

# TOWN OF BROADALBIN PLANNING BOARD

**WEDNESDAY  
OCTOBER 23, 2024  
7:00 P.M.  
BROADALBIN TOWN HALL**

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## **MEETING NOTES**

PRESENT:

MIKE CRISPIN, CHAIRMAN  
DALE POTTS, MEMBER  
MIKE DEPAULA, MEMBER (arrived at 7:20pm)  
MIKE GALLUP, MEMBER

SCOTT HENZE, DIRECTOR, FULTON COUNTY PLANNING DEPARTMENT

OTHERS: Joe DeGiulio, Larry Ruzycky, PE, and Linda Ruzyky

The meeting was called to order at 7:24 p.m.

### **I. MINUTES FROM AUGUST 28 & SEPTEMBER 25, 2024 MEETING'S**

PLANNING BOARD ACTION:

MOTION: To approve the minutes to the August 28, 2024 meeting.  
MADE BY: Member Potts  
SECONDED: Member DePaula  
VOTE: 4/0

MOTION: To table the minutes to the September 25, 2024 meeting.  
MADE BY: Member Potts  
SECONDED: Member DePaula  
VOTE: 4/0

## II. OLD BUSINESS:

### A. REALE MINOR SUBDIVISION APPLICATION (PROJECT NO. 2024-07 CONT'D)

#### A. Background/Information Submitted:

- Completed application for Subdivision (Unsigned) with no date.
  - Completed Part 1 Short Environmental Assessment Form completed by Chris Foss, P.L.S. (Unsigned).
  - Subdivision Map of lands of Isabel M. & John M. Reale prepared by Ferguson & Foss Professional Land Surveyors, PC. dated March 26, 2024 and revised June 24, 2024.
- Isabel & John Reale would like to subdivide parcel 167.-1-42.12 totaling 7.69 +/- acres as follows:

Area	Parcel	Acreage	Amenities	Road Frontage
Broadalbin	167.-2-40	2.66 +/-	Existing Driveway	426.54+/- feet
Broadalbin	167.-2-40	UNK	Driveway Access	35.26+/- feet
Perth	167.-1-42.12	5.03 +/-	House, Garage, Driveway	35.26 feet

- Subdivision is located within the Towns of Broadalbin and Perth.
- **During the September 25, 2024 meeting, the Planning Board discussed whether or not the application was a subdivision or a lot line adjustment.**
- **A request was made to verify with Chris Foss or Ferguson & Foss Professional Surveying to confirm along with the following additional questions in regards to the application:**

1. **Do you intend this application to be a 2-lot subdivision in the Town of Broadalbin or are you considering Broadalbin's Review to be a Lot Line Adjustment? If you are requesting a Lot Line Adjustment, then please revise the Application to reflect this.**

**Response:** "The town line as shown is just approximate as scaled off the tax map so I didn't think they would bother with the little triangles shown on the map. I guess it would be a subdivision".

2. **Please add to the map the Landowner Names of all property owners adjoining the project property within the Town of Broadalbin.**

**Response:** Has not provided information yet.

3. **Please identify the location of all wells and onsite septic systems to all project parcels.**

**Response:** Apparently, we did not see a well or evidence of the septic system. I will check with owner to see if we can plot it.

4. **If it is determined to be a Minor Subdivision, there will be \$100 application fee and a \$150 Lot fee. If it is a Lot Line Adjustment, then there will be a \$50 application fee.**

**Response:** I will tell the owner to send money. I can add the signature block for both towns.

PLANNING BOARD DISCUSSION: Chairman Crispin referenced the Planning Boards review of the Reale Minor subdivision application at its September 25, 2024 meeting noting that the Planning Board commenced the review of said subdivision to clarify whether or not the application is a sub division or a lot line adjustment. Chairman Crispin noted that there were several items lacking that the Planning Board requested that Chris Foss provide. Chairman Crispin noted that Mr. Henze included those directly within the agenda. Chairman Crispin review the questions and responses provided by Chris Foss noting that there has no new information provided by Mr. Foss to date. Scott Henze stated that there Reale Minor Subdivision application is also in front of the Town of Perth Planning Board this evening. Chairman Crispin noted that pending the Town of Perth Planning Board review there may be changes that will then come back to the Town of Broadalbin Planning Board for future meeting. Chairman Crispin asked Councilman Rorick whether or not he knew why the Reale Subdivision has filed a limited liability corporation. Councilman Rorick had no answer.

