

**TOWN OF PERTH PLANNING BOARD
APRIL 18, 2022
6:00 P.M.
PERTH TOWN HALL**

MEETING NOTES

PRESENT:

**RON CETNAR, CHAIRMAN
TREVOR GILDAY
BOB GORDON
TRACY GUTOWSKI**

**SEAN M. GERAGHTY, CONSULTANT
AARON ENFIELD, SR. PLANNER**

I. CALL MEETING TO ORDER:

The meeting was called to order at 6:03 p.m.

II. APPROVE MINUTES OF LAST REGULAR MEETING:

MOTION: To approve the minutes to the March 21, 2022 meeting.

MADE BY: Bob Gordon

SECONDED: Tracy Gutowski

VOTE: 4 in favor, 0 opposed

**III. ROBERT AND SUSAN SOBKOWICH – PUBLIC HEARING ON SUBDIVISION
APPLICATION FOR A PIECE OF PROPERTY ALONG COUNTY HIGHWAY 126:**

A. Background:

Robert and Susan Sobkowich own a piece of property along the west side of County Highway 126 in the Town of Perth (Tax Map Parcel No. 179.-7-1). The existing property is approximately 51+/- acres. The applicants would like to subdivide off a 39.5 acre parcel from the north side of the property. There are numerous barns on the parcel to be subdivided.

B. March 21, 2022 Meeting:

During its March 21, 2022 meeting, the Town of Perth Planning Board began its review of Robert and Susan Sobkowich's subdivision application for a piece of property along County

Highway 126 in the Town of Perth. At that time, the Planning Board asked that the following information be provided on a final subdivision plat prior to the public hearing:

1. Percolation and pit test results for the new building lot will need to be provided and an approximate location of a home, driveway, well and septic field should be shown on the plat.

STATUS: The only thing shown on the final plat is a soil test site. The deep hole test shows some evidence of mottling and the percolation test result was 1 hour/inch.

DISCUSSION: Mr. Geraghty explained that an engineered septic system design will need to be provided to the Town Code Enforcement Office if the applicants ever wish to build on the subdivided parcel.

Chris Foss, representing the applicants, once again, explained to Planning Board members that he didn't think his clients intended to build on the property but simply wanted to use the multiple barns. He indicated that there is probably another spot on the property where better percolation and pit test results could be obtained.

2. If there are any easements or covenants to go along with the property, they should be noted on the final plat.

STATUS: No easements or covenants are noted.

3. A notation should be added to the final plat indicating that "All on-site sanitation and water supply facilities shall be designed to meet the minimum specifications of the State Department of Health."

STATUS: Not provided.

DISCUSSION: Mr. Foss indicated that he would get the notation on the final plat.

C. State Environmental Quality Review:

During its March 21, 2022 meeting, the Town of Perth Planning Board authorized the filing of a negative declaration under SEQR for this proposed action. Consequently, unless new additional information has been provided, no further SEQR action is necessary.

D. Public Hearing:

1. The public hearing was open at 6:04 p.m.

2. Speakers:

There was no one to speak regarding Robert and Susan Sobkowich's subdivision application.

3. The public hearing was closed at 6:05 p.m.

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. Consequently, does the Planning Board wish to issue its final decision on the Sobkowich's subdivision application at this time?

MOTION: To approve Robert and Susan Sobkowich's subdivision application for a piece of property along County Highway 126 with the stipulation that the Health Department notation be added to the final plat and that an engineered septic system design be provided to the Town Code Enforcement Office if the applicant ever wishes to construct a residence on the property.

MADE BY: Ron Cetnar
SECONDED: Tracy Gutowski
VOTE: 4 in favor, 0 opposed

IV. SUNEAST LIMESTONE SOLAR - REQUEST FOR EXTENSION OF SPECIAL PERMIT APPROVAL:

A. Background:

On March 15, 2021, Suneast Limestone Solar received a conditional Special Permit approval for its Solar Farm project along Bishop Road on property owned by James Skiff (Tax Map Parcel Nos. 165.-1-6, 165.-1-52.11 and 165.-1-55). At that time, the applicant's engineer, Mike Mantell, P.E., pointed out that it will likely be 12 to 18 months before the solar company review is completed by National Grid. He noted that the Town's Special Permit Regulations require the conditions of a Special Permit to be met within 12 months of issuance. Planning Board members recognized that, given the magnitude of the project, the Town Code Enforcement Officer should be allowed some leeway in terms of the timeframe outlined in the Zoning Law.

In a letter dated January 25, 2022 to Town Code Enforcement Officer Mark Concilla and Town Planning Board Chairman Ron Cetnar, Mr. Mantell indicated that Suneast Limestone Solar is still in the review process with National Grid and is asking that the Special Permit approval be extended to March 15, 2023.

