



FULTON COUNTY PLANNING BOARD MONTHLY MEETING

TUESDAY, MARCH 17, 2026

8:45 AM

1 EAST MONTGOMERY STREET, JOHNSTOWN, NY 12095

MEETING NOTES

PRESENT:

- X** Dave Rackmyre, Jr. (Code Enforcement Officer, Town of Stratford)
James Anderson (City of Gloversville)
- X** Mike Elmendorf (Town of Johnstown)
Peter Goderie (City of Johnstown & Farmer in Town of Perth and Mayfield)
Frank Lauria (City of Gloversville)
- X** John Kessler (Town of Mayfield)
- X** Jerry Moore (Town of Mayfield)
- X** Sheila Perry (Farmer, Town of Broadalbin)
Jay Pierz (Town of Stratford)
Colleen Ioele-DeCristofaro (Alternate, Supervisor – City of Johnstown)
- X** Aaron Enfield, Senior Planner

1. 239 Reviews:

- City of Johnstown Common Council – Establishing a Moratorium on Battery Energy Storage Systems
- City of Johnstown Planning Board – Breakthrough Equity Group, LLC – Site Plan Review for the sale of used mobile / manufactured homes at 605 South Comrie Avenue (174.18-1-7.2)
- Town of Perth Planning Board – Thomas Downs – Public Hearing – Special Use Permit for Storage Yard for Forestry Products at 1116 County Highway 126 (179.-7-9)
- Town of Perth Planning Board – Active Solar – Special Use Permit for a Solar Farm (Perth CS III, LLC) along County Highway 107 on the lands of Korona (SBL: 167.-1-22)
- Town of Perth Planning Board – Matt Stublely - Site Plan Review for a Double-sided Electronic Billboard at 4611 NYS 30 (178.-2-29.1)
- City of Gloversville Common Council – Local Law Establishing Article XXII of Chapter 300 of the Gloversville City Code Entitled “Utility-Scale Solar Energy Systems and Battery Energy Storage Systems
- Town of Johnstown Planning Board – Robert Hutchins Site Plan and Special Use Permit for an Auto Service Repair Garage (Eagle Motor Sports / 1823 Farms, LLC) at 992 NY-291 (149.8-18-16)
- Town of Johnstown Town Board – Amending the C-2 Zoning District to include Auto Body and Paint shop and Auto Service Repair Garage
- Town of Johnstown Town Board – Request to rezone Parcel known as Steele Ave Extension (SBL: 149.12-2-26) from Residential 1 (R-1) to Commercial
- Town of Johnstown Town Board – Extending a Moratorium on Wind Energy
- Town of Johnstown Town Board – Extending a Moratorium on Battery Energy Storage Systems
- Town of Northampton Town Board – Establishing a Moratorium on Battery Energy Storage Systems

2. New Membership – Frank Lauria
3. Discussion on Bylaws
4. Scheduling dates for meeting at the Fulton County Visitor’s Bureau
5. Planning Department Report
6. Tourism Report
7. Other Business

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 February 2026 minutes

MADE BY: Dave Rackmyre, Jr.

SECONDED: Sheila Perry

VOTE: Unanimous

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 Johnstown Common Council – Establishing a Moratorium on Battery Energy Storage Systems:

The City of Johnstown Common Council is seeking to establish a Moratorium on BESS for the next 12 months to develop a solution for siting them within the City. Reasons it is being established include:

1. The City’s current Zoning Code does not contain definitions, use classifications, siting criteria, dimensional standards, operational requirements, decommissioning requirements, or emergency response provisions governing Battery Energy Storage Systems.
2. Commercial and utility-scale Battery Energy Storage Systems involve specialized equipment, including lithium-ion or similar battery technologies, which present unique land use, fire safety, hazardous material management, environmental, noise, screening, and emergency response considerations.
3. The Common Council finds that national and state fire codes, including NFPA 855, establish technical safety standards that require local coordination with fire and emergency services.
4. The City of Johnstown Fire Department and emergency response personnel must have adequate opportunity to evaluate operational protocols, hazard mitigation plans, and response capabilities before the siting of such facilities.
5. In the absence of local zoning regulations specifically governing Battery Energy Storage Systems, such facilities could potentially be proposed under general or industrial use classifications without appropriate safeguards tailored to their unique impacts.

