



## FULTON COUNTY PLANNING BOARD MONTHLY MEETING

TUESDAY, DECEMBER 19, 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)  
John Kessler (Town of Mayfield)  
Jerry Moore (Town of Mayfield)  
Sheila Perry (Town of Broadalbin)  
Jay Pierz (Town of Stratford)  
Frank Lauria, Alternate (Supervisor C-Gloversville)

Aaron Enfield, Senior Planner  
Chris Stankes, Planner

#### AGENDA:

1. 239-M Review: City of Gloversville Planning Board – Jiffy Lube International – Site Plan for an Automobile Repair at 300 South Kingsboro Avenue:
2. 239-m Review: Town of Johnstown Planning Board – Jodie Thompson – Special Use Permit for Home Occupation Onsite Services (Pete's Dog Park and Doggie Daycare) at 469 County Highway 102 (Phelps Street):
3. 239-m Review: Town of Caroga Planning Board – Caroga Wash – Site Plan for a Laundromat at 2047 NYS 10:
4. Update on Countywide Projects:
5. Public Comment on Boralex 40MW Commercial Industrial Solar Project in Mayfield
6. Planning and Zoning Conference Agenda Items and Date

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

The meeting was called to order at 8:47 am.

#### 2. PLEDGE OF ALLEGIANCE:

#### 3. APPROVAL OF THE NOVEMBER 21, 2023 MINUTES:

MOTION: To approve the minutes of the November 21, 2023 minutes.

MADE BY: Sheila Perry  
SECONDED: Walter Fitzgerald  
VOTE: 8 in favor, 0 opposed

#### **4. NYS GENERAL MUNICIPAL LAW §239-M:**

In accordance with New York State General Municipal Law §239-m, the following applications were forwarded to the County Planning Board for review. GML 239-m requires that municipal boards refer certain planning actions to the county for review. The purpose of the law is to encourage local board members to consider the countywide and inter-municipal impacts of their local land use decisions. Pursuant to the Fulton County Board of Supervisors, Subdivisions do not need to be referred to the county for a review.

##### **A. City of Gloversville Planning Board – Jiffy Lube International – Site Plan for an Automobile Repair at 300 South Kingsboro Avenue:**

*Planning Board Vice Chair James Anderson was asked to abstain due to his involvement of being a member of the City of Gloversville Planning Board.*

Jiffy Lube is proposing to construct a 4-bay Jiffy Lube multi-care facility at 300 South Kingsboro Avenue (Tax Map Parcel No. 149.18-6-2) that is approximately 1.52 acres. The site currently has a vacant restaurant, which will be demolished as part of this project. The new building will be one (1) story with associated signage, lighting, utilities, landscaping, parking, and drive aisles, and new driveways. A portion of the property is located within the Town of Johnstown. Former Town of Johnstown Code Enforcement Officer Todd Unislawski indicated in the Spring of 2023 that going to the Town of Johnstown Planning Board will not be necessary and reconfirmed by current CEO Jeff Persch after submittal to the Gloversville Planning Board, both indicated that an easement will not be necessary.

The property is located within the Manufacturing Zoning District. Per the City of Gloversville Zoning Ordinance, an Automobile Repair includes the repair, painting, and collision services when conducted entirely within a completely enclosed building; battery manufacturing, tire retreading, and capping.

#### **DISCUSSION:**

Fulton County Senior Planner gave an overview of the project. He stated that the parcel is still under the Stormwater Pollution Prevention Plan and the SPEDES General Permit for when the parcel was part of the Hoffman's Carwash Project which also included a subdivision of said property. He indicated that the disturbance of impervious surfaces will be less than what was approved by the NYS Department of Environmental Conservation.

Planning Board member Jerry Moore asked if there would be a fluorescent light similar to the sign where First United Federal Credit Union is located.

Mr. Enfield indicated there will not be as that project is within the Town of Johnstown and not the City of Gloversville.

Planning Board members felt that they should stay out of the project as there were no regional implications.

