

TOWN OF PERTH

PLANNING BOARD MEETING

WEDNESDAY, OCTOBER 23, 2024 | 6:00 P.M.
TOWN HALL

MEETING NOTES

PRESENT:

- X RON CETNAR, CHAIRMAN
- X TREAVOR GILDAY, VICE-CHAIRMAN
DIANE CONRAD
- X MICHAEL DIMEZZA
BOB GORDON
- X TRACY GUTOWSKI
NICHOLE SURENTO
- X KALEB WALKER, ALTERNATE

- X CARMEL GECO, TOWN ATTORNEY
- X LEAH EVERHART, SPECIAL COUNSEL – MILLER MANNIX SCHACHNER AND HAFNER
- X AARON ENFIELD, FULTON COUNTY SENIOR PLANNER

OTHERS:

Jason Dell, Lansing Engineering, Chris Korona, David Foster, Paul Krueger, Melissa Cherubino, Danni Thenner, Grant Palmer, Dave Murphy, Mark Murphy, John Krajewski, John Reale, Joe Priamo, Kyle Blodgett, Tom Van Alostine, Frank McClenehen, Jennifer Grote and Chris Foss

AGENDA:

- Isabel & John Reale – Public Hearing – Minor Subdivision at 742 County Road 126 (167.-1-42.12) within the Town of Perth and Town of Broadalbin
- Jennifer Grote – Public Hearing – Minor Subdivision at 422 State Route 30 (166.-2-40.112)
- Danni Therrien & Grant Palmer – Site Plan for a an Outdoor Wedding Event Space (Red-Dee Ridge Farm, LLC) at 482 Stairs Road (180.-1-2)
- Active Solar – Concept Plan – Special Use Permit for a Solar Farm (Perth CS 111, LLC) along County Highway 107 on lands owned by Stanley Korona (167.1-22)
- Active Solar – Concept Plan – Special Use Permit for a Solar Farm (McQueen Road Solar I, LLC) at 583 McQueen Road on lands of Emim Services, LLC (178.-2-19 & 178.-2-21)
- Active Solar – Concept Plan – Special Use Permit for a Solar Farm (814 CH 126, LLC) at 814 County Highway 126 on lands owned by Thomas and Lisa Van Alostine (167.-11-1)

I. CALL MEETING TO ORDER:

The meeting was called to order at 6:01 pm

II. APPROVE MINUTES OF LAST REGULAR MEETING:

MOTION: To approve the minutes of the September 2024 meeting.

MADE BY: Treavor Gilday
SECONDED: Mike DiMezza
VOTE: Unanimous

III. ISABEL & JOHN REALE – MINOR SUBDIVISION AT COUNTY HIGHWAY 126 WITHIN THE TOWN OF PERTH AND TOWN OF BROADALBIN:

A. Background:

Isabel and John Reale own 742 County Road 126 (167.-1-42.14) which is approximately 9.966+/- acres in size. They are looking to into two lots. The first lot will be 4.966 acres in size, which will house several barns. The second will be mainly in the Town of Broadalbin, however, the primary structure will be within the Town of Perth, the proposed acreage is 5.030+/- acres.

In speaking with the Fulton County Planning Director, who oversees the Town of Broadalbin Planning Board, it is recommended that the Town of Perth serve as Lead Agency for this project.

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

B. September 15, 2024 Planning Board Meeting:

During the September 25, 2024 meeting, the Town of Perth Planning Board reviewed Isabel and John Reale's Minor Subdivision application. At that time, the Planning Board asked that the following information be provided on the Subdivision Plat:

1. Topography lines of the parcel being subdivided in no more than 10'.
STATUS: Not Provided
2. Perc. & Pit test of the back parcel.
STATUS: Not Provided.
3. Will a septic and well be located on the rear parcel? If so, it will need to be identified.
STATUS: Mr. Foss Stated that it this will not be necessary.
4. The deed number for the easement with Verizon will need to be provided.
STATUS: ?
DISCUSSION: To date the deed has not been filed.
5. Subsequently, the Planning Board did alter the SEQR form: 3b. should be a 0, 3b. should be 34.59+/- acres, and a signature of the person who filed out the SEQR form will be necessary.

DISCUSSION:

Mr. Foss indicated he did not have a chance to update the plat since the following meeting but will do so over the next couple of weeks.

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. To date no comments have been made by Lee Hollenbeck and Robert Douglas.