DISCUSSION: Planning Board members recognized that this topic was discussed when the project was originally approved. They also recognized that the review process timeline is out of the applicant's control. Planning Board members felt that the applicant's request to extend the Special Permit approval to March of 2023 should be granted.

PLANNING BOARD ACTION:

MOTION: Authorizing the extension of the Planning Board's Special Permit approval for Suneast Limestone Solar's Solar Farm Project along Bishop Road to March 15, 2023.

MADE BY: Bob Gordon

SECONDED: Tracy Gutowski

VOTE: 4 in favor, 0 opposed

V. PROPOSAL TO AMEND SOLAR FARM PROVISIONS IN THE TOWN OF PERTH ZONING LAW:

A. Background:

During its January 24, 2022 meeting, the Planning Board briefly talked about amending the Town's Solar Farm Regulations. Specifically, the Planning Board asked that the County Planning Department look at the setback requirements in the Zoning Law, as well as any provision for protecting prime agricultural land. To that end, the County Planning Department has put together a proposal to amend the Town's Zoning Law as it relates to Solar Farm projects by requiring a 500' setback for all Solar Farm equipment from a public road and a 500' setback for all equipment from adjacent residential property lines. The Planning Department is also recommending that an additional provision be included in Article 13, Section D of the Zoning Law that encourages the preservation of prime agricultural land.

DISCUSSION: Mr. Geraghty explained that a few of the other townships in Fulton County have done similar amendments to their Solar Farm Regulations. He indicated that the draft document that was prepared for this evening's meeting is simply a place for Board members to start discussing the issue. He indicated that, earlier in the day, he had a conversation with Town Code Enforcement Officer Mark Concilla regarding the potential need to examine the height limit for panels that is currently set at 8'. He explained that Mr. Concilla felt that, given the types of applications that are now coming into the Town, he would like to suggest that the Planning Board consider at least raising the height limits to 10' if not 12'.

There was then a brief discussion concerning the next generation of panels that will be installed on future Solar Farm projects and the size of the racking systems that will be assembled. Mr. Geraghty stated that, in his conversations with Solar Farm developers, he has been given the impression that the next generation of solar panels will actually be more efficient and they will be larger and will require a bigger racking system. He also pointed out that some of the projects that have already been constructed in the County may have panels replaced in a few years with panels that require taller racking systems. Mr. Geraghty suggested that Board members consider these issues and wait until the rest of the Board is available to put together a recommendation for the Town Board.

Town Zoning Board of Appeals (ZBA) Chairwoman Jeanne Pitkin informed Planning Board members that the Town ZBA will be reviewing Area Variance applications for increased panel heights on the Solar Park Energy Projects along NYS Route 30.

Mr. Geraghty added that, if the ZBA grants the height variances for those projects, the Planning Board will be asked by the developer to amend the original Special Permit approval to allow for the wiring to be placed on trays aboveground rather than being buried. Mr. Geraghty reminded the Board that one of the stipulations in the Town's Solar Farm Regulations requires the wiring to be placed underground, whenever possible. He explained that if the applicants now wish to run the wires aboveground on trays, they will need to have the original Special Permits amended. He pointed out that the Operation and Maintenance Plans for those projects, as well as the Landscaping Plans, may also need to be amended.

Planning Board Member Trevor Gilday pointed out that it is considerably cheaper for the developer to run the wiring on trays rather than having to bury all of it onsite. He pointed out that, on the other hand, it can cause a maintenance issue when mowing takes place underneath the panels.

VI. OTHER BUSINESS:

A. Chairman's Update:

1. Meeting Date:

Mr. Cetnar indicated that the next meeting of the Town of Perth Planning Board shall take place on Monday, May 16th.

2. Training:

Mr. Cetnar reminded Board members that County Senior Planner Aaron Enfield has arranged for a training session at Fulton-Montgomery Community College (FMCC) in late May. He encouraged Board members to sign up for the session if they are able to attend.

Mr. Enfield added that the County Planning Board will be discussing the training session at its meeting tomorrow morning and may offer some suggestions to the NYS Office of Local Government Services on topics for the training session.

3. Vireo Health:

Mr. Cetnar encouraged Board members to take a ride out to the Tryon Technology Park (TTP) to see the progress that has been made on Vireo Health's new manufacturing facility. He asked if any plans have been put together for the existing facility and greenhouses?

Mr. Geraghty indicated that, as far as he is aware, Vireo Health intends to continue using the existing facility and greenhouses for some type of research and development.

VII. CLOSE OF THE MEETING:

MOTION: To close the meeting at 6:22 p.m.

MADE BY: Tracy Gutowski

SECONDED: Trevor Gilday

VOTE: 4 in favor, 0 opposed