

**TOWN OF NORTHAMPTON PLANNING BOARD  
JULY 14, 2020  
7:00 P.M.  
TOWN HALL**

**MEETING NOTES**

**PRESENT:**

**ROBERT SMITH, CHAIRMAN  
JAMES CONKLING, MEMBER  
ROBERT ANDERSON, MEMBER  
ED ANKER, ALTERNATE MEMBER**

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

**OTHER:**

**I. CALL MEETING TO ORDER:**

The meeting was called to order at 6:58 p.m.

**II. APPROVE MINUTES OF LAST REGULAR MEETING:**

MOTION: To approve the minutes to the June 9, 2020 meeting.

MADE BY: Member Anderson

SECONDED: Member Conkling

VOTE: 4 in favor, 0 opposed

**III. UPSTATE BOYS CLUB, LLC MAJOR SUBDIVISION CONT'D:**

A. Background:

- The Subdivider of this application is Upstate Boys Club, LLC.
- The previous owner/subdivider was Stephen A. Woodland.

- The Representative Agent of the project is Chris Foss of Ferguson & Foss Professional Land Surveyor's.
- The Subdivider owns parcel 59.2-1-11 being 47.35+/- acres along Bunker Hill Road.
- The Subdivider is proposing a 5-lot subdivision of the 47.35+/- acre property into the following:

Lot 1 - 4.64 acres  
Lot 2 - 4.02 acres  
Lot 3 - 4.02 acres  
Lot 4 - 14.81 acres  
Lot 5 - 19.87 acres

- The property is located within the Town's Rural Residential 2 Zoning District requiring a minimum lot area of 1 acre.
- The property is located within two (2) Adirondack Park Agency (APA) Land Use Classifications having the following lot size requirements:

Lot 1 - 4.64 acres - Low Intensity - 3.2 acre  
Lot 2 - 4.02 acres - Low Intensity  
Lot 3 - 4.02 acres - Low Intensity  
Lot 4 - 14.81 acres - Low Intensity  
Lot 5 - 19.87 acres - Rural Use - 8.5 acre

- The Subdivider is proposing the subdivision to accommodate five (5) small seasonal homes with individual onsite well and septic systems to be developed on the lots.
- The Subdivider is proposing a 60' wide right of way (ROW) to access the five lots.
- The Subdivider is proposing to create a Homeowners Association (HOA) to maintain the 60' wide right of way (ROW).

B. Documentation Submitted/Other:

The applicant submitted the following other materials:

1. Completed Town of Northampton Subdivision application dated 3/31/2020 having Application No.P02-20.

2. Subdivision Map of Stephen A. Woodland dated August 2, 2007 and last revised on November 16, 2011 drawn by Ferguson & Foss, Chris Foss, P.L.S.
3. Subdivision Map of Upstate Boys Club, LLC dated March 23, 2020 drawn by Ferguson & Foss, Chris Foss, P.L.S.
4. Warranty Deed dated October 9, 2019 between Stephen A. Woodland and Upstate Boys Club, LLC.
5. Jurisdictional Determination J2011-0445A from the NYS Adirondack Park Agency dated November 29, 2011.
6. Completed Part 1 of the Full State Environmental Quality Review (SEQR) form.
- 7. New - Updated Subdivision Plat Map dated March 23, 2020**

DISCUSSION: Scott Henze stated that all new items for discussion within the Agenda are identified in bold font. Chairman Smith identified that a new updated subdivision plat had been provided. Planning Board members quickly reviewed said subdivision plat based upon comments and questions made during the June meeting.

### C. Subdivision Approval Procedure

#### 1. Pre-Application Procedure

##### a. Pre-Application Meeting (Required for Major Subdivision)

- For applicant and Board to discuss a subdivision concept.
- Discuss SEQR.
- To determine if subdivision is major or minor.

##### b. Resource Analysis (Required for Major Subdivision)

- The required information to be included within the Resource Analysis is as follows:
  1. The proposed subdivision name or identifying title, and the words “Town of Northampton, Fulton County, New York.”
  2. The name of the property owner(s) and the authorized applicant, if different from the property owner(s).
  3. Aerial map at a scale of 1” = 400’ or larger, showing the location of the proposed subdivision parcel with respect to all streets and property within 1,000 feet of the applicant’s parcel and superimposed with 10’

contours, NYSDEC wetlands, NWI wetlands, floodplains, streams, water bodies, NYSDEC Natural Heritage Program data, and public trails.

