

Town of Hamilton
Planning Board Meeting
Tuesday, March 9, 2021 7:00 PM
VIA: ZOOM

Present: Travis Dubois, Michael Welshko, Elaine Hughes, Mary Galvez, Town Clerk Sue Reymers, Deputy Town Clerk Elisa Robertson, CEO Mark Miller, Alternate Kathleen Palmer

Absent: Bettyann Miller

Others: Allie Dunham, Michael Dunham, William Heitz, esq., Jesse Magrath, Teddy Unger

Chairman Welshko calls the meeting to order at 7:11 pm.

Town Clerk Sue Reymers reminds everyone of the rules for a Zoom meeting.

OLD BUSINESS

AMD Holdings; Special Use Permit Amendment, Preliminary Review, Poolville Road Tax Map # 184.-1-35, 184.-1-36, 184.-1-37.

The original special use permit, which was issued on 11/13/2017 and the use was for the heritage barn as an event venue, at that time the conditions were that all activities be restricted to the inside of the barn. This amendment would allow outdoor ceremonies and outdoor events and activities.

Chairman Welshko asks the applicant to please present their proposal.

Ms. Allie Dunham explains that they are hoping to expand into having ceremonies outside. the first thing that brought it up was Covid; and being able to spread out and give people some fresh air. It is also very highly requested, and so they figured that that would be a nice addition to their venture along those lines. They have had requests for people to use the back deck and the back parking lot area for some other things, like food trucks or cocktail hour. Cornhole and things like that; that are supplemental to their wedding, and so that's kind of why they have gone with the general outdoor activity add on. So that people can have certain little features of their wedding the outside. Obviously, the entire wedding wouldn't be outside, so that's kind of one of the things that people have requested.

In the future, that may be not just weddings, but that is the primary focus, and other events would be very low key, and of a similar nature as weddings or similar celebrations so that's kind of what they are going for now.

Chairman Welshko asks the board to turn their attention to the narrative. The narrative has been revised since the February 15, 2021 date, there was some modification made on March 9, 2021. Allie Dunham states:

“Literally, the only thing that I took out which, I didn't change the date, I'm sorry. But the only thing I took out was that the chairman requested that we get rid of vague language like; limited

or including but not limited to or etc. So, I just took those out of the sentences that included those, and that is all that is the only change.”

Deputy Clerk Robertson also mentions another phrase from the narrative that the chairman was not comfortable with. Chairman Welshko states “notwithstanding the foregoing”. There is some discussion about what this phrase means. The Chairman states that he finds this phrase more confusing than helpful. Mr. Mike Dunham tries to explain:

“It's more like saying, with the exception of, or you know, like when you make a statement like you know; the wagons in the parade and need to all be red but, notwithstanding the foregoing. The girl scouts can have a green one. It's just saying that notwithstanding, what we just said and then whatever follows it so it's not vague it's actually just saying, but it's like this is this, this is a statement, but; notwithstanding that here's another statement, so I mean we can change it if there's other words that sits as well.”

There is some more discussion about the clarity of what is being proposed and the conditions that may follow.

Mr. Mike Dunham suggests using the word “however” in place of “notwithstanding the foregoing”. This clarifies things for the Chairman.

Chairman Welshko asks for clarification about the intensity of the outdoor activities. The narrative states that the primary use remains to host indoor activities, but it is requested that they no longer be restricted to the indoors. That guests will mostly be indoors; only being outdoors periodically. Will events that are to be held solely outdoor to be planned?

Allie Dunham replies: “We are planning to have 95% of our business be weddings, and so that would mean that the reception and the dancing takes place inside, with the option to have a ceremony outside. And possibly cocktail hour; like I said, cocktail hour, cornhole, things that aren't the entire group being outside. but that doesn't restrict them from being outside, I know, there was unclear language about if guests could be out on the front portion the front ramp. So we just kind of want to make sure that they're not only restricted to the indoors. We can add outdoor features, but the majority of the events; we'll have dancing and reception inside the barn. The only thing that we wanted to keep it somewhat open so that, if we have something that is more focused on outdoor, like if someone wants to have a dinner outside on the lawn that they could. “

“We don't plan, or there's not going to be any dance floor or DJ, dancing, band, all that, outside so that will always take place inside. But just in the event that it's not a wedding; we kind of set forth parameters, so that we made sure that we weren't creating a disturbance, but we're still able to utilize the outdoor spaces.”

Mr. Mike Dunham adds that they are trying to visualize what may take place, people setting up or that have arrived early, milling about, they do not want to violate.

