

**TOWN OF MAYFIELD PLANNING BOARD  
MAY 21, 2014  
6:00 P.M.  
TOWN OF MAYFIELD TOWN HALL**

**MEETING NOTES**

**PRESENT:**

**ROBERT PHILLIPS, CHAIRMAN  
MALCOLM (RICK) SIMMONS, VICE CHAIRMAN  
MARILYN SALVIONE  
JOHN KESSLER  
AARON HOWLAND**

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

**OTHERS PRESENT:**

**RON LENNON**

**I. CALL MEETING TO ORDER:**

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

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

MOTION: To approve the minutes to the March 19, 2014 meeting.

MADE BY: Rick Simmons  
SECONDED: Marilyn Salvione  
VOTE: 5 in favor, 0 opposed

### **III. HAROLD AND MARY HART – SUBDIVISION ALONG BERRY ROAD, DENNIE ROAD AND DIAMOND HILL ROAD:**

#### **A. Background:**

On December 19, 2012, Harold and Mary Hart received a final approval of the final subdivision plat for their property along Berry, Dennie and Diamond Hill Roads. The approved project was a 5-lot subdivision, which included the creation of a 5.83 acre lot around an existing home and the creation of four (4) new building lots ranging in size from 5.21+/- acres to 10.32+/- acres in size.

In accordance with Section 276 of the Town Law of New York State, the owner shall file in the office of the County Clerk or register such approved final plat or a section of such plat within sixty-two (62) days from the date of final approval or such approval shall expire. Unfortunately, the Harts did not receive a subdivision approval from the Adirondack Park Agency until the sixty-two (62) day Town Law timeframe had expired.

In a letter dated May 15, 2014 to Town Code Enforcement Officer Mike Stewart, the applicant's attorney, Mark Myers, Esq., indicates that the final plat was filed once the Adirondack Park Agency approved the subdivision application. Mr. Myers is asking that the Planning Board waive the sixty-two (62) day filing deadline or determine whether or not its previous subdivision approval has elapsed because the final plat was not filed within the State's sixty-two (62) day timeframe.

DISCUSSION: The Planning Board recognized that the only reason that the Hart's approved final subdivision plat was not filed in accordance with the NYS Town Law 62-day timeframe was that the Adirondack Park Agency had not yet issued its final approval.

#### **B. Planning Board Action:**

MOTION: To waive the NYS Town Law filing requirement and to reconfirm the original approval of Harold and Mary Hart's final subdivision plat for property along Berry Road, Dennie Road and Diamond Hill Road.

MADE BY: Rick Simmons  
SECONDED: Marilyn Salvione  
VOTE: 5 in favor, 0 opposed

**IV. TODD AND SCOTT PLEMENIK – LOT LINE ADJUSTMENT ALONG LAKE VIEW DRIVE:**

**A. Background:**

Todd and Scott Plemenik own three (3) parcels of land along the east side of Lakeview Drive in the Town of Mayfield. (Tax Map Parcel Nos. 88.20-1-1, 11 and 13). The property owners would like to take a 20' x 272'+/- strip of land (.12 acres) from Tax Parcel 88.20-1-1 and transfer it to Tax Parcel 88.20-1-13. Tax Parcel 88.20-1-1 will be reduced to approximately 2.54'+/- acres in size, while Tax Parcel 88.20-1-13 will be increased to approximately .88'+/- acres in size.

**B. Issues:**

All of the information that is required under Section 404(b) of the Town of Mayfield Land Subdivision Regulations has been included on the survey drawing.

DISCUSSION: Planning Board Chairman Robert Phillips asked if the Hudson River Black River Regulating District might have any concerns with the applicants' intent to deed 20' of property along the shoreline to an adjacent parcel?

Town Code Enforcement Officer Mike Stewart indicated that he did not believe the Hudson River Black River Regulating District had any issues with regards to the property transaction. He indicated that the Hudson River Black River Regulating District did have a concern about creating a new 15' access point on the Lake, because the Agency does not wish to see any new "back lots" created.

