

WHITEMAN  
OSTERMAN  
& HANNA LLP

Attorneys at Law  
www.woh.com

One Commerce Plaza, Suite 1900  
Albany, New York 12260  
518.487.7600 phone  
518.487.7777 fax

David R. Everett  
Partner  
518.487.7743 phone  
deverett@woh.com

February 19, 2025

**VIA EMAIL AND OVERNIGHT MAIL**

Stephen Viele, Chairman  
Town of Florida Planning Board  
Town of Florida Town Hall  
214 Fort Hunter Road  
Amsterdam, New York 12010

Frank Staley, Chairman  
Town of Florida Zoning Board of Appeals  
Town of Florida Town Hall  
214 Fort Hunter Road  
Amsterdam, New York 12010

**Re: *BMG Albany, LLC – Amazon Warehouse/Distribution Facility  
NYS Route 5S, Town of Florida, Montgomery County, NY (SBL # 54-1-36)***

Dear Chairmen Viele and Staley and Members of the Planning Board and Zoning Board of Appeals (“ZBA”):

This firm represents BMG Albany, LLC (“BMG”) with respect to its amended applications to the Planning Board (the “Planning Board”) for the development of the above-referenced parcel on NYS Route 5S in the Town (the “Property”) with an advanced logistics and distribution center with a building footprint of 652,060 square feet (consisting of five floors with approximately 3.2 million square feet of gross floor area) (the “Project”).

Pursuant to Sections 46 and 47 of the Town’s Zoning Ordinance (the “Zoning Ordinance”), we write to respectfully ask that: (1) the Planning Board consider and recommend specific off-street parking /loading requirements for the Project at its March 3, 2025 meeting; and (2) the ZBA consider and adopt specific off-street parking/loading requirements for the Project at its March 10, 2025 meeting.

The need for Project-specific parking/loading requirements was identified by the Town’s engineer in his comment letter dated February 3, 2025 for the Project. According to the engineer, the Project provides insufficient parking/loading based upon the Zoning Ordinance, which lists parking and loading requirements for certain types of uses. Those requirements only apply to

projects and uses listed in Section 46 (parking) and Section 47 (loading) of the Zoning Ordinance. However, the Project is not one of the projects/uses listed in those Sections. For all non-listed projects/uses, including the Project, the Zoning Ordinance requires the Planning Board to make a recommendation to the ZBA, after which the ZBA “shall” establish the applicable parking/loading requirements for the project/use.

With respect to the off-street parking requirements provided in Section 46, the Town’s engineer based his calculations on the following uses listed in the Ordinance: “Wholesale, storage, freight terminal or utility” uses. However, the Project is not any of those uses. Rather, it is a “Warehouse or distribution center” use which was added to the Zoning Ordinance in amendments adopted in May 2020. These amendments specifically repealed the “wholesale and storage” uses but failed to provide off-street parking requirements for the new “warehouse or distribution center” use. Since no off-street parking requirements have been established for the Project, the Zoning Ordinance requires the Planning Board to recommend Project-specific parking requirements and the ZBA must establish them.

Similarly, with respect to off-street loading requirements provided in Section 47 of the Zoning Ordinance, the Town’s engineer based his calculations on the requirements for “All industrial uses” in the Ordinance. However, “industrial uses” are not defined anywhere in the Zoning Ordinance and the term “industrial” is used almost entirely throughout the Zoning Ordinance in connection with the Industrial Business Park zoning district. Instead, as noted above, the Project is a “Warehouse or distribution center” use. Unfortunately, the 2020 amendments to the Ordinance did not establish any off-street loading requirements for this use. Therefore, as noted above, the Zoning Ordinance requires the Planning Board to recommend Project-specific loading requirements and the ZBA must establish them.

Calculating the off-street parking and loading requirements for this Project should not be based on total square footage of the building (3.2 million square feet) for operational, physical and environmental reasons. Using this square footage does not correlate in any way to the amount of parking or loading spaces that would actually be required for the Project based on Amazon’s operational needs. The bulk of the Project’s floor space above the first floor footprint (652,060 square feet) will be used for storage, robotics and other operational equipment that bears absolutely no relation to traffic generation for parking or loading purposes. Also, requiring additional, unnecessary parking/loading for the Project would only create additional environmental impacts by significantly increasing impervious surfaces that require stormwater management and control and reducing greenspace on the Property.

