

**TOWN OF NORTHAMPTON PLANNING BOARD  
APRIL 8, 2014  
7:00 P.M.  
TOWN HALL**

**MEETING NOTES**

**PRESENT:**

**ROBERT SMITH, CHAIRMAN  
STEVEN NAPLE  
JAMES CONKLING  
JACK GROFF**

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

**OTHER:**

**TIM AND DEBBIE BOGDAN  
KEVIN FERGUSON  
RICH KLENNA  
BRANDON FERGUSON, EDP**

**I. CALL MEETING TO ORDER:**

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

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

MOTION: To approve the minutes to the March 26, 2014 meeting.

MADE BY: Member Naple

SECONDED: Member Groff

VOTE: 4 in favor, 0 opposed

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

#### **A. Old Items**

1. During the February 12, 2014 meeting, the Planning Board determined the following under Subsection D "Minor and Major Subdivision Application and Approval Procedure":
  - That the Sketch Plan Requirements under Subsection D(2)(c) "Minor and Major Subdivision Application and Approval Procedure" have been satisfactorily met.
2. During the February 12, 2014 meeting, the Planning Board determined the following under Subsection F "General Requirements and Design Standards for Subdivisions":
  - That the Density calculation required under Subsection F(3) has been satisfactorily met.
  - That Subsection(5)(l) regarding a minimum separation of no less than 100' between cul-de-sac and adjacent lot line has been met (proposal is for 102').
3. During the February 12, 2014 meeting, the Planning Board determined the following under Subsection G "Required Data and Documents":
  - The applicant has satisfied (2) General Requirements.
  - The applicant has satisfied (7)(d) of the Preliminary Plat Requirements waiving the georeferencing information.
  - The applicant has satisfied (7)(g) of the Preliminary Plat Requirements identifying property owners within 200' of the property boundary.
  - The applicant has satisfied (7)(h) of the Preliminary Plat Requirements identifying a 50 foot private road ROW.
  - The applicant has satisfied (7)(i) of the Preliminary Plat Requirements identifying a 1 1/4" existing waterline on Sheet 1 and 2 of the plan set.

4. During the February 12, 2014 meeting, the Planning Board determined the following under Subsection G "Required Data and Documents (7) Preliminary Plat" application materials have been satisfactorily met.

B. New Items

**5. During the March 26, 2014 meeting, the Planning Board held a Public Hearing on the preliminary plat. No public comments were given. The Planning Board has 62 days from March 26, 2014 to approve, with or without modification or disapprove such preliminary plat.**

**6. During the March 26, 2014 meeting, the Planning Board requested the following from the applicant:**

- 1. To correspond with the NYS DOH regarding the creation of a 6th lot as well as maintaining ownership/control of lands around the existing well in order to be utilized as a public water supply in the future.**

**Status:** Brandon Ferguson, EDP, provided the Planning Board with revised preliminary plat drawings illustrating a 200' boundary area around the existing well located on Lot #1 that would have a well protection easement. Brandon Ferguson stated that he has been in contract with NYSDOH and they indicated that in order to be used as a public water supply in the future, the applicant would need to maintain an easement or some form of control around the existing well head to equal 200'.

Chairman Smith questioned whether or not NYSDOH had supplied or responded to Mr. Ferguson's request via letter.

Brandon Ferguson indicated that he has not been supplied with a letter from NYSDOH to date. Brandon Ferguson stated that the turnaround time between the Planning Board's March and April meetings was very short.

Chairman Smith stated that the Planning Board would need to be provided with a written correspondence from the NYSDOH regarding the acceptance of the well easement and area around it to be adequate.

Brandon Ferguson stated that he would request such correspondence from the NYSDOH.

**2. To correspond with the NYS OPRHP to request a determination of project impact on cultural resources.**

**Status:** Scott Henze stated that, during the March 26, 2014 meeting, the Planning Board posed concerns regarding why the NYS OPRHP did not provide a response to the proposal of the Town of Northampton Planning Board proposed to act as the Lead Agency within the Coordinated Review.