D. State Environmental Quality Review:

During the September 25, 2024 meeting, Planning Board classified the project as an Unlisted Action and did a Coordinated Review. To date the following comments have been made:

NYS Department of Health

In a letter from Chris Demme, District Engineer, he concurred that the Planning Board should serve as Lead Agency and indicated that the project does not create a NYS Realty Subdivision.

MOTION: To declare Lead Agency under SEQRA.

MADE BY: Tracy Gutowski

SECONDED: Ron Cetnar

VOTE: Unanimous

E. Public Hearing:

The Public Hearing was opened at 6:07pm

Speaker: None

The Public Hearing was closed at 6:08pm

F. SEQRA (cont.):

Following the Public Hearing is there anything that would negate the Planning Board from authorizing a Negative Declaration under SEQRA?

MOTION: For the Town of Perth Planning Board to approve issuing a Negative Declaration under SEQRA on Isabel and John Reale's Subdivision within the Town of Broadalbin and Town of Perth along County Highway 126 due to the following:

1. There are public services ready to service the new lot;
2. The Town of Broadalbin Planning Board concurred the Town of Perth should serve as Lead Agency;
3. The Subdivision complies with the Town of Perth's Subdivision Regulations;
4. There are no wetlands on the property that would negate it being a buildable lot;

To authorize the Fulton County Planning Department to fill out Part 2 & 3 of the Environmental Assessment Form.

MADE BY: Tracy Gutowski

SECONDED: Treavor Gilday

VOTE: Unanimous

G. Planning Board Action:

Within 62 days of the Public Hearing, the Planning Board has 62 days to approve, deny or approve with modifications. Does the Planning Board feel as though there is enough information to make a final determination at this time?

MOTION: To conditionally approve Isabel and John Reale's Subdivision within the Town of Perth with the stipulation that no new structures be constructed within two municipalities.

MADE BY: Tracy Gutowski

SECONDED: Treavor Gilday

VOTE: Unanimous

IV. JENNIFER GROTE – MINOR SUBDIVISION AND LOT LINE ADJUSTMENT ALONG NEW YORK STATE ROUTE 30: AT STATE HIGHWAY 30:

A. Background:

Douglas Frederick owns property along NYS Route 30 (SBL 166.-2-40.122) which is approximately 21.553+/- acres in size and 4224 State Highway 30 (SBL 166.-2-38) which is 4.2+/- acres in size. Mr. Douglas is seeking a three-lot subdivision and a Lot Line Adjustment:

1. Lot A: Establish a new lot at 2.401+/- acres
2. Lot B: Convey .0630+/- acres to Migadalia Crego (SBL 166.-2-40.12) which would go from 4.70+/- acres to 5.333+/- acres.
3. Lot C: 19.408+/- acres in size. (SBL 166.-2-40.122)
4. Lot D: 2.826+/- acres in size (SBL 166.-2-38) Land of Frederick Douglas

The Property does not have any wetlands within the Town of Perth and no parcels are in Fulton County Agricultural District #1

B. September 25, 2024 Planning Board Meeting:

During the September 25, 2024 meeting, the Town of Perth Planning Board reviewed Jennifer Grote's Minor Subdivision application. At that time, the Planning Board asked that the following information be provided and/or updated on the Subdivision Plat.

1. Topography lines of the parcel being subdivided in no more than 10'.
STATUS: Provided.
2. Crego Lot Line adjust may already occurred per the applicant and will need to be removed and updated.
STATUS: Updated.
3. The large parcel should be labeled "C" and updated accordingly.
STATUS: Provided.
4. The well of the surrounding parcels should have an approximate location.
STATUS: Provided.
5. Location of the proposed septic system will need to be identified on the new parcel.
STATUS: Provided.
6. Perc. & Pit test of the soil needs to be identified.
STATUS: Provided. Perc test done October 1, 2024 with a rate of 1" in 5 minutes.
DISCUSSION:
7. Location of the proposed well will need to be identified.
STATUS: Provided.
8. The proposed 30' ROW will need to be indicated in the notes section.
STATUS: Provided.

C. State Environmental Quality Review:

During the September 25, 2024 meeting, Planning Board classified the project as an Unlisted Action and did a Coordinated Review. To date no comments have been received. To date the following comments have been made:

NYS Department of Health

In a letter from Chris Demme, District Engineer, he concurred that the Planning Board should serve as Lead Agency and indicated that the project does not create a NYS Realty Subdivision.

MOTION: To declare Lead Agency.

