

TOWN OF NORTHAMPTON ZONING COMMISSION

JUNE 2, 2009

4:00 P.M.

PRESENT:

MONICA RYAN, RIVERSTREET PLANNING AND DEVELOPMENT
PETER LAYOLA, CLA SITES
LINDA KEMPER, SUPERVISOR
JOHN FERGUSON
BOB SMITH
DON FARREN
SKIP TAYLOR
TOM CORRIGAN
DAVID CURTIS, CODE ENFORCEMENT OFFICER
SCOTT HENZE, PLANNER

- The meeting started at 4:05 p.m.
Monica Ryan stated that she and Scott Henze met at the Fulton County Planning Department and hashed out a rough Zoning District Map for the Commission. She stated that she typically likes to come up with some form of new Zoning Map in order to stimulate discussion between the Committee members and is usually where she starts her process. Due to the number of Committee members questioning why the map was not distributed earlier to them, Monica Ryan stated that she typically does not give out the map, but rather likes to come prepared with the map in hand for discussions. She stated that she has found that when providing the map in advance, there is more confusion. She stated that by no means the proposed District lines final. Monica stated that from this date forward that all work will be submitted via e-mail to all Committee members prior the meetings, hopefully, at least a week in advance.

I. Review Draft of Articles I and II of the New Zoning Ordinance:

- Monica Ryan handed out Article I: Title and Purpose and Article II: Permits and Approvals Processes. Monica Ryan stated that these two (2) Articles are the upfront pieces to the Zoning Ordinance and are somewhat boiler plate. The Committee decided to review each individual item of each Article:
 - A. **Title:** States this Ordinance shall be known and may be cited as the Zoning Ordinance to the Town of Northampton. It was said that subdivisions will be included within the Ordinance so that particular title shall be changed in the future to reflect subdivision regulations.
 - B. **Authority:** The Commission had no changes to this.

- C. **Applicability:** Monica Ryan stated that one key point with this section is to reference other local laws. Monica is working on obtaining those from the Town. They will be referenced in the future.
 - D. **Purpose:** Monica Ryan stated that she used the Vision Statement within the adopted Comprehensive Plan when she created the Purpose. Monica Ryan stated that she added the last sentence within Purpose to say this Zoning Ordinance is designed to achieve the community's vision and goals as expressed in the Town's Comprehensive Plan and to protect the property owner, landowners, and provide a development approval process that is predicable, efficient and fair. Tom Corrigan questioned the purpose of the last statement. He questioned if it accomplished anything. After discussion, the Committee decided to remove the last sentence under Purpose. The last sentence under Purpose shall now read "This Zoning Ordinance is designed to achieve the community's vision and goals as expressed in the Town's Comprehensive Plan.
- The Committee then moved on to Article II: Permits Approvals Process:
 - A. **Permits and Approvals:** Monica Ryan stated that this is the heads up section of the Ordinance and it will be discussed at length later in the Ordinance. One section to add under Permits and Approvals is subdivision.
 - B. **Fees and Expenses:** The Committee discussed all aspects of fees and expenses as outlined.
 - C. **Professional Assistance:** The Committee reviewed the section of professional assistance. Linda Kemper asked the question of how to pass these on without knowing what they will be upfront. Monica Ryan stated that you simply do not issue a building permit until all the fees are paid in full.
 - D. **Performance Bond:** John Ferguson asked the question of whether or not a performance bond is necessary. Peter Loyola stated that a Performance Bond may be very important, especially when you are dealing with subdivisions. He stated that a Performance Bond allows you to escrow money in advance for improvements required by a project that needs to be completed, particularly dealing with sewer, water and roads. Peter Loyola stated that it is very important and is one way to protect the Town if a developer decides to back out at the last minute and at least the Town will have money to finish the project. Monica Ryan stated that she would strongly urge the Town to keep the Performance Bond clause because it protects the Town. Skip Taylor asked a question, "If the Planning Board decides to waive the Performance Bond, would the Town become liable?" Mr. Taylor stated that, in his opinion, the waiving of a Performance Bond should be a Town Board decision and not a Planning Board decision. Bob Smith requested Monica Ryan to come in with the checklist of Performance Bond project types for next month's meeting. He stated that if the Committee wishes, it could further the discussions of Performance Bonds at that time.
 - A discussion then ensued regarding Planning Board and Zoning Board of Appeals jurisdictions. It was questioned if whether a special permit and site plan would be done at the Planning Board level or would it be split between the ZBA. Monica stated that by law, Site Plan Review has to be done by the Planning Board. She stated that Special Permits are now typically done by the Planning Board as well due to a change in the State Statute wording which indicates that it will be done by the Planning Board although it can still be done by the Zoning Board of Appeals.

Monica stated that overall, having the Planning Board perform both Site Plan Review and Special Permit is more efficient.

- Tom Corrigan asked the question of how to deal with architectural review. Monica Ryan stated that if the Town has an Architectural Review Board, then the Planning Board could use that Architectural Review Board to perform an architectural review, whereby providing a recommendation back to the Planning Board. Monica Ryan stated that within certain sections or districts within the Town, she could put together architectural guidelines, although she did not favor these. She stated that the guidelines would not actually protect the Town but would offer some assistance to the developer. Peter Loyola stated that he agreed that guidelines may assist the developer in making decisions.

Skip Taylor asked whether or not the Historic Commission should be included under A. Permits and Approvals. Monica Ryan stated that only if it is included within Zoning. If it is a standalone Ordinance, then “no.”

