

**TOWN OF MAYFIELD PLANNING BOARD
MARCH 15, 2017
6:00 P.M.
TOWN OF MAYFIELD TOWN HALL**

MEETING NOTES

PRESENT:

**JOHN KESSLER, CHAIRMAN
MARILYN SALVIONE
ROBERTA RICCIARDI
JERRY MOORE
FREDERICK CASTIGLIONE, ALTERNATE**

**MICHAEL STEWART, CODE ENFORCEMENT OFFICER
SEAN M. GERAGHTY, SR. PLANNER**

OTHERS PRESENT:

TYLER PUTMAN

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 November 16, 2016, meeting.

MADE BY: Frederick Castiglione

SECONDED: Jerry Moore

VOTE: 5 in favor, 0 opposed

III. ELECTION OF OFFICERS:

In accordance with Section 271 of the Town Law of New York State, the Chairperson of the Planning Board is appointed by the Town Board. However, in the absence of this appointment, the Planning Board is authorized to designate a member to serve as the Chairperson. The Town of Mayfield Town Board has authorized the Planning Board to select its own Chairman and Vice Chairman.

DISCUSSION: After a brief discussion, the Planning Board felt that the existing slate of officers should serve again in 2017.

MOTION: Nominating John Kessler to serve as Chairman and Aaron Howland to serve as Vice Chairman for 2017.

MADE BY: Roberta Ricciardi

SECONDED: Fred Castiglione

VOTE: 5 in favor, 0 opposed

IV. ROGER PUTMAN – SUBDIVISION ALONG SAND HILL ROAD:

A. Background:

Roger Putman owns a 40.8+/- acre parcel along the north side of Sand Hill Road in the Town of Mayfield (Tax Map Parcel No. 136.-03-24.11). Mr. Putman would like to create a 4.42+/- acre building lot in the southeast corner of the property. It is unclear how the remaining property will be used.

(NOTE: Mr. Putman's property was previously owned by Henry Whipple, Heldeberg Realty, LLC. Mr. Whipple also owned the adjacent Tax Map Parcel 136.-3-25.11. Mr. Whipple submitted a subdivision application to the Town of Mayfield Planning Board requesting the creation of four (4) building lots from the two (2) Tax Map Parcels. On November 20, 2013, the Planning Board asked that a well be drilled on the proposed Lot #4 in the subdivision, which was the lot closest to the former landfill property. The Planning Board asked Mr. Whipple to drill a well and have a certified state laboratory perform a Part 360 Routine Parameter Analysis of the water source. The written results of that analysis were to be provided to the Planning Board.)

Mr. Whipple subsequently submitted a request to the Planning Board to allow him to test existing wells on adjacent properties. During its February 19, 2014 meeting, the Planning Board discussed Mr. Whipple's request and denied his request to sample water from neighboring

property owners. The Planning Board reiterated its decision that the potability of water sources on Mr. Whipple's property must be verified.

B. November 16, 2016 Meeting:

During its November 16, 2016 meeting, the Town of Mayfield Planning Board began reviewing Roger Putman's subdivision application for a piece of property along Sand Hill Road. At that time, the Planning Board tabled any action on Mr. Putman's application pending receipt of water quality tests for the building lot he intends to create along Sand Hill Road.

STATUS: Town Code Enforcement Officer Mike Stewart has received a copy of a laboratory report for the water source on the applicant's property. The report was prepared by St. Peter's Hospital Environmental Laboratories. Mr. Stewart has contacted the NYS Department of Environmental Conservation (NYSDEC) concerning those test results.

STATUS: In an e-mail dated March 14, 2017, Dale Becker, Engineering Geologist, NYSDEC, explained that the water quality tests do not indicate that there has been any impact to the well on Mr. Putman's property from the former Mayfield Landfill.

DISCUSSION: Planning Board Member Jerry Moore asked where the water tests were conducted?

Mr. Putman indicated that he just recently drilled the well in the southeast corner of the lot.

