



## FULTON COUNTY PLANNING BOARD MONTHLY MEETING

TUESDAY, APRIL 18, 2023 | 8:45 AM

1 EAST MONTGOMERY STREET, JOHNSTOWN, NY 12095

### 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)  
Peter Goderie (City of Johnstown & Farmer in Town of Perth and Mayfield)  
Colleen Ioele-DeCristofaro (City of Johnstown)  
John Kessler (Town of Mayfield)  
Jerry Moore (Town of Mayfield)  
Jay Pierz (Town of Stratford)

Aaron Enfield, Senior Planner

#### **1. CALL THE MEETING TO ORDER:**

The meeting was called to order at 8:45 a.m.

#### **2. APPROVAL OF THE MARCH 21, 2023 MINUTES:**

##### PLANNING BOARD DISCUSSION:

Planning Board Member Jerry Moore inquired on why CMK Realty ended up with a default approval during the March 2023 meeting? Mr. Moore stated that three (3) members voted in favor and three (3) members had to abstain.

Fulton County Senior Planner Aaron Enfield indicated he would look into the reasoning and would report back to the Planning Board.

*Post Meeting Note: As a result of a tie vote, the Planning Board could have reconvened to meet again to vote on CMK Realty's project. As they did not, the tie defaults to an automatic approval as the Planning Board meets once a month.*

MOTION: To approve the March 21, 2023 meeting minutes as presented.

MADE BY: Peter Goderie

SECONDED: Jay Pierz

VOTE: 8 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 Johnstown Planning Board – Dawn Birdsall – Site Plan for an Accessory Dwelling House Addition at 1274 McGregor Drive (NYS Route 67):**

Dawn Birdsall & Jessie Delorenzo own a parcel at 1274 McGregor Drive (Tax Map Parcel No. 173.-1-12.5) that is approximately 2.3 +/- acres in size. The applicants are looking to construct a 2,300 sq. ft. accessory dwelling unit and attached garage, of which only 1,403 sq. ft. would be livable. The parcel is located within the AUZ Agricultural Zoning District and is an allowed use under Site Plan Review.

During the January 26, 2023 meeting, the Town of Johnstown Zoning Board of Appeals held a public hearing on Dawn Birdsall's request for an Area Variance for the construction of an Accessory Dwelling to be increased from 750 sq. ft. to 2,300 sq. ft., of which only 1,403 sq. ft. would be livable. The remaining would be an attached garage. At the conclusion of the public hearing, the Zoning Board of Appeals unanimously approved the Area Variance.

#### **PLANNING BOARD DISCUSSION:**

After a back and forth conversation, Planning Board members felt that no regional impacts would occur.

#### **PLANNING BOARD ACTION:**

MOTION: Recognizing no regional implications that could occur from 239-m application for Dawn Birdsall's Site Plan for an Accessory Dwelling House Addition at 1274 McGregor Drive (NYS Route 67) and to offer no recommendation to the Town of Johnstown Planning Board.

MADE BY: James Anderson

SECONDED: John Kessler

VOTE: 8 in favor, 0 opposed

#### **B. Town of Johnstown Planning Board – Herbert Green – Site Plan for an Expansion on an Existing Autobody & Paint Shop and Auto Service Repair Garage at 997 State Highway 29A:**

Hebert Green is proposing to construct an addition to an existing Auto Service Business at 977 State Highway 29A within the Town of Johnstown (Tax Map Parcel No. 149.8-28-1). The parcel is approximately .467 acres in size. The applicant would like to build a 1,600 sq. ft. (40' x 40') one-story masonry addition with two (2) additional bays. The property will be paved gravel and offer 16 parking spaces. The property is zoned C-2 and is an existing nonconforming use that would be subject to a Site Plan Review.

Article 15 of the Town of Johnstown Zoning Ordinance defines Autobody & Paint Shop as a "facility which provides repair services for collision and other repairs to the auto body including body frame straightening, replacement of damaged parts, undercoating, and painting. Such repairs does not include mechanical engine or power train repair."

#### **PLANNING BOARD DISCUSSION:**

After a back and forth conversation, Planning Board members felt that no regional impacts would occur.

PLANNING BOARD ACTION:

MOTION: Recognizing no regional implications that could occur from 239-m application for Herbert Green's Site Plan for an Expansion on an Existing Autobody & Paint Shop and Auto Service Repair Garage at 997 NYS Highway 29A and to offer no recommendation to the Town of Johnstown Planning Board.

MADE BY: John Kessler

SECONDED: James Anderson

VOTE: 8 in favor, 0 opposed

**C. Town of Perth Town Board – Amending Zoning Law as it Pertains to Solar Farm Construction and Development:**

During the past several years, the Town of Perth Planning Board has reviewed several Special Permit Applications for Solar Farm operations. While the majority of these applications involved Solar Farm proposals that were situated a significant distance off a public road and not in the immediate vicinity of residential properties, the Planning Board had begun to see applications that encroach closer to these areas. The Planning Board continued to recognize that Solar Farm projects offer Town residents, in particular the Town's farming community, an opportunity to lease or sell portions of their properties to Solar Farm developers in order to generate needed revenue. Consequently, the Planning Board wanted to leave that avenue open to the Town's property owners.

