

**TOWN OF MAYFIELD PLANNING BOARD
JANUARY 20, 2016
6:00 P.M.
TOWN OF MAYFIELD TOWN HALL**

MEETING NOTES

PRESENT:

**JOHN KESSLER, CHAIRMAN
AARON HOWLAND, VICE CHAIRMAN
ROBERT PHILLIPS
MARILYN SALVIONE
ROBERTA RICCIARDI
FREDERICK CASTIGLIONE, ALTERNATE**

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

OTHERS PRESENT:

**VINCE COLLETTI, TOWN COUNCILMAN
CHRIS FOSS, FERGUSON & FOSS
TIMOTHY PERHAM
MARK ROSNESKI
SUE ROSNESKI
BAMBI BONFEY
DONALD BONFEY
MARGARET BONFEY
BRADLEY REED
PETER YETTO, INGALLS & ASSOCIATES, LLP**

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 18, 2015 meeting.

MADE BY: Aaron Howland
SECONDED: Roberta Ricciardi
VOTE: 4 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: Planning Board Vice Chairman John Kessler asked Board members if there were any nominations for the Chairman and Vice Chairman positions for 2016?

MOTION: Nominating John Kessler to serve as Chairman and Aaron Howland to serve as Vice Chairman for 2016.

MADE BY: Marilyn Salvione
SECONDED: Roberta Ricciardi
VOTE: 4 in favor, 0 opposed

(NOTE: Planning Board Alternate Fred Castiglione arrived at the meeting.)

IV. TIMOTHY, DAVID AND WILLIAM PERHAM – SUBDIVISION ALONG COUNTY HIGHWAY 146:

A. Background:

David, William and Timothy Perham own a piece of property along the south side of County Highway 146 in the Town of Mayfield (Tax Map Parcel No. 103.-5-38). According to the County's Real Property Tax Services' Office, the existing parcel is approximately 10.6+/- acres in size. The preliminary subdivision plat identifies the property as approximately 13.006 acres in size. The applicants would like to create two (2) building lots from the original tract of land that are 3.253 and 3.243 acres in size respectively. The remaining acreage will be transferred to an adjacent parcel owned by David, William and Timothy Perham. (Tax Map Parcel No. 103.-5-41.1)

B. July 15, 2015 Meeting:

During its July 15, 2015 meeting, the Town of Mayfield Planning Board continued its review of the Perham's subdivision application. At that time, the Planning Board recognized that the Adirondack Park Agency (APA) determined that it has jurisdiction over the proposed action because of the presence of a wetland on the property and that the applicants would be making some minor adjustments to their original proposal. The Planning Board agreed to schedule a public hearing on the Perham's subdivision application provided that the applicant received a response from the APA approving of the revisions that had been made to the subdivision application.

STATUS: ?

DISCUSSION: County Senior Planner Sean Geraghty asked Chris Foss, who was representing the applicants, if he had received a letter from the Adirondack Park Agency (APA) approving the project?

Mr. Foss indicated that he had not received a letter, but had been given the impression by his APA contact that a permit would be issued shortly by that agency.

Mr. Geraghty asked if the Agency intended to issue the permit and outline the conditions for approval or if additional changes would be requested?

Mr. Foss indicated that he believed all of the changes have been made and that the final permit will just list the conditions of approval.

There was a general consensus among Planning Board members that a copy of the final APA letter should be provided for the Planning Board's files.

As a follow-up to the July 15, 2015 meeting, the Planning Board asked that the following revisions be made to the subdivision plat prior to the public hearing:

1. Pit test results for the new building lots should be provided on the subdivision plat.

STATUS: Provided.

2. A note should be added to the subdivision plat indicating that all onsite sanitation and water supply facilities shall be designed to meet the minimum specifications of the Department of Health.

STATUS: Provided.

3. A note should be included on the drawing indicating that “It is the policy of the 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: Provided.

DISCUSSION: The Planning Board felt that all of the requested information from its July 15, 2015 meeting had been provided on the revised drawings.

C. State Environmental Quality Review:

During its July 15, 2015 meeting, the Town of Mayfield Planning Board classified the Perham’s subdivision application 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 APA and the Fulton County Highway Department were sent a copy of the Short Environmental Assessment Form along with the subdivision plat. Each of those agencies was asked to comment on the Town of Mayfield Planning Board’s proposal to act as Lead Agency or on the project itself. To date, the Planning Board has received no responses from either of those agencies.

DISCUSSION: The Planning Board had no further comments regarding the SEQR process.