Planning Board Chairman John Kessler noted that the tests show that there has been no contamination to the water source on the proposed building lot, but that does not mean there won't be contamination at some future date. He recommended that the property owners be encouraged to conduct water quality tests on the well in the future.

Mr. Geraghty agreed that some type of notation should be included either on the drawing or in the final letter to the applicant suggesting that future water tests be conducted on the well. Mr. Geraghty pointed out that the good news is that the closure plan for the Landfill has worked so far.

C. Planning Department and Code Enforcement Office Review:

Section 501 of the Town of Mayfield Subdivision Regulations outlines the information an applicant is required to submit to the Planning Board for a proposed subdivision. Upon review of the proposed preliminary plat by the Town Code Enforcement Office and 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: There are no topographic features shown on the subdivision plat.

DISCUSSION: There was a general consensus amongst Planning Board members that topographic features for the new building lot should be shown.

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: There are no public utilities shown on the subdivision plat.

DISCUSSION: The Planning Board asked that the public utilities be labeled on the final plat.

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: There are no pit test results shown on the subdivision plat.

DISCUSSION: The Planning Board indicated that a pit test result for the property should be included on the final plat.

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

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

DISCUSSION: Mr. Putman indicated that he did not believe any easements or covenants would be necessary.

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: Provided.

10. The proposed subdivision name and the name of the Town and County in which it is located.

STATUS: Provided.

11. The date, north arrow, map scale, name and address of record owner and subdivider.

STATUS: Provided.

12. A Short Environmental Assessment Form with Part 1 completed by the applicant.

STATUS: Provided.

13. A statement must be included on the subdivision plat regarding the Town's Right To Farming Law which states, "It is the policy of this State and this Community to preserve, protect and encourage the development and improvement of agricultural land for the

production of food and other products and also for its natural and ecological value. This disclosure notice is to inform perspective residents that farming activities occur within the Town. Such activities may include but not be limited to activities that cause noise, dust and odors.”

STATUS: Not provided.

DISCUSSION: Mr. Geraghty indicated that he would send the appropriate language to the applicant’s engineer, Charles Ackerbauer, P.E., to have included on the final plat.

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. 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: Mr. Kessler noted that Question #4 on the Short Environmental Assessment Form should have a check mark in the “Commercial” box since the new building lot will be adjacent to a mining operation.

Mr. Moore pointed out that Question #5b should be marked “no” since the proposed action is not consistent with the Town’s adopted Comprehensive Plan. He pointed out that the area is identified as a Commercial Area in the Comprehensive Plan.

Mr. Geraghty speculated that the Comprehensive Plan probably identified the area for commercial development because of its proximity to the former Mayfield Landfill.

Town Code Enforcement Officer Mike Stewart pointed out that residential uses are an allowed use of the Applicant's property under the Town's Zoning Law.

Planning Board Member Marilyn Salvione asked Mr. Putman if he was aware that commercial development could take place on properties adjacent to him?

Mr. Putman indicated that he was aware that commercial development could occur, but noted that there are only houses on the road at the present time.

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

DISCUSSION: Mr. Geraghty indicated that he would attach the water quality tests, as well as the e-mail from NYSDEC, to the Short Environmental Assessment Form.

The Planning Board did not ask for any additional information.

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

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

1. There is sufficient acreage available on the applicant's property to create a new building lot.
2. Water quality tests on the property show no contamination of the water source for the new building lot.
3. There will be no traffic impacts resulting from the proposed action.
4. Public utilities are readily available to service the new building lot.

MADE BY: Marilyn Salvione
SECONDED: Roberta Ricciardi
VOTE: 5 in favor, 0 opposed

E. Planning Board Action:

In accordance with Article V of the Town of Mayfield Subdivision Regulations, the Planning Board, within sixty-two (62) days from the time it determines a preliminary plat for a proposed subdivision to be complete, shall hold a public hearing on the subdivision application. Consequently, does the Planning Board wish to schedule a public hearing on Roger Putman's subdivision application at this time?