The Planning Board was also cognizant that Solar Farm developers typically look for large tracts of land that are easily accessible and in fairly close proximity to National Grid infrastructure. What the Planning Board wanted to avoid is the inherent conflict that occurs when Solar Farms are located either too close to residential properties or pose adverse visual impacts because of how close they are situated to public thoroughfares. The recent influx of Special Permit Applications for Solar Farm Projects that involve the installation of panels much closer to public roads and to adjacent residential properties had the Planning Board concerned. Therefore, at a minimum, the Planning Board felt that setbacks from public roads and adjacent residential properties needed to be reconsidered.

Another issue of concern to the Planning Board was the increase in Special Permit Applications for Solar Farm projects on properties containing prime agricultural soils. There is really no way to replace prime agricultural soils and, therefore, the Planning Board wanted to make sure that this valuable resource is protected. The Planning Board proposed that additional language be included in the Solar Farm provisions that would solidify the Board's desire to avoid having this valuable resource used up.

Given the potential adverse visual impacts associated with vast fields of solar panels, the Planning Board felt that Solar Farm Projects pose less of an aesthetic impact when they are moved farther away from public roads and not located immediately adjacent to residential properties. The Planning Board believes that there can be a dramatic reduction in the visual impacts associated with Solar Farm Projects simply by locating them farther away from where homeowners and individuals driving along public roads will see them. The Planning Board recommended that a 500' setback be established for all Solar Farm equipment installation along public roads in the Town of Perth. Likewise, the Planning Board recommended that a 500' setback from adjacent residential properties also be established.

Based upon the foregoing analysis, the Town Board of the Town of Perth has decided that it would be in the best interests of the residents of the Town of Perth for the Town Board to accept and adopt the aforesaid recommendations of the Town of Perth Planning Board.

## **Section 2. Amendments**

- (a) Article 13, Section D, paragraph 2 of the Town of Perth Zoning Law is hereby amended to read as follows:

2. All ground-mounted panels shall not exceed twelve (12) feet in height.

- (b) Article 13, Section D, paragraph 3 of the Town of Perth Zoning Law is hereby amended to read as follows:

3. All mechanical equipment on a Solar Farm, including any structure for batteries or storage cells, are completely enclosed by a minimum twelve (12) feet high fence with a self-locking gate.

- (c) Article 13, Section D, paragraph 11 of the Town of Perth Zoning Law is hereby amended to read as follows:

11. All solar energy components shall have 500-foot setbacks along public roads as well as adjacent residential properties.

- (d) Article 13, Section D, paragraph 17 of the Town of Perth Zoning Law is hereby amended to read as follows:

17. No Solar Farm equipment shall be located or installed on any soils labeled as “prime agricultural land” and, wherever possible, soils labeled “of State importance” should be avoided.

### **PLANNING BOARD DISCUSSION:**

Planning Board members discussed the Borrego Solar Project on County Route 132 which prompted the Town of Perth to revisit their Zoning Ordinance on Solar Projects.

### **PLANNING BOARD ACTION:**

**MOTION:** Recognizing no regional implications that could occur from 239-m application for The Town of Perth to Amend its Zoning Law as it Pertains to Solar Farm Construction and Development and the Fulton County Planning Board offers no recommendation but endorses the decision made by the Town of Perth Town Board.

