

**TOWN OF PERTH PLANNING BOARD  
JULY 17, 2023  
7:00 P.M.  
PERTH TOWN HALL**

**MEETING NOTES**

**PRESENT:**

**RON CETNAR, CHAIRMAN  
DIANE CONRAD  
MICHAEL DIMEZZA  
TREVOR GILDAY  
BOB GORDON  
TRACY GUTOWSKI  
KALEB WALKER (ALTERNATE)**

**HANNAH HAGE, JOHNSON & LAWS, LLC  
MARK CONCILLA, CODE ENFORCEMENT OFFICER  
AARON ENFIELD, FULTON COUNTY SENIOR PLANNER  
CHRIS STANKES, FULTON COUNTY PLANNER**

**OTHERS:**

**PAUL KRUGER, ACTIVE SOLAR  
JASON DELL, LANSING ENGINEERING  
CHIEF PETE WATROBSKI, PERTH VOLUNTEER FIRE COMPANY**

**I. CALL MEETING TO ORDER:**

The meeting was called to order at 7:05 p.m.

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

MOTION: To approve the minutes to the June 19, 2023 minutes.

MADE BY: Michael DiMezza

SECONDED: Treavor Gilday

VOTE: 7 in favor, 0 opposed

**III. ACTIVE SOLAR DEVELOPMENT – PERTH SOLAR HOLDINGS, INC. – SOLAR FARM AND MINOR SUBDIVISION OF RAINDANCER STEAK PARLOUR INC. AT 4582 STATE HIGHWAY 30:**

*Senior Planner Aaron Enfield reminded Planning Board Member Bob Gordon that he will have to abstain from voting on this project as he lives within 500' of the proposed Solar Farm.*

A. Background:

Active Solar would like to construct a 3.5 (AC) Solar Farm and Subdivision along the west side of NYS Route 30 (Tax Map Parcel Nos. 178.-2-34 that is 4.52+/-, 178.-2-35 that is 29+/- acres and

178.-2-36 that is 9.75+/- acres) which is owned by Raindancer Steak Parlour Inc. From the three (3) existing parcels, the Applicant would like to have one parcel that is 28.75+/- acres that would house the Solar Farm, and the second parcel that is 14.80+/- acres. A portion of the parcels is in Agricultural-Residential (A-R) District and the Commercial Residential (C-R) Zoning District.

A Solar Farm is an allowed use under the Perth Zoning Ordinance as a Special Use Permit. The 2017 Town of Perth NY Zoning Ordinance defines a Solar Farm as “the 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.”

Chapter VI of the 2013 Town of Perth Comprehensive Plan indicates that the Town should encourage the development of solar, residential, and small commercial solar, as well as large-scale solar, so homeowners become more energy self-sufficient. However, the Plan states that the magnitude of the systems needs to be analyzed so there are no negative consequences to neighboring property owners that would outweigh the benefits.

On March 21, 2023, Code Enforcement Officer Mark Concilla authorized a merger of the three (3) parcels of the properties pursuant of Article 4(D)4 of the Town of Perth Zoning Ordinance. As part of the Solar Farm project, a subdivision will be required.

Town Attorney Carmel Greco indicated a conflict of interest with the application and is recusing himself from the project. Hannah Hage of Johnson & Laws, LLC has been brought on to have legal counsel for the project.

The project was originally 5-MW (AC), but has been scaled down and moved further east away from residents in the Della Valle Road neighborhood. The project is now 278’ south of the property line of the residents of Della Valle Road.

#### DISCUSSION:

Senior Planner Aaron Enfield stated that the resubmittal by Active Solar has been reduced from 5MW to 3.5MW, which now has a 278’ buffer from the residents of Della Valle Drive.

Paul Kruger of Active Solar indicated that, since the last submittal, they have performed a wetlands report, which is now before the U.S. Army Corps of Engineers for a jurisdictional determination. He stated that wetland disturbance will be less than a 10<sup>th</sup> of an acre.

Mr. Kruger mentioned, to limit the number of trees needed for screening, they would like to keep the natural wooded area of the project with the potential of doing berms, if necessary, for the residents of Della Valle Drive. He indicated that the viewshed analysis of the project will be updated to reflect the changes of the 3.5MW solar project.

Mr. Kruger also indicated they applied for a permit with the New York State Department of Transportation (NYSDOT) for access to NYS Route 30.

