

**TOWN OF MAYFIELD PLANNING BOARD  
JANUARY 19, 2011  
6:30 P.M.  
TOWN OF MAYFIELD TOWN HALL  
MEETING NOTES**

**PRESENT:**

**WALT RYAN, CHAIRMAN  
BARNEY BROWER  
ROBERT PHILLIPS  
MARILYN SALVIONE  
JERRY MOORE**

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

**I. CALL MEETING TO ORDER:**

The meeting was called to order at 6:25 p.m.

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

MOTION: To approve the minutes to the December 15, 2010 meeting.

MADE BY: Marilyn Salvione

SECONDED: Barney Brower

VOTE: 5 in favor, 0 opposed

**III. ELECTION OF OFFICERS:**

In accordance with Section 271 of the Town Law of New York State, the Chairperson of the Planning Board is typically appointed by the Town Board. However, in the absence of this appointment, the Town Law of New York State authorizes the Planning Board to designate a member to serve as Chairperson.

PLANNING BOARD DISCUSSION: Planning Board Chairman Walt Ryan indicated that the Board previously talked about having a different Chairman for 2011 and that Marilyn Salvione agreed to assume this role. Barney Brower nominated Marilyn Salvione as the Planning Board Chairperson for 2011. Robert Phillips seconded that nomination. There was no further discussion amongst Board members.

VOTE: Unanimous

County Senior Planner Sean Geraghty recommended that the Board also select a Vice Chairman to act in the absence of the Chairman. Mr. Brower nominated Robert Phillips as the Vice Charman. Marilyn Salvione seconded that nomination. There was no further discussion amongst Board members.

VOTE: Unanimous

FURTHER DISCUSSION: Mr. Ryan noted that as he leaves the Chairman's position, he would like to have Board members reflect for a moment on the amount of time and effort that was spent by one of the Board's past Chairman John Vadney. Mr. Ryan indicated that Mr. Vadney spent ten (10) years on the Board and two (2) years on the Zoning Commission, which met biweekly in an effort to create the Town's first Zoning Regulations. Mr. Ryan noted that Mr. Vadney came from the Town of Pittsford where he had previous experience in land use planning. Mr. Ryan stated that he felt Mr. Vadney offered valuable points of view on a number of topics and that he would like to thank him for the time he spent with the Town of Mayfield Planning Board.

Marilyn Salvione then assumed the role of Planning Board Chairperson for 2011.

Mrs. Salvione noted that she received a call from Dave Huckans, Paradise Point Development Corporation, asking that he be included on this evening's agenda. She indicated to the Board that she explained to Mr. Huckans that the Planning Board will be operating under new procedures beginning in 2011 and that he would have to go to the Town Code Enforcement Office and eventually the Fulton County Planning Department in order to be included on a Planning Board Agenda.

Mrs. Salvione welcomed County Senior Planner Sean Geraghty as the staff person for the Board and asked him to update Board members on the Paradise Point Development Corporation Project.

Mr. Geraghty took a moment to explain that he has worked with several local Planning Boards and has developed an agenda process that seems

to work very well. Mr. Geraghty stated that, nevertheless, he is always open for suggestions on how to format Planning Board agendas and asked Board members to please contact him with any ideas they may have. Mr. Geraghty also told Board members that they should feel free to contact him regarding any applications before the Board and if they have any questions, to let him know beforehand so that he has time to find an answer before the Board's meeting.

#### **IV. PARADISE POINT DEVELOPMENT CORPORATION – LAKEVIEW VILLAGE AT PARADISE POINT SUBDIVISION:**

##### **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. State Environmental Quality Review:**

During its July 21, 2010 meeting, the Town of Mayfield Planning Board classified the Paradise Point Development Corporation's project as an Unlisted Action and proposed that it serve as the Lead Agency for the purpose of issuing a determination of significance under SEQR. A copy of the applicant's revised project plans, along with a Full Environmental Assessment Form, was forwarded to the NYS Department of Environmental Conservation (NYSDEC), the NYS Department of Health (NYSDOH) and the Adirondack Park Agency. As a result of this mailing, both the NYSDOH and the NYSDEC concurred with the Town of Mayfield Planning Board's proposal to act as Lead Agency and each State agency outlined issues that would need to be resolved before final permits could be issued for the project.

