

**TOWN OF MAYFIELD PLANNING BOARD  
MARCH 20, 2013  
6:30 P.M.  
TOWN OF MAYFIELD TOWN HALL  
MEETING NOTES**

**PRESENT:**

**ROBERT PHILLIPS, CHAIRMAN  
MARILYN SALVIONE  
JERRY MOORE  
JOHN KESSLER**

**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:**

MOTION: To approve the minutes to the January 16, 2013 meeting.

MADE BY: Marilyn Salvione

SECONDED: Jerry Moore

VOTE: 4 in favor, 0 opposed

**III. H & L INSURANCE, INC. – SITE PLAN FOR BUILDING EXPANSION:**

A. Background:

Michael O'Brien would like to construct a 25' x 40' addition on his building at 2441 State Highway 30 (Tax Map Parcel No. 104.9-5-12.1) in the Town of Mayfield. Mr. O'Brien's business, H & L Insurance, Inc., is currently operated out of the building. The 1,000 sf addition will be constructed on the back side of the existing structure.

Additional parking spaces will be provided as part of this expansion project.

Mr. O'Brien gave Planning Board members a quick background for his project. He indicated that he acquired the building last year and opened his insurance business in April 2012. He indicated that the business is growing quickly and he intends to hire a few more people and needs additional space.

B. Code Enforcement/Planning Department Review:

The Town of Mayfield Code Enforcement Office and the Fulton County Planning Department have reviewed the site plan application in accordance with the Town of Mayfield's Zoning Regulations and would like to offer the following comments:

1. The final site plan drawings must be stamped by a licensed engineer.

DISCUSSION: The applicant recognized that the final site plan drawing needs to be stamped by a licensed engineer.

2. There are no building elevation drawings provided for the proposed addition.

DISCUSSION: Planning Board Member Jerry Moore asked which way the roofline for the addition would be pitched?

Mr. O'Brien indicated that the existing roofline is pitched towards NYS Route 30 and that the addition will be pitched in a north-south direction towards the adjacent property lines.

Mr. Moore asked if the building addition could be seen from NYS Route 30?

Mr. O'Brien indicated that a significant portion of the building addition will be visible from NYS Route 30 and that he intended to reshingle the entire building once the addition is constructed.

3. Three (3) additional gravel parking spaces have been shown on the front of the property along the common boundary line with Gloves International, Inc. Is the Planning Board comfortable with this location and how will the spaces be kept open during the winter months?

DISCUSSION: After a brief discussion, the Planning Board felt that the three (3) parking spaces on the front portion of the property would be acceptable.

Town Code Enforcement Officer Mike Stewart pointed out that the applicant meets all of the Town's parking requirements for the expanded facility.

4. The location of the existing septic system servicing the building must be shown.

DISCUSSION: The Planning Board stressed that the location of the existing septic system will need to be identified on a revised site plan drawing.

Mr. O'Brien indicated that he was confident that the septic field is not behind the existing building because he had to dig out an underground tank in that area. He speculated that the septic field is probably along the north side of the building.

Planning Board Member Marilyn Salvione suggested that Mr. O'Brien or his engineer, Charles Ackerbauer, P.E., contact the company that installed the system to see if they have a record of where the septic field is located.

5. The location of an existing shed and propane tank are shown in a different location on the drawing than is depicted on the aerial photo that was provided as part of the application package?

DISCUSSION: Mr. O'Brien explained that after purchasing the property, he moved the location of the storage shed on the property. He indicated that the drawing accurately depicts where the shed is now located.

#### C. State Environmental Quality Review:

In accordance with Section 617.5 of 6 NYCRR, the construction or expansion of a primary or accessory/appurtenant non-residential structure or facility involving less than 4,000 sq. ft. of gross floor area and not involving a change in zoning or a use variance and consistent with the local land use controls is considered a Type II Action and not subject to any further review under this section of law.

DISCUSSION: Mr. Moore asked Mr. O'Brien if he may need additional space in a few years?

Mr. O'Brien indicated that he intended to construct a full basement under the proposed addition that would provide him plenty of space at this particular site. He indicated that if at some future date he needed additional space, he would probably expand at a different location.

D. Planning Board Action:

Section 906 of the Town of Mayfield Zoning Law indicates that the Planning Board shall fix a time within sixty-two (62) days from the day the Planning Board determines an application for site plan review to be complete for a public hearing on the application for site plan approval. Consequently, does the Planning Board feel that it has sufficient information to schedule a public hearing on H & L Brokerage Services' site plan application at this time?

