

**TOWN OF JOHNSTOWN PLANNING BOARD
AUGUST 13, 2019
6:00 P.M.
TOWN HALL**

MEETING NOTES

PRESENT:

**ERIC VANALSTYNE, CHAIRMAN
RICHARD GOEBEL, VICE CHAIRMAN
RICHARD LYNAUGH,
ERNEST NIFOROS
MIKE MCGRAIL**

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

I. CALL MEETING TO ORDER:

The meeting was called to order at 6:00 p.m.

II. APPROVE MINUTES OF LAST REGULAR MEETING:

MOTION: To approve the minutes to the July 9, 2019 meeting.

MADE BY: Dick Lynaugh

SECONDED: Ernest Niforos

VOTE: 5 in favor, 0 opposed

III. BRIAN MCINTOSH – PUBLIC HEARING ON A SUBDIVISION ALONG NYS ROUTE 29A:

A. Background:

Brian McIntosh (McIntosh Family Trust) owns a 21.1+/- acre parcel along NYS Route 29A in the Town of Johnstown (Tax Map Parcel No. 116.-2-65). There is an existing single-family home on the property. The applicant would like to create an 11.8+/- acre parcel around the existing home and a new 9.3+/- acre building lot.

B. July 9, 2019 Meeting:

During its July 9, 2019 meeting, the Town of Johnstown Planning Board began reviewing Brian McIntosh's subdivision application for a piece of property along NYS Route 29A. At that time, the Planning Board asked that the following information be provided on the final subdivision plat prior to the public hearing:

1. Percolation and pit test results for Lot #2 must be provided along with the approximate location of a well, septic and house.

STATUS: Provided.

C. State Environmental Quality Review:

During its July 9, 2019 meeting, the Town of Johnstown Planning Board authorized the filing of a negative declaration under SEQR for this proposed action. Consequently, unless new additional information has been provided, no further SEQR action is necessary.

D. Public Hearing:

1. The public hearing was opened at 6:02 P.M.
2. Speakers:

There was no one to speak regarding Brian McIntosh's subdivision application.

3. The public hearing was closed at 6:03 P.M.

E. Planning Board Action:

In accordance with Section 276 of the Town Law of New York State, the Planning Board shall, by resolution, conditionally approve, with or without modification, disapprove or grant final approval and authorize the signing of such subdivision plat within sixty-two (62) days after the public hearing. Consequently, does the Planning Board wish to issue its final decision on Brian McIntosh's subdivision application at this time?

MOTION: To approve Brian McIntosh's subdivision application for a piece of property along NYS Route 29A.

MADE BY: Ernest Niforos
SECONDED: Mike McGrail
VOTE: 5 in favor, 0 opposed

IV. DANNY AND DOLORIS PANTALONE – PUBLIC HEARING ON A SUBDIVISION ALONG NORTH BUSH ROAD:

A. Background:

Danny and Doloris Pantalone own a 45.8+/- acre property along the north side of North Bush Road in the Town of Johnstown (Tax Map Parcel No. 131.-1-29). The applicants would like to create a 3.259+/- acre parcel around an existing dwelling, garage and shed. There is an assortment of buildings that will be situated on the remaining 42.6+/- acres.

B. July 9, 2019 Meeting:

During its July 9, 2019 meeting, the Town of Johnstown Planning Board began reviewing Danny and Doloris Pantalone's subdivision application for a piece of property along North Bush Road. At that time, the Planning Board asked that the following information be provided on the final subdivision plat prior to the public hearing:

1. Percolation and pit test results for the remaining 42.6+/- acres of property must be provided.

STATUS: The Fulton County Soil and Water Conservation District Office has performed percolation and pit tests on the applicant's property. Correspondence from the District Office indicates that the property is suitable for the installation of a standard absorption field individual household septic system in accordance with NYS Public Health Law. The District Office stresses in its correspondence that the absorption fields should be located within and adjacent to the area where the tests were performed.

2. The approximate location of the septic system servicing the 3.259+/- acre parcel must be identified.

STATUS: Provided.

DISCUSSION: The Planning Board had no questions or comments concerning the information that was provided.

