

**TOWN OF MAYFIELD PLANNING BOARD
JUNE 17, 2020
6:00 P.M.
TOWN OF MAYFIELD TOWN HALL**

MEETING NOTES

PRESENT:

**JOHN KESSLER, CHAIRMAN
AARON HOWLAND, VICE CHAIRMAN
RICHARD MILES
FREDERICK CASTIGLIONE, ALTERNATE
RALPH DESIDERIO, ALTERNATE**

**SEAN M. GERAGHTY, CONSULTANT
DAMON CURLEY, CODE ENFORCEMENT OFFICER**

OTHERS PRESENT:

**JACK PUTMAN
ROGER PUTMAN
TYLER PUTMAN**

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 January 15, 2020 meeting.

MADE BY: Aaron Howland

SECONDED: Richard Miles

VOTE: 5 in favor, 0 opposed

III. ROGER PUTMAN – SITE PLAN AMENDMENT FOR EQUIPMENT SALES BUSINESS:

A. Background:

Roger Putman owns a piece of property along both the north and south sides of NYS Route 29 in the Town of Mayfield between Progress Road and the Johnstown Town line (Tax Map Parcel No. 150.-3-57). The property is approximately 69 acres in size and is zoned under a C-1 Commercial classification. In 2013, Mr. Putman received a Site Plan approval for an equipment sales business that involved running the operation out of an existing office on the property and creating two (2) display areas for the equipment sales. One of the areas was approximately 900 sq. ft. in size and was situated along NYS Route 29, while the other display area was approximately 600 sq. ft. in size and was located behind the flower garden on Mr. Putman's property.

In July of 2017, Mr. Putman sought a Site Plan amendment for the equipment sales business that involved removing a portion of an existing barn along NYS Route 29 and constructing a 36' x 42' storage addition attached to the office space he was using for the business.

PLANNING BOARD DISCUSSION: County Planning Consultant Sean Geraghty showed Board members copies of the 2013 Site Plan, as well as the 2017 Site Plan Amendment, for Mr. Putman's operation. Mr. Geraghty noted that there are numerous buildings already on the property. He stated that based on the drawings showing the amendment that is currently proposed, it does not appear as though the business operations are being conducted as they were initially laid out on the site.

B. Proposed Amendment:

Mr. Putman has now constructed a 40' x 48' (1,920 sq. ft.) addition on the front side of the shop that is located behind his residence. As part of this project, a drainage swale will be or has been constructed along the west side of the addition that will drain into a 15' x 20' retaining pond in front of the new structure. Drainage calculations have been provided by the applicant's engineer as part of this proposed amendment.

PLANNING BOARD DISCUSSION: Planning Board Chairman John Kessler asked if the new addition is attached to an existing shop?

Roger Putman indicated that the addition is attached to an existing shop. He stated that the new addition will be used for cold storage. He pointed out that the pitch on the roof was changed in order to minimize runoff on the neighboring property.

Tyler Putman added that the change in the roofline is actually aesthetically more appealing.

Mr. Kessler pointed out that if the applicant intends to use the proposed addition for cold storage, then that is what it has to be used for.

Mr. Putman, once again, indicated that he intends to use the building for cold storage.

Planning Board Member Aaron Howland indicated to the applicants that if the proposed addition is ever going to be used as part of his shop, then that needs to be address now as part of this Site Plan Amendment. Mr. Howland pointed out that there are different building codes that will come into play if the addition is used as a shop as opposed to a facility for cold storage.

Town Code Enforcement Officer Damon Curley agreed and explained that there are far more restrictions under the State Fire and Building Codes that will have to be addressed if the building is used actively as a shop.

Planning Board Member Rich Miles asked if any additional work has taken place on the property in the last month?

Roger Putman indicated that nothing has been done on the property since last month. He indicated that, at the moment, his only intention is to use the building for storage. He indicated a willingness to come back to the Planning Board at some future date if he wished to change the use of the building to a shop.

Mr. Kessler then questioned information that was provided on the applicant's Short Environmental Assessment Form?

Mr. Geraghty explained that, given the fact that the Planning Board previously authorized the filing of a negative declaration for this project, the 1,920 sq. ft. addition being proposed as part of this amendment is considered a Type II Action and not subject to any further environmental review.

The Planning Board then held a brief discussion concerning the need to conduct a public hearing on the application.

