



FULTON COUNTY PLANNING BOARD MONTHLY MEETING

TUESDAY, NOVEMBER 21, 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)
Colleen Ioele-DeCristofaro (City of Johnstown)
John Kessler (Town of Mayfield)
Jerry Moore (Town of Mayfield)
Sheila Perry (Dairy Farmer, Town of Broadalbin)

Aaron Enfield, Senior Planner

OTHERS:

Chris Rizzo
Aaron Jackson, LaMont Engineering
Tammy Warner
Richard Aulisi

1. CALL THE MEETING TO ORDER:

The meeting was called to order at 8:45 am.

The Planning Board stood for the Pledge of Allegiance.

2. APPROVAL OF THE OCTOBER 17, 2023 MINUTES:

MOTION: To approve the minutes of the October 17, 2023 minutes.

MADE BY: James Anderson
SECONDED: Colleen Ioele-DeCristofaro
VOTE: 7 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 Zoning Board of Appeals – Chris Rizzo – Request for one (1) Use Variance at 1499 State Highway 29A:

Chris Rizzo is requesting one (1) Area Variance:

1. The creation of a transfer station.

Background Information:

Chris Rizzo, Owner of Chris Rizzo Trucking Inc., would like to build a new 4220 sq. ft. Junkyard (Transfer Station) with a new 400 sq. ft. fuel storage pad along with it at 1511 and 1499 State Highway 29A (Tax Map Parcel No. 133.20-3-7 and 133.20-3-6.2). The proposed building will use existing driveways for access. The parcel is currently zoned R-2 (Residential) Zoning District, however, at the time Rizzo Trucking started its business, the parcel was within the C-2 (Commercial) Zoning District and predates the 2011 update to the Zoning Ordinance as a pre-existing nonconforming use.

Per the Town of Johnstown Zoning Ordinance, a Junkyard is defined as “a lot, land or structure or part thereof used primarily for the collecting, storage, and sale of wastepaper, rags, scrap metal or discarded materials or the collecting, dismantling, storage, and salvaging of machinery or vehicles and for the sale of parts thereof. The outdoor storage or deposit of any of the following, whether in connection with another business or not, shall be deemed a junkyard:

- a. Three (3) or more junk motor vehicles.
- b. Two (2) or more junk mobile homes.
- c. Four (4) or more junk appliances.
- d. Five (5) or more pieces of junk furniture.
- e. Any combination of the above that totals five (5) items or more.

On April 12, 2005, Mr. Rizzo was granted approval for a Site Plan for a Container Storage Business in which he needed to go before the Town Zoning Board of Appeals to seek an Area Variance due to the wetlands on the back of the property.

August 30, 2021 Fulton County Public Works Committee:

On August 30, 2021, Rizzo Trucking and their legal counsel, Judge Richard Aulisi, attended the August 30, 2021 Public Works Meeting. At that time, Meghan Rizzo stated that they want to reduce costs for their customers as they do not require customers to separate their waste and asked that the County allow commercial haulers to do single-stream recycling. Subsequently, she stated it was cheaper to bring waste to Montgomery County due to fees incurred in Fulton County for violations. Additionally, Ms. Rizzo asked the Public Works Committee to approve a New York State Department of Environmental Conservation (NYSDEC) Permit for a new transfer station facility at their business. Supervisor Greg Fagan (Town of Perth) indicated that he was unaware that the County would be involved in any permitting requirements from NYSDEC.

May 9, 2023 Town of Johnstown Planning Board meeting:

During its May 9, 2023 meeting, the Town of Johnstown Planning Board briefly reviewed a Special Use Permit for a Junkyard (Transfer Station) at 1511 State Highway 29A and 1499 State Highway 29A. At that time, the Planning Board recognized the Applicant received Site Plan approval for a Container

Storage Business in 2005 and that, in 2011, the Town updated its Zoning Ordinance making the parcels a preexisting nonconforming use. The change in use from a Container Storage Business to Junkyard, as there is the definition for Transfer Station, will need to go before the Town of Johnstown Zoning Board of Appeals for interpretation.

During the meeting, Fulton County Senior Planner Aaron Enfield indicated that the Board of Supervisors and Fulton County Department of Solid Waste will need to be included into the State Environmental Quality Review Action process.

