

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

MEETING NOTES

PRESENT:

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

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

OTHER:

**CRYSTAL AND RICHARD BRUNO
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 November 11, 2014 meeting.

MADE BY: Robert Anderson
SECONDED: James Conkling
VOTE: 5 in favor, 0 opposed

III. CRYSTAL AND RICK BRUNO BUILDING PERMIT APPLICATION:

A. Background:

The Bruno's own property along County Route 152 as follows:

1. **Tax Parcel:** 32.13-4-10 = .59+/- acres
2. **Status:** Vacant
3. **Zoning District:** Hamlet Residential/Sac. Park Neighborhood Conservation Overlay District
4. **APA:** Hamlet

The Bruno's have submitted a building permit application to construct a 24'(W) x 32'(L) single-family dwelling on their property to include the installation of an onsite residential septic system. Municipal water is proposed to be provided.

B. Planning Department Review Steps:

1. A single-family dwelling is a Permitted use within the Hamlet Residential Zoning District.
2. Article XII: Site Plan Review - all new permitted land use activities listed in Schedule A are subject to Site Plan Review except for the following uses which shall be exempt from Site Plan approval:

(b) Construction of a seasonal or four season single family dwelling and two-family dwellings and their ordinary accessory structures.
3. Article VI: Additional Development Standards (A) Sacandaga Park Neighborhood Design Standards should be followed (Outlined below).
4. SEQR - The Planning Board has discretionary authority and therefore must classify what action this project may fall under (Type I, II or Unlisted).

Part 617.5 Type II Actions (c)(9) - Construction or expansion of a single-family, two-family or three-family residence on an approved lot including the provision of necessary utility connections as provided in paragraph (11) and the installation, maintenance and/or upgrade of a drinking water well and a septic system.

PLANNING BOARD DISCUSSION: The Planning Board reviewed the background information and Planning Department review steps as outlined within the Agenda. Scott Henze stated that Item B, the Planning Department

Review Steps, identifies that the project application is a single-family dwelling and is permitted within the Hamlet-Residential Zoning District and that it is exempt from Site Plan Review due to the fact that it is the construction of a seasonal or 4-season single-family dwelling. Scott Henze stated that, as per the State Environmental Quality Review (SEQR) Regulations, it is considered a Type II Action due to the fact that it is the construction of a single-family residential building. He stated that since it is considered as a Type II action, no further SEQR review is required. There were no comments from the Planning Board.

Below is a general outline of steps for the Planning Board to follow to review the Building Permit Application Review Process per Article VI: Additional Development Standards (A) Sacandaga Park Neighborhood Design Standards.

Sacandaga Park Neighborhood Design Standards

1. Purpose:

The purpose of the design standards of this section is to protect the unique, historic character of the Sacandaga Park neighborhood.

2. Applicability:

The building design standards of this section shall apply to the construction of new principal buildings located within the Sacandaga Park Neighborhood Conservation Overlay District.

3. Site Plan Review Application Process:

For all new construction located within the Sacandaga Park Neighborhood Overlay District requiring Site Plan Review as provided in Article XII of this Law, the Planning Board shall apply the design standards of Subsection 5 of this Section to the project under review as applicable (*This application does not require a full Site Plan Review as indicated in B 2 above*).

4. Building Permit Application Review Process:

(a) The Planning Board shall review and approve building permit applications for all proposed new construction within the Sacandaga Park Neighborhood Conservation Overlay District.

(b) Upon receipt of a complete building permit application for a property within the Sacandaga Park Conservation Overlay District, the Code

Enforcement Officer shall refer the building permit application to the Planning Board for action.

(c) Within 62 days of referral from the Code Enforcement Officer, the Planning Board shall approve, disapprove or approve with modification the building permit application.

5. New construction of principal buildings:

(a) The Planning Board, in its review of new construction projects within the Sacandaga Park Neighborhood Conservation Overlay District, shall reflect the goals of the Town of Northampton Comprehensive Plan with regard to protecting the character of the Sacandaga Park neighborhood.

