



August 24, 2022

Mr. Joseph Burke, Chairman
City of Utica Planning Board
1 Kennedy Plaza
Utica, New York 13502

Chairman Burke and Members of the Utica Planning Board,

Stewart's Shops is pleased to submit its Site Plan and Special Use Permit application for the redevelopment of 2632 and 2634 Genesee St. (SBLs: 329.11-5-61 and 62) respectively. These parcels are both zoned Neighborhood Mixed Use (NMU) which allows, "Gasoline/Convenience Station" use subject to Site Plan and Special Use Permit approval by the Planning Board. The definition of "Gasoline/Convenience Station" is provided in §2-29-7 and shown in the Use Table §2-29-25 (below).

Sec. 2-29-125 Use Table.					
Use Table					
	CBD	UMU	NMU	RM	R1
Shopping center		D	D		
Service establishment	P	P	D	SP	
Theater	S	S	S		
Vending lot	SP	SP	SP		
Marijuana dispensaries/retail	SP	SP			
d. Automotive					
Auto repair		S			
Auto body repair		S			
Car wash		S			
Gasoline/convenience station		SP	SP		

Supplemental regulations are also provide for Automotive Uses in §2-29-344 where (d) addresses the specific elements concerned with Gasoline/Convenience Stations. Stewart's proposal is compliant with (a) and (d) of the section.

SEQRA Status

An Environmental Assessment Form (EAF) is being provided to the Planning Board for Application



completeness. However, the proposed project constitutes a Type II Action under SEQRA regulation pursuant to §617.5(c)(9) which states: “construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities.”

While previous applications before the City of Utica for Stewart’s stores have involved SEQR review, this is because those projects required the issuance of Use Variances and were correctly classified as SEQRA Unlisted Actions. As this complies with the Use restrictions of the City Zoning Law and no Use Variance are necessary, this Action is a Type II Action and is exempt from SEQRA review..

Site Plan Criteria §2-29-302

- (a) Location of the tract by an insert map at a scale of not less than one-inch equals 2,000 feet indicating scaled coordinates referred to by the U.S.G.S. quadrangles or state grid north and such information as the names and numbers of adjoining roads, streams and bodies of water, railroad subdivisions, or other landmarks sufficient to clearly identify the location of the property. [S-1]
- (b) Every site plan shall show the name and address of the owner or developer, the district, county, state, north point, date and scale of drawing, and number of sheets. In addition, it shall reserve a blank space, three inches wide and five inches high, for the use of the reviewing authority. [Title Block – All Sheets]
- (c) A boundary survey of the tract with an error of closure within the limit of one in 10,000 related to the true meridian and showing the location and type of boundary evidence. [S-1]
- (d) All horizontal dimensions shown on the site plan shall be in feet and decimal fractions of a foot to the closest 1/100 of a foot, and all bearings in degrees, minutes and seconds to the nearest 10 seconds. [S-1]
- (e) Certificate signed by a licensed surveyor and a licensed engineer or architect setting forth the source of title of the owner of the tract and the place of record of the last instrument in the chain of title. [Copy provided to staff]
- (f) All existing and proposed streets and easements, their names, numbers and widths; existing and proposed utilities; watercourses and their names; owners, zoning and present use of all adjoining properties. [S-1 and S-2]
- (g) A landscape plan, drawn to scale, including dimensions, distances and the location, size and description of all proposed landscape materials. [S-3]
- (h) Existing vegetation, proposed removal of vegetation, and proposed replacement of vegetation. [S-3]
- (i) Location, type, size and height of fencing, retaining walls and screen planting as may be required by Article VII of this chapter. [S-1 and S-3]
- (j) All off-street parking, related driveways, loading spaces and walkways, indicating type of surfacing, size, angle of stalls, width aisles and a specific schedule showing the number of parking spaces provided and the number required by this chapter. [S-1]
- (k) The location, size and height of all existing and proposed signs on the site. A detailed drawing of each sign shall also be submitted, showing the colors of the sign, content of the sign and the exact size and style of the lettering. [T-1]

(l) The proposed location, general use, number of floors, height and the net and gross floor area for each building, to include outside display areas, and where applicable the number, size and type of dwelling units. [S-1]

§2-29-302(m)-(s) – many of these elements are design component specific, upon Planning Board feedback for site orientation Stewart's will address specific elements.

(t) Location and design of existing and proposed outdoor lighting facilities, furniture, and similar facilities. [S-1 and S-4]

(u) The completed environmental assessment form (EAF) in compliance with the State Environmental Quality Review Act (SEQRA). [Attached]

§ 2-29-313 Preliminary Site Plan Review

(a) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic control. [S-2]

(b) Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience. [S-2]

(c) Location, arrangement, appearance and sufficiency of off-street parking and loading. [S-2]

(d) Location, arrangement, size, design and general site compatibility of buildings, lighting and signs. [Attached Renderings]

(e) Adequacy of stormwater and drainage facilities. [Finalized in future submission. Site represents opportunity to increase greenspace from existing condition]

(f) Adequacy of water and sewage disposal facilities. [Site represents opportunity for water demand reduction under assumption restaurant operating, facilities sized based on existing stores]

(g) Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation. [S-2 and S-3]

(h) In the case of multifamily dwellings, the adequacy of usable open space for play areas and informal recreation. [NA]

(i) Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features. [S-2]

(j) Adequacy of fire lanes and other emergency zones and the provisions of fire hydrants. [Proposed utilization of the hydrant near railroad on same side of Genesee]

(k) Special attention to the adequacy of structures, roadways, and landscaping in areas with susceptibility to ponding, flooding and/or erosion. [Future submission will include contour level plan required in §2-29-302]

(l) Overall sensitivity to the environment. [Site design was completed with intention of minimizing adjoining properties to site lighting(S-6) and dumpster location (S-1)]

Special Use Criteria (§2-29-333)

(a) Compatibility of the proposed use with the principles of the district, the purposes set forth in this chapter, and the goals of the Master Plan.

Stewart's Response: The 2011 Master Plan accessed through the City's website did not provide specific guidance for the subject properties. In 2021, the adopted zoning law designated the properties Neighborhood Mixed Use (NMU). The purpose of this designation, as described in §2-29-114 of the zoning law, is as follows: "This district reflects the walkable and historic nature of Utica's neighborhoods. Commercial uses in the NMU District compliment the dense residential neighborhoods in the adjacent RM neighborhoods". Stewart's proposes the very type of commercial use which supports nearby residential uses and furthers the City's clear intention to promote this type of complimentary commercial use near residential properties. To ensure its compatibility, Stewart's will utilize downlit LED fixtures and proposes sidewalk connections from approaches on both Genesee St and Woodlawn to further promote walkability.

(b) Compatibility of the proposed use with adjoining properties and with the natural and man-made environment.

Stewart's Response: In terms of use, Stewart's Shop is designed to provide a convenient location where area residents can find necessary household items together with other desired products. In terms of overall design, Stewart's is proposing to decrease the depth of the overall development to more appropriately blend with the changes in development as you travel along Woodlawn Avenue from Genesee Street to Sunset Avenue.

(c) Compatibility of the height of buildings, walls, fences and the nature and extent of landscaping on the site are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

Stewart's Response: To address this consideration, Stewart's has attempted to match the existing Raspberries building height in its proposed building elevation. Placing the building where it has been, minimizes the visual impact by moving the gasoline canopy closer to the commercial activity of Genesee Street.

(d) Adequacy of parking, vehicular circulation, and infrastructure for the proposed use, including accessibility to fire, police, and emergency vehicles and sufficient water supply and appurtenances for firefighting purposes.

Stewart's Response: Based upon significant experience in operating this type of use, the proposed parking is known to be adequate. In addition, the inclusion of an additional point of entry together with the orientation and location of fuel pumps helps promote appropriate vehicular circulation for patrons and emergency vehicles alike. Regarding utilities, Stewart's believes water and sewer demand will be lower than the current restaurant and multi-family residence particularly because no on-site cooking will be conducted.

(e) The overall impact on the site and its surroundings considering environmental, social and economic impacts of traffic, noise, dust, odors, release of harmful substances, solid waste disposal, glare, or any other nuisances.

Stewart's Response is broken down into individual sections to appropriately address each topic.

Traffic: Creighton Manning Engineering (CME) was retained by Stewart's Shops to ensure that the existing roadway network can accommodate the proposed traffic demand. The CME report indicates the

proposed use has a 63% pass by assignment which indicates that the use is not driven by destination or original trips but instead those already on the roadway network. This is supported by Table 3 of the study (pasted below) which shows that there will be not be a change in Level of Service (LOS) for any of the approaches to the site.

