

**TOWN OF MAYFIELD PLANNING BOARD  
WEDNESDAY, MARCH 20, 2024  
6:00 P.M.  
TOWN OF MAYFIELD TOWN HALL**

**MEETING NOTES**

**PRESENT:**

- X JOHN KESSLER, CHAIRMAN**
- X AARON HOWLAND, VICE-CHAIRMAN**
- X RICHARD MILES**
- X JERRY MOORE**
- GRANT RAUCH**
- X DAVID JANKOWSKI, ALTERNATE**
  
- X RALPH DISIDERIO, TOWN COUNCILMEMBER, PLANNING BOARD LIAISON**
- X NORMAN BARBOSA, CODE ENFORCEMENT OFFICER**
- X AARON ENFIELD, FULTON COUNTY SENIOR PLANNER**

**OTHERS PRESENT:**

**MIKE ANGUS**  
**CHRIS FOSS, FERGUSON AND FOSS**  
**TYLER MCNEIL, LEADER-HERALD/GAZETTE**

**AGENDA ITEMS:**

1. Leroy and Marcia Salisbury – Lot Line Adjustment along Vandenburg Point Road
2. Joseph Garronbone & Shirley Minnet, Lot Line Adjustment with David and Stacy Cohen
3. Gala Holdings – Expansion of an Insurance Company at 2441 State Highway 30
4. Recommendation for Battery Storage Law

**I. CALL MEETING TO ORDER:**

The meeting was called to order at 6:00 pm

**II. APPROVE MINUTES OF THE PREVIOUS MEETING:**

MOTION: To approve the minutes of the January 20, 2024 meeting.

MADE BY: Aaron Howland  
SECONDED: David Jankowski  
VOTE: Unanimous

### **III. LEROY AND MARCIA SALISBURG – LOT LINE ADJUSTMENT ALONG VANDENBURGH POINT ROAD:**

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

Leroy and Marcia Salisbury own property along Vandenburg Point Road. On May 15, 2009, the Adirondack Park Agency (APA) authorized a six-lot subdivision (Phase 1 of 2 of Hidden Cove Subdivision). The owners would like to convey. They would like to convey .003+/- acres from 280 Vandenburg Point Road (120.4-4-14.11) which is 20.904+/- acres in size to the previously approved Lot 5 which is currently 1.207 acres in size.

There are no NYSDEC Wetlands on the parcel and there are no parcels within Fulton County Agricultural District #1 within 500’.

The parcel is within the Moderate Intensity Land Use Classification within the Adirondack Park Agency (APA). The APA defines Moderate Intensity Use wherein most uses are permitted, though relatively concentrated residential development is most appropriate. While the Town of Mayfield 2017 Zoning Ordinance allows 1 acre per parcel, the Adirondack Park Agency indicates 1.3+/- acres. However, a previous determination from the APA indicated that the non-conforming lots predate the current APA regulations.

#### **Adirondack Park Association:**

In a February 28, 2024 letter from Matthew Brown, Project Administrator from the Adirondack Park Agency made a Jurisdictional Determination (J2024-0161). He indicated J2009-312, issued May 15, 2009, which determined that a proposed six-lot subdivision, including the creation of Lots 3, 4, and 5 as currently proposed, does not require a permit or variance from the Adirondack Park Agency. Agency letter J2009-312 still applies to the above-mentioned parcel.

The Jurisdictional Determination also indicated that the applicant should be aware of the following information:

1. A new on-site wastewater treatment system may not be located within 100 feet of any water body, including intermittent or seasonal streams. In addition, a permit is required for the installation of any new on-site wastewater treatment system within 100 feet of wetlands. The wastewater setback is measured horizontally along the shortest line between the closest point of any leaching component of the system and the mean high water mark of the water body or the edge of the wetland.
2. On Moderate Intensity Use lands, no structure other than residential radio and television antennas and agricultural use structures may exceed 40 feet in height without an Agency permit. For Agency purposes, height is measured from the highest point of the structure to the lowest point of finished or natural grade, whichever is lower.

This letter does not authorize the impairment of any easement, right, title, or interest in real or personal property, and shall not be construed to satisfy any legal obligations of the permittee to comply with all applicable laws and regulations or to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional, or local. We recommend that you check with Town authorities to obtain all necessary approvals prior to commencing the project.

DISCUSSION:

Fulton County Senior Planner Aaron Enfield stated that proposed Lot 5 is adding a 10' strip, which would grant them waterfront access to the Great Sacandaga Lake.

Mr. Enfield stated that the plat provided needs to be amended from Subdivision to Lot Line Adjustment. Furthermore, he stated that the information in approved Lot 3 and Lot 4 should be removed.

Mr. Enfield also indicated that the SBL for the larger parcel owned by Leroy and Marcia Salisburg should be provided and the plat should indicate the conveyance of the piece of property.