Jason Dell of Lansing Engineering indicated that the project has a 20’ wide area around the fence that would be used for Emergency Services should there be a fire.

Pete Watrobski, Fire Chief for the Town of Perth Fire Company, stated that their main purpose is to keep fire in or fire out of the Solar Farm. Subsequently, he inquired if the access road will be going over any wetlands?

Mr. Kruger indicated that the access road will not be going over any wetlands.

Mr. Dell also indicated that they submitted a preliminary Operation and Maintenance (O&M) Plan, as well as a preliminary Decommissioning Plan. Subsequently, he indicated that the Stormwater Pollution Prevention Plan (SWPPP) was also submitted to the Town of Perth Planning Board.

Mr. Kruger passed out visualizations that were done in the winter specifically along Della Valle Drive, prior to the adjustment that include the new setbacks.

Planning Board Member Tracy Gutowski praised Active Solar on all the work they have done to be amenable to the neighboring homeowners.

Planning Board Member Michael DiMezza stated that he would like to see additional visualizations that reflect the update of the new layout of the project.

Mr. Enfield recognized Hannah Hage, Esq from Johnson & Laws, LLC, who will be serving as counsel to the Town of Perth Planning Board for this project. She has experience reviewing solar projects within other communities. He acknowledged the knowledge the Planning Board currently has, however, he stated, given the previous solar project on Route 132, where as a result of the project they ask that they have legal representation moving forward specifically on solar and possibly other projects.

B. April 17, 2023 meeting:

During its April 17, 2023 meeting, the Town of Perth Planning Board reviewed Active Solar's application for a Subdivision at 4582 NYS Highway 30. As a result of the initial review, the Planning Board decided to hold off on moving forward until the full application of the Special Use Permit was ready as it will also be part of the State Environmental Quality Review Act (SEQRA) process. As part of the Subdivision review, the following information has been asked of the Applicant:

1. The current well and septic system for Raindancer Restaurant should be located on the plat.

STATUS: Partially Provided. The septic system is shown, but the well is missing.

DISCUSSION: Mr. Enfield stated that an approximate location of the well will be necessary. He stated that it would be necessary to show it on the Site Plan so that the Planning Board will know that it will not be affected by the Solar Farm or the access road.

2. Should there be any current easements or deed restrictions, this would need to be indicated on the plat.

STATUS: Provided. All known easements or deed restrictions have been indicated on the revised plat plan.

DISCUSSION:

Mr. Enfield inquired if Active Solar took into account the easement for the access road will be going over a septic pipe for Raindancer Restaurant? Subsequently, he inquired if this would be an issue during construction?

Mr. Kruger stated that delivery vehicles currently drive over the septic pipe closer to the restaurant and do not foresee that to be a concern during construction under the access road.

Subsequently, he stated that, should there be a concern, they would put a protective plate over the area where the septic pipe is.

Mr. Enfield inquired if the Town of Perth Code Enforcement had any concerns with this?

Mark Concilla, Code Enforcement Officer, stated that he had no issues with this.

Planning Board Chairman Ron Cetnar inquired if Fire Chief Watrobski had any concern with emergency vehicles driving over the septic pipe?

Fire Chief Watrobski indicated that he did not see that as a concern.

C. February 27, 2023 meeting:

During its February 27, 2023 meeting, the Town of Perth Planning Board began its review on Active Solar's Special Use Permit for a Solar Farm (Raindancer I) and Minor Subdivision at 4582 NYS Highway 30. Based on the conversation during the meeting, the Planning Board has requested the following items that will be needed to continue the review:

1. Before further review of the Special Use Permit and Subdivision, a Lot Line Adjustment will need to be approved by the Town of Perth Planning Board.

STATUS: Comment Noted. A subdivision Plan has been included with the revised plans.

2. The Subdivision of the property will need to include an easement of the access road and identify the current well and septic system used by the Raindancer Restaurant.

STATUS: Comment Noted. The Subdivision Plan included an easement for the access road and identified the current known utilities on site.

3. Proposed landscape changes to the site to include grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures. Additionally, a vegetative perimeter buffer will need to provide a year-round screening of the system from adjacent properties at the start of construction.

STATUS: Comment Noted. A proposed tree line has been included on the plans showing over 250' of existing vegetation will remain from adjoining properties to the north.

