

**TOWN OF MAYFIELD PLANNING BOARD  
SEPTEMBER 16, 2020  
6:00 P.M.  
TOWN OF MAYFIELD TOWN HALL**

**MEETING NOTES**

**PRESENT:**

**JOHN KESSLER, CHAIRMAN  
AARON HOWLAND, VICE CHAIRMAN  
JERRY MOORE  
RICHARD MILES  
FREDERICK CASTIGLIONE  
RALPH DESIDERIO, ALTERNATE**

**SEAN M. GERAGHTY, CONSULTANT  
DAMON CURLEY, CODE ENFORCEMENT OFFICER**

**OTHERS PRESENT:**

**PATRICIA HUCKANS  
CHRIS FOSS, FERGUSON & FOSS  
JACK PUTMAN  
THERESE DACORSI  
ELEANORE ZIMMERMAN, ESQ.**

**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 August 12, 2020 meeting.

MADE BY: Richard Miles

SECONDED: Frederick Castiglione

VOTE: 5 in favor, 0 opposed

### **III. THERESE DACORSI – PUBLIC HEARING ON SUBDIVISION ALONG GRAY ROAD:**

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

Therese Dacorsi owns a 42.5+/- acre property along the south side of Gray Road in the Town of Mayfield (Tax Map Parcel No. 88.-2-13). The applicant would like to create a 2+/- acre building lot on the northeast corner of the property.

#### **B. August 12, 2020 Meeting:**

During its August 12, 2020 meeting, the Town of Mayfield Planning Board began reviewing Therese Dacorsi's subdivision application for a piece of property along Gray Road. At that time, the Planning Board asked that the following information be provided on a final subdivision plat prior to the public hearing:

1. The location of the percolation and pit tests must be identified on the new building lot.

STATUS: Provided.

2. A notation should be added to the final plat indicating that "all onsite sanitation and water supply facilities shall be designed to meet the minimum specifications of the Department of Health."

STATUS: Provided.

3. A notation should be added to the drawing indicating that "it is the policy of this State and this community to conserve, protect and encourage the development and improvements of agricultural land for the production of food and other products and also for its natural and ecological value. This disclosure notice is to inform perspective residents as farming activities occur within the Town. Such activities may include but not be limited to activities that cause noise, dust and odors."

STATUS: Provided.

DISCUSSION: The Planning Board had no comments or questions regarding the final subdivision plat.

C. State Environmental Quality Review:

During its August 12, 2020 meeting, the Town of Mayfield Planning Board authorized the filing of a negative declaration under SEQR for this proposed action. Consequently, unless new information has been brought to the Planning Board's attention, no further SEQR action is necessary.

D. Fulton County Agricultural District No. 1:

In accordance with Section 305-a of Article 25AA of the Agriculture and Markets Law of New York State, any subdivision application for a piece of property within an Agricultural District, containing a farm operation or on property within 500' of a farm operation located in an Agricultural District, must receive notice of the proposed action. The Fulton County Planning Department forwarded a letter, along with an Agricultural Data Statement and map, to Agricultural District property owners within 500' of Therese Dacorsi's subdivision proposal.

STATUS: To date, the Planning Board has received no comments regarding the subdivision application.

E. Public Hearing:

1. The public hearing was opened at 6:01 p.m.
2. Speakers:

There was no one to speak regarding Therese Dacorsi's subdivision application.

3. The public hearing was closed at 6:02 p.m.

F. Planning Board Action:

In accordance with Section 1008(C) of the Town of Mayfield Zoning Law, the Planning Board shall issue its final decision within sixty-two (62) days from the date the public hearing is closed. Consequently, does the Planning Board wish to issue its final decision on Therese Dacorsi's subdivision application for a piece of property along Gray Road at this time?

MOTION: To approve Therese Dacorsi's subdivision application for a piece of property along Gray Road.

