



FULTON COUNTY PLANNING BOARD MONTHLY MEETING

TUESDAY, MARCH 19, 2024

8:45 AM

1 EAST MONTGOMERY STREET, JOHNSTOWN, NY 12095

MEETING NOTES

PRESENT:

Dave Rackmyre, Jr., Chairman (Code Enforcement Officer for Town of Oppenheim & Town of Stratford)
James Anderson, Vice Chairman (City of Gloversville)

- X 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)
Jerry Moore (Town of Mayfield)
- X Sheila Perry (Farmer, Town of Broadalbin)
- X Jay Pierz (Town of Stratford)
Frank Lauria (Alternate, Supervisor – City of Gloversville)

- X Aaron Enfield, Senior Planner

OTHERS:

Milan Jackson, Lamont Engineering
Chris Rizzo, Rizzo Trucking

AGENDA:

1. 239 Reviews:
 - A. Town of Johnstown Planning Board – Chris Rizzo – Special Use Permit for a Transfer Station (Chris Rizzo Trucking) at 1499 and 1511 County Highway 29A
 - B. City of Johnstown Common Council – Comprehensive Plan Update
 - C. City of Johnstown Common Council – Zoning Recommendations
2. Activities Report
3. Tourism Report
4. Public Input: Fulton County Agricultural and Farmland Protection Plan Update

1. CALL THE MEETING TO ORDER:

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

Planning Board members indicated that the current method of reviewing projects through Google-Drive has been difficult and asked that moving forward an alternative method could be used.

Senior Planner Aaron Enfield indicated he would look in an alternative method. He stated historically items have been emailed over, but due to some large solar projects in the pasted many emails were getting bounced back. He stated that Drop Box or having them posted onto the County’s website may be a better option.

2. AUTHORIZATION OF CHAIR FOR MARCH 2024 MEETING:

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

DISCUSSION:

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

PLANNING BOARD ACTION:

MOTION: To authorize John Kessler as acting chair for the March 19, 2024 Fulton County Planning Board meeting.

MADE BY: Jay Pierz
SECONDED: Walter Fitzgerald
VOTE: Unanimous

Colleen Ioele-DeCristofaro entered the meeting at 8:46 a.m.

3. APPROVAL OF THE PREVIOUS MEETING MINUTES:

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

MADE BY: Walter Fitzgerald
SECONDED: Sheila Perry
VOTE: Unanimous

4. 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 Johnstown Planning Board – Chris Rizzo – Special Use Permit for a Transfer Station (Chris Rizzo Trucking) at 1499 and 1511 County Highway 29A:

Chris Rizzo, Owner of Chris Rizzo Trucking Inc., would like to build a new 4220 sq. ft. 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.

- April 12, 2005 Town of Johnstown Planning Board Meeting:
On April 12, 2005, 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.

DISCUSSION:

Senior Planner Aaron Enfield reminded Planning Board members that the project previously came for a 239-m review for the Variance needed by the Town of Johnstown Zoning Board of Appeals, which the Board recommended that the Variance be approved, endorsing the project.

Acting Chairman John Kessler acknowledged Milan Jackson, Lamont Engineering, and Chris Rizzo, applicant for the project, and asked them to give an overview of the project.

Mr. Jackson gave a brief overview of the project indicated that there were several permits necessary for the applicant to apply for upon approval from the Town of Johnstown Planning Board.

Planning Board Walter Fitzgerald inquired if this Transfer Station will be a public Transfer Station for residents in the area.

Mr. Rizzo stated that the Transfer Station will be private and only used by Rizzo Trucking who has agreements with the company. He stated that only Rizzo Trucks will be only utilizing the Transfer Station. Mr. Rizzo also mentioned that the Transfer Station will store debris until it gets sent elsewhere.

Planning Board Member Colleen Ioele-DeCristofaro acknowledged the fact that there would be fewer truck trips made by the applicant.

Acting Chairman Kessler agreed with Ms. Ioele-DeCristofaro stated that it would consolidate his business.

Planning Board member Peter Goderie also agreed stated it would make his business more efficient.

Acting Chairman Kessler indicated that this project would be positive for Mr. Rizzo and recommended that the Planning Board should send a positive recommendation.

Planning Board members agreed to moved with the recommendation.

PLANNING BOARD ACTION:

Does the Planning Board wish to Disapprove, Approve, Approve with Modifications, or Offer no Recommendation, to the following County Referral?