June 6, 2023 Zoning Board of Appeals meeting:

During the June 6, 2023 meeting, the Zoning Board of appeals denied Chris Rizzo's Use Variance as the Board did not feel the project was beneficial to the neighborhood.

July 27, 2023 Zoning Board of Appeals meeting:

During the July 27, 2023 meeting, at the request of the Applicant, the Zoning Board of Appeals agreed to Mr. Rizzo's re-hearing of his denied application.

October 26, 2023 Zoning Board of Appeals meeting:

During the October 26, 2023 meeting, the Zoning Board of Appeals started the re-hearing of Mr. Rizzo's Use Variance. At that time, the hearing was paused so that the Fulton County Planning Board could weigh in on the project through General Municipal Law Section 239-m.

Fulton County Department of Solid Waste:

In an email dated November 20, 2023, Dave Rhodes, Director of Solid Waste, indicated that the Special Use Permit application stated that Mr. Rizzo claims to not be able to realize a reasonable return building a residence and that the hardship was not self-created after stating that he purchased the property to expand his container business on 10/26/23. He also stated that Mark Reitmeyer is operating an unpermitted transfer station which I have not heard before and have no evidence of.

In the minutes from the 10/26/23 meeting, Rizzo adds separating recyclables as another justification for the transfer station along with condensing loads for fewer trips to the landfill which has been the story until now. He has also stated he wants to have it open to the public so his intention continues to evolve. He states that NYSDEC has stopped him from the separation process, what he does not say is he was fined by DEC for running an unpermitted transfer station. He states that he is charged for recycling in garbage loads when it is actually his customers that are being charged. He also states his commercial trash all goes to Montgomery County which is a violation of Fulton County's Flow Control Law.

PLANNING BOARD DISCUSSION:

Planning Board Chairman Dave Rackmyre, Jr. asked that Chris Rizzo give an overview of the project.

Chris Rizzo, Applicant, along with Aaron Jackson, LaMont Engineering, gave an overview.

Planning Board Member John Kessler stated that he did not see where this project would have a negative impact as the debris would be self-contained on the property along NYS Route 29A. He mentioned this project should be endorsed by the County Planning Board.

Vice Chairman James Anderson concurred with Mr. Kessler and stated that Mr. Rizzo has done a lot of work on the property over the course of several years removing debris and other items such as boats and other large items that were an eyesore on the side of the road.

Planning Board Member Jerry Moore expressed some concern about having a building on two properties.

Vice Chairman Anderson suggested a Lot Line Adjustment which would alleviate the issues Mr. Rizzo has.

Mr. Enfield mentioned that Solid Water offered a comment on the project as the Board of Supervisors and the Fulton County Department of Solid Waste would be included in the SEQR process. He stated that the business is in violation of the Flow Control Law as it would be taken to Montgomery County and not Fulton County.

Mr. Kessler stated that he still felt that the project's regional impact would be positive as garbage would be self contained before relocated elsewhere.

Vice Chairman Anderson concurred with Mr. Kessler and indicated and mentioned they would be able to expand their business.

Several other Board members agreed with Mr. Kessler's statement.

PLANNING BOARD ACTION:

MOTION:	To approve and endorse Chris Rizzo Trucking's request for a Use Variance at 1499 State Highway 29A for a transfer station with the Town of Johnstown Zoning Board of Appeals with the stipulation that consideration be given for a Lot Line Adjustment or the merging of both parcels into one.
---------	--

MADE BY:	John Kessler
SECONDED:	James Anderson
VOTE:	7 in favor, 0 opposed

B. Town of Perth Zoning Board of Appeals – Scale Microgrid’s – Request for six (6) Area Variances at Maple North Solar Farm at 4611 State Highway 30 (Zynobia Holdings LLC):

Scale Microgrids is seeking six (6) Area Variances:

1. Allowing a 50-foot setback on the original and previously-approved property rather than the allowable 500-foot setback.
2. Allowing a 50-foot setback on the north boundaries of both proposed lot 1 and lot 2 rather than the allowable 500-foot setback.
3. Allowing 30 feet between the solar panel arrays of the proposed lot 1 and lot 2 subdivisions rather than the allowable 1000-foot distance between solar panel arrays.
4. Exclude fencing between proposed lot 1 and lot 2 rather than the minimum allowable twelve-foot (12’) fencing.
5. Fence Enclosure Height, allowing an eight-foot (8’) fence with a self-locking gate to surround both lot 1 and lot 2 as one unit rather than the allowable 12-foot fencing; allowing a 50-foot setback from the fence enclosure on the west boundary of proposed Lot 1, which is adjacent to proposed lot 3, rather than the allowable 500-foot setback.
6. Allowing the installation of solar equipment on soils labeled as “prime agricultural land” and “of State importance.”

Background Information:

Scale Microgrids would like to subdivide a solar project given conditional approval by the Town of Perth Zoning Board of Appeals on January 27, 2020 to Solar Park Energy 15. The project, known as Maple North, is located at 4611 State Highway 30 (Tax Map Parcel 178.-2-29.1) is approximately 86.877+/- acres in size on property owned by Zynobia Holdings. The project was initially approved for 9.5 MW.

On May 16, 2022, EV Solar USA came before the Town of Perth Planning Board for an Amendment to the Special Use Permit in relation to the CAB System to allow for the system to be aboveground instead of belowground citing the wetlands on the property. The Planning Board approved this Amendment.

The current owner of the solar project, Scale Microgrids, came to the Planning Board during the February 27, 2023 meeting. The application was tabled and the Applicant pulled the project shortly thereafter.

Over the past several months, the Town of Perth Planning Board Chairman, Zoning Board of Appeals Chairman, Code Enforcement Office, Town of Perth Volunteer Fire Department, and Fulton County Planning Department worked on rectifying the issues that stemmed from the April 23, 2021 New York State Public Service Commission Modifying Separate Site Requirements. Fulton County Senior Planner has spoken with National Grid in relation to the project and all parties involved have come to an agreement on the process given the precedent of the matter to the Town of Perth.

October 17, 2023 Zoning Board of Appeals:

During the October 17, 2023 meeting, the Town of Perth Zoning Board of Appeals reviewed six (6) Area Variances and conditionally approved Scale Microgrid’s request for six (6) Area Variances on the following conditions:

1. The area variances set forth above are contingent on the approval of the proposed subdivision lot boundaries by the Town of Perth Planning Board as specified for the property 178.-2-29.1 located on the Lands of Zynobia Holding Company, LLC. owned by Joseph Cassella.

2. The area variances set forth above are contingent on the approval of Fire and Emergency Access Roads, and the Appropriate Number of Entrances and Exits to the Fenced Enclosure as decided by the Town of Perth Planning Board and the Town Fire Chief.
3. The area variances set forth above are approved only for as long as these proposed subdivision lots are used for a solar farm. At the time of decommissioning, the three (3) proposed subdivision lots will be protected by the Town of Perth's then existing local zoning laws and Comprehensive Plan.
4. The area variances set forth above are no longer approved when and if one or more of these proposed subdivision lots change ownership. At that time, the new owner(s) and/or leaser(s) must return to the Town of Perth Planning Board and, if necessary, the Zoning Board of Appeals for review and/or extension or change of the area variances.
5. However, when the solar farm is decommissioned, all land classified as "prime agricultural land" and "of State importance" will be protected by the Town of Perth's then-existing local zoning laws and Comprehensive Plan.
6. In making the decisions set forth above, the Town of Perth Zoning Board of Appeals (ZBA) is not setting a precedent for future ZBA requests. The above decisions were made because of the uniqueness of the Applicant's situation and the lack of alternative solutions that would be reasonable and just in the light of the Applicant's circumstances, as presented.

DISCUSSION:

Mr. Enfield gave an overview of the project indicating that he has been working with the Applicant since spring of 2023 to look into subdividing the parcel which stems from a 2021 finding from the Public Service Commission stating that only 5MW is allowed on a single parcel.

Planning Board Member Sheila Perry indicated that, typically, solar arrays have fencing on all four (4) sides and with the proposal, the fencing between the two (2) proposed solar. Subsequently, she indicated that the Variances on the setbacks were quite significant, noting the developer would need to remove solar panels if they did not receive them.

