

**TOWN OF PERTH PLANNING BOARD  
MARCH 20, 2023  
6:00 P.M.  
PERTH TOWN HALL**

**MEETING NOTES**

**PRESENT:**

**RON CETNAR, CHAIRMAN  
NICHOLE SURENTO, VICE CHAIRWOMAN  
DIANE CONRAD  
TREVOR GILDAY  
BOB GORDON  
TRACY GUTOWSKI**

**GREG FAGAN, SUPERVISOR  
AARON ENFIELD, SENIOR PLANNER**

**I. CALL MEETING TO ORDER:**

The meeting was called to order at 6:00 p.m.

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

MOTION: To approve the minutes to the February 27, 2023 meeting.  
MADE BY: Tracy Gutowski  
SECONDED: Trevor Gilday  
VOTE: 6 in favor, 0 opposed

**III. GREGORY AND KELLY FAGAN – PUBLIC HEARING - MINOR SUBDIVISION AT 465 BLACK STREET (COUNTY HIGHWAY 106):**

A. Background:

Gregory and Kelly Fagan own a piece of property at 465 County Highway 106 (Black Street) within the Town of Perth (Tax Map Parcel No. 165.-1-21). The existing property is approximately 175.75 +/- acres. The applicants would like to subdivide off a 39.5-acre parcel from the north side of the property. There are numerous barns on the parcel to be subdivided.

B. February 27, 2023 meeting:

During its February 27, 2023 meeting, the Town of Perth Planning Board began its review of Gregory and Kelly Fagan's subdivision application at 465 Black Street (County Highway 106) in the Town of Perth. At that time, the Planning Board asked that the following information be provided on a final subdivision plat prior to the public hearing:

1. Indicate where the existing well is located and where the proposed wells will be located.

STATUS: Provided. EDP has indicated that the well and septic for the remaining parcel is associated with the residence across the street.

2. Perc. and pit test of the proposed septic.

STATUS: Not Provided.

3. Additional topography and contours will need to be provided.

STATUS: Provided.

4. Wetlands will need to be identified.

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 property owners Leonard Frasier, Gary Herba, and Tom Herba are within 500' of the Fagan's parcel. Letters were sent out to these property owners and, as of March 20, 2023, the Fulton County Planning Department has not received any comments.

D. State Environmental Quality Review:

During its February 27, 2023 meeting, the Town of Perth Planning Board proposed that it serve as the Lead Agency for the purpose of issuing a determination of significance under SEQR. Each Involved Agency was given twenty-five (25) calendar days to respond to the Planning Board's proposal to serve as the Lead Agency or to comment on the proposed action itself. To date, the Planning Board has not received any feedback from the New York State Department of Environmental Conservation.

DISCUSSION:

There was a general consensus that, as a result of NYSDEC not responding to the Planning Board's coordinated review, that the Planning Board should serve as lead agency for determination of significance.

MOTION: Declaring the Town of Perth Planning Board to serve as the Lead Agency for the purpose of issuing a determination of significance for Gregory and Kelly Fagan's application for a Minor Subdivision at 465 Black Street (County Highway 106).

MADE BY: Nichole Surento

SECONDED: Ron Centar

VOTE: 6 in favor, 0 opposed

FURTHER DISCUSSION:

After a back and forth conversation, the Planning Board realized there will not be any environmental impacts and agreed that a negative declaration under SEQR should be put forward.

MOTION: Authorizing the filing of a Negative Declaration under SEQR for Gregory and Kelly Fagan’s application for a Minor Subdivision at 465 Black Street (County Highway 106) within the Town of Perth since:

- a. The Town of Perth Planning Board coordinated SEQR with the NYS Department of Environmental Conservation (NYSDEC).
- b. The applicant has sufficient acreage available to create a building lot.
- c. There will be no traffic implications resulting from the proposed action.
- d. Public utilities are readily available to service the building lot.