Table 3 – Level of Service Summary

Intersection	Control	AM Peak Hour			PM Peak Hour		
		2022 Existing	2023 No-Build	2023 Build	2022 Existing	2023 No-Build	2023 Build
Genesee Street/Woodlawn Avenue	S						
Genesee Street EB LT,TR		A (9.1)	A (9.2)	A (9.2)	A (9.1)	A (9.1)	A (9.2)
Genesee Street WB LT,TR		A (8.7)	A (8.7)	A (8.7)	A (9.2)	A (9.2)	A (9.3)
Woodlawn Avenue NB LTR		B (13.8)	B (13.8)	B (13.8)	B (13.8)	B (13.8)	B (13.8)
Woodlawn Avenue SB LTR		B (14.1)	B (14.1)	B (14.1)	B (14.3)	B (14.3)	B (14.3)
Overall		A (9.5)	A (9.5)	A (9.6)	A (9.7)	A (9.7)	A (9.8)
Genesee Street/Site Driveway	U						
Genesee Street EB L		--	--	A (8.2)	--	--	A (8.6)
Site Driveway SB LR		--	--	B (13.8)	--	--	C (15.2)
Woodlawn Avenue/Site Driveway	U						
Woodlawn Avenue NB L		--	--	A (7.3)	--	--	A (7.3)
Site Driveway EB LR		--	--	A (8.8)	--	--	A (8.9)

After participating in an August 9th community forum, Stewart's has requested CME develop a supplement that addresses specific concerns of participating neighbors by assessing the existing traffic along Sunset and Woodlawn Avenues. Stewart's has requested that its consultant provide the counts. However, no restrictions exist in the zoning ordinance pursuant to §2-16-372 nor §2-16-373.

Harmful Substances: There will be no impact due to any harmful substances. As this use includes sale of gasoline, there will obviously be petroleum stored on-site. However, Petroleum Bulk Storage is regulated by NYSDEC and there is no prohibition to storage at this location either under 6 NYCRR PART 613 or City Zoning Law and gasoline service is clearly permitted in this zoning district, nor is there any reason to believe that the sale of gasoline on this or any other site is harmful. §2-29-344 establishes the Supplemental Regulations for automotive uses and specifically outlines Convenience/Gasoline Station requirements in subsection (a) and (d), where Stewart's proposed project is compliant with both provisions.

In addition to the City's Zoning Ordinance, Stewart's has attached its Petroleum Bulk Design, Installation and Maintenance for this Board's convenience. This document was developed by Tim Johncox, P.G. who manages the Environmental Compliance program for Stewart's. In his correspondence Mr. Johncox speaks to the Benzene issue raised at the August 9th neighborhood forum.

Solid Waste Disposal: The proposed dumpster location has been placed as far south as possible keeping it away from the residentially zoned properties and in proximity to other NMU zoned parcels.

Glare: Stewart's proposes the use of downlit LED fixtures for both pole lights, canopy and soffit lighting as seen on the Proposed Photometric Plan (S-6). Both canopy and soffit mounted fixtures are proposed to

be flush mounted. Yard lights are also proposed to be LED and those abutting the residentially zoned neighbors are back shielded fixtures which only cast light forward.

Economic: Stewart's has reviewed residential sales within a half mile radius of the two existing stores in the city and no recognizable pattern exists relates to the proximity to the store and home value. To further ensure this is appropriately observed, Stewart's has retained Conti Appraisal and Consulting for a professional opinion and will be able to supplement its Application once additional information obtained.

While not strictly a Planning Board issue at the August 9th neighborhood forum Stewart's was repeatedly asked if it was going to request a PILOT (Payment In Lieu of Taxes) for the proposed location and repeatedly responded it has not sought a PILOT for either of the first two locations nor will it seek one for this location.

Social: The site predominantly consists of a commercial restaurant and Stewart's is not aware of any detrimental social impacts that may occur due to the planned redevelopment of the site to better serve the needs of the community. In addition, has submitted a FOIL request to the City Clerk's office (attached) to determine if any code enforcement violations or neighborhood complaints exist from either of the two existing store in the City.

(f) Restrictions and/or conditions on design of structures or operation of the use (including hours of operation) necessary either to ensure compatibility with the surrounding uses and neighborhood or to protect the natural or scenic resources of the City.

Stewart's Response: Stewart's is not proposing a 24-hour store and feels the 5AM-11PM proposed hours are in line with the store on Culver Ave which is open from 4:30AM-11:30PM.

(g) Consistency of the location of the proposed use with the goal of creating a healthy mix of uses that enhances the viability of the City.

Stewart's Response: Through its Zoning Law, the City has provided guidance on what types of uses are desirable in creating a vibrant mix of uses to enhance the viability of the City.

§2-29-126(c) emphasizes that this zoning district "mix of residential dwelling unit types, commercial services, parks and community facilities. This district reflects the walkable and historic nature of Utica's neighborhoods. Commercial uses in the NMU District compliment the dense residential neighborhoods in the adjacent RM neighborhoods." Stewart's provides direct support to residential uses as it provides household necessities and other desirable household products. Convenience stores are routinely incorporated into residential settings for this very reason. In addition, the inclusion of sidewalk approaches from both Genesee Street and Woodlawn are in line with the pedestrian accommodations desired in the section. These improvements are not only supported by the Zoning Ordinance but also an outside book based on urban redevelopment which is the "Sprawl Repair Manual" by Galina Tachieva. The book speak speaks to the significance of convenience stores on Page 46 when developing the structure of a neighborhood and the inclusion of sidewalk on Page 28.

Currently, the Raspberries parcel are underutilized and inconsistent with the Comprehensive Plan.

Stewart's has designed the site with the intention of keeping lighting (S-6) from impacting adjoining properties by using backlit LED fixtures particularly on pole lights and by locating the dumpster away from residences.

And, as discussed in (e) above, there will be no LOS change as a result of this redevelopment.

(h) Compatibility with the historic character and use of the structure or structures and the historic character of the site and in the surrounding area, if applicable.

Stewart's Response: Stewart's has retained the services of Hudson Cultural Resources a firm with expertise in archaeology and historic preservation. This information will be provided to the City once received. However, Stewart's is not aware of any impact to historical character as a result of project advancement.

Stewart's offers the following attachments to this cover letter:

- Site Plan Application
- Special Use Permit Application
- Short Environmental Assessment Form (SEAF)
- Stewart's Plan Set including:
 - Title Sheet (T-1)
 - Existing Site/Demolition Plan (S-1)
 - Proposed Site Plan (S-2)
 - Proposed Landscape Plan (S-6)
 - Proposed Photometric Plan (S-4)
- In-situ Renderings
- City of Utica FOIL Requests and Responses
- Creighton Manning Engineering (CME) Traffic Impact Study
- Stewart's "Petroleum Storage Equipment – Design, Installation and Maintenance" Narrative
- Correspondence from Tim Johncox, P.G. regarding Petroleum Bulk Storage and Benzene Emission
- Comparable Sales Surrounding 1210 Culver Ave and 425 Court St

Through its participation in an August 9th neighborhood forum, Stewart's understands the profile of this application may be slightly elevated from others before the Board. Stewart's understands and fully expects that this Board will thoroughly review the application materials submitted and may seek additional information from Stewart. In addition, there are materials still forthcoming that, while not required to be part of any Application, are still potentially relevant and helpful to this Board's review. Therefore, Stewart's believes that an additional meeting may be beneficial before a Public Hearing is scheduled and hereby requests that the Public Hearing not be scheduled until this Board's October meeting. This will allow further development of the Record, inclusion of items still forthcoming, and will allow the Board to seek and obtain further clarification of any preliminary issues before the Public Hearing.

If you need additional material or have any questions, please reach me at (518) 581-1201 ext 4435.

Respectfully submitted,

Chuck

Charles "Chuck" Marshall
Stewart's Shops Corp.

Site Plan Review Application



CITY OF UTICA PLANNING BOARD STANDARD APPLICATION

It is the responsibility of the applicant to complete this form in its entirety, including all required attachments, as precisely as possible prior to submitting your application. **Incomplete applications will not be accepted**

APPLICATION TYPE

- ☒ Commercial Site Plan Review ☐ Subdivision Review
☐ Residential Site Plan Review ☐ Floodplain Development Review

PROPERTY ADDRESS

2632 and 2634 Genesee Street

APPLICANT INFORMATION

NAME Stewart's Shops Corp. ADDRESS P.O. Box 435
PHONE (518) 581-1201 ext 4435 Saratoga Springs, New York 12866
FAX (518) 581-1209 E-MAIL cmarsshall@stewartsshops.com

OWNER INFORMATION (complete only if applicant is not the owner of the property)

NAME 2634 Genesee St - JVCAJ Corp and Jeffrey Lamandia ADDRESS _____
2632 Genesee St - Vincent Carfagno
PHONE 2634 Genesee St - Joe Hobika Jr., Esq - (315) 724-1600 _____
2632 Genesee St - Ryan Miosek, Esq. - (607) 282-4447
FAX _____ E-MAIL 2634 Genesee St - Joe Hobika Jr., Esq - joejr@hobikalawfirm.com
2632 Genesee St - Ryan Miosek, Esq. - rmiosek@mioseklaw.com

CONTRACTOR INFORMATION

NAME Stewart's will serve as General Contractor ADDRESS _____
PHONE _____
FAX _____ E-MAIL _____

OFFICE USE ONLY

RECEIVED BY: _____ DATE/TIME RECEIVED: _____
FEE AMOUNT: _____ CHECK/MONEY ORDER #: _____
ZONING: _____ FEE TRANSMITTAL DATE: _____
FILING DATE: _____ AGENDA DATE: _____

BRIEF HISTORY OF PROPERTY

(historic use of property, ownership history, prior approvals, etc.)

