

**TOWN OF MAYFIELD PLANNING BOARD
DECEMBER 21, 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
MEL DOPP, HIGHWAY SUPERINTENDENT
SEAN M. GERAGHTY, SR. PLANNER**

I. CALL MEETING TO ORDER:

The meeting was called to order at 6:33 p.m.

II. APPROVE MINUTES OF LAST REGULAR MEETING:

DISCUSSION: Planning Board Chairwoman Marilyn Salvione asked Planning Board Vice Chairman Robert Phillips to handle the approval of the minutes to the November 16, 2011 meeting since she was not in attendance at that meeting.

Mr. Phillips asked Board members if they had any changes or deletions they would like made to the November 16, 2011 minutes? Referring to page 4 of the November 16 minutes, he then asked County Senior Planner Sean Geraghty if Town Attorney Carmel Greco had been contacted regarding the creation of a Stormwater Management District for the Paradise Point Development? Mr. Geraghty indicated that he did not know if the applicants had contacted Attorney Greco, but on behalf of the Planning Board, he forwarded a letter earlier in the year to the Town Attorney explaining the issues that would need to be addressed as part of the review and development of this project.

Planning Board Member Jerry Moore expressed some concern with language found on page 9 of the November 16, 2011 minutes. He explained that the minutes reference a rumor concerning the potential development of a site along NYS Route 30. After a brief discussion, there was a general consensus among Board members that the language should be removed from the minutes.

MOTION: To approve the minutes to the November 16, 2011 meeting as amended.

MADE BY: Walt Ryan

SECONDED: Barney Brower

VOTE: 5 in favor, 0 opposed

III. PARADISE POINT DEVELOPMENT CORPORATION – PUBLIC HEARING ON LAKEVIEW VILLAGE AT PARADISE POINT SUBDIVISION:

Planning Board Chairwoman Marilyn Salvione thanked Travis Mitchell, P.E. for his cooperation throughout the year while the Board reviewed the Paradise Point Development Corporation's project. She noted his professionalism throughout the process and indicated that the Board truly appreciated his efforts.

A. Background:

Paradise Point Development Corporation would like to subdivide a 26.1+/- acre parcel at the intersection of Paradise Point Road and Lakeview Road in the Town of Mayfield. Access to the development will be off of Lakeview Road. The applicant proposes to construct 20 townhouse units in the development with property lines along the common wall between units. As the development is currently laid out, there will also be three (3) additional parcels along the east side of Lakeview Road that consist of two (2) wetland preserve areas and the private access road, utility and stormwater management area. On the west side of Lakeview Road, the development will include a property for the sanitary sewage disposal systems and a dock storage area.

B. November 16, 2011 Meeting:

During its November 16, 2011 meeting, the Planning Board listened to the applicant's engineer, Travis Mitchell, P.E., provide them with an update on the Lakeview Village at Paradise Point Subdivision Project. The Planning Board subsequently discussed the following five (5) issues with Mr. Mitchell:

- Variances received from the Town of Mayfield Zoning Board of Appeals.
- Establishment and management of the Stormwater District and maintenance of the Stormwater System.
- Establishment of the Transportation Corporation for the community sewage treatment system.
- NYSDOH endorsement of individual wells for each of the lots in the proposed subdivision.
- Performance Bonds for all infrastructure improvements within the subdivision.

Following its discussion of the above-referenced topics, Board members posed several questions to Mr. Mitchell and asked that he provide all of the updated information for the project on a revised set of subdivision plat drawings. The Planning Board asked that the updated drawings be provided before scheduling a public hearing on the subdivision proposal.

In an effort to move the review process forward, the Planning Board held a brief meeting on Wednesday morning, December 7, 2011 to schedule a public hearing on the Paradise Point Development Corporation's subdivision application. At that time, no additional requests for information were made.

C. Review Timeline:

Listed below is a synopsis of the meetings at which the Paradise Point Development Corporation's Subdivision Application was reviewed and the correspondence that followed each of the meetings.