Planning Board Member Ralph Desiderio questioned why the Planning Board should hold a hearing?

Mr. Howland stated that this may be the only opportunity for the public to comment on the project. He stated that if Mr. Putman changes the usage of the building at some future date, it will fall under provisions in the State Building Code and may not be brought back to the Planning Board.

PLANNING BOARD ACTION:

MOTION: To schedule a public hearing on Roger Putman's Site Plan Amendment for his equipment sales business along NYS Route 29 for 6:00 p.m., Wednesday, July 15, 2020.

MADE BY: Rich Miles
SECONDED: Aaron Howland

FURTHER DISCUSSION: Mr. Kessler stated that he didn't feel a public hearing on the Amendment is warranted.

Mr. Miles stated that he felt the public needs to have a say in what has transpired on the property, pointing out that there have been several improvements and changes over the years that have resulted from the equipment sales business being conducted on the property.

VOTE: 4 in favor, 1 opposed (Kessler)

IV. REVIEW OF TOWN COMPREHENSIVE PLAN:

A. Background:

On February 19, 2020, the Mayfield Planning Board, Town Code Enforcement Officer Damon Curley and County Planning Consultant Sean Geraghty had a meeting to discuss a potential update to the Town of Mayfield Comprehensive Plan. The meeting was arranged as a result of a request from Town Supervisor Rick Argotsinger to have the Planning Board take a look at the existing document, which was adopted in July of 2013 and recommend to the Town Board any changes that should be made at this time. As a result of the meeting, the Planning Board decided to take a segment of time during each of its meetings to discuss possible changes to the document.

PLANNING BOARD DISCUSSION: Mr. Geraghty reminded Board members that, back in February, the Planning Board had no Agenda items for its monthly meeting, so the Board decided to hold a meeting to discuss a possible update to the Town's Comprehensive Plan. Mr. Geraghty stated that, following that meeting, he put together a letter summarizing what took place and sent the letter to both the Planning Board and the Town Board. Mr. Geraghty stated that it was his understanding that the Planning Board was going to begin having an Agenda item each month dedicated to spending some time examining the current Comprehensive Plan to see if and where changes needed to be made.

Planning Board Member Rich Miles agreed with Mr. Geraghty and stated that this was exactly his recollection of how the Planning Board was going to address a potential update to the Comprehensive Plan.

Everyone in attendance agreed to begin looking at the Executive Summary for the Comprehensive Plan so that it can be discussed during the Board's July meeting.

V. OTHER BUSINESS:

A. Code Enforcement Update:

1. Review of Proposed Box Trailer Local Law:

Town Code Enforcement Officer Damon Curley indicated that he has been working with the Town Board to establish a Local Law to regulate the placement of Box Trailers throughout the community. Mr. Curley asked Planning Board members if they had any comments regarding his draft proposal for the Local Law?

Mr. Kessler initiated a discussion concerning the usage of the Box Trailers as storage sheds. He also questioned the setback requirements for these types of units.

This generated a fairly lengthy discussion on the differences in setback distances in each of the Zoning Districts and a debate as to whether or not the Box Trailers should be banned from certain residential districts.

Mr. Geraghty suggested that the section on fines be reconsidered. He stated that instead of imposing a weekly violation for violating the provisions of this Local Law, the fine be accrued on a daily basis. He indicated that he didn't feel \$250 maximum weekly fine was enough of a deterrent to prevent individuals from storing large quantities of materials in these units.

At this point, another discussion ensued concerning the proliferation of Box Trailers throughout the community and whether or not they should be banned from certain Zoning Districts.

Mr. Geraghty questioned why the Town of Mayfield would want to allow Box Trailers to be used for storage anywhere in the community especially in residential zones.

Planning Board Alternate Ralph Desiderio agreed and noted that he felt the trailers should at least be banned from lakefront districts given the limited size of many of the properties around the Lake.

Again, the Planning Board continued with a lively discussion of several issues that will have to be considered as part of the proposed Box Trailer Local Law.

Mr. Geraghty reminded Board members, if the usage of Box Trailers for storage is prevalent throughout the community, there may be some unintended consequences that the Town has to deal with if it imposes a strict Local Law regulating the usage of these units. Mr. Geraghty suggested that Town Code Enforcement Officer Damon Curley reach out to some other communities to see if anyone locally has attempted to address this issue with a Local Law. He also suggested that the NYS State Department, Office of Local Government Services be contacted for possible assistance. Mr. Geraghty explained that the Office of Local Government Services acts as a clearinghouse of information on local codes and regulations.

