

**TOWN OF JOHNSTOWN PLANNING BOARD**  
**FEBRUARY 13, 2024**  
**6:00 P.M.**  
**TOWN HALL**

**MEETING NOTES**

**PRESENT:**

- X JES BEARDEN (CHAIRMAN)**
- X LANCE GUNDERSEN (VICE CHAIR)**
- X JEAN-PAUL COURTENS**
- X PATTI MAY**
- X ERNEST NIFOROS**
- X ROSEMARIE PEREZ-JACQUITH**
- ALBERT PECK III**
  
- X AMY WARD, BOARD MEMBER, TOWN BOARD LIAISON**
- X JEFF PERSCH, CODE ENFORCEMENT OFFICER**
- X AARON ENFIELD, FULTON COUNTY SENIOR PLANNER**

**AGENDA:**

1. Approve Minutes from Regular Meeting
2. 2024 Election of Chairman and Vice Chairman.
3. Amending the Submission Deadline from 14 to 21 days prior to the meeting.
4. Jodie Thompson – Public Hearing – Special Use Permit for Home Occupation Onsite Services (Pete’s Dog Park and Doggie Daycare) at 469 County Highway 102 (Phelps Street).
5. Herbert Green – Site Plan Amendment an Autobody Service at 997 State Route 29A.
6. BlueWave Solar – Extension on a Special Use Permit for a Solar Farm (BWC Briggs Run, LLC).
7. BlueWave Solar – Extension on a Special Use Permit for a Solar Farm (BWC Indian Rd Pond, LLC).
8. BlueWave Solar – Extension on a Special Use Permit for a Solar Farm (BWC Kecks Center Creek, LLC)
9. Donald A. Greco, Sr. – Sketch Plan for Checkerout Speedway at 2299 NY-30A.
10. BlueWave Solar - Special Use Permit for a Solar Farm at 1376 State Highway 67.
11. Tryon Enterprise – Minor Subdivision at 588 County Highway 142 (Bendick Corners Road)
12. New York Land and Lakes Development LLC – Sketch Plan for a Major Subdivision along Bendick Corners Road, NYS Route 67, and Sacandaga Road (Kayaderosseras Creek Farm) on property owned by FMCC Foundation within the Towns of Amsterdam, Perth, Johnstown, and Mohawk.
13. U.S. Light Energy - Special Use Permit for a Solar Farm (Johnstown Community Solar Project) at 616 County Highway 107.
14. Chris and Meghan Rizzo - Special Use Permit for a Junkyard (Chris Rizzo Trucking Inc.) at 1511 State Highway 29A.
15. Keasarge Solar – SEQRA Coordination on behalf of the Town of Johnstown Zoning Board of Appeals on a Variance for a Solar Farm at West Street Ext W, at the corner of Eastland Drive and West Street on property owned by Robert Smullen.
16. Review of Town of Johnstown Planning Board Bylaws.

**I. CALL MEETING TO ORDER:**

The meeting was called to order at 6:00 p.m.

**II. APPROVE MINUTES OF THE LAST REGULAR MEETING:**

MOTION: To approve the minutes of the December 12, 2023 meeting.

MADE BY: Lance Gundersen

SECONDED: Jean-Paul Courtens

VOTE: Unanimous

**III. ELECTION OF OFFICERS:**

**A. Background:**

In accordance with Section 271 of the Town Law of New York State, the Chairperson of the Planning Board is appointed by the Town Board. However, in the absence of this appointment, the Planning Board is authorized to designate a member to serve as the Chairperson. Historically, the Town Board has authorized the Planning Board to select its own Chairman and Vice-Chairman.

**DISCUSSION:**

Planning Board member Lance Gundersen indicated that Jes Bearden has been doing a great job as Chair and recommended that she should serve again in 2024.

Planning Board members agreed that Ms. Bearden should serve in that capacity.

MOTION: To nominate Jes Bearden to serve as Chair of the Town of Johnstown Planning Board in 2024.

MADE BY: Lance Gundersen

SECONDED: Jean-Paul Courtens

VOTE: Unanimous

**FURTHER DISCUSSION:**

Mr. Enfield stated that a Vice Chairman will also need to be elected.

Mr. Gundersen stated that if no one was interested in serving, that he would gladly take the role as Vice Chair.

Planning Board member Patti May indicated that she would nominate Lance to serve in that capacity.

Planning Board members concurred with Ms. May's nomination.

MOTION: To nominate Lance Gundersen to serve as Vice Chair of the Town of Johnstown Planning Board in 2024.

MADE BY: Patti May

SECONDED: Jes Bearden

VOTE: Unanimous

**IV. AMENDING PLANNING BOARD SUBMISSION DEADLINE TO 21 CALENDAR DAYS:**

**A. Background:**

Due to changes in staff within the Town of Johnstown and the Fulton County Planning Department, an increase of projects and their magnitude, and at times issues with the United States Postal Service not getting applications to board members on time, there has been a request to need to move the submission deadline earlier so that review of the projects can be more thorough my board and staff. Currently, the deadline is 14 calendar days.

**DISCUSSION:**

Fulton County Senior Planner Aaron Enfield stated that he and Code Enforcement Officer Jeff Persch, have spoken on the matter and both agreed the extra 7 days will help review the projects.

Planning Board members agreed having an additional week to review projects will be helpful.

**MOTION:** To amend the submission deadline for Planning Board projects to 21 calendar days.

**MADE BY:** Patti May  
**SECONDED:** Jes Bearden  
**VOTE:** Unanimous

**V. JODIE THOMPSON – PUBLIC HEARING – SPECIAL USE PERMIT FOR HOME OCCUPATION  
ONSITE SERVICES (PETE’S DOGPARK AND DOGGIE DAYCARE) AT 469 COUNTY  
HIGHWAY 102 (PHELPS STREET):**

**A. Background:**

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. fences in area for a Dog Daycare and Dog Park. The Applicant has provided a business plan outlining the mission statement, owner’s skills and qualifications, 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.

**B. December 12, 2023 meeting:**

During its December 12, 2023 meeting, the Town of Johnstown Planning Board reviewed your application for a Home Occupation Onsite Services (Pete’s Park and Dog Daycare) at 469 County Highway 102 within the Town of Johnstown. At that time, the Planning Board asked that the following information be included on the Site Plan before the Public Hearing:

1. Location of current lighting on the garage.

STATUS: Provided.

C. Fulton County Planning Board Review GML Section 239-m:

During its December 19, 2023 meeting, the Fulton County Planning Board, in accordance with Section 239-m of the General Municipal Law, reviewed 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) in the Town of Johnstown. At that time, the Planning Board recognized no regional implications that could occur from this proposed action and will be offering no recommendation to the Town of Johnstown Planning Board.

D. Fulton County Agricultural District #1

During the December 12, 2023 meeting, the Planning Board sent Agricultural Data Statements to the following property owners within Fulton County Agricultural District #1: (1) Mark Ernst, 364 State Highway 30A, 119.-2-36; (2) Jeffrey Smith, 533 County Highway 102, 119.-2-4.11; (3) Hector Montano, 530 County Highway 102, 119.-1-27.111; and (4) Ian Cast, 119 Jackson Summit Road W, 119.-1-27-113. To date the Planning has not received any feedback from any of the property owners.

E. State Environmental Quality Review:

During the December 12, 2023 meeting, the Town of Johnstown Planning Board classified this project as a Type II Action under SEQR per 617.5 (c)(9) construction or expansion of a primary or accessory non-residential structure or facility involving less than 4,000 sq ft of gross floor area and non-involving a change in zoning or a use variance and consistent with local land controls. Unless additional information has come out on the project, which would change the SEQRA category, no additional review is necessary.

F. Public Hearing:

The public hearing opened up 6:05 pm

Speakers:

*Kathy VanAlstrand VanAlstrand*  
*485 County Highway 102*

Ms. VanAlstrand stated she was opposed to the project as it is not allowed within the Town Code book. She indicated there is a dog barking in the neighborhood, and believed it to be the applicant.

Ms. VanAlstrand stated what the hours of operation were as she did not want people showing up at 3:00 am to use the park.

Ms. VanAlstrand stated that she works from home two days a week and that dog barking would interfere with her work.

Ms. VanAlstrand also indicated that the applicant could put a kennel into the garage and board dogs.

*Richard VanAlstrand VanAlstrand*  
*485 County Highway 102*

Mr. VanAlstrand indicated he was against the project as they live in an R1 district and stated his taxes are a result of his zoning district.

Mr. VanAlstrand stated that they have followed the rules of the neighborhood and mentioned that others should do so as well. He indicated they tried to do something on their property and it was not allowed

***Jodie Thompson***  
***469 County Highway 102***

Ms. Thompson indicated the dog barking was not her dog, but knew who it belongs to. She indicated that the dog barking lives between her and the VanNostrands and that she and her ex-husband share custody of her dog of which she has a limited amount of days during the week.

Ms. Thompson stated that the business plan provided will be amended should there be problems arise that need to be addressed further.

The public hearing was closed at 6: 12 pm

Mr. Enfield stated that the applicant did not need to go before a Zoning Board of Appeals as the project is an allowed use under the Zoning Code's Ordinance, which is a different document from the Town Code. Subsequently, he indicated that should elements of the Special Use Permit not be met than the Planning Board could revoke the permit.