C. State Environmental Quality Review:

During its July 9, 2019 meeting, the Town of Johnstown Planning Board authorized the filing of a negative declaration under SEQR for this proposed action. Consequently, unless new additional information has been provided, no further SEQR action is necessary.

D. Public Hearing:

1. The public hearing was opened at 6:03 P.M.

2. Speakers:

There was no one to speak regarding the Pantalones' subdivision application.

3. The public hearing was closed at 6:04 P.M.

E. Planning Board Action:

In accordance with Section 276 of the Town Law of New York State, the Planning Board shall, by resolution, conditionally approve, with or without modification, disapprove or grant final approval and authorize the signing of such subdivision plat within sixty-two (62) days after the public hearing. Consequently, does the Planning Board wish to issue its final decision on Danny and Doloris Pantalone's subdivision application at this time?

MOTION: To approve Danny and Doloris Pantalone's subdivision application for a piece of property along North Bush Road.

MADE BY: Ernest Niforos

SECONDED: Mike McGrail

VOTE: 5 in favor, 0 opposed

III. EVOLUTION SITE SERVICES – PUBLIC HEARING ON A SITE PLAN FOR WIRELESS TELECOMMUNICATION TOWER ALONG NYS ROUTE 67:

A. Background:

Evolution Site Services is proposing to construct a 140' tall monopole style tower and install associated equipment on property leased from Frasier Enterprises, LLC. The parcel is approximately 2.9+/- acres in size. The parcel was created on January 9, 2018 as part of a subdivision application that was approved by the Town of Johnstown Planning Board. The telecommunications tower is initially being constructed for a Verizon Wireless antenna, but will have room for three (3) additional antennas. The intent of the project is to improve local wireless services by filling in a gap in the area and, at the same time, increase local network resources for voice and data traffic.

B. July 9, 2019 Meeting:

During its July 9, 2019 meeting, the Town of Johnstown Planning Board began reviewing Evolution Site Services' Site Plan application for a Wireless Telecommunications Tower along NYS Route 67. At that time, the Planning Board asked that the following information be provided on a final Site Plan submittal prior to the public hearing:

1. The correct Tax Map Parcel Number for the property should be identified as 175.-1-58.12.

STATUS: Provided.

2. The Planning Board asked that the Landscaping Plan be reconsidered so that the species mix and planting arrangement provides immediate screening of the equipment area.

STATUS: The revised landscaping configuration shows two (2) areas where 4' earthen berms will be constructed and 6' – 8' tall Norway and White Spruce will be planted. The drawings show 15 of the plantings on the berm that will be along the west side of the access driveway and 20 of the plantings on the berm that will run along the west side of the equipment area.

DISCUSSION: Chris Ciolfi explained that he would like to change the proposed monopole tower to a lattice tower. He explained that the lattice tower will offer more opportunities for co-location in the future. He pointed out that the monopole tower must be physically drilled before it is put up so that antenna locations can be specifically defined on the tower. He stated that the lattice tower will have essentially the same strength as the monopole tower but offers more flexibility in locating additional antennas on the structure.

Planning Board Member Dick Lynaugh stated that he felt it was common sense to use the lattice tower as opposed to the monopole tower given the fact that the Town of Johnstown encourages the co-location of antennas in the community.

Planning Board Member Mike McGrail asked how many additional antennas can be located on the lattice structure?

Mr. Ciolfi stated that it will be essentially the same number of antennas. He indicated that the lattice tower will allow four (4) 8' tall antennas to be easily installed around the perimeter of the structure.

Planning Board Chairman Eric VanAlstyne added that no mounting plates will need to be installed as part of the installation of the tower.

Planning Board Member Ernie Niforos asked if the tower would collapse on itself?

Mr. Ciolfi stated that, essentially, the tower does fold up on itself. He pointed out that there are no structures that will be located within the fall zone for the tower.

Eventually, the Planning Board agreed that a lattice tower would be preferable to the monopole tower.