Instead, the Project’s parking/loading requirements should be based on what is proposed by BMG (See attached site plan), which is carefully tailored to meet Amazon’s anticipated parking/loading needs based on actual operational experience at other, similar company facilities, including in New York. Loading space requirements reflect the specific operations of the facility based on its 652,060 square foot footprint. The Project’s parking spaces take into account both the changes of employee shifts during operation and provide enough spaces to meet seasonal parking needs. Based on Amazon’s extensive experience in operating similar facilities in New York, all parking/loading needed for operations will be accommodated based upon the site plan submitted to the Planning Board. However, to be conservative, the Project does reserve a potential

February 19, 2025

Page 3

area on the Property for additional parking should the need arise in the future. However, instead of creating a large parking lot with extensive impervious surface now, when the need for additional parking does not exist, the potential additional parking area will remain in its natural state unless needed at some future, undetermined time.

We look forward to the Planning Board's continued review of the Project and to the establishment of Project-specific parking/loading requirements by the ZBA based upon a recommendation of the Planning Board. We respectfully ask that this request be discussed at your boards' March 3<sup>rd</sup> and 10<sup>th</sup> respective meetings to allow the review of the Project to proceed in an efficient and appropriate manner.

Please let me know if you have any questions or require any additional information. Thank you kindly for your attention to this matter.

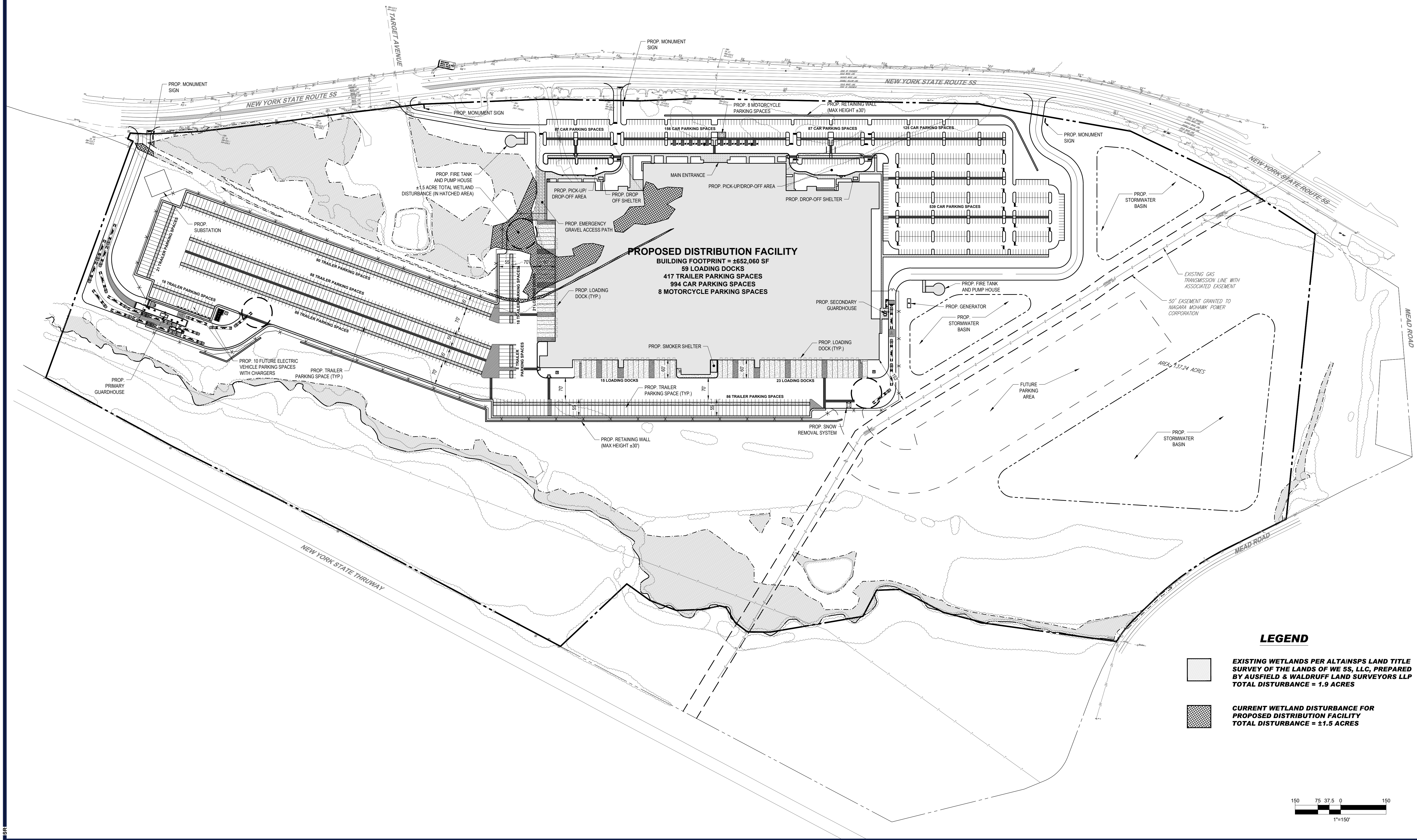
Very truly yours,

*/s/ David R. Everett*

David R. Everett

Attachment

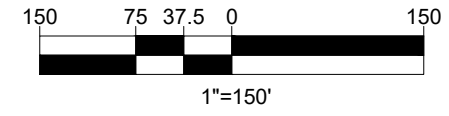
c: Michael Crowe, Esq.  
Chris Bertram, P.E.



