

**TOWN OF JOHNSTOWN PLANNING BOARD
JUNE 11, 2019
6:00 P.M.
TOWN HALL**

MEETING NOTES

PRESENT:

**ERIC VANALSTYNE, CHAIRMAN
RICHARD GOEBEL, VICE CHAIRMAN
RICHARD LYNAUGH,
ERNEST NIFOROS
ALBERT PECK III
GARTH BRUCE
TONY AMBROSINO, ALTERNATE**

**TODD UNISLAWSKI, CODE ENFORCEMENT OFFICER
SEAN M. GERAGHTY, SR. PLANNER**

I. CALL MEETING TO ORDER:

The meeting was called to order at 6:01 p.m.

II. APPROVE MINUTES OF LAST REGULAR MEETING:

MOTION: To approve the minutes to the May 14, 2019 meeting.

MADE BY: Garth Bruce

SECONDED: Eric VanAlstyne

VOTE: 6 in favor, 0 opposed

III. GREGORY AND DEBORAH HILLIER – SUBDIVISION ALONG COUNTY HIGHWAY 131A (O’NEIL AVENUE EXTENSION):

A. Background:

Gregory and Deborah Hillier own a 3.04+/- acre property on the northwest corner of County Highway 131A (O’Neil Avenue Extension) and Johnson Avenue in the Town of Johnstown (Tax Map Parcel No. 162.-1-30). There is an existing single-family home on the property. The applicants would

like to create an additional building lot from the parcel by leaving approximately 1.43+/- acres of land with the single-family dwelling and creating a new 1.61+/- acre building lot. The new building lot will be serviced with public water and will have an on-site sewage disposal system.

(Planning Board Chairman Eric VanAlstyne indicated that he would be abstaining from the discussions on this application.)

B. Planning Department Review:

Section 63-7 of the Town of Johnstown Subdivision Regulations identifies the information an applicant is required to submit to the Planning Board for a proposed subdivision. Upon review of the proposed preliminary plat by the Fulton County Planning Department, the following issues have been raised:

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.

(NOTE: Planning Board Member Albert Peck III arrived at the meeting.)

STATUS: There are no topographic features shown on the subdivision plat. However, many of the physical features of the property can be seen on the underlying orthoimage that the proposed plat has been laid over.

DISCUSSION: Planning Board Member Dick Lynaugh pointed out that the lot drains back towards the rear property line and into the creek that runs behind the property. Several other Board members recognized that the new building lot is a relatively flat area. Eventually, the Planning Board decided that topographic features will not need to be shown on the final plat.

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: Percolation and pit test results for the new building lot have not been provided. However, a shallow trench system has been shown on the subdivision plat.

DISCUSSION: John Hitchcock, ABD Engineers, indicated that he would put together the percolation and pit test results for the Planning Board. He indicated that he typically provides that as part of the plot plans for the new building lot. He noted that the system that is shown on the plat is over sized since he currently has no house plans for the new building lot.

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: There are no easements or covenants shown on the subdivision plat.

DISCUSSION: Mr. Hitchcock indicated that there are no easements or covenants to go along with 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: Provided.

C. State Environmental Quality Review:

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 subdivision application is subject to SEQR. Therefore, the following issues must be addressed:

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

DISCUSSION: The Planning Board felt that the Short Environmental Assessment Form had been completed adequately.

2. Does the Planning Board feel that any additional information should be provided as part of the SEQR process?

DISCUSSION: The Planning Board did not ask for any additional information.

3. Section 617.6 (b) of 6 NYCRR states that, when a single agency is involved, the agency will be the lead agency when it proposes to undertake, fund or approve a Type 1 or Unlisted Action that does not involve another agency. If the agency has received an application for funding or approval of the action, it must determine the significance of the action, within twenty (20) calendar days of its receipt of the application, an Environmental Assessment Form or any additional information reasonably necessary to make that determination, whichever is later. Therefore, does the Planning Board wish to issue a Determination of Significance under SEQR at this time?

