

**TOWN OF PERTH PLANNING BOARD
MARCH 25, 2024
6:00 P.M.
PERTH TOWN HALL**

MEETING NOTES

PRESENT:

**X RON CETNAR, CHAIRMAN
X TREAVOR GILDAY, VICE-CHAIRMAN
X DIANE CONRAD
X MICHAEL DIMEZZA
X BOB GORDON
X TRACY GUTOWSKI
NICHOLE SURENTO
X KALEB WALKER, ALTERNATE**

**X CARMEL GRECO, TOWN ATTORNEY
X MARK CONCILLA, CODE ENFORCEMENT OFFICER
X AARON ENFIELD, FULTON COUNTY SENIOR PLANNER**

OTHERS PRESENT:

**TYLER MCNEIL (LEADER-HERALD/GAZETTE)
JAMES SKIFF
MIKE MANTEL, STANTEC
JOE KIRISTS, SUNEAST DEVELOPMENT
PAUL KRUGER, ACTIVE SOLAR
FRANK MCLENEGHEN, ACTIVE SOLAR
JASON DELL, LANSING ENGINEERING
TRAVIS MITCHELL, ENVIRONMENTAL DESIGN PARTNERSHIP
CHRIS FOSS, FERGUSON AND FOSS
KURT KAPELLE
MERLY KAPELLE**

AGENDA:

- Amending the date of the Planning Board meeting and submission deadline
- Lynn Lasher (May Yost, Life Use) – Public Hearing on a Minor Subdivision along Cty Hwy 107
- SunEast Development LLC – Fourth Request for Extension / Renewal of a Special Use Permit on a Solar Farm on property owned by James Skiff
- Environmental Design Partnership – Concept Plan for Northway Mobile Home Park Expansion along NYS Highway 30
- Active Solar – Concept Plan for a Solar Farm along County Highway 126
- New York Land & Lakes Development LLC – Subdivision (Kayaderosseras Creek Farm) along Bendick Corners Road (County Highway 142), NYS Highway 67, and Sacandaga Road (County Highway 23) within the Town of Perth, Johnstown, Amsterdam, and Mohawk

I. CALL MEETING TO ORDER:

The meeting was called to order at 6:02 p.m.

II. APPROVE MINUTES OF LAST REGULAR MEETING:

MOTION: To approve the minutes of the February 26, 2024 meeting.

MADE BY: Mike DiMezza

SECONDED: Diane Conard

VOTE: Unanimous

III. AMENDING PLANNING BOARD MEETING DATE AND SUBMISSION DEADLINE:

A. Background:

With growing concerns related to solar developers, most recently Borrego Solar in 2021 and 2022, and Scale Microgrids Subdivision of a 9.5MW solar array in 2023, the Planning Board has seen a need for special counsel to address land use issues. In recent months, the Town of Perth has utilized services from Miller, Mannix, Schachner & Hafner, LLC, and would like to them present during meetings moving forward. The available dates are:

- Second Monday of the month
- Fourth Wednesday of the month

Should a change occur, it is recommended that the submission deadline be amended.

DISCUSSION:

Fulton County Senior Planner Aaron Enfield indicated that the fourth Wednesday of the month would be more ideal for him, given the other communities he works with. He indicated the Town of Johnstown meets the following day.

The Planning Board agreed to amend the date to the Fourth Wednesday.

Mr. Enfield inquired on what the submission deadline would be with the change. He stated that given the changes in his office, he does not have the office support that he had in 2023. Mr. Enfield recommended that the board consider 21 days.

Planning Board members agreed to amend the submission deadline to 21 days.

Town of Perth Planning Board Chairman Ron Cetnar inquired if the Town Board would need to approve this change.

Town of Perth Attorney Carmel Greco indicated that the Planning Board is an independent entity from the Town Board and can make these changes without their approval.

MOTION: For the Town of Perth Planning Board to amend their monthly meeting date from the third Monday of the month to the fourth Wednesday of the month and extend the submission date from 10 calendar days to 21 calendar days.

