

**TOWN OF NORTHAMPTON PLANNING BOARD  
FEBRUARY 12, 2014  
7:00 P.M.  
TOWN HALL**

**MEETING NOTES**

**PRESENT:**

**ROBERT SMITH, CHAIRMAN – VIA FACE TIME FROM  
789 NORTH BRANCH – HORTONVILLE  
ROAD, NORTH BRANCH**

**ROBERT ANDERSON  
STEVEN NAPLE**

**MATT GINTER, CODE ENFORCEMENT OFFICER  
SCOTT D. HENZE, PLANNER/GIS FULTON COUNTY PLANNING DEPT.**

**OTHER:**

**ATTORNEY MICHAEL J. POULIN  
BRANDON FERGUSON, EDP  
RICHARD & JENN KLENA**

**I. CALL MEETING TO ORDER:**

The meeting was called to order at 7:00 p.m.

Chairman Smith called the meeting to order at 7:00 p.m. via facetime. Chairman Smith asked Scott Henze to resume the responsibility of going through the Agenda for the meeting due to the fact that he was in attendance remotely.

Matt Ginter, Code Enforcement Officer, informed those in attendance that he and Bob Smith had verified that the remote connection via facetime prior to the meeting is in good working condition. Matt Ginter requested that everyone remain silent when Chairman Smith is speaking due to the fact that we would not be able to hear him if there are other sounds in the room. The Planning Board understood that Chairman Smith was to wave his hands whereby indicating that he wished to speak.

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

Scott Henze stated that he mailed out the draft minutes to all Planning Board members well in advance of the meeting date. Scott Henze asked that a motion be made to approve the minutes to the January 17, 2014 meeting. Steve Naple stated that he had a few changes that he would like to propose to the minutes. Steve Naple proposed the following changes to the draft minutes:

1. III. Adirondack Escape, LLC Major Subdivision, A. Background, third paragraph:

(There is an existing private gravel road from County Highway 110 to the tourist accommodation – multiple family dwelling building.) Member Naple requested that the private gravel road be changed to private gravel drive.

2. III. Adirondack Escape, LLC Major Subdivision, A. Background, eighth paragraph:

(Change all locations referencing the private road to private driveway.)

3. III. Adirondack Escape, LLC Major Subdivision, B. Subdivision Proposal, Discussion, second paragraph:

Member Naple indicated that the Planning Board does not have discretion over the Hudson River Black River Regulating District Permitting Process and, therefore, there should be no mention regarding access rights to the permitted lots. Therefore, this should be removed from the minutes.

4. III. Adirondack Escape, LLC Major Subdivision, B. Subdivision Proposal, Subsection G7 – Preliminary Plat Requirements, M. Lot Lines of all Proposed or Existing Lots, and suggesting building envelopes:

“The Planning Board determined that the information provided to date is acceptable.”

Member Naple stated that he does not believe that the Planning Board determined that the existing lot lines and configurations of lots regarding the number of lots and lots designated as 5A and 5B were determined to be approved.

Scott Henze indicated that the information as provided during the Sketch Plan phase, which is the particular point in the process that the Planning Board is reviewing the plans that the Planning Board understood that the information provided to date was acceptable to initiate the Sketch Plan phase.

The consensus of the Planning Board was that the minutes as written are acceptable.

MOTION: To approve the minutes as amended to the January 17, 2014 meeting.

MADE BY: Member Naple

SECONDED: Member Anderson

VOTE: 3 in favor, 0 opposed

**III. ADIRONDACK ESCAPE, LLC MAJOR SUBDIVISION CONT'D:**

A. Background

1. During the January 17, 2014 meeting, the Planning Board determined the following:

- a. That the January 17, 2014 meeting satisfied the required pre-application meeting.
- b. That under G Required Data and Documents 2(e) all submissions shall include the "seal" of the NYS Licensed Engineer.

Note: *Upon receipt of the revised subdivision plan dated February 4, 2014 it was noted that the seal was not included. Scott Henze requested EDP to provide one (1) copy with seal to the Planning Board for the February 12, 2014 meeting date.*

DISCUSSION: Scott Henze reviewed the background information presented within the Agenda so that all Planning Board members understood that the January 17, 2014 meeting satisfied the required pre-application meeting. Scott Henze indicated that this was a unique application due to the fact that the applicant had already progressed and provided a sufficient amount of information prior to coming before the Board so, therefore, the Planning Board had to review what the applicant had provided based upon the zoning code rather than starting from the beginning.

Scott Henze stated that, upon receipt of the revised plans from Environmental Design Partnership, he understood that the submission did not include the seal of the NYS Licensed Engineer as required by the Subdivision Regulations.

Scott Henze stated that he contacted Environmental Design Partnership requesting a minimum of one (1) copy of the subdivision plan with EDP's seal.

Member Naple questioned whether or not Scott Henze had received the copy of the stamped plans?

Brandon Ferguson stated that he has brought along two (2) subdivision plans that are stamped and sealed and signed and presented those to Planning Board.