MOTION: Recognizing that no regional impacts could occur from the City of Johnstown Common Council's desire for a Moratorium on Battery Energy Storage Systems (BESS), the Fulton County Planning Board offers no recommendation.

MADE BY: John Kessler
SECONDED: Mike Elmendorf
VOTE: Unanimous

B. City of Johnstown Planning Board – Breakthrough Equity Group, LLC – Site Plan Review for the sale of used mobile / manufactured homes at 605 South Comrie Avenue (174.18-1-7.2):

The City of Johnstown Planning Board received an application for a Site Plan from Breakthrough Equity Group, which plans to start a business of selling, repairing, and installing manufactured homes. Their primary focus will be on affordable and used inventory. This will give potential buyers an affordable price point, opening the door to homeownership. For new inventory, the applicant uses Titan Homes, south of Utica, in both counties, which are within the Mohawk Valley Regional Economic Development District, and will foster in-region collaboration. Additionally, the City of Johnstown became the first community to become Pro-Housing Certified.

MOTION: Recognizing that no regional impacts could occur from the City of Johnstown Planning Board’s Site Plan application for the sale of mobile and manufactured homes, the Fulton County Planning Board offers no recommendation.

MADE BY: Dave Rackmyre, Jr.
SECONDED: John Kessler
VOTE: Unanimous

C. Town of Perth Planning Board – Thomas Downs – Special Use Permit for Storage Yard for Forestry Products at 1116 County Highway 126 (179.-7-9):

Thomas Downs owns 1116 County Highway 126 (Tax Map Parcel No. 179.-7-9), approximately 39.19 acres. He is seeking a Special Use Permit from the Town of Perth Planning Board for a Forest Products Storage Yard. A Storage Yard for Forest Products is defined in the Town’s Zoning Ordinance as “an area not on the same parcel where the products are initially harvested or gathered to which trees, firewood, or other forest products are hauled and stored, and which does not involve any of the following: the operation of a sawmill or the operation of any other wood-manufacturing business. This use may also include the storage of cut trees and firewood, and customers on the site to purchase firewood, but no other retail sales.”

The project site is zoned Agricultural-Residential, and parking standards are N/A.

In an email dated January 30, 2026, from the Code Enforcement Officer, the project, originally classified as Firewood Processing, was reclassified as a Storage Yard for Forest Products.

The applicant indicated that 3.1 acres of the property would be used for the project, with operating hours from 8:00 am to 6:00 pm on weekdays. The owner is the project's sole employee.

MOTION: To recommend that the Perth Planning Board approve Thomas Downs Special Use Permit for a Storage Yard for Forestry Products with modifications to the landscaping:

1. Tighten the spacing of the evergreens that are screening the residential property in the front. Amending the 60' on Site Plan to 25'-30' with staggered rows, 10' – 12' offset.
2. Should the Applicant want to amend the screening to include deciduous plantings such as Red Maple (All cultivars), Sugar Maple (All cultivars), Oak (Red, White, Pin), Birch, Apple (fruiting), crabapple, Linden, Locust, Serviceberry, Lilac, Viburnum, Dogwood, Blueberry (High Bush)
 - a. Varieties to stay away from are Ash, Elm, Norway, and Silver Maple, as they are prone to disease/insect damage.

