

**TOWN OF MAYFIELD PLANNING BOARD
JANUARY 18, 2012
6:30 P.M.
TOWN OF MAYFIELD TOWN HALL
MEETING NOTES**

PRESENT:

**MARILYN SALVIONE, CHAIRWOMAN
ROBERT PHILLIPS, VICE CHAIRMAN
WALT RYAN
MALCOLM SIMMONS
JERRY MOORE**

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

I. CALL MEETING TO ORDER:

The meeting was called to order at 6:30 p.m.

II. APPROVE MINUTES OF LAST REGULAR MEETING:

DISCUSSION: Planning Board Member Walt Ryan questioned statements he made during the review of the Paradise Point Development Corporation's subdivision proposal. Specifically, Mr. Ryan expressed some concern that the intent of his comments regarding the installation of a docking system for the proposed development were misrepresented. However, after discussing the language in the draft minutes with Board members and Mr. Geraghty, Mr. Ryan indicated that he wouldn't be asking for any changes to the wording.

MOTION: To approve the minutes to the December 21, 2011 meeting.

MADE BY: Jerry Moore
SECONDED: Malcolm Simmons
VOTE: 5 in favor, 0 opposed

III. LARRY FLOOD – CONCEPT PLAN FOR A HOME OCCUPATION:

A. Background:

Larry Flood currently owns a piece of property at 1592 NYS Route 30 in the Town of Mayfield. Mr. Flood's property is approximately 7.66 acres in size and is located in a Residence-Estate District. Mr. Flood would like to setup a food trailer in his yard for daily use.

B. Planning Department Review:

According to the Town of Mayfield Zoning Regulations, individuals proposing a home occupation shall present their concept to the Planning Board, which will determine whether the home occupation will be allowed and whether a site plan review will be required. The Planning Board will consider each application on an individual basis and evaluate how the proposed use will conform to the Zoning Law and to the Comprehensive Plan. Home occupations are defined as businesses where the owner resides on the property and where the activities of the businesses are conducted inside the legal residence, a legally-constructed accessory building or at off-site locations. The following items or activities must not be left or performed outdoors on the property:

1. Any item for sale to be serviced or waiting pickup by a customer.
2. No service activity performed or process equipment used.
3. No raw material used in the production of a finished product.

This evening's Agenda packets included two (2) aerial photos of Mr. Flood's property showing the possible location of a 28' food trailer on his property.

PLANNING BOARD DISCUSSION: Mr. Flood explained to Board members that he would like to open a hotdog stand in a 28' travel trailer on his property along the west side of NYS Route 30. He explained to Board members that he has a horseshoe driveway, which will allow his customers to come in and out at two (2) locations on the property.

Planning Board Chairwoman Marilyn Salvione asked if the 28' trailer is considered a mobile home?

Mr. Flood indicated that it is actually a mobile trailer.

Town Councilman Vince Colletti indicated to Mr. Flood that he should have brought a picture for Planning Board members to review.

Town Code Enforcement Office Mike Stewart confirmed that the unit Mr. Flood would like to use for the hotdog stand is a travel trailer.

Ms. Salvione then talked to Mr. Flood about the proposed positioning of the trailer on the site.

Planning Board Member Malcolm Simmons asked Mr. Flood if he needed any permits from local authorities or the State to use the trailer as a hotdog stand?

Mr. Flood stated that he was unsure if permits would be required to use the trailer as a hotdog stand.

Planning Board Member Walt Ryan explained that the intent of the home occupation definition in the Town Zoning Regulations is for activities to be conducted inside a home, shielded from public view. He talked briefly about the idea of using a legally-constructed accessory building for the business, but reiterated that home occupations should be uses that, for the most part, will not be noticeable.

Mr. Flood asked if placing a hotdog cart on his front yard would be acceptable?

There was then a brief discussion amongst Board members concerning the use of a portable cart on private property.

County Senior Planner Sean Geraghty indicated that he didn't believe the applicant could meet any of the standards for a home occupation that are outlined in the Town's Zoning Regulations. He pointed out that Mr. Flood's proposed business would not be conducted inside his residence or in a legally-constructed building. He also noted that there are items for sale that would be picked up by customers and that the business would be operated outdoors on the property.

