

**TOWN OF MAYFIELD PLANNING BOARD
SEPTEMBER 15, 2021
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
RALPH DESIDERIO, ALTERNATE**

**DAMON CURLEY, CODE ENFORCEMENT OFFICER
SEAN M. GERAGHTY, CONSULTANT
AARON ENFIELD, SR. PLANNER**

OTHERS PRESENT:

**PENNY SZCEMOUVSKI
DAWN VUNK
DENNIS VUNK
CHRISTIN GOUSSENS
DON HENDERSON
CATHY STEARNS
PETE STEARNS
JOSHUA WADSWORLT
MICHELLE KAPLAN
JACK PUTMAN
CHRIS AND BARB MONAHAN
BOB JOHNSON
JIM AND THERESA COREY
JAMIE, LANE, KALEI WINNEY
JEFF MARTIN
RAUCH
RYAN AND ANNALESE SPIKEN
BILLIE JOE BRADY
FRANK DYBAS
KEVIN BRUCE
KARAN BRUCE
DOROTHY AND PAUL BAUM**

I. CALL MEETING TO ORDER:

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

II. APPROVE MINUTES OF LAST REGULAR MEETING:

DISCUSSION: Minutes to the August 18, 2021 meeting were not available.

III. LANE AND KALIE WINNEY – SPECIAL PERMIT FOR RV PARK ALONG WOODS HOLLOW ROAD AND NYS ROUTE 30:

(NOTE: County Planning Consultant Sean Geraghty reminded everyone that there is no public hearing scheduled this evening on the Winney application. He stated that the State Environmental Quality Review process is still ongoing with all Involved Agencies having until September 27 to respond to the Planning Board's request to be the Lead Agency. He indicated that, during this evening's meeting, the Planning Board will be looking at several issues that were brought up during last month's meeting and will offer the Applicant's engineer feedback on each of those particular issues.)

A. Background:

Lane and Kalei Winney are proposing construction of a Recreational Vehicle Park Campground on approximately 83.4+/- acres of commercially zoned land located in the Town of Mayfield (Tax Map Parcel Nos. 137.-4-51, 137.-4-52, 137.-4-54.11, 137.-4-55, and 137.-4-056).

The purpose of the project is to provide a destination recreational vehicle park and campground experience on the Great Sacandaga Lake. The project consists of campgrounds with RV lots, Glamping, and Tents. Proposed amenities include restroom/shower facilities, playground, picnic pavilions, swimming pool, amphitheater, boat rental, dock system, boat slips, boat launch, and beach access.

The project area is located on the north side of State Highway 30 and south of Woods Hollow Road in the Town of Mayfield. The facilities will include RV lots, RV stands, street systems, driveway, parking, utilities and service facilities, open space, and landscaping. The two points of access are the main entrance on Woods Hollow Road and a secondary controlled access at the existing entrance on State Highway 30.

B. August 18, 2021 Meeting:

During its August 18, 2021 meeting, the Town of Mayfield Planning Board began reviewing Lane and Kalei Winney's Special Permit application for an RV Park along Woods Hollow Road and NYS Route 30. At that time, the

Planning Board asked that the following information be provided on a revised submittal:

1. A color-coded drawing depicting all of the components and amenities shown on Drawing 3 of the Site Plan package should be provided.

STATUS: Provided.

DISCUSSION: Planning Board members felt that the color-coded drawing provided a better perspective of the overall project.

2. Elevation drawings for all buildings on the property will need to be provided.

STATUS: Photos showing representative architecture for the various buildings throughout the proposed RV Park have been included with the revised submittal.

DISCUSSION: Travis Mitchell, P.E. explained to Board members that, while his client has yet to hire an architect for the project, he wanted to give Planning Board members a feel for the texture, style, colors etc. to be used on the buildings that will be constructed throughout the RV Park. The Planning Board had no comments or questions concerning the representations that were provided.