Mr. Enfield stated that the monthly minutes reflect it being an allowed use.

**G. Planning Board Action:**

In accordance with Article 10 Special Use Permits of the Town of Johnstown Zoning Ordinance, The Planning Board shall grant, deny, or grant subject to conditions the application for a Special Use Permit within 62 days after the hearing.

**DISCUSSION:**

Mr. Enfield mentioned that given the concern of the new business, the applicant should come back again in 6 months for the Planning Board to review the application and to make changes if necessary. He stated that should there be a concern from Code Enforcement the Planning Board will review the project earlier.

Planning Board members agreed with this.

**MOTION:**

To approve Jodie Thompson's Special Use Permit for a Home Occupation Onsite Services at 469 County Route 102 as presented with the stipulation that it be revisiting in 6 months or earlier should there be a concern with barking or other items within the Special Use Permit.

**MADE BY:** Patti May

**SECONDED:** Ernie Niforos

**VOTE:** Unanimous

**VI. HERBERT GREEN – SITE PLAN AMENDMENT FOR AN EXPANSION ON AN EXISTING AUTOBODY & PAINT SHOP AND AUTO SERVICE REPAIR GARAGE AT 977 STATE ROUTE 29A:**

**A. Background:**

In April 2024, the Town of Johnstown Planning Board conditionally approved Herb Green's Site Plan for a 1,600 sq. ft. (40' x 40') one-story masonry addition with two (2) additional bays with the stipulations that (1) the dumpster be moved elsewhere on the property so it does not obstruct the septic field, and (2)

should any additional comments be made by a from NYS Department of Transportation (NYSDOT) they will be discussed during the May 2023 meeting.

The applicant would like to amend his approval as he will be adding 400' to the already approved addition. The revised Site Plan shows a new location of the dumpster and no further comments were made between April and May of 2023 BY NYSDOT.

**DISCUSSION:**

Planning Board members did not have any issues as the amendment will not be affecting the SEQR form. Subsequently, the Planning Board acknowledged that the applicant has met everything within the conditional approval.

**MOTION:**

To approve Herbert Green's Site Plan Amendment for an expansion on an existing Autobody & Paint Shop and Auto Service Repair and Garage at 977 State Route 29A as presented.

**MADE BY:**

Lance Gundersen

**SECONDED:**

Jean-Paul Courtens

**VOTE:**

Unanimous

**VII. BLUEWAVE SOLAR – EXTENSION ON SPECIAL USE PERMIT FOR A SOLAR FARM (BWC BRIGGS RUN LLC) ON THE PROPERTY OF RICHARD AND NANCY SAMMONS:**

**A. Background:**

On April 12, 2022, BlueWave Solar received approval to develop a 5MW Solar Farm along County Highway 116A in the Town of Johnstown (Tax Map Parcel No. 173.-1-68). The project site is approximately 116+/- acres in size. The area of impact on the property is approximately 31+/- acres. Since that time there have been delays from National Grid and seeking an extension on the Special Use Permit.

**DISCUSSION:**

Robert Queirolo, Manager of Solar Development at BlueWave Solar, gave an update on Briggs Run, Keck Center, and Indian Road Pond Solar Projects. He stated that a 14-month extension is necessary as the company is still working the finalizing details with National Grid.

Town of Johnstown Code Enforcement Officer Jeff Persch indicated there are still supply shortages in getting materials as well.

Planning Board members had a back and forth conversation regarding the Town's pending Moratorium and how it would affect these three projects. The Board acknowledged there is Prime Agricultural Soils that are being affected by this project.

Planning Board Chairman Jes Bearden stated that the project is already approved and there are merely granting an extension, and would not be subject to a moratorium.

**MOTION:**

To approve a 14-month extension to BlueWave Solar's Special Use Permit for a Solar Farm (BWC Briggs Run LLC) on property owned by Richard and Nancy Sammons.

**MADE BY:**

Lance Gundersen

SECONDED: Jes Bearden  
VOTE: 4 in favor, 1 oppose (Courtens)

**VIII. BLUEWAVE SOLAR – EXTENSION ON SPECIAL USE PERMIT FOR A SOLAR FARM (BWC INDIAN ROAD POND, LLC) ON THE PROPERTY OF RICHARD AND NANCY SAMMONS:**

**A. Background:**

On April 12, 2022, BlueWave Solar received approval to construct a 3.62MW Solar Farm along Indian Road in the Town of Johnstown (Tax Map Parcel No. 172.-2-47). The existing property is approximately 72+/- acres in size. The physical disturbance on the project site is estimated to be approximately 22+/- acres. Since that time there has been delays from National Grid and seeking an extension on the Special Use Permit.

**MOTION:** To approve a 14-month extension to BlueWave Solar’s Special Use Permit for a Solar Farm (BWC Indian Road Pond LLC) on property owned by Richard and Nancy Sammons.

**MADE BY:** Lance Gundersen  
**SECONDED:** Patti May  
**VOTE:** 4 in favor, 1 oppose (Courtens)

**IX. BLUEWAVE SOLAR – EXTENSION ON A SPECIAL USE PERMIT FOR A SOLAR FARM (BWC KECKS CENTER CREEK, LLC) ON PROPERTY OF RICHARD AND NANCY SAMMONS:**

**A. Background:**

On April 12, 2022, BlueWave Solar received approval to construct a 5-megawatt Solar Farm on property located at 865 County Highway 116 (Tax Map Parcel No. 173.-1-8). The existing property is approximately 88+/- acres in size. The area of disturbance for the Solar Farm will be approximately 28+/- acres. Since that time there has been delays from National Grid and seeking an extension on the Special Use Permit.

**MOTION:** To approve a 14-month extension to BlueWave Solar’s Special Use Permit for a Solar Farm (BWC Kecks Center Creek LLC) on property owned by Richard and Nancy Sammons.

**MADE BY:** Lance Gundersen  
**SECONDED:** Patti May  
**VOTE:** 4 in favor, 1 oppose (Courtens)

**X. DON GRECO, SR. – CONCEPT PLAN FOR A SPECIAL USE PERMIT FOR A COMMERCIAL RECREATION AND AMUSEMENT EXPANSION AT CHECKERSOUT SPEEDWAY AT 2299 NY-30A:**

**A. Background:**

DJF Motorsports owns and operates Checkersout Speedway at 2299 NY-30A, of which a portion is in Fulton County, and the remaining is in Montgomery County. The applicant would take the portion within Fulton County (Tax Map Parcel No. 176.-2-67) that is approximately 2.12+/- acres in size and build an outside

cement go-kart track for commercial entertainment purposes with a staging pole barn building for staff and a parking lot for customers.

The property is within the M-1 Manufacturing Zoning District. Per the Town of Johnstown 2011 Zoning Ordinance, Commercial Recreation and Amusement can be defined as “a commercial establishment where facilities, equipment, rides, or courses are provided primarily as attractions for the amusement and recreation of visitors. Such attractions may be temporary or permanent. Examples of attractions include, among others, driving ranges apart from a golf course, miniature golf, batting cages, motorized carts and motorcycle tracts, all-terrain vehicle courses, water slides, amusement parks, downslope skiing, sports arenas, rinks, firing ranges, paintball courses, and circuses. Gift shops, equipment supply, and eateries may be included as accessory uses.”

As the project borders the Town of Mohawk (Montgomery County), notification will need to occur with the Town Clerk when there is a Public Hearing.

**DISCUSSION:**

Don Greco, Sr. gave an overview of the project which would include an outdoor go-kart race track on 2 ½ acres of land.

Mr. Enfield clarified questions the applicant had on the difference between a Permit, a Special Use Permit, and a Use Variance. He stated that the project is an allowed use under the zoning code through a Special Use Permit, and would need approval from the Planning Board.

Mr. Enfield stated that some Site Plan requirements could be waived and the Planning Board was going to go through each provision to see which one is necessary. He indicated that the criteria for a Special Use Permit would be reviewed during the next meeting they are at.

**B. Fulton County Planning Department Review:**

**Special Use Permit Criteria:**

Article 10 states that a Special Use Permit shall not be granted until the Planning Board finds that the following criteria, as well as any special criteria, have been met:

1. Harmony with Master Plan
2. Compatibility
3. Access, Circulation, and Parking
4. Infrastructure and Services
5. Environment and Natural Features
6. Long-term Effects

**Parking Schedule:**

Appendix C: Page 4 of the Parking Schedule indicated that 4 spaces per 1000 square feet of net floor area.

**Additionally Review:**

As the Planning Board can waive certain requirements before the Applicant returns with a formal submittal, they are requesting what items the Applicant is requesting feedback from the Board, and if anything within the review process can be waived:

1. Title of drawing, including name and address of applicant and person responsible for preparation of such drawing.

STATUS: The Planning Board asked for this information to be provided.

2. North arrow, scale and date.

STATUS: The Planning Board asked for this information to be provided.

3. Boundaries of the property plotted to scale of one inch to 50 feet (if the property is located in more than one zoning district, the boundaries of the districts shall also be shown).