DISCUSSION:

Mr. Enfield stated that, while the Applicant had indicated the 278' setback includes vegetation, it is not clearly indicated on the Site Plan. The Applicant will need to show a general location of the existing screening. Potential screening may be necessary.

Mr. Enfield stated that the image which indicated the Solar Farm and existing wooded area of the property was not submitted and asked that a PDF be sent so Planning Board members have a visual.

4. The location of the utility poles will need to be provided, as well as height and diameters.

STATUS: The Plans have been revised to include the locations of the utility poles. The poles will be the standard height with an approximate diameter of 27 inches.

DISCUSSION:

Mr. Enfield stated that the National Grid utility poles are hard to locate and need to be clearly defined for the next submission.

Mr. Dell indicated that he would be able to provide that on the next submittal.

5. Visual simulations of the neighborhood of Della Valle Drive, Della Valle Road Extension and NYS Route 30 will need to be provided. The visuals will need to include current site, as well as what the Solar Farm will look like on the property. Visual simulations of the utility poles will also be required.

STATUS: The proposed array has been shifted further east on the project property. The fence for the array is approximately 278' south of the property line.

DISCUSSION:

Mr. Enfield acknowledged that this was discussed during the update. However, he stated the visuals need to reflect the current project size, as well as the utility poles. He asked if Planning Board members have any additional locations that would be necessary?

Planning Board Member Treavor Gilday stated that, given the new location, Active Solar might want to look at the visual impacts of residents to the north of the access road on NYS Route 30.

Ms. Gutowski stated that Planning Board Member Bob Gordon lives at one of those properties and may be affected.

Mr. DiMezza indicated a number of locations further up on Della Valle Drive that might need visualizations due to the slope of the road.

Mr. Kruger stated that he would coordinate with Mr. Gordon and provide updated visual simulations.

6. A turnaround for vehicles will need to be located outside of the fencing.

STATUS: Comment noted. The plans have been revised to include a turnaround for vehicles outside the fencing.

7. A 20' access path around the perimeter of the solar array will need to be provided for Emergency Services.

STATUS: A 20' wide clear path around the perimeter of the solar array has been provided for Emergency Services.

8. A valid performance bond assigned to the Town of Perth with dates and monetary amounts to be determined by the Planning Board for decommissioning purposes. The Decommissioning Plan will need to be prepared that includes a decommissioning cost estimate that identifies the present-day cost to completely decommission the site. Please keep in mind that the decommissioning cost estimate must also include the cost associated with the disposal/recycling of the panels.

STATUS: Comment noted. A draft Decommissioning Plan is included with this submission.

## DISCUSSION:

- While the Applicant has tentatively indicated recycling, the Town of Perth is not in the salvage business and Active Solar will need to identify the site for disposal and monetary amount as part of the Decommissioning Plan.

Mr. Enfield brought up the concern that Active Solar identified recycling of the solar panels. He stated that the Town of Perth is not in the salvage business and studies have shown that the recycling business is not as financially feasible at the moment. Previously, another project indicated disposal of the panels at the Fulton County Landfill Transfer Station on Mud Road. In speaking with the Fulton County Department of Solid Waste in the past, currently the NYS Department of Environmental Conservation (NYSDEC) does not allow disposal in landfills within New York State.

Mr. Enfield stated that, as more information on Solar Farms comes out, there will be some changes in what the Planning Board will request as part of the Special Use Permit process. He stated that there have been recent plans to increase recycling, however, he indicated it is unclear on when this would be able to be cost-effective for Solar Developers.

The Planning Board had a back-and-forth conversation with the Applicant on this process and decided to table further discussion until the Applicant makes more information available.

- Inflation at the time of submission in February 2023 was 6% and, as of June 2023, it was 3%. It is recommended that the inflation rate be listed at 4.5%.

Planning Board members agreed that the 4.5% would make sense for the Applicants due to the steady decline in the inflation rate since their submission.

- Once Decommissioning Plan is finalized, the amount will be sent to the Town Board for confirmation.

Mr. Enfield stated that, once the amount of the Decommissioning Plan is finalized, the Planning Board will send to the Town Board for the Planning Board approval as they and Town Attorney will be overseeing it. He indicated that the Bond will be kept by the Town and, as an elected board (not an appointed board), they should know what the monetary amount would be.

