



## FULTON COUNTY PLANNING BOARD

### GML §239 REFERRAL RESPONSE FORM

#### DESCRIPTION OF PROPOSED ACTION

**Name of Proposed Action:** James Chevrolet  
Ancillary Building

Name of Municipality: City of Johnstown  
Name of Referring Body: Planning Board

#### Type of Action\*

- Adoption or Amendment of a Zoning Ordinance or Local Law
- Issuance of Special Use Permit
- Approval of Site Plan
- Granting of Area Variances
- Adoption of Comprehensive Plan
- Other authorizations which a referring body may issue under the provisions of any zoning ordinance or local law

*\*Pursuant to the Fulton County Board of Supervisors, Subdivisions and Use Variances do not need to come before the Fulton County Planning Board*

#### Project Description

*For an Area Variance, please identify the relief being sought from the Zoning Ordinance*

James Chevrolet is looking to construct a building at the intersection of NYS-30A and NYS-67 (Tax Map Parcel Number 175.5-7-13) that is approximately .93+/- acres in size. The 6460 sq. ft. building will be used for new car detailing and repair which will include a five (5) bay garage doors, 18 9x18 parking spaces, and two entrances, one on NYS Route 30A which will have Headwall and wing walls for the culverts, and one (1) on NYS-67 which the turn out lane will only be for right handed turns.

The proposed project is located within the Arterial Commercial C-2 Zoning District. Per the City's Zoning Ordinance, an Automobile Service Center is defined as "A building where gasoline, oil and greases, batteries, tires, and automobile

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accessories are supplied and dispensed directly to the motor vehicle trade, at retail, and where minor repair service is rendered including automobile painting, body repair, and customizing.” The project is an allowed use under Site Plan Review.

### **Property Location**

Tax Map Parcel No. 175.5-7-13  
Property Address 0 South Comrie Ave

### **The proposed action is within 500 ft. of the following boundary:**

Municipal boundary

County or state existing or proposed road

County or state existing or proposed park or recreation area

County or state-owned property, existing or proposed, on which a public building or institution is located

Farm operation located in Fulton County Agricultural District #1

### **Submitted by:**

Name Carrie Allen  
Title Clerk, City of Johnstown Planning Board  
Address PO Box 160  
Johnstown, NY 12095

Submittal Date May 7, 2024

Under NYS General Municipal Law Section §239-m, the Fulton County Planning Board must review certain planning and zoning actions before any final decision is taken at the municipal level. The Board is responsible for examining the inter-community and countywide or regional impacts of a proposed project and recommending approval, modification, or disapproval of the proposed action pursuant to GML §239-l which may include by not limited to:

1. Compatibility of various land uses with one another;
2. Traffic-generating characteristics of various land uses in relation to the effect of such traffic on other land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities;
3. Impact of proposed land uses on existing and proposed county or state institutional or other uses;
4. Protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas;
5. Drainage;
6. Community facilities;
7. Official municipal and county development policies, as may be expressed through comprehensive plans, capital programs or regulatory measures; and

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8. Such other matters as may relate to the public convenience, to governmental efficiency, and to the achieving and maintaining of satisfactory community environment.

The County Planning Board shall have thirty (30) days after the receipt of a complete application to issue its recommendation unless a mutual agreement is made with the County and the referring body. The Board holds regular meetings on the third Tuesday of each month at 8:45 a.m. in the Planning Department Conference Room at 1 East Montgomery Street, Johnstown, NY.

Application and the Full Statement of the proposal as defined below shall be delivered to the Planning Department by 5:00 p.m. on the second Tuesday of each month to be on the Agenda for that month's meeting.

A referring board must forward a "Full Statement of such proposal action" to the County Planning Board. A Full Statement is defined as all materials required by and submitted to the referring body as an application on the proposed action including the completed Environmental Assessment Form (EAF). For more information on the process, please visit: <https://www.fultoncountyny.gov/planning-department>

The referring board must have a supermajority vote to override the County Planning Board's recommendation on any application (a majority plus one).

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### **FULTON COUNTY PLANNING BOARD RECOMMENDATION:**

On Tuesday, May 21, 2024, the Fulton County Planning Board reviewed the above project and offered the following recommendation:

- No Recommendation
- Disapproval
- Approval
- Approval with Modification

The Fulton County Planning Board expressed concern with the fact that the curb cuts were very close to the intersection of NY-67 and NY-30a, which given the busy intersection may increase automobile crashes.

Several Planning Board members indicated that the New York State Department of Transportation (NYSDOT) has been looking into this intersection for the construction of a roundabout which may include a portion of this property.

The Planning Board recommends City of Johnstown Officials to speak with NYSDOT and include the agency within the SEQR process. Subsequently, the board asked that the Environmental Assessment Form Part 1 is included with applications moving forward.

## **Presence of a Hazard of Concern: Japanese Knotweed**

Upon further review, the Fulton County Planning Department acknowledges the presence of Japanese Knotweed, an invasive species on the property. This hazard among other invasive species has been identified as a Hazard of Concern in the 2021 Fulton County Hazard Mitigation Plan. <https://fulton.mitigateny.org/hazards>. Invasive species infestations are non-native organisms that pose a threat to an ecosystem, the environment, the economy, or human health. They may be terrestrial or aquatic animals, plants, or microorganisms that take over habitats of native life forms, causing a decline in population or disappearing. These organisms are introduced accidentally or intentionally by humans or their activities.

Japanese knotweed spreads rapidly, forming dense thickets that crowd and shade out native vegetation. This reduces species diversity, alters natural ecosystems, and negatively impacts wildlife habitat. The ground under knotweed thickets tends to have very little other growth. This bare soil is very susceptible to erosion, posing a particular threat to riparian areas. Once established, populations of Japanese knotweed are extremely persistent and hard to eradicate. It can grow through blacktops, and concrete and can destroy buildings.

Small stands may be killed by repeat cutting, but this treatment must be repeated six times or per season. Proper containment of repeat killing is necessary as it can self-propagate from a rhizome cutting as small as 0.393 inches (1 cm). If not properly maintained have a regional effect of spreading to neighboring properties and beyond.

### **Images of Japanese Knotweed:**



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More Information:

[https://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/fseprd529922.pdf](https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd529922.pdf)

<https://www.invasivespeciesinfo.gov/terrestrial/plants/japanese-knotweed>

<https://www.pba-solutions.com/japanese-knotweed-news/japanese-knotweed-early-growth/>

Date: May 24, 2024

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Dave Rackmyre Jr. Chairman  
Fulton County Planning Board

Cc: Fulton County Planning Board  
City of Johnstown Planning Board  
Bruce Herberer, City Code Enforcement Officer  
Chris Vose, City Engineer  
Carrie Allen, City Clerk

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