Meeting	Description	Follow-Up Correspondence
6/16/10	Project is introduced to the Planning Board	?
7/21/10	Planning Board initiated the SEQR process by proposing to act as Lead Agency for the review of the project.	<ul style="list-style-type: none"> • On August 3, 2011, the Fulton County Planning Department forwarded a Full Environmental Assessment Form and an application package to all Involved Agencies asking for comments (NYSDEC, NYSDOH, APA, Hudson-River Black River Regulating District)
8/18/10	The Planning Board discusses the creation of a Stormwater Management District for the development.	<ul style="list-style-type: none"> • August 25, 2010 letter from Richard Speidel, NYSDDEC, concurring with the Town of Mayfield Planning Board's

		<p>proposal to act as Lead Agency. Mr. Speidel also provides a listing of the potential permits that will be needed for the project and the additional information it will need to see.</p> <ul style="list-style-type: none"> • September 2, 2010 letter from Chris Demme, P.E., NYSDOH, concurring with the Town of Mayfield Planning Board's proposal to act as Lead Agency and pointing out that the project should be classified as a Type 1 Action since it is a NYS Realty Subdivision. Mr. Demme also talks about the additional hydrogeological information that will be needed before the Health Department can issue a permit for the project.
9/15/10	The Planning Board declares itself the Lead Agency and determines that, based on the comments it received from the NYSDEC and NYSDOH, several issues will need to be resolved before a determination of significance can be issued.	<ul style="list-style-type: none"> • On September 23, 2010, letters were forwarded to Involved Agencies notifying them that the Town of Mayfield Planning Board has declared itself the Lead Agency and indicating that additional information will need to be gathered before a determination of significance can be issued. • September 30th letter to Dave Huckans, Paradise Point Development Corporation outlining all of the issues that will need to be addressed before any further Planning Board action takes place. (NOTE: This letter was eventually forwarded to Travis Mitchell, P.E.) • On January 5, 2011, a letter from Mr. Mitchell is received. The letter is in response to the September 30th letter written to Dave Huckans.
1/19/11	Planning Board reviews the responses it has received from Travis Mitchell, P.E.	<ul style="list-style-type: none"> • On January 21, 2011, a letter was forwarded to Mr. Mitchell regarding the area variances that will need to be sought from the Town of Mayfield Zoning Board of Appeals. • January 21, 2011 letter to Town Attorney Carmel Greco outlining the issues he will be involved with for the Paradise Point

		<p>Development Corporation's subdivision proposal including:</p> <ol style="list-style-type: none"> 1) Creation of Stormwater Management District. 2) The Homeowner's Association. 3) Transportation Corporation for the sewage treatment system. 4) The possibility that a second Transportation Corporation System for the water system may be needed. <ul style="list-style-type: none"> • On January 24, 2011, a letter was forwarded to Travis Mitchell identifying the issues still needing to be resolved as part of the review of the Paradise Point Development Corporation's Project. • February 10, 2011 letter from Robert Simon, Esq., representing Paradise Point Development Corporation, to Town Attorney Carmel Greco concerning the idea of allowing a Homeowners Association to maintain the stormwater infrastructure in the proposed development.
2/16/11	<p>The Planning Board discussed the concept of allowing a Homeowners Association to maintain the stormwater infrastructure for the proposed development. The Planning Board determined that it would like a Stormwater District created by the Town for the purpose of maintaining the infrastructure. The Planning Board felt that allowing a Homeowners Association to maintain this system would be unacceptable.</p>	<ul style="list-style-type: none"> • February 22, 2011 letter to Town Attorney Carmel Greco explaining that the Town Planning Board will require the establishment of a Stormwater District for the purpose of maintaining the stormwater control pond and other features in the stormwater system.
4/20/11	<p>The Planning Board reviews the proposed variances that will be forwarded to the Town of Mayfield Zoning Board of Appeals.</p>	<ul style="list-style-type: none"> • April 27, 2011 letter to Town of Mayfield Zoning Board of Appeals' Chairman Richard Dixon recommending approval of all of the Paradise Point Development Corporation's area variance applications.
7/20/11	<p>County Senior Planner Sean Geraghty provides Planning Board members with an update on the hydrogeologic tests being conducted on the site for the NYSDOH.</p>	<ul style="list-style-type: none"> • October 5, 2011 letter from Chris Demme, P.E., NYSDOH, indicating that his agency is comfortable with allowing the applicant to use the individual wells and has asked the applicant for additional data and testing on the two (2) lots