MOTION: For the Town of Johnstown Planning Board to approve Chris Rizzo’s Special Use Permit application for a Transfer Station at 1499 and 1511 NYS Route 29A, receiving an endorsement from the Fulton County Planning Board.

MADE BY: Jay Pierz
SECONDED: Colleen Ioele-DeCristofaro
VOTE: Unanimous

B. City of Johnstown Common Council – Update to the Comprehensive Plan:

In early 2022, the City of Johnstown started working on updating its February 2008 Comprehensive Plan. Over the past two years, City Officials have worked on updating and the City of Johnstown Common Council will be holding a Public Hearing in April of 2024.

DISCUSSION:

Mr. Enfield stated that he read the 2007 Comprehensive Plan and proposed 2024 Comprehensive Plan indicating there were some issues with the proposed plan that the City should look into.

Mr. Enfield stated that Census Data has not been updated since 2000, which will be beneficial to the City government and for potential projects and businesses that would come in the future.

Mr. Enfield stated that the proposed Comprehensive Plan stated to demolition Alliance Leather on North Perry Street which has already been taken down. He stated that was a goal of the 2007 plan.

Several Planning Board members agreed that the building had been taken down.

Mr. Enfield also pointed out that the plan stated that the City should work with the Fulton County Economic Development Corporation, which has not existed in many years. He stated that the new name is the Fulton County Center for Regional Growth.

Mr. Enfield also indicated several businesses in the City of Johnstown that no longer exist such as Finkles, Catalyst International, Univar, and Exel.

Mr. Enfield stated there were issues viewing the maps within the plan, which has not been updated since 2007 were resized making it difficult to view the keys for the maps.

Acting Chairman Kessler inquired if the Fulton County Planning Department was involved with the update process.

Mr. Enfield stated that the department was not, indicated that currently they do not have a Planning Service Agreement. He reminded the Board that all municipalities involved receive ten (10) free hours of service.

Mr. Goderie mentioned that feedback to the City should also include the Planning Services Agreement.

Ms. Perry agreed with Mr. Goderie stating that some of these changes could be done by the Planning Department if necessary.

PLANNING BOARD ACTION:

Does the Planning Board wish to Disapprove, Approve, Approve with Modifications, or Offer no Recommendation, to the following County Referral?

MOTION:

Recommending that the City of Johnstown Common Council approve the update to their Comprehensive Plan, however, some items in the plan will need to be updated to reflect the City:

1. Chapter II – City Profile (Page 5 – 9): Data has not been updated to reflect 2010 and 2020 Census Data
2. Chapter IV – Parks, Recreation and Open Space (Page 16): The plan indicates Alliance Leather to be demolished and removed, which was also indicated in the 2008 plan. Since the 2008 Comprehensive Plan, Alliance Leather has been demolished.
3. Chapter IV – Parks, Recreation and Open Space (Page 16): The July 10, 2007 “Proposed City Center Park Layout” key is very difficult to read.
4. Chapter V – Housing (Pages 19 – 24): Data has not been updated to reflect 2010 and 2020 Census Data.
5. Chapter V – Housing (Page 23): Under Recommendation 6, the City indicates “seek[ing] the assistance and expertise of the Fulton County Economic Development Corporation...” That organization has not existed since 2012 and now goes by the Fulton County Center for Regional Growth (FCCRG).
6. Chapter VII – Economy (Page 29): The Comprehensive Plan notes new businesses such as Finkles, Univar, Exel, and Catalyst International NY, LLC. All four (4) companies no longer exist within the City of Johnstown.
7. Under a Fulton County Planning Services Agreement, the City of Johnstown (in addition to every municipality within the County) can receive ten (10) FREE hours of Planning Services each calendar year. Should the City of Johnstown wish to utilize these hours,

please contact Scott Henze, Fulton County Planning and Tourism Director at 518-736-5660 or planning@fultoncountyny.gov.

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

C. City of Johnstown Common Council - Updates to the Zoning Ordinance:

As part of the Comprehensive Plan update, the City of Johnstown identified items within their Zoning Ordinance They would like to update. In early 2022, the City of Johnstown started working on updating its February 2008 Comprehensive Plan. Proposed changes will be going for a Public Hearing during their April 2024 meeting. Changes to their plan include:

Add to Section 22-501:

Schedule Allowable Land Uses in Zoning Districts

- Add to Section 22-508: Prohibited Land Uses
- Cannabis Dispensary in C2 Arterial Commercial Zone only with Site Plan Review by the City of Johnstown Planning Board.
- Airbnb to be allowed in all Zoning Districts with Site plan and Special use permit from the City of Johnstown Planning Board.
- Garage / Storage building to all Zoning Districts. Must comply with all Zoning and permitting regulations.