B. Review of Minor Subdivisions:

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

➤ **During the September 25, 2024 meeting, the Planning Board determined the following:**

REQUIREMENT	STATUS
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.	To be 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.	Waive
i. The location of all groundwater wells and septic systems for each lot and the distances between each well and all adjoining septic systems.	To be provided

j. Soil percolation and/or deep hole test results on each lot in the proposed subdivision as required by the Planning Board.	Waive
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.	Waive
l. A Full Part I Environmental Assessment Form completed by the applicant.	Waive (excepted short form)
m. Minor Subdivision Application and lot fee: \$100 application fee, \$150 for each new lot created.	To be provided

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?
- **During the September 25, 2024 meeting, the Planning Board determined that additional information was required as noted above.**

b) Lot Access to public or private street. Not applicable

- 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?
- **During the September 25, 2024 meeting, the Planning Board determined that additional information was required as noted above.**

c) Corner lots. Non applicable

- 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?
- **During the September 25, 2024 meeting, the Planning Board determined that this item was not applicable.**

d) Lots subject to flooding. Not applicable

- 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?
- **During the September 25, 2024 meeting, the Planning Board determined that this item was 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.

- Due to the fact that all structures are located within the Town of Perth and that the Town of Perth Planning Board is also reviewing the application as a Minor Subdivision (9/25/24), the Town of Perth will conduct SEQR.
- **During the September 25, 2024 meeting, the Planning Board noted that the Town of Perth Planning Board would be undertaking the required SEQR Lead Agency/review.**

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.

- **During the September 25, 2024 meeting, the Planning Board scheduled the required Public Hearing for the Reale Minor Subdivision (Project #2024-07) for 7:00 P.M. on Wednesday October 23, 2024 at the Town of Broadalbin Town Hall.**

**MOTION: To open the Public Hearing on the Reale Minor Subdivision (Project #2024-07) at 7:35 P.M.**

**MADE BY: Member DePaula**

**SECONDED: Member Potts**

**VOTE: 4/0**

**Speakers: None**

**MOTION: To close the Public Hearing on the Reale Minor Subdivision (Project #2024-07) at 7:39 P.M.**

**MADE BY: Member DePaula**

**SECONDED: Member Gallup**

**VOTE: 4/0**

PLANNING BOARD DISCUSSION: Scott Henze stated that the Planning Board has sixty two (62) days from the Public Hearing is closed to make a decision. Chairman Crispin recommended that the Planning Board table any further action on the application until such time that Mr. Foss provides the additional information requested as well as seeing the approved subdivision plat by the Town of Perth.

F. Decision:

1. The Planning Board shall, within 62 days from the date the public hearing is closed, approve, conditionally approve with or without modification or disapprove an Application for a Major Subdivision. This time may be extended by mutual consent of the applicant and the Planning Board. Failure of the Planning Board to act within such timeframe shall constitute approval of the Final Plat. If the Planning Board approves the Final Plat, the Applicant or his or her duly authorized representative shall be notified in writing of the decision.
2. If the Planning Board approves the Final Plat, the Planning Board Chairperson is authorized and empowered to sign the Final Plat.
3. In the event of a conditional approval, with or without modification, the Planning Board Chairperson is authorized and empowered to sign the Final Plat upon compliance with such conditions and requirements as may be stated in its conditional approval of the Final Plat. Within five (5) days of the granting of a

conditional approval, a letter shall be forwarded to the applicant or his or her duly authorized representative outlining the conditions that must be met in order for the Planning Board Chairperson to sign the Final Plat.

4. Conditional approval of a Final Plat shall expire 180 days after the date of the conditional approval unless the requirements have been certified as complete within that timeframe. The Planning Board may, however, extend the time for two (2) additional ninety (90) day periods each within which a conditionally approved Final Plat may be submitted for signature if, in its opinion, such extension is warranted under the circumstances.
5. In the event that the Planning Board disapproves a Final Plat, the Applicant or his or her duly authorized representative shall be notified by the Planning Board in writing within seven (7) calendar days of the reasons for such disapproval.

