

**TOWN OF PERTH PLANNING BOARD  
JUNE 15, 2020  
6:00 P.M.  
PERTH TOWN HALL**

**MEETING NOTES**

**PRESENT:**

**RON CETNAR, CHAIRMAN  
FRAN SIKORSKI, VICE CHAIRMAN  
BOB GORDON  
NICHOLE SURENTO  
TRACY GUTOWSKI**

**SEAN M. GERAGHTY, SR. PLANNER  
MARK CONCILLA, CODE ENFORCEMENT OFFICER**

**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 24, 2020 meeting.

MADE BY: Tracy Gutowski

SECONDED: Nichole Surento

VOTE: 5 in favor, 0 opposed

**III. SOLAR PARK ENERGY 15 – REVIEW OF REVISED DECOMMISSIONING PLAN COST ESTIMATE:**

A. Background:

On June 27, 2020, Solar Park Energy 15 received a conditional Special Permit approval from the Town of Perth Planning Board for its solar project along NYS Route 30. One of the stipulations associated with that conditional approval was that the final Decommissioning Plan and cost estimates for the site must be agreed upon by the Planning Board and applicant. At the time of the conditional approval, the applicant's present-day cost estimate for decommissioning the site was \$250,980. When the

present day value was stretched out for 25 years with a 2.5% inflation increase, the decommissioning cost estimate at 25 years was established at \$465,302.89.

**STATUS:**

Dave Ingalls, P.E. has prepared a revised cost estimate for the project. The revised estimate increased the present day value of decommissioning the site to \$353,550. After factoring in the 2.5% annual escalator, the final decommissioning cost after 25 years has been increased to \$655,461.94.

**PLANNING BOARD DISCUSSION:** County Planning Consultant Sean Geraghty reminded Board members that the Solar Park Energy Project along NYS Route 30 cannot move forward until both the Planning Board and the applicant have come to an agreement on the final cost estimate for the Decommissioning Plan. Mr. Geraghty reviewed the updated figures that were provided by the applicant's engineer. After a very brief discussion, there was a general consensus among Board members that the updated numbers provided by the applicant's engineer will be acceptable and should be forwarded to the Town Attorney.

**B. Planning Board Action:**

**MOTION:** Accepting the present-day value for decommissioning of the Solar Park Energy Project at \$353,450 and the 25-year cost based on a 2.5% annual escalator to be \$655,461.94.

**MADE BY:** Bob Gordon

**SECONDED:** Nichole Surento

**VOTE:** 5 in favor, 0 opposed

**IV. ROBERT FAMIGLIETTI – SITE PLAN FOR NEW AUTO SALES OFFICE:**

**A. Background:**

Robert Famiglietti owns a piece of property on the east side of NYS Route 30 in the Town of Perth (Tax Map Parcel No. 189.-1-23). The applicant's property is approximately .53 acres in size and has an existing 240 sq. ft. sales office. The applicant is proposing to remove the existing office and construct a new 720 sq. ft. sales office and install a new septic system.

**B. County Planning Department Review:**

The Fulton County Planning Department has reviewed the applicant's Site Plan application in accordance with the Town of Perth Site Plan Regulations and would like to offer the following comments:

1. A short narrative describing the applicant's business, including the day-to-day operations of the business, should be provided for the Planning Board.

DISCUSSION: Planning Board Member Nichole Surento expressed some concern with the proposed septic system installation.

Mr. Geraghty asked the applicant's engineer, Mark deJong, P.E., to explain the septic system upgrade that is proposed as part of the project.

Mr. deJong talked about the design parameters for the new septic system. He pointed out that the applicant has a limited amount of space available and if the new system fails, it will simply have to be removed and replaced in the same location.

2. The number of display spaces for used automobiles should be identified on the Site Plan drawing.

DISCUSSION: Mr. Geraghty explained that, using aerial photography of the site, he noticed that the applicant has, at times, had vehicles parked in the NYSDOT right-of-way. He indicated that the applicant needs to show the exact number of display spaces that will be made available on the property and cannot show spaces within the public right-of-way. Mr. Geraghty reminded Board members that whenever NYSDOT is included in a Coordinated SEQR process, the Agency has been insistent on private property owners keeping all aspects of their business outside of the public right-of-way.

