

**TOWN OF NORTHAMPTON PLANNING BOARD
SEPTEMBER 12, 2017
7:00 P.M.
TOWN HALL**

MEETING NOTES

PRESENT:

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

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

OTHER:

**MICHAEL E. TOMLINSON
MICHAEL F. TOMLINSON**

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 June 13, 2017 meeting.

MADE BY: Member Anderson

SECONDED: Member Naple

VOTE: 4 in favor, 0 opposed

III. MICHAEL E. TOMLINSON - LOT LINE ADJUSTMENT REQUEST:

A. Background:

The applicant is proposing a lot line adjustment of a portion of SBL# 45.-5-18 owned by Michael E. Tomlinson & Rebecca J. Homkey. SBL# 45.-5-18 and SBL# 45.-5-17.12 are proposed to be combined into one lot. The remaining portion (3.204ac) of SBL# 45.-5-18 will now become the second lot as shown on the survey map provided by Ferguson & Foss dated May 15, 2017.

All properties are located within the Town's Rural Residential 2 Zoning District.

SBL# 45.-5-18 is located within both the APA Rural Residential and Low Intensity Land Use areas.

SBL# 45.-5-17.12 is located entirely within the APA Low Intensity Land Use area.

The proposed 3.204 second lot will be located entirely within the APA Low Intensity Land Use area.

The applicant has provided the following:

1. Application for a Lot Line Adjustment
2. Subdivision Waiver
3. Quit Claim Deed
4. Copy of a section of a Tax Map
5. APA JIF dated June 20, 2017 (J2017-0356) with map
6. Completed Part 1 Short EAF
7. Ferguson & Foss survey map dated May 15, 2017.

B. Planning Department Review:

The Fulton County Planning Department has reviewed Article VIII (C): Lot Line Adjustments within the Town's Zoning Ordinance and Subdivision Regulations document. Below is a general outline of steps for the Planning Board to follow to review a Lot Line Adjustment.

START OF LOT LINE ADJUSTMENT PROCEDURE

1. An applicant may request that the subdivision review process be waived when a proposed subdivision is a lot line adjustment that meets the following criteria:

- (a) It would not create an additional lot.
 - (b) It is a minor modification of an existing lot line; or is the conveyance and merger of a portion of one parcel to an adjoining parcel.
 - (c) It would not create a nonconforming parcel or cause any other parcel to become nonconforming under this Law or the New York State Adirondack Park Agency Act and Adirondack Park Land Use and Development Plan.
 - (d) It would comply with all applicable zoning requirements of this Law and applicable New York State Department of Health regulations pertaining to well and septic system distances from parcel boundaries.
- Does the Planning Board feel that the existing Lot Line Adjustment request meets all of the criteria above?

DISCUSSION: Chairman Smith asked Planning Board members whether or not there were any questions regarding the lot line adjustment procedure identified within the Agenda. Planning Board members had no questions.

2. Submission requirements

To request a lot line adjustment, the applicant shall submit:

- (a) A waiver application that shall be signed by the parcel owners, or their duly authorized agents, of both affected parcels.
- (b) A plat or map of the parcels affected by the proposed adjustment, showing all existing buildings, the location of existing utility or other easements or rights-of-way of wells and of septic systems. The map shall show the existing lot lines and the location of the proposed new lot line, and the existing and new setback distances to any existing buildings.

The map shall have the title "LOT LINE ADJUSTMENT between properties of (name) and (name)", and shall include a restriction to the effect that the land added to the existing parcel, and the existing parcel are combined to form a single, undivided lot.

(c) A fee as established by the Town Board in the Schedule of Fees.

- Does the Planning Board feel that the existing Lot Line Adjustment Map provided meets all of the submission requirements above?

DISCUSSION: Chairman Smith asked Planning Board members whether or not they felt as though the submission requirements have been met by the applicant. The consensus of the Planning Board was that all submission requirements have been met.

3. State Environmental Quality Review

- Article II: Permits and Approvals Process Section E SEQRA (Page 4 In Ordinance):

"The Town shall comply with the provisions of the New York State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations as codified in Title 6, Part 617 of the New York Codes, Rules and Regulations. Upon receipt of any complete application, the Town or any officer, department, board of the Town shall initiate the New York State Environmental Quality Review process by issuing a determination of significance".

