

**TOWN OF NORTHAMPTON PLANNING BOARD
APRIL 25, 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
JACK GROFF
JIM CONKLING

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

OTHER:

20+/- MEMBERS OF THE PUBLIC

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 March 20, 2017 meeting.

MADE BY: Member Anderson

SECONDED: Member Conkling

VOTE: 5 in favor, 0 opposed

III. **SITE PLAN REVIEW - " THE ICE CREAM TREE" - BRIAN HORTON:**

A. 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.

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.

C. Old Information (from January 10, 2017 Concept Meeting).

- The following information was provided for the January 10, and March 20, 2017 meetings:
 - Revised Elevation drawings dated June 2016
 - Revised Floor Plan drawings dated June 2016
 - Conceptual rendering
 - Warranty Deed with Lien Covenant for both parcels.
 - Revised elevation drawings date June 2016 with additional map notes.
 - Lot Layout map/Planting Schedule prepared by Charles S. Haugh Jr. PE a Licensed Professional Engineer.
 - Sign drawing including proposed sign specifications for two (2) locations.

- Sign lighting specifications
- Parking lot lighting specifications.

D. New Information:

- The following new information has been provided:
 - Email correspondence from Patrick Connally of the APA identifying the project as a Class B regional project and that the APA coordinated their environmental review with the following agencies:
 - NYS DEC
 - NYS DOH
 - NYS DOT
 - The Town of Northampton Planning Board is identifying that the project is a Type II Action per their review.

DISCUSSION: Chairman Smith stated that the Planning Board has been reviewing the Ice Cream Tree application by Brian Horton for several months. Chairman Smith quickly reviewed the old information and new information within the Agenda. Chairman Smith asked Planning Board member whether or not there were any comments on these two (2) items. There were no further comments.

E. 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.
 - The Fulton County Planning Board reviewed the Site Plan Application during their April 18, 2017 meeting. The Fulton County Planning Board provided no recommendation on the Site Plan.

DISCUSSION: Chairman Smith stated that the Fulton County Planning Board reviewed the Site Plan application during their April 18th meeting and provided no recommendation on the Site Plan. Chairman Smith asked if Planning Board members had any further comments. Scott Henze stated that Matt Ginter is also a member of the Fulton County Planning Board and provided an overview presentation to the County Planning Board during that meeting.

Scott Henze stated that Mr. Ginter recused himself from the final vote in the end. Planning Board members had no further questions.

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.

➤ During the March 20, 2017 meeting, the Planning Board scheduled a Public Hearing for a rescheduled meeting date of April 25, 2017.

1. The public hearing was opened at 7:02 P.M.
2. Written Comments: 1 received from Mr. O'Brien.
3. Speakers:

Speaker #1: Sid Junquera

Why is there a lengthy discussion on this application and what is the problem. There has always been a business there in the past. I just do not understand why Brian has to go through so many hoops.

Speaker #2: Mrs. O'Brien

Mrs. O'Brien asked the Planning Board whether or not they received a written comment letter from her father? Mrs. O'Brien asked the

Planning Board whether or not they were going to read the letter?

Member Conkling stated that the Planning Board was in receipt of Mr. O'Brien's letter and it is part of the record.

Mrs. O'Brien asked whether or not the Planning Board had concerns regarding the wetlands that the applicant had backfilled on the property and if they were taking this into consideration?

Member Conkling stated that the Adirondack Park Agency has reviewed the environmental aspects of the project and is issuing a permit.

Speaker #3: Norm Richardson

Our local economy is based on tourism and we make our money on tourism. It is difficult for anyone to start a business around here. The Plan B building on Route 30 just down the road from this project was once an ice cream place. We should look for a faster, smoother way to get things done on the different Boards.

4. The public hearing was closed at 7:08 P.M.

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: Chairman Smith reviewed the Planning Board decision timeframes within the Agenda. Member Naple referenced the fact that the regulations require that the project be completed within 24 months

of the date that the Planning Board approved the Site Plan. Scott Henze recommended that, since the Planning Board is not in receipt of the Adirondack Park Agency's approved project permit application, that any motion to approve the Site Plan should be contingent upon the final approval of the Adirondack Park Agency.

