

**TOWN OF PERTH PLANNING BOARD
JULY 20, 2020
6:00 P.M.
PERTH TOWN HALL**

MEETING NOTES

PRESENT:

**RON CETNAR, CHAIRMAN
FRAN SIKORSKI, VICE CHAIRMAN
BOB GORDON
JEFF GREEN
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 June 15, 2020 meeting.

MADE BY: Tracy Gutowski

SECONDED: Fran Sikorski

VOTE: 5 in favor, 0 opposed

III. ROBERT FAMIGLIETTI - FINAL DECISION ON SITE PLAN FOR USED CAR DEALERSHIP:

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. June 15, 2020 Meeting:

During its June 15, 2020 meeting, the Town of Perth Planning Board began reviewing Robert Famiglietti's Site Plan for a new auto sales office along NYS Route 30. At that time, the Planning Board decided to waive a public hearing on the Site Plan application, but asked that a final Site Plan drawing be provided showing the exact number of display spaces available on the applicant's property.

STATUS: Forty-five (45) display spaces have been shown on the final Site Plan drawing.

DISCUSSION: Planning Board Chairman Ron Cetnar noted that the scale on the drawing doesn't appear to be accurate.

Mark deJong, P.E. explained that the scale is not accurate since the drawing has been reduced in size.

Mr. Cetnar asked if any landscaping will be provided for the project?

Mr. deJong noted that his client will be installing an awning on the building in an Adirondack style and may place some planters in the front of the building.

C. State Environmental Quality Review:

During its June 15, 2020 meeting, the Town of Perth Planning Board classified Mr. Familietti's Site Plan application as a Type II Action requiring no further environmental review.

D. Planning Board Action:

In accordance with Article 10, Section C(8), the Planning Board must issue its final decision within sixty-two (62) days of its acceptance of a complete application.

MOTION: To approve Robert Famiglietti's Site Plan application for a used car dealership.

MADE BY: Ron Cetnar

SECONDED: Bob Gordon

VOTE: 5 in favor, 0 opposed

IV. ASH CREEK VENTURES, LLC – PUBLIC HEARING ON 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. June 15, 2020 Meeting:

During its June 15, 2020 meeting, the Planning Board began reviewing Ash Creek Venture's subdivision application for a piece of property along Steers Road. At that time, the Planning Board asked that the following information be provided on a final subdivision plat prior to the public hearing:

1. The additional property that is owned by Ash Creek Ventures along Steers Road and will provide road frontage for Tax Map Parcel 166.-1-87.111 must be shown on the final plat. A notation must be included on the plat indicating that the parcel will be combined with the larger parcel to provide direct access to Steers Road.

STATUS: There are two (2) notations on the final subdivision plat indicating that the following parcels will be combined with Tax Parcel 166.-1-87.111 to provide direct access to Steers Road: (Tax Map Parcel No. 166.-1-92 and 166.-1-91.2).

2. The location of the NYSDEC wetlands on the remaining property must be shown.

STATUS: Provided.

3. Topographic features for the new building lot along Steers Road must be shown.

STATUS: Provided.

4. The approximate location of a home, well, septic system and driveway should be shown on the subdivision plat.

STATUS: Provided.

DISCUSSION: The Planning Board had no comments regarding any of the revisions that were made on the final plat.

C. State Environmental Quality Review:

During its June 15, 2020 meeting, the Planning Board authorized the filing of a negative declaration under SEQR for the proposed action. Consequently, unless new additional information has been provided, no further SEQR action is necessary.

D. Public Hearing:

1. The public hearing was opened at 6:05 P.M.

2. Speakers:

There was no one to speak regarding Ash Creek Ventures' subdivision application.

3. The public hearing was closed at 6:06 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 Ash Creek Ventures' subdivision application at this time?

MOTION: To approve Ash Creek Ventures' subdivision application for a piece of property along Steers Road.

MADE BY: Bob Gordon

SECONDED: Tracy Gutowski

VOTE: 5 in favor, 0 opposed

V. SUSAN SIMEONE – PUBLIC HEARING ON A 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 3.337+/- acre building lot from the original tract of land.

