

**TOWN OF NORTHAMPTON PLANNING BOARD  
SEPTEMBER 8, 2015  
7:00 P.M.  
TOWN HALL**

**MEETING NOTES**

**PRESENT:**

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

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

**OTHER:**

**BRIAN HORTON**

**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 11, 2015 meeting.

MADE BY: Member Anderson

SECONDED: Member Groff

VOTE: 4 in favor, 0 opposed

III. **CONCEPTUAL SKETCH PLAN CONFERENCE - "THE NEW VILLAGE RESTURANT" - BRIAN HORTON:**

A. Background: \* See GIS location map provided by Fulton County Planning Department.

- Mr. Horton is proposing to construct a 3,496sf restaurant building that will include indoor and outdoor seating.
- Mr. Horton owns two (2) lots totaling 2.7+/- acres at the corner of NYS Route 30 and CoHwy 152. These lots are comprised of the following:
  - SBL# 31.4-6-1 =
  - SBL# 31.4-6-2 =
- The property is currently vacant with one (1) access onto NYS Route 30 and one (1) access onto CoHwy 152.
- Zoning District = Hamlet Mixed Use - 1 acre min required.
- APA Land Use Area = Moderate Intensity - 1.28 acres per principal building.

DISCUSSION: Chairman Smith reviewed the background information as outlined within the Agenda. Scott Henze stated that he has outlined within the Agenda the various steps required under the Site Plan review regulations. Scott Henze stated that this is the first Site Plan review that the Planning Board has entertained to date. Scott Henze stated that he provided a GIS map illustrating the applicant's two (2) properties.

Chairman Smith asked Matt Ginter, Code Enforcement Officer, if the application meets all of the required setbacks and area requirements. Matt Ginter indicated that, to date, all requirements are being met. Chairman Smith asked members of the Planning Board if there was any further discussion on the background information provided within the Agenda. There was no further discussion.

B. Documentation Submitted/Other:

The applicant submitted the following other materials:

1. Site Plan Map dated August 6, 2015 prepared by Ferguson & Foss Professional Land Surveyors, PC.
2. Preliminary Building Elevation drawing prepared by Theodore N. Kondoprias, Architect, dated June 15, 2015.

3. Warranty Deed with Lien Covenant for both

parcels.

DISCUSSION: Chairman Smith reviewed the documentation submitted and other items as outlined within the Agenda. It was noted that there were two (2) deeds submitted. Chairman Smith asked whether or not the two (2) existing parcels would have to be combined into one (1) parcel prior to the Planning Board acting on said Site Plan. Matt Ginter stated that the two (2) parcels would need to be combined into one (1) prior to the Planning Board having the ability to approve the Site Plan.

Scott Henze stated that this process could follow along with the Site Plan Review process. Scott Henze stated that the Planning Board could place a condition upon the Site Plan indicating that the two (2) properties must be combined into one (1).

C. Site Plan Review Procedures:

1. Application for Site Plan approval shall be made to the Planning Board using forms supplied by and delivered to the Code Enforcement Officer in the manner prescribed in Subsection 6 below.
2. Prior to formal submission of a detailed site plan, there shall be a **conceptual sketch plan conference** with the Planning Board to review the basic site design concept, provide the applicant with constructive suggestions, and generally, to determine the information to be required in order to have a complete application. At the sketch plan conference, the applicant should provide the data discussed below in addition to a statement or rough sketch describing what is proposed:
  - (a) Name and address of applicant and authorization of owner, if different from applicant. *(Comply) (Provided) (Waived)*
  - (b) Name and address of owner(s) of record, if different from applicant. *(Comply) (Provided) (Waived)*
  - (c) Name and address of person or firm preparing the plan and map. *(Comply) (Provided) (Waived)*
  - (d) The zoning district(s) in which the proposed land use activity is located. *(Comply) (Provided) (Waived)*
  - (e) The Adirondack Park Agency land classification(s) for the proposed land use activity. *(Comply) (Provided) (Waived)*

