

**TOWN OF MAYFIELD PLANNING BOARD
MAY 17, 2023
6:00 P.M.
TOWN OF MAYFIELD TOWN HALL**

MEETING NOTES

PRESENT:

**JOHN KESSLER, CHAIRMAN
AARON HOWLAND, VICE-CHAIRMAN
RICHARD MILES
GRANT RAUCH
DAVID JANKOWSKI, ALTERNATE**

**DAMON CURLEY, CODE ENFORCEMENT OFFICER
AARON ENFIELD, FULTON COUNTY SENIOR PLANNER**

I. CALL MEETING TO ORDER:

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

II. APPROVE MINUTES OF THE APRIL 19, 2023 MEETING:

PLANNING BOARD ACTION:

MOTION: To approve the minutes of the April 19, 2023 meeting.

MADE BY: Aaron Howland

SECONDED: Grant Rauch

VOTE: 5 in favor, 0 opposed

**III. GEORGE AND CHRISTINE VALLONE – CONTINUATION OF A PUBLIC HEARING ON A
SPECIAL USE PERMIT FOR TOURIST ACCOMMODATION AT 110 WAGONER
ROAD:**

A. Background:

George and Christine Vallone are proposing the construction of a Tourist Accommodation on a 1.85 +/- acres parcel located along the east side of State Highway 30 in the Town of Mayfield (Tax Map Parcel Nos. 74.9-4-1, 74.9-4-2, 74.9-4-3, and 74.9-4-4). The parcels are zoned MU-1 (Mixed Use 1). The applicants recently purchased the property in December of 2022 and it is their intention to combine the four (4) lots and create one large lot. The applicants will then demolish the five (5) existing cabins and garage that are in disrepair and reconstruct them in new locations on the property in order to meet the current zoning setback requirements. Three (3) of the cabins will be a 2 bedroom 26' x 30.5' A-frame with a small deck. The existing single-family home on the property is intended to remain.

The Town of Mayfield 2017 Zoning Ordinance defines Tourist Accommodation as “any hotel, motel, resort, tourist cabin or similar facility designed to house to the general public. Excludes RV Park/Campground.” It is an allowed use under Special Use Permit.

On February 15, 2023, the Town of Mayfield Planning Board approved a Lot Line adjustment that included the merging of the four parcels.

B. April 19, 2023 meeting:

During the April 19, 2023 meeting, the Town of Mayfield Planning Board held a Public Hearing for George and Christine Vallone’s application for a Special Use Permit on Tourist Accommodations at 110 Wagoner Road within the Town of Mayfield. At the time some concerns were raised regarding screening, especially near 113 Cranberry Creek Road.

In preparation for the next meeting, the Planning Board asked that the following information be provided prior to the public hearing:

1. Additional landscaping (such as evergreens or arborvitae) along Cranberry Creek Road to offset potential noise from the cabins.

STATUS: Provided. The applicant has identified three (3) evergreen shrubs between the cabins and the current overgrowth of the boundary line to Cranberry Creek Road.

DISCUSSION:

Fulton County Senior Planner Aaron Enfield indicated that the applicant’s addition of the three (3) evergreen shrubs is the only screening that can occur given where the Adirondack Park Agency (APA) is requiring the cabins to be located. Subsequently, he stated, given the concerns brought up during the Public Hearing, he walked the area of Cranberry Creek Road with Christian Garber of MCJ Engineering and indicated there is a lot of overgrowth that will fill in during the months.

Planning Board Chairman Kessler indicated that the applicant’s additional screening will suffice given the current conditions between the proposed cabins and Cranberry Creek Road.

C. State Environmental Quality Review:

During the April 19, 2023 meeting, the Town of Mayfield Planning Board authorized a filing of a Negative Declaration under SEQR on the Vallone’s project. Subsequently, since then a letter dated May 1, 2023, from Matthew Brown, Project Administrator for the Adirondack Park Agency (APA) has been received. The letter stated that the APA has no objection for the Town of Mayfield Planning Board serving as the Lead Agency for the project. However, he did indicate that the APA’s environmental permitting review is not limited to another agency’s findings.

