELL N/A

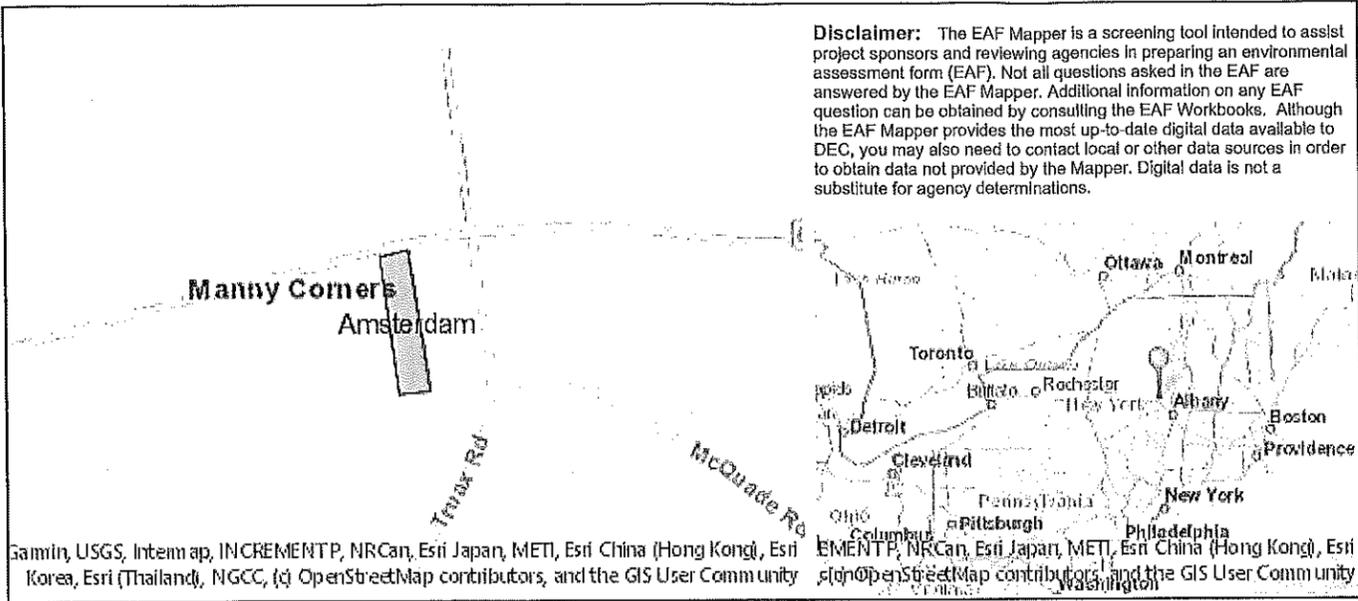
E.) SEWER OR PRIVATE SEPTIC N/A

*** SEPERATE PERMITS ARE REQUIRED FOR PUBLIC WATER AND SANITARY SEWER

F.) DISTANCE FROM LOT LINES: FRONT 50' REAR 583.1' RIGHT SIDE 8.2' LEFT SIDE 17.4'

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 checked="" type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input checked="" type="checkbox"/> Early mid-successional <input checked="" 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	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If Yes, briefly describe: _____		
on-site stormwater management _____		
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)?	NO	YES
If Yes, explain the purpose and size of the impoundment: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Luigi A. Palleschi, P.E</u> Date: <u>December 12, 2025</u> Signature: <u>Luigi Palleschi</u> Title: <u>Engineer</u>		

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



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No



New York State
Parks, Recreation and
Historic Preservation

KATHY HOCHUL
Governor

ERIK KULLESEID
Commissioner

July 03, 2023

ABD Engineers
Project Manager
ABD Engineers & Surveyors
411 Union St.
Schenectady, NY 12305

Re: SEQRA
Mannys Corner Warehouse
Town of Amsterdam, Montgomery County, NY
23PR05295

Dear ABD Engineers:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the project in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the OPRHP and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR Part 617).

Based upon this review, it is the opinion of OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

R. Daniel Mackay

Deputy Commissioner for Historic Preservation
Division for Historic Preservation

rev: E. Czernecki

PROJECT NARRATIVE
12,000-SF RV/Boat Storage & Contractor Warehousing
280 NYS Route 67
December 12, 2025

Project Location & Description

The applicant, Jermey Jordan of 280 Rte 67, LLC, is the owner of 280 NYS Route 67, tax parcel 40.4-1-16, located in the Town and zoned B-1. Mr. Jordan is seeking to amend the Planning Board's May 2023 site plan approval, which authorized the construction of a single 6,000-square-foot warehouse building.