MADE BY: Treavor Gilday
SECONDED: Ron Cetnar
VOTE: Unanimous

**IV. LYNN LASHER (MAY YOST, LIFE USE) – PUBLIC HEARING ON A MINOR SUBDIVISION
ALONG COUNTY HIGHWAY 107:**

A. Background:

Lynn Lasher is seeking to subdivide a 31.086+/- acres parcel (Tax Map Parcel No. 165.-2-11.1) into two lots. The first lot will be 10.086+/- acres in size, which will have a home, septic, and well. The second lot will be 21+/- acres in size, which will stay untouched.

Per the NYS Department of Environmental Conservation, the Property does not have any wetlands within the Town of Perth.

B. February 26, 2024 Planning Board Meeting:

During the February 26, 2024 meeting, the Town of Perth Planning Board reviewed Lynn Lasher's Minor Subdivision application along County Highway 107. At that time, the Planning Board asked that the following information be provided on the Subdivision Plat for the public hearing on Monday, March 18, 2024:

1. Perc. and Pit test results.

STATUS: Provided. The perc test done on March 12, 2024, was 4 minutes/inch and indicated on the plat.

DISCUSSION:

Chairman Cetnar indicated where the pit test was done.

Chris Foss, Ferguson and Foss, indicate that it was done to the rear of the property. He stated that given the heavily wooded conditions of the parcel, this was one of the only options he had.

Chairman Cetnar expressed concern that it was not near the proposed septic location on the plat.

Planning Board Vice-Chairman Treavor Gilday stated that he did not see an issue with this given the fact that the property slopes in the back.

Planning Board member Bob Gordon concurred with Vice Chair Gilday.

Mr. Enfield indicated that the Planning Board could issue a conditional approval, and he could look into the soil types of the property to see if it is the same as the proposed site for the septic system.

C. Fulton County Agricultural District #1:

During the February 26, 2024 meeting, the Planning Board sent an Agricultural Data Statement to the following property owners within Fulton County Agricultural District #1 to James Skiff. To date, the Planning has not received any feedback from any of the property owners.

James Skiff, active farmer, was indicated that he had no issues with the applicant subdividing the parcel.

During the February 26, 2024 meeting, the Town of Perth Planning Board classified this project as an Unlisted Action and gave the New York State Department of Environmental Conservation (NYSDEC) twenty-eight (28) calendar days to comment. To date, the following comments have been received:

In a letter dated February 29, 2024, Joshua Campbell from the NYS Department of Department of Environmental Conservation agreed that the Perth Planning Board should ask as Lead Agency. Furthermore, they offered the following comments: had no objection to the Town of Perth Planning Board serving in the capacity of Lead Agency. NYSDOT also made the following comment:

- MOTION: Declaring the Town of Perth as the Lead Agency for purposes of issuing a determination of significance for Lynn Lasher's application for a Minor Subdivision.

Following the public hearing, does the Town of Perth Planning Board have any concerns that has resulted from the public hearing? Subsequently, are there any environmental impacts that the Planning Board sees as a concern that would negate a Negative Declaration?

PLANNING BOARD ACTION:

MOTION: Authorizing the filing of a Negative Declaration under SEQR for Lynn Lasher's Minor Subdivision town since:

1. SEQR Coordination has been done between the New York State Department of Environmental Conservation (NYSDEC),
2. There will be no traffic implications resulting from the proposed action.
3. Public utilities are readily available to service a new lot.

MADE BY: Treavor Gilday
SECONDED: Ron Cetnar
VOTE: Unanimous

G. 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 the proposed subdivision application at this time?

DISCUSSION:

The Planning Board agreed that the project was ready to be approved; however, there was some concern about the soil types where the perc and pit test was

MOTION: To approve Lynn Lasher's application for a Minor Subdivision along County Highway 107 within the Town of Perth with the stipulation that the Fulton County Planning Department confirm soil types

MADE BY: Treavor Gilday
SECONDED: Bob Gordon
VOTE: Unanimous

POST-MEETING NOTE:

The soil type of the location is the same as the proposed septic location.

