

**TOWN OF NORTHAMPTON PLANNING BOARD
SEPTEMBER 9, 2014
7:00 P.M.
TOWN HALL**

MEETING NOTES

PRESENT:

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

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

OTHER:

**SUPERVISOR GROFF
COUNCILMAN IVAR ANDERSON
COUNCILMAN ART SIMONDS
COUNCILMAN BILL GRITSAVAGE
TOM CORRIGAN – ZBA
HEIDI DARLING – ZBA
SKIP TAYLOR**

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 August 12, 2014 meeting.

MADE BY: Member Anderson

SECONDED: Member Groff

VOTE: 3 in favor, 0 opposed

III. ADIRONDACK ESCAPE, LLC MAJOR SUBDIVISION RESOLUTION:

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.
- During the July 8, 2014 meeting, the Planning Board Conditionally Approved the Adirondack Escape, LLC Subdivision 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.
- During the July 8, 2014 meeting, the Planning Board requested that the Fulton County Planning Department prepare a Final Resolution.

DISCUSSION: Chairman Smith reviewed the background information for the final plat approval as outlined within the Agenda. Member Smith called for a member to support the resolution as drafted. Member Groff made the motion to support the adoption of Resolution 2014-2 whereby seconded by Member Anderson. Chairman Smith made a roll call vote whereby Chairman Smith, Member Anderson and Member Groff all pledged their support for the adoption of Resolution 2014-2.

Chairman Smith thanked Scott Henze for drafting the final resolution to a very lengthy review of the Adirondack Escape, LLC major subdivision. Chairman Smith indicated that the Adirondack Escape Subdivision was the first major subdivision that the Planning Board reviewed.

- Adopt or amend draft Resolution 2014-2 for adoption.

END

IV. PROPOSED ZONING AMENDMENTS

A. Background:

- The Planning Board and Zoning Board of Appeals drafted and presented a list of proposed Amendments to the Town Zoning Ordinance.
- The Town Board has asked to meet with the Planning Board to discuss the proposed Zoning Amendments.
- *See handout.

DISCUSSION: Chairman Smith stated that Matt Ginter, Code Enforcement Officer, has drafted a list of proposed changes to the Town of Northampton Zoning and Subdivision Law. Chairman Smith indicated that these proposed changes are due to issues that have come up that have created problems for both the Planning Board and the Zoning Board of Appeals, as well as Matt Ginter. Chairman Smith stated that the Planning Board met with the Zoning Board of Appeals to discuss some of their proposed changes as well and the handout provided tonight illustrates those changes culminating from both the Planning Board and Zoning Board of Appeals, as well as the Code Enforcement Officer. Chairman Smith stated that a letter was sent to the Town Board with a draft of the proposed changes for their consideration, whereby the Town Board then requested to meet with the Planning Board in order to discuss the proposed changes so that they would have a better understanding of them. Chairman Smith asked Matt Ginter to review the proposed changes as listed within the handout due to the fact that he has the greatest understanding of them. Matt Ginter stated that the Town of Northampton Zoning and Subdivision Ordinance does not specify when Zoning Board of Appeals or Planning Boards must directly contact property owners regarding a particular project in their area accepting a use variance whereby the Ordinance states that all properties located within 500' of the project property must be contacted. Matt Ginter indicated that the 500' perimeter can produce dozens of direct mailings that must be made on the cost burden of the applicant. Matt Ginter indicated that each direct mailing costs roughly \$5.00.

Councilman Gritsavage questioned why the direct mailing is necessary given the fact that the project would need to be posted within the paper. Matt Ginter indicated that there may be times when a particular adjacent landowner is away on vacation or that would miss the notice in the paper. Scott Henze stated that he consulted the Town Law whereby Town Law does not dictate that a direct mailing to adjacent property owners or property owners within X feet is required for any variance, subdivision or site plan reviews. Councilman Anderson indicated that he would agree to direct mailing to property owners within 200' for all variances and those located within the Sacandaga Park Overlay should be 100' given the fact that those particular properties are much smaller in size and more compact.

Councilman Simonds stated that he feels that for all instances contacting direct mailings adjoining property owners to the project property would suffice. Upon further discussion, the consensus was to amend the Ordinance to indicate that all properties within 100' of the project property must be direct mailed to.

Matt Ginter asked those in attendance whether or not establishment of a standalone public hearing section would be a positive asset to the Ordinance. The consensus of those in attendance was that a section for specifically identifying public hearing requirements should be amended within the Ordinance.

