



FULTON COUNTY PLANNING BOARD MONTHLY MEETING

TUESDAY, JUNE 18, 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)
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)
Colleen Ioele-DeCristofaro (City of Johnstown)
John Kessler (Town of Mayfield)
- X 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

AGENDA:

1. 239-1 Overview
2. 239 Reviews:
 - City of Gloversville Planning Board – Community Affairs LLC – Special Use Permit for a Social Adult Daycare at 49 South Main Street
 - Town of Johnstown Planning Board – Christina VanValkenburg – Special Use Permit for a Home Occupation (Soule Road Dog Grooming) at 133 Soule Road
 - Town of Perth Planning Board – New York RSA 2 Cellular Partnership (Verizon Wireless) – Site Plan Review for a Cell Tower at 742 w. County Highway 126 (SBL 167.-1-42.11)
 - Town of Perth Planning Board – Joe Cassella – Special Use Permit for a Restaurant Expansion (Nicolino’s Restaurant) at 451 State Highway 30 (SBL 178.-9-1 & 178.4-1-9)
3. Activities Report
4. 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:

MOTION: To approve the minutes of the May 21, 2024 meeting.

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

3. 239-1 Overview:

Under NYS General Municipal Law Section §239-m, the Fulton County Planning Board must review certain planning and zoning actions before any final decision is taken at the municipal level. The Board is responsible for examining the inter-community and countywide or regional impacts of a proposed project and recommending approval, modification, or disapproval of the proposed action pursuant to GML §239-1 which may include by not limited to:

1. Compatibility of various land uses with one another;
2. Traffic-generating characteristics of various land uses in relation to the effect of such traffic on other land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities;
3. Impact of proposed land uses on existing and proposed county or state institutional or other uses;
4. Protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas;
5. Drainage;
6. Community facilities;
7. Official municipal and county development policies, as may be expressed through comprehensive plans, capital programs, or regulatory measures; and
8. Such other matters as may relate to the public convenience, to governmental efficiency, and to the achieving and maintaining of satisfactory community environment.

DISCUSSION:

Mr. Enfield gave a brief overview of all the general regional impacts that the County Planning Board may look at, but not limited too.

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. City of Gloversville Planning Board – Community Affairs LLC – Special Use Permit for a Social Adult Daycare at 49 South Main Street:

Community Affairs LLC is looking to open an Adult Day Care Center at 49 South Main Street (Tax Map Parcel 149.6-15-30) which is approximately 3,948 sq. ft. in size. The project will also include a food pantry.

Hours of operation will be 9:00 a.m. – 2:00 p.m. from Monday – Friday with the potential of extending to Saturday and Sunday, if necessary. A Knox box has been identified on the front of the building. Community Affairs will be repurposing the existing sign with an area of 10.2’, composed of a rectangle with dimensions of 4.0’ x 2.0’ and a semi ellipse on top with a height of 8.5”.

As part of Part 1 of the Short Environmental Assessment Form, the Applicant identified NYSDOH as necessary for a permit of approval. Andrea Fettingner, Director of Fulton County Office for the Aging (FC OFA), was identified as a SEQR Agency and indicated that the current Adult Social Day Care has been in operation since 1985 and has the capacity to serve 25 adults from the County, and has an opening for 15 adults. The also indicated the duplicate of services. FC OFA will need to sign off on the project before the applicant can start.

The property is located within the Commercial Zoning District, as well as the Downtown Form-Based Overlay and Downtown Historic District. Per the City of Gloversville Zoning Ordinance, a Day Care Center, Adult is an “NYS licensed facility providing care for the elderly and/or functionally impaired

adults on a regular basis away from the adult’s residence for less than 24 hours per day by someone other than a parent, step-parent, relative, or other guardian, per regulations of New York State.”

The Applicant was previously before the Planning Board in September of 2023 where they received approval from the Planning Board. However, by December 2023 they received a cease and desist from the City Building Inspector as they were operating outside the confines of the Special Permit Application, and wherein nothing related to the Adult Day Care Center had been established.

DISCUSSION:

Mr. Enfield gave an overview of the project and indicated that he has had several conversations with Andrea Fettinger, Director of Fulton County Office for the Aging. He received a SEQR correspondence as an Interested Agency.

In the letter Ms. Fettinger indicated there is currently a County operated Adult Social Day Care in operation since 1985, wherein the Office handles transportation and food for attendees. Subsequently, she indicated that the current program is under capacity, serving other 10 instead of 25. She felt that a private program may be seen as a duplication of services.

