

**TOWN OF NORTHAMPTON PLANNING BOARD
FEBRUARY 9, 2016
7:00 P.M.
TOWN HALL**

MINUTES

PRESENT:

**ROBERT SMITH, CHAIRMAN (via Facetime at 655 Luisa Lane #4 Naples FL
34104)**

**JAMES CONKLING
JACK GROFF**

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

OTHER: CHARLIE ACKERBAUER

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 10, 2015 meeting.

MADE BY: Member Conkling

SECONDED: Member Groff

VOTE: 3-0

III. MGH ESTATES LLC SUBDIVISION:

A. Background:

- MGH Estates LLC owns a 198+/- acre parcel along White Birch and Elmer Brown roads having SBL#: 61.1-3, 5.2 & 7 (Northampton) and 93.1-1-34.111 (Edinburg).

- The property is currently vacant.
- The entire property is located within the Town of Northampton's Rural Residential 1 Zoning District that requires a minimum lot area of 2 acres and total APA density of 8.5 acres per principal building. The property is within the Rural Use APA Land Classification.
- The project has received APA approval through Project Permit 2014-181 authorizing an 11-lot subdivision involving wetlands and the construction of 10 single family dwellings.

DISCUSSION: Chairman Smith asked Mr. Ackerbauer if the APA permit was filed with the Fulton County and Saratoga County Clerks offices yet? Mr. Ackerbauer stated that he has tried numerous times to file the permit in the Saratoga County Clerk's office however he has been denied due to map size requirements, non legible map issues etc. He stated that he has been back and forth with the Clerk and the APA and he believes that the issue has been resolved. He stated that the APA granted an extension to file the information until March 15, 2016.

B. Subdivision Proposal:

The applicant is seeking to subdivide a 198+/-acre property into eleven (11) lots that consist of ten (10) single family dwellings that are restricted to no more than 38 feet in height having a footprint of 3,825 s.f. or less (includes all attached porches, decks, garages and stairs) and contain no more than five (5) bedrooms. One accessory shed of no greater than 240 s.f. is also allowed. A single lot (Lot#7) will be under the jurisdiction of a proposed Homeowners Association. Lot properties are as follows:

Lot #1 - 144.53+/- acres - Single Family dwelling with dock allowed.

Lot #2 - 2.96+/- acres - Single Family dwelling (no dock allowed, utilize Lot #7).

Lot #3 - 3.37+/- acres - Single Family dwelling (no dock allowed, utilize Lot #7).

Lot #4 - 2.88+/- acres - Single Family dwelling (no dock allowed, utilize Lot#7).

Lot #5 - 4.01+/- acres - Single Family dwelling (no dock allowed, utilize Lot#7).

Lot #6 - 5.49+/- acres - Single Family dwelling (dock allowed).

Lot #7 - 3.41+/- acres - Common Lot under Homeowners Association.

Lot #8 - 4.58+/- acres - Single Family dwelling (not lakeside).

Lot #9 - 3.60+/- acres - Single Family dwelling (not lakeside).

Lot #10 - 2.00+/- acres - Single Family dwelling (not lakeside).

Lot #11 - 5.01+/- acres - Single Family dwelling (not lakeside).

DISCUSSION: No discussion.

C. Documentation Submitted/Other:

The applicant submitted the following other materials:

1. Town of Northampton Application for Subdivision form.
2. Proposed Subdivision Plat titled MGH Estates LLC dated February 10, 2015 - Revised August 28 & November 21, 2015 drawn by Charles R. Ackerbauer, PE, PLS. (Sheet 1 of 4).
3. Proposed Subdivision APA Project No. 2014-181 dated February 10, 2015 - Revised August 28 & November 21, 2015 drawn by Charles R. Ackerbauer, PE, PLS. (Sheets 2 & 3)
4. Sewage Disposal Details for MGH Estates Subdivision dated February 2015 drawn by Charles R. Ackerbauer (Sheet 4 of 4).
5. APA Major Project Public Notice Dated December 11, 2015.
6. Full EAF
7. APA Project Permit 2014-181 dated December 11, 2015.

