

**TOWN OF NORTHAMPTON PLANNING BOARD
NOVEMBER 14, 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
JAMES CONKLING
JACK GROFF

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

OTHER:

MR. AND MRS. SELKIRK

I. CALL MEETING TO ORDER:

The meeting was called to order at 7:01 p.m.

Chairman Smith attended the meeting via face time located at 218 Gabriel Circle, Naples, FL 34104. Chairman Smith asked that Scott Henze conduct the meeting on his behalf.

II. APPROVE MINUTES OF LAST REGULAR MEETING:

MOTION: To approve the minutes to the October 10, 2017 meeting.

MADE BY: Chairman Smith

SECONDED: Member Anderson

VOTE: 4 in favor, 0 opposed, 1 abstained (Member Conkling)

III. KATHY J. SELKIRK - LOT LINE ADJUSTMENT REQUEST:

A. Background:

The applicant is proposing a lot line adjustment of a portion of SBL#46.4-2-4.1 and SBL#46.4-2-5 owned by the applicant. Parcel #46.4-2-4.1 will decrease to 1.57+/- acres, and Parcel #46.4-2-5 will increase to 5.16+/- acres respectively.

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

All properties are located within the Adirondack Park Agency's Moderate Intensity Land Use Area.

The applicant has provided the following:

1. Application for a Lot Line Adjustment
2. Subdivision Waiver
3. A copy of a Warranty Deed and Lien Covenant.
4. A copy of the APA Jurisdictional Determination J2017-0675.
5. A copy of a completed Part I Short Environmental Assessment Form.
6. A survey map prepared by VanDusen and Steves Land Surveyors dated September 13, 2017.

PLANNING BOARD DISCUSSION: Scott Henze reviewed the background information presented within the Agenda. Planning Board members had no further comments.

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: Scott Henze reviewed the lot line adjustment procedure information as identified within the Agenda. Scott Henze asked Planning Board members whether or not the lot line adjustment request meets the requirements identified within the Agenda. Planning Board members agreed that, based upon the review of the lot line adjustment map, that the applicants are not creating an additional lot and that the applicants meet all of the applicable zoning requirements of those regulations of the NYSDOH pertaining to well and septic systems.

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: Scott Henze reviewed the submission requirements with Planning Board members. Scott Henze asked the applicants to verify the location of the existing well on existing Parcel No. 46.4-2-5 containing the 2-story wood frame camp and existing garage. The applicants identified that the well is a hand dug covered well that should be located to the northeast of the wood-frame camp. Planning Board members identified said well on the lot line adjustment map. Scott Henze asked Planning Board members whether or not they had any additional concerns regarding the adjustment of the existing lots. Planning Board members had no further concerns. Scott Henze asked Matt Ginter whether or not the applicant had paid the Town the required fees? Matt Ginter indicated that all fees have been paid to date.

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

➤ MOTION: To issue a Negative Declaration for the Kathy J. Selkirk 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 October 30, 2017 indicating that the project does not require an Agency 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 Member Anderson to sign Part III of the Short EAF on the boards behalf.

MADE BY: Member Anderson
SECONDED: Member Conkling
VOTE: 5 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: None

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 Member Anderson to stamp and sign the Lot Line Adjustment maps.

MADE BY: Member Naples

SECONDED: Chairman Smith

VOTE: 5 in favor, 0 opposed

IV. REVIEW CEO PROPOSED ZONING AMENDMENTS:

- Existing Fence Regulations:

PLANNING BOARD DISCUSSION: Matt Ginter stated that he has had some issues regarding the interpretation of the fence requirement within the Zoning Regulations. Matt Ginter stated that there is an issue between property owners along Buda Drive in the Town regarding the height of a fence. Matt Ginter identified that the Zoning Code identifies that a fence can be no higher than 6' in height as measured from the ground. However, typically, most people who install fences like to leave a space between the ground and the bottom of the fence in order to trim the grass etc. Matt Ginter identified that it is also difficult to install a fence when the ground is undulating. He stated that sometimes the fence will be installed higher than 6' from the ground. Matt Ginter stated that he would like to refine the fence regulation to provide more leeway for various circumstances.

Member Naple asked what the existing setback requirement is for a fence? Matt Ginter stated that any fence installed other than in the front yard of a property can be installed directly on the property line. Matt Ginter stated that, however, he typically tells the property owner that they should install the fence slightly offset of the property line so that there are less issues with a neighbor damaging the fence trying to mow up to their property line.

- Temporary Use Permits and a Renewal Process:

PLANNING BOARD DISCUSSION: Matt Ginter stated that the second amendment that he would like to propose and discuss is the reissuance of Temporary Use Permits that have already been approved by the Planning Board in subsequent years and there are no proposed changes to the second request to Temporary Use Permit. Matt Ginter stated that requiring the Planning Board to review all Temporary Use Permits in subsequent years when issued by the Planning Board seems to be cumbersome.

