

**TOWN OF MAYFIELD PLANNING BOARD
NOVEMBER 16, 2022
6:00 P.M.
TOWN OF MAYFIELD TOWN HALL**

MEETING NOTES

PRESENT:

AARON HOWLAND, VICE CHAIRMAN

RICHARD MILES

JERRY MOORE

GRANT RAUCH, ALTERNATE

JOSHUA WADSWORTH, ALTERNATE

DAMON CURLEY, CODE ENFORCEMENT OFFICER

SEAN M. GERAGHTY, CONSULTANT

AARON ENFIELD, FULTON COUNTY SENIOR PLANNER

I. CALL MEETING TO ORDER:

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

II. APPROVE MINUTES OF PREVIOUS MEETING:

MOTION: To approve the minutes of the October 19, 2022 meeting.

MADE BY: Richard Miles

SECONDED: Grant Rauch

VOTE: 5 in favor, 0 opposed

**III. CHRISTIAN KLUEG (CMK REALTY) – PUBLIC HEARING ON A SUBDIVISION
APPLICATION FOR A PARCEL AT THE CORNER OF NYS ROUTE 30 AND
COUNTY HIGHWAY 106 (BLACK STREET):**

A. Background:

Christian Klueg (CMK Real Estate) owns a parcel along NYS Route 30 (Tax Map Parcel No. 152.-10-2) and is seeking to subdivide .78+- acres lot from the western side of the property along County Highway 106 (Black Street).

B. October 19, 2022 Meeting:

During the October 19, 2022 meeting, the Town of Mayfield Planning Board began its review of Christian Klueg's Subdivision application for a property at the corner of NYS Route 30 and County Highway 106 (Black Street). At that time, the Planning Board asked that the following information be provided on the final plat:

1. A notation must be added to the final plat indicating that an easement will be granted to the original parcel for an access to the existing well.

2. A notation must be added to the final plat indicating that once the new parcel is developed, a separate water source must be provided for each parcel.
3. A notation must be added to the final plat indicating that the new building lot must be serviced by a municipal sewer line.

DISCUSSION: Fulton County Senior Planner Aaron Enfield indicated that Travis Mitchell, PE of Environmental Design Partnership did not receive the follow-up letter from last month's meeting in time for submittal for the November meeting. Mr. Mitchell confirmed that the three (3) notations requested by the Planning Board will be provided on the final plat.

C. State Environmental Quality Review:

During its October 19, 2022 meeting, the Town of Mayfield Planning Board proposed that it serve as the Lead Agency for the purpose of issuing a determination of significance under SEQR for Christian Klueg's Subdivision application at the corner of NYS Route 30 and County Road 106 (Black Street). Each Involved Agency was given twenty-five (25) calendar days to respond to the Planning Board's proposal to serve as the Lead Agency or to comment on the proposed action itself. To date, the Planning Board has received the following comment(s):

NYS Department of Environmental Conservation:

In a letter dated November 14, 2022, the New York State Department of Environmental Conservation (NYSDEC) agreed that the Town of Mayfield should serve as the Lead Agency for this project. NYSDEC noted that:

1. Disturbance of one or more acres of total land will require a SPDES General Permit for Storm Water Discharges;
2. The project is located in an archaeologically sensitive area and recommendations should be sought from the NYS Office of Parks, Recreation, and Historical Preservation (OPRHP) on potential impacts on historic and archeological resources within the area.

DISCUSSION: Travis Mitchell indicated that OPRHP was contacted during the previous project when the septic system was installed on the back side of the property.

MOTION: Declaring the Town of Mayfield Planning Board the Lead Agency for the purpose of issuing a determination of significance for Christian Klueg's Subdivision application at the corner of NYS Route 30 and County Highway 106 (Black Street).

MADE BY: Aaron Howland
SECONDED: Joshua Wadsworth
VOTE: 5 in favor, 0 opposed

FURTHER DISCUSSION: There was a general consensus among Board members that the project would have no significant adverse environmental impacts.