B. June 15, 2020 Meeting:

During its June 15, 2020 meeting, the Planning Board began reviewing Sue Simeone's subdivision application for a piece of property along County Highway 107. At that time, the Planning Board asked that the final subdivision plat include the following information:

1. A home, well, septic system and driveway should be superimposed on the remaining lands of the applicant to show that the parcel is buildable.

STATUS: Provided.

2. If there are any easements or covenants to go along with the subdivision plat, those should be noted on the final plat.

STATUS: The applicant has indicated that there are no easements for the proposed lot.

DISCUSSION: The Planning Board had no comments regarding the revisions that were made to the final plat.

C. State Environmental Quality Review:

During its June 15, 2020 meeting, the Planning Board authorized the filing of a negative declaration under SEQR for the proposed action. Consequently, unless new additional information has been provided, no further SEQR action is necessary.

D. Public Hearing:

1. The public hearing was opened at 6:09 P.M.
2. Speakers:

Planning Board Member Bob Gordon asked if there are any wetlands on the applicant's property?

Dave Bogardus, representing the applicant, indicated that there are no wetlands on the property.

3. The public hearing was closed at 6:10 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 Susan Simeone's subdivision application at this time?

MOTION: To approve Susan Simeone's subdivision application for a piece of property along County Highway 107.

MADE BY: Fran Sikorski

SECONDED: Ron Cetnar

VOTE: 5 in favor, 0 opposed

VI. TRACI ORSINI – SUBDIVISION ALONG SANDERS ROAD AND COUNTY HIGHWAY 132:

A. Background:

Traci Orsini owns a piece of property around the intersection of County Highway 132 and Sanders Road in the Town of Perth (Tax Map Parcel No. 180.-6-1). The property is approximately 17+/- acres in size, with access on both roads. The applicant would like to create a 5.78+/- acre building lot along Sanders Road.

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: A tax map location map should be superimposed in the corner of the drawing.

DISCUSSION: Planning Board members agreed that a tax map should be superimposed in the corner of the 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: The Planning Board asked that topographic features for the new building lot be provided.

3. The name of the owner and all adjoining property owners as disclosed by the most recent municipal tax records.

STATUS: The adjacent parcel, that is owned by Traci Orsini and Diane Marie Ingle, has an incorrect tax map number identified (180.-6-6).

4. The tax map section, block and lot number, if available.

STATUS: Tax Map Parcel No. is not correctly identified on the subdivision plat (180.-6-1).

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: There are no percolation or pit test results shown on the subdivision plat. Likewise, there is no home, well or septic system location identified on the plat.

DISCUSSION: The Planning Board recognized that percolation and pit test results will need to be shown for the new building lot.

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.

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.

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 decided to hold off on the SEQR process until a revised subdivision plat has been submitted by the applicant.

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 Traci Orsini's subdivision application for a piece of property along Sanders Road and County Highway 132.

MADE BY: Bob Gordon
SECONDED: Ron Cetnar
VOTE: 5 in favor, 0 opposed

VII. CHESTER AND PRICILLA BROWN - SUBDIVISION ALONG SACANDAGA ROAD:

A. Background:

Chester and Pricilla Brown own a piece of property along Sacandaga Road in the Town of Perth (Tax Map Parcel No. 165.-1-71.11). The applicant's property is approximately 3.3 acres in size. The applicants would like to create a 1.33+/- acre building lot that will have access along County Highway 107. In order to get that access along County Highway 107, a .12+/- acre portion of Tax Parcel 165.-1-71.12 will be transferred to the new building lot.

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 shown for the new building lot.

DISCUSSION: The Planning Board felt that topographic features must be shown for the new building lot.

Planning Board Member Fran Sikorski had a question regarding driveway access that was clarified by other Board members.

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: The Tax Map Parcel No. for the plat needs to be corrected.

5. All of the utilities available on all existing streets.

STATUS: Not provided.

DISCUSSION: The Planning Board agreed that utilities will need to be shown on the final plat.

