

Location: 605 South Comrie Ave, Johnstown, NY 12095

Owner: B&L Family Development LLC. Members: Richard Leto, Brian Bertholf & Erica Bertholf (Leto)

Purpose: The purpose of this inquiry is to request a review of the zoning at the above location by the Common Council in accordance with Section 22-505 Zoning Map of the City of Johnstown Zoning Ordinance.

Background: The current zoning ordinance at the above location is Industrial zoning in accordance with the City of Johnstown zoning map (revision December 2010). It is not known why this parcel was zoned for Industrial; however, it is suspected that the property was (1) zoned based on its current use in 2010 as a commercial office for Red Carpet Housing Corporation and (2) lumped in with the Johnstown Industrial Park; although this is not discussed explicitly in the City of Johnstown Comprehensive Plan, dated February 2008. This property has been owned by Red Carpet Housing Corporation since 1998 and has held a variety of businesses over the years (e.g., manufactured home sales lot, automobile sale lot and commercial office rentals). This property was recently sold to B&L Family Development LLC. on August 27, 2024. At this time the property will remain as a commercial office rental.

Based on review of Figures 1 through 3 on the following pages, it can be inferred that the current developed space on the property is all that can be developed due to State Regulated Freshwater Wetlands. Due to these wetlands this property will not be able to be developed to locate a manufacturing, warehousing, distribution or industrial business nor is that B&L's intent. B&L believes that the use of this property aligns best with the Arterial Commercial District (C-2) as discussed in the City of Johnstown Zoning Ordinance. In addition, this zoning district is located just north on Route 30A (e.g., Andy's Service & Speed Shop and Apollo Northeast).

To best serve the City of Johnstown and its residences, B&L Family Development LLC. requests that the Common Council review, and adopt if they see fit, the below proposal for S.B.L 174.18-1-7.1. This proposal is consistent with the City of Johnstown Comprehensive Plan, Chapter VII Economy, Section 3 Commercial Development on NYS Route 30A Corridor. As discussed in this plan, it was recommended that the City should plan for and promote orderly development along the Route 30A corridor.

Request/Proposal: B&L Family Development LLC. requests that the City of Johnstown Common Council review the zoning district for 605 South Comrie Ave, Johnstown, NY 12095. B&L Family Development LLC. recommends updating the zoning district from Industrial zoning to Arterial Commercial District (C-2) zoning to best serve the City of Johnstown and its residences and better align with the City of Johnstown Comprehensive Plan. A member of B&L Family Development LLC. is willing to come and speak at any necessary board meetings to support this request and proposal.

Kind Regards,  
Brian Bertholf  
B&L Family Development LLC., Member  
570-856-5312



Figure 1: State Regulated Freshwater Wetlands - September 2024

Dark Green: State Regulated Freshwater Wetlands, TH-8, Class 2, 26.8 acres

Light Green: State Regulated Wetland Check Zone

NYS Freshwater Wetlands Permit: Required for any physical disturbance, within the boundary or within the 100-foot adjacent area, of a state protected freshwater wetland. Note: Freshwater wetlands within the Adirondack Park are not included on these maps; contact the Adirondack Park Agency for permit information.

NYS Protection of Waters Permit Required for:

- the disturbance of the bed or banks of a protected stream, which includes water bodies in the course of a stream of 10 acres or less, with a classification of AA, A or B, or with a classification of C with a standard of (T) or (TS).
- for the excavation or placing of fill in navigable waters of the state, below the mean high water level, including adjacent and contiguous marshes and wetlands, with a water classification and standard of C or D.







**CITY OF JOHNSTOWN**  
 Code Enforcement Office  
 PO Box 160, 244 North Perry Street  
 Johnstown, New York 12095  
 (518) 736-4076

- OFFICE USE ONLY -	
Approved: _____ / _____ / _____	Receipt # _____
Permit #: _____, 20____	Fee Paid: _____
Signature: _____	

ADDRESS

# BUILDING / DEMOLITION PERMIT APPLICATION

NAME

Applicant shall notify this Office of any changes in the information contained in the application during the period for which the permit is in effect. **A permit will be issued when: a) application has been determined to be complete, b) fee has been paid and 3) when proposed work is determined to conform to the requirements of the Uniform Code.** The authority conferred by such a permit may be limited by conditions.