MOTION: To approve the Ice Cream Tree Site Plan as of April 25, 2017 contingent upon the final approval and Permit issued by the NYS Adirondack Park Agency.

MADE BY: Member Conkling
SECONDED: Member Anderson
VOTE: 5 in favor, 0 opposed

IV. **SUBDIVISION - KIM BOVEE SUBDIVISION**

A. Background:

- Mr. Bovee is proposing to subdivide a 21.11 acre parcel (33.-1-10.1) he owns at 329 CoHwy 113 for the construction of a single family dwelling into the following:

Lot 1 - 3.15 acres (new Single family dwelling lot)
Lot 2 - 19.15 acres vacant

- Zoning District = Rural Residential 2 - 1 acre min required.
- APA Land Use Area = Low Intensity - 3.25 acres per principal building.

B. Documentation Submitted/Other:

The applicant submitted the following other materials:

1. Town of Northampton Subdivision Application proposing the creation of one (1) lot.
2. Short Environmental Assessment Form
3. Warranty Deed
4. February 3, 2014 letter from the NYS Adirondack Park Agency Jurisdictional Determination J2014-0038.

C. Minor subdivisions

(a) Application

Within 6 months after classification of a proposal as a minor subdivision by the Planning Board, the subdivider shall submit a subdivision plat as an application for approval of a minor subdivision plat. Said application shall contain the requirements listed in Subsection G (8), Final Plat of these regulations and shall conform to the general requirements and design standards specified in Subsection F of this Article. Fees as specified in the Town Fee Schedule for each minor subdivision shall accompany the application. A subdivider is only allowed one (1) minor subdivision of said land every 3 years. The Planning Board shall have the authority to modify survey requirements for minor subdivisions such that only the land being subdivided must be surveyed by a New York State licensed land surveyor. The balance of the land, so long as the subdivision does not result in an undersized lot, does not need to be surveyed unless requested by the Planning Board.

(b) Number of copies

The original and 7 copies of the subdivision plat shall be presented to the Planning Board at least 10 days prior to a scheduled monthly meeting of the Planning Board.

(c) Public hearing

A public hearing shall be held by the Planning Board within 62 days from the time of submission of the subdivision plat for approval. Said hearing shall be advertised in a newspaper of general circulation in the Town at least 10 days before such hearing. Property owners located within 100 feet of the land proposed to be subdivided shall be sent a copy of the Public Hearing Notice via Certified mail.

- During the March 20, 2017 meeting, the Planning Board scheduled a Public Hearing for a rescheduled meeting date of April 25, 2017.

DISCUSSION: Chairman Smith stated that the Planning Board has been reviewing the Kim Bovee minor subdivision application for several months. Chairman Smith stated that, during their last meeting, the Planning Board scheduled a public hearing on the subdivision.

5. The public hearing was opened at 7:10 P.M.

6. Speakers:

Speaker #1: Jeff Daum

I am a neighbor of Mr. Bovee and I have no issues with his subdivision application.

7. The public hearing was closed at 7:12 P.M.

- At this time, Chairman Smith recommended that Scott Henze of the Fulton County Planning Department assume the responsibility of conducting the meeting due to the fact that the Internet connection streaming Facetime was becoming difficult for Planning Board members to hear what he had to say. Planning Board members agreed.

D. 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.

- The Fulton County Planning Department has reviewed the proposed Minor Subdivision application 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 a Uncoordinated Review of the proposed action.

DISCUSSION: Scott Henze stated that the Fulton County Planning Department has reviewed the proposed minor subdivision application and referenced to the NYS SEQR requirements and is recommending that the Planning Board classify the action as an Unlisted Action and that it designate itself as the Lead Agency to perform an Uncoordinated Review of the proposed action given the fact that there are no other State agencies that can be identified that would have the review or other authority over this minor subdivision application.

MOTION: To classify the Minor Subdivision application as an Unlisted Action under 6NYCRR Part 617 State Environmental Quality Review and to designate the Planning Board as the Lead Agency to perform an Uncoordinated Review of the project and to Authorize the Fulton County Planning Department to complete Parts 2 & 3 of the short Environmental Assessment Form issuing a negative declaration on the Boards behalf.