- The Fulton County Planning Department has reviewed the proposed lot line adjustment in reference to 6NYCRR Part 617 SEQRA and is recommending that the Planning Board classify the action as an Unlisted Action under SEQRA, designate itself as the Lead Agency to perform an Uncoordinated Review of the proposed action and authorize the Fulton County Planning Department to prepare Part II and Part III on the Boards behalf.

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

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

- MOTION: To issue a Negative Declaration for the Michael F. & Shelia E. Tomlinson Lot Line Adjustment identifying that:
1. The applicant has submitted a Jurisdictional Inquiry Form to the NYS Adirondack Park Agency (APA) and received a response dated June 20, 2017 indicating that the APA does have jurisdiction and will require a permit.
 2. All lots meet the Town's minimum lot area requirements.
 3. There will be no notable traffic impacts resulting from the proposed action.

and to authorize Chairman Smith to sign Part III of the Short EAF on the boards behalf.

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

4. Planning Board Review and Approval Procedure

- (a) Upon submission of a complete application, the Planning Board shall, within 62 days, review the application and shall either approve or deny the application. Approval may be granted when the Planning Board determines that the proposed adjustment meets all requirements for a Lot Line Adjustment and would not adversely affect the site's development or neighboring properties, would not alter the essential characteristics of the neighborhood or adversely affect the health, safety or welfare of Town residents.
- (b) No public hearing shall be required.
- (c) If the waiver is granted, the applicant shall file a map with the Fulton County Clerk within 30 days of the approval date. The map shall be signed by an empowered duly authorized officer of the Town of Northampton Planning Board. No person shall file plans for any lot line adjustment without first obtaining the Planning Board's signature on the plans.

(d) If the Planning Board denies the request for waiver, the applicant may proceed with the minor subdivision review process as set forth in this Article.

DISCUSSION: Chairman Smith asked Planning Board members whether or not they felt as though they have been provided with enough information and are comfortable enough with the application to make a decision tonight. The consensus of the Planning Board was that all of the application materials have been submitted and that they did not need additional time to discuss this proposed lot line adjustment.

MOTION: To approve the request for a waiver to the Town of Northampton Subdivision Regulations and to approve the application for a Lot Line Adjustment as submitted and to authorize Chairman Smith to stamp and sign the Lot Line Adjustment maps.

MADE BY: Member Anderson

SECONDED: Member Naple

VOTE: 4 in favor, 0 opposed

IV. CODE ENFORCEMENT REPORT:

Matt Ginter stated that he is working on another list of proposed amendments to the Town of Northampton Zoning Ordinance that he has found to be burdensome to his ability to act as the Code Enforcement Officer. Mr. Ginter identified that there needs to be an updated definition for what a principle building is. Mr. Ginter reviewed the current definition of a principle building. Mr. Ginter identified that he would like to include within the principle building definition a minimum square foot requirement. Mr. Ginter identified that the Town of Edinburg, which he is also a Code Enforcement Officer for, identifies that any building built within the Town must at least be 1,250 sq. ft. to be a principle building. Mr. Ginter identified that this minimum square foot requirement (1,250) eliminates the ability for single-wide homes and travel trailers etc. to be placed on waterfront lots.

Mr. Ginter stated that the second amendment that he would like to review is to change the minimum lot size for properties that have either sewer or water. Mr. Ginter identified that the current zoning regulations identify minimum lot sizes for lots that have sewer and water and minimum lot sizes for lots that have neither sewer nor water. Mr. Ginter identified that there are several lots in the Sacandaga Park area that do have water but not sewer. Mr. Ginter identified that, based upon that, there are several lots that are limited in what

they can build. Mr. Ginter identified that he feels as though there should be some clarification regarding this issue.

Member Naple made reference to the Tiny House surge that is happening across the country in relation to being a principal building and having a minimum S.F. requirement.

Planning Board members had a discussion regarding revisiting Solar Regulations within the Town of Northampton. Chairman Smith stated that he would like to add to the Agenda for the October meeting a discussion regarding proposed Solar Regulations. Scott Henze stated that he had provided the Planning Board several months ago with a copy of the Town of Johnstown Local Law establishing Solar Regulations. Scott Henze stated that he would provide this set of regulations to the Planning Board again. Scott Henze stated that the Town of Ephratah also adopted a similar set of regulations.

V. OTHER BUSINESS:

VI. CLOSE OF THE MEETING:

MOTION: To close the meeting at 8:27 p.m.
MADE BY: Member Anderson
SECONDED: Member Naple
VOTE: 4 in favor, 0 opposed