

TOWN OF NORTHAMPTON ZONING COMMISSION PRESENTATION TO BOARDS

JANUARY 13, 2011

MEETING NOTES

PRESENT:

*Indicates member of Zoning Commission

CONSULTANTS

MONICA RYAN, RIVERSTREET PLANNING & DEVELOPMENT
LEILA JABOUR, RIVERSTREET PLANNING & DEVELOPMENT
SCOTT HENZE, FULTON COUNTY PLANNING DEPARTMENT

TOWN BOARD

LINDA KEMPER, SUPERVISOR*
DARRYL ROOSA, COUNCILMAN*
BOB ELLSWORTH, COUNCILMAN
GUY POULIN, COUNCILMAN
IVAR ANDERSON, COUNCILMAN

PLANNING BOARD

ROBERT SMITH, CHAIR*
DON FARREN

ZONING BOARD OF APPEALS

AMANDA SKOTARCZAK, CHAIR*
THOMAS CORRIGAN*
HEILI DARLING*
SKIP THOMPSON
JEFF DAUM

CODE ENFORCEMENT

DAVID CURTIS*

OTHERS

MATT GINTER, VILLAGE TRUSTEE
MARY & DAVID DICKIE
NORMAN RICHARDSON
JOHN DECKER, LEADER HERALD

I. PRESENTATION

Monica Ryan provided the board members with a power-point presentation of the draft law. Presentation highlighted multiple aspects of the draft law including:

- The descriptions and overview of each proposed zoning district along with the major uses which would be permitted within each district.
- The locations and relationships between each proposed zone in reference to the existing 1972 law and the APA Land Use regulations.
- Location where Adult Uses would be allowed.
- Brief overview of Density, Accessory Uses and Lot Development Standards.
- Site Plan Review regulations.
- Design Standards for the Sacandaga Park Neighborhood.
- General Design, landscaping/screening, off-street parking, signage, lighting standards for commercial/non-residential uses.
- Overview of Subdivision Regulations to include Conservation Subdivision.
- Overview of Planned Development Districts to include Residential, Senior Housing and Waterfront Development Districts.
- Overview of the next steps to include a public presentation, SEQR review, APA review, County Planning Board Section 239-m review, Public Hearing and final adoption of the Zoning and Subdivision Law as a Local Law.

II. BOARD QUESTIONS & COMMENTS

Upon completion of the presentation, an open discussion was held for all board members to voice their concerns, recommendations and provide guidance to the commission. The following individuals provided comments:

Skip Thompson:

1. Question - Questioned whether or not there were enough sites and/or acreage to allow for Adult Uses within the Mixed Use district, and if the locations allowed were subject to a wetland, would the Adult Use have free reign to go anywhere.

Answer: There was clarification made that the Adult Use is not allowed within the Mixed Use district, but rather in the Business Development district. It was stated that Law requires that there be accommodation made to allow adult uses within a municipality. The number of sites is not exact and differs within each community and the only district in which an adult use could be located is within the proposed Business Development district.

2. Question – Questioned the general verbiage of signage standards within the proposed law, particularly within the Hamlet Mixed Use district and how the Town can regulate signage since sign standards exist via the State and Federal Level.

Answer: The signage within the Hamlet Mixed Use district as well as all others refers to individual private (commercial) signage and not to public street signage.

3. Question – Definition of Porch? There should be a definition.

Answer: The Commission will add a definition for a porch.

4. Question – Questioned if a modular home is the same as a manufactured home since both are delivered in sections.

Answer: A modular home is considered as a single family home and is clearly defined separately in the draft.

5. Question – What is the difference between an RV and a Coach? Which is a tow behind and which is driven?

Answer: The definition of Recreational Vehicle includes both a driven and tow behind unit.

6. Question – Are the roads within the Road Standards (Subdivision) considered as access or secondary roads? Adequacy to accommodate emergency vehicles? No mention of crowning a road or how water would be managed?

Answer: The road standards allow for sufficient width for emergency vehicles but they do call for less pavement than you typically see so they could be wide. . The Commission decided that it would be beneficial to have standards for the specifications and layouts of roads within all proposed subdivisions and not simply allow a developer to simply use highway law standards. The Commission will revisit the road standards to incorporate water runoff.

7. Question – Why would a person not be allowed to construct a fence on their property line particularly when if the fence is setback onto the owners property, the adjacent property owner maintains up to the fence taking control of the fence owners property. How do you measure the proposed six (6) foot fence regulation?