		located closest to the lakefront.
10/19/11	The Planning Board reviews the letter from Mr. Demme and authorizes the County Planning Department to put together a draft Part II Environmental Assessment Form for the Board to review at its next meeting.	<ul style="list-style-type: none"> • October 24, 2011 letter to Travis Mitchell, P.E. updating him on the SEQR process.
11/16/11	The Planning Board reviews the draft Part II Environmental Assessment Form prepared by the County Planning Department and listens to a presentation by Travis Mitchell, P.E. updating them on the project. The Planning Board decides to authorize the issuance of a negative declaration under SEQR for the proposed project.	<ul style="list-style-type: none"> • November 18, 2011 cover letters are sent to other Involved Agencies providing them with a copy of the negative declaration for the Paradise Point Development Corporation's project. • November 18, 2011 letter to Travis Mitchell, P.E. requesting copies of the updated preliminary subdivision plats showing all of the changes that have been made during the SEQR process.
12/7/11	Planning Board held a brief meeting to schedule a public hearing on the Paradise Point Development Corporation's Project for December 21, 2011.	<ul style="list-style-type: none"> • No correspondence required.

DISCUSSION: Mrs. Salvione asked Board members to take a few minutes and review the table that was prepared for this evening's agenda. After a few minutes, there was a general consensus among Board members that the outline provided in the Agenda was accurate.

D. Updated Drawings:

Throughout the review process for the Paradise Point Development Corporation's subdivision application, the Town of Mayfield Planning Board has discussed several issues and made several requests for the applicant to provide additional information on the proposed project. Several issues such as the creation of a Stormwater Management District to oversee the maintenance operation of the stormwater infrastructure, the creation of a Transportation Corporation and the requirement that performance bonds be provided are issues that are understood by both the applicant and the Planning Board and will be resolved by the Town Attorney, the applicant's attorney and engineer as this project develops. The issues still needing clarification are noted below:

1. In a letter dated September 30, 2010 to David Huckans, the Planning Board asked that the subdivision plat drawings clearly

indicate that all open space and existing wetland areas will not only remain as preserved areas on the property, but will be retained by the owner and any maintenance that is required on those lands will be undertaken by the owner. Open space on the east side of Lakeview Road should be left in a natural state with no buildings or storage of any kind, while open space on the west side of Lakeview Road can be used for the uses identified on the drawing. Please note that any dock storage areas or boat trailer storage areas must be adequately screened from view and have a designated access road.

STATUS: Notations have been made on the drawing indicating that the Homeowners Association will own and maintain all of the open space on the property. An area on the west side of Lakeview Road has been identified as a dock storage area. However, there is no designated access road shown on the drawings. (Travis Mitchell, P.E.)

DISCUSSION: Travis Mitchell, P.E. explained that the access road for the dock storage area was originally located off of Lakeview Road. He pointed out that there is an existing farm road off of Paradise Point Road that, in his opinion, is a better location for the access driveway. He pointed out that this location would not necessitate climbing a fairly steep hill to access that area of the site. He showed Board members an aerial photo of the site and pointed out where the existing access road is located. He indicated that he would provide a typical road section detail on the final drawings for the Planning Board's review.

Planning Board Member Walt Ryan indicated that he felt the new location was a better location for the access road. He pointed out that the drawings only indicate that a proposed dock storage area will be located in that area of the site. However, he stated that he felt the area should also be identified as a boat trailer storage area.

Mr. Mitchell stated that he felt there was sufficient space available in that location to have a boat trailer storage area along with the dock storage area. He also noted that the Homeowner's Association will have language in its rules and regulations regarding the parking of boat trailers on the site.

2. In terms of the septic system design, the Planning Board would like the sanitary lines running under Lakeview Road to be protected with a large conduit. Pull boxes of sufficient size should be provided at each end to allow pipe replacement without disturbance of the road.

STATUS: Instead of the pull boxes, the revised drawings show two (2) spare force mains under Lakeview Road. (Travis Mitchell, P.E.)

DISCUSSION: Mr. Mitchell explained that there are actually six (6) pipes that will cross under Lakeview Road as part of the Sewage Treatment System. He noted that, in recent years, the industry has gotten away from the use of conduits because of the use of HPE pipe. He explained that it wouldn't be a problem to provide conduits for the pipes crossing under Lakeview Road. He suggested that a notation be placed on the drawings indicating that any necessary replacement of the pipes will be done by pushing or drilling the pipe instead of open cutting the road unless permission is given by the Highway Superintendent. Mr. Mitchell pointed out that Lakeview Road was recently paved and that he would like to avoid open cutting the road if possible.

Town Superintendent of Highways Mel Dopp agreed and indicated that open cutting would be acceptable if regular maintenance of the road was ready to occur. He pointed out that it will probably be five (5) years before Lakeview Road is repaved.

