



FULTON COUNTY PLANNING BOARD MONTHLY MEETING

TUESDAY, AUGUST 15, 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)
Frank Lauria, Alternate (City of Gloversville Supervisor)

Scott Horton, Chairman, Board of Supervisors
Jon Stead, Administrative Officer, Board of Supervisors
Scott D. Henze, Planning Director
Aaron Enfield, Senior Planner

OTHER:

Sheila Perry (Town of Broadalbin)
Zachary Hutchins (Boralex)
Mike Peckford (Boralex)

1. CALL THE MEETING TO ORDER:

The meeting was called to order at 8:45 am

2. AUTHORIZATION OF CHAIR FOR THE AUGUST 2023 MEETING:

Due to the absence of Chairman Dave Rackmyre, Jr. and Vice Chairman James Anderson, the Planning Board needs to appoint or authorize an Acting Chairman for the meeting.

DISCUSSION:

After a back-and-forth conversation, it was recommended that John Kessler serve in the capacity as Acting Chairman for the meeting.

PLANNING BOARD ACTION:

MOTION: Authorizing John Kessler as Acting Chairman for the August 15, 2023 Fulton County Planning Board meeting.

MADE BY: Peter Goderie
SECONDED: Jerry Moore
VOTE: 7 in favor, 0 opposed

3. APPROVAL OF THE JULY 18, 2023 MINUTES:

MOTION: To approve the July 18, 2023 meeting minutes of the Fulton County Planning Board.

MADE BY: Jay Pierz
SECONDED: Frank Lauria
VOTE: 7 in favor, 0 opposed

4. BORALEX INC. – FOOTHILLS SOLAR PROJECT – CLOSE FARM, TOWN OF MAYFIELD AND VILLAGE OF MAYFIELD PER EXECUTIVE ORDER §94C:

Boralex Inc. is proposing to construct a 40MW Solar Array within the Town of Mayfield. This project will be the largest proposed solar project within the County and the largest one to date within the Adirondack Park. As the project is above 25MW, the project is not reviewed on the municipal level, it is reviewed by the Office of Renewable Energy (ORES), the nation's first state office specifically devoted to the siting of large-scale renewable energy projects through legislation based on the Climate Leadership and Community Protection Action (CLCPA) also known as the Climate Act. The purpose is to consolidate the environmental review and permitting of major renewable energy facilities in New York State and to provide a single forum by which ORES may undertake a timely and coordinated review of the proposed facilities.

On Friday, July 14, 2023, Administrative Officer Jon Stead spoke with Boralex on meeting with the Fulton County Board of Supervisors. As a follow-up to the request, and in speaking with the Chairman, the Board of Supervisors had the following request:

1. Any and all infrastructure for the Foothills Solar Farm Project should be located so that it is not visible from any viewpoint from the Great Sacandaga Lake. The location in Mayfield chosen by Boralex has negative impacts in the first place. Under no circumstances should any portion of the facility be visible; and
2. Boralex should schedule a briefing with the Fulton County Planning Board for its review and comment. This briefing would include details about the project and describe any divergence from local zoning and/or local comprehensive plans already in place.

The project is within the Residential District of the Village of Mayfield and the Agricultural 2 Zoning District of the Town of Mayfield. Roughly 90% of the project is located within the Town of Mayfield. The entire project is located within the Adirondack Park in three (3) Land Use Classifications: Low Intensity and Rural Use (T-Mayfield), and Hamlet (V-Mayfield). The Village of Mayfield Zoning Ordinance (1985) does not have solar listed as an allowed use and does not have a Comprehensive Plan. The Town of Mayfield Zoning Ordinance (2017) §508 Solar Farms has a review process for solar projects through Special Use Permit, which would include projects under 25MW. While the 2013 Town of Mayfield Comprehensive Plan does not discuss solar or renewable energy, Section II indicates the following:

1. The Town should grow its tax base; and
2. The Great Sacandaga Lake is the most important recreational resource within the Town.