MADE BY: Kessler
 SECONDED: Sheila
 VOTE: Unanimous

D. Town of Perth Planning Board – Active Solar – Special Use Permit for a Solar Farm (Perth CS III, LLC) along County Highway 107 on the lands of Korona (SBL: 167.-1-22):

Active Solar plans to develop a 4.8MW solar array at 1962 County Highway 107 in the Town of Perth (167.-1-22). The site covers approximately 92.28 acres and is situated in the Agricultural-Residential Zoning District. It is a permitted use under a Special Use Permit. The Fulton County Soil and Water Conservation District conducted soil-type mapping. The project will not impact the parcel's Prime Agricultural soil. The solar array will be a fixed-tilt panel system and will occupy less than 10 acres of the property. During the December 2025 meeting, the Town of Perth Planning Board issued a Conditional Negative Declaration under SEQRA.

The applicant has received an Area Variance for the following:

- Solar Component Setbacks, allowing a 250-foot setback to the residential property line rather than the allowable 500-foot setback prescribed by Article 13: Solar Farms Codes, Section D.11 under Local Law No. 2-2023, and
- Fence Enclosure Height, allowing an eight-foot (8') fence enclosure with a self-locking gate to surround the mechanical equipment on the Solar Farm rather than the 12-foot fencing prescribed by Article 13: Solar Farms Codes, Section D.3 under Local Law No. 2-2023.

Given previous applications, the town has contracted with a third-party legal review firm, Miller, Mannix, Schachner, and Hafner, and with an engineering firm, LaBella Associates.

MOTION: To recommend that the Perth Planning Board approve the Special Use Permit for a Solar Farm from Active Solar on the lands of Korona along County Highway 107 with the following modifications:

1. Where applicable, planting is to be provided along the access driveway to soften the appearance of the utility poles.
2. A Landscaping Plan should include a mix of deciduous and coniferous trees and shrub species:
 - a. Coniferous types to include: Norway Spruce, White Spruce, White Pine, Nigra Arborvitae, Balsam Fir, Blue Hill Spruce,
 - i. Avoid Blue Spruce and Douglas Fir as they are prone to more diseases and very site/soil selective.

- b. Deciduous types to include: Beech, Red Maple (all cultivars)*, Sugar Maple (all cultivars), Oak (Red, White, Pin), Birch, Apple (fruiting), crabapple, Linden, Locust, Serviceberry, Lilac, Virburnum, Dogwood, Blueberry (Highbush)
 - i. Avoid Ash, Elm, and Silver Maple as they are prone to invasive species, disease, and insect damage.
 - ii. *Red Maple is soil and Site-selective.
 - iii. Varieties to stay away from are Ash, Elm, Norway, and Silver Maple, as they are prone to disease/insect damage.
 - c. Salix Miyabeana (Sx64), a species developed a willow from NYS College of Environmental Science and Forestry (SUNY ESF), willows that are fast-rooting and can grow 10-15 feet tall within three years and has a narrow root systems.
3. Planting 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. The plantings all must be at least 8’ in height at the time of planting.

MADE BY: John Kessler
 SECONDED: Sheila Perry
 VOTE: Unanimous

E. Town of Perth Planning Board – Matt Stublely - Site Plan Review for a Double-sided Electronic Billboard at 4611 NYS 30 (178.-2-29.1):

Park Outdoor Digital Sign is seeking to install a billboard at 4611 NY-30 (Tax Map Parcel Number 178.-2-29.1), a property owned by Zynobia Holdings, LLC, and approximately 86 acres in size. The property includes two solar arrays, known as Maple North, and a single-family home.

The applicant seeks to replace a billboard adjacent to the current one. Per the Zoning Ordinance, an Off-Premise Sign is “a sign advertising a use, facility, service or product that is not located, sold or manufactured on the same premises as the sign.” Billboard signs are off-premise signs and are sometimes referred to as outdoor advertising. The sign itself typically consists of preprinted poster or bulletin panels. Although it is not listed in the use table, the Code Enforcement Officer classified the project under Site Plan Review.

MOTION: Recognizing that no regional impacts could occur from the Town of Perth’s Site Plan application for a double-sided electric billboard, Fulton County Planning Board offers no recommendation.