MOTION: To schedule a public hearing on Roger Putman's subdivision application for a piece of property along Sand Hill Road for 6:00 p.m., Wednesday, April 19, 2017.

MADE BY: Frederick Castiglione
SECONDED: Roberta Ricciardi
VOTE: 5 in favor, 0 opposed

FURTHER DISCUSSION: Mr. Moore asked how often the monitoring wells at the Town's Landfill are checked?

Mr. Stewart indicated that C.T. Male Associates takes care of the monitoring for the Town of Mayfield. He explained that C.T. Male makes sure that the Town is compliant with all NYSDEC regulations. He noted that he was not sure how frequently the monitoring wells have to be checked, but pointed out that since there have been no contamination concerns noted in the past, the frequency of the tests on the monitoring wells has decreased.

**V. ROBERT KOSINEWSKI AND LANZI'S ON THE LAKE, INC. –
PROPERTY TRANSACTION ALONG LAKEVIEW AVENUE:**

A. Background:

Robert Kosinewski currently owns a piece of property along the north side of Lakeview Avenue in the Town of Mayfield (Tax Map Parcel No. 74.13-1-15). The property is approximately 9,435 sq. ft. in size. There is a house on the property, and Mr. Kosinewski would like to build a garage and shed on an adjacent property owned by Lanzi's on the Lake, Inc. (Tax Map Parcel No. 74.13-1-16). Lanzi's on the Lake, Inc. intends to

transfer a portion of their property for the garage and shed to Robert Kosinewski. The property to be transferred is approximately 5,393 sq. ft. in size and will be combined with Mr. Kosinewski's property.

B. Code Enforcement Review:

In accordance with Section 404 of the Town's Subdivision Regulations, the Code Enforcement Officer has determined that all of the required information has been provided on the survey drawing.

DISCUSSION: The Planning Board had no questions regarding the submittal by Mr. Kosinewski and Lanzi's on the Lake, Inc.

C. Planning Board Action:

In accordance with the Town's Subdivision Regulations, the Planning Board shall, within sixty-two (62) days, review the request and issue approval or denial.

MOTION: Recognizing that the property transaction between Robert Kosinewski and Lanzi's on the Lake, Inc. is not subject to the Town's Subdivision Regulations and can be approved as a lot line amendment.

MADE BY: Frederick Castiglione

SECONDED: Marilyn Salvione

VOTE: 5 in favor, 0 opposed

VI. OTHER BUSINESS:

A. Code Enforcement Update:

Mr. Stewart mentioned that Robert Kasmierski's wildlife museum expansion along NYS Route 30 is underway. He explained that the shell of the proposed addition on the museum has been completed.

B. SEQR Update:

Mr. Geraghty explained that the NYSDEC is in the process of updating the State Environmental Quality Review Implementing Regulations. He indicated that this will be the last step in the process that included updating the Full and Short Environmental Assessment Forms, linking the forms to a GIS map-based program and updating the guide books for completing those forms. He indicated that the list of Type 1 Actions is being amended by reducing some of the thresholds

for certain projects. He also noted that the Type 2 list of actions is being updated and will hopefully include minor subdivisions which will help local communities reduce the administrative burden of completing SEQR on these types of actions.

- C. The Planning Board held a brief discussion concerning the number of Solar Farm projects taking place in the County. Mr. Stewart stated that he believed the current Zoning Law for the Town of Mayfield only allows Solar Farms in industrial areas. However, he indicated that the proposed updates to the Zoning Law will include new provisions for regulating Solar Farms.

Mr. Geraghty indicated that the Town of Johnstown has very detailed Solar Farm Regulations that have been used by that community several times in the past year. Board members felt that the Town of Mayfield should consider looking at those regulations before finalizing any changes to the Town's Zoning Law.

VII. CLOSE OF THE MEETING:

MOTION: To close the meeting at 6:26 p.m.

MADE BY: Frederick Castiglione

SECONDED: Roberta Ricciardi

VOTE: 5 in favor, 0 opposed