Member Naple stated that he understands that the applicant has provided the Planning Board members with the deeds and title insurance information as has been presented to the Planning Board tonight. Member Naple indicated that he will review those documents as time permits in the future.

- c. The information required for Resource Analysis compliance was provided as per Article VIII G 3 Resource Analysis Assessment Data and Documents.
- d. That the subdivision is a Major Subdivision.
- e. The Subdivision Plan as submitted by the applicant during the January 17, 2014 meeting was considered to be a Sketch Plan.
  - The Planning Board identified all Sketch Plan requirements have been met minus the Density Calculation as per Subsection F.3. Density Calculation.

*Does the Planning Board feel as though the Density Calculation requirements have been met as per the 2-4-2014 subdivision plan submittal?*

DISCUSSION: Scott Henze indicated that, during the last meeting, the Planning Board indicated that the information required for the resource analysis was provided. The Planning Board also determined that the application was a major subdivision and that the plans submitted during the January 17, 2014 meeting were to be considered as the Sketch Plans.

Scott Henze stated that, during the January 17, 2014 meeting, the Planning Board identified that the plans submitted lacked the density calculation as per Subsection F.3. Density Calculation of the Subdivision Code. Scott Henze stated that the correspondence to Environmental Design Partnership regarding the requests made by the Planning Board during the last meeting included the density calculation as per Subsection F.3. Density Calculation should be added to the subdivision plan submittal.

The Planning Board determined that the density calculation has been submitted to the revised plans.

Scott Henze introduced Brandon Ferguson from Environmental Design Partnership and stated that Brandon Ferguson had contacted him earlier to see if it would be okay for him to provide a brief presentation to the Planning Board regarding the changes that have been made to the draft subdivision plan. Scott Henze stated that he felt as though it could be beneficial to the Planning Board moving forward.

Brandon Ferguson provided a Power Point presentation to the Planning Board that reviewed the general location of the project. Brandon Ferguson illustrated a slide referencing the addition of the 15" diameter trees located within the project site area. Brandon Ferguson indicated that, due to the fact that questions were asked regarding the way that the lots were labeled during the January meeting, the lots have now been changed and indicated that Lot #5A and #5B is now simply Lot #5. Brandon Ferguson indicated that, as per the Planning Board's request, the right-of-way width has been changed from 40' to 50'. Brandon Ferguson indicated that the density calculation has also been added to the subdivision plans. Brandon Ferguson referenced the NYS easement located within the northeast corner of the project site and stated that he has looked into this easement further. Brandon Ferguson stated that the easement was created in 1930 for flooding control purposes for the Great Sacandaga Lake.

Member Naple questioned the existing utilities and asked Brandon Ferguson if the utilities that will be extended to the three (3) single-family residential lots will also all be underground?

Brandon Ferguson stated that the existing utilities coming from the road to the 3-unit building are underground and that all utilities proposed to include power and cable will also be located underground that will service the three (3) single-family residential lots.

Member Anderson questioned whether or not there were wetlands within the easement area?

Brandon Ferguson indicated that he believes that there are some wetlands within the easement area. However, not the entire easement area and that the easement area will be deed restricted to not be built upon.

Member Naple asked Brandon Ferguson whether or not the proposed Lot #5 is a disjointed lot and whether or not the zoning code allows for disjointed lot to be separated by the proposed private road?

Scott Henze indicated that that would be something that the Planning Board would have to look into further.

Brandon Ferguson indicated that, yes, in fact, Lot #5 will be a disjointed lot. However, it could be changed to be contiguous.

Member Naple questioned the new 50' right-of-way line traversing over the portion of the location of the proposed 3-car garage?

Brandon Ferguson indicated that the 50' right-of-way line would, in fact, take a portion of the proposed 3-car garage. However, that could be changed.

*Does the Planning Board feel as though the Sketch Plan is complete?*

DISCUSSION: Scott Henze stated that the Planning Board has been reviewing the Sketch Plan phase of the project up to this point. Scott Henze asked that the Planning Board determine whether or not the information provided to date is adequate and that they have a good understanding of what the applicants are proposing be accepted as completed.

MOTION: To accept the information provided under Article VIII Subdivision of Land D Minor and Major Subdivision Application and Approval Procedure, the Sketch Plan Requirements are satisfactorily met.

MADE BY: Member Naple  
SECONDED: Member Anderson  
VOTE: 3 in favor, 0 opposed

## B. Major Subdivision - Preliminary Plat

### 1. Application Procedure

Prior to filing an application for the approval of a plat, the applicant shall file an application for the approval of a preliminary plat. The application shall:

- a. Be made on forms available at the office of the Code Enforcement Officer.
- b. Include all land that the applicant proposes to subdivide.

