

**TOWN OF NORTHAMPTON PLANNING BOARD
JANUARY 10, 2017
7:00 P.M.
TOWN HALL**

MEETING NOTES

PRESENT:

ROBERT SMITH, CHAIRMAN (via FaceTime at 218 Gabriel Circle, Naples FL 34104)
ROBERT ANDERSON
STEVEN NAPLE
JIM CONKLING

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

OTHERS:

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 July 12, 2016 meeting.

MADE BY: Member Anderson

SECONDED: Member Naple

VOTE: 4 in favor, 0 opposed

III. **CONCEPTUAL SKETCH PLAN CONFERENCE - "~~THE NEW VILLAGE RESTAURANT~~" "NEW HOME OF THE ICE CREAM TREE" - BRIAN HORTON:**

A. New Information:

- The following new information has been provided for the January 10, 2017 meeting:
 - Revised Elevation drawings dated June 2016
 - Revised Floor Plan drawings dated June 2016
 - Conceptual rendering
 - NYS Department of Health Letter regarding septic design dated 12/22/16

DISCUSSION: Chairman Smith turned the meeting over to Scott Henze to continue the conceptual Site Plan of the new home of the Ice Cream Tree. Scott Henze reviewed the new information provided as identified within the Agenda. Scott Henze stated that the last time that the Planning Board reviewed the conceptual Site Plan for Mr. Horton was on September 8, 2015, whereby the Planning Board identified various requirements as per the Site Plan Review Regulations that Mr. Horton would need to comply with. Scott Henze stated that he drafted a letter to Mr. Horton dated September 15, 2015 identifying all necessary requirements as of that meeting. Scott Henze stated that it was his understanding that Mr. Horton was still waiting for a response from the Adirondack Park Agency regarding the jurisdiction of his project. Scott Henze stated that the Agenda that he has provided tonight is based upon the minutes to that September 8, 2015 meeting. Scott Henze stated that he drafted the Agenda this way so that the Planning Board could review what was discussed within each particular section of the Site Plan Review Regulations. Scott Henze stated that he recommends that the Planning Board review the additional site development standards that start on Article 6 Additional Development Standards on page 43 of the Zoning and Subdivision Law. Scott Henze asked the Planning Board to turn to page 11 of the Agenda for that discussion.

B. Background (from September 8, 2015 agenda):

- 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.

C. 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).

D. 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 Naple 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 Naple 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 Naple questioned the façade length facing NYS Route 30. Member Naple 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.

E. 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.

F. 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: None

G. 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

January 10, 2017 Discussion:

Scott Henze asked Mr. Horton what the status of his project is in regards to APA. Mr. Horton stated that his application is close to being complete. Mr. Horton stated that the APA had a few questions and clarifications regarding the square footage of the building. However, his engineer contacted the APA and that issue should be resolved.

Matt Ginter stated that there was also an issue with the plantings that are being proposed for the project whereby the APA identified that the particular plantings were not native to the Adirondack Park. Mr. Horton concurred and stated that the plantings have been changed to a native plant that was provided by the APA.

Matt Ginter asked Mr. Horton whether or not he has a plan that illustrates the proposed building on the 2' contour. Mr. Horton stated that this was supposed to be provided by Christopher Foss. However, it has not been done so to date.

Matt Ginter asked Scott Henze whether or not, if the project requires a permit by the APA, would a separate SEQR need to be done by the Planning Board? Scott Henze stated that if the project is deemed as a Class A or Class B Regional Project, whereby the APA has to issue a permit, then the Planning Board would be able to classify the action as a Type 2 Action. Scott Henze stated that, however, prior to he recommending that the Planning Board do this, the official APA letter or permit should be reviewed by the Board.

Member Naple questioned whether or not the Site Plan identifies where neighboring wells are located? Mr. Horton stated that all of the adjacent properties around his project are on municipal water.

Member Naple questioned the front elevation drawings and questioned whether or not the front was facing Route 30. Mr. Horton confirmed that the front elevation does in fact face NYS Route 30. However, the main entrance into the project site would be off of County Highway 152.

Member Naple asked Mr. Horton whether or not there was an entrance or if he is going to propose an entrance off of NYS Route 30. Mr. Horton stated that he would utilize the existing entrance off of County Highway 152. However, there is an existing entrance off of NYS Route 30 that he would not be utilizing. However, was told that he should not eliminate this entrance as it would be more difficult to regain that entrance in the future if he wished to do so.

Matt Ginter questioned whether or not the pavilion identified on the rendering would be constructed and questioned what it would be utilized for. Mr. Horton stated that, at the current time, he would not be constructing the pavilion as part of this Site Plan review and indicated that the pavilion is shown for illustration purposes only.

Member Naple asked Mr. Horton whether or not the APA flagged the wetlands on the property? Mr. Horton stated that the APA did in fact flag the wetlands.

