

**TOWN OF MAYFIELD PLANNING BOARD
NOVEMBER 15, 2023
6:00 P.M.
TOWN OF MAYFIELD TOWN HALL**

MEETING NOTES

PRESENT:

**JOHN KESSLER, CHAIRMAN
AARON HOWLAND, VICE-CHAIRMAN
RICHARD MILES
JERRY MOORE
DAVID JANKOWSKI, ALTERNATE**

**BRANDON LEHR, SUPERVISOR-ELECT
MIKE STEWART, CODE ENFORCEMENT OFFICER
NORMAN BARBOSA, CODE ENFORCEMENT OFFICER
AARON ENFIELD, FULTON COUNTY SENIOR PLANNER**

OTHERS:

**MIKE ANGUS
CHRISTIAN GARBER
CINDY FRATMAN
BOBBI RICCARDI
CASSANDRA PARTYKA
JANE KINNEY DENNING
BOB JOHNSON
PETE STEARNS
KATHY STEARNS
FRANK FERNANDEZ
MIKE RORICK
BARB METCALFE
MIKE METCALFE
WILLIAM SHELDON
GENE JOUBERT
PAUL FRISCH
CARA BOMBARD-FRISCH
DAVID BOGARDUS
DAVID GAMBACORTA
MARY GAMBACORTA
MARY ANN GRADE
ANN CARUSONE
FRANK GAMBACORTA, SR.
JANE KINNEY-DENNING**

I. CALL MEETING TO ORDER:

The meeting was called to order at 6:00 PM.

II. APPROVE MINUTES OF THE OCTOBER 18, 2023 MEETING:

PLANNING BOARD ACTION:

MOTION: To approve the minutes of the October 18, 2023 meeting.

MADE BY: Richard Miles

SECONDED: Aaron Howland

VOTE: 5 in favor, 0 opposed

III. MICHAEL AND BARBARA METCALFE – PUBLIC HEARING – MINOR SUBDIVISION AT 102 – 114 PERIQUE ROAD:

A. Background:

Barbara and Michael Metcalfe own a piece of property at 102-114 Perique Road (Tax Map Parcel No. 121-2-2.112) that is approximately 14.467+/- acres in size. The applicants would like to create the following parcels:

1. Lot 1 which is approximately 13.17+/- acres in size
2. Lot 2 which is approximately 1.20+/- acres in size.

There are no NYSDEC Wetlands on the parcel and there are no parcels within Fulton County Agricultural District #1 within 500'.

B. October 20, 2023 meeting:

During the October 20, 2023 meeting, the Town of Mayfield Planning Board continued its review on Michael and Barbara Metcalfe's Minor Subdivision at 102 – 114 Perique Road within the Town of Mayfield. At that time, the Planning Board requested that the following information be provided

1. Clarification on the existing permit for the subdivision from the Adirondack Park Agency.

STATUS: The APA Permit 2007-0261B was issued on October 19, 2023. The permit was existing under a former property owner Clifford Gridley who sold the property in 2008 and has had several owners since then.

DISCUSSION:

Mr. Enfield stated that he spoke with the Adirondack Park Agency for clarification. He indicated that the subdivision is from a previous owner which is why this discussion came up previously.

C. State Environmental Quality Review:

During the October 18, 2023 meeting, the Town of Mayfield Planning Board declared itself on issuing a determination of significance under SEQRA and both Planning Board and Applicant agreed to extend the 20-day period for issuing said determination.

D. Public Hearing:

The Public Hearing was reconvened at 6:02 PM.

Speakers: There were no speakers for the reconvening of the Public Hearing.

The Public Hearing was closed at 6:03 PM.

E. State Environmental Quality Review Act (cont.):

Following the Public Hearing, does the Town of Mayfield Planning Board have any concerns that has 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?

DISCUSSION:

Planning Board Members were in agreement that the project will not have any negative environmental impacts.