Ms. Salvione explained to Mr. Flood that the Planning Board is responsible for looking out for the best interests of the community.

Mr. Stewart stated that he sent Mr. Flood to the Planning Board this evening because of concerns and problems he has with the way the Zoning Regulations have been drafted and the difficulty he has enforcing the regulations. He spoke briefly about the idea of regulating garage sales or the sale of wood on an individual's property.

After another brief discussion amongst Board members, there was a general consensus that Mr. Flood would be better off seeking a zoning change for his property to a commercial classification since he did not meet the majority of the standards for a home occupation.

Ms. Salvione explained to Mr. Flood that the Planning Board needs to make sure that proposed home occupations are not a detriment to the surrounding property owners.

Mr. Ryan added that, in order to be considered a home occupation, the business would have to be conducted within a building and that no raw materials could be stored outside of the building.

Mr. Flood again questioned the use of a cart on his property?

Mr. Ryan stated that, as long as the property is zoned residential, even a cart on the property would be considered a business and would not be allowed.

Planning Board Member Robert Phillips agreed and stated that Mr. Flood's proposal doesn't fit with the definition of a home occupation that is outlined in the Town's Zoning Regulations.

County Senior Planner Sean Geraghty and Town Code Enforcement Officer Mike Stewart advised Mr. Flood of the steps he would need to take if he wished to pursue a zoning change for his property.

IV. 2012 ZONING AMENDMENTS:

A. Background:

In accordance with Section 1206 of the Town of Mayfield Zoning Regulations, not later than March 31st of each year, the Planning Board, in consultation with the Code Enforcement Officer and Board of Appeals, shall reexamine the provisions of this local law and the location of district boundary lines and shall submit a report to the Town Board recommending such changes or amendments, if any, which may be desirable in the interest of public safety, health, convenience, necessity or general welfare.

Ms. Salvione noted that, each year, the Planning Board discusses the issues that Town Code Enforcement Officer Mike Stewart has run into and has had problems resolving during the past year. She suggested that the Planning Board try and get through some of Mr. Stewart's

recommendations this evening and address the remainder at its next meeting.

B. Code Enforcement Office Suggestions:

Each Planning Board member was sent a copy of suggested amendments to the Town of Mayfield Zoning Regulations that were generated by Town Code Enforcement Officer Mike Stewart. (See attached proposal.)

1. Height Definitions:

DISCUSSION: The Planning Board discussed, at length, the idea of simplifying the definition for building height. Mr. Stewart asked that the height of the building be redefined as the distance measured between the grade plain and the height of the highest roof surface, not including the chimneys, vent pipes and other such structures. The Board also discussed why 35' was identified as the maximum building height in a residential or commercial district and mentioned the idea of reducing the maximum height of a building in L-1 and L-2 Zoning Districts. The general consensus of the Board was that the definition for measuring the height of a building should be changed to the highest roof surface and that the maximum height of a structure should be left at 35' in all Residential and Commercial Districts.

2. Cluster Development Setback and Lot Size Variances:

DISCUSSION: Several Board members were skeptical about eliminating the area variance process that applicants may need to go through when they propose a cluster subdivision project. Mr. Stewart stated that he didn't feel the Zoning Board of Appeals would oppose any area variances if the Planning Board was comfortable with a cluster subdivision proposal. He stated that he felt the current process adds an additional burden on applicants by requiring them to file extra applications and pay additional fees to appear before the Zoning Board of Appeals.

Mr. Geraghty explained that it is probably unnecessary to have property owners appear before the Zoning Board of Appeals for area variances when they propose a cluster subdivision project to the Planning Board. However, based on the recent Paradise Point Development Project, Mr. Geraghty stated that he felt the process involved with sending an applicant through the Zoning Board of Appeals for the next cluster subdivision proposal would be easier.