Permit may be suspended or revoked if it's determined that work is not proceeding in conformance with the Uniform Code, with any conditions attached to such permit, or if there has been misrepresentation or falsification of a material fact in connection with the application for permit.

Demolition Permit will expire **six (6) months** from date of issuance / Building permit will expire **one (1) year** from the date of issuance or upon issuance of a Certificate of Occupancy (other than a temporary Certificate of Occupancy), whichever comes first. Permit may, upon written request, be renewed for successive one-year periods provided that a) permit has not been revoked or suspended at the time the application for renewal has been made; b) relevant information in the application is up to date; and c) renewal fee is paid (half cost of original permit).

TYPE

Additional terms of permit can be found on Schedule of Permit Fees.

APPLICANT INFORMATION			
Name / Company	B&L Family Development LLC	Phone:	570-856-5312
Contact Person	Brian Bertholf	Email	brian.bertholf@gmail.com
Address	7184 Lafayette Rd, Middle Grove	State	NY Zip 12850

PROPERTY OWNER INFORMATION, IF DIFFERENT THAN APPLICANT		
Name	Phone	
Address	State	Zip

SUBCONTRACTOR INFORMATION (attach additional sheets if necessary)	
Name of Company	Not Applicable
Phone	

PROJECT INFORMATION		
Location	605 South Comrie Ave, Johnstown, NY 12095	Renewal Application: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Estimated Cost of Project:	\$0.00	Work will begin: _____ / <u>N/A</u> / _____ for a period of <u>N/A</u> day(s) _____ week(s)

DEMOLITION GENERAL COMMENTS
Environmental Survey – <u>Not Applicable</u>
Asbestos Abatement w/ Way Bill – <u>Not Applicable</u>
Where is Debris going? – <u>Not Applicable</u>

**DESCRIPTION OF PROJECT w/ DETAILS. IF NEEDED, ATTACH DRAWING OF PLOT PLAN / CONSTRUCTION PLAN.**

B&L Family Development LLC. requests that the City of Johnstown Common Council review the zoning district for 605 South Comrie Ave, Johnstown, NY 12095. B&L Family Development LLC. recommends updating the zoning district from Industrial zoning to Arterial Commercial District (C-2) zoning to best serve the City of Johnstown and its residences and better align with the City of Johnstown Comprehensive Plan. (Reference provided documents for more information)

**APPLICANT CERTIFICATION:**

I hereby certify that I have read and examined this application and known the same to be true and correct. All provisions of Laws and Ordinances covering this type of work will be completed whether or not specified herein. Granting of a permit does not presume to give authority to violate or cancel the provisions of any other State or Local Law regulating construction or the performance of construction.

*Ric Rento*

Date: 9/20/24

**PERMIT APPROVAL - CODE ENFORCEMENT OFFICE (CEO) USE ONLY**

**BUILDING**

- General alterations / renovations - \$35.00
- Fence - \$25.00
- Swimming pool - \$35.00
- Garage - \$50.00
- Shed / Carport / Deck - \$35.00
- Siding / Roofing/ Windows - \$35.00
- Mobile home sitting - \$75.00
- Signs / Awnings / Canopies - \$35.00

**ALTERATIONS & RENOVATIONS**

- 1 & 2 family - \$100.00
- Multiple dwelling - \$200.00

**MISCELLANEOUS**

- Certificate of Occupancy - \$75.00
- Bank letter - \$35.00
- Operating Permit - \$35.00

**RESIDENTIAL BUILDING & EXCAVATION**

- 1 & 2 family under 1500 sq. ft. - \$200.00
- Each add't. 1000 sq. ft. or part thereof - \$100.00
- Multiple dwelling each 1000 sq. ft. - \$200.00
- Manufactured home installation - \$125.00
- Add't. units or sleeping room - \$50.00
- Additions; each 1000 sq. ft. - \$125.00
- Multiple dwelling; each 1000 sq. ft. \$200.00