- Tom Corrigan asked a question as to whether or not all projects go before the Historic Commission.
- Skip Taylor informed the Commission of a list of properties that the Historic Commission has been working on that are considered by the Town to be historic landmarks.
- Monica Ryan stated that the Commission could do an overlay district over specific areas within the Town whereby any and all projects that are within that district would be required to be submitted to the Historic Commission for approval. She said that it could simply be a recommendation by the Historic Review Board or Historic Commission. She stated that in the end though, the Planning Board would have the final say.
- Linda Kemper stated that there are really two (2) areas of concern when it comes to historic values in the Town. One being Sacandaga Park area and one being Fishhouse area. Monica Ryan stated that one (1) single overlay to encompass both Sacandaga Park and Fishhouse probably would not be in the best interest of the Town because these two (2) areas are different. She stated that Sacandaga Park area, the architecture and the street layouts, lot sizes and the fact that predominantly all the structures are located close to the street is different from the Fishhouse area even though the Fishhouse area has a lot of history. The structures are somewhat different between and amongst each other and having one (1) overlay encompassing both would not work.
- The Committee then discussed Commission approvals, whether or not to add subdivisions. The Committee, after some discussion, was unanimous that subdivisions should be incorporated under Permits and Approvals.
- Monica Ryan stated that the Committee could put a placeholder on the creation of Historic Overlay and come back to it as we move further into the Ordinance.

Upon the completion of the discussion of Article I: Title and Purpose and Article II: Permits and Approval Process, Monica Ryan stated that she will edit the Articles, make the corrections and she will e-mail the corrections prior to the next meeting. She stated that if the Committee has concerns regarding the updated information, they can express those concerns back to her via e-mail. She stated that if she does not receive any correspondence from Committee members, then she will deem that the corrections have been made and everyone is okay with them. Monica Ryan stated that she will make the corrections and provide the information back to the Committee for review. She stated that the Committee will need to review the corrections and provide comments back to her by June 24th so that she can make the additional corrections and bring those to the meeting. She stated that if she does not hear back from Committee and if there is not a consensus on the corrections prior to the June 24th deadline, then she will deem the corrections are complete.

The Commission then moved on to the discussion of Zoning Map and the Zoning Districts that were laid out by Monica Ryan and Scott Henze. Monica Ryan gave a quick overview on what goes into laying out Zoning Districts. She stated there are several elements, not just the uses.

There are permitted uses, accessory uses, setback standards etc., minimum lot sizes, impervious surfaces etc. She stated that there are also features that separate features, such as water bodies, historic neighborhoods, and commercial areas. Third, natural constraints, such as slopes, hills, wetlands. Fourth, for the Town of Northampton, there is the Adirondack Park Agency dealing with all of the APA restrictions.

- Monica Ryan handed out a memorandum for the Zoning Districts, which outlines the purpose of each district within the map. As the Committee reviewed the proposed Zoning District Map, Monica Ryan stated that there are no large Lakefront Resident Districts anymore like the previous map. She stated that it was her intent to reduce the number of residential districts. She stated that just because there is property along the waterfront, it does not mean that there must be a waterfront district designation. She stated that she looked at it by removing the water from the overall picture. She stated that an ideal way would be to separate out the minimum lot sizes and densities and to promote clustering. She stated that if there is one single lot, you still need to follow the APA Density Guidelines. She stated that through clustering though, you could subdivide single lots into multiple lots by still meeting APA Density but having substandard lot sizes. As long as the project as a whole met the total minimum density of the APA. She stated that the residential districts may be strictly residential but allows for typical waterfront secondary uses. She also stated that the Waterfront Commercial would allow residential uses.
- The second district the Committee looked at was the Hamlet Residential. The purpose of the Hamlet Residential District would be to protect the existing residential character of Sacandaga Park and other more-densely residential neighborhoods in Northampton by permitting a mix of residential uses on smaller lots with setbacks and keeping with the existing character. Lot sizes may be as low as 10,000 sq. ft. with sewer and water and setbacks will be in keeping with existing sediment patterns.
- Monica Ryan asked the Committee if there was any other use that they would like to see on the waterfront other than Waterfront Commercial and Residential. She stated that she will be coming up with Use Tables for which the Committee can choose what kind of uses they would like in each district, but she stated that the Committee should start thinking about what uses they would like to see in each district. Monica stated that during the next meeting, the Committee would be asked to go through each specific district boundary with Pictometry to confirm that the district boundaries are laid out the way the Committee wishes. Any district boundary can be changed. The use of pictometry will be a great asset at this time.

Due to the absence of time, the Committee decided to stop the meeting and move on to discuss the public informational meeting that is within CLA and Riverstreet's contract to perform for the Town of Northampton. Scott Henze stated that since this will be a public informational session that maybe if the Committee wished, the assistance of Margaret Irwin would not be needed and the Town could then use those monies that were included within the contract to provide a few more committee meetings rather than having Margaret perform a Public Information Session. The Committee discussed this back and forth but, in the end, the Committee decided to leave as-is in the contract where Margaret Erwin will perform the public informational session.

- The Committee discussed the date for the public informational session. Many dates were talked about. No one could come up with a single date, although August seemed to be a good time, the Committee wanted to make sure that the seasonal residential people would be available so July and August were the months that were agreed upon by the Committee to hold the public informational meeting.

In conclusion, the Committee set the next meeting date for June 29th.