4. A list including general location of features known to exist on the parcel including but not limited to historic buildings, stone walls, rock outcrops, significant trees and stands of trees, potential wildlife habitats and view sheds. This list is a preliminary step in identifying existing features and is subject to modification and interpretation of the reviewing bodies.
  5. Provide an 8½ x 11 soils map indicating if Prime and/or Statewide important soils, as defined by the Soil Survey of Fulton County New York, exist on the property.
  6. General subdivision information necessary to explain and/or supplement the Aerial Map.
- Does the Planning Board agree that any of the above Resource Analysis items have already been supplied or that will be required?
- **During the June 9, 2020 meeting, the Planning Board determined that the information provided within the original application was substantial enough to deem the Resource Analysis to be complete.**

c. Sketch Plan

- For applicant and Board to review and discuss the proposal and reach an agreement on requirements of Article VIII and to classify the subdivision as either Minor or Major.
- The required information to be included on a Sketch Plan is as follows:
1. 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.
  2. A density calculation as outlined in Subsection F.3. Density Calculation.

3. Sketch plan on a topographic survey of the proposed area to be subdivided showing, in simple sketch form, the proposed layout of streets, lots and other features.
  4. General subdivision information necessary to explain and/or supplement the vicinity map and sketch plan.
- Does the Planning Board agree that any of the above Sketch Plan items have already been supplied or that will be required?
  - Does the Planning Board agree that the subdivision is a Major Subdivision?
  - **During the June 9, 2020 meeting, Member Anker indicated that the elevation contours provided are confusing. The Planning Board requested clarification as to why the surveyor did not provide true baseline elevations.**

**Status: Updated subdivision plat includes map note #4 that references "contour elevations are based on local benchmark. Elevations are approximately 770' below mean sea level elevation.**

DISCUSSION: Planning Board members reviewed the status to the question in regards to the elevation contours. It was noted that the map note #4 should read that the elevations are approximately 770' above mean sea level. Scott Henze stated that he has requested clarification from Chris Foss via e-mail and has yet to receive a response but it is assumed that that was a typo.

2. SEQR - The Planning Board must initiate SEQR upon completion of the sketch plan phase of the Pre-Application process, and when a Preliminary Plat application is determined to be complete. SEQR shall be completed prior to approval of the Preliminary Plat.
- **During the June 9, 2020 meeting, the Planning Board classified the Upper State Boys Club, LLC major subdivision application as an Unlisted Action under Section 617 of 6NYCRR and proposed that it act as the Lead Agency and to conduct a Coordinated Review of said action with the following agencies:**
  - **NYS APA**
  - **NYS DOH**

**Status: The NYS Department of Health responded via letter dated July 6, 2020 indicating that they do not object to the Planning Board request to act as the lead agency to conduct SEQR and provided the following comments (See handout):**

- 1. The subdivision is not a NYS Realty Subdivision and therefore the NYS DOH has no jurisdiction.**
- 2. That the EAF identifies that the total anticipated water/sewer demands for the proposed five (5) new residences is 80+/- gpd. The 2012 NYS DOH Residential Onsite Wastewater Treatment Systems Design Handbook establishes a minimum design flow of 110 GPD per bedroom for new construction of modern fixtures.**

**The APA responded via letter dated June 30, 2020 indicating that the APA does not have an objection to the Planning Board request to act as the lead agency (See handout).**

DISCUSSION: Planning Board members reviewed the status update in reference to SEQR as well as reviewed the NYSDOH and APA's responses to the Planning Board's request for a Coordinated Review of the minor subdivision application. Scott Henze stated that, although the NYSDOH has no objection on the Town of Northampton Planning Board acting as the Lead Agency nor has jurisdiction over the major subdivision application itself, the NYSDOH identified the EAF indicates that the total anticipated water/sewer demands for the proposed five (5) new residences is 80+/- gpd and identified that the NYSDOH residential guidelines indicate that the design flow should be based on 110 gpd per bedroom. Scott Henze noted that he will request clarification from the applicant in regards to this question being posed. Planning Board members had no further comments.

