

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

**MINUTES**

**PRESENT:**

**ROBERT SMITH, CHAIRMAN  
STEVE NAPLE  
JAMES CONKLING**

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

**OTHERS: John Ferguson, Mrs. Scunziano, Mr and Mrs. Bogdan, Mike Poulin, Atty.**

**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 June 10, 2014 meeting.

MADE BY: Member Conkling

SECONDED: Member Naple

VOTE: 3-0

**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.

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.

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.

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

Revised Preliminary Plat dated 4-29-2014 to address Well Protection Easement.

9. 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.

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

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

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

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

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

12. Private Road Specifications.

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.

13. Creation of HOA.

During the may 13, 2014 meeting, the Planning Board waived the creation of a HOA.

14. Access Easements and Agreements

During the June 10, 2014 meeting, the Planning Board conditionally approved the proposed access agreements and easements based upon a positive written acceptance of said agreements and easements from the Town Attorney.

➤ See Proposed Easements and Agreements

#### DISCUSSION:

Scott Henze asked Attorney Poulin to provide an update regarding the Access Easements and Agreements that he and the Town Attorney have been working on.

Mr. Poulin stated that the agreements are being amended, as per the recommendation of the Town Attorney, to include language that Mr. Bogdan

shall own lot #2. Mr. Poulin stated that a Map amendment indicating that Lot #5 and Lot #6 shall be unbuildable lots will also be included. Mr. Poulin stated that a Metes and Bounds description of the private drive would also be provided.

#### 15. SEQR Compliance

During the June 10, 2014 meeting, the Planning Board issued a Negative Declaration.

#### 16. Preliminary Plat

During the June 10, 2014 meeting, the Planning Board approved the Preliminary Plat as presented.

### B. Public Hearing #2

- The Planning Board held a Public Hearing during the March 23, 2013 on the Preliminary Plat. No Public Comments were offered.
- As per Section D 4 (b)(2) Public Hearing: During the June 10, 2014 meeting, the Planning Board it scheduled a second Public Hearing to be held during the July 8, 2014 meeting date for the following reasons:
  1. During the first Public Hearing, the notes reflect that a second Public Hearing will be held.

OPEN PUBLIC HEARING: The Public Hearing was opened at 7:15 p.m. There were no speakers.

CLOSE PUBLIC HEARING:

MOTION: To close the Second Public Hearing.

MADE BY: Member Conkling

SECONDED: Member Naple

VOTE: 3-0

### C. Final Plat Approval

- The Planning Board shall, by Resolution, conditionally approve, conditionally approve with or without modification, disapprove or grant final approval and authorize the signing of such plat within 62 days of its

receipt by the Clerk of the Planning Board, if no Public Hearing is held, or in the event a hearing is held, within 62 days after the date of said hearing.

- Upon Resolution of conditional approval of such final plat, the Planning Board shall empower a duly-authorized officer to sign the plat upon completion of such requirements as may be stated in the resolution.
- As per the recommendation of the Town Attorney, the Planning Board should place a condition on any approval provided to include a map note on the final plat indicating that Lots 5 and 6 are non-buildable lots.

DISCUSSION: Member Naple asked Attorney Poulin whether or not he would have an issue if he were to vote on the final plat since he had raised issues with his involvement in the past. Attorney Poulin indicated that he would not have an issue at this time.

MOTION: To conditionally approve the Adirondack Escape, LLC Major Subdivision Plat with the following conditions:

1. The Planning Board receives a Letter of Endorsement from the Town Attorney in reference to the Access Easements and Agreements.
2. The Final Plat shall include a reference that Lots 5 & 6 shall be unbuildable.
3. The Planning Board receives a Metes and Bounds description of the Private Drive.

MOTION: To authorize and request that the Fulton County Planning Department prepare a final Resolution on the Boards behalf.

MADE BY: Member Naple

SECONDED: Member Conkling

VOTE: 3-0

END

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#### **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.

##### **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.
- **During the May 13, 2014 meeting, the Planning Board classified the subdivision to be a minor subdivision.**
- **During the May 13, 2014 meeting, the Planning Board conditionally approved the sketch plan with the condition that the Density calculation as outlined in subsection F-3 Density calculation needed to be added to the Subdivision Plat.**
- **Has the Condition been met?**

DISCUSSION:

The Planning Board acknowledged that the Density calculation requirement has been met.