On staffing, Ms. Fettinger stated that contracts will need to be in place should a new proprietor want to have a fiscal relationship with the AAA. Employees working at any Social Adult Day Care are required to have experience working with individuals with dementia, physical impairments and to a certain extent providing limited personal care services. Social Adult Day Care Participants require an assessment, case-management and regular follow-ups provided by the Office for Aging Caseworkers.

Ms. Fettinger mentioned that should a new proprietor seek Medicaid reimbursement, certification with OMIG is required via the NYS Department of Health.

Additionally, Ms. Fettinger indicated that if food is involved in anyway, the NYS Department of Health will need to review any plans and potentially certify the location for appropriate use either serving/cooking food for participants and/or having a certified food pantry.

Mr. Enfield mentioned that there has been a decline in staffing over the past several years at the Office and that if a private company does open, wherein it is reviewed the same as the current Adult Social Day Care, there may be some concerns regarding government efficiency.

Ms. Perry stated that, while serving as a Supervisor for the Town of Broadalbin, Ms. Fettinger was very hard working and respects the work her office does.

Chairman Rackmyre indicated that due to the fact a business plan was not provided, the applicant was incomplete and as the business plan was not provided.

PLANNING BOARD ACTION:

Does the Planning Board wish to recommend a Disapproval, Approval, Approval with Modifications, Offer no recommendation, to the following General Municipal Law §239 Referral?

MOTION:

For the City of Gloversville to request that they request a business plan from Community Affairs, LLC, which would substantially change the application and deem it necessary to be re-reviewed by the Fulton County Planning Board pursuant of GML Section 239-m.

MADE BY:

Dave Rackmyre, Jr.

SECONDED:

Jay Pierz

VOTE:

Unanimous

B. Town of Johnstown Planning Board – Christina VanValkenburg – Special Use Permit for a Home Occupation (Soule Road Dog Grooming) at 133 Soule Road:

Christina VanValkenburg would like to convert an existing garage into a dog grooming business (Soule Road Dog Grooming) at 133 Soule Road (Tax Map Parcel No. 161.-2-6) which is approximately 7.129+/- acres in size. The applicant has indicated existing electrical and plumbing within the structure ready to service the home business. The applicant has indicated hours of operation are from Monday – Saturday, 8:30 am – 4:00 pm, and would only be seeing approximately 20 customers per month by appointment only.

The property is within the R-A Residential Agricultural District. Per the Town of Johnstown 2011 Zoning Ordinance, Home Occupation, Onsite Services is defined as “a home occupation in which the owner meets customers on premises and thus the business generates additional traffic,” and is allowed use under Special Use Permit. As the proposed home occupation will be in an accessory dwelling, the requirements for a primary structure do not apply to this application.

There are wetlands on the property. There are no property owners who are in Fulton County Agricultural District #1 that are within 500’

PLANNING BOARD ACTION:

Does the Planning Board wish to recommend a Disapproval, Approval, Approval with Modifications, Offer no recommendation, to the following General Municipal Law §239 Referral?

MOTION: Recognizing no regional impacts could result from Christina VanValkenburg’s Special Use Permit Application, the Fulton County Planning Board offers no recommendation.

MADE BY: Jay Pierz
SECONDED: Peter Goderie
VOTE: Unanimous

C. Town of Perth Planning Board – New York RSA 2 Cellular Partnership (Verizon Wireless) – Site Plan Review for a Cell Tower at 742 w. County Highway 126 (SBL 167.-1-42.11):

Verizon Wireless is looking to construct a cellphone tower at W. County Highway 126 (Tax Map Parcel No. 167.-1-42.11) that is approximately 9.625+/- acres in size and owned by John and Isabel Reale. The installation will consist of a 155’ monopole (159’ including 4’ lighting rod), nine (9) antennas and related equipment to be mounted to the tower at a center-line height of 150’, cellular and utility equipment at grade in a proposed 50’x50’ fence compound. The project also included the installation of power and fiber utilities to service the facility.

The existing road by the applicants will be utilized by Verizon Wireless with no need curb cuts occurring on County Road 126. The proposed community tower will be unmanned and will be visited routinely approximately 1 – 3x per year.

The proposed project is located within the Agricultural-Rural Residential A-R Zoning District. Commercial-Residential Zoning District and a Wireless Communication Tower can be defined as “any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. Wireless Communication Towers are governed by standards outlined in Article 7 of the Zoning Ordinance.

There are no wetlands on the property; however, there are properties within 500' that are within the Agricultural District.