Chairman Welshko understands all the wedding involvements, but he wants to know if there will be events that are solely outdoors? He uses the applicant's examples of yoga/nature classes, community gatherings, hop tours and exchanges, are these events anticipated to be solely outdoors, with the exception of using the restrooms in the barn?

He explains that the applicants need to let us know exactly what they are proposing so that the board can fully review the application and if approved formulate conditions that meet the needs of both the town and the applicant. The conditions will reflect what is permitted.

The board is aware that they cannot list every possible thing that they could use that property for but there do need to be some parameters. There has been a work session trying to get the details hammered out.

Allie Dunham states that they aren't exactly sure what types of events they would want to have, they do not want to turn any requests away. That is why they set the parameters, so nothing will be disturbing. If they do a community event like a fall festival, with many activities for families they want to make sure they are staying within the guidelines.

Mr. Mike Dunham gives an example of an event that would be primarily outside without any use of the barn. He continues, "what we're not trying to do is make it so that we could have an outdoor festival with a concert and all that stuff and that's why we put these parameters".

Chairman Welshko clarifies with the applicant what they are proposing as new conditions. The board will have to take the proposal into consideration but may also propose new conditions as well. If the proposal is for 300 people the board will have to consider the conditions using the maximum potential, despite the fact that there may be events that are small such as a yoga class or art class.

Mr. Mike Dunham explains that if the number were less than 300 and they had a wedding for 300; some of the guests would be unable to attend the ceremony. They do not want that.

There is some discussion of a different attendance threshold for solely outdoor activities. Ms. Allie Dunham comments that she understands that 300 is a large number but they do not anticipate all of the attendance being in the same place at the same time, she expects them to be spread out around the property. If they wish to maintain the number 300, the conditions will reflect that.

Another area where the board has some questions is how to keep track of attendance. Obviously, weddings and similar parties have RSVP's so there is a way to keep track of the numbers. How will they keep track of any outdoor events? Will people need to preregister or is there some other means of keeping track?

The applicant comments that there would have to be so that they would not violate. They would have to maintain a count. Mr. Dunham says that if they were to hold a community event like, the block party or a fall festival they would probably meet with the codes officer anyway. They are hoping to complete this process and not have to come back again. They will do ticketed events or RSVP events to know how many people are expected; and to see how many

other people can come in. These numbers may be affected by COVID. The applicant is having gates put on the driveways that will help control the people.

Board member Galvez asks about community events such as the aforementioned block party. Mr. Mike Dunham replies that they could offer it if it were raining, that way people could still have it and see each other. It was just suggested as an alternative. Also, it would still be subjected to the sound restrictions.

Chairman Welshko confirms that there would be no amplified music, speeches, or presentations outside.

The applicant states that they have a small amplifier that they would use for ceremonies. They set it up and did their own "sound test". They still would not let any music to exceed the 7 dB above the ambient sound as stated in the previous sound study. Mr. Dunham explains how they did their test.

Board member Travis Dubois has a few questions. He asks about the proposed resolution revisions; number nine. He suggests that the word "should" be changed to "shall". This wording is from the original permit. This will have to be looked at because there is a legal difference between shall and should. The board will look to better define that to clear up any vagueness.

Board member Dubois compliments the applicant on their property and their improvements. He asks why the original application was only for indoor activities. Ms. Allie Dunham explains that they did not want to bite off more than they could chew and to get a feel for the business. Also, COVID really brought it to the forefront, getting people outside, and more requests for it. Travis Dubois also asks, as a general question, why DJ's and bands feel the need to play music so loud?

Allie Dunham replies that she has seen both kinds of weddings, people who want to talk and visit with family and people who want to party. It is really the preference of the couple. She does inform couples of the sound restrictions when they book.

Chairman Welshko's next question has to do with revised condition number five. Previously there was to be no alcohol outside which has been changed to, "all alcohol associated with an event must be contained within areas where the special use permit is applicable". He comments that, technically the permit is for the entirety of the three parcels. Is the intention of the applicant have the entire parcels or just the area on the site plan? They intend to keep alcohol in the site plan area however, they did not want to get a violation if someone went into the woods to take pictures and took their drink with them.

Chairman Welshko had some other questions earlier in the week and sent them to the applicant to answer. He asks for them to be put up on the screen for the rest of the board to look over, most have already been answered by the earlier discussion. He asks the board if they have any questions about this document.