- c. Be accompanied by an original and 7 copies of the preliminary plat and supplementary material described in Subsection G(7), Preliminary Plat of these regulations.
- d. Comply in all respects with the requirements specified in Subsection G, General Requirements and Design Standards of these regulations and with the provisions of Section 276 and Section 277 of New York State Town Law.
- e. Be submitted to the Clerk of the Planning Board.
- f. Be accompanied by fees as specified by the Town Fee schedule.

During the January 17, 2014 Planning Board meeting, the Planning Board also reviewed the subdivision plan submittal under **F. General Requirements and Design Standards for Subdivisions** and **G: Required Data and Documents Preliminary Plat**.

Based upon those determinations, the Planning Board authorized Scott Henze, Planner, to send correspondence to the applicant identifying the items that would need to be addressed.

*\* See February 4, 2013 (should be 2014) EDP return correspondence.*

**F. GENERAL REQUIREMENTS AND DESIGN STANDARDS FOR SUBDIVISIONS**

During the January 17, 2014 Planning Board meeting, the Board determined that the following standards needed to be met:

- A. (3) Density Calculation - As also required within the Resource Analysis.

Comment Provided: *Added to Subdivision Plan submittal 2-4-2014*

DISCUSSION: Scott Henze stated that, based upon the January 17, 2014 Planning Board meeting, the Board determined that the following standards needed to be met by the applicants. Scott Henze indicated that a letter was sent to Environmental Design Partnership reiterating the requests of the Planning Board and a return letter with the revised plans was sent back to Scott Henze and the Planning Board on February 4, 2014. Scott Henze stated that the Agenda outlines those requests made by the Planning Board as well as the comments provided by the applicant. Scott Henze indicated that the density calculation has been added to the subdivision plan and accepted by the Planning Board. The consensus of the Board was that this was acceptable.

- B. (4e) Minimum Lot Standards - The plat shall provide each lot with satisfactory access to an existing public street or to a subdivision street that will be ceded to public use at the time of final plat approval. Private streets may be permitted only by Resolution of the Town Board.

Requested: The Planning Board determined that the Town Board would need to, by resolution, permit the creation of the Partridge Run private road prior to the final plat approval.

Comment Provided: *Comment Noted.*

DISCUSSION: Scott Henze reviewed item B with the Planning Board and indicated that the subdivision regulations require that private streets may be permitted only by resolution of the Town Board. Scott Henze indicated that the letter he had sent to Environmental Design Partnership reiterated the fact that the Planning Board would need to obtain a resolution from the Town Board allowing the creation of the private road. The Planning Board had no further discussion.

- C. (5l) Permanent dead-end streets - Where a street does not extend to the boundary of the subdivision and its not needed for access to adjoining property, it shall be separated from such boundary by a distance of no less than 100 feet.

Requested: The Planning Board determined that the subdivision plan should identify a measurement from the cul-de-sac right-of-way to the adjacent property line (southernmost property line).

Comment Provided: *The revised 2-4-2014 plans indicate 102'.*

DISCUSSION: Scott Henze reviewed the information within item C with the Planning Board and indicated that the revised plans now illustrate 102' from the cul-de-sac to the back property line. The consensus of the Planning Board was that this was acceptable.

- D. (5p2) Written approval from the Town Superintendent of Highways and the Town's engineer shall be secured before approval of any private roads.

Requested: The Planning Board determined that written approval from the Town Superintendent of Highways and the Town's Engineer shall be secured before approval of any private road.

Comment Provided: *Comment Noted. The applicant has been in contact with the Town Superintendent of Highways to discuss the proposed roadway.*

DISCUSSION: Scott Henze reviewed the information with the Planning Board. Scott Henze stated that, as has been provided within the comment, the applicant has been in contact with the Town Superintendent of Highways to discuss the proposed roadway. Scott Henze asked Matt Ginter as to the status of this. Matt Ginter indicated that he has also been in touch with Kip Richardson who is the Town Highway Superintendent and whom suggested that the Fulton County Highway Superintendent Mark Yost also be present. There was no further discussion by the Planning Board.

*Does the Planning Board feel that all requirements under F. General Requirements have been satisfactorily met?*

DISCUSSION: Scott Henze stated that, during an e-mail between Member Naple and himself, Member Naple questioned additional items within the subdivision regulations specifically within F. General Requirements and Design Standards for Subdivisions, 5P Private Roads. Planning Board members discussed whether or not they should require the applicant to form a Homeowner's Association.

Member Naple stated that he has reviewed the deed restrictions for the private access road as has been provided. However, he does not feel that there is sufficient protection for the Town or the lot owners. Member Naple indicated that he is concerned about future road maintenance and believes that the creation of a Homeowners Association would be in the Town's and the private property owner's best interest. Member Naple stated that he understands that the applicants can request a waiver from the Planning Board regarding the requirements of a private road being maintained by Homeowner's Association. However, he feels it would be in the best interest of the Town and the potential three (3) private property owners that a Homeowners Association be created.

