

**TOWN OF NORTHAMPTON PLANNING BOARD
MARCH 8, 2016
7:00 P.M.
TOWN HALL**

MEETING NOTES

PRESENT:

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

**ROBERT ANDERSON
JAMES CONKLING
JACK GROFF**

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

**MR. AND MRS. BLANCHET
CHARLES HAUGH
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 February 9, 2016 meeting.

MADE BY: Member Anderson

SECONDED: Member Conkling

VOTE: 4 in favor, 0 opposed

III. MGH ESTATES LLC SUBDIVISION PUBLIC HEARING:

A. 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).

B. Planning Board Actions To Date:

➤ February 9, 2016 Meeting

- Accepted application documentation.
- Determined Pre-Application meeting was complete.
- Accepted the APA Project Permit process/requirements to be considered sufficient for the purposes of a Resource Analysis.
- Considered the Sketch Plan requirements to be complete.
- Classified the MGH subdivision as a Major Subdivision.
- Classified the MGH subdivision as a Type II action under SEQR.
- Completed the review of Preliminary Plat Application Procedure and Required Data and Documents.

- Set the required Public Hearing for 7:00 P.M March 8, 2016 at Town Hall.

DISCUSSION: Chairman Smith reviewed the background information regarding MGH Estates, LLC Subdivision proposal, as well as the actions taken by the Planning Board during the February 9, 2016 meeting.

C. MGH Estates Public Hearing:

1. The public hearing was opened at 7:01 P.M.
2. Speakers:

None.
3. The public hearing was closed at 7:04 P.M.

D. Approval of Preliminary Plat:

- Within 62 days after the date of such hearing, the Planning Board shall approve, with or without modification, or disapprove such preliminary plat; and the ground of a modification, if any, or the ground for disapproval shall be stated upon the records of the Planning Board. The time in which the Planning Board must take action on such plat may be extended by mutual consent of the subdivider and the Planning Board. When so approving a preliminary plat, the Planning Board shall state in writing modifications, if any, as it deems necessary for submission of the plat in final form.
- Within 5 days of the approval of such preliminary plat it shall be certified by the Clerk of the Planning Board as granted preliminary approval, a copy filed in its office, a certified copy mailed to the owner and a copy forwarded to the Town Board. Failure of the Planning Board to act within the time periods prescribed herein shall constitute approval of the preliminary plat.
- When granting approval to a preliminary plat, the Planning Board shall state the terms of such approval, if any, with respect to the preliminary plat; the character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety, morals and general welfare; and the amount of improvement or the amount of all bonds therefore which it will require as prerequisite to the approval of the subdivision plat. Approval of a preliminary plat

shall not constitute approval of the subdivision plat, but rather it shall be deemed an expression of approval of the design submitted on the preliminary plat as a guide to the preparation of the plat, which will be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of these regulations. Prior to approval of the subdivision plat, the Planning Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at the public hearing.

- Approval of the preliminary plat may not be revoked by the Planning Board unless a substantial change in the character of the area or the availability of new information about the site and its surroundings indicate the unsuitability of the development, as shown on the preliminary plat. Before revocation, the applicant shall be informed, in writing, of the reasons therefore and shall be given an opportunity to be heard before the Planning Board.
- Approval of a preliminary plat shall expire 6 months from the date of approval. Extensions for periods of 6 months may be granted by the Planning Board upon application. Such applications for extensions may be granted unless changed conditions or new information indicate the unsuitability of the development as shown on the preliminary plat.

DISCUSSION: Charlie Ackerbauer stated that he has been in contact with Chris Demme from the NYS Department of Health (NYSDOH) regarding the Health Department's requirement to drill a well on a lot in order to fulfill the Department of Health's water quality and quantity information. Charlie Ackerbauer stated that the applicant has reached out to Hawk Drilling who will perform this well drilling in the near future and provide that information to the NYSDOH as required.

MOTION: To conditionally approve the proposed MGH Estates major subdivision preliminary plat.

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

E. Approval of Final Plat:

Section 276 of Town Law

- Approval of final plats (b) states that: "Final plats which are in substantial agreement with approved preliminary plats. When a final plat is submitted which the planning board deems to be in substantial agreement with a preliminary plat approved pursuant to this section, the planning board shall by resolution 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.

DISCUSSION: Scott Henze reviewed the Section 276 of Town Law as identified within the Agenda. Planning Board members had no further comments.