V. **SUNEAST DEVELOPMENT LLC – FOURTH REQUEST FOR AN EXTENSION OF A SPECIAL USE PERMIT ON A SOLAR FARM (SUNEAST LIMESTONE) ALONG COUNTY HIGHWAY 107 ON PROPERTY OWNED BY JAME A. SKIFF:**

A. Background:

On March 15, 2021, SunEast Development LLC received a conditional Special Permit approval for its Solar Farm (SunEast Limestone) project along Bishop Road on property owned by James Skiff (Tax Map Parcel Nos. 165.-1-6, 165.-1-52.11 and 165.-1-55). At that time, the applicant's engineer, Mike Mantell, P.E., pointed out that it will likely be 12 to 18 months before the solar company review is completed by National Grid. He noted that the Town's Special Permit Regulations require the conditions of a Special Permit to be met within 12 months of issuance. Planning Board members recognized that, given the magnitude of the project, the Town Code Enforcement Officer should be allowed some leeway in terms of the timeframe outlined in the Zoning Law.

First Extension

On April 18, 2022, the Town of Perth Planning Board authorized an extension of the Special Use Permit approval for SunEast Limestone Solar's Solar Farm project along Bishop Road (James Skiff) as the applicant did not have control of external review from National Grid. The approval was extended to March 15, 2023.

Second Extension

In a letter dated January 24, 2023, to Town Code Enforcement Officer Mark Concilla and Town Planning Board Chairman Ron Cetnar, Mr. Mantell indicated that SunEast Limestone Solar is still in the review process with National Grid regarding the interconnection plan. SunEast Limestone must complete the interconnection plan before they can complete detailed design plans, apply for a building permit, and commence construction. While the applicant asked for the SUP extension to be approved to September 15, 2024, an additional eighteen (18) months, the Planning Board approved a twelve (12) month extension of March 15, 2023.

Third Extension

In a letter dated February 2, 2024, Mike Mantell indicated that Limestone has been engaged in a new round of NYSEDA expedited bidding process and expect to have results by mid-April 2024. Mr. Mantell stated that the company must finalize its interconnection plan with National Grid, complete detailed design plans, and apply for a building permit to commence construction. For this reason, Limestone requests that the Town renew the time for it to complete the SUP process to March 15, 2025 (an additional twelve [12] months from the current deadline of March 15, 2024).

Mr. Mantell also indicated that Limestone has been exploring an expansion of the proposed solar project to a 100MW facility, which would fall under the parameters of the New York State Office of Renewable Energy Siting 94C review process. He mentioned that Limestone intends to keep the design elements of the approved 20MW project that were required by the Planning Board for the expanded project if it moves forward. If Limestone is unable to proceed with the 100MW project, it plans to move forward with the current 20MW project. It is expected that either a project expansion to a 100MW facility will be confirmed, or that all conditions of Limestone's current Special Use Permit approval will be satisfied by March 15, 2025.

Mr. Mantell also provided information on the project having more than 5MW per parcel, based on April 15, 2021, finding by the NYS Public Service Commission. He clarified that the Limestone project is a 20MW capacity solar energy generation facility with a single point of interconnect. It is not a community solar project and therefore is not subject to the 5MW capacity limit or separate site requirement. In sum, the Commission's ruling in the Borrego case has no bearing or relevance to this project.

Fourth Extension

During its February 26, 2024 meeting, the Town of Perth Planning Board approved an extension on SunEast's Special Use Permit on the property of James Skiff until March 31, 2024. There was some information the Planning Board has asked for that the Planning Board felt was necessary before granting a longer extension:

1. Interconnection with National Grid
2. Confirmation that National Grid knows the solar array exists and is within their project list.

STATUS: Applicant has provided information from NYISO on the project with supporting documentation, a signed Facilities Agreement Study.