Based on the feedback it received from the NYSDEC and the NYSDOH, the Town of Mayfield Planning Board declared itself the Lead Agency for the purpose of issuing a determination of significance under SEQR for this project during its September 15, 2010 meeting. However, since the comments it received from those State agencies left several issues

unaddressed, the Board determined that additional information and answers would be needed from the applicant before a determination of significance could be issued under SEQR. The NYSDOH also pointed out in its response that since the project is now considered a New York State Realty Subdivision, it should be considered a Type 1 Action and not an Unlisted Action under the State Environmental Quality Review Act.

DISCUSSION: Mr. Geraghty explained that given the fact that the NYSDOH has pointed out that the Paradise Point Development Corporation's project is considered a NYS Real Subdivision and should be classified as a Type 1 Action, he felt the Board should have a formal motion changing its original classification of the project from an Unlisted Action to a Type 1 Action.

MOTION: Amending the classification of the Paradise Point Development Corporation's Lakeview Village at Paradise Point Subdivision classification under the State Environmental Quality Review Act (SEQRA) from an Unlisted Action to a Type 1 Action.

MADE BY: Walt Ryan  
SECONDED: Marilyn Salvione  
VOTE: 5 in favor, 0 opposed

#### C. Project Status:

As a result of the discussions that took place at its September 15, 2010 meeting, the Town of Mayfield Planning Board generated a list of issues that will need to be resolved before any formal Board action takes place. On September 30, 2010, a letter was sent to David Huckans, Paradise Point Development Corporation, outlining those issues. Mr. Huckans then forwarded a copy of the letter to Travis Mitchell, Environmental Design Partnership, LLP, so that a response could be prepared.

In a letter dated January 5, 2011, Mr. Mitchell responded to the Planning Board's list of issues:

1. The lot layout for the proposed subdivision calls for lot lines to be drawn along the common wall between structures. This amounts to a zero lot line setback from side property lines. Consequently, the applicant will need to seek variances for each of the lots in the development from the Town of Mayfield Zoning Board of Appeals.

STATUS: In his letter to County Senior Planner Sean Geraghty, Mr. Mitchell recognizes that the applicant will need to seek area variances for each of the lots in the proposed subdivision and will be preparing an application to appear before the Zoning Board of Appeals. (NOTE: Section 277 of the Town Law of New York State indicates that where a subdivision plat contains 1 or more lots which do not comply with the Zoning Regulations, an application may be made to the Zoning Board of Appeals for an area variance pursuant to Section 267-b of this Article without the necessity of a decision or determination of an administrative official charged with the enforcement of the Zoning Regulations. In reviewing such application, the Zoning Board of Appeals shall request the Planning Board to provide a written recommendation concerning the proposed variance.)

DISCUSSION: Planning Board Member Jerry Moore pointed out that if the Town Zoning Board of Appeals denies the variance request, the project is essentially over.

Mr. Geraghty agreed but clarified that the applicants will not be seeking a use variance from the ZBA which is very difficult to obtain. Instead, he explained that the applicant will be seeking an area variance where the burden to show adverse impacts on the community is the responsibility of the Zoning Board of Appeals.

Mr. Ryan indicated that from a lot line setback standpoint, he would focus on two (2) issues: First, Mr. Ryan stated that he would like to make sure that adequate access is provided around the building for fire and other emergency vehicles. Secondly, Mr. Ryan explained that he would want to make sure that the infringement on the side yard setback did not pose any adverse drainage conditions on neighboring property owners. Mr. Ryan pointed out that the applicant's townhouse development is somewhat unique to the Town of Mayfield and that he did not believe there would be access or drainage concerns resulting from the proposed variance request and that the Planning Board should make this known to the Town ZBA.

There was then a lengthy discussion amongst Board members and Town Code Enforcement Officer Mike Stewart concerning the information that would need to go to the Zoning Board of Appeals so that its members have a clear understanding of the variances that are being requested by the applicant.

County Senior Planner Sean Geraghty indicated that he would be sending a follow-up letter to Travis Mitchell, P.E., the applicant's engineer, following this evening's meeting in which he would outline the exact maps and documents he needed in order to forward the variance

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

MOTION: To forward the Paradise Point Development Corporation's application to the Town Zoning Board of Appeals for area variances on each of the 20 lots in the proposed subdivision pending receipt of all required information from the applicant.