The amended site plan proposes the construction of two (2) 6,000-square-foot warehouse buildings. Consistent with the original approval, Mr. Jordan intends to market the buildings to commercial tenants—such as landscapers, masons, roofers, builders, and similar businesses—for bulk material and equipment storage. In addition, he plans to lease individual units to private users for the storage of RVs and boats. Each building will contain 10 units, for a total of 20 leasable units.

Total project disturbance will be 0.94+/-acres.

Water & Sewer

The project will not require water and sewer services.

Solid Waste

The applicant will not provide solid waste removal from the site; tenants will be responsible for removing and disposing of their own trash offsite.

Impact on Adjoining Property

The proposed use is a commercial use within the Town's B-1 Business Zone. Adjacent properties to the west are commercially developed and support commercial uses, while the property to the east is vacant except for a farm stand that operates only during the summer months. Given these surrounding conditions, the proposed warehouse buildings are not expected to have a negative impact on adjoining properties.

Impact on School District

The project use is a commercial activity that will generate school tax revenue and, therefore, is expected to have a positive impact on the school district.

Traffic

It is anticipated that the 12,000-square-foot warehouse space will generate approximately 8 AM peak-hour trips and 8 PM peak-hour trips, based on the Institute of Transportation Engineers *Trip Generation Manual*, 7th Edition. Therefore, the project is not expected to adversely impact traffic conditions on NYS Route 67.



**12,000 sf RV/Boat storage & Contractor Warehousing (280 NYS Route 67)
Site Plan and Special Use Permit Review**

**Town of Amsterdam, New York
State Environmental Quality Review**

Involved/Interested Agencies:

NYS Department of Transportation

NYSDOT Region 2
Utica State Office Building
Attn: Samantha Morrone
207 Genesee Street
Utica, NY 13501
Samantha.Morrone@dot.ny.gov

NYS Department of Environmental Conservation

Attn: Welch, Maranda E
NYSDEC Region 4, Division of Environmental Permits
1130 N. Westcott Road
Schenectady, NY 12306
Maranda.Welch@dec.ny.gov
dep.r4@dec.ny.gov

Montgomery County Planning Board

Attn: Kenneth Rose, Alex Kuttesch
Montgomery County Office of Economic Development and Planning
P.O. Box 1500
Fonda, NY 12068
krose@montgomerycountyny.gov
akuttesch@montgomerycountyny.gov

TOWN OF AMSTERDAM PLANNING BOARD

283 Manny's Corner Road
Amsterdam, NY 12010
518-842-7961

January 28, 2026

Circulation to Involved Agencies

RE: State Environmental Quality Review
Notice of Intent to Continue to Serve as Lead Agency
12,000 sf RV/Boat storage & Contractor Warehousing (280 NYS Route 67) Site Plan and
Special Use Permit Review
Amsterdam NY 12010

Dear Involved Agency:

280 Rte 67 LLC, with an address of 1406 Cosgrove Dr., Schenectady, NY, 12302 (“Applicant”) submitted an application for amendments to a previously approved site plan and special use permit for a project involving construction of a warehouse and related site improvements on a currently vacant site with an address of 280 NYS Route 67 (SBL 40.4-1-16) (the Project). The amendments, shown on the proposed site plan, inter alia, involve increasing the building footprint to 12,000 sf and use for RV/Boat storage in addition to Contractor Warehousing (the “Amended Project”).

Subsequent to conduct of a coordinated review, and in their capacity as lead agency, the Town of Amsterdam Planning Board on June 7, 2023 issued a negative declaration, pursuant to the State Environmental Quality Review (SEQR) process.

In connection with the Amended Project, the Applicant has prepared Part 1 of the Short Environmental Assessment Form. Based on a review of 6 NYCRR Part 617.4, the Town Planning Board determined that the proposed project remains an unlisted action under SEQR. Part 1 of the Short Environmental Assessment Form and the site plan submittal materials for the proposed Amended Project, as well as previous negative declaration, are available via the following website:

<https://www.dropbox.com/sh/65cnsuofwg6fjd4/AAAjPQG-zXFuMUiOgBn7cIt0a?dl=0>

Your agency was identified as a potentially involved or interested agency. The Town of Amsterdam Planning Board desires to continue to serve as lead agency. We welcome any comments you may have regarding the proposed action and would request that you inform us of any permits or other authorizations that will be required from your agency.

Sincerely,

Alex Kuchis, Chairman
Town of Amsterdam Planning Board

Attachments: List of Involved Agencies