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:

- **During the May 13, 2014 meeting, the Planning Board classified the project as an Unlisted Action, proposed to act as the Lead Agency and to coordinate with the NYS APA and DOH.**
- **To date, coordination has not taken place due to the amendments to the Plat that were requested and an APA representative visit to inspect the site for potential wetlands.**

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.

- **During the May 13, 2014 meeting, the Planning Board set a Public Hearing for July 8, 2014.**

OPEN PUBLIC HEARING: The Public Hearing opened at 7:20. There were no speakers.

MOTION: To close the Public Hearing.

MADE BY: Member Naple

SECONDED: Member Conkling

VOTE: 3-0

d. Minor Subdivision

- **During the May 13, 2014 meeting, the Planning Board reviewed and determined the following:**

Subsection F - General Requirements and Design Standards for Subdivisions

- **The Planning Board determined that the following items must be met by the applicant:**

- #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.

DISCUSSION: Planning Board members reviewed the plat and noted that the proposed driveway width was not included.

Scott Henze asked Mr. Ferguson what the proposed width of the driveway would be.

Mr. Ferguson indicated ten (10) feet.

Scott Henze informed Mr. Ferguson to include the proposed driveway width on the final plat to be signed.

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

- **During the May 13, 2014 meeting, the Planning Board determined that requirements were satisfactorily met.**

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

- **The Planning Board determined that the following items must be met by the applicant:**

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.

DISCUSSION: Member Naple questioned whether or not the existing well and septic on the developed lot have been adequate or have had any issues.

Mrs. Scunziano indicated that there have never been any issues.

#### D. Final Plat Approval

- The Planning Board shall, by Resolution, conditionally approve, conditionally approve with or without modification, disapprove or grant final approval and authorize the signing of such plat within 62 days of its receipt by the Clerk of the Planning Board, if no Public Hearing is held, or in the event a hearing is held, within 62 days after the date of said hearing.
- Upon Resolution of conditional approval of such final plat, the Planning Board shall empower a duly-authorized officer to sign the plat upon completion of such requirements as may be stated in the resolution.

MOTION: To conditionally approve the Scunziano minor subdivision application. Said condition is based upon issuing a Negative Declaration under 6NYCRR PART 617 State Environmental Quality Review.

MADE BY: Member Conkling  
SECONDED: Member Naple  
VOTE: 3-0

MOTION: To authorize and request that the Fulton County Planning Department prepare a final Resolution on the Boards behalf.

MADE BY: Member Conkling  
SECONDED: Member Naple  
VOTE: 3-0

END

**V. CODE ENFORCEMENT REPORT:**

Matt Ginter stated that he provided the Town Board with the list of Zoning Amendments that the Planning Board and ZBA have proposed. Matt Ginter stated that the Town Board tabled the discussion.

Matt Ginter questioned whether or not the Planning Board wished to include another Zoning Amendment to require mylar copies of the Final Plat.

Chairman Smith stated that he would like to have mylar copies.

Matt Ginter questioned whether or not 7 copies of subdivision plat drawings were enough. He indicated that at times, additional copies would be needed depending on the SEQR requirements.

Chairman Smith stated that he did not feel as though every Planning Board member would need an original signed copy, therefore, copies could be made.

Matt Ginter stated that he is informing all subdivision applicants to include the location of existing wells and septic systems on their drawings prior to formerly applying to the Planning Board.

Matt Ginter questioned whether or not Flag Lots should be included within the proposed Zoning Amendments or not.

Matt Ginter provided an update regarding the Cucchi application and stated that he has been working with the APA on reconciling issues. Matt Ginter stated that Mr. Cucchi has a contractor on site trying to ascertain how to bury the stone wall that was constructed.

**VI. OTHER BUSINESS:**

None

**VII. CLOSE OF THE MEETING:**

MOTION: To close the meeting at 7:55 p.m.

MADE BY: Member Naple

SECONDED: Member Conkling

VOTE: 3-0