C. County Planning Board Referral:

During its July 16, 2019 meeting, the Fulton County Planning Board, in accordance with Section 239-m of the General Municipal Law of New York State, reviewed Evolution Site Services' Site Plan application for a Wireless Telecommunications Tower along NYS Route 67 in the Town of Johnstown. At that time, the County Planning Board recognized no regional implications that could result from the proposed action but recommended that the Site Plan be approved with the following stipulation:

1. A combination of Norway Spruce and White Spruce be used in the Landscaping Plan.
2. The plantings be installed at 6' – 8' in height in an interspersed pattern that provides immediate screening of the equipment area.
3. The plantings be installed on a 4' high earthen berm.

DISCUSSION: The Planning Board had no comments or questions concerning the County Planning Board's recommendation.

D. State Environmental Quality Review:

During its July 9, 2019 meeting, the Town of Johnstown Planning Board classified the proposed project as an Unlisted Action and proposed that it serve as the Lead Agency for the purpose of issuing a determination of significance under SEQR. The Other Involved Agencies were sent a copy of the Environmental Assessment Form along with the preliminary Site Plan drawings and asked to comment on the Town of Johnstown Planning Board's proposal to serve as Lead Agency or on the project itself by Monday, August 12, 2019. To date, the Planning Board has received the following comments:

NYSDEC:

In a letter dated July 19, 2019, the NYSDEC has concurred with the Town of Johnstown Planning Board's proposal to serve as the Lead Agency.

NYSDOT:

In a letter dated July 31, 2019, the NYSDOT has also concurred with the Town of Johnstown Planning Board's proposal to serve as the Lead Agency. NYSDOT also notes that:

1. A NYS Highway Work Permit will be required for any work performed within the highway right-of-way.
2. All proposed signage advertising any parking will be located on private property and not on the NYSDOT right-of-way.
3. Access to the property will require that the entrance conforms to NYSDOT standards for a minor commercial driveway.
4. If the proposed driveway will be temporary, the lawns will need to be replaced in-kind. This matter will be addressed through the Highway Work Permit process.

DISCUSSION: The Planning Board had no comments or questions regarding the responses it received from NYSDEC or NYSDOT.

MOTION: Declaring the Town of Johnstown Planning Board the Lead Agency for the purpose of issuing a determination of significance for Evolution Site Services' Site Plan application for a Wireless Telecommunications Tower.

MADE BY: Dick Goebel
SECONDED: Mike McGrail

FURTHER DISCUSSION: Mr. Geraghty asked Planning Board members if they felt there were any significant adverse environmental impacts that have not been addressed by the applicants.

There was a general consensus among Board members that there were no additional significant adverse environmental impacts that needed to be addressed.

MOTION: Authorizing the filing of a negative declaration under SEQR for Evolution Site Services' Site Plan application since:

1. There is sufficient acreage available on the property to install a 140' wireless telecommunications tower.
2. Public utilities are readily available to service the site.
3. There will be no traffic impacts resulting from the proposed action.
4. Equipment areas will be adequately screened so that there are no adverse aesthetic impacts.

MADE BY: Eric VanAlstyne
SECONDED: Dick Lynaugh
VOTE: 6 in favor, 0 opposed

E. Public Hearing:

1. The public hearing was opened at 6:11 P.M.
2. Speakers:

Jessica Walker
2139 State Highway 67

Ms. Walker told Planning Board members that she is located next door to the proposed tower location. She explained that she and her family are organic farmers and are concerned with the installation of a wireless telecommunications tower on the property next door. She stated that the proposed driveway location will not only cause a disruption for the animals on her property but will be an eyesore. She stated that she felt the excavation for the driveway will cause drainage concerns on her property. She stated that she has a 14-page response letter that she would like to submit for the Planning Board's records. She indicated that she didn't believe that there is a gap in Verizon's coverage in the area. She stated that she has spoken with many of her neighbors who have told her that they are not experiencing any problems with their cellular coverage. She suggested that the applicant use a much smaller, less invasive cell tower. She had a question concerning the distance separation between her home and the cellular tower location. She asked Board members to review the documents she will be submitting before offering a final decision on the project.

Conrad Stergas
46 South East Avenue

Mr. Stergas explained that he is not necessarily opposed to the project but wanted to make sure that the Federal Aviation Administration (FAA) was contacted regarding any potential Airport-related impacts.