MOTION: To approve Todd and Scott Plemenik's lot line adjustment along Lake View Drive.

MADE BY: Marilyn Salvione

SECONDED: Rick Simmons

VOTE: 5 in favor, 0 opposed

## **V. NORMAN LENNON – SUBDIVISION/LOT LINE ADJUSTMENT:**

### **A. Background:**

Norman Lennon owns two (2) pieces of property along the north side of NYS Route 349 in the Town of Mayfield. (Tax Map Parcel Nos. 119.-10-49.21 40+/- acres) and (119.-10-49.1 2 Acres). Mr. Lennon would like to create a new building lot from the larger parcel that will encompass a trailer, garage and shed. The new lot will include 2.559+/- acres from Tax Parcel 119.-10-49.21. An additional .427+/- acres will also be added from Tax Parcel 119.-10-49.1 which will be a lot line adjustment.

Mr. Lennon's son, Ron Lennon, was present to answer Planning Board questions.

Mr. Stewart pointed out that the applicant will eventually remove the trailer in order to construct a permanent house on the property.

### **B. Code Enforcement Office/Planning Department Review:**

Section 501 of the Town of Mayfield Subdivision Regulations outlines the information an applicant is required to submit to the Planning Board for a proposed subdivision. Upon review of the proposed preliminary plat by the Town Code Enforcement Office and the Fulton County Planning Department, the following issues have been raised:

1. The location of that portion which is to be subdivided in relation to the entire tract and the distance to the nearest existing street intersection.

STATUS: The entire tract of land has not been identified on the subdivision plat.

DISCUSSION: The Planning Board asked that a tax map showing the applicant's property be superimposed in the corner of the subdivision plat.

2. All existing structures, wooded areas, streams and other significant physical features within the portion to be subdivided and within 250' thereof. If topographic conditions are significant, contours shall also be indicated at intervals of not more than 5'.

STATUS: There is no topographic information included on the subdivision plat.

DISCUSSION: Mr. Simmons indicated that he believed the site was relatively flat. There was a general consensus among Board members that topographic information would not need to be provided on the subdivision plat.

3. The name of the owner and all adjoining property owners as disclosed by the most recent municipal tax records.

STATUS: Provided.

4. The tax map sheet, block and lot number.

STATUS: Not provided.

DISCUSSION: The Planning Board asked that the Tax Map Numbers be identified on the revised plat.

5. All available utilities on all existing streets.

STATUS: Provided.

6. The proposed pattern of lots, including lot width and depth, street layout, recreation areas, systems of drainage, sewer and water supply within the subdivided area.

STATUS: N/A

DISCUSSION: The Planning Board recognized that the subdivision was being undertaken in an effort to create separate lots around existing structures.

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

STATUS: There are no easements or covenants identified on the subdivision plat.

DISCUSSION: Planning Board Member Aaron Howland asked if the utilities separately serve each of the buildings on the property and whether or not utility easements may be needed?

Mr. Lennon indicated that he believed the utilities were all provided separately.

Mr. Phillips pointed out that there appears to be a need for a driveway easement over one of the adjacent properties owned by Norman Lennon.

Mr. Lennon indicated that all of the properties are owned by family members.

Mr. Geraghty suggested that an easement still be written into the deed for the new parcel since the property could conceivably be sold in the future and then an easement would need to be worked out at that time.

The Planning Board agreed that the easement should be included as part of this proposed subdivision.

8. An actual field survey of the boundary lines of the tract giving complete descriptive data by bearings and distances made by a certified or licensed engineer or land surveyor.

STATUS: Provided.

9. All onsite sanitation and water supply facilities shall be designed to meet the minimum specifications of the Department of Health and a note to this effect shall be stated on the plat and signed by a licensed engineer.

STATUS: N/A

DISCUSSION: Once again, the Planning Board recognized that all of the water and septic systems are already servicing the residences on the property.

