

# TOWN OF NORTHAMPTON ZONING COMMISSION

DECEMBER 14, 2009

## MINUTES

### PRESENT:

LINDA KEMPER, SUPERVISOR  
DAVID CURTIS  
TOM CORRIGAN  
AMANDA SKOTARCZAK  
SKIP TAYLOR  
DARYL ROOSA  
JOHN FERGUSON  
BOB SMITH  
DON FARREN  
SCOTT HENZE, PLANNER  
MONICA RYAN, RIVERSTREET

### I. REVIEW SCHEDULE B DIMENSIONAL STANDARDS:

Monica Ryan handed out the Schedule B Dimensional Standards draft dated 11/12/09. She stated we have a similar table in our current zoning. However, this particular table only deals with the Dimension Standards and not uses. Monica stated that the first column on the left lists your district and the second column lists your minimum acres per Principal Building. She stated that the second column is essentially the APA Density Requirements where it applies. Monica stated where the column has “none”, meaning no acres per principal building, means that the APA does not regulate that density, which would be in the hamlet areas. She stated where there is a footnote within the minimum acres per principal building that indicates that there may be areas within the District that may have additional density and shoreline restrictions as regulated under the NYS Adirondack Park Agency Act and the Adirondack Park Land Use and Development Plan. Monica stated that there are a few pockets within the proposed zoning districts that the APA Standards are totally out of proportion to the current existing conditions. She stated by footnoting the particular areas, it provides someone looking at the Zoning Ordinance guidance as to other regulatory actions that they may fall under. Monica stated the third column is Minimum Lot Size based on our zoning. She stated that this does not include possible cluster development. Monica stated that this acreage is the minimum lot area required per lot. Monica stated that each particular use (i.e., each house) can sit on the number of acres that are outlined within this column with minimum lot areas. However, overall density requirement APA may still need to be met. Monica stated that the fourth column is the Minimum Lot Width of the frontage. Monica stated that the fifth column is Maximum Impervious Surface. Monica stated that the definition of an Impervious Surface is basically any surface which water cannot infiltrate into or basically any surface that nonporous. Monica stated that Columns 6, 7, and 8 are all involving the Minimum Yard Setbacks. One being frontage. Second one being side one/total for both. Third being rear. Monica stated that front minimum yard setback is structured in a way that provides guidance to the Minimum Yard Setback or the average of the prevailing setbacks that are located within a particular distance of the property or

whichever is greater. Monica stated that by wording the Minimum Yard Setbacks for frontage, this way it keeps the character of the area the same.

Tom Corrigan asked who would be responsible for determining the properties within 400' and who would be determining where the setback would be located. Bob Smith stated that the Code Enforcement Officer would have that responsibility.

Amanda Skotarczak asked why some of the front minimum yard setbacks states whichever is greater or whichever is lesser. Monica stated that most of the cases, the setback verbage is like a "build-to" line. However, in the Medium Density Residential, there might be a greater diversity of where that setback is. Monica stated that typically people like to have their homes setback further from the road than closer.

Tom Corrigan asked what happens if an individual has a preapproved lot, do they need to comply with the new regulations? Monica stated that if you have a pre-approved lot that is vacant, then the individual will have to comply with the new zoning regulations. Monica stated that you can reduce the setbacks up to 30%, particularly for the side and rear setbacks. However, most communities do not reduce the front setbacks due to affecting the community character. Scott Henze stated that, currently, the Town of Northampton does not have subdivision regulations, therefore, when the new Zoning Ordinance takes effect, there will not be anything on record regarding setbacks of particular lots. Don Farren stated that he is more concerned with the number of vacant areas within each district corresponding with these Dimensional Standards. He asked Scott Henze if he could do an overlay of vacant lots per district to see what could be nonconforming to the new regulation.

Monica Ryan stated that the last two (2) columns deal with Shoreline Restrictions. She stated that the first one is titled Setback, which the verbage within that is considered the taking line. She stated that Scott Henze and I decided to put all of the verbage regarding the Hudson River Black River Regulating District within that setback description. Don Farren stated that he believes that the definition of setback for the Shoreline Restriction should be either one or the other. The current setback definition states the Shoreline Setback shall be from high flow line of the Great Sacandaga Lake elevation 771' and the original NYS Property Line with an average elevation of 778'. John Ferguson stated that there also is a difference of shoreline width and lot width. I would also determine that under Shoreline Restrictions, Lot Width should be changed to Lot Frontage. Zoning Commission members discussed the verbage for Shoreline Restriction Setback regarding the 771' elevation and the 778' elevation extensively. John Ferguson, through his experience, provided many illustrations. It was determined that the setback for Shoreline Restrictions should be changed to include only the setback number from the 778' property line. Monica stated that she will change the language and add a footnote for setback within the shoreline restriction. Tom Corrigan stated that the Commission may want to go back and revisit the definition for mean high water mark. Monica Ryan stated that she is going to add a definition for mean high water mark of reservoir. Dave Curtis commented on the topic of setbacks for Shoreline Restrictions. Dave stated that for new construction, they must have a rear setback of 12' from the property line. The rear lot setback for shoreline properties, however, would be the shoreline frontage. David Curtis stated that, typically, he's been going with having rear setbacks along shoreline properties of 12'. He stated that, now, for instance, in a Rural Residential 2 District, he will have to state that they must 25' setback. He stated that he feels that an actual water front zone would benefit because of the neatness of the waterfront properties. The Zoning Commission reviewed the proposed districts in relation to how many have significant waterfront properties. It was determined that the Rural Residential 2 District has the most waterfront properties. It was determined that to change the rear setback from 25' as proposed to 12' so that it will be consistent with what Dave Curtis, Code Enforcement Officer, has been requiring for a number of years. Tom Corrigan asked David Curtis whether or not there is a reason to not allow buildings up to the setback of 778' shoreline restrictions. David Curtis said, "No, there is not a reason why you could not let someone do this." Particularly,

because you are not impeding on another property owner in the rear lot of the shoreline. John Ferguson stated that he can think of one because his experience has shown that when you allow someone to build up to a particular line, they have a tendency to actually build over it. After further discussion of Shoreline Restrictions and Setback from either the Great Sacandaga Lake elevation of 771' and the NYS Property Line of an average of 778', it was determined that verbage should be included to state that all lots adjacent to the reservoir shall have a shoreline setback for all structures that are equal to the greater of the original NYS Property Line with an average elevation of 778'.

Wrapping up the Shoreline Restrictions, Monica Ryan asked if all of the Commission members were fine with the rest of the proposed district setbacks within the table. Everyone stated that they look to be okay.

A discussion ensued regarding the Golf Course District. Monica stated that she does not recommend the Town labeling the District encompassing the Golf Course as the Golf Course District. Skip Taylor stated the Comprehensive Plan is very specific on the preservation of the Golf Course. Monica Ryan stated that she would not recommend the title of the District to be Golf Course. Scott Henze stated that even though the only use allowed is golf course within the Golf Course District, there are also currently residential properties located within the District. The Commission discussed changing the name of the proposed Golf Course to Recreational District and others. However, in the end, they decided to leave it as Golf Course District based upon the Comprehensive Plan's initiative to protect the historic Golf Course.

The Commission decided that within the Rural Residential District 1 to add 10% to the maximum impervious surfaces.

After review of the Dimensional Standards, again, Commission members stated their concern regarding the side yard setback and front yard setback within the Hamlet Mixed Use area.

The meeting was adjourned and the next meeting was set for January 9 from 8:00 a.m. to noon.