

# TOWN OF BROADALBIN PLANNING BOARD

WEDNESDAY  
MARCH 27, 2024  
7:00 P.M.  
BROADALBIN TOWN HALL

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## Meeting Notes

PRESENT:

MIKE CRISPIN, CHAIRMAN  
JARROD ABRAMS, VICE CHAIRMAN  
DALE POTTS, MEMBER  
PHILIP COMINI, MEMBER  
JAMES MAGIELDA, MEMBER  
MIKE DEPAULA, MEMBER  
VACANT

SCOTT HENZE, DIRECTOR, FULTON COUNTY PLANNING DEPARTMENT

OTHERS: Supervisor DiGiacamo, Mark DeJong, Ron Crannell, Chris Fisher, Mike Gallup

The meeting was called to order at 7:02 p.m.

### **I. MINUTES FROM FEBRUARY 28, 2024 MEETING:**

PLANNING BOARD ACTION:

MOTION: To approve the minutes to the February 28, 2024 meeting.  
MADE BY: Member Potts  
SECONDED: Member DePaula  
VOTE: 5/0 (Philip Comini yet to arrive)

### **II. OLD BUSINESS:**

#### **A. RON CRANNELL TIPI SITE PLAN (PROJECT NO. 2023-09):**

- The Planning Board commenced the review of the Ron Crannell site plan on August 23, 2023. The Planning Board determined that the site plan application was incomplete and requested the following additional information be provided via letter to Mr. Crannell dated August 25, 2023:

1. If an expansion of additional tipi's or other accommodations is to be proposed, please illustrate and adjust the Site Plan map to show the entire parcel.

STATUS

- Planning Board members noted the callout on sheet C-1 indicating that this should be the only site on the property.

2. Please show the locations, design, and type of construction, proposed use and exterior dimensions of all buildings.

STATUS

- Planning board member noted that the applicant has provided the location and design and type of construction for all buildings as shown on sheet C-1 as well as the Schmetic design of the restroom and shower facilities on drawing sk-1.

3. Please identify on the Site Plan map the location of the Hudson River Black River Regulating District's "Taking Line."

STATUS

- Planning board members noted that there is a map callout on sheet C-1 indicating that the HRBRRD taking line elevation of 771' does not fall within the mapping of the plot plan.

4. Please provide a certification by a Licensed Professional Engineer that the onsite septic system and water well have been installed per NYS Department of Health standards.

STATUS

- Planning board members noted that under the general notes on sheet C-1 item no 7 references the certification by the license professional engineer.

5. Please identify and describe on the Site Plan map more details in regards to the existing/proposed electric and propane gas infrastructure.

STATUS

- Planning board members noted that on sheet C-1 illustrates the details in regards to the existing and Proposed plan and electric and propane gas infrastructure.

6. Please identify the location of any existing and/or proposed signage. Please provide a detail of the signage if any.

STATUS

- Planning Board members asked Mr. Crannell and Mr. DeJong as to whether or not there would be any signage advertising the TiPi. Mr. Crannell and Mr. DeJong indicated that there would be no exterior signage to the project.

7. Please identify the location of any exterior lighting fixtures. Please provide a detail of the exterior lighting fixtures if any.

STATUS

- Planning Board members asked Mr. Crannell whether or not there were existing lighting on the property. Mr. Crannell indicated that there is solar lighting along the path between the shower bath house and the TiPi as well as lighting along the dock. Mr. Crannell indicating that both lighting is low to the ground. Planning Board members asked Mr. Crannell whether or not there was additional lighting on garage. Mr. Crannell indicated that there is exterior lighting around the doorways that illuminate downward.

8. Please provide a copy of a NYS Adirondack Park Agency Jurisdictional Inquiry Form (JIF) response.

STATUS

- Planning Board noted that the applicant has provided a copy of the APA jurisdiction determination page J2023 – 0849 indicating that no permit is required.

