

**TOWN OF PERTH PLANNING BOARD
FEBRUARY 26, 2024
6:00 P.M.
PERTH TOWN HALL**

MEETING NOTES

PRESENT:

**RON CETNAR, CHAIRMAN
TREAVOR GILDAY, VICE-CHAIRMAN
DIANE CONRAD
MICHAEL DIMEZZA
NICHOLE SURENTO
KALEB WALKER, ALTERNATE**

ABSENT:

**BOB GORDON
TRACY GUTOWSKI**

**CARMEL GRECO, TOWN ATTORNEY
AARON ENFIELD, FULTON COUNTY SENIOR PLANNER**

OTHERS:

**CHRIS FOSS, FERGUSON AND FOSS
MIKE MANTEL, STANTEC
JOE KIRISITS, SUNEAST
CHET MCLAUGHLIN, SUNEAST**

AGENDA:

- Lynn Lasher (May Yost, Life Use) – Minor Subdivision along County Highway 107.
- SunEast Limestone – Third Request for Extension / Renewal of a Special Use Permit on a Solar Farm on property owned by James Skiff.

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 January 29, 2024 meeting.

MADE BY: Treavor Gilday
SECONDED: Nichole Surento
VOTE: Unanimous

III. LYNN LASHER (MAY YOST, LIFE USE) – 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. Fulton County 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: Provided.

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.

DISCUSSION:

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

STATUS: ?

DISCUSSION:

Chris Foss, Ferguson, and Foss, indicated there were no easements or covenants on the parcel.

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. However, perc. and pit tests will be necessary.

DISCUSSION:

Fulton County Senior Planner Aaron Enfield indicated that a perc. and pit test would be necessary before final approval.

Planning Board Vice Chairman Treavor Gilday mentioned that given the mild winter, the applicant would be able to have this done between now and the next meeting.

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 Environmental Assessment Form.

STATUS: Provided.

C. Fulton County Agricultural District #1:

In accordance with Section 305-a of Article 25AA of the Agriculture and Markets Law of New York State, a Site Plan subdivision application for a piece of property within an Agricultural District containing a farm operation or on property within 500' of a farm operation located in an Agricultural District must include an Agricultural Data Statement. All Agricultural District property owners within 500' of the project site must receive notice of the proposed action. It has been identified that the following property owners are with Fulton County Agricultural District #1:

1. James Skiff, 165.-1-65

DISCUSSION:

Planning Board members agreed to forward an Agricultural Data Statement to James Skiff.

PLANNING BOARD ACTION:

MOTION: To send James A. Skiff, an Agricultural Data Statement as some of their property is within 500' of the proposed subdivision.

MADE BY: Mike DiMezza

SECONDED: Treavor Gilday

VOTE: Unanimous

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 Site Plan 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?
2. Does the Planning Board feel that any additional information should be provided as part of the SEQR process?
3. Type I or an Unlisted Action: Section 617.6 (b)(3) of 6 NYCRR states that, when an agency proposes to directly undertake, fund or approve a Type I or Unlisted Action undergoing a Coordinated Review with other Involved Agencies, it must, as soon as possible, transmit Part I of the Environmental Assessment Form, completed by the Project Sponsor, or a Draft Environmental Impact Statement (DEIS) and a copy of any application that has been received to all Involved Agencies and notify them that a Lead Agency must be agreed upon within thirty (30) calendar days of the date the Environmental Assessment Form or DEIS was transmitted to them.

Type II Action: A Type II action is categorically excluded from SEQR. These actions have been determined not to have significant adverse impact on the environment. Once an action is determined to be a Type II, no further environmental review is required. Section 617.5(c) provides the following actions that are not subject for a Type II Action.

DISCUSSION:

4. It is recommended that the project be classified as an Unlisted Action and to do a coordinated review with the New York State Department of Environmental Conservation (NYS DEC). Does the Planning Board feel as though another agency should be involved?

DISCUSSION:

Planning Board members felt that that short form was sufficient and did not believe there should any additional information requested of the applicant.

Planning Board Chairman Ron Cetnar indicated that the Planning Board should also include New York State Department of Health and Fulton County Highways and Facilities.

PLANNING BOARD ACTION:

MOTION: To classify Lynn Lasher's (May Yost – Life Use) application for a Minor Subdivision along County Highway 107 as an Unlisted

Action and give New York State Department of Environmental Conservation (NYSDEC), Fulton County Highway and Facilities, and New York State Department of Health (NYSDOH) 30 calendar days to offer a comment to the Town of Perth Planning Board.

MADE BY:	Mike DiMezza
SECONDED:	Ron Cetnar
VOTE:	Unanimous

E. 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. Does the Planning Board feel there is enough information to schedule a public hearing during the March 18, 2024 meeting?