D. Public Hearing:

1. The Public Hearing was reconvened at 6:02 pm

2. Speakers:

Mr. Enfield indicated that the Town of Mayfield Planning Board kept the Public Hearing open awaiting concerns from Cranberry Creek residents Greg and Christine Erwinski that were conveyed to Planning Board Chairman John Kessler. To date, a letter has not been received.

There were no speakers for the Public Hearing.

3. The Public Hearing was closed at 6:03 pm

E. Planning Board Action:

According to the Town of Mayfield Special Use Permit Regulations, the Planning Board shall approve, disapprove, or approve with modifications the subdivision application within sixty-two (62) days following the close of the public hearing. Does the Planning Board wish to take final action at this time?

PLANNING BOARD ACTION:

MOTION: To approve George and Christine Vallone's application for a Special Use Permit for a Tourist Accommodation at 110 Wagoner Road as presented.

MADE BY: Grant Rauch
SECONDED: David Jankowski
VOTE: 5 in favor, 0 opposed

IV. STRATEGIC STORAGE – PUBLIC HEARING – SITE PLAN FOR A STORAGE FACILITY ALONG COUNTY HIGHWAY 155:

A. Background:

Strategic Storage, LLC is proposing the construction of a two (2) 4000 sq. ft. prefabricated steel storage buildings at 356 County Route 155 (Tax Map Parcel No. 151.-7-10). The property is in the Commercial (C-1) Zoning District and is an allowed used under Site Plan Review.

The Town of Mayfield Zoning Ordinance defines a Storage Facility as “a piece of land, structure or group of structures, designed and or constructed for short or long-term storage of individual or business property for a fee. A storage facility does not include a warehouse/distribution center, truck terminal, or other transfer facility for goods, wares, and merchandise.

B. April 19, 2023 meeting:

During the April 19, 2023 meeting, the Town of Mayfield Planning Board continued its review on Strategic Storage LLC's application on a Site Plan for an addition of an existing Storage Facility at 356 County Highway 155. As a follow-up to that review, the Planning Board asked that the following information be provided:

1. Identify some landscaping around the telephone pole and bollards.

STATUS: Provided. The applicant has identified some items to make the area around the light pole more aesthetically pleasing.

DISCUSSION:

Mr. Enfield stated the applicant identified numerous suggestions such as planters with flowers, and inquired if the Planning Board was acceptable with the recommendations.

Planning Board members agreed that the suggestions put forward by the applicant would suffice.

2. Coordinate with Fulton County Planning Department if amending the entrance is possible.

STATUS: The applicants have indicated that each entry is 36 feet wide, which will fit two large vehicles coming in both directions on either side.

DISCUSSION:

Mr. Enfield stated that there is plenty of room on either side of the National Grid pole and the likelihood of four (4) large vehicles utilizing the access driveway at once is very unlikely.

Chairman Kessler inquired if the applicants could make one side an entrance and one side an exit.

David Leather, applicant, stated that he would make the change and put signage for one side to be an entrance and one side to be an exit.

3. The width of the gravel driveway needs to be between 22' and 26' which will not be obstructed for vehicles to use, which has been a standard for recent Storage Facilities within the Town of Mayfield.

STATUS: The applicants have made the gravel area around the storage facilities 22 ft., and the storage facilities have moved three (3) ft. further away from County Route 155.

DISCUSSION:

Mr. Enfield stated that the applicants have met the minimum required by the Planning Board and inquired if they were applicable of their driveway width.

After a back-and-forth conversation, the Planning Board agreed with the 22 ft. width by the applicants.

C. State Environmental Quality Review:

During the April 19, 2023 meeting, the Town of Mayfield declared itself as Lead Agency for the purpose of issuing a determination of significance for Strategic Storage LLC's Site Plan for a Storage Facility at 356 County Route 155.