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.

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.

DISCUSSION: Mr. Cetnar asked that the approximate location of a well and septic system be shown on the adjacent parcel, that is owned by Benjamin and Ann Brown.

Joe Passino, who was there representing the applicant, explained to Board members where the septic field and well will be located on the new building lot.

Planning Board Member Bob Gordon asked if the shed on Lot #1 of the plat is actually built over the property line?

Mr. Geraghty noted that the shed is likely situated over the property line, which is not an uncommon occurrence. He pointed out that, given the proposed location of the new building lot, the shed will not be impacted by the proposal.

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 an additional building lot from the original tract of land.
2. There will be no traffic implications resulting from the proposed action.
3. Public utilities are readily available to service the new building lot.

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?

DISCUSSION: Mr. Gordon asked that the distances between the proposed leachfield location and the property lines be noted on the final plat.

MOTION: To schedule a public hearing on Chester and Pricilla Brown's subdivision application for 6:00 p.m., Monday, August 10, 2020.

MADE BY: Bob Gordon
SECONDED: Tracy Gutowski
VOTE: 5 in favor, 0 opposed

VIII. 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.

B. June 15, 2020 Meeting:

During its June 15, 2020 meeting, the Town of Perth Planning Board began reviewing Borrego Solar’s Special Permit application for a Solar Farm Project along County Highway 132. At that time, the Planning Board asked that the following information be provided on a revised Site Plan drawing prior to the scheduling of a public hearing:

1. A licensed professional engineer will eventually need to stamp the drawings and verify that all State and federal standards have been met.

STATUS: This has been noted by the applicant.

2. A 1- or 3-line electrical diagram detailing the Solar Farm layout, solar collector installation, associated components and electrical interconnection methods with all national and electrical code compliance disconnects and over current devices.

STATUS: Drawing E-2.1 provides a single line diagram.

DISCUSSION: Mr. Geraghty noted that Town Code Enforcement Officer Mark Concilla has not yet had time to review the single line diagram that was provided by the applicants. He indicated that, as soon as Mr. Concilla finishes his review, he’ll let Board members know if he has any concern.

3. An Operation and Maintenance Plan for this project must be provided.

STATUS: Provided.

DISCUSSION: Mr. Geraghty noted that Borrego Solar has an Operations Unit that typically handles operation and maintenance for these types of projects. He indicated that he didn’t see anything unusual in the proposed Operation and Maintenance Plan. Planning Board members stated that they felt comfortable with the plan that was provided by the applicant.

4. A glare analysis for the project must be provided.

STATUS: Provided.

DISCUSSION: Planning Board Member Bob Gordon raised several questions concerning the glare analysis that was provided for the project.

Mr. Geraghty agreed that there are several issues in the glare analysis that need to be clarified. He explained to Board members that he has forwarded the document to Fulton County's Airport Planner in the FAA District Office and asked that individual for comments regarding the glare analysis. Mr. Geraghty also pointed out that the adjacent property owner has reached out to both he and Planning Board Chairman Ron Cetnar concerning the airstrip on the adjacent property. Mr. Geraghty stated that, as soon as he hears back from the FAA, he will share that information with the Planning Board.

5. A copy of the proposed Lease Agreement with the property owners should be provided.

STATUS: Provided.

6. A Landscaping Plan for the proposed project will need to be expanded.

STATUS: Plantings are proposed along the southern and western boundary of the project site. A note has been added to the drawings indicating that all proposed landscaping shall be installed prior to installation of any solar panel.

DISCUSSION: Mr. Geraghty noted that this issue will actually be discussed in greater detail later in the Agenda.

7. A detailed visual analysis of the site showing present conditions, along with future landscaped conditions, must be provided.

STATUS: ?

DISCUSSION: Mike Schauffert, P.E. indicated that he could provide a link for Board members to view the entire visual analysis. He showed Board members a few of the visuals that were put together for the project.

Mr. Cetnar asked if trees that become damaged or die will be replaced?

Mr. Schauffert explained that the Operation and Maintenance Plan calls for a 1-year warranty on the trees.

