

**TOWN OF NORTHAMPTON PLANNING BOARD
MAY 13, 2014
7:00 P.M.
TOWN HALL**

MEETING NOTES

PRESENT:

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

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

OTHER:

**JOHN FERGUSON
MRS. SCUNZIANO
RICH KLENA
JEN KLENA
BRANDON FERGUSON
MICHAEL POULIN, ESQ.
KEVIN FERGUSON
TIM BOGDEN
DEBBIE BOGDEN**

I. CALL MEETING TO ORDER:

The meeting was called to order at 7:03 p.m.

II. APPROVE MINUTES OF LAST REGULAR MEETING:

MOTION: To approve the minutes to the April 8, 2014 meeting.

MADE BY: Member Conkling

SECONDED: Member Anderson

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.
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 Superintendant 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.

DISCUSSION: Chairman Smith asked Attorney Poulin as to the status of the communication between himself and Town Attorney Radner regarding the Well Protection Easement and the proposed private road easement. Attorney Poulin stated that he has been working with Town Attorney Radner regarding this issue.

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.

B. New Items:

1. Radius of cul-de-sac - During the April 8, 2014 meeting, the Planning Board requested Matt Ginter, CEO, to review the cul-de-sac requirements to provide guidance to the Board during their May 13, 2014 meeting.

2. The applicants have provided a waiver request to the 75' cul-de-sac radius.

Status: Planning Board members reviewed the waiver request dated May 8, 2014 regarding the Town requirement whereby a cul-de-sac radius must be a minimum of 75. Planning Board members referenced the subdivision revised April 29, 2014 indicating that the proposed radius is 50'. Planning Board members reviewed the fire truck turning radius for subdivision of lands of Adirondack Escape, LLC at a scale of 1" = 30' provided attached to the May 8, 2014 waiver and it illustrates a 45'

long fire truck having the ability to make the turn around the cul-de-sac. Chairman Smith asked the applicant what the additional 17' illustrated on the fire truck turning radius would constitute as far as vegetation. Brandon Ferguson indicated that this would be a vegetative buffer layer. Chairman Smith stated that he would like to see the 17' area simply be a grassed area in case there was a need for emergency services to utilize that additional width. Brandon Ferguson, as well as the applicants, agreed that this area will be cleared and only be a grassed area. Chairman Ferguson stated that the 17' area will be a grassed area and be added as a condition to the preliminary plat.

MOTION: Upon consideration and discussion, the Planning Board approved the waiver request submitted on May 8, 2014 to allow for a 50' turning radius within the cul-de-sac. The additional 17' area illustrated on the fire truck turning radius as well as the revised subdivision plans dated April 29, 2014 shall be a grassed area only.

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

2. Private Road Specifications - During the April 8, 2014 meeting, the Planning Board requested Matt Ginter, CEO, to review the requirements for the creation of a Private Road to be developed to Town Specifications and to provide guidance to the Board during their May 13, 2014 meeting.

Status: Bob Smith stated that the Planning Board received a letter from Town of Northampton Highway Superintendent Chip Richardson dated March 26, 2014 whereby he finds that the private gravel road is satisfactory regarding its width and means of ingress and egress for common residential access as well as access for emergency vehicles. Chairman Smith stated that Mr. Richardson also reviewed the gravel roadway cross section provided on Sheet 4 of the Road Profile site detail plans and found that it was adequate for both common residential access as well as access for emergency vehicles as long as it was properly maintained.

MOTION: The Planning Board finds that the private road specifications are adequate as illustrated on the subdivision plans revised April 29, 2014.

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

C. 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.

DISCUSSION: Chairman Smith asked Attorney Poulin as to the status of the access easements and agreements that are being worked on by himself and the Town's attorney. Attorney Poulin indicated that he has been working with Leah Reverhart from Attorney Radner's office whereby Attorney Radner would like to combine the three (3) separate access easements and agreements together into one (1) document in order to be more efficient when filing with the County Clerk's Office. Attorney Poulin stated that Attorney Radner also is requiring that Lot #1 as indicated on the preliminary plat which is to be owned by the applicant would also be responsible for the private road maintenance, as well as responsible for all taxes. Attorney Poulin stated that the Town Attorney must approve the final agreement. However, it is not willing to do so until such time that the Planning Board waives the requirement of the creation of a Homeowner's Association by the applicant. Chairman Smith stated that he is comfortable enough to waive the requirement of the Homeowner's Association as long as the Town Attorney is okay with the proposed one (1) combined access easement and agreement that will be completed by the applicant's attorney and the Town Attorney.

MOTION: The Planning Board agreed to waive the creation of a Homeowner's Association for the Adirondack Escape Major Subdivision Application.