D. Public Hearing:

1. The Public Hearing was opened at 6:07 pm
2. Speakers:

There were no speakers for Strategic Storage's Site Plan.

3. The Public Hearing was closed at 6:08 pm

E. State Environmental Quality Review (cont.)

Following the public hearing, does the Town of Mayfield Planning Board have any concerns that have resulted from the public hearing? Subsequently, are there any environmental impacts that the Planning Board sees as a concern that would negate a Negative Declaration?

PLANNING BOARD ACTION:

MOTION:

Authorizing the filing of a negative declaration under SEQR for Strategic Storage LLC's Site Plan for a Storage Facility at 356 County Route 155 since:

1. The Planning Board did a coordinated review with the New York State Department of Environmental Conservation and; New York State Department of Transportation.
2. Public utilities are readily available to service the site.
3. There is acreage available to construct the two (2) 4000 sq. ft. storage facilities on the property.

MADE BY:

John Kessler

SECONDED:

Grant Rauch

VOTE:

5 in favor, 0 opposed

F. Planning Board Action:

Article IX of the Town of Mayfield Zoning Law indicates that the Planning Board has 60 days after the completion of the public hearing to approve, disapprove, or approve with modifications the application for a Special Use Permit. Does the planning board wish to issue its final decision on Strategic Storage LLC's Site Plan application for a Storage Facility at 356 County Route 155 within the Town of Mayfield at this time?

DISCUSSION:

Chairman Kessler inquired if the applicants plan to hook up to the Vails Mills Sewer District?

Mr. Leather stated that they do not plan on hooking up at the moment, but indicated they may connect when it becomes more economically feasible for them.

After a back-and-forth conversation, the Planning Board felt there were no additional concerns and agreed to approve the project.

PLANNING BOARD ACTION:

MOTION:

To approve Strategic Storage LLC's Site Plan application for a Storage Facility at 356 County Route 155 with the stipulation that the applicant include appropriate signage for one side to be an entrance and one side to be an exit.

MADE BY:

Richard Miles

SECONDED:

Grant Rauch

VOTE:

5 in favor, 0 opposed

V. MICHAEL DEROCKER – PROPERTY TRANSACTION AND MINOR SUBDIVISION ALONG VANDENBURGH POINT ROAD:

A. Background:

Michael DeRocker owns two adjoining parcels within the Town of Mayfield; 299 Vandenburg Point Road (Tax Map Parcel No. 120.4-2-8.1) that is approximately 5.508 acres, and 305 Vandenburg Point Road (Tax Map Parcel No. 120.4-2-18) that is approximately 0.776+/- acres in size. The application would like to do the following:

1. Convey the property from 305 Vandenburg Point Road to 299 Vandenburg Point Road
2. Create a three (3)-lot subdivision from the total acreage.
 - a. Lot 1 – 1.10+/- acres
 - b. Lot 2 – 1.37+/- acres
 - c. Lot 3 – 4.18+/- acres

B. Fulton County Planning Department Review:

During the April 19, 2023 meeting, the Town of Mayfield Planning Board started its review of Michael DeRocker's Minor Subdivision and Property Transaction at 299 and 305 Vandenburg Point Road within the Town of Mayfield. As a follow-up to that review, the Planning Board has asked that the following information be provided before any further review takes place:

1. A representative of the project be present to answer questions the Planning Board may have.

DISCUSSION:

Mr. Enfield indicated that Michael DeRocker was in attendance at the meeting.

2. A Short Environmental Assessment Form so the Planning Board can conduct SEQR.

STATUS: Provided.

3. Topography of intervals no more than 5' to be included on the plat.

STATUS: Not Provided.

DISCUSSION: Mr. Enfield stated this will need to be provided on the next subdivision plat.

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

STATUS: Not Provided.

DISCUSSION:

Mr. Enfield inquired if there were any easements or covenants on the two properties?

Michael DeRocker, the applicant, stated there were no easements or covenants.

5. Language on the plat that states "All onsite sanitation and water supply facilities shall be designed to meet the minimum specifications of the Department of Health."

