

**TOWN OF MAYFIELD PLANNING BOARD
JULY 15, 2015
6:00 P.M.
TOWN OF MAYFIELD TOWN HALL**

MEETING NOTES

PRESENT:

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

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

OTHERS PRESENT:

**VINCE COLETTI, COUNCILMAN
ART DAHL
CHRISTINE DAHL
ELIZABETH (LIBBY) VANNOSTRAND
ROBERT FRANK
MARTY GRECO
DARRIN ROMEYN
NICOLE BATTISTI
CHRIS FOSS**

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 June 17, 2015 meeting.
MADE BY:	Roberta Ricciardi
SECONDED:	Aaron Howland
VOTE:	5 in favor, 0 opposed

III. MARIO AND ANN GRECO – PUBLIC HEARING ON A SITE PLAN FOR SELF-STORAGE FACILITY ALONG RICEVILLE ROAD:

A. Background:

Mario and Ann Greco own a piece of property at 382 Riceville Road in the Town of Mayfield (Tax Map Parcel No. 103.4-1-16.113). The property has access off of Riceville Road and is adjacent to NYS Route 30. The applicant's property is approximately .93 acres in size. They would like to install seven (7) various sized storage units on the property with access driveways and additional landscaping provided.

B. May 20, 2015 Meeting:

During its May 20, 2015 meeting, the Town of Mayfield Planning Board began reviewing Mario and Ann Greco's Site Plan for a self-storage facility along Riceville Road. At that time, the Planning Board asked that the following information be provided on a revised Site Plan drawing prior to the public hearing:

1. The zoning classification of the property should be identified on the drawing.

STATUS: Provided.

2. The labeling of the 8" drainage pipe near Station +00 needs to be amended.

STATUS: Based on feedback from the NYSDOT during the State Environmental Quality review process, the 8" drainage pipe has been removed from the property.

DISCUSSION: The Planning Board had no questions regarding the removal of the 8" drainage pipe from the plans.

3. The design and location of signage to be placed along Riceville Road should be identified.

STATUS: Provided.

4. A notation should be made on the drawing showing how electric service will be provided to the site.

STATUS: Provided.

5. The illumination pattern of the high-pressure sodium lights should be identified on the Site Plan drawing.

STATUS: Provided.

6. The location of the trees at the end of each of the access aisles should be reconsidered. The Planning Board is concerned that, during the winter months, snow could be build up in the access aisles and prevent access to the last units in the storage buildings. The Planning Board does wish to see some type of buffer provided along the NYS Route 30 side of the property so it is not asking that you simply remove the trees but rather find a more functional layout.

STATUS: The trees have now been located at the end of each of the buildings, while boulders have been added to the end of the access aisles for dropoff protection.

DISCUSSION: The Planning Board seemed satisfied with the proposal to move the trees to the end of each of the buildings and have boulders situated at the end of the access aisles.

7. The 20' driveway easement over the lands of the Mayfield Historical Society needs to be clarified. The Planning Board would like to know if your client is allowed to make any improvements in this right-of-way.

STATUS: The applicant's engineer has indicated in his correspondence to the Planning Board that his client's attorney is currently researching this issue and will provide him with an opinion that he can share with the Planning Board as soon as he receives it.

DISCUSSION: Town Code Enforcement Officer Mike Stewart indicated that he spoke with Town Attorney Carm Greco regarding this issue and gave him a copy of the deed to the property to review. Mr. Stewart explained that Attorney Greco felt that the applicant does have the right to improve the right-of-way in order to provide access to the new business.

Darrin Romeyn, representing the applicant, pointed out that the right-of-way will need to be cleared and grubbed so that a gravel base can be installed for the access driveway. He indicated that he has a letter from a licensed surveyor, Christopher Foss, indicating that his client has the ability to improve the right-of-way for his use.

Planning Board Member Marilyn Salvione pointed out that the Planning Board asked him to verify his client's right to use and improve the right-

of-way over the Rice Homestead property. She pointed out that, originally, she was given the impression that the applicant was not going to use the right-of-way.

