

**TOWN OF NORTHAMPTON PLANNING BOARD
OCTOBER 8, 2019
7:00 P.M.
TOWN HALL**

MEETING NOTES

PRESENT:

**ROBERT SMITH, CHAIRMAN
ROBERT ANDERSON
STEVEN NAPLE
ED ANCHOR, ALTERNATE**

**ANTHONY FANCHER, CODE ENFORCEMENT OFFICER
SCOTT D. HENZE, PLANNING DIRECTOR, FULTON COUNTY**

OTHER:

**TED HORTON
TED HORTON, JR.
HOMER HORTON**

I. CALL MEETING TO ORDER:

The meeting was called to order at 7:00 p.m.

DISCUSSION: Chairman Smith asked Ed Anchor as the Planning Board's Alternate Member to sit in as an active member for the meeting.

II. APPROVE MINUTES OF LAST REGULAR MEETING:

MOTION: To approve the minutes to the September 10, 2019 meeting.

MADE BY: Member Naple

SECONDED: Member Anderson

VOTE: 3 in favor, 0 opposed, 1 abstained (Acting Member Anchor not in attendance during the September 10, 2019 meeting.)

III. **HOMER & WILMA HORTON SUBDIVISION (P02-19)**

A. Background:

- The Horton's are proposing to subdivide a 21.86 acre single family residential parcel (18.-1-9) they own at 309 CoHwy 143 into the following:

Lot 1 - 3.014 acres with 219.86' of road frontage that contains a single family home.

Lot 2 - 17.457 acre parcel with 100.35' of road frontage that contains an existing cabin.

- Zoning District = Rural Residential 1 - 2 acre minimum lot area required.
- APA Land Use Area = Hamlet - No Density Req. and Rural Use having an 8.5 acre per principal building requirement.

B. Documentation Submitted/Other:

The applicant submitted the following other materials:

1. Town of Northampton Subdivision Application.
2. Short Environmental Assessment Form
3. Warranty Deed
4. Sketch Plan map dated April 21, 2019 drawn by William E. Kelly P.L.S. No. 051066.
5. November 5, 2018 letter from the NYS Adirondack Park Agency Jurisdictional Determination J2018-00735 identifying that a permit is not needed by the APA.
6. June 17, 2019 letter from former CEO Matt Ginter to the applicants denying their subdivision application based upon the proposal to create one (1) lot having less than the require 150' width requirement within the Rural Residential 1 Zoning District.
7. Copy of August 28, 2019 Town of Northampton ZBA action issuing an Area Variance to allow for the 100.35' lot width of Lot 2.

DISCUSSION: Planning Board members reviewed the background information and the documentation submitted to date. Chairman Smith asked Planning Board members whether or not they had concerns in regards to the background or what has been provided by the applicants to date. Planning Board members had no concerns.

C. Minor subdivisions

(a) Application

Within 6 months after classification of a proposal as a minor subdivision by the Planning Board, the subdivider shall submit a subdivision plat as an application for approval of a minor subdivision plat. Said application shall contain the requirements listed in **Subsection G (8), Final Plat** of these regulations and shall conform to the general requirements and design standards specified in **Subsection F** of this Article. Fees as specified in the Town Fee Schedule for each minor subdivision shall accompany the application. A subdivider is only allowed one (1) minor subdivision of said land every 3 years. The Planning Board shall have the authority to modify survey requirements for minor subdivisions such that only the land being subdivided must be surveyed by a New York State licensed land surveyor. The balance of the land, so long as the subdivision does not result in an undersized lot, does not need to be surveyed unless requested by the Planning Board.

(b) Number of copies

The original and 7 copies of the subdivision plat shall be presented to the Planning Board at least 10 days prior to a scheduled monthly meeting of the Planning Board.

(c) Public hearing

A public hearing shall be held by the Planning Board within 62 days from the time of submission of the subdivision plat for approval. Said hearing shall be advertised in a newspaper of general circulation in the Town at least 10 days before such hearing. Property owners located within 100 feet of the land proposed to be subdivided shall be sent a copy of the Public Hearing Notice via Certified mail.

