

TOWN OF MAYFIELD PLANNING BOARD
JULY 20, 2011
6:30 P.M.
TOWN OF MAYFIELD TOWN HALL
MEETING NOTES

PRESENT:

MARILYN SALVIONE, CHAIRWOMAN
ROBERT PHILLIPS, VICE CHAIRMAN
WALT RYAN
BARNEY BROWER
JERRY MOORE
MALCOLM SIMMONS, ALTERNATE
MICHAEL STEWART, CODE ENFORCEMENT OFFICER
SEAN M. GERAGHTY, SR. PLANNER

I. CALL MEETING TO ORDER:

The meeting was called to order at 6:29 p.m.

II. APPROVE MINUTES OF LAST REGULAR MEETING:

DISCUSSION: Planning Board Chairwoman Marilyn Salvione asked Vice Chairman Robert Phillips to address the approval of the minutes since she was not in attendance during the April 20, 2011 meeting. Mr. Phillips asked if there were any comments or questions from Board members concerning the minutes. There were no comments from Planning Board members.

MOTION: To approve the minutes to the April 20, 2011 meeting.

MADE BY: Walt Ryan

SECONDED: Barney Brower

VOTE: 4 in favor, 0 opposed, 1 abstained (Salvione)

III. SOUTHEAST PRICE CORPORATION – SUBDIVISION ALONG NYS ROUTE 30:

A. Background:

Southeast Price Corporation would like to subdivide a piece of property it owns along the east side of NYS Route 30 in the Town of Mayfield. The property is approximately 11.64 acres in size and the applicant would like to create four (4) new building lots ranging in size from 2.39 acres to 3.33 acres. Access to each of the homes will be along a private driveway off of NYS Route 30.

Duane Rabideau, PLS, representing the applicants, gave Planning Board members a brief overview of the subdivision proposal.

Planning Board Member Barney Brower asked if the cemetery on the property was abandoned. Mr. Rabideau indicated that there are three (3) headstones in the cemetery dating to the 1880's and that he was not sure what the status was.

Planning Board Member Walt Ryan explained that he had some experience dealing with cemetery issues. Mr. Ryan noted that an easement could be provided to the headstones similar to the one shown on the existing plat or the property owner could obtain a court order to move the headstones to another cemetery. Mr. Ryan indicated that the property owner may need to contact the NYS Division of Cemeteries on this matter.

At the conclusion of his presentation, Mr. Rabideau indicated that he believed his client's subdivision proposal is exempt in accordance with the Town's Subdivision Regulations.

Planning Board Chairwoman Marilyn Salvione asked Board members if they felt the proposal was exempt from the Town's Subdivision Regulations. There was a lengthy discussion amongst Board members concerning the intent of the language that appears in the Town's Subdivision Regulations exempting certain property transactions from being considered subdivisions.

Planning Board Member Walt Ryan urged Board members to consider this application a minor subdivision. Otherwise, he pointed out there will be no SEQR conducted on the action and the Planning Board will not have an opportunity to consider the design of the private road that will be used to access all four (4) building lots.

Mrs. Salvione asked Planning Board Vice Chairman Robert Phillips if he thought the proposal was exempt from the Town's Subdivision Regulations? Mr. Phillips indicated that he did not believe the proposal was exempt.

MOTION: To classify the proposal as a minor subdivision and not consider it exempt from the Town's Subdivision Regulations.

MADE BY: Walt Ryan

There was no second to the motion.

Mrs. Salvione suggested that the Board obtain a legal opinion on this issue before proceeding any further.

County Senior Planner Sean Geraghty suggested that the Board authorize him to seek a legal opinion from the Town's Attorney, Carm Greco. At the same time, Mr. Geraghty suggested that the Board begin to review the proposal as a minor subdivision in an effort to keep the application moving forward. Mr. Geraghty explained that if the Town's Attorney determines that the proposal is exempt from the Town's Subdivision Regulations, then he will forward a letter to the applicant indicating that they no longer have to appear before the Board. On the other hand, he explained that if the Town's Attorney feels that the project is not exempt from the Town's Subdivision Regulations, then the process of reviewing the proposal will have been started and can conceivably be concluded during the August 17, 2011 meeting. There was a general consensus among Board members that the proposal should be treated as a subdivision application until such time that the Town Attorney offers an opinion on the matter.