Mr. Romeyn indicated that, in order to provide better traffic flow on his client's property, the right-of-way needs to be used.

Marty Greco pointed out that, originally, he had indicated that he was not going to use the right-of-way, but eventually realized that it would be better for internal traffic circulation.

Mrs. Salvione indicated that she would still like to see Mr. Greco's attorney provide a legal opinion regarding the usage of the right-of-way over the Rice Homestead property.

Planning Board Member Aaron Howland indicated that he didn't believe Mr. Greco's attorney's opinion would be any different from the opinion the Town Board received from Town Attorney Carm Greco.

Mrs. Salvione pointed out that the Planning Board did not ask for the Town Attorney's opinion on this matter, but asked Mr. Greco's engineer to verify his client's right to use the property.

Mr. Romeyn questioned the need for the Planning Board to see such an opinion and indicated that he felt his client had addressed all of the issues that were requested by the Planning Board.

Mr. Howland asked if the Planning Board could make a decision conditioned upon receipt of an opinion from the Applicant's attorney?

Both Planning Board Members Roberta Ricciardi and John Kessler indicated that they would also like to see the opinion letter from Mr. Greco's attorney regarding the right-of-way.

County Senior Planner Sean Geraghty suggested that the Planning Board continue with its review and obtain comments during the public hearing and then make a decision on which direction to proceed.

8. A signature line should be provided for the Chairman of the Planning Board on the Site Plan drawing.

STATUS: Provided.

C. Fulton County Planning Board Referral:

In accordance with Section 239-m of the General Municipal Law of New York State, the Fulton County Planning Board reviewed Mario and Ann Greco's Site Plan application during its June 16, 2015 meeting. At that time, the County Planning Board recognized no regional implications that could occur from the proposed action and decided to forward no recommendation to the Planning Board regarding this application.

D. State Environmental Quality Review:

During its May 20, 2015 meeting, the Town of Mayfield Planning Board classified the Greco's project as a Type I Action and proposed that it serve as the Lead Agency for the purpose of issuing a determination of significance under SEQR. A copy of the Full Environmental Assessment Form, along with the Site Plan drawings, were forwarded to the NYS Office of Parks, Recreation and Historic Preservation (OPRHP) and the NYSDOT.

In a response dated July 11, 2015, the NYSDOT concurred with the Planning Board's proposal to act as Lead Agency and offered the following comments:

1. The Department would like to review the Stormwater Management Plan to ensure that discharge will not flow to State Route 30.
2. All proposed signage, advertising and parking will need to be located on private property and not on NYSDOT right-of-way.

NOTE: On June 30, 2015, Beth Watts, Planning and Program Manager NYSDOT, sent an e-mail to County Senior Planner Sean Geraghty indicating that NYSDOT would no longer require a Stormwater Management Plan from the applicants. She pointed out that, after talking to the applicant's engineer, he agreed that the 8" drainage pipe could be removed and that the stormwater on the site would simply be allowed to sheet across the site and not empty directly into the NYSDOT right-of-way.

MOTION: Declaring the Town of Mayfield Planning Board the Lead Agency for the purpose of issuing a determination of significance under SEQR.

MADE BY: Marilyn Salvione
SECONDED: John Kessler
VOTE: 5 in favor, 0 opposed

DISCUSSION: After a brief discussion, the Planning Board felt that there were no significant adverse environmental impacts that would result from the proposed project.

MOTION: Authorizing the filing of a negative declaration under SEQR for Mr. Greco's Site Plan application for self-storage units along Riceville Road since:

1. Public utilities are readily available to service the business.
2. There will be limited traffic impacts resulting from the proposed action.
3. Incremental increases in stormwater runoff from the site will not require any stormwater infrastructure on the project site.