(d) Action on subdivision plat

- (1) The Planning Board shall, within 62 days from the date of the public hearing, act to conditionally approve, conditionally approve with modification, disapprove or grant final approval and authorize the signing of the subdivision plat. This time may be extended by mutual consent of the subdivider and the Planning Board. Failure of the Planning Board to act within such time shall constitute approval of the plat.

(2) Upon granting conditional approval, with or without modification to the plat, the Planning Board shall empower a duly-authorized officer to sign the plat upon compliance with such conditions and requirements as may be stated in its resolution of conditional approval. Within 5 days of the resolution granting conditional approval, the plat shall be certified by the Clerk of the Planning Board as conditionally approved, and a copy filed in its office. Conditional approval of a plat shall expire 180 days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. The Planning Board may, however, extend the time within which a conditionally-approved plat may be submitted for signature, if in its opinion such extension is warranted in the circumstances, for not to exceed 2 additional periods of 90 days each.

(e) Plat void if revised after approval

No changes, erasures, modifications or revisions shall be made on any plat after approval has been given by the Planning Board. In the event that any plat, when recorded, contains any such changes, the plat shall be considered null and void; and the Planning Board shall institute proceedings to have said plat stricken from the records of the County Clerk.

(f) Filing of approved plat

Approval of the plat shall expire within 62 days from the date of such approval unless within such 62 day period such plat shall have been duly recorded by the owner in the office of the Fulton County Clerk. If the plat is not filed within this period, the approval shall expire as provided in Section 276 of New York State Town Law.

D. Subsection F: General Requirements and Design Standards for Subdivisions

1. Compliance required

The Planning Board, in considering an application for the subdivision of land, shall be guided by the policy considerations specified in Subsection A (2), Policy, of these regulations and the following standards.

2. Preservation of existing features

Existing features identified as part of the Resource Analysis which would add value to residential development, such as scenic views from

roadways and public trails, ridgelines, water resources, steep slopes, active farmland, rock outcrops, forested areas, stonewalls, hedgerows, wildlife nesting or migration areas and similar irreplaceable assets, shall be preserved, insofar as possible, through harmonious design of the subdivision.

DISCUSSION: Planning Board members did not identify any existing features to preserve as part of the subdivision application.

3. Density Calculation

- (a) Whenever a parcel of land is subdivided, the proposed subdivision shall comply with both maximum density and minimum lot size requirements of the land use district as established in Article IV, Schedule B unless Conservation Subdivision is used pursuant to Subsection E of this Article in which case the minimum lot size requirements may be reduced.
- (b) The maximum number of lots into which a parcel may be subdivided shall be determined by dividing the parcel size by the required minimum acreage per principal building provided in Schedule B. If no minimum acreage per principal building is required, the maximum number of lots into which a parcel may be subdivided shall be determined using the minimum lot size.
- (c) The Planning Board shall establish, and the applicant shall show on the plat, the number of lots, the number of dwellings and dwelling units and the number of permissible resubdivisions that may be created on the entire parcel to be subdivided.

➤ **Review density calculation on Sketch Plan map provided.**

DISCUSSION: Planning Board members reviewed the density calculation as identified on the subdivision plat and found it to be acceptable.

4. Minimum Lot Standards

- (a) Lots shall be arranged in a manner that protects land of conservation value and protects the scenic resources of the Town. Compact development is encouraged if it advances the protection of significant resources.
- (b) The minimum lot size, lot width and other dimensional standards of Article IV, Schedule B shall apply.
- (c) Side lot lines shall be substantially at right angles or radial to street lines.
- (d) Through Lots or reverse-frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of

topography and orientation. An easement of suitable width, across which there shall be no right of access, may be required along the line of lots abutting such traffic artery or other disadvantageous use. As an alternate, where driveway access from a major street may be necessary for several adjoining lots, the Planning Board may require that such lots be served by a combined access driveway in order to limit possible traffic hazard on such street.