### **End Sketch Plan Procedures**

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### **Start of Major Subdivision Preliminary Plat Procedures**

#### **D. Major Subdivision - Preliminary Plat**

##### **1. Application Procedure**

Prior to filing an application for the approval of a plat, the applicant shall file an application for the approval of a preliminary plat. The application shall:

- a. Be made on forms available at the office of the Code Enforcement Officer.
- b. Include all land that the applicant proposes to subdivide.
- c. Be accompanied by an original and 7 copies of the preliminary plat and supplementary material described in Subsection G(7), Preliminary Plat of these regulations.
- d. Comply in all respects with the requirements specified in Subsection F, General Requirements and Design Standards of these regulations and with the provisions of Section 276 and Section 277 of New York State Town Law.
- e. Be submitted to the Clerk of the Planning Board.
- f. Be accompanied by fees as specified by the Town Fee schedule.

## 2. Required Data and Documents - Preliminary Plat

- *The Planning Board should review the Preliminary Plat requirements (page 110) with the applicant at this time. The Planning Board should indicate what requirements will be required (Comply), what requirements will be waived (Waive) or what requirements have been met (Accepted).*
- **During the June 9, 2020 meeting, the Planning Board determined the following:**

### (a) Data required by Subsection G.2. General Requirements:

- A NYS Licensed Land Surveyor shall be required for all subdivision plats. (~~Comply~~) (~~Waive~~) **(Accepted)**
- A NYS Licensed Engineer shall be required for all Major subdivision plats. **(Comply)** (~~Waive~~) (~~Accepted~~)

### Comments:

- The Planning Board noted that a NYS Licensed Engineer would be required to design the proposed onsite septic systems as well as the private road.

- o Sketch plans and plats shall be clearly and legibly drawn 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. (~~Comply~~) (~~Waive~~) **(Accepted)**
- (b) The name of the property owner(s) and the authorized applicant, if different from the property owner(s). (~~Comply~~) (~~Waive~~) **(Accepted)**
- (c) Tax number of all parcels to be subdivided. (~~Comply~~) (~~Waive~~) **(Accepted)**
- (d) Location, bearings and distances of trace boundary including georeferencing information or latitude and longitude coordinates of the plat as available. **(Comply)** (~~Waive~~) (~~Accepted~~)

Comments:

- Planning Board members requested that the base elevation be included on the subdivision plat with the elevations contours that are currently used be updated to actual elevation contours.

**Status: Updated subdivision plat includes map note #4 that references "contour elevations are based on local benchmark. Elevations are approximately 770' above mean sea level elevation.**

DISCUSSION: Planning Board members reviewed the status to the contour elevations as identified within the Agenda. It was again noted that the elevations are approximately 770' above mean sea level.

- (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~~) **(Waive)** (~~Accepted~~)

- (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)** ~~(Waive)~~ ~~(Accepted)~~

Comments:

- Planning Board members requested that the base elevation be included on the subdivision plat with the elevations contours that are currently used be updated to actual elevation contours.

**Status: Updated subdivision plat includes map note #4 that references "contour elevations are based on local benchmark. Elevations are approximately 770' above mean seal level elevation.**

DISCUSSION: Planning Board members reviewed the status to the contour elevations as identified within the Agenda. It was again noted that the elevations are approximately 770' above mean sea level.

- (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)** ~~(Waive)~~ ~~(Accepted)~~

Comments:

- Planning Board identified that they would like a list as map note or other of all property owners to include the SBL and address in the map of all properties within 200 feet of the property boundary to include those on the opposite side of the road that currently are not identified.

**Status: Updated subdivision plat includes property information as requested.**

DISCUSSION: Planning Board members reviewed the status adding all property owner information within 500' of the project property. Planning Board members noted that all of the property owners along the east side of Bunker Hill Road have been added to the major subdivision plat, as well as all of those property owners bounding the project property. Member Anderson questioned whether or not the recent application from John Hodgson and Louis Ritz, which is a property south of the project property, have been shown as they were recently approved by the Planning Board. Scott Henze stated that he is uncertain as to whether or not the amended lots of Hodgson and Ritz are shown and, in particular, given the fact that the Planning Board would not know whether or not Hodgson and Ritz actually filed their project with the Fulton County Clerk, as well as the delay in the Fulton County Clerk's ability to change the lots that were approved by the Planning Board due to COVID.