MADE BY: John Kessler  
SECONDED: Frederick Castiglione  
VOTE: 5 in favor, 0 opposed

#### **IV. ESTATE OF ANJA BELLEN – SUBDIVISION ALONG JACKSON SUMMIT ROAD:**

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

The Estate of Anja Bellen owns a piece of property along both sides of Jackson Summit Road in the Town of Mayfield (Tax Map Parcel No. 87.-2-13.1). The property is approximately 186+/- acres in size. The applicant previously subdivided off a 3.631 acre parcel along the north side of Jackson Summit Road identified as Tax Map Parcel No. 87.-2-13.2). The applicant is now looking to create separate lots for the property that is located on the north side of the road and the south side of the road. In a letter dated May 2, 2018, the Adirondack Park Agency (APA) issued a jurisdictional determination that no agency approval is required for the creation of any of these lots. However, the Agency notes that if, in the future, any development is to take place on the parcels, an Agency permit will be required.

##### **B. County Planning Department Review:**

Eleanore Zimmerman, Esq., the Executor of Anja Bellen's Estate, is asking the Planning Board to exercise its discretion under Section 1008 and 1018 of the Town of Mayfield Zoning Law and to dispense of subdivision plat requirements so that the terms of the will can be carried out.

**DISCUSSION:** County Planning Consultant Sean Geraghty explained to Board members that Attorney Eleanore Zimmerman is asking the Planning Board to waive the subdivision submittal requirements for this proposal in an effort to carry out the terms of the Anja Bellen's will. Mr. Geraghty noted that the APA has issued its jurisdictional determination that no agency approval is required. Mr. Geraghty noted that the property is already split by Jackson Summit Road.

Eleanore Zimmerman, Esq. explained that, at one time, there were separate parcels along Jackson Summit Road that were combined into one (1) tax parcel. She pointed out that, unfortunately, there are multiple deeds making up the parcel.

Planning Board Member Jerry Moore noted that there really aren't any new lots being created as a result of this transaction.

Mr. Geraghty agreed and pointed out that, while there is only one (1) tax parcel that covers property on both sides of the road, the property is already physically split by Jackson Summit Road.

After a few more minutes of discussion amongst Board members, there was a general consensus that, given the unique circumstances of this proposed property transaction, the Planning Board could waive any of the

subdivision submittal requirements. The Planning Board recognized that, if any future development is to take place on the properties, the applicant may be required to come back to the Planning Board with plans at that time.

C. Planning Board Action:

MOTION: To waive its review of the subdivision application for the Estate of Anja Bellen in an effort to allow the terms of the estate to be carried out recognizing that no new physical lots are being created as part of the transaction.

MADE BY: Frederick Castiglione

SECONDED: Richard Miles

VOTE: 5 in favor, 0 opposed

V. **PATRICIA CLEMENTE HUCKANS – PROPERTY TRANSACTION ALONG LAKEVIEW ROAD:**

A. Background:

Patricia Clemente Huckans owns a 3.1+/- acre parcel along the west side of Lakeview Road in the Town of Mayfield (Tax Map Parcel No. 88.-4-32). There is an existing residence on the parcel. Mrs. Huckans would like to reduce the size of the parcel to 1 acre around the residence and to transfer the remaining 2.1+/- acres to an adjacent parcel owned by her children (Tax Map Parcel No. 88.-4-34).

PLANNING BOARD DISCUSSION: Mr. Geraghty explained that no new building lots will be created as a result of the property transaction, but a final survey drawing will need to be provided for the Chairman's signature.

Patricia Huckans indicated that Chris Foss is currently working on revising her survey drawing with some additional information that needed to be included on the survey. She indicated that she was in a bit of a crunch and did not want to have to go through an Adirondack Park Agency subdivision approval.

Mr. Geraghty stated that the Planning Board has no authority to require her to go through a subdivision approval with the Adirondack Park Agency. He pointed out that the Planning Board is likely going to treat the transaction as a lot line adjustment.

Planning Board Member Jerry Moore asked that the well and septic field location be shown on the survey drawing for the property that will be reduced in size.

PLANNING BOARD ACTION:

MOTION: Recognizing that Patricia Clemente Huckans' property transaction along Lakeview Road is not subject to the Town's Subdivision Regulations and to approve the transaction as a lot line amendment pending receipt of the final survey drawing.