Brandon Ferguson provided a letter correspondence from NYS OPRHP dated April 28, 2010 from Tom Saehrig from the Adirondack Park Agency that was used to discuss the potential archeological significance of the project site within the Adirondack Park Agency's review of the Adirondack Escape modified project to include the three (3) detached tourist accommodation structures. The Planning Board had no further comments.

**3. As per the recommendation from the HRBRRD SEQR correspondence , remove or change the language regarding deeding NYS land to a private landowner.**

**Status:** Brandon Ferguson stated that he still needs to remove the language regarding deeding New York State land to the private landowner as per the request of the HRBRRD SEQR correspondence. Brandon Ferguson stated that he would make that change prior to the next meeting.

**4. Request that his legal counsel contact the Town Attorney to discuss how the proposed private road and open space easements would provide adequate protection to existing and future landowners as well as the Town.**

**Status:** Brandon Ferguson and the applicants informed the Planning Board that their attorney, Mike Poulin, has contacted the Town's attorney, Cathi Radner, on several occasions via telephone and mailed correspondence and has not received a communication back.

The Planning Board recognized that, during the March 26, 2014 meeting, upon review of the legal memorandum from Cathi Radner, which provided information to the Planning Board regarding items that could be strengthened within the proposed access easements and agreements by the applicant for consideration. The Planning Board indicated that they would like the Town Attorney and the applicant's attorney to correspond regarding revisions made to those access easements and agreements to be submitted back to the Planning Board for review.

Chairman Smith stated that he would contact Cathi Radner to discuss this request.

Member Naple questioned the proposed private cul-de-sac right-of-way and stated that he believes that the radius of the cul-de-sac must equal 75'. Member Naple indicated that he believes that all private roads must be built to Town standards from the beginning.

The Planning Board continued to discuss the radius requirements of the cul-de-sac.

Matt Ginter, Code Enforcement Officer, stated that he does not find a reference within the Ordinance where it states that private roads have to built up to Town specifications. Upon further discussion by Planning Board members, Planning Board members requested Matt Ginter, Code Enforcement Officer, to review the requirements for private roads and provide an interpretation back to the Planning Board during their next meeting.

Chairman Smith indicated that, as per the correspondence from the Town Highway Superintendent, it states that he has reviewed the proposed private road and cul-de-sac and indicated that he approves its construction as identified on the plat.

**5. Contact NYS DEC, the Nature Conservancy or other not for profit organization to discuss a conservation easement on the proposed open space.**

**Status:** Kevin Ferguson stated that he has been in contact with NYSDEC regarding the conservation easement on the proposed open space lot. Kevin Ferguson indicated that the NYSDEC indicated that the conservation easement could be provided by NYSDEC. Kevin Ferguson indicated that he has not received an official letter correspondence from NYSDEC to date.

Planning Board members continued a discussion regarding the relevance of a conservation easement on the open space lots. Planning Board members indicated that, due to the various other access easements and agreements proposed for the project, the conservation easement may be replicating those.

**MOTION:** To waive the requirement of a conservation easement on the open space lots of the proposed Adirondack Escape, LLC major subdivision.

**MADE BY:** Member Conkling

**SECONDED:** Member Groff

**VOTE:** 3 in favor, 1 opposed (Member Naple declined)

**7. During the March 26, 2014 meeting, the Planning Board reviewed the following:**

- 1. Town Boards Resolution #05-2014 acknowledging the creation of a private road/street.**
- 2. The letter of approval from the Town Superintendent of Highways regarding the creation of a private road. Letter identified adequate space for residential garbage pickup.**
- 3. Legal Memo from Town Attorney regarding lot configuration, private road and preservation of open space.**

DISCUSSION: Scott Henze stated that the above items were reviewed by Planning Board members during their March 26, 2014 meeting.

The applicants Attorney Mike Poulin entered the meeting.

Chairman Smith questioned those in attendance if there were any other questions of the applicants at this time.

Mike Poulin questioned whether or not a Planning Board members have been in contact with the Town's Attorney. Mike Poulin stated that he has called Attorney Radner on several occasions and has now resorted to sending written correspondence regarding the recommendations that she has provided to the Planning Board for the proposed common driveway easement and agreements, as well as all other easements and agreements. Mike Poulin stated that if the Planning Board were going to require the applicant to create a Homeowner's Association, the documents to create the Homeowner's Association still have to be reviewed by the Town Attorney for approval.