STATUS: The Planning Board asked for this information to be provided.

4. Existing contours (unless otherwise indicated by the Planning Board, two-foot contours shall be required showing the topography for all disturbed areas of the parcel and land within 100 feet of such areas).

STATUS: The Planning Board asked for this information to be provided.

5. Existing watercourses and wetlands.

STATUS: The Planning Board asked for this information to be provided.

6. Grading and drainage plan, showing existing and proposed final contours.

STATUS: The Planning Board asked for this information to be provided.

7. Location, design, type of construction, proposed use and exterior dimensions of all buildings.

STATUS: This will need to be provided.

8. Location and widths of existing and proposed driveways for the site and access to existing roads and highways. Location to the nearest intersection of public roads to be provided.

STATUS: This will need to be provided.

9. Location, design, and type of construction of all parking and truck loading areas, showing access and egress.

STATUS: This will need to be provided.

10. Provision for pedestrian access if applicable.

STATUS: The Planning Board asked for this information to be provided.

11. Location of outdoor storage, if any.

STATUS: N/A

12. Location, design, and construction materials of all existing or proposed site improvements including drains, culverts, retaining walls, and fences.

STATUS: The Planning Board asked for this information to be provided.

13. Description of the method of sewage disposal and location, design and construction materials of such facilities.

STATUS: N/A.

DISCUSSION:

Mr. Greco stated there will be no additional bathrooms created.

14. Description of the method of securing potable water and location, design and construction materials of such facilities.  
STATUS: Will there be potable water available?  
DISCUSSION: Mr. Greco stated that potable water by the race track will not be necessary.
15. Location of fire and other emergency zones, including the location of fire hydrants.  
STATUS: N/A
16. Location, design and construction materials of all energy distribution facilities, including electrical, gas and alternative energy.  
STATUS: N/A
17. Location, size and design and type of construction of all proposed signs.  
STATUS: ?  
DISCUSSION:  
Mr. Greco stated there will not be an additional sign for the go-kart race track.
18. Location, design, type, and uses of exterior lighting and signs.  
STATUS: The Planning Board asked for this information to be provided.
19. The type, location, and hours of activities likely to generate noise or ground vibrations of a magnitude as to be a public concern.  
STATUS: This will need to be provided
20. Location and design of outdoor lighting facilities.  
STATUS: The Planning Board asked for this information to be provided.
21. Identification of the location and amount of building area proposed for retail sales or similar commercial activity.  
STATUS: ?  
DISCUSSION:  
Mr. Greco indicated there will be no retail sales or commercial activities.
22. General landscaping plan and planting schedule.  
STATUS: The Planning Board indicated to wait on this until the applicant has returned with an application.
23. An estimated project construction schedule.  
STATUS: The Planning Board asked for this information to be provided.
24. Record of application for and approval status of all necessary permits from federal, state and county officials.  
STATUS: The Planning Board asked for this information to be provided.

25. Identification of any federal, state or county permits required for the project's execution.

STATUS: The Planning Board asked for this information to be provided.

26. Description of the proposed use or uses, including hours of operation, number of employees, expected volume of business, and type and volume of traffic expected to be generated.

STATUS: The Planning Board asked for this information to be provided.

27. Stormwater Pollution Prevention Plan (SWPPP) for all land development activities (excluding agricultural activities) on the site that result in land disturbance of 1 acre or more. A SWPPP shall comply with NYSDEC requirements for stormwater discharges from construction activities. It shall be at the discretion of the Planning Board as to whether a SWPPP shall be required for disturbances of less than 1 acre and which are not otherwise subject to such regulations.

STATUS: The Planning Board acknowledged that this may be necessary if more than 1 acre is disturbed.

28. Environmental Assessment Form with Part 1 completed.

STATUS: Necessary for the Planning Board Review.

**FURTHER DISCUSSION:**

Planning Board member Jean-Paul Courtens inquired how many go-karts he plans on having.

Mr. Greco stated he can have up to ten (10), but since COVID-19, he has gone down to six (6) which seems to please the patrons. Should he see a need, he will increase back to ten (10).

The Planning Board felt as though this was a good project and looked forward to reviewing more when the applicant has provided more information.

**XI. BLUEWAVE SOLAR – SPECIAL USE PERMIT FOR A SOLAR FARM (CRUM CREEK LLC) AT 1376 STATE HIGHWAY 67:**

**A. Background:**

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 M Sammons and is approximately 168.559+/- acres in size. 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. The subject parcel is approximately 166 acres, with the project comprising approximately/conservatively 20 of those acres.

**B. November 14, 2023 meeting:**

During its November 14, 2023 meeting, the Town of Johnstown Planning Board continued its review of the Special Use Permit application for a 1.2 MW solar farm on property owned by Richard and Nancy Sammons within the Town of Johnstown. At that time, the Planning Board decided to table further review until the following information is provided:

1. A Landscaping Plan will be necessary to identify the use of agrivoltaics on the property. While the project narrative includes this, further clarification is needed.

STATUS: A landscaping plan has not been included in the site plans since the project is naturally screened by existing topography and vegetation, and no vegetative screening is proposed. Language regarding vegetative maintenance has been added to the operation and maintenance plan to address proposed vegetative maintenance through agrivoltaic practices.

**DISCUSSION:**

Mr. Enfield indicated that the Planning Board will weigh in on the County Planning Board's recommendation.

2. Coordination with the Sammonsville Volunteer Fire Department on:
  - a. Emergency access road around the perimeter of the fenced and screened solar array.
  - b. Making sure the culvert meets the criteria for all emergency management vehicles.

STATUS: Tectonic discussed emergency access at length with Joel Wilson and Ryan Parillo of the fire department. They approved an alternative access that traverses down the center of the solar array in the north/south direction. At Mr. Parillo's request, turnarounds have been included at each end and at the center of the access road. Correspondence relative to this approved design was submitted to you via email by Mr. Quierolo on 1/8/2024. The site plan drawings included with this submission have been revised to reflect this new access design.

Regarding the culvert, the manufacturer's spec sheet on Sheet C7 indicates the culvert is designed for HS-20 wheel loads and as such meets the needed strength criteria for emergency vehicles.

**DISCUSSION:**

Mr. Enfield indicated that since the last time BlueWave Solar was before the Planning Board, there has been coordination with the Sammonsville Fire Department.

Mr. Quierolo stated that the company has coordinated with the Fire Department and that sign there have been some changes to the plan which has an emergency access road through the middle of the project, not around the perimeter.

3. A Glare Analysis of the property.

STATUS: A glare analysis report has been included in this resubmittal. The report was prepared by our sub-consultant, Pure Power Engineering and is dated 12/26/2023.

DISCUSSION: The glare analysis came back that there would be no impacts with the emergency helicopter.

4. A Sign indicating the layout of the solar array which identifies where the shutoffs are.

STATUS: The requested sign details have been added to Detail 6 of Sheet C9B of the plan set.

DISCUSSION: Provided.

5. The Decommissioning Plan will need to be updated. The average inflation over the past three (3) years is 5.7% and will need to be reflected in the total amount over the course of the 20 years of the solar project.

STATUS: The decommissioning plan submitted has been revised to account for the average rate of inflation over the past (3) years at 5.7% as requested.

It is recommended that the Planning Board forward to the Town of Johnstown Town Board.

**DISCUSSION:**

After a back-and-forth conversation, the Planning Board agreed to forward the Decommissioning Plan to the Johnstown Town Board.

**PLANNING BOARD ACTION:**

**MOTION:** For the Fulton County Planning Department to forward BlueWave Solar's Decommissioning Plan on a Solar Project along NYS Route 67 to the Town of Johnstown Town Board for approval as part of the Special Use Permit for a Solar Farm.

**MADE BY:** Jean-Paul Courtens  
**SECONDED:** Patti May  
**VOTE:** Unanimous

6. The Operation and Maintenance Plan will need to be updated to reflect the current project of Crum Creek, not Briggs Run.

STATUS: The Operation & Maintenance Plan has been updated to reflect the current project name of Crum Creek, LLC as requested.

**DISCUSSION:** Okay.

7. Code Compliance letter will need to be updated to reflect the current project on NYS Route 67 in the Town of Johnstown, not Wheeler Road within the Town of Elbridge.

STATUS: The code compliance letter was previously revised and resubmitted to the Board on 12/26/2023.

**DISCUSSION:** Okay.

8. The 20' emergency access road will be placed on the exterior perimeter of the fence and solar array.

STATUS: Per discussions with the fire department it was agreed that emergency access would be achieved through the center of the compound. The site plan drawings included with this submission have been revised to reflect this new access design.

**DISCUSSION:**

Mr. Quierolo reiterated that per the Sammonsville Volunteer Fire Department, the emergency access will be in the center instead of the perimeter.

***Technical Review***

Environmental Design Partnership will hold off on a more detailed review until the new plans are submitted. However, they offered the following comments:

1. Grades of the perimeter access road are likely to be steep in the northeast corner of the array; I'd recommend a detailed grading plan with proposed access road grades specifically shown on the plan. If the perimeter access road is proposed as pervious particular attention should be given to confirming the suitability of the pervious perimeter road for the intended use.