Mr. Sikorski asked how far off the road the panels will be?

Mr. Schauffert indicated that the panels will be approximately 75' from the road right-of-way and that the plantings will start at about 60' from the

road right-of-way. Mr. Schauffert noted that the plantings cannot be placed within the wetland area that is on County Highway 132.

Tracy Gutowski asked if the 75' is from the pavement surface?

Mr. Schauffert indicated that the 75' is actually from the property line.

Mr. Cetnar asked how high the proposed plantings will be?

Mr. Schauffert indicated that the applicant is proposing to plant trees at between 6' and 8' in height in order to provide better coverage.

Mr. Gordon asked how high the panels will be?

Mr. Schauffert indicated that the panels will be 9' in height.

James Condrad, Borrego Solar, noted that, although the plantings will be at 6' to 8' in height, the mature height of those tree species will be 12' to 14'.

Mr. Gordon pointed out that the facility will actually be visual for a few years after the plantings have been installed.

8. The six (6) interconnection utility poles that will be installed near the access driveway on County Highway 132 should be included in the visual analysis.

STATUS: ?

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

STATUS: Provided.

10. All solar energy components must be located at least 200' from a residential property line. It appears that there will be components of the project that will be within 160'+/- of an adjacent residential property owned by Kyle Sweet and Sun Ja White.

STATUS: The applicants have indicated that they will be seeking a variance from the Town of Perth ZBA.

DISCUSSION: The Planning Board recognized that the applicants will be approaching the ZBA for a variance from the setback requirements.

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

STATUS: ?

DISCUSSION: Mr. Geraghty explained that the Planning Board is looking for an elevation drawing that shows what the equipment will look like on the pad once it is installed.

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

STATUS: Provided.

13. The Decommissioning Plan for the project will need to be amended. The Town of Perth Planning Board requires the Decommissioning Plan to identify the present cost estimate to completely decommission the site. The Planning Board 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.

STATUS: The Decommissioning Plan has been revised. Borrego Solar has estimated the present-day value to decommission the site at \$102,096.91. Having a 2.5% escalator over the course of 25 years, gives a final decommissioning estimate of \$189,281.96.

DISCUSSION: Mr. Geraghty noted that, as a rule of thumb, the Planning Board has typically required applicants provide a financial surety somewhere in the vicinity of \$125,000 to \$150,000 for every 2 megawatts of power to be generated. Mr. Geraghty pointed out that, given the fact that the project is a 5 megawatt system, the cost associated with decommissioning the site, will need to be reconsidered so that the final amount of the financial surety is closer to \$250,000 to \$300,000. Mr. Geraghty stated that he and Town Code Enforcement Officer Mark Concilla will go through the Decommissioning Plan again, but he encouraged the applicants to look at the document and make sure that the costs associated with decommissioning the site are realistic.

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

STATUS: The interconnection agreement with National Grid has been provided.

C. County Planning Board Referral:

During its July 21, 2020 meeting, the Fulton County Planning Board, in accordance with Section 239-m of the General Municipal Law of New York State, reviewed Borrego Solar's Special Permit application for a Solar Farm along County Highway 132 in the Town of Perth. At that time, the Planning Board felt that, from a regional perspective, the project could potentially have adverse aesthetic impacts and recommended that the Town of Perth Planning Board approve the Special Permit application under the following conditions:

(NOTE: A copy of the County Planning Board's recommendation was forwarded to the Applicant prior to the submittal deadline.)

1. A 20' wide x 4' high berm be constructed along the entire southern western boundary of the property.

STATUS: Borrego Solar has committed to installing the berm.

2. Blue Spruce should be eliminated from the Landscaping Plan and replaced with a mix of Norway Spruce, White Spruce, White Pine and Nigra Arborvitae.

STATUS: Borrego Solar has left the Blue Spruce trees in its Landscaping Plan and has supplemented those plantings with a mix of Black Hills Spruce, hardwood trees and shrubs to give a more natural appearance.

