

**TOWN OF MAYFIELD PLANNING BOARD  
JULY 19, 2023  
6:00 P.M.  
TOWN OF MAYFIELD TOWN HALL**

**MEETING NOTES**

**PRESENT:**

**JOHN KESSLER, CHAIRMAN  
AARON HOWLAND, VICE-CHAIRMAN  
RICHARD MILES  
JERRY MOORE  
GRANT RAUCH  
DAVID JANKOWSKI, ALTERNATE  
DAMON CURLEY, CODE ENFORCEMENT OFFICER  
AARON ENFIELD, FULTON COUNTY SENIOR PLANNER**

**I. CALL MEETING TO ORDER:**

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

**II. APPROVE MINUTES OF THE MAY 17, 2023 MEETING:**

PLANNING BOARD ACTION:

MOTION: To approve the minutes of the May 17, 2023 meeting.

MADE BY: Aaron Howland

SECONDED: Grant Rauch

VOTE: 5 in favor, 0 opposed

**III. MICHAEL DEROCKER – PROPERTY TRANSACTION AND MINOR SUBDIVISION  
ALONG VANDENBURGH POINT ROAD:**

**A. Background:**

Michael DeRocker owns two adjoining parcels within the Town of Mayfield; 299 Vandenburg Point Road (Tax Map Parcel No. 120.4-2-8.1) that is approximately 5.508 acres, and 305 Vandenburg Point Road (Tax Map Parcel No. 120.4-2-18) that is approximately 0.776+/- acres in size. The Applicant would like to do the following:

1. Convey the property from 305 Vandenburg Point Road to 299 Vandenburg Point Road
2. Create a three (3)-lot subdivision from the total acreage.
  - a. Lot 1 – 1.10+/- acres
  - b. Lot 2 – 1.37+/- acres
  - c. Lot 3 – 4.18+/- acres

B. May 17, 2023 meeting:

During our May 17, 2023 meeting, the Town of Mayfield Planning Board continued its review on Michael DeRocker's Minor Subdivision and Property Transaction at 299 and 305 Vandenburg Point Road within the Town of Mayfield. As a follow-up to that review, please be advised that the Planning Board has asked that the following information be provided before the public hearing:

1. Topography of intervals no more than 5' to be included on the plat.

STATUS: Not Provided.

2. Language on the plat that states "All onsite sanitation and water supply facilities shall be designed to meet the minimum specifications of the Department of Health."

STATUS: Not Provided.

3. Tax Map Parcel Nos. and current acreage for both 299 and 305 Vandenburg Point Road listed on the plat.

STATUS: Not Provided.

4. Tax Map Parcel Nos. for all adjoining property owners (Bonfrey, Burchard, Fredenburg, Miller)

STATUS: Not Provided.

5. Perc. and Pit test on the proposed lot that is currently listed at 1.10+/- acres.

STATUS: Not Provided.

6. The properties are located within the Moderate Intensity Land Use Area of the Adirondack Park Agency (APA). The minimum lot size is 1.3 acres. All proposed lots need to meet this requirement.

STATUS: Not Provided.

7. A Jurisdictional Inquiry Form to the APA will need to be provided.

STATUS: Not Provided.

DISCUSSION:

Fulton County Senior Planner Aaron Enfield indicated that, over the past two months, the Applicant has failed to provide any information to Code Enforcement, despite numerous attempts by the Town of Mayfield and the Fulton County Planning Department.

Mr. Enfield further explained that the Town has already spent money posting an advertisement in the local paper for the Public Hearing and is hesitant to reschedule for next month.

Mr. Enfield also indicated that the Planning Board process within Fulton County is typically a two-meeting process with a subdivision, as applicants are historically responsive in providing materials. Subsequently, he indicated that other communities within the Capital Region do not schedule Public Hearings until all information is provided to the Planning

Board. Mr. Enfield stated that, while this is not the normal sequence of events for the Town of Mayfield, he suggested that the Planning Board consider this.

After a back-and-forth conversation, the Planning Board agreed this was the right step to take on this project.

C. State Environmental Quality Review:

During the May 17, 2023 meeting, the Town of Mayfield Planning Board classified Michael DeRocker's application as an Unlisted Action and offered the New York State Department of Environmental Conservation (NYSDEC), the New York State Office of Parks, Recreation and Historic Preservation (OPRHP), and the Adirondack Park Agency (APA) 30 calendar days to comment on the project. To date, the following agencies have submitted comments:

***NYS Office of Parks, Recreation, and Historic Preservation (OPRHP)***

In a letter dated June 9, 2023, OPRHP indicated that the project will not impact archaeological and/or historic resources, listed or eligible for the New York State or National Register of Historic Places.