MADE BY: Mike DiMezza

SECONDED: Kaleb Walker

VOTE: Unanimous

D. Public Hearing:

The Public Hearing was opened at 6:14 pm

Speaker: None

The Public Hearing was closed at 6:16 pm

E. SEQRA (cont.):

Following the Public Hearing is there anything that would prevent the Planning Board from authorizing a Negative Declaration under SEQRA?

MOTION: For the Town of Perth Planning Board to approve issuing a Negative Declaration under SEQRA on Jennifer Grote's Subdivision within the Town of Perth along NYS-30 due to the following:

1. There are public services ready to service the new lot;
2. The Subdivision complies with the Town of Perth's Subdivision Regulations;
3. There are no wetlands on the property that would negate it being a building lot;

To authorize the Fulton County Planning Department to fill out Part 2 & 3 of the Environmental Assessment Form.

MADE BY: Ron Cetnar

SECONDED: Kaleb Walker

VOTE: Unanimous

F. Planning Board Action:

Within 62 days of the Public Hearing, the Planning Board has 62 days to approve, deny or approve with modifications. Does the Planning Board feel as though there is enough information to make a final determination at this time?

MOTION: To approve Jennifer Grote's Subdivision within the Town of Perth.

MADE BY: Tracy Gutowski

SECONDED: Treavor Gilday

VOTE: Unanimous

V. **RED-DEE RIDGE FARM, LLC – CONCEPT PLAN FOR A BANQUET HALL AT 482 STAIRS ROAD (180.-1-2):**

A. Background:

Grant Palmer and Danni Therrien own 482 Stairs Road (SBL180.-1-2) which is approximately 137+/- acres in size. The applicants currently operate a dairy farm but would like to diversify their

business operation by establishing an outdoor wedding venue with a 40'x100' Barn Style Pavilion with a stamped concrete floor for up to 200 guests. They would like to have one (1) wedding or event a weekend, eventually establishing lodging for guests.

Hours of operation is Sunday – Thursday until 7pm and Friday and Saturday until 11 pm.

Short-term parking will be existing grass fields, with proposed paved/crushed stone parking, which will include an electric car charging, station. Landscaping will consist of perennial flowers, small pond, daffodils, tulips, sunflowers, shade trees and cornfields. A Bridal Suite an existing 2-bedroom cabin with a covered porch, 1-full bathroom, kitchen with an existing well and septic system. For events, additional bathrooms will be constructed and would be ADA compliant.

The project is within the Agricultural-Residential (A-R) Zoning District and a Banquet Hall is an allowed use under Special Use Permit. Per the Town of Perth's Zoning Ordinance, a Banquet Hall is defined as "a structure leased or rented for private parties or functions"

Subsequently, Special Criteria for a Banquet Hall includes the following:

1. The hours of operation for the business are limited to 7:00 a.m. to 8:00 p.m.
2. A minimum of three (3) acres must be available to operate this type of business.
3. No food, beverage or raw materials may be stored outside of the building.
4. Covered trash containers must be provided outside on the rear of the property and must be screened.
5. The business must be set back at least 100' from any adjacent residential buildings.
6. At least one (1) off-street parking space must be provided for every 100 sq. ft. of seating/assembly area and one (1) off-street parking space for every 250 sq. ft. of non-seating gross floor area.
7. Deliveries must take place Monday through Saturday between 7:00 a.m. and 8:00 p.m.
8. There shall be no Sunday deliveries.

DISCUSSION:

Vice Chairman Gilday indicated that he will need to abstain on the project as he lives within 500' of the proposed project.

Ms. Therrien indicated that it is their goal to only do events on the weekend, and start small and build up their marketing.

Ms. Gutowski inquired if the septic system was adequate to handle the proposed type of use.

Mr. Palmer stated he has a contractor who will be working on this and will provide feedback to them as they look at the full build out of the property.

Mr. Palmer also indicated there is some agricultural use on the property and would like to incorporate that into their business plan.

Ms. Therrien stated that she wishes to incorporate local schools with the agricultural component of their property.

Mr. Enfield noted that their property is not within the Ag. District and may be beneficial for them to join. He stated he would follow up with information to them after the meeting.

Mr. Enfield indicated that given their preliminary business plan they may need to seek a Variance from the Zoning Board of Appeals given the criteria for Banquet Hall within the Town's Zoning Code.

Mr. Enfield indicated that this project may be for the Fulton County Center for Regional Growth's Micro Enterprise Grant Program.

Overall the Planning Board was response to the Banquet Hall project and look forward to reviewing a formal application in the future.

