

**TOWN OF MAYFIELD PLANNING BOARD
OCTOBER 19, 2011
6:30 P.M.**

TOWN OF MAYFIELD TOWN HALL

MEETING NOTES

PRESENT:

**MARILYN SALVIONE, CHAIRWOMAN
WALT RYAN
BARNEY BROWER
JERRY MOORE
MALCOLM SIMMONS, ALTERNATE
MICHAEL STEWART, CODE ENFORCEMENT OFFICER
SEAN M. GERAGHTY, SR. PLANNER**

I. CALL MEETING TO ORDER:

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

II. APPROVE MINUTES OF LAST REGULAR MEETING:

MOTION: To approve the minutes to the September 21, 2011 meeting.

MADE BY: Barney Brower

SECONDED: Walt Ryan

VOTE: 5 in favor, 0 opposed

III. ANDREW ASKEW – PUBLIC HEARING ON 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.

B. September 21, 2011 Meeting:

During its September 21, 2011 meeting, the Town of Mayfield Planning Board began its review of Mr. Askew's Site Plan Application for an Auto Repair Shop on his property at 2948 NYS Route 30. At that time, the Planning Board asked that the following information be provided on a revised Site Plan drawing prior to the public hearing:

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

STATUS: Provided.

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

STATUS: Provided.

3. The dimensions of the garage, carport and shed on the property should be identified. A notation should also be included on the drawing indicating the specific buildings or portions of buildings that will be used for the Auto Repair Shop.

STATUS: The dimensions of the buildings have been identified on the revised drawing. However, there is no notation identifying which of the buildings will be used as part of the Auto Repair Business.

DISCUSSION: Ella May Ebert showed Board members where the auto repair shop is labeled on the revised drawing and explained that approximately 1/3 of the existing carport is shown as a storage area for the auto repair business.

Planning Board Member Malcolm Simmons asked what would be stored in the carport area?

Mr. Askew explained that the storage area will be for tires and parts that he doesn't want left outside of the building.

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

STATUS: Provided.

5. The location and screening of any outdoor storage areas must be shown.

STATUS: There is a notation on the drawing indicating that there will no additional outdoor storage areas on the property.

DISCUSSION: The applicants confirmed that they did not intend to have any materials or parts stored outside of the structure.

6. The design of the rail fence along the front portion of the property should be specifically defined. The Planning Board also asked that this be a permanent fence.

STATUS: ?

DISCUSSION: There was a lengthy discussion concerning the type of fence to be installed on the property. The Planning Board agreed that the applicant could use his existing fence as long as it could be made a permanent structure on the site. County Senior Planner Sean Geraghty noted that the revised drawing shows an evergreen tree at each end of the fence, which should enhance its appearance.

7. Percolation and pit test results for the property should be shown on the site plan drawing.

STATUS: Test results have been provided. However, the location of those tests is not identified.

DISCUSSION: Ella May Ebert showed Planning Board members that the percolation and pit tests were conducted behind the carport building on the property. There were no further questions from Planning Board members regarding this issue.

8. The location of the existing septic field servicing the home on the property should be noted.

STATUS: Provided.

9. The Planning Board has asked that additional landscaping be provided along the southern boundary of the property in order to provide a buffer for vehicles traveling northbound on Route 30 and to act as a noise buffer for the property that are located directly south of the property.

STATUS: A row of evergreen trees have been shown along the southern property line. However, there is no planting schedule included on the revised plan.

DISCUSSION: After a lengthy discussion, the applicant agreed to plant arborvitaes along the southern property line. Planning Board Member Walt Ryan asked that the plantings be at least 2' tall nursery stock trees.

Mr. Simmons asked how many trees would be planted along the southern boundary? Mr. Askew indicated that the drawing shows nine (9) trees and, therefore, he intended to plant nine (9) trees.

10. A notation should be made on the drawing identifying the type of outdoor lighting that is installed on the garage.

STATUS: A notation has been made on the drawing indicating that no exterior lighting other than as shown will be added and that the lights are to be mercury lights.