MOTION: To schedule a public hearing on H & L Brokerage Services' site plan for a building expansion for 6:30 p.m., Wednesday, April 17, 2013.

MADE BY: Jerry Moore  
SECONDED: John Kessler  
VOTE: 4 in favor, 0 opposed

**IV. MARK BOMBARD – SUBDIVISION ALONG THIRD AVENUE:**

A. Background:

Mark Bombard currently owns a piece of property at the end of Third Avenue (Tax Map Parcel No. 137.14-3-1) in the Town of Mayfield. The property is approximately 2.11 acres in size. Mr. Bombard would like to create an additional building lot on the property by separating a 1.1 acre parcel with an existing home from the original property and leaving a 1.01 acre parcel as a new building lot. There is an Army Corps of Engineers' regulated wetland running through the parcel.

B. Code Enforcement Office/Planning Department 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 is no topographic information provided for parcels within 250' of the proposed subdivision.

DISCUSSION: After briefly discussing the matter and recognizing that the applicant has provided 2' contour intervals for the subdivided parcels, the Planning Board did not feel that topographic conditions would need to be identified for areas within 250' of the proposed subdivision.

3. The name of the owner and all adjoining property owners as disclosed by the most municipal tax records.

STATUS: Provided.

4. The tax map sheet, block and lot number.

STATUS: The correct tax map number needs to be amended on the subdivision plat.

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 provided for the new building lot.

DISCUSSION: Mr. Bombard and his engineer, Charles Ackerbauer, P.E., both indicated that there have been no percolation or pit tests performed on the property. They briefly discussed how they would get a backhoe onto the site to perform the pit test. Mr. Ackerbauer suggested

that they may need to hand dig a hole or use a post hole digger in order to perform a pit test on the property.

County Senior Planner Sean Geraghty pointed out that in order for the Planning Board to approve this subdivision application, the applicant must show that he is creating a buildable lot.

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

STATUS: A notation has been made on the plat indicating that an easement will be granted on both parcels to the Town of Mayfield for snow removal and a turnaround area for the Town plows.

DISCUSSION: Town Code Enforcement Officer Mike Stewart noted that he spoke with Town Superintendent of Highways Mel Dopp concerning the easement that has been granted to the Town for snow removal and a turnaround area. He indicated that Mr. Dopp has suggested that the driveway be moved back towards the common property line so that it doesn't get packed with snow during the winter months.

Mr. Moore asked how old the easement was?

Mr. Bombard and Mr. Ackerbauer indicated that the easement was granted to the Town of Mayfield in 2011.

Mr. Ackerbauer suggested that the existing road be extended on the applicant's property with gravel so that the plows could push the snow further away from the proposed driveway location.

Mr. Bombard pointed out that the easement contains language that the Town will pay for the cost of any damage that is done to the property. He indicated that he understood if the Town did not want to have an additional easement area to take care of.

There were several more minutes of discussion on this matter.

County Senior Planner Sean Geraghty suggested that Mr. Bombard and Mr. Ackerbauer contact Town Superintendent of Highways Mel Dopp to discuss this matter and see if the issue can be resolved before the next Planning Board meeting.

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. Ackerbauer indicated that he would provide the required notation on the revised drawing.

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: There is no north arrow provided on the drawing.

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

STATUS: Provided.

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: Mr. Moore pointed out that Question 10 on the Short Environmental Assessment Form should have been marked “Yes” since the applicant may require a permit from the US Army Corps of Engineers.

Mr. Geraghty indicated that he would make sure that the form is revised before it gets sent out to that agency. Mr. Geraghty explained that if the Army Corps does have to issue a permit for this action, he would like to get something in writing from that agency.

Mr. Bombard asked if he should contact the Army Corps of Engineers?

Mr. Geraghty indicated that he didn’t need to at this point in time, but may have to at some future date if the Army Corps indicates that a wetland disturbance permit is required for this action.

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 Reviewed with other Involved 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.

MOTION: To classify the proposed project as an Unlisted Action and to proposed 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 other Involved Agencies twenty-five (25) calendar days to comment on the proposed action or the Town Planning Board’s proposal to act as the Lead Agency.

MADE BY: Marilyn Salvione

SECONDED: Jerry Moore

VOTE: 4 in favor, 0 opposed

D. 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 at this time on Mark Bombard's subdivision application?

DISCUSSION: Mr. Geraghty asked the applicant and his engineer when they may be able to provide percolation and pit test results for the proposed building lot?

Mr. Ackerbauer stated that he hoped to get to the site and perform the tests within the next two (2) weeks.

