

**TOWN OF PERTH PLANNING BOARD  
AUGUST 10, 2020  
6:00 P.M.  
PERTH TOWN HALL**

**MEETING NOTES**

**PRESENT:**

**RON CETNAR, CHAIRMAN  
FRAN SIKORSKI, VICE CHAIRMAN  
BOB GORDON  
NICHOLE SURENTO  
MICHAEL DIMEZZA  
TRACY GUTOWSKI**

**SEAN M. GERAGHTY, SR. PLANNER  
MARK CONCILLA, CODE ENFORCEMENT OFFICER**

**I. CALL MEETING TO ORDER:**

The meeting was called to order at 6:02 p.m.

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

MOTION: To approve the minutes to the July 20, 2020 meeting.

MADE BY: Tracy Gutowski

SECONDED: Michael Dimezza

VOTE: 6 in favor, 0 opposed

**III. TRACI ORSINI – PUBLIC HEARING ON SUBDIVISION ALONG SANDERS ROAD AND COUNTY HIGHWAY 132:**

A. Background:

Traci Orsini owns a piece of property around the intersection of County Highway 132 and Sanders Road in the Town of Perth (Tax Map Parcel No. 180.-6-1). The property is approximately 17+/- acres in size, with access on both roads. The applicant would like to create a 5.78+/- acre building lot along Sanders Road.

B. July 20, 2020 Meeting:

During its July 20, 2020 meeting, the Town of Perth Planning Board began its review of Traci Orsini's subdivision application for a piece of property at the intersection of County Highway 132 and Sanders Road. At that time, the Planning Board asked that the following information be provided on a final subdivision plat prior to the public hearing:

1. A tax map location map should be superimposed in the corner of the drawing.

STATUS: Not provided.

2. Topographic features for the new building lot must be provided.

STATUS: Provided.

3. The adjacent parcel that is owned by Traci Orsini and Diane Marie Ingle has an incorrect tax map parcel identified. The parcel number should be 180.-6-6.

STATUS: Not provided.

4. The tax map parcel number for the applicant's plat is incorrect in the title block. The correct tax map parcel number should be 180.-6-1.

STATUS: Not provided.

5. Percolation and pit test results for the subdivision must be provided along with an approximate location of a home, well and septic system on the new building lot.

STATUS: Provided.

6. If there are any easements or covenants to go along with the new building lot, they should be identified on the subdivision plat.

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

7. A note should be placed on the final plat indicating that all onsite sanitation and water supply facilities shall be designed to meet the minimum specifications of the State Department of Health.

STATUS: Not provided.

DISCUSSION: Chris Foss, representing the applicant, recognized that there are some clerical amendments that need to be made to the final plat.

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: The Planning Board felt that the Short Environmental Assessment Form had been completed adequately.

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

DISCUSSION: The Planning Board did not ask for any additional information.

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: Authorizing the filing of a negative declaration under SEQR for this proposed action since:

1. There is sufficient acreage available to create a new building lot from the original tract of land.
2. Public utilities are readily available to service the new site.
3. There will be no traffic implications resulting from the proposed action.

MADE BY: Ron Cetnar  
SECONDED: Michael Dimezza  
VOTE: 6 in favor, 0 opposed

D. Public Hearing:

1. The public hearing was opened at 6:06 P.M.

2. Speakers:

There was no one to speak regarding Traci Orsini's subdivision application.

3. The public hearing was closed at 6:07 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 Traci Orsini's subdivision application at this time?

MOTION: To conditionally approve Traci Orsini's subdivision application for a piece of property along Sanders Road and County Highway 132 with the stipulation that all of the tax parcel numbers are correctly identified on the plat, a location map is included on the plat and the Health Department notation is included on the plat.

MADE BY: Michael Dimezza  
SECONDED: Ron Cetnar  
VOTE: 6 in favor, 0 opposed

**IV. CHESTER AND PRICILLA BROWN – PUBLIC HEARING ON SUBDIVISION  
ALONG SACANDAGA ROAD:**

A. Background:

Chester and Pricilla Brown own a piece of property along Sacandaga Road in the Town of Perth (Tax Map Parcel No. 165.-1-71.11). The applicant's property is approximately 3.3 acres in size. The applicants would like to create a 1.33+/- acre building lot that will have access along County

Highway 107. In order to get that access along County Highway 107, a .12+/- acre portion of Tax Parcel 165.-1-71.12 will be transferred to the new building lot.