3. The number of dumpster locations to be provided on the project site should be noted.

STATUS: Dumpster locations have been shown at each of the bath houses. There are a total of eight (8) dumpsters shown throughout the site.

DISCUSSION: The Planning Board had no further comments regarding dumpster locations.

4. The plan for providing power throughout the project site will need to be shown on the Utility Plan.

STATUS: ?

DISCUSSION: Mr. Mitchell explained that, as part of the next submittal, a complete Utility Plan showing the layout of power throughout the RV Park will be provided.

5. The Landscaping Plan and planting schedule for the site needs to be provided.

STATUS: Two (2) landscaped buffer areas are shown along Woods Hollow Road and a planting schedule has been provided on Sheet 14 of 16.

DISCUSSION: Planning Board Member Jerry Moore pointed out that, when this application is referred to the Fulton County Planning Board, the Town Planning Board is likely to receive a recommendation that includes very detailed landscaping suggestions.

Mr. Geraghty agreed and noted that the County Planning Board has a history of providing very detailed recommendations on Landscaping Plans, especially when the landscaping is being used as a buffer. Mr. Geraghty suggested that the Planning Board withhold any further comments regarding the Landscaping Plan until after a recommendation is received from the County Planning Board.

Planning Board members felt that this was the right way to address the issue.

6. Some type of visual analysis must be provided that shows what the RV Park will look like from several vantage points along NYS Route 30 and Woods Hollow Road.

STATUS: Two (2) landscaped buffer areas have been shown on a revised Site Plan drawing. A visual simulation has been provided for one vantage point along Woods Hollow Road.

DISCUSSION: Mr. Moore stated that he felt the bigger question is going to be how the project is screened from NYS Route 30.

Planning Board Member Rich Miles agreed and stated that he would also like to see a visual analysis from different vantage points along Route 30.

Mr. Mitchell stated that he could provide a visual analysis in both directions along NYS Route 30. He asked if the visual analysis for Woods Hollow Road was sufficient or whether the Planning Board wanted additional location points along Woods Hollow Road? He noted that the viewshed along Woods Hollow Road is fairly consistent, so he attempted to provide the Planning Board with a standard visual analysis that will be fairly representative of the whole length of road. After a brief discussion, the Planning Board felt that the visual analysis for Woods Hollow Road would be sufficient for the moment. However, the Board asked that additional visual analyses be provided from viewsheds along Route 30.

Planning Board Member Aaron Howland expressed a concern that individuals may not only park along Route 30, but also along Woods Hollow Road and walk in and out of the campsite rather than entering the campsite through the gates. He suggested that some type of wire fencing be provided along the property lines so that individuals are discouraged from parking on the road. He stated that he felt the fencing could run

along the wood line and would not interfere with the landscaping that has been proposed for the project.

Mr. Miles asked if there will be signage along Route 30 advertising the RV Park?

Mr. Mitchell stated that a sign package will eventually be put together for the project.

Town Superintendent of Highways Jeff Martin indicated that he would be in favor of the Applicant providing fencing along Woods Hollow Road. Mr. Martin stated that he currently has a problem on Paradise Point Road with vehicles parking along that Town road.

Mr. Mitchell stated that he was hoping that the density of plantings along Woods Hollow Road would discourage individuals from parking along the road and attempting to walk into the campsite, but he stated that he would discuss the fencing issue with his clients.

7. Some type of barrier will need to be considered along the NYS Route 30 right-of-way for safety purposes.

STATUS: The Applicant is proposing to install a 4' high NYSDOT right-of-way style fence along the NYS Route 30 right-of-way.

DISCUSSION: Mr. Miles confirmed that this is where his bigger concern with public safety lies. He stated that he felt it was extremely important that some type of physical barrier be provided that separates the Route 30 Corridor from the Park.

Planning Board Chairman John Kessler asked if the ravine along Route 30 would hamper any efforts to install fencing?