MADE BY: Treavor Gilday  
SECONDED: Nichole Surento  
VOTE: 6 in favor, 0 opposed

E. Public Hearing:

- 1. The public hearing opened at 6:07 P.M.
- 2. Speakers: There was no one to speak on Gregory and Kelly Fagan’s Minor Subdivision.
- 3. The public hearing closed at 6:08 P.M.

F. 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 Gregory and Kelly Fagan’s subdivision application at this time?

PLANNING BOARD ACTION:

MOTION: To conditionally approve Gregory and Kelly Fagan’s application for a Minor Subdivision with the stipulation that the percolation and pit tests be provided to the Code Enforcement Officer prior to Planning Board Chairman signing the Subdivision plat.

MADE BY: Nichole Surento  
SECONDED: Bob Gordon  
VOTE: 6 in favor, 0 opposed

**IV. JON FURMAN – PUBLIC HEARING – MINOR SUBDIVISION AT 142 STAIRS ROAD:**

A. Background:

Jon Furman owns a piece of property at 142 Stairs Road (Tax Map Parcel No. 179.-2-2) that is approximately 61.16+/- acres. The applicant would like to subdivide off a 4.36+/- acre parcel from the north side of the property. There is a house, garage, driveway, and shed on the parcel to be subdivided.

B. February 27, 2023 meeting:

During its February 27, 2023 meeting, the Town of Perth Planning Board began its review of Jon Furman's subdivision application at 142 Stairs Road in the Town of Perth. At that time, the Planning Board asked that the following information be provided on a final subdivision plat prior to the public hearing:

1. Indicate where the existing well is located and where the proposed wells will be located.

STATUS: Provided

2. Perc. and pit test of the proposed septic.

STATUS: Provided.

3. Additional topography and contours will need to be provided for the first few acres off of Stairs Road.

STATUS: Provided.

4. Easement for the City of Amsterdam waterline will need to be specified.

STATUS: Provided. The applicant has indicated a 40' wide easement for the waterline.

5. Water shutoff of the waterline will need to be indicated.

STATUS: Provided. The applicant has indicated a shutoff on the property.

C. State Environmental Quality Review:

During its February 27, 2023 meeting, the Town of Perth Planning Board proposed that it serve as the Lead Agency for the purpose of issuing a determination of significance under SEQR. Each Involved Agency was given twenty-five (25) calendar days to respond to the Planning Board's proposal to serve as the Lead Agency or to comment on the proposed action itself. To date, the Planning Board has not received any feedback from the New York State Department of Environmental Conservation.

DISCUSSION:

There was a general consensus that, as a result of NYSDEC not responding to the Planning Board's coordinated review, that the Planning Board should serve as lead agency for determination of significance.

MOTION: Declaring the Town of Perth Planning Board to serve as the Lead Agency for the purpose of issuing a determination of significance for Jon Furman's application for a Minor Subdivision at 142 Stairs Road.

MADE BY: Bob Gordono

SECONDED: Ron Cetnar

VOTE: 6 in favor, 0 opposed

FURTHER DISCUSSION:

After a back and forth conversation, the Planning Board realized there will not be any environmental impacts and agreed that a negative declaration under SEQR should be put forward.

MOTION: Authorizing the filing of a Negative Declaration under SEQR for Jon Furman's application for a Minor Subdivision at 142 Stairs Road in the Town of Perth since:

1. The Town of Perth Planning Board coordinated SEQR with the NYS Department of Environmental Conservation (NYSDEC).
2. The applicant has sufficient acreage available to create a building lot.
3. There will be no traffic implications resulting from the proposed action.
4. Public utilities are readily available to service the building lot.

MADE BY: Treavor Gilday  
SECONDED: Bob Gordon  
VOTE: 6 in favor, 0 opposed

D. Public Hearing:

1. The public hearing opened at 6:15 P.M.
2. Speakers: There was no one to speak on Jon Furman's Minor Subdivision.
3. The public hearing closed at 6:16 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 Jon Furman's subdivision application at this time?