2. Review of Short-term Rental Law:

Planning Board Chairman John Kessler asked Mr. Desiderio to talk about using an outside firm to monitor short-term rentals in the community.

Mr. Desiderio explained that Lake George has an outside firm that monitors all short-term rental operations in that community. He indicated that it is not an inexpensive proposition, but he felt that the Town could increase its registration fees for local short-term rental operations and pay for the monitoring firm using that funding source.

Mr. Geraghty asked Mr. Curley how many registrations for short-term rentals were made this year?

Mr. Curley indicated that there have been zero registrations in 2020.

Mr. Geraghty expressed some doubt that, given the current inability of the Town to monitor and enforce the Short-term Rental Law that is on the books, that increasing the registration fees will help to pay for an outside monitoring firm.

Mr. Curley pointed out that last year there were approximately 25 property owners who registered. He indicated that he felt it was a combination of individuals not feeling that they had to continue registering their property and a lack of disseminating the information to the community that resulted in no registrations this year.

Planning Board Member Aaron Howland expressed several concerns with allowing property owners to use their homes for short-term rentals given the fact that many of these homes are not adequately equipped to house a significant number of individuals. He pointed specifically to the

fact that numerous properties around the Lake have defective septic systems that are completely unable to handle large volumes of household waste.

Mr. Miles stated that he was not thrilled about the idea of using an outside firm to monitor the usage of properties for short-term rentals in the community. He indicated that if the Town wants to regulate this type of operation, then he would rather see the Town spend the money on hiring someone local to address this issue rather than spending the money on an outside agency.

Mr. Geraghty added that, while an outside monitoring firm may be very versed in how to find out who is using their properties for short-term rentals, it will still be up to the Code Enforcement Office to issue all of the violations of the Local Law.

The Planning Board spent several more minutes discussing the time consuming nature of trying to enforce the Short-term Rental Law. The Board asked Mr. Desiderio to gather some additional information on how the monitoring firms operate. Specifically, Mr. Desiderio was asked to gather some information on the costs associated with hiring an outside firm to monitor short-term rentals in the community.

3. Flea Market:

Mr. Curley stated that he has been approached by an individual who would like to run a fairly large Flea Market along Bemis Road. He stated that the individual would like to conduct these Flea Markets approximately three (3) times each year. He indicated that he was unsure how to regulate this type of operation. He stated that the local fair is handled with a system of vendor permits.

Mr. Geraghty stated that he felt the Flea Market should be handled in the same way that the local fair is handled, since it will only occur a few times each year.

4. Wildlife Museum:

Mr. Curley explained that Robert Kazmierski, who operates the Wildlife Museum on NYS Route 30, has asked that he be allowed to design a septic system for the building.

Mr. Geraghty reminded Board members that Mr. Kazmierski was given a conditional Site Plan approval and authorized to design a temporary system on the property until such time that municipal sewer lines were extended along Route 3 and he could tie the Museum into that line.

Board members agreed with Mr. Geraghty that Mr. Kazmierski was allowed to design a temporary system to address his onsite septic issue until the municipal sewer line project along Route 30 was completed.

Mr. Geraghty stated that Mr. Kazmierski was approached about tying into that line when there was grant money available to help offset the cost, but he refused.

Mr. Geraghty questioned whether or not Mr. Kazmierski has a Certificate of Occupancy for the Museum addition? He also questioned how onsite sewage disposal is currently being handled?

Mr. Howland indicated that he believed the original system is being used and that the system is located beneath the addition that was constructed on the Museum.

After a few minutes of discussion, the Planning Board indicated to Mr. Curley that they would rather see Mr. Kazmierski tie into the municipal sewer system than be allowed to design another onsite septic system for the property.

5. Borrego Solar:

Mr. Curley explained that he issued a Stop Work Order on Borrego Solar's project along NYS Route 29 since there was a concern expressed by Town Attorney Carm Greco about the bonds for the project. He indicated that Borrego Solar has now addressed the Town's concerns with the bonds and has been allowed to restart construction.

VI. CLOSE OF THE MEETING:

MOTION: To close the meeting at 7:07 p.m.

MADE BY: Richard Miles

SECONDED: Ralph Desiderio

VOTE: 5 in favor, 0 opposed