

**TOWN OF MAYFIELD PLANNING BOARD
OCTOBER 19, 2022
6:00 P.M.
TOWN OF MAYFIELD TOWN HALL**

MEETING NOTES

PRESENT:

**JOHN KESSLER, CHAIRMAN
AARON HOWLAND, VICE CHAIRMAN
JERRY MOORE
GRANT RAUCH, ALTERNATE
JOSHUA WADSWORTH, ALTERNATE**

**DAMON CURLEY, CODE ENFORCEMENT OFFICER
SEAN M. GERAGHTY, CONSULTANT
AARON ENFIELD, FULTON COUNTY SENIOR PLANNER**

OTHERS PRESENT:

**MICHAEL E. ANGUS
TRAVIS MITCHELL
JASON AND JILL HOOSE
CHRISTIAN KLUEG
PETE STEARNS**

I. CALL MEETING TO ORDER:

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

II. APPROVE MINUTES OF THE SEPTEMBER 21, 2022 MEETING:

DISCUSSION:

Senior Planner Aaron Enfield indicated that there were some additional comments that Chairman John Kessler wanted to add to the record of the September minutes.

Planning Board members had a chance to review the minutes prior to the meeting and concurred with Chairman Kessler's additions.

MOTION: To approve the minutes of the September 21, 2022 meeting.

MADE BY: Grant Rauch
SECONDED: Aaron Howland
VOTE: 5 in favor, 0 opposed

III. JASON HOOSE – PUBLIC HEARING ON A SITE PLAN FOR A RESTAURANT AT 145 RICEVILLE ROAD:

A. Background:

Jason Hoose is seeking to establish a Restaurant / Bar at 145 Riceville Road on a parcel that is approximately 1.58+/- acres (Tax Map Parcel No. 119.-8-29). The owner plans to reuse an existing structure, which was previously was used as a church. The Site Plan application does not show any exterior changes to the building. A commercial kitchen will be installed as part of the project. The property is zoned Mixed-Use 1, which requires a Site Plan Review by the Planning Board

B. September 21, 2022 Meeting:

During the September 21, 2022 meeting, the Town of Mayfield Planning Board started its review of Jason Hoose's Site Plan application for a Restaurant/Bar at 145 Riceville Road. At that time, the planning board agreed that the following information be provided prior to this evening's public hearing:

1. A location map must be superimposed on the drawing.
2. The exterior dimensions of the building should be identified.
3. The width of the access driveway must be shown.
4. The location of the existing septic field needs to be shown.
5. Only one (1) propane tank should be shown and the bollards protecting the tank must be identified.
6. The size, design and type of construction of all proposed signs must be shown.
7. The design of all outdoor lighting needs to be provided.
8. The seating capacity of the restaurant needs to be identified.
9. The total number of off street parking spaces that are available needs to be shown.
10. The location, width and purpose of all existing and proposed easements, setbacks, reservations, deed restrictions, covenants, and areas dedicated to public use within the adjoining property need to be identified.
11. The location of the dumpster needs to be shown.
12. The pumping capacity of the well needs to be identified. The second well location should also be shown.

STATUS: There has been no submittal by the applicant.

DISCUSSION:

Jason Hoose indicated that he has been attempting to get in touch with his Engineer, Charles Ackerbauer, PE to update the Site Plan drawing. Mr. Hoose stated that once Mr. Ackerbauer is able to update the Site Plan, he will forward copies to the Town Code Enforcement Office. Mr. Hoose went on to explain that he also received a letter from the New York State Department of Health outlining several additional issues that will need to be addressed on the site plan.

County Planning Consultant, Sean Geraghty stated that since the Public Hearing Notice was published in the local newspaper the Planning Board should open the public hearing this evening, but then leave it open until a revised site plan has been prepared and can be reviewed. Mr. Geraghty explained that once the applicant has submitted the updated Site Plan, the Planning Board can make arrangements to reconvene the Public Hearing.

Chairman Kessler inquired if it is was necessary to keep the Public Hearing open?

Mr. Geraghty stated that it is safer for the Planning Board to keep the Public Hearing open until a revised site plan can be made available to the public.

C. State Environmental Quality Review:

During its September 21, 2022 meeting, the Town of Mayfield Planning Board proposed that it serve as the Lead Agency for the purpose of issuing a determination of significance under SEQR for Jason Hoose's Site Plan application for a Restaurant/Bar along Riceville Road. Each Involved Agency was given twenty-five (25) calendar days to respond to the Planning Board's proposal to serve as the Lead Agency or to comment on the proposed action itself. To date, the Planning Board has received the following comment(s):

NYS Department of Environmental Conservation:

In a letter dated September 27, 2022, the New York State Department of Environmental Conservation concurred that the Town of Mayfield Planning Board serve as SEQR Lead Agency for the project. NYSDEC indicated that any disturbance of more than 1 acre will require a SPDES General Permit for Storm Water Discharges from Construction Activities (GP-0-15-002).

