

TOWN OF PERTH PLANNING BOARD

APRIL 24, 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**
BOB GORDON
- X TRACY GUTOWSKI**
NICHOLE SURENTO
- X KALEB WALKER, ALTERNATE**

- X LEAH EVERHART, MILLER MANNIX SCHACHNER AND HAFNER, LLC**
- X MARK CONCILLA, CODE ENFORCEMENT OFFICER**
- X AARON ENFIELD, FULTON COUNTY SENIOR PLANNER**

OTHERS:

JOSEPH KIRTSITS, SUNEAST DEVELOPMENT
CHET MCLAUGHLIN, SUNEAST DEVELOPMENT
MATT MANTELL, STANTEC
JAMES SKIFF
FIRAS SHAABANI
ANGELINA VROOMAN, RESIDENT OF SACANDAGA ROAD
JASON SINGER, NOLAN ENGINEERING
JOSEPH CASSELLA, NICOLINO'S RESTURANT
OLIVIA CASSELLA, NICELINO'S RESTURANT
KYLE ZAJACESKOWSKI, RESIDENT OF SACANDAGA ROAD
DANTE COPPOLA, RESIDENT OF SACANDAGA ROAD
ANGELO COPPOLA, RESIDENT OF SACANDAGA ROAD
MARY DOVIK, RESIDENT OF SACANDAGA ROAD
CHRISTOPHER CHASE, RESIDENT OF SACANDAGA ROAD
ANNA M. ALVAREZ, RESIDENT OF SACANDAGA ROAD
FRANK R. ALVAREZ, RESIDENT OF SACANDAGA ROAD
CHAD EGAN, RESIDENT OF SACANDAGA ROAD
RYAN CRANE, RESIDENT OF SACANDAGA ROAD

AGENDA:

- SunEast Limestone – Fifth Request for Extension / Renewal of a Special Use Permit on a Solar Farm on property owned by James Skiff
- Joseph Cassella – Site Plan Review Restaurant Expansion (Nicolino's Restaurant) at 451 State Highway 30 (SBL 178.-9-1 & 178.4-1-9)
- King FC Properties, LLC (Firas Chaabani) – Site Plan Review for a Retail Store (Grab-and-Go Deli) at 4207 State Highway 30 (SBL 166.4-1-21)

I. CALL MEETING TO ORDER:

The meeting was called to order at 6:04 p.m.

II. APPROVE MINUTES OF LAST REGULAR MEETING:

MOTION: To approve the minutes of the March 25, 2024 meeting.

MADE BY: Tracy Gutowski

SECONDED: Diane Conrad

VOTE: Unanimous

III. SUNEAST DEVELOPMENT – FIFTH 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 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.

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 which included (1) an Interconnection agreement with National Grid, and (2) a Confirmation that National Grid knows the solar array exists and is within their project list. The Applicant provided information from the New York Independent System Operator (NYISO).

Fifth Extension

Between the March 2024 and the April 2024 meeting, the applicant has been having ongoing conversations with the Fulton County Planning Department. As a result of an April 18, 2024 phone call, Mike Mantel, Stantec, submitted a follow-up letter and supporting documentation on the project that was requested by the Town of Perth Planning Board:

1. Interconnection documentation with the Federal Energy Regulatory Commission (FERC)
STATUS: SunEast has no involvement with FERC during this process unless there is a dispute. When Interconnection agreement is finished, it is submitted and then filed with FERC. Therefore, there is no documentation to provide.
2. Amended timeline of construction on the project.
STATUS: After a review of the current project status, we offer the following schedule for the project moving forward:
 - A. Notice to proceed for engineering design April 2024 (as soon as extension is granted)
 - B. Building permit application submittal January of 2025
 - C. Full notice to proceed/construction beginning in March of 2025
 - D. COD December of 2025.
3. Documentation indicating Cordelio Power will be the owner/operator and financier on the project.
STATUS: Please find the attached Cordelio Project Financing Plan. This is the same document that is sent to NYSERDA for proof of funding.