- Minimum Lot Sizes when Public Water and Sewer are Present:

PLANNING BOARD DISCUSSION: Matt Ginter stated that, particularly in the Sacandaga Park Area where water and sewer is provided, there have been some parcels where the property owner has proposed a subdivision and the property proposed to be subdivided only had municipal water service. Matt Ginter identified that, for an example within the Hamlet Residential Zoning District, the minimum lot area with public water and sewage is 5,000 sq. ft. and without is 20,000 sq. ft. Matt Ginter stated that however it does not identify whether or not if a piece of property has municipal water but no sewer, should there be a third area requirement for those instances?

Member Naple identified that the 20,000 sq. ft. requirement without public water and sewer is roughly a ½ acre parcel. Member Naple questioned whether or not based upon required setbacks from wells and septic tanks and property lines, would a person be able to build on a property less than 20,000 sq. ft.? Planning Board members agreed that the area requirements within the Schedule B Dimensional Standards are appropriate.

- Definition of Principle Buildings:

PLANNING BOARD DISCUSSION: Matt Ginter stated that, at times, he finds it difficult to interpret whether or not a person can construct a garage on a vacant lot. Matt Ginter stated that, typically, garages are considered accessory structures. However, if it is the only structure on a lot, does it become the Principle Building or Structure? Matt Ginter stated that he has been reluctant to issue Building Permits to property owners who propose to build a garage on a vacant piece of property. Planning Board members continued to discuss the interpretation of a Principle or Primary Structure.

Post Meeting: Upon additional review of the Schedule A Use Regulations by Code Enforcement Officer Matt Ginter, he identified within the Use category a category titled “Storage Structure or Garage, Private, as a Principle Use” indicating that within the Resource Conservation, Rural Residential 1, Rural

Residential 2 and Hamlet Mixed Use Districts, it will allow for this type of use subject to Special Permit by the Planning Board.

- Senior Housing as an Allowable Use in Schedule A:

PLANNING BOARD DISCUSSION: Matt Ginter stated that, currently, there is no specific definition or no specific use within the Schedule A of the Use Regulations identifying where senior housing could be located nor is senior housing defined within the definitions of the Zoning Law.

Member Conkling stated that he does not believe that senior housing would need to be a particular use within any district as senior housing could be interpreted to be single-family, 2-family or multiple family residential housing.

Planning Board members identified that, within the Zoning Code, there is a planned Senior Housing Development District which does identify various types of permitted uses, as well as identifying age restriction etc.

Planning Board members discussed Article 7 titled Planned Development District to include the Planned Residential Development District, the Planned Senior Housing Development District and the Planned Waterfront Development District. Scott Henze stated that in order for an applicant to propose a Planned Development District, there is a specific process in which to do so. Scott Henze stated that an applicant would need to first go before the Town Board to discuss a potential creation of a Planned Development District for one of the types of Planned Development Districts identified within the Zoning Code to see whether or not the Town Board would be interested in such a project. Scott Henze stated that the Town Board, at that point, could either acknowledge that they have some interest or they could simply tell the applicant that they have no interest whatsoever.

- Resource Conservation District along Route 30 being rezoned to Hamlet:

PLANNING BOARD DISCUSSION: Matt Ginter stated that there has been discussion by the Town Board to rezone some of the Resource Conservation areas along NYS Route 30 to Hamlet in order to allow for greater density within those areas. Scott Henze stated that when the Zoning Districts were created, they tried to stay in keeping with the Adirondack Park Agency's Land Use Map. Scott Henze stated, for the most part, the Resource Conservation District follows the APA Resource Conservation Land Use Area. Scott Henze stated that the APA's Resource Conservation Land Use Area typically are the areas where there are site limitations to include shallow depth to bedrock or wetlands restrictions or other soil restrictions,

as well as topography restrictions. Scott Henze stated that the Town can zone any portion of the APA's Land Use Area anything they want but anyone wishing to do something with the lands would still be required to be in compliance with the APA's density requirements.

Planning Board members discussed how the Town would approach the APA to request a change to their land use areas. Scott Henze stated that he believes that there is a specific process within the Adirondack Park Agency's Rules and Regulations in order to do so and that that request should come directly from the Town Board.

Member Naple questioned whether or not the APA would be able to provide some specific guidance and assistance to the Town for those particular areas that the Town would like to rezone or have the APA's Land Use classification changed.

V. CONTINUED REVIEW OF DRAFT SOLAR REGULATIONS:

PLANNING BOARD DISCUSSION:

No Discussion

VI. CODE ENFORCEMENT REPORT:

DISCUSSION: Matt Ginter stated that Willem Monster is proposing a lot line adjustment in order to construct a driveway from NYS Route 30 leading to the tennis courts within the Sacandaga Park. Matt Ginter stated that Willem has submitted his Jurisdictional Inquiry Form to the Adirondack Park Agency, as well as has been working on his lot line adjustment map. Matt Ginter stated that, however, Willem will require a new curb cut and access from NYSDOT in order to install the driveway which may be difficult to receive.

VII. OTHER BUSINESS:

None

VIII. CLOSE OF THE MEETING:

MOTION: To close the meeting at 8:15 p.m.

MADE BY: Member Anderson

SECONDED: Member Naples

VOTE: 4 in favor, 0 opposed

(Chairman Smith left the meeting via face time at 8:00 p.m.)