

**TOWN OF PERTH PLANNING BOARD
MARCH 21, 2022
6:00 P.M.
PERTH TOWN HALL**

MEETING NOTES

PRESENT:

**RON CETNAR, CHAIRMAN
NICHOLE SURENTO, VICE CHAIRWOMAN
MICHAEL DIMEZZA
TREVOR GILDAY
BOB GORDON
TRACY GUTOWSKI
TREVOR GILDAY**

**MARK CONCILLA, CODE ENFORCEMENT OFFICER
JAMES MRAZ, FULTON COUNTY IDA
SCOTT HENZE, PLANNING DIRECTOR
SEAN M. GERAGHTY, CONSULTANT
AARON ENFIELD, SR. PLANNER**

I. CALL MEETING TO ORDER:

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

II. APPROVE MINUTES OF LAST REGULAR MEETING:

DISCUSSION: Planning Board Chairman Ron Cetnar welcomed Trevor Gilday to the Planning Board.

MOTION: To approve the minutes to the January 24, 2022 meeting.

MADE BY: Bob Gordon

SECONDED: Mike Dimezza

VOTE: 6 in favor, 0 opposed

III. ROBERT AND SUSAN SOBKOWICH – SUBDIVISION APPLICATION FOR A PIECE OF PROPERTY ALONG COUNTY HIGHWAY 126:

A. Background:

Robert and Susan Sobkowich own a piece of property along the west side of County Highway 126 in the Town of Perth (Tax Map Parcel No. 179.-7-1). The existing property is approximately 51+/- 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.

DISCUSSION: Chris Foss, representing the applicant, indicated that the property will be sold to someone who is just looking to use the barn on the property. He indicated that they have no plans to build on the parcel.

B. 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: There are no topographic features identified on the subdivision plat.

DISCUSSION: Mr. Foss indicated that the property is relatively flat.

Planning Board Chairman Ron Cetnar asked if the purchasers intend to further subdivide the parcel?

Mr. Foss explained that he purposely left the property line 50' off of the rear lot lines of the parcels on Robert Road so that new building lots were not inadvertently created along Robert Road.

Mr. Cetnar asked if the property was previously used as an airstrip?

Mr. Foss indicated that there was a former airstrip that is no longer in use.

Eventually, the Planning Board determined that topographic features did not need to be shown on the plat.

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

DISCUSSION: After a brief discussion, Planning Board members felt that, given the fact that the property can conceivably be built on, the applicant should provide percolation and pit test results and show where a septic field, well and home can be located.

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

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

DISCUSSION: Mr. Foss indicated that there were no easements or covenants that he was aware of.

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: Not provided.

DISCUSSION: Mr. Geraghty indicated that he would get the necessary language to Mr. Foss.

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 Short Environmental Assessment Form.

STATUS: Provided.

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: To file a negative declaration under SEQR for Robert and Susan Sobkowich's subdivision application since:

1. There is sufficient acreage available to subdivide the property.
2. Public utilities are readily available to service the new lot.
3. There will be no traffic implications resulting from the proposed action.

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

D. 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. Consequently, does the Planning Board wish to schedule a public hearing at this time?

MOTION: To schedule a public hearing on Robert and Susan Sobkowich's subdivision application for 6:00 p.m., Monday, April 18, 2022.

MADE BY: Michael Dimezza
SECONDED: Bob Gordon
VOTE: 6 in favor, 0 opposed

IV. TRYON TECHNOLOGY PARK:

A. Background:

The land comprising the Tryon Technology Park (TTP) was previously used to operate the State-run Tryon Juvenile Detention Facility. New York State closed that facility in 2011 resulting in the loss of 350 jobs. The Fulton County Industrial Development Agency (IDA), in partnership with Fulton County, embarked on a project to repurpose the lands at Tryon Detention Facility into shovel-ready sites for new businesses called the Tryon Technology Park (TTP). The vision was to attract new businesses into the TTP to replace the jobs lost by the closing of the Detention Center.

DISCUSSION: Fulton County IDA Executive Director Jim Mraz explained that he would like to give Planning Board members an update on projects at the TTP.

