

Town of Hamilton
Planning Board Meeting
Tuesday, April 9, 2019, 7:00 PM
Hamilton Public Library
13 Broad Street, Hamilton

Present: Darrell Griff, Elaine Hughes, Michael Welshko, Bettyann Miller, Deputy Town Clerk Elisa Robertson, CEO Mark Miller, Town Clerk Sue Reymers, Town Attorney Nadine Bell, Esq.

Absent: Mary Galvez

Others: Kinnon Nolan-Finkel, Michelle Katz, Drew Dunham, Bill Heitz, John Law, Wayne Foster, Robert Wise, Eric Starkweather, Jean Lehman, John and Jen Douchinsky, Jim McCann, Ryan Hess, Wendy Chapura, Sally Campbell, Susan Tallman, Ian and Astrid Helfant, and one other.

Meeting called to order 7:02 PM

New Business

Drew Dunham, Special Use Permit Amendment Application, Preliminary Review, 1647 Poolville Road, Earlville, Tax Map #184.-1-36,37

The applicant currently has a Special Use Permit that will expire May 31, 2019 and has come before the board asking for an extension. The applicant lists some of the tasks that have been accomplished. But they still have a lot to be accomplished. Some are major components such as the electrical work both inside and out.

Chairman Griff inquires about the time of an extension; how long do they think they need to be ready. Mr. Drew Dunham states that they estimate a year. Original permit was granted November 13, 2017. Mr. Dunham states that the plans took much longer than anticipated. It is asked if they could finish sooner, and the applicant states that they would rather take longer and do it right rather than rush and cut corners.

Board member Welshko asks if they need to hold a public hearing; Chairman Griff states that they need to balance the wishes of the applicant and the needs of the neighbors. They both have a reasonable expectation to have this project wrap up. There is discussion regarding a six month extension referencing Article 9 Section 6 (page 67) states that a Special Use Permit expires if the proper permits or certificates are acquired within 24 months. It is the boards discretion if they decide to hold a public hearing.

The applicant asks if they can meet in the middle at 9 months. The board sees a good faith effort on the part of the applicant and want him to continue with the project doing it the right way. The board decides that there is no need for another public hearing. The scope of the project is not changing. The board decides that they just need to amend #8 on the original conditions and that all the original conditions are to remain the same.

Resolution 2019-18: Motion to ratify and reaffirm the SEQRA rendered on November 13, 2017 for the Special Use Permit condition number 8 to reflect a new Sunset provision to expire on May 31, 2020 with all other conditions to remain the same.

Motion: Bettyann Miller

Second: Elaine Hughes

Vote: YES - 4 NO - 0

ADOPTED

Old Business

Wendy Chapura, Minor Subdivision Application, Public Hearing, 7325 Mason Road, Tax Map # 154.-1-21

The applicant wishes to subdivide a +/- 22.84 acre parcel into 4 separate lots. This is the second review of this application and its Public Hearing.

Resolution 2019-19: Motion to open the Public Hearing concerning the Application for a Subdivision made by Wendy Chapura.

Motion: Bettyann Miller

Second: Elaine Hughes

Vote: YES - 4 NO - 0

ADOPTED

Chairman Griff asks for the list of individuals that wish to speak to this application. Local Realtor Sally Campbell is here to answer questions about the property for the applicant, if needed. Chairman Griff reminds the audience to keep their comments directed to the board and to the question of the subdivision. The speakers are asked to state their names before their comments.

Eric Starkweather; lives west of the applicant. He has been a long time resident and was good friends with the previous owner who was a land developer. He feels that the previous owner never intended to subdivide the land. He helped put in the pond and he feels that proposed lot 4 is very wet. He has sent a letter to the Town Office that details the course of the water feed to and from the pond on the property (please see attachment). He does not understand why she wants it subdivided. He states that the property is already listed and that it is quite expensive. He states that it is too expensive for the neighbors to purchase; he speculates that perhaps there is a Colgate connection. He feels that there are a lot of houses up there already and too many cars. He does not see a reason to have another subdivision up there.