- (h) Location, name and dimensions of existing streets, easements, deed restrictions, zoning district boundaries, property lines, buildings, parks and public properties. **(Comply)** ~~(Waive)~~  
~~(Accepted)~~

Comments:

- Planning Board members identified that there is some confusion as to how the proposed 60 foot ROW crosses lots 1-4 and how that easement will be within the deeds of those particular parcels. Planning Board members would like further information on this.

**Status: Updated subdivision plat includes map note #2 "right of ways will be granted from existing roadway to access lots as shown".**

**\* See handout "Declaration of shared access easement and maintenance agreement".**

DISCUSSION: Planning Board members reviewed map note #2 that identifies that right-of-ways will be granted from existing roadway to access lots as shown. Planning Board Member Ed Anker identified that the lots, as well as the centerline of the 30' wide access easement over existing roadway as identified on the subdivision plat, had been moved slightly and the 20' wide driveway easement locations have been shown as well. Planning Board members quickly reviewed the Declaration of shared access easement and maintenance agreement as provided by the applicant. Scott Henze stated that this declaration provides information on each driveway easement, as well as construction maintenance and repair of the proposed private roadway etc.

Scott Henze identified that this declaration of shared access easement and maintenance agreement is in essence the Homeowners Association that is required by the Town of Northampton subdivision regulations for a major subdivision that includes a private road. Scott Henze stated that he would recommend that the Planning Board request that the Town's Attorney review said declaration of shared access easement and maintenance agreement, as well as the most recent major subdivision plat provided for a legal review. Scott Henze stated that, if the Planning Board desires, he will draft a letter to the Town Attorney requesting this, as well as requesting what the maximum not-to-exceed fee would be. Scott Henze stated that once he receives that maximum not-to-exceed fee, he will pass that along to the applicant for their approval to move forward as is allowed under Article 2: Permits and Approval Process see professional assistance. The Planning Board agreed to request the Town Attorney's legal review of the declaration of shared access easement and maintenance agreement. Planning Board members also questioned whether or not the Town of Northampton Highway Superintendent had been coordinated with, as well as the Fire Chief of the Northville Volunteer Fire Department. Scott Henze stated that it is unknown at this time whether or not either have been coordinated with to date. Planning Board members stated that they would require that both the Highway Superintendent, as well as the Chief of the Northville Volunteer Fire Department, provide a written response as to their acceptance or provide conditions to the Upstate Boys Club major subdivision application.

- (i) Location of existing sewers, water mains, culverts and storm drains, if any, including pipe sizes, grades and direction of flow. ~~(Comply)~~ **(Waive)** ~~(Accepted)~~
- (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)~~ **(Waive)** ~~(Accepted)~~
- (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)** ~~(Waive)~~ ~~(Accepted)~~

Comments:

- Planning Board members identified that, per the Town of Northampton Zoning Regulations, proposed streets or roads also include private roads and would like a note of the proposed grade be identified on the subdivision plat.

**Status: Updated subdivision plat includes an inset of the proposed road cross section and road profile.**

DISCUSSION: Planning Board members reviewed the road cross section that was provided on the updated subdivision plat. Planning Board members had no further questions or comments.

- (l) Proposed provision of sanitary waste disposal, water supply, fire protection, stormwater drainage, street trees, streetlight fixtures, street signs and sidewalks. (~~Comply~~) **(Waive)** (~~Accepted~~)
- (m) Lot lines of all proposed or existing lots, and suggested building envelopes. **(Comply)** (~~Waive~~) (~~Accepted~~)

Comments:

- Planning Board requested clarification as to whether or not there will be additional lots created on the larger lots in the future.

**Status: Updated subdivision plat includes map note #6 indicating that "no further subdivision of property is planned".**

DISCUSSION: Planning Board members reviewed map note #6 which states "no further subdivision of property is planned". Planning Board members identified that, in place of said language, they would like noted that there shall be no further subdivision of property having SBL 59.2-1-11 as of the date of approval.

MOTION: Planning Board members identified that, in place of said language, they would like noted that there shall be no further subdivision of property having SBL 59.2-1-11 as of the date of approval.