FURTHER DISCUSSION:

Ms. Everhart, Miller Mannix Schachner and Hafner indicated that the Town has done substantial changes to the Solar Law Special Use Permit requirements. She mentioned if the planning board desired to, could start the application over again.

Ms. Everhart pointed out that the applicant has also provided all documentation that the Planning Board has requested, seeking an extension of the current Special Use Permit.

Planning Board members and the applicant had a back and forth conversation and agreed that it was not necessary to sunset the project as this point in time.

Several Planning Board members expressed frustration that this process was taking longer than expected.

Mr. Enfield indicated that should the Planning Board approve the project, under the Planning Services Agreement, he could have a monthly check-in with SunEast Development as their work towards the goals of getting approval by NYISO.

MOTION:	For the Town of Perth Planning Board to grant a Fifth extension for 12 months until April 30, 2025 with the stipulation that the Fulton County Planning Department have a check-in with
MADE BY:	Treavor Gilday
SECONDED:	Diane Conrad
VOTE:	5-0-1 (abstain Gutowski)

IV. KING FC PROPERTIES, LLC – SITE PLAN REVIEW FOR A RETAIL STORE (GRAB-AND-GO- DELI) AT 4207 STATE HIGHWAY 30:

A. Background:

Firas Chaabani would like to reuse 4207 State Highway 30 (Tax Map Parcel No. 166.4-1-21) which is approximately .78+/- acres in size. The applicant would like to establish a Retail Store (Grab-and-Go Deli) which will not have any customer seating. The site is a 1060 sq. ft. space that was previously occupied by a Baby Boutique.

The applicant has indicated minor renovations to the exterior entrance, which include the following:

1. New Sign to be added to the currently sign post
2. New slab to be flush with interior with a ¼” max threshold
3. Two (2) ADA Parking Signs
4. Gravel Parking lot markers within the gravel and signage
5. Expanding concrete walk between the two commercial businesses
6. Landscaping to the right of the door
7. New 3’-0”W Main Entry Door
8. Trash and Recycle Bins and Used oil Recycling (located behind the Hobby Shop)
9. Walk-In freezer behind the building

The proposed project is located within the Commercial-Residential Zoning District and a Retail Store is an allowed use under Site Plan Review. Per the Town’s Zoning Ordinance, a Retail Store is defined as an “establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

There are no wetlands on the property and there are no properties within Fulton County Agriculture

B. Fulton County Planning Department Review:

The project has been reviewed under Article 10 – Site Plan Review under the Town of Perth’s 2017 Zoning Ordinance and the following comments have been made:

1. Title of drawing, including name and address of applicant and person responsible for preparation of such drawing.
STATUS: Provided
2. North arrow, scale and date.
STATUS: Provided.
3. Boundaries of the property plotted to scale of one inch to 50 feet (if the property is located in more than one zoning district, the boundaries of the districts shall also be shown).

STATUS: The scale is 1" = 15'

4. Existing contours (unless otherwise indicated by the Planning Board, two-foot contours shall be required showing the topography for all disturbed areas of the parcel and land within 100 feet of such areas).

STATUS: Not provided. Does the Planning Board wish to waive this provision?

DISCUSSION: Chairman Cetnar asked that topography be required.

5. Existing watercourses and wetlands.

STATUS: N/A. While the Healy Kill is located 280' from the property line there are no impacts to the property.

6. Grading and drainage plan, showing existing and proposed final contours.

STATUS: N/A. No this is a reuse of a space and no external changes are proposed.

7. Location, design, type of construction, proposed use, and exterior dimensions of all buildings.

STATUS: N/A

8. Location and widths of existing and proposed driveways for the site and access to existing roads and highways. Location to the nearest intersection of public roads to be provided.

STATUS: The Site Plan indicates a gravel parking lot and open area of NYS Route 30.