Answer: The Commission had a lengthy discussion regarding this issue and determined that if a fence is constructed on the property line there is no leeway if the fence starts to lean out onto the adjacent landowner's property. The commission will review the fence regulations again (draft fence regulations state that a fence is to be constructed one (1) foot off of said property line).

Jeff Daum:

1. Question – What are the temporary uses for an RV and a Coach? If a person has a vacant lot and would like to stay in their RV for a period of time, would they have the ability to do so? Can you park your RV at your house and store there?

Answer: Yes, they would have the ability to do so for up to thirty (30) days within a twelve (12) month timeframe with no regulations if they are occupying the RV. A person can also be used as temporary housing on a lot during construction with a valid building permit. You can always park your RV at your house and store there.

2. Question – Can a fence post be above the six (6) foot regulation? How is it measured?

Answer: As the Committee understands it, the question is could the actual fence post extend above the six (6) foot height. The Committee will be reviewing the fence regulations.

3. Question – Why are we only allowing a thirty-five (35) foot residential construction height when the APA allows up to forty (40) feet?

Answer: The standard for residential construction height is thirty-five (35) feet as it allows for two (2) story construction. This would be measured from final grade to top of roof peak. The additional five (5) feet would accommodate a chimney since the APA has a maximum building height to include a chimney of forty (40) feet.

Guy Poulin

1. Question – Why is there not a definition of a foundation? There should be a definition of a foundation particularly in reference to a mobile home.

Answer: The Commission will add a definition of a foundation and review the verbiage within the placement of a mobile home.

2. Question – If a person has a building permit to build a house, can they live in an RV on their lot at the same time.

Answer: Yes, a person with a valid building permit may occupy an RV.

3. Question – Why is the front yard setback at ten (10) feet and only three (3) feet high? This would not allow for anyone to have a fence.

Answer: It is ten (10) feet for hedges if they are taller than three (3) feet because of the line of site/visibility issues when pulling out onto a roadway at an intersection. That is why fences in general are ten (10) feet back-it is safer. Fences in front yards can be four (4) feet but they must be set back ten (10) feet. The thirty (30) foot fence setback and three (3) foot height regulation refers to corner lots. This regulation is due allowing a car to be able to see oncoming traffic. If a fence were allowed to be constructed adjacent the property line, it would block the view of oncoming traffic.

4. Question – What about trees being planted adjacent a property line, wouldn't they potentially block the view of oncoming traffic on corner lots?

Answer: The Commission will review and make accommodation for the plantings of trees on corner lots that may block the view of oncoming traffic.

5. Question – The regulations with the Sacandaga Park Overlay District regarding not allowing for vinyl siding maybe an issue due to the fact that the residents in the park may not be able to afford to pay for having their house painted every few years. Today's paint is not as durable anymore and would not last, and some of the vinyl siding of today is a much better product and mimics wood siding pretty well.

Answer: The Commission will revisit the draft regulations concerning the Sacandaga Park Neighborhood Overlay District.

6. Question – Is thirteen (13) feet enough height for a gas pump canopy particularly when a canopy is required to have a pitched roof?

Answer: The regulations call for all canopies not to exceed sixteen (16) feet in height or the height of the principal building, whichever is less. The Commission will review the regulation add more specific language as to the measurement of the canopy to be measured to the bottom of the canopy accommodating sixteen (16) feet and not the top of the peak.

7. Question – Why should we regulate commercial boat storage?

Answer: There are no regulations affecting a marina to commercially store boats. The regulation is for a landowner who stores boats for an additional income. The regulations will still allow for this activity, but will limit the number of boats stored on a per acre basis and require a form of screening from adjacent landowners and the road. The Commission will re-word the title of Boat Storage, Commercial to make it less confusing. Possibly eliminating the word Commercial and leave it as Boat Storage.

Bob Ellsworth

Mr. Ellsworth had not finished his review of the draft law but was very concerned that the draft law maybe too restrictive for the majority of Town Residents. Mr. Ellsworth stated that he fears that the regulations pose a financial burden to existing and proposed commercial property owners. Mr. Ellsworth stated that he understands that the zoning regulations are important and that they are used to protect property owners from adjacent unsightliness; however there is a fine line that must be considered as to whom we would be affecting the most. Mr. Ellsworth agreed to finish his review and attend the next Zoning Commission meeting to voice his concerns.