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

E. Public Hearing:

1. The public hearing was opened at 6:17 P.M.
2. Speakers:

Art Dahl

Mr. Dahl indicated that he was speaking on behalf of the Historic Society. He indicated that he is the husband of the Society's Treasurer. He indicated that many people in the community feel that Mr. Greco's proposed business will look unsightly and detract from the appearance of the Rice Homestead. He pointed out that Mr. Greco's property has a very odd shape, is not uniform and will be difficult for vehicles to maneuver on once the storage units are constructed. He indicated that 11 individuals from the community have come up with money to purchase the property from Mr. Greco and an offer was made to Mr. Greco yesterday. Mr. Dahl indicated that he understood the Planning Board has constraints it must follow during the examination of a Site Plan application. He indicated that he was curious to know what Planning Board members felt about the proposed project.

Robert Frank

Mr. Frank indicated that he owns the lot next to Mr. Greco's proposed business. He indicated that Mr. Greco, often times, has potential customers come to his property when he is not there and they end up over at his business asking questions. Mr. Frank expressed some discontent with the appearance of Mr. Greco's property. Mr. Frank indicated that he made some phone calls to other self-storage facilities in the area and found out that many of them have multiple vacancies. He questioned the need for another storage unit project in the community. He indicated that he felt the appearance of the business would detract from the historic property next door.

Christine Dahl

Mrs. Dahl indicated, that at one time, she believed the property owned by Mr. Greco was owned by the Rice family. She indicated that she believed the right-of-way was provided for access to that property at that time.

Marty Greco (applicant)

Mr. Greco indicated that he would like to address Mr. Frank's comments regarding his defunct business and his laziness.

County Senior Planner Sean Geraghty asked Mr. Greco to direct his comments to the Planning Board during the public hearing.

Mr. Greco indicated that he didn't believe the community needed another Dollar General, but is going to get one. He stated that he was offered a less than adequate sum for the property by Mr. Frank. He pointed out that the property has had a real estate sign on it for quite some time and no one else has made an offer on the property. He indicated that now, all of a sudden, the Historic Society would like to purchase the property in order to prevent him from developing it. He noted that he pays taxes on the land and would like to use it for a business venture.

Mr. Frank indicated that he would like to respond to Mr. Greco's comments.

Mr. Geraghty indicated that the public hearing is not an opportunity to carry on public debate. It is simply an opportunity for individuals from the community to offer comments on the Site Plan application itself.

Mrs. Salvione indicated that she would like to leave the public hearing opened until the applicant has provided an opinion from his attorney regarding the use of the right-of-way over the Rice Homestead property.

Mr. Geraghty explained that if the Planning Board decides to leave the public hearing open, it must table all action on the application and reconvene the hearing during its August meeting.

After another brief discussion, the Planning Board agreed that the hearing should be left open until the Board's August meeting.

MOTION: To leave the public hearing open on Mario Greco's Site Plan application for storage units along Riceville Road and to table all action on the Site Plan application until the Planning Board's August 19, 2015 meeting.

MADE BY: Marilyn Salvione
SECONDED: Roberta Ricciardi
VOTE: 4 in favor, 1 opposed (Aaron Howland)

IV. DAVID, WILLIAM AND TIMOTHY 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. 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: Provided. However, there are no topographic features shown within 250' of the property boundaries.

DISCUSSION: The Planning Board felt that topographic features for areas beyond the property boundaries would not need to be 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: 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: Percolation test results have been provided. However, no pit test results have been shown.

DISCUSSION: Christopher Foss, representing the applicant, indicated that his client originally intended to give a building lot to his daughter. He reminded Board members that this application appeared before them several months back but was delayed because of discussions with the Adirondack Park Agency concerning its jurisdiction. He pointed out that there is a wetland on his client's property and the APA therefore wants jurisdiction over any proposal to subdivide the property. He explained that his client would now like to create two (2) building lots if

they have to go through the APA process. He indicated that he intends to meet with APA officials in the near future because the agency would like to witness any deep hole tests that are performed on the site.

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.

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.

DISCUSSION: Mr. Foss indicated that he would include the language on the revised subdivision plat.

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.”

DISCUSSION: Mr. Foss indicated that he would include the language on the revised subdivision plat.