Chairman Smith stated that he has issues with requiring applicants to create Homeowners Associations. Chairman Smith stated that if there are requirements within the deeds regarding the maintenance of the private road and all parties sign those agreements, there should be no way that the Town should be held liable and all property owners within the project site will have an understanding upfront regarding issues with the road. Chairman Smith stated that once the subdivision is complete, and if the property owners wish to form a Homeowners Association at that time, they can do so.

Member Naple indicated that, in order for the planning Board to waive the requirements of a private road maintained by a Homeowners Association, it also has to consult with the Town Attorney.

Upon further discussion of the Planning Board, the Planning Board requested Scott Henze to send a letter to the Town Attorney requesting a legal opinion based upon the provided "non-exclusive common driveway easement and agreement" (provided by the applicant) in relation to the creation of a Homeowners Association. The consensus of the Committee was that they would like a legal opinion regarding whether or not the proposed "non-exclusive common driveway easement and agreement" would provide sufficient protection to both the Town and the future lot owners within the subdivision area.

The consensus of the Committee was also to request Scott Henze to send correspondence to the Town Board regarding the creation of the private road.

The Planning Board then discussed the requirements under F. General Requirements and Design Standards for Subdivisions 8. Preservation of Open Space Requirements.

Member Naple stated that the requirements of the Preservation of Open Space states that the open space may be owned by a Homeowner's Association, private landowner, utility company, a non-profit organization or the Town or other governmental entity as long as it is permanently protected from the development by a conservation easement held by a unit of government or qualified conservation organization. Member Naple indicated that although the applicants have provided a "non-exclusive natural area easement and agreement", he would like to know who is proposed to hold the easement as indicated within the regulations by a "unit of government or qualified conservation organization".

Scott Henze stated that it would be his interpretation that, since the applicants are proposing to use a "non-exclusive natural area easement and agreement" that would be signed by all parties and run with the deeds filed at the County Clerk's Office that the County Clerk's Office could be the unit of government.

The Planning Board continued the discussions regarding whether or not the County Clerk's Office could be deemed a unit of government that would hold the proposed "non-exclusive natural area easement and agreement".

Scott Henze stated that he has reviewed the proposed "non-exclusive natural area easement and agreement" and, although he is not an attorney, he understands that the agreement is placing restrictions on the property regarding several aspects including no motor vehicles or equipment can be run over or placed on within the natural area etc. and references that each property owner will be responsible for paying 25% of the costs of the taxes on the property.

Upon further discussion, the consensus of the Planning Board was to request Scott Henze to send to the Town Attorney official a letter requesting an opinion

whether or not the "non-exclusive natural area easement and agreement" as provided by the applicant would be acceptable to the preservation of the proposed open space.

The Planning Board also requested that a legal opinion be provided regarding whether or not recording the "non-exclusive natural area easement and agreement" with the Fulton County Clerk's Office would satisfy the requirement that the agreement be held by a "unit of government".

Scott Henze asked Planning Board members if there were any additional information under the requirements of the General Requirements that they felt as though would need to be met?

Member Naple indicated that the acreages and square feet of the Lot #4 and Lot #3 on the subdivision plan provided need to be amended as they do not seem to match.

Brandon Ferguson stated that the acreages are correct. However, the square foot would need to be recalculated.

Member Naple stated that he would like to see the radius of the cul-de-sac illustrated on the plans. Brandon Ferguson indicated that he could add that to the plans.

## **G7. REQUIRED DATA AND DOCUMENTS - PRELIMINARY PLAT**

During the January 17, 2014 Planning Board meeting, the Board determined that the following standards needed to be met:

- (a) Data required by Subsection G.2., General Requirements
  - a. A New York State Licensed Land Surveyor shall be required for all subdivision plats.
  - b. A New York State Licensed Engineer shall be required for all major subdivision plats.

Comment Provided: *The subdivision plans will be stamped by a licensed engineer and surveyor upon final approval.*

DISCUSSION: The Planning Board noted that the applicant has provided two (2) sets of stamped, sealed and signed plans.

Scott Henze stated that the applicant should be aware that the Planning Board will require that each continuous set be provided with the seal.

- (d) Location, bearings and distances of trace boundary including georeferencing information or latitude and longitude coordinates of the plat as available.

Requested: Georeferencing information.

Comment Provided: *Georeferencing Information is not available.*

DISCUSSION: Scott Henze indicated that georeferencing information has been identified as not being available by the applicant. Scott Henze asked whether or not the Planning Board felt as though this was needed on the plan given the fact that there is a metes and bounds description provided. The consensus of the Planning Board was that they would waive the georeferencing information.

- (g) The names of property owners within 200' of the property boundary including those adjoining and those across roads fronting the proposed development.

Comment Provided: *The names of property owners within 200' of property boundary have been added to Sheets 1 and 2 of the plan set.*

DISCUSSION: The consensus of the Planning Board was that the plans adequately show the names of property owners within 200' of the property boundary.

- (h) Location, name and dimensions of existing streets, easements, deed restrictions, Zoning District boundaries, property lines, buildings, parks and public property.