Mr. Ciolfi noted that he has received a no hazard notice from the FAA regarding the project. He also indicated that he will be registering the tower with the Federal Communications Commission (FCC).

Planning Board Chairman Eric VanAlstyne then initiated a discussion concerning the applicant's compliance with all of the Town's guidelines relating to setback distances. He also had a question concerning the potential need for a drainage swale along the access driveway. Eventually, the Planning Board felt that, given the amount of information that was submitted by Ms. Walker, the public hearing should be left open so that the County Planning Department can review her concerns and report back to the Planning Board during its September meeting.

MOTION: To leave the public hearing open and to table any final action on Evolution Site Services' Site Plan for a Wireless Telecommunications Tower

MADE BY: Ernest Niforos

SECONDED: Mike McGrail

VOTE: 5 in favor, 0 opposed

The public hearing was suspended but left open at 6:25 p.m.

IV. AMERESCO – PUBLIC HEARING ON A SPECIAL PERMIT FOR SOLAR FARM ON THE FORMER GLOVERSVILLE LANDFILL PROPERTY ALONG NYS ROUTE 29A (EAST FULTON STREET EXTENSION):

A. Background:

Ameresco is looking to develop a 4.98 megawatt AC Solar Farm (3.167 DC) on the former City of Gloversville Landfill property along the north side of NYS Route 29A (East Fulton Street Extension) in the Town of Johnstown (Tax Map Parcel Nos. 135.-1-52.1 and 150.-1-9.2). The two (2) parcels are approximately 160+/- acres in size. The Solar Farm project will utilize approximately 25+/- acres of the closed Landfill. An existing access road will be extended to a high point on the property to service the Solar Farm.

B. July 9, 2019 Meeting:

During its July 9, 2019 meeting, the Town of Johnstown Planning Board began reviewing Ameresco's Special Permit application for a Solar Farm on the former Gloversville Landfill property along NYS Route 29A in the Town of Johnstown. At that time, the Planning Board asked that the following information be provided on the final Site Plan submittal for the Special Permit application:

1. An Operation and Maintenance Plan for the site must be provided along with some type of confirmation that Ameresco will have access to the former Landfill facility at all times.

STATUS: An Operation and Maintenance Plan for the site has been provided, along with a letter from Dale Trumbull, Director of the City of Gloversville Department of Public Works, indicating that Ameresco will have access to the Landfill site at all times.

DISCUSSION: The Planning Board had no further comments regarding this issue.

2. The height of the existing Landfill fencing must be identified. The Town of Johnstown Zoning Law requires an 8' high fence with a self-locking gate around the solar facility.

STATUS: The height of the existing fencing has been identified on Sheet C-004 as 8' with a self-locking gate.

3. The locations and specifications for all warning signage, as well as signage identifying the owners and operators with emergency telephone numbers etc., must be provided on the final submittal.

STATUS: Signage locations and details have been provided on Sheet C-004 and Sheet C-013.

4. An elevation drawing showing the Solar Farm mechanical equipment, shelters, storage facilities, transformers, substations, etc. must be provided on the detail sheet.

STATUS: Provided on Sheet C-012 and C-013.

5. An additional turnaround area must be provided along the access road within the Solar Farm.

STATUS: Four (4) turnaround areas have been provided along the access driveway.

DISCUSSION: The Planning Board was satisfied with the location of the turnaround areas.

6. An updated Decommissioning Plan needs to be provided.

STATUS: An updated Decommissioning Plan has been provided that still shows a cost of \$272,500 as the estimated cost to decommission the site in 25 years. Ameresco notes in its correspondence that the figure is slightly below model figures provided by NYSERDA because of a ballasted system on the former Landfill that is easier to remove than the ground-screwed racking systems and the fact that there is an existing fence around the Landfill that will not need to be removed.

DISCUSSION: There was some brief commentary between Planning Board members, Town Code Enforcement Officer Todd Unislawski and County Senior Planner Sean Geraghty concerning the uniqueness of this particular Decommissioning Plan given the fact that the Solar Farm will be located on a closed landfill. Eventually, the Planning Board agreed that the \$272,500 cost estimate would be sufficient for the Decommissioning Bond.