- (e) The plat shall provide each lot with satisfactory access to an existing public street or to a subdivision street that will be ceded to public use at the time of final plat approval. Private streets may be permitted only by resolution of the Town Board.
- (f) Radius corners shall be provided on the property line substantially concentric with the curb radius corners.

➤ **Review minimum lot standards identified on Sketch Plan map.**

DISCUSSION: Planning Board members reviewed the minimum lot standards as per Schedule B and found that the lot standards are in compliance.

- 8. Streets - Not Applicable
- 9. Blocks - Not Applicable
- 10. Driveways - Not Applicable
- 11. Preservation of Open Space - Not Applicable
- 12. Reservations and dedications - Not Applicable

E. Preliminary plat

The preliminary plat submitted to the Planning Board shall be at an adequate scale to show detail from 1" = 50' to 1" = 200' for parcels under 100 acres; and 1" = 200' for parcels of 100 acres or more and shall extend 500 feet past the parcel boundary and shall show or be accompanied by the following information, except where requirements have been waived:

- (a) Data required by Subsection G.2., General Requirements.
- (b) The name of the property owner(s) and the authorized applicant, if different from the property owner(s). *(Comply) (Provided) (Waived)*
- (c) Tax number of all parcels to be subdivided. *(Comply) (Provided) (Waived)*

- (d) Location, bearings and distances of trace boundary including georeferencing information or latitude and longitude coordinates of the plat as available. *(Comply) (Provided) (Waived)*
- (e) A vicinity map sketched at a scale of 2,000 feet to the inch, showing the relationship of the proposed subdivision to existing community facilities that serve it, such as roads, commercial areas, schools, etc. Such a sketch may be superimposed upon a United States Geological Survey Map of the area. *(Comply) (Provided) (Waived)*
- (f) Topography at a contour interval of not more than 10 feet, unless waived by the Planning Board and referred to a datum satisfactory to the Board. *(Comply) (Provided) (Waived)*
- (g) The names of property owners within 200 feet of the property boundary, including those adjoining and those across roads fronting the proposed development. If the proposed development property is within an agricultural district containing a farm operation or within 500 feet of a farm operation located in an agricultural district, the applicant shall complete an Agricultural Data statement, in accordance with NYS Agriculture District Law, which shall contain the name and address of the applicant, a description of the proposed project and its location, and the name and address of all property owners within 500 feet of the property boundary. *(Comply) (Provided) (Waived)*
- (h) Location, name and dimensions of existing streets, easements, deed restrictions, zoning district boundaries, property lines, buildings, parks and public properties. *(Comply) (Provided) (Waived)*
- (i) Location of existing sewers, water mains, culverts and storm drains, if any, including pipe sizes, grades and direction of flow. *(Comply) (Provided) (Waived)*
- (j) Location of pertinent natural and other features such as watercourses, wetlands, floodplains, rock outcrops, stone walls, agricultural district lands, contiguous forest, and single trees 15" or more in diameter (dbh) as measured 4 feet above the base of the trunk. *(Comply) (Provided) (Waived)*
- (k) Location, width and approximate grade of all proposed streets with approximate elevations shown at the beginning and end of each street, at street intersections and at all points where there is a decided change in the slope or direction. *(Comply) (Provided) (Waived)*

- (l) Proposed provision of sanitary waste disposal, water supply, fire protection, stormwater drainage, street trees, streetlight fixtures, street signs and sidewalks. *(Comply) (Provided) (Waived)*
- (m) Lot lines of all proposed or existing lots, and suggested building envelopes. *(Comply) (Provided) (Waived)*
- (n) Conceptual future plans for the parcel, if any. *(Comply) (Provided) (Waived)*
- (o) Location and approximate dimensions of all property proposed to be reserved for park or public uses. *(Comply) (Provided) (Waived)*
- (p) A copy of the Adirondack Park Agency response to either a Jurisdiction Inquiry Form or permit application (as applicable). *(Comply) (Provided) (Waived)*
- (q) Information on all other County and State permits required for subdivision plat approval. *(Comply) (Provided) (Waived)*
- (r) A written statement of any requests for specific waivers of requirements by the Planning Board. *(Comply) (Provided) (Waived)*
- (s) Other data which must be available for consideration of the subdivision at this stage. *(Comply) (Provided) (Waived)*

DISCUSSION: Planning Board members reviewed the preliminary plat requirements as identified within the Agenda and had no questions or concerns.