9. Please identify and describe the locations of all fire extinguishers and carbon monoxide detectors.

STATUS

- Planning Board members asked Mr. Crannell where the existing fire extinguishers and carbon monoxide detectors are located. Mr. DeJong noted the callout on sheet C-1 indicating the location of the proposed fire extinguisher and combination smoke and carbon monoxide detector located in the shower bath house as well as a call out of a fire extinguisher located in the TiPi.

10. Please correct the spelling of “Funk Road Ext.” to “Vunk Road Ext.” on all application materials.

STATUS

- Planning Board confirmed that Mr. DeJong has questioned the selling of Vunk Road ext.

A. Application Materials Provided:

➤ **To the August 23, 0223 meeting:**

- Project plans prepared by Makron Engineering dated July 15, 2023 to include:
  - Inset Map
  - Tax Map
  - Tipi Plot Plan/Septic Plan (C-1)
  - Images of Site (C-2)
- Additional Images.
- Application Fee for Site Plan Review is \$200.00. Status?
- Short EAF submitted via email on 8/23/23.

➤ **New Application materials provided for March 27, 2024 meeting:**

- Updated project plans provided by Makron Engineering dated March 5, 2024 to include:
  - Site Map

- Tax Map
- Tipi Plot Plan/Septic Plan (C-1)
- Bathhouse Schematic (SK-1)
- APA Jurisdictional Determination J2023-0849 noting that no APA permit is required.

PLANNING BOARD DISCUSSION: Chairman Crispin review the application materials that were provided in the August 23, 2023 meeting as well at the new application materials that were provided at the March 27, 2024 meeting. Chairman Crispin noted that the Planning Board has yet to receive the \$200 application fee for the site plan review. (Mr. Crannell provided a \$200 check to Mr. Crispin during the meeting).

B. State Environmental Quality Review:

- **During the August 23, 2023 meeting, the Planning Board agreed, based upon the nature of this project, to accept a Short Environmental Assessment Form.**
- **Scott Henze emailed a revised SEAF to Mark DeJong on August 25, 2023 to edit and resubmit. To date, there has been no resubmission.**

PLANNING BOARD DISCUSSION: Chairman Crispin reviewed the background information as identified with in the agenda and noted that Scott Henze had emailed a revised short environmental assessment form to Mr. DeJong to edit and resubmit with a few edits required. Mr. DeJong stated that he would provide and resubmit to the short environmental assessment form prior to the next meeting.

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:

Section 617.6 (b)(3) of 6 NYCRR states that, when an agency proposes to directly undertake, fund or approve a Type 1 or Unlisted Action undergoing a Coordinated Review with other Involved Agencies, it must, as soon as possible, transmit Part 1 of the Environmental Assessment Form, completed by the Project Sponsor, or a Draft Environmental Impact Statement (DEIS) and a copy of any application that has been received to all Involved Agencies and notify them that a Lead Agency must be agreed upon within thirty (30) calendar days of the date the Environmental Assessment Form or DEIS was transmitted to them.

- **During the August 23, 2024 meeting, the Planning Board identified the APA as an involved agency. APA has since issued a Jurisdictional Determination J2023-0849 identifying that no permit is required.**
- **Does the Planning Board feel as though there is enough information to commence the SEQR Review?**

PLANNING BOARD DISCUSSION:

- **The Fulton County Planning Department recommends that the Planning Board classify the action as an Unlisted Action and conduct an Uncoordinated Review.**

MOTION: To classify the Ron Crannell Tipi Site Plan project (Project #2023-06) as an Unlisted Action under SEQR and to declare the Town of Broadalbin Planning Board as the Lead Agency under Section 617.6(b)(4) Uncoordinated Review for Unlisted Actions.

MADE BY: Member Comini  
SECONDED: Member Abrams  
VOTE: 6/0

C. Referral to Fulton County Planning Board:

- The Planning Board shall refer Applications for Site Plan Review to the County Planning Board per Section 239-m of General Municipal Law and Section 274-a(9) of Town Law when the project is located within 500 feet of a State or County Highway, Municipal Boundary.....