Mr. Howland briefly talked about the topography along the Route 30 Corridor and felt that some type of fencing could be provided.

Mr. Miles asked Mr. Mitchell to describe the type of fencing that is being proposed?

Mr. Mitchell explained that the fencing that is shown on the specification sheets is a 4' high wire fence that is unobtrusive but, at the same time, provides a physical barrier along the Corridor.

Mr. Miles asked if additional plantings will be provided along the Route 30 Corridor?

Mr. Mitchell stated that, for the moment, his client is not proposing any additional landscaping along the Corridor.

8. The Planning Board asked the Applicants to examine the location of a secondary access point for the RV Park that will meet the Town's standards.

STATUS: The Applicants have provided two (2) new access points for a total of three (3) access points to the proposed Park. One of the new access points is further south along NYS Route 30 just south of its intersection with Sand Hill Road, while the other access point is along Woods Hollow Road just west of the National Grid power transmission corridor.

DISCUSSION: Mr. Mitchell talked about the new access points that are shown for the RV Park. He pointed out that the access point along Route 30 would utilize an existing curb cut. He indicated that the updated traffic study for the project confirmed that there are adequate sight distances to use that location. He explained that the third access point will be along Woods Hollow Road between the main access to the RV Park and the sales office.

Mr. Howland expressed his concern with the main access being located on Woods Hollow Road. He stated that he recently hooked a trailer to his vehicle and attempted to maneuver the turn at the intersection of Woods Hollow Road and NYS Route 30. He stated that it was very difficult to maneuver around that corner and pointed out that Woods Hollow Road is extremely narrow.

Mr. Geraghty asked Town Superintendent of Highways Jeff Martin if he had any concerns regarding the use of Woods Hollow Road for RV traffic?

Mr. Martin stated that he does have concerns with RV's using Woods Hollow Road. He indicated that the turning radiuses and the width of the current road are simply not conducive to RV-type traffic.

Mr. Mitchell pointed out that his clients have hired a traffic engineer to put together the traffic analysis for the project and the traffic engineer has found that the intersection is adequate for that type of traffic.

Mr. Miles asked if the main entrance could be moved along Woods Hollow Road closer to the intersection of NYS Route 30 so that RV's are not traveling further down Woods Hollow Road?

Mr. Moore asked if RV's or trailers will be allowed to access the sales area along Woods Hollow Road. He stated that he didn't believe an RV will be able to back out of the sales area driveway and, consequently, RV's may start being left along Woods Hollow Road.

Mr. Mitchell agreed that RV's or trailers will not be able to maneuver into the driveway for the sales office. He stated that he would have a conversation with his client regarding this issue.

Mr. Miles again expressed some concern with the traffic engineer's analysis of the intersection.

9. A metes and bounds survey description of the project site should be provided. Of particular interest to the Planning Board is the former Route 30 right-of-way that passes through the project site, as well as the amount of land available on Parcel 137.-4-51 between the Hudson River Black River Regulating District taking line and the National Grid right-of-way.

STATUS: A certified survey has been provided for the project site.

DISCUSSION: Mr. Moore pointed out that there is a notation on the survey drawing indicating that there is a possibility that New York State or Fulton County may have a right or interest in the former right-of-way property.

County Senior Planner Aaron Enfield indicated that he did a little research at the Real Property Tax Office and found out that all of the property was deeded to the current owners in 2019.

C. State Environmental Quality Review:

During its August 18, 2021 meeting, the Town of Mayfield Planning Board proposed that it serve as the Lead Agency for the purpose of issuing a determination of significance under SEQR. Copies of the preliminary Site Plan drawings, along with the Full Environmental Assessment Form, was forwarded to Other Involved Agencies. Each Agency has been given until Monday, September 27, 2021, to comment on the Town of Mayfield Planning Board's proposal to serve as the Lead Agency or on the project itself.

DISCUSSION: Mr. Kessler asked if a permit had been filed with National Grid to cross its right-of-way?