STATUS: Not Provided.

DISCUSSION: Mr. Enfield stated this will need to be provided on the next subdivision plat.

6. Tax Map Parcel Nos. and current acreage for both 299 and 305 Vandenburg Point Road listed on the plat.

STATUS: Not Provided.

DISCUSSION: Mr. Enfield stated this will need to be provided on the next subdivision plat.

7. Tax Map Parcel Nos. for all adjoining property owners (Bonfrey, Burchard, Fredenburg, Miller)

STATUS: Not Provided.

DISCUSSION: Mr. Enfield stated this will need to be provided on the next subdivision plat.

8. All current and proposed locations for well and septic systems.

STATUS: Provided.

9. A Perc. and Pit test on the proposed lot that is listed at 1.10+- acres.

STATUS: Not Provided.

DISCUSSION:

Mr. Enfield indicated that he spoke with Mr. DeRocker prior to the meeting indicating why the Town of Mayfield Planning Board requests this information. Subsequently, he indicated that should the Perc. and Pit test not be provided by the time of approval, the Planning Board can issue a conditional approval.

C. Adirondack Park Agency:

Mr. DeRocker's project is located with the Adirondack Park Agency (APA) in the Moderate Intensity Use Land Use Area. While the applicant's subdivided parcels comply with the Town of Mayfield lot size requirements, they need to also comply with the APA whose minimum is 1.3 acres. Currently, one of the lots does not comply and will need to be increased. Subsequently, a jurisdictional form to the APA will also be required from the applicant.

DISCUSSION:

Mr. Enfield stated the applicant has sufficient acreage that the Subdivision lines will need to be amended to meet the requirements of the Adirondack Park Agency (APA).

Mr. Enfield indicated to Mr. DeRocker to coordinate with the Town of Mayfield Code Enforcement Office to fill out a Jurisdictional Inquiry Form, which feedback from the APA is roughly two weeks and will be able to have an answer from the agency prior to the next meeting.

D. 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 Site Plan 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?

The Fulton County Planning Department identified that a couple of questions were unanswered on the Short EAF. Upon further review, the following recommendations have been put forward:

- Question 2 – It is recommended that this be listed as “Yes”. The project will require approval from the Town of Mayfield Planning Board, and given the Jurisdictional Form from the APA, a permit may be required.
- Questions 5a and 5b – It is recommended that both items be listed as “N/A” as the project is a subdivision.
- Question 13b – It is recommended that the item be listed as a “No” as there are no wetlands identified on the property.

Does the Town of Mayfield Planning Board authorize the amending of the applicant’s Short Environmental Assessment Form?

DISCUSSION:

The Planning Board was in agreement with Mr. Enfield’s suggestions and recommended to make a motion to amend Mr. DeRocker’s SEQRA form.

MOTION: To authorize Fulton County Senior Planner Aaron Enfield to amend Michael DeRocker’s Short Environmental Assessment Form so that Question 2, Question 5a and 5b, and Question 13b are filled out.

MADE BY: Aaron Howland
SECONDED: David Jankowski
VOTE: 5 in favor, 0 opposed

2. Does the Planning Board feel that any additional information should be provided as part of the SEQR process?

DISCUSSION:

Planning Board members felt that no additional information should be provided.

3. Type I or an Unlisted Action: Section 617.6 (b)(3) of 6 NYCRR states that, when an agency proposes to directly undertake, fund or approve a Type I 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.

Type II Action: A Type II Action is categorically excluded from SEQR. These actions have been determined not to have a significant adverse impact on the environment. Once an action is determined to be a Type II, no further environmental review is required. Section 617.5(c) provides the following actions that are not subject to a Type II Action.

4. It is recommended that the project be classified as an Unlisted Action and to do a Coordinated Review with the New York State Department of Environmental Conservation, and the Adirondack Park Agency (APA). Does the Planning Board feel that additional agencies should be coordinated with?