MADE BY: Member Naple
SECONDED: Member Anderson
VOTE: 5 in favor, 0 opposed

(d) Action on subdivision plat

- (1) The Planning Board shall, within 62 days from the date of the public hearing, act to conditionally approve, conditionally approve with modification, disapprove or grant final approval and authorize the signing of the subdivision plat. This time may be extended by mutual consent of the subdivider and the Planning Board. Failure of the Planning Board to act within such time shall constitute approval of the plat.
- (2) Upon granting conditional approval, with or without modification to the plat, the Planning Board shall empower a duly-authorized officer to sign the plat upon compliance with such conditions and requirements as may be stated in its resolution of conditional approval. Within 5 days of the resolution granting conditional approval, the plat shall be certified by the Clerk of the Planning Board as conditionally approved, and a copy filed in its office. Conditional approval of a 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.

(e) Plat void if revised after approval

No changes, erasures, modifications or revisions shall be made on any plat after approval has been given by the Planning Board. In the event that any plat, when recorded, contains any such changes, the plat shall be considered null and void; and the Planning Board shall

institute proceedings to have said plat stricken from the records of the County Clerk.

(f) Filing of approved plat

Approval of the plat shall expire within 62 days from the date of such approval unless within such 62 day period such plat shall have been duly recorded by the owner in the office of the Fulton County Clerk. If the plat is not filed within this period, the approval shall expire as provided in Section 276 of New York State Town Law.

DISCUSSION: Scott Henze asked Planning Board members whether or not there were any additional comments or clarifications that need to be made to Mr. Bovee's minor subdivision application? Planning Board members had no further comments.

MOTION: To approve the minor subdivision application proposed by Kim Bovee having Tax Parcel No. 33.-1-10.1 as of April 25, 2017.

MADE BY: Member Conkling

SECONDED: Member Anderson

VOTE: 5 in favor, 0 opposed

- Scott Henze reminded the Planning Board that, during their March 20, 2017 meeting, they authorized Member Anderson to sign both the Ice Cream Tree Site Plan application and Mrs. Bovee's subdivision application since Chairman Smith would not be physically present to do so.

III. RHONDA & PETER CUCCHI TEMPORARY USE PERMIT:

A. Background:

Rhonda & Peter Cucchi own a .25+/- acre parcel 17.2-1-1 along NYS Route 30.

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

Documentation Submitted/Other:

The applicant submitted the following materials:

1. Town of Northampton Application for Temporary Use Permit.
2. A section of a copy of a Tax Map or survey map identifying the lot, the location of a deck and a camper trailer.

3. Copy of Warranty Deed dated September 7, 2012.

DISCUSSION: Scott Henze stated that the next Agenda item is for a Temporary Use Permit being requested by Rhonda and Peter Cucchi. Scott Henze stated that, to his knowledge, this is the third time that Mr. Cucchi has requested a Temporary Use Permit from the Planning Board. Scott Henze asked Mr. Cucchi whether or not there were any changes proposed from his 2016 Temporary Use Permit application. Mr. Cucchi indicated that there are no changes from that Temporary Use Permit.

START OF PERMITTED TEMPORARY USE PROCEDURE

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

1. Recreational Vehicles on Undeveloped Lots

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

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

- (a) Notwithstanding the Town’s “Ordinance for the Regulation of Mobile Homes and Mobile Home Parks and Travel Trailers and Trailer Camps”, a recreational vehicle (RV), as defined by this Law in Article XVI, Definitions and meeting the requirements of this Section C, may be used for recreational or temporary housing purposes on an undeveloped lot unless it is located within the boundary of the Sacandaga Park Neighborhood Conservation Overlay District or on lands adjoining the Hudson River Black River Regulating District (HRBRRD) regulated property.
- (b) A limit of one (1) recreational vehicle shall be permitted on an undeveloped lot for a period of up to 90 days within a calendar year, except that no recreational vehicle shall be permitted on an undeveloped lot within the boundary of the Sacandaga Park Neighborhood Conservation Overlay District or on lands adjoining the Hudson River Black River Regulating District (HRBRRD) regulated property. Upon expiration of the 90 day permit, the recreational vehicle shall be removed from the undeveloped lot in

its entirety. No recreational vehicle shall be stored, parked for an extended period or otherwise abandoned on an undeveloped lot while not in use".