MOTION: To file a negative declaration under SEQR for this proposed action since:

1. The applicant has sufficient acreage available to create one (1) additional building lot.
2. Public utilities are readily available to service the site along with municipal water service.
3. There will be no traffic impacts resulting from the proposed action.

MADE BY: Tony Ambrosino
SECONDED: Richard Goebel
VOTE: 6 in favor, 0 opposed, 1 abstained (Eric VanAlstyne)

D. Fulton County Agricultural District No. 1:

In accordance with Section 305-a of Article 25AA of the Agriculture and Markets Law of New York State, a Special Permit application for a piece of property within an Agricultural District containing a farm operation or on property within 500' of a farm operation located within an Agricultural District must receive notice of the proposed action.

The Fulton County Planning Department will forward a letter and an Agricultural Data Statement to Agricultural District property owners within 500' of the project site, offering them an opportunity to comment on the proposed subdivision.

E. Planning Board Action:

In accordance with Section 63-10 of the Town of Johnstown Subdivision Regulations, the Planning Board shall schedule and hold a public hearing on the preliminary plat within sixty-two (62) days after the plat is determined to be complete by the Planning Board.

MOTION: To schedule a public hearing on Gregory and Deborah Hillier's subdivision application for 6:00 p.m., Tuesday, July 9, 2019.

MADE BY: Richard Goebel
SECONDED: Garth Bruce
VOTE: 6 in favor, 0 opposed, 1 abstained (Eric VanAlstyne)

III. PV ENGINEERS, P.C. (BORREGO SOLAR) - SPECIAL PERMIT AMENDMENT FOR SOLAR FARM ALONG NYS ROUTE 30A:

A. Background:

On November 13, 2018, Borrego Solar received a conditional Special Permit approval from the Town of Johnstown Planning Board for a Solar Farm at the intersection of NYS Route 20A and East State Street Extension on property owned by Universal Realty (Tax Map No. 134.-2-3). The conditional approval came with several stipulations involving the installation of plantings to screen the proposed Solar Farm Project. Borrego Solar's original project was a 4.7 megawatt DC Solar Farm. The 47-acre Universal parcel was subdivided into two (2) equal-sized lots. Lot 1 was created around an existing manufacturing

and warehouse operation, while Lot 2 was left for the Solar Farm project. As part of the project, the applicant was required to construct a 20' wide x 4' high berm along the entire length of Route 30A and around the northwestern corner of the property along with providing an extensive mixture of trees to screen the project.

B. Proposed Special Permit Amendment:

Due to some physical constraints on the site, Borrego Solar has decided to reduce the size of the Solar Farm project to 4.4 megawatts by eliminating the solar array that was to be constructed in the southwestern corner of the property. As a result of this change, Borrego Solar is also proposing to realign the proposed Landscaping Plan by stopping the berm construction near the northwest corner of the solar array and running it directly down through the property along the western side of the project. The total number of plantings will be reduced from 351 trees to 276 trees. The electrical equipment areas for the solar array will both be located in the center of the project site as opposed to separate locations along the access road.

DISCUSSION: Dean Smith, P.E., PV Engineers, explained that there has been a significant amount of imported fill brought into the site near the southwest corner of the lot that was not recognized during the original design. He stated that the imported fill has not been stabilized and would result in the system settling after it is installed. As a result, he stated that PV Engineers has decided to eliminate the solar panels that were to be installed on that section of the property and have added some panels on the upper portion of the system. He explained that rather than running the berm and landscaping down Route 30A, he felt it would provide better screening if the landscaping was brought straight down adjacent to the solar field. He handed out an updated visual analysis for the proposed amendment.

Planning Board Chairman Eric VanAlstyne asked Mr. Smith to show him where the landscaping would be directed southward and away from Route 30A?