DISCUSSION:

Mr. Enfield reminded the Planning Board that this project is not a Community Solar which has interconnection with National Grid. Subsequently, he stated that this project is interconnecting with the New York State Independent System Operator Inc.

Joe Kirists, SunEast Development, stated that the company is currently working on a facilities agreement since 2023, and has taken much longer than anticipated. He stated that it will be completed by the end of the year. He stated that National Grid will be involved in that process after the approval. Mr. Kirists indicated that he hopes that they will be able to apply for a permit from Code Enforcement Officer in January of 2025.

Mr. Enfield stated that the study provided to the Planning Board indicated that construction would start in September of 2024.

Mike Mantel, Stantec, indicated that at the time the document was created September 2024 was the expected time frame. He stated the initial agreement was composed in July 2023.

Chairman Cetnar inquired on when construction will commence if September 2024 is not correct.

Mr. Enfield stated that in reviewing the original application there was no FERC study and inquired if that would be forthcoming.

Mr. Kirists stated that he would need to look into this.

Mr. Enfield inquired if there will be a financier of the project.

Mr. Kiristis stated that Cordelio Power will be the owner-operator and of the project and will be owning it outright.

Mr. Enfield asked that documentation on this should be provided to the Planning Board.

Mr. Kirists stated that he would need to look into providing this documentation.

Planning Board member Mike DiMezza inquired what the hold up was on the facilities study.

Mr. Kirists stated that NYISO is taking their time reviewing the application. He stated that given the other projects SunEast has worked on in New York State, they have had only one (1) other project that has taken this long.

Planning Board member Bobby Gordon inquired if the other dates in the project timeline would be different.

Mr. Kristis stated that it would amend the entire project schedule but not too much. He stated that the interconnection agreement is the hold-up.

Mr. DiMezza asked that the applicant provide a tighter timeline on the project as the projected dates do not seem as though it would be sufficient. He asked if another 30-day timeline is granted if the applicants would be able to provide an updated timeline.

Mr. DiMezza stated that last month's letter also indicated a 100MW project and did not want this project to be seen as an insurance policy should the project with Office of Renewable Energy Fall through.

Mr. Kristis stated that he would amend the dates for the Planning Board. Subsequently, he stated that the additional 80MW is something the company is still exploring on the viability.

Mr. DiMezza thanked him for the clarity as the way it was worded in the letter was a bit confusing.

Vice Chair Gilday stated that he would be willing to extend the Special Use Permit for another month while the applicant provides the items Mr. Enfield and Mr. DiMezza have brought up.

Planning Board members agreed and indicated they would provide an extension until April 30, 2024.

PLANNING BOARD ACTION:

MOTION: To grant SunEast Development a fourth extension until April 30, 2024, and ask that the following information be provided for the April 24, 2024 meeting:

1. Interconnection documentation with the Federal Energy Regulatory Commission (FERC).
2. Amended timeline for construction of the project.
3. Documentation indicating Cordelio Power will be the owner/operator as well as a financier on the project.

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

POST MEETING NOTE:

Mr. Enfield has been having continual conversations with Stantec and SunEast during the last meeting and have been educating on how the project is different as it is seen through New York State as a Utility Solar Project and not a Community Solar Project.

VI. ENVIRONMENTAL DESIGN PARTNERSHIP – CONCEPT PLAN FOR AN EXPANSION OF MANUFACTURED HOME PARK (NORTHWAY MOBILE HOME PARK) ALONG NEW YORK STATE ROUTE 30:

A. Background:

Zach Lumsden currently owns the Northway Mobile Home Park along NYS Route 30. He is currently in contract for an additional 14 acres of land with Robert Duemler (Tax Map Parcel No. 166.4-2-34.1) which is approximately 17.088 acres, and Duemler Quality Housing LLC (Tax Map Parcel No. 166.4-2-35) that is approximately 5.486+/- acres in size.

Both neighboring parcels are within the Commercial-Residential (C-R) Zoning District, with 204' on the eastern portion of the parcels within the Agricultural-Residential (A-R) Zoning District. Subsequently, Article 7 Supplementary Regulations provides additional regulations for the Mobile Homes. Manufactured Home Parks are an allowed use within both districts under Special Use Permit.