MADE BY: Mike Elmendorf
 SECONDED: John Kessler
 VOTE: Unanimous

F. City of Gloversville Common Council – Local Law Establishing Article XXII of Chapter 300 of the Gloversville City Code Entitled “Utility-Scale Solar Energy Systems and Battery Energy Storage Systems:

The City of Gloversville passed a 1-year Moratorium in 2025 on Utility-Scale solar and Battery Storage. At the conclusion of the moratorium, the City finds that utility-scale solar energy systems

and commercial battery energy storage systems may have significant impacts on land use patterns, public safety, infrastructure capacity, emergency response preparedness, environmental conditions, and the long-term redevelopment objectives of the City, and decided to ban them from the city.

- Solar energy systems accessory to a permitted principal use on the same parcel, including rooftop or ground-mounted installations, provided such systems are designed to generate no more than 110% of the electricity consumed on that parcel over the previous twelve-month period.
- Battery storage systems accessory to a residential or commercial building that are designed solely to serve the on-site energy needs of that parcel and are not operated for commercial resale, grid-support services, or utility-scale energy distribution.

DISCUSSION:

Recommendation:

1. Add “educational” between residential and commercial. While schools in NYS have to comply with local zoning, they often do not.
2. Acknowledging the city within PEJA:
 - If a fire occurs, it would negatively impact air quality and produce toxic byproducts that threaten residents’ public health, not to mention first responders. Most residents live within a Potential Environmental Justice Area (PEJA), as defined by the NYS Department of Environmental Conservation. This mapping highlights efforts to promote environmental justice by improving conditions in communities, especially those with minority and low-income populations, and addressing disproportionate environmental impacts in these areas.
3. Language on Brownfields
 - As of March 2025, NYS does not classify decommissioned renewable energy sites as Brownfields; this could change in 25, 30, or 50 years. The City of Gloversville has been addressing Brownfields for several years, and adding more would be financially burdensome within the city limits.

MOTION:

Recommend that the City of Gloversville Common Council approve the local law on Utility-Scale Solar Energy Systems and Battery Energy Storage Systems with modification.

1. Amend 300-106

Acknowledging the city is within a PEJA

- Reasoning: If a fire occurs, it would negatively affect air quality and produce toxic byproducts that threaten residents’ public health, as well as that of first responders. Most residents live within a Potential Environmental Justice Area (PEJA), as defined by the NYS Department of Environmental Conservation. This mapping emphasizes efforts to promote environmental justice by improving conditions in communities, especially those with minority and low-income populations, and addressing disproportionate environmental impacts in these areas.

Language on Brownfields

- Reasoning: As of March 2025, NYS does not classify decommissioned renewable energy sites as Brownfields; this could change in 25, 30, or

50 years. The City of Gloversville has been working on Brownfields for several years, and adding more would be financially burdensome.

2. Amend 300-108 (2) to state residential, educational, and commercial buildings.
 - Reasoning: While schools in NYS have to comply with local zoning, they often do not.

MADE BY: Dave Rackmyre, Jr.
SECONDED: Sheila Perry
VOTE: Unanimous

G. Town of Johnstown Planning Board – Robert Hutchins Site Plan and Special Use Permit for an Auto Service Repair Garage (Eagle Motor Sports / 1823 Farms, LLC) at 992 NY-291 (149.8-18-16):

Eagle Motorsports, LLC plans to reuse a building at 992 NY-29A (149.8-18-16), which covers approximately .257 acres. The applicant intends to use the site to sell used motorcycles and ATVs, Offer motorcycle and ATV parts and accessories, perform service repairs and oil changes for motorcycles and ATVs, and conduct NYS inspections. The building's exterior will stay the same. Along NY-29A, motorcycles and ATVs will be displayed for sale, while the back area will be used for servicing. The property was formerly the office for A Johnson, Plumbing, Heating, and Air.