11. The site plan drawing should be amended to show that the gravel parking area will be expanded to access the two (2) employee parking spaces, as well as the two (2) overnight parking spaces.

STATUS: Provided.

12. If there are any deed restrictions or covenants to go along with the property, they should be noted on the drawing.

STATUS: A notation has been added to the drawing indicating that there are no deed restrictions on the property.

13. A notation should be made on the drawing indicating that unlicensed vehicles will be stored on the property.

STATUS: Provided.

14. A designated drop zone for vehicles being left at the site after hours must be identified on the site plan drawing.

STATUS: Provided.

DISCUSSION: There were no further comments from Planning Board members regarding the revised drawing.

C. Public Hearing:

MOTION: To open the public hearing at 6:45 p.m.

MADE BY: Barney Brower

SECONDED: Walt Ryan

VOTE: 5 in favor, 0 opposed

Planning Board Chairwoman Marilyn Salvione indicated that the public hearing would be left open for 20 minutes.

Speakers:

There was no one to speak during the public hearing.

MOTION: To close the public hearing at 7:07 p.m.

MADE BY: Walt Ryan

SECONDED: Barney Brower

VOTE: 5 in favor, 0 opposed

D. State Environmental Quality Review:

During its September 21, 2011 meeting, the Planning Board decided to table any further action under SEQR pending receipt of additional information. Does the Planning Board feel that it has enough information to now issue its Determination of Significance under SEQR?

DISCUSSION: Mr. Ryan indicated that he felt the applicant had made a legitimate effort to provide the Planning Board with the information it requested and that he believed there were no environmental impacts that would result from the action.

MOTION: To file a negative declaration under SEQR for the proposed action since:

1. The applicant has adequate facilities on his property to conduct an automobile repair business.
2. There will be no traffic implications resulting from the proposed action.
3. Public utilities are already servicing the site.

4. Given the landscaping plan and the commitments made by the applicant to have no junk vehicles stored outside of the buildings, there will be no negative aesthetic impacts to neighboring property owners.

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

E. Planning Board Action:

According to Section 906 of the Town of Mayfield Zoning Regulations, the Planning Board, within sixty-two (62) days after such public hearing, shall approve, approve with modifications or disapprove the application for site plan approval. Consequently, does the Planning Board wish to issue its final decision on Mr. Askew's site plan application at this time?

MOTION: To approve Andrew Askew's site plan for an automobile repair shop along NYS Route 30.

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

IV. PARADISE POINT DEVELOPMENT CORPORATION – UPDATE ON LAKEVIEW VILLAGE AT PARADISE POINT SUBDIVISION PROJECT:

A. Background:

During its September 15, 2010 meeting, the Town of Mayfield Planning Board declared itself the Lead Agency for the purpose of issuing a determination of significance under SEQR for the Lakeview Village at Paradise Point Subdivision Project. At that time, based on the feedback the Board received from the NYS Department of Environmental Conservation (NYSDEC) and the NYS Department of Health (NYSDOH), it decided to table the issuance of a determination of significance under SEQR pending receipt of additional information. The focus of the applicant's recent efforts has been to verify that the proposed use of individual wells for each of the 20 residential lots in the subdivision is acceptable to the NYSDOH.

In a letter dated October 5, 2011, the NYSDOH has summarized its position with regard to the applicant's use of the individual wells for the new residential lots. Essentially, the Health Department has indicated that it is comfortable allowing the applicant to use the individual wells but has asked for additional data and testing on the two (2) lots located closest to the lakefront.

DISCUSSION: Mr. Geraghty explained to Board members that he spoke with Travis Mitchell, P.E., the engineer working on the Lakeview Village at Paradise Point Subdivision Project, and was told that the applicant has already made arrangements to have the final test performed for the two (2) lots located closest to the lakefront. Planning Board members seemed satisfied with the Health Department's position on this matter.

If the Planning Board is comfortable with the information it has received from the applicant concerning this issue, then it appears as though all of the SEQOR related issues have been addressed and the Board can begin deliberating on the issuance of a determination of significance for this project.