Planning Board Member Bob Gordon asked if the public will be using the restrooms in the new sales office?

Mr. deJong indicated that the restrooms will be available to the public. He explained that, in making his calculations for the design of the new septic system, the public usage of the bathrooms was taken into consideration.

### C. State Environmental Quality Review:

In accordance with Section 617.5 of 6NYCRR, the applicant's proposal to replace his existing auto sales office with a new office space is essentially the replacement, rehabilitation or reconstruction of a structure in-kind and should be classified as a Type II Action under SEQR.

MOTION: Classifying Mr. Famiglietti's Site Plan for a new auto sales office as a Type II Action, requiring no further environmental review.

MADE BY: Fran Sikorski  
SECONDED: Ron Cetnar  
VOTE: 5 in favor, 0 opposed

D. Planning Board Action:

In accordance with Article 10, Section C(8), the Planning Board has the discretion to hold a public hearing on a Site Plan application. In either case, the Planning Board must schedule a public hearing or issue its final decision within sixty-two (62) days of its acceptance of a complete application.

DISCUSSION: After a brief discussion, there was a general consensus among Planning Board members that, given the nature of the application, a public hearing will not be necessary. Mr. Geraghty pointed out that, because the property is located on NYS Route 30, it must go to the County Planning Board for a review under Section 239 of the General Municipal Law of New York State.

MOTION: To waive a public hearing on Mr. Famiglietti's Site Plan application and to table final action on the application pending receipt of the County Planning Board's recommendation under Section 239-m of the General Municipal Law.

MADE BY: Fran Sikorski  
SECONDED: Tracy Gutowski  
VOTE: 5 in favor, 0 opposed

**V. ASH CREEK VENTURES, LLC – SUBDIVISION ALONG STEERS ROAD:**

A. Background:

Louis and Elizabeth Tirrito own a 91-acre tract of land along Steers Road (Tax Map Parcel No. 166.-1-87.111). The applicants would like to create a 2.9+/- acre building lot along Steers Road and, at the same time, transfer approximately two (2) additional acres to their adjoining residential parcel (Tax Map Parcel No. 166.-1-87.112).

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. However, before a public hearing is conducted, the additional parcel to be acquired along Steers Road and attached to Tax Map Parcel 166.-1-87.111) must be shown. Otherwise, the applicant's original tract of land will be landlocked.

DISCUSSION: Lou Tirrito showed Board members the other parcels that he has acquired along Steers Road in order to provide him with access to the remaining lands of Ash Creek Ventures along Steers Road.

Mr. Geraghty stated that the final subdivision plat will need to show the access point on Steers Road for the remaining lands of Ash Creek Ventures and a notation will need to be placed on the final plat indicating that the parcel along the road will be combined with the larger parcel.

Planning Board Chairman Ron Cetnar asked how many acres will be left on the larger parcel after the new building lot has been created?

Mr. Tirrito indicated that there will be approximately 86+/- acres remaining.

Mr. Cetnar asked Mr. Tirrito if he has any plans to subdivide the property in the future?

Mr. Tirrito explained that he is a forester by trade and would prefer to leave the land alone and use it for his own purposes.

Planning Board Member Bob Gordon asked if there were any wetlands on the property?

Mr. Tirrito explained that there is a wetland on the back portion of the remaining lands.

Mr. Gordon indicated that he would like to see the location of that wetland shown on the final plat.

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 shown on the subdivision plat.

DISCUSSION: Mr. Tirrito indicated that he has topographic features for the new building lot that he intends to create for his daughter along Steers Road.

There was a general consensus among Planning Board members that the topographic features for the new building lot should be included on the final 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: Provided.

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. Tirrito indicated that there are no easements or covenants to go along with the subdivision plat.