The project site is located in the Commercial 2 (C-2) Zoning District, and the Auto Service Repair Garage is currently not a permitted use in this district. The Town Board is reviewing its zoning regulations to make amendments. Additionally, the town lacks a specific definition for "Auto Service Repair Garage," although one exists.

MOTION: To recommend solid wooden fencing on both sides of the property, as they are residential, to mitigate negative sound and visual impacts from the proposed business.

MADE BY: Dave Rackmyre, Jr.
SECONDED: Jerry Moore
VOTE: Unanimous

H. Town of Johnstown Town Board – Amending the C-2 Zoning District to include Auto Body and Paint shop and Auto Service Repair Garage

Robert Hutchins recently purchased 992 State Highway 29A, which was formerly the office of A Johnson Plumbing, Heating, and A/C. He would like to establish a business focused on motorcycle and ATV sales and repair. However, the current Zoning Ordinance does not allow it within C-2.

The C-2 District covers the area along East Fulton Street Extension on both sides of NYS-30 A, North Pine Street, Elmwood Avenue, and part of Maple Avenue. Additionally, it includes the area of S. Comrie Avenue on an auto dealership that is also within the City of Johnstown. Currently, there are preexisting nonconforming Auto Service Repair Garages and Auto Body Paint Shops, including the following:

- Boyd’s Motorworks
- Buanno’s Body Shop
- Adirondack Express Lube
- Wilson’s Service
- Herb Green’s Auto Body
- James Chevrolet (back portion)

Before 2011, there was nothing in the Zoning related to automobiles.

While an auto body dealership is allowed to operate within the C-2 zone, an auto body paint shop and an auto service repair garage are not. This means a preexisting nonconforming auto service repair cannot paint a car for damage without obtaining a Variance, nor can an auto body dealership paint a car without a Variance. There are existing businesses in this area, and the Town Board has asked the Planning Board to review the issue and carefully amend the definition. They are also open to combining these uses.

Autobody and Paint Shop shall mean a facility that provides repair services for collision and other auto body repairs, including body frame straightening, replacement of damaged parts, undercoating, and painting. Such repairs do not include mechanical engine or powertrain repair.

Auto dealership shall mean any establishment that sells or leases new or used automobiles, trucks, vans, trailers, recreational vehicles, boats, or motorcycles or other similar motorized vehicles. An automobile dealership may maintain an inventory of vehicles for sale or lease on-site or at a nearby location. It may provide on-site facilities for repairing and servicing vehicles sold or leased by the dealership.

Auto Service Repair Garage – No Definition

MOTION: Recognizing that no regional impacts could occur from the Town of Johnstown updating its Zoning within the Commercial 2 (C-2), Town of Perth’s Site Plan application for a double-sided electric billboard, Fulton County Planning Board offers no recommendation.

MADE BY: Dave Rackmyre, Jr.

SECONDED: Johns Kessler

VOTE: Unanimous

I. Town of Johnstown Town Board – Request to rezone Parcel known as Steele Ave Extension (SBL: 149.12-2-26) from Residential 1 (R-1) to Commercial:

Lorrie and Randy Elmendorf own three (3) parcels, 149.12-2-26, 149.12-2-27, and 149.12-2-16 along NY-30A between Saratoga Boulevard and Myrtle Avenue. They are all currently zoned Residential 1 and requesting that SBL: 149.12-2-26 be rezoned to Commercial to allow for two billboards.

DISCUSSION:

Mr. Elmendorf had to abstain from the project as he was related to the application. As a result, the Planning Board did not have a quorum to review the project.

J. Town of Johnstown Town Board – Extending a Moratorium on Wind Energy:

The Town of Johnstown is considering extending its moratorium on Wind Energy, citing its outdated Comprehensive Plan from 2003 and Zoning Ordinance from 2011, which lack language on Renewable Energy. The Town plans to pass a local law on Wind Energy after the Comprehensive Plan and Zoning Ordinance are adopted.

MOTION: Recognizing that no regional impacts could occur from the Town of Johnstown extending its moratorium on Wind Energy, the Fulton County Planning Board offers no recommendation.