(b) All new infill construction of principal buildings within the Sacandaga Park Neighborhood Conservation Overlay District shall be in keeping with the historic architectural style and scale of the adjacent Sacandaga Park neighborhood. At a minimum, the following design standards shall apply to the construction of all new principal buildings, including the reconstruction of a building demolished or destroyed by fire or other means:

- (1) All structures shall be of wood-frame type construction.
- (2) All structures shall be 1.5 or 2 stories in height.
- (3) All main roofs shall be hip or gable-style or otherwise consistent with surrounding principal buildings.

PLANNING BOARD DISCUSSION: The Planning Board reviewed the Sacandaga Park Neighborhood Design Standards as outlined within the Agenda. Member Naple questioned whether or not there was a minimum lot size requirement within the Hamlet-Residential area?

Matt Ginter stated that the Hamlet-Residential Zone requires 5,000 sq. ft. with public water and sewage and 20,000 sq. ft. without. Matt Ginter stated that this particular lot meets the area requirement.

Matt Ginter stated that the Brunos came before the Planning Board in the past for a lot line adjustment whereby the line was moved previously for the construction of the first single-family residential property that the Brunos applied for. Matt Ginter stated that this particular lot in question is a standalone lot and complies with all of the area requirements.

Matt Ginter stated that his interpretation of the proposed single-family residential dwelling is that it is in compliance with the 1.5 stories and

height as required within the Sacandaga Park Neighborhood Conservation Overlay District Design Standards due to the fact that it has a walkout basement.

Planning Board members discussed the previous single-family residential property that the Bruno's applied for. The Planning Board understood at the time of the previous application that the Brunos were building the single-family residence to be used as their summer home. However, the Planning Board determined that the Bruno's had rented the single-family residence seasonally. The Planning Board also identified and discussed the existing brick house that the Brunos purchased which is also being rented on a seasonal basis.

Chairman Smith asked Mrs. Bruno what their intentions were for this particular application.

Rick Bruno indicated that their intent is to move into this house as their summer home and, hopefully, at some point, move into it permanently in the future. Mr. Bruno stated that they do rent the brick house and another single-family residence that they own within the Sacandaga Park and it will be much easier to maintain those properties if he and Mrs. Bruno lived in the single-family home that they are proposing to construct at this time.

Member Conkling asked the Brunos why they are not proposing to live in this house right now. Mrs. Bruno stated that they have two (2) younger kids that are settled in their school district and they are waiting until they are finished with school to move up into this particular single-family residential home.

Member Naple asked Matt Ginter how he would define half a story? Matt Ginter stated that he would consider half a story as a loft area.

Mr. Bruno stated that he and Mrs. Bruno were attracted to the Sacandaga Park area due to the Lake. Mr. Bruno stated that he understands that the Town of Northampton relies on tourism and the rental properties that he has purchased and constructed provide accommodations for people to stay whereby spending money in the local economy. Mr. Bruno stated that he has had several requests from people who have relatives that live in the Town and Village area that are looking to rent a place such as theirs.

The Planning Board identified that one of the property lines of the project property is shared with the Hudson River Black River Regulating District. Chairman Smith questioned what the setback was from the Hudson River Black River Regulating District's high water mark?

Matt Ginter stated that he does not know where the high water mark is located. However, it would be a simple setback measurement using a long measuring tape.

Matt Ginter stated that John King (NYS Licensed Engineer) has provided a septic design and feels that he will be able to construct the septic system in a location that is a minimum of 100' from the intermittent stream on the property.

Member Naple questioned if the applicants had provided any correspondence to the Adirondack Park Agency (APA)?

Matt Ginter stated that the applicant provided a jurisdictional inquiry form that is included within each Planning Member's packet. Matt Ginter stated that the APA did not indicate that they would require a perk test of the site. Matt Ginter stated that he believes that the applicants would be able to maintain the 100' separation distance from the intermittent stream for all construction purposes.

Jim Conkling asked how the Planning Board would be able to verify this.

Matt Ginter stated that he will monitor the construction activities and make sure that the setback is maintained.

Matt Ginter stated that John King provided a topographic analysis whereby the topography started from the proposed well casing.

Member Naple questioned whether or not there were any other wells in the area where this construction would infringe upon?