Wayne Foster; neighbor to the other side. His whole reason for paying a lot of money for his house and his taxes is so that he could have space, privacy, and a beautiful view. He feels as if it is being taken away. He feels that this is unnecessary; just a way to make money. He feels as if realtors have had some influence, and all the people who live up there feel the way he does. The traffic is unbelievable. He states that the water pressure is not the same, he is concerned

about that. He feels as if the area is going to be chopped up and the people who have been living there are going to pay the price. He thanks the board for their time.

Ian Helfant; neighbor to the rear. He understands the applicants desire to gain some revenue from the land, and her desire to build a smaller house at the back of the property. He and his wife (Astrid) plan on staying in their home for many more years. He wishes the applicant to know that if the lots do not or cannot be sold, that some of the neighbors may be interested in that land, not for development. If he were to acquire some of the property in the back; would it be land locked? Also, if it would have access to Mason Road? He isn't sure if the board can even answer these questions.

Chairman Griff states that those questions could be best addressed between the two parties, it is not for the Board to answer.

Sally Campbell is present because Suzanne Martin, the applicant's realtor, could not be. She would like to clarify some information for those present. She states that Ms. Martin worked closely with Mr. Sacco (previous owner) on his land deals and that there are utilities running to the two lots, so he had intended to subdivide those two lots. When he sold the property to Ms. Chapura he made it clear that those two plots were already set up to be independent lots, eventually; even though they were not already subdivided out. Ms. Campbell states that when the applicant first discussed this with her that it was made clear that she wanted to protect the neighbors from manufactured housing and mobile homes. Any future homes must be stick built.

An audience member asks if Colgate is involved and Chairman Griff makes it clear that that is none of the boards concern that they are here to only address the subdivision as it pertains to the Town of Hamilton Subdivision Law. He asks about the road, the water, the utilities, none of which pertain to the decision of this board.

A few people ask to see the map rendering of the lots.

Jenny Douchinsky, her concern is about any construction that may take place on the front lot as it pertains to the stream that goes to Seven Oaks.

Wayne Foster speaks again. He disputes that there are any utilities up there. It is explained by Ms. Campbell that the big green boxes on the properties are for electric. He then inquires about the ability to get fire trucks to the property. It is explained by Chairman Griff that pertains to codes and not the issue of a subdivision which is before this Board.

Town Attorney Nadine Bell, Esq. gives a short lesson in "Subdivision 101" for the audience so that they may better understand what the purpose, criteria, and what this boards role is. She explains about lots size, road frontage, and etc.

Mr. Foster has a concern about where and how many driveways come out onto that road.

Chairman Griff states that the Town Highway Superintendent has seen this application and has stated that there are no restrictions on driveways for these parcels. He measured sight distance and it is adequate as confirmed by the CEO Mark Miller.

Chairman Griff asks if there are any other comments about this application. There is not.

Resolution 2019-20: Motion to close the Public Hearing concerning the Application for a Subdivision made by Wendy Chapura.

Motion: Mike Welshko

Second: Elaine Hughes

Vote: YES - 4 NO - 0

ADOPTED

Chairman Griff reads and reviews with the Board part 2 of the SEQRA form. Chairman Griff pauses and makes comment on number 5; says that some of this was addressed in the Public Hearing. He states that the question says ADVERSE change.

Resolution 2019-21: Motion to review Part 2 and direct the Chairman to sign part 3 of the SEQRA to make a negative declaration for the Chapura subdivision application.