DISCUSSION:

Planning Board Vice Chairman indicated that there is a historical marker along Vandenburg Point Road and requested that the State Office of Parks, Recreation, and Historic Preservation be included as part of the SEQRA process.

PLANNING BOARD ACTION:

MOTION: To classify Michael DeRocker's Property Transaction and Minor Subdivision along Vandenburg Point Road as an Unlisted Action and to give the New York State Department of Environmental Conservation (NYSDEC), The New York State Office of Parks, Recreation and Historic Preservation (OPRHP), and the Adirondack Park Agency (APA) 30 calendar days to comment on the project.

MADE BY: David Jankowski
SECONDDED: Grant Rauch
VOTE: 5 in favor, 0 opposed

E. 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?

DISCUSSION:

Planning Board Members were in agreement that while there was pending information with the Adirondack Park Agency, SEQR, and items on the Subdivision plat, that information would be able to be obtained over the next month and that they should schedule a Public Hearing.

MOTION: To schedule a Public Hearing on Michael DeRocker's Property Transaction and Minor Subdivision along Vandenburg Point Road for 6:00 pm on Wednesday, June 21, 2023, at Mayfield Town Hall.

MADE BY: Aaron Howland
SECONDDED: John Kessler
VOTE: 5 in favor, 0 opposed

VI. TOWN OF MAYFIELD ZONING ORDINANCE – UPDATE:

A. Background:

The Town of Mayfield Planning Board has expressed an interest in updating language within the current Zoning Ordinance. Adopted in 2017 as Local Law 2 Resolution 159, the Zoning Ordinance included a compilation of revisions and amendments to the law originally adopted in 2005. Over the last few years, Planning Board Members, Code Enforcement, and the Fulton County Planning Department have had to work around inconsistencies within the current law. The Planning Board would like to submit a recommendation to the Town Board as an amendment, which would include Zoning Law updates since the adoption.

DISCUSSION:

Mr. Enfield indicated that Fulton County Planning Director Scott Henze spoke with Town of Mayfield Supervisor Richard Argotsinger. He mentioned that Supervisor Argotsinger would like the Planning Board to do work on concerns that have come up and submit to the Board as an amendment to the current Zoning Law.

Planning Board members were in agreement that this is the best method of moving forward.

Chairman Kessler expressed there needs to be clarity in current definitions.

Mr. Enfield asked the Planning Board to look at the current Zoning Ordinance and identify concerns that they feel should be addressed in the update.

Mr. Enfield asked Code Enforcement Officer Damon Curley to review notes from the Zoning Board of Appeals meetings (2017 – present) as there may be inconsistencies with Variances within specific Zoning Districts.

Mr. Enfield stated that the Fulton County Planning Department can review meeting minutes from 2017 – present and identify any concerns that came up as specific agenda items or during the review process. Subsequently, he stated that there may be a record of items that were sent to the zoning commission from the former Senior Planner Sean Geraghty which were never taken into consideration during the 2017 update. Mr. Enfield indicated he remembers learning about items associated with signage that was struck completely, which may be good to add back.

Planning Board Member David Jankowski indicated that he would defer to Code Enforcement on larger concerns given his responsibility to enforce the items within the Town's zoning code.

Code Enforcement Officer Damon Curley stated he has asked the Town Board on several occasions about changes they would like to see within the current Zoning Ordinance and to date has not received any feedback from them.

Mr. Enfield stated he hoped to have some information as an agenda item during the next meeting.

VII. OTHER BUSINESS:

A. Chairman:

Lane and Kalie Winney RV Park along NYS Route 30 and Wood Hollow Road – Docks

Chairman Kessler brought up a concern initially raised by Planning Board Member Jerry Moore regarding Lane and Kalei Winney's permit on allowing for 65 boat slips within the Great Sacandaga Lake. He stated that this was never part of the approval.

Mr. Curley indicated to the Planning Board that the Town of Mayfield does not have jurisdiction over the docks.