- (f) An area map at an appropriate scale showing the parcel under consideration for site plan review, and all properties, subdivisions, streets and easements within 500 feet of the boundaries of the parcel under consideration.  
*(Comply) (Provided) (Waived)*
- (g) A map of site topography at no more than 2 foot contour intervals. If general site grades exceed 5% or portions of the site have susceptibility to erosion, flooding or ponding, a soil's overlay on the topographic map is recommended. *(Comply) (Provided) (Waived)*
- (h) All existing structures, wooded areas, streams and other significant physical features, with the portion to be subdivided.  
*(Comply) (Provided) (Waived)*
- (i) All the utilities available and all streets which are either proposed, mapped or built. *(Comply) (Provided) (Waived)*
- (j) An aerial photograph at an appropriate scale showing the parcel under consideration for Site Plan review and all properties within 500 feet of the boundaries of the parcel under consideration. *(Comply) (Provided) (Waived)*
- (k) A copy of the Adirondack Park Agency response to either a Jurisdiction Inquiry Form or permit application (as applicable).  
*(Comply) (Provided) (Waived)*

DISCUSSION: Chairman Smith asked Brian Horton whether or not there will be a revision to the draft Site Plan map illustrating the APA wetlands that have been identified on the site? Brian Horton stated that he has contacted the Adirondack Park Agency to return to the site in order to identify the wetland limits. Brian Horton indicated that once the APA does this, he will have Chris Foss come back and complete the survey locating the wetland boundary on the Site Plan map. Chairman Smith asked Brian Horton whether or not he anticipates that the wetland delineation will change? Brian Horton stated that he has taken photographs of the wetland areas when Mr. Coffee was proposing his storage units on the site. Brian Horton indicated that he has been in touch with the Adirondack Park Agency requesting that they come to the site. However, he was informed that the Adirondack Park Agency would need to see his survey drawing and other information prior to them making a site visit. Brian Horton indicated that, often times, the lot becomes wet due to the runoff coming from Mountain Road.

Member Naples asked Brian Horton whether or not he would consider

doing some drainage work to divert the runoff away from the site. Brian Horton indicated that if the APA would allow for this then he would consider doing drainage work. Member Naples asked whether or not anyone knew if the State had hydrologists that could do an analysis of the water source to verify that it was in fact coming off of County Highway 123 or Mountain Road. Chairman Smith asked Matt Ginter whether or not he knew of any additional items that would be required at this time. Matt Ginter indicated that the applicant will need to comply with signage requirements and where they are located, as well as identifying the exact number of parking spaces and amount of impervious surfaces on the site. Matt Ginter indicated that the applicant is proposing to eliminate the entrance off of NYS Route 30 and only allow for one (1) entrance that currently exists off of County Highway 152. Matt Ginter indicated that the applicant will need to delineate the parking lot areas as well as identify where the loading dock will be. Member Naples questioned the façade length facing NYS Route 30. Member Naples stated that he believes that there are also design standards for commercial buildings within the Town. The Planning Board reviewed the non-residential and multi-building design standards as per Article 6 titled “Additional Development Standards.” It was noted that there are general building design standards to include building materials and building orientation and entrances. Upon further discussion, the Planning Board agreed that the applicant should be made aware of these non-residential and multi-family building design standards prior to the final submission of a Site Plan.

3. The Code Enforcement Officer or the Planning Board may request additional information including any of the items listed in Subsection 8 below. The Code Enforcement Officer and the Planning Board are not limited to this list and may request any additional information it deems necessary or appropriate. In determining the amount of information it will require, the Code Enforcement Officer or the Planning Board will consider the type of use, its location, and the size and potential impact of the project.

DISCUSSION: Chairman Smith asked Matt Ginter whether or not there was any additional information that the Planning Board will need to consider. Matt Ginter reiterated a statement in the above via his previous discussion regarding the number of parking spaces and the amount of impervious surfaces, as well as signage issues.

4. The Planning Board may require that any plans submitted as part of a Site Plan application be stamped by a New York State licensed land surveyor, engineer, architect, landscape architect or other appropriate licensed professional as applicable. *(Comply) (Provided) (Waived)*

DISCUSSION: The Planning Board agreed that the applicant will need to have his Site Plan application stamped by a NYS licensed land surveyor.

5. The Planning Board may request that conceptual elevation drawings of proposed structures be included in the Site Plan application. *(Comply) (Provided) (Waived)*

DISCUSSION: The Planning Board reviewed the conceptual elevation drawings provided by the applicant. The Planning Board agreed that this type of elevation drawing is satisfactory.