Planning Board members agreed with this and felt the project could be approved with those stipulations.

PLANNING BOARD ACTION:

MOTION: To approve the Lot Line adjustment of Leroy and Marcia Salisburg's two properties along Vandenburg Point Road with the stipulation that the following information be provided on the final plat before sign-off by the Chairman:

1. Information on the approved Lot 3 and Lot 4 be removed.
2. SBL 120.404014.11 be added to the plat
3. Documentation of the conveyance of land from parcel 120.4-4-14.11 to previously approved Lot 5 (SBL 120.4-4-14.12) be provided on the plat.

MADE BY: David Jankowski  
SECONDED: Aaron Howland  
VOTE: Unanimous

**IV. JOSEPH GARRONBONE & SHIRLEY MINNET – LOT LINE ADJUSTMENT WITH DAVID & STACY COHEN:**

A. Background:

David and Stacy Cohen own property within the Town of Mayfield (Tax Map Parcel No. 59.3-2-2.11) that is approximately 32.362 acres in size. They wish to convey XXX+/- acres to Joseph Garronbone and Shirley Minnet.

The parcel is within the Rural Use Land Use Classification within the Adirondack Park Agency (APA). The APA defines Rural Use wherein most uses are permitted; residential uses and reduced intensity development that preserves rural character are most suitable. The average lot size is 8.5+/- acres. While for the Town of Mayfield, this is considered a Lot Line Adjustment, per the APA, this is considered a Subdivision.

Both property owners have a portion of the property within the Town of Northampton, and the Cohens' wish to also convey property to Mr. Garronbone and Ms. Minnet. However, that will need to be done through the Town of Northampton Planning Board.

It is recommended that coordination with the Town of Northampton Planning Board occur and that both Chairman sign off on the same plat, which would make it easier for filing purposes.

Adirondack Park Agency:

In a letter dated March 11, 2024, Kyle Hertel Project Administrator, indicated that the permit was issued by the APA on August 14, 2023, on the property. Condition 15 of Permit P2003-0140 states, “No further subdivision of, or new land use and development, except for accessory structures on Lot 1 as stated in Condition 14, shall occur on the project site without first obtaining an amended or new permit from the Agency.” Accordingly, an amendment to this condition is required for the boundary line adjustment proposed in your Inquiry. The enclosed information sheet explains the permit amendment process.

As a permit amendment will be necessary the applicant will need to reach out to the Adirondack Park Agency requesting this. The timeframe is a minimum of 15 days; however, site visits may be necessary.

DISCUSSION:

Planning Board members recognized that this Lot Line adjustment is within two municipalities and they only have jurisdiction over the Town of Mayfield.

Chairman John Kessler indicated that he had no concern with this project but that the plat should have the amount being conveyed from the Cohens to the neighboring property owner. Subsequently, he indicated that the actual acres within the down be identified.

Mr. Enfield stated that it would be best to have the Chairman of the Town of Mayfield Planning Board and the Town of Northampton Planning Board sign off on one plat as it would be easier for filing with the Fulton County Office of Real Property.

Planning Board members agreed on this.

PLANNING BOARD ACTION:

MOTION: Recognizing that the property transaction between Joseph Garronbone & Shirley Minnet with David and Stacy Cohen is not subject to the Town’s Subdivision Regulations and can be approved as a lot line adjustment contingent on the following:

1. Sign off by the Adirondack Park Agency for the permit amendment.
2. Actual acres between the two property owners within the Town of Mayfield.
3. Joint sign-off from the Town of Northampton Planning Board Chairman.

MADE BY: John Kessler  
SECONDED: David Jankowski  
VOTE: Unanimous

**V. RECOMMENDATION FOR A BATTERY ENERGY STORAGE SYSTEM (BESS) LAW:**

During the December 5, 2023 meeting, the Town of Mayfield Town Board unanimously voted on Local Law 3 of 2023 (Resolution #147) which enacted a six (6) month moratorium on Battery Energy Storage Systems (BESS). A land use moratorium is a local enactment that temporarily suspends a landowner’s right to obtain development approvals while the community considers and

potentially adopts changes to its comprehensive plan and/or its land use regulations to address new circumstances not addressed by its current laws.

A moratorium on development therefore preserves the status quo while the municipality updates its comprehensive plan. A moratorium is designed to halt development temporarily, pending the completion and possible adoption of more permanent, comprehensive regulations.

The objective of municipal land use controls is to promote community planning values by properly regulating land development. It follows that land use controls work best when built upon a carefully considered comprehensive plan. It takes time to put together or update a good community plan. During this time, demand for a particular use of land may arise for which there are inadequate or nonexistent controls. If the community allows development during that time, the ultimate worth of the eventual plan could be undermined. For these reasons, moratoria and other forms of interim zoning controls are often needed to “freeze” development until a satisfactory final plan or regulations are adopted.