Matt Ginter indicated that the Town's fee schedule should be amended whereby the schedule for minor subdivisions is currently \$40, and major subdivisions is currently \$60. Matt Ginter stated that some of the minor subdivisions, and most definitely the major subdivisions, can be very costly with legal fees to the Town, as well as the length of time that the Planning Board utilizes the Fulton County Planning Department. Matt Ginter stated that it is understood that those fees can be passed along to the applicant. Scott Henze asked the Town Council in attendance if they would be favorable for him to put together a comparison of other town fee schedules for all types of projects and provide to the Town Board for their review. The consensus was in favor for Scott Henze to put that information together for them.

END

Article 10, C, a, page 122:

Matt Ginter stated that this Article is allowing for permitted temporary uses requiring a Zone Permit. Matt Ginter stated that recreational vehicles, otherwise known as RV's, can be permitted on an undeveloped lot for a period of 90 days of a calendar year, etc. Matt Ginter stated that there is one (1) particular project that the Planning Board has been dealing with for six (6) months or greater that has brought this issue to light. Matt Ginter indicated that he believes that the intent of the Ordinance is to not allow RV's to be located permanently on lots that adjoin the Hudson River Black River Regulating District property. Matt Ginter provided the scenario where a person purchases a lot on the Great Sacandaga Lake and builds an expensive home whereby in subsequent year, an adjacent landowner on a small lot that is undeveloped parks their Recreational Vehicles or camper on the lot and leaves it there all year long, which could be looked at as detrimental to the first property owner. Matt Ginter stated that the Town Board will need to decide

whether or not they wish to allow RV's or campers on waterfront lots that are located adjacent to the Hudson River Black River Regulating District properties or not. Matt Ginter stated that the wording pertaining to undeveloped lot would also become an issue in its interpretation. Matt Ginter stated that the words "undeveloped lot" may need to be removed from the paragraph.

There was no consensus from the Town Board.

Definition of Guest Cottage, page 157:

Matt Ginter stated that the definition of Guest Cottage does not identify a size. Matt Ginter stated that all building permits are required for any structures over 144 sq. ft. Matt Ginter stated that he receives several calls from builders and property owners inquiring how large a guest cottage can be. Matt Ginter recommended adding size limits to the Guest Cottage definition as identified. Matt Ginter stated that the APA Regulations do regulate the size of Guest Cottages.

There was no consensus.

Article VII, G, 7 Preliminary Plat, page 110:

Matt Ginter stated that there are several requirements under the Preliminary Plat Regulations. Matt Ginter indicated that there has been confusion regarding the language identified which states, "except where requirements have been waived." Matt Ginter stated that it would be more effective if the wording indicated that the Planning Board can waive those requirements.

The consensus of those in attendance was adding the wording Planning Board within the Preliminary Plat requirements is acceptable.

Article XIII, C Application to the ZBA, page 137:

Matt Ginter stated that there has been some question as to whether or not it should be required of the applicant to obtain a licensed land surveyor to draw a plot plan for area variances before the Board of Appeals. Matt Ginter stated that the majority of townships do require that a licensed land surveyor be utilized. Matt Ginter stated that, however, one option would be that the licensed land surveyor would be required when deemed necessary by the Code Enforcement Officer. Councilman Anderson indicated that he would like to leave the language as is. Councilman Gritsavage stated that he believes that allowing the Code Enforcement Officer to make the determination as to whether or not a licensed land surveyor would be needed is justifiable. Tom Corrigan (ZBA) stated that the Zoning Board of Appeals have reviewed many area variances and have not always required that the applicant obtain a licensed land surveyor. However, those that were required to obtain a licensed

land surveyor were surprised to find that their property line once surveyed was not where they believed it was.

There was no consensus on this topic.

Schedule B, page 15:

Matt Ginter stated that Schedule B illustrates the dimensional standards for lots within each respective Zoning District. Matt Ginter stated that, under the required yard setback, particularly being the front yard, allows for a set distance or the average of prevailing setbacks within 200', whichever is lesser or greater. Matt Ginter stated that he believes the reason for this is so that the building line along a street stays somewhat uniform. Matt Ginter stated that, however, this also lessens the building availability on particular lots. Matt Ginter recommended that, for each of those Zoning Districts, that a set lot frontage be amended as indicated within the front yard setback language, however, remove the language regarding the average of prevailing setbacks, etc. The consensus of those in attendance was that that is okay.