MOTION: Authorizing the filing of a Negative Declaration under SEQR for Christian Klueg's Subdivision application for a parcel at the corner of NYS Route 30 and County Highway 106 (Black Street) since:

1. The applicant has sufficient acreage available to create a building lot,
2. Municipal sewer infrastructure is available for the building lot.
3. There will be no traffic implications resulting from the proposed action.
4. Public utilities are readily available to service the building lot.

MADE BY: Jerry Moore
SECONDED: Grant Rauch
VOTE: 5 in favor, 0 opposed

D. Public Hearing:

The public hearing was opened at 6:03 P.M.

Speakers:

There was no one to speak regarding Christian Klueg's Subdivision application at the corner of NYS Route 30 and County Highway 106 (Black Street).

The public hearing was closed at 6:04 P.M.

E. Planning Board Action:

In accordance with Article X Section 1012 of the Town of Mayfield Subdivision Regulations, the Planning Board shall approve, with or without modifications, or disapprove the plat within sixty-two (62) days after the public hearing. Does the Planning Board seek to make a motion at this time?

DISCUSSION: Planning Board Member Jerry Moore stated that with the addition of the notes to the final plat, he has no other issues of concern.

MOTION: To approve Christian Klueg's Subdivision application at the corner of NYS Route 30 and County Highway 106 (Black Street).

MADE BY: Aaron Howland
SECONDED: Jerry Moore
VOTE: 5 in favor, 0 opposed

IV. JASON HOOSE – RECONVENING OF A PUBLIC HEARING ON A SITE PLAN FOR A RESTAURANT AT 145 RICEVILLE ROAD:

A. Background:

Jason Hoose is seeking to establish a Restaurant / Bar at 145 Riceville Road on a parcel that is approximately 1.58+- acres (Tax Map Parcel No. 119.-8-29). The owner plans to reuse an existing structure, which was previously used as a church. The Site Plan application does not show any exterior changes to the building. A commercial kitchen will be installed as part of the project. The property is zoned Mixed-Use 1, which requires a Site Plan Review by the Planning Board.

B. October 19, 2022:

During the October 19, 2022 meeting, the Town of Mayfield Planning Board continued its review of Jason Hoose's Site Plan application and opened a Public Hearing. At that time, the public hearing was left open given the fact the updates to the Site Plan were not available. Planning Board members again asked for the following information:

1. A location map must be superimposed on the drawing.

STATUS: Provided.

2. The exterior dimensions of the building should be identified.

STATUS: Provided.

3. The width of the access driveway must be shown.

STATUS: Provided.

4. The location of the existing septic field needs to be shown.

STATUS: Provided.

DISCUSSION: County Planning Consultant Sean Geraghty asked the applicant if he had done any testing of the existing septic system?

Jason Hoose indicated that he had tested the system and, at that time, did not have any issues.

Mr. Geraghty reminded Mr. Hoose that the New York State Department of Health (NYSDOH) will have more sanitary guidelines for a septic system that is serving a restaurant.

Mr. Hoose indicated he was aware of the additional testing and requirements and is currently working with NYSDOH.

5. Only one (1) propane tank should be shown and the bollards protecting the tank must be identified.

STATUS: Provided.

6. The size, design and type of construction of all proposed signs must be shown.

STATUS: Provided.

DISUSSION: Mr. Enfield inquired if the sign will be lit up?

Mr. Hoose stated that LED lights will be used to illuminate the sign.

Mr. Moore asked if there will be any additional signage, referencing a sign parallel to Riceville Road?

Mr. Hoose mentioned that the sign along Riceville Road will be taken down and the only sign for the restaurant will be on the portico.

7. The design of all outdoor lighting needs to be provided.

STATUS: ?

DISCUSSION: Mr. Geraghty pointed out there are lights shown on the Site Plan, but they are not clearly labeled.

Mr. Hoose mentioned that all of the lights on the building will be wall packs.