The Planning Board eventually reached a general consensus that language could be added to the zoning regulations indicating that applicants for cluster subdivisions are exempt from the dimensional requirements outlined in the Town's Zoning Regulations as long as their proposal meets the requirements for a cluster subdivision.

3. Special Permit for Telecommunication Facilities:

DISCUSSION: Mr. Stewart explained that language governing telecommunication facilities in the Town's Zoning Regulations authorizes the Planning Board to review special permits for these types of facilities. He noted that the Town has no special permit regulations and felt that the language should be removed or amended to call for a site plan review by the Planning Board.

Mr. Geraghty talked about the difference between a special permit review and a site plan review.

The Board suggested that special permit procedures be added to the Town's Zoning Regulations. There was also a brief discussion concerning the requirement that anyone adding additional antenna to a tower be required to go through a review process. Board members felt that anyone proposing additional antenna on an existing tower should be allowed to do so as an administrative action.

Mr. Geraghty indicated that he would work with Town Code Enforcement Officer Mike Stewart on new language to address these issues.

4. County Planning Board Consultation for Mobile Home and RV Park Applications:

DISCUSSION: After a brief discussion, Board members agreed that the County Planning Board reference should be removed from section 505-2-2-a of the Town Zoning Regulations.

5. Site Plan Uses (Duplicate Section):

DISCUSSION: Mr. Stewart explained that Section 301-14I-1 appears twice in the Ordinance. Board members agreed that the duplicate section should be removed.

6. Home Occupation Definition:

DISCUSSION: Mr. Stewart suggested that home occupations be considered a special use permit and not subject to a site plan review

since, most of the time, there are no physical improvements being made on a property that would need to be shown on a site plan drawing. The Board held a lengthy discussion concerning the types of uses that should be considered home occupations.

Mr. Ryan indicated that he did not feel the Planning Board should be making the decision as to whether or not a proposed use is a home occupation. He stated that this decision should be made by the Town Code Enforcement Office.

There was also a discussion concerning the issue of whether or not a home occupation should be allowed in the Commercial District. Board members felt that if an individual wishes to operate a business out of his/her residence in a Commercial District, it wouldn't be considered a home occupation, but simply a commercial business in a commercial zone.

Mr. Geraghty indicated that he would work with Mr. Stewart on amending the home occupation definition and possibly adding special permit provisions to the Town's Zoning Regulations.

The Board decided to conclude its discussions for the evening and review the remainder of Mr. Stewart's recommendations at its next regularly-scheduled meeting in February. At that time, the Board will discuss the following issues:

- Adirondack Park Agency Requirement
- Home Occupations in Commercial Areas
- Decks and Setbacks
- Signage
- Commercial District Permitted Uses
- Nonconforming Uses

V. OTHER BUSINESS:

A. Code Enforcement Update:

Mr. Stewart indicated that he spoke with Jim Beach regarding the sign he placed on Andrew Askew's property advertising his repair garage. He asked Planning Board members what they would like to see from Mr. Beach in terms of a site plan amendment. He indicated that he called NYSDOT to see if any permits would be required from that State Agency for the sign but has not heard back from them. He

also indicated that it does not appear as though Mr. Askew's property is located on a scenic byway.

Planning Board Member Jerry Moore indicated that he did not believe the applicant was truthful about the placement of the sign on the property and was very upset that Mr. Beach went and installed the sign without the Board's permission.

Several Board members questioned whether or not conditions that are placed on site plan approvals will be enforced? There was a sentiment among the membership that the Board is wasting its time reviewing site plan drawings if the applicant's are not held to the conditions of the approved site plan documents.

There was also a brief discussion concerning a travel trailer that has been parked next to Russo's Adirondack Grill. Mr. Stewart indicated that he would look into this matter.

B. Chairwoman's Update:

Mrs. Salvione indicated that the Town Board will be looking to appoint alternates for the Planning Board. She encouraged Board members to submit any names they have to the Town Board as soon as possible.

VI. CLOSE OF THE MEETING:

MOTION: To close the meeting at 7:55 p.m.

MADE BY: Walt Ryan

SECONDED: Jerry Moore

VOTE: 5 in favor, 0 opposed