***NYS Department of Environmental Conservation (NYSDEC)***

In an email dated June 14, 2023, Beth Magee, Deputy Regional Permit Administrator of Environmental Permits of NYSDEC, indicated they had no objection to the Town of Mayfield Planning Board serving as Lead Agency and did not indicate that any permits would be needed by the Applicant.

DISCUSSION:

Mr. Enfield gave an overview of the responses from the above agencies. He indicated that the feedback was nothing out of the ordinary. However, he recommended that the Planning Board hold off on declaring Lead Agency, as the timeline for issuing a negative declaration is short after this is done and hesitant the Applicant will provide information.

After a back-and-forth conversation, the Planning Board was in agreement to table the application.

PLANNING BOARD ACTION:

MOTION: To table declaring Lead Agency for the purpose of issuing a determination of significance for Michael DeRocker's application along Vandenburg Point Road until further information is provided by the Applicant.

MADE BY: Richard Miles  
SECONDED: Grant Rauch  
VOTE: 5 in favor, 0 opposed.

D. Planning Board Action:

As the Applicant has failed to provide the information requested following the Wednesday, May 17, 2023 meeting, it is recommended to table further action until all information is provided. At that time, the Town of Mayfield will review and determine if all information provided is complete for scheduling a Public Hearing.

DISCUSSION:

The Planning Board agreed that they should table any further review until more information is provided.

Chairman John Kessler inquired what would happen if the Applicant does not provide information to the Town of Mayfield?

Mr. Enfield stated that the application would be considered open until such time as the Applicant brings in additional information or states they would like to withdraw their application.

Planning Board Member Jerry Moore asked if a certified letter can be sent to the Applicant.

Mr. Curley stated that he would send it out through his office.

Mr. Enfield mentioned that their surveyor should also receive a certified letter.

PLANNING BOARD ACTION:

MOTION: To table any further action on Michael DeRocker's property Transaction and Subdivision at 299 Vandenburg Point Road and 305 Vandenburg Point Road until more information is provided to the Town of Mayfield, and to send the letter via Certified Mail to Mr. DeRocker and to Azimuth Surveying & Cartography.

MADE BY: John Kessler  
SECONDED: Richard Miles  
VOTE: 5 in favor, 0 opposed

**IV. CHRISTINE, LAWRENCE & JAN CLARK CIOFFI PROPERTIES – PROPERTY TRANSACTION AT 154 BRODERICK DRIVE AND 158 BRODERICK DRIVE:**

A. Background:

Christine, Lawrence & Jan Clark Cioffi own two adjoining parcels within the Town of Mayfield; 154 Broderick Drive (Tax Map Parcel No. 88.20-1-23) approximately 1.604 acres in size, and 158 Broderick Road (Tax Map Parcel No. 88.20-1-24) that is approximately 2.501 acres in size. They would like to convey a 10' x 10' strip from the southern portion of 154 Broderick Drive as well as a 50' x 20' strip along the east portion (0.1+/- acres) of the same property to give the back parcel access to the Great Sacandaga Lake.

The new acreage for 154 Broderick Drive will be 1.37+/- acres, which is over the threshold of 1.3 acres as this property is within the Adirondack Park Agency's Moderate Intensity Land Use.

B. Planning Board Discussion:

Mr. Enfield gave a brief overview of the lot line adjustment and indicated that the Cioffi property to the rear will be having 50' of lakefront access to the Great Sacandaga Lake.

After a back-and-forth conversation, the Planning Board did not see any issues that could occur as a result of the Lot Line Adjustment.

PLANNING BOARD ACTION:

MOTION: Recognizing that the property transaction between Christine, Lawrence, and Jan Clark Cioffi at 154 and 158 Broderick Drive is not subject to the Town's Subdivision Regulations and can be approved as a lot line adjustment.

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

**V. DAVID S. GALPIN, DOUGLAS C. GALPIN & CYNTHIA J. GALPIN – PROPERTY TRANSACTION AT 215 LAKESIDE DRIVE AND 223 LAKESIDE DRIVE:**

**A. Background:**

Douglas C. Galpin and Cynthia J. Galpin own a piece of property at 223 Lakeside Drive (Tax Map Parcel No. 104.14-3-2) approximately 0.536+/- acres in size. Douglas C. Galpin and Cynthia J. Galpin own a piece of property at Lakeside Drive (Tax Map Parcel No. 104.14-1-1.2) approximately 0.116+/- acres in size. They would like to convey the properties to the adjoining parcel, also 223 Lakeside Drive (Tax Map Parcel No. 104.-2-63.2) also owned by Douglas and Cynthia, which is approximately 2.884+/- acres in size. Subsequently, the neighboring parcel owner at 215 Lakeside Drive (Tax Map Parcel No. 104.14-3-1) approximately .0742 acres in size would like to convey some of their land to the neighboring parcel and add some as well. In total, the two parcels will be 4.927+/- acres in size.