B. Planning Department Review:

Section 502 of the Town of Mayfield Subdivision Regulations outlines the information an applicant is required to submit to the Planning Board on a final plat for a minor subdivision. Upon review of the plat by the Fulton County Planning Department, the following issues have been raised:

1. All existing and proposed property lines, present zoning and building setbacks, easements and right-of-way lines with dimensions, bearings or angle data and curve data.

- Building setback lines have not been clearly identified on the subdivision plat.

DISCUSSION: The Planning Board felt that although the building setback lines have not been labeled, they do appear on the subdivision plat and no further information would need to be provided by the applicant.

- A 25' wide easement for ingress and egress to the properties is shown on the subdivision plat.

DISCUSSION: Mr. Ryan indicated that he would like the applicant to provide a 50' easement for the private road and would like to see it properly designed.

Mr. Rabideau indicated that he felt it was a disadvantage to the Town to have such a wide easement. On the other hand, Mr. Rabideau seemed to understand Mr. Ryan's concern that the road be properly designed. Mr. Ryan suggested that, given the location of the entrance to the private access road along NYS Route 30, the applicant should consider paving the first portion of the private road. Mr. Ryan also indicated that he would like to have the State determine if a culvert is needed beneath the access driveway.

Mr. Geraghty pointed out that he felt these issues could be addressed with the NYS Department of Transportation during the SEQR process.

Planning Board Member Robert Phillips suggested that Town Highway Superintendent Melvin Dopp be included in any correspondence in case he would like to offer an opinion on the design of the private road.

- An access easement for the cemetery plot on Lot #3 in the proposed subdivision is noted. However, it is not clear what the access easement means.

DISCUSSION: Mr. Geraghty suggested that the Office of Parks, Recreation and Historic Preservation be included in the SEQR Coordinated Review of the proposal.

- There is a dirt trail shown along the southern boundary line of Lot #1 and another trail spanning Lots #2 and #3 in the proposed subdivision. However, there is nothing on the plat noting that there is an access easement to go along with the trails.

DISCUSSION: Mr. Rabideau indicated that there would be no corresponding easements for the trails that currently exist on the property.

2. The name and address of the applicant and record owner if different from the applicant.

STATUS: Provided.

3. The bearings, distances and locations of all iron pipes and other survey monuments, such pipes or monuments to be labeled existing or proposed.

STATUS: The iron pipes and granite monuments that were found on the property have been noted on the drawing.

DISCUSSION: The Planning Board was comfortable with the information that was provided regarding the boundaries of the property.

4. All contiguous land owned or under purchase contract or option by the applicant and/or record owner (parcels with large amounts of remaining land may be shown on an insert map at a small scale where appropriate with the permission of the Planning Board).

STATUS: There are no adjacent lands identified as being owned by the applicant.

5. Existing adjacent streets,

STATUS: Provided.

6. Names of owners of all adjacent property.

STATUS: Provided.

7. Location map, legend, scale and north arrow.

STATUS: Provided.

8. Location of existing and/or proposed structures, as well as existing or proposed driveways, culverts, waterlines, electric and telephone utility lines.

STATUS: The location and availability of utilities to service the four (4) new building lots has not been identified.

DISCUSSION: The Planning Board felt that the location of utilities to service the four (4) new building lots should be identified.

9. Location and lines of all existing and intermittent water courses, drainage courses, lakes, ponds, wetlands, streams, 100 year flood plain boundaries, significant stands of trees and other important land features.

STATUS: The tree lines on the property have not been noted.

DISCUSSION: Mr. Rabideau indicated that the entire site is heavily wooded and that the actual tree line extends beyond the property boundaries. The Planning Board felt that no additional information regarding this issue would need to be provided.

10. Contour lines with intervals of no more than 5' for housing envelope and driveway.

STATUS: Provided.

DISCUSSION: The Planning Board was comfortable with the 5' contour intervals shown on the subdivision plat.

11. Proposed use of each lot.

STATUS: The Short Environmental Assessment Form indicates that each of the proposed lots is for residential use.