MADE BY: Frederick Castiglione

SECONDED: Richard Miles

VOTE: 5 in favor, 0 opposed

**VI. REVIEW OF TOWN COMPREHENSIVE PLAN:**

A. Background:

On February 19, 2020, the Mayfield Planning Board, Town Code Enforcement Officer Damon Curley and County Planning Consultant Sean Geraghty had a meeting to discuss a potential update to the Town of Mayfield Comprehensive Plan. The meeting resulted from a request by Town Supervisor Rick Argotsinger to have the Planning Board take a look at the existing Comprehensive Plan, which was adopted in July of 2013 and recommend to the Town Board any changes that should be made at this time. As a result of the meeting, it was decided that the Planning Board would take a little time at each of its meetings to discuss possible changes to the document.

B. July 15, 2020 Meeting:

During their July 15, 2020 meeting, the Planning Board reviewed the Executive Summary of the Town's Comprehensive Plan and found a few issues and clarifications that will be packaged together and eventually sent to the Town Board for its consideration. One of the issues that was discussed involved the Town's short-term rental Local Law and the fact that these types of uses are not discussed in the current Comprehensive Plan.

Planning Board Alternate Ralph Desiderio did some research and provided a handout to Board members for a company that helps communities manage local compliance with short-term rental regulations.

PLANNING BOARD DISCUSSION: Planning Board Chairman John Kessler pointed out that, earlier in the day, Planning Board Alternate Ralph Desiderio forwarded Board members some additional correspondence he received from the host compliance company concerning services and pricing. Mr. Kessler noted that, in Mr. Desiderio's email, he mentions that the company has offered to make a presentation to the Planning Board.

Several members immediately indicated that they would like to hear the presentation from the host compliance company.

Mr. Kessler noted that, this summer, his beach was inundated with individuals he didn't recognize. He stated that the people were staying in properties that have been leased out on airbnb listings.

Planning Board Member Rich Miles asked if anyone registered their short-term rental property with the Town this year?

Damon Curley indicated that the Town received no registrations this year.

Mr. Miles stated that he felt the Town needed to do something and agreed that the gentleman from the host compliance company should be invited to speak to the Planning Board.

Planning Board Member Jerry Moore asked if this issue has been discussed in the Towns of Northampton and Broadalbin, which because they are around the Lake, may be interested?

Mr. Geraghty indicated that County Planning Director Scott Henze works with the Planning Boards in both the Town of Broadalbin and the Town of Northampton, but has not mentioned this issue to him.

Mr. Moore stated that, after reviewing Mr. Desiderio's email earlier in the day, he didn't completely understand the pricing.

Mr. Desiderio stated that the pricing will, essentially, be on a per rental per year basis. Mr. Desiderio also noted that the Town will need to have funding available to do inspections on each of the properties as part of the registration process.

Mr. Miles stated that, as a result of the current COVID crisis, there will likely continue to be new faces in the community. He stated that a revenue source needs to be generated to pay for this type of service.

Mr. Moore stated that, if there are currently only 26 short-term rentals that have been identified online, will this be enough to warrant a host compliance service?

Aaron Howland stated that he was comfortable with paying for a service that resulted in members of the community coming into compliance with the Short-Term Rental Law but was somewhat concerned with the eventual policing of individuals that are complying with the community's regulations.

Damon Curley agreed, but pointed out that he is so backlogged with other code issues that he hasn't had an opportunity to get letters out to those

short-term rental owners who were not in compliance with the Town's regulations. He also indicated that he felt the Town needs to look at increasing some of its fees.

Mr. Miles stated that some of the non-compliance may be a result of members of the community not knowing about the regulation.

Mr. Moore stated that he would like to hear what the host compliance company has to say. He pointed out that if the Town entered into a 1-year agreement with the company, the Town could learn a lot about how to regulate these types of uses in the course of one (1) year.

Mr. Geraghty agreed that the Town will likely learn quite a bit from the host compliance company but he also indicated that some of the services that they provide are very technical in nature and probably can't be duplicated by Town staff.

Eventually, the Planning Board agreed that the host compliance service should be invited to give a presentation to Board members at the next regularly-scheduled Planning Board meeting.

#### C. Review of Comprehensive Plan Chapters 2 and 3:

##### Chapter 2:

Mr. Geraghty noted that, on page 34 of the Comprehensive Plan, there is language indicating that the community needs a more diverse housing stock. He speculated that this is probably the reason why single-family residences were not included in the original list of uses for the Resource Hub. He indicated that the Planning Board previously asked that single-family residences be included in the allowed uses for the Resource Hub so that will have to be added on page 34.