8. An actual field survey of the boundary lines of the tract giving complete descriptive data by bearings the distances, made and certified by a licensed land surveyor.

STATUS: Provided.

9. All onsite sanitation and water supply facilities shall be designed to meet the minimum specifications of the State Department of Health and a note to this effect shall be stated on the plat and signed by a licensed engineer.

STATUS: Provided.

DISCUSSION: Mr. Cetnar suggested that the home, septic field and well location be shown on the subdivision plat, as well as the enlarged map.

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: Authorizing the filing of a negative declaration under SEQR for this proposed action since:

1. There is sufficient acreage available to create a new building lot along Steers Road.
2. The applicant will be maintaining sufficient access to the remaining tract of land.
3. Public utilities are readily available to serve the site.
4. There will be no traffic implications resulting from the proposed action.

MADE BY: Bob Gordon  
SECONDED: Nichole Surento  
VOTE: 5 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 Ash Creek Venture's subdivision application for a piece of property along Steers Road for 6:00 p.m., Monday, July 20, 2020.

MADE BY: Ron Cetnar  
SECONDED: Nichole Surento  
VOTE: 5 in favor, 0 opposed

**VI. SUSAN SIMEONE - SUBDIVISION ALONG COUNTY HIGHWAY 107:**

A. Background:

Susan Simeone owns a piece of property along the south side of County Highway 107 (Tax Map Parcel No. 177.-1-14.11). The applicant's property is approximately 49.6+/- acres in size. The applicant would like to create a building lot around an existing home on the property.

Dave Bogardus, representing the applicant, indicated that the proposed subdivision is part of some estate planning being done on the property. He indicated that his client will be creating a lot around an existing residence

on the property. He stated that he has shown some topographic features and a percolation test result for the remaining tract of land in order to show that the property can be built on.

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 limited topographic features shown for the remaining tract of land along County Road 107.

DISCUSSION: The Planning Board recognized that the applicant will have a sufficient amount of land available for building purposes in the future and felt that the approximate location of a home, well and septic field should be shown on the remaining land.

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: A percolation test is shown for the remaining land.

DISCUSSION: Once again, the Planning Board asked that the location of a home, well and septic system be superimposed on the final plat to show that a new residence could conceivably be built on the property.

Planning Board Member Bob Gordon asked how far the driveway for the existing residence is from McQueen Road?

Mr. Bogardus indicated that it is over 400' from the driveway to McQueen Road.

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. Bogardus indicated that there are no easements or covenants to go along with the plat.

8. An actual field survey of the boundary lines of the tract giving complete descriptive data by bearings the distances, made and certified by a licensed land surveyor.

STATUS: Provided.

9. All onsite sanitation and water supply facilities shall be designed to meet the minimum specifications of the State Department of Health and a note to this effect shall be stated on the plat and signed by a licensed engineer.

STATUS: Provided.

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: Authorizing the filing of a negative declaration under SEQR for this proposed action since:

1. The proposal simply involves creating a lot around an existing residence.
2. The remaining acreage available to the applicant is suitable for building purposes.
3. There are public utilities readily available to service the remaining acreage.

MADE BY: Fran Sikorski  
SECONDED: Tracy Gutowski  
VOTE: 5 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 Susan Simeone's subdivision application for 6:00 p.m., Monday, July 20, 2020.

MADE BY: Ron Cetnar  
SECONDED: Tracy Gutowski  
VOTE: 5 in favor, 0 opposed

**VII. BORREGO SOLAR SYSTEMS – SPECIAL USE PERMIT FOR SOLAR FARM ALONG COUNTY HIGHWAY 132:**

A. Background:

Borrego Solar would like to construct a 5 megawatt AC Solar Farm along the west side of County Highway 132 in the Town of Perth (Tax Map Parcel No. 180.-1-4). The existing parcel is approximately 20.05+/- acres in size and is owned by Robert and Joan Pawlak.