MADE BY: Jerry Moore

SECONDED: Barney Brower

VOTE: 5 in favor, 0 opposed

2. A new Stormwater Pollution Prevention Plan will need to be provided based on the changes that have been made to the proposal. This Stormwater Plan will need to be submitted to the NYSDEC for approval. The Planning Board asked that language stipulating that snow be removed from the roads within 48 hours and that only light salting be undertaken on the roads be removed from the plan.

STATUS: Mr. Mitchell has indicated that the Stormwater Management Design for this project remains unchanged and therefore the Notice of Intent on file with the NYSDEC will not need to be revised. In an e-mail dated Friday, January 7, 2011, William Lupo, P.E., Regional Water Engineer, NYSDEC Region 5 Division of Water, confirmed with Mr. Mitchell that no changes will be required to the existing Stormwater Pollution Prevention Plan or the Notice of Intent that is on file with the NYSDEC. County Senior Planner Sean Geraghty has also spoken with Mr. Lupo regarding this project and has confirmed that an updated Stormwater Pollution Prevention Plan is not needed. Mr. Mitchell also notes in his response that the notations regarding snow removal and the light salting restrictions will be removed from the plans.

DISCUSSION: Mr. Moore stated that he felt the removal of the notations on snow removal and salting restrictions from the drawing essentially represented a change in the Stormwater Management Plan.

Mr. Geraghty explained that he did not believe the NYSDEC looked at snow removal schedules and salting restrictions as part of the Stormwater Management Plan but that he would check with that State agency and get an answer for the Board.

Walt Ryan explained that the reason the Board had asked that the notation regarding the snow removal be removed from the drawings is

that it did not want the Town to be responsible for this maintenance procedure. However, Mr. Ryan also speculated that if snow is not removed from the catchbasins, then the stormwater system may not work properly.

Mr. Moore noted that the amount of infrastructure to be developed as part of this system will be an expensive endeavor for the applicant.

- 2A. The NYSDEC indicated that the Stormwater Management System on the project site will need to be owned and maintained by a legally responsible party (i.e.; Homeowner's Association). Consequently, the Planning Board asked that a Stormwater District be created for this proposal along with a written documented explanation of how the district will be funded and who will be responsible for maintaining the stormwater infrastructure.

STATUS: In his response to Mr. Geraghty, Mr. Mitchell indicates that his client is proposing that ownership and maintenance responsibilities for the Stormwater Management System be the responsibility of the Homeowner's Association. (NOTE: Mr. Geraghty spoke with William Lupo, P.E., NYSDEC, regarding this issue and was told that the State has no preference as to whether the infrastructure is owned and maintained by a Homeowner's Association or if a Town Stormwater Management District is created in order to maintain the infrastructure.)

DISCUSSION: After a lengthy discussion, there was a general consensus among Board members that the applicant should be asked to pursue the creation of a Stormwater Management District rather than leaving the ownership and maintenance responsibilities to a Homeowner's Association.

Mrs. Salvione asked Town Supervisor Rick Argotsinger if the Town Board would have a preference.

Mr. Argotsinger indicated to Board members that he believed the Town Board would prefer to see an actual Stormwater Management District created where property owners within the District would be taxed and the Town could be assured that ongoing maintenance costs to keep the stormwater system operational would be undertaken.

Mrs. Salvione then asked County Senior Planner Sean Geraghty if he had an opinion on the matter.

Mr. Geraghty explained that in his discussion with Mr. Lupo, NYSDEC, he was told that homeowner's associations are certainly easier to establish and work great when they are financially viable. However, Mr. Geraghty

pointed out that if a homeowner's association fails financially, the responsibility for operation and maintenance costs could become the burden of the community. Mr. Geraghty stated that it is certainly a more cumbersome process to create a Stormwater Management District, but that would assure the Town that the ongoing maintenance costs would be covered. Mr. Geraghty pointed out, however, that if the applicant intends to maintain ownership of the road servicing the development, then the Town would have to obtain some sort of easements to access the stormwater infrastructure if it is even able to create a Stormwater Management District for this development. Mr. Geraghty indicated that he would discuss this issue with Town Attorney Carm Greco.