VI. ACTIVE SOLAR – THREE (3) SOLAR PROJECTS

MOTION: Bring the projects back to review.

MADE BY: Michael DiMezza

SECONDED: Ron Cetnar

VOTE: Unanimous

Mr. Greco read a letter from Code Enforcement Officer Mark Concilla indicating that the developer will need to go to the Town's Zoning Board of Appeals to seek a Variance.

Mr. Greco stated that there is some confusion within the law and will need to be addressed regarding residential properties to help make it clearer.

Ms. Everhart indicated that taking it to the ZBA for Variance(s) will be able to clarify concerns the Planning Board and other officials have on requirements.

SPECIAL USE PERMIT FOR A SOLAR FARM (PERTH CS 111, LLC) ALONG COUNTY HIGHWAY 107 ON LANDS OWNED BY STANLEY KORONA – “1926 COUNTY ROUTE 107 SOLAR”:

A. Background:

Active Solar is proposing to construct one (1) community solar project at County Hwy 107 (Tax Map Parcel Number 167.-1-22) that is 91.05+/- acres. The solar arrays will consist of a tracker solar panel system and associated limited-use access roads and arrays. The project proposes setbacks of 500' from roads and residences as well as 100' side and rear yard setbacks, which comply with Local Law 2 of 2023. A majority of the property is on Agricultural Land designated as Statewide Importance with roughly 231,190 sq. ft. of Prime Agricultural Soil that will not be affected by the proposed project.

The project is within the Agricultural-Residential (A-R) Zoning District and a Solar Farm is an allowed use under Site Plan Review. Per the Town of Perth's Zoning Ordinance, a Solar Farm is defined as a “use of land where a series of one (1) or more solar collectors are placed in an area on a parcel of land for the purpose of generating photovoltaic power and said series of one (1) or more solar collectors placed in an area on a parcel of land collectively has a nameplate generation capacity of at least 15 kw direct current (dc) or more when operating at maximum efficiency.”

DISCUSSION:

Mr. Enfield inquired if the use of Agrivoltaics will be utilized.

Mr. Kruger stated that it is not out of the question but will look into polinator mixes.

Mr. Enfield pointed out that NYSEDA is looking at defining what is a dual-use and what is agrivoltaics, stating that there are grant opportunities for agrivoltaics.

Mr. Enfield mentioned that per the zoning code, the applicant is avoiding Prime Ag. Soils in this application.

Mr. Enfield inquired if the property would be owned or leased.

Mr. Kruger stated that the project will be leased from the Korona Family.

Mr. Enfield stated that given the type of project, the Planning Board will be utilizing Leah Everhart from Miller Mannix Schachner and Hafner for legal counsel, and a third-party engineer.

Mr. Enfield also indicated that per the State Environmental Quality Review Act (SEQRA): Given the disturbance across this project would be considered a Type I Action under SEQR (617.4(b)(6)(i)) “a project or action that involves the physical alteration of 10 acres.”

Mr. Enfield also pointed out that it would be a good idea to have a Snow Plan for the emergency access road, should something occur during the wintertime.

SPECIAL USE PERMIT AND LOT LINE ADJUSTMENT FOR A SOLAR FARM (MCQUEEN SOLAR I & II) AT 2039 COUNTY HIGHWAY 107 ON LANDS OF EMIM SERVICES, LLC – “MCQUEEN ROAD COMMUNITY SOLAR I & II”:

A. Background:

Active Solar is Proposing to construct two Community Solar Projects at 2039 County Route 107 (Tax Map Parcel Number 178.-2-19 and 178.2-21) which are collectively 107.7+/- acres in size. The proposed project includes the construction of one (1) 5MW project and one (1) 2MW project. The solar arrays will consist of a tracker solar panel system and associated limited-use access roads and arrays. The project proposes setbacks of 500’ from roads and residences as well as 100’ side and rear yard setbacks, which comply with Local Law 2 of 2023.

The project is within the Agricultural-Residential (A-R) Zoning District and a Solar Farm is an allowed use under Site Plan Review. Per the Town of Perth’s Zoning Ordinance, a Solar Farm is defined as a “use of land where a series of one (1) or more solar collectors are placed in an area on a parcel of land for the purpose of generating photovoltaic power and said series of one (1) or more solar collectors placed in an area on a parcel of land collectively has a nameplate generation capacity of at least 15 kw direct current (dc) or more when operating at maximum efficiency.”