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

##### **MOTION:**

Recognizing no regional implications that could occur from Jiffy Lube International's Site Plan for an Automobile Repair at 300 South Kingsboro Avenue within the City of Gloversville and to offer no recommendation to the City of Gloversville Planning Board on the application.

MADE BY: John Kessler  
SECONDED: Jay Pierz  
VOTE: 7 in favor, 0 oppose, 1 abstain (Anderson)

**B. Town of Johnstown Planning Board – Jodie Thompson – Special Use Permit for Home Occupation Onsite Services (Pete’s Dog Park and Doggie Daycare) at 469 County Highway 102 (Phelps Street):**

Jodie Thompson lives at 469 County Highway 102 (Tax Map Parcel No. 119.-2-9) which is approximately 2.619+/- acres. She will be seeking a Special Use Permit for the creation of a home-based occupation, proposing to use an existing 21’x 17.5’ (367.5 sq. ft.) garage and an adjacent 4606 sq. ft. fence in the area for a Dog Daycare and Dog Park. The Applicant has provided a business plan outlining the mission statement, owner’s skills and qualifications, and daycare rules and regulations.

The property is within the R-1 Zoning District. Per the Town of Johnstown Zoning Ordinance, a Home Occupation is a “business conducted as an accessory use which is clearly incidental to or secondary to the residential use of the dwelling unit and does not change the character thereof and is carried on wholly within the enclosed walls of a dwelling unit or accessory building by the occupant(s) of such dwelling and in which not more than 2 persons not residing in such dwelling unit may be employed on site. Home occupations are either “off-site” or “on-site.” An On-Site Service is a home occupation in which the owner meets customers on premises and thus the business generates additional traffic.

**DISCUSSION:**

Mr. Enfield gave an overview of the project, indicating that the Planning Board’s biggest concern was potential noise impacts to fellow neighbors related to dog barking. He stated the applicant has had positive feedback from the neighbors and has made sure protocols are in place for excessive dog barking.

Planning Board member John Kessler inquired how cleanup will be handled.

Mr. Enfield stated that the applicant will be cleaning up the property on a regular basis and has a permit for the dump.

Planning Board Chairman Dave Rackmyre, Jr. inquired if this project will have any oversight from NYS Department of Agriculture and Markets (NYSDAM)?

Mr. Enfield indicated he was unaware if it would but would bring it up at the meeting for the applicant to look into as the Board did a Type II Action under the State Environmental Quality Review Act (SEQRA).

**PLANNING BOARD ACTION:**

**MOTION:** Recognizing no regional implications that could occur from Jodie Thompson’s Special Use Permit for a Home Occupation Onsite Services (Pete’s Dog Park and Doggie Daycare) at 469 County Highway 102 (Phelps Street) within the Town of Johnstown and to offer no recommendation to the Town of Johnstown Planning Board Planning Board on the application.

MADE BY: Jerry Moore  
SECONDED: Peter Goderie  
VOTE: 8 in favor, 0 opposed

**C. Town of Caroga Planning Board – Caroga Wash – Site Plan for a Laundromat at 2047 NYS 10:**

The owners of 2047 State Highway 10 Caroga Lake (Tax Map Parcel No. 68.-1-53.2) are proposing to re-open the laundromat formally known at North Country Wash and Dry under the new name, Caroga Wash. Wastewater from the existing establishment is pumped 650; uphill to the back of the property where a 2,000-gallon holding tank distributes fluid to two absorption trenches, each approximately 568' long for a total trench length of 1,136'. The wastewater system will remain as it currently is. New York State Department of Environmental Conservation (NYSDEC) is currently reviewing a renewal of a SPDES permit.

There are currently no plans to expand the existing 1,200 sq. ft. laundromat building. The façade will be updated in-kind by replacing windows, doors, and insulation. The upgrades will improve the energy efficiency of the building as well as make the exterior more appealing. The laundromat will be open 7 days a week from 7:00 am – 9:00 pm. There will be one part-time employee working on-site. The existing gravel parking lot will accommodate up to 10 vehicles at any one time. The eight washing machines are expected to be used 3 times throughout the day resulting in a maximum total of 24 vehicles using the parking lot throughout the day.

