



Fulton County Planning Board Monthly Meeting

Fulton County Planning Office | 1 East Montgomery Street | Johnstown, NY 12095

**Tuesday, February 21, 2023
8:45 a.m.**

Meeting Notes

Present:

Dave Rackmyre, Jr., Chairman (Code Enforcement Officer for Town of Oppenheim, Town of Stratford)
James Anderson, Vice Chairman (City of Gloversville)
Walter Fitzgerald (Town of Northampton)
Colleen Ioele-DeCristofaro (City of Johnstown)
John Kessler (Town of Mayfield)
Jerry Moore (Town of Mayfield)

Aaron Enfield, Senior Planner

1. Call the Meeting to Order

The meeting was called to order at 8:46 am followed by the Pledge of Allegiance.

2. Approval of Minutes to the January 17, 2023 Meeting:

MOTION: To approve the January 17, 2023 meeting minutes as presented.

MADE BY: Walter Fitzgerald

SECONDED: Colleen Ioele-DeCristofaro

VOTE: 6 in favor, 0 opposed

3. General Municipal Law:

In accordance with New York State General Municipal Law § 239-m, the following applications were forwarded to the County Planning Board for review:

A. Town of Mayfield Planning Board – George and Christine Vallone – Special Use Permit for Tourist Accommodation at 110 Wagoner Road:

George and Christine Vallone are proposing the construction of a Tourist Accommodation at 110 Wagoner Road (Tax Map Parcel No. 74.9-4-1, that is approximately 0.27 +/- acres, Tax Map Parcel No. 74.9-4-2 that is approximately 0.39 +/- acres in size, Tax Map Parcel No. 74.9-4-3, that is approximately 0.42 +/- acres in size, and Tax Map Parcel No. 74.9-4-4, that is approximately 0.86 +/- acres in size. The parcels are zoned MU-1 (Mixed Use 1). The applicants recently purchased the property in December of 2022 and it is their intention to combine the four (4) lots and create one large lot. The applicants will then demolish the five (5) existing cabins and garage that are in disrepair and reconstruct them in new locations on the property in order to meet the current zoning setback requirements. Three (3) of the cabins will be a 2 bedroom 26' x 30.5' A-frame with a small deck, and one (1) cabin will be a four (4) bedroom wood frame 40' x 41' with a 12' deck facing the Great Sacandaga Lake. The existing single-family home on the property is intended to remain.

The Town of Mayfield 2017 Zoning Ordinance defines Tourist Accommodation as “any hotel, motel, resort, tourist cabin or similar facility designed to house to the general public. Excludes RV Park/Campground.” It is an allowed use under Special Use Permit.

On February 16, 2023, the applicant went before the Town of Mayfield Planning Board and subsequently approved the property transaction with George and Christine Vallone as a Lot Line Adjustment and was not subject to the Town’s Subdivision Regulations.

PLANNING BOARD DISCUSSION:

After a back-and-forth conversation, County Planning Board members felt there would be no regional implications with this project.

PLANNING BOARD ACTION:

MOTION: Recognizing no regional implications that could occur from George and Christine Vallone’s Special Use Permit application for Tourist Accommodations at 110 Wagoner Road and for the Fulton County Planning Board to offer no recommendation to the Town of Mayfield Planning Board

MADE BY: James Anderson

SECONDED: Dave Rackmyre

VOTE: 4 in favor, 0 opposed, 2 abstain (John Kessler, Jerry Moore)

B. Town of Oppenheim – Municipal Building at 110 NYS Route 331 at the corner of NYS Route 29:

The Town of Oppenheim is proposing to construct a new 3,520 sq. ft. one-story wood-framed municipal building including a parking lot and site plan improvements at the corner of NYS Route 331 and NYS Route 29 (Tax Map Parcel No. 126.2-1-48.5). The Town recently combined Tax Map Parcel Nos. 126.2-1-45.1, 126.2-1-47, 126.2-1-48 & 126.2-1-49 into one larger lot.