MOTION: To forward the Ron Crannell Tipi Site Plan project (Project #2023-06) to the Fulton County Planning Board under Section 239-M of the General Municipal Law.

MADE BY: Member Comini  
SECONDED: Member Potts  
VOTE: 6/0

- Chairman Crispin asked Mr. Henze when the County Planning Board would meet to review the application. Mr. Henze indicated that the County Planning Board would meet on April 16 in time for the next meeting of the Town of Broadalbin Planning Board on April 24.

D. Article 5.0 Public Hearing states that:

- The Planning Board shall hold a public hearing on a complete Site Plan application within sixty two (62) days from the determination of the Planning Board that the application is complete and that a hearing is appropriate. The time which a public hearing shall be held may be lengthened only upon consent of the Applicant and the Planning Board.
- At least five (5) days prior to the date of such hearing, the Planning Board shall give public notice by causing the publication of a notice of such hearing in the Town's official newspaper.
- The Planning Board shall mail notice of said hearing to the Applicant at least ten (10) days prior to the hearing.
- The Planning Board shall mail notice, with return receipt, to all adjoining property owners and to any other owners of property located within 200 to 500 feet at the discretion of the Planning Board from the parcel for which the site plan is proposed. The Planning Board may notify other owners of other parcels if it deems appropriate.
- In the case of a hearing held on an application of a property that is located within 500 feet of an adjacent municipality, the Planning Board shall give notice of the hearing to the clerk of the adjacent municipality, by either mail or electronic transmission, at least ten (10) days prior to the hearing pursuant to General Municipal Law Section 239-m.
- The Planning Board may waive the requirement for a public hearing if the Board determines the project would have no impacts or has no public opposition.

PLANNING BOARD DISCUSSION: Chairman Crispin asked if Mr. Crannell had many neighbors. Mr. Crannell stated that given the size of the property there are only handful neighbors. Chairman Crispin asked Planning Board members whether or not they were comfortable to send the public hearing notice with return receipt to property owners within 200` of the property. Planning Board members agreed

- **Does the Planning Board feel as though there is enough information provided to schedule a Public Hearing?**

MOTION: To schedule a public hearing for the Ron Crannell Tipi Site Plan project (Project #2023-06) for 7:00P.M. Wednesday April 24, 2024 and to mail said hearing notice, with return receipt, to all adjacent and property owners within 200` of the project property.

MADE BY: Member Abrams  
 SECONDED: Member Comini  
 VOTE: 6/0

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END OF AGENDA ITEM

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**III. NEW BUSINESS:**

**A. FISHER MINOR SUBDIVISION APPLICATION (PROJECT NO. 2024-03)**

A. Background/Information Submitted:

- Completed application for Subdivision dated December 7, 2023.
  - Completed Part 1 Short Environmental Assessment Form.
  - Mailing list of all properties located within 500 feet of project property.
  - Copy of Deeds
  - Subdivision Map of lands of Christopher J. Fisher Sr. prepared by Northeast Land Survey & Land Development Consultants, P.C. dated November 30, 2023.
- Mr. Fisher would like to subdivide parcel 122.2-1-21.11 totaling 4.191 +/- acres as follows :

Lot #	Acreage	Amenities	Road Frontage
1	3.186 +/-	Existing house, garage, driveway	656.87 feet
2	1.005 +/-	Undeveloped/telephone pole/wires	150 feet

- Subdivision is located within the Adirondack Park Moderate Intensity Use area requiring 1.3 acres per principal building.
- Project does not require a Section 239-M review by the County Planning Board.
- Project is not a NYS Realty Subdivision (5-5-3)
- Subdivision does include NYS APA Regulated Wetlands.

