

**TOWN OF PERTH PLANNING BOARD  
NOVEMBER 16, 2020  
6:00 P.M.  
PERTH TOWN HALL**

**AGENDA**

**PRESENT:**

\_\_\_\_\_ **RON CETNAR, CHAIRMAN**  
\_\_\_\_\_ **FRAN SIKORSKI, VICE CHAIRMAN**  
\_\_\_\_\_ **BOB GORDON**  
\_\_\_\_\_ **JEFF GREEN**  
\_\_\_\_\_ **NICHOLE SURENTO**  
\_\_\_\_\_ **MICHAEL DIMEZZA**  
\_\_\_\_\_ **TRACY GUTOWSKI**  
  
\_\_\_\_\_ **SEAN M. GERAGHTY, SR. PLANNER**

**I. CALL MEETING TO ORDER:**

The meeting was called to order at \_\_\_\_\_ p.m.

**II. APPROVE MINUTES OF LAST REGULAR MEETING:**

DISCUSSION:

MOTION:               To approve the minutes to the October 19, 2020 meeting.

MADE BY:

SECONDED:

VOTE:

**III. SOLAR PARK ENERGY, LLC/ROSE INDUSTRIES, LLC – FINAL DECISION ON SUBDIVISION AND SPECIAL PERMIT FOR A SOLAR FARM ALONG NYS ROUTE 30:**

A. Background:

Solar Park Energy would like to construct a 5 megawatt AC Solar Farm along the west side of NYS Route 30 in the Town of Perth (Tax Map Parcel Nos. 178.-2-52, 189.-1-13.111, 189.-1-13.112, 189.-1-14.11, 189.-1-14.12 and 189.-1-17.2). The total amount of property available on the six (6) parcels is approximately 127.1+/- acres. As part of the project, a 52+/- acre parcel will be subdivided in an effort to create the project site.

B. October 19, 2020 Meeting:

During its October 19, 2020 meeting, the Town of Perth Planning Board held a public hearing on Solar Park Energy's subdivision and Special Permit applications for a Solar Farm Project along NYS Route 30. Following the public hearing, the Planning Board recognized that the County Planning Board had not yet reviewed the project under Section 239-m of the General Municipal Law and offered its recommendation to the Board. Consequently, the Planning Board tabled final action on both applications until this evening's meeting. The Planning Board asked that the following pieces of information be provided prior to this evening's meeting:

1. A separate subdivision plat that can be signed by Planning Board Chairman Ron Cetnar must be prepared prior to the Board's final decision.

STATUS: Provided.

DISCUSSION:

2. A Planting Schedule should be provided for the Landscaping Plan clearly noting that all of the plantings will be 8' in height at the time of planting.

STATUS: Provided.

DISCUSSION:

3. If possible, the tie-in location to National Grid's infrastructure should be moved closer to NYS Route 30.

STATUS: A note has been added to the Site Plan drawing showing that a directional bore to the proposed point of interconnection along the east side of NYS Route 30 will take place. The applicants have also noted that the riser pole, utility meter pole, recloser pole and GOAB switch pole will be located near the turnaround area outside of the fence

DISCUSSION:

4. An elevation drawing of the equipment shelters, storage facilities, transformers and substations must be provided.

STATUS: Provided.

5. Some type of written confirmation must be provided from National Grid that the project, as proposed, can be tied into National Grid's infrastructure.

STATUS: A preliminary screening analysis from National Grid has been provided.

DISCUSSION:

6. The Maintenance and Operation Plan should be amended to indicate that a 15' wide strip will be maintained around the outside perimeter of the fenceline in order to provide vehicular access around the perimeter of the site.

STATUS: Provided.

DISCUSSION:

7. A copy of any correspondence between the applicant and Natural Heritage Program concerning the Sedge Wren must be provided.

STATUS: ?

DISCUSSION:

C. County Planning Board Referral:

In accordance with Section 239-m General Municipal Law of New York State, the Fulton County Planning Board reviewed Solar Park Energy's Special Permit application for a Solar Farm Project during its October 20, 2020 meeting. At that time, the Planning Board recognized no regional implications that could occur from the proposed project and offered no recommendation to the Town of Perth Planning Board regarding Solar Park Energy's Special Permit application.