STATUS: The emergency access was changed to traverse down the center of the fenced compound. Plan sheet C4B shows the new road alignment with slopes denoted near the station labels. The maximum slope along the road is just shy of 9% with the majority of the road having slopes less than 6%. This will be a pervious road with an 8" stone depth and will be built per detail 2 on Sheet C10A.

2. It appears the access road south of the wetland crossing is proposed as impervious. It is not clear how stormwater runoff is to be managed down the gradient of the proposed dry swale.

STATUS: The entirety of the access road south of the creek uses the NYSDEC pervious cross-section for slopes between 5% and 10%. Call-outs in the plan set have been revised to clarify, and as such the proposed dry swale meets NYSDEC requirements for stormwater management. See Detail 2 on Sheet C-10A and Exhibit H in the SWPPP.

3. It is not clear how the applicant is proposing to satisfy Item 3 of the 2018 NYSDEC guidance for solar panel construction relative to the installation of solar panels on slopes.

STATUS: Item #3 of the 2018 NYSDEC guidance states: "For solar panels constructed on slopes, the individual rows of solar panels are generally installed along the contour so rain water sheet flows down slope\*" The asterisk notes: "\*Refer to Maryland's Stormwater Design Guidance – Solar Panel Installations attached for guidance on panel installations."

Under the guidance from MDE, Example #2 is provided for using Non-rooflop Disconnection where the average slope > 5% but less than 10% and site vegetation is considered as meadow, which applies to this project. As such, the project design uses the Non-Rooftop Disconnection BMP to capture and treat the runoff from 1 inch of rainfall; by maintaining a minimum spacing between rows that is greater than the row width itself.

**DISCUSSION:**

Mr. Enfield indicated that the three questions from Environmental Design Partnership and recommended that a call between BlueWave Solar and EDP should occur

**POST MEETING NOTE:**

*Due to LL 2 of 2024 Renewable Energy Moratorium enacted on Monday, February 26, 2024, pending projects have been put on hold and no call with EDP has occurred.*

**Site Visit:**

On Friday, February 9, 2024, Fulton County Senior Planner did a Site Visit with BlueWave Solar as they were in the area. During the Site Visit the existing conditions. At that time given the location and the distance away from NYS Route 67, taking the recommendation from the Fulton County Planning Board

Does the Planning Board feel as though a Site Visit is necessary to schedule for this project site?

**DISCUSSION:**

Planning Board members agreed that a Site Visit would be necessary for the Planning Board to make a decision on Landscaping.

*POST MEETING NOTE:  
A Site Visit occurred on Wednesday, February 21, 2024.*

C. Fulton County Planning Board Review GML Section 239-m:

During its November 21, 2023 meeting, meeting, the Fulton County Planning Board, in accordance with Section 239-m of the General Municipal Law, reviewed Blue Wave Solar's Special Use Permit for a Solar Farm (Crum Creek) at 1376 State Highway 67 within the Town of Johnstown. At that time, the Planning Board recommended that the project be approved with modifications. Should the Planning Board wish to override the Planning Board majority, a supermajority vote, majority plus one (1), will be necessary.

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 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. 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. 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.

DISCUSSION:

The Planning Board decided to hold off on voting on until they had a chance to do a Site Visit.

D. Fulton County Agricultural District #1:

During the November 14, 2023 meeting, the Planning Board sent Agricultural Data Statements to the following property owners within Fulton County Agricultural District #1: (1) John Subik, Jr. (Tax Map Parcel No. 173.-1-21); (2) Robert Subik (Tax Map Parcel No. 173.-1-64); and (3) John Kennedy (Tax Map Parcel No. 173.-1-14.11). To date, the Planning has not received any feedback from any of the property owners.

E. State Environmental Quality Review:

During the November 14, 2023 meeting, the Town of Johnstown Planning Board classified this project as a Type I Action under SEQR per 617.4 (b)(6)(i): (6) activities, other than the construction of residential facilities, that meet or exceed any of the following thresholds; or the expansion of existing nonresidential facilities by more than 50 percent of any of the following thresholds: (i) a project or action that involves the physical alteration of 10 acres. Letters were sent to National Grid, New York State Department of Transportation (NYSDOT), New York State Department of Environmental Conservation (NYSDEC), New York State Environmental and Research Development Authority (NYSERDA), Sammonsville Volunteer Fire Department, Fulton County Office of Real Property and offered them 25 calendar days to offer a comment. To date, the following comments have been made:

***NYS Office of Parks Recreation and Historic Preservation (OPRHP)***

In a letter dated November 28, 2023, R. Daniel Mackay, Deputy Commissioner for Historic Preservation Division for Historic Preservation indicated that no properties, including archeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.

### *Fulton County Office of Real Property*

In a phone conversation with Mary Beth Salamone, Director of Fulton County Office of Real Property, dated January 3, 2024, she indicated a deed description will be required for the array. Subsequently, she indicated the deed would need to be filed with the Office of Real Property.

### *Sammonsville Volunteer Fire Department*

In an email dated December 10, 2024, Ryan Parillo, chief of the Sammonsville Volunteer Fire Department indicated concerns on the project. He stated that the proposal states that there will be a 8' high fence placed on the edge of the project and is the fire department's understanding that the fence will be on the edge of our parking lot.

While the parking is not a concern, the area next to the fire house is used as a landing zone for Medflight and have multiple calls a year that the helicopter demands us to use this landing zone. If possible, an area of an extra 60' feet from the edge of our parking lot to the proposed fence, would be acceptable for the helicopter to land.

### *NYS Department of Transportation (NYSDOT)*

In an email dated December 7, 2023, Beth Watts of the NYS State Department of Transportation (NYSDOT) did not have any issue with the Town of Johnstown Planning Board serving as Lead Agency for purposes of the State Environmental Quality Review Act (SEQRA) in relation to the proposed solar facility to be located at 1376 State Route 67 in the Town of Johnstown.

The agency also offered the following comments:

1. A NYSDOT Highway Work Permit will be required for any work performed within the highway right-of-way. This permit is required prior to the start of work.
2. The proposed access along State Route 67 shall conform to current NYSDOT standards.
3. The entrance will need to meet NYSDOT minor commercial driveway standards.
4. Provide a driveway layout, including but not limited to:
  - a. Radius should be revised to the standard radius
  - b. Turning paths of the largest proposed design vehicles
  - c. 1 on 6 side slopes if culvert is being installed
5. No equipment or materials shall be staged in the NYSDOT Right-of-Way
6. Provide a Work Zone Traffic Control Plan.
7. A drainage report is required.
8. A separate NYSDOT Utility Permit will be required for any utility connections within the highway right-of-way.
9. Any proposed service poles, signage, parking, and advertising will need to be located on private property and not on NYSDOT right-of-way.

### *Snowmobile Trail*

The Fulton County Planning Department was made aware that the Applicant might be moving a portion of the snowmobile trail around NYS Route 67. It is recommended that BlueWave Solar reach out to Fulton County Civil Engineer Chris Stankes for contact information on Dave McNeil, President of the Ful-Mont Snow Travelers, who oversees this portion of the trail.

**DISCUSSION:**

The Planning Board Board Agreed that the comments provided by Interested or Involved Agencies would not deter them from declaring Lead Agency.

Mr. Enfield stated that per SEQRA, a final determination should be made within 20 days of declaring Lead Agency unless mutual agreement and/or outstanding information is still needed.

Mr. Quierolo and the Planning Board mutually agreed to extend the timeline of making a final determination beyond 20 calendar days.

**MOTION:** Declaring the Town of Johnstown as the Lead Agency for purposes of issuing a determination of significance for BlueWave Solar's Special Use Permit for a Solar Farm along NYS Route 67 and to extend the timeframe for issuing a determination of significance over the 20-day timeframe.

**MADE BY:** Jes Bearden  
**SECONDED:** Lance Gundersen  
**VOTE:** Unanimous

**F. Planning Board Action:**

Does the Planning Board feel as though there is enough information to schedule a Public Hearing on BlueWave Solar's Special Use Permit for a Solar Farm along NYS Route 67 for March 12, 2024?

**DISCUSSION:**

The Planning Board decided to table further review and hold off on scheduling a public hearing.

**PLANNING BOARD ACTION:**

**MOTION:** To table further review on BlueWave Solar's Special Use Permit application for a Solar Farm (BWC Crum Creek) along NYS Route 67 until the Planning Board has had a chance to do a Site Visit.

**MADE BY:** Patti May  
**SECONDED:** Jes Bearden  
**VOTE:** Unanimous

**XII. TRYON ENTERPRISE – MINOR SUBDIVISION AT 588 COUNTY HIGHWAY 142 (BENDICK CORNERS ROAD):**

**A. Background:**

Tyron Enterprise owns the former dormitories of SUNY Fulton-Montgomery at 588 County Highway 142 (Tax Map Parcel No. 176.-2-25.2) which is approximately 4.511+/- acres in size. The applicant seeks to subdivide the parcel into the following:

1. Lot A: 2.744+/- acres in size and will include the buildings of Student Housing East Wing, and Student Housing West Wing, at times known to the general public as Raider East and Raider West
2. Lot B: 1.768+/- acres in size and will include the administrative office and the dormitory-style buildings, at times known to the general public as Fulton House and Montgomery House.

