

**TOWN OF NORTHAMPTON  
ZONING BOARD OF APPEALS  
June 27, 2018**

The Town of Northampton Zoning Board of Appeals meeting on Wednesday, June 27, 2018 was called to order 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, Jeff Daum and Bruce Backer  
Excused Member Dennis Miller

**Also present:** Code Enforcement Officer-Matthew Ginter; James Groff-Supervisor and Attorney Michael Albanese  
Michael Warner, Judy and Phillip VanHeusen, Lynne & Doug Isley, George Harrington, Alan Lord, Robert Lesperence, Peggy Trzasko, Harry Gilligan, John Hallinan, George Wyant, Ben Close, Sean and Stacey Darling and Bob Smith

**RECORDING SECRETARY:** Elaine Mihalik, Town Clerk/ZBA Secretary

**MINUTES:** Member Bruce Backer motioned to approve the May 23, 2018 meeting minutes as presented by the ZBA Secretary. Seconded by Member Tom Corrigan and passed by  
4-Ayes: Darling, Backer, Daum, and Corrigan 0-Nays

**Case #Z02-18:** Woodward Lake Properties LLC, located on Collins Gifford Valley Road, Northville, NY.  
Parcels: #17.-1-23, #31.-1-2, and #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 request: Area Variance

**PROPOSED:** Area Variance to the Minimum Acres Per Principal building Density Requirement within the Town of Northampton's Resource Conservation Zoning District

A presentation was given by Alan Lord who works for NY Land and Lakes which purchased the Woodward Lake properties. Mr. Lord noted that we are here at the Zoning Board of Appeals, the Conservation District requires average lot size of 45 acres with a minimum lot size of 5 acres. Under the APA classification in yellow is Rural Use which allows 8 ½ average acre lot size. In the green area is the Resource Management Area requires 42½ acres. Under the APA Zoning you could potentially put 68 lots. The Town Zoning map, it falls all in the Resource Conservation Zone (in green) on that property. That is the zone that requires under the Town Zoning the average lot size of 45 acres with a minimum lot size of 5 acres. We are asking for 30 average lot size. With 1,100 acres there is some in Mayfield, under the current zoning there is 1,100 acres you could put 25 home sites. We are looking at around 35, if we asked for 36 it would be an average density size of 30 acres. We are not here to see if we can get them all because we have not done any wetland or soil testing yet. This is the first step when we talked with the Town Planning Board. We would have to meet the zoning with the size lots and ask for a variance for 11 additional lots. We are not sure if we end up with 11 lots. Mr. Lord has referred to another map that shows the lots around it for a 30 acres lot size most of the lots around the in the area are much less than that. It would change the huge caricature in the neighborhood. A lot of them are 10, 7, 19 are small lots in the hamlet. 13.4 62, 182 these are big lots going up the hill obviously it is too steep. You would never get a building site under 15%. Mr. Lord

mentioned that he will put up a copy of the proposed subdivision that will be with the Planning Board and there will be a lot of Public Hearings, and public comments if anyone has something to say. The Zoning Board has to make a decision on whether to change the density from 45 acres to 30 acres for the parcel.

Mr. Lord is showing another map. Showing proposed 200 acres lots there is some wetlands but no soil testing. Where there are 36 lots out there, it might be 30; it might be back to 25. But the first step is to come before the Zoning Board. I have walked the property and we have looked at wetlands. I have looked at soil from the soil map. He is showing where the Resource Management line is on the map. The ones that are outlined in red were the additional ones that we put in. Basically, what it is doing is the building site across the road you have 170 acres that a piece on the lake and another 170 acres going up the hill. What the variance would allow you to do is to be able to sell somebody 5 acres on the lake and a separate 170 acre lot coming up the hill instead of it all being one big lot. We would not build anymore infrastructure like this road it is the new proposed road coming in. We were going to put just lots on the lake side of the road it allows back lots on the backside of the road. Mr. Lord asked if anyone had any questions for him.

Peggy Trzasko asks where her home is on his map.

George Harrington asked about the lot on the lake that you said were 5 acre lots.

Alan Lord responded, If we are approved a zoning variance to give us a few more lots what we would do is separate that. Instead of having 175 acres and that was one lake front lot we would have one separate lot that would have one 5 acre lot that is separate on the lake and 170 would be going up the hill.