Application Procedure

- Within 6 months after tentative approval of the preliminary plat is granted, the applicant shall file with the Planning Board an application for approval of a final plat. The application shall:
 - a. Be made on forms provided by the Planning Board at the time tentative approval of the preliminary plat was granted.
 - b. Include the entire subdivision or a section thereof which derives access from a street improved to Town standards or for which street a performance bond for such improvement is held by the Town.
 - c. Be accompanied by an original and 7 copies of the plat, as described in Subsection G.7., Final Plat, of these regulations.
 - d. Comply in all respects with the preliminary layout as tentatively approved.
 - e. Comply with the improvement requirements of Subsection H, Required Improvements and Agreements, of these regulations.
 - f. Be presented to the Clerk of the Planning Board at least 10 days prior to a regular meeting of the Board.

Public Hearing

- Within 62 days of the submission of a plat in final form for approval, a hearing shall be advertised at least once in a newspaper of general circulation in the Town at least 5 days before such hearing; provided, however, that when the Planning Board deems the final plat to be in substantial agreement with a preliminary plat approved under Subsection D (4), Preliminary Plat of this Article, and modified in accordance with the requirements of such approval if such preliminary plat has been approved with modification, the Planning Board may waive the requirement for such public hearing.

DISCUSSION: Scott Henze stated that since the Planning Board has now approved the Preliminary Plat and has enacted the Section 276 Town Law requirements, the Planning Board is now in the review of the Final Plat. Scott Henze stated that the Subdivision Regulations indicate that if the approved Preliminary Plat and Final Plat are in agreement that the Planning Board has the option to waive a second public hearing under Final Plat review.

MOTION: To waive the public hearing on MGH Estates major subdivision final plat application based upon granting approval with modification.

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

Action on Final Plat

- Upon resolution of conditional approval of such final plat, the Planning Board shall empower a duly-authorized officer to sign the plat upon completion of such requirements as may be stated in the resolution. Within 5 days of such resolution, the plat shall be certified by the Clerk of the Planning Board as conditionally approved, a copy filed in his/her office and a certified copy mailed to the applicant. The copy mailed to the applicant shall include a certified statement of such requirements that, when completed, will authorize the signing of the conditionally-approved final plat. Upon completion of such requirements, the plat shall be signed by said duly-authorized officer of the Planning Board. Conditional approval of a final plat shall expire 180 days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. The Planning Board may, however, extend the time within which a conditionally-approved plat may be submitted for signature, if in its

opinion, such extension is warranted in the circumstances, for not to exceed 2 additional periods of 90 days each.

➤ See draft Resolution

DISCUSSION: Planning Board members reviewed the draft Resolution 2016-01. Scott Henze stated that he has included the background information within the Resolution regarding the sequence of approvals and reviews that have been performed by the Planning Board to date. Scott Henze stated that he has included two (2) conditions for final approval of the Final Plat. Scott Henze stated that the first condition is in regards to the NYSDOH indicating that granting of an approved NYS Realty Subdivision as defined in Public Health Law Article 11, Title II by the NYSDOH would be one (1) condition. The second condition is a legal review provided by the designated attorney of the Town of Northampton of proposed bylaws of MGH Estates Property Owners Association, Inc. as per Article 8 (F)(8)(2) Ownership of Open Space Land in regards to the proposed Homeowner's Association.

Planning Board members empowered Jim Conkling to be the representative who would sign the conditioned approval plat, as well as to certify said plat.

Member Groff offered the resolution to be adopted. Seconded by Member Anderson and a unanimous vote with Member Naples being absent.

MOTION: To adopt Resolution 2016-01 to Approve with Conditions the MGH Estates Major Subdivision Application.

MADE BY: Member Groff
SECONDED: Member Anderson
VOTE: Unanimous

Charlie Ackerbauer asked Scott Henze whether or not the Planning Board would be issuing a Negative Declaration for SEQR? Scott Henze stated that since the project fell under the offices of the Adirondack Park Agency (APA), the Planning Board classified the action as a Type II Action under SEQR due to the Section 809 of the Executive Law whereby if the APA has jurisdiction over a project, they perform their own environmental review and, under SEQR Regulations, this is considered a Type II Action and no further action is required by the Board.