Article VIII, C2B, page 85:

Matt Ginter stated that this particular section deals with the submission requirements for lot line adjustments. Matt Ginter stated that these requirements do not specify the number of maps or plats that an applicant has to provide to the Planning Board. Matt Ginter stated that, often times, a surveyor will bring in a project plat and only provide one (1) copy to him. Matt Ginter stated that each member of the Planning Board should receive their own plat due to the fact that they receive their Agenda and materials a week in advance of their scheduled meeting in order to review them. Matt Ginter stated that seven (7) copies of the survey map would be ideal. The consensus was to amend indicating seven (7) copies in that particular section.

Article VIII, D3B, page 88:

Matt Ginter stated that the Planning Board would like to receive two (2) final plat mylar maps. Matt Ginter indicated that mylar maps are not specified within the final plat requirements. Matt Ginter provided an example of a mylar map compared to a regular paper map and indicated that the mylar maps are more of a final map whereby the ink will not deteriorate as it does on paper.

Councilman Anderson stated that the Planning Board should also entertain the receipt of digital copies of the final maps. Scott Henze stated that, although digital copies is a good idea, in order for the final plat to be final, the Chairman must stamp and sign the plat. Scott Henze stated that the Chairman will need to do so whereby providing it back to the surveyor in order to scan the copy

and provide it in a digital format. The consensus with those in attendance was to amend the Ordinance to include the final plat to receive two (2) mylar maps.

Schedule B, Shoreline Restrictions, page 15:

Matt Ginter stated that there are shoreline restrictions within Schedule B Dimensional Standards within districts that have property adjacent to the Hudson River Black River Regulating District property. Matt Ginter stated that, under Schedule B, Dimensional Standards and Shoreline Restrictions, the setback language is very difficult for an applicant to understand. Matt Ginter stated that he would like to remove the language and add language regarding the Hudson River Black River Regulating District's taking line. Matt Ginter stated that an applicant can request that the Hudson River Black River Regulating District come to stakeout with yellow stakes their taking line on their property whereby he would be able to utilize that taking line for determining setbacks.

The consensus was that that language should be amended.

Article IV, C, 1, 1a, page 9:

Matt Ginter stated that this Article regulates garden storage sheds that do not exceed 144 sq. ft., which would thereby require a building permit may be located as long as it has a rear yard setback of 5'. Matt Ginter stated that language which indicates that a permit is not required as long as it stays under 144 sq. ft. would be beneficial for applicants and adding that a garden shed could be located within may have a side yard setback of 5' also be included. The consensus was that is acceptable.

Chairman Smith stated that all of the proposed changes on the list have been discussed and asked anyone else in attendance if they had any additions. Heidi Darling (ZBA) stated that the definition of front yard regarding lakefront properties has been an issue. Heidi Darling stated that many lakefront property owners believe that their front yard is actually the lakefront and not the definition of front yard which is the area between the home and the road. Chairman Smith stated that the Planning Board will review that further at a subsequent meeting.

Councilman Anderson questioned whether or not within there could be an amendment made to the Zoning Ordinance which regulated tree cutting and wood lots needing a permit. Ivar Anderson stated that there are many wood lots that are left in a hap hazard manner by loggers that are unsightly and would be able to have some form of control over this. Chairman Smith suggested that Councilman Anderson do some research regarding regulating wood lots and report that research to the Planning Board for review.

V. CODE ENFORCEMENT REPORT:

Matt Ginter stated that he received a letter from the Adirondack Park Agency regarding the Cuchi Project whereby Mr. Cuchi has satisfied all requirements by the Adirondack Park. Matt Ginter asked the Planning Board if they wish that he contact Mr. Cuchi to start. The Planning Board agreed.

Matt Ginter stated that he has also received a Building Permit request for a house within the Sacandaga Park Overlay District along Circle Drive, which has the potential to come before the Board during the October meeting.

Matt Ginter stated that both Yatto and Cramer Projects are complete and that Chairman Smith signed both project plats as authorized by the Planning Board during the previous meeting.

Matt Ginter stated that he has recently spoke to Brian Horton regarding his property along NYS Route 30 and CR152, whereby Mr. Horton has indicated that he will be submitting his plans to construct a restaurant on that property in the near future.

VI. OTHER BUSINESS:

Skip Taylor questioned where restaurants are allowed within the Ordinance. Matt Ginter stated that, although there is a definition of a restaurant, it is not identified within the Schedule A. Matt Ginter stated that he would interpret a restaurant to fall within the definition of retail or service establishment not listed elsewhere in Schedule A as indicated under the Commercial uses.

VII. CLOSE OF THE MEETING:

MOTION: To close the meeting at 8:20 p.m.

MADE BY: Member Anderson

SECONDED: Member Groff

VOTE: 3 in favor, 0 opposed