9. Location, design, and type of construction of all parking and truck loading areas, showing access and egress.

STATUS: N/A

10. Provision for pedestrian access if applicable.

STATUS: N/A

11. Location of outdoor storage, if any.

STATUS: N/A

12. Location, design, and construction materials of all existing or proposed site improvements including drains, culverts, retaining walls, and fences.

STATUS: ? What are the dimensions of the Walk-in freezer and the sidewalk?

DISCUSSION:

Mr. Singer indicated that the walk-in cooler will be 10'X10' and the sidewalk meet US DOT requirements.

Mr. Enfield asked that the information be updated on the Site Plan for the next meeting.

13. Description of the method of sewage disposal and location, design, and construction materials of such facilities; Percolation and deep hole tests must be performed near the leach field location.

STATUS: Provided. The applicant has indicated there is a septic system located to the east of the existing structure.

14. Description of the method of securing potable water and location, design and construction materials of such facilities.

STATUS: Provided. There is currently a well that provides water North of the existing structure.

15. Location of fire and other emergency zones, including the location of fire hydrants.

STATUS: N/A

16. Location, design and construction materials of all energy distribution facilities, including electrical, gas and alternative energy.

STATUS: N/A

17. Location, size and design and type of construction of all proposed signs.

STATUS: ? This will need to be provided by the applicant.

DISCUSSION:

Mr. Singer indicated the applicant will not initially have a sign.

Mr. Enfield indicated when the applicant decides to have a line it need to receive sign-off from the Code Enforcement Officer.

18. Location and proposed development of all buffer areas, including existing vegetative cover.
STATUS: N/A
19. Location, design, type, and uses of exterior lighting and signs.
STATUS: The location has been provided, but the design of the sign has not. Subsequently, will additional lighting and signs on the building be necessary?
DISCUSSION: N/A at this time.
20. The type, location, and hours of activities likely to generate noise or ground vibrations of a magnitude as to be a public concern.
STATUS: The applicant indicated hours would be 7:00 am – 9:00 pm Monday – Saturday and 8:00 am – 3:00 pm on Sundays.
21. Location and design of outdoor lighting facilities.
STATUS: N/A
22. Identification of the location and amount of building area proposed for retail sales or similar commercial activity.
STATUS: Provided. The application is for a commercial business where retail sales take place.
23. General landscaping plan and planting schedule.
STATUS: The applicant has indicated on the Site Plan that four (4) plants will be provided, however they have not been identified. Does the Planning Board wish to request additional landscaping?
DISCUSSION: N/A
24. The approximate location of wells and septic systems on adjacent properties must be noted.
STATUS: Provided.
25. An estimated project construction schedule.
STATUS: A couple of weeks.
26. Record of application for and approval status of all necessary permits from federal, state and county officials.
STATUS: CO from Code Enforcement Officer. Permit from NYSDOH.
27. Identification of any federal, state or county permits required for the project's execution.
STATUS: N/A
28. Description of the proposed use or uses, including hours of operation, number of employees, expected volume of business, and type and volume of traffic expected to be generated.
STATUS: Provided.
29. Stormwater Pollution Prevention Plan (SWPPP) for all land development activities (excluding agricultural activities) on the site that result in land disturbance of 1-acre or more. A SWPPP shall comply with NYSDEC requirements for stormwater discharges from construction activities.
STATUS: The applicant has indicated that only 0.08 acres will be disturbed, thus a SWPPP will not be necessary.
30. It shall be at the discretion of the Planning Board as to whether a SWPPP shall be required for disturbances of less than 1-acre and which are not otherwise subject to such regulations.
STATUS: N/A
31. Environmental Assessment Form with Part 1 completed.
STATUS: Provided.
32. Other elements or information integral to the proposed development as considered necessary by the Planning Board.
 1. Screening around the garbage areas.
 2. Parking - Identify parking spots on the side of the building.