PLANNING BOARD DISCUSSION:

**MOTION: To Table the Reale Minor Subdivision (Project #2024-07) until additional information has been provided.**

**Conditions:**

**MADE BY: Member DePaula**  
**SECONDED: Member Potts**  
**VOTE: 4/0**

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END OF AGENDA ITEM

#### **B. DRAFT SOLAR ENERGY FACILITIES LAW CONT'D:**

- Continued review of revised Solar Energy Facilities Law based upon Town of Rotterdam solar law.
- Planning Board held a special work session on September 11, 2024 at 6:30PM.
- **Planning Board held a joint Planning/Town Board meeting on September 25, 2024 to continue to edit the draft Solar Energy Facilities Law.**
- **Edits made during the September 25, 2024 meeting were incorporated into the draft.**
- **The Planning Board and Town Board held a second joint meeting on October 16, 2024. Edits to said meeting have not been incorporated into the draft.**
- **See draft.**

PLANNING BOARD DISCUSSION: Chairman Crispin reviewed the bulleted items as identified within the agenda. Chairman Crispin noted that Mr. Henze has passed around the edits that were made during the September 25, 2024 meeting that have been incorporated into the draft. Chairman Crispin noted that Member Potts had prepared the notes to the October 16<sup>th</sup>, 2024 joint session held by Planning Board and Town Board members. Chairman Crispin noted that Mr. Potts will be providing those edits to Mr. Henze to incorporate into the final draft in the anticipation of the November 12<sup>th</sup> joint meeting. Member Potts reviewed various changes proposed during the October 16<sup>th</sup> 2024 meeting as well as some of his own proposed edits with the Planning Board. The consensus of the Planning Board was that they sounded acceptable and should be incorporated into the draft.

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END OF AGENDA ITEM

#### **III. NEW BUSINESS:**

**A. RYSCOTT DEVELOPMENT, LLC (PROJECT NO. 2024-08) CONCEPT:**

**1. Background/Information Submitted:**

- Completed Short Environmental Assessment Form submitted by Larry J. Ruzycky, P.E.
- Pine Park Campground Expansion Site Drawing prepared by Larry J. Ruzycky, P.E. dated March 3, 2024 and revised July 9, 2024.

PLANNING BOARD DISCUSSION: Chairman Crispin reviewed the background information as identified within the agenda. Chairman Crispin asked Mr. Ruzycky how long ago Ryan Douglas had purchased the Vacation Campgrounds. Mr. Ruzycky was not sure.

**2. Project Overview:**

- Pine Park Campground is owned by Ryscott Development, LLC.
- Tax Parcel No. 137.-3-8 is approximately nine (9) acres in size and is located within the Town of Broadalbin.
- Pine Park Campground is located along NYS Highway 29 with the entrance via County Highway 126 and through Tax Parcel No. 137.20-6-13 also owned by Ryscott Development, LLC.
- Tax Parcel No. 137.20-6-13 is located within the Village of Broadalbin.
- Pine Park Campground currently consists of 35 vacation trailer sites that are serviced by existing municipal water supplied via the Village of Broadalbin and onsite septic.
- The proposed project will add 35 additional vacation trailer sites and is proposed to be connected to the Village of Broadalbin's municipal sewer system.
- The existing onsite septic systems will be decommissioned.

PLANNING BOARD DISCUSSION: Chairman Crispin reviewed the information as identified within the agenda and asked Mr. Ruzycky to present the project to the Planning Board. Mr. Ruzycky noted that the 35 new sites would be drive through sites with full hook ups. Mr. Ruzycky noted that the facility receives water from the Village of Broadalbin and will be requesting sewer. Chairman Crispin asked whether or not if there was municipal sewer on the south side of 29 in order to service the site. Mr. Ruzycky noted there is given the fact that adjacent car wash also owned by Ryscott Development is serviced by said municipal sewer. Mr. Ruzycky noted that the Village of Broadalbin would like to provide the sewer hook up to the facility. Mr. Ruzycky noted that they the Village will install a water meter for the facility in order to charge for water and sewer. Mr. Ruzycky noted that the vacation campground does not utilize an excessive amount of water noting that historical speaking the vacation campground with 35 sites the highest water usage per day was around 400 gallons.