DISCUSSION: Mr. Geraghty noted that the Black Hills Spruce is described as a close cousin to the White Spruce. However, given the fact that the applicant has chosen to leave the Blue Spruce in the Landscaping Plan, the Town Planning Board needs a supermajority vote to approve this project with the Landscaping Plan that is currently proposed by the applicant.

Mr. Gordon asked if the plantings would be on the berm or in front of the berm?

Mr. Schauffert indicated that the plantings will be made on top of the berm.

Mr. Conrad asked why the County Planning Board typically recommends that Blue Spruces not be used as part of a Landscaping Plan?

Mr. Geraghty stated that it is his recollection that the Blue Spruce species is disease prone and, in this climate, has a fairly high die off rate.

Tracy Gutowski expressed some concern with the 1-year warranty that has been offered on the plantings. She noted that if the Blue Spruce trees are

disease prone, then the Town may be out of luck if a large number of those trees don't survive more than a few years.

Mr. Gordon agreed and stated that he was not in love with the applicant's proposal for screening the project.

Mr. Conrad stated that Borrego Solar is very concerned about the appearance of its projects and will go to great lengths to make sure that the landscaping is taken care of.

Mr. Sikorski asked if trees will be placed in the southeast corner of the site in order to provide a buffer from the adjacent residence?

Mr. Conrad noted that there are trees bordering the creek that will provide a buffer for the residence.

Mr. Cetnar pointed out that the majority of those trees are deciduous and will not provide screening during the winter months.

3. Plantings should be made at intervals of 10' on center. This can be done by planting them in one (1) consecutive row or two (2) staggered rows so that the plantings maintain the 10' separation.

STATUS: The Landscaping Plan shows the Blue Spruce trees planted along a berm at intervals of approximately 20-22' on center. There are other species of trees shown in front of those Blue Spruces.

DISCUSSION: Mr. Geraghty asked the applicant to explain how the plantings will be staggered. He noted that the drawings seem to indicate that the Blue Spruce trees will be planted in a straight row across the berm.

Mr. Schauffert indicated that the Blue Spruce will be planted in a straight line across the berm but a variety of hardwood deciduous trees will be planted in between those spruces and in front of them on the berm.

Tracy Gutowski asked if the access driveway for the facility is directly across the street from a residence on County Highway 132?

Mr. Conrad indicated that the driveway is directly across the street from the residence. He indicated that Borrego would be willing to put slats in the gate so that the homeowner does not have to look into the facility.

Ms. Gutowski and several Board members indicated that they would rather see the driveway location moved.

Mr. Conrad stated that he would have to speak with his engineers about how that would impact optimization of the system and whether the electrical design would have to be changed.

Mr. Gordon then questioned how much runoff will go into the adjacent creek?

Mr. Schauffert stated that there is very little impervious surface being added to the site and, therefore, the stormwater will flow from the site essentially the same as it does under present day conditions.

4. A mixture of deciduous hardwood should be planted along the perimeter of the site to give the Landscaping Plan a more natural appearance.

STATUS: Provided.

5. All plantings must be at least 8' in height at the time of planting.

STATUS: The applicants are showing trees that are proposed between 6' and 8' at the time of planting.

DISCUSSION: Mr. Geraghty pointed out that the plantings typically won't grow very much during the first year after installation because of the shock of the replanting.

Mr. Cetnar agreed and indicated that he planted 180 Norway Spruce a few years back and it took several years before those trees started to grow.

Tracy Gutowski stated that she would prefer that all of the plantings are at least 8' in height as recommended by the County Planning Board. There was a general consensus among Board members that all of the plantings should be 8' in height and that the applicants should agree to all of the recommendations of the County Planning Board.

D. State Environmental Quality Review:

During its June 15, 2020 meeting, the Town of Perth Planning Board classified the proposed project at a Type I Action and proposed that it serve as the Lead Agency for the purpose of issuing a determination of significance under SEQR for the proposed action. Copies of the Full Environmental Assessment Form and the preliminary Site Plan drawings were forwarded to other Involved Agencies giving each Agency until Monday July 19, 2020, to comment on the Planning Board's proposal to serve as Lead Agency or on the project itself.