MOTION: Declaring the Town of Mayfield Planning Board the Lead Agency for the purpose of issuing a determination of significance for Jason Hoose's Site Plan application for a Restaurant/Bar along Riceville Road.

MADE BY: Jerry Moore
SECONDED: Joshua Wadsworth
VOTE: 5 in favor, 0 opposed

FURTHER DISCUSSION:

Planning Board Vice Chairman Aaron Howland had a question concerning the paper driveway on the applicant's property.

Mr. Geraghty pointed out that the applicant was been asked to address and provide information for any easements, setbacks, reservations, deed restrictions, or covenants on the property.

There was a general consensus amongst Board members that there will be no significant adverse environmental impacts associated with the project.

MOTION: Authorizing the filing of a Negative Declaration under SEQR for Jason Hoose's Site Plan application for a Restaurant/Bar at 145 Riceville Road within the Town of Mayfield since:

1. The project involves the reuse of an existing building and parking lot.
2. Public utilities are readily available and capable of servicing the proposed restaurant/bar.
3. There will be very limited traffic implications resulting from the proposal.
4. There will be very little physical disturbance of the site other than exterior improvements designed to enhance the aesthetic appearance of the building and site.

MADE BY: John Kessler
SECONDED: Aaron Howland
VOTE: 5 in favor, 0 opposed

D. Fulton County Planning Board Review:

During its October 18, 2022 meeting, the Fulton County Planning Board reviewed Jason Hoose's Site Plan application in accordance with New York State General Municipal Law § 239-m. At that time, the County Planning Board recognized no regional implications that could occur as a result of the project and decided to offer no recommendation to the Town of Mayfield Planning Board.

E. Public Hearing:

The public hearing was opened at 6:05 P.M.

Speakers:

There was no one to speak on Jason Hoose's Site Plan Application for a Restaurant / Bar at 145 Riceville Road.

Planning Board members unanimously indicated to Mr. Enfield that the public hearing should be left open so that additional information can be requested and the public can be given an opportunity to examine any additional information and design changes that are made.

(The public hearing ended for the evening at 6:07 pm)

F. Planning Board Action:

MOTION: To table any further discussion and to reconvene the Public Hearing on Jason Hoose's Site Plan for a Restaurant / Bar at 145 Riceville Road once a revised site plan has been provided.

MADE BY: John Kessler
SECONDED: Jerry Moore
VOTE: 5 in favor, 0 opposed

IV. CHRISTIAN KLUEG (REAL ESTATE) – SITE PLAN AMENDMENT FOR AN OFFICE BUILDING AT 3748 NYS ROUTE 30:

A. Background:

On June 17, 2015, Christian Klueg (CMK Real Estate) received a Site Plan approval from the Town of Mayfield Planning Board for a new office building along NYS Route 30 (Tax Map Parcel No. 152.-10-2). On April 19, 2017, Mr. Klueg subsequently received approval for a Site Plan amendment, which involved a driveway relocation. The applicant is now proposing the construction of a 49' x 27' (1323 sq ft) addition on the west side of his building.

B. Planning Board Review:

The Planning Board must determine if it feels that the new Public Hearing on Mr. Klueg's Site Plan Amendment is warranted. Since the project involves an expansion of an existing commercial building by less than 4,000 sq. ft., it is considered a Type II Action under the State Environmental Quality Review (SEQRA) provision and requires no additional environmental review.

DISCUSSION:

Mr. Geraghty explained that the Planning Board should address Mr. Klueg's site plan amendment first, since it will likely not require a public hearing. He explained that Mr. Klueg's Subdivision application will require a public hearing and will also likely require additional information on the final plat.

Travis Mitchell, P.E., Environmental Design Partnership, stated that when Mr. Klueg's initial Site Plan was approved by the Planning Board, the new building was serviced by an onsite sewage disposal system that was situated on the west side of the property, which otherwise remained undeveloped. Since that time, Mr. Mitchell pointed out that the property has been given access to a municipal sewer line and the building was subsequently tied into that line. He stated that the onsite sewage disposal system on the west side of the property is no longer in use.

Planning Board Member Jerry Moore pointed out that the SEQR form indicated that a well is situated on the property and he inquired where that well is located?