Vireo Health:

Mr. Mraz explained that Vireo Health NY operates a pharmaceutical manufacturing facility in the TTP. He stated that the company is a subsidiary of Vireo International, which will be merging with another entity known as Goodness Growth Holdings. At the same time, Vireo Health NY is in the process of being acquired by Verano Holdings, a company which is a multi-State cannabis operation. Mr. Mraz stated that Verano Holdings would like to get into the New York cannabis market and is hoping to complete the transaction with Vireo Health later this year. Mr. Mraz explained that, by agreeing to be taken over by Verano Holdings, Vireo Health will gain better access to capital. For instance, Mr. Mraz noted that Vireo Health currently has 400 employees and does approximately \$60 million in business, while Verano Holdings has approximately 4,000 employees and does upwards of \$1 billion in business. He stated that the acquisition of Vireo Health will strengthen the position of the company. In the meantime, he stated that Cordos Construction, which is the company that is working on Vireo's new facility in the TTP, has been asked to hold off on any interior renovations for the new facility. He stated that Verano Holdings is reviewing the

internal layout and finishes for the project and may want to make some changes. He stated that Verano Holdings still expects to have the building completed by the fall of this year.

Mr. Cetnar asked if the existing greenhouses in Vireo's current operation will continue to be used?

Mr. Mraz stated that the company does intend to continue using those greenhouses and will likely turn the existing facility into an R & D operation.

Maintenance Building:

Mr. Mraz stated that the IDA recently sold the former Maintenance Building on the Tryon property to Lott Holdings. He indicated that Lott Holdings will be renovating the building and will lease space for warehouse, offices and commercial uses.

Sewer District:

Mr. Mraz stated that the Fulton County IDA is not in the business of owning and maintaining public infrastructure and, consequently, has been working with the County to establish a Sewer District for the Tryon property. He stated that the IDA intends to turn the title to the District over to the County once a Sewer District has been created.

Planning Board Member Mike Dimezza asked if the sewer infrastructure serves all of the lots in the Tryon Park?

Mr. Mraz indicated that all of the lots are served by the sewer infrastructure. He stated that the properties on the south side of County Highway 107 are also served by the sewer infrastructure, but in order to use that sewer infrastructure, the owners of the property will need to upgrade a pump station on the property which they own.

Planning Board Member Tracy Gutowski asked if the County will own the waterlines?

Mr. Mraz stated that the City of Gloversville Water Department actually owns the waterlines, as well as the 300,000 gallon tank on the hill.

Planning Board Member Bob Gordon asked if the development of the Tryon Park will necessitate a need for a bigger holding tank?

Mr. Mraz stated that he didn't know, but pointed out that it will be dependent upon what type of water usage future tenants in the Park require.

Planning Board Member Trevor Gilday asked if there were hydrants in the Park?

Mr. Mraz stated that there are hydrants throughout the Park that are serviced by a 12" waterline.

Mr. Gilday stated that a 12" waterline typically provides about 4,700 gallons per minute (gpm) of flow. He talked briefly about the capacity of the system in relation to fighting fires in a large facility.

Mr. Mraz stated that, before the water tank went in at Tryon, the waterlines in the Park had a static pressure of about 80 pounds per square inch. Mr. Mraz stated that the IDA also intends to transfer title to the remaining parcels in the Park that are key to providing the District with access to the sewer infrastructure.

B. Winstanley Enterprises:

The IDA was recently contacted by Winstanley Enterprises (WE), a real estate development firm, that would like to help the IDA achieve its vision for the TTP. WE is a large commercial real estate developer based in Concord, MA. The Company currently owns and operates 54 buildings totaling over 12.3 million sf of space that is used by outlet shopping centers, shopping centers, multi-story offices, flexible offices, research and development properties, warehousing and distribution centers, biotech and medical facilities, and residential uses.

A component of WE’s commercial real estate portfolio are “Build to Suit” sites. A Build to Suit site is a vacant tract of land WE owns and has developed specific plans for constructing a building on the site. WE obtains all local approvals needed to develop this building on a site. Once those plans are approved, WE markets that site and building to prospective companies.

