

**TOWN OF MAYFIELD PLANNING BOARD
FEBRUARY 16, 2011
6:30 P.M.
TOWN OF MAYFIELD TOWN HALL**

MEETING NOTES

PRESENT:

**MARILYN SALVIONE, CHAIRWOMAN
ROBERT PHILLIPS, VICE CHAIRMAN
WALT RYAN
BARNEY BROWER
JERRY MOORE
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 January 19, 2011 meeting.

MADE BY: Walt Ryan

SECONDED: Jerry Moore

VOTE: 5 in favor, 0 opposed

III. WILLIAM AND LORI RUSSO - SUBDIVISION ALONG BLANCHARD ROAD:

A. Background:

William and Lori Russo currently own a 5-acre parcel along the north side of Blanchard Road in the Town of Mayfield. The Russo's would like to subdivide the property into two (2) building lots that are 1.66 acres and 3.34 acres in size respectively. There is an existing concrete foundation on Lot #2 in the proposed subdivision.

Planning Board Chairwoman Marilyn Salvione indicated that she would be recusing herself from any discussions on this application because of a business relationship with the property owner.

Planning Board Vice Chairman Robert Phillips assumed the role of Chairman for this application.

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 curved 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: There are three (3) "found iron pipes" identified along Blanchard Road.

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: There are no adjacent lands identified as being 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.

DISCUSSION: Planning Board Member Jerry Moore wanted to verify that both of the proposed building lots would have access to the City of Gloversville's municipal waterline.

County Senior Planner Sean Geraghty indicated that since the properties are within the permissive use area around the City of Gloversville landfill site, the lots would be serviced by the City's municipal waterline.

Planning Board Member Walt Ryan asked if a culvert pipe would be installed beneath the proposed driveway for Lot #2 in the subdivision?

Evan Russo indicated that he did not intend to install a culvert pipe and noted that the existing driveway servicing Lot #1 in the proposed subdivision has no culvert pipe. Mr. Russo also noted that neither of the adjacent property owners have culverts beneath their driveways.

Mr. Geraghty suggested that a letter be forwarded to Town Superintendent of Highways Melvin Dopp asking if he has any concerns with the proposed driveway cut on Blanchard Road and if any culvert pipe will need to be installed underneath the driveway. There was a general consensus among Board members that this was an acceptable way to pursue the matter.

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

STATUS: N/A

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

STATUS: The 105' contour line is missing from the subdivision plat.

DISCUSSION: Town Code Enforcement Officer Mike Stewart indicated to Board members that he had a discussion with the applicant's engineer Charles Ackerbauer, P.E. who agreed that the 105' contour line is missing from the drawing. Mr. Stewart distributed a copy of the revised portion of the subdivision plat showing Board members the correct contour interval.

Mr. Geraghty indicated that he would ask that the final plat be amended to show the correct topographic features.

11. Proposed use of each lot.

STATUS: The Short Environmental Assessment Form indicates that the property will be used for two (2) residential building lots.

12. 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: Provided. However, the septic system on Lot #2 appears to be located on a very steep gradient.

DISCUSSION: Mr. Stewart indicated that once the contour interval is corrected on the property, the drawing will show that the septic system is located on an acceptable gradient that will comply with NYS Regulations for individual septic systems.

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

STATUS: Not provided.

DISCUSSION: Mr. Geraghty indicated that Mr. Ackerbauer will need to stamp the final plat before it is signed by the Planning Board Chairwoman.

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: 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 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 the proposed action since:

1. There is sufficient acreage available for the applicant to create two (2) new building lots.
2. There will be no traffic implications resulting from the proposed action.

3. Public utilities are readily available to service the lots.
4. The topographic features and soil conditions on the site do not warrant any stormwater runoff concerns on the property.

MADE BY: Walt Ryan
SECONDED: Barney Brower
VOTE: 4 in favor, 0 opposed, 1 abstained (Salvione)

D. 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: To schedule a public hearing on William and Lori Russo's subdivision application for 6:30 p.m., Wednesday, March 16, 2011.

MADE BY: Walt Ryan
SECONDED: Jerry Moore
VOTE: 4 in favor, 0 opposed, 1 abstained (Salvione)

**IV. NEW YORK RSA 2 CELLULAR PARTNERSHIP (VERIZON WIRELESS) –
SITE PLAN FOR NEW ANTENNA ON TOWER ALONG PROGRESS ROAD:**

A. Background:

Verizon Wireless is proposing to co-locate an additional 6' diameter microwave dish antenna on an existing communications tower located at 437 Progress Road in the Town of Mayfield. The tower itself is owned and operated by Verizon Wireless. Verizon's tower along Progress Road is a 185'+/- self supporting lattice tower, which is located on a leased parcel approximately .086 acres in size. This microwave antenna will allow Verizon Wireless to provide a wireless connectivity to land line telephone and fiber optic networks that are not susceptible to interruptions that could be caused by human error or catastrophic events. The new microwave dish will be mounted at a height of 140'+/-.

DISCUSSION: Dave Brennan, Esq., representing Verizon Wireless, explained the company's application for an additional antenna on its

existing site along Progress Road. Mr. Brennan noted that the microwave dish antenna would be installed in order to wirelessly connect the Progress Road tower site to a tower in the Town of Mohawk.

B. Planning Department Review:

Section 502 of the Town of Mayfield Zoning Regulations, authorizes the Planning Board to approve, approve with modifications or disapprove special use permits for telecommunications facilities. Telecommunications antenna placed on existing telecommunication towers are still subject to this special permit provision if the tower is located in a residential district.

Section 502-F of the Town of Mayfield Zoning Regulations indicates that the Planning Board may waive any particular submission requirements it determines unnecessary for review of a particular project. This section of the regulations also indicates that where co-location is proposed, the applicant should provide to scale site plans and elevations of the existing tower, building or structure to be used for co-location. The applicant should also provide plans, elevations and details showing the proposed electronic telecommunications facilities and existing antenna located on the tower.

STATUS: Verizon Wireless has provided an application for an amended site plan approval and special use permit for the new antenna. The two (2) pertinent pieces of information that seem to be missing from the application include:

1. A site plan layout of the property showing where the tower is located on the site.

DISCUSSION: Mr. Brennan reminded Board members that the last time Verizon Wireless had an application before the Board for an additional antenna on the tower, it asked that the original site plan drawing, on file in the Town's Code Enforcement Office, become part of the record for the antenna application. Mr. Brennan asked if his client could again request that the Town of Mayfield Planning Board use the original site plan drawing, on file in the Code Enforcement Office, in order to comply with this submittal requirement?

After a brief discussion, there was a general consensus among Board members that the original site plan drawing in the Code Enforcement Office showing the layout of the site, could be used as part of the submittal requirements for the special permit for an additional antenna.

MOTION: Allowing the site plan in the Code Enforcement Officer's Office dated February 12, 193 to be used as the official site plan submittal for Verizon Wireless' current Special Permit application for an additional antenna at its Progress Road facility.

MADE BY: Walt Ryan

SECONDED: Jerry Moore

VOTE: 5 in favor, 0 opposed

2. It is noted in the application narrative that a structural analysis of the tower is currently being undertaken and will be included under separate cover.

DISCUSSION: Mr. Brennan distributed a copy of the Structural Analysis for the tower that was put together by Armor Tower Engineering. Mr. Brennan pointed out that several sections of the lattice tower will be replaced in order to provide more stability on the structure. Mr. Brennan briefly described how individual sections of the lattice framework are unbolted and replaced with materials of adequate size and strength to support the additional antenna on the tower.

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 special use permit 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 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 the proposed action since:

1. The tower structure can easily be upgraded to support the additional antenna.
2. Co-location of antenna facilities on existing structures has consistently been encouraged in the Town of Mayfield.
3. There will be minimal aesthetic impacts resulting from the additional antenna on the structure.
4. The additional vehicular trips generated by the extra antenna will be negligible.

MADE BY: Robert Phillips
SECONDED: Barney Brower
VOTE: 5 in favor, 0 opposed

D. Planning Board Action:

According to Section 274-b of the Town Law of New York State, the Planning Board must hold a public hearing on an application within sixty-two (62) days of its receipt by the Board. Consequently, does the Planning Board wish to schedule a public hearing on Verizon Wireless' special permit for a microwave antenna on its Progress Road tower?

MOTION: To schedule a public hearing on Verizon Wireless' Special Permit application for an additional microwave antenna on its Progress Road tower for 6:30 p.m., Wednesday, Marcy 16, 2011.

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

V. UPDATE ON LAKEVIEW VILLAGE AT PARADISE POINT PROJECT:

A. Stormwater Plan – Conversation with William Lupo, NYSDEC.

DISCUSSION: As a follow-up to a question that was posed by Planning Board Member Jerry Moore during the January 19, 2011 meeting, Mr. Geraghty indicated that he spoke with Bill Lupo at NYSDEC about the Lakeview Village Stormwater Plan. Mr. Geraghty stated that Mr. Lupo explained that the fact that the applicant will be removing notes from the drawing asking that snow be removed from the catchbasins within a certain period of time will have no impact on the stormwater plan.

B. Drawings for ZBA.

DISCUSSION: Mr. Geraghty indicated that he has had several discussions with the applicant's engineer Travis Mitchell, P.E. as well as Town Code Enforcement Officer Mike Stewart regarding the variances that will be needed from the Town of Mayfield Zoning Board of Appeals for the town homes to be built in the Lakeview Village Project. Mr. Geraghty indicated that once he and Mr. Stewart are comfortable with the drawings that are being prepared for the ZBA, a letter, which has already been written, will be forwarded to ZBA Chairman Richard Dixon for the ZBA's consideration.

C. Letter from Rob Simon to Carm Greco on Homeowner's Association.

DISCUSSION: Mr. Geraghty explained that Town Attorney Carm Greco received a letter from Dave Hukkan's attorney Robert Simon concerning the formation of a Homeowner's Association to maintain the proposed stormwater detention basin on the site. Mr. Geraghty indicated that Attorney Greco, Town Code Enforcement Officer Mike Stewart and Town Supervisor Rick Argotsinger met and discussed this issue and felt that the letter should be forwarded to the Planning Board for consideration before a response is forwarded to Mr. Simon.

There was a general consensus among Board members that the idea of forming a Homeowner's Association to maintain the stormwater detention system would not be acceptable and that the Town Planning Board prefers to have a Stormwater District established by the Town for the purpose of maintaining this infrastructure. Mr. Geraghty indicated

that he would forward a letter back to Town Attorney Carm Greco expressing the Planning Board's position on this matter.

D. Ownership of Access Road.

DISCUSSION: Mr. Geraghty pointed out that the letter from Mr. Simons to Carm Greco also indicates that the applicant will be asking that the access road for the development be turned over to the Town.

Planning Board Member Robert Phillips asked if the Town would be insured for any damages or problems that occur with the road?

Mr. Geraghty indicated that the Planning Board can ask the applicant to construct the road to whatever standard it feels is necessary to serve the 20 proposed residences in the development. Mr. Geraghty stated that he would involve Town Superintendent of Highways Melvin Dopp, look for his guidance on road construction and encourage his input. Mr. Geraghty stated that the Town will simply not take over the road or any stormwater infrastructure in the development until it is constructed to its satisfaction. Several Board members stated that Building Permits should also be withheld until the Town's satisfied with the installation and construction.

E. NYSDOH – Decision on individual wells.

DISCUSSION: Mr. Geraghty indicated that he spoke with Mr. Huckans' engineer Travis Mitchell, P.E. earlier in the day and was informed that additional information has been forwarded to the NYSDOH for its analysis of the proposed individual wells to service each of the townhouses in the development. Mr. Geraghty stated that until NYSDOH issues its decision on the use of individual wells, no revised application will be submitted to the Adirondack Park Agency for this proposal.

VI. **OTHER BUSINESS:**

A. Code Enforcement Update:

Mr. Stewart distributed a copy of his monthly Code Enforcement Update, along with several additional pieces of information. Mr. Stewart briefly reviewed his report with Board members.

Mr. Stewart and Mrs. Salvione agreed that they would get together and talk about the new fee structure for Planning Board applications.

Mr. Stewart also talked about the concerns that have been expressed to him regarding the removal of an existing building on the Reets Boatworks' property. Mr. Stewart reminded Board members that the applicant has not yet received a Certificate of Occupancy for the building and has sold the original structure, which will be removed in the spring. There was then a brief discussion between Mr. Stewart and Board members concerning the conditions that are imposed by the Planning Board during subdivision and site plan reviews. Board members expressed a need to be more specific about the conditions so that they are easier for Mr. Stewart to enforce.

Board members then briefly discussed the idea of updating the Town's Subdivision Regulations. Mr. Geraghty suggested that he and Mr. Stewart work on this proposal during the next few months and come back to the Board with some proposed changes. There was a general consensus among Board members that this would be an acceptable way to pursue this issue.

Mr. Geraghty pointed out that there have been some changes made to the NYS Fire Code involving the construction of driveways. Mr. Geraghty noted that this will be an important issue in subdivisions that involve the proposed construction of residences a significant distance from a public street.

B. Chairwoman's Report:

Marilyn Salvione indicated that she recently attended the Planning and Zoning Conference in Saratoga with Planning Board Member Walt Ryan. Mrs. Salvione indicated that the conference was very well run and had a great deal of useful information. She passed around a binder of materials that she picked up at the conference and offered other Board members an opportunity to review the information.

Mrs. Salvione indicated that during the conference there were a few issues she felt could be important to the Town of Mayfield, including the idea of creating Planned Development Districts, updating the Town's regulations to specifically define who is responsible for what actions and administrative procedures.

Mrs. Salvione also noted that she has been appointed as a representative on the Committee to review the Town's Comprehensive Plan. Mrs. Salvione encouraged other Board members to feel free to participate in the process.

C. Revised SEQF Forms:

County Senior Planner Sean Geraghty encouraged Board members to visit the NYSDEC website listed below and to look at the proposed revisions that have been made to the Short and Full Environmental Assessment Forms.

Mr. Moore asked how long it would be before the forms start being used? Mr. Geraghty indicated that after speaking with Robert Ewing, NYSDEC, he was given the impression that it may be 2 or 3 months before the documents are adopted and that NYSDEC will have a 180-day phase in timeframe for the new forms. Mr. Geraghty stated that, by the end of 2011, it is likely the new forms will be used and begin appearing in application packages before the Board.

www.dec.ny.gov/permits/6061.html

VII. CLOSE OF THE MEETING:

MOTION: To close the meeting at 7:35 p.m.

MADE BY: Barney Brower

SECONDED: Robert Phillips

VOTE: 5 in favor, 0 opposed