DISCUSSION: Mike Schauffert, Borrego Solar, introduced himself to Board members. He then setup his phone for communication with his colleague, James Kondrad, who works for Borrego Solar and is currently located in California.

Mr. Kondrad explained to Board members that Borrego Solar has an option for a Lease Agreement with the property owners.

There was then a brief discussion between Mr. Cetnar, Mr. Geraghty and the applicants concerning the ownership of the property. Mr. Cetnar pointed out that he believed that both Robert and Joan Pawlak have passed away and that he would like some type of clarification as to who the applicants have an agreement with.

Mr. Kondrad indicated that he would provide the Planning Board with a copy of the Option Agreement to lease the property.

Mr. Kondrad then explained some of the components of the project. He indicated that Borrego Solar will be seeking an Area Variance for the racking systems since they will be 9' high and the Town's Zoning Code allows a maximum height of 8'. He indicated that the project will be surrounded by an 8' high fence with landscaping. He pointed out that there are two (2) small Army Corps of Engineers' regulated wetlands on the property that will have to be addressed. He pointed out that the Decommissioning Plan provided for the Planning Board is also included in the Lease Agreement with the property owners. He pointed out that there will be six (6) interconnection poles installed near the entrance driveway to the site.

Mr. Schauffert explained that more details on lighting and signage can be provided with the next submittal. He also pointed out that a glare analysis has become a standard study for all of Borrego Solar's projects and that a glare analysis for this particular project will be prepared.

B. Planning Department Review:

The Fulton County Planning Department has reviewed the Site Plan drawing in accordance with Article 13 of the Town of Perth Zoning Law, which specifically outlines the submittal requirements and design standards for a Solar Farm Project.

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: Provided. However, a licensed engineer has not stamped the drawings.

2. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures.

STATUS: Provided.

3. 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: Provided.

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

STATUS: The applicants have indicated that a licensed professional engineer will eventually provide the necessary verifications.

DISCUSSION: Mr. Schauffert confirmed that, once the Planning Board gives Borrego Solar some feedback, more detailed drawings and engineering verifications will be provided.

5. 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: Not provided.

DISCUSSION: Mr. Schauffert indicated that the electrical diagram will be provided for the next submittal.

Mr. Geraghty pointed out that Town Code Enforcement Officer Mark Concilla will review those drawings and may consult with someone before getting back to the Planning Board regarding those diagrams. Mr. Geraghty pointed out that the Planning Board will rely on Mr. Concilla's office to provide the review and any necessary feedback on the electrical diagrams.

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

STATUS: Provided.

7. 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: A boiler plate Operation and Maintenance Plan along with a decommissioning estimate has been provided.

DISCUSSION: Again, Mr. Geraghty pointed out that an Operation and Maintenance Plan specifically designed for this particular project will be provided with a future submittal.

8. Information on noise (inverter) and reflectivity glare of solar panels and identified potential impacts to abutters.

STATUS: Additional information will be provided after the Planning Board's initial comments have been received.

DISCUSSION: Again, Mr. Schauffert indicated that a glare analysis for the solar project will be prepared.

C. Minimum Requirements:

Article 13 includes Minimum Requirements and additional conditions that must be met by any Solar Farm project. The following issues still need to be addressed:

1. Ownership interest in the property/proposed Lease Agreement must be provided.

DISCUSSION: Once again, Mr. Kondrad indicated that he would provide the Planning Board with a copy of the proposed Lease Agreement.

2. The applicants are proposing 9' high modules so they will need to seek an Area Variance from the Town of Perth Zoning Board of Appeals (ZBA).

DISCUSSION: Planning Board members recognized that the applicants will be seeking an Area Variance from the Town of Perth ZBA. Mr. Geraghty asked Town Code Enforcement Officer Mark Concilla when the next ZBA meeting will take place?

Mr. Concilla stated that there is no regularly-scheduled meeting at the moment. He stated that, as soon as he gets the application, he will make arrangements with the ZBA to meet. He pointed out that the ZBA is currently without a Chairman.

