

**TOWN OF MAYFIELD PLANNING BOARD
SEPTEMBER 21, 2011
6:30 P.M.
TOWN OF MAYFIELD TOWN HALL**

MEETING NOTES

PRESENT:

**MARILYN SALVIONE, CHAIRWOMAN
ROBERT PHILLIPS, VICE CHAIRMAN
WALT RYAN
JERRY MOORE
MALCOLM SIMMONS, ALTERNATE
MICHAEL STEWART, CODE ENFORCEMENT OFFICER
SEAN M. GERAGHTY, SR. PLANNER**

JAMES BEACH, ALTERNATE

I. CALL MEETING TO ORDER:

The meeting was called to order at 6:30 p.m.

Planning Board Chairwoman Marilyn Salvione asked Malcolm Simmons to participate in the meeting on behalf of Barney Brower.

II. APPROVE MINUTES OF LAST REGULAR MEETING:

MOTION: To approve the minutes to the July 20, 2011 meeting.

MADE BY: Robert Phillips

SECONDED: Malcolm Simmons

VOTE: 5 in favor, 0 opposed

**III. EUGENE AND CAROLINE BILLS – LOT LINE AMENDMENT ALONG
VANDENBURG POINT ROAD AND NYS ROUTE 30:**

A. Background:

Eugene and Caroline Bills currently own two (2) adjacent pieces of property near the intersection of NYS Route 30 and Vandenburg Point

Road. The first parcel (SBL #120-3-3.5) is approximately 1.8 acres in size and has access off of Vandenburg Point Road. The second parcel (SBL #120-3-19.1) is approximately 19.7 acres in size and has access to both NYS Route 30 and Vandenburg Point Road. The property owners would like to amend the boundary line separating the two (2) parcels by adding acreage to the parcel along Vandenburg Point Road while reducing the size on the remaining parcel so that it only has access on NYS Route 30. The two (2) parcels will then be approximately 9.41 and 11.35 acres in size respectively.

B. Determination of Subdivision Status:

Appendix A of the Town of Mayfield Subdivision Regulations entitled “Definitions” indicates that no division of land meeting the following criteria shall constitute a subdivision for purposes of compliance with the Town’s Subdivision Regulations:

1. A division of land into four (4) or fewer residential parcels which land has not been previously divided within the last five (5) years.
2. Each resulting parcel will consist of at least the minimum lot size required for the Town’s Zoning Law.
3. Each parcel will have a minimum width as prescribed in the Town’s Zoning Law.
4. Each lot will have a minimum of 150’ of frontage on an existing and maintained public street.

Given this set of criteria, it appears as though Eugene and Caroline Bills property transaction is considered exempt from the Town’s Subdivision Regulations and can simply be treated as a lot line amendment.

DISCUSSION: There was a general consensus among Board members that the applicant’s proposed property transaction is exempt from the Town’s Subdivision Regulations.

MOTION: Recognizing that Eugene and Caroline Bills proposed lot line amendment along Vandenburg Point Road and NYS Route 30 is exempt from the Town’s Subdivision Regulations.

MADE BY: Marilyn Salvione

SECONDED: Walt Ryan

VOTE: 5 in favor, 0 opposed

IV. ANDREW ASKEW – SITE PLAN FOR AUTO REPAIR SHOP ALONG NYS ROUTE 30:

A. Background:

Andrew Askew owns a 1.43 acre parcel along the west side of NYS Route 30 in the Town of Mayfield. There is a house with a carport on the property and a separate garage, carport and shed that he is proposing to use for an auto repair business. As part of the project, a new septic field will be constructed for the business operation.

Planning Board Alternate James Beach excused himself from the meeting as the owner of the motor vehicle repair shop.

Mrs. Salvione noted that Mr. Askew previously had a site plan review by the Planning Board for a used car sales lot on this same property. She also reminded Board members that Mr. Askew sought and received a zoning change for the property to a commercial district.

B. Planning Department Review:

The Fulton County Planning Department has reviewed the application in accordance with the Town's Site Plan Regulations and would like to offer the following comments:

1. The title on the site plan drawing should indicate that the site plan is for an automobile repair garage.

DISCUSSION: The Planning Board felt that the title on the drawing should be changed.

