

**TOWN OF NORTHAMPTON PLANNING BOARD  
JUNE 13, 2017  
7:00 P.M.  
TOWN HALL**

**MEETING NOTES**

**PRESENT:**

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

**SCOTT D. HENZE, PLANNER/GIS FULTON COUNTY PLANNING DEPT.**

**OTHER:**

**PATRICK CHERKO**

**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 May 9, 2017 meeting.

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

**III. PATRICK & ALICE CHERKO TEMPORARY USE PERMIT:**

A. Background:

Alice Cherko owns a .52+/- acre parcel (75.20-2-2) at Circle Road that is accessed via County Highway 110.

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

The property does not directly front HRBRRD lands.

Patrick Cherko (son of Alice Cherko) recieved a 2016 Temporary Use Permit from the Planning Board.

B. Documentation Submitted/Other:

The applicant submitted the following materials:

1. Town of Northampton Application for Temporary Use Permit.
2. Copy of a Tax Map identifying the lot and approximate location of the proposed RV to be placed on the lot.
3. Copy of Warranty Deed dated January 31, 1977.
4. Completed Short EAF

DISCUSSION: Chairman Smith reviewed the background information with Planning Board members. Chairman Smith asked if Planning Board members had any questions? There were no questions.

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. Were all aspects of the 2016 Temporary Use Permit provided by the Planning Board and issued by the Code Enforcement Office complied with?

DISCUSSION: Chairman Smith reviewed the Planning Department review as identified within the Agenda. Scott Henze stated that Matt Ginter, Code Enforcement Officer, wanted him to inform the Board that Mr. Cherko was unable to remove his travel trailer from the site. Scott Henze stated that the

Planning Board issued a Temporary Use Permit for Mr. Cherko last year. Scott Henze stated that Matt Ginter wanted the Board to know that he was in the presence of Mr. Cherko when he was trying to remove the trailer. However, the trailer became severely stuck due to the very wet conditions at that time. Scott Henze stated that Mr. Cherko did not remove the trailer from the site last year. Mr. Cherko stated that he would remove the trailer this year and would let Matt Ginter know when he was going to do so. Mr. Cherko stated that it was his intentions to remove it last year. However, due to the unfortunate wet time period, he was unable to do so.

2. What improvements are existing on the property?

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

DISCUSSION: Chairman Smith asked Mr. Cherko to refresh his memory and asked what he has regarding Holding Tanks? Mr. Cherko stated that the property has an existing well and the camper has a Holding Tank. Mr. Cherko indicated that the property also has an existing electric line, a dirt driveway and that there are no structures on the property and he does not intend to build any. Mr. Cherko stated that he has relatives that live a short distance from the site where he would be placing the Travel Trailer on after the permit period is over.

**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:

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.

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:

MOTION: To classify the Patrick and Alice Cherko Temporary Use Permit Application Project as a Type II Action under 6NYCRR Part 617 of SEQRA.

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

E. Issuance of Temporary Use Permit

The Planning Board may issue a Temporary Use Permit for a maximum of up to 90-days within a calendar year.

MOTION: To approve the Patrick and Alice Cherko Temporary Use Permit on Tax Map Parcel No. 75.20-2-2 having Application No. P04-17 starting June 14, 2017 and ending 90 consecutive days thereafter on or around September 14, 2017.

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

#### **IV. DAVID & DANIELLE HUGO TEMPORARY USE PERMIT:**

##### **A. Background:**

David & Danielle Hugo own a 20+/- acre vacant parcel (32.-4-2.2) along Tennantville Road.

The property is located within the Rural Residential 2 Zoning District and located within the APA Low Intensity land use area.

The property does not directly front HRBRRD lands.

The applicants have not recieved a Temporary Use Permit for this property in the past.

David & Danielle Hugo wish to utilize a 30' travel trailer on parcel 32.-4-2.2.