Mr. Mitchell stated that he is waiting until the plans are more finalized before going through the National Grid permit process.

Mr. Geraghty, again, reiterated that there is no formal action that can be taken this evening by the Planning Board. He stated that six (6) agencies were contacted as part of the State Environmental Quality Review (SEQR) process and only one (1) of those agencies has responded to date.

IV. DRAFT CHANGES TO ITS LOCAL LAW DEALING WITH SHORT-TERM RENTALS:

A. Background:

The Town Board recently hired Granicus, Inc. to monitor short-term rentals in the community. The Town Board has asked that the Planning Board reexamine the provisions of the Town's Short-Term Rental Regulations and offer a recommendation for any amendments to the original Local Law.

During the July 21, 2021 Planning Board Meeting, the Fulton County Planning Department was tasked with looking at the short-term rental law for the Town of Mayfield and drafting language for potential amendments.

B. August 18, 2021 Meeting:

After reviewing the proposed revisions to the Local Law, Planning Board members were asked to consider any additional amendments they would like made to the draft revisions before formalizing a recommendation to the Town Board.

C. Document Review:

PLANNING BOARD DISCUSSION:

(Aaron Enfield, Senior Planner)

1. Google Forms (page 1)

Aaron Enfield indicated that in speaking with Code Enforcement Officer Damon Curley, the Town of Mayfield will not be perusing Google forms for Short term Rental Application process.

2. 509-1 Applicability (page 2)

What Zoning Districts will allow Short-term rentals?

Mr. Enfield indicated that the way the current law is written, all Zoning Districts within the Town of Mayfield allow short-term rentals. Based on previous discussions, the Planning Board has considered narrowing the number of Districts where this type of use will be allowed.

Richard Miles stated that the Town of Mayfield Planning Board should not limit where short-term rentals can be allowed.

Aaron Howland pointed out that if a property in Riceville is zoned Commercial and there are homes in that area, and if the owner(s) wishes to rent their home on a short-term basis, then they should be allowed to.

Ralph Desiderio agreed with Mr. Miles that the Town should not restrict where short-term rentals are allowed.

Sean Geraghty pointed out that this law will not be applicable to Hunting Cabins, which someone may want to rent out during specific seasons.

The Planning Board agreed to allow short-term rentals in every Zoning District.

3. 509 -2 Definitions (4)

Definition of Hotel and Motel – The Planning Board recommends that the updated definition be moved to the current definition(s) section of the Town’s Zoning Law.

Mr. Geraghty pointed out that the current definition within the zoning regulations is sparsely worded and should be replaced.

Mr. Desiderio asked for clarification on where these definitions are located.

Mr. Geraghty indicated that they appear in the draft version of the Short-Term Rental Law, and will be taken out and added to the definition section of the Zoning Law.

The Planning Board agreed with the new definitions and agreed to send them to the Town of Mayfield Town Board as part of the Local Law Amendment.

4. 509-3 General

- Limitations on mass gatherings (page 3)

Mr. Enfield explained that, for discussion purposes, the Planning Department randomly selected the number 24 for what will constitute a mass gathering in the Town of Mayfield.

Mr. Curley made a reference to the Town’s Bed and Breakfast definition.

Mr. Miles indicated that he didn’t believe the Town should police the size of gatherings and stated that, if he wanted to rent Ralph

Desiderio's home for a gathering, the Zoning Law should not dictate the number of individuals he can invite.

Mr. Howland pointed out that it may be a good policy for the Town to encourage the use of porta potties for larger gatherings at short-term rentals. He suggested that some type of language be added to the registration form.

The Planning Board agreed that some type of language should be added to the registration form. On the other hand, the Planning Board did not agree to place a limit on mass gatherings.