B. July 20, 2020 Meeting:

During its July 20, 2020 meeting, the Planning Board began reviewing Chester and Pricilla Brown's subdivision application for a piece of property along Sacandaga Road. At that time, the Planning Board asked that the following information be provided on the final subdivision plat prior to the public hearing:

1. Topographic features for the new building lot must be shown.

STATUS: Provided.

2. The tax map parcel number for the plat should read 165.-1-71.111.

STATUS: Provided.

3. The location of utilities that are available to the new building lot should be shown.

STATUS: Provided.

4. If there are any easements or covenants to go along with the new building lot, they should be identified on the plat.

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

5. The approximate location of the well and septic system on the adjacent parcel owned by Benjamin and Ann Brown should be identified.

STATUS: Provided.

6. The setbacks between the proposed septic field location and the property line for the new building lot should be noted on the final plat.

STATUS: Provided.

DISCUSSION: The Planning Board felt that all of the requested information was provided on the revised plat.

C. State Environmental Quality Review:

During its July 20, 2020 meeting, the Town of Perth Planning Board authorized the filing of a negative declaration under SEQR for the proposed action. Consequently, unless new additional information has been provided, no further SEQR action is necessary.

D. Public Hearing:

1. The public hearing was opened at 6:09 P.M.

2. Speakers:

There was no one to speak regarding Chester and Pricilla Brown's subdivision application.

3. The public hearing was closed at 6:10 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 Chester and Pricilla Brown's subdivision application at this time?

MOTION: To approve Chester and Pricilla Brown's subdivision application for a piece of property along Sanders Road and County Highway 107.

MADE BY: Michael Dimezza  
SECONDED: Tracy Gutowski  
VOTE: 6 in favor, 0 opposed

**V. BORREGO SOLAR SYSTEMS – PUBLIC HEARING ON SPECIAL USE PERMIT FOR SOLAR FARM ALONG COUNTY HIGHWAY 132:**

A. Background:

Borrego Solar would like to construct a 5 megawatt AC Solar Farm along the west side of County Highway 132 in the Town of Perth (Tax Map Parcel No. 180.-1-4). The existing parcel is approximately 20.05+/- acres in size and is owned by Robert and Joan Pawlak.

B. July 20, 2020 Meeting:

During its July 20, 2020 meeting, the Town of Perth Planning Board continued its review of Borrego Solar's Special Permit application for a Solar Farm Project along County Highway 132. At that time, the Planning Board asked that the following information be provided on a revised Site Plan drawing prior to the scheduling of a public hearing:

1. The Planning Board asked that Borrego Solar reconsider the County Planning Board's recommendations concerning the Landscaping Plan for the project. Planning Board members expressed concern that the Landscaping Plan, as proposed, will not provide an effective buffer that offers year round screening of the Solar Farm.

STATUS: The Landscaping Plan has been amended. The Blue Spruce trees have been replaced with White Pines and a 20' wide x 4' high berm has been proposed along the western and southern borders of the site. However, in terms of the height of the plantings at the time of installation, the planting schedule does not clearly indicate that all of the plantings will be a minimum of 8' in height.

2. A link for the Visual Analysis was requested by the Planning Board.

STATUS: The link was provided on July 27, 2020. It has been updated on August 6, 2020 and shared with Planning Board members.

DISCUSSION: County Planning Consultant Sean Geraghty pointed out that the Visual Analysis provided by the applicants shows four (4) vantage points along County Highway 132. Mr. Geraghty explained that each of those vantage points has four (4) representative photos including:

1. Present condition photo.
2. Solar panel installation.
3. Landscaping Plan at the time of planting.
4. Landscaping Plan with 5 years growth.

Planning Board Chairman Ron Cetnar asked James Kondrat, Borrego Solar, to display the photo for Vantage Point 3. Mr. Cetnar questioned the effectiveness of the landscaping proposal in terms of providing an adequate buffer.