DISCUSSION: Chairman Smith asked Mr. Ackerbauer if he could provide the Board with one final plat map that incorporates all of the information on the various (3) different plats that are within the APA project permit. Mr. Ackerbauer stated that he could.

Matt Ginter stated that he just wants to make sure that he has one (1) plat for his records and it be the same plat that is filed with the County Clerk's office.

D. Subdivision Approval Procedure

1. Pre-Application Procedure

a. Pre-Application Meeting (Required for Major Subdivision)

- For applicant and Board to discuss a subdivision concept.
- Discuss SEQR.
- To determine if subdivision is major or minor.

Based upon the information provided and the stage of the proposed subdivision by the applicant to date, does the Planning Board feel that the Pre-Application meeting can be deemed as complete?

DISCUSSION: Planning Board members agreed that Mr. Ackerbauer provided an overview of the project with the board prior to the submission to the Town. Board members agreed that the Pre-Application procedure's have been met.

b. Resource Analysis (Required for Major Subdivision)

- The required information to be included within the Resource Analysis is as follows:
 1. The proposed subdivision name or identifying title, and the words "Town of Northampton, Fulton County, New York."
 2. The name of the property owner(s) and the authorized applicant, if different from the property owner(s).
 3. Aerial map at a scale of 1" = 400' or larger, showing the location of the proposed subdivision parcel with respect to all streets and property within 1,000 feet of the applicant's parcel and superimposed with 10' contours, NYSDEC wetlands, NWI wetlands, floodplains, streams, water bodies, NYSDEC Natural Heritage Program data, and public trails.
 4. A list including general location of features known to exist on the parcel including but not limited to historic buildings, stone walls, rock outcrops, significant trees and stands of trees, potential wildlife habitats and view sheds. This list is a preliminary step in identifying existing features and is subject to modification and interpretation of the reviewing bodies.

5. Provide an 8½ x 11 soils map indicating if Prime and/or Statewide important soils, as defined by the Soil Survey of Fulton County New York, exist on the property.
6. General subdivision information necessary to explain and/or supplement the Aerial Map.

Based upon the information provided and the stage of the proposed subdivision by the applicant to date, does the Planning Board feel that the Resource Analysis can be deemed as complete?

DISCUSSION: Planning Board members agreed that the resource analysis requirements have been met through the APA's jurisdictional review of the project.

c. Sketch Plan

- For applicant and Board to review and discuss the proposal and reach an agreement on requirements of Article VIII and to classify the subdivision as either Minor or Major.
- The required information to be included on a Sketch Plan is as follows:
 1. A vicinity map sketched at a scale of 2,000 feet to the inch, showing the relationship of the proposed subdivision to existing community facilities that serve it, such as roads, commercial areas, schools, etc. Such a sketch may be superimposed upon a United States Geological Survey Map of the area.
 2. A density calculation as outlined in Subsection F.3. Density Calculation.
 3. Sketch plan on a topographic survey of the proposed area to be subdivided showing, in simple sketch form, the proposed layout of streets, lots and other features.
 4. General subdivision information necessary to explain and/or supplement the vicinity map and sketch plan.

- *Based upon the information provided and the stage of the proposed subdivision by the applicant to date, does the Planning Board feel that the Resource Analysis can be deemed as complete?*

DISCUSSION: The Planning Board agreed that the Resource Analysis requirements are complete.

- If the Planning Board deems the Sketch Plan is complete, the Board must classify the subdivision as either a Major or Minor Subdivision.

DISCUSSION: The Planning Board agreed that the sketch plan phase is complete

MOTION: The Planning Board determines the proposed MGH Estates LLC subdivision to be a Major subdivision under Article VIII.