Per the Town of Perth 2017 Zoning Ordinance, a Manufactured Home Park is defined as a parcel of land that has been designed and improved for placement of two (2) or more Manufactured Homes for non-transient use. Subsequently, a Manufactured Home shall mean a structure transportable in one or more sections, which, in traveling mode, is eight feet or more in width or 40 feet or more in length or when erected on site is 320 or more square feet, and which is built in compliance with federal regulations or built prior to June 15, 1976, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes plumbing, heating, ventilating and electrical systems contained therein. The term

“manufactured home” does not include a modular home. At times they are also more specifically referred to as Singlewide and Doublewide Manufactured Homes.

DISCUSSION:

Travis Mitchell, Environmental Design Partnership (EDP), gave a presentation on the expansion of the Northway Park Mobile Home community. He indicated that is in discussion with the current owner of the mobile home park and is in dialogue with the owner to purchase the land to expand the current footprint.

Mr. Enfield indicated that manufactured homes (mobile homes) are considered a form of affordable housing and that New York State has an aggressive approach and this would also tie into the County’s Development Strategy update which focuses on Housing, Economic Development & Tourism.

Chairman Cetnar inquired about the septic of the current facility.

Mr. Mitchell stated that there is slated to be a major upgrade to the current septic system, which would be coordinated with the New York State Department of Health.

Mr. Enfield stated that there has been discussion of extending the sewer from Vails Mills to the Montgomery County line, which has been a discussion for the Comprehensive Plan update. He indicated there is a possibility of taking the upgrade for the septic to a public-private partnership for funding. Mr. Enfield also stated this would possibly be available for grants from NYS or through Northern Borders.

Planning Board members liked this idea as it would bring commercial and mixed-use development to the Town along NYS Route 30. Additionally, they indicated that as part of the Comprehensive Plan update this was something they would like as a Goal for the plan.

Planning Board member Bobby Gordon mentioned that adequate screening be done for the properties that border the proposed expansion. He stated that some of the properties have sold in the past year.

Mr. Enfield questioned on the strip of land between 4273 State Highway 30 and 4279 State Highway 30 and if it would be utilized for an additional entrance.

Mr. Mitchell stated that it is not planned for an entrance for residents. He mentioned that if necessary it would be used as an emergency management entrance.

Overall the Planning Board was very receptive and looked forward to a formal submittal in the future.

POST MEETING NOTE:

Fulton County Planning Department has started surveying property owners in Town of Perth and Town of Mayfield along NYS Route 30 from Vail Mills to the Fulton and Montgomery County Border inquiring on municipal sewer.

VII. ACTIVE SOLAR – CONCEPT FOR A SOLAR FARM (814 CR 126, LLC) AT 814 COUNTY HIGHWAY 126 ON PROPERTY OWNED BY THOMAS VAN ALSTYNE:

A. Background:

The Active Solar Development is proposing to construct a Solar Farm at 814 County Highway 126 (Tax Map Parcel No. 167.-11.1) that is approximately 52.341+/- acres in size. The property is owned by Thomas Van Alstyne.

The Applicant has identified that the proposed solar array will consist of a tracker solar panel system and associated limited-use access roads and array equipment. The solar panels will be placed throughout the parcel that best fits the existing property and topography. Access to the solar facility will be provided by an existing curb cut/driveway from CR 126. The limited-use access roads will extend into the property toward the solar array. An 8' high chain-linked fence is proposed to surround each section of the solar facility. Sliding gates are proposed near the location where the access roadways meet the solar arrays. A Knox box will be located at each gate which will allow emergency services to access the facility should the need arise.

Active Solar will be seeking an area variance from the Zoning Board of Appeals for the project. Per Section 2 of local law #2 of 2023, all solar energy components shall have a 500' setback along public roads and residential properties.