**INDUSTRIAL & COMMERCIAL SITE REVIEW**

- 1 - 5 lots - \$100.00
- 6 or more lots - \$100.00
- Plus, for each add't. - \$25.00

**DEMOLITION** - \$75.00

**NON RESIDENTIAL BUILDING & EXCAVATION**

- Roofing - \$75.00
- New Construction 1<sup>st</sup> 1000 sq. ft. - \$200.00
- Each add't. 1000 sq. ft. or part thereof - \$125.00
- General construction- additions- alterations-renovations \$150
- Alterations / Renovations to building system - \$250.00 (electrical, heating, ventilation, air conditioning, plumbing or any combination)

**S.E.Q.R. REQUIREMENTS**

- Lead Agency Coordination - \$50.00
- Long Form EAF & Determination of Significance - \$100.00
- Draft EIS Review - \$150.00
- Final EIS Review - \$200.00

Permit Issued? YES  NO  Fee charged: \_\_\_\_\_

Planning Board: Approved  Not Required

Code Permit #: \_\_\_\_\_ Tax Map #: \_\_\_\_\_

Zoning Variance: Approved  Not Required

Insurance provided?  Yes  No

CEO Signature: \_\_\_\_\_ Date: \_\_\_/\_\_\_/\_\_\_

**INSPECTIONS:**

Date: \_\_\_/\_\_\_/\_\_\_ Type: \_\_\_\_\_ Approved: YES  NO  CEO Initials: \_\_\_\_\_

Date: \_\_\_/\_\_\_/\_\_\_ Type: \_\_\_\_\_ Approved: YES  NO  CEO Initials: \_\_\_\_\_

Date: \_\_\_/\_\_\_/\_\_\_ Type: \_\_\_\_\_ Approved: YES  NO  CEO Initials: \_\_\_\_\_

Date: \_\_\_/\_\_\_/\_\_\_ Type: \_\_\_\_\_ Approved: YES  NO  CEO Initials: \_\_\_\_\_

