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November 2, 2023

TO: TOWN OF AMSTERDAM
TOWN BOARD

FROM: TOWN OF AMSTERDAM
PLANNING BOARD

RE: ZONING DISTRICT FOR
FORT JOHNSON

The Planning Board received a referral from the Town Board for the proposed local Law No. 6 of 2023 Zoning map amendment due to dissolution of the Village of Fort Johnson.

At the Planning Board monthly meeting on November 1, 2023 the Board reviewed the referral.

The Laberge Group did a study for the Zoning District Options for Fort Johnson. They recommended two options (see attached) for the Town to consider.

The Board reviewed and discussed the two options.

After the review and discussion, the Board agreed that Option 1 would be the best Zoning District to enact in the process of dissolving the Village of Fort Johnson.

A motion was made to make a positive recommendation to the Town Board to accept Option 1 for the Zoning District for Fort Johnson.

Motion by: Charles Archinal

Second by: Chris Kelly

The Board also agreed to decline Lead Agency and defer it to the Town Board.

Motion by: Alex Kuchis

Second by: Kelly Joyce

Respectfully submitted,

Alex Kuchis
Planning Board Chairmen

MEMORANDUM

TO: Thomas P. DiMezza, Town Supervisor

CC: Charles Schwartz, Esq., Town Attorney
Mike Simmons, Village Mayor

FROM: Kevin J. Schwenzfeier, Senior Planner, Laberge Group

DATE: September 8th, 2023

RE: Zoning District Options for Fort Johnson

Purpose of this Memorandum:

On November 15th, 2022 the voters of the Village of Fort Johnson [Village] elected to dissolve the Village into the Town of Amsterdam [Town] effective 12/31/2023. The dissolution of the Village includes the incorporation of the former village area into the Town of Amsterdam Zoning Code. As noted in the Village Dissolution Plan the Town has up to two years to allow the Village laws to remain in effect. However, the Village does not have a zoning law and therefore it is in the best interest of the Town to quickly modify the Town's Zoning Law to incorporate the former village area. This amended Zoning Law will go into effect immediately upon the Village's dissolution on 1/1/2023.

Without a village zoning law, it is the responsibility of the Town to propose zoning that best fits the character of the Village. Based upon a review of land use trends, two options are recommended for the Town of Amsterdam to consider: 1) Utilize the Town's existing zoning districts to cover all properties within the former village area, or 2) Create a new zoning district that encompasses the entire former village area.

Fort Johnson Zoning Option #1: Existing Town Districts

Option #1 proposes utilizing the following existing Town zoning districts to incorporate the former village area. It should be noted that the majority of residential properties within the Village fall below the town-wide minimum lot area of 20,000 square feet and, therefore, will become non-conforming.

B-2: Restricted Business – 33.1 acres is proposed to be zoned B-2 and encompasses the commercial core of the Village. The proposed B-2 district includes all properties west of St. Mary's Cemetery along East Main Street, all properties along Prospect Street including Old Fort Johnson, all properties along Fort Johnson Avenue for 600 feet north from NYS Route 5, all properties along Lepper Road for 300 feet north from East Main Street, and all properties along Brant Avenue for 600 feet north from NYS Route 5.

R-1: Residential – 427.5 acres is proposed to be zoned R-1 and encompasses the remaining, primarily residential properties within the Village. Outlying use types include St. Mary’s Cemetery, St. Joseph’s Cemetery, Ellenwood Park, village storage annex, railroad right of way, and riverfront agricultural land.

Utilizing these two zones within the former village area will protect the residential nature of the village through the regulations of the R-1 District while continuing to concentrate commercial and service uses within the historic business core through the regulations of the B-2 District. The only amendment required as part of Option #1 would be to the Town’s Official Zoning Map (attached).

Fort Johnson Zoning Option #2: New Zoning District

Option #2 proposes implementing a new **H-M: Hamlet Mixed Use** zoning district for the entire former village area. The district is intended to preserve and enhance the existing land uses and built form of the Village. Since no zone within the Town’s current code fits with the historic nature of Fort Johnson’s development pattern, the H-M District enables higher development densities, smaller lot sizes and setbacks, and a wider mix of land uses that currently exist in the Village.

As part of Option 2, the Town would require an amendment to the Town’s Official Zoning Map (attached) and Zoning Schedule A, which outlines the proposed uses and dimensions (attached). In addition, the following language would be incorporated into **Article IV – Use Regulations**.