All properties are within the Hamlet Land Use Area of the Adirondack Park Agency (APA), which does not have a minimum lot size requirement. However, the minimum lot size, per the Town of Mayfield Zoning Ordinance, is 1 acre.

**B. Planning Board Discussion:**

Mr. Enfield inquired if anybody was here to represent the clients? There was no response.

Mr. Enfield gave a brief overview of the project and indicated, while the plot plan indicated three (3) parcels, it is actually four (4) properties, indicating the SW portion of the property.

Mr. Enfield indicated the fact that, while the project is within the Hamlet Land Use Area, which does not have a minimum lot size requirement, the minimum lot size is one acre, of which one of the new parcels will be below that.

Mr. Enfield stated that, in speaking with Fulton County Planning Director Scott Henze, it was indicated that, per the Town's Code, this transaction would be considered a Lot Line Adjustment. Per the Adirondack Park Agency (APA), it would be seen as a subdivision.

Planning Board members expressed discontent that the plan provided to the Planning Board seemed confusing and not clearly indicated.

Mr. Enfield indicated that he tried to get ahold of Dave Bogardus, P.E., Northeast Land Survey and Land Development, who is the surveyor for this project, but was unable to.

*Dave Borgardus entered the Planning Board meeting at 6:17 p.m.*

Mr. Enfield gave an overview of the discussion previously held by Planning Board members to Mr. Bogardus indicating the concerns previously brought up.

Mr. Enfield pointed out that the parcel in the SW corner is not indicated on the plot plan but is indicated in the larger parcel.

Mr. Bogardus asked where Mr. Enfield is getting his data from?

Mr. Enfield stated that he uses data for every application via Fulton County Real Property as of December 31, 2022.

Mr. Bogardus indicated that the lot under an acre is preexisting.

Mr. Enfield stated, while that is true, the minimum lot size is one (1) acre and will need to be amended.

Mr. Bogardus stated what if the Applicant does not want to comply or if both parcels were under an acre?

Mr. Enfield stated that the Lot Line Adjustment would need to go before the Zoning Board of Appeals.

Mr. Bogardus inquired if the APA will also require a perc and pit test?

Mr. Enfield stated it will not, but both lots will need to meet minimum lot size requirements per the Town of Mayfield Zoning Ordinance.

Chairman Kessler reinstated Mr. Enfield's stance on both lots are to be a minimum of one (1) acre.

**PLANNING BOARD ACTION:**

**MOTION:** To table further action on the property transaction until the Town's minimum lot size of 1 acre is met on 215 Lakeside Drive by the Applicant.

**MADE BY:** Richard Miles

**SECONDED:** John Kessler

**VOTE:** 5 in favor, 0 opposed

**VI. OTHER BUSINESS:**

A. Chairman:

**Updates to the Zoning Ordinance**

Chairman Kessler stated that the Planning Board will be scaling back its review of the Zoning Ordinance, and would be putting together a number of suggestions starting in the fall of 2023 and submit to the Town Board in December of 2023 or January of 2024.

Mr. Enfield stated that this was a standard practice for the Town of Johnstown and City of Gloversville for several years.

Mr. Kessler stated this may be good practice for the Town of Mayfield Planning Board to pursue so they can keep up to date on items that might need to be addressed.

B. Code Enforcement:

**Winney RV Park along NYS Route 30**

Mr. Curley indicated that he has been in touch with Beth Magee of the New York State Department of Environmental Conservation (NYSDEC) regarding the docking systems. He stated that they recently had a Public Hearing on the project.

Mr. Curley stated that he is receiving complaints that he is mining outside of the area associated with the permit boundary. He indicated that the mining permit is subject to NYSDEC and not the Town of Mayfield.

Mr. Curley has also indicated that he has received complaints about Lane Winney taking down trees on their property. He also indicated that work on the property starts around 7:00 am. Mr. Curley stated there is nothing within the code that indicated timeframe for construction.

Mr. Enfield indicated that 7:00 am is a normal time for work to commence for construction workers and other types of jobs in that sector.

Several Planning Board members concurred with Mr. Enfield.

Mr. Curley indicated that he did not have the Winney's project organized in his office and asked the Planning Board to weigh in on particulars associated with the project. He indicated he wanted to know what was part of the approval.

Planning Board Member Rich Miles stated he was interested in knowing more about the particulars as well, questioning why the Winney's were cutting trees down.

Mr. Enfield reminded Planning Board members that, as part of the conditional approval, the Applicant is required to put up a 6' fence around the neighboring property owners and other sensitive areas. He stated that the Sunset Bay project indicated they planned on saving trees and putting up RV sites.

