

**TOWN OF MAYFIELD PLANNING BOARD
JANUARY 15, 2020
6:00 P.M.
TOWN OF MAYFIELD TOWN HALL**

MEETING NOTES

PRESENT:

**JOHN KESSLER, CHAIRMAN
AARON HOWLAND, VICE CHAIRMAN
JERRY MOORE
RICHARD MILES
FREDERICK CASTIGLIONE
ADRIEN ZAMBELLA, ALTERNATE
RALPH DESIDERIO, ALTERNATE**

**SEAN M. GERAGHTY, SENIOR PLANNER
DAMON CURLEY, CODE ENFORCEMENT OFFICER**

OTHERS PRESENT:

**RICK ARGOTSINGER, SUPERVISOR
ROBERTA RICCIARDI, COUNCILWOMAN
CHRIS FOSS, SURVEYOR
MICHAEL O'BRIEN**

I. CALL MEETING TO ORDER:

The meeting was called to order at 6:02 p.m.

II. APPROVE MINUTES OF LAST REGULAR MEETING:

MOTION: To approve the minutes to the December 18, 2019 meeting.

MADE BY: Jerry Moore

SECONDED: Richard Miles

VOTE: 5 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: After a very brief discussion, it was decided that the same slate of officers would stay in place for 2020.

MOTION: Nominating John Kessler to serve as Chairman of the Town of Mayfield Planning Board for 2020.

MADE BY: Jerry Moore

SECONDED: Aaron Howland

VOTE: 5 in favor, 0 opposed

MOTION: Nominating Aaron Howland to serve as Vice Chairman of the Town of Mayfield Planning Board for 2020.

MADE BY: John Kessler

SECONDED: Jerry Moore

VOTE: 5 in favor, 0 opposed

IV. VANNOSTRAND - PROPERTY TRANSACTION ALONG RICEVILLE ROAD:

A. Background:

Dennis VanNostrand and Dawn Bruse currently own an 8.2+/- acre parcel along Riceville Road in the Town of Mayfield (Tax Map Parcel No. 119.-8-23.111). They intend to take a 2-acre portion of that parcel and transfer it to Michael VanNostrand and Heather Julian VanNostrand who own an adjacent 4.05+/- acre property (Tax Map Parcel No. 119.-8-23.112). The property transfer will give Michael and Heather VanNostrand frontage on the Mayfield Creek.

PLANNING BOARD DISCUSSION: County Consultant Sean Geraghty pointed out that Michael VanNostrand and Heather Julian VanNostrand's parcel is shown on the survey drawing as two (2) separate parcels with the same tax map number.

Chris Foss, representing the applicants, explained that his clients would like to subdivide Tax Parcel No. 119.-8-23.112 creating a new building lot and a lot around the existing trailer on the property. He indicated that they intend to temporarily live in the trailer while they are constructing their

new home. He stated that he didn't believe that the Town allowed two (2) residences to be located on the same parcel and therefore his clients have decided to subdivide the property.

Mr. Geraghty pointed out that if Mr. Foss' clients only intend to use the trailer temporarily while constructing a new home, it didn't make sense to go through a formal subdivision review.

Town Code Enforcement Officer Damon Curley pointed out that the Town's Zoning Regulations do allow for two (2) residences to be located on a building lot.

Planning Board members talked about some setback issues that would need to be addressed if the property is subdivided.

Mr. Geraghty pointed out that the applicant may need to seek Area Variances from the Town of Mayfield Zoning Board of Appeals if they would like to proceed with the subdivision of the property.

Mr. Foss stated that he would speak with his client to see if they still wished to subdivide the property.

Mr. Geraghty asked Board members if there were any concerns with the property transaction between the two (2) property owners?

There was a general consensus among Board members that the property transaction, in and of itself, is not subject to the Town's Subdivision Regulations and can be approved as a lot line adjustment.

Mr. Geraghty suggested that the Planning Board tentatively schedule a public hearing on the subdivision application for next month's meeting and, in the mean time, he will prepare a response letter for the Board outlining all of the information that will need to be provided on a final plat by Mr. Foss.

Once again, Mr. Foss indicated that he would speak with his clients regarding their desire to subdivide Tax Parcel 119.-8-23.112.

PLANNING BOARD ACTION:

MOTION: To tentatively schedule a public hearing on Michael VanNostrand and Heather Julian VanNostrand's subdivision application for a piece of property along Riceville Road for 6:00 p.m., Wednesday, February 19, 2020.