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

- (n) Conceptual future plans for the parcel, if any. **(Comply)**  
~~(Waive)~~ ~~(Accepted)~~

Comments:

- Planning Board members would like to know if there are future plans for additional lots or subdivision of the larger parcels at this time.

**Status: Updated subdivision plat includes map note #6 indicating that "no further subdivision of property is planned".**

DISCUSSION: Planning Board members had no further comments.

- (o) Location and approximate dimensions of all property proposed to be reserved for park or public uses. ~~(Comply)~~ **(Waive)**  
~~(Accepted)~~
- (p) A copy of the Adirondack Park Agency response to either a Jurisdiction Inquiry Form or permit application (as applicable). **(Comply)** ~~(Waive)~~ ~~(Accepted)~~

Comments:

**Status: Application included a copy of the Jurisdictional Determination J2011-0445A from the NYS Adirondack Park Agency dated November 29, 2011. The Planning Board coordinated the SEQR review with the APA. The APA responded via letter dated June 30, 2020 and did not reference any further action by the APA at this time.**

- (q) Information on all other County and State permits required for subdivision plat approval. **(Comply)** ~~(Waive)~~ ~~(Accepted)~~

Comments:

- Planning Board identified that there may be other State permits required such as a revised Adirondack Park Agency permit.

**Status: Application included a copy of the Jurisdictional Determination J2011-0445A from the NYS Adirondack Park Agency dated November 29, 2011. The Planning Board coordinated the SEQR review with the APA. The APA responded via letter dated June 30, 2020 and did not reference any further action by the APA at this time.**

- (r) A written statement of any requests for specific waivers of requirements by the Planning Board. **(Comply)** (~~Waive~~) (~~Accepted~~)

**Status: There have been no further requests for specific waivers provided.**

- (s) Other data which must be available for consideration of the subdivision at this stage.

Comments:

- Soils Perc Test on each Lot in location of proposed building site.

**Status: Updated subdivision plat includes Perc Test Results as performed on June 25, 2020.**

-Planning Board expressed concerns in relation to the proposed private road in relation to emergency services, in particular fire. Planning Board members indicated that the Village of Northville Volunteer Fire Department Chief should be coordinated with in regards to this proposed road to verify that its location would accommodate existing and future equipment of the Fire Department, in particular, whether or not there would need to be a cul-de-sac or some other form of turnaround located at the end or along said proposed

roadway. It was noted that the Town of Northampton Highway Superintendent should also be coordinated with in regards to the proposed location of the road as it is along Bunker Hill Road. The creation of a Homeowners Association was also discussed as being required to maintain the Private Road.

**Status: Updated subdivision plat identifies a proposed turn around area.**

**Status: To date, there has been no information that there has been coordination with the Town of Northampton Highway Superintendent.**

DISCUSSION: Planning Board members noted that they will require a written response by the Town of Northampton Highway Superintendent, as well as the Chief of the Northville Volunteer Fire Department.

**Status: Updated subdivision plat identifies in map note #1 that a "homeowners association will be formed to provide for the maintenance of the roadway". Scott Henze discussed the creation of a homeowners association during a phone conversation with Mike Keerdoja on June 22, 2020. Scott Henze recommended that Mr. Keerdoja contact an attorney to develop the HOA and recommended that Mike Poulin, Esq. as a contact.**

**\* See handout "Declaration of shared access easement and maintenance agreement".**

DISCUSSION: Planning Board members identified that the declaration of shared access easement and maintenance agreement is in substitution of the Homeowner's Association and the Town of Northampton Attorney will review said agreement.

### 3. General Requirements and Design Standards for Subdivisions:

*The Planning Board should review the General Subdivision Requirements and Design Standards (page 97) with the applicant at this time. The Planning Board should indicate what requirements will be applicable to the application and what will not. For those that will be applicable, the Planning Board should indicate what will be required.*

- (4) Minimum Lot Standards
- (5) Streets (to include Private Roads)
- (6) Blocks (N/A)
- (7) Driveways
- (8) Preservation of Open Space
- (9) Reservations and Dedications

### 4. Public Hearing - Preliminary Plat

- A Public Hearing shall be held by the Planning Board within 62-days from the time of the 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.
  - Does the Planning Board feels as though there is enough information to schedule a Public Hearing at this time?
  - Date, time, in-person or Zoom?
- **During the June 9, 2020 meeting, the Planning Board scheduled a Public Hearing for July 14, 2020 however the Public Hearing notice was not able to be placed within the Town's designated newspaper nor were property owners mailed the certified notice.**

DISCUSSION: The Planning Board identified that the public hearing that was scheduled for July 14, 2020 was subject to the applicant providing all of the information that was requested during the June 9, 2020 meeting, and given that that information was not provided in the time required by the Town of Northampton Subdivision Regulations requiring at least the advertisement of

said public hearing the notice 10 days before the date of said hearing, that the public hearing would not be held.