Planning Board Member Colleen Ioele-DeCristofaro expressed concern that the Variance the Applicant was asking for was 50' as opposed to the 500', which the current setback from the property line is situated.

Mr. Enfield indicated that the Town of Perth recently changed the solar law, and the project fell under the old setbacks of 50'. They requested the 50' because the project was already built.

Vice Chairman Anderson indicated this was a misfortune for the Town of Perth to undertake. However, he stated the request for these Variances sets a very large precedent for the Fulton County Planning Board as well as Town of Perth. He indicated that, once you allow a Variance for one project, you would then have the issue of allowing everyone to do it. Subsequently, he stated that the

Planning Board Member Walter Fitzgerald inquired if the 5MW rule always in existence.

Mr. Enfield stated it was not and it was not until April of 2021 when the Public Service Commission (PSC) and the project was approved 14 months prior. He stated that within the findings by the PSC they identified that National Grid gave misinformation to solar companies. Subsequently, he stated that 5MW identified by the document is also the cap of how much incentives a solar developer would get from New York State Energy Research and Development Authority (NYSERDA).

Mr. Enfield stated that the applicant was ready to connect in earlier this year when the new owner of the solar company was informed of this.

Vice Chairman Anderson reiterated the fact that the Variances the applicant is seek sets a large precedent and this is a regional impact and would have legal ramifications.

Mr. Kessler concurred with Vice Chairman Anderson.

Planning Board members had a back and forth conversation on setback requirements.

Vice Chairman Anderson stated while the County Planning Board reviewed the project previously with old setbacks it was for a Special Use Permit, not Use Variances.

Mr. Fitzgerald inquired if the developer would consider remove 4.6MW of solar so that the site is only 5MW?

Mr. Enfield stated that is not an option for the developer.

Planning Board members had back and forth discussion on the legal precedent that the six (6) Use Variances would have. A majority of the Board agreed that there would be regional implications.

PLANNING BOARD ACTION:

MOTION: Recognizing there will be regional implications that will occur from this proposed application, the Fulton County Planning Board offered to disapprove the six (6) Area Variances from the Town of Perth Zoning Board of Appeals on Scale Microgrids' application at Maple North Solar Farm at 4611 State Highway 30 due to the precedent they would be setting.

MADE BY: John Kessler
SECONDED: James Anderson
VOTE: 6 in favor, 1 opposed (Walter Fitzgerald)

C. Town of Johnstown Planning Board – Hopewell Ventures LLC – Special Use Permit Application for Business Service at 117 Van Road:

Hopewell Ventures LLC is looking for a change in use for 117 Van Road (Tax Map Parcel No. 149.-1-39) that is approximately 0.514+/- acres in size. 518 Renovations will be overseeing the rehab of the site, which will primarily be used as headquarters for their business. The Applicant is seeking to do the following enhancements: (1) Metal Garage – Repair hole in roof and side, close off the open bays and turn into indoor storage units, with the potential of rental units to outside clients; (2) Chain Link Fence – outdoor storage of the construction equipment; (3) Concrete Block Garage – Rent out space (possibly to canoe repair facility); and (4) Concrete Block Building – Storage of tools and equipment for 518 Renovation with 1 – 2 offices, business restroom, woodworking site.

Hours of operation will be from Monday – Friday, 8:00 am – 5:00 pm.

The property is located within the Manufacturing (M-1) Zoning District, and a Business Service is an allowed use under Special Use Permit. Per the Town of Johnstown Zoning Ordinance, Business Services is defined as shall mean establishments primarily engaged in rendering services to business establishments on a fee or contract basis; such as advertising and mailing, building maintenance, employment service, management and consulting services, protective services, equipment and rental and leasing, commercial research development and testing, photo finishing and personal supply services.

DISCUSSION:

Mr. Enfield stated that the Applicant has some construction vehicles and will be storing them onsite along the fence next to the neighboring property.

Chairman Rackmyre Jr. stated that having construction vehicles seen from NYS Route 30A for a majority of the time can be seen as a regional impact and asked that some screening be included within their project.

Vice Chairman Anderson agreed and stated that the area could potentially be used to store additional building materials.