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

D. 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.

DISCUSSION: Chairman Smith asked Scott Henze whether or not he believes there will a positive declaration made within SEQR given the fact that it is now known that the Planning Board has waived the Homeowner's Association and that the Planning Board has been relying on the Town's attorney and the applicant's attorney to come to a consensus on one (1) combined access easement and agreement that will provide the same protection as a Homeowner's Association to the Town. Scott Henze stated that he does not believe that a positive declaration will be issued. The Planning Board discussed whether or not they could conditionally approve the preliminary plat given the fact that the negative declaration needs to be issued prior to approval of such preliminary plat.

MOTION: To conditionally approve the preliminary plat as revised dated April 29, 2014 with the condition that there is a negative declaration issued under SEQR.

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

END

IV. SCUNZIANO SUBDIVISION

A. Background:

Mrs. Scunziano owns a 8.572 acre parcel at 1053 Tennantville Rd having SBL#: 32.-3-22.1.

Tax Parcel 32.-3-22.1 currently contains one (1) single family residence (circa 1900) and garage and one (1) mobile home (circa 1980) with unattached garage on the same lot.

The entire property is located within the Town of Northampton's Rural Residential 2 (RR2) Zoning District.

The property is located within the APA Low Intensity Land Use Area requiring 2.75 acres.

The applicant has provided an APA JIF J2013-0685 dated November 25, 2013.

The applicant has provided a copy of the respective deeds.

The applicant has provided a survey map from Ferguson & Foss that is stamped and signed dated March 27, 2014.

B. Subdivision Proposal:

The applicant is seeking to subdivide the 8.572 acre parcel into three (3) lots as follows:

Lot 1 - 2.075 acres that contains the existing house and garage.

Lot 2 - 2.097 acres that contains the existing mobile home and garage.

Lot 3 - 4.4 acres to include a new home, septic system and well.

DISCUSSION: John Ferguson stated that he understands that there are some minor issues with the subdivision plat as provided to the Planning Board tonight. John Ferguson stated that he has drafted the subdivision plat and is really seeking guidance from the Planning Board as to what additional items they may require this evening. John Ferguson stated that all of the three (3) lots that are being proposed do meet the Town's normal lot size requirements. However, they do not meet the Adirondack Park Agency's requirements and will need to be issued a permit from the Adirondack Park Agency for the subdivision. John Ferguson stated that the Adirondack Park Agency also has

indicated that there may be wetlands on the property and that an Adirondack Park Agency representative is scheduled to inspect the site on June 4th to potentially delineate the wetlands.

C. 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: The Planning Board reviewed the requirements for the sketch plan submission to the subdivision plat dated March 27, 2014 and indicated that the density calculation as outlined in subsection F-3 Density Calculations will need to be added to the subdivision plat.

MOTION: The Planning Board conditionally approves the sketch plan submission dated March 27, 2014 for the proposed Scunziano subdivision with the addition of the density calculation as outlined in subsection F-3 of the Town of Northampton Subdivision Regulations.

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

- If the Planning Board determined that the Sketch Plan requirements have been satisfactorily met (or can be met through conditional approval) then the Planning Board should classify the subdivision.

MOTION: The Planning Board classifies the proposed Scunziano Subdivision to be a minor subdivision under Article VIII.

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

b. State Environmental Quality Review

Section 617.1 of 6 NYCRR states that, the basic purpose of SEQR is to incorporate the consideration of environmental factors into the existing planning, review and decision making processes of State, regional and local government agencies at the earliest possible time. To accomplish this goal, SEQR requires that all agencies determine whether the actions they directly undertake, fund or approve may have a significant effect on the environment, and if it is determined that the actions may have a significant effect, prepare or request an environmental impact statement. Under these terms, the review of a Subdivision application is subject to SEQR. Therefore, the following issues must be addressed:

1. Does the Planning Board feel that the Short Environmental Assessment Form, provided by the applicant, has been completed adequately?

DISCUSSION: The Planning Board has determined that the Short Environmental Assessment Form provided by the applicant has been satisfactorily completed.

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

DISCUSSION: The Planning Board determined that there was no additional information that would be needed by the applicant to complete SEQR.

3. Section 617.6 (b)(3) of 6 NYCRR states that, when an agency proposes to directly undertake, fund or approve a Type 1 or Unlisted Action undergoing a Coordinated Review with other Involved Agencies, it must, as soon as possible, transmit Part 1 of the Environmental Assessment Form completed by the Project Sponsor or a Draft Environmental Impact Statement (DEIS) and a copy of any application that has been received to all Involved Agencies and notify them that a Lead Agency must be agreed upon within thirty (30) calendar days of the date the Environmental Assessment Form or DEIS was transmitted to them.

The following involved agencies have been identified:

1. NYS APA
2. NYS DOH

MOTION: To classify the proposed project as an Unlisted Action and to propose that the Town of Northampton Planning Board act as the Lead Agency for the purpose of issuing a determination of significance under SEQR and to offer other Involved Agencies twenty-five (25) calendar days to comment on the proposed action or the Town Planning Board's proposal to act as Lead Agency

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

c. Public Hearing:

In accordance with Article VIII (D)(3)(c) of the Town of Northampton Subdivision Regulations, the Planning Board shall hold a Public Hearing within 62 days from the time of submission of the subdivision plat for approval. Said hearing shall be advertised in a newspaper of general circulation in the Town at least 10 days before such hearing.

