

# Town of Harpersfield

## Planning Board

Minutes: **April, 29, 2026**

Present: W. Keller, D. Cole, D. Darling and A. Gallagher.

Also present: L. Page, A. Phillips and James A. LaValle of Young and Sommer; Javid Afrari, attorney for Mountaintop Airfield LLC and Ben Dates, Headwaters Engineering.

D. Darling called the meeting to order at 7 p.m. with the Pledge of Allegiance.

Minutes of the March 25, 2026 meeting were approved as presented, with correction to typos: al existing junkyard should be all; percent of parcel has sloes should be slopes and no certificate of occupancy maya should be may be issued. They were approved on a motion by D. Cole with a second by W. Keller. Motion carried 4-0.

D. Darling update on the solar projects: There continues to be a discrepancy over whether the NYSEG lines on should go overhead or underground to complete the interconnect; Bruce Hill ABC – some planning board members met with the landowner to look at the project. The landowner (Eklund) is constructing the roadways to the solar sites. Originally, the solar company had hired a contractor to do the construction, but it wasn't working well. The landowner is doing the work on access to all three projects.

Members of the planning board questioned the amount of land to be cleared at site C. When the updated set of plans was reviewed, the plans did show the additional land clearing (5 acres of woodland). The road to sites a ad B is completed. Town highway has reviewed the work and so far it is working out.

W. Keller questioned if DEC and DEP has reviewed with both okaying the final SWPPP.

Training Update – K. Schneider was absent and information regarding planning through the county Planning Dept. was not available. The town will be offering sexual harassment training. Walt and Dean are expected to take it, with Adam, Doug, Liz ad Dusty providing certificates.

D. Darling said Mountaintop Airfield LLC (NYSafety Track) has submitted an application for a site plan amendment to have a campground. Attorneys for Young and Sommer will be handling this portion of the review with the process just starting.

A Phillips then provided an overview of the application for a site plan amendment to allow use of 16 campsites. A campground requires planning board approval as well as a new onsite wastewater treatment system and water supply. It is also subject to a SEQRA review.

She then went on to provide the timeline involving Mountaintop Airfield LLC and its previous applications and approvals and denials.

Camping is currently prohibited on the site. The addition of camping is application is a new land use activity that is subject to site plan review. She has prepared a draft resolution for planning board members to review. The resolution includes the back history of the site. It concludes the planning board requires an escrow and engineering consultant and land use attorney to assist the planning board with its review and that the planning board requires a site visit before it can begin to review the application. It is an attempt to do what is necessary

right from the beginning.

She read the draft resolution and reviewed it with the planning board members present – see attached.

A motion was made by W. Keller, with a second by A. Gallagher to adopt the resolution. Motion carried 4-0 with Dean Darling, Doug Cole, Walt Keller and Adam Gallagher each voting aye to the resolution. Dusty King was absent.

J. Afrari offered to answer any questions anyone may have regarding the application.

D. Darling indicated nothing will be reviewed until the preliminary steps are taken. J. Afrari said the escrow will be straightened out.

The site visit will take place as a group so everyone sees the same thing and receives the same information, but the planning board will not deliberate on the application during the site visit. At the next planning board meeting, members will know where they are in preparing for the review.

J. Afrari said the campground is also subject to state regulations and approvals and permits. They are currently going through that process. D. Darling indicated the planning board will need those as well to make its decision.

A Phillips said the state Department of Health has approved the design certain improvements. They are looking to the town of Harpersfield to issue the land use approval and to coordinate with the state.

D. Darling said the planning board will want to hear from council and determine what can be reviewed at the next planning board meeting.

J. Afrari and Ben Dates then left the meeting.

D. Darling indicated the planning board meets on the last Wednesday of the month, however, the May meeting is scheduled after the long the Memorial Day Weekend.

On a motion by W. Keller, with a second by A. Gallagher, the May meeting is changed to May 20 at 7 p.m., the Wednesday prior to Memorial Day. Motion carried 4-0.

James LaValle will be assisting A. Phillips in the review of the campground application.

D. Darling asked planning board members to review the application and highlight any questions they may have. The town has already received a letter in comment, which will be held to be submitted with the public hearing comments.

On a motion by W. Keller, with a second by D. Cole, the meeting was adjourned at 8:09 p.m.. Motion carried 4-0.