Board member Galvez has a question about the cocktail hour and where that will be held. Ms. Dunham explains that they will be held in the areas of the site plan that are labelled "event

area". These areas could accommodate something like a beer cart. Most alcohol serving and consumption will be in the site plan area. They do not plan on having cocktail area on top of the hill but mainly in the site plan area. She continues by saying that many people like to go out on the deck with their drink or go to the smoking areas with their drink. Alcohol would be served inside or right next to the barn.

Chairman Welshko asks for the site plan to be brought up on the screen. The applicant goes through the changes in the site plan.

Ms. Allie Dunham highlights the area to the left of the barn and the hops house which is the outdoor ceremony space. It has some screening from the street and the neighbors. There are also new walking paths from the barn to the outdoor ceremony lawn. These will not be paved but just grass walking paths. She then points out several areas (6) labelled "event area" for outdoor events, the area on the front of the barn on the ramp as well. The ramp area is a smoking area and a viewing area, it will not be used for vehicles. The new bathrooms in the barn have been added to the site plan as well.

Town Clerk Sue Reymers has a question of the applicant. Her question is regarding the smoking area/viewing deck on the front of the barn. She is curious as to what will happen if the wedding is progressing and music is playing and people want to go out there, what will happen with those doors? How will music be adjusted?

Ms. Allie Dunham replies, "So I think we kind of established that there wasn't anything that said that the doors had to be closed in the official resolution. But, we tell all of our clients that once the dancing music starts that we require all the doors to be closed. That being said; if someone sneaks out the front door and is standing on the front warfin, that's fine because the doors are generally, like you know, that they'll be closed, and we will monitor that throughout the evening. They wouldn't be propped open, but if someone opens it and goes out it that's kind of what we would intend to happen, like it wouldn't be propped open if that makes sense, same with the back doors. They can be propped for like the non-music time periods, and then they are... we tell everyone to it that we have to close the doors during the live music. Like, we tell them in the tours and we tell them that, like in the contract, so that there's no question about that, and that was just kind of our way of... Like, even though it wasn't official and that wasn't required, that's kind of, that was our way of being courteous of the neighbors on the sound."

Board member Travis Dubois asks about the front door on the barn. He asks if there is a man door in addition to the big doors?

She replies that there is no man door that the big doors are the only ones, they can have one locked at all times, so you can only go in and out of the one. That is not an egress door, so they can do that with the lock. They can do that so that both doors are not pushed open fully.

There are no more questions from the board at this time. The board decides to review part one of the EAF/SEQRA form.

Resolution 2021-14: Motion to review and accept the EAF (SEQRA) part one; short form for the AMD Holdings Special Use Amendment.

Motion: Travis Dubois

Second: Mary Galvez

Vote: YES – 5 NO - 0

ADOPTED

Resolution 2021-15: Motion to accept the AMD Holdings application for a Special Use Amendment as complete.

Motion: Mary Galvez

Second: Travis Dubois

Vote: YES – 5 NO - 0

ADOPTED

Resolution 2021-16: Motion to send completed AMD Holdings application for a Special Use Amendment to Madison County Planning Department for a GML 239 review.

Motion: Travis Dubois

Second: Elaine Hughes

Vote: YES – 5 NO - 0

ADOPTED

Chairman Welshko asks if there are any more question from the board regarding this application? There are none.

Resolution 2021-17: Motion to schedule a Public Hearing for the AMD Holdings Special use Amendment for April 13, 2021.

Motion: Mary Galvez

Second: Elaine Hughes

Vote: YES – 5 NO - 0

ADOPTED

There being no other old business the board moves to the next application.

Jesse Magrath; Subdivision Application, Preliminary Review, Earlville Road, Tax Map #199.-1-6.111 and 199.-1-6.113

The applicant wishes to subdivide a .5 acre piece of property and convey it to his son. This would make a lot that is just under 1 acre to become a conforming lot. Mr. Jesse Magrath from Earlville Land Surveying is in attendance, representing the Ungers.

The board did receive the map, however, the application and other materials had some technical difficulties. The deputy clerk has them here and will put them up on the screen as requested. No new lots are being created; they are just moving a line to make the one lot

larger. The board looks at the inset at the top of the map that will give some perspective of how large the farm lot is. There are no issues with road frontage. The .5 acre that is being subdivided off the larger parcel cannot be a stand-alone lot. It does not meet the criteria for a legal lot according to the Zoning in the Town. The Chairman asks the board if they have any questions. There are none.