Chairman Smith stated that he would be contacting either Supervisor Groff to contact Cathi Radner or he would contact Cathi Radner personally to discuss this issue.

Mike Poulin stated that another item that he would like to make a matter of record is that he has sent correspondence to the Town Attorney regarding Member Naples's involvement as a Planning Board member during discussions of the Adirondack Escape Project due to Mr. Naple being a party to a previous legal action against his clients and believes that Mr. Naple should recuse himself from any and all further discussion on the matter. Mike Poulin stated that he wanted to bring this issue to the attention of the entire Planning Board.

Kevin Ferguson asked the Planning Board to provide the next meeting date.

Chairman Smith stated that the next meeting date would be May 13, 2014 at 7:00 p.m.

### C. State Environmental Quality Review

- SEQR shall be completed prior to approval of the Preliminary Plat.
- During the February 12, 2014 meeting, the Planning Board initiated the SEQR process by:
  - Classifying the action as an Unlisted Action.
  - Proposed that the Planning Board act as the Lead Agency for a Coordinated Review and to coordinate with the following interested agencies:
    1. NYS DEC
    2. NYS APA
    3. NYSOPRHP
    4. NYS DOH
    5. HRBRRD
  - Authorized Scott Henze to send out SEQR correspondence letters.
  - The following agencies have responded and are in agreement with the Planning Board acting as the Lead Agency.
    1. NYS DEC
    2. NYS DOH
    3. HRBRRD
- The Fulton County Planning Department recommends that the Planning Board declare itself as the Lead Agency for the purpose of issuing a determination of significance under SEQR for the Adirondack Escape, LLC Major Subdivision application.
- Section 617.6(3)ii states that the Lead Agency must determine the significance of the action within 20 calendar days of its establishment as lead agency, or within 20 calendar days of its receipt of all information it may reasonably need to make the determination of significance, whichever occurs later.

DISCUSSION: None

MOTION: Declaring the Town of Northampton Planning Board the Lead Agency for the purpose of issuing a determination of significance under SEQR for the Adirondack Escape, LLC Major Subdivision application and authorize the Fulton County Planning Department to Prepare Part II and III on the Boards behalf.

MADE BY: Member Conkling  
SECONDED: Member Naple  
VOTE: 4-0

- Does the Planning Board feel that any additional information should be provided as part of the SEQOR process?

DISCUSSION: The Planning Board is awaiting on revised agreements that are to be coordinated between the applicants attorney Mike Poulin and Town attorney Cathi Radner.

END

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#### **IV. BOJARSKI SUBDIVISION CONT'D**

##### A. Background:

Mrs. Bojarski 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** - 62,273+/-s.f. (Original submission 64,173+/-s.f.) that contains an existing house, garage, well and septic system. Lot 1 is not within the APA 50 foot shoreline setback.

**Lot 2** - 42,147+/-s.f. (Original submission 40,247+/- s.f.) that identifies a proposed house location and sewage system. Lot 2 is within the APA 50 foot shoreline setback. It has been identified that all required setbacks will be adhered to.

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. Modified Subdivision Plan revised March 4, 2014 (prepared by Licensed Land Surveyor sealed and signed).

D. Subdivision Approval Procedure

a. 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.

- Does the Planning Board feel that the Sketch Plan requirements have been satisfactorily met?

DISCUSSION: Chairman Smith stated that he understands that there has been much discussion regarding how restrictive the current Town of Northampton's Zoning and Subdivision Law is. Chairman Smith stated that he has recently reviewed the previous Zoning Ordinance and found it interesting that this subdivision would have been located in the Lakefront Residential District and the minimum lot width requirement for that District is 100'. Chairman Smith stated that this is interesting due to the fact that the previous ordinance is more restrictive than the current one due to the fact that the minimum lot width now is set at 75'.

Chairman Smith reviewed Article 13: the Powers and Duties of the Zoning Board of Appeals and Article 14: the Powers and Duties of the Code Enforcement Officer with Planning Board members. Chairman Smith indicated that it is quite clear within these two (2) Articles that the Code Enforcement Officer and the Zoning Board of Appeals have interpretation authority. Chairman Smith indicated that it is of his opinion that the Planning Board cannot supersede the interpretation of the Code Enforcement Officer and that the only avenue the Planning Board has if they do not agree with the Code Enforcement Officer's interpretation is to request a decision by the Zoning Board of Appeals on his interpretation.

