



## FULTON COUNTY PLANNING BOARD MONTHLY MEETING

TUESDAY, FEBRUARY 21, 2024 | 8:45 AM

1 EAST MONTGOMERY STREET, JOHNSTOWN, NY 12095

### MEETING NOTES

#### PRESENT:

- X Dave Rackmyre, Jr., Chairman (Code Enforcement Officer for Town of Oppenheim & Town of Stratford)
- X James Anderson, Vice Chairman (City of Gloversville)  
Walter Fitzgerald (Town of Northampton)
- X Peter Goderie (City of Johnstown & Farmer in Town of Perth and Mayfield)
- X Colleen Ioele-DeCristofaro (City of Johnstown)
- X John Kessler (Town of Mayfield)
- X Jerry Moore (Town of Mayfield)
- X Sheila Perry (Farmer, Town of Broadalbin)  
Jay Pierz (Town of Stratford)  
Frank Lauria (Alternate, Supervisor – City of Gloversville)
  
- X Aaron Enfield, Senior Planner
- X Ken Adamczyk, Economic Development Specialist, Fulton County Center for Regional Growth (FCCRG)

#### AGENDA:

1. 239 Reviews:
  - A. Town of Caroga Town Board: Local Local on Short-Term Rentals.
  - B. Town of Johnstown Town Board: Moratorium on Solar Farms and Battery Storage Facilities.
  - C. Town of Johnstown Planning Board: U.S.L.E – Special Use Permit for a Solar Farm (Johnstown Community Solar Project) at 616 County Highway 107 on the property of Adam Gurga.
2. Ken Adamczyk, Economic Development Specialist, overview of his role at Fulton County Center for Regional Growth (FCCRG).
3. Planning Board 2023 Annual Report
4. Activities Report
5. Tourism Report

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

The meeting was called to order at 8:45 am followed by the pledge of allegiance.

2. **APPROVAL OF THE PREVIOUS MEETING MINUTES:**

PLANNING BOARD ACTION:

MOTION: To approve the minutes of the January 16, 2024 meeting.

MADE BY: Sheila Perry  
SECONDED: Peter Goderie  
VOTE: Unanimous

3. **NYS GENERAL MUNICIPAL LAW SECTION 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:

A. **Town of Caroga Town Board: Local Law on Short-Term Rentals:**

The Town of Caroga recognizes the economic benefits of short-term rentals. There are positive economic benefits of providing lodging to tourists and other visitors to the Town. Short-term rentals are becoming increasingly prevalent with the growth of Internet and social media-based programs connecting property owners and persons seeking short-term rentals. The Town also recognizes the impacts short-term rentals can have on neighbors, the neighborhood character, the environment, and the general health, safety, and welfare of the Town. These provisions governing short-term rental uses are designed to strike a balance.

DISCUSSION:

Senior Planner Aaron Enfield indicated that the local law will be the first for the Town of Caroga. He indicated they had a robust section related to issues related to septic systems. Mr. Enfield stated there have been concerns for several decades for property owners on East and West Caroga specifically with septic systems going into the lakes, which is why milfoil is such an invasive species within the Town.

Planning Board members had a back-and-forth conversation regarding previous issues the Town has had with septic systems.

Planning Board member John Kessler mentioned that the Town should look into a potential sewer system.

Planning Board member Jerry Moore indicated the Town has looked into this prior. He stated that given the topography of the Town, it may be difficult.

Planning Board members agreed to keep the recommendation as it may potentially help the Town apply for funding for municipal infrastructure.

PLANNING BOARD ACTION:

MOTION: To approve the Town of Caroga's Local Law on Short-Term Rentals with a recommendation that the Town should revisit the potential of having sewer put into the municipality.

MADE BY: John Kessler  
SECONDED: James Anderson  
VOTE: Unanimous

**B. Town of Johnstown Town Board: Moratorium on Solar Farms and Battery Storage Facilities:**

The Town of Johnstown Town Board would like to enact a 6-month moratorium on Solar Farms and Energy Storage Facilities. This moratorium would be for current and pending applications.