Planning Board Member Tracy Gutowski asked how long it will take for the plants to reach a mature height?

Mr. Kondrat indicated that it would be approximately 15 years before the plantings reached their mature height. He indicated that the plantings will be 15' to 20' in height after about five (5) years.

Planning Board Member Nichole Surrento expressed doubt that the plantings would grow that fast.

Planning Board Member Bob Gordon asked what would happen if the plantings are eaten by deer or die from disease?

Mr. Kondrat indicated that the Blue Spruce on the original Landscaping Plan were replaced with White Spruce because they are disease proof. He indicated that if deer or other damage occurs to the plantings, they will be replaced under a warranty.

Ms. Gutowski asked how long the warranty for the trees will be?

Mr. Kondrat indicated that the trees are warrantied for one (1) year.

Mr. Cetnar then asked if the Planning Board could request a Landscaping Bond in case a significant number of the plantings don't survive?

Mr. Kondrat indicated that he would have to look into that matter.

Mr. Geraghty pointed out that Borrego Solar provided a Landscaping Bond for a project that was recently completed in the Town of Mayfield.

Ms. Gutowski then indicated that she felt the solar panels were way too close to the road given the residential character of the neighborhood. She indicated that she was very uncomfortable with endorsing the idea of allowing those panels to come within 50' of the property line. She also indicated that waiting five (5) years for the Landscaping Plan to provide enough growth to buffer the facility is too long.

Planning Board Member Fran Sikorski asked how tall the panels will be?

Mr. Kondrat indicated that the panels Borrego uses are 9' in height. He indicated that he realized that the Town of Perth Zoning Board of Appeals (ZBA) will need to grant a variance for the 9' panels.

Ms. Gutowski noted that the access driveway from the facility has been moved approximately 150' east, which means it is no longer directly in front of the residential property across from the project site. However, she indicated that she would like to see it moved further away from that residential property since the access driveway is now directly across from the homeowner's garage.

Mr. Kondrat stated that he would go back to his engineer to see if there are any other limitations to moving the access driveway.

Mr. Gordon then pointed out that the topography on the back side of the property in the northwest corner is approximately 19 feet higher than the front of the property. He indicated that the 4' berm may not be big enough to provide an effective screening of the panels from that northwest corner.

Mr. Geraghty stated that he felt Mr. Gordon had a valid concern. Mr. Geraghty reminded Mr. Gordon that, during last month's meeting, he had told the applicants that he did not want to see the facility from the road. Mr. Geraghty asked Mr. Gordon the Visual Analysis gave him reason to believe that the proposed Landscaping Plan will provide enough screening so that the facility is not visible from the road?

Mr. Gordon stated that he clearly felt that the Landscaping Plan would not provide an effective buffer for the project.

Mr. Kondrat pointed out that, unfortunately, plantings can't be provided in the wetland area along County Highway 132 so there will be an open area along the road where the facility will be visible.

Mr. Gordon then mentioned the fact that he felt the facility will also be very visible along the southeast corner of the site where landscaping has been provided.

Ms. Gutowski pointed out that if the driveway location is changed, that will also impact the Landscaping Plan.

Ms. Surrento indicated that she simply felt there was not enough of a buffer being proposed by the applicants.

Mr. Cetnar asked if a covering could be provided on the fence especially in those areas where the fence crosses a wetland or at the driveway location?

Mr. Kondrat indicated that a covering could be provided on the fence.

Mr. Gordon asked what type of covering Borrego Solar typically provides on its fencing?

Mr. Kondrat indicated that, typically, slats are used for screening purposes.

There was then a discussion concerning the height of the berm being proposed for the project and whether or not the Planning Board should request a higher berm. Planning Board Member Mike Dimezza asked the applicants to identify the highest berm that they have ever provided for a project. The answer from the applicants was approximately 4'.

Mr. Kondrat added that he felt the Development Team had put together a very robust Landscaping Plan in an effort to screen the project.

Ms. Gutowski stated that, even with that Landscaping Plan, the project is simply too close to the road. She indicated that if the project was located in the second field back, then the Landscaping Plan may be more effective.