(c) A Temporary Use Permit for the temporary use of a recreational vehicle as described in this section shall be issued by the Planning Board. In considering a Temporary Use Permit application, the Planning Board may take into consideration the following:

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

➤ The Applicant received a Temporary Use Permit for a 90-day period in 2016. Are there any changes to the site for the 2017 season?

A. State Environmental Quality Review

The Fulton County Planning Department has reviewed the proposed temporary use in reference to 6NYCRR Part 617 SEQRA and is recommending that the Planning Board classify the action as a Type II under SEQRA given that there are no changes to the Temporary Use Permit application and that it is a minor temporary use of land having negligible or no permanent impact on the environment.

DISCUSSION: Scott Henze stated that the Fulton County Planning Department has reviewed the proposed Temporary Use Permit in reference to the SEQR Regulations and is recommending that the Planning Board classify the action as a Type II Action and that it is a minor temporary use of land having negligible or no permanent impact on the environment.

MOTION: To classify the Cucchi Temporary Use Permit application as a Type II application under 6NYCRR Part 617 due to the fact that there were no changes proposed from the 2016 approved Temporary Use Permit application and that it is a minor temporary use of land having negligible or no permanent impact on the environment and approve the Temporary Use Permit as requested.

MADE BY: Member Conkling
SECONDED: Member Naple
VOTE: 5 in favor, 0 opposed

IV. MARC AND JEANRAE BENOIT TEMPORARY USE PERMIT:

A. Background:

Marc and Jeanrae Benoit own a .56+/- acre parcel 46.16-1-8 at 103 Seven Hills Road.

Property is located within the Medium Density Residential Zoning District and located within the APA Moderate Intensity land use area.

B. Documentation Submitted/Other:

The applicant submitted the following materials:

1. Town of Northampton Application for Temporary Use Permit.
2. A section of a copy of a Tax Map identifying the lot.
3. A Hand drawn sketch of the lot and location of proposed "Pop-Up" camper and shed.
4. Copy of Warranty Deed dated November 10, 2008.
5. Completed Short EAF

DISCUSSION: Scott Henze stated that Marc and Jeanrae Benoit are requesting a Temporary Use Permit application at 103 Seven Hills Road. Scott Henze stated that the Benois have submitted a copy of a Tax Map, as well as a hand drawn sketch of the lot and the location of the proposed popup camper and shed, as well as a copy of a Warranty Deed and a Short Environmental Assessment Form. Scott Henze asked Planning Board members if there were any questions on the documentation submitted. Planning Board members had no questions at this time.

C. Planning Department Review:

The Fulton County Planning Department has reviewed Article X (C) Permitted Temporary Uses Requiring a Zoning Permit within the Town's Zoning Ordinance. The following questions should be considered for additional background information:

1. What communication has the applicant had from the APA? JIF?

DISCUSSION: Scott Henze asked Matt Ginter whether or not the applicant had submitted a jurisdictional inquiry form to the Adirondack Park Agency yet? Matt Ginter stated the applicants did not, to his knowledge, submit a jurisdictional inquiry form and that he does not believe that the Adirondack Park Agency would have any form of jurisdiction or concerns regarding this Temporary Use Permit given the fact that it is not located within the NYS Route 30 right-of-way, which the APA considers as an Adirondack Scenic Byway as was the case for Mr. Cucchi.

2. What improvements are existing the property?

- Access Drive?
- Holding Tanks?
- Water well?
- Electric?
- Structures?

START OF PERMITTED TEMPORARY USE PROCEDURE

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

2. Recreational Vehicles on Undeveloped Lots

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

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

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

River Regulating District (HRBRRD) regulated property.