PLANNING BOARD ACTION:

MOTION: Authorizing the filing of a Negative Declaration under SEQR for Michael and Barbara Metcalfe's Minor Subdivision at 102-114 Perique Road since:

1. SEQR has been done by the Town of Mayfield Planning Board.
2. There will be no traffic implications resulting from the proposed action.
3. There are utilities ready to service the new lot.
4. There is a preexisting permit with the Adirondack Park Agency 2007-0261B that go back to several property owners.

MADE BY: John Kessler
SECONDED: David Jankowski
VOTE: 5 in favor, 0 opposed

F. Planning Board Action:

In accordance with the Subdivision Regulations of the Town of Mayfield, the Planning Board shall approve, with or without modifications, or disapprove such preliminary plat within sixty-two (62) days of the close of the Public Hearing. Does the Planning Board wish to take final action at this time?

DISCUSSION:

Planning Board members were in agreement to approve the project.

PLANNING BOARD ACTION:

MOTION: To approve Barbara and Michael Metcalfe's Minor Subdivision at 102-114 Perique Road as presented.

MADE BY: John Kessler
SECONDED: Richard Miles
VOTE: 5 in favor, 0 opposed

**IV. ESTATE OF FREDERICK A. PARTYKA – PUBLIC HEARING – MINOR SUBDIVISION
AT 191 PARTYKA DRIVE:**

A. Background:

Cassandra A. Partyka, Esq., Co-Executrix of the Estate of Frederick A. Partyka II, is seeking to subdivide property at 191 Partyka Drive (Tax Map Parcel No. 137.1-3-1.11) that is approximately 10.222+/- acres in size. The Applicant would like to create the following parcels:

1. One Parcel that is 1.16+/- acres in size
2. One Parcel that is 9.062+/- acres in size

The property is within the L-1 Zoning District and the Low-Intensity Use of the Adirondack Park Agency. There are no NYSDEC Wetlands on the parcel and there are no parcels within Fulton County Agricultural District #1 within 500’.

B. October 18, 2023 meeting:

During the October 18, 2023 meeting, the Town of Mayfield Planning Board held a Public Hearing on a Subdivision application for the Estate of Frederick A. Partyka’s along Partyka Drive within the Town of Mayfield. At that time, the Planning Board decided to pause the Public Hearing until additional information was provided by the Applicant:

1. The Subdivision Plat needs to be updated to show the entire tract and distance to the nearest existing intersection of North Second Street (which is shown as the location map on the current plat).

STATUS: Provided

2. While a Right-of-Way is listed on the plat, at the request of Fulton County Real Property, a deeded easement is being asked for.

STATUS: Provided.

3. Metes and Bounds Description of the access road and deeded easements of all roadways along Partyka Drive to North 2nd Ave.

STATUS: Provided.

4. Update from the Adirondacks Park Agency.

STATUS: ?

DISCUSSION:

Cassandra Partyka, Co-Executrix, indicated that she received a permit from the APA dated November 1, 2023.

5. Letter from the buyer of 191 Partyka Drive regarding the encroachment of the Bombard Garage.

STATUS: Provided. In a letter dated October 23, 2023, to Town Attorney Carmel Greco, Frank O'Connor, III, Esq from the Office of Gleason, Dunn, Walsh, and O'Shea indicated that the buyers of 191 Partyka Drive are aware of the encroachment of the shed and does not object to the easterly lot line as proposed, notwithstanding that encroachment.

DISCUSSION:

David Bogardus PE, indicated that he asked for clarification on the letter.

Mr. Enfield indicated that, if the public had a comment, they could bring that up during the reconvening of the Public Hearing.

Planning Board Chairman John Kessler asked Mr. Enfield to clarify the reason the Planning Board requested this information to the public.

Mr. Enfield gave an overview of the reason why a letter was requested.

6. Approximate well and septic for the properties of Douglas Bombard and Cassandra Partyka.

STATUS: Provided. Art Carpenter, Surveyor, used the approximate location for the Bombard septic system taken from the survey "Lot Line Adjustment between lands of James H. Shanley and Owen F. Shanley to Douglas E. Bombard, Jaqueline L. Bombard & Cara Bombard-Frisch dated October 19, 2019." The survey was done by Dave Bogardus of Northeast Land Survey & Land Development Consultants, P.C.