**DISCUSSION:**

Planning Board members felt that they should stay out of the project as there were no regional implications and the project is not a change in use.

**PLANNING BOARD ACTION:**

**MOTION:** Recognizing no regional implications that could occur from Caroga Wash's Site Plan application for a Laundromat at 2047 NYS 10 within the Town of Caroga and to offer no recommendation to the Town of Caroga Planning Board on the application.

**MADE BY:** John Kessler  
**SECONDED:** Frank Lauria  
**VOTE:** 8 in favor, 0 opposed

**5. UPDATE ON COUNTY-WIDE PROJECTS (CHRIS STANKES):**

**DISCUSSION:**

Mr. Enfield stated that during the calendar year 2023, Chris Stankes, Planner, has been working on several projects at the Fulton County Airport. He stated that per the request of the Planning Board in November, he was asked to update the board on projects going on.

Fulton County Planner Chris Stankes mentioned 2023 has been busy for the airport specifically with the Airport Capital Improvement Program (ACIP), a requirement of the Federal Aviation Administration. This 5-year plan is updated every year. He went over the scope of work and projects happening on the property.

Mr. Stankes indicated the biggest project is the new fuel farm, which received over \$2 Million through a grant from the New York State Department of Transportation (NYSDOT). He stated that groundbreaking will occur in 2024 with an expected completion date in 2025.

Planning Board member Peter Goderie inquired if the airport makes money off the fuel?

Mr. Stankes indicated that \$0.10 a gallon is what Fulton County profits.

Vice Chairman Anderson inquired about the WWII Airport at the entrance of NYS Route 67. He inquired if the Federal Government will take it back or will some work be done to make it look better?

Mr. Stankes indicated that the plane is historically significant and is supposedly only one (1) of two (2) planes in that condition within the world. He indicated there has been interest of repainting it and would need to get colors from the U.S. Navy. Subsequently, he indicated that a majority of the individuals who were part of bringing the plane to NYS Route 67 are no longer alive.

**6. OFFICE OF RENEWABLE ENERGY SITING (ORES) - PUBLIC COMMENT BORALEX 40MW COMMERCIAL/ INDUSTRIAL SOLAR PROJECT (FOOTHILLS SOLAR):**

*Planning Board members John Kessler and Jerry Moore asked to abstain from voting as the project is within one of their municipalities.*

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.

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.

**July 14, 2023 meeting with Fulton County Administrative Officer Jon Stead:**

On 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.

**August 15, 2023, Fulton County Planning Board meeting:**

During the August 15, 2023 meeting, The Fulton County Planning Board, along with Board of Supervisor Chairman Scott Horton, Administrative Officer, Jon Stead, and Planning and Tourism Director, Scott Henze met with Boralex as part of Executive Order §94C receiving feedback from the County. At that time, the County discussed the potential regional impacts of having solar panels in view of the Great Sacandaga Lake. The Great Sacandaga Lake is viable a tourist destination within the county, highlighted in Fulton County Vision 2026, as well as documents for the Mohawk Valley Regional Economic Development Council (MVREDC).

### **December 2023:**

In early December 2023, Boralex filed with the Office of Renewable Energy Siting (ORES), which started the 30-day window for comment.

7.3.2 Viewpoint Selection for Photo Simulation within Appendix 8-1 of the Visual Impact Assessment takes into account the engagement that Foothills Solar Project has done within the two (2) municipalities as well as the County, citing concern with visuals of the Great Sacandaga Lake.

11.11 Planting Plan indicates that “neither the regulations nor local laws require that the Facility be fully screened, and to make the Facility “invisible”, particularly from the Lake, would be virtually impossible. There may be areas where views cannot be blocked or minimized.”