Requested: Identify on the subdivision plan the width of the proposed private gravel road right-of-way.

Comment Provided: *The width of the proposed private road right-of-way has been identified as 50 feet on sheet 1 of the plan set.*

DISCUSSION: Member Naple indicated that it is acceptable to him depending on the outcome of whether or not the Planning Board will require the creation of a Homeowner's Association and whether or not Lot #5 will be allowed to be disjointed. The consensus of the Planning Board was that that was adequate.

- (i) Location of existing sewers, water mains, culverts and storm drains, if any, including pipe sizes, grades and directional flow.

Requested: The Planning Board determined that the water mains or lines, including diameter of pipe, should be identified on a subdivision plan that run from the existing well on Lot #1 to the existing townhouse building.

Comment Provided: *The location of the existing 1 1/4" water main has been depicted on Sheet 1 of the plan set.*

DISCUSSION: The consensus of the Planning Board was that this has been satisfactorily met.

- (j) Location of pertinent, natural and other features, such as water courses, wetlands, flood plains, rock crops, stone walls, Agricultural District lands, contiguous forest, and single trees 15" or more in diameter (DBH) as measured 4' above the base of the trunk.

Requested: The Planning Board determined that single trees having a DBH of 15" or more as measured 4' above the base of the trunk should be identified within the project area on the subdivision plan map.

Comment Provided: *Trees having 15" DBH located within the project boundaries have been added to Sheet 1 and 2 of the plan set.*

DISCUSSION: The consensus of the Planning Board was that this has been satisfactorily met.

Scott Henze stated that the Planning Board should take note as to the requirement of locating the 15" DBH trees located on project properties. Scott Henze stated that this is a very strict requirement and it should be looked at on a case-by-case basis as to its intent of locating these 15" diameter trees.

Matt Ginter stated that he has been in contact with Charlie Ackerbauer regarding the 15-lot subdivision located on Elmer Brown Road and whereby informing him that there is a requirement to locate 15" diameter trees. Matt Ginter stated that Charlie Ackerbauer informed him that the property in which he is proposing the subdivision is 200 acres in size and that would create a financial strain if he had to locate all 15" diameter trees.

Scott Henze stated that he just wanted to bring this up to the Planning Board for future reference.

The consensus of the Planning Board was that the trees identified on the project plans are acceptable.

- (r) A written statement of any requests for specific waivers of requirements by the Planning Board.

Requested: The Planning Board determined that if the applicant wished to seek the Planning Board's ability to waive the requirements for the creation of a Homeowner's Association for the development of the private road then the applicant should do so.

Comment Provided: *A written request waiver to eliminate the requirements for the homeowners association has been included.*

DISCUSSION: The consensus of the Planning Board was that the written request waiver to waive the requirements for the creation of the Homeowner's Association has been included and is acceptable. (However, still needs to be determined whether or not the Planning Board will require the creation of a Homeowner's Association or not.)

- (s) Other data which must be available for consideration of the subdivision at this stage.

Requested: The Planning Board determined that the applicant will need to provide sufficient information regarding the creation of a Homeowner's Association.

Comment Provided: *A homeowners association is not being proposed for this project.*

DISCUSSION: None

*Does the Planning Board feel that all requirements under **G. Required Data and Documents 7 Preliminary Plat** have been satisfactorily met?*

*Does the Planning Board feel that the Preliminary Plat Application is complete?*

DISCUSSION: Scott Henze stated that, at this time, the Planning Board has determined that the Sketch Plan phase is complete and has moved forward with the applicant reviewing the requirements within the Subdivision Regulations for a major subdivision. Scott Henze stated that, now that the Planning Board and the applicant have worked together and have a good

understanding of what may be required from the Planning Board, that the Planning Board can now deem that the preliminary plat application is complete if they so choose. Scott Henze stated that by doing so, it does not mean that the Planning Board is determining that the preliminary plat is complete, however, just the application and materials have been submitted and complete.

MOTION: That the Planning Board has determined that the preliminary plat application is complete.

MADE BY: Member Naple

SECONDED: Member Anderson

VOTE: 3 in favor, 0 opposed

### C. SEQR

- SEQR - The Planning Board must initiate SEQR upon completion of the sketch plan phase of the Pre-Application process, and when a Preliminary Plat application is determined to be complete. SEQR shall be completed prior to approval of the Preliminary Plat.

1. Applicant provided the required Part 1 Short Environmental Assessment Form.

The Planning Board should classify the action under SEQR.