There are no wetlands on the property and there are no parcels within Fulton County Agricultural District #1 within 500'.

**B. On January 18, 2024 Application Review:**

Town Code Enforcement Officer Jeff Persch and Fulton County Senior Planner Aaron Enfield met with the applicant. At that time, he indicated that he was seeking to change the use from dorms to apartments and put kitchens into each unit. Mr. Persch classified the project as a Multi-family Dwelling, which per the Town of Johnstown Zoning Ordinance is defined as “a dwelling or group of dwellings on one lot, containing separate living units for three (3) or more families, having separate or joint entrances and including apartments, group homes, row houses, dormitory, club, or fraternity or sorority house.” As the definition is the same for each use, Tryon Enterprise is only here for a 2-lot subdivision.

As these buildings are connected to the existing infrastructure of SUNY Fulton-Montgomery, There was some information that will be needed before the Planning Board.

1. Delineation of proposed Lot A and Lot B
2. Existing waterline(s)
3. Existing sewer line(s) on the property as well as the line on the property of FMCC
4. Agreement with FMCC
5. Existing septic tank(s)
6. Existing Pump station(s)
7. Book and page number of “Commercial Code 410 Living Accommodations”

**C. Fulton County Planning Department Review:**

The Fulton County Planning Department has reviewed the Subdivision application in accordance with the Town of Johnstown’s Subdivision Regulations (Section 63-7.) As a result of that review, the following issues need to be addressed:

1. An actual field survey of the boundary lines of the tract giving complete descriptive data by bearings, and distances showing the location of that portion which is to be subdivided in relation to the entire tract and the distance to the nearest existing street intersection.

STATUS: Provided.

2. The proposed subdivision name and the name of the Town and County in which it is located must be identified along with the date, north arrow, map scale, name and address of record owner and subdivider.

STATUS: Provided.

3. All existing structures, wooded areas, streams and other significant physical features within the portion to be subdivided and within 200 feet thereof. If topographic conditions are significant, contours shall also be indicated at intervals of not more than five (5) feet.

STATUS: N/A

4. The name of the owner(s) and all adjoining property owners as disclosed by the most recent municipal tax records.

STATUS: Provided.

5. The tax map sheet, block and lot number, if available.

STATUS: Provided.

6. All available utilities on all existing streets.

STATUS: Provided.

7. The proposed pattern of lots including lot width and depth, street layout, recreation areas, systems of drainage, sewer, and water supply within the subdivided area.

STATUS: Provided.

8. All existing restrictions on the use of land including easements, covenants, and zoning lines. A copy of such covenants or deed restrictions that are intended to cover all or part of the tract shall be included.

STATUS: ?

DISCUSSION:

David Huckans, applicant, indicated that there were no easements or covenants on the property.

9. A Short Environmental Assessment Form with Part I completed by the applicant. The Planning Board may require a Full Environmental Assessment Form if circumstances are warranted.

STATUS: Not Provided.

10. A Home Owners Association will be necessary if both parcels have residences on the property.

DISCUSSION: N/A

D. Additional items for the Subdivision:

During the January 14, 2024 meeting, the following information was requested of the applicant:

1. Delineation of proposed Lot A and Lot B

STATUS: Provided.

2. Existing waterline(s)

STATUS: Will need to be provided.

3. Existing sewer line(s) on the property as well as the line on the property of SUNY Fulton-Montgomery

STATUS: Will need to be provided.

4. Agreement with SUNY Fulton-Montgomery

STATUS: Will need to be provided.

5. Existing septic tank(s)

STATUS: Will need to be provided.

6. Existing Pump station(s)

STATUS: Will need to be provided.

7. Book and page number of "Commercial Code 410 Living Accommodations"

STATUS: Will need to be provided.

B. State Environmental Quality Review:

As the applicant has not provided a Short Environmental Assessment Form (EAF) we cannot start the SEQRA process.

C. Planning Board Action:

It is recommended to table further review until the Short EAF and other information from the applicant is provided and additional information regarding infrastructure is provided.

DISCUSSION:

The Planning Board agreed to table further review until more information is provided by the applicant.

Chairman Bearden inquired why the applicant was subdividing the two different types of dorms on the property.

Mr. Hucakans indicated that one was going to be used for senior housing and the other was going to be for apartments.

PLANNING BOARD ACTION

MOTION:

To table further on Tyron Enterprise's application for a Minor Subdivision at 588 County Route 142 (Bendick Corners Road).

MADE BY:

Patti May

SECONDED:

Ernie Niforos

VOLE:

Unanimous

**XIII. NEW YORK LAND AND LAKES DEVELOPMENT LLC – SKETCH MAN FOR A MAJOR SUBDIVISION ALONG BENDICK CORNERS ROAD, NYS ROUTE 67, AND SACANDAGA ROAD (KAYADEROSSERAS CREEK FARM) ON PROPERTY OWNED BY THE FMCC FOUNDATION WITHIN THE TOWNS OF JOHNSTOWN, PERTH, MOHAWK, AND AMSTERDAM:**

A. Background:

New York Land and Lakes Development LLC is seeking to subdivide 155+/- acres (Kayaderosseras Creek Farm) into 16 lots. Each lot will have frontage on existing maintained roadways. The Applicant is currently in contract to purchase the property from the Community College Foundation of Fulton Montgomery and has authorized the developer to come before the Planning Board. The following Towns will be included in the Major Subdivision:

Town	Tax Map Parcel #	+/- acres
Amsterdam (Montgomery)	22-3-1, 22-3-2, & 22-3-4	65
Perth (Fulton)	176-1-28, 176-1-30, & 176-1-31	64
Johnstown (Fulton)	176-2-23 & 176-2-20	25
Mohawk (Montgomery)	22-2-6.1	0.39

Within the Town of Johnstown, the Applicant is looking to do five (5)-lot subdivisions that would fall under the Town's Major Subdivision Regulations. All the Parcels will have road frontage within the Town of Johnstown.

Per the NYS Department of Environmental Conservation wetland mapper, the property does not have any wetlands within the Town of Johnstown.

**DISCUSSION:**

Alan Lord, New York Land and Lakes, gave a brief overview of the project. He indicated that the Town of Amsterdam is looking at declaring lead agency 65+/- acres of the proposed Subdivision. He indicated

**B. Fulton County Planning Department Review:**

Article 5 of the Town of Johnstown's Major Subdivision Regulations identifies the information an applicant is required to submit to the Planning Board for a minor subdivision proposal. Upon review of the proposed preliminary plat by the Fulton County Planning Department offer the following comments:

1. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances and the proposed subdivision name; with the Town of Johnstown and Fulton County clearly noted; a true North arrow; scale; the name and address of the record owner, the subdivider's engineer or surveyor, including his/her license number and seal.

STATUS: Provided.

2. The plat must be clearly marked "Preliminary Plat" and drawn to a scale not less than 100 feet to the inch showing the proposed lot lines and dimensions of each lot.

STATUS: Provided.

3. A summary table listing the number of lots proposed to be created, the size of each lot, the total acreage of the parcel, the linear feet of streets and acreage devoted to streets and any other right of ways, and the acreage devoted to parks, recreational areas and/or open space areas.

STATUS: Provided

4. The name of all owners of record of all adjacent properties.

STATUS: Provided.

5. The Zoning District, including the exact boundary lines of the district if more than one (1) district is involved and any proposed changes in the zoning district lines and/or the Zoning Law text that is applicable to the area to be subdivided.

STATUS: Provided.

6. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.

STATUS: N/A

7. The location of existing property lines, easements, buildings, watercourses, marshes, rock outcrops, wooded areas, and other significant existing features, for the property to be subdivided and all adjacent properties.

STATUS: Provided.

8. The location of existing septic systems, wells, culverts, and drains on the property and adjacent parcels with pipe sizes, grades, and direction of flow and, where applicable, the location and size of existing sewers and water mains.

STATUS: Not Provided. The approximate septic system of Kurt & Merly Kappelle (Tax Map Parcel No. 176.-1-29) and Jessica Lawrinait (Tax Map Parcel No. 176.-2-24) should be listed on the Subdivision Plat.

DISCUSSION:

Mr. Enfield stated that per the Town's Major Subdivision Regulations, this will be required.

Mr. Enfield stated it may be a good idea to speak with both property owners. He indicated that he spoke with Kurt Kappelle and indicated that the creek has flooded at times and has taken up to six (6) months for the NYS Department of Environmental Conservation to fix the culvert. Mr. Enfield also stated that Mr. Kappelle had other concerns and to speak to Mr. Lord.

9. Contours at intervals of five (5) feet or less must be shown, including elevations of existing roads; the approximate grading plan for the site if natural contours are to be changed by more than two (2) feet.

STATUS: Provided. The parcel is extremely flat.

10. The width and location of any streets or public ways within the area to be subdivided, and the width, location, grades, and street profiles for all streets or public ways proposed by the applicant.

STATUS: N/A

11. The approximate location of septic systems and wells for each of the parcels or, if applicable, the approximate location and size of any proposed water lines, valves, hydrants, and sewer lines.