Respectfully submitted,

Liz Page  
Recording secretary

**RESOLUTION  
HARPERSFIELD PLANNING BOARD**

**MOUNTAINTOP AIRFIELD, LLC  
RESOLUTION TO REQUIRE ESCROW AND SITE VISIT FOR  
IN CONNECTION WITH APPLICATION FOR SITE PLAN AMENDMENT**

**DATE: April 29, 2026**

**WHEREAS**, Mountain Top Airfield, LLC (the "Applicant") submitted an application to the Town of Harpersfield Planning Board ("Planning Board") for a 16-site campground at the site if its existing motorcycle training facility located on 134-acres of land located at 396 Zimmerman Road in the Town of Harpersfield ("Application"); and

**WHEREAS**, by letter dated April 9, 2026, the Applicant's legal counsel states it is requesting site plan approval, "in connection with its application for approval of an existing 16-site campground and issuance of a Campground Permit". However, as set forth in more detail below, the Applicant has never obtained approval for a campground on the Property and previously represented to the Planning Board that it did not operate a campground on the Property; and

**WHEREAS**, by way of background, in 2011 the Planning Board granted site plan approval for a motorcycle training facility at 396 Zimmerman Road (the "Property"). The approval included the construction of a two (2) mile-long track described as a "motorcycle safety course" that would be used to instruct ten (10) to twenty-five (25) people, three (3) days per week, during daylight hours only. The 2011 application was approved based on these representations and the Applicant's commitment that there would be no racing on the site and that automobiles would not be permitted on the track. A Negative Declaration was issued prior to approval which relied on these representations and certain other mitigation measures. The two (2) mile-long track was constructed in or around 2012 and is hereinafter referred to as the "Existing Track"; and

**WHEREAS**, the Applicant did not propose that a campground would be located or operated on the property and the Planning Board's 2011 site plan approval did not permit the location or operation of a campground on the Property; and

**WHEREAS**, in 2011, the Applicant represented there were two (2) wells, two (2) septic systems, and six (6) full bathrooms located on the Property between two (2) then-existing buildings on the site; a private residence and an airplane hangar. No new water or wastewater improvements were proposed or approved, and it was represented that there would be portable toilets for students if necessary; and

**WHEREAS**, the 2011 site plan approval was issued pursuant to Section 5.040 of the Town of Harpersfield Site Plan Review Law (Local Law No. 1 of 2006)(hereinafter, the "Site Plan Law"). The Site Plan Law requires site plan review and approval prior to any new land use activities or change in use is undertaken. "Land Use Activity" is defined as:

On-Site Camping

*The Applicant has repeatedly represented that camping is not permitted on the Property and that there is no overnight use of the facility. The 2011 Site Plan approval did not include on-site camping or overnight accommodations and the Applicant has not requested a site plan amendment to permit overnight camping or accommodations for overnight guests on the Property.*

*Findings: Overnight camping or accommodation for overnight guests remains prohibited on the Property.*

**WHEREAS**, the Applicant is now seeking a site plan amendment for a "16-site campground facility" on the Property. The application documents states, "the purpose of this application is to regularize the existing campground" and "to establish a clear, enforceable framework for continued operation in accordance with the Town and State requirements"; and

**WHEREAS**, the Applicant's submission states, "based on the site and character of the action and the absence of any listed Type I criteria, the applicant respectfully submits that the campground approvals should be classified as an Unlisted action"; and

**WHEREAS**, the Planning Board must review the current application and the environmental impacts of the proposed campground use which has not been approved by the Town and is not part the baseline condition for purposes of assessing potential environmental impacts under SEQRA; and

**WHEREAS**, pursuant to Sections 1.050 and 7.070 of the Site Plan Review Law, the Planning Board has the authority to hire professional consultants to assist it in the review of an application at the Applicant's expense.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE PLANNING BOARD OF THE TOWN OF HARPERSFIELD, DELAWARE COUNTY, NEW YORK:**

- 1) The application for site plan amendment is an action subject to SEQRA and the Planning intends to act as Lead Agency.
- 2) The Planning Board will require the assistance of a land use attorney and engineer to review the current application under the Town's Site Plan Review Law and SEQRA and hereby instruct the Town Attorney to prepare an escrow agreement for this purpose. The escrow agreement shall be presented to the Town Board for review, approval and execution, and the required escrow account shall be funded at levels required by the Town Board before the Planning Board begins its review of this application.
- 3) The Planning Board will require a site visit before a sketch plan conference is scheduled for the current application. The Planning Board hereby directs the Town Attorney to