MOTION: Declaring the Town of Mayfield Planning Board the Lead Agency for the purpose of issuing a determination of significance under SEQR for David, William and Timothy Perham’s subdivision application for a piece of property along County Highway 146.

MADE BY: Marilyn Salvione
SECONDED: Aaron Howland
VOTE: 5 in favor, 0 opposed

MOTION: To authorize the filing of a negative declaration under SEQR for Timothy, David and William Perham's subdivision application.

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

D. Fulton County Agricultural District No. 1:

In accordance with Section 305-a of Article 25AA of the Agriculture and Markets Law of New York State, any subdivision application for a piece of property within an Agricultural District containing a farm operation or on property within 500' of a farm operation located in an Agricultural District must include an Agricultural Data Statement. The Planning Board is responsible for sending a notice of the proposed application to the owners of land identified in the Agricultural Data Statement.

In a letter dated July 20, 2015, the Fulton County Planning Department forwarded a letter to property owners within 500' of this proposed subdivision asking them if they believed the project would have any impact on their farm operation. To date, the Planning Board has received no responses to this letter.

DISCUSSION: The Planning Board had no further comments regarding Fulton County Agricultural District No. 1.

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 David, William and Timothy Perham's subdivision application at this time?

MOTION: To schedule a public hearing on Timothy, David, and William Perham's subdivision application for a piece of property along County Highway 146 for 6:00 p.m., Wednesday, February 17, 2016.

MADE BY: Aaron Howland
SECONDED: Roberta Ricciardi
VOTE: 5 in favor, 0 opposed

(NOTE: Planning Board Member Robert Phillips arrived at the meeting.)

V. DOMINIC AND CAROLYN DARKANGELO – SUBDIVISION ALONG NYS ROUTE 30:

A. Background:

Dominic and Carolyn Darkangelo would like to subdivide a piece of property they own along the east side of NYS Route 30 in the Town of Mayfield (Tax Map Parcel No. 120.-1-2.1). The applicant's property is approximately 79 acres in size. The Darkangelos would like to create a 10.9 acre lot along the north end of the property.

B. 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: Not provided.

DISCUSSION: Chris Foss, representing the applicants, indicated that the existing driveway shown on the subdivision plat is probably the only

location that can be used to access the site. He explained that the property has a rolling topography and there is a bank along NYS Route 30. He indicated that he could show some topographic features on a revised subdivision plat. He indicated that his client has no immediate plans to build on the site and that the property is essentially a cornfield. There was a general consensus among Planning Board members that the topography of the property should be shown on the revised subdivision plat.

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: Provided.

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 percolation or pit test results identified on the subdivision plat.

DISCUSSION: Mr. Foss pointed out that it may take some time to get percolation and pit test results for the property.

Mr. Geraghty explained that, even though the applicant has no immediate plans for building on the new lot, the Planning Board is not authorized to approve new subdivided parcels that can't be used for building purposes. Consequently, the Planning Board must ask for information that shows a parcel is buildable as part of the subdivision review process.

Mr. Foss indicated that he understood and would provide additional information on the subdivision plat as soon as possible.

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. Foss indicated that there were no easements or covenants to be attached to this new building lot.

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: Not 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. Foss indicated that he would put all necessary notations on a revised plat.

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 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: 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)(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 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.

DISCUSSION: Mr. Geraghty pointed out that there is a wetland on the property that could eventually be impacted if a home is built close enough to its boundaries. He noted that it may be several years before any construction takes place on the property, so NYSDEC may not have any involvement with this project until such time as construction begins on the parcel. Mr. Geraghty also indicated that, since the

applicant is proposing to reuse an existing driveway along NYS Route 30, NYSDOT will probably not have any jurisdiction over this proposal.

There was a general consensus among Planning Board members that a Coordinated Review under the State Environmental Quality Review Act would not be necessary.

MOTION: Authorizing the filing of a negative declaration under SEQR for Dominic and Carolyn Darkangelo's subdivision application for a piece of property along NYS Route 30.

MADE BY: John Kessler

SECONDED: Roberta Ricciardi

VOTE: 5 in favor, 0 opposed

D. Fulton County Agricultural District No. 1:

In accordance with Section 305-a of Article 25AA of the Agriculture and Markets Law of New York State, any subdivision application for a piece of property within an Agricultural District containing a farm operation or on property within 500' of a farm operation located in an Agricultural District must include an Agricultural Data Statement. The Planning Board is responsible for sending a notice of the proposed application to the owners of land identified in the Agricultural Data Statement.

