

**TOWN OF MAYFIELD PLANNING BOARD
MAY 15, 2013
6:30 P.M.
TOWN OF MAYFIELD TOWN HALL**

MEETING NOTES

PRESENT:

**ROBERT PHILLIPS, CHAIRMAN
MALCOLM (RICK) SIMMONS, VICE CHAIRMAN
JERRY MOORE
JOHN KESSLER**

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

OTHERS PRESENT:

**VINCE COLLETTI, TOWN COUNCILMAN
DAVID SCHWEIZER, APPLICANT**

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 April 17, 2013 meeting.

MADE BY: Rick Simmons

SECONDED: Jerry Moore

VOTE: 4 in favor, 0 opposed

**III. JAMES R. MARTIN, SR. ET AL - PUBLIC HEARING ON A
SUBDIVISION ALONG NYS ROUTE 30:**

A. Background:

The applicant for this application is David Schweizer, who has been appointed by the trustees of Edith Martin, to appear before the Town

of Mayfield Planning Board seeking a subdivision approval for the property along NYS Route 30. (Tax Map Parcel No. 137.-4-36) The applicant's property is situated along the north side of NYS Route 30 near its intersection with County Road 155. The property is approximately 65.3+/- acres in size. The applicant would like to subdivide the parcel into three (3) new lots with one of the dividing lines being along the power line easement and the other near a stream that runs through the property. The parcels will be 19.58, 27.878 and 7.846 acres in size respectively.

B. April 17, 2013 Meeting:

During its April 17, 2013 meeting, the Town of Mayfield Planning Board began reviewing Mr. Martin's subdivision application. At that time, the Planning Board determined that the following information would need to be provided on a revised subdivision plat prior to the public hearing:

1. A location map should be superimposed in the corner of the subdivision plat.

STATUS: Provided.

2. Based on information found on the US Fish and Wildlife Service's website, the boundaries of an Army Corps of Engineers regulated wetland on the property must be shown on the revised plat.

STATUS: A notation has been made on the subdivision plat indicating that a US Army Corps of Engineers' regulated wetland was plotted on the plat using the US Fish and Wildlife Service's website.

DISCUSSION: County Senior Planner Sean Geraghty pointed out that the wetland on the property has not been officially flagged by staff from the US Army Corps of Engineers. He indicated that the applicant's surveyor simply showed the approximate boundaries of that wetland based on the mapping shown on the US Fish and Wildlife Service's website.

3. If there are any easements on the property, besides the National Grid power line easement that has been shown, they should be identified on the revised plat.

STATUS: There are no other easements identified on the subdivision plat.

4. A notation indicating that all onsite sanitation and water supplies for the facility shall be designed to meet the minimum specifications of the Department of Health should be included on a revised plat.

STATUS: Provided.

5. The Planning Board would like confirmation from the NYSDEC that the underground tanks, previously known to be located on Lot #3 in the proposed subdivision, have been satisfactorily removed.

STATUS: In a letter dated April 30, 2013, the applicant's representative, David Schweizer, Roohan Realty, indicates that the NYSDEC's Warrensburg Office could not confirm that tanks were ever removed from the property. He also notes in his letter that NYSDEC has no record of any spills at this location. Mr. Schweizer asked the Planning Board to consider allowing a note to be placed on the subdivision plat indicating that the buyer of Lot #3 must conduct a Phase I Environmental Survey to find out if the tanks have been removed from the site.

DISCUSSION: Mr. Geraghty indicated that by including a note on the final subdivision plat indicating that a Phase I Environmental Survey will be needed for Lot #3, the potential buyer will know that there will be an additional cost associated with developing the parcel. After a brief discussion, there was a general consensus among Board members that placing a note on the final subdivision plat regarding the tanks would be acceptable.

The Planning Board then talked briefly about the access to an adjacent cemetery property. Town Code Enforcement Officer Mike Stewart indicated that he spoke with Town Superintendent of Highways Mel Dopp regarding this issue. He indicated that Mr. Dopp does not want an easement over the applicant's property because there is no way into the site given the physical conditions on the property. He indicated that Mr. Dopp feels that the existing access to the property off of County Highway 155 should be sufficient.

Planning Board Member Rick Simmons indicated that he understood the Town's continued access to the cemetery should have no bearing on this particular subdivision application. However, he pointed out that if the property that sits in front of the cemetery plot is ever sold or the ownership is transferred to another family member, there could be an issue with the Town continuing to have access to the property.

