

# TOWN OF PERTH PLANNING BOARD

May 22, 2024

6:00 P.M.

PERTH TOWN HALL

## MEETING NOTES

### **PRESENT:**

- X **RON CETNAR, CHAIRMAN**
- TREAVOR GILDAY, VICE-CHAIRMAN**
- DIANE CONRAD**
- MICHAEL DIMEZZA**
- X **BOB GORDON**
- X **TRACY GUTOWSKI**
- NICHOLE SURENTO**
- X **KALEB WALKER, ALTERNATE**
  
- MARK CONCILLA, CODE ENFORCEMENT OFFICER**
- X **AARON ENFIELD, FULTON COUNTY SENIOR PLANNER**

### **OTHERS:**

Hyde Clarke, Young Sommer  
Joe Hitchcock  
Joe Cassale  
Richard Nolan, Nolan Engineering  
Firas Chaabani

### **AGENDA:**

- Open Public Comment
- King FC Properties, LLC (Firas Chaabani) – Public Hearing – Site Plan Review for a Retail Store (Grab-and-Go Deli) at 4207 State Highway 30 (SBL 166.4-1-21)
- New York RSA 2 Cellular Partnership (Verizon Wireless) – Site Plan Review for a Cell Tower at 742 W. County Highway 126 (SBL 167.1-42.11)
- Joseph Cassella – Site Plan Review Restaurant Expansion (Nicolino’s Restaurant) at 451 State Highway 30 (SBL 178.-9-1 & 178.4-1-9)
- SunEast Limestone – Fifth 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: 01 pm

### **III. OPEN PUBLIC COMMENT:**

The Town of Perth Planning Board offers a public comment period at the beginning of each of its meetings in an effort to allow the community an opportunity to comment or provide insight on a

particular land use planning and/or zoning issue in the Town. This comment period is not a public hearing and the Planning Board asks that you save comments regarding a particular project that is before the Board until the actual public hearing on the specific application itself. The Planning Board also asks that you not use the public comment period as a question and answer session since Board members will not enter into a dialogue regarding any particular issue.

DISCUSSION: There was no one from the public in attendance to speak on any land use planning and/or zoning issues.

**IV. KING FC PROPERTIES, LLC – PUBLIC HEARING – 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. April 24, 2024 meeting:**

During its April 24, 2024 meeting, the Perth Planning Board started its review of King FC Properties’ Site Plan Review for a change of use of a Retail Store (Grab-n-Go Deli) within the Town of Perth. At that time, the Planning Board asked that the following information be provided prior to the Public Hearing:

1. Topography  
STATUS: Provided.
2. Dimensions of the Walk-in Cooler  
STATUS: Provided.
3. Screening will be needed around the Dumpster and Oil Recycling area in the rear of the property. Subsequently, the Planning Board will need to know what type of screening is being used.  
STATUS: Provided.

4. Look at the possibility of potentially angling the parking spaces in front of the “Hobby Shop” to mitigate drivers backing out onto NY-30.

STATUS: ?

DISCUSSION: Richard Nolan, Nolan Engineering, indicated that he had spoken with the applicant and will be moving the ADA entrance to the side of the Hobby Shop and not in front of the building.

Chairman Cetnar inquired if there will be tables for dining on the deck.

Firas Chaabani indicated that there will no space for dining at the establishment.

C. General Municipal Law 239-m:

On Tuesday, May 21, 2024, the Fulton County Planning Board, in accordance with NYS General Municipal Law Section 239-m, reviewed the application and offered the following comment:

***The Fulton County Planning Board recommends the project be approved with consideration being given to narrow entrance on NYS-30 with possibilities of repositioning the entrances at front of building.***

Do you wish to override the decision made by the 239-m referral, if so, a super majority, majority plus one (1) is necessary.

MOTION: To approve the Fulton County Planning Board’s recommendation pursuant of GML section 239-m.