- (b) A limit of one (1) recreational vehicle shall be permitted on an undeveloped lot for a period of up to 90 days within a calendar year, except that no recreational vehicle shall be permitted on an undeveloped lot within the boundary of the Sacandaga Park Neighborhood Conservation Overlay District or on lands adjoining the Hudson River Black River Regulating District (HRBRRD) regulated property. Upon expiration of the 90 day permit, the recreational vehicle shall be removed from the undeveloped lot in its entirety. No recreational vehicle shall be stored, parked for an extended period or otherwise abandoned on an undeveloped lot while not in use".
- (c) A Temporary Use Permit for the temporary use of a recreational vehicle as described in this section shall be issued by the Planning Board. In considering a Temporary Use Permit application, the Planning Board may take into consideration the following:
 - (1) Location of the lot and the recreational vehicle in relation to adjacent lots.
 - (2) Access to electrical connections or use of a generator.
 - (3) Method of waste disposal.
 - (4) Input from adjacent land owners.

DISCUSSION: Scott Henze asked Mr. Benoit how he proposes to dispose of septic waste? Mr. Benoit stated that the popup camper has a porta potty style restroom facility where there is a removable cartridge that he will take off site and dispose of at the Northampton Beach State Campground. Mr. Benoit stated that the gray water is also captured within a camping-style portable container that will also be disposed of at the Town of Northampton pumpout facility or other similar facility.

Member Conkling asked Mr. Benoit how he proposes to power the popup camper? Mr. Benoit stated that he would simply utilize the 12-volt system of the camper and is not proposing to have any permanent electrical service to the site as of this date. Mr. Benoit stated that it is their intentions at some point to build on the site, but for now the Temporary Use Permit will work for them.

D. State Environmental Quality Review

The Fulton County Planning Department has reviewed the proposed temporary use in reference to 6NYCRR Part 617 SEQRA and is recommending that the Planning Board classify the action as a Type II under SEQRA given that there are no changes to the Temporary Use Permit application and that it is a minor temporary use of land having negligible or no permanent impact on the environment.

DISCUSSION: Scott Henze stated that, as was the case of the Temporary Use application of Mr. Cucchi, that the Planning Department has reviewed the Temporary Use Permit application is recommending that the Planning Board classify it as a Type II Action under SEQR and that, given the fact that it is a minor temporary use of land having negligible or no permanent impact on the environment.

MOTION: To classify the Benoit Temporary Use Permit application as a Type II application under 6NYCRR Part 617 due to the fact that there were no changes proposed from the 2016 approved Temporary Use Permit application and that it is a minor temporary use of land having negligible or no permanent impact on the environment and to approve the Temporary Use Permit as requested.

MADE BY: Member Naple
SECONDED: Member Conkling
VOTE: 5 in favor, 0 opposed

V. **TOWN BOARD REQUEST - SACANDAGA GOLF COURSE PROPOSAL:**

A. Background:

- Mr. Mulcahy has approached the Town and Planning Boards with a proposal to purchase the Sacandaga Golf Course. Mr. Mulcahy's proposal consists of the following:
 1. Purchase the entire Golf Course Property from Mr. Osborne for a predetermined price.
 2. Subdivide (10) individual lots from the current golf course property selling nine (9) of the lots and retaining the tenth (10th) southernmost lot along the HRBRRD lands for personal use. The 10th southernmost lot is the only waterfront lot proposed.
 3. Market/advertise the remaining lands of the golf course and the business at a reduced price in order to generate greater and more feasible interest in the golf course in order to sustain

the operation.

- Mr. Mulcahy approached the Town Board requesting that the Board consider his project/subdivision by allowing an amendment to be made to the existing Zoning Ordinance.
- *See Motion by Town Board to Planning Board.

DISCUSSION: Scott Henze reviewed the background information identified within the Agenda. Scott Henze stated that he has passed around the motion that was provided to the Planning Board from the Town Board. Scott Henze read the motion by the Town Board.

Member Naple stated that he does not agree with the Town Board's amendment process that they are utilizing. Member Naple read the amendment process within the Town of Northampton Zoning and Subdivision Regulations starting on page 147 regarding the authority, the procedures and referrals for an amendment process. Member Naple stated that he tried to access the Town of Northampton Comprehensive Plan via the website and, unfortunately, the Comprehensive Plan is not located on the website. Member Naple stated that he contacted the Town Clerk to see why the Comprehensive Plan was not on the website to date.