#### Schedule B Dimensional Standards:

- During the February 12, 2014 Planning Board meeting, the applicant and Planning Board discussed the proposed subdivision layout. The Planning Board determined that the original submission was not in compliance with Schedule B: Dimensional Standards regarding the Minimum Lot Width requirement of 75 feet.
- During the March 26, 2014 meeting, the CEO interpreted that the definition of Lot Width.
- During the March 26, 2014 meeting, Planning Board members discussed the definition of Lot Width and did not agree with the CEO's interpretation.
- If the Planning Board agrees with the CEO's interpretation of Lot Width and determines that the application cannot meet the required 75 foot minimum lot width as required under Schedule B, the Fulton County Planning Department recommends that the applicant seek an Area

Variance from the Zoning Board of Appeals via Section 277 (6) of Town Law that states:

"Application for area variance. Notwithstanding any provision of law to the contrary, where a plat contains one or more lots which do not comply with the zoning regulations, application may be made to the ZBA for an area variance pursuant to section 267 B of this article, without the necessity of a decision or determination of an administrative official charged with the enforcement of the zoning regulations. In reviewing such application the ZBA shall request the Planning Board to provide a written recommendation concerning the proposed variance".

- If the Planning Board does not agree with the CEO's interpretation of Lot Width, the Fulton County Planning Department recommends that the Planning Board seek an appeal to the ZBA from the decision by the CEO as per Article XIII: Variances and Appeals of the Ordinance.

DISCUSSION: A lengthy discussion ensued between Mr. Ferguson representing his applicant and Planning Board members. The essence of the discussion revolved around the lack of decisions made by the Planning Board to provide guidance to Mr. Ferguson. It was noted that the Planning Board must hold a Public Hearing within 62 days from the date of deeming the application complete. The Planning Board determined that they would not have the ability to schedule and hold that Public Hearing within the 62 day timeframe. Mr. Ferguson, acting as the representative to the applicant, declined extending the 62 day timeframe.

Upon further discussion, it was determined by the Planning Board that the applicant receive a default subdivision approval due to not complying with the required timeframe to hold a Public Hearing.

END

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## **V. MGH ESTATES LLC**

### **A. Pre-Application Procedure**

#### **a. Pre-Application Meeting (Required for Major Subdivision)**

- For applicant and Board to discuss a subdivision concept.
- Discuss SEQ

DISCUSSION: Charlie Ackerbauer provided a quick overview of the preliminary subdivision concept with Planning Board members. Charlie Ackerbauer stated that Mr. Hopkins has officially acquired title to the property and is currently working with the Adirondack Park Agency regarding their review. Charlie Ackerbauer stated that, through initial discussions with the Adirondack Park and Mr. Hopkins, he believes that the preliminary subdivision plat as provided tonight is the best scenario for the layout of the property to date.

Charlie Ackerbauer stated that the common area is to be utilized for parking and lake access by the back lot property owners has been moved from the southern portion of the property to more north. Charlie Ackerbauer indicated that Lot #1 is bisected by both Elmer Brown Road and White Birch Road.

Chairman Smith questioned whether or not that could still be a viable lot.

Charlie Ackerbauer stated that he questioned that with the Adirondack Park Agency and they informed him that that is not an issue.

Chairman Smith questioned the density requirements as per the APA as well as the minimum lot requirements as per the Town of Northampton code.

Matt Ginter stated that the MGH properties consist of three (3) parcels totaling 118+/- acres in the Town of Northampton and one (1) parcel totaling roughly 78 acres in the Town of Edinburg. Matt Ginter stated that the applicant owns approximately 200 acres of property in all. Matt Ginter stated that the APA is not concerned what property is located in each respective township. They are just concerned about the total property that is owned by the applicant. Matt Ginter stated that as far as the APA guidelines of 8½ acres per principal building, the applicant could have 23 building lots. Matt Ginter stated that the Town of Northampton's minimum lot size for rural residential 1 district is 2 acres. Matt Ginter stated that, upon his review, all of the proposed lots identified on the preliminary subdivision comply with the minimum acreage as well as the lot width requirements.

