

**TOWN OF MAYFIELD PLANNING BOARD  
DECEMBER 19, 2018  
6:00 P.M.  
TOWN OF MAYFIELD TOWN HALL**

**MEETING NOTES**

**PRESENT:**

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

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

**OTHERS PRESENT:**

**CHARLES ACKERBAUER, P.E.  
LYNDA MARINO**

**I. CALL MEETING TO ORDER:**

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

**II. APPROVE MINUTES OF LAST REGULAR MEETING:**

MOTION: To approve the minutes to the November 14, 2018 meeting.

MADE BY: Aaron Howland

SECONDED: Adam Lanphere

VOTE: 5 in favor, 0 opposed

### **III. RUSSELL ZIEMBA AND LYNDA MARINO – SUBDIVISION ALONG NYS ROUTE 30:**

#### **A. Background:**

Russell Ziemba and Lynda Marino own a piece of property along the west side of NYS Route 30 in the Town of Mayfield (Tax Map Parcel No. 152.-5-36). The property is approximately 47.6+/- acres in size and there is currently a single-family residence on the property. The applicants would like to subdivide the property into two (2) equal sized parcels that are each 23.8+/- acres in size in order to create an additional building lot.

#### **B. Code Enforcement Office/County 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 are no topographic features shown on the subdivision plat.

DISCUSSION: Planning Board Chairman John Kessler stated that the applicant's property is relatively flat.

Charlie Ackerbauer, P.E., representing the applicants, confirmed that there is very little elevation change from one end of the property to the other.

Mr. Kessler indicated that he did not feel topographic features needed to be shown on the subdivision plat and the rest of the Board members agreed.

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

STATUS: Provided.

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

STATUS: Provided.

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 identified on the subdivision plat.

DISCUSSION: Charlie Ackerbauer indicated that it was too late in the season to get percolation tests on the property. He expressed some confidence that the type of soils on his client's property would pose no problem for designing a septic system.

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

STATUS: A drainage easement to the State of New York is shown along the southern boundary line of Lot #1 in the proposed subdivision.

DISCUSSION: Ms. Marino indicated that the easement allowed New York State to drain its roadside ditch towards the back of her property.

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: Provided.

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: A north arrow needs to be included on the subdivision plat.

DISCUSSION: Mr. Ackerbauer indicated that he would add a north arrow to the final plat.

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

STATUS: Provided.

13. It is the policy of this state and this community to conserve protect and encourage the development and improvements of agricultural land for the production of food and other products and also for its natural and ecological value. This disclosure notice is to inform prospective residents that farming activities occur within the Town. Such activities may include but not be limited to activities that cause noise, dust and odors.

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: 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) of 6 NYCRR states that, when a single agency is involved, the agency will be the lead agency when it proposes to undertake, fund or approve a Type 1 or Unlisted Action that does not involve another agency. If the agency has received an application for funding or approval of the action, it must determine the significance of the action, within twenty (20) calendar days of its receipt of the application, an Environmental Assessment Form or any additional information reasonably necessary to make that determination, whichever is later. Therefore, does the Planning Board wish to issue a Determination of Significance under SEQR at this time?

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

1. There is sufficient acreage available to create one (1) additional building lot.
2. There will be no traffic impacts resulting from the proposed action.
3. Public utilities are readily available to service the new building lot.

MADE BY: Jerry Moore  
SECONDED: Aaron Howland  
VOTE: 5 in favor, 0 opposed

D. Planning Board Action:

Section 1008(B) of the Town of Mayfield Zoning Law indicates that the Planning Board shall hold a public hearing on a subdivision application within sixty-two (62) days from the time the Planning Board determines that the preliminary plat is complete. Consequently, does the Planning Board feel that enough information has been provided by the applicant to schedule a public hearing on the subdivision application?

MOTION: To schedule a public hearing on Russell Ziemba and Linda Marino's subdivision application for a piece of property along NYS Route 30 for 6:00 p.m., Wednesday, January 16, 2019.