MADE BY: Jerry Moore

SECONDED: Sheila Perry

VOTE: Unanimous

K. Town of Johnstown Town Board – Extending a Moratorium on Battery Energy Storage Systems:

The Town of Johnstown is considering extending its moratorium on Battery Energy Storage Systems, citing its outdated Comprehensive Plan from 2003 and Zoning Ordinance from 2011, which lack language on Renewable Energy. The Town plans to pass a local law on Wind Energy after the Comprehensive Plan and Zoning Ordinance are adopted.

MOTION: Recognizing that no regional impacts could occur from the Town of Johnstown extending its moratorium on Battery Storage Energy Systems, the Fulton County Planning Board offers no recommendation.

MADE BY: Jerry Moore

SECONDED: Sheila Perry

VOTE: Unanimous

L. Town of Northampton Town Board – Establishing a Moratorium on Battery Energy Storage Systems:

The Town of Northampton is looking to enact a Moratorium on Battery Energy Storage Systems. This Moratorium is necessary to temporarily restrict the development of 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 within the Town’s land use development and zoning objectives. The Town Board has determined that this would best enhance and protect the health, safety, and welfare of the citizens of the Town of Northampton.

MOTION: Recognizing that no regional impacts could occur from the Town of Northampton extending its moratorium on Battery Storage Energy Systems, the Fulton County Planning Board offers no recommendation.

MADE BY: Jerry Moore

SECONDED: Sheila Perry

VOTE: Unanimous

3. New Membership & F.C.P.B. Alternative Position

In March 2026, the Fulton County Board of Supervisors unanimously approved the appointment of Mr. Lauria to the Planning Board. Mr. Lauria has served on the board since 2003, until December 2025, as a representative of the Board of Supervisors. At the time, board membership was bleak. The assumption is that, over time, his position became more of an Alternate. The new bylaws include this.

4. Discussion on Bylaws:

While the Fulton County Planning Board revamped the bylaws for the first time since 2009, the Board of Supervisors will need to pass a resolution to amend them. The Fulton County Planning Department conducted a deeper dive into the bylaws of other county Planning Departments in Montgomery, Otsego, Albany, Greene, and Columbia to make them more inclusive. Additionally, they were sent to the County Attorney’s office for review with suggestions.

DISCUSSION: Mr. Enfield asked the Fulton County Planning Board to review the bylaws for the following meeting.

5. Scheduling dates for the meeting at the Fulton County Visitor’s Bureau

Mr. Enfield indicated that, given the meeting's attendance, this would be brought up at the next meeting.

6. Planning Department Report

No Discussion

7. Tourism Report

Mr. Moore highlighted the 42k in Facebook views.

Mr. Enfield stated that it had to do with Tourism Coordinator Carla Kolbe doing a live stream of the 250TH Anniversary disarmament of Johnson Hall by Gen. Phillip Schuyler. He mentioned it was so successful that it led to it becoming one of the top items within NYS Parks as part of America 250 in NYS.

8. Other Business:

Chairman: None

Fulton County Planning Department:

- FMCC Training: Mr. Enfield stated that training is next week.
- Ag. District Inclusion: Mr. Enfield stated that 130+ letters were sent to property owners not in the district. He mentioned that there was some confusion among property owners who thought it was Ag. Exemption. He also indicated that he has given Sheila Perry’s name as someone to talk to, since farmers might prefer to speak with someone in the agricultural district rather than a bureaucrat.

Ms. Perry stated that she has spoken with some property owners who received the letter. She indicated that she was glad to see work underway to increase enrollment in the agricultural district.

- Mr. Enfield indicated that there are up to 6 municipalities updating Comprehensive Plans, two of which are utilizing Nan Stolzenburg.

9. Close of Meeting:

MOTION: To close the meeting at 9:50 am

MADE BY: Jerry Moore

SECONDED: Sheila Perry

VOTE: Unanimous