Matt Ginter, Code Enforcement Officer, stated that he will make sure that the Comprehensive Plan is uploaded to the website as soon as possible.

Member Naple stated that he recently contacted a member of the Professional Golf Association (PGA), Mr. John Fout. Member Naple stated that Mr. Fout had successfully designed a number of golf courses around the country and he discussed how the technology of golf has changed over the years with the new golf ball and club technologies and how balls are hit longer distances than in years past such as when the Sacandaga Golf Course was first established. Member Naple stated that he provided an overview of the Sacandaga Golf Course to Mr. Fout and it was identified that safety could be an issue being a small course and if the course were to continue to be reduced in size, the safety concerns being even more apparent.

Member Naple passed around a document titled "Golf Course Development and Real Estate" produced by the Urban Land Institute and stated that there is a lot of good information on Golf Course Design in the document.

Member Naple stated that, in his opinion, it is important to get a professional opinion on the safety aspect of the Sacandaga Golf Course and this particular proposal.

Member Naple questioned the Planning Board's ability to obtain the services of a professional or other outside help given the fact that the Planning Board technically does not have its own finances.

At this time, the Planning Board allowed for back and forth discussion between members of the public and Planning Board members.

John Mulcahy stated that the project that he is proposing is not changing the layout of the course at all.

Willem Monster stated that the Sacandaga Golf Club was established around 1930 and, at that time, was much smaller than it is today. Mr. Monster stated that then, over time, the Golf Course expanded to where it is today. Mr. Monster stated that he fears that if the Golf Course were to be split up, then there may not be a golf course left.

Member Conkling stated that the Town Board has an interest in amending the zoning code and has provided and requested the Planning Board to review and formulate the amendment. Member Conkling stated that the motion provided by the Town Board is specific. Member Conkling stated that the Town Board, as well as himself, is very concerned for the future of the Golf Course and are trying to be proactive in order to make sure that the Golf Course continues to remain open.

Mr. Mulcahy stated that he is also very concerned with the existence of the Golf Course in the future. Mr. Mulcahy acknowledged that Mr. Osborne has done what he can to keep the Golf Course running over the past several years and has also been unsuccessful in selling the Golf Course, which he has tried to do for the last half dozen or more years. Mr. Mulcahy stated that, god forbid, if something were to happen to Mr. Osborne and the Golf Course became dormant, then it would be extremely expensive for someone to bring the Golf Course back even to its current condition. Mr. Mulcahy referenced that the greens of a Golf Course are the most expensive and can cost upwards of a \$100,000 to develop. Mr. Mulcahy stated that Mr. Osborne's asking price for the Golf Course is a factor as to why he cannot sell it. Mr. Mulcahy stated that his intentions are to purchase the Golf Course from Mr. Osborne for a pre-determined price and then sell some residential lots to recoup some of the investment that he has to make into the purchase of the Golf Course and then put the Golf Course back on the market at a lesser price that would hopefully attract a greater number of interested parties to purchase it. Mr. Mulcahy reiterated that his project is not greatly affecting the physical play or the actual layout or play of the Golf Course. Mr. Mulcahy identified that he is not a developer but simply a concerned citizen of the Sacandaga Park area that fears that within the next couple of years the Town may lose the Golf Course forever. Mr. Mulcahy stated that he has also consulted with his attorney and stated that one could potentially petition the Town to rezone the Golf Course given the hardship that the Town has placed upon the zoning restrictions within the Golf Course District.

Mrs. Cheryl Miller stated that she lives along the Golf Course on Houseman Street and asked why she had never been contacted or any of the other neighbors in the area been contacted regarding this particular project. Mrs. Miller stated that she has concerns over the project.

At this time, Scott Henze addressed the public stating that this is a Planning Board meeting and that the Planning Board has a directive from the Town

Board, based upon the motion made, to prepare the amendment with an advisory recommendation back to the Town Board.

Member Naple stated that he would like to hear what other members of the public have to say regarding this project.

