

**TOWN OF NORTHAMPTON PLANNING BOARD  
JANUARY 13, 2015  
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.**

**OTHERS:**

**MR. AND MRS. CUCCHI  
KASTNER REPRESENTATIVES**

**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 December 9, 2014 meeting.

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

**III. RHONDA & MELISSA CUCCHI TEMPORARY USE PERMIT:**

A. Background:

Rhonda & Melissa Cucchi own a .25+/- acre parcel 17.2-1-1 (201) along NYS Route 30. Arthur & Michal Reed are 50% owners of the same parcel.

Property is located within the Rural Residential 1 Zoning District and located within the APA Rural Use land use area.

Prior to 2013, parcel 17.2-1-1 (201) was a vacant parcel. In the spring of 2013, the following work/improvements commenced:

1. Excavation work to create an access drive from NYS Route 30 to both parcels (17.2-1-1 & 17.2-1-2). Work affected lands owned by NYS DEC.
2. Installation of a septic holding tank on parcel 17.2-1-2.
3. Installation of water supply line on 17.2-1-2.
4. Installation of a septic line on parcel 17.2-1-1 leading to septic holding tank on parcel 17.2-1-2.
5. Construction of a deck on parcel 17.2-1-1.
6. Recreational Vehicle (RV) parked on parcel 17.2-1-1.

All initial improvements/work were performed without a building or zoning permit.

On August 28, 2013, the applicant requested an area variance from the ZBA for setbacks dealing with the RV and deck on parcel 17.2-1-1. The ZBA was presented with a letter from a neighboring property owner voicing concerns regarding the variance.

The ZBA took no action on the area variance and directed the applicant to the Planning Board for a Permitted Temporary Use Requiring a Zoning Permit under Article X (C) of the Zoning Ordinance.

On August 29, 2013 Rhonda Cucchi submitted an application for a Temporary Use Permit for an RV on parcel 17.2-1-1.

The Planning Board denied issuing a Temporary Use Permit during the September 11 and October 9, 2013 meetings. The Planning Board denied issuing a Temporary Use Permit.

Since the October 9, 2013 meeting, Mr. Cucchi has been working with the NYS APA to resolve issues. See APA correspondence dated:

1. September 3, 2014
2. October 10, 2014

### 3. February 24, 2014

Peter and Rhonda Cucchi are now requesting that the Planning Board entertain issuing a Temporary Use Permit for the 2015 season. See Cucchi letter dated April 25, 2014.

DISCUSSION: Planning Board members reviewed the background information as provided within the Agenda. Chairman Smith asked Matt Ginter ,CEO, to summarize the latest APA correspondence that has been provided to Planning Board members.

Matt Ginter stated that the latest correspondence from the Adirondack Park Agency indicates that Mr. Cucchi has fulfilled all of their requirements to date.

Chairman Smith asked Matt Ginter whether or not Mr. Cucchi had removed the decks and landings. Matt Ginter stated that Mr. Cucchi has performed those removals.

Chairman Smith asked Matt Ginter whether or not Mr. Cucchi had disconnected the septic system that was connected to an adjacent property. Matt Ginter stated that Mr. Cucchi has in fact disconnected the septic system.

Chairman Smith asked Matt Ginter where Mr. Cucchi's water source was coming from as at one time it was coming from an adjacent property. Matt Ginter stated that, to date, Mr. Cucchi is still being provided water from the adjacent property owner.

Member Anderson asked Matt Ginter whether or not the mound of earth/material was still on the Hudson River property. Matt Ginter stated that that material has been removed.

Matt Ginter noted that as part of the Adirondack Park Agency requirements, the APA is requiring Mr. Cucchi to register the trailer yearly. However, the APA did not indicate that the trailer must be inspected.

Planning Board members discussed how Mr. Cucchi could register the trailer and that he should also have it inspected due to the fact that he will have to remove the trailer from the site after the temporary use permit expires. Planning Board members discussed the intent of a temporary use permit as well as the intent of an undeveloped lot.

Matt Ginter stated that Mr. Cucchi is more conforming now than he was prior due to the mitigation efforts that he has made by removing the decks, septic line and earth material.

B. Planning Department Review:

The Fulton County Planning Department has reviewed Article X (C) Permitted Temporary Uses Requiring a Zoning Permit within the Town's Zoning Ordinance. Below is a general outline of steps for the Planning Board to follow to review the application.

**START OF PERMITTED TEMPORARY USE PROCEDURE**

Subject to the specific regulations and time limits that follow, and to the other applicable regulations of the district in which the use is permitted, the following temporary uses of land are permitted following the issuance of a Temporary Use Permit:

1. Recreational Vehicles on Undeveloped Lots

*RECREATIONAL VEHICLE (RV): Any portable vehicle or structure which is designed to be self propelled or permanently towable on its own wheels (sometimes referred to as a "fifth-wheel" or "tow-behind"); which is designed and intended to be used for temporary living quarters for travel, recreational or vacation purposes.*

*UNDEVELOPED LOT: Land that is generally in its natural state before development. For purposes of this definition, some clearing of natural vegetation may have occurred on an undeveloped lot.*

(a) Notwithstanding the Town's "Ordinance for the Regulation of Mobile Homes and Mobile Home Parks and Travel Trailers and Trailer Camps", a recreational vehicle (RV), as defined by this Law in Article XVI, Definitions and meeting the requirements of this Section C, may be used for recreational or temporary housing purposes on an undeveloped lot unless it is located within the boundary of the Sacandaga Park Neighborhood Conservation Overlay District.