While the application did not come from a municipality, pursuant to §239-m, the Fulton County Planning Board is meeting with Boralex under the following areas of Article 12 of General Municipal Law:

1. 239-c 1(a) Significant decisions and actions affecting the immediate and long-range protection, enhancement, growth, and development;
2. 239-c 1(b) Serve as an important resource to the State and its localities, helping to establish productive linkages between communities as well as State and federal agencies; and
3. 239-I 2(d) Protection of community character in regards to predominant land uses.

PLANNING BOARD DISCUSSION:

Mr. Enfield gave a brief overview regarding the background of the project and that ,at the request of Chairman Scott Horton, Fulton County Board of Supervisors, and Jon Stead, Administrative Officer, Fulton County Board of Supervisors, they requested that Boralex Inc. meet with the Fulton County Planning Board.

Mr. Rackmyre Jr. and Mr. Anderson entered the meeting at 8:49 a.m.

Jon Stead, Administrative Officer for the Board of Supervisors, inquired on what outreach Boralex has done with the municipalities prior to the meeting?

Zachary Hutchins, Senior Advisor for Public Affairs for Boralex Inc., indicated that, in July 2023, they did an open house for the community at the Paul Nigra Center which needs to be done at least 60 days before the application is sent to ORES. He also indicated that Boralex did an open house in February as a gesture to the community (as it was not mandatory). Subsequently, he stated that the company has attended Town and Village meetings to answer any questions, as well as meeting directly with Village Mayor Emory Chase and Town Supervisor Richard Argotsinger.

Mike Peckford, Senior Development Manager for Boralex Inc., gave a power point presentation (see attached document) on Executive Law §94-c, which created the Office of Renewable Energy Siting (ORES) as well as the application process, the proposed schedule of Foothills Solar, History on the Close Family Farm, Boralex in the United States, Project Benefits, Local Benefits, Environmental and Cultural Studies, Visual Simulations, Noise Assessment, Traffic Study, and Decommissioning.

Planning Director Scott Henze inquired on the public comment period and where it will be held?

Mr. Hutchins stated, under ORES, the public comment will take place within the hosting jurisdiction.

Planning Board Member John Kessler inquired if they will be hiring local labor to install the solar array?

Mr. Peckford indicated they will be hiring union labor to do the work.

Mr. Hutchins indicated that, as a result of the first comment period with the Town of Mayfield, was the snowmobile trail that was going to be impacted. He stated, as a result of that meeting, Boralex was able to reroute the trail.

Planning Board Member Jerry Moore indicated that the substation is located near the Mayfield Elementary School, however, the access is on the other side of the property along Lakeside Drive. He inquired if there was going to be an access road going through the school?

Mr. Hutchins and Mr. Peckford indicated that they were unsure if an access road was going to be going through the Mayfield School.

Mr. Hutchins indicated that the capacity factor was going to be between 20 – 25% due to the geography of Fulton County.

Mr. Hutchins clarified misconceptions on the Decommissioning Plan. The Plan will be 100% plus 15%, which will be reassessed every five (5) years.

Mr. Stead inquired who would be responsible for holding this?

Mr. Hutchins stated the host community, which would be the Town of Mayfield and the Village of Mayfield.

Mr. Kessler indicated the Battery Storage fire in Lewis County and questioned if this project might involve battery storage in the future?

Mr. Hutchins stated, while Boralex is within the Battery Storage business, this Foothills Solar project will not have battery storage as a component. Subsequently, he stated that the State is putting together a Task Force to look at the fire to see how to make preventive measures in the future.

Mr. Goderie inquired on the lease terms for the project?

Mr. Peckford stated that the lease terms are typically 30 years with a five (5) year renewal.

Mr. Kessler inquired on the decommissioning of the project, specifically disposal of the panels, and asked for clarification.

Planning Board Member Jay Pierz inquired on the salvage value and if they were going to be utilizing this as part of the Decommissioning Plan?

Mr. Hutchins stated that NYS is reassessing solar panels as solid waste. Subsequently, he stated that the panels may eventually go to other countries to help scale up their solar usage.