6. After the conceptual Sketch Plan Review with the Planning Board, the applicant shall provide a minimum of 7 copies of the application for Site Plan review to the Code Enforcement Officer accompanied by information drawn from the checklist in Subsection 7 below and Subsections 4 and 5 above, as determined necessary by the Planning Board at the sketch plan conference. Where applicable, site plan drawings and plans shall be submitted in a large scale format of 22" x 34" or greater and shall also be submitted electronically in GIS or CAD format. In addition to the Site Plan drawings, the applicant shall submit:

- (a) A long-form Environmental Assessment Form or Draft Environmental Impact Statement (DEIS).
- (b) The Site Plan application fee, as established by the Town Board and any required escrow deposit for review costs, as required by the Planning Board.

DISCUSSION: None

7. Site plan checklist:

The following is a list of required information to be included in all Site Plan applications.

- (a) Title of drawing, including name and address of applicant and person responsible for preparation of such drawing. *(Comply) (Provided) (Waived)*

- (b) North arrow, scale and date. *(Comply) (Provided) (Waived)*
- (c) Boundaries of the property plotted to scale by a New York State licensed land surveyor. *(Comply) (Provided) (Waived)*
- (d) Existing watercourses, wetlands and floodplains. *(Comply) (Provided) (Waived)*
- (e) Grading and drainage plan, showing existing and proposed contours. *(Comply) (Provided) (Waived)*
- (f) Location, design, type of construction, proposed use and exterior dimensions of all buildings. *(Comply) (Provided) (Waived)*
- (g) Location, design and construction materials of all parking and truck-loading areas, showing access and egress. *(Comply) (Provided) (Waived)*
- (h) Provision for pedestrian access including sidewalks and street furniture. *(Comply) (Provided) (Waived)*
- (i) Location of any outdoor storage, loading areas, and/or dumpsters. *(Comply) (Provided) (Waived)*
- (j) Location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences. *(Comply) (Provided) (Waived)*
- (k) Stamped plans describing the method of sewage disposal and location, design and construction materials of such facilities. *(Comply) (Provided) (Waived)*
- (l) Description of the method of securing potable water and the location, design and construction materials of the facility that will supply that water. *(Comply) (Provided) (Waived)*
- (m) Location of fire and other emergency zones, including the location of fire hydrants. *(Comply) (Provided) (Waived)*
- (n) Location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy. *(Comply) (Provided) (Waived)*
- (o) Location, size and design and construction materials of all proposed signs. *(Comply) (Provided) (Waived)*
- (p) Location and proposed development of all buffer areas,

including existing vegetative cover. (Comply) (Provided) (Waived)

- (q) Location and design of outdoor lighting facilities. (Comply) (Provided) (Waived)
- (r) Designation of the amount of building area proposed for retail sales or similar commercial activity. (Comply) (Provided) (Waived)
- (s) General landscaping plan and planting schedule. (Comply) (Provided) (Waived)
- (t) An estimated project construction schedule and phasing sequences. (Comply) (Provided) (Waived)
- (u) A description and illustration (if available) of any anticipated future expansion plans. (Comply) (Provided) (Waived)
- (v) Record of application for and approval status of all necessary permits from state, federal and county officials. (Comply) (Provided) (Waived)
- (w) Identification of any federal, state or county permits required for the project's execution. (Comply) (Provided) (Waived)
- (x) Other elements to the proposed development as considered necessary by the Planning Board, including, within reason, engineering plans to illustrate grading plan, public or private utilities systems and such other supporting data as may be necessary.

DISCUSSION: The Planning Board reviewed all Site Plan checklist items with the applicant. The following Site Plan checklist items were waived by the Planning Board:

- (e) Grading and drainage plan, showing existing and proposed contours.

The Planning Board felt as though the site currently does not have significant grading or contour issues. The Planning Board agreed that the proposed development would also not create any significant grading issues.

- (h) Provision for pedestrian access including sidewalks and street furniture.

The Planning Board waived this item due to the fact that there are

no existing sidewalks in the area.

- (m) Location of fire and other emergency zones, including the location of fire hydrants.