Mr. Miles asked if the Hudson River Regulating District should have jurisdiction over the Great Sacandaga Lake and have the final say on how many boat slips will be allowed?

Mr. Enfield reminded Planning Board members that it was the intention of the applicants all along to have a docking system as part of the project, and it has been indicated it has been in every aspect of the review process.

Mr. Enfield stated that the boat launch was a big concern to the Planning Board and that, through the review process, was removed. He also stated those within the RV Park could use the various NYSDEC boat launches around the Lake.

Mr. Enfield also reminded Planning Board members that, during the January 2022 Public Hearing, several individuals voiced concerns regarding not being able to kayak to the Kennyetto Creek from the Great Sacandaga Lake and a 20' space would need to be available at all times.

Mr. Enfield referenced a response letter that Travis Mitchell, P.E., of Environmental Design Partnership, sent to Braymer Law responding to Sterling Engineering's statement on a "marina" being constructed was incorrect and that it was a docking system. Mr. Mitchell's letter also stated he was meeting with the NYS Department of Environmental Conservation and the Hudson River Black River Regulating District on it. Mr. Enfield stated that the May 2022 minutes also reflect this update.

Vice Chairman Howland stated that he would like to see if the Planning Board has the authority to dictate the number of docking systems.

Mr. Curley stated that there is a threshold by which the term "marina" is used and, currently, the project was possibly under that number but would need to research. Mr. Curley reminded Planning Board members that is not under the Planning Board's jurisdiction. Subsequently, Mr. Curley stated that the Planning Board couldn't base their decision on approval or denying an application given something they have no control over.

Planning Board members had a back-and-forth conversation indicating they felt as though the project did not indicate that boat slips would be part of the project, some stating they would have voted otherwise on the project.

Mr. Enfield reiterated the applicant wished to have boat slips as part of the project and it is even mentioned in the background information provided every time it was before the Planning Board.

Mr. Miles stated he was under the assumption that, while the boat launch was removed, only carry-ons would be allowed.

Mr. Miles indicated that, while they do not have jurisdiction over the docks, the Planning Board does have the right to listen to the concerns of the neighbors and take that into consideration when approving or disapproving a project.

Mr. Curley stated that he would convey the Planning Board concerns to the Hudson River Black River Regulation District.

Mr. Jankowski indicated that it would be misleading to the public if it was conveyed that the Planning Board has authority over the docks, which in actuality they do not.

Mr. Enfield reminded Planning Board members that the project received conditional approval, and until such conditions were met, that the Chairman cannot sign it. He stated that, once the finalized Site Plan is ready for signature, a before and after will be provided of the changes that had to occur as part of the permitting process.

Mr. Enfield inquired if the Planning Board would like to have Environmental Design Partnership give an update on the project at an upcoming meeting.

The Planning Board stated that it would like to wait until the final Site Plan is ready.

Mr. Enfield mentioned that, in reviewing the notes from the meeting minutes, there was never a discussion of the docking system.

Several Planning Board Members indicated that was incorrect and that there were discussions during the planning process that this occurred.

Members of the public spoke out and concurred with the Planning Board..

Vice Chairman Howland indicated that he wanted to have the Planning Board compile a letter indicating they oppose the docking systems.

Planning Board Member Grant Rauch indicated that, should that occur, he would abstain, as he lives within 500' of the project.

Mr. Miles stated that the Planning Board should not try to overstep its boundaries on something they have no jurisdiction over.

Mr. Miles reiterated that he voted in favor of the project, however, he felt that the 64-docks were not clearly indicated to the Planning Board, given the fact that it would jam up the area and, partway through the summer, there will not be adequate water for the number of boats proposed.

Mr. Enfield indicated that they could attend the Public Hearing when the permitting agency has one, and voice their concerns. He recommended they do it as private individuals who happen to be on the Planning Board.

VIII. CLOSE OF THE MEETING:

MOTION: To close the meeting at 6:53 pm

MADE BY: Grant Rauch

SECONDED: David Jankowski

VOTE: 5 in favor, 0 opposed