Mr. Geraghty pointed out that the extension of municipal infrastructure into Resource Hub #1 north of the Village of Mayfield is currently being discussed.

Damon Curley added that he was recently made aware of a potential hotel project on the former Pour Jim's property along NYS Route 30 that will require municipal infrastructure.

Mr. Geraghty stated that the infrastructure for Resource Hub #2 in the Vail Mills area has already been developed and will hopefully start to encourage some commercial growth. Mr. Geraghty asked Board members if any of them felt a need to reexamine the boundaries of the Resource Hub areas?



After a brief discussion, Board members recognized that there is currently no development pressure within either of the Resource Hub areas that would necessitate a reexamination of the Hub boundaries.

### Chapter 3:

Mr. Geraghty explained that, in Chapter 3, there is a great deal of Census information from the 2000 Census as well as property assessment information from the County Real Property Office that provides good examples of where the community was in 2013 when the Comprehensive Plan was adopted. Mr. Geraghty stated that, unfortunately, some of the data that was compiled in the 2000 Census is still not readily available from the 2010 Census or has been provided in a different format. However, Mr. Geraghty noted that, the focus of Chapter 3, which dealt with the economy and economic development in the Town of Mayfield, was to show that the community needed to continue to grow its local tax base so that taxes could remain stable.

Mr. Geraghty asked Board members about a few of the recommendations that were made in the Comprehensive Plan document concerning the local economy. Specifically, he questioned whether or not the Town of Mayfield was using the Fulton County Center for Regional Growth to market promotional activities and attract new businesses in the community? He also asked if a Farmer's Market had been developed for the local agricultural economy?

Mr. Moore stated that, in terms of the types of farming operations that are occurring in the community, there is hemp being grown in the Town that should be added to the list on page 48 of the Comprehensive Plan.

Mr. Geraghty suggested that, during next month's meeting, the Board should continue its review of the Comprehensive Plan by examining Chapters 4 and 5 of the document.

## **VII. OTHER BUSINESS:**

### **A. Code Enforcement Update:**

#### **1. Sacandaga Brewery:**

Mr. Curley noted that the Sacandaga Brewery has officially opened. He pointed out that the owners did a great job of renovating the facility and it appears as though the opening went very well.

#### **2. Borrego Solar:**

Mr. Curley pointed out that Borrego Solar has informed the Town that National Grid is requiring that the company provide separate bonds for its Solar Farm Project along NYS Route 29.

Mr. Moore asked why the company needed to provide separate bonds?

Mr. Geraghty pointed out that the project involved the development of two (2) separated Solar Farm facilities that will be tied into National Grid's infrastructure. He speculated that, for legal reasons, that may be why the company is being asked to provide separate bonds.

Mr. Curley pointed out that the separate bonds will actually cost Borrego Solar additional money and will provide the Town with the same financial surety.

3. Hotel Project:

Mr. Curley stated that he was recently informed of a big hotel project that is being looked at for the former Pour Jim's property along NYS Route 30. He indicated that, as information becomes available, he will pass that information along to the Planning Board.

B. Chairman's Update:

1. Air Conditioning Condenser:

Mr. Kessler indicated that he was recently contacted by former Planning Board Member Marilyn Salvione concerning a neighbor who is installing a central air conditioning in his house and was placing the condenser very close to the property line. He pointed out that there are no current regulations in the Town of Mayfield that would prohibit her neighbor from doing this.

Mr. Miles stated that he could see why this would be an annoyance for someone if mechanical equipment is located very close to a property line.

Mr. Geraghty suggested that the Town may want to draft a very quick Local Law stipulating that mechanical equipment associated with heating, ventilating and air conditioning systems must be placed a minimum distance from neighboring property lines or residential structures.

2. Solar Regulations:

Mr. Kessler asked Mr. Geraghty how soon he would be able to get some language together for suggested amendments to the Town's Solar Regulations?

Mr. Geraghty stated that, earlier in the day, he tried to get onto the Town's website but was unable to. He indicated that he can put the amended language together fairly quickly and have it presented to the Board at their next meeting.

**VIII. CLOSE OF THE MEETING:**

MOTION: To close the meeting at 7:09 p.m.

MADE BY: Frederick Castiglione

SECONDED: Jerry Moore

VOTE: 5 in favor, 0 opposed