3. The Planning Board recognizes that Borrego Solar will be submitting an application to the Town of Perth Zoning Board of Appeals (ZBA) for a setback variance. If Borrego intends to use solar panels that are 9' in height, then a second variance will be needed since the maximum height of solar panels in the Town is 8'.

STATUS: The applicants are aware that two (2) variances will be needed and are awaiting the scheduling of a ZBA meeting.

DISCUSSION: Mr. Geraghty noted that the Town of Perth ZBA currently has only two (2) members and is looking for a third member. He indicated that the Board is not able to meet until it has at least enough members to establish a quorum.

4. An elevation drawing of any equipment shelter, storage facility, transformer, substations must be provided.

STATUS: Provided.

5. The Decommissioning Plan for the project will need to be revised. As a rule of thumb, the Planning Board typically sees decommissioning estimates in the \$125,000 to \$150,000 range for every 2 megawatts of power generated. Given the fact that Borrego's project involves the installation of a 5 megawatt system, the final decommissioning cost needs to be in the \$300,000 range.

STATUS: Borrego Solar has revised the decommissioning estimate. The present-day value to decommission the site is now estimated at \$130,764.22. With a 2.5% escalator over the course of 25 years, the final decommission estimate is now at \$242,429.55.

DISCUSSION: After a brief discussion amongst Board members, there was a general consensus that the decommissioning estimate was still too low and that several of the cost breakdowns will need to be reconsidered by the applicants.

6. The access driveway location must be moved so that the homeowner on the opposite side of County Highway 132 is not looking directly down the driveway entrance to the facility.

STATUS: The access driveway has been moved approximately 150' to the east.

DISCUSSION: Again, the Planning Board briefly talked about the idea of moving the access driveway further away from the residential property on the opposite side of County Highway 132.

C. State Environmental Quality Review:

During its July 20, 2020 meeting, the Town of Perth Planning Board declared itself the Lead Agency for the purpose of issuing a determination of significance under SEQR for Borrego Solar's Solar Farm Project along County Highway 132. At that time, the Planning Board decided that the Landscaping Plan needed to be updated to make sure that there will be no adverse visual impacts associated with the action.

STATUS: The Landscaping Plan as well as the Visual Analysis have been updated.

DISCUSSION: The Planning Board briefly talked about the need to provide additional landscaping to completely screen the Solar Farm from view along County Highway 132.

The Planning Board also wanted to hear back from the Federal Aviation Administration (FAA) concerning the glare analysis that was prepared for this project.

STATUS: On July 29, 2020, County Planning Consultant Sean Geraghty participated in a conference call with FAA Airport Planner David Carlin, James Kondrat - Borrego Solar, and Mike Schaufert, P.E. - Borrego Solar. During the conference call, Mr. Carlin explained that the FAA does not address off-airport projects. He indicated that, generally, the FAA does not like to see any glare potential show up in an analysis, but typically does not get involved with projects involving small private airports.

DISCUSSION: The Planning Board had no comments or questions concerning Mr. Geraghty's conference call with the FAA on the glare analysis.

Ms. Gutowski asked if some information on the noise levels that will be associated with the project could be discussed?

Mr. Kondrat indicated that the inverter fans are what generate noise on a Solar Farm facility. He pointed out that, given the location of the inverters on the project site and the distance to the nearest residences, the noise will not result in anything louder than ambient levels for those property owners. He did point out that, during construction, there will be some noise generated by construction vehicles.

Planning Board Member Nichole Surento asked how many vehicles will be coming and going from the site each day?

Mr. Kondrat indicated that there will be approximately four (4) vehicles arriving and leaving the site each day and that the construction schedule is about six (6) months.

At this point in time, the Planning Board decided to continue looking at the potential adverse visual impacts that will be associated with the Solar Farm Project. The Board decided to take no further SEQR action and to request that the applicants look at additional mitigation efforts to screen the facility.

D. Public Hearing:

1. The public hearing was opened at 6:44 P.M.

2. Speakers:

County Planning Consultant Sean Geraghty reminded those present that the public hearing is not a question and answer session and that Board members will not enter into a dialogue with speakers or get into a debate about any particular issue. Mr. Geraghty stated that the public hearing is simply an opportunity for the Planning Board to obtain public input on the Special Permit application.