The Planning Board waived this requirement given the fact that the Town would not require or install a fire hydrant on the site and that there is a significant amount of space to include pedestrian and vehicular space for emergency zones.

- (u) A description and illustration (if available) of any anticipated future expansion plans.

The Planning Board agreed to waive this requirement based upon the discussion with the applicant. Planning Board members asked the applicant whether or not he believes that he would entertain an expansion in the future. The applicant indicated that he would not be expanding in the foreseeable future. Chairman Smith stated that if, at some point, the project will be expanded, the project owner would need to come back before the Planning Board for a Site Plan amendment.

- 8. Additional Requirements. In addition to the above, the Planning Board may require the applicant to submit additional information to aid in rendering a decision. Additional information may include, but is not limited to:

- (a) Traffic study to show the impact of the project on existing traffic patterns. *(Comply) (Provided) (Waived)*
- (b) On-site testing for water quantity and/or quality. *(Comply) (Provided) (Waived)*
- (c) Preparation of a Visual Impact Assessment (VIA) for the project using as guidance New York State Department of Environmental Conservation's Visual Policy, "Assessing and Mitigating Visual Impacts, DEP-00-2" as part of compliance with the State Environmental Quality Review Act (SEQRA). *(Comply) (Provided) (Waived)*
- (d) Study to review the potential for air pollution when a use is identified as releasing possible pollutants. *(Comply) (Provided) (Waived)*
- (e) Study to indicate the project's impact on adjacent watercourses in regard to increased water runoff and/or release of effluent to

a nearby stream. *(Comply) (Provided) (Waived)*

- (f) Project's impact on existing public services such as ambulance services, fire service, hospitals, utilities and schools. *(Comply) (Provided) (Waived)*

DISCUSSION: The Planning Board reviewed all additional requirements as outlined within the Agenda and all of which were waived.

- 9. The Planning Board shall provide notification of an application for Site Plan Review to the Historic Landmark Commission of the Town of Northampton. The Landmark Commission shall have 30 days to provide written comments to the Planning Board on the application.

DISCUSSION: Chairman Smith stated that, as part of the process, the Planning Board must provide notification regarding the application to the Historic Landmark Commission of the Town of Northampton. The applicant understood that this notification would be sent.

#### D. Application for Area Variance

Where a proposed Site Plan contains one or more features which do not comply with the dimensional regulations of this Law, application may be made to the Zoning Board of Appeals for an area variance pursuant to Article XIII, Variances and Appeals of this Law without a decision or determination by the Code Enforcement Officer.

*(Comply) (Provided) (Waived)*

DISCUSSION: Chairman Smith asked Matt Ginter whether or not he believes at this time that there would any variance requirements. Matt Ginter stated that the applicant thus far has not exceeded the maximum and impervious surface for the site and the currently maintained setbacks so, at this time, he does not foresee any variances. Matt Ginter indicated that, however, if the APA were to modify the applicant's Site Plan, then there may be variances needed in the future.

#### E. SEQRA Compliance

Upon receipt of application materials it deems complete, the Planning Board shall initiate the New York State Environmental Quality Review process by either circulating the application and Environmental Assessment Form to all involved agencies (if coordinated review is undertaken) or by issuing its determination of significance within 20 days. Where the proposed action may have a significant effect on the environment, the Planning Board shall issue a positive declaration and require the submission of a Draft Environmental Impact Statement

(DEIS). No time periods for decision making in this Law shall begin to run until either acceptance of a DEIS as satisfactory pursuant to New York State Department of Environmental Conservation Regulations or the issuance of a negative declaration.

DISCUSSION:

F. Planning Board review

1. General criteria. The Planning Board's review shall include, as appropriate, but not limited to, the following criteria:
  - (a) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
  - (b) Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
  - (c) Location, arrangements, appearance and sufficiency of off-street parking and loading.
  - (d) Location, arrangement, size, design and general site compatibility of buildings as required in Article VI, Additional Site Development Standards.
  - (e) Adequacy of stormwater and drainage facilities.
  - (f) Adequacy of water supply and sewage disposal facilities.
  - (g) Adequacy of fire lanes and other emergency zones and the provisions of fire hydrants.
  - (h) Compliance with the lighting standards of Article VI (E), Lighting Standards, of this Law.
  - (i) Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation as required in Article VI (D), Landscaping and Screening standards.
  - (j) Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
  - (k) Adequacy of protection of the Town's natural resources.
  - (l) Adequacy of protection for and compatibility with any adjacent historic resources as formally recognized by the Town and the New York State and Federal Registers of Historic Places.
  - (m) Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features.

