

**TOWN OF NORTHAMPTON PLANNING BOARD
JUNE 10, 2014
7:00 P.M.
TOWN HALL**

MINUTES

PRESENT:

**ROBERT SMITH, CHAIRMAN
ROBERT ANDERSON
JAMES CONKLING
JACK GROFF**

**MATT GINTER, CODE ENFORCEMENT OFFICER
MR. BOGDAN - ADIRONDACK ESCAPE
MR. FERGUSON - ADIRONDACK ESCAPE
MIKE POULIN: LEGAL - ADIRONDACK ESCAPE**

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 May 13, 2014 meeting.

MADE BY: Member Anderson

SECONDED: Member Conkling

VOTE: 4-0

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

1. 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.
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 reviewed and accepted the following:
 1. Town Board Resolution #05-2014 acknowledging the creation of a private road/street.
 2. Letter correspondence from the Town Superintendent of Highways regarding the creation of a private road to include emergency vehicle access and adequate space for residential garbage pickup.
 3. Legal Memo from Town Attorney regarding lot configuration, private road and preservation of open space.
7. 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: Revised Preliminary Plat dated 4-29-2014 to address Well Protection Easement.

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

Status: On April 8, 2014 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: Revised Preliminary Plat dated 4-29-2014 to address Well Protection Easement.

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: The Applicants Attorney and the Town Attorney have been communicating regarding this matter.

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

Status: The Planning Board waived this requirement during the April 8, 2014 meeting.

6. Proposed radius of cul-de-sac. Applicant waiver.

Status: During the May 13, 2014 meeting, the Planning Board agreed to waive the required 75' cul-de-sac radius.

7. Private Road Specifications.

Status: During the May 13, 2014 meeting, the Planning Board determined that the private road specifications are adequate as illustrated on the subdivision plans revised April 29, 2014.

8. Creation of HOA.

Status: During the May 13, 2014 meeting, the Planning Board waived the creation of a HOA.

B. New Items:

1. Access Easements and Agreements

- The applicants attorney, Mike Poulin indicated that the agreements and easements would be provided to the Planning Board for the July meeting.
 - The Planning Board should request a written statement regarding the acceptance of the proposed agreements and easements prior to taking final action of acceptance. The Planning Board can conditionally approve the agreements and easements with the condition that the Planning Board receives a positive written correspondence from the Town's Attorney.

DISCUSSION: Members discussed the status of the access agreements and easements with Mr. Poulin. Members acknowledged that the Town Attorney was working with Mr. Poulin on the documents.

MOTION: To conditionally approve the proposed access agreements and easements based upon a positive written acceptance of said agreements and easements from the Town Attorney.

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

2. State Environmental Quality Review

- SEQR shall be completed prior to approval of the Preliminary Plat.
- During the April 8, 2014 meeting, the Planning Board declared themselves as the Lead Agency under SEQR and requested the Fulton County Planning Department to Prepare Part II & III on the Boards behalf.

Status: The Fulton County Planning Department has started Part II & III of the Environmental Assessment form. The Fulton County Planning Department is recommending that the Planning Board request additional information regarding all easements and agreements that are being drafted by and between the applicant's Attorney and Town Attorney prior to the Planning Board issuing a determination of significance under SEQR.

- By requesting additional information, the Planning Board, acting as the Lead Agency, has an additional 20 calendar days to issue a determination of significance or to determine whether or not they have sufficient information to complete Part II & III.
- During the May 13, 2014 meeting, the Planning Board determined that a determination under SEQR could not be made until the Planning Board accepts the Access Agreements and Easements that are being drafted between the applicants Attorney and the Town Attorney.
- If the Planning Board approves the Access Agreements and Easements (above) then the Fulton County Planning Department recommends that the Planning Board Issue a Negative Declaration under SEQR.

MOTION: The Planning Board has determined that the proposed action will not create any substantial negative environmental impacts on the environment and therefore issues a Negative Declaration under SEQR for the proposed Adirondack Escape, LLC subdivision.