MADE BY: Bob Gordon

SECONDED: Tracy Gutowski

VOTE: Unanimous

D. State Environmental Quality Review Act (SEORA):

During the April 24, 2024 meeting, the Planning Board classified this project as an Unlisted Action and asked that NYS Department of Environmental Conservation, NYS Department of Transportation, and NYS Department of Health comment on the project. To date, the following projects have been made.

***NYS Department of Environmental Conservation***

In a letter dated May 8, 2024, Joshua Campbell, indicated that the agency had no objection in the Town Planning Board serving as Lead Agency.

***NYS Department of Transportation***

In an email dated May 9, 2024, Beth Watts indicated the agency concurred that the Planning Board serve as lead agency. Additionally, they offered the following comments

1. A NYSDOT Highway Work Permit will be required for any work performed within the highway right-of-way.
2. No equipment or materials shall be staged in the NYSDOT Right-of-Way.
3. Any proposed signage, parking, and/or landscaping will need to be located on private property and not on NYSDOT right-of-way.
4. The property entrance will need to be updated to meet NYSDOT standards.
  - a. A paved apron is required
  - b. The entrance shall include:
    - i. A grassed island and one way in
    - ii. Or a design that includes only one way in and only one way out.
5. Plans shall include:
  - a. Turning templates for the largest design vehicle for ingress/egress.
  - b. Dimension distances between the right-of-way and proposed parking.

- c. Dimension distance between proposed parking spaces.
- 6. Any new or proposed utility connections will require a separate utility permit.

***NYS Department of Health***

In a letter dated May 22, 2024, Chris Demme indicated that this project needs to be classified as a Type I Action under NYCRR Part 97.14, per the Department of Health, which also has their own Type I Action, which is 97.14 (2)(i) public water system, community or non-community. Mr. Demme also indicated that the drawings were not signed or dated. NYSDOH also indicated the following comments:

**Water Supply:**

- 1. The water system design will require approval by NYSDOH before it is constructed or modified at the proposed food service establishment
- 2. If the well is determined to be satisfactorily located, constructed, and protected for use as a public water source, raw water sampling will be required to determine what treatment will be necessary.

**Sewage and Disposal Treatment:**

- 1. The sewage system design will need to be submitted to this office for review and will need to be accepted or approved prior to its use as a food service establishment.

**MOTION:** To Declare Lead Agency on Firas Chaabani’s Site Plan for a for a Retail Store (Grab-n-Go Deli) along NYS-30.

**MADE BY:** Bob Gordon

**SECONDED:** Ron Cetnar

**VOTE:** Unanimous

**E. Public Hearing:**

The Public Hearing was opened at 6:16 pm

Speakers: None

The Public Hearing was closed at 6:17 pm

**F. SEQRA (cont.):**

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

**MOTION:** Authorizing the filing of a Negative Declaration on the proposed project since:

- 1. SEQR Coordination has been done between the New York State Department of Environmental Conservation (NYSDEC), NYS Department of Transportation, and NYS Department of Health (NYSDOH)
- 2. The proposed business is a change of use for an existing building with some minor exterior enhancements. The new business meets one (1) recommendation of the Town of Perth Comprehensive Plan (2013): The Town will encourage a mixture of retail, service, and recreational businesses.
- 3. Public utilities are readily available to service a new lot.
- 4. NYSDOT has recognized narrowing the entrance off NYS-30 that the applicant will need to comply with and update on the Site Plan prior to the issuing of a Certificate of Occupancy by the Town Code Enforcement Office.
- 5. NYSDOH has recognized concerns with the well and septic which the applicant will need to comply with prior to open. While NYSDOH has their own set of SEQR regulations not within the SEQR handbook, the Perth Planning Board indicated not redoing SEQR and for the applicant to work

directly with NYSDOH prior to the issuing of a Certificate of Occupancy by the Town Code Enforcement Officer.  
And to authorize the Fulton County Planning Department to fill out Part 2&3 of the Environmental Assessment Form

MADE BY: Bob Gordon  
SECONDED: Ron Cetnar  
VOTE: Unanimous

G. Planning Board Action:

At the conclusion of the Public Hearing the Planning Board has 62 days to make a final determination. Does the Planning Board wish to make one at this time?