DISCUSSION:

Mr. Pierz inquired if there were any height restrictions for cellphone towers outside of the Adirondack Park Agency?

Mr. Enfield indicated that the application is in compliance with the current cell tower law within the Town.

Mr. Enfield mentioned the Planning Board may see more application on cell towers in the future as New York State ramps up its ConnectALL program.

PLANNING BOARD ACTION:

Does the Planning Board wish to recommend a Disapproval, Approval, Approval with Modifications, Offer no recommendation, to the following General Municipal Law §239 Referral?

MOTION: Recognizing no regional impacts could result from Verizon's Site Plan Review application for a cellphone tower, the Fulton County Planning Board offers no recommendation.

MADE BY: Dave Rackmyre, Jr.
SECONDED: Walter Fitzgerald
VOTE: Unanimous

D. Town of Perth Planning Board – Joe Cassella – Special Use Permit for a Restaurant Expansion (Nicolino's Restaurant) at 451 State Highway 30 (SBL 178.-9-1 & 178.4-1-9)

Joe Cassella is seeking to expand Chef Nicolino's at 4515 State Highway 30 (Tax Map Parcel No. 178.4-1-9) which is approximately 3.70+/- acres in size, and 121 Voorhees Road (Tax Map Parcel No. 178.-9-1) which is approximately 13.10+/- acres in size.

A Restaurant is a permitted use within the Commercial-Residential Zoning District. Per the Town's Zoning Ordinance, a Restaurant is defined as "a commercial establishment where food and beverages are prepared, served, and consumed primarily within the principal building and where food sales constitute more than 80 percent of the gross sales receipts for food and beverages."

The application includes an expansion towards NYS-30, a pavilion to be used for special events, etc... Mr. Cassella owns the parcel behind the restaurant and some of those lands will be conveyed to the restaurant, which will be used for additional parking and a new septic system for the pavilion.

DISCUSSION:

Mr. Moore commented that the project would be positive for Perth and for the region, citing the travelers coming up Route 30 into the County.

Planning Board members commented on how the pavilion has an Adirondack-style aesthetic.

PLANNING BOARD ACTION:

Does the Planning Board wish to recommend a Disapproval, Approval, Approval with Modifications, Offer no recommendation, to the following General Municipal Law §239 Referral?

MOTION: Recognizing the positive impact Joe Cassella's Special Use Permit application for a Restaurant Expansion of Chef Nicolino's, the Fulton County Planning Board recommends the project be approved by the Town of Perth Planning Board.

MADE BY: Jerry Moore
SECONDED: Sheila Perry
VOTE: Unanimous

5. Activities Report:

Each month, County Planning Department staff put together an Activities Report for the Public Works Committee of the Fulton County Board of Supervisors. This Committee is responsible for overseeing the work undertaken by the Planning Department staff. 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 commented on the 6-month delay for the New York State Department of Environmental in reviewing the sewer extension.

Mr. Enfield provided a brief update on the Agricultural and Farmland Protection Plan. He stated that he and Nan Stolzenburg, Community Planning and Environmental Associates, had a call with NYSERDA.

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.

DISCUSSION:

Mr. Fitzgerald commented on how busy the Tourism Bureau is.

7. Other Business:

Chairman Update:

Chairman Rackmyre mentioned a law in committee with NYS, which would affect solar developers and local assessors.

Fulton County Planning Department:

Mr. Enfield spoke briefly of the City of Johnstown's application from the previous month, indicating the potential traffic circle was a speculation. Additionally, he indicated that upon reviewing the application again he noticed Japanese Knotweed, an invasive species growing on the property. He stated that some Invasive Species are listed in the County's Hazard Mitigation Plan, which was approved in 2021. Mr. Enfield mentioned while the Plan is under the purview of the County's Emergency Management Office, the Planning Department did work on the Plan.

Mr. Enfield indicated the County recently collaborated with the University at Albany to do an assessment of dam infrastructure, as it was not in the Hazard Mitigation Plan. He indicated there was one scenario of cascading affects which should Peck Lake dam break, it could potential breach Rockwood, Cork Center, and Ephratah Dam.

POST MEETING NOTE:

WWII Airplane – Sam Barth, Fixed Base Operator of the Fulton County Airport, got the go ahead to clean and paint the airplane. On June 8, 2024, he pressure washed it and will be repairing and painting it. The timeline for completion is summer 2024.

8. Close of Meeting:

MOTION: To close the meeting at 9:37 am

MADE BY: Dave Rackmyre, Jr.

SECONDED: Peter Goderie

VOTE: Unanimous