STATUS: Partially provided. A proposed well and septic system location has been provided, however, perc. and pit tests will be necessary.

DISCUSSION:

Mr. Enfield indicated that a perc. and pit will be necessary.

12. The location of all utilities.

STATUS: Provided.

13. A Stormwater Drainage Plan for the site.

STATUS: Not Provided.

DISCUSSION:

Mr. Lord stated he is looking at doing a Stormwater Drainage Plan for the entire property.

14. Plans and cross sections showing, where applicable, the proposed location and type of sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, and the size and type thereof; the character, width, and depth of pavements and subbase to show conformity with current town road specifications, bridges, culverts, manholes, basins and underground conduits.

STATUS: N/A

15. Snowmobile Trails

**DISCUSSION:**

Mr. Enfield inquired if there were going to be any impacts to the trail system.

Mr. Lord indicated that there is a trail within the Town of Amsterdam.

Chairman Bearden concurred with Mr. Lord. She mentioned that there are limited trails for snowmobilers and that, while not within the Town of Johnstown, looking at relocation of the trail should be looked at.

Mr. Enfield stated that the applicant might want to reach out to them and have a conversation about relocation.

C. State Environmental Quality Review Act (SEORA):

During the January 3, 2024 meeting. The Town of Amsterdam Planning Board started their review of the Applicant's proposed subdivision. At that time, they showed interest in serving as the Lead Agency under the State Environmental Quality Review Act (SEQR) and classified the project as a Unlisted Action.

Does the Planning Board concur with the Town of Amsterdam Planning Board to serve as Lead Agency? If so, does the Town of Perth Planning Board want to recommend any other agencies or comments to the Town of Perth Planning Board?

<b>Involved Agencies</b>	
NYS Department of Environmental Conservation Region 4	NYS Department of Environmental Conservation Region 5
NYS Department of Transportation Town of Perth Town of Johnstown	NYS Department of Health Town of Mohawk
<b>Interested Agencies</b>	
Fulton County Board of Supervisors	Fulton County Highways and Facilities
Fulton County Planning Department	Montgomery County Planning Board
NYS Agriculture and Markets U.S. Army Corp of Engineers	Capital District Transportation Authority Fort Johnson Volunteer Fire Department

**DISCUSSION:**

The Planning Board felt that no additional information should be added. Subsequently, they agreed that the Town of Amsterdam Planning Board should be the Lead Agency for the determination of significance.

**PLANNING BOARD ACTION:**

**MOTION:**

For the Town of Johnstown Planning Board to concur that the Town of Amsterdam Planning Board should serve as Lead Agency for issuing a determination of significance under SEQOR on New York Land & Lakes Major Subdivision (Kayaderosseras Creek Farm) along Benedict Corners Road (County Route 142), Sacandaga Road (County Route 23) and NYS Route 67 within the Towns of Perth, Johnstown, Amsterdam and Mohawk and to offer the following comments

1. Per. and Pit test of all parcels to be provided.
2. The approximate septic systems for Kurt & Merly Kappelle (Tax Map Parcel No. 176.-1-29) and Jessica Lawrinait (Tax Map Parcel No. 176.-2-24) should be listed on the Subdivision Plat.
3. The Applicant should take into consideration past and potential previous flooding issues of the Kayaderosseras Creek that may impact where homes for future property owners and recommend reviewing the 2021 Fulton County Hazard Mitigation Plan:
  - i. <https://fulton.mitigationny.org/>
4. Should speak with Kurt Kappelle who has a ROW within the Towns of Johnstown, Perth, and Mohawk.
5. Snowmobile Trail Clubs should be coordinated if there may be an impact on existing trails on the property.

**MADE BY:**

Jean-Paul Courten

**SECONDED:**

Lance Gundersen

**VOTE:**

Unanimous

**A. Planning Board Action:**

In accordance with Section 276 of the Town Law of New York State, the Planning Board must hold a public hearing on any subdivision application within sixty-two (62) days of the date of submittal of the completed application. Since this project will require a review of three (3) other municipalities, it is recommended to wait until the Town of Amsterdam has completed SEQOR.

**DISCUSSION:**

The Planning Board agreed that they should hold off on further review until the Town of Amsterdam has declared a Lead Agency.

Ms. May indicated that perhaps the Planning Board should look into the flood plain maps to see if there is other information on the Kayaderosseras Creek to provide to the Town of Amsterdam.

Mr. Enfield stated he will see what he can do to obtain updated information. Subsequently, he indicated that the Town of Amsterdam may be more familiar with flooding of the creek as it goes through Fort Johnson, which as of January 1, 2024 no longer a village and solely part of the Town of Amsterdam.

**PLANNING BOARD ACTION:**

**MOTION:**

To look at the Town of Johnstown FEMA flood plain maps to provide additional information to the Town of Amsterdam and To table further action until the Town of Amsterdam Planning Board has had a chance to is to declare Lead Agency for issuing

a determination of significance under the State Environmental Quality Review Act.

MADE BY: Patti May  
SECONDED: Jean-Paul Courtens  
VOTE: Unanimous

**XIV. U.S. LIGHT ENERGY – SPECIAL USE PERMIT FOR A SOLAR FARM (JOHNSTOWN COMMUNITY SOLAR PROJECT) AT 616 COUNTY HIGHWAY 107:**

**A. Background:**

U.S. Light Energy is proposing to construct two (2) solar arrays at 616 County Highway 107 (Tax Map Parcel No. 164.-2-41) which is approximately 92.518+/- acres in size, which is owned by Adam Gurga. One solar array will be on the north side of County Route 107, and the one will be on the south side, totaling 2 MW.

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. There are NYS wetlands on the south and east side of the property on the southern side of County Route 107.

**B. November 14, 2023 meeting:**

During its November 14, 2023 meeting, the Town of Johnstown Planning Board started its review of the Special Use Permit application for a two (2) solar arrays totaling 2MW on property owned by Adam Gurga within the Town of Johnstown. At that time, the Planning Board decided to table further review until the following information is provided:

1. Within the Operation and Maintenance Plan a Landscaping Plan will need to be provided.

**STATUS:** An updated Operations and Maintenance Plan has been provided in this supplemental submission. Please see Site Maintenance in Section 4 for additional information.

2. The Landscaping Plan will need to look into prescriptive measures and funding for when a project comes before

**STATUS:** Please provide additional information so that we may address this comment appropriately.

**DISCUSSION:** It is recommended that a Site Visit and referral to the Fulton County Planning Board under GML 239-m which addresses regional impacts address additional landscaping needed.

3. Language in the Decommissioning Plan should address fine for future owners of not notifying the Town. The fine will be addressed by the Planning Board.

**STATUS:** Based upon our understanding of municipal law the Town of Johnstown Planning Board does not have authority to create regulations. The Town Board would need to pass a local law enacting a new regulation or fee schedule or modifying the current Town solar law to include a penalty for failure to notify the town of an ownership change. Said law would then be enforced by the Town Code Enforcement Officer. To aid in the potential enactment of such a law we have added language to the decommissioning plan on Page 7 Section 8. Assignments that state “*Failure to notify the town of a change in ownership of the project may result in the accrual of fines pursuant to the applicable local laws in effect at the time of the infraction*”.

DISCUSSION: The Town of Johnstown currently looking into a moratorium of all renewable energy items and most likely will be addressed. The language provided. Will be sufficient for this application.

4. Plans will need to be stamped by a licensed Engineer.

STATUS: Stamped plans will be provided once all requested modifications of the site plan by the Town of Johnstown Planning Board have been completed and the project is deemed finalized and ready for final approval.

5. Sign off by the Berkshire Volunteer Fire Department Fire Chief Jim McCreedy.

STATUS: USLE has reviewed the proposed plan with the Berkshire Volunteer Fire Department Fire Chief Jim McCreedy verbally and he has confirmed that the department has no concerns with the current plans. Email confirmation will be provided to the Planning Board as soon as it becomes available.

DISCUSSION: It is recommended that a letter on Berkshire Volunteer Fire Department letterhead be provided.

6. Coordination with the Berkshire Volunteer Fire Department Fire Chief Jim McCreedy will be necessary for emergency response. 20' around the perimeter of the fenced and landscaped areas.

STATUS: USLE has reviewed the proposed plan with the Berkshire Volunteer Fire Department Fire Chief Jim McCreedy verbally and he has confirmed that the department has no concerns with the current plans. Email confirmation will be provided to the Planning Board as soon as it becomes available.

DISCUSSION: It is recommended that a letter on Berkshire Volunteer Fire Department letterhead be provided.

7. Visual Simulations of the proposed landscaping screening of SX64 (Salix Mlyabeanana) during the wintertime.

STATUS: Photographs of the proposed willow hedgerow during a leafless period taken recently along the NYS Thruway at Exit 21B were provided during the December 12, 2023, Planning Board meeting and are included in this supplemental submission. Given that these are photographs of an actual installation we feel that they better represent the potential screening abilities of the proposed willow hedgerow even during leafless periods, rather than a photo-rendered image. The enclosed photos represent a single row of hedges versus the double row as proposed and were planted approximately 5 years ago and have reached approximately 20'-25' in height.