C. Site Plan:

WE and the IDA have executed a Purchase and Sales Agreement whereby WE will purchase 236+/- acres of land remaining in the TTP and use those 236+/- acres to develop four (4) Build to Suit sites:

Build to Suit 1	123+/- acres	1,300,000 sf building
Build to Suit 2	51+/- acres	500,000 sf building
Build to Suit 3	45+/- acres	350,000 sf building
Build to Suit 4	17+/- acres	150,000 sf building
Total	236+/- acres	2,300,000 sf building

DISCUSSION: Mr. Mraz explained that the Fulton County IDA is in the process of selling the remaining 240 acres in the TTP to Winstanley Enterprises, a real estate development company out of Massachusetts. Mr. Mraz stated that Winstanley purchased property in Montgomery County from Lott Holdings that eventually was turned into a new Amazon facility. He stated that a large part of Winstanley’s business is developing buildings to suit industrial properties. He explained that Winstanley signed a Letter of Intent with the IDA for the purchase of the 240 remaining acres. He stated that, since that time, a Purchase and Sale Agreement has been put together for approximately \$5.8 million.

Mr. Mraz then reviewed a brochure that Winstanley put together for the TTP. He pointed out that it shows four (4) buildings on the remaining 240+/- acres totaling approximately 2.2 million square feet of manufacturing space. Mr. Mraz quickly reviewed what type of facilities Winstanley will market the buildings to. He focused on Lot #3 that will likely be a logistics facility. He stated that by allowing Winstanley to develop the remaining acreage in the TTP, the IDA will essentially achieve its vision for the overall development of the Park.

Mr. Cetnar asked if Winstanley is buying the remaining acreage in the Park, will there be space for a restaurant to serve the individuals working in the Park?

Mr. Mraz stated that that type of facility may be better suited for the property on the south side of County Highway 107.

Mr. Dimezza then expressed his concern with the traffic that will be generated by this type of development in the TTP. Specifically, Mr. Dimezza focused his attention on the intersection of County Highway 107 and Sacandaga Road. He stated that the intersection is currently very dangerous and he felt that any notable increases in traffic resulting from development in the TTP will exacerbate that situation.

Mr. Mraz explained that Winstanley is very aware of potential traffic concerns that will result from development in the TTP. He stated that the IDA has expressed this to Winstanley and has been ensured that the company intends to address the issue.

Mr. Dimezza stated that overall he is very excited about the project, but indicated that he didn't believe it could happen if something isn't done to make the intersection of County Highway 107 and Sacandaga Road safer.

Mr. Mraz stated that not all of the proposed buildings on Winstanley's layout will be used for logistics. He pointed out that Winstanley would also like to entice advanced manufacturing facilities into the TTP.

Mr. Gordon pointed out that there are 650+/- truck spaces shown on Winstanley's brochure. He stated that the volume of truck traffic that will likely be generated by that many spaces will be considerable.

Mr. Mraz agreed and pointed out that Winstanley representatives have already committed to making investments in the road infrastructure at the intersection of County Road 158 and NYS Route 29, which will likely involve turn lanes and maybe even a traffic light at that intersection.

Planning Board Member Tracy Gutowski agreed that the intersection of County Highway 158 and NYS Route 29 will need to be upgraded, but she also questioned which direction trucks will take to go to the NYS Thruway.

Mr. Mraz stated that because the TTP is located between two (2) exits on the NYS Thruway, truck traffic will hopefully be dispersed in both directions.

Ms. Gutowski indicated that she is worried that trucks coming up through Amsterdam from the NYS Thruway may be tempted to turn onto County Highway 107 rather than staying on Route 30.

Planning Board members then had a back and forth discussion expressing concerns about any tractor trailer traffic using County Highway 107. Board members also talked about the idea of developing a road within the Park that would take tractor trailers directly from County Highway 117 in the Park to County Highway 158 without the need to use County Highway 107.

Mr. Mraz pointed out that the topographic conditions may be too significant to overcome in order to develop that type of access road.

Mr. Dimezza asked if Winstanley will be looking for PILOT agreements for the projects?

Mr. Mraz stated that Winstanley has not discussed PILOT programs with the IDA yet. He stated that the IDA's standard PILOT program starts with a 50% tax abatement on only the improvements that have been made on the lot. He stated that the IDA's PILOT Agreements are 10 years in length and starting in year 11, companies will be paying 100% of the tax assessment. Mr. Mraz talked about how significant even a 50% tax assessment on some of the proposed facilities would be to the Town.

Mr. Cetnar asked if Winstanley will be demolishing all of the remaining buildings in the Park?

Mr. Mraz stated that Winstanley is going to be responsible for any future demolition in the Park.

Once again, Mr. Dimezza expressed how important it is to him that the situation at County Highway 107 and Sacandaga Road be addressed as part of any future development of the TTP. He stated that he felt it was awesome that the TTP may be the future home for advanced manufacturing facilities and maybe even the center of commerce in the area, but the Planning Board cannot afford to ignore how dangerous that intersection is. He asked what the next step will be in the development of the Park?