C. General Municipal Law 239-m:

In accordance with NYS General Municipal Law Section 239-m, the Town of Johnstown Planning Board shall refer projects to the Fulton County Planning Board to assess any regional impacts that are within 500' of a municipal boundary, county or state existing or proposed road, a county or state existing or proposed park or recreation area, a county or a state-owned property (existing or proposed, on which a public building or institution is located), or a farm operation located within an agricultural

district. Project referrals include Site Plan, Special Use Permit, Zoning Amendments, Comprehensive Plans, or other authorizations which the Board may issue under zoning provisions.

Does the Planning Board feel there is enough information to provide to the Fulton County Planning Board at this time?

MOTION: To forward Firas Chaabani's project for a Site Plan of a Retail Store (Grab and Go Deli) at 4207 State Highway 30 within the Town of Johnstown to the Fulton County Planning Board for a 239-m review for the May 21, 2024 meeting.

MADE BY: Michael DiMezza

SECONDED: Treavor Gilday

VOTE: Unanimous

D. State Environmental Quality Review Act (SEQRA):

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 a significant adverse impact on the environment. Once an action is determined to be Type II, no further environmental review is required. Section 617.5(c) provides the following actions that are not subject to a Type II Action.
4. It is recommended that the project be classified as an Unlisted Action under SEQRA and to do a coordinated review with the following Involved or Interested Agencies: NYS Department of Transportation, NYS Department of Health, NYS Department of Environmental Conservation.

MOTION: To classify Firas Chaabani's project as an Unlisted Action and to do a Coordinated Review and give the Interested and Involved Agencies until May 22, 2024 to comment.

MADE BY: Tracy Gutowski

SECONDED: Ron Cetnar

VOTE: Unanimous

E. Planning Board Action:

Does the Planning Board feel as though there is enough information to schedule a Public Hearing for the May 22, 2024 Town of Perth Planning Board meeting?

MOTION:	To schedule a Public Hearing for May 22, 2024.
MADE BY:	Kaleb Walker
SECONDED:	Treavor Gilday
VOTE:	Unanimous

V. JOE CASSELLA – SITE PLAN REVIEW FOR AN EXPANSION OF A RESTAURANT (CHEF NICOLINO’S) AT 4515 STATE HIGHWAY 30:

A. Background:

Joe Cassella is seeking to expand Chef Nicolino’s at 4515 State Highway 30 (Tax Map Parcel No. 178.4-1-9) which is approximately 3.70+/- acres in size, and 121 Voorhees Road (Tax Map Parcel No. 178.-9-1) which is approximately 13.10+/- acres in size.

A Restaurant is a permitted use within the Commercial-Residential (Per the Town’s Zoning Ordinance, a Restaurant is defined as “a commercial establishment where food and beverages are prepared, served, and consumed primarily within the principal building and where food sales constitute more than 80 percent of the gross sales receipts for food and beverages.”

DISCUSSION:

Mr. Cassella stated that the project will include a new façade on the front of the building which will be expanded upon. He mentioned he plans to expand the parking area and include a new septic system that will be located on a parcel behind that will a lot line adjustment will merge that back parcel.

B. Fulton County Planning Department Review:

The project has been reviewed under Article 10 – Site Plan Review under the Town of Perth’s 2017 Zoning Ordinance and the following comments have been made:

1. Title of drawing, including name and address of applicant and person responsible for preparation of such drawing.
STATUS: Provided.
2. North arrow, scale and date.
STATUS: Provided.
3. Boundaries of the property plotted to scale of one inch to 50 feet (if the property is located in more than one zoning district, the boundaries of the districts shall also be shown).
STATUS: Provided.
4. Existing contours (unless otherwise indicated by the Planning Board, two-foot contours shall be required showing the topography for all disturbed areas of the parcel and land within 100 feet of such areas).
STATUS: Provided.
5. Existing watercourses and wetlands.
STATUS: N/A
6. Grading and drainage plan, showing existing and proposed final contours.
STATUS: Not Provided. This will need to be updated and NYS Department of Transportation may provide insight during the SEQR process.
7. Location, design, type of construction, proposed use and exterior dimensions of all buildings.
STATUS: ?
DISCUSSION: Mr. Cassella indicated he would provide materials to the Planning Board for the next meeting.