Mr. Kessler inquired if using arborvitae would be good for the property.

Vice Chairman Anderson mentioned that vegetative landscaping, a solid fence or something else should be incorporated which should be decided on by the Applicant and the Town of Johnstown Planning Board.

The Planning Board was in agreement that there may be regional impacts by the site of building vehicles from NYS Route 30A.

PLANNING BOARD ACTION:

MOTION: Recognizing there may be some regional implications that will occur from this proposed application, the Fulton County Planning Board offered to approve the Town of Johnstown Planning Board's application on Hopewell Venture's Special Use Permit for a Business Service at 117 Van Road with the following modification:

1. To soften the appearance of construction equipment along NYS Route 30A, some type of screening should occur such as a solid fence, slats between the existing fence or vegetative landscaping.

MADE BY: Jerry Moore
SECONDED: Colleen Ioele-DeCristofaro
VOTE: 7 in favor, 0 oppose

D. Town of Johnstown Planning Board – Blue Wave Solar – Special Use Permit for a Solar Farm (Crum Creek) at 1376 State Highway 67 (property of Richard and Nancy Sammons)

BlueWave Solar is proposing to construct one 1.2MW AC Solar project at 1376 State Highway 67 (Tax Map Parcel No. 173.-1-20.1). The property is owned by Richard and Nancy Sammons and is approximately 168.559+/- acres in size, with the project comprising 20+/- of those acres. The parcel is within the Agricultural Use Zone (AUZ) and is an allowed use under a Special Use Permit per LL 1 of 2022 §84-85B Solar Farm Law. The parcel is also in Fulton County Agricultural District #1. This project is proposed in an open undeveloped area located south of State Highway 67.

DISCUSSION:

Mr. Enfield stated that, given the location of the project, it will be over 1,000' back from NYS State Route 67 and surrounded by old growth. He mentioned that, while the soil is labeled Prime Agricultural Soils, given the topography of the area, it is not suitable and the Sammons family asked that time project be places on it. Subsequently, he stated that the property will still be farmed and will incorporate argivoltaics with the Subik Farm in Sammonsville.

Mr. Enfield mentioned that there is a snowmobile trail along the northern portion of the property which will not need to be rerouted as a result of the project.

Chairman Rackmyre Jr. stated that a Glare Analysis will be necessary as the northwestern portion of the parcel is used for Medflight helicopter landings.

Ms. Ioele-DeCristofaro inquired if properties along NYS State Route 334 will be affected by the proposed solar farm?

Mr. Enfield stated that the project is almost 2,000' from any home along the road and there is significant screening with the current trees.

Vice Chairman Anderson stated, while it may be covered in older growth, the County Planning Board should be consistent with its recommendation that it provides on all solar projects.

PLANNING BOARD ACTION:

MOTION:

Recognizing there may be some regional implications that will occur from this proposed application, the Fulton County Planning Board offered to approve the Town of Johnstown Planning Board's application from the BlueWave Solar's Special Use Permit for a Solar Farm (Crum Creek) at 1376 State Highway 67 with the following modifications:

1. A Landscaping Plan should be updated to include:
 - a. Plantings along the access driveway in order to soften the appearance of the utility poles.
 - b. Around the exterior of the solar project and fence a 4' berm with a mix of Norway Spruce, White Spruce, White Pine, Nigra Arborvitae, Balsam Fir, Blue Hills Spruce, Beech, and Red Maple. The plantings must be at least 8' in height at the time of planting.
 - c. Plantings 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.
 - d. 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.

MADE BY:	James Anderson
SECONDED:	Dave Rackmyre
VOTE:	7 in favor, 0 oppose

E. City of Gloversville Common Council – Moratorium on Smoke Shops:

During the August 22, 2023 meeting, the City of Gloversville Common Council enacted a six (6) month moratorium on smoke shops to protect the aesthetic and economic vitality of the business districts, as well as real estate values within the City, by considering the appropriate zoning and other regulation of smoke shops to reflect the goals and needs of the City, and to prevent the character change of residential parts of the City by a proliferation of smoke shops. The enactment of this Local Law is designed to protect the health, safety and welfare of the City residents, as well as protect the value, use and enjoyment of property in the City by temporarily prohibiting the submission and processing of applications and the issuance of permits by any City agency for smoke shops pending consideration of amendments to the City code.