DISCUSSION: Mr. Geraghty indicated that he would put together a draft Part II Environmental Assessment Form and distribute it to Board members prior to next month's meeting. He indicated that he did not believe there were any further studies or issues that needed to be addressed by the applicant before the Planning Board could issue its determination of significance. Planning Board members agreed that the draft Part II should be put together and included on the agenda for the November 16, 2011 meeting.

V. REVIEW OF REVISED DRAFT LAND SUBDIVISION REGULATIONS:

A. Background:

During its September 21, 2011 meeting, the Planning Board continued its review of the revised draft Land Subdivision Regulations for the Town of Mayfield. Based on the discussion that took place, the County Planning Department was asked to provide a separate definition for a "boundary line adjustment" and indicate in the text that boundary line adjustments are not considered lot line amendments. The following language has been added to the Town's Subdivision Regulations:

“Boundary Line Adjustment: The transfer of land between adjacent separate lots in order to correct legal descriptions or map errors or to alleviate a minor trespass such as the construction of a structure over a property line. Boundary line adjustments are not considered lot line amendments.”

DISCUSSION: Planning Board members indicated that they were comfortable with the new definition for a Boundary Line Adjustment.

Mr. Ryan indicated that when the original Subdivision Regulations were put together, he felt the exemption clause was needed. He pointed out that, at that time, the NYS State Department and attorneys hired by the Town encouraged him to leave the exemption clause out of the document. Mr. Ryan indicated that the Board originally wanted to relieve the potential financial burden property owners would have to go through to have a survey prepared. He pointed out that, today, it is impractical to review or make a decision on a property transaction without a survey. He noted that it is also very difficult to get a mortgage without a survey and, therefore, he felt that the original intent of the exemption clause was a no longer applicable. He stated that he felt the clause originally served its purpose but is no longer useful in the Town of Mayfield.

B. Design Standards:

During the September 21, 2011 meeting, the Planning Board decided to take some additional time to consider whether or not design standards should be included in the revised subdivision regulations.

DISCUSSION: Planning Board Chairwoman Marilyn Salvione indicated that she felt the Town of Mayfield Subdivision Regulations may eventually need some design standards less comprehensive than the examples provided by the County Planning Department. She noted that there are some provisions in the Town of Perth's subdivision regulations that could eventually be beneficial to the Town of Mayfield and that the Board may want to reconsider those provisions at some future date.

Mr. Ryan indicated that he would like to focus more on design standards for commercial developments undergoing a Site Plan review.

Mr. Geraghty pointed out that, given the fact that the Town is currently looking at its Comprehensive Plan and will eventually update its Zoning Regulations, the issue should be addressed during that process.

MOTION: To approve and recommend that the Town Board adopt the revised draft Land Subdivision Regulations prepared by the County Planning Department.

MADE BY: Malcolm Simmons

SECONDED: Barney Brower

VOTE: 4 in favor, 1 opposed (Moore)

VI. OTHER BUSINESS:

A. Code Enforcement Update:

Mr. Stewart indicated that he had no updates for Board members this month.

B. Training:

Mr. Geraghty indicated that he would attempt to setup a training session with the New York Municipal Insurance Reciprocal (NYMIR) for early in 2012. He asked that any Board members needing additional training in 2011 to contact him and he would see what kind of last minute training could be put together.

C. Mr. Ryan asked if the language in the Zoning Regulations addressing the method for calculating the height of a structure would be changed and forwarded to the Town Council for consideration. There was then a brief discussion between Board members, Mr. Geraghty and Town Code Enforcement Officer Mike Stewart concerning additional amendments that may need to be made to the Town's Zoning Regulations. The Board pointed out that the Zoning Ordinance stipulates that the document must be reviewed every two (2) years and the latest round of changes went to the Town Board last year. Mr. Geraghty pointed out that there is nothing precluding the Board from offering an additional set of changes this upcoming year, if necessary. The Board agreed to discuss this particular change, along with some other changes Town Code Enforcement Officer Mike Stewart would like made during the beginning of 2012.

- D. Mrs. Salvione informed Board members that Planning Board Member Barney Brower has asked that he not be reappointed for 2012. Board members thanked Mr. Brower for his service to the Board.