No buildings will need to be demolished to accommodate the new building. The proposed building will include offices, a kitchenette area, an assembly area to be used for court or other public gatherings. as well as judge’s accommodations. A sidewalk will be constructed around the building and connect to a parking lot which will accommodate 38 parking spaces including two handicap accessible spaces.

Two existing curb cuts connecting to State Hwy 331 will each be used for both ingress and egress of vehicles exiting the parking lot. The parking lot will be paved with asphalt and curbing will be used to prevent vehicles from disturbing the grass. The Town plans on adding a sign in the grass buffer area separating the parking from State Hwy 331. A well will be drilled and septic system will be constructed meeting the required offsets identified by the NYS Department of Health. Electrical accommodations will be provided underground across the site connecting to one of the numerous power poles along the road.

This project is expected to be constructed no later than the Fall of 2023.

PLANNING BOARD DISCUSSION:

Chairman Dave Rackmyre, Jr., who also serves as the Town of Oppenheim Code Enforcement Officer, indicated that funding for the building is from Towns allocation from the American Rescue Plan Act (ARPA). He stated that Town Board currently operates out of the Highway Department building, and should a project come before the Town Board that is controversial, there is no meeting space to house attendees.

County Planning Board Member John Kessler inquired if the space will be used for other meetings within the community.

Chairman Rackmyre said that other groups, such as a historical society, would be able to use the new municipal building.

PLANNING BOARD ACTION:

MOTION: Recognizing no regional implications that could occur from the Town of Oppenheim constructing a Municipal Building at 110 County Route 331 at the corner of NYS Route 29A and for the Fulton County Planning Board to offer no recommendation to the Town of Oppenheim Town Board.

MADE BY: John Kessler

SECONDED: Jerry Moore

VOTE: 5 in favor, 0 opposed, 1 abstain (Dave Rackmyre, Jr.)

C. City of Johnstown Planning Board – Liberty Restaurant Development – Site Plan for Fast Food Establishment (Popeyes Restaurant) at 252 North Comrie Avenue:

Background:

Liberty Restaurant Development is proposing the construction of a 2,532 sq. ft. Fast Food Establishment (Popeyes Restaurant) at 252 North Comrie Avenue (Tax Map Parcel No. 163.13-2-14 and 163.13-2-15). The property is approximately 2.78 +/- acres in size. The parcel is within the Arterial Commercial (C-2) Zoning District.

The proposed restaurant will have a double drive-thru. The entire development will be confined within the limits of the existing disturbed/impervious area on the site. The existing curb cut will remain in the same location; however, a typical NYSDOT radius will be developed on the south side of the entrance narrowing the entrance to 30 feet. The Popeyes Restaurant will be constructed to the south of the entrance allowing the current owner to access the remaining lands behind the proposed

development. The proposed development will be land leased from the current owner to Liberty Restaurant, therefore, a subdivision is not required.

The 2,532 sq. ft. single story fast food restaurant will have 24 seats and two drive-thru lanes with a bypass lane merging to one pick up lane. Twenty-five (25) parking spaces with two-way traffic will be developed along the south and west of the proposed restaurant. The existing sidewalk along Comrie Avenue will be connected to the crosswalk between the accessible parking spaces to provide a pedestrian connection to the proposed restaurant. A dumpster enclosure will be constructed behind the proposed building. The dumpster enclosure will be constructed of split faced block to match the proposed building. A new sanitary sewer lateral will connect to the existing sewer along Comrie Avenue. A 1,200 gallon grease trap will be provided in accordance with all local and State requirements. A new 2" copper water service will be connected to the existing water main to provide potable water to the building. A pylon sign will be constructed near the entrance to the parcel. It is anticipated that the restaurant will employ 8-10 workers during the max shift. Anticipated hours of operation will be 10 a.m. to 11 p.m. seven days a week.

PLANNING BOARD DISCUSSION:

Planning Board Member Jerry Moore expressed concern with increased traffic along North Comrie Avenue, as well as issues with doing a left-hand turn from the fast food establishment.