F. Final plat

The plat submitted to the Board shall show or be accompanied by the following information:

- (a) Data required by Subsection G.2., General Requirements and Subsection G.7., Preliminary Plat, subsections (b) through (s).
- (b) Location, width and name of each proposed street and typical cross sections showing street pavement and, where required, curbs, gutters and sidewalks. *(Comply) (Provided) (Waived)*
- (c) Lengths and deflection angles of all straight lines and radii: length, central angles, chords and tangent distances of all curves for each street proposed. *(Comply) (Provided) (Waived)*

- (d) Profiles showing existing and proposed elevations along the center line of all proposed streets and the elevations of existing streets for a distance of 100 feet either side of their intersection with a proposed street. *(Comply) (Provided) (Waived)*
- (e) Present elevations of all proposed streets shown every 100 feet at 5 points on a line at right angles to the center line of the street, said elevation points being indicated at the center line of the street, each property line and points 30 feet inside each property line (only when required by the Board because of the existence of steep slopes). *(Comply) (Provided) (Waived)*
- (f) Setback lines. *(Comply) (Provided) (Waived)*
- (g) Location, size and invert elevations of existing and proposed stormwater drains and sanitary sewers; the exact location of utilities and fire hydrants. *(Comply) (Provided) (Waived)*
- (h) Location of any existing wells onsite and other proposed lot wells and individual water supply system details such as pumps, storage, treatment, controls, etc. *(Comply) (Provided) (Waived)*
- (i) Location of street trees, street lighting standards and street signs. *(Comply) (Provided) (Waived)*
- (j) Areas of all lots in hundredths of an acre; lots numbers as directed by the Town Assessor; and location, material and size of all permanent monuments. *(Comply) (Provided) (Waived)*
- (k) Accurate location of all property to be offered for dedication for public use, with the purpose indicated thereon, and of all property to be reserved by deed covenant for the common use of the property owners of the subdivision. *(Comply) (Provided) (Waived)*
- (l) Sufficient data, acceptable to the Highway Superintendent, to readily determine the location, bearing and length of all street, lot and boundary lines and to reproduce such lines upon the ground. *(Comply) (Provided) (Waived)*
- (m) Necessary agreements in connection with required easements or releases. *(Comply) (Provided) (Waived)*
- (n) Formal offers of cession to the Town of all streets and public parks. *(Comply) (Provided) (Waived)*

DISCUSSION: Planning Board members reviewed the preliminary plat requirements as identified within the Agenda and had no questions or concerns.

G. Public Hearing:

A public hearing shall be held by the Planning Board within 62 days from the time of submission of the subdivision plat for approval. Said hearing shall be advertised in a newspaper of general circulation in the Town at least 10 days before such hearing. Property owners located within 100 feet of the land proposed to be subdivided shall be sent a copy of the Public Hearing Notice via Certified mail.

DISCUSSION: The applicants identified that the Town of Northampton Zoning Board of Appeals held a public hearing on the Area Variance and questioned why the Planning Board also requires a public hearing. Scott Henze indicated that the ZBA's public hearing was specific to the Area Variance itself. Whereby, the Planning Board's public hearing is specific to the subdivision.

MOTION: To schedule a Public Hearing on the Homer & Wilma Minor Subdivision application P02-19 for Tuesday November 12, 2019 at 7:00P.M. at Town of Northampton Town Hall.