DISCUSSION:

Frank McCleneghen and Paul Kruger, Active Solar, along with Jason Dell, Lansing Engineering, gave an overview of the concept plan for a solar farm off County Route 126.

Mr. McCleneghen stated that they will be the owner-operator of the project but will be leasing the property from Mr. Van Alstyne. He also indicated that the panels will have an 11'-12' tilt.

The Planning Board expressed concern that the project had both Soils of Statewide Importance and Prime Agricultural Soils onto the property, which per the Town's update to the solar law was not allowed.

The Planning Board also expressed concern with the fact they were not complying with the Town's 500' setbacks.

Mr. Enfield stated that before further review by the Planning Board, Variances would be necessary.

Mr. Dell asked if the Planning Board would be conducting SEQR for the Zoning Board of Appeals.

Mr. Enfield stated that they most likely will, however, coordination will need to come from the Code Enforcement Office. He stated that Active Solar would need to meet with them beforehand.

Planning Board members asked that the area on the south side of the property be looked at from visuals as additional screening may be needed.

Mr. Enfield stated that it would be nice to include agrivoltaics, stating there is a push from NYS for a dual use given all the agriculture that is currently. He stated that the County is updating its Agricultural and Farmland Protection Plan and there has been a lot of discussion from stakeholders on it during the planning process.

Mr. McCleneghen stated that he would look into it. He stated that SUNY Morrisville has been working on a program.

VIII. NEW YORK LAND & LAKES DEVELOPEMENT LLC – SUBDIVISION (KAYADEROSSERAS CREEK FARM) ALONG BENDICK CORNERS ROAD (COUNTY HIGHWAY 142), STATE HIGHWAY 67 & SACANDAGA ROAD (COUNTY HIGHWAY 23) WITHIN THE TOWNS OF AMSTERDAM, PERTH, JOHNSTOWN, AND MOHAWK:

A. Background:

New York Land and Lakes Development LLC is seeking to subdivide 155+/- acres (Kayaderosseras Creek Farm) into 16 lots. Each lot will have frontage on existing maintained roadways. The Applicant is currently in contract to purchase the property from the Community College Foundation of Fulton Montgomery and has authorized the developer to come before the Planning Board. The following Towns will be included in the Major Subdivision:

Town	Tax Map Parcel #	+/- acres
Amsterdam (Montgomery)	22-3-1, 22-3-2, & 22-3-4	65
Perth (Fulton)	176-1-28, 176-1-30, & 176-1-31	64
Johnstown (Fulton)	176-2-23 & 176-2-20	25
Mohawk (Montgomery)	22-2-6.1	0.39

Within the Town of Perth, the Applicant is looking to do a three (3)-lot subdivision that would fall under the Town's Minor Subdivision Regulations. The parcels will have road frontage within the Town of Amsterdam, or the Town of Johnstown.

Per the NYS Department of Environmental Conservation wetland mapper, the property does not have any wetlands within the Town of Perth.

B. January 29, 2024 Planning Board Meeting:

During the January 29, 2024 meeting, the Town of Perth Planning Board reviewed New York Land and Lakes LLC's application for a Major Subdivision of Kayaderosseras Creek Farm at Bendick Corners Road (County Highway 142), State Route 67, and Sacanadaga Road (County Road 23) within the Towns of Amsterdam, Perth, Johnstown, Mohawk in Fulton County and Montgomery County. At that time, the Planning Board concurred that the Town of Amsterdam should serve as the Lead Agency for issuing a determination under the State Environmental Quality Review Act (SEQRA).

Additionally, the Planning Board decided to table further review and hold a Public Hearing until the Town of Amsterdam Planning Board has concluded SEQRA.

C. March 18, 2024 letter from Kurt Kapelle:

Town of Perth resident Kurt Kapelle has expressed concerns regarding a note in his 1996 deed and is asking that any subdivision be contingent on New York Land and Lakes relinquish all rights to transit his property.