Member Naple asked Matt Ginter whether or not the Zoning codes required a certain number of parking spaces for this particular use? Matt Ginter referenced Schedule C: Minimum Parking Space Requirements on page 55, 56, and 57 of the Zoning and Subdivision Law determining that he classified this use as a "Restaurant and Bar" which requires one (1) parking space for every four (4) seats plus one (1) space for every two (2) employees. Matt Ginter continued to state that, unfortunately, Schedule A Use Regulations for the particular Zoning District of Hamlet Mixed Use under Commercial Uses Restaurant and Bar is not identified as a permitted use. Matt Ginter stated that, with that being said, he would classify this use as a Retail Store and Service Establishment which requires one (1) for every 250 sq. ft. of gross floor area. The Planning Board discussed the reason why the Restaurant and Bar was not identified as a Commercial use permitted within the Hamlet Mixed Use Zoning Classification. The consensus of the Planning Board was that it may have been an oversight. However, Mr. Ginter is comfortable determining that the use falls within a Retail Store and Service Establishment. Matt Ginter stated that, based upon the requirement of one (1) space for every 250 sq. ft. of gross floor area, the project would require approximately 13 parking spaces. Matt Ginter asked Mr. Horton whether or not he proposes a gravel parking lot. Mr. Ginter confirmed that his intent is to have a gravel parking lot at this time that would not be striped. Matt Ginter determined that it would be difficult to identify the number of parking spaces since the parking spaces would not be striped. Scott Henze stated that,

in essence, you would need to calculate what a the sq. ft. of a standard parking space would be and then determine whether or not there is enough room for 13 in total. Matt Ginter stated that, based upon the area of the remaining project, he does not foresee that there would be an issue allowing for the parking of 13 vehicles.

Member Naple questioned the existing access on Route 30 and questioned whether or not NYSDOT would have any jurisdiction regarding this access. Scott Henze stated that the Planning Board can require, as part of the Site Plan Review, that Mr. Horton block off that existing access if they feel as though it will cause a traffic safety issue.

Matt Ginter asked Mr. Horton what he is proposing regarding signage. Member Conkling identified that, on one of the plans provided, there was a sign location out along NYS Route 30. Scott Henze asked Mr. Horton what the sign would be made out of. Mr. Horton stated that it would be standard wooden sign with pressure-treated posts as the stand. Matt Ginter asked whether or not the sign would have internal lighting. Mr. Horton stated that it would not have internal lighting. It would simply have lighting that illuminates the sign from above. The Planning Board reviewed Schedule B: Sign Standards on page 68 of the Zoning and Subdivision Law whereby it states that, within the Hamlet Mixed Use Zoning District, the maximum cumulative sign area is 36 sq. ft. and allows an additional 20 sq. ft. if located on a corner lot. The Planning Board identified that the maximum freestanding sign area would be 12 sq. ft. Mr. Horton stated that, other than the sign located out along NYS Route 30, he is not proposing any additional freestanding sign or any sign attached to the building at this time.

Scott Henze asked Mr. Horton to make sure that he provides a sign specification within his next submittal that would include dimensions, construction materials and a rendering or drawing as to what the sign would look like to also include lighting specifications. Mr. Horton stated that he would do so.

Scott Henze asked Mr. Horton what type of lighting he is proposing for his project? Mr. Horton identified a series of light poles parallel to NYS Route 30 within a grassed area. Scott Henze asked Mr. Horton whether or not he knew the type of lamp he is proposing. Scott Henze asked Mr. Horton that he will need to provide a specification as to the specific type of lighting that he is proposing both attached and not attached to the building. Mr. Horton stated that he would do so.

Scott Henze asked Mr. Horton what type of siding he is proposing on the building? Mr. Horton stated that he is considering the use of hardy board.

Scott Henze asked the Planning Board whether or not they had any additional guidance or recommendations or questions for Mr. Horton at this time? The consensus of the Planning Board was that their conceptual Site Plan review is complete. Scott Henze informed Mr. Horton that he would be drafting a letter

back regarding the things that the Planning Board are going to require as per the Site Plan Review Regulations and the discussion tonight. Scott Henze stated that he is also going to include the letter that he had sent on September 15, 2015. Scott Henze stated that it is going to be important that one (1) complete set of final Site Plan Review documents be submitted as a singular package to the Planning Board and not piece meal the application.

Scott Henze stated that the next determination of the Planning Board would be that your Site Plan application is complete. Scott Henze stated that this should also include the correspondence from the APA regarding your project. Scott Henze stated that he would not recommend that the Planning Board go through their Site Plan Review prior to obtaining a letter from the APA regarding their requirements. Scott Henze stated that if the APA is recommending specific types of vegetation, then obviously they are looking at this at a pretty specific level. Scott Henze stated that he would not recommend that the Planning Board require something that would contradict the APA's requirements. However, with that being said, the Planning Board can be more restrictive if they have identified reasons to do so.

H. 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. Property owners located within 100 feet of the property under site plan review shall receive a copy of the Public Hearing Notice via Certified mail.

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

I. 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. CHAIRMAN'S REPORT:

Chairman Smith asked Matt Ginter whether or not the temporary use permit that was issued by the Planning Board for Mr. Cucci had been complied with regarding the removal of the RV. Matt Ginter stated that the RV was removed from the site as required within the permit. Matt Ginter stated that, however, the second temporary use permit issued to Mr. Cherko in Fishhouse has not been removed. Matt Ginter stated that, several months ago, he stopped and talked to Mr. Cherko, and Mr. Cherko stated that he was planning on moving it in the near future.

V. CODE ENFORCEMENT REPORT:

No report.

VI. **CLOSE OF THE MEETING:**

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

MADE BY: Member Conkling

SECONDED: Member Naple

VOTE: 4 in favor, 0 opposed