Mr. Enfield stated that, as part of the SEQR coordination, the New York State Department of Transportation (NYSDOT) will most likely be involved, given their location. He indicated he would confirm with the City of Johnstown.

Post Meeting Note: The City of Johnstown Planning Board did a coordinated review with NYSDOT as part of the SEQR process.

PLANNING BOARD ACTION:

MOTION: Recognizing no regional implications that could occur from the Liberty Restaurant Development's application on a Site Plan for a Fast Food Establishment (Popeye's Restaurant) at 252 North Comrie Avenue and for the Fulton County Planning Board to offer no recommendation to the City of Johnstown Planning Board.

MADE BY: John Kessler
SECONDED: Walt Fitzgerald
VOTE: 6 in favor, 0 opposed

4. Planning Board Membership:

The Fulton County Planning Board is a 9-member board with one (1) Alternate member. The Board has been operating for several months with only eight (8) members. On January 11, 2023, Town of Stratford resident Jay Pierz expressed interest in becoming a Board member.

PLANNING BOARD DISCUSSION:

Chairman Rackmyre stated that he has spoken to Town of Stratford Supervisor Richard Fogarty on Mr. Pierz. Supervisor Fogarty mentioned he would be a good addition to the Fulton County Planning Board as a majority of the Planning Board is on the eastern portion of the County.

PLANNING BOARD ACTION:

MOTION: Recommending that Jay Pierz’s name be sent to the Public Works Committee for consideration as a new County Planning Board member.

MADE BY: Dave Rackmyre
SECONDED: Colleen Ioele-DeCristofaro
VOTE: 6 in favor, 0 opposed

5. Activities Report November 2022, December 2022, January 2023:

Each month, County Planning Department staff put together an Activities Report for the Public Works Committee of the Fulton County Board of Supervisors. This Committee is responsible for overseeing the work undertaken by the Planning Department staff. In an effort to give County Planning Board members an idea of the types of issues that are being examined and the types of projects that are currently being worked on by Planning Department staff, the Activities Report is included on the Board’s monthly Agenda.

PLANNING BOARD DISCUSSION:

Planning Board members did not bring any items from the Activities Report up for discussion.

Mr. Moore indicated that he overlooked the report when it came to the other agenda items.

Mr. Enfield mentioned he would resend the Activities Report for his review.

6. Other Business:

Chairman:

March Meeting

Chairman Rackmyre indicated he will not be able to attend the March 2023 meeting.

Fulton County Planning Department:

Training at FMCC

Mr. Enfield reminded Planning Board Members that in-person training at Fulton Montgomery Community College will be held on Thursday, March 23, 2023, from 4:00 pm – 8:00 pm.

Agricultural Plan

Mr. Enfield indicated that the County has received proposals for the Agricultural and Farmland Protection Plan update and will be setting up interviews in the coming weeks.

Other:

Jon Close Farm Solar Project (Boralex)

Mr. Moore indicated that there was a public meeting for the 40 WM Solar Project on Jon Close’s farm near the Great Sacandaga Lake. He stated the developers plan to reroute the snowmobile trail that

currently goes through his property. Mr. Moore also mentioned the Solar Project will be going onto Prime Agricultural Soil.

Mr. Enfield indicated that, given the size of the solar project, local municipalities are unable to review and is done by the Office of Renewable Energy Siting (ORES).

Vice Chairman Anderson expressed concern about solar projects taking over the majority of electrical needs. Subsequently, he also expressed concern if these large-scale solar projects will be receiving PILOTS?

POST MEETING NOTE: In September of 2019, the Fulton County Board of Supervisors enacted Local Law 3 of 2019, which opts out of Section 487 NYS Real Property Law Exemptions for Solar Projects for Solar Farm Projects, which are subject to full taxation. However, it is unclear if this would apply for a project being reviewed by ORES.

7. Close of Meeting:

MOTION: To close the meeting at 9:34 a.m.

MADE BY: James Anderson

SECONDED: John Kessler

VOTE: 6 in favor, 0 opposed