DISCUSSION:

Planning Board members were in agreement to schedule a Public Hearing for March 18, 2024.

PLANNING BOARD ACTION:

MOTION:	To schedule a public hearing for 6:00 pm on Monday, March 18, 2024 pm on Lynn Lasher's Minor Subdivision along County Route 107.
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MADE BY:	Treavor Gilday
SECONDED:	Nichole Surrento
VOTE:	Unanimous

IV. **SUNEAST LIMESTONE – THIRD REQUEST FOR EXTENSION/RENEWAL OF A SPECIAL USE PERMIT ON A SOLAR FARM ON PROPERTY OWNED BY JAME A. SKIFF:**

A. Background:

On March 15, 2021, SunEast Limestone Solar received a conditional Special Permit approval for its Solar Farm 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 NYSERDA 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 the 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.

DISCUSSION:

Mike Mantel of Stantec, Chet McLaughlin, Suneast, and Joe Kirisits, Suneast, gave an update on the project and where they were at on the project timeline. They indicated they needed the extension for an interconnection agreement with National Grid.

Planning Board Member Mike DiMezza stated that the Planning Board has reviewed it many times and that during the last extension granted, it was discussed sunsetting the project and having the applicant come back to the Planning Board for a new SUP as there have been some changes with the Town's solar farm law.

Mr. DiMezza stated that this project would look a lot different if it was to come before the Planning Board today.

Mr. Mantel indicated that it is taking longer to than anticipated as the interconnection agreement has not been finalized, which should take roughly another year.

Mr. Kiristis stated that there were three phases to the interconnection (1) Feasibility, (2) System Impact, and (3) Facility. He indicated that he is able to provide proof that they are doing the study.

Planning Board member Nichole Surento inquired when the applicant first reached out to National Grid and subsequently inquired on why this project is taking four (4) years to get a shovel in the ground.

Mr. McLaughlin indicated that they first reached off to National Grid in 2019. Subsequently, he indicated that it is rare to have a project take this long, the other project they are having issues with is in the Town of Manchester (Ontario County).

Mr. Enfield stated that given the current review of solar arrays, an interconnection agreement is provided before approval, not after. Subsequently, Mr. Enfield indicated that when inquiring with National Grid on whether the project is subject to the 5MW per parcel, National Grid was not aware that the project existed and mentioned he was having dialogues with NYSIO as well. Mr. Enfield asked if the applicant could provide details on why that is the case.

Mr. Kiristis stated that they will be able to provide information to the Planning Board.

Mr. Enfield also expressed concern several Planning Board members indicated before the meeting related to the 100MW. He stated if the applicant intends to go to 100MW, then way waste the Planning Board's time on a 20MW.

Mr. McLaughlin indicated there are several neighbors who have showed an interest on doing 100MW and still in the beginning stages of looking into this. He stated that should it fall through, they would continue to do a 20MW project that is already approved.

Vice Chairman Treavor Gilday indicated that no action can be taken as no information from National Grid was provided. Subsequently, Mr. Gilday indicated that the SUP expires before the next meeting.

Mr. Mantel indicated that information could be provided to the Planning Board after the meeting.

Mr. Enfield stated he spoke with Code Enforcement Officer Mark Concilla who recommended that the project be tabled for a month.

Vice Chairman Gilday stated an extension of some sorts would need to be granted so that the Planning Board could review in March. He stated he would be okay with granting an extension until the end of March.

Planning Board members agreed on this extension.

PLANNING BOARD ACTION:

MOTION:	To grant Suneast Development LLC an extension on their Special Use Permit for a Solar Farm (Suneast Limestone) along County Highway 107 on property owned by James A. Skiff until March 31, 2024 as the Planning Board need verification from National Grid.
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MADE BY:	Mike DiMezza
SECONDED:	Treavor Gilday
VOTE:	Unanimous

V. **OTHER BUSINESS:**

A. Planning Board Chairman:

Next meeting

Chairman Cetnar indicated the next meeting will occur on March 18, 2024.

B. Fulton County Planning Department:

Planning and Zoning Training

Mr. Enfield stated that the training at SUNY Fulton Montgomery will occur on Thursday, April 11, 2024.

Agricultural Plan Update – Public Input Sessions

Mr. Enfield stated that the last inperson outreach will occur on Wednesday, March 6 from 6:00 pm – 7:30 pm at the Berkshire Volunteer Fire Department

VI. CLOSE OF THE MEETING:

MOTION: To close the meeting at 6:40 pm

MADE BY: Treavor Gilday

SECONDED: Nichole Surrento

VOTE: Unanimous