MADE BY: Member Conkling

SECONDED: Member Groff

VOTE: 3-0

- SEQR - The Planning Board must initiate SEQR upon completion of the sketch plan phase of the Pre-Application process, and when a Preliminary Plat application is determined to be complete. SEQR shall be completed prior to approval of the Preliminary Plat.
- The Fulton County Planning Department has reviewed the request. It is recommended that the Planning Board classify the action as a Type II action due to the action under:

Part 617.5 Type II Actions (c)(36) - actions subject to the class A or class B regional project jurisdiction of the Adirondack Park Agency or a local government pursuant to section 807, 808 and 809 of the Executive law, except class B regional projects subject to review by local government pursuant to section 807 of the Executive Law located within the Lake George Park as defined by subdivision one of section 43-0103 of the Environmental Conservation Law.

Per the APA Project Permit 2014-181 dated December 11, 2015, Agency Jurisdiction indicates that the project requires an Agency permit pursuant to Section 809(2)(a) etc.

DISCUSSION: No discussion

MOTION: To classify the MGH Estates LLC subdivision of lands a Type II action under 6NYCRR Part 617 State Environmental Quality Review due to said action being subject to section 809 of the Executive Law.

MADE BY: Member Conkling

SECONDED: Member Groff

VOTE: 3-0

End Sketch Plan Procedures

Start of Major Subdivision Preliminary Plat Procedures

E. Major Subdivision - Preliminary Plat

1. Application Procedure

Prior to filing an application for the approval of a plat, the applicant shall file an application for the approval of a preliminary plat. The application shall:

- a. Be made on forms available at the office of the Code Enforcement Officer.
- b. Include all land that the applicant proposes to subdivide.
- c. Be accompanied by an original and 7 copies of the preliminary plat and supplementary material described in Subsection G(7), Preliminary Plat of these regulations.
- d. Comply in all respects with the requirements specified in Subsection F, General Requirements and Design Standards of these regulations and with the provisions of Section 276 and Section 277 of New York State Town Law.
- e. Be submitted to the Clerk of the Planning Board.

- f. Be accompanied by fees as specified by the Town Fee schedule.

2. Required Data and Documents - Preliminary Plat (G7)

➤ *The Planning Board should review the Preliminary Plat requirements (page 110) with the applicant at this time. The Planning Board should indicate what requirements will be required (Comply), what requirements will be waived (Waive) or what requirements have been met (Accepted).*

(a) Data required by Subsection G.2. General Requirements:

- A NYS Licensed Land Surveyor shall be required for all subdivision plats. (Accepted)
 - A NYS Licensed Engineer shall be required for all Major subdivision plats. (Accepted)
 - Sketch plans and plats shall be clearly and legibly drawn at an adequate scale to show detail from 1"=50' to 1"=200' for parcels under 100 acres; and 1"=200' for parcels of 100 acres or more. (Accepted)
- (b) The name of the property owner(s) and the authorized applicant, if different from the property owner(s). (Accepted)
- (c) Tax number of all parcels to be subdivided. (Accepted)
- (d) Location, bearings and distances of trace boundary including georeferencing information or latitude and longitude coordinates of the plat as available. (Accepted)
- (e) A vicinity map sketched at a scale of 2,000 feet to the inch, showing the relationship of the proposed subdivision to existing community facilities that serve it, such as roads, commercial areas, schools, etc. Such a sketch may be superimposed upon a United States Geological Survey Map of the area. (Accepted)
- (f) Topography at a contour interval of not more than 10 feet, unless waived by the Planning Board and referred to a datum satisfactory to the Board. (Accepted)