Foot Hills Solar Project is recommending the following types of Trees and Shrubs:

| Plant Specie Common Name<br>(Scientific Name)          | Install Height Post<br>Construction | Projected 5-Year<br>Height Average Post<br>Construction* | Mature Height |
|--------------------------------------------------------|-------------------------------------|----------------------------------------------------------|---------------|
| <b>Deciduous and Evergreen Trees</b>                   |                                     |                                                          |               |
| Serviceberry ( <i>Amelanchier<br/>Arborea</i> )        | 1" Cal. Min.                        | 15 Feet                                                  | 15 to 25 Feet |
| Balsam Fir ( <i>Abies Balsamea</i> )                   | 5 to 6 Feet                         | 9 Feet                                                   | 50 to 70 Feet |
| Eastern Red Cedar ( <i>Juniperus<br/>Virginiana</i> )  | 5 to 6 Feet                         | 13 Feet                                                  | 40 to 50 Feet |
| White Spruce ( <i>Picea Glauca</i> )                   | 5 to 6 Feet                         | 13 Feet                                                  | 40 to 60 Feet |
| <b>Shrubs</b>                                          |                                     |                                                          |               |
| Red Chokeberry ( <i>Aronia<br/>Arbutifolia</i> )       | 24 to 30 Inch                       | 7.5 Feet                                                 | 7 to 10 Feet  |
| Red Twig Dogwood ( <i>Cornus<br/>Sericea</i> )         | 24 to 30 Inch                       | 8 Feet                                                   | 7 to 9 Feet   |
| Common Witch Hazel<br>( <i>Hamamelis Virginiana</i> )  | 24 to 30 Inch                       | 10 Feet                                                  | 15 to 25 Feet |
| Highbush Blueberry ( <i>Vaccinium<br/>Corymbosum</i> ) | 24 to 30 Inch                       | 9 Feet                                                   | 6 to 12 Feet  |

\*Source: <https://www.arboday.org/trees/>

- A northeast native grass seed mix using native/indigenous will be incorporated between the arrays and will mature to a height of approximately 2 to 2.5 feet.
- An Agricultural Co-Utilization Plan will contribute to potential co-use agricultural activities of one or a combination of sheep grazing, vegetable crops, pollinator friendly plantings, and apiaries.
- Landscaping is planned near the Point of Interconnection as well.

### **Overview on Solar within Town and Village of Mayfield and County's review 239-m review:**

There have been roughly 40 solar projects that have come before municipal review and have either been approved or pulled their applications. Out of these projects, at least 30 have come before the Fulton County Planning Board. The only project within the Town or Village of Mayfield was reviewed during the during November 20, 2018 meeting on PV Solar's (Borrego Solar) SUP for a Solar Farm along NYS Route 29 owned by Karen and Eugene Joubert. During that time the Planning Board, recognized potentially detrimental regional impacts to community character, visual landscape and prime agricultural land and

recommended that the Town of Mayfield Planning Board disapprove PV Engineer, P.C.'s (Borrego Solar) Special Permit application for a Solar Farm along NYS Route 29.

While there was not a landscaping recommendation from the County, or the Town of Mayfield Planning Board, as part of the Special Use Permit process 234 trees and 109 shrubs were eventually recommended as well as screening near the poles along NYS Route 30. Since the project was approved in 2019 no other projects have come before the Town of Mayfield Planning Board.

To date, the Foothills Solar project is the first solar project within the Village of Mayfield.

New York State has a goal of renewable energy development of 70% by 2030. The Climate Leadership and Community Protection Act (CLCPA), an accelerated permitting process with the creation of the Office of Renewable Energy Siting (ORES), a Climate Action Council, a Scoping Plan, and most recently, a 10-Point Action Plan to Expand a Thriving Large-Scale Renewable Industry has brought more solar development to rural communities.

During that time, municipalities have seen an increase in solar development, and the County Planning Board, despite the blatant visual impacts, has given recommendations to screening, especially in part due to the presence of Fulton County Planning Board member, Peter Goderie, Tree Farmer and owner of Goderie's Tree Farm who is familiar with the soil types within the county.

#### DISCUSSION:

Mr. Enfield gave an update on the project since it came before the Planning Board. He indicated that a physical copy of the application in addition to a USB was delivered to the county from Boralex, and in reviewing portions of the application he wanted to make the Fulton County Planning Board aware of items.