9. The Planning Board will be requesting outside counsel to review the project. Per Article 3 of the Town of Perth Zoning Code, the Applicant will be required to pay all associated costs. Please contact Town Attorney Carmel Greco with any additional questions you may have pertaining to this. He can be reached at 518.762.3103.

STATUS: Comment noted.

Additionally, there is information missing from the application that will also be required. Per the Town of Perth Zoning Code pertaining to Solar Farms, the following will also need to be identified as part of the review process:

1. The blueprints or drawings of the solar photovoltaic installation signed by a licensed professional engineer showing the proposed layout of the system and any potential shading from nearby structures.

STATUS: Comment Noted. The final plans will be stamped by a licensed engineer. It is not anticipated that any nearby structures will cause any shading of the proposed solar array.

2. A description of the Solar Farm facility and the technical, economic and other reasons for the proposed location and design shall be prepared and signed by a professional licensed engineer.

STATUS: The project narrative has been included with this letter.

3. Confirmation prepared and signed by a licensed professional engineer that the Solar Farm complies with all applicable federal and State standards.

STATUS: Comment Noted. Final plans will be stamped and sealed by a professional engineer.

4. One or 3-line electrical diagram detailing the Solar Farm layout, solar collector installation, associated components, and electrical interconnection methods with all national electrical code-compliant disconnects and over-current devices.

STATUS: One-line electrical drawings are included with this submission.

5. Documentation of the major system components to be used, including the photovoltaic panels, mounting system, and inverter.

STATUS: A copy of the product data sheet of the photovoltaic panels has been included with this letter. Please see DT-1 of the plan set for a detail of the mounting system.

6. An Operation and Maintenance Plan, which shall include measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operational maintenance of the installation.

STATUS: Comment noted. A Draft Operations and Maintenance (O&M) Plan is included with this submission.

#### DISCUSSION:

Mr. Enfield indicated that the O&M Plan does not include the planting of any screening.

Mr. Dell indicated that, should plantings be necessary, it will include evergreens.

Mr. Kruger stated, as more info is made available, it will be updated in O&M.

7. Information on noise (inverter) and reflectivity glare of solar panels and their impact to abutting properties.

STATUS: The solar array will be situated in excess of 278' away from the north property line. Noise from the array is anticipated to be negligible. Reflectivity glare is also not anticipated to be an issue. Solar PV panels are constructed of dark, light-absorbing materials and covered with an anti-reflective coating design to maximize absorption and minimize reflection.

8. All mechanical equipment pertaining to the Solar Farm to include any structure for batteries or other storage cells are to be completely enclosed by a minimum of an 8' fence with a self-locking gate.

STATUS: Comment Noted.

9. A calculation of the total surface of all ground-mounted and freestanding solar collectors, including solar voltaic cells, panels, and arrays on this calculation shall not exceed 80% of the total parcel area.

STATUS: The total surface area of all ground-mounted and freestanding solar collectors is equal to 13.89% of the proposed parcel.

10. All onsite utility and transmission lines are, to the extent feasible, placed underground.

STATUS: Comment Noted.

11. The installation of a clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

STATUS: Comment Noted. All required signage will be installed as required.

DISCUSSION: Planning Board will need to review signage before final approval.

12. The solar modular panels shall not contain hazardous materials.

STATUS: Comment Noted.

13. All appurtenant structures including but not limited to equipment shelters, storage facilities, transformers and substations shall be architecturally compatible with each other and shall be screened from the view of persons not on the parcel.

STATUS: Comment Noted. All proposed structures are screened by the remaining existing vegetation that will be preserved on-site.

DISCUSSION:

Mr. Enfield inquired if Active Solar will be doing any agrivoltaics under the solar arrays?

Mr. Kruger stated they may consider sheep grazing or other options.

Mr. Gilday indicated that there are pollinator mixes that can be used that would be beneficial to local bees and butterflies.

14. Lighting of "Solar Farms" shall be consistent with State and federal law. The lighting of appurtenant structures shall be limited to that required for safety and operational purposes and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cutoff fixtures to reduce light pollution.

STATUS: No lighting is proposed for this project.

15. There shall be no signs except announcement signs, such as no trespassing signs or any signs required to warn of danger. A sign is required that identifies the owner and operator with an emergency telephone number where the owner and operator can be reached on a 24-hour basis.

STATUS: Comment noted.