(b) A limit of one (1) recreational vehicle shall be permitted on an undeveloped lot for a period of up to 90 days within a calendar year, except that no recreational vehicle shall be permitted on an undeveloped lot within the boundary of the Sacandaga Park Neighborhood Conservation Overlay District.

(c) A Temporary Use Permit for the temporary use of a recreational vehicle as described in this section shall be issued by the Planning

Board. In considering a Temporary Use Permit application, the Planning Board may take into consideration the following:

- (1) Location of the lot and the recreational vehicle in relation to adjacent lots.
- (2) Access to electrical connections or use of a generator.
- (3) Method of waste disposal.
- (4) Input from adjacent land owners.

### C. State Environmental Quality Review

Background:

- On September 9, 2014 the Planning Board classified the action as an Unlisted Action under SEQR and proposed to act as the lead agency to perform a Coordinated Review of the proposed action with the following Agencies:
  1. NYS Department of Transportation.
  2. NYS Department of Environmental Conservation.
  3. NYS Adirondack Park Agency.
- NYS APA and NYS DEC responded to the request and agreed that the Town of Northampton Planning Board act as the Lead Agency.
- The Fulton County Planning Department recommends that the Planning Board complete SEQR at this time.

DISCUSSION: Planning Board members reviewed the start of permitted temporary use procedure as outlined within the Agenda, as well as the State Environmental Quality Review background. Planning Board members understood that the initial request for a temporary use permit was delayed due to the fact that the APA took actions towards Mr. Cucchi since Mr. Cucchi failed to file a jurisdictional inquiry form with the APA.

MOTION: To declare the Planning Board as the Lead Agency and to issue a Negative Declaration for the proposed Rhonda and Peter Cucchi Temporary Use Permit and to authorize the Fulton County Planning Department to complete Part III of the Environmental Assessment Form (EAF) and to authorize the Chairman to sign Part III of the EAF.

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

DISCUSSION: Member Conkling asked Mr. Cucchi where the recreational vehicle is currently. Mr. Cucchi stated that it is in storage.

Chairman Smith asked Member Conkling to clarify his question regarding its location. Member Conkling asked Mr. Cucchi whether or not the recreational vehicle was in storage on the particular property in question? Mr. Cucchi stated that it was on the property and fully wrapped and winterized.

Member Anderson asked Mr. Cucchi if the recreational vehicle is inspected? Mr. Cucchi stated that he does not know whether or not the inspection is current.

Chairman asked Mr. Cucchi what 90 day period of time he wished to obtain the Temporary Use Permit? Mr. Cucchi stated that he would like the Permit during the summer months and that they do not use the recreational vehicle during the winter.

Member Conkling stated that he does not know how the Planning Board can approve the Permitted Temporary Use Permit due to the fact that the applicant does not intend to remove the recreational vehicle offsite at any point during the year.

Chairman Smith stated, however, the Planning Board could approve the Permitted Temporary Use Permit with stipulations. Chairman Smith stated that one stipulation would be that Mr. Cucchi must have the recreational vehicle inspected each year. He stated that a second stipulation would be that once the 90 day Temporary Use Permit expired, Mr. Cucchi would have to remove the recreational vehicle from the premises which is intent of the Permitted Temporary Use for a Recreational Vehicle on an undeveloped lot.

Upon further discussion, the consensus of the Planning Board was that the Planning Board could approve the Permitted Temporary Use Permit for Mr. Cucchi with those stipulations and that if Mr. Cucchi did not chose to follow the permit requirements than the issue would become a Code Enforcement Issue.

MOTION: To approve a Permitted Temporary Use Permit as per Article X (C) Permitted Temporary Uses Requiring a Zoning Permit to Peter and Rhonda Cucchi on property they own identified as 17.2-1-1 and having the following requirements:

1. To issue the Permitted Temporary Use for a Recreational Vehicle during the months of June, July and August not exceed 90 days in 2015.

2. That the recreational vehicle must be inspected prior to June 1, 2015.
3. That the recreational vehicle must be removed from the premises at the end of the 90-day period and shall not be stored on the property.
4. The applicant must comply with all requirements of the Adirondack Park Agency.

MADE BY: Member Anderson  
SECONDED: Member Conkling  
VOTE: 3 in favor, 0 opposed, 1 abstained (Member Groff)

### **III. KASTNER LOT LINE ADJUSTMENT REQUEST:**

#### **A. Background:**

The applicant is proposing a lot line adjustment to SBL# 31.4-7-6.11 as identified on the survey map provided by Ferguson & Foss Professional Land Surveyors, PC dated July 14, 2014 and revised on November 6, 2014.