The Town Board recognizes that solar energy offers benefits for energy conservation and reduction of reliance on fossil fuels and, as such, the development of solar energy facilities continues to grow. However, the installation of large-scale battery energy-storage systems may have adverse impacts on safety as well as on neighboring land uses. While the Town of Johnstown Zoning Law currently includes regulations of solar farms, it does not regulate energy storage systems. In addition, the number of Solar Farms that have been constructed in the Town of Johnstown raises concerns over the orderly development of land and the impacts of devoting so much open space to solar energy production. This moratorium is necessary to temporarily restrict the development of commercial solar facilities, solar farms, and battery energy storage systems so that the Town Board may thoroughly consider the impacts of such uses, their appropriate locations in the community, and how to encourage appropriate development of such facilities with the Town’s land use development and zoning objectives.

**DISCUSSION:**

Mr. Kessler inquired if the language regarding current and pending applications was legal. He indicated that the Town of Mayfield would have included Mayfield’s Solar Moratorium.

Mr. Enfield stated that the Town would be responsible for any legal issues that come up from the applicants who have projects pending.

Planning Board members had a back-and-forth conversation regarding the impact of solar within the Town of Johnstown as well as the County. They felt that this was a Town issue and should stay out of giving a recommendation.

**PLANNING BOARD ACTION:**

**MOTION:** Recognizing no regional implications that could occur from the Town of Johnstown’s Moratorium on Solar Farms and Battery Storage Facilities, and to offer no recommendation to the Town of Johnstown Town Board.

**MADE BY:** James Anderson  
**SECONDED:** Jerry Moore  
**VOTE:** Unanimous

**C. Town of Johnstown Planning Board: U.S.L.E – Special Use Permit for a Solar Farm (Johnstown Community Solar Project) at 616 County Highway 107 on the property of Adam Gurga:**

U.S.L.E. 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, and 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, however, project indicated they will not be affecting it.

DISCUSSION:

Mr. Enfield gave an overview of the project and indicated it would be two solar arrays on the same parcel. He indicated that the applicant is looking to use a type of willow for the screening process instead of a conifer as it is fast-growing.

Vice Chairman James Anderson indicated that the willows may provide adequate screening during the warmer month, however, additional landscaping would be necessary for the regional impacts the solar array will cause.

Several Planning Board members raised concern on the visit impacts, specially the north side of the road as it sits lower.

Planning Board member Peter Goderie recommended the language that other Solar projects receive from the Fulton County Planning Board.

PLANNING BOARD ACTION:

MOTION:

Recognizing regional implications could occur from the Town of Johnstown’s application from U.S.L.E.’s Special Use Permit for a Solar Farm (Johnstown Solar Project) at 616 County Highway 107 on the property of Adam Gurga and recommend the following to the Town of Johnstown Planning Board:

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.
  - c. 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.
  - d. Plantings to occur before any construction of the solar farm starts.

MADE BY:	John Kessler
SECONDED:	James Anderson
VOTE:	Unanimous

**4. Ken Adamczyk, Economic Development Specialist (FCCRG):**

At times, staff within the Planning Department will come in and give an update on what projects they are working on. To expand upon this, Ken Adamczyk, Fulton County Center for Regional Growth (FCCRG) will give an update on his role as Economic Development Specialist

DISCUSSION:

Ken Adamczyk, Economic Development Specialist for Fulton County CRG, gave an overview of his position with the organizations. He stated that the scope of work within the organization's portfolio has expanded greatly. Mr. Adamczyk stated that he working on bringing businesses to the county.

Mr. Adamczyk stated that he and Senior Planner Aaron Enfield have been having a monthly call about Planning Board applications, specifically new businesses.

Fulton County Senior Planner Aaron Enfield mentioned he has been bringing CRG casually in conversation during Planning Board meetings in the Towns of Mayfield, Perth, Johnstown, and the City of Gloversville if there is a new business or expansion. He stated that often applicants are unaware of CRG and it connects them to resources and funding they did not realize existed.

Mr. Adamczyk stated that the Micro Enterprise Grant has been popular which is for businesses of 5 or less. He stated that he has been a trainer for new businesses and worked with Fulton, Montgomery, Greene, and Columbia Counties as well as the City of Amsterdam.