MADE BY: Adam Lanphere  
SECONDED: Richard Miles  
VOTE: 5 in favor, 0 opposed

**IV. PATRICK EMRICK – UPDATE ON SUBDIVISION ALONG DIAMOND HILL ROAD AND CHRISTY ROAD:**

A. Background:

Patrick Emrick owns a piece of property at the intersection of Diamond Hill Road and Christie Road in the Town of Mayfield (Tax Map Parcel No. 88.-1-16). The applicant's property is approximately 90+/- acres in size. He would like to subdivide the parcel into four (4) building lots ranging in size from 5.33+/- acres to 69.69+/- acres. There is already an existing home on Lot #3 in the proposed subdivision which is 9.16+/- acres in size.

B. March 21, 2018 Meeting:

During its March 21, 2018 meeting, the Town of Mayfield Planning Board held a public hearing on Patrick Emrick's subdivision application for a piece of property along Diamond Hill Road and Christie Road in the Town of Mayfield. Following the public hearing, the Planning Board approved Mr. Emrick's subdivision application. Since that time, the applicant has been awaiting for final approval of the subdivision application from the Adirondack Park Agency (APA). The APA has finally completed its review and has required a few minor amendments to the subdivision plat.

(Charles Ackerbauer, P.E.)

DISCUSSION: Mr. Charles Ackerbauer, P.E., representing the applicants, noted that the APA asked for several additional pieces of information on the subdivision plat that was previously approved by the Town of Mayfield Planning Board. He pointed out that none of the property lines for the four (4) building lots were changed. He did, however, indicate that the APA wanted additional information on driveway stabilization, the location of tree lines, notations regarding underground power, septic system separation distances and soils testing etc.

After a brief discussion, the Planning Board felt that there were no further actions required by the Board.

Mr. Ackerbauer provided copies of the revised drawings to be signed by Planning Board Chairman John Kessler.

**V. PUTHAVEN FARMS – SPECIAL PERMIT FOR MINING OPERATION ALONG SAND HILL ROAD:**

A. Background:

Puthaven Farms owns a piece of property along Sand Hill Road in the Town of Mayfield (Tax Map Parcel No. 136.-3-24.111). The property is

approximately 40.8+/- acres in size. Puthaven Farms would like to conduct a mining operation in the southwest corner of the property. The mining operation will encompass approximately 2.3 acres of the site.

(NOTE: Planning Board Member Aaron Howland indicated that he would be abstaining from participating in the review of this application.)

B. May 16, 2018 Meeting:

During its May 16, 2018 meeting, the Planning Board continued its review of Puthaven Farms' Special Permit application for a mining operation along Sand Hill Road. At that time, the Planning Board asked that several additional pieces of information be provided prior to the public hearing. The Planning Board subsequently scheduled a public hearing on the Special Permit application for Wednesday, June 20, 2018. The public hearing on this application was eventually withdrawn after the Town Code Enforcement Office learned that the NYS Department of Environmental Conservation (NYSDEC) previously determined that the application for a Mined Land Reclamation Permit was incomplete.

C. State Environmental Quality Review:

The Town of Mayfield Code Enforcement Office has been in contact with NYSDEC concerning this application. The Code Enforcement Office received e-mails from NYSDEC on October 25<sup>th</sup> and 26<sup>th</sup> outlining the status of the Puthaven Farms' application and requesting comments from the Planning Board concerning SEQR Lead Agency status. The Planning Board was also informed that Puthaven Farms still has to provide additional technical information to the State before it will continue its review of the permit application.

During its November 14, 2018 meeting, the Planning Board discussed the coordination of the SEQR process by the NYS Department of Environmental Conservation (NYSDEC). The Planning Board authorized a letter to NYSDOT concurring with NYSDEC's proposal to serve as Lead Agency. The Planning Board noted in its correspondence back to NYSDEC that the applicants will need to provide additional landscaping along Sand Hill Road and along the entrance driveway to the mine in order to screen this project from adjacent properties and from travelers along Sand Hill Road.