The Fulton County Planning Department will be sending out a letter along with an Agricultural Data Statement for the project to all Agricultural District property owners within 500' of the Darkangelo's property.

DISCUSSION: Mr. Geraghty indicated that the County Planning Department would put together an Agricultural Data Statement and a letter to forward to all farmers within 500' of this proposed subdivision.

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 Dominic and Carolyn Darkangelo's subdivision application at this time?

DISCUSSION: Planning Board Member Marilyn Salvione asked if the Planning Board could schedule a hearing even though percolation and pit test results for the property had not been provided?

Mr. Geraghty indicated that, given the size of the lot to be created by the applicants and the fact that only one (1) new building lot is proposed as part of this subdivision application, the Planning Board could schedule a hearing and eventually take action on the project with the condition that Town Code Enforcement Officer Mike Stewart approve the final percolation and pit test results and any design specifications for an onsite sewage treatment system.

MOTION: To schedule a public hearing on Dominic and Carolyn Darkangelo's subdivision application for a piece of property along NYS Route 30 for 6:00 p.m., Wednesday, February 17, 2016.

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

VI. BAMBI BONFEY AND DONALD AND MARGARET BONFEY – LOT LINE AMENDMENT ALONG LAKESIDE DRIVE:

A. Background:

Bambi Bonfey and Donald and Margaret Bonfey are proposing a property transaction involving parcels they own at 197 and 205 Lakeside Drive in the Town of Mayfield. Bambi Bonfey owns Tax Map Parcel No. 104.-2-61.2, while Margaret and Donald Bonfey own Tax Map Parcel No. 104.-2-61.1. Margaret and Donald Bonfey intend to transfer .08+/- acres from Parcel 61.1 to Bambi Bonfey's parcel 61.2. Margaret and Donald Bonfey's parcel will be reduced from 1.707 acres to 1.627 acres, while Bambi Bonfey's parcel area will be increased from 2.063+/- acres to 2.143+/- acres.

B. Code Enforcement Office and County Planning Department Review:

The Town Code Enforcement Office and the Fulton County Planning Department reviewed the proposed lot line amendment in accordance with the Town's Subdivision Regulations and would like to offer the following comment:

1. The map title should read "lot line adjustment for lands of Donald and Margaret Bonfey and Bambi Bonfey."

DISCUSSION: The Planning Board agreed that the title of the map should be changed to identify all of the property owners involved in the transaction.

C. Planning Board Action:

In accordance with Section 404 of the Town of Mayfield Subdivision Regulations, the applicant may request that the subdivision review process be waived when a proposed property transaction meets the criteria outlined in that section of the regulations. Does the Planning Board feel that the applicant's proposed property transaction complies with the provisions of Section 404 of the Town of Mayfield Subdivision Regulations?

DISCUSSION: The Planning Board felt that all of the required information was shown on the survey drawing and that the conditions for a lot line amendment had been met.

MOTION: Recognizing that Bambi Bonfey and Donald and Margaret Bonfey's proposed property transaction along Lakeside Drive is not subject to the Town's Subdivision Regulations and can be approved as a lot line amendment.

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

**VII. BRADLEY REED ENTERPRISES, INC. - PRESUBMISSION
CONFERENCE FOR SPECIAL USE PERMIT FOR SAND AND GRAVEL
MINE ALONG NYS ROUTE 30:**

A. Background:

Bradley Reed Enterprises, Inc. owns a piece of property along NYS Route 30 in the Town of Mayfield adjacent to the former Town of Mayfield Landfill (Tax Map Parcel No. 136.-3-13). The applicant proposes to operate a sand and gravel mine on the property, which is approximately 30.75 acres in size. The life of mine area shown on the preliminary drawings is 26 acres in size. Access to the mine will be along the south side of Route 30 approximately 1 mile west of its intersection with NYS Route 29.

B. Presubmission Conference:

Section 909 of the Town of Mayfield Zoning Regulations outlines a procedure for an applicant to have a Presubmission Conference with the Planning Board for any project requiring a Special Use Permit. Bradley Reed Enterprises proposed mining operation along NYS Route 30 is located in a Residential 1 Zone which requires a Special Use Permit. The purpose of the Presubmission Conference is to give the Planning Board and the applicant an opportunity to gain a perspective on the use's ramifications on the Zoning District and neighborhood in which it is proposed.