2. The current zoning classification of the property should be identified on the site plan drawing.

DISCUSSION: The Planning Board felt that the zoning classification should be noted on the drawing.

3. The dimensions of the garage, carport and shed to be used for the auto repair business should be noted on the site plan drawing.

DISCUSSION: Ella May Ebert explained to Board members that only the garage and one (1) stall in the carport will be used for the business. She indicated that the shed is used for personal storage. The Planning Board felt that not only should the drawings show the sizes of the structures, but a notation should be made on the

drawings indicating what buildings will be used by the proposed business.

4. The width of the access driveway should be noted on the site plan drawing.

DISCUSSION: The Planning Board felt that the width of the access driveway should be noted on the drawing.

5. The location and proposed screening of any outdoor storage areas on the property should be noted.

DISCUSSION: Mr. Askew indicated to Board members that there will be no outdoor storage on the property.

6. The size and design of the rail fence to be built on the property should be identified.

DISCUSSION: Mr. Askew indicated that he installed a temporary fence on the property so that he can move it in order to plow snow. After a brief discussion, there was a general consensus among Board members that the specifications for the fence should be noted on the drawing.

7. Although an engineered septic system design has been provided for the site, there are no percolation or pit test results provided on the site plan drawing.

DISCUSSION: The Planning Board indicated that it would like to see the percolation and pit test results included on the drawing itself.

8. The location of the existing septic field on the property has not been noted.

DISCUSSION: Ms. Ebert showed Board members the approximate location of the existing septic system servicing the house on the property. Board members felt that this information should be included on a revised drawing.

9. The design of the sign to be mounted on the garage should be identified.

DISCUSSION: Planning Board Member Jerry Moore asked if there would be signage along the NYS Route 30 right-of-way? The applicants indicated that there would not be. There was a general

consensus among Board members that no additional details would need to be provided for the 2' x 3' sign to be mounted on the garage.

10. Any landscaping to be provided on the site should be noted on the site plan drawing.

DISCUSSION: Planning Board Member Walt Ryan noted that, originally, the Planning Board did not want to see used cars displayed too close to NYS Route 30. Mr. Ryan indicated that the Planning Board talked about the idea of having the applicant plant a hedgerow along the front property line, but decided to allow a fence so that vehicles could still be seen from NYS Route 30. Mr. Ryan stated that in his personal view, the Board should have the same concerns with the applicant's current proposal. He indicated that he would like to see a permanent fence installed.

Planning Board Member Bob Phillips stated that he would also like to see some buffering on the property for vehicles traveling northbound on NYS Route 30. He stated that he would like the applicant to consider a permanent buffer along the south side of the property and would also like the applicant to install the fence along the front property line on a permanent basis. Mr. Phillips wanted to confirm with the applicants that there would be no outside storage of tanks or dumpsters on the property? Mr. Askew confirmed that he would not allow any outdoor storage. Mr. Phillips also questioned whether vehicles would still be sold on the property? Mr. Askew indicated that the used car business would cease operations.

11. The design of any new outdoor lighting on the property should be included with the site plan drawings.

DISCUSSION: The Planning Board asked that a notation be placed on the drawing identifying the types of lights that are to be installed on the garage.

12. It appears as though the two (2) employee parking spaces and the two (2) overnight parking spaces can only be accessed by driving over the grassed area on the property. This should be clarified.

DISCUSSION: Mr. Askew confirmed that in order to access the employee and overnight parking spaces an individual would have to pass over a grassed area. However, he explained that there is gravel beneath the grassed area and that he will have the grass removed by spraying Clorox on that section of the property.

13. If there are any deed restrictions or covenants, they should be noted on the site plan drawings.

DISCUSSION: The applicants indicated that there are no deed restrictions or covenants to go along with the property. The Planning Board asked that a copy of the deed for the property be filed with the Town Code Enforcement Office.

14. Other.

DISCUSSION: Mrs. Salvione asked if any unlicensed vehicles would be left on the property overnight. Mr. Askew indicated that he did not want to have a junkyard on the property and would not allow the owner of the motor vehicle repair business to keep unlicensed vehicles on the property.

Mr. Moore questioned the amount of noise that would be generated by the business and the potential impact on the adjacent property owner John Ritter? The applicant noted that Mr. Ritter is approximately 250' away from the proposed business location.