Motion: Bettyann Miller

Second: Mark Welshko

Vote: YES - 4 NO - 0

ADOPTED

Chairman Griff would like the audience to know that many of the issues brought up by the public during the Public Hearing are codes issues and will be addressed by codes when there is a proposal for a building to go on there. This board only deals with the subdivision of the land. He confirms with the CEO that all the regulations for a proper legal subdivision have been met. There are no wetlands on that property, CEO Miller confirmed this with the DEC. Board member Welsho also confirmed this independently. Someone from the audience asks about the definition of a wetland. Board member Welshko states that it is wet lands that are officially recognized by the DEC. He explains that the DEC have specific areas that they have identified as wetlands that are regulated by law. The spectator states, "you can say what you want but it is." Board member Welshko states that he doesn't understand. The audience member says that if someone came out to see it that they would see that it is wetlands. The response is that the Board can only use the criteria that the DEC has set for them for SEQRA purposes.

Resolution 2019-22: Motion to approve the subdivision requested by Wendy Chapura.

Motion: Elaine Hughes

Second: Mike Welshko

Vote: YES - 4 NO - 0

ADOPTED

Chairman Griff signs the two Mylar surveyor maps. One for the Town and one for the County.

**HLP Holdings, Inc., Minor Subdivision Application, Public Hearing, Smith Road,
Tax Map # 184.-1-24**

The applicant wishes to subdivide a +/- 18.27acre parcel of land into two lots with Smith Road dividing them.

Resolution 2019-23: Motion to open the Public Hearing concerning the Application for a Subdivision made by HLP Holdings.

Motion: Bettyann Miller

Second: Mike Welshko

Vote: YES - 4 NO - 0

ADOPTED

Chairman Griff asks 3 times if there is anyone here to speak to this application.

Resolution 2019-24: Motion to close the Public Hearing concerning the Application for a Subdivision made by HLP Holdings.

Motion: Bettyann Miller

Second: Elaine Hughes

Vote: YES - 4 NO - 0

ADOPTED

Chairman Griff reads and reviews with the Board part 2 of the SEQRA form.

Resolution 2019-25: Motion to review Part 2 and direct the Chairman to sign part 3 of the SEQRA to make a negative declaration for the HLP Holdings subdivision application.

Motion: Mike Welshko

Second: Elaine Hughes

Vote: YES - 4 NO - 0

ADOPTED

Chairman Griff asks if the board has any questions or anything to discuss.

Resolution 2019-26: Motion to approve the subdivision requested by HLP Holdings.

Motion: Mike Welshko

Second: Elaine Hughes

Vote: YES - 4 NO - 0

ADOPTED

Chairman Griff signs the two Mylar surveyor maps. One for the Town and one for the County.

SteffCo Enterprises LLC, Special Use Permit Application, Second Review, 1866 Quarterline Road, Tax Map # 170.11-1-26

The applicant wishes to change the use of a residential property to a commercial property of mixed use. The proposed uses are; a general store, a café, a restaurant, the sale and service of alcohol, a live entertainment venue, entertaining space for parties, e-commerce, and overnight AIRBNB accommodations.

Chairman Griff asks CEO Miller if he has reviewed the newest site plan; CEO Miller feels that the applicants have addressed the concerns of the board by adding parking and that they are moving towards addressing the neighbor's concerns about the lighting.

The lots are officially combined, and the applicant has contacted the County Health Department about the septic. They have submitted their notice of intent and they have a meeting with the county planned in the next week. They will be showing the septic that is on the site plan as well as some water testing with Geoff Snyder.

Board member Mike Welshko asks if the septic must be on the site plan for it to be approved; CEO states that County approval of the septic can be a condition in the approval.

Board member Bettyann Miller asks if the lighting issue has been addressed?

Applicant representative Kinnon Nolan-Finkel states that as of last Friday they received the custom cut shields to dim the light output. They will start with the least intense shield and take photos of each set to see how dark that they will have to be to satisfy the Board.

Deputy Clerk Robertson informs the Board that when they received the original materials; specifically, the narrative, there were two pages missing. These two pages were the "House Rules" that the applicants will ask their clients/patrons to observe. This has caused some confusion.