Mr. Moore discussed the disruption of the deer population on Jon Close's property and what effects that might have with the nearby neighbors.

Mr. Enfield inquired if Boralex was going to have a Knox Box (lock box) on the project and if the Mayfield Volunteer Fire Department, Fulton County Emergency Services, or other emergency personnel need to access the solar array they can do so?

Mr. Perkins indicated that was not currently built into the plan, but will look into it.

Planning Board members, Chairman Horton, Mr Stead, and Mr. Henze had a back and forth conversation with Boralex on the visual simulation regarding impact on the Great Sacandaga Lake.

Planning Board Member Peter Goderie highlighted the review that the Fulton County Planning Board has done regarding screening indicating the type of trees that are recommended and types of trees that are not recommended. Subsequently, he indicated that the panels are 15' high and there will be some regional impacts along the Great Sacandaga Lake.

Mr. Enfield indicated that the fence was 8' high and inquired if a berm was going to be used?

Mr. Peckford indicated that it was not their intention of putting in a berm.

Mr. Goderie inquired if it was the plan of Boralex to own the project or will they be leasing it and eventually selling it to another solar developer?

Mr. Hutchins stated that Boralex intends to own the project.

Mr. Enfield inquired that, if trees die during the life of the project, that they will be coming in and replanting them.

Mr. Peckford stated that was correct.

Mr. Kessler left the meeting at 10:00 am

Mr. Enfield inquired if the Planning Board would like to offer any feedback during the Public Comment Period.

Planning Board members had a back and forth conversation and agreed to send a collective response to Boralex during the Public Comment Period.

5. 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 Perth Planning Board – Active Solar – Special Use Permit for a Solar Farm at Raindancer Steak Parlour, 4582 State Highway 30:

Active Solar would like to construct a 3.5 (AC) Solar Farm and Subdivision along the west side of NYS Route 30 (Tax Map Parcel Nos. 178.-2-34 that is 4.52+/-, 178.-2-35 that is 29+/- acres and 178.-2-36 that is 9.75+/- acres) which is owned by Raindancer Steak Parlour Inc. From the three (3) existing parcels, the Applicant would like to have one parcel that is 28.75+/- acres that would house the Solar Farm, and the second parcel that is 14.80+/- acres. A portion of the parcels is in Agricultural-Residential (A-R) District and the Commercial Residential (C-R) Zoning District.

A Solar Farm is an allowed use under the Perth Zoning Ordinance as a Special Use Permit. The 2017 Town of Perth NY Zoning Ordinance defines a Solar Farm as “the use of land where a series of one (1) or more solar collectors are placed in an area on a parcel of land for the purpose of generating photovoltaic power and said series of one (1) or more solar collectors placed in an area on a parcel of land collectively has a nameplate generation capacity of at least 15 kw direct current (dc) or more when operating at maximum efficiency.”

Chapter VI of the 2013 Town of Perth Comprehensive Plan indicates that the Town should encourage the development of solar, residential, and small commercial solar, as well as large-scale solar, so homeowners become more energy self-sufficient. However, the Plan states that the magnitude of the systems needs to be analyzed so there are no negative consequences to neighboring property owners that would outweigh the benefits.

On March 21, 2023, Code Enforcement Officer Mark Concilla authorized a merger of the three (3) parcels of the properties pursuant of Article 4(D)4 of the Town of Perth Zoning Ordinance. As part of the Solar Farm project, a subdivision will be required.

Town Attorney Carmel Greco indicated a conflict of interest with the application and is recusing himself from the project. Hannah Hage of Johnson & Laws, LLC has been brought on to have legal counsel for the project.

The project was originally 5-MW (AC), but in July 2023 was scaled down and moved further east away from residents in the Della Valle Road neighborhood. The project is now 278’ south of the property line of the residents of Della Valle Road.

PLANNING BOARD DISCUSSION:

Mr. Enfield gave an overview of the project stating that the solar company has been working closely with the property owners to ensure that screening of the solar array would not impact the neighbors and have decreased the size of the project overall.