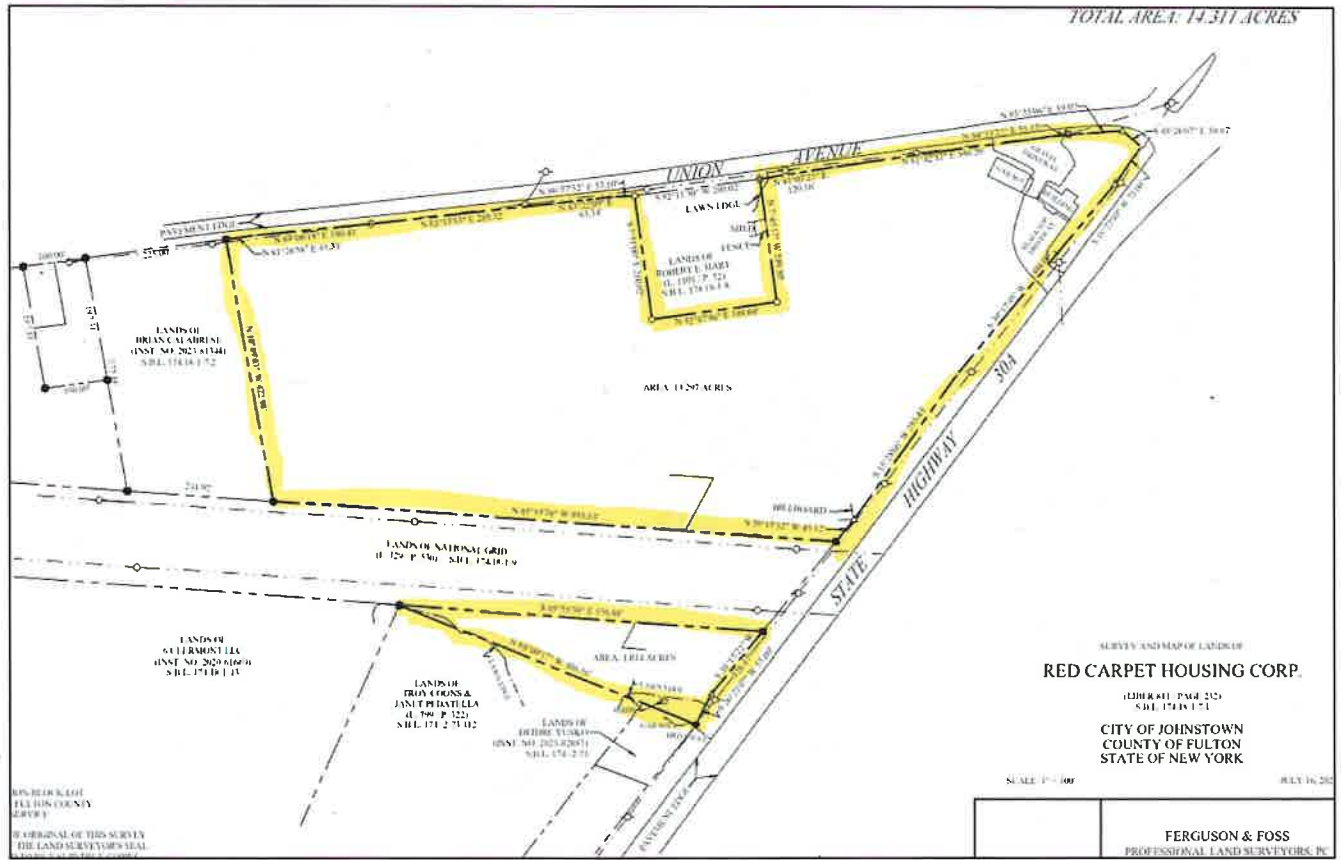
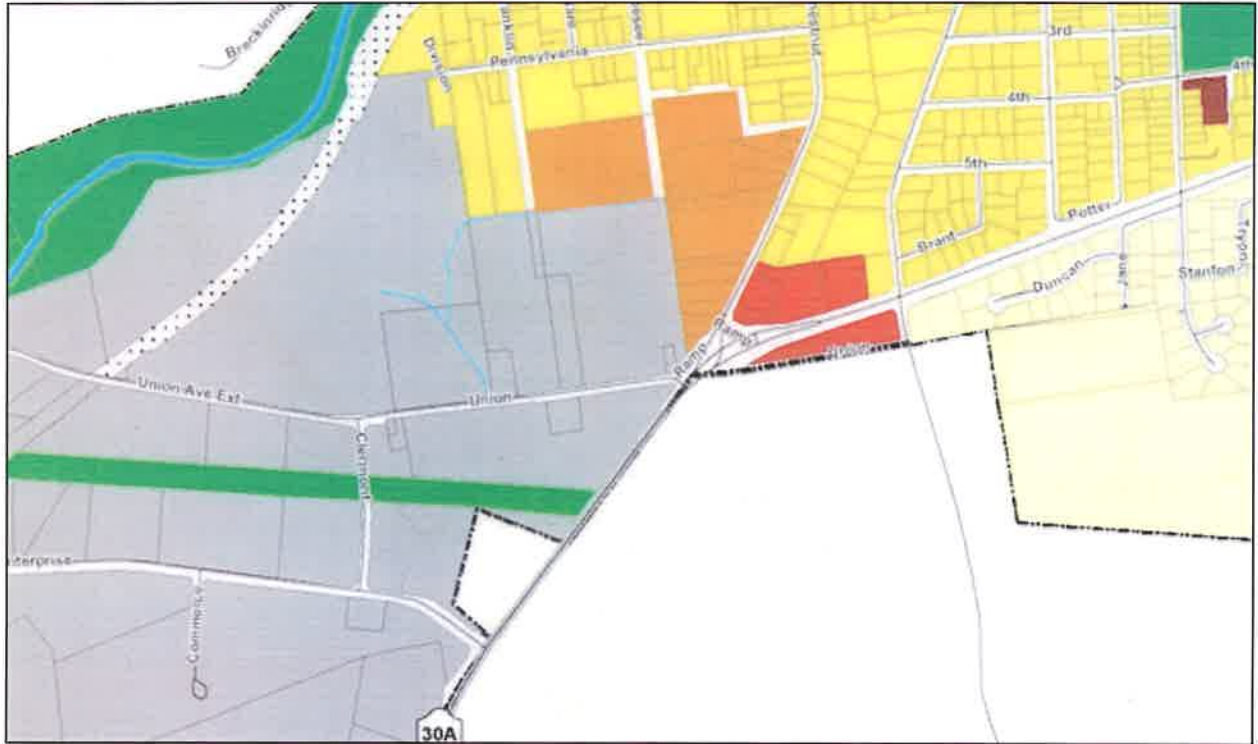