Charlie Ackerbauer stated that additional percolation tests would be needed on several of the proposed lots due to the lack of access when the original test pits were dug and tested.

Chairman Smith questioned the Lot1 totaling 27.71 acres and asked whether or not that particular area could be subdivided in the future.

Matt Ginter indicated that that particular lot could be subdivided in the future based upon density because, currently, the proposal is for 15 lots and the APA would allow 23 principal buildings for all of the property that the applicant owns.

Charlie Ackerbauer stated that there could be additional lots proposed in the future. However, they would also have to comply with the Northampton's minimum lot size, as well as environmental features at that time. Charlie Ackerbauer stated that there are no proposed lots to be subdivided in the Town of Edinburg. Charlie Ackerbauer indicated that there are several other items that he still needs to complete on the preliminary subdivision plat, which some include delineating as per requirements of the APA the limits of clearing on each lot area. Charlie Ackerbauer stated that, within Northampton's Major Subdivision Regulations, there is a regulation that identifies where 15" DBH trees need to be identified. Charlie Ackerbauer expressed his concerns regarding the potential requirement of the Planning Board due to the fact that the majority of the property is forested.

Chairman Smith stated that his primary concern regarding limiting the clearing on Lot 1.

Scott Henze asked Charlie Ackerbauer whether or not he would be proposing to utilize the Short Environmental Assessment Form or the Full Environmental Assessment Form.

Charlie Ackerbauer stated that he would submit the Full Environmental Assessment Form.

Matt Ginter asked Charlie Ackerbauer whether or not the applicant proposes a conservation easement on the remaining lots that are not proposed to be developed at this time.

Charlie Ackerbauer stated that he discussed that with the applicant whereby the applicant has consulted with his attorney and they do not wish to propose a conservation easement at this time due to liability issues. Charlie Ackerbauer stated that the remaining lands identified lot 1 would remain under private ownership of Mr. Hopkins.

b. Resource Analysis (Required for Major Subdivision)

- The required information to be included within the Resource Analysis is as follows:
  5. The proposed subdivision name or identifying title, and the words “Town of Northampton, Fulton County, New York.”
  6. The name of the property owner(s) and the authorized applicant, if different from the property owner(s).
  7. Aerial map at a scale of 1” = 400’ or larger, showing the location of the proposed subdivision parcel with respect to all streets and property within 1,000 feet of the applicant’s parcel and superimposed with 10’ contours, NYSDEC wetlands, NWI wetlands, floodplains, streams, water bodies, NYSDEC Natural Heritage Program data, and public trails.
  8. A list including general location of features known to exist on the parcel including but not limited to historic buildings, stone walls, rock outcrops, significant trees and stands of trees, potential wildlife habitats and viewsheds. This list is a preliminary step in identifying existing features and is subject to modification and interpretation of the reviewing bodies.
  9. Provide an 8½ x 11 soils map indicating if Prime and/or Statewide important soils, as defined by the Soil Survey of Fulton County New York, exist on the property.
  10. General subdivision information necessary to explain and/or supplement the Aerial Map.

DISCUSSION: None

#### c. 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:

11. 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.
12. A density calculation as outlined in Subsection F.3. Density Calculation.
13. 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.
14. General subdivision information necessary to explain and/or supplement the vicinity map and sketch plan.

*Based upon the information provided by the applicant to date, does the Planning Board feel that the Sketch Plan is complete?*

DISCUSSION: The Planning Board reviewed the sketch plan submission requirements with Mr. Ackerbauer. It was noted that the meeting tonight and Charlie Ackerbauer's preliminary subdivision application was just the pre-application meeting.

- If the Planning Board deems the Sketch Plan is complete, the Board must classify the subdivision as either a Major or Minor Subdivision.

MOTION: The Planning Board classifies the proposed MGH, LLC subdivision to be a major subdivision under Article VIII.