3. Details regarding the battery storage component of the project must be provided.

DISCUSSION: Mr. Schauffert indicated that there will be no battery storage component involved with the proposed project.

4. The applicants are required to install a vegetated perimeter buffer that will provide year round screening of the system from adjacent properties.

DISCUSSION: Mr. Geraghty pointed out that the current landscaping proposal for the project will in no way provide the screening that the Planning Board will require in order to address the potential adverse visual impacts of the project. Mr. Geraghty reiterated that the Town's Zoning Law stipulates that the project should be completely screened from view from adjacent properties. Mr. Geraghty pointed out that planting trees 20' on center will not provide an effective buffer for the Solar Farm project. He indicated that the application will be forwarded to the County Planning Board under Section 239-m of the General Municipal Law. He pointed out that the County Planning Board, in the past, has shown a great deal of interest in the aesthetic appearance of these types of projects and will

likely provide a very detailed recommendation to the Perth Planning Board regarding the landscaping that should be undertaken as part of this project.

Planning Board members agreed that, given the location of the project site, it will be very visible from adjacent properties and from County Road 132 and will need to be screened effectively.

Mr. Schauffert indicated that Borrego Solar will reexamine the Landscaping Plan and wait for feedback from the County Planning Board. He indicated that Borrego also intends to provide a detailed visual analysis of the project.

5. The drawings should indicate that there will be six (6) utility poles at the site entrance.

DISCUSSION: Mr. Geraghty suggested that the location of the utility poles at the entrance driveway be included on the visual analysis.

6. Details for all required signage must be provided on the specification drawings for the project.

DISCUSSION: Mr. Schauffert indicated that he would provide the specifications for all required signage.

7. All solar energy system components must be located at least 200' from a residential property line. It does not appear as though the Solar Farm components along the eastern boundary of the site will be able to maintain that setback distance?

DISCUSSION: Mr. Schauffert indicated that he was unsure if the stream bed was considered the adjacent property or whether the next tax map parcel along County Road 132 is considered the adjacent parcel?

Both Mr. Geraghty and Mr. Concilla indicated that the residential parcel on the opposite side of the Healy Kill Creek is the adjacent residential property. Mr. Geraghty stated that it looks like the solar system components are about 160' away from that residential property boundary. He indicated that the applicants may need to seek another variance from the ZBA or reposition some of the panels on the site.

Mr. Schauffert stated that he would look at the design and see if there is any way to avoid placing components within 200' of the adjacent residential property.

8. Elevation drawings for any equipment shelters, storage facilities, transformers, substations must be provided.

DISCUSSION: Mr. Schauffert indicated he could provide the elevation drawings for the equipment shelters.

9. A notation should be made on the drawing indicating that motion sensed lighting will be provided at the transformer pad.

DISCUSSION: Mr. Schauffert indicated that he will place a notation on the drawing regarding the motion sensed lights.

10. The Decommissioning Plan for the project will need to be amended. The Town of Perth requires that the Decommissioning Plan identify the present day cost estimate to completely decommission the site. The Town then requires that the cost be multiplied by a 2.5% inflation factor over the course of the Lease Term, to determine the amount of financial surety that will be required for the project.

DISCUSSION: Mr. Geraghty expressed how concerned local governments are that adequate decommissioning cost estimates be put together for solar projects. He stated that, while there is an economy of scale associated with some of the larger Solar Farm projects, the preliminary cost estimates for this particular Decommissioning Plan appear very low compared to other projects throughout Fulton County. He explained to the applicants that, earlier in the meeting, the Planning Board reviewed an updated Decommissioning Plan for another Solar Farm project. He stated that Decommissioning Plan cost estimate for that project has been prepared for the third or fourth time for review by the Planning Board. He reiterated how important it is to the Town that an adequate financial surety is provided for these types of projects. He indicated that, until the Planning Board is comfortable with the decommissioning cost estimates, the final numbers will not be sent to the Town Attorney.

11. Written confirmation must be provided from National Grid that the project, as proposed, can be tied into National Grid's infrastructure.