16. There shall be a minimum of one (1) parking space to be used in connection with the maintenance of the solar photovoltaic facility and the site. However, it shall not be used for the permanent storage of vehicles.

STATUS: Comment noted. Site access includes a space to park a vehicle. No permanent storage of vehicles has been proposed.

17. The solar farm owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. Upon request, the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar farm facility shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

STATUS: Comment Noted. The owner will work with local emergency services in developing an emergency response plan. All means of shutting down the Solar Farm facility shall be clearly marked. The owner will identify a responsible person for public inquires throughout the life of the installation.

DISCUSSION:

Mr. Enfield stated that Active Solar will need to coordinate with Fire Chief Watrobski at the Perth Volunteer Fire Company for sign-off. Subsequently, he indicated that a letter should be provided by the Planning Board.

18. No Solar Farm shall be approved or constructed until evidence has been given to the Planning Board that the utility company that operates the electrical grid (National Grid) where the installation is to be located has been informed of the Solar Farm owner's or operator's intent to install an interconnected customer-owned generator.

STATUS: The project interconnect agreement will be forwarded to the Town when it becomes available.

19. A Solar Farm owner or operator shall maintain the facility in good condition. Maintenance shall include but not be limited to painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the Solar Farm and any access road(s), unless accepted as a public way.

STATUS: Comment noted.

20. Access Road at Route 30:

DISCUSSION:

Mr. Enfield indicated that the easement to the access road is next to the gravel driveway to Raindancer Restaurant. He expressed concern that patrons may use the road to enter and exit the restaurant.

Mr. Kruger stated he would look into options to mitigate use of the access road by Raindancer patrons.

Hannah Hage, Esq. of Johnson & Laws indicated that language should be included on the final subdivision plat.

D. 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 within 500' of the Raindancer Steak Parlour parcel:

1. Anthony London at 105 McKay Road (Tax Map Parcel No. 189.-1-13.111)
2. Mark Orłowski at 4608 State Highway 30 (Tax Map Parcel No. 178.-2-33)

DISCUSSION:

Mr. DiMezza indicated that Mr. London's property was part of the Maple West Solar Project and may not be necessary to include.

Mr. Enfield stated he would look into this and, if deemed necessary, would remove.

*POST MEETING NOTE:*

*Mr. London's property is currently within Fulton County Agricultural District #1 and the earliest the property can be removed would be in 2025.*

PLANNING BOARD ACTION:

MOTION: To send Anthony London and Mark Orłowski an Agricultural Data Statement as their properties are within 500' of the proposed solar project.

MADE BY: Treavor Gilday  
SECONDED: Tracy Gutowski  
VOTE: 6 in favor, 0 opposed, 1 abstain (Gordon)

E. Fulton County Planning Board 239-M Review:

In accordance with NYS General Municipal Law Section 239-m, the Town of Johnstown Planning Board shall refer projects to the Fulton County Planning Board to assess any regional impacts that are within 500' of a municipal boundary, county or state existing or proposed road, a county or state existing or proposed park or recreation area, a county or a state-owned property (existing or proposed, on which a public building or institution is location), or a farm operation located within an agricultural district. Project referrals include Site Plan, Special Use Permit, Zoning Amendments, Comprehensive Plans, or other authorizations that the Board may issue under zoning provisions.

GML Section 239-m 4 B (vi) indicates that any Farm operation in an agricultural district is subject to a review by the Planning Board. Property owners Anthony London (Tax Map Parcel No. 189.-1-13.111) and Mark Orłowski (Tax Map Parcel No. 178.-2-33) are within 500'.

PLANNING BOARD ACTION:

MOTION: To send Active Solar's application for a Solar Farm at 4582 State Highway 30 to the Fulton County Planning Board for a 239-m review as the project is within 500' of properties within Fulton County Agricultural District #1.

MADE BY: Ron Cetnar  
SECONDED: Treavor Gilday  
VOTE: 6 in favor, 0 opposed, 1 abstain (Gordon)

F. State Environmental Quality Review Act:

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 Site Plan application is subject to SEQR. Therefore, the following issues must be addressed:

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

DISCUSSION: Planning Board members felt as though the Environmental Assessment Form was filled out adequately.

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

DISCUSSION: Planning Board members stated that no additional information is necessary.