Mr. Adamczyk indicated that within the Mohawk Valley Regional Economic Development Council, FCCRG has taken the lead on the Brownfield Summit and their format is being replicated around the country.

Mr. Adamczyk stated that the organization has purchased the land across from the Johnstown Industrial Park along NYS-30A near Checkersout Speedway and is looking to establish another site for industrial development. He indicated they were not looking for a distribution center, but looking for a company that can offer better-paying jobs for the community and also potentially increase enrollment at SUNY Fulton-Montgomery should additional education be required.

The Planning Board enjoyed Mr. Adamczyk's presentation and felt this was beneficial and asked for him to come back and present to the County Planning Board in 2025.

5. **2023 Fulton County Planning Board Annual Report:**

In accordance with Section 239-c of the General Municipal Law of New York State, the County Planning Board shall file an Annual Report with the County Board of Supervisors. A copy of the draft 2023 Annual Report was forwarded to County Planning Board members with their Agenda packets.

DISCUSSION:

Planning Board members did not have any questions about the Annual Report and suggested that it be sent to the Public Works Committee.

PLANNING BOARD ACTION:

MOTION: To forward the 2023 Fulton County Planning Board Annual Report to the Public Works Committee.

MADE BY: Colleen Ioele-DeCristofaro

SECONDED: Dave Rackmyre

VOTE: Unanimous

**6. Activities Report:**

Each month, County Planning Department staff put together an Activities Report for the Public Works Committee of the Fulton County Board of Supervisors. This Committee is responsible for overseeing the work undertaken by the Planning Department staff. In an effort to give County Planning Board members an idea of the types of issues that are being examined and the types of projects that are currently being worked on by Planning Department staff, the Activities Report is included on the Board's monthly Agenda.

**DISCUSSION:**

Mr. Moore stated the Sewer contracts will be awarded on March 11 during the Board of Supervisor's meeting. He inquired when construction plans to commence?

Mr. Enfield stated he was not sure when it would start but indicated he would follow up.

*POST MEETING NOTE*

*Fulton County hopes that construction can start in June of 2024. There is a final signoff from New York State Department of Environmental Conservation (NYSDEC) which needs to occur beforehand.*

Mr. Moore looks like there is work being done regarding the Great Sacandaga History Museum. He inquired who was on each committee and if the Planning Board could receive an update on the project.

Planning Board members agreed they would like an update on the project.

Mr. Enfield stated that he would speak to Mr. Henze on updating the Planning Board during the March meeting.

**7. Tourism Report:**

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

**DISCUSSION:**

Jerry Moore noticed there was an excess of more than \$6,000 unused for tourism in 2023. He inquired if nonprofits might be able to do a retroactive apply for funding. He stated that the money the Mayfield Historical Society receives has been beneficial to continuing to market outside the region.

Mr. Goderie concurred with Mr. Moore, stating that some did not know of the benefit that was being offered.

Mr. Enfield indicated he was unsure and would have to take a look at it.

*POST MEETING NOTE:*

*The unused funding for businesses and nonprofits has to be returned to New York State.*

**8. Other Business:**

Chairman:

**March Meeting**

Fulton County Planning Board Chairman Dave Rackymre, Jr. stated he was going to be out of Town during the March 2024 meeting.

Fulton County Planning Department:

**Planning and Zoning Training**

Mr. Enfield indicated that Thursday, April 11 is when the Planning and Zoning Training at SUNY Fulton-Montgomery will occur.

**Ag. Plan Update**

Mr. Enfield stated that there are two more public input sessions regarding the Agricultural and Farmland Protection Plan.

Mr. Moore mentioned he attended the one over the weekend and had a decent turnout.

Other:

Mr. Goderie inquired if there was a contact with the snowmobile trails within the County.

Mr. Enfield stated that Civil Engineer Chris Stankes is the point person for the Snowmobile Clubs. He stated that Chris and Fulton County Planning and Tourism Director Scott Henze has been meeting with organizations.

**9. Close of Meeting:**

MOTION:	To close the meeting at 9:45 am
MADE BY:	Dave Rackmyre
SECONDED:	Jerry Moore
VOTE:	Unanimous