Judith VanHeusen-you are proposing to develop on both sides of Collins-Gifford Valley Road?

Mr. Lord: Correct.

Judith VanHeusen-As well as an additional road on the back side of the lake?

Mr. Lord: Yes, we will build a new road

Judith VanHeusen: You talk about 5 acres on the lake and 170 acres going up the hill. There are family cemetery plots that are in there and foundations homes.

Mr. Lord: I have found those and have photographed it. That was brought up at the Planning Board meeting.

Judith VanHeusen: They would be maintained and have access?

Mr. Lord: Yes, absolutely, you can't disturb that. You have to have access. That will be surveyed into the plans. In some of those home sites, we haven't gotten that far down the road. As we get further down the road they will come up at the Planning Board meeting but I think that some of those foundation house sites will be off limits with the Historic Preservation. You have two choices when it comes to those. You would either to hire someone to document it where they dig and document the findings and archive them. The other option is build the side a kind of buffer zone for the Historic Preservation whether it's 100 feet or 200 feet. We have enough property here I think we would just put up a buffer around those. The APA is going to make us do building envelopes anyway. We are going to have to design house sites and septic sites. So obviously we will keep a building envelope away from those foundations and houses anyway. There may be 6 of them that I counted.

Peggy Trzasko: From the gate where the farm is where we grew up there.

Judith VanHeusen: The house that is already there on the lake, will that be one of the building sites?

Mr. Lord: Correct. That will exist on a 12 acres piece.

Phillip VanHeusen: Around the lake itself the road is up here and the lake is down here what will they do with the sewerage? Do they have a sewerage plant or not?

Mr. Lord: No, they would be individual septic's.

Phillip VanHeusen: I do not think that would work. There is no run-off there. Right from the lake approximately 25 feet back from the lake from the top of the mountain is nothing but rock.

The other side is the same. There might be a little sand but everything is going to run back into that lake.

Mr. Lord: that's where we haven't gotten that far along yet. That's why I'm saying there might not be 36 lots. The engineer will dig the holes and make sure that they can get a septic system there. There isn't any lot that is smaller than 5 acres.

There was a question as to whether they have started the APA process.

Mr. Lord. We haven't even started the APA process yet.

George Harrington: Back in I believe 1989 there was a permit started with the APA trying to subdivide that. It went on for 4 or 5 years and then got dropped.

You are basically developing around the lake?

Mr. Lord: Correct. We do not build anything. We just sell vacant pieces of property.

It was asked of Mr. Lord if he could describe some of the deed restrictions that might clarify some of the issues with the people.

There will have to be restrictions and they are not carved in stone yet. We did discuss with the Planning Board proposal. I brought what we had done with deed restrictions with the APA with the Woodward place in Bleecker, NY. The biggest one was, "there will be no further subdivision". What we end up with the Town Planning Board is what will always be there. Someone cannot come back that bought the 170 acres lot and say I'm going to make 3 more out of it. We try to protect the property value when somebody invests a nice house, he doesn't need three or four lots around him. We try to provide that type of protection. We do not allow mobile home, single wide mobile homes. We do not allow commercial but that is in your zoning. Earth tone color houses, there is actually a building height set by the APA. We were going to eliminate the electric motors, no gas motors on the lake. It is not a deep lake. The APA needing to come down and there was some discussion on no propeller type boats on the lake. There would definitely be no gas motors allowed on the lake.

George Wyant: How much acreage are you using on the north side of the Collins-Gifford Valley Road? Is that behind my house or not?

Mr. Lord showed that a 35 acre lot is going to run up the side of Mr. Wyant's property.

The building site is down by the road.

Mr. Wyant asked if that acreage will be cleared.

Mr. Lord responded "no" but you will have first option to buy it. Mr. Lord offered to stay and talk with anyone after the meeting on this proposed project.

Member Tom Corrigan asked the public if there was anyone who would like to speak for or against this project.

Bob Smith stated that when the Comprehensive Plan was developed approximately 12 years ago. I was on that committee. What surprised me was when this came before the Planning Board that our zoning was more restricting than the APA zoning. That caught several of us off guard because some of the discussions we had back then in that time, from my notes at the time. Where that we did not want to have more restrictive than the APA. This slipped through. I think it should be made clear that that was not the intent of the Comprehensive Planning Committee at that time. It happened and this is why this is in front of the Town Zoning Board of Appeals at the present time. We certainly think that the APA restrictions are strict enough. That the interest of the Town and the community and stake holders.