What has been represented to Stewart's is that the current Raspberries was a former Friendly's dine in restaurant converted to the existing use while the residence has always been used as single or multi-family. The submitted FOIL request did not generate information indicating previous land use board approvals.

DESCRIPTION OF PROPOSED ACTION

(include specific use proposed, size of construction or addition proposed, details of proposed access, parking provisions and signage, etc.)

A Project Narrative is attached. However the basic description is a 3,975 square-foot convenience store which would be a wood-framed building covered with Hardi Board (concrete clap board) and a stone veneer. Lighting will be achieved through downlit LED fixtures that are flush mounted to building soffits or the gasoline canopy. Despite providing 24 parking space, Stewart's is proposing a reduction in the amount of impervious pavement than currently present.

COMPATIBILITY WITH NEIGHBORHOOD

(describe the manner by which the proposed development will be consistent with adjoining development and will not cause substantial injury to neighboring properties)

Please refer to Project Narrative.

APPLICATION COMPONENTS

To ensure appropriate and timely review of the application, please provide the following additional documentation in support of the application. **Failure to provide all of the applicable materials listed below may result in refusal of your application.**



Application Fee (check or money order only payable to City of Utica)

Site Plan Review

Residential	\$ 150.00
Commercial	\$ 250.00

Subdivision Review

Residential	\$ 150.00
Commercial	\$ 250.00

Floodplain Development

\$ 100.00*

***Please note** that an application for preliminary site plan review and approval shall be accompanied by a fee in the amount specified in Article II.

Anticipated costs which the Planning Board expects to incur due to consulting services or other review costs shall be paid by the applicant and placed in an escrow account. Any unspent funds shall be returned to *the applicant within five days of the Planning Board action on the final site plan.*



4 Sets of Detailed Site Plans in 24" X 36" format to include:

(for site plan review applications only)

An area map at the scale of one inch equals 2,000 feet showing the parcel under consideration for site plan review, and all properties, water bodies, streets, and easements within 200 feet of the property boundaries.

A map of site topography at no more than five-foot contour intervals. If general site grades exceed 5% or portions of the site have susceptibility to erosion, flooding, or ponding, a soils overlay and a topographic map showing contour intervals of not more than two feet of elevation should be provided.

Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic control.

Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.

Location, arrangement, appearance and sufficiency of off-street parking and loading.

Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.

Adequacy of stormwater and drainage facilities.

Adequacy of water and sewage disposal facilities.

Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.

In the case of multifamily dwellings, the adequacy of usable open space for play areas and informal recreation.

Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features

Adequacy of fire lanes/other emergency zones and the provisions of fire hydrants.

Special attention to the adequacy of structures, roadways, and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

Overall sensitivity to the environment.

1 set of the above plans in 11"x17" format.

1 set of plans in a .pdf format e-mailed to clawrence@cityofutica.com



4 Sets of Subdivision Plans in 24" X 36" format to include:
(for subdivision applications only)

Existing property survey

Sketch subdivision plan, including topography, easements, existing & proposed streets, utilities on and adjacent to the tract, ground elevations

Final subdivision plan

1 set of the above plans in 11"x17" format.

1 set of plans in a .pdf format email to clawrence@cityofutica.com



Photographs of Existing Conditions



SEQRA (State Environmental Quality Review Act)

Short or Full Environmental Assessment Form (EAF)

******Applicants must consult Planning Staff to determine minimum compliance requirements and appropriate form******

If a Full EAF is required, it is the responsibility of the applicant to complete Parts I & II



Floodplain Development Permit Application

According to Zoning Code Section 2-10-12:

All applications for a floodplain development permit shall be accompanied by an application fee of \$100. In addition, the applicant shall be responsible for reimbursing the City of Utica for any additional costs necessary for review, inspection and approval of this project.

The local administrator may require a deposit of no more than \$500 to cover these additional costs.



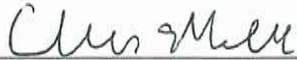
Stormwater Pollution Prevention Plan (SWPPP)

Applicants proposing a project involving the disturbance of one (1) acre of land or greater will be required to submit a SWPPP along with their application.

OWNER AFFIRMATION

I, THE UNDERSIGNED, DO HEREBY AFFIRM THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE AND I FURTHER UNDERSTAND THAT INTENTIONALLY PROVIDING FALSE OR MISLEADING INFORMATION IS GROUNDS FOR IMMEDIATE DENIAL OF MY APPLICATION.

FURTHERMORE, I UNDERSTAND THAT I (OR A DESIGNATED REPRESENTATIVE) MUST BE PRESENT AT THE MEETING TO REPRESENT THE APPLICATION AND RESPOND TO ANY QUESTIONS FROM THE PLANNING BOARD MEMBERS.



Signature of Applicant

8/19/22

Date

IF APPLICANT IS NOT THE OWNER OF RECORD FOR SUBJECT PARCEL:

I, THE UNDERSIGNED, HEREBY AFFIRM THAT I AM THE OWNER OF RECORD FOR THE SUBJECT PARCEL AT THE TIME OF APPLICATION. FURTHERMORE, I AM FAMILIAR WITH THE REQUEST BY THE APPLICANT AND AUTHORIZE SAID APPLICANT TO REPRESENT THE INTEREST OF THE OWNER(S) IN FURTHERANCE OF THE REQUEST.



Signature of Owner

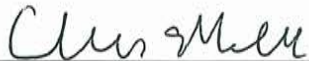
AUG 19 2022

Date

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Signature of Applicant

8/19/22

Date

IF APPLICANT IS NOT THE OWNER OF RECORD FOR SUBJECT PARCEL:

I, THE UNDERSIGNED, HEREBY AFFIRM THAT I AM THE OWNER OF RECORD FOR THE SUBJECT PARCEL AT THE TIME OF APPLICATION. FURTHERMORE, I AM FAMILIAR WITH THE REQUEST BY THE APPLICANT AND AUTHORIZE SAID APPLICANT TO REPRESENT THE INTEREST OF THE OWNER(S) IN FURTHERANCE OF THE REQUEST.



Signature of Owner

9-19-22

Date

Special Use Permit Application



CITY OF UTICA

PLANNING BOARD

SPECIAL USE PERMIT APPLICATION

*It is the responsibility of the applicant to complete this form in its entirety, including all required attachments, as precisely as possible prior to submitting your application. **Incomplete applications will not be accepted!***

PROPERTY ADDRESS

2632 and 2634 Genesee St

APPLICANT INFORMATION

NAME Stewart's Shops Corp ADDRESS P.O. Box 435
PHONE (518) 581-1201 ext 4435 Saratoga Springs, New York 12866
City State Zip
FAX (518) 581-1209 E-MAIL cmarshall@stewartsshops.com

OWNER INFORMATION

(complete **only** if applicant is not the owner of the property)

NAME 2634 Genesee St - JVCAJ Corp and Jeffrey Lamandia ADDRESS _____
2632 Genesee St - Vincent Carfagno
PHONE 2634 Genesee St - Joe Hobika Jr., Esq - (315) 724-1600
2632 Genesee St - Ryan Miosek, Esq. - (607) 282-4447
City State Zip
FAX _____ E-MAIL 2634 Genesee St - Joe Hobika Jr., Esq - joejr@hobikalawfirm.com
2632 Genesee St - Ryan Miosek, Esq. - rmiosek@mioseklaw.com

CONTRACTOR INFORMATION

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PHONE _____
City State Zip
FAX _____ E-MAIL _____

OFFICE USE ONLY

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FEE AMOUNT: _____ CHECK/MONEY ORDER #: _____
ZONING: _____ FEE TRANSMITTAL DATE: _____
FILING DATE: _____ AGENDA DATE: _____

DETAILS OF SITE DEVELOPMENT FOR PROPOSED USE (include description of available off-street parking facilities, access to the parking area, signage needs, and modifications to existing buildings)

Stewart's is proposing to raze the existing Raspberries restaurant along with the residence on the corner of Woodlawn and Genesee Street. The razing of the house will enable a driveway on Woodlawn and a singular Genesee Street connection.

As previously noted, despite proposing 24 parking spaces, Stewart's is reducing the overall amount impervious area. A detailed Site Plan, Landscape Plan, Photometric Plan and building elevations are also provided with this application. The building elevations have also been used to develop to scale, in-situ rendered images.

COMPATIBILITY WITH NEIGHBORHOOD (describe the manner by which the proposed development will be consistent with adjoining development and will not cause substantial injury to neighboring properties)

The zoning map provided in the 2011 adopted Master Plan showed that 2632 was zoned Office Professional/Residential (O-P/R) and 2634 was zoned Neighborhood Commercial (N-C). The adopted zoning map from February 2021, indicates the zoning for the two parcels has been changed to match and now both are designated Neighborhood Mixed Use (N-MU) and a convenience store with gasoline filling permitted via Site Plan and Special Use Permit.

Furthermore, the 2021 enacted zoning provides Supplemental Regulations in §2-29-344 for automotive uses and Stewart's adheres to these standards.

Stewart's has provided a map of comparable sales surrounding the existing two stores in the City at 1210 Culver Ave and 425 Court Street to show the intended use will not have an impact on potential sales of existing homes. Additionally, Stewart's has retained Conti Appraisal and Consulting to further the investigation. Stewart's has also submitted a FOIL request (attached with acknowledgement from the City) to determine if either have generated code enforcement violations or neighborhood complaints.