MOTION: To schedule a public hearing on the Upstate Boys Club, LLC's major subdivision application for Tuesday, August 11, 2020, at 7:00 p.m., located at Town of Northampton Town Hall with said public hearing notice being placed in the Town's newspaper of general circulation no later than July 31, 2020 and said public hearing notice be mailed directly to all property owners located within 100 feet of the project property via certified mail, a cost to be borne by the applicant for said mailing.

MADE BY: Member Anker

SECONDED: Member Conkling

VOTE: 4 in favor, 0 opposed

### **End of Major Subdivision Preliminary Plat Procedures**

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### **Start of Major Subdivision Final Plat Procedures**

#### 5. Required Data and Documents - Final Plat

- *The Planning Board should review the Final Plat requirements (page 112) with the applicant at this time. The Planning Board should indicate what requirements will be required (Comply), what requirements will be waived (Waive) or what requirements have been met (Accepted).*

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) (Waive) (Accepted)
- (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) (Waive) (Accepted)

- (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) (Waive) (Accepted)
- (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) (Waive) (Accepted)
- (f) Setback lines. (Comply) (Waive) (Accepted)
- (g) Location, size and invert elevations of existing and proposed stormwater drains and sanitary sewers; the exact location of utilities and fire hydrants. (Comply) (Waive) (Accepted)
- (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) (Waive) (Accepted)
- (i) Location of street trees, street lighting standards and street signs. (Comply) (Waive) (Accepted)
- (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) (Waive) (Accepted)
- (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) (Waive) (Accepted)
- (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) (Waive) (Accepted)
- (m) Necessary agreements in connection with required easements or releases. (Comply) (Waive) (Accepted)

- (n) Formal offers of cession to the Town of all streets and public parks. (Comply) (Waive) (Accepted)

**IV. MICHAEL & CARMELA PASQUARELLA LOT LINE ADJUSTMENT REQUEST (PROJECT P02-2020):**

A. Background:

The applicants are proposing a lot line adjustment to property they own having SBL# 76.3-2-13 and affecting adjacent properties having SBL#'s 76.3-2-13 & 14 owned by Pasquarella, 76.3-2-15 owned by LA Forest and 76.3-2-9 owned by Viteritti.

Pasquarella - Original Acreage - 1.857ac - Proposed Acreage - 1.448ac  
LA Forest - Original Acreage - .254ac - Proposed Acreage - .565ac  
Viteritti - Original Acreage - 1.3ac+/- - Proposed Acreage - 1.3+/-

The Lot Line Adjustment request is to resolve inconsistencies in the deeds of record. Dimensions and area of the LA Forest Parcel as occupied, assume that the LA Forest parcel is the Vanderhoof exception (from the first parcel in the Pasquarella deed).

All properties are located within the Town's Rural Residential 2 Zoning District requiring a Minimum Lot Area of 1 acre.

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

The applicant has provided the following:

1. Completed application for Lot Line Adjustment dated 6.18.2020.
2. Subdivision of Lands Map of Pasquarella dated 5.12.2020 prepared by Azimuth Surveying & Cartography.

DISCUSSION: Planning Board members reviewed the application for lot line adjustment having Project P02-2020, as well as the background information provided being one lot line adjustment map. Planning Board members questioned the map note, in particular that of map note #3, in accordance that this survey has been prepared without the benefit of an abstract of title and is subject to whatever facts an abstract may show." Planning Board members discussed map note #1 that identifies inconsistencies in the deeds of records and an assumption that the other forest parcel is the Vanderhoof exception. After an extensive discussion, the Planning Board does not feel as though they

are able to act on said application given that there is confusion in regards to what the applicant is proposing, as well as what is trying to be corrected.