Add to Section 22-508: Prohibited Land Uses

- The Construction of Solar Farms within the Corporate City Limits

Add to Section 22-801: Accessory Uses

- Add Airbnb to this section for definition and allowable use on the same lot as a primary structure

Add Definitions

- Cannabis Dispensary: Cannabis dispensary or “cannabis retailer” means a facility, whether fixed or mobile, operated in accordance with state and local laws and regulations, where cannabis and/or cannabis products are offered for retail sale, including a facility that delivers cannabis and/or cannabis products as part of a retail sale.
- Airbnb / Bed and Breakfast:
 - AirBnb: Airbnb is an online community marketplace to list, discover and book short-term accommodations around the world. It enables individuals to rent out their house, rooms or apartments to people who are looking for accommodations. The name “Airbnb” is short for Air bed and breakfast.
 - Bed and Breakfast: is a small lodging establishment that offers overnight accommodation. Bed and breakfasts are often private family homes and typically have between four and eleven rooms, with six being the average. In addition, a B&B usually has the hosts living in the house.
- Garage / Storage building: This structure is walled and roofed, and used mainly for storing vehicles. Garages typically get designed to house one or two vehicles and to store vehicle parts and other equipment. A garage can either be attached or detached from a residential building.

DISCUSSION:

Mr. Enfield stated that, as a result of the Comprehensive Plan update, the City looked at changes within the Zoning Code.

6. 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. 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.

7. Fulton County Agriculture and Farmland Protection Plan – Public Outreach

In 2023, Fulton County hired Community Planning and Environmental Associates to update the 2002 Agriculture and Farmland Protection Plan. As part of the plan, public outreach is necessary. During the months of February and March, there has the County has engaged the public at the Mayfield Fire House #2, Sammonsville Volunteer Fire Department, Berkshire Volunteer Fire Department, and students at PTECH.

DISCUSSION:

Ms. Perry stated that there indicated concern of wind turbines that could potential impact agricultural land within the county.

Mr. Enfield mentioned that while Sean Geraghty was still working for the Fulton County Planning Department, there was a study done on wind turbines within the County. He stated that given the current conditions, wind turbines are not feasible here.

Mr. Pierz stated there has been studies done with NYSERDA on the coexistence of solar utilizing sheep, which perhaps might increase the lamb within local markets.

Mr. Enfield stated that there has been some discussion of a meat processing plant opening up within the region that would cater to Halal, which is a dietary requirement for the Islamic Religion.

Mr. Goderie stressed the fact that the lack of succession planning is a reason many generational farms are going out of business, or turn to solar development as a means for retirement.

Mr. Enfield stated Crystal Stewart-Courtens, Cornell Cooperative Extension, will be meeting with the Amish community to gage their insight on agriculture within the region. Subsequently, he mentioned that Amish could be used as a means of succession planning.

Ms. Ioele-DeCristofaro indicated frustration from potential home buyers within the County as those looking to relocate here do not want to live next door to a solar array.

Mr. Kessler indicated he attended an agritourism meeting for the agricultural plan update. He indicated that there were many ideas points that were discussed which included

Mr. Enfield stated due to concerns of change in climate within the country NYS may once again be a food shed, which and the development of solar arrays may hinder this.

Ms. Perry stated that the removal of agricultural lands for development would be a loss for the County.

8. Other Business:

Fulton County Planning Department:

Mr. Enfield stated that the Planning and Zoning Training will occur on April 11, 2024. He indicated that there were 41 signed up from six (6) counties: 26 from Fulton, 5 from Montgomery, 4 from Otsego, 4 from Saratoga, 1 from Herkimer, and 1 from Schoharie.

Mr. Enfield inquired if the Planning Board would like to host a another training later in the year focusing on the Adirondack Park Agency (APA).

Planning Board members agreed as half of the county is within the APA.

Mr. Enfield stated he would speak with Herkimer and Saratoga to see if they would be interested in partnering.

9. Close of Meeting:

MOTION:	To close the meeting at 9:50 p.m.
MADE BY:	Colleen Ioele-DeCristofaro
SECONDED:	Sheila Perry
VOTE:	Unanimous