Member Potts stated that he would like to see a clearer delineation between the Town of Broadalbin and the Village of Broadalbin boundary line having it labeled.

Scott Henze suggested that Mr. Ruzycky contact NYS DEC as well as coordinating through the Village of Broadalbin as to whether or not there can be an extension of municipal sewer to serve the site. Mr. Henze explained that typical the extension of municipal infrastructure outside of said municipal boundary would require a formation of a district. Mr. Henze explained that the village's wastewater treatment plant is operated under the regulation of NYS DEC and anticipates that the permit issued by NYS DEC to operate that facility may need to be amended with the addition of this facility.

Mr. Henze asked Mr. Ruzycky whether or not he had any traffic data for the vacation campground given that the campground is being expanded. Mr. Henze suggested that a traffic description be provided that would also include



the demand at the carwash. Chairman Crispin noted that the action of NYS Route 29 and County Road 126 is a signaled intersection.

There commenced a discussion on the Town of Broadalbin Chapter 163 Mobile Homes and Parks, Vacation Trailers and Campgrounds local law that was established in 1993 as well as amended in 2020. Chairman Crispin provided a copy of said Chapter 163 to Mr. Ruzycky. Mr. Henze noted that the project would be review under Chapter 163 as it pertains to sub section 163-11 requirements for vacation campground.

There commenced a discussion on the original establishment of the vacation campground and whether or not it came forward the Planning Board. It was noted at that time there was some misinformation as to whether or not project fell under any particular regulation. Chairman Crispin noted that at that time the Town Code Enforcement Officer issued a permit. Chairman Crispin asked Mr. Ruzycky whether or not he had a copy of NYS DOH permit issued for the water system. Mr. Ruzycky stated that he did not.

3. Chapter 163 Mobile Homes and Parks; Vacation Trailers and Campgrounds:

- This project would fall under Chapter 163-11 Requirements for Vacation Campgrounds.
- The Planning Board should discuss this section of ordinance with the applicant specifically as it pertains to:

- a. Density of Development
- b. Additional Traffic
- c. Proposed municipal sewer connection
- d. Others

PLANNING BOARD DISCUSSION:

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END OF AGENDA ITEM

**IV. CHAIR REPORT:**

1. Joint Town Board/Planning Board meeting. To be held on November 12, 2024 at 6:30pm.  
Chairman Crispin noted that he saw in the postings that the Town of Broadalbin will be holding a public hearing on a proposed battery storage moratorium. Chairman Crispin noted that once Mr. Henze completes all the edits made from the October 16<sup>th</sup> joint meeting on the proposed draft solar law he will provide said edits back to the town in order for the final review of said law at the November 12<sup>th</sup>, 2024 meeting.

Chairman Crispin noted that the Mr. DeGiulio is here due to recent complaints by some in the town that Mr. DeGiulio may be above and beyond what the Planning Board approved for his Rt 29 commercial storage project. Mr. DeGulio stated that he continues to be within keeping what was approved noting that recently they started the excavation of where the storage facility units would be placed. Mr. DeGiulio referenced that there is more fill than what he even envisioned that is placed on the adjacent greenfield site that is not to be disturbed. Mr. DeGiulio stated that he assumes that when people saw those stock piled areas of soil that was the excavation that people thought that there was additional excavation going

on above what was approved. Chairman Crispin noted that the area of disturbance of the area of approved site plan was less than one acre therefore not requiring a storm water pollution prevention plan. The consensus of the Planning Board was that the project continues to be in keeping of what was approved.

**V. CODE ENFORCEMENT OFFICE REPORT:**

1. ?

**VI. NEXT MEETING:**

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

November 27, 2024  
7:00 p.m.  
Town Hall

**VII. CLOSE OF MEETING:**

MOTION: To close the meeting at 8:42 P.M.

MADE BY: Member Potts

SECONDED: Member Gallup

VOTE: 4/0