The Fulton County Planning Department recommends that the Planning Board perform the following under 6NYCRR Part 617 State Environmental Quality Review:

- a. Classify the action as an Unlisted Action.
- b. Propose the Planning Board act as the Lead Agency for a Coordinated Review.
- c. Coordinate with the following Agencies:
  - 1. NYS DEC
  - 2. NYS APA
  - 3. NYSOPRHP
  - 4. NYS DOH
  - 5. HRBRRD

DISCUSSION: Scott Henze stated that now that the Planning Board has deemed that the preliminary plat application is complete, the Planning Board can move forward to initiate the SEQR process as outlined within the Agenda. Scott Henze stated that he is recommending that the Planning Board classify the action as an Unlisted Action and propose to

act as the Lead Agency and to perform a Coordinated Review. Scott Henze stated that the Planning Board should coordinate with the NYSDEC due to the fact that DEC would be the agency that oversees the easement area on the property. Scott Henze stated that the Planning Board should also coordinate with NYS APA due to the fact that the project plans as were submitted within the jurisdictional inquiry form have changed slightly. Scott Henze indicated that the Planning Board should coordinate with NYS Office of Parks, Recreation and Historic Preservation due to the past history of the project property with this agency. Scott Henze indicated that the Planning Board should coordinate with NYSDOH, as well as the Hudson River Black River Regulating District.

Member Naple asked if there were any other agencies that should also be coordinated with?

Scott Henze stated that he could not think of any other agencies that should be coordinated with at this time.

**MOTION:** To classify the action as an Unlisted Action and to propose that the Planning Board to act as the Lead Agency for the issuance of a Determination of Significance under SEQR and to perform a coordinated review identifying the NYS DEC, NYS APA, NYS OPRHP, NYS DOH and HRBRRD as other agencies to coordinate with.

**MADE BY:** Member Anderson  
**SECONDED:** Member Naple  
**VOTE:** 3 in favor, 0 opposed

Would you like the Fulton County Planning Department to send out all SEQR correspondence?

**DISCUSSION:** The Planning Board requested Scott Henze to send out all SEQR correspondence on their behalf.

Would you like the Fulton County Planning Department to prepare Part 2 and 3 of the Environmental Assessment Form?

**DISCUSSION:** The Planning Board requested Scott Henze to start the preparation of Part 2 and 3 of the Environmental Assessment Form.

#### D. Public Hearing

As per Section D Minor and Major Subdivision Application and Approval Procedure, 4 Major Subdivision, (a) Preliminary Plat (4) Approval of Preliminary Plat:

- a. Within 62 days of receipt of a preliminary plat, the Planning Board shall hold a public hearing. Advertise in newspaper 10 days prior to the date of the Public Hearing.

The Fulton County Planning Department recommends that the Planning Board hold the Public Hearing during the March 12, 2014 regularly scheduled meeting of the Planning Board.

DISCUSSION: Scott Henze stated that within the major subdivision application, the Planning Board must hold a public hearing prior to the approval of the preliminary plat. Scott Henze reviewed the item within the Agenda with the Planning Board. Scott Henze stated that a second public hearing would also be held prior to the approval of the final plat. The consensus of the Committee was to hold the preliminary plat public hearing during their March 12, 2014 regularly-scheduled meeting of the Planning Board.

END

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#### **IV. BOJARSKI SUBDIVISION**

##### A. Background:

Mrs. Bajarski owns a 2.397 acre parcel at 478 Seven Hills Road SBL#: 46.2-1-12.1.

Tax Parcel 46.2-1-12.1 contains one (1) single family residence, unattached garage and is connected to a private well and septic system.

The entire property is located within the Town of Northampton's Medium Density Residential (MDR) Zoning District.

The property is located within the APA Moderate Intensity Land Use Area.

The property adjoins the lands of the HRBRRD.

B. Subdivision Proposal:

The applicant is seeking to subdivide the 2.397 acre parcel into two (2) lots as follows:

**Lot 1** - 64,173+/- s.f. that will contain the existing house, garage, well and septic system. Lot 1 is not within the APA 50 foot shoreline setback.

**Lot 2** - 40,247+/- s.f. that will remain vacant. Lot 2 is within the APA 50 foot shoreline setback.

C. Documentation Submitted:

1. Application for Subdivision form.
2. Short Environmental Assessment Form
3. The applicants recieved a response to their December 2, 2013 Jurisdictional Inquiry Form on December 20, 2013.
4. Copy of deed.
5. Subdivision Plan (prepared by Licensed Land Surveyor sealed and signed).
6. Non-Exclusive Waterfront Access Easement and Agreement.

D. Subdivision Approval Procedure

1. Pre-Application Procedure
  - a. Pre-Application Meeting (not required for Minor Subdivision)
    - For applicant and Board to discuss a subdivision concept.
    - Discuss SEQR

*Based upon the information provided by the applicant to date, does the Planning Board feel that the February 12, 2014 meeting should be considered as the Pre-Application meeting?*

DISCUSSION: Scott Henze reviewed the background information subdivision proposal and documentation submitted with the Planning Board as outlined within the Agenda. Scott Henze stated that although a pre-application

meeting is not required for what should be coined as a minor subdivision. Scott Henze stated that during the January 17, 2014 meeting the Planning Board was provided with the plans from Matt Ginter, Code Enforcement Officer, and started a discussion on those preliminary plans. Scott Henze stated that the Planning Board identified that the minimum road frontage requirement as outlined in Schedule B was an issue. Scott Henze stated that the plans show for a 38' wide road frontage whereby the requirement within Schedule B of the Regulations require 75'. Scott Henze recommended that the Planning Board review the proposed subdivision application with Mr. Ferguson who is in attendance.