8. The seating capacity of the restaurant needs to be identified.

STATUS: The seating capacity is identified as 55 patrons.

DISCUSSION: Mr. Geraghty inquired if there will be any seating outside on the patio area?

Mr. Hoose stated that he was planning on having some seating available to patrons during warmer weather.

Mr. Enfield asked if there will be a barrier (such as fencing, bollards or planters) to alleviate any traffic issues with patrons and vehicles?

Mr. Hoose indicated that he plans on having a barrier between the parking lot and the patio area.

9. The total number of off-street parking spaces that are available needs to be shown.

STATUS: Thirty (30) off-street parking spaces have been identified.

DISCUSSION: Mr. Geraghty pointed out that Article VI of the Town of Mayfield Zoning Ordinance has two (2) formulas for determining the parking requirements for a restaurant. He explained that one formula stipulates that 18 spaces must be provided, while the other formula stipulates that 117 spaces be provided. Mr. Geraghty then explained that there is a provision in the Zoning Law requiring that all buildings constructed after the date of the law (2013) to conform to these standards. However, he also pointed out that this structure predates the current Zoning Law and therefore the Planning Board, as part of the site plan review, has the responsibility to determine if 30 parking spaces is sufficient for this proposed project.

After a brief discussion, the Planning Board felt that 30 off-street parking spaces should be sufficient.

Mr. Hoose pointed out that he has room on the property to provide additional spaces, if necessary.

10. The location, width, and purpose of all existing and proposed easements, setbacks, reservations, deed restrictions, covenants, and areas dedicated to public use within the adjoining property need to be identified.

STATUS: Provided. An easement is granted for owners along Cook Lane and includes a Private Road Maintenance Agreement dated September 27, 2004.

11. The location of the dumpster needs to be shown.

STATUS: Provided.

12. The pumping capacity of the well needs to be identified. The second well location should also be shown.

STATUS: Provided. However, the pumping capacity is still unknown.

DISCUSSION: Mr. Hoose stated that he is still waiting on information regarding the pumping capacity of the well.

Mr. Geraghty noted that the applicant will also need to provide information on the well to NYSDOH.

C. State Environmental Quality Review:

During the October 19, 2022 meeting, the Planning Board authorized the filing of a Negative Declaration under SEQR for Jason Hoose's Site Plan application for a Restaurant/Bar at 145 Riceville Road. Consequently, unless new information has been provided, no further SEQR action is necessary.

D. Public Hearing:

The public hearing was reconvened at 6:14 P.M.

Speakers:

There was no one to speak on Jason Hoose's Site Plan Application for a Restaurant at 145 Riceville Road.

The public hearing was closed at 6:15 P.M.

E. Planning Board Action:

In accordance with Article IX Section of the Town of Mayfield Zoning Ordinance, the Planning Board shall issue its final determination within 62 days of the close of the Public Hearing.

MOTION: To approve Jason Hoose's Site Plan application for a Restaurant (Hoosey's) at 145 Riceville Road with the stipulation that any notable changes required by the New York State Department of Health (NYSDOH) will need to come back to the Planning Board for a Site Plan Amendment.

MADE BY:

Jerry Moore

SECONDED:

Rich Miles

VOTE:

5 in favor, 0 opposed

V. JENNIFER AND WADE KUHN – SUBDIVISION AT 107 PROPER ROAD:

A. Background:

Jennifer and Wade Kuhn own a parcel at 107 Proper Road (Tax Map Parcel No. 104.18-5-2) in the Town of Mayfield. The parcel is approximately 7.39 +/- acres in size. The applicants wish to create an additional building lot from the property. The proposed lot will be 2.01 +/- acres in size. The property is zoned Residential 1 with no wetlands on the property.

B. Fulton County Planning Department Review:

The Town of Mayfield Subdivision Regulations identify the information the applicant is required to submit to the Planning Board for a proposed subdivision. Upon review of the proposed preliminary plat by 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: Provided

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 are no topographic features shown on the 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: Provided.