The City's definition of Smoke Shop is "A retail store in which 25% or more of its sales consists of smoking products, including cigarettes, cigars, loose tobacco, vaporizing liquids and vaping supplies,

hookahs and pipes, and other similar accessories/paraphernalia, alcohol, and lottery tickets. This definition of “smoke shop” is intended to distinguish “smoke shop” from retail establishments which sell primarily food, household necessities, paper products, dairy and pharmaceutical products. This definition does not encompass any marijuana or marijuana products.

DISCUSSION:

Planning Board Member Walt Fitzgerald inquired if the moratorium was related to cannabis products?

Mr. Enfield stated that the moratorium did not include cannabis.

PLANNING BOARD ACTION:

MOTION: Recognizing no regional implications that will occur from this proposed application, the Fulton County Planning Board offer no recommendation to the City of Gloversville Common Council regarding a Moratorium on Smoke Shops.

MADE BY: Jerry Moore

SECONDED: Dave Rackmyre, Jr.

VOTE: 6 in favor, 0 opposed, 1 abstain (James Anderson)

F. Town of Mayfield Town Board – Moratorium on Large-Scale Battery Storage Facilities:

The Town of Mayfield Town Board is looking to enact a moratorium on Battery Energy Storage Facility moratorium for six (6) months. The Town Board took the recommendation made by the Town of Mayfield Planning Board due to the following reasons:

1. Public concern regarding the potentially volatile nature of lithium-ion batteries and the fear that operation of this type of land use will pose a threat to the health, safety and welfare of the public including the impact upon the surrounding roadways, infrastructure, and the orderly evacuation of improved areas if necessary.
2. The Moratorium will be useful in controlling or temporarily inhibiting development and to undertake a review and examine its existing ordinance, local laws and Zoning Code provisions insofar as they may be affected by the adoption of such local law(s) regulating the creation and/or siting of Large-Scale Battery Energy Storage system installations.
3. The Town of Mayfield will need to consider how best to permit such installations so as to harmoniously integrate such installations with the existing agricultural community and landscape and to mitigate potential undesirable environmental impacts that may be associated with such use.
4. Additional information and assurance about the safety of these types of facilities, including, but not limited to, ensuring the technology and availability of equipment necessary for local fire districts to be able to suppress a fire should one occur, precautions related to air emissions and deterring any necessary fire suppression chemicals from impacting surface and groundwater, and the adequacy of location and other special exception standards for siting these facilities.

A Battery Energy Storage Facility and/or installation shall mean any installation of a rechargeable energy storage system having an aggregate energy capacity greater than 600kWh, consisting of electrochemical storage batteries or similar technology, battery chargers, controls, power conditioning systems, inverters, transformers, switchgears and associated electrical equipment design to store electrical power received from generating or transmission source and periodically discharging power from the battery energy storage system into the power grid.

DISCUSSION:

Planning Board members agreed there would be no negative regional impacts and decided not to provide a recommendation to the Town of Mayfield.

PLANNING BOARD ACTION:

MOTION: Recognizing no regional implications that will occur from this proposed application, the Fulton County Planning Board offers no recommendation to the Town of Mayfield Town Board regarding a Moratorium on Large-Scale Battery Energy Storage Facilities.

MADE BY: James Anderson

SECONDED: Walter Fitzgerald

VOTE: 5 in favor, 0 oppose, 2 abstain (Jerry Moore, John Kessler)

G. Town of Perth Town Board – Moratorium on Large-Scale Battery Storage Facilities:

The Town of Perth Town Board is looking to enact a moratorium on Battery Energy Storage Facility moratorium for six (6) months. The Town Board took the recommendation made by the Town of Perth Planning Board due to the following reasons:

1. Public concern regarding the potentially volatile nature of lithium-ion batteries and the fear that operation of this type of land use will pose a threat to the health, safety and welfare of the public including the impact upon the surrounding roadways, infrastructure, and the orderly evacuation of improved areas if necessary.
2. The Moratorium will be useful in controlling or temporarily inhibiting development and to undertake a review and examine its existing ordinance, local laws and Zoning Code provisions insofar as they may be affected by the adoption of such local law(s) regulating the creation and/or siting of Large-Scale Battery Energy Storage system installations.
3. The Town of Perth will need to consider how best to permit such installations so as to harmoniously integrate such installations with the existing agricultural community and landscape and to mitigate potential undesirable environmental impacts that may be associated with such use.
4. Additional information and assurance about the safety of these types of facilities, including, but not limited to, ensuring the technology and availability of equipment necessary for local fire districts to be able to suppress a fire should one occur, precautions related to air emissions and deterring any necessary fire suppression chemicals from impacting surface and groundwater, and the adequacy of location and other special exception standards for siting these facilities.

A Battery Energy Storage Facility and/or installation shall mean any installation of a rechargeable energy storage system having an aggregate energy capacity greater than 600kWh, consisting of electrochemical storage batteries or similar technology, battery chargers, controls, power conditioning systems, inverters, transformers, switchgears and associated electrical equipment design to store electrical power received from generating or transmission source and periodically discharging power from the battery energy storage system into the power grid.

DISCUSSION:

Planning Board unanimously agreed that the proposed moratorium will not have any regional impacts.

PLANNING BOARD ACTION:

MOTION: Recognizing no regional implications that will occur from this proposed application, the Fulton County Planning Board offer no recommendation to the Town of Perth Town Board regarding a Moratorium on Large-Scale Battery Energy Storage Facilities.

MADE BY: Dave Rackmyre, Jr.
SECONDED: Sheila Perry
VOTE: 7 in favor, 0 oppose

4. PLANNING AND ZONING TOPIC IDEAS IN 2024:

NYS Department of State Division of Local Government Services contacted the Fulton County Planning Department looking to schedule in-person training at Fulton Montgomery Community College Q1 or Q2 of 2024. In the past, the Fulton County Planning Board has taken the lead on selecting a time and topics for the training.

PLANNING BOARD DISCUSSION:

Mr. Enfield mentioned that the County is looking at establishing a training in late April or May with New York State Department of State and inquired on what topics they would like to have covered?

Mr. Kessler stated that he would like to have a topic on Blight.

Vice Chairman Anderson stated that he would like to have a land use attorney speak on legal ramifications over the past year. He mentioned this has always been the highlight of the conference in Saratoga Springs.

Ms. Perry agreed with Mr. Anderson and stated that the legal discussions will help municipal boards get a better perspective of what is happening in other communities.

Chairman Rackmyre Jr. stated that it might be good to include Variances.

Mr. Enfield stated he has been speaking with a representative from the Adirondack Park Agency who would be willing to come and do a training as half of the County is within the Park. Subsequently, he inquired if there should be focus on NYS General Municipal Law §239-m?

Planning Board members were in agreement with all the ideas put forward.

Mr. Enfield stated that he will have this on the agenda for December in case members have additional topics they may wish to discuss.

5. ACTIVITIES REPORT:

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 have any feedback on the Activities Report.

6. TOURISM REPORT:

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:

Mr. Moore stated that the Mayfield Historical Society received \$500 for marketing purposes outside of Fulton County.

Mr. Moore indicated positive feedback on the new FJ&G Rail Trail extension.

7. OTHER BUSINESS:

Planning Services

Ms. Ioele-DeCristofaro inquired why the City of Johnstown was not included with the Planning Services Agreement with the other municipalities.

Mr. Enfield stated that every municipality has ten (10) free hours of planning services, and some have created contracts with the department for more in-depth services. Subsequently, he stated that the City of Johnstown may have had a contract with the department at one time but does not currently.

Mr. Enfield stated that if they had an interest in having a contract for Planning Services, they can contact the Planning Department.

Update on larger projects

Mr. Moore inquired if the Planning Board could receive an update on the airport and other large projects during the December meeting.

Conklingville Dam

Mr. Moore inquired on when work on the Conklingville Dam will commence?

Mr. Enfield stated he believes the start date is either 2024 or 2025.

8. CLOSE OF THE MEETING:

MOTION: To close the meeting at 10:04 am.

MADE BY: James Anderson

SECONDED: Walter Fitzgerald

VOTE: 7 in favor, 0 oppose