Chris Johnson  
1023 Kania Road

Mr. Johnson immediately asked for a clarification on the height of the fence in the southeast corner of the project site?

Mr. Geraghty reminded Mr. Johnson that the public hearing is not a question and answer session and that the Board does not have the time to allow each and every speaker this evening to stand up and start asking questions about the project.

Mr. Johnson handed out a series of photos to Board members depicting:

1. An aerial view of the four (4) fields that make up the project site.
2. The flight paths that are typically used by pilots coming into the Johnson Airport.
3. An aerial shot showing the panels superimposed on the site.
4. A proposed alternate site for the project on the opposite side of County Highway 132.

Mary Pisarczyk  
107 Watrobski Drive

Ms. Pisarczyk indicated that she received no notification that the project was going to be presented to the Town of Perth Planning Board. She pointed out that, from her kitchen window, she can see the back fields of the project site and will have to look at this Solar Farm. She expressed some concern that the Solar Farm will create a glare that impacts the planes that come and go from the Johnson Airport. She indicated that she likes to sit in her back yard and watch those planes. She indicated that, given her address, she will have to drive by the site multiple times each day and look at the solar panels. She also indicated that she did not believe that the landscaping, as presented by the applicants, would grow at nearly the rate that they are expecting.

Bob Bagwell  
330 County Highway 132

Mr. Bagwell indicated that he was never notified that the project was being presented to the Town of Perth Planning Board. He stated that he felt there were alternative sites where this project would not have as big of an impact on the community. He questioned who is benefiting from the development of the Solar Farm on County Highway 132? He indicated that he felt the project would significantly devalue his property.

Fred Colabello  
113 Deborah Lane

Mr. Colabello indicated that he was very much in favor of developing green energy resources. However, he indicated that he felt the project, as presented, will be an eyesore in the neighborhood. He indicated that the project is liable to look like the Solar Farm near FMCC which does not look good. He stated that the project will undoubtedly devalue properties in the neighborhood. He stated that the applicants should be required to keep all of the solar panel structures at least 500' off of the road.

Jeannie Pitkin  
236 County Highway 132

Ms. Pitkin then talked briefly about the wetlands on the property and questioned how visible the project will be along County Highway 132.

Roger Johnson  
227 County Highway 132

Mr. Johnson stated that he has been a pilot for over 50 years. He explained that the standard traffic pattern coming into the Johnson Airport will bring pilots directly over the top of the solar field. He stated

that this not only impacts his flight plans, but also the visitors that come to the community and use this airstrip.

Chris Johnson

Mr. Johnson asked if there are any studies of the thermal impacts associated with solar panels?

Mr. Kondrat indicated that there are studies available showing that the panels tend to absorb heat and actually give off less of a thermal impact than blacktop.

Mr. Geraghty then asked Board members if they felt there was a need to leave the public hearing open and allow additional public comment during next month's meeting?

There was a general consensus amongst Board members that the public hearing should be left open until the applicants have been given an opportunity to reexamine the potential visual impacts and how those can be mitigated.

MOTION: To leave the public hearing open and table any action on Borrego Solar's Special Permit application for a Solar Farm along County Highway 132.

MADE BY: Fran Sikorski  
SECONDED: Bob Gordon  
VOTE: 6 in favor, 0 opposed

## **VI. OTHER BUSINESS:**

### **A. Chairman's Update:**

Mr. Cetnar reminded Board members that the next Planning Board meeting will take place on Monday evening, September 21.

Mr. Cetnar asked if there was any more talk about a potential hemp operation in the Tryon Technology Park?

Mr. Geraghty stated that the project appears to have gone away.

Mr. Cetnar asked if the Solar Farm project in the Tryon Technology Park is going to move forward?

Mr. Geraghty stated that the project has been introduced to the Town of Johnstown Planning Board but the applicants were not able to put together all of the information that has been requested by that Board so

they will not be appearing again before that Johnstown Planning Board until September.

**VII. CLOSE OF THE MEETING:**

MOTION: To close the meeting at 7:12 p.m.

MADE BY: Ron Cetnar

SECONDED: Fran Sikorski

VOTE: 6 in favor, 0 opposed