Mr. Geraghty indicated that if there is a permanent access over that property that has been granted to the Town to maintain the cemetery,

it should not make a difference who owns the property. He also indicated that there may be State regulations that prohibit a property owner from preventing individuals or municipalities from gaining access to a cemetery plot. Eventually, the Planning Board decided that if any commercial development takes place on the applicant's site, then the Planning Board could address this issue with a developer at that time.

C. Public Hearing:

1. The public hearing was opened at 6:38 P.M.

2. Speakers:

Mr. Geraghty indicated that he received an e-mail earlier in the day from the NYSDOT indicating that any future development on the lots within this subdivision will require a driveway access to be away from the intersection of NYS Route 30 and County Road 155.

Mr. Simmons asked if the existing curb cuts on Lot #3 in the proposed subdivision could be used?

Mr. Geraghty explained that those curb cuts have been established for an undeveloped lot. He indicated that if the property is developed for commercial purposes, DOT may need to issue a new permit for a commercial driveway access on a State road. He explained that, at that time, NYSDOT may request that the existing driveway access be closed off and it be moved further away from the intersection.

3. The public hearing was closed at 6:41 P.M.

D. State Environmental Quality Review:

During its April 17, 2013 meeting, the Town of Mayfield Planning Board classified the proposed project as an Unlisted Action and proposed that it serve as the Lead Agency for the purpose of issuing a determination of significance under SEQR. The NYSDEC and the US Army Corps of Engineers were given until Monday, May 13, 2013 to respond to the Planning Board's proposal.

STATUS: In a letter dated April 25, 2013, the NYSDEC agreed with the Town of Mayfield Planning Board's proposal to act as the Lead Agency for this project. NYSDEC notes that any disturbance of more than one (1) acre of total land will require a SPEDES General Permit for

Stormwater Discharges from Construction Activities. The NYSDEC also notes that the project is located in a general area known to contain archeological resources and that any future development on the property would require a consultation with the NYS Office of Parks, Recreation and Historic Preservation to determine if there are any impacts on cultural resources.

The NYSDOT sent an e-mail to the Fulton County Planning Department on Wednesday, May 15, 2013, indicating that any future driveways for the subdivided parcels will need to be away from the County Route 155 and NYS Route 30 intersection.

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

MADE BY: Jerry Moore

SECONDED: Rick Simmons

VOTE: 4 in favor,

In accordance with the SEQR Implementing Regulations, the Lead Agency must determine the significance of the action within twenty (20) calendar days of its establishment as Lead Agency or within twenty (20) calendar days of its receipt of all information it may reasonably need to make the determination of significance. Does the Planning Board feel that it has enough information to issue its determination of significance under SEQR for this proposed action?

MOTION: To file a negative declaration under SEQR for this proposed action since:

1. There is sufficient acreage available to create three (3) new commercial building lots along NYS Route 30.
2. Public utilities are readily available to service each of the three (3) new building lots.
3. Although there is a federally-designated wetland on Lot #2 in the proposed subdivision, there is significant acreage available for commercial development on the site that will make it unnecessary to have any construction take place within or near the wetland boundaries.
4. Commercial development of each of the three (3) parcels will not likely increase the average annual daily traffic (AADT) volumes along this NYS Corridor.

MADE BY: Rick Simmons
SECONDED: John Kessler
VOTE: 4 in favor, 0 opposed

E. Planning Board Action:

In accordance with the Town of Mayfield Subdivision Regulations, the Planning Board shall approve, with or without modifications, or disapprove the subdivision plat within sixty-two (62) days after the public hearing.

MOTION: To conditionally approve James R. Martin, Sr.'s subdivision application for a piece of property along NYS Route 30 with the following stipulations:

1. A note must be placed on the final subdivision plat indicating that the buyer of Lot #3 must conduct a Phase I Environmental Survey to find out if the underground tanks previously known to exist on the site have been removed.
2. As stipulated by the NYSDOT, driveway locations for any future development on any of the three (3) lots will need to be away from the intersection of NYS Route 30 and County Road 155.
3. Any future development on these three (3) parcels will require a consultation with the NYS Office of Parks, Recreation and Historic Preservation to determine if there are any impacts on cultural resources.