DISCUSSION:

Mr. Enfield stated that the Applicant has provided an approximate location of the septic system and leech field. He stated it was taken from a survey that is on record in the Fulton County Office of Real Property which includes the record from the Office of Real Property.

Planning Board Member Jerry Moore concurred with the statement that Mr. Enfield provided. He stated that, in speaking to him as well as Code Enforcement Officer Mike Stewart, they provided the same answer.

Mr. Moore asked to review the survey again.

Vice Chairman Howland asked if there was any more discussion that should be had on the septic system?

Chairman Kessler indicated that the first question is does the septic system have anything to do with the Subdivision that the Applicant is seeking?

Vice Chairman Howland asked Mr. Bogardus if he was certain the subdivision would not encroach on the septic system?

Mr. Bogardus indicated that he believed that the septic system is on the property line.

Mr. Enfield indicated that the survey was taken from the Office of Real Property, which is the survey on record for this Bombard property.

Cara Bombard-Frisch, neighbor, indicated that the survey was not correct.

Planning Board Member Rich Miles asked that other comments be made during the Public Hearing.

C. State Environmental Quality Review:

During the October 18, 2023 meeting, the Town of Mayfield Planning Board declared itself on issuing a determination of significance under SEQRA and both Planning Board and Applicant agreed to extend the 20-day period for issuing said determination.

D. Public Hearing:

The Public Hearing was reconvened at 6:11 pm.

Speakers:

David Bogardus, Northeast Land Survey, 113 Union Mills Road, Broadalbin

Mr. Bogardus stated that he is at the Public Hearing as a surveyor working as a Consultant to the Bombard family, indicating that he has been friends with the family for many years.

Mr. Bogardus indicated that he questioned the validity of the Subdivision indicating that the boundary of the septic system needs to be finalized beforehand.

Mr. Bogardus stated that the septic system needs to be indicated on the Subdivision by the Partyka's surveyor.

Mr. Bogardus indicated that the Bombard family was promised 5 acres from the Partyka family. He stated that it was not until after the house was built that the lot for the Bombard family was created.

Mr. Bogardus stated that the Homeowner's Association (HOA) had not been created and inquired if the Bombards were part of it?

Mr. Bogardus indicated that the Bombards did not have a deed ROW for the property and questioned if they were going to?

Mr. Enfield indicated that the Public Hearing was not a question and answer, but a chance for individuals of the public to comment on the application.

Mr. Bogardus, again, reiterated if the Bombard family was going to be part of the HOA?

Chairman Kessler indicated that the item related to the ROW should be brought up to the Town Attorney.

Cassandra Partyka, 189 Partyka Drive

Ms. Partyka stated that the items brought up by Mr. Bogardus are irrelevant for the Minor Subdivision at 191 Partyka Drive. She stated that the items brought up can be handled after the Subdivision is approved as they do not pertain to the application.

Ms. Partyka indicated that she has spoken with Mr. Greco, Mr. Stewart and Mr. Enfield on the project related to the items Mr. Bogardus brought up.

Cara Bombard-Frisch, 193 Partyka Drive

Ms. Bombard-Frisch inquired if the road was going to be up to codes related to fire access?

Ms. Bombard Frisch also inquired on the (4) other parcels that can be viewed by the public so the public can view as the HOA grows.

Mr. Enfield asked for clarification.

Ms. Bombard-Frisch indicated that, during a previous meeting, there was mention of 4 other parcels questioned their location, and inquired why they were not part of the application? Subsequently, she requested to see the paperwork and location of the parcels.

Chairman Kessler stated that this application was for one (1) Minor Subdivision and did not include information on additional subdivisions.

Vice Chairman Howland gave an overview of the Subdivision Regulations and the necessary requirements for establishing an HOA.

Mary Ann Grade, 6808 State Highway 30, Amsterdam, NY

Ms. Grade indicated that her mother, Mary Gambacorta, owns 199 Partyka Drive.