STATUS:

NYSDEC:

In a letter dated June 23, 2020, the NYSDEC concurred with the Town of Perth Planning Board's proposal to serve as the Lead Agency. NYSDEC noted that any disturbance of more than 1 acre of land will require a SPEDES General Permit for Stormwater Discharges from Construction Activities.

NYSDEC also noted that, based on a GIS review, the area is located within an archeologically sensitive area. NYSDEC suggests that the NYS Office of Parks, Recreation and Historic Preservation be contacted regarding any potential impacts on historic and archeological resources.

NYSDEC also notes that the Northern Harrier, Upland Sandpiper and Sedge Wren, which are threatened species, may be in the project area. The Agency suggests that the New York Natural Heritage Program be contacted regarding any records of where the species can be found or significant natural communities in the database.

PLANNING BOARD DISCUSSION: Mr. Conrad stated that his office has already reached out to NYS OPRHP regarding the archeological resources. Likewise, Mr. Conrad stated that his office has reached out to the New York Natural Heritage Program regarding any threatened species. He explained that he has had some dealings with the Northern Harrier in southern New York. He stated that, if necessary, Borrego Solar will offer conservation easements at a 1 to 1 ratio for those species.

MOTION: Declaring the Town of Perth Planning Board the Lead Agency for the purpose of issuing a determination of significance under SEQR for Borrego Solar's Solar Farm Project along County Highway 132.

MADE BY: Bob Gordon
SECONDED: Fran Sikorski
VOTE: 5 in favor, 0 opposed

FURTHER DISCUSSION: Mr. Gordon, once again, reiterated that he did not want to see the facility from County Highway 132. He expressed some concern that the current Landscaping Plan will not provide adequate or timely screening of the project.

Ms. Gutowski agreed and stated that she felt the applicants need to move the access road from in front of the house for visual reasons.

Mr. Gordon stated that he would also like to hear back from the FAA regarding the glare analysis before the Planning Board offers any type of determination of significance on the project.

There was a general consensus among Board members that additional information concerning the Landscaping Plan and the glare analysis, as well as the driveway location, need to be provided before a determination of significance is offered for the project.

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: Mr. Geraghty suggested that the Planning Board open a public hearing at its next meeting in an effort to solicit public comments. He reminded Board members that, if necessary, the public hearing can be left open for future meetings until such time that the Planning Board feels that no additional information will be forthcoming.

MOTION: To schedule a public hearing on Borrego Solar's Special Permit application for a Solar Farm along County Highway 132 for 6:00 p.m., Monday, August 10, 2020.

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

IX. OTHER BUSINESS:

A. Chairman's Update:

Mr. Cetnar indicated to Board members that he had been contacted by a gentleman who is looking at the property in the Tryon Technology Park along the south side of County Highway 107. He indicated that the individual is looking at some type of organic food processing operation and has reached an agreement with the IDA regarding sewer. He indicated that the individual may wish to come before the Board at some future date to discuss his concept with Board members.

Mr. Cetnar asked if there was any other local training available for Planning Board members this year?

Mr. Geraghty stated that there will likely be no more training sessions offered this year. He pointed out that, at this point in time, training will

likely have to done online since no one wants to gather individuals in large numbers.

Mr. Geraghty noted that the Town of Johnstown Planning Board reviewed a Concept Plan for a project in the Tryon Technology Park, that is actually located within the Town of Johnstown, during last week's Board meeting. He indicated that a solar company is looking at developing a Solar Farm on a landlocked parcel within the Town of Johnstown. He stated that the property will be leased from the IDA and that it will likely be subdivided in order to maximize the incentives that are available for these types of projects.

Board members than held a brief discussion concerning a rumor regarding a campground project along County Highway 107 near Sacandaga Road.

X. CLOSE OF THE MEETING:

MOTION: To close the meeting at 7:17 p.m.

MADE BY: Bob Gordon

SECONDED: Fran Sikorski

VOTE: 5 in favor, 0 opposed