Planning Board members had a back and forth conversation and asked that language regarding screening be sent back to the Town of Perth Planning Board for the area and the utility poles.

PLANNING BOARD ACTION:

MOTION: Recognizing that regional impacts may occur as the result of Active Solar's application for a Special Use Permit for a Solar Farm at Raindancer Steak Parlour at 4582 State Highway 30 the Fulton County Planning Board Approves the project with the following modifications:

1. Plantings must be provided along the access driveway in order to soften the appearance of the utility poles.
2. The Landscaping Plan should include a mix of Norway Spruce, White Spruce, White Pine, Nigra Arborvitae, Balsam Fir, Blue Hills Spruce, Beech, and Red Maple. Varieties to be avoided are Blue Spruce, Douglas Fir, and Sugar Maple as they are prone to more diseases as well as being very site/soil selective. The plantings must be at least 8' in height at the time of planting.
3. Plantings for residents along Route 30 should be made at intervals of not more than 10' on center by planting them in one (1) consecutive row or two (2) staggered rows so that the plantings maintain the 10' separation. The plantings must be at least 8' in height at the time of planting.

MADE BY: James Anderson
SECONDED: Jerry Moore
VOTE: 9 in favor, 0 opposed

B. City of Gloversville Common Council – Zoning Ordinance and Map Update:

In June of 2021, Fulton County hired a new Senior Planner to serve the City of Gloversville as part of the Planning Services Agreement. In reviewing documents associated with the City, some inconsistencies associated with the current Zoning Ordinance were recognized:

- Regular conversations with Building Inspector Dave Fox indicated issues that should be addressed should an update occur that were not consistent with the current zoning code and would make his job easier to enforce.
- Building Inspector, not City Engineer, was the main point person within the City associated with duties associated with enforcing the zoning code.
- Some areas of the zoning map address areas of land and which are not specific to the geographic boundaries of a parcel:
 - o Myers Park at 50 Bloomingdale Avenue (Tax Map Parcel 149.10.-10-82) is within both M-1 (Manufacturing) and R-1 (Residential) Zoning District.
 - o Price Chopper at 358 North Main Street within the C-1 (Commercial) as well as M-1 (Manufacturing) Zoning District.

- o The F, J&G Rail Trail (Tax Map Parcel No. 149.6-29-1.5) is within the R-1 (Residential), C-1 (Commercial), M-1 (Manufacturing), R-C (Residential-Commercial) Zoning District.
- o County Line Auction at 275 South Main Street (Tax Map Parcel No. 149.9-6-15) is within the C-1 (Commercial) as well as M-1 (Manufacturing) Zoning District.

Subsequently, the City of Gloversville's Brownfield Opportunity Area (BOA) and Local Waterfront Revitalization Program (LWRP) Steering Committee put forth recommendations to the City Council on rezoning numerous properties looking at redevelopment of areas within the City as part of Resolution 129-2021. However, when it was sent to the City of Gloversville Planning Board and Fulton County Planning Board for their recommendations, it was void of a map, necessary to review accordingly. Some of the parcels part of the resolution included the following to be rezoned:

- Areas zoned for manufacturing that was void of the industry for decades and/or were actively being looked at remediation for possible redevelopment with potential outside funding.
 - o Tradition Leather, Decca Records, Risedorph, Daniel Hayes
- The "Crescent," an area of downtown Gloversville that includes Daniel Hayes and properties along West Fulton Street, Cayadutta Street, Grove Street, 2nd Street, and South Main Street.

Fulton County Senior Planner Aaron Enfield worked with City Assessor Joni Dennie, and City Clerk Jenni Mazur regarding 129-2021 to create a map while offering earlier recommendations to the city on looking more holistically at the entire zoning map and amending the 2016 Zoning Ordinance. In January 2022, a Zoning Advisory Committee was established that consisted of Mayor DeSantis, Planning Board Chairman Geoffrey Peck, Building Inspector, and Fulton County Senior Planner Aaron Enfield. The Zoning Advisory Committee met 7 times over the course of 12 months. Fulton County Vision 2026, Village of Northville, City of Utica, City of Cohoes, City of Glens Falls, City of Hudson, and Town of Colonie were used as research for this update.

