

**TOWN OF PERTH PLANNING BOARD
JANUARY 29, 2024
6:00 P.M.
PERTH TOWN HALL**

MEETING NOTES

PRESENT:

**RON CETNAR, CHAIRMAN
TREVOR GILDAY, VICE-CHAIRMAN
DIANE CONRAD
NICHOLE SURENTO**

**AARON ENFIELD, FULTON COUNTY SENIOR PLANNER
CHRIS STANKES, FULTON COUNTY CIVIL ENGINEER**

AGENDA:

NEW BUSINESS:

1. New York Land and Lakes LLC – Subdivision of Kayaderosseras Creek Farm at Bendick Corners Road (County Highway 142), State Route 67, and Sacanadaga Road (County Road 23) within the Towns of Amsterdam, Perth, Johnstown, Mohawk in Fulton County and Montgomery County.

I. CALL MEETING TO ORDER:

The meeting was called to order at 6:04 p.m.

II. APPROVE MINUTES OF LAST REGULAR MEETING:

MOTION: To approve the minutes to the December 18, 2023 meeting.

MADE BY: Nichole Surrento

SECONDED: Diane Conrad

VOTE: Unanimous

III. NEW YORK LAND & LAKES DEVELOPEMENT LLC – SUBDIVISION (KAYADEROSSERAS CREEK FARM) ALONG BENDICK CORNERS ROAD (COUNTY HIGHWAY 142), STATE HIGHWAY 67 & SACANDAGA ROAD (COUNTY HIGHWAY 23) WITHIN THE TOWNS OF AMSTERDAM, PERTH, JOHNSTOWN, AND MOHAWK:

A. Background:

New York Land and Lakes Development LLC is seeking to subdivide 155+/- acres (Kayaderosseras Creek Farm) into 16 lots. Each lot will have frontage on existing maintained roadways. The Applicant is currently in contract to purchase the property from the Community College Foundation of Fulton Montgomery and has authorized the developer to come before the Planning Board. The following Towns will be included in the Major Subdivision:

Town	Tax Map Parcel #	+/- acres
Amsterdam (Montgomery)	22-3-1, 22-3-2, & 22-3-4	65
Perth (Fulton)	176-1-28, 176-1-30, & 176-1-31	64
Johnstown (Fulton)	176-2-23 & 176-2-20	25
Mohawk (Montgomery)	22-2-6.1	0.39

Within the Town of Perth, the Applicant is looking to do a three (3)-lot subdivision that would fall under the Town's Minor Subdivision Regulations. The parcels will have road frontage within the Town of Amsterdam, or the Town of Johnstown.

Per the NYS Department of Environmental Conservation wetland mapper, the property does not have any wetlands within the Town of Perth.

DISCUSSION:

Fulton County Senior Planner Aaron Enfield gave a brief overview on the project. He indicated that he has been in touch with the Town of Amsterdam and will be the point person for Fulton County on this Subdivision as he also oversees the Town of Johnstown Planning Board.

Mr. Enfield passed out a letter from the Community College Foundation of Fulton Montgomery authorizing the Applicant to come before the Planning Board. He indicated that he New York Land and Lakes are currently in contract to buy the property.

B. Fulton County 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: Provided.

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: N/A. Given the makeup of the proposed subdivision, all wells and septic will be in other municipalities.

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

STATUS: Provided. There is a current Right of Way for Kurt and Merly Kappelle (Tax Map Parcel No. 176.-1-29) that goes through the Towns of Perth, Johnstown, and Mohawk. There is a National Grid transmission line through the Town of Perth and Johnstown.

DISCUSSION:

Fulton County Senior Planner Aaron Enfield indicated that the Kappelle property is currently landlocked and that it might be a good idea to change the right of way to a deeded driveway for the property owner.

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: Provided. While not within the Town of Perth, the Applicant has indicated where a well and septic system will be located.

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 Environmental Assessment Form.

STATUS: Provided.

C. Fulton County Agricultural District #1:

In accordance with Section 305-a of Article 25AA of the Agriculture and Markets Law of New York State, a Site Plan subdivision 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 include an Agricultural Data Statement. All Agricultural District property owners within 500' of the project site must receive notice of the proposed action. It has been identified that the following property owners are with Fulton County Agricultural District #1:

1. Bryon J. Seyfried, 176.-1-27, 176-1-26

DISCUSSION:

Planning Board members agreed that the Planning Department should send an Agricultural Data Statement to Byron Seyfried.