##### **B. Documentation Submitted/Other:**

The applicant submitted the following materials:

1. Town of Northampton Application for Temporary Use Permit.
2. Copy of a Tax Map identifying the lot and approximate location of the proposed RV to be placed on the lot.
3. Copy of Warranty Deed dated December 15, 2016.
4. Completed Short EAF

DISCUSSION: Chairman Smith reviewed the background information and documentation submitted with Planning Board members and asked if there were any questions. Member Conkling stated that there was an e-mail discussion regarding the family trust that was identified on the Warranty Deed. Member Conkling stated that, although Matt Ginter, Code Enforcement Officer, is not present, he had recently received a copy of a signed document of all trustees authorizing the acceptance of this particular project. Member Naple stated that he personally is in a property trust. Member Naple stated that, originally, he did know what the original trust was for Mr. Hugo. Member Naple stated that, given the nature of this particular project being a permit issuance only, that this type of application can be lenient with having a signatory trust document executed.

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:

DISCUSSION: Chairman Smith questioned whether or not there was existing electric on the site. Member Conkling stated that he is very familiar and is an acquaintance of Mr. Hugo. Member Conkling stated that he has been at the location several times. Member Conkling stated that Mr. Hugo entertains his grandchildren who walk through the trails on the property and is essentially a camp. Scott Henze stated that Matt Ginter had informed him that Mr. Hugo has been utilizing the camper on this particular property for the last 2 years. Scott Henze stated that Matt Ginter informed Mr. Hugo that he really needs to come and obtain a Temporary Use Permit. Scott Henze stated that Matt Ginter indicated that Mr. Hugo was unaware that a Temporary Use Permit would be required and once learning of the permit, he voluntarily came in to apply for one.

1. What improvements are existing on the property?

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

DISCUSSION:

**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:

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*intended to be used for temporary living quarters for travel, recreational or vacation purposes.*

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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.

MOTION: To classify the David and Danielle Hugo's Temporary Use Permit Application Project as a Type II Action under 6NYCRR Part 617 of SEQRA.

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

E. Issuance of Temporary Use Permit

The Planning Board may issue a Temporary Use Permit for a maximum of up to 90-days within a calendar year.

MOTION: To grant David and Danielle Hugo a Temporary Use Permit on Tax Parcel No. 32.-4-2.2 having Application No. P05-17 starting June 14, 2017 for 90 consecutive days ending on September 14, 2017.

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

**V. CODE ENFORCEMENT REPORT:**

DISCUSSION: Scott Henze stated that Matt Ginter had informed him that Brian Horton of the proposed Ice Cream Tree restaurant has not come to request his Building Permit yet. Scott Henze stated that Matt Ginter has been fielding phone calls from people asking what is going on out at the site. Scott

Henze stated that Matt Ginter indicated that, currently, he has no outstanding applications to report on.

**VI. OTHER BUSINESS:**

DISCUSSION: Member Naple asked Scott Henze what changes are being proposed to the 6NYCRR Part 617 SEQRA Type II Regulations? Scott Henze stated that the NYSDEC has draft changes to the Type II list. Scott Henze stated that one of the changes would be to include minor subdivisions as a Type II, as well as some solar projects. Scott Henze stated that, currently, NYSDEC is finalizing those draft changes and should be released in the near future.

Member Groff asked if all Planning Board members had received an e-mail regarding whether the meeting for tonight was scheduled or postponed? Member Groff stated that the only e-mail that he received was from Scott Henze providing the draft minutes and draft Agenda. Scott Henze stated that Matt Ginter had sent out an e-mail a few weeks ago indicating that there were two (2) applications in Planning Board members' mailboxes for the June meeting. Member Groff stated that he did not receive that e-mail. Scott Henze stated that if the Planning Board would like that he could send out a hard copy Meeting Notice to Planning Board members in the mail as well as sending out an e-mail. Scott Henze stated that the Meeting Notice would simply identify that the Planning Board does have a meeting on such and such a date and would identify what Agenda items would be included. Planning Board members agreed that this would be a good idea moving forward.

**VII. CLOSE OF THE MEETING:**

MOTION: To close the meeting at 7:16 p.m.

MADE BY: Member Naple

SECONDED: Member Anderson

VOTE: 5 in favor, 0 opposed