

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

**MEETING NOTES**

**PRESENT:**

**ROBERT PHILLIPS, VICE CHAIRMAN  
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.

Planning Board Vice Chairman Robert Phillips noted that Planning Board Alternate Malcolm Simmons would be filling in for Marilyn Salvione during this evening's meeting.

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

MOTION: To approve the minutes to the October 19, 2011 meeting.

MADE BY: Barney Brower

SECONDED: Walt Ryan

VOTE: 5 in favor, 0 opposed

### **III. PARADISE POINT DEVELOPMENT CORPORATION – LAKEVIEW VILLAGE AT PARADISE POINT SUBDIVISION – ISSUANCE OF SEQR LEAD AGENCY DETERMINATION OF SIGNIFICANCE:**

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

Paradise Point Development Corporation would like to subdivide a 26.1+/- acre parcel at the intersection of Paradise Point Road and Lakeview Road in the Town of Mayfield. Access to the development will be off of Lakeview Road. The applicant proposes to construct 20 townhouse units in the development with property lines along the common wall between units. As the development is currently laid out, there will also be three (3) additional parcels along the east side of Lakeview Road that consist of two (2) wetland preserve areas and the private access road, utility and stormwater management area. On the west side of Lakeview Road, the development will include a property for the sanitary sewage disposal systems and a dock storage area.

#### **B. September 30, 2010 Correspondence to Dave Huckans:**

On September 30, 2010, a letter was forwarded to Dave Huckans, Paradise Point Development Corporation, outlining a list of issues that needed to be resolved before any formal Planning Board action would take place.

In response, Mr. Huckan's Engineer, Travis Mitchell, P.E., Environmental Design Partnership, sent a letter to the Planning Board on January 5, 2011 essentially providing a status report on the project.

#### **C. January 19, 2011 Meeting:**

During its January 19, 2011 meeting, the Planning Board reviewed Mr. Mitchell's status report for the Paradise Point Development Corporation's Lakeview Village at Paradise Point Subdivision Project. At that time, the County Planning Department was directed to forward a letter to Mr. Mitchell outlining the issues that still needed to be resolved before the Planning Board would issue a determination of significance under SEQR and continue its review of the subdivision proposal. A letter was forwarded to Mr. Mitchell on January 24, 2011 on behalf of the Planning Board asking that the following five (5) issues be addressed by the applicant:

1. Because of the zero lot line setbacks and clustered nature of the subdivision, multiple area variances were needed from the Town of Mayfield Zoning Board of Appeals.

STATUS: On April 27, 2011, the Town of Mayfield Zoning Board of Appeals issued all of the requested variances for the Paradise Point Development Corporation's Lakeview Village at Paradise Point Subdivision Project.

DISCUSSION: Mr. Phillips suggested that Mr. Mitchell be given an opportunity to update the Planning Board on the Paradise Point Corporation's subdivision project. Mr. Mitchell gave a brief presentation outlining the components of the project. He then noted that given the Planning Board's positive recommendation, the Town of Mayfield Zoning Board of Appeals granted all of the Paradise Point Corporation's requested variances.

2. The Planning Board has asked that a Stormwater District be established to oversee management of the stormwater system in the proposed development.

STATUS: (Travis Mitchell, P.E.)

DISCUSSION: Mr. Mitchell indicated that his client, Mr. David Huckans, had agreed to work with Town officials to setup a Stormwater District for the project. Mr. Mitchell noted that Mr. Huckan's attorney, Robert Simon, has already spoken with Town Attorney Carmel Greco about the creation of this district.

3. A Special Improvement District or Transportation Corporation must be established for the community sewage system that will service the project.

STATUS: (Travis Mitchell, P.E.)

DISCUSSION: Mr. Mitchell explained that the NYSDEC will require Paradise Point Corporation to setup a Sewer District so that the Town will be able to govern the operation and maintenance of the facility. He indicated that his client understands that, in order for the project to move forward, this Special Improvement District will need to be created.

4. The NYSDOH will have to endorse the applicant's proposal to use individual wells for each of the twenty (20) lots in the proposed subdivision.

STATUS: In a letter dated October 5, 2011, the NYSDOH has indicated that it is comfortable allowing the applicant to use

individual wells for 18 of the lots and has asked for additional testing on the two (2) lots located closest to the lakefront.

(Travis Mitchell, P.E.)

DISCUSSION: Mr. Mitchell noted that for a project of this magnitude, normally, two (2) or three (3) wells are drilled to service all of the homes. However, given the nature of the project, he explained that each of the building lots will have its own individual well. He pointed out that the NYSDOH asked the Paradise Point Corporation to provide water quantity and quality testing on the site. He explained that six (6) test wells were drilled on the project site and that five (5) out of the six (6) wells were found to be acceptable by the NYSDOH. He explained that when the sixth well was drilled, a different aquifer was encountered. Consequently, the Health Department asked his clients to provide an additional test well. He noted that Hawk Drilling just finished its additional test which showed that the well could produce 3+ gallons per minute. Mr. Mitchell stated that the water samples have now been sent to a lab for quality testing and that he expected the tests to come back acceptable.