B. Review of Minor Subdivisions:

1. The Preliminary Plat must include the following information (Provided, To Be Provided, Waived):

<b>REQUIREMENT</b>	<b>STATUS</b>
a. A survey of the tract of land to be subdivided prepared by a NYS Licensed and Registered Land Surveyor giving complete descriptive data by bearings and distances showing the parcel(s) to be subdivided in relation to the entire tract and the distance to the nearest existing street intersection.	provided
b. The proposed subdivision name, the date, north arrow, map scale, name and address of record owner and subdivide.	provided
c. The total area (acres) of the lot(s) to be subdivided.	provided
d. 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.	provided
e. The name of the owner(s) and all adjoining property owners as disclosed by the most recent municipal tax records.	provided
f. The tax map sheet, block and lot number of the parcel(s) to be subdivided.	provided
g. All existing utilities and streets.	provided
h. The proposed layout of lots including lot width, depth, and lot area, street layout, street cross section, proposed open spaces or recreation areas, and the proposed storm water management systems within the subdivided area.	provided
i. The location of all groundwater wells and septic systems for each lot and the distances between each well and all adjoining septic systems.	waived
j. Soil percolation and/or deep hole test results on each lot in the proposed subdivision as required by the Planning Board.	waived
k. All existing restrictions on the use of land including easements, covenants, and Town requirements. A copy of such covenants or deed restrictions that are intended to cover all or part of the tract shall be included.	provided
l. A Full Part I Environmental Assessment Form completed by the applicant.	Provided (waived FEAF)
m. Minor Subdivision Application and lot fee: \$100 application fee, \$150 for each new lot created.	\$100 fee has been paid

2. The Planning Board reserves the right to waive any of the above-mentioned requirements where appropriate.

3. The Planning Board shall review the Preliminary Plat against the design standards in Subsection F.

C. Design Standards for Minor Subdivisions:

a) Lots to be buildable.

- 1) The lot arrangement shall be such that in constructing a building in compliance with Town requirements, there will be no foreseeable difficulties for reasons of topography or other natural conditions.
- 2) Lots should not be of such depth as to encourage the later creation of a second building lot at the front or rear.
- 3) No buildings or structures shall be erected within 50 feet of the right-of-way line of any public highway or street and no closer than 20 feet from any adjacent property line.
- 4) The total square footage of all buildings and accessory structures on any one lot shall not exceed 50 percent of the minimum lot area.

➤ **Based upon the information provided to date, does the Planning Board feel as though the Required Documents have been met?**

PLANNING BOARD DISCUSSION: Chairman Crispin reviewed the background information as identified in the agenda noting that the all of the requirements have been met. Planning Board members agreed.

b) Lot Access to public or private street.

- 1) All buildable lots shall have at least 40' of frontage onto:
  - A public street.
  - A private street built on the requirements of these regulations and the Town's specification that leads directly to a public street.

➤ **Based upon the information provided to date, does the Planning Board feel as though the Required Documents have been met?**

PLANNING BOARD DISCUSSION: Planning Board members noted that there is sufficient road frontage for lot access onto Union Mills Road.

c) Corner lots.

- 1) In general, corner lots should be larger than interior lots to provide for proper building setback from each street and provide a desirable building site.

➤ **Based upon the information provided to date, does the Planning Board feel as though the Required Documents have been met?**

PLANNING BOARD DISCUSSION: Planning Board noted that the existing house garage location being on the corner of Union Mills Road and Hatzunbuhler Road has sufficient site lines and road frontage.



d) Lots subject to flooding.

- 1) Lots subject to flooding or land deemed by the Planning Board to be uninhabitable shall not be platted for residential occupancy nor for such other uses as may increase danger to health, life or property or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or improved in a manner satisfactory to the Planning Board to remedy said hazardous conditions.

➤ **Based upon the information provided to date, does the Planning Board feel as though the Required Documents have been met?**

PLANNING BOARD DISCUSSION: Not applicable

D. 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.

➤ **Does the Planning Board feel as though there is enough information to commence the SEQR process?**

➤ **Can the Planning Board identify any involved or interested agencies?**

- Adirondack Park Agency
- Others?