C. County Planning Board Recommendation:

During its July 16, 2019 meeting, the Fulton County Planning Board, in accordance with Section 239-m of the General Municipal Law, reviewed Ameresco's Special Permit application for a Solar Farm facility on the former City of Gloversville Landfill. At that time, the County Planning Board recognized no regional implications that could occur from the proposed action and decided to send no recommendation to the Town of Johnstown Planning Board.

D. State Environmental Quality Review:

During its July 9, 2019 meeting, the Town of Johnstown Planning Board recognized that the installation of a Solar facility on a closed landfill property is considered a Type II Action and requires no further review under the State Environmental Quality Review Act.

E. Public Hearing:

1. The public hearing was opened at 6:30 P.M.
2. Speakers:

Richard Tyrell
878 NYS Route 29A

Mr. Tyrell pointed out that there is currently a problem with pick-up trucks and 4-wheelers driving across the Landfill property. He questioned how this would be stopped so that the solar panels are not damaged.

County Senior Planner Sean Geraghty pointed out that the entire capped Landfill is currently enclosed within a fence and the solar facility will be within that fenceline. He indicated that he didn't know how pick-up trucks and 4-wheelers were accessing the Landfill property.

Mr. Putman
680 State Highway 29A

Mr. Putman confirmed that there are pick-up trucks and 4-wheel drive vehicles that do drive across the Landfill property.

There was then a few minutes of discussion concerning this issue. Eventually, a gentleman from Bergman Associates displayed an orthoimage of the Landfill property showing the fenceline. Both Mr. Tyrell and Mr. Putman pointed out where pick-up trucks and 4-wheel drive vehicles access the Landfill property.

Planning Board members recognized that the area identified by those gentlemen is outside of the fenceline and not on the capped Landfill or anywhere near where the Solar Farm will be installed.

3. The public hearing was closed at 6:35 P.M.

F. Planning Board Action:

In accordance with Section 84-54(B)(9)(a) of the Town of Johnstown Zoning Regulations, the Planning Board shall grant, deny or grant subject to conditions the application for Special Use Permit within sixty-two (62) days after the hearing.

MOTION: To approve Ameresco's Special Permit application for a Solar Farm on the former Gloversville Landfill property along NYS Route 29A.

MADE BY: Eric VanAlstyne

SECONDED: Dick Goebel

VOTE: 5 in favor, 0 opposed

V. **NICHOLAS IOZZO AND SUSAN EMPIE-IOZZO – SUBDIVISION ALONG RED SCHOOLHOUSE ROAD:**

A. Background:

Nicholas Iozzo and Susan Empie-Iozzo own two (2) parcels along Red Schoolhouse Road that extend all the way to NYS Route 29 and Stock Road (Tax Map Parcel Nos. 147.-4-1 and 147.-1-72.2). The applicant's combined property holding is approximately 31+/- acres in size. The applicants were originally looking to create five (5) building lots from the property ranging in size from 3.127 acres to 6.689 acres in size respectively. An additional 5.312 acre portion of the lot, in the northeast corner of the subdivision, was to be deeded to adjacent Tax Map Parcel 147.-4-6 owned by Laura Empie. Because of wetlands issues, the applicants have now changed the layout of the subdivision. The property in the northeast corner of the subdivision will still be transferred to Laura Empie. However, the applicant is now looking to create only four (4) new building lots from the remaining tract of land that will range in size from 2.866 acres to 14.344 acres in size respectively.

B. April 9, 2019 Meeting:

During its April 9, 2019 meeting, the Town of Johnstown Planning Board began reviewing Nicholas Iozzo and Susan Empie-Iozzo's subdivision application for a piece of property along Red Schoolhouse Road. At that time,

the Planning Board asked that the following information be provided on a revised subdivision plat prior to taking any further action:

1. Percolation and pit test results for each of the lots in the proposed subdivision must be provided.

STATUS: Percolation and pit test results for each of the building lots has been provided. However, due to water infiltration, a percolation rate for Lots #3 and #4 could not be determined.