Ms. Grade indicated her concerns were in regard to the HOA, stating that she had not seen any documentation on it and questioned what was going to be included. She wondered if there was going to be a letter that homeowners would receive.

Chairman Kessler asked for the speaker's feelings on the HOA.

Ms. Grade stated she had concerns because there was nothing in writing and had only been hearing second-hand information from other individuals. She questioned if the HOA would eventually turn into a State Park and wanted to know what the guidelines were going to be.

Chairman Kessler gave an overview of what other HOA do.

Mr. Miles stated that this is beyond the scope of what the Planning Board is asking for as part of the Subdivision Regulations.

Frank Gambacorta, 3 Vandenburg Lane, Clifton Park, NY

Mr. Gambacorta stated that he concurred with the previous comments made by his sister and wanted to know what information would be made?

The Public Hearing was closed at 6:20 pm.

Further Discussion:

Mr. Enfield stated that there were several comments brought up during the Public Hearing and wanted to clarify any concerns that were brought up. He mentioned the biggest concern was in regards to the Homeowner's Association.

Mr. Enfield indicated that, in a previous meeting, Chairman Kessler requested that the HOA should not be mandatory for existing homeowners but would be necessary for any potential new owners in the future.

Mr. Enfield stated that, while the HOA is necessary for the private road of Partyka Drive given the number of parcels that are on the road, he stated that the Planning Board is not in the position to decide what goes into an HOA and what private residents decide on a private road.

Mr. Enfield asked that Ms. Partyka work directly with the property owners on Partyka Drive and they can express their concerns.

Mr. Partyka stated that because the HOA is part of an estate and is currently working out the initial logistics on the matter. She indicated she has been in touch with some of the property owners that it will be forthcoming, and would like it to be a collaborative process with those who want to join.

Ms. Partyka stated that the proposed buyers of 191 Partyka Drive initially brought up the idea of an HOA to handle concerns for the road during inclement weather, as well as the care and maintenance of the road.

Ms. Partyka stated that there would not be a signed off until all neighbors have had a chance to weigh in.

Mr. Miles clarified if all neighbors would be involved?

Ms. Partyka concurred with Mr. Miles and stated that it is for all neighbors who choose to be involved and choose to be in the HOA.

Mr. Miles stated, while this is beyond the scope of the Planning Board, he asked that information be given to the Applicants in writing on knowing what to expect.

Code Enforcement Officer Mike Stewart stated that he spoke with Town Attorney Carmel Greco on the issue. Mr. Greco indicated that the Town does not have the authority to mandate affected property owner be mandated to join the HOA. Subsequently, Mr. Greco indicated that the existing right-of-way does not go away as a result of the proposed Subdivision.

Ms. Bombard-Frisch expressed concern that, many years ago, a right-of-way was put on their property to access the Lake and wanted to know how the Planning Board was going to change this?

Mr. Stewart indicated that the Subdivision does not change the existing Right-of-Way on Partyka Drive.

Mr. Enfield indicated that the HOA will be for all of Partyka Drive.

Mr. Enfield brought up questions regarding fire safety of private roads. He inquired if Mr. Stewart and Supervisor-Elect Brandon Lehr had any knowledge of this?

Supervisor-Elect Brandon Lehr stated he was unfamiliar as a City of Gloversville Fire Fighter as they primarily work with public roads.

Mr. Stewart stated that only if there was construction taking place would there be any concerns.

Ms. Bombard-Frisch indicated several provisions of that private road is in violation of fire safety standards.

Mr. Enfield reminded the Planning Board and the audience that the provisions of an HOA on a private road are not dictated by a Planning Board.

Mr. Bogardus stated that fire safety is.

Mr. Enfield reiterated that the Planning Board does not have purview to dictate what is within the HOA. Subsequently, he stated that concerns could be brought up to the Partyka estate when forming the HOA. Furthermore, he stated that the Planning Board is looking at a Minor Subdivision and not what goes into an HOA.

Ms. Bombard-Frisch stated that what Mr. Enfield is saying is that she needs to hire an attorney.