MOTION: To (approve)(disapprove) King FC Properties (Firas Chaabani) Grab-n-Go Deli with the following conditions:

1. The property entrance will need to be updated to meet NYSDOT standards: (1) a paved apron is required, and (2) Entrance shall include (a) grassed island and one way in, or (b) a design that includes only one way in and only one way out;
2. Plans will need to be updated to include: (1) Turning templates for the largest design vehicle for ingress/egress, (2) dimension; distances between the right-of-way and proposed parking, and (3) dimension distance between proposed parking spaces
3. Will need to have approval from New York State Department of Health on the well and septic system; and
4. Amend parking
  - a. Removing from the west side of the parcel; and
  - b. Relocate the ADA parking spot on the side south side of the "Hobby Shop."

MADE BY: Bob Gordon  
SECONDED: Tracy Gutowski  
VOTE: Unanimous

V. **NEW YORK RSA 2 CELLULAR PARTNERSHIP (VERIZON WIRELESS) – SITE PLAN FOR A WIRELESS COMMUNICATION TOWER AT W. COUNTY HIGHWAY 126:**

A. Background:

Verizon Wireless is looking to construct a cellphone tower at W. County Highway 126 (Tax Map Parcel No. 167.-1-42.11) that is approximately 9.625+/- acres in size and owned by John and Isabel Reale. The installation will consist of a 155' monopole (159' including 4' lighting rod), nine (9) antennas and related equipment to be mounted to the tower at a center-line height of 150', cellular and utility equipment at grade in a proposed 50'x50' fence compound. The project also included the installation of power and fiber utilities to service the facility.

The existing road by the applicants will be utilized by Verizon Wireless with no need curb cuts occurring on County Road 126. The proposed community tower will be unmanned and will be visited routinely approximately 1 – 3x per year.

The proposed project is located within the Agricultural-Rural Residential A-R Zoning District. Commercial-Residential Zoning District and a Wireless Communication Tower can be defined as "any structure that is designed and constructed primarily for the purpose of supporting one (1) or

more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. Wireless Communication Towers are governed by standards outlined in Article 7 of the Zoning Ordinance.

There are no wetlands on the property; however, there are properties within 500' that are within the Agricultural District

**DISCUSSION:**

Hyde Clarke, Young/Sommer, gave an overview of the project stating that the project meets or exceeds any requirements by the Town Zoning Code. He stated that area of the County has had cellphone issues and this is new tower would meet the needs for the citizens through the ConnectALL program.

**B. Fulton County Planning Department Review:**

The Fulton County Planning Department has reviewed the application per Article 7 Supplemental Regulations and offer the following comments:

1. A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning of the site and all properties within the applicable separation distances set forth in this Article, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the Planning Board to be necessary to assess compliance with this Article.  
STATUS: Provided
2. Legal description of the parent tract and leased parcel (if applicable).  
STATUS: Provided.
3. The setback distance between the proposed tower and the nearest residential unit and residentially zoned properties.  
STATUS: PROVIDED. As the project is within the A-R Zoning District. only the setbacks apply. Subsequently, the nearest home (the applicants) is 634' away from the tower.
4. The separation distance from other towers described in the inventory of existing sites submitted pursuant to Paragraph C of Section, General Requirements, shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.  
STATUS: The applicant identified that this area will benefit Honeywell Corners with the nearest towers being Vails Mills, Amsterdam Relo, and Hagaman.
5. A landscape plan showing specific landscape materials.  
STATUS: No Landscaping is proposed.
6. Method of fencing, finished color and, if applicable, the method of camouflage and illumination.  
STATUS: on C-2 a 50X50 Galvanized fence is proposed however, no color has been indicated. The applicant has also indicated gravel surfacing inside the fence.
7. A description of compliance with Paragraphs (3), (4), (5), (6), (7), (10), (12), and (13) of Subsection G, General Requirements, of this Section and the height and separation distances prescribed in this Article and all applicable federal, state or local laws.  
STATUS: The Applicant has indicated the following of page 4 of the Verizon Packet:

1. Facility is Necessary: The Applicant has provided expert proof in the form of a report from its Radio Frequency (RF) Design Engineer depicting the area that the communications facility proposed needs to be located (the "search area") in order to provide adequate and safe signal strength and coverage to the Perth area. This report (i) clearly demonstrates that there is an inadequate and unsafe level of service in the Perth area; and (ii) concludes that a new communications facility is necessary to provide adequate and safe hand-held telephone service to this area. The site is also intended to fill in a large coverage gap in Verizon Wireless' network by effectively filling a large service gap from the northwestern portion of the Town of Perth. Specifically, providing improved coverage along routes 107,126, and up into Honeywell Corners; as well as several other local community roads across the Targeted Improvement and several miles of local and rural roads in Perth and to surrounding homes, local roads and businesses throughout the northwestern section of the Town [TAB 6].
2. No Existing Suitable Towers or Other Tall Structures: In connection with this evaluation and in compliance with Article 7(D)(7), the Applicant has retained the services of a real estate expert working in the telecommunications field to complete a report of existing towers and other tall structures in the Town of Perth and surrounding environs. Based upon a thorough review of the area, there are no suitable existing towers or other tall structures in the search area that will enable Verizon Wireless to provide the necessary level of service to the Targeted Improvement Area. Accordingly, construction of a new communications facility is required [TAB 6].
3. Proposed Site Meets Coverage Objectives: As there are no suitable existing towers or other tall structures in the search ring, construction of a new tower at a new location is required. Based upon this thorough evaluation of the search area, the Perth site is the most suitable location for Verizon Wireless' proposed new communications facility. A propagation study documenting the new cellular coverage that will be achieved from the proposed site at a height of 155± ft. AGL (159± ft. when including a 4+ ft. lightning rod) is set forth at TAB 6. As this demonstrates, a new facility at this location wienable the Applicant to provide adequate and safe emergency and nonemergency Verizon Wireless communications services to the target area and satisfy all applicable coverage objectives outlined above.
4. Height Justification: Verizon Wireless' RF Design Engineer has documented that distance to adjoining cell sites, topography, terrain variations, vegetation and other factors necessitate a minimum tower height of 155± ft. (159± ft. when including a 4± ft. lightning rod) to provide an adequate and safe level of service to the Perth area [TAB 6].

This height will also further the objective of the Zoning Law to minimize the number of new towers by fostering the development of communications facilities capable of supporting multiple users, {see, e.g., Zoning Law Article 7(D)(4)(n)}.

5. Siting Hierarchy: Zoning Law Article 7(D)(7) generally sets forth desire for collocation on other towers and location on other tall structures before the construction of a new telecommunications facility in the Town. TAB 6 describes the site selection process with respect to the siting hierarchy. As noted therein, there are no existing or approved towers or other tall structures that are in an appropriate location with an appropriate height to provide the necessary coverage. As a result, a new tower is required. 6. Inventory of Existing Sites: Pursuant to Zoning Law Article 7(D)(4)(c), Verizon Wireless has included an inventory of existing sites within reasonable distance of the proposed site, with the sites shown within the RF Analysis in TAB 6.
8. A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.  
STATUS: Provided.

9. Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.

STATUS:?

DISCUSSION: Besides Verizon, are there other wireless providers that hope to connect to this new tower?

10. A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.

STATUS: N/A This is a construction of a new tower

DISCUSSION:

11. A description of the feasible location(s) of future towers or antennas within the Town of Perth based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

Status: This Tower has the ability to offer three (3) additional wireless communication

DISCUSSION:

Chairman Cetnar inquired if Verizon would have an easement to access the property.

