

**TOWN OF MAYFIELD PLANNING BOARD
JULY 17, 2013
6:30 P.M.
TOWN OF MAYFIELD TOWN HALL
MEETING NOTES**

PRESENT:

**ROBERT PHILLIPS, CHAIRMAN
MALCOLM (RICK) SIMMONS, VICE CHAIRMAN
MARILYN SALVIONE
JERRY MOORE
JOHN KESSLER
GARY MAZZARELLI, ALTERNATE
AARON HOWLAND, ALTERNATE**

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

OTHERS PRESENT:

**VINCE COLLETTI, TOWN COUNCILMAN
CHARLIE ACKERBAUER, P.E.**

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 June 19, 2013 meeting.

MADE BY: Rick Simmons

SECONDED: Jerry Moore

VOTE: 5 in favor, 0 opposed

III. ERIC FLETCHER – SUBDIVISION ALONG NYS ROUTE 29:

A. Background:

Eric Fletcher owns a piece of property approximately 75+/- acres in size along the north side of NYS Route 29 in the Town of Mayfield (Tax Map Parcel No. 151.-6-4.11). Mr. Fletcher would like to create a new 5.64+/- acre lot around an existing home and barn on the property and will retain the remaining 70+/- acres for himself.

B. Code Enforcement Office/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 Member Rick Simmons questioned the need to show topographic features on the subdivision plat given the size of the applicant's remaining property.

Planning Board Member Jerry Moore agreed and indicated that he didn't feel it would be necessary to have that information on the plat.

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

STATUS: All of the adjacent property owners have not been identified.

DISCUSSION: The Planning Board asked that all of the adjacent property owners be noted on a revised subdivision plat.

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 is no percolation or pit test information for the 70+/- acres the applicant intends to retain for himself.

DISCUSSION: Planning Board Member Marilyn Salvione indicated that given the size of the applicant's remaining property, she didn't feel it was necessary to provide percolation and pit tests for the property. The Planning Board agreed.

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

STATUS: There is a 40' x 40' permanent easement to the State of New York shown along the front property line.

DISCUSSION: Charlie Ackerbauer, P.E., representing the applicant, indicated that he believed the easement to New York State was for potential drainage improvements. Mr. Ackerbauer indicated that it was his understanding that any future drainage improvements that are needed would be constructed in that area. He pointed out that, presently, stormwater simply percolates through the soils in that area.

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: A survey description of the applicant's entire parcel has not been provided.

DISCUSSION: There was a general consensus among Planning Board members that the remainder of the applicant's property did not need to be surveyed.

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: Provided.

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

STATUS: Provided.

DISCUSSION:

No deed for the property has been provided to the Code Enforcement Office.

DISCUSSION: Mr. Simmons noted that the Planning Board has still not received any official confirmation of who the record owner of the property is.

Town Code Enforcement Officer Mike Stewart explained that there were originally several names on the deed to the property. He indicated that it was his understanding that the issue has been resolved and that the applicant is identified in a probated will as the owner. He indicated that he had been in contact with the applicant and expected to receive confirmation any day.

There was then a lengthy discussion amongst Board members concerning the scheduling of a public hearing before the information has been received.

County Senior Planner Sean Geraghty suggested that the Planning Board go ahead and schedule a public hearing for their next meeting and explain to the applicant in a letter that if the Board does not receive a written verification as to the ownership of the property, then the public hearing notice will not be sent to the paper and the application will not be looked at again until the Board's September meeting.

There was a general consensus among Planning Board members that this would be an acceptable way to pursue the matter.

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 this proposed action since:

1. There is sufficient acreage available for the applicant to create a new building lot around an existing home.
2. There are no traffic implications that will result from this proposed action.

MADE BY: Jerry Moore
SECONDED: Rick Simmons
VOTE: 5 in favor, 0 opposed

D. Planning Board Action:

In accordance with Article V of the Town of Mayfield Subdivision Regulations, the Planning Board, within sixty-two (62) days from the time it determines a preliminary plat for a proposed subdivision to be complete, shall hold a public hearing on the subdivision application. Consequently, does the Planning Board wish to schedule a public hearing at this time on the subdivision application for Eric Fletcher?

DISCUSSION: Mr. Geraghty pointed out that given the fact that the applicant's property is in an Agricultural District, an Agricultural Data Statement will have to be distributed to Agricultural District property owners within 500' of this subdivision. He indicated that the County Planning Department would take care of this procedure.

MOTION: To schedule a public hearing on Eric Fletcher's subdivision application for 6:30 p.m., August 21, 2013, pending receipt of a verification as to the property's ownership.

MADE BY: Jerry Moore
SECONDED: John Kessler
VOTE: 5 in favor, 0 opposed

IV. OTHER BUSINESS:

A. Chairman's Update:

Planning Board Chairman Robert Phillips noted that tomorrow night the Town Board will be conducting a public hearing on the Town's proposed Comprehensive Plan.

Mr. Phillips reminded Board members that there will be training sessions at Fulton-Montgomery Community College (FMCC) on September 26th and that the County Planning Department will be sending out a notice about those sessions in the near future.

B. Mr. Moore asked about the status of the Puthaven Farms site plan application?

Mr. Stewart explained that the Town Board will be meeting tomorrow night to schedule a public hearing on the proposed zoning change that will allow Puthaven Farms to add a heavy equipment sales yard on the Farm property along NYS Route 29. Mr. Stewart indicated that the Planning Board may need to conduct a special meeting in August in order to issue a decision on the application by the end of August.

V. CLOSE OF THE MEETING:

MOTION: To close the meeting at 6:49 p.m.

MADE BY: Rick Simmons

SECONDED: John Kessler

VOTE: 5 in favor, 0 opposed