County Senior Planner Sean Geraghty indicated that Mr. Ritter would receive a notice of the public hearing on this matter.

Mr. Ryan stated that he felt it was optimistic to believe that all of the vehicles that are worked on in this automobile repair garage will be picked up on the same day by their owners. He indicated that he did not have a problem with one (1) or two (2) vehicles being left overnight until the next day but did not wish to have unlicensed vehicles, being used for parts, left on the property. Mr. Askew stated that he did not intend to allow the business owners to have unlicensed vehicles on the property and would agree to have a condition placed on the site plan application stating such.

Mr. Phillips asked if there was going to be a designated drop zone for vehicles that are dropped off after hours? After a brief discussion between Board members and the applicant, it was agreed that the drop zone should be along the back side of the garage and that the employee and overnight parking spaces may need to be reconfigured in that area.

Mr. Moore asked if neighboring property owners would all receive notice of the site plan hearing. Town Code Enforcement Officer Mike Stewart noted that the local zoning regulations do not require individual property owners to be notified. Mr. Geraghty stated that there was nothing precluding the Planning Board from sending a copy

of the public notice that is sent to the newspaper to individual property owners.

MOTION: Requesting that the adjacent property owners, as well as those on the opposite side of NYS Route 30, be notified of the hearing on Mr. Askew's site plan application.

MADE BY: Jerry Moore
SECONDED: Robert Phillips
VOTE: 5 in favor, 0 opposed

Mr. Phillips then asked for some assurance that the property owner will provide all of the information the Planning Board has requested and will comply with all of the conditions on the approved site plan drawing before the business is allowed to begin operations on the property. Mr. Geraghty indicated that, typically, any conditions imposed by the Planning Board are supposed to be complied with before a Certificate of Occupancy for any business is issued.

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 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?

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 felt that it would like to see additional information on the proposed screening for the property and

the noise to be generated by the proposed business before completing the SEQR review.

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 table any further SEQR action at this time pending receipt of additional information.

MADE BY: Walt Ryan

SECONDED: Robert Phillips

VOTE: 5 in favor, 0 opposed

D. Planning Board Action:

According to Section 906 of the Town of Mayfield Zoning Regulations, the Planning Board shall fix a time within sixty-two (62) days from the day the Planning Board determines an application for site plan review to be complete for a public hearing on the application for site plan approval. Consequently, does the Planning Board feel that a public hearing can be scheduled at this time?

MOTION: To schedule a public hearing on Andrew Askew's site plan application for a motor vehicle repair garage for 6:30 p.m., Wednesday, October 19, 2011.

MADE BY: Malcolm Simmons

SECONDED: Jerry Moore

VOTE: 5 in favor, 0 opposed

**V. HAROLD AND MARY HART – CONCEPT PLAN FOR A SUBDIVISION
ALONG BERRY ROAD, DENNIE ROAD AND DIAMOND HILL ROAD:**

A. Background:

Mr. Charles Ackerbauer, P.E., representing Harold and Mary Hart, explained to Board members that his clients are currently working with the Adirondack Park Agency (APA) on a proposed 6-lot subdivision in the Town of Mayfield. Mr. Ackerbauer indicated that a Jurisdictional Inquiry Form has been filed with the APA and some preliminary work on the proposal has been undertaken. However, at this point in time, the APA would like to find out if there are any immediate concerns at the local level. Mr. Ackerbauer pointed out that there were some gift lots previously transferred off of the original tract of land, as well as lots that were not approved by the APA. He noted that the lots were all transferred prior to the Town of Mayfield's enactment of subdivision regulations.

Mr. Moore asked what the APA's classification of the property was? Mr. Ackerbauer indicated that it was a rural use area. Mr. Moore questioned the ability of the applicant to get six (6) building lots on this particular property given the fact that it is only 36+/- acres in size. Mr. Ackerbauer pointed out that the applicant previously owned a larger tract of land that may allow him to have the six (6) building lots.

Mr. Geraghty asked Mr. Ackerbauer what he needed from the Town of Mayfield Planning Board in order to keep the review of the project moving forward? Mr. Ackerbauer indicated that he would like to get a confirmation from the Planning Board that it is comfortable allowing residential development in this area provided the property owner complies with all local zoning regulations.