Mr. Ryan indicated that it was his idea to use the conduit pipe beneath Lakeview Road. He expressed some concern that if differential settlement occurs, all of the pipes, including the spare lines, could be damaged.

Mr. Mitchell indicated that he could use casing and carrier pipe to separate each of the pipes inside the conduit in case there was any movement.

Mrs. Salvione asked Mr. Dopp if he preferred either method for installing the pipes beneath Lakeview Road.

Mr. Dopp indicated that he felt Mr. Ryan had a good idea in terms of protecting the conduit. He noted that the heaviest vehicle traveling over Lakeview Road will probably be a milk tanker. He asked how much covering would be provided over the piping?

Mr. Mitchell indicated that approximately 5' of cover would be provided. He noted that even the State now allows HPE pipe to be used without conduit under all of its roads except the interstates.

Town Code Enforcement Officer Mike Stewart noted that in the event of pipe failure, the applicant could simply push additional pipe beneath Lakeview Road.

Mr. Dopp indicated that, given the circumstances, he felt either method for running the lines beneath Lakeview Road would be acceptable.

Mr. Ryan indicated that if Mr. Dopp is comfortable with allowing the use of the HPE pipe without conduit, he would withdraw any concern he has regarding this issue.

Mr. Mitchell asked Mr. Dopp if there was a particular number of extra pipes he would like to see run beneath Lakeview Road?

Mr. Dopp indicated that he felt three (3) additional pipes would be sufficient.

Planning Board Member Jerry Moore asked what would happen if bedrock is encountered during the installation of the pipe?

Mr. Mitchell indicated that if bedrock is found, the contractors may need to go the Highway Superintendent and request permission to cut the road and provide a performance bond for its subsequent repair.

3. The Planning Board would like the dock anchor system shown on the drawing to have an engineering design.

STATUS: The Hudson River Black River Regulating District has already issued a permit for this dock system. (Travis Mitchell, P.E.)

DISCUSSION: Mr. Mitchell indicated that he didn't have a good solution for the dock design issue. He noted that he has spoken with Planning Board Member Walt Ryan, along with several individuals from dock and anchoring companies, about the anchoring system for the proposed boat slips. He noted that the Hudson River Black River Regulating District does not look at the actual structural components of the docks.

Mr. Ryan indicated that he felt it was the Board's responsibility to make sure that the development is designed properly because individuals buying homes in this development will assume that the Planning Board has examined the amenities that will be provided. Mr. Ryan suggested that some of the design details be removed from the drawing and a notation be included on the drawing indicating that the applicant will be required to get Adirondack Park Agency and Hudson River Black River Regulating District approval for the dock system. He explained that the note should indicate that the docks shown on the drawing are for dimensional reference only and once a

contractor is selected, the design components of the system will be put together. He noted that the problem with showing the position of the anchors, chains, floats, etc. gives the impression that the Planning Board has approved the actual design of the system. He noted that he did not think the present design would work given the north winds on the lake.

There was a general consensus amongst Board members and Mr. Mitchell that this would be an acceptable solution to the issue.

4. Mr. Mitchell pointed out that the 4-unit building located closest to the lake will be split into two (2) 2-unit buildings. Mr. Mitchell indicated that this was done for marketing purposes.

County Senior Planner Sean Geraghty noted that the split of the buildings will have no impact on the area variances that were received from the Zoning Board of Appeals since the new side yards will be larger than the previous zero lot line setbacks that were granted.

The Planning Board felt comfortable with the new configuration of the buildings.

5. Mr. Ryan asked how the open space on the property would be maintained and regulated?

Mr. Mitchell indicated that the Homeowner's Association regulations will stipulate the maintenance provisions for the open space area and will strictly regulate what can and can't occur in the open space areas. Mr. Mitchell then showed Board members an aerial view depicting the extent of the open space on the site.

Mr. Geraghty noted that the majority of the open space will not require any maintenance by the Homeowner's Association.

6. Mr. Ryan then had a question regarding the creation of the Stormwater District.

Mr. Geraghty and Mr. Mitchell both indicated that the District would be created by the Town Board and that the legal description of the District and the maintenance provisions for the stormwater system will need to be provided as part of the final package of materials to be submitted for the Planning Board's records.