Mr. Enfield also stated that the property owner can take trees down should they so wish, and no permit is necessary for this. He indicated the property owned by the Lanzi family across from Adirondack Animal Land as an example.

The Planning Board had back and forth conversation indicating a fence was to weave in and out between trees.

Mr. Enfield stated there was a discussion of this being done along NYS Route 30, not the property owners of Woods Hollow Road.

Vice Chairman Aaron Howland indicated that was not correct and that the fence was supposed to go in and out of trees along the property line of the property owners. Subsequently, he stated he received photos from Annaliese Spilken (188 Woods Hollow Road), of the trees that were being removed.

Both Vice Chairman Howland and Mr. Miles indicated that the minutes would need to be reviewed again.

Mr. Miles asked Mr. Enfield if the Planning Board could invite Lane Winney back to a Planning Board meeting.

Mr. Enfield stated that he previously indicated he would like to invite Mr. Winney back to the Planning Board and they responded they did not want them back and decided to wait until final sign off on the conditional approval.

*POST MEETING NOTE:*

*During the May 17, 2023 meeting, Planning Board members stated they would like to wait until the final Site Plan is ready for signature from the Applicant.*

Chairman Kessler agreed with Mr. Enfield stating that someone from the Planning Board indicated that they did not want to bring back the applicants.

Mr. Miles stated that may be the case, but more information is coming out on the project and felt as though the Town of Mayfield Planning Board was not told the truth.

Vice Chairman Howland concurred with Mr. Miles.

Chairman Kessler stated that the minutes will need to be reviewed.

Vice Chairman stated that, should the minutes indicate that the project would be weaving through the trees along the boundary of the property owners, and that was not discussed, they would like to make a motion for a stop work order until the Applicant would indicate a planting schedule for the new trees.

Mr. Miles agreed with Vice Chairman Howland.

Mr. Enfield reminded the Planning Board that the statute of limitations on this project is over, having approved the project 13 months prior. Subsequently, he indicated that, should the Planning Board proceed with this, they would open the Town of Mayfield to a lawsuit.

Mr. Enfield stated that, given what the Planning Board is requesting, it may be a good idea that Town Attorney Carmel Greco weigh in on their proposed motion as he is not the legal counsel for the Town.

Mr. Miles stated that the Planning Board was bamboozled with false promises indicated by the Applicant and their engineer. He stated that what the applicant is currently doing and what the Planning Board approved is not currently happening. Subsequently, he stated that this opens the Town of Mayfield up to oversee the issues put forth by the Applicant.

Mr. Enfield stated he has two organized binders in his office associated with this project and that the Planning Board is more than welcome to come to his office and review. He stated that should he not be there, someone else in his office can assist them.

Mr. Enfield also stated that Planning Board members have all the minutes, which they can review.

Mr. Enfield asked Mr. Curley if the notes were available on the Town's website?

Mr. Curley stated that he was not sure. He stated he has minutes for the project in a box but not organized.

Mr. Curley mentioned he would like to know about what revisions occurred during the planning process.

Chairman Kessler stated, as a result of the conditional approval in June 2022, the Applicant still needs to bring the final copy to him for sign-off.

Mr. Enfield inquired if he would like to invite Lane Winney and Environmental Design Partnership back to the Planning Board?

Mr. Miles indicated that the minutes will need to be reviewed first before they inquire on asking them back to the Planning Board.

Mr. Enfield stated he would review the meeting minutes.

C. Fulton County Planning Department:

**Boralex Solar Project**

Mr. Enfield indicated there will be another open house on July 26, 2023 at the Paul Nigra Center where residents can learn more about the 40MW Solar Project which is being overseen by the Office of Renewable Energy Siting (ORES).

Mr. Enfield stated that, while previously approved solar projects in the Town of Mayfield have a Decommissioning Plan for the life of the project plus inflation, the ORES project is a 15% contingency. He also indicated the Town will be responsible for managing once complete.

D. Other:

**Minutes**

Vice Chairman Howland indicated that the Planning Board might want to consider videotaping so there is an accuracy of what was said.

Mr. Enfield questioned if a resolution by the Town Board was necessary for this? Subsequently, he inquired if the Town of Mayfield's website has the capacity to keep audio footage and what the timeline of that would be?

Mr. Curley stated he was unsure of these questions.

Mr. Miles stated that, over the past few Planning Board meetings, the minutes have been more robust and informative than previously. He thanked Mr. Enfield for his work making sure there is an accurate record.

**VII. CLOSE OF THE MEETING:**

MOTION:	To close the meeting at 6:45 pm.
MADE BY:	Grant Rauch
SECONDED:	Richard Miles
VOTE:	5 in favor, 0 opposed