PLANNING BOARD DISCUSSION: Scott Henze stated that this project is located with the APA Moderate Intensity Land Use area requiring 1.3 acres per principal building . Chairman Crispin noted that proposed lot #2 is being proposed at 1.005 acres. Chairman Crispin noted that the APA may or may not require additional acres to proposed lot #2. Chairman Crispin question whether or not the applicant should submit a jurisdictional inquiry form. Mr. Henze indicated that Planning Board will coordinate SEQR with the APA and they will determine whether or not a permit will be needed and if so the applicate may need to coordinate with the APA further.

MOTION: To classify the Fisher Minor Subdivision application (Project #2024-03) as an Unlisted Action under SEQR and to propose that the Town of Broadalbin Planning Board act as the Lead Agency under Section 617.6(b)(3) Coordinated Review for Unlisted Actions. And to coordinate said review with the APA.

MADE BY: Member Comini  
SECONDED: Member DePaula  
VOTE: 6/0

E. Public Hearing:

In accordance with Section 276 of the Town Law of New York State, the Planning Board must hold a public hearing on any subdivision application within sixty-two (62) days of the date of submittal of the completed application.

The Public Hearing shall be advertised in a newspaper of general circulation in the Town at least five (5) days before such hearing.

- **Does the Planning Board feel as though there has been enough information provided to schedule a public hearing at this time?**

PLANNING BOARD DISCUSSION: Chairman Crispin asked Planning Board members whether or not they felt there was enough information to schedule a public hearing. Planning Board members agreed.

MOTION: To schedule a public hearing for the Fisher Minor Subdivision (Project #2024-03) for 7:00 P.M. on Wednesday April 24, 2024 at the Town of Broadalbin Town Hall.

MADE BY: Member Comini

SECONDED: Member Potts

VOTE: 6/0

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END OF AGENDA ITEM

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#### **IV. PROPOSED SOLAR REGULATIONS:**

- During the September 28, October 26, and December 28, 2022 meetings, Chairman Crispin noted that the Town Board passed a moratorium on Commercial Solar within the Town and that the Planning Board was to commence a draft of Solar Regulations.
- Planning Board members were asked to review various municipal Solar Regulations that Mr. Henze has provided.
- During the February 22, 2023 meeting, the Planning Board discussed various items that they felt as though should be addressed within the Town of Broadalbin's proposed Solar Regulations to include:
  1. Can the Planning Board restrict the overall size (megawatts or MW) of Solar Farms.
  2. Utility poles and switchgear be located underground.
  3. The Town of Broadalbin should have a sizeable solar application fee as well as include the ability to hire outside engineering assistance when reviewing projects to be paid by the applicant.
  4. Incorporate a licensing fee to be paid for every 5 megawatts annually.
  5. Incorporate a transfer fee when a project changes ownership.
  6. Incorporate a sizeable decommissioning process and fee.
  7. Incorporate a Payment In Lieu of Taxes (PILOT).
  8. Regulate the height of panels.
  9. Incorporate required plantings, berms, and other buffer materials as directed by the Planning Board.
- During the February 22, 2023 meeting, Scott Henze, Planning Director suggested that he draft solar regulations based upon other municipal regulations and comments made during the February 22, 2023 meeting.
- During the March 22, 2023 meeting, Chairman Crispin noted that the Planning Board should review the draft as prepared and that he would inform the Town Board that a first draft had been developed.
- During the May 24, 2023 meeting, Chairman Crispin noted that the Town's Moratorium on Solar was due to expire in August, 2023. During the same meeting, Member Magiella suggested that Adam Bogdan attend a future meeting to discuss solar with the Board.