"My wife and I purchased our property in 1996. At the time, it was surrounded by farm land. One of the paragraphs in my deed states; "There is reserved unto Hess Farm, Inc., its successors and assigns the right to use jointly with second parties, their heirs and assigns for all ordinary purposes of ingress and egress, over the same, that portion of aforesaid driveway which continues and through and over the premises conveyed herein to second parties". I was not concerned at the time, I felt the surrounding farm could be accessed at multiple different areas.

My concern is that by subdividing the surrounding property, multiple people could interpret the statement in my deed, "through and over the said premises", to enter my property at any time.

Because of the protected creek that runs through the area, and the way the sub division is proposed, access to two and possibly three of the proposed subdivisions could only be accessed by the driveway which runs within 10 feet of my house, and 15 feet from my barn. Any attempt to utilize any other area of my property would only be drivable July through November because the ground is too wet and soft for traffic.

It would be possible for new creek crossings to be built, however because of the need for a causeway in addition to a bridge or culvert, the costs would be very high. Additionally, DEC and U.S. Army Corps of Engineers approval would be required. In 2007 when the my bridge over the creek washed away, it took 6 months for replacement approval, and I was without emergency services and had limited access to my house during that time. The culvert is designed and approved by DEC for passenger vehicles only.

I have spoken to the developer's representative, Allen Lord 3 times and shared my concerns, he has indicated the possibility of conveying the transit through my property to me exclusively, or purchasing additional property from New York Land and Lakes to assure no one else may transit my property.

Note number 8 of proposed survey map dated 29 January 2024 states; Excepting and reserving a right of way over a driveway to be used jointly with Kurt D. and Merly C. Kapelle, their successors and assigns for all ordinary purposes of ingress and egress. Even though Mr. Lord has stated a number of times that New York Land and Lakes has no intention of transiting my property that does not discount the possibility of the purchasers of the subdivisions in question to do so.

I believe that any transit of my property by others would severely decrease the safety, value, and usage of it.

I respectfully request that any subdivision proposal be contingent on New York Land and Lakes relinquish all rights to transit my property.”

D. March 25, 2024 Discussion with Town Attorney:

In a phone conversation dated March 25, 2024, Fulton County Senior Planner spoke with Town Attorney Carmel Greco on the matter. He indicated that the easement goes with the land and can only be extinguished through mutual consent. Furthermore, he stated that these concerns are not a Town matter and Mr. Kapelle should speak with his attorney.

IX. OTHER BUSINESS:

A. Planning Board Chairman:

Next Meeting

Chairman Cetnar reminded Planning Board members that the next meeting would be on Wednesday, April 24, 2024, at 6:00 pm.

B. Fulton County Planning Department:

ZBA

Mr. Enfield stated that the Zoning Board of Appeals is looking for one (1) member and (1) alternate. Anybody interested should contact Code Enforcement Officer Marc Concilla.

Planning and Zoning Training

Mr. Enfield reminded Planning Board members that the training at SUNY Fulton-Montgomery will occur on Thursday, April 11.

Presentation on Maple North Solar Project – NYSERDA / NYSDOS

Mr. Enfield mentioned he had a call with NYSERDA regarding the Subdivision and will have a call with NYSDOS later in the week.

Aspen Woods Subdivision – Follow-up

Mr. Enfield indicated if the Planning Board had not had the applicant return and inquired if the Planning Board had heard of anything locally.

Planning Board member Diane Conard stated that the property was sold and the new owner has been clearing the property.

Northville-Placid Trail 100 Celebration May 31 through June 2

Mr. Enfield stated that the Tourism Bureau is working with the Village of Northville on a 100-year celebration of the trail which will occur at the end of May.

C. Other:

Short-Term Rentals

Planning Board member Tracy Gutowski brought up trends that others Fulton County Communities have been having on regulating Short-Term Rentals.

Planning Board members had a back and forth conversation and no recommendation was made to the Town Board.

X. CLOSE OF THE MEETING:

MOTION:	To close the meeting at 7:27 pm
MADE BY:	Mike DiMezza
SECONDED:	Tracy Gutowski
VOTE:	Unanimous