- (g) The names of property owners within 200 feet of the property boundary, including those adjoining and those across roads fronting the proposed development. If the proposed development property is within an agricultural district containing a farm operation or within 500 feet of a farm operation located in an agricultural district, the applicant shall complete an Agricultural Data statement, in accordance with NYS Agriculture District Law, which shall contain the name and address of the applicant, a description of the proposed project and its location, and the name and address of all property owners within 500 feet of the property boundary. (Accepted)
- (h) Location, name and dimensions of existing streets, easements, deed restrictions, zoning district boundaries, property lines, buildings, parks and public properties. (Accepted)
- (i) Location of existing sewers, water mains, culverts and storm drains, if any, including pipe sizes, grades and direction of flow. (Waive)
- (j) Location of pertinent natural and other features such as watercourses, wetlands, floodplains, rock outcrops, stone walls, agricultural district lands, contiguous forest, and single trees 15" or more in diameter (dbh) as measured 4 feet above the base of the trunk. (Accepted)
- (k) Location, width and approximate grade of all proposed streets with approximate elevations shown at the beginning and end of each street, at street intersections and at all points where there is a decided change in the slope or direction. (Waive)
- (l) Proposed provision of sanitary waste disposal, water supply, fire protection, stormwater drainage, street trees, streetlight fixtures, street signs and sidewalks. (Accepted)
- (m) Lot lines of all proposed or existing lots, and suggested building envelopes. (Accepted)
- (n) Conceptual future plans for the parcel, if any. (Accepted)
- (o) Location and approximate dimensions of all property proposed to be reserved for park or public uses. (Waive)

- (p) A copy of the Adirondack Park Agency response to either a Jurisdiction Inquiry Form or permit application (as applicable). (Accepted)
- (q) Information on all other County and State permits required for subdivision plat approval. (Accepted)
- (r) A written statement of any requests for specific waivers of requirements by the Planning Board. (Waive)
- (s) Other data which must be available for consideration of the subdivision at this stage.

DISCUSSION: The Planning Board had no further requirements at this time.

3. General Requirements and Design Standards for Subdivisions:

The Planning Board should review the General Subdivision Requirements and Design Standards (page 97) with the applicant at this time. The Planning Board should indicate what requirements will be applicable to the application and what will not. For those that will be applicable, the Planning Board should indicate what will be required.

- (4) Minimum Lot Standards
- (5) Streets (to include Private Roads)
- (6) Blocks
- (7) Driveways
- (8) Preservation of Open Space
- (9) Reservations and Dedications

DISCUSSION: Matt Ginter stated that all of the minimum lot standard regulations are being complied with and he has no issues regarding lot sizes. Matt Ginter asked Mr. Ackerbauer if all of the driveway's would have a minimum width of 10 feet? Mr. Ackerbauer stated that they would maintain a minimum of 10 feet.

Chairman Smith asked Mr. Ackerbauer what the status was regarding the finalization of the Homeowners Association? Mr. Ackerbauer stated that the applicants attorney is finalizing the document and will add in the APA's project permit documentation as well as the Town's completion of the subdivision review.

Scott Henze asked Mr. Ackerbauer as to the status of the NY Department of Health realty subdivision review. He stated that he was surprised that the APA issued a permit prior to the NYS DOH issuing a permit. Mr. Ackerbauer stated that he would need to verify the status.

4. Public Hearing

As per section D(4)(a)(4) Approval of preliminary Plat, within 62 days after receipt of such preliminary plat by the Clerk of the Planning Board, the Planning Board shall hold a public hearing, which shall be advertised at least once in a newspaper of general circulation in the Town at least 10 days before such hearing. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such preliminary plat.

- *Based upon the review of the materials provided to date, does the Planning Board feel that a Public Hearing can be scheduled at this time?*

Motion: To schedule a Public Hearing for 7:00 P.M. March 8, 2016 to hear comments and concerns regarding the proposed MGH Estates LLC subdivision.

Made By: Member Groff
Seconded: Member Conkling
Vote: 3-0

END AGENDA ITEM

IV. CODE ENFORCEMENT REPORT:

Matt Ginter provided Planning Board members with a proposed Lot Line Adjustment request application for the March 8, 2016 Planning Board meeting. He also updated the Planning Board regarding Brian Horton's seasonal restaurant proposal indicating that he had yet submitted a Jurisdictional Inquiry Form to the APA.

V. OTHER BUSINESS:

None

VI. CLOSE OF THE MEETING:

MOTION: To close the meeting at 7:50 P.M.

MADE BY: Member Conkling

SECONDED: Member Groff

VOTE: 3-0