

**TOWN OF NORTHAMPTON
ZONING BOARD OF APPEALS
May 23, 2018**

The Town of Northampton Zoning Board of Appeals meeting was called to order on Wednesday, May 23, 2018 by Chair Darling at 7:00 p.m. in the Municipal Building, 412 South Main St., Northville, NY. Chair Darling led the Salute to the flag.

PRESENT: Chair: Heidi Darling
Members: Thomas Corrigan, Dennis Miller, Jeff Daum and Bruce Backer

Also present: Code Enforcement Officer, Matthew Ginter; and Attorney Michael Albanese Alan Lord-NY Land and Lakes, and Bob Smith

RECORDING SECRETARY: Elaine Mihalik, Town Clerk/ZBA Secretary

MINUTES: Member Dennis Miller motioned to approve the May 9, 2018 meeting minutes as presented by the ZBA Secretary. Seconded by Member Jeff Daum and passed by
5-Ayes: Darling, Miller, Daum; Backer and Corrigan 0-Nays

Case #Z02-18: Woodward Lake Properties LLC, Collins Gifford Valley Road, Northville, NY. Parcels #17.-1-23; #31.-1-2; #31.3-1-25 in the Town of Northampton, Fulton County, NY. Provisions to the Town of Northampton Zoning Law: Schedule B: Dimensional Standards, Minimum acres. Type of Action requested: Density Area Variance
PROPOSED: Applicant if proposing a major subdivision.

Chair Darling mentioned that tonight's meeting is to discuss whether the application is deemed complete.

Deputy Chair Corrigan mentioned the that the correspondence to the Attorney doesn't answer the questions he had. He stated that he would draw up a letter tomorrow for the Clerk to type up with the question that he would like answered by Attorney Schachner that addresses the actual issue. The concern has always been, the courts have ruled that Zoning Boards can exceed their power and assume a legislative function. In a zone by issuing a zoning variance rather than issuing a zoning change. We are getting into a larger project here and I would like to know from the Attorney in Glens Falls whether we are putting the town at risk or not. He just noted that we have the authority to issue the variance. That is not the question. The question is, are we putting the town at risk of a lawsuit later?

CEO officer was asked about looking into the previous survey maps that were filed with him with the applications and what information was printed on them. The board was wrong some didn't have the measurements, among other things. Mr. Henze discussed a lot with the Attorney at Miller Mannix about this proposed project.

Attorney Albanese noted that it is the Comptrollers opinion in the paragraph you are referring to. You are not discussing being asked to do the boundary line of the zoning area in this application. You are asked to grant an area variance. That is two different things. I believe that Mr. Schachner was asked, do you have the power to grant this area variance. Yes, you do, responded Attorney Albanese. I believe what Mr. Schachner is saying, that is the purpose of this board. Chair Darling stated the we were worried by granting the area variance it would change what the property was labeled. It has nothing to do with the boundary line or the zoning area explained Attorney Albanese. It doesn't change the district stated CEO Ginter. Discussion ensued.

The next step is to see if there are any deficiencies in the application and if the application is complete noted member Miller.

Member Miller noted that we have the deed, proof of ownership, building permit application- which is not n/a in this case. The survey maps with the property dimensions, structures including set-backs. The bodies of water (wetlands) is pending an evaluation by the APA.

Mr. Lord stated that they have the wetland flagged by a consultant North Country Ecological Services out of Gloversville. The APA will come and do a spot check.

You have the roads and right-of-way on the property on the map, there are some existing roads and you are proposing one new road mentioned Mr. Miller. Currently you are missing the total amount of the fee and pending an evaluation by the APA.

Survey is not signed it's more of a sketch map noted Member Corrigan. We need to have what we are going to approve something that is written down.

We will not have a final survey for quite some time indicated Mr. Lord. I have a map that doesn't indicate the footage but it does indicate acreage sizes.

This is a sketch map and there is a lot that has to go in before it's a final map explained Mr. Lord. We have to do soils on every lot, septic systems, and so forth. We need to know is if we are doing septic systems for 25 lots or 36 lots. What we do have is a deed lot done by Lawson Surveying & Mapping. They are currently doing aerial photography with contours and we will have a final survey map.

There are 11 lots that are before us tonight correct, asked Chair Darling?

Response, Yes. Under the APA zoning regulations, we can have a potential of 68 lots stated Mr. Lord. Under the current Town of Northampton zoning we are allowed 25 lots. Our proposal is to be in the middle at approximately 36 lots.

Discuss ensued on the town zoning and APA zoning and the minimum lot size.

They are meeting the minimum lot size of 5 acres explained CEO Ginter.

This would allow 1 principle building per 30 acres stated Mr. Lord. We might not get 36 lots in the end pending the number of septic systems. There is going to be an association that will own the whole lake, wetlands on the south end of the lake, the dam and so forth stated Mr. Lord. The lot owner will be a member of the association. There will be deed restrictions.

The board is favor of the survey map provided.

MOTION: Member Daum motioned to deem the application complete for Case #Z02-18: Woodward Lake Properties, LLC., for a density area of 30 acres pending the fee being paid to the Code Enforcer. The ZBA has set the Public Hearing for Wednesday, June 27, 2018 at 7 p.m.

Seconded by Member Corrigan and passed by

A Vote of 5-Ayes: Darling, Daum, Miller, Corrigan, and Backer 0-Nay

ADJOURN: Member Dennis Miller motioned to adjourn at 7:42 p.m. Seconded by Member Bruce Backer passed by,

5-Ayes: Darling, Corrigan, Daum, Backer, and Miller 0-Nays

Respectfully submitted,

Elaine Mihalik, Town Clerk/ZBA Secretary