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

III. LOUIS A. RITZ LOT LINE ADJUSTMENT REQUEST CONT'D:

Application No. **P03-19**

A. Background:

The applicant is proposing a lot line adjustment to property they own having SBL# 59.2-1-12.1 and 59.2-1-17.

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

The majority of properties are located within the Adirondack Park Agency's Low Intensity Use Land Use Area with a small portion of 59.2-1-12.1 being located within the Rural Use Land Use Area.

The applicant has provided the following:

1. Subdivision Waiver Application.

2. Portion of a tax map with hand drawn sketch.
3. Location map of Parcel.
4. Copy of a Local Government Notice Form for application to the APA.
5. Copy of a July 29, 2019 Jurisdictional Inquiry J2019-0468 from the APA indicating that there are wetlands on the property and indicated that a wetlands permit would be required.
6. **Lot Line Adjustment map prepared by Northeast Land Survey & Land Development Consultants dated 11/17/2008**
7. **Copy of an invoice of fee paid to Northeast Land Survey and Land Development Consultants.**

DISCUSSION: Planning Board members reviewed the background information and information that has been provided to date. Scott Henze stated that the Planning Board reviewed this lot line adjustment request application during their September meeting. However, requested additional information from the applicant. Scott Henze identified that the applicant has provided a lot line adjustment map prepared by Northeast Land Survey. Planning Board members reviewed the lot line adjustment map.

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: Planning Board members identified that the requirements of the lot line adjustment application have been met.

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 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:

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, propose to act 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 Louis A Ritz lot line adjustment having Application No. _____ as a Type II action.

MADE BY: Member Naple
SECONDED: Member Groff
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: Planning Board members discussed the lot line adjustment request in reference to Parcel 59.2-1-12.1 being a flag lot. Planning Board members discussed the minimum lot width definition. It was identified that, in Schedule B, the minimum lot width within the Rural Residential 2 Zoning District is 100'. Planning Board members identified that directly west of Mr. Ritz's property that contains the

wood-framed structure, the lot width is less than 100' if the lot line adjustment was approved. Code Enforcement Officer Anthony Fancher determined that the minimum lot width of 100' does not carry the length of the entire lot and is only measured within the front yard. Planning Board members questioned the width of a private driveway in reference to the setbacks required within the Residential 2 Zoning District as identified in Schedule B. Scott Henze identified that the required side yard setbacks would be 20' or a combined 50'. Planning Board members identified that, based upon the scaling of the pole of the flag lot, the 20' private access drive is still feasible.

MOTION: To approve the request for a waiver to the Town of Northampton Subdivision Regulations and to approve the application for the Louis A. Ritz lot line adjustment having Application **No. P03-19** as submitted and to authorize the Chairman to stamp and sign the Lot Line Adjustment maps.

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

IV. **OTHER BUSINESS:**

➤ Woodward Lake Major Subdivision Update

DISCUSSION: Scott Henze stated that he received a call from Alan Lord who is the Acquisition Project Manager of New York Land and Lakes and stated that, on Wednesday, October 9, 2019, a representative of the U.S. Army Corps of Engineers would be onsite to verify the flagged locations of the Army Corps of Engineers' wetlands. Mr. Lord indicated that all of the onsite septic designs have been developed, as well as the building footprints on each lot. Scott Henze stated that Mr. Lord indicated that New York Land and Lakes would be submitting an official application to the NYS Adirondack Park Agency (APA) for their review. Scott Henze stated that Mr. Lord questioned whether or not the Town of Northampton Planning Board would also like to receive their major subdivision application at the same time. Scott Henze informed the Board that he recommended that the application to the APA be submitted first and then, at some point in time, an application to the Town of Northampton for the major subdivision would be submitted.

V. **CODE ENFORCEMENT REPORT:**

DISCUSSION: Anthony Fancher indicated that he continues to attend the required Code Enforcement trainings.

VI. **CLOSE OF THE MEETING:**

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

MADE BY: Member Naple

SECONDED: Member Anderson

VOTE: 5 in favor, 0 opposed