It should be noted that upon further review of the existing vegetative areas along the stream and wetlands contained within the northern section of the parcel, it appears that the primary cover is a palustrine scrub-shrub wetland with shrub willow observed as a dominant species.

DISCUSSION: It is recommended that the Fulton County Planning Board review the project under GML 239-m to address any regional impacts.

8. Additional screening will need to be considered given the deciduous nature of SX64.

**STATUS:** In lieu of additional screening to prevent visual impacts we have proposed a stockade fence along the areas of the northern array visible from the road to prevent visual impacts during the initial growth and leaf-off periods of the year. See Detail 5 on Sheet C-503 in addition to sheets C-102 & C-103 for location and detailed information on the proposed stockade fencing.

**DISCUSSION:** It is recommended that the Fulton County Planning Board review the project under GML 239-m to address any regional impacts.

9. Emergency contacts, addresses and numbers will need to be updated.

**STATUS:** Detail 6 on Sheet C-501 of the revised site plans included in this supplemental submission has been revised to include this information.

**DISCUSSION:** Provided.

10. Signage of the solar array showing layout and location of shut-offs.

**STATUS:** Details 2 & 3 have been added to Sheet C-501 of the revised site plans included in this supplemental submission to provide for this site-specific signage.

**DISCUSSION:** Provided.

11. Cost Estimates of the Decommissioning Plan will need to be provided which include prevailing wages.

**STATUS:** A stamped Decommissioning Cost Estimate prepared by a NYS Professional Engineer has been provided in Appendix B of the Decommissioning Plan. Additionally, a memorandum regarding the applicability of Prevailing Wage Rates to the decommissioning estimate has been provided by the Applicant's legal counsel, Barclay Damon, LLP for review. In summary, the project is not subject to prevailing wage as a matter of law under Section 224-d of the Labor Law.

**DISCUSSION:**

Does the Planning Board feel as though the Decommissioning Plan is ready for review from the Town of Johnstown Town Board?

**PLANNING BOARD ACTION:**

**MOTION:**

To forward U.S.L.E.'s Decommissioning Plan on a Solar Project along County Highway 142 to the Town of Johnstown Town Board for approval as part of the Special Use Permit for a Solar Farm.

**MADE BY:**

**SECONDED:**

**VOTE:**

Additionally, our third-party technical reviewer, Environmental Design Partnership, has reviewed the document and offer the following comments:

**Plan Set:**

1. Given that the property is currently within an Agricultural District, the Planning Board may wish to consider requesting that the project incorporate the New York State Department of Agriculture and Markets Guidelines for Solar Energy Projects – Construction Mitigation for Agricultural Lands.

STATUS: The NYSDDAM guidelines for solar projects have been incorporated into the site plan on sheets C-102-C-104.

DISCUSSION: Question #4 on the NYSDEC Notice of Intent requests that the future impervious area within the disturbed area be rounded to the nearest tenth of an acre. The area of the proposed equipment pads totals 600 square feet or 0.014 acres which rounds to 0.0 tenths of an acre. Based on previous coordination with David Gasper, P.E. of the NYSDEC, the concrete pad is under the acreage threshold that would require reporting, is considered insignificant, and therefore does not require post construction treatment. Although we agree with Mr. Gasper's assessment that no post-construction stormwater management practices are required, our design will provide for the concrete pads to have a 2-foot-wide wide stone diaphragm level spreader perimeter which will capture runoff and return it to sheet flow conditions over the surrounding meadow coverage similar to a grass filter strip. Please see the enclosed correspondence.

2. The plans do not appear to illustrate how the Applicant intends to address post construction stormwater management controls for the traditional impervious areas of the project (i.e., equipment pads).

STATUS: The Pervious Access Road Detail on Sheet C-502 has been modified to align more closely with the NYSDEC approved detail (TRC detail).

Most importantly all notes referencing the protection of the access road during construction have been eliminated and the plans require that a temporary construction access road be utilized, removed, and the native soils de-compacted per the NYSDEC guidelines prior to the construction of the Limited Use Access Road. It should be noted that in addition to the geogrid on slopes less than 10% CTM's detail requires the use of geoweb whereas this is only required on steeper slopes per the TRC detail. A copy of the TRC detail has been included in this supplemental submission for reference.

3. The Pervious Access Road detail provided on Sheet C-502 is not consistent with the NYSDEC approved Limited Use Pervious Access Road detail (a.k.a. TRC detail). The NYSDEC approved Limited Use Pervious Access Road is intended to be used on an occasional basis only and not for construction. Should the Applicant desire to utilize the Pervious Access Road detailed provided on Sheet C-502 EDP recommends that it be submitted to the NYSDEC for a 60-day NOI review for construction activities with a SWPPP that has not been prepared in conformance with the NYSDEC's technical standards.

### **Operation and Maintenance Plan**

1. Page 6 (i.d.) of the O&M Plan suggests no vegetative landscaping is proposed. EDP recommends that this section of the O&M Plan be revised as vegetative landscaping / screening is proposed.

STATUS: An updated Operations and Maintenance Plan has been provided in this supplemental submission. Please see the Site Maintenance Section 4 for additional information.

2. EDP recommends that the Planning Board consider including within the O&M Plan any vegetative screening maintenance and / or performance requirements that the Planning Board desires to implement and identify a process for reviewing and correcting any maintenance concerns.

STATUS: An updated Operations and Maintenance Plan has been provided in this supplemental submission. Please see the Site Maintenance Section 4 for additional information.

### **Decommissioning Plan**

1. The Decommissioning Plan indicates that the cost estimate will be provided in the future and, as such, should be reviewed when available.

STATUS: A Stamped Decommissioning Cost Estimate prepared by a NYS Professional Engineer has been provided in Appendix B of the Decommissioning Plan.

### **Glare Analysis**

1. It appears that glare is predicted on runway 28 of the Fulton County Airport; recommends the Applicant consult with the FAA regarding the impact of potential glare from the Project.

STATUS: A Determination of No Hazard to Air Navigation letter from the FAA was presented to the Planning Board at the November 14th Planning Board meeting and has been included in this supplemental submission.

DISCUSSION: In speaking with Travis Mitchell with EDP, this project will not impact the Fulton County Airport.

### **Site Visit**

During its December 13, 2023 meeting, the Town of Johnstown Planning Board helped clarify questions that the Applicant had from the November 2023 meeting. While no information was provided to the Planning Board, the Fulton County Planning Department received messages from several board members requesting a Site Visit be conducted.

### **DISCUSSION:**

Planning Board members had a back-and-forth conversation with the applicant on the potential visual impacts of the north side of County Route 107 and indicated that a Site Visit will be necessary to better educate them on the property.

Planning Board member Ernie Niforos indicate he had an interest in attending the Site Visit.

Mr. Enfield indicated he would survey the property beforehand to make sure it was safe for him to be able to visit.

### **POST MEETING NOTE:**

*A Site Visit occurred on Wednesday, February 21, 2024.*

### **C. Fulton County Planning Board Review GML Section 239-m:**

In accordance with NYS General Municipal Law Section 239-m, the Town of Johnstown Planning Board shall refer projects to the Fulton County Planning Board to assess any regional impacts that are within 500' of a municipal boundary, county or state existing or proposed road, a county or state existing or proposed park or recreation area, a county or a state-owned property (existing or proposed, on which a public building or institution is located), or a farm operation located within an agricultural district. Project referrals include Site Plan, Special Use Permit, Zoning Amendments, Comprehensive Plans, or other authorizations which the Board may issue under zoning provisions.

Does the Planning Board feel there is enough information to provide to the Fulton County Planning Board at this time?

**DISCUSSION:**

The Planning Board agreed to send the application to the Fulton County Planning Board.

**PLANNING BOARD ACTION:**

**MOTION:**

To forward U.S.L.E. Special Use Permit for a Solar Farm along County Highway 107 to the Fulton County Planning Board under GML 239-m.

**MADE BY:**

Patti May

**SECONDED:**

Jes Bearden

**VOTE:**

Unanimous

**D. Fulton County Agricultural District #1:**

During the November 14, 2023 meeting, the Planning Board sent Agricultural Data Statements to the following property owners within Fulton County Agricultural District #1: (1) Eric Pareene (Tax Map Parcel No. 164.-3-1); (2) Frederick Mulberger (Tax Map Parcel No. 164.-2-46); and (3) Peter Vandenburgh (Tax Map Parcel No. 176.-2-2.11). To date, the Planning has not received any feedback from any of the property owners.

**E. State Environmental Quality Review:**

During the November 14, 2023 meeting, the Town of Johnstown Planning Board classified this project as a Type I Action under SEQOR per 617.4 (b)(6)(i): (6) activities, other than the construction of residential facilities, that meet or exceed any of the following thresholds; or the expansion of existing nonresidential facilities by more than 50 percent of any of the following thresholds: (i) a project or action that involves the physical alteration of 10 acres. Letters were sent to National Grid, New York State Department of Transportation (NYSDOT), New York State Department of Environmental Conservation (NYSDEC), New York State Environmental and Research Development Authority (NYSERDA), Berkshire Volunteer Fire Department, Fulton County Office of Real Property and offered them 25 calendar days to offer a comment. To date, the following comments have been made:

***Fulton County Office of Real Property***

In a phone conversation with Mary Beth Salamone, Director of Fulton County Office of Real Property, dated January 3, 2024, she indicated that while the property is “land hooked” with a proposed array on both sides of Route 107, a suffix number can be generated as they are leased solar projects. However, a deed description will be required for both solar arrays. The deed will need to be filed with the Office of Real Property.