SECTION 13.5. H-M HAMLET MIXED USE DISTRICT

In the H-M Hamlet Mixed Use District, no building or premises shall be used and no building shall be erected or altered except for one or more of the following uses:

Uses Permitted:

1. B-2 Restricted Business District
2. R-2 Residence District Permitted Uses
3. Motel, Hotel
4. Bowling Alley
5. Launderette or Dry-Cleaning Plant
6. Automobile, boat, farm implement, mobile home or trailer sales rental for off-premises use only
7. Fuel, feed, lumber, seed, fertilizer, construction or building materials sales or storage
8. Cabinet, electrical, heating, plumbing or air conditioning shop
9. Gasoline station, public garage
10. Veterinary, animal hospital
11. Wholesale Business

Uses Permitted by the Planning Board as Special Permit Uses:

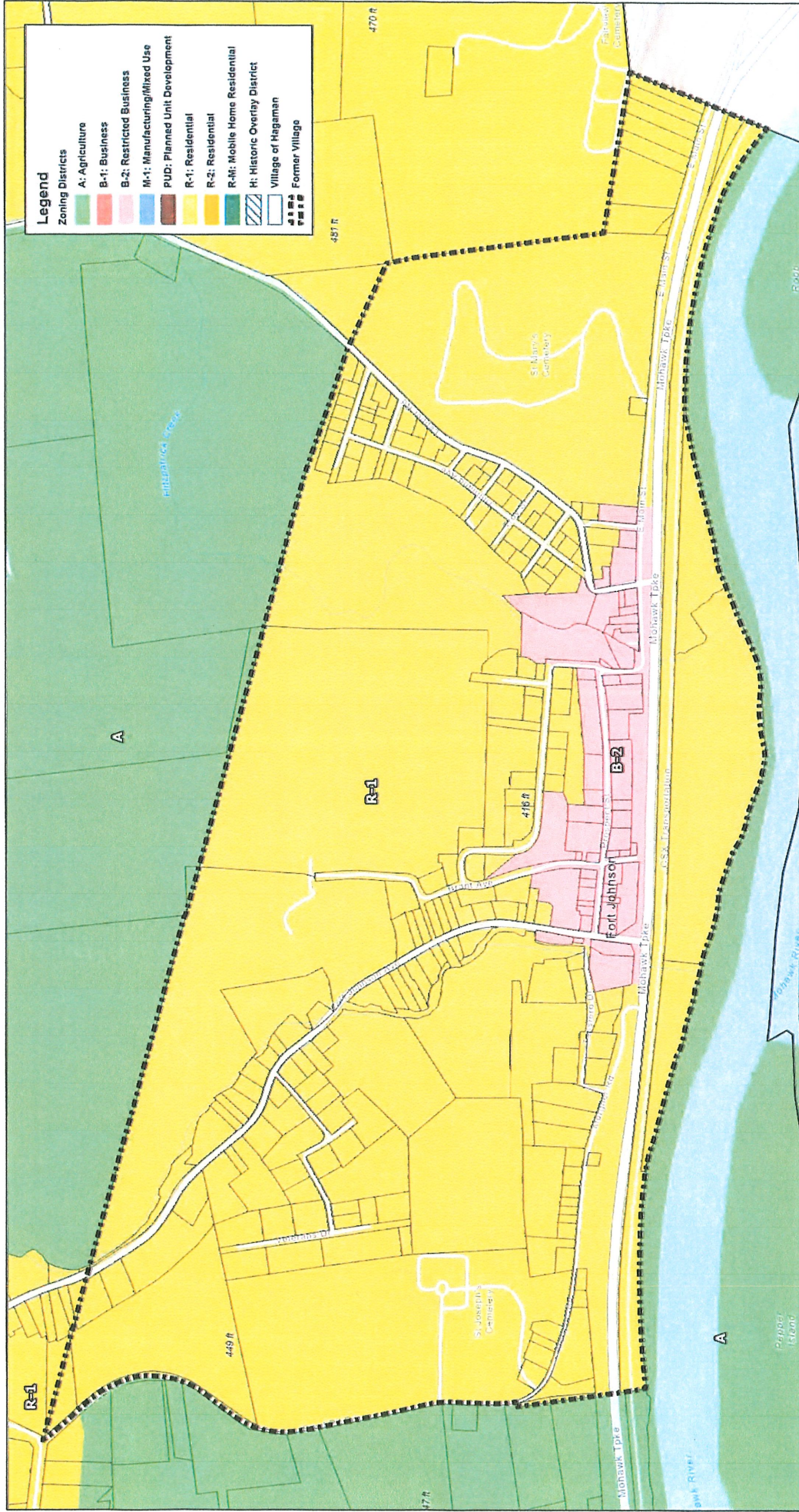
1. Nursing home, Hospital, Assisted Living Facility, Senior Housing
2. Accessory Dwelling Unit (not mobile home)
3. Golf Course or Country Club
4. Public or private school, college

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5. Pleasure Horses (See Section 32B - Equine Zoning Regulations)
6. Kennels (with appropriate acreage)
7. Wind Measurement Tower, Small Wind Energy Facility
8. Car Wash
9. Warehouse
10. Self-Storage Units
11. Light Manufacturing
12. Transportation Services, Auto/Truck Rental

Next Steps for the Town

1. Review of options by Town Board and/or Planning Board.
2. Selection of preferred option.
3. Commencement of SEQR process.
4. Declare lead agency.
5. Coordinate with Montgomery County for 30-day 239 Review.
6. Set date for public hearing.
7. Hold public hearing.
8. Determination of Significance of impact.
9. Resolution of Approval.