2. If there are any easements or covenants to go along with any of the proposed building lots, they should be noted on the final plat.

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

3. An examination of the U.S. Fish and Wildlife Wetland Maps reveals that a significant portion of the project site has been identified by the Federal Government as a Freshwater/Forested/Shrub Wetland and Freshwater Emergent Wetland. Consequently, those wetlands need to be mapped on the final plat.

STATUS: Not provided.

DISCUSSION: Mr. Geraghty pointed out that the reason that the percolation and pit tests failed on Lots #3 and #4 is that there are federal wetlands on the site.

Chris Foss, representing the applicant, agreed that the property is wet and originally looked better when he first examined the site during the winter months. He explained that he walked the site with a local wetlands expert, Steven George. He stated that Mr. George felt that it may be a tight fit to squeeze residences in on the building lots. He stated that Mr. George felt that fill will need to be brought into the site in order to install adequate septic systems on the property.

After several more minutes of discussion, it was agreed that the federal wetlands on the site will need to be delineated and confirmed by the U.S. Army Corps of Engineers and then displayed on the revised plat before any further action is taken by the Planning Board.

MOTION: To table any further action on Nicholas Iozzo and Susan Empie-Iozzo's subdivision application pending receipt of a revised plat showing the location of federal wetlands on the property.

MADE BY: Mike McGrail
SECONDED: Eric VanAlstyne
VOTE: 5 in favor, 0 opposed

VI. JAMES SHUTTER - PROPERTY TRANSACTION ALONG FONCLAIR TERRACE:

A. Background:

James Shutter currently owns a 59.6+/- acre parcel along Fonclair Terrace in the Town of Johnstown (Tax Map Parcel No. 175.-2-42.11). Mr. Shutter would like to reduce the size of the existing lot to approximately 14+/- acre and attach the remaining 45.6+/- acres to a separate property he owns along Fonclair Terrace, which is currently only .9+/- acres in size (Tax Map Parcel No. 175.-2-40.1).

PLANNING BOARD DISCUSSION: After briefly reviewing Mr. Shutter's proposal, the Planning Board felt that the proposed transaction is not subject to the Town's Subdivision Regulations.

B. Planning Board Action:

MOTION: Recognizing that James Shutter's property transaction along Fonclair Terrace is not subject to the Town's Subdivision Regulations and to approve the transaction as a lot line amendment.

MADE BY: Dick Lynaugh
SECONDED: Mike McGrail
VOTE: 5 in favor, 0 opposed

VII. AT & T UPSTATE NY - SITE PLAN FOR WIRELESS TELECOMMUNICATIONS TOWER ALONG MUD ROAD:

A. Background:

AT & T Upstate NY is proposing to install a 190' tall self-support lattice telecommunications tower on the County Landfill property along Mud Road in the Town of Johnstown (Tax Map Parcel No. 160.-3-35.1). The applicant will be leasing a 100' x 100' area from the County and will install its equipment inside a 70' x 70' fenced-in compound. The County will provide the applicant with a 30' wide easement extending through the Landfill property and accessing NYS Route 67. The tower will be approximately 1,500' - 2,000' off of Mud Road.

B. Fulton County Planning Department Review:

The Fulton County Planning Department began its review of the Site Plan drawings for AT & T Upstate NY's wireless communications tower in accordance with Article 11 of the Town of Johnstown Zoning Regulations. Based on that review and the nature of the application, the Planning Department determined that all of the required information, that is outlined in that section of the Town's Zoning Law, has been provided.

The Planning Department continued its review of the application in accordance with Article 6, Section 84-23 of the Town Zoning Law, which contains additional provisions specifically for wireless communication towers. Based on that review, the applicant needs to address the following issue:

Issues:

1. An inventory of existing towers, sites and towers within 1 mile of the project site has not been provided.

DISCUSSION: Kimberly Revak, Site Acquisition Consultant, representing AT & T, explained that the nearest tower is located approximately 1.89 miles from the Landfill site. She explained that the Landfill tower site will be a "First Net" project which is a federal project that assists first responders. She indicated that the site at the Landfill will provide better radio communication for the Landfill operation, better emergency communications for the County as a whole and can be used by other wireless providers as a co-location site.