Finally, a traffic study was conducted by Creighton Manning Engineering (CME). The original data collection was completed showing Genesee Street could adequately handle the proposed generation without a degradation in the Level of Service for the roadways. A similar analysis is being conducted for Woodlawn. It should be noted that Woodlawn does not have access restrictions via §2-16-372 and §2-16-373.

APPLICATION COMPONENTS

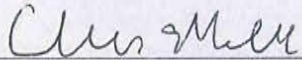
To ensure appropriate and timely review of the application, please provide the following additional documentation in support of the application. Failure to provide all of the applicable materials listed below may result in refusal of your application.

- ☐ \$150.00 Application Fee (check or money order only payable to City of Utica)
- ☐ Detailed Site Plan (see example on following page)
- ☐ Detailed Drawings for Parking Layout, Landscaping and Signage
- ☐ Photographs of Existing Conditions

OWNER AFFIRMATION

I, THE UNDERSIGNED, DO HEREBY AFFIRM THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE AND I FURTHER UNDERSTAND THAT INTENTIONALLY PROVIDING FALSE OR MISLEADING INFORMATION IS GROUNDS FOR IMMEDIATE DENIAL OF MY APPLICATION.

FURTHERMORE, I UNDERSTAND THAT I (OR A DESIGNATED REPRESENTATIVE) MUST BE PRESENT AT THE MEETING TO REPRESENT THE APPLICATION AND RESPOND TO ANY QUESTIONS FROM THE PLANNING BOARD MEMBERS.



Signature of Applicant

8/19/22

Date

IF APPLICANT IS NOT THE OWNER OF RECORD FOR SUBJECT PARCEL:

I, THE UNDERSIGNED, HEREBY AFFIRM THAT I AM THE OWNER OF RECORD FOR THE SUBJECT PARCEL AT THE TIME OF APPLICATION. FURTHERMORE, I AM FAMILIAR WITH THE REQUEST BY THE APPLICANT AND AUTHORIZE SAID APPLICANT TO REPRESENT THE INTEREST OF THE OWNER(S) IN FURTHERANCE OF THE REQUEST.



Signature of Owner

AUG 19 2022

Date

OWNER AFFIRMATION

I, THE UNDERSIGNED, DO HEREBY AFFIRM THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE AND I FURTHER UNDERSTAND THAT INTENTIONALLY PROVIDING FALSE OR MISLEADING INFORMATION IS GROUNDS FOR IMMEDIATE DENIAL OF MY APPLICATION.

FURTHERMORE, I UNDERSTAND THAT I (OR A DESIGNATED REPRESENTATIVE) MUST BE PRESENT AT THE MEETING TO REPRESENT THE APPLICATION AND RESPOND TO ANY QUESTIONS FROM THE PLANNING BOARD MEMBERS.



Signature of Applicant

8/19/22

Date

IF APPLICANT IS NOT THE OWNER OF RECORD FOR SUBJECT PARCEL:

I, THE UNDERSIGNED, HEREBY AFFIRM THAT I AM THE OWNER OF RECORD FOR THE SUBJECT PARCEL AT THE TIME OF APPLICATION. FURTHERMORE, I AM FAMILIAR WITH THE REQUEST BY THE APPLICANT AND AUTHORIZE SAID APPLICANT TO REPRESENT THE INTEREST OF THE OWNER(S) IN FURTHERANCE OF THE REQUEST.



Signature of Owner

9-19-22

Date

Short Environmental
Assessment Form
(SEAF)

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.

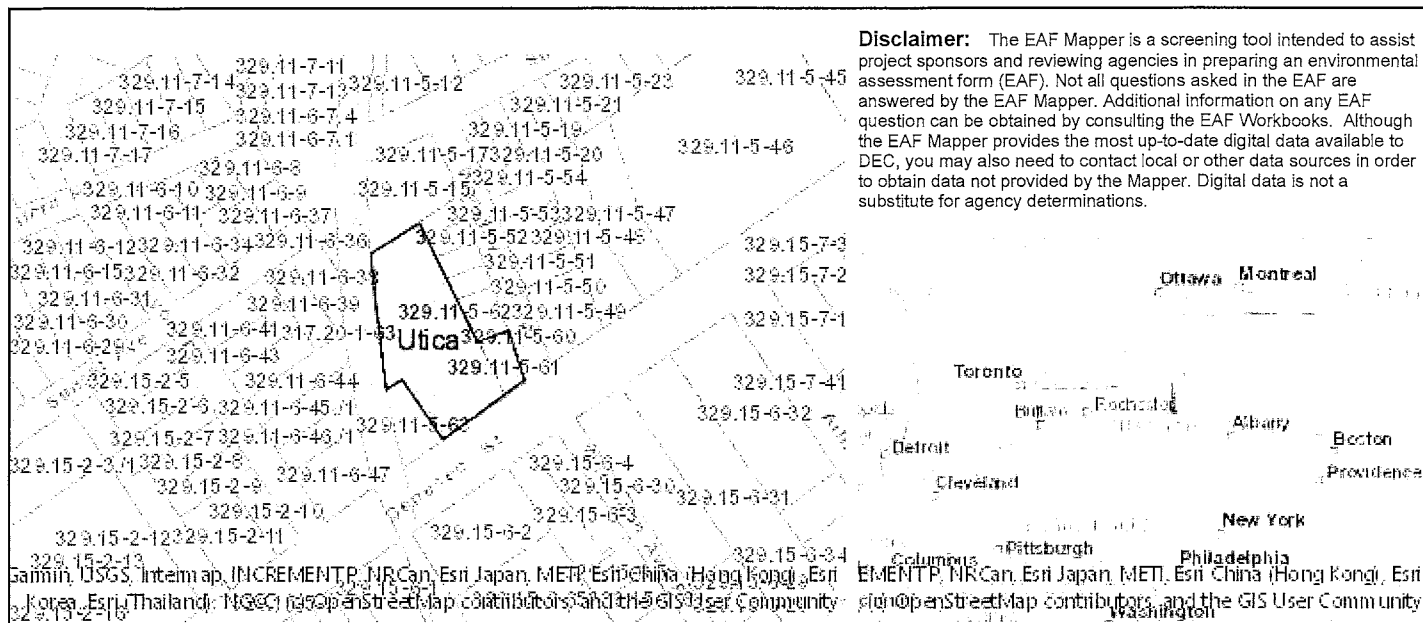
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Stewart's Shops Corp.			
Name of Action or Project:			
Stewart's Shops Genesee St			
Project Location (describe, and attach a location map):			
2632 and 2634 Genesee St			
Brief Description of Proposed Action:			
Stewart's is proposing to raze the existing residential property at 2632 Genesee Street along with the existing Raspberries Restaurant at 2634 Genesee St for the development of a new Stewart's Shop (convenience store) along with a canopy for self-service gasoline filling. The proposed Stewart's store will be 3,975 square-feet and will be a wood framed construction that will be covered in Hardi board (concrete clapboard) and a stone veneer. All lighting throughout the site will be downlit LED fixtures that will be flush mounted to the soffit or canopy. Yard lights will be also be downlit LED and in specific instances, the bulbs will be backshilded to only allow light to cast forward.			
Name of Applicant or Sponsor:		Telephone: (518) 581-1201 ext 4435	
Stewart's Shops Corp.		E-Mail: cmarshall@stewartssshops.com	
Address:			
P.O. Box 435			
City/PO:		State:	Zip Code:
Saratoga Springs		New York	12866
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO
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.			YES
			<input checked="" type="checkbox"/>
			<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO
If Yes, list agency(s) name and permit or approval:			YES
			<input checked="" type="checkbox"/>
			<input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		1.13 acres	
b. Total acreage to be physically disturbed?		0.73 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1.13 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: Meets but does not exceed _____	<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: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input 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? 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 type="checkbox"/>	<input checked="" type="checkbox"/>
If Yes, briefly describe: _____ The site currently lacks any on-site stormwater control which is proposed to be introduced. After on-site control, the site might drain to established conveyance within Genesee St.		
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 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 type="checkbox"/>	<input checked="" type="checkbox"/>
Neither parcels of the subject property are included and we believe the NYSDEC database reference is for: V00418 - Cupola and Son Automotive, Inc located at 2814 Genesee St		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Stewart's Shoes Corp</u> Date: <u>8/24/27</u>		
Signature: <u>Chris Marshall (Charles Marshall)</u> Title: <u>Senior Real Estate Rep</u>		

Thursday, August 18, 2022 9:55 PM



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]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes

City of Utica FOIL Requests and Responses



CITY OF UTICA

OFFICE OF THE CITY CLERK

1 Kennedy Plaza, Utica, New York 13502

Department of Legislation

(315)792-0117 Fax (315)792-0220

ROBERT M. PALMIERI
MAYOR

Melissa Sciortino
CITY CLERK

Charles Marshall
Po Box 435
Saratoga Springs, NY 12866

RE: FOIL Reference #22-390
Urban & Economics Dept Codes Dept. -

FREEDOM OF INFORMATION

08/19/2022

Dear Charles Marshall,

*We are in receipt of your recent request made pursuant to the Freedom of Information Law (FOIL).
your request is denied for the following reason:*

Based on a search of our records, the only application that was made for either of these addresses was in 1983. A Byron W. Eliza submitted an application for review and approval of a porch repair at 2634 Genesee Street. The application was scheduled to go before the Planning Board on July 14, 1983. That is all the information that we have in this matter.