VII. NORMAN STAHL – SUBDIVISION ALONG BEMIS ROAD:

A. Background:

Norman Stahl would like to subdivide a piece of property he owns along the west side of Bemis Road in the Town of Mayfield. Mr. Stahl's lot is approximately 6.9 acres in size. He would like to create a new 2.04 acre building lot from the original parcel and leave the remaining 4.86 acres with an existing home as a separate lot.

DISCUSSION: The Planning Board recognized that this application was removed from the September 21, 2011 meeting so that the proposed property transaction would not trigger a NYS Realty Subdivision. Several Board members pointed out that by waiting the additional month, the applicant may also have avoided review of the project under the Town's current Subdivision Regulations, which stipulate that any division of land into four (4) or fewer residential parcels, which land has not been previously divided within the past five (5) years shall not be considered a subdivision in the Town of Mayfield.

B. Planning Department Review:

Section 502 of the Town of Mayfield Subdivision Regulations outlines the information an applicant is required to submit to the Planning Board on a final plat for a minor subdivision. Upon review of the plat by the Fulton County Planning Department, the following issues have been raised:

1. All existing and proposed property lines, present zoning and building setbacks, easements and right-of-way lines with dimensions, bearings or angle data and curve data.

STATUS: Provided.

2. The name and address of the applicant and record owner if different from the applicant.

STATUS: Provided.

3. The bearings, distances and locations of all iron pipes and other survey monuments, such pipes or monuments to be labeled existing or proposed.

STATUS: Provided.

4. All contiguous land owned or under purchase contract or option by the applicant and/or record owner (parcels with large amounts of remaining land may be shown on an insert map at a small scale where appropriate with the permission of the Planning Board).

STATUS: The property owner to the north of the applicant's property needs to be identified. According to the Fulton County Real Property Tax Services Office, the property is owned by Walter Warkenthien. Consequently, it does not appear as though any adjacent properties are owned by the applicant.

5. Existing adjacent streets,

STATUS: Provided.

6. Names of owners of all adjacent property.

STATUS: Provided.

7. Location map, legend, scale and north arrow.

STATUS: Provided.

8. Location of existing and/or proposed structures, as well as existing or proposed driveways, culverts, waterlines, electric and telephone utility lines.

STATUS: Provided.

9. Location and lines of all existing and intermittent water courses, drainage courses, lakes, ponds, wetlands, streams, 100 year flood plain boundaries, significant stands of trees and other important land features.

STATUS: Wetland GL-17 has been noted in the northwest corner of the applicant's property.

10. Contour lines with intervals of no more than 5' for housing envelope and driveway.

STATUS: There are no topographic features identified on the subdivision plat.

11. Proposed use of each lot.

STATUS: Provided.

12. The location of existing or proposed water wells (with proof of potable water supply) and septic systems (with percolation tests and any site modifications necessary for the installation of the system).

STATUS: There are no pit test results provided on the subdivision plat.

13. The name, address, signature and seal of the professional engineer and/or surveyor duly licensed by the State of New York.

STATUS: Provided.

DISCUSSION: There was a brief discussion amongst Board members concerning the information that was provided by the applicant. There was agreement that no additional information would need to be included on the drawing.

C. Planning Board Action:

According to the Town of Mayfield Subdivision Regulations, the Planning Board must, within thirty (30) days of its receipt of a satisfactory final plat, schedule and hold a public hearing in accordance with the requirements of Section 276 of the Town Law of New York State.

MOTION: Recognizing that Norman Stahl's proposed property transaction along Bemis Road in the Town of Mayfield is exempt from the Town of Mayfield's Subdivision Regulations in accordance with Appendix A of that document.

MADE BY: Jerry Moore
SECONDED: Malcolm Simmons
VOTE: 5 in favor, 0 opposed

VIII. CLOSE OF THE MEETING:

MOTION: To close the meeting at 7:20 p.m.

MADE BY: Barney Brower

SECONDED: Marilyn Salvione

VOTE: 5 in favor, 0 opposed