Mr. Smith showed Board members where on Route 30A the landscaping would be redirected southward along the western border of the Solar Farm.

Planning Board Member Albert Peck III asked how long it would take the trees to reach maturity?

Mr. Smith indicated that the trees shown on Sheet C-3.3 represent about 4-5 years of growth. He reminded Mr. Peck that the trees shown on Sheet C-3.2 will be 8' tall at the time of planting, which was the height that was stipulated by the Planning Board.

Mr. VanAlstyne asked if the berm would also be extended southward away from Route 30A?

Mr. Smith indicated that the 20' wide by 4' high berm will be extended along the solar array.

Mr. Lynaugh pointed out that the majority of the Solar Farm projects that have taken place in Fulton County are very obtrusive and he felt developers have not done a very good job of concealing the panels from public view.

Mr. Geraghty agreed but pointed out that there are some Solar Farm Projects that will be completely screened from public view and developers are beginning to do a better job of providing the necessary landscaping for these types of projects. He pointed out that the project that was developed on NYS Route 67 near FMCC has left a bad taste in everyone's mouth since the landscaping for that project was never properly installed.

C. Planning Board Review:

Article 10 of the Town of Johnstown Zoning Law states that any enlargement or alteration of a project subject to a Special Use Permit shall require a Special Use Permit Amendment. The terms and conditions of any Special Use Permit may be amended in the same manner as required to grant a Special Permit. Borrego Solar's proposed amendment does not call for an enlargement of the project, but an actual reduction in the size of the Solar Farm. However, there will be an alteration of the project involving the positioning of the berm and landscaped plantings for the project. On the other hand, Article 10 of the Zoning Regulations also notes that any change in an approved Special Use Permit which does not involve new construction, enlargement, exterior alteration of existing structures or changed use of outdoor areas can be given a Certificate of Compliance by the Town's Code Enforcement Office. Given the nature of Borrego Solar's proposed Special Permit Amendment, does the Planning Board feel that a new public hearing should be scheduled on the Special Permit application or can the Town Code Enforcement Officer issue a Certificate of Compliance for the project once all of the Planning Board's previous conditions have been met?

DISCUSSION: After several minutes of discussion, there was a general consensus among Board members that a public hearing on the Special Permit Amendment will not be necessary.

MOTION: To approve PV Engineers' (Borrego Solar) Special Permit Amendment for its Solar Farm Project along NYS Route 30A and East State Street Extension with the same stipulations that were issued on November 13, 2018.

MADE BY: Richard Lynaugh
SECONDED: Ernest Niforos
VOTE: 7 in favor, 0 opposed

IV. OTHER BUSINESS:

A. Code Enforcement Update:

1. 19th Hole Solar:

Town Code Enforcement Officer Todd Unislawski pointed out that he met with representatives of the Solar Farm Project on NYS Route 67 and is waiting for them to get back to him with a revised plan for the landscaping. He indicated to Board members that he would keep them up to date on any progress that is being made toward resolving that situation.

2. Solar Farm Meetings:

Both Mr. Unislawski and Mr. Geraghty talked briefly about a few Solar Farm developers who have asked for meetings regarding potential Solar Farm projects in the Town of Johnstown.

3. Lehner Site Plan Update:

Planning Board Member Dick Goebel asked for an update on the status of Jeff and Laura Lehner's project on Van Road.

Mr. Unislawski explained that there is some renovation work being undertaken within the building. However, he pointed out that it doesn't appear as though the applicant will be able to gain access to municipal sewer yet and may need to provide a location for an onsite septic system. He also pointed out that the parking layout for the project has not been provided and that the applicant may need to acquire additional property from the Town in order to provide ample off-street parking for the business.

V. CLOSE OF THE MEETING:

MOTION: To close the meeting at 6:30 p.m.

MADE BY: Richard Lynaugh

SECONDED: Garth Bruce

VOTE: 7 in favor, 0 opposed