DISCUSSION: None

G. Planning Board action

1. Notices and referrals. Applications which meet the criteria of Sections 239-1 and 239-m of the New York General Municipal Law regarding referral to the County must be sent to the County Planning Board prior to the Planning Board decision. Applications that meet the criteria of Section 239-nn shall notify neighboring municipalities.

DISCUSSION: Matt Ginter stated that he would package the Site Plan materials to be sent to the County Planning Board for their Section 239-m review.

2. Public Hearings

- (a) The Planning Board may conduct a public hearing on the Site Plan. In its consideration of whether or not to conduct a public hearing, the Planning Board shall take into consideration whether the proposed development will have any of the following impacts and whether they have been adequately addressed in the proposed site plan:

- (1) Impact on adjacent properties
- (2) Visual impact from the public right-of-way and the Great Sacandaga Lake Reservoir
- (3) Traffic impact
- (4) Impact on community infrastructure
- (5) Impact on the environment
- (6) Impact on viewsheds
- (7) Impact on historic resources

- (b) Such hearing shall be held within 62 days of the date that the Planning Board determines that the application for Site Plan review is complete and shall be advertised in the Town's official newspaper or, if there is none, in a newspaper of general circulation in the Town at least 10 days before the public hearing.

DISCUSSION: The Planning Board discussed whether or not to hold a public hearing based upon the Site Plan. The Planning Board understood that this was a conceptual Site Plan meeting, however, was to provide the applicant with as much information as to what they

would require to date. Upon further discussion, the Planning Board indicated that, at this time, they cannot state that they will require a public hearing to be held on the Site Plan at this time. Bob Smith stated that once the final Site Plan submission is provided to include whatever regulation that the APA may have or jurisdiction that they may have including the jurisdictional inquiry form then the Planning Board can determine at that time if they are going to hold a public hearing or not. Scott Henze asked the applicant whether or not any of the three (3) adjacent residential land owners had issues that he knew of at this time. Brian Horton indicated that Mr. O'Brien, at one time, had issues regarding the effects of moving material on the site and had indicated that wetlands were being affected. Brian Horton stated that, other than Mr. O'Brien, he does not believe that any of the other two (2) residential property owners have any issues whatsoever.

3. Planning Board Decision

- (a) Within 62 days of the public hearing, the Planning Board shall make a decision unless the period is extended by mutual agreement between the applicant and the Planning Board.
  - (b) A copy of the decision shall be immediately filed in the Town Clerk's office and mailed to the applicant.
  - (c) If the Planning Board's decision includes a requirement that modifications be incorporated in the Site Plan, conformance with these modifications shall be considered a condition of approval. If the Site Plan is disapproved, the Planning Board may recommend further study of the Site Plan and resubmission to the Planning Board after it has been revised or redesigned.
- (a) The activity for which the Site Plan was approved shall be completed within 24 months. The Planning Board may provide an extension of up to 18 months upon an applicant's request.

DISCUSSION: None

H. Performance Guarantee

To ensure the completion of required improvements; such as but not limited to roads, landscaping, or other improvements required by the Planning Board, the applicant may be required to post performance bond(s) or other form of security pursuant to cover the full cost of the infrastructure and improvements as estimated by the Planning Board or designated Town department in accordance with the procedures provided for in Section 274-a, Subsection 7 and Section 277, Subsection 9 of New York State Town Law. A period of one (1) year (or such other period as the Planning Board may determine appropriate, not to exceed 3 years) shall be set forth in the bond within which required improvements must be completed.

*(Comply) (Provided) (Waived)*

DISCUSSION: None

END AGENDA ITEM

IV. **CLOSE OF THE MEETING:**

MOTION: To close the meeting at 8:00 p.m.

MADE BY: Member Groff  
SECONDED: Member Naples  
VOTE: 4 in favor, 0 opposed