8. Location and widths of existing and proposed driveways for the site and access to existing roads and highways. Location to nearest intersection of public roads to be provided.
STATUS: Provided.
9. Location, design and type of construction of all parking and truck loading areas, showing access and egress.
STATUS: Provided.
10. Provision for pedestrian access if applicable.
STATUS: N/A
11. Location of outdoor storage, if any.
STATUS: N/A
12. Location, design and construction materials of all existing or proposed site improvements including drains, culverts, retaining walls and fences.
STATUS: Provided.
13. Description of the method of sewage disposal and location, design and construction materials of such facilities; Percolation and deep hole tests must be performed in the immediate vicinity of the leach field location.
STATUS: The applicant has indicated an expansion of the current septic system located on 121 Voorhees Road, a 14 lateral @ 75 LF and identified a replacement area. It is recommended to wait on comments on this until NYS Department of Health has had a chance to weigh in.
14. Description of the method of securing potable water and location, design and construction materials of such facilities.
STATUS: The applicant had indicated two (2) wells on the property: on the patio on the southern portion of the property, which is used for the restaurant, and north of the accessory structure, which is a water source for that building.
15. Location of fire and other emergency zones, including the location of fire hydrants.
STATUS: N/A
16. Location, design and construction materials of all energy distribution facilities, including electrical, gas and alternative energy.
STATUS: N/A
17. Location, size and design and type of construction of all proposed signs.
STATUS: Not Provided. The applicant is still working on signature configuration which he will talk to the Code Enforcement Office on the matter.
18. Location and proposed development of all buffer areas, including existing vegetative cover.
STATUS: N/A
19. Location, design, type, and uses of exterior lighting and signs.
STATUS: Not Provided.
20. The type, location, and hours of activities likely to generate noise or ground vibrations of a magnitude as to be a public concern.
STATUS: Monday – Sunday: 11:30 am – 10:00 pm, with the possibilities of extending depending on special events.
21. Location and design of outdoor lighting facilities.
STATUS: Not Provided.
22. Identification of the location and amount of building area proposed for retail sales or similar commercial activity.
STATUS: N/A
23. General landscaping plan and planting schedule.
STATUS: ?
DISCUSSION: Mr. Cassella indicated he would provide a landscaping plan at the next meeting.
24. The approximate location of wells and septic systems on adjacent properties must be noted.
STATUS: Provided.
25. An estimated project construction schedule.
STATUS: Restaurant and Patio 3 months. Pavilion Spring 2025.

26. Record of application for and approval status of all necessary permits from federal, state and county officials.
STATUS: CO from Code Enforcement Office and sign off from NYSDOH.
27. Identification of any federal, state or county permits required for the project's execution.
STATUS: N/A
28. Description of the proposed use or uses, including hours of operation, number of employees, expected volume of business, and type and volume of traffic expected to be generated.
STATUS: 10 – 14 employees inside the Restaurant. Pavilion will be seasonal and may add additional employees when the project is finished.
29. Stormwater Pollution Prevention Plan (SWPPP) for all land development activities (excluding agricultural activities) on the site that result in land disturbance of 1-acre or more. A SWPPP shall comply with NYSDEC requirements for stormwater discharges from construction activities.
STATUS: The applicant identified that total acreage to be disturbed is .81 acres, which is under the one-acre threshold for a SWPPP.
30. It shall be at the discretion of the Planning Board as to whether a SWPPP shall be required for disturbances of less than 1-acre and which are not otherwise subject to such regulations.
STATUS: N/A
31. Environmental Assessment Form with Part 1 completed.
STATUS: Provided.
32. Other elements or information integral to the proposed development as considered necessary by the Planning Board.
 1. Lot Line Adjustment to convey property for the proposed septic on 121 Voorhees Road to 4515 State Highway 30.
 2. Electric Copy of the Site Plan and future files
 3. ADA Parking away from the Restaurant and proposed accessory structure:
 4. Location Map of the Project:
 5. Elevations of the proposed building.