DISCUSSION: Scott Henze asked Mr. Ferguson whether or not he believes that the APA's review of the subdivision and based upon the potential wetlands on the site whether or not the subdivision layout would change. Mr. Ferguson

indicated that he does not know whether or not the layout will change at this time.

MOTION: To schedule a public hearing on the Scunziano preliminary Subdivision application for 7:00 p.m., July 8, 2014.

MADE BY: Member Anderson

SECONDED: Member Conkling

VOTE: 4 in favor, 0 opposed

d. Minor Subdivision

At this time, the Planning Board should discuss the items that the Planning Board will require under the following:

Subsection F - General Requirements and Design Standards for Subdivisions (1-9).

DISCUSSION: The Planning Board reviewed all items under Subsection F: General Requirements and Design Standards for Subdivisions. The Planning Board determined that the following items must be met by the applicant:

Subsection F: General Requirements and Design Standards for Subdivisions

- #3 Density Calculation
- #7 Driveways – The Planning Board determined that although the proposed driveway located on Lot #3 is illustrated it is not labeled as far as the width of the proposed driveway. The Planning Board would like the proposed driveway width to be identified on the subdivision plat.

Subsection G(7) - Preliminary Plat (b) through (s).

DISCUSSION: The Planning Board reviewed all items under Subsection G(7), Preliminary Plat requirements that the applicant has satisfied all of the preliminary plat requirements that the Planning Board would determine to be required for the proposed minor subdivision.

Subsection G(8) - Final Plat (a-n)

DISCUSSION: The Planning Board reviewed all of the requirements under Subsection G(8), Final Plat and determined that the applicant will need to comply with the following:

f. Setback Lines - The Planning Board determined that all setback lines should be included on each of the lots.

h. The Planning Board determined that they would like to see all locations and labeling of existing wells onsite for Lots #1 and #2 to include existing septic tank areas on Lots #1 and #2. Mrs. Scunziano indicated that the well is identified on Lot #1 which is directly north of the house. Planning Board members indicated that Mr. Ferguson should label that well location. The Planning Board determined that all other final plat requirements are either non-applicable or satisfactorily met.

FUTURE STEPS:

1. If the applicant satisfactorily complies with all of the items determined to be required by the Planning Board during the May 13, 2014 meeting, the next steps will be as follows:

June Meeting

July Meeting

- Hold Public Hearing
- Complete SEQR
- Take action on Subdivision Plat?

DISCUSSION: The Planning Board reviewed the future steps section as outlined within the Agenda. John Ferguson questioned whether or not the Planning Board would be sending written correspondence of the requirements discussed during tonight's meeting to him. Scott Henze stated that he would draft a letter tomorrow which he shall receive by the end of the week.

END

V. CODE ENFORCEMENT REPORT:

Matt Ginter asked John Ferguson as to the status of the Bovee application. Mr. Ferguson indicated that Mr. Bovee is going to amend his application and he does not believe that Mr. Bovee will have an issue with obtaining his APA' ?? inquiry form.

Matt Ginter informed the Planning Board that he has discussed with Supervisor Groff that he would like to revisit the ability to amend certain

sections of the Zoning Ordinance. Matt Ginter indicated that he has not been given directive by the Town Board as to what process they wish to take. Member Groff indicated that, in the past, the Village Planning Board made direct recommendations for amendments to the Village Ordinance and sent those directly to the Village Board for review and amendments. The Planning Board discussed whether or not they wish to entertain recommending amendments to the Town Board. The consensus of the Planning Board was that, at the June meeting, Matt Ginter, CEO, would provide a list of items that he feels as though should be discussed for potential amendment to the Ordinance.

Matt Ginter stated that Cucchi has provided an updated survey map to him. Matt Ginter indicated that the APA has sent Mr. Cucchi a list of items in which Mr. Cucchi will have to comply with in order to receive the APA permit. Matt Ginter stated that he has informed Mr. Cucchi that the Planning Board will not entertain his application until such time as he has complied with all other requirements of the APA. Chairman Smith stated that, until Mr. Cucchi has complied with all of the APA requirements, the issue still remains that there is an existing RV located on the lot that they consider to be illegal under the Town's Zoning Ordinance. It was noted that this is currently a code enforcement issue.

Member Conkling informed the Planning Board members that he would be meeting with Supervisor Groff and Mayor Spaeth as well as the APA Economic Development Group on Friday, May 16th, at 11 o'clock in the morning at Town Hall to discuss potential grants and to obtain support for economic development issues within the Town.

VI. OTHER BUSINESS:

VII. CLOSE OF THE MEETING:

MOTION: To close the meeting at 8:55 p.m.

MADE BY: Member Conkling

SECONDED: Member Anderson

VOTE: 4 in favor, 0 opposed