C. Lot Line Adjustments:

As part of this subdivision application, the applicants are proposing to transfer approximately 6.24+/- acres of the property to an adjacent parcel that they own. (Tax Map Parcel No. 103.-5-41.1). Since this lot line adjustment is being proposed as part of a subdivision application, a waiver of the subdivision review process has not been requested. Based on previous concerns expressed by the Adirondack Park Agency (APA) regarding the subdivision of this property, the Planning Board must determine if it would like the applicant to apply separately for the lot line adjustment or keep the proposed property transaction as part of the subdivision proposal so that the APA can comment on the project as a whole.

DISCUSSION: Mr. Geraghty pointed out that, given Mr. Foss’ explanation of why the APA wants jurisdiction over this subdivision application, he did not believe the applicant could separate the lot line adjustment from the actual subdivision application.

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: 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: The Planning Board briefly discussed whether or not they wanted to coordinate the review of this project. Mr. Geraghty pointed out that the County Highway Department will have to issue driveway cut permits for each of the building lots. He indicated that he could also coordinate with the APA in an effort to expedite its response to Mr. Foss regarding this project.

MOTION: To classify the proposed project as an Unlisted Action and to propose that the Town of Mayfield Planning Board act as the Lead Agency for the purpose of issuing a Determination of Significance under SEQR and to offer the other Involved Agencies twenty-five (25) calendar days to comment on the proposed action or the Planning Board's proposal to act as Lead Agency.

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

E. 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 Perham's property.

F. 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?

DISCUSSION: Mr. Geraghty suggested that the Planning Board authorize a public hearing on the subdivision application and if Mr. Foss is able to get a response from the APA and revise the plat prior to the Board's August 19th meeting, then the hearing could be held at that time. If not, the hearing could be postponed until the information becomes available.

MOTION: To authorize the scheduling of a public hearing on the Perhams' subdivision application.

MADE BY: John Kessler

SECONDED: Roberta Ricciardi

VOTE: 5 in favor, 0 opposed

V. **ROBERT KAZMIERSKI - WILD LIFE SPORTS AND EDUCATION MUSEUM UPDATE:**

Mike Stewart explained to Board members that it appears as though Mr. Kazmierski has switched engineers again. He indicated that he has hired Mark DeJong to design a septic system for the museum. He indicated that he didn't know how long it would be before a new set of plans for the proposed museum expansion is ready to be presented to the Planning Board.

VI. OTHER BUSINESS:

A. Chairman's Update:

Mr. Phillips suggested that the minutes to the previous month's meeting also be included in the Agenda packets each month.

B. Code Enforcement Update:

1. Mr. Stewart indicated that the Fletcher Subdivision may be back before the Planning Board in the near future. He indicated that the applicants have been discussing the property ownership issues with Town Attorney Carm Greco and may have a resolution shortly.
2. Mr. Stewart indicated that Robert Stone would like to switch the locations of his propane tank and dumpster at his new hardware store. Board members asked Mr. Stewart if the APA would be getting involved with this proposal? Mr. Stewart indicated that he contacted Virginia Yamrick at the APA who indicated that the APA will not have any involvement with this proposed amendment to the Site Plan. The Planning Board agreed that Mr. Stone did not need to come back before the Board but did need to revise his final Site Plan drawing for the Planning Board's records.
3. Mr. Stewart indicated that Jim Beach has closed up his auto repair shop on the Askew property. He indicated that a boat repair business is now using the building and would like to install a new sign. He indicated that the business would eventually like to shrink-wrap boats and store them for the winter. He asked Board members if they would like to have the new tenants present drawings for the new sign?

Board members asked if there were any standards that could be used to look at the new sign?

Mr. Geraghty reminded the Planning Board that there are no longer any sign regulations in the Town.

Planning Board Chairman Robert Phillips indicated that he was more concerned with the type of business that was being operated on the property. He indicated that he would like to have some more information from the new tenants on their proposal to eventually begin shrink-wrapping and storing boats for the winter.

VII. CLOSE OF THE MEETING:

MOTION: To close the meeting at 7:00 p.m.

MADE BY: Marilyn Salvione

SECONDED: Aaron Howland

VOTE: 5 in favor, 0 opposed