**DISCUSSION:**

The Planning Board did not have any questions on the comments. They agreed that they should declare Lead Agency on the project.

Mr. Enfield reminded the Planning Board that per SEQRA, the final determination should be made within 20 days of declaring Lead Agency unless mutual agreement and/or outstanding information is still needed.

Mr. Schmidt and the Planning Board mutually agreed to extend the timeline of making a final determination beyond 20 calendar days.

**MOTION:**

Declaring the Town of Johnstown as the Lead Agency for purposes of issuing a determination of significance for U.S. Light Energy’s Special Use Permit for a Solar Farm along County Highway 107 and to extend the

timeframe for issuing a determination of significance over the 20-day timeframe.

MADE BY: Ernie Niforos  
SECONDED: Jes Bearden  
VOTE: Unanimous

F. Planning Board Action:

Due to the outstanding information from the applicant and the need to conduct a site visit, it is recommended to table further action until more information is provided.

DISCUSSION:

Planning Board members agreed there was some information that was still missing and agreed to table until the Planning Board as further review is necessary by the Fulton County Planning Board, a Site Visit, and for U.S.L.E. to have a conversation with EDP.

PLANNING BOARD ACTION:

MOTION: To Table further action on U.S. Light Energy's Special Use Permit application until more information is provided.

MADE BY: Jean-Paul Courtens  
SECONDED: Patti May  
VOTE: Unanimous

XV. **CHRIS AND MEGHAN RIZZO – SPECIAL USE PERMIT FOR A TRANSFER STATION (CHRIS RIZZO TRUCKING INC) – AT 1511 STATE HIGHWAY 29A:**

A. Background:

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.

- April 12, 2005 Town of Johnstown Planning Board Meeting

During the April 12, 2005 Town of Johnstown Planning Board meeting, Chris 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 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.

- November 29, 2023 Zoning Board of Appeals meetings:  
During the November 29, 2023 Zoning Board of Appeals meeting, the Zoning Board of Appeals voted unanimously to approve the Variance for Transfer Station.

**B. Fulton County Planning Department Review:**

The Planning Board had a back-and-forth conversation with the applicant regarding the project. Some items came up during the discussion that were repetitive on the application and needed clarification.

Milan Jackson, Lamont Engineering, indicated that the ZBA did SEQR and historically it is not good practice to segment SEQR.

Mr. Enfield stated that there was a lack of communication from the Town's Zoning Board of Appeals regarding SEQR. He stated it would be

Mr. Enfield recommended to table further review until he has had a chance to speak with the Town of Johnstown on the matter, specifically Charlene Healy Busch, Denis Wilson, and Leah Everhart regarding SEQR for the Use Variance.

**PLANNING BOARD ACTION:**

**MOTION:**

To table further review of Chris Rizzo's proposed project until more information is provided to the Town of Johnstown Planning Board.

**MADE BY:**

Jes Bearden

**SECONDED:**

Jean-Paul Courtens

**VOTE:**

Unanimous

**XVI. KEASARGE SOLAR – SEORA COORDINATION ON BEHALF OF THE TOWN OF JOHNSTOWN ZONING BOARD OF APPEALS ON A VARIANCE REQUEST FOR A SOLAR FARM AT WEST STREET EXT W, AT THE CORNER OF EASTLAND DRIVE AND WEST STREET ON PROPERTY OWNED BY ROBERT SMULLEN:**

**A. Background:**

Keasarge Solar currently has an applicant in with the Town of Johnstown Zoning Board of Appeals on seeking a Variance to put a Solar Farm within an R-2 Zoning District. At times, SEORA Coordination is done with projects before the ZBA. As the Town of Johnstown Planning Board has more experience with handling SEORA, the ZBA has asked that they do this on their behalf.

**DISCUSSION:**

Jutta Middel, Project Manager for Renua Energy, gave a brief overview of the project. She indicated that the project is directly across the street from the project that Keasarge Solar did previously. Ms. Middel also stated that the project is currently with the Town of Johnstown Zoning Board of Appeals (ZBA) for a Use Variance.

Ms. Enfield stated that Keasarge is not the original developer of the project, it was PV Engineers in 2016 and was later bought by Borrego Solar.

Mr. Enfield reminded Planning Board members that the ZBA's resolution was to do SEQR only, as the Planning Board is more experienced with it.

**B. State Environmental Quality Review Act (SEORA)**

Section 617.1 of 6 NYCRR states that, the basic purpose of SEQR is to incorporate the consideration of environmental factors into the existing planning, review and decision-making processes of State, regional and local government agencies at the earliest possible time. To accomplish this goal, SEQR requires that all agencies determine whether the actions they directly undertake, fund or approve may have a significant effect on the environment and if it is determined that the actions may have a significant effect, prepare or request an environmental impact statement. Under these terms, the review of a Site Plan application is subject to SEQR. Therefore, the following issues must be addressed:

1. Does the Planning Board feel that the Full Environmental Assessment Form, provided by the Applicant, has been completed adequately?

2. Does the Planning Board feel that any additional information should be provided as part of the SEQR process?
3. Type I or an Unlisted Action: Section 617.6 (b)(3) of 6 NYCRR states that, when an agency proposes to directly undertake, fund or approve a Type I or Unlisted Action undergoing a Coordinated Review with other Involved Agencies, it must, as soon as possible, transmit Part I of the Environmental Assessment Form, completed by the Project Sponsor, or a Draft Environmental Impact Statement (DEIS) and a copy of any application that has been received to all Involved Agencies and notify them that a Lead Agency must be agreed upon within thirty (30) calendar days of the date the Environmental Assessment Form or DEIS was transmitted to them.
- Type II Action: A Type II Action are categorically exclusion from SEQR. These actions have been determined not to have significant adverse impact on the environment. Once action is determined to be Type II, no further environmental review is required. Section 617.5(c) provides the following actions that are not subject for a Type II Action.

4. It is recommended that the project be classified as a Type I Action under SEQR per 617.4 (b)(6)(i): (6) activities, other than the construction of residential facilities, that meet or exceed any of the following thresholds; or the expansion of existing nonresidential facilities by more than 50 percent of any of the following thresholds: (i) a project or action that involves the physical alteration of 10 acres.

**DISCUSSION:**

Hyde Clarke, Associate Attorney at Young Sommer, indicated that the Full EAF had a list of interested or involved agencies they would like to send to.

<b>Interested or Involved Agencies</b>			
Beth Magee NYS Dept. Environmental Conservation	Adam Labatore U.S. Army Corp. of Engineers	Jason Mulford NYS Dept Ag. and Markets	
Dennis Pokrzywka NYS Dept Ag. and Markets	Sunny Joshi NYSERDA	Susan Collins National Grid	
Mary Beth Salomone Fulton County Office of Real Property	Dennis E. Wilson, Sr. Town of Johnstown ZBA Chairman	Christina Van Valkenburgh Supervisor, Town of Johnstown	
Lucas Hart Town of Johnstown Highway Superintendent	Richard Giardino Fulton County Sheriff	John H. Blackmon Chairman, Fulton County BOS	
New York Natural Heritage Program	FEMA Region 2	Brian Tompkins U.S. Fish and Wildlife	
Steve Santa Maria Fulton County Emergency Management	Erin Czerniecki NYS OPRHP		

**PLANNING BOARD ACTION:**

**MOTION:**

To classify Keasarge Solar's potential solar project at the corner of Eastland Drive and West Street on property owned by Robert Smullen with the Town of Johnstown Planning Board as a Type I Action under SEQRA – 617.4(b)(6)(i) on behalf of the Town of Johnstown Zoning Board of Appeals and give 30- calendar days to offer a comment.

**MADE BY:**  
**SECONDED:**  
**VOTE:**

Lance Gundersen  
Ernie Niforos  
Unanimous

Ms. Middel inquired if the Planning Board would indicated if the application was complete.

Mr. Enfield stated that from a Zoning Board Perspective they would not be able to weigh in if the application is complete. He stated that the Planning Board could not deem the application complete as they are working solely on SEQR on behalf of the applicants proposed project. He stated there are many items within the Town's Solar law that are necessary, such as glare analysis, decommissioning etc.. that are not associated with SEQR that are part of the application.

**XVII. UPDATES:**

A. Fulton County Planning Department:

**Ag. Plan**

Mr. Enfield stated that the Fulton County Planning Department is holding Ag. Plan Public Input Sessions throughout the county, with one occurring on February 26 at the Sammonsville Volunteer Fire Department, and on March 6 at the Berkshire Volunteer Fire Department.

**XVIII. CLOSE OF MEETING:**

MOTION: To close the meeting at 8:33 pm

MADE BY: Patti May

SECONDED: Jes Bearden

VOTE: Uni