MADE BY: Rick Simmons
SECONDED: Jerry Moore
VOTE: 4 in favor, 0 opposed

IV. OTHER BUSINESS:

A. Code Enforcement Update:

1. Paradise Point Project:

Mr. Stewart indicated that the final subdivision plat for the Paradise Point Project has been signed by last year's Planning Board Chairwoman Marilyn Salvione. Board members held a brief discussion concerning the applicant's ability to erect a shell of a home on the site in order to market the new development.

Mr. Geraghty pointed out that the Adirondack Park Agency's permit stipulates that no certificate of occupancy can be issued for any building in this development until all infrastructure and utilities have been installed. He pointed out that there is nothing in the permit preventing the applicant from erecting a building to use as a model home.

2. Bombard Subdivision:

Mr. Stewart indicated that he received an engineered septic system design for the Bombard Subdivision that was conditionally approved by the Planning Board during its April 17, 2013 meeting. He indicated that he is still waiting on the applicant's engineer to provide him with a copy of the pit test results for the site.

3. Dollar General Store:

Mr. Stewart indicated that site work on the Dollar General store has begun. He indicated that he expected the company to approach him in the near future for a building permit for the new store.

Mr. Simmons commented that he drove by the site and thought the contractors had already begun digging the footings for the building.

4. Lasky Zoning Change Request:

Mr. Stewart explained that he recently had a conversation with Charles Lasky concerning his zoning change request that was discussed by the Planning Board during its March 20, 2013 meeting. Mr. Stewart indicated that he explained to Mr. Lasky that a welding and fabrication business on the property would require an industrial classification and would not be allowed in a commercial zone. Mr. Stewart indicated that Mr. Lasky has now abandoned the idea of opening a welding and fabrication business but would still like to be able to continue operating his marina and would like to operate a boat repair and car repair shop on the property.

Planning Board Chairman Robert Phillips asked how big Mr. Lasky's property was?

Mr. Stewart indicated that the property is approximately 2.5 acres in size. He indicated that he suggested to Mr. Lasky that his property be rezoned L-2 and not C. He showed Board members on the Town's Zoning Map that Mr. Lasky's property is the only one along that stretch of the lake that is not zoned as L-2.

Mr. Phillips asked if Mr. Lasky intends to construct another building on the site?

Mr. Stewart indicated Mr. Lasky does intend to construct another building.

There was then a brief discussion concerning how many buildings Mr. Lasky can have on his property.

Mr. Moore pointed out that, during the summer months, the marina uses portions of the Hudson River Black River Regulating District taking lands that are adjacent to his property.

Mr. Simmons indicated that he would like to help Mr. Lasky continue to operate this business along the Lake.

After several more minutes of discussion concerning his existing operation, the Planning Board decided to recommend to the Town Board that Mr. Lasky's property be rezoned to an L-2 classification.

Mr. Stewart indicated that he felt the L-2 classification would be acceptable to Mr. Lasky.

MOTION: Recommending that the Town Board rezone Charles Lasky's property (Tax Map Parcel 121.-2-3) on Griffis Road from its present L-1 classification to an L-2 classification.

MADE BY: Rick Simmons

SECONDED: John Kessler

VOTE: 4 in favor, 0 opposed

Mr. Phillips asked if this recommendation could be included on the Town Board's meeting agenda the following night?

Mr. Geraghty indicated that he would get a letter over to Mr. Stewart on the next day so that if the Town Board wished to discuss this issue it would have the Planning Board's response.

B. Chairman's Update:

Mr. Phillips indicated that he had no issues to report to the Board. He did, however, indicate that he may not be able to attend the June meeting due to a prior commitment.

C. Training:

Mr. Geraghty indicated that, on Tuesday, May 21, 2013, the Fulton County Planning Board will begin discussing topics for this year's training sessions at Fulton-Montgomery Community College (FMCC). He indicated that the County Planning Board members will be looking at the State Department Division of Local Government Services' Course Offerings and discussing which courses to offer this fall. Mr. Geraghty told Board members that if they have any topics they would like included on the list of courses to be considered by the County Planning Board to let him know.

D. Work Place Violence Prevention Training:

At this time, the Planning Board decided to close the meeting so that Town Code Enforcement Officer could conduct a Work Place Violence Prevention Training session.

V. CLOSE OF THE MEETING:

MOTION: To close the meeting at 7:05 p.m.

MADE BY: Jerry Moore

SECONDED: Rick Simmons

VOTE: 4 in favor, 0 opposed