DISCUSSION:

Mr. Enfield indicated that Nichole Surrento will need to abstain from review of this project. He inquired if Bob Gordon will also need to abstain.

Ms. Gutowski indicated Bob Gordon does not need to abstain.

Mr. Enfield pointed out that because this is a 7MW project, 5 MW will be on one parcel, and 2MW will be on another.

Mr. Enfield inquired if the use of Agrivoltaics will be utilized.

Mr. Kruger stated that it is not out of the question but will look into polinator mixes.

Mr. Enfield inquired if the property would be owned or leased.

Mr. Kruger stated that the project will be leased.

Mr. Enfield pointed out that given the type of project, the Planning Board will be utilizing Leah Everhart from Miller Mannix Schachner and Hafner for legal counsel, and a third party engineer. Subsequently, he indicated that per State Environmental Quality Review Act (SEQRA), Given the disturbance across this project would be considered a Type I Action under SEQR (617.4(b)(6)(i) “a project or action that involves the physical alteration of 10 acres.”

Mr. Enfield indicated that screening for the homeowners on McQueen Road and Della Valle Drive will need to be addressed. He stated that visualizations will be necessary.

SPECIAL USE PERMIT FOR A SOLAR FARM (814 CH 126) AT 814 COUNTY HIGHWAY 126 ON LANDS OWNED BY THOMAS AND LISA VAN ALYSTINE – “ACTIVE SOLAR – 814 CR 126, LLC”:

A. Background:

Active Solar is proposing to construct one (1) community solar project at along County Highway 126 (Tax Map Parcel Number 167.-11-1) that is 52.34+/- acres. The solar arrays will consist of a tracker solar panel system and associated limited-use access roads and arrays. The project proposes setbacks of 500’ from roads and residences as well as 100’ side and rear yard setbacks, which comply with Local Law 2 of 2023. A majority of the property is on Agricultural Land designated as Statewide Importance with roughly 231,190 sq. ft. of Prime Agricultural Soil that will not be affected by the proposed project.

The project is within the Agricultural-Residential (A-R) Zoning District and a Solar Farm is an allowed use under Site Plan Review. Per the Town of Perth’s Zoning Ordinance, a Solar Farm is defined as a “use of land where a series of one (1) or more solar collectors are placed in an area on a parcel of land for the purpose of generating photovoltaic power and said series of one (1) or more solar collectors placed in an area on a parcel of land collectively has a nameplate generation capacity of at least 15 kw direct current (dc) or more when operating at maximum efficiency.”

DISCUSSION:

Mr. Enfield inquired if the use of Agrivoltaics will be utilized.

Mr. Kruger stated that it is not out of the question but will look into pollinator mixes.

Mr. Enfield inquired if the property would be owned or leased.

Mr. Kruger stated that the project will be leased.

Mr. Enfield pointed out that given the type of project, the Planning Board will be utilizing Leah Everhart from Miller Mannix Schachner and Hafner for legal counsel, and a third party engineer. Subsequently, he indicated that per State Environmental Quality Review Act (SEQRA), Given the disturbance across this project would be considered a Type I Action under SEQR (617.4(b)(6)(i) “a project or action that involves the physical alteration of 10 acres.”

Ms. Enfield indicated that visualizations of what the panels will look like will be necessary for property owners on County Highway 126 as well as property owners on Stairs Road.

VII. PUBLIC COMMENT:

Melissa Cherbuino – Whiteman, Osterman & Hanna (Law Firm)

Ms. Cherbuino indicated that she represents several property owners within the area of the Van Alostine project, citing environmental impacts to the area, specifically Trout that go throughout the stream.

John Reale, 742 County Road 126

Mr. Reale indicated that his property abuts the Van Alostine property and has concerns with the visuals of the solar project.

Tom Van Alostine, 814 County Road 126

Mr. Van Alostine indicated that he is the applicant and did not focalize his visual concern for Mr. Reale's cellphone tower when it was going through the Planning Board earlier in the year.

VIII. OTHER BUSINESS:

A. Planning Board Chairman:

Chairman Cetnar indicated the next two meetings will be Thursday, November 21st at 6:00 pm and Thursday, December 12, 2024.

Chairman Cetnar stated that the NY Planning Federation is hosting a webinar on November 19, 2024 on faster Comp. Plans.

IX. CLOSE OF THE MEETING:

MOTION: To close the meeting at 7:36 pm

MADE BY: Treavor Gilday

SECONDED: Tracy Gutowski

VOTE: Unanimous