MADE BY: Fred Castiglione
SECONDED: Aaron Howland
VOTE: 5 in favor, 0 opposed

V. MICHAEL O'BRIEN - PROPERTY TRANSACTION ALONG BOBLIN MARINA DRIVE:

A. Background:

Michael O'Brien owns two (2) pieces of property along Boblin Marina Drive. The first parcel is approximately 14,000 sq. ft. in size and had a house and garage on the property (Tax Map Parcel No. 104.15-1-8). Mr. O'Brien has removed the house from that parcel. The second parcel is approximately 6,053+/- sq. ft. in size with a residence on the property (Tax Map Parcel No. 104.15-1-7). Mr. O'Brien intends to take approximately 5,118 sq. ft. from Tax Parcel 8 and add it to Tax Parcel 7, so that he can build an addition on the remaining residence.

PLANNING BOARD DISCUSSION: Mr. Geraghty pointed out that there are a couple of issues that the Planning Board needs to consider with regards to Mr. O'Brien's property transaction. He stated that there is typically language that appears in local Zoning Laws stipulating that accessory structures cannot be located on a lot by themselves because the structures have to be accessory to a primary use.

Mr. O'Brien responded by explaining that the reason for leaving the garage on its own lot is to make sure that he can still have two (2) lake access permits on the Great Sacandaga Lake.

Mr. Geraghty stated that the other issue that needs to be considered is the fact that both of Mr. O'Brien's parcels are undersized but legal non-conforming lots. He stated that there typically is language in local Zoning Laws that stipulates that undersized lots, that are adjacent to each other and under common ownership, must be combined. Mr. Geraghty explained that he was unable to log into the Town's website so that he could look at the Town's most updated Zoning Law.

Town Code Enforcement Officer Damon Curley stated that he has looked through the Town Zoning Law and has not found any language in the Law indicating that the lots would need to be combined.

PLANNING BOARD ACTION:

MOTION: Recognizing that Michael O'Brien's property transaction is not subject to the Town's Subdivision Regulations and can be approved as a lot line adjustment.

MADE BY: Jerry Moore

SECONDED: Fred Castiglione

VOTE: 5 in favor, 0 opposed

VI. **OTHER BUSINESS:**

A. Code Enforcement Update:

Town Code Enforcement Officer Damon Curley stated that he walked the site of Borrego Solar's project on NYS Route 29 this past week. He indicated that Borrego has a few new individuals working on the project who were trying to familiarize themselves with the site.

Planning Board members asked if the PILOT Agreements were in place for Borrego's project?

Town Supervisor Rick Argotsinger stated that both the Town Attorney and County Attorney have determined that Borrego Solar is not eligible for a PILOT Agreement now that both the Town and County have opted out of the Real Property Tax Exemption for these types of facilities. Mr. Argotsinger stated that both attorneys feel that since Borrego had not completed its Interconnection Agreement with National Grid by the time the Town and County had opted out of the Real Property Tax Law provision, then its project should be subject to local property taxes.

Mr. Geraghty pointed out that the Town also received an e-mail from Emilie Flanagan of Borrego Solar identifying the estimates for the Landscaping Bond and Decommissioning Bond. He pointed out that Ms. Flanagan asks in the email if the Company's bond for year 1 can be issued at the present day value for decommissioning the site and subsequently increased 2% each year for the inflation rate?

Mr. Geraghty explained that Ms. Flanagan has identified the correct decommissioning numbers in her e-mail. He noted that the present day decommissioning cost for the site is \$414,556.84, while the rate to decommission the site 25 years from now at a 2% inflation rate is \$680,124.45. Mr. Geraghty explained that Ms. Flanagan would like to have Borrego issue a bond for the lesser amount in year 1 and increase that amount by 2% each year over the next 25 years until it reaches the higher number.

Town Supervisor Rick Argotsinger stated that he felt it is the Town Board's responsibility, now that the Planning Board has agreed to the decommissioning estimates, to finalize how much the bond will be for.

Mr. Geraghty agreed and pointed out that he felt the Town Board would likely consult with the Town Attorney on this matter.

After several more minutes of discussion, there was a general consensus among Planning Board members that the Town should require that a bond be issued for the decommissioning estimate in year 25 which is \$680,124.45.

Board members recognized that there was no discussion during the review process of issuing a lesser amount and increasing that bond amount on a yearly basis by 2%. Mr. Geraghty pointed out that this does become an administrative task at the Town level to check each and every year to see if the new bond has been issued for the correct amount.

MOTION: Recommending that the Town of Mayfield Town Board require Borrego Solar to issue a Decommissioning Bond beginning in year 1 for the full amount of \$680,124.45.

MADE BY: Aaron Howland

SECONDED: Jerry Moore

VOTE: 5 in favor, 0 opposed

VII. CLOSE OF THE MEETING:

MOTION: To close the meeting at 6:27 p.m.

MADE BY: John Kessler

SECONDED: Richard Miles

VOTE: 5 in favor, 0 opposed