- On May 31, 2023 Scott Henze, Planning Director mailed to all Planning Board members copies of the Towns of Perth and Johnstown Solar Regulations to review.
- During the June 28, 2023 meeting, Chairman Crispin reported that the Town Board extended the Solar Moratorium an additional 6-months. The Planning Board also hosted Adam Bogdan.
- During the July 26, 2023 meeting, the Planning Board had limited discussion on solar regulations.
- During the August 23 & September 27, 2023 meetings, the Planning Board discussed several items within the draft Solar Energy Facilities Law to include:
  1. Section 487 of NYS Real Property Tax Law Exemptions – Town of Broadalbin
  2. Definitions
  3. Battery Storage
  4. Fee/Permitting Structure
  5. Decommissioning Fees/Structure/Bonds
  6. Panel Height
  7. Setbacks
  8. Manufacturing
  9. Agricultural Component
- During the October 25, 2023 meeting the Planning Board reviewed the Town of Broadalbin Local Law 4 of 2019 and the revised draft Solar Energy Facilities Law.
- During the October 25, 2023 meeting, the Planning Board requested that Mr. Henze consult with Travis Mitchell, PE of the Environmental Design Partnership, LLP to request that he consider providing a preliminary review of the draft given that his firm has been increasingly involved in the development of commercial solar facilities throughout NYS.
- Discussion on Town of Palatine Solar Energy Facilities Law dated May 24, 2023.
- Discussion on Town of Palatine Battery Energy Storage Systems Law.
- During the November 29, 2023 meeting, the Planning Board discussed comments made by Travis Mitchell, PE of the Environmental Design Partnership, LLP but did not make any decisions on the comments.
- During the January 24, 2024 meeting, the Planning Board forwarded the draft Solar Facilities Law to the Town Board for review.
- It was agreed that the Planning Board and Town Board would hold a joint meeting to discuss the draft, preferably prior to the February 28, 2024 meeting of the Planning Board.
- **A joint meeting of members of the Town Board and Planning Board was held on February 28, 2024 at 5:30PM to review the draft Solar Facilities Law.**

PLANNING BOARD DISCUSSION: Chairman Crispin noted that a joint meeting of the members of Town Board and Planning Board was held on February 28<sup>th</sup>, 2024 to review the draft Solar Facilities Law. Chairman Crispin noted that was not a quorum of any board present and it was considered to be a workshop meeting. Planning Board noted that the draft solar facility law that they received in their mailing from the Fulton County Planning Department was not in color and was missing pages 4 & 5. Scott Henze stated that he would mail a new copy of Solar Energy Facility Law to Planning Board Members as soon as possible.

## **V. CHAIR REPORT:**

### 1. Planning Board Vacancy

Chairman Crispin stated that there has been a vacancy on the Planning Board and the Town has solicited potential applicants. Chairman Crispin stated that he has received a two letters of intent from individuals that are interested in becoming a Planning Board Member. Chairman Crispin stated that there is one

potential applicant that he has not received a letter of intent to date. Chairman Crispin read the two letters of intent first being from Mike Gallup and the second being from Tim Loucks.

MOTION: To recommend that the Town Board appoint Mike Gallup of 250 Union Mills Road as a member of the Town of Broadalbin Planning Board.

MADE BY: Member Abrams

SECONDED: Member Comini

VOTE: 6/0

2. AirBNB

PLANNING BOARD DISCUSSION: There commenced a discussion about the Town of Broadalbin establishing an AirBNB law. Supervisor DiGiacamo indicated that that is something that the Planning Board should at least start to take a look at. Scott Henze stated that he would compile various municipal AirBNB/ short term rental laws and provide to Planning Board members as he has done in the past

**VI. CODE ENFORCEMENT OFFICE REPORT:**

1. ?

**VII. NEXT MEETING:**

The next regularly scheduled meeting of the Planning Board will be held on:

April 24, 2024

7:00 p.m.

Town Hall

**VIII. CLOSE OF MEETING:**

MOTION: To close the meeting at 8:35 P.M.

MADE BY: Member Abrams

SECONDED: Member Comini

VOTE: 6/0