Figure 2: Ferguson & Foss Survey - July 2024 - S.B.L 174.18-1-7.1



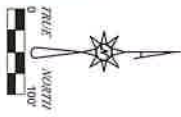
**Figure 3: City of Johnstown Zoning Map - September 2024**

**Gray:** Industrial Zoning; This District is intended to create, preserve and enhance two (2) areas of the City to locate manufacturing, warehousing, distribution and industrial businesses integral to providing employment opportunities and tax base for the City and stabilize and strengthen the City's economy.

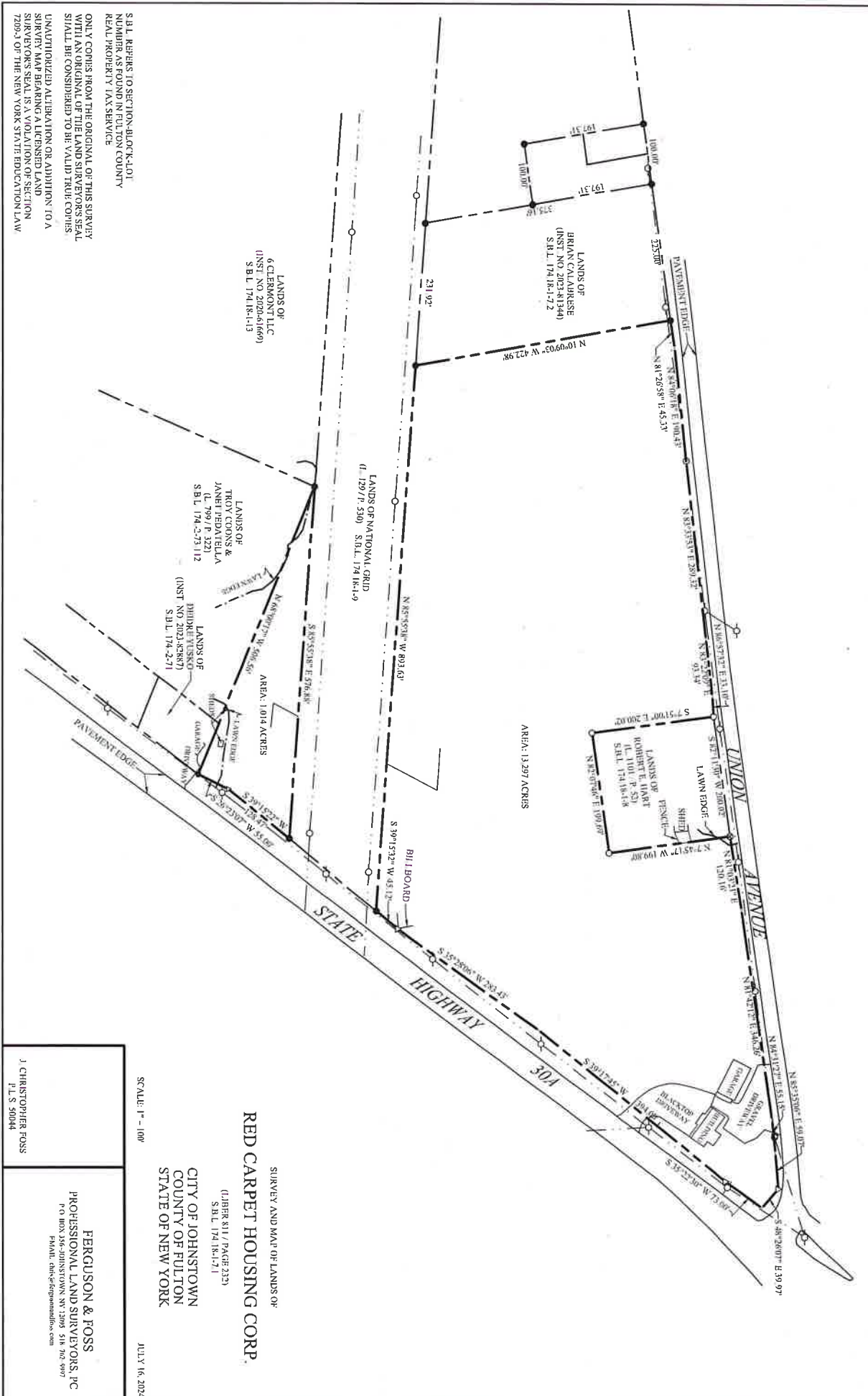
**Light Red:** C-2: Arterial Commercial; This District is intended to create, preserve and enhance the commercial strip along NYS Route 30A. It is intended to include commercial and retail activities essential to the City's economy. These activities can range in size from small retail/commercial business to large shopping malls. The District shall be regulated to promote harmonious development that should not create undo traffic impacts on Route 30A.