Chairman Welshko inquires if the applicants know that any approval of this subdivision will have a condition that the .5 acre lot will have to be joined with lot # 199.-1-6.113. There will be a note on the map that the parcels are to be merged. Chairman Welshko asks if there are any buildings or structures on the new piece that would violate setbacks on the new lot? Mr. Magrath asks the applicant to comment because he hasn't had "boots on the ground" as of yet, he is relying on the previous surveyor's maps.

The applicant is asked to unmute and make comment. There are no structures on the piece of property that will be merged with his lot. The board has had many of these types of subdivision requests come before them.

The board does not have any more questions at this time. They move on to review part one of the SEQRA/EAF short form. Numbers 9,10,11, are answered N/A because there is no new construction being planned. The board has no comment about part 1.

Resolution 2021-18: Motion to review and accept the EAF (SEQRA) part one; short form for the Unger's Subdivision Application.

Motion: Travis Dubois

Second: Mary Galvez

Vote: YES – 5 NO - 0

ADOPTED

Chairman Welshko asks if the board wishes to waive the public hearing for this application. He asks if there are any questions regarding a waiver? Board member Dubois asks what the precedence is for waiving the hearing. He would like to know if there are any ramifications for doing so. Chairman Welshko reads Section 9.3-4 of the Town of Hamilton Zoning Law with regard to waivers. Board member Galvez feels that this has very little impact on neighbors or surrounding properties. There is some discussion about waiving the public hearing. Everyone is ok with waiving.

Resolution 2021-19: Motion to waive the Public Hearing for the Unger Subdivision application in accordance with Hamilton Zoning Law Section 9.3-4. with regards to Lots #199.-1-6.113 and 199.-1-6.111

Motion: Mary Galvez

Second: Travis Dubois

Vote: YES – 5 NO - 0

ADOPTED

The board now must review the SEQRA/EAF short form parts 2 and 3. All questions on part 2 of the SEQRA/EAF short form are answered, "No or small impact". Due to Covid Chairman Welshko asks the Deputy Clerk to sign on his behalf. The Chairman asks if anyone on the board has any questions, comments or need for discussion. There are none.

Resolution 2021-20: Motion to declare Town of Hamilton Planning Board lead agency, make a negative declaration, and direct the Chairman's designee (the Deputy Clerk) to sign part 3 of the SEQRA (EAF) short form.

Motion: Elaine Hughes

Second: Travis Dubois

Vote: YES – 5 NO - 0

ADOPTED

There is some discussion as to whether this can be approved tonight and whether or not it needs to go for a GML review. The GML is not necessary on a simple subdivision. The application can be approved tonight with the signing of the maps to take place at a later date. The surveyor will provide more detailed final maps with all the structures on them, to ensure that all setbacks and that no violations occur. There is some discussion about parcel numbers and specifics of the property. Mr. Ted Unger states that he understands that this parcel must be merged with his to make it legal. There is a merger form to fill out and the owners of both parcels will have to sign the deed. The Deputy Clerk will send the applicant the proper paperwork.

Resolution 2021-21: Motion to approve the Unger's application for a subdivision with one condition, that the subdivided plot be joined with lot 199.-1-6.113.

Motion: Kathleen Palmer

Second: Travis Dubois

Vote: YES – 5 NO - 0

ADOPTED

The Deputy Clerk has signed and submitted the vouchers for the board members. The board never received the previous months minutes to approve. They will be approved in April.

The board would like some help from the Town Attorney in the next few meetings. They would like to be prepared when time comes for the public hearing and the forming of conditions for the Special Use Amendment. There is some further discussion about conditions. There is concern that even though the applicant's intentions may be pure; that sometimes things can spiral out of control from the original intent. It is a balancing act between the applicant's wants and the rights of the neighbors. There is some discussion with the board about the previous meetings. Board member alternate Kathleen Palmer asks for some background information about Wedding Barns and different towns. The board discusses different aspects of reviewing Special Use Permits and how they can protect neighbors and the applicant as well. The discussion turns to some of the difficulties surrounding very open-ended applications.

The office staff discuss how to hold a public hearing that will be fair to all. Many people do not have the technology or ability to attend virtual meetings. A hybrid situation is discussed with anyone who cannot do a virtual meeting can come to our office and have socially distanced participation. The technicalities of that are discussed. The board is concerned that public comment via Zoom may not be enough. Written comments are always accepted as well.

Resolution 2021-22: Motion to adjourn.

Motion: Travis Dubois

Second: Mary Galvez

Vote: YES – 5 NO - 0

ADOPTED

Respectfully submitted by
Elisa Robertson
Deputy Clerk