MOTION: Based upon the lack of information submitted, the Town of Northampton Planning Board tables said Michael and Carmela Pasquarella lot line adjustment request Project P02-2020 until further information can be provided by the applicant.

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

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:**

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:**

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 a Type II action under 6NYCRR Part 617.5(c)(19) requiring no further SEQR action.

DISCUSSION:

MOTION: To classify the proposed Michael & Carmela Pasquarella lot line adjustment having Application No. P02-2020 as a Type II action under 6NYCRR Part 617.5(c)(19) of the SEQR regulations.

MADE BY:  
SECONDED  
VOTE:

#### 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:

MOTION: To approve the request for a waiver to the Town of Northampton Subdivision Regulations and to approve the application for the Michael & Carmela Pasquarella lot line adjustment having Application No. P02-2020 as submitted and to authorize the Chairman to stamp and sign the Lot Line Adjustment map.

MADE BY:  
SECONDED:  
VOTE:

**V. DONALD & JANE FERGUSON LOT LINE ADJUSTMENT REQUEST (PROJECT P03-2020):**

A. Background:

The applicants are proposing a lot line adjustment to property they own along County Highway 143 having SBL# 18.-1-14 and being of approximately 7+.- acres in size.

The property is located within the Town's Mixed Use Zoning District where there is no Minimum Lot Area.

The property is located within the Adirondack Park Agency's Hamlet Land Use Area.

The applicant has provided the following:

1. Completed application for Lot Line Adjustment dated 6.23.2020.
2. Survey Map and Boundary Line Adjustment for Lands of Donald & Jane Ferguson prepared by Ferguson & Foss Professional Land Surveyor's, PC dated June 18, 2020.

The applicants are proposing to combine a .172 acre portion of parcel 18.-1-14 with parcel 18.14-1-3.

**DISCUSSION:** Planning Board members reviewed the background information as provided in the Agenda. Code Enforcement Officer Anthony Fancher indicated that the Fergusons own all of the lots having lot lines adjusted. The intent is that the Fergusons will sell SBL 18.-1-14 that includes the sawmill, continue to retain SBL 18.-1-13.11 and SBL 18.14-1-3 that includes their existing home. Scott Henze identified that the line being adjustment due north of the creek of the house lot is assumed to be adjusted to encompass the entire creek bank. 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: Planning Board members agreed that all of the criteria 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: Planning Board members identified that all of the 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 a Type II action under 6NYCRR Part 617.5(c)(19) requiring no further SEQR action.

DISCUSSION: No further discussion.

MOTION: To classify the proposed Donald & Jane Ferguson lot line adjustment having Application No. P03-2020 as a Type II action under 6NYCRR Part 617.5(c)(19) of the SEQR regulations.

MADE BY: Member Anderson  
SECONDED: Member Anker  
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:

MOTION: To approve the request for a waiver to the Town of Northampton Subdivision Regulations and to approve the application for the Donald & Jane Ferguson lot line adjustment having Application No. P03-2020 as submitted and to authorize the Chairman to stamp and sign the Lot Line Adjustment map.

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

**VI. CODE ENFORCEMENT REPORT:**

DISCUSSION: Scott Henze asked Code Enforcement Officer Anthony Fancher how many building permit applications he has issued thus far in 2020. Anthony Fancher stated he has issued over 80 building applications to date. Some of them being septic permits, however many for additions and decks etc.

Chairman Smith stated that he had a discussion with a resident of the Sacandaga Park that questioned the Planning Board's role in the review of projects within the Sacandaga Park Neighborhood Conservation Overlay District. Anthony Fancher, Code Enforcement Officer, indicated that he mistakenly issued a building permit for a residential building within the Sacandaga Park Conservation Overlay District without sending it to the Planning Board. Mr. Fancher indicated that he was not aware at that time that he would need to send that simple residential building permit application to the Planning Board and shall do so now that he knows in the future. Planning Board members continued a discussion of their role in the review of applications within the Sacandaga Park Neighborhood Conservation Overlay District. It was noted that only principal structures are required to comply and be reviewed by the Planning Board.

**VII. OTHER BUSINESS:**

**VIII. CLOSE OF THE MEETING:**

MOTION: To close the meeting at 7:56 p.m.

MADE BY: Member Conkling

SECONDED: Member Anderson

VOTE: 4 in favor, 0 opposed