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: Percolation and Pit test results have not been provided.

DISCUSSION: Mr. Enfield stated that while the applicant has indicated that the parcel will remain vacant for the time being, percolation and pit test results for the site are required for the proposed subdivision.

Mr. Geraghty pointed out that the Planning Board can only approve subdivision applications for buildable lots.

Jennifer Kuhn, the applicant, asked the Planning Board for a recommendation on who could perform the percolation and pit tests?

Mr. Moore stated that the Fulton County Soil and Water Service would be a good organization to speak with.

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

STATUS: None specified.

DISCUSSION: Wade Kuhn, the applicant, indicated that there are no easements or covenants to go along with the subdivided parcel.

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.

DISCUSSION: 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.

DISCUSSION: Mr. Geraghty indicated that this provision is specific to the Town of Mayfield and that the definitive language will be sent to the Applicant for the final plat.

C. State Environmental Quality Review Act:

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: The Planning Board felt as though the Short Environment Assessment Form was filled out adequately.

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 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 applicant has sufficient acreage available to create an additional building lot from the original tract of land.
2. There will be no traffic implications resulting from the proposed action.
3. Public utilities are readily available to service the new building lot.

MADE BY: Aaron Howland
SECONDED: Grant Rauch
VOTE: 5 in favor, 0 opposed

D. Planning Board Action:

According to the Town of Mayfield Subdivision Regulations, the Planning Board shall schedule and hold a public hearing on the preliminary plat within sixty-two days (62) after the plat is determined to be complete by the Planning Board. The public hearing shall be advertised at least five (5) days before such hearing and notice. Consequently, does the Planning Board wish to schedule a public hearing on Jennifer and Wade Kuhn's subdivision application at this time?

MOTION: To schedule a Public Hearing on Jennifer and Wade Kuhn's Subdivision application at 107 Proper Road for Wednesday, December 14th, at 6:00 p.m. at Mayfield Town Hall.

MADE BY: Richard Miles
SECONDED: Joshua Wadsworth
VOTE: 5 in favor, 0 opposed

IV. OTHER BUSINESS:

A. Code Enforcement Update:

Diane Vallieu

Code Enforcement Officer Damon Curley stated that the Town has recruited several volunteers to help resident Diane Vallieu who lives out at the corner of Phelps Street and Riceville Road. Mr. Curley stated that the volunteers are prepping a concrete slab for a mobile home that was donated to her and meets current standards.

Franks Gun Shop

Mr. Curley stated that the former location for Frank's Gun Shop will be used for a garden supply operation. He mentioned that there will be no change to the exterior of the building and he did not feel that it needed to come before the Planning Board.

New York Planning Federation

Mr. Curley reminded the Planning Board that the New York Planning Federation will have a training webinar on Monday, November 28th.

B. Planning Board Vice Chairman:

Zoning Ordinance

Vice Chairman Aaron Howland pointed out once again that the Town of Mayfield should review the Town Zoning Law for possible updates.

Mr. Geraghty agreed that the Town Zoning Law needs to be updated. However, he cautioned that a thorough review of the document will likely take a considerable amount of time. He suggested that the Planning Board find out if the Town Board will support this type of undertaking.

Mr. Enfield stated that he would speak with Fulton County Planning Director Scott Henze and bring up the topic to Supervisor Rick Argotsinger.

C. Fulton County Planning Department:**December Meeting**

Mr. Enfield reminded the Planning Board that the December 2022 Town of Mayfield Planning Board meeting will take place on Wednesday, December 14, 2022 at 6:00 pm at Mayfield Town Hall, not December 21, 2022. The location will be on the second floor.

V. CLOSE OF THE MEETING:

MOTION: To close the meeting at 6:36 p.m.

MADE BY: Aaron Howland

SECONDED: Joshua Wadsworth

VOTE: 5 in favor, 0 opposed