Mr. Mitchell stated that the well servicing the building is located on the west side of the property.

Mr. Moore expressed some concern that the well is located on the portion of the property that the applicant wishes to subdivide.

Mr. Geraghty stated that the planning board can address the well situation as part of its review of the subdivision application. Mr. Geraghty explained that, for the moment, Mr. Klueg's well is on his property.

Chairman Kessler inquired if parking would be adjusted as a result of the addition?

Mr. Mitchell explained that no parking improvements are proposed. He pointed out that the area where the proposed addition will be located is currently greenspace with a concrete walkway.

Chairman Kessler inquired if additional parking will be needed for the additional office space?

Mr. Mitchell stated that the parking lot currently has about 25% of the spaces used on the busiest days at the office.

Mr. Geraghty stated that based on the parking requirements outlined in the Town Zoning Law, the applicant has the exact number of spaces needed for this size office building.

Christian Klueg, pointed out that when he amended the site plan in 2017, by moving the driveway location, he added 6 more parking spaces.

Chairman Kessler posed a question concerning the entrance door to the building.

Mr. Geraghty reminded the Planning Board that building code requirements will be addressed by the Town Code Enforcement Office.

C. Planning Board Action:

DISCUSSION:

Planning board members concurred that the proposed addition should be considered a Type II Action under SEQRA which will not require any further environmental review.

MOTION: To approve Christian Klueg's Site Plan amendment to expand his Office Building at 3748 NYS Route 30.

MADE BY: John Kessler
SECONDED: Joshua Wadsworth
VOTE: 5 in favor, 0 opposed

V. CHRISTIAN KLUEG – SUBDIVISION FOR A PARCEL AT THE CORNER OF NYS ROUTE 30 AND COUNTY HIGHWAY 106 (BLACK STREET):

A. Background:

Christian Klueg (CMK Real Estate) owns a parcel along NYS Route 30 (Tax Map Parcel No. 152.-10-2) and is seeking to subdivide .78+- acres lot from the western side of the property along County Highway 106 (Black Street).

B. Planning Department Review:

The Town of Mayfield Subdivision Regulations identify the information the 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. 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. All existing structures, wooded areas, streams and other significant physical features within the portion to be subdivided and within 250' thereof. If topographic conditions are significant, contours shall also be indicated at intervals of not more than 5'.

STATUS: Provided

3. The name of the owner and all adjoining property owners as disclosed by the most recent municipal tax records.

STATUS: Provided

4. The tax map sheet, block and lot number.

STATUS: Provided

5. All available utilities on all existing streets.

STATUS: ?

Travis Mitchell, P.E., Environmental Design Partnership, stated that the entire property is situated within the County's sewer district along NY Route 30. He stated that if and when the new building lot gets developed, the property will have access to the municipal sewer line.

Mr. Geraghty stated that per the Town's Zoning Law, a building lot must be at least 1 acre in size, unless it has access to municipal sewer services, in which case, the lot can be reduced to a half acre. He stated that it will be the applicant's responsibility to decide how the municipal sewer line gets to the property. Mr. Geraghty pointed out that the applicant could grant an easement over the original parcel or run the municipal line down Black Street.

Chairman Kessler inquired if the septic system will be taken out?

Mr. Mitchell stated that the septic system will not be taken out until a project is ready to be developed on the property.

6. 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: Provided

7. All existing restrictions on the use of land including easements, covenants and zoning lines.

STATUS: ?

Vice Chairman Howland voiced concern with having the building's existing well located on a separate parcel, even though both properties will still be owned by the applicant.

Mr. Geraghty stated the applicant can establish an easement between the properties for access to the well.

Mr. Mitchell explained that his client is looking to subdivide the parcel before seeking financing for his project. He explained that if the property is developed, the NYS Department of Health will insist on the establishment of a second well. He indicated that there may even be municipal water available to the parcel by the time it gets developed.

Mr. Moore again expressed concern with the fact that both parcels will not have immediate access to a well.

Mr. Geraghty talked briefly about the development limitations of the proposed lot due to setback requirements and wetlands that are located on the back side of the property.

Mr. Mitchell explained that a covenant can be written for both properties stating that if the subdivided lot ever gets developed, there will be a separate well established on each parcel to service that particular parcel and that until that time, an easement for the well will be granted to the existing office building on the original parcel.

There was a consensus amongst Planning Board members that Mr. Mitchell's solution was acceptable.

8. An actual field survey of the boundary lines of the tract giving complete descriptive data by bearings and distances made by a certified or licensed engineer or land surveyor.