Fort Johnson Zoning Map, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, Sources: Esri, Airbus DS, USGS, NGA, NASA, CIGAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatanlyseken, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community



Accuracy not guaranteed. Map for illustrative purpose only.
 Produced by Laberge Group. Data provided by NYS GIS
 Clearinghouse 2022. Job#F2022124



Proposed Fort Johnson Zoning

Town of Amsterdam

Montgomery County, New York

TOWN OF AMSTERDAM, NEW YORK FORT JOHNSON ZONING OPTION #2 AMENDMENT TO ZONING SCHEDULE A

ZONING DISTRICTS	PERMITTED USES (See Article IV – Use Regulations for Complete List)	SPECIAL PERMIT USES Permitted by the Planning Board	MINIMUM LOT SIZE Area in Sq. Ft.	MINIMUM LOT SIZE Width in Feet †	LOT COVERAGE (Maximum Percent)	MIN. LIVING AREA * (Square Feet)	BUILDING HEIGHT			YARD DIMENSIONS (Minimum in Feet)		
							Stories	Maximum Feet	Height in Feet	Front	Side	Rear
	One-family dwelling except mobile home		7,000	50	75	850	2.5	35	10	10	30	
	Two-family dwelling		7,000	50	75	720/20	2.5	35	10	10	20	
	Multiple family dwelling		0.25 acres	100	75	720/20	3	45	10	10	20	
	Town Houses/Condominiums		0.25 acres	100	75	850/20	2.5	35	10	10	20	
	Church, parish house, convent		50,000	250	75	***	***	***	25	25	25	
	Community park or playground		***	***	***	***	***	***	***	***	***	
	Public building, library		***	***	***	***	***	***	10	10	20	
	Existing farm, nursery or truck garden		***	***	***	***	***	***	***	***	***	
	Customary accessory use or building		***	***	***	***	1	15	***	***	***	
	Family & Group Family day care as accessory use		***	***	***	***	***	***	***	***	***	
	Mobile home as accessory use to farm operation		***	***	***	***	2.5	35	50	25	50	
	Small-scale solar system as accessory use		***	***	***	***	***	***	***	***	***	
	Retail store or shop		***	***	75	***	2	30	10	10**	20	
	Personal service shop		***	***	75	***	2	30	10	10**	20	
	Professional offices		***	***	75	***	2	30	10	10**	20	
	Bank		***	***	75	***	2	30	10	10**	20	
	Funeral home		***	***	50	***	2	30	25	25**	30	
	Bed & Breakfast Establishments		7,000	50	75	850	2.5	35	10	10	20	
	Customary home occupation		***	***	***	***	***	***	***	***	***	
	Restaurant		***	***	75	***	2	30	10	10**	30	
	Personal wireless service facility		***	***	***	***	***	***	***	***	***	
	Child day care center		***	***	50	***	2	35	10	10**	30	
	Motel, Hotel		***	***	35	***	2	45	25	20**	30	
	Bowling Alley		***	***	25	***	2	30	25	20**	30	
	Laundrette or Dry-Cleaning Plant		***	***	25	***	2	30	25	10**	30	
H-M Hamlet	Automobile, boat, farm implement, mobile home or trailer		***	***	25	***	2	30	50	20**	50	
Mixed-Use	Fuel, feed, lumber, seed, fertilizer, construction or building materials sales or storage		***	***	25	***	2	30	50	20**	50	
	Cabinet, electrical, heating, plumbing or air conditioning shop		***	***	25	***	2	30	50	20**	50	
	Gasoline station, public garage		40,000	200	20	***	2	30	50	25	50	
	Veterinary, animal hospital		40,000	200	25	***	2	30	50	20	50	
	Wholesale Business		***	***	25	***	2	35	50	20	50	
	Nursing home, Hospital, Assisted Living Facility, Senior Housing		5 acres	200	25	***	3	45	50	50	50	
	Accessory Dwelling Unit (not mobile home)		20,000 Public 65,000 Private	100 Public Private	20	400	1	15	50	10	50	
	Golf Course or Country Club		75 acres	500	25	***	2.5	35	100	50	100	
	Pleasure Horses		5 acres	500	25	***	2	35	50	50	50	
	Kennels		2 acres/horse 10 acres	200	20	***	2	30	50	200	200	
	Wind Measurement Tower, Small Wind Energy Facility		5 acres	***	***	***	***	***	1.5x tower height	***	***	
	Car Wash		***	***	25	***	1	15	50	***	***	
	Warehouse		***	***	25	***	***	***	50	***	***	
	Self-Storage Units		***	***	25	***	1	15	25	25	25	
	Light Manufacturing		***	***	25	***	***	***	50	50	50	
	Transportation Services, Auto/Truck Rental		***	***	30	***	2	***	50	25	100	

* In H-M minimum first floor living area is 600 square feet if structure is more than one story.
 ** Unless joined.
 † See definitions of Lot Width and Flag Lots. Lot Width is not the same as road frontage, but is measured at a setback from the front property line equal to the required front yard.
 Regulations apply to all uses in the district unless indicated by a dash (—) which means either no minimum or maximum or not applicable, except for conditions imposed for a special use permit.
 DU means Dwelling Unit.
 This schedule is not necessarily all inclusive. Refer to Zoning Law text for more detail.