DISCUSSION:

D. Fulton County Agricultural District No. 1:

In accordance with Section 305-a of Article 25AA of the Agriculture and Markets Law of New York State, any subdivision application or Special Permit application for a piece of property within an Agricultural District containing a farm operation or on property within 500' of a farm operation located in an Agricultural District must receive notice of the proposed action.

The Fulton County Planning Department forwarded a letter, along with an Agricultural Data Statement and map, to Agricultural District property owners within 500' of the property that is the subject of Solar Park Energy's subdivision and Special Permit applications. To date, the Planning Board has received no comments regarding either application.

DISCUSSION:

E. State Environmental Quality Review:

During its September 21, 2020 meeting, the Town of Perth Planning Board classified the proposed project as a Type I Action and proposed that it serve as the Lead Agency for the purpose of issuing a determination of significance under SEQR. Copies of the preliminary Site Plan drawings, along with the Full Environmental Assessment Form, were sent to other Involved Agencies asking that comments concerning the Planning Board's proposal to serve as Lead Agency or on the project itself be submitted, in writing, by Monday, October 19, 2020.

STATUS: To date, the Planning Board has received the following comments:

NYSDEC:

In a letter dated October 1, 2020, the NYSDEC concurs with the Town of Perth Planning Board's proposal to serve as the Lead Agency. NYSDEC notes that any disturbance of more than 1 acre of land will require a SPEDES General Permit for Stormwater Discharges from Construction Activities. NYSDEC also notes that the "Sedge Wren", a threatened species, may be in the project area and has suggested that the New York Natural Heritage Program be contacted.

DISCUSSION:

NYS DOT:

In an email dated October 15, 2020, the NYSDOT concurred with the Town of Perth Planning Board's proposal to serve as the Lead Agency. NYSDOT offered a list of ten (10) items that the applicants will need to address during the Highway Work Permit process.

DISCUSSION:

MOTION:            Declaring the Town of Perth Planning Board the Lead Agency for the purpose of issuing a determination of significance under SEQR for Solar Park Energy's Solar Farm Project along NYS Route 30.

MADE BY:

SECONDED:

VOTE:

FURTHER DISCUSSION:

MOTION:

MADE BY:

SECONDED:

VOTE:

E. Planning Board Action:

In accordance with Article V of the Town of Perth Subdivision Regulations, the Planning Board, within sixty-two (62) days after the public hearing on the subdivision plat for a minor subdivision, shall by resolution, conditionally approve, with or without modification, disapprove or grant final approval of the proposed subdivision plat.

DISCUSSION:

MOTION:

MADE BY:

SECONDED:

VOTE:

In accordance with Article IX of the Town of Perth Zoning Law, the Planning Board must grant, deny or grant subject to conditions the application for Special Use Permit within sixty-two (62) days after the public hearing.

DISCUSSION:

MOTION:

MADE BY:

SECONDED:

VOTE:

**IV. STEPHEN AND JENNIFER SAVAGE – SUBDIVISION ALONG MCKAY ROAD:**

A. Background:

Stephen and Jennifer Savage own a piece of property along the east side of McKay Road in the Town of Perth (Tax Map Parcel No. 178.-2-4). The property is approximately 50.5 acres in size. The applicants would like to create three (3) building lots along the road that are all approximately 1.5+/- acres in size. The remaining 45.8+/- acres will be kept by the applicant for future development.

DISCUSSION:

B. Planning Department Review:

Article 4.5 of the Town of Perth Subdivision Regulations identifies the information an applicant is required to submit to the Planning Board for a minor subdivision proposal. Upon review of the proposed preliminary plat by the Fulton County Planning Department, the following issues have been raised:

1. The location of that portion which is to be subdivided in relation to the entire tract and the distance to the nearest existing street intersection.

STATUS: Provided.

2. All existing structures, wooded areas, streams and other significant physical features within the portion to be subdivided and within 200' thereof. If topographic conditions are significant, contours shall also be indicated at intervals of not more than 10'.

STATUS: Topographic features have been shown for the area where the three (3) new building lots will be created.