12. The location of existing or proposed water wells (with proof of potable water supply) and septic systems (with percolation tests and any site modifications necessary for the installation of the system).

STATUS: Proof of a potable water supply for each of the lots has not been included with the subdivision plat.

DISCUSSION: Mr. Geraghty asked if any wells had been drilled on the site. Mr. Rabideau indicated that he did not believe any of the wells had been drilled.

13. The name, address, signature and seal of the professional engineer and/or surveyor duly licensed by the State of New York.

STATUS: The subdivision plat drawing has not yet been stamped.

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: The Planning Board felt that the Short Environmental Assessment Form had been completed adequately.

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 Review with other Involved Agencies, it must, as soon as possible, transmit Part I 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 propose 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 25 calendar days to comment on the proposed action or the Town Planning Board's proposal to act as Lead Agency.

MADE BY: Barney Brower
SECONDED: Walt Ryan
VOTE: 5 in favor, 0 opposed

C. Planning Board Action:

According to the Town of Mayfield Subdivision Regulations, the Planning Board must, within thirty (30) days of its receipt of a satisfactory final plat, schedule and hold a public hearing in accordance with the requirements of Section 276 of the Town Law of New York State.

MOTION: To schedule a public hearing on Southeast Price Corporation's subdivision along NYS Route 30 for 6:30 p.m., Wednesday, August 17, 2011.

MADE BY: Marilyn Salvione
SECONDED: Walt Ryan
VOTE: 5 in favor, 0 opposed

IV. REVIEW OF REVISED DRAFT LAND SUBDIVISION REGULATIONS:

A. Highlights:

- Moved definitions to Article III in the document.
- Simplified the submittal requirements for the pre-application review process.
- Added a section on Lot Line Amendments.
- Clarified the submittal requirements for review of minor subdivisions.
- Simplified the review process for major subdivisions.

(Note: There are no design standards in the existing Town of Mayfield Land Subdivision Regulations and none have been added to the revised document.)

DISCUSSION: Mr. Geraghty briefly reviewed some of the amendments that he made to the Town of Mayfield's land subdivision regulations. Mr. Geraghty encouraged Board members to review the document so that it can be discussed at next month's meeting.

There was a brief discussion concerning the idea of including design standards in either the Subdivision Regulations or the Site Plan Regulations that are found in the Town's Zoning Law. Mr. Geraghty suggested that he bring some examples of design standards to the Board's next meeting so that the Board can determine if it would like to have this type of language added to the Town of Mayfield Land Subdivision Regulations.

V. OTHER BUSINESS:

A. Lakeview Village at Paradise Point Update:

Mr. Geraghty indicated that he had a brief discussion with Travis Mitchell, P.E. regarding the Lakeview Village at Paradise Point Subdivision Project. Mr. Geraghty stated that Mr. Mitchell informed him that he was still waiting on a Health Department letter. He indicated that his client has drilled an extra well at the Health Department's request and that analysis of the results is still ongoing at the State level.

B. Code Enforcement Update:

Town Code Enforcement Officer Mike Stewart distributed a copy of his monthly report to the Board. (See attached report.) He asked the Board to examine the two (2) new applications he prepared and offer comments at next month's meeting.

There was then a lengthy discussion concerning the definition of building height that is found in the Town's Zoning Law. Board members indicated that they would consider this issue over the course of the next month. Mr. Geraghty suggested that Mr. Stewart offer Board members an option that is easier to enforce than the existing language.

There was then a brief discussion between Mr. Stewart and Board members concerning the definition of a home occupation in the Town's Zoning Law.

Mr. Stewart also pointed out that County Planning Director James Mraz will be coming to the next Comprehensive Plan Committee meeting to discuss how his department can assist the Town with updating its Comprehensive Plan.

Finally, Mr. Stewart indicated that Mary O'Dell from the Adirondack Park Agency would be giving a talk on wetlands at Town Hall. He indicated he would get the exact date and time for Board members.

VI. CLOSE OF THE MEETING:

MOTION: To close the meeting at 7:48 p.m.

MADE BY: Barney Brower

SECONDED: Walt Ryan

VOTE: 5 in favor, 0 opposed