PLANNING BOARD ACTION:

MOTION: To approve Jon Furman's application for a Minor Subdivision at 142 Stairs Road as presented.

MADE BY: Nichole Surento  
SECONDED: Tracy Gutowski  
VOTE: 6 in favor, 0 opposed.

V. **ZYNOBIA HOLDINGS, LLC – PROPERTY TRANSACTION AT 4491 STATE ROUTE 30 AND 257 VOORHEES ROAD:**

A. Background:

Zynobia Holdings, LLC owns two parcels that are next to each other, 4491 State Highway 30 (Tax Map Parcel No. 178.4-1-34) which is approximately 1.014 +/- acres, and 257 Voorhees Road (Tax Map Parcel No. 179.-6-1.1) which is approximately 69.616 +/- acres in size. 257 Voorhees Road is a landlocked parcel and the applicant would like to convey the property to 4491 State Highway 30. The next parcel will be 70.63 +/- acres in size.

MOTION: Recognizing that the property transaction of Zynobia Holdings, LLC is not subject to the Town's Subdivision Regulations and can be approved as a lot line adjustment.

MADE BY: Bob Gordon  
SECONDED: Nichole Surento  
VOTE: 6 in favor, 0 opposed

**VI. OTHER BUSINESS:**

A. Planning Board Chairman:

**April meeting:**

Chairman Cetnar reminded Planning Board members that the meeting in April will take place on April 17, 2023 at 6:00 pm.

**Training at FMCC:**

Chairman Cetnar reminded Planning Board members that, on Thursday, the Department of State will be having Planning Board and Zoning Board of Appeals training at FMCC starting at 4:00 pm.

**Town Board Meeting April 6:**

Chairman Cetnar stated that the Town Board will be holding a Public Hearing on amending the Solar Law on April 6. He indicated that, while four (4) attending the meeting would qualify a quorum, they are not to discuss any projects the Planning Board is currently reviewing.

**Winstanley Enterprises:**

Chairman Cetnar inquired on how progress was going with Winstanley Enterprises?

Mr. Enfield stated that the company has not purchased the property. They have an option to purchase for three (3) years, and currently have two (2) offers on portions of the Tyron Technology Park.

Planning Board Member Tracy Gutowski stated the home on County Route 158 nearest the project is currently for sale.

Chairman Cetnar reminded Planning Board members that, when the sale takes places, they will be serving as lead agency on it.

**Comprehensive Plan:**

Chairman Cetnar indicated that the Comprehensive Plan is ten (10) years old and that the Town should look into having it updated. He indicated that there was an extensive update done in 2013 which would not be necessary in 2023.

Supervisor Greg Fagan stated that he had no issue with doing the update and asked Fulton County Senior Planner Aaron Enfield to handle any logistics necessary for the Town Board to pass a resolution making the Planning Board the Commission to oversee the update. Subsequently, he indicated there would be a stipend as well for this.

Chairman Cetnar stated that, previously, the Planning Board met an hour before the meeting to discuss the Comprehensive Plan Update.

B. Fulton County Planning Department:

**Vireo Health**

Mr. Enfield stated that Vireo Health is slated to be finished by the end of June this year.

**Legal Representation**

Mr. Enfield indicated that Active Solar is planning on being at the April meeting and that he has notified Town Attorney Carmel Greco of this.

Supervisor Fagan asked Mr. Enfield to follow up with Mr. Greco and asked if a resolution is necessary for the Town Board to pass on April 6, 2023.

C. Other:

**Meeting Notice**

Residents of the Della Valle area indicated they did not see anything on the agenda for Active Solar, but showed up to the meeting in case it was going to be discussed.

Supervisor Fagan stated that he did not receive the notice in his email and asked that the Planning Department include him moving forward.

**VII. CLOSE OF THE MEETING:**

MOTION: To close the meeting at 6:34 p.m.

MADE BY: Bob Gordon

SECONDED: Nichole Surento

VOTE: 6 in favor, 0 opposed.