STATUS: Provided

9. All onsite sanitation and water supply facilities shall be designed to meet the minimum specifications of the Department of Health and a note to this effect shall be stated on the plat and signed by a licensed engineer.

STATUS: N/A

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: Planning Board members agreed that the Short EAF was completed adequately.

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

DISCUSSION: Planning Board Members did not feel as though additional information should be provided.

3. Section 617.6 of 6 NYCRR states that, when an agency proposes to directly undertake, fund or approve a Type I or Unlisted Action undergoing a Coordinated Review with other Involved Agencies, it must, as soon as possible, transmit Part I 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 twenty-five (25) calendar days of the date the Environmental Assessment Form or DEIS was transmitted to them.

MOTION: To classify Christian Klueg's Subdivision application for a parcel at 3748 NYS Route 30 as an Unlisted Action and to propose that the Town of Mayfield Planning Board serve as the Lead Agency and to offer each involved agency 25 calendar days to comment on the Planning Board's proposal to serve as the lead agency or on the project itself.

MADE BY: Aaron Howland

SECONDED: Joshua Wadsworth

VOTE: 5 in favor, 0 opposed

Mr. Enfield indicated that he would coordinate the with New York State Department of Environmental Conservation because of the wetlands that are located on the property.

D. Planning Board Action:

In accordance with Article IX Section 906 of the Town of Mayfield Zoning Law, the Planning Board shall schedule and hold a public hearing on the application within sixty-two (62) days after it is determined to be complete by the Planning Board.

MOTION: To schedule a public hearing on Christian Klueg's Subdivision application for a parcel along Black Street (County Road 106) for Wednesday, November 16, 2022, at 6:00 p.m.

MADE BY: John Kessler

SECONDED: Grant Rauch

VOTE: 5 in favor, 0 opposed.

VI. OTHER BUSINESS:

A. Planning Board Chairman:

Mr. Kessler had a question for Town Code Enforcement Officer Damon Curley regarding B & B Equipment Company's new Poll Barn?

Mr. Curley indicated that the owner of B & B is using the Pole Barn space for a personal storage facility that does not warrant a Site Plan review. Mr. Curley stated that if he finds out otherwise, he will bring the owner before the Planning Board.

Mr. Moore stated that he noticed that Sacandaga Brewery was putting up a storage facility on the property and questioned why it was not brought to the Planning Board for a review?

Mr. Curley stated that the building addition is for a cooler and is essentially within the existing footprint.

Planning Board Members then held a lengthy debate on personal storage structures within various zones within the Town of Mayfield. Mr. Howland indicated that he felt as though the Town's Zoning Laws should be reviewed by the Planning Board and expressed his concern that the Zoning law be fair for all citizens. He stated that he would like to see this issue on next month's agenda.

Mr. Geraghty agreed that the Town's Zoning Law has several flaws that need to be addressed. However, he stated that if the Town Board is not 100% behind this effort, it will eventually turn out to be a waste of everyone's time.

B. Fulton County Planning Department:

Mr. Enfield inquired if the Planning Board would like to move the December meeting from December 21 to December 14.

There was a consensus amongst Planning Board members that given how close to Christmas the December meeting is, it would be a good idea to move the meeting date up by a week.

Mr. Geraghty pointed out that a public notice of the change in the meeting date will need to be sent to the local newspaper and posted at Town Hall.

C. Other:

Sunset Bay Vacation Resort RV Park Expansion

Mr. Howland expressed his ongoing concern with the Sunset Bay Vacation resort's desire to narrow the width of the access roads within the proposed RV Park expansion. He stated that Lane Winney was not granted this type of design change and he felt as though the tighter road widths could be a potential hazard.

Mr. Rauch stated that he felt the Zoning Law standards for road construction should be kept in place and not varied because the applicants don't want to construct wider roads.

Mr. Howland reminded everyone that the density of RV Park lots is much greater than an average residential neighborhood and that should a fire ever occur, the potential for spreading is much higher.

MOTION: Stipulating that the Sunset Bay Vacation Resort, LLC's Special Use Permit Application for an RV Park Expansion conform to the current RV Park standards for road widths that are outlined in the Town's Zoning Law.

MADE BY: Aaron Howland
SECONDED: Grant Rauch
VOTE: 5 in favor, 0 opposed.

VII. CLOSE OF THE MEETING:

MOTION: To close the meeting at 6:38 p.m.

MADE BY: John Kessler
SECONDED: Grant Rauch
VOTE: 5 in favor, 0 opposed.