

**TOWN OF NORTHAMPTON PLANNING BOARD
JULY 23, 2014
7:00 P.M.
TOWN HALL**

MINUTES

PRESENT:

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

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

OTHER: Willem Monster, Ed Anker, Valarie Anker

I. CALL MEETING TO ORDER:

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

II. SACANDAGA STATION - LOT LINE ADJUSTMENT REQUEST:

A. Background:

The Sacandaga Station project was approved by the Planning Board prior to the adoption of the Town of Northampton Subdivision Regulations.

The Sacandaga Station subdivision was filed with the Fulton County Clerk's Office prior to the Town's adoption of said Subdivision Regulations and therefore is "grandfathered" or "pre-existing".

All pre-existing lots are grandfathered until such time there is an alteration proposed.

The Sacandaga Station project is located within the Town's Hamlet Mixed-Use District and within the Sacandaga Park Overlay District.

The Sacandaga Station project is located within the APA Hamlet area. (No density requirement).

The applicant is proposing a lot line adjustment to SBL# 31.2-2-38 which is comprised of two individual lots (12) & (13) on provided survey map. A third lot being 31.2-23-115 being common area is also affected.

The applicant has provided the following:

1. Application for a Lot Line Adjustment
2. Subdivision Waiver
3. Correction Deed & Warranty Deed
4. Letter from SSLA Board
5. Part 1 EAF
6. Survey Map

B. Planning Department Review:

The Fulton County Planning Department has reviewed Article VIII (C): Lot Line Adjustments within the Town's Zoning Ordinance and Subdivision Regulations document. Below is a general outline of steps for the Planning Board to follow to review a Lot Line Adjustment.

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: The Planning Board determined that the existing Lot Line Adjustment met all criteria identified above.

2. Submission requirements

To request a lot line adjustment, 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: Member Naple questioned whether or not the lots had existing municipal water and sewer. Matt Ginter stated that the water is provided via a community well but that each lot did have municipal sewer. Member Naple questioned where the well was located and if it is identified on the plat. Willem Monster stated that the surveyor did not identify the well location on the plat due to the fact that it is located some distance away from the lots in question. The Planning Board determined that all Submission requirements were satisfied.

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 lot line adjustment 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 authorize the Fulton County Planning Department to prepare Part II and Part III on the Boards behalf.

DISCUSSION: No Discussion

MOTION: To Classify the proposed Lot Line Adjustment as an Unlisted Action and to designate that the Planning Board act as the Lead Agency to perform SEQR.

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

- MOTION: To issue a Negative Declaration for the Sacandaga Park Lot Line Adjustment and to authorize the Chairman to sign Part III of the Short EAF.

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

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: Member Naple asked Willem Monster whether or not he believes that the Sacandaga Station project would require additional Lot Line Adjustments in the future. Willem Monster stated that he believes that there will be additional Lot Line Adjustment requests made, particularly Lot 13 where he would like to reconfigure the lot in order to provide better access. Member Anderson indicated that Mr. Merrell, Secretary to the SSLA (Sacandaga Station Lakefront Association) should change statement number five (5) in his letter to the Planning Board where he references that the minimum lot size in the Town's Zoning is 5,000sf where it should be 10,000sf.

MOTION: To approve the request for a waiver to the Town of Northampton Subdivision Regulations and to approve the application for a Lot Line Adjustment.

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

III. CODE ENFORCEMENT REPORT:

Matt Ginter stated that he has recieved a preliminary application for a Lot Line Adjustment along NYS Route 30. He stated that he has only recieved one (1) set of plans and has requested additional sets for Planning Board members. He stated that this Lot Line Adjustment request would be on the agenda for the August meeting.

Matt Ginter stated that the APA has extended Louis Ritz application deadline pending local Town approval.

Matt Ginter stated that the Town Board will be forming a Committee to review and discussed the proposed Amendments that the Planning Board provided in the future.

Scott Henze stated that for the August meeting, the conditionally approved Scunziano subdivision will be on the agenda. He stated that the Planning Board conditionally approved the subdivision pending the issuance of a Negative Declaration under SEQR.

Scott Henze stated that the Planning Board conditionally approved the Adirondack Escape subdivision based upon the acceptance of the proposed access easements and agreements by the Town Attorney.

IV. OTHER BUSINESS:

Member Anderson discussed an issue that he is having with an adjacent property owner performing trenching and drywell installation work. Member Anderson stated that he believes that some of the work is being performed on property not owned by the person performing the work. Member Anderson stated that his concerns are based upon his fear that his well and or septic will be negatively affected by the work. Member Anderson questioned whether or not this form of work could be regulated within the Town's Zoning Ordinance in the future.

V. CLOSE OF THE MEETING:

MOTION: To close the meeting at 7:35 p.m.

MADE BY: Member Conkling

SECONDED: Member Naple

VOTE: 4-0