If you have any questions, or require further information, please do not hesitate to contact me.

Thank you

City Clerk's Office
1 Kennedy Plaza
Utica, New York 13502

Melissa Sciortino
Records Access Officer
City of Utica

City Hall, 1 Kennedy Plaza
Utica, New York 13502
Tel.: (315) 792-0113
Fax: (315) 792-0220



Melissa Sciortino
City Clerk

I request any Land Use Board application (approval or denial) for 2632 and 2634 Genesee Street

City Hall, 1 Kennedy Plaza
Utica, New York 13502
Tel.: (315) 792-0113
Fax: (315) 792-0220



Melissa Sciortino
City Clerk

I request any code enforcement violation or civilian complaint at the existing Stewart's Shop at:
425 Court Street or 1210 Culver Ave



CITY OF UTICA

OFFICE OF THE CITY CLERK

1 Kennedy Plaza, Utica, New York 13502
Department of Legislation
(315)792-0117 Fax (315)792-0220

ROBERT M. PALMIERI
MAYOR

Melissa Sciortino
CITY CLERK

Charles Marshall
Po Box 435
Saratoga Springs , NY 12866

RE: FOIL Reference #22-373
Codes Dept - 425 Court Street and 1210 Culver Ave Utica NY

FREEDOM OF INFORMATION- ACKNOWLEDGEMENT LETTER

08/10/2022

Dear Charles Marshall:

Your FOIL request dated 08/10/2022 was received by the City of Utica on 08/10/2022. The request is being reviewed and I anticipate you will be contacted regarding your request on or about 09/07/2022.

Access to the records, in whole or part, will be determined in accordance with Article 89 section 5 of the Freedom of Information Law.

Once the research has been completed, I will notify you of the results of the records search and, if necessary, set a time and date for pick up of the copies if available.

Pursuant to FOIL, a fee of \$.25 per page for photocopies not exceeding 9"x14" will be charged. All other fees will be based on the material requested. You may make an appointment to view the records prior to copying to avoid cumbersome fees.

Thank you in advance for your cooperation. If you have any questions, or require further information, please do not hesitate to contact me.

Sincerely,

Melissa Sciortino
Records Access Officer
City of Utica

Stewart's Petroleum Storage Equipment – Design and Maintenance Narrative



Petroleum Storage Equipment – Design, Installation & Maintenance

As a family- and employee-owned business that owns its real estate, Stewart's puts a tremendous investment into our high standards for petroleum storage equipment and its maintenance. We live in the communities we serve, and keep a steady focus on compliance excellence to protect the environment and our drinking water sources.

All of our newly installed gasoline facilities meet and/or well exceed all relevant codes and regulations including NYS DEC codes 6NYCRR part 613, NFPA (National Fire Protection Association) codes, and the New York State Uniform Fire Prevention and Building Code. We are proud to lead the industry in New York State for petroleum storage compliance.

Tanks:

To protect our shared natural resources, our new systems utilize the latest in double-walled Fiberglass-Reinforced Plastic (FRP) tank design, system-wide secondary containment, 24/7 electronic monitoring, leak detection, overfill protection, spill prevention, and remote alarm reporting. We have not experienced a release to the environment from similar FRP systems in the 16 years we've been installing them.

Our FRP tanks by their very nature are corrosion-proof, and thereby do not experience degradation from contact with soil or groundwater. This ensures a long-lasting tank with walls that retain their structure and tightness for decades. Our tanks are also double-walled, or in other words are constructed as a "tank within a tank", with an interstitial space that is brine-filled and monitored electronically for any change 24 hours a day, 7 days a week. In the rare event of a leak in either the inner (primary) or outer (secondary) wall, the change in brine level will instantly alert us of an issue. Any alarms triggered by our system are visible and audible at the shop, and are also visible at our headquarters via web console and email/mobile phone for the fastest possible response. And the double-walled construction ensures that the product stored never reaches the environment, allowing time to empty the vessel and make a lasting, quality repair.

The FRP tanks deliver stored fuel via submersible turbine pumps (STPs) to our dispensers under pressure. The STPs and ancillary tank-top equipment are enclosed within secondary containment sumps sealed to the top of the tanks. If a leak were to occur in this equipment, it would be fully contained by the sump and would not reach the environment. All STP sumps are monitored 24/7 by liquid sensors, which instantly trigger an alarm at the shop and our headquarters as above in the presence of liquid (even water).

Our FRP tanks are also specially equipped to prevent overfilling during a fuel delivery via an automatic shut-off mechanism which stops the flow of fuel into the tank when it reaches 95% capacity (but does allow the deliverer to safely empty the delivery hose into the tank before disconnecting). A 15-gallon spill bucket surrounds the fill port so that, in the event of a mishap during hose handling, any spilled fuel is immediately contained and will not reach the environment. Venting of the tanks includes Stage I Vapor Recovery, which returns any gasoline vapors from our tanks to the truck during delivery to prevent the unwanted release of petroleum vapors to the air.

Piping:

Flexible double-walled piping is used on all of our underground systems. The flexible design not only avoids the stress failures that befall rigid piping, but also gives the piping layout a seamless design from the tanks all the way to the dispensers. Fewer fittings means fewer opportunities for a leak. The interstitial space between the two piping walls is monitored electronically 24/7 and would allow a leak to drain safely back to the tank sump without ever reaching the environment. The piping is also installed in a 4" diameter conduit, giving a de-facto

triple containment construction and providing greater physical protection to the outer wall. The pressurized inner wall which carries the petroleum to the dispensers is also monitored 24/7 by an electronic line leak detector, which in the event of a pressure loss not only triggers alarms at the shop and our headquarters, but also shuts down the flow of fuel from the associated tanks to stop product loss.

Dispensers:

Our dispensers also contain spill prevention designs. Beneath every dispenser is a secondary containment sump which catches and contains any leaks or drips that might occur inside the dispenser cabinet, thus preventing the release of petroleum to the environment. Liquid within this sump is allowed to communicate through the interstitial space of the piping back to the tank's STP sump, there triggering the liquid sensor alarm at the shop and our headquarters for a rapid response and repair.

Breakaway fittings are installed on the dispenser hoses which allow all hoses to safely release from the dispenser and stop the flow of fuel in the event of a drive-off where the nozzle is still in a customer's tank. Nozzles are all equipped with an automatic shutoff feature to alert the customer that their tank is almost full, thereby reducing the likelihood of an overfill. Shear (or "impact") valves are installed in piping beneath the dispensers and are designed to break or shear at a controlled point in the event of a car-dispenser accident, automatically shut off the flow of fuel from the tanks, and prevent backflow from within the affected dispenser.

Electronic Safeguards:

Besides the line leak detectors, sump liquid sensors, and interstitial liquid sensors mentioned above, our system operation is monitored continuously by an automatic tank gauge (ATG) which acts as the "brain". It receives and relays input 24/7 from the various sensors and probes, monitors inventory levels, measures deliveries, senses for water, and alerts Stewart's of any unusual operating conditions or alarms. Our systems are also equipped with one-touch "E-Stop" buttons that allow a user to instantly stop the flow of fuel and disconnect all power and communication circuits to the dispensers in the event of an emergency.