- Removal of monetary fines (page 3)

Mr. Geraghty indicated that since the short-term rental regulations are part of the Town Zoning Law, failure to comply with any provisions in those regulations is subject to the fines that are already outlined in the Zoning Law. He explained that the Planning Board may want to establish a separate penalty for violations of the short-term rental regulations.

- Septic systems, holding tanks and wells (page 3)

Mr. Enfield pointed out that he took Mr. Howland's suggestions from his handout from the previous month, and spoke with the Town of Lake George Planning Department regarding the inspection and monitoring of septic systems.

Planning Board Members and Town Code Enforcement Officer Damon Curley held a lengthy discussion on this issue with Mr. Curley stressing the concerns and problems that he is witnessing with overburdened septic systems. He stated that many of the residences are simply being operated as businesses.

Mr. Geraghty agreed with Mr. Curley on the business nature of some of the short-term rentals specifically along the Great Sacandaga Lake. He stated that the Town will need to strictly enforce provisions that ensure the proper functioning of these systems.

The Planning Board also discussed procedures for getting septic systems and wells inspected.

Mr. Enfield suggested that language be written allowing the Code Enforcement Officer to amend occupancy limits for a residence based on the functional capacity of the septic system/holding tank.

- Parking on public roads (page 4)

Mr. Enfield mentioned that, during the August meeting, some concern was raised regarding vehicles being parked on public streets.

Jerry Moore suggested that the language be changed to allow cars to park “along” the property that is being rented.

- Good Neighbor Brochure on website (page 4)

Mr. Enfield pointed out that he was unable to locate the “Good Neighbor Brochure” on the Town’s website. He reiterated that it would be a good idea for renters and rentees to be able to access the document on the Town’s website for better transparency purposes.

Mr. Desiderio mentioned that it was previously on the Town’s website.

- Grandfather Clause

Mr. Enfield noted that, since the Planning Board has decided to allow short-term rentals in every Zoning District, a “Grandfather” clause will not be needed.

5. 509-4 Rental Property Registration Procedures

- Registration (page 6)

The Planning Board was comfortable with the language outlining the short-term rental registration procedures.

6. 509-5 Enforcement and Penalties (page 6)

Mr. Enfield indicated he will be amending the language to include new fine amounts for violations of the Short-Term Rental Law.

7. Section 3 Effective Date (page 7)

The Town of Mayfield Planning Board was happy with the amended language.

8. Online vs. Word of Mouth rentals

Mr. Enfield indicated that he spoke with an individual in the Town of Lake George Planning Department about that community’s Short-Term Rental Regulations. He stated that the individual explained that his office has amended the Regulations several times. He noted that Lake

George also uses Granicus and indicated that they scour over 1000 different websites looking for renters that may not appear on high profile sites such as VRBO or AirBnB. He also mentioned that he spoke with a Code Enforcement Officer for a municipality on Cape Cod, who for decades has had to deal with word-of-mouth rentals. Mr. Enfield inquired how the community addresses these issues. He stated that the Code Enforcement Officer stated that it typically comes down to the nearby neighbors keeping tabs on properties being rented in the neighborhood.

Mr. Curley mentioned that Granicus is not doing their job and the complaints are going nowhere.

Mr. Desiderio mentioned that the program (Granicus) is not working on what they had thought. He also mentioned that the Town needs to decide on what to do.

Mr. Howland mentioned that perhaps the use of social media by the Town could assist in helping with compliance.

Mr. Enfield stated that should the Town see a decline in those registered from previous years, data analysis between years could give the Town an idea of who is still renting their properties and nearby neighbors could be contacted to confirm if residences are still being used as short-term rentals.

Mr. Geraghty indicated that we should be careful about pitting neighbor against neighbor.

Mr. Miles agreed with Mr. Geraghty.

Mr. Enfield mentioned he would look further into this issue.

V. CLOSE OF THE MEETING:

MOTION: To close the meeting at 7:09 p.m.

MADE BY: Richard Miles

SECONDED: Aaron Howland

VOTE: 5 in favor, 0 opposed