DISCUSSION: Peter Yetto of Ingalls and Associates, representing Bradley Reed Enterprises, gave Board members an overview of the proposed sand and gravel mining operation along NYS Route 30. Mr. Yetto explained that the mining operation will use an existing driveway that will need to be enlarged. He indicated that his client has already contacted NYSDOT regarding the permit that will be needed for an expanded driveway cut. Mr. Yetto pointed out that the property has already been logged, but noted that a buffer of trees has been left around the perimeter of the site. He pointed out that topsoil to be removed as part of the operation will also be stockpiled around the perimeter of the site. He indicated that stormwater will be collected internally on the site. Mr. Yetto talked briefly about the profile drawings that were included as part of the preliminary submission. He talked about the setbacks that will be left on each side of the property.

Planning Board Member Robert Phillips asked if, aside from the logging of the property, had any additional work been undertaken on the site?

Mr. Yetto indicated that a small amount of material has been removed from the site and NYSDEC is aware of this and is aware that a mining permit is not yet needed. Mr. Yetto talked about the NYSDEC permit process and the fact that permits are issued for 5-year terms.

Planning Board Chairman John Kessler asked what will be done with the material that is mined on the project site?

Mr. Reed explained that a screener will be set up in the center of the site and be used to separate the sand and gravel products from the remaining material. He indicated that the majority of the site is composed of sand. He pointed out that that there were no wetlands identified on the property.

Mr. Phillips asked for an explanation of the wash plant procedures noting that the facility is supposed to start operating at 6:00 a.m. each day.

Mr. Reed indicated that the wash plant will also be located near the center of the site away from any adjacent property owners. He indicated that the wash plant is not a very loud operation. He indicated that the more noticeable noise issue may come from the backup alarm on the loaders. He explained that a camera system can be installed on the loader that will turn off the alarm in the event there is nothing behind the loader. He indicated that the operation limits are 240' from the nearest residence and it is approximately 800' from the screener and wash plant to the nearest residence.

Mr. Phillips asked if the mining operation could have any impact on the former Mayfield landfill property?

Mr. Yetto pointed out that there will be a 50' setback from the landfill property and, given the slope on the final contours, the base of the mining operation will be approximately 150' from the property line. Mr. Yetto pointed out that, under NYSDEC Regulations, the reclamation of the site will occur on a continuing basis so that as little disturbance as possible takes place on the property.

Mr. Reed added that he is required to pay \$5,000 per acre of disturbed property so it is in his best interest to quickly reclaim areas that have already been mined.

Mr. Geraghty pointed out that the formal submittal to the Planning Board will need to include 2' contour intervals for the existing site and 1' contour intervals for the grading and reclamation plan.

Mr. Yetto indicated that he was aware of this requirement and that he could easily change the contour intervals from 5' to 2' and 1' respectively.

Mr. Geraghty asked if NYSDEC had given him any indication that they intended to initiate the SEQR process in the near future?

Mr. Yetto indicated that he would keep in touch with NYSDEC so that the SEQR process is conducted in a timely fashion and does not delay any local decisions.

Mr. Phillips asked if NYSDOT will have any involvement with the mining operation?

There was a brief discussion concerning the new commercial driveway permit that may need to be issued as part of this proposal.

Mr. Phillips asked if any lighting would be provided on the back side of the property?

Mr. Reed indicated that he probably will not have any lighting on the back side of the property.

There was then a brief mention of the idea of using solar lights on the back side of the property.

Mr. Phillips asked if the driveway to the mine would be gated?

Mr. Reed indicated that it would.

Town Code Enforcement Officer Mike Stewart asked approximately how many trucks would enter and exit the site on a daily basis?

Mr. Reed explained that it is tough to identify an exact number of vehicle trips. He indicated that it would be based on the amount of business that is being conducted. He stated that, on a very busy day, there may be 50 truck trips generated. He indicated that, on most days, he would expect approximately ten (10) truck trips.

Mr. Yetto indicated that his client intended to make a formal submittal to the Planning Board for its February 2016 meeting.

VIII. OTHER BUSINESS:

A. Training:

Mr. Geraghty indicated that this year's training sessions at Fulton-Montgomery Community College (FMCC) will take place on Thursday, February 25, 2016, from 5:00 p.m. to 8:00 p.m. He indicated that the sessions will be held in Room C-110, which is one of the lecture halls. He indicated that the topics for this year's sessions will be a "Case Law Update for Planning and Zoning Board Members" and "Solar Power Regulations."

IX. CLOSE OF THE MEETING:

MOTION: To close the meeting at 6:42 p.m.

MADE BY: Marilyn Salvione

SECONDED: Robert Phillips

VOTE: 5 in favor, 0 opposed