3. In terms of the septic system design, the Planning Board asked that the sanitary lines running under Lakeview Road be protected with a large conduit. The Board asked that pull boxes of sufficient size be provided at each end to allow pipe replacement without disturbance to the road.

STATUS: In his correspondence, Mr. Mitchell has indicated that the applicant is willing to work with the Planning Board and the Town Highway Department to provide the requested design considerations.

DISCUSSION: There were no comments from Board members concerning this issue. Mr. Geraghty indicated that he would like to see the Town Superintendent of Highways included in any future discussions on this issue. Mr. Ryan noted that he has already spoken with Town Superintendent of Highways Melvin Dopp and consulted on this particular issue.

- 3A. The Planning Board noted that the NYSDOH considers the proposed septic system design for the project to be a community sewage system and has indicated that a special improvement district or transportation corporation must be established before it will approve the construction of such a system.

STATUS: Mr. Mitchell has indicated in his letter to Mr. Geraghty that his client is aware that a transportation corporation will need to be formed and that this process will have to be pursued through the Town Board.

DISCUSSION: Mr. Geraghty indicated that he would bring this issue to the attention of the Town Attorney Carm Greco.

4. Several of the individual wells shown on the subdivision plat are within the Hudson River Black River Regulating District easement. The Planning Board has asked that some verification be provided that the use of this easement area for individual wells is allowable. The



Planning Board also asks that a written analysis be provided by a professional engineer that the individual wells will not become contaminated in the event of flooding within the Regulating District property or a result of a failure in the stormwater system.

STATUS: Mr. Mitchell has indicated in his response letter that he is working with the NYSDOH on an analysis of the individual wells in order to determine if the project can be served by those wells or needs a community water supply. Mr. Mitchell also indicated that he is attempting to obtain clarification from the Hudson River Black River Regulating District on whether or not wells can be drilled within the easement area. He also indicates that the necessary analysis with respect to the potential contamination of the wells from surface water will also be performed.

DISCUSSION: The Planning Board held a brief discussion concerning the magnitude of this issue. Mr. Geraghty pointed out that if the NYSDOH does not approve of the individual wells, then a community water supply along with a separate transportation corporation will need to be put together by the applicant.

5. The subdivision plat drawings should 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. The Planning Board indicated that open space on the east side of Lakeview Avenue be left in its natural state with no buildings or storage of any kind while allowing open space on the west side of Lakeview Road to be used as a potential dock and boat storage area. The Planning Board also asked that the dock storage area/boat trailer storage area be adequately screened from view and have a designated access road.

STATUS: Mr. Mitchell has indicated in his correspondence that he will clarify, on the subdivision drawings, the lands to be preserved for open space/wetlands and the proposed ownership and use of those lands. Mr. Mitchell also indicates that any proposed screening and access to the proposed dock and boat storage areas will be provided.

DISCUSSION: The Planning Board seemed satisfied with Mr. Mitchell's response.

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

STATUS: Mr. Mitchell has indicated that he would provide a revised design for the dock anchor system.

DISCUSSION: The Planning Board seemed satisfied with Mr. Mitchell's response.

7. In terms of the phasing of the project, the Planning Board noted that no building permits will be issued for any structures within the subdivision until all required infrastructure in the development has been completed to the Town's satisfaction. The Planning Board also noted that the Town will require bonding for infrastructure improvements within the subdivision and will be consulting with the Town Attorney on this matter.

STATUS: Mr. Mitchell has indicated that the applicant understands that no building permits will be issued until all required utility infrastructure has been completed to the Town's satisfaction.

DISCUSSION: Once again, Board members noted how expensive the infrastructure development for the project will be. Mr. Geraghty indicated that construction cost estimates will have to be prepared at some point in the future so that the Town can establish how large a Performance Bond will be required from the applicant. Mr. Geraghty indicated that he spoke with County Planning Director James Mraz regarding the idea of requesting a Performance Bond from the applicant in this situation. Mr. Geraghty stated that Mr. Mraz suggested that the Performance Bond also include a 1-year warranty period.