Willem Monster stated that the Sacandaga Golf Course is a very important piece to the local economy. Mr. Monster questioned why the Town would want to make an already small Golf Course even smaller. Mr. Monster stated that, in his opinion, Mr. Osborne is having difficulty selling the Golf Course given the fact that it is not being marketed appropriately. Mr. Monster stated that he could foresee a developer developing the lakefront portion of the Golf Course in order to capitalize on that.

Cheryl Miller stated that she has concerns regarding the historic preservation of the Golf Course. Mrs. Miller stated that she has concerns regarding the intentions of the project. However, if it benefits the Golf Course in a way that it will continue to remain open, then she can understand the reasoning.

Member Conkling stated that there have been no members of the public notified at this time given the fact that there is technically no project nor has a specific amendment been made to date. Member Conkling stated that once the Planning Board does their due diligence formulating the amendment and advisory recommendation, it will go back to the Town Board for consideration. Member Conkling stated that, at that time, the Town Board has two (2) options with the first being that they move forward with the amendment as drafted by the Planning Board. He stated that if they chose to continue, then the Town Board would be required to hold a public hearing taking in public consideration and at that time all neighbors would receive notification and public notice given. He stated that the second option is the Town Board could simply not move forward with the amendment. Member Conkling stated that the Sacandaga Golf Course is a significant historic asset to the community, as well as an economic asset to the community, and we all want to make sure that it survives for the future. Member Conkling stated that it is the job of the Planning Board to create an amendment based upon the motion made by the Town Board, formulate an advisory opinion and send it back to the Town Board for their final consideration.

Mr. Sid Junquera stated that he has been around the area for a long time and it is of his opinion that the owner has no right to sell the Golf Course at all. Mr. Junquera stated that it is his recollection that there is a deed restriction on the land that indicates that there will be no building on the Golf Course property. Mr. Junquera recommended that this should be looked into.

Gerry Fitzgerald stated that he has known Mr. Osborne and has worked at the Sacandaga Golf Course for a long time. Mr. Fitzgerald stated that he has also personally known the Mulcahy family who also has a longstanding history in the Sacandaga Park area and they are an outstanding family. Mr. Fitzgerald stated that Mr. Mulcahy simply wants to buy the Golf Course for roughly

\$400,000, which is the Full Market Value of the Golf Course. Mr. Fitzgerald stated that Mr. Osborne is using the Full Market Value as his asking price. Mr. Fitzgerald stated that Mr. Mulcahy's plan is to purchase the Golf Course from Mr. Osborne for the asking price and, in order to recoup some of his investment, he plans to create lots in order to sell those lots and then sell the Golf Course back at a lesser price to someone who may be willing to make a go of its continued operation. Mr. Fitzgerald stated that it is very evident and clear that if the Town does not act and do something very soon, then they will lose the Golf Course operation in the future. Mr. Fitzgerald stated that he knows for a fact that the last five (5) seasons the Golf Course has operated at a loss. Mr. Fitzgerald stated that Mr. Osborne does not have enough resources to pay the expenses and that the reason why it is still in operation is due to the fact that most individuals working at the Golf Course do not get paid a monetary value, however get paid with a free golf membership. Mr. Fitzgerald stated that, without the Sacandaga Golf Course, there's technically no Sacandaga Park at all. Mr. Fitzgerald stated that Mr. Mulcahy is not here proposing his project to make a quick buck. Mr. Fitzgerald stated that Mr. Mulcahy is concerned with the preservation of the Golf Course and wants to make sure that it continues for future use.

Member Naple stated that, within the amendment process identified within the Zoning Code, it states that the Planning Board shall submit to the Town Board its Advisory Report within thirty (30) days after receiving notice from the Town Clerk of the proposed change. Member Naple stated that it continues to read that the failure to make such a report within forty-five (45) days shall be deemed to be a favorable recommendation.

Member Anderson stated that if the Planning Board has thirty (30) days, would the Planning Board be able to draft an amendment within that timeframe.

Planning Board members discussed that their next regularly-scheduled meeting is to be held on May 9, 2017, which is within the 30-day timeframe.