Mr. Miles indicated that is not what Mr. Enfield meant. He reiterated Mr. Enfield's statement that the Planning Board is not subject to dictate what goes in an HOA.

Mr. Enfield brought up another concern raised during the public hearing regarding a septic system, which Dave Bogardus, the surveyor on record for the Bombard property from 2019, indicated that his survey was not correct.

Mr. Enfield stated that the survey on record is within the Fulton County Office of Real Property and expressed concern that Mr. Bogardus would state that his survey is incorrect. Subsequently, he questioned any past and present surveys that Northeast Survey has brought before the Planning Board if the Surveyor is stating that his survey is not correct.

Mr. Enfield also stated that he met with the Office of Real Property following the meeting in October to review documents related to the comment Ms. Bombard-Frisch brought up regarding a larger subdivision of 5 acres. He stated, while that appeared in the record for the property, there were no deeds on file to ever give the indication that the Subdivision ever occurred.

Mr. Miles stated that the survey did indicate the septic system was approximate.

Mr. Bogardus stated that was correct.

Mr. Enfield stated it was for a Lot Line Adjustment in 2019 between the Shanleys and the Bombards.

Mr. Bogardus stated that was correct and the septic system is approximate.

Vice Chairman Howland asked how approximate was the septic location?

Mr. Bogardus stated that the location was given to him over the phone by a guy in Florida.

Mr. Miles asked if that was common practice to get the information in that manner and then file it with the County?

Mr. Bogardus reiterated the fact that the septic system is approximate. Subsequently, he stated should he dig up the system or should he take the word of the property owner.

Mr. Enfield stated that the Planning Board should take what is filed with the County as location of the septic system for over five (5) years.

Mr. Moore stated the Planning Board does not handle septic disputes for septic systems that have been on the property for 30 years.

Planning Board members had a back and forth conversation regarding the septic system.

Mr. Stewart stated that he also spoke with Attorney Greco on the matter.

Mr. Stewart stated that, should the septic system be over the property line that is a legal matter that needs to be handled between the two property owners and not up for the Planning Board to decide.

Mr. Miles stated that what the Planning Board is discussing is beyond their reach and should be focusing on the application and the items they are reviewing.

Chairman Kessler stated that, in addition to the septic system, the HOA is beyond the realm of Planning Board's determination.

Mr. Enfield brought up another concern from the Public Hearing questioning the validity of the Subdivision. He stated that the Planning Board has reviewed the subdivision per the Town's Subdivision Regulations.

E. State Environmental Quality Review Act (cont.):

Following the Public Hearing, does the City of Gloversville 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?

DISCUSSION:

Planning Board members agreed that there were no negative environmental impacts that would come as a result of the Subdivision.

PLANNING BOARD ACTION:

MOTION: Authorizing the filing of a Negative Declaration under SEQR for the Estate of Frederick Partyka II's Minor Subdivision since:

1. SEQR has been done by the Town of Mayfield Planning Board.
2. There will be no traffic implications resulting from the proposed action.
3. The approximate septic and leach field of the Bombard Property was documented on October 19, 2019, by Dave Bogardus of Northeast Land Survey & Land Development Consultants.
4. There are utilities available to service the home.

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

F. Planning Board Action:

In accordance with the Subdivision Regulations of the Town of Mayfield, the Planning Board shall approve, with or without modifications, or disapprove such preliminary plat within sixty-two (62) days of the close of the Public Hearing. Does the Planning Board wish to take final action at this time?

DISCUSSION:

Chairman Kessler stated that an approval could be given with a stipulation that an HOA is created.

Mr. Miles reiterated the fact that the Planning Board will not dictate what goes into the HOA, they just need to ask that it be created.

Mr. Enfield stated that was correct.

Vice Chairman Howland brought up concern on the septic system.

Mr. Miles expressed concern on how the Planning Board would know if the HOA has been created? He indicated if the Planning Board should wait until the HOA is created.

Mr. Enfield stated that, while the Planning Board cannot dictate how it is created, it could be brought up during a Code Enforcement Officer Update at the end of a meeting.