Town Code Enforcement Officer Todd Unislawski talked briefly about some of the gaps in communication for first responders in the area.

Planning Board Member Dick Lynaugh asked Ms. Revak who she is coordinating this project with at the local level?

Ms. Revak indicated that she has been working with Solid Waste Director David Rhodes on this particular project.

Mr. Unislawski added that County Fire Coordinator Steve Santa Maria is also aware of the project.

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 Site Plan 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?

DISCUSSION: Given the fact that the tower site is not located on top of any portion of the capped Landfill, the Planning Board felt no reason to conduct a Coordinated Review with the State Department of Environmental Conservation.

MOTION: Authorizing the filing of a negative declaration under SEQR for this proposed action since:

1. There is sufficient acreage available on the Landfill property to discretely locate a wireless tower where it will have no impact on Landfill operations.
2. Public utilities are readily available to service the property.
3. There will be no traffic impacts resulting from the proposed action.
4. There will be no aesthetic impacts created by the tower given its significant distance from the nearest road.

MADE BY: Dick Lynaugh
SECONDED: Ernest Niforos
VOTE: 5 in favor, 0 opposed

D. Planning Board Action:

In accordance with Article 11 of the Town of Johnstown Zoning Regulations, the Planning Board must hold a public hearing on a Site Plan application within sixty-two (62) days of the Planning Board's receipt of a complete application.

MOTION: To schedule a public hearing on AT & T Upstate NY's Site Plan application for a Wireless Telecommunications Tower for Tuesday, September 10, 2019.

MADE BY: Mike McGrail
SECONDED: Dick Goebel
VOTE: 5 in favor, 0 opposed

VIII. OTHER BUSINESS:

A. Code Enforcement Update:

1. Solar Farm at Town Animal Shelter:

Mr. Unislawski explained that the Solar Farm Project on the Town's Animal Shelter property along County Highway 122 has been started. He noted that the access road to the site has been shifted slightly so that the natural berm that occurs along the road did not have to be cut into.

2. Solar Farm Universal Property:

Mr. Unislawski explained that Borrego Solar's Solar Farm Project on the Universal property has been started. He indicated that the road into the site is about $\frac{3}{4}$ of the way finished. He pointed out that the material that is being cut out of the site is being used to create the berm where all of the plantings will be arranged.

3. Solar Farm along Hales Mills Road:

Mr. Unislawski explained that the Solar Farm Project along Hales Mills Road has also been started. He indicated that trenching on the site has been completed and that the berming and landscaping for the project will start shortly.

4. NYS Route 67 Solar Farm:

Mr. Unislawski stated that his efforts to contact the developers of the Solar Farm Project along NYS Route 67 have not been successful and

he indicated that he has turned the project over to the Town Attorney. He indicated that he would keep Planning Board members up to speed on any legal action that is taken against the developers.

5. Junkyard - NYS Route 29 and NYS Route 10A:

Mr. Unislawski explained that the Town is still trying to clean up Mr. Frank's property at the intersection of NYS Route 29 and NYS Route 10A. He indicated that Mr. Frank is proposing to put a fence around the property to conceal the vehicles and various pieces of junk that he has scattered across the property. Mr. Unislawski stated that this has been an ongoing case in the Town and he would like to clean up the property which essentially operates as a junkyard. He stated that he may have to turn the issue over to the Town Attorney.

Planning Board Member Dick Lynaugh expressed some dissatisfaction that the Town Attorney hasn't been involved in this issue yet. He indicated that he believed Mr. Frank is just playing games and has no intention of ever cleaning up the property and felt that the Town Attorney should be authorized to take action against Mr. Frank.

Mr. Unislawski stated that he agreed but there has been a concern that the Town's regulations aren't clear enough in terms of what enforcement action can be taken against Mr. Frank.

IX. CLOSE OF THE MEETING:

MOTION: To close the meeting at 7:09 p.m.

MADE BY: Dick Goebel

SECONDED: Dick Lynaugh

VOTE: 5 in favor, 0 opposed