7. Mr. Ryan asked that a note be added to the drawings indicating that the contractor is responsible for contacting the Highway Superintendent before conducting any construction activities

associated with the road development for the project. Mr. Ryan stated that the notation should indicate the Town of Mayfield Highway Superintendent is responsible for inspecting all construction activities associated with the development of the road.

8. The Planning Board asked Mr. Dopp if he had any other concerns with the proposed design of the roads and infrastructure for the proposed subdivision? Mr. Dopp indicated that he felt the Planning Board had addressed all of the necessary issues.

E. Public Hearing:

1. The public hearing was opened at 7:04 p.m.
2. Speakers:

Mrs. Salvione indicated that the Board would leave the public hearing open for 20 minutes. Given the fact that there was no one to speak during the public hearing, the Board decided to close the public hearing a few minutes early.

MOTION: To close the public hearing at 7:18 p.m.

MADE BY: Barney Brower

SECONDED: Robert Phillips

VOTE: 5 in favor, 0 opposed

E. Planning Board Action:

In accordance with the Town of Mayfield Subdivision Regulations, the Planning Board shall approve, with or without modifications or disapprove the preliminary plat within sixty-two (62) days after the public hearing.

DISCUSSION: Mrs. Salvione noted that Mr. Mitchell will be providing the Board with several additional pieces of documentation for the project once it is available.

Mr. Mitchell confirmed that he would be working with the NYS Department of Health, the NYS Department of Environmental Conservation and the Adirondack Park Agency on permit requirements and would then be able to submit the final drawings for the Board's consideration.

Mrs. Salvione pointed out that the hearing this evening was on the preliminary plat for the subdivision.

MOTION: To approve the preliminary plat for the Paradise Point Development Corporation's Lakeview Village at Paradise Point Subdivision.

MADE BY: Robert Phillips

SECONDED: Jerry Moore

VOTE: 5 in favor, 0 opposed

Section 610 of the Town of Mayfield Subdivision Regulations indicates that when a final plat is in substantial agreement with the approved preliminary plat, the Planning Board shall conditionally approve, with or without modification, disapprove or grant final approval and authorize the signing of the final plat within sixty-two (62) days of its receipt by the Clerk of the Planning Board. There is no stipulation in the regulations that a second public hearing on the final plat is required when it is in substantial agreement with the preliminary plat.

DISCUSSION: Mr. Geraghty reminded Board members that unless one of the State Agencies responsible for issuing a permit for the project asks for dramatic changes in the plan, it is likely that the final plat drawings will be in substantial agreement with the preliminary plat and that a second public hearing on the final plat will not be required.

IV. OTHER BUSINESS:

A. Code Enforcement Update:

Mr. Stewart reminded Board members that next year he would like to look at the regulations in the Town's Zoning Ordinance governing home occupations and signs. He also noted that the Planning Board may need to consider changes in the cluster development provisions found in the document.

Mr. Phillips asked if the Code Enforcement Office had addressed the sign that was recently installed for Hungry Hill Auto along NYS Route 30?

Mr. Stewart indicated that he had not addressed that issue.

There was then a lengthy discussion between Mr. Stewart and Board members concerning the recently-approved site plan for that business. Board members noted that the applicant was asked if he needed a sign near the road and indicated that he did not. Board members felt that the property owner/applicant should be contacted and told that the sign must be removed and that if he wishes to keep the sign, an application must be submitted to the Planning Board to amend the previously-approved site plan application.

Mr. Ryan asked if the gentleman with the tiger sanctuary along NYS Route 30 had filed an Article 78 proceeding challenging the Town of Mayfield's Zoning Board of Appeals' decision on his use of his property?

Mr. Stewart indicated that he was not aware of any filing, but believed the property owner has approximately one (1) week left to file the Article 78 paperwork in the State Supreme Court.

B. Chairman's Update:

Mrs. Salvione talked about the appointment of next year's Chair and Vice Chair for the Planning Board.

Mr. Ryan suggested that the positions remain unchanged from this year. The remaining Board members agreed.

MOTION: To forward a recommendation to the Town Board that Marilyn Salvione be appointed as Chairwoman and Robert Phillips Vice Chairman of the Planning Board for 2012.

MADE BY: Barney Browner

SECONDED: Walt Ryan

VOTE: 5 in favor, 0 opposed

V. CLOSE OF THE MEETING:

MOTION: To close the meeting at 7:27 p.m.

MADE BY: Barney Brower

SECONDED:

VOTE: 5 in favor, 0 opposed