3. Type I or an Unlisted Action: Section 617.6 (b)(3) of 6 NYCRR states that, when an agency proposes to directly undertake, fund or approve a Type I or Unlisted Action undergoing a Coordinated Review with other Involved Agencies, it must, as soon as possible, transmit Part I of the Environmental Assessment Form, completed by the Project Sponsor, or a Draft Environmental Impact Statement (DEIS) and a copy of any application that has been received to all Involved Agencies and notify them that a Lead Agency must be agreed upon within thirty (30) calendar days of the date the Environmental Assessment Form or DEIS was transmitted to them.

Type II Action: A Type II Action is categorically excluded from SEQR. These actions have been determined not to have a significant adverse impact on the environment. Once action is determined to be a Type II, no further environmental review is required. Section 617.5(c) provides the following actions that are not subject to a Type II Action.

4. It is recommended that the project be classified as an Unlisted Action and to do a coordinated review with the New York State Department of Environmental Conservation (NYSDEC), New York State Department of Transportation (NYSDOT), New York State Energy and Research Authority (NYSERDA), and National Grid. Does the Planning Board feel as though another agency should be involved?

DISCUSSION:

Planning Board members, Active Solar, and Ms. Hage had a back-and-forth conversation regarding whether to treat the project as a Type I or an Unlisted Action.

Mr. Enfield indicated that he reviewed SEQRA and did not see where it would fit as a Type I action, even though every project was listed as a Type I Action prior.

Mr. Kruger indicated previous projects have been Type I Actions.

Ms. Hage gave an overview of the differences and similarities between Type I and Unlisted.

Planning Board members indicated they would like to treat this project as a Type I Action.

Mr. Enfield indicated that Active Solar should provide an updated EAF as the project is no longer 5MW.

**PLANNING BOARD ACTION:**

**MOTION:** To classify the proposed project as a Type I Action and to propose that the Town of Perth Planning Board act as the Lead Agency for the purpose of issuing a determination of significance under SEQR and to offer other Involved Agencies 30 calendar days to comment on the proposed action or the Perth Planning Board’s proposal to serve as the Lead Agency.

**MADE BY:** Tracy Gutowski  
**SECONDED:** Treavor Gilday  
**VOTE:** 6 in favor, 0 opposed, 1 abstain (Gordon)

**POST MEETING NOTE:**

*After further review by Ms. Hage and Mr. Enfield, it was agreed upon to treat the project as a Type I Action under SEQR per 617.4 (b)(6)(i): (6) activities, other than the construction of residential facilities, that meet or exceed any of the following thresholds; or the expansion of existing nonresidential facilities by more than 50 percent of any of the following thresholds: (i) a project or action that involves the physical alteration of 10 acres.*

**G. Planning Board Action:**

It is recommended to table further review until further information is provided from the Applicant and wait to hear back from the SEQRA Agencies.

**PLANNING BOARD ACTION:**

**MOTION:** To table further review until more information is provided to the Town of Perth Planning Board.

**MADE BY:** Ron Cetnar  
**SECONDED:** Michael DiMezza  
**VOTE:** 6 in favor, 0 opposed, 1 abstain (Gordon)

**IV. OTHER BUSINESS:**

**A. Planning Board Chairman:**

**August Meeting**

Chairman Cetnar indicated that there will be no meeting in August and the next meeting will be Monday, September 18, 2023.

B. Fulton County Planning Department:

**Boralex Open House**

Mr. Enfield stated there is an open house for the Boralex 40MW Office of Renewable Energy Siting (ORES) on Wednesday, July 26, 2023, at the Paul Nigra Center in Mayfield.

**Maple North**

Mr. Enfield indicated that Scale Microgrid will be going before the Zoning Board of Appeals for some Variances on the property. Subsequently, he stated that, after they go before the ZBA, they will come to the Planning Board for an Amendment to the Special Use Permit, of which the Planning Board will need to do two (2) new Decommissioning Plans for each project.

Mr. DiMezza expressed concern about landlocked parcels indicating his issue when he had to build his home.

Ms. Hage stated that she will look into case law regarding landlocked parcels and can submit findings to the Planning Board in a couple of weeks.

**V. CLOSE OF THE MEETING:**

MOTION: To close the meeting at 8:45 pm.

MADE BY: Treavor Gilday

SECONDED: Michael DiMezza

VOTE: 7 in favor, 0 opposed