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

3. Preliminary Plat Approval

Section 276(5)(c) of Town Law states:

Receipt of complete Preliminary Plat. A Preliminary Plat shall not be considered complete until a negative declaration has been filed or until a notice of completion of the draft EIS has been filed in accordance with the provisions of SEQR. The time periods for review of a Preliminary Plat shall begin upon filing of such negative declaration or such notice of completion.

- During the May meeting, the Planning Board conditionally approved the Preliminary Plat with the condition of approval pending the issuance of a Negative Declaration under SEQR.
- If the Planning Board Issues a Determination of Significance under SEQR (above), then the Board can approve the Preliminary Plat.

MOTION: To approve the Preliminary Plat as presented.

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

4. Final Plat & Public Hearing

- Whether or not the Planning Board takes all of the actions outlined above, the Planning Board should review the Final Plat requirements as per Section G8 Final Plat (page 112) with the applicant at this time.

DISCUSSION: Member Groff asked Mr. Bogdan as to the location of residential garbage. Mr. Bogdan stated that it would be left on either side of the access driveway at the intersection with the County Road whatever the Town desired.

5. Public Hearing (#2)

- The Planning Board held a Public Hearing during the March 23, 2013 on the Preliminary Plat.
- As per Section D(b)(2) Public Hearing it is recommended that the Planning Board schedule a second Public Hearing to be held during the July meeting date for the following reasons:
 1. During the first Public Hearing, the notes reflect that a second Public Hearing will be held.
 2. The first Public Hearing did allow for the public the opportunity to comment on the proposed Agreements and Easements.

DISCUSSION:

MOTION: To schedule and hold a second Public Hearing for the proposed Adirondack Escape Major Subdivision application on July 8, 2014 at 7:00 P.M. in Town Hall.

MADE BY: Member Anderson

SECONDED: Member Conkling

VOTE: 4-0

END

IV. CODE ENFORCEMENT REPORT:

1. Proposed Amendments:

- During the May meeting, the Planning Board requested the CEO to provide a starting list of proposed amendments.
- Outlined below, is a list of proposed amendments to be considered:

- Establish a public hearing section.
- **Use Variance** - contact adjoining neighbors, 100' perimeter, 200' perimeter or more.
- **Area Variance** - contact adjoining neighbors, 100' perimeter, 200' perimeter or more.
- **Minor Subdivision** - contact adjoining neighbors, 100' perimeter, 200' perimeter or more.
- **Major subdivision** - contact adjoining neighbors, 100' perimeter, 200' perimeter or more.
- **Site Plan Review** - contact adjoining neighbors, 100' perimeter, 200' perimeter or more.
- **BP review for Sacandaga Park** - contact adjoining neighbors, 100' perimeter, 200' perimeter or more.
- Set fee schedule for Minor and Major Subdivisions. (Currently \$40.00 and \$60.00)
- Options; **Major** fee of \$50 per lot, or \$50 per lot over 5.
- (122) **Article X, C.,(a)** add “or on lands adjoining HRBRRD property”.
- (122) **Article X, C.,(b)** remove “undeveloped” add “must be removed after 90 days”.
- (157) **Guest cottage definition.** Add size limits. APA regulations are 1/2 of the square footage of the principle structure up to 2000 sq. ft.
- (110) **Article VII G., 7 Preliminary plat;** change “except where requirements have been waived” to “except where the Planning Board has agreed to waive such requirements.”
- (137) **Article XIII, C. Application to the ZBA.** “a plot plan signed by a NYS licensed land surveyor”.

- Options; when deemed necessary by CEO, eliminate requirement, or leave as written.
- (15) **Schedule B**; MDR, HR, HMU & WC District. Required yard setbacks. “Or the average of the prevailing setbacks within 200 feet, whichever is greater.”

- Options; leave as is, remove language.

DISCUSSION: All items referenced above were discussed by the Planning Board. The decision of the Planning Board was to forward the proposed Amendment Items to the Town Board for discussion.

V. OTHER BUSINESS:

None

VI. CLOSE OF THE MEETING:

MOTION: To close the meeting at 8:00 p.m.

MADE BY: Member Anderson

SECONDED: Member Conkling

VOTE: 4-0