**MADE BY:** John Kessler

**SECONDED:** Walter Fitzgerald

**VOTE:** 8 in favor, 0 opposed

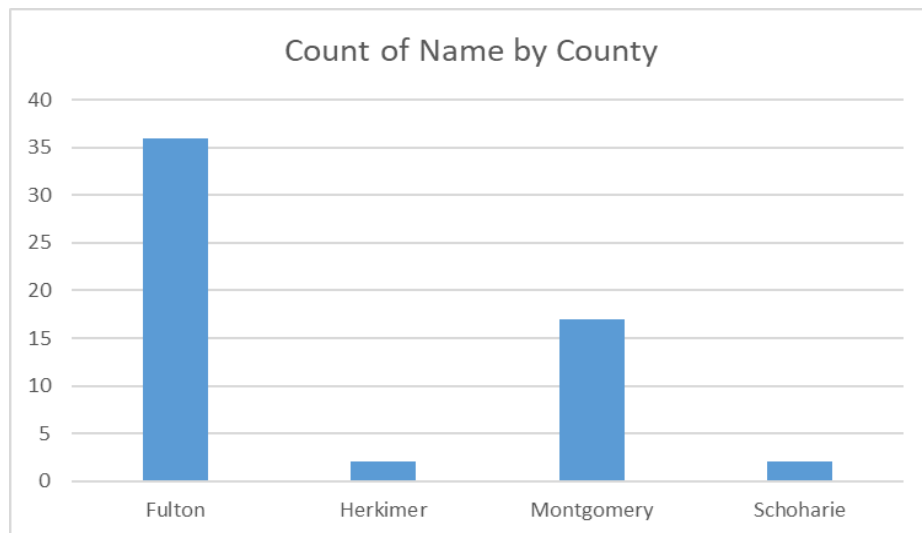
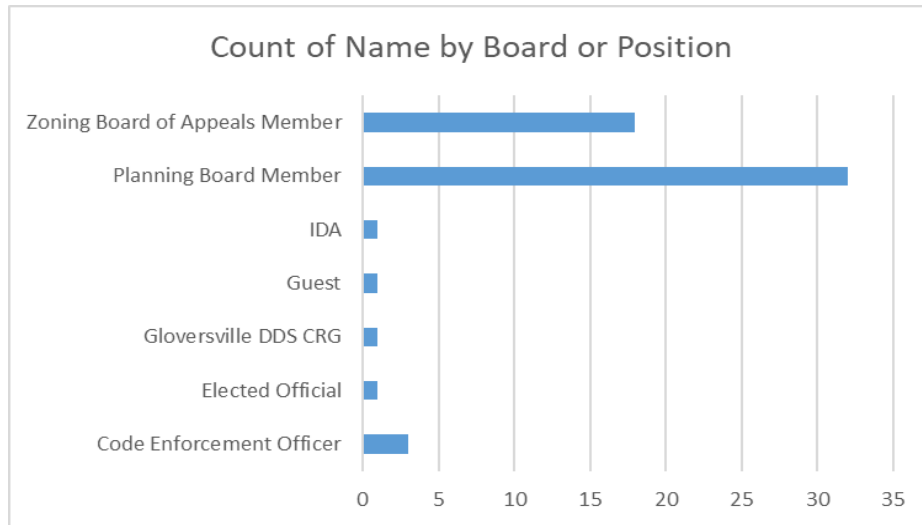
## **4. FMCC DEPARTMENT OF STATE TRAINING DEBRIEF:**

The Fulton County Planning Board and Montgomery County Planning Board hosted an in-person training at FMCC on Thursday, March 23, 2023. 78 people responded and 58 people attended. The Fulton County Planning Department sent out 5 email reminders to the Planning and Zoning lists and one physical mailing to the Municipal Clerks. Subsequently, a mailing was done to 26 municipal clerks in Northern Schoharie, Western Saratoga, Southern Hamilton, and Northern and Eastern Herkimer Counties. The Department of State also sent reminders to communities within Saratoga County the week prior.

NYS Department of State was pleased with the outcome and noted that if the same amount of attendees came from Montgomery County as they did in Fulton County, there would be close to 75 in attendance. They also mentioned that county boards throughout the State provide food with a longer break.

Fulton County made NYSDOS aware that about half of the Planning Boards within the County travel to Saratoga Springs in early February for their training, which had approximately 650 in attendance this year. As the FMCC training was about six and a half weeks later, the attendance from municipal Planning Boards was low.

Would the Fulton County Planning Board like to rethink about their approach in moving forward on hosting trainings?



#### DISCUSSION:

Mr. Enfield inquired if the Planning Board would like to host their own Zoning and Planning event, possibly at the Holiday Inn. He stated that Fulton County Planning and Tourism Director Scott Henze will be allocating some money in the preliminary budget for 2024 should the Fulton County Planning Board wish to do so. Subsequently, Mr. Enfield stated that the Holiday Inn would be a good location to hold this event.

Planning Board Member John Kessler suggested the event be held over a few hours with a lunch break.

Planning Board Vice Chairman James Anderson stated he attends the event in Saratoga Springs every year and looks forward to the legal briefings by Miller, Mannix, Schachner & Hafner, LLC and recommended that they be potentially utilized.

Planning Board Member Peter Goderie inquired if the County will pay for County Board Members to attend paid trainings.

Mr. Enfield indicated he would need to look into this further as he was not sure.

#### **5. 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. On February 15, 2023 the Fulton County Planning Board recommended that Mr. Pierz's name be put forwarded to become a Planning Board Member. During the March 2023 Board of Supervisors' meeting, Mr. Pierz became the newest member to the Planning Board.

On Monday, March 6, 2023, Tracy Gutowski, representing the Town of Perth, resigned from the Planning Board.

As of the March 21, 2023 meeting, membership is currently at 8 members.

#### **6. ACTIVITIES REPORT – MARCH 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:**

Mr. Moore indicated that the Fulton County Planning Department has been quite busy with all the activity they have been doing throughout the County.

Mr. Moore indicated that he met with new Fulton County Tourism Coordinator Carla Kolbe as the President of the Town of Mayfield Historical Society.

#### **7. OTHER BUSINESS:**

##### **Fulton County Planning Department:**

##### **American Planning Association National Planning Conference**

Mr. Enfield gave an update on the recent conference he attended hosted by the American Planning Association. Some of the takeaways include:

1. Focus on affordable housing and teaching the American population the difference between low-income and affordable housing.
2. Federal Emergency Management Agency (FEMA) is looking to increase its funding for predisaster mitigation efforts.

**8. CLOSE OF THE MEETING:**

MOTION: To close the meeting at 9:25 a.m.

MADE BY: James Anderson

SECONDED: Peter Goderie

VOTE: 8 in favor, 0 opposed