Chairman Smith asked if Scott Henze of the Fulton County Planning Department would be able to prepare the amendment for the Planning Board's review. Scott Henze stated that that is exactly what he would recommend at this time that he, with the assistance of Matt Ginter, prepare the amendment based upon the motion made by the Town Board which would then be presented back to the Planning Board during their May 9th meeting.

Mr. Mulcahy stated that he is a businessman and that a smart businessman does not go into a business that is drown with too much debt/costs. Mr. Mulcahy stated that, unfortunately, with Mr. Osborne's asking price and the fact that the Golf Course has operated at a loss over several years, it is, at the moment, not a viable option to simply purchase the course. Mr. Mulcahy stated that his objective is to make the Golf Course affordable to someone in order to continue to own and operate it.

Mr. Junquera stated that he has heard around town that the Town Board should buy it and run it. Mr. Junquera stated that he would not be in favor of this given the fact that the Town can't even seem to be able to afford to purchase new highway equipment etc.

B. Town Comprehensive Plan:

1. Adopted October 2007.
2. Comprehensive Plan is a vision of how a community wants to look in 20 years.
3. Comprehensive Plan is the foundation for zoning. In New York State, municipalities must have their Zoning Regulations based upon a Comprehensive Plan.
4. Comprehensive Plan is the vision. Zoning is the tool to achieve the vision.
5. Recreation Chapter of the adopted plan makes reference to the Sacandaga Golf Course page 36 (See handout).
 - a. Goal - "The Town and Village should establish a multigenerational recreation/wellness study group to propose a comprehensive list of activities and government organization and private resources to facilitate them. Examples would include open spaces, recreational parks, ballparks, bicycle and walking trails and the protection of the Sacandaga Golf Course".
 - b. Objectives #3 - "The protection of the golf course is vital for open space, historical value and recreational purposes".
 - c. Economic Value - "The Town can encourage passive tourism with the development of hiking and biking trails. The protection of open space such as the Sacandaga Golf Course will keep the Town from being overly developed therefore putting a strain on the Town's infrastructure..."

DISCUSSION:

C. Town Zoning Ordinance:

1. Adopted May 2012.

2. Zoning regulations were drafted to comply with the language used within the Comprehensive Plan by the following:
 - a. Article III: Establishment of Districts - Golf Course District - "The purpose of this district is to protect the historic Sacandaga Golf Course by permitting the use of lands in this district for golf course and golf course related accessory uses".
 - b. Golf Course Zoning District Boundary - The actual parcels of land that form the golf course.
 - c. Schedule A: Use Regulations - Indicate the uses permitted and under what type of permit. If a use is not listed as being permitted, it is technically not allowed.
 - d. Permitted Uses within the Golf Course District are:
 - i. Parks and Recreation, Public - " Recreation facility operated as a nonprofit enterprise by the Town of Northampton, and other governmental entity or any nonprofit organization and open to the general public".
 - ii. Golf Course - "A tract of land for playing golf for a fee, improved with tees, greens and fairways and which may include clubhouses, pro shops, food and beverage service and shelters".
 - iii. Outdoor Wood Boiler - "A fuel burning device....."
3. All other uses are not allowed in the Golf Course district to include Residential uses.

DISCUSSION:

VI. **CODE ENFORCEMENT REPORT:**

DISCUSSION: Matt Ginter stated that he has no official Code Enforcement Report. However, the Planning Board may receive another Temporary Use Permit for the next meeting. Matt Ginter stated that he sits on the Fulton County Planning Board and that there have been several Solar Farm applications that the County Planning Board has had to review. Matt Ginter stated that Scott Henze had provided the Planning Board with a copy of the Town of Johnstown Solar Farm Regulations several months ago and that it may be something that the Planning Board would like to revisit and consider in the future.

Member Naple asked Matt Ginter as to where the Adirondack Park Agency stood

when regulating Solar Farms. Matt Ginter stated that he does not know what the APA's stance is on actual Solar Farms of larger size. However, smaller residential solar applications the APA considers as Accessory Structures.

VII. **CLOSE OF THE MEETING:**

MOTION: To close the meeting at 8:10 p.m.

MADE BY: Member Conkling

SECONDED: Member Naple

VOTE: 5 in favor, 0 opposed