Chairman Kessler stated that he made the motion to approve the Subdivision with the stipulation that an HOA is recreated.

Mr. Bogardus indicated there were major defects between the property lines.

Mr. Moore stated that was between the property owners to settle, as it is not part of the Subdivision.

Vice Chairman Howland indicated he felt uncomfortable with moving forward with a vote.

Mr. Miles concurred with Vice Chairman Howland, however, he indicated there was a motion on the floor and the Planning Board needed to take a vote.

Ms. Bombard-Frisch indicated that this is part of an estate and should not be voted on.

Mr. Bogardus reiterated the fact there are defects with the Subdivision. Subsequently, he indicated that the Planning Board needed the right information.

Mr. Miles indicated that, if the maps that the Planning Board is looking at has defects, how are they to know? He stated that what the Planning Board has to go off regarding a septic system is what has been provided by the surveyor who took information from Mr. Bogardus' survey from 2019.

Mr. Bogardus stated that the new property owner will be sued for adverse possession.

Ms. Partyka stated that the issues that have been up are irrelevant to the Subdivision. She stated that the issues brought are secondary to the Subdivision, which created as part of the estate and after the sale of the property. Subsequently, she indicated that the buyers may walk away.

Ms. Bombard-Frisch corrected Ms. Partyka stating the owners will not walk away as they recently put a new roof on the home.

Mr. Miles stated that the Planning Board has a vote on the table and asked the public to be quiet.

PLANNING BOARD ACTION:

MOTION: To approve the Minor Subdivision of the Estate of Frederick Partyka with the stipulation that a Homeowners Association is created per the Town of Mayfield Subdivision Regulations.

MADE BY: John Kessler

SECONDED: Jerry Moore

VOTE: 2 in favor, 3 oppose (Howland, Miles, Jankowski)

Vice Chairman Howland indicated that he opposed because of the septic system.

Mr. Miles stated he opposed due to the fact that the HOA was not created.

Planning Board Alternate Dave Jankowski mentioned he opposed because clarification is needed for a private road, indicating that he lives on one along the Great Sacandaga Lake and, in the past, has had issues.

The Planning Board has 62 days to make a final determination on the Minor Subdivision.

V. **OTHER BUSINESS:**

A. **Code Enforcement Officer:**

Vallone Tourist Accommodations

Mr. Stewart indicated, in doing a walkthrough of the Vallone property, there was a utility box on the back of the cabin which was not on the approved Special Use Permit. He inquired if the Planning Board would like the Applicant to come back for an amendment.

Planning Board members reviewed the revised plans had a back and forth conversation and opted not to seek an amendment.

Mama Mias

Mr. Stewart indicated that Mama Mias would be relocating to another location near Frank's Gun Shop along NYS Route 30.

Hoosey's Restaurant

Mr. Stewart indicated that Hoosey's Restaurant is open.

New Code Enforcement Officer

Mr. Stewart introduced Norman Barbosa as the new Code Enforcement Officer for the Town. He stated that he will be staying on until the end of the year to help Norman get up to speed.

B. **Other:**

Winney RV Park

Jane Kinney Denning (255 Maple Ridge) introduced herself as the new president of the Great Sacandaga Lake Life and was inquiring the status of the Winney RV Park?

Mr. Stewart indicated that the project has went before the Planning Board and was approved.

Mining Permit

Eugene Joubert inquired why they were not on the agenda? He indicated that he had items with him for the Planning Board to review.

Chairman Kessler stated the Planning Board did not receive the items in the allotted time and would not be reviewing the project this evening.

Noise Ordinance

A gentleman of the public inquired if there was a Noise Ordinance within the Town of Mayfield?

Mr. Miles stated that was a Town Board issue and should bring that up during a regular meeting.

VI. CLOSE OF THE MEETING:

MOTION:	To close the meeting at 7:01 pm.
MADE BY:	Rich Miles
SECONDED:	Dave Jankowski
VOTE:	5 in favor, 0 opposed