5. Performance Bonds for all infrastructure improvements within the subdivision must be provided. Those Performance Bonds will be based on cost estimates that are prepared by the applicant's engineer for the overall infrastructure and road development for the project. The Town Attorney and Town Highway Superintendent will review the estimates and determine the dollar amount for the Performance Bond. The Town will be asking that the Performance Bonds have a 1-year warranty period.

STATUS: (Travis Mitchell, P.E.)

DISCUSSION: Mr. Mitchell noted that his client understands that Performance Bonds will have to be provided for the proposed development.

Mr. Phillips asked if there has been any contact with the Hudson-River Black-River Regulating District regarding the location of wells within its taking line?

Mr. Mitchell indicated that he does have a letter from the Hudson-River Black-River Regulating District authorizing his client to locate wells within the District's taking line. Mr. Mitchell stated that he would provide a copy of the letter for the Planning Board's records.

Planning Board Member Walt Ryan talked about some of the additional items such as pull boxes on Lakeview Road that will need to be shown on the subdivision plat. Mr. Mitchell indicated that he was aware that there are several additional pieces of information that will need to be included on the subdivision plat drawings.

Planning Board Member Jerry Moore asked if the six (6) test wells would be used to service all 20 lots in the subdivision. Mr. Mitchell explained that each lot would be provided with its own well. He indicated that only six (6) wells were tested for water quantity and quality to meet the NYSDOH's standards.

D. February 16, 2011 Meeting:

During its February 16, 2011 meeting, the Planning Board briefly reviewed a letter to Town Attorney Carm Greco from Robert Simon, Esq., Attorney for the Paradise Point Development Corporation. In his letter, Mr. Simon clarified that his client would be asking the Town to take over ownership and maintenance of the road in the development and suggested that the stormwater infrastructure be maintained by a Homeowner's Association. In response, the Planning Board asked that a letter be forwarded back to Town Attorney Carm Greco, indicating that the Planning Board is not comfortable with the idea of having a Homeowner's Association maintain the stormwater infrastructure in the proposed development and is insisting that a Stormwater District be established for the purpose of maintaining the stormwater control pond and any other features in the stormwater system that will require routine maintenance. On February 22, 2011, a letter stating the Planning Board's position was sent to Attorney Greco.

DISCUSSION: In response to an inquiry by Mr. Moore, Mr. Geraghty clarified that the applicant originally proposed to construct a private road to service the development. However, his attorney has now indicated that it is his client's intent to turn the road over to the Town at the conclusion of construction.

E. State Environmental Quality Review:

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.

STATUS: 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: County Senior Planner Sean Geraghty reviewed a draft Part II Environmental Assessment Form with Board members, along with a draft Determination of Significance for the project.

Mr. Ryan asked that the Board spend a few minutes talking about the items in Part II of the form that were noted by Mr. Geraghty to have potential impacts. The Board spent several minutes talking about the project's proposed impact on land, surface and groundwater quality and quantity and drainage flow patterns.

There was a general consensus among Board members that none of the items identified by Mr. Geraghty would have a potentially large impact given the proposed design of the facilities to service the 20-lot subdivision.

Mr. Phillips asked if there would be a boat launch constructed as part of the development?

Mr. Mitchell indicated that there are no plans to construct a boat launch as part of this project.

If the Planning Board feels that it now has sufficient information to issue its determination of significance under SEQR, it must prepare, file and publish the determination in accordance with Section 617.12 of 6NYCRR.

MOTION: To file a negative declaration under SEQR for the Paradise Point Develop Corporation's proposed Lakeview Village at Paradise Point Subdivision Project based on the following reasons:

1. The clustering of the lots in the subdivision will minimize the physical impacts on the steeper slopes of the property.
2. The stormwater infrastructure to be developed on the site, along with the community sewer system, will have minimal effect on surface and groundwater resources on the property.
3. There will be no traffic impacts resulting from the proposed project.
4. Public utilities are readily available to the site to service the new building lots.

MADE BY: Malcolm Simmons  
SECONDED: Barney Brower  
VOTE: 5 in favor, 0 opposed

F. Subdivision Review:

According to Section 604 of the Town of Mayfield Subdivision Regulations, once the Planning Board issues a negative declaration, it shall schedule and hold a public hearing on the application within sixty-two (62) days of its receipt of the complete preliminary plat. Consequently, does the Planning Board wish to set a public hearing date on the preliminary plat for the Paradise Point Development Corporation's Lakeview Village at Paradise Point Subdivision Project?

DISCUSSION: Mr. Moore had a question concerning the Town's eventual acceptance of the road. There was a brief discussion on this matter and the general sentiment among Board members was that if the applicant constructs the road to the Town's standards, then the Town would be required to take it over as a public road.