C. NYS General Municipal Law Section 239-m:

In accordance with NYS General Municipal Law Section 239-m, the Town of Johnstown Planning Board shall refer projects to the Fulton County Planning Board to assess any regional impacts that are within 500' of a municipal boundary, county or state existing or proposed road, a county or state existing or proposed park or recreation area, a county or a state-owned property (existing or proposed, on which a public building or institution is location), or a farm operation located within an agricultural district. Project referrals include Site Plan, Special Use Permit, Zoning Amendments, Comprehensive Plans, or other authorizations which the Board may issue under zoning provisions.

Does the Planning Board feel there is enough information to provide to the Fulton County Planning Board at this time?

DISCUSSION: Vice-Chairman Gilday asked that the application be held back before referring, as there are still a lot of information necessary from the applicant.

D. State Environmental Quality Review Act (SEQRA):

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 SEQRA 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 SEQRA. These actions have been determined not to have a significant adverse impact on the environment. Once an action is determined to be Type II, no further environmental review is required. Section 617.5(c) provides the following actions that are not subject to a Type II Action.
4. It is recommended that the project be classified as an Unlisted Action under SEQRA and to do a coordinated review with the following Involved or Interested Agencies: NYS Department of Transportation, NYS Department of Health, NYS Department of Environmental Conservation, and NYS Agricultural and Markets.

MOTION: To classify Joe Cassella proposed project as an Unlisted Action and to do a Coordinated Review and give the Interested and Involved Agencies until May 22, 2024 to comment.

MADE BY: Treavor Gilday
 SECONDED: Tracy Gutowski
 VOTE: Unanimous

E. Planning Board Action:

Does the Planning Board feel as though there is enough information to schedule a Public Hearing for the May 22, 2024 Town of Perth Planning Board meeting?

DISCUSSION: The Planning Board agreed there was still a lot of information necessary from the applicant and wished to table further discussion until next month.

MOTION: To table discussion on Joe Cassella's Site Plan applicant until more information is provided.

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

VI. OTHER BUSINESS:

A. Planning Board Chairman:

Chairman Cetnar stated the next meeting will be on Wednesday, May 22, 2024.

Chairman Cetnar indicated that perc. and pit tests should be on every Subdivision, Site Plan and Special Use Permit.

B. Fulton County Planning Department:

Mr. Enfield indicated there will be an application for a cell tower in May.

Mr. Enfield indicated the Planning Department has spoken to the Towns of Mayfield and Perth to look at getting sewer from Vails Mills south along NYS-30 to the Fulton/Montgomery County Line. He indicated that a survey is out for residents to fill out.

C. Concerns from Residents of Sacandaga Road

Residents of Sacandaga Road spoke out on the aggression they have been receiving from SunEast Development's proposal for a 100 MW Utility-Scale Solar project, which would be reviewed by the Office of Renewable Energy under 94-C. They expressed frustration as the homeowners have been barraged with phone calls and visits from the developers and do not want to lease their land.

Planning Board members and residents of Sacandaga Road had a back and forth conversation. One resident indicated by one of the residents that Cordelio is a holding Company with SunEast Development.

Another resident pointed out while he has no concern with Skiff's doing solar on his property, a homeowner's rights to not allow for solar should be granted to them.

A third resident of Sacandaga Road mentioned indicated that all of the neighbors would need to sign off to make the 100 MW project feasible and inquired if the extension for the delay has to deal with the fact they wish to make the project bigger.

A fourth resident indicated that could eminent domain come into power should neighbors around sign off and they are holding out.

Ms. Gutowski indicated that some residents have signed an agreement with SunEast Development as the money being offered to them is substantial.

Mr. Enfield indicated that it may be a civil matter, not a Town or Planning Board matter, and contacting the Sheriff's Office may be the way to go.

VII. CLOSE OF THE MEETING:

MOTION: To close the meeting at 8:55pm.

MADE BY: Ron Cetnar
SECONDED: Tracy Gutowski
VOTE: Unanimous