DISCUSSION:

3. The name of the owner and all adjoining property owners as disclosed by the most recent municipal tax records.

STATUS: Provided.

4. The tax map section, block and lot number, if available.

STATUS: Provided.

5. All of the utilities available on all existing streets.

STATUS: Provided.

6. The proposed pattern of lots including lot width and depth, recreation areas, systems of drainage and sewer and water supply within the subdivided area.

STATUS: Percolation and pit test results for the three (3) new building lots have been provided. A proposed road is shown on the subdivision plat leading into the remaining acreage which is identified for future development.

DISCUSSION:

7. All existing restrictions on the use of land including easements, covenants and zoning lines.

STATUS: There are no easements or covenants identified on the subdivision plat.

DISCUSSION:

8. An actual field survey of the boundary lines of the tract giving complete descriptive data by bearings the distances, made and certified by a licensed land surveyor.

STATUS: Provided.

9. All onsite sanitation and water supply facilities shall be designed to meet the minimum specifications of the State Department of Health and a note to this effect shall be stated on the plat and signed by a licensed engineer.

STATUS: Not provided.

DISCUSSION:

10. The proposed subdivision name and the name of the Town and County in which it is located.

STATUS: Provided.

11. The date, north arrow, map scale, name and address of record owner and subdivider.

STATUS: Provided.

12. A completed Short Environmental Assessment Form.

STATUS: Provided.

C. State Environmental Quality Review:

Section 617.1 of 6 NYCRR states that, the basic purpose of SEQR is to incorporate the consideration of environmental factors into the existing planning, review and decision making processes of State, regional and local government agencies at the earliest possible time. To accomplish this goal, SEQR requires that all agencies determine whether the actions they directly undertake, fund or approve may have a significant effect on the environment, and if it is determined that the actions may have a significant effect, prepare or request an environmental impact statement. Under these terms, the review of a subdivision application is subject to SEQR. Therefore, the following issues must be addressed:

1. Does the Planning Board feel that the Short Environmental Assessment Form, provided by the applicant, has been completed adequately?

DISCUSSION:

2. Does the Planning Board feel that any additional information should be provided as part of the SEQR process?

DISCUSSION:

3. Section 617.6 (b) of 6 NYCRR states that, when a single agency is involved, the agency will be the lead agency when it proposes to undertake, fund or approve a Type 1 or Unlisted Action that does not involve another agency. If the agency has received an application for funding or approval of the action, it must determine the significance of the action, within twenty (20) calendar days of its receipt of the application, an Environmental Assessment Form or any additional information reasonably necessary to make that determination, whichever is later. Therefore, does the Planning Board wish to issue a Determination of Significance under SEQR at this time?

MOTION:

MADE BY:

SECONDED:

VOTE:

D. Planning Board Action:

In accordance with Section 276 of the Town Law of New York State, the Planning Board must hold a public hearing on any subdivision application within sixty-two (62) days of the date of submittal of the completed application. Consequently, does the Planning Board wish to schedule a public hearing at this time?

DISCUSSION:

MOTION:

MADE BY:

SECONDED:

VOTE:

V. **PROPERTY TRANSACTION BETWEEN DANIEL AND CHRISTINA DELUCA AND MICHAEL AND KAYLA WESLEY:**

A. Background:

Daniel and Christina Deluca own a piece of property along Della Valle Drive Extension (Tax Map Parcel No. 178.-4-2.12). Michael and Kayla Wesley also own a piece of property along Della Valle Drive Extension (Tax Map Parcel No. 178.-4-2.2). There is a parcel situated between the Deluca and Wesley properties that is proposed to be split by each of the owners. As part of the transaction, the Wesleys and the Delucas will each acquire approximately 20,789 sq. ft. of the parcel and combine it with their respective properties.

PLANNING BOARD DISCUSSION:

MOTION:

MADE BY:

SECONDED:

VOTE:

**VI. OTHER BUSINESS:**

A. Chairman's Update:

(Ron Cetnar, Chairman)

B. ?

**VII. CLOSE OF THE MEETING:**

MOTION: To close the meeting at \_\_\_\_ p.m.

MADE BY:

SECONDED:

VOTE: