

**TOWN OF MAYFIELD PLANNING BOARD
APRIL 17, 2013
6:30 P.M.
TOWN OF MAYFIELD TOWN HALL
MEETING NOTES**

PRESENT:

**ROBERT PHILLIPS, CHAIRMAN
MALCOLM (RICK) SIMMONS, VICE CHAIRMAN
JERRY MOORE
JOHN KESSLER
GARY MAZZARELLI, ALTERNATE**

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

OTHERS PRESENT:

**VINCE COLETTI, TOWN COUNCILMAN
CHARLES ACKERBAUER, P.E.
MICHAEL O'BRIEN, APPLICANT
DAVID SCHWEIZER, APPLICANT**

Planning Board Chairman Robert Phillips asked Planning Board Alternate Gary Mazzarelli to participate in this evening's meeting.

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 March 20, 2013 meeting.

MADE BY: Gary Mazzarelli

SECONDED: John Kessler

VOTE: 5 in favor, 0 opposed

III. H & L INSURANCE, INC. – PUBLIC HEARING ON THE SITE PLAN FOR BUILDING EXPANSION:

A. Background:

Michael O'Brien would like to construct a 30' x 34' addition on his building at 2441 State Highway 30 (Tax Map Parcel No. 104.9-5-12.1) in the Town of Mayfield. Mr. O'Brien's business, H & L Insurance, Inc., is currently operated out of the building. The 1,020 sf addition will be constructed on the back side of the existing structure. Additional parking spaces will be provided as part of this expansion project.

B. March 20, 2013 Meeting:

During its March 20, 2013 meeting, the Town of Mayfield Planning Board began reviewing Michael O'Brien's site plan application for an expansion of H & L Brokerage Services' Building at 2441 NYS Route 30 in the Town of Mayfield. At that time, the Planning Board asked that the following revisions be made to the final site plan drawing prior to the public hearing:

1. The final site plan drawing must be stamped by the licensed engineer.

STATUS: Provided.

2. Building elevation drawings for the proposed addition must be provided.

STATUS: Provided.

DISCUSSION: The Planning Board had no questions concerning the elevation drawings.

3. A notation should be made on the elevation drawings explaining that the entire building will be resingled once the addition is constructed.

STATUS: Provided.

4. The location of the existing septic system on the property must be identified on the revised drawing.

STATUS: The approximate location of the septic system has been identified in the front yard of the property adjacent to the paved parking area.

DISCUSSION: The Planning Board had no questions concerning the approximate location of the existing septic system.

C. Public Hearing:

1. The public hearing was opened at 6:31 P.M.

2. Speakers:

There was no one to speak regarding Michael O'Brien's site plan application for H & L Insurance, Inc.

3. The public hearing was closed at 6:34 P.M.

D. 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 Michael O'Brien's site plan application for an expansion of H & L Brokerage Services' building on NYS Route 30?

MOTION: To approve Michael O'Brien's site plan application for an addition on his H & L Insurance Building at 2441 State Highway 30.

MADE BY: Jerry Moore

SECONDED: Rick Simmons

VOTE: 5 in favor, 0 opposed

IV. MARK BOMBARD – PUBLIC HEARING ON A SUBDIVISION ALONG THIRD AVENUE:

A. Background:

Mark Bombard currently owns a piece of property at the end of Third Avenue (Tax Map Parcel No. 137.14-3-1) in the Town of Mayfield. The property is approximately 2.11 acres in size. Mr. Bombard would like to create an additional building lot on the property by separating a 1.1 acre parcel with an existing home from the original property and leaving a 1.01 acre parcel as a new building lot. There is an Army Corps of Engineers' regulated wetland running through the parcel.

B. March 20, 2013 Meeting:

During its March 20, 2013 meeting, the Town of Mayfield Planning Board began reviewing Mark Bombard's subdivision application for a piece of property along Third Avenue in the Town of Mayfield. At that time, the Planning Board asked that the following information be provided on a revised subdivision plat prior to the public hearing:

1. The correct tax map parcel number needs to be identified on the subdivision plat.

STATUS: Provided.

2. Percolation and pit test results for the new building lot must be provided, along with the design of the proposed septic system for the new building lot.

STATUS: Percolation tests have been provided along with a proposed location for the septic system. A notation has been placed on the drawing indicating that "a deep hole test pit shall be conducted prior to construction of system to verify its minimum separation distance of 24" to groundwater from the bottom of trenches."

DISCUSSION: Planning Board Member Jerry Moore asked how concerned the Board should be about the ability of the applicants to install an adequate septic system on the site?

Mr. Geraghty indicated that he felt the Board should be very concerned because the applicant is supposedly creating a buildable lot. He stated that he felt the Planning Board needed to consider the potential cost of designing a septic system on the site before approving the subdivision and thus creating a new building lot.

Mr. Ackerbauer indicated that he dug a 3' hole on the site and did not encounter groundwater, so he indicated that he was confident that there is at least 3' of good material on the property. Mr. Ackerbauer indicated that the applicant may need to elevate the site with an additional foot of acceptable material if he can't go any further down without encountering groundwater.

Mr. Moore asked if the Town required a deep hole test for the property?

Mr. Ackerbauer pointed out that the NYSDOH requires a deep hole test be performed on the site.

Town Code Enforcement Officer Mike Stewart added that in order to design a septic system for the site, an engineer has to have the results of a deep hole test on the property.

3. The Planning Board asked that the proposed driveway location for the new building lot be moved closer to the common property line.

STATUS: Provided.

4. A notation indicating that all onsite sanitation and water supply facilities shall be designed to meet the minimum specifications of the Department of Health should be included on the revised plat.

STATUS: Provided.

C. State Environmental Quality Review:

During its March 20, 2013 meeting, the Town of Mayfield Planning Board classified the proposed project as an Unlisted Action and proposed that it serve as the Lead Agency for the purpose of issuing a determination of significance under SEQ. The NYSDEC and the United States Army Corps of Engineers were given until Tuesday, April 16, 2013 to respond to the Planning Board's proposal.

STATUS: In a letter dated March 28, 2013, NYSDEC concurred with the Town of Mayfield Planning Board's proposal to act as Lead Agency for this project. The NYSDEC noted that a disturbance of more than 1 acre of total land will require a SPEDES General Permit for Stormwater Discharges from Construction Activities.

On Monday, April 15, 2013, Sean Geraghty, Senior Planner Fulton County Planning Department, spoke with a representative from the U.S.

Army Corps of Engineers concerning Mr. Bombard's application. Mr. Geraghty was informed that the Army Corps would not be responding to the Planning Board's Lead Agency coordination letter, but did indicate that a wetlands permit would be needed for any impact to the wetland on Mr. Bombard's property.

DISCUSSION: Mr. Moore asked if there was a chance that the Army Corps of Engineers would not issue the permit to the applicant?

Mr. Ackerbauer indicated that the permit needed from the Army Corps of Engineers is a standard permit for this type of project.

Mr. Geraghty added that the Army Corps of Engineers typically asks a property owner to comply with certain mitigative measures and then issues the permit.

MOTION: Declaring the Town of Mayfield Planning Board the Lead Agency for the purpose of issuing a determination of significance under SEQR for this proposed action.

MADE BY: Rick Simmons
SECONDED: Gary Mazzarelli
VOTE: 5 in favor, 0 opposed

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

1. There is enough acreage to create an additional building lot in the subdivision.
2. Public utilities are already in place to service the new building.
3. There will be no traffic implications from the proposed action.
4. The stormwater impacts associated with the construction of a single-family home on the property will be negligible.

MADE BY: Rick Simmons
SECONDED: Gary Mazzarelli
VOTE: 5 in favor, 0 opposed

D. Public Hearing:

1. The public hearing was opened at 6:36 P.M.
2. Speakers:

There was no one to speak regarding this subdivision application.

3. The public hearing was closed at 6:40 P.M.

E. Planning Board Action:

In accordance with the Town of Mayfield Subdivision Regulations, the Planning Board shall approve, with or without modifications, or disapprove the subdivision plat within sixty-two (62) days after the public hearing.

MOTION: To conditionally approve Mark Bombard's subdivision application for a piece of property on Third Avenue pending receipt of the pit test results and an engineered design for the septic system.

MADE BY: Gary Mazzarelli

SECONDED: John Kessler

VOTE: 5 in favor, 0 opposed

V. **JAMES R. MARTIN, SR. ET AL – SUBDIVISION ALONG NYS ROUTE 30:**

A. Background:

The applicant for this application is David Schweizer, who has been appointed by the trustees of Edith Martin, to appear before the Town of Mayfield Planning Board seeking a subdivision approval for the property along NYS Route 30. (Tax Map Parcel No. 137.-4-36) The applicant's property is situated along the north side of NYS Route 30 near its intersection with County Road 155. The property is approximately 65.3+/- acres in size. The applicant would like to subdivide the parcel into three (3) new lots with one of the dividing lines being along the power line easement and the other near a stream that runs through the property. The parcels will be 19.58, 27.878 and 7.846 acres in size respectively.

Town Code Enforcement Officer Mike Stewart noted that the applicant has submitted a revised drawing showing additional information.

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: There is no location map provided on the subdivision plat.

DISCUSSION: The Planning Board felt that a location map should be superimposed on 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: The topographic features of the property have been shown.

DISCUSSION: The Planning Board did not ask that any additional topographic features be shown.

Mr. Simmons raised a question concerning access to an adjacent cemetery. He indicated that the Town owns the cemetery and has had difficulty accessing the property because of one of the other adjacent neighbors. Mr. Stewart pointed out that if the lots are eventually developed commercially, there may be an opportunity to work with an applicant to provide access to the cemetery.

There was then a brief discussion concerning this issue. Eventually, the Planning Board decided to let Mr. Geraghty and Mr. Stewart do some research prior to next month's meeting and see if they could find out what type of access the Town currently has.

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: There are no percolation or pit test results shown on the subdivision plat.

DISCUSSION: Mr. Simmons asked if the percolation and pit tests will be required during the site plan review process?

Both Mr. Geraghty and Mr. Stewart indicated that if commercial development takes place on these properties, percolation and pit test results will need to be provided during the site plan review process.

Planning Board Member John Kessler stated that he felt given the size of the proposed lots, the Planning Board could wait until the site plan review process to require this information.

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

STATUS: A power line easement is identified on the property.

DISCUSSION: Mr. Moore asked if there were any easements relating to the federal wetland on the property.?

Mr. Geraghty indicated that there typically aren't easements to go along with federal wetlands. He indicated that the applicant will need to identify the boundaries of that wetland on the property and eventually any development on the property should be undertaken in areas that will not impact the wetland.

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: Not provided.

DISCUSSION: David Schweizer indicated that he would have a notation placed on the final subdivision plat.

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: Mr. Moore asked if Question 10 on the Short Environmental Assessment Form should be marked “Yes” because other agencies will have to issue permits for the project?

Mr. Geraghty indicated that the question could have been answered “yes” but, at the present time, the applicant may not need any permits from other Involved Agencies. Mr. Geraghty pointed out that the Planning Board should coordinate the SEQR review with the NYS Department of Environmental Conservation (NYSDEC), the NYS Department of Transportation (NYSDOT) and the Army Corps of Engineers to see what jurisdiction those agencies will have. However, he pointed out that without any development taking place on the property as a result of this particular action, there may not be any permits that need to be issued. Mr. Geraghty speculated that once each of the individual sites is developed with a commercial business, a Full Environmental Assessment Form may need to be provided for each individual project and a more detailed SEQR review may need to take place.

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)(3) of 6 NYCRR states that, when an agency proposes to directly undertake, fund or approve a Type 1 or Unlisted Action undergoing a Coordinated Review with other Involved Agencies, it must as soon as possible transmit Part 1 of the Environmental Assessment Form completed by the Project Sponsor or a Draft Environmental Impact Statement (DEIS) and a copy of any application that has been received to all Involved Agencies and notify them that a Lead Agency must be agreed upon within thirty (30) calendar days of the date the Environmental Assessment Form or DEIS was transmitted to them.

DISCUSSION: Mr. Simmons asked if there was any record that the tanks previously known to be located on Lot #3 in the proposed subdivision were ever removed?

Mr. Geraghty indicated that he could ask that question in the SEQR Lead Agency Coordination letter that he sends to NYSDEC.

MOTION: To classify the proposed project as an Unlisted Action and to propose that the Town of Mayfield Planning Board act as the Lead Agency for the purpose of issuing

a determination of significance under SEQR and to offer other Involved Agencies twenty-five (25) calendar days to comment on the proposed action or the Town Planning Board's proposal to act as the Lead Agency.

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

D. 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 at this time on the subdivision application for James A. Martin?

MOTION: To schedule a public hearing on David Schweizer's subdivision application for 6:30 p.m., Wednesday, May 15, 2013.

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

VI. SCOTT BARBER – HOME OCCUPATION ALONG WOODY LANE:

A. Background:

Scott Barber would like to conduct a tattoo/piercing business in the basement of his home at 112 Woody Lane in the Town of Mayfield. (Tax Map Parcel 150-13-1). According to Mr. Barber's application, the area in his basement that he would be used for the business is less than 400 sq. ft. in size. His application states that he only deals with one (1) customer at a time, so that vehicular traffic will be minimal. He also indicates that there will be no signage advertising his business. The property is located in an RE-Residential Estate District. (See attached Code Enforcement Department referral.)

B. Planning Board Discussion:

The Planning Board talked briefly about the nature of Mr. Barber's proposed home occupation. Mr. Stewart pointed out that if the applicant had not approached him about obtaining a permit to operate out of his home, he probably could have conducted the business without anyone knowing it. Board members recognized that there could conceivably be other property owners in the neighborhood with similar types of businesses that are currently operating and yet have no official approval from the Town.

Planning Board Chairman Bob Phillips stated that he felt the Planning Board had three (3) choices:

1. To determine whether or not Mr. Barber's proposed business can be considered a home occupation in the Town of Mayfield.
2. If the Board determines that Mr. Barber's business should be considered a home occupation, does the Planning Board feel that a site plan review of his proposal is necessary?
3. If a site plan review of the proposal is conducted, does the Planning Board feel that a public hearing is necessary?

Mr. Phillips indicated that he typically is more comfortable when the applicant appears before the Planning Board in case there are questions Board members wished to ask.

After a brief discussion, Planning Board members felt that Mr. Barber's business should be considered a home occupation in the Town of Mayfield and given the nature of the business, a site plan review of the proposal would not be necessary.

C. Planning Board Action:

MOTION: To approve Scott Barber's application for a home occupation along Woody Lane as presented.

MADE BY: Gary Mazzarelli

SECONDED: Rick Simmons

VOTE: 5 in favor, 0 opposed

VII. OTHER BUSINESS:

A. Code Enforcement Update:

Mike Stewart let Planning Board members know that Aaron Howland has expressed an interest in becoming a new Alternate member for the Planning Board. He indicated that he would be giving Mr. Howland's name to the Town Board for consideration.

B. Training:

Mr. Geraghty confirmed that Board members received an e-mail from the County Planning Department concerning upcoming training events.

Planning Board Member Jerry Moore indicated that he would be attending the first day of the NY Planning Federation Conference in Saratoga.

C. New SEQR Forms:

Mr. Geraghty explained that the NYSDEC's new SEQR forms will not become effective until October 1, 2013. Mr. Geraghty expressed some concern with how smoothly the transition will be from the existing SEQR forms to the new forms.

VIII. CLOSE OF THE MEETING:

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

MADE BY: Rick Simmons

SECONDED: Gary Mazzarelli

VOTE: 5 in favor, 0 opposed