Mr. Kinnon Nolan-Finkel introduces a new member of their team, Michelle Katz. She will be doing marketing and some business development. By next month's meeting she should be up to speed. Chairman Griff asks if she has questions for the board, she does not she is here just to observe.

Chairman Griff says that he has reviewed the site plan checklist and does not have any questions as of now, and consults with the rest of the board. The only thing that remains an issue is the waste treatment and that would have to be conditional on the County DOH's approval.

Board member Welshko questions whether there should be comment about the lighting. The sheet he has states that all lighting will be low wattage and downward facing. He does not feel like that is necessarily true, they are going to mitigate the lighting, but that statement is not true.

Mr. Nolan Finkel states that if they had to use the black-out adhesives to their full capacity, that would be shielded and downward facing. He states that they can amend the site plan to reflect that. Mr. Welshko really feels like that is necessary, for he fears that if the adhesive on the shields may fail someday. Mr. Griff asks that if it just says shielded; if that would be ok? Mr. Welshko inquires to what extent does "shielded" mean. He feels that it is not described enough term. He would like the board to be very clear on what they are approving.

Town Attorney Nadine Bell Gives the board some guidance with reference to the lighting issue and its reduction. It can be specific to the different sides of the property.

Chairman Griff references letter W on the site plan checklist which mentions the impact on traffic, he is unsure if it has been addressed. CEO Miller believes that the applicant has applied to Madison County DOT for driveway permits. This needs to be confirmed. The applicant's representative is unsure. The County will have to approve the driveways. Chairman Griff states that due to the number of houses and the store that is there he is unsure if there will be a significant impact on traffic or not.

The Board feels as if they need more information about the operation and need to be further in the process before they know whether they need to address traffic more significantly. From letter T until the end of the checklist is not applicable to this project. The board reviews and discusses these points.

Resolution 2019-27: Motion to Approve the Site plan for SteffCo Enterprises, LLC project titled C. Hubbs, located at 1866 Quarterline Road, with two conditions as follows:

1. Approval by Madison County of the waste treatment plan.

2. Modification of the outdoor lighting

Motion: Elaine Hughes

Second: Bettyann Miller

Vote: YES - 4 NO - 0

ADOPTED

The board reviews part 1 of the SEQRA (EAF) short form, dated February 6, 2019. The following modifications have been made:

#2 - County Board of Health and the County Highway Department are added.

#11 – On site – Madison County Department of Health approval pending.

#13a – Within a 500 foot buffer.

This application needs to be sent for a GML 239 review. The applicant asks what the GML 239 is and Attorney Bell explains what it is and why it applies to this application.

Chairman Griff asks if they want to schedule their public hearing for the next meeting. The Deputy Clerk states the next meeting will be held on Tuesday May 14, 2019 and that the cut off date for materials is May 2, 2019. There is discussion about the terms of a public hearing and what documentation that the Board would like to hear from. Holding the Public Hearing next

month does not tie the board to making a decision next month. The applicant can always agree to an extension of a deadline. Chairman Griff asks the applicant if they wish to have their Public hearing at the next meeting. The applicant is in agreement.

Resolution 2019-28: Motion to schedule a public hearing regarding the Special Use Permit application filed by SetffCo Enterprises, LLC for May 14, 2019.

Motion: Bettyann Miller

Second: Mike Welshko

Vote: YES - 4 NO - 0

ADOPTED

That concludes the business for tonight on this application.

Resolution 2019-29: Motion to Approve the Meeting Minutes from March 12, 2019.

Motion: Mike Welshko

Second: Elaine Hughes

Vote: YES - 4 NO - 0

ADOPTED

Resolution 2019-30: Motion to adjourn.

Motion: Bettyann Miller

Second: Mike Welshko

Vote: YES - 4 NO - 0

ADOPTED

Respectfully Submitted by:
Elisa E. Robertson
Deputy Clerk