The City of Gloversville Zoning Advisory Committee has made several recommendations to the Common Council amending the City of Gloversville Zoning Ordinance and Zoning Map. Some of these include:

- o Amending the Zoning Map and allowing single zoning within a parcel boundary.
- o Amending the Zoning Map removing Manufacturing Zoning District out of areas of the City that have been void of heavy manufacturing for several decades.
- o Amending Zoning within Crossroads Business Park to allow for single-family dwellings, and townhouses, and establish a Residential-Commercial Zoning District along South Kingsboro.
- o Addition of two (2) new Zoning Districts: Cemetery District (CEM) and Public, Cultural, and Recreational District (PCR)

PLANNING BOARD DISCUSSION:

Mr. Enfield gave a presentation on the two reasons why the City of Gloversville opted for an update to the 2016 Zoning Ordinance. He stated that the City of Gloversville Planning Board offered some recommendations that were forwarded to the City Clerk.

He stated the biggest change would be removing areas currently zoned heavy manufacturing that are primarily all residence or commercial and residential, which include areas the City is addressing as part of their Brownfield Opportunity Area (BOA) that has received federal and state funding to remediate for redevelopment. Subsequently, he stated that, by adding the PCR Zoning District, removes the numerous zones the FJ&G Rail Trail are currently under.

DISCUSSION:

Planning Board members had a back and forth conversation and felt that no regional impacts would result of the City updating their Zoning Map and Ordinance.

PLANNING BOARD ACTION:

MOTION: Recognizing that no regional implications could occur from the City of Gloversville's Zoning Ordinance and Map Update and the Fulton County Planning Board offer no recommendations to the City of Gloversville Common Council.

MADE BY: Jerry Moore

SECONDED: Peter Goderie

VOTE: 8 in favor, 0 opposed, 1 abstain (James Anderson)

6. 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 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 eight (8) members. On July 20, 2023, Sheila Perry (Town of Broadalbin) submitted her resume for consideration being the ninth member of the Fulton County Planning Board.

PLANNING BOARD DISCUSSION:

Sheila Perry gave a brief overview of her background as a former Supervisor for the Town of Broadalbin and was on a committee that helped develop the Ag. District and Great Sacandaga Lake Advisory Committee.

Supervisor Lauria indicated that he reached out to her after the previous meeting, as the Town of Broadalbin is not currently being recognized as a municipality on the County Planning Board.

Several Planning Board members praised Ms. Perry's work for the Town of Broadalbin and the Board of Supervisors and indicated that having her on the Planning Board would be a tremendous benefit.

PLANNING BOARD ACTION:

MOTION: Recommending that Sheila Perry's name be sent to the Public Works Committee for consideration as a new County Planning Board member.

MADE BY: Frank Lauria

SECONDED: Peter Goderie

VOTE: 9 in favor, 0 opposed

7. ACTIVITIES REPORT – JULY 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 winning BID price was half that of the other applicant.

Mr. Henze stated that he hopes to have paving to start within 30 days.

Mr. Moore inquired on who was going to be overseeing the trails associated with the snowmobile club.

Mr. Henze mentioned that the Planning and Tourism Department will be overseeing the trails, as they also oversee the GIS mapping for them.

8. TOURISM REPORT – JULY 2023:

Each month, County Tourism Coordinator puts together an Activities Report for the Economic Development and Environment Committee of the Fulton County Board of Supervisors. In an effort to give County Planning Board members an idea of the types of work being done by the County Tourism Bureau, the Tourism Report is included on the Board's monthly Agenda.

PLANNING BOARD DISCUSSION:

Supervisor Lauria stated that the reports Carla has been sending to the County Planning Board have been positive with all the tourism outreach within the County.

9. CLOSE OF THE MEETING:

MOTION: To close the meeting at 10:25 a.m.

MADE BY: James Anderson

SECONDED: Colleen Ioele-DiCristafaro

VOTE: 9 in favor, 0 opposed