8. The Planning Board noted that the NYSDOH has indicated that not only will its approval of the project as a New York State Realty Subdivision require a written confirmation from the Planning Board that the proposal is acceptable, but it will also require an approval of the final design by the Adirondack Park Agency.

STATUS: In his correspondence, Mr. Mitchell has indicated that a new application will be submitted to the Adirondack Park Agency pending the completion of discussions with the NYSDOH regarding the use of individual wells for the project.

DISCUSSION: Mr. Geraghty noted that the applicant's engineer will not resubmit an application to the Adirondack Park Agency until a decision regarding the use of individual wells has been made by the NYSDOH.

9. The Planning Board noted that the NYSDOH indicated that a previous hydrogeological study on the property showed that of the proposed wells could be influenced by surface water and therefore would require treatment. The Board noted that NYSDOH also indicated that due to the proposed proximity of many of the wells to the Great Sacandaga Lake, the wells may need to be drilled and tested for their combined impact on each other and that it is conceivable a community water system for this project may be required.

STATUS: Mr. Mitchell has indicated in his correspondence that he is working with the NYSDOH to demonstrate that adequate water supply quantity and quality can be provided through the use of individual wells.

DISCUSSION: There was a recognition amongst Board members that this issue was discussed at length earlier in the agenda.

10. In his letter to Mr. Geraghty, Mr. Mitchell recommends that the final plans for the project include the necessary Homeowner's Association documentation clearly identifying the ownership and maintenance responsibilities for the Stormwater Management System, the roadways and common driveways within the development.

DISCUSSION: The Board held a lengthy discussion concerning the actual construction of the road and infrastructure in the proposed development. Board members expressed some concern over who would be responsible for making sure that the various specifications for infrastructure and roads within the development are actually being followed by contractors. Town Code Enforcement Officer Mike Stewart pointed out that the Town may wish to use a third party inspector who would be responsible for reporting back to the Town and verifying that contractors have met the construction standards outlined in the approved set of plans.

- 10A. Mr. Mitchell also points out in his letter that the NYSDOH has indicated that it prefers the use of effluent pumps discharging to the proposed leach field system instead of the grinder pump systems that have been previously proposed. He notes that NYSDOH also suggested a minor revision to the layout of the leach fields which will be incorporated into the final design for the project.

DISCUSSION: The Board held a brief discussion with Mr. Stewart concerning the use of effluent pumps versus grinder pumps. Mr. Moore noted that the pumps will have to be very large given the tremendous distance and elevation that will have to be covered by the force mains.

D. Planning Board Action:

On behalf of his client, Paradise Point Development Corporation, Mr. Mitchell has asked when it would be appropriate for him to reappear with his client before the Planning Board in order to continue the review and discussions on this project.

DISCUSSION: Mr. Geraghty explained that he would like to have the Board authorize him to send a follow-up letter to the applicant's engineer, Travis Mitchell, P.E., in order to give him an idea of what transpired at this evening's meeting. Mr. Geraghty stated that he did not necessarily need a formal motion of the Board but could simply reflect in the minutes that the Board asked him to send a follow-up to Mr. Mitchell. There was a general consensus among Board members that a letter should be forwarded to Mr. Mitchell letting him know where the Planning Board stands on the various issues that were discussed this evening.

V. **OTHER BUSINESS:**

A. Code Enforcement Update:

(See attached monthly report from Michael Stewart, Code Enforcement Officer.)

Mr. Stewart briefly discussed the issues outlined in his monthly report for the Planning Board. Mr. Stewart also talked briefly about the potential annexation of property from the Town of Mayfield into the Village of Broadalbin for a large subdivision project along Bellen Road.

Mr. Ryan had a question concerning the letter that was sent to Paul Kolodziej regarding an exempt subdivision. He noted that typically the Planning Board reviews proposals before deciding on the exemption.

Mr. Geraghty suggested that this procedure be left in the Code Enforcement Officer's hands since any projects that are exempt from the Subdivision Regulations should not be reviewed by the Planning Board under the Subdivision Regulations. Mr. Geraghty stated that he and Mr. Stewart would discuss this issue and report back to the Board.

**VI. CLOSE OF THE MEETING:**

MOTION: To close the meeting at 7:32 p.m.

MADE BY: Barney Brower

SECONDED: Robert Phillips

VOTE: 5 in favor, 0 opposed