10. The proposed subdivision name and the name of the Town and County in which it is located.

STATUS: Provided.

11. The date, north arrow, map scale, name and address of record owner and subdivider.

STATUS: Provided.

12. A Short Environmental Assessment Form with Part 1 completed by the applicant.

STATUS: Provided.

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 subdivision 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: Mrs. Salvione asked if Norman Lennon was the owner of the property?

His son, Ron Lennon, explained that his father is the owner of the property and that he and his brother have the power of attorney for the property.

Mrs. Salvione then questioned whether or not the Planning Board should be concerned with the wetland on the back portion of the property?

Mr. Geraghty indicated that since the applicant is simply asking to create a lot around an existing structure and will not involve any new construction, the wetlands issue is probably not applicable.

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

DISCUSSION: The Planning Board did not ask for any additional information.

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 file a negative declaration under SEQR for this proposed action since:

1. The proposal simply involves the creation of a new lot around an existing residence.
2. There will be no traffic impacts resulting from the proposed action.
3. Public utilities are already servicing the lot.

MADE BY: Rick Simmons  
SECONDED: Marilyn Salvione  
VOTE: 5 in favor, 0 opposed

D. Lot Line Adjustment Issues:

The Town of Mayfield Land Subdivision Regulations identify a checklist of items that need to be included on the survey drawing. The following information is still needed:

1. The map shall have the title "Lot Line Adjustment Between Properties of (Name) and (Name)."
2. The map shall include a restriction to the effect that the land added to the existing parcel and the existing parcel are combined to form a single, undivided lot.

DISCUSSION: The Planning Board indicated that it would like to have a separate map prepared for the Lot Line Adjustment. The Board recognized that the lot line adjustment and the subdivision application are two (2) separate actions and that, for the Planning Board's records, separate maps should be provided for the files.

MOTION: To conditionally approve Norman Lennon's lot line adjustment for his property along NYS Route 349 pending receipt of:

1. A separate map with a title: "Lot Line Adjustment Between Properties of Norman Lennon and Norman Lennon."
2. The map must also include a restriction to the effect that the land added to the existing parcel and the existing parcel are combined to form a single undivided lot.



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

E. Planning Board Action:

In accordance with Article V of the Town of Mayfield Subdivision Regulations, the Planning Board, within sixty-two (62) days from the time it determines a preliminary plat for a proposed subdivision to be complete, shall hold a public hearing on the subdivision application. Consequently, does the Planning Board wish to schedule a public hearing on Norman Lennon's subdivision application at this time.

MOTION: To schedule a public hearing on Norman Lennon's subdivision application for 6:00 p.m., Wednesday, June 18, 2014.

MADE BY: Rick Simmons  
SECONDED: John Kessler  
VOTE: 5 in favor, 0 opposed

**VI. OTHER BUSINESS:**

A. Code Enforcement Update:

1. Mr. Stewart handed out Work Place Violence Forms to Board members. He explained that he is the Work Place Violence Officer for the Town of Mayfield and he asked Board members to fill out the forms and contact him if they have any questions regarding this issue.
2. Mr. Stewart handed out a flyer advertising a regional workshop on Adirondack Economic Strategies. He indicated to Board members that they are welcome to attend the session.

Mr. Simmons asked if Board members would receive training credits for attending the event?

Mr. Geraghty indicated that he should check what type of training the Town of Mayfield has authorized as eligible for the annual planning and zoning training credits.

3. Mr. Stewart talked about a project in the Village of Mayfield involving the construction of a new Dollar General Store. He indicated that the project will require a zoning change from the Village. He talked briefly about site access to the property and potential impacts on adjacent residential properties.

**VII. CLOSE OF THE MEETING:**

MOTION: To close the meeting at 6:39 p.m.

MADE BY: Rick Simmons

SECONDED: John Kessler

VOTE: 5 in favor, 0 opposed