MADE BY: Member Conkling  
SECONDED: Member Groff  
VOTE: 4 in favor, 0 opposed

## B. Preliminary Plat

*The Planning Board and applicant should discuss the requirements within G. Required Data and Documents (7) Preliminary Plat at this time.*

DISCUSSION: Scott Henze state that, at this time, Planning Board members could review with Mr. Ackerbauer any requirements that they know that they would be requiring within the preliminary plat so that he knows this

ahead of time. Charlie Ackerbauer indicated that he has no questions at this time regarding the requirements of the preliminary plat.

END

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## **VI. LOUIS A. RITZ LOT LINE ADJUSTMENT**

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

- Application for Lot Line Adjustment
- Submission Waiver for Lot Line Adjustment
- Property Deed
- APA Jurisdictional Determination J2007-826 dated 12/5/2007
- APA Minor Public Notice Application Completed No. 2014-17

### **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 feel that the items above have been met?*

DISCUSSION: Matt Ginter, CEO, provided a brief overview of the proposed lot line adjustment map. Matt Ginter stated that, currently, Lou Ritz owns a 2.5 acre parcel that contains a 1-story wood-frame house and a wood-frame garage. Matt Ginter indicated that Mr. Ritz also owns a second parcel located behind the 2.5 acre parcel that is roughly 27 acres in size. Matt Ginter stated that Mr. Ritz is proposing to combine a portion of the existing 2.5 acre parcel that accommodates the wood-frame garage with the larger 27 acre parcel behind and leave a 1 acre parcel with the existing 1-story wood-frame house. Matt Ginter stated that the minimum lot acreage required in the Town of Northampton for the Rural Residential 2 District is 1 acre. Matt Ginter stated that all lot dimensions and acreage requirements are met within the Ordinance. Matt Ginter stated the only concern that he has is the southwest corner of the proposed 1-acre lot is located in the middle of the dirt drive to the 1.587 acre lot. Chairman Smith indicated that Mr. Ritz could move his dirt access drive entrance to the west.

Member Groff questioned why the corner of the 1 acre lot had to be located in the middle of the dirt access drive. Member Groff stated that he understands that the minimum lot requirement is 1 acre. However, Mr. Ritz could have moved his northern line slightly to the west to accommodate the minimum acreage.

Matt Ginter stated that the Adirondack Park Agency identified that the proposed 1-acre lot is a non-conforming lot. Matt Ginter stated that the APA is also going to require Mr. Ritz to provide a percolation test on the 1 acre lot in order to reserve a septic expansion area.

The consensus of the Planning Board was that Mr. Ritz will need to identify the existing well location on the 1.587 acre lot, as well as the 1-acre lot to include locations of septic systems and well. The consensus of the Planning Board was that Mr. Ritz will also need to identify the driveway setbacks on the lot line adjustment map. The consensus of the Planning Board was that Mr. Ritz will also need to include all existing underground utilities if present.

The Planning Board authorized Scott Henze to send a letter to Mr. Ritz indicating the amendments that he will need to make on the lot line adjustment map.

## 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.

*Does the Planning feel that the items above have been met?*

DISCUSSION: None

- (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 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.

*Does the Planning feel that the items above have been met?*

DISCUSSION:

- (c) A fee as established by the Town Board in the Schedule of Fees.

DISCUSSION: None

### 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 applicant has provided Part 1 of the Short Environmental Assessment Form.
- The Fulton County Planning Department has reviewed the proposed Lot Line Adjustment and Part 1 of the Short

Environmental Assessment form in reference to 6NYCRR Part 617 SEQRA and is recommending that the Planning Board classify the action as an Unlisted Action under SEQRA and propose to act as the Lead Agency to perform an Coordinated Review of the proposed action with NYS APA and authorize the Fulton County Planning Department to prepare Part II and Part III on the Boards behalf.

DISCUSSION: None

MOTION:

MADE BY:

SECONDED:

VOTE:

- Does the Planning Board feel that any additional information should be provided as part of the SEQR process?

DISCUSSION: None

#### 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: None

END

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**VII. CODE ENFORCEMENT REPORT:**

None

**VIII. OTHER BUSINESS:**

None

**IX. CLOSE OF THE MEETING:**

MOTION: To close the meeting at 9:20 p.m.

MADE BY: Member Conkling

SECONDED: Member Naple

VOTE: 4-0