The property is located within the Town's Medium Density Residential Zoning District.

The property is located within the APA Hamlet Land Classification area.

The applicant has provided the following:

1. Application for a Lot Line Adjustment
2. Subdivision Waiver
3. Administrators Deed
4. Owner Authorization Forms
5. Proposed Description
6. Part 1 Short EAF
7. Letter from Cathi Radner of Miller, Mannix, Schachner & Hafner, LLC dated September 24, 2014.
8. Survey map dated July 14, 2014 and revised November 6, 2014.

#### **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: Planning Board members reviewed the background information, as well as the start of lot line adjustment procedure within the Agenda. Member Smith asked Planning Board members whether or not they feel that the applicant has meet the criteria for a lot line adjustment rather than a subdivision?

The consensus of the Planning Board was that the applicant does meet the requirements of a lot line adjustment.

## 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 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: Planning Board members reviewed the submission requirements as outlined within the Agenda. Chairman Smith asked the Planning Board whether or not they feel that the submitted materials meet the requirements as outlined within the Agenda?

The consensus of the Planning Board was that they do.

### 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 subdivision 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: Planning Board members reviewed the State Environmental Quality Review information as outlined within the Agenda and moved to the motion. Chairman Smith read the motion as outlined within the Agenda. The motion was endorsed and made by Member Conkling.

MOTION: To classify the action as an Unlisted Action under SEQR and to designate that the Planning Board act as the Lead Agency to perform an Uncoordinated Review of the proposed action and to authorize the Fulton County Planning Department to prepare Part II and III on the Boards behalf.

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

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

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

#### 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: Chairman Smith asked Matt Ginter to provide a quick background as to the lot line adjustment request and whether or not the request meets all of the setback requirements within the Medium Density Residential Zone?

Matt Ginter submitted a prepared written statement dated January 13, 2015 clarifying his interpretation of the Zoning Code for this lot line adjustment request.

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 Conkling  
SECONDED: Member Anderson  
VOTE: 4 in favor, 0 opposed

#### **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 asked to meet with the Planning Board to discuss the proposed Zoning Amendments which occurred during the Planning Boards regularly scheduled meeting on September 9, 2014.
- See handout

DISCUSSION: Scott Henze stated that, during the September 9, 2014 meeting, the Planning Board met with the Town Board to discuss the proposed amendments that the Planning Board and Zoning Board of Appeals had been working on. Scott Henze stated that during that meeting he was asked to finalize the amendments in order for them to be adopted by the Town Board.

Scott Henze stated that upon reviewing the minutes to the September 9, 2014 meeting, Town Board members did not come to a consensus on how they wished to proceed. Scott Henze stated that he has drafted the proposed amendments in such a way that they could be adopted. Scott Henze stated that he would like to review the amendments again with the Planning Board to make sure that they are accurate.

Chairman Smith asked what the process would be once the Planning Board determines that the proposed amendments are accurate? Scott Henze stated that he would advise the Planning Board to authorize him to draft a letter to the Town Board with the proposed amendments requesting that the amendments be considered for adoption. Scott Henze stated that, under section XV Amendments of the Zoning Code it outlines the steps and process for which the Town Board must follow in order to amend the Zoning Ordinance.

The Planning Board reviewed the entire amendment document and provided clarification. The Planning Board determined that the Amendments were final.

#### **V. CODE ENFORCEMENT REPORT:**

Matt Ginter stated that he has received an APA minor project of completed application notice for project 2014-228 regarding a 2-lot subdivision involving wetlands owned by Walt Mosher and that the majority of the property is located in the Town of Edinburg, Saratoga County. Matt Ginter stated that the Town and Planning Board are receiving this notice due to the fact that part of the property is located within the Town of Northampton. However, the 2-lot subdivision is actually in the Town of Edinburg.

Matt Ginter stated that he has received an application for a lot line adjustment from Willem Monster. Matt Ginter stated, unfortunately, though, Mr. Monster did not submit a plot plan as required signed by a licensed land surveyor. Matt Ginter informed the Planning Board that he will contact Willem Monster to make sure that he provides this.

#### **VI. OTHER BUSINESS:**

Matt Ginter informed the Board that Supervisor Groff has urged the Planning Board to try to resolve application issues as a board and to come to a consensus amongst members regarding issues that they face when reviewing projects. Matt Ginter stated that, in 2014, the Town of Northampton's Attorney fees exceeded \$17,000. Matt Ginter identified that several of the fees were from the Planning Board's use of the Town Attorney during the Adirondack Escape Project. Matt Ginter stated that several of the Adirondack Escape attorney fees were for \$85 for half hour increments. Matt Ginter stated

that every time he contacts the Town Attorney for an opinion, he is charged as well as via e-mail.

**VII. CLOSE OF MEETING:**

MOTION: To close the meeting at 8:50 p.m.

MADE BY: Member Anderson

SECONDED: Member Groff

VOTE: 4 in favor, 0 opposed