Mr. Enfield indicated that work was done to have an emergency access road to the proposed substation near Mayfield Elementary School.

He indicated that the project did not have an emergency access road around the perimeter, something that is becoming a requirement of projects, with a sign-off from the local fire department that did not appear on the project.

Planning Board members had a back-and-forth conversation indicating the importance of renewable energy projects having an emergency access road.

Planning Board member Sheila Perry indicated that the project disrupts the scenic vistas identified in the Town of Broadalbin's Comprehensive Plan. She indicated several parcels on Midline Road as well as Kunz Road that would have a site line to the top of Jon Close's Farm, where the solar array is proposed.

Mr. Goderie indicated the type of screening that is provided and offered the language the Fulton County Planning Board has used for projects that come for a GML 239-m review.

Planning Board members had a back-and-forth conversation on screening of the project and the necessity of screening as the Great Sacandaga Lake is the great economic catalyst within the County.

#### PLANNING BOARD ACTION:

##### MOTION:

To send a public comment letter to the Office of Renewable Energy Siting (ORES) on the Foothills Solar Project by Boralex on the following issues:

1. Substation by Mayfield Elementary School
2. Lack of Emergency Road around the perimeter of the project

3. Disruption of Town of Broadalbin's Comprehensive Plan Scenic Vistas
4. Additions to the Landscaping Plan
  - a. 20' wide x 4' high berm to be constructed along the entire boundary of the property which would be incorporated to soften the appearance of the solar array that has been deemed to be "virtually impossible" in order to protect the view of the Great Sacandaga Lake and scenic overlooks noted within the Town of Broadalbin Comprehensive Plan.
  - b. Around the exterior of the solar project and fence include a mix of Norway Spruce, White Spruce, White Pine, Nigra Arborvitae, Balsam Fir, Blue Hills Spruce, Beech, and Red Maple. The plantings should be at least 8' in height at the time of planting (not counting the root systems).
  - c. Plantings should be made at intervals of not more than 10' on center by planting them in two (2) staggered rows so that the plantings maintain a 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.
  - e. A mixture of deciduous hardwood should be planted along the perimeter of the site to give the Landscaping Plan a more natural appearance.
  - f. Incorporate similar species when planting along the access driveway in order to soften the appearance of the utility poles.

|           |                                                  |
|-----------|--------------------------------------------------|
| MADE BY:  | James Anderson                                   |
| SECONDED: | Peter Goderie                                    |
| VOTE:     | 7 in favor, 0 oppose, 2 abstain (Kessler, Moore) |

## **7. 2024 PLANNING AND ZONING TOPICS:**

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.

During the November 21, 2023 meeting, the Planning suggested the following ideas for topics:

1. Blight
2. Legal updates
3. Variances
4. Adirondack Park Agency
5. General Municipal Law §239-m process

## **PLANNING BOARD DISCUSSION:**

Mr. Enfield provided the Planning Board with a variety of dates ranging from early February through mid-May.



After a back-and-forth conversation, the Planning Board agreed to look at mid-late March and early April for the Planning Board to host a meeting. They also agreed that having a focus on the APA is beneficial but because Montgomery County does not have any APA jurisdictions then it should be a separate class.

Mr. Enfield stated he will speak with FMCC, Montgomery County, Department of State, and Adirondack Park Agency on days that work best for the training class at FMCC as well as a one-off training with the Adirondack Park Agency.

## **8. UPDATES:**

### Chairman:

Chairman Rackmyre, Jr. Thanked the County Planning Board members for the service during the 2023 calendar year.

### Fulton County Planning Department:

Mr. Enfield stated that he has been doing an analysis of the Planning Boards as part of the Planning Services Agreement and will have the Annual Report done for the January meeting.

## **9. CLOSE OF THE MEETING:**

MOTION: To close the meeting at 9:58 am

MADE BY: James Anderson

SECONDED: Walter Fitzgerald

VOTE: 9 in favor, 0 oppose