PLANNING BOARD ACTION:

MOTION: To send Byron J. Seyfried an Agricultural Data Statement as their properties are within 500' of the proposed project.
MADE BY: Nichole Surrento
SECONDED: Ron Cetnar
VOTE: Unanimous

D. State Environmental Quality Review:

During the January 3, 2024 meeting, The Town of Amsterdam Planning Board started their review of the Applicant's proposed subdivision. At that time, they showed interest in serving as the Lead Agency under the State Environmental Quality Review Act (SEQR) and classified the project as a Unlisted Action.

Does the Planning Board concur with the Town of Amsterdam Planning Board to serve as Lead Agency? If so, does the Town of Perth Planning Board want to recommend any other agencies or comments to the Town of Perth Planning Board?

Involved Agencies	
NYS Department of Environmental Conservation Region 4	NY Department of Environmental Conservation Region 5
NYS Department of Transportation	NYS Department of Health
Town of Perth	Town of Mohawk
Town of Johnstown	
Interested Agencies	
Fulton County Board of Supervisors	Fulton County Highways and Facilities
Fulton County Planning Department	Montgomery County Planning Board
NYS Agriculture and Markets	Capital District Transportation Authority
U.S. Army Corp of Engineers	Fort Johnson Volunteer Fire Department

DISCUSSION:

Planning Board members felt that the Town of Amsterdam Planning Board should serve as Lead Agency in determining SEQR.

Mr. Enfield stated that it might be a good idea to do a traffic study to see what the impacts would be, specifically within Fulton Montgomery C.C. across the street.

Chairman Cetnar recommended that National Grid be consulted with regarding the transmission lines.

PLANNING BOARD ACTION:

MOTION: For the Town of Perth Planning Board to concur that the Town of Amsterdam Planning Board serves as the Lead Agency for issuing a determination of significance under SEQR on the Kayaderosseras Creek Farm Subdivision along Benedick Corners Road (County Route 142), Sacandaga Road (County Route 23) and NYS Route 67 within the Towns of Perth, Johnstown, Amsterdam and Mohawk and to offer the following comments

1. For the applicant to look into a deeded driveway instead of a Right-Of-Way for the property owned by Kurt and Merly Kappelle.
2. That no building or accessory dwelling units be built on a municipal line
3. National Grid should be included in SEQR as in Interested Agency
4. A Traffic study may be a good idea at the intersections of Bendick Corners Road and NYS Route 67, and Sacandaga Road and NYS Route 67 and thru intersection of County Route 107 and Sacandaga Rd.

MADE BY: Nichole Surrento
SECONDED: Diane Conrad
VOTE: Unanimous

E. 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. Since this project will require a review of three (3) other municipalities, it is recommended to wait until the Town of Amsterdam has completed SEQR.

DISCUSSION:

Mr. Enfield stated that it is best to table further action until the Town of Amsterdam Planning Board has had a chance to issue a Determination of Significance under SEQR. He mentioned at that time the Town of Perth could schedule a Public Hearing on the Subdivision.

Planning Board members agreed.

PLANNING BOARD ACTION:

MOTION: To table further action until the Town of Amsterdam Planning Board has had a chance to issue a Determination of Significance under the State Environmental Quality Review Act.

MADE BY:	Ron Cetnar
SECONDED:	Treavor Gilday
VOTE:	Unanimous

IV. OTHER BUSINESS:

A. Planning Board Chairman:

Chairman Cetnar indicated that the next meeting will be on February 26, 2024.

Chairman Cetnar indicated there will be a Wetland Training from NYSDEC on February 7, 2024 from 12:00 pm – 1:00 pm.

B. Fulton County Planning Department:

Mr. Enfield stated there are two Planning and Zoning Training coming up: (1) Saratoga County: Wednesday, January 31, 2024; and (2) FMCC training Thursday, April 11, 2024.

Mr. Enfield indicated there are three (3) Public Input Sessions for the Agricultural Plan: (1) Saturday, February 10 from 11:00 pm – 12:30 pm – Mayfield Fire House; (2) Monday, February 26 from 5:00 – 6:30 pm – Sammonsville Volunteer Fire Department; and (3) Wednesday, March 6 from 6:00 – 7:30 pm – Berkshire Volunteer Fire Department.

C. Other:

Planning Board member Treavor Gilday indicated he attended an informational session related to Agriculture and Solar as part of the Agricultural and Farmland Protection Plan Update.

V. CLOSE OF THE MEETING:

MOTION: To close the meeting at 6:34 pm

MADE BY:	Ron Cetnar
SECONDED:	Treavor Gilday
VOTE:	Unanimous