IV. CHARLES & WENDY HAUGH - LOT LINE ADJUSTMENT REQUEST:

A. Background:

The applicant is proposing a lot line adjustment of .119 acres of a portion of SBL# 31.19-4-2 owned by Allen & Ann Geisendorfer to be conveyed to the applicants property having an SBL# 32.19-4-1 shown on the survey map provided by Ferguson & Foss dated March 4, 2015 and revised on November 25, 2015.

All properties are located within the Town's Medium Density Residential Zoning District.

All properties are located within the APA Hamlet Land Classification area as identified on the January 26, 2016 APA correspondence issuing a Jurisdictional Determination of no jurisdiction.

The applicant has provided the following:

1. Application for a Lot Line Adjustment
2. Subdivision Waiver
3. Owner Authorization Form
4. Deed copies
5. Part 1 Short EAF
6. Ferguson & Foss survey map dated March 4, 2015 and revised on November 25, 2015.

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: Chairman Smith reviewed the background information for the Charles and Wendy Haugh Lot Line Adjustment Request. Planning Board members acknowledged the background information as accurate.

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-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 start of the Lot Line Adjustment procedure as outlined within the Agenda. Planning Board members agreed that all Lot Line Adjustment requirements are acceptable.

Planning Board members reviewed the submission requirements for a Lot Line Adjustment and waiver of Subdivision Regulations. Planning Board members found all application submission requirements acceptable.

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 lot line adjustment 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.

MOTION: To classify the proposed lot line adjustment as an Unlisted Action and to designate the Planning Board as the Lead Agency under an Uncoordinated Review and to authorize the Fulton County Planning Department to prepare Parts II and III on the Boards behalf.

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

- MOTION: To issue a Negative Declaration for the Charles & Wendy Haugh Lot Line Adjustment and to authorize James Conkling to sign Part III of the Short EAF on the Board's behalf.

MADE BY: Member Anderson
SECONDED: Member Groff
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: The Planning Board reviewed the approval procedure as outlined within the Agenda. Planning Board members agreed to approve the 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 and to authorize James Conkling to stamp and sign the Lot Line Adjustment maps.

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

V. FULTON COUNTY DEVELOPMENT STRATEGY:

A. Scope of Work:

- See Handout.

B. What will be needed from the Town of Northampton:

1. Identify/formulate & endorse an economic development project within the Town to be included within the Fulton County Development Strategy. A potential project may include:

➤ Sacandaga Park WWTF Update

- Update existing/construct new WWTF to service:
 - a. Existing Sacandaga Park area connected to existing WWTF
 - b. Extend along NYS Route 30 servicing properties within:
 - i. Hamlet Mixed Use District
 - ii. Business Development District
 - iii. Medium Density Residential District
 - iv. Mixed Use District
 - c. Extend into Village of Northville along:
 - i. Bridge Street
 - ii. Main Street

DISCUSSION: Scott Henze discussed with Board members about Fulton County's effort to put together a County Development Strategy. Scott Henze provided Board members with an overview of history of ongoing economic development efforts undertaken by Fulton County. Scott Henze stated that Fulton County and Montgomery County have partnered to create a Regional Brand initiative that would be utilized when both Counties are promoting economic development and other purposes. Scott Henze stated that both Fulton and Montgomery Counties are currently working on the development of a Regional Business Park site which is a 260-acre site located in the Town of Mohawk, Montgomery County. Scott Henze stated that it is proposed that the 260 acres be annexed into Fulton County in the City of Johnstown in order to be supplied with municipal water and sewer services. Scott Henze stated that Fulton County has also been working progressively on promoting the development of the former Tryon Juvenile Detention Facility into the Tryon Technology Park. Scott Henze stated that the County has recently completed the construction of a new interior loop road

designated as CR117, as well as new water and sewer infrastructure. Scott Henze stated that Fulton County is currently completing a 300,000 gallon Water Tank on the site. Scott Henze stated that Fulton County has also contracted with DCG Corplan out of New Jersey to perform a Targeted Industry Analysis identifying seven (7) Industry Clusters to promote at Tryon. Part of the Targeted Industry Analysis also included the development of a Tryon Technology Park website with the site being accessed at www.tryontechnologypark.com. Scott Henze stated that staff has recently completed a Tryon Technology Park marketing brochure/folder to be used to market Tryon. Scott Henze stated that part of the Targeted Industry Analysis with DCG Corplan is also to hire a Lead Generation firm that would be contacting industries within those seven (7) prospectuses to actually locate in the Tryon Technology Park.