Mr. Hyde-Clarke stated the applicant would have a 30' easement to access the tower.

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 location), or a farm operation located within an agricultural district. Project referrals include Site Plan, Special Use Permits, Zoning Amendments, Comprehensive Plans, or other authorizations that 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 the proposed project to the Fulton County Planning Board for the June 18, 2024 meeting pursuant of GML Section 239-m.

MADE BY: Bob Gordon

SECONDED: Kaleb Walker

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 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 Environmental Conservation.

MOTION: To classify the proposed project as an Unlisted Action and recommend Interested and Involved Agencies until Wednesday, June 25, 2024 to offer comments on the project.

MADE BY: Bob Gordon  
 SECONDED: Kaleb Walker  
 VOTE:

E. 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 within 500' of the proposed project:

1. Lee Hollenbeck
2. Robert Douglas

MOTION: To send an Agricultural Data Statement as to Lee Hollenbeck and Robert Douglas as their properties are within 500' of the proposed project.

MADE BY: Bob Gordon  
 SECONDED: Kaleb Walker  
 VOTE: Unanimous

F. Planning Board Action:

Does the Planning Board feel as though there is enough information to schedule a Public Hearing for the Wednesday, June 26, 2024?

MOTION: To schedule a Public Hearing on Wednesday, June 26, 2024.

MADE BY: Tracy Gutowski  
 SECONDED: Bob Gordon  
 VOTE: Unanimous

**VI. 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.”

**B. April 24, 2024 meeting:**

During its April 24, 2024 meeting, the Perth Planning Board started its review of your proposed expansion of Chef Nicolino’s. The Planning Board recognized that more information was needed and requested the following information:

1. Elevation (architectural) drawings of the pavilion in the rear of the property and if available, the drawings of the patio expansion.  
STATUS: Not Provided.  
DISCUSSION: Mr. Cassella stated he had an electronic version of the drawings and would email them over to the Planning Board to review for the next meeting.
2. A Landscaping Plan and preliminary Planting Schedule for the site will need to be provided.  
STATUS: Provided.
3. The location and design of all new outdoor lighting will need to be identified.  
STATUS: Partially Provided. The type of lighting used will need to be identified.  
DISCUSSION: Mr. Cassella stated he would provide it for the next meeting.

**FURTHER DISCUSSION:**

Mr. Cassella stated the new septic system will be for the pavilion only and will be able to house 135-200 patrons. Subsequently, he mentioned the current septic system will be able to accommodate the increase patron use in the restaurant.

Mr. Enfield mentioned that with the back parking area not paved there may be a concern for patrons unknowingly drive onto the septic system. He asked that a barrier be placed, such as a split rail fence, that would be an inexpensive fix for the applicant.

Mr. Gordon inquired on the timeline of the project.

Mr. Cassella stated that he wanted to start work on the restaurant in September 2024 and the pavilion in the spring of 2025.

**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?

MOTION: To forward Joe Cassella’s proposed project for an expansion of a Restaurant (Chef Nicolino’s) at 4515 State Highway and 121 Voorhees Road within the Town of Perth

MADE BY: Bob Gordon  
SECONDED: Tracy Gutowski  
VOTE: Unanimous

D. State Environmental Quality Review Act (SEQRA):

During the April 24, 2024 meeting, the Planning Board classified this project as an Unlisted Action and asked that NYS Department of Environmental Conservation, NYS Department of Transportation, and NYS Department of Health comment on the project. To date, the following projects have been made.