There was then a lengthy discussion amongst Board members concerning the scheduling of a public hearing on the Paradise Point Corporation's subdivision application. Mr. Mitchell indicated that he could probably provide updated information on the subdivision plat within the next two (2) weeks. Board members felt more comfortable waiting to see the updated drawings before scheduling a hearing. Board members indicated that if the information can be provided on updated drawings prior to the Board's December meeting, then a public hearing can be scheduled for January 2012.

MOTION: To table any further action on the Paradise Point Corporation's Subdivision application.

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

#### **IV. ROBERT STONE – ZONING CHANGE REQUEST:**

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

Robert Stone currently owns two (2) parcels (Tax Map #s 88-3-3 and 88-3-2.11) along the west side of NYS Route 30 in the Town of Mayfield. Mr. Stone has submitted a written request to the Town Board to have the zoning of his parcels changed from Agricultural to Commercial. He points out in his request that the parcels adjacent to his along NYS Route 30 are already commercially zoned. A portion of the Town's Zoning Map depicting the parcels owned by Mr. Stone was included in the Planning Board's meeting notice packet.

##### **B. Planning Board Review:**

In accordance with Article XII of the Town's Zoning Regulations, any proposed amendments or changes to the Town's Zoning Law originating at the Town Board level must be referred to the Planning Board for a report and recommendation. The Planning Board has forty-five (45) days after receiving a referral to submit its report to the Town Board. Failure of the Planning Board to report within that timeframe shall be deemed an approval of the proposed change.

DISCUSSION: Mr. Ryan indicated to Board members that he was on the Commission that put together the original zoning proposal for the community. He explained that Mr. Stone's properties were originally given an agricultural zoning classification as part of an effort to preserve agricultural property in the community. He noted that even though Mr. Stone's property sits along NYS Route 30, it is fairly large and extends a significant distance off of the road. Mr. Ryan also noted that Commission members thought that the properties could not be split by zoning districts and that district boundary lines had to follow along property boundaries. He indicated that the Commission may originally have been mistaken in zoning Mr. Stone's properties for agricultural use since it does not appear as though the back portions of the properties are actively farmed or have a great deal of agricultural potential given the physical constraints on the land (i.e.; wetlands).



There was then a lengthy discussion amongst Board members concerning potential uses of the property. It was noted that the development potential of the backside of the property is very limited given the wet conditions. Board members also reviewed an aerial photo of the property showing the extent of the wet areas and wooded areas on the property.

C. Planning Board Action:

MOTION: To recommend that the Town Board approve Mr. Stone's zoning change request to have his parcels along NYS Route 30 rezoned from agricultural to commercial based on the fact that the property has very limited agricultural potential.

MADE BY: Malcolm Simmons  
SECONDED: Barney Brower  
VOTE: 5 in favor, 0 opposed

V. **OTHER BUSINESS:**

A. Code Enforcement Update:

Town Code Enforcement Officer Mike Stewart gave Board members an update on the situation involving the property owner along NYS Route 30 who maintains a tiger sanctuary. He explained that the gentleman has until the November 30<sup>th</sup> to file an Article 78 with the NYS Supreme Court to challenge the Town of Mayfield Zoning Board of Appeals' decision. Mr. Ryan indicated that he would like to see Board members eventually visit the property to get an idea of how the sanctuary is operated. There was a general consensus among Board members that this would be a good idea after an actual application is presented to the Board.

Mr. Stewart talked briefly about the Comprehensive Plan Commission's work on updating the community's Comprehensive Plan. He noted that the first public hearing on the document was sparsely attended. He indicated that the high school has agreed to have all of the students in its Participation in Government and Economics classes complete the survey that has been distributed throughout the community. Mr. Phillips added that he attended a School Board meeting and asked that surveys be completed by as

many individuals as possible. There was then a brief discussion concerning ways to get more surveys answered.

B. Vice Chairman's Update:

Mr. Phillips noted that there are supposed to be two (2) Planning Board alternates and that given the impending resignation of Barney Brower at the end of the year, a new permanent Board member will need to be appointed. Mr. Phillips also noted that the Town Board may also need to replace an Alternate member at that time.

C. Training:

Mr. Geraghty indicated that he is unaware of any additional training in 2011. He explained that the New York Municipal Insurance Reciprocal will be conducting a training session early in 2012. He noted that the topic for that training session will either be hydrofracking or liability issues faced by Planning Board and Zoning Board of Appeals' members.

Mr. Stewart added that if there are individuals who still need an hour or two of training in 2011, they can get on the NYMIR site and take the on-line course.

**VI. CLOSE OF THE MEETING:**

MOTION: To close the meeting at 7:32 p.m.

MADE BY: Barney Brower

SECONDED: Malcolm Simmons

VOTE: 5 in favor, 0 opposed