LEGEND	
△	CONCRETE MONUMENT
○	IRON PIPE FOUND
⊗	IRON SPIKE FOUND
●	IRON ROD SET
—○—	OVERHEAD UTILITY LINE



**TOTAL AREA: 14.311 ACRES**



LANDS OF  
6 CLERMONT LLC  
(INST. NO. 2020-61669)  
S.B.L. 174.18.1.13

LANDS OF  
BRIAN CALABRESSE  
(INST. NO. 2023-81344)  
S.B.L. 174.18.1.72

LANDS OF  
THOMAS GONZALEZ &  
JANET GONZALEZ  
L.L. 799/P. 3221  
S.B.L. 174.2.73.112

LANDS OF  
DHIRDEVI KESKID  
(INST. NO. 2023-82887)  
S.B.L. 174.2.71

LANDS OF NATIONAL GRID  
(L. 129/P. 519) S.B.L. 174.18.1.9

AREA: 1.014 ACRES

AREA: 13.297 ACRES

**RED CARPET HOUSING CORP.**

SURVEY AND MAP OF LANDS OF  
(UBRR 811 / PAGE 232)  
S.B.L. 174.18.1.71  
CITY OF JOHNSTOWN  
COUNTY OF FULTON  
STATE OF NEW YORK

SCALE: 1" = 100'

JULY 16, 2024

J. CHRISTOPHER FOSS  
P.L.S. 5004

**FERGUSON & FOSS**  
PROFESSIONAL LAND SURVEYORS, PC  
P.O. BOX 356-JOHNSTOWN, NY 12095 518 762 9997  
FMAIL: info@fergusonfos.com

S.B.L. REFERS TO SECTION-BLOCK-LOT NUMBER AS FOUND IN FULTON COUNTY REAL PROPERTY TAX SERVICE  
ONLY COMES FROM THE ORIGINAL OF THIS SURVEY WITH AN ORIGINAL OF THE LAND SURVEYORS SEAL UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYORS SEAL IS A VIOLATION OF SECTION 7209-a OF THE NEW YORK STATE EDUCATION LAW