Scott Henze stated that Fulton County has also initiated “SMART Waters” to regionalize water and sewer infrastructure within key areas of the County. Scott Henze stated that Fulton County government has been very progressive in the last few years to promote economic development within the County. However, there are also local government also striving to better their jurisdiction through updating local municipal Comprehensive Plans and Zoning documents all with striving for their own vision of how they would like to look in the future. Scott Henze stated that, in essence, the Fulton County Development Strategy is to combine all of the studies, documents and initiatives that all municipalities in Fulton County, as well as Fulton County Government, have been working on to synthesize into one (1) County vision document.

Scott Henze stated that, based upon this background, the Fulton County staff are reaching out to each Planning Board to discuss a potential project within their jurisdiction to be incorporated within this Development Strategy. Scott Henze reviewed the information regarding the Sacandaga Park Wastewater Treatment Facility as outlined within the Agenda. Scott Henze stated that he understands that the Town of Northampton and Village of Northville have been working towards a solution regarding the Sacandaga Park Wastewater Treatment Facility capacity issues. Scott Henze stated that he is also working with the Village of Northville Comprehensive Plan Committee on updating their Comprehensive Plan and one of the recommendations within the Plan is to look into the feasibility of establishing municipal sewer infrastructure along Main and Bridge Streets servicing primarily the commercial areas of the Village. Scott Henze suggested that a project may be in regards to an upgrade to the Sacandaga Park Wastewater Treatment Facility or construction of a new facility that will service the Village of Northville, as well as the existing Sacandaga Park area, but also extend along New York State Route 30 within the Town’s Business Development Area.

Matt Ginter stated that he has been contacted by various commercial developers who have looked into various parcels along NYS Route 30 in the Business Development Area and one of the first questions asked is whether or not there is municipal infrastructure present. Matt Ginter stated that as soon as he indicates that there is no municipal sewer infrastructure, typically, the prospect is no longer interested.

Member Anderson identified that the Town of Northampton is lacking in hotel accommodations and he would perceive a small to mid-size hotel could be located just outside of the Sacandaga Park Area. He stated, however, if municipal sewer infrastructure is not present, that type of development will most likely not happen.

Member Conkling stated that he participated in a joint effort to create the Hamlet Economic Development Plan within the APA. Member Conkling stated that some of the recommendations within the Hamlet Economic Development Plan identified the need for water and sewer infrastructure within the Village and Town. Member Conkling stated that although the Village of Northville does have water infrastructure, it does not have sewer.

Planning Board members discussed the necessity for the Town and Village to obtain grant funding for the development of sewer infrastructure within the Town and Village. Scott Henze stated that one of the benefits of incorporating a project such as the sewer infrastructure within the Fulton County Economic Development Plan would be that the Town and Village can utilize the Plan when seeking grant funding for such a project. Scott Henze stated that it is well known, when seeking grant funding for any project by a municipality, one of the first questions within the grant application is whether or not the project is identified within the municipal Comprehensive Plan.

Member Conkling identified the State broadband initiative and stated that he has been involved with several meetings with the Town of Edinburg, as well as the Town of Northampton, discussing the broadband initiative. Member Conkling stated that the need for broadband was also identified within the Hamlet Economic Development Plan.

Scott Henze stated that the Fulton County Economic Development Strategy is in its initial phases of starting the project. Scott Henze stated that the Planning Board does not have to endorse any particular project at the moment. However, the Board should start to formulate projects in the near future. Chairman Smith stated that, at this time, he would like to table the discussion for further discussion at the next meeting.

VI. CODE ENFORCEMENT REPORT:

Matt Ginter stated that Brian Horton has submitted his application to the APA for a seasonal restaurant. Matt Ginter stated that the APA has corresponded indicating that additional information needs to be provided in order to have a complete application. Matt Ginter stated, however, the APA has issued a determination that they do have jurisdiction over the project.

Matt Ginter stated that the Planning Board will be, in the near future, receiving an application for a 3-lot subdivision along Sinclair Point Road.

VII. CLOSE OF THE MEETING:

MOTION: To close the meeting at 8:04 p.m.

MADE BY: Member Conkling

SECONDED: Member Anderson

VOTE: 4 in favor, 0 opposed