George Harrington asked if all this board is the density.

Heidi Darling responded that is all that the Town Zoning Board of Appeals is doing. The next step is that it will go back to the Town Planning Board.

Member Tom Corrigan asked if there were any further discussion.

Chair Heidi Darling noted that having no further discussion a motion was made as follows:

**MOTION:** Member Bruce Backer motioned to close the Public Hearing on Case #Z02-18: Woodward Lake Properties LLC, located on Collins Gifford Valley Road, Northville, NY. Parcels: #17.-1-23, #31.-1-2, and #31.3-1-25 in the Town of Northampton, Fulton County, NY at 7:25 p.m. Seconded the motion by Member Jeff Daum and carried by voice vote as follows:  
 4-Ayes: Darling, Daum, Corrigan, and Backer  
 0-Nays  
 0-Abstain

Tom Corrigan asked the Attorney if he could reopen the Public Hearing.  
 Attorney Albanese stated that the Public Hearing was just closed by the Zoning Board members making a motion to close it.

Tom Corrigan: Could I have continued this until the next meeting if I wanted too?

Attorney Albanese: You would have had to make a motion and the board would have to vote on it. That is not what happened.

Member Bruce Backer mentioned that you had some hesitancy to go over these questions at this time. Why?

Member Tom Corrigan: I wasn't sure if the public was comfortable with this or had an adequate time to speak. He was informed other people were going to come to the meeting.

After discussion the Zoning Board members unanimously approved to move forward with the meeting.

- a. Whether an **undesirable change is produced in the character of the neighborhood** or a detriment to nearby properties will be created by the granting the area variance:

Jeff Daum	No	Bruce Backer	No
Thomas Corrigan	No	Heidi Darling	No

- b. Whether the benefit sought by the applicant can be **achieved by some method**, feasible for the applicant to pursue, other than an area variance:

This is a variance for density.

Jeff Daum	No	Bruce Backer	No
Thomas Corrigan	No	Heidi Darling	No

- c. Whether the requested area variance is **substantial**:

The following members unanimous agreed that they did not have a problem with that.

Jeff Daum	No	Bruce Backer	No
Thomas Corrigan	No	Heidi Darling	No

- d. Whether the proposed variance will have an **adverse effect or impact** on the physical or environmental conditions in the neighborhood or district:

We did not hear anything from the public on this. This is a Public Hearing and if they do not show, they don't show and there were no letters submitted. It is all controlled by the APA.

Jeff Daum	No	Bruce Backer	No
Thomas Corrigan	No	Heidi Darling	No

- e. Whether the alleged difficulty was **self-created**, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance:

It is not a self-created because the Zoning did it stated Chair Heidi Darling.

Member Bruce Backer mentioned that there is no one here that is seated now that disagrees with us, is there?

A Gentleman in the public mentioned that he wasn't fond of it but stated that I don't really disagree with it.

Chair Heidi Darling asked if he disagreed with the Density Area Variance or you disagreed with the project.

Response: The project I guess.

Chair Heidi Darling stated that that needs to be addressed with the Planning Board.

Chair Darling asked if there were any further discussion. Having none a motion was made as follows:

**MOTION:** Member Bruce Backer motioned to grant the Density Area Variance allowing the area that would go from 45 acres per principle dwelling to 30 acres per principle dwelling on Case #Z02-18: Woodward Lake Properties LLC, located on Collins Gifford Valley Road, Northville, NY. Parcels: #17.-1-23, #31.-1-2, and #31.3-1-25 in the Town of Northampton, Fulton County, NY. Seconded the motion by Member Thomas Corrigan and carried by voice vote as follows:

4-Ayes: Darling, Daum, Corrigan, and Backer

0-Nays

0-Abstain

**ADJOURN:** Chair Heidi Darling motioned to adjourn at 7:25 p.m. Seconded by Member Thomas Corrigan and carried by a voice vote as follows:

4-Ayes: Darling, Corrigan, Backer, and Daum

0-Nays

0-Abstain

Respectfully submitted,

Elaine Mihalik, Town Clerk/ZBA Secretary