## Short Environmental Assessment Form

### Part 1 - Project Information

#### Instructions for Completing

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

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

<b>Part 1 – Project and Sponsor Information</b>			
B&L Family Development LLC.			
Name of Action or Project:			
Review of Zoning District			
Project Location (describe, and attach a location map):			
605 South Comrie Ave, Johnstown, NY 12095			
Brief Description of Proposed Action:			
B&L Family Development LLC. requests that the City of Johnstown Common Council review the zoning district for 605 South Comrie Ave, Johnstown, NY 12095. B&L Family Development LLC. recommends updating the zoning district from Industrial zoning to Arterial Commercial District (C-2) zoning to best serve the City of Johnstown and its residences and better align with the City of Johnstown Comprehensive Plan.			
Name of Applicant or Sponsor:		Telephone: 570-856-5312	
Brian Bertholf		E-Mail: brian.bertholf@gmail.com	
Address:			
7184 Lafayette Road			
City/PO:		State:	Zip Code:
Middle Grove		NY	12850
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input checked="" type="checkbox"/>
			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		14.311 acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		14.311 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

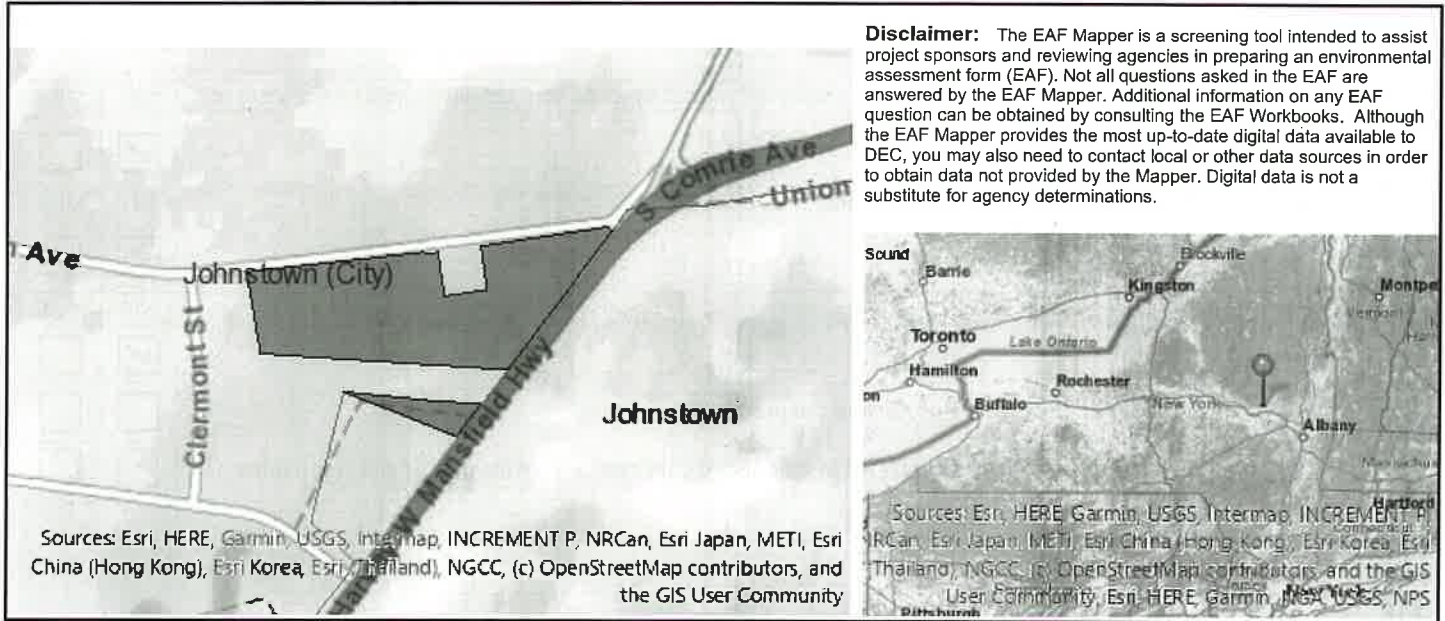
5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>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

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline	<input checked="" type="checkbox"/> Forest	<input type="checkbox"/> Agricultural/grasslands
<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 checked="" type="checkbox"/> <input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?		<input type="checkbox"/> <input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?		<input 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)?		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: Brian Bertholf Date: 09/20/2024

Signature:  Title: LLC Member



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]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
Part 1 / Question 20 [Remediation Site]	No