D. December 14, 2018 DEC Notice of Complete Application:

In a letter dated December 14, 2018, the Town of Mayfield was notified by NYSDEC that Puthaven Farms' application for a mining operation along Sand Hill Road is complete. However, the Agency noted that the application has not yet been approved. The letter goes on to explain that the Town's Chief Executive Administrative Officer has thirty (30) days to comment on the following specific issues relating to the application:

1. Appropriate setbacks from property boundaries or public thoroughfare rights-of-way.
2. Manmade or natural barriers designed to restrict access if needed and, if affirmative, the type, length, height and location thereof.
3. The control of dust.
4. Hours of operation.
5. Whether mining is prohibited at the project location.

The letter also notifies the Town that the NYSDEC has determined that the proposed action will pose no significant environmental impacts and has filed a negative declaration for the project. Since the Planning Board's original public hearing date on the Special Permit application was postponed because the NYSDEC considered the application incomplete, does the Planning Board wish to now reschedule a date for the public hearing?

DISCUSSION: Mr. Geraghty asked if there were any other issues that the Planning Board would like to see addressed before scheduling a public hearing on the Puthaven Farms' Special Permit application?

Planning Board Member Jerry Moore asked if the applicant, Roger Putman, wanted the Board to schedule a public hearing?

Town Code Enforcement Officer Mike Stewart explained that Mr. Putman has been into his office after every Planning Board meeting since May asking for a status update on his application. Mr. Stewart stated that Mr. Putman will be responsible for notifying adjacent property owners if the Planning Board decides that a public hearing should be scheduled for its January 2019 meeting.

MOTION: To schedule a public hearing on Puthaven Farms' Special Permit application for a mining operation along Sand Hill Road for 6:00 p.m., Wednesday, January 16, 2019.

MADE BY: Jerry Moore

SECONDED: Adam Lanphere

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

## **VI. OTHER BUSINESS:**

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

Mike Stewart explained that there is an individual interested in opening up a coffee shop next to Fritz's Pizza on NYS Route 30. He indicated that the individual has been discussing his project for quite some time



and he expected a formal application to be brought before the Planning Board in the near future.

Mr. Stewart explained that Cristian Klueg is in the planning stages of putting together a residential project behind his real estate office on NYS Route 30 that would involve the construction of two (2) 4-unit townhouses.

Several Planning Board members asked for a status update on Borrego Solar's Solar Farm project along NYS Route 29. Mr. Geraghty pointed out that the Special Permit application was forwarded to the County Planning Board for a review under Section 239-m of the General Municipal Law on November 20, 2018. Mr. Geraghty explained that there was a lengthy discussion concerning the types of plantings and landscaping that could be put together for the project in order to provide adequate screening. He indicated that, if anyone is interested, a record of those discussions can be found in the County Planning Board's minutes to that meeting. However, in the end, he noted that the County Planning Board felt that the project could not be adequately screened and would change the rural Adirondack character of the community. Furthermore, the County Planning Board was not comfortable with the fact that the project would take productive agricultural farmland, that is located in an Agricultural District, out of agricultural production. Therefore, the County Planning Board recommended that the Special Permit application not be approved.

There were then several minutes of discussion concerning how the County Planning Board's decision could impact the Town Planning Board's review of the application. Mr. Stewart pointed out that Mike Doud, Borrego Solar, contacted both Mr. Geraghty and himself concerning the project. He stated that Mr. Doud did not give much of an indication as to whether or not the company will continue to pursue the Special Permit application. There were several additional minutes of speculation amongst Board members about the applicant's potential pursuit of this project.

#### B. Training:

Mr. Geraghty explained that Fulton-Montgomery Community College (FMCC) just got back to his office earlier in the day about reserving the Theater for the 2019 training sessions. He indicated that the training sessions are tentatively set for February 27<sup>th</sup>. He stated that topics for the training sessions are still being discussed and will be finalized with the Office of Local Government Services in the near future.

**VII. CLOSE OF THE MEETING:**

MOTION: To close the meeting at 6:25 p.m.

MADE BY: Adam Lanphere

SECONDED: Richard Miles

VOTE: 5 in favor, 0 opposed