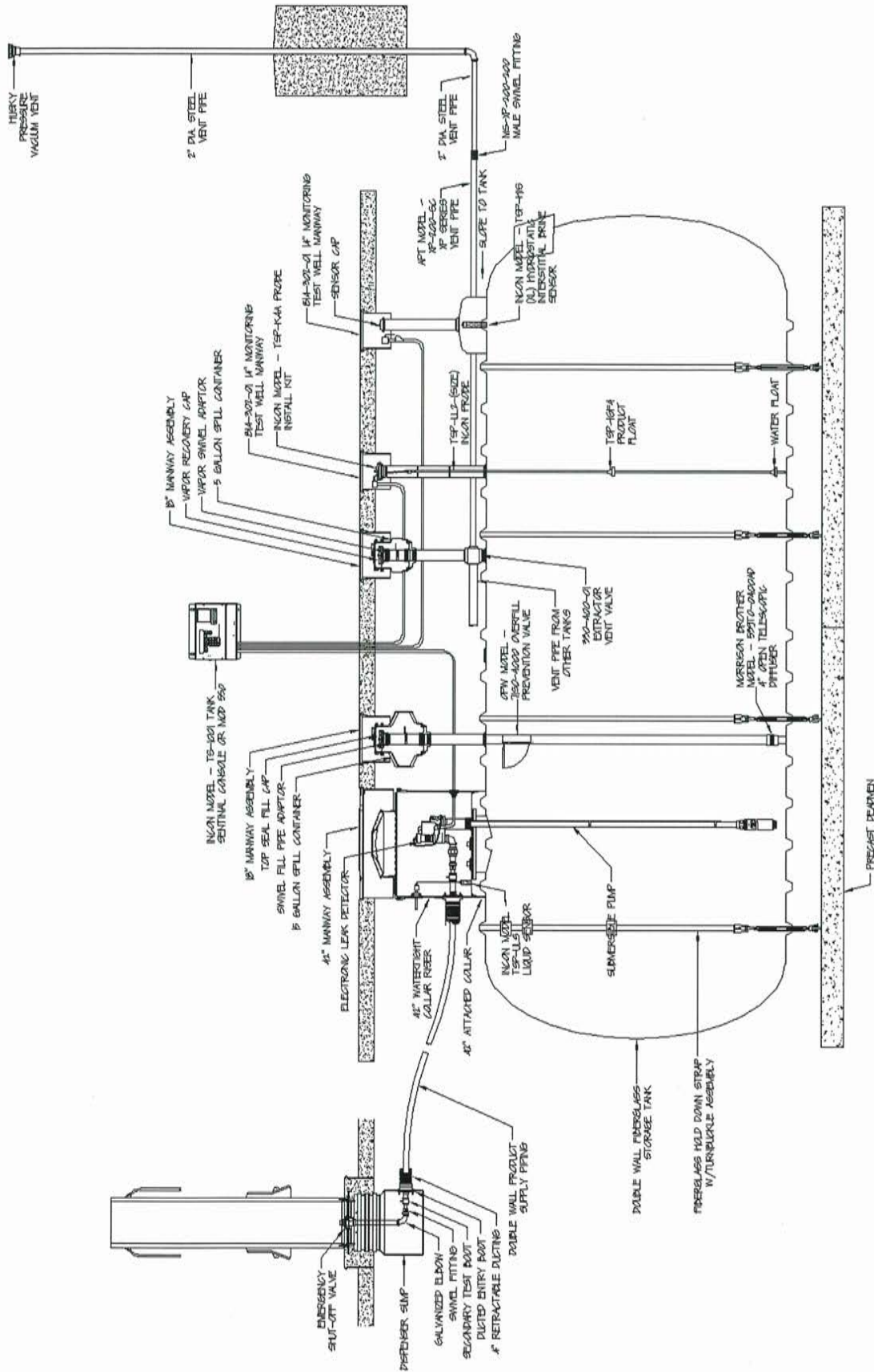
Maintenance, Training & Inspection:

Once a facility is in operation, multiple measures are taken to maintain a safe facility. Our procedures include constant automatic gauging of fuel storage tanks to reconcile inventory daily. We know every day if our physical inventory of fuel matches what our records show we should have, and any deviations are vigorously investigated. Fuel dispensers are calibrated regularly, and the Department of Weights and Measures checks the calibration of the pumps on a routine basis. This ensures that an accurate inventory reconciliation is possible.

Although we are years ahead of the EPA deadline for performing this, Stewart's is currently inspecting and hydrostatically testing its secondary containment and overfill protection equipment to prove functionality in the unlikely event of a primary containment failure. Tank top sumps, under-dispenser sumps and fill port spill buckets are carefully inspected and then filled with water for a set time period to prove tightness. Overfill protection devices such as automatic shut-off are pulled, inspected, and their shutoff functionality is confirmed. This is all repeated every 3 years.

We provide initial and continuous Class C Operator training to our shop personnel and maintenance employees in order to equip them to properly operate a petroleum bulk storage facility with emphasis on protection of human health and the environment. Employees are trained to stop, contain, clean, and report all surface spills to a Corporate Spill Responder and involve emergency responders as needed. All shops stock spill clean-up materials. This training program will become mandatory in late 2016, however Stewart's Shops Corp. has been training this way since 2003. We also fully inspect our systems and inventory records on a monthly basis and then audit those inspections annually. Our inspections go far beyond the NYSDEC inspection scope, which occurs every 3 years. Abbreviated monthly inspections will be required by NYS after this year, but Stewart's has been conducting thorough monthly inspections for the past 13 years.

We simply cannot overstate our commitment to operate safe, compliant, well-maintained underground storage tank systems for the protection of our neighborhoods and local environment.

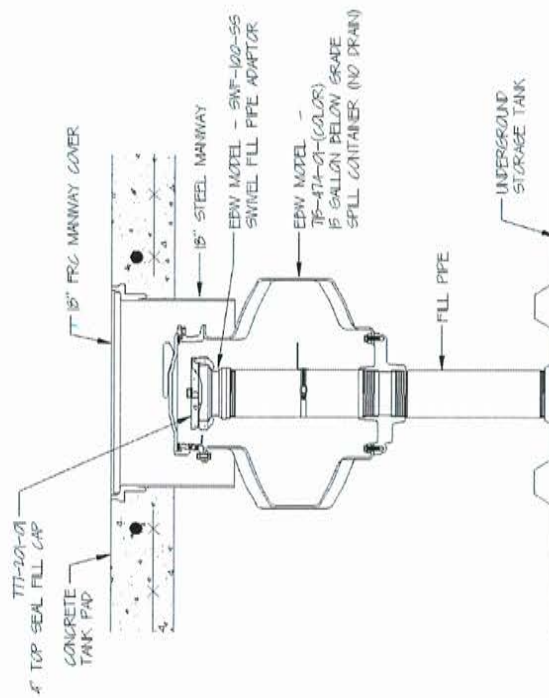
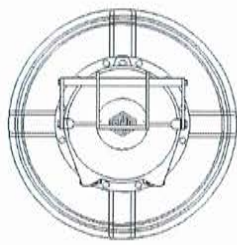


5 TYPICAL ILLUSTRATIVE APPLICATION DETAIL

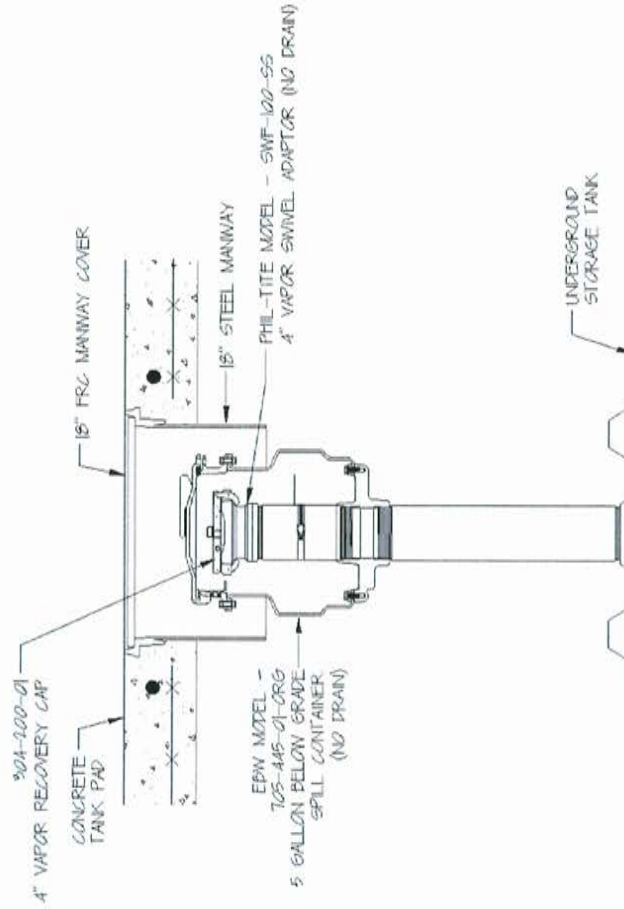
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GROSS REFERENCE NOTE