Mr. Mraz explained that Winstanley is currently waiting on a potential company to decide whether or not they want the building on Lot #3 in the Park. He explained that if the company decides to go in another direction, Winstanley will likely complete its transaction with the IDA during the fourth quarter of this year.

Mr. Gordon asked if the building on Lot #3 could be repositioned slightly in order to allow better traffic flow for tractor trailers?

Mr. Mraz pointed out that there is a wetland on the lower portion of the site that Winstanley is trying to avoid. Mr. Mraz talked about how professional Winstanley has been throughout the process. He stated that the company has already spent over \$250,000 analyzing the site. He indicated that Winstanley intends to do a full traffic study as part of its future development of the Park.

Mr. Dimezza asked if the Water and Sewer Districts within the TTP can be expanded to include future residential development?

Mr. Mraz stated that the Districts can be expanded.

Mr. Geraghty pointed out that, while the Districts can conceivably be expanded, there is only a finite amount of sewer capacity that can go through the pump station which would need to be addressed as part of any future expansion.

Mr. Mraz then shared a promotional video that Winstanley put together for the TTP. Following the video, he indicated that the TTP website, which is currently overseen by the IDA, will be taken over by Winstanley.

V. FULTON COUNTY BROWNFIELD PROGRAM:

The Fulton County Center for Regional Growth (FCCRG) has been awarded a \$300,000 Brownfield Assessment Grant from the EDA to provide Phase 1 and 2 Site Assessments on properties. The CRG has partnered with HRP Associates to perform the Assessment. The Fulton County Planning Board has been asked to think of any sites that they may feel as though have redevelopment potential and may have contamination on them. These sites would be added to an overall list that is being developed throughout the County.

1. The site can either be privately or publicly owned.
2. The site is assumed to have contamination.
3. The site has or should have public support for redevelopment.
4. Redevelopment can be for typical economic development reasons or for public recreation, parking, etc. (does not have to be specific to commercial)

Assessment Grants provide funding for developing inventories of brownfield sites, prioritizing sites, conducting community involvement activities, conducting planning, conducting site assessments, developing site-specific cleanup plans, and developing reuse plans related to brownfield sites. A portion of the Assessment Grant funding must be used to conduct site assessments. Assessment Grant funds may not be used to conduct cleanup activities.

Successful brownfields reuse and redevelopment often depends on early consideration of the range of potential future uses for each brownfield site. Local community priorities, market conditions, infrastructure availability, environmental contamination, public health issues, and local ordinances shape brownfield site reuse opportunities. Having a site reuse plan grounded in these local conditions will directly influence how that site is characterized, assessed, and cleaned up

PLANNING BOARD DISCUSSION: Planning Board members spent a few minutes talking about potential cleanup sites in the Town of Perth. The two (2) sites that were identified were Dudka's junkyard along the west side of NYS Route 30 and the former Top Notch Tavern/Restaurant.

VI. OTHER BUSINESS:

A. Chairman's Update:

1. Borrego Solar:

Mr. Cetnar thanked Board members for their patience and diligence during the 2-year review process for the Borrego Solar Farm Project on County Highway 132. He thanked Town Attorney Carm Greco for encouraging the Planning Board to stick with its original Positive Declaration for the project and thanked Sean Geraghty and Aaron Enfield from the County Planning Department for their assistance during the review process.

2. Training:

Mr. Cetnar talked about some recent online training sessions that were available for Board members.

Mr. Geraghty pointed out that Mr. Enfield is working with the NYS Department of State Office of Local Government Services to have an in-person training session at Fulton-Montgomery Community College (FMCC) in late May. Mr. Geraghty stated that, as more details become available, they will be passed along to Board members.

B. Code Enforcement Update:

Mr. Cetnar asked if a new business has been established in Mr. Pooler's building along the west side of NYS Route 30?

Mr. Concilla stated that a gentleman is running a bike shop in Mr. Pooler's building. He stated that the gentleman is fixing the place up and seems to be running a top shelf operation.

VII. CLOSE OF THE MEETING:

MOTION: To close the meeting at 7:02 p.m.

MADE BY: Tracy Gutowski

SECONDED: Nichole Surrento

VOTE: 6 in favor, 0 opposed