#### DISCUSSION:

The Planning Board had a back-and-forth conversation regarding the potential issues that could arise as a result of battery storage within the Town of Mayfield.

Chairman Kessler indicated they a definition of battery storage had not been provided and was unsure if they should be providing feedback to the Town Board.

Mr. Enfield reminded Planning Board members that they are only offering recommendations, if any, to the Town Board. He stated that those recommendations would be considered when looking at potentially drafting a local law.

Town of Mayfield Town Board Member Ralph Desiderio concurred with Mr. Enfield.

Mr. Desiderio reminded Planning Board members that there is sample legislation provided to municipalities by the New York State Energy and Research Development Authority (NYSERDA).

Planning Board member Jerry Moore stated that the documentation provided to the Planning Board from NYSERDA is the same sample local law template that was provided to communities several years ago. Mr. Moore expressed concern with the recent fires throughout the state.

Town of Mayfield Vice Chairman Aaron Howland mentioned his concern as well and indicated that venting of battery storage would be necessary. He also indicated that should a fire occur, containment of it within concrete blocks and a water-tight basement may be necessary.

Mr. Moore stated that he would battery storage should not be located near any public assembly.

Planning Board member Rich Miles agreed with Mr. Moore and felt that there were many known unknowns with this and the environmental impacts would be very severe. Subsequently, he indicated that should a fire occur, plans for soil remediation should be looked into.

Town of Mayfield Planning Board Alternate David Jankowski indicated his concern and felt that the Town Board should prohibit the use.

Planning Board members discussed potential state oversight with the Office of Renewable Energy Siting (ORES) and indicated that as there is not something on the books, would they overrule the Town the same way with large solar projects?

Mr. Desiderio stated that ORES' 94-C does not include battery storage currently.

Mr. Moore stated that he would like to have an attorney present at the next meeting to discuss this.

Mr. Desiderio indicated that the Town will be bringing on a new lawyer as of April 1, 2024, and they would be working closely with the Town Board on the matter. He stated that April may not work but would look into having them present during the May meeting.

Chairman Kessler stated that Planning Board Member Grant Rauch has expressed concerns for some time on battery storage, as he is a volunteer firefighter. He indicated that having feedback from him would be beneficial.

Mr. Enfield indicated that Town of Mayfield Supervisor Brandon Lehr might have the same concerns as Mr. Rauch as he is a fireman within the City of Gloversville.

Mr. Enfield indicated that it would be best to table further discussion until the new attorney is present.

**VI. OTHER BUSINESS:**

A. Chairman:

**Ag Tourism**

Chairman Kessler stated that he attended an Agricultural and Farmland Protection Plan stakeholder meeting on Ag-Tourism and there is the potential of a three (3) day event which would include other agricultural businesses within the county. He stated this information is still in the preliminary stages.

B. Code Enforcement Officer:

**Battery Storage**

CEO Norman Barbosa mentioned he has received a call on a potential battery storage project.

**Tiny Houses**

Mr. Barbosa stated that he has had an inquiry on Tiny Houses and per the Zoning Code it is not an allowed use.

Planning Board members had a back-and-forth discussion about what a Tiny House is and its potential benefits within the Town.

Mr. Desiderio stated that the Town is currently looking into this.

**Code Enforcement Training**

Mr. Barbosa stated that he has finished his required training for New York State.

**DeRocker Subdivision**

Mr. Barbosa stated that he had not heard anything from Mr. DeRocker and would reach out to him again.

C. Fulton County Planning Department:

**Planning and Zoning Training at SUNY Fulton-Montgomery April 11, 2024**

Mr. Enfield reminded Planning Board members that the training at SUNY Fulton Montgomery will be over in mid-April.

**Village of Mayfield Planning Board**

Mr. Enfield stated that the Town of Mayfield CEO received information that the Town of Mayfield Planning Board also serves as the Village Planning Board and inquired if the Planning Board thought this was correct.

The Planning Board unanimously agreed that they were not the Village Planning Board and that the information provided was incorrect.

*POST MEETING NOTE:*

*The information provided by the Village of Mayfield was incorrect.*

D. Other:

**RV Park**

Mr. Moore indicated that a Winney RV park within the Town of Mayfield was sold and inquired if it was the one on Woods Hollow Road.

Mr. Enfield stated that it was Lance Winney (who owns Oak Park in Vails Mills) as well as the one along NYS Route 29 within the Town of Broadalbin, not Lane Winney who owns the Woods Hollow RV Park.

**VII. CLOSE OF THE MEETING:**

MOTION: To close the meeting at 7:00 pm

MADE BY: Jerry Moore

SECONDED: Dave Jankowski

VOTE: Unanimous