***New York State Department of Transportation***

In an email dated May 9, 2024, Beth Watts indicated that NYSDOT has no objection in the Planning Board serving as Lead Agency. She also indicated the following comments:

1. A NYSDOT Highway Work Permit will be required for any work performed within the highway right-of-way.
2. No equipment or materials shall be staged in the NYSDOT Right-of-Way.
3. Any proposed signage, parking, and/or landscaping will need to be located on private property and not on NYSDOT right-of-way.
4. Please elaborate on the use for the expansion
  - i. Appears to be over 100 parking spaces proposed. Please provide existing versus new trips.
5. Plans should include turning paths for the largest design vehicle that will be on the property.
6. Please provide a drainage report.
7. A Work Zone Traffic Control Plan will be required.
8. The entrance will need to be reconfigured to include only one entrance and one exit. The remaining frontage space will need to be closed up.

***New York State Department of Environmental Conservation***

In a letter dated May 10, 2024, Joshua Campbell indicated that the agency concurred with NYSDEC serving as lead agency. He additionally provided the following comments:

1. Construction Stormwater Management: Disturbance of more than one acre of total land will require a SPDES General Permit for Storm Water Discharges from Construction Activities. This general permit requires development of a Storm Water Pollution Prevention Plan, and submission of a Notice of Intent to DEC.
2. State Pollutant Discharge Elimination System (SPDES) Wastewater Permit: A SPDES permit is required for any facility which has a surface discharge or discharges more than 1,000 gallons per day of sewage-wastewater into ground waters of the state.

***New York State Department of Health***

In a letter dated May 15, 2024, Chris Demme indicated the following comments while concurring that the Planning Board serve as Lead Agency:

1. The EAF includes parcel 178.4-1-9 but not 178-9-1 where the additional parking and septic will be located and was unsure if the information provided is complete or accurate.
2. Box 17 of the EAF states there will be no stormwater discharge, however the applicant will be adding impervious areas (roofs and parking). Without mitigation it can be expected this will increase the quantity and the rate of run off from the site. No documentation has been provided.

3. Sheet C101 is different in the SEQR application than what was provided to the agency and clarification is needed.
4. Soil evaluations provided on the plans indicate a new onsite sewage disposal systems which indicated soil mottling was observed at 12 inches below grade which is indicative of the seasonal high groundwater reaching that level. In general the Town of Perth has high groundwater conditions in the NYS-30 corridor

MOTION: Declaring the Planning Board as Lead Agency for purposes of issuing a determination of significance under SEQR.

MADE BY: Bob Gordon  
 SECONDED: Tracy Gutowski  
 VOTE: Unanimous

E. Planning Board Action:

Planning Board members felt there was enough information to schedule a Public Review with the information the Planning Board requested.

MOTION: To schedule a Public Hearing on Wednesday, June 26, 2024.

MADE BY: Bob Gordon  
 SECONDED: Tracy Gutowski  
 VOTE: Unanimous

**VII. 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.

On Wednesday, April 24, 2024, the Town of Perth Planning Board granted a Fifth Extension on the project until April 30, 2025, with the stipulation that the Fulton County Planning Department speak with the applicant monthly before the meeting.

May 2024: Fulton County Senior Planner Aaron Enfield in a phone conversation dated May 22, 2024, with Mike Mantell (Santec), and Chet McLaughlin & Joe Kirists (SunEast Development), indicated they are still waiting for the study to be completed and no timeline has been given to them by NYISO.

**VIII. OTHER BUSINESS:**

A. Planning Board Chairman:

Chairman Cetnar stated that June 26, 2024, would be the next meeting.

Chairman Cetnar stated concern about the way Fritz Firewood has been keeping up their site and was going to speak with the Town.

B. Fulton County Planning Department:

Mr. Enfield stated that due to his schedule, he would have to push back working on the Comprehensive Plan.

Chairman Cetnar asked that data and work to be emailed to him so the Planning Commission can continue its work.

Mr. Enfield stated that the Fulton County Planning Board scheduled a second training focusing on the Adirondack Park Agency in early October.

**IX. CLOSE OF THE MEETING:**

MOTION: To close the meeting at 8:14 pm

MADE BY: Bob Gordon

SECONDED: Tracy Gutowski

VOTE: Unanimous