There was a general consensus among Planning Board members that this type of endorsement could be offered to Mr. Ackerbauer.

MOTION: Authorizing County Senior Planner Sean Geraghty to forward a letter to Mr. Ackerbauer endorsing Harold and Mary Hart's concept for a subdivision along Berry Road, Dennie Road and Diamond Hill Road and letting the APA know that the Board is comfortable with the idea of creating additional residential building lots in this area of the community provided the applicant complies with all local zoning regulations.

MADE BY: Walt Ryan
SECONDED: Malcolm Simmons
VOTE: 5 in favor, 0 opposed

VI. REVIEW OF REVISED DRAFT LAND SUBDIVISION REGULATIONS:

A. Highlights:

- Moved definitions to Article III in the document.
- Simplified the submittal requirements for the pre-application review process.
- Added a section on Lot Line Amendments.
- Clarified the submittal requirements for review of minor subdivisions.
- Simplified the review process for major subdivisions.

PLANNING BOARD DISCUSSION: Planning Board Chairwoman Marilyn Salvione asked that additional language be included in the draft subdivision regulations distinguishing the difference between a lot line amendment and a boundary line adjustment. She explained that a boundary line adjustment typically involves a property line transaction between neighboring property owners that is a result of an official legal action by one of the property owners. For instance, she indicated that when a property owner inadvertently builds a structure over his or her property line, the adjacent property owners will typically get together and amend the boundary line. There was then a lengthy discussion concerning the need to add this language to the document.

Mr. Geraghty indicated that he could provide a separate definition for a boundary line adjustment and indicate in the text that boundary line adjustments are not considered lot line amendments. This seemed to satisfy Board members.

Planning Board Member Jerry Moore asked if the 4-lot exemption provision was removed from the draft subdivision regulations? Mr. Geraghty indicated that it was removed. Mr. Moore expressed his dissatisfaction that the exemption provision was removed and indicated that he felt it should be left in the document. After a brief discussion, there was a general consensus among Board members that the exemption provision should be left out of the document.

B. Design Standards:

- Following the July 20, 2011 meeting, the County Planning Department mailed copies of design standards from the Town of Perth in Fulton County and the Towns of Corning and Wayne in Stueben County to Planning Board members in order to give Board members an idea of what other communities are doing in terms of incorporating design standards into their Subdivision Regulations.

PLANNING BOARD DISCUSSION: Mrs. Salvione suggested that the Board take some additional time to review the design standards that were provided by the Fulton County Planning Department. However, Board members seemed to indicate that they did not want to include any design standards in the revised draft Subdivision Regulations.

VII. OTHER BUSINESS:

A. Code Enforcement Update:

Town Code Enforcement Officer Michael Stewart provided Board members with a handout of Section 511 of the NYS Fire Code that talks about emergency vehicle access for detached 1- and 2-family dwellings. Mr. Stewart indicated that this is a provision that the Board will need to consider on future subdivision applications.

B. Training:

Mr. Geraghty encouraged Board members to continue signing up for the training sessions at Fulton-Montgomery Community College on September 26, 2011. He also indicated that the NYS Municipal Insurance Reciprocal (NYMIR) may provide an additional training opportunity later in the year or early in 2012. He indicated that the agency has several unusual topics such as a presentation on hydrofracking that it can offer. Mr. Geraghty stated that several other boards have already indicated that they would like to have different types of topics provided for the training sessions. There seemed to be a general consensus among Board members that, if the NYMIR can provide a different topic for a training session, then those topics should be pursued.

- C. Mr. Ryan had a question concerning the site plan and subdivision applications that are being used in the Town Code Enforcement Office.

Mr. Ryan also talked about the need to change language in the existing Zoning Ordinance to indicate that the height of a building is simply measured to its highest point.

Mr. Geraghty asked when the next review of the Town's Zoning Regulations is scheduled to take place? Board members indicated that they just completed a review this past year and are not scheduled for another review until the following year.

VIII. CLOSE OF THE MEETING:

MOTION: To close the meeting at 7:50 p.m.

MADE BY: Walt Ryan

SECONDED: Malcolm Simmons

VOTE: 5 in favor, 0 opposed