Member Naple questioned whether or not the deed provided was a current deed due to the fact that when he reads the deed, it does not seem to comply with the subdivision metes and bounds description. Member Naple asked whether or not the deed was current?

John Ferguson stated that the deed was in fact current.

The Planning Board discussed the requirement of the front line being 75' in width when the proposal is for 38 feet.

John Ferguson questioned under what circumstances would the Planning Board be able to create a flag lot as is defined within the definitions section of the Ordinance.

Scott Henze stated that there is, in fact, a definition of a flag lot within the Ordinance. However, the issue becomes the lack of regulations regarding flag lots anywhere else in the Ordinance.

Member Naple questioned what the lawn edge is as identified on the subdivision plan.

John Ferguson stated that the lawn edge is the location of a slight grade and was used to determine the location of the engineered designed septic system for the site which has been done.

The Planning Board identified the fact that the subdivision would not be acceptable until such time that the minimum lot width requirement of 75' in the front yard was determined.

The Planning Board identified that there are no regulations within the Ordinance that stipulate that side lot lines must be predominantly parallel to one another. The consensus of the Planning Board was that the applicant must comply with the minimum lot width based upon the front yard setbacks requirement that equals 20' or the average of the prevailing setbacks within 200', whichever is greater. The consensus of the Planning Board was that the

200' boundary would include those properties located on the opposite side of the road as well.

John Ferguson stated that he would start those calculations upon consultation with Linda Bajarski, said applicant.

Scott Henze stated that if the applicant should come back to the Planning Board that the preliminary sketch plan requirements within the ordinance be adequately addressed on the resubmitted subdivision plan.

b. Sketch Plan Submission

- For applicant and Board to review and discuss the proposal and reach an agreement on requirements of Article VIII and to classify the subdivision as either Minor or Major.
- The required information to be included on a Sketch Plan is as follows:
  1. A vicinity map sketched at a scale of 2,000 feet to the inch, showing the relationship of the proposed subdivision to existing community facilities that serve it, such as roads, commercial areas, schools, etc. Such a sketch may be superimposed upon a United States Geological Survey Map of the area.
  2. A density calculation as outlined in Subsection F.3. Density Calculation.
  3. Sketch plan on a topographic survey of the proposed area to be subdivided showing, in simple sketch form, the proposed layout of streets, lots and other features.
  4. General subdivision information necessary to explain and/or supplement the vicinity map and sketch plan.

DISCUSSION:

*The Planning Board and the applicant/ applicants representative should continue to discuss other requirements under **Schedule B Dimensional Standards**, Subsection F General Requirements and Design Standards and Subsection G Required Data and Documents at this time.*

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## **V. MATTHEW J. & LISA A. KEICHER LOT LINE ADJUSTMENT**

### **B. Background & Information Submitted:**

- Application for Lot Line Adjustment
- Submission Waiver for Lot Line Adjustment
- Administrators Deed
- APA Jurisdictional Determination
- Schedule A - Lot Description
- County Clerk Recording Page - Attachment C
- Copy of Tax Map - Attachment B
- Ferguson and Foss Addendum to APA JIF
- Ferguson and Foss Survey Map as revised August 26, 2013

### **START OF LOT LINE ADJUSTMENT PROCEDURE**

1. An applicant may request that the subdivision review process be waived when a proposed subdivision is a lot line adjustment that meets the following criteria:

- (a) It would not create an additional lot.
  - (b) It is a minor modification of an existing lot line; or is the conveyance and merger of a portion of one parcel to an adjoining parcel.
  - (c) It would not create a nonconforming parcel or cause any other parcel to become nonconforming under this Law or the New York State Adirondack Park Agency Act and Adirondack Park Land Use and Development Plan.
  - (d) It would comply with all applicable zoning requirements of this Law and applicable New York State Department of Health regulations pertaining to well and septic system distances from parcel boundaries.
- Does the Planning Board feel that the existing Lot Line Adjustment request meets all of the criteria above?

DISCUSSION: Scott Henze reviewed the background information with the Planning Board as outlined within the Agenda. Scott Henze asked John

Ferguson to provide an overview of the lot line amendment that is being proposed for the property due to the complexity of it.

John Ferguson provided a lengthy background regarding the subject properties as well as those properties located adjacent to the application property.

John Ferguson stated that the property identified as A is the one (1) acre property that is proposed to be conveyed by Kurt Cramer to Matthew and Lisa Keicher. John Ferguson stated that the boundary line identified as B is the agreed to line by Carol Roberts. He stated that Keicher owns the property identified as Lot C. John Ferguson indicated that the property identified as D is a portion of the lands owned by Keicher that are proposed to be conveyed to Carol Roberts. John Ferguson indicated that the property identified as E is a portion of lands of the estate of Helen Cramer that have already been conveyed to Carol Roberts.