DISCUSSION: Mr. Kondrad stated that Borrego Solar has put 25% down for the Coordinated Electric System Interconnection Review (CESIR) that is being prepared for National Grid.

Mr. Geraghty stated that the Planning Board will need a copy of any confirmation that has been sent by National Grid that the project can be tied into National Grid's infrastructure.

D. 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 Full Environmental Assessment Form, provided by the applicant, has been completed adequately?

DISCUSSION: The Planning Board felt that the Full 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: Classifying the proposed project as a Type 1 Action and proposing 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 each Involved Agency twenty-five (25) calendar days to comment on the Board's proposal to act as Lead Agency or on the project itself.

MADE BY: Nichole Surento  
SECONDED: Fran Sikorski  
VOTE: 5 in favor, 0 opposed

#### E. Planning Board Action:

In accordance with Article 9 of the Town of Perth Zoning Law, the Planning Board shall hold a public hearing on a Special Use Permit application within sixty-two (62) days of the date the Planning Board determines that the application is complete. Consequently, does the Planning Board wish

to schedule a public hearing on Borrego Solar's Special Permit application for a Solar Farm at this time?

DISCUSSION: After a brief discussion, the Planning Board felt that additional information should be provided by the applicant and feedback should be obtained from other Involved Agencies before a public hearing on the application is scheduled.

MOTION: To table any action on Borrego Solar's Special Permit for a Solar Farm along County Highway 132 pending receipt of additional information.

MADE BY: Ron Cetnar

SECONDED: Nichole Surento

VOTE: 5 in favor, 0 opposed

### **VIII. OTHER BUSINESS:**

#### **A. Chairman's Update:**

Planning Board Chairman Ron Cetnar welcomed everyone back for the Board meeting. He indicated that the Planning Board is still in need of an Alternate member. He encouraged Board members to submit any names they may have for an Alternate member.

#### **B. County Planning Department Update:**

##### **1. Broadalbin Subdivision:**

Mr. Geraghty briefly explained that the Town of Broadalbin Planning Board is currently reviewing a subdivision application for Donald Savoie and Jeri Lynn Cronin for a piece of property along Midline Road in the Town of Broadalbin that extends just over the municipal border with the Town of Perth. Mr. Geraghty showed Board members that the southwest corner of the applicant's property or approximately 1,000+/- sq. ft. of space will actually be located within the Town of Perth.

Board members quickly recognized that the project will have no impacts in the Town of Perth and is not subject to the Town's Subdivision Regulations.

##### **2. Tryon Update:**

Mr. Geraghty reminded Board members that a Concept Plan for a project on the south side of County Highway 107 on the former Tryon Detention Facility property was presented to the Planning Board back in February of this year. Mr. Geraghty stated that he has been informed by the Fulton County Industrial Development Agency (IDA) Executive Director, Jim Mraz, that the project has been abandoned. He

indicated that the IDA has been approached by another entity looking at the property along the south side of County Highway 107. Mr. Geraghty stated that this recent proposal will involve the potential manufacturing and distribution of a probiotic product, the promotion of organic farming operations and the relocation of a laser spa that is currently located in the Vail Mills area. Mr. Geraghty stated that one of the individuals involved with the project has spoken with him concerning a potential review of the project by the Town of Perth Planning Board. Mr. Geraghty stated that he expressed to the individual the need to have some type of business plan that provides Planning Board members with answers to questions that they may have. He indicated that he told the individual that if the Planning Board can't get its questions answered, they are unlikely to go on record endorsing a project.

There was a general consensus among Board members that they would be open to looking at this type of project, but agreed with Mr. Geraghty's assessment that the individuals involved with the project must be able to answer the Board's questions before an endorsement will be offered.

**IX. CLOSE OF THE MEETING:**

MOTION: To close the meeting at 7:06 p.m.

MADE BY: Nichole Surento

SECONDED: Ron Cetnar

VOTE: 5 in favor, 0 opposed