**PROPOSED DISTRIBUTION FACILITY**  
 BUILDING FOOTPRINT = 4652,060 SF  
 59 LOADING DOCKS  
 417 TRAILER PARKING SPACES  
 994 CAR PARKING SPACES  
 8 MOTORCYCLE PARKING SPACES

**LEGEND**

- EXISTING WETLANDS PER ALTAIRSPS LAND TITLE SURVEY OF THE LANDS OF WE 5S, LLC, PREPARED BY AUSFIELD & WALDRUFF LAND SURVEYORS LLP  
TOTAL DISTURBANCE = 1.9 ACRES
- CURRENT WETLAND DISTURBANCE FOR PROPOSED DISTRIBUTION FACILITY  
TOTAL DISTURBANCE = 1.5 ACRES



**BOHLER**™  
 SITE CIVIL AND CONSULTING ENGINEERING  
 PROGRAM MANAGEMENT  
 LANDSCAPE ARCHITECTURE  
 SUSTAINABLE DESIGN  
 PERMITTING SERVICES  
 TRANSPORTATION SERVICES

**REVISIONS**

REV	DATE	COMMENT	DRAWN BY	CHECKED BY

**811**  
 Know what's below.  
 Call before you dig.  
 NEW YORK STATE  
 YOU MUST CALL 811 BEFORE ANY EXCAVATION  
 WHETHER IT'S ON PRIVATE OR PUBLIC LAND.  
 1-800-862-7982  
 www.811ny.gov

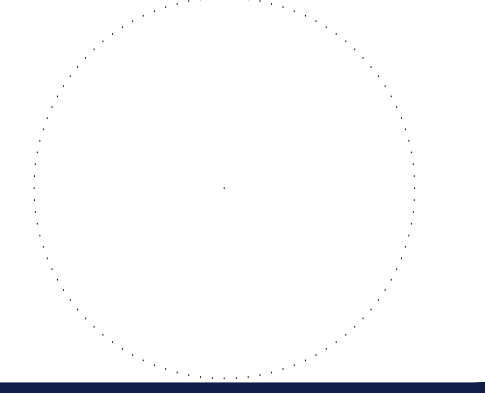
**FOR CONCEPT PURPOSES ONLY**

THIS DRAWING IS NOT INTENDED AS A CONSTRUCTION DOCUMENT UNLESS INDICATED OTHERWISE.

PROJECT No.: NYB240176.00  
 DRAWN BY: SJR  
 CHECKED BY: SRW  
 DATE: 1/10/2025  
 CAD ID: CONCEPT A.D

**SITE DEVELOPMENT PLANS**  
 FOR  
**BLUEWATER PROPERTY GROUP**  
 PROPOSED DEVELOPMENT  
 ROUTE 5S/MEAD ROAD  
 TOWN OF FLORIDA  
 MONTGOMERY COUNTY, NEW YORK  
 MAP: 54.-1-36

**BOHLER** //  
 17 COMPUTER DRIVE WEST  
 ALBANY, NY 12205  
 Phone: (518) 438-9900  
 Fax: (518) 438-0900  
 www.BohlerEngineering.com



SHEET TITLE:  
**CONCEPT PLAN "A"**

SHEET NUMBER:

ORG. DATE - 1/10/2025

P:\2024\NYB240176.00\CAD\DRAWINGS\CONCEPT\3224-91-67 - CONCEPT A\CONCEPT A - LAYOUT CONCEPT PLAN A.dwg

THE DESIGN AND CONSTRUCTION OF THIS FACILITY SHALL BE THE RESPONSIBILITY OF THE CLIENT. BOHLER ENGINEERING AND ARCHITECTURE, INC. IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS DOCUMENT. THE PROFESSIONAL ENGINEER HAS MADE THE PROFESSIONAL ENGINEER'S BEST AND SOLE JUDGMENT OF THE INFORMATION PROVIDED TO HIM OR HER AND HAS NOT CONDUCTED ANY INVESTIGATIONS OR TESTS TO VERIFY THE ACCURACY OF THE INFORMATION PROVIDED.