Mr. Geraghty explained that, in the absence of percolation or pit test results for the property, he did not believe there was enough information on the proposal to schedule a public hearing.

Mr. Ackerbauer explained that he felt adequate soil conditions would be found on the site to at least install an Elgin type system with a raised bed.

The Planning Board agreed that the public hearing should be scheduled on the application and if the applicant is not able to provide percolation and pit test results within the next two (2) weeks, then the hearing should be postponed until the Board's May meeting.

MOTION: To schedule a public hearing on Mark Bombard's subdivision application for a piece of property along Third Avenue for 6:30 p.m., Wednesday, April 17, 2013.

MADE BY: Jerry Moore

SECONDED: John Kessler

VOTE: 4 in favor, 0 opposed

## **V. CHARLES LASKY – ZONING CHANGE REQUEST:**

### **A. Background:**

Mr. Lasky has submitted a request to the Town Board to have his property (Tax Map Parcel 121.-2-3) on Griffis Road rezoned from its current L-1 designation to a C-1 designation. Lasky's Marina is located on the property, along with detached dwellings. In accordance with Article XII of the Town of Mayfield Zoning Law, all proposed amendments to the Zoning Law must be referred to the Planning Board for a recommendation. The Planning Board has forty-five (45) days after receiving the referral from the Town Board to issue its recommendation on the proposed amendment.

DISCUSSION: Mr. Stewart explained that when Mr. Lasky originally approached him, he indicated that he would like to construct an additional house on the property and have a repair shop for boats. He pointed out that Lasky's Marina is located on the property along with a few detached dwellings. Mr. Stewart explained that under the property's present L-1 classification, Mr. Lasky cannot operate any business and is limited to two (2) detached dwellings. He indicated that he suggested to Mr. Lasky that he request an L-2 classification for the property which would allow him both a retail business on the property and additional detached dwellings. He indicated that he did not know why Mr. Lasky decided to request a C-1 designation for his property. He noted that he was copied on a letter from the Adirondack Park Agency (APA) to Mr. Lasky in which the APA discusses Mr. Lasky's proposal to construct a single-family dwelling with an attached 1,300 sq. ft. shop for a welding and fabrication business. Mr. Stewart pointed out and the Planning Board agreed that there is a big difference between a boat repair shop and a welding and fabrication business. He indicated that he felt a welding and fabrication business would require an industrial classification and would not be allowed under an L-2 or a C-1 classification.

Planning Board Chairman Robert Phillips questioned whether the applicant should be encouraged to subdivide the property and separate the uses?

Mr. Stewart explained that Mr. Lasky is currently considered a legal non-conforming use and subdividing the property would have no impact on his compliance with local regulations.

Mr. Geraghty suggested that the Board authorize him to forward a letter back to the Town Board requesting additional information and a clear understanding of what Mr. Lasky intends to do on the property.

He also suggested that the Planning Board ask why Mr. Lasky is requesting a C-1 classification instead of the L-2 classification that was recommended by Town Code Enforcement Officer Mike Stewart.

After a brief discussion, the Planning Board agreed that this would be the best way to pursue the matter.

MOTION: Directing County Senior Planner Sean Geraghty to forward a letter back to the Town Board requesting additional information and clarifications on Mr. Lasky's proposal.

MADE BY: Marilyn Salvione

SECONDED: Jerry Moore

VOTE: 4 in favor, 0 opposed

## **VI. OTHER BUSINESS:**

### **A. Code Enforcement Update:**

Mr. Stewart talked briefly about a potential project near the intersection of County Road 155 and NYS Route 30 near Frank's Gun Shop. He indicated that he expected the Planning Board to receive some information on this potential project in the near future.

### **B. Chairman's Update:**

Mr. Phillips explained that the Comprehensive Plan Commission conducted its third public hearing on the draft Comprehensive Plan on Tuesday night, March 19, 2013. He indicated that the hearing went very well and that the Commission will be meeting again in two (2) weeks to finalize the document before forwarding it to the Town Board.

### **C. Training:**

Mr. Geraghty explained that there are no local training events scheduled at this moment. He indicated that most of the local Planning Board and ZBA members he has spoken with have indicated that they have been able to find several training opportunities and some of them have even begun to "bank" hours. Mr. Geraghty stated that the County Planning Board will continue to sponsor a training session with the NYS Office of Local Government Services in the fall at FMCC.

**VII. CLOSE OF THE MEETING:**

MOTION: To close the meeting at 7:22 p.m.

MADE BY: Marilyn Salvione

SECONDED: John Kessler

VOTE: 4 in favor, 0 opposed