The Planning Board questioned whether or not they have jurisdiction of any of the property located within Hamilton County in the Town of Hope?

Scott Henze stated that the Planning Board does not have jurisdiction over the property within the Town of Hope. However, correspondence could be sent to the Town of Hope in Hamilton County in the future.

John Ferguson stated that both copies of deeds for all properties will be filed within both the Hamilton County Clerk's Office and Fulton County Clerk's Office.

John Ferguson stated that the location of property lines within this area has been very burdensome and needs to be finalized.

The Planning Board identified that the portions of property located within the Town of Northampton, if the lot line amendment is approved, would be a substandard sized lot however it was determined that the portion of the property located within the Town of Northampton is already a substandard lot.

The Planning Board understood that the lot line adjustment procedure does not allow for the creation of a nonconforming parcel. However, given the fact that the parcel is already nonconforming, they are not creating a new one.

Member Naple questioned whether or not Lot A located in Hamilton County or Lot C could be sold separately at any time in the future?

John Ferguson stated that he can draft a restrictive deed covenant that would identify that all of the lots would be non-buildable.

The consensus of the Planning Board was that John Ferguson should draft these deed covenant restrictions. The consensus of the Planning Board was also that the revised lot line adjustment map should also comply with the submission requirements under the lot line adjustment procedures.

## 2. Submission requirements

To request a lot line adjustment waiver, the applicant shall submit:

- (a) A waiver application that shall be signed by the parcel owners, or their duly authorized agents, of both affected parcels.
- (b) A plat or map of the parcels affected by the proposed adjustment, showing all existing buildings, the location of existing utility or other easements or rights-of-way of wells and of septic systems. The map shall show the existing lot lines and the location of the proposed new lot line, and the existing and new setback distances to any existing buildings.

The map shall have the title "LOT LINE ADJUSTMENT between properties of (name) and (name)", and shall include a restriction to the effect that the land added to the existing parcel, and the existing parcel are combined to form a single, undivided lot.

- (c) A fee as established by the Town Board in the Schedule of Fees.
- Does the Planning Board feel that the existing Lot Line Adjustment Map provided meets all of the submission requirements above?

DISCUSSION: No Actions

## 3. State Environmental Quality Review

- Article II: Permits and Approvals Process Section E SEQRA (Page 4 In Ordinance):

"The Town shall comply with the provisions of the New York State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations as codified in Title 6, Part 617 of the New York Codes, Rules and Regulations. Upon receipt of any complete application, the Town or any officer, department, board of the Town shall initiate the New York State Environmental Quality Review process by issuing a determination of significance".

- The Fulton County Planning Department has reviewed the proposed subdivision in reference to 6NYCRR Part 617 SEQRA and is recommending that the Planning Board classify the action as an Unlisted Action under SEQRA, designate itself as the Lead Agency to perform an Uncoordinated Review of the proposed action and request Part 1 of the Short Environmental Assessment Form from the applicant and authorize the Fulton County Planning Department to prepare Part II and if needed Part III on the Boards behalf.

DISCUSSION: No Actions

MOTION:

MADE BY:

SECONDED:

VOTE:

#### 4. Planning Board Review and Approval Procedure

- (a) Upon submission of a complete application, the Planning Board shall, within 62 days, review the application and shall either approve or deny the application. Approval may be granted when the Planning Board determines that the proposed adjustment meets all requirements for a Lot Line Adjustment and would not adversely affect the site's development or neighboring properties, would not alter the essential characteristics of the neighborhood or adversely affect the health, safety or welfare of Town residents.
- (b) No public hearing shall be required.
- (c) If the waiver is granted, the applicant shall file a map with the Fulton County Clerk within 30 days of the approval date. The map shall be signed by an empowered duly authorized officer of the Town of Northampton Planning Board. No person shall file plans for any lot line adjustment without first obtaining the Planning Board's signature on the plans.
- (d) If the Planning Board denies the request for waiver, the applicant may proceed with the minor subdivision review process as set forth in this Article.

DISCUSSION: No Actions

END

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**VI. CODE ENFORCEMENT REPORT:**

Matt Ginter reviewed the preliminary layout of a proposed major subdivision along Elmer Brown Road and White Birch Road prepared by Charlie Ackerbauer. Matt Ginter stated that, earlier in 2013, Charlie Ackerbauer came before the Planning Board with a conceptual plan on the same site. Matt Ginter stated that Charlie Ackerbauer has indicated that he would come back before the Planning Board for a preliminary application meeting once again during the April meeting.

**VII. OTHER BUSINESS:**

None

**VIII. CLOSE OF THE MEETING:**

MOTION: To close the meeting at 9:06 p.m.

MADE BY: Member Naple

SECONDED: Member Anderson

VOTE: 3 in favor, 0 opposed