Matt Ginter stated that the engineer would have identified well casings within the area. Matt Ginter stated that he believes that all separation distances have been met.

Member Anderson asked Matt Ginter if he knew what the separation distances were from the lakeside residential properties' wells?

Matt Ginter stated that, to his understanding, all of the lakeside residential properties are on the Sacandaga Park's municipal water system. Matt Ginter stated if, however, there was a particular property not on the Sacandaga Park's municipal water supply system, they would be well beyond the 100' buffer requirement.

Member Naple questioned whether or not municipal sewer was available for this particular site?

Matt Ginter stated that the municipal sewer is not available to the site.

Member Anderson asked Matt Ginter whether or not this was the applicants' primary residence?

Matt Ginter stated that they have requested a building permit from the Town of Northampton to construct a single family residential building on a standalone lot.

Chairman Smith asked the Brunos if they were renting the previously-applied for single-family residential property as well as the brick house that they purchased.

Mrs. Bruno stated that the brick property and the previously-applied for single-family residence are being rented. However, this particular single-family residence being applied for now will be the Brunos' second home.

MOTION: To accept Crystal and Rick Bruno's building permit application for a single-family residence on parcel 32.13-4-10 located within the Hamlet-Residential Zoning District and within the Sacandaga Park Neighborhood Conservation Overlay District and to approve said application.

MADE BY: Member Conkling
SECONDED: Member Groff

		<u>Yay</u>	<u>Nay</u>	<u>Abstain</u>
VOTE:	Member Conkling	X		
	Member Groff	X		
	Chairman Smith	X		
	Member Anderson			X

IV. CODE ENFORCEMENT REPORT:

DISCUSSION: Matt Ginter stated that he has received the final Scunziano subdivision maps that need to be stamped by the Chairman.

Matt Ginter provided the Planning Board members with Mr. Cucci's application for a permitted temporary use requiring a Zoning Permit. Matt Ginter stated that this application was before the Planning Board a year or so ago or better and Mr. Cucci is now re-applying to the Planning Board. Matt Ginter provided a brief update as to the background of the previous Cucci application to include the Adirondack Park Agency requirements that Mr. Cucci had to follow. Matt Ginter stated that Mr. Cucci is eager to resolve this application with the Town and would like to be included on the January meeting.

Planning Board members discussed the previous Cucci application in general to refresh their memories. Planning Board members identified that during the previous Cucci application, the definition of what an undeveloped lot became a topic of discussion. Planning Board members requested Scott Henze to provide a legal opinion from Cathi Radner as to what the intent of the definition of an undeveloped lot is.

Matt Ginter provided an update to the Planning Board members regarding the lot line amendment application of a particular single-family residential property adjacent to the Sacandaga Golf Course. Matt Ginter stated that Town Attorney, Cathi Radner, provided a legal opinion whereby she determined that, due to adverse possession, the single-family residential property lot line should be moved to encompass the entire building. Matt Ginter stated that Cathi Radner ruled that the Golf Course Zoning District line would then move to correspond to said lot line adjustment.

V. OTHER BUSINESS:

DISCUSSION: Skip Taylor questioned where the proposed zoning amendments stood that the Planning Board and Town Board met to discuss during a previous meeting.

Scott Henze stated that he is finalizing those proposed amendments in order for those proposed amendments to correspond to language within the current Zoning Ordinance.

Skip Taylor expressed his concerns regarding reducing the notification of adjacent property owner requirements from 500' to a lesser amount. Skip Taylor stated that his reason for not being in favor of reducing the notification is because if more people are involved on the ground level regarding a particular project, the more that those adjacent property owners will understand what is going on. Skip Taylor stated that he hopes that there is no action taken by the Town Board without a Public Hearing being held when the Town's seasonal residents are around to voice their opinion. Skip Taylor stated that a second reason for his concerns is due to the fact that the more people understand what government is doing and to see what government does, it is better for everyone.

VI. CLOSE OF THE MEETING:

MOTION: To close the meeting at 8:15 p.m.

MADE BY: Member Conkling

SECONDED: Member Naple

VOTE: 5 in favor, 0 opposed