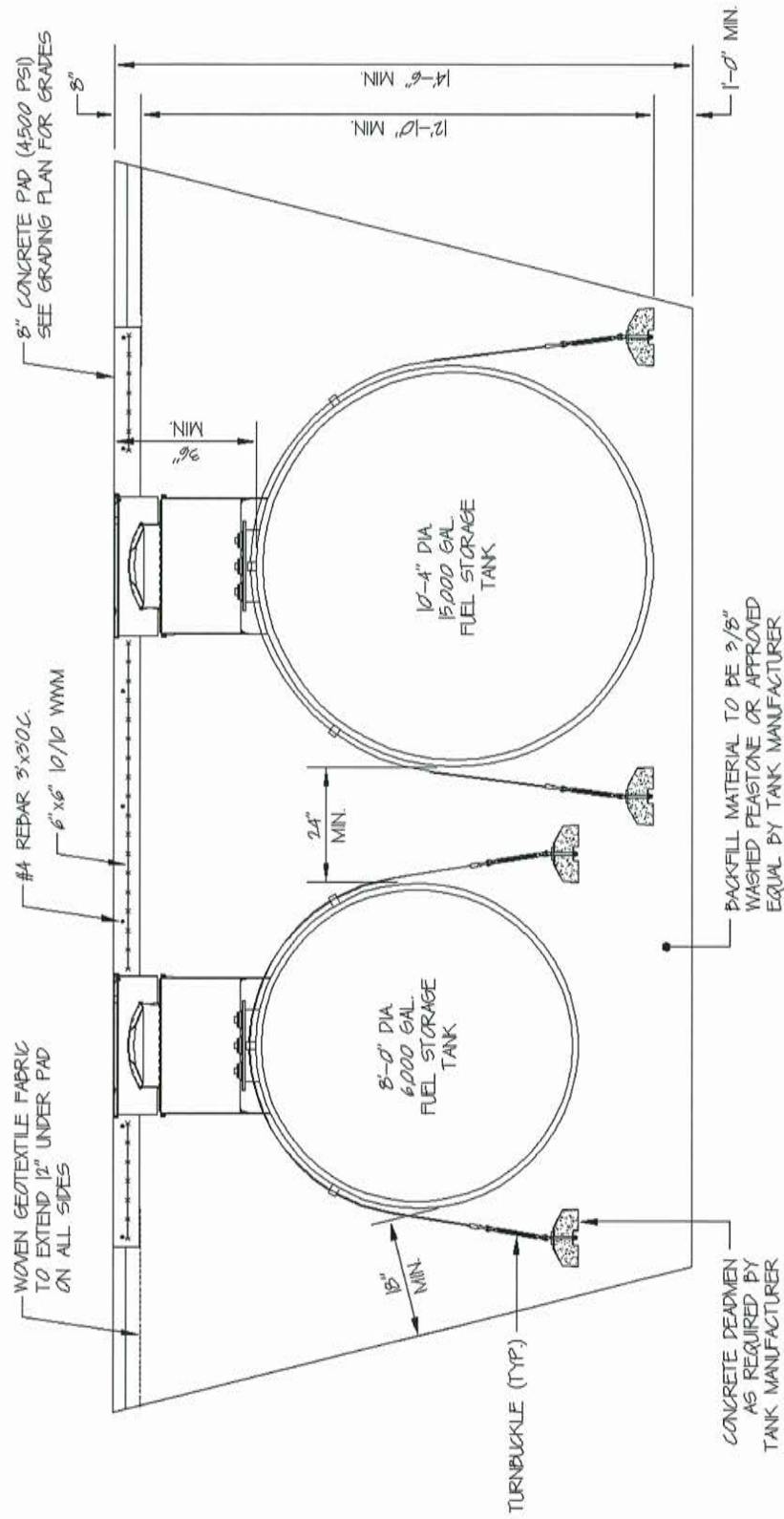
SCALE: $1'' = 1'-0''$
CROSS REFERENCE: NONE



4
G-2
SCALE 1/4"=1'-0"
CROSS REFERENCE: NONE



6
G-2
SCALE 1/4"=1'-0"
CROSS REFERENCE: NONE



4
6-1

TANK CROSS-SECTION DETAIL

SCALE: 1/4"=1'-0"
CROSS REFERENCE: NONE

Correspondence from:
Tim Johncox, P.G.

Stewart's Manager for
Environmental Compliance

Stewart's

August 23, 2022

Chairman Burke and Members of the Utica Planning Board,

I learned from Chuck Marshall of my office that there is concern about the petroleum bulk storage installation for the proposed Stewart's at 2632 and 2634 Genesee Street. After Chuck's participation in a neighborhood forum where a number of topics raised, I have delineated two of the broadest in an attempt to address.

Prohibitions or Restriction on Petroleum Bulk Storage

As we understand it, outside the zoning elements which are currently under review, there are no city-wide regulations prohibitive of this action. The governing regulation regarding petroleum bulk storage is **6 NYCRR Part 613**. In speaking with Chuck, he indicated that the "Petroleum Storage Equipment – Design, Installation and Maintenance" documents which outlines the framework of the Stewart's compliance program will be submitted with this correspondence.

Benzene Emission and Air Quality

Please understand that **6 NYCRR Part 613** does not regulate Benzene emissions. Instead, Benzene emissions are regulated through **6 NYCRR Part 612**. This regulation places New York in line with the California Clean Air Standards. Here, facilities pumping in excess of 1.2 million gallons of gasoline annually are required to install additional equipment for air quality assurance (under **NESHAP Rule Part CCCCCC**) and that equipment must be tested triennially for full functionality and vapor tightness. The purpose of this is to ensure that high throughput gasoline-dispensing facilities prevent fugitive vapors from exiting the facility via fill ports, vent stacks or any system fittings. While the goal is zero fugitive vapors, there is no specific standard or threshold regulated for emissions through New York State from such a facility, since the equipment standards and test procedures are intended to preclude such releases in the first place. Fill ports are equipped with California Air Resources Board-compliant vapor-tight drop tubes, vapor connections are equipped with check valve "poppits", vent stacks are fitted with Pressure/Vacuum vent caps with specified and controlled "cracking" pressures, and all fittings and appurtenances are sealed and vapor tight. Tankers offloading fuels during delivery are all equipped with Stage I vapor recovery systems which return displaced vapors to the tanker truck during delivery rather than venting to the atmosphere (these vapors are later returned to the terminal when the tanker re-loads). Modern passenger vehicles fueling at the facility are also equipped with EPA-mandated onboard refueling vapor recovery systems which successfully sequester vapors during fueling to be burned via internal combustion later while driving. Further, the NYSDEC conducts routine compliance inspections on behalf of the Environmental Protection Agency (EPA) and Stewart's has not had a single violation on its petroleum bulk storage or vapor tightness program in any of the facilities in the Utica area since installation.

If you wish to discuss further, please don't hesitate to call me at (518) 581-1201 ext 4259.

Sincerely,
Stewart's Shops Corp.



Timothy C. Johncox, P.G.
Environmental Compliance & Remediation



P.O. Box 435 Saratoga Springs, NY 12866

Residential Sales Surrounding:

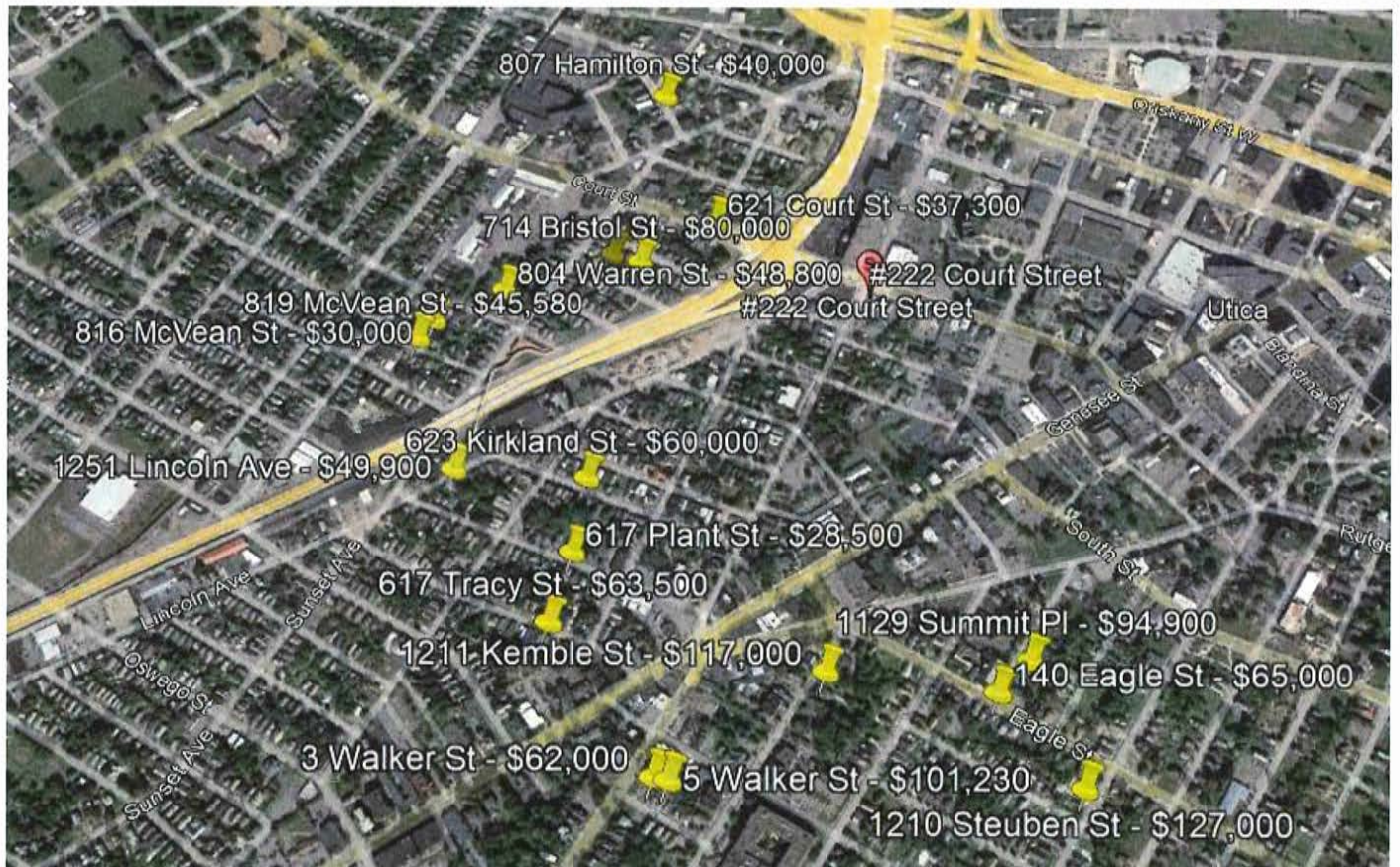
1210 Culver Ave

425 Court St

Locations of Existing Stewart's

Residential Sales Within 1/2 Mile of 425 Court St Stewart's Shops #222

Distance	#	MLS #	St↕	Price↑	List Office	Address	Area	Beds Baths	SqFt Type
0.5 mi	1	S1111881	S	\$195,000	CDPP06	905 Park AVE	Sylvan Beach-Village-306401	3 2.0	1,274 RES
0.5 mi	2	S1133189	S	\$127,000	COLF010	1210 Steuben ST	Utica-City-301600	3 2.3	2,062 RES
0.4 mi	3	S1564191	S	\$119,500	CDPP08	11 Calder AVE	Yorkville-Village-307005	3 1.0	1,480 RES
0.4 mi	4	S1105400	S	\$117,000	HURE011	1211 Kemble ST	Utica-City-301600	9 5.2	4,900 RES
0.5 mi	5	S1103213	S	\$101,230	ABSC010	5 Walker ST	Utica-City-301600	4 1.0	1,231 RES
0.4 mi	6	S1230111	S	\$94,900	ONER011	1129 Summit Pl.	Utica-City-301600	5 1.1	2,534 RES
0.2 mi	7	S1219241	S	\$80,000	SEXT010	714 Bristol ST	Utica-City-301600	3 3.0	1,896 RES
0.2 mi	8	1201420	S	\$77,380	COLF010	15 Calder AVE	Utica-City-301600	2 1.0	816 RES
0.4 mi	9	S1136989	S	\$65,000	RIHO102	140 Eagle ST	Utica-City-301600	4 2.1	3,648 RES
0.4 mi	10	1202010	S	\$63,500	COLF010	617 Tracy ST	Utica-City-301600	3 1.1	1,903 RES
0.5 mi	11	S1206911	S	\$62,000	COLF010	3 Walker ST	Utica-City-301600	2 1.1	1,120 RES
0.5 mi	12	S1133314	S	\$60,000	RUSA010	1 Arlington ST	Utica-City-301600	4 2.0	1,767 RES
0.3 mi	13	S1201970	S	\$60,000	COLF010	623 Kirkland ST	Utica-City-301600	3 1.1	1,386 RES
0.5 mi	14	S1102007	S	\$53,000	ABSC010	3 Walker ST	Utica-City-301600	2 1.1	1,120 RES
0.4 mi	15	S1133411	S	\$49,900	ABSC010	1251 Lincoln AVE	Utica-City-301600	2 1.1	1,074 RES
0.3 mi	16	1801002	S	\$48,800	ROYA010	804 Warren	Utica-City-301600	5 1.0	1,224 RES
0.4 mi	17	S1187291	S	\$45,580	COLF010	819 McVean ST	Utica-City-301600	4 1.1	1,760 RES
0.3 mi	18	S1225625	S	\$45,000	ABSC010	726 Bristol ST	Utica-City-301600	3 1.0	1,594 RES
0.3 mi	19	S1243547	S	\$40,000	KLKWD10	807 Hamilton ST	Utica-City-301600	1 1.0	844 RES
0.2 mi	20	S1120200	S	\$37,300	RUSA010	621 Court ST	Utica-City-301600	4 2.0	2,000 RES
0.4 mi	21	S1275110	S	\$35,000	AMSC010	709 Kirkland ST	Utica-City-301600	4 2.0	1,670 RES
0.2 mi	22	S1228910	S	\$34,000	DOMI010	632 Spring ST W	Utica-City-301600	2 1.0	1,248 RES
0.4 mi	23	S1251050	S	\$30,000	HPRNY0	816 McVean ST	Utica-City-301600	3 1.1	1,664 RES
0.4 mi	24	1807340	S	\$28,500	COLF010	617 Plant ST	Utica-City-301600	5 3.0	2,724 RES
0.5 mi	25	S1151297	S	\$25,000	HURE011	5 Walker ST	Utica-City-301600	4 1.0	1,231 RES
0.4 mi	26	S1182455	S	\$19,000	MVCHO10	1018 Steuben ST	Utica-City-301600	4 1.0	2,236 RES
0.3 mi	27	S1740394	S	\$15,000	RUSA204	926 Sunset AVE	Utica-City-301600	3 1.1	1,282 RES
0.5 mi	28	S1700107	S	\$10,000	COLF010	917 Saratoga ST	Utica-City-301600	3 1.0	1,008 RES



Residential Sales Within 1/2 Mile of 1210 Culver Ave

Stewart's Shops #450

0.1 mi	2			\$132,998	\$	\$230,000	SEXT010	1808 Crouse ST	Utica-City-301600	3	1.1	2,002 RES	
0.5 mi	3			\$137,991	\$	\$225,000	SEXT010	1130 Hoover AVE	Utica-City-301600	4	2.0	1,528 RES	
0.5 mi	4			\$134,012	\$	\$220,000	CBPR011	1144 Hoover AVE #2	Utica-City-301600	5	3.1	3,600 RES	
0.1 mi	5			\$139,929	\$	\$215,000	ABSC010	1807 Crouse ST	Utica-City-301600	4	2.0	1,624 RES	
0.2 mi	5			\$139,720	\$	\$205,000	COLF010	1810 Girard ST	Utica-City-301600	3	1.1	1,564 RES	
0.4 mi	7			\$135,056	\$	\$195,000	DIAM01	2204 Portal RD	Utica-City-301600	3	1.1	1,550 RES	
0.4 mi	8			\$139,880	\$	\$185,500	COLF010	1410 Albany ST	Utica-City-301600	5	2.1	2,199 RES	
0.3 mi	9			\$137,354	\$	\$175,000	CNER012	1809 Girard ST	Utica-City-301600	3	2.0	1,733 RES	
0.3 mi	10			\$136,745	\$	\$175,000	COLF010	1509 Roberta LN	Utica-City-301600	3	1.1	1,260 RES	
0.4 mi	11			\$134,271	\$	\$175,000	PTRSN01	1800 Gardner ST	Utica-City-301600	3	0.2	1,100 RES	
0.4 mi	12			\$131,049	\$	\$175,000	ABSC010	1317 South ST	Utica-City-301600	3	1.3	1,176 RES	
0.4 mi	13			\$134,063	\$	\$170,000	ABSC010	1124 Westmore ST	Utica-City-301600	2	1.0	1,146 RES	
0.3 mi	14			\$133,606	\$	\$170,000	HURE012	1609 Copperfield ST	Utica-City-301600	3	1.0	1,008 RES	
0.3 mi	15			\$132,364	\$	\$170,000	KLRW010	1828 South ST	Utica-City-301600	3	2.0	1,632 RES	
0.3 mi	16			\$129,181	\$	\$170,000	COLF010	1150 Tilden AVE	Utica-City-301600	4	2.0	1,624 RES	
0.3 mi	17			\$136,280	\$	\$167,000	ABSC010	1205 Tilden AVE	Utica-City-301600	3	1.0	1,212 RES	
0.5 mi	18			\$123,578	\$	\$164,000	SCRED10	14 Parkview DR	Utica-City-301600	3	1.1	1,656 RES	
0.5 mi	19			\$124,233	\$	\$159,000	PAYR010	1148 Hoover AVE	Utica-City-301600	4	2.0	1,656 RES	
0.2 mi	20			\$132,152	\$	\$155,800	ABSC010	1203 Tilden AVE	Utica-City-301600	3	1.0	952 RES	
0.3 mi	21			\$130,829	\$	\$147,000	COLF010	1616 Girard ST	Utica-City-301600	4	1.1	2,149 RES	
0.4 mi	22			\$123,528	\$	\$146,000	CBPR011	19 Rosemary ST	Utica-City-301600	3	2.0	942 RES	
0.3 mi	23			\$128,358	\$	\$145,750	COLF010	1310 Ontario ST	Utica-City-301600	3	2.0	1,215 RES	
0.4 mi	24			\$123,542	\$	\$145,000	PAYR010	1014 Ontario ST	Utica-City-301600	3	1.0	1,058 RES	
0.3 mi	25			\$123,533	\$	\$145,000	COLF010	1108 Tilden AVE	Utica-City-301600	4	2.1	2,080 RES	
0.3 mi	26			\$127,645	\$	\$143,000	COLF010	1118 Tilden AVE	Utica-City-301600	3	1.2	1,144 RES	
0.3 mi	27			\$126,500	\$	\$140,000	PAYR010	1819 South ST	Utica-City-301600	3	1.0	1,148 RES	
0.5 mi	28			\$119,000	\$	\$139,000	PMW020	13 Rosemary ST	Utica-City-301600	3	2.0	1,092 RES	
0.5 mi	29			\$118,890	\$	\$137,000	SEXT010	12 Parkview DR	Utica-City-301600	7	1.0	936 RES	
0.4 mi	30			\$124,231	\$	\$132,500	ABSC010	1123 Hoover AVE	Utica-City-301600	4	2.1	1,361 RES	
0.4 mi	31			\$137,059	\$	\$131,000	HURE011	1809 Gedich ST	Utica-City-301600	2	1.0	988 RES	
0.5 mi	32			\$127,343	\$	\$130,000	ABSC010	1421 Albany ST	Utica-City-301600	3	1.1	1,100 RES	
0.4 mi	33			\$121,212	\$	\$130,000	RUSA011MV	1420 Albany ST	Utica-City-301600	3	2.0	1,326 RES	

